

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
Informational Briefing/ Oversight Hearing / Roundtable Hearing

REPORT	STANDING COMMITTEE / SENATOR	DATE	DATE FILED	NOTES
Oversight Hearing	Committee on Housing, Utilities, Public Safety, and Homeland Security	1/30/18 2:00 p.m.	3/2/18 10:37 a.m.	Committee Report on the Oversight Hearing of the Department of Corrections



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

March 1, 2018

The Honorable Benjamin J.F. Cruz
Speaker
I Mina Trentai Kuåttro Na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: **The Honorable Régine Biscoe Lee**
Chairperson, Committee on Rules

ABL

**RE: Committee Report on the Oversight Hearing of the Department of
Corrections**

2018 MAR -2 AM 10:37

Håfa Adai Speaker Cruz,

Transmitted herewith is the Committee Report on the Oversight Hearing held for the Department of Corrections pursuant to Section 11.06(a) of Rule XI. *Si Yu'os Ma'åse!*

Senseramente,

Senator Telena Cruz Nelson

RECEIVED
MAR 01 2018
COMMITTEE ON RULES
3:50 PM.



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

Committee Report on the Oversight Hearing of the Department of Corrections

GUAM CONGRESS BLDG. 163 CHALAN SANTO PAPA HAGÅTÑA, GUAM 96910

Tel: (671) 989-7696 | Email: senatortcnelson@guamlegislature.org




OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUÀTTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

January 22, 2018

MEMORANDUM

To: All Senators, Stakeholders, and Media

From: Senator Telena Cruz Nelson, Chairperson 

Subject: First Notice of Oversight Hearing: Tuesday, January 30, 2018 at 2:00 p.m.

Håfa Adai! Please be advised that the Committee on Housing, Utilities, Public Safety, and Homeland Security will be conducting an Oversight Hearing regarding the Department of Corrections on **Tuesday, January 30, 2018 at 2:00 p.m. in the Public Hearing Room of *I Liheslaturan Guåhan*** at the Guam Congress Building, 163 Chalan Santo Papa, *Hagåtña*, Guam. The agenda for the hearing includes visitor protocol, contraband, and general safety measures.

Testimonies may be submitted to senatortcnelson@guamlegislature.org or delivered to the Guam Congress Building, 163 Chalan Santo Papa *Hagåtña*, Guam 96910. In compliance with the Americans with Disabilities Act, individuals requiring accommodations or assistance are kindly asked to contact the Office of Senator Nelson at least 48 hours prior to the hearing via email at senatortcnelson@guamlegislature.org or by phone call at 989-7696. *Si Yu'os Ma'åse!*



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

First Notice of Oversight Hearing on Tuesday, January 30, 2018

1 message

Bernice Rivera <bernice.rivera@guamlegislature.org>
To: phnotice@guamlegislature.org

Mon, Jan 22, 2018 at 11:50 AM

January 22, 2018

MEMORANDUM

-

To: All Senators, Stakeholders, and Media

From: Senator Telena Cruz Nelson, Chairperson

Subject: First Notice of Oversight Hearing: Tuesday, January 30, 2018 at 2:00 p.m.

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--

Bernice Rivera**Committee Director****The Office of Senator Telena Cruz Nelson**

Committee on Housing, Utilities, Public Safety & Homeland Security

3/1/2018

Guam Legislature Mail - First Notice of Oversight Hearing on Tuesday, January 30, 2018

I Mina'trentai Kuáttro na Liheslaturan Guåhan

34th Guam Legislature

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DOC Oversight Hearing 1-30-18.pdf

30K




OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

January 25, 2018

MEMORANDUM

To: All Senators, Stakeholders, and Media

From: Senator Telena Cruz Nelson, Chairperson 

Subject: Second Notice of Oversight Hearing: Tuesday, January 30, 2018 at 2:00 p.m.

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Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

Second Notice of Oversight Hearing on Tuesday, January 30, 2018 at 2:00 p.m.

2 messages

Bernice Rivera <bernice.rivera@guamlegislature.org>
To: phnotice@guamlegislature.org

Thu, Jan 25, 2018 at 4:13 PM

January 25, 2018

MEMORANDUM

-

To: All Senators, Stakeholders, and Media

From: Senator Telena Cruz Nelson, Chairperson

Subject: Second Notice of Oversight Hearing: Tuesday, January 30, 2018 at 2:00 p.m.

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--

Bernice Rivera**Committee Director****The Office of Senator Telena Cruz Nelson**

Committee on Housing, Utilities, Public Safety & Homeland Security

I Mina'trentai Kuâttro na Liheslaturan Guåhan

34th Guam Legislature

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 **Second Notice DOC Oversight Hearing 1-30-18.pdf**
31K

kate baltazar <kate.baltazar@doc.guam.gov>

Fri, Jan 26, 2018 at 10:41 AM

To: Bernice Rivera <bernice.rivera@guamlegislature.org>

Cc: phnotice@guamlegislature.org, Alberto Lamorena <alberto.lamorena@doc.guam.gov>, Alan Borja <alan.borja@doc.guam.gov>, Antone Aguon <antone.aguon@doc.guam.gov>

Acknowledged. Si Yu'os ma'ase!

Senseramente,

Kate

[Quoted text hidden]

--

Kate

KATE G. BALTAZAR

Deputy Director

Department of Corrections

PO Box 3236

Hagatna, Guam 96932

Phone: **(671) 735-5173**

Email: kate.baltazar@doc.guam.gov



OFFICE OF SENATOR TELENA CRUZ NELSON

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I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN | 34th GUAM LEGISLATURE

AGENDA

Oversight Hearing: Department of Corrections

Tuesday, January 30, 2018 at 2:00 p.m.

Public Hearing Room, Guam Congress Building

- I. Call to Order at 2:00 p.m.
- II. Opening Remarks by Chairperson Telena Nelson
- III. Introduction
- IV. Presentation by the Department of Corrections
- V. Committee Discussion: Department of Corrections
 - A. Visitor Protocol
 - B. Contraband
 - C. General Safety Measures
- VI. Adjournment



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I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

Tuesday, January 30, 2018 | 2:00 p.m. | Public Hearing Room
Oversight Hearing – Department of Corrections

NAME	AGENCY OR ORGANIZATION	CONTACT	ORAL TESTIMONY	WRITTEN TESTIMONY
CM Cruz	DOC	734-3981		
M.M. Quijano	DOC	734-0779		
Faye Sanchez	DOC	735-5170		
ACAD Poeja	"	688-3951	✓	
Dr. Patricia Taimango	DOC	734-1089		
P. Santos	DOC	735-4134		
Tomy Lamoren	DOC	735-3981		
Antone Agua	DOC	688-6638		
J. Maryhelen S. Limma	DOC	858-4434	✓	✓
Kate Baltazar	DOC	735-5173		



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I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN | 34th GUAM LEGISLATURE

Tuesday, January 30, 2018 | 2:00 p.m. | Public Hearing Room
Oversight Hearing – Department of Corrections

NAME	AGENCY OR ORGANIZATION	CONTACT	ORAL TESTIMONY	WRITTEN TESTIMONY
Mark Pynn	DOC	734-2459		
Theresa Gayama	DOC	734-4016		
Isaac Mantarona	DOC	788-2049		
Anthony Guerrero	Doc	828-3883		
JOEY FOCALONE	DOC	777-6481		
Jo Ann Rivera	Govt/DOC	7345944		



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34th Guam Legislature
Guam Department of Corrections – Oversight Hearing
January 30, 2018
Committee Report Digest

I. OVERVIEW

The Committee on Housing, Utilities, Public Safety, and Homeland Security convened an oversight hearing on Thursday, January 30, 2018 at 2:00 p.m. in the Public Hearing room of the Guam Legislature.

Public Notice Requirement

Notices were sent out via email to all senators, stakeholders, and media on January 22, 2018 and January 25, 2018.

Senators Present

Senator Telena C. Nelson, Chairperson
Speaker Benjamin J.F. Cruz

II. SUMMARY OF TESTIMONY AND DISCUSSION

Senator Telena Nelson convened the Oversight Hearing regarding the Department of Corrections at 2:03 p.m.

Senator Telena Nelson, Chairperson: At this moment, I'd like to thank the Speaker for joining us today. For the record, the Department of Corrections panelists that are here have also been sworn in. At this time, I believe the Department of Corrections does have a PowerPoint Presentation that they'd like to present first, so we'll offer that. At the end of the presentation, we will open the floor for questions and then go down with further questioning.

The following personnel from the Department of Corrections introduced themselves and their role at the Department of Corrections:

Lieutenant Maryhelen Lizama, Adult Correctional Facility

Captain May Quitugua, Operations Commander

Colonel Alan Borja, Prison Security Administrator

Captain Antone Aguon, Internal Affairs and Special Projects

Alberto (Tony) Lamorena, Director of DOC

Kate Baltazar, Deputy Director of DOC

Theresa Tayama, Casework and Counseling Services Division Administrator

Dr. Patricia Taimanglo, Clinical Psychologist

Ronald Santos, Acting Chief of the Parole Services Division

The Department of Corrections presented a PowerPoint presentation which has been appended to this committee report.

Senator Nelson: I want to thank, first of all, the Department of Corrections and the officers for all their hard work. Also, the outstanding support that you've given the inmates in rehabilitation programs and in efforts to reducing recidivism, so thank you for that. Also, thank you for presenting your current projects because it shows that you are looking at ways to move forward. However, unfortunately, this is not what brings us here today. What brings us here today is the situations and instances that have been happening, and this seems to be a growing trend of the constant assaults going on within (the) Department of Corrections and also some of the standard operating procedures (SOP) that could be improved. We reviewed some of your SOPs and there are many questions that we have. Before I go any further, more specifically, and also to ask clarification in some of your slides, I'd like to offer the speaker an opportunity – if he has any questions.

Speaker Benjamin J.F. Cruz: Thank you very much. Mr. Director, if you'd pull back your slide, the one that has the amount of money you received – I think it's the one where you made a request. Your

(Fiscal Year) Eighteen request was twenty-nine, and you got twenty-six. Is that the (\$3,000,000) shortfall that you talked about in the article today?

Director Alberto (Tony) Lamorena, Director of the Department of Corrections: Yes, because of that, again, in our original request, that twenty-nine million (29,000,000) was primarily to cover the MOU. The prior year, the money was taken through the compact-impact funds, and those monies have since been expended, so we needed those additional funds primarily to cover the hospital costs and then also the increase in food services.

Speaker Cruz: Though you received twenty-six in your eighteen request, was that more or less than you received in twenty-five – I mean in seventeen and sixteen.

Director Lamorena: I came in halfway of the sixteen. We did receive funding (from the) compact, and that's what paid for the medical. That was the beginning of the medical clinic.

Speaker Cruz: But your overall funding for DOC?

Director Lamorena: I know that the twenty-six million that we got for this year, it was the status quo from last year.

Speaker Cruz: The previous year was (25.6), so you received an increase. But in the seventeen budget, did DOC have a fifteen percent reserve? Were you subject to this?

Director Lamorena: We did, but I believe we actually cut into that fifteen percent. We did close the year with a negative.

Speaker Cruz: You ended the year with a negative?

Director Lamorena: I believe BBMR had to put some of the reserve in for us. I know that you're going to show me numbers – the last time you showed me that there was a surplus, but we'll have to call BBMR because –

Speaker Cruz: I understand, but I'm only dealing with numbers that I'm – Would you read the top of that, please? Where's that from?

Director Lamorena: The Consolidated Revenue Expenditure Report (CRER) General Fund.

Speaker Cruz: For what month?

Director Lamorena: September.

Speaker Cruz: Ending September 30, 2017?

Director Lamorena: Right.

Speaker Cruz: Go down to DOC and please read into the record how much?

Director Lamorena: It says we have funds available of (1,700,000).

Speaker Cruz: I'm just saying that is the report, and it says you had encumbrances of almost eight hundred thousand that they had taken into account. So, you ended the year, according to the CRER, now, that's not my number, all right? Make it very clear that is not my number. That was a number the Department of Administration, Department of Revenue and Taxation, and the BBMR all signed off in front as being the CRER. You had one point seven (1.7) left on the table and (800,000) in encumbrances that still had to be paid, that you had purchase orders in at DOA. You had an excess.

Director Lamorena: I know, Speaker. We talked about this during the budget hearings and BBMR was there to explain, but when we crunched our numbers on our end – if I saw these numbers, Speaker, and BBMR explained this to me and showed me that I had one point seven million dollars (\$1,700,000) –

Speaker Cruz: The CRER is available online, and it would behoove all of you out there to stop and read it. It is my favorite reading on the twenty-first (21st) of every single month, and I go down everything. Your chairman was fighting for you in August. I mean, we almost had a knock-down drag-out because she wanted more money for you guys, and I kept telling her I could see from the CRER, every month, that you had additional money. I kept showing it to her. Then we ended the year, and the report shows again – read that out so the audience understands what the CRER prepared by BBMR, DOA, and Rev and Tax. As of September 30, how much was still available? How much was available for the Department of Corrections?

Director Lamorena: I'll meet with BBMR.

Speaker Cruz: Read the number out so (the news media) understands the number.

Director Lamorena: All I know is, Speaker –

Speaker Cruz: You have, in the newspaper, your statement that you are underfunded. Read the number.

Director Lamorena: I don't know, Speaker. We didn't make these reports. When we look at our expenditures, and we get our reports back, it shows a way of a shortfall.

Speaker Cruz: Alright, and it's (\$1,700,000) just so that the media understands that and the CRER is available online and can be confirmed. During the previous year, we had a special mention in the budget that (\$1,100,000) was to be used for your medical agreement with (the Guam Memorial Hospital). Was GMH fully paid for in seventeen?

Director Lamorena: GMH, because we had the compact-impact funds, we did pay for sixteen, they were paid, and seventeen, we still owe some for seventeen.

Speaker Cruz: In the budget we passed for seventeen, we put a special line in there that said (1,100,000) was supposed to be set aside for the specific purpose of paying (the GMHA agreement). Was GMH paid that (1,100,000)?

Director Lamorena: My understanding is GMH was paid, but there's still some payment pending for seventeen.

Speaker Cruz: How much did you receive in compact-impact?

Director Lamorena: I believe (the) total for sixteen and seventeen was about three million dollars, I believe.

Speaker Cruz: Have you asked the governor whether or not compact-impact could be available since more than half your population (is) FAS?

Director Lamorena: I know the good majority of funding they covered for the renovation of Post Seventeen, Seven, and Six. Likewise, with the formation of the clinic and the MOU with GMH, a good portion of those funds did come from compact-impact

Speaker Cruz: And did you ask, for eighteen, for money from the compact?

Director Lamorena: Yes, but I believe those funds were already earmarked for other areas as well.

Speaker Cruz: But did you ask for additional money?

Director Lamorena: Yes, we did ask.

Speaker Cruz: And the amount, what was your budget approved for this fiscal year?

Director Lamorena: The budget approved for this fiscal year was (26,587).

Speaker Cruz: And though I did not specifically put into there, (1.1) shall be set aside for GMH with (1.7) remaining from the previous year and eighteen being an increase from seventeen, why wouldn't there be sufficient funds to pay GMH?

Director Lamorena: Speaker, I'm (going to) have to find out where that (1.7) is because –

Speaker Cruz: But even just take the twenty-six. In my math, in my abacus, it's greater than the (25.6). You had a larger lump sum budget. Where in that lump sum allocation did you place the GMH MOU?

Director Lamorena: For which one? The twenty-six?

Speaker Cruz: 2018.

Director Lamorena: For 2018, we put it – it was in the original request of twenty-nine.

Speaker Cruz: But when you got your appropriation and you sent down to BBMR your allocation for the year, how much and what priority level did you put payment for (the) GMH agreement?

Director Lamorena: GMH was high priority because of the consent decree.

Speaker Cruz: So how much has GMH been paid?

Director Lamorena: At this point in time, we still owe for seventeen, we did make payment. Processing right now, I believe about (700,000) for eighteen that is at DOA for payment.

Speaker Cruz: There have been several circulars, one that came out (1801) from BBMR that imposed a fifteen percent set aside reserve. Was DOC subject to that fifteen?

Director Lamorena: All agencies were subject to that fifteen percent.

Speaker Cruz: How much is fifteen percent of twenty-six?

Director Lamorena: About three million.

Speaker Cruz: Even if we had given you the twenty-nine, you'd still be down three and blaming it on our appropriation as opposed to saying that the fifteen percent reserve was your (\$3,000,000) loss...

Director Lamorena: At least it would be in the reserve. If we got twenty-nine, and if fifteen percent (15%) was put on the reserve, at least that's the funds we could use.

Speaker Cruz: That would be (3.7) that you wouldn't have, probably even greater amount, but the thing is that you had a lump sum budget and the (1.1) or whatever amount you owed in the MOU to GMH, that should have been at the very, very top because yesterday, I suffered eight hours of hearings, and those two poor nurses sat here since 2 o'clock and didn't leave until ten last night because they were crying for more funds, but you guys haven't paid your MOU. Your lump sum should have included that amount because it was included in the previous year, and it could have and should have been paid for. So, you have a fifteen percent, with three million dollars that you have no access to. There was also the more recent BBMR circular that came out last week of the additional (8.7) that they've asked everybody to provide some belt-tightening. What was DOC's response to the governor's request for belt-tightening?

Director Lamorena: My response was (that) we could not make any cuts. I did not submit – they asked us to submit a budget to reduce our expenditures by additional two million dollars (\$2,000,000). I responded back, "I cannot."

Speaker Cruz: Can you provide us with a copy of that? And provide my office or the chair copies of all the exchanges with the invoices GMH has been sending you over the last year? Block out the names of the patients – the amounts that they billed you and how much you paid back.

Director Lamorena: Now speaker, in regard to inpatient care, that's not inclusive of the three point (3.3), that's additional cost. So, if an inmate or a detainee gets admitted to GMH, that's above and beyond the (3.3).

Speaker Cruz: I understand. I'm just saying of the MOU, provide me with –

Director Lamorena: So strictly the MOU, not individual patients?

Speaker Cruz: Earlier, your nurse talked about – you had some chronically ill patients.

Director Lamorena: Correct.

Speaker Cruz: Have you discussed with the Governor or Lieutenant Governor the possibility of commuting the sentences?

Director Lamorena: Yes, we have, and I know we discussed that. Some of these individuals, Speaker, are in for pretty heinous crimes, and I don't think, with the type of crimes they committed, the community would be agreeable to their release.

Speaker Cruz: And their illnesses? How debilitating is it? How much of a threat would a bedridden person pose to the community? Unless they were big drug lords, if their crime was some kind of violence and they're bedridden at this point, wouldn't they be better if we commuted those and saved you guys the –

Director Lamorena: Currently, we don't have any bedridden per se, we have individuals, and without mentioning names –

Speaker Cruz: I don't want any names.

Director Lamorena: Individuals who are on dialysis, on cancer treatment, you know things like that. But in regard to actual bedridden – no, not at the moment, but we have several cancer patients that are getting treatment and hemodialysis patients as well.

Speaker Cruz: Your nurse mentioned that there was no alcohol and drug tests – I mean drug counseling. Mr. Vega left just in time, but Dr. Taimanglo, I mean, even when you were at mental health, when it was the Department of Mental Health and Substance Abuse, when you were up there, you remember the exchange we had about when are you going to get a drug treatment and substance abuse treatment there because the "SA" at the end of DMHSA was not San Agustin – it was substance abuse. Has anything changed?

Dr. Taimanglo: Over at the Department of Corrections or Guam Behavioral?

Speaker Cruz: Either one.

Dr. Taimanglo: I can't speak regarding Guam Behavioral. The Department of Corrections has the (Residential Substance Abuse Treatment) program. We actually should have a specialist, either on staff, providing services to the large population of people who are suffering from addictions. We don't have that at this present time. We have a couple of people who are trained under the matrix model, one who's actively – she's in parole and then we have two were trained serving under casework, but we need much more. I agree with you. I barely have enough support from my area – the substance abuse. I do all that I can with what I know, and I can work with substance abusers, but not at the numbers that we have. I don't have the numbers of people who are incarcerated for crime where they were under the influence and led to their crimes, so I don't have those numbers but just based on the people that I see on a day-to-day basis, our numbers are seventy-five percent, maybe higher of people confined with alcohol and other substance use problems, so I agree there. If we can have a specialist who is there full-time and

additional services like RNA and AAA partners in the community, but more than that are the ones with co-occurring, the ones who have both substance abuse and mental health issues. Those, you know, we really need to have.

Speaker Cruz: I understand. I was just trying to get the point. For years, you and I have talked about, where you were at mental health when it was DMHSA, it didn't do it. It didn't establish it. It has no program, and to this day, even with the change to Behavioral Health and Wellness, still doesn't. So that is the problem the executive is going to have to address. I just wanted, Madam Chair, to make it clear. This year, the appropriation for mental health went up. It was a lump sum budget greater than last year. They could have and should have made the payment to GMHA. Though I didn't break down and specifically say (1,100,000), if they had set their priorities straight, it would have been paid, because it was a greater amount. Especially since they ended the year with (\$1,700,000). Thank you, Madam Chair.

Senator Nelson: Thank you, Mr. Speaker. Let's go back to the slide deck, shall we? Can you please bring up slide four? Slide four is the Operations Personnel Decrease and you listed that you have about three hundred fifty to four hundred prisoners in the past, and now the prisoners today is six hundred fifty to seven hundred. This increase is of concern to me because I'm wondering: was this a gradual increase or was this an increase within the past six months? Was it an annual increase?

Captain Antone Aguon, Department of Corrections: Okay, good morning, good afternoon, anyway, the increase in population is something that happens gradually. Last year, actually, we were about seven fifty, and we're down now.

Senator Nelson: Down to seven hundred?

Captain Aguon: At one point, I believe in 2016, we were close to almost eight hundred.

Senator Nelson: How long was that duration?

Captain Aguon: Our current count for the day is (six hundred fifty-seven).

Senator Nelson: Okay cap, I asked you how long did you have the capacity of eight hundred?

Captain Aguon: It was about three months give or take – it kind of fluctuated.

Senator Nelson: So, your population size fluctuates? Because in slide twenty-one, you list the entire level of education for the entire population, and so right here, you have three eighty-five (385), so I'm just trying to make these numbers jive that was presented here.

Captain Aguon: I can explain that, I'm sorry, on the education that is inmates. On the detainee side, those that are not convicted, pretrial, we don't have – we don't offer services to them, like GED and other options, so that right there is inmate population which in – casework only deals with inmates convicted, those individuals who have been convicted and sentenced.

Senator Nelson: Because it brought me to parole services which was slide twenty-three (23) ... You have the total parolees, so I'm trying to make sense of the numbers you list.

Captain Aguon: Okay, I can explain that. The total parolees, ma'am, those are people that are currently released out in the community. They're on parole, serving their time in the community.

Senator Nelson: Are you accounting for the parolees into your operations personnel?

Captain Aguon: No, we're not. But the pre-parole numbers, ma'am, every inmate that's in prison really, at some point in their life, are going to be released at one point. So, they are actually considered pre-parolees. They are assigned, from the get-go, when they are sentenced, they are assigned a particular parole officer, so even if they have to do ten, fifteen years, they already, upfront, know who their assigned parole officers (are). We refer to those as pre-parole people.

Senator Nelson: Just to clarify, you have three hundred eighty-five inmates. Detainees?

Captain Aguon: You want today's numbers, ma'am?

Senator Nelson: Yes, in this respective category.

Captain Aguon: In today's count, we have three hundred sixty-five inmates and two hundred and ninety-two detainees. Now, in the detainee category, that's broken down even further because we have eleven immigration, we have (thirty-one federal detainees), we have about twenty-one that are contempt of court, probation violators, and about ten that are parole violators that are being held. That particular, we call them detainees because their time is very limited. It fluctuates. The contempt of court, the parole, that fluctuates. Our inmate number is pretty steady. It's the detainee population that goes up on a daily basis.

Senator Nelson: Can we move to slide seven, please? Director, you listed on RDO, sick leave, and drill, six to ten officers off-duty. Why would you consider going to drill a factor? From my understanding, this is something that can be used in advance to schedule your officers (every new fiscal year), the guard sends out, or the reserve sends out a notice to the employees for the whole scheduling of the year of when they would have drill, so how is that even a factor if you do your scheduling properly?

Director Lamorena: I'm (going to) let the Warden answer that because (the) warden puts his schedules together. Warden?

Colonel Alan Borja, Department of Corrections: Good afternoon, Madam Chair.

Senator Nelson: Good afternoon, Colonel Borja.

Colonel Borja: Right now, our officer count is significantly low, and we've put them in a long work hour shift, right? So, when we tried to make attempts to have these officers coming in on their day off to augment those going on drill services, again, they turn around and say, "Hey, we're burnt out, and as much as I would like to support the operation, I (have to) have some time off." So, we practically try to force these officers to come in, to cover these –

Senator Nelson: I understand, but I'm inquiring about the drill piece.

Colonel Borja: Yes, the drill. I'm a reservist also, and yes, it's difficult to get officers to come in to cover down, we try to mix and match them and have them (come in on their RDO) to augment those going on weekend drill, but it can become taxing when we're adding more to the workload on these officers.

Senator Nelson: How many officers do you currently have on military status?

Colonel Borja: Thirty-eight. We have thirty-eight Army, Air Force combination and of course, me, Navy.

Senator Nelson: I'm under the impression that you are doing adequate planning because they do get employer notification.

Colonel Borja: Yes, we do the adequate planning but then again, we get (those circumstances) where those that are scheduled to come in to cover down aren't able to make it, so we're back to trying to find coverage again, and we have a small pool of officers to try and cover these reservists.

Captain Aguon: Now, our military personnel are not, all of them do not have weekends off on the regular roster, some days they're off Tuesday-Wednesday, Thursday-Friday. They have other regulars. Now, when it comes to their weekends, we attempt to ask them if they want to work on one of their RDOs to make up for that drill time. Some do, some don't, so those that are scheduled on a Saturday, let's say it's their scheduled day to work Saturday, but they have their drill, so we still need the body there, so we have to bring in other officers that may have already worked or officers that are scheduled off that day, and bring them in to cover for those military guys. We don't want to hamper those officers from taking their military drill, but they are a vital part of our operations, so when that body goes to drill, and it's quite a few of them at one time, we have to take into account everyone's twelve-hour shift and their assignment to make sure we have adequate manpower, so that's really what that means about that. It does cost us some money to cover down.

