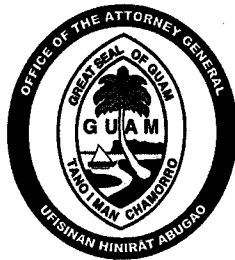


ALICIA G. LIMTIACO
Attorney General



ALBERTO E. TOLENTINO
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

March 20, 2009

The Honorable Vicente (Ben) C. Pangelinan
Senator, Mina'Trenta Na Liheslaturan Guåhan
324 W. Soledad Ave., Suite100
Hagatna, Guam 96910

Re: **FY2010 Departmental Detailed Budgets**

Dear Senator Pangelinan:

Buenas yan Háfa Adai! Transmitted herewith is the Fiscal Year 2010 Budget of the Office of the Attorney General of Guam. As requested, please find one (1) original, twenty (20) copies and one (1) electronic file of the FY2010 Detailed Budget Document.

If you should have any questions, please contact Mr. Alberto E. Tolentino, Chief Deputy Attorney General at 475-3324 ext. 716.

Dångkolo na Agradesimiento!

Sincerely,

Alicia G. Limtiaco
ALICIA G. LIMTIACO
Attorney General

Enclosure

cc: *BBMR*
FY2010 Budget File

Government of Guam
Fiscal Year 2010 Budget
Agency Narrative

FUNCTION: Public Safety

AGENCY: Office of the Attorney General

MISSION STATEMENT:

To provide legal representation, interpretation, and guidance, as the Chief Legal Officer of the government of Guam, in criminal and civil matters, and on the laws of Guam and of the United States applicable to Guam.

GOALS AND OBJECTIVES:

1. Administration Division

The Administration Division provides the administrative support services for the Office. It will provide these services to the various divisions within the Office in the most efficient and effective manner possible through:

- a) appropriate consolidation of divisions within the Office;
- b) increased employee collaboration, interaction, and participation via automation and other technologies;
- c) development and implementation of revised or improved administrative practices, procedures, and cost-cutting measures;
- d) development and implementation of a communications/ community outreach component of the Office to facilitate and enhance its participation in community and legislative activities critical to the accomplishment of the Office's goals and objectives; and
- d) adequate training for staff or availability of information to develop and increase their skills and knowledge of the latest administrative practices and procedures to promote administration efficiency and effectiveness.

2. Prosecution Division

The Prosecution Division represents "the People of Guam" in criminal matters. It will continue to prosecute violations of Guam criminal laws through trial and appeal as well as continue to conduct grand jury proceedings, criminal investigations, and other court appearances by:

- a) advocating and supporting aggressive and successful prosecution based on evidence obtained from thorough and complete investigations, and on sound case development to ensure justice is served for all of the people of Guam;
- b) re-establishing and increasing cooperative working relationships with local and federal law enforcement agencies and social service agencies to achieve successful prosecution and address the needs of victims and their families;
- c) promoting and ensuring compliance with the Crime Victim's Rights Act and maintaining plea agreement policies which facilitate consistency, equality, and justice;
- d) recruiting and retaining experienced prosecutors, as well as criminal investigators and sufficient legal support staff (i.e., legal secretaries, paralegals, legal file clerks, and process servers) to increase prosecution efficiency while maintaining quality in the management of increasing caseloads;
- e) ensuring adequate availability of training and information for staff to develop and increase their skills and knowledge of the latest programs, practices, and procedures leading to the successful prosecution and/or resolution of criminal cases and issues; and
- f) developing and implementing the automation of case records for case tracking as well as improving our automation abilities to network with other local and federal law enforcement agencies on- and off-island.

3. Family Division

The Family Division was once a separate division within the Office but had been consolidated with the Prosecution Division. Concerns are raised with the propriety of juvenile special proceedings and juvenile delinquency and other Family Court matters being handled by the criminal prosecutors of adult offenders and especially with regard to the delicate issues of the confidentiality of juvenile adjudications. Thus, the Division was re-established and:

- a) vigorously represents the government in juvenile special proceedings and juvenile delinquency cases and other Family Court matters;
- b) will adequately staff and fund personnel and provide training to staff to update their skills and knowledge;
- c) will establish and consistently conduct community outreach activities and participation in educational and public awareness activities and programs dealing with juvenile issues; and
- d) will promote legislation that will significantly impact juvenile activities.

4. Civil Litigation Division

The Civil Litigation Division handles civil actions in which the government is an interested party. It will:

- a) continue to review and process claims against the government in an expeditious manner, to vigorously represent the government in litigation, and to serve the interests of justice and of the people of Guam;
- b) effectuate and foster professional interaction and coordination between the Office of the Attorney General and the government of Guam Offices and agencies;
- c) ensure adequate training and the availability of information for staff to develop and increase their skills and knowledge of the latest practices and procedures leading to successful litigation; and
- d) improve the automation of case files and information within the Division.

5. Solicitors Division

The Solicitors Division functions as the legal Office of the government of Guam, and provides legal assistance to the various executive branch agencies, boards, and commissions, as well as the Governor's Office, the Mayor's Council, the Guam Legislature, and the Superior Court of Guam.

In addition, the Division handles criminal cases involving alleged welfare fraud, and provides assistance as may be needed in civil or criminal cases handled by the other divisions of the Office of the Attorney General. The Division also participates on various task forces, committees, and round tables. The Division is established pursuant to the enabling legislation of the Office of the Attorney General found at 5 G.C.A., Chapter 30.

