

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
Agana, Guam

EXECUTIVE ORDER NO. 68-25

WORK RELEASE PROGRAM REGULATIONS


WHEREAS, Section 8805, Government Code of Guam, authorizes the Director of Corrections to make necessary rules and regulations relative to employment of prison inmates in private enterprise; and

WHEREAS, the aforesaid Section 8805, Government Code of Guam, provides that such rules and regulations shall be subject to the approval of the Governor; and

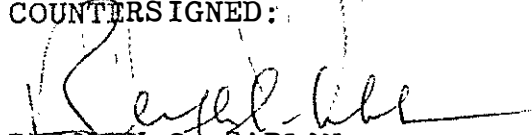
WHEREAS, Section 6(b) of the Organic Act of Guam authorizes the Governor to issue executive regulations not in conflict with any applicable law;

NOW, THEREFORE, by virtue of the foregoing, it is ordered that the attached rules and regulations entitled "Work Release Program Regulations" are hereby approved and promulgated, and shall be in force and effect from 12:01 a.m., October 15, 1968.

Dated at Agana, Guam, this 8th day of October, 1968.


DENVER DICKERSON
Acting Governor of Guam

COUNTERSIGNED:


RUDOLPH G. SABLAN
Acting Secretary
of Guam

WORK RELEASE PROGRAM REGULATIONS

WHEREAS, Section 8805, Government Code of Guam, authorizes the Director of Corrections to make necessary rules and regulations, subject to the approval of the Governor, relative to employment of prison inmates in private enterprise; and

WHEREAS, Section 6(b) of the Organic Act of Guam authorizes the Governor to issue executive regulations not in conflict with any applicable law;

NOW, THEREFORE, by virtue of the foregoing, the Director of Corrections and the Governor do hereby issue and make the following rules and regulations entitled "Work Release Program Regulations," numbers 1 through 19.

Section 1. Applicability. These regulations apply to the extension of the limits of confinement of inmates entrusted to the custody of the Director of Corrections, other than federal inmates, pursuant to Sections 1234.2 through 1234.4 of Chapter IV, Title VII, Part II, Penal Code of Guam:

Section 2. Review Board. The Director of Corrections shall be responsible for the formation and meeting of a Work Release Program Review Board. Said Board shall be composed of the Director of Corrections, the Director of Public Safety, and the Rehabilitation Officer of the Guam penitentiary.

Section 3. Inmate Training Advisory Board. The Director of Corrections shall appoint three members of the community, who are well established in either of the fields of business or education, to an Inmate Training Advisory Board. Said Board shall advise, assist, and serve as a liaison between, the Director and the community on all matters pertaining to inmate employment and education. Further, the Board shall be responsible for ascertaining whether an inmate's proposed employment

meets the requirements of Sections 1234.2(b) and (c), Penal Code of Guam.

Section 4. Application for Participation. Any territorial inmate entrusted to the custody of the Director of Corrections may apply to have the Review Board consider his qualifications to participate in the Work Release Program. The application shall be on a form provided for that purpose.

Section 5. Qualification for Participation. Any territorial inmate entrusted to the custody of the Director of Corrections "as to whom there is reasonable cause to believe he will honor his trust" is qualified to participate in the Work Release Program, subject to the approval of the Review Board. The Review Board, in the exercise of its sound discretion, may consider, but is in no way limited to, the following factors:

(a) the proximity of an inmate's probable release date; (generally, it should not be more than six months away);

(b) the financial need of an inmate's dependents;

(c) an inmate's financial indebtedness;

(d) the security risk created by an inmate's daily work furlough;

(e) an inmate's probable receptiveness to rehabilitation efforts;

(f) an inmate's drinking patterns;

(g) the nature of an inmate's criminal record, especially if it involves crimes against persons, violations of financial trust, or connections with organized crime; or if it indicates serious emotional or personality abnormalities, or a tendency toward violent or assaultive behavior;

(h) an inmate's employment record, especially that immediately before his confinement;

(i) an inmate's pending status; and

(j) an inmate's motivation and need for academic or technical instruction, if that is what he is applying for.

Section 6. Type of Work. An inmate is responsible for the procurement of his own employment; however, the type of work must be approved by the Review Board as being consistent with the public's interest in security, and with the rehabilitative purpose of the Work Release Program. The Review Board may be guided by, but is in no way limited to, the following list of employments which are not recommended for inmates:

(a) employment at any establishment which sells or distributes liquor or other intoxicating beverages, except if the inmate's duties are disassociated with the handling of such beverages;

(b) employment at any establishment which sells firearms or ammunition.

(c) employment as a taxicab driver;

(d) employment as a route salesman or deliveryman; and

(e) employment by a member of the inmate's family.

Section 7. Consultation with Unions. The Director of Corrections, pursuant to Section 1234.2(a), Penal Code of Guam, shall consult with representatives of any local union which is concerned with the employment of an inmate participating in the Work Release Program.

Section 8. Time of Employment. Time of employment is limited from 8:00 A.M. to 5:00 P.M. Any deviation from this,

whether it be due to the nature of the employment or due to a temporary demand for overtime work, must be first approved by the Director of Corrections.

