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- 0:00:00 The Department of Justice invited testifiers, Denise George Esquire, Attorney General. At 12.30 p.m., Office of the Inspector General, invited testifiers, Stephen G. Van Beaverhoed, Inspector General. And at 2.30 p.m., the Virgin Islands Energy Office, invited testifiers, Kyle Fleming, Director. Mr. Chair, this concludes the reading of today's agenda.
- 0:00:31 Thank you, Madam Clerk. Good morning, colleagues. Good morning to the testifiers and good morning to the people of the Virgin Islands. Before us today, we have Department of Justice, Office of the Inspector General, and the Virgin Islands Energy Office. I will begin by allowing the Attorney General, Attorney Dennis Josh, to put a name and title on the record. Then we'll allow those individuals who are here in the well to do likewise. and then we'll move on to those individuals who will be participating virtually. So beginning with you, Attorney General.
- 0:01:03 Good morning. I am Denise George, Attorney General. Thank you. Next. Good morning. My name is Kai Christopher, Chief Financial Officer. Good morning. Kyle Thomas Jacobs, Chief Deputy Attorney General. Sir. Good morning. Michael Trotman, Director of Human Resources. Okay. Those that are participating virtually, Ms. Andrews. Good morning. Commissioner Andrews. Grants coordinator specialist. Delugo. Mr. Lugo.
- 0:01:37 Good morning. Senator Catherine Jensen Delugo. Paternity and Child Support Division. Acting Director. Mr. David. Good morning. Senator Oliver David. Director Division of Giving Enforcement. Smith. DIRECTOR DEWOLF- Good morning. Ariel Smith Chief of the Civil Division. DIRECTOR DEWOLF- Ms. Borka. DIRECTOR DEWOLF- Inais Borka Sachs Offender Registry Program Manager. DIRECTOR DEWOLF- Mr. McCray.
- 0:02:09 DIRECTOR DEWOLF- Yes. Good morning Senator Quincy McCray for Chief of the Criminal Division for the Districts of St. Thomas St. John Woodrow Island. DIRECTOR DEWOLF- Ms. Georges. On major device Ms. Georges. Good morning Senator Fiscal and Operation Director Paternity and Child Support. I can say your name again we didn't get your name.

- 0:02:42 Claudette Georges. Okay thank you so much those individuals who are participating virtually make sure that your device is muted if you're not answering a question and make sure when you're answering questions that your camera remains on we're going to begin now with a testimony from Attorney General George you may proceed good morning again good morning Chairman LA members of the Finance Committee of the members of the 34th legislature senators legislators, legislative staff, my Department of Justice team and those of you who are listening on today's broadcast. My name is Denise George and I am the Virgin Islands Attorney General, Head of the Virgin Islands Department of Justice.
- 0:03:31 I'm honored to appear before you today with the support of my team to present testimony aimed at justifying Governor Bryan's proposed budget for the Department's next fiscal year. Last year, when I appeared before this committee, the world and the territory was in the grips of the deadly COVID-19 pandemic. Our daily operations were forced to undergo significant changes to deal with the virus. Today, I'm pleased to say that much of the department has returned somewhat to somewhat normal procedures and essentially adjusting to our new normal. However, even throughout the pandemic, the work of the Department of Justice never stopped. Before I get to the heart of today's discussion regarding the Governor's proposed budget for the Department in the upcoming fiscal year, I would like to remind this Committee and the general public that the Department consists of numerous divisions operating in each of the districts that are responsible individually and collectively to fulfill, among other things, the Department's mission to prosecute all criminal violations of the Virgin Islands Code, to represent the government in all civil actions brought against it or on its behalf, provide efficient and effective financial child support and access services in the interest of the children of the Virgin Islands, represent the government in the appeals process either before the Virgin Islands Supreme Court or the Third Circuit Court of Appeals, As well as to provide legal advice to numerous government agencies, boards, instrumentalities and commissions. Each division provides services that impact the daily lives of the people in the community we serve. In other words, the Department continues to meet its statutory objectives and mandates as outlined under 3BIC section 114, regardless of disaster or pandemic. To carry out this mission, the department is staffed with 155 well-qualified essential employees, 96 employees in the St. Thomas St. John District and 59 in the St. Croix District. As I have said on numerous occasions in the past, with this and other committees of this body, it has always been my policy that all department's employees are essential in carrying out the mission that we are tasked with. With that said, I would now like to share with this committee Governor Bryan's proposed
- 0:06:07 budget breakdown of the \$35,624,539. This is an \$11.7 million increase over the fiscal 21 budget, \$9.5 million of which is personnel and fringe to finally take us out of the chronic shortfalls and staff shortages spanning many, many years. The General Fund, Personnel Services, \$16,437,953.
- 0:06:48 Exchange benefits, \$6,365,728. Supplies, \$746,836. Our services, \$3,742,879, utilities, \$257,000, total general fund, \$37,550,396. Compared with last year's proposed budget, the vast majority of the increases is devoted to personnel and fringe benefits that will go towards the recruitment and retention to address our critically low staffing levels.
- 0:07:44 Federal grants. Another \$8,074,143 of the department's budget is funded by federal grants, thus the grant total of the department's proposed budget including local and federal funds is \$35,624,539. above represents the governor's recommendation for funding the department over the next fiscal year. As I said before, and it's worth noting again, when I when I accepted the position of Attorney General, it was my aim to shore up staffing shortages and to revitalize divisions within the department that had been either completely dis- If somebody has their device not muted, okay let me proceed.
- 0:08:44 As I said before and it is worth noting again, when I accepted the position of Attorney General, it was my aim to shore up the staffing shortages and to revitalize divisions within the department that had been either completely dismantled or were operating with a skeleton crew. From day one on the job, I began the process of rebuilding the department so that it can perform at its greatest potential and effectively and fully carry out its mission and statutory mandates in the interest of the people and the community we serve. Though we have made progress, especially with respect to the White Collar Crime Division and Paternity and Child Support Division, more work is needed. I would now like to briefly describe some of the Division's needs, accomplishments, and justification for my request for additional funding. The Criminal Division, in the Criminal Division, the Department and its prosecutorial staff of the Criminal Division remain committed to see that justice is rendered by fairly yet vigorously prosecuting those who threaten life and property within the territory. This division impacts the community by focusing on the principles of truth and justice and meeting our mandate of prosecuting all criminal violations of local law. Within this division also exists the Family Special Victims Unit, which handles a large caseload of family court matters including juvenile delinquency, child protection and abuse and neglect matters and involuntary commitments. We currently have a total of 22 criminal prosecutors and 8 legal support staff throughout the territory. Together this team has, among other things, such as conducting interviews, drafting warrants and motions,

- 0:10:34 a pairing at arraignments and advice of rights hearings, opened 299 felony cases, 174 misdemeanor cases and closed an additional 188 cases so far this fiscal year. This division is responsible for prosecuting petty crimes as well as some of the worst and most heinous crimes imaginable, including rape, murder, child molestation, and illegal use and possession of firearms that is plaguing our community. The additional funds in this budget proposal will go far to fill needed prosecutor positions to combat these evils and to continue our advocacy and fight for the safety and well-being of the people of the Virgin Islands we represent. As a baseline, adequate attorney coverage requires at a bare minimum two prosecutors assigned per courtroom, excluding the criminal chiefs. This is in addition to prosecutors who specialize in prosecuting specific types of crimes so that the department can increase efficiency and promote our success rate in specialized areas of advocacy. The ratio of support staff to criminal attorneys should be a minimum of two support staff to one attorney. Today, we remain way below that threshold. To overcome this deficit, the Department requires more funded support staff positions to give attorneys the legal and administrative support to assist in more effectively carrying out our criminal prosecutions. Undoubtedly, the caseload will become more taxing on the current staff, and greater demands
- 0:12:29 will be made on our limited resources when the jury trials and other court proceedings resume in full. The Department needs to ensure it has the human and other resources to meet its statutory obligations to the community. However, it can only do so with the funding requested. The Civil Division represents the government, agencies, departments, boards, and commissions in all litigations filed in the Superior and District Courts. These cases are diverse and vary in levels of complexity. Because of the number of lawsuits and administrative claims filed yearly against the government, the attorneys devote much of their time to defense work. When requested, the attorneys also represent and provide support to Juan Luis Hospital and Roy Lester Schneider Hospital in their litigation and arbitration matters. Currently, the civil division consists of six assistant attorneys general including the civil chief representing both districts with those six being divided equally between districts. Additionally, there is one administrative support staff in each district.
- 0:13:48 During this fiscal year so far, there have been 40 new civil lawsuits filed against the government or one of the numerous government instrumentalities we represent. Further, the Civil Division has closed 23 cases and initiated two lawsuits on behalf of the government. Currently, there are 245 active cases in the Civil Division that is being handled by the five civil attorneys and the civil chief. The government has paid out in excess of one million dollars in claims this fiscal year. Again, the civil division deals with very complex matters, often with our opponents, consisting of a cadre of attorneys totaling more than all of the staff comprising the civil division. So additional staff is critical for us to mount the best offensive and defensive strategies in litigation and to complete the all too numerous activities this division carries out daily, such as the extensive legal research, drafting and responding to motions, composing legal briefs and replies, conducting depositions, preparing and issuing interrogatories and performing other discovery in each of these cases. Additional attorneys and support staff are needed to ensure that attorneys in the Civil Division are equipped to effectively litigate the many complex and important cases that impact the public and government policy and have millions of dollars at stake.
- 0:15:29 Since 2016, the Department has represented the government of the Virgin Islands through the Risk Management Office of the Department of Health in medical malpractice cases. These cases require close collaboration with the Department of Health, which is the agency statutorily responsible for the operation of the medical malpractice program. Currently, there are two attorneys and two support staff assigned to handle the medical malpractice cases, which has approximately 68 active cases. To date, the medical malpractice settlements have reached 1.3 million. The most consequential issue facing this unit is the impending challenge to the CAP on non-economic damages and the entire medical malpractice program. The Solicitor General Division provides legal representation to the government in all civil and criminal appeals before the VI Supreme Court and the U.S. Third Circuit Court of Appeals, all habeas corpus petitions, all PERB cases, and other various writs including writs of review. The Solicitor General Division also provides legal opinions or prepares legal opinions to the various governmental agencies, boards, and commissions as well as reviews for legal sufficiency all government contracts. These include leases, memorandums of understanding, professional services contracts, and construction contracts. Currently, to handle all these matters it is staffed with the Solicitor General and only four Assistant Attorneys General and two support staff. From the beginning of this fiscal year to the present, the attorneys Solicitors working in this division have been assigned to 31 new appeals that will go either before the Virgin Islands Supreme Court or the U.S. Third Circuit appeals, 279 contracts to review, 14 Attorney General opinion requests, 21 Public Employee Labor Relations Board cases, those are PERB cases. Not unlike other divisions in the department, the Solicitor General Division is working with a skeleton crew, and more staff is essential to handle the numbers of new and highly complex
- 0:18:00 legal issues that confront this office daily, as well as the influx of appeals that are likely as the COVID restrictions ease. Further, there's been a dramatic increase in the number of contracts assigned. For example, a snapshot of the number of contracts this year, 279 to date, has already more than doubled compared to this time last year when we reported 136 new

contracts. New contract assignments rather. And in July 2019 when we reported 90 contract assignments. Again, adequate staffing is critical to avoid attorney burnout and funding is the driving force to alleviate this issue. The Special Investigations Division is a specialized Department of Justice enforcement unit staffed with special agents and investigators who are equipped to conduct specialized investigations in limited areas pursuant to the legal mandates of the Attorney General. Their function and scope are limited to specifically defined areas, including investigation of all civil claims against the government, white-collar crime, fraud and corruption, background investigations for new hires, boards, commissions, and judges, witness protection prior to and during trials, conducting investigations needed in civil lawsuits and criminal trials, and fugitive apprehension and extraditions.

0:19:38 SID also assists all divisions when needed, including providing security, serving subpoenas, locating and interviewing witnesses, retrieving bodies along with the medical examiner's office, participating in SORNA, which is the sexual offender registry section. SORNA's annual sex offender addresses verifications and apprehending sex offenders who fail to register. Currently, the Special Investigations Division is staffed with nine employees. In 2019, when I came on board, it had only five employees. These included three special agents and two supervisors, one in each district, as well as just one support staff in the St. Thomas St. John District, and only four pending investigations at the time. Since then, we have been able to hire today's investigation team, which consists of an additional four special agents and investigators, which has collectively opened 72 new investigations of varying levels of complexity. They have served about 280 subpoenas, conducted 10 extraditions, provided witness protection in several cases. The work of this unit is key for the success of many of the other departments' divisions. For example, if a witness cannot be located or does not want to be found, then the Criminal Division's prosecutorial efforts may be hand-heard, so manpower is critical.

0:21:20 This level of staffing, although it has nearly doubled in the last two years, still represents a sharp decline compared to years ago when the special administration division had a minimum of 12 to 15 special agents and investigators. In light of the number of new cases in the division, the need for additional special agents is more evident than ever. Presently, we have substantially more cases than we have investigators to investigate. Office of the Sexual Offender Registry, or what we call SORNA, the Department of Justice is tasked with enforcing the Sex Offender Registry and Notification Act and the Virgin Islands Sex Offender Registration and Community Protection Act. Virgin Islands SORNA staff are responsible for registering and tracking sexual offenders in the territory. The Sexual Offender Registry Office consists of two individuals, the Territorial Sex Offender Registry Program Manager and the Sex Offender Registry Coordinator. As mandated by local and federal statutes, it is the responsibility of the SORNA staff to verify, at appropriate intervals, the residencies of all sex offenders that are registered within the territory. In some instances, the Department partners with the United States Marshal Service, the the Virgin Islands Department of Justice, Homeland Security, and the Virgin Islands Port Authority to fulfill its mandate. Despite the global COVID-19 pandemic, SORNA continues to register, track, and monitor offenders who reside, work, or attend school within the territory. SORNA has completed its annual in-person address verification, and the SORNA unit and SID continue to conduct random weekly verifications. SORNA staff also continue to investigate and apprehend those who have failed to register. Today there are 115 sex offenders registered in the Virgin Islands, 57 on St. Croix and 58 on St. Thomas. The Department also maintains a sex offender registry website for the general public to be able to access information on registered sex offenders in the Virgin Islands at [https://colon forward slash forward slash usbi.nsopw.gov forward slash](https://colon.forwardslash.usbi.nsopw.gov.forwardslash).

0:24:04 The Department is committed to ensuring the community remains safe from these sexual predators And therefore, random address verification still and must continue. In fact, SORNA, with the assistance of DOJ Special Agents and U.S. Marshals, VIPD, and VIPA officers, VI Port Authority officers, working as a team made four arrests of sex offenders, including 44-year-old Dylan Cayley, for failure to register as a sex offender. Kaylee was an Oklahoma native convicted in Kentucky for sexual abuse first degree and rape third degree. SORNA is 100% federally funded but works collaboratively with our special agents from various agencies and from various agencies.

0:24:57 The Office of the Medical Examiner. The role of the medical examiner is to, among other things, investigate the circumstances surrounding any death that occurs under unusual or suspicious circumstances, perform autopsies and external examinations, determine the cause and manner of death, assist attorneys preparing for trial, and be prepared in the event of mass casualty. The medical examiners are integral in all homicide prosecutions, which often begins with the death scene investigations.

0:25:31 Preservation and the handling of the forensic evidence is essential to secure success in murder trials. Presently, the MEO has two full-time forensic pathologists, those are the medical examiners, on staff. One assigned to each district. We also have three medical examiner assistants assigned to the St. Thomas St. John District, and two assigned to the St. Croix District, one autopsy medical transcriber, and one director of operations. The skeleton staff is needed, is in need of additional trained personnel to upgrade the level of efficiency.

- 0:26:14 The added employees would include medical legal investigators, physician technicians, and an office administrator, as is reflected in the proposed 2022 budget. I am very pleased to announce that the much-anticipated medical examiner facility on St. Thomas is now complete and fully operational. All of the necessary equipment has been secured in its place. Employees are now ready to begin working from that location. We continue to work on identifying an appropriate location for an ME's office in St. Croix District, which has been quite a challenge. As of July 6, 2021, the Medical Examiner's Office responded to 179 deaths, including 33 homicides. For this fiscal year, 43 autopsies were performed in the St. Croix District and 22 in the St.
- 0:27:14 Thomas District. The Medicaid Fraud Control Unit that was created to prevent, investigate, and prosecute instances of Medicaid fraud. In the first half of 2019, it had only one employee. Now it is currently staffed with a director, an investigator, an auditor and a legal assistant. This unit is 100% federally funded. It is worth noting that one of this unit's accomplishments was the investigation and arrest of a former employee of the VI Department of Human Services Medicaid program for defrauding the program.
- 0:27:53 It continues to investigate allegations of Medicaid fraud and referrals of financial exploitation of the elderly. Additionally, the Virgin Islands Mofuku, as we call it, has partnered with the U.S. Department of Justice and the Virgin Islands Attorney General's Office to create the Virgin Islands Health Care Fraud Task Force. The Division of Gaming Enforcement Division of Gaming Enforcement, or DGE, serves as the investigative and enforcement arm of the Casino Control Commission, ensuring compliance with the Virgin Islands Casino and Resort Act of 1995. Its general duties and powers are set forth in 32 VIC Section 428.
- 0:28:42 Some of its duties include conducting casino employee background investigations, investigating all applicants seeking a license to do business with a casino, investigating and prosecuting before the CCC anyone who violates the rules and regulations of the same, and performing verification and testing of all electronic gaming machines before such machines can be used in a casino. The DGE is presently staffed with a director and two employees. This division has a prodigious workload and backlog, as the footnote demonstrates. Thus, more staff is required to meet the needs of this unit, as reflected in the proposed FY22 budget. Be reminded that revenues to the government from the investigative and license fees are directly related to the DGE performing all of its tasks.
- 0:29:43 the White Collar Crime and Public Corruption Division. As I've stated in the past, the White Collar Crime and Public Corruption Division is one that is statutorily mandated. Title III, BIC, section 118 of the Virgin Islands Law specifically requires that the Virgin Islands Department of Justice, that it be established in the Virgin Islands Department of Justice, a White Collar Crime and Public Corruption Section to institute aggressive prosecution of white-collar crime and corruption. We are in the process of rebuilding the white-collar crime and public corruption division.
- 0:30:24 When I first appeared before you at my confirmation hearing in 2019, I discussed the severe staff shortage and non-existence of the white-collar crime division, as well as the need for the the division to be rebuilt to fulfill our mandate under the law, which is, as I said, to aggressively investigate and prosecute white-collar crime and corruption in our territory. In August 2019, Governor Bryan proposed a supplemental budget to fund the white-collar division in the amount of approximately \$1.7 million.
- 0:30:59 In the Fiscal 2021 Budget Bill, the 33rd Legislature airmarked \$448,800 to hire personnel for the White Collar Division. This served as an impetus to obtain the necessary staffing for the investigation and prosecution of these crimes. Since the 448, 448, 800 became available in November 2020, we have encumbered just about all of that funding with three new special agents having been hired and the identification and selection of an attorney for the Assistant Attorney General position. We have interviewed several attorneys for the position of the Director of White Collar, which we expect to be filled very, very shortly.
- 0:31:53 We are still in need of additional investigators for the division, especially financial fraud investigators and administrative and legal support staff in order to meet the rapidly increasing demands and volume of white-collar investigation that my office is faced with. After all, nearly all of the allotted funds have been encumbered \$438,801.93. Had it not been for that funding, though, we would not have been ready, we would not have been able to begin the rebuilding of this critical division.
- 0:32:35 We continue to actively recruit more investigators and attorneys for this division. In the meantime, the attorneys in the Criminal Division work hand-in-hand with the special agents we have in the investigation and prosecution of white-collar offenses. Paternity and Child Support Division. The Paternity and Child Support Division works relentlessly to provide our children with the support to help them thrive and become responsible and successful adults in our community. PCSD, as we refer to it, functions, include the establishments of paternity, enforcement of support obligations, implementation of centralized collections process, distributions of support payments, and the establishment and maintenance of case records.

