

PREA

**FY 2015 Guam
Prison Rape Elimination Act (PREA)
Reallocation Funds Application**

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Application #2015-H2863-GU-RP

Joseph LG
Grizli777



REVISED PROGRAM NARRATIVE

Statement of the Problem

Guam is not in compliance with the Prison Rape Elimination Act (PREA) requirements. However, Guam's Governor signed and submitted on May 12, 2015 to the Assistant Attorney General, U.S. Department of Justice, a written assurance that the Government of Guam will continue to work towards achieving compliance with the National Standards to Prevent, Detect, and Respond to Prison Rape. A similar letter and certification was sent in 2014 as part of the grant solicitation requirement.

The Guam Department of Corrections (DOC) is the only adult correctional facility on-island. It is responsible for the security and confinement of local and federal pretrial detainees, convicted inmates, and contempt of court individuals, inclusive of individuals under the oversight of the Superior Court of Guam, Alternative Sentencing and Probation Programs. In addition, DOC has oversight over the Community Corrections Center and provides administrative support to the Guam Parole Board. The Department is composed of four facilities to include the Guam Federal Detention Center, the Hagåtña Detention Facility, the Adult Correctional Facility, and the Female Correctional Facility. The Adult Correctional Facility and the Female Correctional Facility were intended to house only convicted inmates. However, due to the serious overcrowding issues these past several years, these two facilities for several years have been used to also house pretrial detainees.

The Guam Department of Corrections is confronted with several mitigating issues such as overcrowding, lack of updated policies and standard operating procedures relating to sexual assaults, lack of treatment programs for both the victims and sexual predators, understaffed in all security and program areas, shortfalls in funding for operational and rehabilitative programs, and

Stipulated Order from the U.S. District Court since 1991 to correct various Constitutional violations in the confinement of prisoners.

The Guam Department of Corrections currently has no formal policy or general order in place to address sexual assaults based on PREA standards. DOC protocol requires that if and when an inmate or prisoner were to come forward with an allegation, the Guam Police Department is be contacted to address and respond to any issues concerning the victim or perpetrator.

Furthermore, the Department also lacks policy and procedures regarding an inmate's and prisoner's sexual orientation and/or gender identity. The outdated system bases an inmate's and prisoner's initial screening, classification, and housing on their sexual organs, regardless of an inmates and prisoner's sexual orientation and gender identity.

The Guam Department of Youth Affairs (DYA) is the only entity on Guam that incarcerates juvenile offenders. DYAs mandate provides for the development and implementation of programs and services that promote youth development, decrease juvenile delinquency and status offenses, strengthen the family unit, protect the public from juvenile delinquents, ensure that offenders are held accountable for their actions and are provided with appropriate treatment, and provide restitution to the victims.

It is estimated that over fifty percent (50%) of DYAs youth population are from the Federated States of Micronesia. This makes the FSM the fastest and largest growing group at DYAs. A comparison of the juvenile population at DYAs indicates that the facility has become a feeder system to the pretrial detainee and inmate population at the Department of Corrections. Thirty percent (30%) of the current Federated States of Micronesia inmate and pretrial detainee population at DOC were former clients of DYAs. The evolution from youth offender to an adult

offender is a serious concern and it will only be a matter of time before this particular population becomes the largest ethnic group for both pretrial detainees and inmates at DOC.

As with the Guam Department of Corrections, DYA currently has no formal policy or general order in place to address sexual assaults based on PREA standards for juvenile facilities and also lacks policy and procedures regarding sexual orientation and/or gender identity.

In light of this federal mandate and to continue efforts to achieve compliance, Guam will use the five percent reallocation from the Fiscal Year 2015 Edward Byrne JAG Program on activities intended to help Guam's confinement facilities achieve compliance with the PREA standards, including preparing for and conducting audits.

Project Design and Implementation:

The PREA program calls for to eliminate sexual abuse in correctional facilities by setting standards for the physical space and for the training, assignment, and conduct of personnel in the facility. All public and private prisons, jails, lock-ups, community corrections, and juvenile detention facilities must meet the PREA standards. A state is in compliance when prison facilities under its operational control meet the PREA standards.

