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CH. 51 PEACE OFFICER STANDARDS AND TRAINING COMMISSION

CHAPTER 51
PEACE OFFICER STANDARDS AND TRAINING COMMISSION

SOURCE: Originally 17 GCA, Chapter 32, Article 3, added by P.L. 24-145:2 (Feb. 27, 1998). Amended in its entirety by P.L. 29-012:2 (Sept. 7, 2007). Recodified by the Compiler pursuant to P.L. 31-099:16 (Sept. 30, 2011).

2025 NOTE: Pursuant to 5 GCA § 1510, *I Maga'hågan/Maga'låhen Guåhan* means the “Governor of Guam.” Pursuant to 2 GCA § 1101, *I Liheslaturan Guåhan* means the “Guam Legislature.”

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§ 51101. Definitions.

For purposes of this Article:

- (a) “Commission” shall mean the Peace Officer Standards and Training Commission.
- (b) “Peace Officer,” for the purpose of this Article, shall mean
 - (1) the Chief of Police and all sworn officers of the Guam Police Department, including reservists (Civilian Volunteer Police Reserve);
 - (2) the Chief and all officers of the Guam Airport Police;
 - (3) the Chief and all officers of the Guam Port Authority Police;
 - (4) the Director of Corrections and all uniformed Correction Officers and Parole Officers, as well as such rehabilitation personnel of the Department of Corrections as are designated by the Director of Corrections;
 - (5) the Director of Customs and all sworn officers of the Customs and Quarantine Agency;
 - (6) the Director and all employees of the Department of Youth Affairs who are engaged in juvenile detention and rehabilitation work as designated by the Director of the Department of Youth Affairs;

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(7) the Chief and all Conservation Officers of the Division of Aquatic and Wildlife Resources of the Department of Agriculture;

(8) the Chief and all Guam Park Patrol Officers of the Department of Parks and Recreation;

(9) the Attorney General and those employed by the Attorney General's Office whom he specifically designates;

(10) the Chief Marshal and all Marshals, and the Chief of Probation and all Probation Officers of the Unified Guam Judiciary;

(11) all Guam Fire Department (GFD) firefighter personnel engaged in the enforcement of the fire prevention code, all arson investigators, and those GFD employees whom the Fire Chief specifically designates.

SOURCE: Added as § 32302 by P.L. 24-145:2 (Feb. 27, 1998). Amended by P.L. 29-012:2 (Sept. 7, 2007). Renumbered to § 51101 pursuant to P.L. 31-099:16 (Sept. 30, 2011). Amended by P.L. 33-224:3 (Jan. 9, 2017).

2017 NOTE: Subsection designations added in (b) pursuant to the authority granted by 1 GCA § 1606.

CROSS-REFERENCE: 8 GCA § 5.55 Peace Officer Defined.

§ 51102. Created; Membership; Compensation; Meetings; Publications of Procedures; Standards for Certified Training; Powers and Duties.

(a) There is hereby created a Peace Officer Standards and Training Commission (POST).

(1) The Guam Community College (GCC) shall be designated as the State Agency for POST, and shall provide the administrative and professional services to the Commission.

(2) If necessary, GCC shall provide a budget request, annually, to the Speaker of *I Liheslaturan Guåhan* for consideration.

(3) The Commission shall be composed of fifteen (15) members as follows:

(A) the Chief of the Guam Police Department, or his designated representative;

(B) the Chief of the Guam Airport Police, or his designated representative;

(C) the Chief of the Guam Port Authority Police, or his designated representative;

(D) the Attorney General, or his designated representative;

(E) the Director of the Customs and Quarantine Agency, or his designated representative;

(F) the Director of the Department of Corrections, or his designated representative;

(G) the Chief of the Division of Aquatic and Wildlife Resources of the Department of Agriculture, or his designated representative;

(H) one (1) non-voting representative from the University of Guam (UOG), appointed by the President;

(I) one (1) non-voting representative from the Guam Community College (GCC), appointed by the President;

(J) the Chief Marshal of the Unified Guam Judiciary, or his designated representative;

(K) the Chief of the Guam Fire Department, or his designated representative;

(L) the Chief of Probation of the Unified Judiciary, or his designated representative;

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(M) one (1) voting representative from the Department of Administration, the Personnel Services Division Administrator, appointed by the Director of Administration;

(N) the Director of the Department of Youth Affairs, or his designated representative; and

(O) the Chief of the Aircraft Rescue and Firefighting Unit, or his designated representative.