Senator Nelson: Okay, thank you very much, Cap. On April 30th, 2017, we had the Department of Corrections Easter event where you had twenty-two inmates and approximately eight guards escorting these inmates to an event. We wrote a letter to the Attorney General's office, and in that letter, we inquired about the law and the victims advocate right, and I'm just going to read the Attorney General's response.

Senator Nelson quoted a letter from the Attorney General's office, which has been appended to this committee report.

Senator Nelson: Also, Director, it brings us back to what you stated in the media. This is an article from KUAM news. Other questions were raised. Was the Attorney General's Office notified and the department informed the victim of these inmates? "Lamorena says in this case, Lamorena used his sole authority to approve the activity". Now, I just want to go over a little bit of your SOP, the ELOC SOP specifically references the requirements of the extended limits of confinement, and it requires an

application document, it requires approval of the CCSD, it requires an agreement between the inmate, and then when we asked specifically, when we FOIA for these documents, we did not receive any of these things. More interestingly, when we asked for logs of transport or any logs at all, and thank you so much for working diligently to get us what requested, what was interesting is that you were missing April 30th, May 1st, May 2nd, and May 3rd in these logs. So, what we received was up to April 29 and then there was a stop and then it began back on May 4th. So, Director, I bring this to your attention because the extension on limits of confinement also comes in place with your protocol for transporting personnel transporting inmates. In this article, it says that these guards were only equipped with mace and a baton, but in your transport SOP, it requires your guards to be armed, and they speak about in the manner that they should be armed, and this is an SOP that we are referencing since 1997. In accordance with the law, Director, you did not properly vet this whole process, and there's a document of you signing along with Colonel Borja and Lieutenant Limo approving of this outing. This is a great concern because you're moving twenty-two inmates with eight guards who are only armed with a mace and a baton into a public environment which is the Dededo Sports Complex. There was an incident that occurred there where one of the inmates in question was in a zone where one of the family members of the victim was placed, and so I want to reiterate this is a huge, huge gap in your protocol. This is an outdated SOP. Luckily, nothing happened, but lives were essentially at stake here. Your guards were outnumbered, and so the inmate in question, I wanted to inquire what is the classification and the security requirement for that inmate in question? Was he a maximum-security inmate? Was he a medium one, two, three?

Director Lamorena: He's a minimum; he's in the Triple C. He is in the halfway house. He is eligible for parole. So that's the reason why he's in Triple C. If you're (going to) cite the Attorney General's opinion, she also mentions in her opinion – *Director Lamorena cited an excerpt from the Attorney General's memorandum, which has been appended to this committee report.*

Senator Nelson: Yes, I understand, but you did not do things in accordance with the law, and that's Title 9, Guam Code Annotated 8480.49, so I just wanted to point that out because ever since the situation, there seems to be a certain trend for one reason or another. So, the reason why I brought this up is, we want to make sure that the process that is put in place is followed, and if you feel that the process is not necessary, then we need to address it. If you feel the law is not necessary, then we need to address it. If the SOP from 1997 needs to be approved, then we need to address it, and so that's why we're here today is to bring these into the light, so that we can look at all of our procedures, our standard operating procedures and policies and address them so that everyone is doing their due diligence because the trend goes now to other gaps in the SOPs. You know, I'll use an example – *Senator Nelson cited an article regarding the beating of Justin Meno, which has been appended to this committee report.*

Captain Aguon: Sorry ma'am, I'm sorry. I didn't understand your question. You said, "What SOP?"

Senator Nelson: Yes.

Captain Aguon: Okay, Post 6 has its own just like any other housing unit, they have their own standard operating procedures. I can't speak on behalf of what the former lieutenant said in a media release –

Senator Nelson: That's fine, I just want to know. What is your standard operating procedures for the special housing unit? What if you find an inmate there that is beaten and unconscious? Do you have (an) SOP for handling of the victim and the handling of the evidence?

Captain Aguon: Yes ma'am, there are, and of course, when the SOPs are created, they're created under the best circumstances possible, all right? We look at the operations, and we say how are we to do certain things? SOPs will not cover every single situation that occurs in that unit at that time, and on this particular case, there were unique circumstances that occurred that day that is not of a normal everyday operation, so there were certain things done in a way that may have deviated, but it was due to this – the nature of the incident or other factors that happened unfortunately that day. I can't because we are still going through the criminal process, and we still have – several of the inmates right now are on trial and other criminal, we – I can't divulge certain information at this time publicly because it may affect the case that's currently ongoing.

Senator Nelson: Okay. Well, I'll tell you what one of your SOP states, and you can correct me. If I'm wrong, tell me. This is Community Corrections Program 97 Housing Unit Officer, and it specifically states, and there's a list of things: the description of duties for the officer, strip-search inmates who returned from work detail, visits, and other official business, secure and lock all doors, supervise inmates, make headcounts of inmates, escort and accompany inmates to and from outside assignment when necessary and/or short of manpower, so basically, you have everything here that in the case of Justin Meno, there was a moment where he was alone, and so it looks like there needs to be a retraining program in place where the officers are retrained. Most of you are in the military, and you know (that) rehearsals are very important when you are on a mission. Everyone at Department of Corrections that goes on duty is always in that mission mindset. They're always on alert, and so it is important that the officers know so that this incident doesn't happen again. Has there been any efforts in retraining officers and doing rehearsals of procedures and policies and can you give an example if there have been?

Colonel Borja: Yes, ma'am. Again, as I stated earlier during their training...

Senator Nelson: Yes, I heard about combative training and special weapons

Colonel Borja: We've conducted training on headcount procedures – everything pertinent to the function of a correction officer. Back to basics, handling of restraints and handcuffing procedures. Again, revisiting the SOP which no doubt is outdated, just like our 9419, so a lot of these things need to be addressed, and we're addressing it with training, and we do have a policy review board. It's also working on our policy and updating these SOPs because yes, some units have changed designation. What used to be max is now an admin segregation unit so we are working on that, and again a lot of training is being emphasized now after those recent incidents.

Senator Nelson: And do you document it, colonel?

Colonel Borja: Yes ma'am.

Senator Nelson: How often do you perform the training?

Colonel Borja: With respect to again, like (overtime issues), we conduct training once or twice a week at a platoon level. We again, whatever training we can get, with the help of the marshals, customs, GPD, we embrace it. Our training staff has worked diligently to provide this training, and this most recently, and the OCAD training, the (baton training) that we certified, all the officers which haven't had that kind of training in years and to better prepare them for what's to come. The unforeseen circumstances that like happened at Post 6, SOPs, yes, it's in place, but again like what Captain Antone Aguon said earlier, doesn't address the total operation of the housing unit.

Senator Nelson: Yes, but these are fundamental things that are – it is my knowledge that if I'm a corrections officer, I want to make sure I have accountability for all the inmates. I want to make sure that I follow them. I have eyes on, I'm able to hear what is going on so that's very fundamental, so that's really what I'm emphasizing here is (that) fundamental core concept of being an officer should be reinforced because in most instances, in the last two cases, they were not.

Colonel Borja: The training that we provide is back to basics. Again, complacency will set in and then we just draw up that their memory every now and then and provide these training and as incidents occur, we hop on it and try to improve on how to approach it, maybe differently to handle the situation appropriately. So again, it's a work in progress.

Senator Nelson: This is essential because the safety of the officer.

Colonel Borja: And of course, it's a continual process when we want to conduct these trainings.

Director Lamorena: We're not taking this lightly. As the warden has stated earlier, we sent two people off – two officers off island for advanced training, and they're currently training our officers. As Officer Sanchez, who is our training officer, stated that we're doing a whole set of retraining for our officers. We're even assisting DYA this week. We were assisting the DYA with their staff as well, so we try to collaborate with the other public safety agencies. The courts have been an excellent partner, likewise with GPD, but you know, in the last year, we've begun this retraining. We're implementing and we're planning our situational-type training, and hopefully, we'll get that going in the next few weeks so you know, we're just – even when I came on (board) a year and a half ago, I mean, as we work together with the department revisiting the SOPs, Captain Aguon has been working on look at revising some of the SOPs, and so it's a work in progress. It's not that we've been sitting around. We've been actually working on it, and hopefully, within the next year, we're (going to) see a lot of progress in regards of retraining our staff and refreshing them on the SOPs.

Senator Nelson: Thank you, Director. Thank you, Colonel Borja. I want to read an article from September 24, 2017.

Senator Nelson read from the September 24th article appended to this committee report.

Senator Nelson: *(Regarding the article)* So, if this is the case, I'm just thinking that if this person had a tumor so large in his throat that he died from it, that there should have been signs early on that this inmate was receiving some kind of medical care for this tumor, and so can we have some clarification if Justin Meno went and sought or was receiving medical care for the specific tumor?

Captain Aguon: Ma'am, I can't speak on a specific medical care of an individual. However, Justin was a detainee, all right? So, when these guys come in and out of the jail, sometimes, it's several weeks in between. When an inmate is sick, they put in a sick call, so they have to also take that proactive if they're not feeling well. If something's wrong, they got to put that request in. The nurses and them spend most of the day dealing with those requests if an inmate didn't make a request or if there's not visible indication that there's something wrong, the chances of him seeing a doctor would be slim. Then, the other thing is that incident happened in March. I believe he was in the hospital for several months before all of this, before he ultimately passed away. See, on our side, we didn't have any indication that there was a medical issue because wasn't in our custody.

Senator Nelson: That's what I want to know. Was there any sign prior to his beating that he was having difficulty breathing?

Captain Aguon: Not that we are aware, ma'am. Not that we are aware of.

Senator Nelson: I know because HIPAA, you can't reveal specific things, but I want to ensure that there was a level of care given if there was. Because six months is a short amount of time for a tumor to expand. The nurse is nodding. So, thank you. So, I would like to transition over now to a case that you probably can't talk about, but there's (going to) be a lot of questions about (your procedures) and so forth. So, you maybe can't talk about the specifics of the case, but you can at least discuss the procedures that are put in place. *Senator Nelson referenced an article (which has been appended to this committee report) regarding the Medical Examiner's statement from the Pacific News Center.* And so, my question is, do you have a procedure or process on how you get cleaning supplies to clean things up? Are these cleaning supplies logged? The blood was cleaned up. How do you account for articles with soiled clothes like fecal matter or even blood? How do you account for those? Do you put them into evidence? Do you document it? What is the procedure for that?

Captain Aguon: Okay, ma'am, I understand where you're coming from on these questions, but I can't speak for what (Dr. Espinola) released to the media.

Senator Nelson: I know. I'm not asking you about that, Cap. I'm asking you about the process of cleaning supplies being checked out, clothing accountability, documentation of clothes with blood on it. What is your process?

Captain Aguon: Yes ma'am. Each unit puts in a supply requisition and supplies are delivered to the unit, all right. It is controlled by the officers. It is limited supply. Inmates, detainees are issued uniforms and they have uniforms, it's in their possession, so we don't inventory every day. Once they're in our custody, we give them a shirt, it's logged in that they're given a shirt, and that's their shirt until they get released in which point we take it back.

Senator Nelson: If they're in there for seven days, they stay in that one shirt?

Captain Aguon: They have maybe two or three shirts. We do have a laundry detail and there is a washer and dryer located inside the block and there is orderlies or inmates that are assigned to do laundry detail, so that we don't have everybody touching the washer machines and using the supplies.

Senator Nelson: What about if clothes that you receive have blood on it? Do the officers collect these clothes?

Captain Aguon: No ma'am. The laundry is not collected by the officers. There are inmates in the block that are assigned details, and they collect laundry. There's a schedule on which cells are going to be doing the laundry for that day, and it's done, and it's given back to them at the end, when it's been cleaned.

Senator Nelson: How are these inmates monitored?

Captain Aguon: There are officers on post that monitor them.

Senator Nelson: What do you mean by on post?

Captain Aguon: Well, ma'am, again, we're going back to the SOP.

Senator Nelson: Because I don't see the SOP here.

Captain Aguon: When we do the SOP, ma'am, we do it under the best-case scenario. Unfortunately, like we pointed out earlier, we are short of officers. Some of these SOPs require five officers to be on post – five officers – and they only run with two or three most times.

Senator Nelson: So these inmates, are they escorted?

Captain Aguon: We do escort them, especially when they come out of the unit. FDF is a controlled unit, so most of the laundry is inside the block.

Senator Nelson: Can you just walk me through it? Let's say (that) it's laundry day. Tell me the process because there's no – I didn't receive any documentation of the process, the officer's responsibilities.

Captain Aguon: Most of the housing units have a laundry schedule because we, obviously, they can't all wash on the same day. There's a laundry schedule, so it may be five cells at a day, they are doing their particular laundry. They collect their clothes, and it's given to the laundry detail who in turn, washes it. If they're washing it from another section, the officers inspect it before it's redistributed out, and then it's given back.

Senator Nelson: How do they collect the laundry? Do they collect it in a bin? Do they collect in in like a laundry basket? How do they collect –

Captain Aguon: Ma'am, we have trash bags, and they collect it, so usually, the inmates will write their names on it, and they'll be a laundry list, and they'll say three shorts two pants for me and then they take those to it, and they get washed.

Senator Nelson: So, there must be some kind of necessary tagging for these articles of clothing.

Captain Aguon: Yes, on paper. The inmates fill it out themselves.

Senator Nelson: So, it's laundry day on my block, and I'm an officer. There's a detail. How many people are on this detail for the laundry?

Captain Aguon: One.

Senator Nelson: So, I'm going to visually watch the inmate go down the block and receive items of clothing from the other inmates that are in a plastic bag with their name on it and description of each article that is in that bag.

Captain Aguon: No, no, the officer may be there when they're collecting it, but there are forty prisoners or so in a block, the officer is not (going to) be able to see every single piece of laundry that goes by or in the bag, but he may just be there monitoring them, collecting it, or even giving the instructions. "Hey, laundry, laundry, let's get it out, and let's get it over here so it can get washed." Most of those inmates already work on a time schedule. It's already set down on what they do, so we're not standing there watching them every second of the day, especially if you only have three officers, and I got to prepare for court run. I (have to) expect the child coming in, we have a control officer that cannot leave, so then he's got to do the service gate, so they're constantly moving about. They don't just stand in one location and guard somebody. They are moving around throughout that block, and if you only have three officers, and in some cases, two, then that's a lot of –

Senator Nelson: So, you just trust the inmate?

Captain Aguon: We don't trust nobody, ma'am, but see, if I don't have the resources, do I hold up court or do I stand and watch the laundry being done? Do I strip search the inmate coming back from visitation or do I watch the laundry? Do I feed the inmate, or do I watch? The officer has to make a decision on what he's (going to) do that's priority. I have three attorneys sitting at the door waiting to speak to their client. I got four probation officers that need to come in. It's visitation day. The officer has to decide what am I (going to) do first? It's priority, and if we only have two officers or three officers on duty, they got to go back and forth then you have inmates who may not be cooperating. They got attitudes. They got problems. Officers got to go in there and do his head count every one-hour. He's got to walk the range and double-check everything so there a lot of things that are going on.

Senator Nelson: Yes, I understand there a lot of moving pieces in the prison, right?

Captain Aguon: There's a lot of moving pieces there, ma'am.

Senator Nelson: You can make it a controlled environment.

Captain Aguon: Ma'am, it is controlled, but even under the best circumstances, if I don't have all the resources we need to make it one hundred percent controlled, all right? We just don't have those resources; we don't have cameras and a lot of those are the blocks. There (are) no cameras there, all

right? So, the equipment doesn't even work; the locks are broken. We have a lot of things to take care of.

Senator Nelson: So, when you put inmates in cells with locks that are broken –

Captain Aguon: Ma'am. Again, there are a lot of things in the facility or even in their housing unit, and we don't have (the officers). These units are designed with a lot of blind spots that require the officers to be moving around and looking at things visually okay. So again, if I don't have the five (or) six officers.

Senator Nelson: So how do you improve it? How do you improve the process?

Captain Aguon: We need three hundred three officers.

Senator Nelson: Other than that, it seems like being a correction officer, you're juggling so many things, and you're putting the safety of the officer at risk which is very important. You're putting the safety of the inmate at risk which is equally important.

Captain Aguon: Ma'am, we are improving it as best as possible, and contrary to what people may think, our prison is relatively safe, okay? We do have incidents every now and then because we are running a prison. We are running a prison. These people don't follow the law, and putting them in a building, and all of a sudden expecting them to grow halos over their head overnight and be all nice and "yes sir" ... it doesn't work that way. They do violate the law, and unlike what people think, our number of incidents is actually down a lot compared to what the mainland prison or other prisons of our size are feeling right now. So, in general, we do a pretty good job of managing our population. Are we perfect? No, but we are constantly working on that – reevaluating our policies, training our staff, trying to make sure that we get better and better. We protect everybody that's there. We don't like it when someone gets hurt. Our mission is to protect them, and we have to constantly be hammering on that, but it is very hard if we don't have the right resources, and that includes buildings. I mean, our buildings are old and dilapidated. Our structure is just – our whole system is so old, and nobody pays attention to any of that until something goes wrong. Then all of a sudden, it's our fault because we didn't do anything. We need a lot of help, ma'am.

Senator Nelson: You know what's interesting to me? You're telling me that you have a shortage of officers. You're telling me that you're working on these procedures that you have no documentation for, and yet you still manage to get eight guards to escort twenty-two inmates for a morale day, at an Easter event. So, what this is saying is, for me, I'm thinking, "Well, if you can do a morale day for Easter event, and you take away eight guards and you're telling me that you only have two on the post sometimes or five on a post sometimes, then we're not using our resources properly. I understand that these are some of the constraints that the officers have to deal with, but it's managerial decisions like that, that put these officers at risk, that are not using their resources wisely. I just want to move down. Let's continue on because I know you can tell me all of the challenges that the Department of Corrections face, and I'm not saying you guys are not, that you're not doing everything to best of your ability, but the managerial team, the leadership needs to start looking at the resources and also the policies and procedures and start training these officers and improving the process so that people are not

put at risk, so I'm just going to go on to the next question in regard to this case. *Senator Nelson cited a Pacific News Center article regarding an interview with the medical examiner.* So, it brings me to the question: What is the maximum amount of people you put in a cell? Do you place them all within the same level of classification or violation, what they're in for?

Captain Aguon: Yes ma'am. Generally, there's two men to a cell; however, because our numbers, our population has grown. There are times when there are three people in the cell.

Senator Nelson: So, three people max?

Captain Aguon: Three in a cell. We've had it go as much as four in some cases in the past; however, these inmates are not in the cell locked in twenty-three hours a day. They're generally out. Their cell doors are open. They're allowed to move around within the day room, watch (television), outside for fresh air, or they'll go to court or other runs they have to go, but in some cases, there are three or two in other cases. We do have ways of segregating as much as we best can but again, with the number of prisoners that we have, it makes it tough to separate everybody all the time. Now, if we have information that there's a conflict, and then we're made aware of these things in advance, then we make every possible effort to move them, transfer them from between facilities. We do everything we can if we have any kind of prior knowledge of any kind of issues between the inmates and themselves. I know you're citing the newspaper, ma'am, but I just want to be cautious what's on the newspaper because they don't have the whole story of everything that has transpired and again, because this case in ongoing and GPD is still looking into it, even Internal Affairs, we're still asking questions and gathering our information. I can't come out especially in this forum, and say whatever don't have, and I just have to be very careful.

Senator Nelson: I'm not asking you to do that. This is strictly policy and procedures. You have a lights-out policy. It states from 2200 to 0600 hours is lights-out, but it doesn't state the requirements of the officers on duty. In any of the SOPs, it doesn't state what happens when lights go on – the accountability process – so can you just walk me through that?

Captain May Quitugua, Department of Corrections: *(introduced herself)* On lights out, it's commonly called lockdown, lights out. A headcount is completed and submitted to the control officer. It's documented blotter as to the time it was reported, the officer that reported it, and of course, the actual time that it was reported, and what a lockdown means is... that's it. Movements are controlled; there are no more movements. Lights out. It's time to sleep. It has no activity. Everything ceases.

Senator Nelson: When you do the headcount, is this before turn – before you go lights out, you do your head count?

Captain Quitugua: Yes, ma'am. It is one of our official headcounts at the time.

Senator Nelson: Do you call them by name? The inmate by name?

Captain Quitugua: Yes, ma'am. They're supposed to stand there, identify the inmate one by one – name on the headcount sheet. Every unit has a headcount sheet. So the officer takes that name and verifies it with the person standing or laying there, it's a standing headcount.

Senator Nelson: Do the officers have any responsibility at that time?

Captain Quitugua: Yes, ma'am – the accountability of all prisoners. That's their responsibility, main responsibility of course. They ensure that no other activity is being conducted, that everybody is where they need to be.

Senator Nelson: So, they rove the unit?

Captain Quitugua: Yes, ma'am and make spot checks throughout the night, the dark hours, every half-hour as reported.

Senator Nelson: Then, when at 0600 hours, can you explain to me the process there?

Captain Quitugua: Ma'am, 0600 hours is what we call reveille. They normally wake the prisoners up, ensure they conduct their personal hygiene, start cleaning the areas and get ready for the movements scheduled for that morning – mostly medical appointments, court runs, meals are being delivered, things of that nature.

Senator Nelson: Do you have headcount during that time as well?

Captain Quitugua: We do now, ma'am.

Senator Nelson: When did you start doing that?

Captain Quitugua: We actually have always had reveille headcount, but now, we force them to physically stand and be accounted for, and it's still called standing headcount, ma'am – not lying down but standing up, actual standing up to ensure that they're alive and well.

Lieutenant Maryhelen Lizama, Department of Corrections: The official headcount also is in the executive order 8819, just said 2200, 0300, 0530, and 1000 to include census count which is other hours.

Senator Nelson: And now you practice the standing headcount?

Lieutenant Lizama: Yes.

Senator Nelson: Okay, thank you very much Captain Quitugua and Lieutenant Lizama, thank you. Okay, this will be our last line of questioning for the most recent event that took place which is the female prisoner that was assaulted, and so I just want to know, in light of everything, the request of the attorney was to relocate her, and Cap, you said yourself that if an inmate is in danger and fear for his or her life that you do what you can to put them in area that you deem safe, that you determine as safe. So, has this been done? Were you able to do this?

Captain Aguon: Yes ma'am. The female unit only has two wings, it's a very small unit, so you either move them in the one wing or you move them to the other wing, but in this particular case, yes, we have moved this person to another section unit.

Senator Nelson: Okay, thank you very much. I'd like to thank all of you for coming here today. I'd also like to thank the Department of Corrections personnel and officers for their willingness to serve those that you know, essentially have harmed society or someone in one way or another. It's a truly humbling service to do, to be able to risk your life, so thank you for your service. I do want to make you aware of the next steps forward. There are several instances that can be improved, and we discussed a lot of the progressive actions that you've taken moving forward and within the Department of Corrections, so I'd just like to ask that you work on these items, and then perhaps by the end of February, you can start producing some of these products to be more tangible, like your training requirements, your manuals, your evidence handling manuals, and so forth that we can have something tangible. We can have something that if an officer doesn't know what to do, they have a reference because you are very well aware these SOPs are out of date and there's some, there's plenty of gaps in a lot of these things. Now, you're standing headcount, if you can include that in your SOP in the manner that you train your officers, it's good to show that the Department of Corrections is doing its job in making sure that the officers are trained, what kind of training that they're receiving, also the procedures in the manner that they must handle certain situations. I know everything is not exact, but at least, it's a reference that "If I find someone laying here, tied up, the first thing I'm (going to) do is call my supervisor, call for (quick reactionary forces) to come out here, and see what we can do, so something of that nature. There's logs missing from the date in question of the Easter event – April 30th all the way to May 3rd, so if we can have a copy of these logs, also the matter which divvy out articles of clothing and in cleaning supplies. From what we received, there seems like there's some kind of, I don't want to say it, but really, it looks like a cover-up. For items to be missing, inmate to be found dead, no blood to be found anywhere, clothes are changed. There's something going on. It's a cover-up. It's the truth. So, I think you need to look at these things and see what you can do to prevent this from happening in the future and then also a plan of, we're getting a cut. You wrote him saying that you wrote a letter or memorandum to the Governor saying that you cannot cut any further but a plan with limited resources. Last year, you sent eight guards out, but you're still short officers on a morale event, and so, you know, this is part of the leadership responsibility to come up with the plan so five simple items to see if we can meet again, in February, perhaps just a discussion amongst us, and then documentation to support showing Department of Corrections is moving forward with its due diligence. I want to read what we will do in regard to this oversight hearing. This is referencing the Civil Rights of Institutionalized Persons Act.

Senator Nelson read subsection 1997 of the Civil Rights of Institutionalized Persons Act, which has been appended to this committee report.

Senator Nelson: So, we are going to write a letter to the (United States Attorney General) and just give them our findings and ask them to make a determination if any of these instances are in violation with the Civil Rights of Institutionalized Persons Act. I want you to know that what's were going to be doing. Once again, I'd like to thank all of you for coming today and thank you for preparing the PowerPoint

and providing all the documentation these past couple months that we've asked for. I know it wasn't easy, and I know it was a lot of work, so thank you for taking the time to do that. It is now 4:02 p.m.,
The Committee on Housing, Utilities –

Director Lamorena: Senator, with all due respect, the men and women who work at DOC are hardworking, dedicated individuals. It's very difficult being a corrections officer, and I admire them for their dedication and though the work that they do... We're dealing with a facility, DOC was built in the sixties. We have converted what used to be classrooms into housing areas. We do what we can with what we have and what resources we have. We would like your participation in what we do. You came to visit us when you first came to office, and you could only stay with us for less than an hour. We'd like you to come down and see what the facility's like, what our officers, what our people face on a daily basis. It's easy to sit up there and just say what you want to say without having to see what we go through day after day, senator. Our officers ask me on a constant basis what happened to your legislation for 80/86? It's not an easy job. We have to deal with it, seven to eight hundred people on a daily basis, shortage of manpower, shortage of funding. We need your support. As our oversight chair, it is your responsibility to help us so we can accomplish our goals. It is easy to point fingers, but sit down with us, we know we're not perfect. We know we have issues, but we need the cooperation of our lawmakers – that's your responsibility as a lawmaker, to help the department overcome its shortcomings. We may have made some errors, but these are my line guys. Everyone here faces the realities of working in the prison every day. I have to work with every individual here on a daily basis. Are we perfect? No, we're not. Do we need a new facility? Yes, we do. Do we need more manpower? Yes, we do. Let's work together, senator. Let's not be fighting each other. I don't want to be here fighting each other. Let's sit down and work together so we can make this department the best it can be. Are there going to be violence in prisons? Senator, go online and Google it. Everyday, there's going to be altercations in prison. That's what people are there for because they've committed crimes. We can't watch every single individual. I have officers who get head-butted, who get punched, who get spat at, who are threatened. Their lives are threatened on a daily basis. "If you don't bring this in, I'll make sure your family, we're (going to) go after your family. That's why I'm losing thirty officers this year, senator. It's not an easy job, but you as a lawmaker, work with us. I don't want to be confrontational, but let's sit down at a table, and let's talk. Let's see what our shortcomings are, and let's work it out. That's all I'm asking for, Senator.

