

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

LAWRENCE CARTY, ET AL.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil No. 94-78
JOHN De JONGH, et al.;)	
)	
)	
Defendants.)	
_____)	

SETTLEMENT AGREEMENT

I. PARTIES

This Settlement Agreement ("Agreement") is entered by and between the Plaintiffs through its counsel, ACLU National Prison Project, and John de Jongh, Jr., / Territory of the Virgin Islands, et al. ("Defendants").

II. INTRODUCTION

1. The purpose of this Agreement is to settle the remaining disputes between the parties with respect to Defendants' compliance with the 1994 Settlement Agreement and other Court-ordered remedies [collectively "remedies"] and to remedy any ongoing conditions and operations at the Criminal Justice Complex (CJC) and the Alva Swan Annex [collectively "the CJC" or "the Jail"] that do not meet constitutional standards.

2. The parties stipulate that this Agreement complies in all respects with the provisions of 18 U.S.C. § 3626(a). The parties further stipulate and agree and the Court finds that the prospective relief in this Agreement is narrowly drawn, extends no further than necessary to correct the violations of federal rights agreed to by the parties, is the least intrusive means necessary to correct these violations, and will not have an adverse impact on public safety or the operation of a criminal justice system. Accordingly, the parties agree and represent that the Agreement complies in all respects with the provisions of 18 U.S.C. § 3626(a).

III. DEFINITIONS

1 "ACLU" shall refer to the American Civil Liberties Union, which represents the Plaintiffs in this matter.

2. “Compliance” is discussed throughout this Agreement in the following terms: substantial compliance, partial compliance, and non-compliance. “Substantial Compliance” indicates that Defendants have achieved compliance with most or all components of the relevant provision of the Agreement. “Partial Compliance” indicates that Defendants achieved compliance on some of the components of the relevant provision of the Agreement, but significant work remains. “Non-compliance” indicates that Defendants have not met most or all of the components of the Agreement.
3. “Effective date” shall mean the date the Agreement is signed and entered by the Court.
4. “Defendants” refers to all of the officials in their official capacities who are named as a party to this action.
5. “Facility” or “CJC” or “Jail” refers to the Criminal Justice Complex and the Alva Swan Annex, located in St. Thomas, Territory of the U.S. Virgin Islands, or any building that may replace or supplement such facilities in the future as long as this case remains pending.
6. To “Implement” a policy means: the policy has been drafted and disseminated to all staff responsible for following or applying the policy; all relevant staff have been trained on the policy; compliance with the policy is monitored and tracked through audit tools; the policy is consistently applied; and there are corrective action measures to address lapses in application of the policy.
7. “Prisoners” or “Prisoner” shall be construed broadly to refer to one or more individuals detained at, or otherwise housed, held, in the custody of, or confined at the CJC.
8. “Train” means to instruct in the skills addressed to a level at which the trainee has the demonstrated proficiency to implement those skills as, and when called for, in the training. “Trained” means a demonstration of staff proficiency.
9. “Use of force” means the application of physical or mechanical measures to compel compliance by an unwilling subject. “Use of force” shall include all force except complaints of minor discomfort from un-resisted handcuffing or un-resisted shackling of prisoners for movement purposes.
10. “Include” or “Including” means “include, but not limited to” or “including, but not limited to.”
11. “Psychotropic medication” shall mean any substance used in the treatment of mental health problems or mental illness which exerts an effect on the mind and is capable of modifying mental activity or behavior.
12. “Qualified Medical Professional” means a currently licensed physician, licensed physician assistant, or a licensed nurse practitioner qualified to deliver those health care services he or she has undertaken to provide.

13. “Qualified Mental Health Professional” shall refer to a psychiatrist or psychiatric nurse practitioner, who is currently licensed to provide the services he or she has undertaken to provide;

14. “Qualified nursing staff” shall mean registered nurses and licensed practical nurses currently licensed and qualified to deliver those health care services he or she has undertaken to provide.

15. “Special Management Housing Units” means those units or cells either designated or used for prisoners on lockdown, disciplinary segregation, administrative segregation, protective custody, pre-hearing disciplinary or administrative detention, on suicide watch or precautions, or who are mentally ill.

16. “Staff” refers to all persons working at the CJC or providing services to CJC prisoners, whether employed by an agency of the Territory or any contractor, and include volunteers at the CJC. This excludes all federal law enforcement personnel.

17. “Suicide Precautions” means any level of watch, observation, or measures to prevent suicide or self-harm.

Therefore, the parties stipulate and agree to the following:

IV. SAFETY AND SUPERVISION

A. Classification and Housing of Prisoners

1. Defendants shall actively manage their prisoner population, including seeking pretrial detention alternatives and reduced bails, and offering sentences of time served for prisoners charged with misdemeanor and non-violent offenses. Defendants will develop and implement facility-specific policies that will appropriately classify, house, and maintain separation of prisoners based on a validated risk assessment instrument in order to prevent an unreasonable risk of harm. Such policies will include the following:

- a. The development and implementation of an objective and validated system that classifies and appropriately houses detainees and sentenced prisoners as quickly as possible considering among other factors the prisoner’s charge, prior commitments, age, suicide risk, history of escape, history of violence, gang affiliations, history of victimization, and special needs such as mental, physical, or developmental disability;
- b. Housing and separation of prisoners in accordance with their classification;
- c. Systems for preventing prisoners from obtaining unauthorized access to prisoners in other units;
- d. The criteria and conditions for administrative segregation and protective custody prisoners, addressing all aspects of their confinement on these statuses, including the timely review of status;

- e. The development and implementation of a system to timely re-classify prisoners, as appropriate, following incidents that may affect prisoner classification, such as prisoner assaults and sustained disciplinary charges/charges dismissed for due process violations;
- f. The collection and periodic evaluation of data concerning prisoner-on-prisoner assaults, prisoners who report gang affiliation, the most serious offense leading to incarceration, prisoners placed in protective custody, and reports of serious prisoner misconduct; and
- g. Regular review of prisoners in segregation to minimize time in segregation, and provision of adequate opportunities for out-of-cell time for prisoners in segregation.

