



| The Committee on Homeland Security, Justice & Public Safety

Legislature USVI

March 15, 2023 · 4.9 hours · gov

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- 0:00:00 We'll be right back. Thank you. Thank you. Thank you. We'll be right back. Thank you. Thank you.
- 0:03:30 Let's get started. We'll be right back. Let's get started. Thank you.
- 0:05:30 Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. We'll be right back. Go, go, go. Thank you. We'll be right back. Thank you. Thank you. Good morning. The Committee on Homeland Security, Justice, and Public Safety
- 0:16:12 for Wednesday, March 15, 2023 is hereby called to order. Thank you all for tuning in to today's hearing on homeless security, justice and public safety as we continue to address the issues vital to our community. First, as it is both Virgin Islands History Month and Women's History Month, I would like to recognize two outstanding Virgin Islands Women in the Territory and Legal Council, I mean, sorry, Public Affairs, if you could assist me.
- 0:16:59 As I first recognize Ms. Sally F. Petty, Assistant Adjutant General of the Virgin Islands National Guard, who was recently promoted to Brigadier General on or about March 4th of this year. She is the second woman to rise to the General Officer position of Brigadier General in the almost 50-year history of our Virgin Islands Army National Guard.
- 0:17:32 So October 19th of this year will be the 50th year birthday for our Virgin Islands National Guard. So I want to say congratulations to General Officer Petty. We are proud of you and your accomplishments, and we wish you well. I would be remiss, however, if I didn't note that my former Chief of Staff, Deborah Howell, was the first woman to serve as a Virgin Islands National Guard Brigadier General, so allow me to also salute her as well.
- 0:18:08 I am also pleased to recognize this young lady hailing from the island of St. Croix in the estate WIM area. Recognize her and her many accomplishments of the Air Force. This is Captain Orkidea Saki. Captain Saki currently flies for the Air Force Aviation Inspiration Mentorship Program and was recently recognized as the sixth Air Refueling Wing Company

Grade Officer of the Year. So, let's salute Captain Saki, who hails from the Wim area and also, coincidentally, we have the Office of Public Defender here this morning and her dad works at the Office of the Public Defender. So congratulations to Mr. Saki, who you call him, Larry, you call him Bubbles?

0:19:08 know him by Laurel, but Mr. Saki. Also allow me to mention our amazing supervisor of elections, since I mentioned Captain Saki. Our election system supervisor, as we know, is retired Colonel Caroline Adams-Fox, who was the first female pilot for the Virgin Islands Army National Guard. And she was a first for many things as well. She fly fixed wings and helicopters as well. So we salute her and we salute all the women that continue to do great things, not only in our territory but around the nation. And lastly, allow me to also take a moment to thank and recognize the three local young heroes who did not hesitate to jump into the Charlotte Amalia Harbour the other day as we saw that car somehow plunged into the ocean there and off the waterfront early Sunday morning. Though I'm a bit curious as to why some of our young high schoolers are out at 3.30 AM. I mean, they're still our heroes, but the passengers I know in that vehicle were definitely fortunate that these youngsters were out there. So thank you to Kaelan Bonier, Dylan Hodge, and I don't want to try to pronounce this, but Adjie Gregory.

0:20:54 And I believe that that's the son of one of our members, Senator Fred Gregory, but your bravery is truly commendable and we thank you all for your brave actions there early Sunday morning. At this time, I will ask the clerk for a roll call. Yes, Mr. Chair.

0:21:23 Senator Angel L. Bocas, Jr. Present. Senator Bocas, present. Senator Dwayne M. DeGraff. Here. Senator DeGraff, present. Senator Ray Fonseca. Present. Senator Fonseca, present. Senator Alma Francis Heiliger. Present. Senator Francis Heiliger, present. Senator Javon James, senior. I am here. Senator James, senior, present. Senator Franklin D. Johnson. Senator Johnson, present. Senator Kenneth L. Gittins. Senator Gittins, present. Mr. Chair, you have seven members present.

0:22:07 Thank you. We have a full house. And also allow me to recognize the esteemed presence of our Senate President, the Honorable Nova Lee Francis, Jr. Thank you for joining us. And our esteemed Rules Committee Chair, the Honorable Diane T. K. Park. welcome uh i'm not sure i'm not seeing anyone else on st croix besides uh our good member from frederickstead thank you all uh for being here uh madam clerk are there any correspondence to be read into the record yes mr chair can you tell me how many two two you may proceed with the first one stating from whom first and then you may proceed um correspondence from commissioner ray martinez virgin islands police department to honorable kenneth l gittins majority leader 31st legislature of the virgin islands 3022 golden rock christian stead st croix 00820 committee on homeland security justice and public safety dear senator gittins thank you for your invitation to appear at the committee on homeland security justice and public safety scheduled for wednesday march 15 2023 at 10 a.m at the earlby alley legislative chambers on st thomas i have been asked to provide testimony on an overview of the department i am unable to attend and request a rescheduled date i have previously scheduled commitments therefore unable to attend as this is the first meeting with you as chairman of the committee it is pertinent I provide testimony in person regards Ray A Martinez police commissioner thank you and you may proceed with the second one second letter from Barbara J McIntosh director of bureau of motor vehicles

0:24:11 Honorable Kenneth L. Gittins, Chairman, Committee on Homeland Security, Justice and Public Safety, 35th Legislature of the Virgin Islands Capitol Building, St. Thomas, VI-00804. Dear Senator Gittins, I apologize for not attending today's hearing. Along with a few personal matters, I previously scheduled a visit with my elderly mother who is not in the best of health. I know that this legislation is critical to the lives and and livelihood of many Virgin Islands residents. I commend Senator Samuel Carrion on the champion of this legislation and thank you and all of the senators, residents and community advocates for supporting it. The Bureau of Motor Vehicles also supports this legislation and I have attached my written testimony.

0:24:58 Have a productive and fruitful session. Sincerely, Barbara Jackson McIntosh. Thank you, and I went ahead of myself, I should have actually asked for the reading of the agenda as well, but thank you for those two correspondents, so at this time can you read the today's agenda into the record please. Yes Mr. Chair, to the Honourable Ray Fonseca, the Honourable Angel Bulquez Jr., Honourable The Honorable Dwayne DeGraff, Sr. The Honorable Anma Francis Heiliger, The Honorable J. Van E. James Sr. The Honorable Franklin D. Johnson from Senator Kenneth L. Gittins, Chairman Committee on Homeland Security, Justice and Public Safety, dated March 3rd, 2023. Committee hearing agenda.

0:25:52 Please be advised that the Committee on Homeland Security, Justice and Public Safety has scheduled a legislative committee hearing for Wednesday, March 15, 2023 at 10 a.m. in the Earl B. Atlee Legislative Chambers located on St. Thomas, Virgin Islands. The vet bills are signed to the committee and to hear overview testimony from the Virgin Islands Police Department, Office of Territorial Public Defender, and the Office of Gun Violence Prevention. The blocks are as follows. Block 1, 10 a.m., the committee will receive overview testimony from the Office of the Public Defender

regarding, yet not limited to, updates on the office's operations, capital projects and initiatives. Testifier, Samuel Joseph, Esquire, Chief Public Defender, Public Defender's Office. Launch from noon to 1 p.m.

- 0:26:46 Block two, Bill 35-0013, an act amending Title 20, Virgin Islands Code, part two, chapter 35, relating to the issuance of operator's licenses and identification cards to allow applicants to obtain limited local purpose identification cards and operator's licenses without providing certain federally required documentation. Testifiers, Honorable Barbara McIntosh, Director, Bureau of Motor Vehicles, Carol Thomas Jacob, Esquire, Acting Attorney General, VI Department of Justice, Glendina Matthew, Esquire, Director, Division of Banking and Insurance. Annabelle Ray Martinez, Commissioner of VI Police Department. Paul Alexander, resident, native of Dominica. Eddie Fleury, resident, native of Haiti. Adriana Veliz, resident, native of Venezuela. Ivor James, resident, native of St. Vincent.
- 0:27:46 Luther Rene, native of St. Lucia, resident. Jerome Pedema, resident, native of the Philippines. and Dioniso Lorenzo, resident native of Dominican Republic. Block three, starting at 3 p.m., the committee will receive overview testimony from the Virgin Islands Police Department and the Office of Gun Violence Prevention, not limited to updates on the department's operations, capital projects, and initiatives. Invited testifiers, Honorable Ray Martinez, Commissioner, VI Police Department, and Mr. Anthony Emanuel, Director, Office of Gun Violence Prevention.
- 0:28:28 That's the end of the agenda, Mr. Chair. Thank you, Madam Clerk. So, Commissioner Martinez will be excused today and we are already looking at a second date in early April so we could hear from the Virgin Islands Police Department, So just for the benefit of, just for your benefit, we will have Director Emmanuel from the Office of Gun Violence this afternoon. Also, there is, I think the Assistant Director from the Bureau of Motor Vehicle will be here to testify on the bill in block two. So before us now, we have Attorney Samuel Joseph.
- 0:29:26 Good morning, how are you? Good morning, Senator, how are you? Do you have anyone virtual with you? No. Okay, so you may begin by introducing yourself and you may proceed with your testimony. Good morning, Honorable Senator Kenneth Gittens, Chair of the Committee on Homeland Security, Justice and Public Safety, other Honorable Senators of the 35th Legislature of the Virgin Islands, others present in the legislative chambers, the listening and viewing audience. I am Samuel L. Joseph, Chief Public Defender for the Office of the Territorial Public Defender. I'm here today with the Office of the Territorial Public Defender Office Administrator, who's to my right, Ms. Kieran Isidore, and OTPD Fiscal Officer, who's to my left, Ms. Ronald Moorhead. The Office of the Territorial Public Defender was established in 1973 under Title V, Chapter 302, Section 3520, et sec, of the Virgin Islands Code for the purpose of representing appointed indigent criminal defendants that appear before the Superior Court of the Virgin Islands and now the Virgin Islands Supreme Court, where a semi-autonomous agency governed by the Public Defender Administration Board, which consists of five attorneys. board promulgates rules and regulations governing employees rights and relations and approves the annual budget for the otpd the board is authorized to hire terminate i and terminate all personnel of the office upon the recommendation of the chief public defender the current board members are clive rivers esquire which is the chairperson pamela l cologne which is a vice chair melanie tombol and ezart winters pursuant to gideon versus rain wainwright 372 us 335 the otpd is required to provide effective representation to indigent defendants we are mandated to represent our clients at every stage of the process before or after conviction and in any action considered to be within the interest of justice the otpd is comprised of two district offices
- 0:31:33 one on St. Croix and the other in St. Thomas representing the St. Thomas St. John District. Currently the office is staffed with 12 attorneys including myself. The St. Croix District office has four trial attorneys, one juvenile attorney, one paralegal, one investigator, one administrator, one fiscal officer, one director of information technology, three legal secretaries, one messenger slash receptionist, and one custodian. The St. Thomas St. John District Office has four trial attorneys, one juvenile attorney, one paralegal, one investigator, one appellate attorney, and one appellate legal secretary that serves both districts. One administrator, assistant administrator, three legal secretaries, one receptionist, one messenger, and one custodian.
- 0:32:26 The Chief Public Defender serves in a territorial capacity overseeing both districts and is also admitted to the Virgin Islands Bar. All employees of the office are unclassified and are members of the government employee retirement system. In total, the entire staff comprises of 32 employees. This month in particular will be somewhat difficult due to the loss of two attorneys. We have been working diligently, however, to fill the employment gaps and will be conducting interviews beginning this week. As it relates to workload, our cases are divided into two categories, misdemeanors and felonies for the most part. Misdemeanors involve charges that carry a maximum term of up to one year imprisonment and felonies involve charges that carry imprisonment over one year to incarceration for life.
- 0:33:13 Felony cases make up the majority of matters assigned to the OTPD and are more comp, assigned to the OTPD. cases are more complex thus they require the most time and resources as of february 28 2023 there were 516 cases pending in the saint croix district and 354 cases pending in the saint thomas st john district as of february 28 2023 there have been 48

new cases appointed as the saint croix district and 53 new cases appointed as saint thomas st john district this is a brief insight into the tremendous amount of work required in indigent criminal defense notwithstanding the otpd continues to fulfill its mandate with tenacity and unwavering conviction at this time i would like to publicly recognize the otpd staff for their hard work and perseverance community partnerships for over six years the otpd has partnered with various entities locally and on the mainland to administer programs geared towards the youth however due to the potential liability surrounding the coven 19 global pandemic we have put these programs on hold with the intent to restart entrepreneurial or leading program in the near future infrastructure accomplishments our infrastructure solidification includes but is not limited to the implementation of a business continuity disaster recovery solution some key functions are the successful backup of all mission critical data locally and simultaneously to an off-site remote location that ensures 99.99% uptime, even if there's server hardware failure. It can also operate as a virtual machine if said failure of server or workstation occurs. We have also implemented additional video conferencing solution in both districts. I'm proud of the job we as an organization has done thus far. The work is far from done, and I would like to thank you. However, the work is far from done. I would like to thank you for the time afforded to the OTPD to present. we remain available to respond to your questions.

0:35:18 Thank you, Chief. Before I open the floor to questions, you know, oftentimes I keep hearing you all and seeing correspondents referring to the Office of the Territorial Public Defender and saying OTPD, what authorizes the name change outside of what Title V, Section 3521 states that the office is the Office of the Public Defender?

0:36:00 Well, it's not necessarily a name change. I think probably about 10 or 12 years ago, the description sort of morphed into Office of the Territorial Public Defender because people often misconstruing or understanding it to be a public defender's office by district as opposed to the territorial public defender. But more importantly, we have to differentiate between the federal public defender. Okay, but it's still the correct name of the office is Office of the Public Defender. As per the statute. Yes, so let's not veer away from what it's supposed to be.

0:36:35 I believe in standard, if we want it to change, then make whatever suggestions so that we could then have it changed. But the statutory name of the office is the Office of the Public Defender. At this time, we will move into a seven-minute round. If you don't need the full seven minutes, of course, you can return it.

0:37:08 At this time, the speaking order will be Senators Johnson, Bolquez, Fonseca, DeGraff, Francis Jr., Capehart, Francis Heiliger, and James Jr. Senior, I'm sorry. Just checking to see if you're awake. Senator Franklin Johnson, over on the Big Island, Big Island, you're recognized for your seven minutes.

0:37:50 We're not hearing you on St. Thomas, but don't worry, we will restore your time. Media, please make sure that we can hear the good senator on St. Croix. Keep testing, we're not hearing you just yet. Media can move to the, I'm not sure if you could fix this while if we move to another Senator, and you get that issue fixed? Senator Johnson, we'll come back to you. I apologize for that technical difficulty.

0:39:04 Senator Bulquez, you're recognized for your seven minutes. Thank you, Mr. Chair. Good morning, colleagues. Good morning to the listening and viewing audience, and good morning, Attorney Joseph Esquire and administrative team testifying today. As I always say, your entity is responsible for filling the justice gap.

