

First Quarterly Report of 2015
From The Independent Monitor For The Virgin Island Police Department

FIRST QUARTERLY REPORT OF 2015
FROM THE
INDEPENDENT MONITOR
FOR THE VIRGIN ISLANDS POLICE DEPARTMENT



CHARLES A. GRUBER CONSULTING INC.
INDEPENDENT MONITOR
www.imt-policemonitor.org
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**First Quarterly Report of 2015
From The Independent Monitor For The Virgin Island Police Department**

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EXECUTIVE SUMMARY

VIPD compliance progress since our last Quarterly Report is characterized by continuing failure to bring paragraphs into Substantial Compliance, offset by modest forward movement in subparagraph achievement and by very promising leadership, culture/climate, and infrastructure advances. Not one paragraph has been brought into Substantial Compliance since August 2014, a nine-month period. Diagnosed and labeled as "Transition Costs" in our previous Quarterly, the VIPD faced a recovery situation this Quarter.

Our previous Quarterly balanced the negative compliance status finding by reporting positive action with regard to compliance organization, staffing, and rededication of compliance effort. We are encouraged to report that during the current reporting Quarter, the movement we witnessed last Quarter continued to build. We wish to note and credit both the new government of the Territory and the VIPD's new leadership team for infusing new energy into the compliance enterprise and for an impressive number and insightfully chosen actions that simultaneously bode well going forward and declare that failure to move paragraphs to compliance is no longer acceptable. There is a new message!

In addition to the easily recognized turn around in the compliance climate, positives of this reporting period include early signs of a shift toward transformational leadership, compliance staff augmentation, in both numbers and skills acquisition, a robust effort to infuse better/best practice capacity into the agency, a start on rebuilding and professionalizing the training function, and a hard focus on senior command responsibility and accountability. In both direct and indirect ways, each and all of the cultural and operational actions should power better VIPD compliance performance.

The IMT regards First Quarter activity and production, both level/intensity and focus, as favorable indicators of mounting capacity in the VIPD to meet the Court's expectations. We

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single out for emphasis successful completion of Use of Force reporting templates, the Commissioner's directive requiring implementation, and actual template implementation training, steps that form a process for goal achievement. Collaborative work by the parties to bring the Force Review Board and Force Investigation Team much closer to becoming a reality is a second example of that movement. As this Quarter ends, twenty-one (21) Court Ordered Goals and Initiatives have earned Completed status while twenty-two (22) remain in Pending status. Table 2, on page 23, displays the status of the paragraph and sub-paragraph specific goals, in which one was evaluated as in Substantial Compliance (Paragraph 32, Sub-Paragraph d) and one was moved to Partial Compliance (Paragraph 37, Sub-Paragraph a) during the reporting quarter.

Finally, the IMT believes that steady demonstrable progress toward final Consent Decree compliance is equally as important as a singular focus on paragraph compliance itself. The IMT continues to assist the VIPD where possible in its new efforts toward an organized plan to achieve compliance. The Compliance Detail Section of the Report highlights many additional progressive actions during the Quarter that is now ending.

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I. RECOMMITMENT & PROMISING ACTIONS

Our last Quarterly Report (March 27, 2015) emphasized the absence of compliance progress: "Not one Court-ordered, VIPD-pledged goal has come into compliance since the Second Quarter, 2014 Report." Since then, a period of almost three months, compliance performance has not advanced at all – again. Not one additional paragraph has achieved substantial Compliance. Some change was exhibited in sub-paragraph status.

We also reported in our last Quarterly that the VIPD, under new leadership, was focusing aggressively and intelligently on compliance organization, staffing, and recommitment. "As a package, early structural moves are promising." During the current reporting quarter, the movement we witnessed last quarter continued to build. There is fresh energy with regard to compliance activity. We have taken note of specific actions expected to advance compliance and, perhaps more important, a healthier overall compliance climate.

- **Compliance Climate.** An unmistakable turn-around is occurring in the Consent Decree - compliance climate. Commitment to Consent Decree compliance, exhibited by recommitment, activity, and VIPD team chemistry is observably on the rise. This has been particularly apparent during monthly VIPD-IMT teleconferences. Consent Decree-compliance operations seem more business-like and progress has been noted toward moving paragraphs into compliance.
- **Changing Leadership Style.** While still requiring further observation, the IMT senses the emergence of change in VIPD leadership style, at least in the highest executive ranks. There seems to be more frequent reliance on the attributes and actions of transformational leadership and less emphasis on transactional leadership techniques. Transformational leaders create vision, identify desirable change, and inspire and prepare members of the organization to value and bring forth the vision,

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and challenge followers to take ownership of their work. It is about collective values. Transactional leaders focus more on rules, behavioral compliance, rewards and punishments. While no organization relies or can rely exclusively on one style, one can be dominant.

The renewed energy that the IMT observes is emanating from what we perceive as a buy-in among VIPD compliance stakeholders, predicated on a belief that the new administrations (elected and police) are seriously committed to the goals and values of the Consent Decree. After stalled efforts during late 2014 and early 2015, referred to as transition costs in our last quarterly, this change is most welcome.

- **Compliance Structuring & Staffing.** The focus on Consent Decree organization and compliance resourcing is continuing. The newly appointed Deputy Commissioner (the "chief compliance officer") is logging valuable experience every day. The Audit Unit (AIU) has a new commander, a person with Consent Decree compliance experience and strong compliance audit experience and skills. The Audit Unit remains staffed with one full time member (the commander) but can have up to eight part time workers assigned on a temporary basis, to be rotated. This staffing strategy needs to be monitored closely for effectiveness. The IMT position continues to call for additional full time staff, be assigned for continuity and quality control. A new Training Director is in place.

- **Building Better Practice Capacity.** There has been a surge in activity to infuse the VIPD operating environment with best practice knowledge and support from external professionals. Three acquisitions stand out, and a fourth is in play. The FBI has delivered leadership training to VIPD supervisors and managers, primarily sergeants and lieutenants. Negotiations are in an advanced stage to add more leadership and supervision training as well as the following offerings: Community Policing; Civil Rights; and Use of Deadly Force. These are highly pertinent to

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Consent Decree issues. Additional deliveries are scheduled on a range of topics. The nationally respected firm Kirkpatrick Partners trained members of the VIPD on training development and evaluation subjects. T&M Associates of New York City is in the early stages of a comprehensive management study. Their work will focus on many questions and issues which are consequential for Consent Decree compliance, none more significant than the number and availability of supervisors to meet Consent Decree requirements.

The VIPD and the University of the Virgin Islands (UVI) are discussing engagement of university subject matter experts to assist the VIPD with matters of importance. Scope of work is being forged as this report is being written. At an IMT-UVI meeting, subjects considered included training development, research, strategic planning, and police standards (POST).

The cumulative results of the T&M work, the Kirkpatrick modeling, and UVI production, should the relationship eventuate, and progress on the existing IMT-produced portfolio (backlog) of recommendations should position the VIPD to craft a profound transformation of Virgin Islands policing in the immediate future and for years to come.

- **Toward Professionalizing Training**. Measured by the paragraph compliance/non-compliance record and progress on audit work, Training is underperforming. Its paragraph compliance/non-compliance ratio lags behind only the Use of Force set. It has persistently remained in need of priority interventions, and still does. Since the turn of this calendar year, actions have been and are being taken that warrant optimism.
- The decision to bring the Kirkpatrick group to the VIPD is extraordinary. We are encouraged that almost all of the command staff participated in the May 15

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training. The experience will serve the organization far beyond the scope of evaluating VIPD training products. The evaluation concepts imparted during the training should illuminate Consent Decree auditing work as well.

- The VIPD is working to bring the FBI National Academy in to conduct the aforementioned series of training events designed specifically for the VIPD.
- The Training Director has taken our suggestion and explored new training opportunities with the Federal Law Enforcement Training Center in Brunswick, Georgia. We have long held that all U.S. Territories should have a working relationship and partnership with FLETC where Federal Law Enforcement Standards are developed and certified.

The IMT looks forward to establishing a more productive relationship with the recently appointed Training Director. We have been anxious to work with a partner who is open to suggestion and willing to forge a new, more collaborative relationship with our team.

- **Senior Command Responsibility & Accountability.** The IMT is encouraged that responsibility for moving the Working Groups forward now rests with the Chiefs and Deputy Chiefs. This follows the Commissioner's designation of the Deputy Commissioner as point person for Consent Decree compliance. We expect to see significant movement in Consent Decree compliance or senior personnel being held accountable for lack of movement. The IMT has consistently identified failure in supervisory/managerial accountability as a persistent impediment to compliance in multiple areas such as EIP, timeliness of investigations and cooperation/collaboration across assignments. Recently, during our May work session, we were taken back by the under-representation of senior management personnel from St. Croix to discuss compliance activity. The Deputy Commissioner

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stated that he would determine the cause of the attendance problem and address it internally.

- **Partnership Development.** The Police Commissioner has enlisted federal agencies as a force multiplier to address crime in the Territory. Arrangements, still in early stages and still evolving in specifics, are being worked out with ATF (Bureau of Alcohol, Tobacco & Firearms), Customs & Border Protection, and the FBI. Partnerships, properly conceived, managed, and conducted operationally, normally feature resource augmentation and leveraging, enhanced production and exchange of intelligence, and advances in coordination of goals and operations, among agencies, leading to better public safety outcomes. Reductions in violence, prevalence of guns, gun-crimes are clear possibilities for this configuration of partnerships, promising at least some level of benefit with regard to correlates of Use of Force, proper and improper. From The Virgin Island Daily News (April 28& 29, 2015):

- Governor Mapp and U.S. Attorney Sharpe, and the Police Commissioner "...said that a growing partnership between territory police and federal law enforcement agencies is intended to be a long-term answer to address crime of all kinds in the territory."

Examination of the VIPD's evolving pursuit of partnerships has surfaced evidence of recognition of the potential and essential values of an additional partnership class, community engagement. Also from The Virgin Island Daily News:

- U.S.A. Sharpe said federal agencies and local authorities will have to work to convince some people that they can trust people wearing badges. "There's a palpable disconnect between law enforcement, or authority if you will, and your grass-roots folks on

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the streets, he said....He said the federal agencies have been holding community outreach meetings to discuss crime and the widespread availability of guns."

The IMT will research the nature of the community outreach initiating from the VIPD during the next Quarter.

- **Commitment To Transparency.** The newly elected and appointed administrations of the Governor and Police Commissioner have declared a commitment to transparency. Example: An assessment of territory policing will be conducted (the T&M study). Governor Mapp urged police officers to be forthright and open if contacted for interviews. "I want our officers to know that they're going to be approached; they might be invited to interviews or assessments, without their supervisors being present, and we want to encourage them to be very candid and open, of their experiences, and what they believe are the shortcomings or the difficulties for them, being able to improve and professionalize law enforcement in the community," Mapp said. "We want that process to be transparent and we want the truth out of the officers, in terms of their experiences, so that we can put the complete strategy and reclamation, if I may use that term, of our law enforcement community, so we can bring the status and the safety and the security of the territories up to date." (Virgin Islands Daily News, April 28, 2015.)

An invitation to members of the VIPD to express themselves openly promises to contribute to a healthier Consent Decree compliance climate. Challenges are likely to be discussed more fully and solutions suggested more frequently. There has been some defensiveness to date. Transparency is also a principal requirement of the transformational leadership style referenced.

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- **Carnival Management: Preserving Order**. Last year's celebration is testimony to the potential for mass gatherings to produce violence and demand that the VIPD apply force to preserve order. The key to effective police performance is planning and preparation. This year, the VIPD seemed better prepared. Surely results were better. The IMT applauds this year's efforts, in the name of constitutional policing.

With regard to limiting the violence at Carnival, the VIPD reports only one stabbing on Thursday morning. Operational plans for a couple of entities (SOB) were provided for review by IMT. Although not appearing in writing, some new initiatives were undertaken to help curb violence, including additional lighting, police command posts within areas, and working relationships with multiple agencies. Multiple internal discussions occurred regarding the need to develop a template for Special Events. The VIPD intends for this process to start shortly – building on after action reports heretofore not being completed by the VIPD. The IMT suggests that the VIPD review the components of the Incident Command System, as developed by FEMA, for operational plan framework suggestions for Special Events. The complete training course and all manuals are available on the FEMA website at

<https://www.fema.gov/incident-command-system-resources>

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II. COMPLIANCE STATUS: OVERVIEW

The following 8 charts document Paragraph Status at the end of the First Quarter of 2015. Compared to Quarter Three and Four, 2014, there has been no change at all with regard to Overall Status (Chart 1), and therefore with regard to Overall Compliance by Paragraph Groups (Charts 4-8).

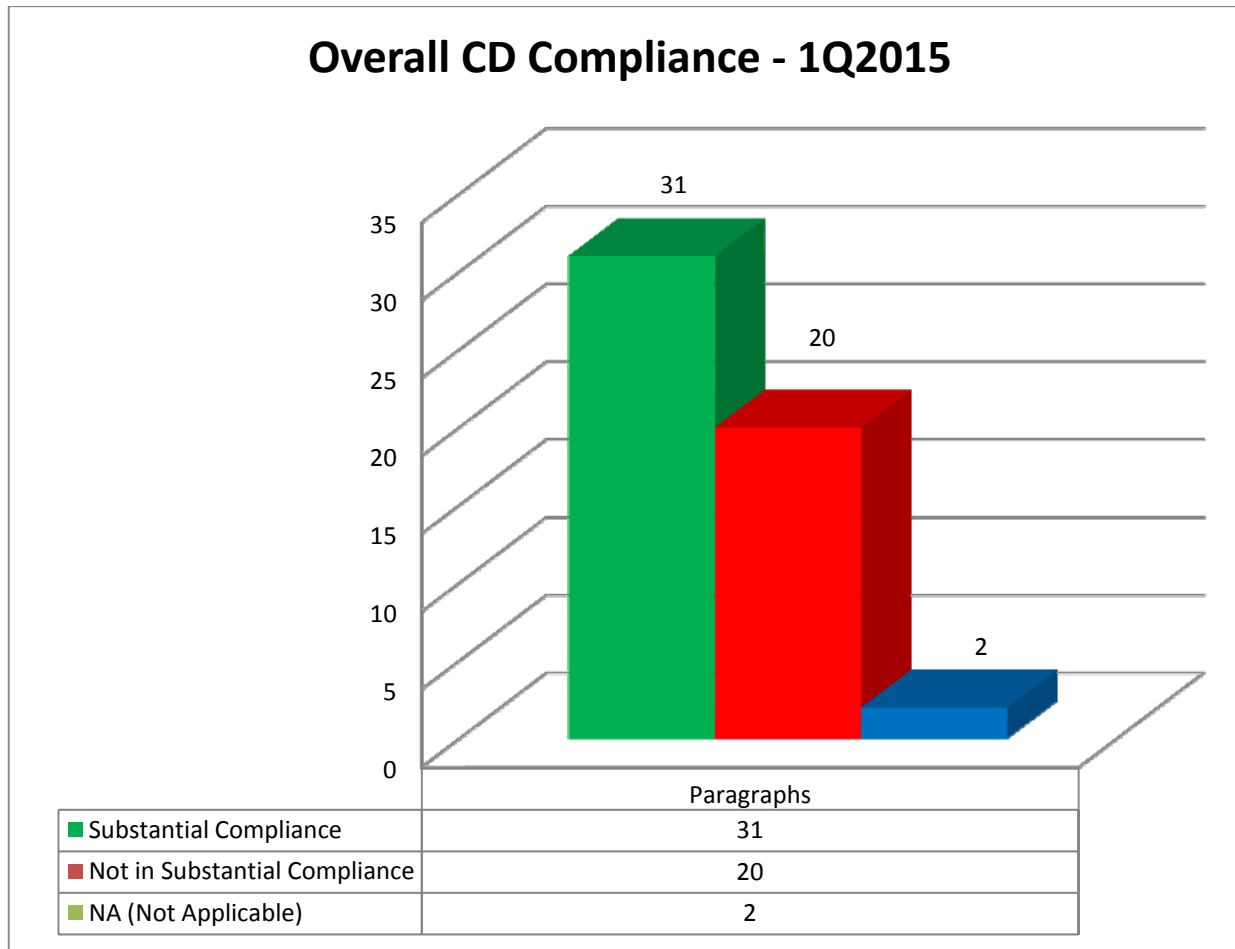
Overall Status

The VIPD has achieved Substantial Compliance for 31 paragraphs. These 31 paragraphs are detailed in Appendix A to this report. Twenty paragraphs (20) are not yet in Substantial Compliance. Section III, Compliance Status Detail, provides more detail on compliance by these paragraphs.

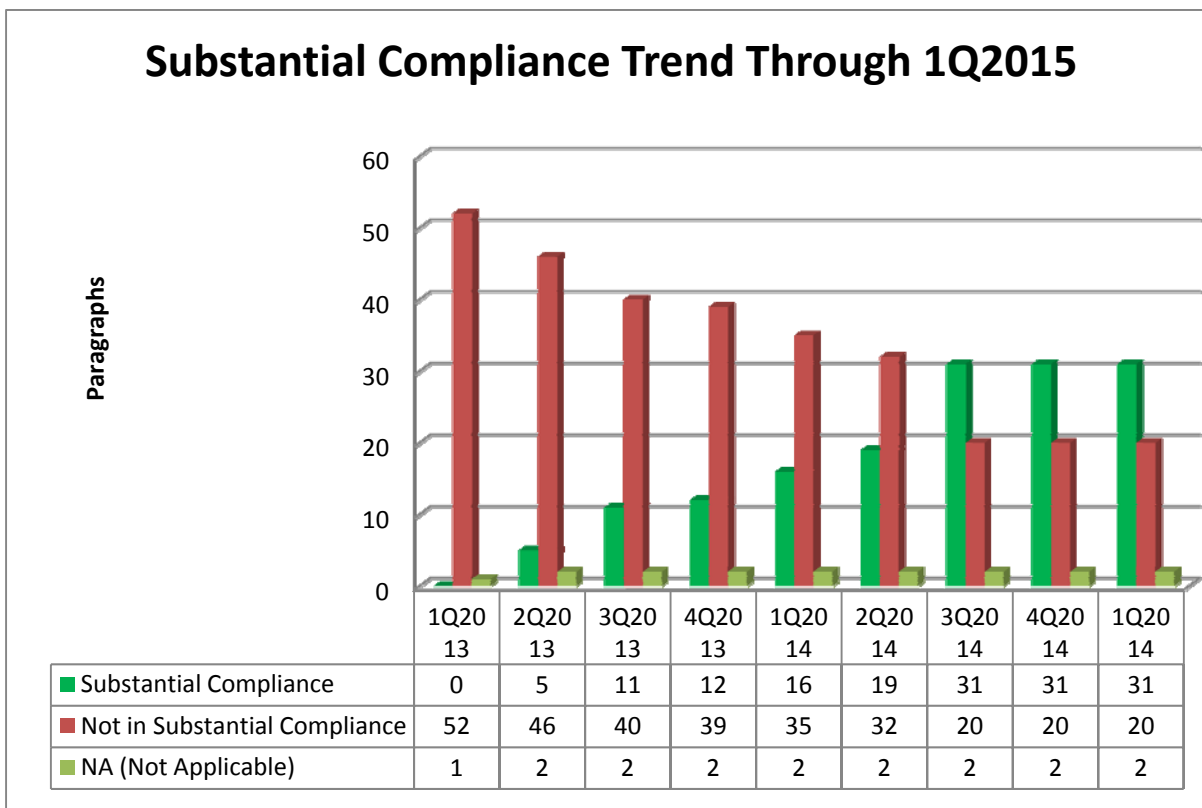
Compliance/Non-Compliance patterns vary among Consent Decree paragraph groupings. Charts 4-8 show that three groupings have a majority of paragraphs in Substantial Compliance: Citizen Complaints, 15 of 17; Management & Supervision, 7 of 12; Training, 5 of 9, two of these reflect a bare majority. The Use of Force group remains at only 4 of 11 paragraphs in Substantial Compliance.

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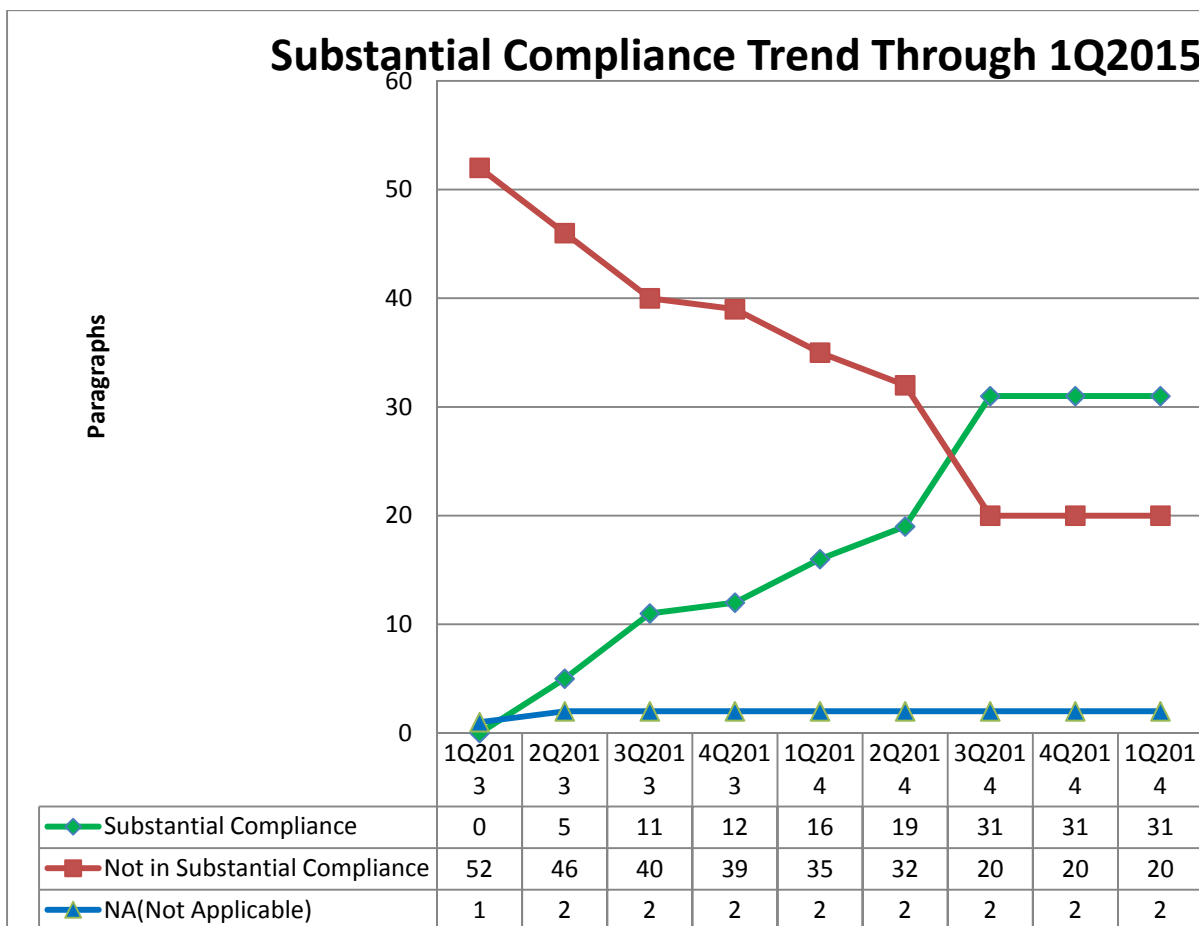
CHART 1



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CHART 2

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CHART 3

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CHART 4

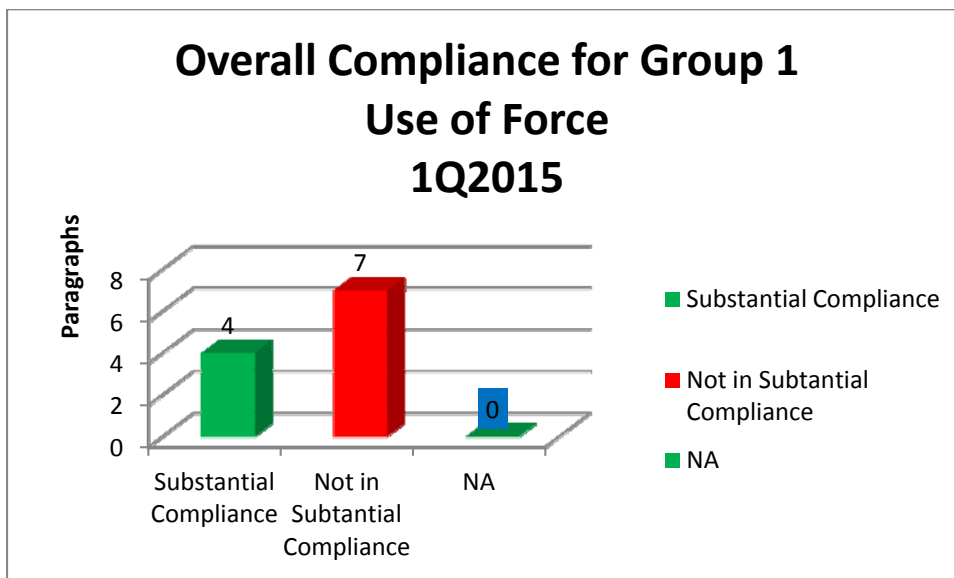
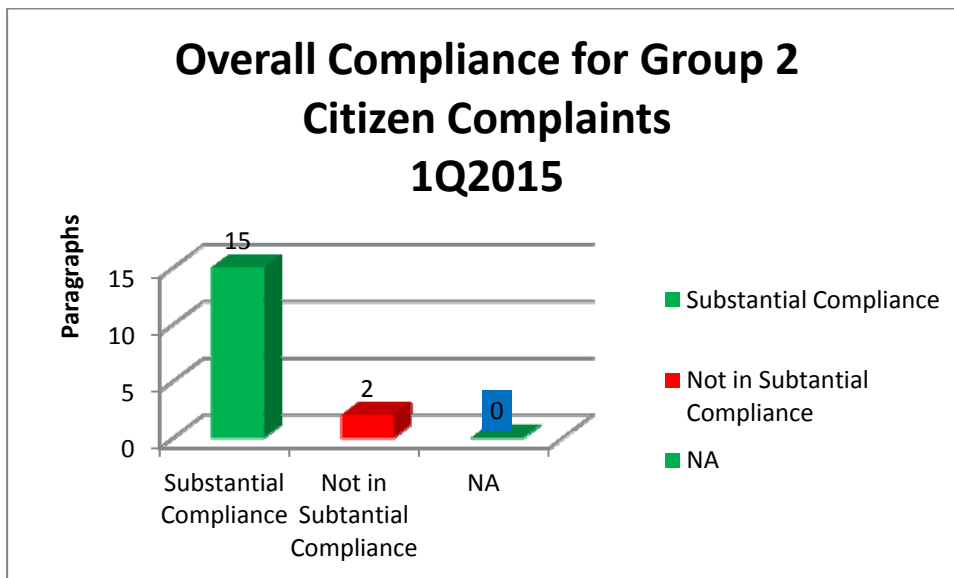