B. Supervision

1. Defendants will take all reasonable steps to protect prisoners from harm, including violence by other prisoners. While some danger is inherent in a jail setting, Defendants will implement appropriate measures to minimize these risks, including development and implementation of facility-specific security and control-related policies, procedures, post orders, and practices that will provide a reasonably safe and secure environment for all prisoners and staff. These policies, orders, procedures and practices shall include measures necessary to prevent prisoners from being exposed to an unreasonable risk of harm by other prisoners or staff and must include the following:

- a. Development of housing units of security levels appropriately stratified for the classification of the prisoners in the institution, including single cells for the housing of segregation and protective custody prisoners when appropriate;
- b. Post orders that are sufficiently detailed and specific to each security post that remain on post and first-line supervision of corrections officers in each housing unit (at least one officer per unit) based on an assessment of staffing needs;
- c. Communication to and from corrections officers assigned to housing units (i.e. functional radios); and
- d. Supervision by corrections officers assigned to cellblocks, including any special management housing units (e.g., administrative or disciplinary segregation) and cells to which prisoners on suicide watch are assigned, including conducting of adequate rounds by corrections officers and security supervisors in all cellblocks and in areas of the prison other than cellblocks.
- e. Identification and separation of knowable enemies within the prisoner population.

C. General Security

1. Defendants shall remedy all known security deficiencies and hazards at the Jail. The Court's security expert shall review and address as the expert sees fit the findings in the expert report of Jeffrey Schwartz, Ph.D. Defendants shall also ensure that all door control panels and other security systems and equipment are readily available to staff and in working order, and that

they are timely inspected and repaired by qualified staff or vendors. Defendants will also develop and implement adequate facility-specific policies governing operations and security at the Jail. These policies shall contain all adequate and sufficiently detailed procedures necessary to ensure the safety and security of prisoners and staff, including:

- a. Uniforms that prisoners and staff are required or permitted to wear and/or possess;
- b. Emergency preparedness and response;
- c. Security, perimeter, and physical plant inspections;
- d. Staff sexual misconduct, PREA, and discrimination;
- e. Weapons control and storage and the armory;
- f. cell extractions;
- g. key control;
- h. tool control;
- i. intelligence/security threat groups;
- j. searches of staff, visitors and prisoners and shakedowns;
- k. Identification that staff, and visitors are required to carry and/or display;
- l. Requirements for locking and unlocking of exterior and interior gates and doors, including doors to cells consistent with security, classification and fire safety needs;
- m. Operation and placement of security cameras and the video monitoring system;
- n. Procedures for the timely and adequate inspection and maintenance of operational cell and other locks and all security systems and equipment in CJC to ensure locks, equipment and systems are operational and not compromised by tampering;
- o. A reliable and documented program to identify and appropriately counsel and/or progressively sanction/terminate staff who violate policies, post orders, or practices, engage in inappropriate contact or communications with prisoners, fail to report staff misconduct or use of force they witness, or otherwise fail to carry out their job responsibilities;
- p. Reliable and documented management presence on the floors and living units at the Jail
- q. Pre-employment background checks and required self-reporting of arrests and convictions for all facility staff, with centralized tracking and periodic supervisory review of this information for early staff intervention;
- r. Forms and other appropriate documentation to report routine and unusual occurrences; and
- s. Manner in which prisoners should be secured and escorted, including segregation prisoners and those who pose security risks.

2. Cell checks should be conducted approximately every fifteen minutes from the floor of the housing unit. Supervisors and managers shall check unit and cluster logs, and document their checks, to ensure that cell checks are being documented appropriately and accurately.

3. Defendants will require daily officer and supervisor reports on activities during shifts. Shift reports will be turned in at the end of each shift and attached to supervisor's report which is turned into the chief daily.

4. Defendants shall develop and implement an organizational chart for all personnel, and retain qualified staff to fill all positions, including management positions. All positions shall have an associated job description. Both the Annex and CJC shall have on-site leadership, in addition to shift supervisors, who shall report to the warden.

D. Contraband

1. Defendants will develop and implement facility-specific policies regarding contraband that are designed to eliminate the presence of dangerous material in the facility. Such policies will include the following:

- a. Clear definitions of what items constitute contraband;
- b. Prevention of the introduction of contraband from anyone entering or leaving CJC, through processes including prisoner mail and package inspection and searches of all individuals entering the prison, as well as random unannounced staff searches;
- c. Detection of contraband within CJC, through processes including:
 - (i) supervision of prisoners in common areas, the kitchen, shops, laundry, clinic, and other areas of CJC to which prisoners may have access;
 - (ii) pat down, metal detector, and other appropriate searches of prisoners coming from areas where they may have had access to contraband, such as at intake, returning from visitation or returning from the kitchen, shops, laundry, or clinic;
 - (iii) regular and random searches of physical areas in which contraband may be hidden or placed, such as cells and common areas where prisoners have access (e.g., clinic, kitchen, dayrooms, storage areas, showers);
- d. Confiscation and preservation of evidence/custody and destruction of contraband;
- e. Admission procedures and escorts for visitors to the facility;
- f. Documentation by incident report of all incidents of contraband found at the CJC; documented investigations of all incidents of contraband introduced to the CJC. The investigations shall seek to determine how the contraband at issue was introduced to the CJC, and shall result in appropriate action being taken against any visitors or staff involved;
- g. Storage and handling procedures for contraband to preserve the chain of custody and integrity of seized contraband; and
- h. Public area and cell and unit shakedowns, including supervisor documentation of shakedowns and documentation of results.

E. Shelter/Physical Plant/Environmental Health

1. Defendants shall develop and implement a comprehensive preventive maintenance and repair plan for all mechanical systems and the physical plant. The plan shall require adequate

documentation of all necessary preventive maintenance tasks and of all repair requests and dispositions. Defendants shall retain at least two FTE maintenance staff to perform preventive maintenance and repairs at the Jail, and Defendants shall retain appropriately trained vendors when necessary to timely repair mechanical systems at the Jail so they are in proper working order. Maintenance staff shall be provided with all necessary equipment and parts to perform their responsibilities.

2. Defendants shall develop and implement a comprehensive kitchen maintenance and sanitation plan. The plan shall require adequate documentation of all necessary maintenance and sanitation tasks.

3. Defendants shall retain sufficient FTE maintenance staff to perform timely maintenance and repairs to all mechanical systems and the physical plant.

4. Defendants shall provide adequate lighting, air circulation, ventilation, cleaning supplies and equipment, and temperatures in the housing units and cells.

5. Defendants shall develop and implement an adequate mattress exchange program. The program shall include documentation of mattress exchanges and distribution, and shall ensure that mattresses that are damaged or potentially not fire retardant are discarded.

