

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE

Statement of Cash Receipts and Disbursements,
and Required Supplementary Information
for the Year Ended June 30, 2019

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INDEPENDENT AUDITOR'S REPORT

Inés del C. Carrau Martínez
Acting Secretary of the Commonwealth of
Puerto Rico Department of Justice
San Juan, Puerto Rico

Report on the Financial Statement

We have audited the accompanying financial statement of cash receipts and disbursements of the governmental activities each major fund of the Commonwealth of Puerto Rico Department of Justice (the PRDOJ) for the year ended June 30, 2019, and the related notes to the statement of cash receipts and disbursements.

Management's Responsibility for the Financial Statements

The PRDOJ's management is responsible for the preparation and fair presentation of this financial statement in accordance with the cash basis of accounting described in Note A; this includes determining that the basis of accounting is an acceptable basis for the preparation of the statement in the circumstances. Management is also responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statement that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinion on this financial statement based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statement. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statement, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statement in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statement.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statement referred to above presents fairly, in all material respects, the cash receipts and disbursements of the governmental activities and the aggregate remaining fund information of the PRDOJ for the year ended June 30, 2019, in accordance with the basis of accounting described in Note A.

Emphasis of Matter

Basis of Accounting

As discussed in Note A to the financial statement, this financial statement is prepared on a basis of accounting other than accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Other Information

Our audit was conducted for the purpose of forming an opinion on the financial statement taken as a whole. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by Title 2 U.S. *Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, and is also not a required part of the basic financial statement.

The schedule of expenditures of federal awards is the responsibility of PRDOJ 's management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statement. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statement and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statement itself, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the financial statement as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated September 17, 2020, on our consideration of the PRDOJ's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the result of



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that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the PRDOJ's internal control over financial reporting and compliance.

September 17, 2020

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Stamp Number E423798
of Puerto Rico CPA Society
has been affixed to the
original report



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COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE
STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FOR THE YEAR ENDED JUNE 30, 2019

	Governmental Funds			Total
	General funds	Special Revenue State	Special Revenue Federal	
CASH RECEIPTS:				
Appropriations from the Commonwealth of Puerto Rico	\$ 88,775,904	\$ 13,903,842	-	\$ 102,679,746
Federal Grants	-	-	21,939,007	21,939,007
	<u>88,775,904</u>	<u>13,903,842</u>	<u>21,939,007</u>	<u>124,618,753</u>
CASH DISBURSEMENT:				
Management and General Administration	13,454,468	5,122,990	28,528,016	47,105,474
Families and Minors Affairs Investigation & Prosecution	10,600,126	-	305,949	10,906,075
Criminal Investigation & Prosecution	33,404,774	-	3,164,259	36,569,033
Special Investigations	6,579,128	4,765	7,104	6,590,997
Real Property Registry	13,979,655	1,124,151	-	15,103,806
Restriction of Antimonopolistic Practices	256,683	27,859	-	284,542
Compensation & Services to Crime Victims & Witnesses	224,522	317,593	240,220	782,335
Criminal Justice Information System	1,409,711	-	331,164	1,740,875
Legal Consulting and Representation	8,071,390	324,931	-	8,396,321
	<u>87,980,457</u>	<u>6,922,289</u>	<u>32,576,712</u>	<u>127,479,458</u>
EXCESS (DEFICIENCY) OF CASH RECEIPTS OVER CASH DISBURSEMENTS	<u>\$ 795,447</u>	<u>\$ 6,981,553</u>	<u>\$ (10,637,705)</u>	<u>\$ (2,860,705)</u>

See accompanying notes to statement of cash receipts and disbursements.

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE
NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS
FOR THE YEAR ENDED JUNE 30, 2019

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

The Commonwealth of Puerto Rico Department of Justice (the PRDOJ) was created by Article IV, Section 6 of the Constitution of the Commonwealth of Puerto Rico. Its functions and organization are encompassed by the Political Code, 3 L.P.R.A. sections 71 and on other special laws that assign functions, powers and faculties to the Secretary of Justice.

The main functions of the PRDOJ include the following: provide legal advice to the Governor, the Legislature, the Municipalities and other governmental agencies of Puerto Rico; represent the Commonwealth of Puerto Rico, its agencies and municipalities in any civil and criminal case before any court, government official or board; investigate and process before the courts those charged with criminal acts; investigate and process cases related to minors, including child abuse; represent the public interest in family relations cases; oversee unlawful practices of businesses in violation of the antitrust laws; administers the real estate registry; maintain a criminal justice computerized information system; promote measures needed to improve public security and fighting crime and the violation of laws.

The PRDOJ works with the following programs:

Management and Administration - Responsible for directing, executing, evaluating, controlling, and supervising the administration of the economic, financial, and material resources.

Cases related to minors - Responsible for legally representing the interests of minors in judicial proceedings on child abuse and negligence. It also represents the Public Prosecutor in civil proceedings such as adoptions, guardianships, judicial authorizations related to minors' goods and judicially incapacitated, declarations of incapacity, appointments of guardians, child support, exequatur, protocolizations of testaments, among others.