0:39:34 in the judicial system for those low-income citizens in our territory who may not otherwise be able to afford an attorney, and we appreciate that endeavor. I was looking at some information that went back to about 2021. At the time, you mentioned that there were 773 cases that were reported as of July 31st 2021 and then in 2022 on the same date July 31st 2022 you reported 851 cases and now you're reporting today what about 870 cases as of February 28 2023 I thought that that was very alarming so I wanted to know why are the cases rising so rapidly and how does that increase affect your budget overall so in response to your question senator i would start with saying one of the things to take into consideration as far as the analysis is while cases may be being resolved and reduced their cases coming in on a daily on a daily basis so although the numbers may go down let's say for example in 2021 we started out the year with 10 cases by july we may have had six but by the end of the year we had an additional five cases so that that's where you see the fluctuation in in the numbers so while we may present the numbers um as an overall um it doesn't necessarily take into consideration some of the cases that may have been resolved some cases that even may have been refiled a number of different things some of the cases that may have moved over from initially private council to know our office there are a number of factors are going to to what our numbers actually come out so we report it on what we have at the end of the year or at the time that it's

0:41:25 requested because as even in this first quarter i mean those numbers were pulled from the post auditor's report previous two years and you know you've already hit the mark i mean it's not a mark but it's it's you know over the 851 and the 773 as previously stated as of july which would be the the middle of the year in those years and we've already hit the mark as

of february 28th so i thought it was very alarming um and and generally just just so we know how many cases do attorneys like what is the the load how what's the maximum per attorney well there's not necessarily a maximum that we have at this time but what we have is an average caseload so we have roughly around anywhere between 50 per attorney to about 120 cases it varies throughout the year and that's on a on an average month that seems like a lot to me but that's not that's not and while that's accurate that's not the case for most of the attorney staff okay noted noted if I can ask them how many of those cases involved like murder domestic abuse or child abuse do you have any numbers on that that you could provide for us well we did we don't break down the numbers or we didn't break down the numbers for this presentation as it relates to child abuse um or abuse or domestic violence but as it relates to murders in entire territory we have 29 murders 29 correct 20 and 59 in st thomas okay and um i also was looking at the time in your um 2023 budget markup process you had about five vacancies um deputy chief territorial public defender paralegal assistant public defender uh two assistant public defenders have those vacancies been filled um the paralegal has been filled the deputy chief has been filled uh while we had we were able to fill for a short time um the attorneys because of a recent departure march 6 and one in one departure that's going to be i think it's march 24th or 26. so two separations so far correct okay very well so essentially in terms of um additional employees or uh that we need we're

0:43:39 going to we're interviewing for two in saint thomas and two and saint croix attorneys okay let's see if we can get those vacancies filled because uh the service that you provide to our people in need is a very important one in fact um also i wanted to know um what are you paying in rent currently in the saint croix district we actually do not have any more we actually own that building you own the building very good okay um as of um i think we pay about somewhere around eleven thousand dollars for the saint thomas office okay and any plans to hopefully get out of that facility and own a building here yes um actually the public defender has owned a piece of property for for some time prior to me becoming chief and we've been looking at ways uh to bring in revenues in order to to build when we went into this particular space our intent was not to be there for a particularly long time but obviously the world took a hit as far as covet is concerned and we had signed a five-year lease i believe this lease um ends this year so we don't we intend to resign but not for a substantial period of time okay noted noted and concerning any training or educational outreach um training of staff or employees or attorneys in fact what what are you doing in that space oh we do a lot of training um one of one of the key things that i i made a promise to myself about when i became chief was to make sure that the attorneys got the necessary training my parameters generally are a training that assists in what you're doing not something that you previously done like the year immediately before and as long as we have the resources and your court schedules allows it we allow the training and that's both on island off island and virtually okay excellent i'd like to hear that you also had two vehicles that were marked in uh fair condition uh chevy equinox and a toyota no three sorry a toyota rav4 and uh two chevy equinox um at the time they were in fair condition what's the status of those vehicles right now we still have them we don't we our office doesn't purchase vehicles

0:45:49 often so we tend to have them for a number of years we still have those vehicles okay being that we're talking about operations i wanted to make sure to ask that question as well because you know trying to get around and reaching out uh in the community to uh potential uh cases or you know gathering information investigation etc so needing to move around is very important um concerning the data that you collect um how how would we be able to acquire some of the data concerning those numbers that i requested earlier is that something that you can provide to us a phone call yeah okay so email so i'll say through the chair uh if we can have that data concerning the numbers surrounding um the murders domestic violence and any other statistics that the territorial public defender office collects concerning their cases and workload be presented to this committee and um mr chair i think that would be all the questions that that I have.

0:46:50 Thank you for the time. Thank you, Senator Balkes, and as noted for the data of homicides from the Office of the Public Defender, cases that they may have had to handle. Before I move to, back to Senator Johnson and St. Croix, is it five attorneys per district that will include one for juvenile?

0:47:22 Yes, yes. So it's not four and one of the four being for juvenile, it's five. It's five, but just for purposes of being particularly clear, because oftentimes when people consider cases, the juvenile court operates separate. So we like to differentiate the juvenile court. It is five attorneys. I understand, that's why I wanted to make sure that it's five and not four. Correct.

0:47:48 Okay, and then in your testimony, I know you read it into the record and I may have missed it, but on page two of your testimony, you have written 381 cases pending in St. Thomas, but in numerical form you have 354, which is it? 354, I believe it is. 354? Correct.

0:48:15 Okay, and these numbers, so the 354 would not be for calendar year though. The calendar year number will be the 48 new cases? In terms of what we received this year, correct. Right, so that will be from January 1 to February 20th. Correct. Thank you, Senator Johnson, you're recognized for your seven minutes. Good morning, can you hear me now

Mr. Chair?

0:48:42 Loud and clear. morning to the chair good morning to my colleagues good morning to the listening viewing audience and good morning to the testifier uh attorney joseph i i looking at these case number and has to wonder how many of your clients are incarcerated and what's the i guess i would say the time of time frame of the person that's incarcerated the longest person the person that's in there for the longest time right now when you when you say incarcerated senator are you referring to sentence or are you referring to a pending trial pending trial people who are detainees okay so in the saint thomas st john district we have eight clients um that have been detained over a year um and in the saint croix district we have a total of 26 three of which are seven to two cases the way we pull this data is a little bit over a year some cases are a little bit longer for example the seven to two cases because of the dynamics and the issues involved so we didn't pull the data with I didn't pull the data in this in the specific manner you requested but I can provide that have you run into any situation where some of your defendants are being held longer than the time that it was been sentenced for yes and what how does that get worked out well i'll start from from giving a kind of an overview of our process and how we work the cases take into consideration i understand that everything that occurs in the case starts on the front end dealing with police and the ags we are the responding or the receiving end So no matter the amount of cases or types of cases, we respond accordingly.

0:50:33 When an individual is incarcerated, depending on what the particular issues are, we always, as a standing order, file the appropriate motions for the release, either before that time frame comes up, or we file a motion for the release from the period of time they came before the court for bail. So we file all the appropriate motions before and throughout the entire case. there's some instances where people are held for longer than what they could have received in terms of sentencing and where that happens is generally in cases involving mental health issues and we always push an envelope for those persons to be released that's just a standing order and the five attorney on each side is that sufficient authority for your office to handle this workload that you're talking about no I ideally I would like to see two attorneys per courtroom but I don't I don't see that happening however what we will be doing is hiring two additional attorneys in the same Thomas and John district as well as in the St. Croix district we had on consistently over the last few years we have interviewed numerous persons numerous persons who applied to our office but unfortunately there's not a large amount of people that want to go into the public work space as attorneys and even more so as public defenders so we spend a large amount of time interviewing individuals what do you think the salary has something to do with it and what's the starting salary for your attorneys so salary has something to do with it to the extent that individuals know and understand that they can go out into private practice and make a substantial more amount of money than any government entity or agency will pay i would say based on information that i know i have available is that we pay higher on the higher end in terms of attorneys than most of the government agencies my my lowest paid attorney i want to say it's about 92 000 dollars okay and that's attractive

0:52:41 salary if the person has the interest in going into as you say a public because it can make substantial amount of money more going private you spoke about your office in partnership with entities in the mainland and locally when do you tend intend to reinstate this program well the entrepreneurial program that is more on more locally that program is a one of our pilot program that ourselves youth arise a local nonprofit as well as economic development authority put on where it's basically focused on individuals who come into contact with the system young men in particular and we it's geared towards changing the mindset and promote it and help turning them or promoting them into the direction of arm business ownership business ownership that program hopefully we'll restart this year we've had some discussions already throughout the year myself and miss Nadina Nadine Marchina can about restarting the program we two minutes here we didn't do anything with that particular program but the prior the year prior we did and we did it virtually so what we don't want to do is put um children in a particular place where there's potential liability that can come back in our office and the government i i you know i appreciate your initiative with this program because it's a well-needed program it's a preventative program that should be able to help the entire community as far as people continue committing these sometimes silly crimes and their life get lost in the chains from one to the other so i really would hope that you could um crank this up as soon as possible because idle minds and you know just dwindle the problems a lot of times so i applaud you for this initiative but i also would suggest that you try and crank this out as soon as you can do you going to the

0:54:37 school um talking to young folks about you know committing crimes and throwing their life away you have any of those programs yeah we we speak at the schools um regularly that's something we we do all the time i've done that forever and a day pretty much and even some of my other my attorneys both of st thomas and on st croix we've we've instituted a number of programs throughout the years from um at one point we instituted a program to assist um children who in high school that are graduating, helping them fill out, the programs are already set go FAFSA, so we help them fill out the financial aid forms, bring them closer towards scholarships, and even they got free application, the application fee was waived for a number of schools. We've done programs with another entity on the mainland with an adjunct professor

from NYU, and that, are planning to restart as well similar to the entrepreneurial program in detail but we got to speak with them and that was the youth entrepreneur organization known as why you I'll wrap up with this time what difficulties are you experienced right now with your office as far as running all the difficulties for me potentially I generally look at cases in terms of some of the cases moving and again take this into context with when I noted that we are the receiving end so we file all the motions we do all things that are necessary but if one part of the chain is broken or not solidify like how it should be that's that has nothing to do with our office it makes it difficult to even you know handle these cases but overall we we are in the courtrooms day in and day out jealously advocating for our clients at a level that most other attorneys don't even know of mr chair can i ask this last question you may so would you be in support of a speedy

0:56:41 trial act most definitely and with respect with respect to that i do owe you a call um we did we did submit a response uh last year but i do owe your call to follow up on that definitely in support of a speedy trial i think it's thank you very much i definitely will need your help so we have some conversation thank you thank you very much mr chair that was that was the answer he had better again for real thank you uh before i move to um Senator Fonseca, Vice-Chair, you stated earlier that the Office of the Public Defender had property just before you became Chief. Where is this property?

0:57:33 Please don't ask me for the address because I can't recall the name, the specific address. no it's um so if you're coming on government hill in st thomas um you make the left as if you're going up towards hospital ground there's a boarded up property after the gravel parking lot that's the property that we own this former line of roberts um family's property okay and so that's the st thomas district any on st croix no we own the building in st croix okay great so um As the chief public defender, are you making your annual reports to the members of the board and also sending it to the legislature?

0:58:17 Annual reports? So the annual reports that we are required to make, all of them are being made. I don't know about annual reports to the legislature if you're talking about in terms of overview or budget um but we're required to make an annual report to the board um and we all we report continuously throughout the year to finance so in that annual report to the board have you made your concern or have you requested uh assistance in starting to find a permanent home for your st thomas and john district that is that has been on the table for some time in fact um me and the chair have been speaking about it um because there is some interest in the property from outside entities um but at the same time if outside entities can provide us with a building and um you know property that would be something i mentioned to the board that they should consider because as of right now it's undeveloped property that public defender owns so i thought i had printed the information but maybe i i fell short of doing that what what um what revenues do you uh collect we don't we're not a revenue generating agency you don't there's nothing uh there was something that i read i'll look for it uh in the interim uh i apologize see um overall we're not a revenue generating um agency however with respect to the same inquiry bill we have two tenants um until in engineering and vitima that pays rent to you correct okay so not not that you generate revenues like that as a revenue generating but you do have collections there's also another section i'll get it uh to you but in the meantime uh senator fonseca vice chair uh before i recognize senator fonseca let me recognize the presence of our

1:00:10 our Senate Secretary, the Honorable Carla J. Joseph. Welcome, ma'am. Senator Fonseca, Vice-Chair, you're recognized for your seven minutes. Yes, thank you, Mr. Chair, and pleasant good morning to the listening audience. Mr. Joseph, I have to congratulate you and your staff. This is a wonderful presentation. I like how it's done. Karen, Mr. Moorhead, you know, you gave us the information that we can be able to look at and review. I wanted to go, I noticed that there's 53 new cases on St. Thomas St. Thomas, and 48 new on St. Croix for the year, which is about 101 new cases. With today being March the 15th, we're only 74 days into the year, so you guys are very busy. I think you have a total of about 32 employees. Correct. Mr. Joseph.

1:01:26 Okay, you know, one thing that I wanted to particularly point out to the listening audience, to our community, right, crime costs the community a lot in dollars, it costs in lives. You know, every time a trigger is pulled, you know, the ambulance have to show up to the scene, police have to show up, we need investigators, the hospital involved, maybe there's surgery involved. You can see here from the Office of the Public Defender, there's, you know, there's a lot of, you know, folks, hardworking folks in this division. The Bureau of Corrections get involved. The court system get involved. The attorney generals involve. And, of course, unfortunately, sometime we may lose a life. and we cannot put the value of a life. So, you know, I know this is something we as a community we have to work with, but crime costs the community. I wanted to go into particular for you to give me some information. And thank you very much, Mr. Moorhead. I love these graphs. I don't know if the listening audience can see, but I love this kind of information. Congratulations. Okay, I notice here, I'm going to pick the St. Thomas District by random, I notice that you have about 10% DUI, that's driving while drunk, driving under the influence.

1:03:21 Yeah, driving under the influence. Let me ask you, what is some of the sentences that's recommended for someone who is driving under the influence? How do they typically be sentenced? What's the scenario? Well, it's not necessarily typical.

And as it relates to sentencing recommendations, the sentencing recommendations generally come from the prosecutor's office. Obviously, we would always advocate for what is the best result for the client, meaning less than potentially whatever the AG's office is offering or recommending. Generally, for a first-time offense, you can get anywhere from no jail time up to a year. But after that, you generally see a couple days, 30 days, 60 days, 90 days. It all depends on the judge and the factors of the case. no cookie cutter type case and no cookie cutter type defendant or circumstance so normally for the first offense is up to a year correct suppose someone has two um dui um offenses what what what what is the recommendation it's well those recommendations come from from the ag's office and generally what i've been seen as a trend is around 30 days that they recommended okay Okay. And suppose someone is a repeat offender, what happens? They lose the driver's license? What are some of the things that happen?

1:04:50 Well, depending on what your blood alcohol level is, when you initially come in, your license can be suspended if it's two times the limit of what it is. So we're talking about .08. A lot of times you see people go substantially higher than that. And your license, as per the statute, your license is suspended for dependency of the trial. So that's what we typically see. Okay. So I particularly want to concentrate on the DUI because I think that's something that we can probably work hard to prevent because, you know, somebody's drinking, their blood alcohol is above. So what are some of the recommendations you would give us, you know, as lawmakers so that we can try to reduce the DUI? and also one question does the dui um end up sometimes in like someone losing their lives where it's an accident where someone is killed or two minutes or something like that uh so start with your last question um duas if you are far between i can't honestly i can't think of anywhere dui a person was charged with dui where we represented that individual in recent years where anyone was killed what we find is dui where they're charged with negligent driving because they They may get an accident, you know, run into a pool, sidewalk, and a lot of them, a lot of times, they are singular accidents.

1:06:13 No one else is involved locally. As it relates to what can be changed, I know most people won't say this, but we're a culture that promotes drinking. We do, and that's the reality. I think that we need to have more programs to address these issues because what I find is that even in some of the cases, the persons that are being charged with DUI are younger and younger so you know drinking it doesn't start at you know 21 years age for most people some people start drinking way earlier than that and that transformed into their adult life mr joseph let me ask you so i don't know if you you can reveal this but they had that one um you know accident um our honorable chair mr gittins referred to somebody went over the waterfront with the car was that a DUI are you able to disclose so generally speaking and just for purposes of you know future questions uh we don't discuss um the details of any of our cases but no one to my knowledge no one was charged in that okay or at least came to our office being charged okay great can i uh mr moorhead um so um because you know later on um we're going to have the director of the office of gun violence mr anthony emmanuel and i want to follow up with him but mr moorhead um can you give me you know a rough number how much does it typically cost us to defend just one uh case if if we had to compare it to that of um attorneys who will be paid a reduced fee um somewhere about 20 000 um mr chair can i uh finish up the question you may um you said it costs the office of public defender about twenty thousand dollars what i'm doing is comparing it to the

1:08:05 person that is practicing privately so the resources the time and effort is calculated a little bit differently but if i compare it to a person as a private practice it would be about you know twenty thousand dollars give or take okay thank you very much thank you mr chair thank you uh senator fonseca vice chair before i recognize the graph senator james senior recognize for your point of inquiry yes thank you mr chair and his journey into the discussion regarding dui in my first term i was successful with the support of my colleagues to pass act number 8268 which speaks to punishment for driving while under the influence of intoxicating liquors or controlled substances. And the previous speaker mentioned about repeated offenders.

