

2017 ANNUAL REPORT



OFFICE OF THE ATTORNEY GENERAL
Commonwealth of the Northern Mariana Islands



Edward Manibusan
Attorney General

The year 2018 marks the conclusion of my term as the first elected Attorney General. When I took the oath in January 2015, my first and foremost priority was to regain the people's trust in the Office of the Attorney General and its expanded responsibilities with the passage of House Legislative Initiative 17-2 establishing the office as an elected constitutional officer.

My new constitutional responsibilities

made clear that I serve the people of this Commonwealth as their lawyer advocating for the public interest and providing essential legal services to the people of the Commonwealth. As the Chief Legal Officer, I am responsible for a broad range of duties, including safeguarding the public from violent criminals, protecting the welfare of children, preserving our environment, providing sound legal advice to departments and agencies, helping victims of crimes, protecting consumers against illegal business practices, and defending the Commonwealth against frivolous complaints and meritless claims.

In 2017, the Office focused on the enforcement of consumer protection laws, transparency in the procurement process, and the prosecution of crimes including domestic violence and sexual assault crimes. Under my direction, the Office also embarked on a new initiative to update our child support enforcement laws and improve the access to justice for children and custodial parents. The work continues in collaboration with the Legislature, the Judiciary and the Administration to improve our child support collection system and establish child support guidelines.

My Office welcomes your ideas on ways that we can better serve the people of the Commonwealth.



THE OFFICE AT A GLANCE

The CNMI Office of the Attorney General is:

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

There are seven (7) divisions within the OAG, including:

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

GOALS

- Combat graft and corruption, domestic violence, child abuse and neglect, drugs and violent crimes;
- Build and improve relationships / partnerships, enforcement of laws and to promote proper training;
- Ensure criminal cases are thoroughly investigated and reviewed before charges are filed;
- 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;



Lillian Tenorio
Deputy Attorney General

Under the direction of the Attorney General, the Deputy Attorney General supervises the implementation of OAG’s goals and objectives. Primary responsibilities include the oversight of Civil and Criminal Divisions, administrative functions, and legislative review. The following highlights for 2017 include supervision in the following areas:

- Implementation of OAG’s legal services request system in order to efficiently and timely respond to agency requests for assistance on legal issues
- Resolving longstanding unpaid judgments and settlements working in coordination with the Office of the Governor, Legislature and Department of Finance
- Recruitment of assistant attorneys general and necessary training of staff to improve litigation skills and services provided to client agencies, victims of crime and the general public
- Advocate for the Attorney General’s key legislative initiatives, including the strengthening of the CNMI’s anti-domestic violence statutes with the approval of Public Law 20-28, written as a collaborative effort of several Assistant Attorneys General from both the Civil and Criminal division

- Another key legislative initiative sponsored by the Attorney General, Public Law 20-22, the Uniform Interstate Family Support Act (UIFSA) which updated the statute on the enforcement of child support orders in the Commonwealth
- Advocate against House Bill 20-23 which sought to strip the OAG of its constitutional authority

Advisory Opinions & Legislative Comments

The Attorney General provides legal advice and analysis to the Governor on pending legislation and other legal matters. In order to improve the effectiveness of legislation that governs the CNMI Government, the OAG undertook a range of legislative reviews.

| | 2015 | 2016 | 2017 |
|--|------------|------------|------------|
| Review of Legislation for the Governor: | 48 | 98 | 58 |
| Review for Legislative Comments: | 60 | 90 | 88 |
| TOTAL: | 108 | 188 | 146 |
| Legal Services Request: | | | |
| Department/Agencies: | 39 | 90 | 182 |
| Governor: | 29 | 84 | 65 |
| TOTAL: | 68 | 174 | 247 |

Other Legal Services

| | | |
|-------------------------------------|--|--------------|
| Agencies Served: | | |
| Department/Agencies | | 67 |
| Procurement Contract Review: | | |
| Department/Agencies: | | 757 |
| Personnel Contract Review: | | |
| Department/Agencies: | | 792 |
| Communication: | | |
| Department/Agencies: | | 300 |
| Private Sector Contacts: | | 61 |
| TOTAL: | | 1,977 |

CIVIL DIVISION



Christopher Timmons
Chief, Civil Division

The Civil Division is responsible for representing the Executive Branch of the Commonwealth, including all Public Corporations and Autonomous Agencies on all civil and administrative matters. In 2017, the Civil Division resolved approximately 32 civil matters, including:

- Successful defense of challenge to the Attorney General’s common-law power to sue executive agencies and officials.
- Successful defense of suit from “common-law” spouse of retiree seeking dependent benefits. The Supreme Court ruled that “common-law marriage” is not recognized in the Commonwealth.
- Obtained favorable ruling from the Ninth Circuit Court of Appeals that the Commonwealth enjoys sovereign immunity against suits in Federal Court arising out of Commonwealth law.
- Additionally, the Civil Division brought suits to enforce Commonwealth Law and uphold the NMI Commonwealth Constitution including:
- Brought action to enjoin payment of

unconstitutional salary increases for members of the Legislature, Governor, and the Lieutenant Governor.