Criminal Cases - Investigates and prosecutes cases of a criminal nature in the jurisdiction of the Commonwealth of Puerto Rico. It also manages the civil or administrative matters necessary to impose responsibility on the subjects of the investigation or criminal proceedings and urges actions for the restitution of funds and property obtained from the commission of crimes of government corruption, organized crime and controlled substances.

The Bureau of Special Investigations (“NIE Spanish acronyms”) - Body of high-level professional investigations attached to the Department of Justice. It aims to develop specialized mechanisms and techniques in the field of criminal investigation to combat government corruption and organized crime.

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)

FOR THE YEAR ENDED JUNE 30, 2019

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Real Estate Registry - The main function is the registration of documents related to real estate transactions. The Registry offers notaries, banking entities, appraisers, degree students and the general public, information on legal businesses, property owners and charges or liens that fall on such real estate.

Antitrust- Is in charge of enforcing and supervising the provisions of the Puerto Rico Trade Antitrust (Monopoly and Restriction) Act. This legislation is intended to protect competition between companies, so that products and services are offered at low prices, high quality, and with greater innovation.

The Office of Compensation and Services to Victims and Witnesses of Crime (“OCSVTD Spanish acronyms”) Offers support, services and financial assistance to eligible victims and witnesses of crime and / or their claimants, with the purpose of guaranteeing sensitive and efficient treatment during the criminal process and minimizing its impact on people. Among its many functions, the office is in charge of evaluating and granting compensation payment to eligible crime victims to receive the benefits established by law. In addition, it coordinates services and economic, psychological and humanitarian assistance for the families of victims and witnesses, as well as support and guidance in judicial proceedings and criminal investigations.

Information System of Criminal Justice (“SIJC Spanish acronyms”) - Receives, custody and provides information of a complete, updated, and correct criminal nature to the members of the “Intergovernmental Committee” for the proper and suitable functioning of their needs. In addition, it collects information of criminal nature about those adults who have been and were convicted.

Litigation - The Litigation program includes: The Legal Counsel, the Solicitor General and the Deputy Secretary of the General Litigation Office.

The main function of the Legal Counsel is to assist the Secretary of Justice in the preparation of the legal analysis that will be provided to the Governor, to the Legislative Assembly, the different agencies and dependencies of the Government.

The Office of the Solicitor General represents the Commonwealth of Puerto Rico in all criminal and civil matters before the appellate courts of Puerto Rico, the United States, or any other federated state or territory of the United States.

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Deputy Secretary of the General Litigation Office represents the Commonwealth of Puerto Rico and its officials in all civil or administrative proceedings before the courts of Puerto Rico, the United States, or any other federated state or territory of the United States.

Financial Reporting Entity

The PRDOJ, is for financial reporting purposes, an agency of the Commonwealth of Puerto Rico and its financial data is included as part of the general fund in the Commonwealth of Puerto Rico's financial statements. The PRDOJ's financial statement is issued solely to comply with the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance).

Basis of Accounting

The PRDOJ follows the cash basis of accounting to account for all funds administered. Under this basis, cash or funds transferred-in are recognized as revenues when received, and expenditures are recognized when funds are disbursed or transferred-out. Therefore, the Statement of Cash Receipts and Disbursements is not intended to present the PRDOJ's results of operations in accordance with accounting principles generally accepted in the United States of America. Capital assets and compensated absences are reported as expenditures upon disbursement. Accordingly, no capital assets (nor its related depreciation) and/or accrued compensated absences are accrued in the PRDOJ's financial statements.

Basis of Presentation

The accounts of the PRDOJ are organized in two fund types: General Fund and Special Revenue Fund. The PRDOJ maintains appropriations for several individual state and federal funds within each fund type. As more fully explained in the section "Basis of Accounting", each fund is accounted for with a set of accounts which include only cash receipts and disbursements. No balance sheet accounts are reported. The individual funds account for the governmental resources allocated to them are for purposes of carrying on specific activities in accordance with laws, regulations and other restrictions.

The General Fund is the general operating fund used to account for the funds appropriated by the Legislature of the Commonwealth of Puerto Rico and is the fund through which most functions are typically financed. The Special Revenue Fund (Federal) reflects the federal financial assistance managed by the PRDOJ for programs funded by the Federal Government that is legally restricted to expenditures for specific purposes. The Special Revenue Fund (State) reflects the state financial

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

assistance funds managed by the PRDOJ that are legally restricted to expenditures for specific purposes.

Statutory (Budgetary) Accounting

The PRDOJ's total available spending authorization, which is considered its budget, is adopted in accordance with a statutory basis of accounting. Revenues are recognized when cash is received. Expenditures are recognized when the related costs are paid or encumbered. Available appropriations and encumbrances lapse the year following the end of the fiscal year when the encumbrance was established. Amounts required for settling claims and judgments against the Department, and other liabilities are not recognized until they are encumbered or otherwise processed for payment. Under the statutory basis of accounting, the PRDOJ uses encumbrance accounting to record the full amount of purchase orders, contracts and other commitments of appropriated resources as deductions from the appropriation prior to actual expenditure. In the PRDOJ's governmental funds, encumbrance is a significant aspect of budget control.

