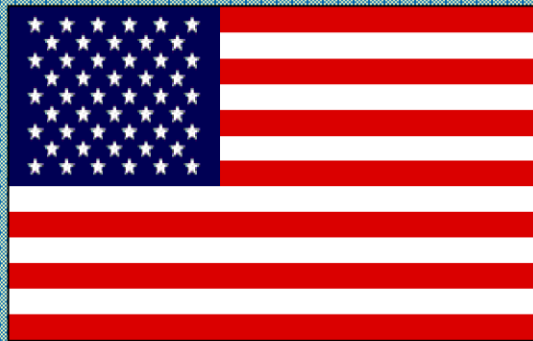


First Quarterly Report of 2014 of the Independent Monitor for the Virgin Islands Police Department



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May 23, 2014

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Executive Summary

This is the First Quarterly Report of 2014 from the Office of the Independent Monitor (the “OIM” or the “Monitor”) for the United States Virgin Islands Police Department (the “VIPD” or the “Department”), covering the quarter ending on March 31, 2014.

The OIM was established in January 2010 to monitor compliance by the United States Virgin Islands (the “Territory”) and the VIPD with the Consent Decree entered by the United States District Court for the District of the Virgin Islands (the “Court”) on March 23, 2009. The Monitor is required by the Consent Decree to “issue quarterly written, public reports detailing the Territory’s compliance with and implementation of each substantive provision” of the Consent Decree.¹

The Consent Decree reflects the agreement between the Territory, the VIPD, and the United States Department of Justice (the “DOJ”) (collectively, the “Parties”) to resolve a lawsuit brought by the United States alleging that the Territory and the VIPD violated 42 U.S.C. § 14141 by engaging “in a pattern or practice of excessive force by Officers of the Virgin Islands Police Department and by the failure to adequately train, supervise, investigate, and discipline Officers.”²

The Parties entered into the Consent Decree “to promote police integrity and prevent conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or the laws of the United States.”³ The 104 paragraph Consent Decree contains a broad range of substantive requirements for reform in areas such as: (1) revising the VIPD’s force-related policies; (2) training Officers to properly use force in accordance with constitutional requirements, VIPD policy, and existing best practices in policing; (3) reporting and investigating use of force events; (4) documenting and investigating complaints alleging Officer misconduct; (5) developing systems for managing and supervising Officers; and (6) disciplining Officers found to have engaged in misconduct.

The Department achieved substantial compliance with three additional paragraphs, ¶¶ 43, 45, and 48, during the First Quarter of 2014. Because the VIPD achieved substantial compliance with ¶¶ 43, 45, and 48 during the First

¹ CD ¶ 96. This Quarterly Report, along with the OIM’s prior reports, is available on the internet at <http://www.policemonitor.org/VI/VIindex.html>.

² CD ¶ 6; *see also* Complaint, *United States v. The Territory of the Virgin Islands*, No. 3:08-CV-00158-CVG-GWB (D.V.I. 2008).

³ CD ¶ 3.

Quarter of 2014, this Report describes the steps that the VIPD has taken to satisfy the corresponding requirements in the Action Plan. We provided similar information about the other Consent Decree provisions that the VIPD has satisfied in prior quarters. The VIPD had previously achieved substantial compliance with Consent Decree ¶¶ 31, 39, 40, 42, 47, 50, 52, 53, 57, 62, 64, 66, and 70 primarily because it has adopted relevant policies or protocols. Because the Consent Decree requires the VIPD to “implement . . . all provisions of this Agreement that involve the continuation of current VIPD policies, procedures, and practices[.]” the OIM evaluates the Department’s consistent application of its policies and protocols under ¶¶ 100 and 101 of the Consent Decree. In addition, the Department’s obligation to provide training for its policies and protocols is addressed in connection with specific training requirements throughout the Consent Decree and ¶ 75.

The VIPD has made significant progress adopting new policies and providing corresponding training, but it has not yet implemented most of those policies. In light of the Department’s limited progress in that respect (which continues to the present), the Parties submitted a joint motion to the Court to extend the Consent Decree’s October 31, 2013 substantial compliance deadline (which had already been extended once before) for another two years.

On November 18, 2013, the Court held a full day hearing to consider the Parties’ joint motion. At the hearing, the Court heard testimony from two of the Police Practices Experts and several VIPD personnel on the status of the VIPD’s progress towards achieving substantial compliance, and whether the deadlines for achieving substantial compliance should be extended.

The Court held a further hearing on the joint motion on February 25, 2014. One day prior to the February 25, 2014 hearing, the Parties filed a revised version of the Action Plan for the Court’s consideration. The revised Action Plan sought to extend the deadlines for several interim requirements that had already expired, and also added several new interim deadlines. The revised Action Plan also specified, in detail, the requirements for each Consent Decree provision. Like its prior version, the revised Action Plan provided the VIPD with a “road map” to achieve substantial compliance.

The Court discussed the revised Action Plan at the February 25, 2014 hearing, but expressed a preference for moving towards setting quarterly goals. To that end, the Court asked the VIPD whether it could achieve substantial compliance with the Consent Decree paragraphs relating to the Citizen Complaint Process (¶¶ 42-58) and Training (¶¶ 73-81) by May 27, 2014 (when the Court expected to hold a follow-up hearing). On March 7, 2014, the VIPD filed a notice with the Court confirming its intent to substantially comply with those paragraphs by May 27, 2014.

On April 30, 2014, the Court issued an order in connection with the Parties' joint motion, which was filed on October 1, 2013. In that order, the Court expressed frustration with the VIPD's failure to adhere to a series of prior deadlines, despite receiving assurances from the VIPD's leadership. The Court then ordered the VIPD to submit "quarterly goals" to the Court each quarter, specifying at least two Consent Decree subject areas (Use of Force, Citizen Complaint Process, etc.) that the VIPD would satisfy during the quarter. Following the end of each quarter, the Parties are required to submit a report to the Court regarding the VIPD's compliance with the prior quarter's "quarterly goals." The Court will then hold an evidentiary hearing to assess the VIPD's progress. In addition, the Court struck the Action Plan (which had previously been incorporated into the Consent Decree) from the Consent Decree.

Although the Court struck the Action Plan from the Consent Decree, it continues to provide the VIPD with a detailed "road map" for achieving substantial compliance. The Action Plan can also serve as an objective "measuring stick" in assessing the VIPD's progress towards substantial compliance. As such, we have modified the format of our Report to track the Action Plan. Under each requirement, we report on whether the VIPD has satisfied the requirement, and if not, why the Department fell short. The assessments contained in this Report are primarily based on the Police Practices Experts' observations, including three week-long monitoring trips. Like last quarter, we are also attaching the VIPD's Status Report, dated April 7, 2014, as Appendix A to give the VIPD the opportunity to directly communicate with the Court and the broader community about its Consent Decree compliance efforts.

While the Action Plan prescribes discrete steps that the VIPD must take to achieve substantial compliance, its item-by-item format necessarily means that it fails to directly address some of the larger issues that continue to challenge the Department. Two issues are particularly noteworthy: the VIPD's lack of coordination among its most senior personnel and its need for greater consistency in the application of the VIPD's policies and procedures throughout the Department. For example, there is no documented coordination between the Director of Training, Police Chiefs, and Deputy Police Chiefs to ensure uniform Consent Decree-related training across Zones and Districts. Until the VIPD addresses those core issues, it will have difficulty achieving substantial compliance with the remaining paragraphs of the Consent Decree and maintaining compliance thereafter.

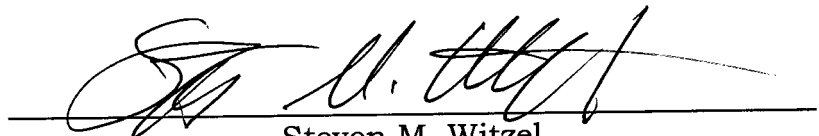
In light of the VIPD's progress (adopting new policies and providing corresponding training) and the next phase of its compliance efforts (implementation), and after extensive consultations with the Territory, the VIPD, and the DOJ, the OIM believes that now is an appropriate time for the monitorship to pass from Fried Frank to the Police Practices Experts, Charles Gruber, Ann Marie Doherty, and Robert Stewart. Chuck, Ann Marie, and Bob

have worked with Fried Frank and the VIPD for the past four-plus years as Police Practices Experts. The VIPD will continue to benefit from their invaluable experience in policing at this critical juncture. This Report will be Fried Frank's last.

Fried Frank is proud to have helped the VIPD with its compliance efforts. For example, at Fried Frank's recommendation, then-Police Commissioner Novelle Francis convened a Consent Decree Summit on St. Thomas in January 2011 (the "Summit"). At the Summit, attorneys from Fried Frank and the Police Practices Experts worked closely with the VIPD to draft and nearly finalize most of the VIPD's core policies. Also at Fried Frank's recommendation, then-Police Commissioner Francis appointed senior VIPD personnel to lead, and ultimately be held accountable for, different aspects of the Consent Decree—Use of Force, Citizen Complaint Process, Management and Supervision, and Training. The VIPD continues to use these working groups to organize its compliance efforts. Similarly, in April 2013, Fried Frank suggested that the parties gather in Washington, D.C. to discuss the status of the VIPD's compliance efforts and a path forward. That meeting helped set a plan for achieving much of the VIPD's recent progress.

While a significant amount of work remains for the VIPD to achieve substantial compliance, we were pleased to see the Department complete audits for the Third and Fourth Quarters of 2013. We understand that the Police Practices Experts will address the VIPD's most recent audit report next quarter. As we have stated previously, the Department's capacity to conduct internal audits is critical to achieving substantial compliance with the Consent Decree and remaining in compliance.

Finally, on behalf of the Fried Frank team, it has been a privilege to work with the VIPD, the Virgin Islands Attorney General's Office, and the Governor's Office. We are confident that the VIPD is in good hands with both the Police Practices Experts and an active court overseeing the final push towards substantial compliance with the Consent Decree. We wish everyone the best going forward. We are hopeful that the VIPD will continue to strive toward becoming a model police department that its members and the community hold in high esteem.

