



The Office of Senator Chris Barnett

I Mina'trentai Ocho Na Liheslaturan Guåhan

Suite 202 · Calvo- Arriola Building · 259 Martyr St. · Hagåtña, Guam 96910

(671)969-3586 · malafunkshun@guamlegislature.gov

September 17, 2026

TRANSMITTED VIA ELECTRONIC MAIL

chief@gpd.guam.gov

Colonel Joseph S. Carbullido
Acting Chief of Police
Guam Police Department
233 Central Avenue
Tiyan, Barrigada, Guam 96913

RE: Your Response of August 28, 2026 (GPD Control No. L2026-066) — Cost, Funding, and Process of the Guam Police Department Reorganization; Fourteen Certified Detail Assignments Extending Into an Unappropriated Fiscal Year; Certifying-Officer Accountability; and Renewed Demand for Records and Answers

Dear Acting Chief Carbullido:

I have read your ten-page response of August 28, 2026. It is a capable brief on the Chief of Police's statutory authority to organize the Department. It is not a response to my letter. My letter did not ask whether 10 GCA § 77127 permits the Chief to "organize the work of the Department." It asked what this reorganization will cost, who will pay for it, and by what process an acting, unconfirmed department head may commit the incoming administration and *I Mina'trentai Nuebi na Liheslaturan Guåhan* to recurring personnel expenditures. Ten pages later, the people of Guam have not been told a single dollar figure.

This letter renews those questions, adds new ones raised by the fourteen detail-assignment forms that your office released, and places on the record the personal legal exposure that attaches to the certifications you signed. I ask that you read it with the seriousness that the certification of public funds deserves.

I. The Questions Asked Were Cost, Funding, and Process. None Was Answered.

So that there is no dispute about what was asked, I repeat the operative paragraph of my August 27, 2026, letter verbatim:

"My inquiry concerns cost, funding, and process — three questions that no citation of authority answers. Specifically: what will this reorganization obligate the government of Guam to pay; where will that money come from in a fiscal year for which no budget has yet been enacted; and by what lawful process may a department head, serving in an acting and unconfirmed capacity,



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commit a successor administration *and I Mina'trentai Nuebi na Liheslaturan Guåhan* to recurring personnel costs that neither has approved?"

Your response contains thirteen numbered sections. Not one of them states a cost. Not one identifies a funding source, an account, or an appropriation. Not one mentions *I Maga'hågan Guåhan*. Not one mentions the Bureau of Budget and Management Research. The closest the response comes to the fiscal question is the observation that whether costs exist “is a factual matter” and the assurance that “if implementation of a particular component would require expenditure beyond available appropriations, GPD will not lawfully incur that obligation unless funding authority exists.” A conditional promise not to break the law is not a cost estimate. It is an evasion of the question, and the Legislature that appropriates the Department’s \$60.5 million General Fund budget is entitled to more than that. [1]

You also write that where a “fiscal model, five-year projection, computation, table, legal analysis, or other document does not presently exist, the Department will accurately advise that no responsive record exists.” I take that sentence at face value. It is an admission that the Department implemented a command-wide restructuring, executed fourteen higher-grade detail assignments, and proceeded with a promotion cycle without first preparing any cost study, fiscal model, or projection of any kind. If that is wrong, produce the documents. If it is right, say so plainly.

Accordingly, I demand direct written answers to the following three questions, each of which was asked on August 27 and each of which remains unanswered:

1. Total projected cost. The total projected cost of the reorganization — detail differentials, promotions, reclassifications, retirement and benefit loading, overtime at the higher regular rates, and any equipment, vehicle, facility, or technology costs — for the remainder of FY2026, for FY2027, and annualized over five years.
2. The Governor. Whether *I Maga'hågan Guåhan* was informed of, consulted on, or approved the reorganization, the fourteen detail assignments, and the promotions, and on what dates; and copies of every communication to or from the Office of the Governor on those subjects.
3. BBMR. Whether the Bureau of Budget and Management Research prepared, or was asked to prepare, a fiscal note, cost estimate, or fiscal impact statement, or approved any of the fourteen Detail Appointment Pre-Approval Forms (BBMR Form F-16). On every F-16 copy released to my office the block for the Director of BBMR, Lester L. Carlson, Jr., is blank. [2, 3]



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II. Fourteen Details, Fourteen Vacated Positions, and No Accounting for Either

The detail packet released by the Department contains fourteen Personnel Action forms (GG-1) and fourteen BBMR Form F-16 pre-approval forms. Every GG-1 is dated August 26, 2026 — two days before you wrote to me that “an organizational chart does not itself constitute a detail appointment” and that “GPD will comply with Rules 4.506 and 6.008 whenever an employee is actually placed in a qualifying detail.” Fourteen employees had already been placed. The forms are summarized below, using the Department’s own figures.

#Officer From (grade/step, annual salary)	Detailed to (grade/step, annual salary)
90-day cost*	
1. Paul V. Sayama Police Major (RL25-17) \$175,179	Police Colonel (SL25-17)
\$192,748 \$8,319.87	
2. Darren J. Caldwell Police Captain (PL25-19) \$156,297	Police Major (RL25-15)
\$163,532 \$3,426.41	
3. Kevin R. Guerrero Police Captain (PL25-13) \$127,147	Police Major (RL25-10)
\$137,688 \$4,991.92	
4. Donald R. Flickinger, Jr. Police Captain (PL25-17) \$145,904	Police Major (RL25-14) \$158,000
\$5,720.53	
5. Jason P.B. Aguon Police Captain (PL25-13) \$127,147	Police Major (RL25-10)
\$137,688 \$4,991.92	
6. James S. Cruz Police Lieutenant (OL25-14) \$120,749	Police Captain (PL25-14)
\$131,597 \$5,139.61	
7. Eugene C. Charfauros Police Lieutenant (OL25-14) \$120,749	Police Captain (PL25-14) \$131,597
\$5,139.61	
8. Mark A.B. Torre Police Lieutenant (OL25-17) \$133,875	Police Captain (PL25-17) \$145,907
\$11,913.66	
9. Rhodel V. Sevilla Police Lieutenant (OL25-12) \$112,720	Police Captain (PL25-12) \$122,848
\$4,795.00	
10. Jin H. Yi Police Lieutenant (OL25-12) \$112,720	Police Captain (PL25-12)
\$122,848 \$4,795.00	



