



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
~~Legislative Secretary~~

AUG 14 1998

|                                     |                |
|-------------------------------------|----------------|
| OFFICE OF THE LEGISLATIVE SECRETARY |                |
| ACKNOWLEDGMENT RECEIPT              |                |
| Received By:                        | <u>Arasua</u>  |
| Time:                               | <u>8:45am</u>  |
| Date:                               | <u>8/18/98</u> |

The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuattro na Liheslaturan Guahan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 8/17/98  
Time: 11:15  
Rec'd by: LR  
Print Name: Lawne

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 547 (COR), "AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE GUAM CODE ANNOTATED (GCA) RELATIVE TO THE ENACTMENT OF THE GUAM FAMILY VIOLENCE ACT OF 1998 AND APPROPRIATING FUNDS TO IMPLEMENT THE INTENT OF THIS ACT.", which I have signed into law today as **Public Law No. 24-239**.

This legislation addresses the difficult problem of family violence on Guam, by directing government resources towards controlling the behavior, providing civil statutes and court procedures for handling family violence, and providing educational programs for the agencies involved in addressing this problem.

After the effective date of this legislation, no person thereafter who is convicted of a felony concerning family violence (not a misdemeanor) is eligible to hold the following positions:

- a) run for or hold any elected public office
- b) appointed to or hold a judicial office
- c) appointed to or hold position as
  - i) director
  - ii) deputy director
  - iii) managerial or supervisory position in any government entity
  - iv) be a board member or a commission member.

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Some features of this legislation are:

a) A person arrested for family violence will be detained until the magistrate's hearing unless released by the Attorney General.

b) All law enforcement agencies will develop and implement a comprehensive family violence procedure.

c) A detailed listing of the duties of a peace officer towards a victims is set out, including giving the victim a written notice of what protections the victim is entitled to, much like the reading of an accused's "Miranda rights".

d) Conditions of release for persons accused of crimes is changed as the judge must consider whether the person will endanger the safety of any other person in the community. The judge also has to consider the person's history of drug or alcohol abuse and whether or not the person was already in the criminal justice system on probation, parole, release, and so forth.

e) Bail conditions also include the element whether the person will endanger the safety of any other person in the community.

f) Some changes are made to the sytem of revocation of parole, including the authorization for the judge to extend probation.

g) The usual legal privileges of not to testify against one's spouse, confidential marital communication, and the physician-patient privilege do not apply to family violence situations.

h) Numerous provisions for civil orders of protection and methods of handling custody and visitation in troubled family situations is also treated. Although the courts may already be implementing the procedures, the legislation provides a statutory basis for them.

i) Provisions for greater involvement of treatment agencies such as the Department of Public Health and Social Services and the Department of Mental Health and Substance Abuse are included, such as the preparation of prevention and treatment plans for reducing family violence. Health care facilities and hospitals are directed to provide information to assist victims of family violence. Regulations for programs

to intervene in behavior patterns of perpetrators of family violence are also included.


j) Provisions for the further education of peace officers, judges, court personnel, attorneys, and the community in general are included, as well as for employees of various departments and agencies of the government.

This legislation contains an appropriation for \$1.4 Million from the General Fund, broken down as follows:

- a) AG----- 250,000
- b) GPD----- 250,000
- c) Superior Court--- 500,000
- d) DOE-----150,000
- e) Legal Services----- 80,000
- f) Public Defender----80,000
- g) Public Health----- 80,000
- h) GCC-----100,000

These funds are to be used for personnel services, equipment, supplies and other miscellaneous expenses. At this time, it will be difficult to fund this large appropriation all at once due to the condition of the General Fund. The various aspects of this program will be implemented incrementally as funding becomes available.

Very truly yours,

  
Carl T. C. Gutierrez  
I Maga'lahañ Guåhan  
Governor of Guam

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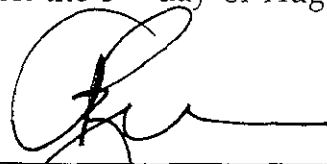
Attachment: copy attached for signed bill  
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary


MINA BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

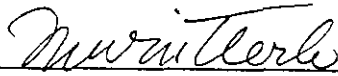
This is to certify that Substitute Bill No. 547 (COR), "AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ENACTMENT OF THE GUAM FAMILY VIOLENCE ACT OF 1998 AND APPROPRIATING FUNDS TO IMPLEMENT THE INTENT OF THIS ACT," was on the 3<sup>rd</sup> day of August, 1998, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by I Maga'lahaen Guahan this 7th day of August, 1998,  
at 2:45 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
I Maga'lahaen Guahan

Date: 8-14-98

Public Law No. 24-239

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

**Bill No. 547 (COR)**

As substituted by the Author  
and further substituted by the  
Committee on Finance and Taxation,  
and as amended on the Floor.

Introduced by:

A. C. Blaz  
A. R. Unpingco  
C. A. Leon Guerrero  
J. M.S. Brown  
L. A. Leon Guerrero  
J. Won Pat-Borja  
E. Barrett-Anderson  
E. J. Cruz  
J. C. Salas  
L. F. Kasperbauer  
Felix P. Camacho  
Mark Forbes  
A. C. Lamorena, V  
T. C. Ada  
F. B. Aguon, Jr.  
Francisco P. Camacho  
M. C. Charfauros  
W. B.S.M. Flores  
V. C. Pangelinan  
A. L.G. Santos  
F. E. Santos

AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO THE  
ENACTMENT OF THE GUAM FAMILY VIOLENCE  
ACT OF 1998 AND APPROPRIATING FUNDS TO  
IMPLEMENT THE INTENT OF THIS ACT.

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Short Title.**           This Act shall be known and may be cited as  
3 the "*Guam Family Violence Act of 1998.*"

4           **Section 2. Legislative Findings, Declaration and Intent.**           (a) *I*  
5 *Liheslaturan Guahan* finds and declares that family violence is a serious crime  
6 against society; that there are hundreds of persons on Guam who are regularly  
7 beaten, tortured and in some cases even killed by their spouses or cohabitants;  
8 that a significant number of women who are assaulted are pregnant; that victims  
9 of family violence come from all social and economic backgrounds and ethnic  
10 groups; that there is a positive correlation between spousal abuse and child  
11 abuse; and that children, even when they are not themselves physically assaulted,  
12 suffer deep and lasting emotional effects from exposure to family violence. It is  
13 therefore, the intent of *I Liheslaturan Guahan* to assure the victims of family  
14 violence the maximum protection from abuse the law can provide.

15           (b) It is also the intent of *I Liheslaturan Guahan* to stress that the primary  
16 duty of a peace officer when responding to a family violence call is to enforce the  
17 laws allegedly violated and to protect the victim. Further, it is the responsibility  
18 of the courts to protect victims of violence that occurs in a family or family-like  
19 setting by providing access to both emergent and long-term civil and criminal  
20 remedies and sanctions, and by ordering those remedies and sanctions that are  
21 available to assure the safety of the victims and the public. To that end, *I*  
22 *Liheslaturan Guahan* encourages the training of all peace officers and judicial  
23 personnel in the procedures and enforcement of this Act, and about the social  
24 and psychological context in which family violence occurs; and it further  
25 encourages the broad application of the remedies available under this Act in the

1 courts of Guam. It is further intended that the official response to family violence  
2 shall communicate the attitude that violent behavior will not be excused or  
3 tolerated, and shall make clear the fact that the existing criminal laws and civil  
4 remedies created under this Act will be enforced without regard to the fact that  
5 the violence grows out of a family situation.

6 (c) Further, it is the intent of *I Liheslaturan Guahan* to bring the  
7 government of Guam into compliance with the Violence Against Women Act  
8 (“VAWA”), Title IV of the Violent Crime Control and Law Enforcement Act of  
9 1994 (P.L. No. 103-322).

10 **Section 3. General Provisions.** The purpose of this law is to promote  
11 the protection and the safety of all victims of family violence in a fair, prompt and  
12 effective manner and the prevention of future violence in all families. To further  
13 this purpose, with the foundation of safety, protection and prevention, a  
14 framework will be developed that:

15 (a) creates effective remedies to deter further acts of family  
16 violence by a known perpetrator;

17 (b) expands and strengthens the ability of peace officers to assist  
18 victims, to enforce the law effectively against family violence and to  
19 prevent further incidents of abuse;

20 (c) fosters a greater community understanding of the incidences  
21 and causes of family violence through data collection and public outreach;

22 (d) projects family violence as a serious crime which shall not be  
23 excused or tolerated; and

24 (e) brings to bear tough law enforcement and stiff legal penalties  
25 on acts of family violence.

1           **Section 4. Establishment and Requirement of Family Violence Training**

2 **Programs and Crisis Teams.**           (a)   The Guam Police Department, the Office  
3 of the Attorney General, the Department of Mental Health and Substance Abuse,  
4 the Department of Public Health and Social Services, the Superior Court of  
5 Guam, the University of Guam and the Guam Community College, in their  
6 distinct and individual jurisdictional and institutional capacity, all have a role in  
7 promoting a broad base, multi-lateral foundation and cooperative framework for  
8 a Family Violence Training Program to support core cadet and law enforcement  
9 curricula. Such a structure, as well as being based on clearly prescribed  
10 cooperative provisions, must be supported by processes that are complementary  
11 and mutually supportive and not overlapping. Training pillars dealing with the  
12 enforcement of criminal laws in family situations, the protection of the victim, the  
13 use of available community resources and the sensitization of peace officers to the  
14 emotional and psychological trauma suffered by the victim of family violence  
15 must prevail within such a structure.

16           (b)   *I Maga'lahi Guahan* through the Family Violence Task Force shall  
17 establish the general guidance and direction for the cooperative and collective  
18 organization and formulation efforts to evaluate, expand and refine existing  
19 family violence training program elements, including:

20                   (1)   basic (initial) training completed by police cadets prior to  
21 permanent appointment shall include no less than forty-five (45) hours of  
22 training in responding to family violence cases; and

23                   (2)   annual twenty (20)-hour in-service training programs for all  
24 peace officers shall include sessions on responding to family violence cases.

25           **Section 5. Accountability of Elected Public Officials, Appointed**



1 **Government Officials, and Those in Managerial and Supervisory Positions.**

2 After the effective date of this Act, no person thereafter convicted of any family  
3 violence felony as described in Title 9 of the Guam Code Annotated, or of any  
4 statutory equivalent crime in another jurisdiction, shall be qualified to run for or  
5 hold elective public office on Guam, or be appointed to or hold a judicial office,  
6 or be appointed to or hold a position as director, deputy director, or managerial  
7 or supervisory position of any government entity, to include board members and  
8 commissioners.

9 **Section 6.** Section 30.31 is hereby *added* to Chapter 30 of Title 9 of the  
10 Guam Code Annotated to read as follows:

11 **“Section 30.31. Mandatory Confinement.** When a peace officer  
12 makes an arrest for family violence the arrestee shall be confined until the  
13 magistrate’s hearing, unless released earlier by the Office of the Attorney  
14 General.”

15 **Section 7.** Section 30.32 is hereby *added* to Title 9 of the Guam Code  
16 Annotated to read as follows:

17 **“Section 30.32. Duties of Peace Officers to Victim of Family**  
18 **Violence; Required Notice to Victim.** (a) Peace officers shall respond  
19 to every request for assistance or protection, from or on behalf of a victim  
20 of alleged family violence, whether or not an order has been issued against  
21 the alleged abuser.

22 (b) A lower priority shall not be assigned to calls involving alleged  
23 incidents of abuse or violations of orders relative to family violence than is  
24 assigned in responding to like offenses involving strangers. Every law  
25 enforcement agency shall develop and implement a comprehensive inter-

1 and intra-agency or departmental family violence policy and protocol to  
2 include:

3 (1) the number of children in the family and/or household  
4 exposed to family violence; and

5 (2) referral to Child Protective Services for coordination and  
6 referral for assessment for appropriate counseling services.

7 (c) If the peace officer has reason to believe that a person is a  
8 victim of family violence, the officer shall use all reasonable means to  
9 prevent further family violence and to ensure the victim's safety including:

10 (1) taking the action necessary to provide for the safety of  
11 the victim and any family or household member;

12 (2) exercising arrest powers pursuant to this Chapter;

13 (3) confiscating any weapon involved in the alleged family  
14 violence incident and the firearms identification card of any person(s)  
15 arrested;

16 (4) promptly filling out and filing a family violence report;

17 (5) arranging for transportation for the victim to a safe place  
18 or shelter;

19 (6) arranging transportation for the victim to the nearest  
20 hospital or medical facility for treatment of injuries;

21 (7) accompanying the victim to a previous residence to  
22 remove essential personal belongings;

23 (8) supervising the Court-ordered removal of an abuser from  
24 a residence shared with a victim; and

25 (9) giving the victim immediate and adequate written notice

1 of the rights of victims and of the remedies and services available to  
2 victims of family violence.

3 (d) As part of the notice to the victim, the required written notice  
4 shall be given as follows:

5 "You have the right to request a peace officer's assistance for  
6 your safety. You may also request that the peace officer assist you in  
7 obtaining your essential personal effects, and arranging  
8 transportation to a safe place, including but not limited to a  
9 designated meeting place for a shelter, a family member's or a  
10 friend's residence, or a similar place of safety. If you are in need of  
11 medical treatment, you have the right to request that the officer assist  
12 you in obtaining medical treatment. If you would like to speak with  
13 a victim's assistance representative, one will be contacted for you."

14 The above paragraph shall be read to all victims of family  
15 violence by the responding officer. Furthermore, the written notice  
16 shall advise the victim that victim advocates at the Office of the  
17 Attorney General are available to provide assistance to all victims,  
18 and can provide information about other support services in the  
19 community. The advocates' address and current telephone numbers  
20 shall be displayed prominently on the written notice.

21 In addition, a responding officer shall give written notice to  
22 every victim of family violence that full legal services are available at  
23 no cost from the Guam Legal Services Corporation and from the  
24 Public Defender Service Corporation. The addresses and current  
25 telephone numbers of both offices shall be displayed prominently on

1 the written notice. Full legal services could include the following  
2 orders:

3 (1) an order enjoining your abuser from threatening to  
4 commit or committing further acts of family violence;

5 (2) an order prohibiting your abuser from harassing,  
6 annoying, telephoning, contacting or otherwise communicating  
7 with you, directly or indirectly;

8 (3) an order removing your abuser from your  
9 residence;

10 (4) an order directing your abuser to stay away from  
11 you and any other family or household members, your  
12 residence, school, place of employment or any other specified  
13 place frequented by you and another family or household  
14 member;

15 (5) an order prohibiting your abuser from using or  
16 possessing any kind of weapon, instrument or thing to inflict  
17 bodily harm or injury;

18 (6) an order granting you possession and use of the  
19 automobile and other essential personal effects;

20 (7) an order granting custody of your child or children;

21 (8) an order denying your abuser visitation;

22 (9) an order specifying arrangements for visitation,  
23 including requiring supervised visitation; and

24 (10) an order requiring your abuser to pay certain costs  
25 and fees, such as rent or mortgage payments, child support

1                    payments, medical expenses, expenses for shelter, court costs  
2                    and attorney's fees.

3                    The written notice may be revised from time to time to  
4                    include contact information for other providers of victim  
5                    support services, so long as those services are provided at no  
6                    cost to the victim.

7                    (e) The written notice:

8                    (1) must not include the addresses of shelters; and

9                    (2) must be provided in a language the victim can  
10                    understand."

11                    **Section 8.** Section 8101.1 is hereby *added* to Title 7 of the Guam Code  
12                    Annotated to read as follows:

13                    "Section 8101.1. The Clerk of the Superior Court shall forward  
14                    certified copies of all protective orders, restraining orders, criminal pre-trial  
15                    release orders and probation conditions which will be entered or scanned  
16                    into the Criminal Justice Information System ('CJIS') on the same day the  
17                    order is issued by the Court."

18                    **Section 9.** Section 30.21 is hereby *added* to Title 9 of the Guam Code  
19                    Annotated to read as follows:

20                    "Section 30.21. **Conditions of Release.**            (a) Should a person,  
21                    charged with a crime involving family violence or a violation of a court  
22                    order, be released, the court may impose the following conditions of  
23                    release:

24                    (1) an order enjoining the person from threatening to commit  
25                    or committing acts of family violence against the alleged victim or

1 other family or household member;

2 (2) an order prohibiting the person from harassing,  
3 annoying, telephoning, contacting or otherwise communicating with  
4 the alleged victim, either directly or indirectly;

5 (3) an order directing the person to vacate the residence;

6 (4) an order directing the person to stay away from the  
7 alleged victim and any other family or household member, the  
8 residence, school, place of employment or any other specified place  
9 frequented by the alleged victim or any other family or household  
10 member;

11 (5) an order prohibiting the person from using or possessing  
12 a firearm or other weapon specified by the Court;

13 (6) an order prohibiting the person from possession or  
14 consumption of alcohol or controlled substances;

15 (7) an order granting the alleged victim possession and use  
16 of the automobile and other essential personal effects;

17 (8) any other order required to protect the safety of the  
18 alleged victim and to ensure the appearance of the person in Court.

19 (b) If conditions of release are imposed, the Court shall:

20 (1) issue a written order for conditional release; and

21 (2) immediately distribute a copy of the order to the Guam  
22 Police Department and the Office of the Attorney General,  
23 Prosecution Division.

24 (c) The Court shall provide a copy of the conditions to the arrested  
25 or charged person and his/her counsel upon his or her release. Failure to

1 provide the person with a copy of the conditions of release does not  
2 invalidate the conditions if the arrested or charged person has notice of the  
3 conditions.

4 (d) If conditions of release are imposed without a hearing, the  
5 arrested or charged person may request a prompt hearing before the Court  
6 to review the conditions. Upon such a request, the Court shall hold a  
7 prompt hearing to review the conditions.

8 (e) When a person who is arrested for or charged with a crime  
9 involving family violence or a violation of a court order is released from  
10 custody, the Office of the Attorney General shall:

11 (1) use all reasonable means to immediately notify the victim  
12 of the alleged crime of the release; and

13 (2) furnish the victim of the alleged crime, at no cost, a  
14 certified copy of any conditions of release."

15 **Section 10.** Section 40.15 of Title 8 of the Guam Code Annotated is  
16 hereby *amended* to read as follows:

17 **"Section 40.15. Release on Own Recognizance Defined; When**  
18 **Permitted.** (a) As used in this Section, '*release on own recognizance*'  
19 means release of the person charged without bail and upon his written  
20 agreement to appear in Court at all required times and places and to fully  
21 comply with any other Court-ordered conditions and restrictions.

22 (b) The judge shall order the person charged to be released on  
23 recognizance, unless the judge determines, in his discretion, on the basis of  
24 available information, that such a release will *not* reasonably assure the  
25 appearance of the person as required or will endanger the safety of any

1 other person or the community.

2 (c) In determining whether there is a substantial risk of  
3 nonappearance by the person charged or that the person charged will  
4 endanger the safety of any other person or the community, the judge shall  
5 consider the following factors:

6 (1) the nature of the offense charged, the apparent possibility  
7 of conviction and the likely sentence;

8 (2) the history and characteristics of the person charged,  
9 including:

10 (i) length of his/her residence on Guam;

11 (ii) his/her employment status and history, and  
12 financial condition;

13 (iii) his/her family ties and relationships;

14 (iv) his/her reputation, character and mental and  
15 physical condition;

16 (v) his/her prior criminal record; if any, including any  
17 record of prior release on recognizance or on bail;

18 (vi) his/her history relating to drug or alcohol abuse;

19 (vii) the identity of the reasonable members of the  
20 community who will vouch for his/her reliability;

21 (viii) whether, at the time of the current offense or arrest,  
22 he/she was on probation, on parole or on other release  
23 pending trial, sentencing, appeal or completion of sentence of  
24 an offense under Federal, state or local law; and

25 (ix) his/her history of compliance with other Court



1 orders;

2 (3) the nature and seriousness of the danger the person  
3 would pose to the community or to any individual member thereof  
4 if released; and

5 (4) any other factors which bear on the risk of willful failure  
6 to appear or the danger the person would pose to the community or  
7 to any individual member thereof if released.

8 (d) Nothing in this Section shall be misconstrued as modifying or  
9 limiting the presumption of innocence."

10 **Section 11.** Section 40.20 of Title 8 of the Guam Code Annotated is  
11 hereby *amended* to read as follows:

12 **"Section 40.20. Bail Conditions; Defined, When to be Used.**

13 Where the judge determines that release of the person charged on his/her  
14 own recognizance will *not* reasonably assure his/her appearance as  
15 required, or will endanger the safety of any other person or the community,  
16 the judge shall impose the least onerous of the following conditions which  
17 is reasonably likely to assure the person's appearance as required and the  
18 safety of any other person and the community, or, if no single condition  
19 gives that assurance, the least onerous combination of the following  
20 conditions:

21 (a) placement of the person in the custody of a designated  
22 person or organization agreeing to supervise him/her and to assist  
23 him/her in appearing in Court;

24 (b) placement of restrictions on the activities, movements,  
25 associations and residence of the person;

1 (c) execution of a bond in an amount specified by the judge;  
2 such bond in the discretion of the judge to be either unsecured or  
3 secured in whole or in part by the deposit of cash or other property,  
4 or by the obligation of qualified sureties;

5 (d) release of the person during working hours, but with the  
6 condition that he/she return to custody at specified times; or

7 (e) any other condition reasonably necessary to assure  
8 appearance as required and the safety of any other person and the  
9 community.”

10 **Section 12.** Section 40.45 of Title 8 of the Guam Code Annotated is  
11 hereby *amended* to read as follows:

12 **“Section 40.45. Bail Bondsman May Arrest Person.** Any  
13 person released pursuant to this Chapter on a deposit by a third person or  
14 an appearance bond secured by a surety, may be arrested by the depositor,  
15 surety, or his agent, and delivered to the custody of the Chief of Police. The  
16 depositor or surety shall at the same time deliver a copy of his deposit  
17 receipt or bond to the Director who shall acknowledge such delivery by a  
18 certificate in writing. The Chief of Police shall take custody of the person  
19 arrested and forthwith file the copy of the deposit receipt or bond and his  
20 certificate in the Court in which the action is pending and bring the  
21 depositor or surety exonerated, and shall, after notice to the prosecuting  
22 attorney, either release the person on such new conditions as are  
23 reasonably necessary to assure the person’s appearance as required or the  
24 safety of any other person and the community or detain the person until  
25 he/she has furnished the necessary security.”

1           **Section 13.**           Section 40.50(a) of Title 8 of the Guam Code Annotated  
2 is hereby *amended* to read as follows:

3           **“Section 40.50.   Bail Redetermination Hearing; When; Procedure.**

4           (a) A person for whom conditions of release are imposed pursuant to this  
5 Chapter, and who after twenty-four (24) hours from the time of release  
6 hearing continues to be detained as a result of his inability to meet the  
7 conditions of release, shall, upon application, be entitled to have the  
8 conditions reviewed by the Court. If the case has not yet been assigned to  
9 a particular Court, the conditions are to be reviewed by the judge who  
10 imposed them, or by the assigned *ex-parte* judge if the judge who imposed  
11 the conditions is not available. If the case has been assigned to a particular  
12 Court, the conditions are to be reviewed by the assigned judge. Unless the  
13 conditions of release are amended and the person is thereupon released,  
14 the judge shall set forth in writing the reasons for requiring the conditions  
15 imposed.”

16           **Section 14.**   Section 40.60(5) is hereby *added* to Title 8 of the Guam Code  
17 Annotated to read as follows:

18           “(5)    require the person charged to undergo drug testing under the  
19 supervision of an officer of the Court.”

20           **Section 15.**   Section 80.66(a)(3) is hereby *added* to Article 4, Chapter 80 of  
21 Title 9 of the Guam Code Annotated to read as follows:

22           “(a)(3)    Upon showing of probable cause before the Court,  
23 pursuant to Subsection (a)(1), a summons or warrant shall issue and the  
24 period of probation shall thereby be tolled pending the hearing upon the  
25 motion and the decision of the Court. The period of tolling shall start on

1 the date the summons or warrant is filed by the Clerk of Court and shall  
2 end on the date the Clerk of Court files a judge's written decision or the  
3 judge issues an oral decision in open Court, whichever first occurs, on  
4 whether the defendant violated a condition of probation. Unless otherwise  
5 ordered by the Court, the defendant's term of probation shall be extended  
6 for the number of days time is tolled. During the period the time is tolled,  
7 the defendant shall remain subject to all conditions of probation."

8 **Section 16.** Section 80.66(a)(4) is hereby *added* to Article 4, Chapter 80 of  
9 Title 9 of the Guam Code Annotated to read as follows:

10 "(a)(4) In the event the Court, following a hearing, is satisfied  
11 that the defendant's failure to comply with the conditions of probation was  
12 excusable, the Court may order that the defendant may be credited with  
13 the tolled period for purposes of computation of the remaining probation,  
14 if any. However, if the defendant fails to comply with the terms of  
15 probation during the tolled period, another affidavit of probable cause or  
16 petition for revocation may be filed and time may be tolled again."

17 **Section 17.** Section 80.66(c) is hereby *added* to Article 4, Chapter 80 of Title  
18 9 of the Guam Code Annotated to read as follows:

19 "(c) Notwithstanding any other provisions of the law, the Court  
20 may, upon good cause shown, extend probation beyond the terms set forth  
21 in §80.64(a) up to a maximum additional term of one (1) year for petty  
22 misdemeanors and misdemeanors, and a maximum additional term of two  
23 (2) years for felonies."

24 **Section 18.** Section 80.66(d) is hereby *added* to Article 4, Chapter 80 of Title  
25 9 of the Guam Code Annotated to read as follows:

1           “(d) The amendments made in Subsections (a) and (c) of this Section  
2 shall apply prospectively to criminal acts committed after the effective date  
3 of this Section.”

4       **Section 19.** Section 30.33 is hereby *added* to Title 9 of the Guam Code  
5 Annotated to read as follows:

6           “**Section 30.33. Limitations of Liability.** Law enforcement  
7 agencies and peace officers shall not be liable for personal injury or  
8 property damage which occurs in the course of any good-faith effort to  
9 protect a victim of family violence, including, but not limited to, action  
10 taken during the course of an arrest, an attempt to separate two (2) parties  
11 or to enforce a Court order, or action taken during the transportation of the  
12 victim to a shelter, hospital or other safe place.”

13       **Section 20.** Section 30.70 of Chapter 30 of Title 9 of the Guam Code  
14 Annotated is hereby *amended* to read as follows:

15           “**Section 30.70. Evidentiary Privileges Inapplicable in Criminal**  
16 **Proceedings Involving Family Violence.** Notwithstanding any other  
17 provision of law, the following evidentiary privileges do *not* apply in any  
18 criminal proceeding in which a spouse or other family or household  
19 member is the victim of an alleged crime involving family violence:

- 20                   (a) the privilege not to testify against one’s spouse;  
21                   (b) the privilege for confidential marital communication; and  
22                   (c) the physician-patient privilege.”

1           **Section 21.**       Chapter 14 is hereby *added* to Title 19 of the Guam Code  
2 Annotated to read as follows:

3                                       "CHAPTER 14.

4                                       CIVIL ORDERS FOR PROTECTION.

5           §1400.               Definitions.

6           §1401.               Effect of Action by Petitioner or Respondent  
7                                       on Order.

8           §1402.               Denial of Relief Prohibited.

9           §1403.               Court Costs and Fees.

10          §1404.               Registration and Enforcement of Foreign  
11                                       Orders for Protection; Duties of Court  
12                                       Clerk.

13          §1405.               State Registry for Protection.

14  
15           **Section 1400.    Definitions.**       Terms used in this Chapter shall  
16 have the same meaning as set forth in Chapter 30 of Title 9 of the Guam  
17 Code Annotated.

18           **Section 1401.    Effect of Action by Petitioner or Respondent on**  
19 **Order.**       (a) If a respondent is excluded from the residence of a  
20 petitioner or ordered to stay away from the petitioner, any communication  
21 initiated by the petitioner does not waive or nullify a restraining order.

22               (b) The preceding sentence shall be printed on each such order.

23           **Section 1402.    Denial of Relief Prohibited.**       The Court shall  
24 not deny a petitioner injunctive relief for protection from family violence  
25 solely because of a lapse of time between an act of family violence and the

1 filing of the petition.

2 **Section 1403. Court Costs and Fees.** Fees for filing and  
3 service of process must *not* be charged for any proceeding seeking  
4 injunctive relief for protection from family violence.

5 **Section 1404. Registration and Enforcement of Foreign Orders**  
6 **for Protection; Duties of Court Clerk.** (a) A certified copy of an order  
7 for protection or restraining order issued in another state may be filed in  
8 the office of the Clerk of the Superior Court. The Clerk shall act upon the  
9 order in the same manner as the clerk acts upon an order for protection or  
10 restraining order issued by the Superior Court.

11 (b) Any valid protection order related to abuse, or domestic or  
12 family violence, issued by a court of another state, tribe, territory or  
13 commonwealth of the United States, and filed in accordance with  
14 Subsection (a) shall be afforded full faith and credit by the courts of Guam  
15 and enforced as if it were issued on Guam, pursuant to the Violence  
16 Against Women Act, 18 U.S.C. §2265.

17 (c) The Clerk of the Superior Court shall:

18 (1) maintain a registry in which to enter certified orders for  
19 protection or restraining orders issued in other states that are  
20 received for filing; and

21 (2) at the request of a court of another state or at the request  
22 of a person who is affected by or has a legitimate interest in an order  
23 for protection, certify and forward a copy of the order to that court  
24 or person at no cost to the requesting party.

25 **Section 1405. State Registry for Protection.** (a) The

1 Superior Court shall maintain a registry of all orders for protection and  
2 restraining orders issued by the Court, or issued by a court from another  
3 state, tribe, territory or commonwealth of the United States and registered  
4 in this Court. The orders must be included in the registry within twenty-  
5 four (24) hours after issuance or registration.

6 (b) The information contained in the registry is available at all  
7 times to a court, a law enforcement agency and other  
8 governmental agency upon request."

9 **Section 22.** Section 8404(i) is hereby *added* to Title 19 of the Guam  
10 Code Annotated to read as follows:

11 "(i) It is legislative policy that children should not be exposed to  
12 family violence because, even when they are not themselves physically  
13 assaulted, they suffer deep and lasting emotional effects from exposure to  
14 family violence; and"

15 **Section 23.** Section 8404(j) is hereby *added* to Title 19 of the Guam  
16 Code Annotated to read as follows:

17 "(j) The Court may award visitation or custody to a parent who  
18 committed family violence only if the Court finds that adequate provision  
19 for the safety of the child and the parent who is a victim of family violence  
20 can be made; and"

21 **Section 24.** Section 8404(k) is hereby *added* to Title 19 of the Guam  
22 Code Annotated to read as follows:

23 "(k) In every proceeding in which there is at issue the modification  
24 of an order for custody or visitation of a child, the finding that family  
25 violence has occurred since the last custody or visitation determination



1 constitutes a finding of a change of circumstances; and"

2 **Section 25.** Section 8404(1) is hereby *added* to Title 19 of the Guam  
3 Code Annotated to read as follows:

4 "(1) In a custody or visitation order, a Court may:

5 (1) order an exchange of a child to occur in a protected  
6 setting;

7 (2) order visitation supervised by another person or agency;

8 (3) order perpetrator(s) of family violence to attend and  
9 complete, to the satisfaction of the Court, a program of intervention  
10 for perpetrators or other designated counseling as a condition of the  
11 visitation;

12 (4) order either parent or other party to a custody or  
13 visitation order to abstain from consumption of alcohol or other  
14 intoxicants during the visitation and for twenty-four (24) hours  
15 preceding the visitation;

16 (5) order perpetrator(s) of family violence to pay a fee to  
17 defray the costs of supervised visitation, or to pay for the services of  
18 a guardian ad litem appointed by the court;

19 (6) prohibit overnight visitation;

20 (7) require a bond from perpetrator(s) of family violence for  
21 the return and safety of the child; or

22 (8) impose any other condition that is deemed necessary to  
23 provide for the safety of a child, a victim of family violence, or other  
24 family or household member."

25 **Section 26.** Section 8404(m) is hereby *added* to Title 19 of the Guam

1 Code Annotated to read as follows:

2 “(m) Whether or not visitation is allowed, the Court may order the  
3 address of a child or a victim to be kept confidential.”

4 **Section 27.** Section 8404(n) is hereby *added* to Title 19 of the Guam  
5 Code Annotated to read as follows:

6 “(n) If the Court allows a family or household member to supervise  
7 visitation, the Court may establish conditions to be followed during  
8 visitation.”

9 **Section 28.** Section 8404(o) is hereby *added* to Title 19 of the Guam  
10 Code Annotated to read as follows:

11 “(o) In addition to other factors that the Court must consider in a  
12 proceeding in which the custody of a child, or visitation by a parent is at  
13 issue and in which the Court has made a finding that family violence has  
14 occurred:

15 (1) the court shall consider as primary the safety and well-  
16 being of the child(ren) and of a parent or guardian who is the victim  
17 of family violence; and

18 (2) the court shall consider the perpetrator’s history of  
19 causing or attempting to cause bodily injury to another family or  
20 household member; or placing a family or household member in fear  
21 of bodily injury.”

22 **Section 29.** Section 8404(p) is hereby *added* to Title 19 of the Guam  
23 Code Annotated to read as follows:

24 “(p) If a parent or guardian is absent or relocates because of an act  
25 of family violence by the other parent, the absence or relocation is not a

1 factor that weighs against the parent or guardian in determining custody  
2 or visitation, so long as the child(ren) are not removed from Guam without  
3 prior Court authorization.”

4 **Section 30.** Section 8404(a) is hereby *added* to Article 4, Chapter 8 of  
5 Title 19 of the Guam Code Annotated to read as follows:

6 **“Section 8404(a). Specialized Visitation Center for Victims of**  
7 **Family Violence.** (a) The Court shall provide or contract for at least  
8 one (1) visitation center for victims of family violence and their children to  
9 allow Court-ordered visitation in a manner that protects the safety of all  
10 family members. Other governmental agencies shall cooperate with the  
11 Court and other organization in providing the visitation centers.

12 (b) A visitation center must provide:

13 (1) a secure setting and specialized procedures for  
14 supervised visitation and the transfer of children for visitation;

15 (2) supervision by a person trained in security and the  
16 avoidance of family violence; and

17 (3) educational and recreational equipment to facilitate  
18 positive family interaction.”

19 **Section 31.** Section 7111 is hereby *added* to Chapter 7 of Title 19 of the  
20 Guam Code Annotated to read as follows:

21 **“Section 7111. Court Ordered and Court Referred Conciliation or**  
22 **Mediation of Cases Prohibited.** The Superior Court of Guam shall not  
23 order parties into conciliation or mediation when either party asserts that  
24 family violence has occurred. The Court shall make available conciliation  
25 or mediation services for resolution of the issues in a petition for an order

1 of protection only under the following circumstances:

2 (a) conciliation or mediation is requested by the victim of the  
3 alleged family violence; and conciliation or mediation is deemed  
4 appropriate after screening by a licensed Individual Marriage and Family  
5 Therapist, clinical psychologist or psychiatrist trained in family violence  
6 issues; and

7 (b) conciliation or mediation is provided in a specialized manner  
8 that protects the safety of the victim by a certified mediator who is trained  
9 in family violence; and

10 (c) the victim is permitted to have in attendance at conciliation or  
11 mediation a supporting person of his or her choice, including, but not  
12 limited to, an attorney or advocate at no expense to the Court; and

13 (d) the mediator or conciliation or mediation service provides any  
14 other procedure deemed necessary by the Court to protect the victim from  
15 intimidation from the alleged perpetrator.”

16 **Section 32.** Section 13209(a) is hereby *added* to Article 2, Chapter 13  
17 of Title 19 of the Guam Code Annotated to read as follows:

18 **“Section 13209(a). Duties of Child Protective Services.**

19 Guam’s Child Protective Services shall develop written procedures for  
20 screening each referral for abuse or neglect of a child to assess whether  
21 abuse of another family or household member is also occurring. The  
22 assessment must include, but is not limited to:

23 (1) inquiry concerning the criminal record of the parents,  
24 and the alleged abusive or neglectful person and the alleged  
25 perpetrator of family violence, if not a parent of the child; and

1 (2) inquiry concerning the existence of orders for protection  
2 issued to either parent.

