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PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pupbleku)

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February 25, 2019

35GL-19-0181

2019 FEB 25 PM 4:05

HAND DELIVER
Honorable Tina Rose Muña Barnes
Speaker
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagatña, Guam 96910

Re: FY2017 Citizen-Centric Report

Hafa Adai Speaker Muña Barnes,

Enclosed is a copy of the Guam Public Defender Service Corporation's Citizen-Centric Report for Fiscal Year 2017. In reviewing PDSC's CCR, we highlight our performance and finances for this particular fiscal year, as well as what we are hoping to accomplish in FY2018.

Should you have any questions or concerns regarding our FY2017 CCR, please feel free to contact our office at your earliest convenience.

Senseramente,

CATHY GOGUE
Administrative Director

Enclosure

Speaker Tina Rose Muña Barnes

FEB 2 5 2019

Time 8:35 ( )AM ( )PM

Received By:

0181

Public Defender Service Corporation

Kotperasion Setbision Defensot Publeku

Citizen-Centric Report
Fiscal Year 2017



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Mission Statement

As public servants, the Public Defender Service Corporation ensures equal access to justice and the protection of individual rights by providing legal representations and services to persons who cannot afford a private attorney.

Vision Statement

The Public Defender Service Corporation provides the best legal representation and services to those in need. Our professional and dedicated staff are outstanding advocates for our clients, people in need of legal services, and a just society.

Core Values

❑ Respectful ❑ Responsive ❑ Efficient ❑ Innovative ❑ Collaborative

About Us

The Corporation was created through the Public Defender Service Corporation Act of 1975. The office was established to provide effective legal aid and assistance to those persons in Guam who are unable to afford counsel. It is the duty of the Corporation to defend indigent persons charged in criminal cases before the courts of Guam. The determination of whether a defendant is indigent and whether his case is to be referred to the Corporation shall be at the discretion of the judge before whom such defendant is appearing.

Client Demographics

For FY2017, we 1,753 clients. Of this number, 494 or 28% of these clients were from the outer islands of Micronesia—Chuuk, Pohnpei, Yap, Kosrae, Palau and the Marshall Islands. The remainder of the clients we served, 1,259 or 72%, were either Chamorro, Asians or Caucasians. With a diverse clientele, we work to ensure that they were provided equal representation and that their rights were protected through the judicial process.

Board of Trustees

Chief Justice Katherine A. Maraman, Chairwoman
Presiding Judge Alberto C. Lamorena III, Vice Chairman
Attorney Jehan' ad G. Martinez, Member
Attorney Donna M. Cruz, Member
Mrs. Annette J.U. Ada, Member

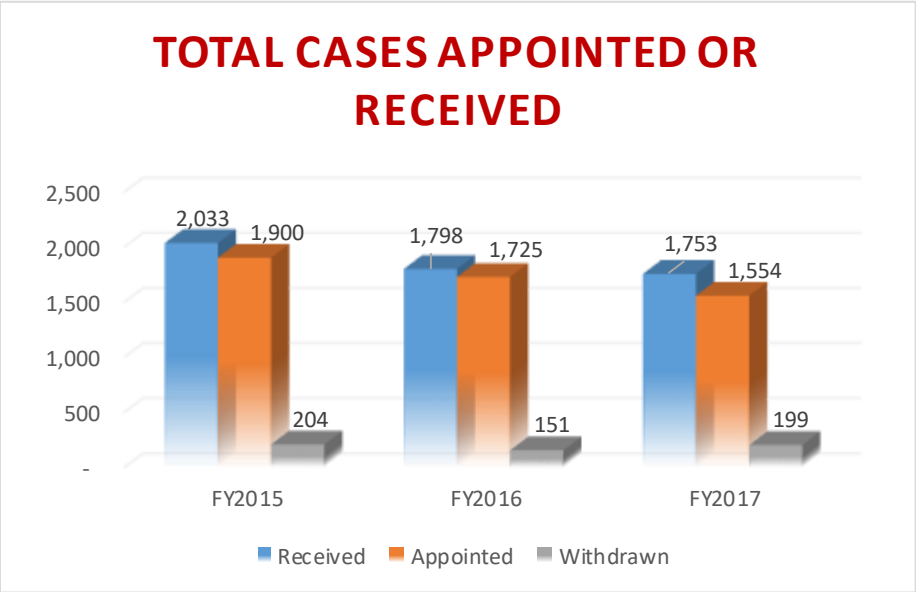
Your Opinion Matters!