PCSD staff also actively conduct access and visitation program services, mediation and fatherhood programs which are free of charge. PCSD's primary funding source is the federal government, which funds 66% of all PCSD staffing and 100% of all PCSD federally approved expenditures.

0:33:53 As I stated previously in 2019 when I took office, PCSD suffered from severe staff shortages that directly impacted the level and quality of services to the children and families of our territory. I am happy to report to date, PCSD has successfully addressed that concern for the most part thanks to funding that the 33rd legislature specifically allocated for the hire of new personnel. We are not completely there yet, but very close. ProTech was hired for the modernization of the C-STAR system and the deliverables under that contract are almost complete. User acceptance testing is 85% complete. The anticipated go-live date is October of this year, barring unforeseen circumstances or testing failures. System certification will then take place within 90 days of go-live. PCSD is staffed with three assistant attorneys general and 53 other support staff. Since October of 2020, PCSD has hired 22 employees, primarily caseworkers and special agents. At least three more attorneys are needed and at least one more investigator.

0:35:20 For this fiscal year, PCSD has opened 741 additional cases and distributed to date \$3,801,689. The new investigation team that just came on board early this year has already started identifying and locating persons who are entitled to undistributed child support funds. As a result of their efforts and with the assistance of newly acquired software, more than 70,000 of previously undistributed funds have been dispersed to children and families who are entitled to child support. Additionally, PCSD has two hearing officers who function as administrative judges and conduct hearings and issue support orders. Each has an assistant.

0:36:16 Currently, the Department has a total of 45 attorneys territory-wide with 26 in St. Thomas St. John District and 19 in the St. Croix District. This number does not include the Attorney General, Chief Deputy Attorney General and the Deputy Attorney General. Since October 1, 2020, the Department has hired 37 new employees, of which 22 are new additions to the PCSD Division. However, during that same period, we lost a total of 13 employees through separation and termination, five of whom were attorneys who left for higher pay or for personal reasons.

0:36:58 Approximately 99 new employees are needed to get to the sufficient staffing levels as reflected in the necessary funding increase in our proposed DOJ budget. Those positions include Assistant Attorney General, an Assistant Director of PCSD, a Deputy Solicitor General, Litigation Specialists and Administrative Specialists, Victim Advocates, IT personnel, special agents, investigative accountants, human resources generalists, accounting specialists, gaming technicians, gaming investigators, client facilitators, medical legal death investigators, physician technicians, and forensic technicians.

0:37:44 Further, one of the chronic challenges facing the department is attorney retention. It is imperative that the department take all necessary actions to maintain staffing levels and to improve employee morale. Meeting its obligations under the various collective bargaining agreements will go a long way towards achieving these objectives. Unfortunately, past delays in funding step increases for attorneys who are on board have to some extent prevented the department from achieving its retention goals and thus little to help morale or enable the Department to retain experienced attorneys. However, I am so pleased to say that we just recently received funding to place all Assistant Attorneys General on their proper step level for FY21. The Department anticipates that negotiations for a new collective bargaining agreement will commence shortly.

0:38:48 As I have stated in the past, what you see before you are only pieces of paper with various numbers representing matters from a complex civil or environmental lawsuit or a charge of rape and murder to something as simple as a traffic violation, subpoena served, or a request for document production. Yet, it is important to remember that there's a distinction between a paper world and a real world.

0:39:18 What may not seem significant or time-consuming on paper, such as drafting a brief or serving a subpoena to a witness not wanting to be found, can in reality pose a difficult, laborious, or more complex than expected. In other words, I am asking this body to contemplate for a moment the actual work members of the department complete each day, the time it takes to perform those duties and to ask yourselves. Ask yourselves, does the Virgin Islands Department of Justice have adequate staffing to perform their mission to serve the people of the Virgin Islands in the most effective and efficient manner?

0:40:06 I understand that my time is limited today, so I will not belabor the issue. However, I can say from experience, and having held a role, this role, and worked for the Department of Justice for several years, that our numbers are not sufficient. and the monies allocated in this proposed budget are completely justified if we are to remedy this nagging issue of staff shortages and budget cuts that have plagued the Department of Justice for so many years. As such, I would encourage this committee to vote favorably on the Governor's recommended budget for the Department of Justice's next fiscal cycle. This concludes my formal testimony, and I am now available for any questions that the members may have.

- 0:41:03 Thank you, Attorney General George. Colleagues, we're going to, before we proceed to a round of questioning, welcome Senator Francis, welcome Senator Donna Fred Gregory, and welcome Senator Carla Joseph. Before we begin with the questions, can you just please your overall number of employees? What's your overall number of employees? Employees, overall number, as I stated, is 155. And whoever is HR could just put it on the record. HR? Good morning, Senator. Total number of employees at the department is 100.
- 0:41:43 I'm sorry. And how many vacancies presently exist? The 13 is not included in the 155? Is the 13 vacancy included in that 155? No, sir. Okay. The 155 actual persons working and 13 vacancies, a total of 168 positions. And before we And before we continue, did you walk with the actuals? I just wanted to get some information so my colleagues can be able to do some comparison. Do you have actuals, sir?
- 0:42:24 Yes, Senator. Okay. Can you give us the actuals? Is of what date? As of June 30th, 2021. Okay. So go ahead. Actuals to personnel as of June 30th. Actuals to personnel services as of June 30, 2021, 5,497,474.87. Actuals for fringe benefits, 2,150,266.96. Supplies, 113,720.99. Other services and charges, 2,043,056.36. Utilities, 246,424.28 cents. and 28 cents total actuals 8,007,887.10.
- 0:43:50 Say the total again. 8,007,887.10. No, it can't be 8 million. Because you started with 5.4 for personnel, 2.1, that's already 7.5, and then you had 2.2 million for others, so you got to be 9 something. Let me get the correct answer. But we have the breakdown, so we should be able to add that. Okay, we'll add it up because we have the individual categories, which is a good starting point. Colleagues, let's go to a six-minute round.
- 0:44:37 Santa Blyton, you recognize. Thank you, Mr. Chair. Good morning to my colleagues, the listening and viewing audiences, staff, central staff. Good morning, Attorney General. Good morning. Sure, and thank you so much for your testimony. Let me continue on that trend in terms of employees, et cetera. are saying we have 168 employees now 13 vacancies and we're active for 99 new positions 99 new positions so that will bring a total to 267 employees for the department let me ask um and in the testimony um i heard a lot of um different um reasons as to why i spoke to employees my wallet etc but where does training come in i have not heard anything about training Where does training come in, especially when it comes to the morale and actually, you know, moving some of the employees and getting them into different spaces where they can assist in the overall operation of the Justice Department?
- 0:45:38 Actually, although I did not mention it in this testimony, training has been a priority for me from when I started the Department of Justice and implemented a very robust training program. and that is in every area. Every single person in Department of Justice, every employee, it is my goal that they get the training that we need and on a revolving basis, and that has been happening. Okay, so do we have a budgeted amount in terms of the budget, in terms of how much it would actually cost to implement a certain amount of training?
- 0:46:15 FY22? Yes. I would refer to my chief financial officer for the training budget. Christopher? a 64,650 increase in training, Senator. Okay, let's go to the post-op report and page, let's start with page five. When it comes to your leases, all of your leases are up to date, et cetera. Because I know you have several month to month and several that expires in 36, one that expires in 28 and two that expires at the end of this, this fiscal year. Are all your payments up to date? Any contracts in order?
- 0:46:58 All the payments up to date, Senator. Okay, let's go to your professional service contracts. Do you have any outstanding balance? You have one for the maintenance of the C-STARS exterminating, one for expert witness fee, et cetera. Any outstanding balance? All the payments up to date? Yes, all the payments up to date for the professional services, Senator. Let me ask about your federal grants. I know you had five federal grants last year and they all have expired, but I'm seeing no dates.
- 0:47:29 Have they all been extended? And what's the reason for us not utilizing those fundings thus far? All have been expended. We have one that will be expended come the end of September. What's the reason that we have not utilized those funds thus far? For the one that expended, we are, I'll refer that to, it's our Opportunity and Child Support Grant, it's our State and Access Visitation. I'll refer that to Ms. Andrews.
- 0:47:58 Please. Good morning, Senator. Commissioner Andrews, fellow grant specialist. We are currently working on getting these services encumbered. We have came up with a budget plan, and we are working to get those encumbered by September, and the grant allowance will be expended by December 31st, 2021 of this year. So we expect all funding to be expended by then, Senator. Okay. And I see we have a bank account. You have a bank account with a balance of \$5,269,000.
- 0:48:36 Have it been reconciled? Can you repeat the question again, Senator? Your bank account with a balance of \$5,000,000, have it been reconciled? Can you refer to the page you're talking about your bank account? Your bank account, when was the last time you reconciled your bank accounts? The last time you signed a bank account was of June 30th. Okay, very

well. That's all I needed to know. Okay. Let's go to the testimony now.

- 0:49:08 On page, this is for your attorney general. on page 11, you spoke to 11, I mean sorry, 72 new investigators and agents when it comes to that division, 72. What are the most investigators we have had thus far in our department? actually just a correction i'm saying that there's 72 new investigations i'm sorry i came in yeah i'm sorry investigation okay okay as a result of the three employees how you stated right three employed or four you were able to we have hired in um main justice we have hired four employees these four special agents and investigators that's in main justice and then And then we hired about four in paternity and child support.
- 0:50:06 So these are referring specifically to the main justice and of those four new hires, since that hiring, we have gotten now 72 investigations that have come in since they have been hired or since that came on board. And what was the number there and how much have been closed as a result of them coming on board also? Right now I can't say exactly how much I've been closed and it's not much because these cases rapidly built up over time, over the short period of time because remember we just recently started hiring the new persons after we had gotten the fiscal year budget for 21. So these people just came on board. So a lot of cases were sitting and only addressed with the people we had. I could refer to the Director of Investigations, Mr. Curtis, you may have some more specifics for you.
- 0:51:04 Correct, but at the same time, it's also very important to give a number when it comes to how much cases are being closed at the same time as we move forward. Yeah, but you do, I would like to say, you do understand that there will be a direct correlation between how many investigators we have to investigate the cases, then we can close. Of course, of course, that's understandable. Okay. Please proceed. Thank you, Mr. Chair. You can proceed with your statement. Thank you so much. You may conclude. You are asking the question to whom?
- 0:51:38 Well, I was asking Mr. Curtis, the Director of Investigations, he can respond with more detail. Mr. Curtis? Is he on there? He was earlier. Okay, I'm not... What's his full name? William Curtis. No, I don't think he introduced himself earlier.
- 0:52:05 No, and in fact, you didn't, actually you didn't get all of the persons. I don't know exactly. So who am I missing? Let me just read all the names who should be on and who were sent the link. Also, I must say that there was a power outage at one of the offices, I'm not sure which ones. I'm seeing some individuals here who were not before. I've seen us for Dyeran. And came on. Byrus Dyeran.
- 0:52:40 Byrus Dyeran, he's the information technology manager. Okay, he didn't. Go ahead and put your name on the record, sir. Turn on your music, turn on your mic. There we go, that's better. Good morning, everyone. My name is Barrett Stradiron. I'm the Director of Information Technology for the DIRTOWN's Department of Justice. Attorney Chancellor. Good morning Senators. This is Attorney Eric Chancellor. I am the Deputy Attorney General on St. Cory.
- 0:53:18 Connie Simpson did you put your name on the record? I did not Senator. Good morning. Amy Simpson acting criminal chief of the St. Croix division Pamela Tepper good morning Senator Pamela Tepper solicitor general DeLeon did you put your name on Mr. DeLeon you're Good morning Julita De Leon director of the Medicaid fraud control unit.
- 0:54:06 Ms. Simon did you put your name on? Good morning, Senator. Good morning, everyone. My name is Monique Simon. I'm the operations manager. Anybody else? That's all I'm seeing that I have on right now. William Curtis. I'm not seeing him on. Pamela Tepper. Yes, she just. Oh, there she is. Yes.
- 0:54:41 Okay, Mr. Hunt, Director Hunt. I think we- The medical examiner's- I'm not seeing him on yet. Anthony Hunt? Yes. Yes, Anthony Hunt, go ahead and introduce yourself. Okay, thank you so much, Senator Potter. Thank you for joining us.
- 0:55:30 We will move on with our question and Senator DeGraff, you recognize. Good morning. Thank you, Mr. Chair. Good morning, colleagues. Good morning, testifiers, all of you listening and present. I would like to start right out of the bat with, again, the unionized employees, wage increases and everything. Everybody is up to par. I wouldn't say about wage increases, but I would say that for the union, particularly the largest bargaining unit we have is the Assistant Attorneys General. We are going to be going into negotiations for a new collective bargaining agreement later on. But we have just been able to get funding to have them up to their SEP level. So they are at the SEP level as of now. At least that has gone through for processing.
- 0:56:22 And that is based on the existing month-to-month collective bargaining agreement. Okay, so the attorneys are covered. Now they support staff. Everyone? The support staff, they're not, well, Mr. Trotman will tell you, as far as the other unions, there are not many people within those bargaining units. Good morning, Senator. Good morning.
- 0:56:48 Your name, sir? Put your name on the record. Everyone put your name on the record before you answer, please. Please. Good morning. I'm Michael Trotman, Human Resources Director. The supervisors' union contract, which covers two employees at the Department of Justice, is currently up-to-date. That expires in September. The other union that covers other support staff, especially those on paternity and child support, is the Overloo Union, and they have not negotiated.

Their contract has been expired. So it's just pretty much time to negotiate.

0:57:25 Okay, so that's in the making. And those are the only other two unionized, the supervisors and Overloo? Right, and then the Assistant Attorney General, which the Attorney General mentioned, is covered by C-Fairers International. And she gave you the idea. Okay, so what about the receptionist and some who answer the phones and everybody else? Our receptionist is exempt. Exempt?

0:57:51 And we have a lot of yes non-union. We don't have any maintenance employees. Okay. So the GS employees, everyone received the increases? Yes. Based on the last year. With a new pay plan that was implemented last year. Okay. Good. I just want to make sure we covered that part. Now for the, so you have personnel, what is the cost of personnel and fringe from the general fund and then the personnel and fringe from federal monies? Give me those numbers again, please. Is that existing or?

0:58:36 Existing, correct. okay sorry christopher chief financial officer the actuals to date for fiscal year 2021 in personnel is 5 million 497 474.87 okay and okay so that's the actual you just gave and and say the fringe again and the fringe is two million one hundred and fifty thousand two hundred and sixty six and ninety six cents okay and then for the federal monies actual that you have i don't think you I can mention that for us.

0:59:36 Two minutes. Excuse me, Mr. Chair? Could you hold the time, the stenographer? Cesar. Mr. Trachman or Mr. Yes, speak directly into the mic so that we still not can hear you.

1:00:11 Okay. Are we, you're asking about the federal? Yeah, I was asking for the federal actuals that they have received. While he's looking for it just go ahead the next question now for the infrastructure in terms of you asking for additional personnel and stuff infrastructure can you take the additional personnel in your build out if you're looking for this amount of personnel because in your 2021 you put in that you in your testimony you stated you received you had 34 new hires you said it turned out to be 37, and out of that 37 and 13 left, and you're looking to up your numbers in personnel and for build out, but you don't have that capital outlay money as a part of your budget for the build out of the personnel you're looking at. Well, actually we are in the position to be able to accommodate by space the employees that we have that are in the budget.

1:01:25 First of all, I would say at the Department of Justice GERS facility, we have many, many empty offices and empty space that previously housed, previously contained support staff that we just haven't had for many, many years. So we're fine with that space is not an issue. With respect to St. Croix office also, there are ways in which we are adjusting that, which includes removing a lot of paper and offices that have just boxes of paper in it and using those for office as well. So we plan that out. Paternity and child support at Niske Center, we are doing a build out in the process. It is in progress.

1:02:09 We got a new lease where we're building out the hearing officer offices, as well as being able to create more space and cubicles at that office, as well as the St. Croix office. And that's all to properly accommodate our people. Okay. Our new people. So the, now, I know my time is almost, Carl, but the morgue, I'd like to hear that for the build-out, how the morgue isn't up and running as yet, and the white collar unit, are they up and running as yet? Time. And in your 2021, if I may close up, Mr. Chair, your testimony you mentioned in regards to telework, Is telework still in progress or going forward as a part of the new system that you may be looking to do? Well, we're doing pretty much more of a hybrid with respect to the teleworking to the extent that most of the people are coming into work and are required to for most of the time. But we're being flexible, so it just depends on what's best. A correction with respect to the medical examiner office, what I said was that, in fact, the St. Thomas office is up and running. We got all of the equipment and everything is in, and either they're in today or they're going to be moving in because everything is there. So we're up running and operational. White Collar Division, we had received some funding, as I mentioned, from the 33rd legislature, And we have been able to expend that in hiring persons, but of course we need much more, but it was really a very good help to be able to start that process.

