



Judiciary of Guam

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagatna Gu 96910
Tel: (671) 475-3544/3278 • Fax: (671) 477-3184



HON. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE

JOSHUA F. TENORIO
ADMINISTRATOR OF THE COURTS

March 17, 2015

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trentai Tres Na Liheslaturan Guåhan
Ste. 101 Hesler Place
Hagåtña, Guam 96910

33-15-0251
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 3/17/15

Time: 1:41 pm

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RE: Bill 40-33 (COR)

Dear Speaker Won Pat,

Thank you for allowing the Judiciary of Guam to submit its testimony regarding Bill 40-33 (COR), *"An Act to Amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, § 5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA and adding a new § 55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming 'Attendance Officers' as 'Truancy Officers' to reflect practice throughout the United States and classify such officers a law enforcement under the provisions of Public Law 29-105; and to provide uniforms and equipment to truancy officers."* The Judiciary did not submit testimony at the public hearing on March 11, but asked for additional time to offer constructive comments on the Bill and its practical effects on the Judiciary.

First, with regard to the training contemplated by the Judiciary of the newly re-named Truancy Officers, while it is true that the Judiciary, through its Judicial Council, is currently charged with developing a training program for School Attendance Officers under 7 GCA § 8107(a), **it is the recommendation of the Judiciary that such training now be mandated under the auspices of the Peace Officer Standards and Training Commission (POST).**

Public Law 32-232 sets the standards for training and education for peace officers throughout the government of Guam. Under the provisions of P.L. 32-232, Special Deputy Marshals are classified as Category 2 peace officers, and it is contemplated that the obligations for ensuring certification are borne by the employee and agency heads, who are responsible for reporting failures on the Physical Fitness Qualification Test and to meet full educational requirements.

The Judiciary has embraced the POST standards and is actively pursuing certification for its 134 law enforcement officers through developing and implementing a sustainable strategy for physical fitness compliance. With regard to mandated training and education requirements, we have also developed a strategy with the Guam Community College. Some of these strategies will

result in an appropriation request for POST compliance for the Judiciary's law enforcement officers.

Generally, Marshals employed by the Judiciary of Guam have completed POST training requirements prior to employment through obtaining Certificates of Criminal Justice from the Basic Law Enforcement Academy at the Guam Community College or the Police Academy. Others completed security forces training in the U.S. Military.

GDOE Truancy Officers should be mandated to complete this training if they are to receive the premium pay that other law enforcement officers currently enjoy. In some jurisdictions, truancy officers are trained professionals mandated to hold degrees in social work or education. Degrees in criminal justice would also be favorable.


Additionally, we are concerned that Bill 40-33 places the burden of provision of equipment for Truancy Officers on the Judiciary. Thus, as currently drafted, the Judiciary bears the responsibility for training and equipping a workforce that is not otherwise under the supervision of the Judiciary. This stands in stark contrast to the POST Commission's Rules and Regulations, as discussed above, which place the burdens of ensuring adequate preparedness for certification on the employee and his or her employing agency.

The additional mandate to train and equip GDOE Truancy Officers will require additional funds. If the mandate is placed on the Judiciary, we will submit a request for appropriation alongside our budget request and make plans to begin such a program on October 1, 2015, if funded.

The Judiciary is not opposed to renaming School Attendance Officers as Truancy Officers and classifying them as peace officers for purposes of compensation under the provisions of the Law Enforcement pay scale. However, such change should not unduly burden the Judiciary and it should be clear that these officers are law enforcement not merely as a result of their being specially deputized as marshals of the Judiciary, but because the very nature of their jobs, as enforcers of the truancy laws of Guam, renders them law enforcement. Thus, they should be treated as such and governed by the Rules of the POST Commission, which would place training and equipment obligations with the employee and his or her employing agency, the Guam Department of Education.

Thank you again for the opportunity to express the Judiciary's concerns with Bill 40-33. Should you have any questions, please feel free to contact me.

Senseremente,



for JOSHUA F. TENORIO

cc: Senators of the 33rd Guam Legislature
Superintendent Jon Fernandez, Guam Department of Education
Airport Police Chief Robert Camacho, Chairman, POST Commission