

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE
ATTORNEY GENERAL
CRIMINAL DIVISION

2018 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 first term as the first elected Attorney General for the Commonwealth of the Northern Marianas. As I embark on my second term, I remain firmly committed to the oath I took in January, to faithfully and dutifully follow the laws and constitutions of the United States and the Commonwealth of the Northern Mariana Islands.

The Office of the Attorney General provided and served the people of this Commonwealth as their lawyer advocating for the public interest and providing essential legal services. As you will see in this annual report, the Attorney General has served the Commonwealth with distinction.

The Office provided a broad range of legal services, from prosecution of sexual and violent offenders, to protecting the welfare of children, preserving our environment, providing 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 2018, the Office of the Attorney General focused on transparency in the procurement process, and the prosecution of crimes including domestic violence and sexual assault crimes. Under my leadership, the Office of the Attorney General 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. I look forward to accomplishing much more in this area in 2019 with the establishment of our

first CNMI Child Support Guidelines.

This report is a culmination of the hard work and dedication of the attorneys and staff of the Office of the Attorney General. I thank all of them for their dedication to the rule of law and the Commonwealth.

“I am humbled to have served the people as the first elected Attorney General. I am proud of the work we and our government have done collectively”
— Attorney General Manibusan



Accomplishments:

- 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 recorded judgement against Hong Kong Entertainment (Overseas) Ltd. for labor violations
- Resolved multiple civil rights cases on favorable terms
- 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
- Brought action to enjoin payment of unconstitutional salary increases for members of the Legislature, Governor, and the Lieutenant Governor





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 six (6) divisions within the OAG, including:

- Civil Division
- Criminal Division
- Solicitor's Division
- Office of Consumer Counsel
- Administrative Services Division
- Attorney General Investigative Division
- Child Support Enforcement Unit
- Special Prosecution Unit
- Victim Witness Advocacy Unit
- Information Technology Unit

GOALS

- Combat graft and corruption, domestic violence, child abuse and neglect, drugs and violence 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 A.
TENORIO**
DEPUTY ATTORNEY GENERAL

THE OFFICE OF THE ATTORNEY GENERAL PERFORMED MANY ACTIVITIES IN 2018:

A snapshot of the work performed in 2018 is shown below:

1. Legal review of bills before the Governor: 46 bills were reviewed and prepared 46 corresponding legal letters to the Governor.

Notable: (a) PL 20-66 (to regulate cannabis in the Northern Mariana Islands); and (b) PL 20-86 and earlier legislation relating to legislative salaries.

2. Legal letters and memoranda on non-legislation Legal Services Requests (LSR) submitted by the Governor:

- Status of the La Fiesta Lease and the Commonwealth obligations.
- Subsidy for air service agreement.

3. Comments on Proposed Bills before the House of Representatives and Senate: Reviewed 23 proposed bills and drafted comments to the Legislature.

4. Attorney General Legal Opinions: Issued a legal opinion addressing DPL's obligation to remit funds to MPLT after the end of the fiscal year.

5. CNMI Supreme Court case: Filed brief in *Torres v. Manibusan*, 2018 MP 4 and argued the case before the Supreme Court. Our argument

was accepted almost in toto, and the Court held that the Attorney General may decline to appeal an adverse judgment against the wishes of the governor or an agency. The Court also opined that neither the governor nor an agency may engage the legal services of an outside counsel to prosecute an appeal without the consent of the Attorney General.

6. U.S. District Court cases:

- *US v. CUC*: our office worked on securing the final \$5 million installment payment in the case filed in federal district court entitled *United States Environmental Protection Agency v. Commonwealth Utilities Corporation*, Case No. 08-cv-0051; attended the semi-annual status conference on the progress of completing the task orders as provided in Stipulated Order no. 2 as agreed to by US EPA, CUC and the Commonwealth.
- *Taisague v. Inos*: settled the case relating to the payment of NMIRF pension.

7. CNMI Superior Court cases:

NMIRF v. CUC: substituted NMIRF with the NMI Settlement Fund as required under the Settlement Agreement in the U.S. District Court case *Johnson v. Inos*, Case No. 09-00023.

8. Tobacco Master Settlement Enforcement:

- Attended the introductory tobacco MSA seminar conducted by the NAAG's Tobacco Center.
- Updated the Tobacco Registry and disseminated the information to the Division of Customs, the Division of Revenue and Taxation and the Division of Alcohol Beverage and Tobacco Control.
- Our office worked in drafting the amicus brief filed in the appellate division of the American Samoa High Court concerning the jurisdiction of state court over diligent enforcement issues. The brief was filed jointly with the Office of the Attorney General in Guam.