1:03:51 Thank you. Thank you, Mr. Chair. Thank you, Senator DeGrasse. You found the information for the federal? No, Senator, but I'll get it to you shortly, Senator. Okay, thank you so much. general in the last budget recommendation from government house the recommendation for personnel and fringe was some 11.3 million and speaking to your financial and we actually appropriated 13.2 which included four hundred and forty eight thousand dollars for the white collar crime division and six hundred and eighty thousand dollars for paternity and child support in 2019 your actual so personnel was seven million seven hundred one thousand five hundred thirty two in 2020 your actual so personnel it's seven million five In 2021, we gave you \$9,734,183, and now in 2022, you're requesting \$16,437,953.

1:05:22 Based on the numbers that you gave us at the \$5,497,494 for actuals, I'm projecting that you're going to pay, you're going to spend \$7,329,982 for personnel this year, even if I add on \$700,000 more, which would be one more month, if I went 13 months, you're still at \$8 million and refunded \$9.7 million. For the last three years, you have not hit that \$8 million

mark. How are you going to hit \$16 million in personnel? How? The recommendation this year is \$16,437,953, but we haven't even expanded what we allocated. We are not going to expand what we allocated this year of just some \$9,000,000. How did you get such an ambitious number? Okay, Christopher, Chief and after the officer, the reason why the amount of money for personnel It wasn't, well, predicted not to be spent at the nine minutes because of the task we had bringing on the new personnel. Most of the personnel, specifically in the Paternichan support, only came on in May and June. So half of that money.

1:06:49 Okay, so they came in six months into the fiscal year. No, eight months into the fiscal year, eight or nine months into the fiscal year. Yes, Senator. The positions that you have identified in this year's budget, are they funded at a hundred percent? In this fiscal 2021? No, 22 coming up, FY22, they're funded at a hundred percent, correct? Yes, yes, Senator. Okay. These are new positions.

1:07:15 The new positions are funded at a hundred percent. Oh, yes. But we- For 22. Yeah, for 22. Yes. But history shows that we were, do you believe you could bring on 95 when the bridge goes October 1st? On October 1st itself? Yeah. No, but definitely for fiscal 22. I mean I can't, I would have to start, we would have to start, well we've already started interviewing and recruiting, but we would have to have everybody on board to begin. But what this is, is that we have to be able to, we can encumber and hire for the next fiscal year because these are the needs that we have. So if you're talking about bringing on board on October 1, I have to say that. They're funded at 100%, and we've been in the position of, I know, well, for the last two years, that we don't fund all of the positions at 100% because it's virtually impossible for anybody to bring them on October 1st. There's usually a process that's involved three to six months, so we usually fund sometimes at 75% and sometimes at 50%. But, Attorney General, your budget has literally, this is doubling of your budget.

1:08:28 in a period of three years. Well, would you like me to? Yes, you might go ahead. Yes, well, you have to understand, this is to recover from many, many, many years of constant depletion of the manpower at Department of Justice. It didn't happen just yesterday. It didn't happen just three years ago. This, when I came on board, it's very important to note that when I came on board, I made it clear that we were so critically understaffed, but it happened over time. Yes, but do you expect for the recovery to take place in one year?

1:09:10 No, and in fact, this does not make an entire recovery take place in one year. It gives us a good step towards that. There's more to come? Yes, I've been, I'll tell you something. This is not unusual for the Department of Justice. When I was at Department of Justice many years ago in the Criminal Division, there were 16 Assistant Attorneys General only in St. Thomas. There were about 12 or so persons in Solicitor General, whereby they were able to actually have attorneys specifically assigned to various commissions and boards to be able to provide the help that they need.

1:09:55 There were approximately, in the investigations division, there were like about 13 or so just in investigations and a separate white-collar division with their own investigators as well. So it is not. When was this? This was in the 90s, actually, early 90s. So what I'm saying is that it just appears that things have been constantly depleting. I have been working as an attorney. I've been a prosecutor, prosecuted criminal cases of varying levels of complexity. Serious crimes, rapes, murders, and to the simplest of crimes.

1:10:32 I prosecuted white collar corruption crimes at various levels of complexity. I know, I know what it takes to be able to effectively prosecute cases and to effectively represent the people of the Virgin Islands and the amount of time and effort it takes for each case. When I say that we need these additional assistant AGs, it's because it's absolutely necessary. I'm not, I'm asking. It's more than AGs. There's a gamut of positions that run in various areas, but you've got to also remember that we're tasked with the budget for the entire government, and every entity comes before us and say that we need X amount more employees, and we have to be able to balance being able to make sure that all departments and divisions have an adequate number of employees.

1:11:23 Did they increase, you're going from 168 positions, you're literally increasing almost 100 positions. We have actually, yeah, 99 positions are the exact amount. But that's not a 60% increase. It's just very, very, very, very ambitious in terms of the numbers that I've seen in front of us today. But I'll go out to my other senators so that they can be able to drill down. Well, I'll just say that the many years of just depleting the personnel and everything, it came to a point, so it's just a point of trying to build it back up. Public Works had 800 employees back in the 90s.

1:12:05 They're down to 200. But we can't fund 600. But I could tell you you had 800 employees because my mom worked there. It's down to 200 and something. But there's no way we can say, well, we need to get it back up now. We can fund 400 positions. We have to incrementally fund these positions based on the fiscal position of the government of the Virgin Islands. And we still have some unknowns, and the big unknown is still the tourism industry and St. Thomas, the return of cruise ships. The big unknown is the status of live trees, so we have to be very careful as we proceed with the numbers.

Definitely we're going to try to make sure the department is going to receive adequate funds, but we just have to carve it out. Yes, sir. I understand. I am just presenting to you these needs. These are the needs for us to effectively be able to do this and address the short staff. The short staff.

- 1:13:01 Are you doing your job? Because you have to defend your department. I applaud you for that. And it's based on me. Right. So I'm. Okay. Sir. Yes, Senator, I'm Kyrie Christopher, Chief Financial Officer. I would like to give the numbers to Senator DeGraff. Okay, go ahead. The federal personnel act shows is 1,372,357. Supplies \$144,614. You skipped fringe? Hmm? You skipped fringe. Oh, sorry.
- 1:13:41 Oh, sorry. The fringe amount is, let me see, 144,614 instead of supply, sorry, made an error. The fringe amount is 144614. Other services and charges is 893087. Utilities, okay, let me refer that to Ms. Commissioner.
- 1:14:21 I'll come back to you okay just just get it together write it on I'll come back to you Senator James you recognize so that general sorrow thank you for coming tardy thank you Yes, it's sufficient to fund the program at historically, the program only expense up to approximately \$75,000.
- 1:15:17 No, Senator. Only specific high-need people participate in the program. For my clarification i could uh well he's not i would refer you to director curtis but The reason, before anyone answer, we have a lot of high profile cases in the territory.
- 1:15:48 We saw a recent homicide throughout the year, and I really want to make sure that when we put programs in this, there will increase our lives, so you can continue answering that previously from the 10th of America. Well, I would say that with respect to witness protection, um, those funds, witness protection is ongoing, and we have cases that are ongoing. Um, you cannot predict exactly how much you will have because it all depends on the kind of crimes that are committed. And because once a crime is committed, there might be any, there might be one or there might be zero or there might be like four or five persons in need of witness protection.
- 1:16:27 So but as we have been going along for the last few years in witness protection, I can assure you that it is very active and that we do need the funds so that we're not in a position where we run out of funds and something happens. Remember when there's witness protection, we're talking about assisting when witnesses may be relocated. We may be talking about having them relocated at other locations where we're paying everything for them. So the levels actually change. And vary. Who enters into the victim protection program? What is the process there? Well, usually there's some review, a request from either the VIPD, and it comes to our office. We usually involve the victim witness person coordinator there at the AG's office. It comes to me, and I would then review and decide whether or not it is appropriate. And most of the times it is, because usually when a witness or a victim is in need of protection and they are willing and requesting it, or that we are recommending it for various reasons for their protection, it would be granted. Thank you so much.
- 1:17:50 I just wanted to say that the REIT group is very known in the U.S. for the NILAS, we definitely need to pay attention to the witness protection program, and I would have thought and then I have no money there but you see that says we have a dollar to every family living in the U.S. for a day. That's a bonus. We have 1.4 million dollars paid in leases for the rest of the land basis and after that 1.4 million dollars it's about 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. 10 places are made the top three basically consumes 1.2 million dollars of the budget. So the remaining seven is below a 1,000 dollar, 285,000, next one for 294,000, and the next one for \$650,000.
- 1:18:41 So my question is, I'm not saying that the language is not dissolved, and this is money, but is that the best we can? two minutes that would certainly be a desire on my part i think it's best if the department of justice could get its own building um for many years both buildings i should say own facilities instead of paying rent um and you know that's something we've been actually looking at and considering um for both st thomas and st croix but it is not something that we can do at this point in time, but if you're asking me if I think that it should happen, I believe that it should. Well, what I would say is that, well, first of all, I'll say that, yes, it's, it's, it may be ambitious, yes, but it's something that we're, we're up to definitely trying because it's absolutely needed.
- 1:20:08 I'll tell you the breakdown. First of all, that would require 10 new assistant AGs in the criminal division. Right now, we... The strategy? Okay. Okay. It'll be applying 10 persons. We're asking so that we can meet the baseline in St. Croix and in St. Thomas. We need to meet a baseline of at least two Assistant Attorneys General in the Criminal Division assigned to a courtroom.
- 1:20:42 That is absolutely essential, so that's why I call it a baseline. And then that, in addition to that, then we would want specialized, a couple specialized attorneys on top of that. To meet the courtroom baseline, we're looking at 10, and that would be, out of the 22, 10, would be four to meet the baseline which is one in St. Thomas and one and three more in St. Croix. For the special prosecution, a specialized prosecution team, it would require six and that would be three in St. Thomas and three in St. Croix. That's the total of ten. Then in four... Excuse me? We send out our applications to

consider everyone from the Virgin Islands and the mainland.

- 1:21:37 But most of the times, it's just historically with the VI Department of Justice, it just so happens, especially in the area of attorneys, most of our attorneys happen to be from the mainland because the pool is kind of small here. But we seek attorneys from anywhere as long as they can meet the qualifications that we need. So, okay, well, I didn't finish saying the rest of the 22, but. How much is there on average to send evidence such as blood, DNA, saliva, alcohol, and other are island testing? Can you speak to that? I don't see that anywhere in the budget.
- 1:22:19 Mr. Christopher? Yes, can I? Christopher, Chief Financial Officer. We have a grant that is secure to pay for that, and under its budget is about \$20,000. That's it? Yes, sir. Well, I don't want to abuse my time, but I know recently this body passed Act 7810, the Golden Valley's president, which is to start establishing a corrective friend in the territory and I hope we did \$500,000. Hopefully, we can get some more updates regarding how we can save money and be able to have a quicker response time for turning around those evidence and things that we sent away to the states. So what do you want to tell us about this then?
- 1:23:07 Yes, Senator. Thank you, Mr. James. Thank you, Senator James. Mr. Chair? Yes, go ahead. May I just quickly complete what made up the 22? Because I started with the 10. Go ahead. At criminal. Okay, 10, which is, 10 of it is at the criminal division, four in St. Thomas, six in St. Croix. Four of those are in the civil division, four of those are in the solicitor division, and three in the white collar crime.
- 1:23:42 crime, and that's what makes up the 22 new assistant AG positions. Okay, thank you so much, Senator Kenneth Gittins, thank you for coming. Before I go to Senator Francis, can you tell me what's a medical legal debt investigator? Well, I was hoping that Mr. Hunt would be on so he can clearly define it, but I will tell you generally what it is. Mr. Hunt is there. He is there. Yes.
- 1:24:10 Mr. Hunt? Mute your device, put your name on title on the record first, sir. Anthony Hunt, Director of Operation Medical Examiner's Office. Good morning to everyone. And the medical legal death investigator is a position that allows a trained individual to respond to a scene and be able to observe and collect evidence that would assist the medical examiner so that he'd be able to make the proper cause and manner of death.
- 1:24:48 So it's a training that takes some time. It's certified, and the individual would be able to assist a medical examiner in determining the cause of death. And you expect this for criminal cases? Yes, that's exactly what I'm saying. The medical examiner's office, just to let you know, that's absolutely integral evidence that comes from there in every single homicide case, because the medical examiner establishes cause and manner of death.
- 1:25:22 If you can't establish that with specificity and everything, then that case is gone. So that's how important it is. medical legal are the these medical legal persons positions are where they would be trained not only the ones within our that are the forensic technicians now who pick up the bodies and everything but they'll be trained in in more you know in a more specialized way respect to conducting the death scene investigations and assisting the medical examiners and the Medical examiners themselves requested that we do this and we actually have a training that's supposed to be coming up scheduled for about two of the ones that we have, the technicians we have that's coming up in December sometime.
- 1:26:12 Why do you need six? Mr. Hunt, go ahead. You wanted to put something on the record, go ahead. Yes, yes, I wanted to, Anthony Hunt again, Director of Operations. You know, we had the older days where the person, They came and they just picked up the body, and they hauled it away, and that was the end of it. We're trying to be more modernized where the individual that responds to a crime scene or to a death, any death, once it's out of medical care, that investigator will be trained to look for specific signs, specific evidence that can give the medical examiner all necessary for them to make the proper cause and manner of death. We've been moving towards that. We've scheduled several trainings. As a matter of fact, we're in the process of doing that presently. We've taken photographs. We're explaining the position and any cause and other factors that may relate to the death of an individual. And that assists the medical examiner. Sometimes a medical examiner may have to come to the scene. Sometimes it's not necessary. But all that that's out of hospital care, out of medical care, has to be investigated. We can't just assume that Rama just died naturally. We have to investigate. And the training that we're proposing and with the budget, we'll be able to get all investigators, is all our medical technicians that assist with the medical exam and they'll be trained and they will have the ability certified to be able to perform that function. And I would say also I want to add that this also goes in line with what I have started
- 1:28:04 with the training and professional development program within the Department of Justice. So they're able to develop professionally within the department. So we want to provide that kind of professional development so they can go at a different level or other levels while on their job and in their jobs, and to be able to offer the more effective services to the department and ultimately to . What's the educational requirements for this position? For that position, it requires the specified training, which as Mr. Hunt was talking about, And that is happening this, that's what I was talking about, that's

happening this December. High school diploma along with the additional training?

- 1:28:44 Excuse me? A high school diploma along with the additional... Oh yeah, definitely. Yes, definitely, requires at minimum a high school diploma, and as a training is required. Okay, these individuals, I'm going to go quickly. Okay. These individuals are required to become certified? In order to get this? Yes, sir. Yes. Okay. Thank you very much, Mr. Chair, good morning to you, my colleagues, good morning to the people of the breakdowns, and of course, good morning to the Department of Justice. Attorney General, I want to thank you for your comprehensive testimony, and I'm also very happy to hear that we're one step closer to getting our more or initial crack lab component and running it only took us five years to get to this point but nonetheless at least in the st thomas district and there continue to be a work in progress in the support district but i'm happy to hear that we're one step closer to making that a reality in respect to uh do you collect any fines or fees or any workings at all coming to the Department of Justice? We do not collect fines or fees. We don't have anything particularly that statutorily that has, gives us the authority to collect fees or anything for our services. Our services to the public are really free of charge. I would say the only small exception would be perhaps paternity and child support division where they might have an application fee now our revenue what revenue we would have coming in would be as a result of actions that we file under the criminally influenced and corrupt organizations that is the racketeering racketeering or CECO statutes and other settlements from civil lawsuits if we institute civil lawsuits sometimes we can even join on civil lawsuits that are national, as a part of the National Association of Attorneys General. So that's how we can get our income. Do you have any such revenues or to report to this body at this time? Well, I think the one, the most recent one
- 1:31:08 regarded the Takata settlement and the Honda settlement where in which we were able to obtain a settlement of approximately a million dollars including, and in addition to, several vehicles that we can use in Department of Justice and in the government. Outside of the vehicles, the million dollars went to what, did that go into a general fund? The million dollars under the Criminally Influenced and Corrupt Organizations, for settlements in that case it directs that the funds go to, first of all, to the expenses of prosecution and investigation of criminal cases under that statute as well as then to also the Criminally Influenced and Corrupt Organization, I mean sorry, the Criminal Activity Fund as well.
- 1:32:05 So it directs that that's where it goes to the, you know, with respect to the prosecution and investigation of cases first and the cost associated with it. Excuse me? Any funds that's expiring in the near future or in jeopardy for non-expenditure? I don't. I will have to refer that to Mr. Christopher. Okay, Christopher, Chief Financial Officer. No, Senator.
- 1:32:35 Very well. Thank you. In respect to the malpractice cases, you said that you have paid out thus far 1.3 million dollars. How much is owed? Well, that, I do not have that figure. Hold on a second. And I have to tell you that Attorney Russell, who is the head and handles that and provided us with the information, it turns out that she's traveling, so she's not able to get on the Zoom. So I may have to get that information to you later on. You will allow that.
- 1:33:11 Not a problem. And also I'd like to know about the other, the minute that I was paid off, how much is this older than those other cases? I guess that may be the tort cases and those others. Two minutes. In regards to your testimony that the contracts doubled over the last fiscal year, what do you contribute to those double-in of the amount of contracts that have come through the environmental justice? I will refer that to the Solicitor General, and that is Pamela Tepper, and the Solicitor General is the section that deals with the review of all contracts for legal sufficiency. Attorney Tepper? Yes, good morning, Senator Pamela Tepper, Solicitor General. We attribute that, I think, mainly to an increased number in construction contracts, MOUs have increased substantially as well as an increase in um making leases current that's probably the biggest increase um that that we've seen and why we've seen that increase given we've had the hurricanes and um some of the other um emergencies that have come up such as the pandemic we've seen you know, you know, a significant increase. Your role in those contracts is really to review for legal sufficiency, correct?
- 1:34:29 These are done by various agencies and government and then come to the Department of Justice for legal sufficiency? That is correct, Senator. Very well. And Attorney General, if we speak to the new positions that you've asked for, i see that there's 16 special agents and 22 assistant attorney general and again how realistic do you see your ability to be able to fulfill these positions i mean attorneys are in hiding material government uh but but certainly you have not been able to wrap up so many attorneys in any given um 12-month period how do you intend to uh wrap up 22 assistant attorneys in the next uh fy 2022 well we have already begun a very vigorous vigorous recruitment effort with respect to um attorneys general assistant attorneys general um and that's throughout the u.s um as well as the the Virgin Islands, and we are constantly doing it.
- 1:35:40 And we have gotten quite a few interests, I don't know the exact number, but we have hired quite a few just within the last few months. Of course we have lost some as well, but we have shown that in, let's say, talking about almost 90 days or so, we've been able to hire like 37 employees. I think that going along the road with respect to that, or going along with that trend, I I believe that we will, with a very vigorous effort, we'll be able to be able to make the hires, and I certainly

hope so, but definitely we're going to try, because we need it. I don't, I have to shoot for excellence, and we do need it because, so that we can provide the services to the people of the Virgin Islands with efficiency and effectiveness, and the short staff situation just has to be addressed, so we will.