CHART 5



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CHART 6

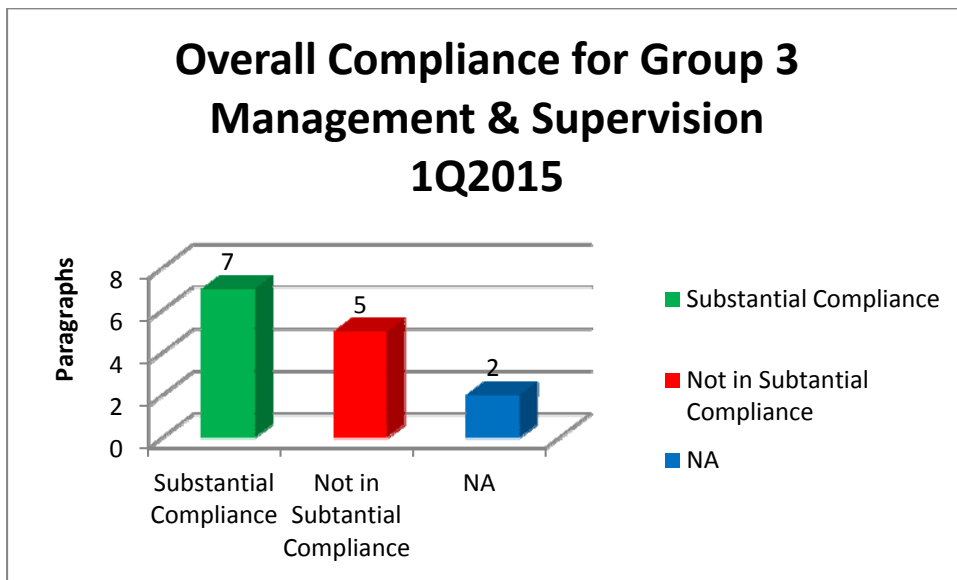
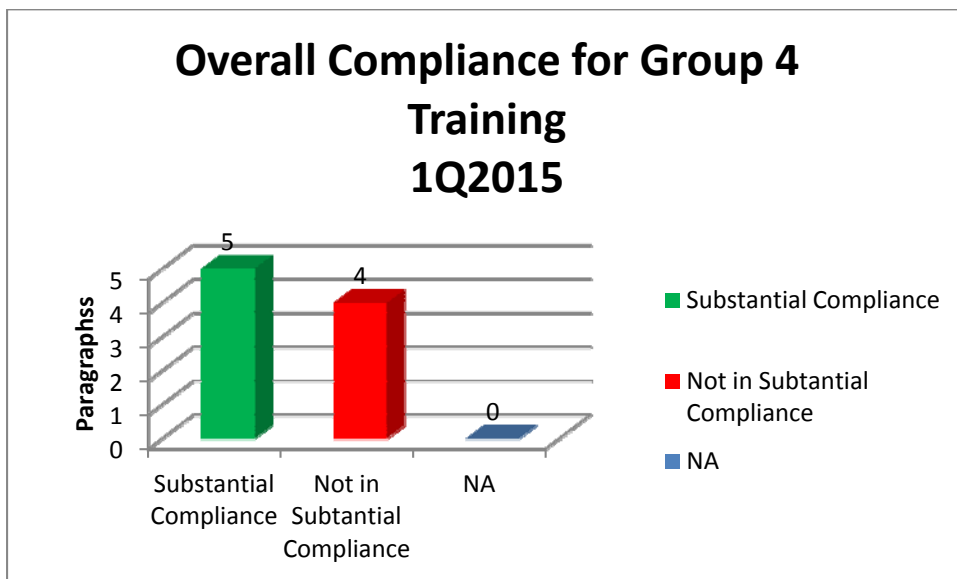
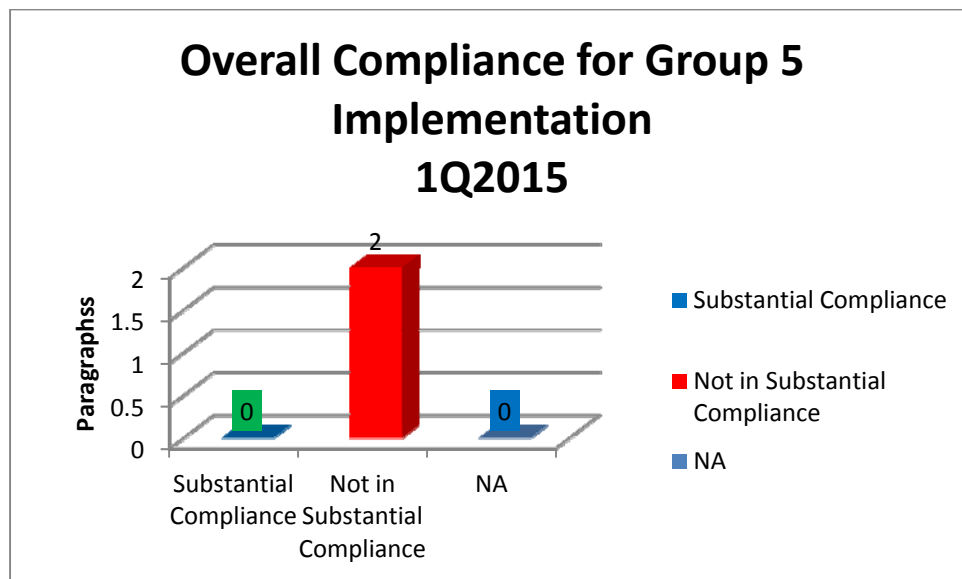


CHART 7



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CHART 8



IMT Compliance Concerns

Early Intervention Process

As previously reported, for the EIP there has been limited, ineffective supervisory/managerial response to alerts forwarded. This is allowing employees who may be starting to exhibit signs of problematic behavior to continue the same behavior resulting in additional citizen complaints and/or uses of force. During the 4th Quarter 2014, IMT was informed that there were 97 alerts forwarded during 2014. However, the VIPD could not immediately provide a status update other than a statement that very few had been addressed appropriately. This seems to indicate a VIPD supervisory issue which continues in the current quarter. During this quarter (as discussed later under the Paragraph 44 status section), the VIPD has initiated formal charges for lack of appropriate EIP action against 2 supervisors and 1 commander.

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During this quarter, the VIPD completed additional supervisory training on EIP Action Plans and Assessment on STT and STX. The IMT has asked for documentation, including attendance rosters and appropriate curriculum materials. The goal remains Pending receipt of same.

VIPD Policy Review

In the fall of 2014 the IMT determined that a significant number of VIPD policies had not been reviewed in accordance with the schedule posted for and recorded on each policy. Many of these policies cover critical Consent Decree-specific required operating practices. Policy review is mandated by Paragraph 31. Frequency of review (the schedule) is not specific in the Consent Decree. It is guided by the VIPD's call for review of every policy, every year, which is consistent with policing practices for high risk policies.

When policy review mandate was brought to the attention of the VIPD compliance leaders by the IMT, we were assured that review would begin without delay and we would see results shortly after the VIPD Policy Committee completed its review and recommendation work. The review and recommendation process entails evaluation by both the IMT and DOJ, which add time to final update and publication of policy revisions. In the current instance the process has had to absorb leadership transition interruptions. Further, upon inquiry on progress, in late February 2015, the IMT was told that a special committee had been formed to speed up review. Policies were also reformatted prior to being sent to the Policy Committee. The policies were also under review by the new police administration.

On March 16, 2015, the Deputy Commissioner reinforced the priority of review and incorporated District supervisors into the policy redevelopment process – a technically and culturally positive initiative in our view. "To facilitate an orderly and effective review, Supervisors in each District are required to conduct roll call training or discussions on identified policies." (Memorandum, March 16, 2015.) Ten (10) Use of Force policies were identified for review:

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- 3.1 Use of Force
- 3.4 Firearms Policy
- 3.5 Impact Weapons
- 3.6 Electronic Control Weapon
- 3.7 OC Spray
- 3.8 Off-Duty Policy
- 3.9 Vehicle Pursuit Policy
- 3.10 Spike Strip
- 3.12 Tactical Operations
- 3.13 Sniper Operations

During the April, 2015 IMT-VIPD Monthly Meeting, it was learned that the Special Committee had essentially completed its review and that the formatting was waiting for location of an editable copy of the documents, because policies were in Adobe PDF format. The IMT provided Technical Assistance and converted all of the policies to Word format the day after the Monthly Meeting and sent them to the VIPD.

During office visits on May 11-12, 2015, the IMT learned that despite conversion assistance to the VIPD, no further formatting or review work had been done on the noted policies by the VIPD staff. This was confirmed during the May 13, 2015 Work Session by both the Policy Review Committee chair and the senior staff person responsible for the review process. The IMT discussed the criticality of this situation and its potential for removing a paragraph from compliance. The Deputy Commissioner assured us that he would locate and detail appropriate staff to complete this process expeditiously. The IMT notes here its concern that the promised review be completed as soon as possible. Further, the VIPD should comply with established schedules and establish appropriate suspense systems to ensure that future reviews and publication of updated policies is responsive to both the demands of the Consent Decree and contemporary standards for policy development and professional policing.

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III. COMPLIANCE STATUS: DETAIL

A. Compliance Status as of May 15, 2015

Table 1, below, depicts those paragraphs that were in Substantial Compliance (SC) on May 15, 2015:

Paragraphs in Compliance as of May 15, 2015 – Table 1

31	39	40	41	42	43	45
46	47	48	49	50	51	52
53	54	55	56	57	61	62
63	64	65	66	70	75	76
78	79	80				

No additional paragraphs came into compliance during the 1st Quarter 2015 reporting period. Detail of these paragraphs can be found in Appendix A to this report.

B. Court Ordered Compliance Goals

During the 1st, 2^d, 3rd, 4th, Quarters 2014 and the 1st Quarter 2015, the VIPD proposed compliance with numerous paragraphs. The Court, in its subsequent summary orders (with the exception of the 3rd Quarter where the proposed goals appear to be orally accepted), ordered that the paragraphs listed in Table 2 below come into compliance by the Quarter reporting dates of 5/23/14, 8/15/14, 11/21/14, 2/20/2015, and 5/15/2015. Compliance requirement details for those goal focused sub-paragraphs are shown in Appendix B to this report. The Summary Table displays all goals, regardless of status, across the five court orders. The column to the far right shows the status of each of these paragraph grouped goal sets. It should be noted that in many cases the goals reflect the paragraphs across quarters, many of which remain Not in Substantial Compliance.

Court Ordered Paragraph Related Goals Summary - Table 2

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US District Court
USVI

Court Ordered Paragraph Related Goals Summary - Table 2

05/15/2015

PARA	5/23/2014	8/15/2014	11/21/2014	2/20/2015	5/15/2015	NISC/Partial	SC	PARA STATUS
32		a-f	a,b,c,d,f	b,c,d,f		b,c,f	a, d,e	NISC
33		a,c	a,c	a,b,c,d,f		a,b,c,d,e	(5)	NISC
34		a,b,e,f	a,b,e,f	a,b,c		a,b,c,d,e	f	NISC
35		a,d	a,d	a,b,c		a,b,c	d	NISC
36		a-g	a-g	a,b,d		a,b,d	c,e,f,g,h,i	NISC
41		ALL	ALL				ALL	SC
44		ALL	(1)	(3)	i	i	a,b,c,d,e,f,i	NISC
45	ALL						ALL	SC
46	ALL						ALL	SC
47	ALL						ALL	SC
48	ALL						ALL	SC
49	ALL						ALL	SC
50	ALL						ALL	SC
51	ALL	ALL	ALL				ALL	SC
52	ALL						ALL	SC
53	ALL						ALL	SC
54	ALL	ALL	ALL				ALL	SC
55	ALL	ALL	ALL				ALL	SC
56	ALL	ALL	ALL				ALL	SC
57	ALL						ALL	SC
58	ALL	ALL	ALL	ALL	c,d,e	c,d,e	a,b	NISC
60		ALL	ALL		c,h,i	c,d,h	a,b,e,f,g,i,j	NISC
61		ALL	ALL				ALL	SC
64					ALL		ALL	SC
65		ALL	ALL				ALL	SC
69		ALL	ALL	ALL	a, b	a,b		NISC
71				ALL		b,c,d,f	a	NISC
72				ALL	ALL	ALL		NISC
73	ALL		ALL	ALL	a	a	b	NISC
74	ALL	c	a,c,e,f,g	a,c,e,f,g	e,g	a,c,d,e,f,g	b	NISC
75	ALL	ALL					ALL	SC
76	ALL	ALL					ALL	SC
77	ALL	ALL	ALL	ALL		ALL		NISC
78	ALL	ALL					ALL	SC
79	ALL	ALL					ALL	SC
81	ALL	ALL	(2)	(4)		b,d,f	a,c,e	NISC

(1) Para 44 as it pertains to timeliness of investigations.

(2) Para 81 as it pertains to providing supervisory training in leadership and management.

(3) Para 44 as it pertains to timeliness of investigations.

(4) Para 81 as it pertains to supervisory training only.

(5) Some sub-paragraphs of Para 33 were consolidated at the August 2014 Summit.

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In addition to the paragraphs listed above, in its filing for the 3rd and 4th Quarters of 2014 and 1st Quarter of 2015, the VIPD agreed to come into compliance with the several initiatives and or goals. While, for the most part, these initiatives/goals were not associated with a paragraph, the IMT has associated them (if applicable) with a paragraph and reports their status below or within the particular paragraph. There are shown in Table 3, below.

Additional Court Ordered Initiatives or Goals Summary – Table 3

Goal	Text	Status/ Links	Comment
<i>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 11/29/14</i>			
UOF-A	Edit and improve new force reporting templates	Completed	Three templates have been developed by the Use of Force Working Group. These include a Witness Statement, an Officer Statement (RRR), and a Supervisory Investigation. They were recently field tested on St. Croix and some updates were made to the final versions. IMT has provided technical assistance to the Working Group throughout the development of these templates.
UOF-B	Issue directive for template implementation	Completed	The directive has been developed and signed by the Commissioner. Follow-up use of force template training conducted in the St. Thomas /St. John District during the week of March 16, 2015. This is pursuant to Quarterly goals for the use of force work group for the reporting quarter ending May 15, 2015; the template directive was provided to the IMT on May 15, 2015.
UOF-C	Training and implement templates	Completed	Supervisors and Officers on St. Croix were trained by Captain Duggan during the period 11/25/14 and 11/26/14, while Supervisors on St. Thomas and St. John were trained on 12/11/14. St. Croix officers were trained by the Academy staff on 12/1/14-12/5/14. The remaining officers on St. Thomas/St. John and anyone, who missed the previously scheduled training, are scheduled for that training, conducted by Sergeant Marsh, on March 16 th and 18 th 2015 on St. Thomas. Still some stragglers remain and VIPD asserts they will train them during 2Q2015. The IMT will validate the names completing the training during 2Q 2015. IMT will validate attendance against staffing table in 2Q2015.
UOF-D	Approval of Force Review Board Policy	Pending; III-D-1 Page 30	Same as UOFS-6 page 2; A draft of the proposed policy was sent to DOJ/IMT and the VIPD is reviewing comments made by DOJ/IMT and revising as necessary. Once completed it will be reviewed by

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Goal	Text	Status/ Links	Comment
			the IMT staff and returned to the VIPD for approval and publication. This document has been reviewed and exchanged several times between the parties and the IMT. The new leadership of the VIPD has taken it under advisement and will report back to the DOJ and the IMT on what course of action they wish to take. As anticipated, the new VIPD leadership, which came in place in January, took some time to review the direction and procedures being implemented in the VIPD. They produced new policies consistent with their direction and sought approval from both the DOJ and the IMT. There were 2 exchanges of <u>The Force Review Board proposed</u> policies between the parties. Final amendments are being proposed and will be submitted to the commissioner for his final approval during the next quarter
UOF-E	Identify personnel for Force Review Board	Completed III-D-1, page 30	Same as UOFS-7 page 2; positions rather than people have been identified in the policy and whoever fills the position will be on the board; This process will be underway once the directive has been approved. IMT will provide assistance as needed with the selection process. IMT has provided technical assistance and materials to aid the VIPD with this process. This document has been reviewed and exchanged between the parties and the IMT. The new leadership of the VIPD has taken under advisement and will report back to the DOJ and the IMT on what course of action they wish to take.
UOF-F	Identify training for Force Review Board personnel	Pending; III-D-1, page 30	Same as UOFS-8; Again, once the directive is approved, development of the necessary training will begin. IMT will assist as needed. IMT has provided technical assistance and materials to aid the VIPD with this process. Training has been identified and the training division is undertaking procurement processes to obtain this training. Training will be provided by Force Science Institute.
UOF-G	Develop Force Investigations Team (FIT) policy	Pending; III-D-2, page 31	Same as UOFS-9; IMT has provided technical assistance and materials to aid the VIPD with this process, and will assist as needed. This new document has been reviewed and exchanged between the parties and the IMT. The new leadership of the VIPD has taken this policy under advisement and will report back to the DOJ and the IMT on what course of action they wish to take. The

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Goal	Text	Status/ Links	Comment
			new leadership has subsequently changed its design and the new policies are being redeveloped consistent with their new direction. The IMT believes that the new proposed design is an improvement in oversight from what was previously proposed in that it combines both the criminal and administrative review under one umbrella of investigation. The VIPD is still deciding which practice they are going to implement.
<i>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 02/20/15</i>			
UOFS1	Approval of Force Investigation Team Policy	Pending; III-D2, page 31	See UOF-G
UOFS2	Identify personnel for Force Investigation Team (FIT).	Completed	IA personnel have been trained to investigate FIT level 1 cases; they conduct parallel investigations; The IMT agrees and acknowledges IA conducts the Administrative investigation while CID conducts the Criminal investigation. IAB also reviews the file for completeness from the CID report. Also that additional training is scheduled for Forensic personnel and should be completed during 2Q2015.
UOFS3	Identify training & funding for Force Investigation Team	Pending; III-D-2, page 31	VIPD has identified training from the Force Science Institute and scheduled their team members for this training, which should be completed by 2Q2015.
UOFS4	Issue Directive for template implementation	Completed	Same goal and comment as UOF-B
UOFS5	Train and implement templates	Completed	Same goal and comment as UOF-C
UOFS6	Approval of Force Review Board Policy	Pending; III-D-1, page 30	Same goal and comment as UOF-D
UOFS7	Identify personnel for Force Review Board	Completed	Same goal and comment as UOF-E
UOFS8	Identify training for Force Review Board Personnel	Pending; III-D-1, page 30	Same goal and comment as UOF-F
UOFS9	Develop Force Investigation Team policy	Pending; III-D-2, page 31	Same goal and comment as UOF-G
<i>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 05/15/15</i>			
UOF1	Development of a UOF Investigation Reviewer's Checklist.	Completed	Checklist for VIPD reviewers has been developed and commissioner's directive for implementation has been signed and issued. IMT will review full implementation status in 2Q2015
UOF2	Issue Commissioner's Directive for use of Reviewer's Checklist	Completed	The template directive was provided May 15, 2015 to the IMT and signed by the Commissioner. Pending full implementation status review by the IMT in 2Q2015.

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Goal	Text	Status/ Links	Comment
UOF3	Train Reviewing personnel on use of Checklist	Pending; page 34	In training issues IMT requests that attendee roster and curriculum be uploaded into Power DMS. Pending full implementation status review by the IMT in 2Q2015
UOF4	Issue Commissioner's Directive mandating Forensic personnel to comply with work product time limits for Level 1 Force Investigations.	Completed	Directive completed and pending approval; The template directive was provided May 15, 2015 to the IMT and signed by the Commissioner Pending full implementation status review by the IMT in 2Q2015r.
UOF5	Complete training for Forensic CSI staff on creating officer involved shooting sketches and trajectory	Pending	Training schedule for course scheduled for June 2015. Pending full implementation status review by the IMT in 2Q2015.
UOF6	Continue training for all officers on UOF Reporting templates	Completed	This is make-up training for those who missed last Fall and March 2015 training; pending completion certification by VIPD
TRNG22	Reorganize the Training Advisory Committee.; Paragraph 74g	Pending; page 63-64	Pending review of directive
TRNG23	Create and implement new protocol for monitoring and evaluating UOF training; Paragraph 73a	Pending; page 63-64	Pending review of Kirkpatrick training and implications for adoption of components by the VIPD
TRNG24	SOP Development for Advisory Committee; Paragraph 74g	Pending; page 63-64	Drafts in process; pending review.
TRNG25	Revise and implement Roll Call Policy; Paragraph 74e	Pending; page 63-64	VIPD says completed directive and sent to the Commissioner for approval; will be sent to DOJ and IMT for review and comment/approval. IMT reviewed the submitted directive and finds it did not follow IMT recommendations and needs further refinement and possible separation into two or more separate. IMT will work with the Training Division Director to expedite the corrections.
TRNG26	Development of the Kirkpatrick method of evaluating training; Paragraph 73a	Pending; page 61-62	Initial training completed in this quarter; follow-up development of process and policy in 2Q2015
TRNG27	Conduct the first semi-annual meeting and analysis by April 20, 2015	Completed	This relates to Training Advisory Committee and Training Division to supply documentation for meeting in May 2015; pending documentation.
M&S7	Complete Familiarization training on Disciplinary Flow chart to all	Completed	VIPD advises did a flow chart on the disciplinary system; training done in both districts

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Goal	Text	Status/ Links	Comment
	Commanders by March 30, 2015; Paragraph 72		
M&S8	Conduct inspections monthly to ensure compliance with the disciplinary matrix and to ensure non-disciplinary corrective action is recommended consistently when applicable with disciplinary actions. Paragraph 72	Completed	Documents received; IMT will provide additional assistance in system expansion.
M&S9	Develop a workable database to track OC canisters issued to officers. Conduct monthly inspections to ensure compliance; Paragraph 60c	Completed	Technically has reached goal of developing a workable database; will not move sub-paragraph into compliance until IMT sees action or documentation on the inconsistencies
M&S10	Revisit the implementation of an MOA between the VIPD/VIAG with new administration; Paragraph 60h	Completed page 56	VIPD provided IMT copies of SOPs from VIAG regarding notification to VIPD; while not a formal MOA, this addresses the CD concern. This goal completed 05/15/15.
M&S11	Finalize MOA with VITEMA on information sharing to facilitate the requirements of Paragraph 60 with the goal of moving it into compliance	Pending page 57	Continue meetings with VITEMA; VIPD to memorialize results with a MOA; MOA draft due review in 2Q2015.
M&S12	M&S will with the assistance of 911 create a code for vehicle pursuits and have all vehicles for VIPD listed at 911 so vehicle accidents involving police Vehicles can be track; Paragraph 60i	Pending; page 57	Had meeting with VITEMA; problem is that software at STX allows for secondary entry of pursuit with a robbery etc; STT does not have a similar software function. While we recognize that VIPD continues to work with VITEMA to address this issue, IMT has not been provided/shown how to access pursuit listings territory-wide Acknowledge that VIPD reports providing vehicle listing to VITEMA
M&S13	VIPD will retrain supervisors on preparing the EIP action plans and assessment report.	Completed	Completed on STT and STX;
M&S14	Conduct remedial training on the EIP process for	Completed	Need documentation on attendance vetted to staffing lists. Review more inspections for conformance. Again, retraining accomplished; individuals have

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Goal	Text	Status/ Links	Comment
	Commanders, thereafter, conduct monthly inspections and hold those accountable for non-compliance with the EIP protocol; Paragraph 64		been/in process of discipline. Does not move subparagraph or paragraph into compliance; VIPD currently considering hiring individual to assist with assessments and action plans
M&S15	Revise EIP protocol to incorporate previously issued directives in the policy; Paragraph 60	Pending; page 55	On May 13 th , VIPD submitted another draft policy for review and IMT received draft 5/20/15 for review
M&S16	Finalize the development of additional protocols for the Audit unit; Paragraph 69	Pending page 58	Draft Audit protocols and SOP pending VIPD review. IMT has not received SOP. Completed 05/12/15.
CC17	Creation of a standardized protocol to ensure proper dissemination of Directives and other protocols Territory Wide; Paragraph 44 Timeliness of Cases	Pending; page 51-52	Draft in process of finalization by VIPD.
CC18	Create email policy to ensure officers and supervisors monitor email notifications on Complaints/UOF/training or other relevant information; Paragraph 44	Completed	Directive completed prior to end of quarter; subsequently received policy.
CC19	Revised the Investigative Report format to capture Commanders recommendations to be used Territory Wide; Paragraph 58 Unit Commanders Responsibilities	Pending; page 53	IMT needs documentation
CC20	Submit the directive to the Policy Committee to revise policy 7.3 and incorporate directive in the policy; Paragraph 58 Unit Commanders Responsibilities	Pending; page 53	Main policy has not been updated although the directive was submitted to the Policy Committee for inclusion during the review process
CC21	Implement Citizen	Completed	VIPD recently revised and implemented Citizen

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Goal	Text	Status/ Links	Comment
	Complaint Checklist for use by investigators and reviewers to ensure all investigations are within standard.; Paragraph 58 Unit Commanders Responsibilities		Complaint Checklist. Directive was completed 05/05/15.

Some of these initiatives are discussed in subsequent sections of this report, as noted.

C. Compliance Detail

The VIPD has achieved Substantial Compliance for 31 paragraphs. Twenty (20) remain in Not in Substantial Compliance status, with little or no activity during the current quarter.

- **Paragraphs in Substantial Compliance at the end of the 1st Quarter, 2015 are:** 31, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 61, 62, 63, 64, 65, 66, 70, 75, 76, 78, 79 and 80.

(NOTE: Bolded/underlined paragraphs have training evaluated under paragraph 75 and implementation under paragraph 100)

- **Paragraphs that attained Substantial Compliance at the end of Quarter One, 2015:** None.
- **Paragraphs Not In Substantial Compliance:** 32, 33, 34, 35, 36, 37, 38, 44, 58, 59, 60, 69, 71, 72, 73, 74, 77, 81, 100, 101.

