Our **Mission, Vision, & Core Values**

**MISSION**

To serve, protect, and represent the Government of Guam and prosecute on behalf of the People of Guam pursuant to the laws of Guam and the United States.

**VISION**

The OAG is a trusted and respected leader in Guam and the Western Pacific providing the highest quality of legal services and representation to the Government.

**CORE VALUES**

Professionalism, Respect, Integrity, Dedication, Excellence

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Hafa Adai!
As the Chief Legal Officer of the Government of Guam, it is with great pride that I present to you the Office of the Attorney General’s (OAG) 2017 Annual Report.

The OAG is the island’s largest law office, with employees dedicated to continuing a tradition of excellence and independence. I am proud of the exceptional work of every Division in the Office, whether they are keeping violent offenders locked up, offering expert counsel to our Government agencies, protecting our children and manåmko’, supporting crime victims, protecting consumers of Guam, or protecting the public’s right to open government.

This Annual Report features these efforts and much more. It presents the broad range of cases we handle, highlights the major legal issues facing our Island, and showcases notable Office achievements throughout the year as we proudly serve the People of Guam.

It is through shared vision, respect, and desire for success of our Island that we are able to put forth initiatives and achieve significant results. We hope you see the report as we do - an opportunity to inform you about our mission, our work, and the people we serve.

Senseramente,

ELIZABETH BARRETT-ANDERSON
Attorney General
RETURN ON INVESTMENT

The Litigation Division successfully defended the government against claims and suits representing $3,663,469.23 in savings to the General Fund. The OAG realized $1,586,110.89 in savings in the government claims process and collected $50,255.03 from court-ordered restitution for victims.

The OAG subgranted $7,761,288.99 in federal funds.

The OAG collected $2,393,542.28 in tobacco settlement funds, a 7.594% decrease from 2016.

The OAG collected $49,411.05 from notarial services, criminal history clearances, and criminal injury compensation fines.

The OAG’s efforts to restore the Criminal Injuries Compensation Program (CICP) fund for victim compensation proved successful in 2017. A total of $162,809.12 was awarded to victims of violent crimes, a 79.75% increase from 2016.

A total of $10,310,282 in child support payments was collected and $273,655.70 was returned to the General Fund for custodial parents who received public assistance payments on behalf of their children.

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After more than 25 years, the District Court of Guam dismissed the 1991 Consent Decree against the Department of Corrections (DOC). A Motion for Dismissal was jointly filed by the United States and the Government of Guam after constitutional violations pertaining to detainee medical, dental, and behavioral healthcare were remedied. The DOC Blue-Ribbon Committee, chaired by Lt. Governor Ray Tenorio and the Attorney General, effectuated a transformational shift in DOC’s health care practices in the last two years. DOC has implemented national and correctional health care standards, hired and thoroughly trained necessary personnel, established infrastructure for the DOC outpatient clinic’s future success, and created and implemented compliant written policies. DOC’s locking mechanism system is expected to be completed in the next year.

AAG Kat Fokas was the lead attorney in transforming the healthcare system at Guam’s Prison. She is flanked by General Barrett-Anderson and Deputy AG Ken Orcutt at a press conference held for the DOC Settlement Agreement.

AG Barrett-Anderson, Lt. Gov. Tenorio and AAG Kat Fokas field questions from the media at the DOC Press Conference.
The Solicitor Division, together with the Consumer Protection Division, provided government employees with training on topics such as Procurement, Open Government Law, and how to process Freedom of Information requests. They hosted Practical Procurement training for 24 agencies, reaching about 82 employees throughout the year. A secondary training was administered, reaching 11 agencies and its 24 participants.

In an Open Government Law training, 27 individuals from nine various government boards and commissions were taught about compliance with the mandated requirements pursuant to the Open Government Law cited in Title 5, Chapter 8, of the Guam Code Annotated.

The safety of OAG employees is paramount to General Barrett-Anderson and the executive management team. In March, all employees underwent Active Shooter Training with the assistance of the Guam Police Department. Trained officers used blank ammunition to produce gunshot sounds, providing a realistic scenario for staff to react to.

Chief Prosecutor Phil Tydingco and AAG Janice Camacho conducted training for Guam Police Department Officers to update them on new additions and amendments to criminal law statutes over the last five years. The training was conducted in January and administered to 27 police officers.
“YOU WRECK IT, YOU REPLACE IT” PROJECT

A $4,690.00 claim was successfully settled in June for the repair of a damaged fence line along Route 1, Marine Corps Drive directly in front of John F. Kennedy High School. This is a result of continued joint efforts between the Consumer Protection Division and the Department of Public Works (DPW) to hold operators accountable for the repair of damaged government property. Ultimately, the Division hopes to equip DPW with the necessary information and tools to manage this project on its own.

SEXTING AWARENESS

The Consumer Protection Division (CPD) remained committed to its legal responsibilities of creating informational brochures concerning the dangers of sexting, and providing it to major telecommunication companies for distribution to consumers. In December, the CPD issued its latest tri-fold brochure to provide minors and their parents with helpful information regarding the legal consequences involved with sexting and tips towards its prevention. Resources from the National Center for Missing & Exploited Children were also incorporated into the material which included advice for teens and kids as well as ways to be smarter than the smartphone.

NAAG TRAINING BROUGHT TO GUAM

In January, the OAG partnered with the National Association of Attorneys General Training & Research Institute to provide an extensive and detailed 3-day training for law enforcement and legal teams from Guam and its sister island Saipan.