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11. Edward D. Charfauros	Police Lieutenant (OL25-16) \$129,348	Police Captain
(PL25-16) \$140,971	\$5,494.07	
12. Felixberto M. Camacho, Jr.	Police Lieutenant (OL25-14) \$120,749	Police Captain
(PL25-14) \$131,597	\$5,139.61	
13. John G. Gamboa	Police Lieutenant (OL25-14) \$120,749	Police Captain (PL25-14) \$131,597
	\$5,139.61	
14. Michael L. Elliott	Police Sergeant II (ML25-16) \$109,713	Police Lieutenant
(OL25-14) \$120,749	\$5,218.38	

* Salary differential plus benefits at the 36.75% rate used on the Department's F-16 forms. Detail period August 30 – November 28, 2026. Department totals: \$58,665.60 in salary differentials and \$21,559.60 in benefits, for \$80,225.20 over ninety days, or approximately \$213,769 on an annualized basis for these fourteen officers alone.

Those fourteen forms tell only half the story. They document fourteen officers moving up. They do not document who moves into the fourteen positions those officers vacated: one Police Major, four Police Captains, eight Police Lieutenants, and one Police Sergeant II. As of the Department's FY2026 first-quarter staffing pattern, the Department fielded exactly four Police Majors, eight Police Captains, fourteen Police Lieutenants, and ten Police Sergeants II. [4] Detailing four of eight Captains to Major and eight of fourteen Lieutenants to Captain hollows out the middle of the command structure. Either those supervisory posts now sit empty — in which case the “span of control” and “accountability” justifications in your response collapse — or they are being filled by further details or underfills whose GG-1 and F-16 forms have not been produced and whose costs have not been counted.

The Department's own average differential across the fourteen details is approximately \$5.82 per hour. If the fourteen vacated positions are backfilled at a comparable differential, the ninety-day cost doubles to roughly \$160,000 and the annualized cost to roughly \$427,000 — before overtime at the higher regular rates, before retirement contributions on the higher base, and before a single permanent promotion. That is an illustrative estimate built from your forms because your Department has supplied no estimate of its own. I demand the actual figures.

The forms also exhibit defects that any certifying officer should have caught before signing:

- Each GG-1 recites compliance with “Title 4 GCA, Section 114.” There is no such section. The statute governing temporary assignments is 4 GCA § 4117. [5]



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- On every GG-1 the same signature appears in the “Approved by Certifying Officer” block and in the department-head approval block; on every F-16 the same signature appears in both the “Certified Funds Available” block and the “Approved (Department Head)” block. None of the signatures is dated. The separation between the official who requests an expenditure and the official who certifies that funds exist to pay for it is the most elementary internal control in public finance, and it was collapsed into one person on all twenty-eight forms.
- The BBMR Director’s approval block is blank on every F-16.
- Every F-16 states, under “Justification,” “Please see attached memorandum.” No memorandum was attached to any of the fourteen forms.
- Every form charges FY2026 accounts (6111001-100-26-1220001 and 6113001-100-26-1220001) for a detail period of which sixty of ninety days — October 1 through November 28, 2026 — fall in FY2027. On August 26, 2026, no FY2027 appropriation existed. The FY2027 General Appropriations Act became Public Law 38-136 without the Governor’s signature only days later, as reported on August 31, 2026. [1, 6] You certified funds available for an obligation that the appropriation you charged could not lawfully cover.

I therefore demand the identity of every officer underfilling, detailed to, or acting in each of the fourteen vacated positions; the GG-1 and F-16 for each; the identity of the officer backfilling each position vacated in turn, until the cascade reaches a position left vacant; and the “attached memorandum” referenced on all fourteen F-16 forms.

III. The Fiscal Context in Which This Department Chose to Spend

On September 14, 2026, *I Maga'hågan Guåhan* called *I Mina'trentai Ocho na Liheslaturan Guåhan* into its Eleventh Special Session, convening at 10:00 a.m. on September 15, 2026, to appropriate \$19,885,394 in Section 30 revenues received in excess of the amount adopted in Public Law 38-136: \$15,885,394 for the Guam Memorial Hospital Authority’s electronic health records system and \$4,000,000 for the University of Guam’s Blue Economy Innovation Center at the Fadian Hatchery, a sustainable-food-production and economic-growth initiative. [7] Those funds are the product of a one-time reconciliation of prior-year federal income-tax collections, not a recurring revenue stream. [8]



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That same \$19.9 million is the subject of at least three competing bills before the Legislature: Bill 356-38 (approximately \$16.8 million in power-bill credits), Bill 357-38 (\$20 million for Guam Department of Education facility repairs against an identified need of roughly \$427 million), and Bill 358-38 (approximately \$19.9 million for Simon Sanchez High School). [9, 10, 11] The Department of Public Health and Social Services faces a child-care subsidy shortfall of approximately \$7.6 million. [12] Guam Memorial Hospital continues to operate with a structural gap that the FY2027 Act only partially addresses. [1] Every one of those needs is in competition for the same General Fund and Section 30 dollars.