Budgetary Control

The Statement of Cash Receipts and Disbursements is presented at the expenditures level. However, budgetary control and accounting is exercised at a lower level to provide management with detailed control over expenditures at the appropriate budget and program level.

Encumbrance accounting is used for budgetary purposes. The encumbrances (that is, purchase orders, contracts and other commitments of appropriated resources) are considered expenditures when a commitment is made.

For cash receipts and disbursements basis of accounting, encumbrances outstanding at end of fiscal year are reported as reservations of budgetary appropriations and cash balances that do not constitute disbursements on a cash basis of accounting.

The Puerto Rico Department of the Treasury and the Puerto Rico Office of Management and Budget have the responsibility to ensure that budgetary spending control is exercised through the Puerto Rico Integrated Financial Accounting System (PRIFAS).

The General Fund is the only legally adopted annual operating budget. The Department management may make limited modifications to the budget amounts within the General Fund in coordination with the Puerto Rico Department of the Treasury and the Puerto Rico Office of Management and Budget.

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

**NOTE A - ORGANIZATION AND SUMMARY OF SIGNIFICANT
ACCOUNTING POLICIES (CONTINUED)**

Compensated Absences

According to Act 26-2017 the compensated absences policy of the Commonwealth of Puerto Rico that applies to the PRDOJ's employees provides for the accumulation of 15 days of vacations and 12 days of sick leave annually. Vacations may be accumulated up to a maximum of 67.5 days and sick leave up to a maximum of 96 days. In the event of employee resignation or termination, the employee is paid accumulated vacations up to the maximum allowed. There is no payment upon employment termination for accumulated sick leave days. According to GASB 16, there is not accrual of sick leave days in the financial statements.

Risk Financing

The Commonwealth of Puerto Rico purchases commercial insurance covering casualty, theft, tort, claims, and other losses for the PRDOJ, which reimburses the Commonwealth of Puerto Rico for the premium payments made on its behalf. For workmen's compensation, the State Insurance Fund Corporation, a component unit of the Commonwealth of Puerto Rico, provides the workmen's compensation insurance to the PRDOJ's employees.

**NOTE B - CASH WITH FISCAL AGENT PUERTO RICO DEPARTMENT OF THE
TREASURY**

The cash of the PRDOJ is under the control of the Secretary of the Treasury of Puerto Rico pursuant to Act No. 230 of July 23, 1974, as amended, known as the "Puerto Rico Government Accounting Law". Cash with financial institutions consists of deposits in a commercial bank. The Department is authorized to deposit only in institutions approved by the Department of the Treasury of the Commonwealth of Puerto Rico. As per the Act No. 69 of August 14, 1991, known as "Law regulating deposits of public funds and to provide for security", it is required that public funds deposited in commercial banks be fully collateralized for the amount deposited in excess of coverage provided by federal depository insurance.

NOTE C - RETIREMENT PLANS

The Employees' Retirement System (ERS) of the Government of Puerto Rico and its instrumentalities is a cost-sharing, multiple-employer, defined benefit pension plan sponsored by, and reported as a component unit of, the Commonwealth of Puerto Rico. All regular employees of the PRDOJ under age 55 at the date of employment become members of the system as a condition of the employment.

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)

FOR THE YEAR ENDED JUNE 30, 2019

NOTE C - RETIREMENT PLANS (CONTINUED)

ERS provides retirement, death and disability benefits pursuant to Act No. 447, approved on May 15, 1951, as amended, which became effective on January 1, 1952. Retirement benefits depend upon age at retirement and number of years of credited service. Benefits vest after ten years of plan participation. Participants who have attained an age of at least fifty-five (55) years and have completed at least twenty-five (25) years of creditable service or members who have attained an age of at least fifty-eight (58) years and have completed at least ten (10) years of creditable service or who have attained an age of at least sixty five (65) years and have completed at least ten (10) years of service if hired after April 1990 are entitled to an annual benefit, payable monthly for life.

The annuity, for which a plan member is eligible, is limited to a minimum of \$400 per month and a maximum of 75% of his average compensation.

Participants who have completed at least thirty (30) years of creditable service are entitled to receive a Merit Annuity. Participants who have not attained fifty-five (55) years of age will receive 65% of their average compensation. Participants who have attained fifty-five (55) years of age will receive 75% of their average compensation. Disability retirement benefits are available to members for occupational and non-occupational disability. However, for non-occupational disability a member must have at least ten (10) years of creditable service.

No benefit is payable if the participant receives a refund of his accumulated contributions. Commonwealth law requires employees hired on or before March 31, 1990 to contribute to the ERS 5.775 percent for the first \$550 of their gross monthly salary and 8.275 percent in excess of \$550.

