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# BUREAU OF STATISTICS AND PLANS

*Sagan Planu Siha Yan Emfotmasion*

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Governor of Guam  
JOSHUA F. TENORIO  
Lieutenant Governor

## Memorandum

**To:** Attorney General, Office of the Attorney General  
Chief of Police, Guam Police Department  
Administrator of the Courts, Judiciary of Guam  
Chief Technology Officer, Office of Technology  
Director, Department of Corrections  
Director, Department of Youth Affairs  
Director, Department of Public Health and Social Services  
Superintendent, Guam Department of Education  
Director, Guam Behavioral Health & Wellness Center  
Director, Customs and Quarantine Agency  
Homeland Security Advisor, Guam Homeland Security/Office of Civil Defense  
General Manager, Guam International Airport Authority  
Executive Director, Guam Housing and Urban Renewal  
General Manager, Port Authority of Guam  
Director, Department of Public Works  
Attn: Administrator, Office of Highway Safety  
Administrator, Guam State Clearinghouse  
Executive Director, Governor's Federal Programs Office  
Executive Director, Public Defender Services Corporation

**From:** Director, Bureau of Statistics and Plans

**Subject:** Second Public Review – FY 2023 Edward Byrne Memorial Justice Assistance Grant Program State Solicitation

*Håfa Adai!* Following the announcement of the FY 2023 Edward Byrne Memorial Justice Assistance Grant Program (JAG) solicitation notice, the Bureau of Statistics and Plans on August 22, 2023 released for public review the draft of Guam's FY 2023 JAG Program Narrative. The deadline to submit comments on the draft narrative was initially set for September 21, 2023 to meet the public review requirements as provided in the solicitation.

Although the Bureau did receive one comment during the public review period, the comment was specific to leveraging additional funding resources to law enforcement with other federal funding initiatives. However, following the conclusion of the public review, the Bureau was made aware of sunset provisions under the Justice for All Reauthorization Act (JFARA) of 2016 in regards to the Prison Rape Elimination Act (PREA) of 2003. Since 2014, the Governor of Guam has taken the approach to certify Guam's commitment to use the 5% mandated set-aside under

the Byrne JAG Program to meet compliance with the PREA Standards in future years. To ensure that resources are available to meet the PREA Standards, the Bureau will address the inclusion of a new program initiative under the Law Enforcement Priority in regards to the Prison Rape Elimination Act (PREA) Standards to prevent, detect, and respond to sexual abuse and sexual harassment in adult and juvenile confinement facilities.

In 2012, DOJ published the National Standards to Prevent, Detect, and Respond to Prison Rape (PREA Standards), which were promulgated to prevent, detect, and respond to sexual victimization and abuse in confinement settings. The National PREA Standards are set out at 28 C.F.R. Part 115 and apply to confinement facilities, including adult prisons and jails, juvenile facilities, and police lockups. The PREA statute provides that a state whose Governor does not certify full compliance with DOJ's PREA Standards (34 U.S.C. 30307(e)) is subject to the loss of 5 percent of any DOJ grant funds that it would otherwise receive for prison purposes, unless the Governor submits to the Attorney General an assurance that such 5 percent will be used by the state solely to adopt and achieve full compliance with the PREA Standards in future years. In addition, the Justice for All Reauthorization Act (JFARA) of 2016, which was enacted on December 16, 2016, includes an amendment to the PREA statute. Per the PREA amendment under JFARA, the assurance option sunset was effective on December 16, 2022 (See 34 U.S.C. § 30307(e)(2)(D)). The PREA amendment also provides that, for 2 years following the assurance sunset, a Governor who can certify that the state has had audits for at least 90 percent of facilities under the operational control of the Governor may request that the Attorney General allow submission of an emergency assurance. An emergency assurance means the state will use not less than 5 percent of certain DOJ grant funds solely for the purpose of enabling the state to achieve and certify full compliance with the Standards in future years. Therefore, following the sunset of the assurance on December 16, 2022, Governors who meet the above criteria have two opportunities to submit an emergency assurance.

Since 2014, PREA Reallocation Funds have been used to support the installation of a PREA computer base training and management system for both DOC and DYA, the purchase, installation and maintenance of surveillance security camera systems, the conduct of a PREA Progress (Mock Audit) and First Year Audit with all DOC facilities and DYA. Funds have also been used for education and awareness through the reproduction of posters and flyers that will be posted in all visible locations throughout DOC and DYA facilities and brochures distributed to all staff, confined inmates, detained youth in custody and incoming youth in custody during processing. Both DOC and DYA continue to make good faith efforts with training of staff, officers and volunteers and contractors, as well as addressing the need to conduct background checks of all involved in the facility. Further, both DOC and DYA will also continue to review their audit results to meet their respective corrective action plans and continue implementing PREA education/training programs and establish MOUs with existing stakeholders to address gaps in investigation and victim services protocols.

The FY 2022 Implementing the PREA Standards, Protecting People Who Are Incarcerated, and Safeguarding Communities Project provided the opportunity for the recruitment of PREA Program Coordinators to develop a comprehensive plan that will guide PREA-related activities in the day-to-day operations and cultures in terms of training, education and outreach programs to employees, service providers/contractors and residents. In collaboration with the Training and Technical

Assistance (TTA) coach, both DOC and DYA were recently approved by PREA Management Office their individual Implementation/Action Plan and Implementation Task Plan and Timeline to be implemented with fidelity in future years with the goal of achieving full compliance with the PREA Standards and reducing and preventing sexual abuse within each facility.

In light of this federal mandate along with the sunset provisions of the Justice for All Reauthorization Act (JFARA), the Bureau of Statistics and Plans will address the inclusion of the PREA Standards to prevent, detect, and respond to sexual victimization and abuse in confinement settings under the Law Enforcement Priority as this an approved priority program area under the FY 2019-2022 Multi Year Strategy for Drug Control, Violent Crime and Criminal Justice Systems Improvement Plan. To satisfy the public review requirement with the program inclusion, the Bureau is, once again, making available the draft narrative application for review to the governing body of the state, the public and criminal justice stakeholders. Please refer to the Bureau's website at <https://bsp.guam.gov/> to access the draft of Guam's FY 2023 JAG Program Narrative for your review or download.

Should you have any comments or concerns with the revised Guam FY 2023 JAG Program Narrative application, please provide your written comments to the Bureau by no later than 4:00 pm on Monday, November 27, 2023. If we do not receive any comments by then, the Bureau will assume that you concur with the application.

Your continued support of our JAG Program is greatly appreciated. Should you require additional information, please do not hesitate to contact either myself or Ms. Millie Erguiza, Senior Planner, at 472-4201/2/3 or by email at [lolalg@bsp.guam.gov](mailto:lolalg@bsp.guam.gov) or [millie.erguiza@bsp.guam.gov](mailto:millie.erguiza@bsp.guam.gov). *Si Yu'os Ma'åse'.*



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