

STATE OF THE JUDICIARY ADDRESS

ALBERTO C. LAMORENA, III
PRESIDING JUDGE

MAIN HALL, GUAM LEGISLATURE BUILDING

TUESDAY, MAY 23, 1989

4:00 P.M.

GOOD EVENING:

SPEAKER JOE T. SAN AGUSTIN, GOVERNOR JOSEPH F. ADA, LIEUTENANT GOVERNOR FRANK F. BLAS, SENATORS OF THE TWENTIETH GUAM LEGISLATURE, JUDGE CRISTOBAL DUENAS, JUDGES OF THE SUPERIOR COURT, ARCHBISHOP APURON, MEMBERS OF THE CONSULAR CORPS, MY DEAR FRIENDS, LADIES AND GENTLEMEN.

AS PRESIDING JUDGE OF THE SUPERIOR COURT OF GUAM IT IS MY PLEASURE AND HONOR TO DELIVER THE TWELFTH ANNUAL ADDRESS ON THE STATE OF THE JUDICIARY. I AM REPORTING ON THE GROWING CASELOAD, ONGOING ACTIVITIES AND PROJECTS BY THE JUDICIARY FOR THIS PAST YEAR. I WOULD ALSO LIKE TO SHARE WITH YOU MY VISIONS, ASPIRATIONS AND EXPECTATIONS WHICH MOST DIRECTLY AFFECT US, THE JUDICIARY, EXECUTIVE AND LEGISLATURE AND THE PEOPLE OF THE TERRITORY OF GUAM.

IN BEHALF OF THE JUDICIARY AND THE PEOPLE OF GUAM, I WOULD LIKE TO CONVEY MY CONGRATULATIONS TO THE NEW CHIEF JUSTICE OF THE SUPREME COURT OF THE COMMONWEALTH OF THE NORTHERN MARIANAS, THE HONORABLE JOSE DELA CRUZ AND THE NEW ASSOCIATE JUSTICE, THE HONORABLE RAMON G. VILLAGOMEZ. WITH THE CREATION OF THE COMMONWEALTH OF THE NORTHERN MARIANAS ISLANDS SUPREME COURT I RECOMMEND THAT THE LEGISLATURE ALSO CONSIDER LEGISLATION TO CREATE A NEW SUPREME COURT OF GUAM.

I WOULD LIKE TO THANK THE LEGISLATURE FOR PASSING BILL NOS. 850 AND 851 AS INTRODUCED BY SENATOR PILAR LUJAN AND ENACTED INTO LAW AS PUBLIC LAW NUMBER 19-28. PUBLIC LAW NUMBER 19-28

ESTABLISHES THE APPOINTED COUNSEL TRUST FUND AND THE JURY TRUST FUND. PREVIOUSLY ANY UNSPENT MONIES ALLOTTED FOR JURY AND INDIGENT COUNSEL EXPENSES, WOULD LAPSE AT THE END OF THE FISCAL YEAR. NOW HOWEVER, THESE FUNDS WILL BE ALLOTTED FOR SEPARATELY FROM THE COURT'S APPROPRIATION, AND THE UNEXPENDED BALANCE WILL REMAIN WITH THE FUNDS, TO BE REPLENISHED ANNUALLY. ALTHOUGH THIS MAY APPEAR A RATHER TECHNICAL AND INSIGNIFICANT CHANGE, THESE FUNDS GREATLY ENHANCE THE COURT'S FLEXIBILITY IN MEETING THE CONSTITUTIONAL MANDATES OF ONE'S RIGHT TO A JURY TRIAL AND AN ATTORNEY. NO LONGER HAMPERED BY RED TAPE AND THE POTENTIAL THREAT OF LAPSED FUNDS, THE COURT IS ABLE TO MOVE SMOOTHLY TO ASSURE THAT JUSTICE IS SERVED.

THE LEGISLATURE HAS ALWAYS BEEN CONSISTENT IN ITS SUPPORT OF THE CRIMINAL JUSTICE SYSTEM. LAST YEAR, THE LEGISLATURE IN PARTICULAR PASSED LEGISLATION TO SUBSTANTIALLY INCREASE THE NUMBER OF PROSECUTORS AT THE OFFICE OF THE ATTORNEY GENERAL. AS A RESULT OF THIS LEGISLATION, LARGE NUMBERS OF CRIMINAL AND JUVENILE CASES WERE FILED AT THE SUPERIOR COURT. THIS PLACED A TREMENDOUS BURDEN ON THE PERSONNEL AND OPERATIONAL RESOURCES OF THE JUDICIARY. FROM JANUARY 1, 1989 TO APRIL 30, 1989, FELONY CASES HAVE INCREASED FROM 39 IN THE SAME PERIOD IN 1988 TO 121, AN INCREASE OF 210% AND FELONY CHARGES FROM 139 TO 274, AN INCREASE OF 98%.

AMONG THE 274 CRIMINAL FELONY CHARGES BROUGHT IN 1989, 41 WERE FOR AGGRAVATED ASSAULT, 24 WERE FOR CRIMINAL SEXUAL CONDUCT, 24 FOR BURGLARY, 22 WERE FOR TERRORIZING, 16 FOR THEFT, AND 16 FOR POSSESSION OF A DEADLY WEAPON IN THE COMMISSION OF A FELONY.

MISDEMEANOR CASES HAVE INCREASED FOR THE SAME PERIOD FROM 167 CASES TO 272, AN INCREASE OF 63%. AS FOR CRIMINAL MISDEMEANORS, AMONG THE 272 CASES FILED, 152 WERE FOR DRUNK DRIVING, 34 FOR ASSAULT, 23 FOR THEFT, AND 16 FOR CRIMINAL MISCHIEF.

