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CH. 77 GUAM POLICE DEPARTMENT**

**CHAPTER 77
GUAM POLICE DEPARTMENT**

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**ARTICLE 1
GUAM POLICE DEPARTMENT**

SOURCE: Chapter 77 was added by P.L. 24-023:1 (May 14, 1997).

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§ 77101. Definitions.

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

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

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

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initiation of a criminal proceeding or of any related later proceedings.

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

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

(f) Police officer means an employee of the department, who is charged with preserving the public peace and enforcing laws and court orders, and is appointed pursuant to this Chapter and as defined in 8 GCA § 5.55(c), or is a civilian volunteer police reserve appointed pursuant to 10 GCA Chapter 66.

§ 77102. Guam Police Department.

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

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

SOURCE: Added by P.L. 24-023:1 (May 14, 1997). Subsection (c) implicitly repealed by P.L. 30-220:3 (Dec. 21, 2010).

2024 NOTE: The position of Deputy Chief of Police and the authority to make such appointment was repealed by P.L. 30-220:3 (Dec. 21, 2010). Prior to the repeal, subsection (c) stated:

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

§ 77103. Powers and Duties of Department.

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

- (1) Protect life and property;
- (2) Enforce the law;
- (3) Prevent crime;

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- (4) Preserve the peace;
- (5) Arrest violators pursuant to Title 8 Guam Code Annotated;
- (6) Serve the public;
- (7) Conduct searches and seizures of property pursuant to Title 8 Guam Code Annotated; and
- (8) Perform the duties of a peace officer.

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

(c) The Guam Police Department shall have jurisdiction within Guam over all lands, whether titled to the government or not, including submerged lands, all waterways whether navigable or not, and over all air space above such land and waterways with respect to which Guam has jurisdiction.

2024 NOTE: References to “Territory” removed and/or replaced with “Guam” pursuant to 1 GCA § 420.

§ 77104. Department to Enforce Highway Safety.

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

2024 NOTE: Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

§ 77105. Department to Enforce Governmental Regulations.

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

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§ 77106. Commanding Assistance of Citizens.

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

§ 77107. Power of the Chief of Police.

The Chief of Police shall have the following duties:

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

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

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

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

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

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

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

§ 77108. Authority to Hire Attorney.

[Repealed.]

SOURCE: Added by P.L. 24-023:1 (May 14, 1997). Repealed by P.L. 30-202:2 (Nov. 30, 2010).

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§ 77109. Appointment of the Chief of Police.

(a) The Chief of Police shall be appointed by *I Maga'lahaen Guåhan* with the advice and consent of *I Liheslaturan Guåhan*, and shall meet the following qualifications:

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

(2) have no less than fifteen (15) years of progressive experience in a government law enforcement position, including at least five (5) years at the supervisory command level, and five (5) years in a senior position with law enforcement management responsibilities, or equivalent executive management experience in the field of public administration, criminal justice administration, or law, or a closely related field or discipline;

(3) graduated with a Bachelor's degree or higher in police science, criminal justice administration, public administration, law, or a closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;

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

(5) have no misdemeanor convictions involving moral turpitude;

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

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

(8) submit to psychological testing;

(9) submit to a polygraph examination; and

(10) submit to a thorough investigation of his or her background and moral character.

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(b) Compensation of Police Chief. Notwithstanding any other provision of law, a person appointed by *I Maga'lahañ Guåhan* (the Governor) and confirmed by *I Liheslaturan Guåhan* (the Legislature) to be Chief of Police, and who at the time of appointment is an active member of the classified service shall receive a salary established by the government of Guam compensation schedule for heads of agencies, or a salary equivalent to the three (3) year average of the annual income earned immediately prior to appointment as Chief of Police, whichever is greater. Said three (3) year average shall be reviewed annually to determine if mandated pay increases would have affected the three (3) year average.

SOURCE: Amended by P.L. 30-015:2 (Apr. 17, 2009), P.L. 30-220:2 (Dec. 21, 2010), P.L. 31-070:2 (May 24, 2011), and P.L. 32-203:4 (Oct. 13, 2014).

