



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

12 JUN 2009

2009 JUN 15 AM 9:22

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

30-09-072
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 6/12/09
Time
Received by 4:30

Dear Speaker Won Pat:

Please find attached Bill No. 60 (COR), "AN ACT TO ESTABLISH MINIMUM QUALIFICATIONS FOR MANAGEMENT LEVEL UNIFORMED POSITIONS IN THE GUAM POLICE DEPARTMENT, BY ADDING NEW §§ 77110.2, 77110.3 AND 77110.4 TO CHAPTER 77 OF TITLE 10, GUAM CODE ANNOTATED," which I have vetoed.

Starting in 2006 the Guam Police Department ("GPD") in concert with the Department of Administration ("DOA") and the P.O.S.T. Commission have been actively engaged in the process of developing a modification to the minimum qualifications for certain police officer positions. GPD discussed proposed changes to the minimum qualifications language with its officers for more than two years and requested their input throughout that period. Moreover, DOA conducted a duly noticed public hearing on the matter and accepted written testimony for a ten-day period. A greater percentage of individuals submitting testimony agreed with the adopted language. In particular, one of the comments, which DOA found persuasive, was received from a police sergeant who was against it only because of the way the educational requirements were first indicated in the then-proposed amendments.

DOA had originally worded the education requirements to be stricter, similar to Bill No. 60, in that the education had to be all law enforcement related. The previously mentioned sergeant asked DOA to not be so restrictive in terms of education. He said that he would no longer qualify if the education were made to be more specific. He further explained that even the Federal Bureau of Investigation ("FBI") when they recruit for their agent positions; they accept applicants with varying degrees because they want their agents to have a diversified educational background. DOA researched the practices of the FBI and found this to be accurate, and so they carefully weighed his comments and the input from the Chief and reverted the educational requirement back to the way it was before the recent amendments.

Bill No. 60 proposes to undo a process of adopting additional language for police officer minimum qualifications that was procedurally fair. The qualifications were modified by adding “any equivalent combination of education, police training and experience which provides the minimum knowledge, abilities and skills.” This language is similar to other qualifications used by police departments throughout the United States. Specifically, GPD looked to the language from the Hawaii Police Department.

The need for adding the adopted language arose out of an absolute need to right size GPD through promotions and recruitment. The ranks of GPD were decimated by the 1997 government of Guam early out program. The Department has never recovered and still suffers from a shortage of police officers and a dearth of leadership. Quite often police officers have been forced to under fill critical positions ranging from one to two levels above their rank. In order to maintain public safety for our current population and in anticipation of the military build up, it was necessary for GPD to realign its organizational structure and staffing pattern.

The adopted language enhances GPD’s ability to recruit and promote police officers because it broadens the pool of candidates without lowering standards. Unfortunately, the possible impact of Bill No. 60 may result in an insufficient listing of eligible applicants for these uniformed management level positions.

Prior to the January 15, 2009 amendments to the minimum qualifications, there were a handful of announcements for these positions and from January 1, 1995 to January 1, 2009, there were only 4 qualified applicants for Police Major, 27 qualified applicants for Police Captain, and 37 qualified applicants for Police Lieutenant. Furthermore, DOA identified at least 18 that have earned a bachelor’s or master’s degree from GPD’s 291 employees occupying the police officer position series. This would equate to about 6 percent of their police officers with at least a bachelor’s degree. Imposing a degree for the Police Major, Police Captain, and Police Lieutenant positions will very likely impair GPD’s ability to recruit for these positions and would shrink the applicant pool.

To illustrate a case in point, DOA has recently announced nine vacancies for the position of Police Captain. It was announced in-house which means only GPD employees could apply and it was announced based on the currently amended classification specifications. Out of the 35 applicants, 21 qualified, 10 of which are Lieutenants and 11 are Sergeants. Out of the 10 Lieutenants, only five have bachelor degrees or higher. If the Police Captain position were announced based on the requirements of Bill No. 60, there would have only been five qualified applicants to eventually certify to the Police Chief. Pursuant to the Department of Administration Rules and Regulations, the certification list would have been considered insufficient to interview from because a sufficient list is supposed to consist of at least 13 qualified applicants, based on 9 vacancies.

Bill No. 60 would take away the process of establishing minimum qualifications from DOA and it is their personnel specialists who understand and are adequately trained in the needs and requirements to classify positions and establish minimum qualifications.

I hope this explains and allays the concerns of *I Liheslaturan Guåhan* as the establishment of the minimum qualifications for police officer positions was conducted in a fair and deliberate process by personnel specialist within the Department of Administration.

Sins eru yan Magåhet,

A handwritten signature in black ink, appearing to read 'Felix P. Camacho', with a long, sweeping horizontal stroke extending to the right.

FELIX P. CAMACHO

I Maga'låhen Guåhan
Governor of Guam

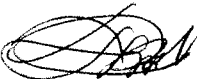
I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 60 (COR)**, "AN ACT TO ESTABLISH MINIMUM QUALIFICATIONS FOR MANAGEMENT LEVEL UNIFORMED POSITIONS IN THE GUAM POLICE DEPARTMENT, BY ADDING NEW §§ 77110.2, 77110.3 AND 77110.4 TO CHAPTER 77 OF TITLE 10, GUAM CODE ANNOTATED," was on the 29th day of May 2009, duly and regularly passed.


Attested: 

Tina Rose Muña Barnes
Legislative Secretary



Judith T. Won Pat, Ed. D.
Speaker

This Act was received by *I Maga'láhen Guåhan* this 4 day of June, 2009, at 9:55 o'clock A.M.



