

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

DEC 31 2014

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

33-15-0020

Office of the Speaker
Judith T. Won Pat, Ed.D.

Date: 1/6/15

Time: 3:59 PM

Received By: CARL SANCHEZ/MPA

Dear Madame Speaker:

Transmitted herewith is Bill No. 418-32 (COR) "AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION CONCERNING CERTIFICATION OF PEACE OFFICERS AND STANDARDS FOR EMPLOYING AGENCIES AND TRAINING INSTITUTIONS, TO BE CODIFIED UNDER A NEW CHAPTER 3 OF TITLE 27 - GUAM ADMINISTRATIVE RULES AND REGULATIONS" which I signed into law on December 30, 2014, as **Public Law 32-232**.

Senseramente,


EDDIE BAZA CALVO

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I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2014 (SECOND) Regular Session

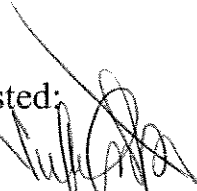
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÁHAN

This is to certify that Substitute Bill No. 418-32 (COR), "AN ACT TO ADOPT THE RULES AND REGULATIONS OF THE PEACE OFFICER STANDARDS AND TRAINING COMMISSION CONCERNING CERTIFICATION OF PEACE OFFICERS AND STANDARDS FOR EMPLOYING AGENCIES AND TRAINING INSTITUTIONS, TO BE CODIFIED UNDER A NEW CHAPTER 3 OF TITLE 27 - GUAM ADMINISTRATIVE RULES AND REGULATIONS," was on the 17th day of December, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guáhan* this 21 day of Dec,

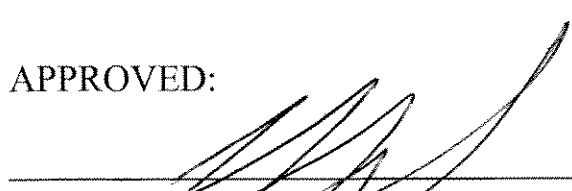
2014, at

6:35 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guáhan

DEC 30 2014

Date: _____

Public Law No. 32-232

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 418-32 (COR)

As substituted by the Committee on
General Government Operations and
Cultural Affairs.

Introduced by:

B. J.F. Cruz
Aline A. Yamashita, Ph.D.
T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Judith T. Won Pat, Ed.D.

**AN ACT TO ADOPT THE RULES AND REGULATIONS
OF THE PEACE OFFICER STANDARDS AND
TRAINING COMMISSION CONCERNING
CERTIFICATION OF PEACE OFFICERS AND
STANDARDS FOR EMPLOYING AGENCIES AND
TRAINING INSTITUTIONS, TO BE CODIFIED UNDER
A NEW CHAPTER 3 OF TITLE 27 - GUAM
ADMINISTRATIVE RULES AND REGULATIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Rules and Regulations, GUAM P.O.S.T. (PEACE OFFICER

1 STANDARDS AND TRAINING) COMMISSION ADMINISTRATIVE RULES,
2 were duly promulgated by the Peace Officer Standards and Training Commission,
3 both pursuant to § 51102(h)(2) of Chapter 51, Title 17, Guam Code Annotated
4 (Peace Officer Standards and Training Commission), and pursuant to Article 3 of
5 Chapter 9, Title 5, Guam Code Annotated (Rule-Making Procedures).

6 *I Liheslaturan Guåhan* finds that there are a number of crimes that impact
7 the safety of our island community and there should be uniform minimum
8 standards for peace officers on Guam with respect to education, training, and
9 physical fitness.

10 *I Liheslaturan Guåhan* further finds that having this information readily
11 available in a central database system and at the Guam Community College (GCC)
12 ensures that all peace officers have access to the standards in order to readily
13 prepare for the Physical Fitness Qualification Test and all other required standards
14 of performance, to include competencies required to appropriately interact with
15 people with disabilities and people with mental health challenges. Additionally,
16 this allows for public participation and provides them with a sense of security that
17 all peace officers abide by a minimum standard.

18 It is, therefore, the intent of *I Liheslaturan Guåhan* to adopt the Rules and
19 Regulations aforesaid, appended to this Act as “EXHIBIT A, as Amended”.

20 **Section 2. Adoption of Rules.** The Rules and Regulations, entitled
21 GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING)
22 COMMISSION ADMINISTRATIVE RULES, and attached hereto as “EXHIBIT
23 A, as Amended” are hereby adopted by *I Mina’Trentai Dos Na Liheslaturan*
24 *Guåhan* and shall be codified under a new Chapter 3 of Title 27, Guam
25 Administrative Rules and Regulations.

26 **Section 3. Amendment of Rules.** The Peace Officer Standards and
27 Training Commission shall, pursuant to Article 3 of Chapter 9, Title 5, Guam Code

1 Annotated, review and amend, as may be necessary, the Rules and Regulations
2 adopted pursuant to Section 2 of this Act.

3 **Section 4. Severability.** If any provision of this Act or its application to
4 any person or circumstance is found to be invalid or contrary to law, such
5 invalidity *shall not* affect other provisions or applications of this Act which can be
6 given effect without the invalid provisions or application, and to this end the
7 provisions of this Act are severable.

8 **Section 5. Effective Date.** This Act *shall* become effective upon
9 enactment.

