



GOVERNMENT OF GUAM
DEPARTMENT OF CORRECTIONS
DIPATTAMENTON MANGNGURIHI
MANGILAO, GUAM 96913

September 3, 2021

MEMORANDUM

To: All Personnel
From: Director
Subject: COVID-19 Additional Preventive Measures
RE: Arrest & Confinements of COVID-19 Positive Individuals

In response to the current surge of COVID-19 Positive Cases within the community and the alarming number of COVID-19 Positive Arrests confined this week alone, effective immediately, **IF an arrested person is POSITIVE for COVID-19**, only the following list of offenses shall apply as acceptable confinements;

1. Arrested on suspicion of violent offense e.g., Homicides (Aggravated Murder, Murder) and other felony crimes that may be considered by a reasonable person to be a public safety high risk offense.
2. Refer to attached DOC Level 1 Detainee Classification Form for details. Note: The HDF Commander with the concurrence of Warden shall have discretionary authority to decide on all other offenses not listed.
3. Family Violence (Mandated by Statute)
4. All JOG Warrants, Commitment Orders except Non-criminal Warrants as indicated on the attached Guam Supreme Court Administrative Order No. ADM21-726.

Upon confirmation via the COVID-19 test that the arrestee is POSITIVE and is accepted for confinement based on the list above, the Central Processing Center (CPC) officers shall ensure that ALL Personal Protective Equipment's are utilized to ensure maximum protection for processing.

The arresting officer shall be notified to stand by until the arrest process is completed. The Arresting Officer shall be responsible for transporting the arrestee/detainee to the designated Isolation Housing Unit at the Adult Correctional Facility (ACF), Mangilao for confinement.

The CPC officer shall notify the ACF Operations Commander and Platoon Commander to coordinate the housing and confinement of the arrestee/detainee at the designated Isolation Housing Unit.

If the arrestee is NEGATIVE then the current acceptance list and protocol shall apply and be followed. (Refer to attached directive dated 5/13/21).

All other arrests that are non-violent and a low risk to public safety **SHALL** not be accepted if their COVID-19 Test result is POSITIVE.

The Central Processing officer shall notify the arresting/transport officer that due to the COVID-19 Crisis that DOC is currently in they must either change their booking status to Book and Release or consult with the Attorney General's Office on-call attorney for a change in status as well as notify DPHSS for contact tracing purposes.

In all events in which an arrestee is denied entry, the CPC officer shall document the denial and a log shall be established to keep track of all arrestee's denied entry. A weekly report of all arrestee's denied entry shall be submitted to the Warden via channels.

This is to ensure that DOC is taking extra precautionary measures to avoid or minimize the high risk of infection to our very vulnerable population within our facilities.

For Strict Compliance


JOSEPH S. CARBULLIDO

Attachments



GOVERNMENT OF GUAM
DEPARTMENT OF CORRECTIONS
DIPARTAMENTON MANGGURUHI
MANGILAO, GUAM 96913

May 13, 2021

MEMORANDUM

To: All Personnel
From: Director
Subject: COVID-19 Preventive Measures
RE: Updated November 19, 2020 Directive

Effective immediately, acceptance of arrests for confinements shall be restricted to the following charges:

1. All court Commitment Orders & confinement for Warrants of Arrest
2. All homicide arrests (manslaughter, negligent homicide, murder, aggravated murder)
3. Vehicular Homicide
4. Aggravated Assault with serious injury
5. Kidnapping, Felonious restraint with injuries
6. All Criminal Sexual Conduct, Child Pornography.
7. Human Trafficking
8. Child Abuse with serious injuries
9. Possession of a Controlled Substance (Schedule 1 (Except MJ) and Scheduled 2 in the amount of 20 grams or more)
10. Family Violence (Mandated by Statute) & DUI
11. Robbery
12. Terrorizing, Terroristic Conduct, Firearms Violations
13. Home Invasion
14. Assault on a Peace Officer
15. Arrests for multiple criminal cases (burglaries, thefts, etc).
16. Special Exceptions: Those who have multiple and recent misdemeanor offenses and who are known to continue criminal activity after a book and release process.

