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DEPARTMENT OF CORRECTIONS

Office of the Attorney General

JUN 13 2005

Received By: *HC*
DIRECTOR'S OFFICE

JUN 11 2005

Re: DOC 05-0373

MEMORANDUM (Opinion)

To: director of Corrections
From: Attorney General
Subject: Extended Limits of Confinement (ELOC)

You have asked whether 9 GCA §80.49 may be used to extend the limits of confinement to enable inmates to engage in various rehabilitative programs prior to their release. We read this section, 9 GCA §80.49, as relating to individual needs of inmates for serious reasons that are not contemplated as part of the regular prison program. For instance, medical needs do arise that require treatment out of the prison, but they are not the norm. However, 9 GCA §80.48, permitting ELOC for regular purposes for the rehabilitation of then inmate will cover the programs you describe, except for "community service" Of course, in using 9 GCA §80.48, you must follow its conditions, including uniforms as required and the necessary guards.

Under Guam law, "community service" is not a part of an inmate's program, but is a separate, alternative sentence to avoid confinement and will be ordered at the time of sentencing where the judge believes it to be appropriate. Unless you mean by "community service" a type of work detail, then you may not use ELOC for that purpose as none of your inmates will have been sentenced to "community service" – which does not involve confinement.

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