Against that backdrop, the Guam Police Department — without a cost estimate, without BBMR review, and without the Governor's documented involvement — elected to obligate the General Fund to an expanding command structure. The Legislature must choose between a hospital's medical-records system, classrooms with functioning air conditioning, child-care subsidies for working families, and power-bill relief. The Department, apparently, must choose nothing. That asymmetry is the heart of my objection, and it is why the Legislature holds “plenary or absolute power over appropriations.” [13]

IV. The Promotions Your Response Omitted

Your response argues at length that “promotions and organizational realignment are legally distinct actions.” Whether or not that is so as a matter of personnel law, it is irrelevant as a matter of fiscal law: both are paid from the same appropriation, and § 22401 does not care what a personnel form calls the obligation. Yet your response says nothing about the cost of the promotions the Department has announced — three Police Majors, seven Police Captains, and two civilian employees — even though you told KUAM on August 7, 2026, while the FY2027 budget was “in limbo,” that the promotions had “already been budgeted for” and that “the GG-1's ... have been approved.” [14]

Budgeted where, and by whom? The FY2027 Act had not been enacted on August 7. It had not been enacted on August 26 when the details were certified, nor on August 28 when you wrote to me. If the promotions were “budgeted” in an FY2026 appropriation, then they are a permanent, recurring obligation charged to a one-year appropriation, and the incoming administration elected in November 2026 and the incoming Legislature will inherit them without ever having voted on them. Using the Department's own FY2026 salary data, ten sworn promotions at the average Lieutenant-to-Captain and Captain-to-Major salary differentials add roughly \$168,000 in base salary and approximately \$230,000 with benefits each year, recurring and compounding



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through step increases and retirement contributions, before the two civilian promotions are counted. [4]

The omission of these promotions from any financial discussion in a ten-page response to a letter about cost admits of only two explanations. Either the Department knows the fiscal impact of what it is doing and has deliberately withheld it from the Legislature, or the Department does not know the fiscal impact of what it is doing. Neither is acceptable in an agency head, and neither is acceptable in a certifying officer. I put it to you plainly so that you may answer it plainly: which is it?

V. Performance, Necessity, and the Mandates You Chose Not to Cite

A reorganization is a means to an end. Your response invokes “public safety, accountability, span of control, or operational efficiency” but offers no measure of any of them. I therefore demand a written statement, with supporting data, of:

- the specific, measurable outcomes by which the Department will judge whether the fourteen details and the announced promotions have produced more efficient and effective police operations, and the baseline against which they will be measured;
- how the reorganization reduces or prevents crime, and how it increases police services delivered to the villages — by response time, patrol hours, calls for service answered, or any other metric the Department uses;
- the basis for the Department’s conclusion that this reorganization is a critical need now, in the final weeks of a term-limited administration and an outgoing Legislature, rather than a matter for the Chief and Governor who will be confirmed and accountable for it.

Your response cites 10 GCA §§ 77103, 77107, 77112, 77116, 77119, and 77127 as the “full statutory framework enacted by *I Liheslaturan Guåhan*.” It is not the full framework. Chapter 77 also contains two mandates, in force for nearly three decades, that the reorganization neither references nor honors:

A. Two officers per village, at all times — 10 GCA § 77301(c)

Article 3 of Chapter 77, enacted by P.L. 24-241 in 1998, establishes the Division of Municipal Police as “a permanent division of the Guam Police Department” and commands: “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 (2,000) persons as determined by the most recent census, there shall be one (1)



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additional officer assigned to that village in each shift for every additional two thousand (2,000) persons in population. These are only minimums.” [15, 16

Applied to the 2020 Census, that formula requires a minimum of 91 patrol officers on duty across Guam’s nineteen villages on every shift — 23 in Dededo alone — or 273 officers across three shifts before any allowance for days off, leave, training, or court time (see Appendix B). [17] With a conventional relief factor of 1.7 officers per post, the statutory floor is approximately 464 officers — the same figure an independent 2012 evaluation reached when it found that “by law GPD should have 464 patrol officers” while 139 were actually assigned, and that Dededo, entitled to 171, had 37. [18] The Department’s FY2026 staffing pattern lists 217 officers in the ranks of Police Officer I through Sergeant I in the entire Department, including investigations and every other non-patrol function. [4] The Department is not close to compliance. The Department’s own detail forms assign every one of the fourteen elevated officers to the “Neighborhood Patrol” section — and not one of the fourteen is a patrol officer who answers a call.

B. Thirty officers in the Highway Patrol — 10 GCA § 77202

Article 2 of Chapter 77, enacted by P.L. 24-240 in 1998, provides that “[t]he Guam Highway Patrol shall be maintained at a staffing level of no less than thirty (30) officers,” and that “[i]f 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 Guåhan*, in writing, that such a condition exists.” Section 77202(b) further requires written notice to the Speaker whenever more than twenty percent of the Highway Patrol complement is reassigned in any thirty-day period for reasons other than promotion or discipline. [15]

These are not aspirations the Chief may defer at his convenience. They are directives from *I Liheslaturan Guåhan*, phrased in the mandatory “shall,” that have bound every Chief of Police since 1998. A Department that invokes § 77127’s “so far as is practicable and expedient” discretion to justify adding Majors and Captains, while remaining silent on binding minimums for the officers who actually patrol the villages and the highways, is not applying “the full statutory framework.” It is applying the parts it finds convenient. I demand the current Highway Patrol strength, every § 77202(a) and (b) notice transmitted to the Speaker since 2020, the current per-shift patrol strength for each of the nineteen village stations, and an explanation of how the reorganization moves the Department toward, rather than away from, compliance with § 77301(c).