- Commenced Civil Forfeiture actions on behalf of Customs Division against undeclared cash illegally brought into the Commonwealth.
- Sued to collect \$400,000.00 lent to a private company for purchase of a commercial cargo vessel.

| Statistics | | | |
|---|------------|------------|------------|
| | 2015 | 2016 | 2017 |
| Civil Litigation | | | |
| New Cases | 23 | 16 | 12 |
| Active Cases | 77 | 49 | 23 |
| Dispositions | 29 | 24 | 12 |
| Wardships | 12 | 13 | 23 |
| Appellate Cases | | | |
| New Cases | 7 | 14 | 9 |
| Active Cases | 19 | 28 | 15 |
| Oral Arguments | 14 | 12 | 7 |
| Dispositions | 14 | 3 | 1 |
| Child Support Enforcement | | | |
| Initiating Cases | 15 | 9 | 5 |
| Responding Cases | 12 | 25 | 15 |
| Active Cases | 438 | 510 | 476 |
| Environmental Protection Enforcement | | | |
| DCRM Enforcement Actions | 56 | 31 | 121 |
| DEQ Enforcement Actions | 74 | 148 | 154 |
| Safe Drinking Water Act Violations | 25 | 70 | 7 |
| Wastewater & Earth-Moving Violations | 8 | 28 | 32 |
| Pesticide Violations | 8 | 30 | 81 |
| Substantial Violations | 8 | 0 | 0 |
| CNMI Water Quality Standards | - | 4 | 4 |
| Solid and Toxic Waste | - | 5 | 18 |
| Air Quality | - | 11 | 12 |
| Total Enforcement Actions | 130 | 179 | 429 |

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:

- NAGTRI Advanced Trial Advocacy
- USOAG-Guam Law Enforcement Sensitive Training
- NADCP Drug Court Conference
- PACG Summer Conference
- NAGTRI Anti-Corruption Academy
- NAGTRI Advanced Negotiations
- Pacific Judicial Conference
- NCJFCJ 80th Annual Conference on Juvenile Justice
- Child First Witness Forensic Interview Training
- Sexual Assault Forensic Examiner Course
- WestCare Supervisor's training on Substance Abuse in the Workplace
- LEVSTAG/WestCare Teambuilding and Community Development
- Trauma Treatment Network Trauma 101
- NAAG – National Association of State Charities Official
- NAGTRI Guam Training
- Chief Deputies/Chiefs of Staff Annual Meeting
- CWAG – Annual Conference of Western Attorneys General Meeting
- Journal Technologies Professionals Training Conference
- NAGTRI – Habeas Corpus
- Seminar on Non-Confrontational Interview & Interrogation Techniques
- Basta I Sexual Assault: Healing Ourselves, Our Clients, and Our Community Seminar
- Leadership Symposium National Child Support Enforcement Association
- AGTech Forum

Consumer Protection

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

- Consumer Protection Regulations
- Consumer Antitrust Inquiry
- CNMI Consumer Complaints
- CNMI Government Procurement Regulations Presentation
- DPL vs. Markos
- Airbnb Voluntary Collection Agreement
- Bed & Breakfast/Landlord-Tenant Business License Inquiries
- CNMI Insurance Matter
- CNMI Consumer Life Insurance Complaint
- Shell (Dandan) Consumer Protection Act NOV
- Petroleum Price-Fixing Investigation and Memorandum
- CNMI Government Procurement Contract Review
- Unlicensed High School Host Operator
- Other Consumer Protection Investigations
- Department of Finance / Department of Commerce Memorandum of Understanding
- Accrued Annual Sick Leave Assistance
- Redline of Government Procurement Contracts
- Department of Commerce: Routine Questions and LSR's
- Consumer Protection Task Force

**THE OFFICE OF THE ATTORNEY
GENERAL WILL BE LAUNCHING A NEWLY
REDESIGNED WEBSITE IN APRIL 2018.
PLEASE VISIT US ON THE WEB AT
www.cnmioag.org**

