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Attorney General



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## OFFICE OF THE ATTORNEY GENERAL

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### An Open Letter from the Attorney General

The year 2007 involved many challenges and accomplishments.

The Office of the Attorney General has chosen the approach this year of communicating its progress to the people of Guam through this open letter – **2007 Annual Report**. Our 2007 Annual Report will outline those challenges and successes.

Why this format? Why an “Open Letter from the Attorney General?” Two reasons: (1) The cost is much lower and (2) the ability to communicate to a larger number of people. As you have seen, this letter is being posted on the Office’s website rather than being printed. By not printing, the Office is saving thousands of dollars (money that is better used, for example, toward a salary for a prosecutor). By posting this report on our website, we are more accessible and able to reach more people interested in the Office of the Attorney General than if we had produced a limited number of printed material.

#### Rebuilding the Office of the Attorney General

In January 2007, the new leadership team quickly realized that the Office of the Attorney General needed to reorganize and re-establish working relationships with other law enforcement entities, social service providers, and non-profit organizations.

In the **Prosecution Division**, Chief Prosecutor Phillip J. Tydingco reorganized the Division in order to be more effective and efficient in the prosecution of the more than 12,000 open cases currently in that Division. Functional teams and units were created:



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Family Violence and Sex Crimes; Property Crimes; Drugs and Firearms; White Collar / Public Integrity Crimes; Misdemeanors / General Felonies; Major Crimes; and Motions / Appeals. Also, the “On-Call Prosecutor” – a prosecutor assigned and available to the Guam Police Department and other law enforcement agencies to assist with legal questions twenty-four hours a day, seven days a week – was established. These steps have assisted the Prosecution Division in its case load management and has improved upon the working relationship of the law enforcement agencies.

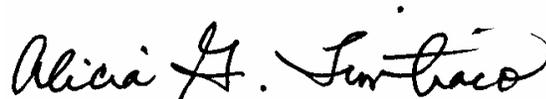
Another re-organization that is significant is the re-establishment of the **Family Division**. The Family Division was once a separate division within the Office but was later consolidated within the Prosecution Division. Given the nature of juvenile special proceedings, juvenile delinquency, and other Family Court matters, and the delicate issues of confidentiality of juvenile adjudications, the Family Division was re-established as separate division led by Deputy Attorney General Carol Hinkle-Sanchez.

The **Civil Litigation and Solicitor Division**, led by Deputy Attorney General J. Patrick Mason, handles civil actions in which the government is an interested party. This includes bringing actions on behalf of the government and defending actions brought against the government in the courts of Guam and the courts of the United States. The Office is also tasked with bringing actions on its own behalf when necessary to ensure compliance by government agencies, government officials, and private parties with the regulatory laws of Guam; and on behalf of the people of Guam in matters regarding protection of the public interest.

The **Child Support Enforcement Division (CSED)**, led by Deputy Attorney General Barbara P. Cepeda, works with the parents to ensure that children receive the financial support they deserve. Receiving and initiating almost 1,200 telephone phone calls each day, the mission of the CSED is clear: to provide a public service to locate non-custodial parents; establish paternity; establish and enforce child and medical support orders; review and modify child support orders; recover welfare benefits paid on behalf of the children; and collect and timely distribute support payments. The Division had many successes in 2007 including an increase in child support collections from intercepted federal and local tax refunds and through the Passport Denial Program, and the completion and transmission to the Guam Legislature of the revised Child Support Guidelines.

Thank you for your interest in the progress of the Office of the Attorney General by downloading and reviewing this report.

**Chief Prosecutor Phillip J. Tydingco reorganized the Division in order to be more effective and efficient in the prosecution of the more than 12,000 open cases currently in that Division.**



ALICIA GARRIDO LIMTIACO  
Attorney General of Guam

# Prosecution Division:

## *professionally prosecuting the guilty*

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The elected Attorney General of Guam is the public prosecutor who oversees all matters pertaining to the prosecution of crimes, including the prosecution of public officials in Guam.

The Prosecution Division within the Office of the Attorney General is responsible for prosecuting in the Superior Court of Guam all adult felony, misdemeanor, and traffic offenses referred by law enforcement authorities, including white collar / public integrity crimes, and government corruption. The Division is also responsible for conducting independent investigations through its Criminal Investigators Unit. In addition, the Prosecution Division litigates all criminal appellate court cases before the Supreme Court of Guam. Within the Division is also the Victim Witness Ayuda Services (VWAS) Unit which plays a vital role in the prosecution of cases by providing support services to victims and witnesses of crimes in accordance with the Crime Victim's Rights Act.

The Prosecution Division represents "the People of Guam" in criminal matters. It prosecutes violations of Guam criminal laws through trial and appeal as well as conducts grand jury proceedings and criminal investigations. The Prosecution Division has a very important role in ensuring that justice is served by:

- a) advocating and supporting aggressive and successful prosecution based on evidence obtained from thorough and complete investigations, and on sound case development to ensure justice is served for all of the people of Guam;
- b) re-establishing and increasing cooperative working relationships with local and federal law enforcement agencies and social service agencies to achieve successful prosecution and address the needs of victims and their families;



**Phillip J. Tydingco**  
**Chief Prosecutor**  
**Prosecution Division**

***The Prosecution Division is responsible for prosecuting in the Superior Court of Guam all adult felony, misdemeanor, and traffic offenses referred by law enforcement authorities, including white collar / public integrity crimes, and government corruption. The Division is also responsible for conducting independent investigations through its Criminal Investigators Unit.***

- c) promoting and ensuring compliance with the Crime Victim’s Rights Act and maintaining plea agreement policies which facilitate consistency, equality, and justice;
- d) recruiting and retaining experienced prosecutors, as well as criminal investigators and sufficient legal support staff (i.e., legal secretaries, paralegals, legal file clerks, and process servers) to increase prosecution efficiency while maintaining quality in the management of increasing caseloads;
- e) ensuring adequate availability of training and information for staff to develop and increase their skills and knowledge of the latest programs, practices, and procedures leading to the successful prosecution and/or resolution of criminal cases and issues; and
- f) developing and implementing the automation of case records for case tracking as well as improving our automation abilities to network with other local and federal law enforcement agencies on- and off-island.

**A new direction**

In order to be more effective and efficient in the prosecution of criminal cases, including the more than 12,000 open cases, the Prosecution Division has re-established functional prosecution teams/units: Family Violence and Sex Crimes, Property Crimes, Drugs and Firearms, White Collar/Public Integrity Crimes, Misdemeanors/General Felonies, Major Crimes, and Motions/Appeals.

The Prosecution Division re-instituted the “On-Call Prosecutor” system. Senior prosecutors are scheduled to be available after normal working hours and on weekends or holidays for consultation by all local law enforcement departments and their officers. The “On-Call Prosecutor” system has also been extended to federal and military law enforcement authorities.

***In order to be more effective and efficient in the prosecution of criminal cases, including the more than 12,000 open cases, the Prosecution Division has re-established functional prosecution teams/units: Family Violence and Sex Crimes, Property Crimes, Drugs and Firearms, White Collar / Public Integrity Crimes, Misdemeanors/General Felonies, Major Crimes, and Motions/Appeals.***

Attorney General Limtiaco and the Prosecution Division have also re-established cooperative working relationships and networks with both local, federal, and military law enforcement authorities. Examples of this have included attendance and participation at the monthly Law Enforcement Coordinating Committee meetings held at the office of the United States Attorney; participation in several meetings throughout the year with the Judge Advocate Generals or military legal officers to address issues of concern for them and our Office; and attendance and participation with the newly re-enacted Peace Officers Standards Training Commission which is chaired by the Chief Prosecutor.

### **Large caseload. Dedicated staff.**

The ideal staffing of attorneys for the Prosecution Division given its significant caseload should be no less than 20 attorneys. Indeed, the Prosecution Division during most of the 1990s operated with a greater number of attorneys, between 20 and 25 prosecutors. At the start and end of 2007, there were 14 attorneys assigned to the Prosecution Division. Given the large caseload of the Division, the Office of the Attorney General is actively recruiting prosecutors.

Most of the prosecutors carry average caseloads in excess of 500 cases since the vast majority of cases will not be resolved within a year of the filing. Further, the lack of sufficient legal support staff to assist the current number of prosecutors has only compounded the aforementioned problem. These circumstances not only seriously impede the Prosecution Division's ability to charge out cases before the statute of limitations runs and to prepare criminal cases for vigorous prosecution, but ultimately cause alarm to victims of crimes and other members of our community insofar as maintaining their faith and confidence in our criminal justice system. Nonetheless, and despite attorney and legal support staff shortages, the Prosecution Division under Attorney General Limtiaco continues to meet its obligations to seek justice and protect the community.