The contribution for employees hired after April 1, 1990 is 8.275 percent of their gross monthly salary. The PRDOJ is required to contribute 9.275 percent of the participants' gross salaries. On September 24, 1999 the law, which created ERS was amended for the purpose of establishing a defined contribution plan, known as System 2000.

System 2000 became effective on January 1, 2000. PRDOJ employees participating in the defined-benefit plan system at December 31, 1999, had the option to either stay in the defined benefit plan or transfer to System 2000. Those employed by the PRDOJ on or after January 1, 2000 are only allowed to become members of System 2000.

System 2000 is a hybrid defined contribution plan; also known as a cash plan. Under this plan, there will be a pool of plan assets, which will be invested by ERS, together with those of the defined-benefit plan. Benefits at retirement age will not be guaranteed. The annuity will be based on a

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

NOTE C - RETIREMENT PLANS (CONTINUED)

formula which assumes that each year the participants' contribution (with a minimum of 8.275% of the participants' salary up to a maximum of 10%) will be invested as instructed by the participant in an account which either: (1) earns a fixed rate based on the two-year Constant Maturity Treasury Notes; (2) earns a rate equal to 75% of the return of ERS's Investment portfolio (net of management fees); or (3) earns a combination of both alternatives.

Participants receive periodic account statements similar to those of defined contribution plans showing their accrued balances. Disability pensions are not granted under System 2000. The employers' contributions (9.275% of the employee's salary) will be used to fund the defined benefit plan instead of System 2000. Prior to July 1, 2013, System 2000 members could retire upon attainment of age 55 for Public Officers in High Risk Positions and attainment of age 60 otherwise.

Furthermore, on April 4, 2013, the Governor of Puerto Rico signed into law Act No. 3 of 2013, which represents a comprehensive reform of the ERS. Act No. 3 became effective on July 1, 2013 and amends the provisions of the different benefits structures under the ERS, including, but not limited to, the following:

1. For active participants of the contributory defined benefit programs under Act No. 447 of 1951 and Act No. 1 of 1990, all retirement benefits accrued through June 30, 2013 will be frozen, and thereafter, all future benefits will accrue under the defined contribution formula used for System 2000 participants, and will be paid at retirement through a lifetime annuity.
2. Increases the minimum pension for current retirees from \$400 to \$500 per month.
3. The retirement age for Act No. 447 participants will be gradually increased from age 58 to age 61.
4. The retirement age for current System 2000 participants is increased gradually from age 60 to age 65.
5. Eliminates the "merit annuity" available to participants who joined the ERS prior to April 1, 1990.
6. The retirement age for new employees is increased to age 67, except for new state and municipal police officers, firefighters, and custody officers, which will be age 58.
7. The employee contribution rate will increase from 8.275% to 10%.
8. For System 2000 participants, the retirement benefits will no longer be paid as a lump sum distribution, instead, they will be paid through a lifetime annuity.
9. Eliminates or reduces various retirement benefits previously granted by special laws, including Christmas and summer bonuses. The Christmas bonus payable to current retirees is reduced from \$600 to \$200 and is eliminated for future retirees. The summer bonus will be eliminated.

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

NOTE C - RETIREMENT PLANS (CONTINUED)

10. Disability benefits will be eliminated and substituted for a mandatory disability insurance policy.
11. Survivor benefits will be modified.

In addition, the Commonwealth has proposed incremental annual contributions from the General Fund per year, for the next 20 years, to increase the liquidity and solvency of the ERS. An appropriation for such annual contribution has been included in the Commonwealth's proposed budget for the fiscal year 2019.

The successful implementation of these measures cannot be assured, as it is dependent upon future events and circumstances whose outcome cannot be anticipated.

On December 8, 2015, Act No. 211 of 2015 (Act No. 211) was approved to create a Voluntary Preretirement Program. Act No. 211 established that employees who started contributing to ERS before April 1, 1990, with at least 20 years of service, may be eligible to participate in the program. Those who participate in the program would be paid 50% of their average salary (except police officers, who would be paid 60%). These payments will be made until the employee becomes eligible to receive payments from ERS. Other benefits would include the payment of the participant's healthcare plan during the first two years of the program. The PRDOJ contribution for the year ended June 30, 2019 was \$30,108,000.

On August 23, 2017, Act No. 106 "Law to Guarantee the Payment to Our Pensioners and Establish a New Plan of Defined Contributions for Public Employees" was signed into law to guarantee the payment to pensioners and establish a new plan for defined contributions for public servants, reformed the Commonwealth's pensions by replacing the governing boards of the Retirement Systems with a single Retirement Board of the Commonwealth of Puerto Rico (Retirement Board) and established a separate "account for the payment of accrued pensions" to implement a "pay-as-you-go" (PayGo) method for the Retirement Systems. Act No. 106 created the legal framework so that the Commonwealth can guarantee payments to pensioners through the PayGo system.