The IMT issued a memorandum on November 13, 2014 that displays the linkage between paragraph 100 sub-paragraph compliance requirements or items (a-w) and their original location in another paragraph of the Consent Decree. This was included as Appendix A to the Interim Update On The Status Of Compliance By The Virgin Islands Police Department From The Independent Monitor For The Virgin Islands Police Department November 20, 2014

D. Court Goals – Further Discussion

1. The Force Review Board

As of March 6th 2015 the VIPD has provided several versions of the policy pertaining to the Review Board to the DOJ and the IMT. Those versions have been exchanged

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between the parties and are in the final stages of completion. The delay since December 2014 resulted from the VIPD not wanting to proceed with policy completion given the pending change in VIPD leadership in January and February, 2015, as that new leadership could or would change the direction of the policy and VIPD would have wasted its resources on designing policy, training, and protocols for a project which would only have to be changed again. As this board is a new experience for the VIPD, it made more sense to wait for the new leadership's input.

As anticipated the new VIPD leadership which came in place in January took some time to review the direction and procedure being implemented in the VIPD. They produced new policies consistent with their direction and sought approval from both the DOJ and the IMT. There were two exchanges of The Force Review Board proposed policies between the parties. Final amendments are being proposed and will be submitted to the commissioner for his final approval. It is anticipated that the final policy will be completed and signed during the next reporting quarter. Development of training, a schedule for that training, and a vetting process for membership selection all take place in the next quarter also.

2. The Force Investigation Team

As of March 6th 2015 the VIPD has provided to the DOJ and the IMT several versions of the policy pertaining to the FIT /Review Board. Those versions have been exchanged between the parties and are in the final stages of completion. The VIPD had the same reservations with moving this policy forward as with the Force Review Board.

As anticipated the new VIPD leadership which came in place in January took some time to review the direction and procedure for the Force Investigation Team being implemented in the VIPD. They produced new policies consistent with their vision and direction and decided to change the design of their Force Investigation Team. New approval from both the DOJ and the IMT became necessary. There have been exchanges

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of the proposed policies between the parties and final amendments are being reviewed and updated and then will be submitted to the commissioner for his final approval. It is anticipated that the final policy should be completed and signed during the next reporting quarter.

E. Paragraph and Goal Detail Review

The IMT reports on all paragraphs and sub-paragraphs proposed by the VIPD and accepted by the Court as quarterly goals. In addition, the IMT also reports on other paragraphs and sub-paragraphs that are Not in Substantial Compliance or Partial Compliance (sub-paragraphs only) as we feel they are important to progress toward Consent Decree compliance. The following section reflects that reporting.

Paragraph 32, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The VIPD will require all uses of force to be documented in writing. The use of force report form will indicate each and every type of force that was used, and require the evaluation of each type of force. Use of force reports will include a narrative description of the events preceding the use of force, written by a supervisor or by the designated investigative unit. Use of force reports also will include the officer(s)' narrative description of events and the officer(s)' statement. Except in cases of use of force involving the lowest level of force as defined in VIPD policy as approved by DOJ, the officer's statement shall be audio- or videotaped.

Activity

During this reporting period the VIPD has continued its' aggressive approach at revamping its internal review system to respond to known lapses in the force reporting, investigation and review process. They had previously (4th Quarter 2014) developed a 1) revised Officer Responding to Resistance template, 2) new Witness Officer Force template, 3) revised Supervisor Investigating Force template, and a directive from the commissioner implementing the templates. The force group leader Capt. Duggan executed training and tested the methodology for the implementation of the training and the validity of the templates. Additional tweaks to the products were detected and modifications resulted. Supervisors and Officers on St. Croix were trained by Captain Duggan, while Supervisors on St. Thomas and St. John and officers on St Croix, were trained in early December 2014. Most stragglers were trained during March, however VIPD reported during the 5/13/15 work

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session that some small number remain untrained and will be addressed during the next reporting quarter.

Continued training on the templates for officers and supervisors was provided by the VIPD during the quarter. Forthcoming audits in 2Q 2015 and beyond will dictate if the templates have been successful. As an example during the past 5 Quarters Para: 32 c has seen the compliance numbers hover around 65 to 70 percent of all supervisors' reviews. This was built upon continuous improvements but still stagnated and fell well short of compliance approval. The templates were designed to attack this issue and others. Close observation of these numbers in future quarters will attest to the wisdom of providing this ongoing training.

Impediments to Compliance

With regard to the template's previously mentioned training and curriculum development, the close coordination between the Use of Force Working Group and the Training Division was deemed critical for the development of effective training and delivery to the public. It appears that this did not occur as completely as desired by the IMT. In addition, the development of the training protocols, outcome measures and evaluation for the template training was not been completed and it does not appear that the Training Division was fully involved in the development of this training. The IMT is concerned that future training delivery may be impacted unless these critical training components are institutionalized and monitored by Training. This must be done to ensure that training is repeated evenly throughout the department and into future sessions going forward. Given the renewed interest in training evaluation as seen in the scheduled Kirkpatrick courses, the new leadership in the training division seems to have taken the lead and intends on closing the gap in this area. It is essential that the VIPD support and encourage this effort for it to be successful.

Recommendations to Gain Compliance

Coordination between the Audit and Inspection Unit with the Training Division to ensure that all necessary documentation and curriculum components to ensure all members are trained consistently and provided the same outcome measures.

Sub-Paragraph b, Status = Partial Compliance

=>95% of RRRs indicate each and every type of force that was used.

Activity

This has been a particularly troublesome spot for the reporting process. Officers fail to identify all the force used and by each officer, each time, however the new reporting form is designed to capture this element. During this quarter both the VIPD and the IMT review found consistent improvement in reporting in this subparagraph throughout the cases. Close assessment by the supervisors of all force applied has moved the VIPD to a compliance rating for this quarter of 43%. However, when viewed in conjunction with the previous 2 Q's of 2014 the compliance rating is at 66%. We will continue to

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aggregate the data as we move forward and can confirm reliability. While this still leaves room for improvement, it is an indicator that the supervisor's role in moving the mandates of the consent decree forward cannot be underestimated.

Impediments to Compliance

Supervisors continue to fail to identify all force used each and every time force is executed. Supervisors and management must review force cases more specifically for the failure to identify each and every specific type of force used during an event. The recently developed supervisor Review Checklist is expected to help eliminate this occurrence and its use should be emphasized by VIPD leadership.

Recommendations to Gain Compliance

Train supervisors to evaluate each and every force application employed by department personnel and place close attention to the completion of the checklist by supervisors, reviewers, and other investigators as a quality control device.

Prepare example guideline templates to assist in investigation completion. These would be in the form of inserts directly related to the specific investigation being detailed. While introduction of the templates and associated instruction for completion appeared to center on the form, the IMT is suggesting that further detailed examples be developed and made available via computer access to assist officers in completing the templates.

Sub-Paragraph c, Status = Not in Substantial Compliance

=>95% of RRRs contain an evaluation of each type of force used by a supervisor.

Activity

Beginning with the August 2014 Summit, deficiencies were being identified through audits and corrective action was being applied by the agency. However, at the November, 2014 Summit no change was found in the status of this sub-paragraph and errors continued to surface. The department, with IMT encouragement, decided to produce a series of checklist templates to be used to evaluate completeness of use of force reporting. The templates were electronically produced and were tested by a diverse group of VIPD managers. Several adjustments were noted by the managers and IMT review and those adjustments to the templates were implemented in the final copies by the working group. Training was developed and delivered by the Use of Force Working Group point person during the last part of November and early December 2014. Personnel that missed this initial training attended make-up classes taught by SGT Marsh in March 2015.

The IMT has noted repeatedly that the evaluation of force is a major weakness in the reviews of force by the VIPD. It has not gone unnoticed by the VIPD either. VIPD audits and reviews as well as the IMT's reviews have disclosed that the supervisors fail to properly "evaluate each and every type of force used" During this reporting period,

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of the 7 cases which were evaluated, only 2 cases met the requirements and 5 cases did not. This is a compliance rating of 29%. When viewed more in the aggregate with the previous 2 Quarters the compliance rating is 38% in 3Q2014 and 40% in the 4Q 2014. The opportunities for VIPD's supervisors to evaluate force, occurs infrequently, thus achieving the requirements of the consent decree require them to be diligent in the performance of force reviews. This is a primary responsibility of all police supervisors and the community has a right to believe that the VIPD is managing the force being applied by their peace officers constitutionally.

Impediments to Compliance

Continued failure to meet deadlines and content requirements in UOF reporting.

Recommendations to Gain Compliance

Emphasis on use of the recently implemented templates as quality control devices and retraining on them as needed.

Follow-up with individual supervisors who fail to complete force reports properly.

Sub-Paragraph d, Status - Substantial Compliance

=>95% of RRRs contain a narrative description of the events preceding the use of force written by the supervisor or assigned investigator.

Activity

The new template forms were designed to capture this information and reinforce the supervisor's role in learning what the events that preceded the force use were. The IMT believes that this sub paragraph should be moved into compliance as the past 3 Q's has disclosed that in all cases the supervisors reviews of force are including written narrative description of the events "immediately preceding the use of force".

Impediments to Compliance

Absence of descriptions of the events leading up to the use of force and lack of investigation by supervisors will continue to impact this sub-paragraph.

Recommendations to Gain Compliance

Continued focus by mid-level and senior management on use of the templates as quality control devices will improve the compliance levels for this sub-paragraph.

Sub-Paragraph f, Status = Partial Compliance

=>95% of the reports will include an audio or videotaped statement, unless the level of force used is at the lowest level as described by DOJ approved VIPD policy.

Activity

IMT has continued to review case files to determine if audio and video taping is being conducted and if those files are attached to reports. IMT notes that several of the

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respondents in the surveys conducted during December 2014 and Jan 2015 indicated, anecdotally, that the department had not previously provided such recording equipment and had purchased their own. Both the VIPD and the IMT reviews disclose that this issue is being addressed, in terms of enclosure with the reports and noted in the supervisors report. Evaluation of content of the recordings is still under review by the IMT.

Impediments to Compliance

Comments held pending completion of case reviews referenced above.

Recommendations to Gain Compliance

IMT continues to urge the VIPD to install in car video cameras. Review the distribution and availability of department owned audio and/or video equipment need to comply with this requirement, and purchase as needed to overcome shortcomings. This might be an appropriate audit for the Audit and Inspection Unit (AIU) to complete to validate both the survey comments and VIPD efforts to ensure availability of the required equipment.

Paragraph 33, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

Officers shall notify their supervisors following any use of force or upon the receipt of an allegation of excessive force. Except in uses of force involving the lowest level of force as defined in VIPD policy as approved by DOJ, supervisors will respond to the scene, examine the subject for injury, interview the subject for complaints of pain, and ensure that the subject received needed medical attention.

Activity

IMT met frequently with the Force Working Group chair and members through conference calls, mini summits and IMT monitoring activities.

Impediments to Compliance

Sufficient supervisors are neither available nor assigned to the areas most needed to ensure proper oversight or arrival at use of force events and proper investigation, documentation, review and evaluation of these events.

Recommendations to Gain Compliance

Promote and assign supervisors where experience shows that supervisors are needed to review, analyze, and evaluate force incidents occurring on their watches. IMT has been unable to determine if any positive action was accomplished on this issue, as while the IMT has been advised there were some promotions made in January 2015, we have no direct knowledge or documentation to indicate where they have been assigned (e.g., a staffing

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table or personnel assignment orders; The IMT was updated by the VIPD on supervisors who participated in supervisory leadership training delivered by the FBI Training Division. The IMT believes this training was critical, valuable, and well received by the VIPD supervisors who attended.

Sub-Paragraph a, Status = Partial Compliance

In =>95% of the identified use of force incidents, the officer using force notified his/her supervisor immediately as required by VIPD policy.

Activity

VIPD has identified persons to be promoted for supervision which should help ensure that they are available to conduct Use of Force reviews. The IMT has found consistent with the VIPD audits that officers fail to promptly and properly notify supervisors when they use force. The VIPD and IMT have also found that supervisors fail to respond to the scene to conduct their inquiry and evaluation or fail to report the reasons for not responding. Consistent with this finding during the past 3 Quarters the VIPD has a compliance rating hovering at a compliance rate of 1 proper response in every 3 cases for a 33 % rating for this requirement.

Impediments to Compliance

VIPD must train the new supervisors on force review, investigation and the required reporting process. The VIPD scheduled training for newly promoted supervisors during 1Q2015 (late Feb 2015).

VIPD should continue to work with VITEMA to ensure that the records associated with all force events calls for service and radio traffic between officers and supervisors are available for VIPD use in both investigating failures as well as auditing the entire system.

Recommendations to Gain Compliance

Ensure that any promotions and assignments of new supervisors are complimented with appropriate training and management

Sub-Paragraph e, Status = Partial Compliance

In =>90% of the incidents where the Supervisors responded to the scene, he/she ensured that subjects received any necessary medical attention.

Activity

VIPD has worked to complete the templates to both capture and evaluate the tenets contained in this item of the consent decree. During this quarter the VIPD and the IMT found that consistent with past quarters that supervisors only inquire about the medical condition of the person upon whom force was used in about half of the cases that they should have. In the 1st Quarter 2015 supervisors did not examine subjects for injury in

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57% of audited cases. Additionally, they did not interview subjects for complaints of pain in 57% of audited cases. Parallel results for the 3rd and 4th Quarters of 2014 were 75% and 100% (did not examine) and 75% and 100% (did not interview). It should be noted that the audited sample is very small, 25 cases for all three quarters. In the 3rd and 4th Quarters of 2014 the failure numbers were much higher which may be an indication that the recent decrease is consistent with the template introduction and or management oversight.

Impediments to Compliance

Failure to institutionalize template training by the Training Division, as well lack of command emphasis on using the templates to quality control completeness of the use of force investigation.

Recommendations to Gain Compliance

Ensure that the Training Division, in conjunction with the template designers, provides for coordinated training and management of the curriculums necessary to properly retrain and train new employees in the same process. Increase command emphasis on using the templates as quality control devices.

Paragraph 34, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

Supervisors, or designated investigating officers or units, will review, evaluate, and document each use of force, and will complete the narrative description section of the use of force report. The narrative description will include a precise description of the facts and circumstances that either justify or fail to justify the officer's conduct. As part of this review, the supervisor or designated investigating officer/unit will evaluate the basis for the use of force, and determine whether the officer's actions were within VIPD policy. An officer who used force during the incident, whose conduct led to an injury, or who authorized conduct leading to the use of force or allegation of excessive force, or who was present during the incident, will not be eligible to review or investigate the incident.

Activity

IMT met frequently with the Force Working Group chair and members through conference calls, mini summits and IMT monitoring activities.

Sub-paragraphs f and g are in compliance.

Impediments to Compliance

Management review of the completed force cases has been intermittent and incomplete. Both the VIPD audits and IMT reviews have disclosed untimely cases, incomplete analysis that failed to properly identify inadequate officer or supervisor reporting, missing collection of evidence, witness identification missing and case analysis was not supported by evidence.

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Recommendations to Gain Compliance

VIPD efforts to implement both a Force Review Board and a Serious Force Investigation team will greatly assist in the ongoing force analysis issues. Properly trained and motivated managers who follow reporting procedure themselves will also result in furthering compliance. IMT completed review of supporting directives and policy for this area in 4Q2014 and forwarded to DOJ for additional review and comments. It was anticipated that finalization and implementation will occur in 1Q2015, but because of changes directed by the new VI government and VIPD leadership the policies are being redeveloped. They should be approved during the 2nd Quarter 2015.

Sub-Paragraph a, Status = Partial Compliance

In =>95% of the reportable use of force incidents, the investigating supervisor had no involvement in the incident (i.e., he/she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize or participate in conduct leading to the use of force incident), will review, evaluate, and document each use of force.

IMT and VIPD reported in the past quarter that supervisors consistently noted that they had no involvement in the use of force, and could therefore properly inquire about the circumstances surrounding the event. Moving forward, this sub-paragraph could be ready for compliance by the end of 2Q 2015.

Sub-Paragraph b, Status = Partial Compliance

In =>90% of the reportable use of force incidents, the supervisor completes the supervisor's narrative description of the RRR in a manner that comports with the requirements of paragraph 34 of the Consent Decree.

During this reporting period there was a slight increase in the number of cases that would qualify as being properly handled. A narrative cannot be considered complete if key information and evidence is missing from the narrative or the document. The VIPD has had a compliance rating hovering around 25% of its cases as being correctly written during previous quarters. The recent findings by both the VIPD and confirmed by the IMT show a compliance rating just slightly better at 29%. We expected to see a somewhat better application of the templates and training, but are reserving judgment to give the forms, supervisors and training more opportunities to prove themselves.

Sub-Paragraph c, Status = Not in Substantial Compliance

In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree and include a precise description of the facts and circumstances that either justify or fail to justify the officer/s conduct.

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No change in activity, impediments, or recommendations from prior reports. No progress was made. During this reporting period there was a slight decrease in the number of cases that would qualify as compliant. Supervisors did not include a precise description of the facts and circumstances that either justify or fail to justify the officer's use of force. The VIPD has had a compliance rating hovering around 39% of its cases as being correctly written during previous quarters. The recent findings by both the VIPD and confirmed by the IMT show a compliance rating just slightly better at 29%. We would have expected to see a somewhat better application of the templates and training but are reserving judgment to give the forms, supervisors and training more opportunities to prove them as contributing to compliance.

Sub-Paragraph d, Status = Partial Compliance

In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree and will evaluate the basis for the use of force, and determine whether the officers actions were within VIPD policy.

Similarly, as above, the supervisors do not support findings with facts, evidence, circumstances, or information that is descriptive enough to support their findings. The VIPD has had a compliance rating hovering around 39% of its cases as being correctly written during previous quarters. Recent findings by both the VIPD and confirmed by the IMT show a compliance rating just slightly better at 29%. We expected to see a somewhat better application of the templates and training but are reserving judgment to give the forms, supervisors and training more opportunities to prove themselves.

Sub-Paragraph e, Status = Partial Compliance

In =>95% of the reportable use of force incidents, the investigating officer had no involvement in the incident (i.e., he/she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize or participate in conduct leading to the use of force incident), in order to be able to investigate each use of force.

No change in activity, impediments, or recommendations from prior reports.

General Discussion and/Meetings

Activity

The new VIPD leadership must continue its current focus ~~has been focused~~ on assuring accountability to CD compliance.

Impediments

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Absence of accountability throughout the Use of Force reporting continuum directly impacts compliance.

Recommendations to Gain Compliance

The VIPD must engage mid-level and senior management in supporting the highest levels of accountability for completing CD requirements. Continued use of and support for use of the recently implemented templates should result in a higher level of compliance with the Consent Decree requirements.

Paragraph 35, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The parties agree that it is improper interview procedure during use of force investigations to ask officers or other witnesses' leading questions that improperly suggest legal justifications for the officer's conduct when such questions are contrary to appropriate law enforcement techniques. In each review/investigation, the VIPD will consider all relevant evidence including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations, if feasible. The VIPD will make all reasonable efforts to resolve material inconsistencies between witness statements. The VIPD will train all of its supervisors and officers assigned to conduct use of force investigations in conducting use of force investigations, including in the factors to consider when evaluating credibility.

Activity

IMT met with the Force working Group, had two mini summits and conducted monitoring and evaluations of force cases.

Impediments to Compliance

Use of Force review does not adequately address cases that suggest supervisors are asking leading questions. Templates were developed and implemented to document and train supervisors to be alert and prohibit leading questions from being used. A supervisor's force checklist is also being developed to ensure supervisors don't miss required elements of the consent decree during their reviews. A similar checklist is being developed for the Citizen Complaint process.

Recommendations to Gain Compliance

Continued focus of use of the templates as quality control devices.

Sub-Paragraph a, Status = Partial Compliance

In =>90% of the interviews conducted during use of force reviews, leading questions were avoided.

Progress has been made some areas for the IMT to consider this sub-paragraph for compliance in the next quarter.

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Sub-Paragraph b, Status = Partial Compliance

In =>90% of the use of force reviews, all relevant evidence, including circumstantial, direct and physical evidence is documented and appropriately considered, and credibility determinations made, if feasible.

This sub-paragraph is in need of additional work by the VIPD. Both the IMT and the VIPD have found that the supervisors fail to include relevant evidence (circumstantial, direct and physical) in their narratives which must be considered when credibility determinations are being made. An example is where a Taser camera and download information is available yet the supervisors do not include it in reports to either support the officer's statement or the citizen's statement of the force event. (UOFT2014-0051)

Impediments to Compliance

Failure to include all required information, supporting documents, and evidence as part of the use of force investigative report.

Recommendations to Gain Compliance

Continued focus on use of the templates as quality control device at all levels of the use of force reporting and investigative process.

Sub-Paragraph c, Status = Not in Substantial Compliance

In =>90% of investigations where material inconsistencies are present between witness statements, reasonable efforts are made to resolve the inconsistencies.

When evaluating witness credibility, appropriate factors are considered and documented.

Activity

No change in activity, impediments, or recommendations from prior reports. No progress was made.

Impediments to Compliance

Where witness information is known and supervisors do not address material inconsistencies in the investigation, the supervisor failed to follow through as did the reviewers. If the reviewers had caught this lapse and corrected it would not have been found by the audit and the IMT. The parties and the IMT should discuss whether some other designation (other than metrics) might be preferable for sub-paragraphs where few events occur during a reporting period. UOFT2014-0075

Recommendations to Gain Compliance

Continued focus on use of the templates as quality control device at all levels of the use of force reporting and investigative process.

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Sub-Paragraph d, Status = Substantial Compliance

=>95% of supervisors are trained on how to conduct, review, and evaluate use of force incidents, including but not limited to, what factors to consider when evaluating witness credibility.

Activity

This sub paragraph is considered in compliance. It is however one of those paragraphs that can easily fall out of compliance. The VIPD must be vigilant in their oversight of case analysis for insuring that supervisors are carefully considering all factors when evaluating credibility. Reinforcing on daily case oversight when factors might be considered important for such purpose.

Impediments to Compliance

Proper case review and use of the templates as a quality control device by supervisors

Recommendations to Gain Compliance

Continued use of the templates as a quality control device by supervisors. Implement the Use of Force Review Board.

Paragraph 36, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

Supervisors, or designated investigating officers or units, shall conduct an investigation of all uses of force or injury resulting from a use of force by any officer under their command. This requirement does not apply to uses of force involving the lowest level of force as defined in VIPD policy as approved by DOJ. In an investigation, supervisors or designated investigating officers or units, shall interview all witnesses to a use of force or an injury resulting from a use of force. Consistent with the requirements of the collective bargaining agreement or other applicable law, VIPD supervisors or designated investigating officers or units shall ensure that all officer witnesses provide a statement regarding the incident. Supervisors, or designated investigating officers or units, shall ensure that all use of force reports for all levels of force identify all officers who were involved in the incident or were on the scene when it occurred. Supervisors, or designated investigating officers or units, shall ensure that all reports for all levels of force indicate whether an injury occurred, whether medical care was provided, and whether the subject refused medical treatment. Supervisors, or designated investigating officers or units, shall ensure that all reports include contemporaneous photographs or videotapes taken of all injuries at the earliest practicable opportunity, both before and after any treatment, including cleansing of wounds.

Activity

Meetings with VIPD leadership and Use of Force Working Group. IMT monitoring and case review.

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Impediments to Compliance

As noted last quarter, management review and accountability has been spotty and inconsistent.

Recommendations to Gain Compliance

Leadership to hold themselves and VIPD managers accountable for incomplete investigations. Continued focus and use of the templates as a quality control device by supervisors

Sub-Paragraph a, Status = Partial Compliance

=>90% of the Use of Force reports, the supervisors, or designated investigating officers or units, who supervised the officer using the force, conducted the investigation of all uses of force or injury resulting from the use of force by that officer. This requirement does not apply to the lowest level use of force as defined in DOJ approved VIPD policy.

Activity

All force cases reported to the VIPD are now being investigated. The IMT will work with the VIPD to determine if this sub-paragraph is ready for compliance. The most recent 3 quarters have shown a compliance level worthy of that review.

Impediments to Compliance

Continued focus on accountability by the correct investigating officer is needed.

Recommendations to Gain Compliance

Use of the templates as quality control device should go far towards compliance of this sub-paragraph.

Sub-Paragraph b, Status = Partial Compliance

In =>90% of reportable use of force incidents, all witnesses, to the extent practicable, are interviewed in the investigating supervisor's reports.

The VIPD has been unsuccessful in getting its supervisors to obtain credible witness information and collecting that data for their force investigations. Where witness information is available the VIPD often fails to include their statements in the file. In the last 3 Quarters (1) out of (3) cases in which a witness was identified in the reviewed files a supervisor failed to follow through on complying with the subparagraph.

Sub-Paragraph d, Status = Partial Compliance

In =>90% of Use of Force reports, Supervisors, or designated investigating officers or units, shall ensure that all use of force reports for all levels of force identify all officers who were involved in the incident or were on the scene when it occurred.

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IMT and VIPD observe that in the past three quarters supervisors consistently noted that they identified all involved police personnel on the scene and their involvement in the use of force and the parties could therefore properly inquire about the circumstances surrounding the event. Moving forward this sub-paragraph should be ready for compliance by the end of 2Q 2015.

Impediments to Compliance

Continued focus on accountability by the investigating officer to identify and evaluate use of force by all officers involved or on the scene of a use of force incident.

Recommendations to Gain Compliance

Use of the templates as quality control device, coupled with close attention to the facts of the incident, should go far towards compliance of this sub-paragraph.

Paragraph 37, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

All investigations into use of force shall be reviewed by the Officer's Commander and/or Director, or by a Commander and/or Director in the designated investigative unit, who shall identify any deficiencies in those reviews, and shall require supervisors, or designated investigative officers or units, to correct any and all deficiencies. Supervisors, and designated investigative officers or units, will be held accountable for the quality of their reviews. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor, or designated investigative officer or unit, fails to conduct a timely and thorough review, or neglects to recommend appropriate corrective action, or neglects to properly implement appropriate corrective action. As provided by VIPD policy and approved by DOJ, designated command staff shall further review the Commander and/or Director's reviews according to the level of force involved.

Activity

Recent implementation of the templates should have some impact on compliance here, if used correctly and are subsequent corrective actions are supported by management.

Impediments to Compliance

Failure to affect accountability throughout the management chain of the investigation directly impacts this paragraph.

Recommendations to Gain Compliance

Continued use of the templates, supported by management follow-up and accountability should increase compliance with this paragraph.