THE NUMBER OF CALENDARED CASES AND MAGISTRATE HEARINGS HAVE ALSO GREATLY INCREASED IN THE FIRST QUARTER OF 1989. FOR CASES CALENDARED, THERE WAS A 22% INCREASE: FOR MAGISTRATES HEARING, THERE WAS A 145% INCREASE. THE NUMBER OF GRAND JURY SESSIONS ALSO INCREASED FROM 14 IN THE FIRST QUARTER OF 1988 TO 31 IN THE FIRST QUARTER OF 1989, AN ALARMING 120% INCREASE.

PERSONNEL RESOURCE ALLOCATION FOR A SINGLE DAY'S GRAND JURY SESSION REQUIRES THREE (3) PERSONNEL FROM COURTS AND MINISTERIAL DIVISION, TWO (2) DEPUTY MARSHALS AND LOGISTICAL SUPPORT FROM GENERAL ADMINISTRATION AND FINANCIAL MANAGEMENT DIVISIONS.

OTHER THAN ONE (1) JURY COMMISSIONER, THE COURT DOES NOT HAVE A SUPPORT STAFF DEDICATED TO JURY/GRAND JURY OPERATIONS.

TIME SPENT ON JURY DUTY IS COLLATERAL TO THE EMPLOYEES' PRIMARY FUNCTIONS. THUS, EACH TIME AN EMPLOYEE IS ASSIGNED TO JURY DUTY, HIS ASSIGNMENTS WILL BACKLOG.

THE IMPACT OF SUPPORTING THE GRAND JURY CAUSES THE RE-ASSIGNMENT OF MARSHALS AND PREVENTS THEM FROM SERVING DOCUMENTS. ALSO, ELECTRONIC COURT REPORTERS REQUIRED TO PREPARE GRAND JURY TRANSCRIPT WITHIN TEN (10) DAYS FROM THE DATE OF THE ORDER SUBMITTED BY THE COURT, CANNOT SOMETIMES TIMELY PREPARE TRANSCRIPTS FOR APPEALS, SUPPRESSION HEARINGS, MOTIONS, TESTIMONIES, AND OTHER COURT ORDERED TRANSCRIPTS. LIKewise DEPUTY CLERKS, ASIDE FROM THEIR NORMAL DUTIES, MUST MAKE PREPARATIONS ON NOTIFYING JURORS AND DOING OTHER RELATED GRAND JURY DUTIES.

IN THE CIVIL CASES, PROBATE CASES ARE UP BY 115%; JUVENILE SPECIAL PROCEEDINGS ARE UP BY 35%; CIVIL CASES UP BY 27%; SMALL CLAIMS CASES ARE UP BY 52%. THE SUPERIOR COURT FURTHER ANTICIPATES MORE CIVIL CASES TO BE FILED AS A RESULT OF A LAND CLAIMS DISTRIBUTION AND FEDERALLY MANDATED CHILD SUPPORT CASES. THERE WERE, HOWEVER, A FEW DECREASES IN THE NUMBER OF CASES FILED IN 1989, LAND REGISTRATION CASES FELL BY 20%, SPECIAL PROCEEDINGS DOWN BY 9% AND DOMESTIC CASES DOWN 1%.

THE TRAFFIC COURT, UNDER JUDGE JOAQUIN V.E. MANIBUSAN, ASSESSED FINES FOR 1988 AMOUNTING TO MORE THAN \$1,067,095.

IN 1988, 48,997 TRAFFIC CITATIONS WERE FILED AND THE FIRST QUARTER OF 1989, 19,363 WERE FILED.

TURNING NOW TO THE COURT DECISIONS MADE DURING THIS PAST YEAR THAT WILL HAVE AN IMPACT IN OUR LEGAL SYSTEM. IN IN RE: GUAM ASBESTOS LITIGATION, JUDGE PETER SIGUENZA RULED THAT THE SUPERIOR COURT DID NOT HAVE JURISDICTION OVER TWENTY NINE INSURANCE COMPANIES AND TWO ONE TIME ASBESTOS COMPANIES. THIS LEFT SIX INSURANCE CARRIERS AND 14 MANUFACTURERS AS NAMED DEFENDANTS. IN MCALLISTER V. MCALLISTER, AND BURRIS V. BURRIS, JUDGE JANET WEEKS AND JUDGE RAMON DIAZ RESPECTIVELY, RULED THAT PHYSICAL CONTACTS TO THE TERRITORY MUST BE ESTABLISHED BY EITHER SPOUSE BEFORE THE COURT MAY LAWFULLY DISSOLVE A MARRIAGE.

IN PEOPLE V. POTTS, I RULED THAT ALTHOUGH A YOUTH MAY FACE TRIAL IN AN ADULT CRIMINAL PROCEEDING, OTHER PROTECTIVE PROVISIONS OF THE FAMILY COURT ACT, RELATING TO THE TREATMENT OF MINORS, ARE APPLICABLE TO THE DEFENDANT. HOWEVER, I EMPHASIZED THAT THE PROCEDURES OF THE ACT, ONLY APPLY TO CASES BEFORE THE FAMILY COURT DIVISION. THUS, MINORS IN ADULT COURT ARE SUBJECT TO ADULT CRIMINAL PROCEDURE, UNLESS THE ACT SPECIFICALLY STATES OTHERWISE.

IN 1988, THE SIX (6) JUDGES OF THE SUPERIOR COURT OF GUAM WERE ABLE TO HEAR A STAGGERING TOTAL OF 14,599 CASES.

