

Understanding Law Enforcement



Understanding Law Enforcement

- **Overview of Mandatory Reporting Laws**
- **Student Procedural Assistance Manual**
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- **Overview of Criminal Laws**
 - **Violent Crimes**
 - **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 3rd 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

- **1st 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
- **2nd Degree Criminal Sexual Conduct (Sexual Contact)**
- **3rd 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
- **4th 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

12/28/20 245

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4 Hagatna, Guam 96910
5 Telephone No.: (671) 477-2778
6 Facsimile No.: (671) 477-4366
7 Attorneys for Plaintiff:
8 G.B.

9 Plaintiff, } CIVIL CASE NO. _____
10 vs. }
11 GOVERNMENT OF GUAM; } COMPLAINT
12 [REDACTED] an individual; }
13 DOES ENTITIES 1-5; and }
14 DOES-INDIVIDUALS 6-50, inclusive, }
15 Defendants. }
16
17 Plaintiff G.B. ("G.B.") files this Complaint for Damages based on prior sexual
18 abuse (the "Complaint") against Defendants Government of Guam, [REDACTED]
19 individual, and DOES 1-50 ("Defendants").
20
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. § 200e *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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8:43 AM
OFFICE OF THE ATTORNEY GENERAL
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Property Crimes

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

KUAM NEWS

85° Published

NEWS

GDOE beefing up facilities in light of numerous break-ins

Thursday, March 3, 2022, 8:08 PM CDT
By [KUAM News](#)



About eight schools have been broken into in the last two months. With crime rates high and more than a dozen reports made to the Guam Police Department since the start of the year, how is the Guam Department of Education addressing these issues?

V.S.A. Banavente Middle School, Wettengel Elementary School, Jose M. Guarnica Elementary School, Jose Rios Middle School, M.U. Lujan Elementary School, Firefighter Elementary School, Chichibio Elementary School, and Agana Heights Elementary School were the eight of 41 GDOE are among the public schools broken into, item stolen, and damage to the facilities, in five times since 2022 began.

During its weekly media briefing Wednesday, GDOE Deputy Superintendent of Curriculum and Instruction Joe Sanchez says that they're beefing up its facilities.

"We actually do have a team reviewing the school's request for security," he said. "Unfortunately, one of the decisions that were made or requested that we got we're not able to do the security cameras due to some issues with procurement. However, there are some plans that we have regarding hardening some areas, for example replacing some of the wooden doors and the types of locks that are used in the regular rooms as well as probably the libraries, main offices, and identifying certain rooms that will be utilized for housing a lot of the additional equipment that's going to be in a school."

About \$8 million in federal and local funds have been set aside for these efforts.

"Another aspect to that is the potential use of structuring the gates outside so there is some discussion out there about making sure that all gates continue to be functional and utilized as well as some schools about securing gates in hallways," Sanchez said.

According to GPD Spokesperson Officer Berlin Sewell, no suspects have been identified. If you know any information about the school break-ins, submit a tip online to the Guam CrimeStoppers website or guam.crimestoppersnow.com (<http://guam.com/crimestoppersnow>).

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