Senator Nelson: Thank you, Director.

Director Lamorena: I'm going to fight for these people who work at DOC because I work with them every day. I get radio checks 2:00 in the morning tell me what happened in the shakedown, what was found, what was not found. I will fight for these people because they're hard-working dedicated individuals, senator.

Senator Nelson: Thank you, Director. You know –

Director Lamorena walked out of the public hearing room and later returned.

Lieutenant Lizama: Could I just add on to this, senator?

Senator Nelson: Yes.

Lieutenant Lizama *read from her written testimony which has been appended to this committee report.* I understand that you're bringing up about SOPs. It is there, but we also need the manpower that's on the SOP that tells us this is how much we need in the unit. This is a guidance of what we're supposed to do. We do have the SOPs. That is your question, and the officers are always told to read their SOPs now. If not, we always tell them: if you have any problems, call us – your supervisors. Thank you, ma'am.

Colonel Borja: It's unfortunate that you see a lot of the frustrations are out on the table now, and yes, everything that's related is true. When you have a facility in the middle of Guam, a main road running right by our facility, an easement that caters to private residents. It's a very difficult tasking, and I salute all the men and women and civilian staff that, at the end of the day, in spite of it all, we make it happen. I'm sorry to drag you through this as well, but if you come and pay us a visit, we can actually relate more in our environment rather than here in this legislative hall. So again, we invite you to come up and feel and share the experiences that we encounter every day and again, you see the frustration and all these armchair quarterbacks, they love to call shots from the sidelines, but when actually, when they're in the thick of things, it's a very difficult tasking, so thank you.

Senator Nelson: Thank you. I just wanted to say one thing before we close. Please do not make this a divisive topic where it's me against the Department of Corrections because that is really not the case. As a matter of fact, I even submitted my name as a volunteer at DOC, so it is not that for whatever reason. There's no division here. I do want to help. Otherwise, I wouldn't volunteer myself. Also, you want me to come and visit again, I will come and visit again. You want me to help, to sit at the table and find answers, I will help. I tried very hard to fight for your budget. You don't need to see what I had to go through, but it was very strenuous on my part, and we only go with what little we could get. Senator, director, you know the dynamic of that. So, it has nothing to do with "I do not think that Department of Corrections is doing a good job." That is absolutely not the case. I applaud you for everything that you do. I mean, you're sacrificing your life for these people. You're putting yourself in harm's way. It's like you're on a deployment for twenty years of your life, and you don't even have – you're limited with weapons you can carry in certain units. You can't carry a 9-mil or weapon with you. What do you have? Sometimes, you don't even have your baton in some instances which is why I was happy to hear that you're getting combative training because that's essential. Colonel, you mentioned the challenges of being put in a residential area. I have been looking on our island at Chamorro Land Trust Property to see if we could relocate the prison and where would that money come from, so maybe it hasn't been in your purview, but I have been trying to see what we can do, how we can help, and that's the only thing I asked myself every time I see a situation come up in the committees that I chair. It's not a situation where it's divisive, and it's me against you. It's absolutely not.

Director Lamorena: Then Senator, work with us. I remember when I first with you, and I came to your
–

Senator Nelson: Director, can I please finish? Then I'd like to close.

Director Lamorena: Well, this is a public hearing, so I'd like to – I'm public, so I'd like to say something. When we first met in your office, and like I said earlier, we're not perfect. We deal with what we have. I told you. I've been on the other side. I've been an oversight chair, and I work with my agencies. I called them into my office, and I said "What's your problem? What can I help you, how could I help you?" It's easy to point fingers, and today was just all pointing fingers. We know we have inconsistencies. We know we're not perfect, but you need to work with us. You need to say, "Hey guys, you know, I see some holes there, let's try to – how can we work together to mend these holes rather than being an adversary. I mean today was strictly adversarial on your part. If we can sit down, come in my office, I'll come to your office, we'll bring everybody and well let's talk about what our issues are at DOC, see how we can work and how we can collaborate. I mean, we're collaborating now with a bunch of different agencies, a bunch of different NGOs, and we're doing great things at DOC that were never done before I came. We're seeing more things for our clients. We're seeing more training for our officers. I tell you, everyday I love my job. It's these dedicated people that are sitting here today and those who watch the officers and our civilians that drive me every day. Even ask the warden – three, four times a day, I do my perimeter checks. Ask Lieutenant Lizama – I go around DOC, do my perimeter check because that's part of my job. My job is to help the officers do their job and that's what we all need to do at this table, senator.

Senator Nelson: Okay, thank you very much, Director. I don't want to go back and forth. It's now 4:27 (pm), and I want to thank you all for coming. Yes, director, I'm going to be knocking down your door tomorrow saying "Let me in."

Senator Nelson adjourned the oversight at hearing at 4:27 p.m.

III. RECOMMENDATIONS

The Committee on Housing, Utilities, Public Safety, and Homeland Security hereby reports out the Oversight Hearing regarding the Department of Corrections.



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

CONTENT OF EXHIBITS

Exhibit A

Memorandum response to Senator Nelson from the Attorney General

Exhibit B

“Attorney alleges DOC tried silence female prisoner following assault”.

Pacific News Center.

26 January 2018.

Exhibit C

1. “DOC fires officer, suspends two others in Justin Meno assault case”

Pacific Daily News.

19 May 2017.

2. “Inmates who were let out of their cells charged with Meno’s attempted murder”

Pacific News Center.

9 June 2017.

3. “Guam DOC detainee Justin Meno dies 5 months after prison assault”

Pacific Daily News.

11 September 2017.

Exhibit D

“Dead detainee’s body was placed on futon before police arrived: ME”

Pacific News Center.

5 January 2018.

Exhibit E

“DOC roll call performed once a day – in the morning – unless more is needed”

Pacific News Center.

9 January 2018.



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

Exhibit A

Memorandum response to Senator

Nelson from the Attorney General.



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

June 16, 2017

VIA EMAIL:

law@guamag.org

Honorable Elizabeth Barrett-Anderson
Attorney General
Office of the Attorney General of Guam
590 South Marine Corps Drive Suite 706
Tamuning, Guam 96913

Dear Attorney General Barrett-Andersen,

Hafa Adai! On May 16, 2017, I sent a letter via email to the Office of the Attorney General requesting information regarding the 2017 Post-Easter event for residents of the halfway house. On June 5, 2017, I sent a follow-up letter regarding the event. In the letter, I asked if the Department of Corrections was in violation of any laws in hosting the event. I have yet to receive a reply.

During a public hearing held on June 5, 2017, Barbara Paulino, aunt of Melissa Quinata, stated that the murderer of Melissa Quinata was allowed to attend an Easter outing at the Dededo complex. Paulino stated that under the victims' rights law, the family should have been notified of such an outing, which they were not. Paulino added that the family also has not received an apology from the Department of Corrections.

I am requesting clarification regarding the Crime Victim's Rights Act as well as relative laws. Was the Department of Corrections in violation of any laws or regulations? What actions will the Attorney General's Office take should violations be found?

Please keep me informed as you investigate the Department of Correction's use of standard operating procedures, protocols, and guidelines to ensure the safety of the inmates, detainees, correction officers, and the public. I appreciate your cooperation as we ensure the safety of the public and compliance with rules and regulations. Please contact my office should you have any questions or concerns. I look forward to your response via email to senatortcnelson@gmail.com. *Si Yu'os Ma'ase!*

Senseramente,

Senator Telena Cruz Nelson

Attachment: 5/16/2017 Letter from Senator Telena Cruz Nelson to Honorable Elizabeth Barrett-Anderson, Attorney General of Guam
6/05/2017 Letter from Senator Telena Cruz Nelson to Honorable Elizabeth Barret-Anderson, Attorney General of Guam
GUAM CONGRESS BLDG. 163 CHALAN SANTO PAPA HAGÁTÑA, GUAM 96910

Tel: (671) 989-7696 | Email: senatortcnelson@guamlegislature.org



Office of the Attorney General of Guam



590 S. Marine Corps Dr., Ste. 901, Tamuning, Guam 96913

SENATOR TELENA CRUZ NELSON

Date / Time: July 3, 2017, 10:08 A.M

Initials: CS

June 30, 2017

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The Honorable Telena Cruz Nelson
Chairperson
Committee on Housing, Utilities, Public Safety,
and Homeland Security
I Mina Trentai Kuatro Na Liheslaturan Guahan
Guam Congress Building
163 Chalan Santo Papa
Hagatna, GU 96910

Hafa Adai Senator Nelson,

This is to acknowledge and respond to your recent letters to my Office regarding security concerns at the Department of Corrections (DOC).

In your letters, you question whether the reported Post-Easter 2017 gathering of DOC inmates at the Dededo Sports Complex may have violated any laws. At issue is a legal concept referred to as "Extension of Limits of Confinement" or "ELOC" in criminal justice parlance.

Title 9 Guam Code Annotated §80.49, **Extension of Limits of Confinement for Humanitarian Reasons**, permits the Director of Corrections to extend the limits of the place of confinement of a prisoner in certain circumstances such as visiting a dying relative, attending a funeral of a relative, and obtaining necessary medical care. The law further permits extended limits of confinement "for any other equally compelling reason consistent with the public interest and safety." *Id.*

In all these instances, the DOC is required to provide written notice to our Office, the Superior Court of Guam, and the Guam Police Department. DOC regularly complies with the notice requirements; however, in the particular instance involving the Post-Easter 2017 event at the Dededo Sports Complex, we did not receive notification.

Whether DOC contemplated the Post-Easter event as falling within the more general exception for extended limits of confinement, and why proper notifications may not have been made, would certainly be within the Committee's purview and oversight of the DOC's operations and procedures. We believe these questions are purely an administrative.

matters at this point, with no criminal consequences attached. If, however, additional information arises and is forwarded to us, we would review it accordingly.

Your letters raise also whether the Crime Victims' Rights Act of 2004, codified at 8 GCA Chapter 160, may have been violated. While your letters do not specify the provision(s) of the Act to which you may be referring, we surmise that you might be referring to § 160.50(h). Under that provision, victims and/or surviving immediate family members have the right to be informed of "changes planned in the custodial status of the offender that allow or result in the *release* of the offender into the community, including furlough, work release, placement on supervised release, release on parole, and final discharge at the end of the prison term[.]" (Emphasis added.)

We believe that this and other provisions regarding victim notification are not implicated in the situation in question because the inmates that participated in the Post-Easter event were never *released* from the custody of the Department of Corrections into the community. Only an order of the Court, an executive action of the Governor, a decision by the Parole Board, or the termination of the prison term can change an inmate's custody status.

Finally, due to the on-going criminal cases, we are unable to address your concerns with respect to the unfortunate incidents involving attacks upon a DOC detainee and DOC employee.

I hope this addresses your concerns. Please feel free to contact me or Deputy Attorney General Karl P. Espaldon at 475-3324 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Barrett-Anderson", with a large, stylized flourish at the end.

ELIZABETH BARRETT-ANDERSON
Attorney General



OFFICE OF SENATOR TELENA CRUZ NELSON

CHAIRPERSON OF THE COMMITTEE ON HOUSING, UTILITIES, PUBLIC SAFETY & HOMELAND SECURITY
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUAHAN | 34th GUAM LEGISLATURE

Exhibit B

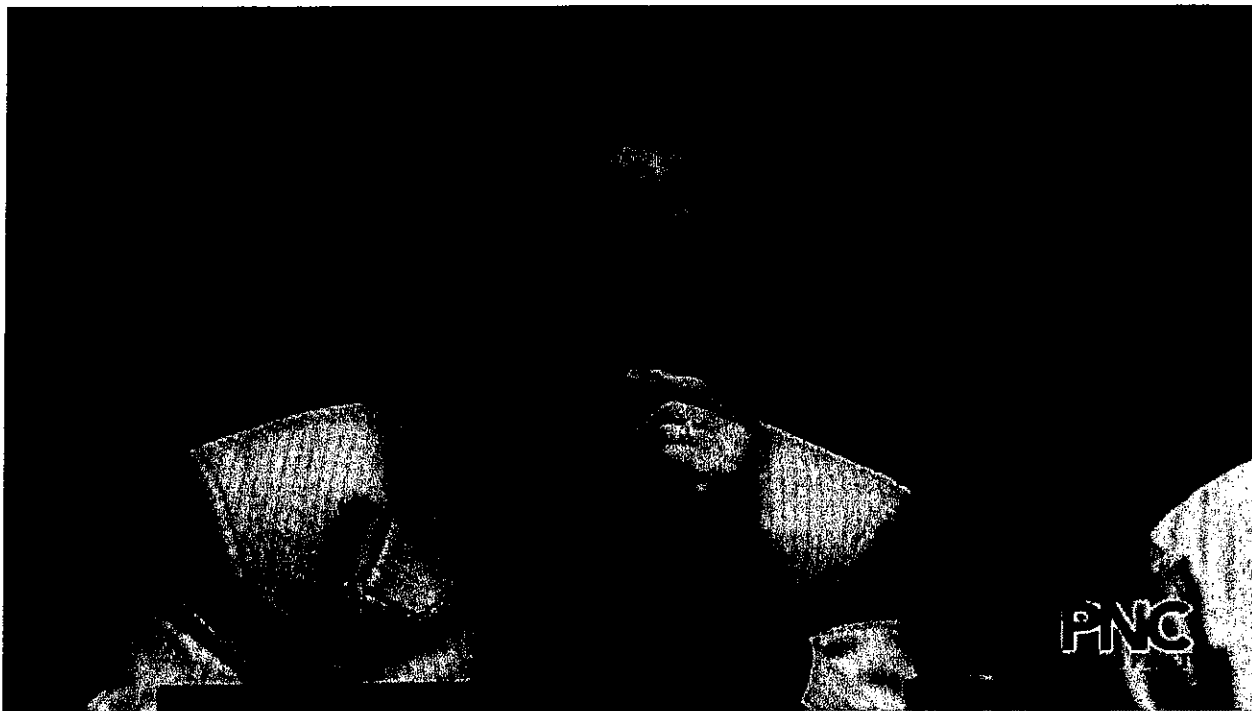
*“Attorney alleges DOC tried silence
female prisoner following assault”.*

Pacific News Center.

26 January 2018.

Attorney alleges DOC tried to silence female prisoner following assault

By **Janela Carrera** - January 26, 2018



Guam – Another assault has been reported at the Department of Corrections. This time, the alleged crime was perpetrated against female prisoner Katlyn Breanne Scully.

Curtis Van De Veld, her attorney, is demanding immediate protection of his client in light of the recent deaths and assaults of prisoners at DOC. Van De Veld filed an urgent request for a hearing and protection from abuse and mistreatment of his client.

Scully is a federal inmate being housed at the Department of Corrections Female housing unit. Van De Veld says he first learned of the attack on his client not from DOC but from the Federal Public Defender's Office who had learned about it from another inmate.

"I do know that [the alleged attacker] was holding [Scully's] head and kneeling her, trying to knee her in the face; that a guard was there that stood by and did nothing until other guards had come to assist," Van De Veld claims.

As a result of the attack, Van De Veld says Scully was taken to the Guam Memorial Hospital. Immediately after he learned of the assault, Van De Veld contacted DOC Director Tony Lamorena.

"He said he would look into it and get back to me but that was the same response I got back on November 7 when I sent my earlier message about the problems," notes Van De Veld, referring to another complaint he lodged with DOC.

Back in November, Van De Veld demanded DOC discontinue its “unconstitutional” drug testing of Scully. Van De Veld accused DOC of conducting illegal drug tests on female inmates.

To make matters worse, Van De Veld is alleging that DOC attempted to silence Scully following her assault.

“The guards in the female facility were impeding my client from communicating with me and discouraging her from reporting the incident,” Van De Veld alleges.

Although Van De Veld could not disclose the identity of the accused attacker, he says this female inmate has a record of assaulting other inmates and was reported to have some mental health issues.

Van De Veld says his client and all other female prisoners share their cells with others and that the female facility has no system of segregation, often mingling pretrial detainees with convicted individuals.

“At one point she was being housed in a unit where there were five people so people have to eat their dinner sitting next to the toilet. That’s just—one: it’s unsanitary, and two: you can’t treat people like animals and then expect them not to behave like animals,” he lamented.

In light of the recent assaults—one that sent a prisoner to the ICU and in a coma for several weeks and the other resulting in death—Van De Veld says the safety of his client is clearly compromised and he fears the case may just get swept under the rug.

“As a community we should be ashamed that within the last three years, the last three or four years, people have been beaten to death or nearly beaten to death,” he decried. “It is shameful. It doesn’t happen elsewhere. The manner by which the facilities are being managed, there’s no oversight of any real kind either by the courts, by the legislature. It’s just not, there’s no sincere concern.”

Late this afternoon, DOC Deputy Director Kate Baltazar responded to our request for comment.

“We are currently investigating the matter. Preliminary reports indicate that this morning another female inmate pulled Scully’s ponytail. The other inmate was immediately restrained by officers,” Baltazar said in a statement.

In August 2016 Scully was busted at the A.B. Won Pat International Airport with methamphetamine concealed inside her luggage. About six months later, in March 2017, she pleaded guilty to possession with intent to distribute methamphetamine.

A hearing on Van De Veld’s urgent request has been scheduled for Jan. 29 at 9:30 a.m.

Related

DOC officers involved in
Conspiracy case terminated
October 23, 2017
In "Guam News"

DOC raid defendants released on
house arrest
August 25, 2017
In "Guam News"

Administration Says Federal
Court not the Place to File Tax
Lawsuit
June 22, 2015
In "Courts"

Comments

Janela Carrera



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Exhibit C

- 1. "DOC fires officer, suspends two others in Justin Meno assault case"*
Pacific Daily News.
19 May 2017.
- 2. "Inmates who were let out of their cells charged with Meno's attempted murder"*
Pacific News Center.
9 June 2017.
- 3. "Guam DOC detainee Justin Meno dies 5 months after prison assault"*
Pacific Daily News.
11 September 2017.



DOC fires officer, suspends two others in Justin Meno assault case

Jerick Sablan, jpsablan@guampdn.com Published 5:24 p.m. ChT May 19, 2017 | Updated 5:48 p.m. ChT May 19, 2017



(Photo: Rick Cruz/PDN)

A Department of Corrections officer who had been with the agency for more than a year was fired in connection with the assault of detainee Justin Meno.

Two other officers were given suspensions, one a 10-day suspension and the other a 15-day suspension, acting DOC Director Kate Baltazar said Friday. Another officer was given a letter of reprimand that will stay in the employee's file for a year, she said.

Lt. Jeff Limo, DOC spokesman, couldn't provide specifics of the findings, including the names of the officers because the employees have the right to appeal the adverse action with the Civil Service Commission. The employees have 20 days to appeal the adverse actions, which were effective immediately on Friday, he said.

The corrections agency issued notices of proposed adverse action May 5 to the four corrections officers in connection Meno's assault in the prison's maximum security unit. The officers had 10 days to respond to the proposals before the final adverse action was given.

Baltazar said all four met with Director Alberto "Tony" Lamorena within the time period to discuss the proposed actions.

Limo said, based on the internal investigation, there were several miscalls on the supervisory level and bad judgment from the officers. The officers didn't follow standard operating procedures for the special housing unit, where Meno was found unconscious in the yard on March 29.

The assault led to Meno being put into a [medically-induced coma](http://www.guampdn.com/story/news/2017/03/31/detainee-medically-induced-coma/99859916/) ([/story/news/2017/03/31/detainee-medically-induced-coma/99859916/](http://www.guampdn.com/story/news/2017/03/31/detainee-medically-induced-coma/99859916/)). As of Friday, Meno was stable and alert, Limo said.

"We're hoping for a speedy recovery for Mr. Meno," he said.

READ MORE:

[Detainee who allegedly hit officer is brother of Justin Meno](http://www.guampdn.com/story/news/2017/05/03/detainee-who-hit-officer-brother-justin-meno/101263842/)

(<http://www.guampdn.com/story/news/2017/05/03/detainee-who-hit-officer-brother-justin-meno/101263842/>)

[Detainee injured at prison in stable condition](http://www.guampdn.com/story/news/2017/04/13/detainee-injured-prison-stable-condition/100407656/)

(<http://www.guampdn.com/story/news/2017/04/13/detainee-injured-prison-stable-condition/100407656/>)

The female officer reprimanded has more than 20 years working at the facility, Limo said. She continues to report to work, but the reprimand means she's in something like a probational period for the year, he said.

Both officers who were given suspensions have been with the agency for more than 10 years — one for more than 20 years, Limo said. Their suspensions will be without pay, he added.

Limo said DOC is working with the Guam Police Department, which is conducting a separate criminal investigation into the incident. He confirmed several corrections officers have been interviewed by police.

Meno was being detained in connection with [an alleged robbery](http://www.guampdn.com/story/news/2017/03/17/three-charged-car-robbery-case/99295086/) ([/story/news/2017/03/17/three-charged-car-robbery-case/99295086/](http://www.guampdn.com/story/news/2017/03/17/three-charged-car-robbery-case/99295086/)). According to court documents, Meno allegedly struck a driver's face several times. While another suspect assaulted the driver, Meno allegedly grabbed a backpack from the car.

READ MORE:

Detainee who allegedly hit officer is brother of Justin Meno

(<http://www.guampdn.com/story/news/2017/05/03/detainee-who-hit-officer-brother-justin-meno/101263842/>)

Three charged in car robbery case

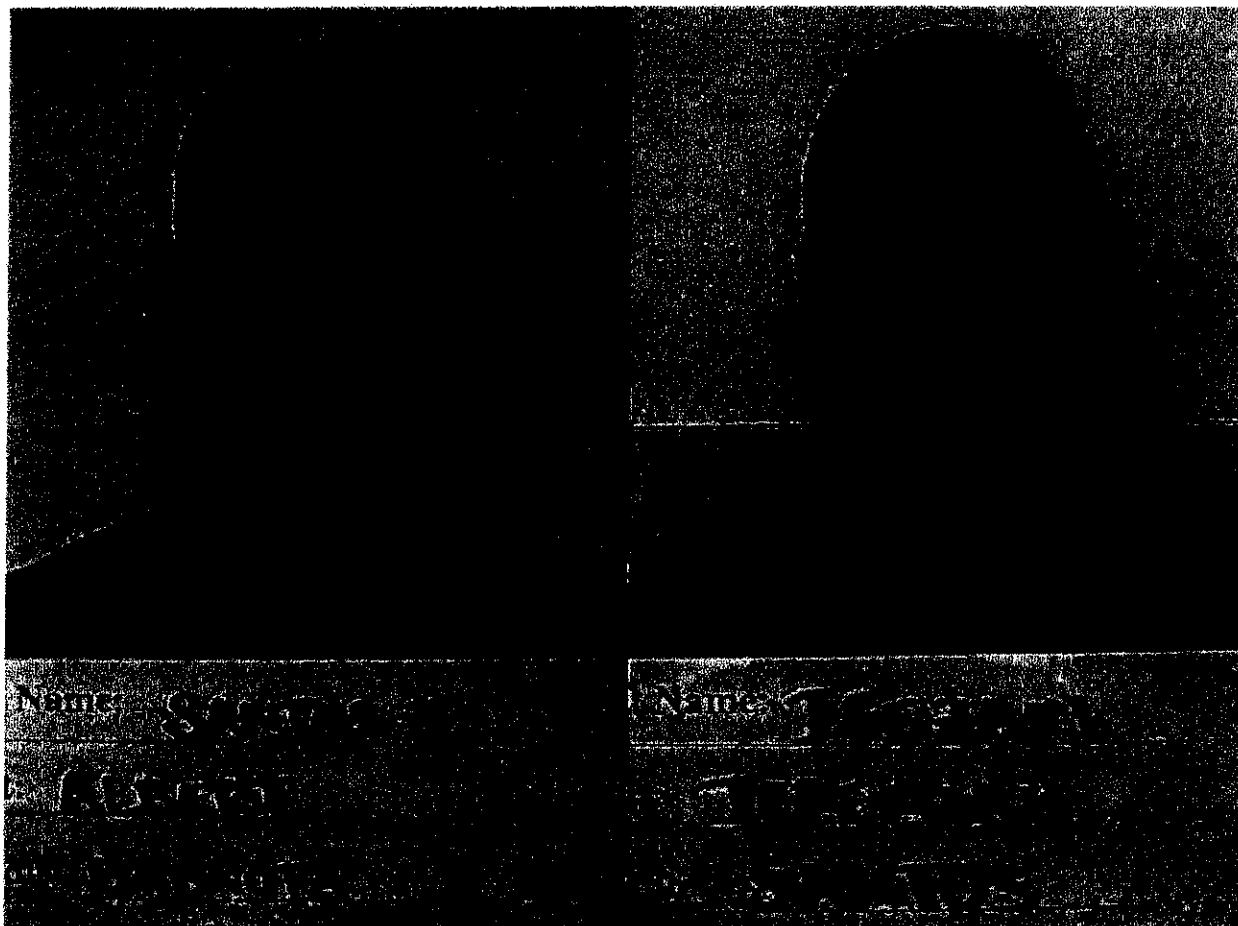
(<http://www.guampdn.com/story/news/2017/03/17/three-charged-car-robbery-case/99295086/>)

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 <p><i>Women's Business</i> WOMEN'S</p>	<p>3rd Annual Job Fair on Thursday, February 1st at The Westin Resort Guam from 9:00 am - 3:00 pm.</p>
<p>3rd Annual Job Fair</p>	<p>CLICK HERE FOR MORE INFORMATION</p>

Inmates who were let out of their cells charged with Meno's attempted murder

By Janela Carrera - June 9, 2017



Jeremiah Isezaki and Albert Babauta Santos were among those let out of their jail cells the day Justin Meno was found hog-tied and badly beaten.