1:36:34 We also have to be realistic in terms of the funding limitations, Mr. Chair here, my time colleagues have two real quick questions to wrap up. You may proceed. If you don't mind. You may proceed. In respect, thank you sir, in respect to attorney retention, which I think is equally challenging, How do you, what was the creative ways of discussion of are you seeking to be able to retain? If you continue to hire and you're leaving, how are you intending to, what is your creativity in terms of retaining your attorneys? Well, I think there are a couple factors that we have to look at. And one of those is that the salaries are pretty low, even compared to the salaries of attorneys even here in the Virgin Islands.

1:37:30 We have lost attorneys to positions right there in the Virgin Islands that are paying like a good \$15,000, sometimes \$20,000 more, you know, right here in the government. And the salaries have been stagnant for quite some time. I believe that that helps to make it more attractive, definitely. That would definitely have an impact based on that data. But in addition to that, I just need to say, you know, the Department of Justice has always been sort of a revolving door for attorneys because people come for different reasons and people leave for different reasons. Sometimes they just want a couple years to prepare.

1:38:09 and people really want to be a part of the community and a process here, and represent and stay here. So it comes, it runs the gamut, but I would say that one of the things that we are doing is just to make, we have to make the environment better and conducive for being able to do the work. We want to be able to avoid the burnout that can happen when you have a severe short, to bear when you're severely short-staffed and you have great responsibility. We don't have the luxury of refusing to do work because it's mandated, but definitely we can do it much more efficiently, much more effectively if we have reasonable caseloads.

1:38:52 And I think that helps with the retention significantly. Very well, thank you. And my final question on this round will be in regards to your lease at the GRS. It's about, it's \$620,000 on an annual basis. Is that at least up to date? I see that you're in a month to month extension and it is up to date in terms of payments to GRS. Thank you very much Mr. Chair for the time. If we could just have a bit of your own response to that and your time, I would appreciate it, thank you.

1:39:24 Yes, I'll refer that question to the Chief Financial Officer. Yes, the payments are up to date. Okay, thank you, thank you, Senator Francis. Thank you Mr. Chairman, a pleasant good day to you, including my colleagues and testifiers and our listening and viewing audience. Attorney General, I want to thank you for your presentation, thank you and your team for all that you do. I know it's a lot of work, it's brain work, as my grandmother would say, and it takes a lot out of you is more laborious than if you're doing physical work because you have to look at creative means to make things work and to defend and prosecute individuals.

1:40:14 So you definitely need a lot of qualified people on hand. My questioning is going to go towards some of your statements made and I'm going to focus in on the Paternity and Child Support Division in particular because I understand how this division works in helping to bridge the gap in poverty. When you have a non-custodial parent who doesn't pay their fair share and doesn't provide the support to the child, it leaves the children and the entire family at a disadvantage. indicated in your testimony you have a need for 22 new employees in that division or? No, no, no. In that division, we only have the new employees, I believe there's... How many employees you have? We hired 20, okay, I'm sorry, maybe that's where the mistake comes from. We actually hired 22 employees in the last few months in that division. And does, in looking at your needs, is that sufficient to cover your needs for that particular division? What is your wish list for that division to ramp up those services that are needed? Because I see you have three clerical assistants for new positions. Those are new and vacant? Those are new requested positions, a part of the 99 positions that we're requesting would include clerical assistance.

1:41:57 Do you have any vacant positions that you have? There's only one field. Of the four vacancies we have, we have one vacant position that is in paternity and child support that's not encumbered and that is the assistant, that is, I'm sorry, the executive secretary position to the director. Um, these positions that you see here, if you look at the attachment here, we have actually one, two, three, four, five positions that we need to fill to really get to the position and say, well, not five, I'm sorry, but five position titles. That would be the assistant director of PCSD, which is in the 2022 budget and it's a new position. And that one, we have already identified a person, actually hired that person to begin August, I think August 1.

1:42:54 There's the clerical assistant position for PCSD. The clerical assistants are the persons who have to be assigned to the telephones primarily. They're like the receptionist. We've had, you know, because of the severe short-staffed situation, We have, for a long time, gotten complaints that sometimes clients are calling and they don't even answer the phone. Okay, so let me just halt you there. I want to ask a question because I was looking through the post-audit report, page 14

of 16, specifically, if you'll turn with me to that page, and I saw that there was a discrepancy, maybe it's me not understanding it. But they have the post audit reports that the director for the PCSD position is being paid \$62,700, while this new assistant that you're bringing on, the assistant director for PCSD, is being paid \$79,200. Now how is it you are rationalizing having the person who is going to be a subordinate to the director of the PCSD earning less. And that is a very good point. That is very unusual. It is. I'll tell you why. And I'll tell you why. The reason why is that the current director of PCSD is not an attorney. When I came on board, that's, he was already hired when I came on board. he's not an attorney, which is nothing unlawful about that. However, the assistant director is an attorney. The assistant director. I'm sorry, is the assistant director that you have now looking to hire a barred attorney? Yes, a barred attorney, and it has to be paid on the attorney general scale. But even at \$79,200, that's still not on the attorney general scale is it? That question will go towards your human resources

- 1:45:07 individual. No, that's, I think we're looking at the percentage that we would pay from the general fund. This is a percentage from the general fund, the \$79,200? Yes, the salary, the full salary is \$120,000. \$120,000. Yes, and that is the salary generally of management attorneys. Okay, so the \$120,000, I think that, is that coming out of the grant, the \$79,200, is that coming out of the grant that is received by the PCSD? No, no. The \$79,000 is the general fund portion. Okay, hold one second. I'll let the chief financial officer get to the actual financial.
- 1:45:50 Let me clarify that for you, Senator. The \$79,200 is from the federal piece of the 66%. Okay, that's what I thought, that's exactly what I thought because I'm looking at the grant funding and I know you get about, there's a lot of paper here, sorry, you get about 6 million, 6.8 million to support child support enforcement and I'm suspecting, and you could state on the record whether the funding for this position comes out of that. And it's, where's the cost here?
- 1:46:26 34% local and 66% federal. 34% local. Okay. Now, Mr. Chairman, may I have, I have two more questions, if you would be so kind. Quickly. Okay, thank you kindly. Now, tell me, do you have an indirect cost rate for any of your federal grants? I'm going to refer this to Kamisha Andrews, who is our Grants Coordinator for PCSD. Ms. Andrews?
- 1:47:05 Ms. Andrews? Sorry about that. Good morning, Senator Kamisha Andrews, for the Grants Specialists. For which risk are you, Senator? any any of your current your current cost rate the current one that we have up to is for the 2019 indirect cost how much is it I'm sorry I'm sorry it's at 31.29 for the 2019 indirect cost rate. We currently don't have a 2020, but that's currently under review. Have you gotten an extension on this? The 2019 indirect cost rate?
- 1:47:56 No, we don't have an extension, Senator. Okay. Finally, my last question is regarding discrimination. Which entity, which one of divisions handle cases with discrimination, prosecute quick cases relative to discrimination. Did you have an Equal Employee Commission, equal EEOC at one point that was housed under the Department of Justice? Actually the Civil Rights Division. The Civil Rights.
- 1:48:34 That's it. Thank you kindly. I couldn't remember what it was. Thank you. the Civil Rights Division was housed within the Department of Justice for budgetary reasons only. That division was dismantled and disappeared over the period of years and by the time I got on board it was gone and that was one of the casualties of the staff shortages and cuts and funding and everything throughout the years that got us to the point of being severely short fast. So where are the cases? Thank you, my time has expired. Thank you kindly.
- 1:49:17 Senator Fred Gregory point of inquiry. Thank you Mr. Chair and good morning. Attorney General I need to go back to the question that was asked of the previous speaker with regards to the the division of paternity and child support and the director you specifically noted that the director the new position that you're bringing on of the of the assistant director the salary is higher than that of the director and the justification was because that individual is coming on, who's coming on is in fact a lawyer.
- 1:50:07 Is that person coming to be an assistant attorney general or an assistant director? The person is coming on board as an assistant director. Okay, so that's my concern. So if you decide to come on in any position, whether you're a lawyer or not, you should not be making more than the director of the position because the director and you don't have the same qualifications. Your justification was because that person have to be on the assistant attorney general pay scale. But that person is coming on as an assistant director, which is a exempt category position.
- 1:50:47 So I am having a little difficult time with understanding the rationale behind. I just see that as breeding morale issues for the director. I see that as breeding morale issues for the other employees that sit within the unit. Regardless if you're an attorney or not, once you take a position outside of the legal world, then you fall into that position. So I need to understand clearly what's the rationale and how do we justify something like that. I just can't see it.
- 1:51:22 What I'll have to say to that is, first of all, it is not outside the legal world. It is required because of the functions that have to be performed and the supervision of other attorneys within the Paternity and Child Support Division, that position has to be an attorney. Okay. And so let's say if you have an attorney as that position, as the assistant director, whether it's

assistant director or director, that position has the function having to supervise the law, the work, et cetera, of the attorneys within the division. Secondly, the attorneys within the division are assistant attorneys general. So they are making at the attorney's rate as well. well. Let's say the highest attorney. So I understand what you're saying. So we have no choice but to hire an attorney. And this has really nothing, I don't know that this has anything to do with you per se, but this is what happens when we make decisions that are not within the best interest of our institutions. But let me see. So that, what is it, the administrative law judges? That's what you have? You have law? Yeah, those are AHOs, Yeah, administrative law judges, but, yeah.

1:52:41 So the AHOs, the AHOs report to who? To the deputy, the chief deputy attorney general. They cannot report to the director because they are completely separate. It would be a conflict of interest. Okay, but you have assistant attorney generals within child support outside of the AHOs. So what is their role? What they do is they, in fact, if Ms. DeLugo is here, she'll be able to give you more detail. But they handle the cases. They handle the cases, the legal aspects of the cases. So your, see, this is where I'm getting confused. So your, and I have to wrap up because this was a point of inquiry, but your case managers, so these are, you have case managers or something. I don't know what the new titles are, but you have case managers, right?

1:53:31 So your case managers did a deal with the cases. So I'm trying to figure out now how Assistant Attorney General dealing with these social work type cases. Only Assistant Attorneys General can handle legal matters. They deal with the legal matters within the division. So how many Assistant Attorney Generals do you have in there now? Right now, they're three Assistant Attorneys General. This has been, I mean, this is, they are the only ones who can handle the actual legal aspects of the cases, the motions, the evaluations, everything.

1:54:09 And they're the ones who then have to submit the cases for review to the AHOs for hearing. They're the ones who also conduct the pre-hearing conferences because once there is, you know, once something is going through the process, as pre-hearing conferences are prepared. I have to tell you though, that this is very new, because it has never been in the history of Department of Justice, Paternity and Child Support that the director is not an attorney. So usually the director's an attorney, the assistant may or may not be an attorney, but the director is, and secondly, so there are duties that have to be performed at the manager's level. All the directors have not been barred attorneys. I don't know about BART, I know that the directors have been attorneys, that's all I can say.

1:55:00 As far as I know, this is the first, but yeah. The Department of Justice created that problem. I'm asking to respond, Attorney General. So Department of Justice need to fix the problem. The original scope for that particular position said attorney and it was changed at the beginning of the administration to accommodate somebody. Correct HR? I don't know.

1:55:34 I can't answer sir. I came on last year. Okay. I don't know. I'm not asking to respond. I'm just saying that that was done. And that is a reason why we don't have an attorney in that position because provisions are made or change in order to accommodate someone. And I have no issue with that someone getting a job, but it should not resort to you having to hire an assistant to meet the requirements of receiving those federal monies.

1:56:06 So you need to change. We just need to fix it. It's a simple fix. We got to go back where the director has that legal background and then the deputy or assistant will be whatever from that point. But we need to fix it because it's really, you're in a difficult position, a very good explanation. And we need that in order to retain the federal funds. Is that correct? Well, you don't, the federal does not require that a person be an attorney to be a director.

1:56:42 What I'm saying is that with respect to the funding, I mean, I'm sorry, with respect to the functions and the responsibilities that have to be performed by the director or management director or assistant director, with respect to that, the creation of policy, legal policy and all that, it has to be an attorney. So therefore, are you saying that? At least one position has to be an attorney. Which one do you think should be the attorney? Well, right now, it's the assistant director because I've just hired that person to be the attorney to carry out the functions that are necessary to get everything running properly. Senator Zapata, you recognize.

1:57:29 Thank you very much, Mr. Chair. Mr. Chair, good morning to Attorney General George and your executive team. Attorney General George, I want to start my line of questioning by reflecting back on a conversation, well testimony that was offered by the Director of Corrections, Winnie Testamark, when she was here.

1:57:57 I know you may not have been privy to it. A big part of what she said spoke about the criminal justice system and the treatment of persons who are suffering from mental illness, just the whole process. She mentioned at one point that you had mentally ill persons who committed petty crimes and misdemeanors who can potentially be in the system for like three years incarcerated. And I just wanted to get your thoughts on how we can do a better job, how the criminal justice system can do a better job dealing with the mentally ill. And you said that specifically the criminal justice system. I'll tell you one thing, what we need in the territory and what the territory can do is to have adequate mental health, an adequate

mental health facility to treat and care for the mentally ill. This is a really big struggle for the prosecutors as well, because sometimes we're in a situation where an arrest is made, and particularly with respect to violent offenders, We are caught in a situation where we have to ask that they be detained for the protection of the community or the victim or whatever the situation might be if they're violent offenders. So that always has to be our first priority, yet at the same time we're aware that unfortunately sometimes they are acting out because of their illness, and I think mental illness is about the only thing where you get punished for your symptoms. One thing I would like to say, I would like to give Attorney-Chancellor an opportunity to comment on that because he directly deals with that situation on an ongoing basis.

1:59:55 So Attorney-Chancellor, can you comment on that with respect to the senator's question? Yes. Thank you. Thank you, Attorney. Thank you, Attorney-General. Senators. Good day again. This is Eric Chancellor. I am the Deputy Attorney-General on St. Croix. the Attorney General says what we need is a facility in the Virgin Islands to treat our mentally ill. So we have a lot of we have some who commit petty crimes and some who commit more serious crimes. There's a void in the law as to what we will what we will do with those individuals.

2:00:40 We need proper facilities we need personnel in order to give timely and appropriate evaluations for these individuals so that they can be placed. But that is the main issue and as the Attorney General says we spend an inordinate amount of time dealing with mental health issues as attorney general it really takes away from a lot of the other work that we have to do and many times we're put in the position of being social workers and not being able to prosecute the way we need to thank you thank you for your comments and i agree i mean i think that we're criminalizing a medical disorder medical disability and we definitely need to do a better job collectively I think, and I'm sure the AG, the judicial system, the legislature, the executive branch really have to take this matter seriously to address it. AG, George, what would you say is the turnover rate for attorneys at Justice? How long is the average new attorney staying at Justice?

2:02:01 I've never really done a study of that. As I tell you, it really varies. We can expect at least a minimum of two years, I would say, that they do that. If it's at the lower end, sometimes earlier than that for reasons that can vary. And some stay for a very long time. Some people want government service and function as career public attorneys, you know, such as myself and Attorney Jacobs and, you know, so, so some of it, that is our choice. So it really varies. It's hard to say. Okay. I know you and Attorney Jacobs have been stalwarts there at Justice for many years.

2:02:45 We appreciate your, we appreciate your service. Um, and Attorney General, I'm not one to chastise you for the double, virtually doubling of your budget. I really think that it is imperative for departments and agencies who come down here for a budget hearing to tell us what their needs are to effectively run their department because we are going to be chastising you when you come down and request an inadequate budget as to why we have gaps and weaknesses in your division, in your department. What would you say is the most significant adjustments to your budget to justify the \$16.4 million versus the \$9.7 million previously? What are we seeing differently if this goes around for FY22?

2:03:36 I would say definitely the most significant is that we need to have the Assistant Attorneys General in the various divisions as I've broken them down. In the criminal area, criminal prosecution, we need to understand that a crime is not solved at arrest. A crime is conviction because an arrest sitting there and not the proper prosecution and going out you know not been going through that process it just goes it's gone criminals then back on the streets time so that's something so I would say that along with the investigators and may I just finish my answer as far as the investigators of offenses I have in I've heard on many legislative hearings I've I've heard from people telling me, I've heard that many cases when other persons and other topics appear before here, there are so many senators who call out, why doesn't the Attorney General's office investigate this? Calling on the Attorney General to investigate that. I've been pleading with the Attorney General to investigate these issues, and they are very important issues, but I can't do it without the investigative team.

2:04:52 I can't do it without the prosecutor and the lawyers who are going to assist. It's just one of those things. And it's important because I think it's important for the Attorney General. It's very important for the Attorney General to be proactive when they see something that's happening that maybe that the people of the Virgin Islands, citizens are not getting the benefits of, let's say, for instance, a government contract from the vendors. if the citizens don't get, it should be something where Attorney General is able to start, pull together a task force, investigate certain things, but definitely going to be asking all the time for the Attorney General to investigate this and that, I think that's great, wonderful, that's my job, but we're going to need the people to do it. Mr. Chen, may I ask one final question?

