



DEPARTMENT OF CORRECTIONS

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GENERAL ORDER NUMBER 30.03		DISTRIBUTION ALL PERSONNEL	PAGE 1 OF 8
ORDER TITLE Release of Offenders	SERIES NO. 30	SERIES TITLE/SUBJECT Management of Offenders	
TOPICS/REFERENCE 9 GCA Chapter 90, § 90.15, § 90.25, § 90.30, §90.35			APPENDICES A-B
ORIGINAL ISSUE/EFFECTIVE DATE May 10, 2021	Rescinds: General Order: NONE		EXPIRATION DATE This order remains in effect until revised or rescinded

PURPOSE:

This policy provides guidance, criteria, and authority to release offenders and the specific procedures to properly release offenders from the custody of the Department of Corrections. This policy applies to all DOC facilities that release offenders from DOC custody.

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS:

- I. POLICY
- II. DEFINITIONS
- III. TYPE OF OFFICIAL RELEASE DOCUMENTS
- IV. PROCEDURE
- V. PERSONAL PROPERTY
- VI. DOCUMENTATION
- VII. RELEASE TO OTHER JURISDICTION
- VIII. TEMPORARY RELEASE OF OFFENDER FOR SPECIFIC PURPOSE
- IX. TEMPORARY TRANSFER OF CUSTODY OF OFFENDER FOR SPECIFIC PURPOSE
- X. REVIEWS, REVISIONS AND CANCELLATIONS

I. POLICY

- A. It is the policy of the Department of Corrections to have in place procedures and legal release authority to release offenders from the custody of the Department of Corrections (DOC) in a timely and accurate manner. This policy is to protect the community and reduce the exposure of liability for DOC for the improper or untimely release of an offender.
- B. Offenders are entitled to timely release when they have made bail; been found *not guilty*; received a court-ordered release (Local or Federal), completed a sentence, or when the court has modified their sentence.
- C. All staff assigned to the Central Processing Center, Unit Officers, and Supervisors shall be trained and have access to all DOC computer database systems and files utilized for release clearance. CPC officers, Unit Officers, and Supervisors SHALL, make sure that they meticulously cross-check all the computer database systems in place as well as the files required before signing and approving any release.
- D. Under no circumstances shall any officer (CPC Officer, Supervisor, Unit Officer) approve the release of an offender unless they were adequately trained by a person competent in the release process. The training hours will be determined by the trainer depending on the training needs of the officer being trained.
- E. It is the supervisor's responsibility to cross-check and verify that the offender being released is released by following this policy and any other policy or unit directive related to the release of an offender from the custody of the Department of Corrections.
- F. The Hagatna Detention Commander, and Women's Facility Unit Manager shall periodically review the records of offenders that were released to validate the work of the CPC officers, Unit Officers, and Supervisors. Based on the review of the records, the Commander and Unit Manager shall take any and all corrective action to rectify any issues or concerns.
- G. All officers (CPC Officers, Unit Officers & Platoon Commanders) and those authorized to complete the Release Checklist form or by direction shall ensure that they adhere to their specific duties and responsibilities based on the procedure indicated in this policy and any subsequent unit directive.
- H. Official court documents releasing an offender may be received directly from a Superior Court Marshal, U.S. Marshal, U.S. Immigration, or Probation Officer. Documents provided by the offender, his/her attorney or family is not considered official and shall not be used to legally release an offender from DOC custody.

- I. Court documents releasing an offender received via email from a government email address of the Superior Court of Guam Marshals, U.S. Marshals, or U.S. Immigration shall be considered official service. If there are concerns about the validity of the email or the documents, consult with the supervisor before making a decision to release the offender.

II. DEFINITIONS

- A. **Offender** – Any person committed to DOC according to the laws of Guam and the United States.
- B. **Citation and Notice to Appear (NTA)**- This is a written order issued by a Corrections Officer on behalf of the Guam Attorney General office and issued to a person accused of violating Guam law. The NTA informs the offender when to appear in a designated court at a specified date and time to answer the charges. An NTA is issued in lieu of a magistrate hearing and when instructed by an attorney from the Attorney General's office via a written document. An NTA is an official document releasing an offender from DOC custody.
- C. **Order of Conditional Release and Appearance Bond (OCRAB)**- A court order releasing an offender with conditions and is contingent upon the offender obeying conditions of his/her release.
- D. **Court Order Release**- A Court Order signed by a judge releasing an individual from confinement on a particular cases or cases.
- E. **Commitment Order** -Is a court order signed by a judge committing an individual into the custody of the Director of Corrections or another agency with legal authority to hold an individual.
- F. **USM-41**- A US Marshall Service Order used when taking an offender into custody or releasing the offender from custody.
- G. **Full-Time Release Order**- A release order signed by the Director of Corrections or his/her designee when an offender has served his sentence as determined by sentencing laws, sentencing judge, or the Guam Parole Board.
- H. **Central Processing Center (CPC)**- The Central Processing Center (CPC), located within the Hagatna Detention Facility, provides initial confinement processing of all (male) arrested and court committed offenders. The CPC operates 24 hours, 7-days a week. Before releasing any offender (male/female), the CPC provides release clearance for all offenders confined in DOC. The CPC is responsible for updating DOC's ACMIS system daily.