CRIMINAL DIVISION



Michele Harris
Chief, Criminal division

Led by a Chief Prosecutor who oversees the assistant prosecutors, administrative staff, and the Victim Witness Advocacy Unit, the Criminal Division holds the guilty accountable, respects the rights of the accused, and preserves the dignity of victims and their families. The division also partners with other government agencies, community groups, public officials and business leaders to reduce crime and raise public awareness about certain criminal behaviors. Additionally, the division proactively tackles crime motivated by substance abuse and drug addiction through participation in the Drug Court program. In 2017, the Criminal Division highlights the following:

- Created an Intake Unit to improve efficient prosecution of cases received from law enforcement
- Formed a Misdemeanor Unit in collaboration with DPS to streamline investigation and prosecution of misdemeanor offenses
- Successfully tried 4 jury trials, 3 of which resulted in guilty decisions

- In collaboration with local, federal and national agencies, a fugitive from justice was successfully returned to Illinois to face prosecution
- Launched a lunch and learn sessions with CIB detectives to prove ongoing training
- AAGs assisted with other DPS training by leading sessions during the cadet academy, facilitating webinars, and offering clinics on various topics such as forensic interviewing and the SAFE Act
- Participated in several successful community outreach and public awareness campaigns, including SAAM and DVAM, and participated in panel discussions regarding victim rights and prosecution and sexual assault cases

Including new cases for 2017, the Criminal Division currently handles 563 criminal cases, 23 Juvenile matters, and 6,082 traffic cases. The Criminal Division also participated in 13 Appellate filings, argued 6 cases before the Supreme Court and handled Parole Hearings for 16 petitions and 3 revocations.



Criminal Division Building 1 renovation project:



Statistics

| | 2015 | 2016 | 2017 |
|-----------------------------------|-------|-------|-------|
| New Cases | | | |
| Criminal | | | |
| Felony | 118 | 128 | 125 |
| Misdemeanor | 102 | 112 | 47 |
| Juvenile | 99 | 16 | 16 |
| Traffic | 2,778 | 3,021 | 6,314 |
| Cases Received by Location | | | |
| Saipan | 2,013 | 3,112 | 6,082 |
| Rota | 16 | 70 | 297 |
| Tinian | 34 | 95 | 123 |
| Criminal Cases by Offenses | | | |
| Crimes Against Persons | | | |
| Family Violence | 74 | 77 | 48 |
| General Crimes | 40 | 24 | 17 |
| Property Crimes | 57 | 49 | 30 |
| Drugs | 25 | 44 | 49 |
| Sexual Assault | 12 | 25 | 17 |
| Public Corruption | 7 | 5 | 2 |
| Firearms | 1 | 0 | 4 |
| Customs | 1 | 1 | 2 |
| Miscellaneous | 3 | 16 | 2 |
| Case Status | | | |
| Guilty Pleas | 110 | 122 | 64 |
| Jury Trial | | | |
| Guilty | 5 | 2 | 3 |
| Acquittal | - | - | 1 |
| Dismissal | - | - | 1 |
| Bench Trial | | | |
| Guilty | - | - | 2 |
| Acquittal | 6 | 2 | 1 |
| Pending | 82 | 85 | 96 |
| Dismissals | 20 | 20 | 11 |
| Hung Jury | 0 | 1 | 0 |
| Other | | | |
| Extradition | 0 | 0 | 1 |



Appellate Cases

- *Commonwealth v. Monkeya*, 2015-SCC-0003-CRM, 2017 MP 7: Supreme Court **affirmed** defendant's conviction of Sexual Abuse of a Minor in the First Degree
- *Commonwealth v. Hocog*, 2017 MP 10: Supreme Court **affirmed** trial court's order denying reconsideration of defendant's motion to correct sentence
- *Commonwealth v. Arurang*, 2017 MP 1, slip op.: Supreme Court **reversed** the trial court's suppression of evidence obtained from a traffic stop
- *Ramsey v. Muna*, 849 F.3d 858 (9th Cir. 2017), *cert. denied sub nom. Ramsey v. Cmmw. Of N. Mariana Islands*, 138 S. Ct. 379 (2017), the United States Court of Appeals, Ninth Circuit, held that the Commonwealth may not be sued without its consent on claims arising under its own laws.

Criminal Division Facilitated Training

The OAG facilitated the following trainings, seminars, workshops, and conferences:

- Police Academy classes on Sexual Assault and Domestic Violence
- Forensic Interviewing
- Sexual Assault Protocol with the Commonwealth Health Center
- Lunch & Learn series with Investigators from the Department of Public Safety
- Misdemeanor Case Management (Saipan & Rota)
- SAFE Act (Tinian and Rota)
- Domestic Violence Training (Tinian)
- Domestic Violence/Lethality Assessment (Rota)
- Sexual Assault Investigation and Case Preparation (Rota)

Partnerships

Assistant Attorneys General continue their training with law enforcement as part of our commitment to collaborate with partner agencies in improving our Criminal Justice System.