9. Land Compensation Claims

Review: Reviewed 29 land compensation claims submitted by the Department of Public Lands for payment clearance.

10. Agency Representation and Services:

Our office served as counsel for the Northern Marianas Housing Corporation; attended board meetings, and prepared legal letters responding to LSRs, and provided legal assistance to legal inquiries from management on administration issues.

Also, our office provided legal services to the Department of Finance, the Office of Management and Budget, the Commonwealth Election Commission, the Commonwealth Casino Commission, and the Marianas Visitors Authority.



ADVISORY OPINIONS, LEGISLATIVE COMMENTS, & OTHER LEGAL SERVICES

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	2018
Review of Legislation for the Governor	48	98	58	71
Review for Legislative Comments	60	90	88	46
TOTAL	108	188	146	117
Legal Services Request				
Department/Agencies	39	90	182	194
Governor	29	84	65	68
TOTAL	68	174	247	262
Agencies Served				
Department/Agencies			67	70
Procurement Contract Review				
Department/Agencies			757	672
Personnel Contract Review				
Department/Agencies			792	838
Communication				
Department/Agencies			300	298
Private Sector Contacts			61	54
TOTAL			1,977	1,932



**CHRISTOPHER
TIMMONS**
CHIEF, CIVIL DIVISION

The Civil Division is tasked to advise the Governor, and represent executive branch of the Commonwealth, including all public corporations and autonomous agencies on all civil and administrative matters. With fewer than 10 attorneys at times, the Civil Division has strived to meet demand to review legislation, proposed regulations, policies and contracts, and provide legal representation to the executive branch departments and agencies. In 2018 the Civil Division resolved important civil matters including:

- A favorable decision from the NMI Supreme Court upholding the Attorney General's independence and authority over Commonwealth litigation as its Chief Legal Officer. *See Torres v. Manibusan*, 2018 MP 04.
- A favorable decision from the NMI Supreme Court invalidating not only the recent 80% salary increase the legislature gave itself in Public Law No. 19-83, but the two previous salary increases granted by Public Law Nos. 7-31 and 4-32. As a result, the Civil Division projects that based upon the average rate of inflation and the constitutional restrictions, it will take over 40 years for the legislature's salary to reach the level established by Public Law No. 19-83 –an estimated \$70 million savings to the taxpayers during that time. *See Manibusan v. Larson*, 2018 MP 07.
- A favorable decision from the NMI Supreme Court invalidating the "Free Trade Zone Laws" which transferred authority and control over certain public lands to the mayors of Rota, Tinian, and the Northern Islands because the constitution clearly requires the executive

branch to manage them. *See Teregeyo v. San Nicolas*, 2018 MP 17

- A favorable decision from the NMI Superior Court indicating that wages are governed by their excepted service employment contracts; that they are not entitled to overtime compensation; and that promises of extra pay are unenforceable as they would give the employee an unjust benefit –a decision that saved the Commonwealth approximately \$750,000. *See Francois Claasens and James Toskas v. Rota Health Center et. al.*, Civil Action No. 17-0226 (May 25, 2018 Order Granting Motion to Dismiss).
- A favorable decision from the U.S. District Court dismissing a case brought by a physician seeking admitting privileges at CHC. In this case the court held that physicians have no property or liberty interest in renewal of admitting privileges and thus have no claim under 42 U.S.C. §983. *See Ramsey v. Muna et. al.* 14-CV-00021 Order Granting Defendants' Motions to Dismiss (D.NMI December 21, 2018).

The Civil Division brought suits to enforce Commonwealth Law and uphold the NMI Commonwealth Constitution including:

- Suit against developer who amended permit application to reduce development activity and avoid regulatory requirements only to later build in excess of originally proposed activity.
- Suits against multiple developers for building and/or occupying structures without building permits and/or occupancy permits.



**CHARLES
BRASINGTON**
CHIEF, SOLICITOR'S DIVISION

The Solicitor's Division is responsible for the Office of the Attorney General's appellate practice, preparing Opinions of the Attorney General, responding to Legal Services Requests, responding to requests for comment on legislative bills, advising executive branch agencies and instrumentalities, reviewing all contracts and legal documents requiring the Attorney General's signature, and evaluating all proposed rules and regulations prior to publication in the Commonwealth Register. The Solicitor's Division also provides trainings for Assistant Attorneys General regarding practice and procedure and executive agencies regarding the Administrative Procedure Act and Open Government Act.