2014 NOTE: The amendment of P.L. 32-203:4 is effective retroactively to January 1, 2011 pursuant to P.L. 32-203:7.

§ 77109.1. Reinstatement of Police Chief to Classified Service.

A person who is an active classified employee of the Guam Police Department immediately prior to appointment by *I Maga'lahañ Guåhan* (the Governor) and confirmation by *I Liheslaturan Guåhan* (the Legislature) to be Police Chief shall, if not removed for cause, be reinstated to the position he or she previously held immediately prior to such appointment or to an equivalent position upon expiration of appointment as Police Chief.

SOURCE: Added by P.L. 32-203:5 (Oct. 13, 2014).

2014 NOTE: This provision is effective retroactively to January 1, 2011 pursuant to P.L. 32-203:7.

§ 77110. Appointment of Deputy Chief of Police.

[Repealed.]

SOURCE: Added by P.L. 24-023:1 (May 14, 1997), amended by P.L. 30-015:3 (Apr. 17, 2009), and repealed by P.L. 30-220:3 (Dec. 21, 2010).

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§ 77110.1. Police Colonel.

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

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

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

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

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

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

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

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COMMENT: Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-068:IV:45 (Sept. 30, 2005).

§ 77110.2. Police Major.

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

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

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

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

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

§ 77110.3. Police Captain.

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

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

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

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

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

§ 77110.4. Police Lieutenant.

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

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

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

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

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

§ 77110.5. GPD Colonel Position.

[Repealed.]

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

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

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

2024 NOTE: The position of Deputy Chief of Police and the authority to make such appointment was repealed by P.L. 30-220:3 (Dec. 21, 2010).

§ 77112. Powers and Duties of the Police Colonel.

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

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

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

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

2024 NOTE: Reference to “Territory” replaced with “Guam” pursuant to 1 GCA § 420.

§ 77113.1. Annual Police Training Cycle.

(a) The Guam Police Department shall, beginning in Fiscal Year 2017, conduct a police training cycle for no more than forty (40) candidates per fiscal year.

(b) Each year, the Chief of Police shall determine the total cost to conduct a recruitment and training cycle pursuant to the requirements set forth in Subsection (a) of this Section, and he/she shall transmit this as part of the Department’s proposed budget to *I Maga’hågan Guåhan* for inclusion in the Executive Budget request that *I Maga’hågan Guåhan* submits annually to *I Liheslaturan Guåhan*.

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(c) The Chief of Police shall submit a report to *I Maga'hågan Guåhan* and the Speaker of *I Liheslaturan Guåhan* no later than June 30 of each year to present an update on the police training cycle conducted during that fiscal year pursuant to the requirements set forth in this Section.

SOURCE: Added by P.L. 33-163:2 (June 23, 2016), entitled "Annual Police Cycle for Fiscal Years 2017 through 2021." Amended and renamed by P.L. 36-054:XII:35 (Sept. 11, 2021).

§ 77114. Minimum Qualifications.

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

- (1) be a resident of Guam and a U.S. citizen;
- (2) be of good health and good moral character;
- (3) be over the age of eighteen (18) years;
- (4) be a high school graduate or equivalent, but the POST Commission may set higher academic qualifications for all applicants as the Commission considers necessary;
- (5) submit to and pass a drug screening test, including but not limited to a urinalysis test;
- (6) submit to psychological testing; and
- (7) submit to and pass a polygraph examination.

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

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

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

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

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

2024 NOTE: Reference to "Territory" removed pursuant to 1 GCA § 420.

§ 77115. Oath of Police Officer.

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

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

§ 77116. General Orders or Directives.

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

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

All police officers are subject to the following restrictions:

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

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

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

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

2017 NOTE: Subsection/subitem designations deleted/alterd pursuant to the authority of 1 GCA § 1606.

§ 77118. Performance Reports and Records.

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

§ 77119. Assignment of Police Officers.

(a) The Chief of Police, or his designee, may assign police officers consistent with the needs of the Department to the villages so as to be the most efficient in carrying out the purposes of the Department to preserve the peace, to enforce the law and to prevent and detect crime.

