

TITLE 24

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CHAPTER 1
DEPARTMENT OF CORRECTIONS

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Article 1
Administrative Provisions

- §1101. General Provisions
§1102. Prior Rules and Regulations
§1103. Purpose

§1102. General Provisions. (a) The Rules and Regulations herein shall govern the administration and operations of the Guam Department of Corrections. As an integral part of the inmate's rehabilitation, the Department of Corrections shall provide the following services:

- (1) Casework and Counseling
- (2) Parole
- (3) Forensic
- (4) Health

Each individual facility/division organic to the Department may adopt rules governing its unique situation pursuant to Section 90.30, 9 GCA, 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 unit to facilitate the operational and administrative requirements.

§1102. 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 amended. Insofar as the provisions of previous executive orders are in conflict with this Order, these provisions shall control. The following sections of Executive Order 88-19 are rescinded:

Sections 1.1, 1.2, 1.3, 2.1, 2.2(a), 2.2(c), 2.2(e)(2), 2.2(e)(3), 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 2.15, 2.17, 2.21, 2.22, 2.27, 2.29, 2.30, 2.31(a), 2.33, 2.34, 2.35, 2.36, 2.37, 2.38, 2.39, 2.40, 2.41, 2.42, 2.43, 2.44, 3.1, 3.2, 3.3, 4.1, 4.2, 5.1, 5.2, 5.3, 6.1, 6.2, 6.3, 6.4, 6.5, 6.6, 6.7, 6.8, 6.9, 6.10, 6.11, 6.13, 6.14, 6.16, 6.17, 6.22, 6.24, 6.25, 6.26, 6.27, 6.28, 6.29, 6.30, 6.32, 6.33, 6.34, 6.35, 6.36, 6.37, 6.38, 6.39, 6.40, 6.41, 6.42, 6.43, 6.44, 6.45, 6.46, 6.47, 6.48, 6.49, 6.50, 6.51, 6.57, 6.58, 6.59, 6.60, 6.61, 6.62, 6.63, 6.64, 6.66, 7.2, 7.3, 7.5, 7.6, 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17, 7.18, 7.19, 7.20, 7.21, 7.22, 7.23, 8.1, 8.2, 8.3, 8.4, 8.5, 8.6, 8.7, 8.8, 8.9, 8.10, 8.11, 8.12, 8.14, 8.15, 8.16, 8.17, 8.18, 8.19, 8.20, 8.21, 8.22, 8.23, 8.24, 8.25, 8.26, 8.27, 8.28, 8.29, 8.33, 9.1, 9.2, 12.1, 13.1, 14.1.

§1103. 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.

Article 2
Civil Rights of Inmates

§1201. Civil Rights Acts

§1202. Personal Damages

§1201. Civil Rights Acts. The Civil Rights Act of 1871 (42 U.S.C. Section 1983) prohibits a person, acting under color of law (e.g., a Corrections Officer), from depriving any other person (such as an inmate) of rights under the United States 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.

§1202. 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.

Article 3
Inmate Rules and Discipline

- §1301. General Provisions
- §1302. Inmate Rights and Responsibilities
- §1303. Purpose
- §1304. Categories of Prohibited Acts and Schedule of Sanctions
- §1305. Prohibited Acts: Greatest Misconduct Category Code
Prohibited Acts
- §1306. Prohibited Acts: High Misconduct Category
- §1307. Prohibited Acts: Moderate Misconduct Category
- §1308. Prohibited Acts: Low Misconduct Category
- §1309. Prohibited Acts: Outside Assignments or Programs
- §1310. Aiding, Attempting or Conspiring in the Commission of an
Offense
- §1311. Sanctions for Repetition of Prohibited Acts Within the Same
Category
- §1312. Disciplinary Actions Defined
- §1313. Suspension of Sanctions
- §1314. Incident Report
- §1315. Receipt of Charges Against Inmate
- §1316. Investigation
- §1317. Pre-Hearing Detention
- §1318. Commission of Acts Covered by Statutory Law
- §1319. Notification of Disciplinary Hearing
- §1320. Continuances
- §1321. Presence at Hearing
- §1322. Waiver of Right to be Present at Hearing
- §1323. Inmate Representation at Hearing
- §1324. Presenting Staff
- §1325. Request for Witnesses
- §1326. Right to Make Statement and Present Evidence
- §1327. Conduct of Hearing
- §1328. Notice of Disciplinary Decision
- §1329. Review While in Disciplinary Segregation
- §1330. Appeals
- §1331. Not Appealable
- §1332. Time for Appeals

§1301. General Provisions. It is the policy of the Department of Corrections to have in place in each of its facilities a system of inmate discipline that serves to protect the public, inmates, and staff members, and maintains order in the facility, through the impartial application of a fully developed, well-understood set of rules and

regulations and a hearing procedure that incorporates all applicable due process requirements.

§1302. Inmate Rights and Responsibilities. It is the policy of the Department of Corrections to establish rules and regulations that would create a balance between the inmate's expression of his rights and the preservation of Institutional order. This section shall generally describe the inmate's rights, as well as responsibilities, while confined in the Department's facilities. The following is a description of these rights and responsibilities:

(a) **YOU HAVE THE RIGHT** to expect that as a human being you be treated respectfully, impartially, and fairly by all personnel.

YOU HAVE THE RESPONSIBILITY to treat others, both employees and inmates, with respect, impartiality, and fairness.

(b) **YOU HAVE THE RIGHT** to be informed of the rules, procedures and schedules concerning the operation of the Department.

YOU HAVE THE RESPONSIBILITY to know and abide by the rules, procedures and schedules.

(c) **YOU HAVE THE RIGHT** to freedom of religious affiliation and voluntary religious worship.

YOU HAVE THE RESPONSIBILITY to recognize and respect the religious freedom of others.

(d) **YOU HAVE THE RIGHT** to medical and dental treatment, to a clean and safe environment, nutritious meals, proper bedding and clothing, and a laundry schedule for cleanliness, an opportunity to shower regularly, proper ventilation for fresh air, a regular exercise period, and toilet articles.

YOU HAVE THE RESPONSIBILITY to seek medical and dental care as you may need it, to maintain a clean and safe environment, not to waste

food, to follow the laundry and shower schedules, and to keep your area free of contraband.

(e) **YOU HAVE THE RIGHT** to reasonable visits and correspondence with family members and friends, and communicate with members of the news media consistent with departmental rules.

YOU HAVE THE RESPONSIBILITY to conduct yourself properly during visits, not to accept or pass contraband, and not to use correspondence to violate the law, prison rules or policies.

(f) **YOU HAVE THE RIGHT** to unrestricted and confidential access to the courts or public officials by correspondence on such matters such as the legality of your conviction, civil matters, pending criminal cases, and conditions of your imprisonment.

YOU HAVE THE RESPONSIBILITY to honestly and fairly present your concerns and problems to the court or public officials.

(g) **YOU HAVE THE RIGHT** to legal counsel.

YOU HAVE THE RESPONSIBILITY to compensate any attorney not appointed by the court.

(h) **YOU HAVE THE RIGHT** to use law library reference materials in resolving legal problems. *YOU ALSO HAVE THE RIGHT* to receive help when available through a legal assistance program.

YOU HAVE THE RESPONSIBILITY to use these legal resources and assistance consistent with the schedule and procedures prescribed.

(i) **YOU HAVE THE RIGHT** to reasonable reading materials for educational use and for your enjoyment.

YOU HAVE THE RESPONSIBILITY to seek and utilize materials which promote your rehabilitation but do not threaten the security of the Institution.

(j) **YOU HAVE THE RIGHT** to participate in education, vocational training and employment, unless restricted by law.

YOU HAVE THE RESPONSIBILITY to take advantage of activities which may enhance your rehabilitation and to abide by the regulations governing your participation.

§1303. Purpose. (a) The purpose of the Inmate Rules and Discipline is to ensure that a plan of inmate discipline is established within the Department. The objectives are:

- (1) To define and give notice of unacceptable behavior;
- (2) To specify the possible sanctions that may be imposed for a code violation;
- (3) To establish minimal procedural safeguards for the imposition of punishments; and
- (4) To ensure that sanctions are appropriate for the severity of the violation.

(b) Inmates committed to the Department of Corrections shall be subject to disciplinary action for rule violations. Discipline shall be applied in an impartial and consistent manner, and whenever possible, resolved informally. When imposing disciplinary action, the following factors shall be considered:

- (1) The inmate's past record; and
- (2) The punishment's effect on future behavior.