In order to fulfill the full statutory functions of the Division, the Division must have a sufficient number of trained and experienced attorneys, as well as adequate support staff.

6. Child Support Enforcement Division

The role of the Child Support Enforcement Division is to vigorously advocate for children and families through the location of absent parents, establishment of paternity, and establishment of court order obligations, enforcement and distribution of child support collections. It will:

- a) ensure complete and continuing compliance with federal and local mandates by including the APASI and PRWORA projects;
- b) continue to develop, support, and maintain the APASI automated child support enforcement system;

- c) initiate the process of replacing the APASI system by researching other state systems to implement a hybrid, transfer, or replacement system, with the goal of enhancing the efficiency and effectiveness of the Division's case management and financial capabilities;
- d) introduce local child support legislation or improve existing ones that will provide or increase the child support efforts;
- e) provide adequate training or availability of information for staff to develop and increase their skills and knowledge of the latest programs, practices, and procedures leading to increased child support collections and decrease in welfare dependency;
- f) increase collaboration and coordination efforts with private and public organizations; and
- g) increase awareness and encourage involvement in parental roles and responsibilities.

FEDERAL GRANTS:

1. Victims of Crime Act - Victim Assistance Grant Program
 - To continue to comply with federal and local mandates, as well as program guidelines;
 - To continue to provide assistance to the crime victims on island.
2. Services-Training-Officers-Prosecutors (STOP)/Violence Against Women Act (VAWA) Grant Program - Domestic/Family Violence Program
 - a) To continue to comply with federal and local mandates, as well as program guidelines;
 - ~~b) To continue to fund personnel (victim advocates) and provide training to staff to update their skills and knowledge as well as provide direct compensable services to crime victims;~~
 - c) To continue with community outreach activities and participation in the domestic/family violence network;
 - d) To continue to promote legislation that will significantly impact domestic/family violence victims and offenders including repeat offenders, and/or improve on existing legislation such as the Family Violence Act of 1998.
3. Highway Safety Grant - Highway Safety Prosecution Program
 - a) To continue to comply with federal and local mandates, as well as program guidelines;
 - b) To continue to prosecute traffic and other vehicle offenses on Guam;
 - c) To fund personnel (DUI/DWI) and provide training to staff to update their skills and knowledge;

- d) To continue with outreach activities and participation in the drunk and drug prevention network;
- e) To continue to promote legislation that will significantly impact DUI/DWI offenders and repeat offenders and/or improve on existing local legislation.

IMPACT STATEMENT:

The Office of the Attorney General, serves as the attorney for the People of Guam and for the Government of Guam. Operations are based on local, federal, and match-funding. Thus, local and federal laws, policies, and economic trends impact the operations of the Office.

Finally, uncertainty in the ability of the government to meet the financial needs of its entities, Offices and agencies, presents a significant impact upon the Office of the Attorney General's FY 2010 Budget. The problem arises in cases where funds were encumbered from the FY2008 Budget for certain purposes, but the several contracts, purchase orders and the like remain unpaid pending receipt of sufficient cash by the government to pay these debts. If these vendors are unpaid then the Office of the Attorney General carries prior year 2008 obligations that will eventually need to be reconciled by our FY 2010 Budget.

AGENCY BUDGET PLAN:

The Office of the Attorney General provides legal representation, guidance, and interpretation of the laws of Guam and of federal laws. The Office of the Attorney General serves as the attorney for the People of Guam and extends this service to the agencies, Offices, commissions, and boards of the Government of Guam. A critical part of the Office's budget plan is to ensure continuity and enhancement of legal services which entail adequate support of personnel, attorneys and support staff, via local and federal funding sources.

Government of Guam
Fiscal Year 2010 Budget
Decision Package

FUNCTION: Public Safety
AGENCY: Office of the Attorney General
PROGRAM: Administration Division

PROGRAM PURPOSE:

The Administration Division provides administrative services to the divisions within the Office. This Division prepares, administers, and monitors the annual budget, the Office's payroll and procurement, and coordinates training and travel requirements of Office personnel. The Division will also be the location for a primary communication/community outreach arm for the Office. It will consolidate and coordinate the Office's efforts in community outreach activities and communications with the public.

IMPACT STATEMENT:

The Administration Division provides administrative support to the Office. Without the staff and adequate tools, the Office of the Attorney General's mandates cannot be accomplished.

PROGRAM BUDGET PLAN:

Funding for the Administration Division will be used to offset personnel and operational costs in FY 2010.

GOALS:

1. To provide efficient administrative service through the automation of payment, payroll, personnel and records;
2. To provide adequate training for staff or make available information to develop and enhance their skills and knowledge in their respective areas of expertise;
3. To develop and implement revised or improved administrative practices and procedures, and cost-cutting measures;
4. To staff and develop a community outreach and public communication component of the Office to coordinate the myriad of outreach activities engaged in by the Office, and to improve the Office's communication of its mission to the public.