Guam – Arrests have finally been made in the Justin Meno assault case at the Mangilao prison compound. Two inmates, Jeremiah Isezaki and Albert Babauta Santos, are now facing attempted murder charges.

Meno was found hogtied and unconscious on the morning of March 29 at the yard of the Post 6 unit which is a maximum security unit housing some of the Department of Corrections' worst criminals. Post 6 is supposed to be on lockdown 23 hours a day and prisoners are only let out for an hour at a time on a staggered basis.

But on March 29, several inmates were let out of their jail cells to assist with cleaning up a sewage back up flooding the east wing. Internal Affairs investigation reports indicate the sewage backup was intentional.

According to a magistrate report, Meno had been moved several times because of his behavior before finally being sent to Post 6. When officers found Meno, the report states that they initially thought that he was dead; and at the hospital, doctors told officials that Meno would probably not survive or at the very least he would be in a vegetative state because of the severity of the brain damage. However, after coming out of surgery and spending several weeks in the ICU, Meno eventually regained consciousness.

Police say when they interviewed Meno several weeks after the incident, he was able to identify his attackers by nodding at a photo lineup of prisoners, based on a narrowed-down list of those who were let out of their cells the day Meno was nearly killed.

"Victim nodded his head yes to two of the pictures. These two individuals were Albert Babauta Santos and Jeremiah Isezaki," the magistrate report states.

Isezaki and Santos are now facing charges of attempted murder as a first degree felony and aggravated assault as a second degree felony. According to the report, Isezaki turned himself into police on Wednesday but denied any involvement in Meno's beating.

Santos is being held on \$100,000 cash bail while a summons has been issued to Isezaki who has yet to appear before a judge in this case.

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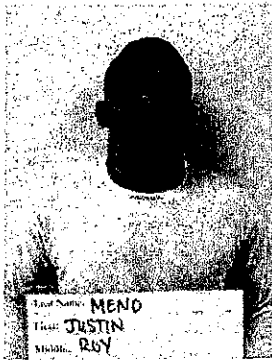
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Guam DOC detainee Justin Meno dies 5 months after prison assault

Jerick Sablan, jpsablan@guampdn.com Published 1:57 p.m. ChT Sept. 11, 2017 | Updated 5:09 p.m. ChT Sept. 11, 2017



(Photo: Department of Corrections)

Department of Corrections Director Alberto "Tony" Lamorena confirmed that former detainee Justin Meno died Monday.

Meno was found beaten unconscious in the Mangilao prison's maximum security unit on March 29. Meno was unresponsive and was initially [placed in a medically-induced coma \(/story/news/2017/03/31/detainee-medically-induced-coma/99859916/\)](#), according to Pacific Daily News files.

After a local judge released Meno from DOC custody in June, the department no longer had jurisdiction over him, Lamorena said.

Lamorena said that last he heard, in June, Meno was doing well at GMH's Skilled Nursing Unit, rehabilitating from his injuries.

"He was doing well with his treatment and everything," Lamorena said.

Three men facing charges

Meno was barely breathing when he was found, and initially thought to be dead.

He recovered and was breathing on his own by early June. He picked out several inmates [from a photo line up \(/story/news/2017/06/09/two-charged-attempted-murder-justin-meno-detainee-beating/doc/376531001/\)](#) as his attackers, PDN files state.

The Guam Police Department arrested inmates Albert Babauta Santos II and Jeremiah Santos Isezaki in connection with the assault. They were [indicted \(/story/news/2017/06/19/two-indicted-guam-prison-detainee-beating/407708001/\)](#) in June on attempted murder and other charges.

[Peter John Salas Gines \(/story/news/2017/07/06/third-man-arrested-doc-detainee-justin-meno-assault-faces-attempted-murder-charge/454348001/\)](#) was also arrested and [charged \(/story/news/2017/08/10/3rd-suspect-charged-attack-detainee-arraignment-postponed/551484001/\)](#) with attempted murder.

(Story continues below video.)

Documents in DOC's Internal Affairs investigation stated a corrections officer found Meno with his legs and hands tied, a towel around his neck and something in his mouth. He also appeared to be drenched in water, and sticks were found near him, documents state.

Santos was charged with:

- two counts of attempted murder as first-degree felonies
- two counts of aggravated assault as second-degree felonies

Isezaki was charged with:

- two counts of attempted murder as first-degree felonies
- one count of conspiracy to commit murder as a first-degree felony
- two counts of aggravated assault as second-degree felonies
- one count of conspiracy to commit aggravated assault as a second-degree felony
- one count of conspiracy to commit assault as a third-degree felony

Gines was charged with:

- two counts of attempted murder as first-degree felonies

- one count of conspiracy to commit murder as a first-degree felony
- two counts of aggravated assault as second-degree felonies
- one count of conspiracy to commit aggravated assault as a second-degree felony
- one count of aggravated assault as a third-degree felony
- one count of conspiracy to commit assault as a third-degree felony
- five special allegations for use of a deadly weapon

DOC officer fired

After an internal investigation, DOC took adverse action against several officers.

One officer who was fired has appealed his termination with the Civil Service Commission. Benjamin Jr. Urquizu had been working for the prison for about two years. He wrote in his Civil Service Commission appeal that he was dismissed unfairly, unjustly and in violation of the law.

DOC fired Urquizu, citing a failure to perform his duties as a corrections officer. They also suspended two other officers and issued a letter of reprimand to a fourth officer. ([/story/news/2017/05/19/doc-fires-one-officer-suspends-two-officers-justin-meno-case/331962001/](http://www.guampdn.com/story/news/2017/05/19/doc-fires-one-officer-suspends-two-officers-justin-meno-case/331962001/))

Those who encountered Meno said in Internal Affairs' interviews that Meno was found tied up and lying face down on March 29.

In Urquizu's interview, he said he was at Post 6, the maximum security unit, and had called for Meno to be transported to court that morning. Inmates were out sweeping and mopping and when Urquizu went to Meno's cell, noticed bloodspots and saw someone on the floor, documents state.

Urquizu said Meno had a white towel around his neck with broken sticks next to him. Meno was reportedly tied up and had something in his mouth, documents state.

Urquizu told investigators he untied Meno's hands and ankles. A responding nurse said Meno had a pulse and then Meno was carried out, according to the documents.

Meno was taken to the hospital and underwent surgery.

Another officer said it appeared as if Meno "got bludgeoned (sic) on the back of his head, it seemed like they bashed his head," documents state.

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Exhibit D

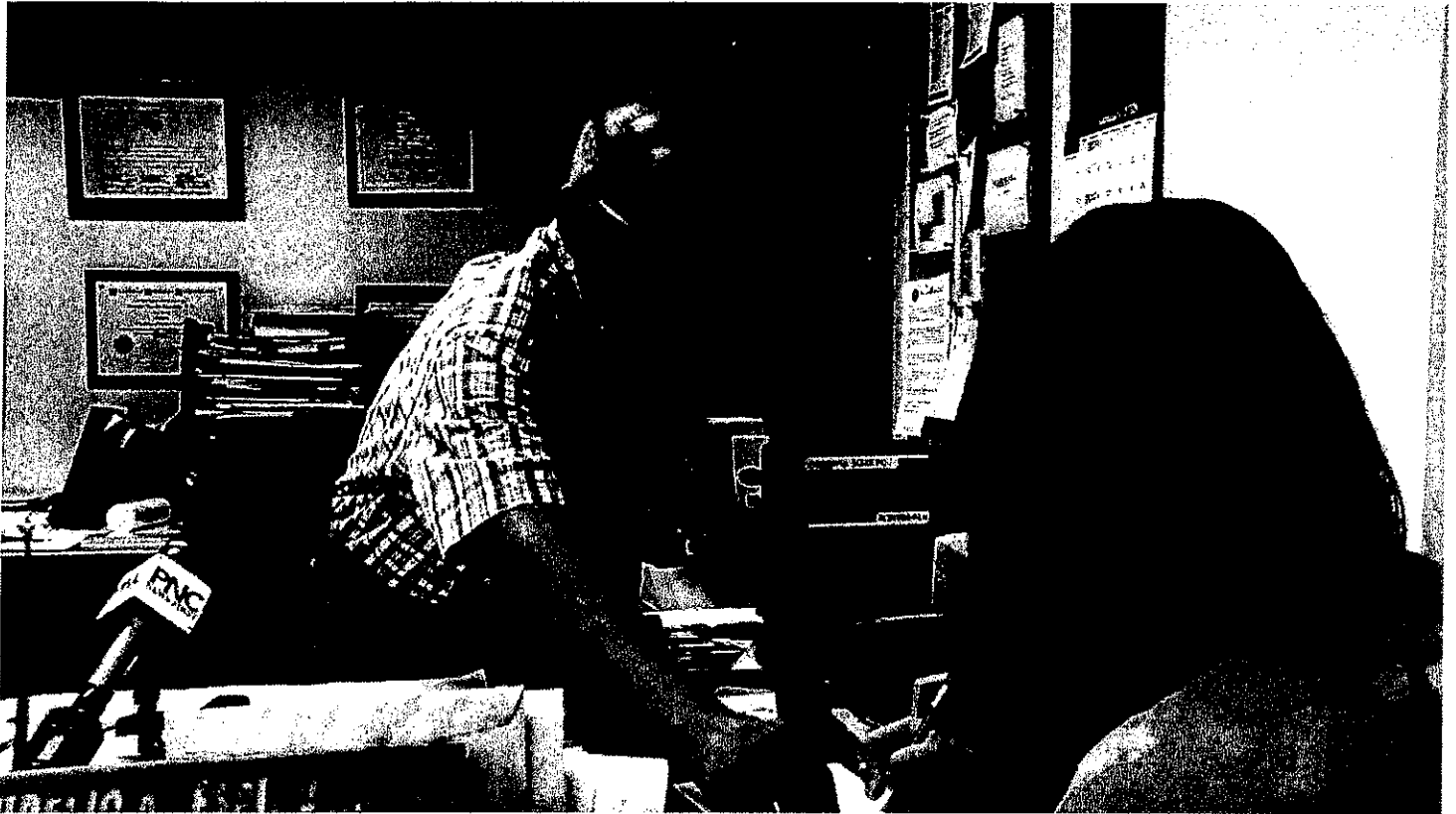
*“Dead detainee’s body was placed on
futon before police arrived: ME”*

Pacific News Center.

5 January 2018.

Dead detainee's body was placed on futon before police arrived: ME

By Janela Carrera - January 5, 2018



More questions than answers remain in the death of a detainee at Hagatna Lockup last week.

Guam – In the ongoing investigation surrounding the death of a detainee at Hagatna Lockup last week, there seem to be more questions than answers so we sat down with Medical Examiner Dr. Aurelio Espinola today and based on our interview, we found the answers may rest with the agency responsible for ensuring prisoners don't end up dead.

PNC: "So the police told you there was blood. Did they say who cleaned it up or how it was cleaned up?"

"No. They don't know who cleaned it, otherwise they will tell me," responded Dr. Espinola.

When Dr. Espinola first observed the body of a prisoner inside Hagatna Lockup last Friday, he assumed the detainee, now identified as Manson Ernest, 33, died of natural causes.

This is often the case, he notes, as he's performed other autopsies of prisoners and the causes of death tend to relate to suicide attempts via overdose or by hanging. In addition to this, Ernest's cell was clean and he was lying on top of a futon by the door of the cell.

But when Dr. Espinola performed the autopsy, he made a gruesome discovery.

"Number one, the heart was compressed, the lungs were perforated and there [was] blood in the chest cavity," Dr. Espinola found.

It's definitely not the autopsy of an individual who died of natural causes. Therefore, Dr. Espinola ruled Ernest's death a homicide. Present at the autopsy were two Guam Police Department officers and a representative from the Attorney General's Office.

It wasn't until the autopsy was complete that GPD finally provided the medical examiner with more details of the apparent attack. But even with that information, Dr. Espinola said the details didn't seem to add up.

PNC : "Why do you think their story might not be the same as what the autopsy shows? Does that happen a lot?"

"No. This is the first time that this happened," Dr. Espinola told us.

One of those puzzling details was in the number of attackers the police claim they learned about.

PNC: "They said, 'Well we think two guys punched his face?'"

"No. They told me the story. They did not say they think, they told me he [had] a quarrel with two people. I said maybe these two people just boxed with him, they did not injure him so much," noted Espinola.

PNC: "Do you think it would have been more than two people that would have attacked him, based on his injuries?"

"Oh, yeah. More than two."

In fact the attack was so severe that Ernest would not have survived even if he was taken to the hospital.

"Even if it happened in the operating room, they cannot save him."

PNC: "So whomever did this wanted him dead."

"That's right."

So who would have wanted Ernest dead? That is what GPD says they are trying to figure out. But for now, other burning questions remain. Why was the victim's jail cell spotless, without a single trace of blood? Why was he in a fresh change of clothes? And, another puzzling detail not revealed before, why was Ernest on top a futon near the door of the cell?

Dr. Espinola explains that Ernest was lying down on top of a futon near the door of the jail cell and not on the futon that was assigned to Ernest. This discovery further adds to the theory that the victim was cleaned up and moved before the medical examiner arrived.

As for the fresh change of clothes, Dr. Espinola says GPD was told that a fresh set was necessary because he was found with fecal matter and the smell was becoming unbearable.

"My thinking is that they should not do that even if it's full of fecal material they have to leave it like that," said Espinola, referring to the fact that Ernest's clothes containing fecal matter were removed. Espinola added that GPD was also searching for that set of clothes since it could contain evidence.

While Dr. Espinola got this information from GPD, he says it was information GPD had learned about after the fact.

PNC: "So this would have been done before you or even GPD arrived?"

"That's right. Before GPD arrived."

PNC: "And the only people who would have access obviously would be DOC."

"DOC."

At the time of his incarceration and subsequent death, Ernest was facing charges of home invasion and criminal sexual conduct on allegations that he raped a victim with down syndrome.

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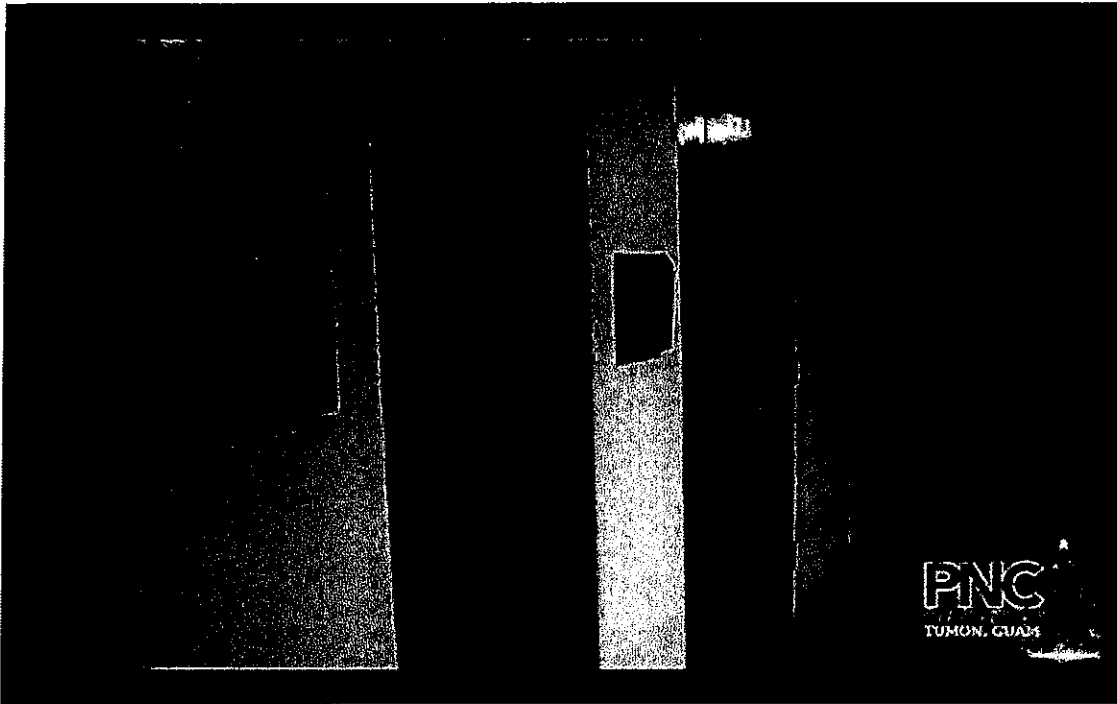
*“DOC roll call performed once a day –
in the morning – unless more is needed”*

Pacific News Center.

9 January 2018.

DOC roll call performed once a day—in the morning—unless more is needed

By **Janela Carrera** - January 9, 2018



The DOC detainee who was found dead on the morning of Dec. 29, 2017 was dead for at least 8 hours before authorities were contacted.

Guam – Department of Corrections Director Tony Lamorena provided PNC with a little more insight into the procedures corrections officers follow at the prison facility, noting that a standing head count is regularly performed once a day and only additionally performed if the need arises.

Lamorena said the standing head count is usually performed during the morning reveille which is when detainees and inmates get ready for breakfast. A standing head count involves officers conducting roll call where prisoners' names are called out and matched to a face.

If it's a normal day, a standing head count will only be performed once.

Then there's also the head count that's performed every 30 minutes which does not involve roll call.

"That's just looking around to see how many heads are present; going around seeing any, all heads are present and then making sure that no one's missing," said Lamorena.

PNC: "But not necessarily requiring the inmate or detainee to respond in the affirmative that they're present?"

"That's correct."

As previously noted, the prisoner who was beaten to death on December 29 at Hagatna Lockup was found in the morning but according to Medical Examiner Dr. Aurelio Espinola, the victim, Manson Ernest, had been dead for at least

8 hours before authorities were contacted.

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In "Guam News"

Comments

Janela Carrera

1/29/18

Memorandum

To: Honorable 34th Legislature
From: Lt. Maryhelen S. Lizama
Subject: Testimonial Letter
Reference: Oversight Hearing-Contraband, Visitation, and incidents.

As established *first* as the Ordot Work Camp and penal division in 1950, and its subsequent renaming to *Guam penitentiary* in 1965, has never had an average daily inmate population above 60. Admissions into the *penitentiary* for ... beginning May 1977, to over 80 by December of 1977, resulting in an acute congested situation in *prison* because the *penitentiary*, as built in 1963 and occupied in 1965, has only the capacity of incarcerating 49 inmates.

The Guam Adult Correctional Facility (ACF) is the main correctional facility on Guam.[1] The other facilities operated by DEPCOR include the Community Corrections Center (C3), the Hagåtña Detention Facility, and the Women's Facility. ACF, the women's facility, and the C3 are in Mangilao, while the Hagåtña Detention Facility is in Hagåtña.[2]

Our mission is the Care, Custody, Control, and Rehabilitation of law offenders. Public Safety is paramount but also Corrections Officers are an asset to the Department. We are called the Step Child of Law Enforcement and unsung heroes. We are the bottom of the Totem Pole etc...Criticized about whatever we do? It is a thankless job. But, we still do our job because we swore to protect and serve our island because there is no one else that would walk in our shoes. Throughout my career, there was one old lady that said recently for the very first time, as I was walking out of the store from a ten hour shift, she said, "You work at the females?" I said "No, the male facility." Then she said, "I am proud of you." I was so shock that a stranger would even say I am proud of you even after all of the media coverage about DOC.

I've been employed with the Department of Corrections for 28 years and I have seen so many changes and for the better. The population back then was only about 200 inmates. We had a lot of Supervisors-Warden, 5 Captains, 16 Lieutenants, 18 Sergeants, 30 COIII, 30 COII and 100 COI. We had a lot of brand new vehicles a fleet of eight brand new vans and 10 brand new

sedans. But, a few years later, alot retired, resigned or were terminated. Then, we were short of personnel again. Everyday I would hear the officers saying "I could feel it today, I could feel it" in the briefing room. They talked about how an Officer was killed in the line of duty at DOC. I asked myself, "Am I dying today?" "Why did I choose this job?" The work is easy but it's the people that you work with that make it hard for you to work. At this point of my life, I said "I need this job and I need money to support my son, so I am gonna work hard just like my mom." My mother said, "You have to work hard to survive and don't be choosy about the job. Always pray when you go to work because God is watching over you." So, this gave me the strength to stay on this job. My father disapproved me from being a Corrections Officer because he was a military police. He said, "You should be a Police not Corrections. It is a very stressful and dangerous job. You got to be exercising and alert at all time." I said let me just try it.

It was far worse back then because the inmates were more brutal and violent than they are now. You could feel the darkness and see evil far worse beyond what you could imagine? I was only in my twenties when I first started fresh out of a Formal Corrections Academy at GCC. Learning about their constitutional rights was one thing. But, when I started working at DOC, it was a totally different ball game. I was very eager to learn everything I could about the job and I had the passion to learn. The prisoners were more violent back then and disrespectful calling us names. There were more contraband made like homemade shanks, homemade brew, more disturbances occurred on a daily basis, dealing with the behavioral clients, new confinees who were highly intoxicated and high on illegal drugs. I just walked in through Central Control and saw one inmate who was bashed on the head with a mopstick and blood spurting out of his head. I remembered responding to Post 17 in which an inmate was found lying on a pool of blood, or an inmate batting another inmate on his head with a baseball bat during recreation. Trying to control a six foot female client who was always belligerent and combative. It took four male officers to restrain her and control her because she would stab officers with anything sharp.

We had a lot of rehabilitation programs back then, like education classes, forensic classes, arts and crafts programs. Now we only have the Religious services, recreation, library usage, Community Corrections, VRS Shop, and the GED Classes.

In 1997, They burned the Post 6 building and officers were transported to GMH due to smoke inhalation.

Then, DOC took over the Detention Facilities in Hagatna and Mangilao which was the Territorial Detention Center. We were also watching Federal Prisoners and the influx of illegal chinese immigrants who kept coming in boats by the thousands. We were watching them at Mangilao in which they called it tent city. Likewise, the female population also rose to a hundred. We had so many escapes back then and we went on search parties just to look for them all around

the island. These were the challenges back then. Most inmate/detainees play mind games. Manipulation is always apart of their life in prison. They will play with your mind and try to profile you and what kind of officer you are? Like they say, never trust anyone in prison.

Today, most of the inmates and detainees are more respectful. There are only a few that are a challenge and those are the ones that need more counselling and treatment. We need more rehabilitation programs. I am sure at this time that there is a reduction of contraband due to the daily shakedowns that we are conducting and that is the reason for the reduction of contraband.

The challenges we face now are as follows:

- 1) The population increased to now (650-670) in the past month.
- 2) Increase in arrestees daily brought in highly intoxicated or under the influence of drugs.
- 3) Increase in Behavioral Clients.
- 4) Shortage of Manpower-the hiring of Corrections Officers must be continuous until such time we are back on eight hour shifts. We only have (201) Corrections Officers and Parole Officers and (17) Civilian Staff. We need more staff such as more Caseworkers and Parole Officers back then there was about (20)Parole Officers and maybe (10)Caseworkers.
- 5) We need A New Prison Facility to accomodate at least (700)male prisoners and a (100)female prisoners. This is in progress.We also need a Concrete Wall built all around our perimeter about 15-20ft high.
- 6) We need to ensure that there is enough supplies to accommodate the current population such as personal hygiene, uniforms, beddings, etc...
- 7) We are also facing the challenge of our economy and the projection to cut cost due to the new tax reform.
- 8) Every now and then you would hear on the news that a corrections officer was assaulted and that does happen. Our job is very dangerous.

The goal is to rehabilitate the inmates and detainees. What makes me feel like we did our job? It is when the inmate/detainee does not get back into the system and turns his/her life around by becoming a law-abiding citizen, getting a job, and getting an education. It is one thing for Inmates/Detainees to serve their time and get released. But when they return to jail/prison, it means that they are not ready for society. It means they have not been rehabilitated to say no to drugs and to say no to crime. As a community, we are suppose to help those who gets release and give them a second chance to turn their lives around. How about their families?

Are they helping them to do better? Are they giving up on them and just letting them be homeless out in the streets? Because when I look at all those prisoners inside, walking to the dining hall or to get their medication, I tell myself, that is someone's son or daughter, someone's brother or sister, someone's father or mother and so on. Why are they here? Why did they make the wrong choices? I would always counsel them as a group and I would tell them, When you get out, get a job, go to school, and try not to come back. Help your family, parents, spouse, and children. There is always something to do because housework is never done. I would tell them all of the drugs and alcohol you are consuming is slowly killing you inside so make your choices, Do you want to live long or not? Think about your family and not just yourself. Be responsible. If they listen to what I tell them? Then, they are not back in the system. It is tough out there to find a job here in Guam and that is not an excuse. Chamorros are hard workers and they live off the land. You could farm or go fishing and so on.

What I would like to see? It is for the New Prison Reform to be implemented so that we could reduce our population, reduce recidivism and cut our cost. This way we would be able to rehabilitate those who have longer sentences. Likewise, also for those who have been incarcerated more than (15-20) years with parole, that they will be released, those who are elderly and have severe medical issues should be released on parole, first time offenders to be given a chance, those who are on work credit or work release to be given one day off for every (40) hrs. work that they perform, and so on. Those who committed a crime at the age of (18) to be given a second chance after serving a year.

All I ask from our leaders is for your support to help the Department of Corrections to fulfill our mission and our goals. Public Safety!

