

EDDIE BAZA CALVO  
Governor



RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

March 9, 2011

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina' Trentai Unu na Liheslaturan Guåhan*  
155 Hesler Place  
Hagatna, Guam 96932

Dear Madam Speaker,

Submitted herewith is Bill No. 16-31 (COR), "AN ACT TO AMEND §§ 85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION AND POWERS OF THE GUAM PAROLE BOARD," which I signed into law on March 9, 2011 as **Public Law 31-03**.

It is with great reservation that I enact this legislation into law. I have signed this bill into law because I recognize that, in the case of some selected boards and commissions, requiring certain qualifications for board members can serve to strengthen the effectiveness of that particular entity. In this regard, there is something to be said for ensuring a balanced composition for the Guam Parole Board exists in the future by mandating inclusion of representatives from the law enforcement, social work, and human resources fields.

However, I must point out that the Guam Parole Board in its current manifestation has carried out its duties admirably. The men and women currently sitting on the Parole Board have served our island with distinction for a number of years now, and my signing this legislation in no way detracts from the superb work they continue to perform. I commend each one of them for their service and hard work. This is why I take exception to the following statements in the Legislative Findings and Intent portion of this law: "The *de facto* structure of the Parole Board reflects a philosophy which fundamentally conflicts with the rehabilitative mindset. Under this condition, it may be difficult for an inmate to have a fair and impartial review of his or her parole application." Nothing can be further from the truth. No one can say with any credibility that the current Parole Board has not proficiently balanced the safety of our island's people with the aspirations of inmates truly ready to re-enter society.

In fact, it is important to note that the current Parole Board members already reflect the diversity of backgrounds called for in this new law, save for the social work field. Equally, the Parole Board already maintains and follows the written rules and regulations provided for in this law as well. Thus, while it is worthy to assure structure and consistency in the parole

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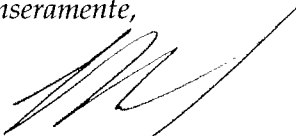
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process by codification, *I Liheslaturan Guåhan* should recognize that the high quality sought by this law for the Parole Board's representation and formal procedures exists right now.

My serious concern about this law is that it is a continual challenge for any Governor to find suitable individuals willing to serve on the Parole Board. I only hope the narrow restrictions for Board members created by this new law do not exacerbate the difficulty of securing qualified individuals willing to serve on the Parole Board. Mandating minimum requirements brings with it the increased risk that a Governor will be unable to find qualified appointees on Guam willing to serve on the Board. The unfortunate result would be that inmates will not even be able to apply for parole at all because the restrictive provisions of this new law may prevent the possibility of a quorum.

Despite the threat that the Guam Parole Board may be conditioned out of functional existence, I have signed this bill into law with the recognition that the current Parole Board measures up to the intent of this new law, and with the hope that enough individuals with these newly mandated qualifications will come forward in the future to serve as Guam Parole Board members when needed.

*Senseramente,*



**EDDIE BAZA CALVO**

Attachment: copy of Bill

**I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN**  
**2011 (FIRST) Regular Session**

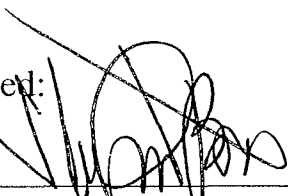
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Bill No. 16-31 (COR)**, “AN ACT TO AMEND §§ 85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION AND POWERS OF THE GUAM PAROLE BOARD”, was on the 24<sup>th</sup> day of February, 2011, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

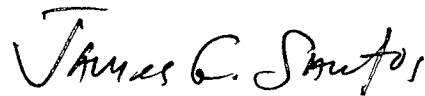
Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 25<sup>th</sup> day of Feb, 2011, at

7:14 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:



EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

Date: MAR 08 2011

*Police Sgt / ESS*

Public Law No. 31-03

***I MINA'TRENTAI UNU NA LIHESLATURÁN GUÅHAN***  
**2011 (FIRST) Regular Session**

**Bill No. 16-31 (COR)**

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.  
T. C. Ada  
V. Anthony Ada  
F. F. Blas, Jr.  
B. J.F. Cruz  
Chris M. Duenas  
Judith P. Guthertz, DPA  
Sam Mabini, Ph.D.  
T. R. Muña Barnes  
v. c. pangelinan  
Dennis G. Rodriguez, Jr.  
R. J. Respicio  
M. Silva Tajjeron  
Aline A.Yamashita, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §§ 85.10, 85.14 AND 85.26 OF  
CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED,  
RELATIVE TO THE COMPOSITION AND POWERS OF  
THE GUAM PAROLE BOARD.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that Public Law 7-49 created the Guam Parole Board consisting of five (5)  
4 members appointed by *I Maga'lahi* and with the advice and consent of *I*  
5 *Liheslatura*. Moreover, *I Liheslatura* finds that Public Law 27-104, which  
6 amended Public Law 7-49, provides that any person holding an elected office *shall*

1 *not* be eligible to serve on the Guam Parole Board. In a span of forty-one (41)  
2 years, the only change to the composition of the Guam Parole Board is the  
3 language cited above.

4 Much has evolved in the philosophy, treatment and rehabilitation of  
5 offenders through programs supervised and managed by social workers and other  
6 professionals involving parole, probation and penal custody. *I Liheslatura* finds  
7 that for inmates eligible for parole, parole is granted by the discretionary action of  
8 the Guam Parole Board. The Board evaluates an array of information about an  
9 inmate and determines whether he or she is ready to be re-integrated into society.  
10 While an inmate is incarcerated, government officials are charged with preparing  
11 and rehabilitating the inmate with the full hope of parole. This process requires an  
12 holistic approach to evaluate if an inmate is capable to live as a productive member  
13 of society. This is ultimately a reflection of the change in penal philosophy from  
14 penitentiary to correctional rehabilitation. The members of the Guam Parole Board  
15 should reflect this penal philosophy and should be progressively qualified in  
16 certain academic disciplines or have a diverse occupational background to best  
17 articulate their informed decision about when it is appropriate to grant, deny or  
18 revoke parole.

19 *I Liheslaturan Guåhan* finds that the current law provides merely for a five  
20 (5) member Parole Board, but *does not* mandate a level of experience in relevant  
21 fields. The current Guam Parole Board has three (3) retired law enforcement  
22 officers – two (2) from the Guam Police Department and one (1) from the  
23 Department of Corrections. A majority of members have been indoctrinated into a  
24 profession that may shape their criminal justice values toward the philosophy of  
25 penitentiary rather than rehabilitation. The *de facto* structure of the Parole Board  
26 reflects a philosophy which fundamentally conflicts with the rehabilitative mind-

1 set. Under this condition, it may be difficult for an inmate to have a fair and  
2 impartial review of his or her parole application.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to harmonize the  
4 composition of the Parole Board with the rehabilitative ethos which the  
5 Department of Corrections is intended to engender by amending §§85.10 and  
6 85.14, of Chapter 85, Title 9 of the Guam Code Annotated.

7 **Section 2.** §85.10 of Chapter 85 of Title 9, Guam Code Annotated, is  
8 hereby *amended* to read:

9 **“§85.10. Guam Parole Board Created.**

10 There is in the Executive Branch of the government of Guam, a Guam  
11 Parole Board, hereinafter referred to as the Board, consisting of seven (7)  
12 members appointed by *I Maga’lahi* [the Governor], by and with the advice  
13 and consent of *I Liheslatura* [the Legislature]. Only persons, who by their  
14 knowledge and experience are prepared to perform efficiently the duties of  
15 the Board as hereinafter provided, *shall* be eligible for such appointment.  
16 Any person holding an elected office *shall not* be eligible to serve on the  
17 Guam Parole Board. *No* person who has a family member of the first  
18 consanguinity serving a local sentence, or on parole, shall be eligible to  
19 serve on the Board.

20 (a) The composition of the Board members *shall* be comprised of  
21 the following minimum background and experience:

22 (1) at least two (2) Board members *shall* have at least ten  
23 (10) years in law enforcement work, *or* a baccalaureate degree in  
24 criminal justice from a college *or* university accredited by a United  
25 States accrediting body recognized by the Council on Higher Education  
26 Accreditation (CHEA) *or* its successor, *or* an equivalent foreign

1 university as determined consistent with 17 GCA 3104 (a)(1), *or*  
2 professional experience in these areas of study;

3 (2) at least two (2) Board members *shall* have at least a  
4 baccalaureate degree *or* higher from an accredited U.S. institution of  
5 higher education in social work, sociology *or* psychology *or* a medical  
6 degree from a college *or* university accredited by a United States  
7 accrediting body recognized by the Council on Higher Education  
8 Accreditation (CHEA) *or* its successor, *or* an equivalent foreign  
9 university as determined consistent with 17 GCA 3104 (a)(1) ; and

10 (3) the three (3) remaining Board members *shall* have at  
11 least ten (10) years of experience in human resources development, or  
12 legal background or professional experience in these areas of study, or  
13 any person of good moral character.”

14 **Section 3.** §85.14. of Chapter 85 of Title 9, Guam Code Annotated, is  
15 hereby *amended* to read:

16 **“§85.14. Chairman Elected: Meetings at Least Monthly.**

17 The Board *shall* elect a chairman from among its members. The  
18 chairman *shall* be elected by its members every two (2) years. The Board  
19 *shall* meet regularly at least once a month. Special meetings may be called  
20 by the chairman. *Not less than* four (4) voting members present *shall*  
21 constitute a quorum for the transaction of business, and the affirmative vote  
22 of four (4) members present *shall* be required to make any action of the  
23 Board valid. *No* action *shall* be taken by the Board at any meetings *or*  
24 hearings, unless a quorum is present. The election for chairman from among  
25 its members *shall* follow upon enactment of this Act.”

26 **Section 4.** §85.26 of Chapter 85 of Title 9, Guam Code Annotated, is  
27 hereby *amended* to read:

1           “§85.26.   **Board: General Powers.** The Board is authorized to  
2 release on parole any person confined in any penal *or* correctional institution  
3 of Guam, and to revoke parole *or* discharge from parole any parolee as  
4 provided in Article 5 (commencing with §80.70) of Chapter 80. The Board  
5 *shall* adopt such rules and procedures *not* inconsistent with law as it may  
6 deem proper *or* necessary to carry out its duties, and *shall* be in accordance  
7 with the Open Government Law.

8           Such rules and procedures *shall* include, but *not* be limited to, the  
9 following:

10           (a) rights and restrictions of an inmate during a parole  
11 application or revocation hearing;

12           (b) presence of legal counsel or a lay representative on  
13 behalf of an inmate during a hearing;

14           (c) the right of an inmate to receive, in writing, a specific  
15 reason or reasons for denial of parole, to include deficiencies to be  
16 addressed in preparation for a future parole application;

17           (d) rules for the recusal of a member due to a conflict;

18           (e) any other rules in furtherance of the mandates of the  
19 Board; and

20           (f) Nothing herein shall prevent the Board from interviewing  
21 victims in private. Nothing herein *shall* prevent the Board from  
22 excluding any persons that they determine may unduly influence a  
23 victim’s testimony.”

24           **Section 5. Severability.** *If* any provision of this law or its application to  
25 any person or circumstance is found to be invalid or contrary to law, such  
26 invalidity shall *not* affect other provisions or applications of this law which can be



1 given effect without the invalid provisions of applications, and to this end the  
2 provisions of this law are severable.

6

# I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 2/24/11

## VOTING SHEET

Bill No. 16-31 (COR)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony		✓			
BLAS, Frank F., Jr.		✓			
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera		✓			
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

12    3    0    0    0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



Thirty-First  
Guam Legislature

**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

*Man*  
2011 FEB 17 PM 2:38

February 14, 2011

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
I Mina'Trentai Unu na Liheslaturan Guahan  
155 Hesler Place  
Hagatña, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairman, Committee on Rules

**RE : Committee Report – Bill No. 16-31 (COR).**

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 16-31 (COR) "AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD,"** hereby reports out with the recommendation **TO PASS.**

Committee Votes are as follows:

<u>10</u>	<b>TO PASS</b>
<u>0</u>	<b>NOT TO PASS</b>
<u>1</u>	<b>TO REPORT OUT ONLY</b>
<u>0</u>	<b>ABSTAIN</b>
<u>0</u>	<b>INACTIVE FILE</b>

Sincerely,  
  
**ADOLPHO B. PALACIOS, MPA, BS/CJA**  
Chairman

Attachments

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina R. Muna Barnes  
Member
- Senator Judith P. Guthert, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Mana Silva-Tajerón  
Member
- Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee  
Membership:*

- Vice Chairman, Committee on  
Utilities, Transportation, Public  
Works and Veterans Affairs
- Vice Chairman, Committee on  
Health and Human Services,  
Senior Citizens, Economic  
Development and Election  
Reform
- Member, Committee on Rules,  
Federal, Foreign & Micronesian  
Affairs and Human & Natural  
Resources
- Member, Committee on  
Education and Public Libraries
- Member, Committee on Guam  
Military Buildup and Homeland  
Security
- Member, Committee on  
Municipal Affairs, Tourism,  
Housing and Recreation

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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**COMMITTEE REPORT**  
**ON**  
**BILL NO. 16-31 (COR)**  
**By Senator Adolpho B. Palacios, Sr.**

**AN ACT TO AMEND §§85.10, 85.14 AND  
85.26 OF CHAPTER 85, TITLE 9, GCA,  
RELATIVE TO THE COMPOSITION  
AND POWERS OF THE TERRITORIAL  
PAROLE BOARD.**



Thirty-First  
Guam Legislature


**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

February 9, 2011

**MEMORANDUM**

**TO: ALL MEMBERS**  
Committee on Public Safety, Law Enforcement, & Judiciary

**FROM: Senator Adolpho B. Palacios, Sr.**   
Committee Chairman

**SUBJECT: Committee Report on Bill No. 16-31 (COR).**

Transmitted herewith for your consideration is the Committee Report on **Bill No. 16-31 (COR)** – An act to *amend* §§85.10, 85.14 and 85.26 of Chapter 85, Title 9, GCA, relative to the composition and powers of the Territorial Parole Board.– by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 16-31 (COR) as introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. Bill No. 16-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

*Si Yu'os ma'åse!*

*Committee Members:*

- Senator Thomas C. Ada  
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.  
Member
- Senator Tina R. Muna-Barnes  
Member
- Senator Judith P. Guthertz, DPA  
Member
- Senator Rory J. Respicio  
Member
- Senator Dennis G. Rodriguez, Jr.  
Member
- Senator V. Anthony Ada  
Member
- Senator Christopher M. Duenas  
Member
- Senator Mana Silva-Tajerón  
Member
- Senator Aline A. Yamashita, Ph.D.  
Member

*Other Committee Membership:*

- Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs
- Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform
- Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources
- Member, Committee on Education and Public Libraries
- Member, Committee on Guam Military Buildup and Homeland Security
- Member, Committee on Municipal Affairs, Tourism, Housing and Recreation

*Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910*

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**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY**  
*I Mina'Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

**VOTING SHEET ON:**

**Bill No. 16-31 (COR) – An act to amend §§85.10, 85.14 and 85.26 of Chapter 85, Title 9, GCA, relative to the composition and powers of the Territorial Parole Board.**

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		2/10/11 ✓				
Thomas C. Ada Vice Chairman		2/10/11 ✓				
Tina R. Muña-Barnes Member		2/10/11 ✓				
Judith P. Guthertz, DPA Member				my 2/14/11		
Rory J. Respicio Member		2/14/11 ✓				
Dennis G. Rodriguez, Jr. Member		2/14/11 ✓				
Judith T. Won Pat, Ed.D. Member		2/10/11 ✓				
V. Anthony Ada Member		2/10/11 ✓				
Christopher M. Duenas Member		2/10/11 ✓				
Mana Silva Taijeron Member		2/11/11 ✓				
Aline A. Yamashita, Ph.D. Member		2/14/11 ✓				



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina Trentai Uno Na Liheslaturan Guahan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

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**COMMITTEE REPORT DIGEST**

**Bill No. 16-31 (COR) – “An act to amend §§85.10, 85.14 and 85.26 of Chapter 85, Title 9, GCA, relative to the composition and powers of the Territorial Parole Board.” – by Senator Adolpho B. Palacios, Sr.**

**I. OVERVIEW**

The Committee on Public Safety, Law Enforcement and Senior Citizens convened the public hearing on January 25, 2011 at 9:38 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 16-31 (COR) - “An act to amend §§85.10, 85.14 and 85.26 of Chapter 85, Title 9, GCA, relative to the composition and powers of the Territorial Parole Board,” sponsored by Senator Adolpho B. Palacios, Sr.

**Public Hearing Requirements**

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on January 14, 2011 (5-day Notice) and on January 21, 2011 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

**Senators Present**

Senator Adolpho B. Palacios, Sr., Chairman  
Senator Judith P. Guthertz, DPA, Member  
Senator Rory J. Respicio, Member  
Senator Dennis Rodriguez, Jr., Member  
Senator Anthony V. “Tony” Ada, Member  
Senator Christopher Duenas, Member  
Senator Mana Silva-Tajeron, Member  
Senator Aline A. Yamashita, Ph.D.  
Senator Shirley “Sam” Mabini, Ph.D.

**Individual(s) Registered for oral or written testimony:**

Dr. Dianne Strong, Ed.D., oral and written testimony in favor of the bill.  
Michelle Taitano, acting Chairwoman, Guam Territorial Parole Board, oral testimony not in favor of the bill.

Jose San Agustin, Acting Director, Department of Corrections, written testimony not in favor of the bill.

Basil O'Mallan, oral testimony.

Ovita Perez, MSW, President, Guam Chapter, National Association of Social Workers, written testimony in favor of the bill.