A handwritten signature in black ink, appearing to read "S.M. Witzel", is written over a horizontal line.

Steven M. Witzel

Independent Monitor

Fried, Frank, Harris, Shriver & Jacobson LLP

May 23, 2014

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**VIRGIN ISLANDS POLICE DEPARTMENT
CONSENT DECREE COMPLIANCE**

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
USE OF FORCE POLICIES			
<p>Paragraph 31- <i>The VIPD will review and revise its use of force policies as necessary to:</i></p> <ul style="list-style-type: none"> <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 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> <p><i>Once the DOJ has reviewed and approved these policies, the VIPD shall immediately implement any revisions.</i></p>	Yearly review of policies.	<p>Obtained DOJ approval for all use of force policies that require DOJ approval.</p> <p>Approved policies are distributed to sworn personnel and applicable civilian employees.</p>	Substantial Compliance
EVALUATION, DOCUMENTATION, AND REVIEW OF USE OF FORCE			
<p>Paragraph 32 – The VIPD will require all uses of force to be documented in writing.</p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	Use of force incidents have been documented in an RRR and investigated by a supervisor.	Not in Substantial

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p>The use of force report form will indicate each and every type of force that was used, and require the evaluation of each type of force. Use of force reports will include a narrative description of the events preceding the use of force, written by a supervisor or by the designated investigative unit. Use of force reports also will include the officer(s)' narrative description of events and the officer(s)' statement. Except in cases of use of force involving the lowest level of force as defined in VIPD policy as approved by DOJ, the officer's statement shall be audio- or videotaped.</p>	<p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>Ensure that Virgin Islands' Attorney General's Office, VIPD's counsel, the Training Working Group, and the Use of Force Working Group review all use of force policies.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The Commissioner signed a Standard Operating Procedure ("SOP") during the Fourth Quarter of 2013. Under the SOP, the VIPD requested feedback on the Use of Force Policy from across the VIPD, but received comments from only one squad. The OIM understands that the Use of Force Policy is currently under review. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> • See Training. <p>Continue to incorporate competency-based training on policies into Police Academy.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. We note that the VIPD is increasingly using scenario-based training, including using its firearms simulator on the St. Croix District. The VIPD, however, needs to expand its use of competency-based training across both Districts. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	<ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, the Police Practices Experts reviewed a total of 6 closed use of force investigations. In 83% (5 out of 6) of those investigations, use of force incidents were documented in an RRR. Because of the small sample of completed use of force cases that the VIPD provided to the OIM during the First Quarter of 2014, we cannot determine whether the VIPD is in compliance with this requirement. However, we note that the VIPD has improved its force reporting and investigating practices, as the limited sample size illustrates. <p>RRRs will include each of the requirements identified in ¶ 32 of the Consent Decree.</p> <ul style="list-style-type: none"> • Status: Satisfied. <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> <ul style="list-style-type: none"> • Status: Satisfied. <p>Uses of force comply with applicable law.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, uses of force complied with applicable law in 100% (6 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. 	<p>Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies and conduct use of force review on a quarterly basis.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report (addressing the Third Quarter of 2013) on January 17, 2014.⁴ During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Use of Force audit, the audit should clarify the universe of cases that are being reviewed and state whether the review includes cases under investigation, cases pending, or completed investigations for the relevant time period. The audit should also be more specific in its recommendations (e.g. assign responsible parties to implement each recommendation and set interim deadlines), and report back on the VIPD's efforts to address recommendations from prior Audit Reports. Additionally, where the audit states that VIPD personnel were disciplined for violating VIPD policies, the VIPD should describe the discipline imposed and whether it was consistent with the Disciplinary Matrix. <p>By December 31, 2013 ensure that audits audit the timeliness of completion of use of force investigations.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or other wise fail to follow the policy.</p>		

⁴ The OIM received the VIPD's second Audit Report (addressing the Fourth Quarter of 2013) on April 9, 2014. The Polices Practices Experts will report on this audit in the next quarter.

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<ul style="list-style-type: none"> Status: Satisfied. <p>By September 30, 2014, provide and document discipline and/or remedial training</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 		
<p>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.</p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> See Training. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> See Training. <p>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.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Second Quarter of 2014. <p>Continue to incorporate competency-based training on policies into Police Academy.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. We note that the VIPD is increasingly using scenario-based training, including using its 	<p>The officer using force notified his/her supervisor as required by VIPD policy.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, Supervisors were notified of uses of force in 50% (3 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. <p>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.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, Supervisors responded to the scene in a reasonable amount of time in 50% (3 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. <p>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.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the 	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>firearms simulator on the St. Croix District. The VIPD, however, needs to expand its use of competency-based training across both Districts.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies and conduct use of force review on a quarterly basis.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Use of Force audit, the audit should clarify the universe of cases that are being reviewed and state whether the review includes cases under investigation, cases pending, or completed investigations for the relevant time period. The audit should also be more specific in its recommendations (e.g. assign responsible parties to implement each recommendation and set interim deadlines), and report back on the VIPD's efforts to address recommendations from prior Audit Reports. Additionally, where the audit states that VIPD personnel were disciplined for violating VIPD policies, the VIPD should describe the discipline imposed and whether it was consistent with the Disciplinary Matrix. <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or other wise fail to follow the</p> 	<p>First Quarter of 2014, Supervisors responded to the scene and conducted investigations in 67% (4 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts.</p> <p>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 (<i>e.g.</i>, class exercises); and (c) indicate that it has been reviewed by legal counsel, as appropriate.</p> <ul style="list-style-type: none"> • (a) Status: Satisfied. • (b) Status: Satisfied, but additional work needed. The VIPD should incorporate more practice exercises and scenario-based training. Moreover, the VIPD should also video record training sessions so that VIPD personnel can more readily make up training that they may have missed. However, the use of video training should be limited to veteran Officers. • (c) Status: Satisfied. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>policy.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By September 30, 2014, provide and document discipline and/or remedial training</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 		
<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 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>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> See Training. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> See Training. <p>By February 1, 2014, VIPD will provide USDOJ with an interim report addressing the above issues.⁵</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD had scheduled supervisory exams for April and May, but the Department voided the April exams because it failed to provide candidates with the 60-day study period required by the Collective Bargaining Agreement. <p>The VIPD has reported that it considers a</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> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, investigating Supervisors were not involved in the incident in 83% (5 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. <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. 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> <ul style="list-style-type: none"> Status: Review ongoing. During the 	Not in Substantial Compliance

⁵ The OIM understands that "the above issues" relates to the requirements in ¶ 33 that the VIPD provide the DOJ 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."

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>number of factors in determining whether to promote personnel. However, the Police Practices Experts have expressed concern that the VIPD does not automatically disqualify personnel serious disciplinary records from taking promotional examinations. Although the VIPD has represented that it takes an Officer's disciplinary record into consideration when making promotional decisions, the generally accepted police practice would be to disqualify individuals who have committed serious infractions from being promoted.</p> <p>Continue to incorporate competency-based training on policies into Police Academy.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. We note that the VIPD is increasingly using scenario-based training, including using its firearms simulator on the St. Croix District. The VIPD, however, needs to expand its use of competency-based training across both Districts. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies and conduct use of force review on a quarterly basis.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Use of Force audit, the audit should clarify the universe of cases that are 	<p>First Quarter of 2014, supervisors documented the investigation in the narrative description of the RRR in 67% (4 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. A precise description of the facts that either justify or fail to justify the force was included in the RRR in 67% (4 out of 6) of the closed investigations. 75% (3 out of 4) of the closed investigations included an assessment of reasonable suspicion/probable cause for a stop. 67% (2 out of 3) of the investigations included an assessment of reasonable suspicion/probable cause for a search. An assessment of whether the Officer's conduct was justified was included in 100% (5 out of 5) of the closed investigations. An assessment of whether the force was within policy was included in 100% (6 out of 6) of the closed investigations.</p>	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>being reviewed and state whether the review includes cases under investigation, cases pending, or completed investigations for the relevant time period. The audit should also be more specific in its recommendations (e.g. assign responsible parties to implement each recommendation and set interim deadlines), and report back on the VIPD's efforts to address recommendations from prior Audit Reports. Additionally, where the audit states that VIPD personnel were disciplined for violating VIPD policies, the VIPD should describe the discipline imposed and whether it was consistent with the Disciplinary Matrix.</p> <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or other wise fail to follow the policy.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By September 30, 2014, provide and document discipline and/or remedial training.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>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.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Second 		

