

**“Preparing Guam’s Legal System for
Future Growth on our Island”**

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Thank you to the Guam Chamber of Commerce for the invitation to speak with you today on an issue that is of great significance to each and every one of us and to this island.

Over the next several years, our island will see a population increase unlike any other in its history, as tens of thousands of U.S. Armed Forces members and their families and dependents, civilians and immigrant workers will begin calling the island home. In short, the military buildup and the influx of persons associated with it will completely transform

Guam by compressing decades of growth to within a few short years.

And the big question is: Are we prepared?

At present, there does not seem to be a consensus for the answer to this *billion-dollar* question. Some sectors have begun preparing for what they anticipate lies ahead. Other sectors already have equipment and infrastructure in place and are somewhat ready to provide different types of services after having started preparations sooner. Then there are others, for various reasons, which are still deciphering available information, and analyzing past and current trends, to determine how their lives will be impacted.

These three different factions have a common realism: There will be a tremendous change all throughout Guam.

The current administration of the Office of the Attorney General recognizes this. Much dialogue has been exchanged, and information shared, with stakeholders about the impending military buildup and population boom. Much work has been done, and continues to be done, to prepare as best as possible for this reality. But more needs to be done.

At present, the Office of the Attorney General has 145 total employees, including just 15 attorneys in the Prosecution Division; 13 attorneys in the Civil Litigation/Solicitors Division; 5 attorneys in the Child Support Enforcement Division; and only 3 attorneys in the Family Division. The remaining number of employees consists of 20 investigators, 8 victim advocates, and 117 support staff. This is barely enough to effectively protect the public-interest of our current 171,000 residents, and

certainly not nearly enough to safeguard the public interest if the population reaches over 225,000 as projected in the next few years.

Since coming into office a little more than two years ago, the current administration of the Office of the Attorney General has advocated and pursued with our Executive and Legislative branches of government, while being cognizant of the government's financial situation, for a yearly budget that would enable the Office to better perform its duties and mandates.

Unfortunately, appropriations were far below the requested level for each fiscal year. And with hearings for next fiscal year's budget scheduled to get under way this week, the Office's emphasis will be no different in terms of pointing out the Office's personnel resources and equipment shortages; the difficulty of hiring and retaining seasoned, high-caliber attorneys given current government attorney

pay scales; and critical funding for special prosecutors and expert witnesses.

Office overview

As a multi-faceted agency, the impact of the impending military buildup affects all missions of the Office. Here is an overview of the current structure of the Office of the Attorney General, which is comprised of 4 Divisions:

- **Prosecution Division:** Comprised of just 15 attorneys, the Office of the Attorney General Prosecution Division prosecutes all adult felonies and misdemeanors referred by law enforcement authorities, and conducts independent criminal investigations. The Division handles approximately 13,000 open criminal cases. The shortage of senior

prosecutors with extensive prosecutorial experience and training coupled with an extraordinary increase of cases likely to occur with the buildup while actively and diligently reviewing incoming cases – will result in most of our prosecutors having average caseloads in excess of 500 cases. And the lack of sufficient legal, investigative, and support staff to assist prosecutors further compounds this problem. As a result, these circumstances seriously impede the Division’s ability to vigorously prepare cases for prosecution and pursue justice.

- **Family Division:** The Office’s Family Division represents the Child Protective Services, Department of Public Health and Social Services, and participates in the adjudicatory processes of the Superior Court of Guam pertaining to juvenile criminal offenses, juvenile delinquency, and juvenile special proceedings

involving children who have been abused and neglected. This Division has only 3 attorneys, and 4 total staff, and would need a substantial increase in personnel and equipment to efficiently and effectively handle the predicted increase of cases in the juvenile and family courts. This Division in 2008 filed 665 cases involving juveniles, a number that is likely to grow immensely with the buildup.

