



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 88-19

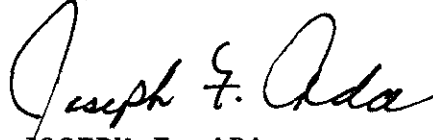
APPROVAL OF RULES AND REGULATIONS
THE DEPARTMENT OF CORRECTIONS

WHEREAS, the Director of Corrections, as authorized by 9 Code Annotated, Section 90.30, has seen fit to adopt revised rules and regulations for the administration of the correctional institutions and other places of confinement; and

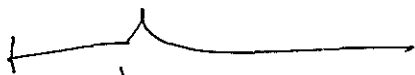
WHEREAS, these rules and regulations are needed for the efficient operation of the correctional institutions and for the treatment, care and reformation of the inmates thereof.

NOW, THEREFORE, I, JOSEPH F. ADA, in accordance with my authority under the above-cited statute, hereby approve, as attached hereto, the Rules and Regulations of the Department of Corrections for the Administration of Correctional Institutions and Other Places of Confinement, to be effective as of the date of signing of this Order.

SIGNED AND PROMULGATED at Agana, Guam this 29th day of July, 1988.


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:



FRANK F. BLAS
Lieutenant Governor of Guam

P R E F A C E

This Manual contains the Rules and Regulations for the Administration of Correctional Institutions and other places of confinement for the Department of Corrections as promulgated by Executive Order. These Rules and Regulations are applicable to employees as well as inmates of the Department. These rules should guide inmates in their daily activities, and employees in carrying out the correctional programs of the Department of Corrections.

A complete copy of the Manual shall be made available to the employee and inmate of the Department of Corrections. Amendments to the Manual or changes shall be inserted when published. The contents of the Manual shall be explained to each inmate upon admission to the facility as part of orientation. The Manual shall also be explained to the staff as part of the personnel orientation or training.

These rules may be modified or revised by the Governor of Guam through the issuance of an Executive Order.

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CHAPTER 1

ADMINISTRATIVE PROVISIONS

Section 1.1. GENERAL PROVISIONS

- (a) The Rules and Regulations herein shall govern the administration and operations of the Guam Department of Corrections. Each individual facility/division organic to the Department may adopt rules governing its unique situation pursuant to Section 90.30, 9GCA, subject to the approval of the Director of Corrections and the Governor of Guam.
- (b) A copy of the Rules and Regulations for the Administration of Correctional Institutions and Other Places of Confinement (Manual) shall be made available to each inmate and each employee. The Manual shall be made a part of the inventory at each facility or unit to facilitate the operational and administrative requirements.

Section 1.2. PRIOR RULES AND REGULATIONS

All prior rules and regulations, promulgated under the authority stated hereinbefore, for the operations of the Department of Corrections are hereby superseded.

Section 1.3. PURPOSE

Inmates shall have all those rights and responsibilities as set forth in these Rules and Regulations, not otherwise inconsistent with statutory or case law. This Executive Order is adopted for the purpose of regulating the internal management of Guam's correctional facilities.

CHAPTER 2
INMATE CUSTODY AND CONTROL

ARTICLE 1
THE CLASSIFICATION PROCESS

Section 2.1. GENERAL PROVISIONS

An inmate's classification determines where the inmate is best situated within the facility. Classification is not only dependent upon isolated aspects of the inmate, the inmate's history and changing needs, the resources and facilities available to corrections, the other inmates, the exigencies of the community but also any other relevant factors. Classification is intended to be in the best interest of the inmate, the territory, and the community. In short, classification is a continuing evaluation of each inmate to ensure the best possible placement within the facility.

Section 2.2. PROGRAM COMMITTEE

- (a) An Adjustment and Classification Committee shall be formulated by the Director and composed of at least three (3) members. The Committee shall meet as often as necessary and shall have the responsibility of hearing and making recommendations to the Director for the promotion and/or demotion of inmates. The Director shall approve or disapprove the recommendations of the Committee but shall advise the Committee of the reason for each disapproval. The Committee

shall not usurp or override the decision of the Director.

- (b) The Director, when necessary and without convening the Committee, may decide on inmate classifications and transfers.
- (c) An inmate, for cause, may be segregated for a reasonable time pending the Committee's review, if, in the judgment of the facility head, the segregation is necessary:
 - (1) To protect life or limb;
 - (2) For the security or good government of the facility;
 - (3) To protect the community; and
 - (4) For any other justifiable reason.
- (d) Because of the advisory nature of the Adjustment and Classification Committee, the Committee's review process, where deemed desirable, may be informal and non-adversarial. Considerations regarding notice, the appearance of the inmate before the Committee, opportunity to be heard, presentation of evidence or testimony, availability of counsel substitute, or confrontation and cross-examination are entirely within the discretion of the Committee. The adjustment process tailors punishment for specific rule violations to the inmate's training and treatment needs while maintaining facility order and ensuring respect for rules and the rights of others.

(e) The inmate shall be apprised of the findings of the Committee.

(1) Upon completion of the review, except disciplinary reviews where the Committee must render recommendation on the date hearing is concluded, the Committee may take the matter under advisement and will render a recommendation. The inmate's silence may be a relevant factor.

(2) The inmate shall be given a brief written summary of the Committee's findings within ten (10) working days of the review. The findings shall briefly set forth the reasons for the action taken. In disciplinary matters, however, the inmate must be informed of Committee's findings, its recommendation and basis for action on the date disciplinary hearing is concluded.

(3) The Director within thirty (30) working days of receipt of Committee's recommendation, except in disciplinary cases where the Director must act on the date the Committee's recommendation is submitted, shall review the recommendation and:

(a) Approve, disapprove or modify, in whole or in part, the recommendation;

(b) Hold in abeyance for up to sixty (60) days any action he believes may jeopardize the safety, security, or welfare of staff or inmates, advising the Committee and inmate of such action; and/or

(c) Shall not increase severity of recommended disciplinary action.

Section 2.3. REVIEW

Each inmate has the right to seek administrative review of the decision through the grievance process.

Section 2.4. EXPUNGING RECORDS

An inmate's file shall be expunged of the disciplinary report against him whenever he is found not to have committed a prohibited act. The requirement for expunging the inmate's file does not preclude maintaining copies of disciplinary actions resulting in "not guilty" findings in a master file separate from the inmate's institution file, provided the contents of the master file are not used in any manner which would adversely affect the inmate. Likewise, the expungement requirement does not require the destruction of medical reports or Special Housing Report Forms relating to a particular inmate which must be maintained to document medical treatment given in a Special Housing Unit.

Section 2.5. APPEALS FROM INSTITUTION DISCIPLINARY ACTIONS

At the time the Adjustment and Classification Committee gives an inmate notice of its decision, the Committee shall advise the inmate that he may appeal the Committee's decision to the Director. Appeals must be filed with the Director no later than fourteen (14) calendar days after the receipt of action in written form. The appeal must be

forwarded to the Appeal Committee for action. The members of the Appeal Committee which shall be created by the Director's appointment shall be composed of three (3) facility heads who may approve, modify or reverse any disciplinary action already taken. The Director may not increase the amount of time or take any action more severe than what was recommended by the Adjustment and Classification Committee and shall abide by the Appeal Committee's decisions. The Director may lessen the recommended actions by the Committee or the Appeal Committee.

Section 2.6. RIGHTS, PRIVILEGES, AND RESPONSIBILITIES

(a) The rights and privileges of all inmates shall be as follows:

- (1) You have a right as a human being to be treated respectfully, impartially, and fairly by all personnel.
- (2) You have a right to be informed of the rules, procedures, and schedules concerning the operation of the institution.
- (3) You have the right to freedom of religious affiliation, and voluntary religious worship.
- (4) You have a right to be provided health care which includes nutritious meals, proper bedding and clothing, a laundry schedule for cleanliness of the same, opportunities to shower regularly, proper ventilation, a regular exercise period, toilet articles, and certain necessary medical

and dental treatment.

- (5) You have a right to reasonably correspond and visit with family members, friends, and other persons according to the rules and schedules of the institution where there is no threat to security, order, or correctional programming.
 - (6) You have the right of access to the court by correspondence on matters such as the legality of your conviction, pending criminal cases, or the conditions of your confinement.
 - (7) You may utilize reading material for educational or religious purposes and for your own enjoyment.
 - (8) You may participate in counseling, education, vocational training, employment, and other available programs unless prohibited by law.
- (b) The responsibilities of all inmates shall be as follows:
- (1) You have the responsibility to treat others respectfully, impartially, and fairly.
 - (2) You have the responsibility to know and abide by the rules, procedures, and schedules concerning the operations of the institution.
 - (3) You have the responsibility to recognize, respect, and not interfere with the rights of others.
 - (4) It is your responsibility not to waste food, to follow the laundry and shower schedule, to maintain neat and clean living quarters, and to seek certain medical and dental care as you may need.

- (5) It is your responsibility to conduct yourself properly during visits, not to accept or pass contraband, and not to violate the law through your correspondence.
- (6) You have the responsibility to present to the court honestly and fairly your petitions, questions, and problems.
- (7) It is your responsibility to seek and utilize reading materials for personal benefit, without depriving others of their equal right to the use of these materials.
- (8) You have the responsibility to take advantage of activities which may help you live a successful and law abiding life within the institution and in the community. You will be expected to abide by the regulations governing the use of such activities.

Section 2.7. SERIOUS MISCONDUCT

A serious rule violation is defined as that which poses a serious threat to the safety, security, or welfare of the staff, other inmates or the institution and subjects the inmate to the imposition of serious penalties such as segregation for longer than five (5) days. Such misconduct shall be punished through the Adjustment and Classification Committee pursuant to the procedures in Sections 2.8 to 2.11.

Section 2.8. PROHIBITED ACTS WITHIN INSTITUTIONS OF THE
DEPARTMENT; GREATEST MISCONDUCT CATEGORY

- (a) Acts constituting misconduct of the greatest category shall be as follows:
- (1) Killing.
 - (2) Sexual assaults.
 - (3) Assaulting any person, with or without a dangerous instrument, causing bodily injury.
 - (4) The use of force on or threats to correctional employee or the employee's family.
 - (5) Escape:
 - (a) From closed confinement, with or without threat of violence.
 - (b) From an open facility or program involving the use of violence or threat of violence.
 - (6) Setting a fire.
 - (7) Destroying, altering, or damaging government property or the property of another person resulting in damage of \$1,000 or more, including irreplaceable documents.
 - (8) Adulteration of any food or drink which does or could result in serious bodily injury or death.
 - (9) Possession or introduction of explosives or ammunition.
 - (10) Possession or introduction of any firearm, weapon, sharpened instrument, knife, or other dangerous instrument.

- (11) Rioting.
 - (12) Encouraging others to riot.
 - (13) The use of force or violence resulting in the obstruction, hindrance, or impairment of the performance of a correctional function by a public servant.
 - (14) Any lesser and reasonably included offense of the acts in numbers (1) to (13).
 - (15) Any criminal act which the territory of Guam's Criminal and Correctional Code classifies as a major felony.
- (b) Institutional sanctions which may be imposed as punishment for acts listed in subsection (a) shall include one or more of the following:
- (1) Disciplinary segregation up to sixty (60) days.
 - (2) Monetary restitution.
 - (3) Any other sanctions other than disciplinary segregation.
- (c) Attempting to commit any of the above acts, aiding another person to commit any of the above acts, and conspiring to commit any of the acts shall be considered the same as a commission of the act itself.

Section 2.9. PROHIBITED ACTS WITHIN INSTITUTIONS OF THE
DEPARTMENT; HIGH MISCONDUCT CATEGORY

- (a) Acts constituting misconduct of high category shall be as follows:
- (1) Fighting with another person.

- (2) Threatening another person, other than a correctional employee, with bodily harm, or with any offense against the other person or the other person's property.
- (3) Extortion, blackmail, protection: demanding or receiving anything of value in return for protection against others, to avoid bodily harm, or under threat of informing.
- (4) Assaulting any person without the use of weapon or dangerous instrument.
- (5) Escape from an open institution or program, conditional release center, or work release which does not involve the use or threat of violence.
- (6) Attempting or planning escape.
- (7) Destroying, altering, or damaging government property or the property of another person resulting in damages between \$500 - \$999.99.
- (8) Tampering with or blocking any locking device.
- (9) Adulteration of any food or drink which could or does result in bodily injury or sickness.
- (10) Possession of an unauthorized tool.
- (11) Possession or introduction or use of any narcotic paraphernalia, drugs, or intoxicants not prescribed for the individual by a medical doctor.
- (12) Possession of any staff member's clothing or equipment.

- (13) Encouraging or inciting others to refuse to work or to participate in work stoppage.
- (14) The use of physical interference or obstacle resulting in the obstruction, hindrance, or impairment of the performance of a correctional function by a public servant.
- (15) Giving or offering any public official or staff member a bribe.
- (16) Any lesser and reasonably included offense of numbers (1) to (15).
- (17) Any criminal act which the territory of Guam's Criminal and Correctional Code classifies as a felony.

(b) Sanctions which may be imposed as punishment for acts listed in subsection (a) shall include one or more of the following:

- (1) Disciplinary segregation up to forty (40) days.
- (2) Monetary restitution.
- (3) Any other sanction other than disciplinary segregation.

(c) Attempting to commit any of the above acts, aiding another person to commit any of the above acts, and conspiring to commit any of the acts shall be considered the same as a commission of the act itself.

Section 2.10. PROHIBITED ACTS WITHIN INSTITUTIONS OF THE
DEPARTMENT; MODERATE MISCONDUCT CATEGORY

- (a) Acts constituting misconduct of moderate category shall be as follows:
- (1) Engaging in sexual acts.
 - (2) Making sexual proposals or threats to another.
 - (3) Indecent exposure.
 - (4) Wearing a disguise or a mask.
 - (5) Destroying, altering or damaging government property or the property of another person resulting in damages between \$50 - \$499.99.
 - (6) Theft.
 - (7) Misuse of authorized medication.
 - (8) Possession of unauthorized money or currency.
 - (9) Loaning of property or anything of value for profit or increased return.
 - (10) Possession of anything not authorized for retention or receipt by the inmate and not issued to the inmate through regular institutional channels.
 - (11) Refusing to obey an order or any correctional officer or staff member.
 - (12) Violating a condition of any community release or any extension of limits of confinement.
 - (13) Unexcused absence from work, or other authorized assignment.
 - (14) Failing to perform work as instructed by a correctional or staff member.

- (15) Lying or providing false statements, information, or documents to a staff member, government official, or member of the public.
- (16) Counterfeiting, or unauthorized reproduction of any document, article, or identification, money, security, or official paper.
- (17) Participating in an unauthorized meeting or gathering.
- (18) Being in an unauthorized area.
- (19) Failure to follow safety or sanitary rules.
- (20) Using any equipment or machinery which is not specifically authorized.
- (21) Using any equipment or machinery contrary to instructions or posted safety standards.
- (22) Failing to stand count.
- (23) Interfering with taking count.
- (24) Making intoxicants or alcoholic beverage.
- (25) Being intoxicated.
- (26) Gambling.
- (27) Preparing or conducting a gambling pool.
- (28) Possession of gambling paraphernalia.
- (29) Being unsanitary or untidy; failing to keep one's person and one's quarters in accordance with posted safety standards.
- (30) Unauthorized contacts with the public or other inmates.

- (31) Giving money or anything of value to or accepting money from an inmate, a member of the inmate's family, or friend.
 - (32) Any lesser and reasonably included offense of numbers (1) to (31).
- (b) Sanctions which may be imposed as punishment for acts listed in subsection (a) shall include one or more of the following:
- (1) Disciplinary segregation up to thirty (30) days.
 - (2) Monetary restitution.
 - (3) Any sanction other than disciplinary segregation.
- (c) Attempting to commit any of the above acts, aiding another person to commit any of the above acts, and conspiring to commit any of the acts shall be considered the same as a commission of the act itself.