Section 9. Transportation to and from Work. An inmate is responsible for arranging his own transportation to and from his place of employment or instruction, and paying for same. All transportation arrangements must be approved by the Director of Corrections. The Director of Corrections may provide for the use of government vehicles and drivers when necessary, and shall charge inmates for their use thereof.

Section 10. Compensation. Any compensation earned by an inmate in connection with Work Release Program employment shall be collected by the Director of Corrections. It shall be the duty of the inmate's employer to periodically transmit such wages to the Director; after compliance with this duty, the employer will have no liability to the inmate. Provided, however, that wages levied upon pursuant to writ of attachment or execution or in other lawful manner shall not be transmitted to the Director.

The Director of Corrections shall deposit the inmate's wages in a joint bank account held in the names of the Director and of the inmate, and requiring the signatures of both for withdrawals.

The Director shall see that the inmate's accumulated earnings are used to pay for daily costs incident to the inmate's confinement, pursuant to Section 1234.3, Penal Code of Guam. The Director shall further see that the inmate's remaining earnings are wisely used, especially in connection with support of the inmate's dependents, and payment of the inmate's debts. Any balance shall be retained in the joint bank account until the inmate's discharge, and thereupon shall be released to him.

Before participating in the Work Release Program, an inmate shall, in writing, agree to the regulation of the disposition of his earnings as provided for in this Section.

Section 11. Financial Records. The Director of Corrections shall keep detailed records and accounts showing all financial transactions in connection with the Work Release Program. These shall be open for inspection by the participating inmates, and shall be submitted to the Department of Administration for audit on a quarterly basis.

Section 12. Inspection at Job Sites. The Rehabilitation Officer of the Guam penitentiary shall periodically inspect inmates participating in the Work Release Program at their places of employment or instruction. The inspection shall be made in a manner consistent with the rehabilitative purpose of the program. The Rehabilitation Officer shall submit a report on each participating inmate to the Director of Corrections not less frequently than once a week.

Section 13. Institutional Facilities. Inmates participating in the Work Release Program shall be kept in separate facilities from non-participating inmates to the extent which this is practicable.

Section 14. Removal from Program. An inmate participating in the Work Release Program may, at any time, be called before the Review Board and given a fair hearing on the matter of whether he should be removed from the Program. If the Board finds cause for removal, the Director of Corrections shall enter an order of removal, fully stating the reasons therefor.

Section 15. General Rules of Conduct. The following rules are designed to govern the conduct of inmates participating in the Work Release Program. Violation of any of these rules may be cause for removal from the Program.

1. An inmate shall not visit with his family, relatives or friends at his place of employment or instruction, if such visiting in any way interferes with the performance of his duties.

2. An inmate shall not leave his place of employment or instruction during working hours unless in connection with a job assignment, or unless written approval is first obtained from the employer (or instructor) and from the Director of Corrections.

3. An inmate shall perform his duties properly; and, if receiving instruction, shall maintain grades commensurate with his ability.

4. An inmate shall not be the cause of any fights or disturbances during the course of his employment or instruction.

5. An inmate shall conduct himself in a manner becoming an employee of the firm with which he is employed.

6. An inmate shall not drink intoxicating beverages while on work furlough.

7. An inmate shall proceed directly from the penal institution to his place of employment or instruction, and shall report promptly for the commencement of his duties.

8. An inmate shall return directly to the penal institution immediately upon finishing his work or instruction for the day.

9. An inmate shall not obtain possession of anything classified by the Department of Corrections as contraband.

10. An inmate shall not do any type of favor while on work furlough for any other inmate without express authorization of the Director of Corrections.

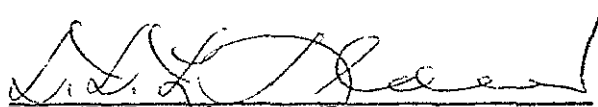
Section 16. Institutional Discipline. A breach of discipline, or other violation of regulations governing conduct within the penal institution, by an inmate participating in the Work Release Program, shall give the Director of Corrections cause to suspend the inmate's work furlough for up to five days, and shall give the Review Board cause to remove the inmate from the Program pursuant to Section 14 of these regulations.


Section 17. Responsibility of the Government of Guam. The Government of Guam is not to be held responsible in any incident arising out of the Work Release Program. Employees of the Government of Guam are not to be held responsible in their proper performance of duties incidental to this program.

Section 18. Delegation of Duties. The Director of Corrections may, by written declaration, delegate all duties and responsibilities vested in him by these regulations to the Assistant Director of Corrections.

Section 19. Amendments to Regulations. These regulations may be amended at the discretion of the Director of Corrections, subject to the approval and promulgation of the Governor by Executive Order. These regulations shall be reviewed within one year of operation.

Nothing in these regulations shall be construed as overriding or conflicting with any federal or local statutes governing the Work Release Program.


DAVID D. E. FLORES
Acting Director of Corrections


DENVER DICKERSON
Acting Governor of Guam