

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE VIRGIN ISLANDS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	C.A. No. 3:08-CV-158
)	
v.)	
)	
1. THE TERRITORY OF THE VIRGIN)	
ISLANDS; and)	
)	
2. THE VIRGIN ISLANDS POLICE)	
DEPARTMENT,)	
)	
Defendants.)	
_____)	

**PARTIES' JOINT MOTION, AND MEMORANDUM OF LAW IN SUPPORT OF
JOINT MOTION, TO AMEND CONSENT DECREE ACTION PLAN**

Plaintiff, the United States of America, and Defendants, the Territory of the Virgin Islands and the Virgin Islands Police Department (“VIPD”) (collectively, “the parties”) jointly move the Court to grant this motion to amend the Virgin Islands Police Department Consent Decree Action Plan. The amended Action Plan is designed to create a new, achievable timetable for compliance, clarity on the standards for compliance, and an extension of the substantial compliance deadline for the Consent Decree to ensure that the reforms are made in a sustainable fashion. In support of this motion, the parties represent as follows:

A. PROCEDURAL HISTORY/BACKGROUND

On March 23, 2009, the Court approved the Consent Decree in the above-referenced matter. The Consent Decree required Defendants to achieve substantial compliance with all its substantive provisions by March 23, 2012, and to maintain this level

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of compliance for two years prior to its termination date of March 23, 2014. (Dkt. #3).

After a hearing on October 1, 2010, regarding the extent of the Virgin Islands Police Department's ("VIPD") compliance, the Court directed the parties to submit interim timelines to aid Defendants in reaching substantial compliance. The parties subsequently filed on November 24, 2010, the Consent Decree Timetable, which required VIPD to comply with certain interim deadlines with the goal of achieving compliance by March 23, 2012. (Dkt. #22). The Court approved the Consent Decree Timetable and directed the parties to comply with it on December 16, 2011. (Dkt. # 25). On April 23, 2013, the Court held an evidentiary hearing to determine VIPD's level of compliance with the Consent Decree. After hearing testimony from several representatives of VIPD and a member of the monitoring team, the Court found that, although progress has been made, it was evident that the Virgin Islands had not achieved substantial compliance with each provision of the Consent Decree within the time required in the Consent Decree. (Dkt. # 61).

Following the April 23, 2013, hearing, the United States moved the Court to amend the Consent Decree by extending the deadline for Defendants to achieve substantial compliance, eliminating the Consent Decree's bright-line termination date, and ordering Defendants to submit a detailed action plan with interim compliance deadlines for the various provisions of the Consent Decree (Dkt. # 42, 51-1). The Court held a hearing on the United States' motion on July 26, 2012. During the hearing, the parties agreed that an extension of the Consent Decree was necessary for VIPD to achieve the objectives of the Consent Decree, but disagreed on the manner and extent to which the Consent Decree should be modified. At the July 26, 2012 hearing, the Court ordered the parties to jointly

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formulate and file an Action Plan with interim deadlines, with the goal of setting realistic and achievable compliance deadlines (Dkt. # 57). The parties jointly filed the Action Plan with the Court on August 30, 2012 (Dkt # 58-1). In the Action Plan, Defendants agreed to meet certain interim deadlines, the requirements of which were described with more specificity than in the original Consent Decree Timetable, and to achieve substantial compliance with the Consent Decree by a newly extended deadline of October 31, 2013.

On November 2, 2012, the Court adopted the Action Plan and made it a part of the Consent Decree (Dkt# 61 and 61-1). The Court also granted the United States' motion to amend the Consent Decree to eliminate the bright-line termination date. Accordingly, the Consent Decree now terminates two years after Defendants have maintained substantial compliance with its terms.

Since the Court approved the Action Plan, VIPD has moved the court for two extensions of the deadlines set forth in the Action Plan. VIPD has requested an extension of time to complete Blue Team training and training on the Vehicle and Spike Strip policies (Dkt. # 65). The Court granted VIPD's motion on March 12, 2013 (Dkt. # 67). The VIPD also requested an extension of time to comply with the audit requirements set forth in the Action Plan (Dkt. # 69). That motion remains pending; the Court has scheduled an evidentiary hearing on the motion for October 9, 2013. In an accompanying joint filing today, the parties respectfully request that the Court terminate the October 9, 2013 hearing in light of the filing of this motion and the parties' agreement to extend the

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relevant deadlines that are the subject of the scheduled hearing.¹

Shortly after filing their motion to extend the audit deadlines, in August 2013, Defendants approached the United States, indicating that they would be unable to meet the Consent Decree's final substantial compliance deadline of October 31, 2013. Defendants requested an extension of time to achieve substantial compliance and to accomplish unmet tasks specified in the Action Plan. Since then, the parties, the heads of VIPD's working groups, other key VIPD personnel, and the members of the monitoring team have spent countless hours working on and negotiating in good faith a revised Action Plan. A copy of the parties' agreed-upon revised Action Plan, and a redline showing the differences between the updated and original versions of the Action Plan, are attached as exhibits hereto.

The changes proposed in the Action Plan are aimed at strengthening the Consent Decree and Action Plan by providing additional specificity to clarify expectations, along with extended realistic and achievable deadlines for the various unmet requirements in the Action Plan. Some of the important, agreed-upon changes in the revised proposed Action

¹ Although the United States did not necessarily oppose Defendants' motion for an extension of time of the audit-related requirements in the Action Plan, on July 2, 2013, the United States filed a response, requesting that Defendants explain the following:

- 1) How Defendants plan to comply with the relevant requirements for which they are seeking an extension, including, but not limited to explaining when and how they plan to engage the United States for the required consultation on the relevant provisions;
 - 2) Why Defendants believe October 31, 2013 is an appropriate deadline for each of the eight provisions for which they seek an extension; and
 - 3) How the proposed extension will affect Defendants' ability to comply with the Consent Decree's final substantial compliance deadline of October 31, 2013.
- Dkt. # 70.

The revised Action Plan the parties submit today addresses these concerns by providing the appropriate extensions and a common understanding of how Defendants will meet the audit-related requirements of the Consent Decree. Accordingly, the parties believe that, if approved by the Court, the Action Plan filed today renders the October 9, 2013 hearing moot.

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Plan are: (1) An extension of the Consent Decree's substantial compliance deadline from October 31, 2013 to October 31, 2015; (2) the addition of a column that details the specific actions that VIPD must take to achieve substantial compliance (column entitled "Specific Action Required for Substantial Compliance"); (3) the extension of the deadline for completing all audit-related training to October 31, 2013; and (4) the extension of the deadline to conduct initial audits to December 31, 2013, with the requirement that VIPD conduct quarterly audits thereafter. Although VIPD has received the United States' approval of all its use of force policies and completed its initial training on all use of force policies, the Action Plan also requires Defendants to complete yearly review of policies and conduct refresher training on policies.

B. **DISCUSSION**

It is well established that a district court has the power to amend a consent decree because of changes in conditions or changes in the law, and to enforce compliance with the terms of a consent decree. *Rufo v. Inmates of Suffolk County Jail*, 502 U.S. 367, 384-390 (1992) (recognizing that a court's modification power "is long-established, broad, and flexible" and that modification of a consent decree is warranted when changed factual conditions make compliance with the decree substantially more onerous, when a decree proves to be unworkable because of unforeseen obstacles, and when the statutory or decisional law has changed to make legal what the decree was designed to prevent); *Holland v. New Jersey Dept. of Corrections*, 246 F.3d 267, 270 (3d Cir. 2001) ("it is settled that a court does have inherent power to enforce a consent decree in response to a party's non-compliance, and to modify a decree in response to changed conditions.")

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Courts have held that a district court has the power to modify a consent decree by extending the terms of a consent decree. In *Holland*, the Third Circuit stated that “the broad remedial power contained within the modification and compliance enforcement powers can be used to extend a consent decree.” *Id.* 246 F.3d at 282. The Supreme Court has held it was not an abuse of discretion for a district court to extend the terms of a consent decree where the modification sought to effectuate rather than thwart the basic purpose of the original consent decree. *Chrysler Corp. v. U.S.*, 316 U.S. 556, 562 (1942). In amending the Consent Decree in this matter, this Court has also held that the court has the inherent power to amend the compliance deadline in a consent decree, as the court’s power to amend is broad and flexible. (Order, November 2, 2012 Order, Dkt. # 61).

In its November 2, 2012 order, the Court found that “Virgin Islands’ failure to reach substantial compliance by March of 2012 has so changed the circumstances that the basic purpose of the Consent Decree has been thwarted. The Court must therefore conclude that some modification of the Consent Decree is in order.” *Id.* Similarly, now, there is no dispute that Defendants will be unable to comply with the October 31, 2013 substantial compliance deadline in the Action Plan. As previously, the parties seek an extension to ensure that Defendants achieve the very purpose that led to the filing of this action and the Consent Decree.

As this Court has stated, “[t]he importance of the Virgin Islands Government achieving substantial compliance cannot be denied--this case involves allegations that VIPD officers ‘engaged in a pattern or practice of using excessive force . . . in effecting arrests . . . in otherwise routine encounters with citizens, and . . . in shooting and brandishing weapons.’” (Order, July 24, 2012 at 2, Dkt. # 52) (alterations in original). To

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ensure that the intent of the parties to a consent decree and the purpose of the consent decree are not frustrated, “a court may use its compliance enforcement power to extend one or more provisions of a decree . . . if such compliance enforcement is essential to remedy the violation and thus provide the parties with the relief originally bargained for in the consent order.” *Rufo*, 502 U.S. at 381. Without an extension of time, VIPD will not be able to fully achieve the mandates and objectives of the Consent Decree within the current time allotted.

Although it is undisputed that VIPD will not be able to achieve substantial compliance by October 31, 2013, VIPD has continued to make steady progress toward the goal of substantial compliance. Indeed, the monitors’ reports over the last year describe improvements in VIPD’s progress as it continues to push toward achieving substantial compliance. The monitors’ most recent report, covering the first quarter of 2013, describes significant progress, particularly in the areas of policy and training. The monitors report that, for most Consent Decree requirements, VIPD has completed the policy and training phases and is now in the implementation phase, which is the final phase required to achieve substantial compliance. Additionally, although the monitors’ have not yet issued their report for the second quarter of 2013, the monitors have informed the parties that they anticipate finding VIPD in substantial compliance with paragraphs 31, 39, 40, 47, 50, 52, 53, 62, 64 and 70 of the Consent Decree. In the first quarter report for 2013, VIPD received a rating of substantial compliance with paragraph 42.

The parties anticipate that the proposed revisions to the Action Plan, which more clearly delineated expectations and specific actions required for substantial

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compliance with each paragraph, will better enable VIPD to achieve compliance by the extended deadlines. The approval of all Consent Decree-related policies and the completion of most initial training on policies (trainings on the Audit Policy and Disciplinary Policy and Matrix are scheduled to be completed before the end of this calendar year) place VIPD in a better position to achieve substantial compliance. With the adoption of policies that require constitutional policing and good police practices, and with the completion of training on most of the policies, VIPD now has much of the infrastructure in place on which to build greater progress and ensure success. As VIPD continues to implement changes, demand accountability from its supervisors and officers, and provide ongoing proof of accomplishments to the monitoring team, VIPD fully expects to meet the extended interim deadlines and the newly extended substantial compliance deadline of October 31, 2015, as provided in the attached proposed revised Action Plan.

Additionally, VIPD is required under the Consent Decree and Action Plan to engage in frequent auditing and self-monitoring. These activities are designed to aid VIPD in obtaining a better understanding of its level of compliance; what is, and is not, working; and what further changes are needed. The implementation of regular audits not only serves as a measure to assess VIPD's goal of substantial compliance, but also helps to build the framework for lasting, long-term success. The proposed extended substantial compliance deadline will give VIPD the additional time to build up its cadre of supervisors who are critical for the success of the auditing and implementation phase of the Consent Decree. The extension of the substantial compliance deadline is necessary so that VIPD can meet the mandates of the Consent

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Decree.

Wherefore, the parties respectively request that the Court grant their joint motion and enter the attached order.

Respectfully submitted,

FOR THE DEFENDANTS:

VINCENT F. FRAZER
Attorney General

Dated: October 1, 2013

/s/ Carol Thomas-Jacobs
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the Parties' Joint Motion to Amend Consent Decree Action Plan in United States v. Territory of the Virgin Islands, 3:08-CV-158, was filed electronically on October 1, 2013, using the CM/ECF system, which will send electronic notification to the following:

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VIRGIN ISLANDS POLICE DEPARTMENT
CONSENT DECREE ~~TIMETABLE~~/ACTION PLAN
~~AUGUST 30, 2012~~OCTOBER 1, 2013

CONSENT DECREE PARAGRAPH	POLICY	TRAINING	ACTION/ REVIEW/AUDIT	<u>REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE</u>	PERSON/ GROUP// UNIT <u>RESPON SIBLERE SPONSI- BLE</u>	SUBSTAN- TIAL COM- PLIANCE DEALINE
USE OF FORCE POLICIES						
Paragraph 31- <i>The VIPD will review and revise its use of force policies as necessary to:</i> <i>a. define terms clearly;</i> <i>b. define force as that term is defined in this Agreement;</i> <i>c. incorporate a use of force model that teaches disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units as appropriate responses to</i>	Use of Force Policies approved and signed off by Commissioner includes: 3.1 Use of Force 3.3 Reportable Use <u>3.2 Reporting, Investigating and Review</u> of Force 3.4 Firearms Policy 3.5 Impact Weapons 3.6 Electronic Control Weapon 3.7 OC Spray 3.8 Off-Duty Policy 3.9 Vehicle Pursuit Policy 3.10 Spike Strip <u>3.11 Canine Operations</u> 3.12 Tactical Operations 3.13 Sniper Operations <u>Training has been completed on the foregoing policies.</u>	Training <u>Initial training</u> has been completed on the following: 3.1 Use of Force <u>use of Force</u> <u>force policies as provided in this paragraph.</u> 3.3 Reportable Use of Force 3.4 Firearms Policy 3.5 Impact Weapons 3.6 Electronic Control Weapon 3.7 OC Spray	<u>Yearly review of policies.</u>	Competency-based training⁺ of officers and supervisors on remaining policies by Jan 31, 2013 3.8 Off Duty Policy 3.9 Vehicle Pursuit Policy 3.10 Spike Strip 3.12 Tactical Operations 3.13 Sniper Operations will be completed by January 31, 2013 By November 30, 2012, implement	Head of Use of Force <u>Working</u> Group/ <u>Head of Policy Committee/</u> Head of Training	October 31, 2013 <u>2015</u>

⁺ ——— “Competency based training” means the provision of knowledge and skills sufficient to enable the trained person to meet specified standards of performance as validated through that person’s demonstration that he or she can use such knowledge or skills effectively in the circumstances for which they are required.

<p><i>a situation;</i> <i>d. advise that, whenever possible, individuals should be allowed to submit to arrest before force is used;</i> <i>e. reinforce that the use of excessive force will subject officers to discipline, possible criminal prosecution, and/or civil liability;</i> <i>f. ensure that sufficient less lethal alternatives are available to all patrol officers; and</i> <i>g. explicitly prohibit the use of choke holds and similar carotid holds except where deadly force is authorized.</i> <i>Once the DOJ has reviewed and approved these policies, the VIPD shall immediately implement any revisions.</i></p>		<p>3.11 Canine Operations Refresher training is also on-going during in-service training modules.</p> <p>Training on remaining policies: 3.8 Off-Duty Policy 3.9 Vehicle Pursuit Policy 3.10 Spike Strip 3.12 Tactical Operations 3.13 Sniper Operations will be completed by January 31, 2013.</p>		<p>system to ensure all staff are trained on policies (i.e., a tracking system) and periodically test proficiency with the policies.</p> <p>Refresher training on policies ongoing, through documented, periodic in-service and roll-call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013.</p> <p>Yearly review of policies.</p> <p>By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of IAs and arrest reports).</p> <p>Ensure allocation of</p>		
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					<div>sufficient staff to input historical and current data into IAPro.</div> <div>develop and implement a process for identifying personnel who continually fail to report uses of force or otherwise fail to follow the policy and provide and document discipline and/or remedial training.</div> <div>Obtained DOJ approval for all use of force policies that require DOJ approval.</div> <div>Approved policies are distributed to sworn personnel and applicable civilian employees.²</div>		
EVALUATION, DOCUMENTATION, AND REVIEW OF USE OF FORCE							
Paragraph 32 – The VIPD will require all uses of force to be documented	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	<div>Training on</div> Initial officer and supervisor training	Yearly review of policies.	By November 30, 2012,	<div>Use of force incidents have been documented in an RRR and</div>	Head of Use of Force Working	October 31, 20132015

² For paragraphs 31, 39, 40, 47, 50, 52, 53, 62, 64, and 70, training requirements will be measured under paragraph 75; and audit and implementation requirements will be measured under paragraph 100.

<p>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 use<u>type</u> of force. Use of force reports will include a supervisor's narrative description of the events preceding the use of force, and<u>written by a supervisor or by the designated investigative unit. Use of force reports also will</u> include the officer(s)' narrative description of events and the officer(s)' audiotaped statement. <u>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.</u></p>		<p><u>on</u> policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.</p>	<p>implement<u>January 31, 2014</u> <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>By November 30, 2012, <u>ensure</u><u>Ensure</u> that the Virgin Islands' Attorney General's Office, <u>VIPD's counsel,</u>³ the Training Working Group, and the Use of Force Working Group review all use of force policies.</p> <p>Refresher<u>Conduct refresher</u> training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate</p> <p><u>Continue to incorporate</u> competency-based⁴ training on policies into Police Academy by Jan.</p> <p><u>By October</u> 31, 2013.</p>	<p><u>investigated by a supervisor.</u></p> <p><u>RRRs will include each of the requirements identified in ¶ 32 of the Consent Decree.</u></p> <p><u>In use of force incidents, there is evidence that corrective action was taken against the sworn personnel whose use of force documentation failed to meet the requirements of the Consent Decree.</u></p> <p><u>Uses of force comply with applicable law.</u></p>	Group	
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³This requirement applies only insofar as the position of VIPD counsel is filled.

⁴ “Competency-based training” means the provision of knowledge and skills sufficient to enable the trained person to demonstrate compliance with specified performance standards.

				<p>Conduct Use of Force Review on quarterly basis commencing November 30, 2012.</p> <p>By June 30, 2013, in consultation with DOJ, <u>finalize Audit Plan.</u>⁵</p> <p><u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As and arrest reports to ensure RRRs are completed). This requires allocation of sufficient staff to input historical and current data into IAPro) and conduct use of force review on a quarterly basis.</p> <p>By June 30<u>December 31</u>, 2013, ensure that audits audit the timeliness of completion of use of force investigations.</p> <p>By June 30<u>December 31</u>, 2013, in consultation with DOJ, develop and implement</p>			
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⁵ The Audit Plan is a document describing at a high level how VIPD will conduct audits for the general areas of the Consent Decree.

				a process for identifying quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or otherwise fail to follow the policy and provide and document discipline and/or remedial training			
<p>Paragraph 33 - Officers shall notify their supervisors following any use of force or upon the receipt of an allegation of excessive force.</p> <p>Supervisors <u>Except in uses of force involving the lowest level of force as defined in VIPD policy as approved by DOJ, supervisors</u> will respond to the scene, examine the subject for injury, interview the subject for complaints of pain, and ensure that the subject receives<u>received</u> needed medical attention.</p>	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	Training <u>Initial training</u> on policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.	Refresher <u>Conduct refresher</u> training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate	<u>The officer using force notified his/her supervisor as required by VIPD policy.</u>	Head of Use of Force Working Group	October 31, 2013 <u>2015</u>	
			<u>Continue to incorporate</u> competency-based training on policies into Police Academy by Jan. 31, 2013.	<u>Where a supervisor was notified of the use of force by an officer, he/she responded to the scene in a reasonable amount of time, as required by VIPD policy.</u>			
			Yearly review of policies.	<u>In incidents where the supervisor responded to the scene, he/she conducted a complete investigation, including examining the subject for injury, interviewing the subject for complaints</u>			
			By November 30, 2012, <u>implement January 31, 2014,</u> <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system).				

				<p>Conduct complete Use of Force Review on quarterly basis commencing on November 30, 2012.</p> <p>By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of supervisors or outlining how it intends to use existing supervisors to implement the policies and this action plan. The plan will include an implementation date subject to the agreement of the parties.</p> <p>By June 30, <u>By June 30, 2014, VIPD will provide USDOJ with a comprehensive report regarding: (1) the actions it has taken to obtain appropriate number of supervisory personnel to carry out the mandates of the Consent Decree, and (2) any additional steps necessary to ensure a sufficient number of supervisors. By February 1,</u></p>	<p><u>of pain, and ensuring that the subject received any needed medical attention.</u></p> <p><u>All training must comport with the requirements of the Consent Decree, and be taught from curricula/lesson plans that: (a) identify training objectives; (b) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (c) indicate that it has been reviewed by legal counsel, as appropriate.</u>⁶</p>		
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⁶ This requirement applies to Consent-Decree related training.

