REPUBLIC OF PALAU
OFFICE OF THE PRESIDENT

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Executive Order No. 462

"To Reorganize the Ministry of Justice."

WHEREAS, pursuant to Article VI of the Constitution, the national government must take positive action to protect the safety and security of persons and property; and

WHEREAS, Title 2 of the Palau National Code establishes eight Ministries, including the Ministry of Justice which is established by Section 105; and

WHEREAS, as the national chief executive the President is empowered, pursuant to Section 109 of Title 2 of the Palau National Code, to provide for the subdivisions of the Ministries and to prescribe their duties, responsibilities, and functions; and

WHEREAS, as the Ministry responsible for law enforcement, the Ministry of Justice has grown to include specialized subdivisions tackling urgent modern threats, including international drug and human trafficking; and

WHEREAS, Executive Order No. 444 organized the Ministry of Justice under the Eleventh Constitutional Government; and

WHEREAS, following several realignments of Ministry functions within the Executive Branch, Executive Order No. 444 must be updated and restated to reflect changes to Title 2 in which immigration and labor functions were assigned to the Ministry of Finance and Ministry of Human Resources, Culture, Tourism, and Development, respectively;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the Republic of Palau, I hereby order the organization of the Ministry of Justice as follows:

MINISTRY OF JUSTICE

The Ministry of Justice shall be headed by a Minister. The Ministry shall be responsible for providing legal services to the Government and to its agencies and political subdivisions, promoting and protecting the safety and peace of the public, and maintaining order and enforcing all laws. The Minister shall coordinate the activities of the Ministry with appropriate authorities, boards, commissions and public corporations. If the position of Minister of Justice is vacant or the Minister is off-island, the Attorney General shall coordinate the duties and responsibilities of the

Ministry of Justice. The Minister shall be responsible for the performance of the duties of the following offices, bureaus and divisions:

Section 1. Office of the Attorney General

The Office of the Attorney General shall be headed by the Attorney General who is appointed by and serves at the will of the President. The Office shall employ such staff as necessary to carry out its functions and shall be responsible for providing legal services to the national government, including: prosecuting criminal and civil cases on behalf of the Republic; representing and advising all Executive Branch Ministries, divisions and agencies on legal matters; issuing written legal opinions as requested by the President and Ministers; providing legal services to Procurement Officers; drafting, reviewing, and certifying Government contracts as required by law or as requested by the President; reviewing legislation as requested by the President; processing petitions for corporate charters; registering corporations; and performing such other duties as provided by statute or as assigned by the President or the Minister of Justice.

Section 2. Office of Professional Standards

The Office of Professional Standards shall be headed by a Director, and shall be responsible for monitoring and enforcing the licensing, qualification, and other professional standards applicable to law enforcement officers or other personnel of the Ministry. The Office of Professional Standards shall receive complaints against Ministry personnel, and shall arrange appropriate training for all offices, bureaus, and divisions of the Ministry of Justice.

Section 3. Bureau of Public Safety

The Bureau of Public Safety shall be headed by a Director. The Bureau shall be responsible for the protection of persons and property and the enforcement of the laws of the Republic. To assure the highest degree of professionalism, all law enforcement officers of the Bureau of Public Safety shall take and subscribe to the oath set forth in 1 PNC § 801, administered by the President or his/her designee. The Bureau shall issue police clearances, provide manpower for executive security details at the discretion of the President, and shall be responsible for performing other such duties as provided by statute or as assigned by the President or the Minister of Justice. The Bureau's law enforcement officers as defined in section 17 PNC § 4503(f) may possess firearms while acting in their official capacities pursuant to 17 PNC § 4507, provided that possessing firearms by such law enforcement officers is approved by the Minister of Justice and the Director. The Ministry or Bureau may sign agreements pertaining to the functions of the Bureau or Divisions, and responsibilities from the agreements will be performed by the Division responsible for those functions. The Director shall be responsible for the performance of the duties and functions of the following divisions:

Division of Patrol. The Division of Patrol shall be headed by a Chief. The Division shall provide necessary patrol services to the states, prevent crime, provide protection at public functions, enforce all laws, and perform other duties that may be assigned. The Division may be required to provide manpower to assist in fighting fires, operating ambulance services, and responding to emergencies when necessary. The Division shall conduct investigations and prepare reports regarding misdemeanor offenses and assist in providing security at the airport. The Division shall include a Traffic and Motor Vehicles Unit, which shall issue vehicle operator permits, vehicle registration documents, and national identification cards. The Traffic and Motor Vehicles Unit shall be responsible for the verification of vehicle operator permits, traffic control, and enforcement of all traffic laws.

Division of Criminal Investigation. The Division of Criminal Investigation shall be headed by a Chief. The Division shall be primarily responsible for investigating violations of the criminal law of the Republic, except for those criminal acts that are specifically assigned to the Division of Narcotics Enforcement. For each case in which a crime is suspected to have been committed, a criminal investigation report shall be prepared, evidence shall be collected and preserved, and a final report shall be submitted to the Office of the Attorney General for disposition. In carrying out its responsibilities the Division, through the Director of the Bureau of Public Safety, shall consult with the Attorney General regarding the conduct of investigations. The Division may also perform such other duties as are assigned by the Director of the Bureau of Public Safety or the Minister of Justice.

