



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 8/17/98

Time: 11:15

Rec'd by: [Signature]

Print Name: Laurie

Refer to
Legislative Secretary

AUG 14 1998

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGEMENT RECEIPT	
Received by	<u>[Signature]</u>
Time	<u>8:45 am</u>
Date	<u>8/18/98</u>

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 620 (LS), "AN ACT TO REPEAL AND REENACT §30.90 OF CHAPTER 30 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE 'DOMESTIC ABUSE RESPONSE TEAM' ('DART') AS AN INTEGRAL PART OF THE GUAM POLICE DEPARTMENT", which I have signed into law today as **Public Law No. 24-242**.

This legislation repeals the current code section requiring the Guam Police Department to implement a training program for police officers to handle family violence complaints and to establish guidelines for law enforcement response to family violence. In its place, the legislation mandates that the Chief of Police create a division of the Guam Police Department to be called the **Domestic Abuse Response Team (DART)**. The DART will consist of peace officers, social workers, and victim advocates or other persons who have completed the Family Violence Training Program or are specifically trained in counseling, crisis intervention, or the treatment of domestic or family violence victims.

The legislation indicates that these teams may be dispatched along with a peace officer to the scene of any reported family violence incidents.

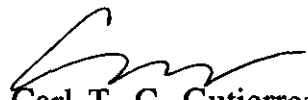
The term "peace officer" is used in this legislation instead of police officer. Peace officer is defined in §5.55 of Title 8, Guam Code Annotated and includes mayors, police officers, court marshals, customs officers,

00958

The legislation also requires that the Chief of Police provide a training program for responding to family violence, both for peace officers and other specialists who are involved with the DART program.

The legislation provides an appropriation of \$250,000 from the General Fund to the Guam Police Department for Fiscal Year 1998, and another \$250,000 for Fiscal Year 1999.

Very truly yours,



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

00358


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

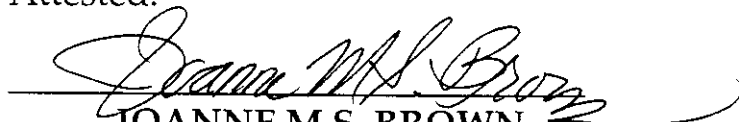
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 620 (LS), "AN ACT TO REPEAL AND REENACT §30.90 OF CHAPTER 30 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE "DOMESTIC ABUSE RESPONSE TEAM" ("DART") AS AN INTEGRAL PART OF THE GUAM POLICE DEPARTMENT," was on the 29th day of July, 1998, duly and regularly passed.



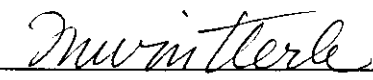
ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 3rd day of August, 1998,
at 9:05 o'clock 9 .M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 8-14-98

Public Law No. 24-242

MINA'BENTE KUÁTTRO NA LIHESLATURAN GUÁHAN
1998 (SECOND) Regular Session

Bill No. 620 (LS)

As substituted by the Committee on
Finance and Taxation and further substituted
on the Floor.

Introduced by:

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

**AN ACT TO REPEAL AND REENACT §30.90 OF
CHAPTER 30 OF TITLE 9 OF THE GUAM CODE
ANNOTATED, RELATIVE TO CREATING THE
"DOMESTIC ABUSE RESPONSE TEAM" ("DART")
AS AN INTEGRAL PART OF THE GUAM POLICE
DEPARTMENT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Law shall be cited as the "*Domestic Abuse Response Team ("DART") Act of 1998.*"

Section 2. Section 30.90 of Chapter 30 of Title 9 of the Guam Code Annotated is hereby *repealed and reenacted* to read as follows:

"Section 30.90. Establishment and Requirement of the Domestic Abuse Response Team ('DART'). (a) The Chief of Police shall establish, as an integral division of the Guam Police Department, the Domestic Abuse Response Team ('DART') unit consisting of peace officers, social workers, victim advocates or other persons who completed the Family Violence Training Program, or specifically trained in counseling, crisis intervention or in the treatment of domestic or family violence victims. Such teams may be dispatched, along with a peace officer, to the scene of a reported incident of domestic or family violence.