Hosted at the Hilton Hotel from January 23-26, 2017, NAAG professionals from all over the continental United States traveled to Guam to provide training on topics such as Advanced Trial Techniques, Trial Advocacy, Paralegal Skills, E-Discovery, Ethics in Government, and Representation of State Agencies.
In March, the Consumer Protection Division partnered with the National Center for Missing & Exploited Children (NCMEC) to launch the Code Adam Campaign during the Guam Chamber of Commerce’s General Membership meeting at the Sheraton Laguna Guam Resort. In an effort to promote child safety within the business community, Attorney General Elizabeth Barrett-Anderson and Child Advocate Callahan Walsh of NCMEC presented the Code Adam missing child alert tool and encouraged the adoption of its program to roughly 70 members of the Guam Chamber of Commerce.

This campaign, designed to create a business establishment protocol when a child goes missing, will be the first time that a government agency trains local businesses on such protocol.

Victim Service Center Advocates both conducted and received training throughout the year. They received domestic violence and sexual assault training and how to assist victims of different types of abuse ranging from elder abuse to financial neglect. They dispensed training on topics ranging from services provided by the VSC such as the Criminal Injuries Compensation Program to the Victim Bill of Rights.

The Advocates remain committed to conducting outreach to educate and inform the public of the services available at the VSC. They participated in multiple events where they distributed updated VSC placards and brochures.
AG Hosts First Ever Crime Victims’ Rights Fair

The Office of Attorney General’s Victim Service Center hosted the 1st Annual Guam Crime Victims’ Rights Fair in commemoration with the National Crime Victims’ Rights Week (NCVRW) on April 02-07, 2017. The public was invited to the all-day event which brought awareness to attendees of crime victims’ rights. Two hundred bags with VSC placards and brochures were distributed out to participants, informing them of services available at the Victim Service Center. Key stakeholders also participated in this outreach to inform the public of their services as well. They are Alee Shelter, Catholic Social Services, Department of Public Health & Social Services (DPHSS) Adult and Child Protective Services, Erica’s House, Guam Coalition Against Sexual Assault & Family Violence, Guam Legal Services, Guam Police Department, Guam Sexual Assault & Abuse Resource Center, Guam Visitors Bureau, Judiciary of Guam, Client Services & Family Counseling, Mayor’s Council of Guam, Oasis Empowerment Center, University of Guam (UOG) Violence Against Women Prevention Program, and Victim Advocates Reaching Out (VARO).

Special thanks to Sabrina and Jason of KUAM for donating their time and the Mayor’s Council of Guam for assisting with logistics.

General Barrett-Anderson and KUAM’s Sabrina Salas-Matanane take part in a self-defense demonstration.

A legislative resolution is presented in commemoration of NCVRW by Vice-Speaker Thelassa Terlaje and her colleagues, Senator Telena Nelson and Regine Biscoe-Lee of the 34th Guam Legislature.

OAG staff prepare the kite-flying station.
It’s The Law

It’s The Law, a public service campaign that began over 20 years ago under then-senator Elizabeth Barrett-Anderson, reemerged when she began her tenure as an elected AG in 2015. The Consumer Protection Division (CPD) remained proactive during its third consecutive year of running the “It’s the Law” (ITL) educational campaign in conjunction with Sorenson Media Group to inform the community about their rights and responsibilities as consumers. A total of 12 new public service announcements were recorded and aired throughout various Sorenson Media public channels. Further, ITL has branched out to reach a very specific audience in July of this year. The CPD partnered with the Guam Chamber of Commerce and began its feature of ITL within the Chamber’s monthly e-newsletters. Tailored to the corporate community, the topics included laws related to child labor, dormant bank accounts, and the selling of graffiti products.

CONSUMER EDUCATION HIGHLIGHTS

The OAG’s Consumer Advocate conducted training on identity theft and medical identity theft at the 2017 Annual Medicare Training with Department of Public Health and Social Services, reaching roughly 50 Medicare volunteers in attendance. At another conference, the advocate reached over 100 senior citizens, educating them on the different types of identity theft, ways to safeguard personal information, red flags that warn potential ID theft, recovery assistance, and more.

The Consumer Protection Division (CPD) continues its efforts to warn and protect island consumers against scams and deceptive trade practices. The CPD helps educate and protect Guam’s consumers from common and current scams affecting the community through various public service announcements issued through agency press releases, and appearances with local news and radio stations. By providing tips and information to help consumers recognize the “red flags” that may indicate potential scams or fraud, the CPD hopes to safeguard consumers from becoming victims of these crimes.

A phone scam that utilized popular applications offering free calls, texting and photo-sharing attempted to lure consumers to call a Tongan and Fiji number. It is unclear if the intent of scammers was to get consumers to rack up foreign connection and long distance fees, or simply glean information, but the OAG urged consumers to be suspicious of such calls and to update the operating software on their phones.

Another scam which has repeatedly morphed and affected Guam for years now is the Internal Revenue Service (IRS) tax scheme. In August, the IRS scam surfaced yet again, this time with con artists contacting Guam consumers via text message and threatening legal action. In December, the scam morphed and phone calls were received from Guam Consumers at all times of the day and night from Washington, DC, area code 202, demanding payment to the purported IRS Tax Crime Investigations Unit.

COMMUNITY OUTREACH HIGHLIGHTS

Family

Deputy Attorney General Carol Hinkle-Sanchez provides numerous trainings and outreach to many of Guam’s children on topics ranging from Bullying, Sexting, and Sexual Assault Prevention. This year, she went to five schools to educate schoolchildren in all grades on these topics.

Child Support Enforcement Division

Where appropriate, CSED Division promotes the emotional involvement of both parents in the life of a child through the Access & Visitation Program. An enhancement of this program feature monthly workshops. This year, 36 participants were serviced through this program. These workshops were open to the public, and publicized through the CSED office and local media.