Thank you,


Lt. Maryhelen S. Lizama,

Adult Correctional Facility



Prison reform gains new momentum under Trump

BY LYDIA WHEELER - 01/24/18 08:00 AM EST

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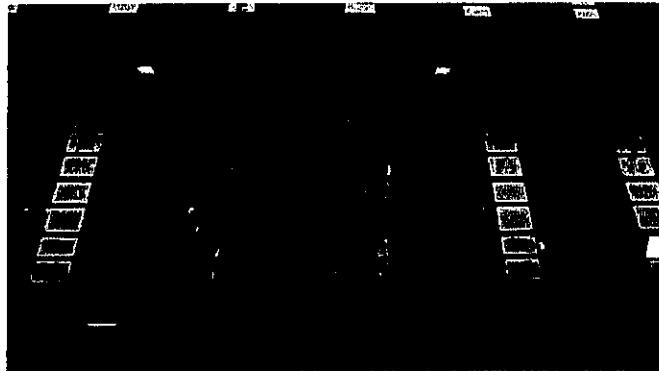
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Momentum is building under the Trump administration for criminal justice reform.

The path forward, however, is looking a little different than it has in the past.

Previous efforts to reform the justice system have focused on cutting prison time for convicted felons. But those taking part in the current discussions say the focus has shifted to preventing ex-convicts from returning to jail, suggesting this approach has the best chance of winning approval from both Congress and the White House.

A source familiar with the talks between the White House and GOP members of Congress said a bipartisan prison-reform bill offered by Rep. Doug Collins (R-Ga.) is expected to be marked up in the House Judiciary Committee before the first quarter ends in April.

The Prison Reform and Redemption Act, co-sponsored by eight Democrats and seven Republicans, allows prisoners to serve the final days of their sentences in halfway houses or home confinement. To do so, prisoners have to complete evidence-based programs while in prison that have been shown to reduce recidivism rates.

The legislation directs the attorney general to identify the most effective programs, which could include everything from job and vocational skills training to education and drug treatment.

Former bank robber and jailhouse lawyer Shon Hopwood said he met men behind bars who had never opened a bank account before.

"Everyone needs incentives, especially someone in prison," he said.

Hopwood, who is now an associate professor at Georgetown University Law Center, said the cost of prison programming is a fraction of what's spent on re-prosecuting and incarcerating someone.

"Even if you are going to be tough on crime, which I disagree with, as long as people are going to be released, why don't we help them and give them job training and life skills so when they get out they aren't committing new offenses," he said.

Senate Majority Whip John Cornyn (R-Texas) has introduced similar



Print Close

State leaders move ahead to reform criminal justice systems

By Lee Ross

Published January 28, 2018

FoxNews.com

INDIAN WELLS, Calif. -- When it comes to preparing prisoners for their return to society, Kentucky Gov. Matt Bevin says his state and many others have failed.

"We've created an entire subset of our population. We've created an entire third class of citizens," Bevin, a Republican, says with regret about the more than 2 million Americans who are behind bars, most of whom will be released back into society.

Bevin offers a simple explanation for his passion on criminal justice reform, saying, "It matters."

Bevin was a featured speaker at this weekend's Freedom Partners event for more than 500 donors of the influential Koch network of non-profit organizations. The broad message from Bevin and others was that get-tough-on-criminals policies of the past did not serve the country well.

"The goal of our criminal justice system at all times is to keep us safer and give us second chances," Freedom Partners Chairman Mark Holden told reporters. "I think our system has miserably failed us in the last 30-40 years."

Holden points to several data points demonstrating that "everything is out of whack." He says the number of Americans with criminal records outnumbers those with college degrees -- and that governments spend several times more on incarcerations than grade school education.

"Reentry begins day one of incarceration," he argues. "What we want to do is change the mindset of the people who are incarcerated in prisons and the people who run prisons -- that prison is not the end of the line."

It's an issue that has drawn bipartisan interest in Washington in recent years, with optimism from federal lawmakers who think a prison-reform law can pass in the months ahead. However, the GOP-led Congress's efforts to reform the country's health-care system and tax code and now perhaps fix its aging infrastructure has made criminal-justice reform a lesser priority.

And whether President Trump would sign such legislation into law seems uncertain, considering he won the White House as a law-and-order candidate who sounded unsympathetic to drug dealers and those who perpetuate violence the country's crime-plagued cities. Moreover, Attorney General Jeff Sessions recently signaled that the federal government will return to a more strict enforcement of marijuana laws.

Bevin highlighted the reforms in Kentucky including the elimination of a line item on state employment forms requiring notice of a criminal record. And he pointed to efforts to relax or eliminate restraints on ex-cons from getting business licenses, vote and otherwise fully participate in society.

Likewise, Georgia Supreme Court Justice Mike Boggs cited recent changes in his state as signs of progress, specifically steering non-violent offenders away from hard time in prison and toward accountability courts that emphasize addiction treatment and targeted help for mentally ill defendants.

He says addicts couldn't be threatened or scared into better behavior to keep them out of trouble.

Judges "are very, very disappointed that often times prison and probation are the only the only two options that most trial judges have and they simply don't work," Boggs says.

With the state's new emphasis on moving drug-fueled criminals away from prison and toward treatment, Georgia is at a 15-year low for new prison sentences. It's a huge shift in sentencing priorities from just a few years ago.

Also highlighted this weekend is a new academic study by a Florida State University professor called "Safe Streets and Second Chances." The trial program will work in four states this year to better prepare more than 1,000 prisoners for life on the outside.

The trial, underwritten with a \$1 million grant from the Charles Koch Foundation, aims to remove barriers to success for those reentering society by helping them make the transition and address substance abuse issues. The trial program also will offer career training and help on forming positive societal relationships -- with the goal of making sure that people leaving prison don't return.

Print Close



Criminal justice reform poised to take off in 2018

by Kelly Cohen | Dec 30, 2017, 12:01 AM

Washington Examiner reporters are exploring what 2018 has in store in a number of areas, from the White House and Congress to energy and defense. See all of our year ahead stories here.

Criminal justice reform came back with such renewed energy this year after sputtering out in Congress in 2016 that meaningful bipartisan legislation is poised for success in 2018.

In October, Senate Judiciary Committee Chairman Chuck Grassley, R-Iowa, announced he and a bipartisan group of senators were reintroducing the Sentencing Reform and Corrections Act, which would overhaul prison sentences for nonviolent drug offenders and allow for more judicial discretion during sentencing.

The bill mirrors legislation introduced last Congress that failed after Senate Majority Leader Mitch McConnell, R-Ky., refused to bring it up.

Then days later, Sens. Sheldon Whitehouse, D-R.I., and John Cornyn, R-Texas, reintroduced the Corrections Oversight, Recidivism Reduction, and Eliminating Costs for Taxpayers In Our National System Act, which builds off of successful criminal justice reforms in the senators' respective states.

The CORRECTIONS Act requires the Department of Justice and its Federal Bureau of Prisons to find a way to reduce inmate recidivism rates. It also calls for lower-risk inmates to be put in less-restrictive conditions to reduce prison costs and allow for more resources to be shifted to law enforcement. The legislation also expands recidivism-reduction programs, and requires the federal probation office to plan for re-entry of prisoners ahead of time.

"He'll continue to advocate for sensible prison reform that better prepares low-level offenders to re-enter society and saves taxpayer dollars," a Cornyn spokesman told the *Washington Examiner*.

And finally, the Mens Rea Reform Act was introduced by Sen. Orrin Hatch, R-Utah, and co-sponsored by Republican Sens. Mike Lee of Utah, Ted Cruz of Texas, David Perdue of Georgia and Rand Paul of Kentucky.

"Mens rea" means that a prosecutor must prove a defendant was willfully and knowingly engaging in a criminal act to convict, and many federal laws, but not all, have such requirements.

However, how mens rea is applied is not uniform for all courts and prosecutors, and the legislation would establish a "default" mens rea requirement for all federal laws.

"We remain focused on comprehensive reform of the criminal justice system from bail reform to mens rea reform to grand jury reform to indigent defense rights being realized for the more than 80 percent of those in the system that need a court-appointed lawyer to sentencing reform to prison reform to re-entry reform," Mark Holden, senior vice president and general counsel at Koch Industries, told the *Washington Examiner*. "It remains to be seen what Congress will be amenable to doing. However, both Speaker [Paul] Ryan and Senators Cornyn, Grassley, Lee and [Illinois Sen. Dick] Durbin have shown that they hope to pursue reforms in the coming year."

Holden said he is hopeful that congressional support for prison and re-entry reform will lead to more changes.

"Given the seemingly strong support for prison reform and re-entry reform, this may be a starting point for criminal justice reform in 2018 which will hopefully lead to other reforms as well," he said.

Holden was part of a bipartisan roundtable meeting on federal prison reform at the White House in September, convened by President Trump's son-in-law, Jared Kushner.

In the House, Rep. Doug Collins, R-Ga., introduced the Prison Reform and Redemption Act in July. He was the only House member who attended the White House meeting.

"Last year we saw both sides of the aisle and both ends of Pennsylvania Avenue hone in on prison reform as a way to strengthen the justice system," Collins told the *Washington Examiner*. "In 2018, I think we're going to see even more lawmakers come together to push forward where we have consensus, and the Prison Reform and Redemption Act captures a big part of those shared priorities at the federal level."

The legislation would require Attorney General Jeff Sessions to develop a risk and needs assessment system for criminals, while giving them incentives to lower their risk of recidivism.

Kara Gotsch, who oversees the Sentencing Project's federal advocacy work, told the *Washington Examiner*, she sees the likelihood of legislation passing as "small" and cited changes being made at the federal level in the Department of Justice under Attorney General Jeff Sessions as a cause for concern.

"Areas to watch are how Sessions' harsher charging and sentencing policies take effect now that more Trump-appointed U.S. attorneys are being installed," Gotsch said, noting the Justice Department has predicted an increase in the prison population in 2018 after four years of decline under the Obama administration.

"Also, the U.S. Sentencing Commission is poised to issue new guideline amendments related to alternatives to incarceration which would expand eligibility for federal dependents to receive a non-incarceration sentence. I will be watching to see how far they extend it."

The Justice Department says it will "continue to enforce the law" as the nation faces an opioid epidemic and rising violent crime.

"In 2016, 64,000 Americans died from drug overdoses. For two straight years, violent crime has been on the rise. Americans voted for President Trump's brand of law and order and rejected the soft on crime policies that made it harder to prosecute drug traffickers and put dangerous criminals back on the street where our law enforcement officers face deadly risks every day," Justice Department spokesman Ian Prior said.

States take charge

Where Congress could fail in 2018, states are there to pick up the slack.

Michigan, Florida, and Louisiana are poised to pass critical criminal justice reforms next year, according to Holden, whose Koch Industries has been pushing for comprehensive criminal justice reform under both the Obama and Trump administrations.

For example, Republican Gov. Rick Snyder of Michigan signed an 18-bill criminal justice reform package in March, and state legislators in Florida ended the year championing various bills that they say would help reduce the state's burgeoning prison population.

A pair of measures are set to be taken up that would implement pre-arrest diversion programs statewide that Florida lawmakers say would reduce crime and incarceration rates, as well as a measure that would restore voting rights to some 1.6 million felons in the Sunshine State.

Other states such as New Jersey, Virginia, Alabama and New York elected candidates during the 2017 elections who openly support criminal justice reform, setting up the possibility for revamping at the state and local levels next year.

Phil Murphy, who was elected in a landslide to be the new governor of New Jersey, promised he would put the Garden State in a position to pass criminal justice reform.

On his campaign website, he promises changes such as creating a commission to examine mandatory minimum laws, implementing bail reform to prevent someone from being stuck behind bars for being unable to pay a fine, and the legalization of marijuana "so police can focus resources on violent crime."

"It's important to recognize that 2017 saw passage of criminal justice reform in red and blue states throughout the nation, in contrast to reforms stalling on the federal level," Udi Ofer, deputy national political director at the America Civil Liberties Union said.

The ACLU worked to help pass 57 pieces of criminal justice reform legislation in 19 states, he noted.

"From sentencing reform in Louisiana and bail reform in Connecticut, to drug reform in Oregon and probation reform in Georgia, this year proved that the movement for criminal justice reform continues to be strong in the states, even under a Trump-Sessions administration," Ofer said, adding that in 2018, the ACLU expects "these reforms to continue, and to grow, particularly around bail reform, prosecutorial reform and sentencing reform."

For 2018, he said the ACLU is working on bail reform in 33 states including California, Georgia, Ohio and New York. In July, Sens. Kamala Harris, D-Calif., and Rand Paul, R-Ky., introduced the Pretrial Integrity and Safety Act, which would encourage states to change or replace the process they use for allowing people to pay money to avoid sitting in jail until their trial.

Ofer also said he expected the issues of mass incarceration and criminal justice reform to "play a larger role in federal and state elections in 2018" following the wins of candidates supporting such reforms in 2017.

"The ACLU will be engaged in voter education in more than 1,500 races for Congress, governor, and state legislatures throughout the nation, elevating the issue of criminal justice reform in races and encouraging Americans to vote for candidates who are committed to criminal justice reform," he said.



<http://www.scoop.co.nz/stories/WO0905/S00391/guams-adult-correctional-facility.htm>

Guam's Adult Correctional Facility

Tuesday, 26 May 2009, 4:34 pm

Press Release: si Debbie Quinata

A New Vision to Facilitate Parole from Guam's Adult Correctional Facility

by Dianne M. Strong, Ed.D.

Chamorro people of Guam, small in numbers and vulnerable geographically, adapted to the harsh new conditions imposed by each wave of conquerors, and, in a remarkable feat of cultural endurance, managed to maintain their language, their identity, and their pride under the colonial domination of three of history's most powerful nation-states: Spain, Japan, and the United States of America (Rogers, Robert F. Destiny's Landfall: A History of Guam. 1995, 2). [emphasis added]

Besides syphilis and a cash economy, the now U.S. Territory of Guam was also "gifted" with a draconian parole system modeled after the State of California. The 1952 law (amended in 1977) **ignored the strong indigenous Chamorro culture that had survived despite hundreds of years of foreign domination.**

What constitutes the very essence of this unique Chamorro culture is the value system of "**inafa'maolek**"-- compassion. As former Governor Carl Gutierrez stated, "*It's about caring, accepting, and helping one another with open hearts and open minds. Inafa'maolek is the inner strength and the treasure of our families and our island community. We live it daily, the warmth, the generosity, the deep and abiding respect for our elders. It lives in the hearts of our people.*"

As the United States enters the historic "Obama Age" of seeking reconciliation over retaliation, listening rather than dictating, finding common ground rather than erecting walls, it is time for Guam's penal code to mandate and facilitate a Parole Board that can demonstrate a commitment to corrections versus punishment. It is time to practice "**inafa'maolek.**"

Guam's current parole board consists of five members nominated by the territorial governor and **confirmed by the 15-member Guam Legislature** following a public hearing. The chairman of the current board is both a former warden of the Guam Adult Correctional Facility (resigned 7 December 1991 after being named a **defendant in CV91-00059**), and a Korean War veteran, retired Command Sgt. Major, Psychological Operations Army Ranger. He thus sets the punitive tone for this board given the current statutory mandate.

The catalyst that has revealed the need for revision of Guam's parole laws is the case of Inmate Francisco B. Camacho. An honorably discharged 101st Airborne veteran who served in Vietnam,

1967-'68, "Chankie" brought the war home to his native Guam. The VA's "Vet Center" would not open on Guam until 1989, ten years after congressional authorization. When Chankie committed his triple murder in 1975, no one on Guam had heard of PTSD.

Thirty-three years after he committed his crime, for which he has always taken responsibility and expressed lifelong remorse, Chankie has been denied parole six times. Sentenced to three concurrent life terms in 1976, he was torn from his only son, and abandoned by his wife. Nothing is more sacred to a CHamoru than his blood, and to be denied seeing his son was worse for this proud man than the death penalty, which he had sought, but which has never existed on Guam's books.

At Chankie's July 2008 parole hearing, his supporters were treated like criminals under questioning by board members. Ms. Michelle Taitano, who had lost a brother-in-law to **PTSD**, grilled Chankie's would-be parole advisor, a **retired Superior Court probation officer** who had been a helicopter door gunner in Vietnam in 1967-'68. "Are you sure you don't have PTSD?" she asked him. "Are you sure you would report him if he violated a condition of parole?" Such treatment of a retired peace officer would be considered extremely shameful -- "**mamalao**"-- in Chamorro culture.

Retired Police Officer Soledad Chargualaf questioned the inmate about an episode of drunkenness that had occurred in 1986 at a prison industry wood cutting site. Ms. Chargualaf ignored the inmate's more recent 14-year "clear conduct" record at Oregon State Penitentiary (1994-2008), which served as the basis for the current warden's (historic) written recommendation for parole. Never in his 33 years in corrections, from a lowly guard to superintendent, had Warden Francisco B. Crisostomo seen such a record for a three-time "lifer" with so little to gain. Clearly Ms. Chargualaf was blind to the concept of rehabilitation.

In fact, the parole board also ignored recommendations from the inmate's prosecutor, who wrote in 1986, "*Once a person has served ten years in prison he has certainly learned the meaning of punishment if that be the purpose of the law. Mr. Camacho is at an age where he could contribute to society and continue his education.*" Through the prison's Work-Study Release Program, Chankie had accrued 82 credits towards a degree in Sociology at the University of Guam, where he became Dr. Dianne Strong's writing student.

Furthermore, the parole board ignored the prison's own psychologist – hired as a result of the U.S. civil rights suit Chankie had filed and won in 1993 – who diagnosed his PTSD to be in remission, and also recommended for his immediate parole.

The current corrections code gives the parole board such sweeping powers and secrecy that it believes itself to be wholly "sovereign." It even must make recommendations to the governor, who has chosen its members, for all pardons and commutation of sentences.

With chronic over-crowding, a strained Department of Corrections budget, spending \$35,000/year per inmate, parole is needed for inmates who pose no threat to the residents of Guam.

The need for revision of parole laws is even greater, given the reality that virtually 95 per cent of the prison's 500 inmates can only be released by the parole board. With indefinite sentences being the norm for inmates who are parole-eligible, virtually all inmates must face the board before being granted a mandatory three-year parole release.

Clearly what is needed is a radically fresh approach to the composition, powers and operation of the parole board. For a start, former corrections employees should be prohibited from serving, for the obvious possibility of conflict of interest. Next, criteria for release on parole must incorporate the culturally based Chamorro tradition of "*inafa'maolek*," and an assessment-based rating system. Employees of the Casework & Counseling Division should be working as **partners** with parole officers, in evaluating and preparing both inmates and their receiving family members prior to the parole hearing.

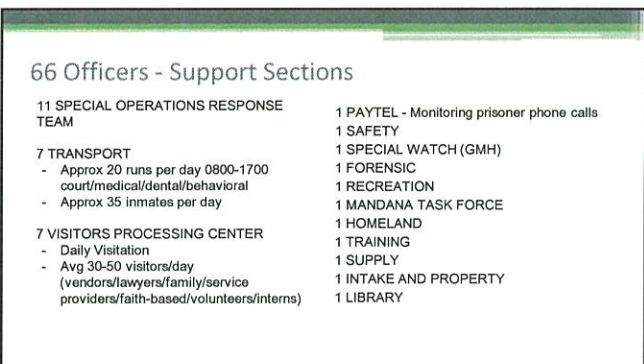
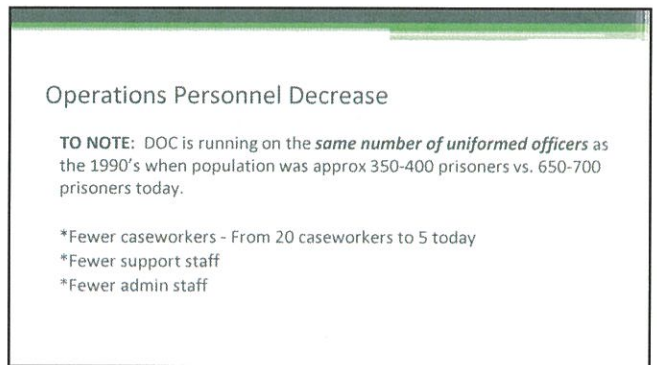
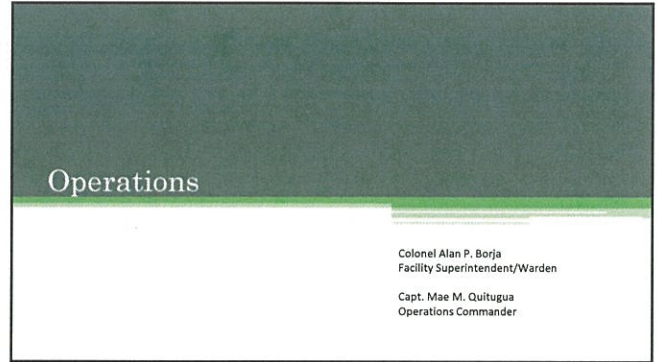
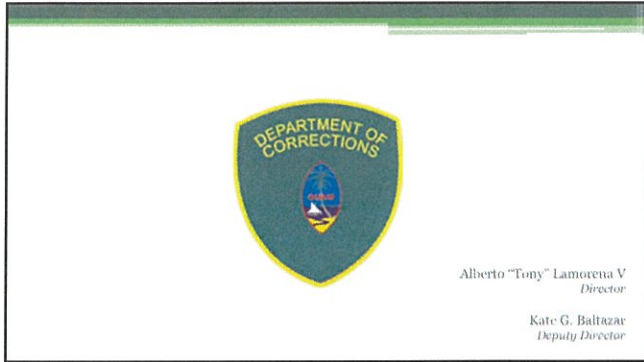
The Department of Corrections' **culture of secrecy** needs to be replaced with sharing of information to optimize the chances for successful release of an inmate. Interviewing of an inmate's supporters should also be conducted in a manner reflecting "*inafa'maolek*," and showing respect.

Lastly, training in assessment and interviewing should be required for the Guam Parole Board. The resources are available from faculty from the University of Guam (which grants baccalaureate and masters degrees in 36 fields): from social sciences, communication, criminal justice, social work, political science, and the like.

A major goal for improvement in the Guam Department of Corrections is developing **transparency**. The Government of Guam has been slow to develop mandated web sites for its departments, and the parole board makes no use of the worldwide web. Monthly parole hearing agendas, parole releases, all parolee monitoring and assessments, and parole revocations should be posted on the web. This provides staff accountability and **eases community safety fears**.

The late Angel Leon Guerrero Santos, a former two-term Guam Senator, said "*Patience, faith, and prayer are our only weapon in reversing the injustice and restoring hope for our people.*" With the planned relocation of 8,000 US Marines from Okinawa to Guam, and the revitalization of the Chamorro culture, it is time to do far more than pray. The time has come for revision of Guam's penal code to facilitate the safe return of inmates to their loved ones who at the same time have suffered as innocent victims. The time has come for parolees to be embraced by the community in the treasured Chamorro cultural tradition of "*inafa'maolek*."

ENDS



134 Officers - Housing Units

RDO/Sick/Leave/Drill - 6-10 Officers off-duty

124 Officers - Remaining Deployable to monitor 700 prisoners / 10 Housing Units / 2 facilities - Mangilao and Hagatna

3 Shifts - Alpha/Bravo/Charlie

Corrections Command Staff

- 1 COLONEL
- 2 CAPTAINS
- 1 LIEUTENANT
- 2 SERGEANTS

6 COMMAND STAFF TO SUPERVISE AND MANAGE 194 CORRECTION OFFICERS AND 700 PRISONERS 24 HOURS A DAY / 7 DAYS A WEEK

HUB

Approximately **4,000 prisoners** are booked/released through the HUB each year.

Average 12-15 per day - new arrestees, repeat offenders, parole violators, contempt of court, Safe Streets Act confinees

THIS NUMBER HAS DOUBLED IN THE LAST 10 YEARS

HUB

- Intake/Processing
- Release
- Court Document Processing
- Statistics
- Information Management

Community Engagement

Post 9 Halfway House / Community Corrections

Roadside/Grounds Maintenance of GDOE Schools, Village Mayors

IBTF Projects - Scenic Route Piti / Umatac

Grounds Maintenance of Government Buildings

Translates into hundreds of dollars in assistance to the community.

Special Operations Response Team (S.O.R.T)

ACTIVATED JANUARY 1, 2017

11 MEMBERS

DUTIES INCLUDE:

- RANDOM SECURITY SEARCHES
- RESPOND TO PRISONER DISTURBANCES
- FACILITY SECURITY SEARCHES
- CONDUCT CENSUS COUNT
- PRISONER EVACUATIONS
- PRISONER "HIGH RISK" ESCORTS
- MEDICAL EMERGENCIES
- STAFF SECURITY CHECKS
- CONDUCT ARRESTS AND APPREHENSIONS
- FACILITY EMERGENCIES (NATURAL/MAN MADE)
- SECURITY SHAKEDOWNS
- CELL EXTRACTIONS
- HOSTAGE RECOVERY
- RIOTS
- PRISONER SECURITY ALERTS
- OFF-ISLAND TRANSPORT

Housing Units

18 Housing Units

- POST 2 (BEHAVIORAL/FORENSIC) 06 SOUTHWING AND 02 NORTHWING AND 2 CLOSE OBSERVATION ROOMS (10 BED CAPACITY BASED ON CRITERIA)
- POST 3 (MEDICAL CLINIC) 3 ROOMS
- POST 4 (MEDICAL WARD) 16 CELLS 16 BED CAPACITY BASED ON CRITERIA
- POST 5 (ADMINISTRATIVE/LCDH) NORTH WING 16 CELLS (16 BED CAPACITY BASED ON SECURITY CLASS (ADMINISTRATIVE SEGREGATION) /EAST WING 16 CELLS (32 BED CAPACITY) TOTAL 48 CAPACITY.
- POST 6 (SPECIAL HOUSING UNIT) 48 CELLS. 48 BED CAPACITY BASED ON SECURITY REQUIREMENTS
- POST 7 (ADMINISTRATIVE HOUSING UNIT) 12 IN NORTH AND 10 IN SOUTH. 22 CELLS TOTAL. 44 BED CAPACITY
- POST 8 (FEMALE UNIT) 16 CELLS/11 CELLS (UNIFIED CLASSIFICATION FROM LCD TO OUR 09 CLASSIFICATION)
- POST 9 (COMMUNITY CORRECTIONS CENTER) 3 ROOMS. 25 BED CAPACITY
- POST 16 (MEDIUM 1/2/3) (A-16/B-16/C-8) 80 BED CAPACITY

- POST 17 (LCDH) 3 CUBICLES 60 BED CAPACITY
- POST 18 (MEDIUM LVL 1 AND 2) 5 ROOMS 70 BED CAPACITY
- POST 24 (MINIMUM IN) 10 CELLS AND 3 CUBICLES 52 POSSIBLE BED CAPACITY
- POST 25 (LCHU LVL 2) OPEN DOME #2 50 BED CAPACITY
- POST 25A (LCHU LVL 2 & PV) NON MEDICALLY CLEARED DOME #1 50 BED CAPACITY
- POST 28 RESIDENTIAL SUBSTANCE ABUSE TREATMENT
- POST 29 (CONTEMPT OF COURT/PAROLE VIOLATORS) DOME #3 50 BED CAPACITY

Hagåtña -

- POST 30 (LCDH/ADMINISTRATIVE SEGREGATION) A-16/B-16/C-8/E-OPEN BAY 92 BED CAPACITY
- POST 30A (LCDH/FEDERAL AND IMMIGRATION HOLD) 19 CELLS 38 BED CAPACITY

Education / Training

DOC has more officers with advanced degrees today than ever in department history.