Work performed in 2018:

- **Legal review of bills before the Governor:** Reviewed 6 bills and prepared 13 corresponding legal letters to the Governor.
 - Notable: (a) PL 20-66 (to regulate cannabis in the Northern Mariana Islands); and (b) PL 20-86 and earlier legislation relating to legislative salaries.
- **Responded to Legal Services Requests (LSRs):** Responded to 42 LSRs. Most noteworthy:
 - Whether the General Election could be postponed.
 - Assisted with response to 6 Open Government Act Requests.
 - 2 to OVR on Welfare Reform Act.
- **Comments on Proposed Bills before the House of Representatives and Senate:** Reviewed 21 proposed bills and drafted comments to the Legislature.

- House Legislative Initiative 20-01, HS1, HD2 "To amend Article XI, Public Land, of the Constitution of the Northern Mariana Islands"

■ **Attorney General Legal Opinions:** The following legal opinions were issued:

- Opinion addressing DPL's obligation to remit funds to MPLT after the end of the fiscal year.
- Opinion on Voter Registration.
- Opinion on the Welfare Reform Act (finalized 2019).

■ **CNMI Supreme Court cases:**

- Reviewed and edited 20 drafts of appellate filings.
- Prevailed in 12 of 14 appeals decided in 2018.
- Worked on briefing *Torres v. Manibusan*, 2018 MP 4.
- Filed opening and reply briefs in *Elameto v. Commonwealth*. Succeeded on all arguments.
- Prepared Certified Question in *Torres v. Ada*, involving Public School System's share of general revenue under Article XV(1)(e).

■ **CNMI Superior Court cases:** The OAG were involved in the following cases:

- *Friends of Marpi v. Commonwealth*.
- *Manibusan v. MV Luta*: Representing Secretary of Finance on 3rd party complaint.
- *Saimon v. Commonwealth*: Motion to Recuse or Disqualify Judge Camacho. The sitting Judge is quoted:

- “I am persuaded by the Office of the Attorney General’s well written and researched Motion to Recuse or Disqualify. A judge entertaining habeas petition that challenges his or her decisions made in a criminal case can appear to be sitting in ‘appellate review’ over his or her own ruling, therefore to avoid any conflict, the undersigned recuses from the above matter.”

■ **Intra-Office Review (Non-Court Filing)**

- Reviewed 17 memos, opinions, etc. drafted by the office.
- Researched the Tobacco Master Settlement brief.

■ **Agency Representation and Services**

- Our office served as counsel for the Commonwealth Election Commission, Medical Referral, Commonwealth Museum, Board of Professional Licensing, Medicaid, Health Care Professions Licensing Board, and Office of Vocational Rehabilitation; attended board meetings, prepared legal letters responding to LSRs, provided legal assistance to legal inquiries from registration clerks, drafted Attorney General Opinion, supervised the general election.
- Drafted regulations for agency review:

- Medical Referral Regulations Update
- Commonwealth Museum Procurement
- Procurement Exception for CEC
- Physician Assistant Regulations
- Pharmacy Regulations
- Prohibiting Cameras and Similar Devices in Voting Booth Areas
- Substance Abuse Counselor Regulations
- Proof of Citizenship for Voter Registration

- Conducted 52 hearings on absentee voters, including 3 position statements covering 5 State voter registration laws.
- Advised CEC on residency qualifications for 7 candidates and 36 voters.
- Disposed of 12 complaints filed to HCPLB.

■ **Proposed Legislation:** Drafted and updated proposed legislation for the following:

- SAFE III
- Commonwealth Administrative Hearing Office
- Government Liability Act Update
- Interlocutory Appeal Bill
- Peremptory Excusal of Judge Bill

■ **Other:** Reviewed the Guam Liability Act claim of an employee of the Guam Office of the Attorney General.

OFFICE OF CONSUMER COUNSEL

The Office of Consumer Counsel investigates and enforces violations of the Consumer Protection Act. The division was reinstated in 2015 to address complaints of price gouging and the sale of defective items following Typhoon Soudelor. Since that time, the division has engaged in monitoring and enforcement activities, and collaborated with other government enforcement agencies to ensure a safe, fair and sustainable consumer market.

The Office of Consumer Counsel was once again called upon this past year to protect the community from price gouging and predatory consumerism in the wake of Super Typhoon Yutu. Working closely with the CNMI Office of the Governor, the division initiated a price freeze that was declared by the Governor. Through monitoring and education, rent hikes, price gouging, and other unfair market practices were held at bay so that the community could focus on recovery efforts.

