

CHAPTER 77
GUAM POLICE DEPARTMENT

Article 1. Guam Police Department.

Article 2. Guam Highway Patrol.

Article 3. Municipal Police.

ARTICLE 1
GUAM POLICE DEPARTMENT

SOURCE: Chapter 77 was added by P.L. 24-23:1 (May 14, 1997).

- § 77101. Definitions.
- § 77102. Guam Police Department.
- § 77102. Powers and Duties of Department.
- § 77104. Department to Enforce Highway Safety.
- § 77105. Department to Enforce Governmental Regulations.
- § 77106. Commanding Assistance of Citizens.
- § 77107. Power of the Chief of Police.
- § 77108. [Repealed].
- § 77109. Appointment of the Chief of Police.
- § 77110. [Repealed].
- § 77110.1. Police Colonel.
- § 77110.2. Police Major.
- § 77110.3. Police Captain.
- § 77110.4. Police Lieutenant.
- § 77110.5. [Repealed]
- § 77111. Oath of Chief of Police and Deputy Chief of Police.
- § 77112. Powers and Duties of the Police Colonel.
- § 77113. Department; Appointment; Examination and Selection of Applications.
- § 77114. Minimum Qualifications.
- § 77115. Oath of Police Officer.
- § 77116. General Orders or Directives.
- § 77117. Restrictions on Police Officers; Personal and Property Rights of Others; Political Contests.
- § 77118. Performance Reports and Records.
- § 77119. Assignment of Police Officers.
- § 77120. Headquarters and Police Stations.
- § 77121. Uniform, Insignia and Badge of Guam Police.

- § 77122. Use of Uniform.
- § 77123. Wearing Uniform by Other Persons Prohibited.
- § 77124. Supplies and Equipment of the Department.
- § 77125. Damage or Loss of Property by Neglect; Deduction from Pay.
- § 77126. Accountability of Funds.
- § 77127. Organization of Department.
- § 77128. Fingerprints, Identifying Data, Disposition Report Required.
- § 77129. Confidentiality of Records.
- § 77130. Reporting of Crime Statistics.
- § 77131. Establishment of Procedures for Access to Criminal Record Information.
- § 77132. Restrictions on Reporting.
- § 77133. Reporting Police Officer Violations.
- § 77134. Fees.

§ 77101. Definitions.

(a) *Crimes* for which criminal offender information is required means any offense as defined in Title 9 GCA § 1.18(a);

(b) *Criminal justice agency* means any agency of the government of Guam or U.S. Government having law enforcement functions.

(c) *Criminal offender information* means records and related data fingerprints received and compiled by the Department for purposes of identifying criminal offenders and alleged offenders, records of arrests and the nature and disposition of criminal charges, including sentencing, confinement and release, but such information shall be restricted to that recorded as the result of the initiation of a criminal proceeding or of any related later proceedings.

(d) *Department* means the Guam Police Department established pursuant to Section 77102 of this Chapter;

(e) *Law enforcement agencies* means police departments of any state or possession of the United States or a law enforcement agency of the federal government;

(f) *Police officer* means an employee of the department, who is charged with preserving the public peace and enforcing laws and court orders, and is appointed pursuant to this Chapter and as defined in 8 GCA §

5.55(c), or is a civilian volunteer police reserve appointed pursuant to 10 GCA Chapter 66.

§ 77102. Guam Police Department.

(a) There is established within the executive branch of the government of Guam the Guam Police Department.

(b) The director or head of the Guam Police Department shall be known as the *Chief of Police*, which shall be an unclassified position appointed by the Governor, subject to confirmation by the Guam Legislature.

(c) The deputy director of the Guam Police Department shall be known as the *Deputy Chief of Police* which shall be an unclassified position appointed by the Chief of Police.

§ 77103. Powers and Duties of Department.

(a) The Department is charged with the enforcement of all criminal laws. Each police officer is authorized to:

- (1) Protect life and property;
- (2) Enforce the law;
- (3) Prevent crime;
- (4) Preserve the peace;
- (5) Arrest violators pursuant to Title 8 Guam Code Annotated;
- (6) Serve the public;
- (7) Conduct searches and seizures of property pursuant to Title 8 Guam Code Annotated; and
- (8) Perform the duties of a peace officer.