Sub-Paragraph a, Status = Partial Compliance

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=>90% of the completed use of force case files contained signed documentation from the Chief and/or Deputy Chief indicating that he/she reviewed the completed investigation and the date of such review. In these cases, were all appropriate deficiencies noted and was corrective action directed or imposed?

Activity

The IMT is pleased that force cases are now being reviewed by the VIPD Command officers from the respective districts. IMT is granting ~~entertain~~ Partial Compliance while we make an assessment of the reviewers' ability to capture the values sought within the consent decree in his/her reviews.

Impediments to Compliance

Failure to affect accountability at senior levels of the investigation directly impacts this paragraph.

Recommendations to Gain Compliance

Continued focus on management review and follow-up, coupled with subsequent accountability should increase compliance with this paragraph.

Sub-Paragraph b, Status = Not in Substantial Compliance

In =>90% of reportable use of force incidents, supervisors are held accountable for the quality of their reviews, and documented non-disciplinary and/or disciplinary action has been taken when a supervisor or manager: fails to conduct a timely and thorough review; neglects to recommend appropriate corrective action; or neglects to properly implement appropriate corrective action. In those cases where discipline was imposed, did the officials imposing the discipline follow the departmental disciplinary matrix?

Activity

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the Police Commissioner to review the substance of the VIPD audits and the IMT's reviews.

Impediments to Compliance

Failure to affect accountability at senior levels of the investigation directly impacts this paragraph.

Recommendations to Gain Compliance

Continued focus on management review and follow-up, coupled with subsequent accountability should increase compliance with this paragraph.

Sub-Paragraph c, Status = Not in Substantial Compliance

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In =>90% of reportable use of force incidents, the Chief and/or Deputy Chief provided a written, signed and dated finding on whether the use of force was justified under VIPD's DOJ approved use of force policies and all other requirements of 31(a)-(g) of the Consent Decree.

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the Police Commissioner to review the substance of the VIPD audits and the IMT's reviews.

Impediments to Compliance

Failure to affect accountability at senior levels of the investigation directly impacts this paragraph.

Recommendations to Gain Compliance

Continued focus on management review and follow-up, coupled with subsequent accountability should increase compliance with this paragraph.

Sub- Paragraph d, Status = Not in Substantial Compliance

In =>90% of reportable use of force incidents, supervisors are held accountable for the quality of their investigations, reviews, and documented non-disciplinary and/or disciplinary action has been taken when a supervisor or manager: fails to conduct a timely and thorough review; neglects to recommend appropriate corrective action; or neglects to properly implement appropriate corrective action.-

Activity

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the police commissioner to review the substance of the VIPD audits and the IMT's reviews.

Impediments to Compliance

Failure to affect accountability at senior levels of the investigation directly impacts this paragraph.

Recommendations to Gain Compliance

Continued focus on management review and follow-up, coupled with subsequent accountability should increase compliance with this paragraph.

Sub-Paragraph e, Status = Not in Substantial Compliance

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In =>95% of the use of force incidents where the Commander's/Director's review and evaluation concluded that improper tactics were used, there is evidence that the involved sworn personnel received and successfully completed remedial training, and, if appropriate, were disciplined.

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the Police Commissioner to review the substance of the VIPD audits and the IMT's reviews.

Impediments to Compliance

Failure to affect accountability concerning remedial training compliance and documentation, as well as any appropriate discipline, directly impacts this paragraph.

Recommendations to Gain Compliance

VIPD should develop some system for ensuring that remedial training is both accomplished and documented when it is used as a corrective action for improper use of force. Any and all appropriate discipline associated with the findings should also be implemented and documented.

Sub-Paragraph f, Status = Not in Substantial Compliance

In =>95% of the use of force incidents deemed unjustified by the Commander's/Director's review and evaluation, the involved sworn personnel were disciplined, including separation from service with the VIPD when appropriate, and, if separation from service was not appropriate, received remedial training.

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the police commissioner to review the substance of the VIPD audits and the IMT's reviews.

Impediments to Compliance

Failure to implement and document appropriate discipline, directly impacts this paragraph.

Recommendations to Gain Compliance

VIPD leadership needs to ensure that any and all appropriate discipline associated with the findings should be applied and carried out and subsequently documented and associated with the case.

Paragraph 38, Status = Not in Substantial Compliance

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Consent Decree Paragraph Wording

The VIPD will investigate all critical firearm discharges. The VIPD will ensure that the investigation accounts for all shots and locations of all officers who discharged their firearms. The VIPD will conduct all ballistic or crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.

Activity

VIPD confirmed no change in status during the November and December 2014 meetings. While the VIPD has initiated plans to implement a Force Review Board and a Force Investigation Team to comply with the provisions of these paragraphs, both of these initiatives remain under development and revision and it is anticipated that they will be implemented during 2Q 2015.

Impediments to Compliance

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph a, Status = Not in Substantial Compliance

=>99% of all critical firearm discharges are investigated and documented.

The VIPD has initiated plans to incorporate a Force Review Board and a Force Investigation Team to comply with the provisions of these paragraphs. Those functions are currently under revision and will be updated during 2Q 2015.

Impediments to Compliance

Failure to thoroughly investigate and account for use of force incidents. Failure to implement a Force Review Board and Force Investigation Team contributes to the non-compliance of this sub-paragraph.

Recommendations to Gain Compliance

Implement a Force Investigation Team and Force Review Board to improve the quality of use of force investigations and subsequent evaluation of justification for the use of force.

Sub-Paragraph b, Status = Not in Substantial Compliance

=>95% of all investigations or reviews of critical firearm discharges accounted for all shots.

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The VIPD has initiated plans to incorporate a Force Review Board and a Force Investigation Team to comply with the provisions of these paragraphs. Those functions are currently under revision and will be updated during 2Q 2015.

Impediments to Compliance

Failure to thoroughly investigate and account for use of force incidents. Failure to implement a Force Review Board and Force Investigation Team contributes to the non-compliance of this sub-paragraph. Failure to account for all shots fired in use of force investigations. Failure to use the templates as quality control devices to ensure all shots fired are accounted for whenever appropriate.

Recommendations to Gain Compliance

Implement a Force Investigation Team and Force Review Board to improve the quality of use of force investigations and subsequent evaluation of justification for the use of force.

Sub-Paragraph c, Status = Not in Substantial Compliance

=>95% of all supervisors (or other personnel) have either: (a) attended and successfully completed the initial in-service training on ballistic and crime scene analyses and demonstrated proficiency through a proficiency test(s) and passed the proficiency test(s); or (b) if supervisors (or other personnel) have not successfully completed the required training and passed the proficiency test(s), the supervisors (or other personnel) have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s); or Where supervisors (or other personnel) have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.

VIPD confirmed no change in status during the November and the December 2014 meetings. The VIPD has initiated plans to incorporate a Force Review Board and a Force Investigation Team to comply with the provisions of these paragraphs. Those initiatives are currently under development and it is anticipated that they will be implemented during 2Q 2015. While these directives and initiatives do not directly respond to the issue of supervisors being trained in use of force investigations, if implemented as currently proposed, the number of investigations by supervisors will greatly decline, with the FIT taking over responsibility

Impediments to Compliance

Failure to ensure all supervisors are trained in use of force investigations as well a failure to implement the FIT and FRB functions, will impact compliance with this sub-paragraph.

Recommendations to Gain Compliance

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Implement controls to ensure all supervisors are trained on use of force investigations and/or implement the FIT and FRB.

Paragraph 44, Status = Partial Compliance

Consent Decree Paragraph Wording

Complaints may be filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic mail. The duty officer at the front desk of each district station will be authorized to take complaints, including third-party complaints, which persons may file at any district station. Complaint intake officers may describe facts that bear upon a complainant's demeanor and physical condition but May not express opinions regarding his/her mental competency or veracity. Each complaint will be resolved in writing. Upon receipt, each complaint will be assigned a unique identifier, which will be provided to the complainant. Each complaint will be tracked according to the basis for the complaint (e.g., excessive force, discourtesy, improper search, etc.).

Activity

VIPD is in compliance with all paragraphs of this paragraph with the exception of paragraph "I" where timeliness continues to be the issue.

Impediments to Compliance

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph i, Status = Not in Substantial Compliance

=>90% of complaints are documented and resolved in writing and completed investigations into complaints comport with the provisions of the Consent Decree.

Activity

Timeliness continues to be the issue on this paragraph; as previously stated in VIPD's 3rd own Quarterly reports, "The IMT has determined that the VIPD is in compliance with various components of the paragraph 44, but lacks substantial compliance due to the lack of timeliness of complaint investigations. The VIPD however, is not contesting IMT's assessment as it relates to timeliness of complaint investigations, as reported previously the VIPD has attempted to resolve the timeliness issue through the issuance of commissioner's directives in both Districts, which mandated the completion of all outstanding 2013 and 2014 investigations. As a result of these directives the number of outstanding cases for both Districts was reduced significantly. Additionally, through internal processes/mechanisms, which included weekly and monthly dissemination of case listings to the chain of command, and at commanders call sessions, the VIPD will continue to identify outstanding investigations and implement actions, disciplinary as

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well as commissioner's directives to ensure that timeliness is no longer an issue as it relates to complaint investigations." This quote focuses on zone investigations. IMT concurs with this VIPD assessment.

According to the VIPD, during this quarter, 4 administrative cases for infractions of the policy as regards the timeliness issue were opened. Additionally, 3 administrative cases have been forwarded to IAB as regards lack of timeliness, etc within the EIP policy. Furthermore, a new standardized waiver form (for extensions) was completed – hard copy and electronic versions; and this has been disseminated and discussed with commanders. Dozens of such requests received this quarter can have been located in the Deputy Chief (STT) office, within a folder with requests for "stays" for investigations. The VIPD intends to set up different record keeping for both issues.

Based on VIPD Citizen Complaint working group bi-weekly report for March 15-31, 2015, "Chiefs and Deputy Chiefs in each district have received the updated listing of cases for 2015. Based on the audit results 40 cases were audited Territory wide and it was found that 13 cases were submitted timely and 27 untimely." IMT has not received the audits for 3rd and 4th quarters for 2014, reporting results from VIPD and will assess once audits received. (See further comments under paragraph 69)

While timeliness within IAB as regards citizen complaints has improved during the CD, IMT continues to have concerns with a number of the more serious investigations. Many of these involve officer-involved shootings (IAB and CID) and can linger for protracted periods of time (sometimes for years).

Additional issues identified by VIPD impeding the issue of timeliness was the uncertainty of who, within the VIPD, was responsible for dissemination of Directives and other protocols; and the fact that supervisors were not reading their emails in a timely fashion. To address these issues, former chair of Citizen Complaint working group initiated an email to Director of Planning and Research inquiring whether a policy regarding dissemination of Directives and other protocols currently exists and VIPD issued Directive 002-2015 detailing the requirements for "Accessing and Reading VIPD Emails".

Impediments to Compliance

Promotions occurred in January 2015. IMT believes that the increased numbers could eventually help in decreasing the number of cases which are not timely. Unfortunately due to competing concerns, of the 7 individuals promoted to sergeant on STT, only 3 are currently assigned to patrol (2-HIDA; 1-back to training and 1-traffic).

As previously stated, lack of accountability as regards supervisors continues to be an issue– although we have seen that improve with disciplinary actions taken. IMT will continue to review progress.

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Recommendations to Gain Compliance

As VIPD moves forward with additional promotions (unsure when this may occur), IMT strongly recommends, again, that priority be given to assignment to patrol

As previously reported, if disciplinary action is not effective; demotion from rank will be the next step – this confirmed by the VIPD.

VIPD should finalize the specific process identified for issuance of Directives and other protocols and should monitor Supervisors/managers appropriate access/response to email. Supervisors should be required to periodically check to see if subordinates have all required and updated versions of department policy and procedure.

Paragraph 58, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

Unit commanders will evaluate each investigation of an incident under their command to identify underlying problems and training needs. Any such problems or need will be relayed in the form of a recommendation to the appropriate VIPD entity.

Activity

During the last quarter, the VIPD issued a Directive to address the process of forwarding information relative to training needs. This Directive was issued in December, 2015. Along with VIPD, IMT will monitor effectiveness of same.

During this quarter, VIPD reviewed/updated their Complaint Investigation Review Form to ensure that the Commanders' responsibility to identify any underlying problems and/or training needs is done. According to the VIPD biweekly report for March 15-31, 2015, VIPD included this section in their audits for the 3rd and 4th quarters of 2014. "There 9 instances for the 3rd qtr that training needs were not identified, there 31 times that recommendations were not required..." Also according to the biweekly report, "There were 3 times recommendations were made for problems in the 3rd and 4th qtr." IMT has not received the audits for 3rd and 4th quarters for 2014; reporting results from VIPD; will assess once audits received. See additional information under Activity in paragraph 69)

During this quarter, VIPD has drafted a Directive relative to these required evaluations/recommendations reference problems and/or training. At this time, it is pending PC approval and signature.

Impediments to Compliance

The December Directive (2014-0005) addressed how to forward training concerns identified through investigations. As mentioned in earlier IMT Quarterly Reports, limiting 'problems and training' to merely training is not sufficient. As stated above, during this quarter, VIPD has drafted a Directive relative to these required evaluations/recommendations reference problems and/or training. At this time, it is pending PC approval and signature.

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Recommendations to Gain Compliance

As stated in earlier IMT reports, The new directive addressing issues re paragraph 58 should be monitored; further direction is needed re the identification of 'problems' beyond training. As stated above, During this quarter, VIPD has drafted a Directive relative to these required evaluations/recommendations re problems and/or training. At this time, it is pending PC approval and signature. Once this is accomplished VIPD should audit to ensure compliance with Directive; IMT to follow implementation.

Paragraph 59, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The VIPD will develop and implement a risk management system to include a new computerized relational database or paper system for maintaining, integrating, and retrieving information necessary for supervision and management of the VIPD. Priority will be given to the VIPD obtaining any established program and system. The VIPD will regularly use this data to promote civil rights and best police practices; to manage risk and liability; and to evaluate the performance of VIPD officers across all ranks, units and shifts.

Activity

See sub-paragraphs.

Impediments

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-paragraph b, Status = Not in Substantial Compliance

The VIPD will, in =>95% of the cases, use this data to promote civil rights and best police practices; to manage risk and liability; and to evaluate the performance of VIPD officers across all ranks, units and shifts.

Activity

The IMT continues to emphasize the fact that unless supervisors and management personnel are held accountable for their responsibilities, the VIPD will have a challenging time maintaining CD compliance. Regarding this particular paragraph, the IMT anticipated that by holding managers accountable, the VIPD will move closer to initial compliance.

Additionally, the IMT anticipates that resolving IT issues, considered a priority by the VIPD, will move initial compliance forward. This paragraph is contingent on other paragraphs coming into compliance regarding EIP.

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Impediments to Compliance

VIPD needs to reinforce accountability throughout the ranks.

Recommendations

Continue to develop a sense of accountability throughout the command structure through training and senior leadership mentoring.

Paragraph 60, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The new risk management system will collect and record the following information:

- a. all uses of force;*
- b. canine bite ratios;*
- c. the number of canisters of chemical spray used by officers;*
- d. all injuries to prisoners;*
- e. all instances in which force is used and a subject is charged with "resisting arrest," "assault on a police officer," "disorderly conduct," or "obstruction of official business;"*
- f. all critical firearm discharges, both on-duty and off-duty;*
- g. all complaints (and their dispositions);*
- h. all criminal proceedings initiated, as well as all civil or administrative claims filed with, and all civil lawsuits served upon, the Territory and its officers, or agents, resulting from VIPD operations or the actions of VIPD personnel;*
- i. all vehicle pursuits;*
- j. all incidents involving the pointing of a firearm (if any such reporting is required); and*
- k. all disciplinary action taken against officers.*

Activity

See sub-paragraphs.

Impediments

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph c, Status = Not in Substantial Compliance

=>95% of the canisters of chemical spray issued to officers will be entered into RMS, including the date of issuance and date of expirations of the chemical spray, with a

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reasonable level of accuracy and completeness and the VIPD has developed a process to track the amount of OC Spray used by Officers.

Activity

VIPD provided a listing of all personnel who were issued an OC Spray with a weight of the canister. An audit will be conducted and a report will be provided. VIPD has established a database to track OC canisters issued to officers (including weight); this was forwarded to IMT April 23, 2015. At the recent monthly meeting, VIPD reported that it was anticipated that a monthly inspection to ensure compliance will be completed in early May. IMT requested that a copy be forwarded once completed. VIPD provided IMT copy of inspection. IMT further requested information regarding inconsistencies identified in the inspection.

Impediments to Compliance

See recommendations.

Recommendations to Gain Compliance

VIPD should audit, identify deficiencies and address same.

Sub-Paragraph d, Status = *Partial Compliance*

=>95% of all injuries to prisoners will be entered into RMS with a reasonable level of accuracy and completeness.

Activity

According to VIPD, *The Injury to Prisoners* posters are completed and have been posted throughout the various zones. This directive has been incorporated into the arrest policy.

Impediments to Compliance

See recommendations – IAB addressing impediments.

Recommendations to Gain Compliance

VIPD should audit, identify deficiencies and address same.

Sub-Paragraph h, Status = *Not in Substantial Compliance*

=>95% of criminal proceedings initiated, civil or administrative claims filed, and civil lawsuits served against the Territory, the VIPD, and its Officers resulting from VIPD operations will be entered in RMS with a reasonable level of accuracy and completeness.

Activity

VIPD, during this quarter, revisited the issue of an MOA between the VIPD and VIAG to address this sub paragraph. At this time, instead of an MOA, VIAG forwarded copies of a proposed internal policy/procedure to address these concerns. (April 14, 2015) IMT received copies of these. VIPD to seek this information in a format that reflects a formal adoption of said process. Once formalized/finalized, IMT requests copies of same.

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Impediments to Compliance

IMT will continue to monitor the submission of materials from VIAG to VIPD to ensure that the time periods represented in the SOP are met.

Recommendations to Gain Compliance

Continued close attention to activity covered by this SOP by VIPD staff in IAB.

Sub-paragraph i; Status = Substantial Compliance

=>95% of vehicle pursuits are entered into RMS with a reasonable level of accuracy and completeness.

Activity

According to the VIPD, VIPD personnel were able to meet with 911 personnel on 1/13/15 to develop a code for vehicle pursuits. A screen print out of the close-out code displaying 911 capabilities to track vehicle pursuit was provided. A current limitation of this is that the vehicle pursuit code can be pre emptied by a higher code (such as vehicle pursuit due to a robbery – robbery code would supersede pursuit). Group is unsure how VITEMA can address same; to continue to work on this with VITEMA. VIPD to continue to access IAPro for information.

The group was able on 1/13/15 to have VITEMA create a code for tracking vehicle accidents involving VIPD personnel. A listing of all VIPD marked vehicles that were involved in an accident was generated.

VITEMA/911 informed the group that the system was not able to provide a listing of the unmarked police vehicle because they were not provided with that listing.

According to the co-chair of the Management and Supervision work group, a listing of the unmarked vehicles was provided to 911 so an identical report can be generated for the audit.

IMT recognizes VIPD efforts in this area; however, there still needs to be work with VITEMA to be able, not only to store, but to easily access pursuit information. IMT is not moving VIPD out of compliance at this time, but will provide additional time to correct deficiency

Impediments to Compliance

VIPD and VITEMA need to further link the 911/CAD data with the IAPro system to increase capture of all pursuits.

Recommendations

While the sub-paragraph has been deemed in compliance due to VIPD's efforts to ensure accurate capture of the pursuit data, IMT recommends continued meetings with VITEMA to insure more seamless integration with the coding. IMT recognizes VIPD efforts in this area;

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however, there still needs to be work with VITEMA to be able, not only to store, but to easily access pursuit information. IMT is not moving VIPD out of compliance at this time, but will provide additional time to correct deficiency.

Paragraph 69, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The VIPD will develop a protocol for conducting audits. The protocol will be used by each officer or supervisor charged with conducting audits. The protocol will establish a regular and fixed schedule to ensure that such audits occur with sufficient frequency, and cover all VIPD zones.

Activity

The Police Commissioner has identified the Audit and Inspection unit commander (full time). The unit commander, on April 23, 2015, submitted a memo requesting that 8 individuals “be relieved of all Consent Decree Workgroup duties and transferred on an ‘as needed’ basis to the Audit Unit”. These individuals had been auditing their own working groups previously; and now, they will be auditing across all groups. This removes a potential conflict of interest as well improves the capacity of the unit.

VIPD has completed their audits for the 3rd and 4th quarters of 2014. At this time, these audits have not been formally submitted to IMT. Prior to submission to IMT, VIPD intends to have a senior level review; once completed, senior personnel will review with supervisors to identify where, as an agency, they are falling short.

Although these additional steps in the audit process are delaying IMT’s receipt of the 3rd and 4th quarter audits, IMT appreciates the potential value of these reviews. IMT looks forward to the results of these reviews.

Additionally, IMT has been informed that the VIPD is already well into the Audit for the 1st quarter of 2015. If this pace continues, VIPD Audit reports will be issued in a more timely fashion. However, according to the April 2015 monthly meeting, the Audit Unit commander intends to review and update CD related audit objectives.

As previously noted in IMT quarterly reports, the IMT strongly recommends that, long term, VIPD have a full time staff (minimum 3-4 persons) assigned to the Audit Unit.

Impediments to Compliance

Failure to fully staff the unit and prepare annual audit plans, unit policy, and appropriate SOPs.

Recommendations to Gain Compliance

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Fully staff the unit, prepare unit policy, SOPs, and an annual audit plan.

Paragraph 71, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

VIPD policy will identify clear time periods by which the various steps of a complaint adjudication process should be completed, from complaint receipt to the imposition of discipline, if any. Absent exigent circumstances, extensions will not be granted without the Police Commissioner's written approval and notice to the complainant. In the limited circumstances when an extension is necessary, appropriate tolling provisions will be outlined in the policy.

Activity

(b). A directive (001-2015) was issued on Jan 6, 2015, that provides for extensions to reporting times, when justified and requested, by investigating personnel.

Impediments to Compliance

See other sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph b, Status = Not in Substantial Compliance

=>90% of the time, these established time periods are not violated except for in exigent circumstances and with the Police Commissioner's written approval for tolling and notice to the complainant.

Activity

As reported above in reference to paragraph 44, based on VIPD Citizen Complaint working group bi-weekly report for March 15-31, 2015, "Chiefs and Deputy Chiefs in each district have received the updated listing of cases for 2015. Based on the audit results 40 cases were audited Territory wide 13 cases submitted timely and 27 untimely."* {*IMT has not received the audits for 3rd and 4th quarters for 2014; reporting results from VIPD; will assess once audits received.} Please see further comments under paragraph 69.

According to the VIPD, during this quarter, 4 administrative cases for infractions of the policy as regards the timeliness issue were opened. Additionally, 3 administrative cases have been forwarded to IAB as regards lack of timeliness, etc within the EIP policy. Furthermore, a new standardized waiver form (for extensions) was completed – hard copy and electronic versions; this was disseminated and discussed with commanders. Dozens of such requests received this quarter can be located in the Deputy Chief (STT) office. Currently such requests are in a folder with requests for "stays" for investigations. Intent is to set up different record keeping for both issues.

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Additional issues identified by VIPD impeding the issue of timeliness was the uncertainty of who, within the VIPD, was responsible for dissemination of Directives and other protocols; and the fact that supervisors were not reading their emails in a timely fashion. To address these issues, former chair of Citizen Complaint working group initiated an email to Director of Planning and Research inquiring whether a policy regarding dissemination of Directives and other protocols currently exists and VIPD issued Directive 002-2015 detailing the requirements for "Accessing and Reading VIPD Emails".

Impediments to Compliance

VIPD to implement above mentioned steps.

Recommendations to Gain Compliance

See above

Paragraph 72, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

Absent exceptional circumstances, the VIPD will not take only non-disciplinary corrective action in cases in which the disciplinary matrix indicates the imposition of discipline. The VIPD will not fail to consider whether non-disciplinary corrective action is required in a case because discipline has been imposed on the officer.

Activity

As previously stated, according to the VIPD, "As it relates to subsection (a) of paragraph 72, going forward the management and supervision work group will initiate monthly inspections to gauge compliance "with the disciplinary matrix. "The management and supervision work group will also conduct monthly inspections with respect to subsection (b) for adherence specific to ensuring that "non-disciplinary corrective action is recommended consistently when applicable with disciplinary actions."

As noted elsewhere in this report, the recent (December 2014 and January 2015) IMT survey of supervisors and commanders seems to indicate continued dissatisfaction by VIPD personnel with the matrix.

According to the VIPD, The Discipline Procedure posters were completed during the previous quarter and are currently posted throughout the zones. During this current quarter, VIPD provided familiarization training on Disciplinary Flow Chart for all commanders territory-wide.

During the April 2015 monthly meeting, the Audit Unit commander suggested that the Audit Unit complete the inspections (referenced above) rather than the working group.

The IMT notes that the VIPD currently has a committee reviewing the Disciplinary Matrix, which appears to include appropriate membership, such as the police union, etc. The IMT looks

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forward to the review of the work products of this committee (e.g., the revised matrix) during the next reporting quarter.

Impediments to Compliance

Lack of understanding/adherence to VIPD policy.

Recommendations to Gain Compliance

As stated repeatedly by the IMT, VIPD needs to identify deficiencies, also need to identify whether it is due to lack of understanding or intentional policy violation – once identified, additional training or discipline needs to occur.

IMT continues to recommend that VIPD continue to assess both the process and the matrix with a goal towards making it more objective and fair in construct and application.

Completion of the current review of the Disciplinary Matrix.

Sub-Paragraph a, Status =Not in Substantial Compliance

In =>90% of the cases where the matrix calls for discipline, discipline is imposed.

All activity, impediments, and recommendations shown above for sub-paragraph a.

Sub-Paragraph b, Status =Not in Substantial Compliance

In =>90% of the cases where discipline is imposed, there is evidence that the VIPD has also considered non-disciplinary corrective action.

All activity, impediments, and recommendations shown above for sub-paragraph b.

Paragraph 73, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The VIPD will continue to coordinate and review all use of force policy and training to ensure quality, consistency, and compliance with applicable law and VIPD policy. The VIPD will conduct regular subsequent reviews, at least semi-annually.

Activity

A draft Standard Operating Procedure (SOP) for the Training Advisory Committee (TAC) was forwarded to Det. Alcendor on March 23, 2015 to send to the IMT for review and comment.

