



2015

Annual Report



Office of the Attorney General of Guam

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Vision

The Office of the Attorney General is a trusted and respected leader in Guam and the Western Pacific providing the highest quality of legal services and representation to the government and the people.

Mission

The Office of the Attorney General serves, protects, and represents the government and the people by enforcing the laws of Guam and the United States.

Core Values

Professionalism

Respect

Integrity

Dedication

Excellence



P. R. I. D. E.

OAG Management Team



Pictured L-R seated: Rebecca Perez, Deputy Attorney General, Child Support Enforcement Division; Elizabeth Barrett-Anderson, Attorney General of Guam; Carol Hinkle-Sanchez, Deputy Attorney General, Juvenile Division.

L-R standing: Kenneth D. Orcutt, Deputy Attorney General, Litigation Division; Karl Espaldon, Deputy Attorney General, Solicitor Division; Pauline I. Untalan, Special Assistant to the Attorney General; Jacqueline Z. Cruz, Chief of Staff; Fred Nishihira, Deputy Attorney General, Consumer Protection Division; and Phillip J. Tydingco, Chief Prosecutor, Prosecution Division.



Message from the Attorney General of Guam

Hafa adai! It is with great pride that I assumed office on January 6, 2015 with your vote of confidence. I am proud to serve our community and lead the 190 professionals who work in the island's largest law firm — the Office of the Attorney General of Guam. The commitment and dedication of our employees is undoubtedly the greatest strength of our organization.

The OAG is the chief legal officer of the government of Guam. We are empowered to prosecute all crimes, enforce child support, protect our children and *manåmko'* from abuse, support victims through the justice process, and protect consumers of Guam from fraud and deceptive business practices.

In addition to these responsibilities, a hallmark of my administration as Attorney General is to educate and train government employees and agencies to become better stewards of government practices and resources, such as procurement, fiscal management, and personnel. A government of well trained and knowledgeable employees is a stronger government for our community.



Key to these efforts was the formulation of a first-ever OAG Strategic Plan entitled **Pathway to Justice** 2015-2018, which lays out our direction over the next few years of my administration.

This Annual Report reflects highlights of my first year in office.

Sincerely,

Elizabeth Barrett-Anderson
Attorney General

About Your Attorney General



Attorney General Elizabeth Barrett-Anderson is the fourth elected Attorney General of Guam. She also served as an appointed Attorney General during the Administration of former Governor Joseph F. Ada from 1987 to 1994. She is recognized as Guam's first female and longest serving Attorney General. Upon leaving Office in 1994, Barrett-Anderson was elected Senator, and served two terms in the 23rd and 24th Guam Legislature. She was appointed by former Governor Carl T.C. Gutierrez in 1998 as a judge of the Superior Court of Guam and served on the trial court for 14 years until her retirement in 2012.

During her tenure on the trial court, she worked to create the Juvenile Drug Court, the Family Violence Court, and the DWI Court. She often describes herself as a true therapeutic judge, and believes in the concepts of alternative dispute resolution and restorative justice. She wrote Guam's first bench book entitled Protective Order Bench Book to guide judges in dealing with the ways to provide victims of domestic violence with immediate protection.

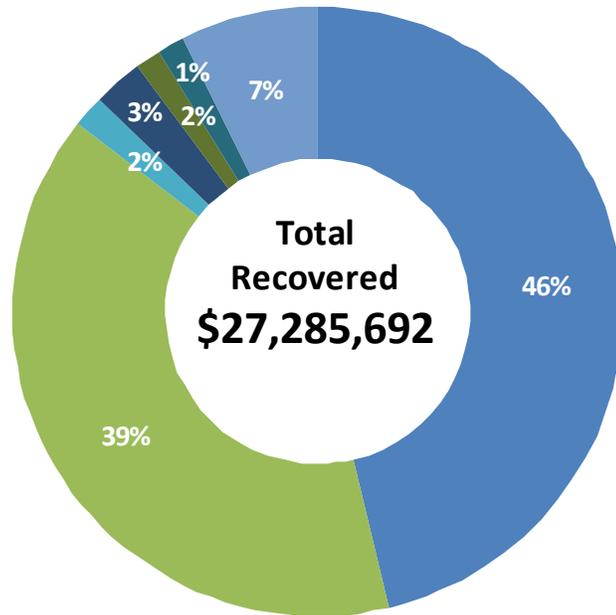
Upon retirement, she continued to serve the Judiciary as Senior Judge and established the Court Interpreter Program, and was instrumental in revamping Guam's Traffic Court statute and Traffic Rules of Court. She also developed the Judiciary of Guam's first Language Access Court Interpreter Program, training court interpreters in over 18 different languages.

She is an educator in her spare time, teaching as an adjunct professor at the University of Guam for over 10 years, "Administration & Management of Criminal Justice Organizations" in the School of Business & Public Administration.

General Barrett-Anderson is married to Daniel F. Anderson, and they have three children: Scott, Thomas and Angela. They recently welcomed their first grandson, Miguel. She is the daughter of Jack and Concepcion Barrett, her mother being a former Senator in the 11th and 13th Guam Legislatures and political bulwark of the Republic Party of Guam. General Barrett-Anderson is a proud alumni ('71) of the Academy of Our Lady of Guam and was inducted into her Alma Mater's alumni recognition Hall of Fame in 2004.

Return on Investment

Rate of Return for 2015: \$1.52



- Litigation Recoveries, Punitive Damages, Reduction in or Denied Gov't. Claims, \$12.6M
- Disbursed Child Support Payments, \$10,748,158
- Public Assistance Recoveries, \$452,840
- CICC Funds from Court, \$735,831.87
- White Collar Recoveries, \$347,650
- Grants Subgranted (VOCA), \$388,246.44
- Tobacco Settlement Recoveries, \$2M

Total Savings for the General Fund	\$27,285,692
FY2015 Appropriations	\$17,937,734
Rate of return	\$1.52

Return on Investment (ROI): A performance measure used to evaluate the efficiency of an investment. ROI measures the amount of return of an investment relative to its costs.

For every \$1 appropriated to the OAG, we collect or save the government \$1.52.

2015 Fact Sheet

General Barrett-Anderson was sworn into office

01/05/2015

Return on Investment for 2015: **\$1.52**

Trained

- ◆ **336** GDOE teachers in Child Abuse Prevention curricula (LaniKate)
- ◆ Held **4** Child Support Workshops, **1** roundtable meeting & **1** officer training and trained **45** child support employees;
- ◆ Held **10** trainings for GovGuam agencies, with **164** employees, **1** public hearing with **30** people, & **3** meetings in new Training Room with a total of **156** stakeholders
- ◆ Trained a total of **97** OAG employees

Launched

- ⇒ Pathway to Justice Strategic Plan 2015-2018
- ⇒ “It’s the Law” consumer education
- ⇒ Rules and Regulations for Criminal Injuries Compensation Commission
- ⇒ Relocation of Consumer Protection Division and Victim Service Ctr. to 2nd floor, & creation of an Administrative Hearing Room & Training Room

Awards and Honors

- ◆ **Platinum Award—2014 CCR—AGA Guam Chapter**
- ◆ **Certificate of Excellence—2014 CCR—National AGA**
- ◆ **J. Basil O’Mallan—Recipient, Visionary Voice Award**
- ◆ **Kathy “Kat” Fokas—MagPro—Employee of the Year—Legal Category**
- ◆ **Tony C. Aguon—MagPro—Customer Service Professional of the Year: Out & About**
- ◆ **Donald San Agustin—MagPro Nominee—Integrity Award**

Established

- ◆ Victim Service Center
- ◆ Developed personnel and financial infrastructure
- ◆ Improved Citizen-Centric Reporting
- ◆ Instituted departmental recruitment to provide promotional opportunities

Workload / Caseload

- ◆ Filled **35** vacancies with **8** employee retirements
- ◆ Subgranted **\$388,000** in VOCA funding
- ◆ Served **1,350** crime victims
- ◆ Processed **73** new notaries, **92** renewals, and **84** Certificates of Authority
- ◆ **185** consumer complaints
- ◆ Prosecuted **996** misdemeanor and **797** felony crimes:
 - 137** Veterans Treatment Court
 - 350** Family Violence Court
 - 204** felony and **25** misdemeanor Adult Drug Court
 - 32** Mental Health Court
 - 6** home invasion
 - 20** robberies
 - 71** theft
 - 24** criminal sexual conduct
 - 385** DWI
 - 200** drug cases
- ◆ Added **16** defendants to Family Violence Registry
- ◆ Issued **117** AG Clearances
- ◆ Received **856** requests for legal assistance from government agencies
- ◆ Received **233** Juvenile Drug Court cases and **104** special proceedings cases
- ◆ Child Support served **11,499** children, handled **6,800** cases, and dispersed **\$10.2M**
- ◆ Referred **6** parents to *Inafa’Maolek* and **48** parents to Erica’s House

Highlights



2015-2018 Strategic Plan — Pathway to Justice

Strategic Focus Area 1:

Strengthen Institutional Foundation of the OAG

Co-Chairs: **General Elizabeth Barrett-Anderson and
Deputy Attorney General Karl Espaldon**

Strategic Priority Projects:

1. Launch public awareness campaign to strengthen the role and function of the Attorney General's Office.

Strategic Focus Area 2:

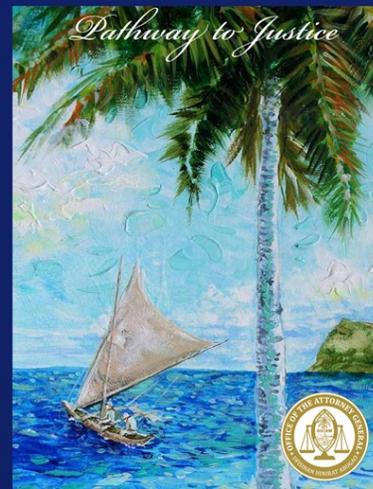
Provide Quality Service

Co-Chairs: **Deputy Attorneys General Rebecca M. Perez and Fred Nishihira**

Strategic Priority Projects:

1. Develop/create written internal training materials.
2. Develop division specific flowcharts.
3. Provide regular training for agency clients re: processes and expectations.
4. Implement surveys to gauge performance and make recommendations for needed improvements.
5. Develop informal pamphlets about OAG services.
6. Develop a Customer Service Handbook.

OFFICE OF THE ATTORNEY GENERAL STRATEGIC PLAN 2015-2018



Strategic Focus Area 3:

Enhance Employee Development and Satisfaction

Co-Chairs: **Assistant Attorney General Joseph B. McDonald and Chief Prosecutor Phillip J. Tydingco**

Strategic Priority Projects:

1. Conduct training needs assessment and deliver at least one training program.
2. Develop Employee Intranet.
3. Implement Employee Recognition Program.
4. Conduct one supervisor training.
5. Establish an employee (electronic) suggestion box.
6. Develop a Job Shadow Program.

