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PUBLIC DEFENDER SERVICE CORPORATION
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April 8, 2024

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Public Auditor
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Via email: bjcruz@guamopa.com

Hafa Adai Public Auditor Cruz,

Pursuant to Title 1 Guam Code Annotated, Chapter 19 subsection 1922(a), attached is Guam Public Defender Service Corporation's FY2022 Citizen-Centric Report.

Should you have any questions or require further information regarding the attached, please feel free in letting me know at cgogue@guampdsc.org.

Senseramente,


CATHY GOGUE
Administrative Director

Attachment



CLIENT CENTERED SERVICES

That Ensures Client Dignity

FY2022

Citizen-Centric Report

ABOUT PDSC—OUR HISTORY

The Public Defender Service Corporation originally existed under the Judicare Program that was initiated on September 25, 1968 with the Department of Public Health and Social Services. When the office first opened, it was comprised of five (5) total employees—a Public Defender, Attorney II, Administrative Law Secretary, Special Investigator, and General Helper. The organization was conceived to render legal advice and counseling to indigent individuals in civil, criminal and juvenile proceedings.

On March 30, 1972, Public Law 11-128 repealed Subchapter E of Chapter II, Title 10 of the Government Code of Guam, adding a new Title LXIII (63), Chapter I, establishing a separate Office of the Public Defender. Among its provisions were: 1) the appointment of the Public Defender by the Governor, and 2) the authority given to the Public Defender to appoint other personnel that will accomplish the mission of the office.

Three years later, Bill Number 291 became Public Law 13-51 (12 GCA, Chapter 11), establishing the Public Defender Service Corporation (PDSC) and creating a Board of Trustees for the organization, entrusting it with the governance of the Corporation.

MISSION

We exist to provide effective legal assistance to those unable to afford private counsel, thereby ensuring equal protection of their lawful rights, in accordance with prescribed ethics, laws, rules and regulations.

CORE VALUE

- ◆ Establish an office where all employees work together toward the Corporation's mission;
- ◆ Maintain the highest level of ethics and professionalism in the practice of law;
- ◆ Promote strong attorney/client relationships with the people served;
- ◆ Commit to the zealous representation of each client represented before the courts; and
- ◆ Ensure that all attorneys are committed to the continuous improvement of their legal skills.

STRATEGIC GOALS

- ◆ **Client-Centric Services.** To enhance the quality of representation for clients and their families by focusing on their needs and priorities
- ◆ **Public Defender Redesign.** To restructure the existing system, originally established during a time of independent organization operations, to enhance flexibility and efficient that better serve client requirements.
- ◆ **Improve Operations & Systems.** Leverage the team's talents by implementing a highly supportive infrastructure that integrates cutting-edge technologies to digitize information and enable advanced data access and analytics.

BOARD OF TRUSTEES

Chief Justice F. Philip Carbullido
Chairman

Presiding Judge Alberto C. Lamorena III
Vice Chairman

Attorney Cynthia V. Ecube
Member

Mrs. Donna Muña-Quiñata
Member

Attorney Jacqueline T. Terlaje
GBA President / Member



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OUR TEAM	2020	2021	2022
Unclassified	3	6	6
Classified	55	54	54
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CONTACT INFORMATION

Public Defender Service Corporation

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CASES OPENED AND CLOSED IN THE FISCAL YEAR

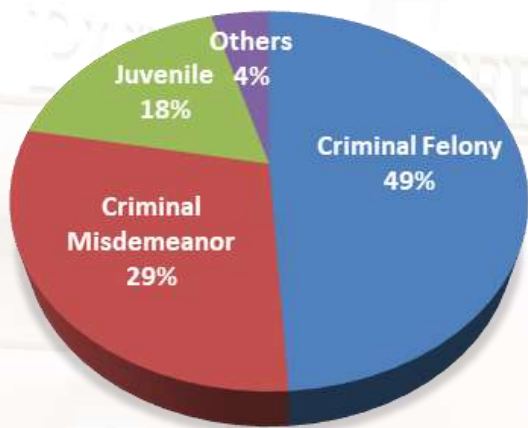
FY	Opened	Closed	Conflict	Total
FY2020	1,315	1,010	123	2,448
FY2021	1,105	1,052	108	2,265
FY2022	1,210	1,064	144	2,418



