



The Office of Senator Chris Barnett

I Mina'trentai Ocho Na Liheslaturan Guåhan

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September 21, 2026

TRANSMITTED VIA ELECTRONIC MAIL

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The Honorable Eulogio Shawn Gumataotao

Chairperson, Committee on Public Safety, Emergency Management, and Guam National Guard

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120 Father Duenas Avenue

Capitol Plaza Building,

Suite 103 Hagåtña, Guam 96910

RE: Request to Convene an Oversight Hearing on the Guam Police Department Reorganization, Its Recurring Burden on the General Fund, the September 18, 2026 Termination of Detail Assignments, and the Public's Right to an Accounting of Public Funds

Dear Chairperson Gumataotao:

I ask that you convene an oversight hearing of the Committee on Public Safety, Emergency Management, and Guam National Guard on the Guam Police Department's reorganization. My September 15, 2026 letter to Acting Chief of Police Colonel Joseph S. Carbullido, enclosed with this request, sets out the fiscal, appropriations, and certifying-officer concerns.

Three days later, on September 18, 2026, the Acting Chief issued a memorandum terminating all detail assignments effective at 5:00 p.m. that same day. [10] I do not treat that timing as coincidence, and the Legislature should not either. The termination is an acknowledgment that the fourteen certified details could not withstand scrutiny. It is not a cure. It does not undo the obligation created on August 26; it does not refund what was already paid; it does not touch the promotions, and it does not extinguish the personal liability that Guam law attaches to a certifying officer at the moment of an improper payment. A reorganization announced without a dollar figure is not a management decision the public can evaluate. It is a claim on the taxpayer made in the dark, and now the Department has partially withdrawn it without ever disclosing what it cost.

I. The public is entitled to know what this costs

The Department's own fourteen GG-1 and fourteen BBMR Form F-16 forms establish a certified cost of \$80,225.20 for ninety days - \$58,665.60 in salary differentials and \$21,559.60 in benefits - or approximately \$213,769 annualized. Those forms move fourteen officers upward but do not



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account for the one Major, four Captains, eight Lieutenants, and one Sergeant II whose positions they vacate. Backfilling those fourteen vacancies at the same average differential adds roughly another \$80,225 per ninety days. Ten announced sworn promotions - three Police Majors and seven Police Captains - add roughly \$168,000 in recurring base salary, or approximately \$230,000 with benefits, before two civilian promotions are counted.

Fourteen certified details: differential + 36.75% benefits – terminated Sept. 18	\$80,225	\$213,769
Estimated backfill of fourteen vacated positions	\$80,225	\$213,769
Three Major and seven Captain promotions, with benefits — not terminated	—	\$229,658
Subtotal as certified, before step increases, retirement, and equipment	\$160,450	\$657,196

That subtotal is deliberately conservative. It excludes step increases, retirement on the higher salary base, equipment, and the two civilian promotions. The enacted budget provides \$59,635,316 for GPD operations, including \$54,817,099 from the General Fund. Not one document released to date tells the public where inside that appropriation any of this is lawfully paid from. [1-2]]

II. The September 18 termination does not cure what was done

The termination memorandum raises as many questions as it answers, and every one of them belongs in a public hearing.

It is prospective only. The details were certified on August 26 and terminated on September 18. On the Department's own figure of \$80,225.20 for ninety days, the certified cost runs at roughly \$891 per day. For the period the details were actually in force, that implies somewhere in the range of \$20,000 in differentials and benefits already obligated or disbursed. The Department has never stated the actual figure, the account it was charged to, or whether any of it was paid in excess of an available appropriation. Terminating an assignment going forward does not return money already paid out.

The stated authority does not match the action. The memorandum states that all detail assignments were terminated "pursuant to Personnel Order 26-023." [10] Personnel Order 26-023, issued the same day, is, on its face, a collateral-assignment order that assigns three Majors to additional bureaus effective September 20. [11] By its terms, it does not terminate fourteen



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detail assignments. The Committee should establish what instrument actually rescinded the details, whether any GG-1 or Form F-16 was processed to reverse each certification, and what the Department of Administration and BBMR were told.