- I. **Adult Correctional Management Information System (ACMIS)**- The department's primary electronic records management system used to collect and manage data on adult offenders. ACMIS aims to manage all aspects of offender incarceration, supervision, and rehabilitation and share incarceration information with interested parties.
- J. **Hagatna Database Management System (HDF Database)**- The department's secondary electronic records management system used to collect and manage data on adult offenders. The primary use of this system is to manage documents (court order, warrants, judgements, release orders, summons, intake forms, transfer of custody form, etc.) This includes photos of the offenders to include tattoos and other body markings.

III. TYPE OF OFFICIAL RELEASE DOCUMENTS

- A. The following official documents are generally used to release an offender from the custody of the Department of Corrections;
 1. Department of Corrections Certificate of Full-time Release,
 2. Superior Court of Guam Order of Conditional release
 3. Commitment order
 4. Federal USM-41 form
 5. Federal Immigration 203-B form
 6. Guam Parole Board Certification of Parole
 7. Parole order to vacate the warrant
 8. Attorney General Magistrate listings for booked or release status

IV. PROCEDURES

- A. Releases follow standard procedures to ensure proper documentation of the release, collection of property issued during incarceration, release offender property, updating DOC ACMIS, and collecting and storing records related to the offender's confinement.
- B. The CPC officer must undertake the following specific steps before releasing an offender from the Department of Corrections either by parole, expiration of sentence, conditional release, or other legally constituted authority after completion of any required release arrangements with the authorized releasing authorities;
 1. Shall authenticate release authorization documents by assigned staff member and verification that there are no outstanding warrants, commitment orders on pending cases, detainers, or any other document that would require DOC to hold an offender in our custody until disposition by a releasing authority;
 2. Shall authenticate the prisoner's identity by photograph and comparison of physical description, body markings (tattoos), and fingerprints (If the technology is available);

3. Ensure that court case numbers are verified and are consistent with the release order. Some offenders might have more than one court case in which they are being held on;
4. If possible, ensure that the police case number is associated with the court case number in which the offender is being released. For example, an offender may be confined on a warrant (one case number) and additional criminal charges (no criminal case number assigned), and when brought before a judge, he/she is released on the warrant but no disposition on additional criminal charges. In this instance, the offender shall not be released until there is a disposition of the other criminal charges;
5. If the release is not in proper order or has conflicting information in our ACMIS system or documents provided by any law enforcement agency is in question, contact the agency's point of contact, e. g. arresting officer, the on-call attorney general, or their agency's chain of command and verify the conflicting information in question. **DO NOT RELEASE** until verification is made and it is **ABSOLUTELY** clear that the person in custody is cleared for release by the appropriate authority;
6. Complete release arrangements, including verification that other law enforcement agencies, have been notified via email or different types of communication and adequately documented for future reference;
7. The designated CPC staff shall complete the "Release Checklist" (appendix A) for every offender being released from DOC custody.
8. The Platoon Commander, and Unit officer, are provided the "Release Checklist" of every offender being released from DOC custody.
9. The Platoon Commander and Unit officer shall verify and authenticate the information prepared by the CPC officer to ensure accuracy and verification of the documents releasing the offender from DOC custody.
10. The CPC staff shall ensure that the release information is entered into the department's ACMIS.
11. Verify that all government property has been returned. No government property leaves the facility;
12. Complete any pending action, such as grievances or claims for damages or lost possessions;
13. The Shift Supervisor or designee searches and secures the offender. Traffic patterns in the release area should prevent a searched offender from coming into contact with an unsearched offender. The offender is escorted to the entrance area, where an officer, once again, properly identifies and searches the offender before opening the exit door or gate. The officer releasing the offender signs for release and forwards any report to the CPC officer for inclusion in the records section;
14. The Shift Supervisor or Designee will arrange for an escort of the offender to the release area for final processing and provides the following, as applicable:

- a. Signed *Transfer of custody Receipt*, if being released to another agency;
- b. Signed copy of release papers;
- c. Discharge documents or other comparable documents;
- d. Resolution of any inmate account issues;
- e. Dress-out clothing;
- f. Personal property items in storage;
- g. Medication, if prescriptions exist.

