

BEFORE THE 2010 JUDICIAL COUNCIL OF GUAM

RESOLUTION NO. JC 10-031

**RELATIVE TO ADOPTING A POLICY RE: LAW ENFORCEMENT PERSONNEL
CONDUCTING BUSINESS WITHIN THE COURTHOUSE as an amendment to
JUDICIAL POLICY UJ-08-01**

WHEREAS, at the Judicial Council meeting of June 17, 2010, the Marshal of the Courts proposed "Firearm Free Courthouse Policy" for review by the Judicial Council and attendees; and

WHEREAS, this policy was amended and re-circulated to the Judicial Council and discussed at the August, September, and October 2010 meetings, and amendments were made so that this policy is consistent with other firearms policies of the Judiciary of Guam; and

WHEREAS, the Policy became entitled "Proposed Addendum to the Judiciary of Guam Firearms Policy as set forth in Administrative Policy UJ-08-01, In re: Firearms Policies for the Judiciary," a copy of which is attached, and this final form was circulated before the November 2010 Judicial Council meeting, at which discussion ensued;

NOW THEREFORE BE IT RESOLVED, that the attached "Proposed Addendum to the Judiciary of Guam Firearms Policy as set forth in Administrative Policy UJ-08-01, In re: Firearms Policies for the Judiciary," as set forth in the attached document, is hereby approved.

DULY ADOPTED this 4th day of November, 2010 at a duly noticed meeting of the Judicial Council of Guam.



ROBERT J. TORRES, Chairman

Date: 11/26/10

ATTEST:



JOLEEN F. RESPICIO, Secretary

Date: 11/26/10

**PROPOSED ADDENDUM TO JUDICIARY OF GUAM
FIREARMS POLICY as set forth in ADMINISTRATIVE POLICY UJ-08-01, IN RE:
FIREARMS POLICIES FOR THE JUDICIARY**

Addendum 1

Section 4: Courtroom Firearms Policy for Visiting Law Enforcement Officers

I. Policy: This policy is intended modify the current practice applicable to Law Enforcement (“LE”) Officers bringing their service-issued firearm into all Judiciary of Guam facilities to include the old courthouse, law library, and other Judiciary buildings. This policy is designed to make it easier for law enforcement officers, while on duty and in uniform, in their official capacity, to conduct official business within Judiciary facilities, allowing them to enter and maintain full control of their agency authorized firearms or sidearms.

II. (a) Definition of “Law Enforcement Officer” shall be as noted in 17 GCA .§ 32301(b)

(b) Definition of “Correctional Officer” is as noted in 4 GCA.§ 6222, that is, an officer who performs the duty of guarding prisoners or supervising or counseling parolees.

III. Law enforcement officers attending or visiting within the Judiciary of Guam Courthouses, on official business, shall be permitted to retain their service weapons while in the Courthouse under the following conditions:

1. Uniformed Law Enforcement Officers on official business may enter the courthouse without securing their firearm with the Marshals if:

- a- Their purpose does not take them into a courtroom.
- b- They are conducting official business such as an investigation or testifying before grand jury.
- c- They are receiving or delivering court documents.
- d- Other activities not courtroom related

2. Non-Uniformed Law Enforcement Officers, while on duty on official business may retain their firearms under the same conditions, but will be required to prominently display identification badges [*which badges – issued by their agency? Or issued by the marshals?*] provided by the Marshals.

3. Uniformed or Plainclothes Law Enforcement officers attending Court on personal business, even if they are on duty, shall surrender their firearms to the Marshals.

4. Correctional Officers entering the Courthouse for the purpose of transporting inmates are permitted to wear the firearms, but shall secure their firearms before entering prisoner holding cells, courtrooms, or other restricted areas.

-a- Correction Officers may not be armed if they are in immediate contact of prisoners. A Correction Officer may be armed if they are positioned away from prisoners so that the prisoner can not gain access to the firearm.

-b- Other authorized law enforcement "Less-than-Lethal" equipment such as Pepper Spray or Batons are permitted.

2. Law Enforcement Officers with firearms shall not be allowed to enter into any courtroom for any reason besides responding to an actual emergency at the site.

IV. Probation Officers from the Judiciary of Guam may enter the Courtroom armed, but must notify the Marshals in the Courtroom if he or she is armed. Probation Officers must be in full control of their firearms and must be on their person. Possession of a firearm in a purse or shoulder bag, not on their person, shall not be permitted.

Arming of the Judiciary of Guam Marshals is governed by the existing Judiciary of Guam Firearms Policy UJ-08-01, IN Re: Firearms Policy for the Judiciary