2015-2018 Strategic Plan — Pathway to Justice

Strategic Focus Area 4:

Build Infrastructure – Facilities, Technology, Administrative, and Financial

Co-Chairs: **Chief of Staff Jacqueline Z. Cruz, Human Resources Administrator Tony C. Aguon, and General Accounting Supervisor Thomas Q. Paulino**

Strategic Priority Projects:

1. Seek resources for technology needs (e.g., software, hardware, videoconferencing, interfaces)
2. Increase staffing levels to meet workload demand and fill all vacancies.
3. Update Standard Operating Procedures and train staff.
4. Develop a Human Resources Section within the OAG.
5. Develop OAG Personnel Rules and Regulations.
6. Improve accessibility—ADA, signage, website.
7. Recruit a General Accounting Supervisor to manage resources.
8. Seek resources for off-site location (e.g., in close proximity to the Court).
9. Recruit a Personnel Specialist.



Strategic Focus Area 5:

Enhance Public Education and Community Outreach

Chair: **Deputy Attorney General Carol Hinkle-Sanchez**

Strategic Priority Projects:

1. Update OAG website.
2. Create educational flyers / brochures.
3. Project P.R.I.D.E. (e.g., Core Values).
4. Establish a social media strategy and presence.
5. Develop problem flowcharts.
6. Conduct Annual OAG Conference.
7. Create Public Service Announcements.
8. Host Public Forums.
9. Develop a public suggestion box.
10. Conduct an OAG Open House.

OAG Management would like to recognize **Dr. Brenda J. Wagenknecht-Ivey** of PRAXIS Consulting, Inc. / Center for Public Policy Studies, in guiding us through the development and implementation of our first ever Strategic Plan.

Strategic Planning Team

The Honorable Elizabeth Barrett-Anderson

Attorney General of Guam

Fred S. Nishihira

Deputy Attorney General

Phillip J. Tydingco

Chief Prosecutor

Kenneth D. Orcutt

Deputy Attorney General

Rebecca M. Perez

Deputy Attorney General

Janice M. Camacho

Assistant Attorney General

Janett T. Gozalo

Administrative Assistant

Lorino Q. Osalla

Systems Programmer

Vivian N. Nisperos

Administrative Supervisor

Sharon C. Rodriguez

Administrative Supervisor

Erlinda U. Uson

Administrative Supervisor

Franklin P. Artero

Program Coordinator IV

Cathleen L.G. Moylan

Program Coordinator IV

Marinna N. Julian

Assistant Attorney General

Jacqueline Z. Cruz

Chief of Staff

Pauline I. Untalan

Special Assistant to the Attorney General

Karl P. Espaldon

Deputy Attorney General

Carol Hinkle-Sanchez

Deputy Attorney General

Joseph B. McDonald

Assistant Attorney General

Anthony W. Blas

Chief Investigator

Pauline R. Chaco

Investigator IV

Lorena M. Uncangco

Management Analyst II

Carlina M. Charfauros

Public Information Officer



“It’s the Law... and Now You Know”

“It’s The Law... and Now You Know” hit the radio air waves on Sorensen Media Group stations over the summer of 2015. It has been successful in educating the community on basic laws and their rights as consumers.

Topics include gift certificates, open container, disabled parking, illegal hook up of power (electricity), smoking in a car, selling tobacco products to minors including e-cigarettes, use of cell phone while driving, veteran’s driver’s licenses, child support, lemon law, curfew and price gauging.

Local businesses and retailers were also educated on better business practices and adhering to applicable local and federal laws.



“It’s important to educate consumers and our community about the law, because most people don’t walk around with the law in their pocket.”

General Barrett-Anderson

Restorative Justice

Speaker Judith T. Won Pat sponsored Guam's Restorative Justice Act in 2014 (19 G.C.A. §5134). This law integrates the best interest of the child in a restorative justice approach, holding juvenile offenders accountable for their actions, imposing evidence-based practices to rehabilitate the juvenile, and further safeguards victims rights. Having this law in place in the first year of General Barrett-Anderson's administration set the direction for juvenile justice reform in 2015 that coincided with Chief Justice Robert J. Torres' Juvenile Justice Reform initiative.

Restorative Justice provides rehabilitative services to low-risk juvenile offenders while requiring them to be held accountable for their crime. Under the Act, the best interest of the juvenile takes priority over a traditional process of juvenile prosecution. The OAG's Restorative Justice efforts dovetail nicely into the Judiciary of Guam's Juvenile Justice Reform initiative. Collaboration between the OAG and the Judiciary of Guam was echoed in Chief Justice Robert J. Torres' *State of the Judiciary Address* on May 2, 2016: "I am truly heartened by the success of our efforts to usher in fundamental reform in the juvenile justice system, and I am pleased that all three branches of government are working together to bring about positive change."

The OAG's Restorative Justice Program is entitled **H.E.R.O. (Healing. Empowering. Rehabilitating. Overcoming)**, which is an alternative to prosecution of a juvenile through the juvenile justice system. It allows the swift handling and disposition of criminal matters that involve low-level juvenile offenders by the Juvenile Division of the OAG. Rather than prosecuting low-risk youth, it permits a method of diverting cases into counseling and other referral programs.



Empowering Victims



General Elizabeth Barrett-Anderson (L, seated) and Governor Eddie Baza Calvo (R, seated) at a Proclamation Signing for Crime Victims Rights Week, recognized nationwide as April 19-25, 2015.

On May 29, 2015, the legislature unanimously passed Bill 79-33, also known as the “Victim-Advocate Communication Privilege Law.” This law protects the confidentiality of the victim and the advocate, allowing for the same type of confidentiality between doctor-patient, husband-wife, or priest-parishioner. The bill was signed into law by Governor Eddie Baza Calvo on Friday, June 12, 2015 as Public Law 33-51.



Improving Services to Crime Victims



During April 19-25, 2015, the OAG honored victims of crime during National Crime Victims Rights Week.

General Barrett-Anderson is committed to improving services to victims of crime. In June, she appointed the Guam Victim's Advisory Group comprised of the following members: Frank Ishizaki, Jayne Flores, Tess Reyes, Gina Rojas and Caroline Sablan. This is a voluntary group representing individuals from the business, education, law enforcement, and commercial sectors of our community. The purpose of the organization is to identify underserved victim populations, develop a State Plan for the 2015 Victims of Crime Act (VOCA) Grant Program, and establish priorities for the expenditure of nearly \$1.2M of federal money awarded to Guam in 2015 by the Office of Victims of Crime (OVC). Efforts toward formulating a State Plan are ongoing with a target completion date of mid-2016.

General Barrett-Anderson announced the expansion of victim services beyond victim witness limitations. On October 1, 2015, General Barrett-Anderson established the Victim Service Center (VSC) with broader purposes than the limitations previously imposed by the former Victim Witness *Ayuda* Services (VWAS). VSC continues to service victims of crime while concurrently seeks to broaden its scope to serve all victims of crime irrespective of case resolution.

Child Sexual Abuse Prevention

The LaniKate Protehi Y Famagu'on-ta Act was authored by Vice Speaker Benjamin J.F. Cruz, and enacted as Public Law 31-97 in 2011, creating a task force mandated to work toward preventing and reducing child sexual abuse from occurring in Guam. The Task Force is comprised of various government agencies, not-for-profit organizations, and private companies and meet regularly under the leadership of Attorney General Barrett-Anderson to discuss the goals of the legislation and progress made.



A huge milestone was accomplished for the LaniKate Task Force when Attorney General Elizabeth Barrett-Anderson and Deputy AG Carol Hinkle Sanchez attended a Sexual Violence Prevention Curricula and Training Program in Honolulu, Hawaii from July 13-15, 2015. This was a Train-the-Trainer level program conducted by the Sex Abuse Treatment Center, a program of Kapiolani Medical Center for Women and Children.



General Barrett-Anderson and Deputy Hinkle-Sanchez trained 336 Guam Department of Education (GDOE) elementary, and middle and high school health teachers during Teacher Professional Development sessions from August 2015 to February 2016. Refresher training will continue during the summer of 2016 in preparation for launching of the curriculum school-wide in School Year 2016-2017.

An increase in reporting of sexual assault incidences is anticipated with the launch of this curriculum.

"This curriculum is so important because it teaches children to recognize when sexual abuse might happen, the skills to protect themselves, and to know how to get help."

Elizabeth Barrett-Anderson
Attorney General of Guam

Same-Sex Marriage

AG Directed Same-Sex Marriage Licenses be Issued: Accept & Issue Same-Sex Marriage Applications, as Guam Will Abide by the Decision of the Supreme Court of the United States

In April, a local couple applied for a marriage license at the Department of Public Health. The Department refused to accept and issue them a license because they were of the same sex, and thus, in violation of local statute.

Attorney General Barrett-Anderson, who believed that the Ninth Circuit Court of Appeal's decision in the *Latta v. Otter* established marriage as a fundamental right which cannot be denied based on gender, issued a legal memorandum to Public Health to immediately begin accepting and processing these types of applications.

In June, the United States Supreme Court declared that any statute banning same-sex marriages was unconstitutional.

Guam was the first territory to allow the application and issuance of same-sex marriage after the U.S. Supreme Court's final decision.



Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 706, Tamuning, Guam 96913



FOR IMMEDIATE RELEASE

Couple Seeking Same Sex Marriage License

AG: Guam Will Abide by the Decision of the Supreme Court of the United States

April 09, 2015- Tamuning, Guam- Today, Attorney General Barrett-Anderson issued the following statement in response to the application of two women for a marriage license at the Department of Public Health and Social Services (DPHSS):

"Guam's marriage statute, which was originally adopted in 1953, based on the 1939 version of California's Civil Code, is predicated on consent to marry between a man and a woman.

Although the definition of marriage is 'consent of parties' which implies gender neutrality, Guam law conditions marriage upon the act of solemnization (i.e. "I do.") that is only permitted between a 'husband and wife.'

In 1994, the 22nd Guam Legislature further defined marriage in the public health statutes as a relationship between "persons of opposite sex."

The DPHSS was acting in compliance with Guam law in the exercise of their duties.

Whether Guam's statutes will stand or fail will soon to be definitively decided by the Supreme Court of the United States for our entire nation, and upon that decision, Guam will abide."

###



Criminal Injuries Compensation Commission

The Criminal Injuries Compensation Commission (CICC), in coordination with the OAG, submitted its operational rules and regulations to *I Mina' Trentai Tres I Liheslaturan Guahan*, pursuant to the Administrative Adjudication Act requirements. The CICC formally adopted its rules and regulations on Monday, June 22, 2015, which became effective on September 22, 2015.

