



**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, SEPTEMBER 18, 2025 | 12:00 PM
GUAM JUDICIAL CENTER AND
VIA VIDEOCONFERENCE**

AGENDA

- I. CALL TO ORDER**
- II. PROOF OF DUE NOTICE OF MEETING:** September 11, 2025
September 16, 2025
- III. DETERMINATION OF QUORUM**
- IV. READING AND DISPOSAL OF MINUTES:** August 21, 2025 Regular Meeting
August 21, 2025 Executive Session
- V. OLD BUSINESS**
 - A. Judiciary FY 2025 Remittances Pursuant to Applicable Law
 - B. eCourt and eSupervision Transition
- VI. NEW BUSINESS**
 - A. Report on Judicial Building Fund (For Informational Purposes Only)
 - B. Report on FY 2026 Budget (For Informational Purposes Only)
 - C. FY 2026 Health Insurance Rates (For Informational Purposes Only)
 - D. Resolution, JC 25- Relative to Creating the Position of Security Support Clerk
 - E. Report on Request to Expand Special Deputy Marshals' Duties (For Informational Purposes Only)
 - F. Notice of the Next Meeting (Thursday, October 16, 2025)
- VII. COMMUNICATIONS**
- VIII. PUBLIC COMMENT**
 - A. Guam Bar Association – President's Report
 - B. Court Employees Association
- IX. ADJOURNMENT**

BROOKS CONCEPCION LAW, P.C.
247 Martyr Street, Ste. 101
Hagåtña, Guam 96910
(671) 472-6848 • (671) 477-5790
Attorneys for Petitioner

**IN THE SUPERIOR COURT OF GUAM
IN THE MATTER OF THE ESTATE OF:
PACITA UGALE GASCON AND FRANCISCO
DACUYCUI GASCON,
Deceased.**

PROBATE CASE NO. PR0067-25

NOTICE TO CREDITORS

Notice is hereby given by the undersigned, James Gerald U. Gascon, Executor of the Estate of Pacita Ugaie Gascon and Francisco Dacuycui Gascon, deceased, to the creditors of, and all persons having claims against the said estate or against said deceased, that within two (2) months after the first publication of this notice, they either file them with necessary vouchers in the office of the Clerk of the Superior Court, Guam, or exhibit them with the necessary vouchers to James Gerald U. Gascon, Executor at the law office of **BROOKS CONCEPCION LAW, P.C.**, at 247 Martyr Street, Ste. 101, Hagåtña, Guam, the same being the place for the transaction of the said estate.

Dated: 9/3/25.

/s/ James Gerald U. Gascon
Executor for the Estate of
Pacita Ugaie Gascon and
Francisco Dacuycui Gascon

THE LAW OFFICES OF DUNCAN G. MCCULLY, P.C.
Attorneys at Law
434 W O'Brien Drive, Ste 201, Ada Cliffline Building C, Hagåtña, GU 96910
Telephone: (671) 477-7418 Fax: (671) 472-1201 Email: mblaw@guam.net

**IN THE SUPERIOR COURT OF GUAM
PERSONAL FINANCE CENTER, Plaintiff,
vs.
ISABEL L. CRUZ, Defendant.
CIVIL CASE NO. CV0520-21**

**NOTICE OF EXECUTION SALE OF REAL PROPERTY
TO: DEFENDANT AND TO ALL INTERESTED PERSON**

PLEASE TAKE NOTICE that I, the Marshal of the Superior Court of Guam will, pursuant to the Writ of Execution issued by the Superior Court of Guam in the above entitled case, the Notice of Levy on Real Property dated April 3, 2025, I will, on September 18, 2025 at 9:00 a.m., at the office of the Mayor of the Municipality of Santa Rita, Guam, sell at public auction, to the highest bidder for cash, all of the right, title and interest of the Defendant in and to the following described real property as necessary to satisfy the judgment taken against Defendant.

The property to be sold is described as:

Lot No. 402-R10-2-4-2-1, Santa Rita-Sumai formerly Santa Rita, Guam Estate No. 75760, Suburban, as said lot is described in that ReSubdivision Survey Map of Lot 402-R10-2-4-2, as shown on Drawing No. RRV-92-033, (LM#158FY93) dated June 1, 1993 and recorded on June 9, 1993 in the Department of Land Management, Government of Guam under Instrument No. 490226. Area: 1,859± square meters.

Dated: July 28, 2025

Superior Court of Guam
By: /s/ LEO S. DIAZ
Chief Marshal
MARSHAL OF THE COURTS

OLIVER WESTON BORDALLO, ESQ.

502 Agana Bay Condominium
182 Trankilo Street, Tamuning, Guam 96913
Phone: (671) 649-4230 Fax: (671) 649-4231

Petitioner and Attorney for
Melvin Dulay Ramos

**IN THE SUPERIOR COURT OF GUAM
IN THE MATTER OF THE ESTATE OF
DIONISIO RAMOS,
Deceased.**

PROBATE CASE NO. PR0121-25

**AMENDED NOTICE OF HEARING ON PETITION
FOR LETTERS OF ADMINISTRATION**

THIS NOTICE IS REQUIRED BY LAW. YOU ARE NOT REQUIRED TO APPEAR IN COURT UNLESS YOU DESIRE.

NOTICE IS HEREBY GIVEN that OLIVER WESTON BORDALLO, ESQ., has filed herein a Petition For Letters of Administration upon the Estate of Dionisio Ramos, deceased, and that said Petition has been set for hearing on SEP 18, 2025, at 9:30 a.m. in the courtroom of the Superior Court of Guam, Judicial Center, 120 West O'Brien Drive, in Hagåtña, Guam.

All persons having any interest in the above-entitled proceedings are hereby notified to appear at the time and place set for said hearing and show cause, if any they have, why the Petition should not be granted. Reference is hereby made to the said Petition for further particulars.

Dated at Hagåtña, Guam, this AUG 13 2025

CLERK OF COURT, SUPERIOR COURT OF GUAM
/s/ Pauline I. Untalan
Chamber/Courtroom Clerk

You may appear in person at the Courtroom of Judge Dana A. Gutierrez, 120 W. O'Brien Drive, Hagåtña, GU or you may participate via Zoom by logging onto <https://guamcourts.org/zoom.us> and enter the Meeting ID: 839 7874 0380 and Passcode: 189701. For technical assistance, please call (671) 475-3207 five (5) minutes prior the designated hearing time.

OFFICE OF MICHAEL J GATEWOOD LLC

MICHAEL J. GATEWOOD

michael@gatewoodlegal.com
101E Chalan Santo Papa, Suite 102
Hagåtña, GU 96910
Tel No. 671.488.6285

**IN THE SUPERIOR COURT OF GUAM
IN THE MATTER OF THE ESTATE
OF
FREDERICA FLORES SANTOS,
Deceased.**

PROBATE CASE NO. PR 89-25

NOTICE TO CREDITORS

NOTICE IS HEREBY GIVEN by Philip Raymond Santos, Executor of the Estate of FREDERICA FLORES SANTOS deceased, to the creditors of, and all persons having claims against said Estate or against said Decedent, that within sixty (60) calendar days after the date of the first publication of this notice, they either file them with necessary vouchers in the Office of Clerk of the Superior Court of Guam, or exhibit them with the necessary vouchers to said Executor or his attorneys of record, OFFICE OF MICHAEL J GATEWOOD LLC, 101E Chalan Santo Papa, Suite 102, Hagåtña, GU 96910, the same being the place for the transaction of the business of said Estate.

DATED: Hagåtña, Guam August 29, 2025.

/s/ MICHAEL J. GATEWOOD



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive, Hagåtña, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3140
www.guamcourts.org

REGULAR MEETING

THURSDAY, SEPTEMBER 18, 2025, at 12:00 PM • GUAM JUDICIAL CENTER

The meeting will also be streamed live on the Judiciary of Guam YouTube
<https://youtube.com/TheJudiciaryofGuam>

The following agenda is available on the Judiciary of Guam website:

<http://www.guamsupremecourt.com/Judicial-Council/Judicial-Council-of-Guam.asp>

- I. **CALL TO ORDER**
- II. **PROOF OF DUE NOTICE OF MEETING:** September 11, 2025
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- III. **DETERMINATION OF QUORUM**
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- V. **OLD BUSINESS**
 - A. Judiciary FY 2025 Remittances Pursuant to Applicable Law
 - B. eCourt and eSupervision Transition
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 - A. Resolution, JC 25- Relative to Creating the Position of Security Support Clerk
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 - E. Notice of the Next Meeting (Thursday, October 16, 2025)
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- VIII. **PUBLIC COMMENT**
 - A. Guam Bar Association - President's Report
 - B. Court Employees Association
- IX. **ADJOURNMENT**

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Administrator of the Courts at 671-475-3544 or Jessica Perez-Jackson at 671-475-3300.

This ad was paid for with Government of Guam funds.

CHIEF JUSTICE ROBERT J. TORRES
Chairman



**Record of Decision for the Enhanced Integrated Air
and Missile Defense System on Guam
Environmental Impact Statement**

The Missile Defense Agency (MDA), as the lead agency, and the United States (U.S.) Army, as a cooperating agency, are jointly issuing a Record of Decision to implement the construction, deployment, and operations and maintenance of the Enhanced Integrated Air and Missile Defense (EIAMD) system on Guam. The action will enable MDA and the U.S. Army to meet their congressional mandate for a persistent 360-degree layered Integrated Air and Missile Defense capability on Guam to address the rapid evolution of missile threats from regional adversaries. In addition to the U.S. Army, the U.S. Air Force, U.S. Navy, and Federal Aviation Administration participated as cooperating agencies in the development of an Environmental Impact Statement (EIS) due to their jurisdiction or special expertise as it pertains to certain components of the action or for potentially affected operations and resources.

The MDA and the U.S. Army selected the Proposed Action after considering the need for the system, potential environmental impacts, and comments received from elected officials, government agencies, nongovernmental organizations, and the public. Mitigation measures that avoid, minimize, or mitigate potential environmental impacts will be employed.

Record of Decision Availability

The MDA and the U.S. Army encourage the public to view the ROD, which is available on the MDA public website for download or in print at the University of Guam Robert F. Kennedy and the Nieves M. Flores memorial libraries. If you have questions or would like additional information, please visit www.mda.mil/system/eiamd or email info@EIAMD-EIS.com.

Please help MDA and the U.S. Army keep the community informed by sharing this information.

Visit the project website at www.mda.mil/system/eiamd to learn more about the project and the environmental impact analysis.

Approved for Public Release 25-MDA-12179

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Our sales team has new opportunities for you!

In print or online we have you covered at The Guam Daily Post!
email at krista@postguam.com for inquiries.

THE GUAM
DAILY POST

ALUPANG COVE CONDOMINIUM JOB OPENINGS

SECURITY GUARD

full and part time. One year experience
REQUIRED. All shifts available, all week.

MAINTENANCE

full time. Experience in plumbing,
electrical and carpentry is necessary.

HOUSE-KEEPING

part time, one year experience
REQUIRED.

Wage based on experience. Health Ins.
for full-time. Need resume. Email to

acove@teleguam.net or

Contact our main office at 671-649-6190

JOB ANNOUNCEMENT FOR TEMPORARY POSITIONS

- 18 - Carpenter (1 yr. exp.)
- 16 - Cement Mason (1 yr. exp.)
- 5 - Heavy Equipment Mechanic (2 yrs. exp.)
- 11 - Heavy Equipment Operator (1 yr. exp.)
- 25 - Landscape Gardeners (3 months exp.)
- 10 - Pipefitter (2 yrs. exp.)
- 6 - Reinforcing Metal Worker (1 yr. exp.)

Apply at Landscape Management Systems,
Inc. dba LMS Guam by calling (671)
647-2617 M-F between 2 p.m. and 4 p.m.
References required upon request.

GUAM ENVIRONMENTAL PROTECTION AGENCY AÑENSIAN PROTEKSION LINALA GUAHAN

BOARD OF DIRECTORS REGULAR BOARD MEETING: Thursday, September 18, 2025 4:00PM
Guam EPA Administration Conference Room: 17-3304 Mariner Avenue Tiyan Barrigada, Guam
MEETING LINK: <https://meet.google.com/eqh-ocri-gqq>

AGENDA:

- | | |
|---|---|
| <ul style="list-style-type: none"> I. Call to order <ul style="list-style-type: none"> a. Determination of quorum b. Proof of Due Notice of Meeting II. Approval of Agenda III. Approval of meeting minutes:
August 21, 2025 IV. Board Discussion / Action <ul style="list-style-type: none"> a. MCOG's Request to Extend
Expenditure End Date for RRF's IECF V. Administrator's Report | <ul style="list-style-type: none"> VI. Status Reports <ul style="list-style-type: none"> a. MCOG - RRF's IECF Efforts b. DPW - Abandoned Vehicles Removal
MOA c. EPA Water Sampling Results d. Notices of Violations e. Enforcement VII. Public comments VIII. Next meeting date and adjournment |
|---|---|

Livestreamed on [youtube.com/guamepa](https://www.youtube.com/guamepa) • This advertisement is paid for with local funds

*Individuals requiring special accommodations, auxiliary aids or services may call Guam EPA at
671-588-4751 or email: arlene.acfalle@epa.guam.gov • Connect with Guam EPA today: [f](#) [t](#) [i](#) [o](#) [o](#)*



PUBLIC DEFENDER SERVICE CORPORATION (Kotperasion Setbisioan Defensot Puppleku)

GOVERNMENT OF GUAM
779 Route 4 Sinajana, Guam 96910-5174
Tel: (671) 475-3100 • Fax: (671) 477-5844
www.guampdsc.org



NOTICE OF PUBLIC MEETING

The Public Defender Service Corporation Board of Trustees will conduct its regular meeting on **Tuesday, September 23, 2025 at 12:30 p.m.** via videoconference (Zoom) in the PDSC conference room, located at the MVP Sinajana Commercial Building, Unit B, 779 Route 4, Sinajana, Guam 96910.

The meeting will be streamed live on YouTube: <https://www.youtube.com/@pdscguam>.

The following agenda is available on the PDSC website at www.guampdsc.org.

AGENDA

- I. Call to Order
- II. Roll Call
- III. Determination of Quorum
- IV. Proof of Due Notice of Meeting:
 - A. Notice: 5 Working Days - Public Notices Portal/PDSC/Guam Daily Post Tuesday, Sept. 16, 2025
 - B. Notice: 48 Hours - Public Notices Portal/PDSC/Guam Daily Post: Sept. 19, 2025
- V. Approval of Minutes: August 19, 2025 Regular Meeting
- VI. Old Business
 - A. Resolution No. 07-25 Relative to recommendations for continuity of operations of the Private Attorney Panel (PAP) during the transition of functions to the Public Defender Service Corporation (PDSC) (AS AMENDED) - including Draft Rules, Forms, and Procedures
- VII. New Business
 - A. Election of Chairperson and Vice-Chairperson
 - B. Resolution Approving Amended By-Laws
 - C. Resolution Adopting Proposed Regulations and Procedures for the Private Attorney Panel (PAP)
 - D. Official Board of Trustee Meeting Details
 - E. Executive Director Appointment Continuity of Operations
 - F. Miscellaneous Provisions
- VIII. Public Discussion
- IX. Adjournment and Next Meeting Date:
 - Tuesday, October 28, 2025 at 12:30 p.m. via Zoom/YouTube/PDSC Conference Room

Copies of the agenda and meeting packet will be available prior to the meeting at Public Defender Service Corporation and on its website at www.guampdsc.org.

Closed captioning available on livestream.
Person(s) needing special accommodations, auxiliary aids, or services, please contact Shane Ngata at 671-475-8301 or sngata@guampdsc.org.

This ad was paid for with Government of Guam funds.

STEPHEN P. HATTORI
Executive Director



335 South Marine Corps Drive, Suite 101, Tamuning, GU 96913

Notice of Meeting

The Guam Board of Accountancy will hold its monthly Board meeting on Thursday, September 18, 2025, at 4:00 p.m. This meeting is open to the public via Zoom Video Conference. Anyone desiring to join the virtual meeting may enter the following link in a browser:

Meeting URL: <https://us06web.zoom.us/j/89306475475?pwd=3KagYUcZAhBrl5tVh9MhKewyGbApZ.1>
Meeting ID: 893 0647 5475 • Passcode: KKV59T.&4

Our YouTube livestreaming events link for all Regular Board Meetings is available on the Board's website at: <http://www.guamboa.org/policies/activities.htm>.

AGENDA

- | | |
|---|---|
| <ul style="list-style-type: none"> I. CALL TO ORDER II. APPROVAL OF MINUTES - August 21, 2025 III. OLD BUSINESS <ul style="list-style-type: none"> • Guam Accountancy Endowment Fund Update • Visiting Professor Update IV. NEW BUSINESS | <ul style="list-style-type: none"> A. Requests for Approval <ul style="list-style-type: none"> • Applications for Initial Certification & Licensure V. GENERAL DISCUSSION/ANNOUNCEMENTS <ul style="list-style-type: none"> • FY2025 GBOA YTD Financial Summary VI. ADJOURNMENT |
|---|---|

The names of applicants being considered are available on the Board's website at: <http://www.guamboa.org/policies/activities.htm>, along with other Board meeting materials. Detail materials will be available on the website one day before the meeting. Individuals requiring special accommodations or information may contact Ms. Anna Aflague at the Guam Board of Accountancy at 671-647-0813 FAX: 671-647-0816 or support@guamboa.org for assistance.

AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS

20 - Landscape Gardener with 3 months experience \$13.91 per hour*
Duties: Use hand tools, such as shovels, rakes, pruning saws, hedge or brush trimmers, or axes. Operate vehicles or powered equipment, such as mowers, tractors, twin-axle vehicles, chainsaws, sod cutters, or pruning saws. Water lawns, trees, or plants, using hoses. Prune or trim trees, shrubs, or hedges, using shears, pruners, or chain saws. Mix and spray or spread fertilizers, herbicides, or insecticides onto grass, shrubs, or trees, using hand or automatic sprayers or spreaders. Care for established lawns by mulching, aerating, weeding, grubbing, removing thatch, or trimming or edging around flower beds, walks, or walls. Follow planned landscaping designs to determine where to lay sod, sow grass, or plant flowers or foliage. Attach wires from planted trees to support stakes. Plant seeds, grass, ground covers, trees, or shrubs, and apply mulch for protection, using gardening tools. Mow or edge lawns, using power mowers or edgers. Care for natural turf fields, making sure the underlying soil has the required composition to allow proper drainage and to support the grasses. Haul or spread topsoil, or spray seeds, mulch and fertilizer by hydroseeding over spread topsoil.

***Special wage rate:** Work to be performed on DPRI-funded projects and projects covered by Davis Bacon, Service Contracts Act, and/or Executive Order 14206 will be paid no less than the indicated wage rate but may be paid more where special rates apply.

Benefits: Roundtrip airfare for off-island hire, food & lodging at \$80.00 per week; local transportation to/from jobsite. Employer/Employee-paid medical insurance provided.

Successful applicant must be able to obtain military base access. Off-island hires must complete a prearrival and post-arrival health screening.

The job offer meets an EEO requirements, and initiates a temporary placement. The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor who will independently review the matter.

For COMPLETE job duties, apply in person at the American Job Center
414 W. Soledad Avenue, Suite 300 GCIC Building Hagåtña, Guam
Or apply online at www.hireguam.com: Enter Keyword: 2025-107



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive, Hagåtña, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3140
www.guamscs.org

REGULAR MEETING

THURSDAY, SEPTEMBER 18, 2025, at 12:00 PM • GUAM JUDICIAL CENTER

The meeting will also be streamed live on the Judiciary of Guam YouTube
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CHIEF JUSTICE ROBERT J. TORRES
Chairman



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3140

**JUDICIAL COUNCIL OF GUAM
REGULAR MEETING
THURSDAY, August 21, 2025
Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center**

★★★★

Hon. Robert J. Torres
Chairman

Hon. Katherine A. Maraman
Member

Hon. F. Philip Carbullido
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Maria T. Cenzone
Member

★★★★

Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Hon. John C. Terlaje

Atty. Jacqueline T. Terlaje

Atty. Dean A. Manglona

★★★★

Administrator of the Courts:
Danielle T. Rosete

Judicial Council Secretary:
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:
Petrina M. Ula

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was called to order by the Chairman, Chief Justice Robert J. Torres, at the hour of 11:59 a.m.

ROLL CALL:

Chief Justice Robert J. Torres
Justice F. Philip Carbullido
Justice Katherine A. Maraman
Presiding Judge Alberto C. Lamorena III (arrived late)
Judge Maria T. Cenzone

Present in the Monessa G. Lujan Appellate Courtroom:

Magistrate Judge Sean E. Brown
Attorney Jacqueline T. Terlaje, President, Guam Bar Association
Ms. Danielle T. Rosete, Administrator of the Courts
Ms. Dianne Gudmalin, Finance Administrator
Ms. Barbara Jean Perez, Human Resources Administrator
Ms. Sarah Elmore-Hernandez, Director of Policy, Planning, and Community Relations
Ms. Erica Eschbach, Staff Attorney
Mr. Leo S. Diaz, Marshal of the Court
Ms. Grace Lapid Rosadino, Court Programs Administrator
Ms. Trish Suzuki, Deputy Chief Probation Officer
Ms. Suzane Santiago-Hinkle, Staff Attorney
Mr. Nathan Tennyson, Staff Attorney
Ms. Geraldine Cepeda, Compiler of Laws
Ms. Melissa Casil, Deputy CSFC Administrator
Mr. Robert John Rabago, Management Information Systems Administrator
Mr. Jesse Franquez, IFIK President
Mr. Carl V. Dominguez, Procurement & Facilities Maintenance Administrator
Mr. Andrew Perez, Public Guardian
Ms. Shelterihna Alokoa, Judicial Assistant & Supreme Court Technical Bailiff
Mr. Andrew Jay Gimenez, Special Projects Coordinator
Ms. Jessica Perez-Jackson, Judicial Council Executive Secretary

II. PROOF OF DUE NOTICE OF MEETING

Due publication of the five-day Notices of Meeting of the Judicial Council, as required under the Open Government Law, was published in the Guam Daily Post. Acknowledgments are on file.

III. DETERMINATION OF QUORUM

Chief Justice Torres began the roll call. Chief Justice Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, and Judge Maria T. Cenzone. Presiding Judge Alberto C. Lamorena III notified the Council he would be arriving late. This meeting determined a quorum with four (4) of the five Judicial Council members present during roll call.

IV. READING AND DISPOSAL OF MINUTES: June 19, 2025 Executive Meeting minutes and July 17, 2025 Regular Meeting minutes.

Chief Justice Torres asked for a motion to approve the June 19, 2025 Executive Session minutes and the July 17, 2025 Regular Meeting minutes. Judge Cenzone made a motion to approve the minutes, Justice Carbullido seconded the motion. Chief Justice Torres called for an oral vote. With no discussion, the Judicial Council members voted to approve the minutes, subject to correction.

V. OLD BUSINESS

A. Judiciary FY25 Remittances Pursuant to Applicable Law

Ms. Dianne Gudmalin, Finance Administrator, reported that the Judiciary continues to receive its biweekly allotment of \$1,652,000 for general operations under the FY2025 appropriation. According to Ms. Gudmalin, to date, approximately 92% of the total appropriated amount has been received with the most recent allotment deposited on August 18, and the remaining allotments scheduled for September.

B. eCourt and eSupervision Transition

Administrator of the Courts, Danielle T. Rosete, reported that reported there are no significant updates on the eCourt/e-Supervision migration. According to Ms. Rosete, the Judiciary continues to work with Journal Technologies to finalize conversion mapping and address complex financial components before beginning data conversion testing. She further supplied that testing of the public portal search functions is ongoing and weekly meetings with the vendor and internal subject-matter experts continue. Ms. Rosete shared that the goal remains to have at least part of the system live before the end of the year and to meet with Journal Technologies' management at the upcoming Court Technology Conference.

VI. NEW BUSINESS

A. Certificate of Condolences to the Family of the Late Hon. Arnold Palacios

Chief Justice Torres reported that the Council's previously signed Certificate of Condolence had been presented to the family of the late Governor Arnold Palacios of the Northern Mariana Islands at his state funeral, together with a certificate from the Pacific Judicial Council.

A motion to approve for the record was made by Justice Merriman, seconded by Justice Carbullido, and approved without objection.

B. Resolution, JC25- Relative to Declaring Constitution Day and Constitution Week 2025

Ms. Rosete presented the annual resolution on Constitution Day and Constitution Week. She explained that this initiative is part of the Judiciary's strategic plan pillar that focuses on education and outreach. According to Ms. Rosete, each year the Judiciary highlights the importance of the Constitution through activities such as scripted remarks at court hearings, social media posts, and school presentations. She added that law clerks, research attorneys, judicial officers, and Guam Bar Association attorneys will be invited to participate in these outreach efforts.

Ms. Rosete explained that this year marks the 238th anniversary of the U.S. Constitution, with Constitution Day on September 17 and outreach events planned throughout Constitution Week.

Judge Cenzone moved to approve the resolution as submitted, seconded by Justice Carbullido. The motion carried without objection.

C. Resolution, JC25- Relative to Recognizing the Importance of Jury Service and Declaring Juror Appreciation Week

Ms. Rosete presented a resolution recognizing the vital role jurors play in the jury system and declaring September 8–12, 2025 as Juror Appreciation Week. Ms. Rosete explained that as part of the outreach, jurors who appear at the courthouse will be acknowledged and thanked and efforts are underway through Pillar 1 to improve the juror experience, including providing daily fresh coffee, light refreshments, and snacks.

Ms. Rosete said the Judiciary will also conduct training with its jury vendor the following week to upgrade the jury system solution and implement new features such as electronic notifications for juror appearances. She further supplied that social media platforms will again be used to educate the community on the importance of jury service, civic duty, and how to respond to jury summons.

Justice Maramba moved to approve and adopt the resolution. Judge Cenzone seconded. The motion passed without objection. Chief Justice Torres noted he will personally call in two jurors to thank them during the week.

D. Notice of the Next Meeting (Thursday, September 18, 2025)

Chief Justice Torres noted that the Council's next meeting will be held on Thursday, September 18, 2025.

VII. COMMUNICATIONS

Chief Justice Torres provided an update on the Fiscal Year 2026 budget:

- The Legislature concluded deliberations early this morning; final vote expected tomorrow at 10 a.m.
- Unified Judiciary appropriation approved at just over **\$45 million** (98% of the original request).
- Funding level sufficient to maintain core operations without personnel cuts.
- Full funding for the Guam Criminal Law and Procedure Review Commission, the Electronic Monitoring Program, the Adult Drug Court, and the Juvenile Drug Court.
- Transition of the Private Attorney Panel (PAP) to the Public Defender Service Corporation (PDSC) effective October 1, pursuant to Public Law 38-48, with a new independent board and general fund appropriations.
- Client Services Fund will no longer fund the PAP after 12/31/25; statutory authority secured to sunset its use and transfer funds as needed.
- Legislature recognized the importance of indigent defense and restored funding for the PAP after several years.
- Continuing appropriation authorization and other statutory authorities obtained.

The Chief Justice expressed appreciation to the Legislature and its leadership for their support and the Judiciary will monitor the bill as it proceeds to the Governor's desk

Justice Maraman added—with regard to the Criminal Justice Automation Commission:

- Legislature passed and Governor signed a bill creating the Commission.
- Judiciary will transition to the new commission in the coming weeks.

Chief Justice Torres noted that Justice Maraman played an integral role in advancing the measure with Senator Shawn Gumataotao.

VIII. PUBLIC COMMENT

A. Guam Bar Association Board (GBA) – President's Report

Chief Justice Torres shared that Dean Manglonia (Advisory Member) emailed to advise he was delayed in a deposition and is excused from the meeting.

Guam Bar Association Board President Jacque Taitano Terlaje provided her report as follows:

ABA Representation:

- Attended the ABA annual meeting in Toronto as alternate delegate for the Northern Mariana Islands.

- Successfully obtained modification of ABA governing rules allowing U.S. territories representation on the governing board (first time in 40 years).
- Joint media statement forthcoming from NMI, Virgin Islands, and Guam Bars.

Guam Bar Justice Foundation:

- Launch anticipated September 17 (Constitution Day).
- Finalizing documentation and 501(c) application following membership approval at the last annual meeting.

NAPABA Participation:

- Encouraging Guam Bar members to join the National Asian Pacific American Bar Association (free membership, conference fees separate).
- Guam Bar to co-host a CLE at NAPABA's November annual meeting in Denver.

Upcoming Presentation:

- Professor Villazor scheduled to present on the Filipino women's suffrage movement at the "Echoes of Law" program in the Philippines.

B. Court Employees Association

IFIK President Jesse Franquez provided the following report:

5K Fundraiser:

On August 13, the AOC, Chief Justice, EFIC Vice President, and the EFIC representative presented a \$2,000 check to the event's beneficiary, Togi. The recipient expressed deep gratitude, noting that donations are rare, and EFIC encouraged them to use the funds to support their programs such as the Ride Program or fuel assistance. The representative thanked the EFIC team and volunteers for making the 5K a success.

Employee Onboarding:

Also on August 13, the representative attended employee onboarding, as is done regularly, and spoke with new employees about EFIC. At least five new employees signed up, with others considering membership in the new year.

Monthly Meeting:

EFIC held its monthly meeting on August 14 at the JEC conference room. Future meetings will be held there as long as the space is available. The next meeting is scheduled for **September 9 at 3:00 p.m.** at the JEC.

Holiday Party:

Planning is underway for the annual holiday party. Volunteers are welcome to assist with the committee; interested individuals should email the EFIC representative. The party is scheduled for **January 10 at the Hyatt Regency Guam.**

Fundraiser:

As noted by the Chief Justice, a food plate fundraiser will take place on **August 29**. Council members and staff are encouraged to place orders to support EFIC and help ensure the holiday party's success.

****At 12:20 p.m. Chief Justice Torres called for a recess to begin Executive Session to discuss ongoing litigation matters, as requested in an August 5, 2025, memo to the Judicial Council from Staff Attorney Nathan M. Tennyson.**

IX. EXECUTIVE SESSION

Chief Justice Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena, III, Judge Maria T. Cenzone, AOC Danielle T. Rosete, Staff Attorneys Suzane Santiago-Hinkle and Nathan M. Tennyson, Court Transcriber Priscilla Cruz, Supreme Court Technical Bailiff Shelterihna Alokoa, and Council Executive Secretary Jessica Perez-Jackson were present during the Executive Session.


*****At 12:30 p.m., Chief Justice Torres entertained a motion to rise to Regular Session. Presiding Judge Lamorena made the motion; Justice Carbullido seconded. The public meeting of the Judicial Council resumed.**

The Judicial Council reconvened in regular session after rising from executive session. Legal counsel provided an update on ongoing litigation. It was noted for the record that no formal action requiring a vote was taken during executive session; however, all Council members unanimously accepted legal counsel's recommendation on next steps in the litigation.

X. ADJOURNMENT

Justice Maraman moved to adjourn until Thursday, September 18, 2025; Justice Carbullido seconded the motion, and with no objections the meeting adjourned at 12:31 p.m.

Respectfully submitted this 18th day of September 2025.



JESSICA J. PEREZ-JACKSON
Executive Secretary
Judicial Council of Guam

As set out above, the Minutes of the August 21, 2025 Regular Meeting were approved by the Judicial Council at the September 18, 2025 Regular Meeting.



ROBERT J. TORRES
Chair



JUDICIAL COUNCIL OF GUAM

Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagåtña, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3140

★★★★

Hon. Robert J. Torres
Chairman

Hon. Katherine A. Maraman
Member

Hon. F. Philip Carbullido
Member

Hon. Alberto C. Lamorena, III.
Member

Hon. Maria T. Cenzone
Member

★★★★

Advisory Committee Members:

Hon. Arthur R. Barcinas

Hon. Vernon P. Perez

Hon. Elyze M. Iriarte

Hon. Dana A. Gutierrez

Hon. Alberto E. Tolentino

Atty. Jacqueline T. Terlaje

Atty. Frederick J. Horecky

★★★★

Administrator of the Courts:
Danielle T. Rosete

Judicial Council Secretary:
Jessica J. Perez-Jackson

Judicial Council Asst. Secretary:
Petrina M. Ula

JUDICIAL COUNCIL OF GUAM

EXECUTIVE SESSION

THURSDAY, August 21, 2025

Justice Monessa G. Lujan Appellate Courtroom
Guam Judicial Center

MINUTES

I. CALL TO ORDER

The Regular Meeting of the Judicial Council was recessed to Executive Session by the Chairman, Robert J. Torres, at the hour 12:20 p.m.

IN ATTENDANCE IN THE MONESSA G. LUJAN APPELLATE COURTROOM:

Chief Justice Robert J. Torres
Justice F. Philip Carbullido
Justice Katherine A. Maraman
Presiding Judge Alberto C. Lamorena III
Judge Maria T. Cenzone

Also, Present:

Ms. Danielle T. Rosete, Administrator of the Courts (AOC)
Ms. Suzane P. Santiago-Hinkle, Staff Attorney
Mr. Nathan M. Tennyson, Staff Attorney
Ms. Priscilla Cruz, Court Transcriber, C&M Division
Ms. Shelterihna Alokoa, Judicial Assistant & Supreme Court Technical Bailiff
Ms. Jessica Perez-Jackson, Judicial Assistant, Executive Secretary

II. PROOF OF DUE NOTICE OF EXECUTIVE SESSION

Due publication of the five-day Notices of Executive Session of the Judicial Council, as required under the Open Government Law, was published in the Guam Daily Post. Acknowledgments are on file.

III. DETERMINATION OF QUORUM

Chief Justice Robert J. Torres, Justice F. Philip Carbullido, Justice Katherine A. Maraman, Presiding Judge Alberto C. Lamorena III, and Judge Maria T. Cenzone attended. AOC Danielle T. Rosete joined them, along with Staff Attorney Suzane P. Santiago-Hinkle, and Staff Attorney Nathan Tennyson, Court Transcriber Priscilla Cruz, Supreme Court Technical Bailiff Shelterihna Alokoa, and Judicial Council Executive Secretary Jessica Perez-Jackson.

IV. STAFF ATTORNEY'S REQUEST FOR EXECUTIVE SESSION AND SUBJECT MATTER

Staff Attorney Nathan M. Tennyson requested, in a memo addressed to the Judicial Council dated August 5, 2025, to hold an Executive Session to discuss the ongoing litigation matter:

- *Sherif A. Philips, MD vs. Guam Superior Court*, Superior Court of Guam, CV0329-25

Council moved into Executive Session.

V. TRANSCRIPTS

Transcripts of this executive session are being prepared and will be sealed for six (6) months from the date of the executive session unless further sealed by a court order.

VI. ADJOURNMENT

At 12:30 p.m. Chief Justice Torres entertained a motion to rise to Regular Session. Presiding Judge Lamorena made the motion; Judge Cenzone seconded. The public meeting of the Judicial Council resumed. Chief Justice Torres stated that no decision needs to be made in the Regular Session due to convening in Executive Session.

