



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 96-16

**RELATIVE TO CREATION OF A PEACE OFFICER
STANDARDS AND TRAINING COMMISSION (POST), AND
ESTABLISHING A POST REVOLVING FUND.**

WHEREAS, Guam's law-enforcement community has not maintained a consistent standard of training by which all its officers, regardless of where employed, can be measured; and

WHEREAS, each law enforcement entity has established its own training requirements resulting in the uneven distribution of qualifications among Guam's peace officers; and

WHEREAS, the lack of standard training requirements for Guam's different peace officers makes it difficult for various law enforcement entities to cooperate and collaborate in the performance of basic law enforcement duties; and

WHEREAS, it is desirable to create and establish a Peace Officer Standards and Training (POST) Commission to develop minimum professional standards to serve as the basis for the uniform recruitment operation of Guam's law enforcement entities;

NOW, THEREFORE, I, CARL T. C. GUTIERREZ, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, and the laws of Guam, do order:

1. **Terminology**. For purposes of this Executive Order:

(a) "**Commission**" means the Peace Officer Standards and Training (POST) Commission;

(b) "**Peace Officer**" includes:

- (i) officers of the Guam Police Department;
- (ii) officers of the Guam Airport Police;
- (iii) officers of the Guam Port Authority Police;
- (iv) those employed by the Director of the Department of Corrections whom the Director specifically designates;
- (v) officers of the Customs and Quarantine Agency;
- (vi) Conservation Officers of the Division of Aquatic and Wildlife Resources;
- (vii) Territorial Park Patrol Officers of the Department of Parks and Recreation;



- (viii) Marshals of the Supreme Court of Guam and the Superior Court of Guam;
- (ix) persons employed by the Attorney General's office whom the Attorney General specifically designates; and
- (x) designated Parole and Probation officers of the territory;

2. Peace Officer Standards and Training (POST) Commission.

(a) **Creation.** There is created under the administrative cognizance of the Guam Police Department a Peace Officer Standards and Training Commission. The Commission shall be composed of the following members:

- (1) Chief of the Guam Police Department or designated representative;
- (2) Chief of the Guam Airport Police or designated representative;
- (3) Chief of the Guam Port Authority Police or designated representative;
- (4) Chief Marshal of the Supreme Court of Guam or designated representative;
- (5) Chief Marshal of the Superior Court of Guam or designated representative;
- (6) Attorney General or designated representative;
- (7) Director of Customs and Quarantine Agency or designated representative;
- (8) Director of the Department of Corrections or designated representative;
- (9) Superintendent of the Territorial Park Patrol Officers of the Department of Parks and Recreation or designated representative;
- (10) Chief of the Division of Aquatic and Wildlife Resources of the Department of Agriculture or designated representative;
- (11) Chief Probation Officer of the Superior Court of Guam or designated representative;
- (12) Two (2) persons at large, selected by the Commission;
- (13) One (1) member from the clergy, designated by the Archbishop;
- (14) One (1) member from the Mayor's Council, designated by the President of the Mayor's Council;
- (15) One (1) member from the Legislature, appointed by the Speaker;
- (16) One (1) member from the Judiciary, designated by the Chief Justice of the Supreme Court;
- (17) One (1) representative from Guam Community College, appointed by the President of the Guam Community College;
- (18) One (1) representative from University of Guam, appointed by the President of the University of Guam;

(b) **No Compensation.** Members of the Commission shall receive no compensation, but shall be reimbursed under §§23103 and 23104 of Title 5, Guam Code Annotated, for authorized travel and per diem expenses incurred in the performance of their duties. For purposes of compensation,



attendance at meetings of the Commission shall be deemed performance by a member of the duties of the local governmental employment.

(c) **Meetings.** The Commission shall hold at least Four (4) meetings per year.

(d) **Publication of procedures.** The Commission shall establish and publish its procedures.

(e) **Standards for certification and recertification of peace officers.** The Commission shall establish standards for certification of peace officers. Recertification, including a thorough background investigation, will be required of all POST certified peace officers within Three (3) years from the effective date of initial POST certification.

(f) **Establishing fees.** The Commission shall establish reasonable fees for the application and processing for the certification and recertification of peace officers.