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C. The command structure the Legislature actually enacted

Chapter 77 legislates the Department's command architecture. Section 77110.1 provides for “the Police Colonel, who shall serve as Police Commander” — one Colonel, in the singular, and one Commander. Detailing Major Sayama to Police Colonel while you continue to hold the rank of

Police Colonel and serve as Acting Chief produces two Police Colonels in a Department the statute built for one. Section 77112, on which your response rests, vests the Colonel with the Chief's powers “in the absence or incapacity of the Chief of Police.” Chief Ignacio is neither absent nor incapacitated; his office is vacant, and 10 GCA §§ 77102 and 77109 provide that a vacancy in the office of Chief is filled by appointment of *I Maga'hågan Guåhan* with the advice and consent of *I Liheslaturan Guåhan*. [15] The statutory text does not read as your response would have it read.

VI. You Signed as Certifying Officer. The Law Attaches Personal Consequences to That Signature.

On each of the fourteen GG-1 forms and each of the fourteen F-16 forms, your signature appears in the block certifying that funds are available. Guam law does not treat that signature as a formality. I set out the governing provisions so that there can be no later claim that the consequences were not understood.

A. The Anti-Deficiency prohibition — 5 GCA § 22401

Your response concedes that 5 GCA § 22401 “plainly applies government wide.” It provides that “no officer or employee of the government of Guam, including the Governor of Guam, shall: (1) Make or authorize any expenditure from, or create or authorize any obligation under, any appropriation or fund in excess of the amount available therein ...; (2) Commence, continue, or proceed with any operational activity ... or obligation without an appropriation or fund for the payment thereof; (3) Involve the government of Guam in any contract or other obligation, for the payment of money for any purpose, in advance of the appropriation made for such purpose; [or] (4) Employ personnel or accept voluntary service except as authorized by law.” Subsection (c) provides that a violator “shall be subjected to appropriate disciplinary action ... including removal where warranted,” and that a knowing and willful violation is a misdemeanor. Subsection (e) requires that violations be reported “at once” to the Governor, who reports them to the Legislature. [19, 20]



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A detail assignment certified on August 26, 2026 for a period running through November 28, 2026, charged to FY2026 accounts, is an obligation “in advance of the appropriation made for such purpose” for the sixty days of that period falling in FY2027. That is § 22401(a)(3) on its face. The Supreme Court of Guam has applied § 22401(a)(3) to strike down an executive commitment of funds the Legislature had not appropriated, reaffirming that appropriations power is “plenary.” [13]

B. Personal liability of certifying officers — 4 GCA Chapter 14

Title 4 GCA Chapter 14, the Accountability of Disbursing and Certifying Officers Act, defines the Certifying Officer as the official “responsible for determining and certifying legality of the disbursement of public funds.” § 14104(a)(1). Section 14106(a) makes that officer responsible for “the legality of the proposed payment under the appropriation or fund involved” and for “making good to the government of Guam the amount of any illegal, improper or incorrect payment resulting from (1) any false, inaccurate or misleading certification ... or (2) any payment prohibited by law or which did not represent a legal obligation.” Section 14109 provides that “the accountable officer is an insurer of the funds,” that liability “arises automatically at the moment of the improper payment,” and that the officer “shall be required to make restitution.” Section 14111 imposes “the highest degree of care” and a rebuttable presumption of negligence. Section 14112(e) states: “The liability of accountable officers is statutory. Agencies cannot shield officers.” Section 14114(c) authorizes recovery by salary offset. [21, 22]

Section 14110 is explicit about criminal exposure. Exceeding an appropriation is “malfeasance in office,” punishable upon conviction as a misdemeanor by fine or imprisonment of not more than three years; and “any agency head or certifying officer who knowingly contracts or agrees to spend any money in excess of said appropriations shall be guilty of a misdemeanor.” The same section directs that BBMR shall not allot funds for such obligations and that the resulting contracts are void. [21]

Section 14107 requires that a certifying officer’s designation be approved by the Director of Administration and filed with the Treasurer of Guam, and that it be renewed every two years. I demand a copy of your current designation. I also note that Chapter 14 contemplates a certifying officer distinct from the department head who requests the expenditure — which is precisely why the GG-1 and F-16 forms have two separate signature blocks. Signing both blocks does not satisfy both functions; it eliminates one of them.



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C. Enforcement by taxpayers and the Attorney General — 5 GCA Chapter 7

The Enforcement of Proper Government Spending Act grants “any taxpayer who is a resident of Guam ... standing to sue ... to enjoin any officer ... or employee of the Executive Branch of the government of Guam from expending money without proper appropriation, without proper authority, illegally, or contrary to law, and to obtain a personal judgment in the courts of Guam.” 5 GCA § 7103. [23] The Supreme Court of Guam has confirmed that the Attorney General independently holds that enforcement power under 5 GCA § 30104 and the common law. In *Attorney General of Guam v. Gutierrez*, the Superior Court entered personal judgments of

\$300,000 against a former Governor and \$100,000 against a department director for payments made without lawful authority; although the Supreme Court reversed on the ground that the particular settlement payments at issue were in fact lawful, it left no doubt that officers who spend “contrary to law” may be pursued personally. [24] That mechanism is not hypothetical here: a sitting senator of the 37th Guam Legislature, as taxpayer, is presently prosecuting a Superior Court action against the Guam Department of Education official whose role was to certify the availability of funds for overtime payments. [25] The certifying signature is the one the courts look for first.