### **Basil O'Mallen Family Violence & Sex Crimes Unit**

*Basil O'Mallen has been with the Office of the Attorney General for six years. Originally in private practice, Basil applied for a position in the Prosecution Division, but upon arriving at the Office, he was needed in the Civil Division.*

*Basil was the chief of the Civil Division for two and a half years, then moved to prosecution.*

*When he was offered the position as lead prosecutor for the Family Violence and Sex Crimes Unit, he accepted the challenge.*

*"I was honored to be chosen," he said. "And have the AG's confidence in my ability. The work we do in this unit is very rewarding."*

*Basil feels his work in the Office of the Attorney General comes from an obligation to serve the community. His nine brothers and sisters are all involved in community service in some way.*

*He is a single parent of four children. As Basil puts it, "I'll be an empty nester in a year."*

The total number of open cases (i.e., misdemeanors and felonies which are pending trials, plea agreements, or other dispositions or pending review for charging) carried by the Prosecution Division at the end of **2007 was 12,787.**

### Referrals of Cases/Complaints

Cases received from law enforcement agencies / others	<b>2007</b>	<b>3,069</b>	2006	3,362
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Although there appears to be a decline in the overall number of criminal cases/complaints referred by law enforcement to the Prosecution Division, the numbers remain high and more criminal cases were filed in the Superior Court of Guam in 2007 as compared to the previous year of 2006 as seen below.

### Cases Charged / Filed

Misdemeanor cases charged / filed in Superior Court	<b>2007</b>	<b>1,084</b>	2006	1,040
Felony cases charged / filed in Superior Court	<b>2007</b>	<b>618</b>	2006	564
<b>Total</b>	<b>2007</b>	<b>1,702</b>	2006	1,604

### Filed Convictions

Misdemeanor convictions filed in Superior Court	<b>2007</b>	<b>756</b>	2006	634
Felony convictions filed in Superior Court	<b>2007</b>	<b>380</b>	2006	278

## Significant sections of the criminal caseload

### *Driving While Under the Influence (DUI / DWI)*

Misdemeanor cases received from GPD	<b>2007</b>	<b>616</b>	2006	894
Felony cases received from GPD	<b>2007</b>	<b>50</b>	2006	43
Misdemeanor cases charged / filed in Superior Court	<b>2007</b>	<b>349</b>	2006	427
Felony cases charged / filed in Superior Court	<b>2007</b>	<b>32</b>	2006	28
Misdemeanor convictions filed in Superior Court	<b>2007</b>	<b>234</b>	2006	286
Felony convictions filed in Superior Court	<b>2007</b>	<b>32</b>	2006	17

### *Family Violence*

Misdemeanor cases received from GPD	<b>2007</b>	<b>522</b>	2006	499
Felony cases received from GPD	<b>2007</b>	<b>118</b>	2006	109
Misdemeanor cases charged / filed in Superior Court	<b>2007</b>	<b>366</b>	2006	342
Felony cases charged / filed in Superior Court	<b>2007</b>	<b>77</b>	2006	79
Misdemeanor convictions filed in Superior Court	<b>2007</b>	<b>258</b>	2006	155
Felony convictions filed in Superior Court	<b>2007</b>	<b>49</b>	2006	92

### ***Criminal Sexual Conduct (CSC)***

<b>Misdemeanor</b> cases received from GPD	<b>2007</b>	<b>22</b>	2006	27
<b>Felony</b> cases received from GPD	<b>2007</b>	<b>123</b>	2006	126
<b>Misdemeanor</b> cases charged / filed in Superior Court	<b>2007</b>	<b>13</b>	2006	16
<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>95</b>	2006	90
<b>Misdemeanor</b> convictions filed in Superior Court	<b>2007</b>	<b>5</b>	2006	4
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>51</b>	2006	36

### ***Child Abuse***

<b>Misdemeanor</b> cases received from GPD	<b>2007</b>	<b>20</b>	2006	14
<b>Felony</b> cases received from GPD	<b>2007</b>	<b>29</b>	2006	29
<b>Misdemeanor</b> cases charged / filed in Superior Court	<b>2007</b>	<b>13</b>	2006	3
<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>22</b>	2006	9
<b>Misdemeanor</b> convictions filed in Superior Court	<b>2007</b>	<b>4</b>	2006	1
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>5</b>	2006	4

### ***Drugs***

<b>Misdemeanor</b> cases received from GPD	<b>2007</b>	<b>24</b>	2006	52
<b>Felony</b> cases received from GPD	<b>2007</b>	<b>153</b>	2006	194
<b>Misdemeanor</b> cases charged / filed in Superior Court	<b>2007</b>	<b>11</b>	2006	7
<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>149</b>	2006	123
<b>Misdemeanor</b> convictions filed in Superior Court	<b>2007</b>	<b>5</b>	2006	3
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>81</b>	2006	62

### ***Firearms / Weapons Violation Cases***

<b>Misdemeanor</b> cases received from GPD	<b>2007</b>	<b>15</b>	2006	2
<b>Felony</b> cases received from GPD	<b>2007</b>	<b>23</b>	2006	27
<b>Misdemeanor</b> cases charged / filed in Superior Court	<b>2007</b>	<b>3</b>	2006	1
<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>15</b>	2006	20
<b>Misdemeanor</b> convictions filed in Superior Court	<b>2007</b>	<b>2</b>	2006	1
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>11</b>	2006	8

### ***Property Crimes (Theft / Fraud, etc.) Cases***

<b>Misdemeanor</b> cases received from GPD	<b>2007</b>	<b>168</b>	2006	158
<b>Felony</b> cases received from GPD	<b>2007</b>	<b>208</b>	2006	285
<b>Misdemeanor</b> cases charged / filed in Superior Court	<b>2007</b>	<b>26</b>	2006	43

<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>109</b>	2006	108
<b>Misdemeanor</b> convictions filed in Superior Court	<b>2007</b>	<b>30</b>	2006	35
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>59</b>	2006	40

### ***Burglary***

<b>Felony</b> cases received from GPD	<b>2007</b>	<b>93</b>	2006	24
<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>57</b>	2006	56
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>44</b>	2006	26

### ***Aggravated Assault***

<b>Felony</b> cases received from GPD	<b>2007</b>	<b>109</b>	2006	90
<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>62</b>	2006	39
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>28</b>	2006	23

### ***Robbery***

<b>Felony</b> cases received from GPD	<b>2007</b>	<b>35</b>	2006	24
<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>29</b>	2006	56
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>14</b>	2006	26

### ***Homicide (includes murder, attempted murder, manslaughter, vehicular, negligent)***

<b>Felony</b> cases received from GPD	<b>2007</b>	<b>13</b>	2006	26
<b>Felony</b> cases charged / filed in Superior Court	<b>2007</b>	<b>13</b>	2006	26
<b>Felony</b> convictions filed in Superior Court	<b>2007</b>	<b>9</b>	2006	10

## **White Collar / Public Integrity Statistics for 2007**

	<b>Charged</b>	<b>Convictions</b>
Theft	<b>12</b>	<b>6</b>
Theft of theft of property held in trust	<b>6</b>	-
Conspiracy to commit theft	<b>2</b>	-
Theft by deception	<b>6</b>	-
Tampering with public records	<b>3</b>	-
Official misconduct	<b>7</b>	<b>1</b>
Conspiracy to commit theft by deception	<b>1</b>	-
Forgery	<b>5</b>	-
Tampering with records to deceive or conceal	<b>1</b>	-

Theft of property lost or mislaid	1	-
Making false report	1	-
Unsworn falsification	2	1
Theft of automobile	1	-
Attempted theft	1	-
Identify theft	1	-
Attempted theft of property	1	-
Damaging government utility equipment	1	-
Stealing government utility equipment	1	-
Theft by receiving	1	-
Special allegation: Crime against the community	1	-
Use of information for private gain	1	-
Theft of utilities	4	-
Trafficking of counterfeit goods	1	-
Improper influence over a notary	-	1
Monetary theft	-	2

### **Victim Witness Ayuda Services**

It is the mission of the Victim Witness Ayuda Services (VWAS) to help crime victims restore their sense of dignity, self-esteem, and coping mechanisms while pursuing criminal charges against the perpetrators.

As a victim of a crime, a person may be experiencing feelings of fear, helplessness, anger, and confusion. Anxieties and frustration may also occur because of slow judicial process or lack of information regarding the case or suspect's status.

VWAS assists victims through the provision of the following services:

- Provide information and referral;
- Provide emotional support;
- Provide court accompaniment;
- Refer victims to counseling, if necessary;
- Provide transportation for victims, if necessary, to court or appointments related to their cases;
- Assist in filing claims with the Criminal Injuries Compensation Commission;
- Provide childcare while victims are in court or meeting with prosecutors;
- Notify victims regarding trial dates, case related information, and case dispositions;
- Restitution advocacy; and
- Assist victims in their requests for parole notification.