Within the first 100 days in office, General Barrett-Anderson's administration requested replenishment of \$600,000+ to the CICC fund.

The CICC members are Pale' Mike Crisostomo, Dr. Lisa Flores and Denise Mendiola. For the first time in decades, the CICC was on a pathway to operation in 2015, as a result of a new law enacted in 2012 empowering the Attorney General of Guam to assume all operations and management of the CICC. In 2015, the OAG developed policies and procedures, rules and regulations, forms, and a review process, including training for CICC commission members.

Pauline I. Untalan, Special Assistant to the Attorney General, administers the CICC.



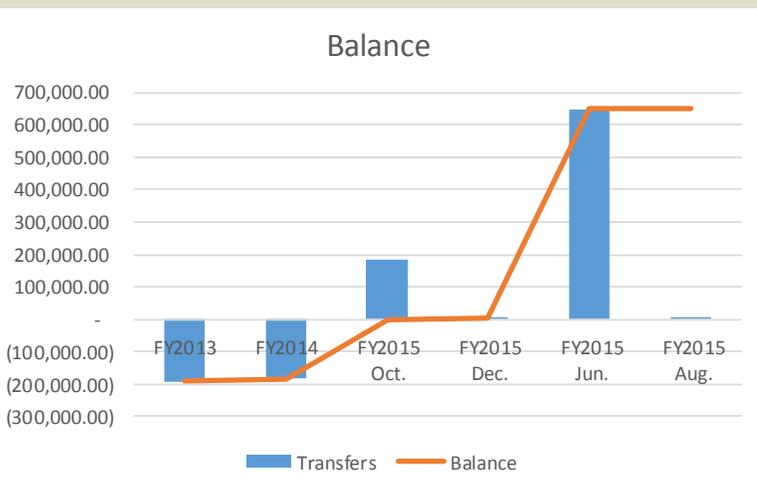
Pale' Mike Crisostomo



Dr. Lisa Flores



Denise Mendiola



Improving Public Access

To improve public access, the OAG leased additional space on the 2nd floor of the ITC building in October to provide for an Administrative Hearing Room (Child Support), and a Training Room. The Victim Service Center was relocated from the 7th floor to the 2nd floor to foster public access and expand victim services.

Through collaboration with the Department of Public Works (DPW) Director Mr. Glenn Leon Guerrero, Mr. Dominic Muna and his team of skilled personnel constructed reception areas for divisions located on the 8th and 9th floors of the ITC Building. The construction of reception areas for each floor in every division will facilitate the opening of the OAG to the public in 2016.

Many thanks go to DPW for their tireless efforts.



Prior to 2015, office space on the 8th floor of the ITC Building housed the Litigation, Solicitors and Consumer Divisions, with shared administrative staff.

In 2015, the divisions were separated into three distinct divisions, with administrative staff realigned under each division.



Regional Collaboration with Island Attorneys General



Conference of Western Attorneys General (CWAG), Maui, Hawaii, July 2015

L-R: Commonwealth of the Northern Mariana Islands Attorney General Edward Manibusan, Hawaii Attorney General Douglas Chin, Guam Attorney General Elizabeth Barrett-Anderson, and American Samoa Attorney General Talauega Eleasalo V. Ale.

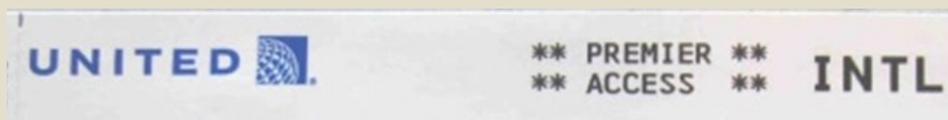
Guam and CNMI Attorneys General Statement to United Airlines: Improve Services on GUM-HNL Route

Airline consumers from Guam and the Commonwealth of the Northern Mariana Islands who travel to Hawaii have complained for years about the subpar and declining quality of service on United Airline's Guam-Honolulu (GUM-HNL) international route.

General Barrett-Anderson and General Manibusan point out that the GUM-HNL is an international flight.

They point out that “these inequities are even more glaring... given that the fare for the GUM-HNL route is more than *twice* as much as the NRT-HNL fare.”

Attorneys General Barrett-Anderson and Manibusan intend to reach out to government officials in the Western Pacific Region whose consumers are also affected.



In response, Attorney General Elizabeth Barrett-Anderson and the Attorney General of the Commonwealth of the Northern Marianas Islands, Edward Manibusan, issued a letter to Acting United Airlines CEO Brett J. Hart outlining numerous customer complaints, and asking to initiate a dialogue to help improve services on the route.

With that in mind, they questioned why United does not provide free in-flight meals and two free checked baggage to consumers on the GUM-HNL flight as United provides for all other international Asia-Pacific flights.

The concerns raised in their letter included the loss of free inflight meals, increased costs for baggage, loss of free entertainment, older planes causing frequent breakdowns, and insufficient flight crews to name a few.

Instead, they are treated as if traveling on a domestic North American route and are forced to pay for meals, certain beverages, and a baggage fee after the first checked bag.



Cooperative Agreement with CNMI

In November, Attorney General Edward Manibusan and Attorney General Elizabeth Barrett-Anderson signed off on a cooperative agreement to enhance the protection of Guam and CNMI consumers.

The cooperative agreement sets forth the framework for collaborative efforts related to consumer protection issues. Among other things, the agreement provides that the Guam and CNMI offices will pool resources and conduct joint investigations regarding matters that affect consumers in both jurisdictions.

“Under both CNMI and Guam law, the Attorney General must cooperate with and assist other government agencies to protect and promote the interests of consumers,” explained Attorney General Manibusan. “This agreement aligns with those statutory duties.”



L-R: General Elizabeth Barrett-Anderson, CNMI General Edward Manibusan

“I believe this agreement is historic. Consumers of both CNMI and Guam will be able to seek cross-jurisdiction protections from companies that do business in both islands,” said General Barrett-Anderson.

As previously mentioned, both offices have begun collaborating to address important consumer issues, and sent a joint letter to the CEO of United Airlines to discuss the company’s substandard customer service on the Guam-Honolulu route.

“This Agreement solidifies our partnership... I am looking forward to further collaboration... and confident that our joint efforts will benefit the consumers of our islands.”

Attorney General Edward Manibusan
Northern Mariana Islands

Regional Humanitarian efforts

After Typhoon Soudelor devastated the Commonwealth of the Northern Mariana Islands (NMI) in August, employees of the Guam OAG reached out to NMI OAG to provide assistance to them and their families.

Basic supplies such as antibacterial wipes, duct tape, clothesline and clothespins, batteries, trash bags, rags, butane gas, baby wipes, and non-perishable snacks were brought via boat to NMI OAG.



“We are comforted by the kindness and generosity from all of you at the Guam OAG.”

Carla Torres
Public Information Officer
NMI OAG

OAG Wins National & Local Awards

The Office of the Attorney General (OAG) was awarded a Certificate of Excellence from the National Association of Government Accountants, and a Platinum Award from the Association of Government Accountants' (AGA) Guam Chapter, for its Fiscal Year 2014 Annual Citizen-Centric Report (CCR).



University of Guam Professor Dr. Doreen Crisostomo and her students – Toni Rose Roque, Vanessa Valencia, Ira Palero, Janelle Santos, and Jared Roberto – are credited for providing the technical assistance in formulating the OAG's FY2014 CCR, which can be viewed at www.guamag.org.



“We thank you and your agency for promoting accountability and bridging the gap of communication between the government of Guam and its citizens via your agency’s CCR.”

Artemio “Ricky” Hernandez
and Maripaz N. Perez

AGA Guam Chapter

Visionary Voice Award

J. Basil O'Mallan III, a prosecutor and former Chief Prosecutor with the Office of the Attorney General, won the 2015 Visionary Voice Award. The award is offered by the National Sexual Violence Resource Center, in conjunction with Sexual Assault Awareness Month (SAAM) each April. It recognizes the creativity and hard work of individuals around the U.S. and its Territories who have demonstrated outstanding work to end sexual violence. O'Mallan was presented an award at the Child Abuse Prevention Month and Sexual Assault Awareness Month Proclamation and Resolution Signing held on March 31, 2015, at the Guam Community College.



FBI National Academy Nominees

General Barrett-Anderson proudly submitted the names of 3 OAG nominees (investigators) to attend the FBI National Academy in 2016. They are Maria Apuron, Anthony V. Camacho and Jerome Lorenzo (L-R below).



Public Service at its finest

Three employees were recognized in the Governor's Employee Recognition Program, the Mag Pro Awards, for their outstanding contributions in government service.

Kathy 'Kat' Fokas, Assistant Attorney General of the Litigation Division, won Employee of the Year in the Legal Category.

Tony C. Aguon, a Personnel Specialist IV, won the Customer Service Professional of the Year: Out & About Award for his work as a Personnel Management Analyst III at the Civil Service Commission. Shortly thereafter, Tony joined the OAG, and has proven to be an asset to the Office.

Donald San Agustin, a Paralegal II of Litigation Division, was nominated for the Integrity Award, which recognizes employees who have the courage to uphold their professional and personal integrity on the job regardless of risk or temptation.



Pictured L-R: Tony C. Aguon, Kathy "Kat" Fokas, and Donald San Agustin

Pursuing Higher Education

OAG Investigator Danny J. Gonzales, a student with the University of Guam's (UOG) School of Business and Public Administration's (SBPA) Fall 2015 Master of Public Administration (MPA) program, chaired the Western Pacific Conference on Public Administration and Policy Solutions on November 24th and 25th alongside his classmates.

The conference brought together public administration practitioners from around the region to collaborate, explore, discuss and develop policy solutions for challenges facing the islands of Micronesia in the Western Pacific. The modules presented included the Compact of Free Association and its impact, Public Corruption, Care for our *Man'ámko*, the Guam Constitution, Over-Regulation, Imagine Guam, and Building Capacity and Resiliency.

Congratulations to Danny, his fellow graduates and to UOG for a successful conference.