Impediments to Compliance

As noted previously by the IMT, the Training Committee:

- a. Still does not have a protocol for the conduct and expected outcomes from the meetings, which inhibits its focus and effectiveness;

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- b. Their agenda tends to focus on review of equipment issues;
- c. Fails to review training and training materials from an analytical basis based upon developed criteria. Areas addressed in the meeting seemed to range more on equipment issues. No Use of Force activity as to type and effectiveness was discussed, apparently based upon reports from IAPro (which were attached), but the notes did not adequately reflect the content or decisions that emanated from those discussions. Without a well-developed protocol, no meaningful evaluation can take place.

Recommendations to Gain Compliance

Throughout the conduct of this consent decree, VIPD has struggled with understanding exactly what is required by this paragraph. VIPD must conduct a semi-annual review of the quality, consistency of their use of force training. They must also review the use of force training's compliance with both law and VIPD policy. This amounts to four (4) inquiries into VIPD training activity. There is also a requirement that VIPD use of force policy be reviewed on the same schedule using the same criteria for the review. This amounts to eight (8) inquiries to be conducted by VIPD semi-annually.

The IMT, based on our experience, would think that the semi-annual review of use of force policy and the semi-annual review of use of force training would be conducted jointly or, at a minimum, conducted collaboratively. To date, we've not seen this kind of agency-wide review. We've also not seen a meaningful, analytical review of use of force training. The IMT has proposed the creation of a Training Advisory Committee that might serve as a platform for conducting a more comprehensive semi-annual review of use of force training.

VIPD has proposed this committee and begun to develop procedures for the mission and function of the committee. We are extremely pleased that the recently appointed Training Director followed our suggestions and has made provisions for training to be conducted by the Kirkpatrick Group which specialized in the evaluation of training. This will be a great help toward satisfying the requirements of this paragraph.

Our recommendations for the conduct of the semi-annual review and the makeup and functionality of the Training Advisory Committee have been enumerated in our reports for much of the past year.

Paragraph 74, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The Director of Training, either directly or through his/her designee(s), consistent with applicable law and VIPD policy will:

- a. *ensure the quality of all use of force training;*
- b. *develop and implement use of force training curricula;*
- c. *select and train VIPD officer trainers;*
- d. *develop, implement, approve, and oversee all in-service training;*

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- e. *in conjunction with the Chiefs, develop, implement, approve, and oversee a patrol division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures;*
- f. *establish procedures for evaluating all training curricula and procedures; and*
- g. *conduct regular needs assessments to ensure that use of force training is responsive to the knowledge, skills, and abilities of the officers being trained.*

Activity

- a. **ensure the quality of all use of force training;**

This was discussed during a meeting with the IMT (Mr. Wilson and Mr. Stewart). Once the TAC is formed it will address the quality of training that is provided to the officers during training also an evaluation process will assist with a an assessment of the training that was provided (Kirkpatrick Levels of Evaluations).

- b. **develop and implement use of force training curricula;**

Sub-paragraph is in Substantial Compliance

- c. **select and train VIPD officer trainers;**

The Instructor Selection Process (ISP) was revised and signed by Commissioner Designee Delroy Richards, Sr. on March 8, 2015.

- d. **develop, implement, approve, and oversee all in-service training;**

- e. **in conjunction with the Chiefs, develop, implement, approve, and oversee a patrol division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures;**

IMT has received the signed policy and believes it does not conform to the review provided previously by the IMT, as copy of which can be found at Appendix C to this report. Further the IMT believes that the current version still contains material which more closely related with a separate policy or policies on Conducting Roll Calls and one related to Line inspections. The IMT will work with the VIPD to correct these deficiencies.

- f. **establish procedures for evaluating all training curricula and procedures; and**

See sub-paragraph g below.

- g. **conduct regular needs assessments to ensure that use of force training is responsive to the knowledge, skills, and abilities of the officers being trained.**

Presently in discussion with Jim Kirkpatrick for the development of the Kirkpatrick's "Four Levels of Evaluations". VIPD plans on bringing the training to the territory to have personnel trained on

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same. Individuals that will be trained **are** management and supervisors. Training was conducted in May 2015.

Impediments to Compliance

Absence of a comprehensive and analytical review of training outcomes.

Lack of coordinated training priorities and agenda with Chiefs and other command officers.

No comprehensive plan for roll call training.

Questions raised by the IMT memorandum of 9/18/14 are serious and any further compliance with this sub-paragraph and paragraph should be held in abeyance

Each of the sub-paragraphs details impediments to compliance.

Recommendations to Gain Compliance

Several of the sub-paragraphs in this paragraph share common resolutions with the tasks associated with Paragraph 73.

- a. ensure the quality of all use of force training.
- f. establish procedures for evaluating all training curricula and procedures, and
- g. conduct regular needs assessments to ensure that use of force training is responsive to the knowledge, skills, and abilities of the officers being trained.

The IMT has recommended for some time that there is so much similarity to the resolutions to these paragraphs that they ought to be resolved jointly.

The Training Advisory Committee seemed to us to be the best place to establish appropriate protocols for the requirements of these sub-paragraphs and Paragraph 73 and coordinate VIPD's efforts to reach compliance.

We also believe that sub-paragraph e:

"e. in conjunction with the Chiefs, develop, implement, approve, and oversee a patrol division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures."

lends itself to the kinds of issues that would be appropriate for the regular review, discussion and advice from the Training Advisory Committee."

Similarly, sub-paragraph d:

"d. ...develop, implement, approve, and oversee all in-service training," should be reviewed by the Training Advisory Committee.

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We repeat our recommendation that compliance with these sub-paragraphs and Paragraph 73 be at the cornerstone of the duties and responsibilities of the Training Advisory Committee.

The one sub-paragraph that would likely remain outside of the direct focus of the Training Advisory Committee would be:

“c....select and train VIPD officer trainers.”

The IMT has long since held that this definition would include all classes of academy and in-service trainers and all Field Training Officers. VIPD, after more than a year of development, recently published a directive outlining the policies and procedures for the selection of instructors. We have recommended for some time that a similar policy be established for FTO's

The VIPD should conduct a review of all current staff and field instructors, vetting them against the requirements of VIPD Policy 003-2014 Instructor Selection, and provide documentation to the IMT with the results of that review.

Paragraph 77, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The VIPD shall continue to maintain training records regarding every VIPD officer that reliably indicate the training each officer has received. The training records shall, at a minimum, include the course description and duration, curriculum, and instructor for each officer.

Sub-paragraphs a,c,e are in Substantial Compliance, while b,d,f remain in Partial Compliance.

Activity

Currently all training records are maintained by the administrative secretaries in both districts. Those records are located in each respective office in STT and STX. The hard copies of records are placed in binders that are labeled and stored in a file cabinet or on a shelf (Bookcase) in a central area in both locations. The training bureau also has a training database (PowerDMS) that tracks all trainings officers receive. The information on PowerDMS can be accessed remotely from any location and are in discussion with a vendor who will assist in the upload of officer's files and historical data into PowerDMS.

Impediments to Compliance

In August 2014 IMT identified need for loading data into Power DMS. In September 2014 IMT identified the need for a plan and design for data entry into Power DMS. Continued

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failure to accelerate the loading of curricula into the Power DMS system will impact compliance.

Recommendations to Gain Compliance

Substantial Compliance in this paragraph has been particularly troublesome for VIPD. At the heart of this issue is the establishment of an automated capability to produce records which reliably provide:

*the course description,
the duration of the course,
a copy or reference to the curriculum used at the time of the training, and
the instructor(s) for each officer.*

The IMT has maintained that it is our experience that police departments the size and makeup similar to VIPD have, as a standard practice, this kind of automated capability in total or in-part.

While maintaining that it has the capacity to produce the information required in Paragraph 77, VIPD has produced one report almost two years ago that only included the participants in St. Thomas/S. John District. IMT deems these reports critical to both compliance as well as proper supervision of the training function.

We continue to recommend with great import that making the inclusion of the kinds of records required to be maintained by this paragraph be made a priority. Extraordinary steps must be taken to streamline the process by which complete, accurate historical training records should be entered into PowerDMS and audited as quickly as possible.

Paragraph 81, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The VIPD will provide training on appropriate burdens of proof to all supervisors, as well as the factors to consider when evaluating complainant or witness credibility (to ensure that their recommendations regarding dispositions are unbiased, uniform, and legally appropriate). The VIPD will also continue to provide training to supervisors on leadership and command accountability, including techniques designed to promote proper police practices. This training will be provided to all officers promoted to supervisory rank within 90 days of assuming supervisory responsibilities, and will be made part of annual in-service training.

Activity

Sub-paragraphs a,c,e are in Substantial Compliance, while b,d,f remain in Partial Compliance.

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Impediments to Compliance

After the August 2014 Summit the IMT provided this analysis of the compliance level of the paragraph, specifically geared toward supervisory training on leadership and command accountability.

While most of the requirements for compliance in this paragraph have been met, there is the clear need for more training in leadership and command accountability for supervisory, management and command personnel. While the training for command personnel may come in the form of "executive development," the IMT believes that command staff could benefit from participating in the supervisory and management training conducted within VIPD as well as attending developmental training conducted by any number of professional organizations and educational institutions.

We have urged command staff to attend part or all of the various supervisory courses taught by outside contractors. At a minimum, they should obtain briefings from these "visiting instructors," who are typically very well versed in their subject areas so that they have a sense of what is being taught to their subordinates but also to get information from subject matter experts on how their command issues are being addressed in other police agencies.

During the November and December 2014 summit and December 2014 court hearing, the VIPD indicated that no progress had been made on this paragraph. The VIPD concurred that no progress had been made during the May 2015 work sessions, with the exception that the FBI had conducted some leadership and supervisory training, in which many senior leaders participated, during the 1st Quarter of 2015. The IMT remains encouraged with this initiative but is withholding long term judgment pending a continuation and broadening of the effort, especially in terms of our previous suggestions that the leadership of the agency also participated in some lower level instruction in support of both exposure to the concepts and team building.

Recommendations to Gain Compliance

Substantial Compliance in this particular paragraph poses several distinct and complex challenges. The paragraph first requires the Training Bureau to train supervisors on how to apply appropriate burdens of proof, evaluate witness credibility.

While we know that the requisite training has been conducted, we have not seen an objective evaluation of how those supervisors are performing those tasks in the field. We've only seen participant performance on the quiz conducted immediately following training. This is certainly another one of the areas that we have pointed out and that the Kirkpatrick Training addresses. There remains the challenge of evaluating the outcomes and/or effect that training has had on participants.

This also points out again how substantial compliance was comparatively easy when the requirements of a paragraph were able to be achieved within a single office, unit or bureau.

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This kind of evaluation requires the active participation and collaboration between the Training Bureau and the Districts so that Training is receiving enough feedback on supervisor performance in the Districts for them to be able to determine whether their training products were “successful.”

We believe that VIPD will benefit immensely by having the Kirkpatrick Group in for training. It’s important that as many command officers as well as supervisors and managers attend this training.

The second requirement of this paragraph mandates that VIPD provide this training for new supervisory promotees within 90 days of their elevation to their new rank. In addition to the testing that might take place at the time of training, this training should be a part of any probationary evaluation conducted at the end of the probationary period.

The third requirement is that this training be a part of in-service training. When the systems are in place, the focus of the in-service training should be based on the results of evaluations of how the allied functions are being performed in the field. Shortcomings among supervisors in areas of the Consent Decree, as well as other practices in need of improvement, should be well documented and highlighted during in-service, roll call and commander’s call training.

The final requirement and possibly the most important within this paragraph is a responsibility to provide training to supervisors on leadership and command accountability. VIPD has just recently begun to include commanders above the rank of captain in this kind of training even that delivered within the Territory. Command Staff and certain sworn administrative personnel were not included in in-service training. When questioned about the practice, VIPD offered no responses.

There is much to be learned from responsible, modern supervisory training and VIPD has contracted with very reputable and professional trainers. These instructors are generally well versed in many of the standard practices required by this consent decree. They can bring helpful advice to command staff in their work as well as their subordinates. Systematic improvement in a policy or practice can only come when command knows and understands the training that their subordinate commanders and supervisors are receiving so that they can support it.

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IV. VIPD AUDITING PERFORMANCE

A yet to be released copy of the 2014 Third and Fourth Quarter Compliance Audit Report is in the hands of the IMT. It presents results for two quarters to bring the VIPD to what it calls a "current point of information." (As this quarterly is being written, the VIPD is completing its compliance audit report for the First Quarter of 2015, and due to the limited value of delayed audits, VIPD intends to focus more energy on the audit of the first quarter of 2015.)

Current Utility. The VIPD has been auditing and turning out Compliance Audit Reports since the fall of 2013. Evolving from a construct (format) developed, we believe, during a Training Session conducted by an independent contractor in the fall of 2013, and modified continuously by innovations developed internally (in the VIPD) and recommended by the IMT, the audit reports have become more useful, but have yet to reach their potential. Simultaneously, in the view of the IMT, progressive evolution of the auditing process has stalled overall. The strengths and flaws of the VIPD's Third and Fourth Quarter Compliance Audit Report mirror those of several previous reports. The IMT's *Review & Recommendations Report* (January 6, 2014), our response to the VIPD's 2014 Compliance Audit Report and the IMT's Fourth Quarterly Report for 2014 (March 27, 2015), summarized the condition of audit reports.

- Advancements notwithstanding, this Audit..., primarily a collection of separate components, conducted by four less than fully integrated Work Groups is observably uneven. Uneven includes variations in methodologies and report construction, and apparent diligence of effort, which frustrate comprehension of the nature and accomplishment of audit work.

The Solution: Metrics-Centered Auditing. The VIPD is already positioned to not only re-start and upgrade the audit process, it has the assets – the knowledge and the resources, to materially advance both the audit process, methodologically, and produce better informational outcomes

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essential to the Consent Decree analytics and to data-informed decision-making. Referred to as Metrics-Centered Auditing and Reporting in the IMT's Second Quarter Audit Review & Recommendations document, the basics of the prescribed auditing process and outcome documentation and presentation, we urged the VIPD to require all Work Groups to adopt the model.

Section IV of the aforementioned IMT Review & Recommendations Report, **Audit Process & Reporting: A Compliance Measurement Foundation** noted:

To facilitate as seamless a transition to (the IMT's outcome measurement phase of compliance work) as can be achieved...the audit methodology and presentation format of the Use of Force Work Group can and should serve as a model for all groups. (p. 27)

Our report detailed this recommendation by highlighting the desired core characteristics of the model. The most current Audit Compliance Report, for the Third and Fourth Quarter of 2014, indicates that the VIPD has not moved to adopt the model further. Only the Use of Force Work Group is using it. The other three turned in the traditional and still "uneven" mix.

Recommendation. The path to implementation of Metrics-Centered auditing is quite clear. It must include an instructional process for all Work Groups, focused on structuring audits of Citizen Complaint, Management and Supervision, and Training paragraphs to produce and report measurements the way that the Use of Force audit does. This process should be led by the new commander of the Audits & Inspections Units, fortuitously the leader of the Force Work Group, until just recently.

The moment is also at hand to revisit content and format of audit reports. Understandably, some of the elements originally selected may be considered for elimination – the Objectives portion for example. Audit reports suffer from strained attempts to cross-walk objectives and paragraphs,

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generally adding confusion to presentations and, most likely, consuming Work Group resources for no observable value added. Reducing requirements to essentials and thereby reducing resource consumption is possible. In this regard, simple information technology applications can also enhance productivity.

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V. CONSENT DECREE IMPLEMENTATION: WORKFORCE PERCEPTIONS, IMPLICATIONS, & RECOMMENDATIONS

Transforming the culture of the VIPD (the organization) and the behavior of VIPD officers with respect to matters of constitutional policing are original overarching goals of the Consent Decree. Among the correlates of successful transformation are the degree to which VIPD commanders and supervisors properly lead, motivate, inform, train, supervise, evaluate, and hold officers accountable in regard to constitutional policing behaviors. These correlates can and should be examined in a number of ways, one being organizational culture analysis. A range of correlates (conditions and factors) have been examined qualitatively by the IMT throughout the course of the monitoring effort. The VIPD audit process has featured quantitative protocols. Still, a number of culture-driven correlates have not been measured or measured routinely up to the current point in time. As a lead-up to a future organizational culture analysis, designed and administered with methodological rigor, the IMT conducted a series of preliminary interviews during the Fourth Quarter of 2014 to test a series of considerations of significance to compliance success and sustainability. We chose to concentrate primarily on first-line/field sergeants and lieutenants because of their pivotal significance in the Consent Decree process, especially unnecessary use-of-force considerations. The work confirmed a range of IMT beliefs and revealed new insights.

The Approach

During December 2014 and January 2015, the IMT interviewed VIPD supervisors and commanders, a total of 23, 9 on St. Thomas and 14 on St. Croix. Scheduling constrained the number of interviews conducted on St. Thomas/St. Johns. Interviews were conducted one-on-one. Confidentiality was pledged to respondents, except for aggregate reporting. A 63-item interview instrument was used. The questions covered-eight general areas:

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Category Title	Number of Questions
Consent Decree	3
Citizen Complaints	15
IA Pro and Blue Team	5
Use of Force Investigations	12
Training	10
Early Intervention Program (EIP)	11
Disciplinary Process	4
Promotions	3

The interview instrument concentrated on processes of core value to the goals of the CD and issues that have proven to be constantly troublesome to compliance. All questions sought the interviewee's opinion or analysis of the current and past situation that a question focused on. Some also asked the respondent to rate the quality or usefulness of a broader area under review. In other cases, such as training delivery, respondents were asked to rate training on a scale of 1 to 5. Most questions were open-ended and respondents were encouraged to elaborate or expand on answers as needed. Some questions were restricted to commanders or managers. A total of 1447 responses are in our database. This data can be sorted and reports tailored to selected criteria of users.

Patterns emerged as the interviews were conducted and validated after. These range from generalized impacts of the new procedures directly related to the Consent Decree to very specific issues such as consistent evaluation of training failing to meet its support requirements. Trends and issues are reported next.

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The Consent Decree. Respondents were asked if they had read the Consent Decree document, what impact they thought the provisions had, and did they have any questions about it. Most stated they had read some portions of it (generally associated with training or a policy). Some have not read it at all. Few had any questions about it and most did not associate Consent Decree provisions and activities and improvements to VIPD operations. What was expressed somewhat consistently is that the Consent Decree is adding workload to what they consider to be an already overloaded day. This was in the context of the Use of Force reporting and Citizen Complaint requirements. They also feel that the Consent Decree has resulted in confusion among officers and a reluctance to take action, fearing that they will be unduly criticized by both citizens (complaints) and the department (IA investigations). Some feel that management uses the Consent Decree against officers selectively.

Responses to this set of questions suggest that the Consent Decree has not been championed by management as a driver of positive change, but perhaps as a necessary obligation. We did not find hostility toward the Consent Decree nor overt opposition at a level that presents difficult challenges to compliance. There is frustration with regard to workload demands and, to a degree, fairness perceptions (absence of fairness). We suggest that the new VIPD administration, led visibly by Commissioner Richards, engage supervisors and commanders to refresh, explain, and recommit field managers to the values and benefits of the Consent Decree. At the same time, the workload/fairness concerns have to be addressed. Some respondents do view the Consent Decree effort as a positive for the future. These officers in particular have to be viewed and employed as "transformational" change agents. The VIPD employs command and control/transactional management and leadership styles and protocols. This being the case, the transformational leadership activities just recommended may not "come easy" for the VIPD.

Citizen Complaints. The Citizen Complaint interviews yielded consistent criticism about the time it takes to process every complaint and the requirement that many complaints that could be resolved at the district level must be forwarded to IAB. Many respondents noted that there are repeat complainers, many who suffer from mental issues, yet each case must be processed. Each

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of these complaints creates a "flag" on officers involved, even if unfounded, a theme to be detailed further in the EIP section.

For both the Citizen Complaint and Use of Force interview sets, there is at least on St. Thomas, a constant complaint that no audio and/or video recording equipment is available to officers and supervisors. Many showed the IMT the equipment that sergeants and others bought in order to comply with policy. While there were similar comments on St. Croix, many stated the equipment had just been issued or the Forensic Unit was used to handle recording. Investigators on St. Croix stated they have equipment (laptops) set up in the interview rooms, while St. Thomas investigators said they did not and none was observed by the interviewers. This is an issue that management needs to address if it seeks compliance with the policy by VIPD personnel.

In discussing zone-level handling of cases, many explained that this was the practice/policy (IMT is not sure which as comments varied prior to the Consent Decree implementation as well as a policy of many other departments. Because most complaints fall into the loosely defined category of "rudeness" and other lower level complaints, most respondents feel they should be coordinated with IAB, but investigated and disposed at the district level. This would continue to create a case number, but would streamline the investigation and clear complaints quicker. They would still be subject to audit and individual approval of the resolution by IAB. The VIPD should at least consider research on this issue as it is a consistent complaint among officers.

Many respondents feel that while initial citizen complaint training was not up to par (lack of practical work and predominately lecture), subsequent training has improved (trainers appear to know more about the process than before), although it still lacks practice of the skills to be learned. They also noted that policy seems to keep changing and they need to comply with new ways of doing business. It is encouraging that some noted that the process has been for the better overall for citizens and that more are now complaining, a sign that they have faith in the VIPD

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process. Some even went so far as to note this as a big change in the VIPD culture, long overdue.

Interviewees expressed dissatisfaction about the alert system as it relates to citizen complaints. They point out that many complaints are on one officer, but there may be two in a vehicle or more than one officer in the area. All names go into the case however and regardless of end resolution (even if it is unfounded), all officers earn a flag in the alert system. Feeling is unanimous that it is unfair to link all together and that the alert process does not discriminate enough. Numerous respondents noted that officers feel reluctant to take action because it is too easy for a citizen to complain. One related as an example that an officer issued a traffic citation and another member of the family would file a complaint. This is complicated because many officers are well known on the Islands.

On transfers, many supervisors note they do not get an alert status report with the transfer and thus they have to research themselves. This information should be a normal part of the transfer package that is sent to the new supervisor. The IAB has told the IMT that it does not have up to date lists of personnel and their assignments and supervisors are not notified when someone is transferred. This seems to indicate a need for the VIPD to review its human resources policies and ensure that up to date staffing charts are maintained and distributed to units that require them. The IMT has been frustrated in its inability to get either an up to date and comprehensive organizational chart or a staffing chart for the VIPD. The new VIPD administration has moved to address this situation.

The interviews surfaced several frustrations that the new leadership of the VIPD might want to discuss with appropriate members of the workforce. Several seem easy to fix, such as the audio/visual equipment issue and the transfer information gap. The investigation-level practice and the Alert System protocol are much more complex and their significance for Consent Decree goals are more profound. Still, we recommend a review. It is important to emphasize that the Citizen Complaint paragraph grouping stands out, comparatively, for successful compliance

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status. Fifteen (15) of seventeen (17) are in Substantial Compliance. The two (2) Not in Compliance are 49i, the "timeliness" subparagraph, and 58, the "underlying problem evaluation" paragraph. The two major concerns expressed by supervisors are pertinent to compliance/absence of compliance.

IAPRO. Achieving and monitoring compliance with the Risk Management and Supervision paragraphs of the Consent Decree (59-68) is predicated upon comprehensive and up-to-date entry of all required IAPRO data elements. Our interviews did not reveal major impediments. The IAPRO questions generally produced positive comments regarding access, where appropriate (commanders generally). When the system is up no one seems to have a problem gaining access. Some stated issues with lost passwords. In a reduced number of instances, newly promoted personnel did not have access and had to call IT to get one. This points to the need to review the promotional and assignment process to ensure these issues are dealt with. In one case, a newly promoted sergeant did not have a laptop assigned to him, so he had no access. In STX, for the most part, they do not upload case files via Blue Team. Rather, they walk them across the street to the IA office. Authorizing a member of the IAB to reset passwords may be a simple solution.

Use of Force. Use of Force questions produced a very broad mix of responses ranging from "things have improved" to complaints that the system "has overloaded the sergeants" and "basic supervisory actions are not getting done." Comments that the process is positive as it now requires that the VIPD do a better job of reporting use of force were common. We also heard a constant litany of observations that officers are reluctant to do their jobs because the Consent Decree and the IA "pounce on them" for every error. Some indications are that cases do not get investigated properly because witnesses change their minds or suspects disappear after arrest and release. Many feel the process is too lengthy and thus resolution is far after the regular case is completed. Some reviewers think the quality of the investigations and paperwork (documentation) has improved over the last year or two. Others mention that supervisors are still failing to respond to the scene in a timely manner or at all. When asked, respondents did not identify any issues with evidence collection or processing. Cases reviewed by commanders do

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not indicate problems with medical attention or documentation. Issues with statements and the quality of the reports were noted. Both the Use of Force and Citizen Complaint interviews produced comments that policies for processing are different on each of the Islands and should be consistent. This, obviously, should not be the case.

Substantial Compliance with the Use of Force paragraph grouping stands at only four (4) of eleven (11). The interviews confirm a host of issues that have lingered for some time, pointed out repetitively by VIPD Audits and IMT Monitoring Reports. These include failure of supervisors to respond to use-of-force incidents in the field, inadequate/unacceptable RRR and related case documentation, and inconsistent procedures (the Two-Districts issue). To us, clarifying and resolving the "not enough sergeants," if indeed there is a work overflow problem for supervisors, is the key to clearing away many of the issues that stand in the way of Use of Force compliance. With sufficient time, supervisors should be able to achieve their Consent Decree responsibilities more effectively. A recently initiated management study, by an independent contractor, may be addressing this issue.

Training. Many interviews produced very negative comments about the initial (basic) training delivered on Use of Force, Citizen Complaints, and EIP. Additional negatives spanned Consent Decree and other training subjects. Rating scores provide information about how well training is directly supportive of the Consent Decree, judged by those trained. The comments also clearly display the crux of the problem. Training classes with physical dimensions and with a high degree of student participation, such as Firearms Simulator and Firearms Qualification and training related to self-defense subjects, were generally rated as 5, with a sprinkling of 4s. Subjects that are more classroom oriented where it appears that a great deal of lecture is used were rated lower, generally 3s, but with a significant number of 2s.

Comments indicate that instructors read from lesson plans and admitted they knew little about the subject being taught. Courses provide little or no opportunities for the student to practice what he/she was just taught, and that follow-on trainings, while showing some signs of

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improvement, still demonstrate a lack of understanding of the adult learning process and do little to support understanding or compliance with the Consent Decree. While not in response to a specific question, comments were made that the VIPD command staff did not appear to be actively championing the Consent Decree, either through the training venue or day to day actions. This all speaks volumes for the need to comprehensively re-assess the content, construction, and delivery of training relative to the Consent Decree, at the same time suggesting a review and renewal would most probably be needed for VIPD training across the board. The results of this area of inquiry produced few surprises. The issues have been catalogued by the IMT repeatedly as principal impediments to compliance.