(b) The Chief of Police may assign those hired as limited term police officers to serve as a school resource officer, who at the minimum will be responsible for addressing drugs and violence in the schools, the investigation of criminal activity involving juveniles, and other duties as agreed upon by the parties in a Memorandum of Understanding and whose employment shall be on a school-year basis.

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

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

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§ 77120. Headquarters and Police Stations.

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

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

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

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

2024 NOTE: Reference to “Territory” removed pursuant to 1 GCA § 420.

§ 77122. Use of Uniform.

The Chief of Police shall direct appropriate uniform use.

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

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

§ 77123. Wearing Uniform by Other Persons Prohibited.

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

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

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§ 77124. Supplies and Equipment of the Department.

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

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

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

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

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

§ 77126. Accountability of Funds.

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

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

(c) Before any vice funds can be expended, the Chief of Police must authenticate any request for funds. If the Chief of

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Police finds that the funds have been disbursed in an unauthorized manner, he may discipline the officers involved, but the identity of the person to whom the disbursement was made may be confidential.

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

§ 77127. Organization of Department.

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

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

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

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

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

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

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

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§ 77129. Confidentiality of Records.

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

- (a) as ordered by a court; or
- (b) as provided in the ‘Freedom of Information Act’ or ‘Sunshine Act’; or
- (c) as required or provided for under Federal law.

§ 77130. Reporting of Crime Statistics.

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

- (a) as directed by the Governor for purposes of the National Incident Based Reporting System;
- (b) as otherwise directed by the Governor concerning general categories of criminal activities, but not individual criminal records; or
- (c) as requested by the Legislative Chairperson with oversight jurisdiction.

2024 NOTE: Reference to “Territory” removed pursuant to 1 GCA § 420.

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

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

- (1) limiting access of information to criminal justice agencies when the information is required to perform a duty or function expressly required by statute, and
- (2) providing for purging or expunging of inaccurate and incomplete arrest, charge and disposition information.

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

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§ 77132. Restrictions on Reporting.

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

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

§ 77133. Reporting Police Officer Violations.

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

(b) The Chief of Police shall, within thirty (30) working days of receipt of the information described in Subsection (a) of this Section, prepare a statement open to the public indicating the preliminary disposition of the allegation. The Chief of Police shall prepare a summary of all allegations filed and their final disposition in the Department's annual report.

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

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

(e) The Chief of Police shall inform the Commission in writing, within three (3) days of disposition, of disciplinary

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outcomes of cases, including adjudication and discipline imposed. All such information shall be kept confidential, unless otherwise permitted or required by law.

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

SOURCE: Repealed and reenacted by P.L. 25-046:3 (June 15, 1999).

§ 77134. Fees.

(a) The Chief of Police may prescribe, in accordance with the Administrative Adjudication Law, fees to be charged and collected by the Department that are directly related to the need of the agency to recover administrative costs in servicing the public. These fees and the fines imposed under § 74108 of Chapter 74, Title 11, Guam Code Annotated, less the amounts deposited into the “Copper Victims Fund” pursuant to Subsection (b), shall be deposited in a special account known as the “Police Services Fund,” established separate and apart from the General Fund to be administered by the Director of Administration for the benefit of the Guam Police Department. *I Liheslaturan Guåhan* (the Guam Legislature) shall make appropriations from the “Police Services Fund” for the purpose of funding the general operational needs of the Guam Police Department on a fiscal year basis. These funds, once appropriated to the Department, are not subject to the transfer authority of *I Maga'låhi* (the Governor).

(b) An amount equivalent to the value of the stolen copper wire as determined by the Attorney General of Guam shall be deposited in a special account known as the “Copper Victims Fund,” established separate and apart from the General Fund to be administered by the Attorney General for the benefit of the victims of copper theft. These funds are not subject to the transfer authority of *I Maga'låhi* (the Governor).

(c) As used in this Subsection, ‘administrative costs in servicing the public’ means costs incurred in providing administrative services, such as issuing licenses or permits, providing police clearances for private parties and taking finger

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prints, but does not include performing essential crime prevention and law enforcement duties described in Section 77103 of this Chapter.

