

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 76-11

PRISONER WORK RELEASE PROGRAM REGULATIONS

WHEREAS, Executive Order No. 68-25 dated October 15, 1968, was implemented establishing "Work Release Program Regulations" in accordance with Section 8805, Government Code of Guam; and


WHEREAS, Public Law 11-71 dated July 20, 1971, amended Section 8803, Government Code of Guam; and

WHEREAS, Public Law 12-171 dated September 20, 1974, and Public Law 12-221 dated February 1, 1975, modified portions of Executive Order No. 68-25; and

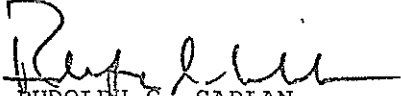
WHEREAS, Section 19 of the Work Release Program Regulations, promulgated by Executive Order No. 68-25, grants the Director of Corrections discretion to make amendments, subject to the approval and promulgation of the Governor by Executive Order.

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order that Executive Order No. 68-25 be repealed in its entirety and new rules and regulations entitled, "Prisoner Work Release Program Regulations", are hereby approved and promulgated, and shall be in force and effect from 12:01 A.M., May 10, 1976.

DATED at Agana, Guam, this 10th day of May, 1976.


RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:


RUDOLPH G. SABLAN
Lieutenant Governor

PRISONER 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.

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, "Prisoner Work Release Program Regulations", numbers 1 through 18.

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 pursuant to Sections 1234.2 through 1234.4 of Chapter IV, Title VII, Part II, Penal Code of Guam.

Section 2. Adjustment and Classification Committee. The Director of Corrections shall be responsible for the formation and meeting of an Adjustment and Classification Committee. Said Committee shall be composed of personnel of the Department's administrative goals and responsibilities.

Section 3. Application for Participation. Any inmate entrusted to the custody of the Director of Corrections, who has spent the prescribed time in Step Plan Program III, may apply to have the Adjustment and Classification Committee consider his qualifications to participate in the Prisoner Work Release Program. The application shall be submitted on a form provided for that purpose.

Section 4. Qualification for Participation. Any 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 Prisoner Work Release Program, subject to the deliberation and positive

recommendation by the Adjustment and Classification Committee and approved by the Director of Corrections, further subject to existing law restricting or regulating inmate participation in work release programs. In the exercise of the Committee's sound discretion, it must consider, but is in no way limited to, the following factors:

- a). the proximity of an inmate's probable release date pursuant to Section 39100.1 of the Government Code of Guam (as amended by Public Law 12-221) and Section 6422 of the Penal Code of Guam (as amended by Public Law 12-171);
- b). promotional time frames established by the Department's Step Plan Program;
- c). the financial status of an inmate's dependents;
- d). the security risk created by an inmate's daily release for work;
- e). an inmate's receptiveness to rehabilitation efforts;
- f). an inmate's drinking patterns or involvement with drugs;
- g). the nature of an inmate's criminal record, especially if it involves crimes against persons, crimes committed with the use or exhibition of a deadly weapon, violations of financial trust, connection with organized crime, an indication of 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; and
- i). an inmate's pending status.

Section 5. Type of Work. An inmate is responsible for the procurement of his own employment, however, the type of work must be approved by the Adjustment and Classification Committee and the Director of Corrections as being consistent with the public's interest in security, and with the rehabilitative purpose of the Prisoner Work Release Program. The Adjustment and Classification Committee's deliberation and decision will be guided by,

but is in no way limited to, the following list of employments which are not authorized 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 6. 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 Prisoner Work Release Program.

Section 7. Time of Employment. Time of employment is limited from 6:00 a.m. to 7:00 p.m., Monday through Friday. 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 approved by the Director of Corrections.

Section 8. Transportation to and from Work. An inmate participating in the Prisoner Work Release Program is responsible for arranging his own transportation to and from his place of employment, 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 9. Compensation. A compensation earned by an inmate in connection with Prisoner 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 a writ of attachment, or execution, or in other lawful manner shall not be transmitted to the Director.

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The Director shall see that a portion of the inmate's 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 deposited in a joint bank account held in the names of the Director and the inmate.

Before participating in the Prisoner 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 10. Financial Records. The Director of Corrections shall keep detailed records and accounts showing all financial transactions in connection with the Prisoner 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 11. Inspection at Job Sites. The Director of Corrections shall periodically ensure inspection of inmates participating in the Prisoner Work Release Program at their places of employment. The inspection shall be made in a manner consistent with the rehabilitative purpose of the program. The designated representative shall prepare and submit a written report on each participating inmate to the Director of Corrections no less than once a month.

Section 12. Institutional Facilities. Inmates participating in the Prisoner Work Release Program shall be kept in separate facilities from non-participating inmates to the extent which this is practicable.

Section 13. Removal from Program. An inmate participating in the Prisoner Work Release Program may, upon alleged violation of regulations, be called before the Adjustment and Classification Committee for hearing on the matter of whether he should be removed from the Program. If the Committee finds cause for removal, the Director of Corrections shall enter an order of removal, fully stating the reasons therefor.

Section 14. General Rules of Conduct. The following rules are designed to govern the conduct of inmates participating in the Prisoner Work Release Program. Violation of any of these rules may be cause for removal

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CORRECTIONS
from the Program.

- a). an inmate shall not visit with his family, relatives or friends at his place of employment if such visiting in any way interferes with the performance of his duties;
- b). an inmate shall not leave his place of employment during working hours unless in connection with a job assignment, or unless written approval is first obtained from the employer or from the Director of Corrections;
- c). an inmate shall perform his duties properly;
- d). an inmate shall not be the cause of any fights or disturbances during the course of his employment;
- e). an inmate shall conduct himself in a manner becoming an employee of the firm with which he is placed;
- f). an inmate shall not drink intoxicating beverages while on work release;
- g). an inmate shall proceed directly from the penal institution to his place of employment and shall report promptly for the commencement of his duties.
- h). an inmate shall return directly to the penal institution immediately upon finishing his work for the day.
- i). an inmate shall not obtain possession of anything classified by the Department of Corrections as contraband.
- j). an inmate shall not do any type of favor while on work or training furlough for any other inmate without express authorization of the Director of Corrections or his designated representative.

Section 15. Institutional Discipline. A breach of discipline, or other violation of regulations governing conduct within quarters, by an inmate participating in the Prisoner Work Release Program, shall give the Director of Corrections or his designated representative cause to suspend the

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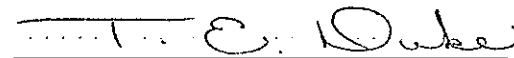
inmate's work furlough for up to five days, and cause to request the Adjustment and Classification Committee to initiate action pursuant to Section 14 of these regulations.


Section 16. Responsibility of the Government of Guam. The Government of Guam is not to be held responsible in any incident arising out of the Prisoner 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 17. Delegation of Duties. The Director of Corrections may, by written declaration, delegate all duties and responsibilities vested in him by these regulations to the Deputy Director of Corrections or to any division, section or program head.

Section 18. 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 annually, or as often as the Director of Corrections deems necessary.

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


T. E. DUKE, Director
Department of Corrections


RICARDO J. BORDALLO
Governor of Guam