6. Defendants shall ensure that prisoners are provided with diets that meet or exceed nationally recognized standards for basic nutrition, and that a qualified nutritionist or dietician shall periodically review and approve the jail's menus. Further, the jail shall document all meals served.

7. Defendants shall ensure that all food service areas and equipment are kept clean and sanitary, and are inspected regularly by the kitchen supervisor and personnel. Defendants shall store, prepare and serve food consistent with applicable health and safety standards. Kitchen personnel shall have all necessary equipment to ensure that kitchen equipment is in proper working order and shall ensure that that food is stored and served at appropriate temperatures. Defendants shall develop and implement a utensil/tool control policy that allows the supervisor to identify readily all missing or in-use utensils or tools.

8. Suitable clothing shall be timely issued to all prisoners, as well as suitable hygiene supplies (toothbrush, toothpaste, soap, shampoo, deodorant, female hygiene supplies), toilet paper, bedding, pillows, towels, and linens, both at admission and during incarceration. The provision of these items shall be documented by Defendants and countersigned by the receiving prisoner. There shall be a procedure for linen and towel exchange and personal laundry on a weekly basis, at a minimum.

9. Water for showers shall be thermostatically controlled so that the water temperature meets applicable standards.

F. Population

1. Defendants shall not institute facility-wide lockdowns of prisoners in excess of 72 hours, unless emergency circumstances exist. An emergency is defined as a significant security breach affecting the entire facility, or riot, fire, hurricane, or similar act not caused by defendants. Defendants must notify Plaintiffs' counsel if they intend to extend a lockdown beyond 72 hours, certify the justification for extending the lockdown, and present a plan and timetable for ending the lockdown.
2. No cell at the Jail shall confine more than 2 prisoners. All instances where a cell confines more than 2 prisoners shall be documented.
3. Outdoor recreation must be provided at least one hour per day, six days per week, and must be documented.
4. Prisoners shall not be confined to their cells more than 12 hours per day.
5. Defendants shall implement a comprehensive library system.
6. Jobs shall be made available for sentenced and long-term detainee prisoners.
7. An adequate number of cells shall be established as single cells for special management prisoners, including those who need to be isolated due to health care issues, for segregation, and for protective custody.
8. New admissions shall be isolated from the general prisoner population until they are medically cleared.

G. Incidents and Referrals

1. Defendants will develop and implement a management information system (MIS) and specific policies to alert facility management of incidents at CJC so they can take corrective, preventive, individual, and systemic action. Such policies and MIS will include the following:
 - a. Reporting by staff of incidents, including
 - (i) fights;
 - (ii) rule violations;
 - (iii) injuries to prisoners;
 - (iv) suicide/self-harm attempts;
 - (v) shakedowns and cell extractions;
 - (vi) staffing changes (vacancies, new hires, retirements/discharges, overtime);
 - (vii) use of force/restraints;
 - (viii) program participation;
 - (ix) internal investigations and criminal referrals;
 - (x) medical emergencies;

- (xi) contraband;
- (xii) vandalism;
- (xiii) fires; and
- (xiv) deaths of prisoners;

- b. Review by senior management of reports regarding the above incidents to determine whether to refer the incident for administrative or criminal investigation and to ascertain and address incident trends (e.g., particular individuals, shifts, units, etc.);
- c. Requirements for preservation of evidence; and
- d. Central tracking of the above incidents.

2. The policy will provide that reports, reviews, and corrective action be made promptly and within a specified period. Defendants shall also continue to utilize log books to record all activity at the Jail.

H. Use of Force by Staff on Prisoners

1. Defendants will develop and implement facility-specific policies that prohibit the use of unnecessary or excessive force on prisoners and provide adequate staff training, systems for use of force, supervisory review and investigation, and discipline, criminal referral, and/or re-training of staff found to engage in unnecessary or excessive force. Such policies, training, and systems will include the following:
 - a. Permissible forms of force along a documented use of force continuum;
 - b. Circumstances under which the permissible forms of force may be used;
 - c. Impermissible uses of force, including force against a restrained, non-resisting, or an otherwise secured prisoner, force as a response to verbal threats, and other unnecessary or excessive force;
 - d. Pre-service training and annual competency-based and scenario-based training on permitted/unauthorized uses of force and de-escalation tactics;
 - e. Training and certification required before being permitted to carry and use an authorized weapon;
 - f. Involvement of mental health staff (when feasible) to de-escalate incidents involving mentally ill prisoners that may result in use of force;
 - g. Comprehensive and timely reporting of use of force by those who use or witness it, noting specifically the prisoner conduct that resulted in the force incident, the de-escalation tactics used and the prisoner response to same, the specific type/amount of each force technique or restraint used, where on the body the force or restraint was applied, documentation of all injuries by medical staff, and all witnesses to the incident;
 - h. Prohibition on using force that may be medically contraindicated (such as using chemical agents on an asthmatic);
 - i. Supervision and videotaping of planned uses of force, and retention of all videos of use of force incidents for review by Plaintiffs' counsel on request;

- j. Appropriate oversight and processes for the selection and assignment of staff to armory operations and to posts permitting the use of deadly force;
- k. Prompt medical and mental health evaluation and treatment after uses of force and photographic documentation of whether there are injuries (either of staff or prisoners) resulting from the incident;
- l. Prompt administrative review of use of force reports;
- m. Timely referral for criminal and/or administrative investigation based on review of clear criteria, including prisoner injuries, report inconsistencies, and prisoner complaints;
- n. Administrative investigation of uses of force;
- o. Central tracking of all uses of force that records: staff involved, prisoner injuries, prisoner complaints/grievances regarding use of force, and disciplinary actions regarding use of force, with periodic evaluation for early staff intervention;
- p. Supervisory review of uses of force to determine whether corrective action, discipline, policy review or training changes are required; and
- q. Re-training and sanctions against staff for improper uses of force.

I. Use of Physical Restraints on Prisoners

- 1. Defendants will develop and implement facility-specific policies to protect against unnecessary or excessive use of physical force/restraints and provide reasonable safety to prisoners who are restrained. Such policies will include the following:
 - a. Permissible types of use of restraints;
 - b. Circumstances under which various types of restraint can be used;
 - c. Duration of the use of permitted forms of restraints;
 - d. Required observation of prisoners placed in restraints;
 - e. Limitations on use of restraints on mentally ill prisoners, including appropriate consultation with and approval by a qualified mental health professional (see section V, below);
 - f. Appropriate documentation of all use of restraint incidents;
 - g. Provision of documented timely and appropriate release from restraints for exams by medical staff, range of motion exercises, offers of water/nutrition, and use of a bathroom; and
 - h. Required termination of the use of restraints.

