



Legislature of the Virgin Islands

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POST AUDIT DIVISION

June 13, 2016

COMMITTEE ON FINANCE FISCAL YEAR 2017 BUDGET HEARING OFFICE OF THE TERRITORIAL PUBLIC DEFENDER

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BACKGROUND AND HISTORY

The Office of the Territorial Public Defender (**OTPD**) is a semi-autonomous agency of the judicial branch of the Government. OTPD was established under Title 5, Chapter 302, and Subsection 3520 on February 29, 1973, to represent indigent criminal defendants that appear before the Superior and Supreme Courts of the Virgin Islands.

The OTPD is comprised of a district office on St. Thomas and one on St. Croix. Each division of the office is comprised of attorneys that are licensed to practice law in the Virgin Islands or specially admitted to practice law in the Virgin Islands on behalf of the Office of the Public Defender.

The OTPD is governed by the Public Defender Administration Board which consists of:

- The President of the Virgin Islands Bar Association or his designee
- Two appointees of the Presiding Judge of the Superior Court (one a resident of STX and the other of STT/STJ) with one serving for three years and the other serving for two years
- One appointee of the Governor the Virgin Islands who serves the same term as the person who appointed them
- One appointee of the President of the VI Legislature who serves the same term as the person who appointed them

Board Member	Name
Acting Chairman	Darren John-Baptiste, Esq.
Member	Jomo Meade, Esq.
Member	Charles Lockwood, Esq.
Member	Monica M. Howard, Esq.
Member	David Cattie, Esq.

The Public Defender Administration Board is authorized to:

- Hire or terminate all personnel and staff for the office, upon the recommendation of the Chief Public Defender, who is appointed for three years
- Hear and decide on all complaints and grievances of employees
- Promulgate rules and regulations governing employees’ rights and relations
- Approve the annual budget for the office

The Chief Public Defender’s duties and responsibilities include:

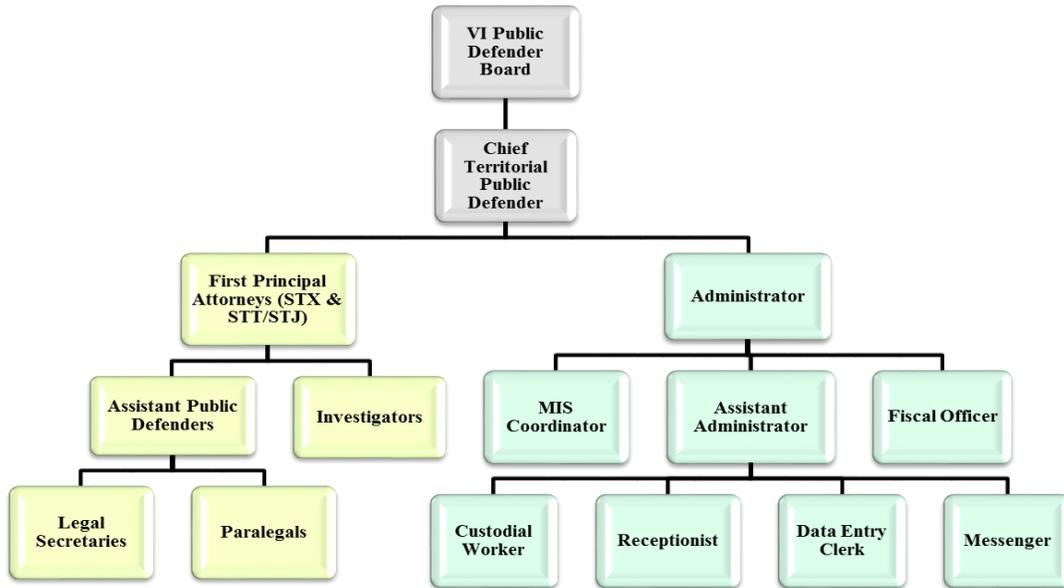
- Make an annual report to all board members containing a brief summary of all cases handled by the office during the preceding year
- Annually survey all federal prisons (which house prisoners incarcerated for the conviction of the violation of a criminal statute of the Virgin Islands) to determine if the facility has made Virgin Islands legal publications and materials available to its prisoners.

The Public Defenders duties and responsibilities include:

- Counseling and defending their client at every stage
- Devote full-time to the discharge of their duties and cannot directly, or indirectly, engage in the private practice of law

Exhibit I displays OTPD’s organizational chart.