				<p><u>2014, VIPD will provide USDOJ with an interim report addressing the above issues.</u></p> <p><u>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</u></p> <p><u>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As, arrest reports and RRRs). This requires allocation of sufficient staff to input historical and current data into IAPro. and conduct use of force review on a quarterly basis.</u></p> <p><u>By June 30December 31, 2013, in consultation with DOJ, develop and implement a process for identifyingquarterly thereafter, conduct audits to identify</u> personnel who continually fail to report uses of force and provide and document discipline and/or remedial training.</p>			
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<p>Paragraph 34 – Supervisors, <u>or designated investigating officers or units</u>, will review, evaluate, and document each use of force, and will complete the supervisor’s narrative description section of the use of force report. The supervisor’s 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 <u>or designated investigating officer/unit</u> 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, or whose conduct led to an injury, or who authorized conduct leading to the use of force or allegation of excessive force, <u>or who was present during the incident</u>, will</p>	<p>3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.</p>	<p>Training<u>Initial</u> training on policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.</p>	<p>By November 30, 2012, <u>implement January 31, 2014</u> improve tracking system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>Refresher<u>Conduct refresher</u> training on policies ongoing, through documented, <u>ongoing</u> periodic in-service and roll call/commanders call training. Incorporate</p> <p><u>Continue to incorporate</u> competency-based training on policies into Police Academy by Jan. 31, 2013.</p> <p>Yearly review of policies.</p> <p>Conduct Use of Force Review on quarterly basis commencing November 30, 2012.</p> <p>By November 30, 2012<u>June 31, 2014</u>, VIPD will provide DOJ with an action plan for achieving<u>USDOJ with a comprehensive report regarding: (1) the actions it</u></p>	<p><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 or participate in conduct leading to the use of force incident).</u></p> <p><u>In reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD’s use of force policies and all other requirements of ¶ 31 of the Consent Decree.</u></p> <p><u>In 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 ¶ 34 of</u></p>	<p>Head of Use of Force Working Group</p>	<p>October 31, 2013<u>2015</u></p>
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not be eligible to review <u>or investigate</u> the incident.			<u>has taken to obtain appropriate number of supervisory personnel to carry out the mandates of the Consent Decree and (2) any additional steps necessary to ensure a sufficient numbersnumber of supervisors</u> or outlining how it intends to use existing supervisors to implement the policies and this action plan. The plan will include an implementation date subject to the agreement of the parties. <u>By June 30</u> <u>By February 1, 2014, VIPD will provide USDOJ with an interim report addressing the above issues.</u> <u>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</u> <u>By December 1, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As, arrest reports and RRRs)-) <u>and</u>	<u>the Consent Decree.</u>		
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				<u>conduct use of force reviews on a quarterly basis.</u> By June 30 <u>December 31</u> , 2013, in consultation with DOJ, develop and implement a process for identifying quarterly thereafter, conduct audits to identify supervisors who neglect their responsibilities to investigate as required by policy and provide and document discipline and/or remedial training.		
Paragraph 35 – The parties agree that it is improper interview procedure during use of force reviews <u>investigations</u> to ask officers or other witnesses leading questions that improperly suggest legal justifications for the officer’s conduct when such questions are contrary to appropriate law enforcement techniques. In each review/ <u>investigation</u> , the VIPD will consider all relevant evidence	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	Training <u>Initial training</u> on policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.	Refresher <u>Conduct refresher</u> training on policies ongoing , through documented, periodic in-service training. By November 30, 2012, implement <u>January 31, 2014, improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system) . Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30,	<u>In interviews conducted during use of force views, leading questions were avoided.</u> <u>In investigations where material inconsistencies e present between fitness statements, reasonable efforts are made to solve the inconsistencies.</u> <u>In the use of force reviews, all relevant</u>	Head of Use of Force Working Group	October 31, 2013 <u>2015</u>

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 on <u>and officers assigned to conduct use of force investigations in conducting use of force investigations, including in</u> the factors to consider when evaluating credibility.			<p>2012.</p> <p>By June 30 <u>October 31</u>, 2013, in consultation with DOJ, <u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files)-) <u>and conduct use of force review on a quarterly basis.</u></p> <p>By June 30 <u>December 31</u>, 2013, in consultation with DOJ, develop and implement a process for identifying quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force and provide and document discipline and/or remedial training</p>	<p><u>evidence, including circumstantial, direct and physical evidence is documented and appropriately considered, and credibility determinations made, if feasible.</u></p> <p><u>When evaluating witness credibility, appropriate factors are considered and documented.</u></p> <p><u>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.</u></p>		
Paragraph 36 – Supervisors, <u>or designated investigating officers or units,</u> shall conduct a <u>performance review an investigation</u> of all uses of force or an injury	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	Training <u>Initial training</u> on policies completed with refresher training on-going during in-service training modules.	<p>Refresher <u>Conduct refresher</u> training on policies ongoing, through documented, periodic in-service training.</p> <p><u>By November 30, 2012,</u></p>	<u>In reportable use of force incidents, all involved officers are identified in the investigating supervisor's reports.</u>	Head of Use of Force Working Group	October 31, 2013 <u>2015</u>

<p>resulting from a use of force by any officer under their command. In a performance review <u>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</u>, 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</p>		<p>Additional training for supervisors has been completed.</p>	<p>implement <u>By January 31, 2014, improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>Yearly review of policies.</p> <p>Conduct Use of Force Review on quarterly basis commencing November 30, 2012.</p> <p>By June 30 <u>October 31</u>, 2013, in consultation with DOJ <u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files) and <u>conduct use of force review on a quarterly basis.</u></p> <p>By June 30 <u>December 31</u>, 2013, in consultation with DOJ, develop and implement a process for identifying quarterly thereafter, conduct audits to identify personnel who</p>	<p><u>In reportable use of force incidents, all witnesses, to the extent practicable, are identified in the investigating supervisor's reports.</u></p> <p><u>In reportable use of force incidents, the investigating supervisor ensured that efforts were made to identify and interview witnesses, and documented these efforts.</u></p> <p><u>In reportable use of force incidents that resulted in injuries, the investigating supervisor documented the extent of the injuries and any medical treatment rendered in a manner that comports with ¶ 36 of the Consent Decree.</u></p> <p><u>In reportable use of force incidents that resulted in injuries, photographic evidence</u></p>		
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incident or were on the scene when it occurred. Supervisors, <u>or designated investigating officers or units</u> , shall ensure that all reports <u>for all levels of force</u> indicate whether an injury occurred, whether medical care was provided, and whether the subject refused medical treatment. Supervisors, <u>or designated investigating officers or units</u> , 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.			continually fail to report uses of force and provide and document discipline and/or remedial training	<u>was collected and maintained in a manner that comports with ¶ 36 of the Consent Decree.</u> <u>In reportable use of force reviews, the investigating supervisor provided a finding on whether the use of force was justified under VIPD's use of force policies.</u>		
Paragraph 37 – A Deputy Chief will evaluate each performance review conducted <u>All investigations into use of force shall be reviewed by</u>	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	Training <u>Initial</u> training on policies completed with refresher training on-going during in-service training	Refresher <u>Conduct refresher</u> training on policies ongoing , through documented, periodic in-service training.	<u>Completed use of force case files contained signed documentation from the Chief and/or Deputy Chief or</u>	Head of Use of Force Working Group	October 31, 2013 <u>2015</u>

<p>supervisors,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</p>		<p>modules. Additional training for supervisors has been completed.</p>	<p>By November 30, 2012, <u>implement January 31, 2014</u> improve tracking system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>Yearly review of policies.</p> <p>Conduct Use of Force Review on quarterly basis commencing November 30, 2012.</p> <p>By June 30 <u>October 31, 2013,</u> in consultation with DOJ, implement audit tools <u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013, and quarterly thereafter, conduct audits</u> to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files). <u>and conduct use of force review on a quarterly basis..</u></p> <p>By June 30, 2013, in consultation with DOJ develop and implement a process for identifying <u>By December 31, 2013, conduct</u></p>	<p>designee indicating that he/she reviewed the completed investigation and the date of such review.</p> <p><u>In completed use of force investigations in which the Chief and/or Deputy Chief or designee found deficiencies in the investigations, the deficiencies were documented and corrected; the corrections were documented; and supplemental investigative were reports prepared to document the additional investigative efforts, if required to correct the identified deficiencies.</u></p> <p><u>In reportable use of force incidents, the Chief and/or Deputy Chief or designee provided a written, signed and dated finding on whether the</u></p>		
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<u>and approved by DOJ, designated command staff shall further review the Commander and/or Director's reviews according to the level of force involved.</u>			<u>audits to identify</u> personnel who continually fail to report uses of force and provide and document discipline and/or remedial training.	<u>use of force was justified under VIPD's approved use of force policies and all other requirements of ¶¶ 31(a)-(g) of the Consent Decree.</u> <u>In 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.</u> <u>In use of force incidents where the Commander's/Director's or his designee's review and evaluation</u>		
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					<u>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.</u> <u>In use of force incidents deemed unjustified by the Commander's/Director's or designee's review and evaluation, the involved sworn personnel were disciplined, up to and including termination from VIPD if appropriate, and, if termination was not appropriate, at the very least, received remedial training.</u>		
Paragraph 38 – The VIPD will investigate or review as appropriate all critical firearm discharges. The VIPD will ensure that the investigation or review	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	Training <u>Initial training</u> on all policies completed with refresher training on-going during in-service	Refresher <u>Conduct refresher</u> training on policies ongoing , through documented, periodic in-service training.	<u>Critical firearm discharges are investigated and documented.</u> <u>Investigations or reviews of critical</u>	Head of Use of Force Working Group	October 31, 2013 <u>2015</u>	

accounts for all shots and the locations of all officers who discharged their firearms. The VIPD will conduct all ballistic or crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.		training modules. Additional training for supervisors completed.	By November 30, 2012, implement By January 31, 2014, improve tracking system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. Execute any contract(s) necessary to train supervisors or others responsible for conducting ballistic or crime scene analyses by January October 31, 2013. Conduct the training by March 31, 2013. By June 30, 2013, in consultation with DOJ finalize Audit Plan. <u>VIPD shall maintain sufficient trained staff who conduct adequate ballistic/crime scene analysis.</u>	<u>firearm discharges accounted for all shots.</u> <u>Investigations or reviews of critical firearm discharges accounted for the locations of all officers who discharged their firearms.</u> <u>In investigations or reviews of critical firearm discharges, the VIPD conducted ballistic crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.</u> <u>Supervisors (or other personnel) have either: (a) attended and successfully completed the initial in-service training on ballistic and crime scene analyses and demonstrated proficiency through a proficiency test(s) and passed the proficiency test(s); or (b) if supervisors (or other</u>		
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				<p><u>By December 31, 2013</u>, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files)-) and <u>conduct use of force review on a quarterly basis.</u></p> <p>By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnelBy December 31, 2013 <u>conduct audits to identify personnel</u> who continually fail to report uses of force and provide and document discipline and/or remedial training</p>	<p><u>personnel) have not successfully completed the required training and passed the proficiency test(s), the supervisors (or other personnel) have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s); or</u></p> <p><u>Where supervisors (or other personnel) have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.</u></p>		
<p>Paragraph 39 – <i>VIPD shall complete development of a Use of Firearms policy that complies with applicable law and current professional standards.</i></p>	<p>3.4 Firearms – Approved and signed by Commissioner.</p>	<p>Training<u>Initial training</u> on- policy completed with refresher training on-going during in-service training modules.</p>	<p>Refresher training on policies ongoing, through documented, periodic in-service training.</p> <p>By November 30, 2012,</p>	<p><u>Obtained DOJ approval for Use of Firearms policy.</u></p> <p><u>Approved policy contains the elements required in Paragraph</u></p>	<p>Head of Training/ Head of Use of Force <u>Working</u> Group</p>	<p>October 31, 2013<u>2015</u></p>	

<i>The policy shall prohibit officers from possessing or using unauthorized firearms or ammunition and shall inform officers that any such use may subject them to disciplinary action. The policy shall establish a single, uniform reporting system for all firearms discharges. The policy shall prohibit officers from obtaining service ammunition from any source except through official VIPD channels, and shall specify the number of rounds VIPD authorizes its officers to carry. The policy will continue to require that all discharges of firearms by officers on or off-duty, including unintentional discharges, be reported and investigated.</i>			implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of firearm discharge reporting). By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training	<u>39.</u> <u>Approved policy is distributed to sworn personnel and applicable civilian employees.</u>		
Paragraph 40 – <i>The VIPD shall revise its policies regarding off-duty</i>	3.8 Off-duty Official Action – Approved and signed by Commissioner.	Training <u>Initial training</u> on policy completed with	<u>Yearly review of policies.</u>	Refresher training on policies ongoing, through documented,	Head of Use of Force <u>Working</u>	October 31, <u>2013</u> <u>2015</u>

<i>officers taking police action to: a. provide that off-duty officers shall notify on-duty VIPD or local law enforcement officers before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem; b. provide that, if it appears the officer has consumed alcohol or is otherwise impaired, the officer shall submit to field sobriety, breathalyzer, and/or blood tests.</i>		refresher training on-going during in-service training modules.		periodic in-service training. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files). By June 30, 2013, in consultation with DOJ develop and implement a process for identifying	Group	
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					<p>personnel who continually fail to report uses of force and provide and document discipline and/or remedial training <u>Obtained DOJ approval of use of force policy on off-duty officers taking police action.</u></p> <p><u>Policy contains all elements required by Paragraph 40.</u></p> <p><u>Approved policies are distributed to sworn personnel and applicable civilian employees.</u></p> <p>-</p>		
<p>Paragraph 41 – <i>The VIPD shall continue to provide an intermediate force device, which is between chemical spray and firearms on the force continuum, that can be carried by officers at all times while on-duty. The VIPD shall continue its</i></p>	<p>3.6 Electronic control Weapon – Approved and signed by Commissioner.</p>	<p>Training<u>Initial training</u> on policy completed with refresher training on-going during in-service training modules.</p>	<p>Refresher<u>Conduct refresher training</u> on policies ongoing, through documented, periodic in-service training.</p> <p>By November 30, 2012, <u>implement January 31, 2014</u> <u>improve tracking</u> system to ensure all staff are trained on</p>	<p><u>Patrol and other applicable officers carry an intermediate force device at all times while on-duty.</u></p> <p><u>Sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new</u></p>	<p>Head of Use of Force <u>Working</u> Group</p>	<p>October 31, 2013<u>2015</u></p>	

<p><i>policy regarding the intermediate force device, incorporate the intermediate force device into the force continuum and train all officers in its use on an annual basis.</i></p>			<p>policies (i.e., a tracking system) and periodically test proficiency with the.</p> <p><u>Conduct refresher training on policies through documented, periodic in-service training, to test proficiencies.</u></p> <p>Yearly review of policies.</p> <p>Conduct Inspections of personnel with report on quarterly basis commencing November 30, 2012.</p> <p>By June 30<u>October 31</u>, 2013, in consultation with DOJ, <u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files).</p> <p>By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying<u>Conduct</u></p>	<p><u>or revised policy related to intermediate force devices and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</u></p> <p><u>Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.</u></p>		
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				<u>inspections, with report on a quarterly basis, commencing on December 31, 2013, to ensure that officers carry intermediate force device(s) as appropriate and that their use of the device(s) comports with applicable law and VIPD policy.</u> <u>By December 31, 2013, and quarterly thereafter, conduct audits to identify</u> personnel who continually fail to report uses of force and provide and document discipline and/or remedial training.	<u>Sworn personnel display knowledge and proficiency on using intermediate force devices, as evidenced by compliance with the policy requirements.</u>		
CITIZEN COMPLAINT PROCESS							
Public Information							
Paragraph 42 - <i>The VIPD will develop and implement a program to inform persons that they may file complaints regarding the performance of any officer. This program will include distribution of complaint forms, fact sheets, informational posters, and public service announcements that</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training <u>Initial Officer and supervisor training</u> completed for supervisors on both districts. Officers will be completed by September 28 2012.	Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system) and periodically test proficiency with the policies.	<u>The VIPD has developed and implemented a program to inform persons that they may file complaints regarding the performance of any officer.</u> <u>In VIPD facilities, vehicles, and governmental</u>	<u>Head of CitizensCiti zens’</u> complaint committee /Head of training division	Oetober 31, 2013 <u>In Compliance; sustained compliance required</u>	

<i>describe the citizen complaint process.</i>			Yearly review of policies. Biweekly inspections by Zone Commanders to ensure that all complaint process materials are available in their Zones. Zone Commanders will provide a written report of their inspections.	<u>properties such as VIPD district stations, libraries, the internet and upon request, to community groups and community centers, complaint information brochures and forms are available.</u>		
Paragraph 43 – The VIPD will make complaint forms and informational materials available at government properties such as VIPD district stations, substations, and mobile substations, libraries, the Internet, and, upon request, to community groups and community centers. At each VIPD district station, substation, and mobile substation, the VIPD will permanently post a placard describing the complaint process and include the relevant phone numbers. <u>These placards</u>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training <u>Initial officer and supervisor training completed for supervisors</u> on both districts. Officers will be completed by September 28, 2012.	Refresher <u>Conduct refresher</u> training on policies ongoing , through documented, periodic in-service training. By November 30, 2012 , <u>implement January 31, 2014</u> <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Biweekly inspections <u>Monthly inspections by Zone Commanders to ensure that all complaint process materials are available in</u>	<u>VIPD facilities, vehicles, and government properties, complaint information brochures and forms are available.</u> <u>Officers carry the informational brochures and complaint forms with them at all times while on-duty.</u> <u>In VIPD district stations, substation, and mobile stations, a placard is displayed describing the complaint process, including relevant</u>	Head of Citizens <u>Citi</u> zens' Complaint Committee /Head of training division	October 31, 2013 <u>2015</u>

<u>shall be displayed in both English and Spanish, and where deemed necessary, in French or French Patois, to account for diversity in the VI population.</u> The VIPD will require all officers to carry informational brochures and complaint forms, <u>in English and Spanish, and where deemed necessary, in French or French Patois,</u> in their vehicles at all times while on duty. If a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.			<u>their Zones. Zone Commanders will provide a monthly written report of their inspections.</u> <u>Monthly inspections to ensure that informational materials are available at all required locations.</u>	<u>phone numbers.</u> <u>In incidents where a citizen complained about an officer's conduct, the officer informed, and did not discourage, the citizen about his/her ability to make a complaint.</u>		
Means of Filing and Tracking Complaints						
Paragraph 44 - <i>Complaints may be filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training-Initial <u>officer and supervisor training</u> completed for <u>supervisors</u> in both districts. Officers	Refresher <u>Conduct refresher</u> training on policies ongoing, through documented, periodic in-service training.	<u>Obtained DOJ approval for a complaint intake policy.</u> <u>Approved policy is distributed to sworn</u>	Head of Citizens <u>Citi</u> <u>zens'</u> Complaint Committee /Head of	October 31, 2013 <u>2015</u>

<p>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.).</p>		<p>training will be completed by September 28, 2012</p>	<p>By November 30, 2012, <u>January 31, 2014,</u> implement <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>Yearly review of policies.</p> <p>Monthly <u>Quarterly</u> review of IAU -and zone files.</p> <p>By June 30 <u>October 31</u>, 2013, in consultation with DOJ, implement <u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013,</u> <u>implement</u> audit tools to ensure staff are complying with the policies (i.e., review of sample of citizen complaint investigation files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p>By June 30 <u>December 31</u>, 2013, in consultation with</p>	<p><u>personnel and applicable civilian employees.</u></p> <p><u>Sworn personnel and applicable civilian employees have either:</u></p> <p><u>(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</u></p> <p><u>(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</u></p>	<p>training</p>	
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				<p>DOJ, create a periodic<u>quarterly</u> report that analyzes patterns of violations of VIPD policy. Using the information gathered in the report, evaluate areas for policy modification or appropriate remedial action (e.g., training).</p>	<p><u>test(s); or</u></p> <p><u>Where sworn personnel and applicable civilian employees have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel and applicable civilian employees.</u></p> <p><u>Complaints are documented and resolved in writing.</u></p> <p><u>Appropriate VIPD personnel properly respond to the inquiring/complaining person, as verified by the monitors and the VIPD audit unit.</u></p> <p><u>For complaints lodged and recorded, a file documents the actions</u></p>		
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					<u>taken by VIPD in response to the complaint.</u> <u>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.</u> <u>Completed investigations into complaints comport with the provisions of the Consent Decree.</u> <u>Documented complaints do not include opinions of the intake officer about the mental competency or veracity of the complainant.</u>		
Paragraph 45- <i>Copies of all allegations of misconduct against the VIPD filed with the Zone Commands will be</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training-Initial <u>training</u> completed for supervisors and officers in both districts.	Refresher <u>Conduct refresher</u> training on policies ongoing, through documented, periodic in-service training.	<u>Allegations filed at Zone or unit facilities are forwarded to IAU within five business days.</u>	Head of Citizens <u>Citi</u> zens' Complaint Committee	October 31, 2013 <u>2015</u>	

<i>referred to Internal Affairs Unit (“IAU”) within five business days.</i>		<i>Officers training will be completed by September 28, 2012.</i>	<i>By November 30, 2012, implement system</i> <i>Review monthly completed cases in IAPro to ensure all staff are trained on policies (i.e., a tracking system).</i> <i>By Dec. 31, 2012, implement tracking system to document compliance with the 5-day of requirement as per policy.</i> <i>Monthly review of IAU files</i> <i>By June 30October 31, 2013, in consultation with DOJ finalize Audit Plan.</i> <i>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of citizen complaint investigation files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</i>		<i>/Head of IAU</i>	
Investigation of						

Complaints						
Paragraph 46 - <i>Complaints will be evaluated based on a preponderance of the evidence standard, for which the Territory will develop and implement appropriate training.</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training <u>Initial</u> training completed for supervisors on both districts.	Competency <u>Continue to</u> <u>incorporate competency-</u> based training of officers and supervisors by November 30, 2012. By November 30, 2012, <u>implement January 31, 2014,</u> <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system) and periodically test supervisors' knowledge of the preponderance of the evidence standard. <u>Refresher</u> <u>Conduct refresher</u> training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30 <u>October 31</u> , 2013, in consultation with DOJ <u>finalize Audit Plan.</u>	<u>Sworn personnel have either: (a) attended and successfully completed training on the preponderance of the evidence standard and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</u> <u>Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including</u>	Head of Citizens <u>Citi</u> <u>zens'</u> Complaint Committee	October 31, 2013 <u>2015</u>

				<p><u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p>Monthly<u>Quarterly</u> review of <u>closed investigation</u> files <u>to ensure that the preponderance of evidence standard is being used.</u></p> <p>By June 30<u>December 31,</u> 2013, in consultation with DOJ, develop a process for identifying and quarterly thereafter, identify Supervisors who are not <u>correctly</u> using the preponderance of the evidence standard and provide and document discipline and/or remedial training <u>as appropriate.</u></p>	<p><u>training, and disciplinary action against the sworn personnel.</u></p> <p><u>All training on the preponderance of the evidence comports with the requirements of the Consent Decree, and is taught from curricula/lesson plans that: (a) identify training objectives; (b) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (c) indicate that it has been reviewed by legal counsel.</u></p> <p><u>Completed investigations into complaints/allegations of misconduct include an assessment of the evidence, and a finding that is based upon the preponderance of evidence standard.</u></p>		
Paragraph 47 - The VIPD will explicitly prohibit	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints	<u>Training/Initial training</u> completed	Refresher training on policies ongoing, through	<u>VIPD policy prohibits from investigating an</u>	Head of <u>CitizensCiti</u>	<u>October 31,</u>	

<i>from investigating an incident any officer who used force during the incident, whose conduct led to the injury to a person, or who authorized the conduct that led to these reportable incidents.</i>	Policy approved and signed by Commissioner.	for supervisors on <u>in</u> both districts.	documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. By June 30, 2013, in consultation with DOJ, develop a process for identifying supervisors who neglect their responsibilities to investigate as required by policy and provide and document discipline and/or remedial training. Monthly review of IAU files to ensure compliance	incident any officer who used force during the incident, whose conduct led to the injury to a person, or who authorized the conduct that led to these reportable incidents.	zens' Complaint Committee	2013 <u>2015</u>
Paragraph 48 - <i>The VIPD will investigate every citizen complaint. The VIPD will establish a</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training-Initial <u>training</u> completed for supervisors	Refresher <u>Conduct refresher</u> training on policies ongoing, through documented,	<u>Obtained DOJ approval of a policy and procedure for the</u>	Head of CitizensCiti <u>zens'</u>	October 31, 2013 <u>2015</u>

<i>clear policy and procedure regarding the intake of any complaint, including anonymous and confidential complaints, against a VIPD officer. This policy and these procedures will include instructions to an officer for taking a complaint and prompt delivery to a supervisor.</i>		and Supervisors <u>in</u> both districts. Officers training to be completed by September 28, 2012.	periodic in-service and roll call/commanders call training. Incorporate <u>Continue to incorporate</u> competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30 <u>October 31</u> , 2013, in consultation with DOJ, <u>finalize Audit Plan.</u> <u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. Monthly <u>Quarterly</u> review of <u>closed</u> files at zone level and IAU.	<u>intake of complaints.</u> <u>For complaints lodged and recorded, a file documents the actions taken by VIPD in response to the complaint.</u> <u>Sworn personnel and applicable civilian employees have been trained and demonstrated the required proficiency on the complaint intake policy and comports with the Consent Decree, including ¶¶ 44 and 48.</u> <u>Documented complaints are promptly delivered to a supervisor.</u> <u>Applicable VIPD personnel properly respond to the inquiring/complaining person, as verified by the monitors and VIPD.</u>	Complaint Committee	
Paragraph 49 - The VIPD	Acceptance of Citizen Complaints/	Supervisors <u>Initial</u>	Refresher <u>Conduct refresher</u>	<u>Established a separate</u>	Head of	<u>October 31,</u>

