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**DEPARTMENT OF CORRECTIONS**  
Mangilao, Guam

<b>GENERAL ORDER</b>	<b>Date of Issue</b> June 8, 2006	<b>Effective Date:</b> Immediately	<b>No.:</b> FY 06-007
<b>Reference:</b> 8 Guam Code Annotated; P.L. 27-138, Effective Date: December 20, 2004			

**Subject:** Crime Victim's Act of 2004

**Purpose:** Victims of crimes' or in the event the victim is deceased the family members of the victim, should be afforded basic and fundamental rights, to the greatest extent possible. Crime victims have a meaningful role in the criminal justice system which grants victims certain basic and fundamental rights, including the rights of victims or their representatives to be informed of, to attend and make statements at certain proceedings involving criminal defendants. It is therefore the intent of this General Order to ensure that victims are assured a meaningful role in the criminal justice system

**THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:**

- I. OBJECTIVE
- II. POLICY
- III. DEFINITONS
- IV. PROCEDURE

**I. OBJECTIVE:**

The Crime Victims Act Of 2004 Public Law 27-138 ensures that all victims and witnesses of crime are treated with dignity, respect, courtesy, and sensitivity and that all rights mentioned in Public Law 27-138 towards victims and witnesses of crimes be honored and protected by law-enforcement agencies.

Victims and surviving immediate family members shall be informed of their right to receive notices and the procedure to receive notice. Victims and or surviving immediate family members shall have the right to request to receive notices by filing a request with

the Office of Attorney General. After the request is filed, the Office of Attorney General shall be responsible for informing either departments or agencies of the government to provide formal notices as may be necessary to the victim/or surviving immediate family members.

## II. POLICY:

The Department of Corrections and all divisions within shall adhere to the requirements as mandated by Public Law 27-138. It is the Department of Corrections responsibility to carry out all policies pertaining to the department efficiently and diligently. Failure of any government employee to carry out the requirements, nor compliance of it, shall subject any territorial officer or employee to liability in any civil action. Such failure may provide a basis for such disciplinary action as may deem by appropriate authority.

## III. DEFINITIONS:

**Crime-** means an act or omission by an adult that would constitute an offense against a person under all existing Guam statutes.

**Homicide Victim-** means a person whose death was caused by another person under the provisions of Chapter 16 of Title 9, Guam Code Annotated.

**Surviving immediate family members-** means surviving grandparents, parents, siblings, spouse, children, any legal guardian of the victim who requests notification.

**Victim-** means a person against whom a crime has been committed by an adult who request notification.

**Witness-** means a person whose testimony or knowledge is desired in any proceeding or investigation by a grand jury, or in a criminal investigation, action, prosecution or proceeding.

**Final Disposition-** means the ultimate termination of the criminal prosecution of a defendant, including, but not limited to, dismissal, acquittal, or imposition of sentence by the court.

**Person-** means an individual, organization, partnership, corporation, or governmental entity against whom the crime was perpetrated.

**Prisoner-** means a person who has been convicted and sentenced to imprisonment, or placement in a adult correction facility, for having committed a crime or an act that would be a crime if committed by an adult against a victim.

**Prosecuting Attorney-** means an attorney, by whatever title designated, having by law the right of duty to prosecute any offense on behalf of Guam.

## IV. PROCEDURES

It is the responsibility of the victims or surviving immediate members to file a written request with the Office of Attorney General to receive notices.

The Prison Security Administrator (PSA), Administrator of Diagnostics and Treatment Services Division (DTSD) and the Chief Parole Officer or their designee will be responsible in carrying out this general order.

The PSA and Administrator of DTSD or their designee are tasked to carry out this order relative to when the individual is an inmate and is within the confines of the Department of Corrections; i.e. PPWP, Education Release, Work Release and ACC. When an individual has been placed on parole, the task of carrying out this order will be the Chief Parole Officer or his designee.

### **Basic Bill of Rights for Victims**

- 1) To be informed as provided in this Chapter of escapes and changes planned in the custodial status of the offender that allow or result in the release of the offender into the community, including furlough, work release, placement on supervised release, release on parole, and final discharge at the end of a prison term; and to be informed by the Office of the Attorney General of changes in the custodial status of the offender as a result of release on bail bond, or release on appeal bond.
- 2) To be informed by the Parole Board through the Department of Corrections Parole Services Division when the offender is seeking early release and/or parole, and to be afforded a right to submit letters, and to appear and testify at a release hearing.
- 3) To be promptly informed by the Department of Correction's Parole Services Division when the offender has violated that person's parole.
- 4) Upon written request, witnesses of crime shall be provided the same protections.

### **Right of Victim to Address or submit Statement to Parole Board; Notice of Pending Review and Victim's Rights; Representation of Counsel; Notice, Objection to Pardons.**

- 1) A victim shall have the right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole.
- 2) Not less than thirty (30) days before a review of the prisoner's release, a victim who has requested notice shall be given written notice by the Department of Corrections, informing the victim of the pending review and of victim's rights under this section. The victim, at his own expense, may be represented by counsel at the review.