1:09:00 But clearly, when I amended that section of the code, which is Title 20, Part 2, Chapter 43, Section 493, subsection c paragraph two paragraph two says in addition to the penalty specifying paragraph two of subsection b hereof upon a second or subsequent conviction for a violation of subsection a hereof the court shall suspend or revoke for at least one year and not more than five years at first it was me and i changed it to shall so to ask you the question again you said it varies when it comes to repeated offenders so initially when a person is charged they come before the court they charge with a plethora of charges by the time they actually get to the final resolution of the case that may not be the initial charge in which you're charged with no i'm speaking specifically for repeated offenders because first offenders based on the code they can have um community service hours and the list goes on they might do all kind of different things but from repeated offenders it's clear in the code that it says that once you're a repeated offender that your your license shall be revoked you're reading in a silo what i'm saying what i was trying to explain is that while there's mandatory provisions of of the dui um statute i'm saying to you by the time the case actually gets to the resolution of the case what you actually started out with for example you may have started out with a dui but you may have ended up with a negligent driving alone so that's why i started out with what um what the possibilities are for for charges that may not necessarily be the dui

okay i understand that we were also successful

- 1:10:47 legislation that i passed regarding negligent homicide by means of motor vehicles but that's a whole not a discussion correct thank you thank you senator james senior for your point of inquiry senator the graph you're recognized uh thank you mr chair good afternoon good morning colleagues good morning testifiers of you and listen and present good morning uh ninety five thousand dollars in a good salary to start with so we gotta increase that number i have no problem with that good good good let's start there um innocent until proven guilty correct so would you defend someone in a civil case no we are by statute we are only um allowed to represent individuals who in charge of crimes i don't want to make sure that people know because um where is the office of public defender located on saint thomas and st croix and what are the phone numbers um the four numbers for the saint thomas office is 774 wait you could you could get a little closer to mike or if you could turn up his mic so people could have the information please yeah i apologize um for the saint thomas office the phone number is 774 well area code 340 seven seven four eight one eight one eight eight one eight one eighty one eighty one eighty one um okay physical address 3730 estate altona um practical address in terms of what people know we're directly um uh next to we had the frosco building next to um one stop all one stop the frosco building number the graveyard by the bridge correct okay good st croix um phone number is 773-6312 um our physical address is 1b clifton hill um second floor kings hill st croix um forgive me when i'm about to butcher my my my directions in st croix um but it is um across from the fish market
- 1:12:47 lorraine fish market lorraine fish market okay okay look i'm just saying um you come in at the tail end after as you mentioned the police make arrest the ag does all their their part then you come in to defend someone and you know a lot of people sometimes don't know the value of of your what you offer in terms of helping them now have any of your attorneys had any disciplinary issues well disciplinary issues as it relates to internally or externally for example with like bar counsel grievances well you tell me I mean I I don't know exactly which one to ask but I'm just saying internally internally not no disciplinary issues that impact the employment and or on the case the clients cases in any way shape or form or even okay significant So non-intern, but externally?
- 1:13:47 Externally? I made a joke the other day with an attorney, and I said, you're not a public defender until you actually get a bar complaint. Everyone gets complaints. Not because we're not doing what we're supposed to do or we're not good at what it is. It's that oftentimes, based on the individuals that we represent, things may not go their way, and they file claims or they file complaints. In fact, sometimes people have not been even involved in cases and complaints have been filed against them. My last complaint, which was last year, was because the client claimed that the attorney didn't represent him zealously enough. Therefore, as a chief of the offender, you know, I'm complaining to you.
- 1:14:25 And I had to respond to it. And I've gotten a number of claims against me, and I'm like, I haven't even touched that case. I don't even know what it's about, but it's just part of the process. Okay, so does it affect you defending someone else? The pressure of that outside complaint versus you, one of five? It's annoying to deal with because of the great work that I know that we do, but it doesn't impact our representation of our clients in any way, shape, or form. Okay, percentage-wise, do you have a percentage of win-loss record?
- 1:14:59 We don't look at it as win-loss because depending on what the outcome is of the case, that may be a win for a person. We look at it as what's the best result. I can say this much, that we continue to work on a daily basis to get the best results for our clients. And oftentimes, you know, you start with something that's considered a major case where there's a major time behind of it. But we're able to work the case in a manner which means that either by the time of sentencing, by virtue of trial or plea, that is substantially different from what it actually started. Two minutes. In some instances, a public defender has a stigma. If you get arrested, would you want a public defender? There's no one else that appears before the courts, knows the law, knows the judiciary, knows the prosecutors more than a public defender's office. We constantly have phone calls from private counsel that people are paying lots of money.
- 1:15:50 How do you do this? And a public defender has to step in each time. Right, because again, like I said, these are the stigmas that they say, hey, you get a public defender, you're going to jail. Correct. I have worked in Maryland as a public defender. I've worked here. And the Office of the Territorial Public Defender, and even recently some of my recruiting efforts, is second to none. Okay, and that's why you say I think becomes, now in terms of police have been labeled, I guess the AG, confidentiality of going to the public defender, presenting a case. Have you had any complaints along the lines of confidentiality, leaking out information, different things like that? No.
- 1:16:34 No? Okay, good. And finally, you know, for the people that work under you, and, you know, no budget's coming up, but how are your staff taking care of? Are they up to date with wage increases and facilities and everything? Facilities-wise, we're good. um wages um we had a race last year um late last year so even with respect to um being competitive um what we have always positioned ourselves uh how we position ourselves is we we compare ourselves to the persons who are producing the work the ag's office and because we're a smaller entity then we pay a little bit more than what the ag's

office tends to pay okay and like i said as long as you guys are taking your your staff are taking care of then it presents more work um work done for individual and finally same wasn't correct i don't know if it was no finally are there any legislations that you are looking at that you probably want to bring before this body in terms of things that you're seeing in some of the cases you're defending along the lines of search and seizure along the lines of processes of of different things versus what's in the law presently so with respect to um legislation we generally um don't propose um legislation because it centers around um actual criminal charge right it'd be a conflict of interest if we're seen as hey you know you should um you know do this or send you should look at this or consider this in terms of this is what you should put into the bill any suggestion on our behalf of of those things is our conflict of interest however as we have appeared before in the past we generally look at what's presented in the proposed legislation and we say this is where we find issues um so on and so forth but we wouldn't make a recommendation if i had to say um one thing that i would like to see um most significantly and hopefully one thing that i would like to see um most significantly and hopefully in the near future is the passage of

- 1:18:35 a speedy trial act this is a situation that allows um for all of our feats to be held to the fire rather than one person pointing to another and ensuring that justice is served i was just checking you but you and your p's and q's so thank you thank you for the time mr chair thank you uh attorney joseph you do you have um any part of the code that speaks to your office in front of you no not in front of me but um i'm familiar with it okay so i'm looking at 35 section 3523 which speaks to the compensation office space equipment and supplies and i see language that the chief public defender shall recommend to the public defender administration board such assistance as may be necessary should that be assistance ts or assistance nce ts okay so but you will still uh submit your recommendations for assistance nce in a secure the budget funds for for your building on St. Thomas. Correct. And you stated that you have done so. Correct. And the report that I was referring to that will come to the legislature, yes, will be the annual budget for salaries and expenses of the Office of the Public Defender. However, do you send that report directly to the legislature or you send that to the governor? Where does your annual report go?
- 1:20:16 That goes to the legislature. Senator President Francis you're recognized for your seven minutes please recognize Senator President Francis Mike check thank you very much mr. chair good morning to you my colleagues good morning to the testifiers from the Office of the Territorial Public Defender's Office and good morning to the people of the Virgin Islands. Chief Joseph, in respect to the leadership hierarchy of the Public Defender's Office, have you reconciled the supervisory responsibility of the person on St. Croix?
- 1:21:01 I'm sorry? The last part of the question? Leadership on St. Croix, have you reconciled the leadership in terms of an assistant chief public defender in St. Croix? We've always had a deputy chief in St. Croix as long as I've been, or a supervising attorney, and then deputy chief as long as I've been employed with the office. Okay, so that's in place, you're saying? Yeah. Who's the deputy chief? H. Hannibal O'Brien, and in St. Thomas, St. John District, Julie Smith-Toddman. Okay, so you have a deputy on each of the districts. Very well.
- 1:21:32 How do you measure your effectiveness of the Office of the Public Defender? Is there a gauge, some guide that you utilize to determine your effectiveness, whether you're doing a good job, you need improvement how do you measure that that um effectiveness well on a monthly basis we do um caseload numbers or reports um that give us a look at what's actually going on with the courtrooms and the deputies along with myself we have meetings continuous meetings throughout the year to see where our attorneys are what the needs are and then we also take that um with an evaluation and any complaints we take all those things into consideration as far as effectiveness so for example if you're talking about being effective and or efficient if you started out the year with you know 196 cases you got you know four more 200 by the end of the year you probably shouldn't have 200 cases as of being new if you have 200 cases it should be cases that just recently came in but not cases from from from previously and based on your last evaluation um are you satisfied What kind of grade would you give your effective and efficiency?
- 1:22:39 What type of grade? I think that there's always room for improvement. So I wouldn't necessarily put a grade on it, but I think that we perform extremely well based on the facts and circumstances. A number is not always the driving factor in that determination, of course, because you're not really able to influence the number per se because some of that is outside of your control. Correct. Do you look at other circumstances as well? Correct.
- 1:23:07 In regards to the untimely disposition of cases, have you seen where this have led to the further victimization of this community or injury to one of your defendants? Where do you stand in terms of untimely disposition of cases? Well, untimely disposition of cases, and even me saying that term can be somewhat loaded, and it's not that, we shouldn't look at it as in a silo. There are a number of different persons or entities that are involved, starting with the Virginia Police Department, the AG's office. Then, you know, by that time it's filed, then it goes to the courts, and then we respond.

- 1:23:54 And now, my intent is not to cast any aspersions, but I see a lot of the cases being bottlenecked or not being resolved quick enough based on the AG's actions, and that's just what it is. Have you had any discussion in respect to that, either with the Attorney General's office? Multiple. Of course, multiple. Multiple. Multiple. So there is some resolution resulting from that discussion? So, with the previous presiding judge, along with the AGE...
- 1:24:29 One second. Media, can you put a little bit more volume, and the testifier's mic, please? Go ahead. With the... Because we're in a new fiscal year, and we have a new presiding judge, I will speak of previously. With the previous presiding judge, Honorable Judge Willocks, we've had, along with the AGE's office, we've had numerous meetings about moving the cases um and how to resolve cases that are for lack of a better word not that serious um there has been some movement here and it's a fluctuation but not to my satisfaction very well and i know in visiting some of um the inmates in the past there was complained that um there weren't sufficient contact being made with with and i brought this to your attention as well um with the public defender assigned to their cases have you been able to improve on that area yeah we've we've improved that we've always operated on a manner of you know making sure because as part of our duties outside of you know your question ethically we're supposed to keep the lines of communication open with the clients what happens oftentimes is the clients want you to continuously tell them things about the case when there hasn't been any change so for example if the case is pending the last time we went to court we argued a motion then we're awaiting a motion but if the if there hasn't been a ruling for the next three months all i can tell you is we're waiting on the ruling yeah but i imagine that every day is it's difficult for them to remain in there so they want some communication correct um witness protection program of course there's a witness protection program available to the um police department as well as the attorney general's office Is that the same available to you?
- 1:26:14 No, no. Generally, that's not available to us. But even from the standpoint that we operate, we've never had those issues since I've been employed with the office. Never had any issues in respect to individuals that you have deemed to be witnesses to defend a particular case that have been victimized? No, not recently. victimizing other in for other separate crimes but not necessarily tailored or having to do with the particular charge in which they're witness to what about evidence analysis do you have sufficient funding are you are assisted in terms of ensuring that you know evidence are analyzed in a timely fashion yes so a part of our budget we take that into consideration and we look at where we are on a caseload based standpoint and then it kind of helps us figure out where we will be in the next couple of months to the next year. So, for example, if we see a number of things calendared, we know that this case that just came in that may require X amount of witnesses or evidence or information, that probably won't be tried until the prior year.
- 1:27:17 So what we would do is we would fact add it into our budget for the next year. What is anything that keeps you up at night in regards to your assignment as the chief territorial public defender? What gives you reason for pause? The slow moving of the cases, the resolution of the cases, And again, you know, I pointed away, at least in my humble opinion, I see where there's a lot of bottleneck and it can be resolved, you know, fairly quickly. You know, every, the thing is, from my standpoint, I'm not a chief that is not involved in the cases. I have cases myself as well, just resolve a case that was a substantial period of time. And again, in that case, the prosecutor kept asking for continuances and kept asking for continuances. And, of course, rightfully so, and to some extent, the judge is not going to just say, oh, I just dropped the murder case. Let's keep it moving.
- 1:28:10 Thank you very much, Mr. Chair, for the time. Thank you very much, Chief Public Defender, for your responses. And thank you for the work that you continue to do in this community on behalf of the Public Defender's Office and your clients. Thank you, Mr. Chair. Thank you, Mr. President. Point of information, Vice Chair Fonseca, you recognize? Yes. Thank you, Mr. Chair. In regards to the line of questioning from our president, moving the cases, what average length of time it takes to get the case moved? Give me some timelines. There's no cookie-cutter amount of time, but I would say this. I would look at what would be the cases that have the most significant impact. murder cases in the Virgin Islands since my time and before generally take about two years for that case to actually get to trial and obviously in instances there's been that's been some more time so I'll talk about murder anything else you could be it all depends so you know it depends on the prosecutor assigned to the case the information available the victims the witnesses there are a number of factors there's no perfect answer so it can range from literally you know 30 is or even less advice or arraignment where the case is dismissed to up to that period of time which is a higher end for murder thank you mr chair thank you mr vice chair uh next up senator alma francis heiliger you're recognized for your seven minutes thank you mr chair good morning to my colleagues good morning to the people of the territory to the testifiers and staff alike My first set of questions, success rate, do you guys keep a running chart as to your success as to cases won and resolved versus cases lost to see how well the public defender's office is doing?
- 1:30:04 We don't factor it that way because a win and a loss doesn't necessarily give you a true and accurate representation of the case. Some cases are cases that people say is just a losing case. well I understand that but for data purposes so we could

see what is happening within your office do you keep a record of that no we don't we don't do wins and losses okay we do resolution of cases thank you one of the things my colleague spoke about earlier had to do with speedy trials I remember when we took a tour of the president st. Croix we met several people or where we We saw analysis that there were more detainees that were just being held versus those that had already been gone through the process and sentenced. We were told of several individuals that had been in prison eight years.

1:31:04 I think one gentleman was there for 10 years so far, and he has not gone to trial. Do you see, I know you spoke that a lot of your cases are a year or so. Do you have any that are extensive like that? We have a few. And the cases that are more extensive are the ones that surround mental health issues because of the issues involved. So a lot of times, to be quite honest, those are the cases that have extensive health issues. The one with the mental health issues?

1:31:34 Because remember, a lot of times, you know, you have to go through evaluations. after evaluations. You have to make a determination as to whether or not this person may be NGRI, what we call not guilty by reason of insanity. And then oftentimes we have a number of individuals who are in mental health facilities off-island. So while the case is technically resolved, it's not really resolved because you have to keep doing updates and follow-ups on those individuals. Okay. When it comes to the Public Defender's Office, I did some research in regards to the amount of attorneys that are here in the virgin islands according to the vi bar association they have over a thousand registered attorneys in the virgin islands and how do you guys work with potentially getting assistance outside of the five i think you said five individuals that's in your office per island yeah how do you get assistance from maybe some of these thousand attorneys that work in the territory based on your workload do any of them offer to work with you pro bono volunteer how does that work so um the structure in which cases are assigned to individuals the public defender represents most individuals who can't afford counsel then what the court does next is if there's a conflict of interest there on a few attorneys that are on the panel the court has even gone further by putting out a recent rfp for a conflict office persons who can take up more of those cases okay and the court would pay those fees to those attorneys so we represent all the people that we can in terms of whatever number comes to our office and then from there if there's any spillover that we cannot represent individuals because so what is what percentage do you see regularly that would be that spillover like a give me an average

1:33:23 number it fluctuates so i would say on average i'll tell you how many cases we would on average we receive about over 90 of the cases easily um and that's because not all cases involve those issues and we represent those individuals okay so you guys do about 90 and about 10 is the spillover that might have to go outside of the public and there's a potential conflict and or those individuals actually hired attorneys okay all right um one of the things that what i was recognizing that we don't have in our code um the we do have based on our constitution a right to a speedy trial but we don't have it in the code my colleague and my fellow minority members spoke about um working on a speedy trial and i was also doing the same thing until i got a letter from legal counsel about a few days ago saying i was preempted after doing two months of work so frankie you also have help from me but what do you think in regards to actually codifying in the code and put it on record because i heard a little dialogue between you two as to why do you think this is necessary in our jurisdiction here i think it's it's necessary in any jurisdiction when you look at most other states on a on a state level they have their own version of the speedy trial act and we don't have it what that does is it expands the the time frame that a case could be potentially held before the court and taken into consideration is an extreme amount of cost that goes into that from end to end whether they be police courts two minutes office all of those things are very

1:35:15 all of those things are very costly um to the system i i totally agree and that was one of the reasons why i did submit to do it because i see the need for us to put things within a time frame because people are entitled correct to have some kind of you know process instead of just lingering in our system some of them for years apparently um when you spoke a little bit about the individuals that might have timed out based on they might have been in prison being held longer than what they might have even been sentenced if they were able to go through the process um and you said some of those situations have to do with individuals that that have mental issues, if not all?

1:36:03 Correct. Pretty much all. All of them. What do you think, from a public defender's standpoint, that we as a government can do? And because I come from a standpoint that we control the purse strings. So I need to know, what do you think, from that standpoint, we can do better, not only to assist your office with those types of cases, but overall as a territory? I think this is a discussion that has been had numerous times, and there has been some action and movement with the passage of the first behavioral health bill, I think that would actually help. There's a factor that a lot of people don't know or understand that with these types of cases, you have to have the appropriate documentation. You have to follow certain steps to ensure that you're protecting not only your clients' rights, but ensuring that there may not be any repercussions for those things, because these individuals are individuals who have mental health issues.