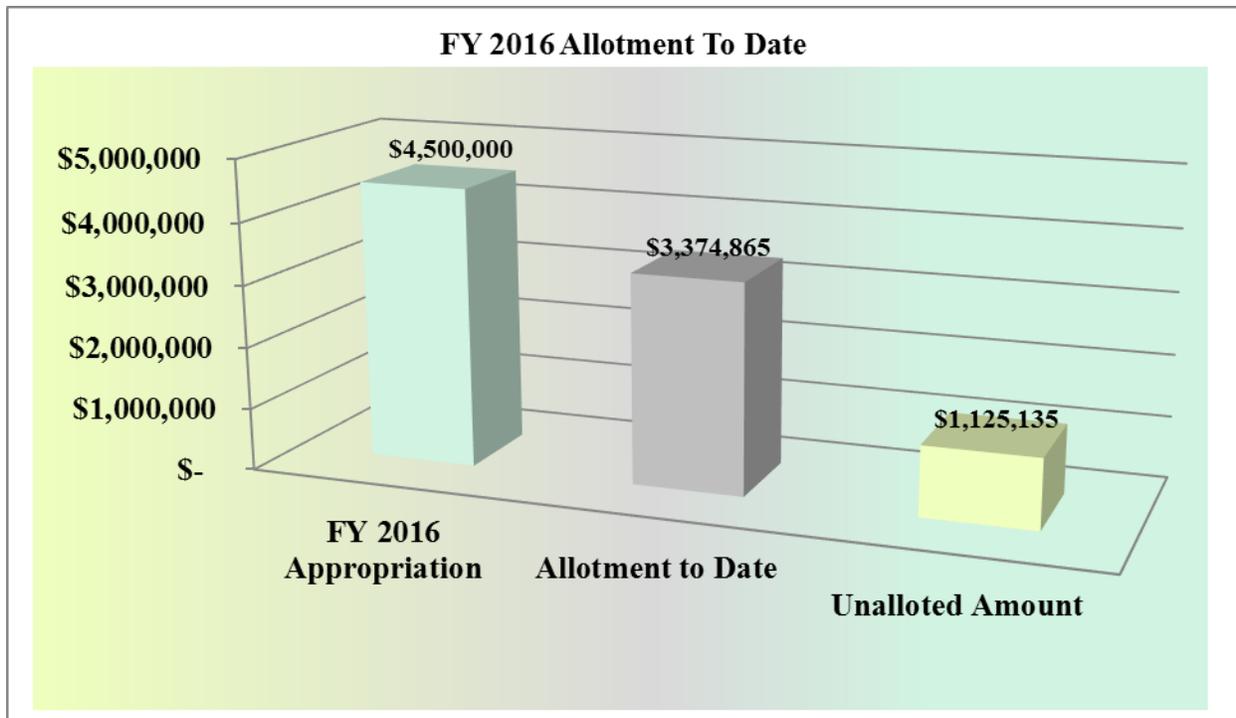
Exhibit I



ALLOTMENT TO DATE

Exhibit II displays a pictorial view of OTPD’s FY 2016 allotment to date as of May 25, 2016.

Exhibit II



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BUDGET OVERVIEW

The Governor has recommended a General Fund lump sum of **\$4,500,000** for the Office of the Territorial Public Defender for Fiscal Year 2017. A breakdown of OTPD’s Fiscal Year 2016 Appropriation (provided by the Office of Management and Budget) and Fiscal Year 2017 Budget Request (provided by the OTPD) has been listed in *Exhibit III*.

Exhibit III

Line Item Breakdown	FY 2016 Appropriation	OTPD FY 2017 Budget Request
Unclassified Employee Salaries	\$ 2,700,000	\$ 2,700,000
Total Personnel Services	\$ 2,700,000	\$ 2,700,000
Machinery and Equipment	\$ 100,000	\$ 100,000
Total Capital Outlays	\$ 100,000	\$ 100,000
Employer Contr. Retirement	\$ 200,000	\$ 850,000
Social Security	200,000	
Medicare	100,000	
Health Insurance Premium	350,000	
Workers Comp. Premiums	2,000	
Total Fringe Benefits	\$ 852,000	\$ 850,000
Office Supplies	\$ 30,000	\$ 30,000
Operating Supplies	30,000	30,000
Small Tools/Minor Equip.	30,000	30,000
Data Processing	35,000	35,000
Dues and Subs/Books, Periodicals	15,000	15,000
Vehicle Supplies	8,000	8,000
Food	1,000	1,000
Total Supplies	\$ 149,000	\$ 149,000
Professional Services	\$ 130,000	\$ 130,000
Communication	80,000	80,000
Travel	30,000	30,000
Transportation -Not Travel	5,000	5,000
Advertising and Promotion	3,000	3,000
Insurance	7,000	7,000
Auto Repairs	20,000	20,000
Printing and Binding	3,000	3,000
Repairs and Maintenance	40,000	40,000
Rental - Land/Building	230,000	230,000
Training	15,000	15,000
Bulk Tickets	20,000	20,000
Security	10,000	10,000
Workman's Comp.	-	2,000
Total Other Services and Charges	\$ 593,000	\$ 595,000
Electricity	\$ 100,000	\$ 100,000
Water	6,000	6,000
Total Utility Services	\$ 106,000	\$ 106,000
Grand Total	\$ 4,500,000	\$ 4,500,000

