

2016

Annual Report



OFFICE OF THE ATTORNEY GENERAL

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

In Memory



DAVID LOCHABAY

1940 - 2016

David Lochabay was an Assistant Attorney General for the Office of the Attorney General for 17 years. This year's Annual Report is dedicated to him. He served the people of the Commonwealth with dedication and distinction.

Hafa Adai, Tirow, and Welcome. The Office of the Attorney General presents the community with its 2016 Annual Report, detailing the performance of our organization. This report is intended to have an open and transparent organization tasked as the Commonwealth's Chief Legal Officer. This report includes information on civil litigation, criminal prosecution status, statistics, and activities.

The Office of the Attorney General provides legal counsel and representation to Commonwealth government and its agencies in many issues vital to the people's interest. These issues include the protection of children from abuse and neglect, preservation of the environment, protecting the Commonwealth's financial assets, the protection of consumers, and public safety.

The OAG welcomes your ideas on ways that we can serve you and the community.



Edward Manibusan
CNMI Attorney General

THE OFFICE AT A GLANCE

The CNMI Office of the Attorney General is:

- The Chief Legal Officer for the CNMI
- Represents Executive Departments, Autonomous Agencies, and Public Corporations
- Takes Legal Action on behalf of its citizens
- Prosecutes violations of law

There are six (6) divisions within the OAG, including:

- Civil Division
- Criminal Division
- Solicitor's Division
- Office of Consumer Counsel
- Administrative Services Division
- Attorney General Investigation Division
- Victim Witness Advocacy Unit

GOALS

- Ensure the safety and security of the people of the Commonwealth;
- Work in partnership with the Executive Branch, Legislature, Courts, Law Enforcement Agencies such as Customs, Police, Fish & Wildlife, Probation, Parole, and Federal counterparts;
- Increase enforcement of consumer protection laws;
- Combat challenges of graft and corruption, domestic violence, child abuse and neglect, drugs and violent crimes;
- Build and improve relationships, discuss issues relating to enforcement of laws and to promote training so that all can properly and legally do their jobs;
- Ensure criminal cases are thoroughly investigated and reviewed before charges are filed;



Lillian Tenorio
Deputy Attorney General

In light of our 2015 key initiatives, the Office of the Attorney General accomplished the following:

- Published Policies and Procedures Manuel for the OAG
- Published a guide to the Open Government Act for boards and commissions
- Drafted gun control legislation (SAFE I & SAFE II), Domestic Violence legislation, and limitation of claims against the Commonwealth
- Provided training to interested stakeholders in connection with new gun control laws
- Assisted various agencies in drafting, amending, & promulgating regulations
- Provided training to various stakeholders on Saipan, Rota, and Tinian on Involuntary Civil Commitment Law
- Met with federal counterparts on gaming issues including financial crimes, treasury, & money laundering compliance
- Served as Poll Observers in the midterm election

Advisory Opinion & Legislative Review

	2015	2016
Review of Legislation for the Chief Executive	48	93
Review for Legislative Comments	60	90
Summary of Legal Services Request:		
Department/Agencies	39	90
Governor	29	84
Total	68	174



Tina Sakisat
Manager, Administrative Services

Budget & Expenditures

	2015	2016
General Funds	\$2,303,763.00	\$2,700,000.00
Personnel	\$2,199,320.00	\$2,485,225.00
Operations	\$104,443.00	\$214,775.00
Federal Funds	\$171,300.00	\$199,335.00
Total Expenditures	\$2,475,063.00	\$2,899,335.00
Personnel		
Attorneys	20	22
Investigators	3	4
Support Staff	19	21
Victim/Witness Unit	5	4
Total	47	51