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	Quarter of 2014.		
<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>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> • See Training. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies and conduct use of force review on a quarterly basis.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD’s first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Use of Force audit, the audit should clarify the universe of cases that are being reviewed and state whether the review includes cases under investigation, cases pending, or completed investigations for the relevant time period. The audit should also be more specific in its recommendations (e.g. assign responsible parties to implement each recommendation and set interim deadlines), and report back on the VIPD’s efforts to address recommendations from prior Audit Reports. 	<p>In interviews conducted during use of force reviews, leading questions were avoided.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, leading questions were used in 33% (1 out of 3) of the closed use of force investigations reviewed by the Police Practices Experts. <p>In investigations where material inconsistencies are present between witness statements, reasonable efforts are made to resolve the inconsistencies.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, material inconsistencies were documented and addressed in 44% (4 out of 9) of the closed IAB investigations reviewed by the Police Practices Experts. In one case, CCT2013-0056, Officers responded to a report of shots fired. As a crowd grew, an Officer allegedly fired warning shots in the air. However, none of the Officers that were present (including the Officer who allegedly fired the warning shots) submitted a report indicating that warning shots had been fired. This incident was only discovered through a citizen complaint about the warning shots. The Department did not impose any discipline in connection with the apparent failure to file an RRR. <p>In the use of force reviews, all relevant evidence,</p>	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>Additionally, where the audit states that VIPD personnel were disciplined for violating VIPD policies, the VIPD should describe the discipline imposed and whether it was consistent with the Disciplinary Matrix.</p> <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or other wise fail to follow the policy.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By September 30, 2014, provide and document discipline and/or remedial training</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	<p>including circumstantial, direct and physical evidence is documented and appropriately considered, and credibility determinations made, if feasible.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, all relevant evidence was taken into consideration in 56% (5 out of 9) of the closed IAB investigations reviewed by the Police Practices Experts. <p>When evaluating witness credibility, appropriate factors are considered and documented.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, Officers evaluated witness credibility in 14% (1 out of 7) of the closed IAB investigations reviewed by the Police Practices Experts. <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 witness credibility.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	
<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.</p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Conduct refresher training on policies through documented, periodic in-service training.</p> <ul style="list-style-type: none"> • See Training. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>By October 31, 2013, in consultation with DOJ, finalize</p>	<p>In reportable use of force incidents, all involved officers are identified in the investigating supervisor's reports.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, all involved Officers were identified in RRRs in 100% (6 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. <p>In reportable use of force incidents, all witnesses, to the extent practicable, are identified in the</p>	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p>Consistent with the requirements of the collective bargaining agreement or other applicable law, VIPD supervisors or designated investigating officers or units shall ensure that all officer witnesses provide a statement regarding the incident. Supervisors, or designated investigating officers or units, shall ensure that all use of force reports for all levels of force identify all officers who were involved in the incident or were on the scene when it occurred. Supervisors, or designated investigating officers or units, shall ensure that all reports for all levels of force indicate whether an injury occurred, whether medical care was provided, and whether the subject refused medical treatment. Supervisors, or designated investigating officers or units, shall ensure that all reports include contemporaneous photographs or videotapes taken of all injuries at the earliest practicable opportunity, both before and after any treatment, including cleansing of wounds.</p>	<p>Audit Plan.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies and conduct use of force review on a quarterly basis.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Use of Force audit, the audit should clarify the universe of cases that are being reviewed and state whether the review includes cases under investigation, cases pending, or completed investigations for the relevant time period. The audit should also be more specific in its recommendations (e.g. assign responsible parties to implement each recommendation and set interim deadlines), and report back on the VIPD's efforts to address recommendations from prior Audit Reports. Additionally, where the audit states that VIPD personnel were disciplined for violating VIPD policies, the VIPD should describe the discipline imposed and whether it was consistent with the Disciplinary Matrix. <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or other wise fail to follow the policy.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By September 30, 2014, provide and document discipline and/or remedial training</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices 	<p>investigating supervisor's reports.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, all Officers who witnessed the incident were identified in 89% (8 out of 9) of the closed IAB investigations reviewed by the Police Practices Experts. <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> <ul style="list-style-type: none"> Status: Review ongoing. Audio-taped statements were taken from witnesses in 80% (8 out of 10) of the closed IAB investigations reviewed during the First Quarter of 2014. <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> <ul style="list-style-type: none"> Status: Review ongoing. None of the closed investigations reviewed during the First Quarter of 2014 involved hospital reports. <p>In reportable use of force incidents that resulted in injuries, photographic evidence was collected and maintained in a manner that comports with ¶ 36 of the Consent Decree.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, photographs of injuries were taken in 50% (2 out of 4) of the closed use of force investigations reviewed by the Police Practices 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014.</p>	<p>Experts.</p> <p>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.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, investigating Supervisors provided a finding of whether the force was within policy in 100% (6 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. 	
<p>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 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</p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Conduct refresher training on policies through documented, periodic in-service training.</p> <ul style="list-style-type: none"> • See Training. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or other wise fail to follow the policy.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By September 30, 2014, provide and document discipline and/or remedial training</p>	<p>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.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, a Police Chief and/or Deputy Police Chief reviewed a Supervisor's completed investigative report in 100% (6 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. <p>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.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, a Police Chief 	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
force involved.	<ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies and conduct use of force review on a quarterly basis.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Use of Force audit, the audit should clarify the universe of cases that are being reviewed and state whether the review includes cases under investigation, cases pending, or completed investigations for the relevant time period. The audit should also be more specific in its recommendations (e.g. assign responsible parties to implement each recommendation and set interim deadlines), and report back on the VIPD's efforts to address recommendations from prior Audit Reports. Additionally, where the audit states that VIPD personnel were disciplined for violating VIPD policies, the VIPD should describe the discipline imposed and whether it was consistent with the Disciplinary Matrix. 	<p>and/or Deputy Police Chief identified deficiencies with a Supervisor's investigation in 20% (1 out of 5) of the closed use of force investigations reviewed by the Police Practices Experts.</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. 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.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, corrective action was taken for a Supervisor's failure to conduct a timely and thorough review, to recommend appropriate corrective action, or to properly implement appropriate corrective action in 25% (1 out of 4) of the closed use of force investigations reviewed by the Police Practices Experts. <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</p>	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>completed remedial training, and, if appropriate, were disciplined.</p> <ul style="list-style-type: none"> • See requirement immediately above. <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> <ul style="list-style-type: none"> • Status: Review ongoing. 	
<p>Paragraph 38 – The VIPD will investigate all critical firearm discharges. The VIPD will ensure that the investigation accounts for all shots and locations of all officers who discharged their firearms. The VIPD will conduct all ballistic or crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.</p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>Conduct refresher training on policies through documented, periodic in-service training.</p> <ul style="list-style-type: none"> • See Training. <p>VIPD shall maintain sufficient trained staff who conduct adequate ballistic/crime scene analysis.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has a contract employee to analyze ballistics, but there is currently a backlog. Because of the backlog, several investigations into police-involved fatal shootings remain open. The VIPD has reported that its ballistics contractor will train in-house personnel, but the OIM has not received documentation of that training. Moreover, although the VIPD has announced a vacancy for a dedicated in-house position, the OIM understands that the posting for that position 	<p>Critical firearm discharges are investigated and documented.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD's current system of relying on a single contractor for ballistics analysis is not working. The VIPD should identify additional outside resources and work more diligently to bolster its in-house capabilities. Once the VIPD clears the current backlog of investigations, the VIPD should provide the OIM with documentation that it is investigating all critical firearms discharges. The Police Practices Experts did not review any completed investigations that involved critical firearm discharges during the First Quarter of 2014. Moreover, as noted in ¶ 35, we reviewed a case involving a critical firearm discharge that was not documented until the VIPD received a citizen complaint concerning the discharge. <p>Investigations or reviews of critical firearm</p>	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>expired on February 3, 2014 and was never filled.</p> <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies and conduct use of force review on a quarterly basis.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Use of Force audit, the audit should clarify the universe of cases that are being reviewed and state whether the review includes cases under investigation, cases pending, or completed investigations for the relevant time period. The audit should also be more specific in its recommendations (e.g. assign responsible parties to implement each recommendation and set interim deadlines), and report back on the VIPD's efforts to address recommendations from prior Audit Reports. Additionally, where the audit states that VIPD personnel were disciplined for violating VIPD policies, the VIPD should describe the discipline imposed and whether it was consistent with the Disciplinary Matrix. <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or other wise fail to follow the policy.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	<p>discharges accounted for all shots. Investigations or reviews of critical firearm discharges accounted for the locations of all officers who discharged their firearms.</p> <ul style="list-style-type: none"> • See requirement immediately above. <p>In investigations or reviews of critical firearm discharges, the VIPD conducted ballistic crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.</p> <ul style="list-style-type: none"> • See requirement immediately above. <p>Supervisors (or other personnel) have either: (a) attended and successfully completed the initial in-service training on ballistic and crime scene analyses and demonstrated proficiency through a proficiency test(s) and passed the proficiency test(s); or (b) if supervisors (or other personnel) have not successfully completed the required training and passed the proficiency test(s), the supervisors (or other personnel) have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s); or where supervisors (or other personnel) have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.</p> <ul style="list-style-type: none"> • Status: Not satisfied. Although initially requested in the Second Quarter of 2013, the VIPD has not provided the OIM with documentation demonstrating that Supervisors who did not attend the training and/or failed the post-training examinations were provided remedial 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>By September 30, 2014, provide and document discipline and/or remedial training</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	training and/or were disciplined.	
<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 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>	Yearly review of policies.	<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>	Substantial Compliance
<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>	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>	Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<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 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>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>Conduct refresher training on policies through documented, periodic in-service training, to test proficiencies.</p> <ul style="list-style-type: none"> • See Training. <p>Conduct refresher training on policies through documented, periodic in-service training.</p> <ul style="list-style-type: none"> • See Training. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies and conduct use of force review on a quarterly basis.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Use of Force audit, the audit should clarify the universe of cases that are being reviewed and state whether the review includes cases under investigation, cases pending, or completed investigations for the relevant time period. The audit should also be more specific in its recommendations (e.g. assign responsible parties to implement each 	<p>Patrol and other applicable officers carry an intermediate force device at all times while on-duty.</p> <ul style="list-style-type: none"> • Status: Satisfied. <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 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. Sworn personnel display knowledge and proficiency on using intermediate force devices, as evidenced by compliance with the policy requirements.</p> <ul style="list-style-type: none"> • Status: Not satisfied. Although initially requested in the Second Quarter of 2013, the VIPD has not provided the OIM with documentation demonstrating that sworn personnel who did not attend the training and/or failed the post-training examinations were provided remedial training and/or were disciplined. 	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>recommendation and set interim deadlines), and report back on the VIPD's efforts to address recommendations from prior Audit Reports. Additionally, where the audit states that VIPD personnel were disciplined for violating VIPD policies, the VIPD should describe the discipline imposed and whether it was consistent with the Disciplinary Matrix.</p> <p>Conduct inspections, with report on quarterly basis, commencing on April 30, 2014, 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.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Second Quarter of 2014. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By December 31, 2013, and quarterly thereafter, conduct audits to identify personnel who continually fail to report uses of force or other wise fail to follow the policy.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By September 30, 2014, provide and document discipline and/or remedial training.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 		
CITIZEN COMPLAINT PROCESS			

