

**COMMONWEALTH OF PUERTO RICO**  
**DEPARTMENT OF JUSTICE**

Statement of Cash Receipts and Disbursements,  
and Required Supplementary Information  
for the Year Ended June 30, 2021

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## INDEPENDENT AUDITOR'S REPORT

Mr. Domingo Emanuelli Hernández  
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, 2021, and the related notes to the statement of cash receipts and disbursements.

### Management's Responsibility for the Financial Statement

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, 2021, in accordance with the basis of accounting described in Note A.

## *Basis of Accounting*

We draw attention to Note A of the financial statement, which describes the basis of accounting. The financial statement is prepared on the cash basis of accounting, which is 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.



**Aquino, DeCórdova, Alfaro & Co., LLP**

CERTIFIED PUBLIC ACCOUNTANTS & BUSINESS ADVISORS

## Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated September 30, 2022, 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. That report is an integral part of an audit of an audit performed in accordance with Government Auditing Standards in considering the PRDOJ's internal control over reporting and compliance.

Carolina, Puerto Rico  
September 30, 2022

Stamp number E500242  
Of Puerto Rico CPA Society  
Has been affixed to the  
Original report.

Aquino, De Córdoba, Alfaro & Co., LLP  
by Edward González-Green  
Lic. # 3171



**Aquino, DeCórdova, Alfaro & Co., LLP**

CERTIFIED PUBLIC ACCOUNTANTS & BUSINESS ADVISORS

**COMMONWEALTH OF PUERTO RICO**  
**DEPARTMENT OF JUSTICE**  
**STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS**  
**FOR THE YEAR ENDED JUNE 30, 2021**

	<b>Governmental Funds</b>			<b>Total</b>
	<b>General Fund</b>	<b>Special Revenue State</b>	<b>Special Revenue Federal</b>	
<b>CASH RECEIPTS:</b>				
Appropriations from the Commonwealth of Puerto Rico	\$ 85,144,847	\$ 20,284,285	-	\$ 105,429,132
Federal Grants	-	-	56,008,263	56,008,263
	<u>85,144,847</u>	<u>20,284,285</u>	<u>56,008,263</u>	<u>161,437,395</u>
<b>CASH DISBURSEMENTS:</b>				
Management and General Administration	15,171,135	2,034,916	28,441,110	45,647,161
Families and Minors Affairs Investigation & Prosecution	10,251,143	-	178,958	10,430,101
Criminal Investigation & Prosecution	36,875,575	-	4,040,088	40,915,663
Special Investigations	-	347,580	-	347,580
Real Property Registry	11,833,386	2,237,903	-	14,071,289
Restriction of Antimonopolistic Practices	162,920	2,527,501	-	2,690,421
Compensation & Services to Crime Victims & Witnesses	143,959	452,728	417,723	1,014,410
Criminal Justice Information System	1,219,148	-	813,284	2,032,432
Legal Consuling and Representation	7,267,621	215,746	-	7,483,367
	<u>82,924,887</u>	<u>7,816,374</u>	<u>33,891,163</u>	<u>124,632,424</u>
<b>EXCESS OF CASH RECEIPTS OVER CASH DISBURSEMENTS</b>	<u>\$ 2,219,960</u>	<u>\$ 12,467,911</u>	<u>\$ 22,117,100</u>	<u>\$ 36,804,971</u>

See accompanying notes to statement of cash receipts and disbursement.

**COMMONWEALTH OF PUERTO RICO**  
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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS  
FOR THE YEAR ENDED JUNE 30, 2021

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**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.

**Property Registry** - The main function is the registration of documents related to property 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.

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)  
FOR THE YEAR ENDED JUNE 30, 2021

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

**Antitrust-** Is in charge of enforcing and supervising the provisions of the Puerto Rico Trade Anti-trust (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.

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.

**COMMONWEALTH OF PUERTO RICO**

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)  
FOR THE YEAR ENDED JUNE 30, 2021

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

**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, 2021**

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

**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, 2021

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

**Compensated Absences**

According to Act 8-2017 and Act 26-2017 the compensated absences policy of the Commonwealth of Puerto Rico that applies to the PRDOJ's employees provides for a maximum annual accumulation of 15 days of vacations and 18 days of sick leave if hired before February 4, 2017 or 12 days of sick leave if hired after February 4, 2017.

Thereafter, as of June 30, 2021, according to Act 176-2019, the compensated absence policy of Commonwealth of Puerto Rico provides for a maximum annual accumulation of 30 days of vacations and 18 days of sick leave.

Vacations may be accumulated up to a maximum of 75 days and sick leave up to a maximum of 99 days. In the event of employee resignation or termination, the employee is paid accumulated vacations up to the maximum allowed of 60 days. There is no vested right for payment upon employment termination for accumulated sick leave.

**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 Corporation (FDIC).

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**NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)**

**FOR THE YEAR ENDED JUNE 30, 2021**

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**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.

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.