The Division is also concerned with providing parents and the public-at-large the opportunity to learn about the child support process. Outreach was conducted during the year, reaching new and expecting parents and staff members of agencies who participate in programs designed for the health, social and financial welfare of Guam’s children.
Health and Wellness Fair

Health Coaches from the OAG took the lead to host a Health and Wellness fair for all GovGuam employees in the ITC building in July. Firemen from the Guam Fire Department and nurses from the Department of Public Health and Social Services donated their time and skills to administer glucose and cholesterol testing, as well as blood pressure and BMI readings. Approximately 150 employees availed of the event and enjoyed demonstrations and healthy snacks, all free-of-charge. A special thank you to the 2017 OAG Employee Association for donating the snacks and drinks for the event.

The dedication OAG employees have to living a healthful and well-rounded lifestyle is exemplified through the multiple number of winners of the GovGuam Health and Wellness Raffle Drawing held quarterly. This year, there were a total of nine winners, two of whom won a free trip and executive checkup in Manila. Other prizes included a $50 gift certificate to Payless and Super K Gas station, as well as other great prizes like portable phone chargers and drink tumblers.

The Office actively participates in numerous sports events throughout the year. The OAG formed a softball team and competed in two softball tournaments this year, including the Annual Law Week Softball Tournament in May.

Another team was organized for the Perimeter Relay, a 41.5 mile run split between 10 team members. This is the 5th year the OAG has participated.
General Barrett-Anderson assigned one investigator to handle the administrative demands required under the POST law. Investigators ran mock fitness tests quarterly in hopes of boosting their passing rate which was 89% in December. The Investigators continue their training and remain committed to healthful lifestyles so that they are operating at peak physical performance.

The Department of Public Health and Social Services, together with the Office of Technology and Assistant Attorney General Laura Mooney of the Solicitor Division were awarded the 2017 MAGPRO Winner for Project/Program of the Year in the large agency category.

The team worked on a very complicated and technical procurement of a new Electronic Benefit Transfer (EBT) system for the Supplemental Nutrition Assistance Program, more commonly referred to as the food stamp program. Congratulations to the Team for all their hard work, and for the recognition they deserve!

OAG Public Information Officer Carlina Charfauros graduated alongside thirteen members of her cohort from the University of Guam’s Master of Public Administration Program in December. She co-chaired projects focused on Veterans and their families, and their efforts were culminated into the Biennial Western Pacific Conference on Public Administration and Veterans Art exhibit.

There are three other OAG employees currently in the program who will graduate within a couple of years.

Training is a key element for the Child Support Enforcement Division (CSED) in order to provide the required services to Guam’s children, as well as meet the federal mandates required under the Child Support IV-D program. There are many federal mandates that the CSED must comply with as it is primarily funded by federal grants and receives 66% of its operational budget from the U.S. Office of Child Support Enforcement and 34% from the General Fund.

In January 2017, the New Final Rule for the Child Support Program took effect. The Federal Rule which relates to flexibility, efficiency, and modernization of child support programs, is a critical component of the functions and finances of the Division. To train and prepare for it, Deputy Attorney General Rebecca Perez and five of her staff members underwent an online webinar.

The Uniform Interstate Family Support Act, UIFSA, governs how states and US Territories handle child support orders from other states or requests from another state to establish a child support amount for parents located in different states/territories. In February, six staff members underwent online training for UIFSA. 959 cases handled by the Division in 2017 were off-island cases.

There were also a number of off-island conferences and trainings CSED took advantage of in order to stay abreast of current issues and topics involving different aspects of a child support case. Caselaw and legislative updates relevant to the child support program, as well as case management and service delivery were just a few of the topics covered in some of the conferences and trainings attended by CSED staff and attorneys.
Phil Tydingco was the former Chief Deputy Attorney General and Chief Prosecutor. His service to the people of Guam extends beyond his time at the OAG, culminating in over 25 years of service to the public. He will always be remembered for his passion and commitment to seeking justice.

Kenneth Williams worked as an Investigator in the Child Support Enforcement Division and retired after 27 years of government service.

The OAG is proud of the Veterans employed by the Office and their duty serving the United States Armed Forces. Each year, General Barrett-Anderson honors their service with a small ceremony and light refreshments.

The OAG recognizes the following employees:

- Eleanor Atoigue
- Rogelio Batarao
- Anthony W. Blas
- Anthony V. Camacho
- Bryan Cruz
- Joleen Cruz
- Norman Diaz
- Manuel Fejeran
- Freddy Flores
- Paul Galman
- William Guerrero
- Matthew Heibel
- Alex Leon
- Peter Leon Guerrero
- Terrance Long
- Felix Manglona
- Jesse McCarrel
- Connie Merei
- Sophie Murphy
- Vince Nelson
- Emerita Pinaula
- Jonathan Quan
- Meilani Quintanilla
- Annabelle Rabago
- David Rivera
- William A.K. Salisbury
- Joe San Agustin
- Lorena Uncangco
- Ken Williams

Veterans of the OAG enjoy light snacks after their commemoration ceremony.
The Administration Division is responsible for the overall management of personnel, budget, information technology, grants, procurement, and support of all 212 employees under the leadership of Chief of Staff Jacqueline Z. Cruz.