Respectfully submitted this 18th day of September 2025.



JESSICA PEREZ-JACKSON
Executive Secretary,
Judicial Council of Guam



ROBERT J. TORRES
Chairman

Dated: 09/18/2025

**FY 2025 Statement of Revenue, Expenditures,
and Changes in Fund Balance
Judicial Building Fund
as of August 31, 2025 (Unaudited)**

Revenues

Licenses, Fees, and Permits	\$ 1,569,630
Fines, Forfeits and Others	<u>928,211</u>
Total Revenues	<u>2,497,841</u>

Expenditures

Principal and Interest	660,040
Real Property & Bldg Lease	184,062
Repair, Remodel, Alteration	<u>107,884</u>
Total Expenditures	<u>951,986</u>
Excess (deficiency) of revenues over (under) expenditures	<u>1,545,855</u>

Other financing sources (uses):

Transfer out to other funds	<u>(1,016,308)</u>
Total other financing sources (uses), net	<u>(1,016,308)</u>
Net change in fund balance	529,547

Fund Balance - September 30, 2024	<u>2,163,876</u>
Fund Balance - August 31, 2025	<u>\$ 2,693,422</u>



Judiciary of Guam

Administrative Office of the Courts
Human Resources Office

Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910

Tel: (671) 475-3239/3344 • Fax: (671) 477-8520



HON. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

DANIELLE T. ROSETE, ESQ.
ADMINISTRATOR OF THE COURTS

September 5, 2025

MEMORANDUM

TO: Judiciary Employees

FROM: Human Resources Administrator

SUBJECT: **Fiscal Year 2026 Group Health Insurance Open Enrollment**

It's that time again, we are approaching the annual Health Insurance Open Enrollment period, which provides you the opportunity to review and make changes to your health insurance needs. For FY 2026, the Judiciary continues to offer **TakeCare and SelectCare** with the following plans: **medical PPO1000, medical HSA2000, Dental 1000 and Dental 2000 (orthodontia coverage)**. This memo serves to inform you of the details regarding the open enrollment process.

Open Enrollment:

The Health Insurance Open Enrollment will take place from **Wednesday, September 10, 2025 to Wednesday, September 24, 2025**. During this time, you can make changes to your existing coverage, enroll in a new plan, or opt-out of health insurance in its entirety. Coverage shall be effective **Wednesday, October 1, 2025**, and the new rates will be effective pay period ending **Saturday, October 4, 2025**.

What to Consider During Open Enrollment:

- **Review Your Current Coverage:** Take time to evaluate your current health insurance plan. Consider whether it meets your needs or if a different plan might be more beneficial.
- **Changes in Health Care Needs:** Assess any changes in your health or family situation that might affect your insurance needs for the upcoming year. Given the Judiciary is continuing with the same insurance carriers, employees will automatically be enrolled **"rolled-over" into the same plan, class, and carrier if no cancellation/change form is submitted.**
- **Plan Options:** Detailed information about available health plans, including benefits and costs, will be made available on the Judiciary's Intranet and on the carrier's website. Hard copies of the brochures will be available at the Human Resources Office once received.

Deadline Awareness:

You must complete your enrollment or changes no later than **Wednesday, September 24, 2025** as no changes can be made outside this window unless you qualify for a special enrollment period. Should you opt to submit an enrollment form to HR, you may submit it to the HR Office Front Reception Area located on the 2nd Floor San Ramon Building; fax to (671) 477-8520; or email to hr@guamcourts.gov.

As a reminder, be aware of the “lock-in” provision. A “lock-in” provision means that once you are enrolled, you are unable to cancel coverage during the contract period unless there is a qualifying event.

Please be advised that health insurance brochures and presentation dates are forthcoming. Taking the time to review your health insurance options is essential to ensure you have the proper coverage for you and your family. We encourage you to participate actively in this process.

If you have questions about your current plan or need assistance with the enrollment process, please reach out to the Human Resources Office at ext. 399, 422 or 344 or by email at hr@guamcourts.gov.



BARBARA JEAN T. PEREZ

Attachments: JOG Employee Rate Sheet
Medical Term Sheet

cc: Chief Justice & Associate Justices
Presiding Judge & Judges
Administrator of the Courts
Division Managers



Judiciary of Guam

FISCAL YEAR 2026

HEALTH INSURANCE RATES

OPEN ENROLLMENT PERIOD:

WEDNESDAY, SEPTEMBER 10, 2025 TO WEDNESDAY, SEPTEMBER 24, 2025



BI-WEEKLY EMPLOYEE RATES

CLASS	MEDICAL		DENTAL	
	HSA 2000	PPO 1000	DENTAL 1000	DENTAL 2000
Class 1: EE (Employee)	\$0.00	\$52.06	\$0.57	\$5.00
Class 2: EE & Spouse	\$0.00	\$119.33	\$1.26	\$20.00
Class 3: EE & Child(ren)	\$0.00	\$90.78	\$1.04	\$15.00
Class 4: EE & Family	\$0.00	\$169.50	\$1.72	\$25.00



BI-WEEKLY EMPLOYEE RATES

CLASS	MEDICAL		DENTAL	
	HSA 2000	PPO 1000	DENTAL 1000	DENTAL 2000
Class 1: EE (Employee)	\$29.82	\$110.45	\$0.00	\$4.22
Class 2: EE & Spouse	\$74.13	\$249.08	\$0.00	\$18.29
Class 3: EE & Child(ren)	\$60.65	\$196.93	\$0.00	\$13.56
Class 4: EE & Family	\$101.09	\$346.43	\$0.00	\$22.61



BEFORE THE 2025 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC25-020

RELATIVE TO CREATING THE POSITION OF SECURITY SUPPORT CLERK

WHEREAS, the Judiciary of Guam continues to face growing operational and security needs as it expands its facilities and use of technology and security equipment, making it necessary to create the position of Security Support Clerk to provide technical and administrative support to the Marshal's Division; and

WHEREAS, this role will improve communication and coordination with contractors, information technology staff, and infrastructure teams, helping to ensure that daily security functions run smoothly and allowing Deputy Marshals to focus on their core protective duties; and

WHEREAS, the Human Resources Division has conducted a study and reported to the Judicial Council that the position of Security Support Clerk should be created and filled as described in the attached Exhibit A; and

WHEREAS, 4 GCA § 6303 requires that the position description for the requested position of Security Support Clerk is posted on the Judiciary's Website.

NOW THEREFORE, BE IT RESOLVED that the position of Security Support Clerk is hereby approved as a position at the Judiciary of Guam, which duties are reflected in the job description shown in the Attached Exhibit A.

BE IT FURTHER RESOLVED that the attached position description shall be posted on the Judiciary's website in accordance with 4 GCA § 6303.

DULY ADOPTED this 18th day of September 2025 at a duly noticed meeting of the Judicial Council of Guam.

A handwritten signature in blue ink, appearing to read "R. Torres".

ROBERT J. TORRES, Chairman


Dated: 09/18/2025

ATTEST:

A handwritten signature in black ink, appearing to read "Jessica Perez-Jackson".

Jessica Perez-Jackson, Executive Secretary

Dated: 09/18/2025

	JUDICIARY OF GUAM	HUMAN RESOURCES OFFICE JOB STANDARD
CLASSIFICATION TITLE: SECURITY SUPPORT CLERK		ESTABLISHED DATE: AUGUST 2025
PAY GRADE: J	TOTAL HAY EVALUATION POINTS: 233	POSITION STATUS: [X] Classified [] Unclassified [X] FT [] PT
FLSA CATEGORY: [] Exempt [X] Non-Exempt		EEO CATEGORY: Administrative Support
REPORTS TO: Marshal of the Court or Designee		APPROVED BY: DANIELLE T. ROSETE, Administrator of the Courts

NATURE OF WORK:

This position provides technical and administrative support to the Marshal's Division, assisting in the coordination of court security operations specifically focused on physical security devices and digital systems.

An employee in this position is responsible for managing security access systems, issuing visitor credentials, maintaining emergency protocols, coordinating with contractors and public safety stakeholders, and supporting court officers in duties related to the safety and security of Judiciary facilities, personnel, and the public.

ESSENTIAL FUNCTIONS: (This is not designed to cover or contain a comprehensive listing of activities, duties or responsibilities that are required of the incumbent for this position. Duties, responsibilities and activities may change at any time with or without cause.)

Programs and manages key-card/credential access for court staff, contractors, and approved visitors.

Serves as primary point of contact for access control systems, duress alarms, and related security databases.

Grants or revokes access privileges as authorized and regularly audits access levels.

Assists with the implementation of court security policies and procedures.

Compiles and distributes security access reports as directed.

Assists with the coordination of court building emergency response plans, annual drills, AED maintenance, and surveillance systems.

Interfaces with IT or infrastructure services to resolve access, cameras, duress systems, or communication line issues.

Participate in vendor coordination, contract security services support, and security initiatives or upgrades.

Develops and interprets operating procedures in accordance with policies and documented protocols of the court.

Adheres to and complies with all promulgated policies, standards and codes of ethical conduct.

Performs other related duties as assigned.

MINIMUM KNOWLEDGE, ABILITIES & SKILLS:

Knowledge of access control systems, clerical software, and security hardware coordination.

Knowledge of court rules, procedures, and protocols.

Knowledge of forms and templates used for security related topics.

Knowledge of Legal terminology.

Knowledge of modern office practices, procedures, equipment, and computer applications.

Ability to accurately maintain logs, audit trails, and incident records.

Ability to maintain confidentiality and integrity regarding court cases, video requests, personnel records, and access control system reports.

Ability to learn and apply applicable laws, standard operating policies and procedures.

Ability to set up and maintain confidential files and records.

Ability to maintain records and prepare reports.

Ability to communicate effectively both orally and in writing.

Skilled in the use of software and systems used for security video, duress, and access control.

MINIMUM EDUCATION, EXPERIENCE & TRAINING:

- A. Graduation from a recognized college or university with an Associate's degree in Criminal Justice, Public Administration or a closely related field, plus one (1) year and six (6) months of progressively responsible work experience in the legal or courts & ministerial field, of which six (6) months must be in security related support experience; or
- B. Graduation from high school or GED equivalent; plus any equivalent combination of experience and training which provides the minimum knowledge, abilities and skills.

September 2025

MOC Report on Expanding Special Deputy Marshal Duties

INTRODUCTION

On July 17, 2025, the Judicial Council adopted the Special Deputy Marshal Training Program. Under Title 7, Chapter 8 of the GCA, the Chief Justice may appoint certain employees of the Department of Revenue and Taxation (DRT) and the Department of Education (GDOE), specifically School Attendance Officers (SAOs), as Special Deputy Marshals.

In accordance with 7 GCA §8107(b), SAOs must complete a training program developed and adopted by the Judicial Council, pertinent to their appointment, prior to their designation as Special Deputy Marshals of the Guam Judiciary. In coordination with the Guam Peace Officer Standards and Training Commission (POST Commission), the Judiciary developed the following training program to support the preparation and certification of Special Deputy Marshals pursuant to Title 7, Chapter 8 of the GCA.

During discussions regarding the adoption of the Special Deputy Marshal Training Program, the Council raised concerns about the shortage of deputy marshals at the Judiciary and whether such special deputies would be able to assist the judiciary. The Council was advised that the existing statutory framework does not permit them to perform functions outside of their statutorily defined scope or beyond their official job duties. Any such delegation would contradict the limitations established under 7 GCA § 8108 and that such a request requires a legislative amendment.

Before any legislative changes are considered, the Council requested a comprehensive report by the Marshal of the Courts addressing the **feasibility, statutory considerations, and potential parameters** of such an expansion. This report provides an analysis of the existing legal framework governing Special Deputy Marshals, compares their current roles with the proposed expanded duties, and assesses the operational, safety, and liability implications of assigning them functions similar to those performed by Judiciary Deputy Marshals. The purpose of this report is to inform the Council's decision-making by presenting a clear understanding of the legal authority, practical constraints, and potential risks associated with expanding the responsibilities of Special Deputy Marshals.

AUTHORITY AND STATUTORY CONSIDERATIONS

Under 7 GCA § 8107, the Chief Justice may appoint employees from certain government entities as special deputy marshals to assist with judicial functions. Title 7 GCA § 8108 further describes the scope of authority for such appointments as follows:

(b) The employees of the Department of Revenue and Taxation who are appointed as deputies under said § 8107 shall exercise their office only in matters concerning the income tax laws and other tax and revenue laws of Guam.

(c) The School Attendance Officers of the Department of Education under § 8107 shall exercise their office only in matters concerning truancy proceedings of the Superior Court of Guam.

7 GCA § 8108. *See: Appendix A: Law re: Special Deputy Marshals*

Section 8107(b) limits the authority of Department of Revenue and Taxation (DRT) employees to matters concerning income tax law and other tax and revenue laws of Guam where Section 8107(c) limits the authority of School Attendance Officers to matters concerning truancy proceedings of the Superior Court of Guam.

From a training and certification perspective, these statutory limitations intersect with POST requirements. Special Deputy Marshals are currently designated as Category II officers, which allows them to perform limited judicial functions without completing full Category I POST certification. *See: Appendix B: Guam POST Commission Administrative Rules*. In contrast, Category I officers, such as Judiciary Deputy Marshals, must complete a criminal justice academy and satisfy all mandated courses, including firearms and safety, report writing, criminal justice overview, juvenile justice and delinquency prevention, Guam Criminal Procedure, and Guam Criminal Law. Expanding Special Deputy Marshals' duties beyond the narrow statutory scope of §§ 8107–8108 would require careful consideration of these certification requirements to ensure compliance with Guam law and POST Commission standards.

DUTIES

The duties of DRT and GDOE employees who are also special deputy marshals are specified by their respective employing agencies. *See: Appendices D-E*. For DRT, the responsibilities of special deputies include tax-related enforcement activities associated with court

proceedings, collections, and investigations. In the case of GDOE, SAOs have the authority to carry out truancy enforcement tasks for cases that are pending before the Superior Court.

For DRT specialized job duties are consistent with their job description issued for the following positions:

- For Revenue Officers:
 - Investigative functions related to routine collection of delinquent taxes, securing delinquent returns and the gathering of information pertinent to accounts and returns being pursued under the IRC and Guam law
 - Conduct interviews with taxpayers and/or representatives for the purpose of determining ways and means to liquidate previously determined tax liability or for the purpose of redetermining tax liabilities
 - Conduct informal conferences to hear taxpayers' protests against assessment, research issues raised and determine validity of complaint, obtain and evaluate financial statements
 - Review and conducts seizure actions, conduct public auction to convert seized property into cash; attend matters such as court proceedings, hearings, and sales where government is party in interest.
 - Execute delegated authority to determine ownership of property and to take administrative foreclosure action by executing Notices of Levy and Warrants of Attachment which take possession of property and rights to property be real or personal, tangible or intangible.
 - Prepares, executes and serves summonses and takes testimony under oath from taxpayers or third parties related to factual development and essential to the enforcement of collection and assessment laws.
- For Collection Agents:
 - Perform collection activities of past due accounts; inform customers of past due accounts; interviews subscribers and works out payment plans; prepares promissory notes and calculate payments.
 - Interview customers and works out payment plans and prepare account status reports, payment and adjustment vouchers.

- Tax Collection Supervisors: Plans and administers the program and activities of the Delinquent accounts branch of DRT.
- For Tax Enforcement Programs Administrator: Plans and directs investigation of cases suspected of fraud and other investigative functions of the Tax Audit Branch and Criminal Investigation Branch

For GDOE specialized job duties are consistent with SAO's job description which include:

- Investigative functions on student attendance referrals;
- Enforce and Execute Court Orders relating to truancy;
- Maintains case management by monitoring the progress of student and family court orders
- Apprehend adjudicated students who violated conditions of court orders (locate, pat-down, handcuff, and escort); releases minor to the custody of the Department of Youth Affairs; takes into custody during school hours without warrant, any truant found away from the truant's home and who has been reported truant; conducts spot checks at known truant student meeting areas; and
- Maintain accurate and ongoing reports on the progress of clients.

The matter under consideration by the council is the potential expansion of duties for special deputy marshals employed at GDOE/DRT. The proposed expanded duties include:

- Executing criminal or civil warrants unrelated to truancy or tax enforcement.
- Performing general field enforcement or court security tasks.
- Acting as substitutes for regular marshals in broader law enforcement functions.

FEASIBILITY AND POTENTIAL PARAMETERS

Operational risks

The use of special deputies in expanded Judiciary Marshal roles raises concerns about authority, accountability, training, and resources. Without clear boundaries, there is a risk of confusion over operational control, divided loyalties between agencies, and gaps in training and equipment that could compromise both the Judiciary's mission and the missions of the special deputies' employing agencies (e.g., DRT and DOE).

If special deputies begin performing duties similar to Judiciary Deputy Marshals, uncertainty may arise regarding which agency's policies apply, how incidents are reported, and who holds investigative and disciplinary authority. Since they are appointed from outside agencies (e.g., DRT and DOE) questions also surface about compensation¹ for marshal-related duties unrelated to their primary roles. Special deputies may still answer to or be influenced by their employing agencies, which could create conflicting directives and weaken their agencies' ability to meet their own responsibilities.

Unlike the Judiciary's Deputy Marshals, who are certified as Category I officers, Special Deputy Marshals are only classified as Category II officers. See: *Appendix B: Guam POST Commission Administrative Rules*. This distinction is critical. Category II status allows them to assume duties without completing the full POST Certification required of Category I officers. Instead, their certification relies solely on "in-service training" approved by the Guam POST Commission, in this case, the Special Deputy Marshal Training Program adopted by the Judicial Council in July 2025.