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
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>	Yearly review of policies.	<p>The VIPD has developed and implemented a program to inform persons that they may file complaints regarding the performance of any officer.</p> <p>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.</p>	Substantial Compliance
<p>Paragraph 43 – The VIPD will make complaint forms and informational materials available at government properties such as VIPD district stations, substations, mobile substations, libraries, the Internet, and, upon request, to community groups and community centers. At each VIPD district station, substation, and mobile substation, the VIPD will permanently post a placard describing the complaint process and include the relevant phone numbers. These placards shall be displayed in both English and Spanish, and where deemed necessary, in French or French Patois, to account for diversity in the VI population. The VIPD will require all officers to carry informational brochures and complaint forms, in English and Spanish, and where deemed necessary, in French or French Patois, in their vehicles at all times while on duty. If a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.</p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Conduct refresher training on policies, through documented, periodic in-service training.</p> <ul style="list-style-type: none"> See Training. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> See Training. <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> <ul style="list-style-type: none"> Status: Satisfied. <p>Monthly inspections to ensure that informational materials are available at all required locations.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM commends the VIPD for self-reporting that materials are not always available in all languages, or at certain locations. However, the VIPD should provide documentation demonstrating that the materials 	<p>VIPD facilities, vehicles, and government properties, complaint information brochures and forms are available.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM commends the VIPD for self-reporting that materials are not always available in all languages, or at certain locations. However, the VIPD should provide documentation demonstrating that the materials were replaced as needed. <p>Officers carry the informational brochures and complaint forms with them at all times while on-duty.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>In VIPD district stations, substation, and mobile stations, a placard is displayed describing the complaint process, including relevant phone numbers.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>In incidents where a citizen complained about an officer's conduct, the officer informed, and did</p>	Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	were replaced as needed.	not discourage, the citizen about his/her ability to make a complaint. <ul style="list-style-type: none"> Status: Satisfied. 	
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 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>Yearly review of policies.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Conduct refresher training on policies, through documented, periodic in-service training.</p> <ul style="list-style-type: none"> See Training. <p>Quarterly review of IAU and zone files.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> Status: Satisfied. <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).</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force. 	<p>Obtained DOJ approval for a complaint intake policy.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Approved policy is distributed to sworn personnel and applicable civilian employees.</p> <ul style="list-style-type: none"> Status: Satisfied. <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 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.</p> <ul style="list-style-type: none"> Status: Not satisfied. Although initially requested in the Second Quarter of 2013, the VIPD has not provided the OIM with 	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <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 appropriate remedial action (e.g., training).</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. We received the working group's quarterly report in the First Quarter of 2014. We will assess this requirement in the next quarter. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> See Training. 	<p>documentation demonstrating that sworn personnel who did not attend the training and/or failed the post-training examinations were provided remedial training and/or were disciplined.</p> <p>Complaints are documented and resolved in writing.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, the Police Practices Experts reviewed a total of 14 closed citizen complaint investigations. 58% (7 out of 12) of those investigations were resolved in a timely manner. Because of the small sample of completed citizen complaint cases that the VIPD provided to the OIM during the First Quarter of 2014, we cannot determine whether the VIPD is in compliance with this requirement. However, we note that timeliness has continued to be a substantial issue, and we urge the VIPD to address timeliness in a more meaningful manner. <p>Appropriate VIPD personnel properly respond to the inquiring/complaining person, as verified by the monitors and the VIPD audit unit.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts did not assess this requirement during the First Quarter of 2014. <p>For complaints lodged and recorded, a file documents the actions taken by VIPD in response to the complaint.</p> <ul style="list-style-type: none"> Status: Satisfied. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<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 of the accused officer, if known.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Completed investigations into complaints comport with the provisions of the Consent Decree.</p> <ul style="list-style-type: none"> • Status: Review ongoing. <p>Documented complaints do not include opinions of the intake officer about the mental competency or veracity of the complainant.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	
<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>Review monthly completed cases in IAPro to ensure compliance with the five day of requirement as per policy.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Conduct refresher training on policies, through documented, periodic in-service training.</p> <ul style="list-style-type: none"> • See Training. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <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).</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and 	<p>Allegations filed at Zone or unit facilities are forwarded to IAU within five business days.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	<p>Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force.</p> <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 		
Investigation of Complaints			
<p>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></p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> • See Training. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>Periodically test supervisors' knowledge of the preponderance of the evidence standard.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD has provided initial training on the preponderance of evidence standard. During the Second Quarter of 2013, the VIPD provided 	<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.</p> <ul style="list-style-type: none"> • Status: Not satisfied. Although initially requested in the Second Quarter of 2013, 	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>the OIM with documentation showing that Supervisors were tested on the preponderance of the evidence standard. According to the VIPD, a total of 28 Supervisors were tested during the First Quarter of 2014 with a 71% passing rate (20 out of 28). Although the VIPD reports that remedial training was conducted for Supervisors who failed the examination, the OIM has not seen any such documentation.</p> <p>Continue to incorporate competency-based training of officers and supervisors.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD needs to expand its use of competency-based training across both Districts. <p>Quarterly review of closed investigation files to ensure that the preponderance of evidence standard is being used.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By December 31, 2013, and quarterly thereafter, identify Supervisors who are not correctly using the preponderance of the evidence standard.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By September 30, 2014, provide and document discipline and/or remedial training as appropriate.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	<p>the VIPD has not provided the OIM with documentation demonstrating that sworn personnel who did not attend the training and/or failed the post-training examinations were provided remedial training and/or were disciplined.</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: (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> <ul style="list-style-type: none"> • Status: Satisfied. <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> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD has provided initial training on the preponderance of evidence standard. During the Second Quarter of 2013, the VIPD provided the OIM with documentation showing that Supervisors were tested on the preponderance of the evidence standard. According to the VIPD, a total of 28 Supervisors were tested during the First Quarter of 2014 with a 71% passing rate (20 out of 28). Although the VIPD reports that remedial training was conducted for Supervisors who failed the examination, the OIM has not seen any such documentation. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<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).</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 		
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>	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.	Substantial Compliance
Paragraph 48 - <i>The VIPD will investigate every citizen complaint. The VIPD will establish a clear policy and procedure regarding the intake of any complaint, including anonymous and confidential</i>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Conduct refresher training on policies through documented, periodic in-service and roll</p>	<p>Obtained DOJ approval of a policy and procedure for the intake of complaints. For complaints lodged and recorded, a file documents the actions taken by VIPD in response to the complaint.</p> <ul style="list-style-type: none"> Status: Satisfied. 	Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p><i>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></p>	<p>call/commanders call training.</p> <ul style="list-style-type: none"> • See Training. <p>Continue to incorporate competency-based training on policies into Police Academy.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD needs to expand its use of competency-based training across both Districts. <p>Quarterly review of closed files at IAU.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <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).</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</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> <ul style="list-style-type: none"> • Status: Satisfied. <p>Documented complaints are promptly delivered to a supervisor.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Applicable VIPD personnel properly respond to the inquiring/complaining person, as verified by the monitors and VIPD.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts did not assess this requirement during the First Quarter of 2014. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 		
<p>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 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>Yearly review of policies.</p> <ul style="list-style-type: none"> Status: Satisfied. <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 zones/bureaus, and identifies whether any complaints involve excessive use of force. Also determine whether the Police Commissioner was notified of complaints alleging excessive use of force.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD has produced a report that tracks citizens' complaints on a quarterly basis. However, the VIPD provided consistent documentation that the Commissioner is notified of complaints that allege excessive use of force for the St. Thomas District only. <p>By March 31, 2014, ensure that each IAPro database is accessible from all districts.</p> <ul style="list-style-type: none"> Status: Not satisfied. According to the VIPD, the Director of IAB does not have access to IAPro on both Districts. It is unacceptable that the Director cannot access IAPro from both Districts. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> See Training. <p>By October 31, 2013, in consultation with DOJ, finalize</p>	<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 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> <ul style="list-style-type: none"> (1) Status: Not satisfied. The Director of IAB does not have access to IAPro on both Districts. (2) See requirement (1). (3) See requirement (1). (4) Status: Satisfied. (5) Status: Satisfied. (6) Status: Not applicable. The OIM is not aware of Officers transferring from one District to another. <p>Allegations brought to the attention of the VIPD are assigned a unique identifier.</p> <ul style="list-style-type: none"> Status: Satisfied. 	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>Audit Plan.</p> <ul style="list-style-type: none"> Status: Satisfied. <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).</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	<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> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD currently relies on VITEMA to assign tracking numbers for each complaint when a complaint is filed at a Zone. The VIPD should ensure that each complaint (once assigned a complaint number by VITEMA) is entered into IAPro and forwarded to the IAB for investigation or referral to the Zones. <p>Evidence exists that IAU adequately tracked and monitored the complaint.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Complaints alleging excessive use of force or a civil rights violation are reported to the Police Commissioner within 24 hours of receiving the complaint.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD reports that it created a form to document when the Commissioner is notified about complaints pertaining to excessive use of force or violations of constitutional rights. The OIM has received limited documentation of these completed forms. The VIPD's first Audit Report identified one case alleging excessive use of force or violation of constitutional rights where the Commissioner was notified. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p>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></p>	<p>Yearly review of policies.</p>	<p>Obtained DOJ approval of a policy concerning the investigation of misconduct complaints, consistent with the requirements of Paragraph 50.</p>	<p>Substantial Compliance</p>
<p>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 require that all interviews be mechanically recorded using an audio or video tape.</i></p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>All statements will be recorded by June 30, 2014. On a quarterly basis conduct review to ensure that statements are being recorded.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Second Quarter of 2014. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> See Training. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> See Training. <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).</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various 	<p>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 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 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> <ul style="list-style-type: none"> Status: Not satisfied. Although initially requested in the Second Quarter of 2013, the VIPD has not provided the OIM with documentation demonstrating that investigators and/or Supervisors who did not attend the training and/or failed the post-training examinations were provided remedial training and/or were disciplined. <p>Completed investigations into complaints of misconduct include a documented assessment of</p>	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force.</p> <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	<p>the evidence, and a finding that is based upon the preponderance of evidence standard.</p> <ul style="list-style-type: none"> Status: Review ongoing. <p>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.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, Officer-witnesses provided a statement regarding the incident in 82% (9 out of 11) of the closed citizen complaint investigations reviewed by the Police Practices Experts. <p>Interviews related to a complaint of misconduct will be mechanically recorded using an audio or video tape.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, audio taped statements were taken from all involved Officers in 82% (9 out of 11) of the closed citizen complaint investigations reviewed by the Police Practices Experts. Audio taped statements were taken from witnesses in 80% (8 out of 10) of the closed citizen complaint investigations. 	
<p>Paragraph 52 - <i>The policy will require that the investigative findings include whether:</i></p> <p><i>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</i></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>Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<i>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>			
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 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>	Yearly review of policies.	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.	Substantial Compliance
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 connection to the complainant. The VIPD will make efforts to resolve material inconsistencies between witness statements.</i>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Incorporate competency –based training of all investigators.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD needs to expand its use of competency-based training across both Districts. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> • See Training. 	<p>In completed investigations, all relevant and appropriate evidence identified in ¶ 54 of the Consent Decree has been considered and documented.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, all relevant and appropriate evidence was considered in 45% (5 out of 11) of the closed citizen complaint investigations reviewed by the Police Practices Experts. <p>Completed investigations reflect that a supervisor did not give an automatic preference for an officer's statement over a non-officer's statement.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the 	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <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).</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	<p>First Quarter of 2014, an investigator did not give preference to an Officer's statement over a citizen's statement in 87% (7 out of 8) of the closed citizen complaint investigations reviewed by the Police Practices Experts.</p> <p>Completed investigations reflect that a supervisor has not disregarded a witness' statement because the witness has a connection to the complainant.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, Supervisors did not disregard a witness statement because the witness had some connection to the complainant in 100% (9 out of 9) of the closed citizen complaint investigations reviewed by the Police Practices Experts. <p>VIPD investigators have made efforts to resolve material inconsistencies between witness statements and have been trained on ways to do this.</p> <ul style="list-style-type: none"> • Status: Review ongoing. Inconsistencies among Officer and witness statements were documented and addressed in 44% (4 out of 9) of the closed investigations reviewed during the First Quarter of 2014. Moreover, as described more fully in ¶ 35, the OIM reviewed a case in which an Officer allegedly fired warning shots in the air. However, the Officers that were present did not submit a report indicating that warning shots had been fired. This incident was only discovered through a citizen complaint about the warning shots. Despite the material 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		inconsistencies, the Department closed the investigation without further inquiry.	
<p>Paragraph 55 - During an investigation, all relevant police activity, including each use of force (i.e., not just the type of force complained about) will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident. The VIPD will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury or the complainant will not provide additional statements or written statements; rather, the investigating agency will continue its investigation as necessary to determine whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence of whether a VIPD officer used or did not use a type of force, nor will it justify discontinuing the investigation.</p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> • See Training. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <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).</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force. <p>By September 30, 2014, ensure that lapses in policy</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> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, all apparent misconduct was adequately addressed in 62% (8 out of 13) of the closed citizen complaint investigations reviewed by the Police Practices Experts. The OIM reviewed a case, AIT2013-0089, in which an Officer investigated her daughter's motor vehicle accident. The Officer eventually received a charge for failure to file the citation to the Virgin Islands Attorney General's Office (the "VIAG"), but the VIPD never considered the Officer's judgment in investigating the misconduct. The charges were sustained and the Officer was only ordered to attend ethics training. <p>In completed investigations, the investigative reports include documentation that the supervisor has evaluated any searches or seizures that occurred during the incident.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, investigations assessed the appropriateness of any searches or seizures in 50% (1 out of 2) of the closed citizen complaint investigations reviewed by the Police 	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>Incorporate competency –based training of all investigators.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD needs to expand its use of competency-based training across both Districts. 	<p>Practices Experts.</p> <p>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 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> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, investigations continued where there was a withdrawn complaint or lack of cooperation by the complainant in 50% (6 out of 12) of the closed citizen complaint investigations reviewed by the Police Practices Experts. Investigations continued where the victim was unwilling to provide medical records or proof of injury in 100% (13 out of 13) of the closed citizen complaint investigations. <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> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, Supervisors did not consider a complainant's guilty plea or finding of guilt in 100% (13 out of 13) of the closed citizen complaint 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>investigations reviewed by the Police Practices Experts.</p> <p>In completed investigations, the elements identified in paragraph 55 of the Consent Decree have been analyzed and documented.</p> <ul style="list-style-type: none"> • See requirements immediately above. 	
<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>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> <ul style="list-style-type: none"> • Status: Satisfied. <p>By December 31, 2013, conduct quarterly audits to assess timeliness of completion of citizen complaint investigations.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> • See Training. 	<p>In investigations, the VIPD has kept complainants reasonably informed about the status of the investigation of their complaints.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, the VIPD kept complainants reasonably informed about the status of the investigation in 50% (3 out of 6) of the closed citizen complaint investigations reviewed by the Police Practices Experts. <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> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, complainants were notified of the disposition of the investigation of their complaint in 71% (5 out of 7) of the closed citizen complaint investigations reviewed during the First Quarter of 2014. 	Not in Substantial Compliance
<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</i></p>	<p>Yearly review of policies.</p> <p>Conduct refresher training on policies, through documented, periodic in-service and roll</p>	<p>Investigations have been resolved by making one of the dispositions identified in Paragraph 57 of the Consent Decree.</p>	Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p><i>preponderance of the evidence, that no facts to support that the incident complained of actually occurred;</i></p> <p><i>“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>call/commanders call training.</p> <p>By April 30, 2014 improve tracking system to ensure all staff are trained on 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 citizen complaint investigation files).</p> <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <p>Incorporate competency –based training of all investigators</p>		
<p>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.</p>	<p>Yearly review of policies.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Quarterly review of completed IAU investigations.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Conduct refresher training on policies through documented, periodic in-service and roll call/commanders call training.</p> <ul style="list-style-type: none"> • See Training. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See Training. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies (i.e. review of</p>	<p>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.</p> <ul style="list-style-type: none"> • Status: Satisfied. <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> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, Supervisors evaluated underlying problems and training needs in 7% (1 out of 14) of the closed citizen complaint investigations reviewed by the Police Practices 	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>sample of citizen complaint investigation files).</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Citizen Complaint audit, the audit was the strongest of the four working groups. The working group identified various deficiencies and made recommendations; going forward, the OIM will track how the VIPD implements these recommendations. In addition, the working group should audit citizen complaints involving the use of force. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>Incorporate competency-based training of all investigators.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD provided in-service training during the Second Quarter of 2013. The VIPD has not provided the OIM with a report about the number of investigators that have been trained on the policies. 	<p>Experts.</p> <p>Any identified problems and/or training needs have been relayed to the appropriate VIPD entity.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, identified problems and/or training needs were relayed to the appropriate VIPD entity in 33% (1 out of 3) of the closed citizen complaint investigations reviewed by the Police Practices Experts. <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> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, there was documented evidence that the VIPD implemented remedial training in 0% (0 out of 2) of the closed citizen complaint investigations reviewed by the Police Practices Experts. <p>In cases where the VIPD identified policy or equipment deficiencies, there is documented evidence that corrective measures were taken.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, there was documented evidence that the VIPD implemented equipment modification in 0% (0 out of 1) of the closed citizen complaint investigations reviewed by the Police Practices Experts. None of the closed citizen complaint investigations reviewed during the First Quarter of 2014 required policy revision. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
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>	<p>IAPro, a computerized database, is currently being used to assist in supervision and management for VIPD's risk management system.</p> <ul style="list-style-type: none"> Status: Satisfied. 	<p>See Paragraphs 60-68, below.</p> <p>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.</p>	Not in Substantial Compliance
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 police “disorderly officer,” “conduct,” “obstruction or “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</i>	<p>Canine policy has been revised to capture canine deployments. By 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> <ul style="list-style-type: none"> Status: Not satisfied. The OIM has not received documentation that the VIPD documents bite ratios. <p>VIPD has requested from the VIAG civil and administrative claims involving VIPD officers acting in their official capacities. VIPD will input data in the RMS received from VIAG by September 30, 2014.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>All other categories of data listed in paragraph 60 are being collected and entered into the RMS. Input of</p>	<p>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.</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, use of force incidents were documented in an RRR in 83% (5 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. <p>Canine deployments are entered into RMS with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> Status: Not satisfied. The OIM has not received documentation that canine deployments are entered into the VIPD's Risk Management System (“RMS”). <p>Canine deployments resulting in a bite are entered</p>	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p><i>Territory and its officers, or agents, resulting from VIPD operations or the actions of VIPD personnel;</i></p> <p><i>i. all vehicle pursuits;</i></p> <p><i>j. all incidents involving the pointing of a firearm (if any such reporting is required);</i></p> <p><i>k. and all disciplinary action taken against officers.</i></p>	<p>historical data is ongoing. This requires allocation of sufficient staff to input this data.</p> <ul style="list-style-type: none"> Status: Not satisfied. We have not received documentation showing that the VIPD has started to input data relating to canine bite ratios or canisters of O.C. Spray. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> Status: Satisfied. <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 ensures that lapses in policy implementation are addressed by a system of documented discipline and/or re-training.</p> <ul style="list-style-type: none"> Status: Not satisfied. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. The Management and Supervision audit was the weakest of the four working groups. The "audit" largely consisted of conclusory summary statements without specifying any actual auditing process. <p>IAPro, a computerized database, is currently being used to assist in supervision and management for VIPD's risk management system.</p> <ul style="list-style-type: none"> Status: Satisfied. 	<p>into RMS with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> Status: Not satisfied. The OIM has not received documentation that canine deployments resulting in bites are entered into RMS. <p>RMS provides statistical analyses of canine bite ratio or the data necessary to compute such ratio.</p> <ul style="list-style-type: none"> Status: Not satisfied. The OIM has not received documentation that the VIPD is completing statistical analyses of canine bite ratios or the data necessary to compute such a ratio. <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> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has reported that it has developed a process to track issued canisters of O.C. Spray. However, the OIM has not received documentation showing that the VIPD is entering the required information into IAPro. <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> <ul style="list-style-type: none"> See requirement immediately above. <p>Injuries to prisoners will be entered into RMS with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> Status: Review ongoing. The OIM has 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>seen isolated reports of injuries entered into IAPro, but we do not know if the VIPD is entering information about injuries to prisoners consistently.</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> <ul style="list-style-type: none"> • Status: Satisfied. <p>Firearm discharges, whether on or off-duty, are entered into RMS with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> • Status: Not satisfied. As discussed in the Use of Force section, the VIPD apparently failed to file an RRR documenting an alleged firing of warning shots.” Any such discharge qualifies as a “critical firearm discharge” under the Use of Force Policy. <p>Complaints are entered into RMS with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Dispositions of such complaints are entered into RMS with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD should enter the date when complainants are advised about the disposition of their complaints. <p>Criminal proceedings initiated, civil or</p>	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>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.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIAG has provided the IAB with data about certain civil proceedings, but the IAB has not yet entered all of this information into IAPro. The VIPD previously advised the OIM that it would assign additional personnel to assist with the data entry, but that has not yet occurred. <p>Vehicle pursuits are entered into RMS with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> • Status: Satisfied. <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> <ul style="list-style-type: none"> • Status: Satisfied. <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> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD should include the “final agency action” decision, if any, in the RMS. The “final agency action” represents the Commissioner’s final decision. Currently, the VIPD only enters the IAB’s recommendation for cases that were sustained. Where the “final agency action” decision differs from the IAB’s recommendation, the 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		VIPD should include a brief explanation for departing from the IAB's recommendation.	
<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>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 identify information in the RMS, including utilizing PDN numbers, as required by paragraph 61.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By December 31, 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.</p> <ul style="list-style-type: none"> Status: Not satisfied. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. The Management and Supervision audit was the weakest of the four working groups. The "audit" largely consisted of conclusory summary statements without specifying any actual auditing process. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</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> <ul style="list-style-type: none"> Status: Satisfied. <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> <ul style="list-style-type: none"> Status: Satisfied. <p>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.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD is entering the names of civilians who are involved in incidents, but is not entering information about their ethnicity or national origin. <p>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.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD is not entering Shift and assignment information for each on-duty Supervisor. 	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<ul style="list-style-type: none"> Status: Satisfied. 		
<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 approval.</i></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>	Substantial Compliance
<p>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></p>	<p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies.</p> <ul style="list-style-type: none"> Status: Not satisfied. The OIM received the VIPD’s first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. The Management and Supervision audit was the weakest of the four working groups. The “audit” largely consisted of conclusory summary statements without specifying any actual auditing process. <p>By October 31, 2013, in consultation with DOJ, finalize</p>	<p>VIPD has received approval from DOJ, and implemented a protocol for using the RMS.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>The VIPD has audited the RMS and confirmed that its use reflects the requirements of the protocol.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD did not conduct an adequate audit of the RMS. <p>VIPD submits to DOJ for review and approval all proposed modifications to the protocol before implementation.</p>	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>Audit Plan.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	<ul style="list-style-type: none"> Status: Not yet applicable. The VIPD has not yet proposed any modifications to the RMS protocol. 	
<p>Paragraph 64 – <i>The protocol for using the risk management system will include the following provisions and elements: The protocol is comprised of the following components: data storage, data retrieval, reporting, data analysis, pattern identification, supervisory assessment, supervisory intervention, documentation and audit. The protocol will require the automated system to analyze the data according to the following criteria: i) number of incidents for each data category by individual officer and by all officers in a unit; ii) average level of activity for each data category by individual officer and by all officers in a unit; and iii) identification of patterns of activity for each data category by individual officer and by all officers in a unit. 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. 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</i></p>		<p>The VIPD has received DOJ approval of a protocol with the components identified in ¶64 of the Consent Decree.</p>	<p>Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p><i>individual officer, supervisor, and unit activity. 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. 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). 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. 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. 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. The protocol</i></p>			