Pay-As-You-Go Funding

On June 27, 2017, the Treasury Department issued Circular Letter No. 1300-46-17 in order to convey to the central government agencies, public corporations and municipalities the new implementation procedures to adopt, effective July 1, 2017, a new "pay-as-you-go" (Pay-Go) mechanism for the ERS.

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NOTE C - RETIREMENT PLANS (CONTINUED)

Subsequently, on August 23, 2017, the Governor signed into law the “Act to Guarantee the Payment to Our Pensioners and Establish a New Plan for Defined Contributions for Public Servants” (Act No. 106), which reformed the Commonwealth Retirement Systems. Act No. 106 terminated the previously existing pension programs for the ERS’s participants as of June 30, 2017. The members of the prior programs and new system members hired on and after July 1, 2017 are now enrolled in a new defined contributions program. Act No. 106 also established by law the Pay-Go mechanism for the payment of accumulated pension benefits and eliminated employers’ contributions and other analogous contributions. Approximately \$2 billion was allocated for the payment of Pay-Go benefits in each of the budgets for fiscal years 2018 and 2019.

Furthermore, Act No. 106 modified the ERS’s governance. Under Act No. 106, the ERS’ Board of Trustees was substituted with a new Retirement Board, which is currently responsible for governing all of the Commonwealth’s Retirement Systems.

Act No. 106 also ordered a suspension of the ERS’s loan programs and ordered a merger of the administrative structures of the retirement systems. At the Retirement Board’s discretion, the servicing of the ERS’s existing loan portfolio may be externalized. Pursuant to Act No. 106, the employees of the ERS that are not retained under the new administrative structure will be transferred to other public agencies in conformity with Act No. 8 of February 8, 2017.

This legislation has passed pension reforms that include making payments to the depleted defined benefit system from general revenues, and creating a defined contribution plan for active workers and new hires. This Act declared as public policy the protection of the pension funds of all public retirees. According to the joint resolution No. 188 of 2017, and certified by the Fiscal Supervision Board on July 13, 2017, the Puerto Rico Government has become the direct payer of retirees.

Act 106 eliminates the PRDOJ contributions as disposed on joint resolutions No. 186, 187 and 188 of 2017. The Employees’ Retirement System should contribute their available funds and the net amount of the liquidation of their assets for the payment of accrued pensions. The general fund of Puerto Rico Government assumes and guarantees the payments of the pensions through the new “Pay Go” system accounts, which are under the custody of the Department of Treasury of Puerto Rico. The Puerto Rico Fiscal Agency and Financial Advisory Authority (AAFAF, Spanish acronym) oversees the retirement systems and their transition to the compliance of the requirements of Act 106.

On November 7, 2017, the Financial Advisory Authority and Fiscal Agency of Puerto Rico (AAFAF) issued an administrative order (OA-2017-05), with the purpose of creating a

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FOR THE YEAR ENDED JUNE 30, 2019

NOTE C - RETIREMENT PLANS (CONTINUED)

Voluntary Transition Program' for public employees. This program was divided into three phases.

The program provides for all employees who are eligible and voluntarily interested to participate, to submit their resignation to receive an economic incentive that will be equivalent to the amount of salary that they would receive during the period that begins at the moment of being effective his/her voluntary resignation and ends on June 30, 2019. The amount will be paid, according to the payroll of the entity of the Executive Branch up to its total balance. This means that the eligible employee may earn the equivalent of his salary for the period in which he presents his resignation, according to the start date of the program, until the end of the current fiscal year.

Likewise, the order also establishes that employees eligible to benefit from the program who have thirty (30) years of service or more, and who also meet the age requirements, according to the applicable law, may participate in the program receiving the economic incentive. equivalent to the amount of salary that would be received during the period that begins at the time of the voluntary resignation and ends on June 30, 2019. After the incentive is exhausted, the retired participant will receive the annuity that corresponds to receive for his / her retirement pension as of July 2018.

Contributions

The contribution requirement to ERS is established by law and is not actuarially determined.

(a) Member Contributions: Effective July 1, 2013, contributions by members are 10% of compensation. However, for Act No. 447 members who selected the Coordination Plan, the member contributions are 7% of compensation up to \$6,600 plus 10% of compensation in excess of \$6,600 during the 2013-14 fiscal year and 8.5% of compensation up to \$6,600 plus 10% of compensation in excess of \$6,600 during the 2014-15 fiscal year. Members may voluntarily make additional contributions to their hybrid contribution account.

Prior to July 1, 2013, contributions by Act No. 447 members selecting the Coordination Plan were 5.775% of compensation up to \$6,600 plus 8.275% of compensation in excess of \$6,600. Contributions by all other members were 8.275% of compensation. System 2000 members could also have made voluntary contributions of up to 1.725% of compensation prior to July 1, 2013.