While this program covers many topics, it does not include all of the classes that Guam law mandates for Category I officers. Deputy Marshals, for example, must complete training in firearms and safety, report writing, criminal justice overview, juvenile justice and the Delinquency Prevention Act, Guam Criminal Procedure, and Guam Criminal Law. These requirements are not optional; they are established to ensure that officers entrusted with the authority to enforce laws, carry firearms, and protect the courts are fully prepared for the complex responsibilities of the role.

Finally, resource limitations pose another challenge. Agencies that contribute special deputies are equipped for administrative enforcement tasks such as truancy enforcement or tax-related collections. Expanded marshal duties would require firearms, specialized vehicles, radios, body armor, handcuffs, ammunition, flashlights, PPE, and first aid kits, none of which are currently

¹ The Judiciary offers a Volunteer Deputy Marshal Reserve (VDMR) program designed to supplement the Marshal Division of the Superior Court of Guam by providing additional personnel to assist with court security and related duties. Volunteers are compensated with a stipend for a minimum of 42 hours per month. The Judicial Council of the Superior Court of Guam establishes the maximum allowance per month for a volunteer under the program.

standard issue.² Without these resources, Special Deputies would face significant operational and safety challenges when performing broader law enforcement functions.

Safety risks

Warrant execution often involves high-risk encounters with potentially armed or resistant individuals. While the Judiciary has proffered some training in the Special Deputy Marshal program, as discussed above, deputies without full protective equipment or operational experience face heightened danger to themselves and the community.

Untrained staff are more likely to get injured when faced with aggressive or armed individuals. The public also faces higher risks if special deputy marshals are unprepared to handle disturbances or weapons. Giving weapons to inadequately trained special deputy marshals who are not POST certified increases the chance of accidental discharge, mishandling, or force escalation.

Financial Risks

The reassignment of DOE and DRT employees results in financial impacts. The government could incur significant costs from legal action if untrained staff operate outside their legal boundaries. Furthermore, training and equipping DOE and DRT workers to Marshal standards would demand considerable resources that might surpass any short-term staffing benefits.

Legal risk

Expanded roles blur the lines of accountability. Special Deputies currently report to their employing agencies and provide only limited support to the Judiciary. If their duties expand, questions will arise over who supervises them, who disciplines them, and who bears liability for misconduct or use of force. The absence of clear answers creates substantial legal risk for both the Judiciary and the employing agencies.

Community risks

Finally, the risks extend beyond the Judiciary. If Special Deputies attempt warrant service without adequate training or tactical experience, there is a heightened chance of escalation, mistaken identity, or injury to bystanders. Such incidents could damage public confidence, creating

² GDOE SAOs are issued batons, pepper spray, handcuffs, duty belts, and radios, whereas DRT Collections staff currently have no issued equipment other than an official vehicle, which is presently out of service.

fear among families and community groups that these operations increase, rather than reduce, the risk of violence in their neighborhoods.

The Judiciary's credibility relies on having professional and capable law enforcement personnel. Public trust would decline if courtroom or prisoner security is managed by individuals lacking law enforcement training or credentials (i.e., POST). Any incident that causes injury, wrongful detention, or a security breach could lead to negative media coverage, political scrutiny, and criticism.

In summary, expanding the role of Special Deputy Marshals presents significant operational, safety, legal, and community risks. Unlike Judiciary Deputy Marshals, who are fully POST certified as Category I officers, Special Deputies are only Category II officers. Their training, while approved by the Guam POST Commission, does not meet all of the statutory requirements for law enforcement officers entrusted with firearms, warrant service, and courtroom protection.

RECOMMENDATION

Based on the foregoing, the following action is recommended:

- Special Deputy Marshals should not be assigned expanded Judiciary Marshal functions; interested individuals under the program are encouraged to join as a reservist. Special Deputy Marshals who wish to assist the Judiciary more broadly are encouraged to apply for the Judiciary's Volunteer Deputy Marshal Reserve (VDMR) program, which provides operational training and exposure within a lawful and practical framework.
- To address existing need for recruitment, the Judiciary is conducting the following:
 - Collaboration with DOA concerning a law enforcement pay study to attract and retain current Deputy Marshals;
 - Collaboration with Guam POST Commission to initiate an exclusive Judiciary program for existing or potential employees to become fully POST Commission Certified.
 - Collaboration with Guam POST Commission to initiate PL38-50 which creates a temporary certification for qualified individuals who possess basic training to

be a law enforcement officer by having a bachelor's degree but have not completed advanced training to become fully POST Commission Certified.

APPENDICES

Appendix A: Law re: Special Deputy Marshals

Appendix B: Guam POST Commission Administrative Rules

Appendix C: JOG Special Deputy Marshal Training Program

Appendix D: Job Description from DRT

Appendix E: Job Description from GDOE

7 GCA CIVIL PROCEDURES
CH. 8 MINISTERIAL OFFICERS OF THE COURT

INTRODUCTORY NOTE FOR
TITLE 7 - JUDICIARY AND CIVIL PROCEDURE

2015 NOTE: The judicial branch of Guam was established on August 1, 1950 by the Organic Act of Guam, codified at 48 U.S.C. § 1424-1. The branch was reorganized pursuant to P.L. 12-085 (Jan. 16, 1974), known as the Court Reorganization Act, with appellate jurisdiction vested in a newly created the Supreme Court of Guam. However, after a legal challenge to P.L. 12-085, the Supreme Court of Guam was abolished when the U.S. Supreme Court determined that the Guam Legislature could not divest the District Court of Guam of appellate jurisdiction and transfer appellate jurisdiction to Supreme Court of Guam. *See Guam v. Olsen*, 431 U.S. 195 (1977). Subsequent amendments to the Organic Act authorized the Guam Legislature to create an appellate court, and in 1985, legislation was drafted to create Chapters 1 through 10 of Title 7 of the Guam Code Annotated. This draft legislation was eventually enacted into law by P.L. 21-147:2 (Jan. 14, 1993), known as the Frank G. Lujan Memorial Court Reorganization Act of 1992. Although P.L. 21-147:2 expressly stated that it was adding Chapters 1 through 10 of Title 7, the law itself enacted only Chapters 1 through 9. The provisions in the draft version of Chapter 10 were enacted as uncodified provisions; specifically, Sections 1 through 7 of P.L. 21-147.

Past print publications of the GCA included annotations from the 1985 draft legislation, which were not included in Bill 102, the draft legislation introduced to the 21st Guam Legislature that was eventually signed into law as P.L. 21-147. These annotations, designated “1985 Source” and “1985 Comment,” have been retained as they provide background information as to the source and legislative drafting history.

CHAPTER 8
MINISTERIAL OFFICERS OF THE COURT

SOURCE: Entire chapter added by P.L. 21-147:2 (Jan. 14, 1993).

2015 NOTE: Annotations designated “1985 Source” and “1985 Comment” refer to draft legislation, and have been retained to provide background information as to the source and legislative drafting history. *See* Introductory Note for Title 7 - Civil Procedure. Other annotations included in past publications of the GCA have been updated or deleted, after review for necessity and relevance.

- § 8101. Clerks of Court, Duties Generally.
- § 8101.1. Prompt Transmission of Family Violence Orders.
- § 8102. Official Reporters; Appointment; Qualifications.
- § 8103. Official Reporters; Duties.
- § 8104. Official Reporters; Compensation, Fee.
- § 8105. Marshal of the Court; Appointment; Salary.
- § 8106. Marshal; Duties.
- § 8107. Marshal; Appointment of Special Deputies.
- § 8108. Special Deputy Marshal; Duties, Compensation.
- § 8108.1. Uniform, Insignia and Badge of the Superior Court Marshals.
- § 8109. Chief Probation Officer; Appointment, Salary.
- § 8110. Probation Officers; Duties.
- § 8111. Bonds of Clerks.
- § 8112. Bond of Marshal.
- § 8113. Other Court Personnel.
- § 8114. Volunteer Deputy Marshal Reserve Program.
- § 8114.1. Eligibility and Recruitment.
- § 8114.2. Duties.
- § 8114.3. Stipends.

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§ 8101. Clerks of Court, Duties Generally.

(a) Superior Court clerk. The clerk of the Superior Court shall perform duties required of him or her by law as the clerk of that court and of the Small Claims and Traffic Divisions of the Superior Court. He or she shall:

(1) Take charge of and safely keep, or dispose of according to law all books, papers and records which may be filed and deposited in this office;

(2) Supervise and direct the work of his or her deputies and assistants;

(3) Attend in person or by deputy each session of the Superior Court, Small Claims Division and the Traffic Division;

(4) Issue all process and notices required to be issued, enter a synopsis of all orders, judgments and decrees proper to be entered at length, keep in the Superior Court a docket in which must be entered the title of each cause, with the date of its commencement, and enter a memorandum of every subsequent proceedings therein with the date thereof and a record of all the fees charged; and

(5) Keep such other indices and records and make such reports as may be necessary in the performance of the duties of his or her office and as may be required by law.

(b) Supreme Court clerk. The clerk of the Supreme Court shall perform duties required of him or her by law as the clerk of that court. In addition, he or she shall:

(1) Take charge of and safely keep, or dispose of according to law all books, papers and records which may be filed and deposited in this office;

(2) Supervise and direct the work of his or her deputies and assistants;

(3) Attend in person or by deputy each session of the Supreme Court;

(4) Issue all process and notices required to be issued, enter a synopsis of all orders, judgments, decisions, and decrees proper to be entered at length, keep in the Supreme Court a docket in which must be entered the title of each appeal, with the date of its commencement, and enter a memorandum of every subsequent proceedings therein with the date thereof and a record of all the fees charged; and

(5) Keep such other indices and records and make such reports as may be necessary in the performance of the duties of his or her office and as may be required by law or by the Chief Justice.

2015 NOTE: Subsection designations were altered to adhere to the Compiler's alpha-numeric scheme in accordance with the authority granted by 1 GCA § 1606.

1985 SOURCE: CCP § 191 as modified to reflect the Superior and Supreme Court structures.

§ 8101.1. Prompt Transmission of Family Violence Orders.

The Clerk of the Superior Court shall forward certified copies of all protective orders, restraining orders, criminal pre-trial release orders and probation conditions which will be entered or scanned into the Criminal Justice Information System (CJIS) on the same day the order is issued by the Court.

SOURCE: Added by P.L. 24-239:8 (Aug. 14, 1998).

§ 8102. Official Reporters; Appointment; Qualifications.

The Judicial Council may appoint Official Reporters for the Courts, or may share Reporters, as the need is made known, in such number as the Judicial Council may designate who shall be subject to removal as provided in the Personnel Rules for the Judicial Branch. The qualifications of the Reporters shall be determined by standards formulated by the Judicial Council.

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SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Repealed and reenacted by P.L. 24-139:35 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:25 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d* by *Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 193 modified to refer to the Supreme and Superior Court structure.

§ 8103. Official Reporters; Duties.

(a) Each reporter shall, whenever requested by a party to any action or proceeding, or directed by the court, attend the sessions of the court and record verbatim by shorthand, by mechanical means, or by electronic means, or any combination thereof, all the proceedings had in open court in the action or proceeding.

(b) The reporter shall attach his or her official certificate to the original shorthand notes or other original records so taken, or to the tapes involved if taken electronically, and promptly file them with the clerk upon the request of a party to any such action or proceeding who has agreed to pay the fee therefor, or of a Judge of the court.

(c) The reporter, or if the original has been transcribed by electronic means, then such person as has been designated for the purpose, shall promptly transcribe the original records of the requested part of the proceedings and attach to the transcript his or her official certificate and deliver the same to the party or Judge making the request and a copy, certified by him or her, to the clerk for the records of the court.

(d) The transcript in any case certified by the reporter shall be deemed prima facie a correct statement of the testimony taken and proceedings had.

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

1985 SOURCE: CCP § 194 as modified.

1985 COMMENT: This Section is modified to include provision for the electronic taking of court proceedings. The court has already established electronic taping as the means of taking testimony within the Superior Court building. Note that the original, in such cases where electronic means is used, is the tape of the proceedings. If the court wishes a reporter to be present and take down the proceedings via shorthand or mechanical (stenotype) means, and use these as the official record and the electronic media as a backup, the court is free to do so under this Section. The official record will be whichever means of recording the proceeding that the court specifies.

§ 8104. Official Reporters; Compensation, Fee.

Each Reporter shall receive a salary pursuant to the Personnel Rules on compensation of the Judicial Council, and may charge and collect fees, at rates fixed by the Judicial Council, for transcripts requested by the parties, but not for the certified copy filed with the Clerk for the records of the Court. No fee shall be assessed for transcripts for use by the Court appointed attorney in such case, and the Office of the Attorney General. Each Reporter shall make such reports as the Judicial Council may require as to the transcripts prepared and fees charged by him or her.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Repealed and reenacted by P.L. 24-139:36 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:26 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d* by *Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 195 changed only with reference to the source (Supreme Court) of the rules.

§ 8105. Marshal of the Court; Appointment; Salary.

The Judicial Council shall appoint a Marshal of the Court who shall be subject to removal in accordance with the Personnel Rules and Regulations of the Judicial Branch as promulgated by the Judicial Council. The Marshal of the Court shall receive a salary to be fixed by a general Personnel Rules on compensation. The Judicial Council may assign other duties as necessary to the Chief Probation Officer. The Marshal of the Court may assign deputies and assistants in such number as may be approved by the budget. The appointment, removal and salaries of such deputies and assistants shall be governed by the applicable Personnel Rules and Regulations governing employment practices within the Judicial Branch as promulgated by the Judicial Council.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Amended by P.L. 23-086:5 (Apr. 29, 1996). Repealed and reenacted by P.L. 24-139:37 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:27 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 196 as modified.

1985 COMMENT: The modification here is to reflect current conditions where there may be more than one deputy marshal of the Superior Court, depending upon the business of the court. The former law indicated that there is to be one deputy marshal. Likewise, this section provides that the salary is to be determined by a general rule on compensation, applicable to all positions within the court system, in much the same manner as 4 GCA § 6201 provides a general scale for executive branch employees.

§ 8106. Marshal; Duties.

The Marshal or his or her deputies shall attend all sessions of the Supreme and Superior Courts, unless excused by a Judge or Justice at whose session the Marshal or Deputy should otherwise attend, and preserve order. He or she shall serve and execute process, writs and orders issued under the laws of Guam by a Court of record when so directed by the Court and for this purpose shall have all the powers conferred by law on the Police Chief of the Guam Police Department and on the Mayors of municipal districts. He or she shall perform such other duties as may be directed by the Judicial Council, or by the Rules and Procedures adopted by the Judicial Council.

1985 SOURCE: CCP § 197 modified.

1985 COMMENT: A clause is added to the first sentence allowing a judge to excuse the marshal or a deputy from attendance at that judge’s session. This is added to that someone does not make attendance of the marshal or deputy a jurisdictional matter upon appeal. (Suggested by Law Revision Commission.) Also references added to include the Supreme Court, which will share marshal services until such time as additional personnel are required.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Subsection (b) added by P.L. 24-003:2 (Mar. 19, 1997). Repealed and reenacted by P.L. 24-139:38 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:28 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

§ 8107. Marshal; Appointment of Special Deputies.

- (a) The Chief Justice, at the request of the Marshal of the Court, may appoint employees of
- (1) the Department of Law,
 - (2) the Department of Revenue and Taxation of the government of Guam, and

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(3) the School Attendance Officers of the Department of Education as Special Deputy Marshals of the Guam Judiciary.

Such appointments shall be for as long as such employees remain in their employment with their respective departments, unless sooner revoked by the Chief Justice, whichever is earlier.

(b) The School Attendance Officers of the Department of Education shall complete a training program developed and adopted by the Judicial Council, that is pertinent to their appointment, prior to such appointment as Special Deputy Marshals of the Guam Judiciary.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Amended by P.L. 24-139:20 (Feb. 21, 1998) (*But see* Court Decisions annotation below), P.L. 27-031:29 (Oct. 31, 2003), P.L. 30-167:2 (July 16, 2010).

2015 NOTE: Subsection designations were added and altered in accordance with the authority granted by 1 GCA § 1606.

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 198 as modified.

1985 COMMENT: Three modifications here. The first relates to the Department of Administration. It appears from former § 199 that the duties of deputies appointed from the Department of Administration relate to the enforcement of the revenue and tax laws of Guam. These functions are now undertaken by the Department of Revenue and Taxation, not the Department of Administration. Secondly, the appointment had been limited to one year or the length of time the employees are with the Department. Considering former § 199 (this Title § 4308) it appears that employees who leave their respective departments should immediately lose their appointments as special deputy marshals. Finally, the Supreme Court may also make appointments under this section.

§ 8108. Special Deputy Marshal; Duties, Compensation.

(a) The employees of the Department of Law who are appointed as deputies under § 8107 of this Chapter shall exercise their office only in cases wherein the government of Guam is a party.

(b) The employees of the Department of Revenue and Taxation who are appointed as deputies under said § 8107 shall exercise their office only in matters concerning the income tax laws and other tax and revenue laws of Guam.

(c) The School Attendance Officers of the Department of Education under § 8107 shall exercise their office only in matters concerning truancy proceedings of the Superior Court of Guam.

(d) No deputies under said § 8107 shall be entitled to compensation in addition to the compensation they are receiving as employees of the government of Guam.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Amended by P.L. 24-139:21 (Feb. 21, 1998) (*But see* Court Decisions annotation below), P.L. 27-031:30 (Oct. 31, 2003), P.L. 30-167:3 (July 16, 2010).

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 199 as modified.

1985 COMMENT: The modification here refers to the employment of full-time deputies and distinguishing them from the deputies appointed from within the Executive Branch of the government of Guam. Supreme Court also added to conform with § 6307.

