

Second Quarterly Report of 2016-

From the Independent Monitor for the U.S. Virgin Islands Police Department

SECOND QUARTERLY REPORT OF 2016

FROM THE INDEPENDENT MONITOR FOR THE VIRGIN ISLANDS POLICE DEPARTMENT



CHARLES A. GRUBER CONSULTING INC.
INDEPENDENT MONITOR
www.imt-policemonitor.org
August 18, 2016

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I. EXECUTIVE SUMMARY

Second Quarter focus and production was dictated by actions of Judge Gomez during his last hearing. Subsequent to the First Quarter 2016 Hearing on May 26th 2016, the Virgin Islands Police Department promised they would achieve substantial compliance with Management & Supervision Paragraph, 60 and Risk Management paragraph 72 Non-disciplinary Corrective Action. The Court specified that the VIPD was obligated to submit an Action Plan for the completion of these paragraphs by the end of the Second Quarter, 2016. The court further ordered, that a second, more comprehensive Action Plan be submitted by July 29, 2016 to set forth steps to accomplish compliance for all remaining paragraphs, 18 of them (not including 60 and 72). Development of these Action Plans dominated the Consent Decree work efforts of the Virgin Islands, the VIPD, the USDOJ, and the IMT. We are happy to report the Court's deadline dates for the action plans were met.

COMPLIANCE STATUS

Despite an aggressive commitment of resources and activity, Paragraphs 60 and 72 Second Quarter deadlines for compliance have not been met. The Action Plan defines 61 steps which must be successfully completed for substantial compliance status. As the Quarter closes, 44 have been accomplished. This total includes updates made as a result of the August 10-11, 2016 Summit held on St. Thomas.

Overall, no new paragraphs were brought into compliance during the Second Quarter of 2016, leaving the situation unchanged, with 31 paragraphs in substantial compliance and 20 short of substantial compliance. This situation has not altered in the past two years, or eight (8) quarters.

The Court has clearly declared its expectations that substantial compliance will be achieved by February 28, 2017. The potential of the Action Plans to accelerate forward movement notwithstanding, the history of compliance inertia that has characterized the past two years, coupled with the contemporary shortfall associated with Paragraphs 60 and 72 targets, calls for, in the judgment of the IMT, a reality check regarding next February's Court-imposed deadline.

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Closing this section on a positive note, we are heartened to be able to report that the First Quarter 2016 VIPD Compliance Audit returned measurements that suggest that a corner may have been turned with regard to Use of Force compliance. Results were noticeably better than in previous quarters and trends look positive in comparison to previous quarters.

THE ACTION PLAN

The Action Plan is the product of an intense collaboration among the Parties and the IMT. A now uncountable series of drafts, internal desk-top reviews, conference calls, negotiations and reiterations occurred, often hours at a time. While for simplicity we refer to an Action Plan – singular, the process actually involved preparation of two plans, one for Paragraph 60 and 72, and one for the remaining paragraphs, and ultimately a consolidation of both.

The Action Plan model specifies action steps, responsible person, suspense dates, and documentation requirements for every paragraph and sub-paragraph. It is formidable in scope and complexity. Table 1, below, displays Action Plan 2-2016 and the number of sub-paragraphs that must be addressed, 99, and the number of Action Steps, 250, excluding Paragraphs 60 and 72 which host 13 sub-paragraphs and 61 Action Steps, raising totals to 112 sub-paragraphs and 311 Action Steps, as shown in Table 1, below.

TABLE 1
Action Plan 2 for 3Q2016 through 4Q2016

Paragraph	Number of Sub-Paragraphs	Number of Action Steps
32	6	26
33	5	19
34	5	22
35	4	19
36	9	8
37	5	12
38	2	7
44	10	14
58	5	11
59	2	4
69	2	4
71	3	2
73	2	3
74	7	23
77	2	5

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81	6	16
100	23	54
101	1	1
TOTALS	99	250

TABLE 2
Action Plan 1 and 2 for 3Q2016 through 4Q2016

Action Plan	Number of Sub-Paragraphs	Number of Action Steps
Action Plan 1-2016	13	61
Action Plan 2-2016	99	250
Totals	112	311

MONITORING & TECHNICAL ASSISTANCE

The IMT had a strong quarter in the Force monitoring, technical assistance and analysis area. We produced a six-month 2016 Use of Force Snapshot, completed a Compliance Audit-based Four-Quarter Analysis that revealed what may be a positive compliance trend, reviewed shooting cases, other force cases, evaluated the force lesson plans, worked with the FRB and designed and delivered force investigation training for supervisors.

Management & Supervision technical assistance concentrated heavily on helping the M & S Work Group to address Action Plan step requirements. We worked with the VIPD and USDOJ on an EIP Protocol and continued our TA efforts regarding backlogged/overdue citizen complaints. Planning and design work began in preparation for the August on-site with the VIPD and other matters. Attempts to meet with the T&M Consulting Group which has been retained by the Virgin Islands to assist them, were unsuccessful, however it is hoped that a second opportunity will present itself during the week of the Court hearing.

Progress on the Training paragraphs, 73-81, was reviewed. Our overall finding is that very little progress occurred during the Quarter. There was advancement in several sub-paragraphs but nothing occurred at the paragraph level. Lack of movement is explainable in part by the changing of Training Directors. We are still seriously troubled by inability of the VIPD to produce a viable Use of Force lesson plan or others covering Force tools. This failure cannot alone be excused by personnel shifts.

COMPLIANCE AUDITING

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The IMT finds the Compliance Audits to be increasingly useful for Consent Decree diagnostics, analysis and recommendations for problem solving and compliance recommendations. While the product has continued to improve technically, its potential utility for managing the Consent Decree and ultimately VIPD resources remains latent among supervisory, command, and executive staff. We have written about this issue in many Quarterlies. The most recent Audit, 1Q2016, chose to open with:

"The Audit Unit presents the 1st Quarter Audit for 2016; this has now been a full year of compliance audits completed by the Audit Unit. Although our Audit team has persevered with the daunting mission of a comprehensive compliance audit, we must admit to a certain degree of "burn-out" regarding the task, particularly where it involves our consistent and unfortunately un-evolving recommendations for improvement. We state "un-evolving" due to the simple fact that the majority of our recommendations and our offers of assistance go largely unheeded."

*IMT notes that it received the 2nd Quarter 2016 Audit as this report was being finalized and that it, along with the 1st Quarter 2016 Audit, have been uploaded and distributed to VIPD personnel via Power DMS. This is in response to an IMT recommendation found in Section V of this report.

The IMT should not have to repeat this issue – and repeat it, and repeat it. The audit process is a valuable command tool to determine if needed policies are in place and are they working. There just simply seems to be a lack of interest to follow through among VIPD. We (the IMT) too, admitting to a "certain degree of burn-out" regarding the continuing level of disregard for our guidance.

ACCOMPLISHMENTS – THE VIPD VIEW

The VIPD submitted a 2Q2016 Status Report on Friday, August 5, 2016, as this report was being finalized. The report concentrated on VIPD compliance with paragraphs 60 and 72 and in their Executive Summary they make the following comment:

*"The action steps for **Action Plan 1-Consent Decree Paragraphs 60 & 72** were completed in its entirety two (2) days before the end of 2nd quarter; with the quarter ending on August 6, 2016. **Action Plan 1-Consent Decree Paragraphs 60 & 72** was filed with the court on June 13, 2016. As action steps were completed and submitted to the IMT & USDOJ; the IMT reviewed and provided VIPD with compliance evaluations."*

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As noted in Section II, Compliance Status, to our report and further detailed in Appendix A, the IMT does not agree with this statement in terms of compliance but does acknowledge that the VIPD did submit requests for compliance review and associated paperwork by the end of the quarter although a significant amount of it arrived during the last two weeks. The IMT did review all materials submitted by August 5, 2016, as well as supplemental materials received during the August 10-11 Summit and granted compliance in some areas as appropriate. Unfortunately, full compliance with all action steps and thus sub-paragraphs of paragraphs 60 and 72 was not achieved.

THE REALITY CHECK

By the time the August hearing is concluded, there will be six (6) months remaining to achieve the Consent Decree substantial compliance target date (February 28, 2017). "Accomplish" includes successful compliance with 311 Action Steps of which 267 remain non-compliant by the end of the quarter. The "steps" vary in information, methodological, and skills requirements. There are, for example, policy revision requirements; training upgrades; analytics-measurements and analysis of performance and report production; documentation (very heavy). The endeavor calls for an immediate front-end resource investment and performance effectiveness not seen from the VIPD to date. Note also, the untimely loss, hopefully temporary, of the principal Consent Decree compliance executive, the Deputy Commissioner for medical reasons.

Not to be ignored, the next five months demands an investment of IMT monitoring and technical assistance commitment and resources that will materially exceed anything to date. The USDOJ faces a similar obligation.

Not intending to play with words, there is a need to step back and ensure that there is a "plan" in place to execute the now combined Action Plan. All Parties and the IMT need to be prepared to staff, allocate resources, execute, monitor, and generally manage the coming effort with the utmost skill.

TWO SUMMITS

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A summit was conducted on St. Thomas on May 11 and 12, 2016. It was structured to accelerate and sharpen VIPD plans to address non-compliant paragraphs. Priority was placed on paragraphs that were closest to completion and/or which had steps deemed to be attainable during the Quarter.

Not technically within this reporting Quarter, a Second Summit was held in early August, 2016. Its purpose and accomplishments focused directly on Action Plans, the central theme of Quarter Two, 2016. Accordingly, we chose to report on it here.

The IMT led a summit August 10-11, 2016. The focus was a review of both Appendix A and Appendix B of the Second Quarterly Draft. Initial emphasis was on Appendix A paragraphs 60 and 72, specifically, a discussion of each action step, providing an opportunity for VIPD, USDOJ and IMT representatives to ask questions and/or for clarification. As a result of this process, a number of additional action steps moved into compliance. Unfortunately, based on additional information requested and received at the summit, a few actions steps were moved out of compliance.

Following discussion of paragraphs 60 and 72, work moved through the remaining paragraphs in Appendix B in a similar fashion, however due to time constraints, the Summit did not address paragraphs 81, 100 or 101. In doing so, the IMT emphasized the significant number of action steps due to come into compliance between August 15-September 1, 2016, not to mention those which had come due prior to the Summit dates. There appeared to be genuine surprise/concern about a number of these due dates. The IMT believes part of the explanation for this is the focus which VIPD had on paragraphs 60 and 72 during this quarter. With that being said, the IMT cannot emphasize enough the necessity for VIPD to pay close attention to these dates. There is substantial work to be done in a relatively short period of time. As noted earlier in the Reality Check section, "The endeavor calls for immediate front-end resource investment and continuing performance effectiveness not seen from the VIPD to date."

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II. COMPLIANCE STATUS

The following 8 charts document Paragraph Status at the end of the Second Quarter of 2016. Compared to Quarter One, 2016, Quarter One, Two, Three and Four of 2015, and Quarters 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). Trending is depicted in Charts 2-3.

A. Overall Status

The VIPD has achieved Substantial Compliance for 31 paragraphs. Twenty paragraphs (20) are not yet in Substantial Compliance.

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. The Use of Force grouping has the majority of steps and checkpoints for compliance within the reporting and investigation processes and thus a significant number of problem areas which continue to exist, thwarting compliance, even at the sub-paragraph level.

See Section IV, later in this report, for additional information on Use of Force ceases reviewed by the iMT.

B. Compliance at the end of Quarter Two, 2016:

1. Consent Decree Paragraphs That Came Into Compliance during the Second Quarter 2016

No Consent Decree Paragraphs came into compliance during the 2nd Quarter 2016.

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2. **Paragraphs in Substantial Compliance at the end of the Second Quarter, 2016 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 Not In Substantial Compliance: 32, 33, 34, 35, 36, 37, 38, 44, 58, 59, 60, 69, 71, 72, 73, 74, 77, 81, 100, 101, all of which are now contained within Action Plan 2.

(NOTE: Bolded/underlined paragraphs have a sub-paragraph evaluated as to implementation under paragraph 100)

Paragraphs Having Not Applicable (NA) Status 67, 68

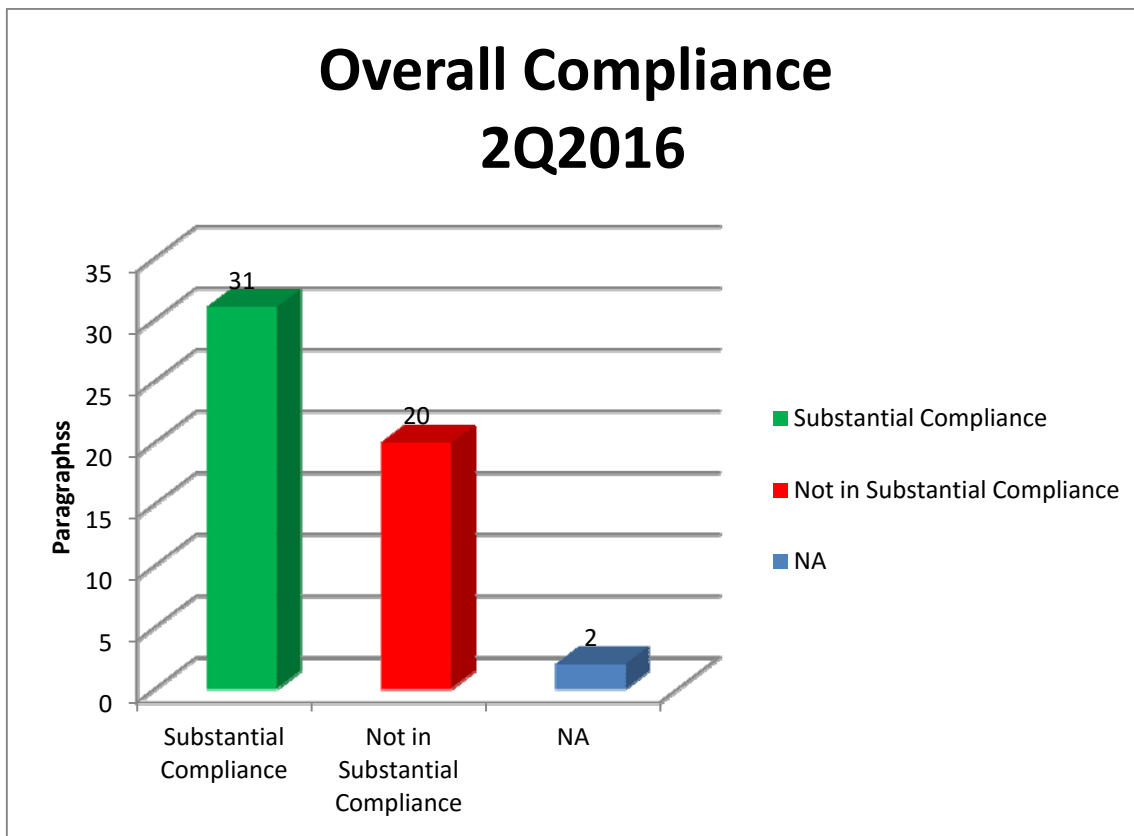
NOTE: (These paragraphs as considered NA as they deal with adopting and using IAPro as a risk management system, as well as approval for subsequent modifications; none have been requested and no further compliance is required unless a modification is requested):

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 is included as Appendix D to this report.

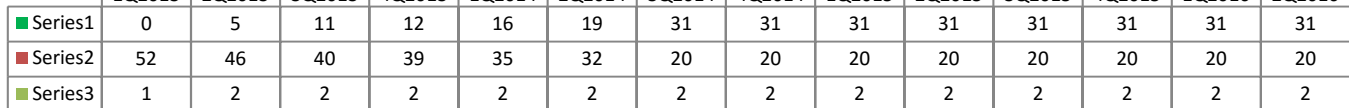
The following charts display this status information.

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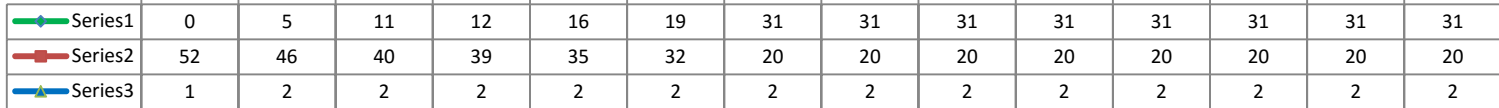
CHART 1



Substantial Compliance Trend 1Q2013-2Q2016



Substantial Compliance Trend 1Q2013-2Q2016



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CHART 4

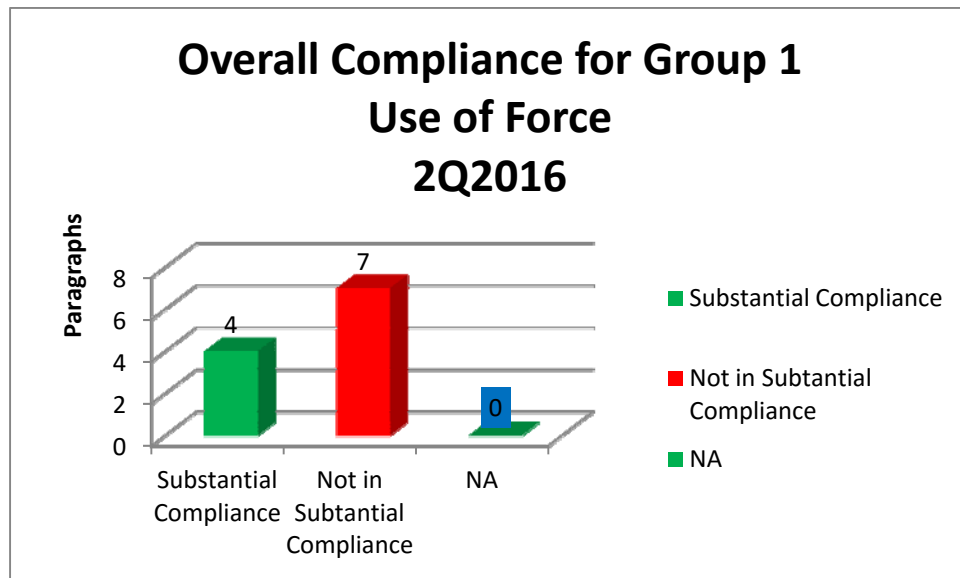
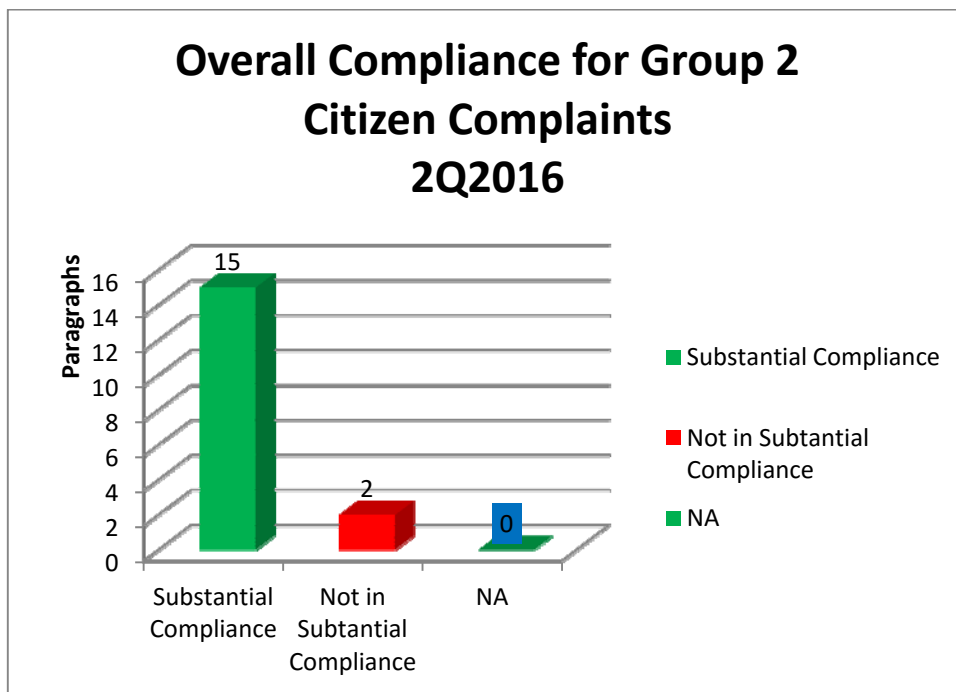


CHART 5



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CHART 6

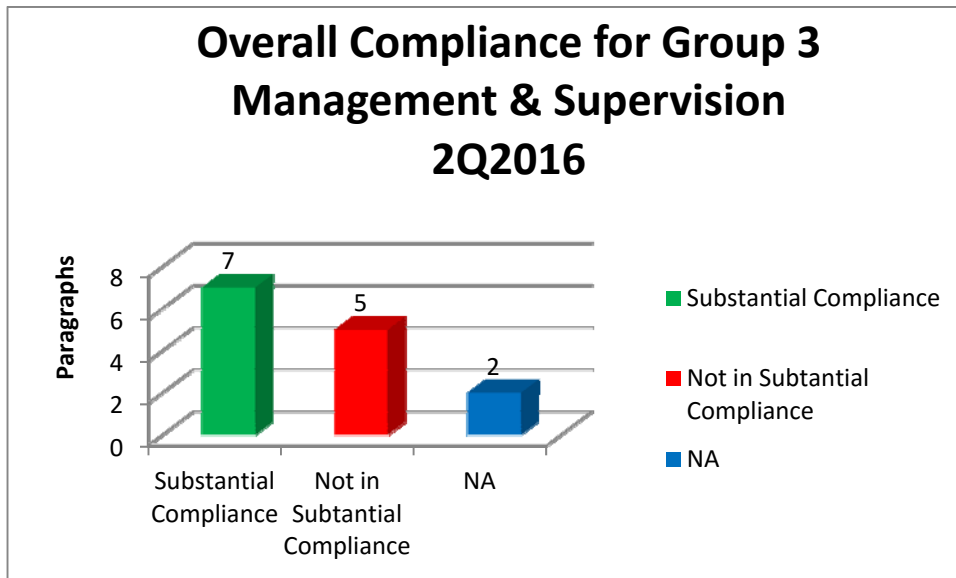
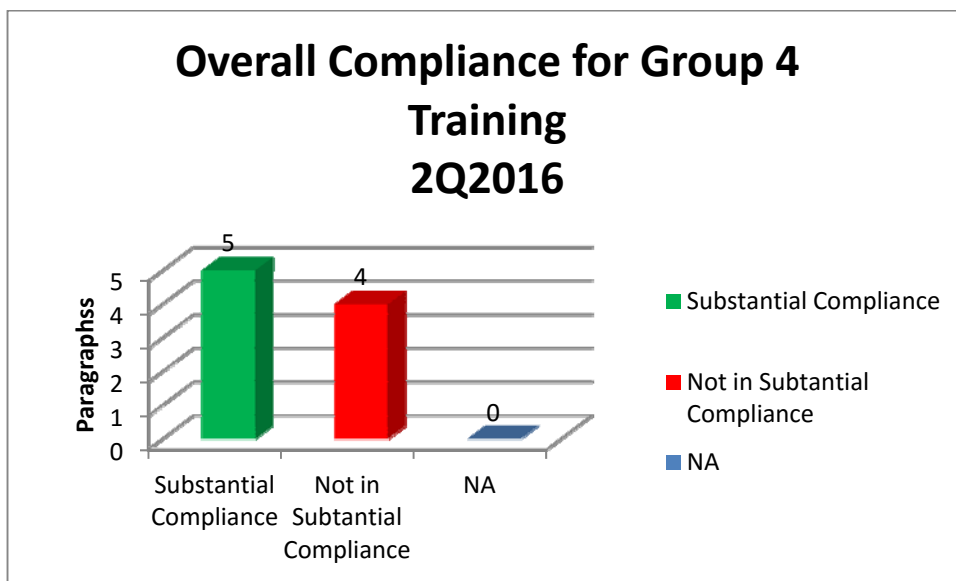
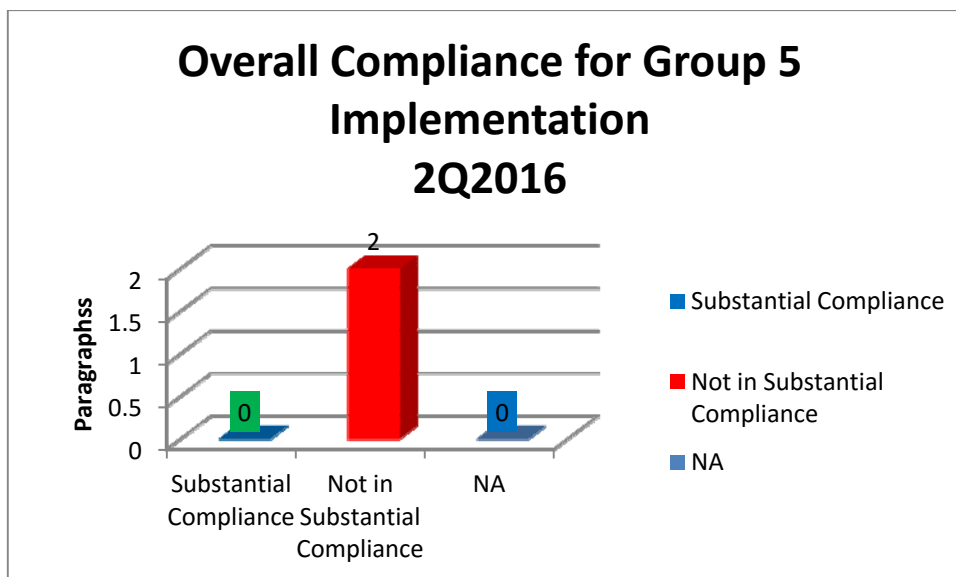


CHART 7



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CHART 8



C. Court Ordered Goals for the 2 Quarter 2016

The VIPD submitted that they would come into compliance with paragraphs 60 and 72 by the end of 2Q2016. In addition the Court required that the VIPD submit an Action Plan (IMT designated this as Action Plan 1-2016). The plan was jointly filed on June 13, 2016 by the VIPD and USDOJ. The details of this plan (as well a second plan titled by the IMT as Action Plan 2-2016 covering the remaining non-compliant paragraphs) can be found in Section III of this report.

VIPD compliance with this Court approved goal (as of the publication date of this draft) was as shown in Appendix A to this report and stood at 44 of 61 steps completed or 72%, and neither paragraph 60 or 72 was brought into compliance. Action Plan 1-2016 including monitoring compliance for 8 of the 11 sub-paragraphs, with only sub-paragraph 60-d listed as in Partial Compliance and sub-paragraphs 70-a and 70-b as Not in Substantial Compliance. Sub-paragraph 60-d has five (5) steps within the plan and VIPD came into compliance with 4 of the 5 or 80%. The remaining non-compliant step required:

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Update the Data Input Plan to outline all data collection and areas of responsibility for their collection. Create directive identifying the person or position/unit responsible for data collection on Injuries to Prisoners, the timelines for collection and reporting of findings.

The VIPD demonstrated compliance with 5 of 6 steps, or 83% of paragraph 70-a, with Step 5 remaining non-compliant. That Step reads as follows:

Identify/gather documentation or evidence showing discipline being served, for example; final orders, payroll deductions, training documentation, etc.

Only one step in paragraph 70-b, Step 4, remained non-compliant, for 80% compliance and that Step reads as follows:

Submit request for compliance certification, with all supporting documentation, to the USDOJ/IMT for review via the CD Coordinator.

There were some submissions of documentation in other sub-paragraph steps that did not meet IMT compliance standards and IMT is working with the VIPD to update and re-evaluate these issues.

See Section III for the plan development and Appendix A for detail.

D. Other Court Ordered Goals Completed During the Second Quarter 2016.

While many of the previously non-compliant goals are covered by sections of both Action Plans, no paragraph level related court ordered goals were brought into compliance during the reporting quarter.

D. Current Status of All Other Court Approved Goals

Many previously approved Court Ordered Goals, as reported in the Monitor's First Quarter 2016 report, remain non-compliant. To view a detailed listing of unmet goals, the reader is directed to

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Appendix C to this report, which includes a total of 61 goals that are non-compliant. As many of these goals are accounted for within the Action Plans (1-2016 and 2-2016), work continues.

E. Sub-Paragraphs Not Associated With a Goal

There were a total of twelve (12) sub-paragraphs monitored by the IMT that are not associated with a specific Court Ordered Goal. During the Second Quarter of 2016 these sub-paragraphs were included in Action Plan 2-2016 and will be addressed during the Third and Fourth reporting quarters of 2016. There was, however, no work completed against compliance of these sub-paragraphs during 2Q2016.

It should be noted that the GMS (Goals Planning) software program went out of service in late March of 2016 due to computer system problems within the VIPD IT structure. The software was brought back on line in mid-April and updated in early May by the IMT. The software remains on line within the VIPD system.

F. Current Status of Consent Decree Paragraphs Not In Substantial Compliance

As noted elsewhere, the VIPD concentrated their effort at compliance by focusing on paragraphs 60 and 72, the submitted goals for the quarter. All of these paragraphs were included in Action Plan 1-2016 and can be viewed in Appendix A to this report. The remaining non-compliant paragraphs are covered in Action Plan 2-2016 and can be viewed in Appendix B. In addition these are also discussed in Section III, Action Plans. As noted elsewhere in this report, no paragraphs were moved into compliance during the quarter.

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III. ACTION PLANS

After the 1Q2016 Court Hearing, the VIPD, after consultation with USDOJ and IMT, submitted to the Court that they would come into compliance with two paragraphs, 60 and 72, by the end of the 2Q2016 reporting period. To accomplish this, the Court required they submit an Action Plan to accomplish this that included progressive completion steps, persons accountable for those steps, and suspense dates for completion, which would not extend beyond the end of the 2Q2016. The VIPD choose to bring paragraphs 60 and 72 into compliance and build a plan to respond to this. This Action Plan, developed in conjunction with the IMT and USDOJ, was to be filed with the Court by July 29, 2016.

Thus the VIPD was obligated to complete two separate Action Plans, named by the IMT as Action Plan 1-2016 (Paragraphs 60 and 72) and Action Plan 2-2016 (the remaining non-compliant paragraphs) within the 2Q2016 reporting period. Considering that VIPD efforts to develop similar plans for the Court ordered goals had not come up to standards, the IMT concluded that draft plans would be necessary in order to establish a comprehensive starting point for discussion with the IMT and USDOJ. A draft plan, complete with suggested action steps, suspense dates and persons responsible, was developed by the IMT and submitted to the VIPD and USDOJ on or about May 30, 2016.

Using this draft as a basis for discussion and collaboration, the Parties, along with the IMT, conducted a series of conference calls and re-drafts of the Action Plan 1-2016, some extending over better part of the workdays involved, came to agreement with a final version of the plan and that was submitted to the Court on June 13, 2016. The IMT loaded this into the IMT Data system and began monitoring it for compliance. The following table depicts the number of sub-paragraphs and associated steps involved with Action Plan 1-2016.

TABLE 3
Action Plan 1-2016 for 2Q2016

Paragraph	Number of Sub-Paragraphs	Number of Action Steps
60	11	50
72	2	11
Totals	13	61

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As shown above, this effort required significant action by the VIPD and substantial follow-up and documentation on the part of the IMT and USDOJ, including developing the tracking and compliance verification/certification tools to monitor the VIPD's progress. That plan was loaded into the IMT database included monitoring steps for sub-paragraphs that were considered in compliance, as well as steps to gain compliance, thus the large number of steps as seen in the table.

After filing Action Plan 1-2016, the IMT developed a second draft Action Plan 2-2016. The VIPD and USDOJ, along with the IMT spent another series of conference calls and prepared another series of drafts over another two to three-week period, refining and finalizing the plan. The final document was submitted to the Court on time on July 29th as a joint motion between the parties. The IMT has since loaded that plan into its database and began monitoring compliance. This plan, named Action Plan 2-2016, sets forth the actions to get the remaining non-compliant paragraphs (a total of 18 paragraphs) into substantial compliance by the end of 4Q2016, or Feb 28, 2017. The contents of this plan, in terms of sub-paragraphs affected and steps required for compliance, are detailed below in Table 4.

TABLE 4
Action Plan 2-2016 for 3Q2016 through 4Q2016

Paragraph	Number of Sub-Paragraphs	Number of Action Steps
32	6	26
33	5	19
34	5	22
35	4	19
36	9	8
37	5	12
38	2	7
44	10	14
58	5	11
59	2	4
69	2	4
71	3	2
73	2	3
74	7	23
77	2	5
81	6	16
100	23	54

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101	1	1
TOTALS	99	250

At the end of 2Q2016, which focused on Action Plan 1-2016, that plan was combined with Action Plan 2-2016 for monitoring and reporting purposes throughout the Third and Fourth Quarters of 2016. Action Plan 1-2016 was not included in Table 3. Future reporting will use a combined Action Plan 1-2016 and 2-2016 and be referred to as Action Plan 2016.

Monitoring by IMT members will include weekly contact with the persons responsible for each step within the plans to make sure that steps are completed on time. Further the IMT has a process for evaluating compliance in place that works as follows:

- IMT Document Coordinator forwards VIPD requests for compliance within one day of receipt to the appropriate IMT reviewer.
- IMT reviewers have 3 working days to return the compliance evaluation in accordance with the format shown in Figure 1, below.
- IMT will return the form shown in Figure 1 to the VIPD CD Coordinator within one working day thereafter.

The VIPD should get a written evaluation of compliance or non-compliance within 5 working days of any submission. Included with the evaluation are reminders about any future incremental reporting as well as needed improvements to the documentation.

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Figure 1, Sample IMT Compliance Evaluation Form

IMT
Independent Monitoring Team
For the USVI Police Department

Action Plan Step Compliance Evaluation Report

Date Printed
07/13/2016

SUBJECT: Evaluation of Compliance with Action Plan 1 Steps
TO: Consent Decree Coordinator, U.S. Virgin Islands Police Department
FROM: The Independent Monitor for the U.S. Virgin Islands Police Department
DATE: 07/12/2016

The U.S. Virgin Islands Police Department has submitted a Step level compliance request with supporting documentation, requesting review by the Independent Monitor, for the following Paragraph, Sub-Paragraph, Step in Action Plan 1 (Paragraphs 60 and 72 only):

Paragraph: 060
Sub-Paragraph: b
Step: 3
Canine Unit will start sending weekly deployment reports to EIP Analyst.

**Step Compliance
Evaluation Date:** 07/12/2016

Based on the submitted compliance documentation the IMT has determined that compliance HAS been achieved.

If compliance was not achieved, the following evaluation is provided:

Complied with

If compliance was achieved, the IMT requests that appropriate follow-on attention to future compliance be implemented as detailed below:

VIPD should send future compliance reports grouped by required period and sorted by reporting island (e.g., STX and STX.) Further both STX and STT should be reporting under the same criteria and with the same level of detail (e.g., STX much more detailed as to actions taken on each event than provided by STT). Do not submit separate submissions by island; should be reporting on a territory wide level.