Pictured: Far right, front row: Danny J. Gonzales

Honoring our Employee Veterans

General Barrett-Anderson held a ceremony on Veterans Day (November 10, 2015) honoring OAG employees who have served or currently serving our great Nation. Employees are:

Jonathan Quan

Felix Manglona

Peter Santos

Bryan Cruz

Teri Tenorio

Connie Merei

Joleen Cruz

Lorena Uncangco

William Guerrero

Manuel Fejeran

Emerita Escrupulo

Alex Leon

Matthew Heibel

Freddy Flores

Conrad T. Bascon

Sophie Murphy

Anthony V. Camacho

Terrance Long

Annabelle Rabago

Joe San Agustin

William A.K. Salisbury

Paul Galman



Norman Diaz

Eleanor Atoigue

Vince Nelson

Joaquin Reyes

David Rivera

Ken Williams

Anthony W. Blas

Peter Mesa



Health and Wellness

OAG employees stay active and fit by taking part in weekend tournaments and healthy activities such as the annual perimeter relay and 5 kilometer runs/walks. Many employees take advantage of Executive Order 2012-007 which allows administrative leave for health and wellness activities.



Above: OAG basketball tournament sponsored by the Guam Hotel and Restaurant Association



Above: OAG softball players after winning a game at the Leo Palace Baseball Field

R: OAG Perimeter Relay team



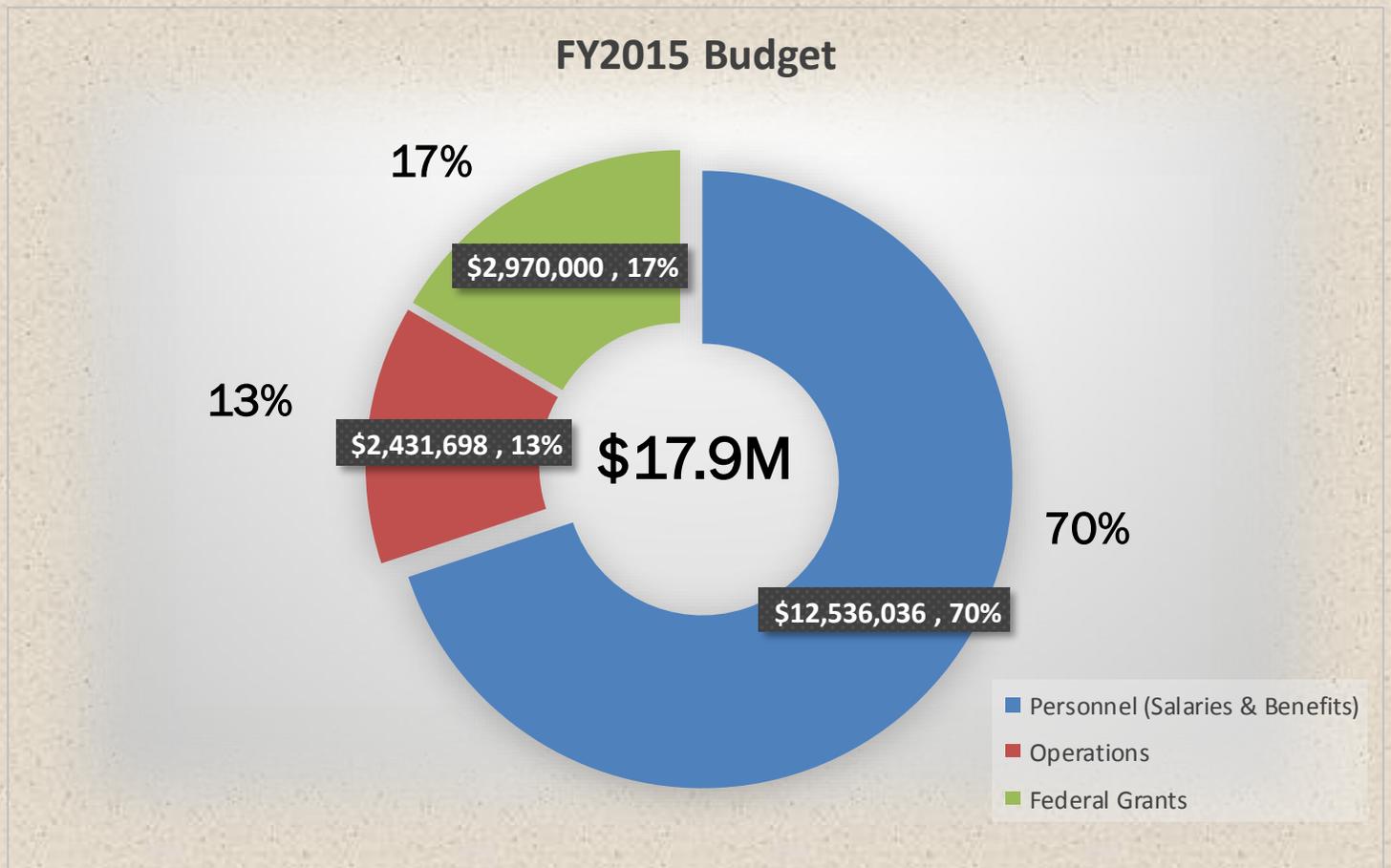
Division Reports



Budget

The OAG's finances were overseen by Management Analyst II Lorena Uncangco and Chief of Staff Jacqueline Z. Cruz last year.

Thomas Q. Paulino, General Accounting Supervisor, was recruited in March 2016 to fulfill this role.



Administration Division

The mission of the Office is supported, operated, and managed through the Administration Division. It serves as the core of all administrative operations dealing with personnel, procurement, payroll, fiscal, technology, training, records management, federal grants administration, victims' rights and notary services. Its major objective is to assure that all operational aspects of the Office function properly and in accordance with laws and regulations, achieving maximum mission success.

Since taking office, General Barrett-Anderson and Chief of Staff, Jacqueline Zahnen Cruz, have enhanced the management infrastructure beginning with creating a Human Resources Section and a Finance Section. A Personnel Specialist IV was hired in September 2015 to oversee the Human Resources Section. A General Accounting Supervisor position is being recruited to lead the Finance Section.

Recruitment efforts

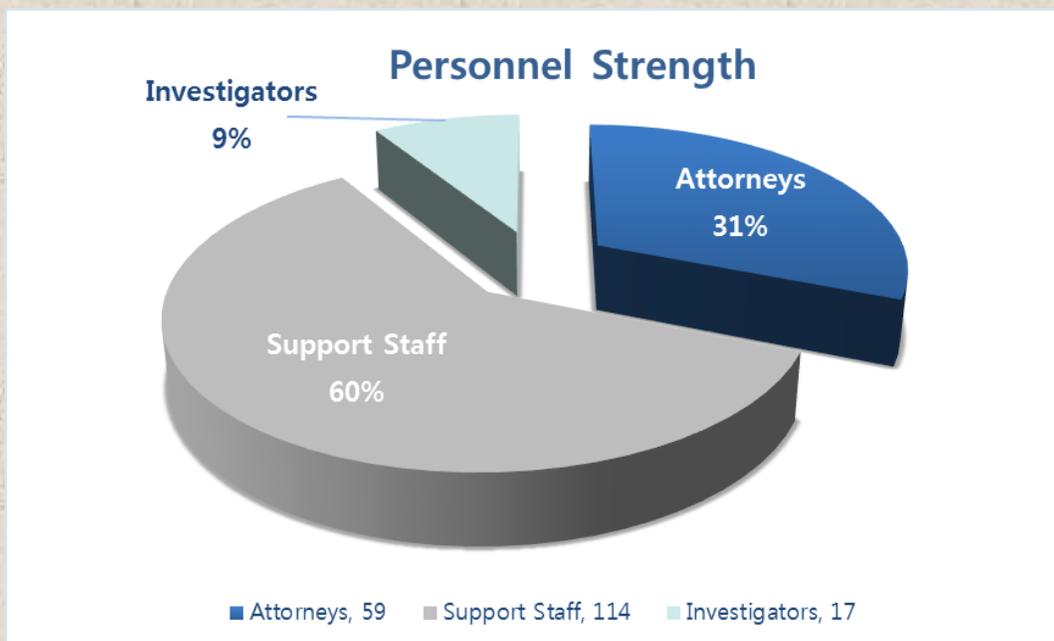
Major recruitment efforts were undertaken by Human Resources Section in 2015 to fill much needed positions. As a result, 35 vacancies were filled: 14 attorneys and 21 support staff.



Jacqueline Z. Cruz
Chief of Staff

As authorized by Section II (A)(1)(f) of the Policies and Procedures of the Competitive Wage Act (CWA) of 2014, a reclassification review was conducted to determine whether attorneys were properly compensated both prior to and after implementation of the CWA.

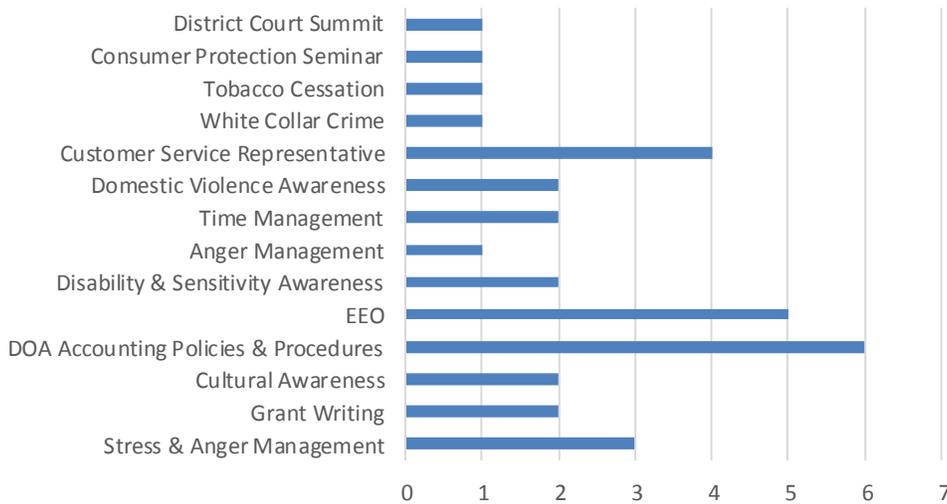
The Human Resources Section is overseen by Personnel Specialist IV Tony C. Agumon.



Succession Planning

Succession planning and training is a critical component and will be addressed in our Strategic Plan, Strategic Focus Area 3 during 2016-2017 to ensure long term stability in personnel staffing. The OAG is proactive in enhancing personnel skill levels through training and career development opportunities. The following training courses were attended locally.

Training Courses Attended



Career Development



Highlight

Audit of Child Support Title IV-D Program

The Child Support Enforcement Division is required to attend periodic training and meetings to ensure continued compliance of the Title IV-D Program. An audit conducted in 2015 by the Office of Public Accountability garnered the following response:

“CSED has made significant improvements since the prior OPA audits of the Office of the Attorney General’s Child Support Enforcement Program in November 2003, OPA Report No. 03-09 and December 2006, OPA Report No. 06-19.... CSED is also undertaking a major project to upgrade its current APASI system to improve efficiency, reduce errors, and produce better reports. Because these efforts have already begun, we do not have any recommendation to the Deputy Attorney General of the Child Support Enforcement Division at this time.”