GCC Apprenticeship Program - Second highest officer completions of any law enforcement agency, second only to Guam Police Department.

ACA Certification (Upcoming) - national corrections certification for officers and leadership

Contraband

Approximately 200 daily, unannounced shakedowns in the last 120 days.

(Average 2 shakedowns per day.)

12 Findings - approx. 7% of shakedowns result in findings

Increased collaboration with Guam Police Department

Casework and Counseling Services Division

Ms. Theresa
Tayama
CCSD Supervisor

Community-Based Partnerships

- ORAS Risk Assessment System, *Re-Entry Court of Guam*
- Adult Education Program (GED), *GCC*
- Mother-Read Father Read, *Guam Humanities Council*
- Creative Inside Jewelry Art Program, *CAHA*
- Healthy Families/ Healthy Relationships, *WesCare*
- DOC Trades Academy, *Guam Trades Academy/ Department of Labor*
- Corrections Public Works Program, *DPW*
- Praise and Worship Services, *Guam Ministerial Association*
- Residential Substance Abuse Treatment, *NGOs*
- Agriculture Project, *UOG Ag Extension and BSP Coastal Mgmt*

Inmates Served

- ▣ Adult Education Program (GED), 36
- ▣ Mother-Read Father Read, 9
- ▣ Creative Inside Jewelry Art Program, 17
- ▣ Healthy Families/ Healthy Relationships
- ▣ DOC Trades Academy
- ▣ Corrections Public Works Program, 6
- ▣ Praise and Worship Services, 50%
- ▣ Residential Substance Abuse Treatment, 17
- ▣ Halfway House, 32
- ▣ Agriculture Project, Vegetable and Pig Farm

Evidence-Based Training and Programs

- Matrix Model (Residential Substance Abuse Treatment)
- Moral Reconciliation Training, 28
- Sex Offender Treatment Program, 6
- Thinking For A Change, 7

Education Level of Our Population

Education:		
No HS	209	54%
HS	134	35%
GED	23	6%
Some College		
AS	1	0%
BA	1	0%
MA	0	0%
JD	0	0%
	385	

Parole Services Division

Michael P. Quinata
Chief of Parole

Parole Services

Total Pre-Parole	440
Total Parolees	363
Total Parole Staff	6

Parole Programs

- Parolee After Care Program
- Parolee Drug Testing Program

Medical

Dr. Larry Lizama
Dr. Mark Anderson
DOC Clinic Physicians

Jo Ann Rivera, RN
Pauline Lizama, RN
Nursing Supervisors

GUAM MEMORIAL HOSPITAL AUTHORITY DEPARTMENT OF CORRECTIONS

CLINIC	SERVICES	STAFF
HAGATNA CLINIC OPEN 6:00AM - CLOSES 7:00PM	MEDICAL SERVICES -ACUTE CARE -CHRONIC CARE DISCHARGE PLANNING -SPECIALTY CARE REFERRALS	MEDICAL DIRECTOR CLINIC ADMINISTRATOR CLINIC PROVIDER CLINIC SUPERVISOR
MANGILAO CLINIC OPEN 6:00AM - CLOSES 11:30PM	PHARMACY SERVICES MEDICAL RECORDS DENTAL SERVICES PSYCHIATRIC SERVICES EYEGLASS SERVICES COORDINATE LAB SERVICES	CLINIC CHARGE NURSE REGISTERED NURSES LICENSED PRACTICAL NURSES WARD CLERKS-MEDICAL RECORD CLERKS PHARMACY TECHNICIAN

MONTHLY AVERAGE STATISTICS

MEDICAL	MENTAL/DENTAL	OTHERS
RECEIVED AND SCREENED - 273 SICK CALLS - 651 MEDICAL REFERRAL - 25 MEDICAL SICK CALLS - 266 PHYSICAL EXAMS - 90 SPECIALTY CARE REFERRALS - 137	MENTAL HEALTH SICK CALLS - 75 MENTAL HEALTH REFERRALS - 60 DENTAL SICK CALLS - 55 DENTAL REFERRALS - 55	OTHER SICK CALLS - 244 TOTAL ANNUAL POPULATION - 750 TOTAL CHRONIC CARE - 303 COORDINATION OF CARE: DENTAL HEALTH BEHAVIORAL HEALTH EMERGENCY/URGENT CARE/HOSPITALIZATION SPECIALTY SERVICES LAB

CHALLENGES

- SAFETY AND SECURITY
- ACCESS TO COMMUNITY SPECIALISTS
- STAFF RECRUITMENT, RETENTION AND TRAINING
 - PRISON PROGRAMS
 - MEDICAL TRANSPORT
 - LIMITED SPACE
- EQUIPMENT AND SUPPLIES

- Munson Order - Federal Consent Decree
- Finally lifted after 26 years by Judge Frances Tydingco-Gatewood due to improvements made in the clinic, electronic locking mechanism and fire suppression systems
- Operated by Guam Memorial Hospital via MOU

BEFORE **AFTER**

Forensic/Behavioral

Patricia L.G. Taimanglo, PhD
Clinical Psychologist

Psychological Services

- Correctional Facilities, Jails, and Prisons across the United States have become an extension of the community mental health centers or psychiatric hospitals of today. Individuals lacking social support, therapeutic services, serious substance use/addiction, lack of employment, and housing are at risk of confinement and re-confinement.

Services	Monthly Average: Patients
Services	200-225
Active Caseload	Approx. 115
1:1 Served	16-22/month
Referrals to GBHWC	Approx. 22
Prisoners DX with Chronic Severe Mental Illness	Approx. 220
Prisoners with Psychiatric Medications	35
Assessments/Evaluations	Average 75
Follow-Up Services	8-16

Suicide Risk

- In every prison, suicide is a known risk that qualified mental health personnel strives to address. Over the years, repeated studies and statistics highlight the significant risk for suicide on Guam compared to mainland counterparts.
- Consequently, numerous efforts are made to reduce risk to include Suicide Prevention Training, Suicide Watch/Close Observation, and timely referrals to a psychiatrist to address their symptoms and reduce risk.

Staff

	Current	Needed
Licensed Psychologist	1	1
Psychiatrist	0	.5 to .75
Psychiatric Nurse	0	.75 to 1.0
Social Worker	0	2
Psychiatric Social Worker	0	2
Psych Tech	1	2
Administrative	0	1
Security	1 (temporary)	1

Budget

FY18 Budget Request: \$29.7M

FY18 Appropriation: \$26.6M

Not budgeted:

- GMHA Consolidated Agreement \$2.6M

Reduction:

- Food Services Requested \$3.3M / Appropriated \$1.5M

Budget remained status quo even with additional GMH mandates and the anticipated rise in cost of food services.

Overtime

FY16 \$3.27M

FY17 \$1M

Cut overtime by over 50%.

Do to severe shortage of officers, we are returning to the 5/2 - 12hour schedule and anticipate an increase in overtime to previous levels.

- ### Current / On-Going Projects
- DOC Master Plan - Federal Funds
 - Dome Reskinning Project - Federal Funds
 - Locking Mechanism - Federal Funds / Local Funds
 - Backhoe Certification Project - GCA Trades Academy / DOL
 - Post 8 Women's Programs - NAWIC/Fu'una Rising
 - MOU recently signed CQA to train Correction Officers handling dogs
 - PREA Cameras - First since 1997 Typhoon
 - PREA DOJ Pre-Audit
 - Corrections Reserve Unit - Legislation
 - Commissary Legislation
 - Prison Industries

Q & A



Telena Cruz Nelson <senatortcnelson@guamlegislature.org>

DOC PowerPoint -Revised

1 message

kate baltazar <kate.baltazar@doc.guam.gov>

Tue, Jan 30, 2018 at 1:23 PM

To: Telena Cruz Nelson <senatortcnelson@guamlegislature.org>, "Office of Senator Telena C. Nelson"
<senatortcnelson@gmail.com>

Pls see attached.

Si Yu'os ma'ase,

--

Kate

KATE G. BALTAZAR

Deputy Director

Department of Corrections

PO Box 3236

Hagatna, Guam 96932

Phone: **(671) 735-5173**

Email: **kate.baltazar@doc.guam.gov**

 **January2018.LegislativeOversight.rev.pptx**
1001K



Department of Corrections
Depattamenton Mangngurihi
Government of Guam



EDDIE BAZA CALVO
Governor

ALBERTO A. LAMORENA V
Director

RAY TENORIO
Lt. Governor

KATE G. BALTAZAR
Deputy Director

February 20, 2018

To: Speaker, 34th Guam Legislature
From: Director, Department of Corrections
Subject: Actual General Fund Lapse for Fiscal Year 2017

At our legislative oversight meeting on Tuesday, January 20, 2018, you presented documents from the CRER stating we had a lapse of \$1.7M for Fiscal Year 2017.

As per the more accurate reports attached from the Bureau of Budget Management and Research, we do in fact have a lapse -- *in the amount of a mere \$71.63.*

The CRER does indicate that data is subject to change as additional reconciliation of expenditures is performed, as is the case here.

Handwritten signature of Alberto A. Lamorena V.

ALBERTO A. LAMORENA V

cc: Senator Telena C. Nelson

SENATOR TELENA CRUZ NELSON

Date / Time: 2/22/2018, 4:20PM

Initials: TCN

Enc: Memorandum - BBMR - February 2, 2018



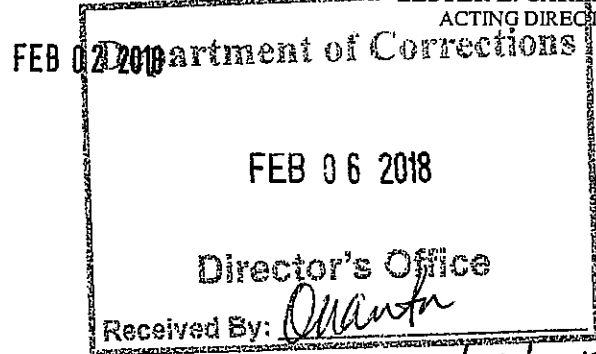
BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

LESTER L. CARLSON, JR.
ACTING DIRECTOR



FEB 06 2018

Director's Office

Received By: [Signature]

AS 02/06/2018 1703/hu

Memorandum

To: Director, Department of Corrections

From: Acting Director, Bureau of Budget and Management Research

Subject: Actual General Fund Lapse for Fiscal Year 2017

This is in regards to your request of the Bureau to confirm the information that was stated by the Speaker of *I Liheslaturan Guåhan* during the Department of Corrections (DOC) Oversight Hearing on January 30, 2018, that the DOC had a General Fund (GF) lapse amount of \$1.7 Million for Fiscal Year 2017.

The Bureau finds that the Speaker correctly stated the funds available amount according to the Government of Guam Consolidated Revenue/Expenditure Report (CRER) of the General Fund as of September 30, 2017. However, this lapse amount has since changed and is highly inaccurate as the actual General Fund Lapse amount is a mere \$71.63 as per the Financial Management Information System (FMIS) or aka the "AS400" Statement of Appropriations, Allotment, Outstanding Encumbrance and Expenditures Report as of 9/30/2017. The AS400 indicates for the period ending 09/30/2017 the following for DOC:

Expenditures -	\$24,606,229.58
Outstanding Encumbrances -	\$509,704.79
Total Expenditure/Encumbrances -	\$25,115,934.37
Funds available -	\$71.63

As such, the DOC has clearly spent almost all its \$25.1 Million appropriation for FY 2017.

The CRER does indicate \$1.7 Million funds available as of September 30, 2017, however, the CRER also provides a note that the "Data are subject to change, as additional reconciliation are performed". As such in this case with DOC as the Department of Administration continued to process transactions up to the final closeout of accounts, December 2017. The Speaker could even view DOC's FY2017 appropriation accounts as his Office of Finance and Budget has access to browse these AS400 records. Furthermore, the Bureau's FY 2017 Appropriation Reserve Report as of September 30, 2017 which was transmitted to the Speaker's office on October 30, 2017 also indicated no reserve amount entailing a full release of DOC's \$25.1 Million appropriation.

Once again, the DOC's Total General Fund Lapse Amount is \$71.63 for FY2017. It's unfortunate that this \$1.7 Million GF Lapse amount, which was noted to be subject to change, caused so much confusion and is being misrepresented in media reports as the actual lapse for FY 2017.

I hope this provides the clarification and validation you seek on the matter.



LESTER L. CARLSON, JR.

Attachment(s):

1. Consolidated Revenue/Expenditure Report for the Period ending 9/30/2017
2. AS400 Statement of Appropriations, Allotment, Outstanding Encumbrance And Expenditures for the Period ending 9/30/2017
3. Appropriation Reserve Report for the Quarter ending 9/30/2017



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OCT 20 2017

The Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuattro Na Liheslaturan Guåhan
Thirty-Fourth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Speaker Benjamin J.F. Cruz

Time: 4:40 PM
Received By:

Dear Speaker Cruz:

Enclosed is the Consolidated Revenue/Expenditure Report for the period ending September 30, 2017. There are several statutes requiring monthly reports of revenues in addition to a report requiring both revenue and expenditure comparisons. In an effort to mitigate misunderstanding of the different amounts being reported, it was necessary to submit a "consolidated" report which contains all the comparative information pursuant to each of the statutory reporting requirements. In this format, it is evident that there are varying numbers due to the different "basis of comparison". It should be noted that the amounts reflected in this report are subject to internal audit and analysis and therefore are subject to change, which is the nature of these interim reports. However, it is submitted to meet compliance with each reporting mandate. It is important to note that the Department of Administration, Department of Revenue and Taxation and the Bureau of Budget and Management Research are continuing their efforts to improve the format, content and usefulness of this report.

Should you have any questions, please do not hesitate to call me.

Sincerely,

LESTER L. CARLSON, JR.

Enclosures

<i>[Signature]</i>
Certification of information contained in Enclosures subject to Note 1.
Lester L. Carlson Jr, Acting Director, Bureau of Budget and Management Research
<i>[Signature]</i>
Christine Ann W. Baleto, Director, Department of Administration
<i>[Signature]</i>
John P. Camacho, Director, Department of Revenue and Taxation

Government of Guam
Consolidated Revenue / Expenditure Report ¹
General Fund

Combined Comparative Statement of Revenues
MONTHLY ACTUAL Collection Comparison FY2017 and FY2016
For the Month Ending September

Combined Comparative Statement of Revenues
YTD ACTUAL Collection Comparison FY2016 and FY2017
Twelve months ending September 2017

	2017 September	2016 September	Increase (Decrease)	Fiscal Year 2017	Fiscal Year 2016	Increase (Decrease)
Income Taxes:						
Individual	\$ 13,938,912	\$ 14,878,113	\$ (939,201)	\$ 90,376,524	\$ 100,997,063	\$ (10,620,539)
Corporation	24,811,819	21,060,862	3,750,957	139,691,383	139,390,122	301,261
Withholding	20,756,904	19,841,704	915,200	261,476,433	260,692,913	783,520
Income Taxes	59,507,635	55,780,679	3,726,957	491,544,340	501,080,098	(9,535,758)
Business privilege taxes:						
Gross Receipts Taxes	20,567,894	20,449,810	118,084	234,510,989	232,743,027	1,767,962
Other Taxes:						
Use Tax	189,112	268,527	(79,415)	3,196,443	3,405,451	(209,008)
Business Privilege Taxes	20,757,006	20,718,337	38,669	237,707,431	236,148,477	1,558,954
Licenses, Fees & Penalties	203,792	240,666	(36,874)	5,153,977	5,494,307	(340,329)
Use of Money & Property	3,840	110,699	(106,859)	575,146	(712,590)	1,287,736
Federal Sources:						
Section 30	7,734,103	6,538,954	1,195,148	87,154,735	78,467,450	8,687,285
Immigration fees	189,345	158,795	30,550	1,969,785	1,769,765	200,020
Recovery from Individuals	2,883	0	2,883	19,766	43,679	(23,913)
Child Support AFDC Local Share	6,388	7,417	(1,029)	76,080	106,403	(30,323)
Federal Sources	7,932,718	6,705,166	1,227,552	89,220,366	80,387,297	8,833,069
Department Charges:						
Agriculture	95	124	(29)	4,356	4,701	(345)
Police & Corrections	0	10	(10)	10	100	(90)
Public Works	7,650	2,850	4,800	48,735	32,850	15,885
Public Health	1,050	480	570	9,995	8,375	1,620
Commerce	0	0	0	0	0	0
Other charges	134,030	122,806	11,224	1,248,454	1,199,841	48,614
Department Charges	142,825	126,270	16,555	1,311,550	1,245,866	65,684
TOTAL GENERAL FUND REVENUES	\$ 88,547,816	\$ 83,681,817	\$ 4,866,000	\$ 825,512,811	\$ 823,643,455	\$ 1,869,356

PROVISION FOR TAX REFUNDS						
Budget (Provision per P.L. 33-185) ²	13,817,509	19,225,949	\$ (5,408,440)	125,000,000	130,678,782	\$ (5,678,782)

Footnotes:

1/ Revenues are based on a modified accrual basis of accounting as determined by GASB 34. During the year, revenues are recognized on a cash basis, but at year end an accrual is made in accordance with GASB 33.

2/ Estimates are recorded for the provision for 2017 Refunds & Section 30 are prorated for 12 months.

Note 1 Data contained herein are subject to change, as additional reconciliations are performed.

Note 2. Provision for Tax Refunds reflect accounting estimate as of 9/30/2017

Government of Guam
Consolidated Revenue Expenditure Report ^{1/}
General Fund

MONTHLY ADOPTED Revenue Allocated vs. MONTHLY ACTUAL REVENUE
For the Month Ending September 2017
Pursuant to 5 GCA, Ch 4, §4109(c)(i) [Due no later than 20 days after month-end]

Quarterly ADOPTED Revenue Allocated vs. Quarterly ACTUAL REVENUE
For the 4th Quarter 2017
Pursuant to 5 GCA, Ch 4, §4109(i) [due 30 days after the close of each quarter]^{4/}

	FY2017 Adopted Revenues Allocated for the Month September	FY2017 Actual Collections For the Month September	Favorable (Unfavorable)	FY2017 Adopted Revenues Allocated for the Quarter ^{4/}	FY2017 Actual Collections for the Quarter	Favorable Increase (Decrease)
Income Taxes						
Individual	\$ 9,367,487	\$ 13,938,912	\$ 4,571,425	15,464,196.00	26,319,864.42	10,855,668.42
Corporation	25,441,993	24,811,819	(630,174)	37,127,279.00	39,345,576.89	2,218,297.89
Withholding	21,354,151	20,756,904	(597,247)	67,787,382.00	63,475,664.87	(4,311,717.13)
Income Taxes	56,163,631	59,507,635	3,344,004	120,378,857.00	129,141,106.18	8,762,249.18
Business privilege taxes						
Gross Receipts Taxes	23,863,576	20,567,894	(3,295,682)	64,118,565.00	59,479,915.85	(4,638,652.15)
Other Taxes						
Use Tax	344,133	189,112	(155,022)	668,895.00	673,566.50	4,671.50
Business Privilege Taxes	24,207,709	20,757,006	(3,450,703)	64,787,463.00	60,153,482.35	(4,633,980.65)
Licenses, Fees & Penalties	453,955	203,792	(250,163)	1,258,124.00	1,174,323.42	(83,800.58)
Use of Money & Property	66,139	3,840	(62,299)	95,515.00	52,841.56	(42,673.44)
Federal Sources						
Section 30	6,238,546	7,734,103	\$ 1,495,557	13,715,634.00	23,202,307.66	4,486,673.66
Immigration fees	148,607	189,345	40,738	504,430.00	670,935.00	166,505.00
Recovery from Individuals	0	2,883	2,883	-	2,882.50	2,882.50
Child Support AFDC Local Share	0	6,388	6,388	-	17,957.19	17,957.19
Federal Sources	6,387,153	7,932,718	1,545,565	19,220,064.00	23,894,082.35	4,674,018.35
Department Charges						
Agriculture	\$4	95	11	478.00	250.00	(228.00)
Police & Corrections	-	0	(7)	30.00	-	(30.00)
Public Works	1,929	7,650	5,721	11,011.00	19,550.00	8,539.00
Public Health	325	1,050	725	1,739.00	3,105.00	1,366.00
Commerce	0	0	0	-	-	-
Other charges	83,122	134,030	50,908	440,867.00	542,332.15	101,465.15
Department Charges	85,467	142,825	57,358	454,125.00	565,237.15	111,112.15
TOTAL GENERAL FUND REVENUES	\$ 87,364,054	\$ 88,547,816	\$ 1,183,762	206,194,148.00	214,981,073.01	8,786,925.01

Footnotes:

1/ Revenues are based on a modified accrual basis of accounting as determined by GASB 34. During the year, revenues are recognized on a cash basis, but at year end an accrual is made in accordance with GASB 33.

2/ Estimates are recorded for the provision for 2017 Refunds & Section 30 is prorated for 12 months.

3/ This information will be updated to the quarter ending.

4/ Based on Adopted Revenues allocated per P.L. 33-153, Chapter 1, section 4(a).

Note 1: Data contained herein are subject to change, as additional reconciliations are performed.

Note 2: Provision for Tax Refunds reflect accounting estimate as of 9/30/2017.

Government of Guam
Consolidated Revenue / Expenditure Report ^{1/}
General Fund

	YTD ADOPTED Revenue Allocated vs. YTD ACTUAL Collections Twelve Months Ending September 2017 Pursuant to 5 GCA, Ch 4, §4109(e)(3) [Due 20 days after month-end]			FY2017 ADOPTED Revenues vs. PROJECTED Revenues to Year End Pursuant to 2GCA, Ch.13 §13109(a)(1) [due not later than 20 days after month-end]; 5GCA, Ch.4 §4109(f)(3) [due no later than 20 days after month-end]; and P.L. 31-233, Ch XIII §7 [due no later than 30 days after month-end]		
	FY2017 Adopted Revenues for the Cumulative Period ^{2/}	FY2017 Actual Revenues for the Cumulative Period	Favorable (Unfavorable)	FY2017 Adopted Revenues (Full Year Projection) ^{2/}	FY2017 Revenue Tracking ^{3/}	Favorable Increase (Decrease)
Income Taxes:						
Individual	\$ 100,855,538	\$ 90,376,524	\$ (10,479,014)	\$ 100,855,538	\$ 90,376,524	\$ (10,479,014)
Corporation	142,997,573	139,691,383	(3,306,190)	142,997,573	139,691,383	(3,306,190)
Withholding	264,230,778	261,476,433	(2,754,345)	264,230,778	261,476,433	(2,754,345)
Income Taxes	508,083,889	491,544,340	(16,539,549)	508,083,889	491,544,340	(16,539,549)
Business privilege taxes:						
Gross Receipts Taxes	247,029,259	234,510,989	(12,518,270)	247,029,259	234,510,989	(12,518,270)
Other Taxes:						
Use Tax	2,183,865	3,196,443	1,012,578	2,183,865	3,196,442	1,012,577
Business Privilege Taxes	249,213,124	237,707,431	(11,505,693)	249,213,124	237,707,431	(11,505,693)
Licenses, Fees & Penalties	5,873,358	5,153,977	(719,381)	5,873,358	5,153,977	(719,381)
Use of Money & Property	217,464	575,146	357,682	217,464	575,146	357,682
Federal Sources:						
Section 30	74,900,293	87,154,735	12,254,442	74,900,293	87,154,735	12,254,442
Immigration fees	1,893,235	1,969,785	76,550	1,893,235	2,065,631	172,396
Recovery from Individuals	0	19,766	19,766	0	0	0
Child Support AFDC Local Share	0	76,080	76,080	0	0	0
Federal Sources	76,793,528	89,220,366	12,426,838	76,793,528	89,220,366	12,426,838
Department Charges:						
Agriculture	6,373	4,356	(2,017)	6,373		(6,373)
Police & Corrections	121	10	(111)	121		(121)
Public Works	38,330	48,735	10,405	38,330		(38,330)
Public Health	10,640	9,995	(645)	10,640		(10,640)
Commerce	0	0	0	0		0
Other charges	1,317,107	1,248,454	(68,653)	1,317,107		(1,317,107)
Department Charges	1,372,571	1,311,550	(61,021)	1,372,571	1,311,550	(61,021)
TOTAL GENERAL FUND REVENUES	\$ 841,553,934	\$ 825,512,811	\$ (16,041,123)	\$ 841,553,934	\$ 825,512,811	\$ (16,041,123)
			-1.91%			-1.91%

Footnotes:

1/ Revenues are based on a modified accrual basis of accounting as determined by GASB 34. During the year, revenues are recognized on a cash basis, but at year end an accrual is made in accordance with GASB 33

2/ Based on Adopted Revenues allocated per P.L. 33-355, Chapter 1, section 4(a)

3/ The Department of Administration continues to post General Fund transactions, as such total General Fund Revenues collected may be revised as postings will continue through December 2017.

