



Office of the Governor of Guam

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NOV 25 2009

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

Dear Speaker Won Pat:

Submitted herewith is Bill No. 108-30 (COR), "AN ACT TO RE-ESTABLISH THE GUAM COMMUNITY POLICE REVIEW COMMISSION AS PROVIDED IN CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; TO AMEND §78105 AND §78108(a) OF CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW §78126 TO CHAPTER 78, TITLE 10, GUAM CODE ANNOTATED," which I have vetoed.

Bill No. 108-30 establishes another layer of bureaucracy without funding to support the measure's mandate. The Bill proposes to re-establish a police review commission to provide a function currently performed by the Guam Police Department's Internal Affairs Unit.

Guam law currently mandates all written complaints against an officer for misconduct and criminal offense be forwarded to Internal Affairs Unit and the Attorney General. The reason for the Bill's redundant process was a perceived fear of intimidation and conflict of interest. The bill ignores the good work of the Internal Affairs Unit and the availability of other resources such as the appointment of a special prosecutor. Moreover, courts have awarded significant civil rights judgments to victims of police misconduct and brutality. As an example of the effectiveness of the system, the Attorney General's office is currently prosecuting a police brutality case against Guam Police Department officers.

Yet, this Bill proposes to re-establish a commission with investigatory functions without an appropriation. Without adequate funding, complainants would only be frustrated with the process due to the lack of investigators to obtain and verify the facts and lawyers and other professionals properly equipped to apply the law, rules, regulations and procedures appropriately to the facts. Unlike Internal Affairs and the Attorney General's Office (hereinafter referred to as "AGO"), the Commission does not have the necessary professional resources to fairly make a determination as required under Section 4 of the Bill. The determination of a person's guilt should only be made by those properly trained and equipped such as Internal Affairs and the AGO. Although, Internal Affairs and the AGO are more aptly trained and equipped to make

determinations of guilt, these matters must still be brought before the court for a final determination. The Bill gives the Commission this tremendous authority which may lead to unsubstantiated determinations of misconduct or criminal activity that would be deemed final.

Another fatal outcome would be the probability of exposing confidential information thus jeopardizing criminal investigations and ultimately the safety of officers and informants. Although the concern was presented on several occasions, the Bill does not safeguard against the potential disclosure of confidential information.

While I support the notion of policing Guam's peace officers, there exist current mechanisms to investigate and penalize criminal misconduct by our officers, thus minimizing the need to establish another board.

Sinseru yan Magâhet,

A handwritten signature in black ink, appearing to read 'F. Camacho', with a long horizontal flourish extending to the right.

FELIX P. CAMACHO
I Maga' Lâhen Guahan
Governor of Guam

Attachment