The Guam Department of Corrections was built in the 1970's and has undergone several renovations over the years with additional units built to address the increase in clients. A total of thirteen inmate/detainee housing units exist at the Department of Corrections averaging sixty clients per unit. With the lack of sufficient security personnel at the facility and to assist in complying with PREA audit standards for adequate supervision and monitoring, DOC has taken into consideration all components of the facility's physical plant to include the need for video monitoring of "blind-spots" or areas where staff or inmates may be isolated to protect against sexual abuse. The purchase of a surveillance camera system would allow DOC to comply on a

regular basis with PREA audit standards for adequate levels of staffing within its facility and allow for video monitoring of isolated areas to aid in the deterrence of any possible sexual assault or other criminal intent from occurring.

Under the PREA audit process, all confinement facilities covered under the PREA standards must be audited at least every three years to be compliant with the PREA standards, with one third of each facility type operated by an agency, audited each year. States seeking PREA compliance will have to be responsible for contracting with or otherwise securing the services of one or more DOJ-Certified Auditors to conduct the three-year audit cycle. USDOJ in partnership with the National PREA Resource Center offer auditor candidates with high quality training and support that enables them to become certified by DOJ, and to conduct objective, transparent, comprehensive, consistent, and reliable audits.

The State Administering Agency and the Guam PREA Committee will collaborate to contract the services of a USDOJ Certified PREA Auditor to audit the Guam Department of Corrections, the Guam Department of Youth Affairs and the Hagåtña Detention Facility. The Guam PREA Committee understands that unless a new correctional facility is built that meets national or DOJ prison standards, Guam will not be able to achieve full compliance with the PREA audit standards. However, as the Governor has assured that Guam will continue to work towards compliance, one of the more critical and broader goal is the review of existing local laws, policies and procedures and enactment of new legislation governing the islands confinement facilities.

As Guam is not in a position for a full scale audit to take place, the USDOJ Certified PREA Auditor will conduct a progress audit or a mock audit of the Guam's Department of Corrections, the Department of Youth Affairs and the Hagåtña Detention Facility to address the PREA requirements within each facility and to make the necessary recommendations for corrective

action in order to meet compliance for the three-year audit cycle under PREA Audit Standards.

Program Goal:

The goal of this program is to facilitate jurisdictional compliance with PREA by providing support for coordinated interagency efforts to comply and implement the Prison Rape Elimination Act (PREA) requirements.

Program Objectives:

The first objective of the program is to enhance the levels of staffing and security within the Guam Department of Correction’s facility through the use of surveillance camera systems to aid in the video monitoring of isolated areas in deterrence of any possible sexual assault or other criminal intent from occurring.

The second objective of the program is to ensure compliance with the PREA audit requirements by contracting the services of a DOJ-Certified PREA auditor to audit the Guam Department of Corrections, the Guam Department of Youth Affairs and the Hagåtña Detention Facility.

Program Activities:

- Identify “blind-spots” or areas where staff or inmates may be isolated to protect against sexual abuse to determine the number of surveillance camera systems needed.
- Contract services of a vendor for the purchase, installation and maintenance of surveillance camera systems within the Guam Department of Corrections
- Contract services of a USDOJ-Certified PREA Auditor to schedule a progress audit for the Guam Department of Corrections, the Guam Department of Youth Affairs and the Hagåtña Detention Facility.

Guam's Performance Measures:

- The purchase and installation of a surveillance camera system within the Guam Department of Corrections at isolated or “blind spots” with the facility.
- Contracted service of a USDOJ-certified PREA Auditor to conduct a progress audit for the Guam Department of Corrections, the Guam Department of Youth Affairs and the Hagåtña Detention Facility.
- Completed PREA Progress Audit for Guam Department of Corrections, the Guam Department of Youth Affairs, and the Hagåtña Detention Facility.
- Guam's PREA Status.

Guam's Accomplishment with Prior Year Reallocation Funds and how Guam's FY 2015 plan will complement activities funded in FY 2014

While Guam has not implemented the standards to a level at which we can confidently participate in an audit, Guam is making good faith efforts towards working to achieve compliance and has taken the following concrete steps by forming a PREA Committee and conducting evaluations and assessments on prison structures, personnel, policies and procedures at the Guam Department of Corrections, the Guam Department of Youth Affairs-Youth Correctional Facility and the Hagåtña Detention Facility. In addition, Guam has reached out to seek the support and guidance of PREA State Coordinators, particularly from the State of Hawaii, involved in a circular MOU for audit purposes.