DESPITE THE INCREASE CASEFLOW, THE SUPERIOR COURT HAS BEEN ABLE TO PROVIDE AN EFFICIENT AND EFFECTIVE SERVICE TO THE PEOPLE OF THE TERRITORY. THIS IS DUE TO THE PROFESSIONALISM, DEDICATION, COMMITMENT AND HIGH MORALE OF THE EMPLOYEES OF THE JUDICIARY WHO WORK LONG AND HARD TO ENSURE THAT THERE IS JUSTICE FOR ALL. THE LEGISLATURE RECOGNIZED THE INCREASED COURT WORKLOAD AND PASSED BILL NO. 385 INTRODUCED BY SENATOR CARL T.C. GUITERREZ AND ENACTED INTO PUBLIC LAW 20-3 AUTHORIZING 34 NEW POSITIONS IN THE JUDICIARY TO ALLEVIATE THIS BURDEN.

FURTHER, IT IS COMMENDABLE THAT THE LEGISLATURE ENACTED INTO LAW PUBLIC LAW NO. 19-34, SPONSORED BY ALL MEMBERS OF THE LEGISLATURE, INCREASING JUDICIAL SALARIES. THE JUDICIAL SYSTEM'S NEED FOR ADEQUATE SALARIES IS TO ATTRACT AND RETAIN QUALITY INDIVIDUALS.

ALSO THE PROFESSIONALISM OF THE POSITION REQUIRES EXTENSIVE TRAINING AND EDUCATION, AND THE SYSTEM REQUIRES THAT JUDGES MAKE INCREASINGLY COMPLEX AND DIFFICULT LEGAL DECISIONS THAT WILL HAVE A SIGNIFICANT IMPACT ON OUR LIVES AND OUR COMMUNITY.

RECENTLY THE LEGISLATURE ENACTED LEGISLATION FOR POLICE OFFICERS AND DEPARTMENT OF CORRECTIONS OFFICERS TO RECEIVE HAZARDOUS PAY FOR HANDLING INMATES AND ARRESTEES BECAUSE THESE WERE ASSIGNMENTS WHERE THE IMMINENT USE OF A FIREARM EXISTED

AND EXPOSED SUCH OFFICERS TO HAZARDOUS DUTY. THE MARSHALS OF THE SUPERIOR COURT DAILY HAVE ASSIGNMENTS WHERE INMATES AND ARRESTEES ARE IN THEIR CUSTODY THEREFORE EXPOSING THEM TO HAZARDOUS DUTY. I AM NOW RECOMMENDING TO THE LEGISLATURE TO PASS LEGISLATION SO THAT MARSHALS OF THE SUPERIOR COURT WILL BE ELIGIBLE FOR HAZARDOUS PAY LIKE THEIR COUNTERPARTS AT THE GUAM POLICE DEPARTMENT AND THE DEPARTMENT OF CORRECTIONS.

I WOULD LIKE TO NOW GIVE YOU A PROGRESS REPORT ON THE CONSTRUCTION OF THE JUDICIAL CENTER.

ALTHOUGH AN IMPRESSIVE THREE-STORY BUILDING WITH A BASEMENT STRUCTURE IS BEING CONSTRUCTED, THE JUDICIAL CENTER PROJECT, ADDITIONALLY INCLUDES A MAJOR RENOVATION OF THE EXISTING COURTHOUSE. ALTOGETHER, THE CENTER WILL CONTAIN AN APPROXIMATELY 124,000 GROSS SQUARE FEET OF SPACE.

CONSTRUCTION WAS STARTED ON NOVEMBER 14, 1988. THE FIRST PHASE OF CONSTRUCTION WAS CLEARING THE SITE AND DEMOLITION OF EXISTING STRUCTURES. THE SECOND PHASE INVOLVED THE DRIVING OF CONCRETE PILES WHICH SERVE AS THE STRUCTURAL SUPPORT SYSTEM FOR THE BUILDING. THE PILES ARE NECESSARY, AS THE SITE AREA WAS ORIGINALLY SWAMP LAND. THE PILE DRIVING WAS COMPLETED ON APRIL 29, 1989.

THE EXCAVATION FOR THE BASEMENT AREA BEGAN FOLLOWING COMPLETION OF THE PILES ON THE WESTERN-MOST PORTION OF THE

SITE. SIMULTANEOUSLY, EXCAVATION OF THE CRAWL SPACE ON THE EASTERN-HALF, THE ADMINISTRATIVE BLOCK OFFICE PORTION, IS ON-GOING.

THE CONCRETE FOUNDATION IS SCHEDULED TO BE COMPLETED BY THE END OF MAY, 1989.

COMPLETION DATE OF THE JUDICIAL CENTER IS SCHEDULED FOR JULY 1990. THE CONTRACTOR HANIL DEVELOPMENT CORPORATION IS VERY OPTIMISTIC THAT IT WILL FINISH THE CENTER ON OR BEFORE THIS DATE, BARRING CONDITIONS BEYOND ITS CONTROL.

AND WITH THE NEW JUDICIAL BUILDING, THE COURT WILL ACQUIRE A SOPHISTICATED AND ADVANCED COMPUTERIZED SYSTEM. OUR AUTOMATION COMMITTEE IS BUSY ANALYZING POSSIBLE SYSTEMS AND APPLICATIONS WHICH WILL MAXIMIZE THE COURTS RESOURCES AND FINANCES.

A COMMITTEE OF TEN EMPLOYEES HAVE BEEN OFFICIALLY TASKED TO WORK ON THE COURT AUTOMATION PROJECT WHICH WE HOPE TO IMPLEMENT SHORTLY AFTER WE MOVE INTO OUR NEW JUDICIAL CENTER.

THIS TEAM OF SELECTED EMPLOYEES OF THE COURT - FROM ALL LEVELS IN THE ORGANIZATION - HAVE GONE THROUGH SEVERAL TRAINING AND TECHNICAL ASSISTANCE ACTIVITIES DESIGNED TO PROVIDE THE EXPOSURE NEEDED TO OBTAIN THE PARTICULAR SKILLS REQUIRED TO UNDERTAKE THE MONUMENTAL TASK OF ADDRESSING THE COMPLEX DECISION MAKING PROCESSES INVOLVED IN AUTOMATION OF THE

JUDICIAL SYSTEM.