The **Crime Victims Rights Act** can be found in Title 8 of the Guam Code Annotated Chapter 160.

The Victim Witness Ayuda Services follows the Crime Victims Rights Act in order to guide victims through the judicial process.

Victims and/or surviving immediate family members shall have the following rights:

- (a) To be immediately informed by the Office of the Attorney General of the final disposition of the case. If the crime charged is a felony, the victim or a surviving immediate family member shall be notified of major developments in the case, whenever appropriate, in order to avoid jeopardizing an investigation. The victim or surviving immediate family member shall be immediately notified whenever the defendant or perpetrator is released from custody. The victim or the surviving immediate family member shall also be consulted and advised about plea-bargaining.
- (b) To be notified by the prosecuting attorney if a court proceeding to which they have been subpoenaed will not proceed as scheduled in a timely manner.
- (c) To receive protection from threats or harm in accordance with local witness and victim protection program guidelines.
- (d) To be promptly informed by the victim witness counselor and the probation officer when the defendant has violated a criminal restraining order, a court-imposed stay-away order, terms or condition of release, terms of probation, or terms of a plea agreement.
- (e) To be informed by the police, victim witness, or other criminal justice personnel of financial assistance and other social services available as a result of being a victim of crime, including information on how to apply for the assistance and services.
- (f) The court shall provide a waiting area for the victim separate from the defendant, defendant's relatives, and defense witnesses if such an area is available and the use of the area is practical. If a separate waiting area is not available or practical, the court shall provide other safeguards to minimize the victim's contact with defendant, defendant's relatives, and defense witnesses during court proceedings.
- (g) To have any stolen property or other personal property expeditiously returned by law enforcement agencies when such property is no longer needed for evidence, and the court or the Attorney General has approved its release. If feasible, all such property, except weapons; currency; contraband; property subject to evidentiary analysis; and property, the ownership of which is disputed, shall be returned to the person within ten (10) days of being taken, and the court or Attorney General has approved its release.



**Joe Bamba**  
**Victims Witness Ayuda**  
**Services**

*Joe Bamba became the Victims Witness Ayuda Services supervisor for the Office a year ago. He previously held the position of Victim Assistance Unit Supervisor at the Guam Police Department.*

*Joe spent his 23 year career in the Navy as a cryptologic technician (the encoding and decoding of communications) and Master at Arms with the Navy Police.*

*He also held many positions assisting victims in the Navy. During the 1980s, Joe was a counselor in the Navy Alcohol and Substance Abuse Prevention program.*

*While working there, he saw that victims had very little rights. "I saw something wrong with the system."*

*From then forward, Joe has been involved with assisting victims in programs such as the Navy Family Advocacy Program and when he joined the Guam Police Department as its Victims Advocate.*

(h) To be informed as provided in this Chapter of escapes and changes planned in the custodial status of the offender that allow or result in the release of the offender into the community, including furlough, work release, placement on supervised release, release on parole, and final discharge at the end of a prison term; and to be informed by the Office of the Attorney General of changes in the custodial status of the offender as a result of release on bail bond, or release on appeal bond.

(i) To be informed by the Parole Board through the Department of Correction's Parole Services Division when the offender is seeking early release and/or parole, and to be afforded a right to submit letters, and to appear and testify at a release hearing subject to the provisions of § 160.92 herein.

(j) To be promptly informed by the Department of Correction's Parole Services Division when the offender has violated that person's parole subject to the provisions of § 160.92 herein.

(k) In cases charged and pled to as a felony, to be informed by the prosecutor, by telephone, facsimile or mail, of all trials, changes of pleas, sentencing and other major developments at least three (3) working days in advance.

(l) To testify as to the actions of the defendant and their effect upon the victim and the victim's family, to be represented by retained counsel, and to call witnesses at sentencing, reduction of sentence or parole hearing, subject to relevance; and at the discretion of the court, to testify at any change of plea or hearing to consider acceptance of a plea agreement.

(m) To be notified by *I Maga'lahaen Guãhan* upon submission of request relative to the pardon of the defendant or the perpetrator, subject to the provisions of § 160.92 herein.

(n) Upon written request, witnesses of crime shall be provided the same protections afforded in this Section.

(o) The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.

(p) The Office of the Attorney General shall provide post conviction information to victim's, to include information concerning availability social services, counseling programs, and financial assistance programs.

(q) The Office of the Attorney General is to provide a special hotline for victims to assist them in obtaining notification and information before and after conviction.

***It is the mission of  
the Victim Witness  
Ayuda Services (VWAS)  
to help crime victims  
restore their sense of  
dignity, self-esteem,  
and coping  
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pursuing criminal  
charges against the  
perpetrators.***

# Civil Litigation and Solicitor Division

## Civil Litigation Division: Protecting the public interest

The Civil Litigation Division of the Office of the Attorney General handles civil actions in which the government is an interested party. This includes bringing actions on behalf of the government and defending actions brought against the government in both the trial and appellate courts of Guam and the courts of the United States. The Attorney General is also tasked with bringing actions on her own behalf when necessary to ensure compliance by government agencies, government officials, and private parties with the regulatory laws of Guam, and on behalf of the people of Guam in matters regarding protection of the public interest.

Some of the types of cases handled by the Civil Litigation Division include land condemnation, land registration, zoning and easement disputes, wrongful death, personal injury, government employee discipline and grievance, wage and hour disputes, maritime law, contract disputes, procurement, civil forfeitures, consumer complaints, involuntary commitments, environmental protection, cases to determine the extent of government authority and the legality of government action, and cases resolving the interpretation, constitutionality, and organicity of laws.

A few of the major Civil Litigation Division cases in 2007 included:

***United States of America v. Government of Guam.*** This is a case filed in the United States District Court of Guam by the United States under the federal Clean Water Act. It involves a Consent Decree for the closure of Guam's Ordot Dump and the opening of a new landfill. The government is moving forward to meet milestones set by the Court to accomplish the goals of the Consent Decree.

***Limtiaco v. Camacho.*** This United States Supreme Court case involved a determination of the debt ceiling limitation in Guam's Organic Act. The Organic Act prohibits public indebtedness in excess of 10% of the "aggregate tax valuation of the property in Guam." The Court held that the general borrowing limit of 10% is applied to the assessed value of Guam property, rather than its market value.



**J. Patrick Mason  
Deputy Attorney General  
Civil Litigation and Solicitor Division**

***The Attorney General is also tasked with bringing actions on her own behalf when necessary to ensure compliance by government agencies, government officials, and private parties with the regulatory laws of Guam, and on behalf of the people of Guam in matters regarding protection of the public interest.***

Therefore, the Guam Legislature has the authority to raise the current debt ceiling by raising the assessed value of property.

***Rios v. Camacho.*** This case involved annual cost of living allowances due certain government of Guam retirees. The Superior Court of Guam ordered the government to make payments to the retirees totaling \$123,580,000.00. Since the judgment was entered, the Attorney General has assisted with the interpretation and implementation of a number of Legislative enactments to allow payment of the judgment from various funding sources.

***Port Authority of Guam v. Muron Shipping and Freighting Co., et al.*** In this case, the Guam Port Authority provided safe haven to a shipping vessel during a typhoon. As a result, the Port Authority's pier was damaged. The Port was able to recover damages for the repair of its pier.

***Attorney General and the Director of the Guam Department of Labor v. The Guam Public School System.*** The Attorney General brought an action under the wage and hour laws to ensure that the Guam Public School System and other agencies pay government employees all the wages and benefits they are due without delaying payments of an employee's payroll deductions for such things as retirement contributions, mortgage payments, and savings deposits.

**Tobacco Enforcement:** Guam received \$40 million through the Tobacco Master Settlement Agreement (MSA). In return, local tobacco distributors and their manufactures who are not parties to the MSA must register with the Office of the Attorney General to ensure that escrow accounts are set up for tobacco sold on Guam. The Office's Consumer Protection Unit enforces the MSA.

**Gambling:** The Attorney General has assembled a task force of the Attorney General, the Chief of Police, the Director of the Department of Revenue & Taxation, and the Director of the Customs and Quarantine Agency, and their department representatives, to review and enforce Guam's gambling laws.