§ 8108.1. Uniform, Insignia and Badge of the Superior Court Marshals.

(a) The Superior Court shall provide their Marshals with standard uniforms. Subject to detailed regulations and specifications prescribed by the Courts, the uniform to be worn by Marshals shall be a standard pattern and distinctive design.

(b) Badge Design. The badge shall be a six point star shield, measuring approximately three inches in diameter, in the center of which shall be imposed in relief, a facsimile of the island of Guam and a Scale of Justice weights imposed over the Island. The badge issued to the Chief Marshal and the Supervisors shall be of a composition metal in similitude of gold, and that issued to the Deputy Marshal shall be a composition metal in similitude of silver.

(c) Service Without Wearing Uniform. The Chief Marshal may direct that certain Deputy Marshals serve without wearing uniforms when, in his judgment, law enforcement operations require such.

(d) Wearing Uniforms by Other Persons Prohibited. No person other than a Marshal shall wear, use or order to be worn or used, copy or imitate in any respect or manner, the standard uniform and badge pursuant to regulations and specification prescribed by the Courts.

(e) Penalty. Any person violating Subsection (d) of this Section is guilty of a petty misdemeanor.

SOURCE: Added by P.L. 24-004:3 (Mar. 19, 1997).

§ 8109. Chief Probation Officer; Appointment, Salary.

(a) The Presiding Judge shall nominate a Chief Probation Officer, subject to the approval of the Judicial Council, who shall be subject to removal in accordance with the Personnel Rules and Regulations of the Judicial Branch promulgated by the Judicial Council.

(b) The duties of the Chief Probation Officer shall be established in writing by the Superior Court Administrator and approved by the Judicial Council.

(c) The Judicial Council may assign other duties as necessary to the Chief Probation Officer.

(d) The Chief Probation Officer may assign deputies and assistants in such numbers as may be necessary. The appointment, removal and salaries of such deputies and assistants shall be governed by the applicable Personnel Rules and Regulations governing employment practices within the Judicial Branch as promulgated by the Judicial Council.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Repealed and reenacted by P.L. 24-139:39 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:31 (Oct. 31, 2003).

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 200 modified to reflect new structure of the courts.

§ 8110. Probation Officers; Duties.

(a) The probation officer shall furnish to each probationer under his or her supervision a written statement of the conditions of probation and shall instruct him or her regarding the same. He or she shall keep informed concerning the conduct and condition of each probationer under his or her supervision and shall report thereof to the court. He or she shall use all suitable means not inconsistent with the conditions imposed by the court to aid probationers and to bring about improvement in their conduct and condition. He or she shall keep records of his or her work. He or she shall make pre-sentence investigations when directed by the court, and shall perform such other duties as the Superior Court may direct.

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(b) The probation officer and his or her assistants shall each, in the course of carrying out their duties, have the powers of peace officers under the laws of Guam.

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

1985 SOURCE: CCP § 201 as added by P.L. 7-123.

CROSS-REFERENCES: 8 GCA § 5.55 (Peace Officer Defined).

§ 8111. Bonds of Clerks.

(a) Each Clerk of the Supreme and Superior Courts, before entering on the duties of his or her office, shall give a bond in the sum of not less than Ten Thousand Dollars (\$10,000.00), for the faithful performance of duty by himself or herself, his or her deputies and assistant clerks during his or her continuance in office and by his or her deputies and assistant clerks after his or her death until his or her successor is appointed and qualified. The amount of the bond shall be set and approved by the Judicial Council and filed and recorded in the office of the Clerk of the Court.

(b) Any person injured by a breach of such bond may sue thereon, in his or her own name, to recover his or her damages. Such action shall be commenced within six (6) years after the right accrues, but a person under legal disability may sue within three (3) years after the removal of his or her disability. After judgment such bond shall remain as security until the whole penalty has been paid.

(c) Such bond shall be a corporate surety bond, and the premium therefor shall be paid out of appropriations for the judicial branch of the government of Guam.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Subsection (a) amended by P.L. 24-139:22 (Feb. 21, 1998) (*But see* Court Decisions annotation below) and P.L. 27-031:32 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 202 as added by P.L. 5-75.

§ 8112. Bond of Marshal.

(a) The Marshal of the Court, before entering on the duties of his or her office, shall give a bond in the sum of not less than Ten Thousand Dollars (\$10,000.00) for the faithful performance of duty by himself or herself and his or her deputies during his or her continuance in office and by his or her deputies after his or her death until his or her successor is appointed and qualified. The amount of the bond shall be set and approved by the Judicial Council and filed and recorded in the Office of the Clerk of the Supreme Court.

(b) Such bond shall be a corporate surety bond, and the premium therefor shall be paid out of appropriations for the judicial branch of the government of Guam.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Subsection (a) amended by P.L. 24-139:23 (Feb. 21, 1998) (*But see* Court Decisions annotation below) and P.L. 27-031:33 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: CCP § 203 added by P.L. 5-75.

1985 COMMENT: Both this Section and § 4311 have been modified to refer to the Superior Court, which was created by P.L. 12-85, and to the Supreme Court, created by this Act.

§ 8113. Other Court Personnel.

The Presiding Judge for the Superior Court and the Chief Justice for the Supreme Court may appoint and may remove from their respective Courts, pursuant to all applicable Personnel Rules and Regulations

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of the Judicial Branch as promulgated by the Judicial Council such other officers and personnel as are necessary to carry out the duties of the Courts. If such officers and personnel are appointed to fill new positions or to have duties not already specified in law or in a plan approved by the Judicial Council, no such appointments shall be made or new duties assigned until adoption of such plan by the Judicial Council.

SOURCE: Added by P.L. 21-147:2 (Jan. 14, 1993). Amended by P.L. 23-086:6 (Apr. 29, 1995). Repealed and reenacted by P.L. 24-139:40 (Feb. 21, 1998) (*But see* Court Decisions annotation below). Amended by P.L. 27-031:34 (Oct. 31, 2003).

COURT DECISIONS: *Pangelinan v. Gutierrez*, 2000 Guam 11 ¶ 8 (“We find that Bill 495 [designated as P.L. 24-139] was pocket vetoed and that the Legislature’s subsequent actions did not serve to ratify Bill 495.”), *aff’d by Gutierrez v. Pangelinan*, 276 F.3d 539 (9th Cir. 2002), *cert. den.* 537 U.S. 825 (Oct. 7, 2002).

1985 SOURCE: New Section.

1985 COMMENT: The Superior Court is continually improving its services and, as a result, is developing new positions and requiring new job titles and descriptions for the positions. For instance, the Court has begun a system of requiring community service instead of a traditional sentence of prison or probation. A new office has been established to coordinate this effort, and lately (P.L. 16-15) adopted into law. Therefore, this general section permits the establishment of new positions and persons to fill the positions as new functions and services are developed by the court. However, such is made subject to the supervision of the Supreme Court.

§ 8114. Volunteer Deputy Marshal Reserve Program.

There is hereby established within the government of Guam, under the auspices of the Superior Court of Guam, a Volunteer Deputy Marshal Reserve Program. Volunteers shall not be considered full-time employees of the government of Guam, and shall not be entitled to receive employee benefits or government of Guam retirement. Volunteers shall be paid on a stipend basis. The Judicial Council of the Superior Court of Guam shall establish rules and regulations for the implementation of the Program, which rules and regulations shall be effective upon promulgation by the Council.

SOURCE: Added by P.L. 25-164:V:13 (Sept. 26, 2000).

§ 8114.1. Eligibility and Recruitment.

(a) A volunteer must be qualified as a Superior Court of Guam Deputy Marshal, and have graduated from the Guam Police Academy, the Basic Law Enforcement Academy, or a qualified law enforcement academic program within Guam.

(b) Volunteers shall be recruited from within this qualified category of eligible candidates.

SOURCE: Added by P.L. 25-164:V:14 (Sept. 25, 2000), and amended by P.L. 33-075:2 (Sept. 15, 2015).

2015 NOTE: Subsection designations were added in accordance with the authority granted by 1 GCA § 1606.

§ 8114.2. Duties.

Volunteers shall provide additional manpower to the Superior Court of Guam Marshal Division. The Judicial Council of the Superior Court of Guam shall promulgate rules and regulations governing the scope of duties, functions and limitations of the Program to include, but not be limited to, security for patrons, judges, jurors, inmates, witnesses and court property; serving court documents, subpoenas and civil warrants; executing levies and evictions; and such other duties as are authorized by law to the Superior Court of Guam Marshal Division. Volunteers shall also be authorized to assist in times of Guam emergencies.

SOURCE: Added by P.L. 25-164:V:15 (Sept. 25, 2000).

§ 8114.3. Stipends.

Volunteers shall be compensated under stipend for a minimum of forty-two (42) hours or more per month. The Judicial Council of the Superior Court of Guam shall establish the maximum allowance per

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month for a volunteer under the Program. Volunteers must perform a minimum of forty-two (42) hours a month to be eligible for compensation.

SOURCE: Added by P.L. 25-164: V:16 (Sept. 25, 2000).

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CH. 3 – GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING)
COMMISSION ADMINISTRATIVE RULES

CHAPTER 3
GUAM P.O.S.T.
(PEACE OFFICER STANDARDS AND TRAINING)
COMMISSION ADMINISTRATIVE RULES

2015 NOTE: References to sections of the GCA found throughout these administrative rules, were included when they were adopted pursuant to P.L. 32-232:2 (Dec. 30, 2014). Citations to the applicable Titles of the GCA were added for clarity by the Compiler pursuant to authority granted by 1 GCA § 1606.

- § 3101. Peace Officer Training and Standards Commission.
- § 3102. Authority and Responsibilities of P.O.S.T. Commission.
- § 3103. Peace Officer Categories.
- § 3104. Pre-Employment Requirements.
- § 3105. Establishment of Physical Fitness for Qualification Test.
- § 3106. Standards for Certification of Each Category of Peace Officer.
- § 3107. Minimum Standards for Certification of Basic Training Institutions.
- § 3108. Minimum Standards for Employing Agencies.
- § 3109. Inactive Status.
- § 3110. Procedures and Sanctions.
- § 3111. Reciprocity.
- § 3112. Fees.
- § 3113. Timeframe for Compliance.
- § 3114. Subject to Revision.
- § 3115. Modification to or Adoption of a New Physical Fitness Qualification Test.

§ 3101. Peace Officer Training and Standards Commission.

(a) Mission. The Peace Officer Standards and Training (P.O.S.T.) Commission is a territorial level organization whose mission is to establish and set minimum standards for the training, 17 GCA § 51102(g)(4); hiring, [17 GCA] § 51102(g), (h)(3); ethical conduct, id.; and retention, id., of Peace Officers for Guam through testing and certification.

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(b) Terms of Office. The officers of the Commission shall be a Chairperson and a Vice-Chairperson.

(1) The initial term of office for both the Chairperson and the Vice- Chairperson shall be two (2) years, after which term nominations for those offices will be sought among the members of the Commission.

(2) The members will then conduct an election to determine the Chair and Vice-Chair. An election will be held each subsequent two-year period. The Chair and Vice-Chair Positions will be held to one term only. However, an officer may seek re-election for office in the subsequent election, two years hence.

(3) Should an elected Chair or Vice-Chair be unable to complete the term in office for any reason, a replacement will be sought in the same manner as described above for the remainder of the term. That member will serve the remainder of the term.

(c) Meetings. The Commission shall meet, at a minimum, on a quarterly basis.

(d) Executive Director. The day-to-day operations of the Commission shall be administered by an Executive Director. The Executive Director shall have the qualifications as determined by the Commission and aligned in compensation and other respects as closely as possible with a position description the Director of Administration deems appropriate under the Government of Guam employment system. The Executive Director has the authority to fully implement the P.O.S.T. Commission statutory requirements.

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

2017 NOTE: Reference to “Territory” removed and/or altered to “Guam” pursuant to 1 GCA § 420.

Subsection/subitem designations added/altered pursuant to the authority of 1 GCA § 1606.

§ 3102. Authority and Responsibilities of P.O.S.T. Commission.

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The constitution, powers, and operation of the Commission is established by and under the authority of Title 17, Chapter 51, Guam Code Annotated, entitled “Peace Officer Standards and Training Commission.”

(a) Training Standards for Peace Officers. In consultation with its member agencies, the Commission has the authority and responsibility to classify peace officer positions as defined by 17 GCA § 51101(b), [17 GCA] § 51102(g)(2), and establish minimum standards for the training and certification for each classification of peace officer. [17 GCA] § 51102(g)(4), (1).

(b) Physical Fitness. The P.O.S.T. Commission and its Executive Director shall be responsible for collaborating with all appropriate agencies to ensure the administration of the Physical Fitness Qualification Test (PFQT). The P.O.S.T. Commission shall develop forms and methods that all member agencies shall use and follow in processing and testing. The forms and methods shall be done in accordance with the compliance determination method and may be in paper or electronic form, through whatever system is so devised to record and serve as a report of a specified peace officer's individual information as it pertains to this policy. These forms will include, at a minimum, the following:

(1) Guam P.O.S.T. Commission Fitness Screening Questionnaire;

(2) Guam P.O.S.T. Commission Fitness Charts and Scoring Sheets.

(c) Standards for Training Institutions or Training Programs. The Commission has authority and responsibility to establish and set minimum educational and training standards for general and specialized training programs for peace officers, including curricula, instructors, and facilities. [17 GCA §§ 51102(e), (g)(5); [17 GCA] § 51103(b)(l).

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(d) Decertification. The Commission has the authority and responsibility to deny, suspend, or revoke the certification of peace officers, for:

- (1) failure to comply with Chapter 51, Title 17, GCA;
- (2) for the failure to achieve training requirements;
- (3) failure in carrying out their duties and responsibilities;
- (4) inability to maintain their psychological, moral and physical fitness; or
- (5) egregious misconduct.

[17 GCA] § 51102(h)(4).

(e) Research. The Commission has the authority and responsibility to conduct research and encourage research by public agencies that is designed to improve law enforcement services, and programs and the methods by which the Commission performs its duties and responsibilities. [17 GCA] § 51106(a)(5).

(f) Inspections. The Commission has the authority and responsibility to conduct inspections of peace officer training programs to ensure that established standards are maintained. [17 GCA] § 51102(h)(1).

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

§ 3103. Peace Officer Categories.

Peace Officers are those defined by Section 51101(b) of Title 17, GCA. By statute all peace officers may detain upon reasonable suspicion, 9 GCA § 30.10; arrest under warrant, 8 GCA §§ 15.70(b), 20.15(a); arrest without warrant under defined circumstances, id; use reasonable force to effect an arrest or protect themselves or others, including lethal force, 8 GCA § 20.45; execute non-consensual warrantless searches under defined circumstances, 8 GCA § 20.50; release arrestees upon issuance of Notices to Appear, 8 GCA § 20.60; and other

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powers. For purposes of determining the qualifications required for certification, there shall be the following categories. [17 GCA] § 51102(g)(2).

(a) Category 1. Category 1 peace officers are peace officers who are employees of the Government of Guam and civilian volunteer reserves as authorized by law. They have taken an oath to uphold the law and they openly or by concealment carry firearms while on duty. They may use non-lethal force to restrain an arrestee and lethal force if necessary to protect themselves or others. Their job descriptions require they actively engage in the prevention and detection of crime and offenses, the maintenance of custody of pre-trial detainees and convicted prisoners, the conduct of criminal investigations, the maintenance of safety and order at the courts of Guam, and the supervision of probationers and parolees. Every sworn personnel employed in the following agencies, from entry level to highest rank, including positions such as Civilian Volunteer Reserve, Detention Officer, Police Officer, Sergeant, Lieutenant, Captain, Major, Colonel, and its agency head except as denoted by asterisk (*), shall be held by Category 1 peace officers:

- (1) Guam Police Department
- (2) Department of Corrections
- (3) Customs and Quarantine Agency
- (4) Department of Agriculture Conservation Officer
- (5) Department of Youth Affairs*
- (6) Park Patrol Officers, including the Chief Park Patrol Officer, Department of Recreation*
- (7) Port Authority Police, including the Chief Port Authority Police Officer, Port Authority of Guam*
- (8) Airport Police, Guam International Airport Authority*

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(9) Marshals and Probation Officers of Guam Judiciary

(10) Designated Attorney General Investigators, Office of the Attorney General*

(11) Arson Investigators, Guam Fire Department*

(b) Category 2. Category 2 peace officers are employees of the Government of Guam, whose job description is of a specialized nature, including the execution of administrative search warrants and investigations of a specialized nature. The following positions shall be held by Category 2 peace officers:

(1) The Attorney General and his/her designated Assistant Attorney General

(2) Special Deputy Marshal, Guam Judiciary

(3) All Fire Fighter Personnel engaged in the enforcement of the Fire Prevention Code and those GFD employees whom the Fire Chief specifically designates.

(4) All Fire Fighter Personnel of the Aircraft Rescue and Fire Fighting Unit.

(c) Category 3. Category 3 peace officers are peace officers who have authority to enforce governmental regulations or laws as specified in their job description and within the scope of the agency mission. The following positions shall be held by Category 3 peace officers:

(1) Rehabilitation personnel of the Department of Corrections as are designated by the Director of Corrections

(2) Community Assisted Policing Effort Volunteer, Guam Police Department

(3) Elected Mayors and Vice Mayors of Guam

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014). Subsection (b)(4) added by P.L. 34-049:2 (Oct 13, 2017).

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§ 3104. Pre-Employment Requirements.

Applicants that request the Commission to review their education and training transcripts and/or certificates to determine whether they meet an equivalency to Commission standards must also provide the following prior to being hired or as deemed appropriate:

(a) Clearances. All applicants for peace officer certification must provide police, court, and traffic court clearances.

