



P.O.S.T. CERTIFICATION PROCEDURAL PROCESS



Here is a list of Frequently Asked Questions (FAQ'S) to help clarify the P.O.S.T. Certification process:

“WHAT ARE THE STATUTES GOVERNING THE POST COMMISSION AND POST CERTIFICATION PROCESS?”

17 GCA EDUCATION CH. 51 PEACE OFFICER STANDARDS AND TRAINING COMMISSION

and

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

“WHAT IS THE NECESSARY ACADEMICS AND TRAINING FOR P.O.S.T. CERTIFICATION?”

Here are the requirements by statute:

27 GAR – PUBLIC SAFETY CH. 3 – GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING COMMISSION ADMINISTRATIVE RULES § 3106. Standards for Certification of Each Category of Peace Officer.

(1) Category 1 Peace Officers. All persons certified as Category I 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.

Note: Therefore, there are **two** distinct separate tracks for P.O.S.T. Certification. Applicant can choose either one for certification.

- 1. Criminal Justice Academy Certificate, OR**
- 2. P.O.S.T Certified Training Program.**

The **Criminal Justice Academy Certificate** (Officially known at GCC as the Criminal Justice Certificate) is a Certificate earned upon completion of the GCC two-phase curriculum. This

Certificate **verifies** that the applicant has successfully completed the Criminal Justice Academy in its entirety. The courses provided are for accreditation and academic standards for GCC. A **copy** of the **“Certificate”** is necessary to comply with the P.O.S.T. law, plus **an unofficial GCC transcript is required.**

Official Transcripts Requirements would be those who did not attend the Criminal Justice Academy, did not complete the Criminal Justice Certificate at GCC, or took a similar course at another institution. That transcript must be **sealed and mailed** directly to Guam Community College (POST COMMISSION), ATTN: P.O.S.T EXECUTIVE DIRECTOR, P.O. Box 23069 GMF; Barrigada, Guam 96921.

The **P.O.S.T. Commission Certified Training Program**, 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. Please note that the Phase II Academy (technical and tactical) portion has embedded these courses.

This would apply to applicants or employees who **did not** complete the Criminal Justice Academy but may have taken the basic or similar courses that would make them qualified to be **“P.O.S.T. Certified”**. **This must be reviewed on a case-by-case basis.**

There are other programs that the P.O.S.T. commission has accepted for certification such as: **UOG, FLETC, FEDERAL AGENCIES, HOMELAND SECURITY, U.S. MILITARY, NATIONAL INSTITUTE OF CORRECTIONS, PROBATION AND PAROLE TRAINING, FEDERAL FIRE TRAINING, AND POLICEONE TRAINING.** Additionally, apprenticeship program for the **Guam Police Department, Guam Judiciary, Department of Corrections, and Department of Youth Affairs** have been approved and accepted.

“HOW DO THESE EDUCATIONAL AND TRAINING REQUIREMENTS APPLY TO EMPLOYEES WHO ARE CURRENTLY EMPLOYED, OR WHO WERE PREVIOUSLY EMPLOYED?” HOW CAN THEY BE P.O.S.T. CERTIFIED?

Here are the statutes that addresses this question:

P.L. 32-232, 27 GAR – PUBLIC SAFETY CH. 3 – GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING) COMMISSION ADMINISTRATIVE RULES.

Any person who has been serving on a **permanent basis as a peace officer** on Guam prior to the promulgation hereof (December 30, 2014) 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).

AND

17 GCA EDUCATION CH. 51 PEACE OFFICER STANDARDS AND TRAINING COMMISSION CHAPTER 51 PEACE OFFICER STANDARDS AND TRAINING COMMISSION § 51105. Certification without Compliance with Requirements of § 51104; Applicability of Civil Service Provisions.

(a) Notwithstanding any other provision within this Article, any person who has been employed on a permanent basis as a peace officer on Guam prior to the enactment hereof and who is currently employed as a peace officer or was previously employed as a peace officer for at least ten (10) years prior to enactment hereof, may be certified as a peace officer by the Executive Director without having complied with § 51104 (b) and (c).

Note: This part of the statute was intended to ensure that those employees prior to the promulgation of the law are considered and do not have to go through additional training. With hundreds of previously employed peace officers throughout the government agencies, it would be impossible to have all of them follow the existing academic requirements because it would be very costly and adversely affect overall government operations.