Civil Division: Administrative Information & Statistic

	2015	2016
Civil Litigation		
New Cases	23	16
Active Cases	77	49
Dispositions	29	24
Wardships	12	13
Publication of Rules & Regulations in the Commonwealth Register		
Emergency Regulations	5	3
Proposed Regulations	20	19
Adopted Regulations	22	12
Subscribers	8	5
Total Registry Collections	\$1,280	\$800
Apostilles/Certifications Issued		
Apostilles	167	149
Certifications	257	534
Notary Public Applicants & Authentication		
Total Notary Public	154	149
New Notary Public	25	31
Notary Public Renewed	55	32
Environmental Protection Enforcement		
DCRM Enforcement Actions	56	31
DEQ Enforcement Actions	74	148
Safe Drinking Water Act Violations	25	70
Wastewater & Earth-Moving Violations	8	28
Pesticide Violations	8	30
Substantial Violations	8	0
CNMI Water Quality Standards	0	4
Solid and Toxic Waste	0	5
Air Quality	0	11
Total Enforcement Actions	130	179
Child Support Enforcement		
Initiating Cases	15	9
Responding Cases	12	25
Active Cases	438	510
Appellate Cases		
New Cases	7	14
Active Cases	19	28
Oral Arguments	14	12
Dispositions	14	3



Christopher Timmons
Chief, Civil Division

CIVIL DIVISION

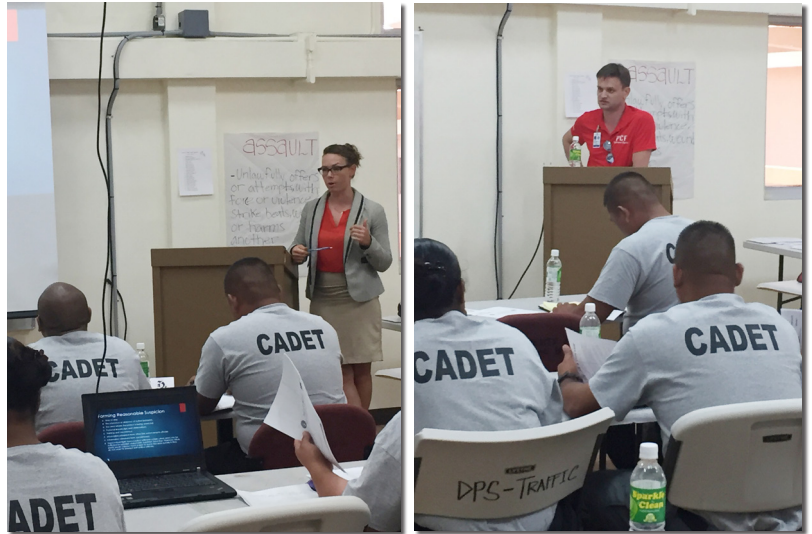
The Civil Division of the Office of the Attorney General counsels and represents departments and agencies of the Commonwealth. In 2016, the Civil Division resolved approximately 10 civil matters at various stages of proceedings including:

- Successful antitrust claim resulting in a \$1 million settlement in favor of the Commonwealth
- Upheld the constitutional principle of Legislative Immunity
- Successfully defended a challenge to the Attorney General's constitutional authority as Chief Legal Officer to represent multiple defendants in the same or similar matters
- Filed multiple cases to enforce the Commonwealth's authority over Public lands against encroachers and to collect for past uncompensated use
- Obtained and recorded judgment against Hong Kong Entertainment (Overseas) Ltd. for labor violations
- Resolved multiple civil rights cases on favorable terms

Consumer Corner

The Consumer Protection Division investigate and enforce violations of the Consumer Protection Act. Other activities in this division include:

- Established a joint Consumer Protection Task Force
- Launched weekly consumer protection campaign in local newspapers. This year, 8 editorials were published
- Issued approximately 30 notices of violation of the Consumer Protection Act
- Collected \$71,125.00 in fines
- Recipient of supplementary free hard copy pamphlets (in multiple languages) that are the subject of the weekly publication courtesy of the Federal Trade Commission. These pamphlets focus on protecting consumers and businesses at the federal level. They address issues ranging from “how to avoid identity theft” to specific consumer guides, such as “what to look out for when purchasing an automobile.”



