

The Virgin Islands Consortium

Transparency - The Most Important Characteristic Of A Corruption-Free Government (Part 2)

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What can we do in the Virgin Islands to make our government more transparent and to fight corruption? In reviewing the criteria that I discussed in my first article regarding the “cleaner”, most transparent countries, here are some of my recommendations:

1. Our government leaders must stop just talking about bringing transparency to government and fighting corruption and actually do what is necessary to achieve these goals. Many people in the Virgin Islands as well as Virgin Islanders living abroad are tired of all the rhetoric and desperately want to see action being taken. Most of my recommendations center on a strong Legislature, with senators who work together and pass laws, and who will be able to override a veto, if necessary.

One of the first steps that the Legislature can now take is to adopt a resolution in favor of revising the Revised Organic Act to create an independent Office of the Inspector General (OIG). Such independence is vital so that the OIG has its own budget that cannot be tampered with by any administration and an Inspector General who cannot be easily removed by a governor. The Revised Organic Act gives extraordinary power to a governor over the entire executive branch, within which the OIG falls. As a result, any governor who wants to curtail or hamper the audits and investigations that the OIG does only has to tamper with its funding and personnel. Examples of this are well known.

Based on news reports, the current Inspector General has revealed how he and his staff were even unable to travel for professional training under the past administration and that the OIG's budget has been consistently reduced rather than increased. Independence and sufficient funding are vital for the OIG to do the work on behalf of the people.

Another very important step is for government officials to immediately fully comply with the law and stop refusing to turn over documents that are public documents. The Virgin Islands has an open records law that provides what must be provided to the public.

Essentially, the law provides that every citizen has the right to examine and copy public records, with limited exceptions. Government officials must comply fully with the law. To hear or read about public officials refusing to comply is shocking to any law abiding



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A third important step is for our Legislature to amend that law to give it more teeth.

Unfortunately, the open records law only provides a limited way that the law can be enforced by a citizen, and that is by filing an action in court to compel the production of the documents. Very few citizens have the money or time to do so. Moreover, if a public official knowingly violates this law, criminal charges can be brought as a misdemeanor and the penalty is a fine of no more than \$100.00. Can you envision a scenario where an Attorney General, who is appointed by a governor and who sits at the pleasure of a governor, actually files such criminal charges against another sitting public official?

So what do public officials have to fear by blatantly refusing to produce public documents to which the people are entitled? Very little and that is why it is done with impunity.

There are no fears of repercussions.

It is vital that the open records law be amended to provide that if anyone (or entity) has to file an action in court to force the production of public documents, a prevailing party is entitled to an award of attorney's fees and costs against the public official personally.

Also, in a criminal proceeding, the penalties must be stricter for violating the law. But, will our Legislature be willing to take these bold steps? If it firmly believes in

transparency and fighting corruption, it certainly will.

1. Budget information of all government departments and agencies must be published timely and openly on websites so that the public can read and review it. The open records law charged the Bureau of Information Technology, along with the Department of Finance and the Office of Management and Budget, by June 1, 2013, with establishing a website with a comprehensive data base that is searchable by the public and containing government financial information – specifically, the recipients and expenditures of the Territory's funds. Importantly, that information is to be provided in an intuitive manner, with graphs, so that members of the public can understand it.

All that information has yet to be on a website, over two years later. Again, compliance with the law must be made mandatory. The Legislature should immediately appropriate the necessary money to fulfill these requirements and direct that the money be used for this purpose only and further impose strict criminal penalties for using the money for any other reason. Additionally, until these three agencies do what the law requires, the individual departments and agencies should be required to do it themselves on their own websites. That should be very easy to do, since each has its own financial information readily available.

1. It is imperative that the Legislature adopt a code of ethics for itself and all government officers and employees. This has been talked about for years, but nothing has been done. The federal government as well as state governments already have these codes so they are nothing unusual but are of great benefit to everyone, whether employed by the government or not. Now is the time to put words into action.
2. Existing anti-corruption laws must be aggressively enforced. It is not enough that laws are on the books. We do not want to be like Uzbekistan, one of the most corrupt countries in the world, and have laws on the books but feign enforcement. This is where an independent Attorney General and Department of Justice (DOJ) play such a critical role.

Again, the Legislature must act boldly and adopt a resolution in favor of amending the Revised Organic Act to allow for the creation of an independent Department of Justice and an elected Attorney General who would be accountable to the people, not a governor. As the law now exists, a governor has the authority to supervise and control the DOJ. A governor also appoints the AG. Additionally, a governor appoints all the lawyers in the DOJ and hires the majority of the employees, who serve at the governor's pleasure.

Forty three states, Guam, the Commonwealth of the Northern Mariana Islands, and the District of Columbia have elected AGs and independent DOJ's. And, of those remaining states who have appointed AGs, most of them do not allow a governor to remove the AG for whatever reasons the governor has. If we want to see true change, the existing, archaic system must be changed.

1. Our government must make a concerted effort to increase our literacy rates among children and adults. It is totally unacceptable that up to one-third of our third grade students do not read to grade level. And, as students approach eleventh grade, the

percentage who do not read to grade level is much higher. We the people must demand that our government do all it can to make sure that our children read to grade level, beginning from when they enter the Head Start Program and then, at a minimum, up to fourth grade. Partnerships with parents and non-profit organizations are imperative as well, so that the importance of literacy is stressed community wide. And, remedial courses to assist adults with improving reading skills are critical.

If our Legislature does not take bold, innovative action, then we the people must demand it of them. We can, together, bring transparency to our government and fight corruption if we have the desire and the strong will power to do it. It would be an amazing achievement for the Virgin Islands to be known as having one of the most transparent governments in the United States and the world. What a significant accomplishment that would be!

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