3 **Section 33.** Section 13209(b) is hereby *added* to Article 2, Chapter 13  
4 of Title 19 of the Guam Code Annotated to read as follows:

5 “(b) If it is determined in an investigation of abuse or neglect of a  
6 child:

7 (1) that the child or another family or household member is  
8 in danger of family violence and that removal of one (1) of the parties  
9 is necessary to prevent the abuse or neglect of the child, Child  
10 Protective Services shall seek the removal of the alleged perpetrator  
11 of family violence; or

12 (2) referral to appropriate services must be offered to the  
13 child and parent or guardian; the provision of such services must not  
14 be contingent upon a finding that either parent or guardian is at fault  
15 or has failed to protect the child.”

16 **Section 34.** Chapter 15 is hereby *added* to Title 19 of the Guam Code  
17 Annotated to read as follows:

18 **“CHAPTER 15.**

19 **PREVENTION AND TREATMENT.**

20 **§1501. Public Health Plan for Reducing**  
21 **Family Violence.**

22 **§1502. Standards for Healthcare Facilities,**  
23 **Practitioners, and Personnel;**  
24 **Specialized Procedures and Curricula**  
25 **Concerning Family Violence.**

1 §1503. Notice of Rights of Victims and  
 2 Remedies and Services Available;  
 3 Required Information.

4 §1504. Hospitals Required to Provide Certain  
 5 Information to Parents.

6 §1505. Regulation of Programs of  
 7 Intervention for Perpetrators;  
 8 Required Provisions; Duties of  
 9 Providers.

10 §1506. Continuing Education for Peace  
 11 Officers Concerning Family Violence;  
 12 Content of Course.

13 §1507. Continuing Education of Judges and  
 14 Court Personnel; Content of Course.

15 §1508. Community Education.

16 §1509. Continuing Education for Attorneys.

17 §1510. Required Curricula for Education  
 18 System.

19 §1511. Continuing Education for Other  
 20 Government of Guam Agencies.

21  
 22 Section 1501. Public Health Plan for Reducing Family Violence.

23 (a) Under the leadership of the Family Violence Task Force; the  
 24 Guam Police Department; the Office of the Attorney General; the  
 25 Department of Public Health and Social Services, including but not limited

1 to Adult Protective Services and Child Protective Services; the Department  
2 of Mental Health and Substance Abuse; the Guam Memorial Hospital  
3 Authority; and the Superior Court of Guam, in the spirit of networking,  
4 cooperation and coordination, shall:

5 (1) assess the impact of family violence on public health; and

6 (2) write a public health plan for reducing the incidence of  
7 family violence in Guam.

8 (b) The public health plan:

9 (1) shall include, but is not limited to, public education,  
10 including use of the various communication media to set forth the  
11 public health perspective on family violence;

12 (2) shall include a plan for the assessment of family members  
13 of victims of family violence by a mental health professional  
14 regarding the need for counseling services and a recommendation  
15 regarding how such services shall be provided;

16 (3) shall be developed in consultation with public and  
17 private agencies that provide programs for victims of family  
18 violence, advocates for victims, non-profit family violence coalitions  
19 or organizations, and persons who have demonstrated expertise and  
20 experience in providing health care to victims of family violence and  
21 their children; and

22 (4) shall be completed on or before one hundred eighty (180)  
23 days from the enactment of this Act.

24 (c) The Department of Public Health and Social Services and the  
25 Department of Mental Health and Substance Abuse shall:

1                   (1)    transmit a copy of the public health plan to *I Maga'laha*  
2                   *Guahan* and the members of *I Liheslaturan Guahan*, and *I Maga'laha*  
3                   *Guahan* through his executive order shall implement the plan within  
4                   ninety (90) days of submission; and

5                   (2)    review and update the public health plan every two (2)  
6                   years.

7                   **Section 1502.     Standards for Healthcare Facilities, Practitioners,**  
8                   **and Personnel; Specialized Procedures and Curricula Concerning Family**  
9                   **Violence.** (a)    Under the leadership of the Family Violence Task Force,  
10                  the Guam Police Department, the Office of the Attorney General, the  
11                  Department of Public Health and Social Services, the Department of Mental  
12                  Health and Substance Abuse, the Guam Memorial Hospital Authority and  
13                  the Superior Court of Guam, in the spirit of networking, cooperation and  
14                  coordination, shall promulgate standards for healthcare facilities,  
15                  practitioners and personnel in the facilities, including specialized  
16                  procedures and curricula concerning family violence.

17                  (b)   The procedures and curricula must be developed in  
18                  consultation with public and private agencies that provide programs for  
19                  victims of family violence, advocates for victims, non-profit family violence  
20                  coalitions or organizations, and persons who have demonstrated expertise  
21                  and experience in providing health care to victims of family violence and  
22                  their children.

23                  **Section 1503.     Notice of Rights of Victims and Remedies and**  
24                  **Services Available; Required Information.** (a)    The Department of  
25                  Public Health and Social Services shall make available to practitioners and



1 health care facilities a written notice of the rights of victims and remedies  
2 and services available to victims of family violence in accordance with this  
3 Chapter and §30.32 of Title 9 of the Guam Code Annotated.

4 (b) A practitioner who becomes aware that a patient is a victim of  
5 family violence shall provide to the patient and every health care facility  
6 shall make available to all patients the notice provided pursuant to this  
7 Chapter and as prescribed in Subsection (d) of §30.32 of Title 9 of the Guam  
8 Code Annotated.

9 **Section 1504. Hospitals Required to Provide Certain**  
10 **Information to Parents.** The Department of Public Health and Social  
11 Services shall provide information to practitioners and health care facilities,  
12 including, but not limited to, the effect of family violence on children and  
13 available services for the prevention and treatment of family violence.  
14 Hospitals shall provide information concerning family violence to parents  
15 of newborn infants and to parents of hospitalized minors.

16 **Section 1505. Regulation of Programs of Intervention for**  
17 **Perpetrators; Required Provisions; Duties of Providers.** (a) Under the  
18 leadership of the Family Violence Task Force, the Guam Police Department,  
19 the Office of the Attorney General, the Department of Public Health and  
20 Social Services, the Department of Mental Health and Substance Abuse, the  
21 Guam Memorial Hospital Authority and the Superior Court of Guam shall  
22 promulgate rules and regulations for programs of intervention for  
23 perpetrators of family violence. The rules and regulations must be  
24 promulgated after consultation with public and private agencies that  
25 provide programs for victims of family violence and programs of

1 intervention for perpetrators, with advocates for victims, and with persons  
2 who have demonstrated expertise and experience in providing services to  
3 victims and perpetrators of family violence and their children. If the  
4 government of Guam licenses or provides money to a program of  
5 intervention for perpetrators, the government of Guam shall review  
6 compliance with the rules and regulations promulgated pursuant to this  
7 Subsection.

8 (b) The rules and regulations must include:

9 (1) standards of treatment for programs of intervention;

10 (2) criteria concerning a perpetrator's appropriateness for  
11 the program;

12 (3) systems for communication and evaluation among the  
13 referring court, the public and private agencies that provide  
14 programs for victims of family violence, and the programs of  
15 intervention for perpetrators; and

16 (4) required education and qualifications of providers of  
17 intervention.

18 (c) The standards must include, but are not limited to, the  
19 following principles:

20 (1) the focus of the program must be stopping the acts of  
21 violence and ensuring the safety of the victim and any children or  
22 other family or household members;

23 (2) recognition that violence is a behavior for which the  
24 perpetrator must be held accountable; and

25 (3) recognition that substance abuse is a problem separate

1 from family violence which requires specialized treatment.

2 (d) Providers of programs of intervention for perpetrators:

3 (1) shall require a perpetrator who is ordered into the  
4 program by the Court to sign the following releases:

5 (i) allowing the provider to inform the victim and  
6 victim's advocates that the perpetrator is in treatment with the  
7 provider, and to provide information for safety to the victim  
8 and victim's advocates;

9 (ii) allowing prior and current treating agencies to  
10 provide information about the perpetrator to the provider; and

11 (iii) allowing the provider to provide information about  
12 the perpetrator to relevant legal entities, including courts,  
13 parole officers, probation officers, and child and adult  
14 protective services.

15 (2) Shall report to the Court and the victim any assault,  
16 failure to comply with the program, failure to attend the program,  
17 and threat of harm by the perpetrator.

18 **Section 1506. Continuing Education for Peace Officers**  
19 **Concerning Family Violence; Content of Course.** (a) The Guam  
20 Community College in administering the peace officers standards and  
21 training program and in coordination with the Guam Police Department  
22 and the Family Violence Task Force, must provide forty-five (45) hours of  
23 initial education to all prospective peace officers concerning family  
24 violence.

25 (b) The Guam Police Department with the Family Violence Task

1 Force shall administer twenty (20) hours in-service training as part of their  
2 Family Violence Continuation Training Program for assigned peace  
3 officers.

4 (c) The course of instruction and the objectives in learning and  
5 performance for the education of peace officers required pursuant to  
6 Subsections (a) and (b) must be developed and presented in consultation  
7 with public and private providers of programs for victims of family  
8 violence and programs of intervention for perpetrators, persons who have  
9 demonstrated expertise in training and education concerning family  
10 violence, and the non-profit family violence coalitions or organizations.

11 (d) The course of instruction must include, but is not limited to:

12 (1) the investigation and management of cases involving  
13 family violence and writing of reports in such cases;

14 (2) the nature, extent and causes of family violence;

15 (3) practices designed to promote the safety of officers  
16 investigating family violence;

17 (4) practices designed to promote the safety of the victims of  
18 family violence and other family and household members, including  
19 safety plans;

20 (5) the legal rights and remedies available to victims of  
21 family violence, including, but not limited to, rights and  
22 compensation of victims of crime and enforcement of civil and  
23 criminal remedies;

24 (6) the services available to victims of family violence and  
25 their children;

1           (7) sensitivity to cultural, racial, and gender issues and the  
2 effect of cultural, racial and gender bias on the response of peace  
3 officers and the enforcement of laws relating to family violence; and

4           (8) the provisions of this Chapter and other applicable  
5 statutes concerning family violence.

6           **Section 1507. Continuing Education of Judges and Court  
7 Personnel; Content of Course.**

8           (a) The Superior Court of Guam shall  
9 develop and present courses of continuing education concerning family  
10 violence for judicial officers and court personnel.

11           (b) The courses must be prepared and presented in consultation  
12 with public and private agencies that provide programs for victims of  
13 family violence and programs of intervention for perpetrators, advocates  
14 for victims, non-profit family violence coalitions and organizations and the  
15 Family Violence Task Force.

16           (c) Each judicial officer and each court employee who comes into  
17 contact with either party in family violence cases must have a minimum of  
18 four (4) hours of education in family violence.

19           (d) The courses must include, but are not limited to, the following  
20 topics:

21                   (1) the nature, extent and causes of family violence;

22                   (2) practices designed to promote safety of the victim and  
23 other family and household members, including safety plans;

24                   (3) resources available for victims and perpetrators of family  
25 violence;

                  (4) sensitivity to cultural, racial and gender issues; and

1 (5) the lethality of family violence.

2 **Section 1508. Community Education.** (a) The University  
3 of Guam and/or the Guam Community College shall provide community  
4 education courses concerning family violence.

5 (b) The courses must be prepared and presented in consultation  
6 with public and private agencies that provide programs for victims of  
7 family violence and programs of intervention for perpetrators, advocates  
8 for victims, non-profit family violence coalitions or organizations, and the  
9 Family Violence Task Force.

10 (c) The courses must include, but are not limited to, the following  
11 topics:

12 (1) the nature, extent and causes of family violence;

13 (2) practices designed to promote safety of the victim and  
14 other family and household members, including safety plans;

15 (3) resources available for victims and perpetrators of family  
16 violence;

17 (4) sensitivity to cultural, racial and gender issues; and

18 (5) the lethality of family violence.

19 **Section 1509. Continuing Education for Attorneys.** (a) The  
20 Superior Court of Guam shall provide or contract to provide in-service  
21 training.

22 (b) The courses must be prepared and presented in consultation  
23 with persons who have demonstrated expertise and experience in  
24 providing legal assistance to victims and perpetrators of family violence,  
25 advocates for victims, non-profit family violence coalitions or

1 organizations, the Family Violence Task Force and the Guam Bar  
2 Association.

3 (c) The courses must include, but are not limited to, the following  
4 topics:

5 (1) the nature, extent and causes of family violence;

6 (2) practices designed to promote safety of the victim and  
7 other family and household members, including safety plans;

8 (3) resources available for victims and perpetrators of family  
9 violence;

10 (4) sensitivity to cultural, racial and gender issues; and

11 (5) the lethality of family violence.

12 **Section 1510. Required Curricula for Education System.**

13 (a) The Department of Education shall select or develop:

14 (1) curricula for pupils concerning family violence that are  
15 appropriate for various ages;

16 (2) curricula for school counselors, health-care personnel,  
17 administrators and teachers concerning family violence; and

18 (3) curricula for Department of Public Works Bus Operations  
19 employees.

20 (b) The curricula must be selected or developed in consultation  
21 with public and private agencies that provide programs for victims of  
22 family violence and programs of intervention for perpetrators of family  
23 violence, advocates for victims, non-profit family violence coalitions or  
24 organizations, persons who have demonstrated expertise and experience  
25 in education and family violence, and the Family Violence Task Force.

- 1 (c) The curricula must include, but are not limited to:
- 2 (1) the nature, extent and causes of family violence;
- 3 (2) issues of family violence concerning children;
- 4 (3) the prevention of the use of violence by children;
- 5 (4) sensitivity to cultural, racial and gender issues;
- 6 (5) violence in dating and other social relationships of boys
- 7 and girls;
- 8 (6) practices designed to promote safety of the victim and
- 9 other family and household members, including safety plans;
- 10 (7) legal reporting requirements concerning abuse or neglect
- 11 of children; and
- 12 (8) the lethality of family violence.

13 **Section 1511. Continuing education for Other Government of**

14 **Guam Agencies.** (a) Training shall also be offered to other

15 employees and agency heads of Guam Memorial Hospital Authority,

16 Department of Public Health and Social Services, Department of Mental

17 Health and Substance Abuse, Guam Housing and Urban Renewal

18 Authority, Department of Youth Affairs, Public Defender Service

19 Corporation and Guam Fire Department, as well as *I Liheslaturan Guahan*,

20 and village mayors.

21 (b) The courses must be prepared and presented in consultation

22 with public and private agencies that provide programs for victims of

23 family violence, persons who have demonstrated expertise in education

24 and family violence, advocates for victims, non-profit family violence

25 coalitions or organizations, and the Family Violence Task Force.



1 (c) The courses must, include but are not limited to, the following  
2 topics:

3 (1) the nature, extent and causes of family violence;

4 (2) practices designed to promote safety of the victim and  
5 other family and household members, including safety plans;

6 (3) issues of family violence concerning children;

7 (4) sensitivity to cultural, racial and gender issues;

8 (5) legal reporting requirements concerning abuse or neglect  
9 of children; and

10 (6) the lethality of family violence.”

11 **Section 35.** Section 10.35 is hereby *added* to Title 9 of the Guam Code  
12 Annotated to read as follows:

13 **“Section 10.35. Family Violence Prevention Week.** (a) In  
14 addition to the National Family Violence Awareness Month observed each  
15 October, the last week of September of each year is hereby designated as  
16 “Family Violence Prevention Week,” a week to reflect, review and assess  
17 Guam’s progress as a community as a whole towards preventing and  
18 dealing with family violence and to determine what further steps must be  
19 taken, to continue a comprehensive effort of education on family violence  
20 and to renew the community's commitment to protecting Guam's families.

21 (b) *I Maga’lahen Guahan* shall issue annually a proclamation calling  
22 on all interested and concerned to observe ‘*Family Violence Prevention Week*’  
23 and Family Violence Awareness Month, by joining together for a  
24 continuing commitment and in a cooperative effort, to preserve the  
25 integrity and harmony of Guam’s families.

1           (c) *I Maga'lahaen Guahan* shall appoint a '*Family Violence Prevention*  
2           *Week Committee*' to plan and make appropriate arrangements for the  
3           observation of '*Family Violence Prevention Week*.'

4           **Section 36.       Appropriation.** One Million Four Hundred Ninety  
5           Thousand Dollars (\$1,490,000.00) to fund added expenses for personnel services,  
6           equipment, supplies and other miscellaneous expenses relating to the  
7           implementation of this Act is appropriated from the General Fund allocated as  
8           follows: Two Hundred Fifty Thousand Dollars (\$250,000.00) to the Office of the  
9           Attorney General; Two Hundred Fifty Thousand Dollars (\$250,000.00) to the  
10          Guam Police Department; Five Hundred Thousand Dollars (\$500,000.00) to the  
11          Superior Court of Guam; One Hundred Fifty Thousand Dollars (\$150,000.00) to  
12          the Department of Education; Eighty Thousand Dollars (\$80,000.00) to the Guam  
13          Legal Services Corporation; Eighty Thousand Dollars (\$80,000.00) to the Public  
14          Defenders' Corporation; Eighty Thousand Dollars (\$80,000.00) to Child Protective  
15          Services of the Department of Public Health and Social Services and One  
16          Hundred Thousand Dollars (\$100,000.00) to the Guam Community College. This  
17          appropriation shall continue until fully expended.

18          **Section 37.       Severability.** The provisions of this Act are severable,  
19          and if any of its provisions or their application to any person or circumstances  
20          shall be held unconstitutional or invalid by a court of competent jurisdiction, the  
21          decision of the court shall not affect or impair any of the remaining provisions or  
22          applications of this Act which can be given effect without the invalid provision  
23          or application.



TWENTY-FOURTH GUAM LEGISLATURE

# Office of the Vice-Speaker

ANTHONY C. BLAZ

LEGISLATIVE  
COMMITTEE  
MEMBERSHIP

Chairman  
Finance & Taxation

Vice-Chairman  
Rules,  
Government Reform  
& Federal Affairs

Education

Natural Resources

Health &  
Human Services

Tourism, Economic  
Development & Cultural  
Affairs

Judiciary,  
Public Safety &  
Consumer Protection

Transportation,  
Telecommunications, &  
Micronesian Affairs

MEMBERSHIP

Guam Finance  
Commission

Commission on Self  
Determination

The Honorable Antonio R. Unpingco ✓  
Speaker, 24<sup>th</sup> Guam Legislature  
Agana, Guam

July 27, 1998

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Finance & Taxation, to which was referred Bill No. 547: "AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE GUAM CODE ANNOTATED (GCA) RELATIVE TO THE ENACTMENT OF THE GUAM FAMILY VIOLENCE ACT OF 1998 AND APPROPRIATING TO IMPLEMENT THE INTENT OF THIS ACT." herein reports back with the recommendation TO DO PASS Bill No. 547, as substituted by the Committee.

Votes of the committee members are as follows:

  6   To Pass

       Not to Pass

       To the Inactive File

       Abstained

Sincerely,



ANTHONY C. BLAZ

Attachment

# COMMITTEE ON FINANCE & TAXATION







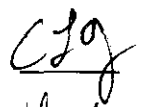
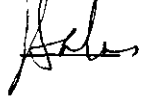
TWENTY-FOURTH GUAM LEGISLATURE

155 Hesler Street, Agana, Guam 96910

Chairman: Vice Speaker Anthony C. Blaz    Vice Chairman: Senator Mark Forbes  
Ex-Officio Member: Speaker Antonio R. Unpingco

## VOTING SHEET ON:

Bill No. Bill No. 547(COR), as substituted by the Committee, "AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE GUAM CODE ANNOTATED (GCA) RELATIVE TO THE ENACTMENT OF THE GUAM FAMILY VIOLENCE ACT OF 1998 AND APPROPRIATING TO IMPLEMENT THE INTENT OF THIS ACT."

| <u>COMMITTEE MEMBERS</u>                              | <u>INITIAL</u>  | <u>TO PASS</u>                      | <u>NOT TO PASS</u>       | <u>ABSTAIN</u>           | <u>TO PLACE IN INACTIVE FILE</u> |
|---|---|-------------------------------------|--------------------------|--------------------------|----------------------------------|
| Sen. Anthony C. Blaz<br><i>Chairman</i>               |    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Mark Forbes<br><i>Vice-Chairman</i>              |    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Spkr. Antonio R. Unpingco<br><i>Ex-Officio Member</i> |    | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Thomas C. Ada<br><i>Member</i>                   | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Joanne M.S. Brown<br><i>Member</i>               |   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Mark Charfauros<br><i>Member</i>                 | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Edwardo J. Cruz<br><i>Member</i>                 |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. William B.S.M. Flores<br><i>Member</i>           | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Lawrence F. Kasperbauer<br><i>Member</i>         |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Alberto A.C. Lamorena, V<br><i>Member</i>        | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Carlotta A. Leon Guerrero<br><i>Member</i>       |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. John C. Salas<br><i>Member</i>                   |  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |
| Sen. Francis E. Santos<br><i>Member</i>               | <input type="checkbox"/>  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>         |



## Committee on Finance & Taxation

*Vice Speaker Anthony C. Blaz, Chairman*

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### Committee Report on Bill No. 547(COR)

(As substituted by the Author and further substituted by the Committee on Finance and Taxation)

**"AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE GUAM CODE ANNOTATED (GCA) RELATIVE TO THE ENACTMENT OF THE GUAM FAMILY VIOLENCE ACT OF 1998 AND APPROPRIATING TO IMPLEMENT THE INTENT OF THIS ACT."**

#### I. OVERVIEW:

The Committee on Finance and Taxation held the official public hearing on Wednesday, June 17, 1998 at 9:30 a. m. in the Committee on Finance and Taxation Conference Room to hear public testimony on Bill 547 (COR). Public Notice was announced and published on Tuesday, June 16, 1998 issues of the Pacific Daily News.

#### NOTE

*Please note that starting June 12, 1998, the Committee on Finance and Taxation conducted a series of "Round Table" discussion with the Family Violence Task Force in an effort to come out with a version of Bill 547 that will be acceptable to everyone concerned and especially those agencies and offices of the government of Guam that is most impacted by the intent of Bill 547. Those offices are the Office of the Attorney General of the Department of Law, Guam Legal Services Corporation, Public Defenders Corporation, The Guam Police Department and The Superior Court of Guam.*

*The following dates are the "Round Table" discussions that the Committee on Finance and Taxation met and worked with the Family Violence Task Force to produce the final version of Bill 547, as substituted by the Author and further substituted by the Committee on Finance and Taxation.*

*June 12, 1998; June 17, 1998; July 8, 1998; July 15, 1998; July 24, 1998.*

## **II. COMMITTEE MEMBERS PRESENT:**

The hearing was called to order by the Chairman of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz.

Other members of the Committee on Finance and Taxation present were:

Senator Edwardo J. Cruz, Member

Senator Lawrence F. Kasperbauer, Member

Senator Thomas C. Ada

Senator Lawrence F. Kasperbauer

Senat Alberto A.C. Lamorena, V

Senator John C. Salas

Senator William BSM Flores

Other Senators present were:

Senator Francisco P. Camacho

Senator Frank B. Aguon

Senator Vicente C. Pangelinan

**Providing Public Testimony on the Bill:**

Capt. Edward T. Kabina, GPD Family Task Force

Lt. Josephine F. Fernandez, GPD, Victims Assistance Unit

William Melendes, Jr., GCC

Gladys Stoll, Victims Witness Ayuda Services

Kathryn Montague, AG, Family Division

Alicia Limtiaco, AG, FASC Unit

Marie McElliot, Superior Court of Guam

Daniel Somerfleck, Guam Legal Service

John W. Leon Guerrero, Dept. of Mental Health & Substance

Abuse

Sara H. Weidemier, VARO

Annie F. B. Unpingco, DMHSA

Richard Dirkx, Public Defender Services Corp.

Sara L. Charon, Guam Legal Services, Corp.

Leonardo M. Rapadas, Chief Prosecutor, AG

Mylene Lopez, AG, Prosecutor's Office

Karen Carpenter, Guam Legal Services Corp.

Cecilia A. Q. Morrison, Governor's Office, Community Outreach and Federal Programs.

Jenifer L. Aguon, Governor's Office, Community Outreach and Federal Programs.

Adolph P. Sgambelluri, ProTec Institute, GCC

Sister Eileen Mearns, Catholic Social Services, ALEE

### **III. BACKGROUND ON BILL 547:**

**Findings of Necessity and Declaration of Purposes.** (a) I Liheslaturan Guåhan finds and declares that family violence is a serious crime against society; that there are hundreds of persons in Guam who are regularly beaten, tortured and in some cases even killed by their spouses or cohabitants; that a significant number of women who are assaulted are pregnant; that victims of family violence come from all social and economic backgrounds and ethnic groups; that there is a positive correlation between spousal abuse and child abuse; and that children, even when they are not themselves physically assaulted, suffer deep and lasting emotional effects from exposure to family violence. It is therefore, the intent of I Liheslaturan Guahan to assure the victims of family violence the maximum protection from abuse the law can provide.

(b) It is also the intent of I Liheslaturan Guahan to stress that the primary duty of a peace officer when responding to a family violence call is to enforce the laws allegedly violated and to protect the victim. Further, it is the responsibility of the courts to protect victims of violence that occurs in a family or family-like setting by providing access to both emergent and long-term civil and criminal



remedies and sanctions, and by ordering that the remedies and sanctions that are available to assure the safety of the victims and the public. To that end, I Liheslaturan Guahan encourages the training of all peace officers and judicial personnel in the procedures and enforcement of this Act, and about the social and psychological context in which family violence occurs; and it further encourages the broad application of the remedies available under this Act in the courts of Guam. It is further intended that the official response to family violence shall communicate the attitude that violent behavior will not be excused or tolerated, and shall make clear the fact that the existing criminal laws and civil remedies created under this Act will be enforced without regard to the fact that the violence grows out of a family situation.

(c) Further, it is the intent of I Liheslaturan Guahan to bring the government of Guam into compliance with the Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (PL 103-322).

**General Provisions.** The purpose of this law is to promote the protection and the safety of all victims of family violence in a fair, prompt and effective manner and the prevention of future violence in all families. To further this purpose, with the foundation of safety, protection and prevention, a framework will be developed that:

(a) creates effective remedies to deter further acts of family violence by a known perpetrator;

(b) expands and strengthens the ability of peace officers to assist victims, to enforce the law effectively against family violence and to prevent further incidents of abuse;

(c) fosters a greater community understanding of the incidences and causes of family violence through data collection and public outreach;

(d) projects family violence as a serious crime which shall not be excused or tolerated; and

(e) brings to bear tough law enforcement and stiff legal penalties on acts of family violence.

**Establishment and Requirement of Family Violence Training Programs and Crisis Teams.** (a) The Guam Police Department, the Office of the Attorney General, the Superior Court of Guam, the Department of Mental Health and Substance Abuse, the Department of Public Health and Social Services, the University of Guam and the Guam Community College, in their distinct and individual jurisdictional and institutional capacity, all have a role in promoting a broad base, multi-lateral foundation and cooperative framework for a Family Violence Training program to support core cadet and law enforcement curricula. Such a structure, as well as being based on clearly prescribed cooperative provisions, must be supported by processes that are complementary and mutually supportive and not overlapping. Training pillars dealing with the enforcement of criminal laws in family situations, the protection of the victim, the use of available community resources and the sensitization of peace officers to the emotional and psychological trauma suffered by the victim of family violence must prevail within such a structure.

(b) The Governor through the Family Violence Task Force shall establish the general guidance and direction for the cooperative and collective organization and formulation efforts to evaluate,

expand and refine existing family violence training program elements, including:

(1) Basic (initial) training completed by police cadets prior to permanent appointment shall include no less than forty-five (45) hours of training in responding to family violence cases.

(2) Annual twenty hours (20) in-service training programs for all peace officers shall include sessions on responding to family violence cases.

**Accountability of elected public officials and appointed government officials.** An individual may not run for or hold an elected public office, nor be appointed to or hold a judicial office, nor be appointed to or hold a position as Director or Deputy Director of any government entity, if that individual has been convicted of family violence or a family violence related offense.

**Mandatory Confinement.** When a peace officer makes an arrest for family violence the arrestee shall be confined until the magistrate's hearing unless released earlier by the Office of the Attorney General.

## **SUMMARY OF TESTIMONIES:**

### **FAVORABLE:**

The Family Violence Task Force submitted their testimonies supporting the enactment of Bill 547.

They recommended to the Committee on Finance and Taxation to work with the committee's staff to produce a final version of Bill 547 that will work legally and practically. After six (6) round table

discussions with the Family Violence Task Force. The Committee on Finance and Taxation together with the Family Violence Task Force submits the "fourth draft" version of Bill 547.

Subsequently, this version is further amended and substituted by the Committee on Finance and Taxation.

**UNFAVORABLE:**

No one testified against Bill 547.

**SUMMARY OF RESOURCES, RESEARCH DOCUMENTS AND THESIS SUPPORTING DEVELOPMENT OF BILL 547 "FAMILY VIOLENCE ACT OF 1998":**

Please refer to the attachments exhibits and documents containing the resources, research documents and thesis supporting Bill 547 which were used to develop the original bill as introduced.

**COMMITTEE RECOMMENDATION:**

The Committee, having conducted a sufficient hearing, does hereby recommend to the Legislature **TO DO PASS**, as substituted by the Committee, **Bill 547(COR)- "AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE GUAM CODE ANNOTATED (GCA) RELATIVE TO THE ENACTMENT OF THE GUAM FAMILY VIOLENCE ACT OF 1998 AND APPROPRIATING TO IMPLEMENT THE INTENT OF THIS ACT."**



***Committee on Finance & Taxation***  
*Vice Speaker Anthony C. Blaz, Chairman*

---

***Committee Report on***  
***Bill No. 547***

*(As substituted by the Committee)*

"AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE GUAM CODE ANNOTATED (GCA) RELATIVE TO THE ENACTMENT OF THE GUAM FAMILY VIOLENCE ACT OF 1998 AND APPROPRIATING TO IMPLEMENT THE INTENT OF THIS ACT."

**SIGN-IN SHEET**

6/12/98

Family Violence Act of 1998

- ✓ Lt. Josephine J. Fernandez - MPD <sup>475-8620</sup> Victim Assistance Unit  
F 475 8514 472-1345
- ✓ Gladys Stoll Victim Witness Agency Services / Eng. office  
F 472 1398
- ✓ Sara L. Charon Guam Legal Services Corp. 477-9811  
F 477 1320
- ✓ Richard Dirkx Public Defender 475-3100  
F 477-5844
- ✓ CAPT EDWARD T. KABINA GPD FV Task Force 475-8450 FAX 472-970

FRED M. CASTRO 24 GL 472-3558

Jesus C. Acuña V/S office 472-3557/8

Lenny Rapadas AG Pres 475-3406  
F 477 3390

Mylene Lopez AG-Prosec 475-3406  
F 477 3390

✓ Maria McEligott Superior Court 475-3394



# Committee on Finance and Taxation

Mina' Bente Kuatro Na Liheslaturan Guahan

Vice Speaker Anthony C. Blaz, Chairman

ROUND TABLE MEETING

Wednesday, June 17, 1998 - 9:30 a.m. - I Liheslaturan Guahan Public Hearing Room

## Bill 547

An Act to amend Titles 7, 9 and 19 of the Guam Code Annotated (GCA) relative to the enactment of the Guam Family Violence Act of 1998 and appropriating to implement the intent of this Act.

A. C. Blaz

### Sign-in Sheet

| Name: <i>(please print clearly)</i> | Organization Telephone Number & Fax Number:<br><i>(please print clearly)</i> | Testimony  |
|-------------------------------------|--|--|
| Karen Carpenter                     | Volunteer with Guam Legal Services   | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| CAPT. EDWARD T. KABINA              | GUAM POLICE DEPT. / MEMBER FAMILY VIOLENCE TASK FORCE                        | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| Sara Charon                         | Guam Legal Services  | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| Richard Dinkx                       | Public Defender / Chair, Legal Committee, Task Force                         | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| Daniel Somers                       | Guam Legal Services  | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| A. P. SCAMBELLURI                   | PROTECH Institute (GOC)  | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| ER. EILEEN MEARNS                   | ALEE. <span style="float: right;">472-6729<br/>472-8486 Fax</span>           | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| Marie McEllegott                    | Client Services Superior Court   | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| St. Josephine J. Fernandez          | Guam Police Departmental Victims Assistance Unit                             | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
| Nylene Lopez                        | AG - Prosecution   | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose |
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# Committee on Finance and Taxation

Mina' Bente Kuatro Na Liheslaturan Guahan

Vice Speaker Anthony C. Blaz, Chairman

ROUND TABLE MEETING

Wednesday, June 17, 1998 - 9:30 a.m. - I Liheslaturan Guahan Public Hearing Room

## Bill 547

A. C. Blaz

An Act to amend Titles 7, 9 and 19 of the Guam Code Annotated (GCA) relative to the enactment of the Guam Family Violence Act of 1998 and appropriating to implement the intent of this Act.

### Sign-in Sheet

| Name: <i>(please print clearly)</i> | Organization Telephone Number & Fax Number:<br><i>(please print clearly)</i> | Testimony  |
|-------------------------------------|--|--|
| <i>Cecilia A.G. Morrison</i>        | <i>Gov. Community Outreach - Fed. Programs</i>                               | <input checked="" type="checkbox"/> oral <input type="checkbox"/> Approve<br><input checked="" type="checkbox"/> written <input type="checkbox"/> Oppose |
| <i>Josie L. Aguirre</i>             | <i>Gov. Community Outreach - Federal Programs Office</i>                     | <input type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose                       |
| <i>Lenny Rapadas</i>                | <i>AG's office, Pres. Div. 475-3406 / 477-3390</i>                           | <input checked="" type="checkbox"/> oral <input type="checkbox"/> Approve<br><input type="checkbox"/> written <input type="checkbox"/> Oppose            |
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# Committee on Finance and Taxation

Mina' Bente Kuâtro Na Liheslaturan Guahan

Vice Speaker Anthony C. Blaz, Chairman

## ROUND TABLE MEETING

Wednesday, June 17, 1998 - 9:30 a.m. - I Liheslaturan Guahan Public Hearing Room

### Bill 547

An Act to amend Titles 7, 9 and 19 of the Guam Code Annotated (GCA) relative to the enactment of the Guam Family Violence Act of 1998 and appropriating to implement the intent of this Act.

A. C. Blaz

### Sign-in Sheet

| Name: <i>(please print clearly)</i> | Organization Telephone Number & Fax Number:<br><i>(please print clearly)</i> | Testimony                        |                                  |
|-------------------------------------|--|----------------------------------|----------------------------------|
| Karen Carpenter                     | Volunteer with Guam Legal Services   | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| CAPT. EDWARD T. KABINA              | GUAM POLICE DEPT. / MEMBER FAMILY VIOLENCE TASK FORCE                        | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| Sara Charon                         | Guam Legal Services  | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| Richarda Dinkx                      | Public Defender / Chair, Legal Committee, Task Force                         | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| Daniel Sanchez                      | Guam Legal Services  | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| A. P. SAMPALARI                     | ProTech Institute (GPO)  | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| SE. EILEEN MEARNS                   | FILEE. <span style="float: right;">472-6729<br/>472-8686 FAX</span>          | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| Marie McEllegott                    | Client Services Superior Court   | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| St. Josephine J. Fernandez          | Guam Police Department Victims Assistance Unit                               | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
| Mylene Lopez                        | AG - Prosecution   | <input type="checkbox"/> oral    | <input type="checkbox"/> Approve |
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# Committee on Finance and Taxation

Mina' Bente Kuåtro Na Liheslaturan Guahan

Vice Speaker Anthony C. Blaz, Chairman

ROUND TABLE MEETING

Wednesday, June 17, 1998 - 9:30 a.m. - I Liheslaturan Guahan Public Hearing Room

## Bill 547

A. C. Blaz

An Act to amend Titles 7, 9 and 19 of the Guam Code Annotated (GCA) relative to the enactment of the Guam Family Violence Act of 1998 and appropriating to implement the intent of this Act.

### Sign-in Sheet

| Name: <i>(please print clearly)</i> | Organization Telephone Number & Fax Number:<br><i>(please print clearly)</i> | Testimony   |   |
|-------------------------------------|--|---|---|
| <i>Cecilia A. B. Morrison</i>       | <i>Gov. Community Outreach - Fed. Programs</i>                               | <input checked="" type="checkbox"/> oral<br><input checked="" type="checkbox"/> written | <input type="checkbox"/> Approve<br><input type="checkbox"/> Oppose |
| <i>Jana L. Aguirre</i>              | <i>Gov. Community Outreach - Federal Programs Office</i>                     | <input type="checkbox"/> oral<br><input type="checkbox"/> written                       | <input type="checkbox"/> Approve<br><input type="checkbox"/> Oppose |
| <i>Lenny RAPAJAS</i>                | <i>AG's office, Pers. Div. 475-3406 / 477-3390</i>                           | <input checked="" type="checkbox"/> oral<br><input type="checkbox"/> written            | <input type="checkbox"/> Approve<br><input type="checkbox"/> Oppose |
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*ALC 6/17/98*













**Committee on Finance & Taxation**  
*Vice Speaker Anthony C. Blaz, Chairman*

---

**Committee Report on**  
**Bill No. 547**

*(As substituted by the Committee)*

"AN ACT TO AMEND TITLES 7, 8, 9 AND 19 OF THE GUAM CODE ANNOTATED (GCA) RELATIVE TO THE ENACTMENT OF THE GUAM FAMILY VIOLENCE ACT OF 1998 AND APPROPRIATING TO IMPLEMENT THE INTENT OF THIS ACT."