2:05:42 Go ahead, proceed. Thank you. Thank you very much for your comments, AG. My next question really has to do with attorneys, your prosecutors. In your view, and I know it has been a discussion that I've heard over the years, are attorneys or should attorneys general be a part of a collective bargaining agreement? Should they be unionized given their function, given what they do? should they be in a collective bargain, a part of a collective bargaining agreement? Well, you know, I...

- 2:06:20 And I don't want to be in trouble. That has been a deep... Right. I think I've gone back and forth on that issue, and, you know, having been an assistant attorney general for so many years, when I first came in, I said, no way, I don't want to be a member of any union. But then time passed, and I saw why it benefits sometimes. It's a benefit. And part of the reason why is because assistant AGs are faced with having to prosecute sometimes people who are politically connected to persons. They might, you know, or friends of certain people.
- 2:06:55 And you want maybe them to have some kind of protection, not to feel like they can just be randomly or, you know, without cause, just fired. And don't feel like their job is in jeopardy. If they vigorously do their job in prosecuting a person that may or may not have the kind of influence over them. So that really was the final thing that got me to the conclusion that perhaps it is a good thing. So you're leaning towards them remaining in the bargaining unit? Yeah.
- 2:07:31 Thank you very much, A.G. Thank you very much, Mr. Chair, for your time. Thank you, Attorney General. You came prepared today to fight for your additional staffing. We want the same thing, Sumterwele. Your passionate pleas are heard, and I would love to join you in that. I really do. But we seriously, we have to have the manpower to do it. I'm not kidding. Let me ask you two questions before we go to the next, Senator.
- 2:08:00 We haven't had a jury trial in a year and months for criminal cases, correct? A year and maybe three months? Yeah, since COVID. Since COVID. Right. So the judiciary was before us and they said that come September, which in our estimation is too long, before the resume jury trial, that they're going to have about 20 cases ready to go. Is the Attorney General Office ready to go? In this year and three months, have the attorneys been working on these cases, completing all of the investigation, necessary to move forward, evidence-based? Are we ready that we have an X number of cases, 30, 40 cases, that we could say we are ready now to prosecute and we don't have to request an extension?
- 2:08:46 We have been preparing, and I'm going to let the Chief of the... Attorney McRae as well as Attorney Chancellor indicate what the preparations have been. I want to know how many criminal cases do we presently have and how many of those cases are we ready now to move forward with as the opposite Attorney General. We have completed all that we need to do, we're ready to move forward. And who's going to answer that?
- 2:09:17 Christine Croy, it could be the Attorney Chancellor or Acting Chief, but Attorney Chancellor, I know that you've been planning all along. Do you have that information? Yeah, generally, once the case is filed, we are usually ready. No, I'm actually now, right now Attorney Chancellor, we had a year and a half of no case, a year and three months of no criminal cases. How many cases under the watch of the Attorney General Office are we right now prepared? We have completed all the other stuff we need to do. How many cases are we ready to go with right now? We are ready to go with whatever cases the court sets at this point. We don't know which cases.
- 2:10:04 And I know that. I know you don't know. Try to understand me. I'm not saying that you know which cases the court is going to set. The court said they're going to go from, I guess, the most serious, et cetera. I'm just asking, if we have 100 cases, how many of those cases have we completed? All of the investigatory work, everything that we need, that we feel confident to proceed on with that case, that we don't need to say we need four more months, we need five more months.
- 2:10:37 I would tell you generally once we file the case we've completed the investigatory work we always say it's never completed in case until the case goes to trial but we have enough that we feel that we can go to trial and reach a jury once the case is filed okay so what happens is that and understand what he's saying so that you can understand is that once the case is once that we have the witnesses and everything, the motion practice, which usually takes time and all that. But once that is ready and everything, then it's pretty much just ready to find out which ones are going forward. Because remember, the caseloads are very, very high.
- 2:11:17 So that's why it's a good idea for the court to be able to say in advance, these are the first 20 that are coming on. So then you'll know that to contact witnesses and do what you have to do to put it together, you work on that first. So I just want we, and this is for both the judiciary and the AG, and I said it during when the courts are before us, a number of individuals awaiting trial have been killed on the streets, and I guess to a certain degree street justice have taken place because we have not had an opportunity to bring those cases to court. We can continue to have a backlog and the blame is being passed from one to the next to the next so at some point we're going to have to be able to expedite these cases so that individuals who are arrested a determination is made in the court as to whether or not they're guilty or innocent until we can move on. At some point, you have to reset.
- 2:12:25 Are you in agreement with a speedy trial act? Do you favor speedy trial act? I don't think, especially at this time, that it would be, it's necessary, or even at this time with the, you know, with coming off of COVID and having this, you know, this huge backlog. I would not say that I just say, I will agree with it. And I think it's, it takes a lot of time to look and look at all the factors. But I got to say that the purpose, the reason for the backlog is a combination of a lot. It's not one blaming another.

- 2:12:58 It's just that it's a combination of a lot of things, which includes... But we had a backlog before COVID. So it existed. We have detainees for 10 years. And I can provide names of individuals who have been detained for 10 years plus. And that's a combination of so many things. a lot of times it's the defense attorneys do want to continue for whatever reason. Sometimes it's that we don't get, the only time that I say that usually that we may not get the evidence, let's say chemical evidence, DNA or something. But usually, let me ask the Attorney Chancellor and I'm gonna ask Attorney McRae for St. Thomas.
- 2:13:42 No, I think the public needs to understand what the situation is. because it's a problem. We know what the situation is. And we just have a basic... You've got to know how to address it. The layman out there ain't really worried about... The what? The common person. The layperson. The layperson. They're not concerned about our internal issues. They're only concerned about these cases moving forward. They're concerned about somebody being arrested for murder and being out on the street two, three years.
- 2:14:18 They're concerned about somebody being arrested for violation of weapons and being on the street for two, three years. They're concerned about somebody that was arrested multiple times being killed. And then it just continues on and on. So I'm just saying within the judicial system, within the AG, you guys have the expertise, you have the legal know-how. We just need to develop a mechanism to speed up these cases. The district court, they're having jury trial, but the local court system, none. My thing is, why couldn't we just replicate exactly what the district court is doing to speed up? But that's outside of this. I'm getting outside the scope.
- 2:15:01 So let me go to Senator Donna Fred Gregory because I want to come back to malpractice insurance. Thank you, Mr. Chair. and good morning to the Department of Justice family. Attorney General, how are you doing today? I'm doing well, thanks. Great. All right, I want to go back to the budget. I want to go back to, so we sort of had a discussion around the personnel services and fringe benefits, and I hear your justification. I think you have pledged your case this morning about the need for additional positions. However, all of us know that all of the positions that you're asking for will not, you made a very interesting comment when you said that this didn't happen overnight. So I think that we need to have an incremental discussion around how to support the needs of the Department of Justice from a more realistic perspective. But also, even if we were in a position to accommodate the requests that's in front of us, I think it's important for us to also acknowledge that I think the chair mentioned it that we will not be able to fill out these positions come October 1. So some sort of incremental percentages need to be applied to the positions as far as 75%, 50%, et cetera, because a lot of times you don't find yourself filling these positions until long after half of the fiscal year has passed so that's another discussion that we need to have around your ask and of course as we look at your budget uh for fy 2021 and and prior um you did not you barely expended um i think you're you're up to expending about 10 million dollars of your budget for this fiscal year um against the uh personnel services in particular based on the calculations i don't see expending more than that based on your vacancies and when you brought on those employees but anyway so i wanted to make sure i put that on the record but i looked at your other services and charges
- 2:17:07 category and there is a reduction of almost 500 000 what's the reason for that reduction as well as there's a reduction in your utilities as well so i also need to find out from you what is your actual utilities cost for what are you projecting for FY21 or what were your actuals in FY2020? The reduction in utilities was due to moving our monies from the utilities into you mean for the deduction utilities for fiscal 22.
- 2:17:50 Great. Okay. I'm just saying overall, what is your, the question is, what is your true utility cost? Do you have that number? The true utility cost is about \$350,000. \$350,000, and right now the FY 2020 two recommendation is \$257,000. Yes. Okay. So that in itself presents a problem for you to cover your utility expenses. And I guess at some point, once we meet back with the government's financial team, we need to find out how much money is actually in a single-payer account, how much money is projected to be left in a single-payer account. That may be the reason for the reductions in the utility accounts.
- 2:18:28 May we explain that? Because there has been a change. No, that's fine. I just need to stay with this because that's what's in front of us. You could explain it after. And then I find that, and this is for all the government entities that rent from the government employees' retirement system, when was the last time you actually had a lease agreement in place? We have a lease agreement in place. It's month to month.
- 2:19:00 So we have to comply with the laws. Your lease agreement is on month to month? It's on month-to-month now because the term, the initial term, expired. Right. And so that's why we still have to operate under the lease right now. Stay with me, Attorney General. When was the last time you had a lease agreement that was not expired? The actual lease agreement. The initial term? Yes. Since the initial term expired. It's been forever. You would tell me. 1990, 1998.

- 2:19:28 Why is it that we can't come, these government entities cannot come to a lease agreement with the government employees retirement system, what they're doing is wrong. We have been negotiating, but we're still... Forever. You've been negotiating for over 10, 15 years. Negotiations cannot take the line. It's not you alone. It's also the division of personnel. I don't understand why GRS is doing what they're doing here. It's every government entity that is yourself and the division of personnel. So this is an issue. And I know that you have a number of your lease agreements, the terms are month to month. So it means that you are in negotiations or what is the action?
- 2:20:13 We have completed negotiations for, let me see. While you're answering that question, I just need to get some clarification. ATTORNEY GENERAL, I KNOW YOU MADE A PASSIONAL PLEA FOR YOUR POSITIONS, BUT I'M SEEING THAT YOU HAVE A NUMBER OF, HOW MANY SPECIAL AGENTS DO YOU CURRENTLY HAVE ON BOARD? AND THEN YOU HAVE SOME, WHAT'S THAT TITLE, MEDICOLEGAL DEBT INVESTIGATOR, WHAT ARE THOSE POSITIONS? I'm sure they're tied to the...
- 2:20:55 Yeah, it has to do with the Detstein investigation, working with the medical examiner. And that is what they do is they... That was one that Director Hunt was explaining, but what they do is that they're trained. They have to be trained and certified. But what they do is it's with respect to doing the investigations at the scene, collecting the samples and the evidence that they... In order to determine... How were we doing that before? Well, we have the, before it was done at a much limited basis, we have the forensic technicians would be the ones to basically pick up the bodies, and I think the best way to answer that question actually will be Mr. Hunt, because he'll be able to describe exactly what they do.
- 2:21:43 You have the medical examiner, and then you have your medical examiner technicians, and then I see you have a physician technician as well. That was at the request because I found it necessary we needed to be able to upgrade the services of the medical examiner's office that they had not been able to for years in order to improve the services that they can give. That was one of the positions that the medical examiners themselves had requested from the time I came on board with respect to what is needed to be able to help to get them to be able to do their jobs better and more efficiently so we have we have a number of people who died here from gunshot wounds of course but the medical examiner the work that a medical outside of that in addition to that does a lot of work tied to individuals who died outside of the hospital yes so how many of those types of cases we have that would require us to have one two three four five medical legal debt investigators plus the special agents i think i see you have one four five uh six seven eight nine ten eleven and then you have an analyst i'm not sure what that is you have about 11 or 12 requests for special agents. Okay, for special agents, I'll tell you why we need so many special agents. We need special agents to investigate white collar cases. We need special agents to investigate, to do background checks, which is what a lot of them, a lot of us do at this time. We need the special agents to assist with the arrests and the address verifications of our sexual registry. We need special agents also to assist attorneys in the prosecution in
- 2:23:39 in the finding of witnesses, the apprehension of witnesses. We need the special agents also for the extraditions that need to be done. And these cases, these cases that the special agent, also, I'm sorry, to investigate also, to help investigate cases, assist the civil attorneys with cases, lawsuits that come in all the time to the government and to assist in the investigation on behalf of the government so that we can have the proper defense, the special agents. So I am like a little off with this, and I have to wrap up because my time has been cut.
- 2:24:19 Okay. But you have VIPD, right? Mm-hmm. And you have the, what do you call them, detectives that does their investigation of certain things. So behind their investigation, you have another set of investigation going on? Well, actually, as I indicated to you previously, is that when you have an arrest, it doesn't, of course, that's when the BIPD, they do the investigation, everything, and let's say you have an arrest. At that point in time, then the responsibility sort of shifts as it is going over to then the prosecution. A lot of times the prosecution, especially when going to trial, requires the need of additional assistance. Now, the VIPD, the detective, is a case agent, is the case agent, they have the responsibility to do that. Sometimes it requires, and the prosecution requires, particularly when it's related directly to trial, it's sometimes, and in fact many times, in the most capital of cases, and complex of cases, we need the additional assistance and that's where we then have to step in. And that's so that we can get the prosecution to get it to the end so that we can get the conviction and then that is completed at that time. Mr. Chair, my time has been called. I wanna thank you for the leeway, but I think that we need to have a special discussion outside of this discussion the Office of the Attorney General is because I am a little airy about some of what I'm hearing as it relates to that relationship between VIPD and the Attorney General and the need for these special agents in between what the detective should be doing etc so I'm not in your shoes and I don't know the hand that's dealt you so I can't really make any judgment but I am a little a myth
- 2:26:27 about how that whole process should work and is working as we speak. Thank you Mr. Chair. Thank you. And I welcome that. How many new special agents do you want? HR? One. I'll have to get that number to you. I think I count 15. 16. I know you're somewhere. 16 new and you presently have 6, correct? The number I have is we presently have 8. But you

have 8 presently, you want 16, so you want 24 special agents. And that includes the White Collar Division, that includes, because remember, we do have to do a multitude of background checks.

2:27:12 You have 8, and you want 16, so you want a 200% increase in special agents. So if you're supposed to get this, they did this, all that you're proposing, if you're supposed to get all these positions that you're proposing, what would be the implication on cases? The implication on cases?

2:27:40 What would we severely reduce the amount of detainees that we have? More than half of Golden Grove are presently detainees. Okay, well, one thing I would say, as I indicated to you before, and I believe the judiciary did as well, that they indicated that it is a combination of things. I can't say that just if we get... Our part definitely will definitely improve the efficiency and the effectiveness and the speed. If you're talking about 72 cases and you've got four investigators, if you do the math, if you have 10 investigators, naturally these things go fast. Okay, and I know the next senator is going to drill down, so I'm not going to go there anymore, but when you bring in an additional staff, there must be an outcome, a desired outcome, but I just wanted you to explain medical malpractice quickly. Who's a medical malpractice person? That is Attorney Russell, and that's the person that I told you that she contacted us this morning, and she would not be able to attend. But you could answer the basic questions, right? It depends. It can have attorney. Yes, attorney, temporary attorney Jacobs would be able to.

2:28:53 The medical malpractice that is presently being utilized is a self-insurance by Department of Health? Does Department of Health have a self-insurance for medical providers? Essentially, it's funded, the insurance is funded through Department of Health. They're not insured by private insurance. They're insured by the true Department of Health and a premium that they pay to the government, correct?

2:29:27 Yes, to the government, right. So the money is collected in that fund is never sufficient for the payout, correct? I cannot answer that, that it's never sufficient. I know that they've been being paid. Yeah, they've been paid because... Sometimes it takes time. And they've been paid because the general fund is providing the monies for those payout. What is common practice in other states? The government to have a self-insurance or for them to pay a medical malpractice provider? I am not in a position to answer that. I do not know what is the situation.

2:30:02 The young lady here, ma'am. That's your name? Oh, yes. Good afternoon, Senator Cowell Thomas Jacobs, Chief Deputy Attorney General. What happens in terms of the Virgin Islands is that the health care providers would pay a premium to the Department of Health and the payments for the settlements are paid through from the premiums. That is what should happen. I'm not aware of settlements being paid from the general fund. Only the Department of Health could tell you that that's the case. But as far as we're aware, we're aware that they're paid from premiums. What happened in the Virgin Islands may not be the same in other jurisdictions because the Virgin Islands is frankly unique.

2:30:49 I think when you look at the history of the statute. Unique in terms of. And that's what I'm going to say. When you look at the history of the statute, one of the reasons why I believe this medical malpractice scheme came about was because it was our way to ensure that we have the expertise and the number of specialists in our jurisdiction. Otherwise, they won't come. You have to make it attractive because the cost of medical malpractice is so high. So that's one of the reasons why I believe the legislature at the time came up with this system in the Virgin Islands is one way to ensure that the people of the Virgin Islands has adequate health care by getting the doctors to come to the Virgin Islands. And we pay for any doctor that is employed by the hospital or a federally qualified health center, we pay the cost of that insurance, the medical malpractice insurance? The government?

2:31:53 Any, the federal, I think any, any, any local physician can participate. Yeah, but who pays What is the cost for those individuals who work at the hospitals? The hospital? I'm not quite sure. I'm not sure. I think the hospital or the Department of Health might be in a better position because they're the ones, we handle the cases for them and for the medical malpractice fund and program, so we just handle the cases, but the program is not under Department of Justice. Right.

2:32:26 But to your knowledge, Attorney Jacobs, is this common in other states, in other jurisdictions, this way that we're doing it? I don't know if it's common, Senator, and I would have to look at it, but I could just tell you what happens in the Virgin Islands. I don't know if it's common. What happened don't mean it needs to continue to happen. So I'm trying to find out, because dentists in the Virgin Islands, they have to provide their own medical malpractice through private insurance, correct? Or you don't know? I don't know that. If you are a dentist, dentists also can participate. I know of dentists who participate in the Department of Health self-insurance program.

2:33:04 I do know that because we do, and like I said, our only role is as far as handling the cases and I have to approve settlements. And I have approved settlements from dentists as well. Yes. Ms. General. And it is pursuant to the legislation and the terms on that. I mean, it's not under you. We'll find out more colleagues, but we're paying the premiums, and then

we're self-insurance. We're self-insurance, and we're losing on both ends. And we will have a deeper discussion.