1:37:07 So there are a number of things that can be done, but it still comes down to mental health facilities and practitioners within the territory, because it's really just a handful. Anytime you talk about mental health issues, you see the same

individuals appearing before court not defendants in this respect but practitioners time may i ask one final question mr chair you may one of the things um i as a senator was looking at when i was listening to your caseload of over 800 i think that's what you said yes yes over 800 correct what are your thought process of attorney rotation program where and listen to me you have over a thousand attorneys in this jurisdiction and quite of them are here let's just say for profit we'll just call it what it is what are your thoughts on a potential bill in regards to attorney rotation and having to give back to the very community that they take from or they're part of as a function to even be an attorney here in this community what are your thoughts so i i don't i don't know if a bill is necessary in this instance because as part of being barred in the virgin islands yes they have to do it but i don't hear too much of that aspect that's why i'm saying do we have to enforce it more what do we have to do to get more participation because i am aware from speaking to individuals at the court i think also in this instance in particular with respect to your question and support for unfunding in various areas. As I mentioned earlier, the court has made moves and has put out the RFQ for additional attorneys that can take on these cases. And as of the last report that I got, I don't think there was a huge response, if any, to be quite honest.

1:39:05 And no, but when you compare the salaries, you're talking about people who are being paid \$400 an hour. you're telling them that they have to reduce their fee to probably about \$125 or what the court pays that that doesn't happen often it's not gonna happen yeah and that's where i speak about potentially looking at it and maybe tweaking it so that they would be a little bit more nudged in order to want to give back you understand what i'm saying correct that's how i'm seeing it and And also take this into consideration, any fund, as we talk about funding and allowing to pay these attorneys more, that means you're going to have to pay the attorneys that are doing it currently more. Because when you look at the salary comparison, why would I stay at the public defender's office making this when I can make this?

1:39:54 Well, thank you so much for your response. Thank you, Mr. Chair, for the additional time. Thank you, Senator Francis Eiliger. Yeah. And before we move to Senator James Sr., I want to go back to something the ranking member from Savan stated about the insufficient salary and you quickly agreed. So when you submit your budget, have you submitted any increase for your attorneys? not as yet we have um we are supposed to schedule an upcoming meeting but that will be done after um i complete the interviews of those um new potential attorneys so that we can address budget i mean attorney salary overall okay but you're talking about folks coming i'm talking about those who you had there in the trenches with you all the time correct they got an increase slow Go down for me. Have you submitted for an increase for any of these attorneys?

1:40:58 Not as yet. Okay. So I suggest you do so, especially if you're not on the same. Are you on the same pay scale with the Attorney General's office? Based on my understanding, we are right around the same. We're actually maybe just a little bit higher, slightly higher. Oh, you are? Okay. Mm-hmm. All right. And the president spoke to federal prisoners. You as the chief public defender in your position, have you made any travels to the U.S. mainland to visit any federal properties which you may have clients in? Or should I ask first, do you have any clients in any federal facilities at this time?

1:41:43 We have, to my understanding, and I say to my understanding, because BUC has agreements with various institutions on the mainland, and sometimes these individuals are moved without much previous notice or knowledge. But no, they're not in federal facilities, they're actually in local facilities of different states. So you have no one at this time, to your knowledge? No, no, we have individuals. Slow down for me, you can't speak when I'm speaking. Let me finish my thought and then you respond. So at this time you don't have any, or do you have any prisoners or clients in any federal facility?

1:42:23 No. No or not to your knowledge? Not to my knowledge, not in a federal facility. Okay. So because part of your responsibility is that you be able to travel to visit these facilities. facilities so none in a federal facility to your knowledge correct but you do have in local facilities have you traveled at any time during your uh time uh tenure as chief have you traveled to any of these facilities to review and and see what's going on yeah that that's some time ago And generally what happens is the appellate attorney and then the attorney who may be assigned to a writ of habeas corpus for that particular individual who complained about being illegally held, that's where we start that office to actually visit those facilities as needed. So we have attorneys in our office who have visited those facilities, including juvenile facilities as well.

1:43:27 Great. Senator, before I recognize Senator James Sr., point of inquiry, Senator Joseph. Thank you so much, Mr. Chairman, and a pleasant good day to everyone. I wanted to follow up on your inquiry regarding individuals being held in federal prison. You do have a counterpart on the federal side who is also a defender, correct? A public? Federal public defender. A counterpart in the sense of defense attorneys. Yes. And we do work with them.

1:44:08 And you work in tandem with them. So if you have a case that is being tried in the federal district or the district, who would be defending that client? Well, for the federal district, it would be the federal public defender. Okay, good. I just wanted to make sure we clarify that you're stated mostly in a local area, and we do have a federal public defender. Thank

you kindly, Mr. Chairman.

- 1:44:37 Thank you, Madam Secretary. Senator James Sr., you're recognized for your seven minutes. Greetings to the people of the U.S. for the non-hands. greetings testifiers and in instances where you do have virgin islanders who have been incarcerated enough and they are being housed in a federal prison you had that in the past that's happened in the past before and when you do have those situations based on type to five section 3524 a federal prisoner access to legal publications, you do just that. Correct, and it's shifted somewhat, because when that statute was written, we were dealing mostly with books, and most of the publications have gone to electronic format, and the institutions have libraries.
- 1:45:32 Understood, and for individuals, you know, suppose a person is up in age and you're not into technology, of course the books will come in handy. Yeah, we still do order physical books. Okay, that's what I make sure. And the last time you came before us, there's a feedback. The last time you came, the last time you came before us, I questioned you about Ms. Denise G. Marshall. I know at the time it was COVID-19, one, two, one, two. It was COVID-19, so you were not utilizing her services, that's for psychiatric services?
- 1:46:04 That was in regards to a particular case. So we did utilize her, and if I recall correctly, that that case has not been resolved as yet so you're still utilizing our services not at the present moment because the case hasn't been resolved homework and it has been done more or less okay because I'm passed because I know in the past I did analysis during the budget hearing it showed zero and a question about why you have zero dollars and you explain it so I'm just following up on that and then as far as your website you seem to be a person who's in touch with technology, just for the fact that you mentioned that everything is online. But when I go on your website, though, it seems like, who is in control of your website?
- 1:46:52 We are, which web address did you go to? You have two websites? So we close out. We've been working on closing out the whole address. But the institution that put the website together, built it for us, prior to my time, it'd been a little bit difficult to get to to close out. But we have put out a new, we have established a new website, and we put that out in the public as well. So can you put it out to the public today? OTP, the website for the officer of the Territory Public Defender, or the public defender, is otpd, www.otpdvi.gov. And can you tell the individual as publicly which one not to follow? I'm sorry? Which one not to follow? Place that on the record.
- 1:47:33 The OLA website was www.otpd.vi, I think it was, right? No, www.publicdefendervi.com. Okay, thank you for placing that on the record. And recently I held a committee on economic development and agriculture hearing, and we discuss adult recreational cannabis and recently we have saw a hike in police officers staffing individuals for order because they're smelling cannabis and whatever the case may be and you know we're about to go full force with this thing so you're gonna you're gonna be busy because everybody wants to light it up and spark it up but my question as far as possible reform of how we go about with our officers when they apprehend these individuals do you think there would be a need for a reform I'm still a bit unclear when you say reform reform when it comes to the Virgin Islands code as far as how officers go about determining how they stop individuals would be necessary and that would also help give the court some guidance because I know where initially when the first stages of the marijuana bill passed, there were some issues in terms of how do we sentence them, what actually presents as probable cause for people that have been, as you noted, older and so on. There was an opinion written in the St. Croix district about it, but I think that if you are looking at reform in any way, shape, or form, it has to come from this body. Because it was brought to our attention that as it stands, an individual
- 1:49:24 should not be smoking cannabis in a vehicle, just like they should not be drinking alcohol. And we know that's not the case in the Virgin Islands. It's just a matter of who gets caught. So my thing is, say for instance, a person lives in their car. You know, you have a lot of individuals living in their car. And if they decide to smoke legally, based on the Virgin Islands code, if you're homeless, where can that individual indulge in that activity? You know, the next place would have to be in their car. And then the question I asked the individual when he came before us, who's an attorney as well, I said, what if the individual just came from smoking and that scent is still lingering on them, what kind of training or discussions are being had with VIPD to make sure that we don't wrongfully accuse individuals now that the thing is legalized to a certain extent? You want to make any comments on that?
- 1:50:17 That has been one of my pains or one of my issues for a very long time. Anybody that has any level of familiarity with marijuana knows that the use of it in terms of smoking, the scent doesn't just dissipate or go away. So what you're utilizing from a police perspective as a means for your probable cause really has nothing to do with a crime that was being committed, quote unquote, at the time. But I can say on the other side of it, there hasn't been a lot of arrests and, oh, rather prosecutions and convictions for just solely marijuana. What we find is it's involved with something else. So there may be marijuana and a firearm, domestic violence, whatever the situation is at that particular time.

- 1:51:02 But I've seen no one really gets arrested for solely simple possession anymore. Thank you for placing that on the record. And with all these DUIs, you do run into individuals who are repeated offenders, right? Naturally, yes. Okay, so based on the Virgin Islands Code, it says in there that those individuals who are placed in the category of repeated offender, eventually they should have DUI offender boldly under driver's license. have you seen any cases of that not that i can think of because that's the law it says that once the superior court should send information to vipd and from vipd would have to place dui offender bully and the driver's license and the person who who is offender will have to pay the cost to get a new id to place that on there so what i'm saying is it's not that we want to brand individuals but we know we have individuals out there who are careless and we know for sure we could be in a party and say man he always drunk he always getting away and at some point it has to stop you know so i don't know if there's a disconnection between the superior court and vipd but we want to send a strong message that if you're going to be behind of the wheel be mindful because eventually it will lead to negligent homicide of motor vehicles so it's funny that you you said that you never saw those cases or instances my last question mr. chair you may proceed as far as your appeals attorney I'm
- 1:52:48 assuming you only have one one and he serves for both districts and as far as the caseload there is an issue any issues with caseload when it comes to having appeased attorney in each district it fluctuates so there was at At one point in time we did have two, and even upon recommendation by the second attorney which was in St. Croix, and left subsequently was, you don't need a second one. The cases come, sometimes they're a lot, sometimes they're a little bit. For example, about a year or so ago we were working on an appeal, less than a year, for a case that was a hospital case. Obviously that's a substantial case so it took a lot of time. after that was completed we had appeals and based on appellate schedule they just haven't reached the stage yet to even be before the court for purposes of argument so it fluctuates but at this juncture i don't think we need an additional because that attorney serves both districts travels between both districts when necessary if necessary and also to the mainland and in closing you mentioned going paperless or utilizing less paper and utilizing the cloud and all that stuff so you have a data entry clerk is that one individual so that is one individual on one side and then on the other side we used to have a data entry clerk in the sanctuary office those duties have now been passed on to other individuals in the office and on the saint almost side we have divided excuse me can you can you speak into the mic please and on the saint thomas side we've divided those responsibilities okay thank you during the budget here and i will follow up because i want to make sure that you have enough data entry clerk because i know the importance of inputting data to speed up the process thank you mr chair for the time thank you and i apologize i was just having a conversation
- 1:54:36 and my mic was on too so uh thank you senator james senior senator joseph madam secretary you're recognized for your seven minutes seven minutes you may proceed thank you kindly mr chairman a pleasant good day i always enjoy listening to the office of the public defender's testimony i had the pleasure of working closely uh with you mr joseph it would have been about 13 years ago you defended one of my students and he is doing exemplary well today he's not a recidivist and his uh conviction it was exonerated because he was a young person and that so he doesn't even have it on his record and i remember you vividly going all out back to back with the prosecutor and the judge to really assure that this young man had a second chance and this issue wouldn't be on his record he was actually caught i'll tell anybody but we're not talking who he is but he was also caught with uh carrying about 72 small packs of marijuana and that was his his crime and he admitted to doing it and i really i'm i always say not because we have the same last name but because you're very passionate about it and so i definitely want to commend you, as well as your staff, for the hard work you do. I note from last year, all of your
- 1:56:37 attorneys are not unionized, correct? Correct. And you're still able to retain them. Correct, with the exception of the two that have left or going to leave. Are they transitioning? Okay, So you still, that still sends a really huge message that the people who are in the public defender's office are there because they are passionate and they're committed to the work they do. And it's not you that is a bottleneck based on what we're hearing.
- 1:57:09 It's mostly on the prosecutorial side that we're having some challenges getting these cases heard quickly. Now, I wanted to ask you some questions relative to your case load, and in looking at the numbers that you have, I know a previous colleague inquired about the various, and I really want to say I'm really impressed who prepared the graph. The graph is nice.
- 1:57:40 All credit goes to my administrator and assistant administrator, Ms. Karen Isidou, and Ms. Renelle Steven. Wonderful. for the graph is very good with as so we could get a really at a glance however i wanted to ask if you have data relative to the number of cases that have been surging over the past six years and we'll look at from the hurricane to the present would you be able to delineate if you may have it in your memory just based on what you remember because you get reports from your team which cases are going up you're seeing an increase in and in would you be able to talk about that um i think every every year um when we see a rash of gun violence and that seems to be you know continuously um you

know increasing um over a period of time and speak clearly into the mic I'm sorry, every year, it seems every year, starting from the beginning of the year, it tends to have this rash of violence in the Virgin Islands.

1:58:47 In me looking back, that's what I've seen. So we have some gun violence that's really impacting, and that's where we see the increase. What I see as an increase is just in addition, it's just in terms of numbers, but the same types of cases are assaults and a few DUIs. DUIs. about uh the dvs do you see any of the domestic violence increasing as well correct so and i should have um made that differentiation when i when i spoke of assaults because dv is an assault i included that in it yes okay so we're seeing an increase in that uh do you partner with any of our government agencies when you are defending your clients not necessarily no and the reason for that is because of conflicts of interest most government agencies fall on any the executive branch the same branch as prosecuting our clients okay and now you mentioned community partnerships i don't know if anyone asked about that and i i'm sure you and your staff had been to a number of trading with your counterparts on the state level what type of community partnerships do you think would be beneficial to your clients well at this present moment we spoke of earlier as community partnerships with that that are focused and geared towards the youth we are we've been to at least one gun violence task force meeting we've received numerous communication and there has been some interaction between them and the Baha'i church I can't remember the name of the program but we've attended on those programs as well and they work I think that as a community what we need to look at is actually starting at an early age we tend to look at our juveniles somewhere around you know high school age it's too late at that point in time and often difficult to change a mindset and so have you participated in any reentry activities with the group

2:00:55 Yeah, we are part of the UVA Cell Reentry Program. Okay. And they have been... Now... I'm sorry, go ahead. Go ahead, you go ahead. No, we would like to be more active in it and being extremely transparent. These last couple of years, we've been really focused on the work. And while we attend the meetings and are part of it, we'd like to be more involved with UVA Cell Reentry Program. Okay. And what do you see your role there would be, as far as involvement? Our limited role would be looking at the transition, reentry, essentially.

2:01:31 Because oftentimes, what people don't realize is we've created a system that's cyclical for recidivism. What a lot of people don't necessarily take into consideration is that the prosecutor should be more looking at justice being served than a conviction. Oftentimes, you're like, oh, just lock them up, throw away the key. But what happens? That person has to come up one day. What happens to one day? What happens to his or her children and family members? There are a number of things or ramifications that you can't even begin to imagine as a result of a conviction. Okay.

2:02:07 My final question, because I want to be mindful of the time. I do have some legislation that I'm looking at, and I've submitted a bill request for restorative justice. it's a huge huge change game changer because it allows the person who is convicted to come back and talk to the individual have you had an opportunity to mr. chairman I did say seven minutes but you may proceed I remember that yes restorative justice tell us a little bit about what your position and and it could be your office or what you have seen as far as training and opportunities out there regarding a restorative justice being instituted here in the Virgin Islands so there are some so as far as training is concerned this is product that would be part of the things that attorneys should always train on just to have a full gamut of understanding of the of the criminal justice system so that they can have an understanding of the criminal justice system so there are trainings and different things that we continuously go on restorative justice is something that should be more practiced and implemented in the territory some years ago I remember senator O'Reilly had proposed a bill and I don't oh there was a bill that should have been proposed on and I don't recall what happened to it, but it died at some point in time, and I think that we do need to refocus on it, restorative justice, because we have to continue to build our community, and you can't lock up and throw the key for most people

2:03:54 and then expect a thriving society five, 10 years on the road. And thank you so much, Attorney Joseph, and thank you so much, so kindly, Mr. Chairman, for the leniency, I do appreciate it. Thank you, Madam Secretary. Chief Joseph, according to section 3520, that establishes the Public Defender Administration Board. Correct. We have cleaned up some language for the Attorney General's office where the Assistant Attorney General's as exempt employees worked at the pleasure of the governor and could be hired and fired just like that. I'm noticing in section 3521, similar language that the board shall hire and fire, upon the recommendation of that you're trying to find out.

2:05:13 So, yes, however, that I'm looking at that in section B and it kind of, so would you say that, do you think that you have the utmost operational handle on things and it's not the board? I wanna make sure that the language is clear that the board is what it's supposed to be. Regulatory board and not running the day-to-day operations of the Office of the Public Defender.