With a total local budget for Fiscal Year 2018 of $16.26 million, $13.37 million was allotted for personnel and $2.89 million for operations. An additional $4.17 million was received through federal matching funds. This will diversify the OAG’s funding streams and provide opportunities to implement viable projects while reducing reliance on the General Fund. The level of appropriations for FY2018 was impacted by the Tax Cuts and Jobs Act, reducing the OAG’s budget by $1.4 million from $16.2 million to $14.8 million. Procurement actions initiated by this Division include proposals for Automated Victim Information Notification System and a financial management system. The draft OAG personnel rules and regulations is undergoing legal review and is slated for completion in August 2018.
The Victim Service Center (VSC) advocates provide victims with assistance through the judicial system and are governed by the mandates of the Crime Victims’ Bill of Rights found in Title 8 GCA, Chapter 160. Their duties include providing victim support during the pretrial process, notifying victims of court hearings, providing release and confinement information, providing referrals for services, and attending court hearings with victims. Pauline I. Untalan, Special Assistant to the AG, oversees the VSC.

Overall, the Victim Service Center handled a total of 1,370 reported cases of victimization, 140 institution or business related, and 1,230 reported persons. The number of crime victims reported this year decreased by 14%. Family violence, assault, and theft are the top three crimes that victims seek services from VSC for.

Criminal Injuries Compensation Commission (CICC) members Pålé Mike Crisostomo, Dr. Lisa Flores, and Ms. Denise Mendiola work closely with the OAG to administer the Criminal Injuries Compensation Program (CICP). The OAG provides full-time administrative support to the CICC as required by Guam law. This year, a total of $162,809.12 was dispersed in 17 separate cases.

The CICP is intended to help defray crime-related expenses incurred by victims. The Criminal Injuries Compensation Fund is supported by monies received from fines imposed upon defendants in criminal cases involving violent crimes enumerated in Title 8 GCA, Chapter 161. The balance for the CICP fund as of December 2017 was $1,445,420.76.

Awards are dispersed to eligible victims and their families. The CICP opened 42 new cases this year, a 68% increase from last year.

Commission members Dr. Lisa Flores and Denise Mendiola were re-confirmed as board members this year, and will continue their work with the CICP.
The Administration Division operates the Family Violence Registry (GCA Title 9, Chapter 30 §30.200). The registry provides citizens with a 24-hour web portal that allows them to look up criminal histories of offenders who have repeated convictions of family, domestic, dating violence, and/or stalking. A total of 16 defendants were added to the registry in 2017, bringing the total number of registered offenders to 75 as of December 31, 2017. Residents can access the registry at www.guamag.org/guamfvr.html.

### Criminal History Clearance
The Division administers Criminal History Clearance reports requested by individuals, businesses and organizations. The $15 fee collected from each clearance is deposited into a Victim/Witness Travel and Housing Fund utilized by the Office in criminal trials and cases. A total of $6,750 in fees were collected this year, a 30% increase from the previous year.

### 2017 Notaries
The OAG administers notarial services for Guam as mandated by Title 5 GCA, Chapter 33. Part of the Unit’s responsibility is to administer notary examinations, respond to inquiries from notaries and members of the public, audit notarial journals, and issue Certificates of Notary Certification.

This year, 67 new notaries were added to the cadre of 574 active notaries. Of those, 523 are private notaries, and 51 are government notaries. Ninety-one renewed their notaries, and 28 Certificate of Authority requests were processed. This generated $16,350 in revenue and was deposited into the Notary Public Revolving Fund.
The Consumer Protection Division (CPD) experienced rapid growth in relation to public awareness and consumer protection and guidance. Fred Nishihira leads this Division of four staff members and two attorneys.

In 2017, the Consumer Protection Division received 99 new consumer complaints and closed a total of 91 consumer cases. The top five notable consumer complaints were concerned with Tax Identity Theft at 29%, Retail Sales at 23%, and General Identity Theft at 19%. Following these were Auto-Related at 19%, and Insurance at 11%. The significant closures of consumer complaints in 2017 was primarily due to the CPD’s resolution of tax identify theft cases previously filed in 2016.

The reassignment of Restitution Court to the Consumer Protection Division occurred in 2016, removing the responsibility of collecting unpaid restitution and fines in Restitution Court from the Criminal Division and Victim Advocates. In 2017, the Consumer Protection Division assumed 50 new restitution cases in addition to its pending caseload of approximately 271. A total of 33 restitution cases were ordered for closure by the Magistrate Judge. The closed cases amounted to $14,612.75 in fines and $35,642.28 for the financial recovery of victim restitution.

The CPD works collaboratively with the Superior Court of Guam and their Financial Management Division to obtain updated payment history of defendants. Financial information is crucial for assigned attorneys to understand the financial position of defendants when enforcing the financial obligations owed by defendants in restitution court.

The Division also aims to provide greater training opportunities for government of Guam employees and the public by developing the agency’s other training programs to expand on law topics such as open government, freedom of information, adverse actions, and grievances.

The Child Support Enforcement Division bears the great responsibility of ensuring the financial support and needs of over 11,286 children are met. This is done under the leadership of Deputy Attorney General Rebecca Perez.

CSED collects and distributes child support payments, establishes paternity when necessary, establishes and enforces court orders for financial and medical support, and recovers public assistance funds that have been paid on behalf of Guam’s children through the Temporary Assistance for Needy Families (TANF) program operating under the Department of Public Health and Social Services.

For 2017, 314 new child support cases were opened, bringing the active caseload to about 6,700 every month. The Division handles approximately 959 off-island child support cases. CSED collected $10.3 million and disbursed over $9.2 million in child support payments to both local and off-island consumers. Over the year, $8.7 million was collected through regularly scheduled payments, while $1.4 million was collected through other measures such as garnishment of tax returns, holds on financial accounts, or lump sum payments. $302,531 was collected and returned to the Government of Guam as repayment for amounts disbursed under the TANF program.