(b) The Department is authorized to cooperate with any Federal, state, national or international law enforcement agency, including any law enforcement entity of any possession of the United States, where a reciprocal agreement exists in detecting crime, apprehending criminal offenders and preserving law and order.

(c) The Guam Police Department shall have jurisdiction within the Territory of Guam over all lands, whether titled to the government or not, including submerged lands, all waterways whether navigable or not, and

over all air space above such land and waterways with respect to which the Territory has jurisdiction.

§ 77104. Department to Enforce Highway Safety.

The Department shall enforce all laws relating to the operation of vehicles on public roadways within the Territory. A police officer is authorized to arrest or cite persons violating any provision of Title 16, Guam Code Annotated, Guam Vehicle Code.

§ 77105. Department to Enforce Governmental Regulations.

The Department, upon the request of any other branch or department of the government, may enforce criminal laws or any regulation which such branch or department is charged to enforce.

§ 77106. Commanding Assistance of Citizens.

The Chief of Police may establish guidelines, with the approval of the Attorney General, enabling a police officer in an emergency to direct and command the assistance of any able-bodied person to aid in maintaining law and order.

§ 77107. Power of the Chief of Police.

The Chief of Police shall have the following duties:

(a) to adopt, internal standard operating procedures, general orders or directives, administrative and operational standards, and subject to the provisions of the Administrative Adjudication Law, rules and regulations for the conduct and efficient operation of the Department;

(b) to prepare the Department's annual budget for approval by the Governor and submission to the Guam Legislature;

(c) to submit an annual report to the Governor and the Guam Legislature;

(d) to receive, consider and investigate allegations brought by the public concerning any conduct of the Department through its officers or employees, and to take appropriate action thereon;

(e) to maintain a chronology of information concerning the effectiveness of the Department's operation;

(f) to require the Department to maintain pace with current professional developments and community standards; and

(g) to adopt appropriate rules, guidelines and policies to insure the Department's responsiveness to the safety, security and peace-keeping needs of the community.

§ 77108. Authority to Hire Attorney.

[Repealed.]

SOURCE: Added by P.L. 24-23:1 (May 14, 1997). Repealed by P.L. 30-202:2 (Nov. 30, 2010).

§ 77109. Appointment of the Chief of Police.

The Chief of Police *shall* be appointed by *I Maga'lahan Guåhan* with the advice and consent of *I Liheslaturan Guåhan* and *shall* meet the following qualifications:

(a) be *at least* thirty-five (35) years of age;

(b) have *no less than* fifteen (15) years of progressive experience in a government law enforcement position, including *at least* five (5) years at the supervisory command level, and five (5) years in a senior position with law enforcement management responsibilities, or equivalent executive management experience in the field of Public Administration, Criminal Justice Administration, or Law, or a closely related field or discipline;

(c) graduated with a Bachelor's Degree or higher in Police Science, Criminal Justice Administration, Public Administration, Law, *or* closely related field *or* discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) *or* its successors;

(d) have *no* felony, domestic or family violence convictions;

(e) have *no* misdemeanor convictions involving moral turpitude;

(f) submit to and pass a drug screening test, including, *but not limited to*, urinalysis testing, unless the appointee is a current employee of the Guam Police Department occupying a Test-Designated Position (TDP) pursuant to the Department's Drug-Free Workplace Program;

(g) be of good health and good moral character;

- (h) submit to psychological testing;
- (i) submit to a polygraph examination; and
- (j) submit to a thorough investigation of his *or* her background and moral character.

SOURCE: Amended by P.L. 30-015:2 (Apr. 17, 2009), P.L. 30-220:2 (Dec. 21, 2010), P.L. 31-070:2 (May 24, 2011).

§ 77110. Appointment of Deputy Chief of Police.

[Repealed.]

SOURCE: Amended by P.L. 30-015:3 (Apr. 17, 2009). Repealed by P.L. 30-220:3 (Dec. 21, 2010).