Government of Guam
Fiscal Year 2010 Budget
Decision Package

FUNCTION: Public Safety

AGENCY: Office of the Attorney General

PROGRAM: Civil Litigation Division

PROGRAM PURPOSE:

The Civil Litigation Division of the Office of the Attorney General handles civil actions in which the government is an interested party. This includes bringing actions on behalf of the government and its agencies and defending actions brought against the government and its agencies. These actions include both trials and appeals in the courts of Guam and the courts of the United States. The Attorney General is also tasked with bringing actions in the official capacity of the Attorney General when necessary to insure compliance by government agencies and officials and private parties with the regulatory laws of Guam; and on behalf of the people of Guam in matters regarding protection of the public interest.

Some of the types of cases handled by the Civil Litigation Division include the following: land condemnation cases, land registration cases, zoning and easement disputes, wrongful death cases, personnel injury cases, government employee discipline and grievance cases, wage and hour disputes, maritime cases, contract disputes, procurement cases, civil forfeitures, consumer complaints, involuntary commitments, environmental protection cases, cases to determine the extent of government authority and the legality of government action, and cases resolving the interpretation, constitutionality and organicity of laws and statutes.

In addition, the Civil Litigation Division has the task of providing hearing officers to 13 government boards and commissions when they conduct administrative hearings pursuant to the Administrative Adjudication Act. The Division also provides a hearing officer for fair hearings which are federally mandated. For example, the food stamp and public assistance programs require fair hearings. In the calendar year 2007, the Office of the Attorney General presided over 86 such hearings.

Within the Civil Litigation Division are the government claims unit and the consumer protection unit. The government claims unit must investigate and process all claims against the line agencies and the mayors. The consumer unit enforces the Deceptive Trade Practice Act and various other consumer laws. In addition to handling consumer complaints and litigation, the consumer unit reaches out to inform both the consumers and the businesses of Guam about the requirements of the Deceptive Trade Practices Act and other matters affecting Guam's consumers. The unit issues weekly press releases to make the public aware of consumer scams. Additionally, the consumer unit enforces the Tobacco Master Settlement Agreement (MSA). Guam has received \$40 million through the MSA. In return, local tobacco distributors and their manufactures who are not parties

to the MSA must register with the Office of the Attorney General to insure that escrow accounts are set up for tobacco sold on Guam.

There are currently approximately 452 pending cases being handled by the Civil Litigation Division. Of this number, 317 are primary cases requiring regular attention.

IMPACT STATEMENT:

In order to meet the objectives of the Division, it must have trained and experienced lawyers in a variety of fields as well as highly qualified and experienced support staff. There are currently four lawyers in the Civil Litigation Division. The Civil Litigation Division needs to supplement its staff with lawyers trained and experienced to cover specialized areas. The Department of Land Management needs an attorney to register government land and file condemnation proceedings as required. There will be more construction projects connected to the military buildup, as a result, there will be a great deal of additional work in the enforcement of the wage and hour laws and other regulatory laws.

In the past, the Civil Litigation Division and the Solicitors Division have each had a supervising Deputy Attorney General who would also handle cases for their Division. However, in order to save personnel costs, the Attorney General has placed both divisions under the supervision of one Deputy.

PROGRAM BUDGET PLAN:

Funding for the Civil Litigation Division will be used to offset personnel and operational costs in FY 2010.

GOALS:

- To review and process claims against the government in an expeditious manner, to vigorously represent the government in litigation, and to serve the interests of justice and of the people of Guam;
- To effectuate and foster professional interaction and coordination between the Office of the Attorney General and the government of Guam agencies, departments, and commissions;
- To ensure adequate training and the availability of information for staff to develop and increase their skills and knowledge of the latest practices and procedures leading to successful litigation; and
- To improve the automation of case files and information within the Division.

OBJECTIVES:

- Obtain adequate staffing of experienced attorneys and support staff to service the legal needs of the government of Guam;
 - Identify and utilize opportunities to defray the costs of legal representation of the various agencies, departments, and commissions of the government of Guam;
 - Develop and implement a case management tool to better track cases, requests for opinions, contracts, and other documentation and that will generate reports to assist the efficient and effective operation of the Division.
-

ATTACHMENT - CIVIL LITIGATION DIVISION (DP-1)

Workload Output			
Workload Indicator:	FY 2008 Level of Accomplishment	FY 2009 Anticipated Level	FY 2010 Projected Level
Bankruptcy	0	15	20
Civil Commitment	17	24	32
Civil Forfeiture	21	40	41
Civil Service Commission	0	7	9
Contract/Collection	6	29	38
Employee	17	42	56
Environmental Protection	2	4	5
Government Authority	1	15	20
Judicial Review	2	18	24
Land	1	4	5
Procurement Court Proceedings	0	4	5
Tax	8	4	5

Government of Guam
FY 2010 Budget
Decision Package

FUNCTION: Public Safety

AGENCY: Office of the Attorney General

PROGRAM: Solicitors Division

PROGRAM PURPOSE:

The Solicitors Division of the Office of the Attorney General provides legal services to the agencies and instrumentalities of the Executive branch and writes legal opinions for the Executive agencies and the Legislature. The tasks of the Solicitors Division include the following: writing Attorney General opinions; giving legal advise to agencies either verbally or in writing through informational memoranda; drafting, reviewing and approving proposed agency rules and regulations before they go to the Governor for introduction to the Legislature; assisting in conducting public hearings for agency rules and regulations; drafting and revising standardized forms for use by agencies; acting as agency counsel at administrative hearings; drafting and/or reviewing procurement contracts; assisting agencies with procurements, including reviewing and approving procurement records and contracts as to legality and form; reviewing and approving other types of contracts (i.e., non-procurement agreements such as inter-agency memoranda of understanding, qualifying certificates, government real property transactions, etc.); reviewing and/or drafting bills or legislation as requested by an agency or as required by the Attorney General; coordinating responses to Sunshine Act requests; assisting with all legal issues relative to the notary public program administered by the Office of the Attorney General (including handling administrative hearings and responding to legal questions by program administrator's, etc.); assisting in administrative matters relative to the Commission on Post-Mortem Examiners.