V. PERSONAL PROPERTY

- A. When the offender is released from custody, all government property is inventoried, returned, and receipted. In transfer releases, personal property is inventoried in the offender's presence and packaged with a copy of the inventory sheet inside. The officer will provide the offender a copy of this form, and the officer will file a copy in the offender's file. Then the property is transferred to the receiving or transporting officer. Some receiving or transporting agencies do not allow the personal property to be accepted or transferred to the receiving agency. Property left at the facility for more than thirty [30] days becomes the property of the Department of Corrections and may be disposed of per department policy.
- B. If a property release form is completed, and DOC has documents to verify that the property belongs to the offender, a family member or some other approved person may pick up the offender's property.

VI. DOCUMENTATION

- A. A record of release is filed in the file of each offender. The release document shall include the date, time, and authority that authorized the release.
- B. All visiting and other outlying records are placed in the records section as they arrive from other divisions.

VII. RELEASE TO OTHER JURISDICTION

- A. Offenders being released to other jurisdictions on a detainer or warrant are searched before being turned over to the custody of the transporting or receiving officers, whose credentials are reviewed and determined appropriate prior to the offender's release.
- B. A receipt is obtained for the transfer of custody of the offender, and any necessary medical and security-related information is provided to the transporting officer or receiving agency.

VIII. TEMPORARY RELEASE OF OFFENDER FOR SPECIFIC PURPOSE

- A. An offender may be temporarily released (unescorted) from the custody of the Department of Corrections only when the department receives a valid court order from a court of proper jurisdiction. Some examples in which a court may order the temporary release of an offender include but are not limited to the following;
 - a. To attend counseling not otherwise available in DOC;
 - b. Medical treatment not otherwise available in DOC;
 - c. Attending a funeral of a relative;
 - d. Visiting a relative who is dying;
 - e. Engaging in any other significant activity consistent with the public interest.
- B. In the event that the offender being temporarily released has a detainer or commitment order from another agency or court that has the legal authority to hold an offender, that agency or court shall be informed of the order releasing the offender. For example, a judge issues a court order temporarily releasing an offender on one case, but the offender has a commitment order issued by another judge on another case; in this case, the offender is not released until a second court order is issued on the second case. In instances like this, the CPC officer shall seek guidance from their supervisor if in doubt.
- C. When an offender is temporarily released from the custody of DOC to a third party, the releasing officer shall verify the name of the third party (drivers license, Guam I.D., Passport, or other valid government I.D.). The officer shall document (blotter) the vehicle information that is being used to pick up the offender. All this information shall be documented in departments activity blotter.
- D. Prior to temporarily releasing the offender, the CPC officer shall comply with all releasing procedures outlined in this policy.

IX. TEMPORARY TRANSFER OF CUSTODY OF OFFENDER FOR SPECIFIC PURPOSE

- A. An offender may be temporarily transferred to the custody of another agency when requested by that agency for the specific purpose of investigation or similar activity. For example, the Guam Police may need to interview offenders relative to their current case or another case they may be involved. In this case, GPD may request to take the offender to their office to conduct the interview. A temporary transferer of custody is not considered a release from confinement because the offender will be in the care and custody of government official.
- B. If such a request is made, the supervisor shall complete the "Transfer of Custody Form" (appendix B) a copy of the form shall be given to the escorting official. Upon the offender's return, the receiving officer shall ensure that the offender is free of injuries and contraband. A copy of the completed transfer form shall be placed in the offender's unit file and uploaded to the HDF database.

X. REVIEWS, REVISIONS AND CANCELLATIONS

- A. This General Order will be reviewed each year by the Office of the Deputy Director or designee and, when necessary, revised or canceled in accordance with the procedures for reviewing written directives established in General Order 1.01 – Written Directives.
- B. This policy is a living document that is subject to constant change. New laws, court decisions, new methodologies, emergencies, and other factors dictate the need for a continual review of this policy.
- C. The Prison Security Administrator (Warden) is authorized to develop operational procedures in accordance with this policy to ensure that all prisoners are released in accordance with Federal and local law. Operating procedures shall be consistent to the extent practical among all DOC units and facilities.
- D. Everyone in this organization has the ability to influence our policies and procedures and is encouraged to provide feedback at any time by submitting a memorandum, via channels, with their ideas to the Deputy Director of Corrections or designee.
- E. No policy, no matter how complete, can address all the situations we may encounter in performing our duties. There will be situations that occur that must be left to good judgment and discretion of the person(s) involved. This judgment and discretion must be employed with sound reason and promotes the interests of the citizens we serve, the department, and the people who make up this organization.
- F. It is every employee's responsibility and duty to become thoroughly familiar with the contents of this policy. Employees are further responsible for the upkeep and maintenance of their copy, including keeping current as updates or amendments.