(g) **Adoption of standards in cooperation with respective agencies.** The Commission, in coordination with respective agencies, shall establish:

- (1) Requirements concerning courses of study, attendance, equipment and facilities for peace officer training;
- (2) Qualifications for peace officer training instructors;
- (3) Basic training requirements for peace officers;
- (4) Core Curriculum for all designated programs;
- (5) Categories or classifications of advanced in-service training programs and minimum courses of study and attendance requirements with respect to the categories or classifications.

(i) **Duties of Commission.** The Commission shall:

- (1) Research and obtain studies, surveys, and reports regarding the purposes of this Executive Order;
- (2) Visit and inspect any local peace officer training program during any appropriate time;
- (3) Draft and adopt procedures to fully effectuate and carry out the purpose of this Executive Order, and forward to the Governor;
- (4) Prescribe reasonable minimum qualifications relating solely to physical, mental and moral fitness for persons recruited, appointed, or retained as peace officers by the territory;
- (5) Consult and cooperate with peace officer training academies for the development of the basic and advanced training programs for peace officers;
- (6) Consult and cooperate with the University of Guam, Guam Community College, and other institutions for the development of specialized courses of study in the territory for peace officers in the areas of police science, police administration, the social sciences, and other related areas;



- (7) Consult and cooperate with other departments and agencies concerned with peace officer training;
- (8) Certify peace officers who have satisfactorily completed the basic training programs as outlined in this Executive Order and issue appropriate certificates to peace officers;
- (9) Deny, suspend, or revoke certification of peace officers for substantial failure to comply with this Executive Order or the procedures of the Commission, subject to the procedures contained in the Administrative Adjudication Act.
- (10) Certify instructors at approved peace officer training academies and issue appropriate certificates to instructors;
- (11) Ensure the certification of all polygraph examiners and determine eligibility requirements for candidates for the positions of:
 - A) Chief of Police,
 - B) Chief Marshal, Supreme Court of Guam,
 - C) Chief Marshal, Superior Court of Guam,
 - D) Director of Corrections,
 - E) Chief of the Guam Airport Police,
 - F) Chief of the Port Authority Police,
 - G) Director of Customs and Quarantine Agency,
 - H) Superintendent of the Territorial Park Patrol Officers, and
 - I) Chief Probation Officer, Superior Court of Guam.
- (12) Provide management survey and managerial assistance as requested by corrections and law enforcement agencies.
- (13) Recommend legislation to the Governor, if any, which may be needed relative to any of the items in this Executive Order. Particularly, should any of the standards or basic training requirements established by the Commission be in conflict with existing laws, only those portions of the standards or training requirements which are consistent with existing laws shall be implemented until necessary changes in law are made.

(j) **Establishment of POST Account revolving fund.** A revolving account, to be known as the "POST Account" is hereby established under the control of the Commission within the General Fund of the Guam Police Department. All contributions or other funds received by the Commission shall be paid into the POST Account and shall be used by the Commission to carry out its functions for administration, operations, training costs of Peace Officers, management surveys, research, and management assistance.

(k) **Commission to make recommendations for salaries of peace officers.** The commission shall review the salaries of all Peace Officer positions and forward their recommendations and supporting documentation to the Civil Service Commission and to the Governor every Two (2) years;



3. Chairperson of Commission. The Chairperson of the Commission shall be appointed by the Governor. The Chairperson shall hold office for a Two (2) year term and may serve Two (2) consecutive terms. The Chairperson's term shall expire sooner if and when the Chairperson is no longer occupying one of the positions designated as a requirement for membership in the Commission. The Chairperson shall perform the functions and duties as assigned by the Commission. The Chairperson shall be the executive officer and administrator of the Commission. The Chairperson shall report to the commission at regular meetings of the commission and at other times as required.

4. Time limit for officers to be POST certified. Incumbent peace officers shall have Five (5) years from the date of the promulgation of the POST procedures as provided for herein to be POST certified.

SIGNED AND PROMULGATED at Agaña, Guam this 28th day of May, 1996.



CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:



MADELEINE Z. BORDALLO
Lieutenant Governor of Guam