D. Persuasive authority from federal and state law

Guam’s statutes are modeled on the federal Antideficiency Act, 31 U.S.C. § 1341(a)(1)(A)–(B), which the Government Accountability Office describes as the only fiscal statute carrying both administrative and criminal penalties: suspension without pay or removal under § 1349, and, for knowing and willful violations, a fine of up to \$5,000, imprisonment of up to two years, or both under § 1350. [26, 27, 28, 29, 30] Federal certifying officials are, under 31 U.S.C. § 3528, responsible for “the legality of a proposed payment under the appropriation or fund involved” and for “repaying a payment” that is illegal, improper, or incorrect — language that 4 GCA § 14106 tracks nearly word for word. [31, 32] GAO enforces that liability against individuals: in B-307693 it refused to relieve a certifying officer of personal liability for improper payments he had certified without exercising good faith, holding that a certifying officer “must scrutinize and question” questionable items before signing. [33]

State courts reach the same place by different routes. The California Supreme Court holds that a public official who authorizes an improper expenditure of public funds “is personally liable to repay such funds” where he “failed to exercise due care in permitting the expenditure.” [34] The



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Ohio Supreme Court holds public officials strictly liable for the loss of public funds and treats that liability as “the official’s own debt.” [35] Pennsylvania’s Commonwealth Court affirmed personal surcharges against township supervisors who approved payments the law did not authorize. [36] And the United States Supreme Court has held for a century that an officer who obligates the government beyond its appropriation binds no one but himself: the government is not liable, and a multi-year commitment made under a one-year appropriation binds the government for that year only. [37, 38, 39] Under that rule, the sixty FY2027 days of the fourteen details you certified are obligations of the officer who certified them, not of the government of Guam, until and unless *I Liheslaturan Guåhan* appropriates for them.

I do not raise these authorities to threaten. I raise them because 4 GCA § 14112(e) says the liability “is statutory” and that “agencies cannot shield officers.” The Department cannot protect

you from the consequences of the certifications you signed. Only accurate, complete, and timely disclosure to the Legislature can begin to.

VII. Additional Authority and Fiscal Facts Bearing on This Matter

- The ninety-day limit on acting service. 4 GCA § 2103.9(a) provides that “[n]o person may serve in such an acting capacity for a period in excess of ninety (90) days” in a salaried position requiring the advice and consent of *I Liheslaturan Guåhan*, and § 2103.4(n) counts that period in calendar days from the initial acting appointment. The Chief of Police is in such a position. 10 GCA §§ 77102, 77109. Chief Ignacio passed on June 16, 2026; the ninetieth calendar day thereafter was September 14, 2026 — yesterday. To the extent you serve under an acting appointment rather than solely under § 77112, your authority to act as Chief has now expired by operation of law, and every structural decision taken during that period will be scrutinized in that light. I demand the instrument by which you were designated Acting Chief, its date, and the date on which it was transmitted to the Speaker as § 2103 requires. [40, 15]
- Fiscal notes. The Fiscal Accountability Act of 1999, 2 GCA §§ 9101–9104, requires that measures affecting expenditures identify a specific funding source and carry a fiscal note prepared by the Director of BBMR in coordination with the affected agency, with a five-year impact estimate. The Legislature holds itself to that discipline before it may spend a dollar. The Department has held itself to nothing. [2, 3]



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- Overtime. The Public Auditor found in OPA Report No. 20-03 that GPD spent 107 percent of its original overtime budget and ran \$5.5 million over budget across FY2015–FY2019, and the Legislature continues to receive quarterly overtime reports from the Department under existing law. [41, 42] Every detail and promotion raises the regular rate on which overtime is computed. No figure for that effect appears anywhere in the Department’s documentation.
- Statutory patrol strength. The Legislature was told as long ago as the 2018–2019 transition that the two-officers-per-village mandate was unmet, and the 2012 evaluation quantified the gap at more than three hundred officers. [43, 18] The FY2027 Act funds twenty police officer trainees. [44] A reorganization that adds one Colonel, four Majors, and eight Captains by detail — and three Majors and seven Captains by promotion — while the patrol ranks remain more than two hundred officers short of the statutory floor, inverts the Legislature’s stated priorities.
- The Sunshine Reform Act clock. My August 27 request for twelve categories of records was made under 5 GCA § 10103. The statutory response period has run. Your response
- states the Department “will process” the request; it does not state that any record has been produced. Produce them. [45]
- The Department’s own public account. On August 15, 2026 you stated publicly that the framework being implemented is “substantially based upon” a structure Chief Ignacio signed on June 7, with “limited modifications.” [46] Chief Ignacio did not implement that structure. The reason he did not — the Department’s appropriation has never contained the means to sustain it — has not changed. If the Department contends otherwise, the contention must be supported by numbers.

VIII. Documents and Answers Demanded; Deadline

I request that the following be delivered to my office, in writing and with supporting documents, no later than 5:00 p.m. on Tuesday, September 29, 2026. Where a requested document does not exist, state so expressly and identify the official who made the decision without it.

1. The total projected cost of the reorganization, itemized as described in Section I, for the balance of FY2026, for FY2027, and annualized over five years, together with every cost study, fiscal model, or projection on which the Department relied.