J. Prisoner Complaints

- 1. Defendants will develop and implement facility-specific policies so that prisoners can report, and facility management can timely address, prisoners' complaints in an individual and systemic fashion. Such policies will include the following:
 - a. A prisoner complaint system with confidential access and reporting, including assistance to prisoners with cognitive difficulties, and the provision of receipts to prisoners filing complaints;
 - b. Timely investigation of prisoners' complaints, prioritizing those relating to safety, medical and/or mental health care;
 - c. Documented corrective action taken in response to complaints leading to

the identification of violations of any departmental policy or regulation, including the imposition of appropriate discipline against staff whose misconduct is established by the investigation of a complaint,

- d. Centralized tracking of records of prisoner complaints, as well as their disposition; and
- e. Periodic management review of prisoner complaints for trends and individual and systemic issues.

K. Administrative Investigations

1. Defendants will develop and implement facility-specific policies so that serious incidents are timely and thoroughly investigated and that systemic issues and staff misconduct revealed by the investigations are addressed in an individual and systemic fashion. Such policies will address the timely, adequate investigations of alleged staff misconduct; violations of policies, practices, or procedures; and incidents involving assaults, sexual abuse, contraband, and excessive use of force. Such policies will provide for:
 - a. Timely, documented interviews of all staff and prisoners involved in incidents;
 - b. Adequate investigatory reports that consider all relevant evidence (physical evidence, interviews, recordings, documents, etc.) and attempt to resolve inconsistencies between witness statements;
 - c. Centralized tracking and supervisory review of administrative investigations to determine whether individual or systemic corrective action, discipline, policy review, or training modifications are required;
 - d. Pre-service and in-service training of investigators regarding policies (including the use of force policy) and interviewing/investigatory techniques; and
 - e. Disciplinary action of anyone determined to have engaged in misconduct at the Jail.

L. Institutional Services

1. Defendants will develop and implement a supply distribution schedule that will give time and day of all distribution/services. The schedule will ensure safe and timely provision of laundry services, cleaning supplies, and commissary services

M.. Programs

1. Defendants will develop and implement an orientation program for all new arrivals which will instruct them on institutional operations, and provide them with knowledge of how to receive services—the orientation will include provision of a prisoner handbook that will include all relevant institutional rules, including all disciplinary rules and the disciplinary policy. Each newly arrived prisoner shall countersign a form acknowledging receipt of the handbook, and replacement books shall be provided as necessary.
2. Defendants will provide a core program component for prisoners held in the jail, including AA/NA, ABE/GED, Anger Management and social service assessment.

N. Staffing

1. Defendants shall retain a sufficient number of custody staff to (a) provide for the safety and security of all prisoners, (b) respond to emergencies, and (c) permit foreseeable staff illness, leave, attrition and training.
2. Defendants shall retain a mutually agreed-upon independent consultant to conduct a staffing analysis and develop a staffing plan for the Jail that will include a relief factor to ensure adequate staffing at all times, and shall thereafter implement the staffing plan, or shall file objections with the Court and present an alternate plan that they believe also ensures adequate staffing. The Court thereafter will set this matter for an evidentiary hearing to determine which staffing plan shall be implemented. If the parties cannot agree on a consultant, they shall submit candidates to the Court to choose a consultant.

O. Fire Life Safety

1. Defendants will protect prisoners from fires and related hazards by providing constitutionally adequate living conditions and fire and life safety systems and procedures. Defendants will develop and implement facility-specific policies regarding the physical plant, emergency preparedness, and fire and life safety equipment and systems, including the following:
 - a. An adequate fire safety program with a written evacuation plan reviewed by Local Fire authorities, and posted evacuation routes throughout both facilities;
 - b. Adequate steps to provide fire and life safety to prisoners including maintenance of reasonable fire loads and fire- and life-safety equipment and systems that are routinely inspected (with documented inspections) and timely repaired/replaced by appropriate personnel (including vendors) to include fire alarms and panels, heat and smoke detectors throughout the facilities, an adequate fire suppression system in the kitchen, fire extinguishers and fire safety equipment (including an adequate number of working SCBAs) in each control office and in the Main Control areas of each facility, adequately fire-rated enclosures with self-closing or automatic closing fire doors linked to the main fire detection system; secured sets of working emergency keys identifiable by sight and touch that are at all times available to corrections staff who are trained in their location and use; sprinklers; and smoke detectors-in housing units;
 - c. Comprehensive and documented fire drills carried out according to applicable professional standards at appropriate intervals in which staff on each shift manually unlock all doors, secure prisoners, escort them to a designated safe area outside the building, and demonstrate competency in the use of fire and life safety equipment and emergency keys that are appropriately marked and identifiable by touch. At a minimum, there shall be one fire drill per quarter per shift, though not every drill must involve the physical evacuation of all prisoners. The local fire and police departments shall participate periodically in drills;
 - d. Regular security inspections of all housing units that includes checking:

- (i) that cell locks are functional and are not jammed from the inside or outside of the cell; and
 - (ii) that all facility locking cell mechanisms are functional;
- e. Testing of all staff regarding fire- and-life safety procedures, equipment, and systems, as well as documented attendance and testing of staff at pre-service, and annual in-service training on fire safety procedures and equipment;
- f. Reporting and notification of fires, including audible fire alarms;
- g. Evacuation of prisoners threatened with harm resulting from a fire;
- h. Fire suppression;
- i. Medical treatment of persons injured as a result of a fire; and
- j. Control of highly flammable materials.

V. Medical and Mental Health Care

1. Defendants shall provide timely medical and mental health care consistent with community standards and constitutional requirements, including screening, assessment, treatment, and monitoring of prisoners' medical and mental health needs. Defendants also shall protect the safety of prisoners at risk for self-injurious behavior or suicide, including giving priority access to care to individuals most at risk of harm and who otherwise meet the criteria for inclusion in the target population for being at high risk for suicide. .