To address Guam's compliance with PREA standards, a PREA Committee has been formed to comprise of the following entities:

- Administrator, Guam State Clearinghouse
- Director, Department of Corrections
- Director, Department of Youth Affairs
- Director, Bureau of Statistics and Plans

- Administrator, Governor's Federal Programs Office
- Chief of Police, Guam Police Department

The Bureau of Statistics and Plans has cleared all special conditions as mandated under the FY 2014 PREA Reallocation award notice. A revised budget was submitted September 18, 2014 and approved on October 22, 2014. GAN 001 was initiated to remove the special condition withholding the funds. Special Condition No. 27 restricted the obligation, expenditure and drawdown of funds until Program Office completed the review and approval of the Program Narrative of the application. GAN 002 was initiated on October 25, 2014 removing the special condition withholding the funds.

Furthermore, the Bureau was required to submit a requested timeline to comply with Special Condition No. 29. The timeline was submitted on January 22, 2015 and approved on February 03, 2015. GAN 003 was initiated to remove the special condition withholding the funds.

Upon final clearance of all special conditions, the Bureau's FY 2014 Prison Rape Elimination Act (PREA) Grant Program establishment of account with the Department of Administration was initiated on December 23, 2015. The Memorandum of Understanding to subgrant the funds to the Guam Department of Corrections was approved on June 10, 2015 along with the establishment of the project account with the Guam Department of Administration.

On June 23, 2015, the U.S. DOJ approved the one-year no cost project extension for the FY 2014 Prison Rape Elimination Act (PREA) Reallocation Grant Program to September 30, 2016. The extension would allow the Guam Department of Corrections sufficient time to implement project activities and expend all available resources by September 30, 2016.

The USDOJ and the National PREA Resource Center provide high quality training and support that enables states to fully understand the PREA implementation and requirements. As

Guam continues to work towards compliance in future years, funds requested under the FY 2015 PREA Reallocation will provide the opportunity to address staffing patterns and avail of the expertise of a certified auditor for capacity building and implementation of recommended courses of action for compliance with PREA Audit Standards.

Capabilities and Competencies

The Bureau of Statistics and Plans is the State Administrating Agency (SAA) to administer the Edward Byrne Memorial Justice Assistance Grant, the Paul Coverdell Forensic Science Improvement Grant, and the Residential Substance Abuse Treatment Grant. As the SAA for the Byrne JAG, the Bureau is also responsible for applying and administering the Prison Rape Elimination Act Reallocation Funds.

Initially created under Public Law 12-200, the Bureau of Planning's mission was redefined during 1990 by Public Law 20-147. In 2002 it was once again redefined by Public Law 26-76 and its name was changed to the Bureau of Statistics and Plans.

Public Law 20-147, as amended by Public Law 26-76, stipulates in statute that it is the Bureau of Statistics and Plans' responsibility to undertake any planning activity that is not being carried out or that is not the function of another department. The Bureau has the legislative flexibility to appraise, coordinate, prepare and assist in the development of a wide range of plans, policies and studies that further economic, social, land use, environmental and infrastructure goals, priorities and planning activities. This flexibility is reflected in the Bureau's mission statement. It is further mandated to disseminate and make available economic, social, and physical data and information for researches, policy makers and the public.

The Bureau of Statistics and Plans' mission is to ensure Guam's resources are effectively used for the benefit of present and future generations by ensuring consistency among various plans,

policies and programs. In order to do this, the Bureau is committed to:

- Serve as a catalyst for planned and balanced economic, social, environmental and physical growth;
- Advise the Governor during the formulation of policies and on the interrelationships among laws, plans, policies and programs;
- Provide oversight during the formulation and integration of plans, policies and programs which further social, economic, environmental and physical development goals and priorities;
- Encourage private/public partnerships in the formulation and implementation of plans, policies and programs;
- Ensure the availability of information generated by the Government of Guam for policy and plan development;
- Provide technical and support to other Government of Guam entities in order that they can meet their missions; and
- Ensure the availability of timely and accurate statistical indices that are required to make sound decisions to improve Guam's economic viability.