- 3) A victim shall receive notice of the decision of the parole board, if applicable, notice of the date of the prisoner's release on parole. Notice shall be mailed within a reasonable time after the board reaches its decision, and but not later than fourteen (14) days after the board or panel has reached its decision.
- 4) A victim shall receive notice of any request made for a pardon and may file an objection to said pardon with the parole board.

**Request for Notice by Victim; Exemption of Victim's Address and Telephone Number from Disclosure.**


- 1) Upon the victim's written request, the Guam Police Department or the Department of Corrections shall mail to the victim the following, as applicable, about the prisoner who has been sentenced to imprisonment.
  - (a) Notice of the prisoner's transfer or pending transfer to a minimum security facility and the facility's address.
  - (b) Notice of the prisoner's release or pending release in a community residential program or under furlough; any transfer to community status; any transfer from one (1) community residential program or electronic monitoring program to another; or any transfer from a community residential program or electronic monitoring program to a Guam correctional facility.
  - (c) Notice of the escape of the person accused, convicted, or imprisoned for committing a crime against the victim.
  - (d) Notice of the victim's right to address or submit a written statement for consideration by a parole board member or a member of any other panel having authority over the prisoner's release on parole.
  - (e) Notice of the decision of the parole board, or any other panel having the authority over the prisoner's release on parole, after a parole review.
  - (f) Notice of the release of a prisoner ninety (90) days before the date of the prisoner's discharge from prison.
  - (g) Notice of a request regarding a reprieve, commutation, or pardon of the prisoner's sentence by I Maga'Lahen Guahan.
  - (h) Notice that reprieve, commutation, or pardon has been granted.
  - (i) Notice that a prisoner has had his or her name legally changed while on parole.
  - (j) Notice that a prisoner has been convicted of a new crime.
  - (k) Notice that a prisoner has been returned from parole status to a correctional facility due to an alleged violation of the conditions of his or her parole.
- 2) A victim's address and telephone number maintained by the Guam Police Department or the Department of Corrections upon request for the notice is exempt from disclosure under the Sunshine Reform Act of 1999, Title 5, Guam Code Annotated, Chapter 10.

**Notice of Escape**

- 1) A victim who request notice of the escape and the prosecuting attorney who is prosecuting or has prosecuted the crime for which the person is detained or under sentence shall be given immediate notice of the escape of the person accused, convicted, or imprisoned for committing a crime against the victim. The notice shall be given reasonably calculated to give prompt actual notice.
  
- 2) If the escape occurs before the sentence is executed or before the defendant is delivered to the Department of Corrections, the chief law enforcement officer of the agency in charge of the person's detention shall give notice of the escape to the prosecuting attorney, who shall then give notice of the escape to a victim who requested notice.
  
- 3) If the defendant is confined pursuant to a sentence, the notice shall be given by the chief administrator of the place in which the prisoner is confined

  
Ricardo Leon Guerrero  
Parole Officer I

CONCURRED:

  
Robert D. Camacho  
Director of Corrections



# DEPARTMENT OF CORRECTIONS

Depattamenton Mangngurihi

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## MEMORANDUM

**Felix P. Camacho**  
*Governor*

**Kaleo S. Moylan**  
*Lt. Governor*

**Robert D. Camacho**  
*Director*

**Jose B. Palacios**  
*Deputy Director*

**Francisco B. Crisostomo**  
*Warden*

**Michael P. Quinata**  
*Chief Parole Officer*

**Joseph T. Afaisen**  
*Administrator*  
*CCSD / RSAT / Forensic*

**Luis M. Paulino**  
*Administrative Services Officer*

To: Director of Corrections (ACF, DTSD, PSD)

From: \_\_\_\_\_  
Victim(s)

Subject: Victim Notification of Offender Release

Defendant(s) Name: \_\_\_\_\_ CF: \_\_\_\_\_

I am a victim for the Case noted above, please direct your attention to the following checked item(s):

\_\_\_\_\_ YES, I would like to be notified prior to the inmate being placed on any program outside the Department of Corrections or on any type of release. I will notify the Director of Corrections in writing if I change address or my telephone number.

\_\_\_\_\_ NO, I do not want to be notified of any information regarding the inmate who victimized me.

Victim(s) Address: \_\_\_\_\_ Other (Specify) \_\_\_\_\_

Contact No.(s): \_\_\_\_\_

Victim's Signature / Date

Witnessed By: (Gov't Official) / Date

### FOR DEPCOR USE ONLY

PPWP (PL 19-11)	_____	Date: _____
EDUCATION RELEASE (PL 19-06)	_____	Date: _____
WORK RELEASE (EO 87-23)	_____	Date: _____
PAROLE ELIG. DATE (9GCA CHAP 80)	_____	Date: _____
DATE PAROLED	_____	Date: _____
FULL TIME RELEASE DATE	_____	Date: _____

### OTHER: SPECIFY

( ) ELOC	_____	Date: _____
( ) ALCOHOL ANON.	_____	Date: _____
( ) MENTAL HEALTH	_____	Date: _____
( ) OFF ISLAND	_____	Date: _____