Francisca V. Santos-Lee, Former Parole Board Chairwoman, written testimony in favor of the bill.

Laurel Levy, RN, written testimony in favor of the bill.

## II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convenes public hearing for the Committee on Public Safety, Law Enforcement, and Judiciary at 9:38 a.m., reads the title of the bill and summarizes its contents. It adds members with qualifications to ensure a more balanced process, allows the Board to elect its own Chairman, as is current practice at other boards and commissions, and provides guidelines for the rules and regulations adopted by the Board. The Chairman states that the main objection of Governor Camacho to Bill 418 is the creation of a vetting process for the selection of Board members, which had been added by amendments on the floor.

Dr. Dianne Strong, Ed.D., thanks Chairman Palacios and reads the written testimony of Francisca V. Santos-Lee, the former Chairwoman of the Guam Territorial Parole Board. *(See attached written testimony of Francisca V. Santos-Lee.)*

Dr. Strong reads excerpts from her own submitted written testimony. She believes that the Bill does not differ substantially from Bill 418, which was vetoed by Governor Camacho. She believes that the duty of the Board to adopt rules and regulations for its proceedings is not sufficiently addressed and that there should be an appeals process. She states that changing the composition of the Board is a "band-aid approach," that boards and commissions are subject to the Administrative Adjudication Act, that members of the Parole Board also serve on the Pardon Review Board, and that the pool of nominees must be improved. She strongly urges the reintroduction of Bill 259-30. *(See attached written testimony of Dr. Dianne Strong, Ed.D.)*

Basil O'Mallan states that he is authorized to state the Attorney General intends to submit written testimony on the Bill.



Joe San Agustin says that he is against the bill. He states that he is concerned about potential recruitment difficulties. He states that it sets the Territorial Parole Board toward failure. He says he will ensure that the Territorial Parole Board complies with laws, rules and regulations. He states his concern that the quorum requirements would be difficult to meet. Furthermore, he says that the victims have rights.

Acting Chairwoman Michelle Taitano states that the Parole Board does not have sufficient resources or staff to implement improvements to the parole process. She states that the Parole Services Division of the Department of Corrections is understaffed. She stated that although three members have law enforcement backgrounds, one of them is a former mayor. She states that public safety is foremost in their concern. The Parole Board members have served from eight to fifteen years. She asks if the Parole Board is so bad, why is it still in existence. She says, "We don't have things down to a T. 'This is what you must do, this is what you must not do.'" She says that every crime is different and implies that the bill requires all parole applications to be treated the same. She states that the Board has guidelines in place. She refers to a booklet that has the label "Parole Board" on the cover.

Ms. Taitano asks why there needs to be a change. She digresses into a particular case which has no apparent relation to the substance of the bill and Chairman Palacios asks her to please confine her testimony to the subject of the public hearing. She implies that the victim must approve of the granting of parole. Chairman Palacios states that she may provide additional testimony in writing after the public hearing and Ms. Taitano says that she will. She says that she believes the bill sets too high of a standard. She challenges the guidelines that for rules and regulations in the legislation, stating that policies are already in place. She states that the hearing is administrative, not judicial. Ms. Taitano refers to a case where a Parole Board member had a potential conflict and did not recuse himself, even though he was counterparty to a suit brought by the candidate for parole.

Chairman Palacios reads excerpts from the testimony of Ovita Perez, a social worker for the Department of Youth Affairs. (*See attached written testimony.*) He states that the indoctrination of the law enforcement field is toward the philosophy of penitentiary, not rehabilitation. Chairman Palacios points out that the Parole Board is a sovereign board and that the Director of Corrections does not have any authority over it. He says that the bill sets a high standard to improve the board.

Senator Guthertz asks Ms. Taitano if there is a need to improve the law. Ms. Taitano says that there should be input for those who are in the field. Senator Guthertz asks what kind of change is needed. Ms. Taitano states that they need more resources. She states that inmates need more chances for education and employment experience. She says that there needs to be more support for "aftercare." She states that many inmates reach the Board and are not ready to work, which could lead to recidivism.

Senator Aline Yamashita stated that she wants to help them get back on their feet. She asks whether there are effective partnerships with agencies. Ms. Taitano said that they need to help an inmate to get employed and suggests expungement of their record. Senator Aline Yamashita asked what could help attract people into service on the Board. Acting Director San Agustin compares pay for the Board to a bribe and says that there is no good incentive for members to serve. He says he likes the bill and likes high standards but doubts that qualified members of the community would volunteer to serve. He says that he intends to create a full-house, where an inmate who is paroled could have a more supervised release. He recounts his difficulty finding a job after his retirement from the U.S. Marine Corps. He states that the Department of Corrections facilities will be overcrowded during the military buildup.

Mr. O'Mallan says that the vagueness of the statute allows the Governor to choose any candidate and that to restrict the pool would make it more difficult to recruit.

Dr. Strong states that Ovita Perez and Ms. Santos-Lee indicated their interest in serving on the Board. She believes that the concern is fallacious.

Ms. Taitano makes a statement that the Department of Corrections has a high proportion of Chamorro and Micronesian inmates. She believes this needs to be addressed.

Senator Sam Mabini suggests that some Board members could be agency representatives. She asks about career development and Ms. Taitano responds that parolees have a difficult time finding a job.

Senator Rodriguez asks how the bill would jeopardize victims. Mr. San Agustin states that he believes there would be a recruitment problem at the Board which would prevent them from operating effectively. Ms. Taitano says that the victims and the applicants for parole must be separated. Mr. O'Mallan states that the application of the

Open Government Law may distort the process because the criminal sometimes has an influence over the victim. Senator Rodriguez asks whether the Governor should appoint the Chairman. Chairwoman Taitano states that she supports that and does not feel it needs to be changed. She feels that the Chairperson may be beholden to the other members because they were granted the position from their peers on the Board. Chairman Palacios responds that it is a common practice that boards elect their own Chairman. Chairman Palacios states that it is the adoption of rules and regulations that shall be in accordance with the Open Government Law, not the parole hearings.

Senator Christopher Duenas says that he is very supportive of adding social workers to the Territorial Parole Board. He feels that the intent of the bill is very balanced. Ms. Taitano states that social workers are paid for what they do and Senator Duenas states that the nature of social work is volunteeristic. He believes that this will be constructive for the Parole Board's work. Ms. Taitano states that the Board utilizes social workers. She says, "You got the kids. Kids are a little bit more, less, you ... can still salvage a lot more of their mentality and their learning process." Senator Duenas clarifies that he is talking about staff who had committed crimes and were fighting for their jobs that were terminated.

Chairman Palacios asks Ms. Taitano if she could please provide his office with a copy of any rules and regulations so that he can understand the program and perhaps the agenda of upcoming Parole Board meetings so that he or his staff can sit in and observe.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 16-31(COR) is duly heard. The Chairman concludes the hearing and requests that written testimony be submitted within the next ten (10) days. He adjourns the hearing at 12:42 a.m.

### **III. WRITTEN TESTIMONIES**

#### **Dr. Dianne Strong, Ed.D. (January 21, 2011)**

Dr. Strong states that the Parole Board impacts hundreds of inmates, their families and friends and the composition of the Pardon Review Board. She emphasizes the importance of who shall serve on the board and "whether this board adopts and follows Rules and Regulations as required by the Guam Administrative Adjudication Act." Her letter is accompanied by a letter which she wrote to Frank Aguon, Jr. She believes that the bill does not adequately address her concerns about social justice and parole reform. She does not believe that Bill 16-31 differs from Bill 418-30 introduced in

the previous legislature. She states that the bill does not affirm the duty of the Parole Board to adopt rules and regulations lawfully and incorporate an appeals process. She discusses the impact of SP0149-09 on the right of an inmate to appeal the decision of the Parole Board. *(See attached written testimony.)*

**Dr. Dianne Strong, Ed.D. (January 23, 2011)**

Dr. Strong presents a rebuttal of Governor Camacho's veto message for Bill 418-30 (COR). She objects that the parole process currently lacks a listing of criteria and weighted values for evaluating an inmate's parole application. She states that the current members lack knowledge and training relative to the Open Government Law and the Administrative Adjudication Act. A social worker who testified against Bill 418-30 stated that she would volunteer to be a candidate to serve on the Board. She believes Governor Calvo will not support Bill 16-31 (COR) because he voted against the engrossed version of Bill 418-30. *(See attached written testimony.)*

**Dr. Dianne Strong, Ed.D. (January 24, 2011)**

Dr. Strong writes that member of the Parole Board also serve on the Pardon Review Board. Dr. Strong acquired a list of commutations for both terms of Governor Gutierrez using a Freedom of Information Act request. She shares a listing of commutations with the Committee, including the name, crime, sentence, parole granted (if applicable) and the commutation date. *(See attached written testimony.)*

**Ovita Perez, MSW, President, National Association of Social Workers, Guam Chapter**

Ms. Ovita Perez presents background on the National Association of Social Workers and the profession of Social Work. She commends the intent of Bill 16 to include qualified professionals on the Parole Board. She works as a social worker in the juvenile correctional facility for the Department of Youth Affairs and supports Bill 16. *(See attached written testimony.)*

**Francisca V. Santos-Lee, Former Parole Board Chairwoman (January 24, 2011)**

Ms. Santos-Lee introduces herself and gives background on her service on the Parole Board. She believes that the two (2) additional members should have a broadened nomination pool by adding military and members of faith-based groups. Furthermore, she recommends the addition of background checks and that a nominee must sign a sworn statement that they have not been a victim of a violent crime. Additionally, she suggests that the Board members should be paid their stipend of \$50 per meeting. She opposes the election of the Chair because she believes that would bias decision-making.

She supports the right for an inmate to have a legal or lay representative participate during an inmate's interview and the requirement that any member that is absent for three (3) consecutive meetings will be removed. Attached to her testimony is a record of the Territorial Parole Board membership. *(See attached written testimony.)*

**Dr. Dianne Strong, Ed.D. (January 25, 2011)**

Dr. Strong states that she has two problems with the bill. She believes that reforming the composition of the Board does not address the underlying problems with the parole system. Furthermore, she states that the pool of qualified nominees should be improved by soliciting a list of qualified nominees from the community, much like the University of Guam's Board of Regents. *(See attached written testimony.)*

**Laurel Levy, RN**

Ms. Levy strongly endorses the bill and states that, "the current Board's secrecy and poor conduct led to my professional reputation being attacked." She indicates the importance of having professional or lay representation for the inmate's parole hearing. *(See attached written testimony.)*

**Francisca V. Santos-Lee, Former Parole Board Chairwoman (January 25, 2011)**

Ms. Santos-Lee states that the executive branch has neglected to nominate members to the Parole Board and that the current membership lacks any representation by males. She suggests that the Governor nominate alternates to serve on the Parole board so that the board will always have a quorum. Additionally, she believes that an inmate should have legal or lay counsel to assist an inmate and that such an advocate be allowed to speak. She states that the three- (3-) page Rules and Regulations does not allow for ADA compliance.

Ms. Santos-Lee believes that the result of a parole hearing should be publicly released so that victims and members of the public are informed. She states that there is minimal guidance for controlling the process of considering parole and that detailed rules and regulations are necessary. She says that contrary to what Ms. Taitano stated at the public hearing, the inmate's caseworker does not attend the hearings and he does not speak during hearings. She has tried to attend a meeting of the Pardon Review Board only to be informed that the meeting was held in advance of its scheduled time. *(See attached written testimony.)*

**Dr. Dianne Strong, Ed.D. (February 7, 2011)**

Dr. Strong responds to the testimony of Ms. Taitano, acting Chairwoman of the Guam Territorial Parole Board. Dr. Strong points out that the testimony of Jose San Agustin mischaracterizes the relationship between the Director of Corrections and the Board. She questions the basis in law, rule or regulation of her expulsion from the waiting room of a parole hearing in December, 2009. She cites the Calvo-Tenorio Transition Report on Public Safety, which indicates many problems with the parole process. She states that Ms. Taitano was incorrect when she said that an inmate can have a representative present during a parole interview. Further, she claims that Ms. Taitano did not tell the truth about the possibility of recusal of a board member for a potential conflict. Ms. Taitano made reference to a "Guahan After Care" program but has not shared information regarding the program. Dr. Strong questions the acting Chair's professionalism, demonstrated in the public hearing. *(See attached written testimony.)*

**Letter from Antone Aguon to Jennifer Gesick forwarded to Dr. Dianne Strong**

The email indicates that three (3) Board members attended from July 2010 to January 2011, except in July and November, when four (4) members were in attendance. *(See attached written testimony.)*

**Francisca V. Santos-Lee, former Parole Board Chairwoman (February 8, 2011)**

Ms. Santos-Lee recounts her attempt to attend a Pardon Review Board meeting. She is concerned that the Board may not be in compliance with the Open Government Law by not allowing the public to participate in its hearings. She wants to know the composition of the Guam Pardon Review Board, their terms and the rules and regulations that govern the conduct of its business. She strongly supports Bill 16. *(See attached written testimony.)*

No further written testimony received within the ten (10) day period after the public hearing.

**IV. FINDINGS AND RECOMMENDATIONS**

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 16-31 (COR), as introduced**, with the recommendation **TO PASS**.

I MINA'TRENTAI UNO NA LIHESLATURAN GUÅHAN  
2011 (FIRST) Regular Session

2011 JAN - 4 AM 11:59  
MUM

Bill No. 14-31(cor)

Introduced by:

Adolpho B. Palacios, Sr. 

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**AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85,  
TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND  
POWERS OF THE TERRITORIAL PAROLE BOARD.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Public  
3 Law 7-49 created the Territorial Parole Board consisting of five (5) members appointed by *I*  
4 *Maga'lahi* and with the advice and consent of *I Liheslatura*. Moreover, *I Liheslatura* finds that  
5 Public Law 27-104, which amended Public Law 7-49, provides that any person holding an  
6 elected office *shall not* be eligible to serve on the Territorial Parole Board. In a span of forty-one  
7 (41) years, the only change to the composition of the Territorial Parole Board is the language  
8 cited above.

9 Much has evolved in the philosophy, treatment and rehabilitation of offenders through  
10 programs supervised and managed by social workers and other professionals involving parole,  
11 probation and penal custody. *I Liheslatura* finds that for inmates eligible for parole, parole is  
12 granted by the discretionary action of the Territorial Parole Board. The Board evaluates an array  
13 of information about an inmate and determines whether he or she is ready to be re-integrated into  
14 society. While an inmate is incarcerated, government officials are charged in preparing and  
15 rehabilitating the inmate with the full hope of parole. This process requires a holistic approach to  
16 evaluate if an inmate is capable to live as a productive member of society. This is ultimately a  
17 reflection of the change in penal philosophy from penitentiary to correctional rehabilitation. The  
18 members of the Territorial Parole Board should reflect this penal philosophy and should be  
19 progressively qualified in certain academic disciplines or have a diverse occupational  
20 background to best articulate their informed decision about when it is appropriate to grant, deny  
21 or revoke parole.

1            *I Liheslaturan Guåhan* finds that the current law provides merely for a five (5) member  
2 Parole Board, but does not mandate a level of experience in relevant fields. The current  
3 Territorial Parole Board has three (3) retired law enforcement officers – two (2) from the Guam  
4 Police Department and one (1) from the Department of Corrections. A majority of members  
5 have been indoctrinated into a profession that may shape their criminal justice values toward the  
6 philosophy of penitentiary rather than rehabilitation. The *de facto* structure of the Parole Board  
7 reflects a philosophy which fundamentally conflicts with the rehabilitative mind-set. Under this  
8 condition, it may be difficult for an inmate to have a fair and impartial review of his or her parole  
9 application.

10            Therefore, it is the intent of *I Liheslaturan Guåhan* to harmonize the composition of the  
11 Parole Board with the rehabilitative ethos which the Department of Corrections is intended to  
12 engender by amending §§85.10 and 85.14, of Chapter 85, Title 9 of the Guam Code Annotated.

13            **Section 2.** §85.10 of Chapter 85 of Title 9, Guam Code Annotated, is hereby *amended* to  
14 read:

15            **§85.10. Territorial Parole Board Created.**

16            There is in the Executive Branch of the government of Guam, a Territorial Parole Board,  
17 hereinafter referred to as the Board, consisting of ~~five (5)~~ seven (7) members appointed by *I*  
18 *Maga'lahi* [the Governor], by and with the advice and consent of *I Liheslatura* [the Legislature].  
19 Only persons, who by their knowledge and experience are prepared to perform efficiently the  
20 duties of the Board as hereinafter provided, *shall* be eligible for such appointment. Any person  
21 holding an elected office *shall not* be eligible to serve on the Territorial Parole Board.

22            (a) The composition of the Board members shall be comprised of the following minimum  
23 background and experience:

24            (1) at least two (2) Board members shall have at least ten (10) years in law enforcement  
25 work, or a baccalaureate degree in criminal justice or juvenile justice or professional  
26 experience in these areas of study;

27            (2) at least two (2) Board members shall have at least a baccalaureate degree or higher  
28 from an accredited U.S. institution of higher education in social work, sociology or  
29 psychology or a medical degree from an accredited U.S. institution; and



1 (3) the three (3) remaining Board members shall have at least ten (10) years of  
2 experience in human resources development, or legal background or professional  
3 experience in these areas of study, or any person of good moral character.