(b) The Chief of Police shall establish and maintain a continuation education and training program consistent with the Family Violence Training Program for peace officers and those involved and participating in DART."

Section 3. Appropriation. There is hereby appropriated, for Fiscal Year 1998, from the General Fund to the Guam Police Department the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) to establish a DART as an integral program of the Guam Police Department. For Fiscal Year 1999 there is hereby appropriated from the General Fund to the Guam Police Department the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00). The funds appropriated herein shall be used for personnel

services, equipment, supplies and any other miscellaneous expenditures associated directly with the implementation of the intent of this Act in creating a DART unit as an integral division of the Guam Police Department.

Section 4. Severability. The provisions of this Law are severable, and if any of its provisions or their application to any person or circumstances shall be held unconstitutional or invalid by a court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining provisions or applications of this Law which can be given effect without the invalid provision or application.

Section 5. Effective Date. This Act shall become effective upon enactment.

X-L. 24-242

MINA' BENTE KUÁTRO NA LIHESI 'JRAN GUÁHAN

Office of the Vice Speaker

ANTHONY C. BLAZ



Chairman,
Finance & Taxation

Chairman,
Ethics & Standards

Vice-Chairman,
Committee on Rules

Member,
Judiciary, Public Safety &
Consumer Protection

Member,
Natural Resources

Member,
Tourism, Economic
Development, & Cultural
Affairs

Member,
Transportation,
Telecommunications &
Micronesia Affairs

Member,
Guam Finance
Commission

Member,
Commission on Self
Determination

May 18, 1998

The Honorable Speaker Antonio R. Unpingco
24th Guam Legislature
155 Hesler Street
Agaña, Guam 96910

Dear Mr. Speaker:

The Committee on Finance and Taxation, to which was referred Bill No. 620 (LS), "AN ACT TO AMEND CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED (GCA) BY ADDING NEW §§30.31 AND 30.32 AND §§30.90.1, .2, .3 AND .4 RELATIVE TO CREATING THE "DOMESTIC ABUSE RESPONSE TEAM" ("DART") AS AN INTEGRAL PART OF THE GUAM POLICE DEPARTMENT AND APPROPRIATE THE SUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) TO IMPLEMENT THE INTENT OF THIS ACT." and herein reports back with the recommendation **TO DO PASS.**

Notes of the committee members are as follows:

- 9 To Pass
- Not to Pass
- To Place in Inactive File
- Abstained
- Off-Island
- Not Available

Sincerely,

Anthony C. Blaz

attachment



MINA' BENTE KUÁTRO NA LIHESI URAN GUÁHAN
Office of the Vice Speaker
ANTHONY C. BLAZ

Chairman,
Finance & Taxation

Chairman,
Ethics & Standards

Vice-Chairman,
Committee on Rules

Member,
Judiciary, Public Safety &
Consumer Protection

Member,
Natural Resources

Member,
Tourism, Economic
Development, & Cultural
Affairs

Member,
Transportation,
Telecommunications &
Micronesian Affairs

Member,
Guam Finance
Commission

Member,
Commission on Self
Determination

May 18, 1998

TO: Senator Mark Forbes, Vice Chairman
Speaker Antonio R. Unpingco, Ex-Officio Member
Senator Joanne M.S. Brown, Member
Senator Edwardo J. Cruz, Member
Senator Lawrence F. Kasperbauer, Member
Senator Alberto A.C. Lamorena, V., Member
Senator Carlotta A. Leon Guerrero, Member
Senator John C. Salas, Member
Senator Thomas C. Ada, Member
Senator Mark C. Charfaurous, Member
Senator William B.S.M. Flores, Member
Senator Francis E. Santos, Member


FR: Vice Speaker Anthony C. Blaz, Chairperson
Committee on Finance and Taxation

RE: Voting Sheet on Bill No. 620 (LS)

Transmitted herewith is the voting sheet and Committee Report on
Bill No. 620 (LS), for your review and signature.

