



Commonwealth of the Northern Mariana Islands

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EXECUTIVE ORDER NUMBER 16
(Amending Executive Order on the same subject,
formerly numbered Executive Order No. 6, dated July 10, 1978)

Subject: Northern Marianas Commonwealth Council for the Improvement of the Criminal Justice System.

Section 1. Definitions and Terms. Wherever used in this Executive Order, unless the subject matter, context or sense otherwise requires:

- (a) "Commonwealth" means the Commonwealth of the Northern Mariana Islands.
(b) "Comprehensive" means a total and integrated analysis of the problems regarding the administration of justice within the Commonwealth. The factors to be considered or established shall include but not be limited to:
(1) crime and juvenile delinquency rates and patterns;
(2) court case loads;
(3) custodial, treatment and rehabilitation services and facilities;
(4) training needs; and,
(5) goals, priorities and standards.
(c) "Council" means the Northern Marianas Council for the Improvement of the Criminal Justice System.
(d) "Agency" means the Northern Marianas Criminal Justice Planning Agency.
(e) "State Plan" means the comprehensive criminal justice plan formulated for the improvement of criminal justice in the Commonwealth.

Section 2. Findings and Purpose. Whereas the Government of the Commonwealth Northern Mariana Islands agrees that:

- (a) Crime and juvenile delinquency are essentially Commonwealth

problems which are complex social phenomena requiring the attention and efforts of the criminal justice system, the Commonwealth Government, and private citizens.

(b) The establishment of appropriate goals, objectives and standards for the reduction of crime and juvenile delinquency and for the administration of justice is a high priority concern which requires the cooperation of Commonwealth Government departments, and agencies and instrumentalities in order to make efficient and effective use of Commonwealth resources.

(c) The Government of the Commonwealth is committed to improve the scope and quality of criminal justice services to its people, including effective court administration, protection of juveniles in custody, prevention and detection of crimes, police and public safety, corrections and rehabilitation of adult offenders and related matters. Training, research, technical assistance, and public education activities must be encouraged and focused on the improvement of the criminal justice system and the generation of new methods for the prevention and reduction of crime and delinquency.

(d) The Government of the Commonwealth agrees that the financial and technical resources of the Federal Government as provided by the Federal Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. Section 3701, et seq., as amended, U.S. Public Law 90-351, as amended by U.S. Public Law 93-83, U.S. Public Law 93-415, U.S. Public Law 94-430, U.S. Public Law 94-503, and U.S. Public Law 95-115), should be used to provide constructive aid and assistance to state, territorial and commonwealth governments in improving the scope and quality of the criminal justice system to its citizens and in combatting the serious problem of crime and juvenile delinquency.

Section 3. Council

(a) Establishment: There is hereby established as an independent, continuing commission within the office of the Governor of the Commonwealth, the Northern Marianas Council for the Improvement of the Criminal Justice System which shall be under the jurisdiction of the Governor.

(b) Composition. The Council shall be composed of sixteen (16) members which shall include:

(1) *Chief Judicial Officer of the Commonwealth Court of the last resort, or another office of the Court of last resort chosen by the Governor from a list of at least three nominees submitted by the Chief Judicial Officer of the Court of last resort if he chooses not to serve on the council.*

(2) *Chief Justice of the Commonwealth Trial Court or another judicial officer of the Commonwealth Trial Court chosen by the Governor from a list of at least three nominees submitted by the Chief Justice if he chooses not to serve.*

(3) *Attorney General;*

(4) *Public Defender;*

(5) *Director of the Department of Public Safety;*

(6) *Chief of Corrections;*

(7) *Chairman of the Parole Board;*

(8) *Superintendent of the Department of Education;*

(9) *Executive Assistant for Carolinian Affairs; and,*

(10) *The Chairman of the Youth Advisory Council as provided under the Juvenile Justice and Delinquency Prevention Act of 1974.*

(c) Appointment. The official designated in Section 4(b), (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) of this Act are automatically members of the Council. Six (6) citizen members shall serve a term of four (4) years and shall be appointed in accordance with Public Law No. 1-8; with representation among citizen members of Rota, Tinian, the Northern Islands, an elected official and a female member. Appointments will be made by the Governor.

(d) Vacancy. In the event that any members of the Council designated in Section 4(b) (1) to (9) inclusive, ceases to be an official or employee of the branch, unit, department or agency he represents, his membership on the Council shall terminate immediately and a new member shall be appointed in the same manner as his predecessor. Other vacancies shall be filled for the unexpired term in the same manner as the original appointment within thirty (30) days of the vacancy.

(e) Chairperson and Vice-Chairperson. The Chairperson of the Council shall be appointed by the Governor from among the Council members. A Vice-Chairperson shall be elected by the Council from among its members and shall serve as Chairperson in the event of the Chairperson's absence.

(f) Compensation. A member of the Council is not entitled to a salary for duties performed as a member of the Council. Each member shall be entitled to reimbursement for travel and other necessary expensed incurred in the performance of official Council duties.

Section 4. Council meeting; Quorum; Committees; By Laws; Records. The council shall meet at least once a year and at such times as designated by the Chairperson. Nine (9) members shall constitute a quorum. The Council may establish committees to perform its functions and duties as it deems advisable and feasible. The Council may adopt by laws to regulate its proceedings. All meetings of the Council, or any committee thereof, at which public business is discussed or formal action is taken shall be announced and open to the public. The Council and the Agency shall provide the public access to all records relating to their functions under this Act, except that confidentiality shall be kept as may be required by Commonwealth of federal law.