§ 77110.1. Police Colonel.

The Police Colonel *shall* be a uniformed classified officer. The Police Colonel, who shall serve as Police Commander, *shall* meet the following minimum qualifications, experience, and training, in addition to those prescribed by the Director of Administration:

(a) graduated with a Master's Degree in Police Science, Criminal Justice Administration, Public Administration, or closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors, and must have *at least* two (2) years of experience in the rank of Police Major, *or* equivalent law enforcement experience in administration or management that requires the minimum knowledge, abilities, and skills to perform the duties of a Police Major; *or*

(b) graduated with a Bachelor's Degree in Police Science, Criminal Justice Administration, Public Administration, or closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors, and must have *at least* four (4) years of experience in the rank of Police Major, *or* equivalent law enforcement experience in administration or management that requires the minimum knowledge, abilities, and skills to perform the duties of a Police Major;

(c) have *no* felony, domestic *or* family violence conviction;

(d) submit to and pass a drug screening test, including, but *not* limited to, a urinalysis test; and

(e) other necessary special qualifications as established by the Department of Administration *not* inconsistent with (a) above.

SOURCE: Amended by P.L. 31-070:3 (May 24, 2011).

COMMENT: Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 77110.2. Police Major.

A Police Major *shall* be a uniformed classified officer and *shall* meet the following minimum qualifications, experience, and training, in addition to those prescribed by the Department of Administration:

(a) graduated with a Bachelor’s Degree in Police Science, Criminal Justice Administration, Public Administration, or closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

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

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

SOURCE: Added by P.L. 30-039:2 (June 29, 2009). Amended by P.L. 31-070:4 (May 24, 2011).

§ 77110.3. Police Captain.

A Police Captain *shall* be a uniformed classified officer and *shall* meet the following qualifications, experience, and training, in addition to those prescribed by the Department of Administration:

(a) graduated with a Bachelor’s Degree in Police Science, Criminal Justice Administration, Public Administration, *or* closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

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

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

SOURCE: Added by P.L. 30-039:2 (June 29, 2009). Amended by P.L. 31-070:5 (May 24, 2011).

§ 77110.4. Police Lieutenant.

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

(a) graduated with an Associate's Degree in Police Science, Criminal Justice Administration, Public Administration, *or* closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors, *or* successful completion of not less than seventy-five (75) college credits, seventy-five percent (75%) of which are in the field of Law Enforcement, Public Safety, or closely related field of discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

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

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

SOURCE: Added by P.L. 30-039:2 (June 29, 2009). Amended by P.L. 31-070:6 (May 24, 2011).

§ 77110.5. GPD Colonel Position.

[Repealed.]

SOURCE: Added by P.L. 26-035:IV:38 (Sept. 28, 2001), as an uncodified permanent law. Codified by Compiler to harmoniously fit this chapter. Repealed by P.L. 31-070:8 (May 24, 2011).

§ 77111. Oath of Chief of Police and Deputy Chief of Police.

The Chief of Police and Deputy Chief of Police, before assuming their duties, each shall take and subscribe to an oath of office.

§ 77112. Powers and Duties of the Police Colonel.

In the absence or incapacity of the Chief of Police, the Police Colonel *shall* possess all the powers of the Chief of Police, act as the head of the Department, and *shall* further perform such additional duties as the Chief of Police may prescribe.

SOURCE: Amended by P.L. 30-220:4 (Dec. 21, 2010), P.L. 31-070:7 (May 24, 2011).

§ 77113. Department; Appointment; Examination and Selection of Applicants.

The Chief of Police shall appoint a police force consisting of commissioned officers, noncommissioned officers and police officers who are, in the judgment of the Chief of Police, necessary to the performance of the duties of the Department. The Chief of Police shall, in accordance with the laws of the Territory, arrange for the examination and selection of applicants, and to establish ranks and grades.

§ 77114. Minimum Qualifications.