(b) Members of the Commission shall receive no compensation, but shall be reimbursed under §§ 23103 and 23104 of Title 5 of the Guam Code Annotated for travel and per diem expenses incurred in the performance of their duties. For purposes of compensation, attendance at meetings of the Commission shall be deemed performance by a member of the duties of his local governmental employment.

(c) The Commission shall hold at least four (4) meetings per year.

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

(e) The Commission shall establish standards for certification of peace officer training.

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

(g) The Commission in coordination with affected agencies shall establish:

(1) requirements and minimum standards for the certification of peace officers;

(2) categories of peace officer certification with respect to the duties and requirements of respective fields;

(3) minimum qualifications for peace officer training instructors;

(4) minimum training requirements for peace officers;

(5) collaboration with training providers and educational institutions to establish core curriculum for all designated programs;

(6) categories or classification of advanced in-service training programs and minimum courses of study and attendance requirements with respect to the categories or classifications; and

(7) a time frame for full compliance with Commission requirements by respective departments and agencies.

(h) The Commission shall:

(1) visit and inspect peace officer training programs or their components at any appropriate time;

(2) adopt such rules and regulations as it deems proper to fully effectuate and carry out the purpose of this Article, pursuant to the Administrative Adjudication Law;

(3) prescribe reasonable minimum qualifications relating solely to the physical, mental and moral fitness of persons recruited, appointed or retained as peace officers by the government of Guam;

(4) deny, suspend, or revoke certification of peace officers for substantial failure to comply with this Article or the rules of the Commission, pursuant to procedures and policies enacted pursuant to the Administrative Adjudication Law;

(5) recommend to the respective appointing authorities qualifications of candidates for the offices of Chief of Police, the Chief Marshal, the Chief Probation Officer, the Director of Corrections, and the Director of Customs and Quarantine Agency;

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(6) provide management survey and managerial assistance as requested by corrections and law enforcement agencies;

(7) provide by rule for the reciprocity and recognition of equivalent entry level core basic training at a training center by law enforcement officers of the federal government, states or territories of the United States, and, also require such additional training for certification as the Commission deems necessary;

(8) provide by rule for the reciprocity and recognition of law enforcement officers of the federal government, states or territories of the United States with five (5) or more years of law enforcement experience. The Commission may waive the equivalent number of hours of training that an officer obtained in another jurisdiction and may require such law officer to complete training in Guam law;

(9) provide by rule for temporary certification of peace officers who have previously completed basic peace officer training but have since left service in good standing, provided that said peace officers shall satisfy standards and training requirements as set by the Commission;

(10) provide by rule for the temporary certification of peace officers from other jurisdictions who have completed basic peace officer training and have since left service in good standing, provided that said peace officers satisfy standards and training requirements as set by the Commission;

(11) establish supervisory, managerial, and executive level standards and certification for the agencies covered by this Chapter; and

(12) may enter into professional developments with the Guam Community College, the University of Guam, or another suitable institution;

(13) provide by rule for the temporary certification of peace officers who possess a degree in criminal justice or equivalent area of study as determined by the Commission, and who are in good standing, provided that said peace officers satisfy standards and training requirements as set by the Commission. The Commission shall require applicants to complete any remaining certification requirements within nine (9) months of temporary certification and may prescribe limited duties for temporarily certified peace officers during this period. Failure to obtain full certification by the Commission within nine (9) months of temporary certification shall result in separation from employment. Employing agencies retain the authority provided in § 51105(c) of this Chapter to establish qualifications and standards that exceed those set by the Commission, and nothing herein shall affect the selection of eligible applicants by agency heads or designated hiring authorities for Category 1, Category 2, or Category 3 peace officer positions. The Commission is further authorized to establish policies to recoup tuition, fees, and other government-funded expenses in the event an employee resigns, transfers, or fails to meet any service or repayment requirements.