Charles A. Gruber
Charles A. Gruber
Independent Monitor

cf: USDOJ, CRT

stepeval_note
v:\para_item_all.set

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The evaluation form is returned to the VIPD, with a copy to USDOJ, with the IMT's compliance evaluation. If the evaluation is non-compliance the IMT provides an explanation and guidance for bringing the step into compliance.

Once evaluation has been completed, the IMT database is updated and a weekly status report is provided to both the IMT team as well as USDOJ. A separate, but slightly different report is provided to the VIPD which clearly displays the current status of the Action Plan 2016. To date, only Action Plan 1-2016 has been active and worked on by the VIPD, thus these reports have featured only paragraphs 60 and 72 of Action Plan 1-2016. Once the quarter has been completed, both Action Plans will be reflected in these reports. After that only a combined single report will be used.

As noted in Section II, Compliance Status, Appendix A displays the status of Action Plan 1-2016 (Paragraphs 60 and 72 only) compliance as of the end of the quarter.

In the preface to the Action Plan 2-2016, filed with the Court, the IMT made the following recommendations to further VIPD compliance with its policies, Consent Decree requirements and overall management of the department:

“In addition, numerous Steps require an initial submission as well as subsequent follow-on submissions. While compliance may be demonstrated for the initial and several subsequent submissions, the VIPD is cautioned that these reports are critical and necessary reports to be used by management long after compliance with the Consent Decree has been attained. It is therefore suggested that the VIPD establish a **Management Reporting Document List and Schedule** that creates suspense dates for submission and distribution. In addition, the VIPD should consider the issuance of a department policy that details these reports and their uses, as well mandates that appropriate managers review same with their subordinate personnel in an effort to enhance the delivery of services to the general public. The IMT is available to assist the VIPD in the development of such a document.

Based on the reviews conducted to establish this Action Plan, it is also noted that the VIPD should consider the creation of a department policy that lists ALL **Department Policy Definitions** from whatever source document in one document and as the previous policies are reviewed, the definitions are removed and published in this consolidated format. Such an action will eliminate both the existence and potential for conflicting

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definitions between documents, while also providing department personnel with a central location for such definitions.”

The IMT reiterates these recommendations here and encourages the VIPD to implement them as soon as possible.

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IV. FORCE MONITORING & TECHNICAL ASSISTANCE

Use of Force paragraph compliance and VIPD force management and practice received heavy IMT focus in Quarter Two. We report here on monitoring activity, Summit engagement, supervisor training, a Shooting Review and evaluation of only recently received VIPD Compliance Audit results.

A. Use of Force Frequency – 2016

Table 5 displays the frequency and force types used for the first seven months of 2016. There were 179 incidents, an average of about 29 per month. The table depicts the most serious uses of force and the most frequent force types used in this time period. St. Croix Police District had 43 Taser incidents in the first six months of this year compared with 5 in the previous year comparison. IMT is assessing this information to gain additional insight of the increased number from the previous year.

TABLE 5
Territory Use of Force Snapshot
Territory Use of Force Snapshot
Jan 2016 – July 25, 2016

	<u>St. Thomas</u>	<u>St. Croix</u>
# of Use of Force Incidents	103	76
# of Involved Officers	103	84
<i>Completed Investigations</i>		
Level 1	0	0
Level 2	N/A	1
Level 3	3	5
Level 4	3	13
Total Completed Use of Force Investigations	6	19
<i>Type of Force Used</i>		
Shootings	2	N/A
Choke Hold	N/A	1*
O.C. Spray	5	1
Electronic Control Weapon	5	43
Pointing of Firearm	0	1

IMT recently learned of a Level I use of force incident (the most serious use of force level) in the St. Croix Police District. The original incident occurred in March 2016 and was initially

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reported as a Level 4 use of force (lowest level of force). After three months, the incident was re-coded as a Level I use of force. IMT has consulted with St. Croix Deputy Chief regarding concern as the Force Investigation Team (FIT) did not activate and investigate the incident. The incident is still pending and IMT is unable to further review the details of the investigation due to lack of documentation in Blue Team/ IA Pro database. Since becoming aware of this force incident, IMT has been working with the St. Croix Police District. This is a serious issue and needs the utmost direct and precise management to resolve this Level 1 use of force investigation.

Only 25 of the 179 incidents, 14%, have been investigated by the VIPD. The VIPD is on pace to record 348 Use of Force incidents (12x29) and investigate 49 (348x14%), leaving almost 300 unaddressed/not reviewed. Neither the current nor projected investigative status is acceptable for Consent Decree compliance prospects, especially when viewed in the larger context of use of force, citizens' complaint, and administrative investigations backlog. With the February 2017 target for substantial compliance date looming, the need for immediate and effective intervention is obvious.

The Action Plans (1-2016 and 2-2016) did not specifically address the backlog of Use of Force investigations, although they did address backlogs of citizen complaints under Paragraph 44-i and a plan is in place to address these. VIPD policy 3.2 has two different time frames in which cases are to be completed, Level 1 (investigated by FIT) have a 50 day time period with extensions approved by the Commissioner available, while Levels 2-4 have a fifteen (15) day requirement. IMT will be working with the VIPD to establish a backlog reduction plan for Use of Force cases during 3Q2016.

B. First Quarter 2016 Compliance Audit

The VIPD's First Quarter 2016 Compliance Audit was received toward the end of this Quarter. With the dominant concentration on Action Plan development, we were not able to conduct as

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comprehensive an analysis of the Audit as we would have liked. We will conduct this analysis next quarter. We have been able to do some preliminary work that is worth reporting.

Table 6 is a side-by-side display of use of force sub-paragraph compliance rates (percentages) reported by the Audit for Quarter 1, 2016, compared to the average compliance rates reported for three previous quarters. The data show that during Quarter 1, 2016, compliance rates improved for 30 of the 38 sub-paragraphs measures, 79%. Compliance rates declined for seven (7) sub-paragraphs, 18%. One sub-paragraph did not change.

Table 6
Four Quarter Analysis

Paragraph	2015.2 2015.3 2015.4 Average Compliance	2016.1 Percentage Compliance	Percentage Increase/ Decrease 2016.1	Positive/ Negative Impact
32a	89%	88%	(1%)	↓
32b	39%	71%	32%	↑
32c	38%	54%	16%	↑
32d	82%	92%	10%	↑
32e	66%	88%	22%	↑
32f	97%	88%	(9%)	↓
33a	76%	88%	12%	↑
33b	53%	67%	14%	↑
33c	29%	42%	13%	↑
33d	18%	42%	24%	↑
33e	87%	85%	(2%)	↓
34a	38%	54%	16%	↑
34b	44%	54%	10%	↑
34c	38%%	54%	16%	↑
34d	38%	54%	16%	↑
34e/f	93%	100%	7%	↑
34f	93%	100%	7%	↑
34f/g	93%	100%	7%	↑
35a	77%	93%	16%	↑
35b	66%	71%	5%	↑
35c	11%	17%	6%	↑
35d	100%	100%	N/A	Even
36a	63%	92%	29%	↑
36b	78%	57%	(21%)	↓

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36c	62%	64%	2%	↑
36d	93%	88%	(5%)	↓
36e	82%	92%	10%	↑
36 e.1	61%	87%	26%	↑
36 e.2	84%	73%	(11%)	↓
36f	35%	67%	32%	↑
36g	20%	62%	42%	↑
37a	78%	100%	22%	↑
37b	64%	63%	(1%)	↓
37c	16%	25%	9%	↑
37d	38%	54%	16%	↑
37e	22%	25%	3%	↑
37f	6%	13%	7%	↑
37g	26%	100%	74%	↑

Source: First Quarter Compliance Audit (undated), VIPD Audit Unit, Addendum (p. 66).

One-quarter improvement, even with the magnitude experienced in Quarter 1, does not constitute a trend. The data are encouraging however. We understand that the Quarter 2 Audit is almost ready. We are eager to see the results. If the Positives hold, we can begin to believe that a corner has been turned. And if it has, we need to determine why and how.

C. Officer-Involved Shootings – 2016

The Territory has conducted two officer-involved shooting investigations year-to-date. The first incident occurred on Saturday March 5, 2016, in the St. Thomas Police District. The IMT received initial updates on case investigation and a full briefing on Friday July 1, 2016 in St. Croix from the FIT Investigators. The case investigation is pending and IMT has provided technical assistance as needed to assist the VIPD develop capacity within the FIT teams and improved their investigations. However this case investigation is past the VIPD policy established timeline (VIPD Policy 3.2), and have not asked for any extensions. This was to be expected as it was the FIT team's first experience.

The second officer-Involved (off duty) shooting occurred on Wednesday April 27, 2016. The IMT received initial updates on the case investigation and a briefing on Friday July 1, 2016 in St.

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Croix from the FIT Investigators. The case investigation is pending and the IMT has communicated technical assistance conversations. The case investigation is also past the policy set timeline. This was to be expected as it is only the FIT team's second experience conducting such an investigation.

While it is noted that some delay involved processing and transmittal of DNA evidence, the VIPD should monitor the overall timeliness of the investigations to ensure completion within policy guidelines. It would appear from comments, that FIT investigations currently lack this command emphasis and priority.

In addition to being beyond the established policy submission dates on both cases, IMT also learned about some other OIS related problems, which included:

- There are investigation equipment shortfalls that have inhibited the investigation. These include proper crime scene sketching software and trajectory rods, among others.

The procurement and training on these items, as well as others, have been identified and incorporated into Action Plan 2-2016 steps.

- Investigators stated that they could not complete the OIS investigation in a timely manner because they were pressed to complete other duties within their units (CID and IAB). They expressed frustration with this, but clearly stated the other duties appeared to have a higher priority.

The completion of officer involved shooting investigations should take priority over other unit level tasks. In these investigations the VIPD has a twofold responsibility, 1) to demonstrate to the public that transparency and objectivity in

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the way the investigate the actions of their members is first priority and, 2) that they owe the employee, the officer involved, not only an objective and complete investigation but also one that does not leave him or her wondering what the department may find and what they may do in terms of any potential discipline. The VIPD needs to make the completion of these cases the number one priority.

- The IMT noted several failures on the part of supervisors to control the scenes as well interference by the union representing the officers. In one case the involved officers left the scene without permission and went to the hospital. While there, union representatives frustrated the FIT investigator locating the officers. Another problem occurred when the involved officer retained his weapon for about three hours without FIT authorization, thus impacting the credibility of any subsequent weapon countdown. In another instance, supervisors on the scene (which was a roadway in the city) did not stop vehicular traffic from driving through the crime scene, scattering shell casings as well as crushing them. None of these are responsive to the FIT policy or SOP.

The VIPD needs to follow-up on these, as well as other issues that arose during both investigations and take whatever administrative or legal actions necessary to ensure that they are not repeated in future investigations.

A Historical Shooting Analysis is planned to review all VIPD officer-involved shootings since 2008. The framework for analysis is nearly completed and due to other pending projects the report is due by December 2016.

D. On-Site Monitoring

Two members of the IMT conducted monitoring activities on May 9 and 10, 2016. The most concentrated engagement was a morning-long meeting (over four hours) with chiefs and deputy

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chiefs from each district, Audit Unit and other VIPD compliance staff. Notable take-aways included:

- VIPD Chiefs and Deputy Chiefs has cited the need for use of force training for supervisors, recognizing that it has been several years since the last training and there are new supervisors who need the training. It was suggested that the training be specific to the VIPD, including the policy and Consent Decree modules. The Executive Command Staff stated their preference that the Independent Monitoring Team conduct the training in June 2016 (4 days of training on both Islands).
- Discussion focused extensively on yearly Use of Force Analysis, essentially an unmet requirement of command staff. Lieutenant Jones from the Audit Unit assisted with the discussion and provided what she had used as an Annual Use of Force Analysis as a former Deputy Chief (2014). The IMT noted the value of the 2014 RRR Annual, for St. Croix only, as a model. Captain Duggan, upon questioning, indicated that a 2015 Report was not in the works and there was no intent to produce one; that Use of Force Analysis reporting is an obligation of the chiefs. The Executive Command Staff discussed the report and content. The chiefs agreed they could provide a report, detailing the 2015 Use of Force Analysis. Since the meeting, we have followed up with the Executive Command Staff on content and format. A draft document has not been provided nor has there been a response to our offer to assist with the document.
- The IMT also provided, and reviewed highlights, contained in Road Map to Success, guidelines for managing Consent Decree operations. This document was originally distributed to Consent Decree compliance executives last year.

E. The Summit

Use of force paragraph compliance history, current status, and FIT & FRB operations were featured concentrations during the May 11-12, St. Thomas Summit. Section IX, The Summit,

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details the Summit agenda and work, as well as our judgments regarding the value of what was a material investment of resources of all of the Parties.

F. Use of Force Investigations – Supervisors Training

The IMT conducted four seven-hour days of training for VIPD supervisory staff. The training was initially discussed and requested by VIPD Executive Command staff in May 2016 and provided Monday June 27 – Thursday June 30, 2016. Two days were spent training on St. Thomas and two days in St. Croix. Each class consisted of fifteen to twenty supervisors. The IMT developed and presented the instructional program.

See Section V for more information on the training content and recommendations.

G. Use of Force Case Reviews

IMT Police Practices Experts (PPEs) reviewed four use of force investigations this Quarter and conducted four special case reviews and two FIT investigations. Case reviews logged into the IMT database are:

UOFX2016-0001 – Level III Use of Force

Incident Summary: Officer was assigned to parade duty in St. Croix. The officer requested some individuals step back away from the street due to blocking the parade route. An individual confronted the officer with fists clenched and pushed into the officer's chest. The officer lost balance and then after gaining balance the officer sprayed a one second burst of OC spray to the forehead of the individual. Subject attempted to walk away and was stopped by the officer and other assisting officers. The individual was arrested for battery to an officer.

Identified Issues:

- The supervisor did not respond to the scene of the use of force incident.

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- There were two witnesses listed in the report, but there is no indication of the role of the witnesses.
- The report lacks photos of the scene and officer.
- The interview of the officer lacks depth of questioning to the force, probing and follow up to the involvement of the two witnesses.
- One of the witnesses name is different in the body of the report and how listed in the face page.
- The incident was approved as Justified - In Policy, but VIPD Policy not followed and or no steps by any supervisory/ command personnel to address deficiencies. Report ultimately approved by the Deputy Chief.

UOFT2016-0005 – Level IV Use of Force

Incident Summary: Officers were sent to the hospital for a disorderly person in the lobby. The officers confronted an individual who was loud and cursing. The individual told the officers to leave him alone and the officers grabbed at the subject and a struggle ensued with the individual. The officers attempted to place a wrist lock on the suspect and were finally able to handcuff the individual.

Identified Issues:

- The man had a cut to his head, but the officers said the injury was prior to the struggle with the officers.
- The sergeant arrived on-scene, but the use of force investigation lacked interviewing the suspect and or the reason(s) for no interview;
- Lack of photos of the injury to the suspect; inquiring with the suspect to determine if the previous injury was actually a previous injury;
- Lack of clarification if the hospital wanted the subject arrested (the apparent reason for the call.

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- The sergeant asked close-ended questioning in the officer interviews and lacked any probing questions of the incident from either officer.
- The incident was approved as Justified - In Policy. Use of Force Work Group sent the report back for further work after being approved by the Deputy Chief.

UOFT2016-0007 – Level IV Use of Force

Incident Summary: An officer was dispatched to a call for an individual with his car blocking a driveway. The officer responded and engaged the operator of the vehicle blocking the driveway. The man became angry and would not move his auto. The officer called for additional officers. The subject according to the police reports became loud, abusive and threatening to the officers. The officers attempted to arrest the driver of the auto and the officers were finally able to place handcuffs on the subject. The supervisor responded to the scene. Several witnesses were located and interviewed. The witnesses and officers confirmed the level of anger from the driver of the auto.

Identified Issues:

- The officer force statements were lacking in specific detail of what occurred.
- The reports contain pattern and boiler plate language, which does not specify specific actions of the subjects.
- The sergeant did not photograph the suspect and the subject would not provide a statement.
- There is no mention from the supervisor that the subject complained of shoulder pain and was taken to the hospital and later released and lodged in jail. One of the officer audio interviews mentions that the subject complained of a shoulder injury due to improper handcuffing.
- The sergeant who conducted the interview did not follow up and or ask any additional questions during the interview.

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- An additional officer interview conducted by the sergeant mentions the officer stating the subject complained of an injury while in the police facility. The officer mentions that the injury did not come from when the officers struggled with the subject. The sergeant accepts this statement from the officer and does follow up and or ask any further questions.
- The officer then mentions she now realizes she may have injured her finger during the struggle. This interview occurred twenty days after the incident and this is the first time the officer advised VIPD of her injury. The sergeant followed up with what the officer should do in terms of documentation of the injury.
- The incident was approved as Justified - In Policy, but VIPD Policy not followed and or no steps by any supervisory/ command personnel to address deficiencies. Report ultimately approved by the Deputy Chief.

UOFX2016-0008 – Level III Use of Force

Incident Summary: An officer was dispatched to a call of a trespasser. The officer responded and met the trespasser who pointed a broken fluorescent bulb at the officer and stated she was not going with the officer. The officer painted the individual with her Taser then deployed the Taser, which did not make contact with the suspect. The officer backed away from the suspect and pointed her firearm at the suspect. The suspect dropped the bulb and the officer threw the suspect up against a fence. The suspect bit the officer and the officer used her Taser in the drive stun mode, which had no effect. Some employees assisted and the suspect was subsequently handcuffed and arrested.

Identified Issues:

- The supervisor responded to the hospital, but not to the scene of the incident.
- The supervisory assessment lacked an assessment on all the uses of force, Taser evaluation, response to incident scene.

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- The supervisory interview lacked the evaluation and or mentioning of all types of force used.
- The supervisor used close-ended questioning during the officer interview.
- The incident was approved as Justified - In Policy, but VIPD Policy not followed and or no steps by any supervisory/ command personnel to address deficiencies. Report ultimately approved by the Deputy Chief.

The Audit Unit requested IMT assistance to review these four specific uses of force investigations, due to the complexity and seriousness of the incidents. The IMT received the four case numbers from the Audit Unit and independently reviewed the investigations without input, notes, case file information and or communication from the Audit Unit. The results of the IMT reviews were sent to the IMT Monitor who collaborated with the VIPD Commissioner on the incidents. Table 7 details the information from each incident.

TABLE 8
Case Review Categorizations

UOFT2015-0075 STT2015-0339 Safety Issue Incident	UOFX2015-0035 STX2015-0254 Seizure Issue Incident
UOFX2015-0011 STX2015-0079 Seizure Issue Incident	UOFX2015-0004 STX2015-0021 Special Response Team Concern

H. Force Lesson Plans

Important components of use of force management are principled and progressive force lesson plans. The IMT requested the base approved VIPD Use of Force Lesson Plan in February 2016. At the May Summit, the IMT received a Use of Force Lesson Plan that we judged to be below approved standards. Since the IMT has conversed with VIPD Legal Counsel on current Use of Force Lesson Plans, we would had expected an improved updated version. The IMT recently completed review and made comments and suggestions to improve this version of the VIPD Use

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of Force Lesson Plan and it was sent back to VIPD the last week of July. We have also reviewed the Power DMS System and located the current VIPD Control Electronic Weapon (CEW) Lesson Plan. This Lesson Plan does not align with generally accepted policing principles and a reviewed copy was returned to the VIPD Legal Counsel. The IMT pointed out several issues with the current CEW lesson plan, which is out of alignment and does not address important areas of use of the CEW.

Not only do these lesson plans have force policy and policing practices issues, but they also lack an adult learning and delivery system focus, impacting actual transfer of knowledge to the student. In revising these lesson plans, as well as other VIPD force training materials, a focus on adult inter-active facilitation should be adopted over the previous pure lecture format. This should result in improved transfer of knowledge and thus increased proficiency in actual operations.

The IMT continues to review other Force and Force tools related lesson plans and these have also been scheduled for update within Action Plan 2-2016.

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V. SUPERVISORY USE OF FORCE INVESTIGATION TRAINING

During the second quarter of 2016, the VIPD Command Staff requested that the IMT conduct training for VIPD supervisory personnel on how to investigate use of force incidents. The training was initially discussed and requested in May 2016 and then provided between June 27 and June 30, 2016 on both St Thomas and St Croix. Each delivery was for 7 hours and was conducted twice on each island, with fifteen to twenty supervisors and command reviewer personnel present in each class.

The program was developed by IMT staff based upon observations and findings, which surfaced during continual review of use of force investigations by the IMT, from errors noted in VIPD Quarterly Audits, and highlighted points of failures within these investigations. The program design focused on 1) the areas where mistakes continue to be made by the VIPD personnel, and 2) preventing these mistakes in the future. The course Program of Instruction (outline) consisted of the following subject areas as shown in Figure 2, below:

Figure 2, Use of Force Training Program of Instruction (Outline)

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Program of Instruction (POI) Supervisory Investigation of Use of Force

08/04/2016

NBR Module**1.0 Supervisory Investigation of Use of Force**

NOTE- In Minutes Totals Estimated

LP NBR Lesson Plan Title
1.1 Course Introduction

TOTAL HRS
30 0.50

NOTE- In Minutes Totals Estimated

PO NBR Performance/Learning Objective
1.1.1 Identify course purpose and objectives

TOTAL
10

PO NBR Performance/Learning Objective
1.1.2 Determine course participant's knowledge of supervisory investigation of Use of Force incidents involving their subordinates.

TOTAL
15

PO NBR Performance/Learning Objective
1.1.3 Disburse administrative information such as restroom location, smoking and cell phone policy, breaks, attendance

TOTAL
5

LP NBR Lesson Plan Title
1.2 Use of Force Controlling Case Law and VIPD use of Force Policy

TOTAL HRS
90 1.50

NOTE- In Minutes Totals Estimated

PO NBR Performance/Learning Objective
1.2.1 Identify major case law regarding police officer use of force.

TOTAL
20

PO NBR Performance/Learning Objective
1.2.2 Assess participant understanding of major case law

TOTAL
10

PO NBR Performance/Learning Objective
1.2.3 Identify VIPD policy controlling use of and investigating force by supervisors.

TOTAL
30

PO NBR Performance/Learning Objective
1.2.4 Define terms used in VIPD policies on force and use of force.

TOTAL
20

Final Version Number:
08/04/2016

CR= Classroom Interactive Lecture, PE= Practical Exercise, TOT= Totals for CR & PE in Minutes; HRS= Translated to Hours, PO=Performance Objective, LP=Lesson Plan

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<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.2.5	Describe VIPD policy on Use of Force by department members and define policy levels and how they control supervisory investigations.	10	
<u>LP NBR</u>	<u>Lesson Plan Title</u>	<u>TOTAL</u>	<u>HRS</u>
1.3	Supervisory Responsibilities	105	1.75
NOTE- In Minutes Totals Estimated			
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.3.2	Describe the on-scene and initial investigative supervisor's responsibilities for investigating use of force by VIPD officers	30	
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.3.3	Describe the supervisors follow-on responsibilities in investigation use of force.	60	
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.3.4	Describe why Public safety Statements are needed and their purpose.	10	
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.3.5	List the components of the public safety statement and why they are taken.	5	
<u>LP NBR</u>	<u>Lesson Plan Title</u>	<u>TOTAL</u>	<u>HRS</u>
1.4	Decision Point Analysis and Investigative Conclusions	50	0.83
NOTE- In Minutes Totals Estimated			
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.4.1	Define the terms "Decision Point Analysis" and "de-escalation Options"	15	
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.4.2	Identify the steps used to conduct a decision point analysis of a use of force	20	
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
	Given a scenario, apply decision point analysis in order to determine if the officer involved in the use of		
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1.4.3	force acted within policy and law and used all possible de-escalation tactics.	15	
<u>LP NBR</u>	<u>Lesson Plan Title</u>	<u>TOTAL</u>	<u>HRS</u>
1.5	Putting It All Together	75	1.25
NOTE- In Minutes Totals Estimated			
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.5.1	Given a use of force video scenario, participants will review the use of force incident, identify key components of supervisory responsibilities and prepare a report narrative using the RRR.	75	
<u>LP NBR</u>	<u>Lesson Plan Title</u>	<u>TOTAL</u>	<u>HRS</u>
1.6	Course Closing	25	0.42
NOTE- In Minutes Totals Estimated			
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.6.1	Participants, guided by the trainer, will identify major course objectives	5	
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.6.2	Participants will list their course take-aways	10	
<u>PO NBR</u>	<u>Performance/Learning Objective</u>	<u>TOTAL</u>	
1.6.3	Participants will prepare a Level 1 course evaluation.	10	
End of Module <u>1.0 Supervisory Investigation of Use of Force</u>			
		Total Modified Lecture/Mins	245
		Total Practicals/Mins	130
		Total Course/Mins	375
		Total Course Hours	6.25
		Hours Available	6.50
		Balance	0.25

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CR= Classroom Interactive Lecture, PE= Practical Exercise, TOT= Totals for CR & PE in Minutes; HRS= Translated to Hours, PO=Performance Objective, LP=Lesson Plan

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Engaging the supervisors returned value to the course instructors with regard to future compliance activity. Some observations from the training that have implications for VIPD future compliance in the Use of Force area include:

- **Command Personnel Presence:** District Police Chiefs and Deputy Police Chiefs, Internal Affairs, Compliance Manager, and Audit Unit Personnel attended the training. The presence of the Executive Command Staff at all sessions offered good discussions and at times addressed difficult concerns with policy and culture. In addition, comments were made by command staff to the attendees about why this training was important; a definitive leadership role.

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- Recommendation:** That VIPD command staff attend for some period of time all training delivered to VIPD personnel. While their presence may not be possible or appropriate for the entire block of training, being there at the beginning demonstrates commitment to the training as well as management oversight as to the quality and appropriateness of the training. Especially considering the Audit recommendations about management failure to oversee compliance with CD mandates, this would be an important change in behavior and leadership.
- **Pre-Class Assignment:** Each supervisor attendee was required to complete a pre-class homework assignment and each session (four in total) had a different situational problem to solve. The assignments focused on situations requiring understanding and application of VIPD policy and Consent Decree requirements regarding use of force. Each supervisor was required to type their responses (in a specific format) and submit the completed assignments to their respective District Police Chiefs by June 21, 2016 as well as bring a copy to the class for submission to the instructors. Overall, supervisory reviews of required work were well done and their overall performance rated between a grading of B and A-. This is perplexing since training performance was significantly different and superior to real world force investigations performance in many areas by the VIPD. For example their class assignments were complete, addressed the policy requirements completely and yet at times their supervisory use of force investigations in the field lack the same level of detail and content. This perplexing situation was discussed in detail during the course of instruction. The IMT instructors concluded that much of this relates to a reluctance of VIPD personnel to “call out” or criticize other personnel; in essence they do not “critically analyze” other’s performance. However the classroom discussions did result in some critical assessments of the scenario performance of VIPD officers (the videos used were generally from VIPD incidents) and in some cases “heated” differences of opinion rose to the surface. In the end, the assessments were

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good and generated “critical statements” on performance. The instructional personnel continued to make the point that the same critical analysis is needed in their force reporting. This was also linked back to their audit reports, where issues identified there were a good source of knowledge on where improvements were needed.

Recommendation: In addition to the issue of the quality of performance with the situations versus that of the real world, the use of the Pre-Class assignment adds another dimension to training. It can generate thoughts and questions on the attendee’s part prior to class through reflection on his/her performance. It can also provide the trainer with insight as to the state of the attendee’s knowledge of the subject to be taught. With that in mind, it is recommended that the VIPD Training Division consider the use of pre-class assignments to gauge the understanding of the material to be presented, thus allowing for tailoring to the attendee’s knowledge levels. This will also focus the material to the area that the attendees need to know but does not, a key principle of adult learning.

- **Public Safety Statement:** Significant time was used up by discussions regarding the “Public Safety Statement” requirement in the Use of Force Policy. It was very obvious that many supervisors were unaware of and/or confused regarding the Public Safety Statement, its use and basis or need. Some supervisors felt the Public Safety Statement was a compelled statement and some felt a Garrity Warning should be provided prior to obtaining the Public Safety Statement.

Recommendation: The Public Safety Statement is just that; the essential information needed by supervisors responding to an incident in order to ensure safety to the public as well as department personnel. It is not a direct requirement for an administrative investigation and is associated with law enforcement operations, .e.g., who did what, are their subjects fleeing, is anybody hurt, etc. It is an organized set of questions that

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competent law enforcement officers and supervisors might ask about an incident upon arrival on the scene. After careful and thoughtful review of current policy, VIPD may want to consider removing the Public Safety Statement from the Use of Force Policy and publishing it elsewhere under general patrol or investigative policy, possibly under response to police incidents. A reference can then be made to it in the Investigating Use of Force Policy (3.2) rather than having it there only. Additional training on the Public Safety Statement and the merits for the information is an important step for VIPD to make in order to build trust with their personnel on an essential component of policing. It is also an essential component of a quality police response to, control of, and investigation of an incident, especially a criminal incident.

- **IMT Paragraph Evaluation and VIPD Audits:** Some of the material used focused on the VIPD Quarterly Audit analysis as well as IMT developed evaluation criteria for the Consent Decree paragraphs, which VIPD Use of Force and Investigating Force policies are built on. These were used to show where errors are being made by supervisors investigating force and how they can be helpful to identify weaknesses in supervisory investigations for the attendees; essentially where they need to focus their improvements. It was clear from the responses that they had never seen any of the VIPD audits or the IMT's Quarterly Reports. IMT asked the Audit and Inspections Unit (AIU) personnel in attendance if there was any reason why the supervisors could not get a copy of the audits and after checking, they could see none and said they would arrange for distribution.

Recommendation: As both the audit and the quarterly reports provide information on areas where the VIPD need to improve their performance both should be distributed throughout the chain of command down to the supervisor level. Making such information available should enhance the speed upon which the VIPD can correct its mistakes and gain compliance with Consent Decree requirements. Further,

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while the IMT provided the attendees the web address for the IMT web site where they could download the IMT Quarterly Reports, it is further recommended that each quarterly report be provided down to supervisory level (or further if desired as they are public documents). Both the Audit and IMT Quarterly Reports can be delivered via Power DMS in PDF format.

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VI. MANAGEMENT AND SUPERVISION/CITIZEN COMPLAINTS

MONITORING & TECHNICAL ASSISTANCE

Most of the focus in these paragraph areas during the Second Quarter centered on the Action Plan 1-2016 submitted to the court, specifically on efforts to comply with the relevant sections of paragraphs 60 and 72 of the Consent Decree. This Action Plan embraces 61 Action Steps for these paragraphs. Initial attempts were challenged by some limited differing opinions as to appropriate documentation necessary to attain compliance. These were addressed and all parties worked on better defining such necessary documentation for the remaining paragraphs in the subsequently developed Action Plan 2-2016.

The VIPD met compliance with 44 of the 61 action steps. The VIPD submitted requests for compliance with all steps, except Paragraph 60-f-2, in Action Plan 1-2016 by the end of the quarter, however the documentation did not meet compliance levels in all cases.. The VIPD submitted some additional Action Plan 1-2016 compliance requests as this document was being finalized and these will be evaluated in the next quarter. It is noted that Appendix A and B both detail the submission dates on all steps where documentation was submitted, regardless of final compliance evaluation.

During the last quarter, the IMT reported on initiating a misconduct study, with a focus on the disciplinary process. Many of the action steps identified in paragraph 72 are directly tied to this project. At this time some of the initial steps have reached compliance. A parallel effort was conducted by the IMT to refine its own misconduct study research design.

In addition to the significant focus on paragraphs 60 and 72 for this quarter, there was additional work falling within the management and supervision area. Specifically, the IMT worked with the VIPD and USDOJ on the EIP protocol. The intent was to review the data entry plan and associated directives. The Parties and the IMT identified that there were repetitions throughout the documentation – and some limited inconsistencies. To reconcile same, the IMT is taking a

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lead to combine these multiple documents into one draft policy. This will be provided to the parties for review next quarter.

The IMT had numerous conversations and supplied technical advice to assist the VIPD to address their overdue cases. This resulted in the detailed steps for paragraph 44 in the Action Plan 2-2016. Early in the quarter, the IMT assisted the Parties to resolve and finalize the binder directive.

Due to the concentrated efforts to address the action steps, there were only three (3) formal telephone conferences with the entire working group although there were numerous phone conversations with individual and multiple members. There has been significant effort by individuals within the management and supervision/citizen complaint working group. However, there are still not enough people working on the action steps.

With the February, 2017 target completion date looming, this shortfall needs to be addressed immediately. Moreover, the VIPD intends to consolidate working groups. It is not clear at this juncture how a new arrangement will impact resource allocation. This is a consideration that needs attention from the IMT. There are implications for all work groups and compliance progress across the Consent Decree areas.

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VII. TRAINING MONITORING & TECHNICAL ASSISTANCE

Very little progress was been made on Consent Decree Paragraphs 73-81 (Training Paragraphs) during 2Q2016. There has been advancement in several of the sub-paragraphs but no new paragraph compliance was attained during the quarter. This is due largely to the departure of the previous Training Director and the arrival of a new Director. We are encouraged by this development and wish the new Director much success.

We are still especially troubled by the inability of VIPD to produce a viable use of force lesson plan. The IMT has reviewed a number of lesson plan drafts. None, to date, are sufficient. The most glaring deficiency is the absence of any discussion of de-escalation techniques. Because of this, a scheduled cycle of in-service training has been postponed and recruits who already received use of force training must be retrained upon the approval of new use of force lesson plan.

Several IMT impressions are confirmed by the VIPD Audit Unit which assessed Training this reporting period. Their report is not encouraging. It puts forth challenges for the new Director, long-standing shortcomings that will now be driven by court ordered mandates. The Audit Report singles out documentation shortfalls, curricula evaluation, roll call training, and Power DMS issues. Progress is obtainable with organized and systematic effort.

A. Paragraph 73

Paragraph 73 has languished behind substantial compliance for several reasons. For much of the history of the Consent Decree, the VIPD has viewed this paragraph without also considering Paragraphs 74 and 78 which are very much interrelated. The IMT believes it would have been more productive to organize a path to compliance in steps or actions that assured progress of all three Paragraphs simultaneously.

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Additionally, for almost two years, the VIPD has acted on a misinterpretation of Paragraph 73. The Paragraph calls for a semi-annual review of use of force policy and training materials, including lesson plans. VIPD maintained that it was conducting a semi-annual review of the use of force policy but ignored the protestations of IMT while we pointing out that the Paragraph also called for a semi-annual review of use of force training materials. The IMT and VIPD now have a mutual understanding of the wording of the Paragraph but VIPD has only recently produced an action plan on how it will accomplish compliance with this Paragraph. The VIPD has committed to the following Action Steps:

- Document the AG's designee who is responsible for conducting semi-annual reviews of Use of Force Policy and training materials for consistency and compliance with VIPD policy and VI law.

This step was completed during 1Q2016. The current department Legal Advisor is the AG's designee.