The personnel had already been moved weeks before anything was certified. Personnel Order 26-018 was issued August 4 and took effect August 9, reassigning Majors, Captains, Lieutenants, and Sergeants II across bureaus. [12] The detail certifications were not signed until August 26. That leaves a period of roughly seventeen days in which officers were performing in reassigned command positions with no certification of available funds on file at all. The Committee should determine what, if anything, was paid during that window and under what authority.

Collateral assignment undercuts the justification for the differentials. Personnel Order 26-023 achieves bureau-level command coverage by assigning three Majors additional bureaus as collateral duty, with no differential identified. [11] If the Department's operational needs can be met by collateral assignment at no additional salary cost, the Committee is entitled to ask why fourteen salary differentials were certified against the General Fund in the first place, and why that option was not used from the outset.

The promotions remain in force. The memorandum terminates detail assignments. It says nothing about the three Police Major and seven Police Captain promotions, or the two civilian promotions. Those are permanent increases to base salary, and on the figures above they represent roughly \$230,000 in recurring annual cost with benefits. The single largest permanent obligation created by this reorganization was not withdrawn on September 18 and remains on the General Fund today.

More changes are coming, again without a cost. The memorandum states that "updated assignments are forthcoming from the Police Commander, Acting." [10] The Legislature has not been told what those assignments will be, what they will cost, or what appropriation will fund them. This is precisely the pattern that prompted my September 15 letter, and it is continuing.

The memorandum is best understood as what it appears to be: a recognition by the Acting Chief that the course he had set was indefensible, and an attempt to limit exposure after that course was brought to public attention. That recognition is welcome. It is not absolution. The conduct that occurred between August 9 and September 18 is the conduct the law measures, and Guam law attaches consequences to it regardless of what was done afterward.



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III. What is this money not paying for

Every dollar the General Fund absorbs for a larger command structure is a dollar the same General Fund cannot spend on services the people of Guam are already going without.

On September 14, 2026, *I Maga'hågan Guåhan* called the Legislature into its Eleventh Special Session to consider \$19,885,394 in Section 30 revenues above 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. That money comes from reconciling prior-year collections. It is not a recurring revenue stream, and it has already been spent many times over.

At the same time, Bill 356-38 proposes approximately \$16.8 million for power-bill credits for ratepayers who cannot absorb another increase; Bill 357-38 proposes \$20 million for GDOE facility repairs against an identified need of roughly \$427 million; and Bill 358-38 proposes approximately \$19.9 million for Simon Sanchez High School. The Department of Public Health and Social Services has identified a roughly \$7.6 million child-care subsidy shortfall - working parents denied assistance they qualify for. The Guam Memorial Hospital Authority continues to operate with a structural gap. Our children sit in classrooms that are not safe. Our hospital runs on systems it cannot afford to replace. [3-5]

These are the choices the reorganization is competing with, and the people of Guam have never been given the chance to weigh them because the cost of the reorganization has never been disclosed-not before it was ordered, not when it was certified, and not when it was partially withdrawn. That is the heart of this request. The Supreme Court of Guam has described the Legislature's appropriations power as plenary. That power means nothing if an agency may create permanent costs first, conceal their size, and abandon the record when questions are asked. [6]

IV. Anti-Deficiency and certifying-officer liability survive the termination

Sixty of the ninety days covered by the fourteen detail assignments fell in FY2027. All fourteen forms were signed on August 26, 2026, when no FY2027 appropriation existed, yet they charge FY2026 accounts. Public Law 38-136 did not lapse into law until August 31. The BBMR Director's approval block is blank on every Form F-16. The same signature appears in both the certifying-officer and department-head approval blocks, and the signatures are undated.