(i) The Commission shall elect a chairperson and vice-chairperson from among its members every two (2) years. A non-voting member shall not serve as chairperson or vice chairperson of the Commission.

SOURCE: Added as § 32302 by P.L. 24-145:2 (Feb. 27, 1998). Amended by P.L. 29-012:2 (Sept. 7, 2007). Subsection (a) amended, subsection (i) added by P.L. 30-089:2, 4 (Feb. 8, 2010). Amended by P.L. 31-049:2 (May 23, 2011). Renumbered to § 51102 pursuant to P.L. 31-099:16 (Sept. 30, 2011). Subsection (a) amended by P.L. 33-109:3 (Feb. 3, 2016). Subsection (a)(3) amended by P.L. 34-090:2 (May 14, 2018). Subsection (h)(11) added by P.L. 38-050:2 (Aug. 18, 2025), renumbered (h)(13) pursuant to 1 GCA § 1606.

§ 51102.10. Termination of Commission Membership upon Reorganization.

A Commissioner who is a member of the Commission, pursuant to § 51102(a) of this Chapter, shall immediately lose membership upon a reorganization of the agency which the member represents.

§ 51102.20. Quorum Requirement.

A minimum of five (5) voting members present shall constitute a quorum for the transaction of business, and the affirmative votes of five (5) voting members shall be required to make any action of the Commission valid. No action shall be taken by the Commission at any meetings or hearings, unless a quorum is present.

SOURCE: Added by P.L. 30-089:3 (Feb. 8, 2010).

§ 51102.30. Amendments of Rules and Regulations.

The Guam P.O.S.T. Commission shall have the administrative authority to amend the rules and regulations of 27 GARR Chapter 3 to sustain a high degree of professionalism among the law enforcement agencies and to determine fitness requirements. Such rules and regulations shall be amended in accordance with the provisions of the Administrative Adjudication Law as prescribed in 5 GCA Chapter 9.

SOURCE: Added by P.L. 35-079:3 (Mar. 20, 2020).

§ 51102.40. Authorization to Establish a Standardized and Uniformed Law Enforcement Officer General Force Leadership Structure Tier and Pay Scale Plan for Peace Officers.

(a) Notwithstanding any other provision of law, the Commission is authorized to establish a Standardized and Uniformed Law Enforcement Officer General Force Leadership Structure and Pay Scale Plan for Category 1 Peace Officers, as defined pursuant to Chapter 3 of 27 GAR. The Commission shall have up to one (1) year from the enactment of this Section to complete this plan, and the plan shall be presented to *I Liheslaturan Guåhan* no later than thirty (30) days upon completion for review and consideration.

(b) The Commission shall develop a Law Enforcement Officer General Schedule which shall identify a general base salary and pay grades of the law enforcement officers of the classified service. Grades shall be identified to be commensurate with the appropriate levels of duties and responsibilities as it relates to basic, supervisory, and management responsibilities. Step pay shall be established with minimum and maximum salaries identified in the various steps. Salaries for each respective law enforcement officer position as it relates to the law enforcement officer force structure shall be established within each pay grade according to cumulative years of service. The Commission shall include the advisories of the Guam Federation of Teachers (GFT) and the Civil Service Commission (CSC) in the completion of the pay scale plan.

SOURCE: Added by P.L. 36-054:XII:43 (Sept. 11, 2021).

2021 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 51103. Executive Director; Appointment; Powers and Duties.

(a) The Executive Director of the Commission shall be appointed by and serve at the pleasure of the Commission.

(1) The Executive Director shall be the chief executive officer of the Commission.

(2) The Commission shall establish the minimum qualifications for the Executive Director.

