

# Understanding Law Enforcement



# **Understanding Law Enforcement**

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- **Student Procedural Assistance Manual**
- **Overview of Criminal Justice Process**
- **Overview of Criminal Laws**
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  - **Sex Crimes**
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# Mandatory Reporting Laws

- **“Abused or neglected child” means a child whose physical or mental health or welfare is harmed or threatened with harm by the acts or omissions of the person(s) responsible for the child’s welfare. 19 GCA § 13101.**
  - **Physical injury**
  - **Victim of sexual offense**
  - **Psychological injury that impairs the child’s ability to function**
  - **Lack of food, clothing, shelter, health care that affects the physical health of the child**
  - **Child is provided with a controlled substance**
  - **Child is abandoned**

# **Mandatory Reporting Responsibilities**

## **19 GCA § 13203**

### **When to Report:**

- Report immediately by telephone to CPS or GPD**
- Written Report within 48 Hours**

### **Penalty:**

- Subject to a misdemeanor**
- up to 6 months jail time**
- fine of \$1000 or less**
- 2nd or 3rd conviction shall be a 3<sup>rd</sup> Degree Felony**

# **Student Procedural Assistance Manual**

- 1) Report suspicion to CPS or GPD**
- 2) Reporting person name required**
- 3) Inform supervisor ASAP, but no later than COB**
- 4) Send written report using Child Abuse & Neglect Referral form within 48 hours**
- 5) Refrain from conducting any type of investigation**

## **CPS Referrals**

- written referral hand-delivered to CPS**
- redacted referral to be kept in student's health folder**
- no obligation to inform parent**

# **Mandatory Reporting Responsibilities**

## **19 GCA § 13203**

**When it is considered dangerous for the student to return at the end of the school day, or the student refuses to return home:**

**You must indicate this to CPS.**

**May need to transport student to CPS before 5pm, if social worker not able to get to school, or GPD if after 5pm**

# **Overview of Criminal Justice Process**

- **Initial Report**
- **Charges Filed**
- **Magistrate Hearing**
- **Arraignment**
- **Criminal Trial Setting**
- **Pre-Trial Conference**
- **Jury Trial**

## **Involvement of GDOE Personnel**

- **Initial Interview with GPD/OAG**
- **Subpoena Duces Tecum**
- **Request to Appear**
- **Subpoena to Appear**

# Violent Crimes

- **Family Violence**
  - Recklessly cause or attempt to cause bodily injury to a family or household member
  - Put another in fear of imminent bodily injury
- **Child Abuse**
  - Permitting the emotional or physical health of a child to be endangered while the child is in the care or custody
- **Terrorizing**
  - Put someone in fear of a crime dangerous to human life
- **Terroristic Conduct**
  - Threatens violent crime to cause evacuation
- **Aggravated Assault**
  - Serious Bodily Injury
  - Bodily Injury with a Deadly Weapon
  - Assault against a Police Officer
- **Assault**
  - Bodily injury
  - Recklessly use a deadly weapon to place another in danger of bodily injury
- **Assault by Mutual Combat**
- **Reckless Conduct**
  - Conduct that unjustifiably places another in danger of death or SBI
  - Pointing a firearm at another



# **Gun Laws**

- **Gun Free School Zone Act of 2004**
  - **Possession of a firearm in a school zone is a Third Degree Felony**
- **A firearms license does not authorize one to carry a firearm in a school zone**

# Sex Crimes

- **1<sup>st</sup> Degree Criminal Sexual Conduct (Sexual Penetration)**
  - Victim under 14 years old
  - Victim at least 14 but less than 16 years old +
    - Family or household member
    - Blood or affinity to the fourth degree
    - Actor is in position of authority over the victim and uses authority to coerce victim to submit
  - Aided or abetted by another
  - Armed with a Deadly Weapon
  - Causes Personal Injury
- **2<sup>nd</sup> Degree Criminal Sexual Conduct (Sexual Contact)**
- **3<sup>rd</sup> Degree Criminal Sexual Conduct (Sexual Penetration)**
  - Victim at least 14 but less than 16 years old
  - Force or coercion
  - Victim is mentally defective, mentally incapacitated, physically helpless
- **4<sup>th</sup> Degree Criminal Sexual Conduct (Sexual Contact)**
- **Harassment (Offensive Touching)**

# Civil Liability for Child Sexual Abuse

- Negligence
- Negligent Supervision
- Negligent Hiring and Retention
- Breach of Fiduciary Duty
- *Respondeat Superior* Liability

12/22/20 245

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8 G.B.

9 IN THE DISTRICT COURT OF GUAM  
10 G.B.,  
11 Plaintiff,  
12 vs.  
13 GOVERNMENT OF GUAM;  
14 DOES ENTITIES 1-5; and  
15 DOES-INDIVIDUALS 6-50, inclusive,  
16 Defendants,  
17

CIVIL CASE NO. \_\_\_\_\_  
COMPLAINT  
1. Child Sexual Abuse  
2. Child Sexual Abuse  
3. Negligence  
4. Negligent Supervision  
5. Negligent Hiring and Retention  
6. Breach of Fiduciary Duty / Confidential Relationship  
7. Deprivation of Federal Civil Rights: 42 U.S.C. §§ 1983 et seq.  
DEMAND FOR TRIAL BY JURY (Jury of Six Members)

18 Plaintiff G.B. ("G.B.") files this Complaint for Damages based on prior sexual  
19 abuse (the "Complaint") against Defendants Government of Guam, [REDACTED]  
20 individual, and DOES 1-50 ("Defendants").  
21 I. JURISDICTION, VENUE AND NOTICE  
22 1. This action arises under the Constitution and laws of the United States,  
23 including Article III, Section 1 of the United States Constitution and is brought  
24 pursuant to 42 U.S.C. §§ 1981, 1983, 1988 and 42 U.S.C. § 2000e et seq.  
25 2. The Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331,  
26 1343, 2201. This case is instituted in the United States District Court for the District of  
27  
28

Case 1:20-cv-00048 Document 1 Filed 12/22/20 Page 1 of 43

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Civil / Solicitor  
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8:43  
OFFICE OF THE ATTORNEY GENERAL OF GUAM

# Property Crimes

- **Burglary**
  - **Building or separately secured portion thereof**
- **Theft**
  - **Exercise of unlawful control over the movable property of another**



# Best Practices