Disciplinary action shall be taken as soon as possible.

(c) The only two (2) bodies that can hear disciplinary cases and impose sanctions are:

- (1) The Disciplinary Hearing Officer (DHO). The DHO shall be appointed by the Unit Manager. The DHO shall hear and decide charges brought against unit inmates for alleged violations committed in the Low Misconduct Category. The decision of the DHO

shall be appealable to the Prison Security Administrator who may affirm, reverse, or modify a decision, but shall not increase the sanction imposed. Copies of the decisions of the Prison Security Administrator shall be made available to the Director of Corrections for his information; and

(2) The Disciplinary Hearing Board (DHB). The DHB shall be appointed by the Director of Corrections. The DHB shall operate under the same rules as the Adjustment Classification Committee. Membership shall not be less than three (3). The Board shall meet as often as necessary. The DHB is appointed to hear and decide charges brought against inmates in the High, Greatest and Moderate Misconduct Categories. The decisions of the DHB are appealed only to the Director of Corrections.

§1304. Categories of Prohibited Acts and Schedule of Sanctions. There are four (4) categories of prohibited acts: Greatest, High, Moderate and Low. Specific sanctions are authorized for each category. Imposition of a sanction requires that the inmate is first found to have committed a prohibited act.

§1305. Prohibited Acts: Greatest Misconduct Category Code Prohibited Acts.

[Contact the Department of Corrections for the Codes, Prohibited Acts and Sanctions Table]

§1306. Prohibited Acts: High Misconduct Category.

[Contact the Department of Corrections for the Codes, Prohibited Acts and Sanctions Table]

§1308. Prohibited Acts: Low Misconduct Category.

[Contact the Department of Corrections for the Codes, Prohibited Acts and Sanctions Table]

§1309. Prohibited Acts: Outside Assignments or Programs. The following prohibited acts apply to inmates assigned to Work Release, Education Release (WREC), Extension of Limits of Confinement (ELOC), Prisoner Public Works Program (PPWP), or any assignment/work detail occurring away from the Department. The following prohibited acts may be charged if offenses are not already contained in the Greatest, Highest, and Moderate Misconduct Categories.

[Contact the Department of Corrections for the Codes, Prohibited Acts and Sanctions Table]

§1310. Aiding, Attempting or Conspiring in the Commission of an Offense. In all categories of severity, aiding another person to commit any offense, attempting to commit any offense, and making plans to commit any offense, shall be considered the same as a commission of the offense itself. Each offense has an Offense Code assigned. When the letter "A" appears after the Code, it means that there has been an attempt at committing the designated offense.

§1311. Sanctions for Repetition of Prohibited Acts Within the Same Category. When the appropriate body finds that there has been a repetition of the same offense(s), the hearing body may impose additional sanctions according to the following schedule. An informal resolution shall not be considered as a prior offense for purposes of this section. Time periods are measured from and to the imposition of sanctions, excluding appeal time.

CATEGORY	PRIOR OFFENSE WITHIN TIME PERIOD	FREQUENCY OF REPORTED OFFENSE	SANCTION PERMITTED
Low (400 series) to	365 Days	2nd Offense	Any sanction in Low (400 series) plus confinement cell up to 10 days
		3rd Offense	Any sanction in Moderate (300) Series
Moderate Sanctions (300 series)	365 Days	2nd Offense	M o d e r a t e A - K , p l u s D i s c i p l i n a r y S e g r e g a t i o n u p t o 30 days
		3rd Offense	Any sanction in High (200) Series
High A-J, (200 series)	365 Days	2nd Offense	High Sanctions plus Disciplinary Segregation up to 60 days
		3rd Offense	Any sanction in Greatest (100) series
Greatest	365 Days	2nd Offense	Any sanction in (100 series) the Greatest (100) series, plus Disciplinary Segregation up to 90 days

§1312. Disciplinary Actions Defined. (a) **Recommend Parole Retardation.** Recommendations against parole may be submitted to the Territorial Parole Board.

(b) **Referral to Adjustment Classification Committee.** This Committee shall review recommendations for possible demotion in classification as a result of disciplinary action.

(c) **Disciplinary Segregation** (as a result of Disciplinary Action).

(1) Sanctions that Include a Greatest Misconduct Category. When any offense(s) committed during the same "episode" is of the Greatest, High, or Moderate Misconduct Category, periods of confinement for all those offenses shall be consecutive; and

(2) Sanctions that do not Include Greatest Misconduct Category. When any offense(s) committed during the same "episode" is of the High or Moderate Misconduct Category, periods of confinement for all those offenses shall be concurrent.

For example, if an inmate was in an unauthorized area (314) and sets a fire (103), the inmate may serve consecutive time in disciplinary segregation under the 100 series and 300 series as a sanction. If the inmate was in an unauthorized area and sets a fire (103) and later, on the way to disciplinary segregation, struck an officer (113), the two (2) charges may be combined and the inmate could receive a consecutive time to serve in disciplinary segregation in the 100 series. However, if the inmate is in an unauthorized area (314) and fought with another inmate (201), the inmate could only be sanctioned in the 200 series (the greater offense charged). Each episode should be written on a separate incident report. Unless specified by the Director of Corrections, terms of confinement for separate episodes are to be imposed consecutively.

(d) **Monetary Restitution.** The inmate may be directed to reimburse the government for any damages to government property that the inmate is determined to have caused or contributed to.

(e) **Removal from Program and/or Group Activity.** The inmate may be removed from any program or group activity for a specific period of time.

(f) **Loss of Privileges.** The inmate may be directed to forfeit specific privileges for a specified period of time. Normally, loss of a privilege is the appropriate sanction for abuse of that privilege, e.g., loss of telephone privilege for a specified period of time for an abuse of the telephone privilege. Loss of other privilege may be imposed even if not related to privilege abused.

(g) **Loss of Job.** The inmate may be removed from present job assignment, or reassigned to another job.

(h) **Impound Inmate's Personal Property.** The inmate's property may be stored in the property room for a specific period of time.

(i) **Confiscate Property.** The inmate's property may be confiscated and disposed of appropriately.

(j) **Restrict to Quarters.** The inmate may be confined to his cell for a specific period of time NOT TO EXCEED FORTY-EIGHT (48) HOURS.

(k) **Extra Duty.** The inmate may be directed to perform tasks in addition to those performed during regularly assigned departmental work assignments/levies.

(l) **Reprimand.** The inmate may receive a verbal or written reprimand.

§1313. Suspension of Sanctions. Suspension of sanctions shall not exceed six (6) months.

Suspended sanctions shall not be executed unless the inmate commits a subsequent offense. Suspended sanctions may only be executed by the body that imposed them.

§1314. Incident Report. Where rule violations require the filing of an incident report, the report should include, but not limited to the following:

- (a) Specific rule violated;
- (b) Statement of the facts;
- (c) Any unusual inmate behavior;
- (d) Any staff or inmate witnesses;
- (e) Disposition of any physical evidence;
- (f) Any immediate action taken, including the use of force;
- (g) Schedule of Sanctions; and
- (h) Reporting staff member's signature and date and the time report is made.

§1315. Receipt of Charges Against Inmate. When an incident report is filed by the staff witnessing an incident, the inmate shall acknowledge receipt of the charge(s) against him within twenty-four (24) hours, unless circumstances prevent this, such as an extended investigation, escape, Guam Police referral, etc. Such circumstances shall be documented.

§1316. Investigation. An investigation shall be initiated by the supervisor of the employee who reported the incident after the inmate receives a copy of the charges. The supervisor will make a decision within seventy-two (72) hours whether to refer the incident to the DHO or the DHB for disposition. IF THE DECISION IS NOT TO REFER THE INCIDENT, THE SUPERVISOR SHALL REMOVE THE INMATE FROM PRE-HEARING DETENTION.

§1317. Pre-Hearing Detention. Pre-hearing Detention is the confinement of an inmate in an individual cell until an investigation is completed or a hearing is held. To the extent possible, such detention should not be punitive and should only be used when necessary to ensure the safety of

the inmate or the security of the Department. Documentation should be provided as to the reason for detention. No inmate should be placed in pre-hearing detention longer than one hundred twenty (120) hours unless a continuance is approved by the DHO or the DHB.

