



Legislature of the Virgin Islands

Office of Senator Kenneth L. Gittens

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Kenneth L. Gittens
Senate Majority Leader

COMMITTEES

Homeland Security,
Justice & Public
Safety

Chairperson

Health, Hospitals &
Human Services

Vice-Chair

Rules & Judiciary

Member

Disaster Recovery,
Infrastructure &
Planning

Member

Government
Operations, Veterans
Affairs, & Consumer
Protection

Member

Committee of the
Whole

Member

TO: Kurell A. Sheridan, J.D.

FROM: Kenneth L. Gittens
Chairman

DATE: September 27, 2023

**SUBJECT: Homeland Security, Justice and
Public Safety Committee Report**

Find attached committee report from the September 12, 2023 hearing of the Committee on Homeland Security, Justice and Public Safety, submitted pursuant to Rule 605 of the Rules of the 35th Legislature of the Virgin Islands.

COMMITTEE REPORT- Homeland Security, Justice and Public Safety

The Committee on Homeland Security, Justice, and Public Safety held a legislative committee hearing 10 a.m. Tuesday, September 12, 2023, in the Frits E. Lawaetz Legislative Conference Room on St. Croix. The Committee received testimony from the Bureau of Corrections (BOC) and updates from the Virgin Islands Territorial Management Agency (VITEMA) and supporting agencies, relative to preparation for the current hurricane season. The committee additionally considered bill **Bill 35-0045**, an Act amending title 5 Virgin Islands Code, chapter 407 relating to eligibility for parole by adding section 4601a to establish Medical Parole as a basis for parole; further amending title 5 Virgin Islands Code, chapter 407 by adding section 4601b to establish Geriatric Parole as a basis for parole and for other related purposes.

The meeting was called to order at 10:30 a.m.

The following committee members were in attendance at Roll Call:

Senator Franklin D. Johnson
Senator Alma Francis Heyliger
Senator Ray Fonseca
Senator Kenneth L. Gittens
Senator Dwayne DeGraff
Senator Javan E. James, Sr.
Senator Angle Bolques, Jr.

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“Lead By Example”

Non-Committee members in Attendance:

Senator Novelle E. Francis
Senator Diane T. Capehart

Legislative Reporters: Joanne Samuel, Tricia D. Sealey, Vashti Gerald-Berry

Legal Counsel: Holly Fulkerson

Security : David Johnson, Shirleen Francis

Public Affairs / Media:

Omari Hicks
Chaunte Herbert
Melissa Gustave
Alvin Burke
Bernard Matthew
Eustace Browne
Barry Leerdam
Jamal Potter

Clerked by: Fiona Z. Stokes

Chairman Gittens called the meeting to order and spoke of being in the mids of the 2023 Hurricane Season and the weather systems that were out in the Atlantic. He reminded residents to be prepared and look our for each other. He also brought awareness to Suicide Awareness Month and the importance of seeking help when you are not mentally feeling your best. He said resources are available and provided numbers.

Chairman Gittens gave remarks and asked for the clerk to call the attendance. That was followed by an introduction of all testifiers and support staff in person and virtually. The clerk then read the agenda into the record.

Testifiers were placed under oath before the testimonies began.

The agenda included:

Bill 35-0045, an Act amending title 5 Virgin Islands Code, chapter 407 relating to eligibility for parole by adding section 4601a to establish Medical Parole as a basis for parole; further amending title 5 Virgin Islands Code, chapter 407 by adding section 4601b to establish Geriatric Parole as a basis for parole and for other related purposes.

Invited Testifier:

Testifier	Title	Department/Agency
Wynnie Testamark	Director	V.I. Bureau of Corrections
Dennis Howell	Chairman	V.I. Parole Board

BOC officials are also expected to give testimony pursuant to a subpoena dated August 4, 2023. Testimony should include matters related to inmates remanded to the care, custody and control of the Bureau who are housed at off-island facilities. Specifically, about the Bureau’s director or

staff's visits to the facility and inmates, availability of academic and vocational programs and other related topics.