Your attention to this matter is greatly appreciated.

Sincerely,


Anthony C. Blaz

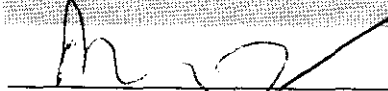
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Committee on Finance and Taxation

Voting Sheet on Bill 620


"AN ACT TO AMEND CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED (GCA) BY ADDING NEW §§30.31 AND 30.32 AND §§30.90.1, .2, .3 AND .4 RELATIVE TO CREATING THE "DOMESTIC ABUSE RESPONSE TEAM" ("DART") AS AN INTEGRAL PART OF THE GUAM POLICE DEPARTMENT AND APPROPRIATE THE SUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00) TO IMPLEMENT THE INTENT OF THIS ACT."

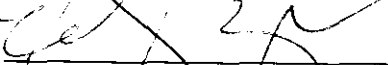
COMMITTEE MEMBER	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
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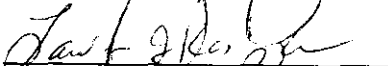
 Anthony C. Blaz, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Mark Forbes, Vice Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Antonio R. Unpingco, Ex-Officio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Joanne M.S. Brown, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Edwardo J. Cruz, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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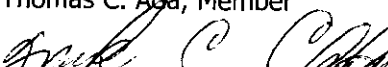
 Lawrence F. Kasperbauer, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Alberto A.C. Lamoreira, V, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Carlotta A. Leon Guerrero, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 John C. Salas, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Thomas C. Ada, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Mark C. Charfauros, Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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William B.S.M. Flores, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Francis E. Santos, Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Committee on Finance and Taxation

Report on Bill No. 620

“AN ACT TO AMEND CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED (GCA) BY ADDING NEW §§ 30.31 AND 30.32 AND §§30.90.1, .2, .3 AND .4 RELATIVE TO CREATING THE “DOMESTIC ABUSE RESPONSE TEAM” (“DART”) AS AN INTEGRAL PART OF THE GUAM POLICE DEPARTMENT AND APPROPRIATE FROM THE GENERAL FUND TO IMPLEMENT THE INTENT OF THIS ACT.”

PUBLIC NOTICE:

Pursuant to the requirements of Public Law 24-139, notice of the Public Hearing on Bill No. 620 was sent to all media on Monday, April 24, 1998 and a reminder memorandum was sent on Friday April 27, 1998. Additionally, a public hearing notice was published in the Pacific Daily News on Tuesday, April 26, 1998 and on Sunday, April 30, 1998.

PUBLIC HEARING:

The Committee on Finance and Taxation conducted a public hearing on Monday, May 1, 1998 at 10:00 AM in the Vice Speaker's Conference Room to hear testimonies on Bill No. 620.

MEMBERS PRESENT:

The hearing was called to order by the Chairperson of the Committee on Finance and Taxation, Vice Speaker Anthony C. Blaz. Committee members present were:

Speaker Antonio Unpingco

Senator Mark Charfauros

Senator William B.S.M. Flores

Senator Tom Ada

Other Senators present were:

Senator Frank B. Aguon, Jr.

PROVIDING PUBLIC TESTIMONY ON THE BILL:

Bill 620:

Alicia Limtiaco, Head Family Violence Unit, Attorney General Office,

Written/Oral

Lenny Rapadas, Chief Prosecutor, Attorney General Office, Written/Oral

Richard Dirks, Public Defenders Corporation, Written/Oral

Adolph Sgambelluri, Guam Community College, Professional Technical Institute, Written/Oral.