The Solicitors Division provides legal services to approximately 45 government agencies and 17 boards and commissions. During the calendar year 2007, the Solicitors Division reviewed 1,076 matters. There are currently 309 of these matters now pending.

IMPACT STATEMENT:

In order to meet the objectives of the Division, it must have trained and experienced lawyers in a variety of fields as well as highly qualified and experienced support staff. Currently, the Solicitors Division has four attorneys. The Division has made progress in processing contracts, assisting agencies with their procurements, researching and writing opinions in a more timely manner. However, it is still not possible to handle all the legal needs of all the government agencies and boards without at least two additional lawyers

in the Solicitors Division. Therefore, the Office of the Attorney General is requesting a personnel budget that will remedy the lack of sufficient attorneys to provide the line agencies with legal services.

PROGRAM BUDGET PLAN:

Funding for the Solicitors Division will be used to offset personnel and operational costs in FY 2010.

GOALS:

1. To represent the government of Guam;
2. To provide legal assistance to the various executive branch agencies, boards, and commissions, as well as the Governor's Office, the Mayor's Council, the Guam Legislature, and the Superior Court of Guam;
3. To effectively and competently handle criminal cases involving alleged welfare fraud, and to provide assistance as may be needed in civil or criminal cases handled by the other divisions of the Office;
4. To actively participate in various task forces, committees, and round tables in order to ensure a cohesive legal policy throughout the government of Guam.

OBJECTIVES:

- Obtain adequate staffing of experienced attorneys and support staff to service the legal needs of the government of Guam;
- Identify and utilize opportunities to defray the costs of legal representation and counsel of the various agencies and departments of the government of Guam;
- Develop and implement a case management tool to better track requests for opinions, contracts, and other documentation and that will generate reports to assist the efficient and effective operation of the Division.

SOLICITOR DIVISION

Workload Output

Workload Indicator:	FY 2008 Level of Accomplishment	FY 2009 Anticipated Level	FY 2010 Projected Level
Administrative Proceedings	16	40	53
Administrative Rule & Legislation	4	13	17
Attorney Assistance	227	201	267
Contract Review	539	429	572
Procurement	0	10	13
Opinion	8	75	100
1) Information and Guidance	25 completed originally submitted for an opinion request.		

Government of Guam
Fiscal Year 2010 Budget
Decision Package

FUNCTION: Public Safety
AGENCY: Office of the Attorney General
PROGRAM: Prosecution Division

PROGRAM PURPOSE:

The Attorney General of Guam is the Public Prosecutor with "cognizance over all matters pertaining to public prosecution, including the prosecution of any public officials." See 5 G.C.A. §30104.

The Prosecution Division is a program within the Office of Law charged with the primary responsibility of prosecuting all adult felony, misdemeanor and traffic offenses referred by law enforcement authorities and those criminal offenses independently investigated by the Prosecution Division that frequently include white collar, government corruption or public integrity crimes (e.g., misapplication of funds held in trust, embezzlement, official misconduct, etc.), and litigating all criminal appellate cases. This entails close collaboration with local and federal law enforcement officers and attorneys, paralegals, and criminal investigators of the Division.

The Prosecution Division also provides, without charges or fees, the ancillary service of criminal case disposition reports (~~Office of the Attorney General clearances~~) to a myriad of local and federal agencies, employers and others requesting the same (i.e., IRS, ABC Board, armed forces recruiters, FBI, state law enforcement employers, etc.).

Another vitally important functional unit administered by the Prosecution Division is the Victim Witness Ayuda Service unit (VWAS). This unit is responsible for providing support services to victims and witnesses of crimes in accordance with the Crime Victim's Rights Act.

IMPACT STATEMENT:

The following factors have a significant impact upon the operations of the Prosecution Division:

1. There has for years been a substantially high turnover of prosecutors and attorneys in the Office of the Attorney General. Of particular concern is the shortage of senior prosecutors with prior extensive prosecution experience and training necessary to handle complex criminal prosecutions.

Between calendar years 2006 and 2007, the Office of the Attorney General has received over 6,000 new criminal case referrals from the Guam Police Department and other law enforcement agencies. Just in the past calendar year of 2007 alone, the Prosecution Division has filed with the Superior Courts of Guam 1,702 criminal cases (618 felony cases & 1,084 misdemeanor cases) as compared to 1,604 criminal cases (564 felony cases and 1,049 misdemeanor cases) filed in 2006. As of the end of calendar year 2007, the Prosecution Division actually has over 12,000 open cases (i.e., criminal cases pending trial or other disposition, and cases pending review for charging, further investigation, or closure based on decline to prosecute determinations) that have accumulated over the years. In years past, there were no less than between 20 to 27 prosecutors. Presently, there are 10 prosecutors who handle the bulk of the adult prosecution cases. Most of the prosecutors carry caseloads in excess of 500 cases since the vast majority of cases will not be resolved within a year of their filing. Furthermore, the lack of sufficient legal support staff to assist the current number of prosecutors has only compounded the aforementioned problem. These circumstances not only seriously impede the Prosecution Division's ability to charge out cases before the statute of limitations has run and to prepare criminal cases for vigorous prosecution; but ultimately, the situation causes victims of crimes to lose confidence in the criminal justice system.