TO BEGIN THE JOURNEY INTO THE FUTURE OF COURT TECHNOLOGY, THIS PAST YEAR INVOLVED A CONCENTRATED EMPHASIS IN THE INITIAL PHASE - THE NEEDS ASSESSMENT PROCESS.

CURRENTLY UNDER REVIEW, IS A COMPREHENSIVE PROPOSAL FROM THE NATIONAL CENTER FOR STATE COURTS TO PURSUE A FORMAL TRAINING PROGRAM IN "PLANNING, IMPLEMENTING AND MANAGING COURT AUTOMATION PROJECTS," ASSISTANCE IN OBTAINING THE SERVICES FOR A QUALIFIED SYSTEMS ANALYST AND AN ON-SITE REQUIREMENTS REVIEW ON THE VARIOUS FUNCTIONS OF THE COURT.

THIS TECHNICAL ASSISTANCE PACKAGE WILL PREPARE THE COMMITTEE TO PURSUE THE NEXT STEP - DESIGNING THE SOFTWARE AND SELECTING THE HARDWARE PACKAGE.

IT IS ALSO APPROPRIATE TO GIVE SPECIAL RECOGNITION TO THE LEGISLATURE FOR THE CONTINUED SUPPORT PROVIDED IN THE APPROVAL OF FUNDING TO ADDRESS OUR ON-GOING AUTOMATION EFFORTS.

WITH FULL AUTOMATION IMPLEMENTATION, THE COURT CAN EXPECT ONE UNIFIED, COMPREHENSIVE SYSTEM BY WHICH ALL COURT AGENCIES CAN IMMEDIATELY SHARE INFORMATION AND SERVICES. THIS SYSTEM WILL COVER THE SPECTRUM OF THE COURT'S NEEDS, FROM THE CALENDARING AND FILING OF CASES TO THE WRITING OF CHECKS AND COLLECTION OF FINES. WE ALL ANTICIPATE THE INCREASED EFFICIENCY THIS SYSTEM WILL BRING.

THE JUDICIARY ALSO HAS BEEN CONTINUALLY DOING PROJECTS TO IMPROVE THE GUAM JUDICIARY.

THE BOARD OF LAW EXAMINERS IS NOW FULLY INDEPENDENT. THIS YEAR SAW THE HIGHEST APPLICANT RATE EVER AND THE BOARD ACCOMMODATED AND PROCESSED ALL APPLICANTS WITH EASE. ON MAY 1, 1989, LAW DAY, I HAD THE PRIVILEGE OF SWEARING IN SEVEN NEW ATTORNEYS TO THE GUAM BAR ASSOCIATION. THE THEME OF LAW DAY WAS "ACCESS TO THE COURTS" AND LAW DAY ITSELF WAS A GREAT SUCCESS. FOR THE FIRST TIME THE MANOMKO ATTENDED COURT SPONSORED EVENTS AS WELL AS ELEMENTARY AND HIGH SCHOOL STUDENTS AND THE PUBLIC IN GENERAL. THE FINALE OF THE LAW DAY'S EVENTS WAS THE MOCK TRIAL COMPETITION, INSTITUTED BY THE DEPARTMENT OF EDUCATION AND HELD IN CONJUNCTION WITH THE SUPERIOR COURT. I CONGRATULATE ALL OF THE STUDENTS WHO PARTICIPATED IN THIS COMPETITION AND TO THE WINNERS JOHN F. KENNEDY HIGH SCHOOL.

ALSO, THE GUAM BAR ASSOCIATION'S RULES COMMITTEE HAS RECENTLY SENT ITS PROPOSED REVISION OF THE GUAM RULES OF CIVIL PROCEDURE FOR CONSIDERATION BY THE MEMBERS OF THE BAR. THIS PROPOSED REVISION IS THE PRODUCT OF OVER ELEVEN MONTHS OF HARD WORK BY THE COMMITTEE. I THANK THE COMMITTEE FOR ITS DILIGENT EFFORTS.

UPHOLDING THE PHILOSOPHY OF ITS COMMITMENT TO THE TERRITORY, THE COURT, THROUGH ITS ALTERNATIVE SENTENCING OFFICE

HAS EXTENDED ITS SERVICES TO OTHER GOVERNMENT OF GUAM AGENCIES. SPECIFICALLY, THE ALTERNATIVE SENTENCING OFFICE IS ASSISTING THE GUAM POLICE DEPARTMENT AND OTHER DEPARTMENTS IN REHABILITATING EMPLOYEES FROM ALCOHOLISM AND SUBSTANCE ABUSE. HOPEFULLY THESE EMPLOYEES WILL ONCE AGAIN BE PRODUCTIVE IN THEIR WORK PLACE AND HAPPY IN THEIR PERSONAL LIVES.

ALSO THE DIAGNOSTIC TESTING AND SERVICES UNIT (DTSU) IS RESPONSIBLE FOR FAMILIES UNITED AND SONS AND DAUGHTERS WHICH ARE GROUP THERAPY SESSIONS FOR INTER FAMILY SEX OFFENDERS AND THEIR SPOUSES AND VICTIMS OF FAMILY SEX ABUSE. IN 1988 OVER 50 FAMILIES WERE ASSISTED BY THIS PROGRAM. IN ADDITION TO PARENT ABUSE AND OTHER PROBLEMS WITHIN FAMILIES DTSU PLANS TO EXTEND PARENTING SEMINARS TO THE SCHOOLS.