- The Legal Advisor must conduct a semi-annual review of conformance to law. This should be completed during 2Q2016.
- The Training Director must review and update all use of force and force tool lesson plans and related materials to be consistent with accepted training development processes and adult learning concepts, as well as conform to the previously noted legal review.
- The Training Director must develop and conduct an analytical process that measures the quality of all Use of Force Training.

The VIPD conducted a survey of personnel following their last in-service training cycle aimed at evaluating the quality of their use of force training. While the survey was a

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worthy first effort, the size of the survey group was much too small to declare findings to be valid or reliable, generally the result of a lack of command support and follow-up. The IMT also noted that there was no stratification to the survey so supervisors were asked the same survey questions as the officers.

The IMT has recommended for two quarters that the VIPD seek the assistance of a local college or university that can help conduct a proper survey and help develop lesson plans with measurable objectives, correlated to the post training surveys to ensure a very specific analysis of use of force training and its effect on personnel in the field. Recently, the VIPD forwarded to the IMT a draft proposal from UVI to accomplish the aforementioned tasks. The IMT has returned the proposal with comments that propose additional steps regarding the development of lesson plans which we believe would be most helpful to the VIPD.

The IMT has also recommended that the VIPD pursue a similar process to develop lesson plans and surveys for Citizen Complaint and EIP Training.

- The VIPD should match the semi-annual reviews so that they begin an in-service training cycle. Following the training and post-training evaluations, a report for each in-service training cycle should be prepared and distributed to the Training Advisory Committee and the Executive Command Staff for review and critique. New recommendations would be incorporated into the next upcoming in-service training cycle.
- A similar process should be developed for recruit training and a report, as outlined above for the in-service training cycles, should be published and distributed to the same personnel mentioned above.

B. Paragraph 74

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This paragraph has a combination of items that repeat items in Paragraph 73 and several that relate to unconnected tasks that combine for a cumbersome approach to compliance. Some activities relate to curricula development, others to instructor certification, in-service training and conducting a needs assessment.

The VIPD has never created a strategic and integrated plan to satisfy requirements either as single items or as combined tasks with other associated mandates.

At this juncture, the VIPD has committed to the following Action Steps:

- Ensure the quality of all use of force training. This is identical to the requirements f Paragraph 73.
- Develop and implement use of force training curricula.

While Paragraph 73 (and 78) call for a review of use of force training material and lesson plans by the AG's designee, this requirement calls for the Training Bureau to develop use of force lesson plans. We understood this to be a continuing process. To date, that has not been completed. We are currently attempting to assist the VIPD to revise their Use of Force lesson plans and related materials.

- Select and train VIPD officer trainers.

This provision has been satisfied for some time. The policy was delayed for most of a year over disagreements with the VIPD on the provision of waivers for instructor candidates that did not meet all of the vetting requirements. The concern was centered around those future and current instructors whose discipline and/or complaint histories would otherwise disqualify them.

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The instructor records are in the process of being made complete. To date, other than their certificates, not much information or data has been placed into the instructor's files.

We believe that FTO's should be selected using the same criteria but, to date, the VIPD has not initiated a valid process to select and vet FTO's.

- Develop, implement, approve, and oversee all in-service training.

This requirement has been in compliance for several years.

- 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.

This is another effort that defined by starts and stops never fully developed to the point of a program. The coordination required for this effort to mature has just not been evident. The most recent activity occurred about six months ago and resulted in a plan for roll call training that did not focus on deficient areas but on a planned menu of topics. Even this plan was not enacted.

- Establish procedures to evaluate training curricula and procedures.

This requirement is the same as above and as an identical item in Paragraph 73. No effort had been made during the life of the Consent Decree until most recently when the Training Bureau conducted a post in-service survey to evaluate the use of force training. The survey was a surprisingly good instrument for a first effort but the sample size was

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too small to establish validity or reliability. The survey was not stratified. Officers and supervisors were asked the same questions.

The IMT has recommended that the VIPD seek assistance to develop lesson plans with measurable objectives and post-training evaluations of retention of material as well as improved performance in the field. At this time the VIPD is engaged in discussions to acquire these services. The VIPD should include the POST Executive Director in their developments. There is certainly fruit for discussion between and among each entity to explore areas of mutual interest and cooperation.

C. Paragraph 75

This paragraph, among several others, while in compliance is precariously close to falling out of compliance. The paragraph at issue requires that several tasks be performed to ensure that they remain in compliance. Many of these tasks are Action Plan 2-2016 Steps required for the compliance of other paragraphs. There are, however, several ongoing issues related to this paragraph. Operational definitions for “mandated objectives” and “approved lesson plans” have never been established, as these terms relate to this paragraph.

The IMT has received three separate Use of Force lesson plans since May 2016, the latest in early August 2016. None meets generally accepted training development standards or application of adult learning concepts. Among the shortfalls are:

- Absence of articulated performance objectives
- Significant language and discussion of VIPD force policy
- Content on lesser force options minimal
- Content on de-escalation is not developed

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The new Training Director indicates that production of a compliance-worthy lesson plan is a priority.

We are critical of the quality of lesson plans generally and use of force lesson plans in particular. The objectives in most lesson plans are rudimentary at best and do not lend themselves to measurable outcomes upon which they might be evaluated.

While several other paragraphs refer to a lesson plan review process, none speak with any specificity to an “approval process.” We could infer that the reference is to the semi-annual review of use of force lesson plans by the AG’s Office (designee). While this review was conducted in conjunction with compliance, it has not been performed or documented for most, if not all, of the last two years. As we report in conjunction with Paragraph 73, the review process is being codified and memorialized.

At the initiation of this Consent Decree, the IMT acknowledged that it was extremely difficult for the best departments to train each work shift in teams in use of force training. This is largely a scheduling issue and the need to staff field operations positions during in-service training periods makes this requirement virtually impossible. We stated then, and continue to believe, that the best a department can do is to establish a robust roll call training program.

The VIPD has made meager attempts to conduct agency-wide roll call training and has failed to establish an ongoing roll call training program as called for in Paragraph 74. Action Steps required going forward include:

- Complete following action Steps from - Paragraph 73

The Legal Advisor must conduct a semi-annual review of conformance to law.
This should be completed during 2Q2016.

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The Training Director must develop and conduct an analytical process that measures the quality of all Use of Force Training.

- Complete following action step from Paragraph 74

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.

D. Paragraph 76

This paragraph is in compliance. The requirements were met to place this paragraph into compliance but have not been consistently maintained. The most recent review by the VIPD's Audit Unit cites that only six lesson plans could be found in PowerDMS. They did not review paper files.

We have expected that all current and new lesson plans would be uploaded to PowerDMS with paper files maintained as backup. Paper records are typically filed away and not categorized in a way that allows for easy search and recovery. Our hope has been that moving training records to PowerDMS would create a more orderly and user-friendly system of training records. Files are being loaded but PowerDMS is being used as electronic "bins" where materials are "dumped," but not in a fashion that makes records easily identifiable and retrievable. Paper files, likewise, are not organized in a manner to support easy analysis. The most recent Audit Report assesses this paragraph similarly.

The IMT will be focusing on this and other currently compliant paragraphs during the next quarter to request and review compliance documentation from the VIPD in order to determine if they remain in compliance. Examples of expectations with this paragraph might include a plan

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for organizing the uploaded materials into easily searched and accessed locations, a schedule, with suspense dates for uploading the materials, and a plan for periodic checks by training management personnel to assure that all materials are in file, both digitally and in the paper folders or notebooks.

E. Paragraph 77

This paragraph has remained in partial compliance for over two years. The Consent Decree calls for three specific items. The first calls for attendance records for all VIPD personnel. The VIPD has reasonably accurate records that record participant attendance. The IMT has indicated that the VIPD should be able to produce two years of accurate records to gain compliance.

The second calls for lesson plans that document the version of lesson plan, curricula and course description for all recorded training. Our examination and that of the VIPD Audit Unit are in agreement. Two years of lesson plan records should exist or be capable of replication. Our inspections indicate that, while these records are most likely in compliance, they are not organized in a manner that invites easy assessment. The VIPD should work to organize them in a manner that could be assessed by the IMT and the Audit Unit.

The final requirement calls for the VIPD to reasonably match instructors to each delivered training class. This requirement has proven elusive owing to the lack of good instructor record keeping over time. While not readily available, the IMT believes that reasonably accurate instructor records could be assembled for a minimum of one year which the IMT would accept as measuring up to compliance. While this has been a standing position of the IMT for well over a year, we've not seen an effort launched by the VIPD to construct instructor teaching records for this one year period.

The VIPD now has an Action Plan (2-2016) in place that calls for the compliance of this paragraph by the end of this year.

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F. Paragraph 78

This paragraph is in compliance. Like several others, it has been in compliance for some time but we have no documentation demonstrating that the VIPD is maintaining conformance. The legal advisor, in conjunction with the Training Director, has taken steps to ensure that this paragraph remains in compliance.

The IMT will be focusing on this and other currently compliant paragraphs to request and review compliance documentation from the VIPD in order to determine if they remain in compliance. Examples with this paragraph might include a memorandum from the Legal Advisor and Training Director detailing dates of and title subjected to the paragraph review requirements and a schedule for this review process.

G. Paragraph 79

This paragraph was placed into compliance relatively early in the Consent Decree process. Compliance was awarded on the basis of documents developed or in place at the time. The Training Bureau staff was told that compliance was being awarded but that the lesson plans and other training policies and practices would need updating and revision on the basis of the reviews established by other paragraphs of this Consent Decree, specifically, Paragraphs, 73, 74 and 78. As is described in our review of the aforementioned paragraphs and the most recent VIPD Audit Unit report, these reviews are not being conducted and/or documented.

As we consider the attention being paid to administration of use of force policy and training programs around the country, near constant review and revision are almost commonplace. The requirement in this Consent Decree calls for a semi-annual review. The VIPD has made virtually no change to its use of force training since this paragraph was placed into compliance, including de-escalation and crisis intervention.

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The new Training Director should place this paragraph among those still short of compliance so that it won't fall out of compliance. Currently, it's precariously close. The IMT will be focusing during the next quarter on this and other currently compliant paragraphs to request and review compliance documentation from the VIPD in order to determine if they remain in compliance. Examples of expectations with this paragraph might include a review of not only the in-service schedule but also the training materials supporting that schedule by the IMT.

H. Paragraph 80

This paragraph is in compliance. Neither the IMT nor the VIPD Audit Unit found any shortcomings relative to the compliance with this Consent Decree Paragraph. The training required by this paragraph has been consistently presented during in-service training. The IMT would only recommend that VIPD focus a portion of its in-service training on the supervisory responsibilities associated with the citizen complaint policies.

I. Paragraph 81

This paragraph is in partial compliance. In short, the VIPD has conducted supervisory training for all new promotes to supervisory positions within 90 days of their promotions. The VIPD has not, however, made supervisory training a part of its semi-annual in-service training programs and has not emphasized leadership and accountability through its training or operations and administrative practices. During an IMT review of in-service training records during 2014, it was discovered that VIPD managers were routinely excused from attending in-service training.

The IMT has long held that compliance for this paragraph must also include implementation of the primary principles of command accountability and leadership. For purposes of evaluation we have held that VIPD supervisors and managers must do a better job of investigating use of force incidents and citizen complaints than our reviews and the VIPD audits currently report. The

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VIPD must also align its disciplinary processes with modern Constitutional standards. Discipline outside of the disciplinary matrix does not reflect the kinds of supervisory and management practices typically found in the kinds of training outlined in this paragraph.

Implementation requirements for several paragraphs have been assigned to Paragraph 100 of this Consent Decree. To date, the IMT has chosen to leave the implementation of this paragraph with Paragraph 81.

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VIII. AUDITS AND RECOMENDATIONS

The IMT, in its 2nd/3rd 2015 Quarterly Reports, highlighted the large body of recommendations contained within the VIPD's Quarterly Audits. Our comments from the Second Quarter, 2015 report are:

"C. The Recommendations Backlog

A primary objective of auditing is to identify compliance shortfalls, prescribe corrective actions, and re-audit/re-measure to gauge the impact of corrective actions. In this regard, the VIPD Work Groups are doing their jobs. Every quarterly report produced by the VIPD auditors has put forth improvement recommendations. While neither the VIPD nor the IMT has produced a comprehensive box score – number of recommendations acted on, successfully implemented, and not acted on, we can say the number of unresolved recommendations presents a formidable challenge to compliance.

The IMT's response to the VIPD's 2014 Second Quarter Report (the one preceding the recently received batch) included this statement:

‘With regard to Audit Report Recommendations for the Second Quarter and previous Quarter reports, the most charitable statement the IMT can make is that the Work Groups, individually and collectively, are "drowning in good intentions." Each audit report offers recommendations, repeating those from prior audits and adding new ones, with only sporadic references of a direct nature to action or lack thereof regarding previous recommendations. Recommendations are just piling up.’

We estimated that the body of unresolved recommendations numbered 50.

A recently drafted internal VIPD document, perhaps an uncirculated analysis by the VIPD Audit Unit sets the current number of unresolved recommendations much lower than the IMT's estimate. By quarter, VIPD estimates are:

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Table 4
Unresolved Recommendations

<u>QUARTER</u>	<u>UNRESOLVED RECOMMENDATIONS</u>
Third Quarter 2013	47
Fourth Quarter 2013	25
First Quarter 2014	27
Second Quarter 2014	23
Third/Fourth Quarters 2014	15
First Quarter 2015	17

Not all findings subject to recommendation rise to recommendation level. The document from which the recommendation counts were taken notes lack of consistently timely response to recommendations, ". . . no viable action after presentation of the quarterly audit reports . . . (has led to) . . . deterioration in some of the audit output and a recycling, in most cases, of the recommendations which had not been addressed over a series of quarters."

We doubled down on this in our Third Quarter 2015 Report, saying:

"To be clear, many recommendations have been acted upon by the Commissioner, the Work Groups, and others involved in the compliance effort. The declining quarterly totals suggest this to be the case. In addition to the current number of unresolved recommendations, our concern, which mirrors that of the author of the VIPD report, there has been no definitive direction or consistent process by which the recommendations of the compliance audits are addressed. A consequence for compliance progress is self-evident."

Each completed audit has included recommendations for corrective action by the VIPD, but few have been acted upon. The ¾ Quarter 2015 continued this tradition of recommendations with the following:

"Use of Force:

As in past audits the primary outstanding feature is lack of accountability and attention to details. Once again the review process has failed in critical aspects of force

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investigations. We again make the following recommendations to improve force reporting:

1. A Commander's Call Training to address a trend that was observed through the audits: when there is a supervisor on-scene (Corporal/Sergeant) involved in or directing the use of force, there is less likelihood that another supervisor of higher rank will be notified to come to the scene of the force. Corrective actions should be recommended and alternatives remedies addressed.
2. Roll call refresher training for the appropriate information that is mandatory to be included in a RRR.
3. Additional roll call refresher training for supervisors in what is required information in an RRR and in a force investigation
4. The Command Level Review must pay attention to the fact that there is a specific standard of information that must be in each of the reports. The check list is to assist the supervisor in assuring the information is in the report when there is a failure to utilize the check list pertinent information is not included.
5. The Administrative Review also must follow the same requirements as those for the Command Level and look at each folder with a critical eye.
6. Training for all levels of review in what is required information in an RRR and in a force investigation.
7. Hold all levels in the force reporting process accountable for failures in reporting, investigating and review of the force folders.

Citizen Complaints:

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1. The predominant recommendation for this audit report is to ensure that cases are completed timely. This is very critical and must be accomplished so VIPD can be in compliance. There were 30 cases audited and 15 were submitted untimely.
2. There must be accountability for violations of policy 7.2 and 7.3. The review of cases must be completed within 30 days unless a Waiver is approved.
3. Commanders must ensure that the cases are reviewed thoroughly and make recommendations for training and any other problems noted if required.
4. Internal Affairs must ensure that all case files are uploaded into IAPRO completely to include audio/video recordings.
5. Once a waiver is approved the due dates must be reflected in IAPRO and a notice has to be sent to the Complainant as per Directive 001-2015.
6. All areas must submit inspections for the Informational Materials in the vehicles, stations, and libraries territory wide.

Management and Supervision:

Due to a lack of supporting documentation the audit unit recommends the following key issues be addressed:

1. VIPD Deputy Chiefs, Managers, and Supervisors must evaluate system reports to include individual officers, supervisors, unit activity and patterns. This must be documented to verify this evaluation.
2. Commanders call and Supervisory meeting is recommended to address the EIP Reports and data, this can include a Power Point session. Attendance must be documented.

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3. Documentation must be received monthly from the AG's Office as it relates to all criminal proceedings initiated as well as civil or administrative claims filed, and civil law suits served upon VIPD Officers.
4. EIP Alerts must be addressed and Action Plans developed. It is recommended that the EIP Analyst sends weekly reports to the Chief Office. This will assist in monitoring that timely action plans are submitted. If violations of the EIP Policy are noted action must be taken.
5. Documentation needs to be provided that IAU conducts quarterly audits of the risk management system as per policy.
6. Documentation needs to be provided to ensure that VIPD deputy chiefs, managers, and supervisors review the risk management system records of all officers recently transferred to their sections and units. It's recommended that a standardized form is developed to use Territory wide.
7. Information entered into the Risk Management System must be entered accurate and complete. There were instances that incomplete information in Use of Force, Citizen Complaints, and EIP were uploaded.
8. The Waiver developed needs to be revised to include a specific due date.
9. When Disciplinary corrective action is taken by VIPD and imposed the hearing Officer should also consider non- disciplinary corrective action such as remedial training.

Training:

Due to a lack of supporting documentation the audit unit recommends the following key issues be addressed:

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1. UOF Lesson plans must be uploaded into Power DMS and semiannually the lesson plans and UOF Training must be coordinated and reviewed. Documentation needs to be provided of this action.
2. The Director of Training or his designee need to provide documentation to ensure that UOF Training is consistent with law and policy. Documentation needs to be available to show the quality of UOF training and develop a UOF training curricula.
3. Select and train VIPD Officers trainers and evaluate all training curricula and procedures. All Instructors files and certificates must be up to date and uploaded.
4. Provide documentation of all In Service Training.
5. Provide documentation on the Training Advisory Board meetings.
6. In conjunction with the Chief develop, implement, approve, and oversee patrol roll protocol. Documentation must be provided.
7. Ensure that VIPD continues to provide training consistent with VIPD policy, Law and proper practices. All lesson plans must be signed by the Director of Training and uploaded into Power DMS to be evaluated.
8. Courses uploaded into Power DMS must have the duration, Instructor, and a course description.
9. Develop a plan to upload data into Power DMS so it can be consistent territory wide. “

Many of these recommendations mirror or support compliance steps in Action Plans 1-2016 and 2-2016. Since the audits are constantly reviewing compliance against the Consent Decree requirements and VIPD policy, adoption of recommendations can only support that effort and beyond. The fact that Action Plans needed to be created to gain compliance emphasizes this lack of attention to the audit recommendations. The most current audits continue to identify issues and problems and answer these with recommendations for corrective action. The IMT strongly encourages the VIPD to re-

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visit its past audits and read the current ones and then utilize the recommendations contained therein as part of their compliance process.

Further, as noted elsewhere in this report, the IMT strongly urges the VIPD to distribute their audit reports to all levels of command and supervision to facilitate their use as guidance for improving compliance with the Consent Decree and overall service delivery. Likewise they should also encourage their personnel to review the IMT's quarterly reports for additional information on areas where improvement it needed. These reports (in PDF format) can be viewed and downloaded from the IMT website, at www.imt-policemonitor.org

As noted elsewhere in this report, the VIPD has responded to this recommendation and as this report was being finalized, uploaded their Quarterly Audits for the 1st and 2nd Quarters of 2016 to their PowerDMS system. The IMT is pleased to see this action which was an outgrowth of the recent Supervisory Use of Force training conducted in June 2016 and which is described in Section V of this report.

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IX. THE MAY 2016 SUMMIT

A Summit was held May 10-11, 2016, on St Thomas. In attendance were representatives of the VIPD, including the Police Commissioner, USDOJ, and the IMT. The Summit agenda was established before the session and distributed to all participants. Attendees invited are listed at the end of the agenda and it was annotated as to their participation. In that context, the IMT was disappointed that there was no representation from the VIPD Attorney General's office and specifically note the absence of the Assistant Attorney General that is assigned as a member of the FIT teams, as the agenda included another practice FRB review of a FIT investigation of a previous case. This was a missed opportunity for increasing the FIT team's capacity.

The Summit agenda was updated as the Summit progressed to reflect actual interaction and times. This Summit was structured to energize the planning process for the non-compliant paragraphs and provided opportunities for the VIPD to work within their groups to enhance current plans and develop new ones. The priority suggested by the IMT was to pick certain paragraphs that were near completion or which had some steps that might be attainable during the next quarter and determine what was working and what was not, making adjustments as they reviewed their previous efforts.

A review of how to identify problems and decide on the best solutions was presented with some hands on practice thereafter. This was followed by an in depth analysis of seven quarters of Use of Force audit data in an effort to demonstrate several points, 1) how to view data longitudinally, and 2) how to use their own audit data to identify problem areas and, using the previously presented problem solving techniques, develop responses to correct errors.

Using this data and some charts from the draft 1Q2016 IMT report, the issues from the seven quarters was further explored and points requiring interdiction by the VIPD were pointed out. These sessions were followed by VIPD work group level discussions and reviews of their current

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progress. Additional opportunities were provided for VIPD to take over the facilitation and move their efforts forward.

Day Two commenced with a review of the previous day and more group level activity. That was followed with a briefing on FRB operations by the IMT and then a full FRB hearing on two VIPD cases. Since this was a previous case, the IMT facilitated brief reviews of the board's activities as appropriate.

The agenda was as is shown below in Figure 3:

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Figure 3, May 2016 Summit Agenda

IMTIndependent Monitoring Team
For the USVI Police Department**Summit May 2016 STT**

Item Nbr	Agenda Item	Focus	Estimated Time	Schedule
1	Opening Comments, VIPD, IMT, DOJ	What we want to accomplish in this Summit	30 mins	1000-1030 IMT Moderator
2	Compliance Planning Briefing and Workshop	Focus on how compliance planning is done, use of brainstorming and fishbones to identify solutions to problems, and how to monitor your progress toward compliance	60 mins	1030-1130 IMT-Palmer Wilson
	Lunch			1130-1230
3	Seven Quarter Analysis of Compliance	Review Jerry's Seven Quarter Analysis	60 mins	1230-1330 IMT- Jerry Needle
4	VIPD Presentation and Large Group Review of VIPD data from GMS on every outstanding goal and paragraph	What was planned? Did it take place? What were the results? What resets have you made to the plans? What are the anticipated completion dates? Rewrite the plans as necessary	120 mins	1330-1530 VIPD Work Group Table Sessions
	Break			1530-1545
5	IMT Expectations and Monitoring Plan for 2Q2016	Review 1Q2016 Goals and IMT Priorities What was achieved What prevented compliance	60 mins	1545-1645 IMT- Chet Epperson
	End of Day One			
6	VIPD Compliance Plan for 2Q2016; VIPD Group Meetings with	VIPD work groups will meet and identify two paragraphs and one non-goal related paragraph for compliance in 2Q2016; included with the list will be	180 mins	0800-1100 Tony Emanuel

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IMT

Independent Monitoring Team
For the USVI Police Department

Summit May 2016 STT

	IMT Staff; Goal Setting 2Q2016	a revised action plan statement that VIPD Professional Standards will review for completeness and submit a consolidated plan to IMT and DOJ for review by 5/18		
7	Brief on FRB Activity (Note 1)	Brief on conduct of the follow-on training session hearings for the FRB	30 mins	1100-1130 IMT- Chet Epperson
	Lunch		60 mins	1200-1300
8	FRB Hearings (Note 1)	The STX FRB will hear a case followed by the STT FRB; cases pre-forwarded to the FIT Teams for preparation and distribution to Board members prior to the hearing.	120 mins	1300-1500 IMT – Chet Epperson
9	Closing Comments	Review meeting results	15 mins	1500-1515 Moderator-IMT

Attendees

Commissioner (Attended Day One)

Deputy Commissioner (Did Not Attend)

Attorney General (Did Not Attend)

Assistant Attorney General (FIT Member) (Did Not Attend)

Police Chiefs

Deputy Police Chiefs

Workgroups

AIU Staff

Tony Emanuel

Gregory Davilia

DOJ Representative Jeff Murray

FRB Members (both boards)

FIT Team Members (both Teams, with a caveat that the STX Team need only consist of the FIT Supervisor or Senior Investigator who will present the FIT report to the FRB and any other team member that will also testify (e.g., Forensics, etc.; the entire STT Team is welcome but again at a minimum the investigator or supervisor who will present the case and anyone else who needs to testify)

IMT: Bob Stewart, Chet Epperson, Jerry Needle, Palmer Wilson, and Leon Casey

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X. APPENDICES

Separate Documents

Appendix A - Acton Plan 1 Status Report

Appendix B - Action Plan 2 As Filed With the District Court on July 29, 2016

Appendix C – Court Ordered Goals Not in Substantial Compliance

Appendix D – Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs



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Paragraph 060

Not In Substantial Compliance

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.

Sub-Paragraphs

a Substantial Compliance

The new risk management system will collect and record the following information: a. all uses of force;

Action Steps

- 1** Review a random selection of 1A and Arrest reports between the periods of 01/20/14 and 05/15/15 and from 02/12/16 and 05/31/16 to look for potential unreported uses of force.

Documents

Report of cases reviewed with results

Suspense	07/08/2016	Submitted	07/08/2016	Compliance	07/12/2016	Compliance Y/N
Responsible Person	D/C Chalwell					Y

- 2** Create a directive outlining the person or unit who will be responsible for obtaining the data for analysis. The directive for this subsection will require the EIP analyst to conduct monthly audits/inspections of the system, by the 3rd of each month, to ensure all reported UOF entries are entered completely in the system.

Documents

Updated directives with responsible persons annotated and EIP analyst responsibilities identified.

Suspense	06/17/2016	Submitted	06/21/2016	Compliance	07/12/2016	Compliance Y/N
Responsible Person	Acting Chief Jason Marsh					Y

- 3** Distribute and review newly created directive to EIP analyst and group members to ensure they understand the requirements for conducting the monthly audits/ inspections.

Documents

Memorandum for Record that detail the briefing and who was in attendance for both island IAB sections.

Suspense	06/23/2016	Submitted	08/03/2016	Compliance	07/12/2016	Compliance Y/N
Responsible Person	D/C Chalwell					Y

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- 4** The M&S group will conduct monthly inspections of randomly selected 1A and arrest reports from the current quarter to ensure all UOF incidents continue to be reported and entered in the IAPro (RMS) system. AIU will include a review of these monthly inspections in the quarterly audit commencing with the second quarter of 2016.

Documents

Copies of monthly inspections; notations of review within the quarterly audits comencing with 2Q2016.

Suspense 08/05/2016 **Submitted** 08/03/2016 **Compliance** 08/04/2016 **Compliance Y/N**
Responsible Person D/C Chalwell **Y**

- b** Substantial Compliance
 b. canine bite ratios;

Action Steps

- 1** Create a directive requiring Canine unit supervisors to submit, on a weekly basis, utilization/deployment reports to the EIP Analyst section.

Documents

Suspense 06/10/2016 **Submitted** 06/28/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person Acting Chief Jason Marsh **Y**

- 2** Review directive with Canine Supervisors to ensure they understand the requirements of the directive.

Documents

Suspense 06/10/2016 **Submitted** 06/23/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person D/C Alecendor, D/C Corniero **Y**

- 3** Canine Unit will start sending weekly deployment reports to EIP Analyst.

Documents

Suspense 06/16/2016 **Submitted** 06/23/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person D/C Alcendor, D/C Corniero **Y**

- 4** Obtain CAD data from 911 displaying all K9 responses from 1/1/15 to 07/15/16 to ensure all deployments during that period are captured and analyzed to determine bite ratios.

Documents

Suspense 07/20/2016 **Submitted** 07/28/2016 **Compliance** 08/05/2016 **Compliance Y/N**
Responsible Person Off Samuel (STX), P. Potter (STX) **Y**

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- 5** Create a directive requiring the EIP Analyst to conduct quarterly analysis of Canine Bite ratios to comply with the EIP Protocol analysis requirements.

Documents

Suspense 06/17/2016 **Submitted** 06/30/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person Acting Chief Jason Marsh **Y**

- 6** Create an interim database for canine unit supervisors to track all K-9 Unit deployments until IAPro's release of the K-9 module this fall. The database will track minimally the same fields as on the deployment reports, to include: 1A Number, Crime Classification, Handler name, Canine name, Unit #Location, Date of Occurrence, Date reported, Time arrived, whether deployment resulted in an apprehension, and whether there was a bite/hold, and type of deployment.

Documents

Suspense 06/30/2016 **Submitted** 06/23/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person K. Tweede(MIS), M&S Grp, K-9 **Y**

- 7** Change deployment of K-9 units from their present Special Response deployment to a regular support role in support of patrol operations.

Documents

Suspense 06/26/2016 **Submitted** 06/26/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person Chief McFarlande, Chief Marsh **Y**

c Substantial Compliance

c. the number of canisters of chemical spray used by officers;

Action Steps

- 1** Ensure measuring equipment is available and in working order in both districts.

Documents

Suspense 06/10/2016 **Submitted** 06/20/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person Dir Macintosh, SGT Sullivan *STT), SGT Lynch (STX) **Y**

- 2** Notify commanders to send their officers to training for canister inspection.

Documents

Suspense 06/09/2016 **Submitted** 06/23/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person Training Director **Y**

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- 3** Measure officers' canisters from each district. Officers will respond to the training unit to have their equipment weighed while on duty.

Documents

Suspense 06/24/2016 **Submitted** 06/24/2016 **Compliance** 07/27/2016 **Compliance Y/N**
Responsible Person SGT Sullivan (STT), SGT Lynch (STX) **Y**

- 4** Weigh-in officer will initiate exception memo on all canisters that exceed the tare weight and forward to the appropriate district Police Chief for action.

Documents

Suspense 06/30/2016 **Submitted** 07/28/2016 **Compliance** **Compliance Y/N**
Responsible Person Training Director **N**

- 5** Based on results, the district Police Chief will either open a new administrative investigation or annotate the exception memo as to the findings and forward to AIU.

Documents

Suspense 08/02/2016 **Submitted** 07/29/2016 **Compliance** **Compliance Y/N**
Responsible Person Police Chiefs **N**

- 6** Enter data into database.

Documents

Suspense 07/29/2016 **Submitted** 07/29/2016 **Compliance** **Compliance Y/N**
Responsible Person SAC Duggan **N**

- 7** Prepare completion report and forward results to DOJ/IMT for review and interim compliance recertification.

Documents

Suspense **Submitted** 07/29/2016 **Compliance** **Compliance Y/N**
Responsible Person SAC Duggan **N**

d Partial Compliance
d. all injuries to prisoners;

Action Steps



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- 1** Validate that required posters are present in Zones and report processing areas.

Documents

Suspense 06/17/2016 **Submitted** 06/20/2016 **Compliance** 07/12/2016 **Compliance Y/N**
Responsible Person LT Colbourne and LT Benta **Y**

- 2** Obtain 911 CAD listing for all reported Injury to Prisoners incidents between 01/01/15 and 05/06/16. Using that data, conduct an inspection to compare with data in the IAPro system to ensure all incidents were reported and required action taken. If no case found, initiate case and investigate; update compliance log with results.

Documents

Report based on data retrieved from IAPro

Suspense 06/30/2016 **Submitted** 07/03/2016 **Compliance** 07/27/2016 **Compliance Y/N**
Responsible Person D/C Chalwell (M&S Group project with assistance from Crime Analysts) **Y**

- 3** Obtain 911 CAD listing for all reported Injury to Prisoner incidents between 05/06/16 and 07/15/16 to ensure that Injury to Prisoner incidents continue to be reported, entered into IAPro, and required actions taken. Add results to report in Step 2, above.

Documents

CAD system printout of incidents coded as Injuries to Prisoners; copy of report from Step 1 annotated where cases do not match.

Suspense 07/22/2016 **Submitted** 07/26/2016 **Compliance** 07/27/2016 **Compliance Y/N**
Responsible Person D/C Chalwell **Y**

- 4** Submit report regarding steps 2 and 3 to the AIU, DOJ and IMT.

Documents

Report referenced in action step.

Suspense 07/30/2016 **Submitted** 08/03/2016 **Compliance** 08/04/2016 **Compliance Y/N**
Responsible Person D/C Chalwell **Y**

- 5** Update the Data Input Plan to outline all data collection and areas of responsibility for their collection. Create directive identifying the person or position/unit responsible for data collection on Injuries to Prisoners, the timelines for collection and reporting of findings.

Documents

Revised Data Collection Plan

Suspense 08/01/2016 **Submitted** 06/17/2016 **Compliance** **Compliance Y/N**
Responsible Person Acting Chief Jason Marsh **N**



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e Substantial Compliance

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;"

Action Steps

- 1** Gather data in the IAPro system on "discretionary arrests" from 01/01/15 to 07/15/16 and disseminate to M&S Group for review.

Documents

<u>Suspense</u>	07/22/2016	<u>Submitted</u>	07/28/2016	<u>Compliance</u>	08/11/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	IAB Director					Y

- 2** Review arrest and other reports obtained from Step 1 for comparison with IAPro data to determine whether all instances where force was used and a citizen was charged with an enumerated charge were segregated (duplicated from the UOF incident for analysis purposes) in the system for subsequent analysis and review.

Documents

<u>Suspense</u>	07/23/2016	<u>Submitted</u>	07/21/2016	<u>Compliance</u>	07/27/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	D/C Chalwell, M&S Grp, EIP Analysts					Y

- 3** Prepare a report of findings to be added as an addendum item to Quarterly reports and for use by Deputy Chiefs in their quarterly EIP reviews with Commanders and supervisors.

Documents

<u>Suspense</u>	07/29/2016	<u>Submitted</u>	08/03/2016	<u>Compliance</u>		<u>Compliance Y/N</u>
<u>Responsible Person</u>	D/C Chalwell, M&S Grp, EIP Analysts					N

f Substantial Compliance

f. all critical firearm discharges, both on-duty and off-duty;

Action Steps

- 1** Review all reported Firearms Discharges in the IAPro system, from 01/01/15 to 07/15/16 to ensure accuracy of data. Obtain 1A reports and Use of Force reports concerning Critical Firearms Discharges looking for consistency in reporting and accuracy with imputed IAPro data.

Documents

q

<u>Suspense</u>	07/24/2016	<u>Submitted</u>	07/21/2016	<u>Compliance</u>	07/27/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	Tony Emanuel					Y



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- 2** Prepare report on results of review for use by Audit Unit, Training Advisory Committee, and Deputy Chiefs for their quarterly EIP Review with Commanders and Supervisors.

Documents

<u>Suspense</u>	07/29/2016	<u>Submitted</u>		<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	A/Dir Emanuel				N

g Substantial Compliance

g. all complaints (and their dispositions);

Action Steps

- 1** Check status of citizen and internal complaint cases forwarded to IA for final review and entry into IAPro from 01/01/015 to 07/15/16 to determine whether cases deemed complete are being held up at the final review level.