(b) With the approval of the Commission, the Executive Director shall:

(1) certify Peace Officer Training programs or institutions;

(2) certify peace officers who have satisfactorily completed training;

(3) consult and cooperate with peace officer training academies in the development of basic and continuing education training programs for peace officers;

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(4) consult and cooperate with the Guam Community College, the University of Guam, the Guam Department of Labor, other institutions of higher education, or any POST certified advanced training programs for the development of specialized courses of study on Guam for peace officers in the areas of police science, police administration, the social sciences and other related areas including, but are not limited to, first Responder/First Aid, Emergency Vehicle Operator Course (EVOC), Officer Survival and Use of Force, Firearms and Safety, Criminal Investigations, and Dynamics of Substance Abuse;

(5) consult and cooperate with other departments and agencies concerned with peace officer training;

(6) report to the Commission at regular meetings of the Commission and at other times as required to recommend denial, suspension, or revocation of certification of a peace officer to the Commission as deemed necessary; and

(7) shall, in cooperation with the State Agency, maintain custody of all records of the Commission.

SOURCE: Added as § 32303 by P.L. 24-145:2 (Feb. 27, 1998). Amended by P.L. 29-012:2 (Sept. 7, 2007). Subsection (b) amended by P.L. 31-049:3 (May 23, 2011). Renumbered to § 51103 pursuant to P.L. 31-099:16 (Sept. 30, 2011). Subsection (b)(4) amended by P.L. 38-050:3 (Aug. 18, 2025).

2018 NOTE: Subsection/subitem designations altered/added in subsection (a) pursuant to the authority of 1 GCA § 1606.

§ 51103.10. Temporary Vacancy of the Executive Director.

If a temporary vacancy occurs in the position of Executive Director for any reason, the Commission shall select from among its voting members a designated representative who shall become the Acting Executive Director until such time the Commission appoints a new Executive Director.

§ 51103.20. Nexus Cadre of Trainers.

(a) The Guam Police Department, Customs and Quarantine Agency, Guam Fire Department, Department of Corrections, and the Department of Law shall respectively designate one (1) or more qualified employees to participate in the cadre of trainers of the “Peace Officer Standards and Training Commission (POST).” The Commission, based on qualification and POST specialized training needs, shall establish training criteria for the cadre to train peace officer recruits for POST programs.

(b) The Commission may assign supervision and responsibility of a certified POST training program to a POST agency.

(c) Notwithstanding any other law affecting the reassignment of an employee as a POST trainer, the employee’s participation shall be deemed part of his usual duties and he shall be compensated by his employing agency at his usual salary.

§ 51104. Qualifications for Employment as a Peace Officer; Loss of Certification for Felony Conviction; Termination from Employment.

(a) Within fifteen (15) days after the appointment, termination, resignation or death of any peace officer, written notice thereof shall be given to the Commission by the employing agency.

(b) No public official, Guam agency or any other person authorized by law to appoint peace officers on Guam shall appoint any person as a peace officer who does not meet the following qualifications. The person shall:

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(1) be a United States citizen or a resident who is legally authorized to work within the United States and its territories;

(2) be at least eighteen (18) years of age;

(3) be fingerprinted; local and national fingerprint files shall be searched to determine if the applicant has a criminal record;

(4) not have been convicted in any civilian or military court of a felony, a crime involving moral turpitude, a crime of domestic or family violence, regardless of whether he has been pardoned or commuted by *I Maga'hāgan/Maga'lāhen Guāhan* regarding such conviction;

(5) hold a high school diploma or evidence of an equivalent achievement;

(6) have good moral character as determined by a background investigation; the hiring agency shall complete a background investigation defined by the Commission of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer;

(7) be free of any physical, emotional or mental conditions which might adversely affect his performance of duty as a peace officer; physical condition shall be evaluated by a person licensed to practice medicine; emotional and mental conditions shall be evaluated by a licensed psychologist or psychiatrist; and

(8) pass an oral interview examination by the hiring agency.

(c) Notwithstanding any general, specific or local law or charter to the contrary, no person shall receive an original appointment on a permanent basis or hold an appointment on a permanent basis as a peace officer, unless the person has been awarded a certificate by the Executive Director attesting to his satisfactory completion of an approved peace officer basic training program.

