



**OFFICE OF THE GOVERNOR  
AMERICAN SAMOA GOVERNMENT**

**EXECUTIVE ORDER 004 - 2022**

**AN ORDER TO ESTABLISH THE AMERICAN SAMOA CORRECTIONS AGENCY**

**Section 1: Authority**

This executive order is hereby issued in accordance with the powers and authority granted to the Governor by Article IV, Sections 6 and 7 of the Revised Constitution of American Samoa, and the American Samoa Code Annotated, Section 4.0111 (b).

**Section 2: Preamble**

**WHEREAS**, corrections and rehabilitation are specialized functions that are distinct from those typically associated with law enforcement; and

**WHEREAS**, it is imperative for our correctional institutions to maintain a safe and secure environment; and

**WHEREAS**, it is the desire of the American Samoa Government to focus on improving the security of our community by establishing a separate corrections agency.

**NOW THEREFORE, I, LEMANU P. S. MAUGA**, Governor of American Samoa, by virtue of the authority vested in me by the Revised Constitution of American Samoa and the American Samoa Code Annotated, hereby execute this order.

**Section 3: Order**

There is established the American Samoa Corrections Agency (“Corrections Agency”), an independent agency within the Executive Branch of the American Samoa Government. The Corrections Agency is responsible for the safety and security of persons who are lawfully detained or committed to its care.

The Governor shall appoint a Warden who is responsible to oversee all operations of the Corrections Agency. The appointment shall be made without confirmation, and the Warden shall serve at the pleasure of the Governor.

#### **Section 4: Duties and Powers of the Warden**

The Warden shall

- (a) Assume responsibility for all inmates and juvenile detainees who are currently committed to the Department of Public Safety;
- (b) Assume all responsibilities that were assigned to the Warden of the Corrections Bureau of the Department of Public Safety;
- (c) Oversee the operations of the Tafuna Correctional Facility, the Juvenile Detention Center, and any other location where inmates are confined (for those inmates who are assigned to the Behavioral Health Unit, Warden shall have joint responsibility for security with the American Samoa Medical Center);
- (d) Maintain safe and secure facilities for the confinement of those who are committed to the Corrections Agency;
- (e) Ensure that persons committed to the Corrections Agency receive adequate food, shelter, and medical care;
- (f) Establish and enforce written standards to ensure compliance with the Prison Rape Elimination Act of 42 U.S.C. § 30301 *et seq.*;
- (g) Cooperate with rehabilitative efforts of the American Samoa Government including the Comprehensive Substance Abuse Council established in Executive Order 003-2022;
- (h) Admit all prisoners who are lawfully arrested by any officer who has the power of arrest unless that prisoner requires emergency medical treatment;
- (i) Transport inmates to hearings at any time and place required by any court of American Samoa; and
- (j) Hold any person who is sentenced to confinement for the duration of their lawful confinement.

#### **Section 5: Budget and Accounting**

A separate budget and account shall be established for the Corrections Agency. All funds, personnel, and property that were assigned to the Corrections Bureau of the Department of Public Safety shall be transferred to the Corrections Agency.

#### **Section 6: Cooperation**

All public safety agencies are expected to cooperate in carrying out the intent of this order.

#### **Section 7: Power of Arrest**

At the request of the Warden, the Commissioner of Public Safety shall commission officers of the Corrections Agency as deputy law enforcement officers pursuant to A.S.C.A. § 46.0201. The

deputization may be limited to enforcement of laws related to escape, obstructing government operations, and crimes occurring on property overseen by the Corrections. No person shall be commissioned under this section unless they are the graduate of a police academy that was approved by the Commissioner of Public Safety.

**Section 8: Effective Date**

This order shall take effect on July 1, 2022, but preparations for the establishment of the Corrections Agency shall begin immediately. The order will remain in effect until the Department of Corrections is established by legislation.

Date: June 15, 2022



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LEMANU P. S. MAUGA  
Governor of American Samoa