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2. The specific appropriation, fund, account, and object class from which each detail differential and each promotion will be paid in FY2026 and in FY2027, and the amount available in each on August 26,
3. All communications with the Office of *I Maga'hågan Guåhan* concerning the reorganization, the fourteen details, and the promotions, and a statement of whether the Governor approved any of them.
4. All communications with the Bureau of Budget and Management Research on those subjects; any fiscal note or impact statement BBMR prepared; and an explanation of why the BBMR Director's block is unsigned on all fourteen Form F-16s.
5. The "attached memorandum" referenced on every Form F-16, and the personnel rule and statutory authority actually relied upon in place of the nonexistent "Title 4 GCA, Section 114."
6. The name, rank, and grade of each officer underfilling, detailed to, or acting in each of the fourteen positions vacated on August 30, 2026, and in each position vacated in turn, with the GG-1 and F-16 for each, until the cascade reaches a position left vacant.
7. The names, positions, grades before and after, effective dates, and annual cost of the three Police Major, seven Police Captain, and two civilian promotions, and the GG-1 for each.
8. Your written statement of the performance measures, baselines, and crime-reduction and service-delivery outcomes by which the reorganization will be evaluated, and of why it constitutes a critical need at this time.
9. The current staffing of the Guam Highway Patrol; every notice transmitted to the Speaker under 10 GCA § 77202(a) or (b) since January 1, 2020; and the current per-shift patrol strength assigned to each of the nineteen village police stations, compared against the minimums required by 10 GCA § 77301(c).
10. The Department's written explanation of how two Police Colonels may serve simultaneously under 10 GCA § 77110.1, and of the statutory basis for treating a vacancy in the office of Chief as an "absence or incapacity" under § 77112.
11. A copy of your designation as certifying officer under 4 GCA § 14107, its date of approval by the Director of Administration, and its date of filing with the Treasurer of Guam; and the identity of any other certifying officer of the Department.
12. The instrument designating you Acting Chief of Police, its effective date, and proof of its transmittal to the Speaker under 4 GCA § 2103; and a statement of whether any report of a § 22401 violation has been made to the Governor under § 22401(e).



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13. A complete production of the twelve categories of records requested under the Sunshine Reform Act on August 27, 2026, or a written statement identifying each category for which the Department contends no record exists.

If the Department will not or cannot answer these questions by that date, I will draw the inference that no cost analysis was performed before public funds were certified, and I will refer this matter, with the fourteen certifications attached, to the Public Auditor for audit under 4 GCA Chapter 14, to the Attorney General for review under 5 GCA § 22401 and 4 GCA § 14110, and to the Committee on Appropriations for consideration in the

Department's FY2027 allotment and any supplemental request. I would prefer to receive complete answers.

The Legislature does not question that the Chief of Police may organize the Department. It questions whether the people of Guam can afford the organization this Department has chosen whether the law permits the way it was chosen, and whether the officer who certified the funds understood what he was certifying. Answer those questions.

Si Yu'os Ma'åse',

Senator Chris "Malafunkshun" Barnett

I Mina'trentai Ocho Na Liheslaturan Guåhan · 38th Guam Legislature

Enclosures:

Letter of August 27, 2026; GPD Response of August 28, 2026 (Control No. L2026-066); fourteen GG-1 and fourteen BBMR Form F-16 detail-assignment forms dated August 26, 2026; Governor's call for the Eleventh Special Session dated September 14, 2026.

Appendix A — Legal Authorities and Sources



The Office of Senator Chris Barnett

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Numbers correspond to the bracketed references in the body of this letter. Statutory citations are to the Guam Code Annotated as published by the Compiler of Laws of the Judiciary of Guam unless otherwise noted.

1. “Fiscal year 2027 budget act lapses into law without governor’s signature,” Pacific Daily News (Aug. 31, 2026) — \$1.42 billion FY2027 budget; GPD \$60.5 million; GMHA \$57.6 million; GDOE \$272.2 million. https://www.guampdn.com/news/fiscal-year-2027-budget-act-lapses-into-law-without-governor-s-signature/article_fed856e7-1cf0-477b-9742-b2e09f672590.html
2. 2 GCA Chapter 9 (Fiscal Accountability Act of 1999), §§ 9101–9104 (fiscal notes prepared by the Director of BBMR; five-year impact estimates), as posted by the Bureau of Budget and Management Research. <http://bbmr.guam.gov/wp-bbmr-content/uploads/2016/10/04-Title-2-GCA-Chapter-9-re.-Fiscal-Notes.pdf>
3. Bureau of Budget and Management Research, Enabling Act and functions (2 GCA Ch. 9; 5 GCA Ch. 4). <http://bbmr.guam.gov/enabling-act/>
4. Department of Administration, GPD Agency Staffing Pattern, FY2026 First Quarter (Oct. 1 – Dec. 31, 2025). <https://hr.doa.guam.gov/wp-hr-content/uploads/2026/03/FY26-1Q-GPD-Staffing-Pattern.xlsx>
5. 4 GCA Chapter 4, § 4117 (Temporary Assignments) and § 4118 (Acting Capacity), Compiler of Laws. <https://col.guamcourts.gov/sites/default/files/04gc004.pdf>
6. *I Liheslaturan Guåhan*, Public Laws of the 38th Guam Legislature (P.L. 38-136, FY2027 General Appropriations Act). <https://guamlegislature.gov/public-laws/>
7. *I Liheslaturan Guåhan*, Bills Introduced in Special Sessions (38th Guam Legislature). <https://guamlegislature.gov/bills-special-sessions/>
8. “\$105M in Section 30 includes \$20M from prior-year reconciliation,” The Guam Daily Post (Sept. 2026). https://www.postguam.com/news/local/105m-in-section-30-includes-20m-from-prior-year-reconciliation/article_016261ad-4276-4669-a862-8872d7f2dc2d.html
9. “Guam senators race for share of \$105 million federal tax remittance,” Pacific Island Times (Sept. 2026). <https://www.pacificislandtimes.com/post/guam-senators-race-for-share-of-105-million-federal-tax-remittance>



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10. “Senators introduce bills to use excess Section 30 money for power bill credits, public school repairs,” Pacific Daily News (Sept. 2026). https://www.guampdn.com/news/senators-introduce-bills-to-use-excess-section-30-money-for-power-bill-credits-public-school/article_df280732-eb5a-46ad-bb58-e101e4c21a9b.html