SOURCE: Added by P.L. 24-023:1 (May 14, 1997), and amended by P.L. 33-155:3 (May 17, 2016).

2016 NOTE: P.L. 33-155:3 amended subsection (a), added a new (b), and redesignated the existing subsection (b) to a new subsection (c).

§ 77135. Police Patrol Vehicle and Equipment Revolving Fund; Establishment.

There is hereby established a “Police Patrol Vehicle and Equipment Revolving Fund” (Fund), to be maintained by the Department of Administration for the sole benefit of the Guam Police Department. The Fund shall be established and maintained in a bank account separate and apart from the General Fund, or any other bank account(s) of the government of Guam, and shall not be co-mingled with, or a part of, the General Fund. All funds due or accruing to the account from whatever source(s), as provided or authorized-pursuant to applicable law, inclusive of any interest, shall be deposited in the Fund in its entirety immediately upon receipt by the government of Guam. The Fund shall not be subject to the transfer authority of *I Maga'lahen Guahan*.

(a) Funding.

(1) The Police Patrol Vehicle and Equipment Revolving Fund shall be funded by, but is not limited to, OVIS fees collected and allocated in accordance with § 3602(b) of Article 3, Chapter 3, and fines imposed under § 12110 of Chapter 12, both of Title 16, Guam Code Annotated.

(2) All monies received, collected from or paid by parties responsible for damages to vehicles owned by the Guam Police Department shall be deposited in the Fund.

(b) Purpose. The primary and sole purpose of the Fund is the acquisition of vehicles and requisite associated equipment, and to support the repair and maintenance needs for vehicles of the Guam Police Department on a fiscal year basis.

(c) Authorized Expenditure and Continuing Appropriation.

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(1) All monies in the Fund are hereby appropriated, and shall be deemed appropriated on a continuing basis and shall not lapse, and shall not be subject to appropriation constraints in order to be expended for the purposes of acquiring, repairing, and maintaining vehicles and requisite associated equipment for the Guam Police Department.

(2) All monies in the Fund shall be expended at the discretion of the Chief of Police for the purposes of acquiring, repairing, and maintaining vehicles and requisite associated equipment for the Guam Police Department, or subsidizing the utilization of privately-owned vehicles for police service, patrol duty, and other law enforcement related functions, as provided pursuant to Chapter 56 of Title 10, Guam Code Annotated.

(3) The Fund shall not be used to purchase non-patrol vehicles for administrative utilization purposes.

(d) Reporting.

(1) Any and all collections deposited into and/or expenditures from the Fund shall be reported quarterly to *I Maga'lahaen Guahan* and the Speaker of *I Liheslaturan Guahan*, and the Guam Police Department, in conjunction with the Department of Administration, shall report and maintain full compliance with all financial reporting requirements of the government of Guam pursuant to applicable law.

(2) The Fund shall be subject to review and audit by the Office of Public Accountability, which shall provide *I Maga'lahaen Guahan* and the Speaker of *I Liheslaturan Guahan* with a copy of any audited report.

(e) The Chief of Police shall submit an annual spending plan for the Fund in accordance with and at the same time as the Bureau of Budget and Management Research budget call.

(1) The spending plan shall include the actual experience of the fund, and any shortfalls experienced for the current fiscal year, or anticipated for the succeeding fiscal year.

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(2) A budget request for additional funding as is required for necessary vehicle acquisition, repairs and maintenance shall be in provided for in the budget request of the Executive Branch for the Department for the succeeding fiscal year.

SOURCE: Added by P.L. 32-205:3 (Oct. 18, 2014). Subsection (a)(1) amended by P.L. 33-127:7 (Mar. 4, 2016). Subsection (c) amended by P.L. 33-208 (Dec. 15, 2016).

2017 NOTE: Subitem designations added pursuant to the authority of 1 GCA § 1606.

**ARTICLE 2
GUAM HIGHWAY PATROL**

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

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

§ 77201. Guam Highway Patrol Established.

There is established as a permanent division within the Guam Police Department the Guam Highway Patrol.