§1318. Commission of Acts Covered by Statutory Law. Where an inmate allegedly commits an act covered by statutory law, the case shall be referred for possible criminal prosecution to the appropriate law enforcement officials by the Prison Security Administrator.

§1319. Notification of Disciplinary Hearing. The inmate shall be notified in writing of the date and time of the initial disciplinary hearing, with notice given not less than twenty-four (24) hours in advance.

§1320. Continuances. The inmate, staff representative, or presenting staff may be allowed a continuance to prepare for the presentation, when approved by the DHO or DHB. Continuances must not exceed seven (7) business days.

§1321. Presence at Hearing. The inmate has a right to be present at hearings, except during the deliberations. When the inmate's presence threatens security, the inmate will be excluded and the reason(s) for the exclusion must be documented.

§1322. Waiver of Right to be Present at Hearing. If the inmate waives the right to be present at hearings, it must be in writing signed by the inmate. If the inmate refuses to sign the waiver, a document shall be prepared and signed by staff, witnessed by a second staff member indicating the inmate's refusal to appear at the hearing.

§1323. Inmate Representation at Hearing. The inmate may request staff representation at the disciplinary hearing. The staff representative may not be the reporting employee, investigating employee, the DHO, or a member

of the DHB. The inmate shall not have an attorney present at the hearing.

§1324. Presenting Staff. Presenting staff shall be appointed by the Prison Security Administrator. The presenting staff shall:

- (a) Review incident reports;
- (b) Compile charges; and
- (c) Present case before disciplinary body.

§1325. Request for Witnesses. The inmate or his representative may request witnesses from inside or outside the Department when their presence at the hearing would not pose a serious threat to the security of the witness or the Department. Written statements under penalty of perjury, or official reports and documents, may be used in lieu of personal testimony. The DHO or DHB will notify the requested witnesses. However, the DHO or DHB may deny permission to call witnesses whose testimony is accumulative or irrelevant. The reason for failure to call a witness in person must be documented.

§1326. Right to Make Statement and Present Evidence. The inmate has the right to make a statement and present evidence in his own behalf. The inmate has the right to remain silent. However, the inmate's silence may be used to draw an adverse inference against him/her.

§1327. Conduct of Hearing. The DHO or DHB shall review all evidence and determine on the greater weight of the evidence whether the inmate committed the prohibited acts charged in the Incident Report and/or similar acts reflected in the Incident Report. If the DHO or DHB determines that departmental rules have been violated, it shall determine what sanction(s), if any, shall be taken. The DHO or DHB shall prepare a written decision and the decision shall include the specific facts the DHO or DHB

"relied upon" and not mere references to the report that contained those facts. A verbatim record is not required. When the facts "relied upon" would jeopardize departmental security, the DHO or DHB shall prepare a confidential summary for the reviewing authority.

§1328. Notice of Disciplinary Decision. A copy of the disciplinary decision must be given to the inmate within twenty-four (24) hours upon conclusion of the hearing. Other copies are kept in the inmate's record and the Hearing Committee records. The evidence supporting the findings may not be given to the inmate if it would jeopardize departmental security.

§1329. Review While in Disciplinary Segregation. Inmates confined in Disciplinary Segregation shall be interviewed concerning their mental and physical health within thirty (30) days of confinement, and every thirty (30) days thereafter until released from Disciplinary Segregation.

§1330. Appeals. (a) Appeals on decisions and actions taken by the DHO shall be made to the Prison Security Administrator through Administrative Remedy Request procedures. The following considerations shall be made:

- (1) Whether the DHO substantially complied with the rules and regulations on inmate discipline;
- (2) Whether the DHO based its decision on the preponderance of the evidence; and
- (3) Whether an appropriate sanction was imposed.

Copies of all decisions of the Prison Security Administrator shall be made available to the Director of Corrections for his information.

(b) Appeals on decisions and actions taken by the DHB shall be made to the Director of Corrections through

Administrative Remedy Request procedures. The following considerations shall be made:

(1) Whether the DHB substantially complied with the rules and regulations on inmate discipline;

(2) Whether the DHB based its decision on the preponderance of the evidence; and

(3) Whether an appropriate sanction was imposed.

(c) The inmate's appeal should be written in three (3) sections:

(1) Statement of Facts;

(2) Grounds for Relief; and

(3) Relief Requested.

(d) Decisions by the Director and the Prison Security Administrator on appeals are final.

§1331. Not Appealable. The inmate and/or staff representative will be allowed to review the disciplinary hearing documents for purpose of the appeal. The following are not appealable:

(a) A plea of guilty; and

(b) A plea or sanction which is negotiated.

§1332. Time for Appeals. (a) Upon receipt of the notice of decision by the DHO or the DHB, the inmate may appeal the decision to the Prison Security Administrator or the Director of Corrections. Appeals must be filed no later than fifteen (15) calendar days after the receipt of action in written form.

(b) Appeals of disciplinary hearings must be answered within fifteen (15) business days of receipt.

Article 4
Classification of Inmates

- §1401. General Provisions
- §1402. Admissions and Orientation Unit
- §1403. Custody Designations
- §1404. Levels of Classification
- §1405. Close Study
- §1406. Medium Custody
- §1407. Minimum Custody
- §1408. Classification Model
- §1409. Initial Classification Team
- §1410. Unit Program Team
- §1411. Adjustment Classification Committee
- §1412. Review Schedule

§1401. General Provisions. The classification process of a person committed to the custody of the Director of Corrections shall be uniformly applied beginning at intake and shall continue throughout the time the inmate is incarcerated. It is the policy of the Department of Corrections to use a functional unit management system in its facilities, which decentralizes authority to the greatest practical extent, thereby more effectively delivering programs and staff services to inmates, and more effectively overseeing the operation of the housing areas of each institution.

§1402. Admissions and Orientation Unit. Inmates remanded to the custody of the Director of Corrections shall initially be assigned to the Admissions and Orientation Unit (A&O) pending classification.

§1403. Custody Designations. Custody designations strive to place the inmate in an environment consistent with his behavior. Custody designations are not to be imposed as a form of punishment. As much as possible, custody designations should have an objective, behavior-oriented foundation. Custody level refers to the degree of staff supervision an inmate requires and the type of housing an inmate is assigned to.

§1404. Levels of Classification. The Department of Corrections has three (3) different levels of classification:

- (a) Close
- (b) Medium
- (c) Minimum

§1405. Close Custody. (a) Close custody will usually be reserved for inmates who are considered a serious threat to the community and staff, and whose past assaultive and/or escape histories indicate a need for very close control.

(b) Inmates assigned to close custody shall be supervised as follows:

(1) Movements inside their housing perimeter during the day may be unescorted, but shall be observed by staff.

(2) Movements outside their housing perimeter shall be escorted.

(3) Movements outside the Department's perimeter shall require an armed escort and the inmate shall be kept in restraints.

(c) Close custody inmates are to have access to selected jobs, programs, and activities inside the Department's perimeter as recommended by the Unit Program Team (UPT) and approved by the Adjustment Classification Committee (ACC).

(d) Close custody requires housing separate from the general population. Single cells are preferred for this custody level.

§1406. Medium Custody. (a) Medium custody will usually be reserved for inmates who do not present a serious threat to the community and staff, have been

convicted of property crimes not of a violent nature, and do not have a significant background of violent behavior.

(b) Medium custody inmates may be authorized to participate in programs within the Department's perimeter as recommended by the Unit Program Team (UPT) and approved by the Adjustment Classification Committee (ACC).

(c) Inmates assigned to medium custody shall be supervised as follows:

(1) The inmate is permitted to move about within the Department's perimeter and shall be within the view of a staff member.

(2) When the inmate is permitted to leave the Department's perimeter, he shall be escorted by a staff member. The staff member may be armed and the inmate may be kept in restraints 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, or under medical advice, to prevent the inmate from attempting suicide or inflicting serious physical injury upon himself.

(3) The inmate should be eligible for most activities within the Department's perimeter. Supervision should be frequent, and there will be direct supervision of the area at all times.

(d) Housing for medium security may be either single cell units or dormitories when the areas are secure and designated for this purpose.

§1407. Minimum Custody. (a) Minimum custody will be assigned to inmates who are convicted of nonviolent crimes and do not have a significant history of criminal behavior.

(b) Minimum custody inmates may be authorized participation in programs outside the Department's

perimeter or within the Department's perimeter as recommended by the Unit Program Team (UPT) and approved by the Adjustment Classification Committee (ACC).