2. The decades-old case management information system and software currently used by the Prosecution Division is wholly obsolete and limited in its capability to track and monitor criminal cases, or to input new fields of data or information relevant to criminal cases, or to provide statistical data and reports. In fact, the Prosecution Division must still hand count and manually create statistical analyses and reports of its criminal cases. Even more astonishing is the fact that, unless an individual prosecutor hand wrote in his own calendar, the Prosecution Division could not identify in the months ahead what cases were set for jury trials, motions hearings and so forth in order to plan, prepare, or reassign prosecutors to cases. Recent efforts to rectify this problem have been successful in the short-term. ~~As it stands, the Prosecution Division revived utilization of an older case calendaring software program separate and apart from its current case management information system. Related to the technological tools issue are the obstacles faced by the Prosecution Division such as an inability to electronically archive files and the use of outdated computers by both prosecutors and legal support staff in addition to existing physical obstacles for storage and retrieval of actual paper files.~~
3. The physical layout of the Prosecution Division, in terms of the lack of actual offices for the prosecuting attorneys, creates another impediment to effectively prepare for trial or motions. The lack of privacy to interview victims and witnesses for prosecution of criminal cases was recently addressed by constructing three private, temporary interview rooms for use by prosecutors and their investigators, as well as for use by the attorneys and investigators of the Family Division, VWAS advocates, and White Collar/Public Integrity Crimes unit.
4. Last but not least, the lack of training for both attorneys and support staff negatively impacts the Prosecution Division's ability to effectively and efficiently prosecute. More than half of the attorneys in the Prosecution Division are inexperienced prosecutors. Furthermore, even the experienced

prosecutors require training to keep abreast of the latest trial techniques, specialized evidentiary issues for white collar, child abuse, criminal sexual conduct, and drug prosecutions, and the latest developments in forensic science.

PROGRAM BUDGET PLAN :

The Prosecution Division is a program that requires funding under the FY 2010 budget to continue its operations. This will allow the Office of the Attorney General to seek justice on behalf of the victims of crimes and the community at large by achieving vigorous and successful prosecution of crimes based on evidence obtained from thorough and complete investigations, and based on sound case development. In turn, the Division will be able to increase the number, efficiency, and effectiveness of prosecution.

The Prosecution Division is presently undergoing realignment and/or reorganization of attorney and legal support staff duties and responsibilities toward the establishment of functional criminal trial units/teams: (i) Family Violence and Sex Crimes; (ii) Property Crimes; (iii) Drugs and Guns; (iv) White Collar & Public Integrity Crimes [former Government Corruption division]; (v) Major Crimes [homicides, robberies, attempted murder/aggravated assault, organized crime]; (vi) General Felonies/Misdemeanors/Traffic Crimes; and (vii) an Appellate and Motions unit, which must be fully staffed through on-going recruitment efforts in order to effectively and efficiently provide aggressive prosecution in the pursuit of justice and safeguarding our community.

The planned or on-going changes mentioned above will enable the Division to effectively and efficiently charge and prosecute crimes. One major effect of the changes will involve the prosecution of felonies by requiring the attorneys assigned to their respective teams/units to be directly responsible for their cases from charging or grand jury indictment to resolution of the cases by trial, plea agreement or motion (i.e., vertical prosecution). This also includes working closely with investigators and paralegals assigned to the same unit or case. The Division under the previous administration had relied on having only one attorney primarily responsible for presenting over 90% of the felony cases to the grand jury (i.e., horizontal prosecution) with non-lawyers determining the charges and witnesses for the grand jury, a practice that raises serious ethical, legal, and inefficient operational issues.

GOALS :

1. Advocate and support aggressive and successful prosecution based on evidence obtained from thorough and complete investigations, and on sound case development to ensure justice is served for all of the people of Guam.
2. Re-establish and increase cooperative working relationships with local and federal law enforcement agencies and social service agencies to achieve successful prosecution and address the needs of victims and their families.
3. Promote and ensure compliance with the Crime Victim's Rights Act which entitles victims of crime

to be informed of the status of their cases and to participate in the criminal justice process.

4. Seek greater federal funding levels to support prosecution operations.
5. Recruit and retain experienced prosecutors, as well as criminal investigators and sufficient legal support staff (i.e., legal secretaries, paralegals, legal file clerks, and process servers) to increase prosecution efficiency while maintaining quality in the management of increasing caseloads.
6. Increase the level of proficiency in both technical and professional skills of prosecuting attorneys, criminal investigators, paralegals and other legal support staff.