2. Accordingly, Defendants will develop and implement facility-specific policies consistent with community standards and the current National Commission on Correctional Health Care (NCCHC) guidelines, including those regarding the following:

- a. Adequate and timely intake screenings for medical and mental health needs upon arrival at the Jail, to be conducted by qualified medical and mental health professionals. For prisoners admitted during hours when no nurse is available, a specially trained corrections officer shall administer an initial needs survey to identify prisoners who are at risk of medication disruption, or who otherwise have serious medical and/or mental health needs that must be addressed immediately, including those at risk of suicide or self-harm. All prisoners who have positive INS results shall receive timely and appropriate care to address their immediate health care needs, including transfer to a hospital when indicated. Further, all such prisoners shall be seen by the following day by medical staff with credentials appropriate to the acuity of the patient;
- b. Comprehensive initial history and physicals and/or follow-up assessments, conducted by qualified medical and mental health professionals within three days of admission;
- c. Timely laboratory tests on all new admissions, including PAP smear, urine pregnancy tests, and any other additional tests that are clinically necessary by prisoner. HIV tests shall be timely offered to all prisoners;
- d. PPDs shall be implanted within 24 hours of admission, and thereafter tuberculosis screening and management shall be consistent with Centers for Disease Control guidelines;
- e. Prisoners' timely access to and provision of adequate medical and mental

- health care for chronic and acute conditions, including prenatal care for pregnant prisoners;
- f. Continuity, administration, and management of medications, that address:
 - i. timely responses to orders for medications and laboratory tests;
 - ii. continuity of medications for newly-admitted prisoners, or those prescribed medications while incarcerated;
 - iii. medication administration practices that comply with applicable professional standards;
 - iv. timely and routine physician review of medications and clinical practices;
 - v. review for known side and adverse effects of medications, including contraindications and interactions; and
 - vi. sufficient supplies of medications upon discharge for prisoners with serious medical and mental health needs;
 - g. Maintenance of adequate medical and mental health records, including records, results, and orders received from off-site consultations and treatment conducted while the prisoner or detainee is in CJC custody, separate logs documenting all off-site, medical and mental health professional, dental, and hospital appointments;
 - h. Timely and countersigned provision of medically indicated diets;
 - i. Prisoners' timely access to and the provision of medical and mental health care to prisoners including:
 - i. adequate sick-call procedures with timely assessment by health care staff with credentials appropriate to the patient's acuity, and physician referral and/or review along with the logging, tracking, and timely responses to confidential requests by qualified medical and mental health professionals. All sick call requests shall be noted in a separate log by date, prisoner name, nature of request, and disposition;
 - ii. an adequate means to track, care for, and monitor prisoners identified with medical and mental health needs;
 - iii. chronic and acute care with nationally accepted clinical practice guidelines and appropriate and timely follow-up care and documented timely periodic monitoring. Patients with chronic conditions shall be seen for follow-up at a frequency dependent on the level of their disease control. All chronic care patients shall be noted by condition on a chronic care list, noting the dates of their chronic care appointments;
 - iv. adequate measures for providing emergency care, including training of staff:
 - 1) to recognize serious injuries and life-threatening conditions;
 - 2) to provide first-aid procedures for serious injuries and life-threatening conditions, including periodic training in first-aid, CPR, and use of AEDs;
 - 3) to recognize and timely respond to emergency medical and mental-health crises;

- v. adequate and timely referral to specialty and off-site care; adequate and timely diagnostic tests and review and follow-up to test results;
- vi. adequate follow-up care and treatment after return from referral for outside diagnosis or treatment;
- vii. adequate documentation on a separate log of all off-site or specialist appointments, noting the date of the appointment, prisoner's name, specialist/clinic seen, and disposition;
- j. Adequate care for intoxication and detoxification related to alcohol and/or drugs, including determination by a physician of the need for pharmacological care consistent with professional standards, non-pharmacological substance abuse programs for prisoners with addiction problems, the development of treatment plans, and use of flow sheets and appropriate monitoring for detoxifying prisoners;
- k. Infection control, including guidelines and precautions and testing, monitoring, and treatment programs;
- l. Adequate suicide prevention, including:
 - i. the immediate referral of any prisoner with suicide or serious mental health needs to an appropriate mental health professional;
 - ii. appropriate and timely assessment of all newly admitted prisoners for suicide risk by adequately trained staff
 - iii. a protocol for constant observation of suicidal prisoners ;
 - iv. timely suicide risk assessment instrument by a qualified mental health professional within an appropriate time not to exceed 12 hours of prisoner being placed on suicide precautions;
 - v. timely assessment of all prisoners placed on suicide precautions by a psychiatrist within 24 hours;
 - vi. ensuring that all suicide precaution orders are issued by a psychiatrist, and that none lasts more than 24 hours absent a timely renewal based on a face-to-face assessment by the psychiatrist;
 - vii. readily available, safely secured, suicide cut-down tools;
 - viii. instruction and scenario-based training of all staff in responding to suicide attempts, including use of suicide cut-down tools;
 - ix. instruction and competency-based training of all staff in suicide prevention, including the identification of suicide risk factors;
 - x. availability of suicide resistant cells;
 - xi. protocol for the constant supervision of actively suicidal prisoners and close supervision of other prisoners at risk of suicide, including appropriate documentation of same;
 - xii. procedures to assure implementation of directives from a mental health provider regarding:
 - 1) the confinement and care of suicidal prisoners;
 - 2) the removal from watch; and
 - 3) follow-up assessments at clinically appropriate

intervals;

- m. Clinically adequate professional staffing (all with associated job descriptions) of the medical and mental health treatment programs, as indicated by implementation of periodic staffing analyses and plans. At a minimum, Defendants shall retain
 - i. a qualified medical director responsible for overseeing the health care program at the Jail, touring the medical facilities and meeting with staff on-site, implementing an adequate quality assurance (QA) and peer review program that reviews the entire continuum of care, and meeting with the Director, Nursing Supervisor, and warden monthly to discuss medical services at the Jail, including the results of all QA and peer review activities;
 - ii. a designated director of mental health services responsible for overseeing mental health care at the Jail, for developing a budget specific for mental health services, and for implementing a management information system regarding health care caseload and services;
 - iii. an FTE registered nurse to act as the on-site supervisor of medical services at the Jail;
 - iv. nursing personnel who will provide on-site services consistent with their training and licensure from at least 9:00 am-8:00 pm on weekdays and for four (4) hours on weekends;
 - v. a physician board certified in internal medicine, family medicine, or emergency medicine for at least two (2) hours daily to conduct intake screenings and physical exams, sick call and medical assessments and follow-up exams;
 - vi. a physician board certified in internal medicine, family medicine, or emergency medicine shall be on call at all times when one is not physically present at the facility. The contact information for this physician shall be disseminated to all staff;
 - vii. a licensed psychiatrist shall provide on-site services two (2) hours every weekday. A licensed relief psychiatrist shall provide services when the regular psychiatrist is unavailable, and there shall be 24-hour on-call coverage by a psychiatrist;
 - viii. a master's level FTE mental health counselor shall provide mental health services, including individual and group therapy.
- n. Adequate staffing of correctional officers with training to implement the terms of this agreement, including how to identify, refer, and supervise prisoners with serious medical and mental health needs; as well as both adequate pre-service and in-service training of all staff and officers in cardiopulmonary resuscitation (CPR) ;
- o. Adequate equipment shall be maintained on-site for management of medical emergencies;
- p. Logging of all emergency hospital referrals, noting the date, prisoner name, time leaving the Jail and time of hospital arrival;

