

The Virgin Islands Consortium

VIPD Cannot Justify To FEMA \$12 Million In Overtime Paid To Officers Following Hurricanes Irma And Maria

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Virgin Islands Police Department officials had a hard time explaining to lawmakers why \$12 million in reimbursable overtime funding could not be received from the Federal Emergency Management Agency, even as the police department paid more than \$30 million to officers and other persons on duty in the V.I.P.D. for overtime hours following Hurricanes Irma and Maria. The period for reimbursement eligibility was from the 2017 storms through September 2018, a timeframe when more than \$30 million in overtime was accumulated and paid with local dollars.

The \$12 million amount was revealed during a Finance Committee hearing on the executive budget on Thursday. The V.I.P.D. is seeking to receive approval for its

recommended fiscal year 2020 budget of \$68 million.

According to the testifiers, the V.I.P.D. has received \$13 million from FEMA so far. However, that amount covered the early months following the 2017 storms, when all FEMA required as justification for the reimbursement was that the overtime work performed was for Hurricanes Irma and Maria. For overtime work performed in the following months, FEMA started requesting more detailed information, including the work being performed on the overtime shifts, the location, among other details. The V.I.P.D. has not been able to provide this information for more than a year.

The main issue revealed as the problem for the V.I.P.D.'s inability to receive the reimbursement was a failure to produce proper documentation to FEMA justifying the funding.

The V.I.P.D.'s Public Safety Arm could not furnish the information, which in turn said it could not receive details from the V.I.P.D.'s operations arm. Officials said guidelines relative to what should be detailed as part of the documentation of overtime were not known.

"We have an opportunity to get money back," Senator Kurt Violet, chairman of the Finance Committee, who is also well versed with numbers, said. "You need to submit a detailed log as to what you did every day because we need the money back. This is money the VI government can get back."

Even Acting Police Commissioner Jason Marsh said he did not know exactly what details FEMA required, a revelation that laid bare the breakdown in communication at the department. (Of note, Mr. Marsh has been acting commissioner for over six months. And although Governor Albert Bryan [has named a nominee, Trevor Velinor](#), who was supposed to start on June 10, the nominee has not arrived in the territory, and Government House hasn't provided an update relative to the delay.)

Senators' efforts to get clarity on why the information requested by FEMA was not provided always yielded the same answer: No one knew for sure where to find it. "You have not turned in any documentation as required by FEMA to justify the overtime, so we're not getting the money back," said Mr. Violet.

Senator Kenneth Gittens, a former law enforcement officer, rebuked the V.I.P.D. officials. "What is being told to us is totally unacceptable. This is clear mismanagement," he chided. Mr. Gittens said the territory had a fiscal director in the V.I.P.D. He also said duty logs and assignment sheets could provide the requested information if indeed they were properly documented.

"When you're doing overtime there must be clear justification of overtime hours," Mr. Gittens went on. He said if supervisors were doing monthly reports, those documents should be examined as well. "Just simply putting on a document hurricane work is not sufficient. That's not even sufficient for regular overtime submittal," the senator fired.

"The Senate gets a lot of blame, but we don't run departments and we're not the executive branch," said Mr. Violet, distancing the Legislature from the apparent dysfunction at the departments and agencies of the local government.

Steven Phillip, an acting deputy chief for St. Thomas and Water Island, told senators that he should have the information requested by FEMA. However, he was not given specific directives as to what was required to reconcile the \$30 million. Mr. Marsh confirmed that Mr. Phillip was not given specific details.

Daphne O'Neal, territorial director of Highway Safety, said specific information should have been provided on the log, which she said Mardrey Delugo, territorial payroll director for the V.I.P.D., should have. Ms. DeLugo, however, said she did not have the detailed information, contending that the chiefs knew they had to collect the log details. She also blamed FEMA in part, stating that as the agency changed leaders, the same information had to be resubmitted.

"Every time we submit stuff they would send back the stuff... "There's a lot of times I would send everything out, they would send back stating that 'this should be included...' I know it's a long time but a lot of times they sent back stuff to us that needs to be fixed."

Mr. Violet, however, disagreed. He again asked whether the V.I.P.D. had provided to FEMA any detailed documentation reflecting the overtime work performed. Ms. Delugo said no.

"So that's our problem. I'm not going to fall into that trap that FEMA changing people so this and that changed. We're submitting the same information which does not delineate exactly what we did. It is as simple as that," Mr. Violet said. Ms. Delugo agreed, stating, "That's true."

"They're saying say what you did. So therefore what do we need to do? Say what he did," Mr. Violet went on. "If we don't we lose \$12 million."