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NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)  
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**NOTE C - RETIREMENT PLANS (CONTINUED)**

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 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.

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**NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)  
FOR THE YEAR ENDED JUNE 30, 2021**

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**NOTE C - RETIREMENT PLANS (CONTINUED)**

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.
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, 2021 was \$32,307,019, by a transfer of an appropriation from the Treasury Department.

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

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**NOTE C- RETIREMENT PLANS (CONTINUED)**

implementation procedures to adopt, effective July 1, 2017, a new “pay-as-you-go“ (Pay-Go) mechanism for the ERS.

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.

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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**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, 2018. 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, 2020. 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.

**COMMONWEALTH OF PUERTO RICO**  
**DEPARTMENT OF JUSTICE**  
 NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)  
 FOR THE YEAR ENDED JUNE 30, 2021

**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- COMMITMENTS**

PRDOJ is committed under various long term operating lease agreements covering land, office facilities and equipment. Rental expenditure for the fiscal year ended June 30, 2021, under such operating lease amounted to \$6,267,230.

The future minimum lease payments for these leases are as follows:

Year(s) ending June 30:	<b>Total</b>
2022	\$ 4,961,055
2023	4,854,332
2024	4,848,391
2025	1,879,132
2026	1,387,845
2027 and thereafter	<u>9,714,916</u>
Total future minimum lease payments	<u>\$ 27,645,670</u>

**COMMONWEALTH OF PUERTO RICO**  
**DEPARTMENT OF JUSTICE**  
NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)  
FOR THE YEAR ENDED JUNE 30, 2021

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**NOTE E - 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. Persons are authorized to sue the Commonwealth only for causes of actions set forth in said Act to a maximum amount of \$75,000 or \$150,000 if it involves actions for damages to more than one person or where a single injured party is entitled to several causes of action.

**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.

**NOTE F - 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, 2021, 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 staying 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).

**COMMONWEALTH OF PUERTO RICO**  
**DEPARTMENT OF JUSTICE**  
NOTES TO STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS (CONTINUED)  
FOR THE YEAR ENDED JUNE 30, 2021

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**NOTE G - 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.

**NOTE H - DATE OF MANAGEMENT’S REVIEW**

Management has evaluated subsequent events through September 30, 2022, the date the financial statements were available to be issued.

**SUPPLEMENTARY INFORMATION**

**COMMONWEALTH OF PUERTO RICO – DEPARTMENT OF JUSTICE**  
**NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS**  
**FOR THE YEAR ENDED JUNE 30, 2021**

<b>Federal Grantor/Pass-Through Program or Cluster Title</b>	<b>Federal CFDA Number</b>	<b>Passed Through to Subrecipients</b>	<b>Federal Expenditures</b>
<b>U.S. Department of Justice Programs:</b>			
Crime Victim Assistance	16.575	\$ 25,506,227	\$ 26,239,954
Crime Victim Compensation	16.576	-	417,723
Edward Byrne Memorial Justice Assistance Grant Program	16.738	1,953,665	2,629,467
Edward Byrne Memorial Competitive Grant Program (PREA)	16.751	37,986	37,986
Coronavirus Emergency Supplemental Funding Program	16.034	1,743,301	2,076,441
<b><i>Pass-through Office of the Women's Advocate of Puerto Rico</i></b>			
Violence Against Women Formula Grants	16.588	-	487,643
<b>Total U.S. Department of Justice Programs</b>		<b>29,241,179</b>	<b>31,889,214</b>
<b>U.S. Department of Health and Human Services:</b>			
State Medicaid Fraud Control Units	93.775	-	776,214
<b>U.S. Department of Homeland Security:</b>			
<b><i>Pass-through Central Office of Recovery and Reconstruction of Puerto Rico</i></b>			
Disaster Grants - Public Assistance (Presidentially Declared Disaster)	97.036	-	486,180
<b>U.S. Department of Transportation:</b>			
<b><i>Pass-through Highways and Transportation Authority of Puerto Rico</i></b>			
Minimum Penalties for Repeat Offenders for Driving While Intoxicated	20.608	-	657,117
National Priority Safety Programs	20.616	-	82,438
<b>Total U.S. Department of Transportation</b>		<b>-</b>	<b>739,555</b>
<b>Total Expenditure of Federal Awards</b>		<b>\$ 29,241,179</b>	<b>\$ 33,891,163</b>

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, 2021**

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**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***

Domingo Emanuelli Hernández  
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, 2021, and the related notes to the financial statement, and have issued our report thereon dated September 30, 2022.

**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 financial statement. 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.

Carolina, Puerto Rico  
September 30, 2022

Stamp Number E500243  
of Puerto Rico CPA Society  
has been affixed to the  
original report

Aquino, De Córdova, Alfaro & Co., LLP  
by Eidean L. González-Green  
hr. # 3171



**Aquino, DeCórdova, 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**

Domingo Emanuelli Hernández  
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, 2021. 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.