Part of the ongoing activities of the Office of Consumer Counsel include participation in a Joint Consumer Protection Task Force led by the Consumer Counsel. The Task Force monitors retail establishments and provides community education and outreach about compliance with the Consumer Protection Act. The division is also involved in other multi-agency operatives to ensure compliance with consumer protection laws and fair market practices. The goal of the division is to encourage responsible trade practices and fair competition, focusing on the health, safety and economic security of the consumer that will lead to lower prices and better consumer choices.

The Office of Consumer Counsel also strives to provide the highest level of training for attorneys and investigators working on consumer issues. This past year, attorneys in both the civil and criminal divisions attended consumer protection trainings and

conferences provided by the National Association of Attorneys General. These trainings included:

Anatomy of a Complex Consumer Protection Case- New Orleans, LA

Consumer Protection Fall Conference- Houston, TX

Consumer Protection Spring Conference- Washington, DC

NASCO Conference (National Association of State Charities Officials)- Baltimore, MD

Additionally, the Office of Consumer Counsel is responsible for the following ongoing activities:

- Consumer Complaints
- Consumer Protection Investigations
- CNMI insurance matters
- CNMI Government Procurement Contract Review
- Memorandum of Understanding between the Department of Finance and Department of Commerce
- Routine Questions and LSR's from the Department of Commerce
- Consumer Protection Regulations

CONTINUING EDUCATION & TRAINING

Continuing education and training are vital to the quality of services we provide to the Public. In 2018, training was provided to our attorneys and support staff, to include:

- NAAG Summer Meeting
- DEA Guam Officials Meeting
- Anti-Illicit Trade and Related Crime Business Summit & Capacity Building Workshop
- NAGTRI National Effective Practices & Protocols for Officer-Involved Shootings Symposium
- NAAG/NASCO Annual Conference
- Pacific Judicial Council and American College of Trial Lawyers Workshop for Judges and Lawyers
- NAAG State Solicitors General and Appellate Chiefs Conference
- NCSEA Policy Forum
- NAGTRI & NAAG Center for Tobacco and Public Health's Clearing the Smoke
- National Conference on Juvenile Justice
- Journal Technologies Professionals Training Conference
- National Drug Court Institute
- EEOC Law Week Seminar
- NAGTRI National Charities 101 Training
- Spice World Conference
- Texas Cyber Summit
- SHRM Annual Conference & Exposition
- NCSEA Leadership Symposium
- NDAA Prosecuting Homicide Cases Course
- NAAG Consumer Protection Spring Conference
- Suicide Youth Prevention Program Presentation
- Trauma Enforced Sexual Assault Investigations
- Combating Human Trafficking Conference



Declaration of Major Disaster: TYPHOON MANKHUT AND SUPER TYPHOON YUTU

2018 was a challenging year for all with regard to tropical storm activity. The Civil Division assisted the Governor's Authorized Representative and Special Assistant for Emergency Management and Homeland Security in connection with Declarations of Major Disaster and Significant Emergency for Typhoon Mangkhut and Super Typhoon Yutu and supported the

procurement and contracting activities with respect to the related recovery efforts. In total over 800 contracts were reviewed in this context. Additionally we have ensured that merchants were aware of the price freeze put in effect to protect consumers following these devastating natural disasters.



TYPHOON RELIEF CONTRIBUTIONS. The Office of the Attorney General received an outpouring of support and typhoon relief items from the Guam Office of the Attorney General and the Conference of Western Attorneys General (CWAG) shortly after Super Typhoon Yutu ravaged the Commonwealth on October 24, 2018. The OAG staff and attorneys could not be more thankful to our colleagues in Guam and throughout the United States for their act of kindness and generosity.



MICHELE HARRIS

CHIEF, CRIMINAL DIVISION

Led by a Chief Prosecutor who oversees a team of highly trained and skilled assistant prosecutors, administrative staff, and the Victim Witness Advocacy Unit, the Criminal Division is dedicated to making the community safe by holding the guilty accountable, respecting the rights of the accused, and preserving 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.