- q. A protocol for periodic assessment of the facility's compliance with policies and procedures regarding the identification, handling, and care of detainees and prisoners with serious medical and mental health conditions;
- r. Adequate dental care, including preventive and restorative services, that is not limited to extractions;
- s. Adequate eye care, including the provision of glasses to those prisoners who need them;
- t. A protocol for medical and mental health rounding in isolation/segregation cells to provide prisoners access to care and to prevent decompensation;
- u. A prohibition on housing prisoners with serious mental illness in isolation, regular review of prisoners in segregation to minimize time in segregation, and provision of adequate opportunities for out-of-cell time of prisoners in segregation;
- v. Review by and consultation with a qualified mental health professional of proposed prisoner disciplinary sanctions to evaluate whether mental illness may have impacted rule violations and to provide that discipline is not imposed due to actions that are the product of symptoms of mental illness;
- w. Medical facilities, including the scheduling and availability of appropriate clinical space with adequate privacy;
- x. Mental health care and treatment, including:
 - i. timely, current and adequate treatment plan development and implementation;
 - ii. adequate mental health programs for all prisoners with serious mental illness, including psychosocial rehabilitation services to prisoners;
 - iii. development and implementation of memoranda of understanding to ensure timely transfers of seriously mentally ill prisoners in need of inpatient or intermediate care, or those in need of acute stabilization, to an appropriate hospital or mental health facility;
 - iv. adequate psychotropic medication practices, including monitoring for side effects and informed consent;
 - v. adequate and timely assessment and treatment by psychiatrists for all prisoners with diagnosed or possible mental illness;
 - vi. comprehensive correctional and clinical staff training and a mechanism to identify signs and symptoms of mental health needs of prisoners not previously assigned to the mental health caseload;
 - vii. implementation of specific policies on the use of seclusion or restraints on mentally ill prisoners consistent with professional guidelines that ensure
 - a. that the use/renewal of restraints or seclusion is ordered only by a mental health professional;
 - b. there is timely face-to-face assessment by the mental health professional of a prisoner placed on or renewed for restraints/seclusion;

- c. that no restraint/seclusion order or renewal last more than 4 hours, and
- d. all appropriate medical checks and offers of breaks/nutrition/water/bathroom use are timely and logged;
- viii. appropriate housing for mentally ill prisoners in a safe/therapeutic housing area (mental health unit), including the exclusion of mentally ill prisoners from being housed at the Annex who cannot be adequately treated there;
- ix. ensuring that the decision to admit or discharge a prisoner from mental health housing is made by a mental health professional based on appropriate clinical criteria;
- x. staffing the mental health unit with an adequate number of specially trained corrections staff;
- xi. regular treatment team meetings involving security and mental health staff over the operation of the mental health unit to devise interventions designed to help the prisoners clinically improve;
- xii. appropriate and timely discharge planning, and
- xiii. ceasing to place seriously mentally ill prisoners in segregated housing or lock-down as a substitute for mental health treatment

VI. Training

1. Defendants will take necessary steps to train staff so that they understand and implement the policies and procedures required by this Agreement, which are intended to meet constitutional standards. BOC will also develop a staff orientation and training program which shall include adequate pre-service (minimum 120 hours), in-service (minimum 40 hours annually) and specialized training necessary for staff to carry out their duties appropriately. Training dates will be established with certified trainers following approved lesson plans. BOC shall implement documentation and accountability measures to ensure that staff complete all required training as a condition of commencing and continuing employment. Defendants shall also use best efforts to find other training and professional development opportunities for staff, including those sponsored by the National Institute of Corrections (NIC).

VII. Americans With Disabilities Act

1. Defendants shall develop and implement policies and procedures so they comply with the Americans with Disabilities Act (ADA).

VIII. Religious Freedom

1. Defendants shall provide meat substitutes for prisoners who observe religious diets, shall offer congregate religious services, and shall allow prisoner to have items necessary to practice their religious beliefs, unless a specific and documented security risk is posed in a specific case.

IX. Legal Access

1. Defendants shall develop and implement policies and procedures to ensure the right of prisoners to have access to the courts. Prisoners shall have the right to confidential communications with their attorneys and authorized representatives, including telephone calls, correspondence, and contact visits. Prisoners shall be provided legal supplies to exercise their court access rights. Prisoners shall have access to an adequately stocked law library that includes relevant and up-to-date constitutional, statutory, case law materials; applicable court and procedural rules; and practice treatises. Defendants shall develop and implement policies ensuring that prisoners are provided with adequate assistance from adequately trained personnel to effectively exercise their right to court access.

X. Mail, Telephone and Visitation

1. Defendants shall develop and implement policies and procedures ensuring that indigent prisoners have supplies and postage and use of the telephone sufficient to maintain community ties. Prisoner's incoming and outgoing personal mail, but no identified legal mail, may be opened and inspected in the presence of the prisoner. All prisoners will have adequate access to a telephone daily. They shall be permitted to make legal calls free of charge.