**TESTIMONIES**

## 1. Re-enactment of Guam's Family Violence Act, aka "Ericas' Law"

- Family violence is a serious crime against society and hundreds of Guam residents are regularly harass, beaten, tortured and in some cases even killed.
- Victims of Family violence come from all social and economic background and ethics groups; there is a strong correlation between spousal abuse and child abuse; and children, even when they are not themselves physically assaulted, suffer deep and lasting emotional effects from exposure to family violence.
- We need to assure the victims of family violence the maximum protection from abuse the law can provide.
- Although many of the existing criminal statues are applicable to acts of family violence, prevailing societal attitudes concerning family violence have affected the response of our law enforcement and judicial systems, resulting in these acts receiving different treatment from similar crimes when they occur in a family context. Battered adults presently experience substantial difficult in gaining access to protection from the judicial system, particularly due to that system's inability to generate a prompt response in an emergency situation.
- The primary duty of a law enforcement officer when responding to a family violence call is to enforce laws allegedly violated and to protect the victim.
- It is the responsibility of the courts to protect victims of violence that occurs in a family or family-like setting by providing access to both emergency and long-term civil and criminal remedies and sanctions and by ordering such remedies and sanctions.
- We need greater training in procedures and enforcement and about social and psychological context in which family violence occurs.

- Official response to family violence shall communicate the attitude (emphasize) that violent behavior will not be excused or tolerated and criminal laws and civil remedies will be enforced.

## 2. "Erica's Law" - six points:

Assure victims of family violence the maximum protection from abuse that the law can provide

Create a flexible and speedy remedy to discourage violence and harassment against family members.

Expand the ability of Guam Police Department & other law enforcement officers to assist victims, to enforce the law effectively in cases of family violence and to prevent further incidents of abuse.

Develop a greater understanding within communities of the incidences and causes of family violence through data collection

Facilitate equal enforcement of the criminal laws of Guam by detering and punishing violence against family members.

Recognize that battering is a serious crime, which will be longer be excused or tolerated

"Erica's Law" is construed to promote:

- Protection and safety of all victims of family violence in a fair, prompt and effective manner
- Prevention of future violence in all family



*Ufisinan Hiniråt Abugao  
Gudhan*

Carl T.C. Gutierrez  
*Muga'dhi  
Governor*

Madeleine Z. Bordallo  
*Tifente Gubetnadora  
Lt. Governor*

**Office of the Attorney General  
of Guam  
Prosecution Division**

Gus F. Diaz  
*(Akto) Hiniråt Abugao  
(Acting) Attorney General*

Lennardo M. Rapadas  
*Atkåden Abugådu  
Chief Prosecutor*

May 14, 1998

**HONORABLE ANTHONY C. BLAZ**  
Senator, Twenty-Fourth Guam Legislature  
Chairperson, Committee on Finance and Taxation  
155 Hesler Street  
Hagåtña, Guam 96910

Re: Written Testimony in Support of Increased FTE's and Funding  
for the Office of the Attorney General, Prosecution Division,  
Family Abuse and Sex Crimes ("FASC") Unit

Dear Senator Blaz:

Buenas yan Saluda!

Over the last several years, the Prosecution Division has seen a substantial increase in the number of family violence and criminal sexual conduct cases reported to the authorities. That is not to say, however, that family violence and criminal sexual conduct offenses were not as prevalent in the past as they are today; rather, the increased reporting reflects the community's awareness that such acts are in fact, violent and criminal. More people, adults and children, are now willing to come forward and report these crimes. It is our hope that with more public education and community outreach about the seriousness of these crimes, the community will continue to break "the silence" and the "cycle of violence", and report these violent acts to law enforcement.

Family violence and criminal sexual conduct cases are extremely complicated, require time-intensive investigation, and are emotionally charged cases. Given the sensitive nature of and the dynamics inherent in such cases, it is very common to find a history of abuse involving the perpetrator and victim, which may

  
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Letter to Senator Anthony C. Blaz  
Subj: Increased FTE's and Funding  
May 14, 1998  
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date back several years. It is also common for victims to not want to proceed with prosecution, or to want to "drop charges", because of pressure from the perpetrator, other family members, or friends, financial problems, love for the perpetrator, fear of retaliation, religious reasons, and the like. Especially disturbing is the fact that in over a majority of our criminal sexual conduct cases, the victims are children; the perpetrators are usually known to the victims, i.e., family members or friends.

Given the immense pressure exerted upon our victims to "drop" charges often resulting in the victim's refusal to cooperate with prosecution or to recant their statements, and the immediate need to protect our victims from further violence or abuse, time is of the essence in prosecuting these cases. In order for us to effectively and rapidly respond to the needs of our victims, to ensure quality and successful prosecution of these cases, we must be equipped with the resources necessary to do so --- more prosecutors, investigators, victim advocates, and support staff, and funding to support these positions. Our community and legislature have recognized the need for additional judges and correctional facilities. We must also then recognize given the increase in crime and caseload, the need for additional resources who are a part of the criminal justice system equation, i.e., law enforcement.

The Prosecution Division is currently staffed, at the felony level, with only three full-time and one part-time attorney(s) and two investigators, responsible for handling literally hundreds of cases of family violence and criminal sexual conduct. There are, at the misdemeanor level, only four attorneys and one (1) investigator, who are also responsible for handling literally hundreds of such cases, in addition to other types of cases not involving family violence or criminal sexual conduct. The current pro-arrest and pro-confinement directive issued by the Guam Police Department, which the Prosecution Division wholeheartedly supports, has and will undoubtedly result in an increased caseload for the Prosecution Division. We are at a CRITICAL STAGE in our Division regarding the immediate need for more personnel and funding. We have prosecutors, investigators, victim advocates, and support staff who are fully committed to serving the victims and our community, but unless more resources and funding are provided, we risk the safety and welfare of our victims, the quality of our prosecution of these cases, and the "burn-out" of our staff.

Given our current caseload, we request, in addition to our current staffing pattern for the FASC ("Family Abuse and Sex Crimes") Unit, the following FTE's and funding to support these positions:



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five (5) full-time felony prosecutors;  
two (2) misdemeanor prosecutors;  
five (5) full-time felony investigators;  
two (2) misdemeanor investigators;  
two (2) victim advocates; and,  
three (3) support staffers.

Should you should have any questions, please do not hesitate to contact us at 475-3406.

Dangkolo na Si Yu'os Ma'ase' - Thank you very much!

Sincerely,

LEONARDO M. RAPADAS  
Chief Prosecutor

ALICIA A. LIMTIACO  
Assistant Attorney General  
FASC Unit Head

cc: Attorney General

vnn:A:\ACBlaz.FTE.wpd



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## EXPERT OPINION

### Mandatory arrest for batterers

Since the 1970s, many laws have been changed or enacted to reflect that domestic violence often involves criminal behavior. Currently, 15 states and the District of Columbia have some form of mandatory arrest law for misdemeanor and felony domestic assaults<sup>1</sup>. Recently, studies have raised questions about the wisdom of such policies. Here, two experts debate whether these studies should influence arrest policies.

**Lawrence W. Sherman** is a criminologist at the University of Maryland and president of the Crime Control Institute.

Mandatory arrest for misdemeanor domestic assault is a widely prescribed cure for America's number-one violence problem. But recent scientific research suggests it may be doing more harm than good<sup>2</sup>. Mandatory arrest is a bad idea for

any state with large cities.

Evidence from research in Milwaukee, Omaha, Colorado Springs, and Miami shows the effects of arrest depend upon unemployment. In big cities with concentrated poverty, arrest backfires—it appears to create a "defiance effect" of getting people more angry at society, the system, and the victim. This makes them more violent rather than less.



When you talk about mandatory arrest for domestic violence you are actually making an exception to a generalized de facto legalization of hitting. The evidence clearly shows that cops do not arrest people for simple assault. Not in bar fights, not among male friends, or male brothers. The law is on the books, but has never been on the streets.

We need to view the criminal sanction the same way we view surgery: as a selective tool, not to be thrown at every case that walks through the door. The best way to determine arrest policy is through neighborhood policing, in which police departments sit down with community representatives, educate them about the results of the recent research, and work out a policy appropriate to the neighborhood. Brooklyn Heights, for example,

might have mandatory arrest because it is likely to have a positive effect.

In a neighborhood like Bedford-Stuyvesant, however, you could minimize arrest but develop social service agencies to provide "cooling out" locations for the

*"We need to view the criminal sanction the same way we view surgery: as a selective tool..."*

**Lawrence W. Sherman**

offender during the critical 24-hour aftermath of an assault to reduce the risk of repeat violence. Now, we offer shelters for victims as a place to be safe. But a lot of victims don't feel they should have to leave the home. Halfway places for offenders would mean that they leave without creating the defiance effect of jail, which could lead to more violence. If we want to detoxify people for alcohol, we take away their liberty for 72 hours. Why don't we detoxify people from anger and violence in a similar way?

The basic problem is that we have tried so few alternatives to the "lock 'em up" solution. We need to conduct systematic research, trying different ideas and seeing what works. We certainly don't know enough about mandatory arrest to be sure it won't do more harm than good.

1. New York City does not have mandatory arrest. NYC Police Department policy is that the police must arrest when there is probable cause to believe a felony has been committed, when an order of protection has been violated, a misdemeanor has been committed and the victim wants an arrest, or a violation was committed in the presence of a police officer and the victim wants an arrest.

2. Lawrence W. Sherman, *Policing Domestic Violence: Experiments*



Ufisinan Hinirát Abugao  
Guåhan

Office of the Attorney General  
of Guam  
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Maga'åhi  
Governor

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Lt. Governor

Gus F. Diaz  
(Akto) Hinirát Abugao  
(Acting) Attorney General

Leonardo M. Rapadas  
Atkåden Abugådu  
Chief Prosecutor

July 9, 1998

HONORABLE ANTHONY C. BLAZ

Senator, Twenty-Fourth Guam Legislature  
Chairperson, Committee on Finance and Taxation  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Senator Blaz:

Buenas Yan Saluda!

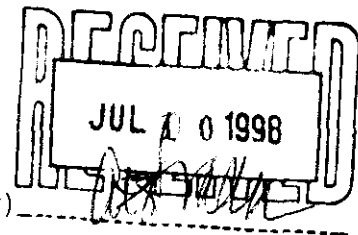
The purpose of this letter is to request legislation aimed at increasing the resources within the Prosecution Division of the Office of the Attorney General. For purposes of this letter and proposed legislation, resources means personnel, equipment, training and supplies.

I believe some background is in order. The Prosecution Division is one of six divisions within the Office of the Attorney General. It is responsible for the prosecution and adjudication of all violations of Guam law. The Division works with other law enforcement entities at the local, federal, and international levels in combating and reducing crime within Guam. It handles all criminal appeals. The Division additionally introduces legislation to insure that the interests of justice are served and that the constitutional rights of those charged are not violated. The Division handles all extradition requests from other jurisdictions.

It is staffed as follows:

Prosecutors:

- 16 (includes Chief Prosecutor)
- 5 (federal funded)
- 4 (vacancies - 3 unfunded, 1 funded)
- 1 (senior law clerk - under-filled attorney)
- 26 total FTEs



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Investigators:

11  
3 (vacancies - 1 unfunded, 2 funded)  
14 total FTEs

Secretaries:

6  
5 (vacancies - 4 unfunded, 1 funded)  
11 total FTEs

There are other filled FTEs: one paralegal, one administrative supervisor, one data control clerk, one clerk, three legal clerks, two process officers, one messenger clerk, one telephone operator, and five victim advocates. There is a total of fifty-five persons filling fifty-five FTEs.

There are other vacant FTEs within the Division. Those are one funded paralegal, one funded legal clerk, and one funded messenger clerk. The total number of vacant FTEs is fifteen. The total number of personnel, if completely filled, is seventy.

The Division consists of seven units. They are the following: 1) Family Abuse/Sex Crimes (FASC); 2) Violent Crimes (non-FASC cases); 3) White Collar; 4) Property Crimes (non-White Collar); 5) Drugs/Firearms; 6) Traffic/Misdemeanors; and 7) Appeals. A prosecutor is generally assigned to one unit, with the exception of the Appeals Unit. A prosecutor may be assigned cases outside of his/her unit based on the needs of the Division and the prosecutor's interest and area of expertise.

During the 1996 calendar year, 5,042 cases were referred to the Prosecution Division by various law enforcement agencies. The 1996 total numbered 146 fewer cases than the 1995 total of 5,188 cases referred to the Prosecution Division. Based on the 1996 figure, the Prosecution Division received an average of 420 cases per month. Between January and December 1996, the Prosecution Division filed 1,786 misdemeanor cases and 648 felony cases.

So far this year the Division has filed 652 misdemeanor cases and 379 felony cases, marking an increase in prosecutions compared to 1997. At this point last year, the Division had filed 616 misdemeanor cases and 237 felony cases. With several Guam Police cycles going through the system, we can anticipate increased law enforcement and a greater number of arrests. More arrests translates into a larger caseload in all units within the Division.



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### Violent Crimes

There are currently four prosecutors and three investigators assigned to this unit. At a minimum, this unit will require another prosecutor FTE.

### FASC

This unit has three prosecutors and two investigators. The cases in this unit require many hours of follow-up investigation. Rapport with victims must be established for successful prosecutions. Establishing rapport may take several meetings with the many times young and reluctant victims. The nature of the cases make "burn-out" of the prosecutors and investigators a reality. Boosting this unit to three more prosecutors would help immensely.

As you know, the Division and the Guam Police Department instituted a "pro-confine" policy in all family violence cases. These cases are treated very seriously. The pro-confine policy means that defendants will be brought into the judicial system as soon as a few hours. This policy will serve to protect the safety and welfare of our victims of family violence. This also means that the workload of this unit and the Misdemeanor Unit will rise accordingly.

### Property Crimes

There are three prosecutors and one investigator in this unit. It has a backlog in the hundreds. But that is reflective of the nature of the crimes here. A single defendant will commit multiple crimes in a short span of time, thereby generating many reports. Additionally, one defendant will many times work with others. This unit will benefit greatly with the addition of at least two more prosecutor FTEs.

### Drug/Firearms

The number of indictments as of this date last year has gone up. The unit has indicted more drug cases between January 1998 and May 1998 than in all of 1996 and 1997. The unit filed 111 drug cases in the first five months of 1998, while filing 70 in 1996 and 32 in 1997. The drug of choice remains crystal methamphetamine, also known as "Ice". Marijuana is in second place.

The Division is exploring the idea of a pro-confine policy for drug cases. The Attorney General's Office is also working with the Superior Court to establish a Drug Court. This will necessitate the need for at least one more prosecutor.

### White Collar

There are two prosecutors and two investigators assigned to this unit. This unit handles cases involving government officials acting in their official capacities. Although this unit also prosecutes theft cases, it limits itself to cases involving tens of thousands of dollars. White Collar cases require

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many hours of investigation. The unit needs a minimum of two additional prosecutors. The prosecutors in this unit have also been routinely filing tax cases in Federal District Court. The numbers here have also gone up over the last year.

### Traffic/Misdemeanors

Misdemeanor cases make up the majority of criminal cases in Guam. Nearly one-quarter of the prosecutors in the division handle almost 70% of the cases. For example, in 1997, 1,535 misdemeanors versus 636 felonies were filed in Superior Court. Of those cases filed as misdemeanors, roughly two-thirds are classified as Family Violence or Driving While Under the Influence of Alcohol. Both types of charges can and frequently become much more serious and could result in serious bodily injury or death. This is another unit that will benefit from at least one more prosecutor.

The increase in the number of criminal cases filed by the Prosecution Division, coupled with the budgetary constraints imposed on the Department of Law, has taxed the workload of the assigned personnel within the Division. The Division requests additional funding for the unfunded vacancies and the immediate recruitment of those positions and the increase of the number of FTEs with the appropriate funding. Both of these actions would serve to alleviate the heavy workload for the Division.

Along with the need for additional personnel, the Prosecution Division will require additional funding for an increased two-way communication system for personnel working outside the office. With the increase of investigators and other personnel, the need for more radios becomes important. The issue is basically communication and security for the investigators, process officers, and messengers whose various duties require being away from the office. They have all encountered hostile individuals during the course of their duties. These confrontations occurred within village and rural locations. The Division requires more radios and a base station for the office to function more effectively.

With the increase in violent crimes, both family and non-family violence related, and narcotics related cases, the Prosecutors, Investigators and Victim Advocates must be kept abreast of the latest information, techniques, and recent research in their respective fields. Although grant monies may be available, each grant focuses on a specific crime which does not allow the Division flexibility to use the monies for training in other areas.

Vehicles and maintenance of these vehicles is a growing problem. The Division presently has nine vehicles. These vehicles were purchased between 1989 and 1993. The 1989 cars have undergone costly repairs in recent years.

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The maintenance agreement on these vehicles allow for only essential repairs.

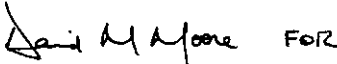
The Prosecution Division lacks funding for reference and research material, such as Jury Instructions, Search & Seizure, Evidence, Appellate Procedures, Violent Crimes, Drug Prosecution, White Collar Crimes, etc. It would be cost effective for the office to have these material rather than to have the attorneys go to the Law Library to conduct their research. Having current information available allows the attorneys to conduct their research locally and have to access Westlaw on the more complex issues.

Travel is another area that lacks funding. As an example, in FY 1997, the Prosecution Division was allocated \$29,000.00 to cover travel. As of January 1997, the balance for Prosecution was approximately \$2,637.77. The \$29,000.00 was expended on travel for three (3) attorney recruits, two (2) extraditions, and two (2) Ninth Circuit Arguments.

I hope this letter will be of some assistance to you. I will be off-island from July 6 through 22<sup>nd</sup>, and acting in my stead will be First Assistant David Moore. If you should have any questions, please do not hesitate to contact me or AAG Moore.

Dangkolo na Si Yu'os Ma'ase' - Thank you very much!

Sincerely,

  
LEONARDO M. RAPADAS  
Chief Prosecutor

cc: Attorney General

LMR:1-A:\PROS.DOC



Commonwealth Now!

Phone: (671) 475-3406 • Facsimile: (671) 477-3390 • FTS: (671) 472-7595 • E-Mail: law@ns.gov.gu  
Suite 2-200E Judicial Center Bldg. • 120 West O'Brien Drive • Hagåtña, Guam U.S.A. 96910

**GUAM LEGAL SERVICES CORPORATION**  
**113 Bradley Place**  
**Agana, Guam 96910**  
**Telephone No.: (671) 477-9811**  
**Facsimile No.: (671) 477-1320**

Daniel S. Somerfleck  
Director/Managing Attorney

Staff Attorneys:  
Carl W. Behner  
Belinda C. Alcantara  
James F. Baldwin

May 18, 1998

Senator Anthony C. Blaz  
Vice-Speaker  
Twenty-Fourth Guam Legislature  
155 Hesler Street  
Agana, Guam 96932

*Handwritten initials and signatures*

**RECEIVED**  
MAY 26 1998

Dear Senator Blaz,

We are concerned that you may not be aware of some of the services currently available on Guam to victims of family violence. Accordingly, we would like to provide you with some informational materials to assist you in dealing with any victims that may contact your office for help.

Enclosed please find a brochure and some handouts from Victim Advocates Reaching Out (VARO). In addition, the long yellow card, produced by the Family Violence Information Network (under Guam Legal Services Corporation), contains contact numbers for the various service providers that provide assistance to victims of family violence. This card also contains information in four different languages explaining to the victim what he/she should tell the police officer, and where he/she can go to get a restraining order. Please note that this card has also been provided to all police precincts for distribution to victims at the scene of an incident or when a complaint is filed.

Please also note that victims may go to Guam Legal Services Corporation (GLSC) and apply for a restraining order *regardless of income*. If GLSC has a conflict, in most cases Public Defender will be able to assist the victim, or GLSC has and does refer the victim to a private attorney who will do the restraining order for free.

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**ACTIVE MEMBER**  
Nora C. Ojeda  
Richard Dirks

If you have any questions or would like additional copies of materials provided herewith, please feel free to call Ms. Sara Charon at 477-9811.

Sincerely,



**DANIEL S. SOMERFLECK**  
**Director/Managing Attorney**

Enclosures

**BOARD OF DIRECTORS**

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**Office of the Attorney General  
of Guam  
Prosecution Division**

Gus F. Diaz  
*(Akto) Hiniråt Abugao  
(Acting) Attorney General*

Lennardo M. Rapadas  
*Akkåden Abugådu  
Chief Prosecutor*

May 14, 1998

**HONORABLE ANTHONY C. BLAZ**  
Senator, Twenty-Fourth Guam Legislature  
Chairperson, Committee on Finance and Taxation  
155 Hesler Street  
Hagåtña, Guam 96910

Re: Written Testimony in Support of Increased FTE's and Funding  
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Dear Senator Blaz:

Buenas yan Saluda!

Over the last several years, the Prosecution Division has seen a substantial increase in the number of family violence and criminal sexual conduct cases reported to the authorities. That is not to say, however, that family violence and criminal sexual conduct offenses were not as prevalent in the past as they are today; rather, the increased reporting reflects the community's awareness that such acts are in fact, violent and criminal. More people, adults and children, are now willing to come forward and report these crimes. It is our hope that with more public education and community outreach about the seriousness of these crimes, the community will continue to break "the silence" and the "cycle of violence", and report these violent acts to law enforcement.

Family violence and criminal sexual conduct cases are extremely complicated, require time-intensive investigation, and are emotionally charged cases. Given the sensitive nature of and the dynamics inherent in such cases, it is very common to find a history of abuse involving the perpetrator and victim, which may



Commonwealth Now!



Letter to Senator Anthony C. Blaz  
Subj: Increased FTE's and Funding  
May 14, 1998  
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date back several years. It is also common for victims to not want to proceed with prosecution, or to want to "drop charges", because of pressure from the perpetrator, other family members, or friends, financial problems, love for the perpetrator, fear of retaliation, religious reasons, and the like. Especially disturbing is the fact that in over a majority of our criminal sexual conduct cases, the victims are children; the perpetrators are usually known to the victims, i.e., family members or friends.

Given the immense pressure exerted upon our victims to "drop" charges often resulting in the victim's refusal to cooperate with prosecution or to recant their statements, and the immediate need to protect our victims from further violence or abuse, time is of the essence in prosecuting these cases. In order for us to effectively and rapidly respond to the needs of our victims, to ensure quality and successful prosecution of these cases, we must be equipped with the resources necessary to do so --- more prosecutors, investigators, victim advocates, and support staff, and funding to support these positions. Our community and legislature have recognized the need for additional judges and correctional facilities. We must also then recognize given the increase in crime and caseload, the need for additional resources who are a part of the criminal justice system equation, i.e., law enforcement.

The Prosecution Division is currently staffed, at the felony level, with only three full-time and one part-time attorney(s) and two investigators, responsible for handling literally hundreds of cases of family violence and criminal sexual conduct. There are, at the misdemeanor level, only four attorneys and one (1) investigator, who are also responsible for handling literally hundreds of such cases, in addition to other types of cases not involving family violence or criminal sexual conduct. The current pro-arrest and pro-confinement directive issued by the Guam Police Department, which the Prosecution Division wholeheartedly supports, has and will undoubtedly result in an increased caseload for the Prosecution Division. We are at a CRITICAL STAGE in our Division regarding the immediate need for more personnel and funding. We have prosecutors, investigators, victim advocates, and support staff who are fully committed to serving the victims and our community, but unless more resources and funding are provided, we risk the safety and welfare of our victims, the quality of our prosecution of these cases, and the "burn-out" of our staff.

Given our current caseload, we request, in addition to our current staffing pattern for the FASC ("Family Abuse and Sex Crimes") Unit, the following FTE's and funding to support these positions:



Commonwealth Now!



Letter to Senator Anthony C. Blaz  
Subj: Increased FTE's and Funding  
May 14, 1998  
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five (5) full-time felony prosecutors;  
two (2) misdemeanor prosecutors;  
five (5) full-time felony investigators;  
two (2) misdemeanor investigators;  
two (2) victim advocates; and,  
three (3) support staffers.

Should you should have any questions, please do not hesitate to contact us at 475-3406.

Dångkolo na Si Yu'os Ma'åse' - Thank you very much!

Sincerely,

LEONARDO M. RAPADAS  
Chief Prosecutor

ALICIA A. LIMTIACO  
Assistant Attorney General  
FASC Unit Head

cc: Attorney General

vnn: A:\ACBlaz.FTE.wpd



Commonwealth Now!

**PUBLIC DEFENDER SERVICE CORPORATION  
(Kotperasion Setbision Defensot Pubbleku)**

**DIRECTOR**  
Harold F. Parker

**ADMINISTRATIVE  
DIRECTOR**  
Bernadette S.N. Chargualal

**GOVERNMENT OF GUAM**  
200 Judicial Center Annex  
110 West O'Brien Drive  
Hagåtña, Guam 96910  
Tel: (671) 475-3100  
Fax: (671) 477-5844

**STAFF ATTORNEYS**

Richard S. Kirk  
Jane L. Kennedy  
Terrance A. Long  
Loretta T. Gutierrez Long  
Pablo M. Aguiar  
Raymond B. Egan  
Jocelyn M. Fiden  
James L. Campbell, II  
D. Graham Smith  
Stephen P. Hatori

April 30, 1998

**Honorable Senator Anthony C. Blaz**  
**Vice-Speaker**  
**Twenty-Fourth Guam Legislature**  
155 Hessler St  
Hagåtña, Guam 96910

RE: **Bill No. 620**

**Dear Senator Blaz:**

As a member of the Domestic Violence Task Force, both under former Governor Ada and presently under Governor Gutierrez, let me congratulate you on your continuing efforts to protect Guam's victims of family violence.

I will not be able to testify concerning Bill 620 at hearing on May 1, 1998, so I am submitting this letter in the hope that this bill can be strengthened and improved, and that parts of it can become law.

I strongly support the general idea of establishing specialized training for police officers who respond to situations involving family violence. I note that this version of the bill appropriates funds to make such training a reality. I hope that the Guam Police Department and the Prosecutors will be able to work with your committee and develop a final draft that can become law. For most victims the Guam Police Department will be the first point of contact with the "system", and it is important that officers have state of the art training.

My most serious objection with Bill 620 concerns proposed section 10.31, concerning mandatory incarceration to be imposed by the police. Not only does this provision conflict with Guam's statutes which provide for magistrate's hearings, it constitutes a violation of constitutional due process which will probably result in the whole bill being nullified by the court. It will also discourage victims and their families from seeking help in those many minor cases where prompt intervention and counseling can often break the cycle of violence before it gets out of hand. This provision should be eliminated.

I should note that the pro-arrest policy which is already a part of our law, combined with recent efforts by the prosecution and police to confine individuals until the magistrate's hearing, is going to make important improvements in the ability of the court system to protect known victims. The pro-confinement policy is only in its second or third week, but I think the months to come will show that it will have a profoundly important impact on enforcing the laws already on the books.

Letter to A.C. Blaz

RE: Bill 620

Page 2

I also have some concerns about the portions of the bill which mandate certain duties on the part of the police department, but I am sure that the Guam Police Department will be providing detailed input. I will list only a couple of concerns: the wording of section 30.32(c) undercuts (or at least renders ambiguous) the pre-arrest policy which is now codified as 9 GCA §30.30. Other parts require the police to do things which are simply bad police work; no police officer, for example, will advise a victim to "preserve evidence". Appropriate procedure is to seize the evidence and maintain the chain of custody. I am sure that the Guam Police Department and the prosecutor will have suggestions on how to improve this part of the proposed bill.

I am also concerned about the nature of the advisement that would be given to victims if the bill is passed in its current form. Some of the material stated on pages 10 and 11 does not accurately reflect the law, and forms are not available from the Superior Court. It is a very dangerous practice to encourage victims to represent themselves in court. Typically, the abuser is the male, and just as typically he has a greater income and is much more likely to hire an attorney to represent his interests, especially if he has been charged with a crime. A victim who has no attorney will have a difficult time against an abuser represented by competent counsel. Because of Guam's mandatory joinder rules, a victim who does not properly plead her case at the beginning may find that some forms of relief will be unavailable forever after.

Instead, I suggest that we encourage all victims to seek representation by qualified attorneys who can provide comprehensive legal services. Both the Public Defender Service Corporation and Guam Legal Services Corporation have a long tradition of providing service to victims of family violence, and both have recently improved their programs with the help of federal grants. We are not yet able to provide legal assistance for 100 percent of the victims, but that is a reachable goal if the individual members of the Guam Bar Association will do a little more to help. The Lawyer Referral Service exists for this purpose.

Thank you for this opportunity to express my concerns. I know that the members of the task force applaud your continuing efforts, and will do whatever we can to assist.

Sincerely,



RICHARD S. DIRKS  
Assistant Public Defender



### Professional-Technological Institute

COLONEL A.P. SGAMBELLURI  
EXECUTIVE DIRECTOR

RAIK K. SOOB  
ASSOCIATE EXECUTIVE DIRECTOR

APR 22 1998


Aide to Senator Blaz  
Office of the Vice Speaker  
24<sup>th</sup> Guam Legislature  
155 Hesler Street, Agana, GU 96910

Dear Mr. Sgambelluri,

Reference our recent discussion on the proposed *Erica's Law or the Family Violence Act of 1998*; we are pleased to enclose our recommendations and comments for your review and consideration.

If you have any questions, please do not hesitate to contact the undersigned at 735-5640, fax 734-2424.

Sincerely,

  
A.P. Sgambelluri

*Handwritten notes:*  
...  
...

\* (This page plus four)

COMMENTS/RECOMMENDATIONS  
ON THE PROPOSED  
ERICA'S LAW

A.P. Sgambelluri

I am in agreement with and fully supportive of the intent of this proposed law.

However, I would like to once again emphasize the need for a mechanism to be built into each new law for an evaluation of its effectiveness, dynamism and continuous evaluation so that any measures put in place by such legislation can inherently be improved on an on-going basis. No static law can be effective for long due to constantly changing conditions that the law was originally designed to address. Therefore my advocacy of a built-in process for review and periodic upgrade, re-evaluation and improvement of its various contents.

The intent and purpose of this proposed law is indeed worthwhile. We need to make it as sensitive to the needs of the various elements/players and we need to make it as creative, as dynamic and as effective as possible.

The following are some observations, suggestions, recommendations that may help in the development of this program:

1. **Page 2, line 23, Section 3(b)**  
The word "discourage" should be replaced by "deter" so as the line reads (b) Create a flexible and speedy remedy to deter violence. In a law enforcement context, "deterrence" has a much stronger intent than "discourage".
2. **Page 3, line 17, Section 5**  
In establishment and requirement of Family Violence Training Programs and Crisis Teams, while the roles of the Chief of Police and the Attorney General are clear enough, it is recommended that the individual establishment of the core cadet curriculum by the University of Guam and the Guam Community College should be defined better and in a more clear cut manner. Two similar educational institutions has, nevertheless, in above normal potential of confusion and inherent problems in repeat of academic approach, treatment, philosophy, variable elements, duplication of effort, overlap and institutional agendas. We believe the purpose and intent of this legislation will be better served if the educational institution's roles are clearly delineated. GCC is already mandated in respect of training the personnel and as such UOG can be asked to handle the academic research aspects of the issues thereby allocating clear and well-defined areas of activity.
3. **Page 4, line 8 and 9, Section 5(c)**  
Line 8, delete "and Chief Marshal of the Superior Court". The role of the Superior Court Marshals is unique and confined more to the Superior Court boundaries in terms of safety and security. Its involvement in this proposed law appears at best to be uncertain.

4. **Page 4, line 9** delete "continuing education and".
5. **Page 4, line 14, c(3)** change the word "batters" to "batterers". Batter is more of a sporting term, "batterer" is one who "batters" as in legal terminology of assault and battery.
6. **Page 5, line 2, 5(e)**  
The "twenty hours of training in responding to family violence cases" should be changed to "forty-five hours . . . cases". This would enable the trainees to obtain appropriate number of college credits.
7. **Page 5, line 4, 5(f)**  
"Advanced annual twelve-hour in-service" should be changed to twenty-hour in-service/ This will not only make the training more comprehensive but also enable the institution to conduct four-hour classes spread over five work-days of a week.
8. **Page 5, line 18, Section 6(b)**  
Change second word in this line from "deliberated" to "deliberates".
9. **Page 7, line 4, Section 7(c)5**  
Extend line 4 text, add after the word "desired" to include "or judged necessary by the responding officer".
10. **Page 7, line 9, Section 7(c) 7**  
After the word "injuries", delete the rest of the line reading "if such treatment is needed or desired". Visit to the hospital or medical facility for treatment of injuries should be made mandatory to include photography of the injuries for the record and any future action.
11. **Page 9, lines 1 and 2, Section 7(c) 10**  
delete from the end of the sentence "whenever necessary or appropriate".
12. **Page 7, lines 18 and 19, Section 7(c) 11**  
delete in its entirety - Both parties should be taken to the police station for required action.
13. **Page 8, line 6, Section 7(d) 3**  
Replace the word "Assisting" with "Supervising".
14. **Page 9, lines 1 and 2, Section 7(e)**  
This sentence should be re-written to mandate the prosecuting attorney or the Office of the Attorney General to file a criminal complaint. It should not be discretionary or optional but mandatory.
15. **Page 9, lines 18 and 19, Section 7(e) 5**  
This should be re-written as an order prohibiting abuser from using any kind of weapon, instrument or thing to inflict bodily harm or injury.



16. **Page 10, line 21, Section 8** change the word "copied" to "copies".
17. **Page 13, line 20, Section 8, 30.22** delete "law".
18. **Page 35, lines 23 through 25, Section 13, 1501(c)**  
This sub-section needs to be given some serious thought. I do not believe that any entity can serve four masters simultaneously. Our suggestion would be that the advisory council may report to the Governor through the Speaker of the Legislature, the Chief Justice of the Supreme Court and the Judicial Council. The reporting chain should be advisory council - Judicial council-Supreme Court-Speaker-Governor.
19. **Page 36, lines 1 through 13, 1502 (a) (b)**  
Here again, the conceptual mechanics of membership appointment should be revisited. If the advisory council is going to report to the Supreme Court, Legislature and the Judicial Council along with the Governor then all these entities should also be empowered to appoint some members of the Advisory Council. Ideally, prorated numbers of the Council should be designated by each one of the four supervising entities. Administratively, only one entity should NOT appoint all eleven members to avoid any perception of monopolistic power concentration in one person's hands. Such decisions should be left to persons with expertise in this area for maximum effectiveness.
20. **Page 36, lines 14-20, 1503(a)**  
The Department of Public Health & Social Services and the Department of Mental Health & Substance Abuse are two similar yet distinctly separate agencies with their individual work profiles. Their individual roles in this program should be clearly delineated to ensure smooth operations and well defined areas of responsibility.
21. **Page 37, lines 12 through 13, 1503 (c) 2**  
Review and update of the public health plan should be done every two (2) years instead of as indicated, for the following reasons:
  - a) Three years may be too long a period for the system to be deeply entrenched and become inflexible and rigid at the expense of the victims.
  - b) Two years will be sufficient to observe whether any and all provisions are working. If not, they can be changed after this period with reasonable expectations that long term harm can be avoided.
  - c) Two years is a reasonable period for evaluation and flexible enough for improvement.
  - d) Legislative elections every two years will give freshmen senators the opportunity to provide fresh ideas and input.

- e) **Gubernatorial electives every four years will provide opportunities for fresh direction from the Executive Branch.**
- f) **Legislative & Executive Branch can take fresh look at the funding of such programs and provide whatever is needed to keep it effective.**

22. **Pages 40 and 41, lines 24 and 25, 1507(a)**

The Department of Mental Health and Substance Abuse has an important role to play in this area and should be included as also in Guam Memorial Hospital.

The regulations must also address issues such as the past records of the perpetrator, if any and whether these should be considered in the context of the current incidents, methodology for future deterrence, ongoing evaluation of the treatment's effectiveness, collection of empirical data and establishment of a data bank for analysis as needed.