<i>will institute a centralized numbering and tracking system for all complaints, and each complaint will receive a tracking number as quickly as possible. The IAU will be designated as the primary and centralized agency to determine whether the investigation will be assigned to zone (one of the seven zones located throughout the Virgin Islands), retained by the IAU, or referred for possible criminal investigation. If the IAU refers a complaint to a zone, copies of all documents, findings, and recommendations should be immediately forwarded to the IAU for tracking and monitoring. For complaints alleging the excessive use of force or violation of a person's constitutional rights, the Police Commissioner should be notified no less than twenty-four hours after receipt of a</i>	Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	training <u>for supervisors</u> completed on both districts. Centralized numbering <u>arehas been</u> provided by central dispatch.	training on policies ongoing , through documented, periodic in-service and roll call/commanders call training. By <u>Commencing</u> December 31, 2012, implement <u>2013, and on a tracking system for</u> <u>quarterly basis thereafter, utilizing data from IAPro, produce a report that tracks citizens' complaints referred to a zone and a tracking system for notifying the zones/bureaus, and identifies whether any of complaints involve excessive use of force. Also determine whether</u> the Police Commissioner <u>was notified</u> of complaints alleging excessive use of force. Yearly review of policies. By June 30 <u>October 31</u> , 2013, in consultation with DOJ, <u>finalize Audit Plan.</u> <u>By December 31, 2013, and quarterly thereafter,</u>	<u>IAPro database for the STT/STJ and STX Districts such that: (1) each database will be accessible from each district; (2) IAU agents in each District will have access to their respective databases; (3) the Director of IAU, Assistant Director of IAU, and EIP Coordinator will have access to both databases; (4) each complaint will receive a unique tracking number, with an STT extension for the St. Thomas/St. John District and an STX extension for the St. Croix District, so that no two complaints will have the same number within or between databases; (5) information in each database will be organized by District, and can be sorted by officer; and (6) if an officer transfers from</u>	Citizens <u>Citi</u> zens' Complaint Committee	2013 <u>2015</u>
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<i>complaint.</i>			implement audit tools to ensure staff are complying with the policies (i.e., review of sample citizen complaint investigation files-). Also ensure that lapses <u>lapse</u> in policy implementation are addressed by system of documented discipline and/or re-training. <u>Quarterly inspections by committee members</u> <u>By March 31, 2014, ensure that each IAPro database is accessible from all districts.</u>	<u>one District to another, his/her information will be transferred to the new District's database.</u> <u>Allegations brought to the attention of the VIPD are assigned a unique identifier.</u> <u>In complaints that the IAU refers to a Zone, copies of the completed file are forwarded to the IAU within the time frame specified by VIPD policy.</u> <u>Evidence exists that IAU adequately tracked and monitored the complaint.</u> <u>Complaints alleging excessive use of force or a civil rights violation are reported to the Police Commissioner within 24 hours of receiving the complaint.</u>		
Paragraph 50 - The VIPD	Acceptance of Citizen Complaints/	<u>Training</u> <u>Initial</u>	<u>Competency-based training</u>	<u>Obtained DOJ approval</u>	Head of	<u>October 31,</u>

<i>will adopt a single policy concerning the investigation of misconduct complaints, regardless of whether the investigation is conducted by the IAU or a zone.</i>	Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	<u>training</u> completed for supervisors on both districts.	of all investigators by November 30, 2012 Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Quarterly review of files in IAU and zone By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample citizen complaint investigation files). Also ensure that lapses in policy implementation are	<u>of a policy concerning the investigation of misconduct complaints, consistent with the requirements of Paragraph 50.</u>	CitizensCiti zens' Complaint Committee	2013 <u>2015</u>
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				addressed by system of documented discipline and/or re-training. By June 30, 2013, in consultation with DOJ, audit timeliness of completion of citizen complaint investigations.			
Paragraph 51 - <i>The VIPD will establish policies and procedures and train all of its investigators on the factors to consider when evaluating complainant or witness credibility; examination and interrogation of accused officers and other witnesses; identifying misconduct even if it is not specifically named in the complaint; and using the preponderance of the evidence standard as the appropriate burden of proof. VIPD investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident. The policy will</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training <u>Initial training</u> completed for supervisors on both districts.	By November 30, 2012, implement <u>January 31, 2014 improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system). Refresher <u>Conduct refresher</u> training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Yearly review of policies. Quarterly review of IAU and zone files. All statements will be recorded by January <u>October</u>	<u>Policies are developed, implemented, and distributed to VIPD investigators.</u> <u>Investigators/supervisors have either:</u> <u>(a) attended and successfully completed the initial in-service training concerning the components identified in ¶ 51 of the Consent Decree and demonstrated proficiency through a proficiency test(s); or</u> <u>(b) if investigators/supervisors have not successfully completed the required training</u>	Head of Citizens <u>Citi</u> zens' Complaint Committee	October 31, 2013 <u>2015</u>	

<i>require that all interviews be mechanically recorded using an audio or video tape.</i>			<p>31, 2013. After January 31, 2013, bi-monthly<u>On a quarterly basis conduct</u> review to ensure statement<u>that statements</u> are being recorded.</p> <p>By June 30<u>December 31</u>, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files-). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p><u>and passed proficiency test(s), investigators/supervisors have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</u></p> <p><u>Where investigators/supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the investigators/supervisors.</u></p> <p><u>Completed investigations into complaints of misconduct include a documented assessment of the evidence, and a finding</u></p>	
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					<u>that is based upon the preponderance of evidence standard.</u> <u>In incidents giving rise to allegations of misconduct or use of force, all officers on the scene provided a statement regarding the incident, in accordance with VIPD policy.</u> <u>Interviews related to a complaint of misconduct will be mechanically recorded using an audio or video tape.</u>		
Paragraph 52 - <i>The policy will require that the investigative findings include whether: 1) the police action was in compliance with policy, training and legal standards, regardless of whether the complainant suffered harm; 2) the incident involved misconduct by any officer; 3) the use of different tactics should or could</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training <u>Initial training</u> completed for supervisors in both districts on policy.	Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll	<u>The VIPD policy formalizes a process for review of all uses of force that ensures the consideration of and documentation of all of the findings identified in ¶ 52.</u> -	Head of Citizens <u>Citi</u> zens' Complaint Committee	October 31, 2013 <u>2015</u>	

<i>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.</i>			call/commanders call training Yearly review of policies. Monthly review of zone and IAU files By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.			
Paragraph 53 - <i>The policy will provide clear guidance to all investigators regarding the procedures for handling criminal misconduct allegations, referring them to the Virgin Islands Attorney General's Office or other appropriate agency for possible criminal prosecution, and the entity</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training <u>Initial training</u> completed for supervisors on both districts.	Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-	VIPD has issued a policy that provides clear guidance on how to handle allegations of criminal misconduct by sworn personnel and applicable civilian employees and includes the elements of ¶ 53. -	Head of Citizens <u>Citi</u> zens' Complaint Committee	_October 31, 2013 <u>2015</u>

<i>or individual who should make the determination of whether the complaint should be investigated criminally. The policy will be revised to require the completion of an administrative investigation, irrespective of the initiation or outcome of criminal proceedings.</i>			service and roll call/commanders call training Yearly review of policies. Quarterly review commencing on November 30, 2012, of files in IAU and zones to ensure compliance. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.			
Paragraph 54 - <i>In each investigation, the VIPD will consider all relevant evidence including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations, if feasible. There will be no automatic preference for an officer's statement</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training <u>Initial training</u> completed for supervisors on each district.	Competency <u>Incorporate competency</u> -based training of all investigators by November 30, 2012. By November 30, 2012, <u>January 31, 2014</u> implement <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system).	In completed investigations, all relevant and appropriate evidence identified in ¶ 54 of the Consent Decree has been considered and documented. <u>Completed investigations reflect</u>	Head of Citizens <u>Citi</u> zens' Complaint Committee	October 31, 2013 <u>2015</u>

<p>over a non-officer's statement, nor will the VIPD completely disregard a witness' statement merely because the witness has some connection to the complainant. The VIPD will make efforts to resolve material inconsistencies between witness statements.</p>			<p>RefresherConduct refresher training on policies ongoing, through documented, <u>ongoing</u> periodic in-service and roll call/commanders call training</p> <p>Yearly review of policies.</p> <p>Monthly review files at zone and IAU to ensure compliance</p> <p>By June 30<u>October 31</u>, 2013, in consultation with DOJ, implement<u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013, implement</u> audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files-). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p><u>that a supervisor did not give an automatic preference for an officer's statement over a non-officer's statement.</u></p> <p><u>Completed investigations reflect that a supervisor has not disregarded a witness' statement because the witness has a connection to the complainant.</u></p> <p><u>VIPD investigators have made efforts to resolve material inconsistencies between witness statements and have been trained on ways to do this.</u></p>		
<p>Paragraph 55 - During an investigation, all relevant police activity,</p>	<p>Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.</p>	<p>Training<u>Initial</u> training completed for supervisors on</p>	<p>Competency<u>Incorporate competency</u>-based training of all investigators by</p>	<p><u>In investigations, there is documented evidence that all</u></p>	<p>Head of Citizens<u>Citi</u>zens'</p>	<p><u>October 31, 2013</u><u>2015</u></p>

<i>including each use of force (i.e., not just the type of force complained about) will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident. The VIPD will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury or the complainant will not provide additional statements or written statements; rather, the investigating agency will continue its investigation as necessary to determine whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will</i>		both districts.	<p>November 30, 2012</p> <p>By November 30, 2012, implement<u>January 31, 2014</u> improve tracking system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>Refresher<u>Conduct refresher</u> training on policies ongoing, through documented, periodic in-service and roll call/commanders call training</p> <p>Yearly review of policies.</p> <p>Monthly review of files along with IAU agents monthly to ensure compliance by commanders or heads</p> <p>By June 30<u>October 31</u>, 2013, in consultation with DOJ, <u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory</p>	<p><u>misconduct revealed by the investigation, whether part of the initial allegation or discovered during the investigation, has been reasonably investigated and addressed.</u></p> <p><u>In completed investigations, the investigative reports include documentation that the supervisor has evaluated any searches or seizures that occurred during the incident.</u></p> <p><u>In completed investigations, a supervisor has ensured the continuation of every investigation – even when the complaint is withdrawn, or the alleged victim is unwilling or unable to provide medical records or proof of injury, or the</u></p>	Complaint Committee	
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<i>not be considered as evidence of whether a VIPD officer used or did not use a type of force, nor will it justify discontinuing the investigation.</i>			files-). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.	<u>complainant will not provide additional statements or written statements – until the VIPD has determined whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available.</u> <u>In completed investigations, a supervisor has not considered the fact that a complainant pled guilty or was found guilty of an offense as evidence of whether a VIPD officer used or did not use a type of force, or as a justification for discontinuing the investigation.</u> <u>In completed investigations, the elements identified in paragraph 55 of the Consent Decree have been considered.</u>		
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					<u>analyzed and documented.</u>		
Paragraph 56 - <i>The complainant will be periodically kept informed regarding the status of the investigation. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Training <u>Initial training</u> completed for supervisors on both districts.	Refresher <u>Conduct refresher training on policies</u> ongoing , through documented, <u>ongoing</u> periodic in-service and roll call/commanders call training. By November 30, 2012, <u>monthly</u> December 31, 2013, <u>and quarterly thereafter,</u> conduct review of files to determine whether complainants are been <u>being</u> notified and implementation of timelines for <u>notification</u> the status and sample notification letter <u>completion of the investigation, as required by Paragraph 56.</u> <u>By December 31, 2013, conduct quarterly audits to assess timeliness of completion of citizen complaint investigations.</u>	<u>In investigations, the VIPD has kept complainants reasonably informed about the status of the investigation of their complaints.</u> <u>In completed investigations, the VIPD notified complainants of the disposition of the investigation of their complaint, including by providing complainant with a statement about whether the VIPD took any non-disciplinary corrective or disciplinary action as an outcome of its investigation.</u>	Head of <u>Citizens</u> Citi <u>zens'</u> Complaint Committee	October 31, 2013 <u>2015</u>	

<p>Paragraph 57 - Each allegation in an investigation will be resolved by making one of the following dispositions: “Unfounded,” where the investigation determines, by a preponderance of the evidence, that no facts to support that the incident complained of actually occurred; “Sustained,” where the investigation determines, by a preponderance of the evidence, that the person’s allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper; “Not Sustained,” where the investigation determines, by a preponderance of the evidence, that there are insufficient facts to decide whether the alleged misconduct occurred; and “Exonerated,” where the investigation determines, by a preponderance of the</p>	<p>Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.</p>	<p>Training<u>Initial training</u> completed for supervisors on both districts.</p>	<p>Competency<u>Continue competency</u>-based training of all investigators by November 30, 2012, By November 30, 2012, <u>implement January 31, 2014</u> <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system). Refresher<u>Continue refresher</u> training on policies ongoing, through documented, <u>ongoing</u> periodic in-service and roll call/commanders call training. Yearly review of policies. Quarterly inspections of IAU and zone files By June 30<u>October 31</u>, 2013, in consultation with DOJ, <u>finalize Audit Plan.</u> <u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory</p>	<p><u>Investigations have been resolved by making one of the dispositions identified in Paragraph 57 of the Consent Decree.</u></p>	<p>Head of CitizensCiti<u>zens’</u> Complaint Committee</p>	<p>October 31, 2013<u>2015</u></p>
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evidence, that the alleged conduct did occur but did not violate VIPD policies, procedures, or training.			files-). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.			
Paragraph 58 – 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.	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	<u>Training-Initial training</u> completed training for supervisors on both districts.	<u>Competency</u> <u>Continue to incorporate competency-</u> based training of all investigators <u>by November 30, 2012.</u> By <u>November 30, 2012,</u> <u>implement</u> <u>January 31, 2014</u> <u>improve tracking</u> system to ensure all staff are trained on policies <u>(i.e., a tracking system).</u> <u>Refresher</u> <u>Conduct refresher</u> training on policies <u>ongoing,</u> through documented, periodic in-service and roll call/commanders call	<u>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.</u> <u>In completed investigations into allegations of misconduct, there is documentation indicating that a supervisor has</u>	Head of <u>CitizensCiti</u> zens' Complaint Committee	October 31, <u>2013</u> <u>2015</u>

				<p>training</p> <p>Yearly review of policies.</p> <p>Monthly<u>Quarterly</u> review of files incompleted IAU and zone files<u>investigations</u>.</p> <p>By June 30<u>December 31</u>, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p><u>evaluated underlying problems and training needs, if any.</u></p> <p><u>Any identified problems and/or training needs have been relayed to the appropriate VIPD entity.</u></p> <p><u>In cases where there is a determination that modification to or additional training is required, there is documented evidence that VIPD has implement additional training</u></p> <p><u>In cases where the VIPD identified policy or equipment deficiencies, there is documented evidence that corrective measures were implemented.</u></p>		
	MANAGEMENT AND SUPERVISION						
	A. Risk Manageme nt system						

<p>Paragraph 59 - <i>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.</i></p>	<p>Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012, Data Input Plan, and Blue Team Protocol have been approved.</p>	<p>Training for Blue Team is ongoing and will be completed by January 31, 2013. Officers are currently using Blue Team.</p>	<p>Internal Affairs and MIS have chosen a computerized database, IAPRO, to assist in the supervision and management. Currently Supervisors and Commanders, etc. are in the process of completing all the Use of Force reports required for bringing the Department up to date for 2012. At least once per month, the Deputy Chief during Commander Call, will address Decree compliance issues, including timely completion of use of force reports commencing November 30, 2012 and on an ongoing basis.</p>	<p><u>IAPRO, a computerized database, is currently being used to assist in supervision and management for VIPD's risk management system.</u></p>	<p><u>See Paragraphs 60-68, below.</u></p> <p><u>VIPD shall ensure that it regularly uses the data in the RMS system 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.</u></p>	<p>Head of Management and Supervision Committee</p>	<p>October 31, 2013<u>2015</u></p>
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				<p>Working group members will conduct regular reviews, but no less frequently than weekly, commencing November 30, 2012 to ensure that all Blue Team programs are installed on all Zone Command computers and are also fully functioning.</p> <p>To ensure compliance with the Blue Team protocols, and the PDN process and to increase usage, working group members will be scheduling times to observe roll calls and to ensure that these matters are discussed via roll calls. Blue Team technical issues will be resolved,</p>				
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				<p>training will be ongoing, and all districts will receive a round of training by January 31, 2013.</p> <p>By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties.</p> <p>By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. This</p>				
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				ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. Initial EIP and Blue Team training has been completed. Refresher training will be completed annually.			
Paragraph 60 – <i>The new risk management system will collect and record the following information:</i> <i>a. all uses of force;</i> <i>b. canine bite ratios;</i> <i>c. the number of canisters of chemical spray used by officers;</i> <i>d. all injuries to prisoners;</i> <i>e. all instances in which force is used and a subject is charged with “resisting arrest,” “assault on a</i>	Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012, <u>Data Input Plan, and Blue Team Protocol have been approved.</u>		Training for Initial EIP and Blue Team is ongoing and training has been completed. Refresher training will be completed by January 31, 2013. Officers are currently using Blue Team annually.	Internal Affairs and MIS have chosen a computerized database, IAPRO, to assist in the supervision and management. Currently Supervisors and Commanders, etc. are in the process of completing all the Use of Force reports required for bringing the Department up to date for 2012. Officers will continue to enter use of force reports via Blue Team.	<u>RRR forms are completed for all uses of force as required by VIPD policy. RRR forms are entered into the RMS with a reasonable level of accuracy and completeness.</u> <u>Canine deployments are entered into RMS with a reasonable level of accuracy and</u>	Head of Management and Supervision Committee	October 31, 2013 <u>2015</u>

<p><i>police officer,”</i> <i>“disorderly conduct,” or</i> <i>“obstruction of</i> <i>official business;”</i> <i>f. all critical firearm</i> <i>discharges, both on-duty</i> <i>and off-duty;</i> <i>g. all complaints (and</i> <i>their dispositions);</i> <i>h. all criminal</i> <i>proceedings initiated, as</i> <i>well as all civil or</i> <i>administrative claims filed</i> <i>with, and all civil lawsuits</i> <i>served upon, the Territory</i> <i>and its officers, or agents,</i> <i>resulting from VIPD</i> <i>operations or the actions</i> <i>of VIPD personnel;</i> <i>i. all vehicle pursuits;</i> <i>j. all incidents involving</i> <i>the pointing of a firearm</i> <i>(if any such reporting is</i> <i>required); and</i> <i>k. all disciplinary action</i> <i>taken against officers.</i></p>			<p><u>Working</u> <u>Canine policy has been</u> <u>revised to capture canine</u> <u>deployments. By December</u> <u>31, 2013, VIPD will begin to</u> <u>collect canine deployments</u> <u>and will enter this data into</u> <u>IAPro to be able to document</u> <u>bite ratios.</u></p> <p><u>VIPD has requested from the</u> <u>VIAG civil and</u> <u>administrative claims (h)</u> <u>involving VIPD officers</u> <u>acting in their official</u> <u>capacities. VIPD will input</u> <u>data in the RMS received</u> <u>from VIDOJ by December</u> <u>31, 2013.</u></p> <p><u>All other categories of data</u> <u>listed in paragraph 60 are</u> <u>being collected and entered</u> <u>into the RMS.</u> <u>Input of historical data is</u> <u>ongoing. This requires</u> <u>allocation of sufficient staff</u> <u>to input this data.</u></p> <p><u>By October 31, 2013, in</u> <u>consultation with DOJ,</u> <u>finalize Audit Plan.</u></p>	<p><u>completeness.</u></p> <p><u>Canine deployments</u> <u>resulting in a bite are</u> <u>entered into RMS with</u> <u>a reasonable level of</u> <u>accuracy and</u> <u>completeness.</u></p> <p><u>RMS provides</u> <u>statistical analyses of</u> <u>canine bite ratio or the</u> <u>data necessary to</u> <u>compute such ratio.</u></p> <p><u>Canisters of chemical</u> <u>spray issued to officers</u> <u>will be entered into</u> <u>RMS, including the</u> <u>date of issuance and</u> <u>date of expirations of</u> <u>the chemical spray,</u> <u>with a reasonable level</u> <u>of accuracy and</u> <u>completeness.</u></p> <p><u>In consultation with</u> <u>the Use of Force</u> <u>Working Group, the</u> <u>VIPD has developed a</u> <u>process to track the</u> <u>amount of OC spray</u> <u>used by officers.</u></p> <p><u>Injuries to prisoners</u></p>		
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				<p><u>By December 31, 2013 and quarterly thereafter, working group members will conduct bi-monthly review commencing November 30, 2012 to to ensure compliance with A through K:</u></p> <p><u>Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013.</u></p> <p><u>By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historie data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties.</u></p> <p><u>By June 30, 2013, in consultation with DOJ, and implement audit tools to ensure <u>that</u> staff are complying with the policies.</u></p>	<p><u>will be entered into RMS with a reasonable level of accuracy and completeness.</u></p> <p><u>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,” are entered into RMS with a reasonable level of accuracy and completeness.</u></p> <p><u>Firearm discharges, whether on or off-duty, are entered into RMS with a reasonable level of accuracy and completeness.</u></p> <p><u>Complaints are entered into RMS with a reasonable level of accuracy and completeness.</u></p> <p><u>Dispositions of such complaints are entered</u></p>	
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				<p>This ensures periodic quality checks on data entered.</p> <p>Also<u>This also</u> ensure that lapses in policy implementation are addressed by <u>a</u> system of documented discipline and/or re-training.</p>	<p><u>into RMS with a reasonable level of accuracy and completeness.</u></p> <p><u>Criminal proceedings initiated, civil or administrative claims filed, and civil lawsuits served against the Territory, the VIPD, and its Officers resulting from VIPD operations will be entered in RMS with a reasonable level of accuracy and completeness.</u></p> <p><u>Vehicle pursuits are entered into RMS with a reasonable level of accuracy and completeness.</u></p> <p><u>Incidents involving the pointing of a firearm at a human being are entered into RMS with a reasonable level of accuracy and completeness</u></p>		
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					<u>In instances in which the VIPD has taken disciplinary action against officers, this information is entered in RMS with a reasonable level of accuracy and completeness.</u>		
Paragraph 61 – <i>The new risk management system will include, for the incidents included in the database, appropriate identifying information for each involved officer (e.g., name, badge number, shift and supervisor) and civilian (e.g., race, ethnicity or national origin, if available).</i>	Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012. <u>Data Input Plan, and Blue Team Protocol have been approved.</u>	Training for Initial EIP and Blue Team, PDN Usage, IAPRO is ongoing and training has been completed. Refresher training will be completed by January 31, 2013. Officers are currently using Blue Team annually.	All officers have been assigned a PDN. Working group members will conduct bi-monthly <u>quarterly</u> review commencing November 30, 2012 <u>and report the results of their review by December 31, 2013, and quarterly thereafter to ensure compliance with A through K.</u> Working group members	<u>VIPD has established a uniform method of identifying sworn personnel and applicable civilian employees to ensure accurate identification and tracking of all employee conduct.</u> <u>In incidents included in the database, the name and unique identifier for each involved officer has</u>	Head of Management and Supervision Committee	October 31, 2013 <u>2015</u>	

				<p>will be scheduling times to observe roll calls and to ensure that these matters officers are discussed via roll calls and commanders calls.</p> <p>Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013.</p> <p>By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient including appropriate identifying information in the risk management system, including utilizing PDN numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties, as required by Paragraph 61.</p>	<p><u>been entered with a reasonable level of accuracy and completeness.</u></p> <p><u>In incidents included in the database, the appropriate identifying information (e.g., name, ethnicity or national original), if available, for each involved civilian has been entered with a reasonable level of accuracy and completeness.</u></p> <p><u>In incidents included in the database, the shift and assignment for each on-duty supervisor has been entered with a reasonable level of accuracy and completeness.</u></p>		
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			<p>By June 30<u>October 31</u>, 2013, in consultation with DOJ, <u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013,</u> 2013, implement audit tools to ensure staff are complying with the policies <u>and appropriate identifying information for each officer and civilian are included in the database.</u> This ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>			
<p>Paragraph 62 – <i>Within 120 days of the implementation of the new risk management system, or later with the agreement of DOJ, the VIPD will prepare, for the review and approval of DOJ, a plan for including appropriate fields and values of new and historical data into the</i></p>	<p>Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012., <u>Data Input Plan, and Blue Team Protocol have been approved.</u></p>	<p>Training for Initial EIP and Blue Team, PDN Usage, LAPRO is ongoing and training has been completed. <u>Refresher training will be completed by January 31, 2013. Officers are currently using Blue Team.</u></p>		<p>Data Input Plan and RMS protocol/policy has been resubmitted and is awaiting approval from Department of Justice <u>VIPD has received DOJ's approval for its Data Input Plan.</u></p> <p><u>The Data Input Plan</u></p>	Head of Management and Supervision Committee	<p>October 31, 2013<u>2015</u></p>