Where appropriate, the Division promotes the emotional involvement of both parents in the life of a child through the Access & Visitation Program. An enhancement of this program are the monthly workshops now in place. This year, 36 participants were serviced through this program.
The Family Division has always promoted the safety and well-being of Guam’s children and juveniles by bringing justice to individuals who inflict undue harm and danger upon them. In some of these instances, the Division represents Child Protective Services (CPS), a division of the Department of Public Health and Social Services (DPHSS).

In 2017, the total number of Juvenile Special Proceedings cases dropped to 54. Of this, 33 cases were CPS related cases, also classified as Persons in Need of Services. There were 20 Beyond Control cases, and 1 Curfew case.

### JUVENILE SPECIAL PROCEEDINGS

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<th>DESCRIPTION</th>
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<td>BEYOND CONTROL (BC)</td>
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<td>JSP TOTAL</td>
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The Division also performs the dual-function of representing the Government of Guam in cases dealing with juveniles who have committed status offenses or violate Guam law. This year, the Division fully integrated its HERO (Healing. Empowering. Rehabilitating. Overcoming.) Restorative Justice Program to deal with such juveniles.

HERO is an alternative program for low-risk youth offenders that diverts them out of the court system, but ensures that they are held accountable and receive the proper treatment and services for rehabilitation.

As a result of HERO, the Family Division was able to divert 108 juveniles into the program, effectively reducing the amount of juvenile cases filed in Court. The Division continues to work with the Juvenile Justice Committee on other alternative forms of restorative justice.

With the institution of the OAG restorative justice program, the Family Division has seen a significant decline in the number of cases filed in the Judiciary of Guam.

In 2017, Judicial Procedures changed, requiring that the OAG file Juvenile Drug Court cases under Juvenile Delinquency Cases in order to enhance the risk assessment conducted by probation. Previously, the two categories were filed differently. While only a procedural change, the OAG makes note of this in order to compare the case filings from 2016 to 2017.

The numbers and charts below indicate the success the Division has had in implementing the restorative justice program.
Mental Health Court

New to the Division this year is providing representation to the Island’s vulnerable population: incapacitated adults.

Direct representation is provided to the Guam Behavioral Health and Wellness Center in matters involving incapacitated adults under the jurisdiction of the court, in both adult criminal cases or special proceedings, where in-patient or residential treatment are raised as an issue. This year, 16 cases progressed through the court system. A 30% growth is expected in this area of responsibility because of the Assisted Outpatient Treatment law, otherwise known as the “Baby Alexa” law. The Baby Alexa Law, passed in 2015, is intended to assist patients with mental illness conditions receive outpatient treatment and services, as well as to monitor such patients.

Aside from court matters, the Division attorneys participate in efforts to strengthen legislation relevant to mental health issues, work collaboratively with other mental health service providers or key stakeholders in reforming current mental health practices in both legal and non-legal settings to include policies and procedures and standards of care through the integration of evidence-based practices and systems that will effectively address this population.

Looking forward - H.E.R.O.

Due to the success of HERO, the Division is expanding the Restorative Justice program by working closely with the Department of Education in a drug and alcohol school-based education curriculum that engages parents or guardians of youths referred into the judicial system. This curriculum will ensure the minor has the proper support services available at home. In 2019, this curriculum will be added to HERO. The current pre-adjudicatory diversionary program (PADP) under the Juvenile Probation Office was transformed to allow for more efficient use of the evidence-based risk assessment tools to better serve low risk juvenile offenders. The overall goal is to reduce recidivism and for juveniles who intersect the juvenile justice system at the earliest stage possible by providing them with evidence-based resources and services.

Layon Landfill: Receivership Expected to End Soon

About 15 years ago, the United States Government sued the Government of Guam because of the toxins that were polluting the Island’s waters from Ordot Dump. By order of a 2003 consent decree, GovGuam immediately closed Ordot Dump and worked toward building a new landfill under the direction of a court-appointed federal receiver. In 2011, Layon Landfill became operable and Ordot Dump stopped receiving trash permanently. Environmental caps were put in place and a monitoring system for gas and toxin leaks were implemented. This costly chapter of the government’s history is near its end. District Court Judge Francis Tydingco-Gatewood has commended the progress made, and has slowly begun the transition of Layon’s operations back into the hands of the Guam Solid Waste Authority (GSWA). Most recently, she ordered that the ongoing projects be turned over to GSWA for a smooth transition as the receivership draws to an end, expected in the summer of 2018.

Plebiscite Ruling & Appeal to Ninth Circuit

General Barrett-Anderson and her legal team continue their fight in CV11-00035. Commonly known as the Arnold Davis Plebiscite Case, the OAG filed a Notice to Appeal after Chief Judge Tydingco-Gatewood ruled the plebiscite law unconstitutional in March. While not surprised by the outcome of the decision, a careful review was conducted to determine whether an appeal was warranted. During the first week of April, a Notice of Appeal was filed in the United States Court of Appeals for the Ninth Circuit for the judgement entered by the District Court of Guam.

Under Guam law, the plebiscite vote gives persons born on Guam between April 11, 1899 and August 1, 1950, and their children, a vote to self-determination. The plebiscite makes no change in law, and does not confer any benefit to anyone. Rather, it is the political expression by a Congressionally defined category of people...the majority of whom are native island Chamorros. “Any fight through our federal court system is extremely challenging when Constitutional rights are in question, especially when the fight involves the right to vote. And while the residents of a territory do not share in many Constitutional votes as are afforded residents of states, federal courts are quick to strike down laws that do not give equal voting rights to all,” said General Barrett-Anderson.
With the landmark transition of Layon Landfill from the receiver back into the hands of the Government of Guam on the horizon, General Barrett-Anderson set her sights on holding the United States Department of Navy accountable for its part in the contamination found in Ordot Dump and surrounding area.