We care about what you think or want to know about the services we provide in our community. Please feel free to visit or contact us through the information provided below.

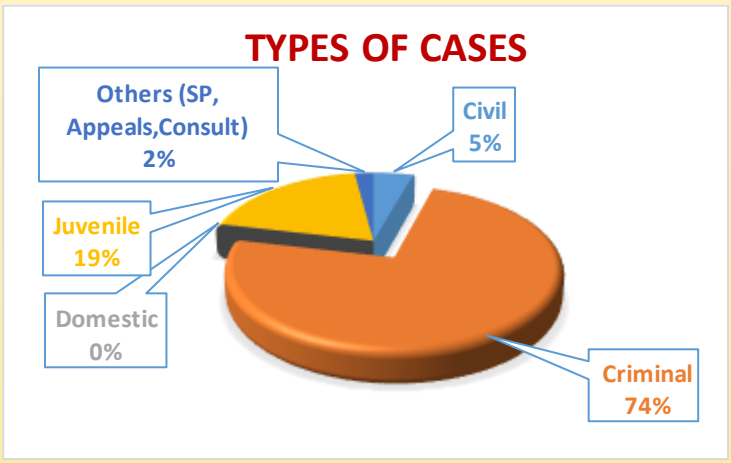
ADDRESS & CONTACT INFORMATION:
779 Route 4,
Sinajana, Guam 96910
Phone: (671) 475-3100

www.guampdsc.net

Performance Measures

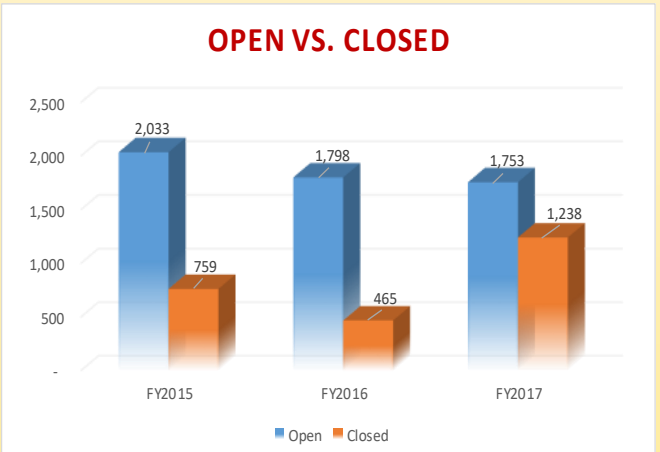


In Fiscal Year 2017, the PDSC provided legal services in adult criminal, juvenile and civil cases. There was slightly fewer number of cases, 1,753, compared to the previous year of 1,798. The difference of 45 fewer cases is attributed to fewer cases being charged or filed through the judicial system during this particular fiscal year. From the total number of cases received, seventy-four percent (74%) of the cases were criminal in nature. The attorneys and administrative support staff employed by the office render legal services to individuals who are accused of public offenses, and who cannot afford to retain the services of a private attorney. PDSC also represents any person under the age of 18 who is facing juvenile delinquency proceedings, or whom the court has instituted wardship proceedings because of habitual truancy or incorrigibility.