Documents

<u>Suspense</u>	07/22/2016	<u>Submitted</u>	07/28/2016	<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	Lt. Benta for STX and DC Alcendor for STT/STJ				N

- 2** Based on the results from step 1, forward action requests to appropriate senior commanders for compliance with VIPD published complaint handling policy. Follow-up to assure any cases identified are completed and entered in the IAPro system.

Documents

<u>Suspense</u>	07/24/2016	<u>Submitted</u>	07/28/2016	<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	Lt. Benta for STX and DC Alcendor for STT/STJ				N

- 3** Create a report of the results of findings and subsequent command actions taken and forward to VIPD Audit Unit, IMT, and USDOJ.

Documents

<u>Suspense</u>	07/30/2016	<u>Submitted</u>	07/28/2016	<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	Coordinator Greg Davila				N

h Substantial Compliance

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;

Action Steps



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- 1** Obtain all quarterly listing of criminal actions, civil suits, and administrative claims between 01/01/16 and 07/15/16 from the VIAG in accordance with agreements between the VIPD and VIAG.

Documents

Suspense 07/19/2016 **Submitted** 07/19/2016 **Compliance** 07/27/2016 **Compliance Y/N**
Responsible Person Officer Greaux **Y**

- 2** Compare to IAPro record to determine if the IAPro system has been updated .

Documents

Suspense 07/22/2016 **Submitted** 07/29/2016 **Compliance** 08/02/2016 **Compliance Y/N**
Responsible Person A. Gilbert, J. McManus **Y**

- 3** If matches cannot be found update as necessary from the VIAG records obtained

Documents

Suspense 07/25/2016 **Submitted** 07/29/2016 **Compliance** 08/05/2016 **Compliance Y/N**
Responsible Person A. Gilbert, J. McManus **Y**

- 4** If information in the IAPro system differs from that provided by the VIAG, request clarification from the VIAG and update as necessary depending upon information received

Documents

Suspense 07/25/2016 **Submitted** 07/29/2016 **Compliance** 08/05/2016 **Compliance Y/N**
Responsible Person Tony Emanuel **Y**

- 5** If the reports have been received and the IAPro case files updated accordingly, submit a certification memorandum to the CD Coordinator for forwarding to the DOJ and the IMT

Documents

Suspense 07/30/2016 **Submitted** 07/29/2016 **Compliance** 08/05/2016 **Compliance Y/N**
Responsible Person Tony Emanuel **Y**

- 6** Establish suspense system dates to ensure that the process in Steps 1-5 are repeated on a quarterly basis.

Documents

Suspense 07/30/2016 **Submitted** 07/29/2016 **Compliance** 08/05/2016 **Compliance Y/N**
Responsible Person A/Dir Emanuel **Y**



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i Substantial Compliance

i. all vehicle pursuits;

Action Steps

- 1** Review vehicle pursuit policy to determine and validate reporting requirements consistent with the CD.

Documents

<u>Suspense</u>	06/22/2016	<u>Submitted</u>	06/23/2016	<u>Compliance</u>	07/27/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	D/C Chalwell					Y

- 2** Review all CAD data for events categorized as pursuit and create a list with appropriate information to link them with IAPro cases from 01/01/16 to 07/15/16.

Documents

<u>Suspense</u>	07/24/2016	<u>Submitted</u>	07/22/2016	<u>Compliance</u>	07/27/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	LT Colbourne (STT), LT Benta (STX)					Y

- 3** Compare CAD data categorized as vehicle pursuits to IAPro pursuit-based case entries for the same period as reflected on the list created in Steps 1 and 2 to ensure required reporting has been complied with.

Documents

<u>Suspense</u>	07/30/2016	<u>Submitted</u>	07/22/2016	<u>Compliance</u>	07/27/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	DC Chalwell					Y

- 4** Identify personnel involved in pursuits and their supervisors on all CAD categorized events where no IAPro report is found to appropriate Police Chief and request appropriate administrative review for compliance. Police Chiefs will take appropriate action based upon the investigation and report same back to the AIU for inclusion in the final report and subsequent quarterly audits.

Documents

<u>Suspense</u>	07/30/2016	<u>Submitted</u>	08/03/2016	<u>Compliance</u>	08/05/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	D/C Chalwell					Y

- 5** Prepare and submit report of findings from Steps 1-4 to CD Coordinator for submission to DOJ/IMT.

Documents

<u>Suspense</u>	08/02/2016	<u>Submitted</u>	08/03/2016	<u>Compliance</u>	08/05/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	DC Alcendor for STT and DC Corneiro for STX					Y

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j. all incidents involving the pointing of a firearm (if any such reporting is required); and

Action Steps

- 1** Review a random selection of 1A and accompanying arrest reports involving felony cases between 01/01/15 and 07/15/16 to determine those where there is some indication that an officer pointed a firearm at an individual or subject.

Documents

Suspense 07/22/2016 **Submitted** 07/22/2016 **Compliance** 07/27/2016 **Compliance Y/N**
Responsible Person DC Chalwell (M&S Group Project with assistance from Crime Analys **Y**

- 2** Create a report that lists from the IAPro system all cases with an occurrence date between the dates in Step 1 above, where a Use of Force report has been filed indicating an officer pointed a firearm during an incident or arrest.

Documents

Suspense 07/23/2016 **Submitted** 07/29/2016 **Compliance** 08/04/2016 **Compliance Y/N**
Responsible Person DC Chalwell (M&S Group Project with assistance from Crime Analys **Y**

- 3** Compare the lists developed in Step 1 with the list developed in Step 2 and isolate those cases where no Use of Force report was initiated (e.g., none in file within IAPro) where one would have been required by Department Policy. Identify the officer(s) involved as well as the supervisors and initiate appropriate action, through their Police Chief, as per department policy.

Documents

Suspense 08/02/2016 **Submitted** 07/29/2016 **Compliance** 08/04/2016 **Compliance Y/N**
Responsible Person DC Alcendor for STT/STJ and DC Corneiro for STX **Y**

- 4** Using the list developed in Step 3, initiate steps to have required reports prepared and logged into IAPro.

Documents

Suspense 08/02/2016 **Submitted** 07/29/2016 **Compliance** 08/04/2016 **Compliance Y/N**
Responsible Person Tony Emanuel **Y**

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- 5** Provide report detailing the results of Steps 1-4 to Compliance Coordinator and request they be forwarded to DOJ/IMT for review.

Documents

Suspense 08/05/2016 **Submitted** 07/29/2016 **Compliance** 08/04/2016 **Compliance Y/N**
Responsible Person Greg Davila **Y**

k Substantial Compliance

k. all disciplinary action taken against officers.

Action Steps

- 1** Create a listing of all cases in the IAPro system where the disposition is sustained to determine whether they were appropriately duplicated as Disciplinary Action incidents as required by VIPD policy for EIP analysis.

Documents

Suspense 07/22/2016 **Submitted** 07/25/2016 **Compliance** 07/27/2016 **Compliance Y/N**
Responsible Person A/Dir Emanuel **Y**

- 2** From the list in Step 1, further review those disciplinary action incidents to ensure all data is accurate and complete.

Documents

Suspense 07/24/2016 **Submitted** 06/24/2016 **Compliance** **Compliance Y/N**
Responsible Person Tony Emanuel **N**

- 3** Provide a report detailing any findings and the corrective action taken, if any, to the CD Coordinator for transmittal to the DOJ and IMT.

Documents

Suspense 07/30/2016 **Submitted** 07/28/2016 **Compliance** **Compliance Y/N**
Responsible Person Tony Emanuel **N**

End of Paragraph 060



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Paragraph 072 Not In Substantial Compliance

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.

Sub-Paragraphs

a Not in Substantial Compliance

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.

Action Steps

- 1** Develop a list of all sustained charges within VIPD in cases closed between 1/15/15 and 07/15/16.

Documents

<u>Suspense</u>	07/15/2016	<u>Submitted</u>	06/30/2016	<u>Compliance</u>	07/27/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	Det Newton, Agent Byron					Y

- 2** Identify / document discipline provided for each sustained charge.

Documents

<u>Suspense</u>	07/29/2016	<u>Submitted</u>	08/02/2016	<u>Compliance</u>	08/05/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	Det Newton, Agent Byron					Y

- 3** Assess compliance of discipline imposed with existing disciplinary policy/matrix; identify all documented extenuating circumstances justifying variance from the policy/matrix.

Documents

<u>Suspense</u>	07/29/2016	<u>Submitted</u>	08/02/2016	<u>Compliance</u>	08/05/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	Det Newton, Agent Byron					Y

- 4** Using the list from Steps 1 thru 3, determine if sustained charges were altered or overturned and identify at what point, by whom, and if justification was noted in the action.

Documents

<u>Suspense</u>	07/29/2016	<u>Submitted</u>	08/02/2016	<u>Compliance</u>	08/05/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	Det Newton, Agent Byron					Y

**Action Plan 1 - 2016 Status Report**Appendix A to
2Q2016 IMT**As Of 08/05/16**

- 5** Identify/gather documentation or evidence showing discipline being served, for example; final orders, payroll deductions, training documentation, etc.

Documents

<u>Suspense</u>	07/29/2016	<u>Submitted</u>	08/02/2016	<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	D/C Chalwell				N

- 6** CD Coordinator will establish a suspense system to ensure that compliance certification, via execution of above referenced protocols are periodically submitted to the DOJ/IMT consistent with Court established quarterly reporting deadline or as prescribed by the IMT.

Documents

<u>Suspense</u>	08/01/2016	<u>Submitted</u>	07/25/2016	<u>Compliance</u>	07/27/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	CD Coordinator Davila					Y

b Not in Substantial Compliance

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.

Action Steps

- 1** Of those cases identified in Step 1 above in sub-paragraph a, determine from the case files if the VIPD Investigators, Supervisors, Commanders, Chiefs or the Commissioner have taken into consideration non-disciplinary action options when recommending or administering discipline

Documents

<u>Suspense</u>	07/18/2016	<u>Submitted</u>	08/02/2016	<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	D/C Chalwell				N

- 2** Based on data collected in Step 1, develop a conclusion as to compliance with the sub-paragraph and render a report documenting the conclusion with supporting data.

Documents

<u>Suspense</u>	07/29/2016	<u>Submitted</u>	08/02/2016	<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	D/C Chalwell				N

- 3** Develop a section to the Audit Unit and IAB SOP that requires periodic application of the protocols from Steps 1 and 2 above and subsequent submission of the report to the Commissioner, Chiefs, Deputy Chiefs and DOJ/IMT for compliance review.

Documents

<u>Suspense</u>	07/29/2016	<u>Submitted</u>	08/03/2016	<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	AIU for SOP, DC Griffin for IAB SOP				N

**Action Plan 1 - 2016 Status Report**Appendix A to
2Q2016 IMT**As Of 08/05/16**

- 4** Submit request for compliance certification, with all supporting documentation, to the DOJ/IMT for review via the CD Coordinator.

Documents

<u>Suspense</u>	08/02/2016	<u>Submitted</u>	08/02/2016	<u>Compliance</u>	<u>Compliance Y/N</u>
<u>Responsible Person</u>	CD Coordinator Davila				N

- 5** CD Coordinator will establish a suspense system to ensure that compliance certification, via execution of above referenced SOP protocols are periodically submitted to the DOJ/IMT consistent with Court established quarterly reporting deadline or as prescribed by the IMT.

Documents

<u>Suspense</u>	08/02/2016	<u>Submitted</u>	08/02/2016	<u>Compliance</u>	08/05/2016	<u>Compliance Y/N</u>
<u>Responsible Person</u>	CD Coordinator Davila				Y	

End of Paragraph 072

<u>Paragraphs Reporting</u>	2	<u>Counts Completed or</u>	<u>Total Steps</u>	61
		<u>Not Compleed</u>	<u>Steps Completed</u>	44
		<u>As Of Date Printed</u>	<u>Steps Not Completed</u>	17

Appendix B to 2Q2016 IMT



IMT

Independent Monitoring Team
For the USVI Police Department



**ACTION PLAN FOR COMPLIANCE WITH REMAINING
NONCOMPLIANT PARAGRAPHS WITHIN THE CONSENT DECREE**

July 29, 2016

**Jointly Developed by the Special Litigation Section, Civil Rights
Division, U.S. Department of Justice,**

And

The Virgin Island Police Department

And

The Independent Monitor

for the

U.S. Virgin Islands Police Department

PREFACE

This document contains numerous references to the review of either police reports or IAPro cases. In each case the review is generally looking at different issues related to the Consent Decree. It is recommended that the VIPD review all such references and then coordinate the reviews so that when done they address each of the varying requirements. Those we have identified are listed below as reference:

Action	Paragraphs or sub-paragraphs where review is referenced
Review Police Offense reports or Arrest reports	33-a; 36-a; 60-a; 60-d; 60-j; 100-j
Review IAPro cases logged into the system	34-a; 34-c; 35-b; 35-c; 60-f; 100-d; 100-f; 100-g; 100-o
Review EIP System files	59-a

There are also instances where the wording of the Consent Decree appears in more than one location. We have attempted to identify these instances and mark them so that compliance with one will result in compliance with another. These are so indicated by the text entry that states:

***NOTE:-**See Sub-paragraph [] where compliance with this sub-paragraph is also measured. Compliance with either Sub-paragraph should be optionally considered compliance with this Sub-paragraph []*

An example is 73-a and 74-a, both of which require a review of UOF lesson plans.

In addition, numerous Steps require an initial submission as well as subsequent follow-on submissions. While compliance may be demonstrated for the initial and several subsequent submissions, the VIPD is cautioned that these reports are critical and necessary reports to be used by management long after compliance with the Consent Decree has been attained. It is therefore suggested that the VIPD establish a **Management Reporting Document List and Schedule** that creates suspense dates for submission and distribution. In addition, the VIPD should consider the issuance of a department policy that details these reports and their uses, as well mandates that

appropriate managers review same with their subordinate personnel in an effort to enhance the delivery of services to the general public. The IMT is available to assist the VIPD in the development of such a document.

Based on the reviews conducted to establish this Action Plan, it is also noted that the VIPD should consider the creation of a department policy that lists ALL **Department Policy Definitions** from whatever source document in one document and as the previous policies are reviewed, the definitions are removed and published in this consolidated format. Such an action will eliminate both the existence and potential for conflicting definitions between documents, while also providing department personnel with a central location for such definitions.

With regard to the listed Suspense Dates and Documentation/Output sections, it should be noted that many of the referenced Steps in this Action Plan require not only an initial compliance action, but also follow-on repetition of the step. These are generally noted with the words "and ongoing" after the Suspense Date. Examples would be where a specific report was generated on "09/01/16" and in the Step or Documentation sections it refers to a weekly, monthly, or quarterly production. To the extent possible this ongoing requirement has been noted but its specific absence where follow-on is clearly needed to remain in compliance is not an exclusion of the follow-on responsibility of the VIPD.

The Parties and IMT have also agreed that when, despite the VIPD's best efforts, it appears likely that any suspense date appears unattainable, the Parties may mutually agree to postpone the suspense date by no more than 7 calendar days.

VIPD Action Plan 2Q2016

This plan includes all of the remaining non-compliant paragraphs as reported by the IMT in the 1Q2015 Quarterly Report. While all of the paragraphs are currently carried as “Not in Substantial Compliance” by the IMT, some of the sub-paragraphs are either “Substantial Compliance” or “Partial Compliance” status. Plans to monitor compliance in those considered to be in “Substantial Compliance” have not been included with this plan, although a placeholder initial step has been retained for future action plan development work.

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Paragraph: 32 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 09/01/16

Responsible Person: Acting Chief Jason Marsh

Sub-Paragraph: a

Current Status: Substantial Compliance

Content: =>95% of Use of Force incidents are documented in Response to Resistance Reports (RRR) and investigated by a supervisor or designated investigating officer. Deficiencies are being identified by audit and corrected by agency interventions.

Sub-Paragraph: b

Current Status: Partial Compliance

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

Step Number: 1

Action: Use of Force Work Group will conduct weekly review of submitted drafts of Use of Force cases turned into the Chiefs Office and critique for compliance within the Consent Decree and VIPD policies.

Documentation/Output: Weekly review summary of problems and corrective actions and ongoing.

Suspense Date: 05/01/16 and ongoing

Responsible Person: Police Chiefs

Step Number: 2

Action: Per Step 2, Use of Force Work Group will prepare deficiency letters for specific cases that are not in compliance with the Consent Decree and route deficiency letters, with corrective action suspense dates, down to VIPD Commanders and/or Supervisors.

Documentation/Output: Copies of deficiency letters prepared and forwarded with suspense dates.

Suspense Date: 05/01/16 and ongoing

Responsible Person: Detective Vivianne Newton

Step Number: 3

Action: Conduct supervisory training in reporting, reviewing, and investigating Use of Force. IMT has agreed to a request from the Use of Force Work Group to conduct a 7-hour block of instruction in Supervisory Investigation of Use of Force scheduled for delivery 06/27-30/16 on STT and STX.

Documentation/Output: Copies of attendance rosters.

Suspense Date: 07/01/16

Responsible Person: Sergeant David Sullivan and IMT

Step Number: 4

Action: VIPD Chiefs and Deputy Chiefs will meet with Commanders and Supervisors to discuss Use of Force concepts and principles as outlined in the Consent Decree and VIPD Policy. This will be done by June 20, 2016 and followed up weekly for compliance and/or correction on deficiencies.

Documentation/Output: Attendance rosters from weekly meetings.

Suspense Date: 06/20/16

Responsible Person: Deputy Chiefs

Step Number: 5

Action: Publish and distribute Commissioner's Directive 008-2016 detailing supervisory response to Use of Force incidents which requires the use of any available supervisor for this function. This directive will be coordinated with VITEMA regarding supervisory schedules on a continuing basis. Prepare cover letter to go along with Commissioner's Directive 08-2016 and forward to 911 Manager. Schedules will be forwarded daily to VITEMA.

Documentation/Output: Commissioner Directive 008-2016

Suspense Date: 06/12/16

Responsible Person: Dr. Bellot (directive publication and distribution);
Deputy Police Chiefs (VITEMA forwarding of CD 008-2016)

Step Number: 6

Action: Prepare Chief's and Supervisor's Commander's Call / Roll Call Mini-Lesson Plan on implementation and content of Commissioner's Directive 008-2016.

Documentation/Output: Lesson plans for use by Commanders and Supervisors at meetings referenced in Step 7, below

Suspense Date: 08/01/16

Responsible Person: Detective Vivianne Newton

Step Number: 7

Action: Conduct Roll Call training on Commissioner's Directive 08-2016.

Documentation/Output: Attendance rosters and training update certification for data entry to Power DMS for training conducted.

Suspense Date: 08/01/16

Responsible Person: Chiefs of Police for each island (instructional delivery, attendance roster generation and collection); Training Director (Data entry Power DMS).

Step Number: 8

Action: Mandate supervisors upload video and/or audio statements in Blue Team via District Chief Directive. If unable to do so, a hard copy of the video will be submitted to IAB with the file. This will be reviewed and monitored by UOFWG at weekly meetings.

Documentation/Output: Video upload summary for the previous week, submitted by the Wednesday of the following week.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Chiefs and Deputy Chiefs

Step Number: 9

Action: If supervisors are unable to upload video or audio statements from local Zone computers, coordinate with Ms. Tweede, Acting Director MIS, and obtain any needed updates.

Documentation/Output: Certification from Deputy Chief of computer capability or request for upgrades to MIS Acting Director Ms. Tweede (MIS response to upgrade requests if any)

Suspense Date: 06/30/16 and ongoing

Responsible Person: Ms. Tweede, Acting Director MIS (computer fixes), Deputy Chiefs (for checking capability and notification to Ms. Tweede)

Step Number: 10

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: c

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: Use of Force Work Group will conduct weekly review of draft Use of Force cases turned into the Chiefs' Office and critique for compliance with the Consent Decree and VIPD policies.

Documentation/Output: Copies of weekly spreadsheets

Suspense Date: 05/01/16 and ongoing

Responsible Person: Acting Chief Jason Marsh/ Detective Vivianne Newton

Step Number: 2

Action: Per Action Step #1, Use of Force Work Group will prepare deficiency letters for specific cases that are not in compliance with the Consent Decree and route deficiency letters to VIPD Commanders and/or Supervisors.

Documentation/Output: Letter of deficiencies

Suspense Date: 05/01/16 and ongoing

Responsible Person: Detective Vivianne Newton

Step Number: 3

Action: Conduct supervisory training in reporting, reviewing and investigating Use of Force as referenced in sup-paragraph b, above.

Documentation/Output: Attendance Rosters & IMT Program of Instruction

Suspense Date: 07/17/16

Responsible Person: Sergeant David Sullivan and IMT

Step Number: 4

Action: Chiefs and Deputy Chiefs will meet with Commanders and Supervisors to review and discuss the deficiencies noted by the workgroup in the previously issued deficiency letters, to include a discussion for addressing any necessary corrective actions.

Documentation/Output: Roll Call Training Sheets

Suspense Date: 06/11/16, and ongoing

Responsible Person: Deputy Chiefs

Step Number: 5

Action: Review supervisory response to Use of Force incidents as required by Commissioner Directive 008-2016 at Commander's Calls and Zone and Unit meetings as key to successful compliance with paragraphs 32 thru 38 and VIPD Policy 3.2

Documentation/Output: Commander's Call sign in sheets, roll call sheets, and reminders sent by the Use of Force Workgroup

Suspense Date: 07/01/16

Responsible Person: Chiefs, Deputy Chief's, Unit Commanders and Supervisors

Step Number: 6

Action: Have Police Commissioner issue directive mandating supervisors upload video and/or audio statements in Blue Team. If unable to do so, travel to IAB and seek assistance. This will be reviewed and monitored by UOFWG at weekly meetings and any non-compliance will be handled by the Deputy Chiefs and Chiefs of Police.

Documentation/Output: Commissioner's Directive "Blue Team Protocol"

Suspense Date: 05/26/16

Responsible Person: Dr. Naomi Bellot/ Police Commissioner Signature

Step Number: 7

Action: Conduct Roll Call training on Commissioner's Directive 08-2016 for supervisors traveling to scenes of Use of Force. Chiefs will ensure that Commanders receive a copy of this directive to be distributed amongst the supervisors and officers. Distribution of the directive and documentation should be completed by June 4, 2016.

Documentation/Output: Attendance rosters and training update certification for data entry to Power DMS for training conducted.

Suspense Date: 06/30/16

Responsible Person: Chiefs of Police for each island (attendance roster generation and collection); Training Director (data entry Power DMS).

Step Number: 8

Action: Mandate supervisors upload video and/or audio statements in Blue Team. If unable to do so, a hard copy of the video will be submitted to IAB with the file. This will be reviewed and monitored by UOFWG at weekly meetings.

Documentation/Output: Lists of videos uploaded to Blue Team for the preceding month, due on the 10th of the each month

Suspense Date: 08/10/16 and ongoing

Responsible Person: Deputy Chiefs of Police

Step Number: 9

Action: Confirm with MIS Acting Director K. Tweede about upload capabilities for Zones, Commanders and Supervisors.

Documentation/Output: Email sent out by Ms. Tweede/ Periodic Checks by UOFWG

Suspense Date: 06/30/16

Responsible Person: Acting Chief Jason Marsh

Step Number: 10

Action: Conduct a review of officer notification of supervisor when Use of Force occurs; have 911 identify and direct an available supervisor to travel to UOF scene if there is no supervisor on-duty for the involved officer's squad. This should be completed by June 4, 2016

Documentation/Output: Roll Call Training Sheets

Suspense Date: 06/04/16

Responsible Person: Deputy Chiefs Alcendor and Corneiro

Step Number: 11

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: d

Current Status: Substantial Compliance

Content: =>95% of RRRs contain a narrative description of the events preceding the Use of Force written by the supervisor or assigned investigator.

Sub-Paragraph: e

Current Status: Substantial Compliance

Content: =>95% of the reports will include a statement written by the officer using the force that contains a narrative of the events.

Sub-Paragraph: f

Current Status: Partial Compliance

Content: =>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.

Step Number: 1

Action: Determine that VIPD Blue Team software and equipment has the capacity to upload videos;

Documentation/Output: Report by Ms. Tweede/ Periodic Checks by UOFWG

Suspense Date: 06/30/16

Responsible Person: Ms. Tweede, MIS re Blue Team; Deputy Chiefs of Police/Chiefs of Police (check of Blue Team capability and/or request for MIS upgrade)

Step Number: 2

Action: Prepare deficiency letters for specific cases that are not in compliance with the required taping of statements and subsequent inclusion within the case file either by Blue Team upload or hand carry to IAB.

Documentation/Output: Report listing all cases that fail to meet requirement, annotated with actions taken by management/ Deficiency Letters

Suspense Date: 06/15/16 and ongoing

Responsible Person: Chiefs of Police

Step Number: 3

Action: Meet with Commanders and supervisors in reference to workgroup's previously identified deficiencies. This will initially commence by June 20, 2016 and then followed up on a weekly basis.

Documentation/Output: Notes from weekly meetings, report detailing specific actions taken or modifications to policies and procedures resultant of these meetings.

Suspense Date: 06/20/16 and ongoing

Responsible Person: Deputy Chiefs

Step Number: 4

Action: Include requirement for briefing about the deficiencies identify above in all Commander's Call meetings and take appropriate discipline for supervisors who fail to meet the requirements.

Documentation/Output: Commander's Call agendas. Roll Call Training Sheets from Police Chief and/or Deputy Chief meetings with supervisors. Include disciplinary outcomes for non-compliance.

Suspense Date: 08/05/16 and ongoing

Responsible Person: Police Chiefs and Deputy Chiefs

Step Number: 5

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Certification by the Deputy Commissioner or his designee that compliance has been achieved, with reference to previously submitted documents (listing).

Suspense Date: 08/04/16

Responsible Person: Police Chiefs and Deputy Police Chiefs

Paragraph: 33 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 10/01/16

Responsible Person: Acting Chief Jason Marsh

Sub-Paragraph: a

Current Status: Partial Compliance

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

Step Number: 1

Action: Review twenty (20) percent of Offense and Arrest Reports initiated during the previous calendar quarter and compare those indicating a requirement for Use of Force reporting with related entries into the IAPro system. Identify all failures by officers to complete Use of Force reporting documents and initiate appropriate administrative investigatory action and document the fact that no discrepancies were found on a quarterly basis.

Documentation/Output: Memoranda from AIU

Suspense Date: 09/01/16 and ongoing

Responsible Person: AIU

Step Number: 2

Action: Prepare a report of actions taken during the quarter based on findings found in Step 1 and distribute to supervisors and use as a training and reinforcement tool during Commander's Call.

Documentation/Output: Report referenced above; agendas from Commander's Call along with attendance rosters of those meetings.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Deputy Chiefs

Step Number: 3

Action: Direct supervisors to incorporate reinforcement of the why and how to notify supervisors to respond to incidents where Use of Force was used at roll calls and all one-on-one counseling or performance review sessions. Supervisors will log such activity and include in current monthly reporting materials or initiate a separate report, if necessary, to Deputy Chiefs.

Documentation/Output: Copies of supervisory reports documenting the above.

Suspense Date: 09/01/16 and ongoing

Responsible Person: All Supervisors; follow-up by Deputy Chiefs

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Partial Compliance

Content: In =>90% of the incidents where the supervisor was required to respond to the scene, he/she responded within a reasonable amount of time.

Step Number: 1

Action: Have requirements of Commissioner Directive 008-2016 reviewed and documented at roll calls and Commander's Calls during the 2Q2016 Court calendar; continue on a quarterly basis going forward.

Documentation/Output: Certification of compliance via existing monthly reporting or special memorandum forwarded at least once a monthly basis.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Supervisors with follow up by Deputy Chiefs

Step Number: 2

Action: Using protocol noted in Step 1 and 2 of sub-paragraph a, initiate and follow-up on all instances where officers failed to notify their supervisor to respond and or where if the officer did notify, the supervisor did not respond. Prepare an addition to monthly reports (including those that have already been submitted) to the District Police Chief detailing all such instances and current status of the administrative actions taken.

Documentation/Output: Referenced monthly status report of failures discovered and actions taken regarding notification of supervisors to respond.

Suspense Date: 10/01/16 and ongoing

Responsible Person: Supervisors, with follow up by Deputy Chiefs

Step Number: 3

Action: Develop mini-lesson plan from the IMT developed instruction.

Documentation/Output: Copy of mini-lesson plan, approved by the Training Director

Suspense Date: 11/9/01/16

Responsible Person: Training Division

Step Number: 4

Action: Conduct reinforcement training in UOF investigations (see Step 2, Paragraph 32-f for additional information).

Documentation/Output: Mini-lesson plan, attendance rosters for training delivered; scheduled make-up training, if needed).

Suspense Date: 12/01/16

Responsible Person: Supervisors, District command staff (instructional delivery)

Step Number: 5

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: c

Current Status: Partial Compliance

Content: In =>90% of the incidents where the supervisor was required to respond to the scene, he/she examined the person for injury.

Step Number: 1

Action: Conduct weekly review of pending cases turned into the Chief's Office since 05/06/16 for compliance with reporting requirements concerning checking for the need for medical care of subjects at the scene. Identify failures to comply with policy and prepare a monthly report detailing the results.

Documentation/Output: Deficiency letters and spreadsheet developed from the review of incidents and UOF reporting documents.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Deputy Chiefs

Step Number: 2

Action: Based on results contained in report referenced in Step 1, conduct an inquiry and initiate appropriate administrative action against those who failed to follow policy

Documentation/Output: Report from Step 1, updated with administrative action taken against violators of policy.

Suspense Date: 09/01/16 ongoing

Responsible Person: Deputy Chiefs

Step Number: 3

Action: Conduct Investigating and Reporting Use of Force training; follow-up with mini-presentations monthly during Commander's Calls.

Documentation/Output: Attendance rosters from IMT June training for supervisors; previously mentioned mini-lesson plan

Suspense Date: 09/01/16

Responsible Person Training Director (min-lesson plan) and IMT (UOF Training for Supervisors lesson plans and attendance rosters; Unit commanders and supervisors (attendance rosters from follow-on training)

Step Number: 4

Action: Conduct District level Commander's Call that includes supervisors, to review the data contained in Step 1 report. Reinforce that without the supervisor responding, there is no way for the supervisor to examine the subject for injuries and the need for medical treatment.

Documentation/Output: Commander's Call agenda; min-lesson plan; Chief's and Deputy Chief's notes; attendance rosters

Suspense Date: 09/01/16

Responsible Person: Training Director (min-lesson plan); Police Chiefs and Deputy Police Chiefs (attendance rosters, notes, and agenda)

Step Number: 5

Action: Supervisors will, during roll calls, reemphasize the importance of promptly requesting that a supervisor respond to the scene as without response compliance with the medial care check is impossible. Supervisors will document this action and repeat at least monthly. Documentation should be provided of training via roll call sign in sheets and supervisory reports regarding subjects covered.

Documentation/Output: Documentation of roll call reinforcement (supervisory reports and attendance rosters)

Suspense Date: 09/01/16

Responsible Person: Supervisors (delivery of message; reports; and roll call sheets) and Deputy Chiefs (collection of compliance certification).

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date:10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: d

Current Status: Partial Compliance

Content: In =>90% of the incidents where a supervisor was required to respond to the scene, he/she interviewed the subject for injury or complaint of pain.

Step Number: 1

Action: See steps under 33-c; include in meetings and documentation review, that the supervisor not only checked the subject for any injuries but also interviewed the subject about any injuries or complaints of pain.

Documentation/Output: Same as required for 33-c above

Suspense Date: 09/01/16 and ongoing

Responsible Person: Same as in 33-c, above.

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date:10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: e

Current Status: Partial Compliance

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

Step Number: 1

Action: See steps under 33-c; include in meetings and documentation review, that the supervisor not only checked the subject for any injuries but also ensured that subjects received any necessary medical attention.

Documentation/Output: Same as required for 33-c above
Suspense Date: 09/15/16 and ongoing
Responsible Person: Same as 33-c, above.

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Paragraph: 34 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 01/20/17

Responsible Person: Acting Chief Jason Marsh

Sub-Paragraph: a

Current Status: Partial Compliance

Content: 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), and will review, evaluate, and document each Use of Force.

Step Number: 1

Action: Using a checklist, conduct a review of UOF cases loaded into IAPro which occurred between 01/01/16 and 07/15/16 to determine if the investigating supervisor or commander was

1. Not involved in the incident,
2. His conduct did not lead to an injury, and
3. He did not authorize or participate in conduct leading to the incident.

Documentation/Output: Report/spreadsheet based on the actions indicated and results found.

Suspense Date: 08/15/16 and ongoing

Responsible Person: Agent Chenelle Skepple

Step Number: 2

Action: Based on the results of the review,

1. Prepare a report that lists any cases found which did not confirm to the referenced policy and indicate what actions will be taken to rectify the situation, or
2. If no violations are found, prepare certification report listing the number of cases reviewed and that no violations were found.

Documentation/Output: UOFWG Spreadsheet; report listing cases and actions to be taken; or certification report.

Suspense Date: 09/01/16 and ongoing
Responsible Person: Detective Vivianne Newton

Step Number: 3

Action: AIU will include this checkpoint on a master checklist used to review cases upon receipt for compliance with investigative and reporting criteria.

Documentation/Output: Copy of updated checklist.

Suspense Date: 09/01/16 and ongoing

Responsible Person: IAB Supervisors

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Partial Compliance

Content: 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 VIPD Policy 3.2 requirements.

Step Number: 1

Action: Using a random sampling technique, a review of narratives found in cases between 07/01/16 and December 31, 2016 loaded into IAPro will be conducted to determine sub-paragraph compliance with Policy 3.2, using a checklist developed in response to that policy.

Documentation/Output: Report/spreadsheet with actions indicated and results.

Suspense Date: 01/15/17

Responsible Person: Deputy Chiefs

Step Number: 2

Action: Based on the review in Step 1, a findings report will be generated that lists the cases reviewed and the results of that review, indicating any cases which fail to meet the requirement.

Documentation/Output: Deficiency Letters

Suspense Date: 01/22/17

Responsible Person: Detective Vivianne

Step Number: 3

Action: If the review referenced in Step 1 identifies cases that do not meet the requirement, actions will be initiated to remedy the situation and the case files updated. Such action will be updated to the report referenced in Step 2

Documentation/Output: Report detailing actions taken by case discovered.

Suspense Date: 01/29/17

Responsible Person: Deputy Chiefs

Step Number: 4

Action: Chiefs and deputy chiefs will continue to conduct case reviews upon receipt of new cases to reflect an ongoing review of narratives to ensure compliance with Policy 3.2.

Documentation/Output: Report or spreadsheet documenting the review and results found.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Deputy Chiefs

Step Number: 5

Action: IAB will continue to monitor the AIU Quarterly Audit for indications of found non-compliance and take appropriate corrective action, reporting such action back to the AIU.