“The Navy owned and operated the Ordot Dump before and after WWII, and Guam should not be left to shoulder the full financial burden of having closed Ordot Dump when it is clear that the United States Navy is also responsible for the environmental condition of the Dump,” said Barrett-Anderson.

The complaint is brought under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, also known as CERCLA, a federal statute, which makes a “potential responsible party” liable for remedial action. In 1988, the U.S. Environmental Protection Agency determined that the Navy is a potential responsible party for the contamination found in Ordot Dump.

Special Assistant Attorneys General from a Houston-based law firm were hired to litigate this case on behalf of the Government of Guam, and are experts in environmental law. The case was filed in Connecticut, but was moved to the District of Columbia late in the year. This is expected to continue in the coming year as the case moves through the judicial system.

The United States sent the Government of Guam a Notice of Violation by the Chamorro Land Trust Commission under the Fair Housing Act (42 U.S.C. §3601), proposing settlement by means of a consent decree. After numerous meetings with Governor Edward B. Calvo and other government officials, to include members of the Guam Legislature, a consensus was reached that a consent decree was unfavorable. Subsequently, the United States Department of Justice Civil Rights Division filed a complaint in the District Court of Guam. Litigation is ongoing and will continue through next year.

In District Court Civil Case No. 15-0000, attorney fees in excess of $1 million or more were realized in savings for the Government after the OAG prevailed in its argument that a Tiyan landowner’s federal civil rights claims were meritless and therefore not entitled to compensation of attorney’s fees.

Historically, laws pertaining to birth certificates and other legal forms and documentation provided by the Department of Public Health and Social Services to the general public have been gender specific. In Guam Superior Court Case No. SP0049-17, petitioners Kimberley Chargualaf and Devidene Chargualaf, revolutionized the information found on a birth certificate, successfully neutralizing the gender-specific information required on such documents. In addition, the OAG successfully argued that attorney fees and associated costs did not have to be paid for by the Government, ultimately saving the Government about $30,000.

Guam Superior Court Civil Case No. CV1132-15

In Guam Superior Court Civil Case No. CV1132-15, Plaintiff Gutierrez attempted to sue the OAG and Deputy AG Karl Espaldon in the amount of $19,000 for failure to release documents pursuant to the Sunshine Reform Act. The Court ruled that the OAG’s decision for refusing to release documents responsive to Plaintiff’s Sunshine Act request was proper and justified.

Forfeiture Cases

The Government took swift action when a significant amount of alcoholic beverages was found to be illegally imported into Guam. A judgement was issued and the forfeiture and subsequent destruction of said items was completed by the Department of Revenue and Taxation.

During illegal hunting incidents, the Government obtained swift judgments pertaining to the forfeiture of property. Some of the property was eventually relinquished back to the owner after collecting a remission fine, which was deposited into the wildlife conservation fund. Items not returned to the owners become the property of Department of Agriculture for their use.
Government Claims Unit

When a private citizen files a claim against the government, the claim may be settled without having to go through the litigation process. In these instances, the Government Claims Unit tries to resolve the matter.

The function of the Government Claims Unit is found under Title 5 GCA, Chapter 6, and is performed by two OAG staff. The Unit is charged with investigating and processing claims against the government that include property damage, personal injury, contract claims and wrongful death claims. This year, they processed 91 new claims, peaking in March when 22 new claims were opened. A bulk of the claims processed are contract or collections claims, followed by tort claims. Tort claims include auto related accidents, dormant accounts, and property damage, to name a few. The government saved a total of $1,586,110.89 this year through the Unit.

**2017 GOVERNMENT CLAIMS**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRACT/COLLECTIONS</td>
<td>45</td>
<td>36</td>
<td>55</td>
</tr>
<tr>
<td>TOTAL TORTS</td>
<td>39</td>
<td>65</td>
<td>40</td>
</tr>
<tr>
<td>EMPLOYEE</td>
<td>4</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>TAX</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>LAND</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>TOTAL</td>
<td>91</td>
<td>117</td>
<td>98</td>
</tr>
</tbody>
</table>

Note: "Numbers provided are the most up-to-date, and may not necessarily comport with numbers provided in previous annual reports due to time lapse in the judgment or close of a case."

**TYPES OF GOVERNMENT CLAIMS**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>TAX</td>
<td>2</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>LAND</td>
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<td>0</td>
<td>0</td>
</tr>
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<td>TOTAL</td>
<td>91</td>
<td>117</td>
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</tr>
</tbody>
</table>

SOLICITOR DIVISION

The Solicitor Division performs critical functions for the Government of Guam, often working without recognition for their role in maintaining stability within the Government. They are tasked with providing legal services to agencies, departments, boards, commissions and other entities of the Government of Guam.

Deputy Attorney General Karl Espaldon oversees the Division and its 13 attorneys who dedicate their time to providing Opinions and Information and Guidance requests, procurement assistance, review of government contracts and agreements, proposed agency rules and regulations, and attending administrative proceedings and meetings of boards and commissions when legal assistance is required.

The Division conducted a total of 454 contract reviews this year. Attorney assistance requests totaled 118 during this same time frame, followed by procurement assistance at 82.