4 **Section 3.** §85.14. of Chapter 85 of Title 9, Guam Code Annotated, is hereby *amended* to  
5 read:

6 **§85.14. Chairman ~~Appointed~~ Elected: Meetings at Least Monthly.**

7 ~~The Governor~~ The Board shall appoint one (1) of the members of the Board as chairman.  
8 elect a Chairman from among its members. The chairman shall be elected by its members every  
9 two (2) years. The Board shall meet regularly at least once a month. Special meetings may be  
10 called by the chairman. Not less than four (4) voting members present shall constitute a quorum  
11 for the transaction of business, and the affirmative vote of four (4) members present shall be  
12 required to make any action of the Board valid. No action shall be taken by the Board at any  
13 meetings or hearings, unless a quorum is present. The election for chairman from among its  
14 members shall follow upon enactment of this Act.

15 **Section 4.** §85.26 of Chapter 85 of Title 9, Guam Code Annotated, is hereby *amended* to  
16 read:

17 **§85.26. Board: General Powers.** The Board is authorized to release on parole any  
18 person confined in any penal *or* correctional institution of Guam, and to revoke parole *or*  
19 discharge from parole any parolee as provided in Article 5 (commencing with §80.70) of Chapter  
20 80. The Board *may* shall adopt such rules and procedures *not* inconsistent with law as it may  
21 deem proper *or* necessary to carry out its duties, and shall be in accordance with the Open  
22 Government Law.

23 Such rules and procedures shall include but not be limited to the following:

24 (a) Rights and restrictions of an inmate during a parole application or revocation hearing;

25 (b) Presence of legal counsel or a lay representative on behalf of an inmate during a  
26 hearing;

27 (c) The right of an inmate to receive, in writing, a specific reason or reasons for denial of  
28 parole, to include deficiencies to be addressed in preparation for a future parole  
29 application;

30 (d) Rules for the recusal of a member due to a conflict; and

31 (e) Any other rules in furtherance of the mandates of the Board.

1           **Section 5. Severability.** *If* any provision of this law or its application to any person or  
2 circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other  
3 provisions or applications of this law which can be given effect without the invalid provisions of  
4 applications, and to this end the provisions of this law are severable.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina'Trentai Uno na Liheslaturan Guâhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

Tuesday, January 25, 2011

Bill No. 16-31 (COR) – An act to amend §§85.10, 85.14 and 85.26 of Chapter 85, Title 9, GCA relative to the composition and powers of the Territorial Parole Board. – by Senator Adolpho B. Palacios, Sr.

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ Dianne M. Strong	Rights Activist			✓	✓	
✓ Francisca V. Santos	former Parole Board member			✓	✓	
Basil O'Malley	AG's Office			✓		
JOE SAN AGUSTIN	DUC				<del>✓</del>	←
Michelle Toriano	Parole Board					✓



Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

## Public Hearing Tuesday, 1/25, 9:30 a.m. - Parole Board Composition

Dianne M. Strong Strong &lt;strongdiver44@gmail.com&gt;

Fri, Jan 21, 2011 at 9:33 AM

To: Vivian Dames <vdames\_uog@yahoo.com>, Ovíta Pérez <ovieperez@hotmail.com>, Ovíta Pérez <ovita.perez@dya.guam.gov>, Eve Villegas <eve\_villegas@yahoo.com>, Antone Aguon <afaguon@gmail.com>  
Cc: Jennifer MV <jennifer@mvguam.com>, Adolpho Palacios <senabpalacios@gmail.com>, aguon4guam@gmail.com, "Dr. Kirk Johnson" <kjohnson@uog9.uog.edu>, itwaddle@uguam.uog.edu, Sandra Okada <sandra.iseke.okada@gmail.com>, cclaw1@teleguam.net, Julian Janssen <julian.c.janssen@gmail.com>, jon <jonadiaz@gmail.com>, Mark Pernia <markpernia@gmail.com>, Tisha Castro <castrotisha@gmail.com>

Senator Adolpho Palacios has scheduled a public hearing for Bill 16-31 (COR) on Tuesday, January 25th, starting at 9:30 a.m. This bill is similar (if not identical) to Bill 418-30 (COR) that was vetoed by Governor Camacho.

<http://www.guamlegislature.com/calendar.htm>

### **Notice of a Public Hearing**

The Committee on Public Safety, Law Enforcement, and Judiciary, chaired by Senator Adolpho B. Palacios, Sr., will conduct a Public Hearing on the following:

-Bill No. 9-31 (COR)

**-Bill No. 16-31 (COR)**

Copies of the agenda items may be found on the Guam Legislature website ([www.guamlegislature.com](http://www.guamlegislature.com)).

For more information please call the Office of Senator Adolpho B. Palacios, Sr. at 472-5047/8.

**AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

[http://www.guamlegislature.com/Bills Introduced 31st/Bill%20No.%20B016-31%20\(COR\).pdf](http://www.guamlegislature.com/Bills%20Introduced%2031st/Bill%20No.%20B016-31%20(COR).pdf)

I am attaching my three-page letter that I sent on Monday to the senator's policy advisor, former Senator Frank B. Aguon, Jr., in which I discuss the justifications Governor Camacho gave for vetoing this important legislation.

If you care about social justice, please review these materials and attend this

public hearing. Even better, please consider participating by contributing oral and/or written testimony. And please disseminate this to others.

Every inmate at the Department of Corrections who is ELIGIBLE FOR PAROLE by law must apply and be granted a parole period of three years. Thus this process impacts hundreds of inmates, their families and friends, and the public.

This law also impacts the **Pardon Review Board**, as the members of the Parole Board also serve on this board in deliberating requests for pardon or commutation by the Governor. The 12 recent pardons granted by Governor Camacho -- all recommended by the Pardon Review board -- are evidence of the importance of (1) who shall serve on this board, and (2) whether this board adopts and follows Rules and Regulations as required by the Guam Administrative Adjudication Act (GAAL). [See Guam Supreme Court decision: <http://www.pacificnewscenter.com/images/pdf/supdecisioncalvogut.pdf> , Pg. 8 line 8]

Thank you on behalf of inmates who have no voice and have been deprived of civil rights during their hearing to be granted parole.

Dianne M. Strong, Ed.D., Rights Activist  
130 Chalan Ayuyu  
Yona, GU 96915

(671) 789-4500

[strongdiver44@gmail.com](mailto:strongdiver44@gmail.com)

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 **Aguon 1-17-11**  
143K

Aguon 1-17-11

January 17, 2011

Dear (former) Senator Aguon:

Upon reading **Bill 16-31 (COR)** which Senator Palacios introduced on January 4th, I believe that he is not responding adequately to my expressed concerns in promoting social justice via reform of the parole process.

([http://www.guamlegislature.com/Bills\\_Introduced\\_31st/Bill%20No.%20B016-31%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_31st/Bill%20No.%20B016-31%20(COR).pdf))

First, I strongly urged both the senator and yourself to seek **co-sponsorship** in the introduction of his bills to the 31st Legislature. With all due respect to former Senator James Miles, I have pleaded with Senator Palacios to avoid being a "Lone Ranger" bill writer. By seeking input and support from his colleagues, especially one or more members of his committee, his efforts may meet more success.

Secondly, it appears to me that Bill 16-31 does not differ from Bill 418 (COR) that Senator Palacios introduced in the 30th Legislature. As you know the final version of the bill was passed (by a vote of 9-6) on August 13, but subsequently vetoed by Governor Camacho. Most grievously missing from efforts to reform the parole process, is the lack of affirming the DUTY of the Parole Board to lawfully adopt rules and regulations, and to include an inmate appeals process for its administrative decisions.

Governor Camacho bowed to political pressure and ignored testimony supporting Bill 418-30, concluding in his two-page veto, *"This problem of not being able to fill a new parole board and impeding the parole process, which is administrative and not adjudicatory in nature, precludes me from signing this legislation in law."* (emphasis added)

For the Governor's misguided interpretation of the **impacts** of the bill which he vetoed, please go to:

[http://www.guamlegislature.com/Vetoed\\_Bills\\_30th/Vetoed%20Bill%20No.%20418-30%20\(COR\).pdf](http://www.guamlegislature.com/Vetoed_Bills_30th/Vetoed%20Bill%20No.%20418-30%20(COR).pdf)

For the record, current Governor Eddie B. Calvo in his campaign against failed candidate Carl T. C. Gutierrez attacked Governor Gutierrez in repeated full-page newspaper advertisements for **pardoning** "rapists and murderers." Based on this rhetoric we are prudent to use the power of law making to seek social justice even for those convicted of heinous crimes.

As one of the two petitioners in WRM10-003, you certainly are aware that the Guam Supreme Court has duly affirmed that boards and commissions of the

Government of Guam (such as the Guam Election Commission) are subject to the Guam Administrative Adjudication Law ("AAL").

<http://www.pacificnewscenter.com/images/pdf/supdecisioncalvogut.pdf>

Pg. 8 line 8:

Guam adopted the Guam Administrative Adjudication Law ("AAL"), codified at 5 GCA 5 9100 *et seq.*, which is based on the California Administrative Procedure Act. Importantly, Guam's AAL provides an analog to the California law dictating how an adversely affected party is to protest a decision by a Guam administrative agency (5 GCA Sections 9240 and 9241), which reads as follows:

Judicial review may be had of any agency decision by any party affected adversely by it. If the agency decision is not in accordance with law or not supported by substantial evidence, the court shall order the agency to take action according to law or the evidence.

...[5 GCA Section 9241]... ***Judicial review may be had by filing a petition in the Superior Court for a writ of mandate*** in accordance with the provisions of the Code of Civil Procedure.

5 GCA Sections 9240 & 9241 (emphasis added). The text of 5 GCA 8 924.1 indicates that ordinarily, the proper vehicle for seeking review of an administrative decision is a petition ***in the Superior Court*** for a writ of mandate.

After twelve months of litigation, and thousands of dollars in legal fees as well as manpower resources allotted by the Office of the Attorney General and the Guam Superior Court, Inmate Francisco C. Camacho's **Petition for Judicial Review** was denied by Judge Michael J. Bordallo on August 31, 2010. Atty. Jeffery Moots had argued in **SP0149-09** that under the GAAL an inmate has the right to appeal a decision of the Guam Parole Board. Judge Bordallo's denial meant there would be no review of the deficiencies in the process of the inmate's parole hearing nor evaluation of the evidence presented either to support or to deny his parole.

In responding to this landmark decision by the Guam Supreme Court, Atty. Jeffery Moots wrote me:

That language is exactly the position I took with Judge Bordallo [SP0149-09 Camacho vs. the Guam Parole Board], who disagreed with me. If in the future someone appeals the action of the Parole Board I believe this language would be useful in making the argument that since the Parole Board is not excepted from review in any of their statutes this language applies to them.

The Public Hearing for Bill 418-30 was held on July 8, 2010. Senator B. J. Cruz replied to those giving testimony in support of the bill with these incredulous questions: "You mean there is no appeal process for an inmate who has been denied? You mean the [Parole Board] is like the Supreme Court?" (emphasis

added)

Now that the Guam Supreme Court has affirmed that Guam's boards and commissions are subject to the GAAL, it behooves you in the interest of justice to assure that the bills Senator Palacios introduces strongly support the already existing laws of Guam.

I urge you to research this matter fully prior to the public hearing for Bill 16-32. And by all means, please send a personal invitation each of the three members (with expired terms) of the current Parole Board to involve themselves in this process long in advance of the third reading floor vote.

As always, I stand ready to assist in the informational and research process, as do members of the Guam community who participated in the debate over Bills 259-30 and 418-30.

Respectfully,

Dianne M. Strong, Ed.D.  
Yona, GU 96915





Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

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## Bill 16-31 (COR) - rebuttal to Governor Camacho's veto

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Dianne M. Strong Strong &lt;strongdiver44@gmail.com&gt;

Sun, Jan 23, 2011 at 5:30 PM

To: Adolpho Palacios <senabpalacios@gmail.com>, speaker@judiwonpat.com, Judith Paulette Guthertz <senatorjudiguthertz@gmail.com>, tinamunabarnes@gmail.com, "Rory J. Respicio" <rorifyorguam@gmail.com>, senator@senatorbjcruz.com, office@senatorada.org

Cc: Julian Janssen <julian.c.janssen@gmail.com>, Vivian Dames <vdames\_uog@yahoo.com>, Eve Villegas <eve\_villegas@yahoo.com>, Ovita Perez <ovieperez@hotmail.com>

Dear Speaker Won Pat, Senators Palacios, Guthertz, Ada, Cruz, and Respicio:

Once again I want to thank you for your August 13th vote supporting Bill 418.

As we can't assume Republican Governor Calvo will be any different in his decision making from our Republican former Governor Camacho, I urge you to **study Camacho's justifications for his veto of Bill 418-30 (COR) on August 25, 2010.**

I have bold faced his statements and injected my rebuttals.

[http://www.guamlegislature.com/Vetoed\\_Bills\\_30th/Vetoed%20Bill%20No.%20418-30%20\(COR\).pdf](http://www.guamlegislature.com/Vetoed_Bills_30th/Vetoed%20Bill%20No.%20418-30%20(COR).pdf)

Dear Speaker Won Pat:

Submitted herewith is Bill No. 418-30 (COR), "AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF MEMBERS TO THE TERRITORIAL PAROLE BOARD," which I have vetoed.

After over 30 years of processing parole applications through an administrative process, Bill No. 418-30 proposes to revamp the composition of the Parole Board solely because of the **misplaced perception that the three retired law enforcement officers currently serving on the board membership indicates a penitentiary rather than rehabilitation philosophy.** The Department of Corrections ("DOC") has evolved from its former Guam Penitentiary. Incarceration at DOC is a sentence imposed as punishment but their time is spent toward rehabilitating their behavior in preparation for release. The Parole Board does not have jurisdiction over rehabilitative and educational programs within the Department of Corrections. Depending upon an inmate's classification or eligibility to participate in the programs, the board may recommend that an inmate attend and complete rehabilitative and educational programs, but compliance is not mandatory. Unfortunately, there are limited programs being administered at DOC. Yet, **the Parole Board has partnered with organizations in the community to assist DOC in reforming inmates so that may successfully transition and reenter the community.**

This does not address the process of the Board in hearing and judging an parole

applicant.

Partnering with organizations is not relevant to the process by which an inmate is evaluated for parole.

In testimony against this bill not one word was presented as evidence regarding this "partnering." Where is the list of organizations? Alcoholics Anonymous? Bible Fellowship? Guam Department of Homeland Security?

An inmate's readiness for parole can be evaluated based on programs and institutional record. The current process lacks a listing of criteria and a means of assigning weighted values.

Past members of the Board received training from the National Institute on Corrections. Current members are deficient in training and in understanding Open Government Law and the Guam Administrative Adjudication Law. (GAAL) Current hearings are not conducted according to Roberts Rules of Order, nor are minutes taken.

Over the past 8 years, it has been a **challenge to find suitable individuals willing to serve** on the Parole Board. The current law requires the membership be persons by their knowledge and experience prepared to perform efficiently the duties of the board. These individuals are also confirmed by the Legislature.

Now, after 30 years of appointed and confirmed members performing the duties of the board, Bill No. 418-30 proposes to narrow the qualifications required to serve as a member of the board. This will only **exacerbate the short list of qualified individuals willing to serve** on the Parole Board. Further, the bill requires the Attorney General's office to "vet" all nominations. Vet as reflected by quotation marks in the legislation is a term of art which is undefined in the legislation. As such, its application has yet to be determined and is an additional element of uncertainty.

Using a list of qualified nominees solicited from the community to be submitted to the Governor would improve the Board's composition. The University of Guam's Board of Regents is a stellar example of this.

As noted in the legislation, the Parole Board has functioned and carried out the mandates provided by law for over 30 years. Since 1978, there have been **many lawsuits filed against the Parole Board** and the board prevailed in nearly all of them. The candor afforded by the current process allows the board to ascertain the facts and circumstances pertaining to the inmate in order to make an informed decision regarding the inmate's conditions that impacts the safety of community. The bill proposes to limit the board's ability to adequately discern the cases through the **promulgation of rules to provide for a public process and unfettered access to information**. However, the section is contrary to 9 G.c.A. §85.62. While in certain circumstances disclosure may be proper, **unlimited access** will impede the board's duty to investigate a parole application and balance it against the risk to public safety. Unfortunately, Bill No. 418-30 in its current form does not limit disclosure if the information is confidential information or if there are safety considerations. A major concern is the **well-being and safety of the victims** and those who speak out against a person seeking parole. Attendees should also be screened for potential security or safety concerns. Board members will not be willing to risk their lives and continue as members if they are subjected to confrontation as the legislation states.

Law suits are expensive and the Board did lose several important suits (see *Materne vs. People of Guam, 9th Circuit Ruling, 1995*).

Also many family members while outwardly supporting the release of a family member inwardly may have major concerns and a more intimate, less intimidating environment would allow these concerns to be voiced without fear of reprisal or retribution. A support structure is vital for a parolee to succeed upon release. The ability of the Board to gain truthful and honest answers relies on the ability of those to be able to speak or submit testimony in confidence. The lack of anonymity will chill the testimony that the parole board receives and will also cause the board to be reluctant to deny parole against an inmate if they have the ability to confront the board. The end result may lead to inmates being released into the public while still **posing a degree of danger to the public**. We have already seen the chilling effect that this bill has had as the **Chairman of the Board has resigned after serving 18 years** and other members of the board have indicated that they will resign as well.

Strongly written victims rights laws are in place and enforced.

Parole Board reform must include delineating criteria for measuring the applicant's risk factors in causing harm to the public.

Access to protected information needs to be codified by legally adopted Rules and Regulations which the current Board lacks.

Board Chairman J. Q. Salas resigned due to deteriorating health and in frustration following my repeated requests that the Board follow the law, including Open Government. (During the December 2009 hearing I was evicted illegally from the hearing waiting room by Officer Jeffrey Limo).

This problem of not being able to fill a new parole board and impeding the parole process, which is administrative and not adjudicatory in nature, precludes me from signing this legislation in law.