Remedial Training. Many of the respondents noted that they have used remedial training to correct behavior and resolve complaints. While they have received correspondence that an officer involved did attend, and in some cases a notation that he/she completed the training successfully, there was little further discussion about officer conduct during the training or specific observations of behavior during that training by the training staff. Supervisors would like a little more observational feedback from the training staff to help them continue with officer counseling or training at the unit level. This should contribute to better outcomes with regard to a number of paragraph compliance intents and requirements, no more important than 64f (currently In Compliance). The response to this set of questions also suggests the presence of supervisory commitment and desire to assist and coach staff more productively. This needs to be recognized and built on by VIPD command and management.

EIP. Some of the issues noted during the Early Intervention Program interview portion are continuations from other survey categories, but above all the alert system and its impact on officers was the subject of many comments. While most feel the system is operating to the department's advantage and helps supervisors to manage employees, they also feel it needs corrections to make it more fair. The major complaint is described as arbitrary inclusion of all instances when an officer's name appears in a case report as a flag. This triggers alerts for officers when the number of flags increases, yet in most cases the officers being "alerted" have

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not been the subject of the complaint, or if they were, the complaint is resolved as unfounded or the officer's action justified. Example: Two officers are in a car and one gives traffic citation, while the other has no interaction with the citizen. A citizen complains about the behavior of one officer yet both officers get included in the case and both end up getting flagged. Almost all respondents feel this is unfair and that the system should be modified.

While they are concerned with the way alerts are handled, the system is generally good and an improvement in VIPD operations. Some feel part of the problem is due to upper management that has done little to champion the system and, from the respondents' perspectives, use it against officers. This management behavior appears in other categories also and seems to further indicate at least a need for the more active involvement of management with officers, at roll calls and training, for example, to talk about the Consent Decree, how it works, and how it can improve the VIPD in the long term. Increased engagement, honestly and professionally conducted, should help. The issue of organizational fairness, part of the legitimacy discussion, is very current in policing today. Its potential for Consent Decree success are worth pursuing. If officers believe the EIP Program is fair and management is professionally even-handed, buy-in may be enhanced. Accordingly, we recommend a VIPD dialogue to discuss the Alert System protocols.

Disciplinary Matrix. Also displaying consistency across the interviewee base is a strong dislike for the construction of the current disciplinary matrix and how it is used. Comments range from "throw it out and start over" to "it makes no sense when a serious offense gets a lesser penalty than a less serious offense." Consistently, interviewers feel it is "too harsh." Participants think that management does not administer discipline fairly. They tend to "issue lower penalties or avoid discipline all together" for certain members of the force. They are not opposed they say to fair and impartial discipline based upon a rational matrix. This suggests that the VIPD needs to return to the disciplinary matrix and rethink it from the ground up. The IMT has, in the past, supplied some sample matrixes for VIPD review and can do so again if requested. For the

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record, Paragraph 70 of the Consent Decree, the Disciplinary Matrix, has been given Substantial Compliance status.

Promotional Process. The recent promotional process is another area that receives common criticism, which ranges from the content of the exam to the final announcement of the scores and subsequent promotions from the list. From the comments it appears that the process may not have been sufficiently thought out, may not have followed question development based on VIPD operations and policy, did not seem to indicate a validation process that centered on both construct and content validity. It was often described as a "standard, off the shelf test from the mainland." Other issues raised included limited availability of study material (one set of books for a district for 60 days before the test), inability of officers to review the test and their scores (not allowed by VIPD management), the length of time it took to release the scores, over six months. Some stated they knew for sure that the scores had been sent by the mainland contractor to VIPD HR within two weeks. Some feel that the promotions made from the list reflected inside preference. Finally, many feel the test does not select out the best candidates for promotion but rather "the ones who do well on test." In summary, the process is considered a failure (one subject rated it a "zero") that has done little to either instill confidence among supervisory or mid-management personnel in process or in the command staff. While promotions are not directly keyed to the Consent Decree, they do impact morale and professional development, both of which have a direct impact on compliance with the Consent Decree.

Preponderance of Evidence. There is wide spread disparity in respondents' ability to articulate a definition for "preponderance of evidence" as used in administrative (civil) hearings and case investigation. When prompted, many were able to respond with "50+1" but were, in many cases, unable to describe its application. A similar disparity of understanding or identification of legal concepts surfaced from questions regarding the classroom training on the decision to utilize deadly force compared to the simulator training environment. This possible disconnect between the two, as well as with the concept, is at the heart of an IMT request last fall for the department to investigate whether such a disconnect does exist or has existed. To date, the IMT has not

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received the results of that inquiry. The comments from the survey respondents suggest that such an inquiry should be conducted by the VIPD Audit and Inspection Unit.

Implications & Recommendations.

The degree to which the perceptions of those interviewed represent factual and objectively provable realities in the VIPD environment and which they do not is important. Equally important are the perceptions themselves. They have consequences for how the VIPD's supervisory cadre commits to and conducts Consent Decree values and operations. Management reaction to the perceptions is critical going forward. It would be most wise for the new leadership of the VIPD to consider the perceptions as realities to those who hold them and to react appropriately and dispassionately where and when to do so is likely to accelerate compliance and construct a cultural/organizational environment for compliance sustainability in the future. Reacting litigiously would be self-defeating, culturally.

IMT culture analysis efforts have only just begun. While still preliminary, we were not surprised by anything encountered during our first set of interviews, but did come away with better insight in several areas. We feel very pleased to have engaged this pivotal cadre of stakeholders and give them a voice in the measurement and assessment process. We appreciate their candor.

Several observations stand out. We did not sense fundamental hostility toward the Consent Decree purposes and requirements. There are, to be sure, a range of frustrations and irritations and a cluster of what we call "cultural dissatisfiers," perceptions/realities that absolutely must be addressed in some manner. These include fairness considerations including the Disciplinary Matrix construction and application and the Alert System protocols. Beyond fairness, results of discipline efforts and number of alerts are measures of VIPD performance and behavior, including quality of policing delivered to the community. Absence of immediate alterations to these dissatisfies would constitute an opportunity lost for Consent Decree compliance.

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Absolutely central to compliance progress and sustainability are the resource issues – the workload and "we don't have enough sergeants" concerns of supervisors. These questions have to be answered. We are encouraged that the Territory is contracting with a consulting firm to get the answers.

Having said this much, the IMT urges the Commissioner and his staff to consider the following actions for priority attention:

- Engage supervisors in an examination of their primary concerns.
- Concentrate mutual attention on the primary dissatisfiers, the disciplinary process, including the Matrix, the Alert System, and citizen complaint "repeaters."
- Get the answers to the "how many sergeants" question.
- Continue to professionalize training practices.

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APPENDICES

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<u>Paragraph</u> 031	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u> 11/06/2013
<u>Group</u> USE OF FORCE POLICIES			<u>Group Code</u> 1
<u>CD Wording</u>			

The VIPD will review and revise its use of force policies as necessary to:

- a. define terms clearly;
- b. define force as that term is defined in this Agreement;
- c. incorporate a use of force model that teaches disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units as appropriate responses to a situation;
- d. advise that, whenever possible, individuals should be allowed to submit to arrest before force is used;
- e. reinforce that the use of excessive force will subject officers to discipline, possible criminal prosecution, and/or civil liability;
- f. ensure that sufficient less lethal alternatives are available to all patrol officers; and
- g. explicitly prohibit the use of choke holds and similar carotid holds except where deadly force is authorized.

Once the DOJ has reviewed and approved these policies, the VIPD shall immediately implement any revisions.

Activity/Comments

IMT takes note that the newly installed administration has taken the initiative to expedite required reviews of all policy, with IMT and DOJ being afforded review opportunity. IMT continues to monitor the current Policy Committee's efforts at timely review of all CD related policies and provides technical assistance as requested.

Sub-Paragraph Detail

<u>Sub-Para</u> a	<u>Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
<u>Compliance Reqmts</u>	Definitions of all force terms are consistent with the Consent Decree, applicable law, and generally accepted police practices. The issuance of the policy and its continuation indicate substantial compliance.	
<u>Sub-Para</u> b	<u>Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
<u>Compliance Reqmts</u>	Definition of "force" comports with 21 of the Consent Decree. The issuance of the policy and its continuation indicate substantial compliance.	
<u>Sub-Para</u> c	<u>Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
<u>Compliance Reqmts</u>	Incorporates a use of force model that teaches disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units as appropriate responses to a situation. The issuance of the policy and its continuation indicate substantial compliance.	
<u>Sub-Para</u> d	<u>Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
<u>Compliance Reqmts</u>	Advises that, whenever possible, individuals should be allowed to submit to arrest before force is used. The issuance of the policy and its continuation indicate substantial compliance.	
<u>Sub-Para</u> e	<u>Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
<u>Compliance Reqmts</u>	Reinforces that the use of excessive force will subject officers to discipline, possible criminal prosecution, and/or civil liability. The issuance of the policy and its continuation indicate substantial compliance.	
<u>Sub-Para</u> f	<u>Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
<u>Compliance Reqmts</u>	Ensures that sufficient less lethal alternatives are available to all patrol officers. The issuance of the policy and its continuation indicate substantial compliance.	

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<u>Sub-Para</u>	<u>g</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Compliance Reqmts</u>	Explicitly prohibits the use of choke holds and similar carotid holds except where deadly force is authorized. The issuance of the policy and its continuation indicate substantial compliance.				
<u>Sub-Para</u>	<u>h</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Compliance Reqmts</u>	VIPD satisfies all of the above requirements of 31(a-g) as provided in the "Definition of Substantial Compliance".				
End of Paragraph <u>031</u>					
<u>Paragraph</u>	<u>039</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Group</u>	EVALUATION, DOCUMENTATION, AND REVIEW OF U				<u>Group Code</u> 1
CD Wording					
VIPD shall complete development of a Use of Firearms policy that complies with applicable law and professional standards. The policy shall prohibit officers from possessing or using unauthorized firearms or ammunition and shall inform officers that any such use may subject them to disciplinary action. The policy shall establish a single, uniform reporting system for all firearms discharges. The policy shall prohibit officers from obtaining service ammunition from any source except through official channels, and shall specify the number of rounds VIPD authorizes its officers to carry. The policy will continue to require that all discharges of firearms by officers on or off-duty, including unintentional discharges, be reported and investigated.					
<u>Activity/Comments</u>					
<i>The IMT, through case reviews and spot checks of IAPro, monitors the VIPD continued compliance with this paragraph. In those cases where issues have arisen such as improper ammunition, the VIPD has taken appropriate action as part of the case resolution. Random case reviews confirm continued compliance with this paragraph.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	<u>a</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Compliance Reqmts</u>	The VIPD Use of Firearms policy will comply with applicable law and current professional standards, will be approved by DOJ, and is distributed to sworn personnel and applicable civilian employees.				
<u>Sub-Para</u>	<u>b</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Compliance Reqmts</u>	=>99% of sworn personnel do not possess or use unauthorized firearms or ammunition. In =>99% of the cases where an officer is found to be in possession of unauthorized firearms or ammunition, there is evidence that an investigation was conducted and appropriate corrective action was taken which includes bringing the officer's conduct into compliance with the VIPD firearms policy.				
<u>Sub-Para</u>	<u>c</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Compliance Reqmts</u>	=>99% of the firearm discharges are documented on a RRR.				
<u>Sub-Para</u>	<u>d</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Compliance Reqmts</u>	=99% of the service ammunition obtained and used by officers is obtained through official VIPD channels.				
<u>Sub-Para</u>	<u>e</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Compliance Reqmts</u>	See c, above				
<u>Sub-Para</u>	<u>f</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	11/06/2013
<u>Compliance Reqmts</u>	=>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for the Use of Firearms policy and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage				

IMT-Rpt: para_stat_SC_NA V2-050515 The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 2 of 26

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of the proficiency test(s) and passed the proficiency test(s); or
Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.

Sub-Paragraph g Status Substantial Compliance SC Date 11/06/2013

Compliance Reqmts =>95% of sworn personnel displayed knowledge and proficiency in the use of firearms, as evidenced by compliance with the policy requirements and disciplinary action against the sworn personnel.

End of Paragraph 039

Paragraph 040 Paragraph Status Substantial Compliance SC Date 11/06/2013

Group EVALUATION, DOCUMENTATION, AND REVIEW OF U Group Code 1

CD Wording

The VIPD shall revise its policies regarding off-duty officers taking police action to

a. provide that off-duty officers shall notify on-duty VIPD or local law enforcement officers before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem,

b. provide that, if it appears the officer has consumed alcohol or is otherwise impaired, the officer shall submit to field sobriety breathalyzer and/or blood tests.

Activity/Comments

The IMT monitors this paragraph through review of completed IAB case files and spot checks of remedial action retraining as recorded in Power DMS. While not all remedial training has been recorded, the paper case files indicate both referral and notification of attendance by VIPD personnel. The VIPD continues to focus on this issue and is putting in place both further controls and documentation processes to improve and continue compliance.

Sub-Paragraph Detail

Sub-Paragraph a Status Substantial Compliance SC Date 11/06/2013

Compliance Reqmts In =>85% of reported incidents involving off-duty officers taking police action, the off-duty officer's conduct comports with policies regarding off-duty officers taking police action and 31(a)-(g) of the Consent Decree

Sub-Paragraph b Status Substantial Compliance SC Date 11/06/2013

Compliance Reqmts In =>90% of the incidents where an off-duty officer taking police action appeared to have consumed alcohol, the off-duty officer submitted to field sobriety, breathalyzer, and/or blood tests.

Sub-Paragraph c Status Substantial Compliance SC Date 11/06/2013

Compliance Reqmts Obtained DOJ approval of use of force policy on off-duty officers taking police action. Approved policies are distributed to sworn personnel and applicable civilian employees.

Sub-Paragraph d Status Substantial Compliance SC Date 11/06/2013

Compliance Reqmts =>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new or revised policy regarding off-duty officers taking police action and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test and passed the proficiency test(s); or
Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.

IMT-Rpt: para_stat_SC_NA
V2-050515

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 3 of 26

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End of Paragraph 040

<u>Paragraph</u> 041	<u>Paragraph Status</u> Substantial Compliance	<u>SC Date</u> 08/27/2014
<u>Group</u> EVALUATION, DOCUMENTATION, AND REVIEW OF U		<u>Group Code</u> 1

CD Wording

The VIPD shall continue to provide an intermediate force device, which is between chemical spray and firearms on the force continuum, that can be carried by officers at all times while on-duty. The VIPD shall continue its policy regarding the intermediate force device, incorporate the intermediate force device into the force continuum and train all officers in its use on an annual basis.

Activity/Comments

IMT monitors continued compliance with this paragraph through case review and spot checks of data recorded in Power DMS regarding remedial training records. The recent change in leadership within the Training Division has increased focus on Power DMS data entry and usage.

Sub-Paragraph Detail

<u>Sub-Para</u> a	<u>Status</u> Substantial Compliance	<u>SC Date</u> 08/27/2014
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Compliance Reqmts =>95% of patrol and other applicable officers carry an intermediate force device at all times while on-duty.

<u>Sub-Para</u> b	<u>Status</u> Substantial Compliance	<u>SC Date</u> 08/25/2014
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Compliance Reqmts =>95% of sworn personnel display knowledge and proficiency on using intermediate force devices, as evidenced by compliance with the policy requirements..

<u>Sub-Para</u> c	<u>Status</u> Substantial Compliance	<u>SC Date</u> 08/27/2014
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Compliance Reqmts =>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new or revised policy related to intermediate force devices and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or
Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.

End of Paragraph 041

<u>Paragraph</u> 042	<u>Paragraph Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
<u>Group</u> CITIZEN COMPLAINT PROCESS		<u>Group Code</u> 2

CD Wording

The VIPD will develop and implement a program to inform persons that they may file complaints regarding the performance of any officer. This program will include distribution of complaint forms, fact sheets, informational posters, and public service announcements that describe the citizen complaint process.

Activity/Comments

IMT monitors this paragraph through VIPD forwarding of inventory spot checks as well physical checks by IMT personnel while in police facilities. The recent interviews of supervisory and command personnel supported the reported inventory actions.

Sub-Paragraph Detail

<u>Sub-Para</u> a	<u>Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
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Compliance Reqmts The VIPD will develop and implement a program to inform persons that they may file complaints regarding the performance of officers.

<u>Sub-Para</u> b	<u>Status</u> Substantial Compliance	<u>SC Date</u> 11/06/2013
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Compliance Reqmts In =>80% of VIPD facilities, vehicles, and governmental properties such as VIPD

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district stations, libraries, the internet and upon request, to community groups and community centers, complaint information brochures and forms are available
End of Paragraph **042**

Paragraph 043	Paragraph Status <u>Substantial Compliance</u>	SC Date 05/23/2014
Group CITIZEN COMPLAINT PROCESS		Group Code 2
CD Wording		

The VIPD will make complaint forms and informational materials available at government properties such as VIPD district stations, substations, mobile substations, libraries, the Internet, and, upon request, to community groups and community centers. At each VIPD district station, substation, and mobile substation, the VIPD will permanently post a placard describing the complaint process and include the relevant phone numbers. These placards shall be displayed in both English and Spanish, and where deemed necessary, in French or French Patois, to account for diversity in the VI population. The VIPD will require all officers to carry informational brochures and complaint forms, in English and Spanish, and where deemed necessary, in French or French Patois, in their vehicles at all times while on duty. If a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.

Activity/Comments

IMT has monitored this activity as recently as December and January when IMT personnel were able to visit police facilities and personally observe the placards on display. Further the recent interviews of supervisory and command personnel back up VIPD reporting that VIPD personnel do in fact carry adequate supplies of complaint forms in department vehicles. IMT makes spot checks of facilities and vehicles on every monitoring trip to the VI.

Sub-Paragraph Detail

Sub-Para a	Status <u>Substantial Compliance</u>	SC Date 05/23/2014
Compliance Reqmts	In =>80% of the VIPD facilities, vehicles, and government properties, complaint information brochures and forms are available.	
Sub-Para b	Status <u>Substantial Compliance</u>	SC Date 05/23/2014
Compliance Reqmts	In =>80% of VIPD district stations, substation, and mobile stations, a placard is displayed describing the complaint process, including relevant phone numbers.	
Sub-Para c	Status <u>Substantial Compliance</u>	SC Date 05/23/2014
Compliance Reqmts	In =>80% of the previously noted loations, the posted placards will be deisplayed in both English and Spanish, and where deemed necessary in French or French Patois, to account for diversity in the VI population.	
Sub-Para d	Status <u>Substantial Compliance</u>	SC Date 05/23/2014
Compliance Reqmts	In =>80% of officers carry the informational brochures and complaint forms with them at all times while on-duty.	
Sub-Para e	Status <u>Substantial Compliance</u>	SC Date 05/23/2014
Compliance Reqmts	In =>80% of the instances, where a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.	

End of Paragraph **043**

IMT-Rpt: para_stat_SC_NA
V2-050515

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 5 of 26

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<u>Paragraph</u>	<u>045</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	05/23/2014
<u>Group</u>	CITIZEN COMPLAINT PROCESS				<u>Group Code</u> 2
CD Wording					
Copies of all allegations of misconduct against the VIPD filed with the Zone Commands will be referred to Internal Affairs Unit ("IAU") within five business days.					
<u>Activity/Comments</u>					
<i>IMT monitors compliance with this paragraph by reviewing completed IAB case files, spot checks within IAPro, and on-site interviews with VIPD personnel. VIPD auditing of this paragraph is also used as part of the monitoring profile.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	05/23/2014
<u>Compliance Reqmts</u>	=>90% of the allegations filed at Zone or unit facilities are forwarded to IAU. =>90% of the allegations filed at the Zone or unit facilities are received at IAU within 5 business days.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	05/23/2014
<u>Compliance Reqmts</u>	=>90% of the allegations filed at the Zone or unit facilities are received at IAU within 5 business days.				
End of Paragraph <u>045</u>					
<u>Paragraph</u>	<u>046</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/15/2014
<u>Group</u>	CITIZEN COMPLAINT PROCESS				<u>Group Code</u> 2
CD Wording					
Complaints will be evaluated based on a preponderance of the evidence standard, for which the Territory will develop and implement appropriate training.					
<u>Activity/Comments</u>					
<i>IMT monitors this paragraph through case file review, lesson plan review, and training testing reports. The VIPD audit this through similar means. Indications are that VIPD makes all possible effort to assure all personnel have been trained on this subject, both initially and refresher, however recent anecdotal interviews seem indicate a need for VIPD increased attention to training delivery in this area in order to reinforce preponderance of evidence concepts.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/15/2014
<u>Compliance Reqmts</u>	=>90% of completed investigations into complaints/allegations of misconduct include a substantive analysis and assessment of the evidence, and a finding that is based upon the preponderance of evidence standard.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/15/2014
<u>Compliance Reqmts</u>	=>95% of sworn personnel have either: (a) attended and successfully completed training on the preponderance of the evidence standard and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.				
<u>Sub-Para</u>	c	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/15/2014
<u>Compliance Reqmts</u>	All training on the preponderance of the evidence comports with the requirements of the Consent Decree, and is taught from curricula/lesson plans that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been				

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reviewed by legal counsel.

End of Paragraph **046**

Paragraph 047	Paragraph Status <u>Substantial Compliance</u>	SC Date 11/06/2013
Group CITIZEN COMPLAINT PROCESS		Group Code 2
CD Wording		

The VIPD will explicitly prohibit from investigating an incident any officer who used force during the incident, whose conduct led to the injury to a person, or who authorized the conduct that led to these reportable incidents.

Activity/Comments

IMT monitors compliance through IAB case review and has not discovered a lack of compliance with this paragraph's standard. Supervisory personnel appear to be doing a good job ensuring that the investigations are not compromised by violations of this requirement.

Sub-Paragraph Detail

Sub-Para a	Status <u>Substantial Compliance</u>	SC Date 11/06/2013
Compliance Reqmts	In =>90% of the reportable use of force incidents, the investigating supervisor had no involvement in the incident (i.e., he /she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize conduct leading to the use of force incident).	

End of Paragraph **047**

Paragraph 048	Paragraph Status <u>Substantial Compliance</u>	SC Date 04/01/2014
Group CITIZEN COMPLAINT PROCESS		Group Code 2
CD Wording		

The VIPD will investigate every citizen complaint. The VIPD will establish a clear policy and procedure regarding the intake of any complaint, including anonymous and confidential complaints, against a VIPD officer. This policy and these procedures will include instructions to an officer for taking a complaint and prompt delivery to a supervisor.

Activity/Comments

IMT monitors compliance with this paragraph through review of training records, one on one interviews, and IAB case reviews.

Sub-Paragraph Detail

Sub-Para a	Status <u>Substantial Compliance</u>	SC Date 04/01/2014
Compliance Reqmts	For =>90% of the complaints lodged and recorded, a file documents the actions taken by VIPD in response to the complaint.	
Sub-Para b	Status <u>Substantial Compliance</u>	SC Date 04/01/2014
Compliance Reqmts	Obtained DOJ approval of a policy and procedure for the intake of complaints.	
Sub-Para c	Status <u>Substantial Compliance</u>	SC Date 04/01/2014
Compliance Reqmts	=>90% of the documented complaints are promptly delivered to a supervisor.	
Sub-Para d	Status <u>Substantial Compliance</u>	SC Date 04/01/2014
Compliance Reqmts	=>95% of all sworn personnel and applicable civilian employees have been trained and demonstrated the required proficiency on the complaint intake policy and comports with the Consent Decree, including 44 and 48.	