**Civil Litigation Division cases for 2007**

Bankruptcy	6
Civil Commitment	16
Civil Forfeiture	37
Civil Service Commission	25
Contract Collection	18
Environmental Protection	2
Labor Matters	27
Government Authority	58
Judicial Review	1
Land	8
Tax	7
Tobacco	6
Torts	80
Trade Practices	161
<b>TOTAL</b>	<b>452</b>

***The Deceptive Trade Practice Act, commonly known as the Consumer Protection Act ... empowers the Consumer Protection Unit of the Office of the Attorney General to enforce the laws against false, misleading, and deceptive practices by businesses both locally and off-island.***

## Consumer Protection Unit

The Deceptive Trade Practice Act, commonly known as the Consumer Protection Act, can be found in Title 5 of the Guam Code Annotated Chapter 32. This Act empowers the Consumer Protection Unit to enforce the laws against false, misleading, and deceptive practices by businesses both local and off-island. The enforcement powers against false, misleading, and trade deceptive practices include areas such as telemarketing fraud, unlicensed businesses, auto repairs, and misleading advertisements, to name a few. In enforcing the Deceptive Trade Practice Act, the Consumer Protection Unit provides the following services:

- Mediate complaints between the consumer and business;
- Bring civil actions against companies who are engaging in deceptive practices;
- Conduct consumer education in schools, private organizations, and military installations;
- Monitor telemarketing activities ensuring that all telemarketers, especially those from off-island register with the office before contacting any Guam consumers;
- Monitor promotional print ads for compliance;
- Monitor industry practices;
- Issue consumer alerts on scams as well as other consumer advisories of public interest;
- Review and clear all Independent Sales Agent business license applications before conducting door-to-door sales; and
- Monitor all promotional print ads for compliance with Title 9 of the Guam Code Annotated Section 64.70(f)(2) and Title 5 of the Guam Code Annotated Section 32201(b)(29).

The Consumer Protection Unit, in collaboration with the *Pacific Daily News*, started a weekly series of consumer articles to educate consumers on issues affecting Guam. Subjects of the weekly articles that have been printed in 2007 included automobile purchases, credit cards, credit reports, holiday charity scams, holiday on-line shopping tips, telemarketing fraud, senior citizens and Medicare fraud, senior citizens and health fraud, towing, and travel/vacation scams.

## National Association of Attorneys General sign-on letters

As a member of the National Association of Attorneys General (NAAG), the Office of the Attorney General has joined other state



### **Bernie Alvarez Consumer Advocate**

*Bernie Alvarez, consumer advocate, has been with the Office for 27 years. Her love for civil law has made her a permanent fixture in the Civil Litigation Division.*

*Bernie started with the Office in 1980 as the secretary to then Attorney General Kenneth North and continued in that capacity through three succeeding Attorneys General – Jack Avery, Richard Opper, and the Honorable Elizabeth Barrett-Anderson, Judge of the Superior Court of Guam.*

*She subsequently accepted the position as administrative supervisor for the Civil Litigation, Solicitor, Child Support, and Compiler of Laws Divisions overseeing the support staff in each Division before she found her niche in Consumer Protection work in 1992.*

*After all this time, Bernie can retire but has no desire to do so.*

*“Why retire when the Office and the work still perks my interest? I still look forward to going to work each day.”*

Attorneys General in initiatives focused on strengthening legislation dealing with consumer protection issues.

The Guam Attorney General participated with other states in the following matters:

**Beam Global Spirits & Wine, Inc.** This involved a letter to Beam Global Spirits & Wine, Inc. commending it for its voluntary measures to reduce exposure of its advertising to persons under the age of 21. Beam has agreed to adopt marketing and promotion policies that will implement a 25% youth audience standard for each advertising placement in broadcast television, cable television, radio, and print, instead of the current industry 30% standard.

**Secretary, Department of Defense.** The Department of Defense previously did not certify former reservists who resigned from active drill status as being eligible to utilize their remaining educational benefits despite the fact that federal law allows such benefits, provided the reservists have been called to active duty. The sign-on letter encouraged federal legislation to allow receipt by reservists of such educational benefits.

**Model Privacy Notice.** The Model-Privacy Notice are the notices that financial institutions must provide to consumers under the Gramm-Leach-Bliley Act. The sign-on letter to the Federal Trade Commission commends the Regulatory Agencies for their proposed Model Privacy Notice form. The letter supported the Regulatory Agencies' position that financial institutions should not vary the content and format of the notices and should exclude any other information, especially marketing information.

**Endorsement and Testimonials.** This involved a comment from NAAG members to the Federal Trade Commission (FTC) on the continuing need for FTC guides setting out FTC standards on the use of endorsements in advertising provided, allowing states to enact their own more protective measures.

**Home Equity Lending Market.** This involved a letter to the Federal Reserve Board submitting comments on the following: 1) requiring lenders to ensure the borrower has an ability to repay the loan; 2) restricting the use of stated income loans; 3) prohibiting prepayment penalties on sub-prime loans; and 4) requiring escrow accounts for taxes and insurance on all sub-prime loans.

**Alcoholic Energy Drinks.** This involved a letter to the Alcohol and Tobacco Tax and Trade Bureau asking it to exercise its enforcement authority to: 1) prevent alcoholic beverage manufacturers from making misleading health-related statements in the marketing of alcoholic beverages that contain caffeine and other stimulants; and 2) investigate the formulation of alcoholic energy drinks and other flavored malt beverages to determine whether manufacturers have classified those products properly under federal law.

**Cigarette Trafficking.** This involved a letter to all members of the United States Senate expressing support of the Attorneys General in Senate Bill 1027, "Prevent All Cigarette Trafficking Act of 2007" (PACT Act) addressing several areas: 1) cigarette smuggling; 2) cigarette trafficking (known to fund terrorist activities); 3) tax evasion; and 4) youth access to tobacco products.

**Kroger Agreement of Voluntary Compliance.** This involved a sign-on letter to join other State Attorneys General entering into an Assurance of Voluntary Compliance with Kroger Co. and its franchise/trademarks resulting from underage access to tobacco products in Kroger grocery stores and its franchises.

**Railroad Antitrust Enforcement.** This involved a letter to Congress supporting H.R. 1650 and S. 772, entitled the Railroad Antitrust Enforcement Act of 2007. This antitrust law will apply to railroads which are currently exempt from the antitrust laws since the passage of the Staggers Act in 1980. As a result of the Staggers Act, four companies control over 90% of the rail traffic in the United States and

have raised rates to unprecedented levels for certain shippers who have little or no ability to successfully challenge these high rates.

## **Claims against the Government of Guam**

The Government Claims Section of the Civil Litigation Division is responsible for investigating and evaluating claims against the government in tort and contract cases. It also works to resolve claims concerning employee wage and hour disputes and claims regarding dormant and unclaimed bank funds transferred to the government.

The Government Claims Section investigates and evaluates approximately 100 claims per year with a majority being tort claims. Tort claims range from automobile accidents and property damage to student injury, wrongful death, and medical malpractice cases.

A party must go through the claims process before initiating an action in Superior Court of Guam for monetary damages against the government of Guam. The Claims Officer seeks to resolve claims administratively, saving the government and the claimant the time and expense of litigation. Claims resolution is a collaborative effort, requiring the assistance and support from the Division's assistant attorneys general, investigator, and other professional staff.

The government has 30 days to resolve automobile property damage claims and six months to resolve other claims, but the Claims Officer always seeks to settle all claims as expeditiously as possible.

## **Solicitor Division: the Government of Guam's lawyers**

The Solicitor Division functions as the legal department of the government of Guam, providing legal assistance to the various Executive Branch agencies, boards, and commissions.

In addition, the Division handles criminal cases involving alleged welfare fraud, and provides assistance in civil litigation cases. The Division also participates in various task forces, committees, and round table discussions on legal matters.

### **Tasks of the Solicitor Division**

The tasks of the Solicitor Division include the following:

- writing Attorney General opinions;
- giving legal advice to agencies through informational memoranda;
- reviewing government bonds;
- drafting, reviewing, and approving proposed agency rules and regulations before they go to the Governor for submission to the Legislature;

***The Solicitor Division functions as the legal department of the government of Guam, and provides legal assistance to the various Executive Branch agencies, boards, and commissions.***

- assisting in conducting public hearings for agency rules and regulations;
- drafting and revising standardized forms for use by agencies;
- acting as agency counsel at administrative hearings;
- acting as Fair Hearing Officer at federally mandated fair hearings for public assistance cases;
- acting as Hearing Officer at administrative hearings before Boards and Commissions;
- drafting and/or reviewing procurement contracts;
- assisting agencies with procurements;
- reviewing and approving non-procurement agreements such as inter-agency memoranda of understanding, qualifying certificates, and government real property transactions;
- reviewing and/or drafting bills or legislation as requested by an agency or required by the Attorney General;
- coordinating responses to Sunshine Act requests;
- assisting with all legal issues related to the notary public program; and
- assisting in administrative matters related to the Commission on Post-Mortem Examiners.