(a) Notwithstanding other provisions of law to the contrary, persons appointed as police officers shall:

- (1) be a resident of the Territory of Guam and a U.S. citizen;
- (2) be of good health and good moral character;
- (3) be over the age of eighteen (18) years;

(4) be a high school graduate *or* equivalent, but the POST Commission may set higher academic qualifications for all applicants as the Commission considers necessary;

(5) submit to and pass a drug screening test, including but not limited to a urinalysis test;

(6) submit to psychological testing; and

(7) submit to and pass a polygraph examination.

(b) No person shall be appointed a police officer who has not established satisfactory evidence of qualifications by passing physical and written examinations based upon standards relevant to the duties to be performed, which standards shall be established by the Chief of Police. If in the Chief of Police's judgment, and in the best interest of the Department,

the Chief of Police may waive the physical standards established for the position.

(c) No person shall be appointed a police officer who has been convicted in any civilian or military court of a felony, a crime involving moral turpitude, a crime of domestic or family violence, or who has been administratively pardoned of any crime.

(d) No person shall be appointed a police officer before a thorough investigation of the applicant's background and moral character is completed.

(e) A police officer dismissed for cause shall be permanently ineligible for reappointment to any position in the Department. An officer who resigns for the sole purpose of negating or averting a pending or anticipated disciplinary action to dismiss the officer may be ineligible for reappointment.

SOURCE: Subsections (a)(3-4) amended by P.L. 29-012 (Sept. 7, 2007).

§ 77115. Oath of Police Officer.

Each police officer shall take and subscribe to the following oath of office:

I solemnly swear (or affirm) that I will faithfully support the Constitution of the United States, the laws of the United States applicable to Guam, and the laws of Guam, and that I will conscientiously and impartially discharge my duties as an officer of the Guam Police Department.

§ 77116. General Orders or Directives.

The Chief of Police, or the Chief of Police's designee, shall prescribe by general order or directive the necessary instructions to Department employees as to their official duties, functions and responsibilities.

§ 77117. Restrictions on Police Officers; Personal and Property Rights of Others; Political Contests.

(a) All police officers are subject to the following restrictions:

(1) no police officer shall in any way interfere with the rights or property of any person, except where such interference is permitted by law;

(2) no police officer shall accept any other employment which will conflict with the police officer's duties as a member of the Guam Police Department;

(3) no police officer shall make any loan or gift of money to any other police officer exceeding an annual aggregate monetary value of Two Hundred Fifty Dollars (\$250.00), and

(4) notwithstanding any law to the contrary, no police officer shall in any way be active or participate in any political contest of any general or special election, except to cast the police officer's own ballot. Except as may be required to enforce the law or to cast the officer's own vote, no police officer shall remain in or about a voting precinct.

§ 77118. Performance Reports and Records.

Under rules and regulations promulgated by the Chief of Police, all police officers shall be required to keep a record of the time spent in the performance of their various duties and to report the same as the Chief of Police shall order.

§ 77119. Assignment of Police Officers.

The Chief of Police, or his designee, may assign police officers consistent with the needs of the Department to the villages so as to be the most efficient in carrying out the purposes of the Department to preserve the peace, to enforce the law and to prevent and detect crime. The Chief of Police may assign those hired as limited term police officers to serve as a school resource officer, who at the minimum will be responsible for addressing drugs and violence in the schools, the investigation of criminal activity involving juveniles, and other duties as agreed upon by the parties in a Memorandum of Understanding and whose employment *shall* be on a school-year basis.

SOURCE: Amended by P.L. 29-113:VI:42 (Sept. 30, 2008).

§ 77120. Headquarters and Police Stations.

With the approval of the Governor, the Chief of Police may establish headquarters and police stations at such places as permitted by law and as may be advisable for the protection of the people. With the approval of the Governor, the Chief of Police may use government lands and buildings for the accommodation of police officers and their vehicles and equipment.

§ 77121. Uniform, Insignia and Badge of Guam Police.

(a) The government of Guam shall provide police officers with standard uniforms. Subject to detailed regulations and specifications prescribed by the Chief of Police, the uniform shall be of standard pattern and distinctive design.