One social worker who testified against Bill 418-30 (because the Board has no rules and regulations) stated she would volunteer to be a candidate to serve. It is **not** a fact that it is difficult to obtain candidates for this admittedly risk-filled position.

In the recent case against the Guam Election Commission the **Guam Supreme Court** duly affirmed that boards and commissions of the Government of Guam are subject to the Guam Administrative Adjudication Law ("AAL"). As such, **the Board must adopt both rules and regulations AND an appeals process for its rejected applicants.**

<http://www.pacificnewscenter.com/images/pdf/supdecisioncalvogut.pdf>

*Sinseru yan Magahet,*  
**FELIX P. CAMACHO**  
*I Maga ' L!Jhen Guahan*  
Governor of Guahan

Issues such as Open Government Act, etc., must be adequately addressed in any efforts to reform parole law.

As a gubernatorial candidate, Eddie Calvo campaigned against former Governor Gutierrez with newspaper advertisements criticizing his pardons for "murderers and rapists." As Senator Calvo voted against this bill, so I expect he will not support any parole reform efforts.

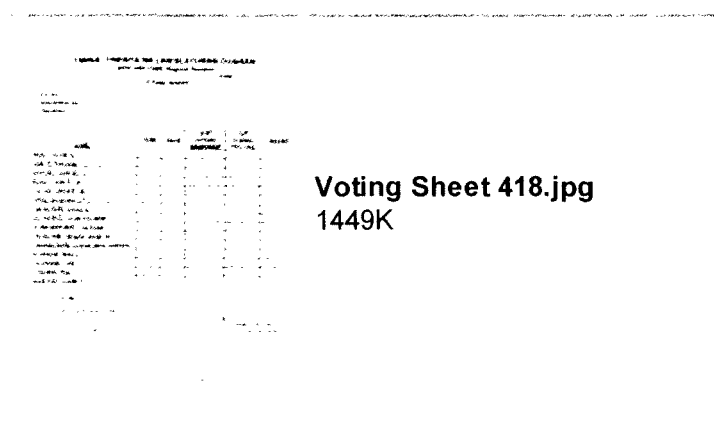
As always, I stand ready to assist you in any way regarding parole reform.

Many thanks,

*Si Metgot*

Dianne M. Strong, Ed.D.  
130 Chalan Ayuyu  
Yona, GU 96915

(671) 789-4500



**Voting Sheet 418.jpg**  
1449K

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**I MINA' TRENTA NA LIHESLATURAN GUAHAN**  
**2010 (SECOND) Regular Session**

Date: 8/13/10

**VOTING SHEET**

Bill No. 418-30(COR)

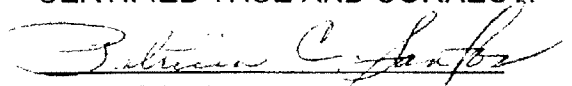
Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

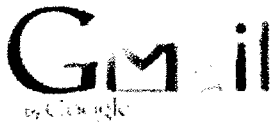
NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Thomas C.	✓				
ADA, V. Anthony /		✓			
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr. /		✓			
CALVO, Edward J.B.		✓			
CRUZ, Benjamin J. F.	✓				
ESPALDON, James V.	✓				
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera /		✓			
RESPICIO, Rory J.	✓				
TAITAGUE, Telo /		✓			
TENORIO, Ray		✓			
WON PAT, Judith T.	✓				

TOTAL 9 6 \_\_\_\_\_

CERTIFIED TRUE AND CORRECT:

  
 Clerk of the Legislature

\* 3 Passes = No vote  
 EA = Excused Absence



Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

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## Re: PARDONS and COMMUTATIONS - disregard last letter

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Dianne M. Strong Strong &lt;strongdiver44@gmail.com&gt;

Mon, Jan 24, 2011 at 10:17 AM

To: senabpalacios@gmail.com, office@senatorada.org, speaker@judiwonpat.com, tinamunabarnes@gmail.com, roryforguam@gmail.com, senatorjudiguthertz@gmail.com, senatordrodriguez@gmail.com, senatortonyada@guamlegislature.org, duenasenator@gmail.com, senatormana@gmail.com

Please disregard my last e-mail. This is the final letter.

Dianne

On Mon, Jan 24, 2011 at 9:55 AM, Dianne M. Strong Strong <[strongdiver44@gmail.com](mailto:strongdiver44@gmail.com)> wrote:

Dear Members of the Committee on Public Safety, Law Enforcement and Judiciary  
Committee on Public Safety, Law Enforcement and Judiciary:

When the public hearing is held tomorrow for Bill 16-31 (COR), please remember that members who have been confirmed by the legislature to serve on the Guam Parole Board automatically serve ALSO on the Pardon Review Board.

In October then gubernatorial candidate Eddie B. Calvo authorized advertisements in the local newspaper. One ad said:

"Carl Gutierrez pardoned more criminals than all three Governors before him, combined." (see attached, [Pacific Daily News](#), October 19, 2010, page 13)

In December 2010, Governor Felix Camacho -- who vetoed Bill 418-30 (COR) -- pardoned a total of 12 people, including his brother-in-law.

Using the cumbersome **Freedom of Information Act** request, I was only able to gather **commutation records** for both terms of Governor Carl Gutierrez. These records are required BY LAW to be maintained by BOTH the Office of the Governor AND the Department of Corrections, Parole Services Division. I succeeded in receiving the Gutierrez records from the governor's office, but ALL of my requests to DOC went unanswered, in violation of the law.

Below I have summarized Governor Gutierrez's actions. So far I do not have records for his pardons.

Thank you.

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## **Gutierrez Commutations**

**Carl T. C. Gutierrez, I Maga'lagen Guahan**

**Governor of Guam**

### **Sentence Commutations: 1995 and 2003**

**Authorized by**

**Section 6 of the Organic Act of Guam**

**Joseph Gogue Cruz – March 7, 1995**

Convicted of theft, theft of property in trust, theft by deception

Sentence: 10 years with parole, eligible on Aug. 22, 1998

Began sentence: Feb. 25, 1992

-

Commutated sentence to be eligible for parole effective March 7, 1995

**Francis Peter Tedtaotao Aguon – March 8, 1995**

Convicted of robbery, burglary and theft

Sentence: several concurrent terms, totaling 2 years and 5 yrs. probation

Began sentence: Feb. 4, 1994

Parole Board granted parole in the Prepara Program effective May 8, 1995

Commutated sentence to be released on parole immediately

**Anita A. Aguon - March 9, 1995**

Convicted of criminal sexual conduct and misdemeanor child abuse

Sentence: 15 yrs, several sentences running concurrently

Began sentence: Nov. 4, 1992

Co-defendant served 9 mos., then released on parole

Commutated and paroled immediately

**Edward Frank Asuncion** – March 15, 1995

Convicted of forgery and criminal mischief

Sentence: 1 yr., and 4 yrs. probation

Began sentence: Sept. 28, 1994

Parole Board approved release on May 3, 1995

Paroled effective March 15, 1995

**Cris B. Crisostomo** – Jan. 3, 2003

Convicted of murder

Sentence: Life without parole

Began sentence in 1980

Has served 23 years

Parole Board denied request for commutation of sentence to life with parole on Jan. 11, 2002, "with no reason cited"

Commutated and reduced sentence to **Life with parole**

**John Pangelinan Jr.** – Jan. 3, 2003

Convicted of Murder (1<sup>st</sup> degree felony), possession and use of a deadly weapon in the commission of felon murder, burglary, theft, hindering apprehension or prosecution of murder, possession of a controlled substance with intent to deliver or dispense, theft by receiving, possession of a firearm without an identification card

Sentence: Life with parole plus 25 yrs., or 45 yrs.

Began sentence in 1985



2/2/2011

Gmail - Re: PARDONS and COMMUTATI...

Parole Board on Dec. 30, 2002 recommended commutation of sentence to 20 years with the possibility of parole

Commutated and reduced sentence to 20 yrs. with the possibility of parole

--

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Yona, GU 96915

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--

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2/2/2011

Gmail - written testimony on Bill 16-31 ...



Adolpho Palacios <senabpalacios@gmail.com>

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## written testimony on Bill 16-31 (COR)

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Ovita Perez <ovieperez@hotmail.com>

Mon, Jan 24, 2011 at 9:16 PM

To: senabpalacios@gmail.com

Cc: strongdiver44@gmail.com, National Association of Social Workers Guam Chapt <naswgu@gmail.com>

Buenas Honorable Senator:

Congratulations on your re-election!

Attached please find my written testimony in support for Bill 16-31 (COR). Thank you once again for including qualified professionals in this bill. Good luck!

Ovita R. Perez, MSW

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National Association of Social Workers

P.O. Box 2123 Hagatna, Guam 96932 – (671) 727-7908, Fax (671) 477-1077 E-mail: [naswgu@gmail.com](mailto:naswgu@gmail.com)

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January 24, 2011

Honorable Senator Adolpho Palacios, Chair  
Committee on Public Safety, Law Enforcement & Senior Citizens  
31<sup>th</sup> Guam Legislature  
Hagatna, Guam

Dear Honorable Senator Palacios,

The National Association of Social Workers (NASW) is the largest membership organization of professional social workers in the world, with 150,000 members in 56 chapters. NASW works to enhance the professional growth and development of its members, to create and maintain professional standards, and to advance sound social policies. The primary mission of the social work profession is to enhance human well being and help meet the basic human needs of all people, with particular attention to the needs and empowerment of people who are vulnerable, oppressed, and living in poverty. A historic and defining feature of social work is the profession's focus on individual wellbeing. This mission of the social work profession is rooted in a set of core values. These core values, embraced by social workers throughout the profession's history, are the foundation of social work's unique purpose and perspective and they are:

- service
- social justice
- dignity and worth of the person
- importance of human relationships
- integrity
- competence

The intent of Bill 16-31 (COR) is to be commended, most especially the inclusion of having “at least 2 members who shall have at least a baccalaureate degree or higher from an accredited U.S. institution of higher education in **social work**, sociology or psychology or a medical degree from an accredited U.S. institution.” The inclusion of qualified professionals on the Parole Board with diversified backgrounds in education and experience will most notably ensure fair and balanced review and consideration of parole applications.

As a professional working in the juvenile correctional facility with the Department of Youth Affairs, there will be a portion of the clients that I currently serve that will, unfortunately, go through the Parole Board in the future. I am therefore, providing testimony in support of Bill 16-31 (COR)

Sincerely,

Ovita Perez, MSW  
President/NASW-Guam Chapter

Senator Adolpho B. Palacios, Sr.,  
Chair, Committee on Public Safety, Law Enforcement & Judiciary  
31st Guam Legislature  
Hagatna, GU

January 25, 2011

Dear Senator Palacios:

Thank you for the opportunity to provide testimony on your bill proposing to add to two members to the Guam Parole Board.

I am Francisca V. Santos-Lee. In 1999 the Governor Carl Gutierrez nominated me to serve the unexpired term of Maxima Charfauros on the Guam Parole Board. The 25<sup>th</sup> Guam Legislature then confirmed my nomination. Later I was appointed by Governor Gutierrez to serve as Chair of the Parole Board. At the request of Governor Felix Camacho I resigned from the Board in May 2003.

I am offering the following testimony to improve Bill 16-31 (COR) based on my five years of serving on both the Parole Board and as Chair of the Pardon Review Board.

**(1) Adding two members to the five-member Board and qualifications**

Governor Camacho vetoed Bill 418, stating, "Over the past 8 years, it has been a challenge to find suitable individuals willing to serve on the Parole Board."

Your Bill 16-31 proposes adding two members to the five-member Board, with backgrounds in social work, sociology, or psychology, human resources or the legal field.

Based on my experience, I would like you to amend the language to broaden this nomination pool to specifically include former members of the **military** and community members involved in **faith-based** groups.

I also recommend adding specific language regarding background checks for nominees to this Board. Due to the nature of the work of the Parole Board, I strongly feel nominees must (1) pass local police clearance, (2) pass an FBI check, and (3) sign a sworn statement that they have never been a victim of a violent crime.

Due to the importance of the Board, I recommend that the Government of Guam budget and pay the **\$50 per meeting stipend** for members.

**(2) Election of the Chair of the Parole Board**

I do NOT support election of the Chair by Board members. I believe an elected chair could be subject to pressure in decision-making due to showing appreciation for being voted chair. The chair should feel free from persuasion

from members. I prefer that the Governor appoint the chair from the list of qualified nominees of current members serving on the Board.

**(3) Right to legal or lay representation during the inmate's interview**

I support adding the right for inmate applicants to have "legal counsel or a lay representative" participating in the hearing. I would like to see this language strengthened to specify that such a representative can not only assist and advise the inmate but also speak on his behalf.

**(4) Removal of Board members for absences**


Furthermore, due to the importance of meeting quorum requirements any member absent for three consecutive meetings must be automatically removed. Constitutional rights apply to inmates based on their sentences, and the Parole Board is thus subject to mandated timelines.

Thank you for this opportunity to participate in this democratic process and to strengthen the work of this very vital Board.

Respectfully submitted,

Francisca V. Santos-Lee

Registered voter in the village of Chalan Pago



01/23/11

## TERRITORIAL PAROLE BOARD

(Membership: 5; Term: 4 years)

Mr. Jose Q. Salas - appointed 8/16/95 to serve as a member of the Territorial Parole Board to fill the unexpired portion of appointee's four-year term to expire 9/10/96. CONFIRMED 1/29/96. Reappointed 8/21/96 (8/21/96). CONFIRMED 12/23/96. Reappointed 9/15/200 (9/16/00 - 3/15/01 -- 180 days) for a four-year term to expire 9/20/04.

Ms. Emily G. Sablan-Torres - appointed 2/17/99 to serve as a member of the Territorial Parole Board to fill the unexpired portion of a four-year term of Ms. Tracy Duarte to expire 7/22/2001. Referred back to Committee 4/26/99. CONFIRMED 5/24/99.

~~Ms. Tracy E. Duarte - appointed 7/22/97 (7/22/97 -- 180 days) to serve as a member of the Territorial Parole Board for a four-year term to expire 7/22/2001. CONFIRMED 10/1/97. (Resigned - October '98, See document #00080, dated 2/17/99.)~~

Ms. Francisca V. Santos - appointed 2/17/99 to serve as a member of the Guam Parole Board to fill the unexpired four-year term of Maxima Charfauros to expire 7/16/2001. Referred back to Committee 4/26/99. CONFIRMED 5/24/99.

~~Ms. Maxima C. Charfauros - appointed 3/7/95 to serve as a member of the Territorial Parole Board to fill the unexpired portion of a four-year term of Ms. Peggy J. Cleveland to expire 7/16/97. CONFIRMED 6/12/95. Reappointed 7/7/97 (7/7/97 - 1/2/98 - 180 days) for a four-year term to expire 7/16/2001. CONFIRMED 9/8/97.~~

Mr. Jesus S. Rivera - appointed 9/23/99 (9/24/99--3/22/2000 - 180 days) to serve as a member of the Guam Parole Board for a four-year term to expire 3/24/2003. Reporting Out extended beyond 80 calendar days (Standing Rules §8.01.01) by the Committee on Judiciary, Public Safety Consumer Protection & Human Resources Development, document dtd 1/10/00. CONFIRMED 3/9/00.

~~Mr. Jesus S. Rivera - appointed 3/24/99 (3/24/99 - 9/20/99 - 180 days) (Expired) to serve as a member of the Guam Parole Board for a four-year term to expire 3/24/2003. Referred back to Committee 4/26/99.~~

Mr. Eustaquio A. Punzalan - appointed 10/18/99 (10/19/99 - 4/18/2000 - 180 days) to serve as a member of the Guam Parole Board for a four-year term to expire 4/18/2003. Reporting Out extended beyond 80 calendar days (Standing Rules §8.01.01) by the Committee on Judiciary, Public Safety Consumer Protection & Human Resources Development, document dtd 1/10/00. CONFIRMED 3/9/00.

~~Mr. Eustaquio A. Punzalan - appointed 4/14/99 (4/20/99 - 10/17/99 - 180 days) to serve as a member of the Guam Parole Board for a four-year term to expire 4/19/2003. 8/13/99 to extend PHERO.~~

Mr. Francisco L. Marion - appointed 4/20/95 to serve as a member of the Territorial Parole Board for a four-year term to expire 7/16/97. CONFIRMED 6/12/95.

***Testimony of Dr. Dianne Strong, Bill 16-31 (COR), January 25, 2011***

Senator Adolpho B. Palacios, Sr.,  
Chair, Committee on Public Safety, Law Enforcement & Judiciary  
31st Guam Legislature  
Hagatna, GU

January 24, 2011

Dear Senator Palacios:

Thank you for the opportunity to provide testimony on your bill proposing to add to two members to the Guam Parole Board.

It appears to me that **Bill 16-31 (COR)** does not differ from **Bill 418-30 (COR)** that Senator Palacios introduced in the 30th Legislature. As you know the final version Bill 418 was passed (by a vote of 9-6) on August 13, but subsequently vetoed by Governor Camacho. Most grievously missing from efforts to reform the parole process, is the lack of affirming the DUTY of the Parole Board to lawfully adopt rules and regulations, and to include an inmate appeals process for its administrative decisions.

Governor Felix Camacho bowed to political pressure and ignored testimony supporting Bill 418-30, concluding in his two-page veto, *"This problem of not being able to fill a new parole board and impeding the parole process, which is administrative and not adjudicatory in nature, precludes me from signing this legislation in law."* (emphasis added)

While I know Senator Palacios' intentions are admirable, I have two problems with this bill.

First, changing the composition of the Board constitutes a "band-aid" approach to the problem of the failure of the Board to promote both protection of the public and civil rights for all.