- 2:05:54 With this particular board, they're not a board like at least one previous board has been way they have been overly involved in the day-to-day operations of the public defender's office. So based on your statement right there, it tells me that this needs to be clear because you might be defending those who are sitting there right now, but that doesn't mean that the next set ain't gonna be the same thing that we go back. So I'll have conversations with you thereafter because I think that needs to be clear. Clear.
- 2:06:29 You made mention of Miss Isidore, a good employee, for sure. I've worked with her down when she was at BMV and Vaitima. I see that you stole her. That's good. You made mention of both Miss Isidore and Miss Rinell Stevens. Rinell Stevens. What are their positions? Ms. Isidore, Ms. Karen Isidore is the administrator for the office and she's located in the St. Croix district and Ms. Stevens is the assistant administrator in the St. Thomas St. John district.
- 2:07:07 Oh, okay. And they made you look good today with all these fancy stuff, okay. Ms. Isidore here? I mean, Ms. Stevens? No, she's at the office at this present moment. Holding down the fort, all right, thanks. The... the so going back to and and let me recognize the presence of our finance chair the honorable donna fred gregory welcome uh the get ready because you're gonna go next but uh uh chief going back to because i want to see you have your own home on saint thomas I've been one of the 15 that really been championing along with others but for for our agencies to have their own home so you have property on St Thomas and I was asking so let me ask you do you have a an account or a system of accounts and records in terms of the statutes so and according to this all other monies gifts property proceeds from rent sales and all other gifts and contributions including but not limited to financial or property gifts received by the office of of the public defender shall be placed in the account or accounts as authorized to be established under this section. So have you received any, or do you receive any gifts?
- 2:08:56 Any proceeds, property, anything other than the rent that you spoke about? At this time, no. At this time, no. Have you in the past? Not gifts, but we have received grants. Okay, so do you know your fund balance at this time? Roughly, I can check with Mr. Morehead, but I believe we do have those numbers. I can give that to you now. Because I wonder, you bring Mr. Morehead here too, and he's sitting there quiet, quiet. How you doing, Mr. Morehead?
- 2:09:30 Good morning, Ronald Morehead. Very well, Senator. Good. Do you have your fund balance for that account we're looking at on the fund balance for the monies that we get for the rents is currently approximately fifty thousand dollars and then our general fund allotment is probably about three hundred thousand out so what do you get what do you collect monthly versus annually from those two um uh what do you call them tenants that you have one tenant is 900 per month And the second tenant is \$19.25 per month.
- 2:10:09 And how much money you got in the fund balance? About approximately \$50,000 for that account. You're spending a lot of money? No. No, it's a big savings. Okay. and the how many members are currently active on the board four there's one one last member to to be picked and that's from which angle is that from the legislature correct and that is because that term ends with the the previous and it runs come Carter minus with who have appointed them okay so they'll be coming in short order I'm sure senator Fred Gregory are you ready all right that's what I wanted to hear you are recognized for your seven minutes thank you and good afternoon to my colleagues and good afternoon to the testifiers and of course a pleasant good afternoon to the people of the Virgin Islands of course I'm not a member of this committee but the conversation sparked my interest to come up on the floor this morning I want to go back to where the chair was heading with regards to the property on St. Thomas so I know that the Public Defender Office purchased the property right next to where not too far from education I forget what I used to call it back in the day this is a bit of movie theater right off from the movie theater when I was in the 70s Apollo Theater
- 2:12:04 that's right, Apollo Theater. So I know that property was purchased. There was a lot of conversation around the purchasing of that property many years ago and I know that you generate your funding from the general fund and you just spoke to your rent that you collect which right now you only have about \$50,000 in the account so tell me tell me how do y'all propose to moving forward with building out that property so you could have a home in this district so we have we've had um over the years and over the past couple years we've had meetings with um historic preservation um in regards to first off what's allowable as far as being built we've had some conversations with two separate architect firms as far as the funding is concerned we have looked at some rural development monies one of the main things that they said to me is are you income generating and my response to them was of course talking about the rent and they said that that did not qualify i in my own professional capacity i have come into contact and made relationship with a number of developers and i've asked them to consider but when it comes to doing work for the government like a turnkey project concept sorry like a turnkey project concept correct um they've been a little bit reluctant so we've had some what i consider some extensive um conversations but when it comes to the funding um there's a little bit lack of trust in terms so my recommendation to you on this is of course you have limited resources correct um i i definitely would continue to explore the the turnkey where you would pay you know they would do the bill out for you you come before the senate

you say listen this is how much money we will need annually to make this thing happen because right now you're paying rent correct correct yes so you have to you know kind of wager what you're paying in rent and what this will cost and see how you can make it happen but for sure i would definitely come before the legislation at minimum acts for a render for funding to um at least begin the rendering so we could see how we could assist with making this happen so that's my recommendation but i want to talk to you about um your office of course so do you keep data on uh i i if i'm using the wrong term just tell me on repeat offenders like individuals that you see coming before you for um public defender support often we we don't keep it from a repeat offenders standpoint but we keep it as it relates

2:14:49 to that person and their cases that have been within the office so if you've had a cases a couple years ago we would obviously have that information and the current information for whatever you may be facing so how much of that do you see territory-wide just off the top of your head is it something that is alarming I would say somewhat about 40 or 50% of our cases or yeah so that's the issue so 40 to 50 percent of your cases you're seeing that and so so what is the relationship with and I'm sure I mean this must be some way for us to begin to collect data around that that type of information do you have a relationship with the Department of Labor you know we have a relationship to the extent that we've done our programs and we've had conversations about doing things in the past. Yes. So that's the issue. So you're, of course, you're faced with seeing what I'm gonna use just for the sake of this conversation, repeat offenders, okay? And you have information that you should be able to share with labor because we need to start, if we're going to be true to ourselves with really trying to address what was occurring in the territory as far as crime and how we're dealing with our young people in particular, we have to figure out what that circle is. So the Department of Labor, we have the Office of Gun Violence, which I have my own opinions about that particular office.

2:16:23 Two minutes. We have the Department of Education. So we have to figure out how do we make that connection. I think I heard one of my colleagues talk about a measure that she intends to bring to sort of address some of what we're talking about. But it's a conversation, it's a deep dive conversation that we really need to have. We talk about it individually, but we need to really bring it, bring a concentrated discussion around how do we in earnest address what we're seeing here in the territories. We're a small territory and I believe that there is a fix, but we need to be very discerning and concentrated. We have to be concentrated on it. But let me ask you something. So I have a measure that I've been working on as long as I've worked in the institution. And it's called Band-A-Box. So I have the Band-A-Box bill, and that bill basically says that, so if you committed a crime, and you were convicted, and you come to whatever office or business for a job, that they don't really ask you, have you ever been convicted until they review you based on your ability. And then as you get into the process, then those types of questions will be asked, have you ever been convicted? Because I feel like a lot of times when people see that you're convicted, you were convicted for whatever. Sometimes that happened when you were 18, 19 years old and it follows you to 50 years old.

2:17:50 And that's part of why we're seeing repeat offenders. So what are your thoughts around Van der Box? I would even take it a step further. It's not only just for persons who've been convicted, persons who have come into contact with the system. So you see, oftentimes you see a lot of individuals who may have been arrested, and in case, dismiss, resolve in another manner. But for one reason or another, they either didn't or couldn't get an expungement. But that charge haunts them for the rest of their life. And you literally could be charged with anything.

2:18:22 Meaning you could be riding in a car, and I have 20 machine guns. They're going to charge you as well. So there needs to be, first off, a level of discernment from the charging body, because not everything should be painted with a broad brush. And then secondly, as it relates to a ban in the box, I think that that would be something helpful, because what I see or what I find is exactly what you're saying. After you've been convicted, who realistically is going to give you a job? And oftentimes, people are scared based on what the charges are, but they don't know the specific facts and circumstances, so you're automatically knocked out of the game, for lack of a better word. Correct. Well, thank you for your responses.

2:18:58 My time have been called. And I look forward to having more conversations with you. I know that you don't really get involved in legislation, but if you can offer anything around ban the box, I don't think that that impacts your work. That would be something that I would welcome. So thank you for the time, Mr. Chair. Thank you, Madam Finance Chair. And congratulations to your son as well. We recognized him earlier with the heroic action over the weekend. Mr. Chief, what percentage of those you represent are repeat offenders, would you say? Somewhere between 40 to 50 percent. 40% to 50%?

2:19:57 What do you believe we can do differently to help get these individuals out of the system and stop coming back? So I would start with let's be more proactive rather than reactive. Often the sentiments of our community and various members of it, when there's high levels of violence, we approach it as let's just lock them up. But that doesn't solve the problems. we have a lot of issues with the children from very young ages so we need to be proactive and address them there that's just one part of the equation and then as it relates to those who are actually incarcerated or convicted we need to ensure

that there are programs multiple programs while there are some that allow for them to further their lives their life become more educated with different skills that puts them in a position that when they actually come out they you know can now become one successful business owners and with what the um what um senator gregory was alluded to or speaking about buying the box that would also help because you know put them in a position that if you're not a business owner coming out to do a specific trade or thing or run a business you at least have the ability to become gainfully employed so the benefit of those for the benefit of those viewing and listening what's the bander box so essentially what what But Senator, the Senator was eluding to essentially not asking or inquiring at the early process of the application process within any employment, requiring them to disclose whether or not they had been convicted.

2:21:31 Right. Now, and that said, do you offer any mentorship programs for those young people that may be interested in law? Yes. Right now we have an intern in the St. Croix office and we had another one previous to that and we have an individual actually in the St. Thomas office who came out of the entrepreneur program who is now an employee. So we do see where our work has had success and impacts on the community. And I know my good colleague from Fredericsted was asking about some school programs and whatnot but we see your um we see your caseload and we see the number of attorneys that you have so do you have um competent uh in uh staff within the office administrative staff that could fill the gap on this and and probably um going to the schools and whatnot so the programs that we generally have been involved with and run generally you see myself mr mohead and other deputies actually going out and physically doing that outside of our work that we have to do right good because i would like to know that people like mr moorhead mr isadore and whatnot is are going into the schools and whatnot and they could start the groundwork and then eventually uh whenever uh your attorneys have that time can go in and and and fill in. I see that Senator Capehart has joined us over on the St. Croix site, so I'll recognize Senator Capehart for her seven minutes, and then you could tell me who's that next to you if that person needs to be recognized.

2:23:22 Good morning, this is Senator Blyden to my left. Okay? Okay. There you go. Good morning. Good morning, good afternoon, good afternoon Mr. Chair, good afternoon colleagues, good afternoon testifiers and the people of the Virgin Islands. I'm not a member of this committee, but I had the opportunity to be in St. Thomas this morning and heard testifier attorney Samuel Joseph, Mr. Moorhead, who I know personally, good afternoon. I know there may have been a lot of questions asked that I am not aware of. But one thing that I wanted to ask attorney Joseph is, I know that you have had the challenge for years of having all these cases and not having the amount of attorneys to address these cases. Have you tried anything that probably nationally that has been done that you can probably use here in the Virgin Islands to probably recruit attorneys, like say incentive programs, bonuses, \$10,000 bonus to join on to be an attorney. Have you made any kind of trends that Mainland have done? So as it relates to, I'll start with, I guess the bonus standpoint, then we would have to factor that into the hierarchy and that could potentially, I mean hierarchy as far as more senior attorneys, what they're currently being paid, and what other attorneys that come around the same time, but may be barred for a less period of time. We have to take all those things into consideration. So it's not just a, let's offer more money or utilize one particular incentive. I have spoken to the board, and we have had that conversation, not only myself within my agency, but with a few other agencies, at least one other agency had I had the discussion saying that, where's the territory?

2:25:24 We need to find more ways to attract attorneys within the government, and I can tell you for a fact that a lot of agencies are hurting for attorneys to the extent that more or less attorneys who are within the GVA move from one agency over to another and there's not really a large pool. So I have spoken to the Board of Borda, we are gonna be looking at different incentives. In addition to that, recruiting, that's relentless on our part. I mean, we continuously recruit. One of my postings was out from about a year ago for Assistant Public Defenders, and we actually renewed it this year. Not too long ago, I just got back from a recruiting trip across the country, starting from LA to the East Coast to try to recruit employees for the Public Defenders Office.

2:26:17 Our most recent ad on NeoGov has had about 560 or so hits with like one application actually put into it. So we're continuously interviewing. We've even looked at, and I don't want to give away all my recruiting techniques because other agencies do it, we've even focused our energies on states that have direct flights between the Virgin Islands and theirs so that that's an also an incentive so when these individuals need to travel home to their family it makes it you know very easy for them to do so so yeah we continue to to recruit um for for competent um staff thank you i just want to commend you for because i think i've met you and when i was in the 30th legislature for sticking um in the public defender's office and and representing the indigent population thank you for all that you do in this community mr chair i have no further questions at this time thank you uh colleagues any follow-up questions uh mr vice chair you recognize yes thank you thank you mr chair um i wanted to follow up with you real briefly because you mentioned um 40 to 50 percent more or less could be repeat offenders and i'm i'm trying to get together like you know the act at risk characteristics like if you find that you know they're unemployed or they're employed you know if they've dropped out of high school if if they need medication or un-medication. I assume it would be males, most of them. Correct. And if they

listen to parents, can you give me some of the characteristics?

- 2:28:14 Because I'm trying to. You actually listed some of them. Underemployed, undereducated, convictions from previous years hampering their forward movement or progress. and sometimes not a lot of opportunities that allow them to move forward. No skills like jobs? Correct. Okay, thank you very much, Mr. Chair. Point of inquiry, thank you, Mr. Vice Chair. Point of inquiry, Senate President, you're recognized.
- 2:28:54 Thank you very much, Mr. Chair. Chief Joseph, in respect to breaking the school-to-prison pipeline, I've been a strong advocate in terms of breaking the school-to-prison pipeline, because I think that that's a pipeline that continue to see where our youngsters ended up in prison. Do you have a position in respect to the school-to-prison pipeline, as well as do you see your role in the public Defender's Office, as also being a crime preventer? How do you advocate publicly for prevention of crime?
- 2:29:34 So as it relates to the school, the prison pipeline, we need to eviscerate it as a community. We need to eviscerate it. It needs to be broken. And an unfortunate thing is oftentimes we see some of the young people, we see them, grow up into the adult system and a lot of these things start at home but we as a community also have a responsibility to actually put in and put our money where our mouth is and help raise these youth out of these positions oftentimes we say you know the children are the future but we're not setting them up then what future do we actually um have so i believe um the school to present by blind um should be broken um all the programs that we do um the public outreach we're not we're not required to do it we're not mandated to do it but we do it because we see the impact that it has on the community on our cases our clients and not only that we are part of the community as well so we want a better and a brighter tomorrow thank you uh mr president at this time i'll allow you uh chief to put your close out statements on there um thank you again for the opportunity to come and present to this body overview of the office of the territory public defender 2023 um we have definitely heard um the questions the concerns of this body and taking those things into consideration and we will continue to do the great work that we do within the community but also address some of the issues that that has been put forward and presented and again i would like to publicly recognize and thank all of our employees of the public defender's office for all the hard work and dedication thank you and we too thank your office for the your service to the people of the territory and looking forward to working with you and seeing to it that you can get your home erected here in the saint thomas and john district
- 2:31:34 thank you all right and looking forward to seeing your uh budget submittal as well thank you uh the committee on uh homeland security justice and public safety for wednesday march 15th will recess until 1 15 the correct time now is 12 32 we'll be a recess to 1 15 Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. We'll be right back. We'll be right back. We'll be right back. We'll be right back. Thank you. Thank you. Thank you. We'll be right back. Thank you. Thank you. We'll be right back. Thank you. We'll be right back. Thank you. We'll be right back. Thank you.
- 2:50:52 Thank you. Thank you.
- 2:51:52 We'll be right back. We'll be right back.
- 2:52:52 Thank you. We'll be right back. Thank you.
- 2:54:22 Thank you. We'll be right back. [2 such phrases repeated 10 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 2:59:22 Thank you. [1 such phrases repeated 8 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 3:03:22 Let's get started. Thank you. Thank you. Thank you. Thank you. We'll be right back. Thank you. We'll be right back. We'll be right back. We'll be right back. If I got locked away
- 3:08:52 Thank you. Thank you. One, two, three. We'll be right back. We'll be right back. I'll see you then. We'll be right back. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.
- 3:15:22 Thank you. Thank you.
- 3:16:22 Thank you. We'll be right back. Thank you.
- 3:17:52 Colleagues, if you're in the building, please make your way to the chambers. We'll be starting in two minutes. Colleagues, if you're in the building, please make your way to the chambers. We'll be right back. We'll be right back. We'll be right back.