BLOCK II - 1 p.m.

The Committee is expected to receive testimony from the Virgin Islands Territorial Emergency Management Agency and supporting agencies relative to the state of readiness as we enter the peak of the 2023 Hurricane Season. Topics of discussions will include infrastructure, shelters, emergency housing, public safety and more.

Invited Testifiers:

Testifiers	Title	Department/Agency
Hon. Ray Martinez	Commissioner	V.I. Police Department
Hon. Daryl Jaschen	Director	VITEMA
MG Kodjo S. Knox-Limbacker	Adjutant General	V.I. National Guard
Hon. Kimberly Causey-Gomez	Commissioner	Human Services Department
Hon. Daryl A. George	Director	V.I. Fire/ EMS
Hon. Derek Gabriel	Commissioner	Public Works Department

Director Wynnie Testamark presented testimony on the bill **Bill No. 35-0045** then she was followed by Parole Board Chairman Dennis Howell. Testamark then proceeded to give testimony on the status of the bureau and the prisoners who are off island pursuant to requests by invitation and as directed by the executed subpoena.

Senator Johnson said BOC was not in receipt of the amendment in a nature of a substitute for the bill and asked that it be circulated. Testamark agreed that she had not seen the amendment, but after reviewing it said she still would not have changed anything in her testimony as far as they things that she did not agree with.

Chairman Gittens called for a 3 minutes recess, then returned from recess and proceeded to a 5 minute round of questioning by each senator.

Chairman Gittens began the round of questioning with:

Senator Bolques

Senator James,

Senator Francis Heyliger

Senator DeGraff

Senator Johnson

Senator Fonseca

Senator Gittens all getting 5 minutes for questioning.

Non-committee member Senator Francis and Senator Capehart were recognized and given his 5 minutes for questioning upon their arrival to the hearing.

Senator Francis-Heyliger said she wants to see more discussion on the bill before she can support it, adding that she wants to hear from victim advocates about releasing felons. Following the questions, the committee members were given the opportunity ask additional questions if they had any. Then the committee broke for lunch after hearing a 30 second wrap up from the Director and chairman before dismissing them .

Senator Johnson made the motion to approve the amendment 35-415 in the nature of a substitute for the bill. Senator James asked that the reading be waived and there wa no objections. The committee then voted to approve Bill 35-0045 as amended by the substitute bill and forward the bill to the Rules and Judiciary Committee for further consideration. The motion was seconded by Senator James **MOTION CARRIED**

VOTE ON Bill 35-0045

	YES	NO	NOT VOTING	ABSENT
Fonseca	X			
Bolques		X		
DeGraff	X			
Francis-Heyliger	X			
J. James	X			
Johnson	X			
Gittens	X			

The Committee broke for lunch at 1:43p.m. and returned at 2:24 p.m. In Block II

The Committee received testimony from the Virgin Islands Territorial Emergency Management Agency Director Darryl Jaschen as the lead agency along with supporting agencies relative to the state of readiness as we enter the peak of the 2023 Hurricane Season. Testifiers also included VI Police Department, Assistant Director of FEMS Antonio Stevens and Public Works Commissioner Derek Gabriel while V.I. National Guard Adjutant General and Human Services Department Assistant Commissioner and Development Directors were present to answer questions.

Chairman Gittens began the round of questioning with:

- Senator Bolques
- Senator James,
- Senator Francis Heyliger
- Senator DeGraff
- Senator Johnson
- Senator Fonseca

Senator Gittens all getting 5 minutes for questioning.

Agencies testified that they were ready for the current season and have identified shelters and other emergency relief in the event it is needed. Discussions were had about how drones could help in rescue missions following a hurricane.

Through the chair requests included:

- Senator Fonseca asked for a cost break down for housing inmates at facilities outside of the territory.
- Senator Gittens asked for the number of inmates without high school diplomas or GEDs.
- Senator Gittens asked for the number of tsunami sirens on each island, the location of each and the number and location of those that are operable and inoperable.

The hearing was adjourned at 5:20 p.m.