Major Borja

FINDINGS:

Bill 620 (COR): **Legislative Findings.** (a) Domestic or family violence is a serious crime against society. There are hundreds of persons in Guam who are regularly beaten, tortured and in some cases even killed by their spouses or cohabitants; and a significant number of women who are assaulted are pregnant; and victims of domestic or family violence come from all social and economic background and ethnic groups. There is a positive 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 domestic or family violence.

Guam's law enforcement and judicial system must assure the victims of

domestic or family violence the maximum protection from abuse the law can provide.

(b) It is the policy of I Liheslaturan Guahan to stress that the primary duty of a peace officer when responding to a domestic or 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 domestic or family 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 those 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 domestic or family violence occurs; and it further encourages the broad application of the remedies available in the courts of Guam. It is further intended that the official response to domestic or family violence shall be to 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 will be enforced without regard to the fact that the violence grows out of a family situation.

(c) Guam's law on family violence must be in compliance with the Violence Against Women Act (VAWA), Title IV of the Violent Crime Control and Law Enforcement Act of 1994 (PL 103-322)."

COMMITTEE RECOMMENDATION:

The Committee, having conducted a sufficient hearing, does hereby recommend to the Legislature to do pass Bill 620 "AN ACT TO AMEND CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED (GCA) BY ADDING NEW §§ 30.31 AND 30.32 AND §§30.90.1, .2, .3 AND .4

RELATIVE TO CREATING THE "DOMESTIC ABUSE RESPONSE TEAM"
("DART") AS AN INTEGRAL PART OF THE GUAM POLICE
DEPARTMENT AND APPROPRIATE FROM THE GENERAL FUND TO
IMPLEMENT THE INTENT OF THIS ACT."

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

DIRECTOR
Harold F. Parker

ADMINISTRATIVE
DIRECTOR
Bernadette S. N. Chargualaf

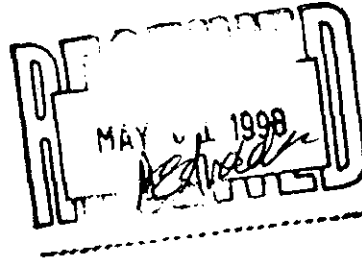
GOVERNMENT OF GUAM
200 Judicial Center Annex
110 West O'Brien Drive
Hagåtña, Guam 96910
Tel: (671) 475-3100
Fax: (671) 477-5844

STAFF ATTORNEYS

Richard S. Dirks
Jane L. Kennedy
Terrance A. Long
Loretta T. Gutierrez-Long
Pablo M. Agiubat
Raymond B. Ilagan
Jocelyn M. Roden
James L. Canto, II
D. Graham Botha
Stephen P. Hattori

April 30, 1998

Honorable Senator Anthony C. Blaz
Vice-Speaker
Twenty-Fourth Guam Legislature
155 Hessler St.
Hagatna, 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 30.31, 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.

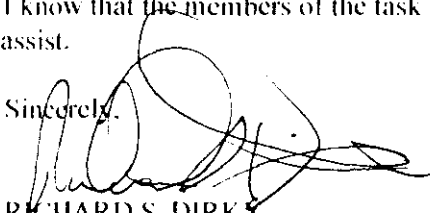
I also have some concerns about the portions of the bill which mandate certain duties on the part of the police department; but I am sure that the Guam Police Department will be providing detailed input. I will list only a couple of concerns: the wording of section 30.32(e) undercuts (or at least renders ambiguous) the pro-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



Ufisinan Hinirât Abugao
Guåhan

Carl T.C. Gutierrez
Maga'åhi
Governor

Madeleine Z. Bordallo
Tiñente Gubetnadora
Lt. Governor

Office of the Attorney General
of Guam
Prosecution Division

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

Leonardo M. Rapadas
Atkåden Abugådu
Chief Prosecutor

May 6, 1998

HONORABLE ANTHONY C. BLAZ

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

Subject: Bill No. 620 - Creation of DART Unit

Dear Senator Blaz:

Buenas yan Saluda!