Section 2.11. PROHIBITED ACTS WITHIN INSTITUTIONS OF THE
DEPARTMENT; MINOR MISCONDUCT CATEGORY

- (a) Acts constituting misconduct of minor category shall be as follows:
- (1) Destroying, altering, or damaging government property, or the property of another person resulting in damage less than \$50.
 - (2) Possession of property belonging to another person.
 - (3) Possessing unauthorized clothing.
 - (4) Malingering, feigning illness.

- (5) Using abusive or obscene language or gesture to a staff member.
 - (6) Smoking where prohibited.
 - (7) Tattooing oneself or another, or self-mutilation.
 - (8) Unauthorized use of mail or telephone.
 - (9) Correspondence or conduct with a visitor in violation of rules.
 - (10) Harassment of employees.
 - (11) Any lesser and reasonably included offense of numbers (1) to (10).
 - (12) Any other criminal act which the territory of Guam's Criminal and Correctional Code classifies as a petty misdemeanor.
- (b) Sanctions which may be imposed as punishment for acts listed in subsection (a) shall include one or more of the following:
- (1) Disciplinary segregation up to twenty (20) days.
 - (2) Monetary restitution.
 - (3) Any sanction other than disciplinary segregation or monetary restitution.
- (c) Attempting to commit any of the above acts, aiding another person to commit any of the above acts, and conspiring to commit any of the acts shall be considered the same as a commission of the act itself.

Section 2.12. MINOR MISCONDUCT WITHIN INSTITUTIONS OF THE
DEPARTMENT; ADJUSTMENTS

- (a) A minor rule violation is defined as that which poses no serious threat to the safety, security, or welfare of the staff, other inmates or the institution or subjects the inmate to the imposition of lesser penalties. Such misconduct may be punished by a staff member designated by the facility head who did not make the charge against the inmate. The staff member shall inform the inmate that he or she is accused of committing a minor infraction, to which the inmate shall be given an opportunity to respond, to offer an explanation in defense, or otherwise show that he or she is not guilty of the alleged misconduct. All sanctions imposed must be germane or relevant to the misconduct. The following sanctions may be imposed:
- (1) Loss of privileges; e.g., community recreation; personal visits (not longer than fifteen (15) days); personal correspondence (not longer than fifteen (15) days); personal phone calls (not longer than fifteen (15) days).
 - (2) Impound inmate's personal property.
 - (3) Extra duty.
 - (4) Reprimand.
 - (5) Segregation not to exceed twenty (20) days.
 - (6) Monetary restitution.

- (b) The facility head or designee shall prepare a brief written report to be placed in the inmate's file, indicating the infraction, the sanction, and the date or dates the sanction is to be or was carried out.

Section 2.13. PRE-HEARING DETENTION

An inmate may be detained for not more than five (5) days, or for a reasonable time provided the facility head receives written approval from the Director, pending and Adjustment and Classification Committee hearing if, in the judgment of the facility head, detention is necessary:

- (1) To protect the life or limb;
- (2) For the security or good government of the facility;
- (3) To protect the community; and/or
- (4) For any other good reason.

Section 2.14. COMMITTEE CHAIR AND VICE CHAIRPERSON

The Director shall appoint, in writing, two members from the Committee membership to serve as Committee Chairperson and Vice Chairperson respectively. They shall serve at the pleasure of the Director.

Section 2.15. COMMITTEE SECRETARY

The Director shall, in writing, appoint a Committee Secretary. The Secretary shall have the responsibility of taking minutes of all Committee meetings, agenda preparation, filing and custody of all Committee records, and shall perform all other reasonable secretarial duties

required by the Committee. The Secretary shall serve at the pleasure of the Director.

Section 2.16. ALTERNATE MEMBERS

The Committee Chairperson may appoint alternate members from the correctional staff to sit on any regular or special meeting of the Committee. The alternate members shall serve until completion of the meeting or the business at hand. The alternate members shall be selected from the middle management of the Department.

Section 2.17. QUORUM

The presence of a presiding officer plus any two members shall constitute a Committee quorum for the transaction of business.

Section 2.18. CONFIDENTIALITY

All Committee meetings wherein cases are discussed are confidential, closed-door sessions. Only persons presenting cases before the Committee will be permitted to attend. All other departmental personnel require approval of the Chairperson before attendance therein, provided further that their participation in Committee discussion is limited. All nondepartmental personnel will be granted admission only upon the written authorization of the Director.

Section 2.19. COMMITTEE MINUTES

The original copy of all Committee minutes shall be filed with the Committee Secretary upon acceptance or approval of same by the Committee. Committee minutes become

confidential records of the Department.

Section 2.20. RESIGNATION

Resignation of members may be tendered in written form only to the Director. The Director reserves the authority to act on resignations or reconstitute membership of the Committee at any time.

Section 2.21. PRESENTATION WRITE-UPS

All presentations before the Committee shall be submitted in written form, and a copy filed with the Secretary.

Section 2.22. COMMITTEE MEETINGS

Committee meetings will be held at least once weekly. Special meetings may be called by the Chairperson or the Vice Chairperson in the absence of the Chairperson. For cause, the Director may also call a special meeting of the Committee.

Section 2.23. COMMITTEE; GENERAL POWERS

The Committee is authorized to recommend an inmate's promotion, demotion or take other actions subject to the approval of the Director or his designee. The Committee may adopt policies and procedures, in writing and approved by the Director as it may deem proper or necessary to carry out its duties. Said rules shall be consistent with other rules and laws.

Section 2.24. DELIBERATION AND VOTING

All case deliberations before the Committee shall be conducted in closed door sessions. All non-members in attendance shall be excused by the Chairperson and remain absent until ordered recalled by the Chair before the Committee deliberates. All voting on inmates' cases shall be by secret ballots unless the Committee by its own motion on a case by case basis agrees otherwise. Motions need only a majority vote to be carried. The Chairperson of the Committee or Vice Chairperson in the absence of the Chairperson, shall only vote in case of a tie, and is under no obligation to explain his vote to the membership.

Section 2.25. MEMBER DISQUALIFICATION

Members may request the Chairperson to have themselves disqualified from voting on given cases subject to the approval or disapproval of the Chairperson. The Committee for cause and by motion may also have any member disqualified from voting on a given inmate's case.

Section 2.26. MEMBERSHIP IMMUNITY

While no member shall make irrelevant remarks or destructive and abusive criticism of programs and personnel of the Department, members before the Committee are administratively granted immunity to freely discuss each and every aspect of an inmate's case without fear of reprisals from superiors.

Section 2.27. LEGAL RESPONSIBILITY

It shall be the responsibility of all Committee members to constantly keep abreast of all legal decisions affecting the custody, classification, control and process handling of inmates.

Section 2.28. SUMMONS POWER GIVEN

At the direction of the Chairperson or the Vice Chairperson in the absence of the Chairperson, or upon the approval of the majority of the Committee members the Committee shall issue summons requiring the attendance of such witnesses and production of such materials and documents as it may deem necessary for investigation of any case before it. Summons shall be signed by the presiding officer of the Committee. The Director, upon application of the Committee, may require the attendance of witnesses, or the production of materials before the Committee.

Section 2.29. PRE-HEARING INVESTIGATION

- (a) The duty officer shall conduct a complete investigation into the facts of the alleged misconduct which occurred during his tour of duty, to determine if there is probable cause to believe the inmate committed the alleged misconduct. If the duty officer finds sufficient cause to believe that a rule violation has occurred, the adjudication procedures may be initiated.
- (b) Upon completion of the investigation of the alleged misconduct the duty officer shall submit his findings

and recommendation to the facility head who shall forward the violation to the Committee, should the facility head feel it warrants the Committee's attention. Additionally, the duty officer shall present the evidence against the inmate to the Committee.

Section 2.30. NOTICES

- (a) The inmate shall receive prior notice that a preliminary or final reclassification hearing before the Committee will be held regarding his alleged misconduct.
- (b) Not less than twenty-four (24) hours before the preliminary hearing, the charged inmate shall be served with written notice of the time and place of the Committee hearing, what the specific charges are and a brief notation of the facts. If the inmate waives the twenty-four (24) hour period, the waiver shall be reduced to writing and signed by the inmate on the face of the notice.
- (c) Unless notified by the Committee during the preliminary hearing, the accused inmate within fifteen^a (15) but not less than ten (10) calendar days immediately before the final reclassification hearing shall be served with written notice of the time and place of the Committee hearing, what the specific charges are and a brief notation of the facts. However, if the inmate waives the ten (10) day preparation period for

a final reclassification hearing and insists that his preliminary hearing be made a final reclassification hearing, his waiver shall be reduced to writing, and the Committee shall proceed with the final hearing with no other notices due the inmate.

- (d) The inmate or counsel substitute shall have the opportunity to review all relevant non-confidential reports of misconduct or a summary of the details thereof during the period between the notice and the hearing.
- (e) The misconduct report or summary shall briefly contain the following:
 - (1) The specific rule violated;
 - (2) The facts supporting the charge;
 - (3) Any unusual inmate behavior;
 - (4) Any staff or inmate witnesses;
 - (5) The disposition of any physical evidence (e.g. weapons); and
 - (6) Any immediate action taken.

Section 2.31. THE PRELIMINARY HEARING

- (a) The inmate has a right to appear before the Committee in preliminary hearings, except where institutional safety or the good government of the facility would be jeopardized. If the inmate is excluded from the hearing, reasons shall be given in writing. If the inmate declines to attend the hearing, it shall be held regardless of the inmate's absence.

- (b) The Committee shall explain the reason for the preliminary hearing, the nature of the charge or charges against the inmate, and explain the inmate's rights. The inmate shall plead guilty or not guilty to the charges. Failure to plead shall be accepted as a plea of not guilty.
- (1) A plea of not guilty shall require a final reclassification hearing and the consideration of the evidence against the inmate.
- (2) A plea of guilty eliminates the need for a final reclassification hearing or the need to consider other evidence against the inmate. The inmate shall then be given an opportunity to explain his actions or offer evidence in mitigation before the Committee makes a decision on his case.

Section 2.32. THE FINAL RECLASSIFICATION HEARING

- (a) The inmate has a right to appear before the Committee in a final reclassification hearing, except where institutional safety or the good government of the facility would be jeopardized. If the inmate is excluded from the hearing, reasons shall be given in writing. If the inmate declines to attend the hearing, it shall be held regardless of his absence.
- (b) In the final reclassification hearing, the inmate shall be advised of his right to remain silent, but that his silence may be used as a permissible

inference of guilt. An inmate cannot, however, be compelled to testify against himself/herself without a grant of immunity and may not be required to waive that immunity.

(c) Formal rules of evidence shall not apply in the final reclassification hearing, or any hearing before the Committee. The Committee may rely on any form of evidence, documentary, or testimonial, that it believes is reliable.

(d) Confrontation and cross examination:

(1) The inmate may confront and cross examine any adverse witnesses.

(2) The Committee may deny confrontation and cross examination and identification of adverse witnesses if in its judgment such a confrontation would:

(a) Subject the witnesses to potential reprisals;

(b) Jeopardize the security or good government of the facility;

(c) Be unduly hazardous to the facility's safety or correctional goals; or

(d) Otherwise reasonably appear to be impractical or unwarranted.

(3) If confrontation and cross examination and the identification of adverse witnesses are denied, the Committee shall enter such denials in the records, of the proceeding and make available to the inmate an explanation for the denial.

Additionally, the inmate may be given an oral or a written summary of the confidential evidence against him and provided an opportunity to respond.

- (e) The inmate shall be given an opportunity to respond to evidence against him, explain the alleged misconduct, or offer evidence of mitigation.
 - (1) The inmate may call witnesses and present evidence of defense as long as it will not be unduly hazardous to institutional safety or correctional goals.
 - (2) The Committee may disallow certain witnesses or certain evidence, after being given an offer of proof as to the nature of the evidence, because of:
 - (a) Irrelevance;
 - (b) Lack of necessity;
 - (c) The hazards presented in individual cases;
or
 - (d) Any other justifiable reason.

In this regard, and for good cause the Committee may keep the hearing within reasonable limits and refuse the presentation of evidence or the calling of witnesses. The Committee shall state the reason for the refusals.

- (f) An inmate shall be permitted counsel substitute. A counsel substitute shall be a member of the staff who did not actively participate in the process by which the inmate was brought before the Committee.
- (g) The inmate has a right to be apprised of the findings of the Committee.
- (h) Upon completion of the hearing, the Committee may take the matter under advisement and render a decision based upon evidence presented at the hearing.
- (i) The inmate shall be given a brief written summary of the Committee's findings which shall be entered in the Committee's record. The findings will briefly set forth the evidence relied upon and the reasons for the action taken. The findings may properly exclude certain items of evidence if necessitated by personal or institutional safety and goals; the fact that evidence has been omitted and the reason or reasons therefor must be set forth in the findings.

Section 2.33. PUNISHMENT

- (a) The Adjustment and Classification Committee may render sanctions commensurate with the gravity of the rule and the severity of the violation. Corporal punishment is prohibited, provided that physical force may be employed for self defense or defense of others, to maintain the immediate order and security of the prison, to remove an inmate pursuant to a lawful order, or any other reason demanded by the exigencies

- of institutional goals. The following types of punishment may be recommended by the Committee:
- (1) Temporary loss of privileges.
 - (2) Segregation or closed confinement of not longer than sixty (60) days. The Committee shall review such confinement at least once every thirty (30) days to determine if modification of the ordered punishment exist.
 - (3) Monetary restitution.
 - (4) Any other punishment deemed necessary by the Committee.
- (b) A description of the basic living levels of disciplinary confinement shall be as provided in subsection (c) to (h).
- (c) The quarters used for disciplinary confinement should be ventilated, adequately lighted, and maintained in a sanitary condition by the inmate at all times. Normally, a confined inmate is entitled to clothing, and bedding. If an inmate is likely to destroy the clothing or bedding, injure himself/herself, or create a disturbance detrimental to others, or for other good reasons, materials may be removed from the cell until the condition which prompted removal subsides.
- (d) Segregated inmates shall be given an adequately nutritious diet.
- (e) Segregated inmates shall maintain an acceptable level of personal hygiene.

- (f) Each confined inmate should be permitted daily indoor or outdoor exercise outside his/her cell, unless the facility head for justifiable cause orders otherwise.
- (g) Personal property will be impounded, inventoried, and receipted.
- (h) Religious materials are permitted. Participation in group religious activities is not permitted.

Section 2.34. REVIEW

- (a) Each inmate has the right to seek administrative review of the decision of the facility head or the Committee through the grievance process. Review must be initiated by the inmate within fourteen (14) calendar days of receipt of the Director's decision.
- (b) The Director may initiate review of any Committee decision. It is within the Director's discretion to modify any Committee findings or decisions. The Director may remand any matter to the Committee for further hearing or rehearing if the Director believes it to be in the interest of justice.

ARTICLE 3

LEGAL REPRESENTATION

Section 2.35. COUNSEL IN ADJUSTMENT PROCESS

Inmates may not be represented by legal counsel before the Adjustment and Classification Committee, program committees, or in proceedings related to administrative segregation. Legal counsel may be allowed to participate in such proceedings in limited circumstances, but the granting of

permission to participate shall be at the discretion of the Director or his designee.

ARTICLE 4

ADMINISTRATIVE TRANSFER AND SEGREGATION

Section 2.36. GENERAL PROVISIONS

The Director or designee may administratively segregate or transfer, within or without the facility, any inmate under any of the following circumstances:

- (1) Whenever the Director or designee determines that an inmate has committed or threatens to commit serious misconduct.
- (2) Whenever the Director or designee, considering all the information available, including confidential or reliable hearsay sources, determines that there is reasonable cause to believe that the inmate is a threat to:
 - (a) Life or limb;
 - (b) The security or good government of the facility; or
 - (c) The community.
- (3) Whenever any similarly justifiable reasons exist.