End of Paragraph **048**

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<u>Paragraph</u>	<u>049</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	<u>06/15/2014</u>
<u>Group</u>	<u>CITIZEN COMPLAINT PROCESS</u>				<u>Group Code</u> 2
<u>CD Wording</u>					
The VIPD will institute a centralized numbering and tracking system for all complaints, and each complaint will receive a tracking number as quickly as possible. The IAU will be designated as the primary and centralized agency to determine whether the investigation will be assigned to zone (one of the seven zones located throughout the Virgin Islands), retained by the IAU, or referred for possible criminal investigation. If the IAU refers a complaint to a zone, copies of all documents, findings, and recommendations should be immediately forwarded to the IAU for tracking and monitoring. For complaints alleging the excessive use of force or violation of a person's constitutional rights, the Police Commissioner should be notified no less than twenty-four hours after receipt of a complaint.					
<u>Activity/Comments</u>					
<i>IMT monitors compliance by review of the IAPro database, initially at both STT and STX, but now remotely from their home offices, to ensure adequate access. Runs are made to see who has been logging into the database and thus who has access. Visits to both IAB locations has validated agent access and organizational operations. The IAPro database remains the main investigative database, as per the paragraph standard, however as the system has matured, supplemental files have been created to support the main database, such as records of K-9 deployment to cross check against use of force reporting.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	<u>06/15/2014</u>
<u>Compliance Reqmts</u>	Established a separate IAPro database for the STT/STJ and STX Districts such that: (1) each database will be accessible from each District; (2) IAU agents in each District will have access to their respective databases; (3) the Director of IAU, Assistant Director of IAU, and EIP Coordinator will have access to both databases; (4) each complaint will receive a unique tracking number, with an STT extension for the St. Thomas/St. John District and an STX extension for the St. Croix District, so that no two complaints will have the same number within or between databases; (5) information in each database will be organized by District, and can be sorted by officer; and (6) if an officer transfers from one District to another, his/her information will be transferred to the new District's database.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	<u>08/15/2014</u>
<u>Compliance Reqmts</u>	=>90% of allegations brought to the attention of the VIPD are assigned a unique identifier.				
<u>Sub-Para</u>	c	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	<u>06/15/2014</u>
<u>Compliance Reqmts</u>	In =>90% of the complaints that the IAU refers to a Zone, copies of all documents, findings and recommendations are forwarded to the IAU as needed or at completion.				
<u>Sub-Para</u>	d	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	<u>06/15/2014</u>
<u>Compliance Reqmts</u>	=>95% of complaints alleging excessive use of force or a civil rights violation are reported to the Police Commissioner within 24 hours of receiving the complaint				
<u>Sub-Para</u>	e	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	<u>06/15/2014</u>
<u>Compliance Reqmts</u>	For =>90% of the investigations, evidence exists that IAU adequately tracked and monitored the complaint.				
End of Paragraph <u>049</u>					

IMT-Rpt: para_stat_SC_NA
V2-050515

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 8 of 26

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<u>Paragraph</u>	<u>050</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Group</u>	CITIZEN COMPLAINT PROCESS				<u>Group Code</u> 2
CD Wording					
The VIPD will adopt a single policy concerning the investigation of misconduct complaints, regardless of whether the investigation is conducted by the IAU or a zone.					
<u>Activity/Comments</u>					
<i>IMT monitors compliance with this paragraph by monitoring the current policy and all revisions proposed. IMT also monitors through review of cases via IAPro system and individual case review.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	Obtained DOJ approval of a policy concerning the investigation of misconduct complaints.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	=>95% of sworn personnel and applicable civilian employees have either: (a) attended and successfully completed the initial in-service training for each new or revised policy concerning the investigation of misconduct complaints and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel and applicable civilian employees have not successfully completed the required training and passed the proficiency test(s), the sworn personnel and applicable civilian employees have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel and applicable civilian employees have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel and applicable civilian employees.				
<u>Sub-Para</u>	c	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	=>90% of sworn personnel display knowledge and proficiency of investigating misconduct complaints, as evidenced by compliance with the policy requirements				
<u>Sub-Para</u>	d	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	All training on investigating misconduct complaints comports with the requirements of the Consent Decree, and is taught from curricula/lesson plans that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel.				
<u>Sub-Para</u>	e	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	=>90% of completed investigations into complaints of misconduct are in compliance with the provisions of the Consent Decree.				
End of Paragraph <u>050</u>					

IMT-Rpt: para_stat_SC_NA
V2-050515

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 9 of 26

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<u>Paragraph</u>	<u>051</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	<u>08/26/2014</u>
<u>Group</u>	CITIZEN COMPLAINT PROCESS				<u>Group Code</u> 2
CD Wording					
The VIPD will establish policies and procedures and train all of its investigators on the factors to consider when evaluating complainant or witness credibility; examination and interrogation of accused officers and other witnesses; identifying misconduct even if it is not specifically named in the complaint; and using the preponderance of the evidence standard as the appropriate burden of proof. VIPD investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident. The policy will require that all interviews be mechanically recorded using an audio or video tape.					
<u>Activity/Comments</u>					
<i>IMT monitors this paragraph through review of training records and curriculum. IMT has also been assisting the department with improvements to training program development and evaluations. While not out of compliance with the standards prescribed, efforts are under way to increase the quality of the various training programs.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014
<u>Compliance Reqmts</u>	Policies are developed, implemented, and distributed to VIPD investigators.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014
<u>Compliance Reqmts</u>	In =>90% of the cases that VIPD investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident. 08/28/2014- Changed by AM based on discussions with IAB				
<u>Sub-Para</u>	c	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014
<u>Compliance Reqmts</u>	=>90% of all interviews related to a complaint of misconduct will be mechanically recorded using an audio or video tape.				
<u>Sub-Para</u>	d	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014
<u>Compliance Reqmts</u>	=>95% of all investigators and probationary officers have either: (a) attended and successfully completed the initial in-service training concerning the components identified in 51 of the Consent Decree and demonstrated proficiency through a proficiency test(s); or (b) if investigators and probationary officers have not successfully completed the required training and passed proficiency test(s), investigators and probationary officers have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where investigators and probationary officers have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the investigators and probationary officers.				
<u>Sub-Para</u>	e	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014
<u>Compliance Reqmts</u>	All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel.				
<u>Sub-Para</u>	f	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014
<u>Compliance Reqmts</u>	=>90% of completed investigations into complaints of misconduct include a documented and substantive analysis and assessment of the evidence, and a finding that is based upon the preponderance of evidence standard.				

IMT-Rpt: para_stat_SC_NA
V2-050515

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Sub-Para g Status Substantial Compliance SC Date 08/26/2014
Compliance Reqmts In =>90% of the incidents giving rise of allegations of misconduct, all officers on the scene provided a statement regarding the incident.

End of Paragraph 051

Paragraph 052 Paragraph Status Substantial Compliance SC Date 12/18/2013
Group CITIZEN COMPLAINT PROCESS Group Code 2
CD Wording

The policy will require that the investigative findings include whether: 1) the police action was in compliance with policy, training and legal standards, regardless of whether the complainant suffered harm; 2) the incident involved misconduct by any officer; 3) the use of different tactics should or could have been employed; 4) the incident indicates a need for additional training, counseling or other non-disciplinary corrective measures; and 5) the incident suggests that the VIPD should revise its policies, training, or tactics.

Activity/Comments

IMT uses the same monitoring points here as in paragraph 51.

Sub-Paragraph Detail

Sub-Para a Status Substantial Compliance SC Date 12/18/2013
Compliance Reqmts The VIPD policy formalizes a process for review of all uses of force that ensures the consideration of and documentation of all of the findings identified in 52 and that =>90 % of all use of force investigations includes documented findings of all of the considerations required by 52.

Sub-Para b Status Substantial Compliance SC Date 12/18/2013
Compliance Reqmts =>95% of all supervisors have either:
(a) attended and successfully completed the initial in-service training related to this policy and demonstrated proficiency through proficiency tests; or
(b) if supervisors have not successfully completed the required training and passed the proficiency tests, supervisors have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or
Where supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisors.

Sub-Para c Status Substantial Compliance SC Date 12/18/2013
Compliance Reqmts All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that:
(a) follow a standard format;
(b) identify training objectives;
(c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and
(d) indicate that it has been reviewed by legal counsel.

End of Paragraph 052

IMT-Rpt: para_stat_SC_NA
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Paragraph 053 Paragraph Status Substantial Compliance SC Date 12/18/2013

Group CITIZEN COMPLAINT PROCESS Group Code 2

CD Wording

The policy will provide clear guidance to all investigators regarding the procedures for handling criminal misconduct allegations, referring them to the Virgin Islands Attorney General's Office or other appropriate agency for possible criminal prosecution, and the entity or individual who should make the determination of whether the complaint should be investigated criminally. The policy will be revised to require the completion of an administrative investigation, irrespective of the initiation or outcome of criminal proceedings.

Activity/Comments

IMT has worked with the VIAG, VIPD IAB, and Training Division to monitor the requirements of this paragraph. Continued interaction with the VIAG office took place during the 1Q2015 reporting period.

Sub-Paragraph Detail

Sub-Para a Status Substantial Compliance SC Date 12/18/2013

Compliance Reqmts In collaboration with the Virgin Islands Attorney General's Office, the VIPD has issued a policy that provides clear guidance on how to handle allegations of criminal misconduct by sworn personnel and applicable civilian employees and includes the elements of 53.

Sub-Para b Status NA SC Date 12/18/2013

Compliance Reqmts In =>90% of investigations involving criminal investigations that are referred to the Attorney General's Office or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.
Moved above to para 100
replace here with
Revised policy completed.

Sub-Para c Status Substantial Compliance SC Date 12/18/2013

Compliance Reqmts =>95% of all supervisors have either: (a) attended and successfully completed the initial in-service training related to this policy and demonstrated proficiency through proficiency test(s); or (b) if supervisors have not successfully completed the required training and passed the proficiency tests, supervisors have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or

Where supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisor.

Sub-Para d Status Substantial Compliance SC Date 12/18/2013

Compliance Reqmts All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that:
(a) follow a standard format;
(b) identify training objectives;
(c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and
(d) indicate that it has been reviewed by legal counsel.

End of Paragraph 053

IMT-Rpt: para_stat_SC_NA V2-050515 The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 12 of 26

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<u>Paragraph</u>	<u>054</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014	
<u>Group</u>	CITIZEN COMPLAINT PROCESS				<u>Group Code</u>	2
CD Wording						
In each investigation, the VIPD will consider all relevant evidence including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations, if feasible. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will the VIPD completely disregard a witness' statement merely because the witness has some connection to the complainant. The VIPD will make efforts to resolve material inconsistencies between witness statements.						
<u>Activity/Comments</u>						
<i>IMT monitors this paragraph through review of completed cases, training records of VIPD personnel, and training curriculum review.</i>						
<u>Sub-Paragraph Detail</u>						
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014	
<u>Compliance Reqmts</u>	The VIPD has developed a process for ensuring that supervisors are aware of and have been trained on ways to resolve material inconsistencies between witness statements.					
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014	
<u>Compliance Reqmts</u>	In =>90% of completed investigations, there is documented evidence that a supervisor did not give an automatic preference for an officer's statement over a non-officer's statement.					
<u>Sub-Para</u>	c	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014	
<u>Compliance Reqmts</u>	In =>95% of completed investigations, reasonable efforts are made to resolve any inconsistencies.					
End of Paragraph <u>054</u>						

<u>Paragraph</u>	<u>055</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/22/2014
<u>Group</u>	CITIZEN COMPLAINT PROCESS				<u>Group Code</u> 2
CD Wording					
During an investigation, all relevant police activity, including each use of force (i.e., not just the type of force complained about) will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident. The VIPD will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury or the complainant will not provide additional statements or written statements; rather, the investigating agency will continue its investigation as necessary to determine whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence of whether a VIPD officer used or did not use a type of force, nor will it justify discontinuing the investigation.					
<u>Activity/Comments</u>					
<i>IMT monitors compliance by reviewing completed IAB case files. With regard to the follow through of investigations, even after a complainant withdraw the complaint or witnesses are unavailable, IMT notes that the VIPD does attempt to finish these cases to the best of their ability despite the absence of the resources.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014
<u>Compliance Reqmts</u>	In =>90% of investigations, there is documented evidence that all misconduct revealed by the investigation, whether part of the initial allegation or discovered during the investigation, has been reasonably investigated and addressed.				

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<u>Sub-Para</u>	<u>b</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	09/27/2014	
<u>Compliance Reqmts</u>	In =>90% of completed investigations, the investigative reports include documentation that the supervisor has evaluated any searches or seizures that occurred during the incident.					
<u>Sub-Para</u>	<u>c</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014	
<u>Compliance Reqmts</u>	In =>90% of completed investigations, a supervisor has ensured the continuation of every investigation - even when the complaint is withdrawn, or the alleged victim is unwilling or unable to provide medical records or proof of injury, or the complainant will not provide additional statements or written statements - until the VIPD has determined whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available.					
<u>Sub-Para</u>	<u>d</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014	
<u>Compliance Reqmts</u>	In =>90% of completed investigations, a supervisor has not considered the fact that a complainant pled guilty or was found guilty of an offense as evidence of whether a VIPD officer used or did not use a type of force, or as a justification for discontinuing the investigation.					
<u>Sub-Para</u>	<u>e</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014	
<u>Compliance Reqmts</u>	In =>90% of completed investigations, the elements identified in paragraph 55 of the Consent Decree have been considered, analyzed and documented.					
End of Paragraph <u>055</u>						
<u>Paragraph</u>	<u>056</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014	
<u>Group</u>	CITIZEN COMPLAINT PROCESS				<u>Group Code</u>	2
CD Wording						
The complainant will be periodically kept informed regarding the status of the investigation. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.						
<u>Activity/Comments</u>						
<i>IMT monitors compliance by review of completed IAB case files and all have been shown to be resolved or disposed of in accordance with the standard and VIPD policy.</i>						
<u>Sub-Paragraph Detail</u>						
<u>Sub-Para</u>	<u>a</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014	
<u>Compliance Reqmts</u>	In =>90% the complainant will be periodically kept informed regarding the status of the investigation.					
<u>Sub-Para</u>	<u>b</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014	
<u>Compliance Reqmts</u>	In =>90% of the cases, upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.					
<u>Sub-Para</u>	<u>c</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/26/2014	
<u>Compliance Reqmts</u>	=>90% of investigations have been resolved by making one of the dispositions identified in 57 of the Consent Decree.					
End of Paragraph <u>056</u>						

IMT-Rpt: para_stat_SC_NA
V2-050515

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 14 of 26

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<u>Paragraph</u>	<u>057</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	10/13/2013
<u>Group</u>	CITIZEN COMPLAINT PROCESS			<u>Group Code</u>	2
CD Wording					

Each allegation in an investigation will be resolved by making one of the following dispositions:
 "Unfounded," where the investigation determines, by a preponderance of the evidence, that no facts to support that the incident complained of actually occurred;
 "Sustained," where the investigation determines, by a preponderance of the evidence, that the person's allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper;
 "Not Sustained," where the investigation determines, by a preponderance of the evidence, that there are insufficient facts to decide whether the alleged misconduct occurred; and
 "Exonerated," where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate VIPD policies, procedures, or training.

Activity/Comments

IMT monitors compliance with this paragraph through review of IAB completed case files and spot checks of the IAPro database. While some cases take longer than needed to complete, they are resolved using one of the authorized dispositions.

Sub-Paragraph Detail

<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	10/13/2013
<u>Compliance Reqmts</u>	>90% of investigations have been resolved by making one of the dispositions identified in 57 of the Consent Decree.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	10/13/2013
<u>Compliance Reqmts</u>	See 57				
<u>Sub-Para</u>	c	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	10/13/2013
<u>Compliance Reqmts</u>	See 57				
<u>Sub-Para</u>	d	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	10/13/2013
<u>Compliance Reqmts</u>	See 57				

End of Paragraph 057

<u>Paragraph</u>	<u>061</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014	
<u>Group</u>	MANAGEMENT AND SUPERVISION				<u>Group Code</u>	3
CD Wording						

The new risk management system will include, for the incidents included in the database, appropriate identifying information for each involved officer (e.g., name, badge number, shift and supervisor) and civilian (e.g., race, ethnicity or national origin, if available).

Activity/Comments

IMT monitors compliance of this paragraph through both review of completed IAB case files and actual review of the IAPro database.

Sub-Paragraph Detail

<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014
<u>Compliance Reqmts</u>	VIPD has established a uniform method of identifying sworn personnel to ensure accurate identification and tracking of all employee conduct. =>95% of the incidents included in the database, the name and unique identifier for each involved officer has been entered with a reasonable level of accuracy and completeness.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014

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Compliance Reqmts VIPD has established a uniform method of identifying applicable civilian employees to ensure accurate identification and tracking of all employee conduct and in =>95% of the incidents included in the database, the appropriate identifying information (e.g., name, ethnicity or national original), if available, for each involved civilian has been entered with a reasonable level of accuracy and completeness

Sub-Para c **Status** Substantial Compliance **SC Date** 08/27/2014

Compliance Reqmts =>95% of the incidents included in the database, the shift and assignment for each on-duty supervisor has been entered with a reasonable level of accuracy and completeness.

End of Paragraph 061

Paragraph 062 **Paragraph Status** Substantial Compliance **SC Date** 12/18/2013

Group MANAGEMENT AND SUPERVISION **Group Code** 3

CD Wording

Within 120 days of the implementation of the new risk management system, or later with the agreement of DOJ, the VIPD will prepare, for the review and approval of DOJ, a plan for including appropriate fields and values of new and historical data into the risk management system (the "Data Input Plan"). The Data Input Plan will identify the data to be included and the means for inputting such data (direct entry or otherwise), the specific fields of information to be included, the past time periods for which information is to be included, the deadlines for inputting the data, and the responsibility for the input of the data. The Data Input Plan will include historical data that is up-to-date and complete in the risk management system. The VIPD and DOJ will together seek to ensure that the protocol receives final review and approval within 30 days after it is presented for approval.

Activity/Comments

The Data Plan is based upon the IAPro system and both DOJ and IMT have reviewed and approved the plan and subsequent implementation of the IAPro system. IAPro continues to be the data center for IAB case processing and documenting.

Sub-Paragraph Detail

Sub-Para a **Status** Substantial Compliance **SC Date** 12/18/2013

Compliance Reqmts The VIPD and DOJ will together seek to ensure that the protocol receives final review and approval within 30 days after it is presented for approval and that VIPD has received DOJ approval for its Data Input Plan.

Sub-Para b **Status** Substantial Compliance **SC Date** 12/18/2013

Compliance Reqmts The Data Input Plan identifies the data to be included and the means for inputting such data (direct entry or otherwise), the specific fields of information to be included, the past time periods for which information is to be included, the deadlines for inputting the data, and the responsibility for the input of the data.

Sub-Para c **Status** Substantial Compliance **SC Date** 12/18/2013

Compliance Reqmts =>90% of the historical data required by the Data Input Plan is up-to-date with a reasonable level of accuracy and completeness

End of Paragraph 062

IMT-Rpt: para_stat_SC_NA The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable Page 16 of 26
V2-050515 (NA) and as such receive periodic spot checking and review by the IMT.

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<u>Paragraph</u>	<u>063</u>	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014
<u>Group</u>	MANAGEMENT AND SUPERVISION				<u>Group Code</u> 3
CD Wording					
The VIPD will, within 120 days, prepare for the review and approval of DOJ, and thereafter implement, a protocol for using the risk management system. The VIPD will submit for the review and approval of DOJ all proposed modifications to the protocol prior to implementing such modifications.					
<u>Activity/Comments</u>					
<i>The IMT monitors the policy (through reviews), training (monitoring deliveries, review of curricula, and review of Power DMS), and implementation (through case review) of the risk management system.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014
<u>Compliance Reqmts</u>	The VIPD has received approval from DOJ, and implemented a protocol for using the RMS.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014
<u>Compliance Reqmts</u>	The VIPD has audited the RMS and confirmed that it reflects the protocol.				
End of Paragraph <u>063</u>					

IMT-Rpt: para_stat_SC_NA
V2-090515

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable Page 17 of 26 (NA) and as such receive periodic spot checking and review by the IMT.

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<u>Paragraph</u> 064	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u> 12/18/2013
<u>Group</u> MANAGEMENT AND SUPERVISION			<u>Group Code</u> 3
<u>CD Wording</u>			

The protocol for using the risk management system will include the following provisions and elements:

- a. The protocol is comprised of the following components: data storage, data retrieval, reporting, data analysis, pattern identification, supervisory assessment, supervisory intervention, documentation and audit.
- b. The protocol will require the automated system to analyze the data according to the following criteria: i) number of incidents for each data category by individual officer and by all officers in a unit; ii) average level of activity for each data category by individual officer and by all officers in a unit; and iii) identification of patterns of activity for each data category by individual officer and by all officers in a unit.
- c. The protocol will require the system to generate reports on a monthly basis describing the data and data analysis and identifying individual and unit patterns.
- d. The protocol will require that VIPD deputy chiefs, managers, and supervisors will review, on a regular basis but not less than quarterly, system reports, and will evaluate individual officer, supervisor, and unit activity.
- e. The protocol will require that VIPD deputy chiefs, managers, and supervisors initiate intervention for individual officers, supervisors and for units based on appropriate activity and pattern assessment of the information contained in the risk management system.
- f. The protocol will require that intervention options include discussion by deputy chiefs, managers, supervisors, and officers; counseling; training; and supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system (appropriate intervention options will be employed based on the evaluation described in subsection (e) above).
- g. The protocol will specify that actions taken as a result of information from the risk management system be based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely on the number or percentages of incidents in any category of information recorded in the risk management system.
- h. The protocol will require that VIPD deputy chiefs, managers, and supervisors, will promptly review the risk management system records of all officers recently transferred to their sections and units.
- i. The protocol will require that VIPD deputy chiefs, managers, and supervisors be evaluated on their ability to use the risk management system to enhance effectiveness and reduce risk.
- j. The protocol will require that the system be managed and administered by the Internal Affairs Unit of the VIPD. The IAU of the VIPD will conduct quarterly audits of the system to ensure action is taken according to the process described above.
- k. The protocol will require regular reviews, at no less than quarterly intervals, by appropriate managers of all relevant risk management system information to evaluate officer performance territory-wide, and to evaluate and make appropriate comparisons regarding the performance of all VIPD units in order to identify any significant patterns or series of incidents.

Activity/Comments

The iMT monitors compliance with this paragraph through active review of case files, interaction with

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the software (accessing) by managers and command personnel, and VIPD audits. The current IAPRO system meets all data elements and reporting criteria of the paragraph standard and IMT continues to monitor its use through periodic ad-hoc audits of data, reports, and management access.

Sub-Paragraph Detail

<u>Sub-Para</u>	<u>a</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	The VIPD has received DOJ approval of a protocol with the components identified in 64(a) of the Consent Decree. 2. The VIPD has implemented a protocol for using the RMS that includes the components identified in 64(a) of the Consent Decree.				
<u>Sub-Para</u>	<u>b</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	The VIPD has received DOJ approval of a protocol that includes an automated system to analyze the data according to the criteria identified in 64(b) of the Consent Decree. 2. The VIPD implemented a protocol that includes an automated system to analyze the data according to the criteria identified in 64(b) of the Consent Decree.				
<u>Sub-Para</u>	<u>c</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	Reports are generated and distributed to appropriate sworn personnel (e.g., Chiefs, Deputy Chiefs, and supervisors) on a monthly basis Sub Para c-k is on Para 100; remove from para 64				
<u>Sub-Para</u>	<u>d</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	=>90% of the reviews conducted by the Deputy Chiefs, managers, and supervisors comport with the RMS protocol.				
<u>Sub-Para</u>	<u>e</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	Deputy Chiefs, managers and supervisors have initiated intervention in =>90% of instances based on activity and pattern assessment contained in the RMS.				
<u>Sub-Para</u>	<u>f</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	Interventions, as exemplified in paragraph 64 of the Consent Decree, comport with the RMS protocol =>90% of the time.				
<u>Sub-Para</u>	<u>g</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	=>90% of interventions are based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely on the number or percentages of incidents in any category of information recorded in the risk management system.				
<u>Sub-Para</u>	<u>h</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	In =>90% of instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit have promptly reviewed the RMS records of such officers.				
<u>Sub-Para</u>	<u>i</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	The VIPD has established a protocol for evaluating whether deputy chiefs, managers and supervisors are able to use the RMS system to enhance effectiveness and risk. 2. This evaluation protocol is followed with a >90% level of accuracy and completeness.				
<u>Sub-Para</u>	<u>j</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013
<u>Compliance Reqmts</u>	The RMS is managed and administered by IAU. IAU conducts audits on a quarterly basis with a reasonable level of accuracy and completeness.				
<u>Sub-Para</u>	<u>k</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	12/18/2013

IMT-Rpt: para_stat_SC_NA
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Compliance Reqmts The Police Commissioner's Office, with IAU assistance, has convened, at least quarterly, a meeting of senior managers to review all RMS data to evaluate officer performance territory-wide and make appropriate comparisons of officers, supervisors, units, and managers to identify any significant patterns or series of incidents.

End of Paragraph **064**

Paragraph 065	Paragraph Status Substantial Compliance	SC Date 08/27/2014
Group MANAGEMENT AND SUPERVISION		Group Code 3

CD Wording

The VIPD will maintain all personally identifiable information about an officer included in the risk management system during the officer's employment with the VIPD for at least five years. Information necessary for aggregate statistical analysis will be maintained indefinitely in the risk management system. On an ongoing basis, the VIPD will enter information into the risk management system in a timely, accurate, and complete manner, and maintain the data in a secure and confidential manner.

Activity/Comments

IMT periodically monitors compliance of this paragraph through review of former officer data within the IAPro system, which is approaching its full five years of operation.

Sub-Paragraph Detail

Sub-Para a	Status Substantial Compliance	SC Date 08/27/2014
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Compliance Reqmts The VIPD has received approval from DOJ, and implemented a protocol for using the RMS.

Sub-Para b	Status Substantial Compliance	SC Date 08/27/2014
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Compliance Reqmts The VIPD has audited the RMS and confirmed that it reflects the protocol.

End of Paragraph **065**

IMT-Rpt: para_stat_SC_NA The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable Page 20 of 26
V2-050515 (NA) and as such receive periodic spot checking and review by the IMT.

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<u>Paragraph</u> 066	<u>Paragraph Status</u> Substantial Compliance	<u>SC Date</u> 02/10/2014
<u>Group</u> MANAGEMENT AND SUPERVISION	<u>Group Code</u> 3	
<u>CD Wording</u>		

The new risk management system will be purchased off the shelf and customized by VIPD. Alternatively, the new risk management system may be developed and implemented according to the following schedule:

- Within 150 days of the effective date of this Agreement, subject to the review and approval of DOJ, the VIPD will issue a Request for Proposal (RFP).
- Within 270 days of the issuance of the RFP, or later with the agreement of DOJ, the VIPD will select the contractor to create the risk management system.
- Within 150 days of the effective date of this Agreement, the VIPD will submit the protocol for using the risk management system to DOJ for review and approval. The VIPD will share drafts of this document with DOJ and the Monitor (a position described in Section VII) to allow DOJ and the Monitor to become familiar with the document as it develops and to provide informal comments on it. The VIPD and DOJ will together seek to ensure that the protocol receives final approval within 30 days after it is presented for review and approval.
- Within 14 months of selecting the contractor, the VIPD will have ready for testing a beta version of the risk management system consisting of: i) server hardware and operating systems installed, configured and integrated with the VIPD's existing automated systems; ii) necessary data base software installed and configured; iii) data structures created, including interfaces to source data; and iv) the use of force information system completed, including historic data. DOJ and the Monitor will have the opportunity to participate in testing the beta version using use of force data and test data created specifically for purposes of checking the risk management system.
- The risk management system computer program and computer hardware will be operational and fully implemented within 20 months of the selection of the risk management system contractor.

Activity/Comments

This paragraph was in compliance with the purchase and implementation of the IAPro system. IAPro remains in active use within the IAB.

Sub-Paragraph Detail

<u>Sub-Para</u> a	<u>Status</u> Substantial Compliance	<u>SC Date</u> 02/10/2014
<u>Compliance Reqmts</u>	Completed	
<u>Sub-Para</u> b	<u>Status</u> Substantial Compliance	<u>SC Date</u> 02/10/2014
<u>Compliance Reqmts</u>	Completed	
<u>Sub-Para</u> c	<u>Status</u> Substantial Compliance	<u>SC Date</u> 02/10/2014
<u>Compliance Reqmts</u>	Within 150 days of the effective date of this Agreement, subject to the review and approval of DOJ, the VIPD will issue a Request for Proposal (RFP).	
<u>Sub-Para</u> d	<u>Status</u> Substantial Compliance	<u>SC Date</u> 02/10/2014
<u>Compliance Reqmts</u>	Within 270 days of the issuance of the RFP, or later with the agreement of DOJ, the VIPD will select the contractor to create the risk management system.	
<u>Sub-Para</u> e	<u>Status</u> Substantial Compliance	<u>SC Date</u> 02/10/2014
<u>Compliance Reqmts</u>	Within 150 days of the effective date of this Agreement, the VIPD will submit the protocol for using the risk management system to DOJ for review and approval. The VIPD will share drafts of this document with DOJ and the Monitor (a position described in Section VII) to allow DOJ and the Monitor to become familiar with the document as it develops and to provide informal comments on it. The VIPD and DOJ will together seek to ensure that the protocol receives final approval within 30 days after it is presented for review and approval.	
<u>Sub-Para</u> f	<u>Status</u> Substantial Compliance	<u>SC Date</u> 02/10/2014
<u>Compliance Reqmts</u>	Within 14 months of selecting the contractor, the VIPD will have ready for testing a beta version of the risk management system consisting of: i) server hardware and operating systems installed, configured and integrated with the VIPD's existing automated systems; ii) necessary data base software installed and configured; iii) data	

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structures created, including interfaces to source data; and iv) the use of force information system completed, including historic data. DOJ and the Monitor will have the opportunity to participate in testing the beta version using use of force data and test data created specifically for purposes of checking the risk management system.