IN OCTOBER 1988, THE COURT WITH THE CONCURRENCE OF THE OFFICE OF THE ATTORNEY GENERAL, THE PRESIDING JUDGE AND JUDGE BENJAMIN CRUZ, FAMILY COURT JUDGE, IMPLEMENTED THE PRE-ADJUDICATION DIVERSION PROGRAM. THIS PROGRAM CRYSTALIZES THE ESSENCE OF OUR FUNDAMENTAL COMMITMENT TO THE PEOPLE OF THE TERRITORY, BY ITS ACTIVE, PREVENTATIVE APPROACH TO CRIME AND YOUTHFUL OFFENDERS.

BY DIVERTING FIRST TIME, NON FELONY JUVENILE OFFENDERS, FROM THE FORMAL COURT SYSTEM, THE PRE-ADJUDICATION DIVERSION PROGRAM PREVENTS THE OFTEN STIGMATIZING AND NEGATIVING

LABELIZATION OF A YOUTH AS A JUVENILE DELINQUENT. INSTEAD UNDER THE PROGRAM, THE YOUTH BYPASSES THE COURT FORUM AND IS PLACED ON A VOLUNTARY INFORMAL PROBATION STATUS AND ASSIGNED TO A PROBATION WORKER WITHIN THE JUVENILE PROBATION SECTION. THE GOALS OF THE PRE-ADJUDICATION DIVERSION PROGRAM IS TO ENCOURAGE AND FACILITATE THE YOUTH'S BEHAVIORAL ORGANIZATION, ATTITUDE AND AMBITION VIS A VIZ A SUPPORTIVE REHABILITATIVE PROCESS WITH LESS EMPHASIS ON THE FORMAL, COSTLY AND OFTEN COERCIVE JUDICIAL APPROACH, THE PROBATION OFFICER IS ABLE TO AFFECT A PRODUCTIVE AND CONFIDENTIAL RELATIONSHIP, BUILT ON TRUST, AND THUS NURTURE A MORE POSITIVE ATTITUDE IN THE YOUTH. AN ATTITUDE WHICH FOSTERS RESPECT AND APPRECIATION TOWARDS THE JUDICIARY.

ASIDE FROM THE BENEFITS OF EARLY INTERVENTION AND PREVENTION, THE COURT ENJOYS THE MINDFUL SAVINGS IN JUDICIAL RESOURCES AND TIME: SINCE IMPLEMENTATION OF THIS PROGRAM TAKES PLACE OUTSIDE THE COURTROOM, THE RESOURCES OF COURT OFFICERS, STAFF, JUDGES AND ATTORNEYS ARE NOT WASTED OR INEFFICIENTLY USED.

WITHIN THE PAST THREE YEARS, APPROXIMATELY 50.15 PERCENT OF AN AVERAGE OVERALL REFERRAL OF 550 CASES TO JUVENILE PROBATION BY WAY OF GUAM POLICE DEPARTMENT, DEPARTMENT OF EDUCATION AND WALK-IN CASES WERE OF A NON-FELONY NATURE. SINCE THE INCEPTION OF THE PRE-ADJUDICATION PROGRAM IN OCTOBER 1988, A TOTAL OF 155

CASES WERE PROPERLY SCREENED FOR PROCESSING INTO THE PROGRAM. OF THESE CASES, 34 WERE FOR THEFT OR THEFT OF PROPERTY, 15 FOR POSSESSION OF MARIJUANA, 18 FOR NO DRIVER'S LICENSE, AND 16 FOR ASSAULT. TO DATE, 128 ARE UNDERGOING THIS PROGRAM OF SUPERVISION. OF THE 128 CASES, 15 HAVE SUCCESSFULLY COMPLETED AND THREE CASES HAD TO BE REPROCESSED AND TAKEN TO COURT FOR VIOLATION OF THEIR CONDITION OF INFORMAL ADJUSTMENT. THE PROGRAM ACCOUNTED FOR THE SUDDEN DECLINE IN JUVENILE DELINQUENT PETITION CASES FROM 138 TO 65 FILED AND RECORDED WITH CLERKS OFFICE OF THE SUPERIOR COURT BY THE ATTORNEY GENERAL'S OFFICE IN 1988 AND WILL SO INDICATE IN THE YEARS TO FOLLOW.

THE FOLLOWING CASE STUDIES IS TYPICAL OF THE TYPES OF CASES WE SEE IN THE JUVENILE SYSTEM. THESE CASES ARE AN ADMIXTURE OF FACTUAL CASES WITH SOME MODIFICATIONS TO PROTECT THE PRIVACY OF THE PEOPLE INVOLVED.

THE FIRST CASE INVOLVES AN EIGHT YEAR OLD CHILD. AT BIRTH, THIS CHILD HAD SIGNIFICANT PHYSICAL PROBLEMS REQUIRING EIGHT DAYS HOSPITALIZATION. THE CHILD HAD MULTIPLE PROBLEMS OF BEDWETTING, BRONCHITIS AND REPEATED HEAD INJURY REQUIRING SUTURES, TWICE ON THE SAME LOCATION OF HIS HEAD, WITHIN A TWO DAY PERIOD.

THE BIOLOGICAL FATHER WAS ABUSIVE AND REMOVED THE CHILDREN

WITHOUT PERMISSION FROM THE MOTHER SO FREQUENTLY THAT THE MOTHER GAVE TEMPORARY CUSTODY TO THE FATHER. AFTER APPROXIMATELY THREE YEARS WITH THE FATHER, THE CHILDREN WERE RETURNED TO THE MOTHER. THE CHILD (IN THIS CASE) WAS NON COMMUNICATIVE EXCEPT FOR VERBAL OBSCENITIES.

THE CHILD'S BEHAVIOR ESCALATED AND EARLIER LAST YEAR WAS REFERRED TO THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE FOR AN EVALUATION. THE REASON FOR REFERRAL WAS THE CHILD HAD STOLEN A CONSTRUCTION VEHICLE AND DAMAGED PERSONAL PROPERTY. IN ADDITION, HE HAD ALSO ATTEMPTED TO HANG HIMSELF. IT'S FRIGHTENING TO THINK THAT THIS BEHAVIOR IS PRESENT IN SUCH A YOUNG CHILD.