(b) Employer Contributions (Article 5-106, as Amended by Act No. 116 of 2010 and Act No. 3 of 2013): Prior to July 1, 2011, employer contributions were 9.275% of compensation. Effective July 1, 2011, employer contributions are 10.275% of compensation. For the next four fiscal years effective July 1, 2012, employer contributions will increase annually by 1% of compensation.

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

NOTE C - RETIREMENT PLANS (CONTINUED)

For the next fiscal year, employer contributions will increase by 1.25% of compensation, reaching an employer contribution rate of 15.525% of compensation effective July 1, 2016.

Effective on August 2017 there was no employer contribution to the ERS for transitory, regular and trust employees of the PRDOJ. Only employees under Act 211 were paid employer contributions from December 2017 to October 2018. After this date there will be no more employer contributions.

Additional information of ERS is provided in its financial statements for the year ended June 30, 2016 a copy of which can be obtained from the administrator of the Retirement System: P.O. Box 42003, San Juan, Puerto Rico 00940.

NOTE D - DEFICIENCY OF CASH RECEIPTS OVER CASH DISBURSEMENTS

Special Revenue Federal fund has outstanding petitions for reimbursement by the federal government as of June 30, 2019. Outstanding petitions include funds requested and in process requisitions. Accordingly, management believes the deficiency of cash receipts over cash disbursements should be offset as future reimbursements are collected. Subsequent collections of outstanding petitions of funds as of June 30, 2019, amounted to approximately \$14,641,129 as of September 17, 2020.

NOTE E - COMMITMENTS

The Department rents its facilities through operating lease agreements with the Puerto Rico Public Building Authority (PRPBA), an instrumentality of the Commonwealth of Puerto Rico, and with other private entities. The rental agreements and payments to the PRPBA are controlled by the Puerto Rico Office of Management and Budget.

Rent paid to private entities during the fiscal year ended June 30, 2019, under these lease agreements amounted to approximately \$7,989,287.

Total amounts of futures minimum lease payments by fiscal year are disclosed in the following table:

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE
NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

NOTE E – COMMITMENTS (CONTINUED)

<u>Fiscal Year</u>	<u>Private Land and Buildings</u>	<u>Machinery and Equipment</u>	<u>Public Buildings Authority</u>	<u>Total</u>
2020	\$ 8,049,874	\$ 320,170	\$ 3,749,490	\$ 12,119,534
2021	7,221,601	320,170	3,749,490	11,291,261
2022	6,629,635	106,723	3,526,897	10,263,255
2023	6,629,635	-	657,645	7,287,280
2024	6,629,635	-	657,645	7,287,280
2025 and thereafter	<u>19,388,604</u>	<u>-</u>	<u>1,972,936</u>	<u>21,361,540</u>
Total Future Noncancelable Operating Lease Payments	<u>\$ 54,548,984</u>	<u>\$ 747,063</u>	<u>\$ 14,314,103</u>	<u>\$ 69,610,150</u>

NOTE F - CONTINGENCIES

Litigation

The Commonwealth of Puerto Rico Act 104 of June 30, 1955, as amended, known as "Claims and Lawsuits against the State", provides that lawsuits initiated against an agency or instrumentality of the Commonwealth of Puerto Rico, including its employees, directors, mayors, and other government officers may be defended by the PRDOJ.

Federal Awards

The PRDOJ administers several federal financial assistance programs funded by the Government of the United States of America.

Expenditures financed by these programs are subject to financial and compliance audits by corresponding federal grantor agencies. If expenditures are disallowed due to noncompliance with program regulations, the PRDOJ may be required to reimburse the federal grantor agency. The PRDOJ is also subject to audits performed by the Office of the Comptroller of Puerto Rico.

COMMONWEALTH OF PUERTO RICO

DEPARTMENT OF JUSTICE

NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

NOTE G - GOING CONCERN CONSIDERATION

As part of its normal operating activities, and as disclosed in Note A, the PRDOJ depends significantly on appropriations from the Commonwealth of Puerto Rico. As of June 30, 2019, the Commonwealth faces significant budgetary risks and uncertainties, including liquidity risk, which is the risk of not having sufficient financial resources to meet their obligations when they become due. Because of budgetary constraints, the financial support that the Commonwealth of Puerto Rico has provided to the PRDOJ may be affected in the near future.

On May 3, 2017 the Commonwealth filed a petition for bankruptcy with the United States District Court for the District of Puerto Rico under Title III of the Puerto Rico Oversight, Management, and Economic Stability Act, 48 USC *sec.* 2101 *et seq.* (PROMESA). As a consequence, certain actions against the Commonwealth were pursuant to the provisions of Section 301 (a) of PROMESA, 48 USC *sec.* 2161(a), which refers to the automatic stay provided by sections 362 and 922 of the United States Bankruptcy Code, 11 USC 362 and 922. The filing of the petition for bankruptcy has the immediate and direct effect of stating all civil actions that any natural person or legal entity may have initiated against the Government of Puerto Rico and its instrumentalities, while the bankruptcy proceedings are pending before the federal court. 11 USC sections 362(a), 922(a); 48 USC section 2161(a).