- **Child Support Enforcement Division:** It is foreseeable that the Office's Child Support Enforcement Division will see an increase in its workload as a direct result of the military's buildup. And with just 5 attorneys at present, it is safe to say that the Division will be overwhelmed with the expected workload and caseload increase. Investigators, of which there are just 2 for this Division, are not only presently inadequate as it stands but will be moreso in the

years ahead. In 2008, the Child Support Enforcement Division serviced more than 14,700 children, or about one-fourth of all of Guam's children; assisted more than 9,600 walk-in clients; processed close to 1,000 wage-withholding orders; conducted 5,400 child support hearings; and fields an average of 1,500 telephone calls each day. In 2008, \$11.7 million was collected in child support, and it is reasonable to expect that more will need to be collected for more children each year during the buildup.

- **Civil Litigation/Solicitors Division:** This Division, which handles civil actions in which the government is an interested party and in matters of public interest, will see an appreciable increase of its activities as a result of the buildup. This does not take into consideration the large volume of government-related contracts for

goods and services that currently and will continue to come through the Office for legal review; the contractual disputes; the requests for legal opinions and interpretations; procurement-related issues and protests; fraudulent schemes; and consumer protection matters. The Division in 2008 opened 473 litigation cases – *many* of which required and demanded the attention and work of multiple attorneys for any one individual case given the complexity of the issues and litigation. The Division also had 1,153 requests for attorney assistance including contract review – of which there were 611 in 2008 – and for administrative proceedings. The Division also provides legal assistance to 55 governmental agencies, boards and commissions. There are just 7 attorneys in the Civil Litigation Unit, and only 6 in the Solicitors Unit, and just 1 legal secretary for the entire Division.

In addition, the Office of the Attorney General actively participates in large-scale discussions on global-international issues that affect or could potentially affect Guam; issues such as the recent H1N1 virus, or Swine Flu, and Severe acute respiratory syndrome (SARS) pandemics that adversely affected many jurisdictions across the globe, providing legal counsel to Guam Homeland Security and the Department of Public Health and Social Services, and possible terrorism-related issues that residents must be aware of and actively vigilant in the prevention and fight of and against.

The language and intent of the Sex Offender Registry and Notification Act, or SORNA, must also be complied with, implemented, and enforced by our

Office, who is taking the lead in this effort, in conjunction with the Judiciary.

Late last year, the Office of the Attorney General of Guam, as an active member of and in unity with, the National Association of Attorneys General and the Conference of Western Attorneys General, provided comments for a Transition Brief to be submitted to President Obama's transition team and the United States Department of Interior.

Our Office advocated several issues, and in particular, brought focus and attention to the impending military buildup as well as the anticipated civilian population influx consisting of support personnel, contractors, and construction workers.

Further, the Office conveyed the government of Guam's concern regarding the buildup's impact on

our legal and criminal justice system infrastructure, law enforcement, educational, health care, public health, and social services; the environment – including marine resources and ecology – and air quality/surface water; public utilities, transportation, cultural interests, and other concerns.

As presented by our Office for the Transition Brief, the population increase due to the military buildup requires a critical review and assessment, and increased provision and support of, current legal, criminal, and court systems, and other infrastructures. Federal grant assistance must be expanded from various programs, including those sponsored by the United States Department of Justice, United States Department of Defense, and United States Department of Interior, including funding assistance in the fields of criminal investigation and

prosecution, and for law enforcement and prosecution personnel and victim-oriented services.

We also sought support for increased federal funding for the development of new technology to ensure public safety and assist state and territorial communities' improved use of existing technologies, including increased program funding for the National Criminal History Improvement Program systems and repositories, the improvement of the quality and timeliness of forensic science and medical examiner services by state and territorial laboratories and the implementation of the Sex Offender Registration and Notification Act.

The Office also advocated for increased federal income tax incentives for consumers and businesses for energy efficient products and technologies, and increased federal funding for alternative energy pilot

projects for territories given the primary concern surrounding the short and/or limited supply of energy sources in the territories and operation and costs of power-generating enterprises on imported fuel.