XI. Inmate Discipline

1. Defendants will develop and implement policies and procedures that establish a comprehensive system for prisoner discipline. The system shall ensure that prisoners are disciplined or locked down according to established due process procedures, including:

- a. all incidents that may result in discipline are documented by incident report;
- b. discipline is based on a determination of individual responsibility for a rules violation;
- c. prisoners upon admission are given and countersign for an orientation handbook that notifies them of all disciplinary and institutional rules and the disciplinary process, as well as possible sanctions;
- d. prisoners who face disciplinary charges are given written notice of the charges, and countersign that they have received notice, within 24 hours;
- e. prisoners are not locked down before a disciplinary hearing unless there is determination made that lockdown is necessary to preserve facility security;
- f. prisoners are afforded a hearing by a neutral supervisor within 5 working days of being charged with a violation, absent documented exceptional circumstances requiring an extension of this limit;
- g. prisoners who by reason of a disability or language barrier cannot participate meaningfully or understand the disciplinary process are provided with assistance for the hearing;
- h. the prisoner is permitted to present documentary evidence and witnesses on his behalf; and to confront witnesses, subject to legitimate security restrictions;
- i. the hearing and disposition are documented, noting the evidence relied upon for the disposition, whether the prisoner was present, the evidence presented by the prisoner, whether the prisoner was represented, and documentation of the disposition is provided to the prisoner;

- j. sanctions imposed, and the resulting loss of privileges for disciplined prisoners, are reasonable in light of Defendants' legitimate classification and security needs;
- k. visitation privileges may be denied as sanction based on the severity of the offense; and
- j. there is a documented appeal process for prisoners found guilty of rules violations.

XII. Remedial Fund

1. Defendants shall continue maintain the remedial fund established by the Court by its October 29, 2001 Order under the terms of that Order and the Court's May 28, 2003 Order, which are incorporated by reference herein. The Attorney General shall no longer be a signatory to the account.

VII. Implementation

Defendants will begin implementing the requirements of this Agreement immediately upon the effective date of the Agreement. Within 90 days after the effective date, Defendants will propose a schedule for policy development, training, and implementation of the substantive terms of this agreement.

Defendants will implement every policy, procedure, plan, training, system, and other item required by this Agreement. Each policy required by this Agreement will become effective and Defendants will promulgate the policy to all staff involved in its implementation within 90 days.

Defendants will conduct a semi-annual impact evaluation to determine whether the policies, procedures, protocols, and training plan are achieving the objectives of this Agreement and to plan and implement any necessary corrective action.

Defendants may propose modifying any policy, procedure, or plan, provided that Plaintiffs' Counsel is provided with 14 days' notice in advance of the action..

Defendants shall provide status reports every four months reporting actions taken to achieve compliance with this Agreement. Each compliance report shall describe the actions Defendants have taken during the reporting period to implement each provision of the Agreement..

Defendants shall promptly notify the Court's experts and Plaintiffs' Counsel of any prisoner death, serious suicide attempt, or injury requiring emergency medical attention. With this notification, Defendants shall forward to Plaintiff Counsel any related incident reports and medical and/or mental health reports and completed investigations as they become available.

Defendants shall maintain sufficient records to document that the requirements of this Agreement are being properly implemented and shall make such records available to Plaintiffs' Counsel at all reasonable times for inspection and copying. In addition, Defendants shall also provide all documents not protected by the attorney-client or work product privilege reasonably

requested. The parties will discuss a protective order over which Defendants may claim a privilege.

The parties shall have the same rights and responsibilities for monitoring, reporting and compliance as set forth in the Settlement Agreement in this case, as modified by all subsequent remedial orders addressing monitoring, which are incorporated by reference herein.

Plaintiff Counsel shall have sufficient access to CJC including onsite tours, and documents to fulfill its duties in monitoring compliance and reviewing and commenting on documents pursuant to this Agreement.

Excluding on-site tours, within 45 days of receipt of written questions from Plaintiffs' Counsel concerning Defendants' compliance with the requirements of this Agreement, Defendants shall provide Plaintiffs' Counsel with written answers and any requested documents unless the requests are unreasonable and the Defendants obtain relief.

BOC will monitor the progress of this Agreement by utilizing a Compliance Officer assigned to the St. Thomas District. The compliance officer shall be responsible for reporting, inspecting and assisting with compliance.

VIII. MONITORING

A. Selection of Court Experts

1. The parties' joint expert in the field of mental health care shall be Kathryn Burns, M.D, in the field of security shall be Steve Martin, and the Court's classification expert is James Austin, Ph.D. The parties will jointly select experts in the fields of (1) medical care, and (3) environmental/fire safety. They, along with the above-identified experts, shall oversee the implementation of the Agreement, and shall determine the Defendants' compliance with all of the remedies ordered by the Court in this case. The selection of the experts will be conducted solely pursuant to the procedures set forth in this Agreement. The selection is subject to Court approval, and the experts will serve at the pleasure of the Court.
2. In selecting the experts who has the skill, background, and experience to perform the duties of the position, the parties will seek someone who:
 - a. is independent and can perform the duties of the expert free from undue influence;
 - b. has the confidence of the parties, the Court and the community;
 - c. can perform the services in a cost effective manner; and
 - d. has extensive experience in institutional reform litigation, and has previously been involved in implementing relief in institutional reform litigation.
3. Within 60 days of this Agreement being signed by the parties, each party will nominate up to three persons to serve as the expert in each subject area, and shall submit to the other party the curriculum vitae of their candidates. Should the parties

fail to agree on any of the experts within 30 days after exchanging nominations, the parties will recommend their nominees to the Court under seal and the Court will appoint the experts from the names submitted by the parties, pursuant to this Agreement and Fed. R. Evid. 706. The same procedures will be followed if the position of any of the experts later becomes vacant and the parties cannot agree on a replacement.

B. Termination of the Experts

1. Neither party, nor any employee or agent of either party, will have any supervisory authority over the experts' activities or findings. The experts may be terminated only for good cause unrelated to the experts' findings and only with prior notice to, and approval of, the parties acting jointly or by the Court's order. Should all the parties agree that an expert is not fulfilling his or her duties in accordance with this Agreement the parties may petition the Court for the expert's immediate removal and replacement. One party may unilaterally petition the Court for the expert's removal for good cause, and the other party will have the opportunity to respond to the petition.

C. Fees and Expenses of the Experts

1. The cost for the experts' fees and expenses will be borne by Defendants up to \$100,000 for each set of two tours and subsequent reports by all of the experts. The Court shall determine how all expert costs in excess of \$100,000 shall be apportioned between the parties. The parties recognize; however, that every effort should be made to control these fees and expenses in order to conserve funds for compliance. Each expert candidate shall submit an estimated invoice for their tour and subsequent report. Following each tour, the experts will submit a detailed statement of fees and expenses to the parties, and either party may object to any statement the experts submit. In the absence of agreement, the Court will determine the appropriate amount to be paid.