23. **Page 42, line 16, 1507(d) 1.i** delete "and victim" (duplicated, typo).

24. **Page 43, line 5, 1508(a)**

Change to read "program must provide forty-five (45) hours of initial education to all". As explained earlier, it would earn the participant college credits.

25. **Page 44, lines 15 through 18, 1509(a)**

Add the following for the paragraph to read:

"-----**(a) The Judicial Council shall develop and present courses of continuing education concerning family violence for judicial officers and court personnel, or authorize Guam Community College and Pro-Tech Institute to present courses as approved by the Judicial Council.**"

26. **Page 46, lines 22 through 24, 1511(a)**

Add the following for the paragraph to read, "The Superior Court of Guam shall provide courses of continuing legal education in family violence for attorneys, or authorize Guam Community College's Pro-Tech Institute to present courses as approved by the Superior Court of Guam.

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# **GUAM POLICE DEPARTMENT**



## **ALCOHOL/DRUG SUMMARY**

**"In Compliance With  
The Edward Byrne Act"**

J.M. Marques  
Chief of Police

R. J. Dervish  
Acting, Deputy Chief of Police

## HOMICIDE CASES IN GUAM RELATED TO DRUG/ALCOHOL CALENDAR YEARS 1990-1997

| YEAR | TOTAL<br>HOMICIDE | NUMBER AND PERCENTAGE OF EACH YEAR'S HOMICIDES<br>FOUND RELATED TO DRUGS/ALCOHOL. |         |
|------|-------------------|---|---------|
|      |                   | ALCOHOL   | DRUGS   |
| 1990 | 10                | 2 (20%)   | 5 (50%) |
| 1991 | 10                | 3 (30%)   | 7 (70%) |
| 1992 | 11                | 4 (36%)   | 6 (55%) |
| 1993 | 11                | 4 (36%)   | 6 (55%) |
| 1994 | 14                | 7 (50%)   | 3 (21%) |
| 1995 | 7                 | 3 (43%)   | 3 (43%) |
| 1996 | 15                | 6 (40%)   | 7 (47%) |
| 1997 | 11                | 6 (55%)   | 2 (18%) |

\*As of Friday, December 31, 1997  
Friday, February 27, 1998  
Research Unit

**COMPARATIVE ANALYSIS OF ALCOHOL/DRUG RELATED  
INDEX CRIMES  
1989-1994**

| CRIME TYPE          | NUMBER      |             |             |             |             |             | ALCOHOL RELATED |             |             |             |             |             | PERCENT OF TOTAL |             |             |             |             |             |
|---------------------|-------------|-------------|-------------|-------------|-------------|-------------|-----------------|-------------|-------------|-------------|-------------|-------------|------------------|-------------|-------------|-------------|-------------|-------------|
|                     | 1989        | 1990        | 1991        | 1992        | 1993        | 1994        | 1989            | 1990        | 1991        | 1992        | 1993        | 1994        | 1989             | 1990        | 1991        | 1992        | 1993        | 1994        |
| Violent Crimes      | 267         | 378         | 318         | 486         | 400         | 474         | 165             | 258         | 198         | 376         | 289         | 370         | 61.8             | 68.2        | 62.3        | 77.4        | 72.3        | 78.1        |
| Property Crimes     | 4304        | 4622        | 4496        | 5065        | 5388        | 7435        | 1313            | 1437        | 1291        | 1643        | 1908        | 3398        | 30.5             | 31.1        | 28.7        | 32.4        | 35.8        | 45.7        |
| <b>GRAND TOTAL</b>  | <b>4571</b> | <b>5000</b> | <b>4814</b> | <b>5551</b> | <b>5788</b> | <b>7909</b> | <b>1478</b>     | <b>1695</b> | <b>1489</b> | <b>2019</b> | <b>2198</b> | <b>3768</b> | <b>32.3</b>      | <b>33.9</b> | <b>30.9</b> | <b>36.4</b> | <b>38.0</b> | <b>47.6</b> |
| Murder              | 14          | 10          | 10          | 11          | 11          | 14          | 13              | 7           | 7           | 10          | 10          | 10          | 92.9             | 70.0        | 70.0        | 90.9        | 90.9        | 71.4        |
| Rape                | 72          | 90          | 84          | 115         | 89          | 109         | 12              | 19          | 15          | 30          | 23          | 29          | 16.7             | 21.1        | 17.9        | 26.1        | 25.8        | 26.6        |
| Robbery             | 39          | 44          | 64          | 87          | 93          | 105         | 28              | 35          | 46          | 73          | 79          | 94          | 71.8             | 79.8        | 71.9        | 83.9        | 84.9        | 26.6        |
| Aggravated Assault  | 142         | 234         | 160         | 273         | 207         | 246         | 112             | 197         | 130         | 263         | 177         | 237         | 78.9             | 84.2        | 81.3        | 96.3        | 85.5        | 89.5        |
| Burglary            | 906         | 925         | 774         | 946         | 1221        | 1716        | 315             | 327         | 252         | 339         | 458         | 1111        | 34.8             | 35.4        | 32.6        | 35.8        | 37.5        | 96.3        |
| Larceny-Theft       | 3093        | 3344        | 3302        | 3629        | 3758        | 5127        | 893             | 973         | 910         | 1145        | 1313        | 2044        | 28.9             | 29.1        | 27.6        | 31.6        | 34.9        | 64.7        |
| Motor Vehicle Theft | 269         | 337         | 412         | 480         | 395         | 568         | 96              | 131         | 127         | 156         | 133         | 234         | 35.7             | 38.9        | 30.8        | 32.5        | 33.7        | 39.9        |
| Arson               | 36          | 16          | 8           | 10          | 14          | 24          | 9               | 6           | 2           | 3           | 5           | 9           | 25.0             | 37.5        | 25.0        | 30.0        | 35.7        | 41.2        |

**GUAM POLICE DEPARTMENT  
DRUG SUMMARY  
1997**

**I. ARRESTS BY TYPES & VIOLATIONS**

| TYPES         | Possession | Distribution | Delivery  | Manufacturing | Importation | TOTAL      | % OF TOTAL  |
|---------------|------------|--------------|-----------|---------------|-------------|------------|-------------|
| Marijuana     | 45         | 24           | 21        | 9             | 10          | 109        | 26%         |
| Heroin        | 8          | 0            | 0         | 0             | 2           | 10         | 2%          |
| Cocaine       | 9          | 0            | 0         | 0             | 3           | 12         | 3%          |
| ICE           | 225        | 32           | 20        | 0             | 6           | 283        | 68%         |
| Other         | 0          | 0            | 0         | 0             | 0           | 0          | 0%          |
| <b>TOTAL:</b> | <b>287</b> | <b>56</b>    | <b>41</b> | <b>9</b>      | <b>21</b>   | <b>414</b> | <b>100%</b> |

**II. CONFISCATIONS/SEIZURES AND BUYS BY TYPES & WEIGHT**

| TYPES        | Pounds     | Ounces      | TOTAL           |                  |
|--------------|------------|-------------|-----------------|------------------|
| Marijuana    | 592        | 0           | 592 lbs         | 0 ozs.           |
| Heroin       | 0          | 9.9         | 0 lbs.          | 9.9 ozs.         |
| Cocaine      | 0          | 12.4        | 0 lbs.          | 12.4ozs.         |
| ICE          | 24         | 8.0         | 24 lbs.         | 8.0 ozs.         |
| Other        | 0          | 0           | 0 lbs.          | 0.0ozs.          |
| <b>TOTAL</b> | <b>616</b> | <b>30.3</b> | <b>616 lbs.</b> | <b>223.15ozs</b> |

**III. POINT OF ORIGIN BY TYPES**

| MARIJUANA | HEROIN   | COCAINE | ICE         | OTHER |
|-----------|----------|---------|-------------|-------|
| USA       | USA      | USA     | Philippines | NONE  |
| Guam      | Thailand | Korea   | Korea       |       |
| Belau     | Korea    | Taiwan  | USA         |       |
| CNMI      | Hawaii   |         | Taiwan      |       |
| FAS       |          |         | .           |       |

**GUAM POLICE DEPARTMENT  
DRUG SUMMARY  
1996**

**I. ARRESTS BY TYPES & VIOLATIONS**

| TYPES         | Possession | Distribution | Delivery  | Manufacturing | Importation | TOTAL      | % OF TOTAL  |
|---------------|------------|--------------|-----------|---------------|-------------|------------|-------------|
| Marijuana     | 38         | 19           | 17        | 4             | 5           | 83         | 30%         |
| Heroin        | 7          | 0            | 0         | 0             | 0           | 7          | 3%          |
| Cocaine       | 5          | 0            | 0         | 0             | 0           | 5          | 2%          |
| ICE           | 105        | 29           | 25        | 1             | 18          | 178        | 65%         |
| Other         | 0          | 0            | 0         | 0             | 0           | 0          | 0%          |
| <b>TOTAL:</b> | <b>155</b> | <b>48</b>    | <b>42</b> | <b>5</b>      | <b>23</b>   | <b>273</b> | <b>100%</b> |

**II. CONFISCATIONS/SEIZURES AND BUYS BY TYPES & WEIGHT**

| TYPES        | Pounds     | Ounces      | TOTAL           |                   |
|--------------|------------|-------------|-----------------|-------------------|
| Marijuana    | 338        | 10.5        | 238 lbs.        | 10.50 ozs.        |
| Heroin       | 0          | 3.6         | 0 lbs.          | 3.60 ozs.         |
| Cocaine      | 0          | 5.8         | 0 lbs.          | 5.80 ozs.         |
| ICE          | 18         | 13.3        | 18 lbs.         | 13.30 ozs.        |
| Other        | 0          | 0           | 0 lbs.          | 0.0 ozs.          |
| <b>TOTAL</b> | <b>356</b> | <b>33.2</b> | <b>356 lbs.</b> | <b>33.20 ozs.</b> |

**III. POINT OF ORIGIN BY TYPES**

| MARIJUANA | HEROIN   | COCAINE | ICE         | OTHER |
|-----------|----------|---------|-------------|-------|
| USA       | USA      | USA     |             | NONE  |
| Guam      | Thailand | Korea   | Philippines |       |
| Belau     | Korea    | Taiwan  | Korea       |       |
| CNMI      |          |         | Taiwan      |       |
| FAS       |          |         | USA         |       |

**GUAM POLICE DEPARTMENT  
DRUG SUMMARY  
1995**

**I. ARRESTS BY TYPES & VIOLATIONS**

| TYPES         | Possession | Distribution | Delivery  | Manufacturing | Importation | TOTAL      | % OF TOTAL  |
|---------------|------------|--------------|-----------|---------------|-------------|------------|-------------|
| Marijuana     | 31         | 10           | 16        | 12            | 4           | 73         | 33%         |
| Heroin        | 7          | 3            | 5         | 0             | 0           | 15         | 7%          |
| Cocaine       | 0          | 0            | 0         | 0             | 0           | 0          | 0%          |
| ICE           | 55         | 21           | 30        | 0             | 26          | 132        | 60%         |
| Other         | 0          | 0            | 0         | 0             | 0           | 0          | 0%          |
| <b>TOTAL:</b> | <b>93</b>  | <b>34</b>    | <b>51</b> | <b>12</b>     | <b>30</b>   | <b>220</b> | <b>100%</b> |

**II. CONFISCATIONS/SEIZURES AND BUYS BY TYPES & WEIGHT**

| TYPES        | Pounds     | Ounces    | TOTAL                      |
|--------------|------------|-----------|----------------------------|
| Marijuana    | 210        | 15        | 210 lbs. 15.00 ozs.        |
| Heroin       | 0          | 7         | 0 lbs. 0.07 ozs.           |
| Cocaine      | 0          | 0         | 0 lbs. 0.00 ozs.           |
| ICE          | 12         | 9         | 12 lbs. 0.09 ozs.          |
| Other        | 0          | 0         | 0 lbs. 0.00 ozs.           |
| <b>TOTAL</b> | <b>222</b> | <b>31</b> | <b>223 lbs. 15.00 ozs.</b> |

**III. POINT OF ORIGIN BY TYPES**

| MARIJUANA | HEROIN   | COCAINE | ICE         | OTHER |
|-----------|----------|---------|-------------|-------|
| USA       | USA      | USA     | Philippines | NONE  |
| Guam      | Thailand | Korea   | Korea       |       |
| Belau     | Korea    |         | USA         |       |
| CNMI      |          |         |             |       |
| FAS       |          |         |             |       |



**G'AM POLICE DEPARTMENT  
DRUG SUMMARY  
1994**

**I. ARRESTS BY TYPES & VIOLATIONS**

| TYPES         | Possession | Distribution | Delivery  | Manufacturing | Importation | TOTAL      | % OF TOTAL  |
|---------------|------------|--------------|-----------|---------------|-------------|------------|-------------|
| Marijuana     | 68         | 2            | 5         | 12            | 8           | 93         | 62%         |
| Heroin        | 2          | 0            | 2         | 0             | 3           | 7          | 5%          |
| Cocaine       | 3          | 0            | 0         | 0             | 0           | 3          | 2%          |
| ICE           | 22         | 6            | 14        | 0             | 5           | 47         | 31%         |
| Other         | 0          | 0            | 0         | 0             | 0           | 0          | 0%          |
| <b>TOTAL:</b> | <b>95</b>  | <b>8</b>     | <b>21</b> | <b>12</b>     | <b>14</b>   | <b>150</b> | <b>100%</b> |

**II. CONFISCATIONS/SEIZURES AND BUYS BY TYPES & WEIGHT**

| TYPES        | Pounds     | Ounces       | TOTAL                    |
|--------------|------------|--------------|--------------------------|
| Marijuana    | 365        | 14.2         | 365lbs. 14.20ozs.        |
| Heroin       | 0          | 1.37         | 0lbs. 1.37ozs.           |
| Cocaine      | 0          | 2.15         | 0lbs. 2.15ozs.           |
| ICE          | 3          | 5.37         | 3lbs. 5.37ozs.           |
| Other        | 0          | 0.61         | 0lbs. 0.61ozs.           |
| <b>TOTAL</b> | <b>368</b> | <b>23.70</b> | <b>368lbs. 15.72ozs.</b> |

**III. POINT OF ORIGIN BY TYPES**

| MARIJUANA   | HEROIN     | COCAINE    | ICE         | OTHER |
|-------------|------------|------------|-------------|-------|
| Belau       | Hawaii     | Hawaii     | Philippines |       |
| Guam        | California | California | Saipan      |       |
| Chuuk       | Belau      | Belau      | Korea       |       |
| Pohnpei     | Japan      | Saipan     | Taiwan      |       |
| Yap         |            |            | Hawaii      |       |
| Philippines |            |            | California  |       |

**GIAM POLICE DEPARTMENT  
DRUG SUMMARY  
1993**

**I. ARRESTS BY TYPES & VIOLATIONS**

| TYPES         | Possession | Distribution | Delivery  | Manufacturing | Importation | TOTAL      | % OF TOTAL  |
|---------------|------------|--------------|-----------|---------------|-------------|------------|-------------|
| Marijuana     | 78         | 0            | 2         | 10            | 4           | 94         | 75%         |
| Heroin        | 1          | 0            | 1         | 0             | 0           | 2          | 2%          |
| Cocaine       | 2          | 0            | 0         | 0             | 0           | 2          | 2%          |
| ICE           | 11         | 4            | 8         | 0             | 5           | 28         | 22%         |
| Other         | 0          | 0            | 0         | 0             | 0           | 0          | 0%          |
| <b>TOTAL:</b> | <b>92</b>  | <b>4</b>     | <b>11</b> | <b>10</b>     | <b>9</b>    | <b>126</b> | <b>100%</b> |

**II. CONFISCATIONS/SEIZURES AND BUYS BY TYPES & WEIGHT**

| TYPES        | Pounds     | Ounces       | TOTAL          |                   |
|--------------|------------|--------------|----------------|-------------------|
| Marijuana    | 129        | 11.0         | 129 lbs.       | 11.0 ozs.         |
| Heroin       | 0          | 1.96         | 0 lbs.         | 1.96 ozs.         |
| Cocaine      | 8          | 1.33         | 8 lbs.         | 1.33 ozs.         |
| ICE          | 2          | 2.63         | 2 lbs.         | 2.63 ozs.         |
| Other        | 0          | 0.09         | 0 lbs.         | 0.09 ozs.         |
| <b>TOTAL</b> | <b>139</b> | <b>17.01</b> | <b>139lbs.</b> | <b>17.01 ozs.</b> |

**III. POINT OF ORIGIN BY TYPES**

| MARIJUANA    | HEROIN     | COCAINE    | ICE         | OTHER |
|--------------|------------|------------|-------------|-------|
| Belau        | Honolulu   | Honolulu   | Philippines | None  |
| Phillippines | California | California | Saipan      |       |
| Chuuk        | Belau      | Belau      | Korea       |       |
| Pohnpei      | Japan      | Saipan     | Taiwan      |       |
| Yap          |            |            | Hawaii      |       |
| Saipan       |            |            | California  |       |
| Rota         |            |            |             |       |

**GUAM POLICE DEPARTMENT  
DRUG SUMMARY  
1991**

**I. ARRESTS BY TYPES & VIOLATIONS**

| TYPES         | Possession | Distribution | Delivery  | Manufacturing | Importation | TOTAL      | % OF TOTAL  |
|---------------|------------|--------------|-----------|---------------|-------------|------------|-------------|
| Marijuana     | 35         | 4            | 15        | 34            | 36          | 124        | 77%         |
| Heroin        | 0          | 0            | 0         | 0             | 0           | 0          | 0%          |
| Cocaine       | 2          | 0            | 4         | 0             | 4           | 10         | 6%          |
| ICE           | 8          | 0            | 3         | 0             | 17          | 28         | 17%         |
| Other         | 0          | 0            | 0         | 0             | 0           | 0          | 0%          |
| <b>TOTAL:</b> | <b>45</b>  | <b>4</b>     | <b>22</b> | <b>34</b>     | <b>57</b>   | <b>162</b> | <b>100%</b> |

**II. CONFISCATIONS/SEIZURES AND BUYS BY TYPES & WEIGHT**

| TYPES        | Pounds     | Ounces       | TOTAL                      |
|--------------|------------|--------------|----------------------------|
| Marijuana    | 347        | 13.0         | 347 lbs. 13.00 ozs.        |
| Heroin       | 0          | 2.5          | 0 lbs. 2.50 ozs.           |
| Cocaine      | 0          | 1.7          | 0 lbs. 1.70 ozs.           |
| ICE          | 1          | 2.8          | 1 lbs. 2.80 ozs.           |
| Other (Acid) | 0          | .74          | (One sheet) .74 ozs.       |
| <b>TOTAL</b> | <b>348</b> | <b>20.74</b> | <b>348 lbs. 20.74 ozs.</b> |

**III. POINT OF ORIGIN BY TYPES**

| MARIJUANA    | HEROIN                | COCAINE  | ICE                   | OTHER    |
|--------------|-----------------------|----------|-----------------------|----------|
| Phillippines | USA                   | USA      | Phillippines          | Honolulu |
| Belau        | Other Asian Countries | Honolulu | Saipan                |          |
| Saipan       |                       | Saipan   | Other Asian Countries |          |
| USA          |                       | Japan    |                       |          |

**G'AM POLICE DEPARTMENT  
DRUG SUMMARY  
1990**

**I. ARRESTS BY TYPES & VIOLATIONS**

| TYPES         | Possession | Distribution | Delivery  | Manufacturing | Importation | TOTAL     | % OF TOTAL  |
|---------------|------------|--------------|-----------|---------------|-------------|-----------|-------------|
| Marijuana     | 10         | 0            | 9         | 3             | 16          | 38        | 64%         |
| Heroin        | 0          | 0            | 2         | 0             | 0           | 2         | 3%          |
| Cocaine       | 1          | 2            | 5         | 0             | 2           | 10        | 17%         |
| ICE           | 0          | 0            | 0         | 0             | 9           | 9         | 15%         |
| Other         | 0          | 0            | 0         | 0             | 0           | 0         | 0%          |
| <b>TOTAL:</b> | <b>11</b>  | <b>2</b>     | <b>16</b> | <b>3</b>      | <b>27</b>   | <b>59</b> | <b>100%</b> |

**II. CONFISCATIONS/SEIZURES AND BUYS BY TYPES & WEIGHT**

| TYPES        | Pounds     | Ounces       | TOTAL                      |
|--------------|------------|--------------|----------------------------|
| Marijuana    | 525        | 0.00         | 525 lbs. 0.00 ozs.         |
| Heroin       | 0          | 5.47         | 0 lbs. 5.47 ozs.           |
| Cocaine      | 0          | 5.96         | 0 lbs. 5.96 ozs.           |
| ICE          | 0          | 2.96         | 0 lbs. 2.96 ozs.           |
| Other        | 0          | 0.00         | 0 lbs. 0.00 ozs.           |
| <b>TOTAL</b> | <b>525</b> | <b>14.39</b> | <b>525 lbs. 14.39 ozs.</b> |

**III. POINT OF ORIGIN BY TYPES**

| MARIJUANA    | HEROIN                | COCAINE  | ICE                   | OTHER |
|--------------|-----------------------|----------|-----------------------|-------|
| Phillippines | Belau                 | USA      | Phillippines          | None  |
| Belau        | USA                   | Honolulu | Saipan                |       |
| Saipan       | Other Asian Countries | Saipan   | Other Asian Countries |       |
| USA          |                       |          |                       |       |

**G'AM POLICE DEPARTMENT  
DRUG SUMMARY  
1989**

**I. ARRESTS BY TYPES & VIOLATIONS**

| TYPES         | Possession | Distribution | Delivery  | Manufacturing | Importation | TOTAL     | % OF TOTAL  |
|---------------|------------|--------------|-----------|---------------|-------------|-----------|-------------|
| Marijuana     | 30         | 0            | 6         | 6             | 15          | 57        | 79%         |
| Heroin        | 0          | 0            | 2         | 0             | 0           | 2         | 3%          |
| Cocaine       | 1          | 8            | 2         | 0             | 2           | 13        | 18%         |
| ICE           | 0          | 0            | 0         | 0             | 0           | 0         | 0%          |
| Other         | 0          | 0            | 0         | 0             | 0           | 0         | 0%          |
| <b>TOTAL:</b> | <b>31</b>  | <b>8</b>     | <b>10</b> | <b>6</b>      | <b>17</b>   | <b>72</b> | <b>100%</b> |

**II. CONFISCATIONS/SEIZURES AND BUYS BY TYPES & WEIGHT**

| TYPES        | Pounds     | Ounces      | TOTAL           |                  |
|--------------|------------|-------------|-----------------|------------------|
| Marijuana    | 905        | 2.18        | 905 lbs.        | 2.18 ozs.        |
| Heroin       | 0          | 0.14        | 0 lbs.          | 0.14 ozs.        |
| Cocaine      | 7          | 6.05        | 7 lbs.          | 6.05 ozs.        |
| ICE          | 0          | 0.00        | 0 lbs.          | 0.00 ozs.        |
| Other        | 0          | 0.00        | 0 lbs.          | 0.00 ozs.        |
| <b>TOTAL</b> | <b>912</b> | <b>8.37</b> | <b>912 lbs.</b> | <b>8.37 ozs.</b> |

**III. POINT OF ORIGIN BY TYPES**

| MARIJUANA    | HEROIN                | COCAINE  | ICE  | OTHER |
|--------------|-----------------------|----------|------|-------|
| Phillippines | Belau                 | USA      | None | None  |
| Belau        | USA                   | Honolulu |      |       |
| Saipan       | Other Asian Countries | Saipan   |      |       |
| USA          |                       | Japan    |      |       |

**GUAM POLICE DEPARTMENT  
JUVENILE DRUG ARRESTS BY TYPES OF VIOLATION  
AND AGE GROUP  
CALENDAR YEARS 1990-1997**

**1990**

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |          |          |          |          |          |          |
|---|--------------|----------|----------|----------|----------|----------|----------|----------|
|   |              | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| Possession of Marijuana                     | 11           | 1        | 1        | 1        | 2        | 1        | 2        | 3        |
| Delivery/Distribution of Marijuana          | 2            | 0        | 0        | 0        | 0        | 1        | 0        | 1        |
| Manufacture/Cultivation of Marijuana        | 1            | 0        | 0        | 0        | 0        | 0        | 1        | 0        |
| Possession of Crystal Methamphetamine "ice" | 0            | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| <b>GRAND TOTAL</b>                          | <b>14</b>    | <b>1</b> | <b>1</b> | <b>1</b> | <b>2</b> | <b>2</b> | <b>3</b> | <b>4</b> |

**1991**

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |          |          |          |          |          |          |
|---|--------------|----------|----------|----------|----------|----------|----------|----------|
|   |              | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| Possession of Marijuana                     | 10           | 0        | 0        | 1        | 2        | 3        | 1        | 3        |
| Delivery/Distribution of Marijuana          | 4            | 0        | 0        | 0        | 0        | 2        | 2        | 0        |
| Manufacture/Cultivation of Marijuana        | 2            | 0        | 0        | 1        | 1        | 0        | 0        | 0        |
| Possession of Crystal Methamphetamine "ice" | 2            | 1        | 1        | 0        | 0        | 0        | 0        | 0        |
| <b>GRAND TOTAL</b>                          | <b>18</b>    | <b>1</b> | <b>1</b> | <b>2</b> | <b>3</b> | <b>5</b> | <b>3</b> | <b>3</b> |

**1992**

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |          |          |          |          |          |          |
|---|--------------|----------|----------|----------|----------|----------|----------|----------|
|   |              | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| Possession of Marijuana                     | 20           | 1        | 1        | 6        | 7        | 7        | 1        | 3        |
| Delivery/Distribution of Marijuana          | 2            | 0        | 0        | 1        | 1        | 0        | 0        | 0        |
| Manufacture/Cultivation of Marijuana        | 2            | 0        | 0        | 0        | 0        | 1        | 1        | 0        |
| Possession of Crystal Methamphetamine "ice" | 0            | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| <b>GRAND TOTAL</b>                          | <b>30</b>    | <b>1</b> | <b>1</b> | <b>7</b> | <b>8</b> | <b>8</b> | <b>2</b> | <b>3</b> |

## 1993

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |           |          |           |          |          |          |
|---|--------------|----------|-----------|----------|-----------|----------|----------|----------|
|   |              | 11       | 12        | 13       | 14        | 15       | 16       | 17       |
| Possession of Marijuana                     | 43           | 2        | 2         | 6        | 9         | 8        | 9        | 7        |
| Delivery/Distribution of Marijuana          | 3            | 0        | 0         | 1        | 1         | 1        | 0        | 0        |
| Manufacture/Cultivation of Marijuana        | 0            | 0        | 0         | 0        | 0         | 0        | 0        | 0        |
| Possession of Crystal Methamphetamine "ice" | 0            | 0        | 0         | 0        | 0         | 0        | 0        | 0        |
| <b>GRAND TOTAL</b>                          | <b>46</b>    | <b>2</b> | <b>02</b> | <b>7</b> | <b>10</b> | <b>9</b> | <b>9</b> | <b>7</b> |

## 1994

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |          |           |           |           |           |          |
|---|--------------|----------|----------|-----------|-----------|-----------|-----------|----------|
|   |              | 11       | 12       | 13        | 14        | 15        | 16        | 17       |
| Possession of Marijuana                     | 45           | 1        | 4        | 12        | 6         | 6         | 11        | 5        |
| Delivery/Distribution of Marijuana          | 13           | 0        | 1        | 2         | 5         | 4         | 1         | 0        |
| Manufacture/Cultivation of Marijuana        | 1            | 0        | 0        | 0         | 0         | 0         | 0         | 1        |
| Possession of Crystal Methamphetamine "ice" | 2            | 0        | 0        | 0         | 2         | 0         | 0         | 0        |
| <b>GRAND TOTAL</b>                          | <b>61</b>    | <b>1</b> | <b>5</b> | <b>14</b> | <b>13</b> | <b>10</b> | <b>12</b> | <b>6</b> |

## 1995

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |          |          |          |          |          |          |
|---|--------------|----------|----------|----------|----------|----------|----------|----------|
|   |              | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| Possession of Marijuana                     | 14           | 1        | 2        | 0        | 1        | 3        | 3        | 4        |
| Delivery/Distribution of Marijuana          | 1            | 0        | 0        | 0        | 1        | 0        | 0        | 0        |
| Manufacture/Cultivation of Marijuana        | 0            | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Possession of Crystal Methamphetamine "ice" | 1            | 0        | 0        | 0        | 0        | 0        | 1        | 0        |
| <b>GRAND TOTAL</b>                          | <b>16</b>    | <b>1</b> | <b>2</b> | <b>0</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>4</b> |

## 1993

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |           |          |           |          |          |          |
|---|--------------|----------|-----------|----------|-----------|----------|----------|----------|
|   |              | 11       | 12        | 13       | 14        | 15       | 16       | 17       |
| Possession of Marijuana                     | 43           | 2        | 2         | 6        | 9         | 8        | 9        | 7        |
| Delivery/Distribution of Marijuana          | 3            | 0        | 0         | 1        | 1         | 1        | 0        | 0        |
| Manufacture/Cultivation of Marijuana        | 0            | 0        | 0         | 0        | 0         | 0        | 0        | 0        |
| Possession of Crystal Methamphetamine "ice" | 0            | 0        | 0         | 0        | 0         | 0        | 0        | 0        |
| <b>GRAND TOTAL</b>                          | <b>46</b>    | <b>2</b> | <b>02</b> | <b>7</b> | <b>10</b> | <b>9</b> | <b>9</b> | <b>7</b> |

## 1994

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |          |           |           |           |           |          |
|---|--------------|----------|----------|-----------|-----------|-----------|-----------|----------|
|   |              | 11       | 12       | 13        | 14        | 15        | 16        | 17       |
| Possession of Marijuana                     | 45           | 1        | 4        | 12        | 6         | 6         | 11        | 5        |
| Delivery/Distribution of Marijuana          | 13           | 0        | 1        | 2         | 5         | 4         | 1         | 0        |
| Manufacture/Cultivation of Marijuana        | 1            | 0        | 0        | 0         | 0         | 0         | 0         | 1        |
| Possession of Crystal Methamphetamine "ice" | 2            | 0        | 0        | 0         | 2         | 0         | 0         | 0        |
| <b>GRAND TOTAL</b>                          | <b>61</b>    | <b>1</b> | <b>5</b> | <b>14</b> | <b>13</b> | <b>10</b> | <b>12</b> | <b>6</b> |

## 1995

| TYPES OF VIOLATION                          | ARREST TOTAL | AGES     |          |          |          |          |          |          |
|---|--------------|----------|----------|----------|----------|----------|----------|----------|
|   |              | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| Possession of Marijuana                     | 14           | 1        | 2        | 0        | 1        | 3        | 3        | 4        |
| Delivery/Distribution of Marijuana          | 1            | 0        | 0        | 0        | 1        | 0        | 0        | 0        |
| Manufacture/Cultivation of Marijuana        | 0            | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| Possession of Crystal Methamphetamine "ice" | 1            | 0        | 0        | 0        | 0        | 0        | 1        | 0        |
| <b>GRAND TOTAL</b>                          | <b>16</b>    | <b>1</b> | <b>2</b> | <b>0</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>4</b> |



**UJAM POLICE DEPARTMENT  
 JUVENILE DRUG ARRESTS BY TYPES OF LOCATION  
 AND AGE GROUP  
 CALENDAR YEARS 1990-1997**

**1990**

| TYPES OF LOCATION                     | ARREST<br>TOTAL | AGES     |          |          |          |          |          |          |
|---------------------------------------|-----------------|----------|----------|----------|----------|----------|----------|----------|
|                                       |                 | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| <b>School Grounds</b>                 |                 |          |          |          |          |          |          |          |
| Middle School (Grades 6-8)            | 5               | 1        | 1        | 1        | 2        | 0        | 0        | 0        |
| High School (Grades 9-12)             | 3               | 0        | 0        | 0        | 0        | 2        | 1        | 0        |
| School Ground ( <i>SUBTOTAL</i> )     | 8               | 1        | 1        | 1        | 2        | 2        | 1        | 0        |
| Off School Ground ( <i>SUBTOTAL</i> ) | 6               | 0        | 0        | 0        | 0        | 0        | 2        | 4        |
| <b>GRAND TOTAL</b>                    | <b>14</b>       | <b>1</b> | <b>1</b> | <b>1</b> | <b>2</b> | <b>2</b> | <b>3</b> | <b>4</b> |

**1991**

| TYPES OF LOCATION                     | ARREST<br>TOTAL | AGES     |          |          |          |          |          |          |
|---------------------------------------|-----------------|----------|----------|----------|----------|----------|----------|----------|
|                                       |                 | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| <b>School Grounds</b>                 |                 |          |          |          |          |          |          |          |
| Middle School (Grades 6-8)            | 6               | 1        | 1        | 2        | 2        | 0        | 0        | 0        |
| High School (Grades 9-12)             | 5               | 0        | 0        | 0        | 0        | 3        | 2        | 0        |
| School Ground ( <i>SUBTOTAL</i> )     | 11              | 1        | 1        | 2        | 0        | 3        | 2        | 0        |
| Off School Ground ( <i>SUBTOTAL</i> ) | 7               | 0        | 0        | 0        | 1        | 2        | 1        | 3        |
| <b>GRAND TOTAL</b>                    | <b>15</b>       | <b>1</b> | <b>1</b> | <b>2</b> | <b>3</b> | <b>5</b> | <b>3</b> | <b>3</b> |

**1992**

| TYPES OF LOCATION                     | ARREST<br>TOTAL | AGES     |          |          |          |          |          |          |
|---------------------------------------|-----------------|----------|----------|----------|----------|----------|----------|----------|
|                                       |                 | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| <b>School Grounds</b>                 |                 |          |          |          |          |          |          |          |
| Middle School (Grades 6-8)            | 6               | 1        | 1        | 5        | 7        | 0        | 0        | 0        |
| High School (Grades 9-12)             | 5               | 0        | 0        | 0        | 0        | 8        | 2        | 3        |
| School Ground ( <i>SUBTOTAL</i> )     | 11              | 1        | 1        | 5        | 7        | 8        | 2        | 3        |
| Off School Ground ( <i>SUBTOTAL</i> ) | 7               | 0        | 0        | 2        | 1        | 0        | 0        | 0        |
| <b>GRAND TOTAL</b>                    | <b>18</b>       | <b>1</b> | <b>1</b> | <b>7</b> | <b>8</b> | <b>8</b> | <b>2</b> | <b>3</b> |

# 1993

| TYPES OF LOCATION                   | ARREST<br>TOTAL | AGES     |          |          |           |          |          |          |
|-------------------------------------|-----------------|----------|----------|----------|-----------|----------|----------|----------|
|                                     |                 | 11       | 12       | 13       | 14        | 15       | 16       | 17       |
| School Grounds                      |                 |          |          |          |           |          |          |          |
| Middle School (Grades 6-8)          | 19              | 2        | 2        | 72       | 8         | 0        | 0        | 0        |
| High School (Grades 9-12)           | 12              | 0        | 0        | 0        | 0         | 7        | 5        | 0        |
| School Ground <i>(SUBTOTAL)</i>     | 31              | 2        | 2        | 7        | 8         | 7        | 5        | 0        |
| Off School Ground <i>(SUBTOTAL)</i> | 15              | 0        | 0        | 0        | 2         | 2        | 4        | 7        |
| <b>GRAND TOTAL</b>                  | <b>46</b>       | <b>2</b> | <b>2</b> | <b>7</b> | <b>10</b> | <b>9</b> | <b>9</b> | <b>7</b> |

# 1994

| TYPES OF LOCATION                   | ARREST<br>TOTAL | AGES     |          |           |           |           |           |          |
|-------------------------------------|-----------------|----------|----------|-----------|-----------|-----------|-----------|----------|
|                                     |                 | 11       | 12       | 13        | 14        | 15        | 16        | 17       |
| School Grounds                      |                 |          |          |           |           |           |           |          |
| Middle School (Grades 6-8)          | 32              | 1        | 2        | 14        | 13        | 2         | 0         | 0        |
| High School (Grades 9-12)           | 20              | 0        | 1        | 0         | 0         | 6         | 10        | 3        |
| School Ground <i>(SUBTOTAL)</i>     | 52              | 1        | 3        | 14        | 13        | 8         | 10        | 3        |
| Off School Ground <i>(SUBTOTAL)</i> | 9               | 0        | 2        | 0         | 0         | 2         | 2         | 3        |
| <b>GRAND TOTAL</b>                  | <b>61</b>       | <b>1</b> | <b>5</b> | <b>14</b> | <b>13</b> | <b>10</b> | <b>12</b> | <b>6</b> |