The Solicitor Division provides legal services to the following government agencies and boards and commissions:

Bureau of Budget & Management Research  
 Bureau of Statistics and Plans  
 Chamorro Land Trust Commission  
 Chief Medical Examiner  
 Civil Defense/Homeland Security  
 Civil Service Commission  
 Council on the Arts & Humanities Agency  
 Custom and Quarantine Agency  
 Department of Administration

- General Services Agency
- Guam Mass Transit Authority

Department of Agriculture  
 Department of Chamorro Affairs  
 Department of Corrections  
 Guam Public School System  
 Department of Mental Health & Substance Abuse  
 Department of Labor

- Workers Compensation Commission

Department of Land Management

- Guam Ancestral Lands Commission
- Chamorro Land Trust Commission

Department of Military Affairs  
 Department of Parks & Recreation  
 Department of Public Health & Social Services

- Division of Environmental Health
- Guam Board of Medical Examiner
- Board of Dental Examiners

***The Solicitor Division  
 of the Office of the  
 Attorney General  
 provides legal services to  
 the agencies  
 and instrumentalities  
 of the Executive Branch  
 and writes legal opinions  
 for the Executive and Legislative  
 Branches of government .***

- Guam Board of Allied Health Examiners
- Guam Board of Examiners for Optometry
- Board of Cosmetology
- Guam Board of Nurse Examiners
- Guam Commission on Licensure for Healing Arts
- Department of Public Works
- Professional Engineers, Architects, Land Surveyor Board
- Contractors License Board
- Department of Revenue & Taxation
- Alcoholic Beverage Control Board
- Real Property Tax Section
- Insurance, Securities Banking & Real Estate Section
- Motor Vehicle Section
- Department of Youth Affairs
- Department of Integrated Services for Individuals with Disabilities
- Governor's Office
- Guam Community College
- Guam Economic Development & Commerce Authority
- Guam Election Commission
- Guam Energy Office
- Guam Environmental Protection Agency
- Guam Fire Department
- Guam Housing & Urban Renewal Authority
- Guam Legislature
- Guam Memorial Hospital Authority
- Office of the Chief Medical Examiner
- Guam Police Department
- Guam Power Authority
- Guam Public Library
- Guam Retirement Fund
- Guam Visitor's Bureau
- Mayor's Council
- Office of the Public Auditor
- Port Authority of Guam
- University of Guam

### Solicitor Division in 2007

In 2007 the Solicitor Division handled the following number of cases:

<b>Opinion</b>	<b>100</b>
<b>Contract Review</b>	<b>688</b>
<b>Procurement</b>	<b>25</b>
<b>General Attorney Assistance</b>	<b>159</b>
<b>Administrative Rules &amp; Legislation</b>	<b>14</b>
<b>Administrative Proceedings</b>	<b>90</b>
<b>TOTAL</b>	<b>1,076</b>



**Tom Keeler**  
**Civil Litigation and Solicitor**  
**Division**

*Tom Keeler returned to the Office of the Attorney General after residing in Greenville, South Carolina, for the past eight years.*

*Tom served as an Assistant Attorney General with the Office from 1984 to 1986. During this time, he served as a Solicitor and Hearing Officer to various Government of Guam agencies and boards. He also represented the government in contract negotiations with various contractors and vendors, including local and regional health care providers.*

*From 1986 through May 1999, Tom was in private practice in Guam and enjoyed a diverse practice servicing local and international clients on a variety of legal issues.*

*Tom handled all aspects of corporate, commercial, real estate and transactional law matters, including representing clients before government agencies and regulatory boards.*

# Family Division:

## *protecting Guam's children and families*

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The Family Division was once a Division within the Office of the Attorney General but had been consolidated within the Prosecution Division. However, concerns were raised with the propriety of juvenile special proceedings, juvenile delinquency, and other Family Court matters being handled by the criminal prosecutors of adult offenders; especially with regard to the delicate issues of the confidentiality of juvenile adjudications.

Thus, the Family Division was re-established and:

- a) vigorously represents the government in juvenile special proceedings and juvenile delinquency cases and other Family Court matters;
- b) provides training to staff to update their skills and knowledge;
- c) establishes and consistently conducts community outreach activities and participation in educational and public awareness activities and programs dealing with juvenile issues; and
- d) promotes legislation that will significantly impact juvenile activities.

This separation was a major move toward ensuring a more efficient system that will effectively address juvenile matters.

The Family Division is led by Deputy Attorney General Carol Hinkle-Sanchez. Assistant Attorneys General Maria Fitzpatrick and Alan Hauser, along with designated staff separate and apart from the adult prosecution division, now handle the adjudication of Family Court matters.

Not only will this Division promote a more efficient system, but it will ensure that the interests of the public are properly represented in the handling and prosecution of juvenile cases, and to safeguard the rights and interests of victims and witnesses involved in juvenile matters.



**Carol Hinkle-Sanchez**  
**Deputy Attorney General**  
**Family Division**

***Not only will this Division promote a more efficient system, but it will ensure that the interests of the public are properly represented in the handling and prosecution of juvenile cases, and to safeguard the rights and interests of victims and witnesses involved in juvenile matters.***

## Statistics

In 2007, the Office of the Attorney General, Family Division, received from the Guam Police Department a total of five hundred and seventy eight (578) reported criminal matters involving juveniles in our community. Of the five hundred and seventy eight (578) cases received, the Office prosecuted five hundred and thirty one (531) juvenile cases, to include juvenile delinquency and juvenile drug court cases. From this number, three hundred and sixty two (362) dealt with juveniles whose criminal offenses were non drug-related, while one hundred and sixty nine (169) of the juveniles charged were for drug-related offenses. Additionally, the Family Division filed one hundred and ten (110) juvenile proceedings which involved both the filing of Persons in Need of Services (PINS) Petitions for juveniles who have been subjected to some form of child abuse or neglect, and Beyond Control Petitions. In 2007, there were a total of thirty three (33) PINS Petitions filed and seventy seven (77) Beyond Control cases.

In 2006, the Office filed two hundred and thirteen (213) juvenile drug court cases, two hundred and sixty four (264) juvenile delinquency cases and one hundred and twenty six (126) juvenile proceedings. In comparison to the number of cases filed in 2007, it is apparent that the crime rate in our juvenile community is running steady, if not on the rise. It is important to point out that the criminal activity within the juvenile community, year-to-date, has far exceeded last years count by almost 100.

### 2007 charges filed by Family Division

#### Juvenile Drug Court

Alcohol	Drug Possession	Inhalants	Tobacco	Others
84	78	7	0	0



#### **Maria Fitzpatrick Family Division**

*Maria Fitzpatrick came to the Office of the Attorney General from private practice in Ohio.*

*"I wanted an adventure. At that time, Sue Horrigan, who is a prosecutor in the Prosecution Division, told me about an opening in the Office. I joined the Civil Division." That was nearly 22 years ago.*

*During Maria's tenure at the Civil Division, she argued cases in front of the 9<sup>th</sup> Circuit Court of Appeals, and the Supreme Court of Guam. She also argued the first case in local court where cameras were allowed in the courtroom.*

*Currently, Maria is with the Family Division.*

*"The work in the Family Division is very fulfilling because I'm able to see results that are positive for the child. We'll try to reunite families, but if we can't, we'll establish a plan that helps the child live a better life. Sometimes it's treatment. Sometimes we need to move the child to a better situation. We can see the difference."*

## Juvenile Delinquency

Murder	2
Manslaughter	2
Aggravated Assault	14
Assault	57
Reckless Conduct	10
Terroristic Conduct	1
Terrorizing	5
Stalking	1
Criminal Sexual Conduct	22
Family Violence	17
Harassment	31
Mutual Combat	23
Rioting	12
Disorderly Conduct	60
Indecent Exposure	1
Child Abuse	1
Arson	1
Criminal Mischief	44
Invasion of Privacy	1
Graffiti	27
Burglary	26
Criminal Trespass	34

Robbery	4
Conspiracy	18
Crimes Against Community	2
Theft Crimes	105
Unsafe Lane Changes	1
Insufficient Clearance	1
Joyriding	1
Operating a Motor Vehicle Without a Valid Driver's License	10
Unauthorized Use of a Motor Vehicle	10
Fraudulent Use of a License Plate	1
Reckless Driving	2
Leaving the Scene of an Accident	4
Possession of a Firearm without an ID Card	5
Possession of an Unregistered Firearm	1
Unlawful transfer of Firearm	2
Theft of a Firearm	3
Guilt Established by Complicity	21
Resisting Arrest	2
Prowling	4
Felony Escape	4

## Outreach activities

Because of these statistics, the Family Division has been pro-active and provides community-wide outreach on education, prevention, and services available for our youth and their families. The Family Division participated in an outreach activity with the Guam Public School System and will continue to do so with all age groups. The Family Division also plans to partner with media outlets to disburse useful and informative tips for youth and their families.

# Child Support Enforcement Division

## *supporting Guam's children*

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Every child needs financial and emotional support from both parents. Guam's Child Support Enforcement Division (CSED) within the Office of the Attorney General works with both parents to help children receive the financial support they deserve.

The mission of the CSED is clear: to provide a public service to locate non-custodial parents; establish paternity; establish and enforce child and medical support orders; review and modify child support orders; recover welfare benefits paid on behalf of the children, and collect and timely distribute support payments.