- 2:33:39 Point of inquiry, Senator. Fred Gregory. So I'm a little confused. So if my memory serves me correct, I know that the Department of Health pays for malpractice insurance for those doctors that come to work on the Department of Health, right? They pay out settlements. They pay out settlements. In your testimony, I think the Attorney General said that y'all have paid out 1.2 and about that amount this year, right? Well, something like that. So I guess what the concern is, is have we ever done an analysis to determine, so we're self-insured? It is government. Senator, the doctors have to pay insurance. They pay the premium. So then when we settle, we're still paying it out of the government funds? That's where my confusion comes in. I don't know where. I think, like we said, we have no information that supports the claim.
- 2:34:38 But where did \$1.2 million come from? It does come from government. Whether it's from the insurance fund or the general fund. That's what my confusion is. It should be coming from the insurance fund. But whether or not it is government funds. so then we are self-insured but if my memory serves me correctly i recall us having that discussion with the commission of health and they pay for those insurance so why is it that once there's a malpractice suit if you will that we are not once we set those cases we are not the attorney general you familiar with this you've worked at the department of the the port authority right? So why is it that we are not utilizing the insurance company's dollars once these cases are settled? If we're paying an insurance company, they've got to pay for the settlement.
- 2:35:25 Well, that's because of the law that establishes that insurance fund. But why are we paying for the insurance then? Okay, thanks. Thank you. Title 27, 166E, subsection 166E, the government of the Virgin Islands shall provide financial assistance or the payment of premiums for health care providers who are employed by government agencies to perform or furnish health care on the following basis. So we pay for that. And then I don't have the next section up now, but the next section says that the Department of health shall have a self-insurance so you help with the settlement but that's the next meeting Senator Sarum thank you and good morning to all Attorney General I want to spend some time on your personnel I'm looking on On page 8 of 16, post audit, program management assistant, 75K. What is that person?
- 2:36:43 Okay, let me get to this. Page 8. Program management assistant, what number is that? What program is that assistant managing for 75K? Oh, Program Management Assistant 75. Who's HR? I'm not sure.
- 2:37:17 Who is HR? HR. Good morning, Senator. Let's have a chat. Program Management Assistant 75K. What are we managing? Is that a new position? What is that? It is a new degree. Why? No, it's... What is... Tell me the duties of a Program Management Assistant. Okay, just one second for clarification. We're looking at the program assistant management, program management assistant that's listed under there on page 8. Is that... But the HR seems to have the answer and my time is running. I need to reclaim. Thank you. Mr. HR, tell me what is the duties of the program management assistant?
- 2:37:59 I'll have to get back to you with that because I don't want to speculate or give... as it pertains to his actual do you have a rough idea of what program they're managing that they're their assistant to oh and so my general phone apparently as i see i want to say that he part of his is part of like team management but i don't want to say that okay come back all right i know okay there is a um a program management assistant position and i'm I'm not going to be at liberty to discuss individual performance of individual persons, but the position, okay, the role of that is to assist with the managers in every area of management within that division.
- 2:38:52 No, no, no, Attorney General. Yes, that is what the requirement is, just like a program assistant or an executive assistant. Attorney General. Mm-hmm. I went to law school, but I think I could smell when you're giving me a diplomatic answer. Evidently, we created a position here for 75K that none of you can explain what a program management assistant is for. And I have to drill on a personal listing because there's an exorbitant increase in your personal listing, but you have make-up positions here because HR can't tell me, you tell me that a program management assistant is to assist the managers in. That sounds like, I don't know what it sounds like. I wouldn't say what it sounds like, but it doesn't sound sensible. Now let's go to your Deputy Solicitor General and the Solicitor General making the same salary. Is that accurate? Page 10 of 16. Actually, no, it's not accurate. There was an error. Tell me the salary. Actually, the Deputy, we have a Solicitor General, so you see that it's listed as a new position.
- 2:39:56 Okay, and then... So the error is that... Tell me the pay difference. The actual position is supposed to be the special counsel to the attorney general. Am I correct? That was an error. So what would the special counsel to the... Tell me the salary. What would the SGB be making? \$126? Let me get...
- 2:40:22 Mr. Christopher, please. Yes. 126, what would the special counsel be making? Special counsel will be making 126 also. So the special counsel and the general making the same salary? Yeah, because special counsel is a special counsel position or like a general counsel position specific to the attorney general, and that kind of position is the, it's a position that requires a great deal of research and investigation in a confidential matters. Okay, so now that's good for your special

agents, because you have an exorbitant increase in your special agents. Your special agents are making roughly, I see one for \$61,000, one for \$75,000, one for \$70,000, one for \$72,000. In your new salaries for your special agents, two will be coming on as \$85,000, three at \$70,000. Can you explain why your new positions are roughly more or equal to than your existing special agents?

2 : 41 : 24 Well, it's because, first of all, the salaries are based on level of experience in investigating cases. So what is this level you're advertising? So the levels, I'm advertising for all levels, because all levels, as you see, with respect to the... So what's the level you advertise? What does it say? Special Agent 3, Special Agent 2? We don't do it that way. They are exempt positions and highly confidential, but what we do is that we evaluate it according to the experience. If you have a person, let's say, a white collar investigations, if they have fraud investigators who have experience in financial investigations and financial crimes, and they have 20 years of that, can't get anyone with that kind of experience and expertise we need for less than that so your salary range for your special agents seem to be very subjective like the federal government has like a scale we don't have no okay so hold on so then you have so so i'm going on the same report right so you have assistance attorney generals making 78 000 80 000 i have them well highlighted here One, the next one on 78, the next one on 78, another one on 78, 85, but you're bringing a special agent and making more than your assistant attorney general? Well actually, we have, that is a problem, Actually, that is a problem that we're trying to address with respect to increasing the assistant attorney general's positions, and so that's why we're doing that.

2 : 43 : 07 Hold on one minute, attorney general, when the senator is trying to intervene you have to give her an opportunity to speak you can't speak over her you're going to make sure your time i'm going to give you time but you have to listen and answer her question because she's intervening so what are you allocating in the budget to make your assistant attorney general's whole that they wouldn't be making less than the special agents that you are hiring because i know if you guys watching this this listing but i don't know who doing the pay scale what's the pay scale but the pay scale is totally out of sorts so what do you have allocated in this budget one um attorney general to increase the salary of your assistant ages making less than your special agents and what do you have allocated for some of the special agents that you are hiring that would be making more than the existing special agents that i am sure have years of um of of experience because the subjectiveness of the pace of the personnel listing remains cause for concern in light of the fact that you are asking for an additional 10 million or so in personnel services. So I need you to help me understand. You may proceed.

2 : 44 : 28 Well what it is is that as I've said from the beginning and I've said it again I think in my presentation. The assistant AG salary scale has to increase. It is where to look and it really, you're correct in that it really, it really is required to be increased where it is higher. The lowest assistant attorney general is higher. I cannot put that in this. What amount are you asking for? If you want to give your increases to your assistant Attorney General, what have you projected, an additional \$2 million, what, what, in scrubbing of your personnel listing, what have you come up with, what numbers have you come up with to make these adjustments? Okay. I have come up with a- They're unionized?

2 : 45 : 20 Yes. I was just going to say. I've come up with what I have in my mind, but we have to go to the union and we have and I mentioned it also in my presentation. We are waiting, going to collective bargaining negotiations later on, so I couldn't include that in here. So your special agents are in a union, too? The special agents are not unionized. They are exempt employees, and they are paid according to the experience and expertise, and there are different levels of complexity of cases that they will have to investigate. Persons who have experience in conducting complex investigations will, and education and experience in conducting complex investigations will naturally be paid way higher.

2 : 46 : 12 Okay, Attorney General, so I noticed a bunch of assistants, right? I don't see any assistant director for special investigations. Do you have one? No. Do you need one? We have a, no, we don't. Is anybody in that capacity? No, but we do have a special agent in charge that's in St. Croix, and also a special agent in charge at Paternity and Child Support. So they take on the management role of...

2 : 46 : 39 Are they being fairly compensated? Yes, I believe they are. They are in fact. They are? Yes. I'm looking at your personal listing and I'm very, I'm not easily confused, but you have a special agent in charge at \$65,000, making \$75,000, so if you're bringing on a special agent again for \$85,000, and you have a special agent in charge making \$10,000 less than the people that you're hiring, help me understand. Because they're not under the SID, they're not under the Special Investigations Division.

2 : 47 : 15 Those two positions, and a couple more, are under the White Collar Corruption Division. That is a completely separate org, and it has a completely different set of requirements, and they report directly to the director of the white-collar crime unit, so it's a separate division. Let's just respond at the time on this. I just, and you have an HR sitting in the corner, and the HR has yet to thoroughly explain to me the HR matters, because if I am to be fair, your vacancy listing, your personnel listing is confusing. And if you hire people at these salaries with the existing employees making that amount, this is Coco Bay on top of yours. We have to increase the Assistant Attorney General's position. So that's just something,

but I can't talk on that.

2:48:11 Okay, I noticed your vendor payments. An average basis for Westlaw is averages about 5,000 a month, 812 dollars. 9,000 how much?

2:48:41 And then you go to Paternity and Child Support, it takes you to another website. That website was last updated in 2010. Who maintains that website because it doesn't look like your home website? Who's maintaining that? We're actually working on that. We just revamped our Department of Justice website, which also has information with respect to Paternity and Child Support and the link. I actually, we're just starting to work on a couple months ago with respect to getting someone to revamp that website because both websites were very, very old by the time I came. There were no changes. You will see a newer website for Maine Justice and then soon, I would say within this year, a few months, you will see a new, more client interactive type website also for the Division of Paternity and Child Support.

2:49:33 Mr. Chair, thank you. We need to look at the personal list and I'll scrub it thoroughly and if this is a budget hearing we um our vendor listing the vendor listing is not even there and they clearly have vendors that they're paying and we don't even know where i fall under who they're paying if they're up to date what's the contract when the contract expire and this is a budget hearing i know you can't be in court without the information so the same has to be given to this body thank you mr chair thank you senator saros mr christopher if you can provide for us, at least of all of the vendors that are paid on an annual basis. When you came up HR with the special agent, I know you have them in different departments, whether it's white collar or divisions. So you're saying that the pay is based on the division that they're based under?

2:50:25 The pay is based on, well, the pay is based on their experience and expertise. the White Collar Division section where there are separate sections. There are some that are specifically under the White Collar Division section. Okay, that's fine, but they're all special agents. Maxine, do you have... Special agents or investigators, slash investigators. So do you have a set scale that they're going to follow? Whether your special agent in charge is under whatever department, the key factor is that you say, in charge, which means that They're in charge of who? Other special agents? In charge of what? Under SID, Special Investigations Division.

2:51:07 But it doesn't make a difference. A special agent in charge shouldn't be making less than a special agent coming in for the criminal. There are special agents. Not necessarily, because they're different types. If we want to change, we could change the title, but there are different requirements and under the different divisions. Let's say we have a special agent that would come in under SORNA. Hold up, hold up. So you have a special agent in charge under each division? No. You have a special agent in charge under each division?

2:51:41 No, because the SID, Special Investigations Division, that is the General Investigations Division that handles a lot, all of those functions of witness protection, background checks, etc. You have the specialized divisions that will have a special agent or a investigator assigned to them. So let's say not only white collar division, which requires people with expertise in fraud investigations and financial investigations and complex investigations. We have some that are being trained that can come in and they don't have any experience that they're going to be trained in that.

2:52:21 They make less than we're trying to attract right now the kind of investigators that can take on these complex investigations, especially financial, where they have to follow the money right now. All of that I understand. Yeah, but you have to pay them accordingly because we won't be able to attract them. You have to differentiate in the way that they're being identified. Oh, okay. You can't have a special agent in charge making less than a special agent. If you're a special agent, white-collar crime, special agent, blah, blah, blah. But you have to look at the way that you are... Just identify them with the section.

2:52:59 Because I wanted to add that there would be either a special agent or investigator for, let's say, Sorna. There's one there. There's also another one particularly for... I'll have to understand, but in terms of your present employees and the path moving forward, we have to clarify some of the way that that would have to be adjusted and I understand what you're saying that that would need to be adjusted and we'll identify the sections in particular. Senator Gittins.

2:53:37 Thank you Mr. Chair and good afternoon to all. You know Mr. Chair and colleagues I've been observing a little practice that I personally believe is totally unacceptable, especially as I know the chair of this committee and his office staff usually sends out timely notifications, especially with these budget hearings. so they had time to know that they need to be in a professional setting and be ready to respond to our questions. I'll leave that there, but hopefully in the future, we'll see that everyone is prepared in a professional setting to respond to our inquiries. I'll skip over the vendors as the previous speaker.

2:54:42 I already pointed out that there is no information with regards to the vendors, payments and contracts, but I'll go into the leases. I certainly understand the importance of the circulation of monies in our economy, economy but for crying out loud i can't understand why we continue to invest in private properties rather than looking at uh investing in our own and

having some place that we can call our home uh you know that that speaks volume to the people who we serve and you know this place it seems like it's just lawless because the criminal element pays attention to what's going on within this government. How can we not, how can we sit here today and not agree with having a speedy trial act it is unconscionable unconscionable and against people's rights to be sitting in prison over 10 years on detention the primary duties and responsibilities of our Department of Justice, the AG's office, is to represent the people in legal matters. So how can we not want to ensure that our attorneys are career employees, number one, and paid up to date? Attorney General, at what pay scale are our assistant attorney generals today?

- 2:56:40 Case scale, as I indicated, it's determined by the collective bargaining agreement according to how many years barred, and that starts out at 78,000, and the highest at 2011. It ends, the collective bargaining agreement ends at 2011, and so they've been paid on that very low pay scale for quite some time, and it's about time that they get an increase in their pay. And I'm looking forward to that because it is much needed.
- 2:57:24 I truly hope we can cross that bridge. I hope so too. And pay our Assistant Attorney General so that they can remain on the job. I strongly believe that that's one of the reasons why we're having a hard time or they're departing. And I couldn't help more than to agree with the Senate President, I believe it was, regarding your justification to pay an assistant attorney, I mean assistant director, more than the director in which that person will be answering to.
- 2:58:05 Two minutes. That certainly creates a moral issue. What's really problematic that I see in this for the government and the GDRX is the creation of all these exempt positions and that hiring under the GS pay scale system. Our assistant attorney generals, are they classified or unclassified? They are classified positions under a collective bargaining agreement. Of course, now they can choose whether they want to be unionized, but they can make that choice. They can't be forced to be, or no government employee can be forced to be a member of a union.
- 2:58:52 But as of now, they are under the CBA. I'll reach out to your office momentarily regarding a bill draft that I intend to resubmit again as to the status of our Assistant Attorneys General. I do firmly believe that there should be career individuals. They are classified, you know. They are classified, yeah. Go to the Takata settlement.
- 2:59:27 Last time you were here, you indicated that we received about 10 of 50 cars, with regards to that settlement. What's the status of this? How many more have we received? Have these vehicles been assigned? Yeah, no more have been received. We've not submitted for the second batch of vehicles as yet. So that may be in a couple months or so. But we have not done that as yet. And you know, with regards to these leases, I'm looking at the listing, and when I'm seeing that we're entering into these lease agreements for 10 and 20 years or 19 years, etc., it appears that we're not looking at owning anything. We're just continuing to rent a lease.
- 3:00:22 Time. What's the status of the morgue on St. Croix? As much as you were in a 19-year morgue lease on St. Thomas, what's the status of the morgue on St. Croix? The Medical Examiner's Office on St. Croix are working on getting that done, getting closer to that. First of all, I want to say that I agree with you 100% that we ought to have our own places, our own, you know, owned facilities rather than renting. I want to say that. And then secondly, I would say in responding to what you're saying about looking for a place, looking for a location for the Emmy's office in St. Croix, we are actively doing that.
- 3:01:12 Have a few possible options and that I can't, I'm not at liberty to say what they are now, but definitely we're going in that direction. Okay, don't forget the other question regarding the Takata settlement. Oh, I thought you had asked me whether or not we've made another order. I was telling you that we did not make a second order as yet. We have until the end of this year to make the orders of the vehicles. Okay. So you're saying that the remaining 40 has to be ordered?
- 3:01:57 I'm not sure it's 40. I think it's about 35, but yes, the remaining vehicles have to be ordered. Okay. Thank you. I can't hear the time there, but your time has been called, go ahead and conclude, Senator. Again, I'm seeing you in a 19-year lease on St. Thomas. And St. Croix, all we keep saying is that we're moving closer, we're moving closer. Have that property been identified for the morgue on St. Croix? Time. I will only put it this way. I am very interested in a couple properties, and that's it. That's all I can say for now. Thank you so much, Senator. Thank you, Mr. Jim. Yes, Attorney General, I think you neglected to explain what is a program management assistant? Oh, the program management assistant, it's really a position that... That does what? That it is designed to assist in management and all of the programs, wherever they're assigned, as assigned by the managers within the division.
- 3:03:06 Let's say handling the maintenance of all vehicles and making sure that the vehicles are up to par the maintenance they expect it to make sure that they get the regular maintenance don't you have a maintenance supervisor no we don't so that is a function that the person would do but no we don't have a maintenance it sounds like a big title to me it doesn't sound like it is it is pretty vague but i don't know if it's as big as an executive assistant like what does an executive assistant do they accept they assist the executive what does a special assistant do they assist the whoever the person is that they're

working for, but it's one of those things. So program manager, assistant, you're saying would assess a program manager, which I don't see any program manager position?

3:03:49 Well, assist, not necessarily, just like executive assistant doesn't assist a person that's named executive, but the program manager assistant will, let me, let me, let me hear you think. Is it really a position? I mean, is this vague justification that they will assist anyone in any other program? If maintainers need a car, I don't see that one at all. There are assignments that they have to perform because new person can just work for Department of Justice and not do anything. So there are assignments that they have to work at in order to enhance where our needs are, rather. This is a high paid exempt position. And I just believe that high-paid exam positions need to have specified duties that we know exactly what they are charged with accomplishing. This is a \$75,000 position. Yes, indeed.