Lacking legally adopted policies and procedures, the Parole Board will continue to be inefficient and arbitrary, violating the civil rights of inmate applicants, their opponents and proponents, and the public.

**The purposes of Policies and Procedures for Public Boards are as follows:**

- (1) to follow Territorial and US laws (such as the Open Government Law, Constitutional due process guarantees, etc.)
- (2) **to safeguard the rights of all**
- (3) to enable public participation
- (4) to be transparent in the actions they take

**Testimony of Dr. Dianne Strong, Bill 16-31 (COR), January 25, 2011**

- (5) to be accountable to the public
- (6) **to require consistency and equal treatment for all**
- (7) to set policy which benefits the people of Guam

On January 1, 2011, in Gutierrez and Aguon vs. the Guam Election Commission et al, the Guam Supreme Court issued a landmark decision. Guam's highest court affirmed that boards and commissions of the Government of Guam (such as the Guam Election Commission) are subject to the Guam Administrative Adjudication Law ("AAL").

<http://www.pacificnewscenter.com/images/pdf/supdecisioncalvogut.pdf>

Pg. 8 line 8:

Guam adopted the Guam Administrative Adjudication Law ("AAL"), codified at 5 GCA 5 9100 *et seq.*, which is based on the California Administrative Procedure Act. Importantly, Guam's AAL provides an analog to the California law dictating how an adversely affected party is to protest a decision by a Guam administrative agency (5 GCA Sections 9240 and 9241), which reads as follows:

Judicial review may be had of any agency decision by any party affected adversely by it. If the agency decision is not in accordance with law or not supported by substantial evidence, the court shall order the agency to take action according to law or the evidence.

...[5 GCA Section 92411... *Judicial review may be had by filing a petition in the Superior Court for a writ of mandate* in accordance with the provisions of the Code of Civil Procedure.

5 GCA Sections 9240 & 9241 (emphasis added). The text of 5 GCA 8 924.1 indicates that ordinarily, the proper vehicle for seeking review of an administrative decision is a petition *in the Superior Court* for a writ of mandate.

The Public Hearing for Bill 418-30, the identical precursor to this current bill, was held on July 8, 2010. Senator B. J. Cruz replied to those giving testimony with these incredulous questions: "*You mean there is no appeal process for an inmate who has been denied? You mean the [Parole Board] is like the Supreme Court?*" (emphasis added)

As we cannot expect Governor Calvo to rule on this bill differently than Governor Camacho, we need to stress the legal mandate for this Board to follow the Guam Administrative Adjudication Law process. Indeed, Governor Camacho's veto demonstrates that he believes that requiring such rules and regulations would result in "impeding the parole process, which is administrative and not adjudicatory in nature." The point is that the Parole Board's conduct is governed by the Guam Administrative Adjudication Law, and its decisions can be attested through the GAAL process.



*Testimony of Dr. Dianne Strong, Bill 16-31 (COR), January 25, 2011*

Now that the Guam Supreme Court has affirmed that Guam's boards and commissions are subject to the GAAL, it behooves you in the interest of justice to assure that the bills you and your colleagues introduce strongly support the already existing laws of Guam.

We must remember that members who have been confirmed by the legislature to serve on the Guam Parole Board automatically serve ALSO on the **Pardon Review Board**.

In October then gubernatorial candidate Eddie B. Calvo authorized advertisements in the local newspaper. One ad said:

"Carl Gutierrez pardoned more criminals than all three Governors before him, combined." (see attached, Pacific Daily News, October 19, 2010, page 13)

In December 2010, Governor Felix Camacho -- who vetoed Bill 418-30 (COR) -- pardoned a total of 12 people, including his brother-in-law. Each one of those pardoned felons had been recommended for pardoning by the Pardon Review Board.

Secondly, I am concerned about recruitment of nominees for appointment by the Governor. Improving the pool of qualified nominees is a crucial element of this process. Using a list of qualified nominees solicited from the community to be submitted to the Governor would improve the Board's composition. The University of Guam's Board of Regents is a stellar example of this.

At the July hearing Mr. Bob Dames of Bible Fellowship raised a valid point: *how many social workers would be willing to serve if tapped?*

Any **professionally trained social worker** should by all rights refuse to serve given the likelihood that such service would violate the National Association of Social Workers (NASW) Code of Ethics:

"Social workers promote **social justice** and social change with and on behalf of clients." (*emphasis added*)

<http://utcvms1.vet.utk.edu/VSW/pdf/NASWCodeofEthics.pdf>

Until such time as the Guam Legislature approves policies and procedures for the Guam Parole Board that satisfy the provisions of the **Administrative Adjudication Act**, any member serving on the Board will continue to violate the law.

***Testimony of Dr. Dianne Strong, Bill 16-31 (COR), January 25, 2011***

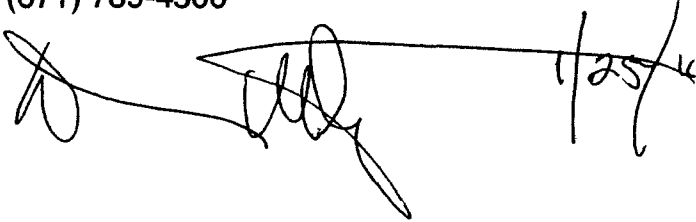
I firmly believe no professional trained social worker would agree to serve on a government board that violates the Sunshine Act and Open Government Law, and promotes neither civil rights nor social justice.

I strongly urge you to make amendments to the current Bill 16-31 (COR) and to consider re-introducing your **Bill 259-30 (COR)** for consideration during this Legislative Session.

Thank you for your efforts in promoting social justice for all.

Dianne M. Strong, Ed.D.,  
*Rights Activist*  
130 Chalan Ayuyu, Yona, GU 96915  
Yona, GU 96915

(671) 789-4500

A handwritten signature in black ink, appearing to be 'Dianne Strong', with a date '1/25/11' written to the right of the signature.

**GMH payment of \$150,000 to a supporter. The supporter has been ordered by the Court to pay it back.**

(PDN, 2/13/01, page 1, 5; PDN, 6/1/07, page 2)

**Carl Gutierrez paid \$4.7 million to a close relative for a Public Health computer system that never worked.**

The Agupa system cost \$4.7 million, \$1.5M federal funds & \$3.2M in local funds. It was supposed to be operational by August 1999. The original Agupa software was scrapped in May 2000 after an independent consultant said it would not work. (PDN, 1/7/02, page 1)

**Carl Gutierrez pardoned more criminals than all three Governors before him, combined.**

Since taking office from January 1995 to January 1, 2003, Carl Gutierrez pardoned 25 people, more than the three previous Governors combined.

(PDN, 1/1/03, page 1, 4)

**GTA, under the Carl Gutierrez administration, paid Gutierrez's son-in-law \$1 Million to sell GTA. His son-in-law never finished the job.**

Office of the Public Auditor FY2001 audit of Guam Telephone Authority, Financial Highlights, dated March 31, 2003. (PDN, 11/8/01, page 1)

**WHEN IT COMES TO HELPING PEOPLE,  
CARL ONLY HELPS HIS PEOPLE.**



**Vote for honesty and integrity. Vote for a New Direction.**

PEOPLE FOR A NEW DIRECTION. EMILY UNPINGCO, TREASURER. 751 CHALAN MACHAUTE STE. 104 MAITE, GUAM 96910.

Senator Adolpho B. Palacios, Sr.,  
Chair, Committee on Public Safety, Law Enforcement & Judiciary  
31st Guam Legislature  
Hagatna, GU

January 25, 2011

Dear Senator Palacios:

Thank you for the opportunity to provide testimony on Bill 16-31 (COR) proposing to add two members to the Guam Parole Board and requiring that the board lawfully adopt Rules and Regulations.

I strongly support this bill, as I have had personal experience in attending parole board hearings conducted by the current board. I have observed firsthand the lack of Rules and Regulations. Even more grievous, **the current Board's secrecy and poor conduct led to my professional reputation being attacked.**

I am a retired Master Sergeant in the Army National Guard, a Registered Nurse and a Licensed Massage Therapist on Guam. The type of massage I do is energy work for healing and pain relief. I do Polarity, Cranial-Sacral and Jin Shin Jyutsu. All are fully accredited modalities for **nurses** working with sick and injured patients. My patients are fully clothed when they engage in a session.

On September 24, 2009, I wrote Chairman Palacios protesting the unprofessional conduct of the Guam Parole Board. Digital recordings from one hearing confirmed that two members of the Board, Ms. MiChelle Taitano and Ms. Soledad Chargualaf, accused me of administering massage therapy services to a DOC inmate at the Skilled Nursing Facility (SNU) without authorization from DOC. Fifteen minutes of discussion covered this topic. I was neither present nor was the inmate ever shown written evidence regarding such an allegation.

Here is a transcription from the digital recording:

*01:15:49*

***Ms. Soledad Chargualaf:** I have some questions. When you had the stroke and were confined at the SNU did you have an opportunity for a registered therapist to have, uh, to give you a therapeutic session?*

***INMATE:** No, she never did any therapy on me at SNU. No.*

*01:20:20*

***Ms. MiChelle Taitano:** I think your wife says otherwise.*

***Atty. to Inmate:** No, she didn't. She said ... [unintelligible]*

This incident illustrates two points: (1) problems in accuracy and accountability in inmate record keeping (as pointed out by the recent Calvo-Tenorio Transition Team report, <http://www.pacificnewscenter.com/images/pdf/safety.pdf> page 12) and (2) the importance of allowing inmates to have legal or lay counsel assist and speak on their behalf when necessary.

**The presence of an attorney assisting a stroke-disabled and hearing-impaired inmate in this incidence was important.** Strangely, inmates are not allowed to be present when their supporters testify on their behalf. Of course the Board members also ask the supporters questions. As inmates are prohibited from even **observing** this part of the hearing, they are not privy to the accuracy or truth of allegations posed by Board members.

As this incident demonstrates, the attorney knew that Board member Taitano was not truthful when she said, "I think your wife says otherwise." Ms. Taitano heard the inmate's wife testify earlier that NO massage therapist had EVER been hired for this inmate. The attorney advised his client that Ms. Taitano's statement was false.

For the record, I never administered massage therapy services to **any** DOC inmate at the Skilled Nursing Facility. Of course the SNU keeps a visitor check-in and check-out log, and such evidence easily would have proven **the dishonesty of this allegation.** But the Parole Board does not have to verify the validity of the information it presents in a hearing. It hides behind the issue of protected information and confidentiality.

The Board has damaged my reputation by its insinuations that I visited an inmate or provided therapeutic services to a hospitalized inmate without any authorization. And no remedy exists for me to undo this record.

**However, the bigger problem here is that another inmate had asked me to testify on his behalf but I had to decline because after reading the Board's accusations against me I felt that it would be detrimental to him.**


**I also felt that questions about my professionalism would be better addressed to me than to the person offering testimony in support of the inmate.**

For all these reasons, I fully support Bill 16-31 (COR), and commend Chairman Palacios for his vision in improving the conduct of the Parole Board by strengthening its membership and safeguarding civil rights by requiring adoption of Rules and Regulations.

Respectfully submitted,

Laurel Levy, R.N., L.M.T., MSGT  
Casas de Serenidad, Yona, Guam 96915

*Written Testimony of Ms. Francisca V. Santos-Lee,  
Former member Guam Parole Board, and former Chair, Pardon Review Board  
Bill 16-31 (COR)*

Senator Adolpho B. Palacios, Sr., 

Chair, Committee on Public Safety, Law Enforcement & Judiciary

31st Guam Legislature

Hagatna, GU

February 7, 2011

Dear Senator Palacios:

Thank you for the opportunity to provide additional written testimony on your Bill 16-31 (COR) proposing to add to two members to the Guam Parole Board.

As I stated in my letter of January 25, I am Francisca V. Santos-Lee. In 1999 Governor Carl Gutierrez nominated me to serve the unexpired term of Maxima Charfauros on the Guam Parole Board. The 25<sup>th</sup> Guam Legislature then confirmed my nomination on May 24, 1999. Later I was appointed by Governor Gutierrez to serve as Chair of the Parole Board. At the request of Governor Felix Camacho I resigned from the Board in May 2003.

I am offering the following testimony to improve Bill 16-31 (COR) based on my five years of serving on both the Parole Board and as Chair of the Pardon Review Board.

First, the executive branch has neglected its duty to nominate members to the Guam Parole Board for confirmation by the Guam Legislature. Currently the Board consists of three female members: (1) Ms. Connie Duenas, (2) Ms. Soledad Chargualaf, and (3) Acting Chair MiChelle Taitano.

Just as the Civil Rights Act of 1964 and the Equal Employment Opportunity Commission (EEOC) aimed to end "under-representation of women and minorities," I am charging that **the current board lacks representation by males.**

Secondly, I would like to propose that the Governor also **nominate alternates** to serve on the Parole Board, so that no difficulty can arise in the board having a lawful quorum. Only alternates who have been confirmed by the Legislature shall have the power to vote, as previously opined by the Office of the Attorney General.

Thirdly, regarding an inmate having a **legal or lay counsel to assist him or her, I feel such an advocate should be allowed to speak.** The Department of Corrections receives federal funding and thus must comply with **the Americans with Disabilities Act (ADA, 1990).** Our inmate population is aging and some

*Written Testimony of Ms. Francisca V. Santos-Lee,  
Former member Guam Parole Board, and former Chair, Pardon Review Board  
Bill 16-31 (COR)*

may be hard of hearing or have a speech impediment due to neglected dental care. The parole hearing room takes more than being wheelchair accessible to meet this legal requirement. On reviewing the 3-page **Rules and Regulations** that the Board “adopted” on November 17, 2009, I see no mention of ADA compliance.

On the subject of **Rules and Regulations**, I see no mention of the requirement to **publicly release the results of each hearing**: paroles granted, paroles denied, paroles revoked, or cases tabled. I am concerned that unless the media has obtained such information, victims and members of the public are kept in the dark. The **parole of sex offenders** being released into the community is especially sensitive, and yet I see no such information being released.

The Mayors’ Council certainly should be advised when parole has been granted to a sex offender. As the media has reported recently, **52 known sex offenders from the Guam Sex Offender Registry were found to be non-compliant** (as opposed to 150 who were). This could mean that a sex offender on parole might be residing next to a family that has children.

Also on the subject of **Rules and Regulations**, as a former Chair of the Parole Board, I am aware of the detailed statutes regarding **revocation of parole**. But my study of the CGA and bills relating to the process of being paroled convince me that **minimal guidance or requirements exist in controlling the PROCESS of being considered for parole**. Thus detailed Rules and Regulations – subject to scrutiny under the Guam Adjudication Law – are necessary.

Furthermore on the subject of **Rules and Regulations**, I see no mention of the subpoena power of members of the board. I once was compelled to subpoena a caseworker when I realized the evaluations for an inmate were not timely.

I also heard Acting Chair Taitano testify during the January 25<sup>th</sup> public hearing that a caseworker always attends the hearings. For the record, it is NOT the inmate’s caseworker, but one representative from the Casework & Counseling Division, and he (Mr. Mark Perez) does not speak.

Rules and Regulations regarding meetings also **need to be followed**. I showed up at the scheduled time to attend the Pardon Review board, only to be informed by Parole Officer Lisa Castro that the meeting had already been held.

For these and many other reasons, I strongly support the passage of bill 16-31 (COR.)

Respectfully submitted,


*Written Testimony of Ms. Francisca V. Santos-Lee,  
Former member Guam Parole Board, and former Chair, Pardon Review Board  
Bill 16-31 (COR)*

Francisca V. Santos-Lee, Former member, **Guam Parole Board**

Registered voter in the village of Chalan Pago

A handwritten signature in black ink, appearing to read "Francisca V. Santos-Lee". The signature is written in a cursive style with a large initial "F".



Senator Adolpho B. Palacios, Sr., 

Chair, Committee on Public Safety, Law Enforcement & Judiciary

31st Guam Legislature

Hagatna, GU

February 7, 2011

**Re: Bill 16-31 (COR)**

Dear Senator Palacios:

Thank you for the opportunity to provide written testimony on your bill proposing to add to two members to the Guam Parole Board.

ATTACHED PLEASE FIND THE FOLLOWING:

(1) My 7-page "**Notes and reactions**" to the Public Hearing on **Bill 16-31**, held on January 25, 2011.

I offer my reactions in response to mistruths and fallacies expressed by Acting Chair of the Guam Parole Board, Ms. Michelle Taitano. As the format of a public hearing does not allow rebuttal of verbal testimony, I am responding in writing.

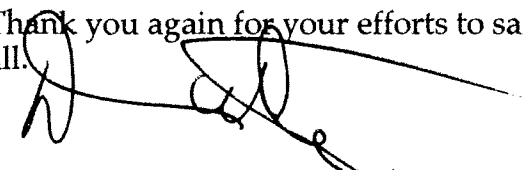
All of my quotes for Ms. Taitano are supported by the digital video record of the hearing that I obtained from the Guam Legislature. Thus they can be verified.

(2) Letter from Parole Board to Atty. Jeffry Moots, dated July 24, 2009, addressing the **prohibition of an attorney to assist an inmate during a hearing**.

(3) Letter from Senator Adolpho B. Palacios, Sr., to the Parole Board dated December 21, requesting **reasons for my removal from the hearing** of December 17, 2009.

(4) My Freedom of Information Act Request to the Parole Board, dated January 18, 2010, **requesting minutes of the Parole Board hearing** of December 17, 2009, and any directive from the board OR the Department authorizing Parole Officer Jeffrey C. Limo **to remove me from the waiting room** adjacent to the hearing room at the DNA Building, and prohibiting me from peacefully (and silently) participating in the meeting of a Government of Guam Board subject to 5 G.C.A. §§8103, and 8111 of the Open Government Law, 9 G.C.A §80.76.