Guam's CSED benefits children by enforcing the parents' responsibility to pay financial support. This helps to promote and improve self-sufficiency and stability as well as reducing the public burden of supporting financially abandoned children.

### **2007 – a year of success**

Guam collected \$10,192,875 in child support – an increase of \$757,975 (or 7.4%) over 2006 – to benefit more than 18,300 children during 2007. Almost one-third of Guam's children - 31 % – are served by the Child Support Enforcement Division.

Successes also included:

- \$1,490,245 was collected from intercepted federal and local tax refunds.
- \$117,059 in collections through the Passport Denial Program from non-custodial parents who needed their passports released for off-island travel. Some of the reasons for requesting passport release were for medical reasons, employment purposes or vacations. As an example, a non-custodial parent paid more than \$10,000 for his passport release so he could attend his son's graduation. The largest single lump sum payment was almost \$29,000. Payments ranged from \$2,000 to \$29,000.
- In February 2007, the Child Support Guidelines Review Commission met for the first time since its creation in 2005. The Commission met every month thereafter in order to update



**Barbara P. Cepeda**  
**Deputy Attorney General**  
**Child Support Enforcement Division**

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the guidelines which have not been updated since 1996.

- Passed the 2007 Data Reliability Audit which is an annual audit performed by Region IX federal auditors.
- In October 2007, issued the first-ever Request for Proposal (RFP) for Genetic Testing.
- Helping over 120 non-custodial parents through the Guam Access and Visitation Program improve their relationship with their children.
- In 2007, we met with several cell phone companies and agreed that they would share information in order to locate hard-to-find non-custodial parents.
- In March 2007, Office of Child Support Enforcement (OCSE) Commissioner Margot Bean (who was Guam's IV-D Director from 1995 to 1998), and her staff, made a technical assistance visit to our Office. The OCSE oversees the Guam's CSED and the child support enforcement divisions or offices throughout the United States. During her visit, CSED held a stakeholders presentation and update on its APASI computer system. The presentation resulted in funding from the Guam Legislature for Fiscal Year 2008 of \$1.7 million for a planning phase.
- Protecting children by increasing the number of children with established paternity at birth through the Guam Paternity Acknowledgement Program.

### **Child Support statistics**

- \$28,000 per day collected for Guam's children
- 31% of all children under 18 in Guam have a case with CSED
- 10,564 cases total
- 4,425 Temporary Assistance to Needy Families (TANF) cases
- 6,139 Non-TANF cases
- 365 private child support cases (non-IV-D)
- 1,056 average investigator cases (other states average 400 to 750 per investigator)
- 312,000 incoming and outgoing phone calls in 2007 (roughly 1,200 calls per day). The bulk of the questions received by the call center are for payment information and requests for enforcement.

### **Collecting Child Support**

Child Support Enforcement Division services are available to all Guam parents who need assistance. The custodial or non-custodial parent or guardian may apply with the CSED. The service is also available to parents receiving Temporary Assistance to Needy Families (TANF). The parent applying is asked to furnish information about the other parent and provide legal documents, if available.



### **Rose Quintanilla Investigator Child Support Enforcement Division**

*Rose Quintanilla has worked for the Child Support Enforcement Division since it was first based out of the Department of Public Health more than 33 years ago.*

*To say that Rose has seen and witnessed a lot of changes and improvements to the child support program on Guam is, to say at the very least, an understatement.*

*So what is the biggest change? "Automation," she says. "We used to do cases by hand. So our ability to locate a non-custodial parent was very limited. Now with computers, we can communicate with DMV, state and federal agencies, and the military. It is much easier for us to find the parent worldwide. In terms of our efficiency and effectiveness, we are able to do the work much faster with the limited people we have."*

*For Rose, the work she does is personal. "I was once a single parent," says the grandmother of 34 grandchildren and step-grandchildren. "This is very rewarding work."*

## Access and Visitation

The Access and Visitation Program continued to work with *Inafa Maolek* and Erica's House to ensure that non-custodial parents have access and visitation with their children by providing a safe environment, supervised visitation, monitored visitation, parenting classes, mediation, custody/visitation guidelines, and neutral drop-off and pick-up arrangements.

The goal of the Access and Visitation Program is to improve non-custodial parents' access to and visitation with their children. Research has shown that parental contact is related to the payment of child support and that fathers' involvement improves children's development and self-esteem. During 2007, the Access and Visitation Program arranged 79 visitations:

- 79 visitations were successful
- 14 were monitored visitations
- 40 were supervised visitations
- 25 neutral drop off/pick ups were arranged
- 48 mediations were conducted

***The State Disbursement Unit's main function is the posting and timely distribution of child support payments.***

## Kids First Card

CSED offers the Kids First Card debit card program. This is a direct deposit program whereby payments of child support are automatically loaded into a custodial parent's savings or checking account. The benefits include receiving child support payments more quickly, no more waiting for the mail to arrive, saves the government costs of postage/envelopes, and decreases returned mail.

## State Disbursement Unit

The State Disbursement Unit's (SDU) main function is the posting and timely distribution of child support payments. All payments received must be disbursed within 24 to 48 hours. It is imperative that all payments are accurately identified and posted. In addition, SDU is also the customer call center for questions regarding payments. More technical questions are reserved for case investigators. This section is also responsible for keeping track of Undistributed Collections (UDC) and bank reconciliation.

During the 2007 year of operation:

- 61,700 checks and receipts were processed
- \$10,192,875 in support payments were processed
- \$488,271 were processed by electronic funds transfer
- 41,000 pieces of mail were processed

## In-Hospital Paternity Program

CSED collaborated with the Guam Memorial Hospital, Office of Vital Statistics, Sagua Managu Birthing Center, and Naval Hospital to educate putative fathers and unwed mothers about the benefits of acknowledging paternity at or near the time of the child's birth. Signing a voluntary acknowledgment of paternity allows a father to have his name placed on the child's birth certificate. This is especially vital since research indicates that the earlier fathers become involved in the lives of their children, the better the chance that there will be a connection and that it will last.

# Administration Division: *the nerve center of the Office*

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The Administration Division provides the administrative support services for the Office of the Attorney General. It provides these services to the various divisions within the Office in the most efficient and effective manner possible through:

- a) appropriate consolidation of divisions within the Office;
- b) increased employee collaboration, interaction, and participation via automation and other technologies;
- c) development and implementation of revised or improved administrative practices, procedures, and cost-cutting measures;
- d) development and implementation of a communications/ community outreach component of the Office to facilitate and enhance its participation in community and legislative activities critical to the accomplishment of the Office's goals and objectives; and
- d) adequate training for staff or availability of information to develop and increase their skills and knowledge of the latest administrative practices and procedures to promote administration efficiency and effectiveness.



**Alberto E. Tolentino**  
**Chief Deputy Attorney General**

The Office of the Attorney General received \$6,828,405 from the General Fund for its operations, in addition to \$373,380 for the Office space rental in Fiscal Year 2007. This amount was off set when the Office's Fiscal Year 2007 budget was cut by 1% in the amount of \$71,880.

The Office was also authorized \$4,205,679 from the Federal Matching Grants-in-Aid in FY2007, and also received federal grants from the Victims of Crime Assistance (VOCA) grant totaling \$377,000, in addition to the STOP/VAWA (Violence against Women) grant totaling \$106,964.



**Terry Ascura**  
**Chief of Administration (Acting)**

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*"Working at the Attorney General's Office these past 15 years has given me the opportunity to excel in my career," says Terry. "With my degree in public administration coupled with an interest in the accounting field, I'm able to apply that knowledge in the daily management of the Office's finances."*

*Terry started as a Word Processing Secretary in 1993 with the Civil Division, then was promoted to a Legal Secretary a few years later. Terry worked her way up the ranks to her current position as the Chief of Administration (Acting), where she is responsible for the management of the Office's finances, personnel recruitment, procurement of equipment and supplies, and the payroll and supervision of the Administration support staff.*

*"Being a part of the Administration Division comes with great challenges. I have the opportunity to make a difference in the Office's mission to provide services to the public and government agencies. I enjoy my work."*

# **Trainings :**

## ***staying current with best practices***

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### **Child Sexual and Physical Abuse Conference**

On October 9, 10, and 11, 2007, the Office of the Attorney General organized and sponsored a conference on child sexual and physical abuse, child sexual exploitation, child pornography, and internet related or computer facilitated crimes against children. The training was intended for prosecutors, investigators, police officers, other law enforcement, social service agencies, and victim advocacy groups from Guam and neighbor islands in Micronesia. The conference promoted regional cooperation and interaction and enhanced awareness of the nature and issues related to child sexual and physical abuse and internet crimes against children.