Documentation/Output:

Suspense Date: 09/01/16 and ongoing

Responsible Person: IAB Supervisors, AIU Director

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: c

Current Status: Not in Substantial Compliance

Content: 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 Paragraph 34 of the Consent Decree and including a precise description of the facts and circumstances that either justify or fail to justify the officer/s conduct.

Step Number: 1

Action: Using the Reviewer's Checklist conduct a review of all cases submitted between 01/01/16 and 07/15/16, focusing on the RRR template documents for compliance with the sub-paragraph requirements and include a review of potential use of less lethal alternatives.

Documentation/Output: Checklist developed by the UOFWG

Suspense Date: 08/15/16

Responsible Person: Agent Chenelle Skepple

Step Number: 2

Action: Based on the results of the review, prepare a report that details

1. The case number reviewed;
2. The name of the investigating officer/supervisor;
3. The name of reviewer;
4. The specific failure to comply with the requirements found in the case preparation; and
5. The recommended remedy.

Documentation/Output: Report; Deficiencies letters being sent out.

Suspense Date: 08/22/16

Responsible Person: Detective Vivianne Newton

Step Number: 3

Action: Based on the report generated in Step 2, Police Chiefs, and Deputy Chiefs, will determine and list the anticipated actions to be taken in each case where a failure exists and annotate the report with same, including a suspense date for completion of the action.

Documentation/Output: Updated report; Charges or remedial training request document

Suspense Date: 09/15/16

Responsible Person: Chiefs and Deputy Chiefs

Step Number: 4

Action: Forward a copy of the referenced report to the AIU for their record and use in future auditing of compliance. AIU should include a step within their next audit to random sample the cases indicated in the report during their next quarterly audit.

Documentation/Output: Spreadsheet; AIU certify inclusion in AIU protocols

Suspense Date: 10/01/16

Responsible Person: Detective Vivianne Newton

Step Number: 5

Action: Forward a quarterly report detailing a list of the finding categories (not each case, but rather a statement of what went wrong as revealed by the findings) to the Training Division for use in training needs analysis and/or review and update to existing training related to this paragraph.

Documentation/Output: Report prepared deputy chiefs

Suspense Date: 09/01/16 and ongoing
following the quarter

Responsible Person: Detective Vivianne Newton

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: d

Current Status: Partial Compliance

Content: 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 Paragraph 31 of the Consent Decree and will evaluate the basis for the Use of Force, and determine whether the officer's actions were within VIPD policy.

Step Number: 1

Action: During the review previously indicated in sub-paragraph c, Step 1, the results of the investigating officer's conclusions regarding whether the involved officer's actions were within policy will be included. The appropriate VIPD policy that governs the involved officer's actions will be used as the basis for the review. In each case, the reviewer should review the elements of the policy that governed the involved officer's response and address each in the analysis.

Documentation/Output: UOFWG Spreadsheet & Deficiency Letters

Suspense Date: 08/15/16

Responsible Person: Detective Vivianne Newton

Step Number: 2

Action: Based on the review, prepare a report that lists,

1. The case number and date submitted,
2. The involved officer's name,
3. The investigating officer's name,
4. The deficiencies found during the review, and
5. Recommended corrective action

Documentation/Output: Letters of deficiencies

Suspense Date: 08/22/16

Responsible Person: Detective Vivianne Newton

Step Number: 3

Action: Based on the report generated in Step 2, Police Chiefs, in conjunction Deputy Chiefs, will determine and list the anticipated actions to be taken in each case where a failure exists and annotate the report with same, including a suspense date for completion of the action

Documentation/Output: updated report

Suspense Date: 09/15/16

Responsible Person: Detective Vivianne Newton

Step Number: 4

Action: Forward a copy of the referenced report to the AIU for their record and use in future auditing of compliance. AIU should include a step within their next audit to random sample the cases indicated in the report during their next quarterly audit.

Documentation/Output: Spreadsheet for audit; AIU certification of inclusion in Audit protocols

Suspense Date: 10/01/16

Responsible Person: Detective Vivianne Newton

Step Number: 5

Action: Forward a quarterly report detailing a list of the finding categories (not each case, but rather a statement of what went wrong as revealed by the findings) to the Training Division for use in training needs analysis and/or review and update to existing training related to this paragraph.

Documentation/Output: Report as described within the step.

Suspense Date: 10/01/16 quarterly by 10th of the of the following month

Responsible Person: Detective Vivianne Newton

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: e

Current Status: Substantial Compliance

Content: Did the investigator and/or the reviewer have any part in the conduct that led to the injury or authorized conduct leading to the Use of Force or an allegation of excessive force?

Paragraph: 35 Current Status: Not in Substantial Compliance

CD Content: The parties agree that it is improper interview procedure during Use of Force investigations to ask officers or other witness's 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.

Suspense Date: 11/15/16

Responsible Person: Acting Chief Jason Marsh

Sub-Paragraph: a

Current Status: Partial Compliance

Content: In =>90% of the interviews conducted during Use of Force reviews, leading questions were avoided.

Step Number: 1

Action: Using a random sampling technique determined by the AIU, will determine whether leading questions were used in the recorded interviews or interrogations contained within the case files between 01/01/16 and 07/15/16. A standardized checklist of indicators will be prepared by the IAB Supervisors to check for leading questions and used to conduct the review.

Documentation/Output: Copies of checklist developed by IAB and used to conduct the review;

Suspense Date: 09/01/16

Responsible Person: IAB Supervisors

Step Number: 2

Action: Based on the results of the review in Step 1, a report will be generated that indicates, as a minimum, the following:

1. The case number reviewed,
2. The name and duty assignment of the interviewer, who conducted the reviewed interview,
3. The conclusions from the review of the interviews as to whether leading questions were utilized,
4. Recommended remedies, including retraining of interviewers.

Documentation/Output: Report

Suspense Date: 9/15/16

Responsible Person: Detective Vivianne Newton

Step Number: 3

Action: The results indicated in Step 2, will be reviewed by Deputy Chiefs and Department command staff, with representation of those personnel who conducted the interviewing skills training within the department, to determine appropriate courses of action to prevent future failures to comply with the sub-paragraph and VIPD policy.

Documentation/Output: Results of the meetings detailed in a solutions report with suspense dates and responsible personnel.

Suspense Date: 10/01/16

Responsible Person: Deputy Chiefs with Training Director

Step Number: 4

Action: The AIU Commander will ensure that a system is put in place that randomly samples the interviews submitted to the case files for the use of leading questions and that:

1. Appropriate action are taken to improve the performance of assigned investigators
2. Suggested improvements or corrective action be recommended to the Training Director for modifications of department interviewing skill straining,
3. That respective commanders are notified where interview skill deficiencies of non-IAB personnel are noted.

Documentation/Output: Report/spreadsheet with results of periodic sampling and actions taken.

Suspense Date: 09/01/16

Responsible Person: IAB Supervisors

Step Number: 5

Action: Deficiencies found as a result of the actions in Steps 1-3 will be forwarded to the AIU for inclusion in their future auditing protocols. The results of the periodic checking of these interviews in the future will be forwarded to the AIU quarterly in conjunction with their quarterly audit schedule.

Documentation/Output: Report produced in Step 3.

Suspense Date: 10/01/16

Responsible Person: Detective Vivianne Newton

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 11/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Partial Compliance

Content: 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.

Step Number: 1

Action: A review of cases between 01/01/16 and 07/15/16 will be conducted to determine if all relevant evidence as required by the sub-paragraph, was documented and considered and if credibility was evaluated. In doing so, the review should list for each case reviewed, the following regarding each type of evidence found or referenced within the file:

1. Type of evidence (physical, testimonial, circumstantial, etc.)
2. Evaluation made of that evidence as to credibility or relationship to the incident,
3. Consideration placed upon each item of evidence in coming to an investigatory conclusion, and
4. Stated impact, if any, of the evidence on the findings.

Documentation/Output: Blue team printouts and any identified separate actions needed in a separate report to the appropriate VIPD unit (e.g., Training, Policy Management, etc.)

Suspense Date: 08/15/16

Responsible Person: Deputy Chiefs

Step Number: 2

Action: Based on the results of the review in Step 1, prepare a report indicating,

1. Number of cases reviewed
2. Case numbers where failures to properly evaluated in response to the subparagraph,
3. Suggested remedies to either correct the case conclusion if necessary, or
4. Changes that need to be made to department training or policy.

Documentation/Output: Deficiency Letters

Suspense Date: 09/01/16

Responsible Person: Detective Vivianne Newton

Step Number: 3

Action: Use of force work group checklist, with necessary changes, to provide for review of all incoming or generated case files for compliance with the sub-paragraph using the results of the review as guidance.

Documentation/Output: UOFWG Checklist

Suspense Date: 10/01/16 and ongoing

Responsible Person: Agent Chenelle Skepple

Step Number: 4

Action: Report will be generated quarterly and forwarded to the Training Division detailing recommended changes to departmental training programs identified during the review.

Documentation/Output: Quarterly report of recommended changes to department training programs.

Suspense Date: 11/01/16 and ongoing

Responsible Person: Deputy Chiefs

Step Number: 5

Action: A copy of the report will be submitted quarterly to the AIU for use in future audit protocols.

Documentation/Output: AIU certification of receipt and focus are inclusion in audit protocols

Suspense Date: 12/01/16

Responsible Person: Acting Police Chief Jason Marsh

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/01/17

Responsible Person: CD Coordinator

Sub-Paragraph: c

Current Status: Not in Substantial Compliance

Content: 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.

Step Number: 1

Action: During the review noted in Sub-paragraphs a and b, above, reviewers will determine if material inconsistencies exist between statements and that reasonable efforts were made to resolve them.

Documentation/Output: Deficiency Letters

Suspense Date: 09/01/16

Responsible Person: Detective Vivianne Newton & Deputy Chiefs

Step Number: 2

Action: Based on the result of the review a report will be generated that lists, as a minimum, the following,

1. Number of cases reviewed,
2. Listing of the cases where inconsistencies were found,
3. Of those cases, an evaluation if the investigator appropriately evaluated the witness' credibility and the measures by which he/she did so, and
4. Evaluations documented within the case file.

Documentation/Output: Report; Deficiency letters uploaded to blue team

Suspense Date: 09/15/16 **Responsible Person:** Detective Vivianne Newton

Step Number: 3

Action: Police Chiefs and Deputy Chiefs will review this report and determine where appropriate corrective action should be taken and what action that will be.

Documentation/Output: Monthly report of results of the process.

Suspense Date: 10/01/16

Responsible Person: Chiefs and Deputy Chiefs

Step Number: 4

Action: Report will be generated quarterly and forwarded to the Training Division detailing recommended changes to departmental training programs. These actions can be corrective to the case investigation and subsequent administrative actions or can be disciplinary in nature if appropriate

Documentation/Output: Report referenced

Suspense Date: 09/01/16 and ongoing

Responsible Person: Chief and Deputy Chiefs

Step Number: 5

Action: The report referenced in Step 2, will be updated with the final results of the actions taken and forwarded to the AIU for use in future audit protocols,

Documentation/Output: Certification of receipt by AIU and inclusion as focus area in audit protocols.

Suspense Date: 10/01/16

Responsible Person: Acting Police Chief Jason Marsh

Step Number: 6

Action: IAB Supervisors will update the appropriate suspense file, list, or data system to reflect the protocols used during the review and ensure that checks are in place to review all incoming cases for compliance with the sub-paragraph

Documentation/Output: Copy of updated section of the updated suspense file, list, or data system entry

Suspense Date: 10/15/16

Responsible Person: IAB Supervisor

Step Number: 7

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 11/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: d

Current Status: Substantial Compliance

Content: =>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.

Paragraph: 36 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 01/01/17

Responsible Person: Acting Chief Jason Marsh

Sub Paragraph a

Current Status: Partial Compliance

Content: =>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.

Step Number: 1

Action: VIPD will conduct a random audit of police reports 01/01/16 through 07/15/16 to ensure all force incidents are properly documented according to the Consent Decree and policy, and failures will be referred to the Police Chiefs for action consistent with policy.

Documentation/Output: Recent evaluation audit conducted by IMT

Suspense Date: 10/01/16

Responsible Person: Audit Unit

Step/ Task Number: 2

Action: Internal Affairs Analyst will conduct weekly reviews of all force levels and ensure a supervisor conducted an investigation in Levels II and III and an

officer notified the supervisor in a Level IV force incident. Failures to follow policy will be referred to the Police Chiefs for action consistent with policy.

Documentation/Output: Copies of analyst's weekly reports

Suspense Date: 11/01/16 and ongoing

Responsible Person: EIP Analysts

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 12/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Partial Compliance

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

Step Number: 1

Action: Immediate reviewers of force incidents will ensure all witnesses are interviewed in all cases submitted.

Documentation/Output: Deficiency letters uploaded to blue team

Suspense Date: 09/01/16 and ongoing

Responsible Person: Deputy Chief Chiefs

Step Number: 2

Action: Immediate reviewers in the chain of command of force incidents will ensure witnesses listed in the criminal report are also documented in the force investigation report submitted.

Documentation/Output: Deficiency letters uploaded to Blue Team

Suspense Date: 09/01/16 and ongoing

Responsible Person: Deputy Chiefs

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph c

Current Status: Substantial Compliance

Content: In =>90% of reportable Use of Force incidents, the investigating supervisor will identify and interview all officer witnesses and document in writing. This requirement will be in compliance with the Collective Bargaining Agreement and any other applicable law.

Sub-Paragraph d

Current Status: Not in Substantial Compliance

Content: 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.

Step Number: 1

Action: Immediate reviewers in the chain of command of force incidents will ensure all involved and witness officers are listed in the force investigation report in all cases submitted.

Documentation/Output: Letters of deficiency uploaded into blue team

Suspense Date: 06/01/16 and ongoing

Responsible Person: Deputy Chiefs

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: e

Current Status: Substantial Compliance

Content: 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.

Sub-Paragraph: f

Current Status: Substantial Compliance

Content: In => 90% of reportable Use of Force incidents did the investigating officer determine if injuries had occurred?

Sub-Paragraph: g

Current Status: Substantial Compliance

Content: In =>90% of reportable Use of Force incidents did the investigating officer ensure that medical care was provided if injuries occurred?

Sub-Paragraph: h

Current Status: Substantial Compliance

Content: If injuries were noted and care offered, was the medical care refused?

Sub-Paragraph: i

Current Status: Substantial Compliance

Content: In =>90% of the reportable Use of Force indicants were all required photos obtained?

Paragraph: 37 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 10/15/16

Responsible Person: Acting Chief Jason Marsh

Sub-Paragraph: a

Current Status: Partial Compliance

Content: =>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?

Step Number: 1

Action: The Use of Force Work Group will continue to assist in reviewing Use of Force reports prior to final approval on a weekly basis.

Documentation/Output: Letters of deficiencies forwarded to supervisors; UOFWG spreadsheet of cases reviewed.

Suspense Date: 05/01/16 and ongoing

Responsible Person: Detective Vivianne Newton

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Not in Substantial Compliance

Content: 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 cases where discipline was imposed, did the officials imposing the discipline follow the departmental disciplinary matrix?

Step Number: 1

Action: Immediate reviewers in the chain of command of Use of Force incidents are responsible for the completeness of all force investigations.

Documentation/Output: Copy of exception reports indicating failures or non-failure for this step

Suspense Date: 08/15/16 and ongoing

Responsible Person: Commanders

Step Number: 2

Action: Immediate reviewers in the chain of command of Use of Force incidents are responsible for corrective action and alignment with the disciplinary matrix.

Documentation/Output: Charging documents or training request forms

Suspense Date: 09/01/16 and ongoing

Responsible Person: Deputy Chiefs

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: c

Current Status: Not in Substantial Compliance

Content: 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.

Step Number: 1

Action: Deputy Chiefs and or the Chiefs of Police will review cases to determine if officer's actions were consistent with policy cited and confirm or not confirm in writings the results of their Use of Force.

Documentation/Output: Case Disposition letters

Suspense Date: 05/01/16 and ongoing

Responsible Person: Chiefs and/or Deputy Chiefs

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: d

Current Status: Not in Substantial Compliance

Content: 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.

Step Number: 1

Action: Immediate reviewers in the chain of command of force incidents are responsible for identifying any tactical deficiencies. Recommendations for changes to Tactical training or remedial Tactical training will be forwarded to the Training Division.

Documentation/Output: Copies of referral letters to the Training Division for modifications to or remedial training of Tactical training subjects.

Suspense Date: 08/15/16 and ongoing

Responsible Person: Director of Training

Step Number: 2

Action: Immediate reviewers in the chain of command of force incidents are responsible for coordinating with the Training Unit for any tactical deficiencies. The Training Unit will provide documentation of the training to include a lesson plan, completion of training and noting any other pertinent information related to the level of training.

Documentation/Output: Coordination documentation responsive to the step.

Suspense Date: 09/01/16

Responsible Person: Director of Training

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Sub-Paragraph: e

Current Status: Not in Substantial Compliance

Content: 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.

Step Number: 1

Action: Deputy Chiefs and or the Chiefs of Police will review and approve or disapprove all Use of Force incidents. Any uses of force deemed unjustified are the responsibility for the reviewer in conjunction with the Chief and Deputy Police Chief to take appropriate action per the Consent Decree and VIPD Policy.

Documentation/Output: Copies of deficiency letters and/or monthly reports of cases checked and compliance with the step.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Use of Force Reviewers

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 10/01/16

Responsible Person: CD Coordinator

Paragraph: 38 Current Status: Not in Substantial Compliance

CD Content: 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 trajectories.

Suspense Date: 11/01/16

Responsible Person: Acting Police Chief Marsh

Sub-Paragraph: a

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: Crime Analyst will perform a quarterly review of randomly selected police reports and Computer Aided Dispatch (CAD) Records to ensure that all critical Use of Force cases are identified, recorded, and referred to FIT.

Documentation/Output: Quarterly report by the analysts.

Suspense Date: 10/15/16 and for every subsequent calendar quarter; due 15th of each following month.

Responsible Person: Crime Analysts

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 11/01/16

Responsible Person: CD Coordinator

Step Number: 2

Action: FIT Supervisors will ensure that critical firearm discharge investigations account for all shots and locations of all officers who discharge their firearms, and that the investigation includes all ballistic and Trajectory testing gunshot residue testing as required by policy and the FIT SOP.

Documentation/Output: Review of FIT investigations conducted by the FRB and the FRB Administrator as cases occur and are presented for review. FRB Administrator will certify compliance after FRB review. IF no cases occur during the reporting quarter, FRB Administrator will issue a negative report.

Suspense Date: 10/15/16 and each calendar quarter by the 15th of the following month.

Responsible Person: FRB Administrator

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 11/15/16

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Not in Substantial Compliance

Content: =>95% of all investigations or reviews of critical firearm discharges accounted for all shots and locations of officers.

Step Number: 1

Action: FIT will ensure all critical firearm discharge incident investigations account for all shots fired.

Documentation/Output: FIT report and subsequent associated FRB report and findings; FRB Administrator will certify as in sub-paragraph a, Step 2, above

Suspense Date: 10/15/16 and each calendar quarter by the 15th of the following month.

Responsible Person: FRB Administrator

Step Number: 2

Action: VIPD will purchase appropriate investigative tools to account for all shots fired to include trajectory rods, crime scene sketching software (including Total Station), gunshot residue testing products, and other investigative tools and equipment as identified by the FIT Supervisors,

Documentation/Output: Purchase orders, followed by certification from FIT Supervisors that named equipment was purchased

Suspense Date: 10/01/16

Responsible Person: IAB Supervisors

Step Number: 3

Action: VIPD will train FIT personnel in the use of investigative tools, software, and forensic products purchased under Step 2 above and will place tools in service by suspense date indicated.

Documentation/Output: Certification by the FIT Supervisor that personnel were trained in the use of all equipment referenced in Step 2, above, and that the equipment was placed in service for use by both FIT teams.

Suspense Date: 11/01/16

Responsible Person: FIT Supervisor

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 12/01/16

Responsible Person: CD Coordinator

Paragraph: 44 Current Status: Not in Substantial Compliance

CD Content: 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.).

Suspense Date: 1/11/17

Responsible Person: D/C Chalwell

Sub-Paragraph: a

Current Status: Substantial Compliance

Content: Policy will include that complaints may be filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic mail

Sub-Paragraph: b

Current Status: Substantial Compliance

Content: Policy will include authorization that the 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

Sub-Paragraph: c

Current Status: Substantial Compliance

Content: In =>90% of cases, complaint intake officers describe facts that bear upon a complainant's demeanor and physical condition but do not express opinions regarding his/her mental competency or veracity.

Sub-Paragraph: d

Current Status: Substantial Compliance

Content: =>90% of documented complaints are assigned a unique identifier and are retrievable by that identifier, the complainant's name, if it was provided, or the name of the accused officer, if known.

Sub-Paragraph: e Current Status: Substantial Compliance

Content: In=>90% of the complaints, they are tracked according to the basis for the complaint (e.g., excessive force, discourtesy, improper search, etc.).

Sub-Paragraph: f

Current Status: Substantial Compliance

Content: Obtained DOJ approval for a complaint intake policy. Approved policy is distributed to sworn personnel and applicable civilian employees.

Sub-Paragraph: g

Current Status: Substantial Compliance

Content: =>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 complaint related policy 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, 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.

Sub-Paragraph: h

Current Status: Substantial Compliance

Content: All complaint intake training 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.

Sub-Paragraph: i

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: Create a list of all 01/01/2015 to 12/31/2015 cases that have not been completed in compliance with the CD and policy requirements.

Documentation/Output: IAPRO Case Printout

Suspense Date: 9/07/16

Responsible Person: D/C Chalwell

Step Number: 2

Action: Divide the list into two categories: those for which the investigating officer is still employed, and those cases where the investigating officer is no longer employed.

Documentation/Output: Lists produced by the step

Suspense Date: 9/14/16

Responsible Person: D/C Chalwell

Step Number: 3

Action: IAB and Deputy Chiefs will jointly review the listing of outstanding cases and determine if there is a necessity to assign to a new investigator. IAB and the Deputy Chiefs will monitor to ensure that cases are completed by indicated suspense date.

Documentation/Output: Updated lists with recommendations for investigation and associated justifications for each case listed.

Suspense Date: 9/21/16

Responsible Person: D/C Chalwell

Step Number: 4

Action IAB and Deputy Chiefs will ensure that outstanding 2015 cases will be completed within 10-30 days dependent on complexity of remaining investigation.

Documentation/Output: Updated lists annotated per the step.

Suspense Date: 9/28/16

Responsible Person: D/C Chalwell

Step Number: 5

Action: Create a list of all 01/01/16 to 08/31/16 cases that have not been completed in compliance with the CD and policy requirements.

Documentation/Output: IAPRO Case Printout

Suspense Date: 10/05/16.

Responsible Person: D/C Chalwell

Step Number: 6

Action: Divide the list into two categories, those where the investigating officer is still employed and those cases where the investigating officer is no longer employed

Documentation/Output: Updated list with justifications annotated

Suspense Date: 10/12/16

Responsible Person: D/C Chalwell

Step Number: 7

Action: IAB and Deputy Chiefs will jointly review the listing of outstanding cases and determine if there is a necessity to assign to a new investigator. IAB and the Deputy Chiefs will monitor to ensure that cases are completed by indicated suspense date.

Documentation/Output: Updated list and case line item justification for administrative closer

Suspense Date: 10/19/16

Responsible Person: D/C Chalwell

Step Number: 8

Action: IAB and Deputy Chiefs will ensure that outstanding 2016 cases will be completed within 10-30 days dependent on complexity of remaining investigation.

Documentation/Output: Updated list.

Suspense Date: 10/26/16

Responsible Person: D/C Chalwell

Step Number: 9

Action: Obtain all open administrative cases (i.e. Citizen Complaints, Administrative (internal) Complaints, Vehicle Accidents, Vehicle Pursuits, all Use of Force cases) between years 2012 to 2014.

Documentation/Output: Report listing open cases

Suspense Date: 11/26/16

Responsible Person: Acting Chief of Police Marsh

Step Number: 10

Action: Create a board including Executive and management officers to review the cases obtained in step 9 for the purpose of:

1. Identifying and sorting the allegations based on level of seriousness;
2. Identifying the officer(s) involved;
3. Reviewing those officers EIP profiles from 2012 to present to see whether there remains a pattern of poor performance or whether the officer's performance improved between that specified years (depending on the seriousness of the complaint for instance if they were minor complaints, then EIP action will be recommended providing the performance remained consistently poor and if it was a serious complaint such as potential criminal conduct, then petition the AG for prospective disposition);
4. Closing the cases in the IAPro system administratively; system will generate letter to complainant; and
5. In those cases where the allegations are of a Class 3 or 4 level minor, set up community outreach action by contacting identified complaints either through telephone or in person meetings to discuss their case and provide final status of any actions taken and the reasons for taking the action.

Documentation/Output: Board report detailing the review process, line item (case) review results, and board recommendations; will also include documentation of efforts to contact complainants, citizen contact and apology script, etc.

Suspense Date: 12/31/16

Responsible Person: Acting Police Chief Marsh

Step Number: 11.

Action: Review Citizen Complaint and Misconduct investigation policies to determine whether improvements need to be made to allow for speedier resolution of minor complaints at the Command level which would reduce the backlogging of incidents. Included in the review will be the establishment of situations where cases may be administratively closed.

Documentation/Output: Results of policy review and/or revised policies for review by DOJ/IMT

Suspense Date: 08/31/16

Responsible Person: Acting Police Chief Marsh

Step Number: 12

Action: Revised policy moved through the command level review process and published.

Documentation/Output: Revised and published policy

Suspense Date: 09/05/16

Responsible Person: Dr. Bellot

Step Number: 13

Action: Create consolidated report on all actions taken with this sub-paragraph and forward to USDOJ and IMT.

Documentation/Output: Referenced consolidated report

Suspense Date: 01/05/17

Responsible Person: Acting Police Chief Marsh

Step Number: 14

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 02/03/17

Responsible Person: CD Coordinator

Sub-Paragraph: j

Current Status: Substantial Compliance

Content: For => 90% of the complaints logged and recorded, a file documents the actions taken by VIPD in response to the complaint.

Paragraph: 58 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 12/31/16

Responsible Person: Zone Commanders

Sub-Paragraph: a

Current Status: Substantial Compliance

Content: The VIPD has developed a policy that provides a process for the review of all completed allegations of misconduct and ensures the consideration of all of the elements identified in 52 and 58 of the Consent Decree

Sub-Paragraph: b

Current Status: Substantial Compliance

Content: In =>90% of the completed investigations into allegations of misconduct, there is documentation indicating that a supervisor has evaluated underlying problems and training needs, if any.

Sub-Paragraph: c

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: IAB will establish a suspense file that records each instance where a case investigation has identified and recommended action as related to policy changes, remedial training, or other follow-on activities to ensure that all such recommendations are relayed to the appropriate VIPD entity.

Documentation/Output: Copies of memos requesting remedial training and copy of suspense file report

Suspense Date: 12/31/16 and ongoing

Responsible Person: IAB Supervisors

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/31/17

Responsible Person: CD Coordinator

Sub-Paragraph: d

Current Status: Not in Substantial Compliance

Content: =>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.

Step Number: 1

Action: If a determination is made that changes are needed to training the Training Director will review the involved training course or block of instruction and make changes as required.

Documentation/Output: Copy of the results of the review by the Training Director of each lesson plan of course referred by the step; Confirmation that changes were made.

Suspense Date: 01/16/17 and ongoing

Responsible Person: Training Director

Step Number: 2

Action: When a training deficiency for an individual officer is identified, the Training Director will arrange for remedial training, and upon completion or non-completion of that training, will forward such documentation to IAB to be retained in the officer's investigative file.

Documentation/Output: Documentation from the Training Division on each referral for remedial training as to completion or non-completion by the referred officer. Documentation will include a certification that the officer's record in IAPro was updated.

Suspense Date: 10/26/16 and ongoing

Responsible Person: Training Director and IAB Supervisors

Step Number: 3

Action: IAB will administer tracking of files for administrative actions.

Documentation/Output: Copy of tracking log

Suspense Date: 12/31/16 and ongoing

Responsible Person: Acting Police Chief Marsh

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/31/17

Responsible Person: CD Coordinator

Sub-Paragraph: e

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: In each case where a recommendation of changes of policy was indicated in the investigation, IAB will log that recommendation in the suspense file established under previous sub-paragraphs.

Documentation/Output: Copy of tracking log

Suspense Date: 10/26/16 and ongoing

Responsible Person: IAB Supervisors

Step Number: 2

Action Director of Planning and Research will initiate a review based on the recommendation and report the results to the IAB for updating the referenced suspense folder.

Documentation/Output: Log of policy review process that lists all policies identified for review.

Suspense Date: 12/01/16

Responsible Person: Dr. Bellot

Step Number: 3

Action: In each case where a determination of equipment or other issue was indicated in the investigation, IAB will log that recommendation in the remedial action input in IAPro file established under Sub-Paragraph 58-c.

Documentation/Output: Copy referenced log

Suspense Date: 10/26/16

Responsible Person: IAB Supervisors

Step Number: 4

Action The Commander of the responsible entity will initiate a review based on the recommendation and report the results to the IAB for updating of the remedial action input in IAPro.

Documentation/Output: Copy of response from unit commanders that reviewed the requests.

Suspense Date: 12/01/16

Responsible Person: Commander of the entity responsible for equipment or other issue.

Step Number: 5

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/01/17

Responsible Person: CD Coordinator

Paragraph: 59 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 10/30/16

Responsible Person: IAB Director

Sub-Paragraph: a

Current Status: Substantial Compliance

Content: The VIPD has developed, codified in policy, and implemented 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.

Sub-Paragraph: b Current Status: Partial Compliance

Content: 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.

Step Number: 1

Action: The VIPD will conduct an immediate review of the current Early Intervention Program (EIP) materials between 01/01/16 through 07/15/16 and identify all instances where the requirements were not complied with by supervisory and command and EIP Analyst personnel.

Documentation/Output: Report that documents the review and actions taken when non-compliance was observed.

Suspense Date: 10/26/16 and ongoing

Responsible Person: IAB Supervisors

Step Number: 2

Action: Based upon that review,

1. If non-compliance as described above is discovered, they will be given 10 days to bring the non-compliance into compliance; or
2. In those instances where the process has not been completed individuals will be given 10 days to bring their activities into compliance; and
3. Persons who fail to meet the 10-day suspense will be subject to disciplinary action.

Documentation/Output: Copy of log that documents the review, adjustment of plans and or administrative action taken.

Suspense Date: 11/26/16 and ongoing

Responsible Person: Commanders (personnel in their chain of command)
IAB Supervisors (EIP Analysts)

Step Number: 3

Action: The Deputy Chiefs will conduct quarterly review of the patterns and trends within the EIP program including Use of Force and Citizen Complaint incidents and produce reports of such reviews quarterly to be submitted to the Commissioner.

Documentation/Outputs: Copies of quarterly reports.

Suspense Date: 10/30/16 and 30 days after the end of the calendar quarters.

Responsible Persons: Deputy Chiefs

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 11/30/16

Responsible Person: CD Coordinator

Paragraph: 60 Current Status: Not in Substantial Compliance

CD Content: The new risk management system will collect and record the following information: a. use of force, b. canine bite ratios, c. the number of canisters 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 or off duty, g. all complaints (and their dispositions), h. all criminal proceedings initiated, as well as all civil or administrative claims filed with, and 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.

Suspense Date: 08/05/16

Responsible Person: IAB Supervisors

***NOTE:** Paragraph 60 was previously developed and approved by DOJ and filed with the court. It is included here for continuity purposes but does not need any further work, except updating status. It has been reformatted from the original court submission to match that of the Action Plan 2 format; no changes to requirements were made other than to identify possible Documentation/Output documents, which were not identified in the original document.*

Sub-paragraph: a

Current Status: Substantial Compliance

Step Number: 1

Action: Review a random selection of 1A and arrest reports between the periods of 11/20/14 to 05/15/15 and from 02/12/16 to 05/31/16 to look for potential unreported uses of force.

Documentation/Output: Report listing cases reviewed and results found.

Suspense Date: 07/08/16

Responsible Person: Deputy Chief Arlene Chalwell

Step Number: 2

Action: Create a directive outlining the person or unit who will be responsible for obtaining the data for analysis. The directive for this subsection will require the EIP analyst to conduct monthly audits/inspections of the system, by the 5th of each month, to ensure all reported UOF entries are entered completely in the system.

Documentation/Output: Directive is published creating monthly audits/inspections of the system to ensure UOF entries are properly made, due the 5th of each month

Suspense Date: 06/17/16

Responsible Person: Acting Police Chief Marsh

Step Number 3

Action: Distribute and review newly created directive to EIP analyst and group members to ensure they understand the requirements for conducting the monthly audits/ inspections.

Documentation/Output: Copy of directive annotated that it has been distributed and that EIP Analysts understand what is required.

Suspense Date: 06/23/16

Responsible Person: Deputy Chief Chalwell

Step Number: 4

Action: The M&S group will conduct monthly inspections of randomly selected 1A and arrest reports from the current quarter to ensure all UOF incidents continue to be reported and entered in the IAPro (RMS) system. AIU will include a review of these monthly inspections in the quarterly audit commencing with the second quarter of 2016.

Documentation/Output: Report listing cases randomly selected and the results of the review of these cases

Suspense Date: 08/05/16

Responsible Person: DC Chalwell

Step Number: 5

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph: b (Canine bite ratios)

Current Status: Substantial Compliance

Step Number: 1

Action: Create a directive requiring Canine unit supervisors to submit, on a weekly basis, utilization/deployment reports to the EIP Analyst section.

Documentation/Output: Copy of directive requiring Canine unit supervisors to submit weekly report

Suspense Date: 06/10/16

Person Responsible: Acting Police Chief Marsh

Step Number: 2

Action: Review directive with Canine Supervisors to ensure they understand the requirements of the directive.

Documentation/Output: Sign-off by Canine unit supervisors that they have reviewed and concur with proposed directive and/or identified any needed corrections to the directive.

Suspense Date: 06/10/16

Responsible Person: Deputy Chief Alcendor for STT and Deputy Chief Corniero for STX

Step Number: 3

Action: Canine Unit will start sending weekly deployment reports to EIP Analyst.

Documentation/Output: Copies of weekly reports, starting with 06/13/16 and forward each week on date established in directive referenced in Step 1 and 2

Suspense Date: 06/13/16

Responsible Person: Deputy Chief Alcendor for STT and Deputy Chief Corniero for STX

Step Number: 4

Action: Obtain CAD data from 911 displaying all K9 responses from 01/01/15 to 07/15/16 to ensure all deployments during that period are captured and analyzed to determine bite ratios.

Documentation/Output: Periodic reports from CAD matched against IAPro listings; deficiency letters if failure to report Use of Force (K-9) are found.

Suspense Date: 07/20/16

Responsible Person: Officer Ruchella Samuel for STX and Patricia Potter for STT/STJ

Step Number: 5

Action: Create a directive requiring the EIP Analyst to conduct quarterly analysis of Canine Bite ratios to comply with the EIP Protocol analysis requirements.