The Prosecution Division strongly supports the intent of Bill No. 620, to create a "Domestic Abuse Response Team" ("DART") as an integral part of the Guam Police Department, and to appropriate the sum of \$250,000 to assist in the establishment of the DART unit.

Our general comments regarding the proposed bill include eliminating any reference to a family violence victim obtaining an emergency order for protection from the Superior Court on her/his own without assistance of counsel (Section 30.32(e)). It is extremely important that victims be encouraged to seek counsel through the Public Defender's Office, Guam Legal Services, or Lawyer Referral Service of the Guam Bar Association, so as to protect their legal rights. Also, eliminating such reference would prevent the Clerk's Office of the Court from being inadvertently placed in the position of giving legal advice to victims who have questions about the process.



Commonwealth Now!



Letter to Senator Anthony C. Blaz
Subj: Bill No. 620
May 6, 1998
Page 2

Further, police officers do not currently provide emergency orders for protection; this requires coordination and the establishment of protocol between the Superior Court and the Guam Police Department, as a judge or magistrate must be available twenty-four (24) hours a day to the police.

We recommend the language regarding the victim asking the prosecutor to file a criminal complaint (Section 30.32(e)) be eliminated. Instead, a more appropriate statement would be that the victim has the right to contact the prosecutor regarding the status of her/his case.

A specific provision requiring the police to identify and confiscate all physical evidence relating to the incident should be included (Section 30.32(c)).

The wording regarding the arrest powers of the police (Section 30.32(c)) must be consistent with the pro-arrest statute already enacted and codified in 9 GCA Section 30.30.

The mandatory incarceration provision (Section 30.31) in its current form is unconstitutional, and conflicts with Guam's statutes and U.S. Supreme Court case law.

All references to training of law enforcement personnel involved in the DART unit (Section 30.90.4) must be consistent with the training provisions proposed in Bill No. 547 (proposed amendments to the current Family Violence Act enacted in 1994).

We would modify the language regarding the make-up of the DART unit to be comprised of police officers specially trained in family violence, and victim advocates or other persons trained in counseling and/or crisis intervention (Section 30.90.40(b)).

There are references throughout the bill to "police", "peace officers", and "law enforcement". The definition of "peace officer" found in our Guam statutes includes the police and other members of law enforcement.

Thank you for the opportunity to express our concerns and



Commonwealth Now!

Letter to Senator Anthony C. Blaz
Subj: Bill No. 620
May 6, 1998
Page 3



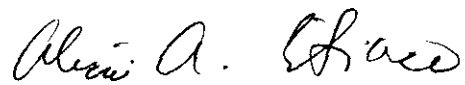
recommendations regarding Bill No. 620. Should you should have any questions, please do not hesitate to contact us at 475-3406.

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

Sincerely,



LEONARDO M. RAPADAS
Chief Prosecutor



ALICIA A. LIMTIACO
Assistant Attorney General
Family Abuse & Sex Crime Unit Head
(FASC)

cc: Attorney General
vnn:A:\ACBlaz.620.wpd



Commonwealth Now!



*Ufisinan Hiniråt Abugao
Gudhan*

Carl T.C. Gutierrez
Maga'åhi
Governor

Madeleine Z. Bordado
Tilente Gubemadora
Lt. Governor

Office of the Attorney General
of Guam
Prosecution Division

Gus F. Diaz
(Acto) Hiniråt Abugao
(Acting) Attorney General

Leonardo M. Rapadas
Atkåden Abugådu
Chief Prosecutor

FACSIMILE TRANSMISSION COVER SHEET

Date Sent May 14, 1998

Please bring to the immediate attention of:

NAME: HONORABLE ANTHONY C. BLAZ

FIRM: Senator, 24th Guam Legislature

ADDRESS: Chairperson, Committee on Finance and Taxation

FAX NUMBER: 472-3562

Reference: Written Testimony in Support of Increased
FTE's and Funding for the AG's Office