**2017 SOLICITOR CASELOAD**

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>SAAG PROCUREMENTS</td>
<td>53</td>
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<tr>
<td>PROCUREMENT</td>
<td>29</td>
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<tr>
<td>OPINION &amp; LEGAL GUIDANCE REQUESTS</td>
<td>37</td>
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<tr>
<td>CONTRACT REVIEW</td>
<td></td>
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<tr>
<td>ATTORNEY ASSISTANCE</td>
<td></td>
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<tr>
<td>ADMINISTRATIVE RULES &amp; REGULATIONS</td>
<td>13</td>
</tr>
<tr>
<td>OFFICE OF PUBLIC ACCOUNTABILITY PROCEEDINGS</td>
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<tr>
<td>CIVIL SERVICE COMMISSION PROCEEDINGS</td>
<td>10</td>
</tr>
<tr>
<td>ADMINISTRATIVE PROCEEDINGS (AP)</td>
<td>2</td>
</tr>
</tbody>
</table>

Also of importance to the Division is providing agencies the necessary tools to accomplish their jobs with efficiency. Aside from continuing its goal to standardize frequently used templates, checklists, and procedures for documents used by agencies, the Division provided government employees with training on topics such as Procurement, Open Government Law, and how to process Freedom of Information Act requests. A total of 109 government employees were trained.
Assigned AAG’s
In the last year, the Guam Environmental Protection Agency and Guam Customs and Quarantine Agency were assigned a full-time attorney from the OAG to dispense legal counsel. These agencies joined the Department of Land Management, the Department of Public Works, and the Guam Police Department, who were assigned full-time OAG attorneys in 2016.

Signage Issue
In order to avoid unnecessary litigation, General Barrett-Anderson instructed the Guam Land Use Commission, a division of the Department of Land Management (DLM), to cease issuing variances and waivers that allowed for electronic billboards. In a letter, she informed them that the regulatory agency for such waivers and variances is the Department of Public Works, and therefore outside of their ability to issue. Assistant Attorney General Nick Toft is assigned to DLM and assists them with a myriad of legal issues it encounters on a regular basis, including this particular one.

Opinion LEG17-0547
In October, the OAG Opined that random drug testing for all government employees was a violation of the Fourth Amendment of the U.S. Constitution which relates to search and seizures. In order to pass constitutional muster, the government employer has the burden of demonstrating a ‘special need’ to conduct suspicionless searches beyond crime detection. Therefore, random drug testing based on a general need to deter drug use by government employees, or broad stroke legislation to institute random drug testing of all government of Guam, is not constitutional. This was in response to a request made by a senator who sought the legal advice of the Attorney General before introducing legislation regarding drug testing of government of Guam employees. For the full opinion, click here.

Opinion DPHSS17-0531
The Guam Board of Allied Health Examiners submitted its request for opinion to the OAG in November, posing the following question: “Does Guam law authorize ‘Tele-Practice’ of professionals licensed by the Guam Board of Allied Health Examiners?” The OAG found that based on definitions found with the Guam Code Annotated, health professionals who are licensed and have the ability to conduct “tele-practice” must be physically located on-island. For the full opinion, click here.

The Prosecution Division handles criminal court proceedings for adults who have entered the justice system. They review allegations of criminal wrongdoing, investigate further as necessary, and when warranted, prosecute adult criminal cases on behalf of the People of Guam. This includes all adult criminal cases involving felonies, misdemeanors, petty misdemeanors and certain traffic offenses in the Superior Court of Guam.

Criminal cases are investigated and referred for prosecution by the Guam Police Department as well as other local agencies and federal law enforcement, but the Division from time to time investigates criminal offenses on its own, including, but not limited to, white-collar crimes and government/public corruption.

The Division also represents the People of Guam in criminal appellate cases brought to the Supreme Court of Guam. A small cadre of talented prosecutors write briefs and argue appeals in addition to carrying their trial case load.

Joseph B. McDonald was selected to become the Chief Prosecutor after his predecessor, Phillip J. Tydingco, retired in August. McDonald received his Juris Doctorate in 1998 from Lewis & Clark Law School and headed the white-collar crime unit until his appointment as Chief Prosecutor.

Nineteen prosecutors are assigned to review, charge, plead-out, attend proceedings, draft and argue motions, and try cases before the seven judges in the general jurisdiction and therapeutic courts including Adult Drug Court, DUI Court, Family Violence Court, Mental Health Court, and Veterans Court. All Prosecutors are assigned on a rotational basis to cover magistrate hearings six days a week.

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>RECEIVED FROM GPD</td>
<td>3,380</td>
<td>3,173</td>
<td>3,360</td>
</tr>
<tr>
<td>FILED WITH JUDICIARY OF GUAM</td>
<td>1,980</td>
<td>1,523</td>
<td>1,497</td>
</tr>
<tr>
<td>CONVICTED</td>
<td>1,059</td>
<td>1,293</td>
<td>733</td>
</tr>
<tr>
<td>TOTAL ACTIONS</td>
<td>6,419</td>
<td>5,989</td>
<td>5,587</td>
</tr>
</tbody>
</table>

Paralegals, criminal investigators, process officers, legal secretaries, legal file clerks, and other support staff assist the prosecutors to fulfill the Division’s mission.
This year, the Division received 3,360 new cases from law enforcement resulting in 745 felony cases and 752 misdemeanor cases filed with the Superior Court of Guam. Family Violence and Driving While Intoxicated (DWI) Cases continue to be the highest caseload for Prosecution.

A caseload breakdown for members of the Division and its in-house support team is as follows: About 177 new cases per attorney; 420 cases per paralegal; 305 cases per investigator; 152 cases per administrative & secretarial staff; and 152 cases per Victim Notification staff.

Additional functions of the Prosecution Division include providing the People of Guam’s position on individual petitions before the Parole and Pardon Commission, provides research for the Family Violence Registry, and providing the ancillary service of criminal case disposition reports, such as assisting the Administration Division with Criminal History Clearances, assisting other jurisdictions with extradition, working with partners in the judicial system, including the Public Defender Service Corporation and Alternate Public Defender, the Department of Corrections, the Superior Court of Guam Marshal’s Office, and the Adult Probation Office.