EXPENDITURE BREAKDOWN

Exhibit IV displays a breakdown of OTPD's actual expenditures for FY 2015 – FY 2016. OTPD's FY 2015 actual expenditures differ by **\$155,233** above OMB's management letter.

Exhibit IV

Line Item Breakdown	FY 2015 Expenditure (According to OMB)	FY 2015 Expenditure (According to OTPD)	FY 2016 Expenditures as of April 30, 2016
Unclassified Employee Salaries	\$ 1,677,814	\$ 1,677,814	\$ 1,101,844
Lump Sum Payments	671	671	24,200
Holiday Pay	132,223	132,223	110,709
Accrued Leave	140,821	140,821	93,162
Fees and Compensation NOC	-	-	48,434
Funeral	-	-	1,260
Sick Pay	98,087	98,087	92,639
Total Personnel Services	\$ 2,049,616	\$ 2,049,615	\$ 1,472,248
Machinery, Equipment, and Misc.	\$ -	\$ 37,362	\$ -
Vehicles	-	83,234	-
Total Capital Outlays	\$ -	\$ 120,596	\$ -
Employer Contr. Retirement	\$ 312,745	\$ 312,745	\$ 235,455
Social Security	126,580	126,580	90,833
Medicare	29,719	29,719	21,348
Health Insurance Premium	208,423	208,423	138,958
Total Fringe Benefits	\$ 677,467	\$ 677,467	\$ 486,594
Office Supplies	\$ 7,426	\$ 7,426	\$ 8,598
Operating Supplies	38,766	38,776	3,311
Small Tools/Minor Equip.	2,766	16,581	1,839
Prof. Ref. Books and Periodicals	6,524	6,524	-
Data Processing	40,833	40,833	11,700
Vehicle Supplies	5,830	5,830	415
Food	3,768	6,105	-
Clothing and Cloth Material	3,140	3,140	-
Total Supplies	\$ 109,053	\$ 125,215	\$ 25,863
Professional Services	\$ 16,189	\$ 39,779	\$ 3,030
Communication	62,063	62,063	31,438
Travel	6,906	6,906	4,312
Transportation -Not Travel	2,000	2,000	637
Bulk Tickets	16,575	12,675	10,000
Advertising and Promotion	-	-	1,634
Insurance	4,526	8,125	-
Auto Repairs	11,568	11,568	2,508
Printing and Binding	300	300	300
Repairs and Maintenance	34,819	34,819	6,629
Rental - Land/Building	228,690	228,690	152,410
Training	1,282	5,126	4,449
Workmen's Compensation	1,695	1,695	1,474
Security	3,533	-	-
Bar Dues	-	3,900	4,200
Other Service NOC	9,026	-	-
Total Other Serv. & Charges	\$ 399,172	\$ 417,647	\$ 223,023
Electricity	\$ 94,660	\$ 94,660	\$ 38,351
Water	222	222	847
Total Utility Services	\$ 94,882	\$ 94,882	\$ 39,198
Grand Total	\$ 3,330,190	\$ 3,485,423	\$ 2,246,925

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PERSONNEL SERVICES

The OTPD is requesting a budget of **\$2,700,000** for the Fiscal Year 2017 Personnel Services. OTPD’s personnel services funding request is **\$243,177.41** above the personnel listing provided below. *Exhibit V* displays the Office of the Territorial Public Defender’s current personnel listing.