(b) Driver's License. All applicants must possess a valid Guam Motor Vehicle Operators license with the necessary applicable endorsements (i.e. Motorcycle, chauffeur, etc.).

(c) Physical and Psychological Fitness. All applicants for Category 1 and 2 positions must provide medical certification that they can pass the Physical Fitness Qualification Test (PFQT), a uniform minimum physical fitness standard, which is hereinafter established by the Commission, and a certificate as to the absence of mental or emotional conditions that would adversely affect performance as well as certification that they have completed training in working with people with disabilities and training in working with people with mental health challenges.

(d) Firearms Identification Card. All applicants must be eligible to possess and maintain a valid Guam firearms identification card if it is required by their job description.

(e) Drug Testing. All applicants must pass a drug test prior to being hired and throughout their tenure as peace officers.

(f) Reading and Writing Proficiency. All applicants must provide proof of satisfactorily passing an exam or course evidencing proficiency in reading and writing in English administered by an institution recognized or sanctioned by the P.O.S.T. Commission.

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SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

§ 3105. Establishment of Physical Fitness Qualification Test.

There is hereby established a policy that Category 1 and 2 peace officers shall meet a uniform minimum physical fitness standard in order to obtain and maintain their certificates from the POST Commission. The standard shall be denominated the Physical Fitness Qualification Test (PFQT), and shall be in compliance with the interim standards indicated in Appendix A and Appendix B of this Chapter until a physical fitness program is recommended by the POST Commission and adopted by *I Liheslaturan Guåhan* (the Guam Legislature) in the form of a resolution or a bill by the dates specified in § 3115 of this Chapter.

(a) There shall be a mandatory test administered annually before December 31 of each year. All milestones will be calculated from the effective date of this regulation. Nothing herein shall be construed to restrict or impede agencies from testing peace officers in addition to the aforementioned mandatory annual test.

(b) No peace officers may have their certification revoked or placed on probation or other adverse action on the basis of their physical fitness until January 1, 2018. The PFQT will be administered and the results will be used by the Executive Director to determine whether a peace officer's certification should be maintained, denied, suspended, or revoked in compliance with § 3105(e) of Chapter 3, Title 27, Guam Administrative Rules and Regulations.

(c) Each individual peace officer is solely responsible for compliance with this policy. Nothing herein shall be construed to exempt each individual peace officer or place responsibility on any other person or entity.

(d) Pursuant to 17 GCA § 5114(b)(7), it shall be incumbent upon the individual peace officer or recruit/trainee to receive a health screening from a licensed

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health professional prior to undergoing their fitness assessment. Moreover, if a peace officer experiences a change in his or her health, it is the sole responsibility of the peace officer to obtain an updated health screening.

(e) Peace officers must retest within ninety (90) days following an Unsatisfactory PFQT. Agencies may not mandate peace officers to retest any sooner than the end of the forty-two (42) day reconditioning period; however, a peace officer may volunteer to do so. Retesting in the first forty-two (42) days after an Unsatisfactory PFQT requires agency head approval since recognized medical guidelines recommend forty-two (42) days as the minimum timeframe to recondition from Unsatisfactory to Satisfactory status in a manner that reduces risk of injury. It is the peace officer's responsibility to ensure he/she retests before the ninety (90) day reconditioning period expires (non-currency begins on the ninety-first (91st) day).

(1) First Unsatisfactory - A written warning is issued. The peace officer must retest within ninety (90) days.

(2) Second Unsatisfactory - A second written warning is issued. The peace officer must retest within ninety (90) days.

(3) Third Unsatisfactory - A third written warning is issued. The peace officer must retest within ninety (90) days. The peace officer shall receive counseling from the agency head or an individual whom the agency head designates.

(4) Fourth Unsatisfactory - The peace officer's certification shall be temporarily suspended until a determination is made by the POST Commission. The peace officer shall be assigned to administrative duties. Agency heads shall make a recommendation that the POST Commission revoke the peace officer's certification upon review. The peace officer shall not be allowed to carry a firearm. Hazardous and increment pay may be denied. The

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employer shall take administrative action in accordance with Department of Administration's rules and regulations or applicable autonomous agency personnel rules and the Fair Labor Standards Act.

(f) Failure. A peace officer is deemed to have failed to comply with this policy when that officer's performance in a PFQT test is below the standard adopted by *I Liheslaturan Guåhan* (the Guam Legislature), and as defined and/or referenced herein after the officer has been previously tested, given the requisite conditioning period, retested, and is still unable to meet the minimum standard. When a peace officer receives four (4) Unsatisfactory PFQT results within a twelve (12) month period and a Guam licensed health care provider has ruled out medical conditions precluding the peace officer from achieving a passing score, the POST Commission *shall* deny, suspend, or revoke the individual's certification. All PFQT test results *shall* be provided to the Executive Director within fifteen (15) calendar days after the completion of the PFQT.

(g) Agency heads shall initiate or recommend administrative action only after the peace officer has:

(1) received four (4) Unsatisfactory PFQT scores in a twelve (12) month period; (2) failed to demonstrate significant improvement (as determined by the agency head) despite the reconditioning period; and

(3) has had his/her medical records reviewed by a Guam licensed health care provider to rule out medical conditions precluding the officer from achieving a passing score.

(h) A peace officer who fails to meet the PFQT fitness standards after full mandatory implementation shall be eligible for intra-departmental or inter-departmental transfer pursuant to the Department of Administration Rule 9.100 or applicable Government of Guam personnel rules.

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(i) (A) Peace Officers shall only be allowed a waiver of their fitness test if deemed appropriate by a person licensed to practice medicine; they are considered disabled under the Americans with Disabilities Act and Fair Labor Standards Act; or court case decisions.

(B) Department of Administration rules and regulations or applicable autonomous agency personnel rules shall be followed to determine a peace officer's fitness for duty, position transfers, suspension, or termination.

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014). The introductory paragraph and subsections (a) and (b) amended by P.L. 34-049:3 (Oct. 13, 2017). Subsection (e) amended by P.L. 34-049:4 (Oct. 13, 2017). Subsection (f) amended by P.L. 34-049:5 (Oct. 13, 2017). Subsection (g)(1) amended by P.L. 34-049:6 (Oct. 13, 2017).

2017 NOTE: Subsection/subitem designations added/altered pursuant to authority of 1 GCA § 1606.

§ 3106. Standards for Certification of Each Category of Peace Officer.

(a) Peace Officer Standards and Training Commission certification is a standards-based requirement of all personnel as envisioned by the author of the original legislation and adopted by the Legislature. Consequently, every position under the jurisdiction of the Peace Officer Standards and Training Commission must obtain and maintain Peace Officer Standards and Training certification as defined in these Administrative Rules and Regulations as a condition of employment or as a condition of continued service in any peace officer position. Any person who has been serving on a permanent basis as a peace officer on Guam prior to the promulgation hereof and who is currently employed as a peace officer, or was previously employed as a peace officer for at least ten (10) years prior to September 7, 2007, may be certified as a peace officer by the Executive Director without having complied with § 51104(b) and (c).

(b) In addition to the requirements stipulated in § 51104 and possessing minimum qualifications for all categories of peace

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officers, each category listed below shall possess the following qualifications:

(1) Category 1 Peace Officers. All persons certified as Category 1 peace officers shall possess, at a minimum, a criminal justice academy certificate from an accredited college or university or P.O.S.T. Commission certified training program that, at a minimum, includes the following skills: Report Writing, Criminal Justice Overview, First Responder, Officer Survival and Use of Force, Firearms and Safety, First Aid, Cultural Awareness and Sensitivity, Dealing with Physically Challenged Individuals, Dealing with People with Disabilities, Dealing with People with Mental Health Challenges, Juvenile Justice Juvenile Justice and Delinquency Prevention Act, Active Shooter, Guam Criminal Procedure, and Guam Criminal Law. All persons certified as Category 1 peace officers shall possess, at a minimum the following:

(A) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission

(B) Completion of any other required training directed by the P.O.S.T. Commission

(C) A valid Guam Firearms Identification Card (if applicable to job description)

(D) Completion of a polygraph test (if applicable to job description)

(E) Completion of a personal background investigation to determine suitability for employment

(2) Category 2 Peace Officers. All persons certified as Category 2 peace officers shall, at minimum, demonstrate satisfactory completion of the following:

(A) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission

(B) Completion of any other required training directed by the P.O.S.T. Commission

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(C) A valid Guam Firearms Identification Card
(if applicable to job description)

(D) Completion of a polygraph test (if applicable
to job description)

(E) Completion of a personal background
investigation to determine suitability for employment.

(3) Category 3 Peace Officers. All persons hired or
certified as Category 3 peace officers shall, at a minimum,
demonstrate satisfactory completion of the following:

(A) Certificate of In-Service Training approved
and certified by the P.O.S.T. Commission.

(B) Completion of any other required training
directed by the P.O.S.T. Commission

(C) A valid Guam Firearms Identification Card
(if applicable to job description).

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

2017 NOTE: Subsection/subitem designations added/altered pursuant to
authority of 1 GCA § 1606.

**§ 3107. Minimum Standards for Certification of Basic
Training Institutions.**

(a) Training institutions. Training institutions are any
P.O.S.T. accredited schools, academies, centers, or any other
places of learning whatsoever, which offer or conduct a law
enforcement course, a corrections training course, or other
required training courses.

(b) Admission Requirements. Training institutions shall
require the medical report of a duly licensed physician upon a
form supplied by the Commission, which certifies that any
applicant for the position of uniformed peace officer can, in the
physician's professional opinion, safely perform the course work
required.

(c) Transcripts. Applicants shall present, and training
institutions must require, certified transcripts of all prior

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secondary and post-secondary education and training as a pre-condition to admission into a basic training program.

(d) Facilities. Training facilities, such as driver training, firearms training, and other practical exercises, must be commensurate to the type of activity being conducted.

(e) Instructors. The hiring and employment of instructors by the institution shall be P.O.S.T. certified.

(f) Counseling. Training staff and/or counselors shall be available to discuss training or personal matters with students on a one-to-one or group basis.

(g) Orientation. Each training institution shall set aside a block of time at the beginning of the course for oral orientation and explanation of the institution's relevant rules and regulations, and their matriculation requirements.

(h) Discipline. The basic training institution shall develop and implement rules and regulations for charging a student with a rules violation, the penalty for such violations, and an appeal process.

(i) Training Records. Every training institution shall create training records for each student and develop and implement a procedure providing validated transcripts for such training. All training records shall be considered personal identifiable information.

(j) Testing. The method of developing test questions shall be explained to the student.

(k) Grades. Grades shall be pass or fail. There shall be a policy regarding re-testing, appeal of test results, and repetition of test areas if a failure is substantial or a result of excessive absences from class.

(l) Attendance. The training institution shall have a policy of mandatory attendance and maximum percentage of excused absences.

(m) Rules of Safety. The safety rules and regulations shall be provided to each trainee, along with the rules of conduct,

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which should be discussed in detail during student orientation. Trainees should be made to acknowledge receipt and understanding of the safety rules and the rules of conduct in writing. Such written acknowledgement shall be filed and made a part of the trainee's permanent record. High risk and high liability curriculum should have the safety rules posted in a conspicuous manner as a clear reminder to the students of the hazards and the potential risks involved. Instructors should periodically refresh their knowledge of the safety rules and rules of conduct. (n) First Aid. First aid and emergency plans should be included in instructor and student orientation materials. If courses include high-risk activities, emergency medical plans should be discussed with the students prior to the commencement of the activity.

(o) Graduation. Diplomas or certificates of completion of basic courses shall be awarded. Such documents shall clearly and legibly identify the name of the recipient, the statutory mandate for the course (if any), the precise name of the course, dates of attendance, and the name, signature, and title of the institution executive certifying graduation or completion.

(p) Failure. Students who fail a training course should be evaluated and a determination shall be made for continued training and/or employment by the hiring agency.

§ 3108. Minimum Standards for Employing Agencies.

(a) Proof of Minimum Qualification upon Appointment. Within fifteen (15) days of the provisional appointment, every agency member shall provide on a form provided by the Commission the names of applicants and other identifying information respecting persons that it has appointed to peace officer positions, which shall include certification and supporting documentation that it has complied with the requirements of Section 51104(b).

(b) Physical Fitness Testing. Each agency employing Category 1 and 2 peace officers shall be responsible for the administration of the PFQT. The administration of the PFQT may be done in concert with the Department of

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Administration or a designated entity whether or not under contract for such purpose, in consultation with the employing agency.

(1) The test proctor and/or assistants shall notify the tested peace officer of the results of each component immediately upon its completion and of the overall score when the test is complete. The location, time and date of such notification must be also noted on the form.

(2) The PFQT Fitness and Wellness Coordinator shall provide a copy to the officer at the earliest opportunity but no later than close of business the next immediately following regular work day.

(3) Notice of Failure duly provided to an officer shall serve as the initial stage of corrective action planning by the coordinator and, in consultation with the officer's immediate superior, should guide the officer in a realistic plan to come into compliance.

(4) Test proctors must adhere to the medical guidance indicated on the individual's health assessment when conducting the PFQT.

(5) Testing shall be done in accordance with applicable laws and Government of Guam rules and regulations.

(6) Testing shall be scheduled in such a manner as to avoid negatively impacting agency operations.

(c) PFQT Fitness and Wellness Coordinator. All agencies employing Category 1 and 2 peace officers shall assign, within 30 days from the effective date of this policy, a primary and an alternate PFQT Fitness and Wellness Coordinator. The head of the Human Resource Division, Personnel Division, or similarly assigned personnel within the agency, may be assigned such duty as a collateral function. PFQT Fitness and Wellness Coordinators are, from 60 days after being designated by competent authority, responsible for:

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(1) Educating peace officers about the PFQT program and the physical fitness standards that they must meet.

(2) Ensuring original test forms are submitted to the P.O.S.T. Commission and copies maintained by the agency.

(3) Development and maintenance of a health and wellness program that includes wellness assessment, goal setting, health and fitness education, and support;

(4) Planning program organization, training, education and execution;

(5) Corresponding with and encouraging peace officers to engage in activities and habits that will lead to satisfactorily performing at the minimum acceptable standard as contained in the compliance determination method;

(6) Establishing, managing and protecting appropriate records and ensuring their confidentiality;

(7) Collating and ensuring all program-relevant historical and statistical data is readily available to the P.O.S.T. Commission so that it may assess the program effectiveness and employee compliance;

(8) Producing factually accurate records and reports of peace officer performance, signed under penalty of perjury by the individual who obtained and submitted such PFQT record, as directed by their supervisor, agency head, and the P.O.S.T Commission and/or its Director; and

(9) Collecting all original test forms from proctors of tests.

(d) Mental and Moral Condition. The employing agency's appointing authority can officially request a special medical examination conducted via coordination with DOA pursuant to DOA Rule 9.002.C or the employing agency's rules.

(e) Advanced In-Service Training. Advanced in service training requirements shall be determined by the individual

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agencies, and lesson plans, syllabi or curriculum shall be submitted to the Commission for review and certification.

(f) Adverse Action. Within fifteen (15) days of final notice of adverse action, all agencies employing peace officers shall report to the P.O.S.T. Commission substantiated peace officer misconduct that may affect certification.

(g) Reporting Separation from Service. Within fifteen (15) days of separation, agencies employing peace officers shall notify the Commission whenever an officer leaves employment, whether through termination, resignation, retirement, or death. ([17 GCA] § 51104(a)). In cases where officer misconduct led to the separation, a written report detailing the facts and circumstances shall be submitted to the Commission for consideration of sanction or censure.

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

§ 3109. Inactive Status.

The status of a peace officer's certification is active during periods of performance as a peace officer with a law enforcement agency.

(a) Lapse of Certified Status. The certified status of a peace officer lapses after three consecutive years on inactive status.

(b) Reinstatement from Inactive Status. A peace officer whose certified status is inactive and has not lapsed may have certification reinstated upon application to the P.O.S.T. Commission if the requirements are met for the new appointment.

(c) Temporary Certification. All peace officers who have left the service of a law enforcement agency while in good standing may upon application obtain temporary certification while completing a refresher course specified by the Commission.

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

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§ 3110. Procedures and Sanctions.

(a) Persons and institutions who seek certification shall do so upon a form approved by the P.O.S.T. Commission.

(b) The Commission may conduct interviews of candidates for certification to clarify or verify peace officer qualifications.

(c) Sanctions for violation of rules or failure to adhere to standards shall be denial, suspension, or revocation of certification.

(d) In denying, suspending, or revoking certifications of peace officers and training institutions, the P.O.S.T. Commission will follow the requirements of the Administrative Adjudication Law, Title 5 GCA, Chapter 9, Article 2.

(e) The sanction that may be imposed will depend upon the type and severity of a violation of mandated standards, the facts and circumstances of the case, and the prior record of the officer or institution concerned.

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

§ 3111. Reciprocity.

(a) Applicants may obtain certification as a peace officer if

(1) they demonstrate graduation from a training institution of another jurisdiction that has a course of instruction equivalent to the course of instruction required by Section 3106, and the jurisdiction provides reciprocity, and

(2) they complete a P.O.S.T. certified course of training in Guam law.

(b) Law enforcement officers of the federal, state, and municipal governments, and other U.S. territories, with more than five years of law enforcement experience may obtain certification as peace officers if

(1) their jurisdictions offer reciprocity on an equal basis, and

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(2) they complete a P.O.S.T. certified course of training in Guam law.

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

2017 NOTE: Internal reference altered pursuant to authority of 1 GCA § 1606.

§ 3112. Fees.