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p><i>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. 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>			
<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>Conduct weekly inspections to ensure that all Blue Team programs are installed on all Zone Command computers and are also functioning.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD has conducted weekly inspections of Blue Team. However, those inspections indicate that Blue Team is not working properly on all Department computers. The OIM does not know whether the Department has addressed any of these deficiencies. <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.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The OIM received the VIPD’s first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. The Management and Supervision audit was the weakest of the 	<p>The information required by ¶ 65 is entered and appropriately maintained with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Complete the test of a beta version of RMS as described in ¶ 64(d).</p> <ul style="list-style-type: none"> • Status: Not applicable. As we reported in our last Quarterly Report, the VIPD has used IAPro for several years. <p>Provide DOJ and the monitors with the opportunity to participate in the beta version testing.</p> <ul style="list-style-type: none"> • See requirement immediately above. <p>Resolve all server issues that impeded RMS from being fully operational and implemented.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The IAPro servers on one District are not accessible to VIPD personnel on the other District. 	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>four working groups. The “audit” largely consisted of conclusory summary statements without specifying any actual auditing process.</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> <ul style="list-style-type: none"> • Status: Not satisfied. The OIM has not received documentation that the members of the Management and Supervision working group are observing Roll Calls and Commanders Calls. <p>Input of historical data is ongoing and requires adequate numbers of staff for data entry.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD’s compliance with this requirement following the Third Quarter of 2014. 	<p>Install all hardware related to RMS and ensure that it is fully functional.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Ensure that Blue Team is operational at all required locations.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD has conducted weekly inspections of Blue Team. However, those inspections indicate that Blue Team is not working properly on all Department computers. The VIPD has not provided documentation indicating that it has addressed these deficiencies. <p>Supervisors and managers have received initial training on RMS.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	
<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: Within 150 days of the effective date of this Agreement, subject to the review and approval of DOJ, the VIPD will issue a</i></p>	<p>By December 31, 2013, complete review to determine compliance with d-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>Substantial Compliance</p>