(b) The badge shall be a shield measuring approximately three and one-half (3 1/2) inches in length, in the center of which shall be imposed in relief, a facsimile of the seal of the Territory of Guam. The badge issued to commissioned officers shall be of a composition metal in similitude of gold, and that issued to other officers shall be of a composition metal in similitude of silver.

§ 77122. Use of Uniform.

The Chief of Police shall direct appropriate uniform use.

(a) The Chief of Police shall identify uniformed activity and direct the use of uniforms by Departmental personnel.

(b) The Chief of Police may direct that certain police officers serve in civilian clothing.

§ 77123. Wearing Uniform by Other Persons Prohibited.

(a) No person other than a police officer shall wear, use or order to be worn or used, copy or imitate in any respect or manner the standard uniform and badge.

(b) Any person violating this Section is guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than six (6) months, or both.

§ 77124. Supplies and Equipment of the Department.

The government shall provide the police officers with emergency and first aid outfits, weapons, motor vehicles, and all other supplies and equipment necessary to carry out the mission of the Department. All such property shall remain the property of the government. When any Department property, supplies or equipment becomes surplus, obsolete or unused, it shall be disposed of as provided by law.

§ 77125. Damage or Loss of Property by Neglect; Deduction from Pay.

(a) The Chief of Police may take disciplinary action against any member of the Department who:

(1) while making unauthorized use of Department property, causes loss or damage to the property; or

(2) while making authorized use of Department property, is grossly negligent in using or caring for the property and causes loss or damage to the property.

(b) If it is shown to the satisfaction of the Chief of Police that the property was lost or damaged in any manner described in Subsection (a) of this Section, there shall be incrementally deducted from the pay of the responsible member the amount of money necessary to repair or replace the article, or articles, damaged, lost or destroyed based upon the value at the time of loss or damage.

§ 77126. Accountability of Funds.

(a) The Chief of Police shall adopt regulations to insure that public funds appropriated to the Department are subject to strict accountability under generally accepted accounting practices.

(b) No police officer shall make any payment of public funds to any person without maintaining an accurate record of the date and amount paid and the identity of the person to whom disbursement was made and the purpose therefor.

(c) Before any vice funds can be expended, the Chief of Police must authenticate any request for funds. If the Chief of Police finds that the funds have been disbursed in an unauthorized manner, he may discipline the officers involved, but the identity of the person to whom the disbursement was made may be confidential.

(d) Any person violating Subsection (b) of this Section is guilty of a misdemeanor and shall be punished by a fine or not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or both.

§ 77127. Organization of Department.

The Chief of Police shall, so far as is practicable and expedient to do so, organize the work of the Department so that:

(a) the various duties required of the Department may be assigned to appropriate divisions to be performed by persons experienced and qualified for such respective kinds of work;

(b) the duties of police officers are coordinated so that when an officer is not engaged in particular duty specified or directed to be done, or not then requiring attention, such officer shall perform the other duties required by the Department; and

(c) the cooperation of other officers and employees may be secured for the purposes of avoiding duplication of time and effort.

§ 77128. Fingerprints, Identifying Data, Disposition Report Required.

(a) Immediately upon the arrest of a person for a crime, the Department shall place the required fingerprints and identifying data on forms prescribed or furnished by the Department, photograph the arrested person, and promptly transmit the form and photograph to the appropriate division.

(b) The Department may record, in addition to fingerprints, the palm prints, sole prints and toe prints, or other personal identifiers, when, in the discretion of the Department, it is necessary to effect identification of the persons, or to the investigation of the crime charged.

§ 77129. Confidentiality of Records.

The fingerprints, photographs, records and police reports compiled under this Chapter are confidential and exempt from public inspection except:

(a) as ordered by a court; or

(b) as provided in the ‘Freedom of Information Act’ or ‘Sunshine Act’; or

(c) as required or provided for under Federal law.

§ 77130. Reporting of Crime Statistics.

The Chief of Police shall report to the Governor and the Guam Legislature statistics concerning crimes in the Territory of Guam:

(a) as directed by the Governor for purposes of the National Incident Based Reporting System;

(b) as otherwise directed by the Governor concerning general categories of criminal activities, but not individual criminal records; or

(c) as requested by the Legislative Chairperson with oversight jurisdiction.

