

**GUAM POLICE DEPARTMENT
IAS CASE NO. 07-093, CONFORMANCE TO LAWS (ASSAULT)
MARBO CAVE CASE**

On October 27, 2007, Mr. BJ Benito filed a criminal complaint of assault with the Guam Police Department, alleging that he was assaulted by three police officers. The Internal Affairs Section launched an investigation as a result of the criminal complaint.

Benito alleges that on October 27, 2007, at about 2:00 a.m., police officers took him from his Mangilao residence after they had completed their investigation regarding a disturbance at his residence. The officers allegedly drove him to three remote areas off of Route 15 in Mangilao and beat him.

Benito had consumed 10 beers prior to being involved in a disturbance with family members at his residence. He sustained foot injuries as a result of kicking chairs during the disturbance.

The three officers stated that they removed Benito from the residence at the request of an elderly female resident. They took Benito to the Mangilao Koban located at the intersection of Route 10 & 15. They dropped him there and gave him instructions not to return to the residence.

Investigators showed Benito an array of photographs of police officers, including the three officers being investigated. Benito was unable to pick out the officers in the photo lineup.

The Chief Medical Examiner reviewed photographs of Benito's injuries. He opined that the injuries were not consistent with Benito's claim of assault, that is, punches and kicks. The medical Examiner further opined that the abrasion injuries are consistent with Benito rubbing his body on a tree, being dragged, or falling and rolling on a rough surface. It appeared that the injuries Mr. Benito sustained were as a result of his previous altercation, prior to police removal, from his residence.

The Criminal Investigations Section conducted the follow-up investigation into the assault case and the case was subsequently referred to the AG's Office for their review and disposition.

The Internal Affairs investigation was completed. The case was sustained on certain police officers with regards to administrative violations of the General Orders of the Guam Police Department. There is **insufficient** evidence to prove assault. Disciplinary actions were issued.