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

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<i>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>		N/A	N/A
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>		VIPD receives approval from DOJ for all modifications to RMS prior to implementation.	N/A
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>	<p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Audit report due December 31, 2013 and quarterly thereafter.</p> <ul style="list-style-type: none"> Status: Satisfied. <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 checks on data entered.</p> <ul style="list-style-type: none"> Status: Not satisfied. The OIM received the VIPD's first Audit Report on January 17, 2014. 	<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> <ul style="list-style-type: none"> Status: Satisfied. <p>The VIPD creates an audit capacity and identifies staff to carry out the protocol.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD does have a dedicated audit unit to carry out the audit protocol. However, allowing working group members to audit the VIPD's compliance with the Consent Decree 	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. The Management and Supervision audit was the weakest of the four working groups. The “audit” largely consisted of conclusory summary statements without specifying any actual auditing process.</p> <p>By December 31, 2013, conduct audits to ensure compliance with the requirements for paragraph 64, regarding the RMS protocol.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has not provided the OIM with any supporting documentation. <p>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 in to the RMS.</p> <ul style="list-style-type: none"> • See requirement immediately above. <p>Quarterly review of closed IAU files to ensure compliance with investigation requirements.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts will report on the VIPD’s compliance with this requirement following the Third Quarter of 2014. 	<p>paragraphs for which they are responsible presents a conflict of interest and undermines the objectivity of the audit.</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 test(s) and passed the proficiency test(s); or 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> <ul style="list-style-type: none"> • Status: Satisfied. <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> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD’s first Audit Report was a good first effort, but it did not uniformly conform to the Audit Protocol. For example, the section devoted to Management and Supervision largely consisted of conclusory statements without specifying any actual auditing process. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<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> <ul style="list-style-type: none"> Status: Not satisfied. The OIM has not received documentation that the VIPD has taken corrective action following its first audit. <p>The historical data required by the Data Input Plan is up-to-date with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD appears to keep historical data up-to-date. However, the VIPD has not audited this requirement. <p>IAU conducts audits of the RMS Protocol on a quarterly basis with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> Status: Satisfied. <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> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has not provided documentation indicating that any such meetings have been held. 	
Discipline			
Paragraph 70 - <i>The VIPD will develop a</i>		Obtained DOJ approval of a disciplinary matrix	Substantial