Section 2.37. PROTECTIVE CUSTODY

- (a) Admission to protective custody may be made only where there is reason to believe that such action is necessary or the inmate consents, in writing, to such a confinement. Protective custody is continued only

as long as necessary except where the inmate needs long term protection and the facts requiring the confinement are documented.

- (b) Where an inmate consents to confinement in protective custody, the inmate shall be reassigned to the general population within fourteen (14) calendar days of the request to be returned unless there are documented reasons to believe that continued protective custody is necessary.

Section 2.38. PROCEDURES

Administrative segregation is nonpunitive in nature. It may be imposed for an indefinite period until such time as the Director or designee determines that the need for administrative segregation no longer exists. The inmate within seventy-two (72) hours of segregation should be given a written summary of the reasons for such segregation and given an opportunity to present evidence in defense before the Director or designee where to do so will not be hazardous to institutional safety. The Director or designee shall review the inmate's confinement in administrative segregation at least once every thirty (30) calendar days.

Section 2.39. REVIEW

Each inmate has the right to seek administrative review of the decision through the grievance process.

Section 2.40. RIGHTS, PRIVILEGES AND RESPONSIBILITIES IN
ADMINISTRATIVE SEGREGATION

Unless specifically prohibited or restricted by law or by regulation, inmates in administrative segregation shall be entitled to all rights, privileges and responsibilities provided for by Section 2.6 of these Rules.

ARTICLE 5

ADMINISTRATIVE REMEDY OF COMPLAINTS

Section 2.41. GENERAL PROVISIONS

- (a) Most complaints can be resolved quickly and efficiently through direct contact with the staff who are responsible in the particular area of the problem. This is the preferred course of action. Staff awareness of the importance of prompt attention and response to these routine requests will minimize the use of formal complaint procedures.
- (b) A viable complaint procedure will serve the inmates, the staff, and the courts. It will provide the inmate with a systematic procedure whereby issues raised relating to confinement will receive attention and a written response within a short period of time from the appropriate authority, if appealed.
- (c) Such a procedure assists the administration by providing an additional vehicle for internal solution of problems at the level having most direct contact with the inmate. It also provides a means for continuous

review of administrative decisions and policies. Further, it provides a written record in the event of subsequent judicial or administrative review. A viable administrative remedy procedure should reduce the volume of suits filed in court and should develop a record of facts which will enable the courts to make more speedy dispositions.

Section 2.42. GRIEVANCE COMPLAINT FORM

- (a) If an inmate cannot resolve a complaint through the informal contact with staff, and wishes to file a formal complaint for administrative remedy, the inmate should secure a copy of the Grievance Complaint Form and write the complaint in the space provided. The inmate may secure assistance from staff or other inmates to complete the form. The inmate should then give the completed form to a staff member designated by the Director, retaining a copy for the inmate's own record.
- (b) The complaint must be filed with the Department within fourteen (14) calendar days from the date on which the basis of the complaint occurred. Institution staff have up to seven (7) days from receipt of the complaint, excluding weekends and holidays, to act upon the matter and provide a written response to the inmate. When the complaint is of an emergency nature and threatens the inmate's immediate health or welfare, a reply must be made as soon as possible,

normally within twenty-four (24) hours from the receipt of the complaint.

- (c) When the proper course of action is determined, the response should be completed and signed by the staff member designated by the Director for the given sequential step. The original shall be placed in the inmate's jacket, one copy should go to the inmate, and one copy should go to the applicable facility administrator. Responses should be based upon facts which pertain specifically to the issue and should deal only with the issue raised, and should not include extraneous material.
- (d) The complaint and grievance procedure shall follow in sequential steps as follows:
 - (1) STEP 1: Inmate to middle management/section supervisor, parole officer or assigned caseworker.
 - (2) STEP 2: Inmate to facility head.

Section 2.43. REFERRAL OUTSIDE THE DIVISION

In the event that a complaint or grievance is not resolved at the section/division level, it shall be referred to the Director, for action if so initiated by the inmate. The decision of the Director shall be final.

Section 2.44. REFERRAL TO AGENCIES OR OFFICIALS OTHER THAN DEPARTMENTAL

An inmate should first exhaust the administrative channels in this Article in the quest of a resolution of the com-

plaint or grievance before referring it to the ombudsman (Suruhanu) or other authorized officials. Inmates are advised that courts frequently require evidence that administrative remedies have been exhausted before granting relief through such means as habeas corpus.

CHAPTER 3
INMATES ACCESS TO COURTS
AND LEGAL COUNSEL

Section 3.1. LEGAL REPRESENTATION

- (a) Each inmate shall be afforded the opportunity to consult with legal counsel of the inmate's choice at any reasonable time. The inmate shall in writing inform the facility head the name of the personal attorney. In all cases, the burden shall be upon the attorney to show that the attorney actually is representing the inmate.
- (b) Mutual assistance between inmates on legal matters is permitted, unless there is reasonable cause to believe that to do so poses a threat to security and good government of the facility.

Section 3.2. OMBUDSMAN (SURUHANU)

Inmates may correspond with the ombudsman via privileged mail. The ombudsman is statutorily empowered to make inquiries and obtain information as the ombudsman thinks fit, and may enter the facility for private hearings. A letter to the ombudsman from an inmate shall be forwarded to the ombudsman within twenty-four (24) hours, excluding weekends and holidays. All reasonable efforts shall be made to facilitate the communication between inmate and the ombudsman.

Section 3.3. LAW LIBRARY

Law libraries shall be made available to inmates at the facility.

CHAPTER 4
CLASSIFICATION OF OFFENDERS

ARTICLE 1
CLASSIFICATION FOR INMATE MANAGEMENT

Section 4.1. GENERAL PROVISIONS

Classification is essential to the operation of an orderly and safe prison. It is a prerequisite for the rational allocation of whatever program opportunities exist within the institution. It enables the institution to gauge the proper custody level of an inmate, to identify the inmate's educational, vocational, and psychological needs, and to separate nonviolent inmates from the predatory. Classification must include any step or policy that results in advantageous categorization and response to individual inmate's needs.

Section 4.2. PRINCIPLES OF CLASSIFICATION

The type of system that exists in the institution will determine the type of classification that exists. If the process changes, then the classification decisions will change. The system must operate on the basis of valid principles, and must apply to the entire correctional system. The principles of the classification process should involve:

- (a) A clear definition of goals and objectives for both staff and inmates.

- (b) Detailed written procedures and policies governing the classification process, to include:
- (1) Minimization of risk to the public;
 - (2) Minimization of risk to other inmates and staff;
 - (3) Minimization of breaches of security;
 - (4) Minimization of risk to the correctional system;
 - (5) Minimization of security levels;
 - (6) Maximization of fairness (similar offenders treated in similar manner);
 - (7) Maximization of objective and quantitative nature of all classification criteria;
 - (8) Maximization of inmate understanding of the classification system and inmate participation in program decisions;
 - (9) Initial inmate classification and reclassification;
 - (10) Instructions regarding the makeup of the Adjustment and Classification Committee and the program teams and the full responsibilities of each;
 - (11) Definitions of various committees' responsibilities for custody, employment, and vocational program assignments;
 - (12) Instructions concerning potential changes in an inmate's program;
 - (13) Procedures relating to inmate transfer from one program to another and from one institution to another;

- (14) Content of the classification interview; and
 - (15) Method of documentation of decision making.
- (c) The classification process must provide for the collection of complete, high quality, verified, and standardized data. The system must define the data needed and the format in which it is to be collected and analyzed. Complete and verified data permits the following:
- (1) Equitable determinations based on particular factors of individual cases;
 - (2) Similar decisions among individual classification analysts on roughly comparable cases; and
 - (3) Quantitative analysis of trends in classification decision-making for individual facilities or the Department as a whole.
- (d) Measurement and testing instruments used in the classification decision-making process must be valid, reliable, and objective.
- (e) There must be explicit policy statement structuring and checking of the discretionary decision-making powers of the Adjustment and Classification Committee and program teams.
- (f) There must be provision for screening and further evaluating inmates who are management problems and those who have special needs. Inmates who are management problems and require special consideration in placement and programming fall into several

categories:

- (1) Those who require protection and separation because they may be in danger from other inmates;
 - (2) Those who, by reason of their offense, criminal record, or institutional behavior, require particularly close supervision;
 - (3) Those who received unusual publicity because of the nature of their crime, arrest, or trial, or who were involved in criminal activities of a sophisticated nature; and
 - (4) Those inmates who are aged, infirm, mentally ill, retarded and those with special medical problems.
- (g) There must be provisions to match offenders with programs; these provisions must be consistent with risk classification needs. This process involves the establishment of clear, operational definitions of the various types of offenders and available institutional programs; but risk as well as needs must be considered and directed towards:
- (1) Identifying and evaluating the factors underlying each inmate's needs;
 - (2) Recommending programs and activities for inmates according to their specific needs and the availability of resources;
 - (3) Developing and recording the necessary data to support services and long-range programs planning.

- (h) There must be provisions to classify each inmate at the least restrictive custody level.
- (i) There must be provisions to involve the inmate in the classification process. Each new inmate should be provided with a copy of the custody criteria; a written explanation of the health care, vocational training, education, transfer, special programs available, including the selection criteria for each. The inmate should be present except, during deliberation of the case or if the inmate is a danger to the staff.
- (j) There must be provisions for systematic periodic reclassification hearings which should include:
 - (1) Review/reclassification within two (2) weeks following the inmate's transfer from another unit within the system;
 - (2) Review every three (3) months for inmates serving terms of eighteen (18) months or less;
 - (3) Review every five (5) months for inmates serving terms of eighteen (18) months and one (1) day to five (5) years; and
 - (4) Review every seven (7) months for inmates serving terms of five (5) years or more.

If suitable manpower is available, reviews can be conducted on a more frequent basis. Optimally, inmates should be allowed to petition in writing to initiate reviews of their progress.

- (k) The classification process must be efficient and economically sound.
- (l) There must be provisions to continuously evaluate and improve the classification process. The process must continuously strive to improve itself through feedback, evaluation, and action to correct deficiencies. It must be responsive to emerging knowledge and professional undertaking of the process, and also responsive to staff and inmate input.
- (m) Classification procedures must be consistent with constitutional requirements. The Department must keep abreast of litigation applicable to its jurisdiction in order to insure the continued legality of its classification policies, procedures, and decisions.
- (n) There must be an opportunity to gain input from administration and line staff when undertaking development of a classification system.

CHAPTER 5
CUSTODY AND SECURITY

ARTICLE 1
CUSTODY AND SECURITY SPECIFICATIONS

Section 5.1. GENERAL PROVISIONS

Custody and security designations must strive to place the inmate in the least restrictive environment suitable to guarantee adequate custody supervision consistent with his behavior. Custody designations are not to be imposed as a form of punishment; as much as possible, custody supervision assignment should have an objective, behavior-oriented foundation. The following definitions are applicable to these Rules.

Security Level - the type of physical (architectural, environmental) constraints.

Custody Level - the degree of staff supervision provided.

Section 5.2. SECURITY LEVEL DESCRIPTIONS

Correctional institutions generally provide six different levels of security.

- (a) MAXIMUM SECURITY. Requires housing separate from the general population, with separate activities. An inmate placed in a maximum security setting should be housed in a single occupancy cell, with towers manned twenty-four (24) hours a day, or an equivalent secure perimeter. The maximum security inmate may retain his personal property unless the Committee,

the facility head or the Director finds and documents that, in an individual case, removal of specific items of personal property is essential for the protection of himself/herself, (inmates) or others.

- (b) CLOSE SECURITY. Close security requires housing separate from the general population. Single occupancy cells are required for this security level. There is little difference between maximum and close security designations; custody specifications, however, differ considerably.
- (c) MEDIUM SECURITY. Housing for medium security may be either single cell units or dormitories when the areas are secure and designated for this purpose. Medium security shall also include a secure perimeter.
- (d) MINIMUM SECURITY. Minimum security housing may be in any open unit within an appropriate institution perimeter. This perimeter shall be patrolled and the facility should be designed to allow before and after work hours access to living quarters.
- (e) COMMUNITY SECURITY. Placements may include housing in any of the following:
 - (1) Prerelease center (i.e., work release, education release, etc.); or
 - (2) Other appropriate settings.
- (f) PAROLEE SECURITY. Inmates in this classification are generally considered trustees and are supervised in the community.

Section 5.3. CUSTODY LEVEL DESCRIPTIONS

Custody, again, refers to the amount of supervision provided an inmate and relates to the following:

- (a) MAXIMUM CUSTODY. For a maximum custody inmate, day movement inside the housing unit shall only be under direct one-to-one escort. Night movement inside the housing unit shall be on an escorted basis with special orders from the duty officer. General supervision calls for all movement of maximum custody inmates to be escorted. Leaving the institutional grounds, requires that not less than two escorts, shall be used one of which must be armed. The inmate must be in full restraints. An inmate assigned to maximum custody shall have access only to specific programs in which appropriate supervision can be maintained, usually in his cell, cellblock, or area adjacent thereto. Maximum custody is utilized only for: those inmates whose past behavior indicates they pose a clear and present danger to staff and other inmates and temporary placement of certain designated inmates.
- (b) CLOSE CUSTODY. For an inmate assigned to close custody, all movement may be unescorted during the daytime inside the unit, but shall be observed by staff. Day movement within the institution but beyond the unit will be under escort. Night movement within the institution but beyond the unit shall be escorted. The supervision for a close custody inmate shall

include constant observation and supervision by staff. When leaving the institutional grounds, two escorts, one of which must be armed shall be used for such an inmate, who shall be kept in restraints. An inmate at this custody designation is to have access to selected institutional work details and activities inside the institution. Close custody is reserved for inmates whose past assaultive and/or escape histories indicate a need for very close control.

(c) MEDIUM CUSTODY. An inmate assigned to medium custody shall be supervised as follows:

- (1) When the inmate is permitted to move about within the institution, movement shall be on a check-in/check-out basis.
- (2) The inmate is permitted to leave the institution grounds only when accompanied or escorted by a correctional officer/peace officer. The escorting officer need not be armed, and the inmate may be handcuffed as required.
- (3) The inmate should be eligible for all activities within the institution and outside the immediate area of the departmental grounds, under supervision of authorized correctional personnel. The supervision should be frequent, and there should be direct observation of the area the inmate is in, at all times.

- (d) MINIMUM CUSTODY. Minimum custody is reserved for inmates who do not pose the risks associated with the preceding custody levels (but who may not be psychologically prepared for immediate community release). An inmate assigned to minimum custody shall be supervised as follows:
- (1) When the inmate is permitted to move about within the institution, he does not need to be within the view of a correctional officer/peace officer.
 - (2) The inmate may be permitted to leave the institution accompanied by any authorized correctional personnel.
- (e) COMMUNITY CUSTODY. Community custody is reserved for inmates who do not pose the risks associated with the preceding custody levels, and who are psychologically prepared for immediate release to the community. Direct supervision is not required, but may be provided under certain circumstances. Unescorted access to the community is generally allowed.
- (f) PAROLEE CUSTODY. Parolee custody supervision is generally reserved for inmates who have demonstrated trustee status in the community programs of the Department and who are granted parole custody by the Territorial Parole Board, the courts or a parole board of another jurisdiction.

CHAPTER 6

INMATE RULES

ARTICLE 1

CORRESPONDENCE

Section 6.1. GENERAL PROVISIONS

Inmates shall be allowed to send letters to whomever they wish, except when clear evidence related to institutional security, order, or rehabilitation exists to justify a limit. Any limitation shall be appealable to the facility head or his designee. The number of letters sent shall not be limited.