OBJECTIVES :

1. Establish and maintain an on-call prosecutor system with the Guam Police Office and all other local and federal law enforcement agencies. This objective has been established and will be maintained.
 2. Establish functional prosecution units/teams within the Prosecution Division. This objective has been established and will be maintained.
 3. Search for and apply to all federal funding grants not requiring matching local funds to support prosecution operations. This objective is currently being pursued.
 4. Enable and provide for necessary specialized training of at least fifty percent (50%) of all prosecutors and investigators. This objective is currently being pursued.
-
5. Establish a mentorship program for new prosecutors. This objective has been established and will be maintained.
 6. Obtain a prosecution-based/designed case tracking and management information system. This objective is currently being pursued.
 7. Provide at least four quarterly training mini-seminars for law enforcement officers or agencies. This objective is currently being pursued.
 8. Establish and provide training for Prosecutors and law enforcement investigators for investigation and prosecution of internet crimes against children and adults, identity theft, and human trafficking related crimes. This objective is currently being pursued.

Government of Guam
Fiscal Year 2010 Budget
Decision Package

FUNCTION: Public Safety
AGENCY: Office of the Attorney General
PROGRAM: Family (Juvenile) Division

PROGRAM PURPOSE:

The Family Division has been fully functional as a separate division within the Office of the Attorney General for about two years (re-established in 2007). The family division, which handles all matter pertaining to juveniles in our community, including Child Protective Services cases, was once merged with the Adult Prosecution Division of the Office. Due to concerns that were raised regarding the propriety of juvenile special proceedings and juvenile delinquency matters, as well as other matters that appeared before the Family Court of the Superior Court of Guam, being handled by the criminal prosecutors of adult offenders, and especially with regard to the delicate issues of the confidentiality of juvenile adjudications, the division now functions as a separate and distinct division apart from the adult prosecution division with staff designated solely to the handle matters within the family division.

The Family Division at the Office of the Attorney General is comprised of 4 attorneys and relies upon the administrative and other professional resources of the Prosecution Division within the Offices to fulfill its mandate. The family division handles all matters relating to juveniles in our community to include juvenile delinquency matters, which are cases involving juveniles who commit criminal acts that are non-drug and alcohol related, and drug and alcohol related cases. The juvenile division also represents Child Protective Services in cases brought to court involving children that have been subjected to abuse and neglect by their parents or caretakers, as well as cases involving juveniles who deemed "Beyond Control" of their parents or caretaker.

IMPACT STATEMENT:

Currently, the Family (Juvenile) Division continues to rely upon the investigators, victim advocates, and administrative and other professional resources of the Prosecution Division within the Office to fulfill its mandate as the family division lacks its own designated staff to fulfill these critical positions.

The family division handles all matters relating to juveniles in our community to include juvenile delinquency matters, which are cases involving juveniles who commit criminal acts that are non-drug and alcohol related, and drug and alcohol related cases. The juvenile division also represents Child Protective Services in cases brought to court involving children that have been subjected to

abuse and neglect by their parents or caretakers, as well as cases involving juveniles who deemed "Beyond Control" of their parents or caretaker.

PROGRAM BUDGET PLAN:

Funding for the Family Division will be used to offset personnel and operational costs in FY 2010.

GOALS:

1. To vigorously represent the government in juvenile special proceedings, juvenile delinquency cases, and other matters before the Family Court of the Superior Court of Guam;
2. To vigorously represent the Child Protective Services in child abuse and neglect cases brought before the Family Court of the Superior Court of Guam;
3. To adequately staff and fund personnel and provide training to juvenile staff to update their skills and knowledge;
4. To establish and consistently conduct community outreach activities and participation in educational and social meetings dealing with juvenile issues; and
5. To promote legislation that will significantly impact juvenile activities and other matters relevant to the mandates of the Division.

OBJECTIVES:

- 1) Obtain adequate staffing of experienced attorneys and support staff, to include an investigator, school resource officer, victim advocate and administrative support staff, to service the particular mandates of the Division;
- 2) Develop and implement a case management tool to better track cases, dispositions, and other information and that will generate reports to assist the efficient and effective operation of the Division.
- 3) Develop and implement consistent outreach events designed to provide the community with information on juvenile issues and the prevention of juvenile offenses.

WORKLOAD OUTPUT:

Workload Output			
Workload Indicator:	FY 2008 Level of Accomplishment	FY 2009 Anticipated Level	FY 2010 Projected Level
Juvenile Delinquency cases	362	405	550 +
Juvenile Drug Court cases	169	150	180 +
Juvenile Special Proceedings			
Beyond Control Cases	77	57	65 +
Person In Need of Services			
Petitions ("PINS")	33	38	45 +
Pre-Adjudicatory Diversionary Program ("PADP")	11	15	25 +
Outreach Activities			

Government of Guam
Fiscal Year 2010 Budget
Decision Package

FUNCTION: Public Safety
AGENCY: Office of the Attorney General
PROGRAM: Child Support

MISSION STATEMENT:

The Child Support Enforcement Division (CSED) is a Division within the Office of the Attorney General. The CSED provides public services, without charges or fees, to locate non-custodial parents; establish paternity; secure, modify, and enforce child and medical support orders; recover TANF/Welfare benefits paid on behalf of the children; and collect and distribute child support payments. [5 G.C.A. Chapter 34; Title IV-D of the Social Security Act; Guam Public Law 20-171; and Title III of P.L. 104-193 (HR3734) Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)].