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p><i>disciplinary matrix to take into account an officer's violations of different rules, rather than just repeated violations of the same rule. The VIPD will further revise this matrix to increase the penalties for uses of excessive force, improper searches and seizures, discrimination, or dishonesty, to reflect the seriousness of those infractions. The revised disciplinary matrix will provide the VIPD with the discretion to impose any appropriate punishment when the VIPD believes the officer's misconduct exhibits a lack of fitness for duty. This revised matrix will be subject to the review and approval of DOJ.</i></p>		<p>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 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.</p>	Compliance
<p>Paragraph 71 - VIPD policy will identify clear time periods by which the various steps of a complaint adjudication process should be completed, from complaint receipt to the imposition of discipline, if any. Absent exigent circumstances, extensions will not be granted without the Police Commissioner's written approval and notice to the complainant. In the limited circumstances when an extension is necessary, appropriate tolling provisions will be outlined in the policy.</p>	<p>Competency-based training of all staff by September 30, 2014 and ongoing documented refresher training through in-services and roll call/commanders call.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>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.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	<p>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.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>These established time periods are not violated except for in exigent circumstances and with the Police Commissioner's written approval for tolling and notice to the complainant.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD currently relies on VITEMA to assign tracking numbers for each complaint when a complaint is filed at a Zone. The VIPD should ensure that each complaint (once assigned a complaint number by VITEMA) is entered into IAPro and forwarded to the IAB for investigation or referral to the Zones. 	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p>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></p>	<p>By September 30, 2014, ensure that lapses in policy implementation are addressed by system of documented discipline and/or retraining.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. <p>By December 31, 2013, implement audit tools to ensure staff are complying with the policies.</p> <ul style="list-style-type: none"> Status: Not satisfied. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. The Management and Supervision audit was the weakest of the four working groups. The "audit" largely consisted of conclusory summary statements without specifying any actual auditing process. <p>Competency-based training of all staff by September 30, 2014 and ongoing documented refresher training through in-services and roll call/commanders call.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	<p>In cases where the matrix calls for discipline, discipline is imposed.</p> <ul style="list-style-type: none"> Status: Review ongoing. The VIPD finalized its revised Disciplinary Matrix on November 1, 2013. As such, there have only been a limited number of violations of VIPD policy adjudicated using the revised Disciplinary Matrix. The OIM did not assess this requirement during the First Quarter of 2014. We also note that the VIPD reported in its Status Report that it conducted eighteen disciplinary proceedings during the First Quarter of 2014 in the St. Thomas District and an unknown number of hearings in the St. Croix District. According to the VIPD, "the disciplinary matrix was referenced and implemented" in each proceeding. We do not know if the discipline (or lack of discipline) that was imposed in each proceeding was consistent with the Disciplinary Matrix because the VIPD has not provided documentation for those proceedings. <p>In cases where discipline is imposed, there is evidence that the VIPD has also considered non-disciplinary corrective action.</p> <ul style="list-style-type: none"> Status: Review ongoing. The OIM did not assess this requirement during the First Quarter of 2014. 	Not in Substantial Compliance
TRAINING			
Management Oversight			
<p>Paragraph 73 – <i>The VIPD will continue to coordinate and review all use of force</i></p>	<p>All lesson plans for the in-service training have been completed and were forwarded to the VIAG and</p>	<p>VIPD has coordinated and reviewed all use of force policies at least annually and the Training</p>	Not in Substantial

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
<p><i>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></p>	<p>approved by the Director of Training.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>On an ongoing basis, continue to consult with counsel and/or VIAG to ensure compliance with Territorial law.</p> <ul style="list-style-type: none"> Status: Not satisfied. As discussed in the last Quarterly Report, while the VIPD has included the VIAG in the lesson plan development process, the OIM has seen internally-developed lesson plans that are little more than a policy with a cover sheet. The VIPD should understand that, even with the VIAG's signed approval, such lesson plans are insufficient for the VIPD to reach substantial compliance with this requirement. <p>Training on Audit Policy completed by October 31, 2013.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Training on Disciplinary Matrix and Protocol completed by December 31, 2013.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>Conduct yearly in-service training.</p> <ul style="list-style-type: none"> Status: Satisfied. <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 reschedule training.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD self-reported in its first Audit Report that "[r]escheduling of examinations for personnel who missed the training or the examination will be done within the first quarter of 2014." However, we have 	<p>Division has reviewed, at least semi-annually, all training to ensure quality, consistency, and compliance with applicable law and VIPD policy.</p> <ul style="list-style-type: none"> Status: Not satisfied. The Commissioner signed an SOP during the Fourth Quarter of 2013. Under the SOP, the VIPD requested feedback on the Use of Force Policy from across the VIPD, but received comments from only one squad. The OIM understands that the Use of Force Policy is currently under review. While the Department has developed a process to review its use of force policies, it has not developed a similar process to review use of force training. The VIPD reported in its Status Report for the Fourth Quarter of 2013 that the Training Division and the VIAG review use of force lesson plans before the execution of related training. While those are positive steps, they are not sufficient. For example, the VIPD does not have a process in place to review and document the delivery of training. <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> <ul style="list-style-type: none"> Status: Satisfied. 	<p>Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	not seen any such documentation.		
<p>Paragraph 74 – <i>The Director of Training, either directly or through his/her designee(s), consistent with applicable law and VIPD policy will: a. ensure the quality of all use of force training; b. develop and implement use of force training curricula; c. select and train VIPD officer trainers; d. develop, implement, approve, and oversee all in-service training; e. in conjunction with the Chiefs, develop, implement, approve, and oversee a patrol division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures; f. establish procedures for evaluating all training curricula and procedures; and g. conduct regular needs assessments to ensure that use of force training is responsive to the knowledge, skills, and abilities of the officers being trained.</i></p>	<p>VIPD in consultation with VIAG shall ensure through review of lesson plans and instructional material that proper police practices are taught.</p> <ul style="list-style-type: none"> Status: Not satisfied. As discussed in the last Quarterly Report, while the VIPD has included the VIAG in the lesson plan development process, the OIM has seen internally-developed lesson plans that are little more than a policy with a cover sheet. The VIPD should understand that, even with the VIAG's signed approval, such lesson plans are insufficient for the VIPD to reach substantial compliance with this requirement. <p>In-Service Training was completed in 2013. In-service training will be completed by December 31, 2014.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>In-service training will be conducted annually. VIPD shall periodically test for proficiency on the policies.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>By April 30, 2014, improve the tracking system to track training attendance.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has made progress towards satisfying this requirement by installing PowerDMS, which the Department plans to use to maintain training records and loading VIPD Consent Decree-related policies, some lesson plans, and post-training quizzes. However, the VIPD has not provided the OIM with documentation that the necessary VIPD personnel information has been entered into PowerDMS in order to track training attendance. The VIPD has told the OIM that a 	<p>The Director of Training and/or his/her staff reviews and approves all use of force training.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>The Director of Training and/or his/her staff obtains legal review of all use of force training curricula.</p> <ul style="list-style-type: none"> Status: Satisfied. <p>The Director of Training and/or his/her staff have developed and implemented use of force training curricula (including lesson plans).</p> <ul style="list-style-type: none"> Status: Satisfied. <p>The Director of Training and/or his/her staff have developed a process to continually select and evaluate VIPD officer trainers.</p> <ul style="list-style-type: none"> Status: Not satisfied. Although the VIPD provided some instructor training classes primarily focused on specific use of force skills, it has not provided the OIM with information about its instructor selection process. For two years, the VIPD has told the OIM that the selection process was being developed. We do not understand this delay. Appropriately vetting instructor candidates is a critical component of providing quality training. <p>The training staff has received appropriate training and certification in the subject matter(s) that they are assigned to teach.</p> <ul style="list-style-type: none"> Status: Satisfied. 	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>work plan will be completed by April 30, 2014. The OIM will report on this plan next quarter.</p> <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • See requirement immediately above. <p>Training will continue to incorporate competency-based training of officers and supervisors on remaining policies.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD needs to expand its use of competency-based training across both Districts. <p>Continue refresher training on policies through documented, periodic in-service and roll call training.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has reported that it is providing Roll Call and Commanders Call training. However, there is no documented coordination between the Director of Training, Police Chiefs, and Deputy Police Chiefs to ensure uniform Consent Decree-related training across Zones and Districts. The VIPD should incorporate Roll Call and Commanders Call training records into PowerDMS. <p>Continue to incorporate competency-based training on policies into Police Academy.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. We note that the VIPD is increasingly using scenario-based training, including using its firearms simulator on the St. Croix District. The VIPD, however, needs to expand its use of competency-based training across both Districts. 	<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> <ul style="list-style-type: none"> • Status: Satisfied. <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> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has made progress towards satisfying this requirement by installing PowerDMS, which the Department plans to use to maintain training records. The Department has loaded policies, lesson plans, and post-training quizzes to PowerDMS. However, the VIPD has not provided documentation that it has loaded historic training records into PowerDMS. That is a critical step in using PowerDMS as a tracking system to ensure all staff are trained on policies. The VIPD has told the OIM that it expects to complete a “work plan” by April 30, 2014 to finish implementing PowerDMS. <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 training curricula.</p> <ul style="list-style-type: none"> • Status: Not satisfied. Despite repeated suggestions that the Director of Training create a systematized process for the development, implementation, and approval of all Roll Call training 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>Yearly review of policies to determine training needs.</p> <ul style="list-style-type: none"> Status: Not satisfied. The Commissioner signed an SOP during the Fourth Quarter of 2013. Under the SOP, the VIPD requested feedback on the Use of Force Policy from across the VIPD, but received comments from only one squad. The OIM understands that the Use of Force Policy is currently under review. While the Department has developed a process to review its use of force policies, it has not developed a similar process to review use of force training. The VIPD reported in its Status Report for the Fourth Quarter of 2013 that the Training Division and the VIAG review use of force lesson plans before the execution of related training. While those are positive steps, they are not sufficient. For example, the VIPD does not have a process in place to review and document the delivery of training. <p>By October 31, 2013, in consultation with DOJ, finalize Audit Plan.</p> <ul style="list-style-type: none"> Status: Satisfied. <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> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The OIM received the VIPD's first Audit Report on January 17, 2014. During the First Quarter of 2014, the OIM provided written and oral comments to the VIPD on its Audit Report. With respect to the Training audit, the working group did not explain why it chose 80% of VIPD personnel as a threshold for compliance. 	<p>curricula, there is no evidence that the Director has done this.</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> <ul style="list-style-type: none"> See requirement immediately above. <p>The Training Director and/or his/her staff have maintained written documentation of this process.</p> <ul style="list-style-type: none"> See requirement immediately above. <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> <ul style="list-style-type: none"> Status: Satisfied. <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 review. The Director of Training and/or his/her staff have developed, reviewed and implemented all use of force training curricula (including lesson plans).</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD initially developed its use of force training curricula in March of 2011. That curricula needs to be reviewed for possible revisions in light of intervening legal developments or the Department's identification of particular deficiencies. For example, the Police Practices Experts have noted that VIPD personnel 	