§ 77131. Establishment of Procedures for Access to Criminal Record Information.

(a) Subject to the provisions of 8 GCA Chapter 11, the Chief of Police shall promulgate rules in accordance with the Administrative Adjudication Law, establishing procedures:

(1) limiting access of information to criminal justice agencies when the information is required to perform a duty or function expressly required by statute, and

(2) providing for purging or expunging of inaccurate and incomplete arrest, charge and disposition information.

(b) As needed to implement rules promulgated pursuant to Subsection (a) of this Section, the Chief of Police may adopt or issue supplemental orders and directives.

§ 77132. Restrictions on Reporting.

(a) Neither the Department nor a police officer shall make or engage in any investigation of political activity.

(b) Any person violating this Section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or both.

§ 77133. Reporting Police Officer Violations.

(a) Any person may file a written complaint with any police officer or the Guam Community Police Review Commission (*Commission*) alleging the commission of a crime or misconduct on the part of a police officer or employee of the Department. A police officer shall, upon receipt of any credible information alleging the commission of a crime by any police officer or Department employee, forward within forty-eight (48) hours the information so received to the Chief of Police. The Chief of Police shall forward the alleged violations to the Internal Affairs unit of the Department and to the Commission, and shall further forward a copy of the alleged violations to the Attorney General.

(b) The Chief of Police shall, within thirty (30) working days of receipt of the information described in Subsection (a) of this Section, prepare a

statement open to the public indicating the preliminary disposition of the allegation. The Chief of Police shall prepare a summary of all allegations filed and their final disposition in the Department's annual report.

(c) Upon receipt of the report the Attorney General shall review all records and other information submitted and may initiate an independent investigation of the alleged violation.

(d) Any police officer or Department employee who fails to forward the information or fails to make reports required by this Section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment for not more than one (1) year, or both.

(e) The Chief of Police shall inform the Commission in writing, within three (3) days of disposition, of disciplinary outcomes of cases, including adjudication and discipline imposed. All such information shall be kept confidential, *unless* otherwise permitted or required by law.

(f) Nothing herein shall prohibit the Commission from jointly or separately investigating the conduct of a member of the Department, or carrying out any of its authority and duties authorized pursuant to Chapter 78 of this Title.

SOURCE: Repealed/reenacted by P.L. 25-46:3.

§ 77134. Fees.

(a) The Chief of Police may prescribe in accordance with the Administrative Adjudication Law fees to be charged and collected by the Department that are directly related to the need of the agency to recover administrative costs in servicing the public. These fees shall be deposited in a special account known as the 'Police Services Fund', established separate and apart from the General Fund to be administered by the Director of Administration for the benefit of the Guam Police Department. The Guam Legislature shall make appropriations from the 'Police Services Fund' for the purpose of funding the general operational needs of the Guam Police Department on a fiscal year basis. These funds, once appropriated to the Department, are not subject to the transfer authority of the Governor.

(b) As used in this Subsection, 'administrative costs in servicing the public' means costs incurred in providing administrative services, such as issuing licenses or permits, providing police clearances for private parties and taking finger prints, but does not include performing essential crime

prevention and law enforcement duties described in Section 77103 of this Chapter.

ARTICLE 2 GUAM HIGHWAY PATROL

SOURCE: Added by P.L. 24-240:2-4 (Aug. 14, 1998) as 5 GCA §§ 3103.1 - 3103.3.
Recodified by Compiler as Article 2 of this chapter.

- § 77201. Guam Highway Patrol Established.
- § 77202. Minimum Staffing Required.
- § 77203. Special Insignia and Designation.

§ 77201. Guam Highway Patrol Established.