Assistant Staff Officer
Maga'láhi's Office

APPROVED: 

FELIX P. CAMACHO
I Maga'láhen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURÁN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 60 (COR)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

M. J. Rector

R. J. Respicio

Telo Taitague

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO ESTABLISH MINIMUM
QUALIFICATIONS FOR MANAGEMENT LEVEL
UNIFORMED POSITIONS IN THE GUAM POLICE
DEPARTMENT, BY *ADDING* NEW §§ 77110.2, 77110.3
AND 77110.4 TO CHAPTER 77 OF TITLE 10, GUAM
CODE ANNOTATED.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that recent events concerning the filling of a Guam Police Captain position raised
4 questions and serious concerns regarding the propriety and timing by which the
5 qualifications for the position was revised, and then filled immediately on the spot,
6 by a candidate who would *not* have otherwise qualified *if* the qualifications

1 requirements were *not* lowered. *I Liheslaturan Guåhan* believes that the lowering
2 of the standards was *not* necessary and *not* justified, in light of the fact that
3 sufficient numbers of candidates have already met the higher standards which were
4 in place *prior* to the revisions. Immediately *prior* to, and leading up to the
5 adoption by the Department of Administration of the revised standards, *I*
6 *Liheslaturan Guåhan* received complaints and grievances from incumbent police
7 officers of what they perceived as a politically motivated action in the lowering of
8 the standards. For example, leading up to the few days *prior* to the approval by the
9 Department of Administration of the revised qualifications for the uniformed
10 positions, one of which was the “Police Captain”, *I Liheslaturan Guåhan* received
11 complaints that a “GG-1” had already been signed, clearing the way for the filling
12 of the position by a Won Pat International Airport Authority employee. In
13 addition, police officers have expressed discontent that their testimonies which
14 they presented during a series of meetings held by the Guam Police Department
15 were *not* considered at all. They expressed further that the approval of the
16 proposed revisions, then, was a forgone conclusion.

17 *I Liheslaturan Guåhan* finds that it is *not* unprecedented that minimum
18 qualifications for a uniformed staff position in the Guam Police Department (GPD)
19 were established by law, i.e. “Police Commander” (§77110.1). In fact, GPD
20 attempted to revise and lower the qualifications for the Police Commander, only to
21 find out in the process that the revision can *only* be done through an amendment to
22 an existing statute. The Police Commander, with the rank of “Colonel,” is the
23 highest uniformed classified position in GPD, established by §77110.1 of Title 10,
24 Guam Code Annotated.

25 It is the intent of *I Liheslaturan Guåhan*, therefore, to re-instate the
26 minimum qualifications for: Police Major, Police Captain and Police Lieutenant by

1 adding new §§77110.2, 77110.3 and 77110.4 to Chapter 77 of Title 10, Guam
2 Code Annotated.

3 **Section 2.** New §§ 77110.2, 77110.3 and 77110.4 are hereby *added* to
4 Chapter 77, Title 10, Guam Code Annotated, to read as follows:

5 **“§77110.2. Police Major.** A Police Major *shall* be a uniformed
6 classified officer and *shall* meet the following minimum qualifications,
7 experience, and training, in addition to those prescribed by the Department
8 of Administration:

9 (a) graduated with a bachelor’s degree in Police Science,
10 Criminal Justice Administration, Public Administration, *or* closely
11 related field or discipline, at a nationally accredited institution;

12 (b) must have at least two (2) years of experience in the rank
13 of Police Captain, *or* equivalent law enforcement experience in
14 administration *or* management level; and

15 (c) other necessary special qualifications as established by
16 the Department of Administration *not* inconsistent with (a) and (b)
17 above.

18 **§77110.3. Police Captain.** A Police Captain *shall* be a uniformed
19 classified officer and *shall* meet the following minimum qualifications,
20 experience, and training, in addition to those prescribed by the Department
21 of Administration:

22 (a) graduated with a bachelor’s degree in Police Science,
23 Criminal Justice Administration, Public Administration, *or* closely
24 related field or discipline, at a nationally accredited institution;

25 (b) must have at least two (2) years of experience in the rank
26 of Police Lieutenant, *or* equivalent law enforcement experience in
27 administration *or* management level; and

1 (c) other necessary special qualifications as established by
2 the Department of Administration *not* inconsistent with (a) and (b)
3 above.

4 **§77110.4. Police Lieutenant.** A Police Lieutenant *shall* be a
5 uniformed classified officer and *shall* meet the following minimum
6 qualifications, experience, and training, in addition to those prescribed by
7 the Department of Administration:

8 (a) graduated with an Associate's Degree in Police Science,
9 Criminal Justice Administration, Public Administration, *or* closely
10 related field or discipline, at a nationally accredited institution, *or*
11 successful completion of *not less than* seventy-five (75) college
12 credits, seventy-five percent (75%) of which are in the field of Law
13 Enforcement, Public Safety, *or* closely related field of discipline, at a
14 nationally accredited institution;

15 (b) must have at least two (2) years of experience in the rank
16 of Police Sergeant II, *or* equivalent law enforcement supervisory
17 experience, *or* must have at least four (4) years of experience in the
18 rank of Police Sergeant I, *or* equivalent law enforcement supervisory
19 experience; and

20 (c) other necessary special qualifications as established by
21 the Department of Administration *not* inconsistent with (a) and (b)
22 above.”

23 **Section 3. No Extension to Current List.** Notwithstanding the
24 Department of Administration rules and regulations and the authority of the
25 Director of Administration to extend the life of the eligibility list, the current
26 eligibility list now in effect for the positions of Police Lieutenant, Police Captain,

1 and Police Major *shall not* be extended and *shall* expire one (1) year from the date
2 it was established.