(c) Within the minimum custody level, an inmate may be designated as:

(1) Minimum Custody Out - reserved for those inmates who are eligible to participate in any programs outside the Department's perimeter, i.e., Prisoner Public Works Program (PPWP), Education Release, Work Release, etc.

(2) Minimum Custody In - reserved for those inmates who merit the custody level, but who are not eligible to participate in any programs outside the Department's perimeter. This ineligibility may be attributed to the type of offense committed and restrictions mandated by law or executive orders.

(d) An inmate assigned to minimum custody shall be permitted to move about within the Department's perimeter and does not need to be within the view of a staff member.

(e) Housing for minimum custody-out inmates shall be designated by the Director of Corrections and may be designed to allow before and after work hours access to living quarters.

(f) Housing for minimum custody-in inmates may be in an open unit within the Department's perimeter.

§1408. Classification Model. (a) Classification can only be done appropriately when quality information is available. It is essential that a pre-sentence investigation report or an admission investigation report be completed during intake for all inmates. Standardized interviews shall be administered during intake processing to provide complete and reliable data in which custody and program placements can be based.

(b) Custody decisions should be based, where possible, on past relevant behavior. The frequency, recency, and severity of past behavior is the best indicator of future similar behavior. At intake, it may be necessary to consider other variables demonstrated to be correlated with institutional adjustment, e.g., age, employment history, etc., but at the time of classification review, measures of institutional behavior, e.g., disciplinary reports, should replace prior considerations.

(c) Inmates should be classified to the least restrictive custody required to protect society, staff and other inmates.

(d) Inmate needs should be assessed at intake and again during classification review. Program recommendations should be made based on inmate needs assessment and on program availability.

(e) In exceptional cases not addressed by the standard classification criteria, the Director may assign the appropriate classification.

(f) All classification documents shall be maintained in a centralized and secured location.

§1409. Initial Classification Team. (a) The Initial Classification Team (ICT) shall assess and determine the inmate's initial level of classification. The ICT shall consist of representatives from the Casework and Counseling, Forensic, Parole, Security and Medical Divisions.

(b) Initial classification of an inmate shall normally be completed during the initial thirty (30) days of the inmate's incarceration at the Department. In exceptional cases (which must be documented) where circumstances and situations require an extension, the Director of Corrections may extend the period beyond the thirty (30) days (not to exceed fifteen (15) additional days).

(c) During the initial incarceration, the inmate is evaluated and will undergo a physical examination, initial interview, and is observed by Corrections officers and staff

members. The ICT will complete an initial custody classification, initial assessment of needs, initial classification summary, and other data needed for planning, evaluation, research, monitoring or reporting purposes.

(d) The inmate will be present at the initial classification hearing.

(e) Some of the criteria used in determining initial classification are:

- (1) History of departmental violence;
- (2) Severity of current offense;
- (3) Prior assaultive offense history;
- (4) Escape history;
- (5) Alcohol/drug abuse;
- (6) Current detainer(s);
- (7) Prior felony convictions;
- (8) Stability factors;
- (9) Educational/vocational needs;
- (10) Health needs;
- (11) Psychological/psychiatric problems;
- (12) Work assignments;
- (13) Specialized assistance/placement.

§1410. Unit Program Team. (a) Unit Program Team (UPT) is a "team" approach to inmate management and places decision-making in close proximity to inmates who are being controlled, thus, improving the delivery of correctional services. Each unit shall have a Program Team designated by and under the guidance of the Unit Manager.

(b) The objectives of the UPT are:

- (1) To divide large numbers of inmates into well-defined groups who are encouraged to develop a common identity and close association with each other and the unit staff members.

(2) To increase frequency of contacts and quality of relationships between staff members and inmates.

(3) To provide better observation of inmates, therefore enabling early detection of problems before they reach critical proportions.

(4) To improve inmate accountability and control by holding inmates accountable for their own self-control and actions.

(5) To provide individualized program strategies and interventions for each inmate, depending on needs, abilities and ambitions.

(6) To place emphasis upon:

- (A) Institutional adjustment;
- (B) Work and skill performance;
- (C) Interpersonal communications;
- (D) Positive self-esteem;
- (e) Problem solving techniques;
- (f) Realistic goal setting;
- (g) Education and training.

(c) When an inmate is transferred from A&O to a housing unit, the UPT shall develop a treatment plan which is reviewed by the Unit Manager for presentation to the Adjustment Classification Committee (ACC). Subsequent reviews of inmate cases by the UPT shall be in accordance with the Review Schedule, Section 4.12 of this Chapter.

(d) The UPT shall have input from each inmate's work supervisor, program supervisor, custody staff member, caseworker, etc. These are typically gathered from evaluations done periodically on each inmate. The Unit Manager shall review and summarize these evaluations for presentation to the Adjustment Classification Committee (ACC).

§1411. Adjustment Classification Committee. (a) The Adjustment Classification Committee (ACC) shall convene to address, review and decide cases subsequent to the initial classification pertaining to both the custody and program needs of the inmates. The ACC will be composed of Unit Managers or their representatives. The ACC may also convene at the request of the Unit Managers, Division Administrators, or the Director.

(b) The following shall serve as a guideline for the ACC as some of the criteria used in determining subsequent reviews:

- (1) History of departmental violence;
- (2) Severity of current offense;
- (3) Prior assaultive offense history;
- (4) Escape history;
- (5) Alcohol/drug abuse;
- (6) Current detainer(s);
- (7) Prior felony convictions;
- (8) Stability factors;
- (9) Educational/vocational needs;
- (10) Health needs;
- (11) Psychological/psychiatric problems;
- (12) Work assignments;
- (13) Specialized assistance/placement;
- (14) Referrals for classification reviews by the Disciplinary Hearing Board.

(c) Inmate classification will be reviewed by all Unit Managers, and the Case and Security Managers for the respective Units (may include the educational advisor and psychologist). The case presentations will be made by the Unit Case Manager. The ACC's recommendations shall be forwarded to the Prison Security Administrator for action.

(d) The classification review hearing does not necessarily imply a change in the inmate's custody, programming, or work assignment. Rather, it should serve as a way to monitor the inmate's progress and bring

attention to problems that may arise. With continual review and monitoring of an inmate's progress as part of the classification process, the ACC can make appropriate recommendations concerning basic program changes such as:

- (1) Special departmental treatment-oriented program assignment.
- (2) Assignment to departmental jobs.
- (3) Vocational and academic program assignment.

§1412. Review Schedule. The inmate will be given notice at least forty-eight (48) hours prior to the hearing and may waive, in writing, the waiting period or appearance before the committee. Reviews shall be scheduled according to the following:

(a) Within three (3) weeks of an inmate's assignment to a unit; and

(b) Every three (3) months for the first two (2) years of incarceration. Subsequent reviews beyond two (2) years of incarceration shall be according to the following:

(1) At least every five (5) months for inmates serving terms of more than two (2) years to less than five (5) years;

(2) At least every seven (7) months for inmates serving terms of five (5) years or less than fifteen (15) years; and

(3) At least every nine (9) months for inmates serving terms more than fifteen (15) years.

Article 5
Administrative Segregation

- §1501. General provisions
- §1502. Procedures
- §1503. Review
- §1504. Retention of Rights, Privileges and Responsibilities.

§1501. General Provisions. When an inmate's presence in the general population presents an immediate threat to the safety of the inmate or others, endangers departmental security or jeopardizes the integrity of an investigation of alleged misconduct or criminal activity, the inmate shall be immediately removed from the general population and placed in administrative segregation. Administrative segregation may be accomplished by confinement in a designated segregation unit, or in an emergency, to any single cell unit capable of providing secure segregation.

§1502. Procedures. Administrative segregation is non-punitive in nature. It may be imposed for an indefinite period until such time as the Director determines that the need for administrative segregation no longer exists. The inmate should be given a written summary of the reasons for such segregation within seventy-two (72) hours unless doing so will be hazardous to departmental safety. Ordering an inmate to be placed in administrative segregation shall be the responsibility of the highest ranking officer on duty. Justification for ordering an inmate's placement in administrative segregation shall be clearly documented at the time the action is taken.

§1503. Review. (a) The Prison Security Administrator shall be notified as soon as possible when an inmate is placed in administrative segregation. The Prison Security shall review the inmate's confinement in administrative segregation at least once every thirty (30) calendar days.

(b) The inmate may seek administrative review of his confinement through the grievance process.