The training was conducted by professionals from the National District Attorneys Association (NDAA), American Prosecutors Research Institute (APRI), National Center for the Prosecution of Child Abuse. The NDAA APRI's services include expert training and technical assistance by experienced attorneys through in-depth trainings or conferences, site visits, state-specific professional development programs and over 4,000 phone consultations per year. The NDAA APRI is also the nation's only clearinghouse on criminal child abuse case law, statutory initiatives, court reforms, and trial strategies – a comprehensive and continually updated resource.

The agenda for the October 2007 conference included subjects in Forensic Interviewing, Linguistics and Process of Disclosure; Investigation and Prosecution of Child Physical and Sexual Assault Cases; Overcoming Defenses in Child Physical and Sexual Assault Cases; the Interrelationship between Domestic Violence and Child Abuse; Introduction to Computer Facilitated Crimes against Children; Preparing Children for Court and the Court for Children; the Adam Walsh Act and other statutes; Victims and Witnesses with Developmental Delays; and testifying tips.

More than 300 attendees from the law enforcement community, social service providers, and non-profits from Guam and neighbor islands in Micronesia participated during the three day conference.

***The conference promoted regional cooperation and interaction and enhanced awareness of the nature and issues related to child sexual and physical abuse and internet crimes against children.***

***The training was conducted by professionals from the National District Attorneys Association, American Prosecutors Research Institute, National Center for the Prosecution of Child Abuse.***

## **Department of Interior Training**

In November 2007, the Office of the Attorney General participated in training that was provided by the Inspector General of the United States Department of the Interior. The training included attorneys and investigators from the Civil Litigation and Solicitor Division and Prosecution Division of the Office of the Attorney General, as well as various Offices of the Public Auditors from Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, The Federated States of Micronesia and the Republic of Palau. The training was focused on the detection and investigation of violations of the federal procurement rules and regulations in the area of government contracting.

## **In-house Training**

Recognizing the need, beginning in early 2007 and over the course of several weekends, the Attorney General undertook to conduct in-house training of the attorneys and investigators of the Prosecution Division and Family Division as well as the Office's victim advocates in the area of criminal sexual conduct, including child sexual and physical abuse, and family violence. The training was an introduction of the basic elements of the investigation and prosecution of such crimes for fairly new and/or inexperienced prosecutors and investigators of the Office.

# **Community Outreach:**

## **involving the community to prevent crime**

**Attorney General talks to students, teachers, community groups, and summer camps about the importance of being safe online.**

During 2007, Attorney General Limtiaco spoke to numerous groups about the importance of online safety. Her presentations to teachers, parents, students and law enforcement explained the dangers of children providing too much personal information about themselves to the unknown online community and how to protect yourself and your children from dangerous online predators.

Some of the tips provided during these outreach presentations included:

- Keep the computer in a common room in the house and position the monitor so it is available for public viewing;
- Establish rules for using the Internet and teach your child important safety guidelines;
- Use blocking software or filtering programs, but do not rely on them as your only line of defense;
- Predators often use chat rooms to contact children. Teach children that people online are not always who they say they are;
- Frequently check your computer's Internet history to see what sites your child is visiting;
- Monitor your child's e-mail account. Let him or her know you are checking it and why. Talk with your child about potential online dangers;
- Spend time with your children online. Have them show you their favorite sites;
- If you see anything suspicious or think that your child may be a victim of Internet exploitation, contact your local FBI office or law enforcement agency;
- Tell your children to keep their personal information protected. Children should never give their real name, address, phone number, the name of their school or a picture of themselves to anyone they meet online. NEVER let your children meet in person with anyone they have met on the Internet; and
- Teach your children to tell a parent, teacher or trusted adult if they feel uncomfortable about anything they have seen on a computer.

## **Victims' Rights Month**

During "National Crime Victims' Rights Week" in April 2007 the Office of the Attorney General honored crime victims and expressed its appreciation to law enforcement personnel, social service providers, victim advocates, non-profits, and volunteers who support victims of crime through their commitment and compassion.

The events held in April 2007 serve as a constant reminder to all of us that we, too, must be strong and work together to ensure that the victim's voice is heard, and that we, too, take a stand.

United States Attorney General Robert F. Kennedy (1961-1964) stated: "It is from numberless diverse acts of courage and belief that human history is thus shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope . . ."

## **Silent Witness Ceremony**

Every November, the Guam Judiciary holds a ceremony to honor victims of domestic abuse. Attorney General Limtiaco was the keynote speaker at the 2007 ceremony with a clear message: each and every one of us needs to speak and act against the escalating family violence in our island, and to commemorate the women, children, and men who once lived, worked, had families, children, sisters, brothers, friends, neighbors – whose lives ended violently at the hands of a husband, wife, ex-spouse, boyfriend, girlfriend, father, mother, or other family member or acquaintance.

"Family violence is violent behavior and will and should not be tolerated. Family violence can be physical, sexual, emotional, psychological or economic, and can include acts to intimidate, humiliate, manipulate, isolate, terrorize, threaten, blame, and hurt a person or child. Family violence can happen to anyone – regardless of race, age, gender, sexual orientation, or religion. Family violence affects people of all socioeconomic backgrounds, education levels, and regardless of one's profession."

The Office of the Attorney General's reorganization of the Prosecution Division to include dedicated prosecutors, investigators, and victim advocates in the Family Violence and Sex Crimes Unit is one example of the priority given to prosecuting family violence crimes on Guam.

***During "National Crime Victims' Rights Week" in April 2007, the Office of the Attorney General honored crime victims, and expressed its appreciation to law enforcement personnel, social service providers, victim advocates, non-profits, and volunteers, who support victims of crime.***

***The Office of the Attorney General's reorganization of the Prosecution Division to include dedicated prosecutors, investigators, and victim advocates in the Family Violence and Sex Crimes Unit is one example of the priority given to prosecuting family violence crimes on Guam.***

# **Task Forces:**

## ***making a difference in the community***

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### **Internet Crimes Against Children Memorandum of Understanding**

The Office of the Attorney General has been in communication with the Hawaii Internet and Technology Crimes Task Force (HITeC) of the Department of the Attorney General, State of Hawaii, regarding Guam's opportunity to affiliate with the HITeC through a memorandum of understanding between Hawaii and Guam. This effort is consistent with the National Association of Attorneys General (NAAG) initiative to protect children against on-line predators, and the United States Department of Justice Project Safe Childhood.

The Office of the Attorney General is working towards Guam's association with the HITeC, and is coordinating with local and federal law enforcement and social service providers that will be joining as signatories to the HITeC MOU.

By joining the HITeC and becoming a signatory to the MOU, participating agencies in Guam will benefit by having access to grant resources, joint operations, computer forensics and technical support, and training opportunities, including those of the Internet Crimes Against Children (ICAC) Task Force.

The HITeC consists of prosecutors, investigators, computer forensic examiners, and an educational specialist, whose goals are to increase the effectiveness and efficiency of investigations and prosecutions of Internet and technology crimes in the State of Hawaii, and to provide resources such as expertise, equipment, training, and investigative and prosecutorial support. The HITeC is composed of two separately funded grants: the Hawaii High Technology Crime Unit (HHTCU) and the Hawaii Internet Crimes Against Children Unit (HICAC).

The HHTCU's resources are utilized to: (1) increase the investigative capabilities of local law enforcement officers in the detection and investigation of computer related crimes; (2) create a statewide high technology crimes task force; (3) increase the number of computer related cases being investigated by State and County law enforcement; and (4) increase the number of computer related cases being prosecuted by the State of Hawaii.

***The Office of the Attorney General is working towards Guam's association with the HITeC, and is coordinating with local and federal law enforcement and social service providers that will be joining as signatories to the HITeC MOU.***

Similarly, the HICAC increases the effectiveness and efficiency of investigations and prosecutions of Internet crimes against children (ICAC) offenses, and public awareness and prevention of ICAC offenses by: (1) increasing the investigative capabilities of law enforcement officers in the detection, investigation, and apprehension of ICAC offenses; (2) conducting proactive and reactive ICAC investigations; (3) increasing the number of ICAC offenses being prosecuted by the State of Hawaii; (4) creating a multi-agency task force response to ICAC offenses in the State of Hawaii; (5) enhancing a nationwide response to ICAC offenses; and (6) developing and delivering ICAC public awareness and prevention programs.

A HITeC Memorandum of Understanding (MOU) between the Department of the Attorney General, State of Hawaii, and various federal, state and local law enforcement agencies, currently exists. The purpose of the HITeC MOU is to formalize the working relationships between participating agencies to achieve maximum cooperation in a combined law enforcement effort aimed at combating Internet and technology crimes in the State of Hawaii and nationwide. Participants agree to join the Hawaii Internet and Technology Crimes Task Force for the purpose of promoting a coordinated effort in investigating and prosecuting these crimes.