Total Pages including this cover sheet: 4

Sent for: Alicia A. Lintiaco

Sent by: Vivian

PLEASE CALL OR TELEFAX OUR OFFICE IMMEDIATELY IF YOU DO NOT RECEIVE ALL OF THE PAGES INDICATED ABOVE. The information in this facsimile transmission is intended only for the personal and confidential use of the designated recipients named above. This message may be an attorney-client communication and as such is privileged. If the reader of this message is not the intended recipient named above, you are notified that you have received this document in error, and any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this document in error, please notify this office immediately via telephone, and return the original message to the above address by mail. Thank you.

NOTE: _____



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*Ufisinan Hinirãt Abugao
Gudhan*

Carl T.C. Gutierrez
Muga'dhi
Governor

Madeline Z. Bordallo
Tilente Gubetnadora
Lt. Governor

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

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

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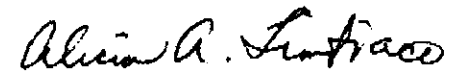
five (5) full-time felony prosecutors;
two (2) misdemeanor prosecutors;
five (5) full-time felony investigators;
two (2) misdemeanor investigators;
two (2) victim advocates; and,
three (3) support staffers.

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

Dangkolo na Si Yu'os Ma'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



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MINA' BENTE KUÁTRO NA LIHESLATURAN GUÁHAN
Committee on Finance & Taxation
Vice Speaker Anthony C. Blaz, Chairman

Public Hearing
FRIDAY MAY 1 , 1998 10:00 AM
Vice Speaker Anthony C. Blaz, Conference Room,
155 HESLER ST., HÁGAT'ÑÁ, GUAM 96910

AGENDA

- **BILL 599:** (W.B.S.M. FLORES) AN ACT TO APPROPRIATE THE SUM OF ONE MILLION SIXTY THOUSAND DOLLARS (\$1,060,000.00) FROM THE GENERAL FUND FOR THE PURPOSE OF FUNDING THE MAINTENANCE AND OPERATIONS OF THE TALAFOFO AND YONA COMMUNITY GYMNASIUMS FOR THE FISCAL YEAR 1998-99; TO VARIOUS VILLAGE MAYOR'S OFFICES FOR THE REPAIR OF BASEBALL FIELD LIGHTING SYSTEMS; FOR THE DESIGN AND CONSTRUCTION OF SIDEWALKS IN THE VILLAGE OF TALAFOFO.
- **BILL 620:** (A.C.BLAZ) AN ACT TO AMEND CHAPTER 30, TITLE 9, GCA BY ADDING NEW SECTIONS 30.1 AND 30.2 AND 30.90.1,2,3 AND 4 RELATIVE TO CREATING THE "DOMESTIC ABUSE RESPONSE TEAM" ("DART") AS AN INTEGRAL PART OF THE GUAM POLICE DEPARTMENT AND APPROPRIATE \$250,000 TO IMPLEMENT THE ACT.
- **BILL 622:** (A.C.BLAZ) AN ACT TO APPROPRIATE ONE HUNDRED TWENTY THOUSAND DOLLARS (\$120,000) TO KPRG-FM 89.3 PUBLIC RADIO FOR GUAM FISCAL YEAR 1998.

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 620(LS)

Date Received: 04/21/98

Amendatory Bill: Yes

Date Reviewed: 05/08/98

Department/Agency Affected: Guam Police Department

Department/Agency Head: James Marquez, Chief of Police

Total FY Appropriation to Date: \$ 27,500,000

Bill Title (preamble):

An act to amend chapter 30 of title 9, Guam Code Annotated (GCA) by adding new subsection 30.31 and 30.32 and subsection 30.90.1, 2, 3, and 4 relative to creating the "Domestic Abuse Response Team" ("DART") as an integral part of the Guam Police Department and appropriate the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) to implement the intent of this act.