The Child Support Enforcement Division also provides, without charges or fees and at the request of the custodial or non-custodial parent, certifications to the Department of Public Health and Social Services, Guam Housing and Urban Renewal Authority, or financial institutions.

The Access & Visitation (A&V) Unit administered by CSED provides the important service of assisting non-custodial parents to gain access and visitation with their children. The A&V Unit ~~refers non-custodial parents to Inafa Maolek or Erica's House for mediation, supervised or~~ monitored visitation, parenting classes, or neutral drop-off and pick-up arrangements. The goal of A&V Unit is to improve non-custodial parents' access to and visitation with their children. Research has shown that parental contact is related to the payment of child support and that fathers' involvement improves children's development and self-esteem.

IMPACT STATEMENT:

The CSED needs additional support staff and attorneys. In the last year, the CSED has experienced a turnover of employees. The vacant positions are slow to fill for several reasons: the hiring process is slow and bureaucratic, lack of qualified applicants, or salary is too low. Currently the CSED has 56 support staff and 4 attorneys plus the IV-D Directors. The attorneys handle a full caseload with a majority of the cases being heard by the Referee of the Judicial Hearing Division (JHD) of the Superior Court. Some cases, however, are heard before the Judges of the Superior Court of Guam (SCOG). There are not enough attorneys to attend hearings at both the JHD and SCOG.

Also, the lack of support staff, mainly investigators and paralegals, has led to a lack of enforcement on some cases. A lack of enforcement of cases results in less collection of child support payments. Not enough support staff also means some child support orders are not reviewed and adjusted every 3 years resulting in an outdated order which does not keep up with the current cost of living.

The CSED's computer system, also known as the Absent Parent Automated Systems Information (APASI), is in dire need of update and upgrade. It is a transfer system from the State of Texas which was implemented in 1996. Although APASI was fully certified as meeting PRWORA requirements on April 30, 2004, it still has program and database issues. These deficiencies have resulted in a case management backlog, management reporting difficulties, accounting issues, and an overall loss in productivity.

The CSED is in need of a new system. The choices are staying with the existing system and designing a new system by evaluating other states' systems, considering a transfer system from another state, or selecting a hybrid system. A new system requires major processes and requires federal approval. The first phase is the Planning Advance Planning Document (APD), followed by the Implementation APD, and full Implementation of a new system.

1. Planning APD
 - a. Includes:
 - i. Project Management Plan (PMP)
 - ii. Planning Budget
 - iii. Total Project Cost Estimate
 - b. Takes 8 to 10 weeks
 - c. Cost: \$100,000

2. Implementation APD
 - a. Includes:
 - i. Designing
 - ii. Developing
 - iii. Implementing New System
 - b. Takes 1 year
 - c. Cost: \$3 million
3. Implementation
 - a. Takes 2 years
 - b. Cost: \$7 million

The total estimated cost of a new system is \$10.1 million. The federal matching share is \$6.666 million (66%) and the local share is \$3.434 million (34%). Examples of cost of other states' systems are:

Hawaii	\$50 million
Colorado	\$40 million

South Carolina \$93 million

PROGRAM BUDGET PLAN:

The Child Support Enforcement Division requires funding in FY2010 to continue its operations. This will allow us to continue to ensure that the children of Guam receive the financial assistance that they deserve. With a full staff, the CSED will be able to enforce child support orders which will result in an increase in the collection of child support payments. This helps families become self-sufficient as well as puts money back into the general fund for those children who are receiving public assistance/welfare/TANF.

In addition, once APASI is upgraded and updated, this will result in increased productivity, reduced annual maintenance and operation charges, increased client access to information through a web interface, increased collections through online bill payments, and a comprehensive website which will allow for easy access by parties and employers to case information and new hire reporting by employers.

GOALS:

The goals of the Child Support Enforcement Division are:

1. To locate absent parents.
2. To establish paternity.
3. To establish and enforce child support orders.
4. To review and modify child support orders.
5. To establish and enforce medical support orders.

6. To increase collections and disbursements of child support payments.
7. To ensure quality and efficient services through recruitment of adequate personnel.
8. To implement computer system upgrade and enhancements to be in compliance with federal mandates which include but are not limited to:
 - a. Developing an inbound/outbound data flow process between the Territory and Office of Child Support Enforcement (OCSE).
 - b. Allow for data exchange of financial records.
 - c. Programming that will allow for the seizure of assets in cases that do not exist within the APASI system, but must be accounted for in federal reports.
 - d. The capability of the APASI system to process child support payments and disbursements through electronic means, reducing the individual posting.
 - e. The capability of the APASI system to accept income withholdings and interstate child support collections.
 - f. The capability of developing various reports such as the annual self-assessment report and management reports (OCSE 157, OCSE 396A, and OCSE 34A).

9. To identify and utilize training opportunities with emphasis or focus on improvements and enhancements of child support operations.
10. To ensure the identification and availability of local funding where there is a need to match local funds to federal dollars that would impact and benefit the Child Support Enforcement Program.
11. To enhance Interstate Operations/Case Processing that would provide case processing with other States in a more timely and efficient manner.
12. To initiate the development of an Advanced Planning Document that will begin the process of replacing the APASI system.
13. To enhance customer service.
14. To enhance collaboration with sister agencies and stakeholders.