Assistant Attorneys General Shannon Foley and Charles Brasington are shown teaching the 21st Police Academy Cycle. Some of the course curriculum include introduction to criminal justice, report writing, arrests, search & seizure, the exclusionary rule, working with witnesses and victims, interrogations & waiver of rights, juvenile justice, and traffic law.

OAG Facilitated Training

In light of our 2015 Key Initiatives, the OAG facilitated the following trainings, seminars, workshops, and conferences:

- Involuntary Civil Commitment
- SAFE ACT I & II
- Drug Testing Training
- CNMI Procurement Regulations
- Legal Aspects of Evidence Collection and Preservation
- Medical Professionals as Witnesses: Rights and responsibilities
- Forensic Child Interviewing Clinic



Assistant Attorney Generals conducted a workshop of the CNMI Procurement Regulations for the Office of Grants Management.



Jonathan Liwag from the Northern Marianas College conducts training for OAG personnel.



Investigators from the Attorney General's Investigative Unit attended the ATF training held at the Department of Public Safety.



Paralegal Lani Diaz attended the Criminal Justice Information Services training with the Federal Bureau of Investigation.

Continuing Education & Training

Continuing education and training is vital to the quality of services we provide to the Public. This year, training was provided to our attorneys and support staff, to include:

- Library Training, US District Court
- Google Apps
- No Cost Legal Research (CLE)
- Westlaw Drafting Assistant Webinar
- Professionalism Symposium
- Opioid Abuse Consumer Protection and Enforcement
- Appellate Practice Conference
- National Reducing Recidivism and Improving Public Health Through Effective Mental Health Programs
- National Effective Protocols and Practices for Officer-Involved Shootings Symposium
- National Anti-Corruption Academy
- Trial Advocacy
- Pacific Judicial Council Domestic Violence Conference
- National Advanced Habeas Corpus
- CNMI Procurement Regulations
- CNMI Federal Grants Management Workshop
- Performance Progress Reporting & Non-Competitive Continuation Applications
- Child Forensic Interview Clinic
- Career Prosecutor
- International Summit and Training on Violence, Abuse, and Trauma Across Lifespan
- Criminal Justice Information Systems Training
- U.S. Territory Summit on Violence Against Women
- Prosecuting Homicide Cases Course
- Chief Deputies Meeting
- Drug Court

Criminal Division



Michele Harris
Chief Prosecutor

The Criminal Division is in charge of prosecuting criminal offenses pursuant to Article III, Section II of the Commonwealth Constitution. Ensuring that justice is served while balancing the safety and welfare of the Commonwealth are essential functions of the Criminal Division and necessary for maintaining a civilized society.

Led by a Chief Prosecutor who oversees the assistant prosecutors, administrative staff, and the Victim Witness Advocacy Unit, the Criminal Division seeks to exercise prosecutorial discretion in the use of resources to further the priorities of the local jurisdiction and needs of the Commonwealth. Our goals for the Criminal Division are as follows:

- Elevate public confidence in the criminal justice system through relevant educational, community outreach, and public information programs
- Lawfully and aggressively pursue an effective proactive stance in narcotics enforcement through continued participation in Drug Court
- Take a community leadership role by forming partnerships with schools, community groups, public officials, and business leaders to coordinate initiatives to reduce crime
- Defend the rights of crime victims and offer them the highest level of dignity, respect, and sensitivity
- Assist and work cooperatively with law enforcement agencies and first responders

Statistics

	2015	2016
New Cases		
Criminal		
Felony	118	128
Misdemeanor	102	112
Juvenile	99	16
Traffic	2,778	3,021
Cases Received by Location		
Saipan	2,013	3,112
Rota	16	70
Tinian	34	95
Criminal Cases by Offenses		
Crimes Against Persons		
Family Violence	74	77
General Crimes	40	24
Property Crimes	57	49
Drugs	25	44
Crimes Involving		
Sexual Assault	12	25
Public Corruption	7	5
Firearms	1	0
Customs	1	1
Miscellaneous - Misdemeanors	3	16
Case Status		
Convictions		
Guilty Pleas	110	122
Jury/Bench Trial		
Convictions	5	2
Pending	82	85
Dismissals	20	20
Acquittals	6	2
Hung Jury	0	1

Partnerships

Assistant Attorney General Shannon Foley conducts a Forensic Child Interviewing Clinic for the Department of Public Safety and the Division of Youth Services. Our office stays committed to future collaborations in improving our Criminal Justice System.