Cases We Opened in FY2017

Criminal	1,299
Juvenile	338
Civil	78
Others	37
Domestic	1

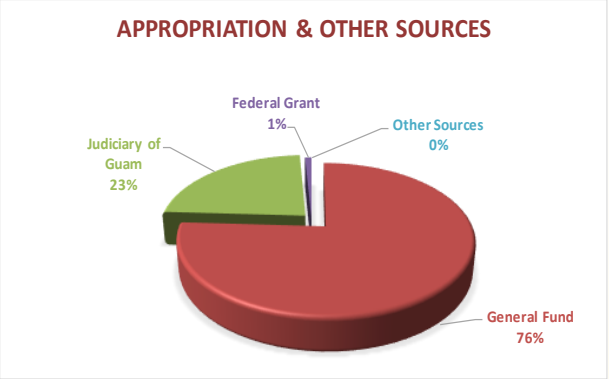


PDSC was able to close 1,238 cases in FY2017, compared to FY2016's numbers at 465 cases. This significant case closure (64%) is attributed to judicial time standards and the implementation of PDSC's Standard Operating Procedure for Records & Retention. As a major accomplishment for the Corporation, the office cleared and destroyed hundreds of boxes that contained closed cases based the PDSC's retention policy.

PDSC Financials

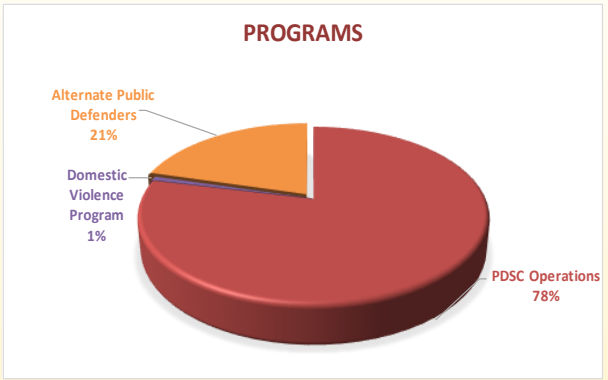
APPROPRIATIONS & OTHER SOURCES

Funding Source	FY2015	FY2016	FY2017	% Change	Trend
General Fund	$4,156,223	$3,735,122	$3,447,562	(7.70%)	↓
Judiciary of Guam	918,412	1,107,730	1,057,942	(4.49%)	↓
Federal Grant	56,263	73,671	38,086	(48.30%)	↓
Other Sources	70,309	89,188	0.00	(100.00%)	↓
Total Appropriations & Other Sources	**$5,201,207**	**$5,005,712**	**$4,543,590**	(9.23%)	↓

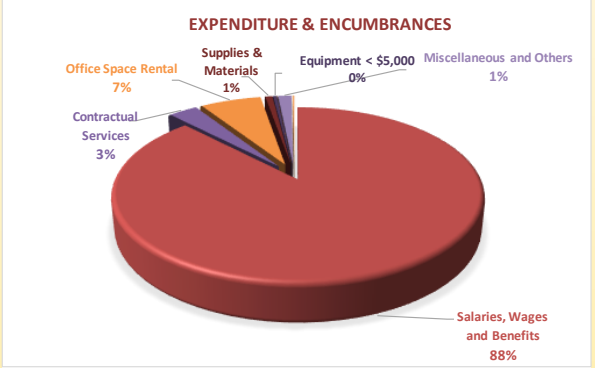


EXPENDITURES & ENCUMBRANCES

Programs	FY2015	FY2016	FY2017	% Change	Trend
PDSC Operations	$4,846,61	$4,055,88	$4,148,347	2.28%	↑
Domestic Violence Pro.	56,364	73,768	38,086	(48.37%)	↓
Alternate Public Def.	1,162,931	1,044,397	1,091,432	4.50%	↑
Total Expenditures &	**$6,065,91**	**$5,174,045**	**$5,277,865**	**2.01%**	↑