§1504. Retention of Rights, Privileges and Responsibilities. Unless specifically prohibited or restricted by law or by regulation, the inmate shall retain all rights, privileges and responsibilities while confined in administrative segregation.

Article 6
Security and Control

- §1601. General Provisions
- §1602. Information or Publicity on Inmates or Parolees
- §1603. Inmate Profile
- §1604. Other Jurisdictions
- §1605. Confidentiality of Inmate Files
- §1606. Posted Warnings.
- §1607. Posted Warnings.
- §1608. Facility Entrance
- §1609. Authorized Access.
- §1610. Identification
- §1611. Consent to Search Form.
- §1612. Search and Seizure
- §1613. Room or Cell Inspection
- §1614. Room or Cell search
- §1615. Presence of Inmate During Room and Cell Search
- §1616. Non-Intrusive Sensor, Personal and Body Searches
- §1617. General Area Searches
- §1618. Use of Force
- §1619. Deadly Force
- §1620. Non-Deadly Force
- §1621. Mechanical Restraints
- §1622. Firearms
- §1623. Weapons
- §1624. Inmate Accountability
- §1625. Car keys
- §1626. Escape Pursuit Plan
- §1627. Preparation for Emergencies
- §1628. Fire Prevention
- §1629. Dangerous Substances
- §1630. Control of Tools
- §1631. Explosives
- §1633. Control of Matches, Lighters, Etc.

§1601. General Provisions. Maintaining a secure departmental environment that ensures the safety of the public, provides a safe working climate for employees, and offers humane and safe living conditions for inmates, shall be the paramount concern of the Department of Corrections. The Director of Corrections shall establish a training program and a highly organized system of inter-related policies, procedures, emergency plans and

systematic manpower practices which support this concern.

§1602. Information or Publicity on Inmates or Parolees. (a) Information or publicity about inmates and parolees pertaining to the place of incarceration, current offense, sentence, and release date, may be released unless such information would jeopardize departmental security.

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

(c) Photographs of inmates shall not be released for publicity purposes without the written authorization of the inmate.

§1603. Inmate Profile. All inmates shall have their photographs taken in the following instances:

(a) Upon incarceration.

(b) Yearly.

(c) When radical changes in facial appearance occur.

§1604. 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.

§1605. Confidentiality of Inmate Files. (a) Any file on an inmate is the property of the Department of Corrections and shall be kept confidential.

(b) Any file on an inmate shall not be surrendered to any person or agency without the approval of the Director.

§1606. Posted Warnings. Signs stating that all visitors and employees and their property are subject to search at any time while in the facility shall be posted at a conspicuous place at each main entrance.

§1607. Facility Entrance. The Department of Corrections shall provide adequate safeguards against introduction of weapons and contraband into the facility.

§1608. Authorized Access. No person shall be authorized access to any departmental facility without approval from the Director of Corrections.

§1609. Identification. (a) All persons seeking entry into the facility shall, in addition to proper photo identification, produce appropriate evidence of the nature of their business in the facility.

(b) Employees shall be required to present their official identification cards upon request.

(c) No person shall be permitted to leave the facility unless they have been personally and properly identified for exit.

§1610. Consent to Search 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 be cause for denial entrance into the facility.

§1611. Search and Seizure. 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.

§1612. Room or Cell Inspection. Room or cell inspection may be conducted by staff members at any time as long as the purpose is not to harass or humiliate an inmate. Care should be taken to prevent destruction, loss, or disarrangement of inmate possessions.

§1613. Room or Cell Search. (a) Room or cell search shall be conducted by staff members when there is reasonable belief that the search will reveal evidence of illegal activity or contraband. The search shall be a

thorough inspection of the room of a particular inmate. Searches are conducted as part of a routine security inspection.

(b) The following procedures shall be established when conducting a room or cell search:

(1) That the Unit Manager permits search.

(2) That there are at least two (2) staff members present.

(3) That written receipts of confiscated property be given to the inmate.

(4) That a written report of the cell search conducted be forwarded to the Prison Security Administrator.

(5) That the inmate's possessions be left in approximately the same order as they were found.

§1614. Presence of Inmate During Room and Cell Search. The inmate shall be present during conduct of a room or cell search, except during emergencies, or when the inmate's presence jeopardizes or compromises departmental security.

§1615. Non-Intrusive Sensor Personal and Body Searches. (a) Non-Intrusive Sensor and Scanning Device Search:

(1) A non-intrusive sensor or scanning device search is a search conducted using a mechanical device.

(2) A non-intrusive sensor or scanning device search may be done by staff members at any time without specific cause.

(b) Personal Search:

(1) A personal search is a body frisk conducted by a person of the same gender as the person being searched.

(2) A personal search may be done by staff members at any time.

(c) Strip Search:

(1) A strip search is a search in which the inmate is required to remove any or all clothing, conducted by a person of the same gender as the person being searched.

(2) A strip search may be conducted with the approval of the Unit Manager or the Shift Commander.

(3) A strip search shall be conducted in privacy whenever practicable and shall be witnessed by the minimum number of staff members needed to maintain control of an inmate.

(4) Upon completion of a strip search, a written report shall be filed with the Prison Security Administrator.

(d) Body Cavity Search:

(1) A body cavity search is a manual inspection of an inmate's anal or vaginal cavity, conducted by a medically-trained person of the same gender of the person being searched, or a licensed physician.

(2) A body cavity search may be conducted with the approval of the Prison Security Administrator.

(3) A body cavity search shall be conducted in a private place, out of the view of others.

(4) A body cavity search shall be witnessed by the minimum number of staff members needed to maintain control of the inmate.

(5) Upon completion of a body cavity search, a written report shall be filed with the Prison Security Administrator.

§1616. General Area Searches. (a) A general area search is a search of designated persons and places within the Department. It is aimed at the general prison population as a whole rather than at a specific inmate.

(b) A general area search shall be authorized by the Director of Corrections.

(c) Upon completion of a general area search, a written report by the officer conducting the search shall be submitted to the Director of Corrections.

§1617. Use of Force. The use of force is limited to that amount which is reasonably necessary under the circumstances. The legitimacy of any use of force should be decided by considering the information available to the staff member at the moment, the availability of alternatives to use of force, and the safety of innocent persons. 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. THE USE OF ANY TYPE OF FORCE FOR PUNISHMENT OR REPRISAL IS STRICTLY PROHIBITED AND SHALL BE GROUNDS FOR DISMISSAL OF THE EMPLOYEE INVOLVED.

§1618. Deadly Force. (a) Deadly force is force which will likely cause death or serious bodily injury. Deadly force may be used only when immediately necessary:

(1) to prevent escapes from a facility where dangerous persons are confined, unless the escapee is known to have no history of dangerous conduct;

(2) to prevent an act which would result in death or severe bodily injury to one's self or to another person; and

(3) to oppose riot or insurrection.

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

(1) An immediate notification of its use shall be given to the Prison Security Administrator and to the proper law enforcement authorities.

(2) A report written by the officer who used the deadly force shall be filed immediately with the Director of Corrections, and with the proper law enforcement authorities within twenty-four (24) hours. 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.

§1619. 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 a quell or riot.

(6) To enforce departmental regulations.

(b) Chemical agents may be used only by employees specifically trained in their use. 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.

(c) After the use of non-deadly force, the following steps shall be undertaken:

(1) A notification of its use shall be given to the Prison Security Administrator.

(2) A report written by the officer who employed the non-deadly force shall be filed with the Director immediately 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.

§1620. Mechanical Restraints. (a) Mechanical restraints shall be applied when it is in the best interest of departmental safety and security.

(b) Mechanical restraints shall be applied 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.

(c) Mechanical restraints shall be applied when medically recommended to prevent the inmate from

attempting suicide or inflicting serious physical injury upon himself.

(d) 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.

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

(f) Reports on the application of mechanical restraints shall be submitted to the Prison Security Administrator.

§1621. Firearms. The greatest caution and conservative judgment shall attend the use of firearms. Firearms shall be used only when absolutely necessary to prevent escapes from a facility where dangerous persons are confined, or by dangerous persons, 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.

§1622. Weapons. No weapon of any kind shall be taken into the security area (cell blocks) except 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 departmental grounds.

§1623. Inmate Accountability. It is the philosophy of the Department of Corrections that there shall be no escapes. Every employee shall take every measure to ensure that this philosophy is not jeopardized. The Director of Corrections shall establish policies and procedures for inmate accountability through a series of daily headcounts.