We, among other Attorneys General, requested grants from the United States Department of Justice, Bureau of Justice Assistance, on consumer protection training and enforcement to state and territory Attorneys General to help investigate possible consumer protection violations in areas such as telemarketing fraud, identity theft, and internet fraud.

Another issue identified was the backlog of digital forensic evidence as one of the greatest challenges to state and territory efforts to address computer-facilitated crimes since the federal regional forensic laboratories do not fill the gap because they require

states or territories to either donate personnel to work in the laboratory or pay laboratory processing fees in order to receive forensic services. Federal funding for statewide or territorial laboratories, training, and equipment should be made available. Federal funding should also be made available for training of cyber crime attorneys, investigators, and computer forensic personnel, and the provision of computer forensic equipment.

Due diligence

In conducting its due diligence and in an effort to have a more comprehensive understanding of the military buildup and its impact to Guam, the Office of the Attorney General has requested and continues to seek and research data and facts from experts in the area of military buildups and its effects on similar sized communities.

The feedback received thus far has been similar, if not identical – that is, Guam’s legal community will see and feel a very obvious impact. The Guam buildup is very unique in that it does not involve only an increase of military personnel. Along with the military there will be an influx in civilians and immigrant workers, some of whom with backgrounds unknown to authorities.

In one particular series of discussions with an expert in the field, it was noted that one of the challenges in situations where there is rapid growth is that such growth can be disorienting and create its own source of problems especially in a remote and multi-cultural and diverse society like Guam, making Guam’s future rapid growth and impact unique. The rapid population growth and rapid social change may create a situation where norms become unstable

showing itself in an increase in criminal activity including assaults, DUIs, family violence, child maltreatment and abuse, sexual abuse, prostitution, human trafficking, drugs, and property-related offenses. Issues such as wage and hour and other labor-related matters and immigration are also anticipated to arise. Thus, issues involving rapid socio-economic changes, unstable norms, and racial and cultural matters are part of the evaluation as the Office prepares for the buildup.

It would not be unreasonable to anticipate that as the military buildup brings more military personnel and their dependents and a civilian workforce to support the military mission, which in turn injects enormous economical benefit to our island community, this will also in turn attract and draw more in-migration of people from neighboring jurisdictions and islands in

the Pacific region, whose fledgling economies are suffering from the global economic downturn.

Community partnerships

Currently, the Office of the Attorney General, in partnership with local print-media outlets, reaches out to the community and empowers it by providing information through articles that deal with consumer protection and advocacy and other deceptive consumer-related practices. Topics that explain certain processes involving child support, paternity, and cyber crimes and Internet safety are also discussed and intended to serve as preventative tools against crime.

The Office of the Attorney General also employs a very aggressive public outreach and education campaign on different topics, ranging from many of

the matters mentioned earlier, to protecting the rights of our most vulnerable population – the elderly, women, and children.

Therefore, an effective community based prosecution program must necessarily involve more public-private partnerships in the fight against crime, and especially with crime prevention efforts.

Some of the top issues for the Office of the Attorney General as it continues to prepare for the military buildup include:

- Recruitment and retention of prosecutors, government attorneys, investigators, victim advocates and legal-support staff;
- Adequate funding from local and federal resources to provide personnel, physical facilities, security of employees and data

including cyber security, and equipment and technical support for the Office; and

- o More information from the organizers of the military buildup on issues of crime and the societal impact to communities that host military facilities.

As you can see, the anticipated increase of military personnel, their dependents, civilian support and construction workforce, and the associated issues that are anticipated to impact the Office will strain an *already critical* situation. Thus, the sheer size of the anticipated influx of persons associated with the buildup and increase of the population of Guam point to the *dire* need of *increasing* and *adequately* funding the *legal infrastructure* of the Office of the Attorney General's personnel and resources in order to maintain *public safety* and the *confidence* of our residents, visitors, military, and businesses, that the

rule of law, *is and will* remain alive and well in
Guam for years to come.

Thank you and *Si Yu'us Ma'ase*.