11. Fast Democracy, Guam 38th Legislature bill tracking (Bills 356-38, 357-38, 358-38). <https://fastdemocracy.com/states/gu/>

12. Guam News Network, Government & Politics (Sept. 2026) DPHSS child-care subsidy shortfall of approximately \$7.6 million; FY2027 budget veto and lapse coverage. <https://guamnewsnetwork.com/section/government-politics>

13. Pangelinan v. Gutierrez, CVA02-003 (Guam 2003) — 1996 agreement committing government funds violated 48 U.S.C. § 1423j and 5 GCA § 22401(a)(3); *I Liheslaturan Guåhan* holds plenary power over appropriations. <https://www.casemine.com/judgement/us/5c55e5ed342cca7b281eed18>

14. KUAM News (Aug. 7, 2026) — Acting Chief: promotions “already been budgeted for”; “The GG-1’s ... have been approved,” while the FY2027 budget was “in limbo.” <https://www.youtube.com/watch?v=lgh9HdulWYc>

15. 10 GCA Chapter 77 (Guam Police Department), Compiler of Laws, COL 2025-04-22 — §§ 77102, 77109, 77110.1–77110.4, 77112, 77119, 77127, 77202, 77301. <https://guamcourts.gov/compileroflaws/GCA/10gca/10gc077.PDF>

16. 10 GCA Div. 3, Ch. 77 (alternate source, Justia). <https://law.justia.com/codes/guam/title-10/division-3/chapter-77/>

17. U.S. Census Bureau, 2020 Island Areas Census, Guam, Table 1: Population of Guam by Municipality, 2010 and 2020. <https://www2.census.gov/programs-surveys/decennial/2020/data/island-areas/guam/population-and-housing-unit-counts/guam-phc-table01.xlsx>

18. Guam Public Safety Evaluation (Nov. 2012) by law GPD should field approximately 464 patrol officers; 139 were assigned; Dededo should have 171 and had 37. https://ftpcontent.worldnow.com/kuam/custom/news/FinalEval_GuamPublicSafety_112012.pdf

19. 5 GCA § 22401 (Anti-Deficiency; Limitations on Expenditures and Obligations), Compiler of Laws, COL 4/6/2022. <https://guamcourts.gov/CompilerofLaws/GCA/05gca/5gc022.pdf>



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20. 5 GCA Div. 2, Ch. 22 (alternate source, Justia). <https://law.justia.com/codes/guam/title-5/division-2/chapter-22/>

21. 4 GCA Chapter 14 (Accountability of Disbursing and Certifying Officers), §§ 14103, 14104, 14106, 14107, 14109, 14110, 14111, 14112, 14113, 14114, Compiler of Laws.
<https://www.guamcourts.org/CompilerofLaws/GCA/04gca/4gc014.PDF>

22. 4 GCA Ch. 14 (alternate source, Justia). <https://law.justia.com/codes/guam/title-4/chapter-14/>

23. 5 GCA Chapter 7 (Enforcement of Proper Government Spending Act), §§ 7101–7119, including § 7103 (taxpayer standing to enjoin unlawful spending and obtain a personal judgment against the responsible officer or employee). <https://law.justia.com/codes/guam/title-5/division-1/chapter-7/>

24. Attorney General of Guam v. Gutierrez, 2011 Guam 10 (CVA09-024) — Superior Court entered personal judgments of \$300,000 and \$100,000 against a former Governor and a department director for unauthorized payments; Supreme Court of Guam confirmed the Attorney General's standing to sue officials personally to enforce proper government spending (5 GCA § 30104 and common-law powers), quoted 5 GCA § 7103, and reversed on the merits because the particular settlement payments were found lawful.
<https://www.casemine.com/judgement/us/5c142203342cca48c9056d8e>

25. Fisher v. Santos, et al., Civil Case No. CV0392-23 (Guam Super. Ct., Decision and Order, Feb. 19, 2025) taxpayer/senator action against the GDOE official who certified the availability of funds for overtime payments. https://guamcourts.gov/Superior-Court-Decision-and-Orders/images/CV0392-23-02-19-2025_04.pdf

26. 31 U.S.C. § 1341 (federal Antideficiency Act — limitations on expending and obligating amounts). <https://www.law.cornell.edu/uscode/text/31/1341>

27. 31 U.S.C. § 1349 (adverse personnel actions, including suspension without pay and removal). <https://www.law.cornell.edu/uscode/text/31/1349>

28. 31 U.S.C. § 1350 (criminal penalty: fine of not more than \$5,000, imprisonment of not more than two years, or both). <https://www.law.cornell.edu/uscode/text/31/1350>

29. 31 U.S.C. § 1517 (prohibited obligations and expenditures in excess of apportionment). <https://www.law.cornell.edu/uscode/text/31/1517>