There shall be the following fees for the services indicated:

Application for Issuance of Peace Officer Certificate:
Fees for service will be a minimum \$50.00 per person for full evaluation of academic transcripts and training records. These fees shall be submitted into the P.O.S.T. Fund in accordance with § 51106.

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

2017 NOTE: Subsection designation deleted to adhere to the Compiler's general codification scheme pursuant to authority granted by 1 GCA § 1606.

§ 3113. Timeframe for Compliance.

Departments and agencies will come into full compliance with the rules and regulations specified by the P.O.S.T. Commission within three years of their effective date of approved P.O.S.T. Rules and Regulations. [17 GCA] § 51102 (g)(7).

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

§ 3114. Subject to Revision.

These P.O.S.T. rules and regulations are subject to amendments as determined by the Guam P.O.S.T. Commission, consistent with 5 GCA Chapter 9. The Guam P.O.S.T. Commission shall have the administrative authority to amend the rules and regulations provisions of this Chapter necessary to recruit, maintain, and sustain a high level of trained law enforcement personnel on the island of Guam.

SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014). Amended by P.L. 35-079:2 (Mar. 20, 2020).

27 GAR – PUBLIC SAFETY
CH. 3 – GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING)
COMMISSION ADMINISTRATIVE RULES

§ 3115. Modification to or Adoption of a New Physical Fitness Qualification Test.

The Peace Officer Standards and Training Commission shall submit its recommendation for modified or new Physical Fitness Qualification Test standards to *I Liheslaturan Guåhan* on or before July 1, 2018 for review and adoption in accordance with the Administrative Adjudication Law, Title 5 GCA Chapter 9.

(a) Any modified or new recommendation shall include, at a minimum:

- (1) a Physical Fitness Program,
- (2) a Health and Nutrition Program, and
- (3) a Physical Fitness Qualification Test.

(b) In the event that the PFQT standards submitted by the Peace Officer Standards and Training Commission is not adopted by *I Liheslaturan Guåhan* in the form of a resolution or bill by December 31, 2018, the Physical Fitness Qualification Test shall revert to the previous standards adopted in Public Law 32-232, and embodied in Air Force Instruction 36-2905, dated 21 October 2013.

(c) The POST Commission shall be in full compliance with the reverted or adopted standards by January 2020.

SOURCE: Added by P.L. 34-049:7 (Oct 13, 2017).

2017 NOTE: Subsection/subitem designations added by the Compiler pursuant to authority granted by 1 GCA § 1606.

§ 3116. Establishment of Physical Fitness Qualification Test Standards Pursuant to Public Law 34-49.

In accordance with § 3105 of this Chapter, and pursuant to the provisions of Public Law 34-49, the Peace Officer Standards and Training (POST) Commission's Physical Fitness Qualification Test (PFQT) Standards for Category 1 and 2 peace officers shall comply with the test standards indicated in the following appendices with respect to the government of Guam entity indicated:

27 GAR – PUBLIC SAFETY
CH. 3 – GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING)
COMMISSION ADMINISTRATIVE RULES

- (a) Appendix A – Guam Police Department
- (b) Appendix B – Guam Department of Education
- (c) Appendix C – Customs and Quarantine Agency
- (d) Appendix D – Port Authority of Guam
- (e) Appendix E – Won Pat International Airport Authority,
Guam
- (f) Appendix F – Guam Fire Department
- (g) Appendix G – Department of Agriculture
- (h) Appendix H – Department of Corrections
- (i) Appendix I – Judiciary of Guam
- (j) Appendix J – Department of Parks and Recreation
- (k) Appendix K – Office of the Attorney General
- (l) Appendix L – Department of Youth Affairs.

SOURCE: Added by P.L. 34-136:1 (Dec. 12, 2018).

2019 NOTE: Pursuant to the authority granted by P.L. 34-136:4, the appendices referred to in this provision are accessible through the Compiler of Laws website:

<http://www.guamcourts.org/CompilerofLaws/index.html>.



JUDICIARY OF GUAM MARSHALS DIVISION

MANDATORY TRAINING PROGRAM
(TITLE 27 GCA, CH 3, 3106(2))

RELATIVE TO PEACE OFFICER, CATEGORY II LAW
ENFORCEMENT
FOR SPECIAL DEPUTIZED MARSHALS

I. Introduction:

The Judiciary of Guam is committed to the continued growth and professional development of Special Deputy Marshals, as authorized under Title 7, Chapter 8 of the Guam Code Annotated (GCA). Under this provision, and at the request of the Marshal of the Courts, the Chief Justice may appoint as Special Deputy Marshals certain employees of:

- A. Department of Revenue and Taxation (DRT); and
- B. Department of Education (DOE), specifically, School Attendance Officers (SAOs).

In accordance with 7 GCA §8107(b) SAOs must complete a training program developed and adopted by the Judicial Council that is pertinent to their appointment, prior to such appointment as Special Deputy Marshals of the Guam Judiciary.

The Judiciary of Guam is further guided by 27 GAR §3103(b)(2), which identifies Special Deputy Marshals as Category II Peace Officers. These rules outline the minimum training standards for Category II Peace Officers, including:

- A. Certificate of In-Service Training approved and certified by the P.O.S.T. Commission
- B. Completion of any other required training directed by the P.O.S.T. Commission.

In coordination with the Guam Peace Officer Standards and Training Commission (P.O.S.T. Commission), the Judiciary developed the following training program to support the preparation and certification of Special Deputy Marshals pursuant to Title 7, Chapter 8 of the GCA. While the P.O.S.T. Commission recognized the Judiciary's Marshal's Training & Staff Development Section (T&SDS) as a qualified provider for core in-house training, additional training may be offered through other government entities or institutions, such as the Guam Community College (GCC), Guam Behavioral Health and Wellness Center (GBHWC), and the Department of Integrated Services for Individuals with Disabilities (DISID), particularly in areas where the Judiciary does not currently hold certifications.

II. Roles and Responsibilities of Special Deputies:

Under Title 7, Chapter 8 of the Guam Code Annotated (GCA), the Chief Justice is authorized to appoint special deputy marshals from designated government agencies for specific judicial functions.

Although classified as Category 2 Peace Officers under 27 GAR § 3103(b)(2), these special deputies perform duties that are narrowly defined and specialized in nature. Their authority is expressly limited by law to functions directly related to their agency roles—such as tax and revenue matters for Department of Revenue and Taxation personnel, and truancy enforcement for School Attendance Officers.

A. Department of Revenue and Taxation

Pursuant to 7 GCA § 8108(b), employees of the DRT who are granted special appointments as deputy marshals shall exercise their authority solely in matters concerning the income tax laws and other tax and revenue laws of Guam.

This limitation means that their authority under the special appointment is limited to functions that directly support the mission and operations of the DRT and may not be exercised beyond those responsibilities.

This applies to the following positions:

- Revenue Officers
- Collection Agents
- Tax Collection Supervisors
- Tax Enforcement Program Administrator

Individuals in these roles may be assigned duties under their special appointment that align with their official job responsibilities as determined by DRT. These duties may include, but are not limited to:

- Administrative enforcement actions;
- Investigative activities; and
- Field support related to agency operations.

The special appointment does not confer general law enforcement powers and shall only be exercised within the scope defined by the agency and applicable law.

B. Department of Education

Pursuant to 7 GCA § 8108(c), School Attendance Officers of the Department of Education who are granted special appointments as deputy marshals under § 8107 shall exercise their authority only in matters concerning truancy proceedings of the Superior Court of Guam.

This limitation means that their authority under the special appointment is limited to truancy-related functions and may not be exercised beyond those responsibilities.

This applies specifically to School Attendance Officers serving in this capacity. Duties performed under this special appointment must remain consistent with their assigned job responsibilities as determined by DOE. These may include, but are not limited to:

- Conducting follow-up and fieldwork related to student attendance matters;
- Supporting enforcement of court directives specific to truancy cases;
- Monitoring and reporting compliance with truancy-related conditions;
- Providing field assistance in truancy apprehensions as authorized by law;

- Maintaining case documentation and communicating progress with appropriate stakeholders.

The special appointment does not confer general law enforcement authority and must be exercised strictly within the limits set by the agency and applicable law.

III. Roles and Responsibilities of Employers:

By offering this training program, the Judiciary of Guam does not assume any responsibilities or obligations that rest with the participating agencies. Each employer remains solely responsible for determining the eligibility and continued employment of their personnel in accordance with applicable local and federal laws, as well as relevant regulations, including those established by the Guam P.O.S.T. Commission.

All participating agencies and individuals, including SAOs from the Department of Education and Compliance Officers and Collection Officers from the Department of Revenue and Taxation, shall indemnify and hold the Judiciary of Guam harmless from any and all claims, liabilities, or causes of action for damages, including but not limited to personal injury or death, incurred by the employer, individual, their agents, or any third party during the course of the training provided under this program.

IV. Category II Peace Officer Training Requirements:

A. Special Deputy Oath

Each individual is appointed on an annual basis and must renew their **Certificate of Oath** each year. To be eligible for renewal, individuals must provide proof of valid certification showing completion of the required training program listed below.

Unless otherwise specified by the training program, such as the **First Aid, CPR, and AED certification**, which is valid for two (2) years, individuals are required to complete the listed training every three years to maintain eligibility for reappointment.

B. The following is a proposed list of initial in-service training and if required, other training directed by the P.O.S.T. Commission:

Training	Training Agency	Training Hours
Juvenile Justice Process (<i>For SAO's</i>)	Judiciary Probation or GCC	4
First Aid, CPR, AED (<i>Certificate in First Responder satisfies this requirement</i>)	Judiciary Marshals	16

Dynamics of Substance Abuse (NARCAN)	GBHWC	4
Officer Survival and Use of Force (Handcuffing, Mechanical Expandable Baton, OCAT/Pepper Spray)	Judiciary T&SDS	16
Office Survival and Use of Force Lab	Judiciary T&SDS	24
Defensive Tactics	Judiciary T&SDS	16
Active Shooter (Civilian Response)	Judiciary T&SDS	8
Cultural Awareness and Sensitivity <i>(Completion of Interpersonal Relations satisfies this requirement)</i>	GBHWC	8
Disability & Sensitivity Awareness Training <i>(Dealing with People with Disabilities and Dealing with Physically Challenged Individuals satisfies this requirement)</i>	DSID	4
Adult Mental Health First Aid – DRT Juvenile Mental Health First Aid – SAO's	GBHWC	8 <i>(per class)</i>
Process Server Training	Judiciary T&SDS	4
	Total Hours	
	SAO	112
	DRT	108

C. Refresher training in these courses may be offered by the Judiciary, every three years, or on an as needed basis, in coordination with the Guam P.O.S.T. Commission.

Training	Training Agency	Training Hours	Renewal
Juvenile Justice Process <i>(For SAO's)</i>	Judiciary Probation or GCC	4	Unless Required by POST
First Aid, CPR, AED <i>(Certificate in First Responder satisfies this requirement)</i>	Judiciary Marshals	16	2 years
Dynamics of Substance Abuse (NARCAN)	GBHWC	4	Unless Required by POST
Officer Survival and Use of Force (Handcuffing, Mechanical Expandable Baton, OCAT/Pepper Spray)	Judiciary T&SDS	16	3 years
Office Survival and Use of Force Lab	Judiciary T&SDS	24	3 years
Defensive Tactics	Judiciary T&SDS	16	3 years

Active Shooter (Civilian Response)	Judiciary T&SDS	8	3 years
Cultural Awareness and Sensitivity <i>(Completion of Interpersonal Relations satisfies this requirement)</i>	GBHWC	8	Unless Required by POST
Disability & Sensitivity Awareness Training <i>(Dealing with People with Disabilities and Dealing with Physically Challenged Individuals satisfies this requirement)</i>	DSID	4	Unless Required by POST
Adult Mental Health First Aid – DRT Juvenile Mental Health First Aid – <u>SAO's</u>	GBHWC	8 <i>(per class)</i>	Unless Required by POST
Process Server Training	Judiciary T&SDS	4	3 years

V. Category 2 Peace Officer Training – In person and Virtual:

Where feasible, the Marshals TS&DS will collaborate with the Judiciary's Judicial Educator to coordinate with other government trainers to provide virtual certified training for participants in courses that may not require in-person attendance.

VI. Termination of Appointment:

The Chief Justice may revoke a Special Deputy Marshal appointment if the appointee fails to maintain certification as mandated or upon separation from their employer, whichever is earlier.

VII. Administrative Authority:

The Administrator of the Courts shall have the discretion and authority to resolve issues not expressly covered herein.

REVENUE OFFICER I**NATURE OF WORK IN THIS CLASS:**

This is entry level technical tax work involving routine collection of delinquent taxes, the securing of delinquent returns and the gathering of information pertinent to accounts and returns being pursued under the Internal Revenue Code and the Government Code of Guam.

Employees in this class receive on-the-job training on tax laws, regulations, procedures and techniques of collection, enforcement and return compliance. Work assignments are designed to provide experience and exposure in the tax collection and assessment processes. Employees assigned to the office force perform work independently after initial training and employees assigned to the field force work with higher level officers in a trainee capacity on non-routine, complex developmental assignments.

ILLUSTRATIVE EXAMPLES OF WORK: (Any one position may not include all the duties listed, nor do the examples cover all the duties which may be performed.)

Contacts taxpayers by telephone and correspondence, schedules appointment for interview in office; explains filing requirements and advices of delinquent status and the penalty provisions or enforcement procedures which may be enforced.

Receives payments and delinquent returns; computes taxes, penalties and interest due; demands full payment or recommends part payment agreements depending upon the taxpayers financial condition and ability to pay.

Prepares and processes tax liens, notices of levy and warrants and other legal documents needed to protect the interest of the government.

Performs routine research to determine taxpayer's sources of funds and location of assets.

Handles routine tax inquiries received and assists walk-in taxpayers and tax representatives.

Reconciles accounts to be worked on with accounting ledgers; verifies validity of assessments by reference to documents of original entry.

Provides assistance to senior Revenue Officer as required.

Maintains records and prepares reports.

Performs related duties as required.

MINIMUM KNOWLEDGE, ABILITIES, AND SKILLS:

Knowledge of common business and office practices.

Ability to learn and apply pertinent tax laws, regulations, procedures and other program guidelines.

Ability to compute tax liabilities, interests and penalties.

Ability to use judgment in securing delinquent returns and enforcing collection procedures.

Ability to work effectively with employees and the public.

Ability to communicate effectively, orally and in writing.

Ability to operate adding and calculating machines.

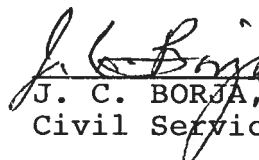
Ability to maintain records and prepare reports.

MINIMUM EXPERIENCE AND TRAINING:

- a) Two years of experience in collection work involving delinquent accounts, claims processing, or fiscal clerical, or related work and graduation from high school; or
- b) Any equivalent combination of experience and training which provides the minimum knowledge, abilities and skills.

AMENDED: October, 1984

PAY RANGE: 23



J. C. BORJA, Executive Director,
Civil Service Commission

REVENUE OFFICER II**NATURE OF WORK IN THIS CLASS:**

This is technical work involving extensive field work in the collection of delinquent taxes and enforcing tax return compliance requirements for income employment, Business Privilege and Excise taxes under the Internal Revenue Code and the Government Code of Guam.

Employees in this class have independent and responsible functions in field collection work and in the securing of delinquent returns from taxpayers who have not been responsive to the efforts of the Office Collection Force. Work is performed with considerable latitude in the exercise of independent judgment and actions. Employees receive technical guidance from higher level officer or superior when difficult and unprecedented problems arise.

ILLUSTRATIVE EXAMPLES OF WORK: (These examples do not list all the duties that may be performed; any one position may not include all the duties listed.)

Receives taxpayer delinquent returns for collection and/or assessment requiring field work.

Performs research on available records to determine whereabouts of subject taxpayer; contacts the taxpayer personally and provides advice of filing requirements or demands full payment.

Conducts interviews with taxpayers and/or their representatives for the purpose of determining ways and means to liquidate previously determined tax liability or for the purpose of determining or redetermining tax liabilities.

Secures financial data and makes analysis of the taxpayer's financial condition; determine ability to pay and the fair market value of taxpayers' assets, liabilities and equity.

Executes delegated authority to determine ownership of property and to take administrative foreclosure action by executing Notices of Levy and Warrants of Attachment which takes possession of property and rights to property be they real or personal, tangible or intangible. Enters into part-payment agreements and determines defaults; files and records tax liens subject to limitations prescribed by law and regulations; prepares Commission's returns where taxpayers refuse to voluntarily file, and computes the tax, penalty and interest due; prepares, executes and serves summonses and takes testimony under oath from taxpayers or third parties related to factual development and essential to the enforcement of collection and assessment

laws.

Acts as cooperating Revenue Officer with Attorney General in assigned cases; acts as cooperating Revenue Officer with Criminal Investigation Division in cases under investigation.

Conducts investigations and performs various duties related to accounts where collateral or escrow agreements have been made.

Performs a variety of investigations involving decedent's estates and various insolvency proceedings.

Conducts seizure actions, property sales, canvassing operations, stakeouts, and other related activities.

May be designated Lead Officer responsible for providing on-the-job training to a subordinate officer.

Participates as instructor in work seminars and technical training.

May testify in court as a Government witness.

Maintains records and prepares collection and investigation reports.

Performs related duties as required.

MINIMUM KNOWLEDGE, ABILITIES, AND SKILLS:

Knowledge of the Guam Territorial Income Tax Law, Government Code of Guam and the regulations applicable to collection of delinquent taxes.

Knowledge of enforcement and collection regulations, procedures and techniques.

Knowledge of general business practices.

Knowledge of investigative methods, procedures and techniques pertinent to tax collection work.