A primary focus of the Bureau is to develop, plan, coordinate and facilitate multi agency statewide efforts on criminal justice issues and funding. To ensure Guam's justice related federally funded programs are coordinated, the Bureau reviews all proposed programs and projects for the territory wide impacts and relationship to comprehensive plans, policies, or laws through the Intergovernmental Review of Federal Programs (State Executive Order 12372) process. Furthermore, the Bureau's staff leads or participates in criminal justice planning and coordination efforts; in other cases, the Bureau's staff has been a catalyst to initiate these efforts.

Guam's Plan for Collecting the Data Required for this Invitation to Apply Performance Measures

To assist in fulfilling the accountability objectives of the PREA Program, as well as the Department's responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants that receive funding under this solicitation must provide data that measure the results of their work done by reporting the data on the BJA online Performance Measurement Tool (PMT). The BJA Performance Measurement Tool supports BJA grantees ability to identify, collect, and

report performance measurement data on activities funded by their award.

The PREA Program is designed to support comprehensive approaches within State, Tribal, and local adult and juvenile correctional facilities to prevent, detect, and respond to incidents of sexual victimization. The *performance measures indicate to what extent grant activities meet the following objectives:*

- Increase awareness of the problem of sexual assault in adult prisons and jails, juvenile facilities, community corrections facilities, law enforcement lockups and other temporary holding facilities, and Tribal detention facilities. Identify causes and contributing factors leading to sexual victimization, supported by data.
- Track performance indicators to ensure the effective application of policy and implementation of program strategies that achieve compliance with the PREA standards and create “zero tolerance” within confinement environments.
- Provide resources to develop comprehensive programs, strategies, and policies that will enhance the ability of State, local, or Tribal governments to achieve compliance with the PREA standards and eliminate sexual abuse.

The PREA Program performance measures are reported in two formats - quantitatively (numeric) and qualitatively (narrative responses). The quantitative data are entered in the BJA Performance Measurement Tool (PMT) every 3 months, referred to as a reporting period. In addition, we are also required to respond to open-ended qualitative narrative questions in January and July of each calendar year based on activities that occurred during the previous 6-month period.

Performance Measurement Tool

Once the Memorandum of Understanding has been established, the Bureau will create and assign a user name and password for each sub grantee. Prior to creating and assigning the user name and password, the Bureau will populate each subgrant general award information, target population, and performance indicators specific to the project. The sub grantee’s project director

or designated staff will then be responsible to log on to the PMT database and enter the performance indicator data 15 days after the quarter ends for the Bureau's review. The sub grantee must also attach a copy of the PMT data elements to the quarterly progress reports.

The Bureau will be responsible for collecting and reporting the outcome data for each subgrant on the PMT as this data is not readily available to the subgrants. The Bureau will review all sub- grant reports on the PMT and submit the reports by no later than 30 days after the quarter ends.

Quarterly Progress Report

Quarterly Progress Report forms have been developed by the Bureau. Sub grantees must submit the quarterly progress report on funded project activities to the Bureau. The quarterly progress report is due no later than 15 days after the end of each report period that the project is funded. The report shall contain information describing progress, accomplishments, activities, problems during the reporting period, and any additional information specified by the Bureau. The sub- grantee must report on the following information to the Bureau:

1. What were your accomplishments during the reporting period?
2. What goals were accomplished, as they relate to your grant application?
3. What problems/barriers did you encounter, if any, during the reporting period that prevented you from reaching your goals or milestones?
4. Is there any assistance that BJA can provide to address any problems/barriers identified in question
 - A. Yes (Please explain)
 - B. No
5. Are you on track to fiscally and programmatically complete your program as outlined in your grant application?
 - A. Yes (Please explain)
 - B. No
6. What major activities are planned for the next 6 months?
7. Based on your knowledge of the criminal justice field, are there any innovative programs/accomplishments that you would like to share with BJA?

Semi Annual Performance Narrative Report

Subgrantees must submit a Semi Annual Performance Narrative Report concerning the project activities occurring in January and July of each calendar year based on activities that occurred during the previous 6-month period. The reporting periods are as follows:

January to June	July 10
July to December	January 10

The information requested in the quarterly progress report is the same information requested in the annual performance narrative report. The semiannual performance narrative report is due by absolutely no later than 10 days after each semiannual reporting period. The Bureau will create the Program Performance Measures and Narrative on the PMT for the reporting period and upload the report on the GMS.