(a) The Guam Highway Patrol shall have primary jurisdiction over the enforcement of all laws on Guam pertaining to vehicular traffic on Guam's roads and highways that are currently enforced by the Guam Police Department, including the Vehicular Code of Guam, all traffic safety laws currently enforced by the Guam Police Department, and the investigation of traffic accidents and violations. This shall not be construed as to transfer authority for enforcement as currently resides with the Department of Revenue and Taxation.

(b) The Guam Highway Patrol shall include all personnel, jurisdiction, equipment and function currently assigned to the Traffic Division of the Guam Police

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Department, which shall be merged into the Guam Highway Patrol.

Nothing in this Section or Chapter shall be construed as in any way limiting the police powers of members of the Guam Highway Patrol in the investigation of any other crimes on Guam, or the powers of any member of the Guam Highway Patrol to effect any arrest or any exercise any normal power of any police officer on Guam, nor is the ability of any police officer on Guam to enforce traffic or other laws on the roads of highways of Guam to be construed as diminished.

2017 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 77202. Minimum Staffing Required.

(a) The Guam Highway Patrol shall be maintained at a staffing level of no less than thirty (30) officers. If at any time less than thirty (30) officers are assigned to the Guam Highway Patrol, the Chief of Police shall notify the Speaker of the *I Liheslaturan Guahan*, in writing, that such a condition exists.

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

2017 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 77203. Special Insignia and Designation.

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

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**ARTICLE 3
MUNICIPAL POLICE**

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

- § 77301. Division of Municipal Police.
§ 77302. Volunteers.

§ 77301. Division of Municipal Police.

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

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

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

(d) Officers assigned to a police station in a village shall be considered as being assigned to such village on a full-time basis,

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and shall wear a patch prominently designating them as police officers for the village to which they are assigned.

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

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

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

§ 77302. Volunteers.

(a) Pursuant to § 3401.1(h) of Article 4, Chapter 3, Title 16, Guam Code Annotated, the Chief of Police is authorized to recruit volunteers to assist the Guam Police Department in the enforcement of the accessible parking and littering laws, and the Natasha Protection Act of 2005 relative to the regulation of smoking activities pursuant to Chapter 90 of Title 10, Guam Code Annotated. In addition to these duties, the Chief of Police shall authorize the use of volunteers to patrol the school campuses of the Guam Department of Education during non-school hours. The volunteers shall take no enforcement action during their patrol of the school campuses and shall notify the police of suspicious activity or crimes in progress. The Superintendent of Education shall cooperate with the Chief of Police to implement this Section. The volunteers are authorized to issue summons, notices to appear, citations, and notices of violation for offenses committed under the provisions of §§ 70.10 through 70.85 of Article 1, Chapter 70, Title 9, Guam Code Annotated. The volunteers are also authorized to impound animals subject to § 34127 of Article

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1 of Chapter 34, Title 10, Guam Code Annotated if exigent circumstances are established by plain view.

(b) The Chief of Police is further authorized to recruit volunteers to assist the Guam Police Department with traffic direction, security, and crowd control for events such as, but not limited to, the Guam Ko'ko' Road Race, the Guam-Micronesia Island Fair, and the Liberation Day Parade. Volunteers are required to obtain a certificate from the Chief of Police demonstrating the completion of a required course of instruction and training that includes training relative to traffic direction and crowd control.

SOURCE: Added by P.L. 31-210:1 (May 9, 2012), amended by P.L. 33-117 (Feb. 3, 2016), and P.L. 33-121:4 (Feb. 4., 2016). Subsection (a) amended by P.L. 35-121:1 (Dec. 11, 2020).

**ARTICLE 4
BODY-WORN CAMERAS**

SOURCE: Entire Article added by P.L. 37-057:1 (Dec. 13, 2023).

- § 77401. Legislative Findings and Intent.
- § 77402. Body-worn Cameras (Body Cams).
- § 77403. Body Cam Program.
- § 77404. Body Cam Recordings: Release.
- § 77405. Body Cam Recordings: Storage and Archiving.
- § 77406. Pilot Program Permitted.
- § 77407. Grants and Funding.
- § 77408. Administrative Rules and Regulations.