Change in Law: Yes

Bill's Impact on Present Program Funding:

Increase x Decrease _____ Reallocation _____ No Change x

Bill is for:

Operations x Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Public Health & Safety			

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? _____ - IF NO, ADD'L AMOUNT REQUIRED \$ _____

AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						

ANALYST Christine D.F. Quichocho

DATE 5/8/98

DIRECTOR Joseph B. Rivera, Acting

DATE MAY 11 1998

Christine D.F. Quichocho

FOOTNOTE: The proposed legislation establishes the Domestic Abuse Response Team (DART) as an integral division of the Guam Police Department. The legislation also incorporates a domestic or family violence training

program as part of the core cadet curriculum established under GCC for peace officer training. In addition, an appropriation is being made in the amount of \$250,000 for personnel services, equipment, supplies and any other miscellaneous expenditures associated with the establishment of DART. This legislation will have a fiscal impact on the general fund. Please be apprised of the following:

General Fund Appropriation Status

<i>FY 1998 Adopted Revenues</i>	<i>353,292,790</i>	<i>1/</i>
<i>less: Appropriations to date</i>	<i><u>386,353,359</u></i>	<i>2/</i>
<i>Revenues available for appropriation</i>	<i><u>(33,060,569)</u></i>	

1/ General Fund revenues adopted in P.L. 24-59 which includes:

- 7.6 Autonomous Agency Fund
- 7.0 Use Tax
- 3.2 Customs & Immigration Reimb.
- \$17.8

It should be noted that the actual collection of the \$17.8 in alternative revenues is not likely to be realized. As such, the budgetary shortfall may be increased by the \$17.8 million.

2/ Covers appropriations up to P.L. 24-177 inclusive of continuing appropriations for debt service.



Twenty-Fourth Guam Legislature

Committee on Finance and Taxation

Vice Speaker Anthony C. Blaz, Chairman

PUBLIC HEARING

Bill 620

A.C. Blaz

AN ACT TO AMEND CHAPTER 30 OF TITLE 9, GUAM CODE ANNOTATED (GCA) BY ADDING NEW §§30.31 AND 30.32 AND §§30.90.1, .2, .3 AND .4 RELATIVE TO CREATING THE "DOMESTIC ABUSE RESPONSE TEAM" ("DART") AS AN INTEGRAL PART OF THE GUAM POLICE DEPARTMENT AND APPROPRIATE THE SUM OF TWO HUNDRED FIFTY THOUSAND DOLLARS ((\$250,000.00)) TO IMPLEMENT THE INTENT OF THIS ACT.

Sign-in Sheet: Friday, May 1, 1998 – 10:00 a.m. Conference Room, Office of the Vice Speaker

Name: (please print clearly)	Organization Telephone Number & Fax Number: (please print clearly)	Testimony	
Alicia Lintaco	Prosecuting Division, Family	<input checked="" type="checkbox"/> oral	<input checked="" type="checkbox"/> Approve
Lenny Rapader	Chief PD, OAG	<input checked="" type="checkbox"/> oral	<input checked="" type="checkbox"/> Approve
Richard S. Dirley	Public Defender Service Corporation	<input type="checkbox"/> oral	<input type="checkbox"/> Approve
Adolpho Sgambelini	GCC	<input checked="" type="checkbox"/> written	<input type="checkbox"/> Oppose
Maj M. Baya	CPD	<input checked="" type="checkbox"/> oral	<input checked="" type="checkbox"/> Approve
		<input type="checkbox"/> written	<input type="checkbox"/> Oppose
		<input type="checkbox"/> oral	<input type="checkbox"/> Approve
		<input type="checkbox"/> written	<input type="checkbox"/> Oppose
		<input type="checkbox"/> oral	<input type="checkbox"/> Approve
		<input type="checkbox"/> written	<input type="checkbox"/> Oppose
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