Thank you again for your efforts to safeguard the public and the civil rights of all.

  
Dianne M. Strong, Ed.D., rights activist

Yona, Guam

**Bill 16-31 (COR) Public Hearing, January 25, 2011**

**- Notes and reactions by Dr. Dianne Strong**

**BILL 16-31: AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

**Chairman Palacios** discussed the background of the bill, the need to provide an **appeals process** when parole has been denied, the need for **Rules and Regulations** to meet the requirements of the **Guam Administrative Adjudication Law (GAAL)**. He stated that the **Pardon Review Board** is also controlled by the same laws, rules and regulations that pertain to the Parole Board.

**Dr. Dianne Strong** - I read the written testimony of **Mrs. Francisca V. Santos-Lee**, former member of the Parole Board and former Chair of the Pardon Review Board

**Dr. Dianne Strong** - I excerpted from my written testimony

*I also directed the Senators' attention to the three posters containing the three-page "Rules and Regulations" adopted by the Guam Parole Board on November 17, 2009. I mentioned that if the intent of the Parole Board was to be correctional and not punitive, why does the term "prisoner" rather than inmate appear 13 times.*

**Atty. Basil O'Mallan**, Chief Prosecutor, Office of the Attorney General, stated his office would be preparing written testimony.

**Joseph A. San Agustin**, Acting Director, Department of Corrections

Mr. San Agustin stated that "this bill sets up the Parole Board for failure... **the Parole Board under my charge (emphasis added) will comply with rules and regulations...and individuals under my purview ..."**

Later at **2:20:00** Chairman Palacios himself corrected the self-proclaimed "soon to be confirmed" Acting Director of DOC, with the reminder that the Parole Board is a "sovereign board," and "does not answer to the Department of Corrections."

**Ms. Michelle Taitano, Acting Chair, Guam Parole Board**

**1:58:28** Ms. Michelle Taitano referred to her confirmation hearing [*held on September 15, 2009*] at which time she said she would be willing to assist in making "amendments" to the Board, but lacked "the resources and staff" to do so.

**2:01:30** Ms. Taitano testified contrary to some "allegations ... we **do** stay within the laws, rules and regulations of the United States..."

*If this is true, why was I ejected from the waiting room for the hearing on December 17, 2009? See attached letter of December 21, 2009, from Chairman Palacios to the chair of the Parole Board.*

*If this is true, why has the board **not** released minutes for this meeting as requested (as required by **5GCA Government Operations Ch. 8 Open Government Law**)? See attached Freedom of Information Act Request dated January 18, 2010.*

**2:04:10** Ms. Taitano held up a booklet that appeared to be related to the Parole Board. Such a booklet or manual had never been shown to Senator Palacios previously, despite multiple written requests to offer any such documents. At her confirmation hearing 17 months ago, Chairman Palacios had requested that she send him a draft of such a manual. She said she would "look into it."

**2:05:30** Ms. Taitano mentioned the resignation of Chairman J.Q. Salas, an Army veteran [and former DOC Warden] who had served the Board for many years. *She neglected to report that he resigned due to health issues, not in protest over proposed legislation to change the board.*

**2:05:45** Ms. Taitano explained how she believed the Board was doing [an excellent job]. She asked, "Why change?"

*One reason to change is to safeguard the civil rights of BOTH inmates and the public. The Calvo-Tenorio Transition Report on Public Safety charges that "contrary to law, victims of the crimes were often not informed of the parole release ... of the inmates."* The team recommended a system of accountability to ensure that the victim protection laws are followed. (Page 17)

<http://www.pacificnewscenter.com/images/pdf/safety.pdf>

*The rights of inmates are violated when the Board accuses inmates of institutional infractions that either were found to be untrue or for which inmates were later acquitted by the ACF disciplinary board process. Two current Board members accused a parole applicant of receiving massage therapy services from a private nurse at the Skilled Nursing Facility (SNU) without permission of the ACF warden. The retired Army Master Sergeant and Registered Nurse has submitted written testimony on this bill with these details, claiming that her professional reputation had been damaged by the allegation, and that she had no means to defend herself due to the **secrecy** of the Board.*

*Shockingly, page 15 of the Transition report states:*

*"There is a **complete lack of records accountability**. The former Director and Warden had moved official files from a secured protected area onto a container in Hagatna. This container contained files from numerous decades. The container was not secured or air conditioned and thus receive [sic] irreparable damage from water, termites and roaches. The files were damaged were blotters, admin files, **inmate files, internal reports, medical files, criminal investigations** and other permanent files that should have been safeguarded." (emphasis added)*

*Among these records are institutional conduct of inmates, an important element in judging whether an inmate is ready to be released on parole. Inmates are not allowed*

*to know the contents of their pre-parole investigation report – which may contain information – such as the massage therapy allegation – that is **patently false**. Nor are inmates informed of whether DOC supports their release on parole.*

*The extent of steps taken by DOC and the Parole Board to maintain **SECRECY IN THE NAME OF PROTECTING CRIME VICTIMS RIGHTS** during an inmate's application for parole borders on paranoia. The parole process abuses constitutional rights and is truly a non-democratic process that more closely resembles Nazi tactics or the machinations of a totalitarian regime. **Parole may not be a popular concept among some residents of Guam or for inmates convicted of certain crimes, but it is a fact that while there is NO RIGHT to be paroled, the process IS subject to various constitutional protections for applicant inmates, namely: 5 G.C.A. §§8103, and 8111 of the Open Government Law, 9 G.C.A §80.76, the Fifth and Fourteenth Amendments to the United States Constitution, and 48 U.S.C. §1424b(e), as amended.***

**2:05:50** Ms. Taitano launched into a diatribe about “an inmate brought back from the federal system at taxpayers’ money for what reason?”

**2:06:45** Chairman Palacios attempted to direct the Parole Board Acting Chair to “stick to the subject.”

**2:06:57** Ms. Taitano [*appearing to be verging on anger*] continued passionately, “No, sir, we ... I need for you ladies and gentlemen...You are invited to come and sit in ...”

**2:08:00** Chairman Palacios interrupted Ms. Taitano, stating, “You can provide additional testimony.”

**2:08:23** Ms. Taitano referred to line 24 regarding soliciting nominees with college degrees. “We serve freely...You might not even get lunch. There’s nothing wrong with education... In the states Boards don’t have people with degrees.”

***FACT: THE MAJORITY OF MEMBERS ON PAROLE BOARDS IN THE STATES ARE PEOPLE WITH DEGREES FROM THE FIELDS OF CORRECTIONS, LAW, ETC. Any internet search will prove this.***

*For the record, Ms. Taitano has earned fewer than 15 college credits. Nor does Ms. Chargualaf or Ms. Duenas hold a college degree.*

**2:08:56** Ms. Taitano referred to line 24 and victims. “Most victims are still alive. Well, some are dead.”

*What is the relevance to Bill 16-31? Perhaps if she had taken the time to prepare written testimony – as did Ms. Santos-Lee and myself -- she would have been more effective in representing the views of the Guam Parole Board.*

**2:10:48** Regarding having a legal or lay representative to assist an inmate during the interview by the Board, Ms. Taitano stated, that it is “already in place...They just can not speak for them because this is not a judicial hearing.”

***It is not a fact that an inmate can readily have a representative present during the interview.*** See attached Parole Board letter to Atty. Moots dated July 24, 2009. It states, "there is nothing in the Parole Laws that states than an Attorney may appear with an inmate before the Parole Board ... Therefore your request to appear with inmate \_\_\_ during his \_\_\_th Parole Desirability Hearing is not favorably considered. However you can testify in support of inmate \_\_\_ when the designated time is allowed for all families and friends to appear before the Parole Board in support of inmate \_\_\_." **9 G.C.A. Section 85.26 Board: General Powers."**

*Furthermore, as the inmate population ages, hearing impairment, speech impediments due to poor dental care, etc., cause disabilities for inmates. They may need assistance during their interview by the Board. One example occurred with an elderly inmate who had suffered a stroke and was partially deaf. He thought he was being asked a question that used the word "restricted," which he heard as "addicted."*

**2:11:58** Regarding recusal, Ms. Taitano claimed that the Board already has that "in process...[Inmates] are informed that if they are not comfortable with [a member hearing their case] they can request recusal."

***This is not a factual statement.*** *Most inmates are intimidated by the parole hearing process and are not properly prepared for the hearing. The topic of recusal is never brought up **voluntarily** by the board.*

**2:13:10** Regarding expanding the Board from "five people to seven," Ms. Taitano reported "I was the last of [the Board to join]. I am the newest Parole Board member."

*If Ms. Taitano is the most junior of the three remaining (attending) members, why is she serving as Acting Chair? By what means did she ascend to this position? Again, **secrecy** of records and lack of Board minutes keeps this information from the public, and even from the oversight committee chaired by Senator Adolpho Palacios.*

Ms. Taitano stated, "We **do** have police [clearance and a] court check. I am not sure about the FBI part, I believe we have all those clearances."

*As Acting Chair of the Parole Board, why was she not prepared to state this information accurately with verification?*

"I am here to serve, not to be liked," Ms. Taitano stated with a noticeable degree of **arrogance**.

*Members of a government board or commission should be capable of addressing the members of the body that confirmed them in a **polite, dignified manner, devoid of defensiveness and anger**. The Acting Chair of the Parole Board should be welcoming improvement, not defending the status quo and resisting change.*

## **QUESTIONING BY SENATORS -**

Most questions seemed to be directed to Acting Parole Board Chair Taitano (or she seemed to be the most aggressive in wanting to respond and rebut, as contrasted to me.)

- (1) **Senator Iudi Guthertz, DPA**, asked that since there appeared to be some “controversies” regarding the conduct of parole hearings, did Ms. Taitano feel there was a “need to improve?”

Ms. Taitano said “Yes and no...The last director was not able to work with us.”

*I find this to be a most unprofessional statement. The director does NOT work with the Board.*

Ms. Taitano then talked about the “Guahan After Care” program [supposedly] administered by the Board, *but no details have ever been shared regarding this program despite repeated requests for such.*

- (2) **Senator Aline Yamashita, Ph.D.**, acknowledged Ms. Taitano’s “true feelings... You all care.” The senator stated that she had observed “**the almost anger**, frustration,” and that it “makes us want to move forward...You lack resources.” (emphasis added)

*The anger and rude demeanor that Acting Chair Taitano exhibited during this public hearing is identical to that which I have observed several times in parole board hearings. If she can demonstrate such lack of respect to the body that confirmed her to the Board, please try to imagine her behavior when she is questioning felons or people who support the parole of felons. Ms. Taitano has taken on the role of “Victim’s Advocate” on the Board. As I testified in her confirmation hearing, she lacks professionalism and more grievous, she lacks impartiality.*

*This again underscores the importance of the board lawfully adopting Rules and Regulations in accordance with the Guam Administrative Adjudication Law (GAAL).*

*As for resources to improve its work, what steps have been taken by the Board to persuade the Office of the Governor to provide clerical assistance as required by **9GCA Chapter 85 § 85.58. Governor to Provide Executive Secretary & Support?***

**Senator Yamashita** asked what “incentive besides a stipend” could be beneficial in finding qualified nominees to serve on the board.

**Acting Dir. San Agustin** replied with sympathy for the difficulty parolees have in obtaining employment. He stated that despite having “served 28 and a half years in the military, I couldn’t get hired at the Andersen golf course.”

**Deputy Attorney General O'Mallan** replied that there is "no incentive. It's an unpopular board."

*I then disagreed. I reported that at the hearing for Bill 318 last year, Ms. Ovita Perez, M.S.W., testified that she would be willing to serve on the Board if nominated. Secondly, Ms. Francisca V. Santos-Lee, a former Chair of the Board, had also expressed a desire to serve again. **It is a fallacy that Guam lacks qualified people who would be willing to serve. This is a convenient excuse for Board members who appear to be threatened by the dilution of their authority.***

Ms. Taitano then testified that the Board needs "someone who understands our island culture." Many of the "incarcerated folks are Chamorro, but we are getting more from the outer Islands."

*It is a fact that current board member Kenneth C. Boardman (who may have excessive absences and may not even be participating in hearings) is Caucasian and does not understand Chamorro. Numerous times Ms. Taitano has been observed attempting to translate Chamorro testimony for him.*

- (3) **Senator Sam Mabini, Ph.D.**, then discussed "agencies to reduce recidivism," and partnering with agencies such as the Department of Labor, possibly soliciting members from there.

Ms. Taitano responded, "Folks with degrees can serve... We'd be open to that."

- (4) **Senator Dennis Rodriguez** then asked of Acting Director San Agustin, "How would this bill jeopardize the victims?" Mr. San Agustin referred to the difficulty of having a quorum for hearings, and that "If the Board fails, we fail the victims."

Ms. Taitano then referred to page 3, line 24 regarding rights and restrictions and victims. She said victims have "real fears" and "we **do** separate them."

*Ms. Taitano's statement is not entirely accurate. I attended the March 25<sup>th</sup> 2010 hearing when a sexual assault victim was heard crying in the hallway at 11:06 a.m. Supporters in the waiting room were shaken by the volume of her cries. While protection of victims during their participation in a hearing is the responsibility of Parole Services Division staff, this victim definitely suffered again by poor planning for her protection and maintaining her dignity.*

*Since safeguarding victims' rights is always such a "hot button" topic, I urge all senators to review **8 G.C.A. Criminal Procedure, Chapter 160 Crime Victims Rights Act of 2004.** While the courts, the Parole Board and Parole Services Division have not always enforced the provisions of this law (including victim notification), this 14-page law is extremely comprehensive, and certainly pertains to all parole activities.*

*Speaking of notification, how does the Board release results of parole hearings: parole granted, denied, cases tabled, parole revoked? **Members of the public, not just direct victims of crime, have a right to be informed.***

Senator Rodriguez then asked Ms. Taitano what she thought of the proposal of having the Board members elect their Chair, rather than the Governor appointing one. She replied, "Fine... I believe we have a high standard ... unlike allegations ... Come and see what we are doing."

- (5) **Senator Christopher Duenas** addressed Ms. Taitano and spoke about the contributions of social workers. "I appreciate your passion. I successfully defended eight cases before the Civil Service Commission [and prevailed in all of them]... the social work staff have to work in balance with correctional staff... My background has shown me that social workers can be very passionate and [good at] character judgment."

Ms. Taitano asked Senator Duenas, aren't your "social workers **paid**?"

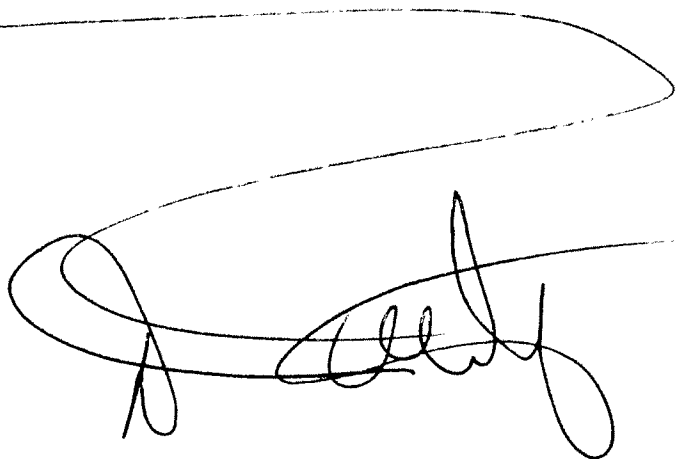
Senator Duenas then praised social workers for their "volunteeristic" spirit, and their willingness to serve the community even without compensation.

Ms. Taitano replied, "We do have and work with social workers. . . Most of the time they come to the hearings."

*This is a false statement. One representative (usually Mark Perez, Case Worker III) of the Diagnostic Treatment Services Division (DTSD) attends the entire hearing but does not speak. He does not represent any inmate.*

- (6) Chairman Palacios then requested the "Acting Madame Chair" to please "provide copies" of all materials such as agendas, minutes, "written guidelines... The Committee will have a mark-up hearing [on this bill] at my office.... We will give seven days notice."

The Public Hearing for Bill 16-31 (COR) was adjourned at approximately 12:37 p.m.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.





# GUAM PAROLE BOARD

*Government of Guam*

P.O. Box 3236

Hagatna, Guam 96932

(671) 473-7001 (Tel.) / (671) 473-7009 (Fax)

July 24, 2009

Jeffrey A. Moots  
Suite 200  
210 Archbishop F.C Flores Street  
Hagatna, Guam 96910

JUL 27 2009  
F 7  
[Handwritten signature]

Dear Attorney Moots,

In response to your letter dated July 9, 2009, in respect to the **9 GCA §85.30 Subpoena Power Given**. The Guam Parole Board shall have the power to issue subpoenas, however the Board has not subpoenaed any individual to testify against or in favor of any inmate applying for parole. Therefore your request to cross examined any individual is not favorably considered, this hearing is not a criminal trial but a administrative Parole Hearing to determine the possibility of the inmate's parole under **9 G.C.A §80.76 Standards Governing Release on Parole**.

There is nothing in the Parole Laws that states that an Attorney may appear with an inmate before the Guam Parole Board to defend him/her on their parole application. **9 G.C.A §80.74 Preparing Prisoner for Parole Hearing**. Any inmate preparing for a parole hearing may be advise with any persons whose assistance he reasonably desires, including he own legal counsel. Therefore your request to appear with inmate Camacho during his 7<sup>th</sup> Parole Desirability Hearing is not favorably considered. However you can testify in support of inmate Camacho when the designated time is allowed for all families and friends to appear before the Parole Board in support of inmate Camacho **9 G.C.A §85.26 Board: General Powers**.