# 1995

| TYPES OF LOCATION                   | ARREST<br>TOTAL | AGES     |          |          |          |          |          |          |
|-------------------------------------|-----------------|----------|----------|----------|----------|----------|----------|----------|
|                                     |                 | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| School Grounds                      |                 |          |          |          |          |          |          |          |
| Middle School (Grades 6-8)          | 4               | 1        | 1        | 0        | 1        | 1        | 0        | 0        |
| High School (Grades 9-12)           | 9               | 0        | 1        | 0        | 0        | 2        | 3        | 3        |
| School Ground <i>(SUBTOTAL)</i>     | 13              | 1        | 2        | 0        | 1        | 3        | 3        | 3        |
| Off School Ground <i>(SUBTOTAL)</i> | 3               | 0        | 0        | 0        | 1        | 0        | 1        | 1        |
| <b>GRAND TOTAL</b>                  | <b>16</b>       | <b>1</b> | <b>2</b> | <b>0</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>4</b> |

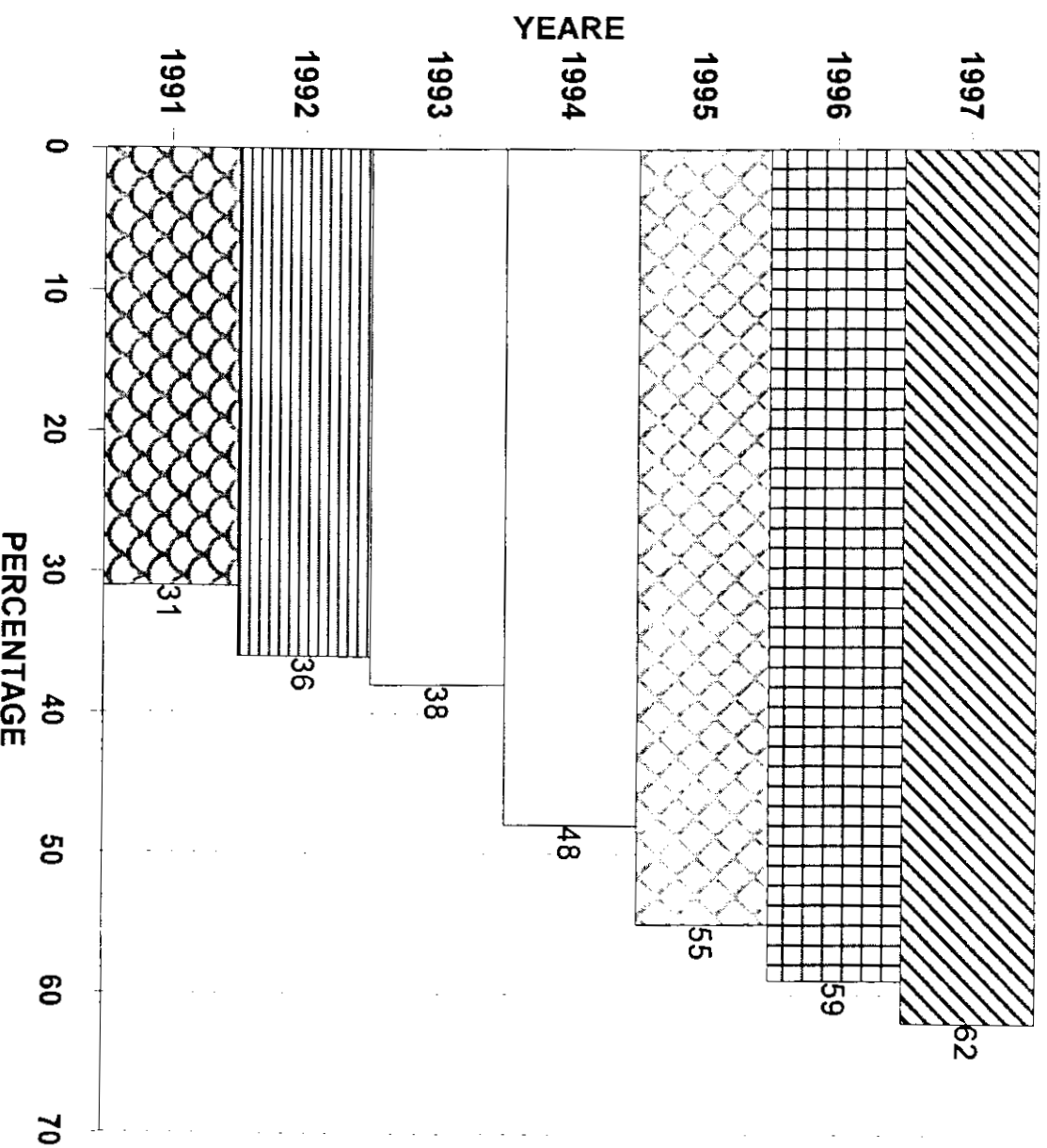
# 1996

| TYPES OF LOCATION                   | ARREST<br>TOTAL | AGES     |          |          |          |          |          |          |
|-------------------------------------|-----------------|----------|----------|----------|----------|----------|----------|----------|
|                                     |                 | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| <b>School Grounds</b>               |                 |          |          |          |          |          |          |          |
| Middle School (Grades 6-8)          | 0               | 0        | 0        | 0        | 0        | 0        | 0        | 0        |
| High School (Grades 9-12)           | 2               | 0        | 0        | 0        | 0        | 2        | 0        | 0        |
| School Ground <i>(SUBTOTAL)</i>     | 2               | 0        | 0        | 0        | 0        | 2        | 0        | 0        |
| Off School Ground <i>(SUBTOTAL)</i> | 2               | 0        | 0        | 0        | 0        | 0        | 1        | 1        |
| <b>GRAND TOTAL</b>                  | <b>4</b>        | <b>0</b> | <b>0</b> | <b>0</b> | <b>0</b> | <b>2</b> | <b>1</b> | <b>1</b> |

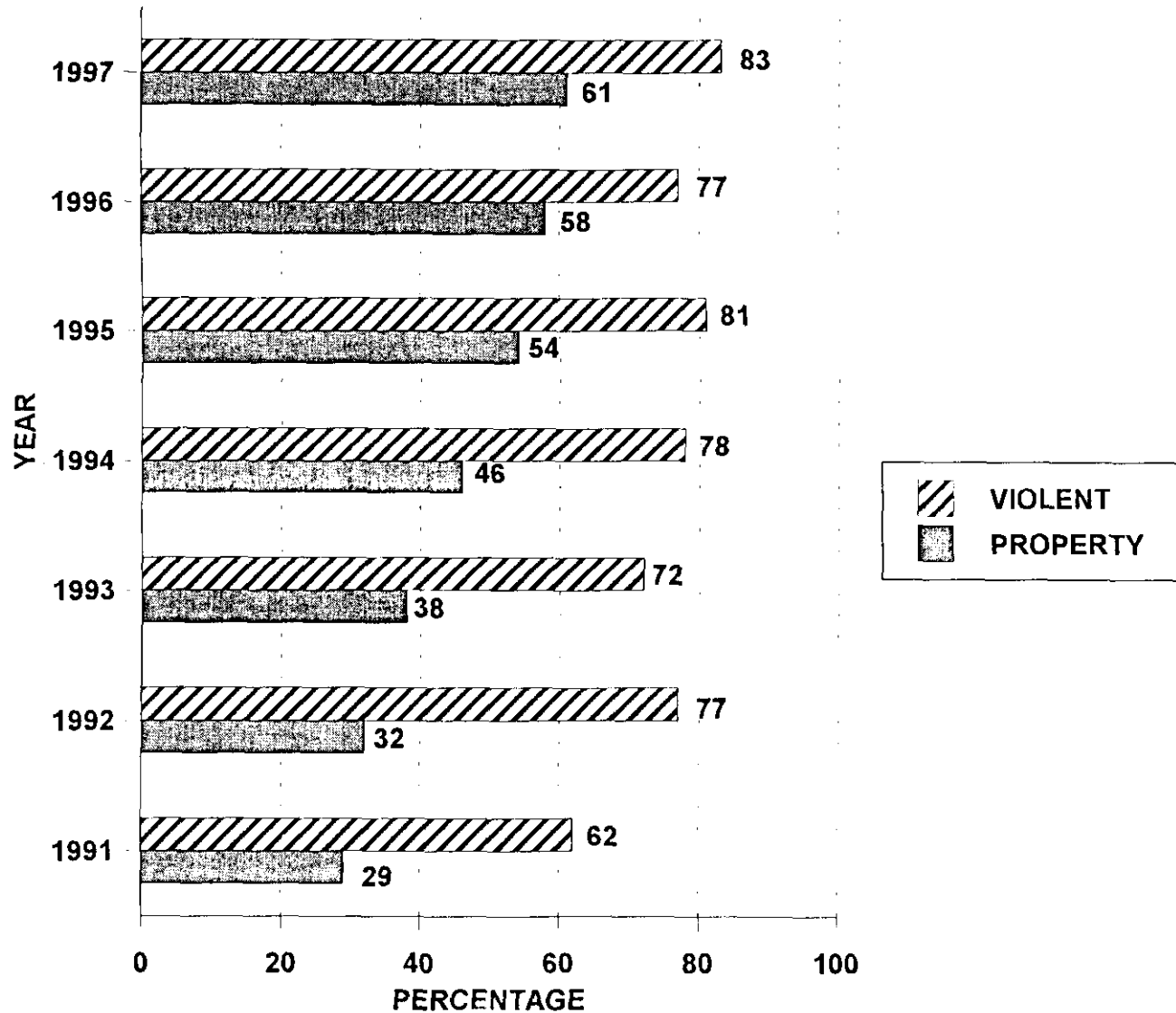
# 1997

| TYPES OF LOCATION                   | ARREST<br>TOTAL | AGES     |          |          |          |          |          |          |
|-------------------------------------|-----------------|----------|----------|----------|----------|----------|----------|----------|
|                                     |                 | 11       | 12       | 13       | 14       | 15       | 16       | 17       |
| <b>School Grounds</b>               |                 |          |          |          |          |          |          |          |
| Middle School (Grades 6-8)          | 2               | 0        | 0        | 2        | 0        | 0        | 0        | 0        |
| High School (Grades 9-12)           | 5               | 0        | 0        | 0        | 0        | 1        | 3        | 1        |
| School Ground <i>(SUBTOTAL)</i>     | 7               | 0        | 0        | 2        | 0        | 1        | 3        | 1        |
| Off School Ground <i>(SUBTOTAL)</i> | 3               | 0        | 0        | 0        | 0        | 0        | 1        | 2        |
| <b>GRAND TOTAL</b>                  | <b>10</b>       | <b>0</b> | <b>0</b> | <b>2</b> | <b>0</b> | <b>1</b> | <b>4</b> | <b>3</b> |

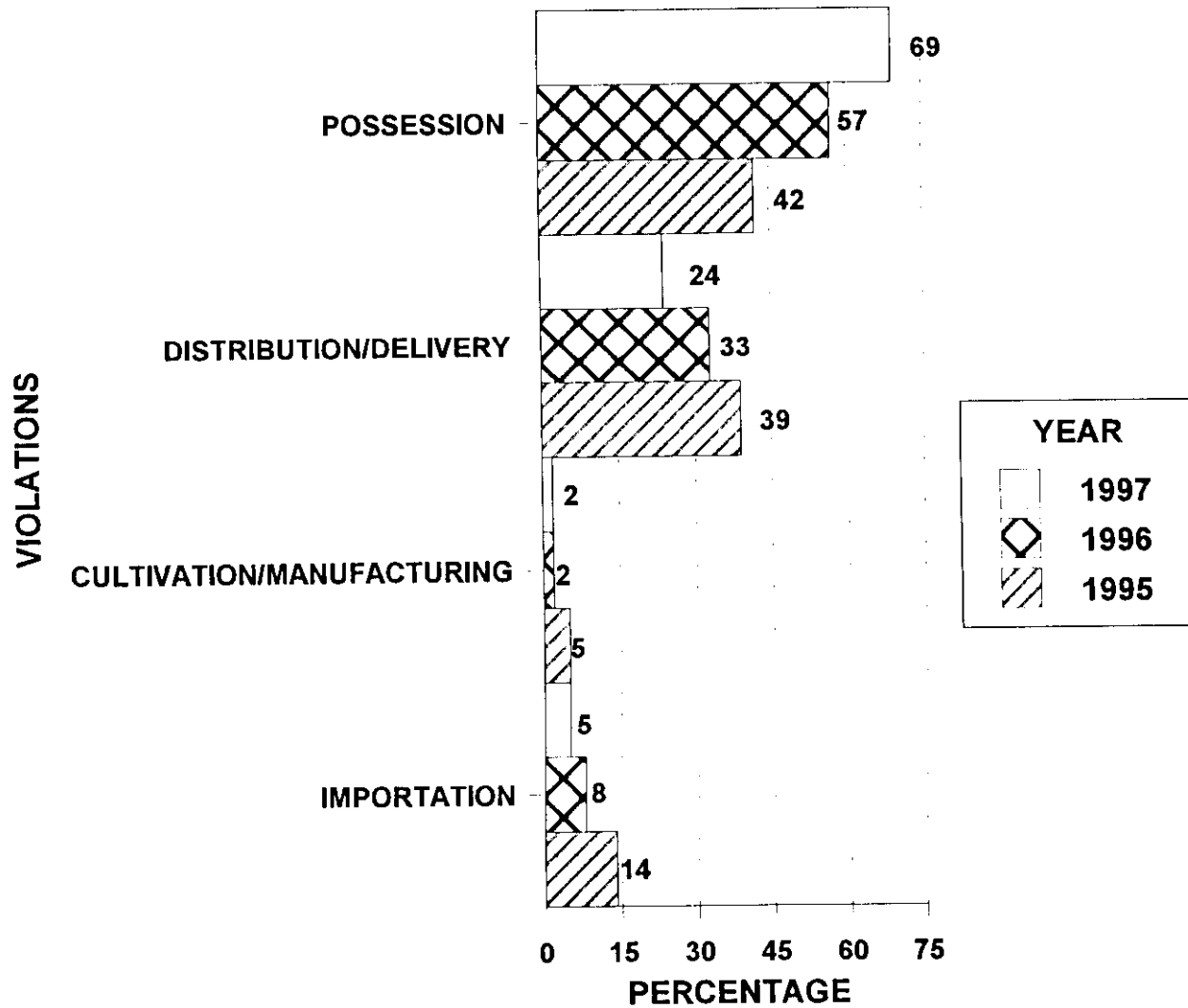
# ALCOHOL AND/OR DRUG RELATED INDEX CRIME PERCENTAGE DISTRIBUTION 1997-1991



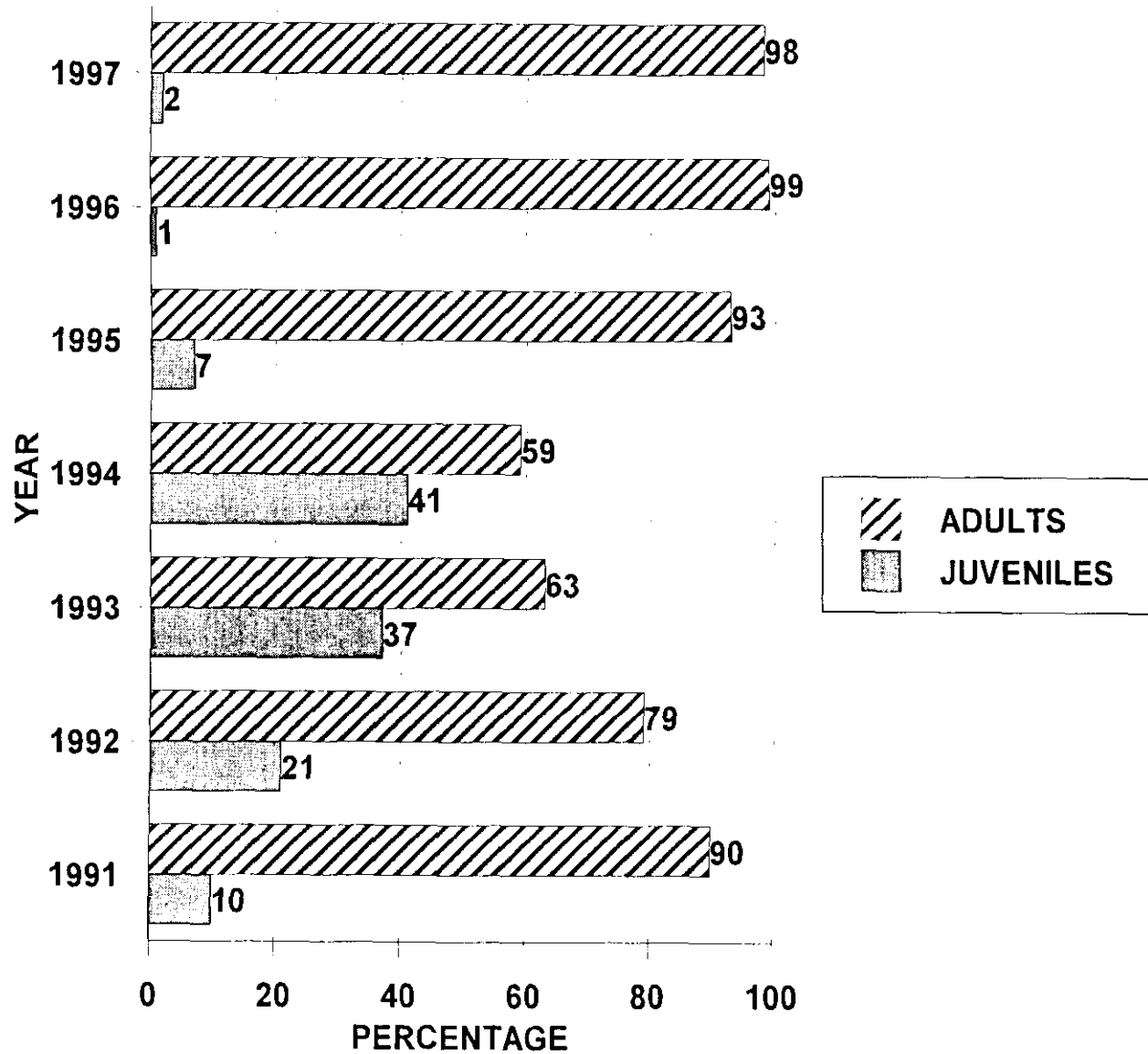
# ALCOHOL AND/OR DRUG RELATED VIOLENT AND PROPERTY CRIMES 1997 - 1991 PERCENTAGE DISTRIBUTION

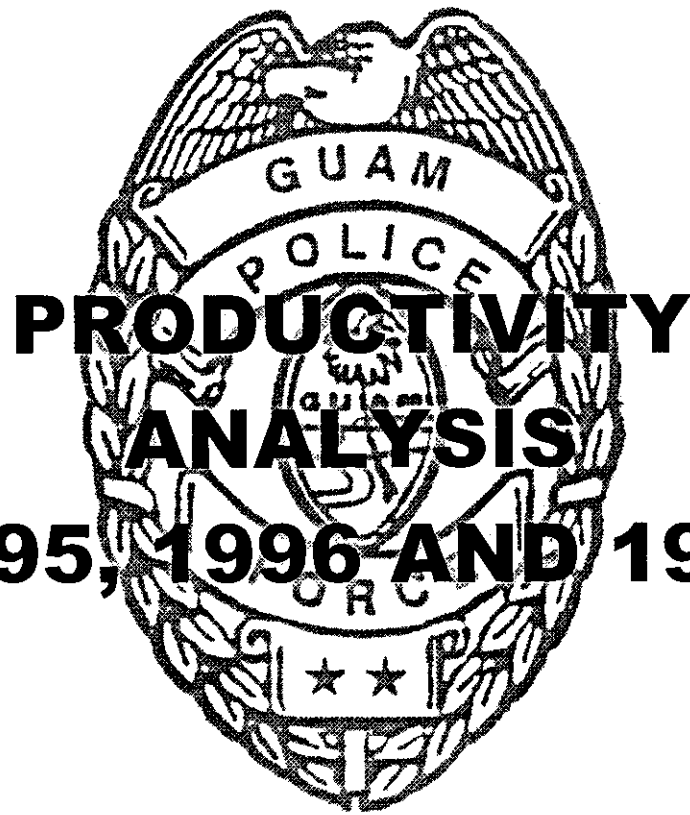


# ARRESTS BY DRUG VIOLATIONS PERCENTAGE DISTRIBUTION 1997-1995



# DRUG ARREST ON ADULTS VS. JUVENILES PERCENTAGE DISTRIBUTION 1997 - 1991





**PRODUCTIVITY  
ANALYSIS  
1995, 1996 AND 1997**



# GUAM POLICE DEPARTMENT PRODUCTIVITY ANALYSIS 1997 VS. 1996 & 1995

## A. CALLS FOR POLICE SERVICE:

(Crime, Traffic, and Miscellaneous Offenses/Incidents)

|                    | YEAR    |         |         | CHANGE    |        |           |         |
|--------------------|---------|---------|---------|-----------|--------|-----------|---------|
|                    | 1997    | 1996    | 1995    | 97 VS. 96 |        | 97 VS. 95 |         |
|                    |         |         |         | %         | #      | %         | #       |
| 1. ANNUAL TOTAL    | 623,622 | 547,140 | 490,774 | 14        | 76,482 | (27)      | 132,848 |
| a. Monthly Average | 51,968  | 45,595  | 40,898  | 14        | 6,373  | (27)      | 11,070  |
| b. Daily Average   | 1,709   | 1,499   | 1,345   | 14        | 210    | (27)      | 364     |
| c. Hourly Average  | 71      | 62      | 56      | 14        | 9      | (27)      | 15      |

## B. DISPOSITION OF CRIMINAL CASES:

| CATEGORY<br>TYPE | REPORTED CASES |        |        | CHANGE   |       |          |       | REPORTED CASES CLOSED/SOLVED |    |        |    |        |    |
|------------------|----------------|--------|--------|----------|-------|----------|-------|------------------------------|----|--------|----|--------|----|
|                  | 1997           | 1996   | 1995   | 97 vs 96 |       | 97 vs 95 |       | 1997                         |    | 1996   |    | 1995   |    |
|                  |                |        |        | %        | #     | %        | #     | #                            | %  | #      | %  | #      | %  |
| 1. UCR-INDEX     | 10,046         | 8,007  | 8,411  | 25       | 2,039 | 19       | 1,635 | 4,474                        | 45 | 3,478  | 43 | 3,422  | 41 |
| 2. NON-UCR       | 109,612        | 10,838 | 10,901 | -2       | -226  | -3       | -289  | 8,699                        | 82 | 7,461  | 69 | 7,051  | 65 |
| 3. TOTAL         | 20,658         | 18,845 | 19,312 | 20       | 1,813 | 7        | 1,346 | 13,173                       | 64 | 10,939 | 58 | 10,473 | 54 |

## C. MONETARY VALUE OF ALL PROPERTY STOLEN AND RECOVERED:

|                            | 1997 | 1996 | 1995 |
|----------------------------|------|------|------|
| 1. Stolen (\$ Millions)    | 22   | 22   | 17   |
| 2. Recovered (\$ Millions) | 12   | 11   | 9    |
| 3. Recovered (%)           | 55   | 55   | 53   |

**D. OVERALL CRIMINAL ARRESTS MADE:**

|              | YEAR  |     | YEAR  |     | YEAR  |     | 97 VS 96 |     | 97 VS 95 |     |
|--------------|-------|-----|-------|-----|-------|-----|----------|-----|----------|-----|
|              | 1997  | %   | 1996  | %   | 1995  | %   | %        | #   | %        | #   |
| 1. TOTAL     | 5,574 | 100 | 5,297 | 100 | 4,883 | 100 | 6        | 295 | 14       | 691 |
| a. Adults    | 4,992 | 90  | 4,852 | 92  | 4,315 | 88  | 3        | 140 | 16       | 677 |
| b. Juveniles | 582   | 10  | 427   | 8   | 568   | 12  | 36       | 155 | 2        | 14  |

**E. CRIME RATE PER 1,000 POPULATION:**

|                             | 1997    | 1996    | 1995    |
|-----------------------------|---------|---------|---------|
| 1. Resident population only | 156,220 | 152,695 | 149,249 |
| 2. Rate per 1,000           |         |         |         |
| a. Total (UCR & NON-UCR)    | 132     | 123     | 129     |
| b. UCR INDEX                | 64      | 52      | 56      |
| 1. Violent Crime Rate       | 3       | 3       | 3       |
| 2. Property Crime           | 61      | 49      | 53      |

**F. PERSONNEL STRENGTH (ACTUAL):**

| 1. Police Employees (Uniform & Civilian) |      |     |      |     |      |       |
|--|------|-----|------|-----|------|-------|
|  | 1997 | %   | 1996 | %   | 1995 | %     |
| a. TOTAL                                 | 467  | 100 | 462  | 100 | 459  | (100) |
| 1. Uniform                               | 317  | 68  | 335  | 73  | 336  | (73)  |
| 2. Civilians                             | 150  | 32  | 127  | 27  | 123  | (27)  |

| 2. Uniform Strength (Recommended Versus Actual) |             |             |             |
|---|-------------|-------------|-------------|
|   | <u>1997</u> | <u>1996</u> | <u>1995</u> |
| a. Recommended                                  | 469         | 458         | 448         |
| b. Actual                                       | 317         | 335         | 336         |
| c. Difference                                   | 152         | 123         | 112         |
| d. Cycles Needed (35 Recruits/Cycle)            | 4           | 4           | 3           |

**G. OPERATING EXPENDITURES (Salaries, Current Expenses and Equipment):**

|                                    | <u>1997</u> | <u>1996</u> | <u>1995</u> |
|------------------------------------|-------------|-------------|-------------|
| 1. ANNUAL TOTAL (\$ Millions)      | 24.6        | 22.3        | 24.5        |
| a. ANNUAL PER CAPITA (\$ Hundreds) | 157         | 146         | 164         |
| b. DAILY PER CAPITA (¢ Cents)      | 43          | 40          | 45          |

# **GUAM POLICE DEPARTMENT**



## **SUICIDE ANALYSIS** **“In Compliance With** **The Governor’s Task Force”**

**J.M. Marques**  
Chief of Police

**R. J. Dervish**  
Acting, Deputy Chief of Police

**REPORTED SUICIDE CASES  
1985 - 1997**

| YEAR | COMPLETED | ATTEMPTED | TOTAL |
|------|-----------|-----------|-------|
| 1985 | 11        | 35        | 46    |
| 1986 | 12        | 46        | 58    |
| 1987 | 15        | 30        | 45    |
| 1988 | 14        | 40        | 54    |
| 1989 | 16        | 43        | 59    |
| 1990 | 26        | 48        | 74    |
| 1991 | 25        | 45        | 70    |
| 1992 | 31        | 71        | 102   |
| 1993 | 26        | 76        | 102   |
| 1994 | 20        | 78        | 98    |
| 1995 | 22        | 89        | 111   |
| 1996 | 30        | 110       | 140   |
| 1997 | 31        | 115       | 146   |

1. Most attempts by females, but most completed by males.
  - a. Attempts
    1. 78% - Females, 22% Males
    2. Pattern: 2-3 attempts = either receives help or completes attempt.
    3. Trend: Increasing attempts by young people (14-18 years old).
    4. Method - Drug overdose and cutting self.
    5. Family/Health, Employment problems.
  
2. Most completed suicides are by males.
  - a. Completed
    1. Males 80% - 90%
    2. Pattern: More apt to complete with first attempt.
    3. Trend: 20-40 Age group 70% - 75%
    4. Method: hanging - 65% Firearm - 25%

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## V. RACE

| RACE               | 1988      | 1989      | 1990      | 1991      | 1992      | 1993      | 1994      | 1995      | 1996      | 1997      |
|--------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Chamorro           | 5         | 7         | 14        | 7         | 14        | 11        | 11        | 12        | 23        | 12        |
| Filipino           | 0         | 1         | 3         | 5         | 4         | 3         | 1         | 4         | 1         | 2         |
| Caucasian          | 1         | 0         | 0         | 2         | 1         | 4         | 4         | 2         | 3         | 2         |
| Japanese           | 1         | 1         | 2         | 0         | 2         | 0         | 0         | 1         | 0         | 2         |
| Korean             | 0         | 1         | 0         | 1         | 0         | 1         | 0         | 1         | 1         | 2         |
| Chinese/Taiwanese  | 0         | 0         | 1         | 0         | 0         | 0         | 1         | 0         | 0         | 0         |
| Saipanese          | 0         | 2         | 1         | 2         | 0         | 0         | 1         | 0         | 0         | 1         |
| Rotanese           | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Tinian             | 0         | 0         | 2         | 0         | 3         | 0         | 0         | 0         | 0         | 0         |
| Chuukese           | 1         | 2         | 0         | 2         | 1         | 3         | 2         | 2         | 1         | 4         |
| Pohnapean          | 0         | 0         | 0         | 2         | 0         | 1         | 0         | 0         | 0         | 0         |
| Kosraean           | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Yapese             | 0         | 1         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         |
| Marshallese        | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Belauan            | 0         | 0         | 0         | 2         | 0         | 1         | 0         | 0         | 1         | 1         |
| Black              | 0         | 1         | 0         | 1         | 0         | 0         | 0         | 0         | 0         | 0         |
| Samoan             | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Carolinian         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Spanish            | 0         | 0         | 0         | 1         | 1         | 0         | 0         | 0         | 0         | 0         |
| Chamorro/Filipino  | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 2         |
| Hawaiian/Caucasian | 0         | 0         | 0         | 0         | 2         | 0         | 0         | 0         | 0         | 0         |
| Hawaiian/Filipino  | 0         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 0         |
| Chamorro/Caucasian | 2         | 0         | 2         | 0         | 1         | 0         | 0         | 0         | 0         | 3         |
| Filipino/Japanese  | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Chamorro/French    | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Chamorro/Hawaiian  | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Chamorro/Black     | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         |
| <b>TOTAL</b>       | <b>14</b> | <b>16</b> | <b>26</b> | <b>25</b> | <b>31</b> | <b>26</b> | <b>20</b> | <b>22</b> | <b>30</b> | <b>31</b> |

## VI. Employment Status

| STATUS       | 1988      | 1989      | 1990      | 1991      | 1992      | 1993      | 1994      | 1995      | 1996      | 1997      |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| EMPLOYED     | 10        | 9         | 9         | 16        | 23        | 20        | 12        | 15        | 25        | 20        |
| UNEMPLOYED   | 0         | 3         | 3         | 4         | 2         | 4         | 4         | 4         | 2         | 10        |
| STUDENT      | 3         | 0         | 5         | 3         | 4         | 1         | 3         | 2         | 2         | 1         |
| OTHER        | 1         | 4         | 9         | 2         | 2         | 1         | 1         | 1         | 1         | 0         |
| <b>TOTAL</b> | <b>14</b> | <b>16</b> | <b>26</b> | <b>25</b> | <b>31</b> | <b>26</b> | <b>20</b> | <b>22</b> | <b>30</b> | <b>31</b> |

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## VII. Village of Occurrence

| VILLAGE       | 1988      | 1989      | 1990      | 1991      | 1992      | 1993      | 1994      | 1995      | 1996      | 1997      |
|---------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Agana         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 0         | 1         | 0         |
| Agana Heights | 3         | 0         | 1         | 0         | 0         | 1         | 0         | 0         | 1         | 0         |
| Agat          | 0         | 0         | 0         | 4         | 2         | 0         | 5         | 2         | 1         | 0         |
| Apra Heights  | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 0         | 0         |
| Asan          | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| Barrigada     | 1         | 2         | 1         | 1         | 2         | 1         | 1         | 3         | 0         | 0         |
| Chalan Pago   | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 1         | 1         | 1         |
| Dededo        | 3         | 4         | 7         | 5         | 5         | 4         | 5         | 4         | 11        | 6         |
| Harmon        | 0         | 1         | 2         | 0         | 2         | 1         | 1         | 1         | 3         | 0         |
| Inarajan      | 1         | 1         | 1         | 1         | 1         | 1         | 0         | 0         | 0         | 1         |
| Maina         | 0         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 0         |
| Maite         | 0         | 0         | 0         | 1         | 0         | 0         | 2         | 0         | 0         | 0         |
| Mangilao      | 1         | 3         | 6         | 1         | 3         | 7         | 0         | 2         | 4         | 2         |
| Merizo        | 0         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 1         | 0         |
| Mongmong      | 0         | 0         | 0         | 2         | 1         | 1         | 0         | 1         | 1         | 2         |
| Nimitz Hill   | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 0         | 0         |
| Ordot         | 0         | 0         | 2         | 0         | 0         | 1         | 0         | 0         | 0         | 0         |
| Piti          | 0         | 1         | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 1         |
| Santa Rita    | 0         | 1         | 1         | 0         | 1         | 1         | 1         | 0         | 1         | 0         |
| Sinajana      | 0         | 1         | 0         | 0         | 2         | 1         | 0         | 0         | 0         | 1         |
| Talofofa      | 0         | 2         | 1         | 1         | 1         | 1         | 0         | 0         | 1         | 0         |
| Tamuning      | 1         | 0         | 0         | 3         | 4         | 1         | 2         | 2         | 2         | 0         |
| Toto          | 0         | 0         | 0         | 1         | 1         | 0         | 0         | 0         | 1         | 2         |
| Tumon         | 2         | 0         | 1         | 2         | 1         | 1         | 1         | 2         | 0         | 7         |
| Umatac        | 0         | 0         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 0         |
| Yigo          | 0         | 0         | 0         | 2         | 0         | 1         | 2         | 2         | 1         | 4         |
| Yona          | 1         | 0         | 1         | 0         | 2         | 2         | 0         | 1         | 0         | 4         |
| Federal Area  | 1         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         |
| <b>TOTAL</b>  | <b>14</b> | <b>16</b> | <b>26</b> | <b>25</b> | <b>31</b> | <b>26</b> | <b>20</b> | <b>22</b> | <b>30</b> | <b>31</b> |

## VIII. Methods Used

| Methods      | 1988      | 1989      | 1990      | 1991      | 1992      | 1993      | 1994      | 1995      | 1996      | 1997      |
|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Gunshot      | 7         | 8         | 5         | 8         | 16        | 11        | 4         | 5         | 8         | 9         |
| Hanging      | 6         | 6         | 19        | 12        | 12        | 14        | 14        | 15        | 20        | 17        |
| Jumping      | 0         | 2         | 1         | 1         | 2         | 1         | 2         | 1         | 1         | 2         |
| Overdose     | 0         | 0         | 1         | 2         | 0         | 0         | 0         | 1         | 0         | 1         |
| Incendiary   | 0         | 0         | 0         | 1         | 1         | 0         | 0         | 0         | 0         | 0         |
| Stabbing     | 1         | 0         | 0         | 1         | 0         | 0         | 0         | 0         | 0         | 0         |
| Other        | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 0         | 1         | 2         |
| <b>TOTAL</b> | <b>14</b> | <b>16</b> | <b>26</b> | <b>25</b> | <b>31</b> | <b>26</b> | <b>20</b> | <b>22</b> | <b>30</b> | <b>31</b> |

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# **GUAM POLICE DEPARTMENT**