Ability to identify, extract and evaluate pertinent information from a variety of documents.

Ability to review and analyze financial records to identify assets which may be used to liquidate delinquent tax liabilities.

Ability to compute tax liabilities, interests and penalties.

Ability to make decisions in accordance with program guidelines.

Ability to work effectively with employees and the public.

Ability to communicate effectively, orally and in writing.

Ability to operate adding and calculating machines.

Ability to maintain records and prepare reports.

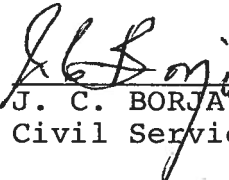
Skill in the safe operation of a motor vehicle.

MINIMUM EXPERIENCE AND TRAINING:

- a) Three years of experience in tax collection work and graduation from high school; or
- b) Any equivalent combination of experience and training which provides the minimum knowledge, abilities and skills.

AMENDED: October, 1984

PAY RANGE: 29



J. C. BORJA, Executive Director,
Civil Service Commission

REVENUE OFFICER III**NATURE OF WORK IN THIS CLASS:**

This is technical tax enforcement work involving the collection of delinquent Guam Territorial Income Taxes and Guam Business Privilege and Excise Taxes assessed and determined due and collectible under the Internal Revenue Code and the Government Code of Guam.

Employees in this class are delegated the responsibility to oversee the work of either the office or field collection force and provide technical guidance and assistance to subordinate officers, in addition to performing tax collection and enforcement work involving complex and highly sensitive issues. Work is performed with considerable latitude in the exercise of independent judgment and actions. Employees seek technical guidance from superior when difficult and unprecedented problems arise.

ILLUSTRATIVE EXAMPLES OF WORK: (These examples do not list all the duties that may be assigned; any one position may not include all the duties listed.)

As office or field manager, makes work assignments and leads and guides the work of either the field or collection; explains work procedures, pertinent provisions of tax laws and other program requirements and guidelines; gives advice on the collection action or other administrative procedures to take when problems are encountered by subordinate officers; approves short periods of leave.

Develops training modules, plans and materials; coordinates and conducts training.

Conducts informal conferences to hear taxpayers' protests against assessments; researches issues raised and determines validity of complaint; obtains and evaluates financial statements; recommends offer in compromise or closing agreement as the case may be where necessary; advises taxpayer of alternative courses of action and recommends the most feasible to liquidate delinquent account at shortest possible time; seeks taxpayer's agreement to decision made in conference.

Acts as cooperating Revenue Officer with Attorney General in cases under litigation, in matters of reorganization, liquidation, bankruptcy and probate; testifies in court as an expert government witness; acts as cooperating Revenue Officer with Criminal Investigation Division in cases under investigation.

Reviews and conducts seizure actions; conducts public auctions to convert seized property into cash; attends court proceedings and hearings in matters of bankruptcy, probate and civil suits where the government is party in interest; attends marshall's sales, private, public auctions and bulk sales where the government's interest may be in jeopardy.

Prepares periodic activity reports.

Performs related duties as required.

MINIMUM KNOWLEDGE, ABILITIES, AND SKILLS:

Knowledge of tax collection and assessment processes, laws of evidence and judicial processes.

Knowledge of general business practices.

Knowledge of pertinent internal revenue laws and local laws, regulations, and precedents.

Knowledge of collection and investigative techniques and methods.

Ability to analyze balance sheets, profit and loss statements and other financial documents to ascertain the taxpayer's financial condition.

Ability to lead the work of others.

Ability to analyze or re-examine financial documents and case facts to ascertain the taxpayer's financial condition and determine the most productive collection procedure to follow.

Ability to make decisions in accordance with program guidelines.

Ability to explain pertinent provision of laws, regulations, procedures and other program guidelines to employees and the public.

Ability to work effectively with employees and the public.

Ability to communicate effectively, orally and in writing.

Ability to maintain records and prepare reports.

Skill in the safe operation of a motor vehicle.

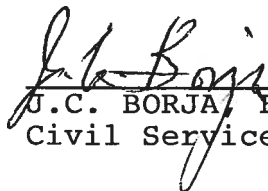
REVENUE OFFICER III
PAGE 3

MINIMUM EXPERIENCE AND TRAINING:

- a) Five years of experience in tax collection and assessment work and graduation from high school; or
- b) Any equivalent combination of experience and training which provides the minimum knowledge, abilities and skills.

AMENDED: October, 1984

PAY RANGE: 32



J.C. BORJA, Executive Director
Civil Service Commission

TAX COLLECTION SUPERVISOR**NATURE OF WORK IN THIS CLASS:**

This is supervisory and technical work involving the collection and assessment of delinquent income tax, gross-receipts, withholding, and other local tax returns under the Internal Revenue Code and the Government Code of Guam.

The employee in this class plans and administers the programs and activities of the Delinquent Accounts Branch of the Department of Revenue and Taxation.

ILLUSTRATIVE EXAMPLES OF WORK: (These examples do not list all the duties that may be performed; any one position may not include all the duties listed.)

Plans and directs the assessment of and collection/liquidation of delinquent income tax, gross-receipts and related tax accounts, involving tax liens, servicing of levies, seizure and sale of real and personal property and similar enforcement activities.

Develops, recommends and implements policies, procedures and other operational requirements; interprets and explains pertinent tax laws, regulations, procedures and requirements to employees and the public.

Insures accurate and complete accounting of daily cash collections and field receipts.

Evaluates program effectiveness and recommends/initiates changes in laws, regulations, procedures, operations to enhance effectiveness.

Plans and supervises the work of subordinate program staff; establishes program priorities and prepares work schedules; reviews and approves or recommends to higher level supervisors collection/liquidation procedures involving highly complex cases.

Devises forms, report formats and other means to facilitate the work of the Branch.

Resolves minor personnel problems and grievances; effects minor disciplinary measures such as warnings and reprimands, recommending adverse action in more serious cases.

Establishes performance standards; recommends personnel actions; evaluates work performance of subordinates; identifies and implements training plans for program staff.

TAX COLLECTION SUPERVISOR
PAGE 2

Keeps current on trends and developments in collection procedures and requirements involving delinquent tax accounts.

Prepares periodic reports of program accomplishments and other technical and administrative matters.

Performs related duties as required.

MINIMUM KNOWLEDGE, ABILITIES AND SKILLS:

Knowledge of the principles and practices of management.

Knowledge of tax collection, assessment, and liquidation processes, including tax liens, servicing of levies, seizure and sale of real and personal property and similar collection enforcement actions.

Knowledge of internal revenue laws, local laws, regulations and precedents pertinent to tax collection activities.

Knowledge of general business practices.

Knowledge of balance sheets, profit and loss statements and other financial documents used to ascertain the taxpayer's financial condition as required for collection activities.

Ability to plan and direct tax collection programs and activities.

Ability to interpret and apply pertinent tax laws, regulations, policies and other program guidelines.

Ability to evaluate program effectiveness and initiate or recommend changes in program guidelines, organization, or operation to enhance programs and activities.

Ability to work effectively with employees and the public.

Ability to communicate effectively, orally and in writing.

Ability to maintain records and prepare reports.

MINIMUM EXPERIENCE AND TRAINING:

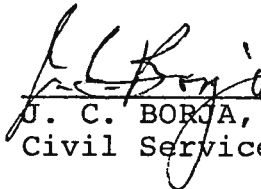
- a) Three years of experience in tax collection enforcement, bank/finance operations involving delinquent accounts, or related work and graduation with a Bachelor's degree in business or public administration or related fields; or

TAX COLLECTION SUPERVISOR
PAGE 3

- b) Six years of experience in tax collection or related work and graduation from high school; or
- c) Any equivalent combination of experience and training which provides the minimum knowledge, abilities and skills.

ESTABLISHED: October, 1984

PAY RANGE: 36


J. C. BORJA, Executive Director,
Civil Service Commission

TAX ENFORCEMENT PROGRAMS ADMINISTRATOR**NATURE OF WORK IN THIS CLASS:**

Plans and directs the administration of the tax collection, examination, and investigation programs and activities of the Department of Revenue and Tax.

ILLUSTRATIVE EXAMPLES OF WORK: (The examples listed do not include all the duties which may be performed.)

Directs the administration of the programs and activities of the Delinquent Accounts and Returns Branch, Tax Examination Branch, and Criminal Investigation Branch involving the collection of taxes and enforcement of income and business privilege tax laws under the jurisdiction of the Department of Revenue and Tax.

Formulates program policies and procedures and resolves major policy and administrative questions; explains tax laws, rules, regulations, and interpretations and applications of tax laws to employees and the public.

Consults with taxpayers, lawyers, certified public accountants and other professionals on the interpretation and determination of the application of laws and regulations on unusual and complicated tax issues.

Directs the investigation of cases suspected of fraud and other investigation functions of the Tax Audit Branch and Criminal Investigation Branch.

Assists the Deputy Tax Commissioner in formulating rulings and decisions involving unusual and complicated tax issues.

Supervises the preparation of revenue projections and other reports.

Assists the Attorney General's Office in the preparation of tax cases to be litigated in court; testifies in court as an expert witness for the government.

Performs related duties as required.

MINIMUM KNOWLEDGE, ABILITIES AND SKILLS:

Knowledge of the principles and practices of management.

Knowledge of the income and business privilege tax laws.

Knowledge of the techniques and practices of tax investigation.

Knowledge of criminal and/or civil rules of evidence.

Knowledge of the principles and practices of accounting.

Ability to administer the criminal tax investigation functions of the Department.

Ability to administer the tax collection and enforcement programs under the jurisdiction of the Department.

Ability to interpret and apply pertinent tax laws, regulations, court decisions and other program guidelines.

Ability to make work decisions in accordance with program guidelines.

Ability to evaluate program effectiveness and initiate and implement changes in policies and procedures to improve effectiveness.

Ability to work effectively with the public and employees.

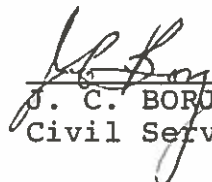
Ability to communicate effectively, orally, and in writing.

MINIMUM EXPERIENCE AND TRAINING:

- a) Four years of experience in tax examination or investigation work, including two years of experience as a Revenue Agent IV, Tax Appeals Officer, Tax Investigator II or equivalent work; two years of supervisory work; and graduation from a recognized college or university with a Bachelor's degree in accounting, business administration or related fields, including or supplemented by 18 semester hours of intermediate/advance accounting, auditing and/or income tax subjects; or
- b) Any equivalent combination of experience and training beyond the Bachelor's degree which provides the minimum knowledge, abilities and skills.

Pay Range: 47

Established: October, 1984


J. C. BORJA, Executive Director,
Civil Service Commission



K. ERIK SWANSON, Ph.D.
Superintendent of Education

DEPARTMENT OF EDUCATION
HUMAN RESOURCES DIVISION

501 Mariner Avenue
Barrigada, Guam 96913
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KATHERINE M.P. ADA
Personnel Services Administrator

OPEN COMPETITIVE ANNOUNCEMENT

To establish a list for the position of
SCHOOL ATTENDANCE OFFICER II (3.050)*

ANNOUNCEMENT NO. HRD-067-2024

Open: July 3, 2024 **Close:** CONTINUOUS (UNTIL FILLED)

2023 GENERAL PAY PLAN (GPP)

OPEN: J-1; \$37,913.00 per annum – J-10; \$52,047.00 per annum
PROMOTION: J-1; \$37,913.00 per annum – J-18; \$66,821.00 per annum

Employment: Probationary/Permanent Full-Time Appointment
Location: **Student Support Services Division**

We are an Equal Opportunity Employer

MINIMUM EXPERIENCE AND TRAINING:

- (A) Graduation from an accredited institution of higher education with an Associate's Degree in Criminal Justice or closely related field in the human and/or social service field plus one year work experience in dealing with youths individually or in groups; or
- (B) Graduation from high school or with a GED and two years and six months of work experience monitoring students and enforcing truancy laws; or
- (C) Any equivalent combination of experience and training which provides the minimum knowledge, abilities, and skills.

NECESSARY SPECIAL QUALIFICATION:

Possession of a valid driver's license.

MINIMUM EDUCATION REQUIREMENT:

Applicants claiming education accomplishment, such as degrees or credits are required to submit official or verified copies of university or college transcripts. Pursuant to Public Law 29-113, "All new employment in the service of the government of Guam shall have, as a reasonable measure of job performance, minimum requirement of high school diploma or a successful completion of General Education Development (GED) test or any equivalent of a general high school program, apprenticeship program or successful completion of certification program, from a recognized, accredited or certified vocational technical institution, in specialized field required for the job."

NOTE: To validate credentials you may claim, (e.g., High School Diploma, College Transcript, DD-214, etc.), an original or certified copy of the document(s) must accompany each employment application you are applying for with your legal signature. Applicants shall be responsible to provide all required documents for each employment application submitted and failure to provide proof may result in disqualification.

NATURE OF WORK IN THIS CLASS:

This is complex technical work involving the monitoring of student attendance and the enforcement of truancy laws, related rules and regulations, school policies, and standard operating procedures in accordance with court proceedings.

Performs duties under the supervision of the School Attendance Officer Supervisor.

ILLUSTRATIVE EXAMPLES OF WORK: *(These examples do not list all the duties which may be assigned; any one position may not include all the duties listed.)*

Conducts investigations on student attendance referrals through home and/or worksite visits; validates if students are habitual truants and initiates legal proceedings to enforce truancy laws by submitting investigation reports and recommendations to the school administration and the courts; monitors students' attendance, academics, and behavior to ensure compliance with court orders;

Performs enforcement and execution of court orders relating to truancy; files court petitions and provides information regarding individuals under the department's supervision who have violated conditions of their court orders.

Appears at school assemblies and/or conducts training to explain attendance laws and policies and to encourage faithful attendance.

Maintains case management by monitoring the progress of student and family court orders; makes referrals for professional assistance or to community resource agencies as needed.

Apprehends adjudicated students who have violated conditions of their court orders (locate, pat-down, handcuff, escort and transport); releases minor to the custody of the Department of Youth Affairs; takes into custody during school hours without warrant, any truant found away from the truant's home and who has been reported truant; conducts spot checks at known truant student meeting areas.

Provides and conducts outreach services to truants and their families, and the public, during and/or after school hours regarding student support programs, truancy laws, services, etc.

Represents DOE in court regarding all truancy matters, presents information and makes recommendations relevant to the student.

Serves as a liaison between schools and such agencies as social services, the courts, the police department, and other public and private agencies regarding student truancy.

Attends meetings with various entities to ensure services are being provided as ordered by the courts.

Maintains accurate and ongoing reports on the progress of clients and prepares the required casework documentation.

Performs related work as assigned.

MINIMUM KNOWLEDGE, ABILITIES, AND SKILLS:

Knowledge of available community services and resources for at-risk families, especially the youth.

Knowledge of the principles of human behavior, both individual and group.

Ability to learn, interpret and apply pertinent laws, regulations, policies and procedures or other guidelines pertaining to truancy laws and programs.

Ability to observe, analyze information and/or a situation and make recommendations.

Ability to exercise initiative and sound judgement in the solving of truancy problems and in the performance of duties.

Ability to interact with students, offer advice and encouragement to attend school daily and participate in school activities.

Ability to identify students who may be in need of services and/or special needs.

Ability to exercise tactfulness, diplomacy and maintain self-control in confrontational situations.

Ability to provide consultative assistance to school staff and/or to conduct appropriate training.

Ability to learn and use a computer and other technology to perform duties.

- Ability to work effectively with the public and employees.
- Ability to communicate effectively, orally and in writing.
- Ability to maintain records and prepare reports.
- Ability to undergo and maintain Special Deputy Marshal or related law enforcement training.
- Skill in the safe operation of a motor vehicle.

EMPLOYMENT BENEFITS:

This is a permanent, full-time position for the Student Support Services Division. New hires serve a probationary period of at least six months. Satisfactory completion of the probationary period entitles the employee to permanent civil service status & protection. Benefits include: enrollment in the government’s Retirement Fund system; group health and life insurance coverage; paid vacation and sick leave; and paid holidays. Full-time employment consists of 40 hours of regular work per week with 26 pay period per year.

APPLICATION SUBMISSION AND DEADLINE:

Employment applications can obtained online www.gdoe.net - HR Forms or at the GDOE Human Resources Division located at Building-B, 501 Mariner Avenue, Barrigada.

Interested applicants must submit a completed Employment Application form on or before the application deadline. Applications with supporting documents will be accepted up until **this position is filled** via email or in our office between the hours of 8:00 a.m. to 5:00 p.m., Chamorro Standard Time (CHST), Monday through Friday, except holidays. Please note that there are two types of GDOE employment applications - one for FCHPA Covered Positions and one for FCHPA Exempt Positions.

FAIR CHANCES HIRING PROCESS ACT (FCHPA):

This is an **EXEMPT** position. Please complete an FCHPA Exempt Position Job Application. For exempt positions, employers are exempt from following the Fair Chances Hiring Process (pursuant to P.L. 34-22) which prohibits employers from asking for criminal history information until a conditional job offer is given. Under this job announcement you are requested to submit a police and court clearance report and to answer questions regarding any criminal convictions at the time of application in order to expedite the hiring process. Convictions, dismissals from employment, dishonorable separations from military service, or other conditions do not necessarily mean automatic disqualification. In determining employment suitability, we will evaluate the circumstances of each individual case, keeping in mind the requirements of the position to be filled as well as final review and approval from the Superintendent.

FOR ADDITIONAL INFORMATION: Please refer to the Employment Application General Instructions and Important Information Sheet. You may contact us at 671-475-0496 or via email humanresources@gdoe.net.



KATHERINE M.P. ADA,
Personnel Services Administrator

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