§1624. Car Keys. Vehicle keys shall not be left in any unattended vehicle. Vehicle keys shall not be kept or stored in any office or facility accessible to inmates.

§1625. Escape Pursuit Plan. The Director of Corrections shall have in effect at all times a proper escape pursuit plan and shall see that each staff member is instructed in the general and special procedures he/she 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.

§1626. Preparation for Emergencies. The Director of Corrections shall have in effect at all times a plan for meeting such emergencies as riots, hostage situations, strikes, attack upon visitors or upon employees, explosions or fires, suicides or attempted suicides or other departmental disorders and accidental injuries to employees or inmates. Such plan shall include the procedure to be followed in requesting assistance from outside the Department when circumstances warrant such a request.

§1627. Fire Prevention. An adequate number of fire extinguisher maintained in serviceable condition shall be strategically located throughout each facility of the Department. It is the duty of every employee to immediately and properly report all fires and fire hazards.

§1628. Dangerous Substances. A permanent inventory of all dangerous and toxic materials shall be kept at each unit and made available upon request. 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. 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 Department. 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.

§1629. Control of Tools. The Director of Corrections shall establish a plan for the control of tools in order to safeguard the physical security of the Department. Such plan shall be subject to annual review.

§1630. 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 Department. This provision does not include storing in a safe place of ammunition for use with the Department's firearms or non-lethal tear gas grenades, smoke grenades or other non-lethal grenades.

§1631. Control of Matches, Lighters, Etc. Matches shall not be permitted into the Department. The Director of Corrections shall establish a plan for the control of lighters and other heat or fire-producing devices within the Department.

Article 7
Inmate Activities

- §1701. Work and Education
- §1702. Performance
- §1703. Recreation and Leisure
- §1704. Religion
- §1705. Marriage

§1701. Work and Education. (a) Every inmate committed to the custody of the Director is obligated to work as assigned by Department staff members and by personnel of other agencies to whom the inmate's custody and supervision may be delegated. This may be full time work, education, a combination of work and education, or other program activity.

(b) Upon the recommendation of the Unit Program Team (UPT), the Unit Manager may assign each inmate to work, education, vocation, therapeutic or other departmental programs in consideration of the following:

- (1) Inmate's expressed desires and needs.
- (2) Inmate's eligibility for and availability of the desired work or program activity.
- (3) Departmental security and operational needs.
- (4) Safekeeping of the inmate.
- (5) Safety of persons and the general public.

(c) Any able-bodied inmate may be temporarily assigned to perform any work deemed necessary to maintain and operate the Department and its services in a clean, safe and efficient manner, pending placement in a permanent work, education or other departmental program.

(d) A staff member who has been assigned to supervise the inmate during a work or program assignment may request, in writing, to the Unit Manager, for removal of an inmate from a work or program

assignment. The Unit Manager shall refer the request to the Unit Program Team for consideration and action.

(e) Work assignments may be made without the inmate's consent by the Unit Manager.

§1702. Performance. (a) Inmates must perform assigned tasks diligently and conscientiously. Inmates must not pretend illness, or otherwise evade attendance and performance in assigned work and program activities, or encourage others to do so.

(b) Inmates must report to their place of assignment at the time designated by the Department's schedule of activities or as instructed by their assignment supervisor. Inmates may not leave an assignment without permission to do so.

(c) Inmates must perform their work and program assignments in a safe manner, using safety equipment as instructed by their assignment supervisor.

(d) Inmates assigned to educational, vocational, or other training programs must cooperate with the instructor or the person in charge, and must comply with instructions, and all requirements for participation in the assigned activity.

§1703. Recreation and Leisure. (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 Department and upon release to the community.

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

(d) Scheduling of inmate recreation shall be developed by the Prison Security Administrator, keeping in mind that the inmate shall be given the opportunity to engage in a minimum of one (1) hour of recreation per week, either indoors or outdoors.

(e) Athletic Program.

(1) Athletic activity for the inmates who can participate safely and conduct themselves in a good sportsmanlike manner is encouraged.

(2) Programs of instruction in athletic activities should be conducted for the inmates with little or no skill in order to encourage more participation.

(3) Participants may be required to undergo physical examination to determine physical fitness.

(4) The opportunity to shower shall be available to inmates after participating in athletics.

(f) Arts and Crafts Program.

(1) An organized arts and crafts program shall be encouraged. Handicraft articles, manufactured according to departmental regulations, may be sold to the public in accordance with departmental policies.

(2) 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 his/her family or outside custodian as soon as possible, but not later than his/her release from the Department.

(3) Handicraft gifts may be given to those approved to correspond with or visit the inmate, after listing and approval by the Director.

(4) A percentage of the price (as determined by the Director) of the handicraft items sold shall be credited to an established fund to offset costs.

(5) Inmates shall use only materials purchased from their funds or approved for use by the Director in the manufacture of their handicraft articles.

(6) The Director may provide initial funding assistance to help indigent inmates in the handicraft program.

(7) Inmates shall not sell, donate, or loan handicraft or tools to other inmates except as specifically authorized by the Director.

(8) Inmates 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 Director.

(g) Publications and Manuscripts by Inmates. Publications such as newspapers and magazines written by inmates, and constructive and creative writing by inmates are encouraged. A staff member may be assigned supervision of the content and production of the publications and manuscripts. A manuscript may be approved for 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 departmental security and order.

(h) Entertainment.

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

(2) Variety shows and choral groups may be brought into the Department from the outside community, at the Director's discretion. Inmate talents

may also be to use through dramatic skits, variety shows, and other similar activities.

(3) 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 be kept in a designated area and may be allowed in the housing unit upon the approval of the Director.

(i) Special Interest Groups. Special interest groups may be organized for inmates interested in specific games and current events. These groups must be authorized by the Prison Security Administrator and shall be supervised.

(j) Community Activities. Unless restricted by law, inmates may participate in in-community programs and activities established by the Department.

(k) Inmate Committees.

(1) Advisory committees composed of elected or appointed inmates may be established in the Department.

(2) These committees shall be limited to discussions with departmental officials on the welfare of the inmates and to encouraging, developing, and supporting projects for inmates.

(3) Any advisory committee shall operate under constitution and by-laws approved by the Director.

(l) Fundraising Campaign. The solicitation of money by, for, or from inmates as individuals or groups from any source within or without the Department is prohibited.

§1704. Religion. (a) There shall be available to inmates confined at the Department of Corrections a range of religious services and programs that, to the extent practical, satisfies the beliefs of most major faith groups

confined therein; no inmate will be compelled to become involved in any religious program or activity.

(b) 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.

(c) The Director may curtail, suspend, or discontinue the participation of an individual or group in the religious activities when he has determined that the conduct of the individual or religious group presents a threat to the security of the Department.

(d) Scheduling of religious activities are subject to the approval of the Director. These activities shall be scheduled with consideration being given to the availability of adequate staff supervision, time, space and correctional goals.

§1705. Marriage. A sentenced inmate shall not marry without the consent of the Director.

Article 8
Inmate Communications

- §1801. General Provisions
- §1802. Correspondence
- §1803. Privileged Mail and Communication
- §1804. Non-Privileged Mail
- §1805. Collection and Distribution of Mail and Packages
- §1806. Publications
- §1807. Public, Press Relations
- §1808. Telephone Privileges
- §1809. Telephone Calls for Inmates in Disciplinary Segregation

§1801. General Provisions. It is the policy of the Department of Corrections to establish a system of communications for the expression of ideas and the transmission of information, and the Department of Corrections shall:

(a) Permit inmates to correspond with family, friends, officials, and other significant community contacts with a minimum of interference with those contacts and consistently with the legitimate security needs of the facility.

(b) Permit inmates to receive publications directly from publishers when the material involved does not constitute a threat to the security of the facility.

(v) Permit inmates reasonable access to telephones in order to maintain essential community and legal contacts.

(d) Maintain positive, informative relationships with the public, the media, and other agencies with related functions, consistent with the security and privacy interests of the Department, its staff, and the inmates.

§1802. Correspondence. Inmates shall be allowed to send letters to whomever they wish, except when clear evidence related to departmental security, order, or rehabilitation exists to justify a limit. Any restriction or limitation shall be appealable to the Prison Security Administrator. The Department shall provide for no more

than three (3) United States Domestic postage stamps per week 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 Department, shall be the responsibility of the inmate.

§1803. Privileged Mail and Communication.