<i>risk management system (the “Data Input Plan”). The Data Input Plan will identify the data to be included and the means for inputting such data (direct entry or otherwise), the specific fields of information to be included, the past time periods for which information is to be included, the deadlines for inputting the data, and the responsibility for the input of the data. The Data Input Plan will include historical data that is up-to-date and complete in the risk management system. The VIPD and DOJ will together seek to ensure that the protocol receives final review and approval within 30 days after it is presented for approval.</i>		<u>annually.</u>		<u>contains the elements required in Paragraph 62.</u>		
Paragraph 63 – <i>The VIPD will, within 120 days, prepare for the review and approval of DOJ, and thereafter</i>	Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012, Data Input Plan, and Blue Team Protocol have been approved.	Training for Initial EIP and Blue Team, PDN Usage, IAPRO is ongoing and training has	Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January By	<u>VIIPD has received approval from DOJ, and implemented a protocol for using the</u>	Head of Managem nt and Supervision Committee	October 31, 2013 <u>2015</u>

<i>implement, a protocol for using the risk management system. The VIPD will submit for the review and approval of DOJ all proposed modifications to the protocol prior to implementing such modifications.</i>		<u>been completed. Refresher training</u> will be completed <u>by January 31, 2013. Officers are currently using Blue Team. annually.</u>	<u>October 31, 2013:-</u> <u>By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historie data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties.</u> <u>By June 30, 2013, in consultation with DOJ, finalize Audit Plan.</u> <u>By December 31, 2013,</u> implement audit tools to ensure staff are complying with the policies. This ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. <u>Data Input Plan and RMS protocol/policy has been</u>	<u>RMS.</u> <u>The VIPD has audited the RMS and confirmed that its use reflects the requirements of the protocol.</u> <u>VIPD submits to DOJ for review and approval all proposed modifications to the protocol before implementation.</u>		
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					resubmitted and is awaiting approval from Department of Justice			
Paragraph 64 – <i>The protocol for using the risk management system will include the following provisions and elements:</i> <i>a. The protocol is comprised of the following components: data storage, data retrieval, reporting, data analysis, pattern identification, supervisory assessment, supervisory intervention, documentation and audit.</i> <i>b. The protocol will require the automated system to analyze the data according to the following criteria: i) number of incidents for each data category by individual officer and by all officers in a unit; ii) average level of activity for each data category by individual officer and by all officers in a unit; and iii) identification of patterns</i>	Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012, Data Input Plan, and Blue Team Protocol have been approved.	Training for Blue Team, PDN Usage, IAPRO is ongoing and will be completed by January 31, 2013. Officers are currently using Blue Team.	Data Input Plan <u>Initial EIP</u> and RMS protocol/policy has been resubmitted and is awaiting approval from Department of Justice Working group members will conduct bi-monthly review commencing November 30, 2012 to ensure compliance with A through K. Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of <u>has been</u>		<u>The VIPD has received DOJ approval of a protocol with the components identified in ¶64 of the Consent Decree.</u>	Head of Management and Supervision Committee	October 31, 2013 <u>2015</u>	

<p><i>of activity for each data category by individual officer and by all officers in a unit.</i></p> <p><i>c. The protocol will require the system to generate reports on a monthly basis describing the data and data analysis and identifying individual and unit patterns.</i></p> <p><i>d. The protocol will require that VIPD deputy chiefs, managers, and supervisors will review, on a regular basis but not less than quarterly, system reports, and will evaluate individual officer, supervisor, and unit activity.</i></p> <p><i>e. The protocol will require that VIPD deputy chiefs, managers, and supervisors initiate intervention for individual officers, supervisors and for units based on appropriate activity and pattern assessment of the information contained in</i></p>			<p>completed. Refresher training by January 31, 2013.</p> <p>By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties.</p> <p>By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy</p>				
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<p><i>the risk management system.</i></p> <p><i>f. The protocol will require that intervention options include discussion by deputy chiefs, managers, supervisors, and officers; counseling; training; and supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system (appropriate intervention options will be employed based on the evaluation described in subsection (e) above).</i></p> <p><i>g. The protocol will specify that actions taken as a result of information from the risk management system be based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely on the number</i></p>			<p>implementation are addressed by system of documented discipline and/or re-training. will be completed annually.</p>				
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<p><i>or percentages of incidents in any category of information recorded in the risk management system.</i></p> <p><i>h. The protocol will require that VIPD deputy chiefs, managers, and supervisors. will promptly review the risk management system records of all officers recently transferred to their sections and units.</i></p> <p><i>i. The protocol will require that VIPD deputy chiefs, managers, and supervisors be evaluated on their ability to use the risk management system to enhance effectiveness and reduce risk.</i></p> <p><i>j. The protocol will require that the system be managed and administered by the Internal Affairs Unit of the VIPD. The IAU of the VIPD will conduct quarterly audits of the system to ensure action is taken</i></p>							
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<p>according to the process described above.</p> <p>k. The protocol will require regular reviews, at no less than quarterly intervals, by appropriate managers of all relevant risk management system information to evaluate officer performance territory-wide, and to evaluate and make appropriate comparisons regarding the performance of all VIPD units in order to identify any significant patterns or series of incidents.</p>							
<p>Paragraph 65 – The VIPD will maintain all personally identifiable information about an officer included in the risk management system during the officer’s employment with the VIPD for at least five years. Information necessary for aggregate statistical analysis will be</p>	<p>Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012, Data Input Plan, and Blue Team Protocol have been approved.</p>	<p><u>Initial EIP and Blue Team Training for Blue Team, PDN Usage, IAPRO is ongoing and has been completed. Refresher training will be completed by January 31, 2013. Officers are currently using</u></p>	<p>Data Input Plan and RMS protocol/policy has been resubmitted and is awaiting approval from Department of Justice.</p> <p><u>Quarterly review commencing November 30, 2012 will be conducted By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</u></p>	<p><u>The information required by ¶ 65 is entered and appropriately maintained with a reasonable level of accuracy and completeness.</u></p> <p><u>Complete the test of a beta version of RMS as</u></p>	<p>Head of Management and Supervision Committee</p>	<p>October 31, <u>2013</u>2015</p>	

<p><i>maintained indefinitely in the risk management system. On an ongoing basis, the VIPD will enter information into the risk management system in a timely, accurate, and complete manner, and maintain the data in a secure and confidential manner.</i></p>		<p><u>Blue Team annually.</u></p>	<p><u>Conduct weekly inspections to ensure compliance.</u></p> <p><u>that all Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013.</u> programs are installed on all Zone Command computers and are also fully functioning.</p> <p><u>By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties.</u></p> <p><u>By June 30/December 31, 2013, in consultation with DOJ implement audit tools/quarterly audits to ensure that information is timely and accurately entered</u></p>	<p><u>described in ¶ 64(d).</u></p> <p><u>Provide DOJ and the monitors with the opportunity to participate in the beta version testing.</u></p> <p><u>Resolve all server issues that impeded RMS from being fully operational and implemented.</u></p> <p><u>Install all hardware related to RMS and ensure that it is fully functional.</u></p> <p><u>Ensure that Blue Team is operational at all required locations.</u></p> <p><u>Supervisors and managers have received initial training on RMS.</u></p>		
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			<p><u>in the RMS and that</u> staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p><u>Working group members will be scheduling times to observe roll calls and to ensure that these matters are discussed via roll calls and commanders' calls.</u></p> <p><u>Input of historical data is ongoing and requires adequate numbers of staff for data entry.</u></p>			
<p>Paragraph 66 - <i>The new risk management system will be purchased off the shelf and customized by VIPD. Alternatively, the new risk management system may be developed and implemented according to the following schedule:</i></p> <p><i>a. Within 150 days of the</i></p>	<p>Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012., <u>Data Input Plan, and Blue Team Protocol have been approved.</u></p>	<p>Training<u>Initial training</u> for Blue Team, PDN Usage, IAPRO is ongoing<u>usage</u>, and RMS has been <u>completed.</u> <u>Refresher training for Blue Team and RMS</u> will be completed by</p>	<p>IAPRO database is being utilized and the Blue Team system is continuously progressing toward completion. The installation of the program was completed on 3/23/10 at the Internal Affairs Bureau on St. Thomas.</p>	<p><u>Complete the test of a beta version of RMS as described in ¶ 64(d).</u></p> <p><u>Provide DOJ and the monitors with the opportunity to participate in the beta version testing.</u></p>	Head of Management and Supervision Committee	October 31, 2013 <u>2015</u>

<p><i>effective date of this Agreement, subject to the review and approval of DOJ, the VIPD will issue a Request for Proposal (RFP).</i></p> <p><i>b. Within 270 days of the issuance of the RFP, or later with the agreement of DOJ, the VIPD will select the contractor to create the risk management system.</i></p> <p><i>c. Within 150 days of the effective date of this Agreement, the VIPD will submit the protocol for using the risk management system to DOJ for review and approval. The VIPD will share drafts of this document with DOJ and the Monitor (a position described in Section VII) to allow DOJ and the Monitor to become familiar with the document as it develops and to provide informal comments on it. The VIPD and DOJ will together seek to ensure that the</i></p>		<p>January 31, 2013. Officers are currently using Blue Team.</p> <p>Ensure allocation of sufficient staff to input historical and current data into IA Proannually.</p>	<p>Working group members will conduct bi-monthly a-c has been completed.</p> <p>d. By December 31, 2013 complete review commencing November 30, 2012 to ensure determine compliance with a through g. d and e.</p> <p>Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013.</p> <p>By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties.</p> <p>By June 30, 2013, in</p>			
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<i>protocol receives final approval within 30 days after it is presented for review and approval. d. Within 14 months of selecting the contractor, the VIPD will have ready for testing a beta version of the risk management system consisting of: i) server hardware and operating systems installed, configured and integrated with the VIPD's existing automated systems; ii) necessary data base software installed and configured; iii) data structures created, including interfaces to source data; and iv) the use of force information system completed, including historic data. DOJ and the Monitor will have the opportunity to participate in testing the beta version using use of force data and test data created specifically for purposes of checking the risk management system.</i>			consultation with DOJ implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. <u>Ensure sufficient staff to enter current and historical data into IAPro.</u>			
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e. The risk management system computer program and computer hardware will be operational and fully implemented within 20 months of the selection of the risk management system contractor.						
Paragraph 67 – Prior to implementation of the new risk management system, the VIPD will continue to use existing databases and resources to the fullest extent possible, to identify patterns of conduct by VIPD officers or groups of officers.	Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012. <u>Data Input Plan, and Blue Team Protocol.</u>	Training for Initial EIP and Blue Team, PDN Usage, IAPRO is ongoing and training has been completed. Refresher training will be completed by January 31, 2013. Officers are currently using Blue Team annually.	Before implementation of the new risk management system existing data bases and resources were used. VIPD will maintain documentation of how it identified and addressed patterns of officer conduct based on existing databases and resources and provide this documentation on a quarterly basis to the Monitor, starting in the 3 rd quarter of 2012. N/A	N/A	Head of Management and Supervision Committee	October 31, 2013 <u>2015</u>
Paragraph 68 – Following the initial implementation of the risk management system, and as experience and the availability of new technology may warrant,	Parties have exchanged several drafts of the Risk Management System Early Intervention Program (EIP) Policy since May 29, 2012 <u>has been approved.</u>	To be determined as the need arises.	To be determined as the need arises.	<u>VIPD receives approval from DOJ for all modifications to RMS prior to implementation.</u>	Head of Management and Supervision Committee	October 31, 2013 <u>2015</u>

<i>the VIPD may propose to add, subtract, or modify data tables and fields, modify the list of documents scanned or electronically attached, and add, subtract, or modify standardized reports and queries. The VIPD will submit all such proposals for review and approval by DOJ before implementation.</i>						
	Oversight					
Paragraph 69 – <i>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.</i>	<i>Audit Policy will be completed by November 30, 2012has been approved. Awaiting signature of Commissioner, as of September 26, 2013.</i>	<i>TrainingAll initial audit-related training will be completed by April 30October 31, 2013.</i>	<i>Finalize Audit Protocol and submit to DOJ by November 30, 2013.</i> <i>Auditors to attend training re: conducting audits by April 30, 2013.</i> <i>Train staff regarding By October 31, 2013, in consultation with DOJ, finalize Audit Plan</i> <i>By October 31, 2013, complete all audit-related training. Thereafter, conduct refresher training as necessary.</i>	<i>The VIPD has developed an audit protocol that includes a regular and fixed schedule for conducting audits to ensure that they occur sufficiently, frequently and cover all VIPD zones.</i> <i>The VIPD creates an audit capacity and identifies staff to carry out the protocol.</i> <i>Officers or supervisors charged with conducting audits have either: (a) attended and</i>	Head of Management and Supervision Committee	October 31, 2013 2015

				<p>Audit Protocol by June 30 <u>report⁷ due December 31, 2013 and quarterly thereafter.</u></p> <p>Audit will commence June 30, 2013</p> <p>By June 30, 2013, VIPD will implement systems to <u>By December 31, 2013</u> <u>VIPD will implement audit tools to ensure staff are complying with all policies and conduct use of force review on a quarterly basis. This includes periodic quality checks on data entered.</u></p> <p><u>By December 31, 2013,</u> ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p><u>By December 31, 2013,</u> <u>conduct audits to ensure compliance with the requirements for paragraph</u></p>	<p><u>successfully completed the initial in-service training on the audit protocol and demonstrated proficiency through a proficiency test(s); or (b) if the officers or supervisors charged with conducting audits have not successfully completed the required training and passed the proficiency test(s), the officers or supervisors have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</u></p> <p><u>Where officers or supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including</u></p>		
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⁷ An audit report is a comprehensive report of the results of VIPD’s audit.

				<p><u>64, regarding the RMS protocol.</u></p> <p><u>By December 31, 2013, VIPD will begin to conduct quarterly reviews to ensure that historical data required by the Data Input Plan is being entered into the RMS.</u></p> <p><u>Quarterly review of closed IAU files to ensure compliance with investigation requirements.</u></p>	<p><u>training, and disciplinary action against the officers or supervisors.</u></p> <p><u>In instances when an audit is conducted, each officer or supervisor charged with conducting the audit uses the protocol with a reasonable level of accuracy, completeness and timeliness.</u></p> <p><u>After conducting an audit, VIPD analyzes the results, identifies corrective or other action necessary as a result of the findings of the audit, and implements such action.</u></p> <p><u>The historical data required by the Data Input Plan is up-to-date with a reasonable level of accuracy and completeness.</u></p>		
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					<u>IAU conducts audits of the RMS Protocol on a quarterly basis with a reasonable level of accuracy and completeness.</u> <u>The Police Commissioner's Office, with IAU assistance, has convened, at least quarterly, a meeting of senior managers, and all other personnel the Commissioner deems necessary, to review all RMS data to evaluate officer performance territory-wide and make appropriate comparisons regarding performance of all VIPD Units to identify any significant patterns or series of incidents.</u>		
	Discipline						
	Paragraph 70 - <i>The VIPD will develop a disciplinary matrix to take into account an officer's</i>	Disciplinary <u>Policy and Matrix previously has been approved.</u> However, further revision needed. <u>Revisions will be forwarded to USDOJ by November 1, 2012.</u>	Any additional training will be completed by February 15, 2013.		Revisions to Disciplinary will be forwarded to USDOJ by November 1, 2012.	Head of Management and Supervision	October 31, 2013 <u>2015</u>

<i>violations of different rules, rather than just repeated violations of the same rule. The VIPD will further revise this matrix to increase the penalties for uses of excessive force, improper searches and seizures, discrimination, or dishonesty, to reflect the seriousness of those infractions. The revised disciplinary matrix will provide the VIPD with the discretion to impose any appropriate punishment when the VIPD believes the officer's misconduct exhibits a lack of fitness for duty. This revised matrix will be subject to the review and approval of DOJ.</i>				<div>Competency-based training of all staff by Feb. 15, 2013 and ongoing documented refresher training through in-services and roll call/commanders call.</div> <div>By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</div> <div><u>Obtained DOJ approval of a disciplinary matrix that: (a) accounts for an officer's violations of different rules, rather than just repeated violations of the same rule; (b) is revised to increase the penalties for uses of</u></div>	Committee	
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					<u>excessive force, improper searches and seizures, discrimination, or dishonesty, to reflect the seriousness of those infractions; and, (c) provides the VIPD with the discretion to impose any appropriate punishment when the VIPD believes the officer's misconduct exhibits a lack of fitness for duty.</u> <u>Adopted a disciplinary policy that guides the use of the disciplinary matrix.</u>		
Paragraph 71 – The VIPD will extend its statute of limitations for instituting disciplinary action from 50 days to 90 days. <u>Paragraph 71 - VIPD policy will identify clear time periods by which the various steps of a complaint adjudication process should be</u>	Disciplinary <u>Policy and Matrix previously has been</u> approved. However, further revision needed. <u>Revisions will be forwarded to USDOJ by November 1, 2012. Awaiting signature of Commissioner, as of September 26, 2013.</u>	Any additional <u>Initial</u> training <u>on</u> <u>Disciplinary policy and matrix</u> will be completed by February <u>December 31</u> , 2013.	Disciplinary Matrix previously approved. However, further revision needed. Revisions will be forwarded to USDOJ by November 1, 2012. Competency-based training of all staff by February <u>December 31</u> , 2013 and ongoing documented	<u>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.</u> These established time	Head of Management and Supervision Committee	October 31, 2013 <u>2015</u>	

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.			refresher training through in-services and roll call/commanders call. By June 30 <u>December 31</u> , 2013, in consultation with DOJ , implement audit tools <u>quarterly audits</u> to ensure staff are complying with the policies, including (but not limited to) review for inclusion of written Police Commissioner extension approval in investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.	<u>periods are not violated except for in exigent circumstances and with the Police Commissioner's written approval for tolling and notice to the complainant.</u>		
Paragraph 72 - 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	Disciplinary <u>Policy and Matrix previously has been approved. However, further revision needed. Revisions will be forwarded to USDOJ by November 1, 2012</u> <u>Awaiting signature of Commissioner, as of September 26, 2013.</u>	Any additional <u>Initial</u> training <u>on Disciplinary policy and matrix</u> will be completed by February 15 <u>December 31</u> , 2013.	Disciplinary Matrix previously approved. However, further revision needed. Revisions will be forwarded to USDOJ by November 1, 2012 Competency-based training of all staff by February 15 <u>December 31</u> , 2013 and ongoing documented refresher training through in-services and roll	<u>In cases where the matrix calls for discipline, discipline is imposed.</u> <u>In cases where discipline is imposed, there is evidence that the VIPD has also considered non-disciplinary corrective action.</u>	Head of Management and Supervision Committee	October 31, 2013 <u>2015</u>

<i>discipline has been imposed on the officer.</i>			call/commanders call. By June 30 <u>December 31</u> , 2013, in consultation with DOJ , implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.			
TRAINING						
Management Oversight						
Paragraph 73 – <i>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.</i>	N/A	N/A	VIPD has hired a training consultant to coordinate and review all use of force policies and All lesson plans. All Lesson Plans for the In-Service Training have been completed <u>and were forwarded to the VIAG and approved by the Director of Training.</u> On an ongoing basis, continue to consult with counsel to ensure compliance with Territorial law. <u>Finalize Training on</u> Audit	Training Director <u>VIPD has coordinated and reviewed all use of force policies at least annually and the Training Division has reviewed, at least semi-annually, all training to ensure quality, consistency, and compliance with applicable law and VIPD policy.</u> <u>The Director of Training provides written approval for all changes to previously</u>	<u>Training Director</u>	October 31, 2013 <u>201</u> <u>5</u>

				<p><u>Policy completed by October 31, 2013.</u></p> <p><u>Training on Disciplinary Matrix and Protocol and submit to DOJ and the Monitors' subject matter experts by November 30, 2012.</u></p> <p><u>Auditors to attend outside training re: conducting audits completed by April 30, 2013.</u></p> <p><u>Train staff regarding Audit Protocol by June 30 December 31, 2013.</u></p> <p><u>By June 30, 2013, VIPD will implement systems to ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. Conduct yearly in-service training.</u></p> <p><u>After each training, identify individuals who did not attend training and forward information to Chief's</u></p>	<p><u>approved use of force training and provides a semi-annual report regarding any such changes and required legal approvals.</u></p>		
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				<u>Office. Chief's Office will investigate reason for no show and, where necessary impose disciplinary action and/or re-schedule training.</u>			
<p>Paragraph 74 – <i>The Director of Training, either directly or through his/her designee(s), consistent with applicable law and VIPD policy will:</i></p> <p><i>a. ensure the quality of all use of force training;</i></p> <p><i>b. develop and implement use of force training curricula;</i></p> <p><i>c. select and train VIPD officer trainers;</i></p> <p><i>d. develop, implement, approve, and oversee all in-service training;</i></p> <p><i>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;</i></p> <p><i>f. establish procedures for evaluating all training curricula and procedures;</i></p>	See paragraph 31 above.	<p>Investigating use of force training for all supervisors in both districts was held during the month of July 2012.</p> <p>40hrs in-service training was done in 2011 and now ongoing in 2012.</p> <p>All Use of Force Trainings is<u>are</u> evaluated at the end of each training session by the officers filling out an evaluation sheet. Those sheets are then <u>to be</u> reviewed by the Director and/or Designee.</p> <p>All evaluation</p>	<p>Instructor Development Course/Train the Trainer is scheduled for October 15-19, 2012 (STX), October 8-12, 2012 (STT) and will be completed by October 19, 2012.</p> <p>40hrs VIPD in consultation with VIAG shall ensure through review of lesson plans and instructional material that proper police practices are taught.</p> <p>In-Service Training was completed in 2011<u>2013</u>. <u>In service training will be completed by December 31, 2014.</u></p> <p>The Training Bureau will continue its 40hrs In-Service Training in both districts for supervisor and officers which will start on June 25, 2012 and end September 21, 2012.</p>	<p>Training Director or Designee</p> <p><u>The Director of Training and/or his/her staff reviews and approves all use of force training</u></p> <p><u>The Director of Training and/or his/her staff obtains legal review of all use of force training curricula.</u></p> <p><u>The Director of</u></p>	<u>Training Director</u>	October 31, <u>2013</u> <u>2015</u>	