Federal Grants

VOCA Funding

The Fiscal Year 2014 Victims of Crime Act (VOCA) grant funding totaling \$388,247.32 was subgranted by the OAG in 2015 to Guam Legal Services, Erica's House, Victim Advocates Reaching Out, and the Victim Service Center advocates in calendar year 2015.

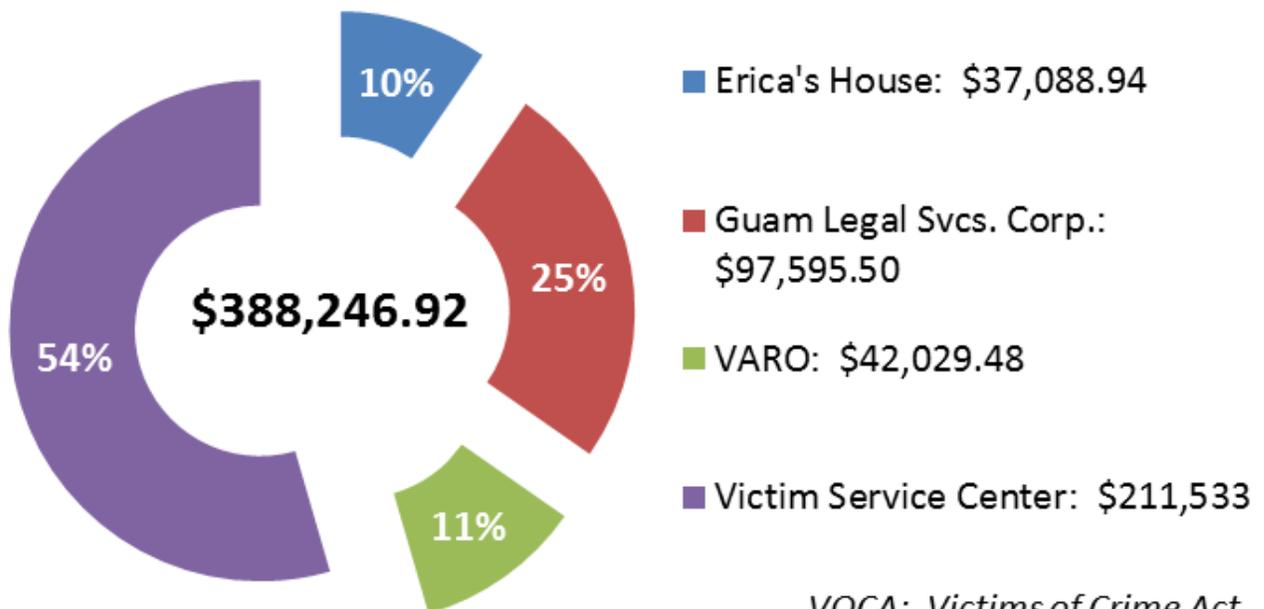
The OAG was awarded Fiscal Year 2015 VOCA grant funding totaling approximately \$1.2 million dollars. The OAG is looking to enhance and expand services to crime victims under this award. A State Plan is under development with a call for proposals to be issued upon publication of the Plan.

John R. Justice Program

The John R. Justice Prosecutors and Public Defenders Repayment Act assists prosecutors and public defenders with student loan repayment in exchange for service commitments to the profession. A grant fund totaling \$10,000 was awarded to 1 Prosecutor and 1 Public Defender in calendar year 2015. This is also administered by the OAG.

Federal grant efforts are overseen by Program Coordinator IV Franklin P. Artero, Finance Section, Administration Division.

FY2014 VOCA Grant Award



*VOCA: Victims of Crime Act
Grantor: Office of Victims of Crime*

Honoring our Retirees



Benjamin Abrams, Attorney IV
Litigation Division
8 years of service



Bernardita Manglona, Paralegal I
Child Support Enforcement Division
30 years of service



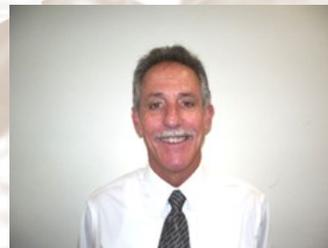
Diane Benavente, Program Coordinator III
Child Support Enforcement Division
25 years of service



Antonio Pablo, Process Officer II
Prosecution Division
24 years of service



Yvonne Charfauros, Legal Secretary III
Child Support Enforcement Division
31 Years of Service



Randy Rutten, Attorney IV
Child Support Enforcement Division
5 years of service



Josefina Camacho, Telephone Operator
Prosecution Division
15 years of service



Pamela San Agustin, Legal Clerk I
Child Support Enforcement Division
14 years of service



Victim Advocacy

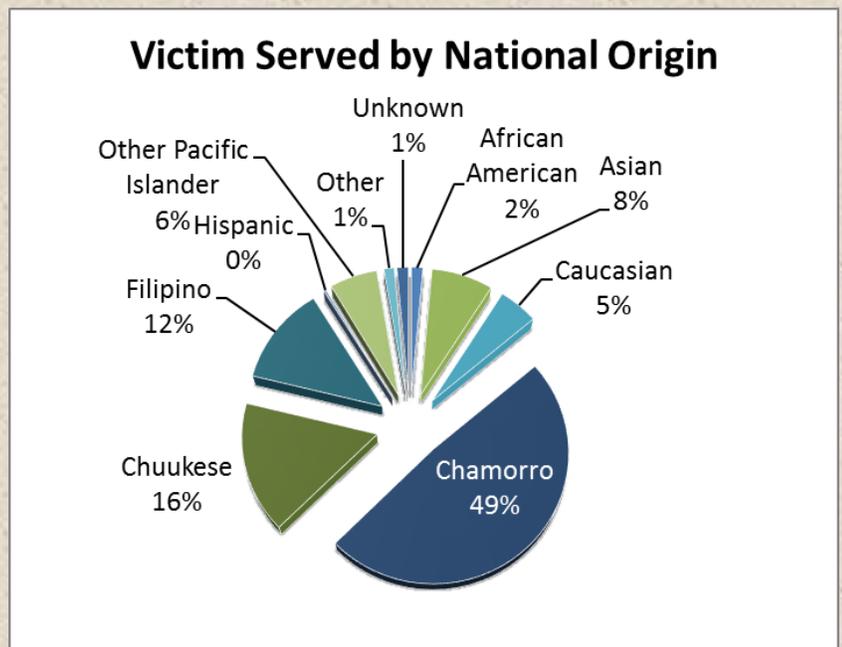
The Victim Service Center (VSC), formerly known as Victim Witness *Ayuda* Services, implemented changes in 2015 to provide seamless services for victims within the criminal justice system.

- ◆ Providing internal training for advocates on courtroom operations and hearing process
- ◆ Development of a courtroom—advocate assignment
- ◆ Increased accessibility by moving VSC to the 2nd floor of the ITC Building in Tamuning, which has 3 interview rooms and a play area for children
- ◆ Created branding for VSC which includes a new logo and brochures
- ◆ Contracted with interpreters to provide limited English-proficient victims with language services. A critical service to crime victims is providing interpreters in their target language. Interpreter services is crucial to victim services based on the diversity of ethnicities as shown in the chart below. The OAG began providing victims of crime with interpreter services in 2015 and intends to expand services in 2016.

VSC assisted 1,350 clients this year, with a large percentage of victims between the ages of 25 to 59 years of age.



Pauline I. Untalan
Special Assistant to the AG



Notary Services

The Notary Unit enforces the Notary Law and administers notary examinations, responds to inquiries from notaries and members of the public, audits notarial journals, and issues certificates of notary certification when requested.

In 2015, the Notary Unit was realigned under the Administration Division. Attorney General Barrett-Anderson appointed Pauline I. Untalan as the Notary Administrator to strengthen and increase program awareness in compliance with the Guam Notary Act. Immediately, a new notarial examination was developed and implemented.

The OAG began negotiations with the National Notary Association (NNA) to create an online course to better prepare current and future notaries public in meeting their mandates. This will complement a greater review and monitoring of all notaries, and stronger enforcement of Guam Notary Laws.

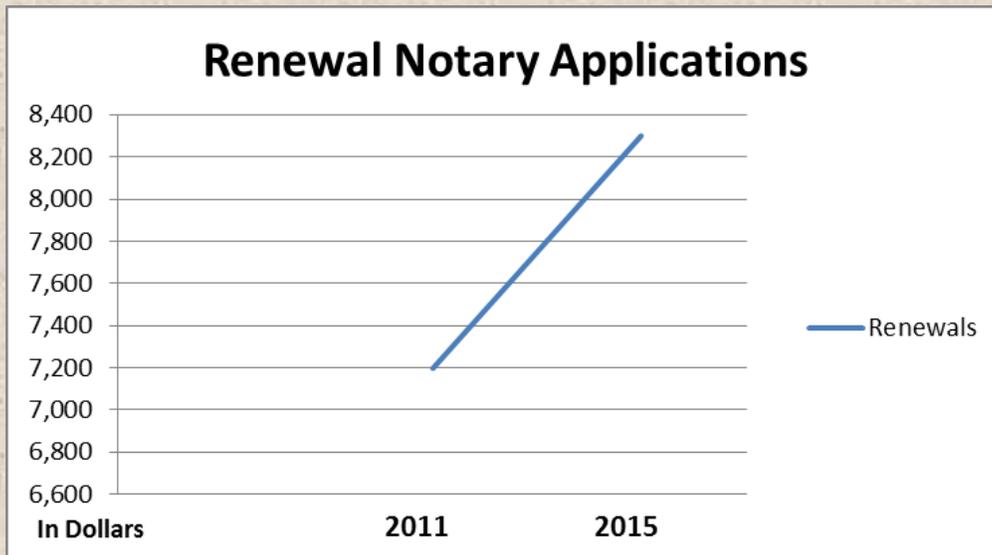
The Unit has seen a 15% increase in renewal applications from 2011 to 2015.

Notary Fund Collections 2015



The Unit processed a total of 73 new notaries, 92 renewals, and 84 Certificate of Authority Requests, bringing in a total revenue of \$19,000 for the year. The current number of active notaries public in Guam is 562, with 532 private notaries and 30 government notaries.

Renewal Notary Applications



Consumer Protection Division

The Consumer Protection Division (CPD) is tasked with enforcing local laws against false, misleading and deceptive practices that are injurious to consumers, while safeguarding, educating and protecting the consumers of Guam through community outreach.

The division is led by Fred Nishihira, Deputy Attorney General.