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30. U.S. GAO, Antideficiency Act testimony, GAO-19-372T — the Act is the only fiscal statute carrying both civil and criminal penalties. <https://www.gao.gov/assets/gao-19-372t.pdf>
31. 31 U.S.C. § 3528 (responsibilities and relief from liability of certifying officials; repayment of illegal, improper, or incorrect payments). <https://www.law.cornell.edu/uscode/text/31/3528>
32. U.S. GAO, Principles of Federal Appropriations Law (Red Book), Vol. II, Ch. 9 (Liability and Relief of Accountable Officers), GAO-06-382SP. <https://www.gao.gov/assets/gao-06-382sp.pdf>
33. U.S. Government Accountability Office, B-307693, Jeffrey Elmore — Request for Relief of Financial Liability (Apr. 12, 2007) — relief denied; certifying officer held personally liable for improper payments certified without good faith. <https://www.gao.gov/products/b-307693>
34. *Stanson v. Mott*, 17 Cal.3d 206 (1976) public official who authorizes an improper expenditure of public funds is personally liable to repay them where he failed to exercise due care; overruling strict-liability rule of *Mines v. Del Valle*, 201 Cal. 273 (1927). <https://law.justia.com/cases/california/supreme-court/3d/17/206.html>
35. *Cordray v. Internatl. Preparatory School*, 128 Ohio St.3d 50, 2010-Ohio-6136 — public officials strictly liable for the loss of public funds under R.C. 9.39; liability is the official's own debt. <https://www.supremecourt.ohio.gov/rod/docs/pdf/0/2010/2010-ohio-6136.pdf>
36. *Muncy Creek Township Appeal*, 103 Pa. Cmwlth. 607, 520 A.2d 1241 (1987) — township supervisors personally surcharged for unauthorized payments. <https://law.justia.com/cases/pennsylvania/commonwealth-court/1987/103-pa-commw-607-0.html>
37. *Sutton v. United States*, 256 U.S. 575 (1921) — officer's obligation in excess of appropriation does not bind the government. <https://supreme.justia.com/cases/federal/us/256/575/>
38. *Leiter v. United States*, 271 U.S. 204 (1926) — multi-year commitment made under a one-year appropriation binds the government only for that fiscal year. <https://supreme.justia.com/cases/federal/us/271/204/>
39. *Goodyear Tire & Rubber Co. v. United States*, 276 U.S. 287 (1928) — obligations beyond appropriations are not binding on the government. <https://supreme.justia.com/cases/federal/us/276/287/>



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40. 4 GCA Chapter 2 (Appointments to Office), §§ 2103, 2103.1, 2103.4(k), (n), 2103.9, Compiler of Laws, COL 2025-06-04.

<https://guamcourts.gov/compileroflaws/GCA/04gca/4gc002.PDF>

41. Office of Public Accountability, OPA Report No. 20-03, Government of Guam Public Safety Overtime Performance Audit (May 2020) — GPD overtime spending reached 107% of budget; \$5.5 million over budget FY2015–FY2019.

<https://www.opaguam.org/sites/default/files/opa2003-full-report.pdf>

42. *I Liheslaturan Guåhan*, Messages and Communications — GPD FY2026 Second Quarter Overtime Report (Doc. No. 38GL-26-2410). <https://guamlegislature.gov/messages-and-communications/>

43. 35th Guam Legislature, Doc. No. 35GL-19-0149 (2018–2019 transition report referencing the two-officers-per-village mandate).

http://archives.guamlegislature.gov/35th_Guam_Legislature//Mess_Comms_35th/Doc.%20No.%2035GL-19-0149.pdf

44. National Association of State Budget Officers, Guam FY2027 enacted budget summary.

<https://www.nasbo.org/mainsite/resources/proposed-enacted-budgets/guam-budget>

45. 5 GCA Chapter 10 (Sunshine Reform Act of 1999), § 10103 (response periods for public-record requests). <https://guamcourts.gov/CompilerofLaws/GCA/05gca/5gc010.PDF>

46. “GPD acting chief defends organizational realignment,” Guam News Network (Aug. 15, 2026). <https://guamnewsnetwork.com/news/gpd-acting-chief-defends-organizational-realignment>

Appendix B — Statutory Village-Patrol Minimum Under 10 GCA § 77301(c)

Method: two officers per village station per shift, plus one additional officer per shift for each additional 2,000 persons above 2,000, applied to the 2020 Census population of each municipality (Guam total 153,836). The statute describes these as “only minimums.” Populations are from U.S. Census Bureau, 2020 Island Areas Census, Table 1. [17, 15]

Village (municipality)	2020 Census population	Minimum officers per shift
Dededo	44,908	23
Yigo	19,339	10
Tamuning	18,489	10



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Mangilao	13,476	7
Barrigada	7,956	4
Chalan Pago-Ordot	7,064	4
Santa Rita-Sumai	6,470	4
Mongmong-Toto-Maite	6,380	4
Yona	6,298	4
Hågat	4,515	3
Agana Heights	3,673	2
Talo'fo'fo	3,550	2
Sinajana	2,611	2
Inalåhan	2,317	2
Asan-Maina	2,011	2
Malesso'	1,604	2
Piti	1,585	2
Hagåtña	943	2
Humåtak	647	2

Island-wide minimum per shift: 91 officers. Three shifts: 273 officers. With a 1.7 relief factor per post (days off, leave, training, court): approximately 464 officers.

For comparison, the Department's FY2026 first-quarter staffing pattern lists 42 Police Officers I, 58 Police Officers II, 70 Police Officers III, and 47 Police Sergeants I — 217 officers in patrol-eligible ranks Department-wide, inclusive of investigative and administrative assignments — together with 10 Sergeants II, 14 Lieutenants, 8 Captains, 4 Majors, 1 Colonel, and the Chief. [4]



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Appendix C — Illustrative Cost Summary Derived from Department Records

These figures are computed from the Department's own GG-1 and F-16 forms and the DOA FY2026 staffing pattern. They are illustrative because the Department has produced no estimate of its own; they are not a substitute for the itemized projection demanded in Section VIII.

Component	90-day cost	Annualized cost
-----------	-------------	-----------------

Fourteen certified details (salary differential + 36.75% benefits) GPD figures		\$80,225
	\$213,769	

Backfill of the fourteen vacated positions at the same average differential (\$5.82/hr) — estimated		
	\$80,225	\$213,769

Three Police Major and seven Police Captain promotions at FY2026 average rank differentials, with benefits — estimate (civilian promotions excluded)		\$229,658
--	--	-----------

Subtotal before overtime effects, step increases, retirement on higher base, and equipment		
	\$160,450	\$657,196