CHAPTER 3

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

- § 3001. Peace Officer Training and Standards Commission
- § 3002. Authority and Responsibilities of P.O.S.T. Commission
- § 3003. Peace Officer Categories
- § 3004. Pre-Employment Requirements
- § 3005. Establishment of Physical Fitness Qualification Test
- § 3006. Standards for Certification for Each Category of Peace Officer
- § 3007. Minimum Standards for Certification of Basic Training Institutions
- § 3008. Minimum Standards for Employing Agencies
- § 3009. Inactive Status
- § 3010. Procedures and Sanctions
- § 3011. Reciprocity
- § 3012. Fees
- § 3013. Timeframe for Compliance
- § 3014. Subject to Revision

§ 3001. 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 G.C.A. § 51102(g)(4); hiring, § 51102(g), (h)(3); ethical conduct, *id.*; and retention, *id.*, of Peace Officers for the Territory of Guam through testing and certification.
- (b) **Terms of Office.** The officers of the Commission shall be a Chairperson and a Vice-Chairperson. 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. 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. 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.

§ 3002. Authority and Responsibilities of P.O.S.T. Commission.

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 G.C.A. § 51101(b), § 51102(g)(2), and establish minimum standards for the training and certification for each classification of peace officer. § 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. § 51102(e), (g)(5); § 51103(b)(1).
- (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, G.C.A.; (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. § 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. § 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. § 51102(h)(1).

§ 3003. Peace Officer Categories.

Peace Officers are those defined by Section 51101(b) of Title 17, G.C.A. By statute all peace officers may detain upon reasonable suspicion, 9 G.C.A. § 30.10; arrest under warrant, 8 G.C.A. §§ 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, § 20.45; execute non-consensual warrantless searches under defined circumstances, § 20.50; release arrestees upon issuance of Notices to Appear, § 20.60; and other powers. For purposes of determining the qualifications required for certification, there shall be the following categories. § 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*
- 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.

(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

§ 3004. 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.

§ 3005. 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 P.O.S.T. Commission. The standard shall be denominated the Physical Fitness Qualification Test (PFQT) and except for exceptions hereafter noted, shall be equivalent to the U.S. Air Force fitness test, as currently embodied in Air Force Instruction 36-2905, dated 21 October 2013, or as amended.

- (a) The PFQT policy shall be phased into implementation over a three-year period from the effective date of this regulation. There shall be a mandatory test at the beginning of the second year and at the end of the third 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 during the initial three-year period in addition to the mandatory test at the beginning of the second year and at the end of the third year
- (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 the end of the third year. At the end of the third year 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.
- (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 G.C.A. § 5114(b)(7), it shall be incumbent upon the individual peace officer or recruit/trainee to receive a health screening from a licensed 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 90 days following an Unsatisfactory PFQT. Agencies may not mandate peace officers to retest any sooner than the end of the 90-day reconditioning period; however, a peace officer may volunteer to do so. Retesting in the first 42 days after an Unsatisfactory PFQT requires agency head approval since recognized medical guidelines recommend 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 90-day reconditioning period expires (non-currency begins on the 91st day).
 - 1) First Unsatisfactory – A written warning is issued. The Peace Officer must retest within 90 days.
 - 2) Second Unsatisfactory – A second written warning is issued. A peace officer must retest within 90 days.
 - 3) Third Unsatisfactory – A third written warning is issued. A peace officer must retest within 90 days.
 - 4) Fourth Unsatisfactory – A peace officer's certification shall be temporarily suspended until a determination is made by the P.O.S.T. Commission. The peace officer shall be assigned to administrative duties. Agency heads shall make recommendation that the P.O.S.T Commission revoke the peace officer's certification upon review. The officer shall not be allowed to carry a firearm. Hazardous and increment pay may be denied. 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 as established by the standard form 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 Unsatisfactory PFQT results within a 24-month period and a Guam licensed health care provider has ruled out medical conditions precluding the peace officer from achieving a passing score, the P.O.S.T Commission shall deny, suspend, or revoke the individual's certification. All PFQT test results shall be provided to the Executive Director within fifteen calendar days after the completion of the PFQT.

- (g) Agency heads shall initiate or recommend administrative action only after the peace officer has: received four Unsatisfactory PFQT scores in a 24-month period; failed to demonstrate significant improvement (as determined by the agency head) despite the reconditioning period; and 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.
- (i) 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. 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.

§ 3006. Standards for Certification for Each Category of Peace Officer.

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).

In addition to the requirements stipulated in §51104 and possessing minimum qualifications for all categories of peace officers, each category listed below shall possess the following qualifications:

- (a) **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:
 - 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission

- 2) Completion of any other required training directed by the P.O.S.T. Commission
- 3) A valid Guam Firearms Identification Card (if applicable to job description)
- 4) Completion of a polygraph test (if applicable to job description)
- 5) Completion of a personal background investigation to determine suitability for employment

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

- 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission
- 2) Completion of any other required training directed by the P.O.S.T. Commission
- 3) A valid Guam Firearms Identification Card (if applicable to job description)
- 4) Completion of a polygraph test (if applicable to job description)
- 5) Completion of a personal background investigation to determine suitability for employment.

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

- 1) Certificate of In-Service Training approved and certified by the P.O.S.T. Commission.
- 2) Completion of any other required training directed by the P.O.S.T. Commission
- 3) A valid Guam Firearms Identification Card (if applicable to job description)

§ 3007. 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 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, 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 of 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.

§ 3008. 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 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. 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. 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 I 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:
- 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 fitness 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 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. (§ 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.

§ 3009. 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.

§ 3010. 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 G.C.A., 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.

§ 3011. 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 3006, 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 (2) they complete a P.O.S.T. certified course of training in Guam law.

§ 3012. Fees.

There shall be the following fees for the services indicated:

- (a) 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.

§ 3013. 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. § 51102 (g)(7).

§ 3014. Subject to Revision.

These P.O.S.T. Rules and Regulations are subject to change as determined by the P.O.S.T. Commission and consistent with Title 5 G.C.A., Chapter 9, Article 3.