Section 6.2. PRIVILEGED MAIL AND COMMUNICATION

- (a) Privileged mail may be inspected for contraband but only in the presence of the addressed inmate. All privileged mail shall bear identification to show that such mail is in fact privileged.
- (b) Each inmate may correspond via privileged mail with the following:
 - (1) The courts of the territory of Guam or the United States;
 - (2) The inmate's identified personal attorney;
 - (3) The territory of Guam's ombudsman;
 - (4) The Governor of the territory of Guam;
 - (5) The Attorney General of the territory of Guam;
 - (6) The Director of Corrections;

- (7) The Chairman of the Territorial Parole Board;
- (8) Elected territorial or federal officials;
- (9) If committed from outside the jurisdiction of the territory of Guam, (1) to (8) of the committing jurisdiction shall apply.

Section 6.3. INSPECTION

- (a) Incoming or outgoing mail to and from inmates may be inspected and read pursuant to the guidelines provided in this Section.
- (b) The facility head or designee may inspect all incoming and outgoing mail for contraband.
- (c) The facility head or designee may reject the mailing or receipt of letters pursuant to the following guidelines:
 - (1) Outgoing letters from inmates shall not be censored unless there is evidence that the letter contains any of the following:
 - (a) Threats of physical harm against any person or threats of criminal activity;
 - (b) Threats of blackmail or extortion;
 - (c) Plans to send contraband in or out of the facility;
 - (d) Plans to escape;
 - (e) Plans for activities in violation of institutional rules;
 - (f) Plans for criminal activity;

- (g) Code writing by which its contents are not understood by the Department;
 - (h) Solicitations of gifts of goods or money except where authorized by the Director;
 - (i) Information which, if communicated, would create a clear and present danger of violence or physical harm to a human being;
 - (j) Material which violates postal regulations;
 - (k) Conduct of an inmate's business through the mails except where authorized by the Director.
- (2) Incoming letters to inmates may be disapproved for receipt only, for the reasons set forth in paragraph (1) or if the letter contains material which would cause psychological or emotional distress to the inmate.
- (3) Disapproval of a letter on the basis that it would cause psychological or emotional distress to the inmate may be done only by the facility head. The letter may be disapproved only upon a finding that receipt of the letter would be likely to affect correctional discipline, security, the inmate's rehabilitation, and that there is no reasonable alternative means of lessening the distress to the inmate. Outgoing or incoming letters may not be rejected solely upon the ground that they contain criticism of the institution or its personnel.

- (d) When an inmate is prohibited from sending a letter, the letter and a signed notice stating the reason or reasons for disapproval shall be given to the inmate.
- (e) When an inmate is prohibited from receiving a letter, a signed notice stating the sender's name and reason or reasons for disapproval shall be given to the inmate. Except where the letter is referred to other law enforcement authorities, the letter shall be returned to the sender with a signed notice stating the reason or reasons for the disapproval.
- (f) Copies of material from an inmate's correspondence which reveals evidence of past rule violations or which contains any of the information set forth in subsection (c) (1) may be placed in the inmate's file. The inmate shall be notified in writing of the placing of any such material in his jacket.
- (g) All letters shall be written in English or Chamorro, but every effort should be made to accommodate those inmates who are unable to write in English or Chamorro or whose correspondents would be unable to understand a letter written in English or Chamorro. The criminal relationship of the inmate and the correspondent are factors to be considered in deciding whether correspondence in a foreign language should be permitted.

Section 6.4. CENSORSHIP

- (a) The facility head or designee may censor incoming or outgoing mail to and from inmates, subject to the following two criteria:
- (1) Censorship must further a substantial governmental interest, such as maintaining the security and order of the facility, correctional programming for the inmate, or ensuring safety of facility personnel, inmates, and the community.
 - (2) The facility shall censor no more of the letter than necessary or essential to achieve the particular governmental interest. Thus, for example, plans for criminal activities, escape, movement of contraband, and the like may be censored, but not other nonobjectionable material unrelated to the particular governmental interest. Contraband which is illegal shall be turned over to law enforcement authorities.
- (b) Censorship shall be documented and copies filed with the inmate's jacket, and the inmate notified in writing of the placing of such material in his file.

Section 6.5. NUMBERS OF LETTERS ALLOWED

There is no limit to the amount of incoming mail an inmate is allowed to receive unless otherwise determined by the Director or his designee.

Section 6.6. COLLECTION AND DISTRIBUTION

- (a) Locked mail collection boxes shall be placed in common areas of the institution. Mail collection shall be made daily according to a regularly set schedule.
 - (1) Access to the mail boxes shall be limited to only those staff members directly assigned mail handling responsibilities.
 - (2) If for any reason an inmate is in a status which prevents him from having direct access to a mail collection box, mail shall be collected directly from him in accordance with the above requirements.
- (b) Incoming mail shall be held only so long as is necessary for inspection or for reading/censorship. Except in situations of pending censorship decisions and verification of the status of apparent privileged correspondence, mail should not be held longer than twenty-four (24) hours, excluding weekends and holidays.
- (c) Distribution of incoming mail shall be done by a correctional employee directly to the receiving inmate's hand.
- (d) At no time shall any inmate be involved in the collection, handling, or distribution of mail.

Section 6.7. PACKAGES

- (a) The facility head shall prepare and make available to the inmate population a list and quantity of items which may be received in packages.

(b) Any person may purchase and send such approved items to any inmate.

(c) All incoming packages shall be inspected for contraband.

Section 6.8. MISCELLANEOUS PROVISION

The facility head shall provide not less than three (3) postage stamps, a pen and not less than three (3) sheets of stationery weekly to each inmate wishing to avail himself/herself of mail privileges. Mail needs beyond this minimum, except for privileged mail which shall be forwarded at cost to the institution, shall be the responsibility of the inmate.

ARTICLE 2

PUBLICATION

Section 6.9. CLEARANCE

The facility head shall be responsible for making decisions regarding publications. A publication (magazine, books, and newspaper) may be rejected if based on a showing that it will be detrimental to the security, discipline, or good order of the institution. Rejection shall not be based solely on the publication's religious, philosophical, political, sexual or social views.

Section 6.10. INCOMING PUBLICATION

- (a) Books, magazines, newspapers, and other printed matter should be approved for inmates unless the facility head or his designee deems the publication to constitute a threat to the security, order of the institution, or to the inmate's rehabilitation by meeting one or more of the following criteria:
- (1) The material contains instructions for the manufacturing of explosives, weapons, drugs or drug paraphernalia or alcoholic beverages.
 - (2) The material advocates violence within the institution.
 - (3) The material is of a type which has demonstrably caused violence or other serious disruption to security and order within the institution.
 - (4) The material advocates racial, religious, or national hatred in such a way so as to create a serious danger of violence in the institution.
 - (5) The material is of a nature which encourages deviate sexual behavior which is criminal and/or in violation of institution rules or detrimental to rehabilitation.
- (b) If a publication is believed to be unacceptable under any of the criteria set forth in Section 6.10 (a) (1) to (5) by the facility head or a staff member designated to screen incoming publications, the publication shall be referred to a censorship board composed of

three (3) middle-management officers or staff designated by the Director, who may serve as members of the board.

- (1) The board shall promptly review all materials referred to it. If it is determined that the material should be censored under any of the criteria set forth in Section 6.10 (a) (1) to (5), a notice stating the reasons for censorship and advising the inmate of a right to appeal the censorship decision to the Director.
- (2) Any publication censored by the board shall be retained by the Department along with records of the board's decision and any appeal decision, unless the board's decision is to allow the publication to be given to the inmate.

Section 6.11. UNACCEPTABLE PUBLICATIONS

Where a publication is found to be unacceptable, the inmate shall be advised in writing of the decision and the reasons. The grievance procedure may be used to complain of the decision. The unacceptable publication shall ordinarily be returned to the sender. A copy of the rejection letter shall be sent to the sender, with a request to discontinue the mailing if it is a subscription which is found unacceptable. An inmate may request a further review, after a lapse of at least six (6) months, of a subscription publication.

Section 6.12. LIMITATIONS

Limits may be set locally, for housekeeping and security reasons, on the number of publications an inmate may receive or retain.

ARTICLE 3

VISITS

Section 6.13. GENERAL PROVISIONS

Inmates are encouraged to maintain close contact with members of their families and desirable friends through visits.

Section 6.14. GENERAL CONTROLS AND LIMITATIONS

- (a) Because of the practical consideration and the nature of correctional institutions, certain limitations must be recognized and controls established in developing and administering visiting rules. The size, mission, locations, and other variables shall indicate the limitations which shall be recognized and the controls necessary in each facility. Each facility shall develop the procedures required to administer visiting. The practical considerations which demand controls upon visits include limitations of visiting space, the time and administrative expense incident to arranging and supervising visits, and the need for maintaining other institutional activities without unnecessary or extended interference. The extent of these limitations may vary with each facility.

- (b) It must always be remembered that, while encouraged, visiting is a privilege.

Section 6.15. PERSONAL AND OTHER VISITS

- (a) Every person who is eligible to visit with inmates shall complete and submit an official application which includes an official notice and authorization of personal search form.
- (b) Only those persons who have made a formal application which has been approved by the facility head shall have their names placed on the inmate's visiting list.
- (c) Visits shall be supervised by an employee for the purpose of maintaining good order. Handshaking, embracing, and kissing by immediate members of the family and close friends may be permitted.
- (d) A visitor may not deliver to or receive from any inmate any letter or article without written permission of the facility head.
- (e) Notification of contraband rules to visitors shall be made by appropriate means at each facility before the entrance of the individual, either by form or sign.
- (f) Withdrawal or denial of visiting privilege may be made because of non-compliance with any departmental rules.
- (g) The inmate may withdraw a name from his visiting list, and the visitor shall be informed by the facility head or designee.

- (h) Attorneys shall be able to visit their clients at all reasonable times including weekends and holidays so long as the safety, security, and good government of the institution are not jeopardized. The attorney and the inmate must provide sufficient information for the Department to determine that the attorney actually represents the inmate. Visits between the attorney and client shall not be subject to auditory supervision. Tape recordings may be used by the attorney certified in writing in advance that the only purpose of the recording is to facilitate the attorney-client relationship.
- (i) Emergency visits may be made when authorized by the facility head.
- (j) Each facility shall establish its own visiting schedules, subject to the approval of the facility head.
- (k) The usual means of identification shall be automobile driver's license, membership cards of various kinds bearing a signature of the visitor or other personal papers. These need not be the sole basis of identification. Tactful questioning on the best available information may help clear up doubtful cases. The inability to establish identity should be reported to the facility head or a designee.
- (l) Limitations on the frequency of visits is a matter directed to the discretion of the facility head. A reasonable number of visits and their duration should

be established so as to maintain good order and discipline.

- (m) Facilities shall maintain a record of visitors to inmates.
- (n) Visitors will not be allowed to visit more than one inmate at a time unless they are members of the inmate's immediate family.
- (o) While the existence of prior criminal convictions should not ordinarily preclude visits, they are a factor to be considered in granting or denying visitations. Association with persons on the outside who are convicted felons should not be encouraged.
- (p) Persons under the age of eighteen (18) may visit only with the written permission and escort of a parent or guardian. For visitation purposes, persons under the age of eighteen (18) who are lawfully married are considered adults.
- (q) The inmate shall be given a copy of his approved visitors' list. The facility shall notify each person on the list of their acceptance and shall send to each of them a copy of the visitation regulations, including the hours of permissible visitation.
- (r) Any person who applies for visitation and is denied by the facility head, may request the inmate to appeal the decision to the Director, who may set reasonable time limits for such appeals.

Section 6.16. VISITS OUTSIDE THE FACILITY

Visits pursuant to 9GCA 80.49 outside the institution for a period not to exceed twenty-four (24) hours are permitted only in specific situations as provided in the statute.

Section 6.17. GROUP VISITS

- (a) The facility may permit interested groups to visit the facility when conditions insure the safety of the facility and the visitors and in accordance with the Department's procedures.
- (b) Such groups may be served meals, provided the meals do not interfere with the orderly operation of the facility or place an undue burden on the employees or the Department's resources.

Section 6.18. NUMBER OF VISITORS

Limitations on the number of visitors who may visit an inmate at any given time may be imposed to prevent overcrowding in the visiting room or to eliminate difficulties in supervising the visit. However, such limitations should be interpreted flexibly and subject to exceptions.

Section 6.19. TERMINATION AND SUSPENSION OF VISITS

- (a) A particular visit may be denied or terminated and visiting privileges suspended under the following circumstances:
 - (1) Visitor under the influence of drugs or alcohol.
 - (2) Insufficient space.

- (3) The visitor refuses to submit to a personal search or, if reasonable cause exists, to a strip search.
 - (4) The visitor refuses or fails to produce sufficient identification or falsifies identifying information.
 - (5) A visitor violates institutional visiting rules, provided that such rules are posted.
 - (6) Visitor fails to prevent children from disturbing other persons in the visiting area.
 - (7) The visitor and inmate engage in excessive physical contact.
 - (8) Other reasons for denying, terminating or suspending a visit which are reasonably calculated to preserve the security of the institution and order in the visiting area.
- (b) Prior to the termination of a visit or suspension of visiting privileges for any of the reasons cited in Section 6.19, less restrictive alternatives may be resorted to, if reasonably possible under the circumstances. Such alternatives may include warning the inmate and/or visitor of improper conduct and/or transferring the visit to a non-contact visiting area.
- (c) When a visit is terminated, a report shall be prepared by the official taking the action. Such reports shall state the specific reasons for the action. A copy of

the report shall be given to the inmate and visitor.

(d) Visiting privileges shall be suspended only by the facility head or his designee for violation of visitation rules or policies, except where the suspension is imposed as part of a formal disciplinary proceeding. Prior to suspending visits, a notice shall be given to both the inmate and the visitor of the reason for the possible suspension and they shall be allowed to submit written (or, if time demands, oral) statements in opposition to the proposed suspension.

(1) Based on the information provided by the staff and by the inmate and/or visitor, the facility head may remove an individual's name from an approved visiting list for a specified period, indefinitely, or permanently. A written notice of the facility head's decision, including a statement of reasons therefore, shall be given to the inmate and to the visitor. The statement of reasons may be deleted to the extent it would jeopardize the security of the institution or the safety of any individual. In the case of an indefinite suspension, the notice shall include a date when reapplication for visiting privileges may be made.

(2) The facility head may temporarily suspend visiting privileges pending the completion of the process of Section 6.19 (d).

Section 6.20. SECURITY

- (a) All inmates shall be frisked prior to entering the visiting room. All inmates shall be frisked or strip-searched upon leaving the visiting room to prevent the introduction of contraband into the institution.
- (b) The institution shall post a large sign in the lobby or entrance stating that: ALL VISITORS ARE SUBJECT TO SEARCH PRIOR TO BEING ALLOWED TO VISIT ANY INMATE.

Section 6.21. SUPERVISION

- (a) The staff is responsible for the maintenance of order in the visiting room. This shall be accomplished while also maintaining a courteous attitude toward the inmate and his visitors.
- (b) The staff shall not interfere with the actions of the inmate or his visitors unless they are found to be in violation of institutional rules or a risk to the institution's security.

Section 6.22. SEARCH

All visitors shall be subject to personal search pursuant to Section 8.10.

Section 6.23. PUBLICITY, PRESS RELATIONS

- (a) Correctional facilities are public institutions, and are operated at public expense for the protection of society. The citizens of the territory have the right to know how the institutions are being operated. It

is the policy of the Department to make known to the public through the press, radio, and television, and through contacts with citizen groups and individuals the relevant facts pertaining to the operations of the correctional facilities of the territory. Due consideration shall be given to all factors which might threaten the security and safety of correctional facilities and the welfare of inmates. The public shall be given a complete and accurate picture of the correctional program.