Guam's FY 2015 PREA Project Timeline

The following is the new revised implementation timeline for the FY 2015 Prison Rape Elimination Act (PREA) Grant Program:

MONTH	ACTIVITIES
October to December 2015	<ul style="list-style-type: none"> ▪ Dependent on the final GAN clearance of special award conditions, BSP will initiate the establishment of the award with the Guam Bureau of Budget and Management Research (BBMR) and the Guam Department of Administration (DOA) and ensure Guam State Clearinghouse procedures for award establishment.
January to June 2016	<ul style="list-style-type: none"> ▪ Upon establishment of the FY 2015 PREA Grant Award, BSP will develop and prepare the MOU with the Department Corrections ▪ BSP will prepare Work Request for the establishment of the project account, ensure coordination, review and signatory of the MOU with the Department of Corrections, the Guam Bureau of Budget and Management Research (BBMR), the Guam Office of the Attorney General, the Office of the Governor of Guam. ▪ Upon approval by the Governor of Guam, BSP will ensure coordination with the Guam Department of Administration (DOA) for the establishment of the project account. ▪ Upon establishment of project account, BSP will develop and prepare a Subrecipient Administrative Manual regarding the USDOJ administrative and fiscal requirements for the PREA Grant Program. ▪ Conduct a Subrecipient Workshop with program and fiscal staff of the Department of Corrections regarding grant requirements. ▪ Upon completion of the workshop, the Department of Corrections is anticipated to begin the implementation of the FY 2015 PREA Grant Program following the approved project and budget. ▪ BSP to request Program Office Approval for Change of Project Scope and Budget Modification Request for the purchase, installation and maintenance of a Security Camera System within the Guam Department of Corrections and for a USDOJ PREA Certified Auditor to conduct a PREA Progress Audit on DOC, DYA and the Hagåtña Detention Facility. ▪ Upon approval of GAN for the Change of Project Scope and Budget Modification, BSP will prepare the revised Work Request amendment with DOC, the Bureau of Budget and Management Research and the Department of Administration. ▪ Guam Department of Corrections will process required documentation to solicit price quotations for the purchase, installation and maintenance of a surveillance camera system; prepare required requisition forms for processing with the Guam General Services Agency for the surveillance camera system. ▪ BSP to initiate and coordinate with USDOJ PREA Certified Auditor from Hawaii to finalize plans to conduct the PREA Progress Audit. ▪ BSP will encumber and obligate available administrative funds. ▪ Dependent on progress with implementation of new project activities, BSP will request for Program Office Approval for a one-year extension on the FY 2015 PREA Grant Program.

MONTH	ACTIVITIES
	<ul style="list-style-type: none"> ▪ The DOC PREA Coordinator prepares and submits the quarterly PREA Progress Report on the status of Guam's compliance with PREA Standards. ▪ DOC Administrative Services Officer prepares and submits the quarterly PREA Financial Report. ▪ BSP (SAA) prepares and submits quarter PMT and semi-annual report for PREA. ▪ BSP Administrative Services Officer prepares and submits the quarter PREA FFR 425.
July – September 2016	<ul style="list-style-type: none"> ▪ Requisition for the Security Camera System completed. ▪ USDOJ PREA Certified Auditor completes PREA Progress Audit on DOC, DYA and the Hagåtña Detention Facility. ▪ PREA Progress Audit Report received and disseminated to DOC, DYA and Hagåtña Detention Facility. ▪ Complete the installation of the Surveillance Camera System; Surveillance Camera System is operational. ▪ BSP will liquidate their administrative funds. ▪ DOC will liquidate their administrative funds. ▪ DOC, DYA and Hagåtña Detention Facility will implement corrective recommendations for compliance with PREA Audit Standards. ▪ The DOC PREA Coordinator prepares and submits the quarterly PREA Progress Report on the status of Guam's compliance with PREA Standards. ▪ DOC Administrative Services Officer prepares and submits the quarterly PREA Financial Report. ▪ BSP (SAA) prepares and submits quarter PMT and final progress report. ▪ BSP Administrative Services Officer prepares and submits the quarter PREA FFR 425. ▪ Dependent on GAN request for a one-year extension, BSP (SAA) will process amendment with DOC, BBMR and DOA for grant extension or begin process for closure of grant project, prepare final financial and close out narrative reports.