In the event that an arrestee is brought in on charges that are not listed above, the Central Processing Center (CPC) officer shall contact the Warden or his designee for guidance on whether to accept or deny entry. The final decision on whether to accept or deny entry of an arrestee shall be made by the Warden or his designee. In all events in which an arrestee is denied entry, the CPC officer shall document the denial and a log shall be established to keep track of all arrestee's denied entry. A weekly report of all arrestee's denied entry shall be submitted to the Warden via channels.

For Strict Compliance


JOSEPH S. CARBULLIDO

DETAINEE CLASSIFICATION

The following procedures will be adhered to in the classification of local detainees, contempt of court, those on US Marshall custody, and ICE detainees.

Level 1 (Violent or escape risk): Persons classified at this level is reserved for those who are detained for a violent crime or escape or has been previously convicted for such crimes as:

1. Aggravated murder.
2. Murder.
3. Manslaughter (and when such manslaughter is not involuntary).
4. Aggravated Assault (and when it is a felony in the first degree).
5. Kidnapping (and when it is a felony in the first degree).
6. First Degree Criminal Sexual Conduct.
7. Second Degree Criminal Sexual Conduct.
8. Aggravated Arson.
9. First Degree Robbery.
10. Second Degree Robbery.
11. Escape.

Level 2 (Non-violent): Persons classified at this level is reserved for those who are not detained for a crime listed above and has not been previously convicted for such crimes.

Level 3 (Administrative): Persons classified at this level is reserved for those being held for administrative purposes (no criminal charges) and who have not been previously convicted for such crimes.

Detainee Name: _____ Date Detained: _____

Reason(s) for being detained: _____

Based on the above, the detainee is classified as: _____

<u>Print Name of Classifying Officer</u>	_____ Signature	_____ Date
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<u>Reviewing Duty Officer/UM/SO (print)</u>	_____ Signature	_____ Date
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<u>Operations Commander (print)</u>	_____ Signature	_____ Date
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Copies to: Detainee File, Unit File and Central File.



Filed

Supreme Court of Guam, Clerk of Court

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IN THE SUPREME COURT OF GUAM

RE:)	Supreme Court of Guam
ORDER RELATIVE TO)	Administrative Order No. ADM21-726
WARRANT RETURNS UNDER)	
EXIGENT CIRCUMSTANCES)	
RELATED TO COVID-19)	
(CORONAVIRUS))	
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Because of public health concerns arising from the COVID-19 (coronavirus) global pandemic, *I Maga'hagan Guåhan* declared a state of public health emergency on March 14, 2020, and has issued a series of executive orders to stem the spread of the virus. In line with the various executive orders, the court, under its jurisdiction to issue orders in aid of its supervisory jurisdiction over the Superior Court of Guam and all other courts of the judicial branch of Guam, issued several administrative orders adopting various measures to protect the public health, the most recent of these orders being Administrative Order No. ADM21-719, which reinstated the requirement of maintaining a physical distance of six (6) feet within Judiciary of Guam facilities.

To further reduce the risk of exposure to COVID-19, the court finds that it is necessary to suspend the execution of non-criminal warrants where such a warrant would be the sole cause of the detention or arrest of a person. Such non-criminal warrants include those related to: traffic violations (moving and non-moving violations); child support; failure to pay restitution, fines or court costs; debt collection cases; and failure to appear. With these considerations in mind, the court **ORDERS** as follows:

1. Until September 20, 2021, at 8:00 a.m., in the event that any law enforcement makes contact with a person who has only a non-criminal warrant, that person may be released on the non-criminal warrant, and the non-criminal warrant shall remain active.

E-Received
8/30/2021 8:40:57 AM