The Criminal Division highlights the following in 2018:

- All staff moved into the newly renovated administration building to improve efficiency and customer service
- The Division worked with the United States Attorney's Office and DEA to provide training opportunities for local stakeholders and educational outreach for the community
- The Division collaborated with agency partners to provide law enforcement training and enrichment opportunities
- Met with Federal HIDTA officials to form a workgroup with Guam and Hawaii officials to seek HIDTA designation
- John Aguon, Case Worker, received the Bridge of Light Award and was selected to represent the CNMI in California as an arts ambassador by the Office on Arts and Culture
- Revised outreach materials for the Victim Witness Advocacy Unit
- Chaired the Red Ribbon Proclamation



PHOTO CREDIT: NMCADSV

CASE LOAD ACTIVITY

	2015	2016	2017	2018
New Cases				
Criminal				
Felony	118	128	125	105
Misdemeanor	102	112	47	90
Juvenile	99	16	16	25
Traffic	2,778	3,021	6,314	4,428

Cases Received by Location:

Saipan	2,013	3,112	6,082	4,331
Rota	16	70	297	200
Tinian	34	95	123	117

Criminal Cases by Offenses

Crimes Against Persons

Family Violence	74	77	48	73
General Crimes	40	24	17	51
Property Crimes	57	49	30	47
Drugs	25	44	49	12
Sexual Assault	12	25	17	15
Public Corruption	7	5	2	3
Firearms	1	0	4	2
Customs	1	1	2	1
Miscellaneous	3	16	2	14
Extradition	0	0	1	1
Prostitution	-	-	-	1

Case Status

Convictions

Guilty Pleas	110	122	64	31
Bench Trials				
Guilty	-	-	2	1
Acquittal	6	2	1	4
Jury Trials				
Guilty	5	2	3	1
Acquittal	-	-	1	0
Dismissal	-	-	1	0
Pending	82	85	96	166
Dismissals	20	20	11	21
Hung Jury	0	1	0	0
Off Calendar	-	-	-	2
Court Program	-	-	-	2



APPELLATE CASES

- *Commonwealth v. Bashar*, 2018 MP 1. Motion to withdraw as appellate counsel denied.
- *Commonwealth v. Blas*, 2018 MP 2. Judgment of Conviction **Affirmed**.
- *Torres v. Manibusan*, 2018 MP 4.
- *Commonwealth v. Crisostomo*, 2018 MP 5. Judgment of Conviction **Affirmed**.
- *Manibusan v. Larson*, 2018 MP 7.
- *In Re Commonwealth*, 2018 MP 8. Petition for mandamus relief denied.
- *Commonwealth v. Calvo*, 2018 MP 9. Sentence **Affirmed**.
- *Commonwealth v. Basher*, 2018 MP 11. Order Denying Motion to Set Aside his Post-Conviction Plea and Denying his Motion for Reconsideration **Affirmed**.
- *Commonwealth v. Taitano*, 2018 MP 12. Judgment of Conviction and Sentence **Affirmed**.
- *Commonwealth v. Borja*, 2018 MP 13. Sentence of prison term **Affirmed** but Remanded to trial court to correct the defect in parole eligibility.
- *Commonwealth v. Babauta*, 2018 MP 14. Sentence Vacated and Remanded for resentencing before a different judge.
- *Elameto v. Commonwealth*, 2018 MP 15. Order Vacated and Remanded to trial court for further proceeding.
- *Commonwealth v. Murphy*, 2018 MP 16. Monetary sanction Vacated.
- *Teregeyo v. San Nicolas*, Mayor of Tinian, 2018 MP 17.

CRIMINAL DIVISION:

Facilitated Training

- DPS Misdemeanor Case Management Unit (roll call refreshers, training sessions, and ride-along)
- CIB refresher courses (Miranda, Report Writing, Expansive Investigations)
- CIB Lunch & Learn series
- Cadet Academy (Saipan & Tinian)
- Rota Police Academy
- Sensitivity Training (NMPASI & NMCADSV)
- Domestic Violence/Lethality Assessment
- Sexual Assault Investigation & Case Preparation
- Combatting Human Trafficking Locally
- Rota Police Dept-Property Crimes training

Community Engagement

- Family Violence Task Force
- SANE protocol collaborative with NMCADSV & CHC
- NMC Office of Violence Against Women Core Workgroup
- PSS Counselor's Conference panel
- Law Enforcement & Victim Services Training & Assessment Group (LEVSTAG)
- Pacific Ombudsman for Humanitarian Law (POHL) Planning Grant Workgroup
- USOAG Human Trafficking Task Force
- CNMI Judiciary Human Trafficking Project
- Sexual Assault Awareness Month Committee (SAAM)
- Domestic Violence Awareness Month Committee (DVAM)