The ICAC program is a national network of over 45 coordinated local task forces engaged in proactive investigations, forensic examinations, effective prosecutions, and community education. The ICAC program was developed in response to the: (1) increasing number of children and teenagers using the Internet; (2) proliferation of child pornography; and (3) heightened online activity by predators searching for unsupervised contact with underage victims. By helping state and local law enforcement agencies develop effective and sustainable responses to online child victimization and child pornography, the ICAC program delivers national resources at the local level.

***By joining the HITeC and becoming a signatory to the MOU, participating agencies in Guam will benefit by having access to grant resources, joint operations, computer forensics and technical support, and training opportunities, including those of the Internet Crimes Against Children Task Force.***

## **School Safety and Campus Task Force**

As a member of the National Association of Attorneys General (NAAG) Task Force on School and Campus Safety, the Office of the Attorney General along with other Task Force members released a 14-page report that includes specific recommendations that address school and campus violence and safety, threat assessment, protocols for dealing with the mentally ill, information sharing among law enforcement agencies and other stakeholders, and crisis response planning and communications. The goal of the report is to stimulate dialogue among law enforcement professionals, educational administrators, policy makers and others as we examine school and campus safety issues.

*The Office of the Attorney General organized the School and Campus Safety Task Force, and has been meeting with stakeholders ... to address this growing problem in our community.*

Given the increasing number of school and youth violence incidents in our community, the NAAG Task Force on School and Campus Safety report and the recommendations contained therein are timely. The Office of the Attorney General organized the School and Campus Safety Task Force, and has been meeting with stakeholders, including the Guam Public School System, University of Guam, Guam Community College, Guam Police Department and other law enforcement agencies, Child Protective Services and other social service providers, Mayors' Council, members of the Consular Corps, Department of Defense Education Activity, and other governmental and non-governmental organizations, to address this growing problem in our community.

## **Gambling and Gaming Task Force**

The Office of the Attorney General has held meetings with representatives from the Department of Revenue and Taxation, Department of Customs and Quarantine, and Guam Police Department, to discuss Guam's gaming and gambling laws, including enforcement and resource issues. The meetings have been productive and have led to collaborative efforts on the part of the agencies.

## **Family Violence and Sexual Assault Task Forces and Coalitions**

The Office of the Attorney General actively participated in and worked collaboratively with both governmental and non-governmental agencies and organizations of the Family Violence Task Force, Sexual Assault Response Team Steering Committee, and Family Violence and Sexual Assault Coalition.

## **Sex Offender Registration and Notification Laws/Adam Walsh Act Stakeholders Meetings**

The Office of the Attorney General initiated and held meetings with local and federal stakeholders to discuss Guam's current sex offender registration and notification laws; the responsibilities and duties and standard operating procedures of the stakeholders; the challenges or problems encountered by the stakeholders in their administration and enforcement of the current laws; and the status and implementation of the Adam Walsh Act.

# **UOG to AGO:**

## **students make transition to Office of the Attorney General**

### **Donald San Agustin, Jr., Paralegal, Civil Litigation Division**

Donald began employment with the Office in January 2007 shortly after completing his postsecondary studies at the University of Guam. A Merit Scholarship recipient, Donald graduated *summa cum laude* in Spring 2006 with a bachelor of science degree in criminal justice. He was also given the award of excellence for criminal justice for having the highest grade point average among the other criminal justice majors in his graduating class.



Donald, whose interest in law began as early as middle school, says, “I always watched *Law & Order* as a kid and I just convinced myself that that was what I wanted to do when I got older.” While in high school and college, his interests began to shift more towards the investigative aspect of law enforcement. During his last semester at the University of Guam, Donald was granted an internship to work with the Guam Police Department’s Crime Scene Response Unit.

Upon completion of his studies, Donald applied for a position with the Office of the Attorney General to help him decide if law school was the next step for him. He is currently the assistant claims officer for the Government Claims Section of the Civil Litigation Division.

### **Christine Pervez, Victims Advocate, Prosecution Division**

Working at the Office of the Attorney General as a victims advocate, Christine is in a position to bring meaning to her career. She has the opportunity everyday to make a difference in people’s lives and the opportunity everyday to stand up for those who do not have the heart, the confidence, and the will power to bring their assailants to justice.



Christine is a 2006 graduate with a bachelor of science degree in criminal justice. The criminal justice program was more appealing to her than any other major offered at the University of Guam.

As a victims advocate, Christine is the link between the prosecutors and the victims. She sees the case from beginning to end. Christine is in constant contact with the victims, informing them of plea agreements, when their assailants have made bail, and keeping them up to date on any changes to the case. Everything that goes on in a victim's case, she is there to ensure that the victim fully understands what is happening and what they will go through as their case proceeds. As Christine says: "I am there for the victim."

### **Nicole Pinaula, Paralegal, Prosecution Division**

As Nicole says, her upbringing has had an important influence over all of her education and career path decisions. She remembers accompanying her mother to work during her assigned magistrate weekends and gaining a glimpse of the system and profession. Graduating from the University of Guam in 2006 with a major in Criminal Justice and minor in Public Administration and working at the Office of the Attorney General seemed like a natural step to take toward satisfying her interests.

The years she spent studying with the guidance of professors, who had years of experience as practicing attorneys or trial court judges, was invaluable. She gained experience drafting



pleadings such as jury instructions and voir dire, and assisting prosecutors in the preparation for various court hearings and trials by reviewing discovery and organizing exhibits. Says Nicole: "Truly, it is my education that has allowed me to gain hands-on experience which in turn has given me the confidence to begin the challenge of law school this coming fall."

### **Christopher Duenas, Victims Advocate, Prosecution Division**

After earning his associates and basic law enforcement degrees in 2005, Chris decided to continue his education in pursuing a degree in criminal justice at the University of Guam. Chris is a 2006 graduate.

The Office of the Attorney General had an open position for a victim's advocate. Chris says that he has learned (and is still learning) the importance of a victims advocate's role in conjunction with various law enforcement departments.

Says Chris: "My job as a victims advocate is to ensure, to the best of my ability, that the victims are referred to counseling if necessary, assist in filing claims with the Criminal Injuries Compensation Commission, notify victims of restitution, and provide parole notification, court accompaniment, and emotional support."

## **Jenae Farnum, Paralegal, Prosecution Division**

Graduating from high school at the age of seventeen, Jenae enlisted in the United States Army Reserve. Shortly after the completion of the required training, she enrolled at the University of Guam. Working a full-time and part-time job, attending weekend warrior drills with a full-time class schedule, helped her college years and time in the military fly by faster than she expected.

Having one semester left in college before graduation, she received a sudden break: deployment during Operation Iraqi Freedom in Baghdad, Iraq. She, along with the rest of her company and the 411<sup>th</sup> battalion, returned home safely.

“Although I was proud that I had the chance to serve and survive my deployment, I was a bit disappointed that I did not graduate when I planned. So, after returning, I re-enrolled at the University, and graduated that same semester with a bachelor’s degree in Criminal Justice and a minor in Public Administration,” says Jenae.

Today, Jenae is a paralegal in the Family Violence and Sex Crimes Unit of the Prosecution Division at the Office of the Attorney General with an additional duty as the Notary Administrator.

She is approaching her tenth year serving in the United States Army Reserve.



# In Memoriam

## remembering our co-workers & friends

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### **Connie Fernandez, August 15, 1961 – May 9, 2007**

A lover of sports, Connie worked at the Office of the Attorney General for 10 years. She most recently worked in the Child Support Enforcement Division as the phone operator.

In 2006, Connie was nominated for “Female Athlete of the Year” for the MagHOPE award, the Governor’s employee recognition program. Her dedication to the local softball leagues that she joined not only extended to her own team, but also to her family’s. When Connie’s games conflicted with her children’s games, Connie was said to check in, ask if she was needed, then attend her children’s games. When she played in her games, look out, Connie could pitch, play first base, or second base in men’s, women’s or co-ed leagues. She was often at the baseball field from 8:00 am to 6:00 pm on weekends, as a player, coach, manager or scorekeeper.

Her dedication to sports and family led her to convince her then 73-year-old mother to play softball in 2005. Connie encouraged her mother to bat the ball and successfully fast-walk to first base where Connie provided her mother a pitch runner.



### **Charles H. Troutman, March 25, 1944 – November 19, 2007**

We were saddened by the loss of our friend and colleague, Charles Troutman. Charlie was a wealth of historical knowledge on the Organic Act and the laws of Guam. Throughout his years of service with the government of Guam, he served as Attorney General from 1975 to 1977, acting Attorney General numerous times, and the Compiler of Laws for the Guam Legislature from 1978 to 1983 and for the Department of Law from 1983 to 2003. He was the Consumer Counsel, and Assistant Attorney General for the Solicitor Division at the Office of the Attorney General from 2003 to 2007. Charlie’s legal acumen – his intelligence and insight were indisputable. In 1977, Charlie was one of the first attorneys in Guam to appear and argue before the United States Supreme Court in *Guam v. Olsen*.