(a) Privileged mail may be inspected for contraband but only in the presence of the addressed inmate. All privileged mail should be identified.

(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.

§1804. Non-Privileged Mail.

(a) Inmate's incoming and outgoing mail may be inspected for contraband and read according to the following guidelines:

- (1) Threats of physical harm against any person or threats of criminal activity.
- (2) Threats of blackmail or extortion.
- (3) Plans to send contraband in or out of the facility.
- (4) Plans to escape.

- (5) Plans for activities in violation of departmental rules.
- (6) Plans for criminal activity.
- (7) Code writing by which its contents are not understood by the Department.
- (8) Solicitations of gifts of goods or money.
- (9) Information which, if communicated, would create violence or physical harm to a human being.
- (10) Material which violates postal regulations.
- (11) Conducting business through the mail.

(b) Incoming or outgoing mail may be held for action if it is found to contain any of the violations set forth in Paragraph (A). In this case, incoming or outgoing mail may be withheld while the investigation is pending. Only the Prison Security Administrator can withhold such mail.

(c) Outgoing or incoming mail may not be rejected solely upon the grounds that it contains criticism of the Department or its personnel.

(d) Except when an investigation is pending, the letter and a signed notice stating the reason or reasons for rejection of outgoing mail shall be given to the inmate.

(e) When an investigation is not pending, a signed notice stating the sender's name and the reason or reasons for the rejection shall be given to the inmate. The letter shall be returned to the sender with a signed notice stating the reason or reasons for the rejection.

(f) Copies of the inmate's correspondence which reveal evidence of past rule violations or which contain any of the information set forth in Paragraph (A) shall be placed in the inmate's file and the inmate shall be notified in writing. Correspondence which includes plans for or discussion of commission of a crime or evidence of a crime need not be returned and notice of rejection need not be given, and the correspondence shall be referred to appropriate law enforcement authorities. Also, contraband need not be returned to the sender.

(g) All letters shall be written in the official languages of Chamorro or English. The criminal relationship of the inmate and the correspondent and the availability of translations are factors to be considered in deciding whether correspondence in a foreign language should be permitted.

§1805. Collection and Distribution of Mail and Packages. (a) Locked mail collection boxes shall be placed in common areas and mail shall be collected daily according to a regular set schedule. Staff members shall collect the mail from inmates who do not have direct access to a collection box.

(b) Except in situations of pending investigations and verification of 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 only by designated staff members. Staff members will deliver mail directly to the addressed inmate.

(d) Any person can send packages containing approved items. The Prison Security Administrator shall make a list of authorized items approved to be sent or received as packages, and the list shall be visibly posted. All incoming and outgoing packages shall be inspected for contraband.

§1806. Publications. (a) Books, magazines, newspapers, and other printed matter should be approved unless the Prison Security Administrator deems that the publication constitutes a threat to the security, order of the Department, or to the inmate's rehabilitation based on 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 Department.

(3) Similar material has demonstrably caused violence or other serious disruption to security and order within the Department.

(4) The material advocates racial, religious, or national hatred in such a way so as to create a serious danger of violence to the Department.

(5) The material is of a nature which encourages criminal deviate sexual behavior or is in violation of departmental rules, or is detrimental to rehabilitation.

(b) If a publication is believed to be unacceptable under any of the criteria set forth in (A)(1) to (5) of this Section by the Prison Security Administrator or by the staff member designated to screen incoming publications, the publication shall be referred to a censorship board.

(c) Where a publication is found to be unacceptable, the inmate shall be advised in writing of the reasons for the decision.

(d) The Prison Security Administrator may set limits on the number of publications an inmate may receive or retain.

§1807. 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 Department is 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) Release of information pertaining to the Department may be made by the Director or a

representative authorized by the Director in keeping with security requirements and its intended purpose.

(c) 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.

(d) 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.

(e) 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 family, friends and the inmate's attorney.

(f) Photographs of inmates may be released with the written consent of the inmate. However, in cases of escapes, photographs of the escapees shall be released.

§1808. Telephone Privileges. (a) Reasonable telephone privileges for all inmates are encouraged. The number of telephones and their location shall be left to the discretion of the Prison Security Administrator. Schedules for telephone usage shall be decided by the Unit Manager in consultation with the Prison Security Administrator. All incoming and outgoing telephone calls from departmental telephones, and all outgoing telephone calls from pay telephones, may be subject to monitoring. Exceptions to the above are calls to and from the attorney of record, Suruhanu, or the Director.

(b) An inmate should be permitted to make and receive telephone calls of reasonable length to a family member in cases of emergency (e.g., critical illness or accident).

(c) When an inmate is not immediately available to receive an emergency incoming call, the name and phone number of the party calling shall be recorded. The inmate shall be allowed to return the call at the earliest reasonable opportunity.

§1809. Telephone Calls for Inmates in Disciplinary Segregation. Inmates shall not be afforded with telephone privileges while in segregation except for emergencies (e.g., critical illness or accident) and to the attorney of record.

Article 9
Visits

- §1901. General Provisions
- §1902. General Controls and Limitations
- §1903. Admission and Control
- §1904. Visits Outside the Facility
- §1905. Group Visits
- §1906. Security

§1901. General Provisions. While visiting is a privilege, inmates are encouraged to maintain close contact with family members and those who can assist in the rehabilitation process.

§1902. General Controls and Limitations. Each facility shall implement established policies and procedures required to administer visitation. Size, mission, location, and other variables shall dictate the limitations and controls necessary in each facility.

§1903. Admission and Control. (a) Only those persons who have made a formal application and has been approved by the Prison Security Administrator shall have their names placed on the inmate's visiting list.

(a) All persons who are eligible to visit with inmates shall complete all documents required for admission into the facility.

(c) Contact and non-contact visits are to be conducted in designated areas under the supervision of Corrections employees for the purpose of maintaining good order. The Director may determine the degree of supervision required.

(d) At no time shall visitors be allowed to deliver and/or receive any letter or article to/from inmates not approved by the Director.

(e) The number of visitors to an inmate may be limited to prevent overcrowding in the visiting room. However,

such limitations should be interpreted flexibly and subject to exceptions.

§1904. Visits Outside the Facility. Visits, pursuant to 9 GCA § 80.49, outside the Department for a period not to exceed twenty-four (24) hours, are permitted only in specific situations as provided by statute.

§1905. Group Visits. (a) Interested groups may be permitted to visit the facilities in accordance with established departmental policies and 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.

§1906. Security. (a) All inmates shall be subjected to a pat-down prior to entering the visiting room.

(b) All inmates shall be strip-searched upon leaving the visiting room to prevent the introduction of contraband into the Department.

(c) The Department shall post a large sign in the lobby or entrance stating that:

ALL VISITORS ARE SUBJECT TO SEARCH AT
ANY TIME.

Article 10
Personal Hygiene

- §10101. Inmate's Responsibility for Personal Hygiene
- §10102. Purchasing and Issuing Supplies
- §10103. Showers
- §10104. Hair Care
- §10105. Grooming Routines
- §10106. Housing Area
- §10107. Care of Quarters

§10101. 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.

§10102. Purchasing and Issuing Supplies. At regularly scheduled times, inmates are allowed to acquire authorized toiletries and grooming articles conducive to good personal hygiene. Such toiletries and grooming articles shall not be shared with others. Reasonable time shall be allotted for personal hygiene in accordance with established unit schedules.

§10103. Showers. Inmates shall shower daily in accordance with unit schedules.

§10104. 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.

§10105. Grooming Routines. Inmates shall normally be permitted to shave daily.

§10106. 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.

(e) Each inmate shall be provided a bed, fire-retardant mattress and 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.

(e) Each inmate housing area and other high density areas must have two (2) identifiable exits to permit the prompt evacuation of inmates and staff under emergency conditions.

(f) Provisions shall be made to accommodate disabled inmates.

§10107. Care of Quarters. (a) Inmates shall keep their cells and surroundings neat and sanitary as prescribed, and free of any obstructions that would hinder security operations.

(b) Inmates shall not alter the quarters or equipment without specific written authorization from the Prison Security Administrator.

(c) Each facility shall establish a daily cleaning schedule which must be accomplished prior to inmates leaving for work assignments.

(d) Inmate's personal property limits within the housing area shall be enforced.

Article 11
Sanitation

- §11101. Work Details
- §11102. Inspections

§11101. Work Details. Inmates may be assigned to work on sanitation details in addition to maintaining their own immediate living and work areas.