Community Outreach

- NMC classroom guest speakers
- Kagman High Presentation for Teen Dating Awareness Month
- SAAM Saipan Community Events
- SAAM Outreach (Rota)
- DVAM Saipan Community Events
- DVAM Outreach and Candlelight Vigil (Rota)
- LEO Appreciation
- DPS 4-D Proclamation
- Red Ribbon Activities

- Drug Court
- Traffic Records Coordinating Committee (TRCC)
- Traffic Revitalization Committee
- Juvenile Justice Task Force
- AG's Cup
- Mock Trial
- PSS Outreach (teen dating & violence, anti-bullying presentation)
- Red Ribbon Week Committee (USOAG & DEA)
- LECC (Law Enforcement Coordinating Committee)



SPECIAL PROSECUTION UNIT

The Special Prosecution Unit is tasked to coordinate and prosecute public corruption cases, public integrity matters, and other complex or sensitive cases assigned by the Attorney General. The Special Prosecution Unit is responsible for the coordination of all parallel prosecutions with federal law enforcement authorities, provide support for local law enforcement operations, and prosecute cases forwarded by the Office of the Public Auditor. The Unit highlights the following in 2018:

- Established the Office of the Attorney General Hotline tip for citizens to report public corruption and misconduct anonymously;
- Coordinated and engaged in a parallel prosecution with the United States Attorney's Office, through a joint federal and local investigation. *CNMI v. Efraim Atalig, et.al.*, Criminal Case No. 18-0088R;
- Coordinated several investigations on misuse of public funds involving travel;
- Recovered, through judgments, approximately \$32,101.00 in stolen public funds; and
- Secured convictions in two (2) public corruption cases:

1. **CNMI v. Ignacio Kiyoshi, Jr., Criminal Case No. 16-0060T:**

On July 30, 2018, Defendant entered a plea of "Guilty" to the offense of Misconduct in Public Office. Specifically, Defendant admitted that, as a continuing course of conduct, on or about November 27, 2015, December 11, 2015, and December 25, 2015, on Tinian, the Defendant, being a public official of the CNMI,

performed an illegal act under the color of his office when he caused approximately 1,123 hours of overtime pay in total to be disbursed to at least 10 firefighter employees, without true and lawful justification for such disbursement. These disbursements were not based on any overtime work actually being performed, but instead were a form of illegal and unauthorized "holiday bonuses" paid unto the Tinian firefighters, totaling approximately \$15,101.37.

Defendant was sentenced to one year, all suspended except three (3) days and placed on probation for a period of one (1) year with terms and conditions of probation. The Commonwealth was successful in recovering the \$15,101.37 in misused public funds.

2. **CNMI v. Vivian Hocog, Criminal Case No. 16-0179 R**

On September 14, 2017, Defendant entered a plea of "Guilty" to the offense of Theft. Specifically, Defendant admitted that between July 2015 and May 2016, on Rota, the Defendant, unlawfully took property belonging to the CNMI Rota Mayor's Office by diverting monies from the CNMI Government for her own personal use and/or for the use of other unauthorized persons, with the intent of depriving the CNMI Government of its rights to the property, and said property having a value of more than two hundred and fifty dollars (\$250.00) but less than twenty thousand dollars (\$20,000.00).

On September 28, 2018, Defendant was sentenced to five (5) years, all suspended except two (2) years, to be served day-for-day, with the possibility of parole. Furthermore, the Defendant was placed on probation for a period of ten (10) years with terms and conditions, including paying the CNMI government \$17,000.00 in restitution.



LAWRENCE PANGELINAN

CHIEF, INVESTIGATIVE DIVISION

The Mission of the Attorney General's Investigative Division is to safeguard and be faithful to the Constitution of the Commonwealth of the Northern Mariana Islands and the United States of America to zealously, effectively and indiscriminately enforce the law equally and impartially; to exemplify the finest law enforcement agency by providing the highest level of professionalism, standards, proficiency, loyalty, and commitment to the CNMI community; and to investigate and reduce crime by enhancing co-operations and partnerships with other law enforcement and stakeholder agencies.

In 2018, the Division highlights the following activities:

- Conducted both preliminary and full investigations of twenty-five combined total criminal, civil, and consumer cases, ranging from theft, theft by deception, misconduct in public office, theft of service, misuse of funds, ethics violation, zoning violation, election fraud, stalking, procurement violation, assault & battery, disturbing the peace, drug court participant violations, consumer complaints, theft of firearm, and violations of conditions of release.
- Assisted with fourteen trial preparations. Of the fourteen trial preparations, one case went to trial and resulted in a guilty verdict; nine cases were resolved through non-trial plea

agreements; and four cases are pending trial.