Please be advised that the Guam Parole Board never conducted a close meeting, an executive meeting or a special meeting. The Parole Board conducts their Parole Hearings monthly as scheduled.

Tape recordings for inmate Camacho's 6<sup>th</sup> Parole Desirability Hearing held on July 2008 will be provided to you.

## Exhibit 3

**FOR THE GUAM PAROLE BOARD**  
[Handwritten signature]  
JOSE "JQ" SALAS  
Chairman  
**EXHIBIT "3"**



**Thirtieth  
Guam Legislature**

**Committee on Public Safety,  
Law Enforcement &  
Senior Citizens  
Members:**

**Senator Adolpho B. Palacios, Sr.  
Chairman**

**Senator Ray Tenorio  
Vice Chairman**

**Speaker Judith T. Won Pat  
Member**

**Senator Thomas C. Ada  
Member**

**Senator Frank B. Aguon, Jr.  
Member**

**Senator Matt Rector  
Member**

**Senator Edward J.B. Calvo  
Member**

**Senator James V. Espaldon  
Member**

**Other Committee Membership:**

**Vice Chairman, Committee  
on Economic Development,  
Health and Human Services,  
& Judiciary**

**Vice Chairman, Committee  
on Utilities, Transportation,  
Public Works, & Veterans  
Affairs**

**Vice Chairman, Committee  
on Labor, the Public  
Structure, Public Libraries &  
Technology**

**Member, Committee on  
Rules**

**Member, Committee on  
Education**

**COMMITTEE ON PUBLIC SAFETY,  
LAW ENFORCEMENT & SENIOR CITIZENS**

*I Mina'Trenta na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

December 21, 2009

Mr. Jose Q. Salas  
Chairman  
Territorial Parole Board  
C/o Department of Corrections  
DNA Bldg., Suite 502  
239 Archbishop Flores Street  
PNB, Hagåtña, Guam 96910

**COPY**

**SUBJECT: Removal of Individual from Parole Board Hearing**

This office is in receipt of a grievance resulting from the involuntary removal of an individual (Dr. Diane Strong) from the public hearing being conducted by the Parole Board on December 17, 2009. As the oversight Chair of the Parole Board and the Department of Corrections, this office requests responses to the two questions below:

1. Under what authority did the Board rely on in removing the individual from the public hearing?
2. What were the bases of the removal?

This office cares that the Territorial Parole Board conducts its proceedings lawfully and appropriately. The responses may be E-mailed or faxed to this office at [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com) or 472-5022.

Thank you for your kind attention and understanding.

**[ORIGINAL DOCUMENT SIGNED]**  
**ADOLPHO B. PALACIOS, SR., MPA, BS/CJA**  
Senator, 30<sup>th</sup> Guam Legislature

Cc: Director, DOC  
Parole Services Division, DOC

*Office/Mailing Address: 155 Hester Pl., Hagåtña GU 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com*

01/18/10  
RECEIVED

Receipt Copy

18 January 2010

To: Jose Q. Salas, Chairman, Guam Parole Board

From: Dianne M. Strong, Ed.D., Incarcerated Veterans Rights Activist

✓ Cc: Capt. Marie Q. Borja, Chief Parole Officer (Acting),  
Department of Corrections, Parole Services Division

Cc: Senator Adolpho B. Palacios, Sr., Chair, Committee on Public Safety,  
Law Enforcement & Senior Citizens, 30th Guam Legislature

Re: **Request for Information** as provided by **Guam Sunshine Law,  
5 G.C.A. 10** and the **Freedom of Information Act, 5 U.S.C. 552**

In compliance with the **Guam Sunshine Law, 5 G.C.A. 10** and the **Freedom of Information Act, 5 U.S.C. 552**, I am addressing the following request for information to you. Accordingly, please provide a copy of the following records

(1) **A copy of the minutes of the Parole Board Hearing held on December 17, 2009.**

Such minutes are required by **5GCA GOVERNMENT OPERATIONS  
CH. 8 OPEN GOVERNMENT LAW**

**§ 8113. Minutes.**

The minutes of every meeting of each public agency shall be promptly and fairly recorded, shall be ***open to public inspection*** and shall include but not be limited to a record of all motions, proposals and resolutions offered, the results of any votes taken and a record of individual votes in event of roll call. Insofar as it may do so without violating § 8103 of this Chapter, an agency may also maintain a record of persons present at a meeting. *[emphasis added]*

(2) **A record of any motion or directive, whether verbal or in writing, from digital recording or written minutes, directing Corrections Officer Jeffrey C. Limo to remove Dr. Dianne Strong from the premises while the Parole Board was in session on December 17, 2009.**

According to the Sunshine Law, this request should be acted upon as soon as possible, but in no event later than the **fourth business day** following receipt of this letter. If access to the records I have requested is going to take longer, please contact me so we can work out a reasonable date.

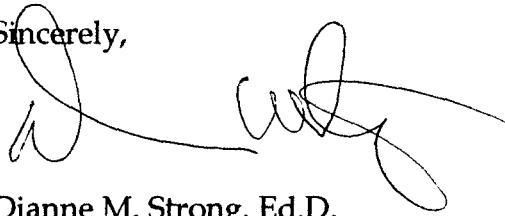
If you choose to deny this request, then you are required to respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and **the name and title and position of the person responsible for the denial.**

I would also like to remind you that under **5 GCA 10112** a Court may find that if a government official improperly denies me documents, then the Court must impose a **\$1000 fine** on each government official involved in denying me access to the material. This fine must be paid by the officials themselves because the statute says it is illegal for them to use any government money to pay the fine. In addition to this fine, whomever the Court finds improperly withheld information from the public is to be charged with a **misdemeanor**. A misdemeanor carries with it the possibility of up to one year in jail and a one thousand dollar fine. Additionally, if such individuals were charged with a violation of the Sunshine Reform Act of 1999 they would also be charged with Official Misconduct, which is also a misdemeanor.

Thank you for your assistance in this matter.

Please reply electronically by e-mail to **strong@guam.net**

Sincerely,

A handwritten signature in black ink, appearing to read 'Dianne M. Strong', written over a horizontal line.

Dianne M. Strong, Ed.D.  
130 Chalan Ayuyu,  
Yona, GU 96915      Tel: 789-4500  
***Incarcerated Veterans Rights Activist***

strongdiver44@gmail.com to me, Julian

5:47 PM (15 hours ago)

Sent from my BlackBerry® wireless device

From: "jennifer@mvguam.com" <jennifer@mvguam.com>

Date: Mon, 7 Feb 2011 17:33:02 +1000 (ChST)

To: Strong, Dianne<strongdiver44@gmail.com>

Subject: Fwd: Parole Board information



**Here is their FOIA response.**

-----Original Message-----

From: Antone Aguon <antone.aguon@doc.guam.gov>

To: jennifer@mvguam.com

Date: February 7, 2011 at 4:19 PM

Subject: Parole Board information

Jennifer,

Re: Freedom of Information Act Request

1) Former Governor Felix P. Camacho designated MiChelle H. Taitano the Acting Chairperson on 08/23/10 after Mr. Jose Salas resigned on 08/20/10.

2) Attendance Record of the GPB members

**January**

MiChelle H. Taitano

Connie Duenas

Kenneth Boardman

**December**

MiChelle H. Taitano

Connie Duenas

Kenneth Boardman

**November**

Connie Duenas

Kenneth Boardman

Soledad Chargualaf

MiChelle H. Taitano

**October**

MiChelle H. Taitano

Connie Duenas

Soledad Chargualaf

**September**

MiChelle H. Taitano

Connie Duenas

Dot

**August**

MiChelle H. Taitano

Connie Duenas

Dot

**July**

Jose Salas

MiChelle H. Taitano

Connie Duenas

Dot

I hope this satisfies your request. If you need anything else let me know.

---

Lieutenant Antone F. Aguon  
Guam Department of Corrections  
P.O. Box 3236 Hagatna, Guam 96932  
(671)-473-7021 (Work)  
Alternate Email: afaguon@gmail.com

"Maturity is the ability to stick with a job until it's finished; the ability to do a job without being supervised; the ability to carry money without spending it; and the ability to bear an injustice without wanting to get even."

~ Abigail Van Buren AKA "Dear Abby"

The information contained in this message and any accompanying attachments may contain privileged, private and/or confidential information protected by state and federal law. This message and any attachments are intended for the designated recipient only. If you have received this information in error, please notify the sender immediately and return or destroy the information.

*This e-mail transmission and any attachments are believed to have been sent free of any virus or other defect that might affect any computer system into which it is received and opened. It is, however, the recipient's responsibility to ensure that the e-mail transmission and any attachments are virus free, and the sender accepts no responsibility for any damage that may in any way arise from their use.*

Jennifer Naylor Gesick  
Staff Reporter  
Marianas Variety-Guam  
"Your Local and Regional Newspaper"  
215 Rojas Street Suite 204  
Tamuning, Guam 96913  
Cell: (671) 727-4974  
Tel: (671) 649-4950  
Fax: (671) 648-2007

Written Testimony of Ms. Francisca V. Santos-Lee,  
former Chair, **Pardon Review Board**  
Bill 16-31 (COR)

RECEIVED  
R 2/8/11 JJD  
4:38 pm

Senator Adolpho B. Palacios, Sr.,  
Chair, Committee on Public Safety, Law Enforcement & Judiciary  
31st Guam Legislature  
Hagatna, GU

February 8, 2011

Dear Senator Palacios:

Thank you for the opportunity to provide additional written testimony on your Bill 16-31 (COR) proposing to require that the Guam Parole Board adopt Rules and Regulations.

As I stated in my testimonial letters of January 25, and February 7<sup>th</sup>, I am Francisca V. Santos-Lee. In 1999 Governor Carl Gutierrez nominated me to serve the unexpired term of Maxima Charfauros on the Guam Parole Board. The 25<sup>th</sup> Guam Legislature then confirmed my nomination on May 24, 1999. Later I was appointed by Governor Gutierrez to serve as Chair of the Parole Board, which meant I automatically also served as CHAIR OF THE **GUAM PARDON REVIEW BOARD**. At the request of Governor Felix Camacho I resigned from both boards in May 2003.

On January 28, 2010, at 3:00 p.m. I appeared at the Department of Corrections **Parole Services Division** office to attend the public meeting of the **Guam Pardon Review Board**. The notice for this meeting was published in the Marianas Variety on February 3, 2010, and is attached.

One of my former parole applicants was on the agenda requesting a pardon. I thus wanted to participate in this hearing. Please see attached memorandum of December 29, 2002, in which as **CHAIR OF THE GUAM PARDON REVIEW BOARD** I recommended the pardon of Joseph B. Cruz. This recommendation was a result of our Board's vote held on December 26, 2002. (See attached **agenda**.)

I inquired of the staff where the hearing would be held. A uniformed officer informed me that the hearing had already been held and the Board had adjourned. I was extremely disappointed to discover that I was robbed of my civic right to participate in the democratic process. As Chair who had issued a pardon recommendation eight years earlier, I was even more disturbed.

I then asked the officer why the time of the meeting had changed. The officer told me the Pardon Review Board meets when it can, depending on the progress of the Parole Board hearings.

I replied that it was contrary to law, and did not allow for public participation.

*Written Testimony of Ms. Francisca V. Santos-Lee,  
former Chair, Pardon Review Board  
Bill 16-31 (COR)*

At this time I introduced myself to two other women who were present at the office. I discovered that they also wanted to participate in the hearing. They were: (1) Mrs. Jeanith Mesa Cruz, wife of inmate applicant Jeffrey J. Cruz, and (2) Dr. Diane Strong, a retired University of Guam professor.

I am attaching a letter sent by Dr. Strong to Chairman Palacios, dated February 3, 2010, also complaining about her rights being violated.

I would like to know whether the Guam Pardon Review Board has adopted Rules and Regulations. As a government board, doesn't it have to comply with Open Government Law and allow the public (and even wives of applicants) to participate in its hearings?

Also I watched the Public Hearing on February 7<sup>th</sup> held on the Bill 53-31 (COR) regarding expunging records for people who have been pardoned. I heard Deputy Atty. General Tydingco state that while the Executive Order states that a representative of the Attorney General's Office shall serve as a member of the Pardon Review Board, his office does not agree with that and they do not attend these hearings.

Please verify for me (1) the composition of the Guam Pardon Review Board members, (2) their terms, and (3) their Rules and Regulations.

For these and many other reasons, I strongly support the passage of **Bill 16-31 (COR.)**

Respectfully submitted,



Francisca V. Santos-Lee,

Former CHAIR, **Guam Parole Board**

Registered voter in the village of Chalan Pago

**ATTACHMENTS:**

Marianas Variety meeting notice, Feb. 3, 2010

Exhibit A

**Guam Pardon Review Board** memorandum of Dec. 29, 2002

Exhibit B

Letter of **Dr. Strong**, February 3, 2010

Exhibit C

**Agenda**, Pardon Review Board, Jan. 28, 2010

Exhibit D



# Exhibit A

EXHIBIT A

3:00  
p.m.

WEDNESDAY, FEBRUARY 3, 2010 - MARIANAS VARIETY GUAM EDITION

## Community Calendar

### PUBLIC NOTICES

**The AARP meeting** is scheduled for Saturday, Feb. 6, at 2:30 p.m. in room 129 of the School of Business and Public Administration at UOG. For info, call Lily Darby at 565-2059.

**The Guam Parole Board** regular scheduled hearing will take place on Thursday, Feb. 25, 8:30 a.m. at the Parole Services Division located in Suite 505 of the DNA Building in

Hagatna. For info, call 473-7001.

**The Guam Board of Examiners for Pharmacy** will hold a special meeting on Friday, Feb. 5, at 7:30 a.m. in the Health Professional Licensing Board Room located at 651 Legacy Square Commercial Complex, Suite 9, South Route 10 in Mangilao. Call Jane Diego at 735-7408.

**The Guam Pardon Review Board** regular scheduled hearing will take place on Thursday, Feb.

25, 3 p.m. at the Parole Services Division located in Suite 505 of the DNA Building in Hagatna. For accommodations, call 473-7001.

**The Government of Guam Fund Board of Trustees** regular meeting will take place on Friday, Feb. 26, in the Fund conference room 424 Route 8 in Maite. For info, call 475-8900.

**The Guam Board of Professional Engineers**





# THE GUAM PARDON REVIEW BOARD

Government of Guam  
Tiyán, Guam

## COPY

December 29, 2002

### MEMORANDUM

To: Governor of Guam  
From: Chairperson  
Subject: Board Recommendation

Ref: Joseph B. Cruz

The Guam Pardon Review Board met on Thursday, Dec. 26, 2002 at the Department of Corrections, Parole Services Division Conference Room to review the Commutation / Pardon Request of the above-named individual.

Present for the Board were Francisca V. Santos, Chairperson; and members, Eustaquio Punzalan, Jesus Rivera, Fr. David Quitugua and Ted Lewis, establishing a quorum. The minutes were taken by the Board Secretary.

After carefully reviewing the merits of this case, the Board in its good conscience and judgment recommends the commutation / pardon request of the above-named individual.


### COMMENTS:

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FOR THE GUAM PARDON REVIEW BOARD

  
FRANCISCA V. SANTOS  
Chairperson

FVS:mdp



P.O. Box 3236, Hagatna, Guam 96932

# EXHIBIT B

Carl T. C. Gutierrez  
Governor of Guam

Madeleine Z. Bordallo  
Lt. Governor of Guam

Francisca V. Santos  
Chairperson

Jesus S. Rivera,  
Member

Eustaquio N. Punzalan  
Member

Ted R. Lewis,  
Member

Fr. David C. Quitugua,  
Member

Nadolph D. Sgambelluri,  
Member

Melva L. Dela Pena  
Secretary

RECEIPT COPY

Senator Adolpho B. Palacios, Sr., Chairman  
Committee on Public Safety, Law Enforcement, & Senior Citizens  
Thirtieth Guam Legislature  
Hagatna, Guam

February 3, 2010

Dear Senator Palacios:

In January as a concerned citizen I attempted to attend my first meeting of the Guam Pardon Review Board. **Instead, along with two other Guam residents, I was deprived of my right to attend a public board meeting.**

As noted in your Bill 259-30 (COR), the Guam Parole Board had admitted it lacked policies and procedures for the conduct of its hearings. Nor does the Guam Pardon Review Board – a separate board from the Guam Parole Board – have policies and procedures.

Three citizens of Guam arrived independently to observe and/or testify at the regularly scheduled meeting of the Guam Pardon Review Board as announced in the local media to be held on January 28, 2010, at 3:00 p.m. They were:

- (1) Dr. Dianne Strong, incarcerated veterans rights activist
- (2) Mrs. Francisca V. Santos-Lee, **former Chairperson, Guam Pardon Review Board**, and
- (3) Mrs. Jeanith Mesa Cruz, wife of Inmate/Commutation Applicant Jeffrey J. Cruz

At 3:00 p.m. both Parole Officers Lisa Castro and Dean Taitague informed all three of us that the meeting had already concluded. I protested that the media reported a 3:00 p.m. starting time, and Officer Taitague replied, "If you check the web site, you will see that meeting times are subject to change."

I then protested that the public could not participate if no notice of a change in meeting time was announced to the media.

I then learned that Mrs. Cruz had taken personal leave from her special education teaching job to attend the hearing, and had been sitting there since before 11 a.m. without anyone assisting her. She said, "It was the same thing last month. They never called me and I sat there until 3 p.m. Then Officer Taitague apologized, and said they had no quorum because Father Mike [Crisostomo] was off-island."