OBJECTIVES:

The objectives of the Child Support Enforcement Division are:

1. To increase paternity by 5%. (Goals 1 and 2)
 2. To increase child support collections by 5%. (Goals 1 – 8)
 3. To increase child support disbursements by 5%. (Goals 1 – 8)
 4. To increase child support operations by 5%. (Goals 9 – 14)
 5. To increase caseworker productivity by 5%. (Goals 9-14)
 6. To increase accounting technicians productivity by 5%. (Goals 9-14)
 7. To lower annual system maintenance by 5%. (Goal 12)
 8. To lower CSED call volume by 10%. (Goal 13)
-

Workload Output			
Workload Indicator:	FY 2008 Level of Accomplishment	FY 2009 Anticipated Level	FY 2010 Projected Level
Number of Cases with Support Orders Established During the Fiscal Year.	1,081	1,135	1,192
Number of Children in IV-D Cases Born Out-of-Wedlock Open During or at the End of the Fiscal Year with Paternity Established or Acknowledged.	7,986	8,385	8,804
Cases Open at the End of the Fiscal Year where Medical Support is Ordered.	1,789	1,968	2,165
Total Amount of Current Support Due for the Fiscal Year.	\$11,768,796	\$12,357,236	\$12,975,098
Total Amount of Support Distributed as Current Support During the Fiscal Year.	\$6,639,327	\$7,303,260	\$8,033,586
Number of Interstate Cases Initiated with Support Orders Established Open at the End of the Fiscal Year.	534	587	646

Function: PUBLIC SAFETY
Department/Agency: OFFICE OF THE ATTORNEY GENERAL
Program: (Administration, Prosecution, Civil, Solicitor & Family (Juvenile) Division)

ACCT. PRIMARY: 5100A091100GA001

AS400 Account Code	Appropriation Classification	A FY 2008 Expenditures & Encumbrances	B FY 2009 Authorized Level	Governor's Request				FY 2010 October 2009-10	FY 2010 November 2009-11	FY 2010 December 2009-12	FY 2010 January 2010-01	FY 2010 February 2010-02	FY 2010 March 2010-03	FY 2010 April 2010-04	FY 2010 May 2010-05	FY 2010 June 2010-06	FY 2010 July 2010-07	FY 2010 August 2010-08	FY 2010 September 2010-09	FY 2010 Total	
				C	D	E															
				FY 2010 General Fund	FY 2010 Federal Match Fund(s)	FY 2010 Other Fund 1/	FY 2010 Total Req. (C+D+E)														
PERSONNEL SERVICES																					
111	Regular Salaries/Increments	\$3,918,263	\$4,107,905	\$7,933,133	\$0	\$0	\$7,933,133														
112	Overtime/Special Pay	0	0	0	0	0	0														
113	Benefits	1,103,326	1,291,408	1,944,775	0	0	1,944,775														
	TOTAL PERSONNEL SERVICES	\$5,021,590	\$5,399,313	\$9,877,908	\$0	\$0	\$9,877,908														
OPERATIONS																					
220	TRAVEL- Off-Island/Local Mileage Reimburs.	\$44,195	\$3,848	\$50,000	\$0	\$0	\$50,000	4,167	4,167	4,167	4,167	4,167	4,167	4,167	4,167	4,167	4,167	4,167	4,167	50,000	
230	CONTRACTUAL SERVICES:	851,580	293,569	368,882	0	0	368,882	30,741	30,741	30,740	30,740	30,740	30,740	30,740	30,740	30,740	30,740	30,740	30,740	30,740	368,882
233	OFFICE SPACE RENTAL:	343,674	348,204	348,204	0	0	348,204	29,017	29,017	29,017	29,017	29,017	29,017	29,017	29,017	29,017	29,017	29,017	29,017	29,017	348,204
240	SUPPLIES & MATERIALS:	56,394	3,200	56,000	0	0	56,000	4,667	4,667	4,667	4,667	4,667	4,667	4,667	4,667	4,666	4,666	4,666	4,666	4,666	56,000
250	EQUIPMENT:	47,394	98	114,000	0	0	114,000	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	9,500	114,000
270	WORKERS COMPENSATION	113	0	0	0	0	0													0	
271	DRUG TESTING	845	0	1,388	0	0	1,388	116	116	116	116	116	116	116	115	115	115	115	115	1,388	
280	SUB-RECIPIENT/SUBGRANT:	0	0	0	0	0	0													0	
701	INDIRECT COSTS:	500	0	0	0	0	0													0	
	TOTAL OPERATIONS	\$1,344,695	\$648,918	\$938,473	\$0	\$0	\$938,473	\$78,208	\$78,208	\$78,207	\$78,207	\$78,207	\$78,207	\$78,207	\$78,205	\$78,205	\$78,205	\$78,205	\$78,205	\$78,205	938,474
UTILITIES																					
361	Power	\$0	\$0	\$0	\$0	\$0	\$0													\$0	
362	Water/ Sewer	0	0	0	0	0	0													0	
363	Telephone/ Toll	42,000	42,000	42,000	0	0	42,000	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	3,500	42,000
	TOTAL UTILITIES	\$42,000	\$42,000	\$42,000	\$0	\$0	\$42,000	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$3,500	\$42,000

***NOTE** PURSUANT TO 5GCA, CHAPTER 30, §30118