From 2010 to 2015, the CPD has seen a 391% increase in consumer cases filed, with a 64% case closure rate. Thus, the workload has steadily increased over the years, to include sign-on opportunities, consumer education and training, class action settlements, responding to phone and written inquiries, and National Association of Attorneys General Working Group matters.

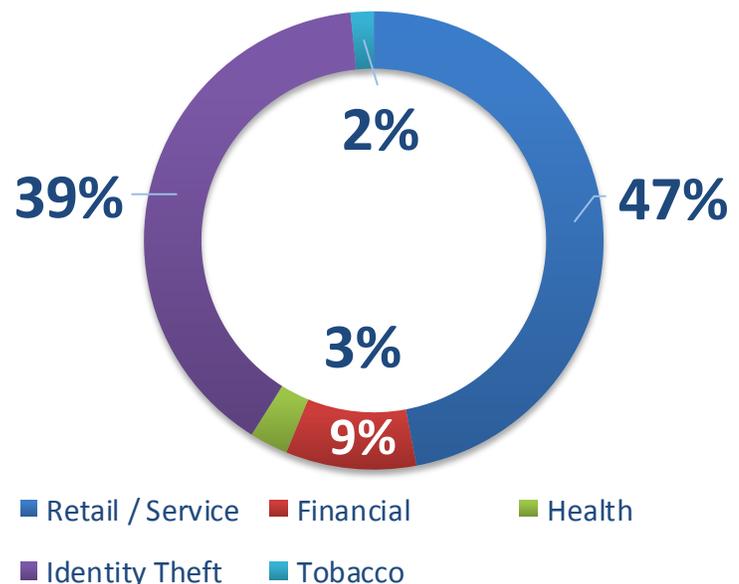


Fred Nishihira
Deputy Attorney General



Deputy Attorney General Fred Nishihira speaking at a Guam Chamber of Commerce meeting.

Consumer Complaints 2015



Recovering Government Funds

The “Wreck It, Replace It” railing project holds individuals accountable for the repair of government property damaged during an auto accident. A Memorandum of Understanding has been entered into between the OAG and the Department of Public Works.

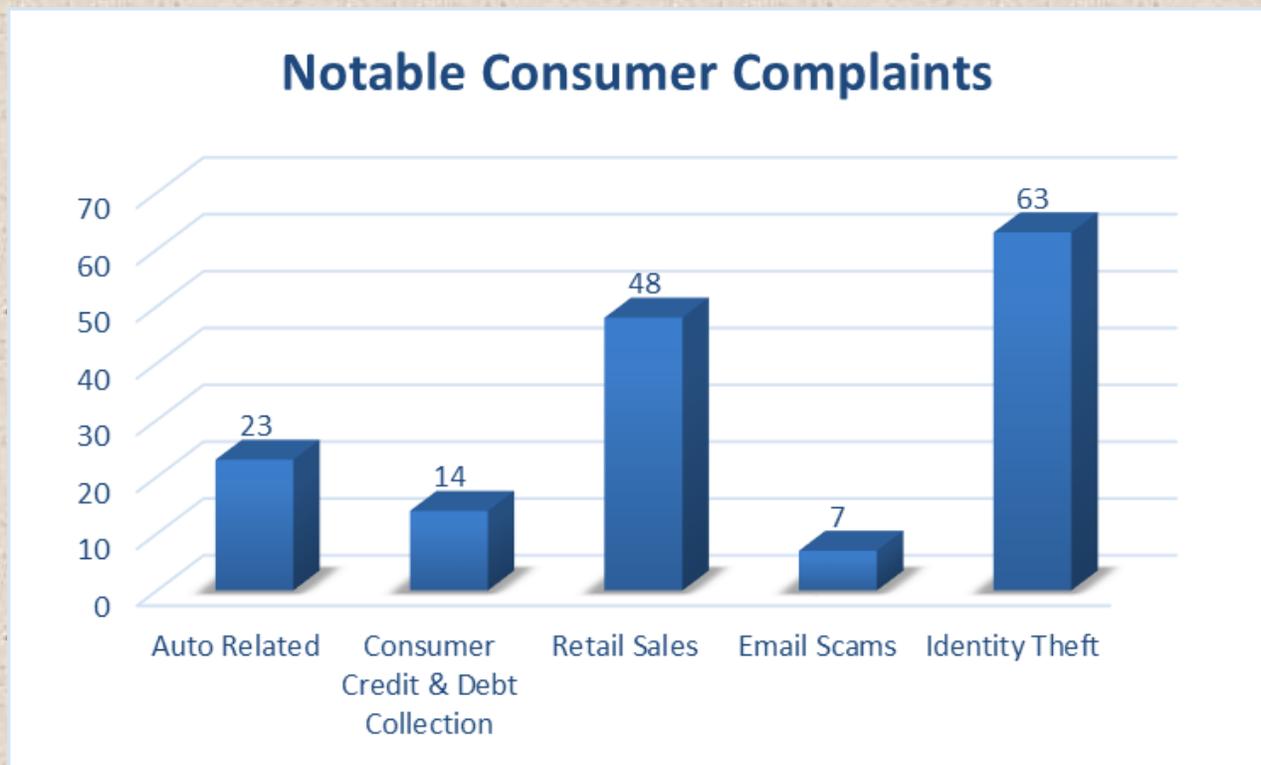


The Division, working with the Legislature, successfully strengthened consumer protections by requiring the Contractor’s License Board to publish a list of contractors authorized to conduct business in Guam. Public Law 33-103 requires the Board to publish this list in both print and electronically every August. The law also allows for citations to be issued that contain an order to cease and desist from the violation, and an assessment of civil penalties.



Top 5 Consumer Complaints

185 consumer complaints were received in 2015. Notable consumer complaints are identity theft at 34%, followed by retail sales at 26%, auto related matters at 12%, consumer credit and debt collection at 8%, and email scams at 4%.



The division is staffed with 5 employees (2 attorneys and 3 support staff) and has the tremendous responsibility of ensuring that consumers and their rights are protected. In October, the Division was relocated to the 2nd floor of the ITC Building in Tamuning to improve public access to services.

The Division receives complaints filed against local and off-island businesses that may be violating the Deceptive Trade Practices – Consumer Protection Act, which protects against false, misleading and deceptive practices. Community outreach and notification efforts are essential to safeguard, educate, and protect consumers.

Time Standards

In 2013, the Judiciary implemented rules (the “Time Standards”) to accelerate final dispositions of cases and motions. The obvious impact of the accelerated timeframes was that the Division needed to increase its gross prosecutorial output to meet measured cycle times. The new time standards have forced prosecutors and investigators to invest significant time on multiple trial preparations on a nearly weekly basis, as opposed to time spent reviewing and drafting charges on cases referred by GPD after arrest and release, or those referred as pending investigation (“RPI”). Overall, there are simply more criminal matters and shorter times to do them.

To meet the demands of a large caseload, courtroom-specific rules and practices, no less accelerated cycle times for dispositions of cases and motions, starting in 2014, the Division moved away from its traditional, vertical prosecutorial platform of crime category units. Major Crimes, DUI/Traffic, Drugs & Guns, Family Violence & Criminal Sexual Conduct, Property, White Collar – for charging, plea bargaining, non-trial resolutions, and trial purposes and adopted a pure, assigned-courtroom system of decking prosecutors and staff to specific courts and or judges where prosecutors would be assigned cases primarily without regard to type of crime (the “Courtroom-assigned Prosecutor Platform” or “CAPP”).

Photos: OAG employees review court-returned evidence from closed cases and prepare items for proper destruction. Pictured from L-R: Paul Fegurur, Pauline I. Untalan and Jay Fejeran.

Evidence from criminal cases from 1982 through 2009 was cleared out of the Superior Court Clerk’s Office Evidence Vault in order to accommodate evidence for current criminal cases.



Pictured above: Chief Investigator Tony Blas

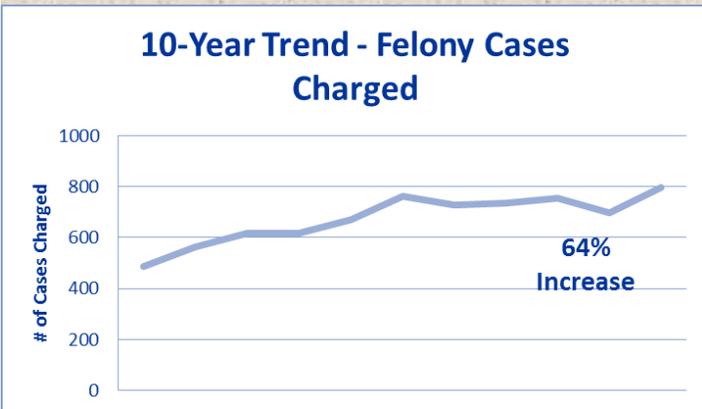


Prosecution Division

The Attorney General is the Public Prosecutor. The Criminal Division is designated to prosecute in the name of the People of Guam. The Division handles adult criminal cases both felony and misdemeanor, certain traffic offenses¹ in the Superior Court of Guam, and certain cases in the U.S. District Court of Guam.



Phillip J. Tydingco
Chief Prosecutor



The division is led by Phillip J. Tydingco, Deputy Attorney General and Chief Prosecutor.

Prosecution Division is made up of 21 Assistant Attorney General (AAG) positions. 3 AAGs are assigned to each of the 7 courtrooms, 6 of which are therapeutic courtrooms: Adult Drug Court, Mental Health Court, Veterans Treatment Court, Juvenile Drug Court, Family Violence Court, and DWI Court. 2 full time prosecutors are assigned to the White Collar Crime Unit.

Notable charging trends from 2005 to 2015 reflect a significant increase of 64% in felony charges over this period, with an overall 26% increase of felony and misdemeanor charges combined. The division charged a total of 1,793 cases in 2015.

Therapeutic Courts. 137 individuals were screened for placement in Veterans Treatment Court, 350 Family Violence Court cases filed, 204 felony and 25 misdemeanor Adult Drug Court cases filed, and 32 Mental Health Court cases filed.

Case filings in 2015 include 6 home invasion cases, 20 robbery cases, 71 theft cases, 24 criminal sexual conduct cases, 385 DWI cases and 200 drug cases.

The White Collar Unit of the Prosecution Division successfully prosecuted its first tax evasion case in many years. Francisco Roberto Santos pleaded guilty to willful failure to file taxes and was sentenced to one year imprisonment at an off-island federal corrections facility. Santos owes \$343,950 in restitution, although he is potentially liable for more.

Another conviction through a plea agreement involved a supervisor at a construction warehouse who stole thousands of dollars' worth of copper wire and other construction supplies. He was found guilty of Theft as a Third Degree Felony and agreed to restitution.

The White Collar Crime Unit is led by Assistant Attorney General Joseph B. McDonald.