Notable Convictions and Ongoing Cases

People V. Mario Cortez is the first-ever tax evasion felony case on island. The Cortez couple were indicted under seal in April 2015, but moved to the Philippines. When they flew to California, they were detained and then extradited back to Guam to face charges. Mr. Cortez pled guilty and as part of the plea agreement, the government agreed to dismiss charges against his wife.

Prior to his retirement from government service, Phil Tydingco led a month-long trial in People V. Mark Torre Jr., where former police officer Mark Torre Jr. was convicted of negligent homicide for the death of fellow police officer Bert Piolo. After a 2-3 day deliberation, jurors convicted Torre of negligent homicide as a third-degree felony, aggravated assault as a third degree felony, and two special allegation charges for the use of a deadly weapon.

Guam’s first ever Open Government Law criminal case was brought before the court in CM431-17. The Guam Housing and Urban Renewal Authority’s executive director and the six board of commission members were charged with misconduct, violations of the Open Government Law, and conspiracy. A joint OAG, Office of the Inspector General for the U.S. Department of Housing and Urban Development, and the Federal Bureau of Investigations collaboration that spanned two years uncovered secret board meetings. The executive director pleaded guilty and is cooperating with Prosecution. Other charges may be forthcoming. It is believed to have spurred other agencies to ensure their compliance with the Open Government Law.
Notable Convictions and Ongoing Cases

CR17-43 resulted in Guam’s first-ever tax crime dealing with taxpayer information, which was used to defraud the Department of Revenue and Taxation by submission of fraudulent car registrations by Prestige Auto. One defendant has pled guilty in both the District Court and the Superior Court. Trial is pending for the others. Of significance in the District Court case is the application of a legal theory that has never been tried or approved previously by the court. As such, the government may now charge other actors with aiding and abetting in tax crimes.

CF55-17 is the largest prescription pill bust and charging within the jurisdiction. Over 5,000 prescription pills were discovered and confiscated after the investigation of several luxury watches stolen from a merchant led to the execution of a search warrant on a residence where drugs, firearms, and stolen property were recovered from one of the individuals alleged to have been involved in “fencing” the stolen watches. This case is ongoing and involves the collaboration of federal law enforcement counterparts.

Convictions Upheld on Appeal

The Supreme Court of Guam -upon deciding an appeal- establishes binding criminal case law for Guam. The following are convictions upheld by the Supreme Court of Guam in 2017 that the OAG argued:

- People v. Guerrero, 2017 Guam 4
- People v. Guerrero, 2017 Guam 5
- People v. Roby, 2017 Guam 7
- People v. Tedtaotao, 2017 Guam 12
- People v. Roberson, 2017 Guam 18
- People v. Sharp, 2017 Guam 19
- People v. Borja, 2017 Guam 20
- People v. Finik, 2017 Guam 21
- People v. Mateo, 2017 Guam 22
- People v. Martinez, 2017 Guam 23
- People v. Gallo, 2017 Guam 24
- People v. Kanistus, 2017 Guam 26

Community Awareness Public Service Announcements: Iriarte-Shepp & Siaotong/Cruz

From time to time, Prosecution has the opportunity to produce community awareness public service announcements relating to the work they perform. This is typically done by inserting a clause into the plea agreements of defendants. This year, two such cases provided them the opportunity to reach the public.

One such case is that of Kalani Ali’i Iriarte-Shepp, who was operating a motor vehicle and collided with the motor vehicle of his best friend while racing through the streets and driving recklessly. They were traveling at over 90 miles per hour, and the investigation revealed that the two cars collided at an estimated speed of 59 miles per hour. His best friend died days later as a result of severe injuries sustained during the collision. Mr. Iriarte-Shepp spoke to a group of high school students on the dangers of reckless driving and its repercussions.

In another case, a couple was charged in the Superior Court of Guam after they left their infant son in the backseat of the car for several hours in the heat of the day. They pleaded guilty to Negligent Homicide as a Third Degree Felony and Child Abuse as a Misdemeanor, and are required to produce at least one public service announcement warning the community on the lifelong regret that arises out of negligent actions.
**FUTURE OUTLOOK**

1. Expand the H.E.R.O. Restorative Justice Program in public schools as a drug and alcohol curriculum.
2. Continue representing incapacitated adults who may require inpatient or residential treatment.
3. Automate and link Victim Service Center, Criminal Injuries Compensation Program, and restitution court efforts to improve services.
4. Install a new financial management information system to enhance fiscal autonomy and management of local and federal resources.
5. Implement OAG personnel rules and regulations.
6. Upgrade child support information system.
7. Expand federal grants portfolio.
8. Enhance victim services by implementing an automated victim information notification system.

**CONTACT INFORMATION**

- **2ND FLOOR**
  - CONSUMER PROTECTION DIVISION
    - 475-3324 EXT. 3255
  - VICTIM SERVICE CENTER
    - 475-2587 EXT. 6060

- **7TH FLOOR**
  - FAMILY DIVISION
    - 475-3406 EXT. 4035

- **8TH FLOOR**
  - PROSECUTION DIVISION
    - 475-3406 EXT. 2625
  - LITIGATION AND SOLICITOR DIVISION
    - 475-3324 EXT. 3625

- **9TH FLOOR**
  - ADMINISTRATION DIVISION
    - 475-3324 EXT. 5715
  - CHILD SUPPORT ENFORCEMENT DIVISION
    - 475-3360 EXT. 1063 OR 1065

590 South Marine Corps Drive
Suite 901, International Trade Center (ITC) Building
Tamuning, Guam 96913-3537

www.guamag.org
www.guamcse.net