BY ORDER OF


JOSEPH S. CARBULLIDO
Director

Appendices:

- A. Release from Confinement Checklist
- B. Temporary Transfer of Offender Custody



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CHECK-LIST: MUST BE COMPLETED PRIOR TO RELEASING OFFENDER FROM CONFINEMENT

Name of Offender: _____ ID# _____ Post# _____

Case No(s). _____

MARK [X] for YES or NO on EACH AREA CHECKED.

YES or NO

[] [] -AS400 SYSTEM

[] [] -HDF DATABASE SYSTEM

[] [] -VCCH SYSTEM

CPC officer(s) verified that this prisoner has no pending cases or detainers. **NONE PENDING.**

DO NOT RELEASE/NOT CLEARED: Held, pending clearance on the following case no(s):

CPC Officers Signature: _____ Rank: _____ Date/Time _____

PRISONER UNIT FILE FOLDER:

YES or NO

[] [] -ACTIVE COMMITMENT ORDER(S)

[] [] -ACTIVE CONTEMPT OF COURT ORDER

[] [] -ACTIVE BENCH WARRANT(S)

[] [] -ACTIVE PAROLE DETAINER

[] [] -ACTIVE FEDERAL DETAINER

[] [] -ACTIVE IMMIGRATION DETAINER

Unit officer verified that this offender has no pending cases or detainers. **NONE PENDING.**

NOT CLEARED: Held, pending the following case no(s):

Unit Officer Signature: _____ Rank: _____ Date/Time _____

PLATOON COMMANDERS CHECKLIST:

YES or NO

[] [] -AS400 SYSTEM

[] [] -HDF DATABASE SYSTEM

[] [] -VCCH SYSTEM

Platoon Commander verified that this offender has no

NOT CLEARED: Held, pending the following case no(s):

Platoon Commander Signature: _____ Rank: _____ Date/Time _____

NOTE: IT IS THE CPC OFFICERS AND UNIT OFFICERS RESPONSIBILITY TO ENSURE THAT THERE ARE "NO" PENDING CASES OR DETAINERS ON THE OFFENDER TO BE RELEASED. ONCE THE PLATOON COMMANDER SUBSTANTIATES THAT ALL OF THE ABOVE SECTIONS HAD BEEN CHECKED THOROUGHLY, THEN IT WILL BE THE RESPONSIBILITY OF THE PLATOON COMMANDER TO "CLEAR" THE OFFENDER FOR RELEASE. IN THE ABSENCE OF A PLATOON COMMANDER, THE SENIOR DUTY OFFICER (SERGEANT OR ABOVE), SHALL ASSUME THE RESPONSIBILITY OF THE PLATOON COMMANDER IN THE CLEARANCE OF THIS FORM.

NOTE: RETURN THIS "CHECK-LIST" BACK TO THE CPC UPON COMPLETION OF RELEASE FOR FILING. A COPY SHALL BE FILED IN THE OFFENDERS FILE.



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TEMPORARY TRANSFER OF OFFENDER CUSTODY

The temporary custody and control of offender _____ D.O.B. _____
 DOC Master I.D. # _____ (offender DOC I.D. #) is hereby temporarily transferred to
 the custody of _____ (agency) on this date _____ at _____ hrs.
 authorized by _____ (a DOC Official) for the purpose of
 _____ (Reason for transfer) at the request of _____. (person)

 Name of relinquishing officer (sign & print)

Date: _____ Time: _____

.....

Acknowledgement Receipt of Offender

I, _____, a _____, hereby acknowledge and accept
 the Transfer of custody, control, safety, and responsibility of the above-mentioned offender
 for the purpose as Indicated above.

 Name of receiving officer (sign & print)

Date: _____ Time: _____

.....

Acknowledgement Return of Offender

I, _____, a _____, hereby acknowledge and accept
 the return of the above-mentioned offender. Furthermore, the offender is free of injuries and
 contraband.

 Name of relinquishing / receiving officer (sign & print)

Date: _____ Time: _____

G. O. 30.03 Appendices B "Transfer of Custody Form" Updated May 06, 2021
 A copy of this form shall be placed in the offender's unit file.