Exhibit V

Position	Salary	Division	Status	Funding Source
Assistant Administrator	61,065.40	STT	Unclassified Filled	General Fund
Assistant Public Defender	120,500.00	STT	Unclassified Filled	General Fund
Chief Territorial Public Defender	130,500.00	STT	Unclassified Filled	General Fund
Assistant Public Defender	120,500.00	STT	Unclassified Filled	General Fund
Assistant Public Defender	85,000.00	STT	Unclassified Filled	General Fund
Assistant Public Defender	120,500.00	STT	Unclassified Filled	General Fund
Deputy Chief Territorial Public Defender	125,500.00	STT	Unclassified Filled	General Fund
Paralegal	55,000.00	STT	Unclassified Filled	General Fund
Investigator	77,881.00	STT	Unclassified Filled	General Fund
Legal Secretary	49,964.20	STT	Unclassified Filled	General Fund
Legal Secretary	42,576.80	STT	Unclassified Filled	General Fund
Legal Secretary	38,080.00	STT	Unclassified Filled	General Fund
Assistant Public Defender	82,000.00	STT	Unclassified Filled	General Fund
Assistant Public Defender	120,500.00	STT	Unclassified Filled	General Fund
Chauffeur/Messenger	36,912.96	STT	Unclassified Filled	General Fund
Receptionist	35,840.00	STT	Unclassified Filled	General Fund
Custodian	31,927.84	STT	Unclassified Filled	General Fund
1st Principal Attorney	32,000.00	STT	Unclassified Filled	General Fund
Sub-Total	\$ 1,366,248.20	18		
Administrator	\$ 72,669.30	STX	Unclassified Filled	General Fund
Fiscal Accountant	79,029.00	STX	Unclassified Filled	General Fund
Deputy Chief Territorial Public Defender	125,500.00	STX	Unclassified Filled	General Fund
Administrative Assistant	59,043.60	STX	Unclassified Filled	General Fund
Assistant Public Defender	87,500.00	STX	Unclassified Vacant	General Fund
Assistant Public Defender	105,500.00	STX	Unclassified Filled	General Fund
Investigator	62,190.57	STX	Unclassified Filled	General Fund
Paralegal	56,650.00	STX	Unclassified Filled	General Fund
Legal Secretary	36,690.00	STX	Unclassified Filled	General Fund
Legal Secretary	33,600.00	STX	Unclassified Filled	General Fund
Assistant Public Defender	120,500.00	STX	Unclassified Filled	General Fund
Assistant Public Defender	85,000.00	STX	Unclassified Filled	General Fund
Data Entry Clerk	37,739.52	STX	Unclassified Filled	General Fund
Receptionist/Messenger	37,492.00	STX	Unclassified Filled	General Fund
Custodian	35,470.40	STX	Unclassified Filled	General Fund
Investigator	56,000.00	STX	Unclassified Filled	General Fund
Sub-Total	\$ 1,090,574.39	16		
Total Funded Positions	\$ 2,456,822.59	34		

VACANCY LISTING

Exhibit VI displays a current vacancy listing for the OTPD.

Exhibit VI

Position Title	Salary	Status	Funding Source
Assistant Public Defender	\$ 87,500	Unclassified Vacant	General Fund
Total Vacant Positions	\$ 87,500		

OWNED AND RENTAL PROPERTIES

The OTPD owns its St. Croix building, which is mortgaged through the former property owner, E.C. Inc. As of now, OTPD is renting a building in St. Thomas. *Exhibit VII* displays a listing of the Office of the Territorial Public Defender’s owned and rental properties.

Exhibit VII

Mortgage Holder/Lessor	Sq. Ft.	Cost Per Sq. Ft.	Annual Total	Terms
St. Croix Mortgage Holder				
E.C. Inc.	12,464	10.47	\$ 130,500	July 2004 - May 2019
St. Thomas Lessor				
Stuart Florida Property Inc.	9,600	10.00	96,000	January 2009 - January 2019
Grand Total	22,064		\$ 226,500	

LEASES

The OTPD’s St. Croix Building has leased portions of its building to different entities. *Exhibit VIII* displays a listing of all offices leased and sub-leased by the OTPD.

Exhibit VIII

Lessee	Sq. Ft.	Cost Per Sq. Ft.	Annual Total	Term
St. Croix				
Antillean Engineering	1,150	12.52	14,400	Monthly
Vitema	2,100	11.00	23,100	12/1/15 - 11/30/16
	3,250	23.52	37,500	
St. Thomas/ St. John				
STT/STJ Federation of Teachers	708	21.19	15,000	7/1/15 - 6/30/16
Grand Total	3,958		\$ 52,500	

VEHICLE LISTING

Exhibit IX displays the OTPD’s current vehicle listing. The OTPD owns 9 vehicles of which 3 vehicles are new. The gas and maintenance costs are as of 5/6/16.