Expenditures & Encumbrances	FY2015	FY2016	FY2017	% Change	Trend
Salaries, Wages & Benefits	$5,307,713	$4,486,965	$4,633,371	(7.70%)	↓
Contractual Services	123,198	141,005	160,837	14.06%	↑
Office Space Rental	335,697	337,190	339,024	0.54%	↑
Supplies & Material	23,321	45,777	39,202	(14.36%)	↓
Equipment < $5,000	98,866	19,237	20,837	8.32%	↑
Drug Testing	0.00	652	360	(44.79%)	↓
Utilities	28,800	28,864	44	(99.85%)	↓
Misc. & Others	88,462	74,770	74,119	(0.00%)	↓
Capital Outlay >$5,000.01	0.00	26,765	10,072	(63.37%)	↓
Total Expenditures & Encumbrances	**$6,065,913**	**$5,174,045**	**$5,277,865**	2.01%	↑



In FY2017, PDSC's operational funds came from the General Fund. PDSC also received money from the Judiciary of Guam, at 23%, for the Alternate Public Defender (APD). The money from Judiciary is a pass through for PDSC as the funds go directly to APD to fund their operations for indigent defense.

With a reduction of funding in FY2017, the PDSC attorneys and staff continued to do more with less. We worked diligently to provide quality legal services to our clients to yield better client outcomes. We advocated for trying to understand what is at the root of our clients' incarceration as opposed to the penal system we have today that does not address the complex set of core issues that our community faces particularly with drug addiction, criminal sexual conduct and alcohol abuse. Ideally, we would like to see our clients have the tools necessary to lead crime free lives and to fit into society as productive members for a better Guam. As we work to address some of these issues within our penal system, we need to understand if public safety is better served by incarcerating clients convicted of these types of cases, or would a community-based solution, that includes treatment and prevention programs, be more efficient and effective at curbing cases of abuse and promoting public safety? PDSC is committed to being a part of the solution for treatment, which is a less expensive option than incarceration for offenders within these three categories of crimes that we deal with at our office.

PDSC is included in the Government-wide annual audit. For FY2017, the Corporation received a clean audit with no material weakness. Complete financial information can be found at www.guampdsc.net/pdsc/category/financials/

Future Challenges & Economic Outlook

Challenges We Face

The Sixth Amendment guarantees anyone facing criminal charges the right to a speedy and public trial by an impartial jury and legal counsel. Consequently, with its 1963 decision in Gideon v. Wainwright, the U.S. Supreme Court ruled anyone charged with a serious crime had a "fundamental" right to counsel, no matter their ability to pay. However, with this fundamental right left to the Legislature to provide PDSC with adequate funding, we are looking at other avenues to bring in funds, outside of GovGuam, so that PDSC can better manage its criminal cases as well as lift the moratorium on civil matters. While we have requested for funding for a Civil Division since FY2015, we are now exploring other funding options that will allow us to lift the civil moratorium that has been in effect since 2005.

In today's climate, we continue to pay close attention to activities at the Legislature, and do believe that funding challenges will continue beyond FY2017. We know that we need to continue to do more with less, and that this has become a way of life at your Public Defender office with a commitment to provide quality client-centered services.

ON ISLAND TRAINING





Investing in Our Team

Our Outlook for FY2018

- ❑ Seek additional funding sources and programs, outside of GovGuam, to improve service delivery and eventually lift the civil moratorium that has been in effect since 2005.
- ❑ Recruit a Program Coordinator to help seek grants for the Corporation as well as assist management in enhancing processes at PDSC that influence positive client outcomes.
- ❑ Implement empirical research, that includes data collection programs that address relevant issues concerning public defense and ways to improve internal as well as external processes throughout PDSC.
- ❑ Sustain the Strategic Planning momentum that includes Strategic Focus Area (SFA) projects that were developed in FY2015 and will continue into FY2018.
- ❑ Continue to invest in and educate our team by providing training opportunities on Guam. We brought off-island defense attorneys, Laurie Shanks and Terry Kindlon, to train our team of 51 employees. We also encouraged our managers to train within their respective divisions to improve PDSC services.
- ❑ Maintain collaboration with PDSC partners for community based solutions to address the problems our penal system currently faces.
- ❑ Refine internal processes that take advantage of the "Second Chance Initiative" that assists clients with dismissals and expungements if they served their sentence, and are not guilty of sex crimes, murder, domestic violence, or aggravated assault.