- 3:19:52 Also in the St. Croix Chambers, if you can hear me in the St. Croix Chambers, May be seated at this time, testifiers for St. Query Chambers. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you. Thank you.
- 3:27:07 The Committee on Homeland Security, Justice and Public Safety for Wednesday, March 15th, 2023 is back on record. Madam Clerk, can you read Block 2 into the record, please?
- 3:27:48 Yes, Mr. Chair. Block 2, 1 p.m., Bill 35-0013, an act amending titled 20 Virgin Islands Code, Part 2, Chapter 35 relating to the issuance of operators licenses and identification cards to allow applicants to obtain limited local purpose identification cards and operators licenses without providing certain federally required documentation testifiers honorable barbara mackintosh director bureau of motor vehicles carol thomas jacobson esq acting attorney general virgin islands department of Justice, Glendina Matthew Esquire, Director, Division of Banking and Insurance, Honorable Ray Martinez, Commissioner, VI Police Department, Paul Alexander, resident, native of Dominica, Ellie Fleury, resident, native of Haiti, Adriana Vélez, resident, native of Venezuela, Ivor James, resident, native of St. Vincent, Luther Rene, resident, native of St. Lucia, Jerome Pineda, resident, native of the philippines and the oniso lorenzo resident of the dominican republic that's the end of block two thank you uh so block one this morning was an overview of the office of the public defender now we're here in block two to review this bill number 35 that's zero zero 1 3 before I ask who speaks to the bill for the introduction I just want to make sure that we have our communications working and we know who was before us so I'll ask for the testifiers on St. Croix to kindly place your name and
- 3:29:48 and title on the record, and then we'll come over here to St. Thomas. Media, just make sure that the camera is on the person who is speaking so that we can see who is who, please. Thank you. We could start with Mr. Rene on St. Croix. Good afternoon, Luther Rene, St. Croix. who are you representing the organization please oh representing the st lucia association of st croix thank you mr renee next st croix everyone on st croix please good afternoon attorney glendina matthew acting director division of banking insurance on the lieutenant governor's office Thank you, Attorney Matthew.
- 3:30:45 Good afternoon, Attorney Suzette Richards, Legal Counsel for the Division of Banking, Insurance and Financial Regulation in the Office of Lieutenant Governor. Thank you, Attorney. Good afternoon, Adriana Veliz, President of the Virgin Islands, representing my fellow Venezuelans who are in the Virgin Islands right now. Thank you, Ms. Veliz. good afternoon Dionisio Lorenzo representing the Dominican Republic thank you Mr. Lorenzo good afternoon Jerome Pineda representing the Philippine community here in St. Croix Thank you Mr. Pineda are those prescribed the glasses excuse me okay okay okay understand next I vote James representing the St. Vincent and the Grand Eanes Association Mr. James thank you welcome that's it on St. Croix Thank you. Here on St. Thomas, starting with assistant commissioner, special assistant, sorry. Testifiers table on St. Thomas, please, media.
- 3:32:12 Go ahead. Good afternoon, Sergeant Ludrick Thomas, representing Police Commissioner Ray Martinez and the VIPD. Special assistant to the commissioner. Thank you, sir. Good afternoon. Carol Thomas Jacobs, Acting Attorney General. Thank you, ma'am. Good afternoon. Leon Lafon, representing Barbara McIntosh, Director of the Bureau of Motor Vehicles. Thank you. Good afternoon. Paul Alexander, representing the Washington Dominic Association. Thank you. Pull up the mic. Thank you, sir.
- 3:32:46 Good afternoon. This is Pastor Eddie Flory, Lori, representing the Asian community here in St. Thomas. Thank you. Everyone testifying have prepared testimony? Yes. We don't have the one for who? VIPD, did you provide a copy? I cannot. Mr. Sergeant Adams, please. Or staff of Senator Carrion. So please ensure that we have a, everyone have a copy of VIPD's testimony. Who speaks to this measure? I think it's Senator Carrion. Senator Carrion, you're recognized for the introduction of Bill No. 35-0013. Thank you.
- 3:33:40 Good afternoon. Good afternoon. Thank you, Mr. Chair, and good afternoon to you, sir. Good afternoon to my colleagues, the members of this committee. Good afternoon to testifiers, to the staff, and the people of Virgin Islands. Colleagues, today we have an opportunity to improve roadway safety with Bill 35-0013, which I call the Driver Safety Act. As a primary purpose of this bill is to increase the number of licensed and insured drivers on our road. Bill 35.0013 is an act amending Title 20 of the Virgin Islands Code, Part 2, Chapter 35, relating to the issuance of motor vehicle operator's license and identification cards to allow applicants to obtain limited purpose identification cards and operator's license without providing certain federally required documents. Meaning, simply that you can get a driver's license here in the Virgin Islands without consideration of your immigration status, but providing certain requirements and documents by the BNV. Allow me to further explain the legislation before you. Section 1, Section 2, and Section 3 removes the requirement of being a legal resident to qualify for an identification card and establishes the Limited Purpose Virgin Islands Identification Card. Section 4 now establishes Section 372G, Limited Purpose Identification Card, and it provides some specifics. And in Section 5, let me reiterate, I must reiterate that this measure will still require applicants for driver's license to follow all the prescribed requirements, such as taking the standard written and driving tests along with proof of

identity and proof of residency. It is also important to note that this legislation is a revenue generating measure based on the fees to be paid for these new licenses to the BMV. Further, I am presently taking steps also to increase penalties for those that are driving without a valid license and insurance. In enacting

3:36:16 this bill before us today, the Virgin Islands will be joining 21 other jurisdictions to include 19 states with similar policies in place. California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Utah, Vermont, Virginia, Washington, and the District of Columbia and Puerto Rico. All of these jurisdictions have enacted laws to allow individuals and those with pending statuses to obtain driver's licenses. These states all issue a license and identification card if an applicant provides specific documentations provided by local law.

3:37:02 Allowing individuals to obtain a driver's license or an identification card without providing a social security card or proof of legal status applies not only to undocumented residents, but as I believe we will hear today from our testifier it also impacts those that are here legally in the territory that have come here with a working visa or their family members that are here with a companion visa or students at uvi that are here with a student visa as foreigners in all the states that implemented this policy there are notable reductions in automobile accidents and hit and run since drivers were better aware of traffic laws which can be attributed to the written and driving test that candidates must complete before receiving a license and drivers with licenses and insurance are obviously much confident since they are legally authorized to drive and have insurance coverage which in turn are less likely to flee the scene of an accident Not to mention that we have their information within our data system. Let's be clear. Almost everyone in our community knows someone who has immigrated to the U.S. Virgin Islands in search of the American dream. They are your neighbors, your yard maintenance workers, your babysitters, house cleaners, petitions, children teachers, masonry workers, and the list goes on and on. They are a labor force in the United States and here in the Virgin Islands. Let's be realistic, they are those of various immigration status from various nationalities living and working in our territory and many of these individuals are on our roads every single day going to work, grocery shopping, going to church, taking the children to school, doing doctor's visits, etc. As a territory we have no control over federal immigration policies and timelines, but we can take common-sense measures here in the Virgin Islands to address the reality of our situation. A few weeks ago we had before us Resolution 35006 honoring Senator George Goodwin who was a strong advocate and worked along with Delegate Ron DeLugo to secure passage of the Virgin Islands Non-Immigrant Alien Adjustment Act of 1981. In his testimony, as president of the Caribbean Development Coalition at the House of Committee of Judiciary Subcommittee on Immigration, Refugee, and International Law, he said something of profound significance that still applies today. And I quote, the passage of this bill will assist greatly in eradicating the social stigma. It will remove the shackles of bondage that presently afflicts us, and it will remove the line that divides the people of Virgin Islands. It will provide a humane solution that will bring an end to the plight and discriminatory acts of our people. This stands today. There are also direct and indirect economic benefits as applicants of these licenses will will be paying fees to the BMV, perhaps paying for driver education courses, purchasing vehicles, purchasing insurance, and paying for the registration of their vehicles. It is also important to note that several states have reported that with the passage of their statute, they have seen a decrease in criminal activities as well as an increase in certain crimes being resolved as persons who were in the shadows before were more willing and open to come forward and communicate with the local government authorities let's also be clear

3:40:50 as to what this legislation will not do this license will not be a real id or valid for traveling the individuals that qualify for these license will not be entitled to obtain taxi licenses these ids will definitely not be allowed to vote or otherwise obtain any rights reserved for United States citizens. We will simply be affording an opportunity to obtain an identification card and to apply for a regular driver's license. May I remind you that driving is no longer a luxury but a necessity. I ask all of you to consider the importance of this measure and overall the positive impact it will have. This is not a controversial but rather a common sense measure much needed in our territory. It really is a win-win for the immigrant community and the people of the territory. Allow me also to note several of my colleagues who have joined me in signing on as sponsors of this bill. Yours truly is the author of this bill, Senator Angel Volquez, Senator Kenneth Gittin, co-sponsor Senator Melvin Blyden, and also Senator Ray Fonseca. Thank you, Mr. Chair, Kenneth Gittins, and all other members of this Committee of Homeland Security, Justice, and Public Safety for the opportunity to present this bill before you, and I ask for your support. Thank you very much, Mr. Chair.

3:42:23 Thank you, Senator Carrion. um so do we have uh mr i just want to make sure that we have all mr alexander did you provide a testimony no uh mr james did you mr james here St. Croix, Mr. James did you submit a written, did you submit a written testimony?

3:43:07 No sir I haven't submitted a written testimony however I have it with me prepared. If you have it prepared can you give it to one of the clerks on St. Croix please so it that could be shared, thank you. In the meantime, we will proceed. One

second. We will begin with the acting attorney general first, Then we will proceed to the Bureau of Motor Vehicle and then to the IPD before we go. And then the Division of Banking and Insurance and then we will go to the other testifiers.

3:44:01 So we will start with the government agencies first. Acting AG, the floor is yours. Good afternoon Chairman Gittins, members of the Committee on Homeland Security, Justice and Public Safety. Media, raise those mics, please. Thank you. Legislative staff and to those of you listening and viewing today, my name is Carol Thomas Jacobs and I am the Virgin Islands Acting Attorney General. I am pleased to be invited to say a few remarks regarding proposed bill number 35-0013. The purpose behind this measure is to amend Title 20 Virgin Islands Code to allow applicants for a driver's license or identification card to obtain either or both for limited purposes irrespective of their legal status in the territory. In 2005, the United States Congress enacted the Real ID Act, which created standards for federally approved state-issued driver's licenses and identification cards, including requiring an applicant for a Real ID, driver's license or identification card provide evidence of lawful status in the United States. In addition to establishing minimum security standards for state issued driver's licenses and identification card, the Real ID law prohibits federal agencies from accepting for official purposes such as accessing federal facilities, boarding federally regulated commercial aircraft or entering nuclear power plants, licenses, and identification cards from states that do not meet the standards set forth in the REAL ID Act. The REAL ID Act applies to all states and territories. It defines states to mean a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Marian Islands, the Trust Territory of the Pacific Islands and any other territory or possession of the United States. The Real ID Act, however, specifically allows states to issue limited purpose drivers licenses and identification cards that do not comply with the requirements of the Real ID Act. In other words, jurisdictions across the United States have the authority to issue their own requirements for local identification cards and purely local driver's license that do not comply with the stringent legal presence requirement of the Real ID. To date, 19 states, Puerto Rico and the District of Columbia have modified their laws regarding the requirements for obtaining these documents for purely local purposes. So we're talking about 21 jurisdictions across the United States. Every ten years ago, in 2013, California, Colorado, Connecticut, the District of Columbia, Nevada, Vermont, and Puerto Rico were among the first jurisdictions to pass laws providing access to driver's license or identification cards regardless of immigration status.

3:47:19 In March of this year, Minnesota became the most recent state to enact similar legislation. While all such statutes vary to a certain degree, the common theme that runs throughout is that unauthorized immigrants or persons who cannot prove legal presence in the United States or persons who do not have a social security number are afforded the right to obtain either an identification card, driver's license or both. Today this legislation seeks to accomplish the same objective as that of the aforementioned jurisdictions by allowing unauthorized immigrants and persons who do not have a social security number the right to acquire a local identification card and local driver's license which cannot be used for purposes that would violate federal law.

3:48:17 As stated above, under the Real ID Act and regulations that govern the act, states and the Department of Homeland Security, states that the Department of Homeland Security determines are compliant with the Real ID Act may choose to also issue driver's licenses and identification cards that are not acceptable by federal agencies for official purposes. Section 202 of the Act states that in any case in which the state issues a driver's license or identification card that does not satisfy the requirements of this section, it must ensure that such license or identification card clearly states on its face that it may not be accepted by any federal agency for federal identification or any other official purpose and uses a unique design or color indicator to alert federal agency and other law enforcement personnel that it may not be accepted for such purpose. Based on our research, it appears that the language contained in today's legislation track the real ID requirements for the issuance of a non-real ID driver's license or identification card but may have fallen just short in adding a required language which I understand is being added or may be added. The requirement under subsection A is satisfied. That is that it cannot be used. It states on its face that it may not be accepted by federal agency for

3:50:05 of federal identification or any other official purpose. However, the department would like to see the language of section B included within today's legislation. So there can be no question that the Virgin Islands is comported with federal law. The limited purpose identification card and driver's license should have a unique design or color identification that clearly distinguishes the limited purpose identification card and driver's license from the Territory's federally compliant driver's license and identification cards. For example, the Department would recommend using similar language contained in a similar statute from Puerto Rico which states that the driver's license must have a unique design or color indicator that distinguishes it from other driver's licenses issued in accordance with the Real ID Act of 2005. With that, I want to thank the committee for the invitation to testify on Bill No. 35-0013. This concludes my formal remarks and I remain available for any questions the members may have.

- 3:51:21 Thank you, Madam Acton AG. Assistant Director Lafon, you're recognized for your testimony. Good afternoon, Assistant Director Leon Lafon, on behalf of Director McIntosh, and I quote Senator Kenneth Gittins, Chairman of the Committee on Homeland Security, Justice and Public Safety, other senators present, testifiers, the listening and viewing audience. Dr. Barbara McIntosh apologizes for being unable to attend this hearing today as she has previously planned commitments. She was given a chance to review the bill during the development phase and the final product before you today. She also reviewed the legislations of five out of 19 states that offer driver's licenses to immigrants regardless of their legal status in the United States, namely New York, Rhode Island, Delaware, Hawaii and Oregon. The essence of those legislation is no different than that proposed in the amendment to Title 20 Virgin Islands Code Part 2 relating to issuance of operators, licenses to applicants unable to prove legal status in the United States and to applicants without Social Security numbers. The approval of this amendment will affect all residents regardless of of their resident status. This will allow anyone applying for a non-REAL ID to produce other documents that the Bureau of Motor Vehicles currently cannot accept as qualifying documents. Specifically, the provisions of this amendment will allow undocumented residents the opportunity to obtain a driver's license so that they can drive illegally, work to feed their families, present as identification to cash a check, be seen by a physician, take their children to school, obtain vehicle insurance that protects the motoring public, obtain a bank account, go to the grocery store, even leisure activities. This amendment would also protect children of mixed-status families who are dependent
- 3:53:38 on undocumented parents. The Bureau of Motor Vehicles can implement the provisions of this legislation, and in in anticipation of its passage, has begun a dialogue with the appropriate stakeholders to ensure that the process is effortless. Please feel free to contact Director McIntosh should there be any questions or concerns, and she urges this committee to approve this bill and will request the support of Governor Bryan. Thank you. Thank you, Assistant Director LaFont.
- 3:54:14 Special Assistant, Sergeant Ludrick Thomas, you're recognized. Good afternoon, the Honorable Kenneth Gittins, Chairman of the Committee on Homeland Security, Justice and Public Safety, Committee members, members of the 35th Legislature, legislative staff, fellow testifiers, and to the listening and viewing audience. I am Sergeant Ludrick Thomas, Special Assistant to the Honorable Ray A. Martinez, Police Commissioner, Virgin Islands Police Department. Thank you for providing the VIP the opportunity to offer testimony on Bill No. 35-0013, an act amending Title 20, Virgin Islands Code, Part 2, Chapter 5, relating to the issuance of operator's licenses and identification cards to allow applicants to obtain limited local purpose identification cards and operator's licenses without providing certain federally required documentation.
- 3:55:10 The ability to law enforcement to confirm the identity of adult persons in certain instances is integral to constitutional policing Here in the territory, adults are not required to walk with identification VIPD supports the issuance of identification cards to undocumented persons for identification purposes Some 18 states and the District of Columbia provide driver's licenses to undocumented persons who cannot produce documents to obtain driver's licenses under state laws. Those states hope to encourage unlicensed, undocumented drivers to take and pass the driver's license test and obtain vehicle insurance. insurance. It is anticipated that those individuals who successfully pass the driver's test would be safer drivers. To obtain the driver's license, VIPD recommends the applicant show proof of residing in the territory for at least one year, provide a valid passport from another country or consular identification, and successfully pass the driver's license examination the license should clearly be marked I indicating it is a temporary license valid for three years mr. chairman thank you for the opportunity to offer testimony on behalf of Police Commissioner Martinez on bill number 35 that's zero zero one three an act amending title 20 Virgin Islands code part 2 chapter 35 and I stand available to answer questions thank you special So, Assistant Thomas, and just for the record, I think when you started out, you stated Chapter 5, but at the conclusion, you did say Part 2, Chapter 35.
- 3:57:04 I stand corrected, Chapter 35. Yes, thank you. St. Croix, the Office of the Lieutenant Governor, Banking and Insurance. Good day, Committee Chairman, Honourable Kenneth L. Gittins, and Honourable Members of the 35th Legislature of the Virgin Islands, Committee on Homeland Security, Justice and Public Safety, other senators present today as well as a viewing and listening audience. I am Attorney Glendina P. Matthew, Interim Director of the Division of Banking, Insurance and financial regulation during after division within the officer lieutenant governor the Honorable Tregenza A. Roach in his capacity as lieutenant governor serves as commissioner of insurance. I most respectfully appear before you today in response to your invitation to provide testimony on bill number 35-0013 the driver safety act an act amending title 20 virgin islands code part 2 chapter 35 relating to the issuance of operator's licenses and identification cards who allow applicants to obtain limited local purpose identification cards and operator's licenses without proving certain federally required documentation accompanying me today is attorney Suzette Richards division legal counsel we most respectfully inform you that the division fully supports bill number 35-0013 the driver's safety act which makes limited purpose operators licenses and limited purpose identification cards available to persons living in a territory for at least 90 days without requiring proof of lawful presence based on statistical data from states