While the pandemic exacerbated almost every aspect of the judicial system on Guam, the office pivoted and made adjustments to its processes to accommodate the changes within the court, the AG’s office as well as how the PDSC deals with its clients on daily basis. All changes made were to refine client services in light of the looming effects of the pandemic and ensure the safety and health of its clients and employees alike. The number of clients served increased from the previous year by approximately 9 percent. PDSC anticipates to see this number increase in proceeding years

as Guam continues to rebuild its economy and more military personnel and associated contractors are anticipated to reside on Guam in the coming years. PDSC expects to be busy.

CASE ALLOCATION



As expected, PDSC’s largest case allocation were Criminal Felonies at 49 percent compared to Criminal Misdemeanors at 29 percent. The difference between a felony and a misdemeanor is that with a felony, the crime is punishable by a term of imprisonment of one year or more years. Felonies are the most serious class of criminal offense as opposed to a misdemeanor with the offense punishable only by fines or by short terms of imprisonment at the Department of Corrections. The next case allocation is Juvenile cases making up 18 percent of the cases handled by the Corporation. Types of juvenile cases include juvenile dependency, juvenile delinquency, and truancy.

Regardless of the type of case, PDSC works to provide effective legal defense for all clients ensuring that all clients’ constitutional rights are guaranteed and protected, including the right to a fair trial.

CLIENTS SERVED BY RACE

The largest client base PDSC served in FY2022, by race, were Chamorros at 57 percent followed by Chuukese at 24 percent and then Filipinos at 7 percent. Thereafter, all other races come in at a total of 10 percent.

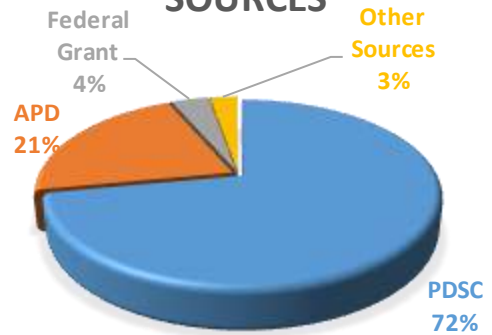
Based on the number of cases received by the Corporation, PDSC realized an increase in its caseload by 9 percent compared to the previous year.

Race	Criminal	Domestic	Juvenile	Civil	Total
Chamorro	441	20	70	38	569
Filipino	57	4	5	8	74
Caucasian	13	2	1	0	16
Asian (Korean, Japanese, Chinese)	15	0	0	1	16
African American	15	0	0	0	15
Hispanic	2	1	0	0	3
Chuuk	215	1	8	13	237
Pohnpei	13	0	0	1	14
Yap	16	1	0	0	17
Kosrae	5	0	1	0	6
Republic of Palau	11	0	0	3	14
Republic of Marshall Islands	0	0	0	1	1
Totals	803	29	85	65	982

*Note: Source provide by PDSC Case Management System

For FY2022, the PDSC total budget increased by 13.19% compared to the previous year. Major increases to the Corporation’s budget were for personnel cost and organic growth—resulting in a 8.19% increase from the previous year for PDSC alone. Additionally, PDSC received funding from the Governor’s Office to augment activities at the Elder Justice Center (EJC). As a result of such funding, EJC is able to provide needed services to Guam’s *Manâmkok*. The Leon Guerrero-Tenorio Administration provided the additional funds which now allows Guam’s seniors, from the age of 55+, with the ability to obtain end-stage planning advice from the EJC. Currently, the services provided by the Center include Powers of Attorney, Last Will & Testament, Guardianships and Landlord-Tenant Law.