Assistant Attorneys General Robby Glass and Teri Tenorio at the Police Academy.



Chief Prosecutor Michele Harris, Assistant Attorney General Teri Tenorio, and Victim Witness Coordinator Dixie Camacho present at the Sexual Assault Forensic Examiner Training.

Photo credit NMCADSV

INVESTIGATIVE DIVISION



Vince Babauta
Chief Investigator

- Continued collaboration with law enforcement partners to include the Department of Public Safety, Department of Commerce, Department of Finance, and the Division of Sanitation under the Department of Public Health, to combat narcotics, consumer complaints, and misconduct in public office;
- Participated and completed training in the following areas: Sexual Assault Forensics Interviewing, Casino Crime Investigation Practitioners' Workshop, Non-Confrontational Interviewing Techniques, and Sexual Assault Nurse Examiners Training;
- Served approximately 200 summons, civil and criminal orders, and bench warrants.

The Investigative Division is led by Chief Investigator Vince Babauta who manages a team of three investigators and charged with investigation civil and criminal matters, including white collar crimes. This year, the division highlights the following activities for 2017:

- Investigated cases ranging from Theft, Illegal Possession of Firearms, Sexual Abuse of a Minor, Officer Misconduct, Assault, Obstruction of Justice, Officer Brutality, False Arrest, Bribery, Extortion, and Harassment in the workplace;
- Conducted both preliminary and full investigation of a case involving Marriage Fraud;
- Collaborated with the Consumer Protection Task Force and conducted an inspection operation involving gas stations to ensure compliance with the CNMI Consumer Act;
- Assisted with trial preparations in eleven criminal cases that required follow-up investigations, assistance in the service of summons, and collection and preservation of evidence;

AGID Support Services

| Documents | Received/Served |
|-----------------|-----------------|
| Penal Summons | 80 |
| Witness Summons | 72 |
| Child Support | 8 |
| Traffic | 9 |
| Civil | 23 |
| Bench Warrants | 8 |
| TOTAL | 200 |

CHILD SUPPORT ENFORCEMENT OFFICE:

MISSION:

Mission of the Child Support Enforcement Division:

Every child needs the financial and emotional support of both parents. Our mission is to assist parents in obtaining the financial support necessary to raise their children. Our office assist parents by establishing paternity and enforcing child support and related orders issued by the court. And our goal is to collect and distribute child support payments in a timely manner.



Left to Right: Sephora William, Barbara Cepeda, Esther Nesbitt, Clarinda Castro-Ocampo, and Thomas Schweiger.

ACCOMPLISHMENTS

Child Support Guidelines Committee formed, September 2017

- Uniform Interstate Family Support Act (UIFSA) passed into law, October 2017

GOALS FOR 2018

- Establishment of State Directory of New Hires
- Suspension of Licenses for Non-Custodial Parents who are in Non-Compliance with an Order of Support
- Continue work on and implement Child Support Guidelines

STATISTICS

Number of child support cases:

| | 2016 | 2017 |
|------------|------|------|
| Initiating | 9 | 5 |
| Responding | 25 | 15 |
| Active | 510 | 476 |

| | |
|---------------------------|---------------------|
| Child Support Collection: | \$299,661.02 |
| Tax Rebate Offset: | \$15,150.90 |
| Total: | \$314,811.92 |

Victim Witness **Advocacy Unit**



Left to Right: Juan Aguon, Celina Romolor-Route, Blumel Ada, and Dixie Camacho

Accomplished Highlights

- Secured VOCA and VAWA federal funding
- Enhance quality, responsiveness and accessibility of the unit and services
- Expanded on community awareness outreach.
- Purchase of a new vehicle for victim services
- Increase clientele for TRO services due to relocation and community awareness
- Assisted in 4 jury trials and 3 bench trials during trial preparation and at court with victims, witnesses, and interpreters

Activities

- Teen Dating Awareness month community outreach
- Sexual Assault Awareness month community outreach
- Domestic Violence Awareness month community outreach

Trainings

- Training in Trauma 101 from Complex Trauma Treatment Network
- Child First Witness Forensic Interview Training
- AIMFT Training Conference
- Basta I Sexual Assault: Healing Ourselves, our Clients, and our Community
- LEVS TAG Training Sessions
- Advanced Domestic and Sexual Violence Training

Total number of Victims Served:

Criminal Cases 327

Civil Cases 163

ADMINISTRATIVE SERVICES



Tina Sakisat

Manager, Administrative Services

The Administrative Division manages employee evaluations and completion of all Human Resource functions within the OAG, including:

- Administrative support to all of OAG's divisions
- Planning, organizing, and implementing programs, policies, and objectives
- Coordinating fiscal management, records management, recruitment, training and professional development
- Reviewing and recommending technical and procedural needs of the OAG
- Managing all grant awards, including research and production of grant proposals for submission



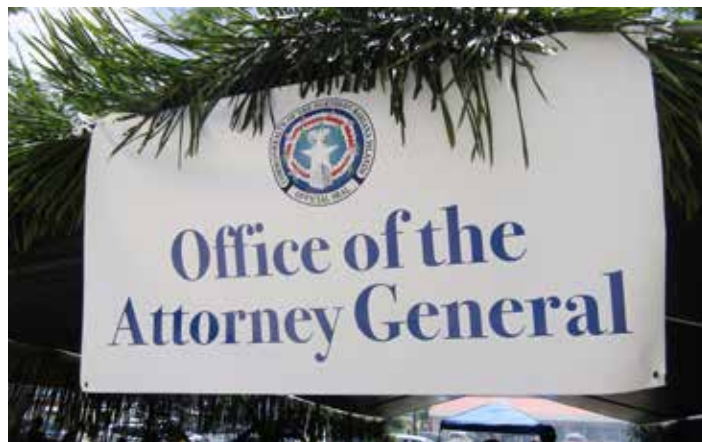
Administrative staff attended the Paralegal Skills Training sponsored by the National Attorneys General Training & Research Institute (NAGTRI).

Budget & Expenditures

| | 2015 | 2016 | 2017 |
|---------------------|----------------|----------------|----------------|
| General Funds | \$2,303,763.00 | \$2,700,000.00 | \$2,877,918.00 |
| Personnel | \$2,199,320.00 | \$2,485,225.00 | \$2,487,183.00 |
| Operations | \$104,443.00 | \$214,775.00 | \$390,735.00 |
| Federal Funds | \$171,300.00 | \$199,335.00 | \$217,700.00 |
| Total Expenditures | \$2,475,063.00 | \$2,899,335.00 | \$3,095,618.00 |
| Personnel | | | |
| Attorneys | 20 | 22 | 24 |
| Investigators | 3 | 4 | 4 |
| Support Staff | 19 | 21 | 22 |
| Victim Witness Unit | 5 | 4 | 5 |
| Total | 47 | 51 | 56 |

Services

| | 2015 | 2016 | 2017 |
|--|---------|-------|-------|
| Publication of Rules & Regulations in the Commonwealth Register | | | |
| Emergency Regulations | 5 | 3 | 5 |
| Proposed Regulations | 20 | 19 | 31 |
| Adopted Regulations | 22 | 12 | 35 |
| Adopted Regulations | 22 | 12 | 35 |
| Subscribers | 8 | 5 | 4 |
| Total Registry Collections | \$1,280 | \$800 | \$640 |
| Apostilles/Certifications Issued | | | |
| Apostilles | 167 | 149 | 191 |
| Certifications | 257 | 534 | 670 |
| Notary Public Applicants & Authentication | | | |
| Total Notary Public | 154 | 149 | 155 |
| New Notary Public | 25 | 31 | 31 |
| Notary Public Renewed | 55 | 32 | 74 |



REPORT PUBLIC CORRUPTION

Public Corruption is a breach of trust by government officials or employees, who undermine our Commonwealth's overall safety, the public trust, and confidence in our local government. If anyone has any information about wrongdoings by a public official or government employee, please submit a tip online at www.cnmioag.org or contact our Investigative Division Hotline at 237-7630



Attorney
General
Investigative
Division

HOTLINE
237-7630





KEY INITIATIVES FOR 2018

- Review pre-trial and sentencing alternatives and implement reforms where appropriate;
- Review and update government contract forms and procurement provisions;
- Implement UIFSA and Recommend implementation of child support guidelines;
- Implement Consumer awareness programs and investigate consumer complaints;
- Continue to explore solutions to mental health issues in the criminal justice system;
- Collaborate with DPS and DYS to address juvenile delinquency issues in the Commonwealth;
- Enhance public corruption prosecution by collaborating with OPA and Federal agencies in holding public officials accountable.

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

OFFICE OF THE ATTORNEY GENERAL ANNUAL REPORT

Calendar Year 2017

CNMI Office of the Attorney General
Caller Box 10007
Saipan, MP 96950

WEBSITE: www.cnmioag.org

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