FURTHERMORE, THE CHILD HAD TO BE REMANDED TO DEPARTMENT OF YOUTH AFFAIRS (DYA) ON SEVERAL OCCASIONS FOR RUNNING AWAY FROM SCHOOL AND FOR ACTING OUT BEHAVIORS. CHILDREN OF THIS AGE ARE AT HIGH RISK FOR PHYSICAL AND SEXUAL ABUSE WHEN PLACED WITH OLDER STATUS OFFENDERS. IN THIS CASE THE CHILD WAS IN FACT SEXUALLY ABUSED WHILE BEING DETAINED. THIS INDICATES THE NEED FOR AN EXPANSION OF TREATMENT SERVICES FOR CHILDREN WHO HAVE PROBLEMS CONFORMING TO SOCIETAL NORMS.

THE NEXT CASE INVOLVES A 17 YEAR OLD FEMALE. SHE HAD A NORMAL DEVELOPMENT IN THE FIRST FIVE YEARS OF HER LIFE. IT WAS NOTED THAT AT APPROXIMATELY AGE 8 SHE VISITED THE EMERGENCY

ROOM FREQUENTLY REPORTING VARIOUS PHYSICAL COMPLAINTS. THESE VISITS WERE PRECIPITATED BY PHYSICAL AND SEXUAL ABUSE SHE SUSTAINED FROM THE MOTHER'S LIVE-IN BOYFRIEND. SHE WAS LATER INVOLVED IN A MOTOR VEHICLE ACCIDENT WHERE SHE SUSTAINED HEAD INJURY LEADING TO PERMANENT BRAIN DAMAGE AND A LEARNING DISABILITY. SECONDARY TO THE BRAIN DAMAGE, SHE DEVELOPED BEHAVIOR PROBLEMS WHICH REQUIRED MEDICATION. THE MEDICATION HAD MINIMAL EFFECT AND HOSPITALIZATION WAS REQUIRED AT THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE (DMHSA). AFTER SEVERAL HOSPITALIZATIONS, SHE WAS TRANSFERRED TO A RESIDENTIAL TREATMENT FACILITY ON ISLAND AND REMAINED THERE FOR APPROXIMATELY TWO YEARS. HER BEHAVIOR CONTINUED TO BE ERRATIC AND UNCONTROLLABLE PRECIPITATING THE USE OF TEMPORARY PLACEMENT AT DYA TO CONTAIN HER AGGRESSIVE BEHAVIOR. DURING AN EPISODE OF AGGRESSIVE BEHAVIOR, SHE SEVERELY INJURED A STAFF MEMBER AT THE RESIDENTIAL FACILITY. AFTER THIS INCIDENT, SHE COULD NO LONGER BE SAFELY HOUSED AT THE RESIDENTIAL FACILITY.

THIS CASE ILLUSTRATES HOW A CHILD WITHOUT LEGAL CHARGES CAN BE PLACED IN A FACILITY WHICH IS SUPPOSE TO BE USED ONLY FOR ADJUDICATED CASES. THERE ARE OTHER CHILDREN WHO ARE PLACED AT DYA BECAUSE GUAM LACKS THE FACILITY TO TREAT THESE MOST DIFFICULT CASES. I HOPE THESE CASES WILL GIVE YOU A BETTER UNDERSTANDING OF THE EXISTING PROBLEMS WHICH FACE THE JUVENILE

JUSTICE SYSTEM.

HOWEVER THE PRE ADJUDICATION DIVISION PROGRAM AND OTHER SIMILAR PROGRAMS CANNOT OVERNIGHT SOLVE THE PROBLEM OF JUVENILES IN OUR SOCIETY. WE LIVE IN A COMPLEX AND CHANGING SOCIETY - ECONOMIC AND FINANCIAL PRESSURES, CULTURAL AND RACIAL DIFFERENCES, TRYING TO COPE WITH A RAPIDLY CHANGING AND COMPLICATED TECHNOLOGICAL WORLD. MANY OF OUR YOUTH CANNOT SEEM TO ADJUST TO THIS. THUS THE JUVENILE NEEDS TO COMPENSATE FOR PERSONAL FAILURE BY ATTACKING THE STANDARDS BY WHICH HE OR SHE HAS FAILED. ALSO PARENTS TOO OFTEN, INVOLVED IN THEIR CAREERS OR JUST TRYING TO MAKE ENDS MEET, TOO OFTEN FAIL AS THE PRIMARY PROVIDERS AND PROTECTORS OF THEIR CHILDREN AND SOCIETY IS LEFT TO PICK UP THE BURDEN. NO ONE CAN DISAGREE THAT PARENTING IS NO SIMPLE TASK BUT SOCIETY EVENTUALLY MUST COPE WITH THE PROBLEMS OF JUVENILE CRIME SUCH AS SEXUAL ASSAULT, BURGLARY AND USE OF DRUGS.