- 3:59:05 where similar legislations has been passed this bill can potentially improve public safety on roads and highways and ensure more drivers are covered by motor vehicle liability insurance if this bill is enacted the virgin island will join 21 states and territories which include the District of Columbia and Puerto Rico that have adopted similar measures. Most recently Minnesota passed similar legislation on March 7, 2023. I will now provide an overview of the bill and why the division believes it should be enacted. The Driver Safety Act amends Title 20 virgin islands code part 2 chapter 35 section 372a 372c 372d and 375 and also adds two new sections namely section 372g and 375a summarily the bill amends chapter 35 in the following instances Creates a limited purpose Virgin Islands identification card, therein after limited purpose identification card, and limited purpose operators license that is not required to meet federal standards. Delete the law for present requirement to obtain a limited purpose identification card or operator's license. Requires proof of identity and proof of residency in the Virgin Islands for at least 90 days. Prohibits the disclosure of personal information or information in Bureau of Motor Vehicle Records as to the type of operators license on file to any federal state or local law enforcement agency without consent of the applicant, sign
- 4:01:06 warrant court order or subpoena. Restricts the usage of limited purpose identification card and limited purpose operators license to prove identity in an arrest detention and immigration enforcement action. Restricts the usage of limited purpose identification card and limited purpose operators license as a voter's identification and for federal identification purposes and provides issuance of licenses subject to a knowledge test. As a regulatory body supervising the business of insurance and in particular the administration and enforcement of Title 20 Chapter 47 VI Code regarding compulsory automobile liability insurance, the Division believes unlicensed and uninsured drivers place a financial burden on innocent third-party drivers and the government of the Virgin Islands when they are involved in an accident. The reason the community has been impacted is because the Virgin Island Compulsory Automobile Law does not extend motor vehicle liability insurance to unlicensed drivers.
- 4:02:21 Unlicensed drivers are comprised of persons who lost their license because of conviction for driving under the influence, persons who failed to maintain adequate motor vehicle insurance, immigrants who are unable to obtain driver's license, persons convicted of criminal offenses that resulted in suspension of driver's license indefinitely, persons who choose not to apply for a driver's license the compulsory automobile liability insurance law provides that all persons all owners i'm sorry of motor vehicles registered in this territory who operate or cause to be operated a motor vehicle upon any public road or highway in this territory must maintain motor vehicle liability insurance, except for motor vehicles owned by the government of the Virgin Islands and its instrumentalities or the United States government. Further, in accordance with section 703 of this chapter, an owner's policy of liability insurance is extended to persons using an insured vehicle or vehicles with an express or implied permission of such named insured. However extension of liability insurance does not extend to drivers and public roadways or highways without a valid driver's license or a driver's permit. Thus absent the passage of this bill undocumented persons will remain in an uninsurable class of drivers in the
- 4:04:10 Virgin Islands. Without motor vehicle liability insurance, undocumented drivers if involved in an accident and determined to be at fault would be required to absorb out-of-pocket the cost of any damages incurred by innocent third parties in addition to paying for any traffic citation realistically these individuals may lack the required resources to pay the cost of damages incurred by an innocent third party as a result of an accident while a simple fender bender may not be an issue an undocumented uninsured driver may not be able to pay the costs associated with accidents involving a total loss of a vehicle and or bodily injury. Thus an innocent third-party driver may need to utilize their own funds or their own insurance policy to make necessary repairs or replace a vehicle. Likewise uncompensated emergency care will also be an issue if either or both drivers or any passengers require medical care and none of them have private health insurance. Notwithstanding for many Virgin Islanders, the overarching question will be what is the potential benefit to the territory. Based on research from other states that have enacted similar legislation, this bill will positively impact public safety and at the same time generate additional revenues. Virgin Islanders should see a decrease in the number of unlicensed and uninsured undocumented drivers
- 4:06:08 on the territory roadways thereby improving road safety and two in an increase in the revenues for the government of the virgin islands because of undocumented persons applying for limited purpose operators licenses we must acknowledge that section 371 of title 20 virgin island code provides except as provided in chapter 35 no person shall operate a motor vehicle upon the public highways without an operator's license issued by the director of motor vehicle however the reality is there is a number of persons driving on the territory roadways without a driver's license and motor vehicle insurance this bill allows undocumented persons the opportunity to legally drive in the virgin islands roadways with the required automobile liability insurance in addition to the above this bill will also extend the following benefits except as except as specifically provided in this bill undocumented person could utilize the identification as proof of identity in the territory and use it for cashing checks only undocumented persons will be tested on driver's rules of the road and become better drivers Chairman, Honourable Kenneth L. Gittins, and member of this committee, and other senators present, this

concludes my testimony on Bill Number 35-0013. We thank you and members of the Committee on Homeland Security, Justice and Public Safety

- 4:08:05 for the opportunity to appear before you. We are prepared to respond to your questions on this bill. you thank you attorney matthew uh we will proceed to uh let me see my listing we'll start with mr alexander Good afternoon to Senator Kenneth Giddens, Majority Leader, and the sponsors of Bill Number 350013, Senator Samuel Carrion, Senator, and co-sponsors Senator Rae Fonseca and Angel I blocks i am very proud to be here this afternoon to testify in favor of the act amending title 20 virgin islands code part 2 chapter 35 relating to the issuance of operations operators licenses and identification cards to allow applicants to obtain limited local purpose identification cards and operators licenses without providing certain federally required documentation now i was born on the island of dominica and i migrated to saint thomas 1982 so i've been living here a long time i work for the government of the u.s virgin islands at the department of labor for 36 years i retired about three years ago i'm also the president of the dominica association by name of So I frequent a lot of people,
- 4:09:55 both legal residents and undocumented residents, because I have a business on St. Thomas, where I ship stuff, Dung Island, to residents who are families living in Dominica and St. Lucia. So this bill now is giving these people the right to live freely, without fright, without fear, in the US Virgin Islands. Because I know two of my very close friends who are from Dominique have been living here for a long time. And they had traffic accidents where the driver fled the scene of the accident. And one of them had to be sent to the United States in a coma.
- 4:10:43 He's still undergoing treatment. They were severely injured, and the driver fled, and he was an undocumented resident. There's also another lady from Dominica. She's in her 60s. The one I spoke of before is a 70-year-old man. And this lady also was going to work one morning, and she was struck by a vehicle, and the driver also fled the scene. So they had to undergo all their medical expenses on their own without anybody to help them. One of them had a GoFund raiser to see if the family could raise funds to help with medical bills that it went through in the United States. So we know with undocumented drivers illegally on the road, this is a big hazard to the Virgin Islands. And this is something that, if it continues to happen without this legislation, we don't know how many more people can be maimed, injured, killed by people without driver's licenses and without insurance. And as I heard Senator Carrion, when he was explaining the bill, he mentioned about this is a revenue generator for the US Virgin Islands, but these people will be paying to the Motor Bureau office license fees. They will be buying insurance. And the money they will be paying will be helping to improve the economy of the US Virgin Islands.
- 4:12:12 So if we keep them in hiding, where they cannot come to contribute to society, we might be encouraging more people to drive without license and without insurance. So I'm so happy that I was asked to come and testify on this bill in favor that the Virgin Islands 30th legislature should vote on it and make it part of the law so that undocumented documented people can leave the shadows and come into the forefront, into the light to get documented, not read illegally, as the bill is stating that they can get federal requirements and federal assistance or travel to the U.S. with the Virgin Islands, but this limited purpose identification card, something very good for the people who are residing in the U.S. Virgin Islands illegally. And you know, the United States is a melting pot, the U.S. Virgin Islands is also a melting We have people from all over the world coming, trying to better their lives. Some of them did not have the opportunity, like me, to have somebody to file for me for a green card where I could come and reside legally, and then become naturalized, and then participate, and get involved in the all-run social and economical activities in the US Virgin Islands. So these people, we know for sure, maybe they do not have the means to get legal in the US Virgin Islands. But they're there, they have family, they have friends, they have relatives, some of them have property, some of them own cars and they cannot license or register them. Some of them have bank accounts. I remember an illegal alien in the 60s, I was not there, but I heard this story where he was picked up to be sent home and he had \$70,000 in the bank.
- 4:13:58 And because of that, he was granted legal residence. So we know these people, even though they are illegal, working and they are contributing and they're helping to build the united states virgin islands economy so again i must fun i want to find senator carrion for inviting me to be here to be a testifier and again i'm saying well before the testifiers so far i've heard them in favor of this bill so i know for sure the sponsors will get what they are looking for thank you very much thank you wasim dominique we we uh mr eddie flurry flurry flurry yes you recognize her good afternoon uh chairman of the committee on Homeland Security, Justice and Public Safety, Senator Kenneth L. Gittins and all of the members of the Senate. My name is Eddie Flory, the pastor of the Church of God of Prophecy, located here on the island of St. Thomas. I come before you today and the listening and viewing public to share my support for bill 35-0013 and amending title 20 of the virgin islands code part 2 chapter 35 relating to the insurance of bureau of motor vehicles operators licenses and identification cards to allow applicants to obtain limited local purpose identification cards and operators licensing without providing certain federally required documentation i've been a pastor for many years and also as a multi-linguist person

four languages speak and i'm actually learning a fifth one working also for the board of education as a multi as a trust leader and have prayed with and pastored a number of person in this community I can share with you today that this legislation will in fact transform lives it will give people hope there is no secret that we have several

4:16:34 person in this territory that are undocumented and are possibly driving a vehicle to work taking children to school or shopping for groceries many of them believe on believe it or not are hard-working and respectable people who at times are waiting for their paperwork to be processed or of a state for one reason or another based on this legislation you will be giving them an opportunity to comply with the law and obtain a driver's license once they can provide proof of residency and proof of identity and meet the other necessary requirements regarding the identification cards they can use it to conduct business as we all know having an ID card is essential in today's society for reasons such as picking up money from money transfer institutions such as Western Union or MoneyGram, cashing a cheque, open a bank account, or providing proper identification when being admitted to the emergency room. Senators, many other states have been moving in this direction to help these particular members of the community in living productive lives we will be doing the same thing here in the virgin island on behalf of myself and the countless people i assist in our community i implore you to support this proposal and permit them to obtain an id card and driver license if they meet the the Bureau of Motor Vehicles requirements. Thank you for listening to my testimony and I am prepared to answer any question you might have. Thank you, Mr. Fleury. Ms. Adriana Veles, you're recognized for your testimony?

4:18:47 Yes, good afternoon, Chairman, Senator Kenneth L. Gittins, other members of the community, and Homeland Security, Justice and Public Safety, and Senator of the 35th Legislature. My name is Adriana Veliz, a resident of the Virgin Islands and a United States citizen since 2018, but I am originally from Venezuela. Let me begin by thanking you for the opportunity to testify in favor of bill number 35-0013, 1-3 and act amending title 20 virgin islands code part 2 chapter 35 relating to the issuance of operators license and identification cards to allow apply applicants to obtain limited local purpose identification cards and operators licenses without providing a particular federally required document. As a Venezuelan who came to the United States in 1998 legally with a visa, but with no driver license for several years, I know firsthand how hard it is to run personal errands, drop off kids to school, make it on time to work, doctor's visits, etc. It was really difficult. I was fortunate enough to have someone driving me around, but after some time, well, they began to rush me while I ran my errands and showed me signs of frustration and anger. I was tired of feeling like a burden to others. All of that changed from the moment I received my license. As an immigrant who knows the difficulties of starting a new life in a new country and embracing a new culture while at the same time learning a new language and all the laws that must be respected and followed I understand the importance of this bill I appear before you

4:20:39 today to support the driver's safety bill because in my opinion this bill will make our roads safer for drivers and pedestrians there is need for immigrants in the process of legal status who have jobs and family members who need to be on time for school get to work go grocery shopping etc. So I am sure that some of them are driving without insurance, without a license and taking the risk because they need to support themselves and their families. I am here in support of my fellow Venezuelans also who need this bill to pass for them to improve their lives and feel safe for driving in the Virgin Islands because in case of anything happens the vehicle has been legally registered and insured and they can provide all the information requested by the officers in case of an accident. I appreciate Senator Samuel Carrion addressing this issue by introducing this bill number 35-0013. In addition I urge senators who have not yet signed on to support this process legislation to do so. A vote for this law will result in safer roads for everyone thank you thank you uh miss velez mr iva james you recognize for your testimony thank you good day senate chair yes my name is iva james i represent the st vincent and a grenadine ucs for the islands relief organization i was born on the island of st vincent in grenadine but i have resided in the virgin islands over 38 years this is my home i am here today in support

4:22:39 of this bill the first thing i realized about this bill is that it's not an immigration bill It's a responsible bill. It is a bill that will help protect the citizens of the Virgin Islands. When driving on the road we try to drive safely and take precautions but accidents do happen and when that happens the first thing we worry about is the safety of ourselves and others. Next we then worry about if the opposing driver has insurance. having an accident with a person without insurance is a nightmare experience things is already hard enough as it is having to pay to repair a vehicle is costly our people should not have to end up being burdened by this having all our drivers being able to get insurance will give our residents peace of mind also this bill this bill that will encourage many of our legal persons to be responsible and in many cases many of these individuals want the chance to be a responsible member in our community many people come here for the American dream they're here working and trying to make it better for themselves and for their families but whilst they are here in our community we know they will be driving on the roads and living their daily lives trying to make it better for themselves and their family. I think it is a responsible act to make sure our Virgin Islands residents are protected. Starting here with this bill this should help encourage our illegal residents to do things the right way we are the united states virgin islands we offer to our people the american dream we encourage others to come here legally and fulfill the

american dream but as america we are obligated to offer our citizens the opportunity for peace of mind to ensure our citizens that when

- 4:24:52 our citizens that when they do the right thing they'll be protected by our government thank you thank you we offer to our people the american dream so at some point we'll discuss uh the 14th amendment as well uh next up we'll have mr luther renee you recognize your testimony Good afternoon, Senator Kenneth Gittins, Chairperson of the Committee on Homeland Security, Justice and Public Safety, Honourable Members of the Committee of Homeland Security, Justice and Public Safety, Senator Ray Fonseca, Senator Aniel Bulkis, Senator Duane M. DeGraff, Senator Alma Francis Heiliger, Senator Franklin D. Johnson, Senator Jovan E. James, other members of the 35th legislature and other members in the senate chambers and those viewing and listening via television or internet or on the radio. My name is Luther Rene and today I represent the St. Lucia Association of St. Croix and I'm pleased to come before you today to lend our support to bill number 3500-0013 sponsored by Honorable Senator Samuel Carrion and Angel Bolquise and co-sponsored by Senator Movin Blyden.
- 4:26:39 As we understand the bill, it is to allow the Bureau of Motor Vehicles to provide a limited purpose identification card and operator's license to applicants who cannot provide certain federally required documentation. To us, the bill has merit on many fronts. We see the bill as the DACA of the Virgin Islands. DACA, of course, refers to deferred action for childhood arrivals.
- 4:27:13 DACA is a policy, a federal policy, that allows some individuals with unlawful presence in the United States after being brought to the country as children to get some relief. The program, however, does not grant anyone official legal status or a pathway to citizenship, but it does allow them to apply for a driver's license. Bill No. 35-0013, we see in a similar light.
- 4:27:51 The driver's license so obtained on the Bill No. 35-0013 is a limited purpose document. The applicant must be able to have proof that he has the ability to drive. The same driver's test and vision tests that all individuals must pass will be required. Licenses may not contradict any federal law and cannot be used to travel or to vote.
- 4:28:27 the individuals that the bill address are residents who have been living in the virgin islands for a very long time some of them for decades some work and drive in the territory but they do so under the cover of darkness from a public safety standpoint i see that the bill has merit. In the event of an accident, these residents tend to flee the scene. With a local ID and a driver's license, there will be no longer the need for those people to run away seeking safety because they do not have an identification card. The victims of such a mishap may now have some recourse because the persons who have caused the accident can now be identified and held accountable. Drivers licenses for undocumented persons will assist in improving public safety by removing untrained and unsafe drivers from our roadways. My research has revealed that there are people living in the Virgin Islands for decades who have worked here but they are unable to travel even within the Virgin Islands because they do not have identification guards. These people are caught in a trap, unable to enjoy the freedoms that others of us are able to enjoy. From a clearly humanitarian perspective, I see the merits of the bill. Should any one of the undocumented people become gravely ill and have to be airlifted for needed medical emergencies the chances of being sent to the mainland are severely reduced because they do not have any identification card to make the trip
- 4:30:27 they will possibly perish while some employers are willing to vouch for these people they fear to single them out because they are afraid of breaking or being accused of breaking the law. There are many reports of adults whose lives have been imperiled because they cannot receive urgently needed medical care because of the absence of an identification card. Therefore we feel that we must continue to allow these people to allow these people who are our friends and neighbors who suffer in silence and have suffered for a very long time.
- 4:31:07 Therefore, the St. Lucia Association of St. Croix, we must recognize that the sufferers are these people who work in our homes and on our homes while they remain trapped in this no man's land. Bill number 35-0013 will bring much needed relief to those people this is the end of my testimony thank you mr. Renee next up we'll have mr. Jerome Panetta good afternoon good afternoon honorable Senator Kenneth Algadens, Chairman of the Committee on Homeland Security, Justice and Public Safety. Vice-Chair Honorable Ray Fonseca and all other honorable members of the Committee on Homeland Security, Justice and Public Safety. Good afternoon to all other distinguished Senators of the 35th Legislature, legislative staff, and the listening and viewing audience. My name is Jerome Pineda and I am a member of the Philippine community here in St. Croix. Today I would like to provide testimony in support of Bill number 35-0013, an act amending Title 20, Virgin Islands Code, Part 2, Chapter 35 relating to the insurance of operators licenses and identification cards to allow applicants to obtain limited local purpose identification cards and either an operator's licenses without providing the certain federally required document I