3:04:46 A \$75,000 position can't be for maintenance of cars, so they make sure the cars are maintained because whoever you have in the maintenance department does their job. Well, we don't have a maintenance department, actually, so, I mean, just as a correction, we don't. Let them put it as maintenance manager. But I clearly understand what you're saying, but I'm saying that we don't have one. I can't see a program management assistant going to White Collar and telling White Collar how to do their program. So this person, just a generalist? No, they can only assist. They can't tell. That's why it's assistants. They have to assist the program managers, the managers of programs, and it is one of those things. So that's all I can say. It is one of those things that I don't understand, Senator Fred Gregory.

3:05:29 Okay, I understand that you don't understand it, but, you know, let's just put it that way. I understand that you don't understand it. Thank you, Mr. Chair. A program assistant should be working on a respective, what is a federal program, and supporting all the federal programs is something. So that's something that, you know, the age you probably were just giving back off. Seriously, it is what it is. I have a question.

3:05:58 This analyst, is this a table in a pool study report or do you have a position as a table analyst? It's probably a table piece name and a pool study report. No, it's a criminal analyst. So what is that? What's a criminal analyst? You have a special agent, you have, I mean, yeah, where's a criminal analyst? I can explain, but I think Mr. Curtis would be better to explain that. the director of SID. Mr. Curtis, Director Curtis, please explain the criminal analyst position so that it could be understood. Yes, this is William Curtis with the Department of Justice Special Investigations Director.

3:06:47 The criminal analyst is an individual who would, and I'll do it to you this way, We receive a lot of documents. We receive a lot of information. And let's say we were to get 100 pages of an account statement for like a year. The criminal analyst will be the person to go through that, to pull out all that information. The criminal analyst will also be the person that does the data mining for research, searching the social media for different things. You know, there's a wealth of information.

3:07:22 Thank you. Thank you, Mr. Curtis. Thank you for your response. You see? So we just went over the special agents, and we talked about the fact that the special agents are hired because they have particular... you're proposing for them to be hired at different salary levels because they have particular skill sets. And I totally understand that to some degree. But then you have criminal analysts who know, I am the special agent. You are this criminal analyst. You got to true up my data and then bring it to me? I need to do my job. But that's what he just said. He said a criminal analyst is a person who gets the files, does the review so that when he finished with the review he got turned over to the special agent if you are the special agent who's responsible for fraud of accounting data you have to be looking at that information yourself trueing up the information yourself analyzing it yourself in order for you to come to a conclusion you can't have somebody else doing the analysis for you then turn it over to you for you to have that discussion with your um assistant attorney general. In fact, it's, this is, I can, yeah, this is, this is, this is much, this is a lot, oh.

3:08:40 No, I'm, yeah, I'm just saying that, honestly, I see that you're trying to build a department to be successful, but I think there is a lot, there's a lot more that needs to be contemplated around some of what was presented to the attorney general. There are things here that just don't, I just don't see how you're going to give one person, the one person is going to throw up the data and the next one is going to, I don't understand this. It's very much like having support staff or a paralegal. You have a paralegal.

3:09:15 You know how much support you're going to have? You can't. Listen, how much support can you have? You have to step into that position and be willing to deal with that position from the top to the bottom to transfer it over to your assistant attorney general who you're working with. You can't have all of these people meddling in this and that. It just seems like there's this need for all of this support staff. And the question, you have to beg the question, so how is this really going to all come together? No, it's really · criminal analyst is a very common position in whether it's white-collar divisions or investigative teams. The criminal analyst does play that role at that is · sometimes you have · we have cases that can be like tens and thousands of documents.

- 3:10:02 And so it's sometimes the man with the criminal analyst · analyst, rather, is able to index and prepare them in such a way. is very similar to paralegals. Legal assistant, you can say an attorney can very well hold together documents, but there are things that have to do with a person with some kind of legal expertise. As a paralegal, let's say for example, I'm just using this as an example, that would be able to do the necessary preliminary legal work to present to the attorney.
- 3:10:33 The attorney is then able to review and then take it to the next step. But there are a lot of things that- Kenny, one minute, I'll get to see what you're hearing you. I'm sorry. Okay, no problem. Point of information. Yes. Sorry. So that's what I'm saying, it's not a made up position, it's actually a very distinct role that is very common in investigative teams. And those aren't special agents either. They aren't, when I say special agents, they're not peace officers, and they don't have to be peace officers. But just explaining further, and like if you understand a lot of the types of cases, especially complex financial investigations, these things can, you know, just blow up when you're following the money, let's say, for example, and you're looking through financial records, and then it opens up questions and suspicions about other financial records and other, and then sometimes it grows and you end up having, like, suspects start to grow, like from, you know, one to two to five to ten, and sometimes it assists in even doing, criminal annuals was assisting in doing types of matrixes and that sort of thing in developing and helping the investigator in developing the cases.
- 3:11:53 And I don't know how better to explain it, but... Okay. But you have a forensic accountant on board. Forensic accountants are, that would require a person to have a, um, uh, an accountant degree. Do you have a forensic accountant position that presently failed? That time we did, yeah. So that's not what they do, forensic accountant, don't they handle all of that? Forensic accountants are, are also need a criminal analyst, um, I guess you could say that it's somewhat similar, but still we need, you still need more than one.
- 3:12:32 How many do we need? A forensic accountant needs to be an accountant and they do using the accountant principles So you do have, you presently have a forensic accountant, correct? We have that position. It says field. You have a forensic accountant? Yes, sir. And the person? No. The person has the accounting degree? The person has a master's degree, sir. In business administration, concentration in accounting, I'm not sure what the concentration is, but they have a master's degree. For accounting, accounting· I'm asking, we're going to get to this, because I know that the good attorney general could explain any position here and give a good justification. Why do you say that?
- 3:13:19 Because it's the truth. I know what I'm doing. I've got to have to back up what I'm saying. Right, and I'm saying that's the truth. You have the ability to justify every position that is listed here. Exactly, because we need it. And we need to decipher through all of the positions to make a determination as to what this body can fund and what we can't based on the finances of the government. We need to look at areas that are possible overlap. We got to look at whether or not there's a need for 16, for a 200% increase in special agent. Those are all areas. I saw you have a deputy attorney general as a new position?
- 3:14:02 Yes. So that would be the second in command? That's a position in think. So that's the second in command? No. Chief Deputy Attorney General is on the hierarchy. And then the Deputy Attorney General. I'll talk into the mic please. So do you have a Chief Deputy Attorney General? The Chief Deputy Attorney General is sitting to my left. And now you need a next Deputy, now you need a... We have a Deputy Attorney General just received the position of Deputy Attorney General, which is Attorney Chancellor.
- 3:14:37 Okay, what am I saying? For St. Croix, so... And so, Ms. Jacob is for St. Thomas, or Ms. Jacob was territorial? It is territorial, so is Deputy. Those positions have been for years in the budget. This is not new. The only reason why this is new is because, yes, the only reason why it's new is because the position was lost when there were the budget cuts back in 2020. We lost the position, and it was cut because it was not filled at the time.
- 3:15:10 We always had a deputy. For years. So we're just adding a next deputy. We always had a deputy. We always had a second in command. We're just adding two positions underneath the Attorney General. we had one, but it was usually that if the Attorney General was on one island, the Deputy or the Chief would be on the next island, but in this instance, the Chief is on the same island, so now you're naming a Deputy for St. Croix. There's nothing wrong. Yeah. But no, did you say something? Oh, okay. I didn't say anything wrong. I said that it is· No, we thought that we were talking about the Deputy Solicitor General. I'm not asking for· The Deputy Attorney General position was placed in the budget for fiscal year 2022.
- 3:16:00 However, we received funding from OMB to bring that position on board. Critical funding. So while it's listed as new, the position is actually current and new. It's filled, but it's new. So the position is already filled? Yes, sir. Yeah, we just filled it with critical funds. Now, if you have funds in your department, it doesn't need to be filled with critical funds, because when we pan out your personnel, you're going to have \$2 million in your department not expended. And that is where we've got to be careful, because based on your projections, you're only going to be spending like \$9 million. Yes,

it is. You have spent thus far \$5,497,484 after nine months. So we could project out how much it's going to cost for the next three months.

3:16:53 And you don't have, presently, a contract with the Assistant Attorney Generals. You said that contract hasn't been finalized with collective bargaining. So we don't know what is going to be the cost of the increase. But right now, within your budget, you have like \$2 million in flexibility in personnel, based on the numbers that we have. Right now, you are not going to expend the 12, we gave \$18 million this year. You're not going to expend \$18 million as of September 30th. And that is why the question came in. If you are budgeted for \$18 million, you're not going to expend that \$18 million, but then we're looking at an increase to \$27 million.

3:17:38 But we couldn't spend \$18 million. I understand with respect to what you're seeing regarding the amount that's left to be expended, and I just want to be clear, are you referring to those positions that we filled after they were, after the legislature earmarked them, so we're not able to expend the money. Correct.

3:18:04 So there's money left of not being expended, but what happens... To include vacancies that were not filled. Right. So what happens in the next fiscal year, we would need all of the funding to then... You need all of the funding for those 30-something positions that you hired. To be there. But at the same time, you hired 39, but you lost 13, so it's only like 26, but now you're projecting 90-something, and we know that those 90-something positions, which is going to, I think the first set of new positions is cost at \$3,484,000, and the next set of new positions is cost at \$3,445,000 for a total of like \$6,900,000. That's at a hundred percent. We know under no circumstances are we going to need to fund those positions a hundred percent. At a hundred, no.

3:18:59 Right. So we need to look at all of that. Now in your new position, you have a solicitor general. We don't have the position already? That's the error. We have a solicitor general in place. That should have been... So that delete the position? No, no, no, no. That actually should have been the counsel to the attorney general. Then you have a Deputy Solicitor General, do we have that already too? No, that would be a new position, a Deputy Solicitor General.

3:19:31 And the salary, what is? A Deputy would be? And why is the Deputy making the same as the Solicitor? No, the Solicitor is supposed to be the General Counsel to the Attorney General, the Special Counsel to the Attorney General. So to make the same? Yes. That's that, yeah, that. That's not in a hierarchy, that's a separate position that's special, you know like a special executive to the Attorney General, it's a special counsel. Point of inquiry quickly Senator Saro, you have a point of inquiry for Senator Gittins and then Senator Saro, Senator Gittins, and then we're going to conclude Senator Saro.

3:20:10 Thank you Mr. Chair, I just was saying that while I often times encourage that agency heads to ask for what they want during this process they have to be uh realistic in their requests now i agree with the attorney general with regards to the criminal analysts who basically gather information and analyze the crime statistics we're always asking for statistics and they look at the trends so that they can deliver that information to the investigator Just like how the judge has his law clerk and the, as was said, the attorneys will have the paralegals, etc. The criminal or the crime analyst is needed in this position, but the numbers that we're looking at is really great. I would like to see us asking for more attorneys and paying them at their proper level than to ask for so many investigators. Thank you. Senator Cyril, point of inquiry. Thank you. Who's the forensic accountant, Attorney General? Right now, the forensic accountant position, I think that's been changed. Mr. H, are you answering nothing today? Yeah, please, yeah. Mr. H, who's the forensic accountant?

3:21:32 Her name is Ms. Simon. But that position was recently. What was she before? She is now, she was a forensic accountant, she's now there. Okay. So do you have a forensic accountant? No. Not right now. According to the post audit report. No, no. Hold on. Hold on. Go ahead. Go ahead. Finish your point. Please. So in the budget, it's filled. What do you have? Is it filled? Is it vacant as of now, the forensic accountant?

3:22:10 Chief Financial, it was deleted to create the operations manager. Okay, so go ahead. Finish your point. Finish. So, okay, so going back to the question that we had earlier about what was the position that I think it was? The criminal analyst. So you need a criminal analyst and you don't want a forensic accountant. We do need a criminal analyst.

3:22:37 So you don't need a forensic accountant. We do need forensic accountants, I believe that that was a part of what is necessary, but that would be additional. This person? You understand why you're confused, right? No, I don't, because I think that it's listed as a forensic? You have a forensic accountant position listed as field. You have just said that the forensic accountant is now the operation manager. That's because we needed to, that's before we had, when we were trying to seek We needed a position for an operations manager so we tried to use the funding, the funding was used, correct me if I'm wrong, but the funding was used to build that and that's why.

3:23:21 I asked what was the qualification for the forensic accountant, you said the person has a master's degree in business, I said okay, but now that person with a master's degree in business has now become the operation manager. Right. With the same funding that was used. The program manager assistant couldn't be the operation manager? Well, this particular, the

particular position that you're referring to as a program manager assistant, that's in St. Croix. And St. Croix has an operations manager for that office. And so the person, the operations manager was needed for St. Thomas office. It is so hard to find a forensic accountant. So hard. If you found somebody that has the capacity to be a forensic accountant, why would I switch them to operations manager when it's easier to find an operation manager than a forensic accountant? It's hard to find an accountant. Yeah, but she still is an accountant. I mean, the person still is an accountant and does perform a lot of the fiscal duties as well. So we have not lost any kind of function. But we do need, but she's not going, that person is not in the white-collar section.

3:24:37 We do need forensic accountants in that section. Senator Joseph, and then let's conclude and move to the next one. Thank you so much, Mr. Chairman. I want to go quickly to a question I had raised during my first six minutes, your Civil Rights Division. I noted you only have one position in that, the Director of Civil Rights. This is a really critical division. I mean, you don't have a division anymore. There's no division. And why is that? Because for years, it just disappeared. And that's one of the positions. When I came on board in 2019, it did not exist.

3:25:22 but this is a critical position and a division because it really fights against discrimination age discrimination for our people who are in vulnerable population it also looks at persons who work in hostile environments a level of the infringements that go on relative to our civil rights as human beings under the U.S. Constitution. I looked up and so I'm just, I'm just concerned.

3:25:56 It's a critical position. Let me explain because I certainly am as well and it is a very important position. Let me explain too that the Civil Rights Division or Section or Commission has always been a part of Department of Justice for budgetary purposes only. So it was housed in Department of Justice, but it was not like one of the divisions that were managed by the Department of Justice. Over the years, because I worked at the Department of Justice, I was familiar to where it was and everything, and it was in there. When I came back, and I saw it deplete for many years, it just started to deplete. Less and less, you know, employees would leave and they would not replace them. So years and years went by until finally when I came back to the Department of Justice in 2019 it did not exist there was nothing no function whatsoever and during it so so that is one of the things that were gone and that it's it's really something that should be revealed but it again I have to say it is not a division under the Attorney General's charge but it is within the department I mean this is a very important division and another Okay, that's good though, we can have a deeper discussion as to the need and if we need to expand that particular area, we can have a discussion as to what I'm sure the good Attorney General will give us a breakdown as to what would be the cost.

3:27:25 The Vanderpool settlement, has that been paid? Yes Senator, the first payment has been paid. So the \$3.5 million has been paid? No, the first, the 1.6 has been, as the first part of the payment has been paid. The next one is due in December. Okay. The settlement with this, with Toyota, what was the issue that we weighed in? Where was, Takota, where was Takota?

3:27:57 Honda? Honda? Oh, the Takata. Takata? Oh, it was, it was a Honda settlement was the last one. The Honda Settlement. The Cata was before. Okay. Why are we waiting to order the additional cars? What's the holdup? It's not a matter that there's a holdup, but it's just that, well, one of the issues is that we're trying to get them to bring in hybrid cars. That wasn't a part of the original settlement. But I know that it was brought to our attention that there is some kind of a rule or regulation with respect to wanting our government cars to be either hybrid or electric.

3:28:39 So what I did is that we just put in a request. It's been quite some time for them to get back. We're just hoping that the next week can be hybrid. If not, then we'll just get the regular ones. but we figure we'll give it a few more weeks and then we'll start to just order and then get that part completed because it does have to be completed by the end of the year. Okay, thank you so much.

3:29:09 And they're free. I just want to make sure I can imagine that there's no cost to the government. We want the information, Senator Fred Gregory. Thank you, Mr. Chair. One of my colleagues asked about the position that Lunsford used to hold. What was that division again? That was director. The division. It was civil rights commission. So the civil rights work has been moved to Puerto Rico. And now you have to go to the Department of Labor.

3:29:39 When you have those types of issues, you go to Labor and fill out this form. And I've been there, so I know. I've done it. You have to go to Labor and fill out this form. And then it goes to Puerto Rico. They do their true up. they call you and then you go from there so that's what's what's happening right yeah it's always been actually you've always been I believe been able to make the complaint through Department of Labor as well because that's directly connected to the EEOC but so it's not necessarily so that it's switched but that that was always a situation for that direct federal EEOC now we do have a local statute particularly in the area of like sexual discrimination like sexual harassment and all of that, we have a local statute that does not necessarily require you to go through the EEOC because it's a local way and you can actually in

some circumstances actually directly file suit with the court.