NOTE H – GOVERNMENT REORGANIZATION

Act No. 20 of April 10, 2017 and effective on October 7, 2017, known as the “Puerto Rico Department of Public Safety Act”, reorganized the Government of Puerto Rico’s safety system. Act No. 20 consolidated the services of the Puerto Rico Police, Fire Fighters, Medical Emergencies, State Agency for Emergency Management, Emergency System 9-1-1, Forensic Science Institute, and the Bureau of Special Investigations (NIE, Spanish acronym) in the Department of Public Safety (DPS).

The DPS was created to promote a more effective, efficient, and functional security system by merging the effort of seven (7) agencies into one unit of public security. The budgeted amount for NIE is \$6,585,819, approximately 6% of PRDOJ annual budget of \$102,679,746 for the year June 30, 2019.

As of June 30, 2019, salary expenditures of the NIE Bureau of Special Investigations were paid with PRDOJ funds while other expenditures were assumed by the DPS.

**COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE**

NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

NOTE I – SUBSEQUENT EVENTS

The PRDOJ has evaluated subsequent events through September 17, 2020 the date of the financial statement was available to be issued.

Earthquakes and Coronavirus (COVID-19)

As of December 2019, the island was hit by several earthquakes. During March 2020, due the Coronavirus pandemic the government declared a lock down. These events caused the interruption of services and business activities which resulted in economic hardship. As a result of natural disaster many assets may be destroyed, damaged or impaired. These disasters affected the operations of the Department and the services provided. Natural disasters can result in additional obligations in order to reconstitute the order and normal business environment.

SUPPLEMENTARY INFORMATION

COMMONWEALTH OF PUERTO RICO
DEPARTMENT OF JUSTICE
SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2019

Federal Grantor/Pass-Trough Program or Cluster Title	Federal CFDA Number	Passed-through to Subrecipients	Federal Expenditures
United States Department of Justice			
Crime Victims Assistance	16.575	\$ 25,682,364	\$ 26,285,792
Crime Victims Compensation	16.576	-	240,220
Edward Byrne Memorial Justice Assistance Grant Program	16.738	1,767,752	2,018,841
Edward Byrne Memorial State and Local Law Enforcement Assistance Discretionary Grant Program- SORNA	16.580	-	11,798
Edward Byrne-Memorial Competitive Grant Program	16.751	170,687	207,356
John R. Justice Prosecutors and Defenders Incentive Act	16.816	-	32,816
Pass-through Office of the Women's Advocate of Puerto Rico			
Violence Againts Women Formula Grants	16.588	-	311,180
Total U.S. Department of Justice Programs		27,620,803	29,108,003
U.S. Department of Health and Human Services:			
State Medicaid Fraud Control Units	93.775	-	87,827
U.S Department of Homeland Security:			
<i>Pass-through Central Office of Recovery and Reconstruction of Puerto Rico</i>			
Disaster Grants- Public Assistance (Presidentially Declared Disaster)	97.036	-	2,805,404
U.S. Department of Transportation			
Pass-through to Puerto Rico Traffic Safety Commission			
Minimum Penalties for Repeat Offenders for Driving While Intoxicated	20.608	-	575,478
Total Expenditures of Federal Awards		\$ 27,620,803	\$ 32,576,712

See accompanying notes to schedule of expenditures of federal awards.

COMMONWEALTH OF PUERTO RICO – DEPARTMENT OF JUSTICE
NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
FOR THE YEAR ENDED JUNE 30, 2019

NOTE A - BASIS OF PRESENTATION

The accompanying Schedule of Expenditures of Federal Awards includes the federal grant activity of the PRDOJ and is presented on the cash basis of accounting, which is a comprehensive basis of accounting other than generally accepted accounting principles in the United States of America, as further explained in Note A to the Statement of Cash Receipts and Disbursements. The information in this schedule is presented in accordance with the requirements of the Title 2 U.S. Code of Federal Regulations Part 200 (Uniform Guidance). Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in the preparation of the Statement of Cash Receipts and Disbursements. The PRDOJ entity is defined in Note A to the Statement of Cash Receipts and Disbursements.

NOTE B

The PRDOJ receives some of its federal awards in the form of pass-through awards from certain agencies of the Commonwealth of Puerto Rico as indicated in the Schedule.

NOTE C

The PRDOJ has not elected to use the 10 percent de-minimis indirect cost rate allowed under the Uniform Guidance.

NOTE D

Expenditures of federal awards are reported in the PRDOJ's statement of cash receipts and disbursements in a separate column.