(d) Notwithstanding Subsection (c) of this Section, the Commission may waive the basic peace officer training program by reciprocity or equivalency pursuant to Subsections 51102(h)(8), (9), or (10) and certify applicants passing a written examination established by the Commission or an oral interview attesting to the applicant's ability in law enforcement. The applicant shall demonstrate that he satisfactorily completed a basic peace officer training program which, in the Commission's opinion, is comparable to that required by this Section.

(e) Notwithstanding any other law or Civil Service requirements, a person who is convicted of a felony, a crime involving moral turpitude, or a crime of domestic or family violence after his appointment as a peace officer is ineligible for continued employment as a peace officer.

(1) If the person has been certified under this Section, his certification shall be automatically revoked on the date of his conviction.

(2) The Executive Director shall notify the person and the person's employing agency upon revocation of certification under this Subsection.

(f) In the case of termination of a peace officer, the employing agency shall notify the Commission and the officer, in writing, of the termination setting forth in details the facts and reasons for the termination.

(1) If the officer is terminated for failure to comply with this Act, or rules promulgated under it, the notice shall so specify.

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(2) Any officer who has been terminated may present a written statement to the Commission responding to the claims made against him or setting forth the facts and reasons for the termination as he believes them to be, and that statement shall become a permanent part of the file.

(3) A potential employer may contact the Commission to inquire as to the facts and reasons an officer was terminated from any previous employing agency.

(4) Unless otherwise prohibited by law, the Commission shall, upon request, provide to the potential employer all pertinent information which is in its possession.

2018 NOTE: Subsection/subitem designations altered/added pursuant to the authority of 1 GCA § 1606.

§ 51105. Certification Without Compliance with Requirements of § 51104; Applicability of Civil Service Provisions.

(a) Notwithstanding any other provision within this Article, any person who has been employed on a permanent basis as a peace officer on Guam prior to the enactment 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 enactment hereof, may be certified as a peace officer by the Executive Director without having complied with § 51104(b) and (c).

(b) Nothing in this Act shall be construed to exempt any peace officer from the provisions or requirements of civil service, except that the two (2)-year civil or criminal investigative work experience requirement for the Office of the Attorney General's Investigator I (AG) may be waived by the Attorney General.

(c) An employing agency may establish qualifications and standards for hiring and training that exceed the minimum qualifications and standards set by the Commission.

SOURCE: Added as § 32305 by P.L. 24-145:2 (Feb. 27, 1998). Amended by P.L. 29-012:2 (Sept. 7, 2007). Renumbered to § 51105 pursuant to P.L. 31-099:16 (Sept. 30, 2011). Subsection (b) amended by P.L. 38-050:4 (Aug. 18, 2025).

§ 51106. POST Fund.

[Repealed.]

SOURCE: Added as § 32306 by P.L. 24-145:2 (Feb. 27, 1998). Amended by P.L. 29-012:2 (Sept. 7, 2007). Renumbered to § 51106 pursuant to P.L. 31-099:16 (Sept. 30, 2011). Repealed by P.L. 36-071:2 (Dec. 27, 2021).

§ 51107. Saving Clause.

This Act does not explicitly pre-empt other laws or regulations that preserve to a greater degree the powers of *I Maga'hågan/Maga'låhen Guåhan* or the Judiciary; provided, that such laws or regulations are consistent, and do not otherwise restrict or interfere with, the operation or enforcement of this Act.

§ 51108. Conflicting Laws.

(a) Federal Supremacy. This Article does not restrict any person or government instrumentality from complying with Federal law or regulations.

(b) Prior Conflicting Acts. If a conflict arises between this Article and other local laws or regulations concerning training standards and certification of peace officers, this Article shall control.

§ 51109. Effective Date.

The Commission shall be established and become operational immediately. Incumbent peace officers shall have thirty-six (36) months from the date of the enactment of the rules and regulations required by §

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51102(h), to be POST certified, provided that the Commission may grant extensions to protect the integrity of agency operations.