¹P.L. 32-27 repealed and reenacted the Vehicle Code reducing offenses from petty misdemeanor to civil violations, except for a few violations that remain misdemeanors and under the purview of the OAG for prosecution.

Representing the People

Additional functions of the Division include appearing before the Parole Board, Pardon and Commutation, operating the Family Violence Compensation Commission, and providing the ancillary service of reports.

Family Violence Registry

Defendants Added in 2015: 16
Total Defendants: 33

P.L. 31-103

GCA Title 9, Chapter 30, §30.200

ence Registry, providing to the Criminal Injuries mission, and providing criminal case disposition

AG Clearance

Under Public Law 30-60, the Office was granted the authority to collect a fee for research and issuance of an Attorney General (AG) Clearance, or criminal case disposition, which are frequently requested by civilians to gain access to military installations for occupational work. Fees collected, which are \$15 per clearance, are deposited into a Victim or Witness Travel-Housing Fund.

The first deposit was made into the account in September. A total of \$1,765 was deposited in 2015. All fees collected will be used solely for the purpose of assisting with the cost of travel or housing for victims or witnesses who return to Guam to testify in



Office of the Attorney General
Elizabeth Barrett-Anderson
Attorney General of Guam
Prosecution Division
590 S. Marine Corps Drive, Ste. 706 • Tamuning, Guam 96913 • USA
(671) 475-3406 • (671) 477-3390 (Fax) • www.guamag.org

Guidelines for Individuals Requesting for an AG Case Clearance / Disposition

A request for AG Case Clearance / Disposition requires the following:

- 1) Letter from individual and reason for disposition request, i.e. for entrance onto a military base/facility for occupational work. In the letter, state your full name (any aliases if known), DOB and SSN.
- 2) A copy of a valid photo identification.
- 3) Fee of \$15.00 in cash or check made payable to Treasurer of Guam. All checks are subject to a \$35 handling fee should it be returned for insufficient funds.

Email and off-island requests are accepted provided the requests are submitted in a letter format with a return address, email address and any attachments. Clearances prepared for email and off-island requests will be held until proof of payment is furnished to the Prosecution Division (see AG Case Clearance Payment Form).

Our response will be in a disposition letter format with a copy sent to Guam Police Department Records and Identification Section for record purposes.

The AG Case Clearance form may be picked up by the requesting individual. A valid photo identification is required. It may also be mailed if requested to the individual's mailing address (please specify and include a self-addressed, postage paid envelope).

Should you have any questions, please do not hesitate to contact our office at 475-3406 extension 2410.



Office of the Attorney General
Elizabeth Barrett-Anderson
Attorney General of Guam
Prosecution Division
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(671) 475-3406 • (671) 477-3390 (Fax) • www.guamag.org

APPLICATION FOR OAG CLEARANCE/DISPOSITION LETTER (Individual)

Legal Name: _____
(Last Name) (First Name) (Middle Name)

Home Address: _____

Mailing Address: _____

Date of Birth: _____ SSN: _____ (for verification purposes only)

Home Phone: _____ Business Phone: _____ E-mail Address: _____
(if any and optional)

Attach valid picture identification (AG staff may make copy of this)

Solicitor Division

The mission of the Solicitor Division is to provide the highest standard of professional legal services to the agencies, departments, boards, commissions and other entities of the government of Guam in order to support, facilitate, and advance their work on behalf of the people of Guam. The Solicitor Division currently has a Deputy Attorney General (DAG) and a complement of assistant attorneys general and support staff dedicated solely to solicitor-related work.

The division is led by Karl Espaldon, Deputy Attorney General.

Attorney General Barrett-Anderson formally re-established the Division separate and apart from the Litigation Division and Consumer Division, all of which were previously run as a single division under one deputy attorney general.

In FY2015, the Solicitor Division received 856 requests for assistance from government agencies, of which, 587 requests were successfully resolved or closed. These requests included requests for legal guidance, reviews of governmental contracts and agreements, reviews of proposed agency rules and regulations, procurement assistance, and administrative proceedings.

In 2015, an Assistant Attorney General was assigned specifically to the Guam Police Department to assist with handling legal affairs, which proved to be of tremendous help to the agency.

In addition to providing legal assistance and advice to the government on specific issues and cases, the Division's mission is to facilitate the work of its client agencies and departments and to standardize and develop templates, procedures, and checklists to assist in the preparation of documents frequently used by government agencies, such as memoranda of agreement and understanding, request for proposals, invitations for bid, and draft rules and regulations.



Karl Espaldon
Deputy Attorney General

Lastly, the Division plans to develop and provide training to government personnel on frequently encountered matters such as the procurement process, negotiation and drafting of contracts, responding to freedom of information requests, Government Claims Act claims, and complying with Open Government Law, to name a few.

Full Time Attorneys Assigned to:

**Guam Police Department
Department of Land Management
Department of Public Works**

Litigated Case Outcomes



Maria A. Gange, Jesus Cruz, Ana Chargualaf, Jesus Aguigui, for themselves and on behalf of all others similarly situated v. Government of Guam Ancestral Lands Commission by and through its individual Commissioners (for injunctive relief only to prevent a transfer) and Does 1-300, inclusive (CVA 13-027; CV 1461-10)

AGO Advocate: Assistant Attorney General Kathy A. Fokas

Summary & Outcome: Defeated class certification of a group of ancestral landowners of Tiyan property being used by the Guam International Airport Authority. Defeated their counsel's request for \$12 million in attorneys' fees. The superior court held that Guam's sovereign immunity barred Plaintiffs' claims for attorney fees under the "common fund" theory. Plaintiffs have appealed the denial of class certification and award of attorney's fees to the Guam Supreme Court. The appeal is pending.

Government of Guam v. Young Kim, 2015 Guam 15

AGO Advocate: Deputy Attorney General Kenneth D. Orcutt

Summary & Outcome: Government appealed dismissal of its Consumer Protection Act and fraud claims for \$218,968, punitive damages, and attorney's fees against Young Kim, President of Hubtec International Corp. The Guam Supreme Court reversed the Superior Court and established that the Government of Guam had standing to sue as a consumer under Guam's consumer protection act and the right to seek the remedies available to other consumers under the act.

Elizabeth Barrett-Anderson, Attorney General v. John P. Camacho, Director, Guam Dept of Revenue & Taxation, et al., CVA14-013 (CV0780-13)

AGO Advocate: Assistant Attorney General Marianne Woloschuk

Summary & Outcome: The Attorney General filed a complaint for declaratory judgment to have the courts declare the validity of the gambling regulations. The Superior Court dismissed the Attorney General's case on a technicality for lack of jurisdiction. The Attorney General appealed to the Supreme Court of Guam, which reversed the lower court's decision. The Supreme Court found that it would have been futile for the Attorney General to go through the administrative steps involved in exhausting administrative remedies because the Department of Revenue and Taxation had already made its position known that it thought the regulations were valid. The Supreme Court remanded the case to the Superior Court to address the merits and decide whether or not the gambling regulations are valid.

Zheng v. Sablan and the Mayors' Council of Guam

AGO Advocate: Assistant Attorney General Monty R. May

Summary & Outcome: A group of investors sued the Mayor's Council for alleged violation of the Sunshine Act and alleged failure to comply with the laws related to the planning for the 2015 Guam Island Fair. They first sued for injunctive relief and then in a separate suit sued for a writ of mandamus. The plaintiffs dismissed their suits and claim for attorney's fees upon losing their suit for the writ of mandamus.

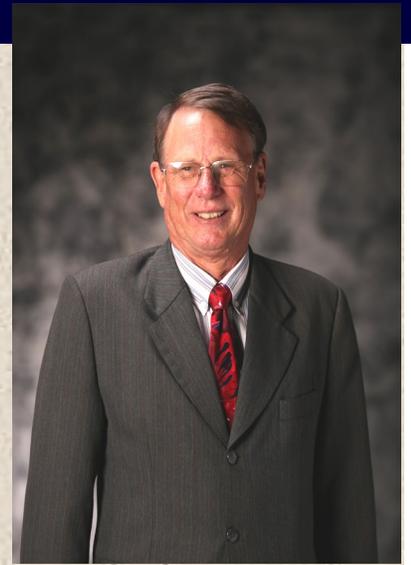
Litigation Division

The Litigation Division of the Guam Attorney General's Office represents the government of Guam and individual government employees in civil litigation and appeals.

The division is led by Kenneth D. Orcutt, Deputy Attorney General.

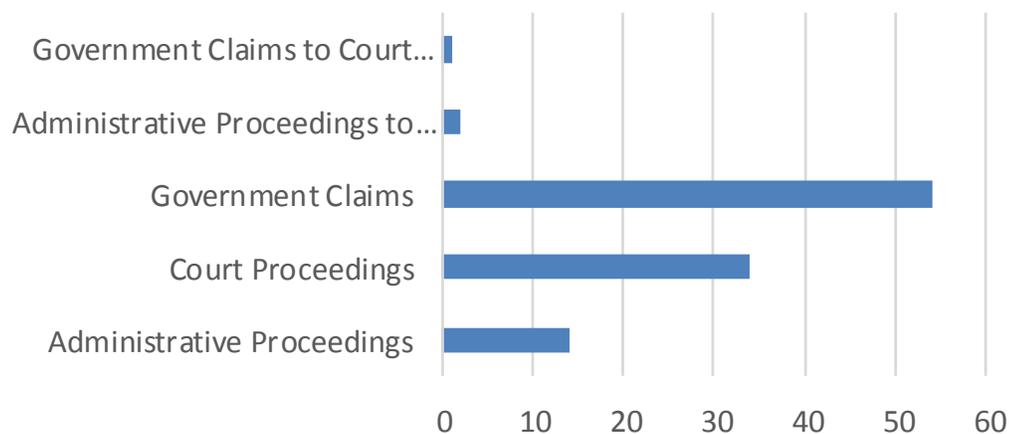
The division has 7 litigators who advocate and defend the people of Guam through representation to the government body. The workload included a total of 159 cases in 2015 (administrative proceedings, court proceedings and government claims).

The Office of the Attorney General is coordinating with the Judiciary of Guam to design and procure a case management system for Litigation Division as well as to allow limited access to Guam Superior Court documents.



Kenneth D. Orcutt
Deputy Attorney General

Litigation Division - Cases Opened in 2015



Litigated Case Outcomes



Government of Guam v. 240 sq. m., et. al.

AGO Advocate: Assistant Attorney General Kathy A. Fokas

Summary & Outcome: Acquired land by eminent domain for the Government of Guam to widen southern bridges for public safety.