<u>Sub-Para</u> g	<u>Status</u> Substantial Compliance	<u>SC Date</u> 02/10/2014
<u>Compliance Reqmts</u> The risk management system computer program and computer hardware will be operational and fully implemented within 20 months of the selection of the risk management system contractor.		
End of Paragraph 066		

<u>Paragraph</u> 070	<u>Paragraph Status</u> Substantial Compliance	<u>SC Date</u> 12/18/2013
<u>Group</u> MANAGEMENT AND SUPERVISION		<u>Group Code</u> 3
<u>CD Wording</u>		

The VIPD will develop a disciplinary matrix to take into account an officer's violations of different rules, rather than just repeated violations of the same rule. The VIPD will further revise this matrix to increase the penalties for uses of excessive force, improper searches and seizures, discrimination, or dishonesty, to reflect the seriousness of those infractions. The revised disciplinary matrix will provide the VIPD with the discretion to impose any appropriate punishment when the VIPD believes the officer's misconduct exhibits a lack of fitness for duty. This revised matrix will be subject to the review and approval of DOJ.

Activity/Comments

The IMT monitors the current matrix, which was approved by DOJ, for objectivity and fairness. Recent interviews conducted by the IMT seem to indicate a need for review of this matrix in light of current operations and needs and the IMT has suggested such to the VIPD. The current matrix, however, complies with the minimum standards of the paragraph.

Sub-Paragraph Detail

<u>Sub-Para</u> a	<u>Status</u> Substantial Compliance	<u>SC Date</u> 12/18/2013
<u>Compliance Reqmts</u> The VIPD has developed a disciplinary matrix to take into account an officer's violations of different rules, rather than just repeated violations of the same rule.		

<u>Sub-Para</u> b	<u>Status</u> Substantial Compliance	<u>SC Date</u> 12/18/2013
<u>Compliance Reqmts</u> The VIPD has further revised this matrix to increase the penalties for uses of excessive force, improper searches and seizures, discrimination, or dishonesty, to reflect the seriousness of those infractions.		

<u>Sub-Para</u> c	<u>Status</u> Substantial Compliance	<u>SC Date</u> 12/18/2013
<u>Compliance Reqmts</u> The revised disciplinary matrix provides the VIPD with the discretion to impose any appropriate punishment when the VIPD believes the officer's misconduct exhibits a lack of fitness for duty.		

<u>Sub-Para</u> d	<u>Status</u> Substantial Compliance	<u>SC Date</u> 12/18/2013
<u>Compliance Reqmts</u> This revised matrix has been reviewed and approved by the DOJ.		

End of Paragraph **070**

IMT-Rpt: para_stat_SC_NA The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable Page 22 of 26
V2-050515 (NA) and as such receive periodic spot checking and review by the IMT.

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<u>Paragraph</u>	075	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014
<u>Group</u>	TRAINING			<u>Group Code</u>	4
CD Wording					
The VIPD will continue to provide training consistent with VIPD policy, law, and proper police practices, and will ensure that only mandated objectives and approved lesson plans are taught by instructors. The VIPD will make best efforts to train each work shift as a team in their use of force training.					
<u>Activity/Comments</u>					
<i>The IMT monitors both the classroom and roll call components of this paragraph to ensure compliance. While curricula appears to met this standard, the roll call training program is in need of review and adjustment to more effective and consistent delivery. The VIPD is in agreement and has commenced a department review of the roll call program. The IMT is participating in that review and has provided input to the proposed revised policy as well as technical assistance to the Training Director in the area of delivery, management, and evaluation of the program. The iMT will continue to monitor and provide assistance as needed.</i>					
<u>Sub-Paragraph Detail</u>					
<u>Sub-Para</u>	a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014
<u>Compliance Reqmts</u>	The VIPD has delivered training that is consistent with the content of approved lesson plans.				
<u>Sub-Para</u>	b	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/27/2014
<u>Compliance Reqmts</u>	The Director of Training and/or his/her staff has developed a plan to provide training for each work shift as a team on use of force and implements that plan. To the extent possible, the Director of Training and/or his/her staff have provided training for each work team on use of force				
End of Paragraph 075					

<u>Paragraph</u> 076	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u> 08/27/2014
<u>Group</u> TRAINING			<u>Group Code</u> 4
CD Wording			
The VIPD shall continue to keep adequate records of lesson plans and other training materials, such that the most current training documents are maintained in a central, commonly accessible file, and are clearly dated.			
<u>Activity/Comments</u>			
<i>the IMT monitors compliance by review of current lesson plans and other curricula and has provided VIPD Training Division with technical assistance to enhance both the development and evaluation potential of training materials.</i>			
<u>Sub-Paragraph Detail</u>			
<u>Sub-Para</u> a	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u> 08/27/2014
<u>Compliance Reqmts</u>	The VIPD has established a central, commonly accessible repository for lesson plans and training materials. =95% of training materials are clearly dated. Training records are maintained in a central, commonly accessible repository. =95% of lesson plans contain all of the required signatures of review and approval.		
End of Paragraph 076			

IMT-Rpt: para_stat_SC_NA V2-050515 The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 23 of 26

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<u>Paragraph</u> 078	<u>Paragraph Status</u> Substantial Compliance	<u>SC Date</u> 08/27/2014
<u>Group</u> TRAINING		<u>Group Code</u> 4
<u>CD Wording</u>		

The Training Director, in consultation with the Attorney General's Office, will review all use of force training and use of force policies on a regular basis to ensure compliance with applicable laws and VIPD policy.

Activity/Comments

The IMT monitors compliance by review of lesson plans to ensure that the VIAG has approved the materials.

Sub-Paragraph Detail

<u>Sub-Para</u> a	<u>Status</u> Substantial Compliance	<u>SC Date</u> 08/27/2014
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Compliance Reqmts

The Training Director and/or his/her staff has reviewed 100% of all force-related policies and training curricula/lessons plans regularly [at least annually] to ensure compliance with applicable laws and VIPD policy and there is documentation of this review.
100% of force-related training curricula/lesson plans adequately incorporate critical thinking, decision-making instruction, applicable law(s) and VIPD policy.
The VIPD has developed a process by which the Attorney General's Office reviews any additions, changes and/or modifications regarding use of force training or policies to ensure compliance with applicable laws.
100% of force-related policies and training curricula/lessons plans have received at least annual review by the Attorney General's Office and those reviews are documented in writing.

End of Paragraph **078**

<u>Paragraph</u> 079	<u>Paragraph Status</u> Substantial Compliance	<u>SC Date</u>
<u>Group</u> TRAINING		<u>Group Code</u> 4
<u>CD Wording</u>		

The VIPD will continue to provide all recruits, officers, supervisors, and managers with annual training on use of force. Such training will include and address the following topics:

- a. the VIPD's use of force model, as described in this Agreement;
- b. proper use of force decision-making;
- c. the VIPD's use of force reporting requirements;
- d. the Fourth Amendment and other constitutional requirements;
- e. examples of scenarios faced by VIPD officers that illustrate proper use of force decision-making;
- f. interactive exercises that emphasize proper use of force decision-making;
- g. de-escalation techniques that encourage officers to make arrests without using force, and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units, or delaying arrest may be the appropriate response to a situation even when the use of force would be legally justified;
- h. threat assessment;
- i. appropriate training on conflict management.

Activity/Comments

The IMT monitors that approved training curricula is used to deliver Use of Force training courses at both the entry and in-service levels, that are tailored for the student population. Materials comport with the minimum requirements of this paragraph.

Sub-Paragraph Detail

<u>Sub-Para</u> a	<u>Status</u> Substantial Compliance	<u>SC Date</u> 08/27/2014
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Compliance Reqmts

=>95% of sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised use of force policy that includes and addresses the issues in paragraph 79(a)-(i) and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel in each of the categories of recruits,

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officers, supervisors and managers have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.

<u>Sub-Para</u>	<u>b</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/28/2014
<u>Compliance Reqmts</u>	At least annually, the Training Director and/or his/her staff develop a training schedule and curricula for 100% of all use of force related policies that incorporates and addresses all of the components identified in 79(a)-(i).				
<u>Sub-Para</u>	<u>c</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/28/2014
<u>Compliance Reqmts</u>	At least annually, the Training Director and/or his/her staff implement that training schedule and curricula for 100% of all use of force related policies based on 79(a)-(i).				
<u>Sub-Para</u>	<u>d</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/28/2014
<u>Compliance Reqmts</u>	All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel.				
<u>Sub-Para</u>	<u>e</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/28/2014
<u>Compliance Reqmts</u>	Where train-the-trainer or specific force tool certifications are required, =>95% of recruits, officers, supervisors and managers have those certifications.				

End of Paragraph **079**

<u>Paragraph</u>	080	<u>Paragraph Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/01/2014
<u>Group</u>	TRAINING			<u>Group Code</u>	4

CD Wording

The VIPD will continue to provide training to all its officers on the VIPD citizen complaint process. The VIPD will develop a protocol for all its officers on appropriate conduct and responses in handling citizens' complaints and will train officers in the protocol.

Activity/Comments

The IMT monitors compliance with this paragraph by reviewing entry level and in-service training schedules and materials to ensure that requirements of this paragraph are compiled with. Student rosters are provided and IMT attempts to match them against the courses delivered.

Sub-Paragraph Detail

<u>Sub-Para</u>	<u>a</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/15/2014
<u>Compliance Reqmts</u>	=95% of sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised complaint process related policy and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel				
<u>Sub-Para</u>	<u>b</u>	<u>Status</u>	<u>Substantial Compliance</u>	<u>SC Date</u>	08/15/2014

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The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 25 of 26

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Compliance Reqmts The VIPD has developed policies or protocols related to the citizen complaint process, which address appropriate conduct and response in handling citizen complaints.

End of Paragraph 080

IMT-Rpt: para_stat_SC_NA
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The paragraphs in this report are in *Substantial Compliance* or are noted as *Not Applicable* Page 26 of 26
(NA) and as such receive periodic spot checking and review by the IMT.

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Paragraph 032	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph b	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC Requirement	=>95% of RRRs indicate each and every type of force that was used		
Sub-Paragraph c	Status	<u>Not in Substantial Compliance</u>	Goal 08/15/2014
SC Requirement	=>95% of RRRs contain an evaluation of each type of force used by a supervisor		
Sub-Paragraph f	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC Requirement	=>95% of the reports will include an audio or videotaped statement, unless the level of force used is at the lowest level as described by DOJ approved VIPD policy.		

End Paragraph 032

Paragraph 033	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph a	Status	<u>Partial Compliance</u>	Goal 11/21/2014
SC Requirement	In =>95% of the identified use of force incidents, the officer using force notified his/her supervisor immediately as required by VIPD policy.		
Sub-Paragraph b	Status	<u>Partial Compliance</u>	Goal 02/20/2015
SC Requirement	In =>90% of the incidents where the supervisor was required to respond to the scene, he/she responded within a reasonable amount of time.		
Sub-Paragraph c	Status	<u>Partial Compliance</u>	Goal 02/20/2015
SC Requirement	In =>90% of the incidents did the supervisor respond to the scene, he/she examined the person for injury,		
Sub-Paragraph d	Status	<u>Partial Compliance</u>	Goal 02/20/2015
SC Requirement	In =>05% of the incidents where a supervisor responded to the scene, he/she interviewed the subject for injury or complaint of pain.		
Sub-Paragraph e	Status	<u>Partial Compliance</u>	Goal 11/21/2014
SC Requirement	In =>90% of the incidents where the Supervisors responded to the scene, he/she ensured that subjects received any necessary medical attention.		

End Paragraph 033

Paragraph 034	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph a	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC Requirement	In =>95% of the reportable use of force incidents, the investigating supervisor had no involvement in the incident (i.e., he/she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize or participate in conduct leading to the use of force incident), will review, evaluate, and document each use of force.		
Sub-Paragraph b	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC Requirement	In =>90% of the reportable use of force incidents, the supervisor completes the supervisor's narrative description of the RRR in a manner that comports with the requirements of para 34 of the Consent Decree.		
Sub-Paragraph c	Status	<u>Not in Substantial Compliance</u>	Goal 11/21/2014
SC Requirement	In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree and included a precise description of the facts and circumstances		

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Detailed discussion of the Court Ordered Goal paragraphs above can be found in Section III. Compliance Status: Detail of the base report.

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that either justify or fail to justify the officer/s conduct.

Sub-Paragraph d Status Partial Compliance Goal 02/20/2015

SC Requirement In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree and will evaluate the basis for the use of force, and determine whether the officers actions were within VIPD policy.

Sub-Paragraph e Status Partial Compliance Goal 08/15/2014

SC Requirement See a, above.

End Paragraph 034

Paragraph 035 Status Not in Substantial Compliance

Sub-Paragraph a Status Partial Compliance Goal 08/15/2014

SC Requirement In =>90% of the interviews conducted during use of force reviews, leading questions were avoided.

End Paragraph 035

Paragraph 036 Status Not In Substantial Compliance

Sub-Paragraph a Status Partial Compliance Goal 08/15/2014

SC Requirement =>90% of the Use of Force reports, the supervisors, or designated investigating officers or units, who supervised the officer using the force, conducted the investigation of all uses of force or injury resulting from the use of force by that officer. This requirement does not apply to the lowest level use of force as defined in DOJ approved VIPD policy.

Sub-Paragraph b Status Partial Compliance Goal 08/15/2014

SC Requirement In =>90% of reportable use of force incidents, all witnesses, to the extent practicable, are interviewed in the investigating supervisor's reports.

Sub-Paragraph d Status Not in Substantial Compliance Goal 08/15/2014

SC Requirement In =>90% of Use of Force reports, Supervisors, or designated investigating officers or units, shall ensure that all use of force reports for all levels of force identify all officers who were involved in the incident or were on the scene when it occurred.

End Paragraph 036

Paragraph 044 Status Not In Substantial Compliance

Sub-Paragraph i Status Not in Substantial Compliance Goal 05/23/2014

SC Requirement =>90% of complaints are documented and resolved in writing and completed investigations into complaints comport with the provisions of the Consent Decree.

End Paragraph 044

Paragraph 058 Status Not In Substantial Compliance

Sub-Paragraph c Status Not in Substantial Compliance Goal 05/23/2014

SC Requirement =>90% of any identified problems and/or training needs have been relayed to the appropriate VIPD entity.

Sub-Paragraph d Status Not in Substantial Compliance Goal 05/23/2014

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**Detailed discussion of the Court Ordered Goal paragraphs above can be
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SC Requirement =>90% of the cases where there is a determination that modification to or additional training is required, there is documented evidence that VIPD implemented additional training.

Sub-Paragraph e Status Not in Substantial Compliance Goal 05/23/2014

SC Requirement =>90% of the cases where the VIPD identified policy or equipment deficiencies, there is documented evidence that corrective measures were implemented.

End Paragraph 058

Paragraph 060 Status Not In Substantial Compliance

Sub-Paragraph c Status Not in Substantial Compliance Goal 08/15/2014

SC Requirement =>95% of the canisters of chemical spray issued to officers will be entered into RMS, including the date of issuance and date of expirations of the chemical spray, with a reasonable level of accuracy and completeness and the VIPD has developed a process to track the amount of OC Spray used by Officers.

Sub-Paragraph d Status Partial Compliance Goal 08/15/2014

SC Requirement =>95% of all injuries to prisoners will be entered into RMS with a reasonable level of accuracy and completeness.

Sub-Paragraph h Status Not in Substantial Compliance Goal 08/15/2014

SC Requirement =>95% of criminal proceedings initiated, civil or administrative claims filed, and civil lawsuits served against the Territory, the VIPD, and its Officers resulting from VIPD operations will be entered in RMS with a reasonable level of accuracy and completeness.

End Paragraph 060

Paragraph 069 Status Not in Substantial Compliance

Sub-Paragraph a Status Partial Compliance Goal 08/15/2014

SC Requirement The VIPD has developed a protocol for conducting audits. The protocol will be used by each officer or supervisor charged with conducting audits.

Sub-Paragraph b Status Partial Compliance Goal 08/15/2014

SC Requirement The protocol establishes a regular and fixed schedule to ensure that such audits occur with sufficient frequency, and cover all VIPD zones

End Paragraph 069

Paragraph 071 Status Not In Substantial Compliance

Sub-Paragraph b Status Not in Substantial Compliance Goal 11/21/2014

SC Requirement =>90% of the time, these established time periods are not violated except for in exigent circumstances and with the Police Commissioner's written approval for tolling and notice to the complainant.

End Paragraph 071

Paragraph 072 Status Not In Substantial Compliance

Sub-Paragraph a Status Not in Substantial Compliance Goal 11/21/2014

SC Requirement In =>90% of the cases where the matrix calls for discipline, discipline is imposed.

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Sub-Paragraph **b** Status Not in Substantial Compliance Goal 11/21/2014
SC Requirement In =>90% of the cases where discipline is imposed, there is evidence that the VIPD has also considered non-disciplinary corrective action.

End Paragraph 072

Paragraph 073 Status Not In Substantial Compliance
Sub-Paragraph **a** Status Partial Compliance Goal 05/23/2014
SC Requirement The Training Division has coordinated and reviewed all use of force training. This review occurs: at least semi-annually and needs to be comprehensive and analytical.
Sub-Paragraph **b** Status Substantial Compliance Goal 05/23/2014
SC Requirement The Training Division issues reports to DOJ and OIM regarding its review of use of force policies and training programs within a reasonable time after each review, or at least every six (6) months.

End Paragraph 073

Paragraph 074 Status Not In Substantial Compliance
Sub-Paragraph **a** Status Not in Substantial Compliance Goal 05/23/2014
SC Requirement The Director of Training and/or his/her staff reviews all use of force training. The Director of Training and/or his/her staff obtains legal review of all use of force training curricula.
Sub-Paragraph **c** Status Not in Substantial Compliance Goal 05/23/2014
SC Requirement The Director of Training and/or his/her staff have developed a process to continually select and evaluate VIPD officer trainers.

>95% of the training staff has received appropriate training and certification in the subject matter(s) that they are assigned to teach.
Sub-Paragraph **d** Status Not in Substantial Compliance Goal 05/23/2014
SC Requirement The Director of Training and/or his/her staff have reviewed and provided written approval of all curricula, course schedules and lesson plans.

The Director of Training and/or his/her staff have created and maintained a training record system that captures attendance records, instructor and student evaluations, and test results.
Sub-Paragraph **e** Status Partial Compliance Goal 05/23/2014
SC Requirement The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have created a process for the development, implementation and approval of all Roll Call training curricula.

The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have developed, implemented and approved all Roll Call training curricula.

The Training Director and/or his/her staff have maintained written documentation of this process.

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Detailed discussion of the Court Ordered Goal paragraphs above can be found in Section III. Compliance Status: Detail of the base report.

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Sub-Paragraph **f** Status Not in Substantial Compliance Goal 05/23/2014

SC Requirement The Director of Training and/or his/her staff have created and maintained a training record system that captures attendance records, instructor and student evaluations, and test results.

For >90% of the conducted Consent Decree related training sessions, evaluation review forms were collected from class participants.

Sub-Paragraph **g** Status Not in Substantial Compliance Goal 05/23/2014

SC Requirement The Director of Training and/or his/her staff have developed a process to review use of force incidents to identify patterns and trends that will influence training needs.

The Director of Training and/or his/her staff have conducted semi-annual reviews of use of force incidents to evaluate training needs.

The Director of Training and/or his/her staff have developed, reviewed and implemented all use of force training curricula (including lesson plans).

End Paragraph 074

Paragraph 077 Status Not In Substantial Compliance

Sub-Paragraph **a** Status Not in Substantial Compliance Goal 05/23/2014

SC Requirement The Director of Training and/or his/her staff has maintained current and substantially complete training records for =95% of VIPD Officers.

Sub-Paragraph **b** Status Not in Substantial Compliance Goal 05/23/2014

SC Requirement =>95% of the training records shall, at a minimum, include the course description and duration, curriculum, and instructor for each officer.

End Paragraph 077

Paragraph 081 Status Not In Substantial Compliance

Sub-Paragraph **a** Status Substantial Compliance Goal 05/23/2014

SC Requirement The VIPD will provide training on appropriate burdens of proof to all supervisors.

Sub-Paragraph **b** Status Partial Compliance Goal 05/23/2014

SC Requirement Training should include factors to consider when evaluating complainant or witness credibility.

Sub-Paragraph **c** Status Substantial Compliance Goal 05/23/2014

SC Requirement The VIPD will also continue to provide training to supervisors on leadership and command accountability.

Sub-Paragraph **d** Status Partial Compliance Goal 05/23/2014

SC Requirement The training shall include techniques designed to promote proper police practices.

Sub-Paragraph **e** Status Substantial Compliance Goal 05/23/2014

SC Requirement This training will be provided w/ 90 days of promotion.

Sub-Paragraph **f** Status Partial Compliance Goal 05/23/2014

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SC Requirement And will be made a part of annual in-service training.

End Paragraph 081

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**Detailed discussion of the Court Ordered Goal paragraphs above can be
found in Section III. Compliance Status: Detail of the base report.**

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Appendix C, to 1Q2015 Report from the Independent Monitor for the Virgin islands Police
Department. May 24, 2015
IMT Roll Call Training Directive (10.4) Recommendations (03/16/15)



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For the USVI Police Department**

IMT Roll Call Training Directive (10.4) Recommendations (03/16/15)

The following represents the IMT recommendations to the Policy Review Committee and the Training Division on revisions to the current VIPD Policy Roll Call Training 10.4 dated 02/12/13. It constitutes both an expansion in service population as well as process and includes increased use of Power DMS as the point of service for record keeping.

1. This should be a Training Division directed operation, but with the participation of the District Chiefs (as per the Consent decree).
2. While the Consent Decree is focused on operational grouping, roll call training should be expanded to cover all sworn and civilian personnel in the department. That even includes upper level management who could conduct their own training and short duration seminars. While training focused on the Consent Decree issues, policy, and operations is of course primary to IMT concerns, it is also important that the VIPD consider all training areas and service populations identified in need of training within the Roll Call Training purview. Such focus will serve the department well as it develops organizationally with a look to ward the future.
3. It should be based upon an annual training needs assessment conducted by the Training Division, but with broad based supervisory officer participation. Much of this assessment will begin to surface once the longitudinal evaluations are extended to the first line supervisor and feedback is provided. This could be accomplished in conjunction with the Training Advisory Committee, however as that committee has very specific functions, an ad hoc group possibly called the Roll Call Training Committee, made up predominantly of first line supervisors and the district Chiefs, could also work. Once the program is functioning, the Training Division may want to consider expanding the scope to mid-level management subjects, followed by a separate set for senior management.
4. Eliminate the district level administrative structure currently noted in the policy and vest the training delivery (and needs identification) operation to those who are responsible for their personnel, the first line supervisor. To accomplish this a

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mini course should be developed by the Training Division that provides these supervisors with the basic tools to conduct roll call training. This course should cover topics such as, but not limited to:

- a. Administration of the program at the shift or team level.
 - b. Principles of adult learning and related delivery skills
 - c. Facilitation techniques and using games as part of learning.
 - d. Practical exercises actually delivering a short roll call training package.
 - e. Identification of training needs.
 - f. Others as identified by the Training Division.
5. At the outset, the Training Division might consider developing one roll call training package per month, based on the annual needs assessment, but subject to emergency training needs that are identified throughout the year nor would it restrict the supervisors from developing their own materials for areas that appear unique to their operations or are not covered by the monthly packages. To ensure that there is little duplication, a yearly schedule of these monthly packages should be published and distributed.
6. These monthly packages would include, at a minimum:
 - a. A trainer guide for the supervisor that covers both the administration associated with the training package and the lesson plan that he will use.
 - b. Training aids and handouts as appropriate for use and distribution to trainees.
 - c. A Level 2 content test to assess learning that has occurred.
 - d. In order to maximize training technology such as PowerPoint projectors and computer based instruction, the department may want to ensure such equipment is available in the roll call rooms and areas and is available for use.
7. Administration of the program can be accomplished through Power DMS, both attendance recording as well as testing. Attendance information would be available there also once the supervisor inputs it and management could review it at any time. It should be the supervisor's responsibility to ensure all of his/her subordinates received the training and schedule any makeup instructional periods.
8. The definitions for Roll Call Training in the current directive are not accurate and should be re-written. Some suggested language is below:

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Roll call training: adult learning sessions of short duration administered to sworn officers and civilians by their supervisor, usually during their tour of duty at or immediately following roll call. It is designed to supplement other Department training or bring critical and time sensitive information to personnel. The goal is to keep department personnel up-to-date between formal retraining sessions.

It does not take the place of basic supervisory responsibilities but rather provides the supervisor with both time and materials to fulfill his/her responsibility as a supervisor to train their assigned personnel.

Roll Call Trainer: The principle deliverer of Roll Call Training is the immediate supervisor of the team being trained. It is an inherent supervisory responsibility to maintain the qualifications and knowledge of their subordinates and roll call training is but one of several methods to facilitate that.

9. The Training Division should consider bi-monthly or quarterly meetings at the district level, with supervisory personnel to determine the progress of the program as well as identify any problems. The Training Division should host a one day annual meeting with all supervisor personnel to review the past year's effort and discuss training needs for the next year. This meeting should have sufficient lead time that the Training Division is able to develop and distribute the next year's first monthly package on time.
10. Establish and maintain a master central file for all reports and correspondence relative to the Roll Call Training Program; which should be primarily located within the Power DMS system.
11. Conduct an annual evaluation of the Roll Call Training Program, to determine its effectiveness and make recommendations for improvements. A report outlining findings and recommendations shall be submitted to the Training Review Committee,, Consent Decree Coordinator/Manager, and the Police Commissioner or a designee.
12. Roll Call Trainers should take advantage of those certified instructors in their commands. They can be valuable resources in terms of assistance in the development and delivery of training materials.