These facts raise a direct question under 5 GCA § 22401, which prohibits an officer from creating an obligation more than or in advance of an appropriation, requires that violations be reported at once to the Governor for transmittal to the Legislature, and makes an intentional and



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willful violation a misdemeanor. They raise the accountability provisions of 4 GCA Chapter 14, under which the certifying officer is responsible for the legality of a proposed payment, is an insurer of the funds, may incur liability automatically upon an improper payment, and may be required to make restitution. [7-8]

Nothing in the September 18 memorandum changes any of that. Liability under these provisions attaches when the obligation is created and when the payment is made, not when the assignment is later withdrawn. Only a hearing can establish what appropriation was certified as available on August 26, what balance actually existed, what was disbursed before September 18, why FY2026 accounts were charged for FY2027 service, why BBMR's approval block was left blank, whether a valid certifying-officer designation was on file with the Department of Administration, whether any report required by § 22401(e) was ever made, and whether restitution is owed.

V. The reported commitment not to hold a hearing

I have been informed that you told Acting Chief of Police Joseph Carbullido that there will be no oversight hearing with GPD on this issue. If that report is inaccurate, I invite you to correct the record promptly and unequivocally.

If that commitment is in fact true, it is a disservice to the people of Guam. A committee chairperson should not assure the head of an agency that legislative scrutiny will not occur before the Legislature, and the public have received the cost, the funding source, and the certifications. That concern is more acute now than it was a week ago. An agency that reverses course three days after receiving a detailed written challenge, without disclosing a single dollar figure, has shown exactly why independent oversight is necessary. The public interest is not served by closing the hearing-room door while recurring obligations sit on a General Fund that is already failing to meet more pressing needs. The people of Guam are not asking for a verdict. They are asking for an accounting, and they are entitled to one

This is not personal, and it is not a request for a predetermined conclusion. Your Committee has express jurisdiction over the Guam Police Department. Under § 10.01 of the Standing Rules, the Chairperson alone calls committee meetings and sets their agenda. The rules identify no mechanism by which another member may compel an oversight hearing; they place that responsibility with you. [9]

VI. What I request

I respectfully request that you announce and convene an oversight hearing no later than **Friday, October 9, 2026**, with sufficient notice under the Standing Rules and the Open Government Law,



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and that you confirm in writing by **5:00 p.m. on Friday, September 25, 2026**, whether you will call it.

The hearing should require testimony from Acting Chief Carbullido on the reorganization, Personnel Orders 26-018 and 26-023, the fourteen details, their termination, the promotions, their costs, the funding sources, and the certifications he signed; from BBMR Director Lester L. Carlson, Jr. on appropriation availability and the blank approval blocks; from the Department of Administration on personnel-action review, certifying-officer designation, payroll implementation, and what was actually disbursed; and from the Public Auditor or the Public Auditor's designee on certifying-officer controls, restitution, and the proper scope of an independent review.

The Committee should direct production before the hearing of the thirteen categories of records demanded in the enclosed September 15 letter, and in addition:

1. a full accounting of every dollar obligated or disbursed under the fourteen details from the effective date through termination, by employee, pay period, fund, and account;
2. the instrument that actually rescinded each detail, including any reversing GG-1 or Form F-16, and all notifications to the Department of Administration, BBMR, and payroll;
3. all records and communications concerning the decision to terminate the details, including the period from September 15 to September 18, 2026;
4. the complete cost of the three Police Majors, seven Police Captains, and two civilian promotions, which remain in force, with the appropriation funding them; and
5. any payment made to personnel reassigned under Personnel Order 26-018 for the period before the August 26 certifications, together with the authority for it.

If you decline to exercise the Committee's jurisdiction, please state that decision and your reasons in writing by the same September 25 deadline. In that event, I intend to refer the certifications and supporting record to the Public Auditor, the Attorney General of Guam, and the Committee on Finance and Government Operations for audit, legal review, and evaluation in GPD's FY2027 allotments and any supplemental request.

The Legislature cannot protect the fiscal soundness of the government of Guam by declining to examine obligations after they are announced but before their cost is disclosed, and it certainly cannot do so by treating a belated withdrawal as the end of the matter. The people of Guam are entitled to know what this reorganization cost, who authorized it, what appropriation lawfully



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paid for it, what remains on the books today, and what they are giving up funding it. Please call the hearing.