ALTHOUGH THE GOVERNMENT OF GUAM HAS MADE EVERY EFFORT TO TRY TO COPE WITH MOST JUVENILE PROBLEMS MANY ARE NOT WELL FINANCED AND SEEM TO CONCENTRATE ON ISOLATED TASKS OR SPECIFIC PROBLEMS ASSIGNED TO A SINGLE GOVERNMENT DEPARTMENT OR PROGRAM. THESE SERVICES INCLUDE SOCIAL WORKERS, POLICE, ATTORNEYS AND MEDICAL PERSONNEL OF WHOM THERE IS NEED TO COORDINATE THEIR EFFORTS AND TO WORK TOGETHER IN A MANNER THAT

IS FULLY ACCOUNTABLE TO THE PUBLIC. PROFESSIONALS SHOULD ENSURE THAT SKILLS AND RESOURCES ARE READILY AVAILABLE TO JUVENILES AND THEIR FAMILIES AND THAT THE SYSTEM NOT ONLY REPRESENTS THE COMMUNITY BUT IS PART OF THE COMMUNITY. AS A POSITIVE STEP TO SOLVE THE PROBLEM OF THE JUVENILE IN OUR SOCIETY I WOULD LIKE TO SEEK PASSAGE OF BILL NO. 309 INTRODUCED BY SPEAKER JOE T. SAN AGUSTIN. THIS BILL WILL CREATE AN INTERDEPARTMENTAL CLUSTER FOR SERVICES TO ADOLESCENTS WHICH WILL BEGIN TO ENCOURAGE MORE INTERACTION, COMMUNICATION AND COORDINATION BETWEEN THE VARIOUS AGENCIES AND TO RECOMMEND INNOVATIVE PROGRAMS, AS FAR AS HELPING THOSE YOUTH IN NEED OF EMOTIONAL COUNSELING.

THE LEGISLATURE SHOULD ALSO CONSIDER IN COORDINATION WITH BILL NO. 309 THE ABILITY OF THE GOVERNMENT TO PROVIDE ADEQUATE PHYSICAL FACILITIES TO PROVIDE A BROAD SPECTRUM OF RESIDENTIAL PROGRAMS FOR JUVENILES. BILL NO. 77 AS INTRODUCED BY SENATOR ELIZABETH ARRIOLA AND BILL NO. 403 AS INTRODUCED BY SENATOR TED NELSON APPROPRIATES FUNDS TO CONSTRUCT A BUILDING DESIGNED FOR RESIDENTIAL TREATMENT OF EMOTIONALLY DISTURBED CHILDREN AND MENTALLY RETARDED ADULTS. MY ONLY CONCERN IS THAT THE ADULTS AND CHILDREN BE PLACED IN TWO DIFFERENT BUILDINGS SINCE THEY DEAL WITH DIFFERENT PROBLEMS AND REQUIRE DIFFERENT REHABILITATIVE PROGRAMS.

IN MY LAST ADDRESS TO THE JUDICIARY, I STRONGLY RECOMMENDED TO THE LEGISLATURE TO ADOPT AS ITS LEGISLATIVE POLICY AGENDA THE RIGHTS OF CRIME VICTIMS IN OUR TERRITORY. CRIME AND THE FEAR OF CRIME ARE STILL VERY REAL PARTS OF ALL OUR LIVES. THE FEAR THAT ONE DAY OUR HOUSEHOLD MAY BE BURGLARIZED OR ONE OF OUR FAMILY MEMBERS RAPED, ROBBED OR ASSAULTED BY A STRANGER. THE CHANCES OF BEING A VIOLENT CRIME VICTIM IS GREATER THAN BEING HURT IN A TRAFFIC ACCIDENT. WE AS LEADERS MUST BEGIN TO RETHINK OUR PUBLIC POLICIES ABOUT CRIME VICTIMS. THE IMPORTANCE OF CRIME VICTIMS TO THE CRIMINAL JUSTICE SYSTEM - BOTH AS AGGRIEVED CITIZENS DESERVING OF CONSIDERATION AND JUSTICE AND ASSISTANCE TO HELP VICTIMS DEAL WITH THE IMPACT OF CRIME AND AS IMPORTANT ELEMENTS IN THE PROCESS OF CRIMINAL APPREHENSION AND PROSECUTION HAS BECOME APPARENT. I COMMEND THE LEGISLATURE FOR PASSAGE OF RULES RESOLUTION NO. 37 SPONSORED BY SENATOR PILAR LUJAN DESIGNATING THE WEEK OF APRIL 9-15 1989 AS CRIME VICTIMS WEEK. HOWEVER, ONCE AGAIN I URGE PASSAGE OF SEVERAL PIECES OF SUBSTANTIVE LEGISLATION TO ADDRESS THE RIGHTS OF CRIME VICTIMS.

FIRST IS BILL NO. 242 INTRODUCED BY SENATOR T.S. NELSON AND BILL NO. 275 INTRODUCED BY SENATOR GEORGE BAMBA. BOTH BILLS RE-ESTABLISHES THE CRIMINAL INJURIES COMPENSATION COMMISSION. WHEN THIS COMMISSION EXPIRED PURSUANT TO A SUNSET PROVISION

ABOUT 5 YEARS AGO OVER \$10,000 WAS COLLECTED AND IS STILL BEING HELD TO COMPENSATE ELIGIBLE VICTIMS. HOWEVER THIS MONEY CANNOT BE RELEASED UNTIL THE COMMISSION IS REESTABLISHED. THE LEGISLATURE SHOULD GIVE THESE BILLS HIGH PRIORITY FOR PASSAGE SO CRIME VICTIMS MAY BEGIN TO BE COMPENSATED.

ANOTHER BILL THAT I AM RECOMMENDING IS BILL NO. 321 SPONSORED BY SENATOR PILAR LUJAN. THIS BILL PROVIDES THAT THE CRIME VICTIM BE NOTIFIED WHEN THEIR ASSAILANT IS RELEASED ON COMPLETION OF HIS OR HER JAIL TERM, OR OUT ON PROBATION OR HIS OTHER SENTENCE IS SUSPENDED. HOWEVER WE RECOMMEND THAT THE VICTIM MUST BE NOTIFIED OF HIS OR HER ASSAILANT'S RELEASE AND THAT IT ALSO APPLIES TO PRETRIAL BAIL HEARINGS. ALTHOUGH I COMMEND GOVERNOR JOSEPH F. ADA, FOR THE EXECUTION OF EXECUTIVE ORDER No.88-26 REQUIRING THE NOTIFICATION OF VICTIMS OF RELEASE OF HIS OR HER PERPRETRATOR I STRONGLY BELIEVE THAT THE VICTIM NOTIFICATION REQUIREMENT SHOULD BE A STATUTE.