<p>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.</p>		<p>sheets are filed away in a binder after the Training<u>training</u> Director and/or Designee review the sheet.</p> <p>In-Service Training still continues and is ongoing. In-Service Training Schedule 2012 is completed.</p> <p>All <u>class</u> evaluations are presently being reviewed by the Training Director or his Designee and placed in a binder at the Training Bureau in both districts. A copy of the binder was made for training records and all forms will be forwarded to the Braining Bureau</p>	<p>The Director of Training will develop and implement a tracking system to track training attendance, by November 30, 2012 and In-service training will be conducted annually. VIPD shall periodically test for proficiency on the policies.</p> <p>By June 30, 2013, VIPD will implement systems to ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p><u>Competency</u> <u>By January 31, 2014, improve the tracking system to track training attendance.</u></p> <p><u>After each training, identify individuals who did not attend training and forward information Chief's Office. Chief's Office will investigate reason for no show and, where necessary, impose disciplinary action and/or re-schedule training.</u></p>	<p><u>Training and/or his/her staff have developed and implemented use of force training curricula (including lesson plans).</u></p> <p><u>The Director of Training and/or his/her staff have developed a process to continually select and evaluate VIPD officer trainers.</u></p> <p><u>The training staff has received appropriate training and certification in the subject matter(s) that they are assigned to teach.</u></p> <p><u>The Director of Training and/or his/her staff have reviewed and provided written approval of all curricula, course schedules and lesson plans.</u></p> <p><u>The Director of Training and/or his/her staff have created and</u></p>		
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			<p>once it is completed.</p> <p>Instructors were selected and VIPD has been <u>training trained</u> supervisors and officers in the areas of:</p> <ul style="list-style-type: none"> - The Use of Force Policy - Response to Resistance Report - The Citizens <u>Citize ns</u>' Complaint Process - OC spray - impact <u>Impact</u> weapon. <p>Individuals are presently being selected and a criteria for selection of trainers has been completed.</p> <p>A new Roll Call Policy was issued.</p>	<p><u>Training will continue to incorporate competency-based training of officers and supervisors on remaining policies by Jan 31, 2013.</u></p> <p>By November 30, 2012, <u>implement January 31, 2014,</u> <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>Refresher <u>Continue refresher</u> training on policies ongoing, through documented, periodic in-service and roll call training. Incorporate</p> <p><u>Continue to incorporate</u> competency-based training on policies into Police Academy by Jan. 31, 2013.</p> <p>Yearly review of policies to <u>determine training needs.</u></p> <p>By June 30 <u>October 31</u>, 2013, in consultation with DOJ, <u>finalize Audit Plan.</u></p> <p><u>By December 31, 2013,</u> implement audit tools to</p>	<p><u>maintained a training record system that captures attendance records, instructor and student evaluations, and test results.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>The Training Director and/or his/her staff have maintained written documentation of this process.</u></p> <p><u>For the conducted</u></p>		
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<ul style="list-style-type: none"> - <u>Arrest policy</u> - <u>Firearms policy</u> - <u>Off duty policy</u> - <u>EIP</u> - <u>Vehicle Pursuit Policy</u> - <u>Spike Strip Policy</u> - <u>Tactical Operations Policy</u> - <u>Sniper Operation Policy</u> - <u>Reporting, Investigating and Review of Use of Force</u> <p>The Chief's Office has<u>will continue to maintain</u> a Roll Call Binder in the St. Croix District and the same in the St. Thomas District. A copy of all roll call trainings that are</p>	<p>ensure<u>review and analyze use of force incident reports to identify trends, training deficiencies, staff are complying/compliance/lack of compliance with the policies.</u> Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. <u>and additional needs.</u></p>	<p><u>Consent Decree related training sessions, evaluation review forms were collected from class participants. The Director of Training and his/her staff will review these evaluation forms.</u></p> <p><u>The Director of Training and/or his/her staff semi-annually will review use of force incidents to identify patterns and trends that will influence training needs. The chiefs or deputy chiefs and the Director of IAU must take part in the review.</u></p> <p><u>The Director of Training and/or his/her staff have developed, reviewed and implemented all use of force training curricula (including lesson plans).</u></p>		
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			<p>being conducted in the zones and bureaus will beare kept in that binder in the Chief's Office.</p> <p>An evaluation form was done titled "TRAINING DIVISION COURSE EVALUATION" for the purpose of evaluating all trainings conducted.</p> <p><u>At the end of each class participants are required to complete evaluation form.</u></p> <p>The Training Bureau shall create<u>will continue to use</u> a comprehensive bank of questions; to create different post-training evaluations for</p>				
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			each training class. At the end of each training, an evaluation will be done to evaluate participants. <u>the effectiveness of training.</u>				
Paragraph 75 – <i>The VIPD will continue to provide training consistent with VIPD policy, law, and proper police practices, and will ensure that only mandated objectives and approved lesson plans are taught by instructors. The VIPD will make best efforts to train each work shift as a team in their use of force training.</i>	N/A	VIPD has hired a training consultant to <u>in consultation with VIAG shall ensure through lesson plans and instructional material.</u> that proper police practices are taught. Consultant also reviews all use <u>All Lesson Plans for the in-service training have been completed and</u>	On an ongoing basis, continue to consult with counsel <u>and/or VIAG</u> to ensure compliance with Territorial law. Finalize Audit Protocol and submit to DOJ and the Monitors' subject mater experts by November 30, 2012. By <u>November 30, 2012, implement January 31, 2014</u> improve tracking system to ensure all staff are trained on policies (i.e., a tracking system).	aining Director. <u>The VIPD has delivered training that is consistent with the content of approved lesson plans.</u> <u>The Director of Training and/or his/her staff has developed a plan to provide, to the extent possible, training for each work shift as a team on use of force and implements that plan.</u>	<u>Training Director</u>	October 31, 2013 <u>2015</u>	

			<p>were forwarded to the VIAG and approved by the Director of force lesson plans. VIPD shall work to develop internal capacity to ensure that proper police practices are taught Training.</p> <p>Roll Call Training call training is currently being done and documented in all zones and are documented.</p> <p>Initial training on Disciplinary policy and matrix will be completed by December 31, 2013.</p>	<p>Auditors to attend. Conduct annual competency-based training re: conducting audits by April 30, 2013.</p> <p>Train staff regarding Audit Protocol by June 30, 2013.</p> <p>Refresher training of officers and supervisors on policies ongoing. Continue to incorporate competency-based training on policies into Police Academy.</p> <p>Competency-based training of all staff by December 31, 2013. Also continue competency-based training of all investigators.</p> <p>Conduct refresher training on policies, through documented, periodic in-service and roll call training. Incorporate</p> <p>Continue to incorporate competency-based training on policies into the Police Academy by Jan. 31, 2013.</p>	<p>Sworn personnel have either: (a) attended and successfully completed the initial in-service training each policy/protocol and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</p> <p>Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and</p>		
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				<p>Yearly review of policies <u>to determine training needs.</u></p> <p>By June 30, 2013, VIPD will implement systems to ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p><u>By December 31, 2013, where warranted, provide and document remedial training for personnel who have been identified as personnel who continually fail to report uses of force.</u></p>	<p><u>disciplinary action against the sworn personnel.</u></p> <p><u>Sworn personnel displayed knowledge and proficiency in the requirements each policy, as evidenced by compliance with the policy/protocol requirements.</u></p> <p><u>All training must comport with the requirements of the Consent Decree and be taught from curricula/lesson plans that identify training objectives; (b) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel, as appropriate.</u></p>		
<p>Paragraph 76 – The VIPD shall continue to keep adequate records of lesson plans and other</p>	N/A		All files are labeled in both districts and placed in	<p>By November 30, 2012, <u>January 31, 2014</u> implement <u>improve tracking</u> system to ensure all staff are trained on</p>	<p><u>The VIPD has established a central, commonly accessible</u></p>	<p><u>Training Director</u></p>	<p>October 31, 2013 <u>2015</u></p>

<p><i>training materials, such that the most current training documents are maintained in a central, commonly accessible file, and are clearly dated.</i></p>		<p>alphabetical order.</p> <p>Files can also be accessed by dates in the data base.</p> <p><u>Currently all folders Training files are being updated in both district on a continuous basis.</u></p>	<p>policies (i.e., a tracking system).</p> <p><u>By November 30, 2012 and on ongoing basis, provide</u> Monitors' subject matter experts with training curricula and schedules at least 15 days in advance of training, but preferably 30 days in advance.</p>	<p><u>repository for lesson plans and training materials.</u></p> <p><u>Training Director/Head materials are clearly dated.</u></p> <p><u>Training records are maintained in a central, commonly accessible repository.</u></p> <p><u>Lesson plans contain all of Administrative Officers</u></p> <p><u>e required signatures of review and approval.</u></p>		
<p>Paragraph 77 – 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</p>	N/A	<p><u>Currently all All</u> trainings that are being conducted by VIPD are being documented by a sign in sheet. If the course that the officer is being trained and maintained in is a certification course</p>	<p>By November 30, 2012, implement <u>January 31, 2014</u> <u>improve tracking</u> system to ensure all staff are trained on policies (i.e., <u>Training files are updated on a tracking system).</u></p>	<p><u>Training The</u> Director/Head of <u>Administrative Training</u> and/or his/her staff <u>has maintained current and substantially complete training records for VIPD Officers</u></p>	<p><u>Training Director</u></p>	<p>October 31, 2013 <u>2015</u></p>

<i>instructor for each officer.</i>		a copy data base. Copy of the certificate <u>issued</u> is placed in that <u>each</u> officer's file. The training academy has a copy of all lesson plans and certification in each instructor's folder. Files can also be accessed by dates in the Data Base.	<u>continuous basis as offices are trained.</u>			
Paragraph 78 – <i>The Training Director, in consultation with the Attorney General's Office, will review all use of force training and use of force policies on a regular basis to ensure compliance with applicable laws and VIPD policy.</i>		All <u>use of force policies and lesson plans</u> have been <u>reviewed</u> approved by DOJ <u>VIAG</u> and have also been reviewed <u>approved</u> by the training consultant and the training director <u>Training Director</u> .	<u>On an ongoing basis, VIPD will continue to consult with VI AG to ensure that all use of force training and use of force policies are in compliance with applicable laws and VIPD policy.</u>	by November 30, 2012, <u>The Training Director and on an ongoing basis, VIPD shall consult</u> <u>or his/her staff, in consultation with VI AG to ensure that the Attorney General's Office, has reviewed all use of force training and use of force-related policies are in and training curricula/lessons plans</u>	Training Director	October 31, <u>2013</u> <u>2015</u>

					<p><u>regularly (i.e., at least semi-annually) to ensure compliance with applicable laws and VIPD policy and there is documentation of this review.</u></p> <p><u>Force-related training curricula/lesson plans adequately incorporate critical thinking, decision-making instruction, applicable law(s) and VIPD policy.</u></p> <p><u>The VIPD follows a process by which the Attorney General's Office reviews any additions, changes, and/or modifications regarding use of force training or policies to ensure compliance with any applicable laws.</u></p> <p><u>Force-related policies and training curricula/lesson plans have received at least</u></p>		
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					<u>annual review by the Attorney General's Office and those reviews are documented in writing.</u>		
Paragraph 79 – <i>The VIPD will continue to provide all recruits, officers, supervisors, and managers with annual training on use of force. Such training will include and address the following topics:</i> <i>a. the VIPD's use of force model, as described in this Agreement;</i> <i>b. proper use of force decision-making;</i> <i>c. the VIPD's use of force reporting requirements;</i> <i>d. the Fourth Amendment and other constitutional requirements;</i> <i>e. examples of scenarios faced by VIPD officers that illustrate proper use of force decision-making;</i> <i>f. interactive exercises that emphasize proper use of force decision-making;</i> <i>g. de-escalation</i>		Numerous use of force training has been done since 2011 to present. The Training Bureau has purchased a new state of the art Training Lab <u>training simulator</u> from Ti Training Corp. This training tool will assist the officers in critical decision making scenarios. VIPD will begin using the training lab by November 30, 2012. <u>The training simulator will be used for training.</u>		Training Director/ Training Coordinator	<u>Training Director</u>	October 31, 2013 <u>2015</u>	

<p><i>techniques that encourage officers to make arrests without using force, and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units, or delaying arrest may be the appropriate response to a situation even when the use of force would be legally justified;</i></p> <p><i>h. threat assessment;</i></p> <p><i>i. appropriate training on conflict management.</i></p>		<p>Training will also<u>continue to</u> teach officer survival scenarios in the areas of Defensive Spray, Expandable Baton and Defensive Tactics. These types of training will check the judgments and performances of each officer.</p> <p>In-Service Training that covers the 4th Amendments applications and other Constitutional Rights have been conducted.</p> <p>Scenarios are being used as a training tool.</p> <p>Instructors have been trained in the utilization of the Training <u>Labtraining</u></p>		<p><u>At least annually, the Training Director and/or his/her staff develop a training schedule and curricula for all use of force related policies that incorporates and addresses all of the components identified in ¶ 79(a)-(i).</u></p> <p><u>At least annually, the Training Director and/or his/her staff implement that training schedule and curricula for all use of force related policies based on ¶ 79(a)-(i).</u></p> <p><u>Sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised use of force policy that includes and addresses the issues in paragraph 79(a)-(i) and demonstrated proficiency through a</u></p>		
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			<p><u>simulator.</u></p> <p>De-escalation techniques are being used as training tools.</p> <p>Training in all areas current and ongoing.</p> <p><u>VIPD will conduct in-service training annually</u></p>		<p><u>proficiency test(s); or (b) if sworn personnel in each of the categories of recruits, officers, supervisors and managers have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</u></p> <p><u>Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel. Where train-the-trainer or specific force tool</u></p>	
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					<u>certifications are required, recruits, officers, supervisors and managers have those certifications.</u>		
Paragraph 80 – <i>The VIPD will continue to provide training to all its officers on the VIPD citizen complaint process. The VIPD will develop a protocol for all its officers on appropriate conduct and responses in handling citizens’ complaints and will train officers in the protocol.</i>			Numerous training <u>trainings</u> dealing with <u>the</u> citizen complaint process has <u>have</u> been done since 2011 to <u>present</u> <u>conducted</u> .	Competency <u>VIPD will continue to utilize competency-based training of officers and supervisors on remaining policies by Jan.</u> <u>By January 31, 2013</u> By November 30, 2012, implement <u>2014 improve tracking</u> system to ensure all staff are trained on policies (i.e., a tracking system). Refresher <u>Conduct refresher</u> training on policies ongoing , through <u>ongoing</u> documented, periodic in-service and roll call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies to <u>determine training needs</u>	<u>The VIPD has developed policies or protocols related to the citizen complaint process, which address appropriate conduct and response in handling citizen complaints.</u> <u>Sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised complaint process related policy and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency</u>	<u>Training Director</u>	October 31, 2013 <u>2015</u>

				By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.	<u>test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.</u>		
Paragraph 81 – <i>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</i>			<u>Supervisors have been trained on the preponderance of evidence standard.</u> <u>By December 31, 2013, conduct annual refresher training on preponderance of</u>	Preponderance of evidence <u>Competency-based training</u> done of supervisors on 1/13/11, 10/27/11, 2/10/11, 3/3/11. Training ongoing <u>policy will continue.</u> Preponderance of Evidence	Competency-based training of supervisors on remaining policies (i.e., Investigating Misconduct and Citizen Complaints Policy) by Jan 31, 2013	Training Director /Training Coordinator	October 31, 2013 <u>2015</u>

<p><i>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.</i></p>		<p><u>the evidence standard.</u></p>	<p>and Witness Credibility<u>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</u></p> <p>Conduct refresher training was conducted on policies through documented, periodic in both districts in 2011.</p> <p>The new promotees were trained in this area in both districts.</p> <p>New promotees completed their leadership service and roll call training as part of their contract and pursuant to Consent Decree.</p> <p><u>Yearly review of policies to determine training needs.</u></p>	<p>By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>Refresher training on policies ongoing, through documented, periodic in-service and roll call training.</p> <p>Yearly review of policies.</p> <p>y June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p><u>Supervisors have (a) attended and successfully completed the initial in-service annual</u></p>		
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					<p><u>training incorporating the requirements of §§ 78-81 and demonstrated proficiency through a proficiency test(s); or (b) if VIPD supervisors have not successfully completed the required training and passed the proficiency test(s), the sworn supervisor has entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</u></p> <p><u>Where supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisors.</u></p>		
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					<u>Newly promoted supervisors have attended and successfully completed the initial training within 90 days of assuming supervisory responsibility incorporating the requirements of §§ 78-81 and demonstrated proficiency through a proficiency test(s); or (b) if newly promoted supervisors have not successfully completed the required training within 90 days of assuming supervisory responsibility and passed the proficiency test(s), the newly promoted supervisor has entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency</u>		
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					<u>test(s); or</u> <u>Where newly promoted supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the newly promoted supervisor.</u>		
	<u>Paragraph 100 - 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.</u>				<u>1. Use of Force policies (paragraph 31):</u> <u>For subsection a: Definitions of all force terms are consistent with the Consent Decree, applicable law, and generally accepted police practices.</u> <u>For subsection b: Definition of “force” comports with ¶ 21 of the Consent Decree.</u> <u>For subsection c: In</u>	<u>See above for person/group/unit responsible for each substantive paragraph</u>	<u>October 31, 2015</u>

					<p><u>use of force incidents, there is documented evidence that, as appropriate, Officers disengaged, contained the area, conducted surveillance, waited out the subject, and/or called in specialized units.</u></p> <p><u>For subsection d: In use of force incidents, there is documented evidence that, when feasible, an individual was advised that he/she is allowed to submit to arrest before force is used.</u></p> <p><u>For subsection e: See ¶ 31.</u></p> <p><u>For subsection f: 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.</u></p>		
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					<p><u>Patrol and other applicable officers carry less lethal alternatives at all times while on duty.</u></p> <p><u>For subsection g: In use of force incidents, choke holds and similar carotid holds were not used, except where deadly force was authorized. In use of force incidents where the use of force review concluded that use of choke holds or similar carotid holds were not authorized, VIPD took corrective and/or disciplinary action against the officer who used the choke hold or other carotid hold.</u></p> <p><u>VIPD immediately implements any policy revisions, once approved.</u></p> <p><u>2. Firearms policy (paragraph 39):</u></p>		
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					<p><u>Sworn personnel do not possess or use unauthorized firearms or ammunition.</u></p> <p><u>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 which includes bringing the officer's conduct into compliance with the VIPD firearms policy.</u></p> <p><u>Firearm discharges are documented on an RRR.</u></p> <p><u>Service ammunition obtained and used by officers is obtained through official VIPD channels.</u></p> <p><u>3. Off-duty policy (Paragraph 40): In reported incidents involving off-duty</u></p>		
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					<p><u>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></p> <p><u>Off-duty officers notified on-duty sworn personnel or local enforcement officers before taking police actions, except in exigent circumstances.</u></p> <p><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></p> <p><u>Completed investigations into complaints of misconduct are in compliance with the provisions of the</u></p>		
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					<p><u>Consent Decree.</u></p> <p><u>4. Investigations (Paragraph 47): 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).</u></p> <p><u>5. Investigative findings (Paragraph 52): Use of force investigations include documented findings of all of the considerations required by ¶ 52.</u></p> <p><u>6. Allegations of criminal misconduct (Paragraph 53): In investigations involving criminal</u></p>		
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					<p><u>investigations that are referred to the Attorney General’s Office or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.</u></p> <p><u>7. Elements of RMS Protocol (Paragraph 64): The VIPD has implemented a protocol for using the RMS that includes the components identified in ¶ 64(a) of the Consent Decree.</u></p> <p><u>The VIPD has implemented a protocol that includes an automated system to analyze the data according to the criteria identified in ¶ 64(b) of the Consent Decree.</u></p> <p><u>Reports are generated and distributed to</u></p>		
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					<p><u>appropriate sworn personnel (e.g., Chiefs, Deputy Chiefs, and supervisors) on a monthly basis.</u></p> <p><u>Reviews conducted by the Deputy Chiefs, managers, and supervisors comport with the RMS protocol.</u></p> <p><u>Deputy Chiefs, managers and supervisors have initiated intervention in instances based on activity and pattern assessment contained in the RMS. The chief or designee will also have overall responsibility for ensuring that interventions are initiated as appropriate.</u></p> <p><u>Interventions, as exemplified in paragraph 64 of the Consent Decree, comport with the RMS</u></p>		
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					<p><u>protocol</u></p> <p><u>Interventions are based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely on the number or percentages of incidents in any category of information recorded in the risk management system.</u></p> <p><u>In instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit have promptly reviewed the RMS records of such officers.</u></p> <p><u>The VIPD has established a protocol for evaluating whether deputy chiefs, managers and</u></p>		
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					<p><u>supervisors are able to use the RMS system to enhance effectiveness and risk.</u></p> <p><u>This evaluation protocol is followed with a reasonable level of accuracy and completeness.</u></p> <p><u>The RMS is managed and administered by IAU.</u></p> <p><u>8. Disciplinary matrix (paragraph 70):</u> <u>Disciplinary penalty decisions are consistent with the penalties set forth in the matrix.</u></p>		
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**VIRGIN ISLANDS POLICE DEPARTMENT
CONSENT DECREE ACTION PLAN
OCTOBER 1, 2013**

CONSENT DECREE PARAGRAPH	POLICY	TRAINING	ACTION/ REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	PERSON/ GROUP/ UNIT RESPONSI- BLE	SUBSTAN- TIAL COM- PLIANCE DEALINE
USE OF FORCE POLICIES						
Paragraph 31- <i>The VIPD will review and revise its use of force policies as necessary to:</i> <i>a. define terms clearly;</i> <i>b. define force as that term is defined in this Agreement;</i> <i>c. incorporate a use of force model that teaches disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units as appropriate responses to a situation;</i> <i>d. advise that, whenever possible, individuals should be allowed to submit to arrest before force is used;</i> <i>e. reinforce that the use of</i>	Use of Force Policies approved and signed off by Commissioner includes: 3.1 Use of Force 3.2 Reporting, Investigating and Review of Force 3.4 Firearms Policy 3.5 Impact Weapons 3.6 Electronic Control Weapon 3.7 OC Spray 3.8 Off-Duty Policy 3.9 Vehicle Pursuit Policy 3.10 Spike Strip 3.11 Canine Operations 3.12 Tactical Operations 3.13 Sniper Operations Training has been	Initial training has been completed on the use of force policies as provided in this paragraph. Refresher training is also on-going during in-service training modules.	Yearly review of policies.	Obtained DOJ approval for all use of force policies that require DOJ approval. Approved policies are distributed to sworn personnel and applicable civilian employees. ¹	Head of Use of Force Working Group	October 31, 2015

¹ For paragraphs 31, 39, 40, 47, 50, 52, 53, 62, 64, and 70, training requirements will be measured under paragraph 75; and audit and implementation requirements will be measured under paragraph 100.

<i>excessive force will subject officers to discipline, possible criminal prosecution, and/or civil liability;</i> <i>f. ensure that sufficient less lethal alternatives are available to all patrol officers; and</i> <i>g. explicitly prohibit the use of choke holds and similar carotid holds except where deadly force is authorized.</i> <i>Once the DOJ has reviewed and approved these policies, the VIPD shall immediately implement any revisions.</i>	completed on the foregoing policies.					
EVALUATION, DOCUMENTATION, AND REVIEW OF USE OF FORCE						
Paragraph 32 – 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	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	Initial officer and supervisor training on policies completed with refresher training on-going during in-service training modules.	Yearly review of policies. By January 31, 2014 improve tracking system to ensure all staff are trained on policies. Ensure that the Virgin Islands’ Attorney General’s Office, VIPD’s counsel, ² the Training Working	Use of force incidents have been documented in an RRR and investigated by a supervisor. RRRs will include each of the requirements identified in ¶ 32 of the Consent Decree.	Head of Use of Force Working Group	October 31, 2015

²This requirement applies only insofar as the position of VIPD counsel is filled.

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.			<p>Group, and the Use of Force Working Group review all use of force policies.</p> <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <p>Continue to incorporate competency-based³ training on policies into Police Academy.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.⁴</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As and arrest reports to ensure RRRs are completed) and conduct use of force review on a quarterly basis.</p> <p>By December 31, 2013 ensure that audits audit the timeliness of completion of use of force investigations.</p>	<p>In use of force incidents, there is evidence that corrective action was taken against the sworn personnel whose use of force documentation failed to meet the requirements of the Consent Decree.</p> <p>Uses of force comply with applicable law.</p>		
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³ “Competency-based training” means the provision of knowledge and skills sufficient to enable the trained person to demonstrate compliance with specified performance standards.