Si Yu'os Ma'ase',

Senator Chris "Malafunkshun" Barnett

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

Enclosures:

1. September 15, 2026 letter to Acting Chief of Police Colonel Joseph S. Carbullido, "Response to GPD Reorganization."
2. Fourteen Personnel Action forms (GG-1) and fourteen BBMR Form F-16 detail-appointment pre-approval forms dated August 26, 2026.
3. GPD Memorandum dated September 18, 2026, "Termination of Detail Assignments."
4. GPD Personnel Order No.26-023, "Collateral Assignment - Bureaus," issued September 18, 2026, effective September 20, 2026.
5. GPD Personnel Order No.26-018, "Personnel Reassignment/Realignment," issued August 4, 2026, effective August 9, 2026.

cc: The Honorable Lourdes A. Leon Guerrero, *I Maga'hågan Guåhan*

The Honorable Frank F. Blas, Jr., Speaker, *I Mina'trentai Ocho Na Liheslaturan Guåhan*

The Honorable Christopher M. Dueñas, Chairperson, Committee on Finance and Government Operations

Attorney General of Guam

Public Auditor, Office of Public Accountability Director, Department of Administration

Lester L. Carlson, Jr., Director, Bureau of Budget and Management Research



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Appendix A — Authorities and Sources

Numbers correspond to bracketed references in the body. External sources are provided with full URLs.

1. Pacific Daily News, "Fiscal year 2027 budget act lapses into law without governor's signature" (Aug.31, 2026). 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. I Liheslaturan Guahan, Substitute Bill No.266-38 (COR) voting record - \$59,635,316 for GPD operations; \$54,817,099 General Fund.
[https://guamlegislature.gov/38th_Guam_Legislature/Voting_Records_38th/SBill%20No.%20266-38%20\(COR\)%20VR.pdf](https://guamlegislature.gov/38th_Guam_Legislature/Voting_Records_38th/SBill%20No.%20266-38%20(COR)%20VR.pdf)
3. Pacific Daily News, "Senators introduce bills to use excess Section 30 money for power bill credits, public school repairs" - Bills 356-38, 357-38, 358-38 and the \$427 million GDOE facility need. 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
4. Pacific Island Times, "Senators asked to bridge \$7.6M gap in Guam childcare" (July 28, 2026). <https://www.pacificislandtimes.com/post/senators-asked-to-bridge-7-6m-gap-in-guam-childcare>
5. Guam News Network, "Senators propose competing plans for unexpected Section 30 funds" (Sept.3, 2026). <https://guamnewsnetwork.com/news/senators-propose-competing-plans-for-unexpected-section-30>
6. Pangelinan v. Gutierrez, Supreme Court of Guam, CVA02-003 (2003) - legislative appropriations power and 5 GCA § 22401(a)(3).
<https://www.casemine.com/judgement/us/5c55e5ed342cca7b281eed18>
7. Compiler of Laws, 5 GCA Chapter 22, § 22401 - Limitations on Expenditures and Obligations. <https://guamcourts.org/CompilerofLaws/GCA/05gca/5gc022.pdf>
8. Compiler of Laws, 4 GCA Chapter 14 - Accountability of Disbursing and Certifying Officers. <https://www.guamcourts.org/CompilerofLaws/GCA/04gca/4gc014.PDF>
9. Thirty-Eighth Guam Legislature Standing Rules, §§ 10.01, 10.02(d)(1)(A)(i), 11.07, and 6.04(a)(1) - chairperson authority, GPD jurisdiction, oversight hearings, and notice.
https://guamlegislature.gov/38th_Guam_Legislature/38TH%20GL%20Oden%20Areklamento%20040126.pdf
10. Guam Police Department, Memorandum, "Termination of Detail Assignments" (Sept.18, 2026), Joseph S. Carbullido, Colonel, Chief of Police, Acting. Enclosed.



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11. Guam Police Department, Personnel Order No.26-023, "Collateral Assignment - Bureaus," issued Sept.18, 2026, effective Sept.20, 2026. Enclosed.
12. Guam Police Department, Personnel Order No.26-018, "Personnel Reassignment/Realignment," issued Aug.4, 2026, effective Aug.9, 2026. Enclosed.