Exhibit IX

Year	Make	Model	Division	Funding Source	Lease/ Own	Condition	Office	Plate	Gas	Repairs/ Maint.
2016	Chevrolet	Equinox	Chief	General	Own	New	STT/STJ	TEB-124	\$ 700	\$ -
2010	Suzuki	Vitara	Investigator	General	Own	Good	STT/STJ	OPD-5	770	-
2012	Suzuki	Vitara	Office	General	Own	Good	STT/STJ	OPD-6	670	848
2010	Jeep	Liberty	Deputy	General	Own	Good	STT/STJ	OPD-1	2,310	3,426
							STT/STJ Total		\$ 4,450	\$ 4,274
2015	Chevrolet	Equinox	Attorneys	General	Own	New	STX	OPD-2	1,780	-
2015	Chevrolet	Equinox	Accountant	General	Own	New	STX	OPD-4	1,380	-
2008	Chevrolet	Trailblazer	Investigator	General	Own	Fair	STX	OPD-7	550	-
2010	Suzuki	Vitara	Investigator	General	Own	Good	STX	OPD-8	1,760	138
2010	Suzuki	Vitara	Messenger	General	Own	Good	STX	OPD-10	1,375	-
							STX Total		\$ 6,845	\$ 138
							Grand Total		\$ 11,295	\$ 4,412

PROFESSIONAL SERVICES CONTRACT LISTING

Exhibit X displays a current listing of the OTPD’s professional services contracts.

Exhibit X

Vendor	Type of Service	Paid as of 4/30/16	Terms of Contract
Global Telecom Enterprise	Computer/Technical Support	\$ -	As Needed
Spenceley Office Equipment	Copier Service and Service Agreement	750	Expect to pay \$25,000 for the year
Probill	E Support for Software	1,200	As Needed
Lexis Nexis	Online Data Service	15,623	\$2,233.25 per month
Oliver Exterminating	General Pest Control	1,400	\$100 per month per district
Innovative Wireless	Cell Phone	2,709	\$400 per month
Innovative Cable TV	Cable TV	595	\$85 per month
Mental Health Prof. Service	Psychiatrist Services	1,600	As Needed
Smartnet, LLC	Internet Service Provider	9,079	\$1,297 per month
Plan B	Generator Maintenance	596	\$75 per month
Sun Self Storage	Storage Rental	910	\$130 per month
	Total	\$ 34,462	

OUTSTANDING OBLIGATIONS

Exhibit XI displays OTPD's outstanding vendor payments for FY 2016 and the current balance as of May 6, 2016.

Exhibit XI

Vendor	FY 2016 Outstanding Balance	Current Outstanding Balance	Difference
Gavel & Gown	\$ 8,905	\$ 8,905	\$ -
Total	\$ 8,905	\$ 8,905	\$ -

LOCAL GRANTS

The Office of the Territorial Public Defender will not receive any local grants for FY 2017.

FEDERAL GRANTS

The Office of the Territorial Public Defender will not receive any federal grants for FY 2017.

HIGHLIGHTS

The following are some highlights the Post Audit division came across while reviewing OTPD:

- OTPD's outstanding vendor payments remains the same amount as last fiscal year (*pg. 9*)
- OTPD's FY 2015 Actual Expenditures amounts to **\$3,485,423**, which is **\$155,233** above OMB's management letter amounting to **\$3,330,190** (*pg. 5*)
- OTPD's personnel services total **\$2,456,822.59** but OTPD is still requesting **\$2,700,000** for personnel services which represent an increase of **\$243,177.41** (*pgs. 4 & 6*)
- OTPD's owned and rental properties amount to **\$226,500**, however, OTPD is requesting **\$230,000** (**difference of \$3,500**) (*pgs. 4 & 7*)
- OTPD has three new vehicles. The repairs and maintenance costs decreased by **\$10,514** (*pg. 8*)

SUMMARY

The Governor has recommended a General Fund lump sum of **\$4,500,000** for the Office of the Territorial Public Defender for Fiscal Year 2017. The table below displays the Office of the Territorial Public Defender’s total funding for the FY 2017.

\$ 4,500,000	General Fund FY 2017 Governor’s Recommended Budget
<u>\$ 4,500,000</u>	<u>OTPD’s FY 2017 Budget Request</u>



Jose L. George
Post Auditor