- (b) The release of information pertaining to plans for new facilities, methods, and programs shall be the responsibility of the Public Information Officer who shall inform the Director of the material to be released, and its intended purpose, prior to release of information.
- (c) Release of information pertaining to approved and current educational, training, custodial, or of other rehabilitative programs shall be reviewed and approved by the facility head of each division, who shall inform the Director of the material to be released and its intended purpose.
- (d) The spot release of information pertaining to emergent happenings may be made by the Public Information Officer or a representative appointed by the Director in keeping with security limitations after having made an immediate verbal report to the Director.

Photographs of inmate escapees may be released.

Releases shall be followed immediately by chronologically written reports forwarded to the Director.

- (e) With the prior approval of the content and purpose, the Director and the facility head may permit employees to accept invitations to speak to outside groups on the programs of the correctional facility within which they work.
- (f) Any inmate who is placed with the corrections facility by a jurisdiction other than Guam shall not be interviewed or photographed by news or other media without the prior approval of the agency having jurisdiction.
- (g) The Director may grant face-to-face interviews of inmates if written consent of the inmate is obtained prior to the interview. Where the inmate is denied face-to-face interview, he/she may be granted alternate channels of communication such as telephones, letters, and visitation with family, friends, and the inmate's attorney.
- (h) Photographs of inmates may be released with the written consent of the inmate.
- (i) Inmates may make and receive telephone calls to or from a member of the news media when the inmate has a bona fide friendship which was established prior to his/her commitment.

ARTICLE 4
TELEPHONES

Section 6.24. TELEPHONE PRIVILEGES

Reasonable telephone privileges for all inmates are encouraged. The number of telephones, their location and their schedules for use is a matter left to the facility head's discretion in consultation with the Director. All inmate telephone calls, except with attorneys or the ombudsman, may be monitored.

Section 6.25. EMERGENCIES

- (a) An inmate should be permitted to make and receive telephone calls of reasonable length to a family member in cases of emergency such as death, critical illness or accident.
- (b) When inmates are not immediately available to receive an emergency incoming call, the name and phone number of the party calling shall be recorded by the institution. The inmate normally will be allowed to return the call at the earliest reasonable opportunity.

Section 6.26. TELEPHONE CALLS TO ATTORNEYS

When a telephone call between the attorney and inmate is authorized, the institution staff shall assure that the person is the inmate's attorney of record.

Section 6.27. TELEPHONE CALLS FOR INMATES IN DISCIPLINARY
SEGREGATION

Inmates shall not be afforded with telephone privileges while in segregation except for emergencies as in Section 6.25, and to the attorney of record.

ARTICLE 5

RELIGION

Section 6.28. GENERAL PROVISIONS

All inmates shall be given the opportunity to reasonably maintain and practice their religious beliefs. Religious beliefs however, may not be used to subvert correctional goals or interfere with the order and security of the facility. Thus, there should be a reasonable accommodation between religious beliefs and correctional goals.

Section 6.29. LIMITATION OF PARTICIPATION IN RELIGIOUS
ACTIVITIES

Subject to the approval of the Director, the facility head, for cause may curtail, suspend, or discontinue the participation of an inmate, volunteer religious leader, lay person, or group in the religious services, activities, or meetings in the institutions, when it is determined that the conduct of the inmate, religious leader, lay person, or group presents a threat to the security of the institution.

Section 6.30. SCHEDULING

Scheduling of worship services, religious activities, or meetings of a religious nature are subject to the approval of the Director. These programs shall be scheduled with reasonable frequency, considerations being given to the availability of adequate staff supervision, time, space, and correctional goals.

Section 6.31. PHYSICAL FACILITIES AND EQUIPMENT

Depending on available resources, each facility should provide adequate space and equipment so as to enable the inmates to participate in worship services, to receive appropriate sacraments, religious education and counseling, and to participate in religious activities in the institutions.

ARTICLE 6

MEDICAL SERVICES

Section 6.32. GENERAL PROVISIONS

The Department shall provide reasonable medical, surgical, psychiatric, and dental treatment for inmates and shall maintain adequate facilities and staff for those services or provide referrals for such services. The territory is not liable for cosmetic or elective surgery.

Section 6.33. MEDICAL RESPONSIBILITIES

Aside from qualified medical practitioners, only departmental employees who are members of the medical staff, including consultants may diagnose inmate illnesses or prescribe medical treatment. First-aid may be given by qualified persons only.

Section 6.34. DAILY SICK CALL AND OBSERVATION OF SEGREGATED INMATES

- (a) Sick call is conducted as scheduled by the institution. However, inmates may see medical personnel, when necessary, at anytime.
- (b) It is the Department's goal that inmates in segregation or constant confinement to cell, room, or infirmary be personally observed by the staff as often as is practicable, and in keeping with the institution's schedule. A record of the findings of the staff's visits shall be made and maintained.

Section 6.35. USE OF PRIVATE AND COMMUNITY MEDICAL FACILITIES

Medical services of special types which are not available during a physician's visit or which cannot economically or properly be provided by the Department shall be acquired through referrals.

Section 6.36. BLANKET INFORMED CONSENT FOR TREATMENT

Although inmates may be required to submit to examinations, they may refuse medical or surgical treatment or inoculations. Inmates normally shall be required to agree to

ordinary treatment procedures in writing through the signing of a "blanket consent" prior to the administering of such treatment procedures. Special or major surgical procedures shall be explained to the inmate and consent shall be obtained separately, in writing, before proceeding. No treatment will be forced over the objection of the inmate except where action is necessary to save the life of or avoid permanent physical damage to the inmate, or where the inmate is determined to be psychotic or otherwise unable to make a personal judgment regarding his/her treatment.

Section 6.37. ADMINISTRATION OF MEDICATIONS

- (a) No one shall give medication or administer treatment with the exception of first-aid, unless under the express direction or prescription of a physician. Medications prescribed by a physician may be administered, in the manner prescribed, by staff personnel designated for this purpose.
- (b) Medications which could be abused, mishandled, or otherwise subverted by inmate patients shall be administered by medically trained personnel in a central operational unit location. As much as is possible, all stimulants, depressants, and tranquilizers which can be either purchased or compounded in that form, shall be administered to inmates in liquid form.

(c) Medications may be involuntarily administered to the inmates if, in the discretion of a medical doctor, emergency conditions exist, or there is a threat to life or limb, or other similar justifiable medical reasons.

ARTICLE 7

PERSONAL HYGIENE

Section 6.38. INMATE'S RESPONSIBILITY FOR PERSONAL HYGIENE

Inmates shall keep themselves clean and practice those health habits essential to the maintenance of physical and mental well-being.

Section 6.39. EQUIPMENT AND SUPPLIES

In order to practice good personal hygiene an inmate may have such articles as a comb, hairbrush, hair dressing, shampoo, soap, toothbrush, toothpaste, deodorant, body powder, non-metallic nail file, shoe polish and polishing cloth, wash cloth, towels, and for those inmates who require them, hair removing cream, shaving cream, disposable razors, non-alcoholic cologne or shaving lotion, and cosmetics; provided, that none of these items be contained in glass containers.

Section 6.40. PURCHASING AND ISSUING SUPPLIES

At regularly scheduled times, inmates are allowed to receive toilet and grooming articles provided by the institution or visitors according to schedule.

Section 6.41. SHOWERS

Inmates are encouraged to shower daily and use their own soap, wash cloths, and towels.

Section 6.42. HAIR CARE

- (a) Male inmates may have their hair cut as often as is practicable or necessary, and/or where directed by the Director. Hair shall be worn in a neat manner, and be clean, and well groomed. If facial appearance is substantially changed, new pictures shall be required.
- (b) Female inmates shall be provided the opportunity to wash, set, and cut their hair as often as practicable or necessary.
- (c) Hair and whisker styling shall follow facility policies. Artificial hair pieces shall not be permitted. Each inmate shall be responsible for his or her hair.

Section 6.43. GROOMING ROUTINES

- (a) Inmates shall normally be permitted to shave daily.
- (b) Reasonable time for inmate grooming shall normally be provided on rising in the morning, before and after meals, before bedtime, and at other times when it is necessary. Grooming routines include washing, brushing teeth, combing hair, and attending to personal needs.

Section 6.44. HOUSING AREA

- (a) All areas of inmate housing shall be ventilated by windows, ducts or mechanical means to provide proper circulation of air and to eliminate objectionable odors and condensation without inducing drafts. All spaces shall be lighted to provide a degree of illumination appropriate for the function of each area.
- (b) Inmates shall have access to a wash basin and toilet in the most convenient location. In all housing areas, shower facilities shall be available for inmate use.
- (c) The number and types of toilets, urinals, wash basins, and showers shall be such as to encourage personal cleanliness and prevent the spread of disease. All sanitary facilities shall be maintained and operated by inmates so as to ensure maximum efficiency, safety, cleanliness, and health protection.
- (d) Each inmate shall normally be provided a bed, mattress, pillow, blanket, sheets, pillow case, and with either an open case, footlocker chest of drawers, closet, or other device, such as central storage, for the storage of clothing and personal articles.

Section 6.45. TATTOOS

Tattooing is prohibited. Whenever a tattoo is removed from the person of the inmate or his physical appearance is changed through surgery or accidental or deliberate

mutilation, a report of the fact shall be made and entered in the inmate's jacket.

Section 6.46. CARE OF QUARTERS

Inmates shall keep their cells and surroundings neat and sanitary as prescribed. Inmates shall not alter the quarters or equipment without specific written authorization from the facility head.

ARTICLE 8

SANITATION

Section 6.47. WORK DETAILS

In addition to maintaining their own immediate living and work areas in a clean and sanitary condition, inmates may be assigned to work on sanitation details.

Section 6.48. INSPECTIONS

Weekly inspection of each facility shall be made by the facility head or his designee to ensure all areas are kept in a sanitary and clean condition.

Section 6.49. MONTHLY REPORTS

A monthly report from each facility head shall be submitted to the Director specifying discrepancies identified from the weekly inspections and the actions taken or completed.

ARTICLE 9
FOOD SERVICE

Section 6.50. OBJECTIVE

Inmates shall be provided with a wholesome, nutritionally adequate diet.

Section 6.51. SPECIAL DIETS

Special diets shall be provided when prescribed by a doctor or at the discretion, of the Director.

Section 6.52. MAINTAINING AND CLEANING FOOD SERVICE FACILITIES

- (a) The premises shall be kept neat and clean and free from insects and rodents. Litter shall be removed from the food service area and the general appearance shall be orderly.
- (b) All floors shall be maintained in a clean condition and shall be cleaned by a dustless method utilizing treated dustmops, wet mops, or vacuum cleaners. Except for emergency cleaning, floors shall be cleaned during the time when the least amount of food preparation and serving is taking place.
- (c) The walls and ceilings of all rooms shall be kept clean and in good repair. Walls and ceilings of room where food or drink is prepared or stored shall be painted or finished in light colors.

Section 6.53. FOOD SERVICE HYGIENE PRACTICES

- (a) Protection against accidental contamination shall be accomplished by establishing and maintaining good

traffic patterns to minimize unnecessary personnel moving from their own area into others.

- (b) No animals shall be allowed in the food processing areas. Every room of the food service area shall be kept free of flies and rats. At the time of spraying for insects, all goods, utensils, and equipment shall be removed or covered.
- (c) Solid waste consisting of garbage and trash shall be kept in easily cleanable covered containers and removed at least daily from the food service area. The containers and storage area shall be kept clean and free from insects and rodents. Liquid waste shall be properly disposed of.
- (d) All food handlers, inmates and staff, shall be free from communicable diseases, serious skin disorders, open sores, or infected wounds, and shall be inspected daily for personal cleanliness upon reporting to work. The facility head shall visit the food service area periodically and report to the Director on hygiene aspects of the food service program.
- (e) Food handlers, including dishwashers shall wear clean outer garments which shall be changed at least twice weekly and which shall be used only for food service duties. They shall wear hairnets or hats, have their hair neatly combed, nails clean, and bathe daily.

- (f) Each person who handles food or anything that touches food, shall thoroughly wash their hands with soap and water before beginning work and after use of toilet. At all times during storage, preparation, display, and serving, there shall be a minimal manual contact with food and drink. Tongs, forks, spoons, spatulas, or gloves shall be used in lieu of fingers for the serving of food.
- (g) Any poisonous substance used for cleaning or any other purpose shall be labeled so as to preclude mistaking its identity. Such substance shall be stored in areas other than food processing areas, preferably with janitorial supplies.
- (h) Hand washing facilities shall be located either in or immediately adjacent to toilet rooms, plus other locations where necessary.
- (i) Hand washing facilities shall include sinks, hot and cold running water, soap, and individual towels. Adequate and convenient toilet facilities shall be provided. Toilets shall be maintained in good working order, in a clean condition, well ventilated, lighted, free from flies, and shall be constructed of materials that are easily cleanable. Toilet tissue is to be maintained on a fixture. There shall be no direct opening into the food handling room from the toilet. A sign shall be posted in the toilet room and kitchen stating: "WASH HANDS THOROUGHLY AFTER

TOILET USE AND BEFORE STARTING WORK".

- (j) No smoking, spitting, chewing of tobacco, betelnut, or gum shall be permitted in the food storage, preparation, display, or service areas. Designated smoking areas shall be established.

Section 6.54. LIGHT AND VENTILATION IN FOOD SERVICE AREAS

- (a) All rooms within the food service areas shall be lighted adequately to efficiently carry out the operations therein.
- (b) All rooms shall be adequately ventilated by windows or fans so as to maintain them free from smoke, vapors, obnoxious odors, excessive heat and condensation. Exhaust fans and filters shall be kept clean for both maintenance and fire prevention.

Section 6.55. MAINTAINING AND CLEANING UTENSILS AND EQUIPMENT

- (a) All multi-use utensils and equipment shall be accessible for cleaning and inspection. Utensils and equipment shall be kept in good repair and shall be free from chips, cracks, corrosion, open seams, and any other defects that would not be easily cleanable or accessible for cleaning. Dishes, utensils, containers, and equipment shall be of a type not adversely affected by high temperature of water or by detergents, chlorine, and soaps. Unduly cracked or chipped cups, plates, and other utensils shall be discarded. Plastic cups, plates and other utensils shall be maintained

in a stain-free condition.

- (b) Adequate pre-rinsing, sufficient soap or detergent, and sufficient volumes of hot and cold water shall render the utensils and equipment clean to sight and touch, either by the use of mechanical or manual washing procedures. All equipment shall be kept clean and free from dust, dirt, and any other contaminating material. All table cloths, napkins, towels, wiping cloths, uniforms, and aprons shall be kept clean and stored in a clean, dry place. All multi-use utensils and equipment used in food preparation, and for eating and drinking purposes, shall be cleaned thoroughly after each use and kept free of stains. All single service items such as paper or plastic cartons, cups, plates, jars, and container covers shall be deposited in a covered container. No metal polishes containing cyanide or other poisonous agents shall be used.

Section 6.56. HANDLING AND STORING EQUIPMENT AND UTENSILS

- (a) All utensils and equipment, after washing and sanitization, shall be stored in such a manner as to be protected from contamination. Such precautions shall be taken as inverting glasses and cups, storing flatware in such a manner as to present the handles to the user.

- (b) Clean utensils and equipment shall be stored at a sufficient distance from the floor and in a clean, dry place so as to be protected from splash, drip, dust, dirt, or other contamination and covered if practical.
- (c) Single service items purchased in sanitary cartons shall be stored in a clean, dry place in their original cartons and protected from contamination. Cartons shall be opened in such a manner as to allow the lid to reclose and protect the remainder of the article in the carton. After removal from the carton, these items shall be handled in a sanitary manner. Where paper utensils are necessary, they shall be of a material that will not disintegrate when liquid foods are used.