§11102. Inspections. The Unit Manager shall ensure that all housing areas are kept in a sanitary and clean condition. The Prison Security Administrator shall conduct periodic inspections of all areas.

Article 12

Clothing and Personal Property

- §12101. Authorized Items of Clothing
- §12102. Marking Clothing
- §12103. Neatness of Clothing
- §12104. Alteration of Clothing
- §12105. Jewelry, Medallions, Ornaments and Watches
- §12106. Inmate Personal Property Items

§12101. Authorized Items of Clothing. 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 and specifically authorized. The Department shall provide sufficient supply of clothing, with a visible Department identification, suitable for the climate and adequate to keep the inmate in good health.

§12102. Marking Clothing. All inmate clothing issued by the Department shall be marked with the inmate's name.

§12103. Neatness of Clothing. All inmates shall be properly clothed at all times in accordance with departmental regulations, and shall keep their clothing as neat and clean as conditions permit. All clothing shall be laundered on a regular basis.

§12104. Alteration of Clothing. Inmates shall not alter issued clothing without authorization. If their regular issue does not meet their needs, the Director may authorize special issue.

§12105. Jewelry, Medallions, Ornaments and Watches.
(a) The wearing of jewelry, medallions and ornaments by inmates is prohibited.

(b) Watches may be worn by inmates as authorized by the Director.

§12106. Inmate Personal Property Items. (a) Inmates shall be allowed to have specified personal items. The Department shall issue a policy listing authorized items and only those items shall be permitted. Inmates shall be required, upon request, to account for any personal property registered in their name. In the event of a housing unit transfer, inmates shall be required to properly dispose personal property not permitted at the receiving housing unit.

(b) Personal property belonging to an inmate shall not be transferred or sold to another inmate.

Article 13
Health Services

- §13101. General Provisions
- §13102. Medical Responsibilities
- §13103. Daily Sick Call and Observation of Segregated Inmates.
- §13104. Use of Private and Community Medical Facilities
- §13105. Inmate Refusal of Treatment
- §13106. Blanket Informed Consent for Treatment
- §13107. Administration of Medications

§13101. General Provisions. The Department of Corrections shall provide reasonable medical, surgical, psychiatric, dental and psychological treatment for inmates and shall maintain adequate facilities and staff for those services, or provide referrals for such services. Every person newly committed or returned to the custody of the Director of Corrections shall be examined by medical staff members for contagious diseases, illnesses, other physical or mental health problems. The Territory of Guam is not liable for cosmetic or elective surgery.

§13102. Medical Responsibilities. Aside from qualified medical practitioners, only departmental employees who are members of the medical staff or Forensic Unit, including consultants, may diagnose inmate illnesses or prescribe medical treatment. First-aid may be given by qualified persons only.

§13103. Daily Sick Call and Observation of Segregated Inmates. (a) Sick call is conducted as scheduled by the Department. However, inmates may see medical or psychological personnel, when necessary, at any time.

(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 members as often as his practicable, and in keeping with the

Department's schedule. A record of the findings of the staff member's visits shall be made and maintained.

§13104. Use of Private and Community Medical Facilities. Medical services of special type which are not available during a physician's visit or which cannot economically or properly be provided by the Department of Corrections shall be acquired through referrals.

§13105. Inmate Refusal of Treatment. No treatment will be forced over the objection of the inmate except:

(a) Where the inmate is unable to make a personal judgment regarding his/her treatment.

(b) When the inmate is dangerous to others or is suicidal.

§13106. Blanket Informed Consent for Treatment. Although inmates are required to submit to examinations, they may refuse medical, surgical or psychological treatment. Upon admission, staff members shall obtain a "blanket consent" to administer such treatment procedures. Special or major surgical procedures shall be explained to the inmate and consent shall be obtained separately, in writing, before proceeding.

§13107. 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 shall 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 possible, all

stimulants, depressants, and tranquilizers which can be either purchased or compounded in that form, shall be administered to inmates in liquid form.

Article 14
Food Service

- §14101. General Food Service Operations
- §14102. Menu Planning
- §14103. Food Service Safety and Sanitation
- §14104. Food Service in Special Housing Unit
- §14105. Special Diets

§14101. General Food Service Operations. (a) The Department of Corrections shall provide inmates confined in the Department with nutritious meals prepared in a sanitary manner.

(b) Food preparation and handling shall be in compliance with the guidelines established by the Government of Guam Department of Public Health and Social Services.

(c) The Director shall establish procedural guidelines on the Department's food service operations regarding:

(1) Inmates with special dietary needs, whether religious or medical purposes.

(2) Meal service to special housing units.

(3) Adequate controls, including inventory procedures, for knives and other cutting implements, yeast and other fermentable items, such as uncooked bread dough, all raw foodstuffs stored in the secure portion of the facility, and accountability for and type of eating utensils.

(4) Dining room service.

(5) Records relating to menus, nutritional analyses of the meal program, financial records in support of the food program, daily inspections for vermin infestation,

sanitation, water temperature and quality, freezer temperatures, etc.

§14102. Menu Planning. The Department's food service program shall maintain a well-managed system of menu planning and execution that includes advance planning for preparation of typical and special diets and ensures the nutritional adequacy of all meals.

§14103. Food Service Safety and Sanitation. (a) The Department, in its food service program, will ensure the highest possible level of safety and sanitary practices, and will maintain sufficient documentation to establish ongoing compliance in all required areas.

(b) Federal and local occupational safety and health codes will serve as standards for all food service programs.

§14104. Food Service in Special Housing Units. Inmates in special housing units will be provided the same meals as those in the general population. The manner of service and packaging may be altered in the interest of legitimate security and safety factors.

§14105. Special Diets. (a) The Department shall provide inmates who have a legitimate medical or religious basis for a special diet with the means to fulfill those dietary needs, either through the opportunity to select nutritionally adequate substitutes for special meal components or through the preparation or acquisition of complete special meals.

(b) The Prison Security Administrator will develop procedures for providing for the special diet needs of inmates in the population by use of a diet card or other registry system.

Article 15
Access to Courts and Legal Counsel

- §15101. Legal Representation
- §15102. Legal Consultation
- §15103. Suruhanu
- §15104. Law Library

§15101. Legal Representation. (a) Each inmate shall be afforded the opportunity to consult with legal counsel, court appointed or retained, at any reasonable time. The inmate shall, in writing, inform the Prison Security Administrator the name of the 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.

§15102. Legal Consultation. Attorneys or their staff members 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 Department are not jeopardized. The attorney and the inmate must provide sufficient information for the Department to determine that the attorney actually represents the inmate. Private consultation may be arranged upon request. Tape recordings may be used by the attorney certified in writing in advance that the only purpose of the recording is to facilitate attorney-client relationship.

§15103. Suruhanu. Inmates may correspond with the Suruhanu via privileged mail. The Suruhanu is statutorily empowered to make inquiries and obtain information as the Suruhanu thinks fit, and may enter the facility for private hearings. A letter to the Suruhanu from an inmate shall be forwarded to the Suruhanu within twenty-four

(24) hours, excluding weekends and holidays. All reasonable efforts shall be made to facilitate communication between inmate and the Suruhanu.

§15104. Law Library. Law libraries shall be made available to inmates at the Department. Reasonable amounts of stationery and reproduction services shall be provided.

Article 16
Administrative Remedy of Complaints

§16101. General Provisions

§16102. Grievance Complaint Form

§16103. Referral Outside the Division

§15104. Referral to Agencies or Officials other than Departmental

§16101. General Provisions. (a) Most complaints can be resolved quickly and efficiently through direct contact with the staff members who are responsible in the particular area of the problem. This is the preferred course of action. Staff member 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 members, 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.

§16102. Grievance Complaint Form. (a) If an inmate cannot resolve a complaint through the informal contact with staff members, 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 members 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. Department staff members 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 (1) copy should go to the inmate, and one (1) 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 Prison Security Administrator.

§16103. 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.

§16104. Referral to Agencies or Officials Other than Departmental. An inmate should first exhaust the administrative channels in this Chapter in the quest of a resolution of the complaint or grievance before referring it to the 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.

Article 17
Suspension of Rules During Emergency

§17101. Suspension

§17101. Suspension. The Director of Corrections 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.

Article 18
Addition to Rules and Regulations

§18101. Authorization.

§18101. 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.

Article 19
Severability

§19101. Provisions.

§19101. 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.