- Conducted follow-up investigations, provided official service of summons, and administered the collection and preservation of evidence.
- Served two hundred twenty-six summons, civil and criminal orders, and bench warrants.
- Continued to partner with other law enforcement agencies in a joint effort to combat consumer complaints and misconduct in government office, to include theft and theft by deception reports.

■ Continued to work with the Consumer Protection Task Force, which is comprised of Department of Commerce, Department of Finance and the Division of Sanitation under the Department of Public Health. The Task Force has focused on consumer complaints involving the sale of expired goods and price gouging with local stores, markets, and supermarkets.

- Participated and completed training in the following areas:
 - Level 1: Mechanical Advantage Subject Control & Level 2: Survival Force Reactionary Defense Training
 - FBI Alert Active Shooter Response Level I Training
 - Combatting Human Trafficking Conference
 - Challenges to Ethical Leadership in a Dynamic World

Documents	Received	Served
Penal Summons	95	85
Witness Summons	47	41
Child Support Documents	48	44
Traffic	39	29
Civil Documents	30	25
Bench Warrants	6	2
TOTAL	265	226

CHILD SUPPORT ENFORCEMENT UNIT

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.

ACCOMPLISHMENTS

Public Law 20-47: Suspension of Licenses for Non-Custodial Parents who are in Non-Compliance with an Order of Support passed into law, March 2018

Public Law 20-60: Creation of State Directory of New Hires passed into law, June 2018 Procurement of services of Center for Policy Research to develop CNMI's Child Support Guidelines

CASE LOAD ACTIVITY

Number of Child Support Cases:

	2016	2017	2018
Initiating	9	5	6
Responding	25	5	4
Active	510	476	331
Closed	1	1	61
Total:	545	487	402

Child Support Collection:

	2016	2017	2018
Child support collected & distributed: -		\$299,661.02	\$320,942.80
Child support distributed and attributable to tax rebate offsets: -		\$15,150.90	\$25,848.12
Total:	-	\$314,811.92	\$346,790.92



New Hire Directory:

Number of new hires reported June - December 2018
2,210

New Hire Employee database
18,539

GOALS FOR 2019

- Development and implementation of Child Support Guidelines for the CNMI
- Increase child support collections
- Update child support laws

VICTIM WITNESS ADVOCACY UNIT



The Victim Witness Advocacy Unit is headed by the Victim Witness Coordinator. Under the supervision of the Chief of the Criminal Division, the Unit provides and disseminates information between and among the Criminal Division, the Department of Public Safety, the Office of the Public Defender, the Division of Youth Services, victim support organizations and agencies; and serves as an advocate for victims of crime to obtain aid and services for health, education, counseling, and rehabilitation from public and private agencies.

Accomplished Highlights

1. Secured VOCA and VAWA federal funding.
2. Upgraded mobile phones for victim services to enhance quick and easy communication accessibility.
3. Continued victim services for victim of crime in criminal cases and services for temporary restraining order.
4. Continued community awareness outreach and professional growth.
5. Attained 3 car seats for minor victims during transportation for direct services and referrals.

6. Assisted in 1 jury trial and 5 bench trials during trial preparation and at court.

Activities

1. Teen Dating Awareness month community outreach
2. Sexual Assault Awareness month community outreach
3. Domestic Violence Awareness month community outreach

Trainings

1. Suicide Youth Prevention Program Presentation
2. Trauma Informed Sexual Assault Investigations
3. 2018 Combating Human Trafficking Conference

Total number of Victims Served:

- | | |
|-------------------|-----|
| 1. Criminal Cases | 290 |
| 2. Civil Cases | 156 |



**TINA S.
DELEON GUERRERO**
MANAGER, ADMINISTRATIVE DIVISION

The Administrative Division provides administrative support to all Divisions under the Office of the Attorney General by performing a variety of administrative task. The Division plans, organizes, and implements the office's programs, policies and objectives, in addition to coordinating office services such as fiscal management, records management, recruitment and training/professional development. It also reviews and recommends to management the technical and procedural needs of the office. The Division is further tasked with the management of grant awards as well as research and produce grant proposals for submission, and is responsible for publishing the Commonwealth Register and registration of Notaries Public. The Administrative Division is the primary hub for the evaluation and completion of all Human Resource functions of the office.