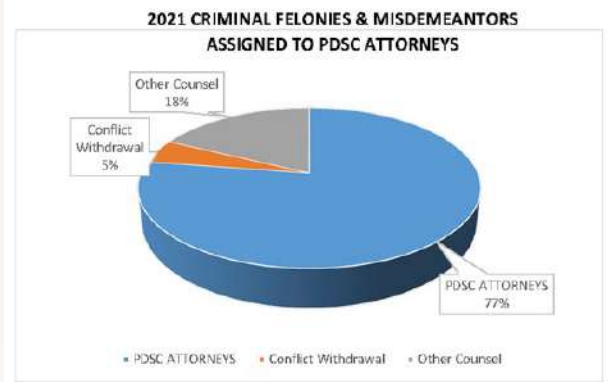
APPROPRIATIONS & OTHER SOURCES



Fiscal Year	2020	2021	2022	%Δ	Trend
APPROPRIATIONS and OTHER SOURCES					
General Fund (PDSC)	\$ 4,724,408	\$ 4,351,900	\$4,708,508	8.19%	↑
General Fund (APD)	1,376,264	1,308,228	1,401,651	7.14%	↑
Federal Grant					
Domestic Violence Program	50,420	40,711	58,318	43.25%	↑
Elder Justice Center	-	73,954	188,082	154.32%	↑
Other Sources	-	-	179,750	100.00%	↑
Total Appropriations and Other Sources	\$ 6,151,092	\$ 5,774,793	\$6,536,309	13.19%	↑
EXPENDITURES and ENCUMBRANCES PROGRAMS					
PDSC Operations	4,435,254	4,743,135	4,805,963	1.32%	↑
Alternate Public Defenders	1,038,960	1,187,412	1,187,343	-0.01%	↓
Domestic Violence Program	50,420	40,711	58,318	43.25%	↑
Elder Justice Center	-	73,954	367,832	397.38%	↑
Total Programs	\$ 5,524,634	\$ 6,045,211	\$6,419,456	6.19%	↑
Expenditures and Encumbrances by Category					
Salaries, Wages and Benefits	\$ 4,788,668	\$ 5,220,077	\$5,555,323	6.42%	↑
Contractual Services	263,665	354,190	370,866	4.71%	↑
Office Space Rental	339,696	339,696	354,614	4.39%	↑
Supplies & Materials	28,832	31,697	23,656	-25.37%	↓
Equipment < \$5,000	39,253	65,287	54,751	-16.14%	↓
Drug Testing	160	440	600	36.36%	↑
Utilities	-	-	-	0.00%	
Miscellaneous and Others	38,949	33,824	59,647	76.34%	↑
Capital Outlay	25,410	-	-	0.00%	
Off-Island Travel	-	-	-	0.00%	
Total Expenditures and Encumbrances	\$ 5,524,634	\$ 6,045,211	\$6,419,456	6.19%	↑

Ernst & Young, an independent auditor, conducted the FY2022 government of Guam Financial Audit which resulted in a clean opinion. For more information, please visit the Office of Public Accountability’s website at <http://www.guamopa.org>.

Today, the PDSC provides legal service to almost 80% of the criminal cases opened in the Judiciary of Guam each year. The Corporation represents individuals charged with violations of the Guam criminal code from arrest through appeal, at violation of probation and children who have been arrested and are involved with delinquency proceedings. PDSC similarly provides specialty representation to clients who are in the specialty courts – Adult Drug (with 3 different programs – Adult Drug Court 1, Adult Drug Court 2, and Adult Drug Court 3), Family Violence, Juvenile Drug Treatment, Mental Health, Veteran Treatment, DWI Treatment, and Guam Adult Reentry. Relative to civil matters, PDSC has the Elder Justice Center (EJC) providing legal services to Guam’s *Manâmkö*, The Advocacy Center (TAC) seeking protective and restraining orders in cases involving domestic violence. This office continues to obtain guardianships to ensure juveniles have the support needed to overcome challenges in their lives as they mature into adulthood. In FY2022, PDSC wrapped up its work with court ordered quarantine cases and are regularly appointed for extraditions and civil commitments. The Corporation also includes representation of people involved in involuntary mental health proceedings and dependent and neglected children through PINS (Persons In Need of Supervision) cases. PDSC continues to remain quite busy as the team diligently works to improve the lives of Guam’s less fortunate residents in the community.