Section 6.57. FOOD PREPARATION

All food and drink shall be clean, wholesome, and free from spoilage, and shall be so prepared to be safe for human consumption.

Section 6.58. FOOD SERVICE

- (a) Food and drink shall be protected from contamination during display and serving.
- (b) Where practical, inmates shall leave the dining room individually upon completion of their meal.

- (c) Accurate records of all meals served shall be maintained in descriptive categories; for example, special holiday meals, regular inmate meals, special diet meals, and restricted diet meals.

ARTICLE 10

CLOTHING

Section 6.59. AUTHORIZED ITEMS OF CLOTHING

- (a) Inmates shall be provided or permitted to have adequate clothing to meet their needs during their period of incarceration. They shall possess only those items of clothing issued to them or specifically authorized for possession by the Director. If an inmate is not allowed to wear personal clothing, the Department shall provide sufficient supply of clothing, and/or prescribed uniform clothing, with proper identification, suitable for the climate and adequate to keep the inmate in good health.
- (b) No clothing issued to an inmate shall be degrading or humiliating.

Section 6.60. MARKING CLOTHING

All inmate clothing shall be marked in a manner to sufficiently identify the property, such as by coding or by indicating last name, first name or initial and, in the case of repetitive names, additional coding to sufficiently identify the property.

Section 6.61. NEATNESS OF CLOTHING

All inmates shall be properly clothed at all times in accordance with institutional regulations, and shall keep their clothing as neat and clean as conditions permit. All clothing shall be laundered on a regular basis.

Section 6.62. ALTERATION OF CLOTHING

Inmates shall not alter issued clothing without authorization. If their regular issue does not meet their needs because of a physical problem, a physician or the storekeeper may authorize special issue.

Section 6.63. JEWELRY AND MEDALLIONS

- (a) Inmates shall turn in for temporary safekeeping for return home, valuable jewelry or medallions.
- (b) Non-valuable jewelry or medallions which constitute a threat to the security or order of the institution shall not be permitted.
- (c) In banning a particular piece of non-valuable jewelry or a medallion as a security threat, prison officials shall look into its potential use as a weapon and not to its symbolism or 'message', unless such 'message' presents a clear threat to institutional security or order.

ARTICLE 11
PERSONAL PROPERTY

Section 6.64. INMATE PERSONAL PROPERTY ITEMS

- (a) Inmates shall be allowed to have specified personal items. Each facility shall issue policies listing items permitted. Nonexpendable items shall be registered in the inmate's name by the property officer. Inmates shall be required upon request, to account for any personal property registered in their name. In the event of transfer, inmates shall be required to properly dispose personal property not permitted at the receiving facility. Only personal property permitted by facility policies shall be permitted.
- (b) No inmate may conduct personal business while in the custody of the Department without the approval of the Director.

ARTICLE 12
CONTRABAND

Section 6.65. DEFINITION OF CONTRABAND

- (a) Anything not specifically authorized for possession by the Director shall be considered contraband and may be confiscated and subject the inmate to criminal or disciplinary sanctions, or both.

(b) Intoxicating substances of any kind, including but not limited to liquor, alcoholic substances, or any other substances which are known to produce or are capable of producing a state of intoxication, shall not be possessed or brought onto the Department's grounds, including the parking lots, by anyone. Anyone, including staff, inmates, and visitors, bringing intoxicating substances onto correctional facility grounds may be subjected to disciplinary, administrative, or criminal sanctions.

ARTICLE 13

MARRIAGE

Section 6.66. OBTAINING CONSENT

A sentenced inmate shall not marry without the consent of the Director, or the court if the court has retained jurisdiction over a committed individual.

CHAPTER 7
INMATE ACTIVITIES

ARTICLE 1
EDUCATION

Section 7.1. GOALS

Academic study, job training, life skills, and positive activities all combine to better prepare the inmate for responsible citizenship outside the institution. One of the Department's goals is to develop and maintain programs designed to provide inmates with reasonable opportunities for modifying their behavior. Another is to maintain on-going treatment programs which prepare inmates for release from the beginning of their confinement. This is done to enable the inmates to conform to acceptable standards of individual and community life by:

- (1) Providing Adult Basic Education for all those who test below a seventh grade education level on standardized tests administered upon admission;
- (2) Providing high school education classes for all those who lack a high school diploma and who wish to obtain one;
- (3) Providing Adult Continuing Education classes to enrich the inmate's general knowledge or to enable them to learn new skills;

- (4) Providing Occupational Education through general exploration of the world of work, formal vocational training, apprenticeship programs, on-the-job training in institution offices and shops, and work release into the community;
- (5) Providing Postsecondary Education programs for those inmates who have successfully completed high school and want to further their education. Courses are provided on the basis of inmate interests, need, and ability through on-compound programs, correspondence courses, and study release. All inmates must pay for their own postsecondary courses;
- (6) Providing Social Education programs to assist inmates in their adjustment to the institution, in their growth as human beings, and in their ability to cope with problems encountered in society upon release.

Section 7.2. SUPPORT SERVICES

- (a) Upon admission, all inmates shall be administered standardized testing to determine their academic achievement levels in reading, writing and arithmetic.
- (b) An education representative shall meet each new inmate to help him establish realistic academic and occupational goals and to map an education program.

- (c) The facility head shall have the responsibility to provide educational facilities which will provide an atmosphere conducive to learning.
- (d) Community resources such as community-based educational institutions and volunteers shall be sought and utilized.
- (e) A library and library services shall be provided for all inmates. Inter-library loan arrangements may be established.

Section 7.3. HANDICAPPED INMATES

- (a) Special education services shall be provided to all inmates who have a handicap that affects their ability to benefit from education. These services shall include:
 - (1) Screening and identification of those with physical disabilities, mental retardation, psychiatric disturbances, speech and hearing impairments, learning disabilities, health impairments, perceptual difficulties, or any other type of psychological or psychomotor disturbances that limit an inmate's ability to learn in a traditional setting.
 - (2) Those who are identified as being potentially handicapped have the right to a full evaluation to determine the nature and extent of their handicap and what educational services are needed to compensate for it.

- (3) The handicapped inmate has a right to an individualized education plan. The individualized education plan specifies what services he/she will receive, how those services will be provided, what the goals of each services are, what the immediate objectives of the education service are, and what specific means will be used to accomplish these goals and objectives. The individualized education plan is developed in cooperation with the inmate.
- (4) The inmate has the right to appropriate special education services in the least restrictive setting possible within the structure of the institution.
- (5) The inmate shall receive necessary related services (e.g., speech therapy, physical thereapy, phychotherapy).
- (6) The fact that an inmate is in isolation or segregation unit does not make him ineligible for special education. Handicapped inmates are entitled to special education under all circumstances. However, these services may be provided in the very limited setting of the inmate's cell if the institutional security so requires.

Section 7.4. OPTION TO PARTICIPATE

- (a) Inmates have the option to refuse participation in secondary or postsecondary education, vocational training, religious services, social services, counseling, psychological and psychiatric treatment and library services.
- (b) Inmates must accept work assignments, enrollment in basic education programs and participation in other programs ordered by the sentencing court or required by statute.
- (c) An inmate who disagrees with a decision made about his/her educational program or who feels that an adequate program is not being provided may seek relief through established inmate grievance procedures.

ARTICLE 2

SOCIAL SERVICES

Section 7.5. RESOURCES

- (a) Correctional activities shall provide appropriate social services for positive interpersonal relationship based on a competent diagnosis of inmate needs, mutually acceptable to both inmate and institution.
- (b) The levels of social services program shall include:
 - (1) Individual, for self-discovery in a one-to-one relationship.
 - (2) Small group, for self-discovery in an intimate group setting with open communication.

- (3) Large group, for self-discovery as a member of a living unit community with responsibility for the welfare of that community.

Section 7.6. INITIAL CLASSIFICATION

- (a) Each inmate upon initial intake shall be assigned a staff from the institution's Social Services Division who shall provide supervision and personal contact.
- (b) The staff member shall report to the program team, and the team shall thereupon develop a treatment plan for approval of the Committee

ARTICLE 3

WORK

Section 7.7. GOALS

One of the Department's goals is to provide inmates with reasonable opportunities for useful and productive employment, and to enable them to acquire experiences which may be valuable to them in securing and maintaining regular employment within the community when they are released by:

- (1) Affording all eligible inmates the opportunity to work and receive financial remuneration, or the equivalent, for their services.
- (2) Assigning inmates work in the institution based on their abilities, interest, needs, and trustworthiness.

- (3) Providing work opportunities which enable inmates to contribute toward the effective and economic maintenance of the institution.
- (4) Enabling selected inmates to secure steady employment outside the confines of the institution, prior to release to that the inmate can become self-supporting, supportive of dependents, and able to meet financial obligations.
- (5) Providing work experiences which develop incentive, skills, and positive work habits which may contribute toward modifying inmates' attitudes regarding the value of steady employment. Every effort should be made to provide a normal work day of constructive activity for every inmate.

Section 7.8. WORK PERFORMANCE

Inmates shall perform their assigned tasks diligently and conscientiously. Shirking, pretending illness, evading work, or encouraging others to do so are violations of the rules. Inmates shall report to work on time as instructed and shall not leave without permission of the supervisor.

ARTICLE 4
RECREATION AND LEISURE ACTIVITIES

Section 7.9. GOALS

- (a) It is a departmental goal to teach inmates how to use leisure time constructively by making available facilities and opportunities for their participation in athletics, arts and crafts, hobbies, reading, and writing.
- (b) It is a goal of all recreation programs to provide the opportunity for and to teach inmates to use leisure time for the relaxation of body and mind both in the institution and upon release to the community.

Section 7.10. GROUP SERVED

All inmates shall be eligible to participate in the recreation program. The only restrictions shall be for medical or for disciplinary reasons.

Section 7.11. SCHEDULING

Scheduling of inmate recreation shall be developed by each facility, keeping in mind that the inmate shall be given the opportunity to engage in a minimum of one hour of recreation per week, either indoors or outdoors.

Section 7.12. ATHLETIC PROGRAM

- (a) Athletic activity for the inmates who can participate safely and conduct themselves as good sports is encouraged.
- (b) Programs of instruction in athletic activities should be conducted for the inmates with little or no skill in order to encourage more participation.
- (c) Participants may be required to undergo physical examination to determine physical fitness.
- (d) The opportunity to shower shall be available to inmates after participating in athletics.

Section 7.13. ARTS AND CRAFTS PROGRAM

- (a) An organized arts and crafts program shall be encouraged to provide recreation and limited financial assistance for inmates. Handicraft articles, manufactured according to institutional regulations, may be sold to the public in accordance with institutional rules.
- (b) An individual inmate's handicraft articles and materials shall not exceed the amount set by the institutional policies.
- (c) Violation of handicraft policies or regulations may result in the inmate being denied participation in the

handicraft program. The inmate's handicraft materials or tools shall be returned to him or his family as soon as possible, definitely not later than his release from the institution.

- (d) Handicraft gifts may be given to those approved to correspond with or visit the inmate, after listing and approval by the facility head or designee in accordance with institutional policies.
- (e) Sale prices of handicraft articles may be set by the maker within limits defined by the facility head or designee. A percentage of the price (as determined by the facility head or designee) shall be credited to the Inmate's Prison Farm Fund to offset costs.
- (f) The Director may provide funding assistance to help indigent inmates get a start in the handicraft program.
- (g) Inmates shall use only materials purchased from their own funds or approved for use by the supervisor of handicraft program in the manufacture of their own handicraft articles.
- (h) Inmates shall not sell, donate, or loan handicraft or tools to other inmates except as specifically authorized by the handicraft supervisor.
- (i) Inmate shall not employ other inmates in the manufacture of handicraft articles and shall not collaborate with other inmates in manufacturing handicrafts except as specifically authorized by the handicraft supervisor.

Section 7.14. PUBLICATIONS

Publications such as newspapers and magazines written by inmates shall be encouraged. A staff member may be assigned supervision of the content and production of the publications.

Section 7.15. MANUSCRIPTS

Constructive and creative writing by inmates is encouraged. A manuscript may be approved for release or publication if it does not contain:

- (1) Libelous material.
- (2) Material which tends to glorify crime or delinquency or crime techniques.
- (3) Material which threatens institutional security and order.

Section 7.16. MUSIC

Music is both an educational and cultural experience and as such is supported and encouraged. Therefore, each inmate may be afforded the opportunity to listen to and learn music by playing a musical instrument and generally enjoying music. Musical instruments should not be kept in the housing areas, but should be kept in a specially designated area for control purposes. Exceptions to this rule shall be dictated by the educational program the inmate is pursuing and at the discretion of the Director.

Section 7.17. MOTION PICTURES, TELEVISION, AND RADIO

The viewing of motion pictures and television, and listening to the radio may be permitted by the Director.

Section 7.18. ENTERTAINMENT

Entertainment, such as variety shows and choral groups, may be brought into the institution from the outside community, at the Director's discretion. Inmate talents may also be put to use through dramatic skits, variety shows, and other similar activities.

Section 7.19. CLUBS AND SPECIAL INTEREST GROUPS

Clubs may be organized for inmates interested in specific games such as chess and bridge. Groups may also be formed for those who are interested in current events, book discussions, and the like. All clubs and groups shall be supervised and must be authorized by the facility head.

Section 7.20. COMMUNITY ACTIVITIES

- (a) In keeping with the concept of reintegration, the Department supports the operation and development of in-community programs and the use of work, education, and training for inmates who can responsibly assume the requirements for participation and meet all criteria set forth for each program. Such programs shall be administered prudently, in keeping with the basic need for public protection yet preserving the privilege for the deserving inmate. Because of possible differing operational needs due to the uniqueness of some programs, in-community programs may request exceptions or modifications of the rules affecting in-community programs. Additionally, the inmate shall be required to execute a contract of

terms and conditions before participation in in-community programs.

- (b) Failure to return from a conditional release within the authorized time shall be treated as an escape.
- (c) Inmates allowed to participate in in-community programs shall comply with all agreements and rules governing those programs, and with all applicable rules, regulations, policies and laws.

Section 7.21. INMATE COUNCILS AND COMMITTEES

- (a) Advisory councils composed of elected inmates may be established in the Department.
- (b) These councils shall be limited to discussions with departmental officials on the welfare of the inmates and to encouraging, developing, and supporting projects for inmates.
- (c) An advisory council shall operate under a constitution and by-laws approved by the Director.

Section 7.22. FUND RAISING CAMPAIGN

The solicitation of money by, for, or from inmates as individuals or in groups from any source within or without a facility shall not be permitted, except as authorized by the Director.

Section 7.23. RELIGIOUS CHOIR

A religious choir may be formed at the discretion of the Director. The choir is intended to affectuate the concept of reintegration. It also provides therapeutic treatment

in support of the socialization process, and
facilitation of changes in the behavior and attitude
of the inmate.

CHAPTER 8
FACILITY SECURITY

ARTICLE 1
INFORMATION OR PUBLICITY ON
INMATES OR PAROLEES

Section 8.1. CONFIDENTIAL

Information about inmates and parolees other than the fact and place of incarceration, current offense, sentence, and release dates, shall be confidential and shall be used only in administering the correctional program.

Section 8.2. APPROVAL

Publicity about inmates or parolees or use of the facilities for publicity purposes may be permitted with the approval of the Director.

Section 8.3. OTHER JURISDICTIONS

Any inmate placed with the Department by a jurisdiction other than the territory of Guam shall not be interviewed or photographed by the news or other media without the prior written approval of the home jurisdiction agency.

ARTICLE 2
INMATE FILES

Section 8.4. CONFIDENTIALITY

Any official file on an inmate is confidential and the property of the Department.

Section 8.5. SURRENDER

At no time shall any official file of an inmate be surrendered to any person or agency without:

- (1) Written approval of the Director, facility head or the Attorney General;
- (2) Written order from a court of competent jurisdiction.

