

I MINA TRENTA NA LIHESLATURAN GUÅHAN
2009 (First) Regular Session

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Bill No. 108 (Cor)

Introduced by:

v.c. pangelinan

AN ACT TO RE-ESTABLISH THE GUAM
COMMUNITY POLICE REVIEW COMMISSION AS
PROVIDED IN CHAPTER 78, TITLE 10 GUAM CODE
ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that
2 the public has the right to expect all law enforcement personnel, particularly the police
3 officers within the Guam Police Department (“Department”) to adhere to a professional
4 standard of conduct and all laws governing the island and its residents. Model policies
5 and guidelines may exist in the police department to deter and punish misconduct,
6 *however*, such standards, without objective and aggressive enforcement and compliance,
7 will be rendered ineffective. Silence and unresponsiveness, perceived or real,
8 undermines the community-police relations, and erodes the public’s trust and confidence
9 in those who are empowered to protect them, their families and their properties.

10 Conversely, the rights and dignity of each accused personnel of the Department
11 must *not* be compromised, but protected in all cases. Unprofessional and transgressing
12 officers are an exception and *not* the rule. Those officers who demonstrate signs of
13 aberrant behaviors must be dealt within a timely fashion so that the collective public
14 image of and confidence in the Department is *not* perverted.

1 *I Liheslaturan Guahan* further finds that Public Law 24-23, which established the
2 Department and stipulates the process by which alleged violations of the law on the part
3 of a police officer or an employee of the Department shall be investigated, is deficient.
4 Currently, any person may file with any police officer a complaint alleging the
5 commission of a crime on the part of a police officer or employee of the Department.
6 The alleged violations are then forwarded to the Internal Affairs unit of the Department.
7 *However*, the fear of possible intimidation and reprisal by imputed officers and the
8 impression, whether legitimate or not, that the Department is apathetic to public
9 accusations against one of their own, discourages the members of our community from
10 reporting police misconduct.

11 Innate reluctance on the part of officers to report abuse or participate in detailed
12 investigation of an allegation against one for their own, or breaking the “code of silence”
13 due to prospective retaliation against deemed whistle-blowers or participants, renders it
14 difficult for the effective enforcement of this process. Finally, the Office of the Attorney
15 General, including its prosecutors, is placed in a difficult position of investigating the
16 same police officers it relies on for evidence in other criminal cases. Thus, the
17 investigations are frequently and unjustly perceived by the public as being covered up
18 and biased.

19 Maintenance of community credibility and restoration of the public trust begins
20 with and hinges on police accountability and aggressive enforcement of internal policies
21 to regulate those who protect our lives and our properties. Such a process would insure
22 public confidence in the impartiality of the investigation process and results, and more
23 importantly, in the administration of justice by our men and women in blue.

1 It is the intent of *I Liheslaturan Guahan* to provide a practicable and accessible
2 means for the intake and processing of complaints against employees of the Department
3 to inquire into such complaints and, when necessitated to conduct prompt and impartial
4 investigations of legitimate public, criminal and other accusations of misconduct against
5 police officers and other employees of the Department through direct community
6 participation while ensuring the rights and dignity of each employee alleged to be in
7 violation of the laws of Guam of any standard of conduct that he or she is required to
8 adhere to. A community review commission, composed of civilians with the authority to
9 carry out independent investigations, but without any dependence on or conflict of
10 interest with these closely linked law enforcement agencies, would be best able to make
11 an objective determination and recommendation as to the disposition of the complaint.

12 The Guam Community Police Review Commission was established in Public Law
13 25-46, *however* was abolished pursuant to Public Law 26-76 for failing to meet in over
14 twelve months.

15 *I Liheslaturan Guahan* intends to ensure that the rights and dignity of each
16 accused employee of the Department are protected with the institution and
17 implementation of a clear and impartial investigative process.

18 It is therefore the intent of *I Liheslaturan Guahan* to re-establish the Guam
19 Community Police Review to comply with the provisions of its mandate .

20 **Section 2. Re-establishment.** Chapter 78, Title 10 Guam Code Annotated is
21 hereby re-established in its entirety.

22 **Section 3. Severability.** *If* any provision of this Law or its application to any
23 person or circumstance is found to be invalid or contrary to law, such invalidity shall *not*

1 affect other provisions or applications of this Law, which can be given effect without the
2 invalid provisions or applications, and to this end the provisions of this Law are
3 severable.