Division of Transnational Crime. The Division of Transnational Crime shall be headed by a Chief. The Division shall be primarily responsible for investigating transnational criminal activity, including transnational financial crime, gambling, and the smuggling/trafficking of drugs or persons. The Division shall assist with transnational intelligence gathering, and perform such other duties as provided by statute or as assigned by the President or the Minister of Justice.

The Division shall include a Narcotics Enforcement Unit to focus on violations of laws related to illicit drugs, including but not limited to the manufacture, cultivation, distribution, transport, trafficking, sale, or use of the same. The responsibility of this Unit shall include laws related to alcoholic beverages and tobacco products. This Unit shall administer public education programs on the dangers and punishments associated with illegal drugs.

The Division shall include an Anti-Human Trafficking Unit to focus on aggressive, proactive action to identify and eliminate human trafficking within the Republic. When the Anti-Human Trafficking Unit has identified an instance of human trafficking, it shall collaborate with other appropriate divisions or agencies to investigate and document offenses for prosecution, and to deliver immediate assistance to victims. This Unit shall

serve as the focal point for the Republic's anti-human trafficking efforts, and for related coordination with international partners and organizations.

Division of Juvenile Justice. The Division of Juvenile Justice shall be headed by a Chief. The Division shall investigate criminal action by persons under the age of eighteen (18) years old, and provide support for crime victims under the age of eighteen (18) years old. In serious felony cases, or cases within the responsibility of the Division of Narcotics Enforcement, the Division of Juvenile Justice shall work in cooperation with other relevant divisions of the Bureau of Public Safety.

Division of Fire and Rescue. The Division of Fire & Rescue shall be headed by a Chief. The Division shall respond to and combat fires with the assistance of police officers, maintain fire trucks and other equipment to be fully operational and ready for use in fighting fires, inspect equipment, buildings, and property for adherence to proper fire safety standards and proper storage of hazardous materials, respond to emergencies, and provide emergency services in case of natural disasters such as earthquakes, typhoons, or other acts of God in coordination with the National Emergency Management Office. The Division shall maintain and operate ambulances, and shall dispatch ambulances in response to medical emergencies or as may otherwise be required to provide pre-hospital care before arrival of injured to a hospital. The Division shall investigate the cause of fires, and cooperate in criminal investigations involving the same.

Division of Corrections. The Division of Corrections shall be headed by a Chief. The Division shall administer and operate a national penal institution to provide daily care and housing of juvenile and adult persons who have been arrested on suspicion of or convicted of committing crimes. The Division shall distinguish as appropriate between those awaiting trial and convicted offenders. The Division shall provide opportunities for job training, including wood carving, handicrafts, cabinet manufacturing, gardening, fishing, and other vocations. The Division shall provide information and opinions to the parole board regarding prisoner performance, monitor prisoners on work release, regularly monitor all prison facilities and make recommendations and changes to reduce escapes and to ensure freedom from contraband, hold hearings and issue reports regarding misconduct by prisoners before taking appropriate disciplinary action, and review non-judicial requests made by prisoners.

Division of Maritime Security and Fish and Wildlife Protection. The Division of Maritime Security and Fish and Wildlife Protection shall be headed by a Chief. The Division shall be responsible for enforcing laws related to the protection of identified plants and animals, including those listed in the Endangered Species Act. The Division shall enforce certain other provisions of Title 24 relating to protected sea and land life, illegal methods of capture, and wildlife and natural heritage preserves, and shall also enforce Title 27 within

the internal waters and nearshore waters. The Division shall coordinate activities with other Bureau of Public Safety divisions, other national and state governments, non-government agencies, and other entities involved in the protection and preservation of protected life forms within Palau.

The Division shall also be responsible for marine surveillance of the territorial waters of the Republic, including its 200M Exclusive Economic Zone, and for the enforcement of laws and regulations related thereto. The Division shall enforce laws and regulations including, but not limited to, those regarding fishing, environmental protection, Title 27, Chapter 10 of Title 24 (the Endangered Species Act), Chapter 52 of Title 34 covering water safety, and illicit narcotic trafficking by sea. The Division shall be responsible for coordinating and carrying out maritime search and rescue operations, and shall perform such other duties as provided by the statute or as assigned by the President or the Minister of Justice.

Effective Date and Duration. This Order shall take effect immediately and shall continue until it is rescinded or until it is superseded in a future reorganization of the Ministry of Justice and the Executive Branch.

Previous Orders. Previous orders, including Executive Order No. 444, are hereby superseded to the extent that they conflict with this Order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 30th day of September, 2021 in the Republic of Palau.

Surangel S. Whipps, Jr.
President of the Republic of Palau