BUDGET & EXPENDITURES				
	2015	2016	2017	2018
General Funds	\$2,303,763.00	\$2,700,000.00	\$2,877,918.00	\$2,818,015.00
Personnel	\$2,199,320.00	\$2,485,225.00	\$2,487,183.00	\$2,592,199.00
Operations	\$ 104,433.00	\$ 214,775.00	\$ 390,735.00	\$ 225,816.00
Federal Funds	\$ 171,300.00	\$ 199,335.00	\$ 217,700.00	\$ 254,865.00
Total Expenditures	\$2,475,063.00	\$2,899,335.00	\$3,095,618.00	\$3,072,880.00
Personnel				
Attorneys	20	22	24	22
Investigators	3	4	4	4
Support Staff	19	21	22	24
Victim Advocates	5	4	5	4
Total	47	51	55	54

SERVICES				
	2015	2016	2017	2018
Publication of Rules and Regulations in the Commonwealth Register				
Emergency Regulations	5	3	5	0
Proposed Regulations	20	19	31	28
Adopted Regulations	22	12	35	29
Subscribers	8	5	4	4
Total Registry Collection	\$1,280	\$800	\$640	\$640
Apostilles & Certifications Issued				
Apostilles	167	149	191	199
Certifications	257	534	670	787
Apostilles & Certifications Collections				
Apostilles	\$ 8,350	\$ 7,450	\$10,450	\$ 9,950
Certifications	\$12,850	\$26,700	\$33,250	\$39,350
Total Collection	\$21,200	\$34,150	\$43,700	\$49,300
Notary Public Applicants & Authentication				
Notary Public – New	25	31	31	22
Notary Public – Renewed	55	32	74	41
Notary Public – Total	154	149	155	148
Notary Public Collections				
Total Collection	\$2,000	\$1,575	\$2,625	\$1,575



EDWARD SABLAN

MANAGER, INFORMATION TECHNOLOGY

The Information Technology (IT) Unit manages and maintains the information systems and technologies for the Office of the Attorney General. The IT Unit's responsibilities include management of computer and server systems, databases, network security, and physical security. The IT Unit also provides technical support for hardware and software related problems that arise.

A major accomplishment in 2018 was the launch of the office website www.cnmioag.org. The website allows the agency to share the office's mission statement, goals, legal opinions and press releases to the public as it becomes available. Forms for notary public and consumer protection can also be found with instructions on where to submit them.

Another accomplishment for the year is the procurement of a document management system software for the Civil Division. The new software helps the office store, digitize, and manage documents. Files can be shared and commented on using the software, which will help decrease paper consumption. Additional scanners were added to the inventory to assist with digitizing all documents received, as well as to archive older agency case files.

Training is an important part of professional development. Office staff attended hands on training, summits, and conferences both on and off island. Among those attended were JD Edwards user

training, Child Support Enforcement training, Justware training, Spice World conference, and Cybersecurity conference. The training and conferences provided valuable information ranging from simple tips and tricks to improving overall security on data systems.

In coordination with the OAG's internet provider, internet bandwidth for both office locations were increased from 9Mbps to 30Mbps, resulting in a better email and internet experience for all employees.

Within the year, the IT Unit was able to coordinate the transfer of CUC power meters from postpaid to prepaid accounts with minimal disruption. During the aftermath of Super Typhoon Yutu, the IT Unit worked quickly to provide phone, internet, and server access for both office locations. Working closely with the AGID, post typhoon recovery operations were conducted and ran smoothly.

The IT Unit continually works hard to improve the information systems and technologies of the OAG. The goals for the new year 2019 are to further heighten the network security systems, harden the physical security of the offices, and upgrade all older computer equipment. The IT Unit will seek to attend professional development training and avail all additional resources that will help the Unit improve the services provided to agencies and the public.





PHOTO CREDIT: USAO

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 2019

- Continue to support all law enforcement through meeting and training by means of academy or in service;
- Focus on illegal business practices that hurt our consumers and other businesses;
- Continue to foster a non-partisan position on all matters brought to our attention;
- Continue to work towards the completion of the CNMI's first Child Support Guidelines;
- Continue to promote and ensure an open and transparent government;
- Continue to improve/strengthen the Criminal Code;
- Continue to work on new procurement regulations for the government and provide training to agencies;
- Continue to implement Consumer awareness programs and investigate consumer complaints;
- Continue to explore solutions to mental health issues in the criminal justice system;
- Continue to collaborate with DPS and DYS to address juvenile delinquency issues in the Commonwealth

OFFICE OF THE ATTORNEY GENERAL ANNUAL REPORT

Calendar Year 2018

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
Investigative Division	(670) 237-7630
Victim Witness Advocacy Unit	(670) 237-7602

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