NOTWITHSTANDING THE NON PASSAGE OF THESE BILLS, THE TERRITORY HAS MADE ADVANCEMENTS IN THE AREA OF VICTIM'S RIGHTS. THE ATTORNEY GENERAL'S OFFICE WAS ABLE TO RECEIVE A \$45,000 GRANT FROM THE FEDERAL GOVERNMENT'S VICTIM ASSISTANCE PROGRAM, TO IMPLEMENT A VICTIM'S ASSISTANCE OFFICE, CALLED VICTIM'S ADVOCATES REACHING OUT OR VARO. WITH THESE FEDERAL MONIES, THIS OFFICE WILL BE ABLE TO HIRE A PROGRAM

COORDINATOR, FUND A TRAINING COURSE FOR 40 CRISES INTERVENTION VOLUNTEERS, AND BEGIN THE ACQUISITION OF A PERMANENT OFFICE AND INTERVIEW ROOM.

UNFORTUNATELY, THOSE FEDERAL FUNDS ARE NOT ENOUGH. TO REALLY REACH THE NEEDS OF OUR TERRITORY, AND TO ADDRESS THE GROWING PROBLEM OF RAPE, CHILD SEXUAL ABUSE, AND VIOLENT CRIME, A FULLY FUNDED AND FULLY STAFFED OFFICE IS NECESSARY. RAPE CRISES, CHILD ABUSE AND VICTIMS OF VIOLENT CRIMES CENTER IS NECESSARY. FURTHER THE CENTER WOULD BE STAFFED BY A FULL TIME, POSSIBLY 24 HOUR ON CALL DOCTOR, WHO IS TRAINED IN THE FORENSICS OF RAPE AND SEXUAL ASSAULT. PRESENTLY, VICTIMS OF RAPE AND SEXUAL ASSAULT MAY FACE A HUMILIATING AND FRUITLESS EXAMINATION, IN AN ATTEMPT TO OBTAIN PHYSICAL EVIDENCE. UNFORTUNATELY, THERE IS ONLY ONE DOCTOR ON ISLAND WHO IS PROPERLY TRAINED TO DO SUCH EXAMINATIONS. YOU CAN IMAGINE THE FRUSTRATIONS WHEN A CASE IS DISMISSED OR LOST DUE TO A FAILURE TO OBTAIN IMPORTANT PHYSICAL EVIDENCE FROM THE VICTIM. IT IS ESTIMATED THE PROPER FORENSIC TRAINING COURSE WOULD COST THE TERRITORY LESS THAN \$5,000.

ALSO PRIVATE CITIZENS WHO HAVE BEEN VICTIMS OF CRIME OR WHO ARE SYMPATHETIC TO CRIME VICTIMS FORMED THEIR OWN ORGANIZATION CALLED COUNSELING ADVOCATES REACHING OUT AND LATER MERGED WITH VARO. EARLY THIS YEAR, 18 MEMBERS SUCCESSFULLY COMPLETED A

TRAINING SEMINAR GIVING ITS HIGHEST PRIORITY TO CRISIS INTERVENTION SUCH AS IMMEDIATE COUNSELING TO CRIME VICTIMS, ADVISING VICTIMS OF THEIR RIGHTS AND HELPING THEM IN OBTAINING SERVICES AND ASSISTANCE FROM APPROPRIATE AGENCIES AND PRIVATE ORGANIZATIONS. I APPLAUD AND COMMEND THESE INDIVIDUALS AND OUR GOVERNMENT LEADERS SHOULD GIVE THEM THEIR FULL SUPPORT.

THE CRIMINAL JUSTICE SYSTEM MUST BE UTILIZED TO NOT ONLY ADMINISTER JUSTICE BUT TO SEEK SOLUTIONS THAT MIGHT HOPEFULLY ALLEVIATE THE HIGH SOCIAL AND FINANCIAL COSTS CRIME PLACES ON OUR COMMUNITY. IN MOST PART IT HAS BEEN PROVEN THAT TRADITIONAL JUVENILE DELINQUENCY PROGRAM EFFORTS HAVE BEEN INEFFECTIVE, A WASTE OF MONEY, VIOLATE THE RIGHTS OF JUVENILES, AND PROVIDE PROGRAMS THAT ARE UNWORKABLE AND UNTENABLE. THE COURT SYSTEM SHOULD SEEK TO PREVENT JUVENILE DELINQUENCY BY INSURING THE DIVERSION PROGRAM IS THE FIRST RESPONSE TO FIRST TIME JUVENILE OFFENDERS HOPEFULLY REHABILITATING THEM AS ASSETS TO OUR COMMUNITY AND AVOIDING THE STIGMA OF BEING A "JUVENILE DELINQUENT." HOWEVER, IN OUR QUEST TO SEEK HELP AND TO INSURE THE RIGHTS OF INDIVIDUALS WHO VIOLATE OUR LAWS WE MUST BE COGNIZANT OF THE FACT THAT WE MUST ALSO TREAT CRIME VICTIMS THE DIGNITY AND RESPECT THEY DESERVE. I THANK THE LEADERS OF THIS COMMUNITY IN THEIR COMMITMENT TO ASSURE THAT THE JUDICIARY'S OPERATIONS AND PROGRAMS ARE INTACT TO TRY TO MEET THESE

OBJECTIVES. ONCE AGAIN, I LOOK FORWARD IN WORKING WITH BOTH THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THE GOVERNMENT TO SEEK SOLUTIONS TO SOLVE OUR MANY PROBLEMS IN OUR CRIMINAL JUSTICE SYTEM.

SI YUUS MAASE, MARAMING SALAMAT PO, THANK YOU.