**RECEIPT ACKNOWLEDGED**

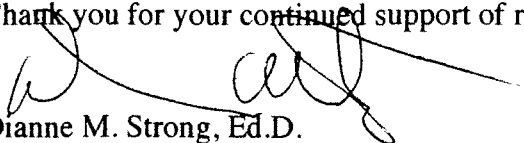
By \_\_\_\_\_  
 (Signature)  
Jamaal Mena  
 (Print Name)  
 CFO  
 (Department)  
 Date: 2-3-10 Time: 1:21 pm

EXHIBIT C page 1

I also beseech you to press on for introduction of your Bill 259-30 (COR), as **both** the Guam Parole Board and the Guam Pardon & Review Board desperately need to lawfully adopt and follow policies and procedures.

**Until such time as you take this action, the rights of both the public and inmates will continue to be violated by both the Guam Parole Board and the Guam Pardon Review Board.**

Thank you for your continued support of rights of both the public and inmates.



Dianne M. Strong, Ed.D.  
***Incarcerated Veterans Rights Activist***  
130 Chalan Ayuyu  
Yona, GU 96915  
(671) 789-4500

*Attachments:*

Guam Pardon Review Board Agenda January 28, 2010

Guam Pardon Review Board recommendation for Joseph B. Cruz, December 26, 2002

Community Calendar for February meeting of the Guam Pardon Review Board

Cc: Governor Felix P. Camacho

Cc: Atty. Jeffrey Moots, Esq., Cunliff & Cook

Cc: Mrs. Francisco Santos-Lee

Cc: Mrs. Jeanith Mesa-Cruz

EXHIBIT C page 2



# Guam Pardon Review Board AGENDA

DATE: THURSDAY, January 28, 2010

TIME: 3:00 P.M.

PLACE: DNA Building  
5<sup>th</sup> Floor Ste. 505, Hagatna

*Old Business:*

2000	1. CRUZ, Jeffrey J. CF118-00; CF160-00	<i>robbery ice</i>	1 <sup>st</sup> Commutation Request	<i>parole</i> <u>28 yrs</u>	P6/DJT	<u>age</u> 50
------	---	------------------------	-------------------------------------	--------------------------------	--------	------------------

*New Business:*

1992	2. DELA PENA, Edward CF045-92	<i>2 aggravated murder robbery deadly weapon</i>	1 <sup>st</sup> Commutation Request	<u>2 life 2 out parole + 250</u>	P24/RLG	
------	----------------------------------	--	-------------------------------------	--	---------	--

2000	3. CRUZ, Joseph B. <i>(Francis Gill)</i>	<i>land seam</i>	1 <sup>st</sup> Pardon Request (pending document submission and victim notification)	<u>16?</u>	NC/MAF	71
------	---	----------------------	---	------------	--------	----

*CRUZ, Joseph  
tabled*

*MAF*

*Limo/59*

*Capt Baise*



Tel. No.: 473-7001  
Fax No.: 473-7009

EXHIBIT D

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 16-31 (COR)**

**AN ACT TO AMEND §§85.10, 85.14, AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Corrections	Dept./Agency Head: Jose A. San Agustin, Acting Director
Department's General Fund (GF) appropriation(s) to date:	17,536,940
Department's Other Fund (Specify) appropriation(s) to date:	1,159,662
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$18,696,602</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions?  
If Yes, see attachment / / Yes /x/ No
- Is amount appropriated adequate to fund the intent of the appropriation?  
If no, what is the additional amount required? \$ \_\_\_\_\_ /x/ N/A / / Yes / / No
- Does the Bill establish a new program/agency?  
If yes, will the program duplicate existing programs/agencies?  
Is there a federal mandate to establish the program/agency? / / Yes /x/ No / / Yes / / No / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:  
/ / Requested agency comments not received by due date /x/ Other: Not required / / Yes /x/ No

Analyst: Diana E. Pobre Date: 1/12/11 Director: Benita A. Mangiona Acting Director **JAN 19 2011**

**Footnotes:**  
The Bill has a potential for additional funding impact for the 2 additional Board Members regarding reimbursement for reasonable travel and out-of-pocket expenses incurred in performance of Board duties as certified by the Treasurer of Guam. (§85.22) however in its present form that impact cannot be determined at this time.

*I Mina'trentai Unu Na Liheslaturan Guáhan*

**Bill Log Sheet**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?</b>
B16-31 (COR)	Adolpho B. Palacios, Sr.	An act to amend §§85.10, 85.14 and 85.26 of Chapter 85, Title 9, GCA, relative to the composition and powers of the Territorial Parole Board.	1/04/11 11:59 a.m.	1/05/11		Committee on Public Safety, Law Enforcement and Judiciary			



# COMMITTEE ON RULES

*I Mina'trentai Unu na Liheslaturan Guåhan* • The 31<sup>st</sup> Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

2011 JAN 10 PM 11:29  
GOM

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Judith P. Guthertz  
VICE CHAIRPERSON  
ASST. MAJORITY LEADER

**MAJORITY MEMBERS:**

Speaker  
Judith T. Won Pat

Vice Speaker  
Benjamin J. F. Cruz

Senator  
Tina Rose Muña Barnes  
LEGISLATIVE SECRETARY  
MAJORITY WHIP

Senator  
Dennis G. Rodriguez, Jr.  
ASST. MAJORITY WHIP

Senator  
Thomas C. Ada

Senator  
Adolpho B. Palacios, Sr.

Senator  
vicente c. pangelinan

**MINORITY MEMBERS:**

Senator  
Aline A. Yamashita  
ASST. MINORITY LEADER

Senator  
Christopher M. Duenas

January 5, 2011

**MEMORANDUM**

**To:** Pat Santos  
Clerk of the Legislature

Attorney Therese M. Terlaje  
Legislative Legal Counsel

**From:** Senator Rory J. Respicio  
Chairperson, Committee on Rules

**Subject:** Referral of Bill Nos. 16-31 (COR) and 17-31 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 16-31 (COR) and 17-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact me at 472-7679.

*Si Yu'os Ma'åse'!*

*Attachment*



*I Mina'trentai Unu Na Liheslaturan Guåhan*

**Bill Log Sheet**

Page 1 of 1

<b>Bill No.</b>	<b>Sponsor(s)</b>	<b>Title</b>	<b>Date Introduced</b>	<b>Date Referred</b>	<b>120 Day Deadline</b>	<b>Committee Referred</b>	<b>Public Hearing Date</b>	<b>Date Committee Report Filed</b>	<b>Status (Date) Passed? Failed? Vetoed? Overridden ? Public Law?</b>
B16-31 (COR)	Adolpho B. Palacios, Sr.	An act to amend §§85.10, 85.14 and 85.26 of Chapter 85, Title 9, GCA, relative to the composition and powers of the Territorial Parole Board.	1/04/11 11:59 a.m.	1/05/11		Committee on Public Safety, Law Enforcement and Judiciary			




COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

January 18, 2011

**MEMORANDUM**

**TO:** ALL SENATORS

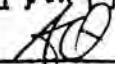
**FROM:** Chairman, Committee on Public Safety, Law Enforcement & Judiciary 

**SUBJECT:** First Notice of Public Hearing scheduled for Tuesday, January 25, 2011.

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:30 am, Tuesday, January 25, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM. – by Senator Judith P. Guthertz, DPA
- Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD. – by Senator Adolpho B. Palacios, Sr.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

GUAM LEGISLATURE REPRODUCTION/MAIL ROOM	
DATE:	1-18-11
TIME:	10:53 AM   PM
RECEIVED BY:	



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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FACSIMILE TRANSMITTAL SHEET

DATE: January 14, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
Guam News Watch 478-6402  
KUAM/Isla 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *FIRST Notice of Public Hearing scheduled for January 25, 2011*

PAGES: 1 (including this sheet)

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January 14, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:30 am, Tuesday, January 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

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*Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*

BROADCAST REPORT

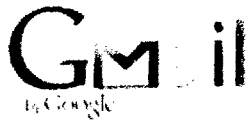
TIME : 01/14/2011 17:28  
 NAME : SEN. PALACIOS  
 FAX : 671-472-5022  
 TEL :  
 SER.# : G9N282826

PAGE(S)

01

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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01/14	17:17	4772240	01:46	01	OK	ECM
01/14	17:20	4773982	28	01	OK	ECM
01/14	17:21	4727663	25	01	OK	ECM
01/14	17:22	4776411	25	01	OK	ECM
01/14	17:23	6498883	25	01	OK	ECM
01/14	17:28	4786402	00	00	BUSY	

BUSY : BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION  
 CV : COVERPAGE  
 PC : PC-FAX



Adolpho Palacios &lt;senabpalacios@gmail.com&gt;

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## 2nd Notice of Public Hearing scheduled for 1/25/2011

1 message

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**Adolpho Palacios <senabpalacios@gmail.com>**

Fri, Jan 21, 2011 at 9:29 AM

To: speaker@judiwonpat.com, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <rorjfor Guam@gmail.com>, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatordrodriguez@gmail.com, office@senatorada.org, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Aline4families@gmail.com, senatortonyada@guamlegislature.org, senatormana@gmail.com, duenasenator@gmail.com, senatormabini@gmail.com

January 21, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

### PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:30 am, Tuesday, January 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina'Trentaj Uno Na Liheslaturan Guåhan*


**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

January 21, 2011

**MEMORANDUM**

**TO:** ALL SENATORS

**FROM:** Chairman, Committee on Public Safety, Law Enforcement & Judiciary 

**SUBJECT:** *Second Notice of Public Hearing* scheduled for Tuesday, January 25, 2011.

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:30 am, Tuesday, January 25, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM. – by Senator Judith P. Guthertz, DPA**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD. – by Senator Adolpho B. Palacios, Sr.**

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*Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910*

*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

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FACSIMILE TRANSMITTAL SHEET

DATE: January 21, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)  
Marianas Variety 648-2007 (Attention: Community Page)  
Guam News Watch 478-6402  
KUAM/Isla 630 637-9865/9870  
Pacific News Center 477-0793  
Marianas Media 477-2240  
K-57/Power 98 477-3982  
Hit Radio 100 472-7663  
KStereo/KISH 477-6411  
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *SECOND Notice of Public Hearing scheduled for January 25, 2011*

PAGES: 1 (including this sheet)

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January 21, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:30 am, Tuesday, January 25, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

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*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*

BROADCAST REPORT

TIME : 01/21/2011 09:04  
 NAME : SEN. PALACIOS  
 FAX : 671-472-5022  
 TEL :  
 SER.# : G9N282826

PAGE(S)

01

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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01/21	08:58	6498883	25	01	OK	ECM
01/21	09:04	4786402	00	00	BUSY	ECM

BUSY : BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION  
 CV : COVERPAGE  
 PC : PC-FAX





Adolpho Palacios <senabpalacios@gmail.com>

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## 2nd Notice of Public Hearing scheduled for 1/25/2011

2 messages

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Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 21, 2011 at 9:20 AM

To: mindy@kuam.com, jason@kuam.com, sabrina@kuam.com, news@guampdn.com, news@spbgum.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, therese@mvguam.com, advertise@mvguam.com, clynt@spbgum.com, kstone@ite.net, jeff@marianasmedia.com, jontalk@k57.com

January 21, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY  
*I Mina'Trentai Uno Na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**  
*Chairman*

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***PUBLIC HEARING***

9:30 a.m.

Tuesday, January 25, 2011

*I Liheslaturan Guåhan's* Public Hearing Room, Hagåtña

**AGENDA**

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM. – by Senator Judith P. Guthertz, DPA**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD. – by Senator Adolpho B. Palacios, Sr.**

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*Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)*

I MINA'TRENTAI UNO NA LIHESLATURÁN GUÅHAN  
2011 (FIRST) Regular Session

2011 JAN -4  
MUN  
AM 11:59

Bill No. 14-31(cor)

Introduced by:

Adolpho B. Palacios, Sr. 

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**AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85,  
TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND  
POWERS OF THE TERRITORIAL PAROLE BOARD.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Public  
3 Law 7-49 created the Territorial Parole Board consisting of five (5) members appointed by *I*  
4 *Maga'lahi* and with the advice and consent of *I Liheslatura*. Moreover, *I Liheslatura* finds that  
5 Public Law 27-104, which amended Public Law 7-49, provides that any person holding an  
6 elected office *shall not* be eligible to serve on the Territorial Parole Board. In a span of forty-one  
7 (41) years, the only change to the composition of the Territorial Parole Board is the language  
8 cited above.

9 Much has evolved in the philosophy, treatment and rehabilitation of offenders through  
10 programs supervised and managed by social workers and other professionals involving parole,  
11 probation and penal custody. *I Liheslatura* finds that for inmates eligible for parole, parole is  
12 granted by the discretionary action of the Territorial Parole Board. The Board evaluates an array  
13 of information about an inmate and determines whether he or she is ready to be re-integrated into  
14 society. While an inmate is incarcerated, government officials are charged in preparing and  
15 rehabilitating the inmate with the full hope of parole. This process requires a holistic approach to  
16 evaluate if an inmate is capable to live as a productive member of society. This is ultimately a  
17 reflection of the change in penal philosophy from penitentiary to correctional rehabilitation. The  
18 members of the Territorial Parole Board should reflect this penal philosophy and should be  
19 progressively qualified in certain academic disciplines or have a diverse occupational  
20 background to best articulate their informed decision about when it is appropriate to grant, deny  
21 or revoke parole.

1            *I Liheslaturan Guåhan* finds that the current law provides merely for a five (5) member  
2 Parole Board, but does not mandate a level of experience in relevant fields. The current  
3 Territorial Parole Board has three (3) retired law enforcement officers – two (2) from the Guam  
4 Police Department and one (1) from the Department of Corrections. A majority of members  
5 have been indoctrinated into a profession that may shape their criminal justice values toward the  
6 philosophy of penitentiary rather than rehabilitation. The *de facto* structure of the Parole Board  
7 reflects a philosophy which fundamentally conflicts with the rehabilitative mind-set. Under this  
8 condition, it may be difficult for an inmate to have a fair and impartial review of his or her parole  
9 application.

10            Therefore, it is the intent of *I Liheslaturan Guåhan* to harmonize the composition of the  
11 Parole Board with the rehabilitative ethos which the Department of Corrections is intended to  
12 engender by amending §§85.10 and 85.14, of Chapter 85, Title 9 of the Guam Code Annotated.

13            **Section 2.** §85.10 of Chapter 85 of Title 9, Guam Code Annotated, is hereby *amended* to  
14 read:

15            **§85.10. Territorial Parole Board Created.**

16            There is in the Executive Branch of the government of Guam, a Territorial Parole Board,  
17 hereinafter referred to as the Board, consisting of ~~five (5)~~ seven (7) members appointed by *I*  
18 *Maga'lahi* [the Governor], by and with the advice and consent of *I Liheslatura* [the Legislature].  
19 Only persons, who by their knowledge and experience are prepared to perform efficiently the  
20 duties of the Board as hereinafter provided, *shall* be eligible for such appointment. Any person  
21 holding an elected office *shall not* be eligible to serve on the Territorial Parole Board.

22            (a) The composition of the Board members shall be comprised of the following minimum  
23 background and experience:

24            (1) at least two (2) Board members shall have at least ten (10) years in law enforcement  
25 work, or a baccalaureate degree in criminal justice or juvenile justice or professional  
26 experience in these areas of study;

27            (2) at least two (2) Board members shall have at least a baccalaureate degree or higher  
28 from an accredited U.S. institution of higher education in social work, sociology or  
29 psychology or a medical degree from an accredited U.S. institution; and

1 (3) the three (3) remaining Board members shall have at least ten (10) years of  
2 experience in human resources development, or legal background or professional  
3 experience in these areas of study, or any person of good moral character.

4 **Section 3.** §85.14. of Chapter 85 of Title 9, Guam Code Annotated, is hereby *amended* to  
5 read:

6 **§85.14. Chairman ~~Appointed~~ Elected: Meetings at Least Monthly.**

7 ~~The Governor~~ The Board shall appoint one (1) of the members of the Board as chairman.  
8 elect a Chairman from among its members. The chairman shall be elected by its members every  
9 two (2) years. The Board shall meet regularly at least once a month. Special meetings may be  
10 called by the chairman. Not less than four (4) voting members present shall constitute a quorum  
11 for the transaction of business, and the affirmative vote of four (4) members present shall be  
12 required to make any action of the Board valid. No action shall be taken by the Board at any  
13 meetings or hearings, unless a quorum is present. The election for chairman from among its  
14 members shall follow upon enactment of this Act.

15 **Section 4.** §85.26 of Chapter 85 of Title 9, Guam Code Annotated, is hereby *amended* to  
16 read:

17 **§85.26. Board: General Powers.** The Board is authorized to release on parole any  
18 person confined in any penal *or* correctional institution of Guam, and to revoke parole *or*  
19 discharge from parole any parolee as provided in Article 5 (commencing with §80.70) of Chapter  
20 80. The Board ~~may~~ shall adopt such rules and procedures *not* inconsistent with law as it may  
21 deem proper *or* necessary to carry out its duties, and shall be in accordance with the Open  
22 Government Law.

23 Such rules and procedures shall include but not be limited to the following:

24 (a) Rights and restrictions of an inmate during a parole application or revocation hearing;

25 (b) Presence of legal counsel or a lay representative on behalf of an inmate during a  
26 hearing;

27 (c) The right of an inmate to receive, in writing, a specific reason or reasons for denial of  
28 parole, to include deficiencies to be addressed in preparation for a future parole  
29 application;

30 (d) Rules for the recusal of a member due to a conflict; and

31 (e) Any other rules in furtherance of the mandates of the Board.

1           **Section 5. Severability.** *If* any provision of this law or its application to any person or  
2 circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other  
3 provisions or applications of this law which can be given effect without the invalid provisions of  
4 applications, and to this end the provisions of this law are severable.