Documentation/Output: Completed directive issued.

Suspense Date: 06/17/16

Responsible Person: Acting Police Chief Marsh

Step Number: 6

Action: Create an interim database for canine unit supervisors to track all K-9 Unit deployments until IAPro's release of the K-9 module this fall. The database will track minimally the same fields as on the deployment reports, to include: 1A Number, Crime Classification, Handler name, Canine name, Unit #Location, Date of Occurrence, Date reported, Time arrived, whether deployment resulted in an apprehension, and whether there was a bite/hold, and type of deployment.

Documentation/Output: Creation of the database evidences by printouts from it.

Suspense Date: 06/30/16

Responsible Party: MIS Kishauna Tweede (with assistance from M&S Group and K-9 Supervisors)

Step Number: 7

Action: Change deployment of K-9 units from their present Special Response deployment to a regular support role in support of patrol operations.

Documentation/Output: Directive detailing re-assignment of recourses and revised organization chart.

Suspense Date: 06/26/16

Responsible Person: Chief McFarlande for STX and Chief Marsh for STT

Step Number: 8

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph: c

Current Status Substantial Compliance

Content: The number of canisters of chemical spray used by officers;

Step Number: 1

Action: Ensure measuring equipment is available and in working order in both districts.

Documentation/Output: Report identifying the equipment available in both districts for weighing the canisters.

Suspense Date: 06/10/16

Responsible Person: Training Director (assisted by Academy Supervisors Sgt. Sullivan STT / Sgt. Lynch STX)

Step Number: 2

Action: Notify commanders to send their officers to training for canister inspection.

Documentation/Output: District level memoranda ordering personnel to report for canister weighing.

Suspense Date: 06/09/16

Responsible Person: Training Director

Step Number: 3

Action: Measure officers' canisters from each district. Officers will respond to the training unit to have their equipment weighed while on duty.

Documentation/Output: Report detailing weighing of each assigned canister, with documentation to support failure to weigh

Suspense Date: 06/24/16

Responsible Person: Sgt. Lynch STX/ Sgt. Sullivan STT

Step Number: 4

Action: Weigh-in officer will initiate exception memo on all canisters that exceed the tare weight and forward to the appropriate district Police Chief for action.

Documentation/Outputs: Memorandums to appropriate Police Chief identifying the officers with canisters out of variance, requesting administrative review against IAPro database and/or follow-up administrative investigation as appropriate.

Suspense Date: 06/30/16

Responsible Person: Training Director

Step Number: 5

Action: Based on results, the district Police Chief will either open a new administrative investigation or annotate the exception memo as to the findings and forward to AIU.

Documentation/Output: Memoranda from Police Chiefs with results of administrative review of each case note in Step 4 above.

Suspense Date: 30 days from initiation

Responsible Person: District Police Chiefs

Step Number: 6

Action: Enter data into database (if operational). (NOTE: completion of the administrative review in Step 5 above, will gain compliance if database is still under updates.)

Documentation/Output: Certification from AIU that database has been updated via printout from the system.

Suspense date: 07/29/16
Responsible Person: Mary Duggan

Step Number: 7

Action: Prepare completion report and forward results to DOJ/IMT for review and interim compliance recertification.

Documentation/Output: Previous documentation
Suspense Date: 08/02/16
Responsible Person: Mary Duggan

Step Number: 8

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.
Suspense Date: 08/05/16
Responsible Person: CD Coordinator

Sub-Paragraph d

Current Status: Partial Compliance

Content: All injuries to prisoners

Step Number: 1

Action: Validate that required posters are present in Zones and report processing areas.

Documentation/Output: Certification that posters were present in all Zones.
Suspense Date: 06/10/16
Responsible Person: Lt. Sandra Colbourne for STT/STJ and Lt. Mirrett Benta for STX

Step Number: 2

Action: Obtain 911 CAD listing for all reported Injury to Prisoner incidents between 01/01/15 and 05/06/16. Using that data, conduct an inspection to compare with data in the IA-Pro system to ensure all incidents were reported and required action taken. If no case found, initiate case and investigate; update compliance log with results.

Documentation/Output:
Suspense Date: 06/30/16
Responsible Person: D/C Chalwell (M&S Group Project with assistance from Crime Analyst and MIS)

Step Number: 3

Action: Obtain CAD listing for all reported Injury to Prisoner incidents between 05/06/16 and 07/15/16 to ensure Injury to Prisoner incidents continue to be reported, entered into IAPro, and required actions taken. Add results to report from Step 3.

Documentation/Output:

Suspense Date: 07/22/16

Responsible Person: D/C Chalwell

Step Number: 4

Action: Submit report regarding steps 2 and 3 to the AIU, DOJ and IMT.

Documentation/Output:

Suspense Date: 06/30/16

Responsible Person: D/C Chalwell

Step Number: 5

Action: Update the Data Input Plan to outline all data collection and areas of responsibility for their collection. Create an entry in an appropriate suspense file, list, or data system that identifies the person or position/unit responsible for data collection on Injuries to Prisoners, the timelines for collection and reporting of findings.

Documentation/Output:

Suspense Date: 08/01/16

Responsible Person: Acting Police Chief Marsh

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph e

Current Status Substantial Compliance

Content: 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”

Step Number: 1

Action: Gather data in the IAPro system on “discretionary arrests” from 1/1/15 to 07/15/16 and disseminate to M&S Group for review.

Documentation/Output: List of cases reviewed and results.

Suspense Date: 07/22/16

Responsible Person: Acting Director T. Emanuel

Step Number: 2

Action: Review arrest and other reports obtained from Step 1 for comparison with IAPro data to determine whether all instances where force was used and a citizen was charged with an enumerated charge were segregated (duplicated from the UOF incident for analysis purposes) in the system for subsequent analysis and review.

Documentation/Output: Report detailing the review

Suspense Date: 07/22/16

Responsible Person: D/C Chalwell (M&S Group project with assistance from EIP Analyst)

Step Number 3

Action: Prepare a report of findings to be added as an addendum item to Quarterly reports and for use by Deputy Chiefs in their quarterly EIP reviews with Commanders and supervisors.

Documentation/Output: Report based upon the data from Step 2

Suspense Date: 07/29/16

Responsible Person: D/C Chalwell (M&S Group project with assistance from EIP Analyst)

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph f

Current Status: Substantial Compliance

Content: All critical firearm discharges, both on-duty and off-duty;

Step Number: 1

Action: Review all reported critical Firearm Discharges in the IAPro System, from 01/01/15 to 07/15/16 to ensure accuracy of data. Obtain 1A reports and Use

of Force reports concerning Critical Firearm Discharges looking for consistency in reporting and accuracy with inputted IAPro data.

Documentation/Output: FIT reports

Suspense Date: 07/24/16

Responsible Person: Tony Emanuel

Step Number: 2

Action: Prepare report on results of review for use by Audit Unit, Training Advisory Committee, and Deputy Chiefs for their quarterly EIP Review with Commanders and Supervisors.

Documentation/Output: Reports generated in Step 1

Suspense Date: 07/29/16

Responsible Person: Tony Emanuel

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph g

Current Status: Substantial Compliance

Content: All complaints and their dispositions;

Step Number: 1

Action: Check status of citizen and internal complaint cases forwarded to IA for final review and entry into IAPro from 01/01/015 to 07/15/16 to determine whether cases deemed complete are being held up at the final review level.

Documentation/Output: Report listing cases reviewed and status.

Suspense Date: 07/22/16

Responsible Person: Lt. Benta for STX and DC Alcendor for STT/STJ

Step Number: 2

Action: Based on the results from Step 1, forward action requests to appropriate senior commanders for compliance with VIPD published complaint handling policy. Follow-up to assure any cases identified are completed and entered in the IAPro system.

Documentation/Output: Generated action requests for completion of cases and status of follow-up.

Suspense Date: 07/24/16

Responsible Person: Lt. Benta for STX and DC Alcendor for STT/STJ

Step Number: 3

Action: Create a report of the results of findings and subsequent command actions taken and forward to VIPD Audit Unit, IMT, and USDOJ.

Documentation/Output: Referenced report

Suspense Date: 07/30/16

Responsible Person: Coordinator Greg Davila

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph h

Current Status: Substantial Compliance:

Content: 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;

Step Number: 1

Action: Obtain all quarterly listing of criminal actions, civil suits and administrative claims between 01/01/16 and 07/15/16 from the VIAG in accordance with agreements between the VIPD and the VIAG.

Documentation/Output: Updated listings from the VIAG

Suspense Date: 07/19/16

Responsible Person: Officer Arlene Greaux

Step Number: 2

Action; Compare to IAPro record to determine if the IAPro system has been updated.

Documentation/Output: Report detailing results of the comparison.

Suspense Date: 07/22/16

Responsible Person: Anna Gilbert and James McManus

Step Number: 3

Action: If matches cannot be found update as necessary from the VIAG records obtained.

Documentation/Output: Updated copy of the report from Step 2 detailing corrective actions taken, if any.

Suspense Date: 07/25/16

Responsible Person: Anna Gilbert and James McManus

Step Number: 4

Action: If information in the IAPro system differs from that provided by the VIAG, request clarification from the VIAG and update as necessary depending upon information received.

Documentation/Output: Copy of any requests to the VIAG, if any, or a certification of accuracy of data or the report from Step 3, if appropriate.

Suspense Date: 07/25/16

Responsible Person: Tony Emanuel

Step Number: 5

Action: If the reports have been received and the IAPro case files updated accordingly, submit a certification memorandum to the CD Coordinator for forwarding to the DOJ and the IMT.

Documentation/Output: Certification as noted.

Suspense Date: 07/30/16

Responsible Person: Tony Emanuel

Step Number: 6

Action: Establish suspense system dates to ensure that the process in Steps 1-5 are repeated on a quarterly basis.

Documentation/Output: Report demonstrating that a suspense system has been established (see Preface to this document for suggested solutions)

Suspense Date: 07/30/16

Responsible Person: Tony Emanuel

Step Number: 7

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph i

Current Status: Substantial Compliance

Content: All vehicle pursuits

Step Number: 1

Action: Review vehicle pursuit policy to determine and validate reporting requirements consistent with the CD.

Documentation/Output: Copy of revised and/or updated Pursuit Policy.

Suspense Date: 06/22/16

Responsible Person: D/C Chalwell

Step Number: 2

Action: Review all CAD data for events categorized as pursuit and create a list with appropriate information to link them with IAPro cases from 01/01/16 to 07/15/16.

Documentation/Output: CAD printouts annotated with matched cases (or absence of cases) from IAPro

Suspense Date: 07/24/16

Person Responsible: Lt. Colbourne on STT and Lt. Benta on STX

Step Number: 3

Action: Compare CAD data categorized as vehicle pursuits to IAPro pursuit-based case entries for the same period as reflected on the list created in Steps 1 and 2 to ensure required reporting has been complied with.

Documentation/Output: See Step 2 above

Suspense Date: 07/30/16

Responsible Person: D/C Chalwell

Step Number: 4

Action: Identify personnel involved in pursuits and their supervisors on all CAD categorized events where no IAPro report is found to appropriate Police Chief and request appropriate administrative review for compliance. Police Chiefs will take appropriate action based upon the investigation and report same back to the AIU for inclusion in the final report and subsequent quarterly audits.

Documentation/Output: Memoranda detailing involved personnel and requests for administrative review.

Suspense Date: 07/30/16

Responsible Person: D/C Chalwell

Step Number: 5

Action: Prepare and submit report of findings from Steps 1-4 to CD Coordinator for submission to DOJ/IMT.

Documentation/Output: Copy of final report

Suspense Date: 08/02/16

Responsible Person: DC Alcendor for STT and DC Corneiro for STX

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph j

Current Status: Substantial Compliance

Content: All incidents involving the pointing of a firearm if any such reporting is required;

Step Number: 1

Action: Review a random selection of 1A and accompanying arrest reports involving felony cases between 01/01/15 and 07/15/16 to determine those where there is some indication that an officer pointed a firearm at an individual or subject.

Documentation/Output: Report based upon the review

Suspense Date: 07/22/16

Responsible Person: D/C Chalwell (M&S Group Project with assistance from Crime Analyst)

Step Number: 2

Action: Create a report that lists from the IAPro system all cases with an occurrence date between the dates in Step 1 above, where a Use of Force report has been filed indicating an officer pointed a firearm during an incident or arrest.

Documentation/Output: IAPro report as noted.

Suspense Date: 07/23/16

Responsible Person: D/C Chalwell (M&S Group Project with assistance from Crime Analyst)

Step Number: 3

Action: Compare the lists developed in Step 1 with the list developed in Step 2 and isolate those cases where no Use of Force report was initiated (e.g., none in

file within IAPro) where one would have been required by Department Policy. Identify the officer(s) involved as well as the supervisors and initiate appropriate action, through their Police Chief, as per department policy.

Documentation/Output: Report detailing the comparison between the two data sources; copies of memoranda requesting administrative review for any failure uncovered.

Suspense Date: 08/02/16

Responsible Person: DC Alcendor for STT/STJ and DC Corneiro for STX

Step Number: 4

Action: Using the list developed in Step 3, initiate steps to have required reports prepared and logged into IAPro.

Documentation/Output: Listing of any updated made to IAPro

Suspense Date: 08/02/16

Responsible Person: Tony Emanuel

Step Number: 5

Action: Provide report detailing the results of Steps 1-4 to Compliance Coordinator and request they be forwarded to DOJ/IMT for review.

Documentation/Output: Previous documents for forwarding with compliance request.

Suspense Date: 08/02/16

Responsible Person: Greg Davila

Step Number: 6

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 08/05/16

Responsible Person: CD Coordinator

Sub-paragraph k

Current Status: Substantial Compliance

Content: All disciplinary action taken against officers.

Step Number: 1

Action: Create a listing of all cases in the IAPro system where the disposition is sustained to determine whether they were appropriately duplicated as Disciplinary Action incidents as required by VIPD policy for EIP analysis.

Documentation/Output: Case listing report from IAPro
Suspense Date: 07/22/16
Responsible Person: Tony Emanuel

Step Number 2

Action: From the list in Step 1, further review those disciplinary action incidents to ensure all data is accurate and complete.

Documentation/Output: Certification of updated accuracy in the IAPro system.
Suspense Date: 07/24/16
Responsible Person: Tony Emanuel

Step Number: 3

Action: Provide a report detailing any findings and the corrective action taken, if any, to the CD Coordinator for transmittal to the DOJ and IMT.

Documentation/Output: Copies of previous reports forwarded with compliance request
Suspense Date: 07/30/16
Responsible Person: Tony Emanuel

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.
Suspense Date: 08/05/16
Responsible Person: CD Coordinator

Paragraph: 69 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 10/26/16

Responsible Person: Mary Duggan

Sub-Paragraph: a

Current Status: Substantial Compliance

Content: 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

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: VIPD will monitor the production of the Quarterly Reports to ensure compliance with schedule.

Documentation/Output: Quarterly Reports

Suspense Date: 06/01/16(1Q16), 10/01/16(2Q16) and ongoing

Responsible Person: Mary Duggan

Step Number: 2

Action: Distribute Quarterly Audit Report to all VIPD supervisory personnel

Documentation/Output: Quarterly Reports distributed via PowerDMS to all supervisory personnel; electronic signature report

Suspense Date: Same as Step 1

Responsible Person: Mary Duggan

Step Number: 3

Action: As additional audit projects develop from compliance activities, AIU should add them to the schedule.

Documentation/Output: Audit reports as produced and revised schedule.

Suspense Date: 10/26/16 and ongoing

Responsible Person: Mary Duggan

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 11/26/16

Responsible Person: CD Coordinator

Paragraph: 71 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 01/15/16

Responsible Person: Acting Police Chief MacFarlande

Sub-Paragraph: a

Current Status: Substantial Compliance

Content: The VIPD has developed a policy that establishes 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.

Sub-Paragraph: b

Current Status: Not in Substantial Compliance

Content: =>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.

Step Number: 1

Action: IAB will verify and certify that all extensions beyond policy established suspense date will be approved and signed by the Commissioner.

Documentation/Output: Report detailing extensions requested and their status, including justification for extension.

Suspense Date: 10 days before end of reporting quarter

Responsible Person: IAB Supervisors

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/15/16

Responsible Person: CD Coordinator

Sub-Paragraph: c

Current Status: Substantial Compliance

Content: =>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.

Paragraph: 72 Current Status: Not in Substantial Compliance

CD Content: 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. In a case where discipline has been imposed on an officer, the VIPD must also consider whether non-disciplinary corrective action is required.

NOTE: Paragraph 72 was previously developed and approved by DOJ and filed with the court. It is included here for continuity purposes but does not need any further work, except updating status Reformatted to new styles but no changes in dates or requirements.

Sub-paragraph a.

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: Develop a list of all sustained charges within VIPD in cases closed between 1/15/15 and 07/15/16.

Documentation/Output: Case listing of those cases with sustained charges

Suspense Date: 07/15/16 and ongoing

Responsible Person: Detective Vivianne Newton / Daria Byron

Step Number: 2

Action: Identify / document discipline provided for each sustained charge.

Documentation/Output: Listing of cases reviewed with data entered regarding charges and subsequent discipline imposed.

Suspense Date: 07/29/16 and ongoing

Responsible Person: Detective Vivianne Newton / Daria Byron

Step Number: 3

Action: Assess compliance of discipline imposed with existing disciplinary policy/matrix; identify all documented extenuating circumstances justifying variance from the policy/matrix.

Documentation/Output: Using the report in Step 3, match discipline and charges to the matrix and annotate the report with the results.

Suspense Date: 07/29/16 and ongoing

Responsible Person: Detective Vivianne Newton / Daria Byron

Step Number 4

Action: Using the list from Steps 1 thru 3, determine if sustained charges were altered or overturned and identify at what point, by whom, and if justification was noted in the action.

Documentation/Output: Report from Step 3, updated with a determination if any discipline was altered.

Suspense Date: 07/29/16 and ongoing

Responsible Person: Detective Vivianne Newton / Daria Byron

Step Number: 5

Action: Identify/gather documentation or evidence showing discipline being served, for example; final orders, payroll deductions, training documentation, etc.

Documentation/Output: Previous report annotated with data certifying that the punishment was actually served and completed,

Suspense Date: 07/29/16 and ongoing

Responsible Person: D/C Chalwell

Step Number: 6

Action: CD Coordinator will establish a suspense system to ensure that compliance certification, via execution of above referenced protocols are periodically submitted to the DOJ/IMT consistent with Court established quarterly reporting deadline or as prescribed by the IMT.

Documentation/Output: Previous reports along with compliance request

Suspense Date: 08/01/16

Responsible Person: CD Coordinator (Gregory Davila)

Sub-paragraph b

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: Of those cases identified in Step 1 above in sub-paragraph a, determine from the case files if the VIPD Investigators, Supervisors, Commanders, Chiefs or the Commissioner have taken into consideration non-disciplinary action options when recommending or administering discipline.

Documentation/Output: Previous report, updated with an assessment if non-disciplinary action was considered.

Suspense Date: 07/18/16

Responsible Person: D//C Chalwell

Step Number: 2

Action: Based on data collected in Step 1, develop a conclusion as to compliance with the sub-paragraph and render a report documenting the conclusion with supporting data.

Documentation/Output: Report of conclusions reached about compliance with the paragraph, supported by data analysis and other reports.

Suspense Date: 07/20/16

Responsible Person: DC Chalwell

Step Number: 3

Action: Develop a section to the Audit Unit and IAB suspense system that requires periodic application of the protocols from Steps 1 and 2 above and subsequent submission of the report to the Commissioner, Chiefs, Deputy Chiefs and DOJ/IMT for compliance review.

Documentation/Output: Updated SOPs as referenced

Suspense Date: 07/29/16

Responsible Person: Audit Unit for their SOP and Acting Police Chief Marsh for the updated suspense file, list, or data system entry

Step Number: 4

Action: Submit request for compliance certification, with all supporting documentation, to the DOJ/IMT for review via the CD Coordinator.

Documentation/Output: Compliance certification request with supporting documentation.

Suspense Date: 08/02/16

Responsible Person: Gregory Davila

Step Number 5

Action: CD Coordinator will establish a suspense system to ensure that compliance certification, via execution of above referenced suspense system protocols are periodically submitted to the DOJ/IMT consistent with Court established quarterly reporting deadline or as prescribed by the IMT.

Documentation/Output: Compliance request with previous documentation in Steps.

Suspense Date: 08/02/16

Responsible Person: CD Coordinator

Paragraph: 73 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 12/29/16

Responsible Person: Training Director

Sub-Paragraph: a

Current Status: Partial Compliance

Content: The Training Division has coordinated and reviewed all Use of Force training. This review occurs: at least semi-annually unless there is a need for policy or lesson plan revision or change.

***NOTE:-**See Sub-paragraph 74-a where compliance with this sub-paragraph is also measured. Compliance with either Sub-paragraph should be optionally considered compliance with this Sub-paragraph*

Step Number: 1

Action: Training Director will conduct a review of all Use of Force training materials and policies to ensure quality, consistency, and compliance with applicable law. Review will include not only compliance with the referenced policy or CD paragraph, but also ensure that each lesson plan contains performance objectives that can be evaluated and maximum use of adult learning techniques.

Documentation/Output: Report detailing all materials reviewed, conclusions reached, and recommendations made

Suspense Date: 12/19/16 and ongoing every six months

Responsible Person: Training Director

Step Number: 2

Action: Copies of each Training/Policy Review Report and updated training materials will be provided to the IMT and DOJ.

Documentation/Output: Report and copies of training materials reviewed and updated versions

Suspense Date: 12/29/16 every six months

Responsible Person: Training Director and G. Davila

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/29/17

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Substantial Compliance

Content: The Training Division issues reports to DOJ and IMT 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.

Paragraph: 74 Current Status: Not in Substantial Compliance

CD Content: 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;
- 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.

Suspense Date: 01/20/17

Responsible Person: Training Director

Sub-Paragraph: a

Current Status: Not in Substantial Compliance

Content: The Director of Training and/or his/her staff reviews all Use of Force training. The Director of Training and/or his/her staff obtain legal review of all Use of Force training curricula.

***NOTE:-**See Sub-paragraph 73-a where compliance with this sub-paragraph is also measured. Compliance with either Sub-paragraph should be optionally considered compliance with this Sub-paragraph*

Step Number: 1

Action: Director of Training will provide documentation that Use of Force training has been reviewed (essentially evaluated) and the outcome of the reviews. These reviews will be documented for each block of instruction.

Documentation/Output: Same as paragraph 73-a

Suspense Date: 12/22/16 every six months

Responsible Person: Training Director

Step Number: 2

Action: Director of Training, using the process in Para 74-a for review of training materials, will include a legal review by the VIAG or appropriate authorized legal counsel. Such review will be indicated on all required lesson plans and other training material and further documented in Power DMS.

Documentation/Output: Certification from the Training Director that lists all training materials reviewed and approval status or corrective actions requested.

Suspense Date: 01/13/17

Responsible Person: Training Director

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 02/03/17

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Substantial Compliance

Content: The Director of Training and/or his/her staff have developed and implemented Use of Force training curricula (including lesson plans).

The Director of Training and/or his/her staff have developed a process for the review of documentation of all uses of force by sworn personnel to identify patterns and trends that will influence training needs.

The Director of Training and/or his/her staff have conducted monthly reviews of Use of Force incident reports to evaluate training needs.

Sub-Paragraph: c

Current Status: Not in Substantial Compliance

Content: 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.

Step Number: 1

Action: Develop directive

Documentation/Output: Copy of developed process or directive.

Suspense Date: 09/01/16

Responsible Person: Training Director

Step Number: 2

Action: Director of Training will provide documentation that all current instructors meet the requirements of Commissioner's Directive xxx-2016, Instructor Selection Process (under development or Post directive).

Documentation/Output: Semi-annual list of all instructor personnel along with their certification dates and compliance review date for referenced directive.

Suspense Date: 12/31/16 and ongoing

Responsible Person: Training Director

Step Number: 3

Action: Director of Training will develop a validated instructor review process that ensures that each instructor used for training is evaluated at least once a year for each block of instruction presented.

Documentation/Output: Written explanation of the review process; Annual list of instructors used by VIPD Training Division annotated with the dates that they were evaluated and the results of that evaluation; PowerDMS report can be used.

Suspense Date: 12/31/16 and annually thereafter

Responsible Person: Training Director

Step Number: 4

Action: Director of Training will ensure that instructors are selected as needed and evaluated at least once a year commencing by 09/23/16 and the results of that evaluation are used for instructor development and are loaded into the Power DMS system.

Documentation/Output: Print-out from the PowerDMS system certifying the step requirements.

Suspense Date: 9/23/16 and ongoing

Responsible Person: Training Director

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/31/17

Responsible Person: CD Coordinator

Sub-Paragraph: d

Current Status: Not in Substantial Compliance

Content: 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.

Step Number: 1

Action: All course material will bear an approval signature and date of that approval by the Director of Training. Certification of such action will be provided the IMT and DOJ upon completion and updated on a semi-annual basis.

Documentation/Output: Copies of coversheets for all lesson plans, schedules, etc., used by the VIPD showing approval signatures.

Suspense Date: 12/29/16 and ongoing semi-annually thereafter

Responsible Person: Training Director and G. Davila

Step Number: 2

Action: Director of Training, using Power DMS as the central repository, will ensure that items required by the sub-paragraph will be loaded into Power DMS and such data will include all information on all VIPD personnel and training delivered since 01/01/15.

Documentation/Output: PowerDMS output reports certifying compliance with the step.

Suspense Date: 12/23/16 and ongoing semi-annually thereafter

Responsible Person: Training Director

Step Number: 3

Action: Director of Training will provide a schedule for such uploading to include the persons responsible to the IMT and DOJ within 30 days (as noted in the suspense date below)

Documentation/Output: Required schedule to comply with the step.

Suspense Date: 08/29/16 and ongoing

Responsible Person: Training Director

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/29/17

Responsible Person: CD Coordinator

Sub-Paragraph: e

Current Status: Partial Compliance

Content: 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

Step Number: 1

Action: The Roll Call Policy (10.4), with consideration of IMT and DOJ review comments, will be finalized pending approval of subjects for six months.

Documentation/Output: Published policy

Suspense Date: 08/08/16

Responsible Person: Training Director

Step Number 2

Action: Chiefs Review of Roll Call Schedule Annex

Documentation/Output: Review of schedule annotated and/or updated by Police Chiefs and TAC

Suspense Date: 08/12/16

Responsible Person: Police Chiefs and TAC

Step Number: 3

Action: Publish the finalized Roll Call Policy 10.4, along with the Schedule Annex

Documentation/Output: Schedule required by the step, along with updated and/or revised Roll Call Policy

Suspense Date: 08/18/16

Responsible Person: Training Director

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 09/18/16

Responsible Person: CD Coordinator

Sub-Paragraph: f

Current Status: Not in Substantial Compliance

Content: 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.

Step Number: 1

Action: The Director of Training will ensure that all records, as noted in the sub-paragraph, are recorded within the VIPD selected central repository Power DMS by 12/31/16 and every six months thereafter.

Documentation/Output: Compliance certification by Training Director and printout(s) from PowerDMS that substantiate compliance.

Suspense Date: 12/31/16 and ongoing every six months thereafter

Responsible Person: Training Director

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 12/31/16

Responsible Person: CD Coordinator

Sub-Paragraph: g

Current Status: Not in Substantial Compliance

Content: 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).

Step Number: 1

Action: Training Director will develop a comprehensive protocol to review Use of Force data and incidents. The data for that review will be retrieved from IAPro. The review will analyze the data and seek to identify patterns and trends of incident types or situations that result in Use of Force by officers and subjects, as well as where de-escalation was or was not used as an alternative to confrontation. The Training Director should ensure that there is a relationship with a college or university to assist in curriculum development.

Documentation/Output: Written explanation of the program; Copy of the patterns and trends analysis by the Director of Training

Suspense Date: 12/15/16 and ongoing every six months thereafter

Responsible Person: Training Director, TAC and IAB Supervisors

Step Number: 2

Action: Establish professional relationship with a college or university

Documentation/Output: Documentation that such a relationship has been established to include details as to the relationship policies and outputs are.

Suspense Date: 10/01/16

Responsible Person: Training Director

Step Number: 3

Action: The review noted in Step 1 above, will be conducted on a repetitive basis at least once every six months.

Documentation/Output: Copy of six-month review; meeting minutes from the TAC

Suspense Date: 1/23/17 and ongoing every six months thereafter

Responsible Person: TAC and IAB Supervisors

Step Number: 4

Action: The review noted in Step 1 above, will be utilized to review current training materials and courses and revise same as required. All revised courses or training materials should be forwarded to the IMT and DOJ for approval.

Documentation/Output: List detailing all training materials reviewed and subsequent actions taken. Copies of modified materials submitted to DOJ/IMT

Suspense Date: 12/31/16 and ongoing as courses are revised or developed

Responsible Person: Training Director

Step Number: 5

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/31/2016

Responsible Person: CD Coordinator

Paragraph: 77 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 01/15/17

Responsible Person: Acting Police Chief Marsh

Sub-Paragraph: a

Current Status: Not in Substantial Compliance

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

Step Number: 1

Action: Director of Training will audit the referenced records in the Power DMS system to determine if the records have been uploaded for all current VIPD personnel for all training after 01/01/15. A report will be produced listing the names of all personnel where the uploaded records do not meet this requirement.

Documentation/Output: Certification by Training Director of compliance and copy of the audit performed annotated with observations and results.

Suspense Date: 12/22/16 and ongoing

Responsible Person: Training Director

Step Number: 2

Action: Based on the report generated in Step 1, the Director of Training will establish a work program to upload all missing records into the Power DMS system. This work program will list specific suspense dates for incremental loading as well as the persons responsible for the loading. This work program should not exceed the end of 4Q2016. Results of the Training Director's work, he/she will submit a report to the AIU, who will include periodic re-audits as part of their quarterly audits.

Documentation/Output: Reports noted above; work program noted above; and information from the AIU quarterly audits for this sub-paragraph. The work program will have monthly reviews by the Training Director to determine progress toward the goals

Suspense Date: 09/01/16 and monthly updates on progress by the 10th of each subsequent month until completion.

Responsible Person: Training Director

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/22/17

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Not in Substantial Compliance

Content: =>95% of the training records shall, at a minimum, include the course description and duration, curriculum, and instructor for each officer:-

Step Number: 1

Action: Audit and Work program listed in sub-paragraph a, above, will include, at a minimum, the course description, curriculum (lesson plans and supporting training materials), and the instructor that actually taught the course.

Documentation/Output: Work program noted in sub-paragraph a, Step 2, with requirements of sub-paragraph b, above, included. Certification submitted quarterly, 10 days after end of quarter.

Suspense Date: 08/13/16, 11/13/16, and 02/13/17

Responsible Person: Training Director

Step Number: 2

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 02/03/17

Responsible Person: CD Coordinator

Paragraph: 81 Current Status: Not in Substantial Compliance

CD Content: 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.

Suspense Date: 01/15/17

Responsible Person: Training Director

Sub-Paragraph: a

Current Status: Partial Compliance

Content: The VIPD will provide training on appropriate burdens of proof to all supervisors.

Step Number: 1

Action: Director of Training will conduct a review, documented in a report, of all current training materials associated with the instruction of burden of proof as a factor in determining responsibility for actions by VIPD personnel or validity of citizen complaints.

Documentation/Output: Report; Certification of compliance listing materials reviewed as well as supporting analysis

Suspense Date: 09/21/16

Responsible Person: Training Director and IAB Supervisors

Step Number: 2

Action: Based on the review in Step 1, update any necessary information to assure currency of the lesson plans and submit those lesson plans to the appropriate VIPD legal counsel for review for legal content.

Documentation/Output: Review by and sign off on the lesson plan by VIPD legal counsel and/or a revised lesson plan if required.

Suspense Date: 10/01/16 and ongoing

Responsible Person: Training Director

Step Number: 3

Action: Revised lesson plans will be submitted to the IMT and DOJ for review.

Documentation/Output: Final revised lesson plans submitted to DOJ/IMT.

Suspense Date: 10/04/16 and ongoing

Responsible Person: Training Director

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 11/04/16

Responsible Person: CD Coordinator

Sub-Paragraph: b

Current Status: Partial Compliance

Content: Training should include factors to consider when evaluating complainant or witness credibility.

Step Number: 1

Action: Director of Training will review all lesson plans that address the credibility of complainants and witnesses. These lesson plans will be structured to address accepted factors that are used to evaluate credibility and include adult learning concepts and techniques such as practical exercises where the participants must evaluate information regarding these subjects and identify what level of credibility to assign to them.

Documentation/Output: Listing of lesson plans reviewed, annotated of where the evaluation of credibility of complainants and witnesses is taught within the lesson plan. Included will be a notation as to any modifications made and the lesson plan version number where those changes can be seen.

Suspense Date: 10/14/16 and ongoing

Responsible Person: Dir. Training, IAB Supervisors

Step Number: 2

Action: Appropriate legal counsel will review the revised lesson plans and approve them or request revision from a legal standpoint.

Documentation/Output: List of all lesson plans reviewed and approved by the AAG or designee, to include the date and version number of the approved lesson plan. Copies of rejection memos from legal counsel annotated with what steps the Training Director is taking to correct the problem.

Suspense Date: 10/24/16

Responsible Person: Training Director and appropriate legal counsel

Step Number: 3

Action: Revised lesson plans will be forwarded to the IMT and DOJ for review and approval prior to being used for instruction.

Documentation/Output: Revised lesson plans

Suspense Date: 11/04/16 and ongoing

Responsible Person: Training Director and G. Davila

Step Number: 4

Action: Approved lesson plans will be uploaded to Power DMS.

Documentation/Output: Certification of upload and PowerDMS report of same.

Suspense Date: 11/15/16 and ongoing

Responsible Person: Training Coordinator

Step Number: 5

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 12/15/16

Responsible Person: CD Coordinator

Sub-Paragraph: c

Current Status: Substantial Compliance

Content: The VIPD will also continue to provide training to supervisors on leadership and command accountability.

Sub-Paragraph: d

Current Status: Partial Compliance

Content: The training shall include techniques designed to promote proper police practices.

Step Number: 1

Action: Training Director will review all training associated with sub-paragraph 81-b, and identify where these blocks of instruction have described and championed proper police practices or “best practices” as defined by major law enforcement organizations in the US such as IACP, PERF, NOBLE, USDOJ-COPS, etc.

Documentation/Output: Certification of compliance along with list of lesson plans where such associations were found. Copies of lesson plans forwarded along with the list.

Suspense Date: 12/09/16 and ongoing

Responsible Person: Training Coordinator

Step Number: 2

Action: Based on the review in Step 1, Director of Training will produce a list of the referenced blocks of instruction, including the last date the supporting lesson plan was reviewed by legal counsel and the Training Division.

Documentation/Output: List of certifications by the appropriate legal counsel and cover pages from the lesson plans, as well as any lesson plans that have been changed.

