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Amidst \$100 Million Consent Decree Costs, BOC Confronts Personnel Gaps and Ushers in Positive Changes

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An aerial view of the John A. Bell Correctional Facility on St. Croix. By. ERNICE GILBERT, V.I. CONSORTIUM

Amid concerns over the long-standing consent decrees that have cost the Bureau of Corrections over \$100 million in the past 34 years, the BOC has requested a \$37.4 million appropriation from the general fund for 2024.

While a 58 percent portion of the budget is earmarked for personnel costs and housing inmates, BOC Director Wynnie Testamark's testimony before the Senate Committee on Budget, Appropriations and Finance on Tuesday highlighted improvements at the Bureau, advocating for

the support of new detention centers and emphasizing the importance of rehabilitating inmates. This comes as both the monitors and the U.S. Department of Justice commend the Bureau's efforts in advancing the Virgin Islands forward.

Senator Frett-Gregory remarked on the consent decrees' considerable financial burden, noting they have been in effect for “upwards of 34 years” and have cost Virgin Island taxpayers “well over \$100 million.” Non-committee member Senator Kenneth Gittens expressed frustration, calling the consent decrees a “money-making scheme” and criticized the constant shift in requirements, ensuring that the decrees remained in place. “I want the public to know that this is a scheme... It is all a scheme,” Mr. Gittens stated emphatically.

Riel Faulkner, assistant director for administration and compliance, identified staffing, housing, and inmate mental health as the main challenges in lifting the consent decrees. The bureau's increased focus on rehabilitation addresses the latter, with Ms. Testamark outlining new inmate programs to aid reintegration into society. These include initiatives providing tablets for education, parenting courses, farming, culinary arts, computer literacy, and vocational skills training where inmates can earn certificates.

Financially, 58 percent of the requested budget goes to personnel costs, accounting for salaries and fringe benefits. Vacancies at the bureau, with 86 unfilled key positions, have likely contributed to high overtime costs projected at over \$4.5 million for 2023, as noted by Committee Chair Frett-Gregory. Another 39 percent of the budget is allocated to inmate housing costs, with \$7.4 million for those incarcerated off-island. Faulkner mentioned that local incarceration is costlier at \$273 a day compared to the off-island average of \$115.

BOC's emphasis on rehabilitation and re-entry initiatives saw a budget increase from local funds, going from \$10,000 in 2019 to \$100,000 in 2023. “The Bureau has identified and is in the process of drawing down over \$3.8 million in grants earmarked for various projects over the past four fiscal years,” Ms. Testamark stated.

On housing solutions, Peter Abrahams, programs and grants manager, updated the committee on the Albert Swan detention facility project. The facility, when finished, will alleviate inmate transfers between islands. Additionally, a transitional housing program for former inmates was discussed, though Ms. Frett-Gregory suggested community organizations might be better placed to address this issue.

To tackle staffing concerns, Ms. Testamark noted increased salaries, a new collective bargaining agreement, and significant training investments. Over 85 percent of sworn staff have completed all training requirements.

The bureau's 3-year plan aims to have the consent decrees lifted, a timeline Testamark believes is attainable. However, she stressed the need for collaboration across government branches and agencies, highlighting potential legislative solutions to structural issues.

Despite the challenges, Ms. Testamark listed the bureau's achievements, including a dedicated mental health unit, a 900-kilowatt generator, renovated inmate showers, solar panels for perimeter lighting, and a pilot program for body-worn cameras.

As the hearing concluded, Sen. Frett-Gregory commended Testamark for the bureau's progress. “We have definitely seen an improvement with your leadership. So thank you and your team for that.” In response, Testamark expressed gratitude to her dedicated team and everyone working to ensure humane confinement for returning residents.