⁴ The Audit Plan is a document describing at a high level how VIPD will conduct audits for the general areas of the Consent Decree.

			By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or otherwise fail to follow the policy and provide and document discipline and/or remedial training.			
Paragraph 33 - 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.	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	Initial training on policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.	Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training. Continue to incorporate competency-based training on policies into Police Academy. Yearly review of policies. By January 31, 2014, improve tracking system to ensure all staff are trained on policies. By June 30, 2014, VIPD will provide USDOJ with a comprehensive report regarding: (1) the actions it has taken to obtain appropriate number of supervisory personnel to carry out the mandates of the Consent Decree, and (2) any additional steps necessary to ensure a sufficient number of supervisors.	The officer using force notified his/her supervisor as required by VIPD policy. Where a supervisor was notified of the use of force by an officer, he/she responded to the scene in a reasonable amount of time, as required by VIPD policy. In incidents where the supervisor responded to the scene, he/she conducted a complete investigation, including examining the subject for injury, interviewing the subject for complaints of pain, and ensuring that the subject received any needed medical attention. All training must comport with the requirements of the	Head of Use of Force Working Group	October 31, 2015

⁵ This requirement applies to Consent-Decree related training.

			<p>By February 1, 2014, VIPD will provide USDOJ with an interim report addressing the above issues.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As, arrest reports and RRRs) and conduct use of force review on a quarterly basis. By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force and provide and document discipline and/or remedial training.</p>	Consent Decree, and be taught from curricula/lesson plans that: (a) identify training objectives; (b) incorporate, to the extent possible, adult learning techniques (<i>e.g.</i> , class exercises); and (c) indicate that it has been reviewed by legal counsel, as appropriate. ⁵		
<p>Paragraph 34 – 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</p>	<p>3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.</p>	<p>Initial training on policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.</p>	<p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</p> <p>Conduct refresher training on policies, through documented, ongoing periodic in-service and roll call/commanders call training.</p> <p>Continue to incorporate competency-based training on policies into Police Academy.</p>	<p>In reportable use of force incidents, the investigating supervisor had no involvement in the incident (<i>i.e.</i>, 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).</p>	Head of Use of Force Working Group	October 31, 2015

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.			<p>Yearly review of policies.</p> <p>By June 31, 2014, VIPD will provide USDOJ with a comprehensive report regarding: (1) the actions it has taken to obtain appropriate number of supervisory personnel to carry out the mandates of the Consent Decree and (2) any additional steps necessary to ensure a sufficient number of supervisors.</p> <p>By February 1, 2014, VIPD will provide USDOJ with an interim report addressing the above issues.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 1, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As, arrest reports and RRRs) and conduct use of force reviews on a quarterly basis.</p> <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify supervisors who neglect their responsibilities to investigate as required by policy and provide</p>	<p>In reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of ¶ 31 of the Consent Decree.</p> <p>In 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 ¶ 34 of the Consent Decree.</p>		
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			and document discipline and/or remedial training.			
<p>Paragraph 35 – The parties agree that it is improper interview procedure during use of force investigations to ask officers or other witnesses leading questions that improperly suggest legal justifications for the officer’s conduct when such questions are contrary to appropriate law enforcement techniques. In each review/investigation, the VIPD will consider all relevant evidence including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations, if feasible. The VIPD will make all reasonable efforts to resolve material inconsistencies between witness statements. The VIPD will train all of its supervisors and officers assigned to conduct use of force investigations in conducting use of force investigations, including in the factors to consider when evaluating credibility.</p>	<p>3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.</p>	<p>Initial training on policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.</p>	<p>Conduct refresher training on policies through documented, periodic in-service training.</p> <p>By January 31, 2014, improve tracking system to ensure all staff are trained on policies.</p> <p>Yearly review of policies.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files) and conduct use of force review on a quarterly basis.</p> <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force and provide and document discipline and/or remedial training</p>	<p>In interviews conducted during use of force reviews, leading questions were avoided.</p> <p>In investigations where material inconsistencies are present between witness statements, reasonable efforts are made to resolve the inconsistencies.</p> <p>In 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.</p> <p>When evaluating witness credibility, appropriate factors are considered and documented.</p> <p>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</p>	<p>Head of Use of Force Working Group</p>	<p>October 31, 2015</p>

				witness credibility.		
<p>Paragraph 36 – 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.</p>	<p>3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.</p>	<p>Initial training on policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.</p>	<p>Conduct refresher training on policies through documented, periodic in-service training.</p> <p>By January 31, 2014, improve tracking system to ensure all staff are trained on policies (i.e., a tracking system).</p> <p>Yearly review of policies.</p> <p>By October 31, 2013, in consultation with DOJ finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files) and conduct use of force review on a quarterly basis.</p> <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force and provide and document discipline and/or remedial training</p>	<p>In reportable use of force incidents, all involved officers are identified in the investigating supervisor’s reports.</p> <p>In reportable use of force incidents, all witnesses, to the extent practicable, are identified in the investigating supervisor’s reports.</p> <p>In reportable use of force incidents, the investigating supervisor ensured that efforts were made to identify and interview witnesses, and documented these efforts.</p> <p>In reportable use of force incidents that resulted in injuries, the investigating supervisor documented the extent of the injuries and any medical treatment rendered in a manner that comports with ¶ 36 of the Consent Decree.</p> <p>In reportable use of force incidents that resulted in injuries, photographic</p>	<p>Head of Use of Force Working Group</p>	<p>October 31, 2015</p>

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.				evidence was collected and maintained in a manner that comports with ¶ 36 of the Consent Decree. In reportable use of force reviews, the investigating supervisor provided a finding on whether the use of force was justified under VIPD's use of force policies.		
Paragraph 37 – 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	3.2 Reportable Use of Force Response to Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	Initial training on policies completed with refresher training on-going during in-service training modules. Additional training for supervisors has been completed.	Conduct refresher training on policies through documented, periodic in-service training. By January 31, 2014 improve tracking system to ensure all staff are trained on policies. Yearly review of policies. By October 31, 2013, in consultation with DOJ, finalize Audit Plan. By December 31, 2013, and	Completed use of force case files contained signed documentation from the Chief and/or Deputy Chief or designee indicating that he/she reviewed the completed investigation and the date of such review. In completed use of force investigations in which the Chief and/or Deputy Chief or designee found deficiencies in the investigations, the	Head of Use of Force Working Group	October 31, 2015

<p>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.</p>			<p>quarterly thereafter, conduct audits to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files) and conduct use of force review on a quarterly basis..</p> <p>By December 31, 2013, conduct audits to identify personnel who continually fail to report uses of force and provide and document discipline and/or remedial training.</p>	<p>deficiencies were documented and corrected; the corrections were documented; and supplemental investigative reports were prepared to document the additional investigative efforts, if required to correct the identified deficiencies.</p> <p>In reportable use of force incidents, the Chief and/or Deputy Chief or designee provided a written, signed and dated finding on whether the use of force was justified under VIPD's approved use of force policies and all other requirements of ¶¶ 31(a)-(g) of the Consent Decree.</p> <p>In 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</p>		
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				<p>appropriate corrective action; or neglects to properly implement appropriate corrective action.</p> <p>In use of force incidents where the Commander's/Director's or his designee'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.</p> <p>In use of force incidents deemed unjustified by the Commander's/Director's or designee's review and evaluation, the involved sworn personnel were disciplined, up to and including termination from VIPD if appropriate, and, if termination was not appropriate, at the very least, received remedial training.</p>		
Paragraph 38 – The VIPD will investigate all critical firearm	3.2 Reportable Use of Force Response to	Initial training on all policies completed with	Conduct refresher training on policies through documented,	Critical firearm discharges are investigated and	Head of Use of Force Working	October 31, 2015

discharges. The VIPD will ensure that the investigation accounts for all shots and locations of all officers who discharged their firearms. The VIPD will conduct all ballistic or crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.	Resistance Report Form (RRR) has been approved and signed off by the Commissioner.	refresher training on-going during in-service training modules. Additional training for supervisors completed.	periodic in-service training. By January 31, 2014, improve tracking system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. By October 31, 2013, in consultation with DOJ finalize Audit Plan. VIPD shall maintain sufficient trained staff who conduct adequate ballistic/crime scene analysis. By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files) and conduct use of force review on a quarterly basis. By December 31, 2013 conduct audits to identify personnel who continually fail to report uses of force and provide and document discipline and/or remedial training	documented. Investigations or reviews of critical firearm discharges accounted for all shots. Investigations or reviews of critical firearm discharges accounted for the locations of all officers who discharged their firearms. In investigations or reviews of critical firearm discharges, the VIPD conducted ballistic crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate. Supervisors (or other personnel) have either: (a) attended and successfully completed the initial in-service training on ballistic and crime scene analyses and demonstrated proficiency through a proficiency test(s) and passed the proficiency test(s); or (b) if supervisors (or other personnel) have not successfully completed the required training and	Group	
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				<p>passed the proficiency test(s), the supervisors (or other personnel) have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s); or</p> <p>Where supervisors (or other personnel) have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.</p>		
<p>Paragraph 39 – <i>VIPD shall complete development of a Use of Firearms policy that complies with applicable law and current professional standards. The policy shall prohibit officers from possessing or using unauthorized firearms or ammunition and shall inform officers that any such use may subject them to disciplinary action. The policy shall establish a single, uniform reporting system for all firearms</i></p>	<p>3.4 Firearms – Approved and signed by Commissioner.</p>	<p>Initial training on policy completed with refresher training on-going during in-service training modules.</p>	<p>Yearly review of policies.</p>	<p>Obtained DOJ approval for Use of Firearms policy.</p> <p>Approved policy contains the elements required in Paragraph 39.</p> <p>Approved policy is distributed to sworn personnel and applicable civilian employees.</p>	<p>Head of Use of Force Working Group</p>	<p>October 31, 2015</p>

<i>discharges. The policy shall prohibit officers from obtaining service ammunition from any source except through official VIPD channels, and shall specify the number of rounds VIPD authorizes its officers to carry. The policy will continue to require that all discharges of firearms by officers on or off-duty, including unintentional discharges, be reported and investigated.</i>						
<p>Paragraph 40 – <i>The VIPD shall revise its policies regarding off-duty officers taking police action to:</i></p> <p><i>a. provide that off-duty officers shall notify on-duty VIPD or local law enforcement officers before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem;</i></p> <p><i>b. provide that, if it appears the officer has consumed alcohol or is otherwise impaired, the officer shall submit to field sobriety, breathalyzer, and/or</i></p>	3.8 Off-duty Official Action – Approved and signed by Commissioner.	Initial training on policy completed with refresher training on-going during in-service training modules.	Yearly review of policies.	<p>Obtained DOJ approval of use of force policy on off-duty officers taking police action.</p> <p>Policy contains all elements required by Paragraph 40.</p> <p>Approved policies are distributed to sworn personnel and applicable civilian employees.</p>	Head of Use of Force Working Group	October 31, 2015

<i>blood tests.</i>						
<p>Paragraph 41 – <i>The VIPD shall continue to provide an intermediate force device, which is between chemical spray and firearms on the force continuum, that can be carried by officers at all times while on-duty. The VIPD shall continue its policy regarding the intermediate force device, incorporate the intermediate force device into the force continuum and train all officers in its use on an annual basis.</i></p>	<p>3.6 Electronic control Weapon – Approved and signed by Commissioner.</p>	<p>Initial training on policy completed with refresher training on-going during in-service training modules.</p>	<p>Conduct refresher training on policies through documented, periodic in-service training.</p> <p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</p> <p>Conduct refresher training on policies through documented, periodic in-service training, to test proficiencies.</p> <p>Yearly review of policies.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files).</p> <p>Conduct inspections, with report on a quarterly basis, commencing on December 31, 2013, to ensure that officers carry intermediate force device(s) as appropriate and that their use of the device(s) comports with applicable law and VIPD</p>	<p>Patrol and other applicable officers carry an intermediate force device at all times while on-duty.</p> <p>Sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new or revised policy related to intermediate force devices and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</p> <p>Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training,</p>	<p>Head of Use of Force Working Group</p>	<p>October 31, 2015</p>

			policy. By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force and provide and document discipline and/or remedial training.	and disciplinary action against the sworn personnel. Sworn personnel display knowledge and proficiency on using intermediate force devices, as evidenced by compliance with the policy requirements.		
CITIZEN COMPLAINT PROCESS						
Public Information						
Paragraph 42 - <i>The VIPD will develop and implement a program to inform persons that they may file complaints regarding the performance of any officer. This program will include distribution of complaint forms, fact sheets, informational posters, and public service announcements that describe the citizen complaint process.</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Initial Officer and supervisor training completed on both districts.	Yearly review of policies.	The VIPD has developed and implemented a program to inform persons that they may file complaints regarding the performance of any officer. In VIPD facilities, vehicles, and governmental properties such as VIPD district stations, libraries, the internet and upon request, to community groups and community centers, complaint information brochures and forms are available.	Head of Citizens' complaint committee	In Compliance; sustained compliance required
Paragraph 43 – The VIPD will make complaint forms and informational materials available at government	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen	Initial officer and supervisor training completed on both districts.	Conduct refresher training on policies, through documented, periodic in-service training.	VIPD facilities, vehicles, and government properties, complaint information brochures and forms are	Head of Citizens' Complaint Committee	October 31,

properties such as VIPD district stations, substations, mobile substations, libraries, the Internet, and, upon request, to community groups and community centers. At each VIPD district station, substation, and mobile substation, the VIPD will permanently post a placard describing the complaint process and include the relevant phone numbers. These placards shall be displayed in both English and Spanish, and where deemed necessary, in French or French Patois, to account for diversity in the VI population. The VIPD will require all officers to carry informational brochures and complaint forms, in English and Spanish, and where deemed necessary, in French or French Patois, in their vehicles at all times while on duty. If a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.	Complaints Policy approved and signed by Commissioner.		<p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</p> <p>Yearly review of policies.</p> <p>Monthly inspections by Zone Commanders to ensure that all complaint process materials are available in their Zones. Zone Commanders will provide a monthly written report of their inspections.</p> <p>Monthly inspections to ensure that informational materials are available at all required locations.</p>	<p>available.</p> <p>Officers carry the informational brochures and complaint forms with them at all times while on-duty.</p> <p>In VIPD district stations, substation, and mobile stations, a placard is displayed describing the complaint process, including relevant phone numbers.</p> <p>In incidents where a citizen complained about an officer's conduct, the officer informed, and did not discourage, the citizen about his/her ability to make a complaint.</p>		2015
Means of Filing and Tracking Complaints						

<p>Paragraph 44 - Complaints <i>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.).</i></p>	<p>Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.</p>	<p>Initial officer and supervisor training completed in both districts.</p>	<p>Conduct refresher training on policies, through documented, periodic in-service training.</p> <p>By January 31, 2014, improve tracking system to ensure all staff are trained on policies.</p> <p>Yearly review of policies.</p> <p>Quarterly review of IAU and zone files.</p> <p>By October 31, 2013, in consultation with DOJ finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of citizen complaint investigation files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p>By December 31, 2013, create a quarterly report that analyzes patterns of violations of VIPD policy. Using the information gathered in the report, evaluate areas for policy modification or</p>	<p>Obtained DOJ approval for a complaint intake policy.</p> <p>Approved policy is distributed to sworn personnel and applicable civilian employees.</p> <p>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</p> <p>Where sworn personnel and</p>	<p>Head of Citizens' Complaint Committee</p>	<p>October 31, 2015</p>
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			appropriate remedial action (e.g., training).	<p>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.</p> <p>Complaints are documented and resolved in writing.</p> <p>Appropriate VIPD personnel properly respond to the inquiring/complaining person, as verified by the monitors and the VIPD audit unit.</p> <p>For complaints lodged and recorded, a file documents the actions taken by VIPD in response to the complaint.</p> <p>Documented complaints are assigned a unique identifier and are retrievable by that identifier, the complainant's name, if it was provided, or the name</p>		
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				<p>of the accused officer, if known.</p> <p>Completed investigations into complaints comport with the provisions of the Consent Decree.</p> <p>Documented complaints do not include opinions of the intake officer about the mental competency or veracity of the complainant.</p>		
<p>Paragraph 45- <i>Copies of all allegations of misconduct against the VIPD filed with the Zone Commands will be referred to Internal Affairs Unit (“IAU”) within five business days.</i></p>	<p>Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.</p>	<p>Initial training completed for supervisors and officers in both districts.</p>	<p>Conduct refresher training on policies through documented, periodic in-service training.</p> <p>Review monthly completed cases in IAPro to ensure compliance with the 5 day of requirement as per policy.</p> <p>By October 31, 2013, in consultation with DOJ finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of citizen complaint investigation files). Also ensure that lapses in policy implementation are addressed by</p>	<p>Allegations filed at Zone or unit facilities are forwarded to IAU within five business days.</p>	<p>Head of Citizens’ Complaint Committee</p>	<p>October 31, 2015</p>

			system of documented discipline and/or re-training.			
Investigation of Complaints						
Paragraph 46 - <i>Complaints will be evaluated based on a preponderance of the evidence standard, for which the Territory will develop and implement appropriate training.</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Initial training completed for supervisors on both districts.	<p>Continue to incorporate competency-based training of officers and supervisors.</p> <p>By January 31, 2014, improve tracking system to ensure all staff are trained on policies and periodically test supervisors' knowledge of the preponderance of the evidence standard.</p> <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <p>Yearly review of policies.</p> <p>By October 31, 2013, in consultation with DOJ finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	Sworn personnel have either: (a) attended and successfully completed training on the preponderance of the evidence standard and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.	Head of Citizens' Complaint Committee	October 31, 2015

			<p>Quarterly review of closed investigation files to ensure that the preponderance of evidence standard is being used.</p> <p>By December 31, 2013, and quarterly thereafter, identify Supervisors who are not correctly using the preponderance of the evidence provide and document discipline and/or remedial training as appropriate.</p>	<p>All training on the preponderance of the evidence comports with the requirements of the Consent Decree, and is taught from curricula/lesson plans that:</p> <p>(a) identify training objectives; (b) incorporate, to the extent possible, adult learning techniques (<i>e.g.</i>, class exercises); and (c) indicate that it has been reviewed by legal counsel.</p> <p>Completed investigations into complaints/allegations of misconduct include an assessment of the evidence, and a finding that is based upon the preponderance of evidence standard.</p>		
Paragraph 47 - <i>The VIPD will explicitly prohibit from investigating an incident any officer who used force during the incident, whose conduct led to the injury to a person, or who authorized the conduct that led to these reportable incidents.</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Initial training completed for supervisors in both districts.	Yearly review of policies.	VIPD policy prohibits from investigating an incident any officer who used force during the incident, whose conduct led to the injury to a person, or who authorized the conduct that led to these reportable incidents.	Head of Citizens' Complaint Committee	October, 31, 2015
Paragraph 48 - <i>The VIPD will investigate every citizen complaint. The VIPD will establish a clear policy and</i>	Acceptance of Citizen Complaints/ Investigating	Initial training completed for supervisors and	Conduct refresher training on policies through documented, periodic in-service and roll	<p>Obtained DOJ approval of a policy and procedure for the intake of complaints.</p> <p>For complaints lodged and</p>	Head of Citizens' Complaint	October 31, 2015

<i>procedure regarding the intake of any complaint, including anonymous and confidential complaints, against a VIPD officer. This policy and these procedures will include instructions to an officer for taking a complaint and prompt delivery to a supervisor.</i>	Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Supervisors in both districts.	<p>call/commanders call training.</p> <p>Continue to incorporate competency-based training on policies into Police Academy.</p> <p>Yearly review of policies.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p>Quarterly review of closed files at IAU.</p>	<p>recorded, a file documents the actions taken by VIPD in response to the complaint.</p> <p>Sworn personnel and applicable civilian employees have been trained and demonstrated the required proficiency on the complaint intake policy and comports with the Consent Decree, including ¶¶ 44 and 48.</p> <p>Documented complaints are promptly delivered to a supervisor.</p> <p>Applicable VIPD personnel properly respond to the inquiring/complaining person, as verified by the monitors and VIPD.</p>	Committee	
Paragraph 49 - <i>The VIPD will institute a centralized numbering and tracking system for all complaints, and each complaint will receive a tracking number as quickly as possible. The IAU will be designated as the primary and centralized agency to determine whether the investigation will be</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Initial training for supervisors completed on both districts. Centralized numbering has been provided by central dispatch.	<p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <p>Commencing December 31, 2013, and on a quarterly basis thereafter, utilizing data from IAPro, produce a report that tracks citizens' complaints referred to the</p>	Established a separate IAPro database for the STT/STJ and STX Districts such that: (1) each database will be accessible from each district; (2) IAU agents in each District will have access to their respective databases; (3) the Director of IAU, Assistant Director	Head of Citizens' Complaint Committee	October 31, 2015

<p><i>assigned to zone (one of the seven zones located throughout the Virgin Islands), retained by the IAU, or referred for possible criminal investigation. If the IAU refers a complaint to a zone, copies of all documents, findings, and recommendations should be immediately forwarded to the IAU for tracking and monitoring. For complaints alleging the excessive use of force or violation of a person's constitutional rights, the Police Commissioner should be notified no less than twenty-four hours after receipt of a complaint.</i></p>			<p>zones/bureaus, and identifies whether any of complaints involve excessive use of force. Also determine whether the Police Commissioner was notified of complaints alleging excessive use of force.</p> <p>Yearly review of policies.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, and quarterly thereafter, implement audit tools to ensure staff are complying with the policies (i.e., review of sample citizen complaint investigation files.). Also ensure that lapse in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p>By March 31, 2014, ensure that each IAPro database is accessible from all districts.</p>	<p>of IAU, and EIP Coordinator will have access to both databases; (4) each complaint will receive a unique tracking number, with an STT extension for the St. Thomas/St. John District and an STX extension for the St. Croix District, so that no two complaints will have the same number within or between databases; (5) information in each database will be organized by District, and can be sorted by officer; and (6) if an officer transfers from one District to another, his/her information will be transferred to the new District's database.</p> <p>Allegations brought to the attention of the VIPD are assigned a unique identifier.</p> <p>In complaints that the IAU refers to a Zone, copies of the completed file are forwarded to the IAU within the time frame specified by VIPD policy.</p> <p>Evidence exists that IAU</p>		
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				adequately tracked and monitored the complaint. Complaints alleging excessive use of force or a civil rights violation are reported to the Police Commissioner within 24 hours of receiving the complaint.		
Paragraph 50 - <i>The VIPD will adopt a single policy concerning the investigation of misconduct complaints, regardless of whether the investigation is conducted by the IAU or a zone.</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Initial training completed for supervisors on both districts.	Yearly review of policies.	Obtained DOJ approval of a policy concerning the investigation of misconduct complaints, consistent with the requirements of Paragraph 50.	Head of Citizens' Complaint Committee	October 31, 2015
Paragraph 51 - <i>The VIPD will establish policies and procedures and train all of its investigators on the factors to consider when evaluating complainant or witness credibility; examination and interrogation of accused officers and other witnesses; identifying misconduct even if it is not specifically named in the complaint; and using the preponderance of the evidence standard as the appropriate burden of proof. VIPD</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Initial training completed for supervisors on both districts.	By January 31, 2014 improve tracking system to ensure all staff are trained on policies Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training. Yearly review of policies. All statements will be recorded by October 31, 2013. On a quarterly basis conduct review to ensure that statements are being recorded.	Policies are developed, implemented, and distributed to VIPD investigators. Investigators/supervisors have either: (a) attended and successfully completed the initial in-service training concerning the components identified in ¶ 51 of the Consent Decree and demonstrated proficiency through a proficiency test(s); or (b) if investigators/supervisors	Head of Citizens' Complaint Committee	October 31, 2015