In the form that is provided, you should indicate that you are applying these two statutes to your P.O.S.T Certification. There will also be a Date of Hire and Resignation section. Please note that the agency could require you to do some in-service or refresher training as provided by law to ensure you are up to date with current laws, training, regulations, policies and procedures. This form would require that your agency head verify the information you have provided.

“TEMPORARY CERTIFICATIONS.”

Additionally, there are TEMPORARY certifications (please see P.O.S.T. Application and Certification Form).

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

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

27 GAR, PUBLIC SAFETY CH. 3 – GUAM P.O.S.T. (PEACE OFFICER STANDARDS AND TRAINING) COMMISSION ADMINISTRATIVE RULES § 3109 (c) Temporary Certification. All peace officers

who have left the service of a law enforcement agency while in good standing may upon application obtain temporary certification while completing a refresher course specified by the Commission. SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

“WHAT IF I COMPLETED THE CRIMINAL JUSTICE ACADEMY, OR HAVE A CRIMINAL JUSTICE CERTIFICATE PRIOR TO DECEMBER 30, 2014? WILL MY COMPLETION OR CERTIFICATE ALLOW ME TO BE HIRED AFTER DECEMBER 30, 2014? WOULD I NEED TO GO BACK TO SCHOOL TO GET ADDITIONAL SCHOOLING OR TRAINING?”

Your Criminal Justice Completion or Certificate is still valid for P.O.S.T Certification. However, your agency can still mandate that you take additional in-service training.

“CAN I BE P.O.S.T. CERTIFIED IF I ATTENDED ANOTHER INSTITUTION, COLLEGE, UNIVERSITY OR EMPLOYED BY ANOTHER AGENCY?”

Yes. You can be certified with the following:

17 GCA EDUCATION CH. 51 PEACE OFFICER STANDARDS AND TRAINING COMMISSION § 51102. Created; Membership; Compensation; Meetings; Publications of Procedures; Standards for Certified Training; Powers and Duties (g)

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

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

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

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

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

(Note: This would also apply to other outside institutions, academies, or the military. P.O.S.T Commission must accept those institutions for P.O.S.T certification)

AND

17 GCA EDUCATION CH. 51 PEACE OFFICER STANDARDS AND TRAINING COMMISSION

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

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

“BEFORE I AM EMPLOYED, WHAT MUST BE COMPLETED BY THE AGENCY?”

The following is what each “Agency” is responsible for completing.

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

§ 3104. Pre-Employment Requirements.

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

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

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

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

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

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

(f) Reading and Writing Proficiency. All applicants must provide proof of satisfactorily passing an **exam Or course evidencing proficiency in reading and writing in English administered by an institution recognized or sanctioned by the P.O.S.T. Commission**. SOURCE: Adopted by P.L. 32-232 (Dec. 30, 2014).

(Note: Applicant can provide a certificate or transcript of completing an English Course, or take the Department of Administration exam. The DOA exam has been accepted by P.O.S.T. as a valid course to certify an applicant to P.O.S.T.)

§ 3105 – COVERS AGENCY PHYSICAL FITNESS QUALIFICATION TEST

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

All persons certified as Category 1 peace officers shall possess, at a minimum the following:

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

All persons certified as Category 2 peace officers shall, at minimum, demonstrate satisfactory completion of the following:

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

- (D) Completion of a polygraph test (if applicable to job description)
- (E) Completion of a personal background investigation to determine suitability for employment.

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

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

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

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

- (a) Within fifteen (15) days after the appointment, termination, resignation or death of any peace officer, written notice thereof shall be given to the Commission by the employing agency.
- (b) No public official, Guam agency or any other person authorized by law to appoint peace officers on Guam shall appoint any person as a peace officer who does not meet the following qualifications. The person shall:
 - (1) be a United States citizen or a resident who is legally authorized to work within the United States and its territories;
 - (2) be at least eighteen (18) years of age;
 - (3) be fingerprinted; local and national fingerprint files shall be searched to determine if the applicant has a criminal record;
 - (4) not have been convicted in any civilian or military court of a felony, a crime involving moral turpitude, a crime of domestic or family violence, regardless of whether he has been pardoned or commuted by *I Maga'lahaen Guåhan* regarding such conviction;
 - (5) hold a high school diploma or evidence of an equivalent achievement;
 - (6) have good moral character as determined by a background investigation; the hiring agency shall complete a background investigation defined by the Commission of any applicant for employment as a peace officer before the applicant may be employed or begin training as a peace officer;

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

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

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

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

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

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

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

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

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

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

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

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

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

For any further inquiries, please email bertha.guerrero@guamcc.edu, or call (671)735-5516 ext. 5636.