D. Experts' Access

1. Within a reasonable time after appointment by the Court, each expert will submit to the parties for their review and comment a description of how the expert will assess compliance, how the expert intends to gather information necessary for the assessment, and what information the expert will require from the defendants
2. With reasonable advance notice, the experts will have full and complete reasonable access to the CJC, all facility records, prisoners' medical and mental health records, staff members, and prisoners. Defendants will direct all employees to cooperate fully with the experts. Reasonable advance notice must be provided to the Bureau of Corrections prior to conducting any on-site compliance reviews. Other than as expressly provided in this Agreement, this Agreement shall not be deemed a waiver of any privilege or right the Territory or Defendants may assert against a third party,

including those recognized at common law or created by statute, rule; or regulation against any other person or entity with respect to the disclosure of any document. All privileged information obtained by the experts will be maintained in a confidential manner.

E. Limitations on Public Disclosures by the Experts

1. Except as required or authorized by the terms of this Agreement or as the parties may otherwise agree, the experts will not make any public statements except as specifically authorized in this Agreement with regard to any act or omission of Defendants or their agents, representatives, or employees. Any media statement made by the experts must first be approved in writing by all parties. Unless such conflict is waived by the parties, the experts will not be retained (on a paid or unpaid basis) by any current or future litigant or claimant, or such litigant's or claimant's attorney, in connection with a claim or suit against Defendants, their departments, officers, agents or employees regarding the subject matter of this case. The experts are not a state, territorial, or local agency or an agent thereof, and accordingly the records maintained by the experts shall not be deemed public records subject to public inspection.
2. The Territory, the Government of the Virgin Islands, and Defendants shall not be responsible for indemnification of the experts and shall not bear responsibility for any attorney's fees or costs in connection with any suit or claim brought by a third party against the experts.

F. Experts' Reports

1. The experts will issue an initial report to the parties within six months after the effective date of his or her appointment and then every six months thereafter until Defendants have reached at least partial compliance with every provision. At that point, the experts will issue reports yearly. These reports will be written with due regard for the privacy interests of individual prisoners and staff and for the interest of Defendants in protecting against disclosure of non-public information (*e.g.*, security sensitive information). The experts' reports will indicate a compliance rating for each provision (both with regard to policy formulation and implementation) and may provide non-binding recommendations for achieving compliance with any provisions not in compliance at the time of the Report.
2. These reports will be filed in the record of this case under such conditions as the Court may order. The reports will be provided to counsel for comment in draft form at least two weeks prior to their filing, and the draft reports and any comments thereto shall be neither publicly disclosed nor filed on the record in this case.
3. Reports of the experts will be admissible in evidence to the extent permitted by the Federal Rules of Evidence.

G. Compliance Assessments

1. In his or her reports, the experts will evaluate the status of compliance for each relevant provision of the remedies ordered in this case using the following standards: (1) Substantial Compliance; (2) Partial Compliance, and (3) Noncompliance. In order to assess compliance, the experts will review a sufficient number of pertinent documents to accurately assess current conditions; interview all necessary staff; and interview a sufficient number of prisoners to accurately assess current conditions. The experts will be responsible for independently verifying representations from Defendants regarding progress toward compliance and for examining supporting documentation, where applicable. Each expert's report will describe the steps taken to analyze conditions and assess compliance, including documents reviewed, individuals interviewed, and the factual basis for each of the experts' findings. Either side may dispute the experts' findings, and retain their own experts, and engage in discovery and present their own evidence, for any evidentiary hearing seeking either enforcement or termination of any relief in this case.

H. Technical Assistance

1. The experts shall provide specific recommendations to the Defendants with regard to each substantive requirement of this Agreement, in order to assist Defendants in achieving and maintaining substantial compliance. Defendants also may consult with the experts regarding the development of policies required by this Agreement. However, under no circumstances will any of them order or purport to order Defendants to take any specific step to achieve substantial compliance. The experts shall not, and is not intended to replace or take over the role and duties of the Governor of the Territory, the Director of the Bureau of Corrections, or the Warden of the CJC.

I. Experts' Testimony

1. In accordance with the Federal Rules of Evidence, either party or the Court may call the experts to testify as a witness. Regardless of who calls the expert, each party may cross examine. The experts' testimony will be admissible as permitted by the Federal Rules of Evidence.

J. Experts' *Ex Parte* Communications

Absent agreement by both parties, the experts may not initiate nor receive *ex parte* communications with the Court. Any documents, records, letters, emails, reports, correspondence, photographs, or other items sent by any expert to a party or sent by any party to an expert shall be copied or sent to the other party. Either party may initiate or receive oral *ex parte* communications with the experts.

P. Enforcement and Termination

1. The District Court of the Virgin Islands will retain jurisdiction over this matter.

2. The relief in this case shall terminate when Defendants achieve substantial compliance with the substantive provisions of this Agreement and maintain compliance for one (1) year.

3. Failure by either party to enforce this entire Agreement or any provision thereof with respect to any deadline or any other provision herein shall not be construed as a waiver of its right to enforce other deadlines or provisions of this Agreement.

4. If any unforeseen circumstance occurs that causes a failure to timely carry out any requirements of this Agreement, Defendants shall notify Plaintiffs' Counsel in writing within 20 calendar days after Defendants become aware of the unforeseen circumstance and its impact on Defendants' ability to perform under the Agreement. The notice shall describe the cause of the failure to perform and the measures taken to prevent or minimize the failure. Defendants shall implement all reasonable measures to avoid or minimize any such failure.


5. The Agreement shall be applicable to, and binding upon, all parties, elected officials and their respective officers, agents, employees, assigns, and their successors in office.

6. In the event that any provision of this Agreement is declared invalid for any reason by a court of competent jurisdiction, that finding shall not affect the remaining provisions of this Agreement.

7. This agreement supersedes all prior settlement agreement and remedial orders and shall be approved by and entered as an order of the Court

For the Plaintiffs:

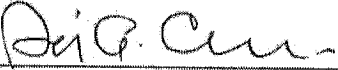
ERIC BALABAN



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Dated: April 18, 2013

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340/775-3434

Dated: April 18, 2013

For the DEFENDANTS AND TERRITORY OF THE VIRGIN ISLANDS:

VINCENT F. FRAZER, ESQ.
ATTORNEY GENERAL

BY: 

Dated: 4/18/13

Kenrick Robertson
Assistant Attorney General
V.I. Department of Justice
34-38 Kronprindsens Gade
GERS Building, 2nd Floor
St. Thomas, VI 00802

SO ORDERED this _____ day of _____, 2013.

Stanley Brotman
UNITED STATES DISTRICT JUDGE