There is established as a permanent division within the Guam Police Department the Guam Highway Patrol. The Guam Highway Patrol shall have primary jurisdiction over the enforcement of all laws on Guam pertaining to vehicular traffic on Guam's roads and highways that are currently enforced by the Guam Police Department, including the Vehicular Code of Guam, all traffic safety laws currently enforced by the Guam Police Department, and the investigation of traffic accidents and violations. This shall not be construed as to transfer authority for enforcement as currently resides with the Department of Revenue and Taxation. The Guam Highway Patrol shall include all personnel, jurisdiction, equipment and function currently assigned to the Traffic Division of the Guam Police Department, which shall be merged into the Guam Highway Patrol. Nothing in this Section or Chapter shall be construed as in any way limiting the police powers of members of the Guam Highway Patrol in the investigation of any other crimes on Guam, or the powers of any member of the Guam Highway Patrol to effect any arrest or any exercise any normal power of any police officer on Guam, nor is the ability of any police officer on Guam to enforce traffic or other laws on the roads of highways of Guam to be construed as diminished.

§ 77202. Minimum Staffing Required.

The Guam Highway Patrol shall be maintained at a staffing level of no less than thirty (30) officers. If at any time less than thirty (30) officers are assigned to the Guam Highway Patrol, the Chief of Police shall notify the

Speaker of the *I Liheslaturan Guahan*, in writing, that such a condition exists. Inasmuch as officers attached to the Guam Highway Patrol shall receive specialized training and experience, the transfer of personnel from the Guam Highway Patrol to other areas of the Guam Police Department shall be kept to a minimum, except when such transfer occurs for purposes of promotion or as a documented disciplinary action. Should in any thirty (30) day period, more than twenty percent (20%) of the compliment of officers attached to the Guam Highway Patrol be re-assigned for purposes other than promotion or documented disciplinary action, the Chief of Police shall notify the Speaker in writing of this occurrence.

§ 77203. Special Insignia and Designation.

All members and all vehicles assigned to the Guam Highway Patrol shall wear special insignia or other prominent designation indicating assignment to the Guam Highway Patrol.

**ARTICLE 3
MUNICIPAL POLICE**

SOURCE: Added by P.L. 24-241:1 (Aug. 14, 1998) as 5 GCA § 3103.4. Recodified by Compiler as Article 3 of this chapter.

§ 77301. Division of Municipal Police.

§ 77301. Division of Municipal Police.

(a) There is established within the Guam Police Department a Division of Municipal Police as a permanent division of the Guam Police Department, such division being responsible for patrol duties and the enforcement of laws within each of the Island's villages and such duties as are assigned to it by this Section.

(b) Each village in Guam shall have a minimum of one (1) police station. Such station may be a '*koban*' or '*Fansagayan Pulisiha*' as may already exist or may be space assigned within the community center of that village, or such other space as may be provided by the Mayor or the Guam Police Department within a village. In villages of large or geographically scattered population, more than one (1) police station may be designated. The location of each police station shall be prominently designated and the Chief of Police shall take steps to ensure that the public is aware of the

location of each police station in each village.

(c) There shall be a minimum of two (2) officers capable of patrol and responding to calls assigned to each village police station at all times. In addition, in every village which has a population of more than two thousand (2000) persons as determined by the most recent census, there shall one (1) additional officer assigned to that village in each shift for every additional two thousand (2,000) persons in population. These are only minimums. The Chief of Police shall supplement additional personnel as is perceived beneficial or necessary.

(d) Officers assigned to a police station in a village shall be considered as being assigned to such village on a full-time basis, and shall wear a patch prominently designating them as police officers for the village to which they are assigned.

(e) Officers assigned to a village police station are *not* to be transferred out of such station for at least two (2) years, except for purposes of promotion, or for documented disciplinary reasons, or in the case of an emergency as determined by the Chief of Police.

(f) Municipal Police officers are intended to become permanent members of the communities to which they are assigned. As such, activities involving the community are to be encouraged and municipal police and village police stations are to be encouraged to participate in community activities.

(g) Municipal Police officers in a village, working closely with the Mayor, are responsible for establishing neighborhood watch programs and other crime prevention programs involving the direct participation of community members. Moreover, they are responsible, in coordination with the Mayor, for conducting crime prevention seminars, training and other similar functions at a village level.