## **LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED (LEOKA)**

J.M. Marques  
Chief of Police

R. J. Dervish  
Acting, Deputy Chief of Police



# LAW ENFORCEMENT OFFICERS KILLED OR ASSAULTED (LEOKA) 1991 - 1997

## I. Type of Activity:

| TYPE OF ACTIVITY                                     | NUMBER OF ASSAULTS |            |            |           |            |            |            | PERCENT DISTRIBUTION |            |            |            |            |            |            |
|--|--------------------|------------|------------|-----------|------------|------------|------------|----------------------|------------|------------|------------|------------|------------|------------|
|  | 1991               | 1992       | 1993       | 1994      | 1995       | 1996       | 1997       | 1991                 | 1992       | 1993       | 1994       | 1995       | 1996       | 1997       |
| Responding to "disturbance" calls                    | 60                 | 38         | 53         | 41        | 53         | 68         | 71         | 40                   | 27         | 40         | 36         | 31         | 27         | 31         |
| Burglaries in progress or pursuing burglary suspects | 0                  | 6          | 4          | 4         | 6          | 11         | 11         | 0                    | 4          | 3          | 3          | 4          | 4          | 5          |
| Robberies in progress or pursuing robbery suspects   | 0                  | 2          | 1          | 3         | 2          | 5          | 3          | 0                    | 1          | 1          | 3          | 1          | 2          | 1          |
| Attempting other arrests                             | 40                 | 25         | 34         | 25        | 40         | 45         | 47         | 27                   | 18         | 26         | 22         | 23         | 18         | 21         |
| Civil disorders (riots, mass disobedience)           | 9                  | 13         | 3          | 4         | 21         | 39         | 33         | 6                    | 9          | 2          | 3          | 12         | 15         | 15         |
| Handling transporting, custody of prisoners          | 0                  | 7          | 0          | 3         | 6          | 15         | 8          | 0                    | 5          | 0          | 3          | 4          | 6          | 4          |
| Investigating suspicious persons or circumstances    | 1                  | 10         | 0          | 0         | 12         | 19         | 22         | 1                    | 7          | 0          | 0          | 7          | 8          | 10         |
| Ambush - No warning                                  | 0                  | 2          | 0          | 0         | 0          | 0          | 0          | 0                    | 1          | 0          | 0          | 0          | 0          | 0          |
| Mentally deranged                                    | 1                  | 5          | 1          | 1         | 2          | 5          | 0          | 1                    | 4          | 1          | 1          | 1          | 2          | 0          |
| Traffic pursuits and stops                           | 30                 | 29         | 35         | 30        | 28         | 41         | 30         | 20                   | 20         | 27         | 26         | 16         | 16         | 13         |
| All Other  | 7                  | 5          | 0          | 3         | 2          | 5          | 2          | 5                    | 4          | 0          | 3          | 1          | 2          | 0          |
| <b>TOTAL</b>   | <b>148</b>         | <b>142</b> | <b>131</b> | <b>14</b> | <b>172</b> | <b>253</b> | <b>227</b> | <b>100</b>           | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> |

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**IV. Officers Injured by Weapon used:**

| WEAPONS                            | NUMBER OF INJURIES |          |           |           |           |            |            | PERCENT DISTRIBUTION |            |            |            |            |            |            |
|------------------------------------|--------------------|----------|-----------|-----------|-----------|------------|------------|----------------------|------------|------------|------------|------------|------------|------------|
|                                    | 1991               | 1992     | 1993      | 1994      | 1995      | 1996       | 1997       | 1991                 | 1992       | 1993       | 1994       | 1995       | 1996       | 1997       |
| Firearm                            | 0                  | 0        | 0         | 0         | 7         | 9          | 5          | 0                    | 0          | 0          | 0          | 12         | 7          | 5          |
| Knife or Cutting Instrument        | 0                  | 4        | 2         | 3         | 6         | 15         | 10         | 0                    | 23         | 10         | 11         | 10         | 11         | 10         |
| Other Weapons (Rocks, Pipes, etc.) | 1                  | 3        | 7         | 6         | 12        | 28         | 12         | 50                   | 18         | 35         | 21         | 20         | 21         | 12         |
| Hands, Fists, Feet, Teeth, etc.    | 1                  | 10       | 11        | 19        | 34        | 83         | 74         | 50                   | 59         | 55         | 68         | 58         | 61         | 73         |
| <b>TOTAL</b>                       | <b>2</b>           | <b>7</b> | <b>20</b> | <b>28</b> | <b>59</b> | <b>135</b> | <b>101</b> | <b>100</b>           | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> |

**V. Type of Assignment:**

| ASSIGNMENT                         | NUMBER OF ASSAULTED |            |            |            |            |            |            | PERCENT DISTRIBUTION |            |            |            |            |            |            |
|------------------------------------|---------------------|------------|------------|------------|------------|------------|------------|----------------------|------------|------------|------------|------------|------------|------------|
|                                    | 1991                | 1992       | 1993       | 1994       | 1995       | 1996       | 1997       | 1991                 | 1992       | 1993       | 1994       | 1995       | 1996       | 1997       |
| 1. Two Man Vehicle <b>SUBTOTAL</b> | 9                   | 7          | 5          | 6          | 24         | 33         | 28         | 6                    | 5          | 4          | 5          | 14         | 13         | 12         |
| 2. One Man Vehicle                 |                     |            |            |            |            |            |            |                      |            |            |            |            |            |            |
| A. Alone                           | 129                 | 126        | 24         | 31         | 107        | 136        | 114        | 87                   | 89         | 18         | 27         | 62         | 54         | 50         |
| B. Assisted                        | 6                   | 5          | 98         | 72         | 32         | 55         | 42         | 4                    | 3          | 75         | 63         | 19         | 21         | 19         |
| <b>SUBTOTAL</b>                    | <b>135</b>          | <b>131</b> | <b>122</b> | <b>103</b> | <b>139</b> | <b>191</b> | <b>156</b> | <b>91</b>            | <b>92</b>  | <b>93</b>  | <b>90</b>  | <b>81</b>  | <b>75</b>  | <b>69</b>  |
| 3. Defective or Special Assignment |                     |            |            |            |            |            |            |                      |            |            |            |            |            |            |
| A. Alone                           | 0                   | 1          | 0          | 1          | 0          | 5          | 9          | 0                    | 1          | 0          | 1          | 0          | 2          | 4          |
| B. Assisted                        | 1                   | 1          | 3          | 1          | 4          | 12         | 15         | 1                    | 1          | 2          | 1          | 2          | 5          | 7          |
| <b>SUBTOTAL</b>                    | <b>1</b>            | <b>2</b>   | <b>3</b>   | <b>2</b>   | <b>4</b>   | <b>17</b>  | <b>24</b>  | <b>1</b>             | <b>2</b>   | <b>2</b>   | <b>2</b>   | <b>2</b>   | <b>7</b>   | <b>11</b>  |
| 4. Other                           |                     |            |            |            |            |            |            |                      |            |            |            |            |            |            |
| A. Alone                           | 2                   | 2          | 1          | 2          | 0          | 3          | 7          | 1                    | 1          | 1          | 3          | 0          | 1          | 3          |
| B. Assisted                        | 1                   | 0          | 0          | 1          | 5          | 9          | 12         | 1                    | 0          | 0          | 1          | 3          | 4          | 5          |
| <b>SUBTOTAL</b>                    | <b>3</b>            | <b>2</b>   | <b>1</b>   | <b>3</b>   | <b>5</b>   | <b>12</b>  | <b>19</b>  | <b>2</b>             | <b>1</b>   | <b>1</b>   | <b>3</b>   | <b>3</b>   | <b>5</b>   | <b>8</b>   |
| <b>GRAND TOTAL</b>                 | <b>148</b>          | <b>142</b> | <b>131</b> | <b>114</b> | <b>172</b> | <b>253</b> | <b>227</b> | <b>100</b>           | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> | <b>100</b> |

# **GUAM POLICE DEPARTMENT**



## **CASES INVOLVING FIREARMS** **"In Compliance With The** **Brady Act"**

J.M. Marques  
Chief of Police

R. J. Dervish  
Acting, Deputy Chief of Police

# COMPARATIVE ANALYSIS OF CASES INVOLVING FIREARMS 1990-1997

| A. CRIMINAL CASES             |              |            |           |              |            |           |              |            |           |
|-------------------------------|--------------|------------|-----------|--------------|------------|-----------|--------------|------------|-----------|
| 1. Violent Crimes             | 1990         |            |           | 1991         |            |           | 1992         |            |           |
|                               | TOTAL        | F/ARM      | %         | TOTAL        | F/ARM      | %         | TOTAL        | F/ARM      | %         |
| A. Murder                     | 10           | 2          | 20        | 10           | 3          | 30        | 11           | 7          | 64        |
| B. Rape                       | 90           | 2          | 2         | 84           | 1          | 1         | 115          | 1          | 1         |
| C. Robbery                    | 44           | 32         | 73        | 64           | 47         | 73        | 87           | 66         | 76        |
| D. Aggravated Assault         | 234          | 23         | 10        | 160          | 12         | 8         | 273          | 29         | 11        |
| <b>SUBTOTAL</b>               | <b>378</b>   | <b>59</b>  | <b>16</b> | <b>318</b>   | <b>63</b>  | <b>20</b> | <b>486</b>   | <b>103</b> | <b>21</b> |
|                               |              |            |           |              |            |           |              |            |           |
| <b>OTHER CRIMES: SUBTOTAL</b> | <b>2,685</b> | <b>362</b> | <b>14</b> | <b>2,378</b> | <b>307</b> | <b>13</b> | <b>2,339</b> | <b>270</b> | <b>12</b> |
|                               |              |            |           |              |            |           |              |            |           |
| <b>GRAND TOTAL</b>            | <b>3,063</b> | <b>421</b> | <b>14</b> | <b>2,696</b> | <b>370</b> | <b>14</b> | <b>2,825</b> | <b>373</b> | <b>13</b> |

| 1. Violent Crimes             | 1993         |            |           | 1994         |            |           |
|-------------------------------|--------------|------------|-----------|--------------|------------|-----------|
|                               | TOTAL        | F/ARM      | %         | TOTAL        | F/ARM      | %         |
| A. Murder                     | 11           | 6          | 55        | 14           | 8          | 57        |
| B. Rape                       | 89           | 0          | 0         | 109          | 1          | 1         |
| C. Robbery                    | 93           | 72         | 77        | 105          | 77         | 73        |
| D. Aggravated Assault         | 207          | 29         | 14        | 246          | 49         | 20        |
| <b>SUBTOTAL</b>               | <b>400</b>   | <b>107</b> | <b>27</b> | <b>474</b>   | <b>135</b> | <b>29</b> |
|                               |              |            |           |              |            |           |
| <b>OTHER CRIMES: SUBTOTAL</b> | <b>2,327</b> | <b>349</b> | <b>15</b> | <b>2,611</b> | <b>398</b> | <b>15</b> |
|                               |              |            |           |              |            |           |
| <b>GRAND TOTAL</b>            | <b>2,727</b> | <b>456</b> | <b>17</b> | <b>3,085</b> | <b>533</b> | <b>17</b> |

## COMPARATIVE ANALYSIS INVOLVING FIREARMS 1990-1997

### B. SUICIDE CASES (COMPLETED)

|              | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 |
|--------------|------|------|------|------|------|------|------|------|
| <b>TOTAL</b> | 26   | 28   | 31   | 26   | 20   | 22   | 30   | 31   |
| Firearm      | 5    | 9    | 16   | 11   | 4    | 5    | 8    | 9    |
| Percent      | 19   | 29   | 52   | 42   | 20   | 23   | 27   | 29   |

### C. INJURED PERSONS

|              | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 |
|--------------|------|------|------|------|------|------|------|------|
| <b>TOTAL</b> | 143  | 139  | 157  | 218  | 269  | 381  | 489  | 565  |
| Firearm      | 45   | 41   | 47   | 53   | 75   | 117  | 134  | 126  |
| Percent      | 32   | 30   | 30   | 24   | 28   | 31   | 27   | 22   |

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**D. FIREARMS REGISTERED BY TYPES**

| TYPE OF FIREARM    | 1990         |            | 1991         |            | 1992         |            | 1993         |            |
|--------------------|--------------|------------|--------------|------------|--------------|------------|--------------|------------|
|                    | Number       | Percent    | Number       | Percent    | Number       | Percent    | Number       | Percent    |
| 1. Handgun         |              |            |              |            |              |            |              |            |
| a. Revolver        | 1,234        | 18         | 1,175        | 20         | 652          | 15         | 572          | 13         |
| b. Pistol (auto.)  | 2,537        | 37         | 1,899        | 33         | 1,787        | 40         | 1,854        | 43         |
| <b>SUBTOTAL</b>    | <b>3,771</b> | <b>55</b>  | <b>3,074</b> | <b>53</b>  | <b>2,439</b> | <b>55</b>  | <b>2,426</b> | <b>54</b>  |
|                    |              |            |              |            |              |            |              |            |
| 2. Other           |              |            |              |            |              |            |              |            |
| a. Shotgun         | 926          | 14         | 1,043        | 18         | 624          | 14         | 1,254        | 29         |
| b. Rifle           | 1,901        | 28         | 1,484        | 26         | 1,300        | 29         | 589          | 14         |
| c. Carbine         | 233          | 3          | 148          | 3          | 74           | 2          | 27           | 1          |
| <b>SUBTOTAL</b>    | <b>3,060</b> | <b>45</b>  | <b>2,675</b> | <b>47</b>  | <b>1,998</b> | <b>45</b>  | <b>1,870</b> | <b>44</b>  |
| <b>GRAND TOTAL</b> | <b>6,831</b> | <b>100</b> | <b>5,749</b> | <b>100</b> | <b>4,437</b> | <b>100</b> | <b>4,296</b> | <b>100</b> |

| TYPE OF FIREARM    | 1994         |            | 1995         |            | 1996         |            | 1997         |            |
|--------------------|--------------|------------|--------------|------------|--------------|------------|--------------|------------|
|                    | Number       | Percent    | Number       | Percent    | Number       | Percent    | Number       | Percent    |
| 1. Handgun         |              |            |              |            |              |            |              |            |
| a. Revolver        | 432          | 11         | 280          | 10         | 316          | 11         | 285          | 12         |
| b. Pistol (auto.)  | 1,618        | 43         | 1,259        | 43         | 1,144        | 42         | 1,070        | 45         |
| <b>SUBTOTAL</b>    | <b>2,050</b> | <b>54</b>  | <b>1,539</b> | <b>53</b>  | <b>1,460</b> | <b>53</b>  | <b>1,355</b> | <b>57</b>  |
|                    |              |            |              |            |              |            |              |            |
| 2. Other           |              |            |              |            |              |            |              |            |
| a. Shotgun         | 627          | 16         | 469          | 16         | 544          | 20         | 373          | 16         |
| b. Rifle           | 1,095        | 29         | 857          | 30         | 718          | 26         | 613          | 26         |
| c. Carbine         | 27           | 1          | 29           | 1          | 19           | 1          | 27           | 1          |
| <b>SUBTOTAL</b>    | <b>1,749</b> | <b>46</b>  | <b>1,355</b> | <b>47</b>  | <b>1,281</b> | <b>47</b>  | <b>1,013</b> | <b>43</b>  |
| <b>GRAND TOTAL</b> | <b>3,799</b> | <b>100</b> | <b>2,894</b> | <b>100</b> | <b>2,741</b> | <b>100</b> | <b>2,368</b> | <b>100</b> |

**E. FIREARMS I.D. ISSUED**

|              | 1990         | 1991         | 1992         | 1993         |
|--------------|--------------|--------------|--------------|--------------|
| <b>TOTAL</b> | <b>3,556</b> | <b>3,904</b> | <b>4,074</b> | <b>4,710</b> |

|              | 1994         | 1995         | 1996         | 1997         |
|--------------|--------------|--------------|--------------|--------------|
| <b>TOTAL</b> | <b>5,111</b> | <b>3,014</b> | <b>2,896</b> | <b>3,278</b> |

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## FIREARMS VIOLATIONS ARRESTS\* 1990 - 1997

| <u>YEAR</u> | <u>TOTAL</u> | <u>ADULTS</u> | <u>%</u> | <u>JUVENILES</u> | <u>%</u> |
|-------------|--------------|---------------|----------|------------------|----------|
| 1990        | 95           | 81            | 85       | 14               | 15       |
| 1991        | 108          | 96            | 89       | 12               | 11       |
| 1992        | 80           | 60            | 75       | 20               | 25       |
| 1993        | 117          | 94            | 80       | 23               | 20       |
| 1994        | 81           | 74            | 91       | 7                | 9        |
| 1995        | 121          | 110           | 91       | 11               | 9        |
| 1996        | 132          | 123           | 93       | 9                | 7        |
| 1997        | 117          | 110           | 94       | 7                | 6        |

### VIOLATOR PROFILE:

- A. SEX: MALE
- B. RACE: CHAMORU
- C. AGE: 20-24

### MOST COMMON VIOLATION

- Possession of a firearm without a valid Firearms Identification Card: 35-45% of arrests.
- \* Firearms Violations includes: Possession of a Firearm without a Firearm Identification Card, Possession of an Unregistered Firearm, Possession of a Concealed Firearm, Unlawful Transfer, Unlawful Discharge, etc.



# **GUAM POLICE DEPARTMENT**



## **DOMESTIC VIOLENCE** **"In Compliance with the Family Violence Act"**

J.M. Marques  
Chief of Police

R. J. Dervish  
Acting, Deputy Chief of Police

**DOMESTIC FAMILY VIOLENCE ANALYSIS  
1997 VS. 1996 VS. 1995**

**A. DOMESTIC RELATED OFFENSES TO OVERALL REPORTED OFFENSES**

| TYPE                   | OVERALL      |              |              | DOMESTIC    |             |             | PERCENTAGE |           |           |
|------------------------|--------------|--------------|--------------|-------------|-------------|-------------|------------|-----------|-----------|
|                        | 1997         | 1996         | 1995         | 1997        | 1996        | 1995        | 1997       | 1996      | 1995      |
| 1. Homicide            | 11           | 15           | 7            | 2           | 3           | 3           | 18         | 20        | 43        |
| 2. Rape                | 86           | 168          | 112          | 58          | 102         | 70          | 67         | 61        | 63        |
| 3. Robbery             | 144          | 107          | 127          | 3           | 2           | 5           | 2          | 2         | 4         |
| 4. Aggravated Assault  | 240          | 231          | 242          | 85          | 89          | 97          | 35         | 39        | 40        |
| 5. Burglary            | 2467         | 2202         | 2149         | 132         | 39          | 53          | 5          | 2         | 3         |
| 6. Larceny Theft       | 6010         | 4526         | 5077         | 63          | 47          | 49          | 1          | 1         | 1         |
| 7. Auto-Theft          | 1078         | 745          | 667          | 15          | 9           | 11          | 1          | 1         | 2         |
| 8. Arson               | 10           | 13           | 30           | 1           | 2           | 3           | 10         | 15        | 10        |
| 9. Other Assault       | 1435         | 1270         | 1002         | 1081        | 926         | 589         | 75         | 73        | 59        |
| 10. Vandalism          | 2844         | 2366         | 2539         | 79          | 65          | 71          | 3          | 3         | 3         |
| 11. Sex Offense        | 126          | 174          | 90           | 63          | 114         | 62          | 50         | 66        | 69        |
| 12. Disorderly Conduct | 1703         | 2834         | 3223         | 653         | 1222        | 1381        | 38         | 43        | 43        |
| 13. Other Offenses     | 1701         | 1139         | 1183         | 183         | 148         | 159         | 11         | 13        | 13        |
| <b>TOTAL</b>           | <b>17885</b> | <b>15790</b> | <b>16448</b> | <b>2418</b> | <b>2768</b> | <b>2553</b> | <b>14</b>  | <b>18</b> | <b>16</b> |

**B. WEAPON USED**

| WEAPON                         | TOTAL       |             |             | PERCENTAGE |            |            |
|--------------------------------|-------------|-------------|-------------|------------|------------|------------|
|                                | 1997        | 1996        | 1995        | 1997       | 1996       | 1995       |
| 1. Firearm                     | 105         | 141         | 82          | 4          | 5          | 3          |
| 2. Knife or Cutting Instrument | 155         | 225         | 190         | 6          | 8          | 7          |
| 3. Other Dangerous Weapon      | 203         | 308         | 242         | 8          | 11         | 10         |
| 4. Physical Force              | 1826        | 1925        | 1954        | 76         | 70         | 77         |
| 5. No Weapon                   | 129         | 169         | 85          | 5          | 6          | 3          |
| <b>TOTAL</b>                   | <b>2418</b> | <b>2768</b> | <b>2553</b> | <b>100</b> | <b>100</b> | <b>100</b> |

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**C. EXTENT OF INJURY**

| INJURY          | TOTAL       |             |             | PERCENTAGE |            |            |
|-----------------|-------------|-------------|-------------|------------|------------|------------|
|                 | 1997        | 1996        | 1995        | 1997       | 1996       | 1995       |
| 1. Serious      | 81          | 114         | 83          | 3          | 4          | 3          |
| 2. Minor        | 1507        | 1792        | 1621        | 62         | 65         | 64         |
| 3. Non-Physical | 830         | 862         | 849         | 34         | 31         | 33         |
| <b>TOTAL</b>    | <b>2418</b> | <b>2768</b> | <b>2553</b> | <b>100</b> | <b>100</b> | <b>100</b> |

**D. HISTORY OF PRIOR COURT ORDER**

| COURT ORDER  | TOTAL       |             |             | PERCENTAGE |            |            |
|--------------|-------------|-------------|-------------|------------|------------|------------|
|              | 1997        | 1996        | 1995        | 1997       | 1996       | 1995       |
| 1. Yes       | 639         | 640         | 512         | 26         | 23         | 20         |
| 2. No        | 1723        | 2042        | 1970        | 71         | 74         | 77         |
| 3. Unknown   | 56          | 86          | 71          | 2          | 3          | 3          |
| <b>TOTAL</b> | <b>2418</b> | <b>2768</b> | <b>2553</b> | <b>100</b> | <b>100</b> | <b>100</b> |

**E. INVOLVEMENT OF CHILDREN**

| INVOLVEMENT             | TOTAL       |             |             | PERCENTAGE |            |            |
|-------------------------|-------------|-------------|-------------|------------|------------|------------|
|                         | 1997        | 1996        | 1995        | 1997       | 1996       | 1995       |
| 1. Child as participant | 354         | 489         | 391         | 14         | 18         | 15         |
| 2. Child Present        | 982         | 1072        | 979         | 41         | 39         | 38         |
| 3. Child Not Involved   | 1082        | 1207        | 1183        | 45         | 43         | 46         |
| <b>TOTAL</b>            | <b>2418</b> | <b>2768</b> | <b>2553</b> | <b>100</b> | <b>100</b> | <b>100</b> |

**F. RELATIONSHIP OF OFFENDER TO VICTIM (OFFENDER COUNTS NOT CASES)**

| RELATION                       | TOTAL       |             |             | PERCENTAGE |            |            |
|--------------------------------|-------------|-------------|-------------|------------|------------|------------|
|                                | 1997        | 1996        | 1995        | 1997       | 1996       | 1995       |
| 1. Spouse (Includes Common)    | 667         | 951         | 878         | 45         | 46         | 53         |
| 2. Ex-Spouse (Includes Common) | 101         | 140         | 107         | 7          | 7          | 6          |
| 3. Boyfriend/Girlfriend        | 223         | 332         | 227         | 15         | 16         | 14         |
| 4. Ex-Boyfriend/Ex-Girlfriend  | 49          | 65          | 29          | 3          | 3          | 2          |
| 5. Other (Family, Sibling)     | 448         | 590         | 413         | 30         | 28         | 25         |
| <b>TOTAL</b>                   | <b>1488</b> | <b>2078</b> | <b>1654</b> | <b>100</b> | <b>100</b> | <b>100</b> |

**G. INVOLVEMENT OF DRUG AND/OR ALCOHOL**

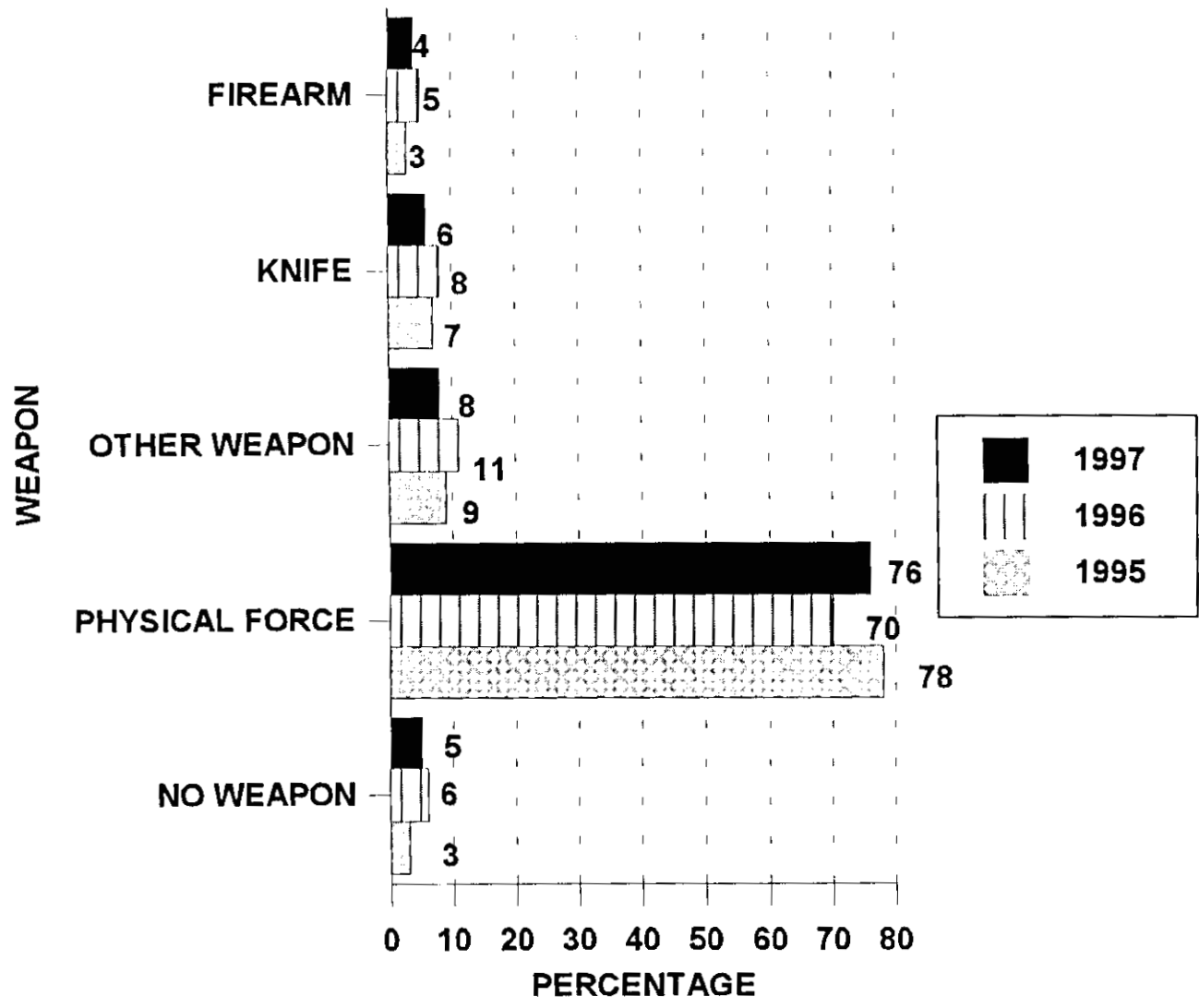
| <b>DRUG AND/OR<br/>ALCOHOL</b> | <b>TOTAL</b> |             |             | <b>PERCENTAGE</b> |             |             |
|--------------------------------|--------------|-------------|-------------|-------------------|-------------|-------------|
|                                | <b>1997</b>  | <b>1996</b> | <b>1995</b> | <b>1997</b>       | <b>1996</b> | <b>1995</b> |
| 1. YES                         | 1697         | 1792        | 1758        | 70                | 65          | 69          |
| 2. NO                          | 640          | 827         | 661         | 26                | 30          | 26          |
| 3. UNKNOWN                     | 81           | 149         | 134         | 3                 | 5           | 5           |
| <b>TOTAL</b>                   | <b>2418</b>  | <b>2768</b> | <b>2553</b> | <b>100</b>        | <b>100</b>  | <b>100</b>  |

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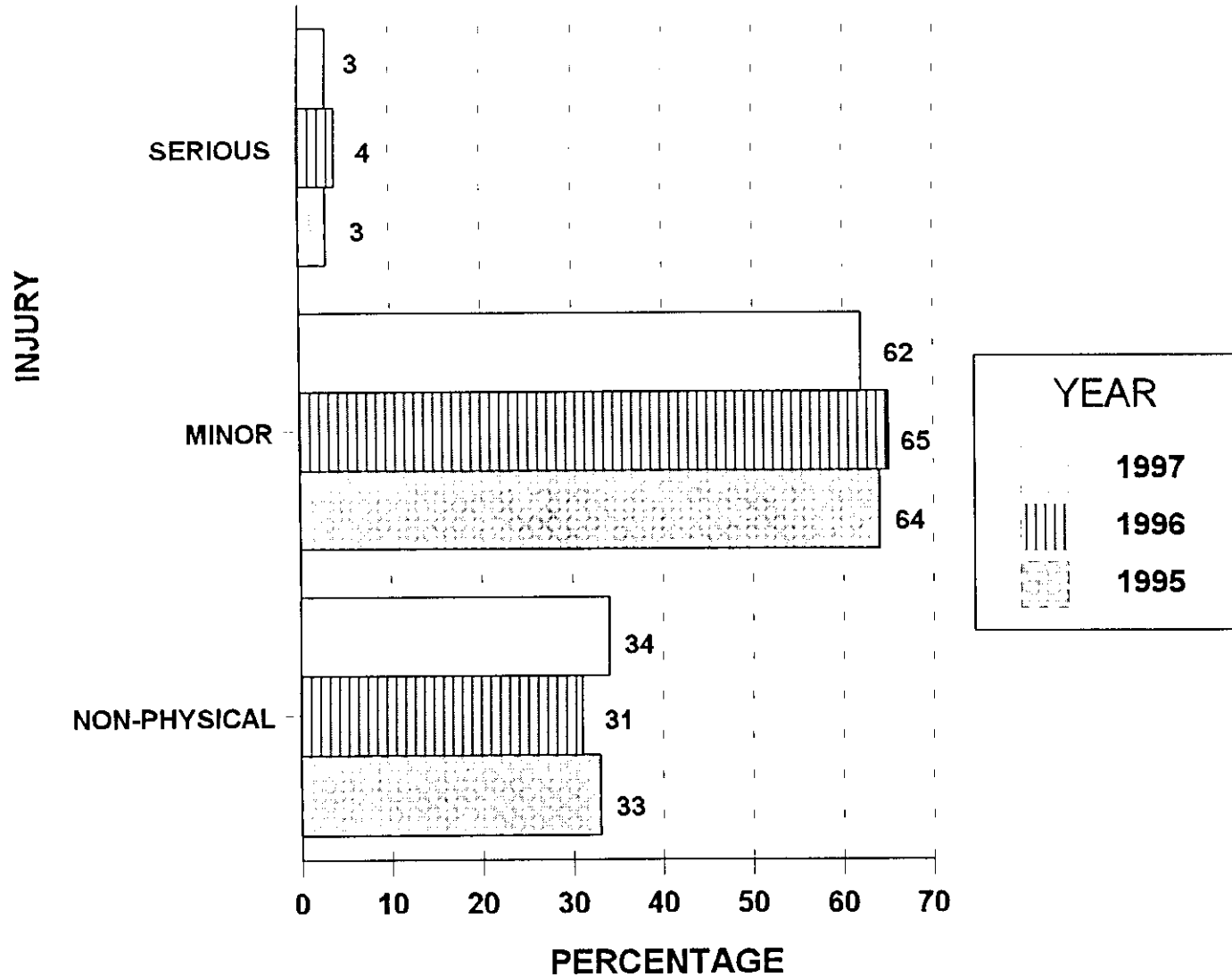
**E. OFFENSES BY VILLAGE**

| VILLAGE          | NUMBER      |             | PERCENT    |            | RANK                  |      |
|------------------|-------------|-------------|------------|------------|-----------------------|------|
|                  | 1997        | 1996        | 1997       | 1996       | 1997                  | 1996 |
| 1. Agana         | 67          | 75          | 3          | 3          | 11                    | 11   |
| 2. Agana Heights | 53          | 59          | 2          | 2          | 16                    | 16   |
| 3. Agat          | 123         | 127         | 5          | 5          | 6                     | 6    |
| 4. Apra Heights  | 8           | 9           | 0          | 0          | 25                    | 25   |
| 5. Asan          | 12          | 15          | 0          | 0          | 24                    | 24   |
| 6. Barrigada     | 156         | 165         | 6          | 6          | 5                     | 5    |
| 7. Chalan Pago   | 60          | 71          | 3          | 3          | 13                    | 13   |
| 8. Dededo        | 512         | 611         | 21         | 22         | 1                     | 1    |
| 9. Harmon        | 98          | 126         | 4          | 5          | 8                     | 7    |
| 10. Inarajan     | 38          | 43          | 2          | 2          | 20                    | 20   |
| 11. Maina        | 3           | 5           | 0          | 0          | 26                    | 27   |
| 12. Maite        | 57          | 69          | 2          | 3          | 15                    | 14   |
| 13. Mangilao     | 239         | 289         | 10         | 10         | 2                     | 2    |
| 14. Merizo       | 31          | 34          | 1          | 1          | 21                    | 21   |
| 15. Mongmong     | 62          | 73          | 3          | 3          | 12                    | 12   |
| 16. Nimitz Hill  | 3           | 7           | 0          | 0          | 27                    | 26   |
| 17. Ordot        | 29          | 33          | 1          | 1          | 22                    | 22   |
| 18. Piti         | 27          | 31          | 1          | 1          | 23                    | 23   |
| 19. Santa Rita   | 45          | 47          | 2          | 2          | 17                    | 17   |
| 20. Sinajana     | 59          | 65          | 2          | 2          | 14                    | 15   |
| 21. Talofofu     | 43          | 47          | 2          | 2          | 18                    | 18   |
| 22. Tamuning     | 224         | 264         | 9          | 9          | 3                     | 3    |
| 23. Toto         | 73          | 81          | 3          | 3          | 10                    | 10   |
| 24. Tumon        | 85          | 90          | 4          | 3          | 9                     | 9    |
| 25. Umatac       | 40          | 44          | 2          | 2          | 19                    | 19   |
| 26. Yigo         | 159         | 173         | 7          | 6          | 4                     | 4    |
| 27. Yona         | 112         | 115         | 5          | 4          | 7                     | 8    |
| <b>TOTAL</b>     | <b>2418</b> | <b>2768</b> | <b>100</b> | <b>100</b> | <b>XXXXXXXXXXXXXX</b> |      |

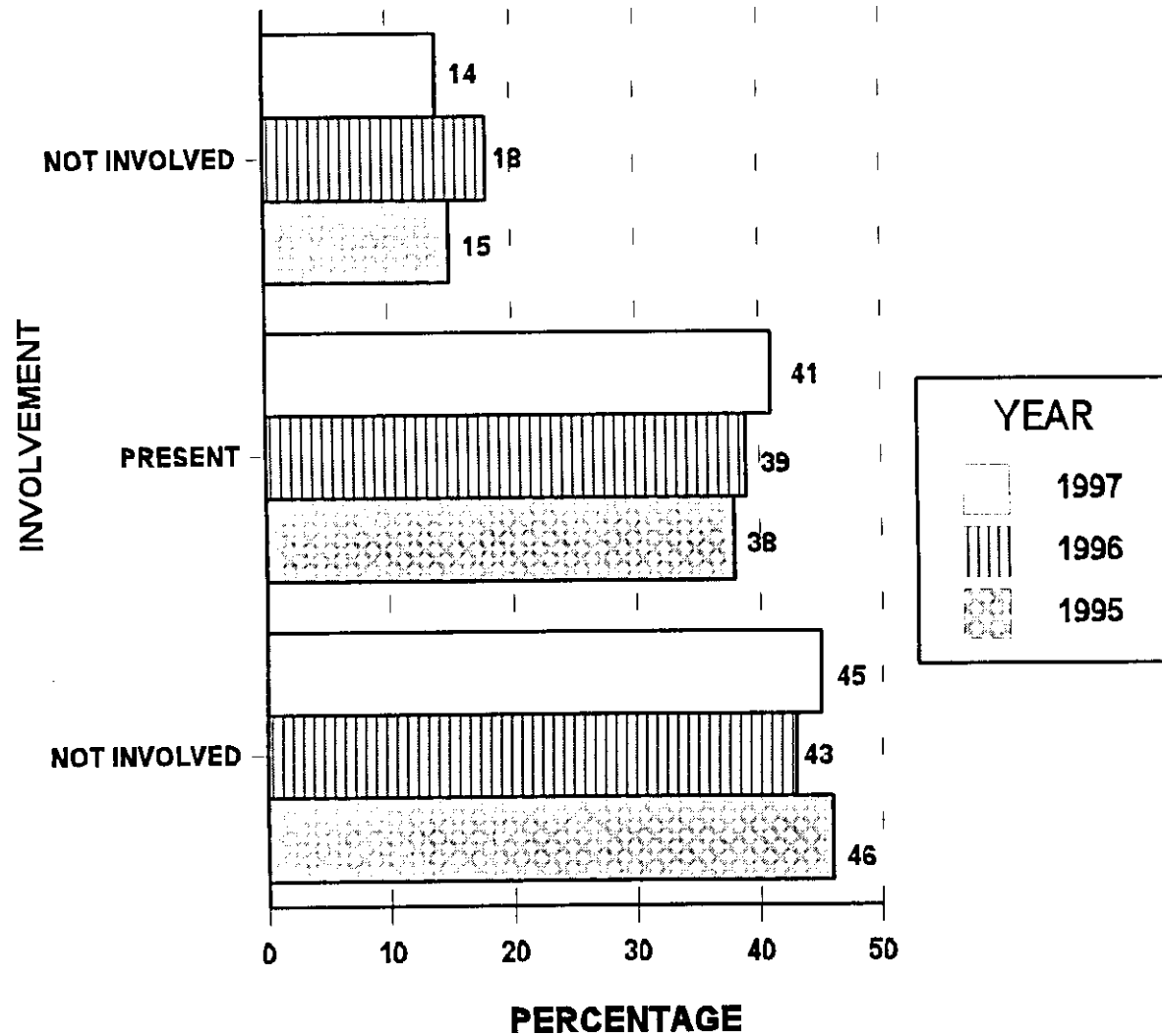
# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION WEAPONS USED



# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION EXTENT OF INJURY

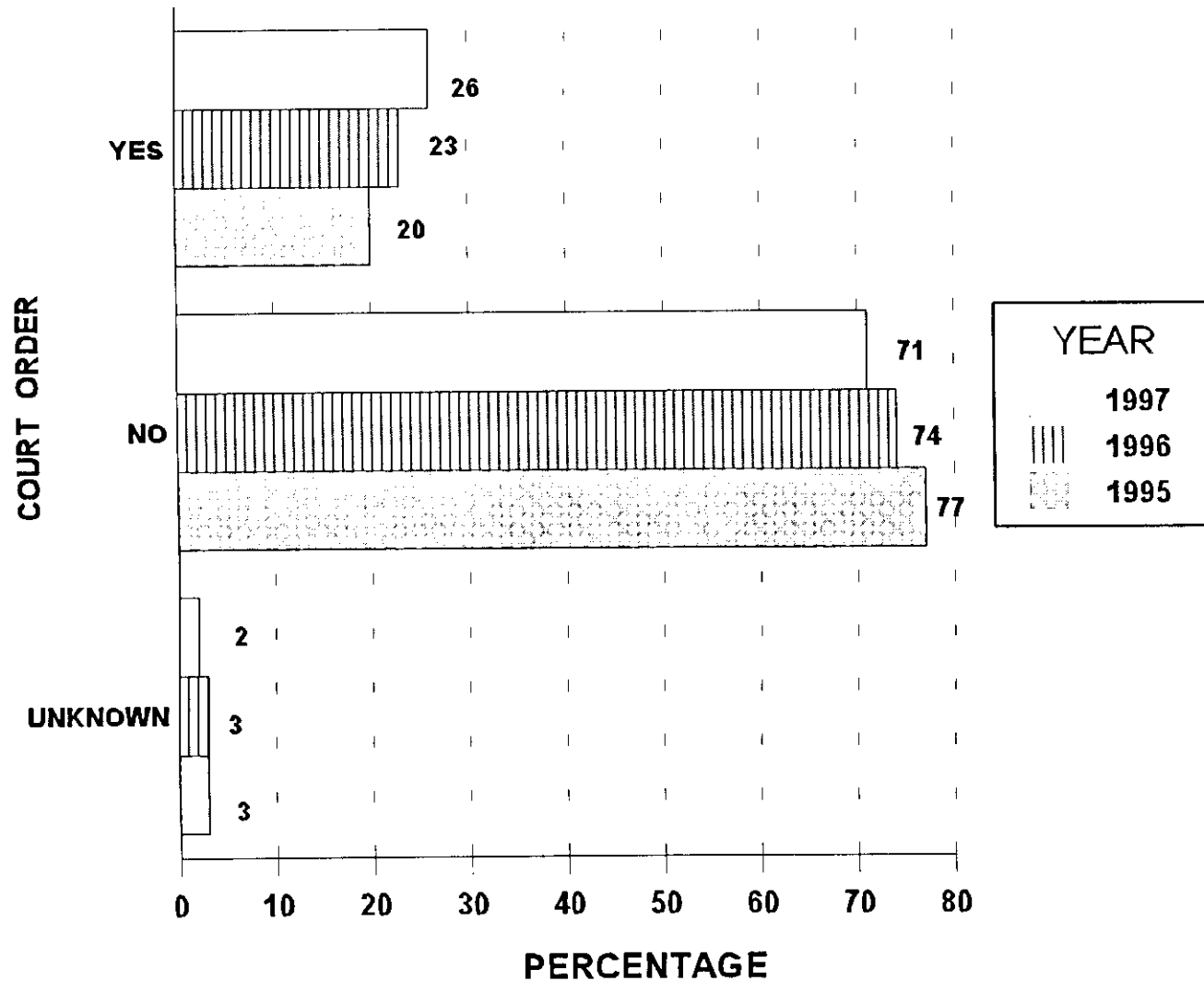


# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION INVOLVEMENT OF CHILDREN

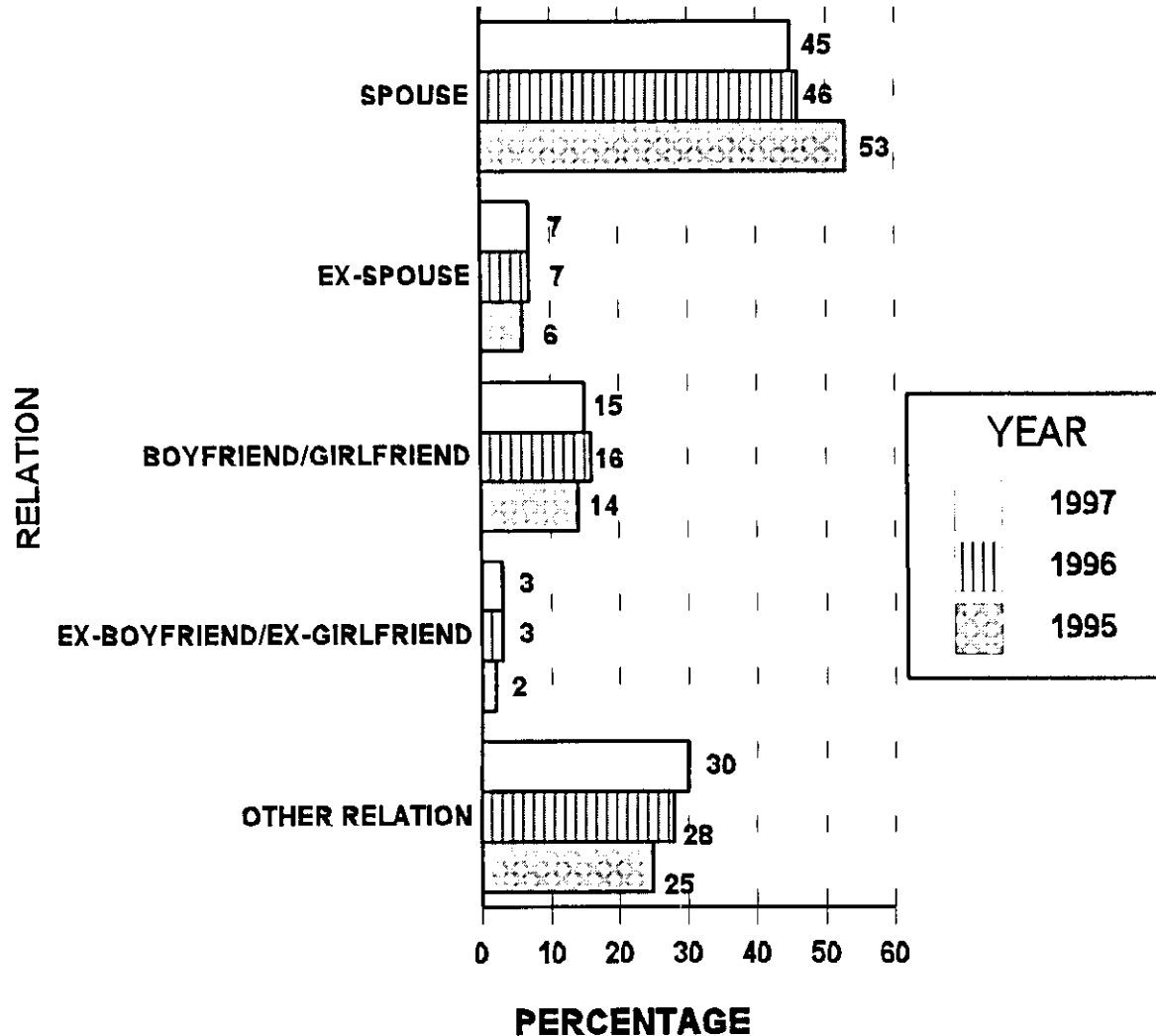




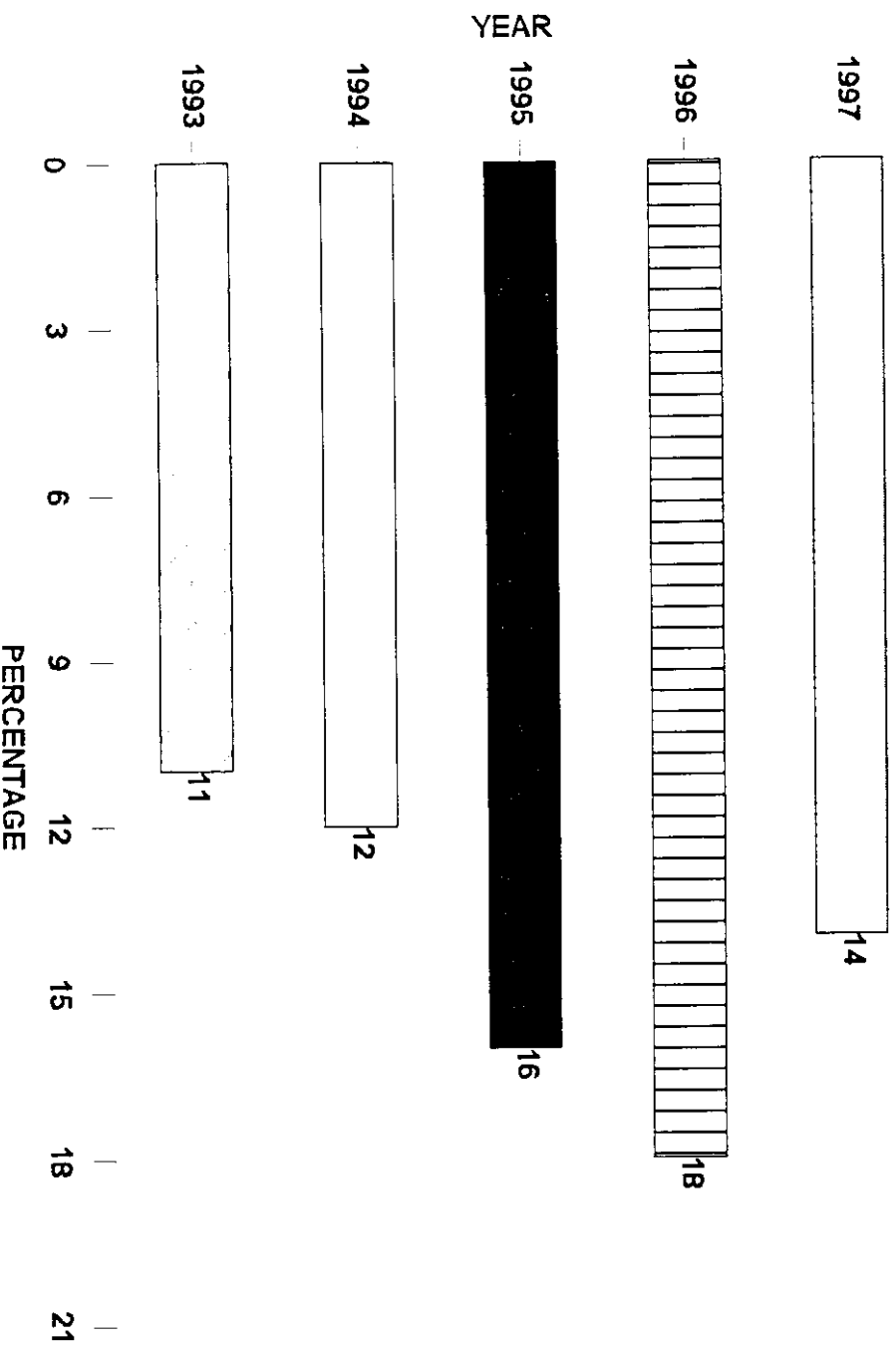
# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION HISTORY OF PRIOR COURT ORDER



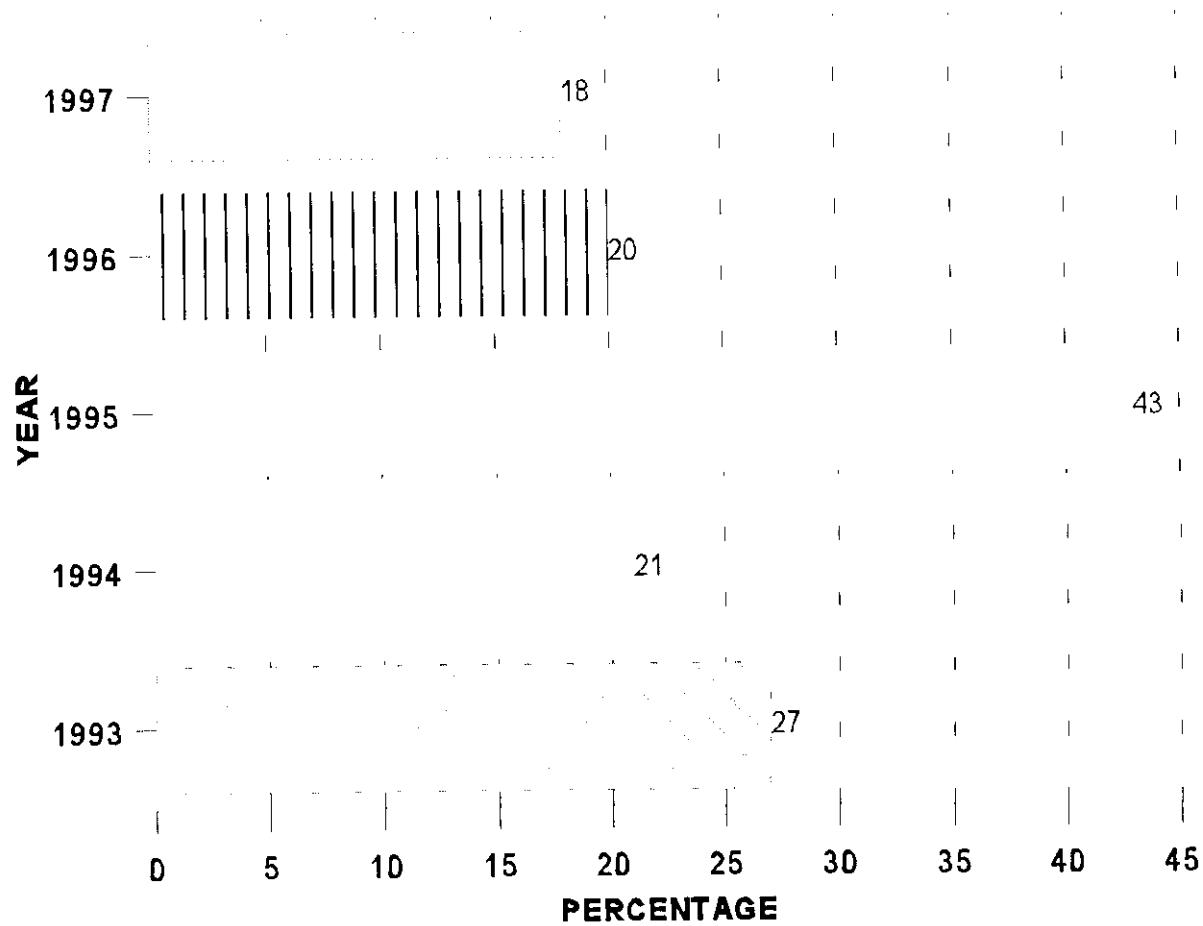
# DOMESTIC/ FAMILY VIOLENCE PERCENTAGE DISTRIBUTION RELATIONSHIP OF OFFENDER TO VICTIM



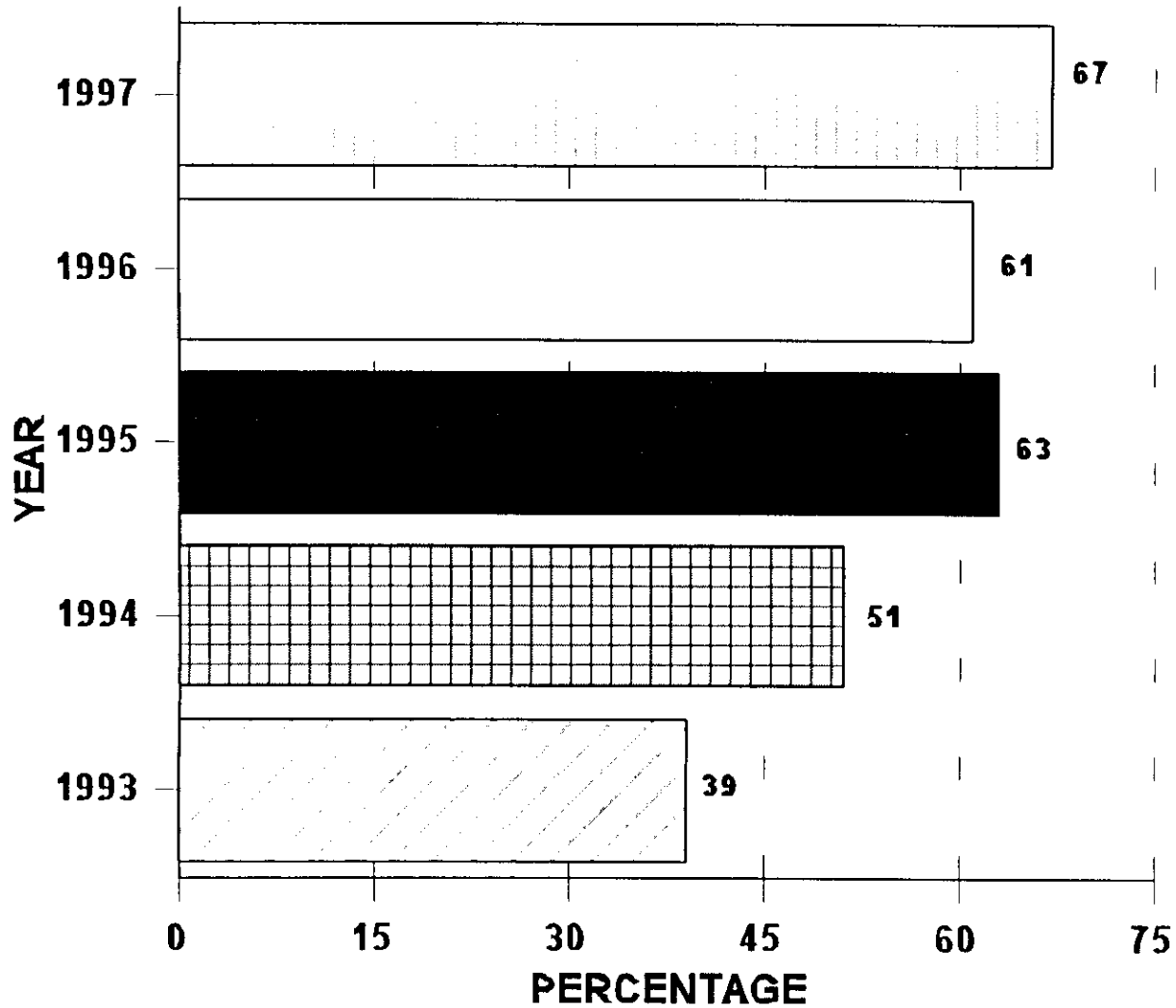
# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION TOTAL



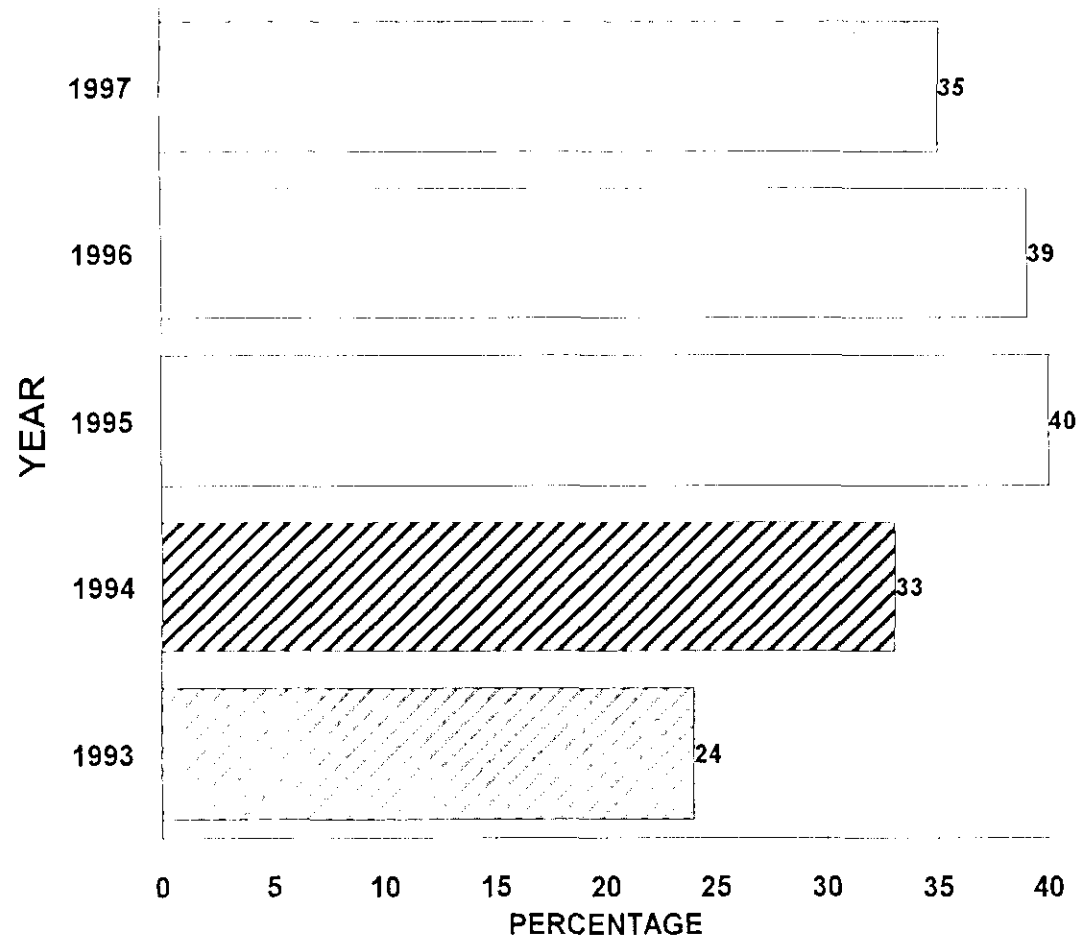
# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION HOMICIDE



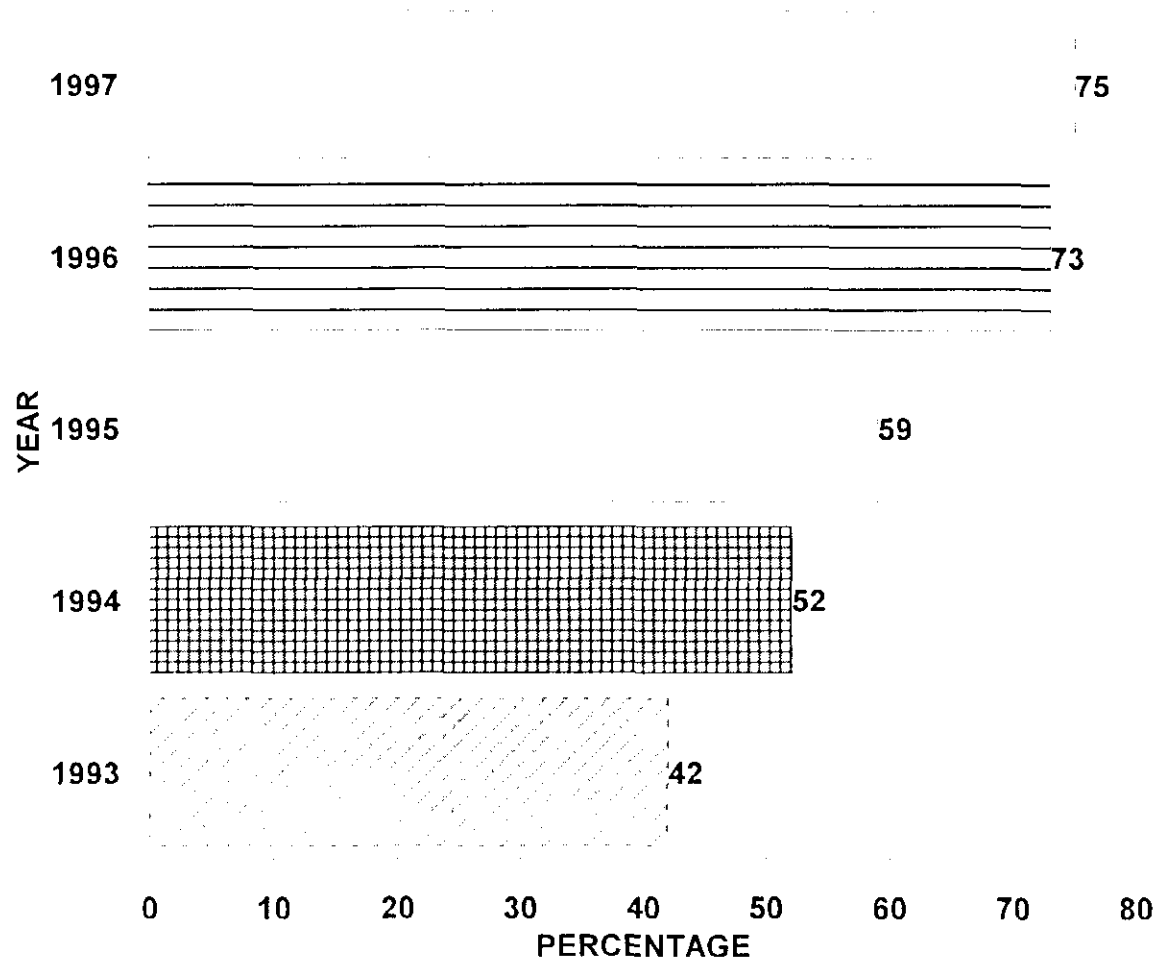
# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION RAPE



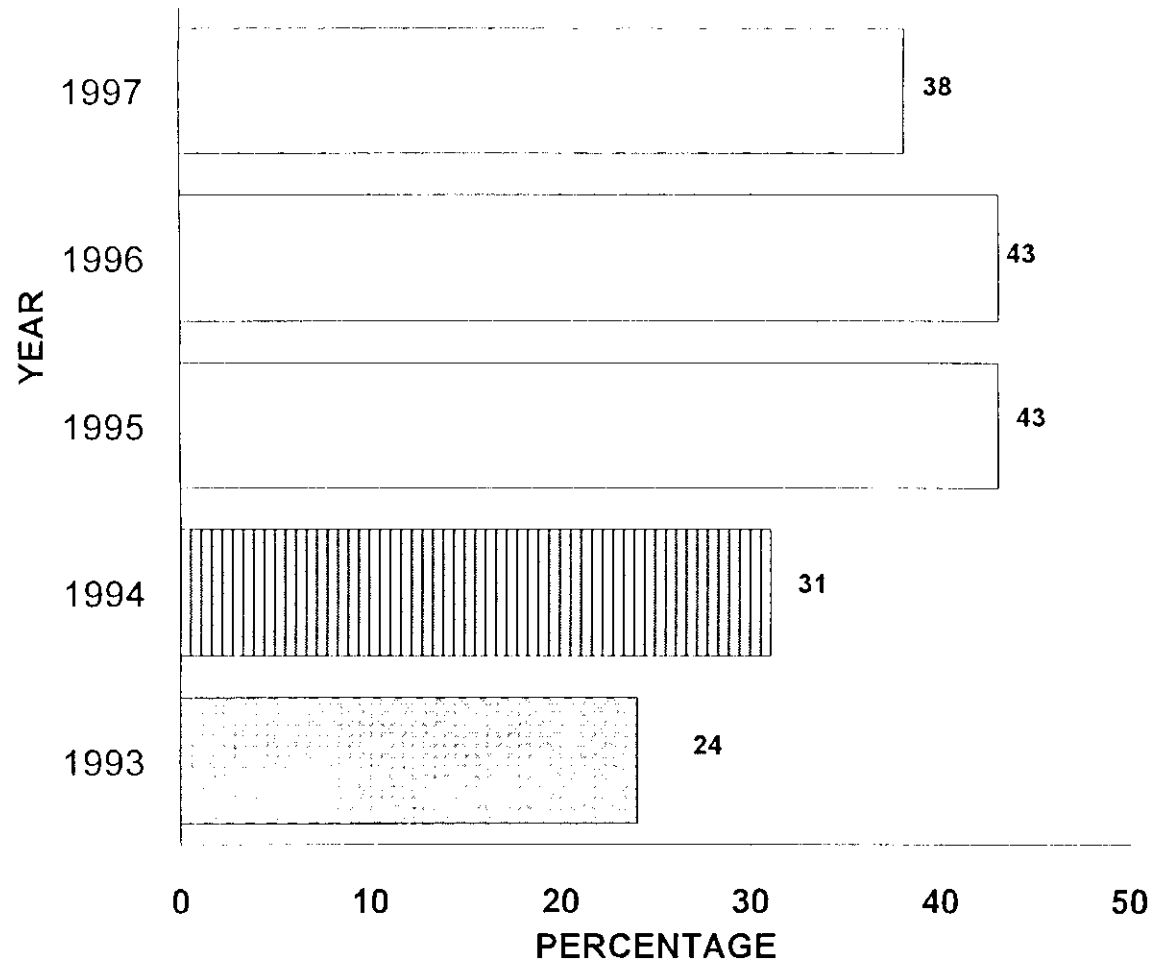
# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION AGGRAVATED ASSAULT



# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION SIMPLE ASSAULT



# DOMESTIC/FAMILY VIOLENCE PERCENTAGE DISTRIBUTION DISORDERLY CONDUCT





**GUAM POLICE DEPARTMENT  
OFFENSES INVOLVING DOMESTIC VIOLENCE  
1993 - 1997**

**A. Types of Offenses:**

| TYPES OF OFFENSES   | 1993           |                   |            | 1994           |                   |            | 1995           |                   |            | 1996           |                   |            | 1997           |                   |            |
|---------------------|----------------|-------------------|------------|----------------|-------------------|------------|----------------|-------------------|------------|----------------|-------------------|------------|----------------|-------------------|------------|
|                     | Total Offenses | Domestic Offenses | % of Total | Total Offenses | Domestic Offenses | % of Total | Total Offenses | Domestic Offenses | % of Total | Total Offenses | Domestic Offenses | % of Total | Total Offenses | Domestic Offenses | % of Total |
| Homicide            | 11             | 3                 | 27         | 14             | 3                 | 21         | 7              | 3                 | 43         | 15             | 3                 | 20         | 11             | 2                 | 18         |
| Rape                | 89             | 35                | 39         | 107            | 55                | 51         | 112            | 70                | 63         | 168            | 102               | 61         | 86             | 58                | 67         |
| Robbery             | 93             | 1                 | 1          | 105            | 3                 | 3          | 127            | 5                 | 4          | 107            | 2                 | 2          | 144            | 3                 | 2          |
| Aggravated Assault  | 207            | 50                | 24         | 246            | 81                | 33         | 242            | 97                | 40         | 231            | 89                | 39         | 240            | 85                | 35         |
| Burglary            | 1221           | 7                 | 1          | 1716           | 11                | 1          | 2149           | 53                | 3          | 2202           | 39                | 2          | 2467           | 132               | 5          |
| Larceny Theft       | 3758           | 13                | 0          | 5127           | 27                | 0          | 5077           | 49                | 1          | 4526           | 47                | 1          | 6010           | 63                | 1          |
| Motor Vehicle Theft | 395            | 0                 | 0          | 568            | 5                 | 1          | 667            | 11                | 2          | 745            | 9                 | 1          | 1078           | 15                | 1          |
| Arson               | 14             | 2                 | 14         | 24             | 2                 | 8          | 30             | 3                 | 10         | 13             | 2                 | 15         | 10             | 1                 | 10         |
| Simple Assault      | 1283           | 537               | 42         | 1167           | 606               | 52         | 1002           | 589               | 59         | 1270           | 926               | 73         | 1435           | 1081              | 75         |
| Vandalism           | 2402           | 32                | 1          | 2922           | 48                | 2          | 2539           | 71                | 3          | 2366           | 65                | 3          | 2844           | 79                | 3          |
| Sex Offenses        | 135            | 64                | 47         | 120            | 75                | 64         | 90             | 62                | 69         | 174            | 114               | 66         | 126            | 63                | 50         |
| Disorderly Conduct  | 2063           | 498               | 24         | 2380           | 732               | 31         | 3223           | 1381              | 43         | 2834           | 1222              | 43         | 1703           | 653               | 38         |
| Other Offenses      | 916            | 104               | 11         | 937            | 149               | 16         | 1183           | 159               | 13         | 1139           | 148               | 13         | 1701           | 183               | 11         |
| <b>TOTAL</b>        | <b>12587</b>   | <b>1346</b>       | <b>11</b>  | <b>15433</b>   | <b>1797</b>       | <b>12</b>  | <b>16448</b>   | <b>2553</b>       | <b>16</b>  | <b>15790</b>   | <b>2768</b>       | <b>18</b>  | <b>17855</b>   | <b>2418</b>       | <b>14</b>  |

Note: Each offense/incident of family violence can involve one or more arrests. One offense/incident is counted for each report submitted regardless number of suspects, offenders or victims involved.