- 4:33:05 would like to share my personal story and some of my fellow Filipinos as to why this bill will benefit me and other traveling into the territory on a J1 visa and H1 visa and their dependents or their spouse and children. First I would like to thank the Department of Education and be there to teach for giving us the opportunity to teach and learn the culture of the people here in US Virgin Islands. It is a great honor to serve and be part of this wonderful community. I came to the island of St. Croix as a J1 visa holder in a teacher exchange program. This program allows us to teach full-time for up to three years and an extension of two years can also be given depending on our sponsor, giving us a total of five years to teach. We are also allowed to bring our dependents or the J-2 visa holders. Any J-2 visa with employment authorization document can also work during the period of our J-1 program and they are also given a social security number. During the time when I had a J-1 visa I was able to get a driver's license with the validity of three years. The USVI Bureau of Motor vehicles followed the validity of my J1 visa. Other Filipino teachers and their dependents waited for their documents like social security number and other valid IDs to get a driver's license. While waiting for their documents to apply for a driver's license, they tried their
- 4:34:53 best to survive and get to places like the market, schools, training facilities, and to see our beaches to learn the culture and to be part of the community as well. Rain or shine, some families walk to their assigned schools or walk to their respective schools after dropping off by a taxi because the school is out of their route. For example, John H. Woodson and Alfredo Andrews School. Some of my colleagues and their families endure squeezing into the car. Five passenger cars become six to seven passengers car after three years i must renew my visa with the help of the part the department of education i was able to obtain my h1b visa or a working visa i waited for my documents and luckily they came on time and i was able to renew my driver's license on time during those times some of my colleagues were still waiting for their visa extensions and couldn't renew their driver's licenses, leaving them to drive with expired driver's licenses. H-4 visa or the H-1B dependents are not permitted to work in the United States and cannot obtain social security numbers. Hence, the USVI Bureau of Motor Vehicle can't process their driver's license since they don't have the social security number families with age 4 visas are having a hard time getting a driver's license to at least help their family with simple things like dropping their children to school going to the market or even going to the laundry shops your honor these are the difficulties we are having now in our community hopefully with the proposed bill we will be able to help most
- 4:36:54 people needing a driver's license. I would like to thank Senator Samuel Carrion for sponsoring this measure and Senator Gitans for allowing me the opportunity to testify on bill number 35-0013. I would like to urge the other committee members to vote in the affirmative of this bill that allows individuals to obtain a driver's license and virgin islands identification card without any federal documents this is for our safety and the safety of all drivers on the road thank you Thank you Mr. Pineda now we'll hear from Mr. Dionisio Lorenzo you're recognized for your testimony good afternoon good afternoon senator kenny gidden chair of the 35th legislature committee of homeland security justice and public safety committee members all members of the distinguished body i am dionis lorenzo the owner of the own construction who has been conducting business in the Virgin Islands since 1997. I have also been a radio talk show host for over 17 years.
- 4:38:26 I'm the current president of the Dominican Action Committee, a non-profit organization on the island of St. Croix. Today I am representing the people of the Dominican Republic here on the on the U.S. Virgin Islands, President Island of St. Croix. Today is a great day for me, but more importantly for the Virgin Islands and for the people who will benefit from this passing of bill number 35-0013. Of course, we'll be with the help of each of you. I am here today to support Senator Carrion, Driver License Safety Bill. This proposed legislation, please, will allow all residents of the Virgin Islands to attend driver license once they can provide proof of identity or proof of residency while simultaneously promoting roadway safety and boosting our economy. I have been invested in this measure for many years. I was granted the opportunity to advocate for a similar piece of legislation that was passed in Puerto Rico. Officials from the Dominican Republic, Puerto Rico, and Puerto Rico. And I joined efforts to advocate for the bill at a time when Puerto Rico was in die economic situation.
- 4:39:55 Being at the forefront of such an important measure, I seen the positive impact it made on this island of Puerto Rico and the lives of these people. I am confident that bill number 35-013 will force a positive change within the Virgin Islands. The driver's safety bill passage is crucial because it will allow undocumented residents from different countries a smoother chance or integrate into society by having a local government ID, which will benefit them and the local authority.
- 4:40:45 Bill 350013 will expand the driver's database, ultimately providing the Bureau of Motor Vehicles with a more accountant list of drivers, making identified vehicle owners easier, while at the same time providing residents without federal document a legal way to get around the island. Chairman Gidden, Committee of Homeland Security, Justice and Public Safety members, I would like to thank you for the invitation to testify on this measure. I must also express my

appreciation to carry on for addressing the issue of public safety and security in our roadways i ask this honorable committee to support bill number 35-10013 as it is prioritized safety in our territory i am prepared to respond to any question you might have regarding my support for this bill thank you thank you uh for your testimony i was going to say dion yeah thank you mr lorenzo so thank you all for your testimony uh today we're going to have a a good discussion on on this This is a hot topic across America as we've seen from some of the testimony in New York where many of us travel, they refer to this measure as the green light law where they

4:42:44 grant driver's license, so undocumented persons in New York State. And in doing some research, I just want to let you know that the American Safety Council estimated that there are some 12 million people, more than 12 million people in the U.S. illegally, of who drive on our roads without authorization or without formal instruction of the rules of the roads and we know how dangerous that could be.

4:43:28 So extending or offering this privilege I'm seeing will allow, I'm happy to hear the police department's testimony as well and the attorney general's office i truly believe that this will allow our enforcement to know who is on our roadways to create a safer roadway for us traversing daily and to improve our national security and even help the economy as we've heard And before I open the floor to questions, I wanted to just ask legal counsel on page 1 of the bill, 35.0013, I'm not sure if I have another copy or something, but on line 11, I'm seeing designated a limited purpose Virgin Islands identification card and it's subject to 27VAC subsection of section 372G.

4:44:36 Should that be 27 or 20? Or is my document different? Line 11. Mr. Chair, good afternoon, everyone. Charlene Rogers speaking. Could you repeat the question, please? I see there a reference on line 11 Designated a limited purpose Virgin Islands identification card And is subject to 27VIC section 372G Should that be 27 or title 20? Oh, Mr. Chair, that's supposed to be title 20, not title 27 Okay, so just a note for the technical amendment to be corrected.

4:45:29 Yes, thank you. Title 20 refers to our traffic laws. Don't pop your mic just yet. There's also reference to 8 USC, and I'm not seeing where I have my mark. okay on page five line 23 information for any purposes related to title eight of the united states code without the information consent of the applicant can you tell us which section specifically in in eight usc this or do you have eight usc before you i'll give you some some time to research that if you don't have it well um i could get you 8 usc on my computer is that's not an issue okay um which section or chapter of title eight um is being specifically referred to yeah i don't know um so at the appropriate time i'll allow you to to respond to that but i can say title eight addresses alien and national nationality issues so um i guess you'll have to access bill sponsor whether it's his intent for it to just be generally any reference in in that title dealing with alien and nationality issues okay or if he has in mind a specific chapter or section of that title so I think maybe the sponsor may be better able to clarify that okay thank you before we go to that my apologies I think there are three correspondents that the chief sponsor had asked for us to be read into the record normally that is not my practice

4:47:35 when individuals are not here to be querying their statements. However, there's one of three in particular that I think will be crucial to what we're discussing and that is a student at UVI, I believe it is. And in all fairness, if I read one, I just may as well read the three. So that's the decision the chair made. Just letting you know. so uh madam clerk if you're ready you may proceed with the uh three testimonies which i heard was were brief not very brief mr chair not very brief okay the first one letter dated march 3rd 2023 from amaya sarat Good morning, Honorable Senator Gittins and Senate members of the Committee on Homeland Security, Justice and Public Safety, non-committee members, Senators of the 35th Legislature and the listening and viewing audience. My name is Amaya Nicole Saret and I'm a member of the Philippines community in St. Croix.

4:48:51 I would like to provide testimony to express my support of Bill 35-0013 and act amending Title 20, Virgin Islands Code, Part 2, Chapter 35 relating to the issuance of operator's licenses and identification cards to allow applicants to obtain limited local purpose identification cards and operator's licenses without providing the certain federally required document. I would like to share my personal story as to why this bill would benefit to myself and other persons traveling into the territory on a U.S. student visa. In August 2017, I moved to the territory and began my first year at the University of the Virgin Islands. I started taking the Vitron and taxis to get to class, but it was quite difficult because there were no established schedules for either and the stops for the buses and taxis were far from my house and school. I did some research and spoke with the designated school official about the procedure for getting a license. According to University of the Virgin Islands International Student Manual, page 13, all I needed to apply for a driver's license was my student ID and SEVIS 120 papers. I visited the Bureau of Motor Vehicles and UVI back and forth twice during that period, but I was never granted a driver's license due to a lack of necessary paperwork, including the social security card. I was able to get my social security from my job in mid 2020. The BMB first instructed me to provide my social security number and proof of residency.

- 4:50:33 I used my job pay stub as proof of residency, but due to my visa and their lack of knowledge of my case, they again refused to issue a driver's license. Later that year, I was able to save enough money to purchase a vehicle for transportation, but because I didn't have a driver's license at the time, I had to register it in my mother's name in order to transfer ownership. I continued seeking advice from university staff members so I would know what to present and what questions to ask the BMV staff when they asked me for the documents. I started the application process over again and asserted that I would need a driver's license in order to be able to actually drive the car I purchased.
- 4:51:19 They eventually approved and issued me my driver's license in April of 2021. I will thank Senator Samuel Carrion for sponsoring this measure and Senator Gittins for allowing me the opportunity to testify on Bill 35-0013. I would like to urge the other committee members to vote in the affirmative to this bill that allows individuals to obtain a driver's license and Virgin Islands identification card without federal documents. This is for our safety as well as the safety of all drivers on the road. Sincerely, Amaya Nicole Surrent. The second correspondence, a statement from the president of the Virgin Islands Insurance Association on Bill 35.0013.
- 4:52:09 Members of the Virgin Islands Insurance Association supports legislation that will reduce the number of unqualified and uninsured drivers on the road of the Virgin Islands. If by eliminating the requirement to show a social security card to obtain a driver's license, more residents of the Virgin Islands will seek to demonstrate their ability to drive prior to operating a motor vehicle. This will benefit all Virgin Islands motorists, pedestrians, and property owners. Between the years 1985 and 2000, there was no legal requirement for owners of motor vehicles to carry insurance.
- 4:52:50 The result was millions of dollars in uncompensated damages. The passage of law to again require motorists to carry insurance in 1999 returned a significant level of accountability to drivers. We believe this legislation will also lead to gains in driver accountability while allowing a legal avenue for licensing and ensuring that is currently not available to many residents of our community. In closing, I would like to share a story told by one of the members of the VIIA when he moved to the U.S. VIIA in 1985. While he was a U.S. citizen, he held a U.S. passport. He had never had a Social Security card. even though he had a social security number he had held driver's licenses in three US states prior to moving to the USVI but he had never been required to produce a social security card he was forced to wait until he could obtain a social security card before he could trade his stateside license for a Virgin Islands driver's license the VIIA believes this legislation will be a benefit to Virgin Islands residents. Sandra Hardy, President, VI Insurance Association. Statement of support submitted by Mahir Abdel-Jabbar, President of the VI International Islamic Society Committee on Homeland Security Justice and public safety letter dated march 15 2023 good morning chairman kenneth gittins members of the committee other senators present fellow testifiers and the listening and viewing public i want to start by thanking you for the opportunity to submit this statement of support for bill number
- 4:54:42 35-0013 before the senate i want to start by thanking you for the opportunity to submit this statement in support of bill number 35.0013 before the senate as a businessman over 15 years i am in total support of this bill not only will this legislation promote safety for the community but it will also enhance the economy in as many in as much as valid identification is required to conduct most transactions in places of business with the increase in population and the number of vehicles on the streets it is crucial that all motor vehicle operators have a valid driver's license and adequate insurance coverage for themselves and other motorists as well the bill will further be favorable for our entire community as it is provided a reliable identification for all members legally driving in the united states virgin islands signed Mahir Abdel-Jabbar, statement of support submitted by Pash Daswani, President of the India Association of the Virgin Islands. Good morning Chairman Kenneth Gittins, members of the committee, other members present, fellow testifiers and the listening and viewing public. I would like to thank you for your ability to submit this statement of support for Bill 35.0013 before the Senate.

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke - only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

16x **Senator Kenneth L. Gittens**

heard in this transcript as: Gittins, Kenneth Giddens, Kenneth Gittens, Kenneth Gittin, Kenneth Gittins, Kenneth L. Gittins

13x **Senator Samuel Carrion**

heard in this transcript as: Carrion

8x	Senator Franklin D. Johnson heard in this transcript as: Franklin Johnson, Johnson
8x	Senator Ray Fonseca heard in this transcript as: Fonseca, Rae Fonseca
5x	Senator Alma Francis-Heyliger heard in this transcript as: Alma Francis Heiliger, Francis Eiliger, Francis Heiliger
5x	Senator Marise C. James the surname alone also matches: Javan James; Giovanni James Sr heard in this transcript as: James, James Sr
4x	Senator Dwayne DeGraff heard in this transcript as: DeGraff, Duane M. DeGraff, Dwayne M. DeGraff
4x	Senator Marvin Blyden heard in this transcript as: Blyden, Melvin Blyden, Movin Blyden
4x	Commissioner Ray Martinez heard in this transcript as: Martinez
3x	Senator Angel L. Bocas Jr heard in this transcript as: Angel L. Bocas Jr., Bocas
3x	Senator Angel L. Bolques, Jr. heard in this transcript as: Angel L. Bolques Jr., Angel Volquez, Bulquez
3x	Senator Angel L. Bulkes Jr heard in this transcript as: Aniel Bulkis, Balkes
3x	Senator Diane T. Capeheart heard in this transcript as: Capehart
3x	Senator Javan James heard in this transcript as: Javon James, Jovan E. James
2x	Governor Albert Bryan Jr heard in this transcript as: Bryan
2x	Senator Carla Joseph the surname alone also matches: Clifford Joseph; Karla J. Joseph heard in this transcript as: Joseph
2x	Senator Fred Gregory the surname alone also matches: Donna A. Frett-Gregory; Donna Frett-Gregory
1x	Senator Angel L. Bolkis Jr
1x	Senator George E. Goodwin heard in this transcript as: George Goodwin

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Bill 35-0013	Act 8790 · December 19, 2023 · An Act amending title 20 Virgin Islands Code, part II, chapter 35, relating to the issuance of limited local-purpose identification cards and operators- licenses aea(Jace
Act 8268	Act 8268 · December 19, 2019 · An Act amending title 20, part II, chapter 43, section 493 of the Virgin Islands Code by increasing the punishment for driving while under the influence of intoxicating liquors or controlled substances
Act 8790	Act 8790 · December 19, 2023 · An Act amending title 20 Virgin Islands Code, part II, chapter 35, relating to the issuance of limited local-purpose identification cards and operators- licenses aea(Jace