ARTICLE 3

SEARCH AND SEIZURE

Section 8.6. DEFINITION

The Supreme Court has held that all persons have a right to be free of unreasonable searches and seizures. An unreasonable search is one that invades one's reasonable expectations of privacy. Where one does not have a reasonable expectation, a search is lawful. For the most part, searches in penal institutions do not invade one's reasonable expectations of privacy.

Section 8.7. FACILITY ENTRANCE

All facilities shall post a sign at a conspicuous place at each main entrance stating that all visitors and employees and including anything carried in are subject to search, at any time while in the facility.

Section 8.8. CONSENT FORM

All employees and visitors may be required to sign, as a condition to entrance, a consent to search form. Failure to consent to search may cause unconsenting person to be barred from the facility.

Section 8.9. ROUTINE ROOM OR CELL INSPECTION

- (a) Routine room or cell inspection shall be at random, unannounced and warrantless, as long as the purpose is not to harass or humiliate an inmate, but rather to recover or discover contraband or improper activity.
 - (1) A routine room inspection is an outside visual examination of an inmate's room and its contents;
 - (2) It may be done by members of the institutional staff without specific cause;
 - (3) It may be conducted without the prior authorization of the duty officer.
- (b) Room or cell search:
 - (1) This search is a thorough inspection of the room of a particular inmate;
 - (2) It may be done by members of the institutional staff only upon a reasonable belief that the search will reveal evidence of illegal activity or contraband;
 - (3) It may be conducted as part of a routine security inspection or on authorization of the facility head or duty officer, unless circumstances are such that an immediate search is necessary for

fear of destruction or disposal of evidence;

- (4) Where circumstances require a search without prior authorization, immediately after the search the officer shall file a written report with the duty officer explaining why time did not allow for prior authorization. A copy of the report shall be given to the inmate, unless this would create a security problem in which case the appropriate deletions could be authorized by the duty officer;
- (5) The inmate may be present during conduct of a cell search, absent a specific security problem;
- (6) The attendance of two officers should be required during a cell search;
- (7) Receipts must be given to the inmate for all property seized in the course of a cell search.

Section 8.10. NON-INTRUSIVE SENSOR, PERSONAL AND BODY SEARCHES

- (a) Non-intrusive sensor and scanning device searches:
 - (1) A non-intrusive sensor or scanning device search is a search conducted using a mechanical device.
 - (2) This type of search may be done by members of the staff at any time without specific cause.
 - (3) It may be conducted without the prior authorization of the duty officer.
- (b) Personal searches:
 - (1) A personal search is a search of the person, including a body frisk and the examination of

pockets, shoes and caps, to be conducted by a person of the same gender as the person being searched. It does not include the removal or opening of any of the person's clothing.

(2) It may be done by members of the staff at any time, without the prior authorization of the duty officer.

(3) It may also be conducted:

(a) Prior to entering the visiting room.

(b) After a visit between the inmate and a visitor in which close physical contact provided the opportunity for contraband to be passed.

(c) Prior to the departure of the inmate from any facility area where the inmate has access to dangerous or valuable items provided such areas have previously been declared searchable and prior notice to that effect has been posted.

(c) Body searches:

(1) Strip search is a search in which the inmate is required to remove all clothes, and may be conducted only under the following conditions:

(a) With prior authorization from the duty officer, by members of staff of the same sex as the inmate, where there is a reasonable belief that the inmate is carrying

weapons or contraband.

- (b) Without prior authorization from the duty officer, where there is a reasonable belief that an inmate is carrying contraband and immediate search is necessary to prevent destruction or disposal of evidence. After the search, the officer shall file a written report with the duty officer explaining why time did not permit prior authorization. A copy of this report shall be given to the inmate, if this will not cause security problems.
 - (c) After a visit between the inmate and a visitor in which close physical contact provided the opportunity for contraband to be passed.
 - (d) Prior to the departure of the inmate from any facility area where the inmate has access to dangerous or valuable items provided such areas have previously been declared searchable and prior notice to that effect has been posted.
- (2) Body cavity search is a visual or manual inspection of an inmate's anal or vaginal cavity, and shall be conducted only under the following conditions:
- (a) With prior authorization from the duty officer, when there is probable cause to believe that an inmate is carrying contra-

band there.

- (b) By a medically trained person in the infirmary or other private place, out of the view of others. Where search is conducted by a medically trained personnel other than a licensed physician, search shall be conducted by a person of the same gender as the person being searched.

Section 8.11. GENERAL SEARCHES

- (a) A general search is a shakedown of designated places in the institution. It is aimed at the general prison population as a whole rather than a specific inmate.
- (b) It may be done only upon the authorization of the facility head or designee who upon ordering a general search shall specify which areas of the institution are to be searched and what types of body searches are to be performed on inmates in the targeted areas.
- (c) A general search may be ordered at any time without specific cause, except:
 - (1) If a general search authorization includes strip searches, these shall only be conducted on the identified inmates and carried out in accordance with the provisions of section 8.10 (c) (1).
 - (2) If a general search authorization includes body cavity searches, these shall only be conducted on the identified inmates and carried out in

accordance with the provisions of section 8.10

(c) (2).

- (d) Following a general search, the facility head or a designated representative shall within twenty-four (24) hours submit a written report to the Director describing the scope of the search undertaken and the results of the search, including a list of all items of contraband seized.

Section 8.12. PROCEDURES FOR OBTAINING AUTHORIZATION TO
SEARCH

- (a) In each instance where an authorization to search is required (e.g. room or cell search, body search) and circumstances are not such that an immediate search is necessary for fear of destruction or disposal of the evidence, the searching officer shall file an authorization form with the duty officer prior to the search.
- (b) This authorization form shall contain:
- (1) The name of the inmate to be searched.
 - (2) The type of contraband expected to be seized.
 - (3) The reason to believe that the inmate is involved in illegal activity or that contraband will be found in his or her possession. Such belief to be based on:
 - (a) The personal observation of the officer and/
or
 - (b) The incriminating information of a third

party who is believed to be reliable, and/
or

- (c) The time, date and signature of the officer.
- (c) Upon receiving the form for authorization to search, the duty officer shall determine whether there is sufficient information to establish the degree of cause necessary for the type of search requested. If the duty officer finds the requisite degree of cause, he shall authorize the search by signing the form, and appropriate copies shall be made. Immediately before the search, the searching officer shall present a copy of the authorization form to the inmate. If information for a search was provided by an inmate-informant, his name shall be omitted from the inmate's copy.

Section 8.13. SEARCH REPORTS

- (a) If, as a result of any search, contraband or evidence of illegal activity are found, the searching officer shall tag the evidence for identification and shall immediately turn it in to the duty officer.
- (b) The searching officer shall also submit a written report of all searches to the duty officer; this report shall include:
- (1) The time and date the search was conducted;
 - (2) The person or places searched;
 - (3) The items seized, if any;
 - (4) Any force used to effectuate the search;
 - (5) Any property damaged by the search;

- (6) Any witnesses to the search, and
 - (7) The signature of the searching officer.
- (c) The contraband or evidence of illegal activity plus a copy of the report shall be turned over to the Committee for their consideration and ultimately to the Director for disposition.
- (d) In the event criminal charges are to be filed, a copy of the report shall be turned over to the appropriate law enforcement authorities.

Section 8.14. DEVIATIONS FROM PRESCRIBED PROCEDURE

Any deviation from the procedures set forth in section 8.12 may result in the evidence being held inadmissible or may require the testimony at trial of all staff personnel who had custody of the evidence.

ARTICLE 4

USE OF FORCE

Section 8.15. GENERAL PROVISIONS

The use of force is limited to that amount which is reasonably necessary under the circumstances. Any use of force more than that which is reasonably necessary to preserve the security and order of the facility is prohibited. All personnel shall use good judgment in each circumstance. Corporal punishment is prohibited.

Section 8.16. DEADLY FORCE

- (a) Deadly force is force which will likely cause death

or serious bodily injury. It may be used only as a last resort and then only in the following instances:

- (1) To prevent the commission of a felony, including escape.
- (2) To prevent an act which would result in death or severe bodily injury to one's self or to another person.

(b) When deadly force is used, the following steps shall be undertaken:

- (1) An immediate notification of its use shall be given to the facility head and to the proper law enforcement authorities.
- (2) A report written by the officer who used the deadly force shall immediately within twenty-four (24) hours be filed with the Director, and the proper law enforcement authorities. Such report shall include:
 - (a) An accounting of the events leading to the use of deadly force.
 - (b) A precise description of the incident and the reasons for employing the deadly force.
 - (c) A description of the weapon and the manner in which it was used.
 - (d) A description of the injuries suffered, if any, and the treatment given, and
 - (e) A list of all participants and witnesses to the incident.

Section 8.17. NON-DEADLY FORCE

(a) Non-deadly force is force which normally causes neither death nor serious bodily injury. It may be in the form of physical force or chemical agents. Physical force or chemical agents may be used only in the following instances:

- (1) Prior to the use of deadly force, to prevent the commission of a felony, including escape and to prevent an act which could result in death or severe bodily harm to one's self or to another person.
- (2) In defending one's self or others against any physical assault.
- (3) To prevent commission of a misdemeanor.
- (4) To prevent serious damage to property.
- (5) To prevent or quell a riot.
- (6) To enforce institutional regulations.

(b) Chemical agents may be used only by employees specifically trained in their use, and shall not be used without the approval of the facility head or his designee, if approval is possible under the circumstances. Chemical agents shall not be used repeatedly against an inmate within a short period of time. In every case, individuals affected by the agents shall be permitted to wash their face, eyes or other exposed skin areas as soon as possible after the use of the agent. After the use of non-deadly force, the following steps shall be undertaken:

- (1) A notification of its use shall be given to the facility head.
 - (2) A report written by the officer who employed the non-deadly force shall be filed with the Director immediately and within twenty-four (24) hours. Such report shall include:
 - (a) An accounting of the events leading to the use of the non-deadly force.
 - (b) A precise description of the incident, and the reasons for employing the force.
 - (c) A description of the non-deadly weapon used, if any, and the manner in which it was used.
 - (d) A description of the injuries suffered, if any, and the treatment given, and
 - (e) A list of all participants and witnesses to the incident.
- (c) The use of any type of force for punishment or reprisal is strictly prohibited and is grounds for dismissal of the employee involved.

Section 8.18. MECHANICAL RESTRAINTS

- (a) Mechanical restraints may be used only when reasonably necessary and only in the following instances:
 - (1) In transporting an inmate from place to place.
 - (2) When the past history and present behavior or apparent emotional state of the inmate creates the likelihood that bodily injury to any person or property damage or escape by the inmate

will occur. Use of restraints in these circumstances shall be approved by middle management or higher ranking departmental officials. Such approval shall be obtained in advance, if possible, or immediately following application of restraints.

(3) Under medical advice, to prevent the inmate from attempting suicide or inflicting serious physical injury upon himself.

(b) Mechanical restraints shall never be used:

(1) As a method of punishment.

(2) About the head or neck of the inmate.

(3) In a way that causes undue physical discomfort, inflicts physical pain or restricts the blood circulation or breathing of the inmate.

(c) Restraints shall be used no longer than is absolutely necessary.

Section 8.19. FIREARMS

The greatest caution and conservative judgment shall attend the use of firearms. Firearms shall be used only when absolutely necessary to prevent escapes, or where there is a clear and present danger to life or limb. Weapons will not be fired where it might endanger innocent persons. Once the danger necessitating the shooting ends, firing shall stop.

Section 8.20. CARRYING WEAPONS

Only such firearms and ammunition as are required to prevent escapes, serious assaults or disorders, may be permitted

upon the grounds of the institution. No weapon of any kind shall be taken into the institutional security area (cell blocks) except in cases of emergency. During a declared emergency, and subject to sections 8.16 and 8.19, firearms and ammunition may be used inside the institution at the direction or with the approval of the Director. Precautionary measures shall be taken to prevent any weapon or ammunition from falling into the hands of inmates. Under no circumstances shall firearms, toy guns, ammunition, etc., be left in a vehicle while it is on institutional grounds.

Section 8.21. COUNTS

The facility head shall be responsible for all inmate accountability. The institution's official counts are timed so as not to interfere with inmate activities any more than is absolutely necessary. Because of the Department's responsibility, and that of the inmates, it is necessary for everyone to observe the rules at count times. The institutional counts are held at 12:00 midnight, 3:00 a.m., 5:30 a.m., 4:00 p.m. and 10:00 p.m. Violation of the count procedures will be treated as a serious misconduct. When a count is called, the inmates must be in their proper areas. In the units, this will be in one's own cell, unless authorized otherwise. Inmates should remain in their cells and not create any distracting noise. If inmates are on "out count" (e.g. food service), the unit should be notified so that the

"out count" can be reported promptly.

Section 8.22. CAR KEYS

Vehicle keys shall not be left in any unattended vehicle when it is on the institutional grounds. Vehicle keys shall not be kept or stored in any office or facility accessible to inmates.

Section 8.23. ESCAPE PURSUIT PLAN

The facility head shall have in effect at all times a proper escape pursuit plan and shall see that each member of the staff under him is instructed in the general and special procedures he is to follow. Such plan shall include the procedure to be followed in notifying the police department. It shall include the procedure for reporting such escapes to the Director. Such plan shall be in writing and shall be subject to annual review.

Section 8.24. PREPARATION FOR EMERGENCIES

The facility head shall have in effect at all times a plan, approved by the Director, for meeting such emergencies as riots, hostage situations, strikes, attack upon visitors or upon employees, explosions or fires, suicides or attempted suicides or other institutional disorders and accidental injuries to employees or inmates. Such plan shall include the procedure to be followed in requesting assistance from outside the institution when circumstances warrant such a request. Such plan shall also include the procedures to be followed during typhoon, or other natural

or man-made disasters. It shall include the procedure for reporting such emergencies to the Director. The plan shall be in writing, and shall be reviewed annually by the facility head and his executive staff and modified so that provisions reflect current requirements. After reviewing, the facility head shall report to the Director that the review has been made and that the plan has been modified as necessary to meet current requirements.

Section 8.25. FIRE PREVENTION

An adequate number of fire extinguishers maintained in serviceable condition shall be strategically located throughout each institution of the Department. It is the duty of every employee to immediately and properly report all fires and fire hazards.

Section 8.26. DANGEROUS SUBSTANCES

A permanent inventory of all dangerous and toxic materials shall be kept at each institution. This shall include all drugs, gasoline, propane, and other highly flammable items, cleaning fluids, paint or lacquer thinners, duplicating fluid, insecticides, acids or corrosives and any other noxious, intoxicating, sedative or hypnotic substances. Such inventory shall be kept so as to make possible immediately upon request, an accurate accounting for all drugs and poisons. All such materials and preparations shall be kept under lock and in a safe place. The keys to these locks shall be entrusted to designated employees only.

Under no circumstances shall such materials be stored in such a manner as to make it possible for them to become mixed with foods or to be used in foods by mistake. All preparations and materials containing poisonous substances shall be dispensed only by the designated employees of the institution. Quantities issued or entrusted to inmates shall be sufficient only for the immediate purpose to be served, and shall be used only under the immediate supervision of employees.

Section 8.27. CONTROL OF TOOLS

The facility head shall establish a plan for the control of tools in order to safeguard the physical security of the institution. Such plan shall be submitted to the Director for approval, and shall be subject to annual review.

Section 8.28. EXPLOSIVES

Under no circumstances shall explosives such as dynamite, fragmentation grenades, bombs, blasting caps or firecrackers be stored in any of the facilities of the institutions of the Department. This provision does not include the storing in a safe place of ammunition for use with the institution's firearms or nonlethal tear gas grenades, smoke grenades or other nonlethal grenades.