Rosita Perez v. Government of Guam

AGO Advocate: Assistant Attorney General Kathy A. Fokas

Summary & Outcome: Reached settlement amount of 1/5 of the Government's exposure in an inverse condemnation case filed by landowners whose property was taken by the Government without the payment of just compensation.

Wise Owl v. Public Health, Guam Superior Court Case SP 0137-14.

AGO Advocate: Assistant Attorney General Happy Rons

Summary & Outcome: Public Health had statutory authority to execute an administrative search warrant; that Public Health had authority to administer the Guam Uniform Controlled Substances Act; that Wise Owl had no property right in controlled substances which were manufactured, distributed, dispensed, acquired or held in violation of the Guam Uniform Controlled Substances Act, and that only drugs (i) not in violation of that law; and (ii) controlled substances not in violation of the import-export registration law, should be returned to Wise Owl.

Re-Entry of the Attorney General as attorney of record in major litigation: Upon assuming office in January of 2015, Attorney General Elizabeth Barrett-Anderson ordered the Litigation Division to consider representing the Government of Guam in major litigation in which it had previously withdrawn as attorney.

Since that time, the Attorney General herself has appeared as attorney of record in the Ordot Dump closure/Layon Landfill litigation. (*United States of America v. Government of Guam*, District Court of Guam Civil Case No. 02-00022.) It is anticipated that the Attorney General will re-assume representation of the Government of Guam in litigation surrounding the proposed incinerator project. (*Guam Power Inc. v. Government of Guam and Guam Economic Development Authority*, Guam Superior Court Civil Case No. CV1680-11.) By re-entering these cases, the Government will save money that would have been spent on outside counsel, and also fulfills the role of the Attorney General as the chief legal officer of Guam.

Reduction in Arrests for Illegal Hunting and Fishing Due to Zealous Enforcement and Prosecution

AGO Advocate: Assistant Attorney General Monty May

Summary & Outcome: The Law Enforcement Section of the Division of Wildlife Resources, Department of Agriculture reports that fewer arrests are being made for illegal hunting and fishing. The Department attributes the reduction to consistent filings of forfeiture petitions over the past twenty years by the OAG, complementing the work of the Department's Law Enforcement Section, resulting in greater compliance with the law.

United States v. Government of Guam

United States v. Government of Guam. (DOC Consent Decree Case)

AGO Advocate: Assistant Attorney General Kathy A. Fokas

Summary & Outcome: Brought Department of Corrections (DOC) into compliance with National Correctional Health Care Standards pursuant to Court order avoiding federal receivership, and in the not so distant future, will potentially bring an end to a 25 year old case.

The decades-old healthcare issues that have plagued DOC are finally being addressed. With receivership a very near possibility and probability, a settlement conference took place on January 15 and 16, 2015, to lay out a timeline for DOC to comply with national standards for medical, dental and mental healthcare for inmates and detainees.



This case has completely turned around with the Government of Guam essentially acting as its own receiver. The great strides achieved by the government under the court order were accomplished by all three branches of government working together. General Barrett-Anderson, who was at the helm, Assistant Attorney General Kat Fokas, along with numerous agencies and consultants, should be credited with managing Gov-Guam compliance with the court order.



Members of the DOC Working Group include L-R front row: DOC Director Jose San Agustin, Lt. Governor Raymond S. Tenorio, AG Elizabeth Barrett-Anderson, and Deputy AG Fred Nishihira, among other officials.

“The clinic now looks like a clinic, it feels like a clinic, and even smells like a clinic.”

Fred Nishihira
Deputy Attorney General



Juvenile Division

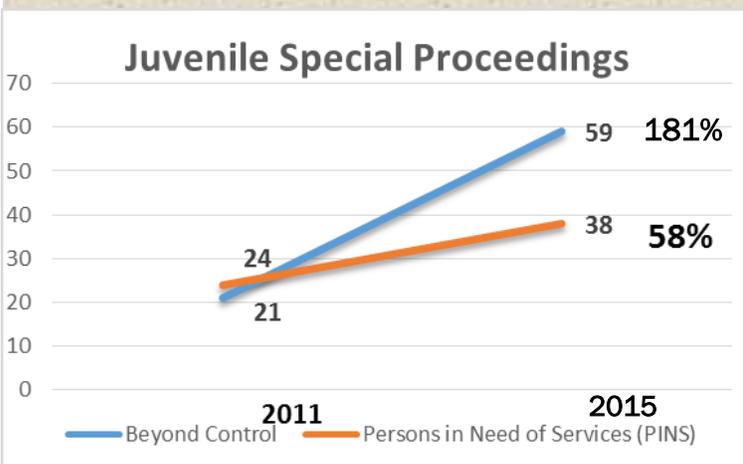
The mission of the Juvenile Division is to promote the safety and well-being of our children by bringing justice to individuals who inflict undue harm and danger upon them. Juvenile Division attorneys and support staff participate in efforts to strengthen legislation relevant to juveniles, juvenile justice reformation efforts, restorative justice, juvenile drug court, and public educational campaigns to address sexting, bullying, mutual combat and related trends.

The division is led by Carol Hinkle-Sanchez, Deputy Attorney General.

Notable trends from 2011 include beyond control cases which have increased 181%, and persons in need of service (PINS) cases have increased 58%.

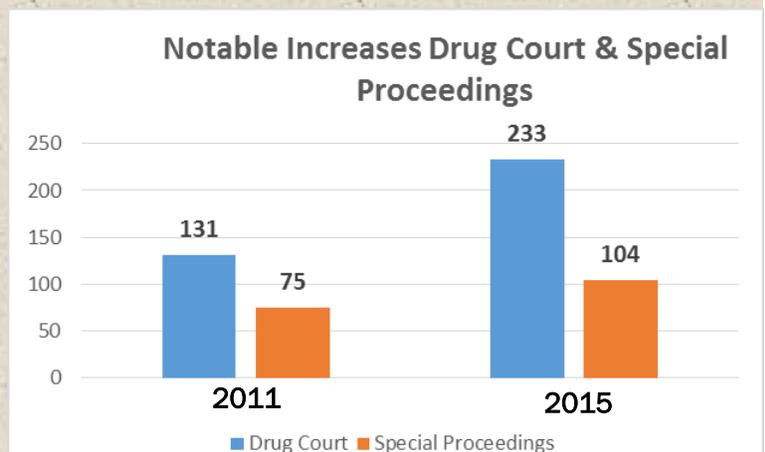


Carol Hinkle-Sanchez
Deputy Attorney General



Similarly, from 2011 to 2015, juvenile drug court cases increased 78%, from 131 to 233. Special Proceedings cases increased 39%, from 75 to 104 cases.

The Division also works to strengthen legislation relevant to juveniles, actively engages in public educational campaigns to address issues like sexting, bullying, and other related criminal trends.

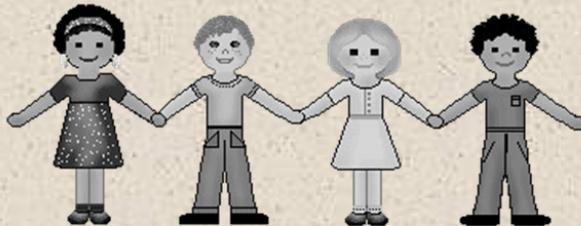


Case Management System—APÅSI

The caseload of CSED is maintained and managed by the Absent Parent Automated Systems Information platform, APÅSI, that was transferred from Texas in 1996.

The system is no longer adequate to meet current case management requirements and is obsolete. CSED is in the midst of a 5-7 year plan to phase out the APÅSI platform and plans to transition to a new system in fiscal year 2017. Currently, the Division is working with consultants to finalize a recommendation for the new system, system specifications, and ongoing project management services.

In addition to federal requirements, the new case management system will result in better tracking of factors affecting child support orders, increased ability to provide up-to-date case information to custodial and non-custodial parents, and more accurate accounting of payments received and dispersed.



Access & Visitation - A &V Program

The goal of the Access and Visitation Program is to improve non-custodial parents' access and visitation to their children. This year, the program referred 6 parents to *Inafa'Maolek* and assisted 48 parents to establish services with Erica's House- 18 of which were supervised visitation services and 30 as a neutral drop-off and pick-up site.

Federal Compliance

CSED operations are funded primarily by federal grants and receive 66% of its budget from the U.S. Office of Child Support Enforcement. As such, there are many federal mandates that the Division must comply with.

Minor structural and organizational improvements were made mid-year, bringing the Division closer to realizing security and safety requirements under federal funding.

Child Support Enforcement Division

The mission of the Child Support Enforcement Division (“CSED”) is to assist parents with obtaining the financial support necessary for raising their children, as mandated by both federal and local law. CSED aims to collect and timely distribute child support payments. This is done by establishing paternity of children; establishing and enforcing court orders for financial and medical support; and recovering welfare funds that have been paid on behalf of Guam’s children through the Temporary Assistance for Needy Families Program. Where appropriate, CSED promotes the emotional involvement of both parents in the life of a child. CSED also aims to accomplish these tasks efficiently in order to minimize taxpayer expense while also providing exemplary customer service.

The division is led by Rebecca M. Perez, Deputy Attorney General.



Rebecca M. Perez
Deputy Attorney General

Snapshot of Services

Children Served	11,499
Active Caseload	6,800
Walk-In Assistance	7,874
Case Workload per Attorney	850

1,976 Child Support Checks processed

56,427 Electronic Funds Transferred for Child Support

Employee Wage Withholding Processed: 529

The Child Support Enforcement Division (CSED) assists parents with obtaining the financial support necessary for raising their children. 11,499 children were served this year, and a total of 6,800 child support cases are handled by 8 attorneys and 49 support staff within the Division.

Financial Snapshot:

Total Collected: \$11.2 million

Total Dispersed: \$10.2 million

At times, paternity must be established at the onset of a case. The Division works with the custodial parent to initiate the testing and in some cases, pay associated costs.

There are a number of enforcement tools the Division can utilize in order to assist custodial parents – the parent who cares for the child or children on a regular basis – with receiving regular and consistent child support. Tax offsets and passport withholding have proven to be effective in the past, and the Division continues to use these and other tools to ensure children receive the financial support they need. This year, there were 2,668 cases that were flagged for the passport denial program which comprise of non-custodial parents with arrears over \$2,500.

Contact Us



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3325	Janett Gozalo	jgozalo
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4015	Eliseo Florig	eflorig
4082	Erlinda Blas	eblas
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3450	Felix Manglona	fmanglona
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3775	Gary Borja	gcborja
2495	Julie Blas	jblas
3035	Kathy 'Kat' Fokas	kfokas
3075	Kenneth Orcutt	korcutt
2575	Lynette 'Lyn' Flores	lflores
3099	Marianne Woloschuk	mwoloschuk
3775	Meilani Quintanilla	mquintanilla
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