Suspense Date: 12/19/16 and ongoing

Responsible Person: Training Director

Step Number: 3

Action: Lesson plans and related instructional media listed in the report from Step 1, will be forwarded to the IMT and DOJ for review.

Documentation/Output: See step 1

Suspense Date: 1/4/2017 and ongoing

Responsible Person: Training Director

Step Number: 4

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 02/03/17

Responsible Person: CD Coordinator

Sub-Paragraph: e

Current Status: Substantial Compliance

Content: This training will be provided w/in 90 days of promotion.

Sub-Paragraph: f

Current Status: Partial Compliance

Content: And will be made a part of annual in-service training.

Step Number: 1

Action: Training Director will ensure that all newly promoted supervisors are provided the training subject areas noted in sub-paragraph 81-b within 90 days of promotion. To confirm this, the Training Director will prepare a list of all supervisors promoted since 01/01/14 identifying the following:

1. The dates the referenced training was provided;
2. A copy of the training schedule for the course attended by the officers; and
3. Identification of blocks of instruction from those training schedules that meet the requirements of sub-paragraph 81-b.

Documentation/Output: Documentation demonstrating compliance through attendance and courses of instruction provided; PowerDMS report can be used.

Suspense Date: 12/31/16 and ongoing

Responsible Person: Training Director

Step Number: 2

Action: Based on the report in Step 1, the Training Director will assemble the lesson plans and supporting training materials that relate to the blocks identified and forward them, along with the referenced report, to the IMT and DOJ for review.

Documentation/Output: Documents requested by the step

Suspense Date: 12/31/16 and ongoing

Responsible Person: Training Director

Step Number: 3

Action: VIPD will certify that the compliance requirements of the sub-paragraph have been met as written.

Documentation/Output: Compliance certifications submitted for each step and final statement that all have been complied with.

Suspense Date: 01/31/17

Responsible Person: CD Coordinator

Paragraph: 100 Current Status: Not in Substantial Compliance

CD Content: The Territory of the Virgin Islands and the VIPD shall implement each and every provision of this Agreement as that term is defined in Paragraph 30 of this Agreement

Suspense Date: 02/03/17

Responsible Person: Police Commissioner Richards

The Sub-Paragraphs assigned to Paragraph 100 were moved from the original Paragraph for compliance with the Implementation Phase of compliance with the Consent Decree. The writing of the policies and the related training compliance remained with the original Paragraph.

Sub-Paragraph: a

Current Status: Not in Substantial Compliance

Linked With: 31

Content: All uses of force comply with VIPD policies and applicable law

Step Number: 1

Action: When =>90% of Use of Force by the VIPD is compliant with paragraphs 32-39 this sub-paragraph is in compliance.

Documentation/Output: VIPD Quarterly Audits

Suspense Date: 09/15/16 and ongoing

Responsible Person: Chiefs of Police

Step Number: 2

Action: VIPD will address violations of compliance by corrective action through discipline, revised policy or training modifications as appropriate.

Documentation/Output: Report of sanctions analysis and corrective action applied.

Suspense Date: 10/15/16 and ongoing

Responsible Person: Police Chiefs and Police Commissioner

Sub-Paragraph: b

Current Status: Not in Substantial Compliance

Linked With: 31-c

Content: As appropriate, Officers disengaged, contained the area, conducted surveillance, waited out the subject, and/or called in specialized units.

Step Number: 1

Action:, VIPD will review those incidents involving shootings, hostage taking, barricaded subjects, persons in crisis, to determine if the requirements of this sub-paragraph were considered and if so, were they followed.

Documentation/Output: Report of review findings.

Suspense Date: 10/15/16 and ongoing

Responsible Person: IAB Supervisors and FRB Administrator as appropriate

Step Number: 2

Action: VIPD will reviews Use of Force incidents to determine if any changes in policy or training are required and if so, ensure that such recommendations, including any from FRB reviews, are forwarded to the appropriate entity for corrective action. IAB Supervisors will establish an appropriate suspense file, list, or data system to ensure that the actions are reviewed and appropriate corrective action is taken.

Documentation/Output: Documentation that referenced suspense file has been established or an existing one within IAPro is being utilized.

Suspense Date: 11/15/16 and ongoing

Responsible Person: IAB Supervisors and FRB Administrator as appropriate

Step Number: 3

Action: VIPD organizational units receiving recommendations for changes in policy or training as referenced in Step 2, above, will review such requests and report back the results of their reviews and/or any changes effected to the IAB within 30 days.

Documentation/Output: Monthly publication of suspense file status reports of existing referrals for action by other VIPD organizational units.

Suspense Date: 12/15/16 and each month thereafter

Responsible Person: IAB Supervisors

Sub-Paragraph: c

Current Status: Not in Substantial Compliance

Linked With: 31-d

Content: When feasible, an individual is allowed to submit to arrest before force is used.

Step Number: 1

Action: Zone Commanders will identify those incidents where the situation was such that an individual could have been offered an opportunity to surrender and determine in those situations if that opportunity was provided by the involved officer(s).

Documentation/Output: Report generated as above.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Zone Commanders

Step Number: 2

Action: If the opportunity should have been offered but was not, VIPD will take the appropriate corrective action regarding the involved officer(s).

Documentation/Output: Report indicating what corrective actions were taken.

Suspense Date: 10/01/16 and ongoing

Responsible Person: Zone Commanders

Step Number: 3

Action: VIPD will review Use of Force incidents to determine if any changes in policy or training are required and if so, ensures that such recommendations, including any from FRB reviews, are forwarded to the appropriate entity for corrective action. The IAB Director, will establishes and uses an appropriate suspense file, list, or data system to ensure that the actions are reviewed and appropriate corrective action as needed is taken.

Documentation/Output: Monthly reports generated from the IAB suspense file

Suspense Date: 11/01/16 and ongoing **Responsible Person:** Agent Kisha Mitchell and Daria Byron

Step Number: 4

Action: VIPD organizational units receiving recommendations for changes in policy or training as referenced in Step 2, above, will review such requests and report back the results of their reviews and/or any changes effected to the IAB within 30 days.

Documentation/Output: See documentation noted in Step 3, above.

Suspense Date: 12/01/16 and ongoing as specified

Responsible Person: IAB Supervisors

Sub-Paragraph: d

Current Status: Not in Substantial Compliance

Linked With: 31-f, 34-d

Content: In Use of Force incidents, the Use of Force review concludes that sufficient less lethal alternatives were used where consistent with VIPD policy.

Step Number: 1

Action: VIPD will review those Use of Force incidents where less lethal alternatives were applied by the responding officer(s) to determine if those uses of less lethal alternatives were consistent with VIPD policy. (See also evaluation by supervisors under paragraph 34-d; 31-f refers to issuance and should be checked via Roll Call inspections by supervisors; evaluation of use is done here and 34-d)

Documentation/Output: Reports of the results of review of cases listing evaluation of less lethal opportunities; e.g. case number, summary of incident and evaluation of less lethal options.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Zone Commanders

Step Number: 2

Action: VIPD will review the instances where the choice of less lethal alternatives was not consistent with VIPD policy and, indicate what action, if any, was taken against the involved officer(s). In addition, VIPD will identify where changes in policy or training is required and if so, ensure that such recommendations, including any from FRB reviews, are forwarded to the appropriate entity for corrective action. The Director of IAB will establish and use an appropriate suspense file, list, or data system to ensure that the actions are reviewed and appropriate corrective action as needed is taken.

Documentation/Output: Documentation demonstrating establishment of the suspense file.

Suspense Date: 10/01/16

Responsible Person: IAB Supervisors

Step Number: 3

Action: VIPD organizational units receiving recommendations for changes in policy or training as referenced in Step 2, above, review such requests and report back the results of their review and/or any changes effected to the IAB within 30 days.

Documentation/Output: Monthly updates from the suspense file referenced in Step 2, above, indicating status of all such forwarded requests for action by other VIPD entities.

Suspense Date: 11/01/16 and ongoing

Responsible Person: Responsible Unit Commanders

Sub-Paragraph: e

Current Status: Not in Substantial Compliance

Linked With: 31-f

Content: Patrol and other applicable officers carry less lethal alternatives at all times.

Step Number: 1

Action: VIPD will ensure that appropriate department policy or directives are in place to mandate inspections of officers to ensure the carrying of less lethal weapons.

Documentation/Output: Revisions to appropriate department policy or directives forwarded to IMT and DOJ for review.

Suspense Date: 09/01/16 and ongoing as required
Responsible Person: Dr. Bellot

Step Number: 2

Action: VIPD will review inspection reports by line supervisors in both patrol and other units, where carry of less lethal alternatives is mandated, to determine if the requirements of the sub-paragraph are being complied with. Such review reports will be provided starting 09/01/16 and continue on a monthly basis thereafter.

Documentation/Output: Reports of initial data gathering back to 01/01/15 and monthly inspections forwarded to the IMT for review

Suspense Date: 10/01/16 and ongoing
Responsible Person: Zone Commanders

Step Number: 3

Action: VIPD will take appropriate administrative action against those officer(s) who fail to comply with the less lethal alternatives carry requirement or supervisors who fail to conduct inspections and/or fail to take appropriate action to correct observed deficiencies in their subordinates.

Documentation/Output: Reports detailing administrative action taken by VIPD resultant of Step 2 activities forwarded to IMT and DOJ for review.

Suspense Date: 11/01/16 and ongoing
Responsible Person: Zone Commanders

Sub-Paragraph: f

Current Status: Not in Substantial Compliance

Linked With: 31-g

Content: In Use of Force incidents, choke holds, and similar carotid holds were not used, except where deadly force was authorized.

Step Number: 1

Action: VIPD will review all cases since 01/01/16 where a choke hold was noted and list what action was taken against any involved officer if deadly force was not authorized.

Documentation/Output: Results of the review listing

Suspense Date: 09/01/16 and ongoing
Responsible Person: Audit Unit

Step Number: 2

Action: If the review in Step 1 determines that changes in policy or training are required the VIPD will ensure that such recommendations, including any from FRB reviews, are forwarded to the appropriate entity for action. The IAB Supervisors will establish an appropriate suspense file, list, or data system to

ensure that the actions are reviewed and appropriate corrective action as needed is taken.

Documentation/Output: Update from IAB suspense file detailing transmissions of requests for policy review and update other VIPD organizational units.

Suspense Date: 10/01/16 and ongoing

Responsible Person: IAB Supervisors

Step Number: 3

Action: VIPD organizational units receiving recommendations for changes in policy or training as referenced in Step 2, above, will review such requests and report back the results of their reviews and/or any changes effected to the IAB within 30 days.

Documentation/Output: Updates to IAB suspense file showing return of completed requests previously logged under Step 2, above.

Suspense Date: 11/01/16 and ongoing

Responsible Person: Organizational units involved

Sub-Paragraph: g

Current Status: Not in Substantial Compliance

Linked With: 32-34

Content: In Use of Force incidents where the Use of Force review concluded that the force was inconsistent with policy or legal standard, the VIPD took corrective action against the officer (SC Compliance Requirement wording updated 11/12/14 and also linked back to 33 and 34).

Step Number: 1

Action: VIPD will review all cases closed since 01/01/16 and forward, as well as cases previously identified by the AIU and reported in quarterly audits to determine in which the Use of Force was found not to be consistent with VIPD policy and the CD and list those along with the disciplinary action (if applicable) or other actions taken to correct previous violations.

Documentation/Output: Report detailing the results of review

Suspense Date: 09/01/16 and ongoing

Responsible Person: Police Chiefs

Step Number: 2

Action: In cases where the disciplinary action was not taken or where the alternative corrective actions were not completed the VIPD will take appropriate action against the involved officer(s) or supervisor(s) (consistent with any applicable CBAs and other binding legal constraints) and update the associated records within IAPro.

Documentation/Output: Monthly reports of actions taken

Suspense Date: 10/01/16 and ongoing monthly

Responsible Person: IAB Supervisors

Step Number: 3

Action: Based on the review, VIPD will identify those officers and supervisors who fail to comply with policy and provide further non-punitive remedial actions to ensure future compliance.

Documentation/Output: List of personnel who continue to fail to follow policy as determined by the review in Step 1 and 2, annotated with administrative actions taken by management to ensure future compliance.

Suspense Date: 11/01/16 and ongoing

Responsible Person: IAB Supervisors

Sub-Paragraph: h

Current Status: Not in Substantial Compliance

Linked With: 39

Content: Sworn personnel do not possess or use unauthorized firearms or ammunition.

Step Number: 1

Action: VIPD will conduct a semi-annual random inspection of firearms and ammunition carried by VIPD personnel to ensure compliance with policy.

Documentation/Output: Report detailing the results of the inspections.

Suspense Date: 09/01/16 and ongoing and semi-annually thereafter

Responsible Person: Police Chiefs in coordination with AIU; AIU has option to conduct separate inspections.

Step Number: 2

Action: Based on the results of Step 1, above, the VIPD will annotate their findings to verify if the administrative action taken resulted in disciplinary or other alternative action and if it did, were the prescribed actions completed.

Documentation/Output: Report from Step 1, updated with findings of Step 2

Suspense Date: 10/01/16 and ongoing as indicated in Step 1

Responsible Person: Police Chiefs and IAB Supervisors where remedial actions or policy issues were identified

Sub-Paragraph: i

Current Status: Not in Substantial Compliance

Linked With: 39

Content: In 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

Step Number: 1

Action: See process in sub-paragraph h, above

Documentation/Output: Reports generated in sub-paragraph h, above.

Suspense Date: 09/01/16 and ongoing

Responsible Person: Police Chiefs and IAB Supervisors where remedial actions or policy issues were identified

Sub-Paragraph: j

Current Status: Not in Substantial Compliance

Linked With: 39

Content: Critical Firearm Discharges are documented in an RRR.

Step Number: 1

Action: VIPD will review all reports of critical firearm discharges since 01/01/16 forward and list those cases in case sequence number, including a notation as to the presence of an RRR in the IAPro file system and investigative action by FIT.

Documentation/Output: Certification from the FIT supervisor and results of FRB review.

Suspense Date: 09/01/16 and ongoing from FIT and FRB actions

Responsible Person: FRB Administrator

Step Number: 2

Action: Based on the review conducted in Step 1 above, the VIPD will take appropriate administrative action against involved officers and their supervisors at the time of the discharge, for failure to comply with VIPD policy and CD requirements for the completion of an RRR. The IAPro case file for the associated critical firearm discharge will be updated as to the results of these new actions.

Documentation/Output: Reports of actions taken resultant of review and/or certification in Step 2.

Suspense Date: 10/01/16 and ongoing from FIT and FRB actions

Responsible Person: Police Chiefs

Step Number: 3

Action: VIPD will produce an administrative report detailing the actions taken as a result of Steps 1 and 2, above and distribute those reports on a semi-annual basis.

Documentation/Output: Semi-annual reports to VIPD command staff and DOJ/IMT

Suspense Date: 11/01/16 and ongoing semi-annual thereafter

Responsible Person: AIU

Sub-Paragraph: k

Current Status: Not in Substantial Compliance

Linked With: 31-a through g

Content: In 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.

Step Number: 1

Action: VIPD will review all offense reports starting with 01/01/16 forward and compare those to cases in the IAPro system to determine compliance with the requirements of the sub-paragraph.

Documentation/Output: Report generated as a result of the review published on a monthly basis.

Suspense Date: 09/01/16 and ongoing monthly thereafter

Responsible Person: Police Chiefs in coordination with AIU (quarterly audits)

Step Number: 2

Action: Based on the review in Step 1, above, VIPD will take appropriate administrative action against involved officer(s) who have failed to properly report actions taken off-duty.

Documentation/Output: Monthly listing of administrative actions taken against off-duty officers for failure to report Use of Force in accordance with policy.

Suspense Date: 10/01/16 and ongoing monthly thereafter

Responsible Person: Police Chiefs

Sub-Paragraph: l

Current Status: Not in Substantial Compliance

Linked With: 40-a

Content: Off-duty officers notified on-duty sworn personnel or local law enforcement officers before taking police actions, except in exigent circumstances.

Step Number: 1

Action: VIPD starting with 09/01/16 will review incidents and take action against all off-duty officers taking police action and failing to notify on-duty personnel as required by VIPD policy.

Documentation/Output: Report of actions taken, published on a monthly basis,

Suspense Date: 09/01/16 and ongoing monthly thereafter

Responsible Person: Police Chiefs

Sub-Paragraph: m

Current Status: Not in Substantial Compliance

Linked With: 40-b

Content: In 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.

Step Number: 1

Action: Using the review noted in sub-paragraph l, above, the VIPD will also review whether the file notes if the officer did or did not consumer alcohol and was a field sobriety, breathalyzer, and/or blood tests

Documentation/Output: Report of findings of the review.

Suspense Date: 09/01/16 ongoing monthly thereafter

Responsible Person: Police Chiefs

Step Number: 2

Action: Based on the review in Step 1, VIPD will take appropriate administrative action against all off-duty officers who take police action and fail a subsequent sobriety test.

Documentation/Output: Report of actions taken, published monthly.

Suspense Date: 10/01/16 ongoing monthly thereafter

Responsible Person: Police Chiefs

Sub-Paragraph: n

Current Status: Not in Substantial Compliance

Linked With: 47 and 34-e

Content: In 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

Step Number: 1

Action: IAB will include monitoring of compliance with this sub-paragraph by including it on the previously referenced IAB checklist which is used by the assigned analysts to check each newly initiated case for compliance with CD requirements.

Documentation/Output: Updated IAB checklist documenting inclusion of this requirement.

Suspense Date: 10/01/16 and monthly thereafter by the 10th of each subsequent month.

Responsible Person: IAB Supervisors

Step Number: 2

Action: IAB will prepare a monthly report demonstrating that all newly initiated cases (IAB and field generated) were checked for compliance with this requirement and that all cases not complying have been returned for corrective action.

Documentation/Output: Report detailing monthly summaries of cases checked and cases returned for corrective action.

Suspense Date: 10/01/16 and monthly thereafter by the 10th of each subsequent month

Responsible Person: IAB Supervisors

Sub-Paragraph: o

Current Status: Not in Substantial Compliance

Linked With: 52

Content: Use of force investigations include documented findings of all of the considerations required by paragraph 52, which include:

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.

Step: 1

Action: The VIPD will review all Use of Force and associated Force Tools policies to determine continued compliance with Consent Decree and Constitutional Policing standards.

Documentation/Output: Copy of analysis report detailing the review and determination of compliance; publication of updated, revised policies or current policies (showing review date) if no changes were necessary

Suspense Date: 10/01/16 ongoing

Responsible Person: Dr. Bellot in conjunction with the UOF working group and Training Director.

Step Number: 2

Action: The VIPD will bring all Use of Force and Force Tools related lesson plans and materials, including those for special units, into compliance with policy and generally accepted training development requirements (adult learning focus and ISD/ADDIE)

Documentation/Output: Detailed report listing all training materials associated with any of the UOF policies or Force Tools, to include a certification that each lesson plan contains, as a minimum, evaluable performance/learning objectives, maximization of adult learning techniques and practices that recognize the needs of adult learners and instructional responses thereto; copies of all revised/updated lesson plans, copies of certifications granted to Force Tool developers of training materials.

Suspense Date: 10/01/16 and ongoing annually thereafter

Responsible Person: Training Director

Step Number: 3

Action: IAB will review all cases since 01/01/16 to determine the three requirements of the paragraph were documented either positively or negatively in the final case evaluations of incident and officer performance.

Documentation/Output: Report generated by the review

Suspense Date: 09/01/16 and ongoing

Responsible Person: IAB Supervisors

Step Number: 4

Action: Based upon the report generated by the review in Step 3, VIPD will take appropriate action to correct the deficiencies detected and, within limits contained in the various union contracts, take appropriate action against those VIPD personnel who failed to comply with the VIPD reporting required contained within VIPD policy and covered by this paragraph.,

Documentation/Output: Report generated by the review

Suspense Date: 02/03/17 and ongoing

Responsible Person: IAB Supervisors with Police Chiefs

Sub-Paragraph: p

Current Status: Not in Substantial Compliance

Linked With: 53

Content: When administrative investigations are referred to the VIAG or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.

Step Number: 1

Action: The VIPD will review all cases between 01/01/16 and 07/15/16 forwarded to the VIAG (or other appropriate agency) and determine if the VIPD actions were compliant with the requirements of Paragraph 53.

Documentation/Output: Report with results of the review

Suspense Date: 09/01/16 and ongoing

Responsible Person: IAB Supervisors

Step Number: 2

Action: Of those cases referred, the VIPD will determine if all administrative actions available were exercised and the case completed.

Documentation/Output: Report from Step 1, annotated with results of Step 2 actions

Suspense Date: 09/15/16 and ongoing

Responsible Person: IAB Supervisors

Sub-Paragraph: q

Current Status: Not in Substantial Compliance

Linked With: 64-c

Content: IAPro EIP reports are generated and distributed to appropriate sworn personnel (e.g., Chiefs, Deputy Chiefs, and supervisors) on a monthly basis.

Step Number: 1

Action: VIPD will produce, distribute, and verify receipt of EIP reports generated from the IAPro system on a monthly basis commencing 08/01/16 to personnel noted in the paragraph.

Documentation/Output: IAPro EIP reports; distribution lists and acknowledgements of receipt

Suspense Date: 09/10/16 continuing monthly by the 10th of each subsequent month

Responsible Person: EIP Analysts on STT and STX

Sub-Paragraph: r

Current Status: Not in Substantial Compliance

Linked With: 64-f

Content: The VIPD is utilizing the EIP. Underlying documentation should include documentation of EIP meetings, the Early Intervention Unit Action Plan and Early Intervention Unit Assessment, attendance records of VIPD personnel and all follow-up documentation for completed intervention.

64-f requires: *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).*

Step Number: 1

Action: VIPD will review current EIP operating process, territory wide, to identify points inconsistent with established policies and protocols as well as requirements of 64-f.

Documentation/Output: Based on the review VIPD will prepare a detailed Memorandum for Record of results of the review and proposed actions to be taken to correct inconsistencies

Suspense Date: 09/01/16 and ongoing

Responsible Person: Acting Police Chief Marsh

Step Number: 2

Action: If inconsistencies are found, VIPD will correct and forward documentation of the corrective action the DOJ/IMT for review.

Documentation/Output: Report detailing corrective action and results

Suspense Date: 09/20/16 and ongoing

Responsible Person: IAB Supervisors

Step Number: 3

Action: VIPD will review EIP reports generated and detail actions taken in response to alerts noted in the referenced reports.

Documentation/Output: Monthly reports of EIP alerts and actions taken in response.

Suspense Date: 09/15/16 and ongoing by the 15th of each month

Responsible Person: IAB Supervisors

Step Number: 4

Action: Based on the reports generated in the above, VIPD will review all policies and directives to determine if modifications or revisions are necessary.

Documentation/Outputs: Revised policies and/or directives for review by DOJ/IMT

Suspense Date: 10/01/16 and ongoing as appropriate

Responsible Person: Dr. Bellot and Policy Committee

Sub-Paragraph: s

Current Status: Not in Substantial Compliance

Linked With: 64-k

Content: Deputy Chiefs, managers, and supervisors have initiated EIP interventions based on activity and pattern assessment contained in the RMS.

64-k requires: *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.*

Step Number: 1

Action: Using IAPro, VIPD will monitor the frequency of reviews of territory-wide risk management information to ensure quarterly compliance (or compliance more frequently as may be required by VIPD policy).

Documentation/Output: At a minimum, quarterly comparisons of territory-wide risk management system information will be generated and distributed to the supervisory and command personnel, within the VIPD organizational structure.

Suspense Date: 10/10/16 and ongoing on a quarterly basis within 10 days of the end of future calendar quarters

Responsible Person: EIP Analysts

Step Number: 2

Action: VIPD will ensure that management personnel within the various organizational units review and report back on actions regarding data in the reports including counseling, meetings, training, initiation of administrative actions, etc.

Documentation/Output: At a minimum, monthly reports by VIPD management personnel on actions taken in response to the quarterly data reports.

Suspense Date: 10/30/16 ongoing on a quarterly basis within 30 days of the end of future calendar quarters

Responsible Person: IAB Supervisors

Sub-Paragraph: t

Current Status: Not in Substantial Compliance

Linked With: 64-g

Content: EIP 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 the number or percentages of incidents in any category of information recorded in the risk management system.

Step Number: 1

Action: Prepare monthly reports including current status of intervention plans that detail compliance with the sub-paragraph and distribute to Deputy Chiefs, Chiefs, and IMT.

Documentation/Output: Referenced monthly reports

Suspense Date: 09/15/16 and ongoing by the 15th of each subsequent month

Responsible Person: EIP Analysts

Step Number: 2

Action: Managers will prepare monthly reports that detail actions taken by them on the related EIP plans and other risk management data. Reports will demonstrate the required analysis as detailed on the compliance requirement and the sub-paragraph and distribute to Deputy Chiefs, Chiefs, and IMT.

Documentation/Output: Monthly management reports

Suspense Date: 10/30/16 and ongoing by the 30th of each month.

Responsible Person: Managers and command personnel with assigned EIP plan responsibilities

Sub-Paragraph: u

Current Status: Not in Substantial Compliance

Linked With: 64-h

Content: In instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit promptly review the RMS records of such officers.

Step Number: 1

Action: Commanders will review the risk management profile on all recently assigned officers within 5 days of assignment.

Documentation/Output: Monthly report from the VIPD that lists all recently transferred officers and the related check made by their new commanders of their risk management profile. Manning chart or staffing list detailing all current VIPD personnel (see also V, Step 2)

Suspense Date: 09/15/16 and ongoing by the 15th of each month

Responsible Person: IAB Supervisors

Sub-Paragraph: v

Current Status: Not in Substantial Compliance

Linked With: 64-i

Content: The VIPD has established a protocol for evaluating whether Deputy Chiefs, managers and supervisors are able to use the RMS effectively.

Step Number: 1

Action: VIPD will develop an audit tool to physically check the capabilities of supervisors and above to access the risk management RMS (IAPro and other related systems) and use the system to check on the risk profile of their subordinates as well as ascertain the current risk management status of employees under their supervision. The audit tool will be reviewed by IMT and DOJ prior to use.

Documentation/Output: Protocol developed; review and approval by IMT and DOJ.

Suspense Date: 09/20/16

Responsible Person: AIU

Step Number: 2

Action: VIPD will, using the audit tools developed in Step 1, initiate a physical check of all supervisors and above regarding their ability to use the risk management system to identify potential risk issues with subordinates and to ascertain the current risk management status of employees under their supervision.

Documentation/Output: An updated manning chart showing the location and chain of command of all active VIPD personnel. Report documenting that this initial check has been completed to include the audit tools used to determine the capabilities of the personnel checked, using the previously noted manning chart.

Suspense Date: 09/20/16 and ongoing as audits completed

Responsible Person: IAB Supervisors

Sub-Paragraph: w

Current Status: Not in Substantial Compliance

Linked With: 70

Content: Disciplinary penalty decisions are consistent with the penalties set forth in the Disciplinary Matrix.

Step Number: 1

Action: The VIPD will review the current disciplinary matrix and update as needed. Revised matrix will be reviewed by IMT and DOJ.

Documentation/Output: Revised and approved matrix

Suspense Date: 10/15/16

Responsible Person: Mr. Tony Emanuel

Step Number: 2

Action: Using the revised matrix, VIPD will monitor the selection of discipline and report out the results with regard to sub-paragraph objectives. A report detailing the results of the monitoring, including deficiencies found will be prepared monthly. (Note: concurrent monitoring under paragraph 72 exists)

Documentation/Output: Report generated monthly

Suspense Date: 12/15/16 and ongoing by the 15th of each month

Responsible Person: Mr. Tony Emanuel

Paragraph: 101 Current Status: Not in Substantial Compliance

CD Content: The VIPD shall implement immediately all provisions of this Agreement that involve the continuation of current VIPD policies, procedures, and practices. The remaining provisions shall be implemented either by the specified implementation date or, for those provisions that have no specified implementation date, as soon as is reasonably practicable and no later than 150 days after this Agreement's effective date.

Suspense Date: 02/03/17

Responsible Person: Police Commissioner Richards, Attorney General Walker, Governor Mapp

Paragraph 101, although carried as a paragraph Not in Substantial Compliance, is not deemed conducive to this Action Planning format.

Step Number: 1 Action: NA

Documentation/Output: NA

Suspense Date: 02/03/17

Responsible Person: Police Commissioner Richards, Attorney General Walker, Governor Mapp



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Goal 1Q6-1 Original Order Date 02/26/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Foy

Paragraph 32, All

Status Synopsis

1Q2016 - VIPD did not produce a compliance plan for this goal and did not complete the Court ordered "Action Plan" either. IMT activity for this goal (paragraph) can be found in the base report with noted activity by the Workgroup on case review and return for corrective action when not in compliance with policy or the CD.

Goal 1Q6-2 Original Order Date 02/26/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Foy

Paragraph 33, ALL

Status Synopsis

1Q2016 - VIPD did not produce a compliance plan for this goal and did not complete the Court ordered "Action Plan" either. IMT activity for this goal (paragraph) can be found in the base report with noted activity by the Workgroup on case review and return for corrective action when not in compliance with policy or the CD.

Goal 1Q6-3 Original Order Date 02/26/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chef Hector

Paragraph 44, ALL

Status Synopsis

1Q2016 - VIPD did not produce a compliance plan for this goal and did not complete the Court ordered "Action Plan" either. IMT activity for this goal (paragraph) can be found in the base report with noted activity by the Workgroup on case review and return for corrective action when not in compliance with policy or the CD. In addition, the Workgroup has been steadily reducing the number of incomplete investigations.

Goal 1Q6-4 Original Order Date 02/26/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Hector

Paragraph 69, All

Status Synopsis

1Q2016- the VIPD brought sub-paragraph 69-a into substantial compliance during the quarter. IMT is aware of the published audit schedule and is awaiting compliance with that schedule prior to awarding compliance with 69-b.

Goal 1Q6-5 Original Order Date 02/26/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chef Hector

Paragraph 58

Status Synopsis

1Q2016-The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in the base report. Their efforts have not resulted in compliance with the goal.

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Goal 1Q6-6 Original Order Date 02/26/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Hector

Paragraph 70, All

Status Synopsis

1Q2016-The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. This paragraph deals with the Disciplinary Matrix and has been in Substantial Compliance since 12/18/13. The parties have indicated a need to review the current relevancy of the matrix components to current trends and experience by other agencies and to update it as necessary. The VIPD did not complete its review process, thus the goal was not met. The IMT has chosen to continue the original Substantial Compliance of the paragraph pending both the VIPD review and an IMT special study on the implementation of discipline compared to case adjudication. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in this report. Their efforts have not resulted in compliance with the goal.

Goal 1Q6-7 Original Order Date 02/26/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Foy

Paragraph 73, All

Status Synopsis

1Q2016- The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in the base report. Their efforts have not resulted in compliance with the goal.

Goal 1Q6-8 Original Order Date 02/26/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Foy

Paragraph 77, All

Status Synopsis

1Q2016-The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in the base report. Their efforts have not resulted in compliance with the goal.

Goal 2Q5-5 Original Order Date 08/21/2015 Current Suspense Date 11/06/2015 **Days OD 273**

Description

Action Officer Chief Hector

Train investigators and reviewers on the new Summary investigation Report

Status Synopsis

3Q2015-IMT was awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc.), Course of Instruction with performance objectives, and other training materials, including attendee rosters, for this course. Submitted materials did not meet IMT standards to justify compliance. IMT will work with VIPD to improve both the quality of the training as well as the documentation needed to prove compliance. VIPD further did not follow IMT Procedure 15-1, VIPD

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Submission of Paragraph or Goal Completion, dated 08/07/15 when submitting the documentation.

4Q2015- Status remains unchanged as IMT has not been provided appropriate documents and VIPD has not requested compliance review.

1Q2016-Status remains unchanged as IMT has not been provided appropriate documents and VIPD has not requested compliance review.

Goal 2Q5-6 Original Order Date 08/21/2015 Current Suspense Date 08/21/2015 Days OD 350

Description

Action Officer Chief Hector

Train investigators and reviewers on the new Citizen Complaint Checklist

Status Synopsis

3Q2015-IMT was awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc), Course of Instruction with performance objectives, and other training materials, including attendee rosters, for this course. Submitted materials did not meet IMT standards to justify compliance. IMT will work with VIPD to improve both the quality of the training as well as the documentation needed to prove compliance. VIPD further did not follow IMT Procedure 15-1, VIPD Submission of Paragraph or Goal Completion, dated 08/07/15 when submitting the documentation.

4Q2015- same status as 4Q5-5; no receipt of documentation or request for compliance from VIPD.

1Q2016- Status remains unchanged as IMT has not been provided appropriate documents and VIPD has not requested compliance review.

Goal 32-b Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 Days OD 91

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period. Cases still fail to list all types of force that was used in the event.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

1) Identify supervisor weaknesses and meet and counsel them individually.

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- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
- 3) Have Chief's conduct force tracking thru commanders call
- 4) Train Chief's and D/Chief's on analyzing force patterns and practices
- 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.

6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.

1Q2016 - Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers for corrective action. The IMT will continue to monitor during the next quarter.

Goal 32-c Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

- 1) Identify supervisor weaknesses and meet and counsel them individually.
- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
- 3) Have Chief's conduct force tracking thru commanders call
- 4) Train Chief's and D/Chief's on analyzing force patterns and practices
- 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.
- 6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.

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1Q2016- Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers for corrective action. The IMT will continue to monitor during the next quarter.

Goal 32-f Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 Days OD 91

Description

Action Officer Chief Foy

=>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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

- 1) Identify supervisor weaknesses and meet and counsel them individually.
- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
- 3) Have Chief's conduct force tracking thru commanders call
- 4) Train Chief's and D/Chief's on analyzing force patterns and practices
- 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.
- 6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.

1Q2016- Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers for corrective action. The IMT will continue to monitor during the next quarter.

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Goal 33-a Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 Days OD 91
Description Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event, when they arrive, and when they have completed their work on scene.

1Q2016 - 1Q2016 - The response by supervisors to use of force incidents remains a problem and is a focus of both the IMT and the VIPD. Based on analysis of recent activity, the IMT suggested the following as a solution:

Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT strongly believes the current policy of using an on-call supervisor list is not the solution to the problem. The essentially allow police operations to be commanded by a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people the of the Virgin Islands on a continual basis.

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be

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from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this during the next scheduled court hearing.

Goal 33-b Original Order Date 02/20/2015 Current Suspense Date 05/06/2016 **Days OD 91**
Description **Action Officer** Chief Foy

In =>90% of the incidents where the supervisor was required to respond to the scene, he/she responded within a reasonable amount of time.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event, when they arrive, and when they have completed their work on scene.

1Q2016 - 1Q2016 - The response by supervisors to use of force incidents remains a problem and is a focus of both the IMT and the VIPD. Based on analysis of recent activity, the IMT suggested the following as a solution:

Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT

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strongly believes the current policy of using an on-call supervisor list is not the solution to the problem. The essentially allow police operations to be commanded by a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people the of the Virgin Islands on a continual basis.