Note 1 Data contained herein are subject to change, as additional reconciliations are performed.

Note 2 Provision for Tax Refunds reflect accounting estimate as of 9-30-2017

**Government of Guam
Consolidated Revenue/Expenditure Report
General Fund
As of September 30, 2017**

(Pursuant to §4109 (c) (3) of Title 5 GCA)
General Fund

<u>EXPENDITURES & ENCUMBRANCES</u>	<u>APPROPRIATIONS ¹</u>	<u>EXPENDITURES ²</u>	<u>ENCUMBRANCES</u>	<u>FUNDS AVAILABLE</u>
GENERAL GOVERNMENT				
Office of I Maga'lahaen Guahan	6,759,209	6,207,084	131,778	420,347
Office of I Segundu Na Maga'lahaen Guahan	1,063,858	1,041,920	6,372	15,566
Bureau of Budget & Management Research	1,283,232	1,186,622	-	96,610
Civil Service Commission	976,070	877,666	35,313	63,092
CSC - Administrative Law Judge / Legal Secretary	77,895	69,913	5,860	2,122
Department of Administration (DOA)	6,928,465	6,584,536	73,724	270,204
DOA - Support of Child in Custody - 19 GCA §5116	946,969	736,376	-	210,593
DOA - Residential Treatment Fund	2,440,567	1,660,667	-	779,900
DOA - Government Claims Fund	250,000	164,043	-	85,957
DOA - Government Annual Single Audit	401,000	401,000	-	-
DOA - Office of Technology	3,797,094	2,546,652	672,935	577,507
Department of Revenue & Taxation	8,865,558	8,231,683	521,277	112,597
Department of Public Works (DPW)	7,123,269	6,542,247	252,916	328,105
Department of Land Management	419,897	419,897	-	-
Guam Ancestral Lands Commission	91,093	86,396	856	3,841
Office of Veterans Affairs	649,767	573,558	6,610	69,599
TOTAL	42,073,943	37,330,262	1,707,641	3,036,040
PROTECTION OF LIFE & PROPERTY				
Guam Police Department (GPD)	33,771,921	30,854,855	1,292,278	1,624,788 3/
Department of Corrections (DOC)	23,435,018	20,893,424	841,103	1,700,491 3/
DOC - Cost of Care & Custody of Prisoners in Federal Facilities	580,988	434,751	-	146,237
DOC - GMHA Consolidated Agreement	1,100,000	839,720	0	260,280
Department of Youth Affairs (DYA)	5,907,388	5,159,649	151,265	596,475
DYA - Runaway, Homeless or Victims of Abuse	332,150	280,998	51,152	-
Chief Medical Examiner	430,005	380,681	33,258	16,067
Guam Fire Department	33,325,218	31,856,585	163,895	1,304,739
TOTAL	98,882,688	90,700,663	2,532,950	5,649,076

See footnotes on page 7.

Note: Data continued herein are subject to change, as additional reconciliations are performed.

Government of Guam
Consolidated Revenue/Expenditure Report
General Fund
As of September 30, 2017

<u>EXPENDITURES & ENCUMBRANCES</u>	<u>APPROPRIATIONS ^{1/}</u>	<u>EXPENDITURES ^{2/}</u>	<u>ENCUMBRANCES</u>	<u>FUNDS AVAILABLE</u>
PUBLIC HEALTH				
Department of Public Health & Social Services (DPHSS)	10,101,047	6,643,199	1,422,927	2,034,921
DPHSS - MIP/MIPPR Program	7,351,674	7,241,010	-	110,664
DPHSS - MIPPR Cancer Screening, Treatment, Educational Programs & Support	358,900	-	-	358,900
DPHSS - Medicaid Program	25,013,859	24,097,833	-	916,026
DPHSS - Children's Health Insurance Program	4,341,103	3,988,886	141,856	210,362
DPHSS - Division of Senior Citizens Programs	9,265,769	7,962,064	732,868	570,837
DPHSS - Public Assistance Program	1,714,791	1,670,803	-	43,988
DPHSS - Enhanced Allotment Plan	913,153	912,254	-	899
DPHSS - Office of Minority Health	104,167	104,656	-	(489) ^{4/}
DPHSS - Foster Care Health Insurance Premiums	609,176	454,247	-	154,929
Guam Behavioral Health and Wellness Center (GBHWC)	6,504,513	5,096,708	425,054	982,751
GBHWC - Drug & Alcohol Programs	1,575,112	1,304,098	144,371	126,643
GBHWC - Youth Suicide Prevention and Peace Program	86,000	-	38,325	47,675
Guam Memorial Hospital Authority (GMHA) - per P.L. 33-183 & P.L. 33-185	15,000,000	15,000,000	-	-
TOTAL	82,939,264	74,475,758	2,905,401	5,558,105
PUBLIC EDUCATION				
Department of Education Operations (DOE)	200,438,817	200,177,066	-	261,751
DOE - Guahan Academy & iLearn Academy Charter Schools	7,798,249	7,094,376	-	703,873
DOE - Chamoru Studies Division	401,207	401,207	-	-
DOE - Y Kuantan Salappe Prinsipat	1,081,000	621,498	-	459,503
DOE - Textbooks	1,500,000	152,994	-	1,347,006
DOE - First Generation Trust Fund Initiative	100,000	100,000	-	-
DOE - School Maintenance & Repair pursuant to P.L. 34-29	150,000	150,000	-	-
University of Guam Operations (UOG)	30,740,431	21,026,837	-	9,713,594
UOG - Scholarships (SSFAP)	3,599,358	2,999,465	-	599,893
UOG - Aquaculture Development and Training Center	125,254	31,313	-	93,941
UOG - WERI (Guam Hydrologic Survey)	182,694	45,674	-	137,021
UOG - WERI (Water Resource Monitoring)	155,626	38,906	-	116,720
UOG - Northern & Southern Soil & Water Conservation District Programs	149,384	74,692	-	74,692
UOG - KPRG Operations	125,000	125,000	-	-
UOG - First Generation Trust Fund Initiative	250,000	-	-	250,000
Guam Community College Operations (GCC)	17,903,072	14,078,649	-	3,824,423
GCC - Licensed Practical Nursing & Vocational Guidance Programs	835,600	696,333	-	139,267
GCC - Apprenticeship Program	374,951	312,459	-	62,492
GCC - First Generation Trust Fund Initiative	200,000	-	-	200,000
Guam Commission for Educator Certification	281,822	221,187	3,761	56,874
TOTAL	266,392,465	248,347,656	3,761	18,041,047

See footnotes on page 7.

Note: Data continued herein are subject to change, as additional reconciliations are performed.

Government of Guam
Consolidated Revenue/Expenditure Report
General Fund
As of September 30, 2017

<u>EXPENDITURES & ENCUMBRANCES</u>	<u>APPROPRIATIONS ^{1/}</u>	<u>EXPENDITURES ^{2/}</u>	<u>ENCUMBRANCES</u>	<u>FUNDS AVAILABLE</u>
COMMUNITY SERVICES				
Department of Integrated Services for Indiv. with Disabilities (DISID)	1,234,384	971,574	12,501	250,309
TOTAL	1,234,384	971,574	12,501	250,309
RECREATION				
Department of Parks and Recreation - Guam Historic Resources Division	305,958	309,755	-	(3,797) ^{7/}
TOTAL	305,958	309,755	-	(3,797)
INDIVIDUAL & COLLECTIVE RIGHTS				
Commission on Decolonization (COD)	183,440	178,882	-	4,558
COD - Public Information Program	210,000	12,215	5,300	192,486
Department of Chamorro Affairs (DCA)	1,120,352	917,056	5,303	197,993
DCA - Guam Public Library	1,246,021	1,048,251	122,470	75,299
DCA - Guam Council on the Arts and Humanities	293,800	256,190	-	37,610
DCA - Guam Educational Telecommunications Corp. (PBS Guam)	624,063	568,036	7,347	48,680
Department of Labor (DOL)	1,573,746	1,669,327	17,002	(112,583) ^{7/}
DOL - Worker's Compensation Fund	698,593	512,665	-	185,928
Department of Military Affairs	909,100	552,774	324	356,001
Guam Election Commission (GEC)	1,514,576	1,374,900	19,813	119,864
TOTAL	8,373,691	7,090,295	177,560	1,105,836
ECONOMIC DEVELOPMENT				
Bureau of Statistics & Plans (BSP)	805,877	762,254	936	42,688
BSP - Business and Economics Statistics Program	446,003	429,375	-	16,628
Department of Agriculture - DOAg	2,991,923	2,694,053	-	297,870
DOAg - Animal Shelter (GAIN)	150,000	127,500	-	22,500
TOTAL	4,393,803	4,013,182	936	379,686
JUDICIAL/LEGISLATIVE/OTHERS				
Unified Judiciary Operations (Judiciary)	31,510,247	30,828,573	-	681,674
Judiciary - Court Appointed Fees	1,239,791	929,843	-	309,948
Judiciary - Adult and Juvenile Drug Courts	1,383,439	1,037,579	-	345,860
Judiciary - Family Visitation Center	11,000	11,000	-	-
I Liheslaturan Guåhan (Legislature)	8,346,564	7,493,399	-	853,165 ^{6/}
Legislature - Office of Finance and Budget	474,000	434,500	-	39,500
Office of the Attorney General Operations (OAG)	16,249,713	13,974,664	490,574	1,784,475 ^{3/}
Public Defender Services Corporation (PDS)	4,341,373	3,614,562	-	726,811
Mayor's Council of Guam (MCOG)	4,617,188	4,617,188	-	-
MCOG - Grounds Maintenance for Schools	481,957	240,979	-	240,978

See Footnotes on page 7.

Note: Data continued herein are subject to change, as additional reconciliations are performed.

Government of Guam
Consolidated Revenue/Expenditure Report
General Fund
As of September 30, 2017

<u>EXPENDITURES & ENCUMBRANCES</u>	<u>APPROPRIATIONS ^{1/}</u>	<u>EXPENDITURES ^{2/}</u>	<u>ENCUMBRANCES</u>	<u>FUNDS AVAILABLE</u>
JUDICIAL/LEGISLATIVE/OTHERS (CONTINUED)				
MCOG - Public Safety & Social Education	416,860	179,076	94,479	143,305
Office of Public Accountability	1,396,898	1,411,330	-	(14,432) ^{8/}
TOTAL JUDICIAL/LEGISLATIVE/OTHERS	70,469,030	64,772,694	585,053	5,111,283
MISCELLANEOUS APPROPRIATIONS				
Government of Guam Retirement Fund (GGRF) - Medicare Premiums	2,100,000	2,100,000	-	-
GGRF - Governor/Lieutenant Governor Pensions	252,000	252,000	-	-
GGRF - Judges Annuities	363,000	363,000	-	-
GGRF - Health/Dental/Life Insurance	24,859,483	24,859,483	-	-
GGRF - Supplemental Health/Dental Life Insurance per P.L. 34-42	13,903,510	11,949,088	-	1,954,422 ^{9/}
DOA - Supplemental Annuity Benefits Special Fund	8,493,840	8,118,355	-	375,485
DOA - Cost of Living Allowance	13,226,000	13,476,000	-	(250,000) ^{10/}
MCOG - Lump Sum of Accrued Annual Leave	787,234	787,234	-	-
Legislature - Lump Sum of Accrued Annual Leave	385,205	385,205	-	-
TOTAL	64,370,272	62,290,366	-	2,079,906
CONTINUING APPROPRIATIONS				
General Obligation Bonds, Series 2009 A	5,559,100	5,559,100	-	-
GDOE Series 2010A JFK Project	5,130,600	5,130,600	-	-
BPT Tax Bonds, Series 2011A	16,350,513	16,350,513	-	1
BPT Tax Bonds, Series 2012B	7,517,244	7,517,244	-	0
BPT Tax Bonds, Series 2013C	2,775,217	2,775,217	-	- ^{11/}
GDOE Series 2013A Okkodo Project	2,284,685	2,936,685	-	(652,000) ^{12/}
BPT Bonds, Series 2015D	20,214,750	20,214,750	-	-
Limited Obligation Bonds (Section 30), Series 2016A	10,907,876	10,907,876	-	(0)
TOTAL	70,739,985	71,391,984	-	(651,999)
GRAND TOTAL	710,175,483	661,694,187	7,925,803	40,555,493

Footnotes:

- 1/ Pursuant to P.L. 33-185 and other GF appropriations noted per DOA. Does not include appropriations from "revenues in excess of FY 2017 projections of General Fund".
- 2/ Actual Cumulative preliminary numbers provided by DOA to exclude X & Z accounts.
- 3/ Appropriation inclusive of Criminal Justice Information System Integration Project Cost Sharing Initiative.
- 4/ Pending journal voucher transactions between department accounts.
- 5/ Appropriation funded from bond proceeds of refinanced debt service authorized by P.L. 33-183.
- 6/ Reflects de-appropriation of \$150,000 from Legislature and subsequent appropriation to GDOE pursuant to P.L. 34-29.
- 7/ Pending Governor's Transfer of funds into department. (DPR, DOL)
- 8/ Pending addressal of overexpenditure between DOA and OPA.
- 9/ Appropriated from FY17 General Fund 2% reserve for supplemental Retiree Medical/Dental/Life insurance payments per P.L. 34-42, Chapter 11, Section 8.
- 10/ Existing shortfall due to actual requirements for COLA.
- 11/ Appropriation and expenditure is net of UOG bond payment obligation (\$2,027,283) as stipulated in Chapter 1, Section 6(f), P.L. 33-185.
- 12/ Shortfall due to overpayment of GDOE Series 2013A Okkodo debt service (\$2,000) plus payment of non-appropriated Okkodo Expansion (\$650,000).

Note: Data continued herein are subject to change, as additional reconciliations are performed.

Position to Account 5100A1713

FY 2017

Department of Corrections

Appropriation account number : 5100A1713
Obligation end date :

Original Appropriation :	25,116,006.00
Budget Adjustments :	
Total Appropriation :	25,116,006.00

Current Period

Year To Date

Allotments :		25,116,006.00
Expenditures :		24,606,229.58
Outstanding Encumbrances . . . :		509,704.79

Funds Available :	
Unallotted Balance :	
Funds in Reserve :	

71.63

Run Date . . : 1/31/18
 Run Time . . : 12:42:22

STATEMENT OF APPROPRIATIONS, ALLOTMENT, OUTSTANDING ENCUMBRANCE AND EXPENDITURES

Page . . : 1
 Program: PRTAPPN

User ID. . . . : BMRTAITW
 To date. . . . : 9/2017
 Account. . . . : 5100A1713
 Dept/Division :

Exclude Object Codes:

<u>Account Number</u>	<u>Account Name</u>	<u>YTD Expenditures</u>	<u>O/S Encumbrance</u>	<u>Available Funds</u>	<u>Unallotted Balance</u>
5100A171300GA001111	DIRECTOR'S OFFICE				
577,703.25	577,703.25	577,703.25			
5100A171300GA001112	DIRECTOR'S OFFICE				
235,174.95	235,174.95	235,174.95			
5100A171300GA001113	DIRECTOR'S OFFICE				
230,393.43	230,393.43	230,393.43			
5100A171300GA001220	DIRECTOR'S OFFICE				
22,215.00	22,215.00	15,988.14	6,159.00	67.86	
5100A171300GA001230	DIRECTOR'S OFFICE				
896,780.91	896,780.91	896,777.14		3.77	
5100A171300GA001240	DIRECTOR'S OFFICE				
52,936.44	52,936.44	52,936.44			
5100A171300GA001271	DIRECTOR'S OFFICE				
8,500.00	8,500.00	8,500.00			
5100A171300GA001290	DIRECTOR'S OFFICE				
83,245.00	83,245.00	83,245.00			
5100A171300GA001361	DIRECTOR'S OFFICE				
820,620.09	820,620.09	820,620.09			
5100A171300GA001362	DIRECTOR'S OFFICE				
1,362,326.65	1,362,326.65	1,362,326.65			
5100A171300GA001363	DIRECTOR'S OFFICE				
49,288.06	49,288.06	49,253.39	34.67		
5100A171300GA001450	DIRECTOR'S OFFICE				

GA001 PROGRAM TOTALS	Count:	12			
4,339,183.78	4,339,183.78	4,332,918.48	6,193.67	71.63	

5100A171300GA002230	DOC FOOD SERVICE CONTRACT				
2,930,636.20	2,930,636.20	2,930,636.20			

GA002 PROGRAM TOTALS	Count:	1			
2,930,636.20	2,930,636.20	2,930,636.20			

5100A171300GA016220	FED BUR PRIS PRIOR/CURR OBLIG				
5100A171300GA016230	FED BUR PRIS PRIOR/CURR OBLIG				
473,921.34	473,921.34	473,921.34			

GA016 PROGRAM TOTALS	Count:	2			
473,921.34	473,921.34	473,921.34			

5100A171300GA021111 2016 DOC VACANCY POOL

5100A171300GA021113 2016 DOC VACANCY POOL

Run Date . : 1/31/18
 Run Time . : 12:42:22

STATEMENT OF APPROPRIATIONS, ALLOTMENT, OUTSTANDING ENCUMBRANCE AND EXPENDITURES

Page . : 2
 Program: PRTAPPN

User ID . . . : BMRTAITW
 To date . . . : 9/2017
 Account . . . : 5100A1713
 Dept/Division :

Exclude Object Codes:

<u>Account Number</u>	<u>Account Name</u>	<u>YTD Expenditures</u>	<u>O/S Encumbrance</u>	<u>Available Funds</u>	<u>Unallotted Balance</u>
<u>Tot Appropriation</u>	<u>YTD Allotment</u>				
GA021 PROGRAM TOTALS	Count: 2				

5100A171300GA028230 CONSOLIDATED AGREEMENT - GMHA					
839,720.00	839,720.00	839,719.88	.12		
GA028 PROGRAM TOTALS	Count: 1				
839,720.00	839,720.00	839,719.88	.12		
00 DIVISION TOTALS	Count: 18				
8,583,461.32	8,583,461.32	8,577,195.90	6,193.79	71.63	

5100A171310CE003111 ADULT CORRECTION FACILITY					
7,968,371.79	7,968,371.79	7,968,371.79			
5100A171310CE003112 ADULT CORRECTION FACILITY					
1,481,288.15	1,481,288.15	1,481,288.15			
5100A171310CE003113 ADULT CORRECTION FACILITY					
2,581,275.43	2,581,275.43	2,581,275.43			
5100A171310CE003450 ADULT CORRECTION FACILITY					
503,511.00	503,511.00		503,511.00		
CE003 PROGRAM TOTALS	Count: 4				
12,534,446.37	12,534,446.37	12,030,935.37	503,511.00		
10 DIVISION TOTALS	Count: 4				
12,534,446.37	12,534,446.37	12,030,935.37	503,511.00		

5100A171311CE009111 ROSARIO DETENTION CENTER					
1,760,008.72	1,760,008.72	1,760,008.72			
5100A171311CE009112 ROSARIO DETENTION CENTER					
297,569.33	297,569.33	297,569.33			
5100A171311CE009113 ROSARIO DETENTION CENTER					
570,373.81	570,373.81	570,373.81			
CE009 PROGRAM TOTALS	Count: 3				
2,627,951.86	2,627,951.86	2,627,951.86			
11 DIVISION TOTALS	Count: 3				
2,627,951.86	2,627,951.86	2,627,951.86			

5100A171321SE004111 CASEWORK AND COUNSELING SERVIC					
272,895.56	272,895.56	272,895.56			
5100A171321SE004113 CASEWORK AND COUNSELING SERVIC					
97,072.83	97,072.83	97,072.83			

Run Date . . : 1/31/18
 Run Time . . : 12:42:22

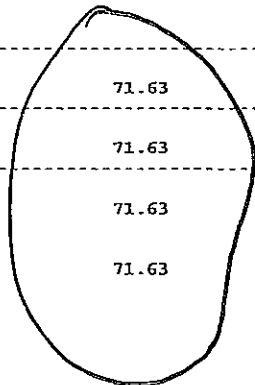
STATEMENT OF APPROPRIATIONS, ALLOTMENT, OUTSTANDING ENCUMBRANCE AND EXPENDITURES

Page . . : 3
 Program: PRTAPPN

User ID. . . . : BMRTAITW
 To date. . . . : 9/2017
 Account. . . . : 5100A1713
 Dept/Division :

Exclude Object Codes:

<u>Account Number</u>	<u>Account Name</u>	<u>YTD Allotment</u>	<u>YTD Expenditures</u>	<u>O/S Encumbrance</u>	<u>Available Funds</u>	<u>Unallotted Balance</u>
SE004	PROGRAM TOTALS	Count:	2			
	369,968.39	369,968.39				
21	DIVISION TOTALS	Count:	2			
	369,968.39	369,968.39				
5100A171322SE013111	FORENSIC (MEDICINE DRUG TRMT)					
	173,618.34	173,618.34	173,618.34			
5100A171322SE013112	FORENSIC (MEDICINE DRUG TRMT)					
	9,555.23	9,555.23	9,555.23			
5100A171322SE013113	FORENSIC (MEDICINE DRUG TRMT)					
	60,514.70	60,514.70	60,514.70			
SE013	PROGRAM TOTALS	Count:	3			
	243,688.27	243,688.27				
22	DIVISION TOTALS	Count:	3			
	243,688.27	243,688.27				
5100A171330ED006111	PAROLE SERVICE DIVISION					
	574,413.55	574,413.55	574,413.55			
5100A171330ED006112	PAROLE SERVICE DIVISION					
	10,783.87	10,783.87	10,783.87			
5100A171330ED006113	PAROLE SERVICE DIVISION					
	171,292.37	171,292.37	171,292.37			
ED006	PROGRAM TOTALS	Count:	3			
	756,489.79	756,489.79				
30	DIVISION TOTALS	Count:	3			
	756,489.79	756,489.79				
13	DEPARTMENT TOTALS:	Count:	33			
	25,116,006.00	25,116,006.00	24,606,229.58	509,704.79	71.63	
A17	APTYP+FY TOTALS:	Count:	33			
	25,116,006.00	25,116,006.00	24,606,229.58	509,704.79	71.63	
100	FUND TOTALS:	Count:	33			
	25,116,006.00	25,116,006.00	24,606,229.58	509,704.79	71.63	
FINAL	TOTALS	Count:	33			
	25,116,006.00	25,116,006.00	24,606,229.58	509,704.79	71.63	





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

LESTER L. CARLSON, JR.
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

OCT 30 2017

The Honorable Benjamin J.F. Cruz
Speaker
I Mina' Trentai Kuattro Na Liheslaturan Guåhan
Thirty-Fourth Guam Legislature
Guam Congress Building
Hagatna, Guam 96910

Rec'd by Benjamin J.F. Cruz

420
[Signature]

Dear Speaker Cruz:

Pursuant to P.L. 33-185, Ch. XIII, Sec. 18, transmitted herewith is the Appropriation Reserve Report for the Quarter Ending September 30, 2017. As mandated, the report accounts for "reserves held on any appropriations in this Act, detailed by amount, by AS400 account number."

It should be noted that the Appropriation Reserves reported were inclusive of the fifteen percent (15%) reserves imposed on all General Fund and Special Fund appropriations (including for operations) pursuant to BBMR Circular 17-01. As previously mentioned, while these reserves were imposed to continue fiscal constraint in FY2017, departments / agencies had been drawing on these reserves to facilitate / accommodate their operations.

Lastly, it should be noted that the report is in "Draft" form at this time as the Department of Administration has not officially closed the 4th Quarter of FY2017. As such, financial information contained in the report is subject to change.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

LESTER L. CARLSON, JR.

Attachment

FY2017 APPROPRIATION RESERVE REPORT
RESERVES AS OF: SEPTEMBER 30, 2017 [DRAFT]

DEPARTMENT / AGENCY	DEPT. CODE	P.L. 33-185 APPROPRIATION SOURCE	FUND SOURCE	PURPOSE	AS400 ACCOUNT NO.	TOTAL APPROPRIATION	APPROPRIATION RESERVE (9-30-2017)	FN
		Chapter V, Sec.1(g)(2)	LIMITED GAMING FUND	ADMINISTRATION OF LIMITED GAMING FUND	5655A170660GA234	100,095	19,995	
GUAM ELECTION COMMISSION	07	Chapter V, Sec.1(cc)(1)	GENERAL FUND	OPERATIONS	5100A170700GA001	1,514,576	89,587	
DEPARTMENT OF REVENUE AND TAXATION	08	Chapter V, Sec 1(h)(1)	GENERAL FUND	OPERATIONS	5100*1708**	8,865,558	0	
		Chapter V, Sec 1(h)(1)	BETTER PUBLIC SERVICE FUND	OPERATIONS	5628A170800SE201	2,204,250	330,637	
		Chapter V, Sec 1(h)(1)	TAX COLLECTION ENHANCEMENT FUND	OPERATIONS	5603A170810SE201	913,708	55	
		Chapter V, Sec 1(h)(1)	UNAPPROPRIATED FUND BALANCE - TAX COLLECTION ENHANCEMENT FUND	OPERATIONS	5603A170810SE204	125,000	125,000	5/
		Chapter XI, Sec 11	TOURIST ATTRACTION FUND	VETERANS LICENSE PLATES	5206A170800SE027	5,000	0	
BUREAU OF STATISTICS AND PLANS	09	Chapter V, Sec 1(i)(1)	GENERAL FUND	OPERATIONS & BUSINESS & ECON. STATS. PROGRAM	5100*1709**	1,251,880	41,432	
DEPARTMENT OF PUBLIC WORKS	10	Chapter V, Sec 1(j)(1)	GENERAL FUND	OPERATIONS	5100*1710**	7,123,269	0	
		Chapter V, Sec 1(j)(1)	GUAM HIGHWAY FUND	OPERATIONS	5208*1710**	11,978,176	9,113	
GUAM POLICE DEPARTMENT	12	Chapter V, Sec 1(m)(1)	GENERAL FUND	OPERATIONS, FORENSIC SCIENCE DIV. OPS., CJIS COST SHARE AND REC. BOATING LOCAL MATCH	5100*1712**	33,771,921	0	
		Chapter V, Sec 1(m)(1)	POLICE SERVICES FUND	OPERATIONS	5263A171220SE263	1,337,777	214,000	
		Chapter V, Sec 1(m)(1)	TOURIST ATTRACTION FUND	OPERATIONS	5206A171200GA211	500,000	2,000	
		Chapter XI, Sec 12	FY2016 TAF EXCESS REVENUES	CIVILIAN VOLUNTEER POLICE RESERVE	5206A171200SE216	200,000	200,000	5/
DEPARTMENT OF CORRECTIONS	13	Chapter V, Sec 1(n)(1)	GENERAL FUND	OPERATIONS, COST OF CARE & CUSTODY OF PRISONERS IN FED. FACILITIES AND CJIS COST SHARE	5100*1713**	25,116,006	0	
		Chapter V, Sec 1(n)(1)	CORRECTIONS INMATE REVOLVING FUND	OPERATIONS	5214A171300DO011	1,374,248	0	

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS

42 U.S.C. § 1997 ET SEQ.

Table of Contents

§ 1997. Definitions

§ 1997a. Initiation of civil actions

§ 1997b. Certification requirements; Attorney General to personally sign certification

§ 1997c. Intervention in actions

§ 1997d. Prohibition of retaliation

§ 1997e. Suits by prisoners

§ 1997f. Report to Congress

§ 1997g. Priorities for use of funds

§ 1997h. Notice to Federal departments

§ 1997i. Disclaimer respecting standards of care

§ 1997j. Disclaimer respecting private litigation

§ 1997. Definitions

As used in this subchapter--

(1) The term "institution" means any facility or institution-- (A) which is owned, operated, or managed by, or provides services on behalf of any State or political subdivision of a State; and

(B) which is-- (i) for persons who are mentally ill, disabled, or retarded, or chronically ill or handicapped;

(ii) a jail, prison, or other correctional facility;

(iii) a pretrial detention facility;

(iv) for juveniles-- (I) held awaiting trial;

(II) residing in such facility or institution for purposes of receiving care or treatment; or

(III) residing for any State purpose in such facility or institution (other than a residential facility providing only elementary or secondary education that is not an institution in which reside juveniles who are adjudicated delinquent, in need of supervision, neglected, placed in State custody, mentally ill or disabled, mentally retarded, or chronically ill or handicapped); or (v) providing skilled nursing, intermediate or long-term care, or custodial or residential care.