- 3:30:33 So there are options still there for persons. Thank you so much Attorney General. I'm going to allow you to put a closing statement on the record and then we're going to move on to the next group. So you may put a closing statement on the record. Well, I want to first of all thank you, appreciate the opportunity to come here to justify the governor's budget for the Department of Justice. First of all, I think it's important to note that we are, we work to serve the community. Every single division, every single aspect of what we do is based on performing to the optimum for the community and meeting the needs of the community depending on the area we're in. In criminal division, we are very much, what we do is we advocate for the people of the Virgin Islands. In just about all of the divisions, we represent the government of the Virgin Islands. The government are the people.
- 3:31:33 And so I am presenting here today in support of the governor's budget, what are the needs of the department. When I first came on in 2019, I made it known that the department was critically understaffed in just about every area. Since then, we did not have the requisite funding, but we continue to build and build as much as we can. We're finally at an opportunity where we can, and we do have the funding identified by the governor, that can be used to finally get to the point where we can repair where we've been, repair the problems that have been caused by the shortage in staff. When I present this and I say these are the positions that we need in order to perform at our optimum, we want to perform with excellence. We want to shoot for excellence, not mediocrity. So it is serious when I tell you the requirements that, you know, for us to be able to perform in every area. It is way big. I mean, it's huge looking at it in one, you know, in one budget, you know, presentation. It's 9.5.
- 3:32:51 It's just so much. And it's daunting. I see that. But you just have to remember that it is from years and years of constantly depleting the human resources of the department over the years, where not only positions disappeared, but divisions disappeared, very important divisions. This is the time with the funding, now that we have that, this is the time to make that change. It's the first time in so many years, as I talk with my financial team, it's the first time in so many years that we can finally get what we need so that each person who works very hard in the Department of Justice and what they do, that they can get the tools and the resources for what they need to do the job.
- 3:33:41 The people of the Virgin Islands deserve excellence in performance. They deserve our very best. And I'm just asking you to help in that direction. Only you could really do it and fund it. And I'll just make a little note. I remember at the recent dedication or groundbreaking of the parking facilities at the Sirocane Airport, I recall that the Senate President, Honorable Donna Fred Gregory, she made, as she was commending for the development and what we've done and where we've come so far for that, and she then said it couldn't have been done without this body, meaning the legislature. she said that yes she did and and she was absolutely right it couldn't have been done because this body makes it happen this body if you want it to happen you fund it if you don't want it to happen you don't fund it that's just the power of this body so i'm just asking you make it happen make it happen that we can get enough investigators to do all of those investigations that this body has asked the Attorney General to do, that we need to do. Make it happen that we can represent the Virgin Islands to the optimum ability that our attorneys and our investigators, that we can perform the services for the benefit of the people of the Virgin Islands to the best of our ability. Make that happen. Make it happen so that the Attorney General's office can do better and provide better for for the people of the Virgin Islands.
- 3:35:25 Make that happen, please. I appreciate your time. Thank you. Excellent closing argument. If you were in a court of law before a jury, you definitely would have won. Well, I do hope that the people of the Virgin Islands win today because you can do it. However, this is not a court of law, so we look at things a bit differently. I think your first part of your closing statement, you describe a number of government entities in your first part of the argument in which offices have just been depleted, depleted, depleted. And as I sit here for a couple years now as financier, part of the issue that we have in the Virgin Islands is that we continue to create management positions and we forget about the rank and file.
- 3:36:18 So we get so busy creating all of these management positions, some of which are frivolous, some are very important, but some of which are frivolous that we bloat the budget and we don't have the rank and file included in the manner in which we can move this government forward. And if you look at the budgets for most of the government entities and you compare back 10 years ago, 20 years ago, when the norm was one commissioner and one assistant commissioner, and you now see entities that come with one commissioner, two assistant commissioners, five deputy commissioners, assistant to the assistant, we have such a level of management positions that we have made it hard to hire rank and file. So as we go along, commissioners have flexibility in the budget. We included \$2 million additional to what the governor sent down for his 2021 budget.
- 3:37:20 This body included \$2 million based on the AG. Excellent argument back at that time for the Paternity Office and for the Waikala. Are we going to continue? \$2 million. You gave us some. Thank you. It was \$11 million. You gave us some. Thank you very much. For those two, a 1.1, but then we included an additional \$900,000 and a personal and fringe. And I

have the numbers. I could show what was said. Now, in that debate, Attorney General, but I'm just saying that as we move forward, I have the numbers.

- 3:37:55 It wasn't told. I have the numbers. That's okay. I have the numbers. Go ahead. As we move forward, we can move forward by bloating management. And I'm not speaking about this administration. administration i'm speaking about all administrations because everyone that come in meet individuals who are already placed there in management position from a last administration a last administration and it's adding up too much when we give the money use flexibility in making sure that we have individuals um who will be able to carry out the duty and we don't have to create a number of new management position to get the job done but we will look at your budget carefully and I thank you for your testimony. May I just have just 20 seconds, please, because I want to clarify something. No, you don't have to. Do you see the rank and file people listed? I see all of that. Clerical assistance, litigation specialists, it is very heavy on that side.
- 3:38:50 And very heavy on the management side, and you have duplication of management position like in all other areas and positions where it's hard to explain the role and responsibility because individuals are sent down. This committee will take a recess for 10 minutes. Thank you.
- 3:39:50 Thank you. Thank you. Thank you.
- 3:41:20 Thank you. We'll be right back. [2 such phrases repeated 12 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 3:47:20 Thank you. We'll be right back. We'll be right back. Thank you. We'll be right back. Thank you. We'll be right back.
- 3:50:50 Thank you. Thank you. Lo, la, la, le, lo, te, lo, dai.
- 3:51:54 Lo, la, la, le, lo, te, lo, dai. Thank you. Thank you.
- 3:53:20 We'll be right back. Thank you. [2 such phrases repeated 19 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 4:02:50 Thank you. Thank you.
- 4:03:50 Thank you. [1 such phrases repeated 16 times · standby audio before the proceeding, transcribed by the recogniser as speech]
- 4:11:50 The Committee of Finance is back on the record. Madam Clerk, before you read the next item into the agenda, do you have some correspondence from San Zaccarion?
- 4:12:26 Yes, Mr. Chair. You may proceed. Correspondence dated July 19, 2021. The Honorable Kurt A. Viallet, Chair, Committee on Finance, 34th Legislature of the Virgin Islands, 3022 Estate Golden Rock, St. Croix, U.S. Virgin Islands. Dear Chairman Viale, please excuse my absence from today's July 19th, 2021 Committee on Finance meeting as I am unable to attend due to circumstances beyond my control. I ask that any important information be forwarded to my office. Thank you for your consideration and understanding. Sincerely, Samuel Carriong, Senator, 34th Legislature of the Virgin Islands.
- 4:13:20 Thank you. Please note that Senator Carriong is excused, and you may read the next item into the agenda. Office of the Inspector General. Invited testifiers, Steven G. Van Beaverhoed, Inspector General. Thank you so much. Mr. Van Rieverhult, I'll allow you to put your name on title on the record along with your assistant. Yes, sir. Thank you. Steven Van Rieverhult, Virgin Islands Inspector General.
- 4:13:55 Delia Thomas, Deputy Virgin Islands Inspector General. Thank you so much. And you don't have anyone else virtually, right? No, sir. Okay. So you may proceed with your testimony. Thank you. Good afternoon, Senator Verley, Chairman of the Committee on Finance, other members of the committee, other senators, ladies and gentlemen present and in the viewing and listening audience. My name is Steven Van Beaverhout, the Virgin Islands Inspector General. With me is Ms. Delia Thomas, the Deputy Virgin Islands Inspector General.
- 4:14:33 We're here today to discuss the budget request for the Office of the Virgin Islands Inspector general with your indulgence and understanding i would like to make a brief statement and then turn the budget presentation over to miss thomas the year 2020 has been the most dramatic period of my life it started with my surgery and medical condition in late 2019 to the first few months of 2020. Then the loss of my dear sister-in-law 46 years in July, culminating with the most bizarre events of November 18, 2020. On that day, my youngest son, Mark, left this world to be in the presence of the Lord. The word devastated does not even come close to describe experience. A large part of me died on that dreadful day. I would like to make a brief statement about Mark. He was a loving and giving son, brother, husband, father, full worker, and friend to the many people who have had the privilege of knowing him. The circumstances of his death go beyond our human comprehension. He died as he lived, giving for others, eventually giving his life so others could live. I want to

thank the many people for the outpouring of love and prayers that have been expressed to me and my family, and I ask that you continue to keep us in your prayers as we continue our earthly journey. Over the last several months i have prayed and meditated on my future direction and although i have a little over two years remaining in my term i have decided with god's blessing and guidance to switch my

4:16:27 focus to my family for whatever time i have remaining on my journey to our heavenly home in november god willing i will be celebrating my 43rd year of service to the people of the virgin islands seven with the virgin's view of internal revenue and 36 with the office of the virgin Annals Inspector General. Almost 33 years as the Virgin Annals Inspector General. I've had the honor of being the first Virgin Annals Inspector General having been appointed by five governors and serving under six administrations. It is my intention again God willing to retire from government service effective at the close of business on November 30, 2021. I hope that during my 43 years of service, I've been able to contribute some in helping to make the Virgin Islands government a little bit, a little more accountable to the people of the territory. I want to thank the many people who have played a role in making my years of service a rewarding and memorable experience. I wish nothing but God's blessings and grace to all.

4:17:35 and may god bless and protect the people of the virgin islands thank you and now i would like to turn the budget presentation over to miss thomas good afternoon senator kurt vale chairman of the committee on finance members of the committee other members of the 34th legislature staff of the legislature ladies and gentlemen interviewing and listening audience. I am Delia Thomas, Deputy Virgin Islands Inspector General. At the request of our Inspector General, Stephen Van Rieverhout, I will deliver the remarks to provide an overview of the proposed fiscal year 2022 budget for the operations of the Office of the Virgin Islands Inspector General via Inspector General's Office.

4:18:26 And we will answer any questions that you might have. Before I begin our remarks, i would like to thank the extra efforts and considerations provided by the office of management and budget and the division of personnel i want to acknowledge a couple of people who brought tremendous amount of support and calm to our department when we were in the midst of emotional chaos while at the same time work needed to continue and decisions made to keep the office operating first and foremost a big thank you and gratitude goes out to our OMB budget analyst Mrs. Raquel Benjamin your reassurance and guidance were most appreciated our interactions with you were nothing short of excellent also from the division of personnel a big thank you goes out to Mrs. Florine Hassel and Mrs. Damali Rogers for your efficiency in guiding us through our personnel issues finally to our staff we would like to commend you for your steadfast efforts to ensure that work continued even when we were all impacted by the loss of mark the state of the virgin islands inspector general's office title 3 chapter 40 of the virgin islands code establishes the vi inspector general's office as the independent auditing arm of the government of the virgin islands the code gives the vi inspector general's office the responsibility of auditing and investigating all three branches of government including the autonomous and semi-autonomous instrumentalities we are the only government auditing arm local or federal situated in the virgin islands our mission is to promote economy

4:20:23 efficiency and effectiveness and to further the prevention of fraud waste and abuse in the administration of the programs and operations of the government of the virgin islands physical year 2021 was the most turbulent year in my 32 years with the office of the virgin islands inspector general as unforeseen challenges are a part of life too many in a short period of time could bring the best of us to our knees as someone said this past year continued to give gifts that no one wanted however life must continue we started fiscal year 2021 with 18 field positions and currently we are at 15 field positions within the organization however we can report that all of our employees are at their correct salary level since adopting the new GS pay plan. At the beginning of 2021, we found it necessary to create an IT specialist position and hope to have a person on board by the end of August. Our organizational chart can be found on page 10. We continue to encourage the continued education and professional development of our staff. As a result, we have eight certified fraud examiners and five members with master's degrees, with an additional member currently working on her master's.

4:21:58 Regarding the audit and inspection aspect of our operation, our 2022 annual audit plan summary can be found on page 11. Because our ongoing assignments took longer than anticipated, no new projects were started in fiscal year 2021. We are working hard to have all our ongoing assignments and reports issued by November 2021. Also, we continue to make ourselves available to provide assistance to federal auditors regarding activities they plan on conducting in the Virgin islands in fiscal year 2021 to date the following audits and inspections have either been completed or are progressing through various phases of the audit and inspection process the audit of contract administration at the virgin islands waste management authority the objective of the audit is to determine if the virgin islands waste management authority officials follow their procurement guidelines in awarding contracts and ensured that contracts were performed in accordance with contract terms and conditions. The scope covers fiscal years 2017 through 2019. We are currently at the end of our field work stage, summarizing our results and findings to prepare a preliminary draft report. The Audit of Contract

Administration at the Governor Wang F. Louis Hospital.

- 4:23:35 The objective of the audit is to determine whether the Governor Wang F. Louis Hospital is complying with laws, rules and regulations and sound procurement practices in its contract administration. The scope covers fiscal years 2017 through 2019. We are currently at the end of our field work stage, summarizing our results and findings to prepare a preliminary draft report. The inspection of government controls on the re-employment of retired government employees. The objective of the inspection is to determine the controls in place by the government to identify when a retiree returns to active service.
- 4:24:20 A preliminary draft report has been submitted for review. The inspection of the use of GRS loan proceeds for the VI Findest Foods West Bay Supermarket Project. The objective of the inspection is to determine whether the loan proceeds were used for the intended purposes in accordance with the loan agreement. A preliminary draft has been submitted for review. The audit of revolving funds accounts administered by the Department of Agriculture. This audit has been initiated based on a request submitted by the current Commissioner of the Department of Agriculture. The objective of the audit is to determine the adequacy of agriculture's internal controls over the revolving fund and to ensure that funds were collected, deposited, and disbursed in accordance with laws and rules and regulations. This audit is at the end of the fieldwork phase and results and findings are being developed to prepare a preliminary draft report.
- 4:25:32 The inspection of WAPA vital fuel contracting process and transactions. The objective of the inspection is to determine if WAPA verified the necessity of and obtained approval for the increased project cost, performed due diligence in undertaking the LPG conversion project, and followed its contract procurement and administrative guidelines. We are being assisted in this project by the Internal Audit Division of WAPA.
- 4:26:05 A preliminary draft report has been submitted for review. Currently, in the area of investigation, there are four open investigative cases that could result in referrals to the Department of Justice for consideration or administrative reports issued with recommendations for administrative action. To date in fiscal year 2021, we have received 13 complaints alleging wrongdoing by government officials.
- 4:26:39 Of the total, there were ten allegations of wrongdoings on St. Thomas and three allegations of wrongdoing on St. Croix. Many of the complaints lacked sufficient information, were resolved administratively, or were matters for other departments and agencies. Regarding training, this past June, the professional staff, through virtual conferencing, attended the Association of Certified Fraud Examiners' 32nd annual global conference. We hope to attend in person the 33rd annual global conference in Nashville, Tennessee in June of 2022.
- 4:27:25 Regarding our 2022 budget, we support the administration's 2022 fiscal year budget recommendation of \$2,773,989. This amount is \$249,875 or about 10% more than the fiscal year 2021 appropriation. year 2021 actual expenditures as reported through March 12, 2021 was \$719,566. However, as of July 8, 2021, actual expenditure costs increased to \$1,427,316. The following are our comments related to each prime account of the Fiscal Year 2022 proposed spending plan.
- 4:28:26 Our Fiscal Year 2022 proposal by sub-accounts is shown on page 12. Personnel Services and Fringe Benefits. The budget proposal provides for 16 fill positions and 4 vacant positions. After this budget was prepared, we had one auditor position become vacant by resignation. Therefore, we currently have 15 filled positions and 5 vacant positions. We are now in the process of filling one of those positions. The total proposed funding level for personnel and related services is \$2,183,790, or 78.73% of the overall budget request. This amount consists of \$1,555,802 and \$627,988 for personnel services and fringe benefits, respectively. Budgeted supplies costs for fiscal year 2022 are estimated at \$55,000 or 1.98% of the overall request. Other services. Budgeted other services costs for fiscal year 2022 are estimated at \$355,000 or 12.8% of the budget requests. Utilities. Our utilities costs are estimated at \$50,000 or 1.8% of the fiscal year 2022 budget requests. Finally, capital outlays.
- 4:30:17 The budgeted costs of \$130,199 in capital outlays covers replacing investigative equipment and computers for the staff. This amounts to 4.69% of the budget requests. In closing, with the pending retirement of the Inspector General, I can only say that this has been the best 32 years of work experience that I could have ever imagined. He has taught me so much. This is not the way I would have wanted him to walk out the door, but I sense the peace that he has made with his decision, and I respect it. As a government, our work continues. With the Office of the Virgin Islands Inspector General being the only permanent government audit presence in the Virgin Islands, we must show that we care about our government's perceived level of integrity. As a result, the need for oversight of government funds is essential. We therefore ask for your full support of the recommended physical year 2022 budget of \$2,773,989. We thank you for the opportunity to be here today and we are available to answer any questions that you might have. Thank you so much for your testimony. Inspector General Van Beaverhoel, before we begin with our line of questioning, I just want to thank you for your many years of service to the people of the Virgin Islands.

- 4:32:02 On my behalf, and I am sure all of my colleagues, it's always been a pleasure having you come before us for budget season, straightforward and direct and to the point. My prayers are with you and your family. Thank you, sir. And I hope that somehow we can all find peace with the complexity of issues that we face that are not expected at all.
- 4:32:32 Thank you, sir. Senators, I think we're going to go to a four-minute round. It is a small budget, and they're usually very good at accounting for whatever monies they have spent, so let's go with a four-minute round. I'll be getting with you something like that. Thank you, Mr. Chair. Good afternoon again to my colleagues and the people of the Virgin Islands. Good afternoon, Inspector General. Good afternoon, Senator.
- 4:33:01 I'm Ms. Thomas. I want to say also, I want to also give you my farewell. Not goodbye, but farewell. Of course, I'm going to see you in church. But nonetheless, I wish you the best. uh i can only imagine what you and your family have gone through and um i will continue to keep you in my prayers my family and i will continue to do that thank you sir um i know your budget is pretty small um for first year 22 2.2.8 million dollars uh i know it was stated in the testimony that day you had you started off with 18 15 vacancies but now there's 18 so you have lost three positions at this time, Ms. Summers?
- 4:33:51 Two was by resignation. Okay. And you have five vacancies now. And you're right now trying to unboard those individuals. As we speak, you're in the process of trying to unboard those individuals. The authority for \$19,500 all the payments up to date? Yes. about that.

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.

- 5x **Senator Kenneth L. Gittens**
heard in this transcript as: Gittins, Kenneth Gittins
- 4x **Senator Fred Gregory**
the surname alone also matches: Donna A. Frett-Gregory; Donna Frett-Gregory
- 4x **Senator Janelle K. Saro**
heard in this transcript as: Saro
- 4x **Senator Novelle Francis**
heard in this transcript as: Francis
- 3x **Senator Carla Joseph**
the surname alone also matches: Clifford Joseph; Karla J. Joseph
heard in this transcript as: Joseph
- 3x **Senator Dwayne DeGraff**
heard in this transcript as: DeGraff
- 3x **Senator Marise C. James**
the surname alone also matches: Javan James; Giovanni James Sr
heard in this transcript as: James
- 3x **Governor Wang F. Louis Hospital**
- 2x **Governor Albert Bryan Jr**
heard in this transcript as: Bryan
- 2x **Senator Donna A. Frett-Gregory**
heard in this transcript as: Donna Fred Gregory
- 2x **Senator Kurt A. Verley**
heard in this transcript as: Verley
- 2x **Senator Milton E. Potter**
heard in this transcript as: Potter
- 2x **Senator Samuel Carrion**
heard in this transcript as: Carriong
- 1x **Senator Donna Frett-Gregory**

heard in this transcript as: Donna A. Frett-Gregory

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.

Act 7810 Act 7810 · (title not held)