Governor Ralph DLG Torres, CIP Administrator Virginia Villagomez, and Congressman Ralph Demapan took a tour of our newly renovated Criminal Division.



Assistant Attorney General Chester Hinds joins the CNMI Drug Court Team for a site visit at St. Charles, Missouri's Drug Court.



Victim Advocates and Legal Assistants attend the International Summit and Training on Violence, Abuse, and Trauma Across Lifespan through full scholarships sponsored by IVAT ALSO.

Attorney General Investigative Division



Vince Babauta
Chief Investigator

AGID received and investigated 67 complaints, ranging from criminal, civil, and consumer violations. Investigators continue to partner and collaborate with other law enforcement agencies to combat public corruption, government waste, drugs, and fraud.

Our Office has also hired an additional Investigator as we begin to expand our services within this unit. Investigators within the OAG play an integral role in enforcing CNMI laws.

Our Office believes that continuing training for our investigators is vital to its operations. This year, our Chief Investigator Vince Babauta attended the National Effective Protocols and Practices for Officers-Involved Shooting Symposium sponsored by the National Attorney General Training and Research Institute (NAGTRI). Furthermore, Investigator George David attended the 2016 Pacific Judicial Conference on Domestic Violence on Guam.

Victim Witness Advocacy Unit

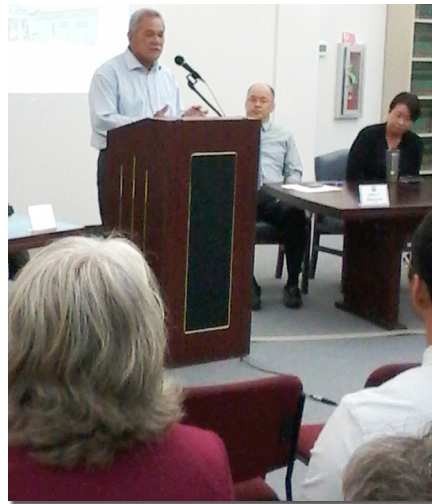


This year, the Victim Witness Advocacy Unit provided services to 557 victims. Some of these services include:

- Providing Information and referrals
- Personal advocacy/accompaniment
- Emotional support or safety services
- Shelter/housing services
- Criminal justice system assistance
- Translator assistance
- Restitution assistance

The Victim Witness Advocacy Unit has expanded and welcomed the Family Violence Task Force to its Unit. By consolidating the FVTF with this unit, our resources will be able to provide efficiency in the delivery of our services to victims through the criminal process and/or civil protective orders.

In addition to providing services to victims, our advocates continue to participate in outreach programs and events, to include sexual assault & domestic violence awareness month activities, and family violence taskforce quarterly meetings.



Key Initiatives for 2017

- Improve/Strengthen the Criminal Code;
- Identify solutions to Mental Health Issues;
- Implement training courses for Police Officers and other law enforcement personnel to strengthen criminal investigations and prosecution;
- Review and draft Sentencing Guidelines and reforms;
- Continue to work on new procurement regulations for the government and provide training to agencies;
- Work on Consumer Issues and Strengthening Enforcement;
- Defend our Commonwealth's firearm laws.

If you have any recommendations on what you would like to see included, please contact Carla Torres, Public Information Officer, at (670) 237-7500 or email at carla_torres@cnmioag.org

Attorney General's Annual Report

Caller Box 10007
Saipan, MP 96950

CNMI Office of the Attorney General

Civil Division	(670) 237-7500
Criminal Division	(670) 237-7600
Criminal Investigation Division	(670) 234-8964
Victim Witness Advocacy Unit	(670) 237-7602