(2) Privately owned and operated facilities shall not be deemed "institutions" under this subchapter if-- (A) the licensing of such facility by the State constitutes the sole nexus between such facility and such State;

(B) the receipt by such facility, on behalf of persons residing in such facility, of payments under title XVI, XVIII [42 U.S.C.A. §§ 1381 et seq., 1395 et seq.], or under a State plan approved under title XIX [42 U.S.C.A. § 1396 et seq.], of the Social Security Act, constitutes the sole nexus between such facility and such State; or

(C) the licensing of such facility by the State, and the receipt by such facility, on behalf of persons residing in such facility, of payments under title XVI, XVIII [42 U.S.C.A. §§ 1381 et seq., 1395 et seq.], or under a State plan approved under title XIX [42 U.S.C.A. § 1396 et seq.], of the Social Security Act, constitutes the sole nexus between such facility and such State; (3) The term "person" means an individual, a trust or estate, a partnership, an association, or a corporation;

(4) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States;

(5) The term "legislative days" means any calendar day on which either House of Congress is in session.

§ 1997a. Initiation of civil actions

(a) Discretionary authority of Attorney General; preconditions

the Attorney General has reasonable cause to believe that such deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General, for or in the name of the United States, may intervene in such action upon motion by the Attorney General.

(2) The Attorney General shall not file a motion to intervene under paragraph (1) before 90 days after the commencement of the action, except that if the court determines it would be in the interests of justice, the court may shorten or waive the time period. (b) Certification requirements by Attorney General (1) The Attorney General shall certify to the court in the motion to intervene filed under subsection (a) of this section-- (A) that the Attorney General has notified in writing, at least fifteen days previously, the Governor or chief executive officer, attorney general or chief legal officer of the appropriate State or political subdivision, and the director of the institution of-- (i) the alleged conditions which deprive rights, privileges, or immunities secured or protected by the Constitution or laws of the United States and the alleged pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities;

(ii) the supporting facts giving rise to the alleged conditions, including the dates and time period during which the alleged conditions and pattern or practice of resistance occurred; and

(iii) to the extent feasible and consistent with the interests of other plaintiffs, the minimum measures which the Attorney General believes may remedy the alleged conditions and the alleged pattern or practice of resistance; and (B) that the Attorney General believes that such intervention by the United States is of general public importance and will materially further the vindication of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States. (2) The Attorney General shall personally sign any certification made pursuant to this section. (c) Attorney General to personally sign motion to intervene

The Attorney General shall personally sign any motion to intervene made pursuant to this section.

(d) Discretionary award of attorney fees; other award provisions unaffected

In any action in which the United States joins as an intervenor under this section, the court may allow the prevailing party, other than the United States, a reasonable attorney's fee against the United States as part of the costs. Nothing in this subsection precludes the award of attorney's fees available under any other provisions of the United States Code.

§ 1997d. Prohibition of retaliation

No person reporting conditions which may constitute a violation under this subchapter shall be subjected to retaliation in any manner for so reporting.

§ 1997e. Suits by prisoners

(a) Applicability of administrative remedies

No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

(b) Failure of State to adopt or adhere to administrative grievance procedure

The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 1997a or 1997c of this title.

(c) Dismissal (1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

(d) Attorney's fees (1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 1988 [FN1] of this title, such fees shall not be awarded, except to the extent that-- (A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 1988 [FN1] of this title; and

(B)(i) the amount of the fee is proportionately related to the court ordered relief for the violation; or (ii) the fee was directly and reasonably incurred in enforcing the relief ordered for the violation. (2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees

▷

§ 1997h. Notice to Federal departments

At the time of notification of the commencement of an investigation of an institution under section 1997a of this title or of the notification of an intention to file a motion to intervene under section 1997c of this title, and if the relevant institution receives Federal financial assistance from the Department of Health and Human Services or the Department of Education, the Attorney General shall notify the appropriate Secretary of the action and the reasons for such action and shall consult with such officials. Following such consultation, the Attorney General may proceed with an action under this subchapter if the Attorney General is satisfied that such action is consistent with the policies and goals of the executive branch.

§ 1997i. Disclaimer respecting standards of care

Provisions of this subchapter shall not authorize promulgation of regulations defining standards of care.

§ 1997j. Disclaimer respecting private litigation

The provisions of this subchapter shall in no way expand or restrict the authority of parties other than the United States to enforce the legal rights which they may have pursuant to existing law with regard to institutionalized persons. In this regard, the fact that the Attorney General may be conducting an investigation or contemplating litigation pursuant to this subchapter shall not be grounds for delay of or prejudice to any litigation on behalf of parties other than the United States.

>

Updated August 6, 2015

Was this page helpful?

Yes No

ADULT CORRECTIONAL FACILITY (CENTER)
Department of Corrections
Mangilao, Guam

TRANSPORTING INMATE(S)
Standard Operating Procedures

- I. PURPOSE: The purpose of this policy is to establish procedure for transporting inmate(s)/detainee locally or off-island. In many cases, carelessness is the cause for Escape. Escort/Transport Officer(s) are legally responsible for the custody of the inmate/detainee.
- II. SCOPE: This policy contains the following lettered sections:
- A. Rules for Inmate/Detainee Transporting
 - B. General Guidelines for Transporting/Escorting Officer(s)
 - C. On-Island Transporting
 - D. Off-island Transporting
- III. PROCEDURES: When escorting an inmate/detainee, remember that you may be providing the inmate/detainee with his first exposure to the outside world in a long time, those inmates/detainees who may never consider escape within the institution may attempt anything while outside..
- A. RULES FOR INMATE/DETAINEE TRANSPORTING:
- 1. Search all inmate/detainee(s) yourself. You will personally search all inmate/detainee(s) you are escorting or transporting.
 - 2. Apply all restraining device(s) yourself. Do not rely upon the fact that another officer applied the restraints.
 - 3. Resolve all doubt in your favor. Caution is the watchword. If you feel additional restraining devices are required, USE THEM. Remember, you are legally responsible if the inmate/detainee escapes, or injures someone.
- B. GENERAL GUIDELINES FOR ESCORT/TRANSPORTING OFFICER:
- 1. Treat the inmate/detainee firmly but humanely. An attempt should be made to transport with a minimum display. This is especially important if travelling on public carriers and in busy terminals.
 - 2. Never assume that restraints are foolproof, or are secured. Check them frequently.

3. Escorting/Transporting Officer will always conduct the strip search of the inmate/detainee being escorted or transported prior to movement to any destination. Search the inmate/detainee properly and thoroughly.
4. Always keep firearms concealed when not in uniform. When sitting beside an inmate/detainee, sit so that your weapon is on the other side, away from the inmate/detainee, one (1) officer should be unarmed and he is the officer who maintains and unrestrains the inmate/detainee and sits in the rear with the inmate/detainee, etc.
5. Never tell an inmate/detainee when or where he is going. Do not discuss travel plans in front of an inmate/detainee.
6. Never let the inmate/detainee out of your sight, or into a closed room. Even if the inmate/detainee is using the bathroom, the escort/transporting officer should leave the door open. You can maintain privacy sacrificing security.
7. Do not permit an inmate/detainee to make a telephone call to anyone prior to movement (transfer, appointment, etc.).
8. Exercise extra caution during the final phase of the trip. This is often the most dangerous portion due to officer's fatigue and inmate/detainee anxiety.

C. ON-ISLAND TRANSPORTING OF INMATE/DETAINEE(S):

The escorting/transporting of inmate/detainee(s) to and from any appointment is the responsibility of the Special Section Officers detailed, assigned duty to escort/transport of inmate/detainee will ensure compliance with the following:

1. Escort/Transport Officer will comply with Paragraph IIIA and B of this Standard Operating Procedures.
2. Vehicle to be used for transporting will be properly and thoroughly checked for any contraband or weapons.
3. Vehicle used for transporting will be checked before any inmate/detainee is placed inside the vehicle, especially when vehicle is left unattended by transporting officer.
4. Escort/Transporting Officer shall perform a pre-operational preventive maintenance check of the vehicle, (i.e., oil level, cooling system, fuel, tire pressure, lights, windshield wiper, spare tire, jacket, etc. before using it for escorting and transporting.

5. Ensure all necessary documents are in order.
6. Ensure two-way communication is established and maintained during actual trip (radio will be checked before departing facility).
7. Check all personal belongings to ensure that no contraband is present.
8. Escorting/transporting officer will not stop while enroute to and from the facility and authorized places or points to be visited except on an emergency situation such as (vehicle problem, no gas, etc.). In the event of an emergency, officer shall contact Central Control and relay nature of emergency, etc.
9. Shift Commander will ensure the following are accomplished:
 - a. Meals are reserved for those inmates/detainees who will be returning shortly after any meal is served.
 - b. Meals will be delivered or made available for those inmate(s)/detainee(s) who are on appointments and those who are unable to return for meals.
 - c. Female inmates/detainees will be escorted or transported by a correctional officer of the same sex.
 - d. Inmates/detainees on Step Plan I, II, III will be escorted by two (2) officers, except those inmates on Step Plan III Education Release or outer perimeter detail programs such as PPWP, VRS, Educational Program, GCC or UOG, etc.). Prescription Plans that have an agreement with the Director of Corrections and clearly states that the inmate is now on Step III with Prescription Plan for programs outside the institution; will not be restrained between daylight hours - (0600 hrs to 1800 hrs.); however, will be restrained between hours of darkness - (1800 hrs. to 0600 hrs.) with minimum restraints such as; handcuffs, waist-chains, etc. Inmates who are not on Step III with no Prescription Plan will be restrained at all times in daylight and darkness hours with minimum restraints. Inmates who are under disciplinary action and/or are considered a risk to themselves, escape risks and others shall be under maximum restraints at all times while being transported inside and outside the institution.
 - e. Ensure that inmate/detainee appointments are still in effect prior to departing the institution (telephonic check).

- f. Ensure that all necessary documents are in order and that Escort/Transport officers are advised of these documents.
- g. Ensure two-way communication is established between Escort/Transport officer and the institution before departing; also, an alternative means of communication in the event primary methods malfunction.
- h. No inmate will be released to anyone without proper documentation and a written approval from the Director of Corrections.
- i. Shift Commander will call the Operations Commander or Superintendent for further instruction in the event document(s) for release of an inmate appears to be illegal, false, altered, information or individual is of a questional characted. At no time will any inmate from this institution be released to anyone until documents are properly checked for authenticity by the court having jurisdiction over said inmate.
- j. All inmates committed to the Department of Corrections, except WORK RELEASE and EDUCATION RELEASE PROGRAMS inmate(s) are required by law to wear institutional issued uniforms at all times while being transported inside and outside the institution, unless instructed by the Director, Deputy Director, or Superintendent. (See Public Law 19-11, Section 15).
- k. Transporting/Escorting officer(s) will resolve all doubt before transporting inmate/detainee(s), and will have jurisdiction over all inmate/detainee(s) being transported.
- l. Shift Commander or Shift Supervisors will call Operations Commander or Superintendent in any cases not covered by this Standard Operating Procedures.

D. OFF-ISLAND ESCORTING AND TRANSPORTING:

When the Department of Corrections determines that a prisoner is to be taken or picked-up from or to an off-island institution(prison) the following departmental division/section or agencies will accomplish the following:

1. Director, Department of Corrections will:

- a. Determine who is to be taken off-island or picked-up from an off-island institution (pris_____)
- b. Determine the availability of funds for such a _____ trip.
- c. Make necessary arrangements with airline agen_____
- d. Notify off-island institution by telex of the following:
 1. name(s) of escorting officers
 2. name(s) of prisoner to be transported or picked-up
 3. name of carrier/vessel, flight number, dat_____ and time of departure, time of tentative arrival at destination
 4. make inquiries to the off-island instituti_____ as to the closest airport, mode of travel from the airport to the institution and wi_____ someone be waiting at the disembarkation _____ etc. This information is necessary for es_____ officers prior to departure.
- e. Initiate Department of Corrections remand or order to deliver forms in sufficient copies.

2. The Senior Officer detailed for Off-Island Inmate Escort duty shall comply with the following. Once informed by the Deputy Director or Superintendent if Escort Assignment, he/she shall:

- a. Coordinate with the Director's Secretary for your party's airplane tickets, documents to be taken to the gaining institution, per diem for you and your escort partner, strip map, et_____
- b. Contact the Chief of Security of the Airport, at least TWENTY-FOUR (24) HOURS, prior to the time and date of your flight.
- c. Check-in at the airport (appropriate counter) with your Escort Partner and the inmate's tic_____ AT LEAST THREE (3) HOURS, prior to departure. After all arrangements for coordinations are made with the airline agency, WAIT for the inn_____ he will be taken to the airport by the ACF Tr_____ port Officers (Shift Commander is responsible this requirement).

- d. Administrative Leave Application - Be sure that this is completed and turned in to the Deputy Director, TWENTY-FOUR (24) HOURS, before date of departure.
 - e. Comply with the airline agencies and the instructions of the Captain of the aircraft.
 - f. Senior Escort officer will ensure that other Escort officer(s) are properly briefed of their coordination efforts in the security of the inmate, documents and other equipment incumbent to their escort duties (to and from off-island).
 - g. Upon arrival at specific institution, ensure that the Receiving/Discharge officer of the off-island institution signs all copies of remand or order to deliver and maintain the second copy (carbon copy) be returned to the Department of Corrections.
3. Shift Commander: Immediately upon notification of an inmate to be transferred off-island, during your shift, you shall:
- a. Contact the Operations Commander for a detail information regarding the date, documents, personal property and other pertinent information regarding the Inmate and Escort officers.
 - b. Ensure your Assistant Shift Commander is knowledgeable of this activity.
 - c. Ensure that the OIC, Special Section is informed of this activity.
 - d. Ensure that the OIC, Transport Section is alerted of this activity at least twelve (12) hours ahead of time and briefed in security and safety measures during actual movement of the Inmate(s).
 - e. Ensure the Inmate being transferred off-island arrived at the Airport Security Officer, thirty (30) minutes before scheduled flight.
4. OIC Transport Section: Once notified of pending off-island transfer of an Inmate(s), you shall:
- a. Coordinate with your officers who is/are transporting the inmate(s) to the Airport.
 - b. Ensure the Transporting Officers know the following:
 - 1. Who is being transferred
 - 2. Who are the Escort Officers

3. What time the inmate is to be turned over to the Escort Officers at the Airport.
 4. Route to be used during movement (if necessary).
 5. Security measures and communication with Central Control during movement to the Airport.
 6. Other information necessary to successful accomplishment of the mission.
- c. Ensure the following activities are taken by the Transporting Officer:
1. Vehicle to be used is properly and thoroughly checked before allowing the Inmate inside the vehicle.
 2. Inmate is properly and thoroughly strip-searched.
 3. All restraining devices shall be applied by the officer(s) transporting the Inmate(s) - double-lock the cuffs.
 4. Check their radios with Central Control before leaving ACF.
 5. Maintain communication with Central Control while Inmate(s) is/are in their custody.
 6. Turn the prisoner over to the Escorting Officers at the Airport Security Office.
 7. Remain at the Airport until the Aircraft takes off.
 8. Notify Central Control prior to leaving the Airport for the return trip to ACF.



EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

DEPARTMENT OF CORRECTIONS
DEPARTAMENTON MANGNGURIHI
GOVERNMENT OF GUAM

P.O. BOX 3236 HAGATNA, GUAM 96932
#1 MASHBURN LANE DAIRY ROAD
MANGILAO, GUAM 96913
TELEPHONE No.: (671)735-5170/5176
FAX No.: (671)734-4051
WEBSITE: WWW.DOC.GUAM.GOV



ALBERTO A. LAMORENA V
DIRECTOR

KATE G. BALTAZAR
DEPUTY DIRECTOR

April 30, 2017

MEMORANDUM OF RECORD

To: Director

Via: Channels

From: J.N. Pangelinan,
Post# 9 OIC

Subject: After Action Report

Reference: 2017 Easter Activity for Post #9 Resident's and Families

Rec. 5/1/17

COPY

On this date, an Easter activity for all resident's approved classification in Minimum (out) Community Corrections Center and their families was held at Dededo Sports Complex from 0800-1800 hours.

Arrived at Dededo Sports Complex at 0745 hours with a total of (22) residents from Post#9 Community Corrections Center, transported by Correctional officers assigned were CO II Joaquin Pangelinan, CO II Frank Taianao, CO I Victor Mesa, CO I Vince Aguon, CO I Ildefonso Lagman, CO I Mike F. Chargualaf, and CO I Ryan Rivera for security purposes. All visitors and food items were searched before entry. Only visitors were allowed entry from residents approved existing list and only five per residents was allowed to attend. Periodic headcount and checks were made throughout the duration of the activity with no incidents. All resident's, staff and visitors were inside the fence line of the Dededo Sports complex during the activity.

Exiting of visitors and clean up started at 1730 hours. Checked into the Adult Correctional Facility (Post# 9) at 1810 hours with all (22) residents from the Community Corrections Center with Operations all in order.

Submitted for your information and further disposition.

DEPARTMENT OF CORRECTION
Director's Office

Joaquin Pangelinan
JOAQUIN RANGELINAN

Received By: *[Signature]*
Date: *5/1/17 0915hs.*

ORIGINAL



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

DEPARTMENT OF CORRECTIONS
Depattamenton Mangngurihi
Government of Guam

P.O. Box 3236 Hagatna, Guam 96932
#1 Mashburn Lane Dairy Road
Mangilao, Guam 96913



ALBERTO A. LAMORENA V.
Director

KATE G. BALTAZAR
Deputy Director

[Handwritten signature]
4/28/17

April 17, 2017

TO: ALBERTO A. LAMORENA V
Director of Corrections

via: ALAN P. BORJA, Colonel
Warden

JEFFERY C. LIMO, Lieutenant
Unit Manager, Triple C

Approved
[Handwritten signature]

COPY

FROM: Unit OIC, Triple C

SUBJECT: 2017 Triple C Easter Activity

The Community Corrections Center (Triple C) residents are respectfully requesting approval for the above subject matter to be held on Sunday, April 30, 2017 at the Dededo Sports Facilities from 0800 hrs. to 1800hrs.

A time to be with family and friends will help build closer ties with their families and friends and to show their appreciation for their love and continued support.

The following is a timeline of the proposed activity: Please see attached for additional activity timeline.

The residents look forward to spending this time with their families and will ensure a positive and meaningful day with their families during this activity.

In closing, the resident of the Community Corrections Center assures that they will work diligently and collaboratively with Staff to ensure a successful activity as demonstrated on previous Unit Activities.

Thanking you in advance for your time and consideration on our request.

[Handwritten signature]
JOAQUIN N. PANGELINAN, COII



Logistics/Donations

1. Tables – Provided by _____
2. Chairs – Provided by _____
3. Canopies – Provided by _____
4. Barbeque Grills w/wood – Provided by _____
5. Coolers – Provided by _____
6. Table Covers – Provided by _____
7. Paper Product Holder Provided by _____
8. Paper Products – Provided by _____
9. Condiments – Provided by _____
10. Decorations (optional) _____

****Note****

The above listing is subject to change due to availability of items.

****Activities****

Musical Chairs, Egg Hunt, other will follow.

Prizes donated by family.

Large Easter Basket, Book Set (children books), Toys w/candy bags etc...

**Community Corrections Center
Resident/Staff Donation Sheet**

	Item	Name
01.	Red Rice – 01 tray	Nicolas Cruz
02.	Sushi Bake – 02 trays	Charmi Retuyan
03.	BBQ Ribs – 01 cs.	Jon LeFever
04.	BBQ Ribs – 02 cs.	Jimmy Song
05.	BBQ Chicken – 02 cs.	John Quintanilla
06.	BBQ Chicken – 02 cs.	David Santos
07.	Ham	Ton Duenas
08.	Long Rice Kimiichee – 01 tray	Ryan J. Rivera – Staff
09.	Potato Salad	Jon LeFever
10.	Potato Salad	Jayton Camacho
11.	Fried Lumpia	Thomas Taitano
12.	Pancit – 01 tray	Charmi Retuyan
13.	Asst. Pies	Joseph Quidachay
14.	Fruit Salad	Jamie R. Blas – Staff
15.	Bottled Water – 01 cs.	Charmi Retuyan
16.	Asst. Sodas – 02 cs	Ryan J. Rivera – Staff
17.	Asst. Sodas – 05 cs.	Joseph Quidachay
18.	Asst. Juice Drink	Nicolas Cruz
19.		
20.		
21.		
22.		
23.		
24.		
25.		
26.		
27.		
28.		

DepCor OKs halfway house inmate shindig



Posted: Apr 30, 2017 4:22 PM

Updated: May 07, 2017 4:22 PM

By Nick Delgado [CONNECT](#)

Safety concerns over a post-Easter holiday celebration has the Department of Corrections defending its actions. 22 inmates from the DepCor's halfway house gathered for the celebration alongside their family members at the Dededo Sports Complex in Harmon Sunday.

A total of eight unarmed corrections officers were also present during the event held just outside the gym. The all day event happened as dozens more from throughout the community were seen enjoying themselves on the complex's sports fields and at the pool.

The inmates were kept in a fenced off area at the gym.

DepCor spokesperson Jeff Limo tells KUAM the halfway house population, who the department refers to as community correction residents, are authorized to attend the gathering. They posed no danger to the community, he said.

These particular inmates have since completed 70 percent of their judgment time, and have since qualified for the work release program, work credit program and educational release.

He said these are the same group of people that are out cleaning and picking up trash at public parks, beaches, and schools over the weekend.

"They are allowed to be out," Limo said. "It's not like they are left unattended.

The Department of Parks and Recreation offered DepCor to use that portion of the

complex for the celebration.

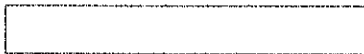
The halfway house residents are to be transferred back to the Mangilao facility by 6pm Sunday.



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Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member


Senator Mary Camacho Torres,
Member

COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR

SIKRITARIAN LIHESLATURAN GUAHAN
I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

COMMITTEE REPORT CHECKLIST

Part 1 / 1

OVERSIGHT HEARING Department of Corrections a. Visitor Protocol b. Contraband c. General Safety Measures By Senator Telena Cruz Nelson		
(A) PUBLIC HEARING	(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
	<input checked="" type="checkbox"/> (a) Five (5) working days prior (ALL Senators & ALL Media)	Date and Time of Notice: Mon., Jan. 22, 2018 @ 11:50 a.m.
	<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: Thurs., Jan. 25, 2018 @ 4:13 p.m.
	(2) Date and Time of Hearing: Tues., Jan. 30, 2018 @ 2:00 p.m.	(3) Location: Guam Congress Building, Public Hearing Room
(B) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: Thurs., March 1, 2018 @ 3:50 p.m.
	(2) COMMITTEE REPORT COMPONENTS	
	(a) Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>
	(a)(1) COR Chair Signature Line	<input checked="" type="checkbox"/>
	(b) Title Page	<input checked="" type="checkbox"/>
	(c) Notice of Public Hearing & Other Correspondence	<input checked="" type="checkbox"/>
	(d) Public Hearing Agenda	<input checked="" type="checkbox"/>
	(e) Public Hearing Sign-in Sheet	<input checked="" type="checkbox"/>
	(f) Written Testimonies & Additional Documents	<input checked="" type="checkbox"/>
	(g) Committee Report Digest(s)	<input checked="" type="checkbox"/>
	(h) Related News Reports (optional)	<input checked="" type="checkbox"/>
	(i) Miscellaneous (optional) <i>Exhibits A, B, C, D, & E</i>	<input checked="" type="checkbox"/>
(j) Committee Report Checklist(s)	<input checked="" type="checkbox"/>	
	Originals	<input checked="" type="checkbox"/>
	Single-Sided	<input checked="" type="checkbox"/>
	Letter Size	<input checked="" type="checkbox"/>
	No Staples/ Paper Clips	<input checked="" type="checkbox"/>
(C) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time)  3.1.18 @ 4:15 p.m.