Section 8.29. CONTROL OF MATCHES, LIGHTERS, ETC.

The facility head shall establish a plan for the control of lighters and other heat or fire-producing devices within the institution. Matches, whether it be carried by inmates, employees or any person, shall not be permitted to enter the institution.

Section 8.30. USE OF INTOXICANTS OR DRUGS BY EMPLOYEES

Illegal drugs are not to be used by any employee at any-time. Intemperance will not be tolerated among the employees of the Department. No employee shall come upon the grounds of the institution while under the influence of intoxicants, illegal or unprescribed drugs. Where probable cause to believe that an employee may be intoxicated, or as part of an established institutional routine, the facility head may order employees to undergo a breathalyzer or urinalysis examination within or outside the Department. No person addicted to the excessive use of intoxicating beverages or habit-forming drugs shall be appointed or retained as an employee of the Department. No employee may ingest alcoholic beverages eight (8) hours prior to assuming duty, or allow himself/herself to become an embarrassment to the Department by being publicly intoxicated. Uniformed employees may not drink alcoholic beverages while wearing the uniforms of the Department.

Section 8.31. BRINGING INTOXICANTS OR DRUGS ON PREMISES

No person shall bring any kind of liquor of whatever

alcoholic content, or any drugs, upon the premises of the institution or facility of the Department unless specifically authorized by the Director to do so. Such authorization shall be given for medical or religious sacramental purposes only. Any employee procuring for, or delivering to any inmate (unless under order of a duly-licensed physician) alcoholic preparations of any kind, or drug of any type, shall be subject to suspension without pay up to the maximum allowable by regulation or law or dismissed from the service in accordance with adverse action procedures of the Government of Guam. The facility head is required to initiate proceedings for the prosecution of any such offender as soon as practicable.

ARTICLE 5

CONFISCATION OF PERSONAL PROPERTY

Section 8.32. INVENTORY AND DISPOSITION OF PERSONAL PROPERTY

In all cases, when an inmate's personal property is confiscated, such as during a shakedown, an inventory shall be made and proper safeguards established to later identify the property taken. If the property is disposed of, the inmate shall be notified of the disposition. If legal materials are confiscated, the materials shall be returned as soon as practicable to the inmate. Legal materials shall not be otherwise disposed of.

ARTICLE 6
ASSAULTS ON AND INTIMIDATION OF
CORRECTIONAL EMPLOYEES

Section 8.33. VIOLATIONS

The use of force or threats directed to a correctional employee or the employee's family to influence such employee's conduct, decision, action, or abstention from action, or for no reason at all is a serious violation of law and of the rules. All such violations must be disciplined by the facility and shall be forwarded as a criminal complaint to the proper authorities. To prevent the occurrence of these violations, staff personnel shall make every effort to avoid provocation of inmates.

CHAPTER 9
CIVIL RIGHTS OF INMATES

Section 9.1. CIVIL RIGHTS ACT

The Civil Rights Act of 1871 (42 U.S.C. Section 1983) prohibits a person, acting under color of law (e.g., a prison guard), from depriving any other person (such as an inmate) of rights under the U.S. Constitution or federal laws. As long as personnel act reasonably and prudently in all circumstances and follow all rules and the advice of the Attorney General, no inmate will be deprived of civil rights. While an inmate is not without civil rights, the rights are nevertheless tempered by the fact of incarceration and the exigencies of correctional facility management and discipline.

Section 9.2. PERSONAL DAMAGES

The Civil Rights Act permits the recovery of personal damages against one who violates the inmate's civil rights under the color of law. However, staff personnel are protected by a qualified immunity which prevents the imposition of damages unless the inmate proves that the person violated the inmate's clearly established constitutional rights.

CHAPTER 10
AUTHORIZATION FOR PERFORMANCE
OF OFFICIAL DUTIES

Section 10.1. PERFORMANCE OF EMPLOYEE'S DUTIES, FUNCTIONS

All employees shall perform only the duties and functions as directed by authorized personnel, such as supervisor, administrator, corrections administrator, facility head, the Attorney General, the Director, or by these rules. No staff personnel is authorized to perform any duty or function directed by an unauthorized person such as an inmate, a private attorney, or other third person.

Section 10.2. DEPARTMENT CREDENTIALS

The Director shall design, authenticate, and issue Department credentials for the official use of designated employees. Such credentials shall identify the employee as a peace officer with a designated title having lawful authority as follows:

- (a) To enforce the laws of Guam commensurate with the employee's area of responsibility;
- (b) To carry a concealed weapon in the performance of official duties, when authorized by the Director;
- (c) To investigate, collect evidence and intelligence information in cases the Department or the Government of Guam may have an interest;
- (d) To request assistance from federal and civil authorities when necessary; and

(e) To perform other official functions as the Director or the Governor of Guam may direct or require.

CHAPTER 11

PERSONNEL

ARTICLE 1

FACILITY HEADS

Section 11.1. RESPONSIBILITY AS FACILITY HEADS

The Adult Correctional Facility Superintendent, Chief Parole Officer, the Casework Supervisor or head of any facility or institution of the Department, shall be the facility heads. They shall be responsible, among other duties, for the custody, treatment, training, discipline and supervision of inmates, or parolees under their charge. They shall plan, organize and direct the activities and programs of the institution in such a manner as will best protect society and promote the resocialization of the inmates or parolees. They shall be responsible and accountable to the Director for the proper conduct of the affairs of their area of operation and administrative responsibility.

Section 11.2. ABSENCE OF FACILITY HEAD

Before voluntarily absenting himself from his post for more than one (1) regular work day, the facility head shall submit a list of names and titles of three next-in-line subordinates in the chain of command who will serve in his place during temporary absences. The persons named on such list shall be designated as first, second and third alternate, and shall serve as

acting facility head in the order indicated, or as designated. The person serving as acting facility head shall have the same authority, while so acting to sign all documents, and he shall have the same powers as the facility head.

Section 11.3. CRIMES TO BE REPORTED

Whenever a crime is committed by an inmate or by any other person on the institutional grounds or property adjacent thereto, the facility head will report such crime as follows:

- (1) A written report to the Director as soon as practicable within twenty-four (24) hours.
- (2) An immediate report to the Director by telephone, in case of serious crime or any crime which might conceivably be of public or departmental interest. In all incidents the facility head must personally be present at the institution and assume the responsibility of making the appropriate decisions.
- (3) Notification by telephone to the proper authorities.

ARTICLE 2

EMPLOYEES

Section 11.4. RESPONSIBILITY OF EMPLOYEES

All employees are responsible to their facility heads

through their supervisors for their specific functions. Employees shall promptly obey orders given them by proper authority and shall familiarize themselves with the rules of the Department and their division. Ignorance of the rules is no excuse for violation.

Section 11.5. CONDUCT OF EMPLOYEES

Employees shall be alert, courteous and professional in their dealings with inmates, parolees, other employees, visitors and members of the public. Indecent, abusive or profane language shall not be used on duty. Irresponsible or unethical conduct, or conduct reflecting discredit on themselves or the Department, either on or off duty shall be avoided.

Section 11.6. PUNCTUALITY OF EMPLOYEES

All employees shall report for duty punctually at the time directed and shall not leave their work assignment before the completion of their working day or tour of duty except with their supervisor's permission. If, for any reason, an employee is unable to report for duty, he shall notify his supervisor at the earliest possible time.

Section 11.7. UNIFORMS

The regular uniform with its accompanying insignia and badge as prescribed by the Director shall be worn by all security personnel when on duty, except when they are serving on a special assignment where the wearing of the uniform and the insignia is considered by the facility

head to be inappropriate. No insignia or badge not approved by the Director shall be worn on the uniform. All employees while on duty, shall dress in neat and conservative attire appropriate to their assignment. Wearing the uniform in any bar, tavern or night club, except when necessary in the line of assigned duties, is prohibited.

Section 11.8. READING ON DUTY

Employees shall not read, use private radios, or engage in distracting amusement or occupation while on duty, except where the proper performance of duty so requires. Any other reading material on any post is not permitted. Special reading lamps in towers are also not permitted.

Section 11.9. SLEEPING ON DUTY

Every employee is expected to be alert and in full possession of his faculties while on duty. Sleeping while on duty shall be cause for disciplinary action.

Section 11.10. EMERGENCY

In an emergency, each employee, regardless of his class of service, shall perform any service of which he may be deemed capable, including custodial duties, when so required by his supervisor. At any time that there is a general alarm of an emergency or an employee is informed by telephone, or otherwise becomes aware of an emergency or extraordinary happening at the institution, he shall report without delay to his supervisor for instructions.

Section 11.11. VISITING

Employees shall not receive visits while on duty except with the permission of the facility head.

Section 11.12. UNDUE FAMILIARITY

Employees shall not indulge in undue familiarity with inmates, parolees, their families, or personal friends. Whenever there is reason for an employee to discuss an inmate or parolee's problems, the employee shall maintain a helpful but professional attitude. The employee shall not discuss his own personal affairs with an inmate or parolee.

Section 11.13. CONTACTING OR CORRESPONDING WITH AN INMATE'S FAMILY

No employee shall contact or correspond with any member of an inmate's family, nor with any person on an inmate's visiting or correspondence list, unless his assigned duties require it, or he has the permission of the facility head.

Section 11.14. COMMITMENT OF RELATIVES OR CLOSE FRIENDS

If an employee becomes aware that any relative or close friend has been committed or transferred to the jurisdiction of the Director, the employee shall immediately report it in writing to the Director.

Section 11.15. GIFTS OR GRATUITIES

No employee shall receive directly or indirectly any fee, commission, gratuity, or gift from any person or corporation furnishing supplies or services to the Department.

Section 11.16. PERSONAL PROPERTY

No employee shall bring personally owned property into the institution for use by the inmates.

CHAPTER 12

SUSPENSION OF RULES DURING EMERGENCY

Section 12.1. SUSPENSION

The Director may, where provided by law, suspend these Rules during a declared emergency if such suspension is necessary to meet the responsibilities of the Department. A written declaration of the suspension of these Rules shall be delivered to the Governor of Guam immediately upon the beginning of such suspension. Said declaration shall state the reasons for the suspension of the Rules and the anticipated length of the suspension.

CHAPTER 13

ADDITION TO RULES AND REGULATIONS

Section 13.1. AUTHORIZATION

In addition to these Rules and Regulations, the individual institutions and programs are authorized to adopt policies to fit the daily operation of their institutions or programs, subject to the approval of the Director. Said institutional policies shall not be inconsistent with existing law or rules.

CHAPTER 14
SEVERABILITY

Section 14.1. PROVISIONS

If any rule, section, sentence, clause, or phrase of these Rules and Regulations or their application to any person or circumstance is held to be unconstitutional or invalid, the remaining portion of these Rules and Regulations to other persons or circumstances shall not be affected and shall remain constitutional and valid.

G L O S S A R Y

ADJUSTMENT AND CLASSIFICATION COMMITTEE

Often referred to as 'the Committee', the Adjustment and Classification Committee is that body authorized by regulation to hear and make recommendations to the Director for the demotion or promotion, the security and custody classification of inmates.

ADMINISTRATIVE REMEDY

The administrative process provided by regulations through which process the inmate formally or informally seeks relief.

ADMINISTRATIVE SEGREGATION

The process used by the institution to segregate certain inmates from the general population for extended periods of time, to assure the safety of the institution, the protection of inmates and others; also utilized for inmates whose continued presence in the general population pose a serious threat to life or property.

CENSORSHIP BOARD

An appointed body of corrections staff members tasked to review inmate grievances regarding censorship or publications.

CLASSIFICATION

The process whereby the needs and requirements of inmates is identified and the most suitable housing and program according to available resources is determined.

CLOSED CONFINEMENT

Disciplinary Segregation

COUNSEL SUBSTITUTE

An employee of the department as provided for by regulations, who did not actively participate in the process by which the inmate was brought before the Committee, representing the inmate in hearings before the Committee or appeal matters.

CUSTODY CLASSIFICATION

The level or degree of staff supervision provided an inmate.

DEPARTMENT

Department as used in the Manual refers to the Department of Corrections. The department is tasked to protect the public from the destructive action of law offenders through control and rehabilitation.

DIRECTOR

The chief executive officer of the Department of Corrections normally appointed by the Governor with approval of the Legislature.

DISCIPLINARY SEGREGATION

The confinement of an inmate to an individual cell separate from the general population, pending hearing before the Committee for alleged violation(s) or as a result of a hearing before the Committee where inmate was found to have committed violation(s). It is used only when the inmate's presence in the general population poses a threat to life, property or good government of the institution.

DUTY OFFICER

The officer in charge of a work shift of the Adult Correctional Facility; usually a (Lieutenant) Corrections Officer Supervisor II

EMERGENCY

Any significant disruption of normal facility procedure, policy or activity caused by riot, strike, escape, fire, natural disaster or other serious incident.

EMPLOYEE

Any person on the payroll of the Department of Corrections, or any person lawfully appointed or contracted to perform within the operations of the Department of Corrections.

EXIGENCIES

The qualities or the state requiring immediate attention or need, as in institutional emergencies.

FACILITY

A single unit or division tasked with the responsibility to provide activities and functions in support of the institution's mission.

FACILITY HEAD

The Superintendent of the Adult Correctional Facility, the Chief Parole Officer, the Supervisor of the Casework and Counseling Services, or any officer or employee that the Director of Corrections may appoint in written form.

GRIEVANCE COMPLAINT FORM

A written complaint filed by an inmate with the Correctional employee or facility head concerning personal health and welfare or the operations and services of the facility.

HANDBOOK

Corrections booklet containing extracts of the Manual germane to the policies and guidelines pursuant to the provisions of the Executive Order. The publication of the booklet is the responsibility of the Director.

HEARING

A proceeding in which the inmate presents arguments, evidence or witnesses before an impartial board, committee, judicial officer or other persons lawfully authorized to oversee or conduct such proceedings.

INMATE

Any person committed by any lawful order to the care and custody, classification and treatment, of the Director.

INMATE JACKET

Information concerning the individual's personal, criminal and medical history, behavior and activities while in custody, including but not limited to: commitment papers, court orders, detainers, personal property receipts, visitors list, photographs, fingerprints, type of custody, disciplinary infractions and actions taken, grievance reports, work assignments, program participation, miscellaneous correspondence, transfers, etc.

INSTITUTION

The Adult Correctional Facility, the Halfway House, the Community Corrections Center, the Casework and Counseling Services Division, the Parole Services Division, the Detention Unit, or any other facility designated by the Director of Corrections as a place of residence or program for inmates under the custody of the department.

OUT COUNT

An accounting of inmates who are lawfully authorized to be away from their proper unit area for count at the time the official institutional count is made.

POLICY

A definite course of action which guides and determines decisions and the day to day activities of the department; may be made by the facility head to affect his division; guidelines and/or policies to affect the department as a whole is subject to the approval of the Director.

PRIVILEGED MAIL

Official correspondence between the inmate and any of the following officials: Court Judges, Attorney of Records, Ombudsman, Governor of Guam, Attorney General, Director, Chairman of the Territorial Parole Board, elected Territorial or Federal officials.

PROGRAM

The plan or system through which the institution works to meet its goals.

PROGRAM TEAM

A group composed of employees from the department's Case-work Services, Parole Services, Security Division and others as may be appointed and tasked to provide the identification of inmate needs programming, referrals, etc. for presentation to the Committee.

PROTECTIVE CUSTODY

A nonpunitive, non-disciplinary segregation of the inmate from the general population for indefinite periods of time, subject to a periodic review, due to threats on the inmate's

life or for other cause consistent with good government of the institution.

SECURITY CLASSIFICATION

The type of housing unit the inmate is placed; type determined by how secure housing is against escapes or in limiting the inmate movements.

STAFF MEMBER

An employee of the Department.