OUTLOOK

- **Toll free access for our detained clients through PayTel and the passage of Public Law 36-37.** Through the support of the Legislature, clients are now able to call PDSC attorneys from DOC for updates on their cases or to prepare for court hearings. Due to the passage of this public law, PDSC will see an increase in client contact in the upcoming fiscal years.
- ♦ **The Edward Byrne Memorial Justice Assistance Grant (JAG) – Access to Counsel.** Through a BSP sub-grant, clients are able to meet with their attorneys via Zoom. The grant provided computers and Zoom licenses at the Hagåtña Detention Center (1 computer), DOC (2 computers) and DYA (2 computers). This program, Access to Counsel, will also increase attorney-client contact for the betterment of the clients PDSC represents.
- ♦ **6TH Amendment Center (6AC) – Evaluation of Indigent Legal Representation in the U.S. Territory of Guam.** 6AC has partnered with PDSC to conduct a thorough assessment of data mining/analysis, court observations and interviews with justice stakeholders and policymakers. Through this review, the PDSC is hopeful that this project improves services for the clients served.
- ♦ **Opening of the Elder Justice Center.** Through the American Recovery Plan Act (ARPA) funding, PDSC is able to augment funds received by DPHSS’ Division of Senior Citizens to provide extended services to Guam’s *Manâmkö*. As a result of the funding received by the Leon Guerrero-Tenorio administration, Guam’s elderly are able to receive services that they have found difficult to obtain within the community for end stage planning. Additionally, the PDSC will extend services to Guam’s senior citizen age recognition (age 55+).
- ♦ **Attorney Performance Standards – Bureau of Justice Assistance (BJA), Training & Technical Assistance (TTA) Grant.** BJA’s Training and Technical Assistance (TTA) grant, Executive Director Jack Cutrone of the Illinois Criminal Justice Information Authority (ICJIA) is working to complete this project with PDSC attorneys. Through such undertaking, the Juvenile attorneys have set standards for their processes. Soon, the PDSC’s criminal attorneys will have similar standards to follow for the betterment of services provided to all Corporation clients.
- ♦ **E-Filing.** While PDSC was effectively E-Filing motions and briefs with the Supreme Court of Guam, prior to the pandemic, now because of the remnants of the pandemic PDSC is increasing its efforts of E-Filing in the Superior Court of Guam. This new process will result in greater efficiencies throughout the entire legal process at the Public Defender Service Corporation.

CHALLENGES

A major challenge for the PDSC is shifting operations to some state of normalcy in light of COVID-19. Measures had to be established to ensure the safety and welfare of the public as well as the Corporation’s employees. Due to such uncertainty, resulting from COVID, the PDSC worked closely with the healthcare community and the court to ensure that safety protocols were established and that client rights remained protected. Additionally, with a major shut-down or full closure of businesses, Guam may possibly see an increase in crime due to a weak economy—which will potentially increase cases appointed to the office.

PDSC WANTS TO HEAR FROM YOU!

As “public” is its middle name, the PDSC wants to hear if there is other information or data you believe should be included in this report. Please call the Guam Public Defender Service Corporation (671) 475.3100 or visit us online at www.guampdpsc.org.

Vincent Duenas

From: Cathy Gogue <cgogue@guampdsc.org>
Sent: Monday, April 8, 2024 12:31 PM
To: 'Benjamin Cruz'
Cc: Vincent Duenas
Subject: CCR FY2022 (OPA).pdf
Attachments: CCR FY2022 (OPA).pdf

Hafa Adai Public Auditor Cruz,

I hope this email finds you doing well. 😊

Please find PDSC's FY2022 CCR. If you have any questions or concerns regarding the attached, please feel free in letting me know.

Warmest regards,

Cathy

Public Defender Service Corporation | 779 Route 4, Sinajana, Guam 96910 | (671) 475-3100 | www.guampdsc.org

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