<p><i>investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident. The policy will require that all interviews be mechanically recorded using an audio or video tape.</i></p>			<p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p>have not successfully completed the required training and passed proficiency test(s), investigators/supervisors have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</p> <p>Where investigators/supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the investigators/supervisors.</p> <p>Completed investigations into complaints of misconduct include a documented assessment of the evidence, and a finding that is based upon the preponderance of evidence standard.</p> <p>In incidents giving rise to</p>		
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				<p>allegations of misconduct or use of force, all officers on the scene provided a statement regarding the incident, in accordance with VIPD policy.</p> <p>Interviews related to a complaint of misconduct will be mechanically recorded using an audio or video tape.</p>		
<p>Paragraph 52 - <i>The policy will require that the investigative findings include whether: 1) the police action was in compliance with policy, training and legal standards, regardless of whether the complainant suffered harm; 2) the incident involved misconduct by any officer; 3) the use of different tactics should or could have been employed; 4) the incident indicates a need for additional training, counseling or other non-disciplinary corrective measures; and 5) the incident suggests that the VIPD should revise its policies, training, or tactics.</i></p>	<p>Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.</p>	<p>Initial training completed for supervisors in both districts on policy.</p>	<p>Yearly review of policies.</p>	<p>The VIPD policy formalizes a process for review of all uses of force that ensures the consideration of and documentation of all of the findings identified in ¶ 52.</p>	<p>Head of Citizens' Complaint Committee</p>	<p>October 31, 2015</p>
<p>Paragraph 53 - <i>The policy will</i></p>	<p>Acceptance of Citizen</p>	<p>Initial training</p>	<p>Yearly review of policies.</p>	<p>VIPD has issued a policy</p>	<p>Head of</p>	<p>October 31,</p>

<i>provide clear guidance to all investigators regarding the procedures for handling criminal misconduct allegations, referring them to the Virgin Islands Attorney General's Office or other appropriate agency for possible criminal prosecution, and the entity or individual who should make the determination of whether the complaint should be investigated criminally. The policy will be revised to require the completion of an administrative investigation, irrespective of the initiation or outcome of criminal proceedings.</i>	Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	completed for supervisors on both districts.		that provides clear guidance on how to handle allegations of criminal misconduct by sworn personnel and applicable civilian employees and includes the elements of ¶ 53.	Citizens' Complaint Committee	2015
Paragraph 54 - <i>In each investigation, the VIPD will consider all relevant evidence including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations, if feasible. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will the VIPD completely disregard a witness' statement merely because the witness has some</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Initial training completed for supervisors on each district.	Incorporate competency-based training of all investigators. By January 31, 2014 improve tracking system to ensure all staff are trained on policies. Conduct refresher training on policies, through documented, ongoing periodic in-service and roll call/commanders call training Yearly review of policies.	In completed investigations, all relevant and appropriate evidence identified in ¶ 54 of the Consent Decree has been considered and documented. Completed investigations reflect that a supervisor did not give an automatic preference for an officer's statement over a non-officer's statement. Completed investigations	Head of Citizens' Complaint Committee	October 31, 2015

<i>connection to the complainant. The VIPD will make efforts to resolve material inconsistencies between witness statements.</i>			<p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p>reflect that a supervisor has not disregarded a witness' statement because the witness has a connection to the complainant.</p> <p>VIPD investigators have made efforts to resolve material inconsistencies between witness statements and have been trained on ways to do this.</p>		
Paragraph 55 - <i>During an investigation, all relevant police activity, including each use of force (i.e., not just the type of force complained about) will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident. The VIPD will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury or the complainant will not provide additional statements or written statements; rather, the investigating agency will continue its investigation as</i>	Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.	Initial training completed for supervisors on both districts.	<p>Incorporate competency-based training of all investigators by November 30, 2012</p> <p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</p> <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training</p> <p>Yearly review of policies.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, implement</p>	<p>In investigations, there is documented evidence that all misconduct revealed by the investigation, whether part of the initial allegation or discovered during the investigation, has been reasonably investigated and addressed.</p> <p>In completed investigations, the investigative reports include documentation that the supervisor has evaluated any searches or seizures that occurred during the incident.</p> <p>In completed investigations, a supervisor has ensured the</p>	Head of Citizens' Complaint Committee	October 31, 2015

<p><i>necessary to determine whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence of whether a VIPD officer used or did not use a type of force, nor will it justify discontinuing the investigation.</i></p>			<p>audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p>continuation of every investigation – even when the complaint is withdrawn, or the alleged victim is unwilling or unable to provide medical records or proof of injury, or the complainant will not provide additional statements or written statements – until the VIPD has determined whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available.</p> <p>In completed investigations, a supervisor has not considered the fact that a complainant pled guilty or was found guilty of an offense as evidence of whether a VIPD officer used or did not use a type of force, or as a justification for discontinuing the investigation.</p> <p>In completed investigations, the elements identified in paragraph 55 of the Consent Decree have been</p>		
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				considered, analyzed and documented.		
<p>Paragraph 56 - <i>The complainant will be periodically kept informed regarding the status of the investigation. Upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.</i></p>	<p>Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.</p>	<p>Initial training completed for supervisors on both districts.</p>	<p>Conduct refresher training on policies, through documented, ongoing periodic in-service and roll call/commanders call training.</p> <p>By December 31, 2013, and quarterly thereafter, conduct review of files to determine whether complainants are being notified of the status and completion of the investigation, as required by Paragraph 56.</p> <p>By December 31, 2013, conduct quarterly audits to assess timeliness of completion of citizen complaint investigations.</p>	<p>In investigations, the VIPD has kept complainants reasonably informed about the status of the investigation of their complaints.</p> <p>In completed investigations, the VIPD notified complainants of the disposition of the investigation of their complaint, including by providing complainant with a statement about whether the VIPD took any non-disciplinary corrective or disciplinary action as an outcome of its investigation.</p>	<p>Citizens' Complaint Committee</p>	<p>October 31, 2015</p>

<p>Paragraph 57 - <i>Each allegation in an investigation will be resolved by making one of the following dispositions: “Unfounded,” where the investigation determines, by a preponderance of the evidence, that no facts to support that the incident complained of actually occurred; “Sustained,” where the investigation determines, by a preponderance of the evidence, that the person’s allegation is supported by sufficient evidence to determine that the incident occurred and the actions of the officer were improper; “Not Sustained,” where the investigation determines, by a preponderance of the evidence, that there are insufficient facts to decide whether the alleged misconduct occurred; and “Exonerated,” where the investigation determines, by a preponderance of the evidence, that the alleged conduct did occur but did not violate VIPD policies, procedures, or training.</i></p>	<p>Acceptance of Citizen Complaints/ Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.</p>	<p>Initial training completed for supervisors on both districts.</p>	<p>Continue competency-based training of all investigators.</p> <p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies</p> <p>Continue refresher training on policies, through documented, ongoing periodic in-service and roll call/commanders call training.</p> <p>Yearly review of policies.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p>Investigations have been resolved by making one of the dispositions identified in Paragraph 57 of the Consent Decree.</p>	<p>Citizens’ Complaint Committee</p>	<p>October 31, 2015</p>
<p>Paragraph 58 – <i>Unit commanders will evaluate each</i></p>	<p>Acceptance of Citizen Complaints/</p>	<p>Initial training completed training for</p>	<p>Continue to incorporate competency-based training of all</p>	<p>The VIPD has developed a policy that provides a</p>	<p>Head of Citizens’</p>	<p>October 31, 2015</p>

<p><i>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.</i></p>	<p>Investigating Misconduct & Citizen Complaints Policy approved and signed by Commissioner.</p>	<p>supervisors on both districts.</p>	<p>investigators.</p> <p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</p> <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training</p> <p>Yearly review of policies.</p> <p>Quarterly review of completed IAU investigations.</p> <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p>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.</p> <p>In completed investigations into allegations of misconduct, there is documentation indicating that a supervisor has evaluated underlying problems and training needs, if any.</p> <p>Any identified problems and/or training needs have been relayed to the appropriate VIPD entity.</p> <p>In cases where there is a determination that modification to or additional training is required, there is documented evidence that VIPD has implement additional training</p> <p>In cases where the VIPD identified policy or equipment deficiencies, there is documented evidence that corrective</p>	<p>Complaint Committee</p>	
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				measures were implemented.		
MANAGEMENT AND SUPERVISION						
A. Risk Management system						
Paragraph 59 - <i>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.</i>	Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol have been approved.	Initial EIP and Blue Team training has been completed. Refresher training will be completed annually.	IAPro, a computerized database, is currently being used to assist in supervision and management for VIPD's risk management system.	See Paragraphs 60-68, below. VIPD shall ensure that it regularly uses the data in the RMS system 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.	Head of Management and Supervision Committee	October 31, 2015
Paragraph 60 – <i>The new risk management system will collect and record the following information:</i> <i>a. all uses of force;</i> <i>b. canine bite ratios;</i> <i>c. the number of canisters of</i>	Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol have been approved.	Initial EIP and Blue Team training has been completed. Refresher training will be completed annually.	Internal Affairs and MIS have chosen a computerized database, IAPRO, to assist in the supervision and management. Canine policy has been revised to capture canine deployments. By	RRR forms are completed for all uses of force as required by VIPD policy. RRR forms are entered into the RMS with a reasonable level of accuracy and completeness.	Head of Management and Supervision Committee	October 31, 2015

<p><i>chemical spray used by officers;</i> <i>d. all injuries to prisoners;</i> <i>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;”</i> <i>f. all critical firearm discharges, both on-duty and off-duty;</i> <i>g. all complaints (and their dispositions);</i> <i>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> <i>i. all vehicle pursuits;</i> <i>j. all incidents involving the pointing of a firearm (if any such reporting is required); and</i> <i>k. all disciplinary action taken against officers.</i></p>			<p>December 31, 2013, VIPD will begin to collect canine deployments and will enter this data into IAPro to be able to document bite ratios.</p> <p>VIPD has requested from the VIAG civil and administrative claims (h) involving VIPD officers acting in their official capacities. VIPD will input data in the RMS received from VIDOJ by December 31, 2013.</p> <p>All other categories of data listed in paragraph 60 are being collected and entered into the RMS. Input of historical data is ongoing. This requires allocation of sufficient staff to input this data.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013 and quarterly thereafter, working group members will conduct review to ensure compliance with A through K and implement audit tools to ensure that staff are complying with the policies. This ensures periodic quality checks on data entered. This also ensure that lapses in</p>	<p>Canine deployments are entered into RMS with a reasonable level of accuracy and completeness.</p> <p>Canine deployments resulting in a bite are entered into RMS with a reasonable level of accuracy and completeness.</p> <p>RMS provides statistical analyses of canine bite ratio or the data necessary to compute such ratio.</p> <p>Canisters of chemical spray issued to officers will be entered into RMS, including the date of issuance and date of expirations of the chemical spray, with a reasonable level of accuracy and completeness.</p> <p>In consultation with the Use of Force Working Group, the VIPD has developed a process to track the amount of OC spray used by officers.</p> <p>Injuries to prisoners will be entered into RMS with a</p>		
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			policy implementation are addressed by a system of documented discipline and/or re-training.	<p>reasonable level of accuracy and completeness.</p> <p>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,” are entered into RMS with a reasonable level of accuracy and completeness.</p> <p>Firearm discharges, whether on or off-duty, are entered into RMS with a reasonable level of accuracy and completeness.</p> <p>Complaints are entered into RMS with a reasonable level of accuracy and completeness.</p> <p>Dispositions of such complaints are entered into RMS with a reasonable level of accuracy and completeness.</p> <p>Criminal proceedings initiated, civil or administrative claims filed,</p>		
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				<p>and civil lawsuits served against the Territory, the VIPD, and its Officers resulting from VIPD operations will be entered in RMS with a reasonable level of accuracy and completeness.</p> <p>Vehicle pursuits are entered into RMS with a reasonable level of accuracy and completeness.</p> <p>Incidents involving the pointing of a firearm at a human being are entered into RMS with a reasonable level of accuracy and completeness</p> <p>In instances in which the VIPD has taken disciplinary action against officers, this information is entered in RMS with a reasonable level of accuracy and completeness.</p>		
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<p>Paragraph 61 – <i>The new risk management system will include, for the incidents included in the database, appropriate identifying information for each involved officer (e.g., name, badge number, shift and supervisor) and civilian (e.g., race, ethnicity or national origin, if available).</i></p>	<p>Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol have been approved.</p>	<p>Initial EIP and Blue Team training has been completed. Refresher training will be completed annually.</p>	<p>All officers have been assigned a PDN. Working group members will conduct quarterly review and report the results of their review by December 31, 2013, and quarterly thereafter to ensure officers are including appropriate identifying information in the risk management system, including utilizing PDN numbers, as required by Paragraph 61.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, 2013, implement audit tools to ensure staff are complying with the policies and appropriate identifying information for each officer and civilian are included in the database. This ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p>	<p>VIPD has established a uniform method of identifying sworn personnel and applicable civilian employees to ensure accurate identification and tracking of all employee conduct.</p> <p>In incidents included in the database, the name and unique identifier for each involved officer has been entered with a reasonable level of accuracy and completeness.</p> <p>In incidents included in the database, the appropriate identifying information (e.g., name, ethnicity or national origin), if available, for each involved civilian has been entered with a reasonable level of accuracy and completeness.</p> <p>In incidents included in the database, the shift and assignment for each on-duty supervisor has been entered</p>	<p>Head of Management and Supervision Committee</p>	<p>October 31, 2015</p>

				with a reasonable level of accuracy and completeness.		
<p>Paragraph 62 – <i>Within 120 days of the implementation of the new risk management system, or later with the agreement of DOJ, the VIPD will prepare, for the review and approval of DOJ, a plan for including appropriate fields and values of new and historical data into the risk management system (the “Data Input Plan”). The Data Input Plan will identify the data to be included and the means for inputting such data (direct entry or otherwise), the specific fields of information to be included, the past time periods for which information is to be included, the deadlines for inputting the data, and the responsibility for the input of the data. The Data Input Plan will include historical data that is up-to-date and complete in the risk management system. The VIPD and DOJ will together seek to ensure that the protocol receives final review and approval within 30 days after it is presented for</i></p>	<p>Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol have been approved.</p>	<p>Initial EIP and Blue Team training has been completed. Refresher training will be completed annually.</p>		<p>VIPD has received DOJ’s approval for its Data Input Plan.</p> <p>The Data Input Plan contains the elements required in Paragraph 62.</p>	<p>Head of Management and Supervision Committee</p>	<p>October 31, 2015</p>

<i>approval.</i>						
Paragraph 63 – <i>The VIPD will, within 120 days, prepare for the review and approval of DOJ, and thereafter implement, a protocol for using the risk management system. The VIPD will submit for the review and approval of DOJ all proposed modifications to the protocol prior to implementing such modifications.</i>	Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol have been approved.	Initial EIP and Blue Team training has been completed. Refresher training will be completed annually.	By October 31, 2013, in consultation with DOJ, finalize Audit Plan. By December 31, 2013, implement audit tools to ensure staff are complying with the policies. This ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.	VIIPD has received approval from DOJ, and implemented a protocol for using the RMS. The VIPD has audited the RMS and confirmed that its use reflects the requirements of the protocol. VIPD submits to DOJ for review and approval all proposed modifications to the protocol before implementation.	Head of Management and Supervision Committee	October 31, 2015
Paragraph 64 – <i>The protocol for using the risk management system will include the following provisions and elements: a. The protocol is comprised of the following components: data storage, data retrieval, reporting, data analysis, pattern identification, supervisory assessment, supervisory intervention, documentation and audit. b. The protocol will require the automated system to analyze the data according to the following criteria: i) number of incidents</i>	Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol have been approved.	Initial EIP and Blue Team training has been completed. Refresher training will be completed annually.		The VIPD has received DOJ approval of a protocol with the components identified in ¶64 of the Consent Decree.	Head of Management and Supervision Committee	October 31, 2015

<p><i>for each data category by individual officer and by all officers in a unit; ii) average level of activity for each data category by individual officer and by all officers in a unit; and iii) identification of patterns of activity for each data category by individual officer and by all officers in a unit.</i></p> <p><i>c. The protocol will require the system to generate reports on a monthly basis describing the data and data analysis and identifying individual and unit patterns.</i></p> <p><i>d. The protocol will require that VIPD deputy chiefs, managers, and supervisors will review, on a regular basis but not less than quarterly, system reports, and will evaluate individual officer, supervisor, and unit activity.</i></p> <p><i>e. The protocol will require that VIPD deputy chiefs, managers, and supervisors initiate intervention for individual officers, supervisors and for units based on appropriate activity and pattern assessment of the information contained in the risk management system.</i></p>						
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<p><i>f. The protocol will require that intervention options include discussion by deputy chiefs, managers, supervisors, and officers; counseling; training; and supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system (appropriate intervention options will be employed based on the evaluation described in subsection (e) above).</i></p> <p><i>g. The protocol will specify that actions taken as a result of information from the risk management system be based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely on the number or percentages of incidents in any category of information recorded in the risk management system.</i></p> <p><i>h. The protocol will require that VIPD deputy chiefs, managers, and supervisors. will promptly review the risk management</i></p>						
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<p><i>system records of all officers recently transferred to their sections and units.</i></p> <p><i>i. The protocol will require that VIPD deputy chiefs, managers, and supervisors be evaluated on their ability to use the risk management system to enhance effectiveness and reduce risk.</i></p> <p><i>j. The protocol will require that the system be managed and administered by the Internal Affairs Unit of the VIPD. The IAU of the VIPD will conduct quarterly audits of the system to ensure action is taken according to the process described above.</i></p> <p><i>k. The protocol will require regular reviews, at no less than quarterly intervals, by appropriate managers of all relevant risk management system information to evaluate officer performance territory-wide, and to evaluate and make appropriate comparisons regarding the performance of all VIPD units in order to identify any significant patterns or series of incidents.</i></p>						
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<p>Paragraph 65 – <i>The VIPD will maintain all personally identifiable information about an officer included in the risk management system during the officer’s employment with the VIPD for at least five years. Information necessary for aggregate statistical analysis will be maintained indefinitely in the risk management system. On an ongoing basis, the VIPD will enter information into the risk management system in a timely, accurate, and complete manner, and maintain the data in a secure and confidential manner.</i></p>	<p>Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol have been approved.</p>	<p>Initial EIP and Blue Team Training has been completed. Refresher training will be completed annually.</p>	<p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <p>Conduct weekly inspections to ensure that all Blue Team programs are installed on all Zone Command computers and are also fully functioning.</p> <p>By December 31, 2013, implement quarterly audits to ensure that information is timely and accurately entered in the RMS and that staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p>Working group members will be scheduling times to observe roll calls and to ensure that these matters are discussed via roll calls and commanders’ calls.</p> <p>Input of historical data is ongoing and requires adequate numbers of staff for data entry.</p>	<p>The information required by ¶ 65 is entered and appropriately maintained with a reasonable level of accuracy and completeness.</p> <p>Complete the test of a beta version of RMS as described in ¶ 64(d).</p> <p>Provide DOJ and the monitors with the opportunity to participate in the beta version testing.</p> <p>Resolve all server issues that impeded RMS from being fully operational and implemented.</p> <p>Install all hardware related to RMS and ensure that it is fully functional.</p> <p>Ensure that Blue Team is operational at all required locations.</p> <p>Supervisors and managers have received initial training on RMS.</p>	<p>Head of Management and Supervision Committee</p>	<p>October 31, 2015</p>
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<p>Paragraph 66 - <i>The new risk management system will be purchased off the shelf and customized by VIPD. Alternatively, the new risk management system may be developed and implemented according to the following schedule:</i></p> <p><i>a. Within 150 days of the effective date of this Agreement, subject to the review and approval of DOJ, the VIPD will issue a Request for Proposal (RFP).</i></p> <p><i>b. Within 270 days of the issuance of the RFP, or later with the agreement of DOJ, the VIPD will select the contractor to create the risk management system.</i></p> <p><i>c. Within 150 days of the effective date of this Agreement, the VIPD will submit the protocol for using the risk management system to DOJ for review and approval. The VIPD will share drafts of this document with DOJ and the Monitor (a position described in Section VII) to allow DOJ and the Monitor to become familiar with the document as it develops</i></p>	<p>Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol have been approved.</p>	<p>Initial training for Blue Team, PDN usage, and RMS has been completed. Refresher training for Blue Team and RMS will be completed annually.</p>	<p>a-c has been completed.</p> <p>d. By December 31, 2013 complete review to determine compliance with d and e.</p> <p>Ensure sufficient staff to enter current and historical data into IAPro.</p>	<p>Complete the test of a beta version of RMS as described in ¶ 64(d).</p> <p>Provide DOJ and the monitors with the opportunity to participate in the beta version testing.</p>	<p>Head of Management and Supervision Committee</p>	<p>October 31, 2015</p>
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<p><i>and to provide informal comments on it. The VIPD and DOJ will together seek to ensure that the protocol receives final approval within 30 days after it is presented for review and approval.</i></p> <p><i>d. Within 14 months of selecting the contractor, the VIPD will have ready for testing a beta version of the risk management system consisting of: i) server hardware and operating systems installed, configured and integrated with the VIPD's existing automated systems; ii) necessary data base software installed and configured; iii) data structures created, including interfaces to source data; and iv) the use of force information system completed, including historic data. DOJ and the Monitor will have the opportunity to participate in testing the beta version using use of force data and test data created specifically for purposes of checking the risk management system.</i></p> <p><i>e. The risk management system computer program and computer hardware will be</i></p>						
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<i>operational and fully implemented within 20 months of the selection of the risk management system contractor.</i>						
Paragraph 67 – <i>Prior to implementation of the new risk management system, the VIPD will continue to use existing databases and resources to the fullest extent possible, to identify patterns of conduct by VIPD officers or groups of officers.</i>	Risk Management System Early Intervention Program (EIP) Policy, Data Input Plan, and Blue Team Protocol.	Initial EIP and Blue Team training has been completed. Refresher training will be completed annually.	N/A	N/A	Head of Management and Supervision Committee	October 31, 2015
Paragraph 68 – <i>Following the initial implementation of the risk management system, and as experience and the availability of new technology may warrant, the VIPD may propose to add, subtract, or modify data tables and fields, modify the list of documents scanned or electronically attached, and add, subtract, or modify standardized reports and queries. The VIPD will submit all such proposals for review and approval by DOJ before implementation.</i>	Risk Management System Early Intervention Program has been approved.	To be determined as the need arises.	To be determined as the need arises.	VIPD receives approval from DOJ for all modifications to RMS prior to implementation.	Head of Management and Supervision Committee	October 31, 2015
Oversight						

<p>Paragraph 69 – <i>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.</i></p>	<p>Audit Policy has been approved. Awaiting signature of Commissioner, as of September 26, 2013.</p>	<p>All initial audit-related training will be completed by October 31, 2013.</p>	<p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan</p> <p>By October 31, 2013, complete all audit-related training. Thereafter, conduct refresher training as necessary.</p> <p>Audit report⁶ due December 31, 2013 and quarterly thereafter.</p> <p>By December 31, 2013 VIPD will implement audit tools to ensure staff are complying with all policies and conduct use of force review on a quarterly basis. This includes periodic quality checks on data entered.</p> <p>By December 31, 2013, ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.</p> <p>By December 31, 2013, conduct audits to ensure compliance with the requirements for paragraph 64, regarding the RMS protocol.</p> <p>By December 31, 2013, VIPD will</p>	<p>The VIPD has developed an audit protocol that includes a regular and fixed schedule for conducting audits to ensure that they occur sufficiently, frequently and cover all VIPD zones.</p> <p>The VIPD creates an audit capacity and identifies staff to carry out the protocol.</p> <p>Officers or supervisors charged with conducting audits have either: (a) attended and successfully completed the initial in-service training on the audit protocol and demonstrated proficiency through a proficiency test(s); or (b) if the officers or supervisors charged with conducting audits have not successfully completed the required training and passed the proficiency test(s), the officers or supervisors have entered and successfully completed a remedial program designed to ensure passage of the proficiency</p>	<p>Head of Management and Supervision Committee</p>	<p>October 31, 2015</p>
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⁶ An audit report is a comprehensive report of the results of VIPD's audit.