**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER
FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED
ON AN AUDIT OF FINANCIAL STATEMENT PERFORMED IN ACCORDANCE
WITH *GOVERNMENT AUDITING STANDARDS***

Inés del C. Carrau Martínez
Acting Secretary of the Commonwealth of
Puerto Rico Department of Justice
San Juan, Puerto Rico

Report on Compliance for Each Major Federal Program

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the statement of cash receipts and disbursements of the Commonwealth of Puerto Rico Department of Justice (the PRDOJ), for the year ended June 30, 2019, and the related notes to the financial statement, and have issued our report thereon dated September 17, 2020.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statement, we considered the PRDOJ's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the PRDOJ's internal control. Accordingly, we do not express an opinion on the effectiveness of the PRDOJ's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statement will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the PRDOJ's financial statement is free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

This report is intended solely for the information and use of the management and officials of the Puerto Rico Department of Justice, the Commonwealth of Puerto Rico, federal awarding agencies, pass-through entities, and other regulatory agencies, and is not intended to be and should not be used by anyone other than these specified parties.

September 17, 2020



Stamp Number E423799
of Puerto Rico CPA Society
has been affixed to the
original report



Aquino, De Córdova, Alfaro & Co., LLP

CERTIFIED PUBLIC ACCOUNTANTS & BUSINESS ADVISORS



**INDEPENDENT AUDITOR’S REPORT ON COMPLIANCE
FOR EACH MAJOR FEDERAL PROGRAM AND ON INTERNAL CONTROL OVER
COMPLIANCE REQUIRED BY THE UNIFORM GUIDANCE**

Inés del C. Carrau Martínez
Acting Secretary of the Commonwealth of
Puerto Rico Department of Justice
San Juan, Puerto Rico

Report on Compliance for Each Major Federal Program

We have audited the Commonwealth of Puerto Rico Department of Justice (the PRDOJ’s) compliance with the types of compliance requirements described in the OMB Compliance Supplement that could have direct and material effect on each of PRDOJ’s major federal programs for the year ended June 30, 2019. PRDOJ’s major federal programs are identified in the summary of auditor’s results section of the accompanying schedule of findings and questioned costs.

Management’s Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor’s Responsibility

Our responsibility is to express an opinion on compliance for each of the PRDOJ’s major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the PRDOJ’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for major federal programs. However, our audit does not provide a legal determination of the PRDOJ's compliance.

Opinion on Each Major Federal Program

In our opinion, the PRDOJ complied, in all material respects, with the types of compliance referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2019.

Report on Internal Control over Compliance

Management of the PRDOJ is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the PRDOJ's internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the PRDOJ's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis.

A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.



The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. This report is intended solely for the information and use of the management and officials of the Puerto Rico Department of Justice, the Commonwealth of Puerto Rico, federal awarding agencies, pass-through entities, and other regulatory agencies. Accordingly, this report is not suitable for any other purpose.

September 17, 2020

Aquino, De Córdova, Alfaro & Co. LLP

Stamp Number E423800
of Puerto Rico CPA Society
has been affixed to the
original report



Aquino, De Córdova, Alfaro & Co., LLP

CERTIFIED PUBLIC ACCOUNTANTS & BUSINESS ADVISORS

COMMONWEALTH OF PUERTO RICO – DEPARTMENT OF JUSTICE
SCHEDULE OF FINDINGS AND QUESTIONED COSTS
FOR THE YEAR ENDED JUNE 30, 2019

Section I- Summary of Auditor's Results

A. Summary of audit results:

Part I-Financial Statements

1. Type of auditors' report issued: Unmodified opinion Qualified opinion
 Adverse opinion Disclaimer of opinion

Internal control over financial reporting:

1. Material weakness identified? Yes No
2. Significant deficiencies identified that are not considered as material weaknesses? Yes No
3. Noncompliance material to financial statements noted? Yes No

Part II- Federal Awards

Internal control over major programs:

1. Significant deficiencies identified? Yes No
2. Significant deficiencies reported as material weaknesses? Yes None reported
3. Type of auditors' reported on compliance for major programs: Unmodified opinion Qualified opinion
 Adverse opinion Disclaimer opinion
4. Audit findings disclosed that are required to be reported in accordance with the 2 CFR section 200.516(a)? Yes No

5. Identification of major programs:

<u>CFDA Number</u>	<u>Name of Federal Program or Cluster</u>
16.575	Victim of Crime Act Victim Assistance Program
20.608	Minimum Penalties for Repeat Offenders for Driving While Intoxicated

6. Dollar threshold used to distinguish between Type A and Type B programs: \$750,000

7. Auditee qualified as low-risk? Yes No

COMMONWEALTH OF PUERTO RICO – DEPARTMENT OF JUSTICE
SCHEDULE OF FINDINGS AND QUESTIONED COSTS (CONTINUED)
FOR THE YEAR ENDED JUNE 30, 2019

Part II - Financial Statement Findings Section

There are no significant deficiencies for the year ended June 30, 2019.

Part III – Federal Award Findings and Questioned Costs

There are no Federal Awards Findings and Questioned Costs for the year ended June 30, 2019.

COMMONWEALTH OF PUERTO RICO – DEPARTMENT OF JUSTICE
CORRECTIVE ACTION PLAN
FOR THE YEAR ENDED JUNE 30, 2019

No action plan required for the year ended June 30, 2019.