Section 5. Agency.

(a) Establishment. There is hereby established under the Council the Northern Marianas Criminal Justice Planning Agency which shall function in compliance with the Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(b) Executive Director. The Governor shall appoint an Executive Director as head of the Agency who shall serve at the pleasure of the Governor and be paid such compensation as the Governor may determine.

(c) Staff. The Executive Director may employ such personnel and contract for such consulting services as may be necessary to carry out the purposed of this Order. Agency staff shall be employed in accordance with Public Law 1-9 and Commonwealth Personnel Regulations, and shall be subject to their provisions.

Section 6. Council; Power and Duties. The Council shall have the following powers and duties;

(a) To supervise the Agency in performing its powers and duties under this Act.

(b) To review, approve and maintain general oversight of the State Plan and its implementations.

(c) To prepare an Annual Report detailing its work during the preceding calendar year which shall be submitted to the Governor and the Legislature and made available to the public. Other studies, evaluations, crime data analysis and reports may be submitted to the Governor or Legislature upon request or as may be deemed appropriate by the Council.

(d) To guide the Northern Marianas Criminal Justice Planning Agency to define goals and develop standards for the criminal justice system; conduct or authorize a criminal justice plan and annual revisions to it and other appropriate planning studies for the improvement of law enforcement and criminal justice; build on work already completed, including studies pertaining to the protection of juveniles in criminal proceedings; provide advice to the Governor in the areas of its competence; identify, conduct, oversee or coordinate programs, including demonstration projects, for the prevention of crimes, effectiveness of criminal procedures, and the care, treatment and rehabilitation of offenders; monitor and assess criminal justice activities; and recommend legislation or regulations to the Governor as may be appropriate. The Council shall serve in an advisory coordinative capacity to the branches and agencies of the government in its area of competence and may provide technical advice or request.

(e) To advise and assist the Governor in developing policies, plans, programs, and budgets for improving the coordination, administration and effectiveness of the criminal justice system in the Commonwealth.

Section 7. Agency; Powers and Duties. The Agency shall have the following powers and duties:

(a) To serve as the State Criminal Justice Planning Agency of the Northern Mariana Islands under the supervision of the Council and subject to the jurisdiction of the Governor.

(b) To function in a manner consistent with the Constitution and laws of the Commonwealth and pursuant to the Federal Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Delinquency Prevention Act of 1974, as amended, and other related federal laws.

(c) To advise and assist the Governor in developing policies, plans, programs, and budgets for improving the coordination, administration and effectiveness of the Criminal Justice system in the Commonwealth.

(d) To prepare a Commonwealth comprehensive criminal justice plan and related grant applications on behalf of the Governor. Such plan, and any substantial

modification thereof, shall be submitted to the Council for approval. Upon approval by the Council, such plan shall be submitted to the Governor who shall submit it to the Commonwealth Legislature for its advisory review of the goals, priorities and policies contained therein. Such plan shall be periodically updated, shall be based on an analysis of the Commonwealth Criminal justice needs and problems, and shall conform to the Commonwealth and federal regulations.

(e) To establish goals, priorities and standards for the reduction of crime and the improvement of the administration of justice in the Commonwealth.

(f) To recommend legislation to the Governor and the Legislature relating to criminal justice.

(g) To encourage comprehensive justice planning efforts.

(h) To monitor, evaluate and coordinate programs and projects, funded in whole or in part by the Commonwealth Government, aimed at reducing crime and juvenile delinquency and improving the administration of justice.

(i) To cooperate with and render technical assistance to Commonwealth public or private agencies relating to the criminal justice system.

(j) To apply for, contract, receive, and expend for its purposes any appropriations or grants from the Commonwealth, the Federal Government, or any other source, public or private, in accordance with the appropriate process.

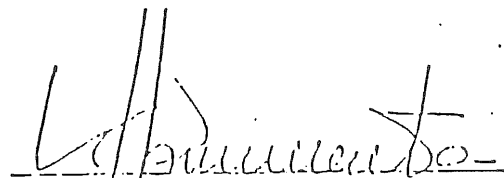
(k) To have the authority to collect from any Commonwealth department, agency, instrumentality, office or other entity, information data, reports, statistics or such other material which is necessary to carry out the Council's or the Agency's functions.

(l) To perform such other duties or functions as may be required by or delegated by the Council to carry out the purpose of this order.

Section 8. Effective Date. This order shall take effect upon its approval by the Governor, shall automatically supersede Executive Order No. 6.

Section 9. *"If any provision of this Executive Order or the application of any provision of this Executive Order to any person, association, corporation, partnership or any other instrumentality or circumstances, shall be held invalid, by a court of competent jurisdiction or is modified or disapproved by the Legislature pursuant to Article III Section 15 of the CNMI Constitution the remainder of this Executive Order or the application of such provisions to any person, association, corporation, partnership or any other instrumentality or circumstances other than those to which it is held invalid, shall not be affected hereby."*

Date: 3/28/91


CARLOS CAMACHO, GOVERNOR