Saturday, March 21, 1998  
Research Unit

**B. Sex and Race of Victims:**

| Sex          | 1993        | % of Total | 1994        | % of Total | 1995        | % of Total | 1996        | % of Total | 1997        | % of Total |
|--------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|
| Male         | 276         | 22         | 284         | 22         | 380         | 23         | 499         | 25         | 425         | 28         |
| Female       | 984         | 78         | 1018        | 78         | 1256        | 77         | 1471        | 75         | 1113        | 72         |
| <b>TOTAL</b> | <b>1260</b> | <b>100</b> | <b>1302</b> | <b>100</b> | <b>1636</b> | <b>100</b> | <b>1970</b> | <b>100</b> | <b>1538</b> | <b>100</b> |

| Race         | 1993        | % of Total | 1994        | % of Total | 1995        | % of Total | 1996        | % of Total | 1997        | % of Total |
|--------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|
| Caucasian    | 101         | 8          | 126         | 10         | 139         | 9          | 175         | 9          | 145         | 9          |
| Black        | 21          | 2          | 19          | 1          | 27          | 2          | 36          | 2          | 33          | 2          |
| Filipino     | 169         | 13         | 296         | 23         | 367         | 22         | 503         | 25         | 396         | 28         |
| Chamorro     | 837         | 66         | 688         | 53         | 892         | 54         | 981         | 50         | 761         | 49         |
| Oriental     | 47          | 4          | 51          | 4          | 69          | 4          | 90          | 5          | 60          | 4          |
| Other        | 82          | 7          | 111         | 9          | 123         | 8          | 163         | 8          | 128         | 8          |
| Unknown      | 3           | 0          | 11          | 0          | 19          | 1          | 22          | 1          | 15          | 1          |
| <b>TOTAL</b> | <b>1260</b> | <b>100</b> | <b>1302</b> | <b>100</b> | <b>1636</b> | <b>100</b> | <b>1970</b> | <b>100</b> | <b>1538</b> | <b>100</b> |

D. Relationships of offenders to victims:

| Relationship                   | 1993        | % of Total | 1994        | % of Total | 1995        | % of Total | 1996        | % of Total | 1997        | % of Total |
|--------------------------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|-------------|------------|
| Spouse                         | 407         | 33         | 419         | 33         | 739         | 45         | 793         | 38         | 558         | 38         |
| Common-law-spouse              | 56          | 5          | 84          | 7          | 139         | 8          | 158         | 8          | 109         | 7          |
| Ex-spouse                      | 73          | 6          | 79          | 6          | 107         | 7          | 140         | 7          | 101         | 7          |
| Parent                         | 64          | 5          | 54          | 4          | 71          | 4          | 111         | 5          | 106         | 7          |
| Step-parent                    | 13          | 1          | 11          | 1          | 17          | 1          | 46          | 2          | 19          | 1          |
| Sibling                        | 122         | 10         | 114         | 9          | 103         | 6          | 171         | 8          | 101         | 7          |
| Child                          | 60          | 5          | 55          | 4          | 58          | 4          | 79          | 4          | 65          | 4          |
| Step-child                     | 14          | 1          | 11          | 1          | 15          | 1          | 23          | 1          | 12          | 1          |
| Grandparent                    | 1           | 0          | 6           | 1          | 11          | 0          | 5           | 0          | 5           | 0          |
| Grandchild                     | 1           | 0          | 1           | 0          | 0           | 0          | 0           | 0          | 0           | 0          |
| In-law                         | 49          | 4          | 48          | 4          | 57          | 3          | 73          | 4          | 51          | 3          |
| Other relative                 | 67          | 5          | 68          | 5          | 81          | 5          | 82          | 4          | 89          | 6          |
| Boy/Girl friend                | 215         | 17         | 208         | 16         | 227         | 14         | 332         | 16         | 223         | 15         |
| Ex-boyfriend/<br>Ex-girlfriend | 101         | 8          | 11          | 9          | 29          | 2          | 65          | 3          | 49          | 3          |
| <b>TOTAL</b>                   | <b>1243</b> | <b>100</b> | <b>1269</b> | <b>100</b> | <b>1654</b> | <b>100</b> | <b>2078</b> | <b>100</b> | <b>1488</b> | <b>100</b> |

Saturday, March 21, 1998  
 Research Unit

**HOMICIDE CASES IN GUAM  
RELATED TO DOMESTIC VIOLENCE  
CALENDAR YEARS 1990 -1997**

| YEAR | TOTAL HOMICIDE | NUMBER OF EACH YEARS HOMICIDE CASES RELATED TO DOMESTIC DISPUTES | PERCENTAGE OF EACH YEAR'S HOMICIDE CASES RELATED TO DOMESTIC DISPUTES |
|------|----------------|--|---|
| 1990 | 10             | 3  | 30%   |
| 1991 | 10             | 3  | 30%   |
| 1992 | 11             | 6  | 55%   |
| 1993 | 11             | 3  | 27%   |
| 1994 | 14             | 3  | 21%   |
| 1995 | 7              | 3  | 43%   |
| 1996 | 15             | 3  | 20%   |
| 1997 | 11             | 2  | 18%   |
|      |                |  |   |

Saturday, March 27, 1998  
Research Unit

**Age Group Report** Report Date: /30/1998

| Victim Age Group     | #           | %      |
|----------------------|-------------|--------|
| 18 Under             | 59          | 4.30%  |
| 18-25                | 314         | 22.90% |
| 26-33                | 363         | 26.48% |
| 34-41                | 284         | 20.71% |
| 42-49                | 108         | 7.88%  |
| 50+                  | 69          | 5.03%  |
| Unknown              | 174         | 12.69% |
| <b>TOTAL RECORDS</b> | <b>1371</b> |        |

**Age Group Report** Report Date: 04/30/1998

| Abuser Age Group     | #           | %      |
|----------------------|-------------|--------|
| 18 Under             | 22          | 1.60%  |
| 18-25                | 305         | 22.25% |
| 26-33                | 429         | 31.29% |
| 34-41                | 316         | 23.05% |
| 42-49                | 146         | 10.65% |
| 50+                  | 50          | 3.65%  |
| Unknown              | 103         | 7.51%  |
| <b>TOTAL RECORDS</b> | <b>1371</b> |        |

**Gender Report** Report Date: 04/30/1998

| Victim Gender        | #           | %      |
|----------------------|-------------|--------|
| Unknown              | 17          | 1.24%  |
| Female               | 1094        | 79.80% |
| Male                 | 260         | 18.96% |
| <b>TOTAL RECORDS</b> | <b>1371</b> |        |

**Gender Report** Report Date: 04/30/1998

| Abuser Gender        | #           | %      |
|----------------------|-------------|--------|
| Unknown              | 5           | 0.36%  |
| Female               | 192         | 14.00% |
| Male                 | 1174        | 85.63% |
| <b>TOTAL RECORDS</b> | <b>1371</b> |        |

**Language Report** Report Date: 04/30/1998

| Primary Language of Victim | #           | %      |
|----------------------------|-------------|--------|
| Chamorro                   | 8           | 0.58%  |
| Chinese                    | 1           | 0.07%  |
| Chuukese                   | 5           | 0.36%  |
| English                    | 1336        | 97.45% |
| Korean                     | 10          | 0.73%  |
| Pohnpeian                  | 1           | 0.07%  |
| Sign Language              | 1           | 0.07%  |
| Tagalog                    | 9           | 0.66%  |
| <b>TOTAL RECORDS:</b>      | <b>1371</b> |        |

**Marital Status Report** Report Date: 04/30/1998

| Marital Status - Victim | #           | %      |
|-------------------------|-------------|--------|
| Single                  | 50          | 3.65%  |
| Married                 | 349         | 25.46% |
| Divorced                | 70          | 5.11%  |
| Widowed                 | 2           | 0.15%  |
| Separated               | 9           | 0.66%  |
| Unknown                 | 891         | 64.99% |
| <b>TOTAL RECORDS</b>    | <b>1371</b> |        |

**Employment Report** Report Date: 04/30/1998

| Victim Employed?      | #           | %      |
|-----------------------|-------------|--------|
| Unemployed            | 468         | 34.14% |
| Part Time             | 8           | 0.58%  |
| Full Time             | 48          | 3.50%  |
| Retired               | 10          | 0.73%  |
| Student               | 58          | 4.23%  |
| Yes                   | 498         | 36.32% |
| Unknown               | 281         | 20.50% |
| <b>TOTAL RECORDS:</b> | <b>1371</b> |        |

**Employment Report** Report Date: 04/30/1998

| Abuser Employed?     | #           | %      |
|----------------------|-------------|--------|
| Unemployed           | 343         | 25.02% |
| Part Time            | 2           | 0.15%  |
| Retired              | 7           | 0.51%  |
| Student              | 18          | 1.31%  |
| Yes                  | 553         | 40.34% |
| Unknown              | 448         | 32.68% |
| <b>TOTAL RECORDS</b> | <b>1371</b> |        |

**Ethnicity Report** Report Date: 30/1998

| Victim Ethnicity      | #           | %      |
|-----------------------|-------------|--------|
| Black American        | 8           | 0.58%  |
| Caucasian             | 74          | 5.40%  |
| Chamorro              | 719         | 52.44% |
| Chinese               | 6           | 0.44%  |
| Chuukese              | 87          | 6.35%  |
| Filipino              | 185         | 13.49% |
| Hawaiian              | 6           | 0.44%  |
| Hispanic              | 7           | 0.51%  |
| Japanese              | 14          | 1.02%  |
| Korean                | 45          | 3.28%  |
| Palauan               | 27          | 1.97%  |
| Pohnpeian             | 18          | 1.31%  |
| Yapese                | 1           | 0.07%  |
| Chinese-Hawaiian      | 1           | 0.07%  |
| Unknown               | 129         | 9.41%  |
| Chamorro/Filipino     | 10          | 0.73%  |
| Saipanese             | 14          | 1.02%  |
| Kosrae                | 8           | 0.58%  |
| Palauan/Japanese      | 1           | 0.07%  |
| Samoan                | 3           | 0.22%  |
| Marshalese            | 3           | 0.22%  |
| French-Vietnamese     | 1           | 0.07%  |
| Vietnamese            | 2           | 0.15%  |
| Thai                  | 1           | 0.07%  |
| Alaskan-Indian        | 1           | 0.07%  |
| <b>TOTAL RECORDS:</b> | <b>1371</b> |        |

**Ethnicity Report** Report Date: 04/30/1998

| Abuser Ethnicity      | #           | %      |
|-----------------------|-------------|--------|
| Black American        | 18          | 1.31%  |
| Carolinian            | 1           | 0.07%  |
| Caucasian             | 54          | 3.94%  |
| Chamorro              | 721         | 52.59% |
| Chinese               | 6           | 0.44%  |
| Chuukese              | 108         | 7.88%  |
| Filipino              | 188         | 13.71% |
| Hawaiian              | 8           | 0.58%  |
| Hispanic              | 8           | 0.58%  |
| Japanese              | 7           | 0.51%  |
| Korean                | 44          | 3.21%  |
| Palauan               | 42          | 3.06%  |
| Pohnpeian             | 21          | 1.53%  |
| Yapese                | 5           | 0.36%  |
| Unknown               | 77          | 5.62%  |
| Chamorro/Filipino     | 21          | 1.53%  |
| Saipanese             | 16          | 1.17%  |
| German                | 1           | 0.07%  |
| Norwegian             | 1           | 0.07%  |
| Kosrae                | 10          | 0.73%  |
| Palauan/Japanese      | 2           | 0.15%  |
| Samoan                | 5           | 0.36%  |
| Indian                | 1           | 0.07%  |
| Marshalese            | 3           | 0.22%  |
| Vietnamese            | 1           | 0.07%  |
| Portuguese            | 1           | 0.07%  |
| African               | 1           | 0.07%  |
| <b>TOTAL RECORDS:</b> | <b>1371</b> |        |

**When Reported Report** Report Date: 04/30/1998

| How Soon Incident Reported? | #           | %      |
|-----------------------------|-------------|--------|
| Immediately                 | 929         | 67.76% |
| Within 12 Hrs               | 173         | 12.62% |
| Within 24 Hrs               | 40          | 2.92%  |
| Within 72 Hrs               | 23          | 1.68%  |
| More Than 72 Hrs            | 18          | 1.31%  |
| Not Reported                | 24          | 1.75%  |
| Unknown                     | 164         | 11.96% |
| <b>TOTAL RECORDS:</b>       | <b>1371</b> |        |

**Violence Type Report** Repo. Date: 04/30/1998

| Type of Violence          | #   | %      |
|---------------------------|-----|--------|
| Verbal, Emotional, Mental | 637 | 46.46% |
| Threat of Physical Harm   | 433 | 31.58% |
| Push, Shove, Slap         | 594 | 43.33% |
| Hit with Fist or Feet     | 477 | 34.79% |
| Bite/Scratch              | 72  | 5.25%  |
| Strangle/Choke            | 137 | 9.99%  |
| Sexual Abuse, Rape        | 18  | 1.31%  |
| Destruction of Property   | 207 | 15.10% |
| Stalking/Harassment       | 83  | 6.05%  |
| Hit with Object           | 90  | 6.56%  |
| Unlawful Restraint        | 9   | 0.66%  |
| Burn w/cigarette          | 5   | 0.36%  |
| Spray w/bug spray         | 1   | 0.07%  |
| Murder                    | 1   | 0.07%  |
| Splash w/hot coffee       | 2   | 0.15%  |
| Stab/Cut                  | 14  | 1.02%  |
| Shooting                  | 1   | 0.07%  |
| Kidnapping                | 1   | 0.07%  |

Number of Violence Types Reported (Some occurrences have more than one violence type) 2732

Number of Violence Reports (Percentages are calculated on this number of violent occurrences) ---> 1371

**Weapon Report** Report Date: 04/30/1998

| Weapon Used        | #    | %      |
|--------------------|------|--------|
| Bed                | 2    | 0.15%  |
| Belt               | 9    | 0.66%  |
| Blunt Object       | 201  | 14.66% |
| Car                | 15   | 1.09%  |
| Car Door           | 1    | 0.07%  |
| Cigarette          | 2    | 0.15%  |
| Door               | 2    | 0.15%  |
| Explosives         | 1    | 0.07%  |
| Forks              | 2    | 0.15%  |
| Garage Door        | 1    | 0.07%  |
| Gun                | 24   | 1.75%  |
| Hatchet            | 2    | 0.15%  |
| Knife              | 59   | 4.30%  |
| Machete            | 12   | 0.88%  |
| None               | 1027 | 74.91% |
| Pillow             | 2    | 0.15%  |
| Scissors           | 5    | 0.36%  |
| Sharp Object (Unk) | 3    | 0.22%  |
| Spear              | 1    | 0.07%  |

TOTAL RECORDS: 1371

**Drug/Alcohol Report** Report Date: 04/30/1998

| Type of Drugs/Alcohol | #    | %      |
|-----------------------|------|--------|
| None                  | 933  | 68.05% |
| Alcohol               | 374  | 27.28% |
| Alcohol/Ice           | 7    | 0.51%  |
| Alcohol/Ice/Marij     | 1    | 0.07%  |
| Ice                   | 39   | 2.84%  |
| Ice/Marijuana         | 3    | 0.22%  |
| Inhalant              | 1    | 0.07%  |
| Marijuana             | 3    | 0.22%  |
| Unk white powder      | 1    | 0.07%  |
| Unk. Rx Pills         | 1    | 0.07%  |
| Unknown               | 8    | 0.58%  |
| TOTAL RECORDS         | 1371 |        |

**Arrest Report** Report Date: 05/04/1998

| Abuser Arrested? | #    | %      |
|------------------|------|--------|
| NO               | 457  | 33.26% |
| UNKNOWN          | 29   | 2.11%  |
| YES              | 888  | 64.63% |
| TOTAL RECORDS    | 1374 |        |

**Jail Time Report** Report Date: 05/04/1998

| Abuser Confined? | #    | %      |
|------------------|------|--------|
| No Jail          | 712  | 51.82% |
| UI               | 297  | 21.62% |
| Unknown          | 89   | 6.48%  |
| Yes              | 269  | 19.58% |
| Yes-DYA          | 3    | 0.22%  |
| Yes-Mh           | 4    | 0.29%  |
| TOTAL RECORDS    | 1374 |        |

## Taking Back Our Streets Act

### Highlights:

The bill embodies the Republican approach to fighting crime: making punishments severe enough to deter criminals from committing crimes, making sure that the criminal justice system is fair and impartial for all, and making sure that local law enforcement officials (who are on the streets every day), and not Washington bureaucrats direct the distribution of federal law enforcement funds.

The bill sets mandatory sentences for crimes involving the use of firearms, authorizes \$10.5 billion for state prison construction grants, establishes truth-in-sentencing guidelines, reforms the habeas corpus appeals process, allows police officers who in good faith seized incriminating evidence in violation of the "exclusionary rule" to use the evidence in court, requires that convicted criminals make restitution to their victims, and authorizes \$10 billion for local law enforcement spending. Finally, in addressing one of the most pressing problems in our country today, the bill streamlines the current alien deportation system, while still allowing convicted aliens the right to judicial review and appeal .

Bill sponsors argue that this legislation strikes at the heart of our violent crime problem by deterring criminals from committing crimes in the first place, and making sure that if they do commit a crime, they serve the sentence they are given and are not able to abuse the appeals process. Supporters contend that this bill fixes a number of problems created by the recently-enacted omnibus crime bill, as well as serious problems left unaddressed by that legislation. Critics maintain that the measure concentrates too much on punishment and not enough on prevention; the way to stop crime, they argue, is not to keep filling our jails, but to keep at-risk youth from going there in the first place .

### Background:

#### Crime in America: Putting the Debate in Context

Statistics paint a grim picture, illustrating clearly that the U.S. has failed to get a handle on its growing crime problem. One expert has estimated that a 20 year old black male has a greater chance of being murdered on the streets than a soldier in World War II stood of dying in combat. According to the FBI, the rate of violent crime in the U.S. is worse than in any other western-developed country, with a murder occurring every 21 minutes, a rape every five minutes, a robbery every 46 seconds and an aggravated assault every 29 seconds. Violent crime or property crime victimizes one in four U.S. households. Every year, nearly five million people are victims of violent crime such as murder, rape, robbery or assault, and 19 million Americans are victims of property crimes such as arson or burglary. Juvenile crime has increased by 60 percent between 1981 and 1990 (compared to an increase of five percent among adults) and the number of inmates convicted of drug offenses rose 14 percent from 1983 to 1989. On all fronts, the problem has reached epidemic proportions.

This crime crisis is particularly severe among minorities and the poor. The U.S. homicide rate for black males between the ages of 15 and 24 is 283 times that of male homicide rates in 17 other nations. And homicide is now the leading cause of death for blacks aged 15 to 34. Poor households are victimized more often than upper income households. In 1992, households with incomes of less than \$7,500 experienced crime at a rate of 136.7 per 1,000 compared to the rate



experienced crime at a rate of 136.7 per 1,000 compared to the rate of 83.3 per 1,000 for households with incomes between \$30,000 and \$49,000.

While the problem is severe, statistics illustrate that a small percentage of criminals commit the vast majority of violent crimes. Just seven percent of criminals commit two-thirds of all violent crime, including three fourths of rapes and robberies, and virtually all murders. A 1991 study done by the Bureau of Alcohol, Tobacco and Firearms indicated that 471 armed criminals had a total of 3,088 felony convictions -- an average of 6.55 felonies each. To make matters worse, many of these criminals either are never caught, or, if found guilty, do not serve their entire prison sentence. Every year, over 60,000 criminals convicted of a violent crime never go to prison -- for every 100 crimes reported only three criminals go to prison. The Bureau of Justice Statistics has found that only 45.4 percent of court-ordered confinement is served on average, and 51 percent of violent offenders sent to prison are released in two years or less. These numbers are even more telling in light of the fact that at least 30 percent of the murders in this country are committed by people on probation, parole or bail. Faced with prison overcrowding, 17 states have begun emergency release programs. Overall, the risk of punishment has declined in the past 40 years while the annual number of serious crimes committed has skyrocketed.

All this has led to public calls for "truth-in-sentencing" laws (requiring criminals to serve a significant percentage of their sentences without a chance of parole) and "three strikes, you're out" laws (requiring life in prison for recidivists convicted of their third violent felony). Opponents of strict sentencing laws like these argue that "locking people up" does not address the problem of why crimes are committed in the first place. Evidence suggests, however, that there is a strong correlation between increased incarceration and decreased crime rates: from 1990-1991, states with the greatest increases in criminal incarceration rates experienced, on average, a 12.7 percent decrease in crime, while the 10 states with the weakest incarceration rates experienced an average 6.9 percent increase in crime .

#### Recent Legislation

Just a few weeks ago, President Clinton signed P.L. 103-322, the Omnibus Crime Control Act of 1994 after nearly one year of congressional hearings, mark-ups, floor votes, conference wranglings, a delayed recess, and weekend votes. Many members spoke out against the legislation, arguing that it did little to address the fundamental crime problem in our country. Relying on expensive "Great Society-esque" programs, the bill attempted to do what all other big government social programs have failed to do: make individuals responsible for their actions and instill a sense of right and wrong in those with a propensity to commit a crime. Criticism focused not only on what the bill contained, but what it lacked. Republicans argued that it should have included reform of the habeas corpus process (the process by which inmates challenge the constitutionality of their sentences), a good faith exemption for the exclusionary rule, tough language against sexual predators, more money for state prison construction, and stronger requirements that states enact truth-in-sentencing laws to be eligible for grant assistance .

After a crazy weekend session at the end of August, the conference agreement was finally approved by the House 235-195 (Roll Call #416). When all was said and done, the compromise authorized a total of \$30 billion over six years, including \$5.4 billion for prevention programs, \$7.9 billion for new prison construction and

\$8.8 billion for new police officers. It also included the so-called "three strikes, you're out" provision, applied the death penalty to over 50 new crimes, increased penalties for repeat federal sex offenders, and banned at least 150 semiautomatic weapons. The final version did not include the controversial Racial Justice Act (which allows defendants to introduce in their defense statistical evidence that blacks receive death sentences more often than whites) or any reform of the habeas corpus process .

In addition to passing the first omnibus crime bill in four years, the 103rd Congress also passed the Brady Bill, which established a five-day waiting period for the purchase of a handgun. The House approved that measure (H.R. 1025) on November 10, 1993 by a vote of 238-189. President Clinton signed it into law on November 30, 1993 as P.L. 103-159. Other smaller crime-related bills passed during this Congress include the National Child Protection Act of 1993 (P.L. 103-209) which established criminal background checks for child care providers, and the International Parental Kidnapping Crime Act (P.L. 103-173) which made it a federal crime for a parent to kidnap a child under the age of 16 years from his custodial parent and remove him from the United States .

#### Provisions:

##### Death Penalty Provisions (Title I)

General Habeas Corpus Reform. The bill makes a number of revisions to federal and state habeas corpus processes (the process by which prisoners who have exhausted all direct appeals challenge the constitutionality of their sentences). Specifically, it places a one-year limitation on the filing of general federal habeas corpus appeals after all state remedies have been exhausted. State capital cases must be filed in a federal court within six months, and state capital prisoners who file a second or successive federal habeas appeal must receive a certificate of probable cause stating that their case has merit. Non-capital federal prisoners must file within two years. The bill also forces federal courts to consider federal habeas petitions within a certain time frame .

In addition to placing a time limit on when appeals may be made, The bill limits prisoners to one appeal unless the defendant can show by "clear and convincing evidence, that but for constitutional error, no reasonable fact finder would have found [him] guilty of the underlying offense or eligible for the death penalty."

Under current law, there are virtually no limits or restrictions on when prisoners can file habeas corpus appeals. For example, under current law, defendants can appeal anytime there is a change in the law or a new Supreme Court ruling. Bill sponsors argue that delays of up to 14 years are not uncommon, making abuse of the habeas corpus system the most significant factor in states' inability to implement credible death penalties. They also contend that current law favors the convicted criminal. For example, the recently-enacted crime legislation included a requirement that at least two lawyers be appointed to represent the defendant at every stage of the process .

Latin for "you have the body," a habeas corpus writ is used to determine whether a person is lawfully imprisoned. Originally designed as a remedy for imprisonment without trial, it is now a tool of federal and state defendants who have been convicted and exhausted all direct appeals (prisoners currently have three successive procedures to challenge a conviction or sentence: appeal, state habeas corpus and federal habeas corpus). Critics of the current habeas corpus process argue that (1) most petitions are

totally lacking in merit, (2) thousands upon thousands of frivolous petitions clog the federal district court dockets each year, and (3) it allows prisoners on death row to almost indefinitely delay their punishment .

Authorization of Funds for States to Prosecute Capital Cases. Congress already provides funds for death penalty resource centers to litigate federal habeas corpus petitions for death row inmates. The bill authorizes equal funding for states to prosecute these cases. Bill sponsors argue that equal funds should be provided to both the defense and the prosecution in these cases .

Reform of Death Penalty Procedures. The bill mandates that juries be instructed to recommend a death sentence if aggravating factors (circumstances of the crime that increase the level of guilt) outweigh "mitigating factors" (circumstances that reduce the degree of moral culpability). Juries must also be instructed to avoid any "influence of sympathy, sentiment, passion, prejudice or other arbitrary factors" in their decisions .

Under the recent omnibus crime control act, the Justice Department is required to notify the court and the defendant that it intends to seek the death penalty, and it must indicate the "aggravating" factors it intends to prove as the basis for imposition of a capital sentence. The law specifically states that a jury is never required to impose a death sentence (even if it finds that aggravating factors outweigh mitigating factors), and that death penalties can never be imposed on individuals who are mentally retarded, incompetent or under 18 years of age at the time of their crime. Critics of current law argue that it (1) establishes an elaborate system of aggravating and mitigating factors, but then allows juries to ignore the evidence and make an arbitrary sentencing recommendation; (2) gives too much discretion to a judge and jury; (3) weakens current law; and (4) greatly complicates the use of any new federal death penalty .

#### Mandatory Minimum Sentencing for Drug Crimes (Title II)

The Comprehensive Crime Control Act of 1984 (P.L. 98-473) created the U.S. Sentencing Commission to develop and monitor sentencing guidelines to be used by federal judges when sentencing criminal defendants. Despite the commission's suggestions that mandatory minimum sentences tend to warp the guidelines system, Congress has enacted about 100 mandatory minimum sentences for a variety of federal crimes. Many federal judges have complained that these restrictions are foolish, wasteful and cruel (sometimes requiring them to impose a sentence without regard to the nature of the offense or the character and background of the offender), and that they have no deterrent effect on crime.

Supporters of mandatory sentences counter that they complement the sentencing guidelines, prevent disparity in sentencing, and ensure certainty of punishment. Mandatory minimums send a strong and unmistakable message to criminals that they will serve a set minimum sentence if they commit certain violent crimes. Mandatory minimums are also used by prosecutors to extract confessions from low-level offenders in exchange for reduced sentences. The information is then used to build cases against criminal crime bosses. Although judges object to mandatory minimums because they take away their sentencing discretion, prosecutors see them as important law enforcement tools

The bill establishes a mandatory minimum sentence of 10 years for state or federal drug or violent crimes that involve possession of a gun. Penalties increase to 20 years for a second conviction and life in prison for a third. For those who discharge a firearm with intent to

injure another person, the first offense is punishable by a minimum of 20 years in prison, second offenses are punishable by a minimum of 30 years, and third violations get life in prison.

Finally, possession or use of a machine gun or other destructive device during the commission of these crimes is punishable for no less than 30 years. Second-time offenses are punishable by life in prison .

#### Mandatory Victim Restitution (Title III)

The bill mandates that criminals pay full restitution to their victims for damages caused as a result of the crime. (Current law allows the court to order that such restitution be made but it does not require it.) In addition, the bill allows (but does not require) the court to order restitution of any person who, as shown by a preponderance of the evidence, was harmed physically, emotionally or financially by the unlawful conduct of the defendant .

**Court Responsibility.** Under the bill, restitution is to reimburse the victim for necessary child care, transportation and other expenses incurred while participating in the investigation or court proceedings. The court is to determine the amount of restitution based on the victim's situation and not on the economic resources of the offender or the fact that the victim is entitled to insurance or other compensation. The court is also to set the payment schedule (e.g., a single, lump-sum payment or a partial payment at specified intervals) and method of payment (e.g., cash, return of property, or replacement of property). **Limitations on Restitution Awards.** Court-ordered compensation is not to affect the victim's eligibility to receive insurance awards or other compensation until such time that the court-ordered compensation fully compensates the victim for his losses. In addition, the bill stipulates that if the claimant seeks additional awards in a civil case, any new award is to be reduced by the amount of the criminal court restitution order (bill supporters argue that claimants may seek additional awards but should not be able to receive a second, full compensation).

**Defendant Compliance.** Compliance with the schedule of payment and other terms of the restitution order is a condition for probation, parole or any other form of release. If the defendant fails to comply with the restitution order, the court may revoke probation or parole, modify the conditions of probation or parole, hold the defendant in contempt of court, enter a restraining order or injunction against the defendant, order the sale of the defendant's property, or take any other action necessary to insure compliance with the restitution order. The victim or offender may, at any time, petition the court to modify a restitution order if the offender's economic circumstances change .

#### Law Enforcement Block Grants (Title IV)

The bill authorizes a total of \$10 million over five years (\$2 million in each of FY 1996-2000) for local governments to fund law enforcement programs. These block grants replace the police, prevention and drug courts titles of the recently-enacted crime bill. Under the bill, money may be used to (1) hire, train or employ law enforcement officers; (2) pay overtime to police officers; (3) purchase equipment and technology directly related to basic law enforcement purposes; (4) enhance school security measures (e.g., police patrols around school grounds, metal detectors, fences, closed circuit cameras, gun hotlines, etc.); (5) establish citizen neighborhood watch programs; and/or (6) fund programs that advance moral standards and the values of citizenship and involve local law enforcement officials .

To qualify for these grants, a unit of local government must show that it will (1) establish a trust fund in which block grant money is to be deposited; (2) use the money within two years; (3) spend the money in accordance with the guidelines in this section; (4) use approved accounting, audit and fiscal procedures; (5) make any requested records available to the Bureau of Justice Assistance and the comptroller of the U.S. for review; and (6) submit the required progress reports. Each state that applies is to automatically receive 0.25 percent of the funds as well as additional funds based on its number of reported violent crimes in 1993 compared to the rest of the country. States are to distribute the funds among local units of government based on their population and the number of reported violent crimes in 1993 compared to the rest of the local governmental units in the state .

If a unit of local government does not spend all of its grant money within two years of receipt, it must repay the unused portion to the Bureau of Justice Assistance within three months. The bill also stipulates that (1) this grant money is intended to supplement, not supplant, state funds; (2) grantees may not use more than 2.5 percent of their grant for administrative costs; and (3) grantees must hold one public hearing on the proposed use of their grant. The bill also sets out procedures to be used if a local government violates any portion of this title .

As noted above, The bill repeals sections of the recently-enacted crime control act that provide specific funds for drug courts, recreational programs, community justice programs and other social prevention spending. Bill sponsors argue that providing money directly to local law enforcers and letting them decide how to spend the funds (as the Taking Back Our Streets Act does) is preferable to the current law approach of authorizing specific amounts of money for programs approved by Washington bureaucrats.

Grants for Prison Construction Based on Truth-in-Sentencing(Title V)  
The bill authorizes \$10.5 billion over six years (\$232 million in FY 1995, \$997.5 million in FY 1996, \$1.3 billion in FY 1997, \$2.5 billion in FY 1998, \$2.7 billion in FY 1999 and \$2.8 billion in FY 2000) for the Attorney General to make grants to states so they can build, expand and operate prisons for serious violent felons. This title replaces the prison section in the recently-enacted crime bill. The bill also authorizes the AG to make grants for states to move non-violent offenders and criminal aliens to other correctional facilities (including old military bases) to make room for violent criminals at existing prisons. Grants are to be awarded based on two formulas: a percentage that applies to all states (.40 percent) and a percentage based on population .

Fifty percent of the funds authorized under this section are designated as "general grants." To receive these funds, states must show that since 1993 (1) an increased percentage of convicted violent offenders have been sentenced to prison, (2) the state has increased the average prison time actually served in prison, and (3) the state has increased the percentage of sentences to be actually served. The other 50 percent is reserved for truth-in-sentencing incentive grants. To be eligible for these funds, states must show that they require serious violent felons to serve at least 85 percent of the sentence imposed, and require sentencing or releasing authorities to allow the defendant's victim (or the victim's family) to testify on the issue of sentencing and any post-conviction release .

The bill includes an exception for prisoners over the age of 70 years after a public hearing in which representatives of the public and the prisoner's victims have an opportunity to testify on the issue of

release. It also stipulates that (1) grant money is to supplement, not supplant, state funds; (2) no more than three percent of the grant is to be used by states for administrative costs; (3) the federal share of a grant is not to exceed 75 percent of the total cost of a state proposal; and (4) any funds not spent in one year will carry over and remain available until spent .

#### Reform of the Exclusionary Rule (Title VI)

The Supreme Court enforces the Constitution's Fourth Amendment (which protects Americans against unreasonable searches and seizures) through the so-called exclusionary rule. The rule holds that any evidence discovered as a result of improper police action cannot be introduced in a federal or state criminal trial -- i.e. "the criminal is to go free because the constable has blundered." Critics of the rule's rigidity argue that it suppresses evidence of unquestionable reliability and leads to the acquittal of many who are obviously guilty. In 1984, the Supreme Court modified the exclusionary rule to permit the introduction of evidence that was obtained in good faith reliance on a search warrant that was later found to be invalid. However, many have called for a "good faith exemption" in cases where the police officer, acting in good faith, conducted a search or seizure without a warrant .

The bill amends current law to allow introduction of evidence obtained during a search or seizure that was conducted with the objectively reasonable belief that it was in accordance with the fourth amendment, regardless of whether a search warrant had been granted .

#### Prisoner Lawsuits (Title VII)

The bill directs federal courts to dismiss any frivolous or malicious action brought by an adult convicted of a crime and confined in any jail, prison or other correctional facility. The bill also requires that prisoners filing a suit include a statement of all assets in their possession so the court can require a full or partial payment of filing fees based on the prisoner's ability to pay .

Bill sponsors argue that states are forced to spend millions of dollars defending prisoner lawsuits to improve prison conditions -- many of which are frivolous. Critics of the proposal argue that it will restrict prisoners' rights to seek legitimate redress of grievances .

#### Deportation of Criminal Aliens (Title VIII)

This title of the bill provides for the prompt deportation of any alien without a green card who has been convicted of an aggravated felony and who is deportable. According to bill sponsors, it addresses the current problem of releasing these felons into the general population prior to finalization of deportation proceedings, since few of those released ever show up for their deportation hearings .

Definition of an Aggravated Felony. For purposes of alien felon deportation, the bill expands the definition of an aggravated felony to include any state or federal offense involving (1) firearms violations; (2) failure to appear in court for a felony carrying a sentence of two or more years; (3) demanding or receiving ransom money; (4) a RICO violation; (5) owning, controlling, managing or supervising a prostitution business; (6) treason; (7) tax evasion exceeding \$200,000; and (8) certain immigration-related offenses including alien smuggling and sale of fraudulent documents. Sponsors of the bill argue that these crimes are serious enough to put a convicted alien on the fast track for deportation .

The current law definition of an aggravated felony includes murder, drug trafficking, trafficking in firearms or explosives, money laundering, terrorism, and any crime of violence carrying a prison sentence of at least five years .

Criminal Alien Deportation Proceedings. The bill allows the Attorney General to issue a final order of deportation against any alien determined to be deportable for conviction of an aggravated felony (without requiring a deportation hearing). An alien is defined as anyone who (1) was not lawfully admitted for permanent residence in the U.S. at the time that proceedings for the commission of an aggravated crime began or (2) had permanent resident status on a conditional basis at the time that proceedings for the commission of an aggravated crime began. An alien against whom a deportation order is issued may appeal for judicial review in federal court; however, the court action is limited to challenging only the defendant's identification (whether the person is who the Immigration and Naturalization Service [INS] says he is and whether he committed the aggravated felony) .

Judicial Deportations. When an alien whose conviction causes him to be deemed deportable is sentenced, a federal court may issue a judicial order of deportation if the U.S. attorney requested one prior to sentencing and the INS commissioner is in agreement. A judicial order of deportation or a denial of such order may be appealed by either party to the circuit court of appeals. A court action, however, is limited to challenging only the defendant's identification (whether the person is who the Immigration and Naturalization Service [INS] says he is and whether he committed the aggravated felony) .

If a judicial order is denied, the Attorney General may still pursue a deportation order through administrative channels .

Defenses Based on Permanent Residence. Under current law, when an alien is in deportation proceedings, he can use certain defenses to get out. One such defense is showing that he has been a permanent resident of the United States for the past seven years. The bill does not change the underlying defense, but changes the time frame in which INS can begin deportation proceedings against an alien convicted of an aggravated offense. Under current law, deportation proceedings are to begin after the alien has served five years. The bill allows INS to begin deportation proceedings when an alien is sentenced to a term of at least five years. Bill sponsors argue that this standard is more relevant for judging the seriousness of a crime since dangerous criminals may be released prematurely due to prison overcrowding, or other reasons not related to the seriousness of the crime .

Defenses Based on Withholding of Deportation. Aliens may also reverse deportation proceedings by showing that they will suffer physical harm if returned to their native country. As defined by international law, "withholding of deportation" is a higher standard of protection than asylum: if an alien can prove such a situation exists, he must be retained in the U.S. unless he poses a danger to the public. The bill clarifies current law to stipulate that aggravated felons pose a serious danger to the public and are not allowed to request or be granted this protection .

Enhanced Penalties for Failing to Deport or Reentering. Under current law, aliens who are deportable for criminal offenses, for document fraud or because they are a security risk to the U.S face up to 10 years in prison for failure to depart. Bill sponsors argue that there are no penalties for aliens who are deportable for other reasons but refuse to leave. The bill retains the current law penalty and establishes a penalty of up to four years in prison for all other

deportable aliens who refuse to leave. The bill also establishes civil penalties for those who refuse to leave .

Under current law, an alien who is convicted of a felony (other than an aggravated offense), is deported and then reenters the country is subject to five years in prison and a criminal fine. The bill extends such penalties to aliens convicted of three or more misdemeanors and increases the maximum sentence to 10 years. Deported aggravated felons who re-enter the U.S. are currently subject to criminal fines and up to 15 years in prison. The bill increases the maximum prison sentence to 20 years .

Finally, under the bill, a deported alien who re-enters the U.S. cannot challenge his original deportation unless he can show that (1) all available administrative remedies were exhausted, (2) an opportunity for judicial review was denied, and (3) the deportation order was fundamentally unfair .

Criminal Alien Tracking Center. The bill directs the INS commissioner and the director of the FBI, with the heads of other agencies, to operate a criminal tracking center. The measure authorizes \$14 million over four years (\$5 million in FY 1994 and \$2 million in each of FY 1995-98) for the center, which is to assist federal, state and local law enforcement agencies identify and locate aliens who may be subject to deportation due to conviction of an aggravated felony .