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this during the next scheduled court hearing.

Goal 33-c Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 **Days OD 91**
Description **Action Officer** Chief Foy

In =>90% of the incidents did the supervisor respond to the scene, he/she examined the person for injury,

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- IMT reviewed this area during the quarter and issues still remain with compliance. See base report for additional.

Goal 33-d Original Order Date 02/20/2015 Current Suspense Date 05/06/2016 **Days OD 91**
Description **Action Officer** Chief Foy

In =>05% of the incidents where a supervisor responded to the scene, he/she interviewed the subject for injury or complaint of pain.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- Issues still remain with compliance and the workgroups are focusing on this area.

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Goal 33-e Original Order Date 02/20/2015 Current Suspense Date 05/06/2016 Days OD 91

Description

Action Officer Chief Foy

In => 95% of the incidents where medical attention to the subject was need the supervisor ensured that care was provided.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - IMT continues to monitor this although improvements have been seen.

Goal 34-a Original Order Date 08/15/2014 Current Suspense Date 06/30/2016 Days OD 36

Description

Action Officer Chief Foy

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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- IMT continues to monitor this area as needed.

Goal 34-b Original Order Date 08/15/2014 Current Suspense Date 12/18/2015 Days OD 231

Description

Action Officer Chief Foy

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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- See Appendix A to the base report, as well areas within the base report where this is addressed.

Goal 34-c Original Order Date 02/20/2015 Current Suspense Date 06/30/2016 Days OD 36

Description

Action Officer Chief Foy

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

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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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

Goal 34-e Original Order Date 08/15/2014 Current Suspense Date 12/18/2015 Days OD 231
Description Action Officer Chief Foy

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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

Goal 35-a Original Order Date 08/15/2014 Current Suspense Date 06/30/2016 Days OD 36
Description Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

Goal 35-b Original Order Date 02/20/2015 Current Suspense Date 06/30/2016 Days OD 36
Description Action Officer Chief Foy

In =>90% of the use of force reviews, all relevant evidence, including circumstantial,

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direct and physical evidence is documented and appropriately considered, and credibility determinations made, if feasible.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Goal 35-c Original Order Date 02/20/2015 Current Suspense Date 02/20/2015 Days OD 532

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Goal 36-a Original Order Date 08/15/2014 Current Suspense Date 06/30/2016 Days OD 36

Description

Action Officer Chief Foy

=>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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

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Goal 36-b Original Order Date 08/15/2014 Current Suspense Date 06/30/2015 **Days OD 402**

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Goal 36-d Original Order Date 08/15/2014 Current Suspense Date 06/30/2015 **Days OD 402**

Description

Action Officer Chief Foy

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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Goal 44-i Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Hector

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

Status Synopsis

4Q2015-This goal is under review by the IMT and final action on compliance will be determined after the Feb 2016 Summit. However, despite efforts by the IMT team on-site, there was no resolution from the Summit and remains awaiting formalization of schedule formats territory-wide. The IMT continues to stand ready to assist as needed. Appendix A:

As reported previously and repeatedly by the IMT, the VIPD has attempted to resolve

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the timeliness problems by issuing Commissioner's directives in both Districts, which mandate the completion of all outstanding 2013 and 2014 investigations. There has also been a focus on completing 2015 cases. As a result of these directives the number of outstanding cases for both Districts was reduced significantly. More recently, as a result of the November 2015 summit, the Chief of St Croix reassigned supervisors to his office to complete their overdue cases. St Thomas chose an alternative plan to address the same issue. Originally, the due date for these overdue cases to be completed was mid-January 2016. At the request of VIPD this date was extended to February 5, 2016. IMT will assess the effectiveness of these efforts.

VIPD needs to clearly identify the specific reasons for the delay and address same. Additionally, VIPD must continue to hold managers and supervisors accountable for inappropriate delays.

1Q2016- Again, the VIPD fall short on timeliness of cases. As reported in the last quarterly report, "as a result of the November 2015 summit, the Chief of St Croix reassigned supervisors to his office to complete their overdue cases. St Thomas chose an alternative plan to address the same issue. Originally, the due date for these overdue cases to be completed was mid-January 2016. At the request of VIPD this date was extended to February 1, 2016."

The IMT evaluation of these efforts during the current Quarter, was limited to the actual reduction of outstanding cases as of January 1, 2015. While St Croix showed a significant reduction in outstanding cases for this period of time, the efforts on St Thomas did not show progress. When queried as to what those efforts were, the STT Chief stated that the supervisors continued to receive weekly reminders of overdue cases and were reminded to complete same. This was the same approach which had been utilized for the last few quarters without significant results. Most recently, when IMT requested of a number of supervisors/managers what the current outstanding numbers were, no one could provide a definitive answer.

We should note that although the VIPD focused on cases since 1/1/15 in order to not continue to dig themselves into a larger hole, the IMT has made clear that VIPD is responsible for successfully closing all cases as of 1/1/12.

When asked why this sub-paragraph would not reach compliance during the First Quarter, a number of reasons were provided, including: not enough supervisors; special events (Carnival); scheduled training; technical issues; and others. While the IMT does not disagree with the aforementioned reasons, none of these were new or unanticipated when the VIPD identified this Paragraph as an attainable goal for this Quarter.

On St Croix, two individuals were identified as to be disciplined. One has not been available to be served the paperwork yet. A second supervisor had the charges dropped due to what VIPD described as "the complicity of IA actions." At this time, the IMT has not seen any paperwork that reflects how this issue was addressed by senior

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management to ensure that it was not repeated nor has the IMT received an explanation of the "complicity of IA actions" These are but a couple of examples which reflect that, despite the efforts of the working group, the actions (or lack thereof) of senior supervisors/managers are not significant and consistent enough to assist in moving this area into compliance.

The Working Group created an Investigative Case Management Log with an accompanying Directive in an attempt to assist investigators/supervisors to record their actions and be more aware of the time restraints. IMT reviewed and approved same during this Quarter.

Goal 4Q5-4 Original Order Date 02/06/2016 Current Suspense Date 02/06/2016 Days OD 181
Description Action Officer Chief Foy

Establish process for on-call Supervisor(s) to respond to Use of Force incidents when off duty.

Status Synopsis

4Q2015-This goal is under review by the IMT and final action on compliance will be determined after the Feb 2016 Summit. However there was no resolution from the Summit and remains awaiting finalization of schedule formats territory-wide.

1Q2016 - Virgin Islands Police Commissioner Delroy Richards signed Order 001-2016, effective December 18, 2015, which requires a supervisory response to use of force incidents. The IMT and the Use of Force Working Group conducted an audit since implementation.

Throughout the Territory there was forty-nine (49) force incidents where supervisory call-out was required for the time frame of December 18, 2015 - April 26, 2016.

a. 49 Use of Force Incidents

14 of those incidents, the supervisor responded to the force incident.

13 of those incidents, the supervisor did not respond to the force incident.

22 of those incidents, the supervisor did not need to respond to the force incident.

b. 14/27 = 52% of the incidents, the supervisor did not respond to the force incident. This needs a follow up for compliance and reason(s) for non-compliance to the Commissioner's Directive.

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c. 13/27 = 48% of the incidents, the supervisor did respond to the force incident consistent with policy.

Four of the supervisory non-responses (4) occurred in the St. Thomas Police District and Nine (9) failures to respond occurred in the St. Croix District. A memo was sent to the Police Chiefs of their respective districts to explain why a supervisor failed to respond to the use of force incident. Formal response and explanation has not been received and approved by the IMT at the time of this writing. It is however clear that the Commissioner's directive has moved the VIPD to get supervisors to the use of force scenes about half the time as required by policy. The reasons for failure have to be examined to learn how improvements can be made for compliance. We would recommend that the Chiefs of Police should be tasked to accomplish this review. In the base report, the IMT made the following recommendation regarding this problem of supervisory response to use of force incidents:

"Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT strongly believes the current policy of using an on-call supervisor list is not the solution to the problem. The essentially allow police operations to be commanded by a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people the of the Virgin Islands on a continual basis.

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this during the next scheduled court hearing."

Goal	4Q5-5	Original Order Date	02/06/2016	Current Suspense Date	02/06/2016	Days OD	181
Description						Action Officer	Chief Hector

VIPD will bring backlog of cases current by designating a time period for supervisors

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responsible for the delinquent cases to complete the investigation of each delinquent case.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- See previous comments under 44-i

Goal 4Q5-8 Original Order Date 02/06/2016 Current Suspense Date 02/06/2016 Days OD 181

Description

Action Officer Chief Foy

Training Division will collaborate with the other three (3) working groups to identify and respond with training support to Consent Decree issues and areas identified by the working groups. Training Division's support will include assessment of the needs; identification of the trainees; development of the curricula; delivery of training; and, in conjunction with the audit unit, evaluation of the training effectiveness.

Status Synopsis

4Q2015-This goal should be a part of an overall revision of all lesson plans. While there is a priority to revise and update CD related lesson plans; the entire system needs review and revision.

There was an Instructor "Retreat" in Nov. 2015; there is a meeting scheduled to take place by 1-29-16 to advance this goal. Another meeting was scheduled for 12-17-15 which IMT believed would produce a lesson plan revision schedule. Progress should be reported during Monthly meeting 2-3-16 but was not. We would very much want to come away from our next "summit meeting" with VIPD with a revision plan.

There was progress made but no finalization of the results of this review at the Summit. IMT reviewed initial drafts and made comments. VIPD to finalize and submit for formal review. VIPD in it's 02/12/16 Court filing extended the compliance date to 03/31/16.

This goal remains Not Complete.

1Q2016- VIPD submitted a Compliance Request on 02/12/16, The IMT denied compliance on 02/24/16 for several reasons including that not all CD related lesson plans were reviewed, reviews did not include specific references to changes, etc.

Additional information is provided within the Compliance evaluation memo and the Training section of the report.

Goal 58-c Original Order Date 05/23/2014 Current Suspense Date 05/23/2014 Days OD 805

Description

Action Officer Chief Hector

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

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Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- To better address the resolution of issues not related to training which are identified through the course of an investigation, the Working Group drafted a Request for Non-Training Issue Support Form with an accompanying Directive. The intent was for this to be formally issued during this Quarter. The IMT will assess in future quarters the effectiveness of same.

See also 44-i

Goal 58-d Original Order Date 05/23/2014 Current Suspense Date 05/23/2014 Days OD 805

Description

Action Officer Chief Hector

=>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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- See 58-c

Goal 58-e Original Order Date 05/23/2014 Current Suspense Date 05/23/2014 Days OD 805

Description

Action Officer Chief Hector

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- See 58-c

Goal 60-d Original Order Date 08/15/2014 Current Suspense Date 06/30/2016 Days OD 36

Description

Action Officer Chief Hector

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

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Goal 69-b Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Hector

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A: During early 2015 there was a period of time when the VIPD Audit submissions were severely delayed The IMT believes that this reflects a change period for the current administration and will not be repeated. While the Audits continue to improve, the IMT hopes that these Audits will be completed in a more timely fashion than has occurred previously. During the last quarter the IMT received a VIPD proposed Audit SOP. Since the audits had been delayed, the IMT looks forward to assessing to what level the draft is being appropriately applied.

As stated in earlier reports, the IMT strongly encourages the VIPD to enhance the Audit staff, prepare annual audit plans, and complete /submit audits in a timely fashion.

030416-VIPD request for compliance was denied based on lateness of audits.

Goal 70 Original Order Date 05/06/2016 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Hector

Complete revision to Disciplinary Matrix and publish

Status Synopsis

1Q2016- The VIPD has been attempting to create a revised Disciplinary Matrix for a prolonged period of time (Paragraph 70). During the First Quarter, the IMT provided additional samples of other agencies' approaches and met with the point person for this project. At this time, the VIPD continues to work on creating a revised Disciplinary Matrix.

Goal 71-b Original Order Date 02/20/2015 Current Suspense Date 06/30/2016 **Days OD 36**

Description

Action Officer Chief Hector

=>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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- This continues to be a problem for the VIPD. The assigned workgroup has begun to review and impact this issue by review and return for corrective action,

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investigative reports.

Goal 71-c Original Order Date 02/20/2015 Current Suspense Date 02/20/2015 Days OD 532

Description

Action Officer Chief Hector

In the limited circumstances when an extension is necessary, appropriate tolling provisions will be outlined in the policy.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - The assigned workgroup has begun a focused review of this issue and has been having some limited impact. They will continue their efforts and iMT will continue to monitor during 2Q2016.

Goal 72-a Original Order Date 02/20/2015 Current Suspense Date 06/30/2016 Days OD 36

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - The assigned workgroup has begun reviewing this issue and the IMT will be conducting a special study to analyze compliance during 2Q2016.

Goal 72-b Original Order Date 02/20/2015 Current Suspense Date 06/30/2016 Days OD 36

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - See 72 a

Goal 73-a Original Order Date 05/23/2014 Current Suspense Date 05/06/2016 Days OD 91

Description

Action Officer Chief Foy

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.

Status Synopsis

4Q2015-IMT has not seen a revised directive for the Training Advisory Committee since our last comments which itemized several issue that IMT had with VIPD's more recent version.

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It took a full quarter to develop a survey instrument to be used to evaluate training. The form should have been developed, tested and issued in the time it took to develop it. Paragraph 73 requires the VIPD to conduct a semi-annual review of use of force training to ensure quality, consistency and compliance with applicable law and VIPD policy. Since initiation of the Consent Decree, the VIPD has interpreted this requirement to refer only to a companion requirement that use of force policy be reviewed semi-annually. To that end, the VIPD has ensured only that use of force training is consistent with, and in compliance with, applicable law and VIPD policy. Our belief is that any use of force policy review requires assessment and analysis of how well outcomes reflect training objectives.

IMT hopes that upcoming meetings with the Audit Unit may helpful in finalizing training evaluation criteria.

Court Hearing Notes; This is one of the two paragraphs that VIPD proposes to put into compliance during 1Q16.

I think that they may have the system in place but it still may be subject to audit and review at the end of the quarter.

There needs to be a memo from the AG's Office naming Sherri as his designee for purposes of the CD

She semi-annually must produce a memo indicating that she has reviewed UOF policy and lesson plans to ensure that they are consistent with VIPD law and policy.

She also needs to attest the completion of a process designed to assess the quality of UOF training.

The process of evaluating the quality needs to include:

- Quiz at the end of training

- Evaluation of class and instructor(s) at end of training

- Quiz 30 days after training to test retention (procedures for failures)

Surveys w/ 6 mos to officers and supervisors assessing the results of training objectives in the field(UVI might be helpful)

- Report to Sherri (for inclusion in her report)

- Report to Training Advisory Committee for their review.

Each in-service training period should start the cycle over with any needed adjustments built into the next cycle (this also feeds into those topics which become the subject of roll call training - this part still needs some work as does the clear documentation and disposition of remedial training.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development

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of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 74-a Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 **Days OD 66**
Description **Action Officer** Chief Foy

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.

Status Synopsis

4Q2015-This goal was established to produce a survey instrument for the evaluation of training. A trial run was made with disappointing results. There is also the need to re-address the components of the survey instrument. IMT believes that VIPD has to re-visit the persons that would be queried in a training survey and the object of the survey which should match the training objectives. This goal should be revised to incorporate these issues or combined with one of the other goals that lend themselves to evaluation of the training product(s).

1Q2016 - Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 74-c Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 **Days OD 66**
Description **Action Officer** Chief Foy

The Director of Training and/or his/her staff have developed a process to continually select and evaluate VIPD officer trainers.

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Status Synopsis

4Q2015-The Compliance Audit Report addresses this issue in much more detail than the goal report. In the Audit, assessors found several shortcomings in the updated instructor files but substantiate that the most recent certifications have been added to individual trainer records. The goal calls for a revision of the Commissioner's Directive which would include the instructor evaluation procedure. To date, we have not reviewed a draft of the revision.

Court Hearing Notes: VIPD just re-issued the directive governing this process. The Training Advisory Committee should review the selection process (vetting) and should take an interest in the instructor certifications. We and the Audit Unit should review the instructor files again and check their inclusion in PowerDMS.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 74-d Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 Days OD 66

Description

Action Officer Chief Foy

The Director of Training and/or his/her staff have reviewed and provided written approval of all curricula, course schedules and lesson plans.

Status Synopsis

4Q2015-We would think that this goal could have been incorporated into the goal(s) related to the revision and updating of all lesson plans (4Q5-8)

Court Hearing Notes: VIPD asked for compliance on the basis of their submission of several UOF related lesson plans that were revised by several instructors. We denied compliance. This is the sub-paragraph most in need of help from UVI - during 2-3 separate occasions, we have recommended that rather than teach a repetitive IDC course from UVI, it would more advantageous to have a consulting relationship with UVI and get them to help revise all of their CD related lesson plans. Their practice of having lesson plans written and re-vised by a squad of instructors is ill-advised. Most departments this size have all of their lesson plans prepared by a very small group,

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many of whom also write policy. Their needs to be more symmetry between the policy and lesson plan revisions. This remains a work in progress.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 74-e Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 Days OD 66

Description

Action Officer Chief Foy

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.

Status Synopsis

4Q2015-IMT has no idea why it would take until 3-15-16 to complete the revision of this policy. This should be a goal that is completed in a more shorter period of time than it is taking IMT has no idea why it would take until 3-15-16 to complete the revision of the Roll Call Policy 10.4, which has been under review for a over a year. It was first brought to the attention of the VIPD by the IMT in November of 2014, at which time the VIPD admitted the policy was not working and agreed to review and update it. This should be a goal that is completed in a much more shorter period of time than it is taking.

This goal remains Not Completed.

See also sub-paragraph 74-e, Appendix A.

Court Hearing Notes: This sub-paragraph continues to languish with no concerted effort by VIPD. While the strict interpretation of the paragraph calls for a roll call training policy to be established in conjunction with the Chiefs. The only effort on the table was a policy outlining the conduct of roll call rather than one outlining how roll call training is to be established and delivered. We envisioned that the coordination of roll call training would be coordinated with the Training Advisory Committee. VIPD has been unable to stand

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up the Training Advisory Committee. Ironically, a 2009 version of the Training Bureau Standard Operating Procedures call for the establishment of a "Training Committee" whose mission and duties mirror most of the very same tasks that we have been asking the Training Advisory Committee to perform.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal	74-f	Original Order Date 05/23/2014 Current Suspense Date 05/31/2016	Days OD	66
Description		Action Officer Chief Foy		

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

Status Synopsis

4Q2015-While VIPD is working on the mechanics of entering records into PowerDMS, there is no SOP outlining the exact records that must be maintained and the record components for each record category. This is information that MIS will need to properly establish the record keeping system. There is some "getting the horse before the cart" in this goal. It might be helpful if there was protocol on which records need to be maintained and how. While the VIPD Division of Training "Standard Operating Procedures" is dated, there are sections which, if not applicable, might be helpful in organizing this kind of protocol.

Court Hearing Notes: Our sense is that this procedure should be a duty of the Training Advisory Committee much in the way the Policy Review Committee is functioning now. While there are probably several other methodologies for achieving compliance with this

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sub-paragraph, it is not currently being addressed.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 74-g Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 Days OD 66

Description

Action Officer Chief Foy

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).

Status Synopsis

4Q2015-A system for assessing patterns in UOF incidents is scheduled to be completed by 2-19-16. We would endorse this as a high priority. The audit unit could lend significant support in the creation of this kind of analysis. IMT is meeting with the Audit Unit personnel in 1Q2016 to address analysis methodology as well as the mechanism to addressing any deficiencies found.

Court Hearing Notes: There should also be a nexus to the semi-annual analysis and evaluation of in-service training which feeds into the decision-making regarding future training.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should

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produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 77-a Original Order Date 05/23/2014 Current Suspense Date 05/06/2016 Days OD 91

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found this is one area where the VIPD Training Bureau has accomplished a significant portion of their goal but still has problems with the quantity and quality of those records associated with instructors. All in-service training records have been entered into PowerDMS and the records have been audited.

Goal remains Not Completed

See also sub-paragraph 77-a, Appendix A

Court Hearing Notes: VIPD believes that it has one full year of in-service records that would put this paragraph into compliance. We indicated that we should have two years of records for this paragraph. There is probably only one year of instructor records. If was most important that VIPD initiate a process for re-positing all of the required records in some systematic way. Once VIPD indicates that they have two full years of attendance and lesson plan files and one year of instructor records, we will audit the files and if they are in order, we will award substantial compliance for this paragraph. 1Q2016 - The IMT has requested that the VIPD produce two years of documented records in compliance with this paragraph. We believe that there are two years of records that reliably document in-service participant attendance. The IMT also believes that the VIPD, with some effort, could produce two years of lesson plans that would match the classes taught in the same time period. A two-year chronology of instructors and their subject matter just doesn't exist. The IMT believes that the VIPD should memorialize processes and procedures that reliably capture instructional data for at least one (1) year to comply with this paragraph.

The IMT continues to work with the VIPD on the standardization and automation of instructor files. We reported two quarters ago on our inspection findings along with recommendations that would ensure the accuracy and completeness of the records. We continued to provide guidance and technical assistance as paper files are organized and entered into PowerDMS.

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Goal 77-b Original Order Date 05/23/2014 Current Suspense Date 05/06/2016 **Days OD 91**

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal will be extremely hard to attain. While trainee attendance records have been entered into PowerDMS, historic and current lesson plans and instructor records have not. The paragraph requirement is that all three records be accessible. Historically, matching classes with specific instructors and creating an accurate history of lesson plans through the years.

There has been a misinterpretation of the IMT's aim with regard to this provision of the CD. As the department migrated to PowerDMS and were encouraged by us to make it the primary repository of training records, the notion that we were demanding that a "one button push" should create a report with all three components of the requirement. We've tried very hard to explain that we have never demanded such a system. We believe that if all three elements exist in reliable databases, it would be reasonably retrievable which is what we interpret the paragraph requires.

Court Hearing Notes: VIPD believes that it has one full year of in-service records that would put this paragraph into compliance. We indicated that we should have two years of records for this paragraph. There is probably only one year of instructor records. If it was most important that VIPD initiate a process for re-positing all of the required records in some systematic way. Once VIPD indicates that they have two full years of attendance and lesson plan files and one year of instructor records, we will audit the files and if they are in order, we will award substantial compliance for this paragraph.

1Q2016- The IMT has requested that the VIPD produce two years of documented records in compliance with this paragraph. We believe that there are two years of records that reliably document in-service participant attendance. The IMT also believes that the VIPD, with some effort, could produce two years of lesson plans that would match the classes taught in the same time period. A two-year chronology of instructors and their subject matter just doesn't exist. The IMT believes that the VIPD should memorialize processes and procedures that reliably capture instructional data for at least one (1) year to comply with this paragraph.

The IMT continues to work with the VIPD on the standardization and automation of instructor files. We reported two quarters ago on our inspection findings along with recommendations that would ensure the accuracy and completeness of the records. We continued to provide guidance and technical assistance as paper files are organized and entered into PowerDMS.

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Goal 81-b Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 Days OD 66

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is a subset of a broader training and agency requirement. It is also one of the thornier issues of the CD because, we believe, because it requires more than the provision of training for managers and command staff but also "implementation" in the form of more accountable behavior on the part of the command staff. While difficult to quantify and/or measure, it is our collective opinion that the command staff of VIPD does not handle command level activities in a manner that we would expect to find in a police organization the size of VIPD. There are significant issues associated with coordination of work between and among units at a command level; command decision making and the administration of policy, procedures and discipline to name a few. VIPD Counsel has indicated that the "implementation" of this paragraph should be measured elsewhere in the CD. We have no objection to the implementation of the parameters of this paragraph being measured elsewhere in the CD but, to date, VIPD has not recommended a different paragraph where we would assess and report on implementation. Until we agree on a different paragraph with which to measure implantation, we feel that we must apply the litmus test to this paragraph because it goes to the core objective of the consent decree. This specific issue is also addressed in the T&M Report.

1Q2016 - The IMT's highest recommended priority remains the engagement of assistance from a local college or university to assist with the development of lesson plans and evaluation methodologies with measurable outcomes. The objectives in lesson plans should correlate to surveys and evaluations in a manner that produces measurable outcomes.

The IMT also recommends that prior to the beginning of the upcoming in-service training period, a detailed plan be prepared that describes the entire training cycle complete with evaluations and reporting requirements. Specifically, the plan should include, but not be limited to the lesson plan, quizzes, class and instructor evaluations, post-training knowledge quiz and qualitative survey and summary.

Goal 81-d Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 Days OD 66

Description

Action Officer Chief Foy

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

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Status Synopsis

4Q2015-There is a suspense date of 12-12-15 for the accomplishment of several important preparatory steps associated with assessment of relevant supervisory and management training. The date has passed and, as of yet, we have not seen results of this work.

For some time, the IMT was critical of the fact that most, if not all, command staff members did not attend in-service training. The reasons given for this practice were completely unsatisfactory and did not justify the flawed philosophy.

During the first in-service training session in 2015, supervisors their own classes. We were very disappointed when the most recent in-service were general sessions for all ranks. We don't understand this.

1Q2016- The IMT's highest recommended priority remains the engagement of assistance from a local college or university to assist with the development of lesson plans and evaluation methodologies with measurable outcomes. The objectives in lesson plans should correlate to surveys and evaluations in a manner that produces measurable outcomes.

The IMT also recommends that prior to the beginning of the upcoming in-service training period, a detailed plan be prepared that describes the entire training cycle complete with evaluations and reporting requirements. Specifically, the plan should include, but not be limited to the lesson plan, quizzes, class and instructor evaluations, post-training knowledge quiz and qualitative survey and summary.

Goal 81-f Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 Days OD 66

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This is the same as 81-d

1Q2016 - see 81-d

Goal CC17 Original Order Date 05/15/2015 Current Suspense Date 07/22/2015 Days OD 380

Description

Action Officer Chief Hector

Creation of a standardized protocol to ensure proper dissemination of Directives and other protocols Territory Wide; Paragraph 44 Timeliness of Cases

Status Synopsis

3Q2015-Draft Audit protocols and SOP pending VIPD review. IMT had not received SOP during 2Q2015; Draft SOP received during 3Q2015 and is being reviewed by IMT and goal status could change before court hearing,

4Q2015-Draft was reviewed and deemed compliant by IMT. However, IMT has not

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received a FINAL published copy or any request for Goal Completion certification from the CD Coordinator. Additionally, IMT has not seen specific implementation of the SOP into VIPD activity.

IMT continues to hold this goal as Not Complete

1Q2016- This process continues to be a work in progress. The VIPD proposed and published a directive that established a binder system at each Zone. They then published another directive that established somebody to keep the binder up to date. The personnel without computers would then be able to refer to that binder (one each Zone) for any questions regarding the directives. This however does not solve the real problem which is how does the officer refer to a binder in the station when he is on the road?

The IMT suggests that the solution may in fact be to purchase a three ring binder for each field person without a laptop and let them print put copies of policy and file in their own binder which can be readily accessible within the patrol vehicle.

Goal M&S12 Original Order Date 05/15/2015 Current Suspense Date 05/15/2015 Days OD 448

Description

Action Officer Chief Hector

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

Status Synopsis

3Q2015-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 See also M&S 11 above

1Q2016- the IMT has not been provided with any pursuit reports substantiating the above system this quarter.

Goal M&S16 Original Order Date 05/15/2015 Current Suspense Date 06/30/2016 Days OD 36

Description

Action Officer Chief Hector

Finalize the development of additional protocols for the Audit unit; Paragraph 69

Status Synopsis

3Q2015-Draft Audit protocols and SOP pending VIPD review. IMT had not received SOP during 2Q2015; Draft SOP received during 3Q2015 and is being reviewed by IMT and goal status could change before court hearing,

4Q2015-Draft was reviewed and deemed compliant by IMT. However, IMT has not received a FINAL published copy or any request for Goal Completion certification from

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Action Plan 2, which can be reviewed in Appendix B to the basic
2Q2016 Report**



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**Court Ordered Goals Not in Substantial
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the CD Coordinator. Additionally, IMT has not seen specific implementation of the SOP into VIPD activity.

IMT continues to hold this goal as Not Complete

1Q2016- The iMT has yet to receive a signed and approved copy of the AIU SOP.

Goal TRNG22 Original Order Date 05/15/2015 Current Suspense Date 08/01/2015 **Days OD 370**

Description

Action Officer Chief Foy

Reorganize the Training Advisory Committee.; Paragraph 74g

Status Synopsis

3Q2015-Pending review of directive

4Q2015-This goal speaks more specifically to the reorganization of the Training Advisory Committee but lists no steps for its achievement.

The last version of the directive establishing the TAC was published without the incorporation of our latest revisions. We are also unclear about who is the chair of this committee.

1Q2016- The Training Advisory Committee continues to be a work in progress with several iterations of the policy being reviewed but not approved by the IMT.

Goal TRNG23 Original Order Date 05/15/2015 Current Suspense Date 12/18/2015 **Days OD 231**

Description

Action Officer Chief Foy

Create and implement new protocol for monitoring and evaluating UOF training; Paragraph 73a

Status Synopsis

3Q2015-Pending review of Kirkpatrick training and implications for adoption of components by the VIPD.

4Q2015-See comments in 73a

1Q2016 - see 73-a

Goal TRNG25 Original Order Date 05/15/2015 Current Suspense Date 03/31/2016 **Days OD 127**

Description

Action Officer Chief Foy

Revise and implement Roll Call Policy; Paragraph 74e

Status Synopsis

3Q2015-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 directives. IMT will work with the Training Division Director to expedite the corrections.

4Q2015-See 74e above

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Days OD in RED Indicate Missed Suspense Date

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1Q2016- See 74e

Goal TRNG26 Original Order Date 05/15/2015 Current Suspense Date 03/31/2016 **Days OD 127**

Description

Action Officer Chief Foy

Development of the Kirkpatrick method of evaluating training; Paragraph 73a

Status Synopsis

3Q2015-Initial training completed in 1Q2015; deadline for completion extended by VIPD to 12/18/15 by the VIPD through court filing.

4Q2015-See 73a above

1Q2016- see 73a

Total Goals Not in Substantial Compliance 61

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Days OD in RED Indicate Missed Suspense Date

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Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs

Appendix D to
2Q2016 Report

The following lists the Consent Decree paragraph(s) where the Paragraph 100 Sub-Paragraphs were originally located.

<u>Sub-Paragraph</u>	<u>Substantial Compliance Requirement</u>	<u>Linked Paragraph</u>
a	All uses of force comply with VIPD policies and applicable law.	031
Sub-Paragraph b	Substantial Compliance Requirement As appropriate, Officers disengaged, contained the area, conducted surveillance, waited out the subject, and/or called in specialized units.	Linked Paragraph 031C
Sub-Paragraph c	Substantial Compliance Requirement When feasible, an individual is allowed to submit to arrest before force is used.	Linked Paragraph 031D
Sub-Paragraph d	Substantial Compliance Requirement In use of force incidents, the use of force review concludes that sufficient less lethal alternatives were used where appropriate based on the totality of circumstances.	Linked Paragraph 031F
Sub-Paragraph e	Substantial Compliance Requirement Patrol and other applicable officers carry less lethal alternatives at all times.	Linked Paragraph 031F
Sub-Paragraph f	Substantial Compliance Requirement In use of force incidents, choke holds and similar carotid holds were not used, except where deadly force was authorized.	Linked Paragraph 031G
Sub-Paragraph g	Substantial Compliance Requirement In use of force incidents where the use of force review concluded that the force was inconsistent with policy or legal standard,, the VIPD took corrective and/or disciplinary action against the officer. (SC Compliance Requirement wording updated 11/12/14; also inked back to paragraphs 33 and 34)	Linked Paragraph 032
Sub-Paragraph h	Substantial Compliance Requirement Sworn personnel do not possess or use unauthorized firearms or ammunition.	Linked Paragraph 039
Sub-Paragraph	Substantial Compliance Requirement	Linked Paragraph



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Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs

Appendix D to
2Q2016 Report

The following lists the Consent Decree paragraph(s) where the Paragraph 100 Sub-Paragraphs were originally located.

i	In 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.	039
<u>Sub-Paragraph</u> j	<u>Substantial Compliance Requirement</u> Critical Firearm Discharges are documented in an RRR.	<u>Linked Paragraph</u> 039
<u>Sub-Paragraph</u> k	<u>Substantial Compliance Requirement</u> In 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.	<u>Linked Paragraph</u> 031A-G
<u>Sub-Paragraph</u> l	<u>Substantial Compliance Requirement</u> Off-duty officers notified on-duty sworn personnel or local law enforcement officers before taking police actions, except in exigent circumstances.	<u>Linked Paragraph</u> 040A
<u>Sub-Paragraph</u> m	<u>Substantial Compliance Requirement</u> In 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.	<u>Linked Paragraph</u> 040B
<u>Sub-Paragraph</u> n	<u>Substantial Compliance Requirement</u> In 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. (Also found in paragraph 47; Updated 11//12/14)	<u>Linked Paragraph</u> 047
<u>Sub-Paragraph</u>	<u>Substantial Compliance Requirement</u>	<u>Linked Paragraph</u>



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Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs

Appendix D to
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o	Use of force investigations include documented findings of all of the considerations required by 52.	052
<u>Sub-Paragraph p</u>	<u>Substantial Compliance Requirement</u> When administrative investigations are referred to the VIAG or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.	<u>Linked Paragraph</u> 053
<u>Sub-Paragraph q</u>	<u>Substantial Compliance Requirement</u> RMS reports are generated and distributed to appropriate sworn personnel (e.g., Chiefs, Deputy Chiefs, and supervisors) on a monthly basis.	<u>Linked Paragraph</u> 064C
<u>Sub-Paragraph r</u>	<u>Substantial Compliance Requirement</u> The VIPD is utilizing the EIP. Underlying documentation should include documentation of EIP meetings, the Early Intervention Unit Action Plan and Early Intervention Unit Assessment, attendance records of VIPD personnel and all follow-up documentation for completed intervention.	<u>Linked Paragraph</u> 064F
<u>Sub-Paragraph s</u>	<u>Substantial Compliance Requirement</u> Deputy Chiefs, managers and supervisors have initiated EIP interventions based on activity and pattern assessment contained in the RMS.	<u>Linked Paragraph</u> 064K
<u>Sub-Paragraph t</u>	<u>Substantial Compliance Requirement</u> EIP 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 the number or percentages of incidents in any category of information recorded in the risk management system.	<u>Linked Paragraph</u> 064G



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Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs

Appendix D to
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<u>Sub-Paragraph</u>	<u>Substantial Compliance Requirement</u>	<u>Linked Paragraph</u>
u	In instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit promptly review the RMS records of such officers.	064H
<u>Sub-Paragraph</u> v	<u>Substantial Compliance Requirement</u> The VIPD has established a protocol for evaluating whether Deputy Chiefs, managers and supervisors are able to use the RMS effectively.	<u>Linked Paragraph</u> 064I
<u>Sub-Paragraph</u> w	<u>Substantial Compliance Requirement</u> Disciplinary penalty decisions are consistent with the penalties set forth in the Disciplinary Matrix.	<u>Linked Paragraph</u> 070