			<p>begin to conduct quarterly reviews to ensure that historical data required by the Data Input Plan is being entered into the RMS.</p> <p>Quarterly review of closed IAU files to ensure compliance with investigation requirements.</p>	<p>test(s) and passed the proficiency test(s); or</p> <p>Where officers or supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the officers or supervisors.</p> <p>In instances when an audit is conducted, each officer or supervisor charged with conducting the audit uses the protocol with a reasonable level of accuracy, completeness and timeliness.</p> <p>After conducting an audit, VIPD analyzes the results, identifies corrective or other action necessary as a result of the findings of the audit, and implements such action.</p> <p>The historical data required by the Data Input Plan is up-to-date with a reasonable</p>		
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				<p>level of accuracy and completeness.</p> <p>IAU conducts audits of the RMS Protocol on a quarterly basis with a reasonable level of accuracy and completeness.</p> <p>The Police Commissioner's Office, with IAU assistance, has convened, at least quarterly, a meeting of senior managers, and all other personnel the Commissioner deems necessary, to review all RMS data to evaluate officer performance territory-wide and make appropriate comparisons regarding performance of all VIPD Units to identify any significant patterns or series of incidents.</p>		
Discipline						
Paragraph 70 - <i>The VIPD will develop a disciplinary matrix to take into account an officer's violations of different rules, rather than just repeated violations of the same rule. The</i>	Disciplinary Policy and Matrix has been approved.			Obtained DOJ approval of a disciplinary matrix that: (a) accounts for an officer's violations of different rules, rather than just repeated violations of the same rule;	Head of Management and Supervision Committee	October 31, 2015

<i>VIPD will further revise this matrix to increase the penalties for uses of excessive force, improper searches and seizures, discrimination, or dishonesty, to reflect the seriousness of those infractions. The revised disciplinary matrix will provide the VIPD with the discretion to impose any appropriate punishment when the VIPD believes the officer's misconduct exhibits a lack of fitness for duty. This revised matrix will be subject to the review and approval of DOJ.</i>				(b) is revised to increase the penalties for uses of excessive force, improper searches and seizures, discrimination, or dishonesty, to reflect the seriousness of those infractions; and, (c) provides the VIPD with the discretion to impose any appropriate punishment when the VIPD believes the officer's misconduct exhibits a lack of fitness for duty. Adopted a disciplinary policy that guides the use of the disciplinary matrix.		
Paragraph 71 - <i>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</i>	Disciplinary Policy and Matrix has been approved. Awaiting signature of Commissioner, as of September 26, 2013.	Initial training on Disciplinary policy and matrix will be completed by December 31, 2013.	Competency-based training of all staff by December 31, 2013 and ongoing documented refresher training through in-services and roll call/commanders call. By December 31, 2013, implement quarterly audits to ensure staff are complying with the policies, including (but not limited to) review for inclusion of written Police Commissioner extension approval in investigatory files. Also ensure	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. These established time periods are not violated except for in exigent circumstances and with the	Head of Management and Supervision Committee	October 31, 2015

<i>circumstances when an extension is necessary, appropriate tolling provisions will be outlined in the policy.</i>			that lapses in policy implementation are addressed by system of documented discipline and/or re-training.	Police Commissioner's written approval for tolling and notice to the complainant.		
Paragraph 72 - <i>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.</i>	Disciplinary Policy and Matrix has been approved. Awaiting signature of Commissioner, as of September 26, 2013.	Initial training on Disciplinary policy and matrix will be completed by December 31, 2013.	Competency-based training of all staff by December 31, 2013 and ongoing documented refresher training through in-services and roll call/commanders call. By December 31, 2013, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.	In cases where the matrix calls for discipline, discipline is imposed. In cases where discipline is imposed, there is evidence that the VIPD has also considered non-disciplinary corrective action.	Head of Management and Supervision Committee	October 31, 2015
TRAINING						
Management Oversight						
Paragraph 73 – <i>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.</i>	N/A	N/A	All lesson plans for the in-service training have been completed and were forwarded to the VIAG and approved by the Director of Training. On an ongoing basis, continue to consult with counsel to ensure compliance with Territorial law. Training on Audit Policy completed	VIPD has coordinated and reviewed all use of force policies at least annually and the Training Division has reviewed, at least semi-annually, all training to ensure quality, consistency, and compliance with applicable law and VIPD policy.	Training Director	October 31, 2015

			<p>by October 31, 2013.</p> <p>Training on Disciplinary Matrix and Protocol completed by December 31, 2013.</p> <p>Conduct yearly in-service training.</p> <p>After each training, identify individuals who did not attend training and forward information to Chief's Office. Chief's Office will investigate reason for no show and, where necessary impose disciplinary action and/or re-schedule training.</p>	<p>The Director of Training provides written approval for all changes to previously approved use of force training and provides a semi-annual report regarding any such changes and required legal approvals.</p>		
<p>Paragraph 74 – <i>The Director of Training, either directly or through his/her designee(s), consistent with applicable law and VIPD policy will:</i></p> <p><i>a. ensure the quality of all use of force training;</i></p> <p><i>b. develop and implement use of force training curricula;</i></p> <p><i>c. select and train VIPD officer trainers;</i></p> <p><i>d. develop, implement, approve, and oversee all in-service training;</i></p> <p><i>e. in conjunction with the Chiefs, develop, implement, approve, and oversee a patrol</i></p>	See paragraph 31 above.	<p>All Use of Force Trainings are evaluated at the end of each training session by the officers filling out an evaluation sheet. Those sheets are then to be reviewed by the Director and/or Designee.</p> <p>All evaluation sheets are filed away in a binder after the training Director and/or Designee review the sheet.</p>	<p>VIPD in consultation with VIAG shall ensure through review of lesson plans and instructional material that proper police practices are taught.</p> <p>In-Service Training was completed in 2013. In service training will be completed by December 31, 2014.</p> <p>In-service training will be conducted annually. VIPD shall periodically test for proficiency on the policies.</p> <p>By January 31, 2014, improve the tracking system to track training</p>	<p>The Director of Training and/or his/her staff reviews and approves all use of force training</p> <p>The Director of Training and/or his/her staff obtains legal review of all use of force training curricula.</p> <p>The Director of Training and/or his/her staff have developed and implemented use of force training curricula (including lesson plans).</p> <p>The Director of Training and/or his/her staff have</p>	Training Director	October 31, 2015

<p><i>division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures;</i> <i>f. establish procedures for evaluating all training curricula and procedures; and</i> <i>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.</i></p>		<p>All class evaluations are presently being reviewed by the Training Director or his Designee and placed in a binder at the Training Bureau in both districts</p> <p>Instructors were selected and VIPD has trained supervisors and officers in the areas of:</p> <ul style="list-style-type: none"> - The Use of Force Policy - Response to Resistance Report - The Citizens' Complaint Process - OC spray - Impact weapon - Arrest policy - Firearms policy - Off duty policy - EIP - Vehicle Pursuit Policy - Spike Strip Policy - Tactical Operations Policy - Sniper Operation Policy - Reporting, 	<p>attendance.</p> <p>After each training, identify individuals who did not attend training and forward information Chief's Office. Chief's Office will investigate reason for no show and, where necessary, impose disciplinary action and/or re-schedule training.</p> <p>Training will continue to incorporate competency-based training of officers and supervisors on remaining policies.</p> <p>By January 31, 2014, improve tracking system to ensure all staff are trained on policies</p> <p>Continue refresher training on policies through documented, periodic in-service and roll call training.</p> <p>Continue to incorporate competency-based training on policies into Police Academy.</p> <p>Yearly review of policies to determine training needs.</p> <p>By October 31, 2013, in</p>	<p>developed a process to continually select and evaluate VIPD officer trainers.</p> <p>The training staff has received appropriate training and certification in the subject matter(s) that they are assigned to teach.</p> <p>The Director of Training and/or his/her staff have reviewed and provided written approval of <i>all</i> curricula, course schedules and lesson plans.</p> <p>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.</p> <p>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 <i>all</i> Roll Call</p>		
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		<p>Investigating and Review of Use of Force</p> <p>The Chief's Office will continue to maintain a Roll Call Binder in the St. Croix District and the same in the St. Thomas District. A copy of all roll call trainings in the zones and bureaus are kept in that binder in the Chief's Office.</p> <p>At the end of each class participants are required to complete evaluation form.</p> <p>The Training Bureau will continue to use a comprehensive bank of questions to evaluate the effectiveness of training.</p>	<p>consultation with DOJ, finalize Audit Plan.</p> <p>By December 31, 2013, implement audit tools to review and analyze use of force incident reports to identify trends, training deficiencies, staff compliance/lack of compliance with policies, and additional needs.</p>	<p>training curricula.</p> <p>The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have developed, implemented and approved <i>all</i> Roll Call training curricula.</p> <p>The Training Director and/or his/her staff have maintained written documentation of this process.</p> <p>For the conducted Consent Decree related training sessions, evaluation review forms were collected from class participants. The Director of Training and his/her staff will review these evaluation forms.</p> <p>The Director of Training and/or his/her staff semi-annually will review use of force incidents to identify patterns and trends that will influence training needs. The chiefs or deputy chiefs and the Director of IAU must take part in the</p>		
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				<p>review.</p> <p>The Director of Training and/or his/her staff have developed, reviewed and implemented all use of force training curricula (including lesson plans).</p>		
<p>Paragraph 75 – <i>The VIPD will continue to provide training consistent with VIPD policy, law, and proper police practices, and will ensure that only mandated objectives and approved lesson plans are taught by instructors. The VIPD will make best efforts to train each work shift as a team in their use of force training.</i></p>	N/A	<p>VIPD in consultation with VIAG shall ensure through lesson plans and instructional material. that proper police practices are taught.</p> <p>All Lesson Plans for the in-service training have been completed and were forwarded to the VIAG and approved by the Director of Training.</p> <p>Roll call training is</p>	<p>On an ongoing basis, continue to consult with counsel and/or VIAG to ensure compliance with Territorial law.</p> <p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies. Conduct annual competency-based training of officers and supervisors on policies. Continue to incorporate competency-based training on policies into Police Academy.</p> <p>Competency-based training of all staff by December 31, 2013. Also continue competency-based training</p>	<p>The VIPD has delivered training that is consistent with the content of approved lesson plans.</p> <p>The Director of Training and/or his/her staff has developed a plan to provide, to the extent possible, training for each work shift as a team on use of force and implements that plan.</p> <p>Sworn personnel have either: (a) attended and successfully completed the initial in-service training</p>	Training Director	October 31, 2015

		<p>currently being done and documented in all zones.</p> <p>Initial training on Disciplinary policy and matrix will be completed by December 31, 2013.</p>	<p>of all investigators.</p> <p>Conduct refresher training on policies, through documented, periodic in-service and roll call training.</p> <p>Continue to incorporate competency-based training on policies into the Police Academy.</p> <p>Yearly review of policies to determine training needs.</p> <p>By December 31, 2013, where warranted, provide and document remedial training for personnel who have been identified as personnel who continually fail to report uses of force.</p>	<p>each policy/protocol and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</p> <p>Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.</p> <p>Sworn personnel displayed knowledge and proficiency in the requirements each policy, as evidenced by compliance with the policy/protocol requirements.</p>		
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				All training must comport with the requirements of the Consent Decree and be taught from curricula/lesson plans that identify training objectives; (b) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel, as appropriate.		
Paragraph 76 – <i>The VIPD shall continue to keep adequate records of lesson plans and other training materials, such that the most current training documents are maintained in a central, commonly accessible file, and are clearly dated.</i>	N/A	<p>All files are labeled in both districts and placed in alphabetical order.</p> <p>Files can also be accessed by dates in the data base.</p> <p>Training files are updated on a continuous basis.</p>	<p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</p> <p>Provide Monitors’ subject matter experts with training curricula and schedules at least 15 days in advance of training, but preferably 30 days in advance.</p>	<p>The VIPD has established a central, commonly accessible repository for lesson plans and training materials.</p> <p>Training materials are clearly dated.</p> <p>Training records are maintained in a central, commonly accessible repository.</p> <p>Lesson plans contain all of the required signatures of review and approval.</p>	Training Director	October 31, 2015
Paragraph 77 – <i>The VIPD shall continue to maintain training records regarding every VIPD officer that reliably indicate the training each officer has</i>	N/A	All trainings that are being conducted by VIPD are being documented by a sign in sheet and maintained	<p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</p> <p>Training files are updated on a continuous basis as offices are</p>	The Director of Training and/or his/her staff has maintained current and substantially complete training records for VIPD	Training Director	October 31, 2015

<i>received. The training records shall, at a minimum, include the course description and duration, curriculum, and instructor for each officer.</i>		<p>in data base. Copy of certificate issued is placed in each officer's file.</p> <p>The training academy has a copy of all lesson plans and certification in each instructor's folder.</p> <p>Files can also be accessed by dates in the Data Base.</p>	trained.	Officers.		
Paragraph 78 – <i>The Training Director, in consultation with the Attorney General's Office, will review all use of force training and use of force policies on a regular basis to ensure compliance with applicable laws and VIPD policy.</i>		All use of force policies and lesson plans have been reviewed approved by VIAG and approved by the Training Director.	On an ongoing basis, VIPD will continue to consult with VI AG to ensure that all use of force training and use of force policies are in compliance with applicable laws and VIPD policy.	<p>The Training Director and/or his/her staff, in consultation with the Attorney General's Office, has reviewed all force-related policies and training curricula/lessons plans regularly (i.e., at least semi-annually) to ensure compliance with applicable laws and VIPD policy and there is documentation of this review.</p> <p>Force-related training curricula/lesson plans adequately incorporate critical thinking, decision-</p>	Training Director	October 31, 2015

				<p>making instruction, applicable law(s) and VIPD policy.</p> <p>The VIPD follows a process by which the Attorney General's Office reviews any additions, changes, and/or modifications regarding use of force training or policies to ensure compliance with any applicable laws.</p> <p>Force-related policies and training curricula/lesson plans have received at least annual review by the Attorney General's Office and those reviews are documented in writing.</p>		
<p>Paragraph 79 – <i>The VIPD will continue to provide all recruits, officers, supervisors, and managers with annual training on use of force. Such training will include and address the following topics:</i></p> <p><i>a. the VIPD's use of force model, as described in this Agreement;</i></p> <p><i>b. proper use of force decision-making;</i></p>		<p>The Training Bureau has purchased a new state of the art training simulator from Ti Training Corp. This training tool will assist the officers in critical decision making scenarios.</p> <p>The training simulator will be used for</p>		<p>At least annually, the Training Director and/or his/her staff develop a training schedule and curricula for all use of force related policies that incorporates and addresses all of the components identified in ¶ 79(a)-(i).</p> <p>At least annually, the Training Director and/or his/her staff implement that</p>	Training Director	October 31, 2015

<p><i>c. the VIPD's use of force reporting requirements;</i> <i>d. the Fourth Amendment and other constitutional requirements;</i> <i>e. examples of scenarios faced by VIPD officers that illustrate proper use of force decision-making;</i> <i>f. interactive exercises that emphasize proper use of force decision-making;</i> <i>g. de-escalation techniques that encourage officers to make arrests without using force, and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units, or delaying arrest may be the appropriate response to a situation even when the use of force would be legally justified;</i> <i>h. threat assessment;</i> <i>i. appropriate training on conflict management.</i></p>		<p>training.</p> <p>Training will continue to teach officer survival scenarios in the areas of Defensive Spray, Expandable Baton and Defensive Tactics. These types of training will check the judgments and performances of each officer.</p> <p>In-Service Training that covers the 4th Amendments applications and other Constitutional Rights have been conducted.</p> <p>Scenarios are being used as a training tool.</p> <p>Instructors have been trained in the utilization of the training simulator.</p> <p>De-escalation techniques are being used as training tools.</p>		<p>training schedule and curricula for all use of force related policies based on ¶ 79(a)-(i).</p> <p>Sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised use of force policy that includes and addresses the issues in paragraph 79(a)-(i) and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel in each of the categories of recruits, officers, supervisors and managers have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and</p>		
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		<p>Training in all areas current and ongoing.</p> <p>VIPD will conduct in-service training annually</p>		<p>passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel. Where train-the-trainer or specific force tool certifications are required, recruits, officers, supervisors and managers have those certifications.</p>		
<p>Paragraph 80 – <i>The VIPD will continue to provide training to all its officers on the VIPD citizen complaint process. The VIPD will develop a protocol for all its officers on appropriate conduct and responses in handling citizens' complaints and will train officers in the protocol.</i></p>		<p>Numerous trainings dealing with the citizen complaint process have been conducted.</p>	<p>VIPD will continue to utilize competency-based training of officers and supervisors.</p> <p>By January 31, 2014 improve tracking system to ensure all staff are trained on policies.</p> <p>Conduct refresher training on policies, through ongoing documented, periodic in-service and roll call training.</p> <p>Yearly review of policies to determine training needs</p>	<p>The VIPD has developed policies or protocols related to the citizen complaint process, which address appropriate conduct and response in handling citizen complaints.</p> <p>Sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised complaint process related policy and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency</p>	Training Director	<p>October 31, 2015</p>

				test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.		
Paragraph 81 – <i>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</i>		Supervisors have been trained on the preponderance of evidence standard. By December 31, 2013, conduct annual refresher training on preponderance of the evidence standard.	Competency-based training of supervisors on policy will continue. By January 31, 2014 improve tracking system to ensure all staff are trained on policies. Conduct refresher training on policies through documented, periodic in-service and roll call training. Yearly review of policies to determine training needs.	Supervisors have (a) attended and successfully completed the initial in-service annual training incorporating the requirements of §§ 78-81 and demonstrated proficiency through a proficiency test(s); or (b) if VIPD supervisors have not successfully completed the required training and passed the proficiency test(s), the sworn supervisor has entered and successfully	Training Director	October 31, 2015

<p><i>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.</i></p>				<p>completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</p> <p>Where supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisors.</p> <p>Newly promoted supervisors have attended and successfully completed the initial training within 90 days of assuming supervisory responsibility incorporating the requirements of §§ 78-81 and demonstrated proficiency through a proficiency test(s); or (b) if newly promoted supervisors have not successfully completed the required training within 90 days of assuming supervisory responsibility and passed the proficiency test(s), the</p>		
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				<p>newly promoted supervisor has entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</p> <p>Where newly promoted supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the newly promoted supervisor.</p>		
<p>Paragraph 100 - <i>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.</i></p>				<p>1. Use of Force policies (paragraph 31):</p> <p>For subsection a: Definitions of all force terms are consistent with the Consent Decree, applicable law, and generally accepted police practices.</p> <p>For subsection b: Definition of “force” comports with ¶ 21 of the</p>	<p>See above for person/group/unit responsible for each substantive paragraph</p>	<p>October 31, 2015</p>

				<p>Consent Decree.</p> <p>For subsection c: In use of force incidents, there is documented evidence that, as appropriate, Officers disengaged, contained the area, conducted surveillance, waited out the subject, and/or called in specialized units.</p> <p>For subsection d: In use of force incidents, there is documented evidence that, when feasible, an individual was advised that he/she is allowed to submit to arrest before force is used.</p> <p>For subsection e: See ¶ 31.</p> <p>For subsection f: 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. Patrol and other applicable officers carry less lethal alternatives at all times</p>		
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				<p>while on duty.</p> <p>For subsection g: In use of force incidents, choke holds and similar carotid holds were not used, except where deadly force was authorized.</p> <p>In use of force incidents where the use of force review concluded that use of choke holds or similar carotid holds were not authorized, VIPD took corrective and/or disciplinary action against the officer who used the choke hold or other carotid hold.</p> <p>VIPD immediately implements any policy revisions, once approved.</p> <p>2. Firearms policy (paragraph 39): Sworn personnel do not possess or use unauthorized firearms or ammunition.</p> <p>In cases where an officer is found to be in possession of unauthorized firearms or</p>		
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				<p>ammunition, there is evidence that an investigation was conducted and appropriate corrective action was taken which includes bringing the officer's conduct into compliance with the VIPD firearms policy.</p> <p>Firearm discharges are documented on an RRR.</p> <p>Service ammunition obtained and used by officers is obtained through official VIPD channels.</p> <p>3. Off-duty policy (Paragraph 40): 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.</p> <p>Off-duty officers notified on-duty sworn personnel or local enforcement officers before taking police actions, except in exigent circumstances.</p>		
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				<p>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.</p> <p>Completed investigations into complaints of misconduct are in compliance with the provisions of the Consent Decree.</p> <p>4. Investigations (Paragraph 47): In reportable use of force incidents, the investigating supervisor had no involvement in the incident (<i>i.e.</i>, 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).</p> <p>5. Investigative findings (Paragraph 52): Use of force investigations include documented findings of all</p>		
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				<p>of the considerations required by ¶ 52.</p> <p>6. Allegations of criminal misconduct (Paragraph 53): In investigations involving criminal investigations that are referred to the Attorney General's Office or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.</p> <p>7. Elements of RMS Protocol (Paragraph 64): The VIPD has implemented a protocol for using the RMS that includes the components identified in ¶ 64(a) of the Consent Decree.</p> <p>The VIPD has implemented a protocol that includes an automated system to analyze the data according to the criteria identified in ¶ 64(b) of the Consent Decree.</p> <p>Reports are generated and</p>		
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				<p>distributed to appropriate sworn personnel (<i>e.g.</i>, Chiefs, Deputy Chiefs, and supervisors) on a monthly basis.</p> <p>Reviews conducted by the Deputy Chiefs, managers, and supervisors comport with the RMS protocol.</p> <p>Deputy Chiefs, managers and supervisors have initiated intervention in instances based on activity and pattern assessment contained in the RMS. The chief or designee will also have overall responsibility for ensuring that interventions are initiated as appropriate.</p> <p>Interventions, as exemplified in paragraph 64 of the Consent Decree, comport with the RMS protocol</p> <p>Interventions are based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and</p>		
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				<p>not solely on the number or percentages of incidents in any category of information recorded in the risk management system.</p> <p>In instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit have promptly reviewed the RMS records of such officers.</p> <p>The VIPD has established a protocol for evaluating whether deputy chiefs, managers and supervisors are able to use the RMS system to enhance effectiveness and risk.</p> <p>This evaluation protocol is followed with a reasonable level of accuracy and completeness.</p> <p>The RMS is managed and administered by IAU.</p> <p>8. Disciplinary matrix (paragraph 70): Disciplinary penalty</p>		
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				decisions are consistent with the penalties set forth in the matrix.		
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE VIRGIN ISLANDS**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	C.A. No. 3:08-CV-158
)	
v.)	
)	
1. THE TERRITORY OF THE VIRGIN)	
ISLANDS; and)	
)	
2. THE VIRGIN ISLANDS POLICE)	
DEPARTMENT,)	
)	
Defendants.)	
_____)	

ORDER

Before the Court is the parties' Joint Motion to Amend the Consent Decree Action Plan entered in this matter. The Court, having considered the arguments and representations set forth in the parties' Motion, hereby:

ORDERS that the revised Action Plan appended hereto and incorporated herein by reference is ADOPTED, and that the parties shall comply with its terms; and further

ORDERS that the Action Plan, appended hereto and incorporated by reference herein, shall be made part of the Consent Decree.

CURTIS V. GÓMEZ
District Judge