§ 77401. Legislative Findings and Intent.

(a) *I Liheslaturan Guåhan* finds that body-worn cameras are video and audio recording devices that police, sheriff and highway patrol officers wear as part of their uniforms to document what they observe as they perform their duties. Body-worn cameras continue to be a popular focus for state and city lawmakers as they consider and enact legislation to address police-community relations.

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(b) Body-worn camera laws generally limit public dissemination of camera footage except for statutorily specified purposes. Some jurisdictions permit the release of footage to the people involved in a recording, or to their attorneys. Other jurisdictions allow release in instances where the public interest outweighs the need for confidentiality. Some jurisdictions allow the release of footage, but recordings can be withheld if they reveal confidential information or identify people accused of, but not charged with, a crime.

(c) *I Liheslaturan Guåhan* further finds that body-worn cameras have become increasingly popular in recent years as a means to prevent or document officer misconduct while on duty. However, these devices are unpopular among law enforcement officers as everything that they say or do while on duty is recorded, including times when officers have a reasonable expectation of privacy. The other concern from law enforcement officers is that recorded criticism of fellow officers or supervisors may be used against them. To balance the needs of the public, investigators, prosecutors, defense attorneys and victims, the use and release of body-worn cameras recordings should be subject to a fair and concise policy.

(d) Therefore, it is the intent of *I Liheslaturan Guåhan* to allow the Guam Police Department to implement a body-worn camera program, and to allow the Chief of Police to develop rules and regulations to administer the program.

2024 NOTE: Subsection designations added pursuant to the authority of 1 GCA § 1606.

§ 77402. Body-worn Cameras (Body Cams).

A body-worn camera (body cam) is a device worn by police officers as part of their uniforms. The body cam records audio and video to document what they observe as they perform their duties.

§ 77403. Body Cam Program.

The Chief of Police (Chief) is authorized to develop a body cam program for the Guam Police Department (GPD).

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§ 77404. Body Cam Recordings: Release.

(a) Body cam recordings are not public information as defined in Chapter 10, 5 GCA; however, body cam recordings shall be released for the following purposes:

(1) upon a court order, including warrants, subpoenas, summons or discovery. Such recordings shall remain confidential while in the possession or custody of the receiving party unless ordered by a court; or

(2) no recordings of incidents that are the subject of an investigation shall be made public until after completion of the investigation. No recordings of incidents that are the subject of an investigation that results in a criminal charge or an indictment shall be made public until after the case is adjudicated; or

(3) for use in criminal investigations and criminal prosecutions; or

(4) for use in internal GPD investigations; or

(5) for use in accordance with the Rules of Discovery.

(b) Body cam recordings of encounters with juveniles are not to be made public. Body cam recordings of encounters with victims of family violence, child abuse, child pornography, human trafficking, criminal sexual conduct, victims of violent crimes, and where there is a reasonable expectation of privacy such as a victim's home, are not to be made public without the expressed written consent of the victim.

2024 NOTE: Subsection designations added/alterd pursuant to the authority of 1 GCA § 1606.

§ 77405. Body Cam Recordings: Storage and Archiving.

The Chief shall develop a storage, retention and archiving policy for body cam recordings. Body cam recordings must be retained for a minimum of three (3) years following completion of an investigation. Body cam recordings used as evidence in a criminal or civil proceeding shall be retained for a period of not less than three years (3) or longer, while disposition of an appeal is pending or subject to a court order.

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§ 77406. Pilot Program Permitted.

The Chief may implement the provisions of this Article as a pilot program.

§ 77407. Grants and Funding.

Nothing in this Article or any other provision of law is to be construed as to limit or restrict the ability for GPD to apply for and utilize grant funding for the purchase, operation and maintenance of body cams. Nothing in this Article or any other provision of law is to be construed as to limit or restrict the ability for GPD to apply for and utilize grant funding for the purchase, operation and maintenance of body cams recording storage, retention and archiving.

§ 77408. Administrative Rules and Regulations.

GPD shall develop administrative rules and regulations to implement the provisions of this Article pursuant to Chapter 9, 5 GCA.