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	<p>Additionally, there were issues of repetitiveness, e.g. the Procedures/Methodology sections largely restated the objectives of the audit.</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 reschedule training.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD self-reported in its first Audit Report that "[r]escheduling of examinations for personnel who missed the training or the examination will be done within the first quarter of 2014." However, we have not seen any such documentation. 	<p>frequently use "pattern language" when completing reports; "pattern language" refers to conclusory language that does not describe the underlying facts.</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>	<p>Conduct annual competency-based training of officers and supervisors on policies.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD needs to expand its use of competency-based training across both Districts. <p>Competency-based training of all staff by December 31, 2013. Also continue competency –based training of all investigators.</p> <ul style="list-style-type: none"> See requirement immediately above. <p>By September 30, 2014, where warranted, provide and document remedial training for personnel who have been identified as personnel who continually fail to report uses of force.</p> <ul style="list-style-type: none"> Status: Review ongoing. The Police Practices Experts will report on the VIPD's compliance with this requirement following the Third Quarter of 2014. 	<p>The VIPD has delivered training that is consistent with the content of approved lesson plans.</p> <ul style="list-style-type: none"> Status: Satisfied. <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> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has not provided any documentation that, to the extent possible, it trains each work Shift as a team. <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</p>	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>On an ongoing basis, continue to consult with counsel and/or VIAG to ensure compliance with Territorial law.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. As discussed in the last Quarterly Report, while the VIPD has included the VIAG in the lesson plan development process, the OIM has seen internally-developed lesson plans that are little more than a policy with a cover sheet. The VIPD should understand that, even with the VIAG's signed approval, such lesson plans are insufficient for the VIPD to reach substantial compliance with this requirement. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has made progress towards satisfying this requirement by installing PowerDMS, which the Department plans to use to maintain training records. The Department has loaded policies, lesson plans, and post-training quizzes to PowerDMS. However, the VIPD has not provided documentation that it has loaded historic training records into PowerDMS. That is a critical step in using PowerDMS as a tracking system to ensure all staff are trained on policies. The VIPD has told the OIM that it expects to complete a "work plan" by April 30, 2014 to finish implementing PowerDMS. <p>Continue refresher training on policies through documented, periodic in-service and roll call training.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has reported that it is providing Roll Call and Commanders Call training. However, there is no documented coordination between the Director 	<p>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.</p> <ul style="list-style-type: none"> Status: Not satisfied. Although initially requested in the Second Quarter of 2013, the VIPD has not provided the OIM with documentation demonstrating that sworn personnel who did not attend the training and/or failed the post-training examinations were provided remedial training and/or were disciplined. <p>Sworn personnel displayed knowledge and proficiency in the requirements each policy, as evidenced by compliance with the policy/protocol requirements.</p> <ul style="list-style-type: none"> See ¶ 100. <p>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.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. As discussed in the last Quarterly Report, while the VIPD has included the VIAG in the lesson plan development process, the OIM has seen internally-developed lesson plans that are little more than a policy with a cover 	

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	<p>of Training, Police Chiefs, and Deputy Police Chiefs to ensure uniform Consent Decree-related training across Zones and Districts. The VIPD should incorporate Roll Call and Commanders Call training records into PowerDMS.</p> <p>Continue to incorporate competency-based training on policies into Police Academy.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. We note that the VIPD is increasingly using scenario-based training, including using its firearms simulator on the St. Croix District. The VIPD, however, needs to expand its use of competency-based training across both Districts. <p>Yearly review of policies to determine training needs.</p> <ul style="list-style-type: none"> Status: Not satisfied. The Commissioner signed an SOP during the Fourth Quarter of 2013. Under the SOP, the VIPD requested feedback on the Use of Force Policy from across the VIPD, but received comments from only one squad. The OIM understands that the Use of Force Policy is currently under review. While the Department has developed a process to review its use of force policies, it has not developed a similar process to review use of force training. The VIPD reported in its Status Report for the Fourth Quarter of 2013 that the Training Division and the VIAG review use of force lesson plans before the execution of related training. While those are positive steps, they are not sufficient. For example, the VIPD does not have a process in place to review and document the delivery of training. 	<p>sheet. The VIPD should understand that, even with the VIAG's signed approval, such lesson plans are insufficient for the VIPD to reach substantial compliance with this requirement.</p>	

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<p>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></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> <ul style="list-style-type: none"> • Status: Not satisfied. The Police Practices Experts have not received a complete set of lesson plans for the most recent round of in-service training in November or lesson plans covering the most recent supervisory training. After being notified by the OIM that the Police Practices Experts would be on-site to observe training, the VIPD made changes to the training schedule without notifying the OIM and causing the Police Practices Experts to miss an observation opportunity. For this reason, the OIM has requested that the VIPD videotape training. The benefit is two-fold: (1) it allows the Police Practices Experts to observe training when they are unable to attend in person; and (2) it provides a training tool for the VIPD to use when VIPD personnel miss training. Because videotaped training should not substitute for attending live training, the VIPD should develop a protocol for determining which VIPD personnel would most benefit from videotaped trainings (e.g. veteran Officers). <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has made progress towards satisfying this requirement by installing PowerDMS, which the Department plans to use to maintain training records. The Department has loaded policies, lesson plans, and post-training quizzes to PowerDMS. However, the VIPD has not provided documentation that it has loaded historic 	<p>The VIPD has established a central, commonly accessible repository for lesson plans and training materials.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has made progress towards satisfying this requirement by installing PowerDMS, which the Department plans to use to maintain training records. The Department has loaded policies, lesson plans, and post-training quizzes to PowerDMS. However, the VIPD has not provided documentation that it has loaded historic training records into PowerDMS. That is a critical step in using PowerDMS as a tracking system to ensure all staff are trained on policies. The VIPD has told the OIM that it expects to complete a “work plan” by April 30, 2014 to finish implementing PowerDMS. <p>Training records are maintained in a central, commonly accessible repository.</p> <ul style="list-style-type: none"> • See requirement immediately above. <p>Training materials are clearly dated.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Lesson plans contain all of the required signatures of review and approval.</p> <ul style="list-style-type: none"> • Status: Satisfied. 	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	training records into PowerDMS. That is a critical step in using PowerDMS as a tracking system to ensure all staff are trained on policies. The VIPD has told the OIM that it expects to complete a “work plan” by April 30, 2014 to finish implementing PowerDMS.		
Paragraph 77 – <i>The VIPD shall continue to maintain training records regarding every VIPD officer that reliably indicate the training each officer has received. The training records shall, at a minimum, include the course description and duration, curriculum, and instructor for each officer.</i>	<p>Training files are updated on a continuous basis as officers are trained.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has made progress towards satisfying this requirement by installing PowerDMS, which the Department plans to use to maintain training records. The Department has loaded policies, lesson plans, and post-training quizzes to PowerDMS. However, the VIPD has not provided documentation that it has loaded historic training records into PowerDMS. That is a critical step in using PowerDMS as a tracking system to ensure all staff are trained on policies. The VIPD has told the OIM that it expects to complete a “work plan” by April 30, 2014 to finish implementing PowerDMS. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> See requirement immediately above. 	<p>The Director of Training and/or his/her staff has maintained current and substantially complete training records for VIPD Officers.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD’s training records do not currently capture the course description, length of training, curricula, or instructor information in a single consolidated format. 	Not in Substantial Compliance
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>	<p>On an ongoing basis, VIPD will continue to consult with VIAG to ensure that all use of force training and use of force policies are in compliance with applicable laws and VIPD policy.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. As discussed in the last Quarterly Report, while the VIPD has included the VIAG in the lesson plan development process, the OIM has seen internally-developed lesson plans that are little more than a policy with a cover sheet. The 	<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> <ul style="list-style-type: none"> Status: Not satisfied. The Commissioner signed an SOP during the Fourth Quarter of 2013. Under the SOP, the VIPD 	Not in Substantial Compliance

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	<p>VIPD should understand that, even with the VIAG's signed approval, such lesson plans are insufficient for the VIPD to reach substantial compliance with this requirement.</p>	<p>requested feedback on the Use of Force Policy from across the VIPD, but received comments from only one squad. The OIM understands that the Use of Force Policy is currently under review. While the Department has developed a process to review its use of force policies, it has not developed a similar process to review use of force training. The VIPD reported in its Status Report for the Fourth Quarter of 2013 that the Training Division and the VIAG review use of force lesson plans before the execution of related training. While those are positive steps, they are not sufficient. For example, the VIPD does not have a process in place to review and document the delivery of training.</p> <p>Force-related training curricula/lesson plans adequately incorporate critical thinking, decision- making instruction, applicable law(s) and VIPD policy.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. We note that the VIPD is increasingly using scenario-based training, including using its firearms simulator on the St. Croix District. The VIPD, however, needs to expand its use of competency-based training throughout the District. <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>	

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		<ul style="list-style-type: none"> Status: Satisfied. <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> <ul style="list-style-type: none"> Status: Satisfied. 	
<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: the VIPD's use of force model, as described in this Agreement; proper use of force decision-making; the VIPD's use of force reporting requirements; the Fourth Amendment and other constitutional requirements; examples of scenarios faced by VIPD officers that illustrate proper use of force decision-making; interactive exercises that emphasize proper use of force decision-making; 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; threat assessment; appropriate training on conflict management.</i></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> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD should develop a training schedule and develop curricula for the entire year rather than for the immediate next training. The VIPD should also incorporate more training exercises that focus on scenario-based decision making and role playing. <p>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).</p> <ul style="list-style-type: none"> See requirement immediately above. <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</p>	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>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. Where train-the-trainer or specific force tool certifications are required, recruits, officers, supervisors and managers have those certifications.</p> <ul style="list-style-type: none"> Status: Not satisfied. Although initially requested in the Second Quarter of 2013, the VIPD has not provided the OIM with documentation demonstrating that sworn personnel who did not attend the training and/or failed the post-training examinations were provided remedial training and/or were disciplined. 	
<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>VIPD will continue to utilize competency-based training of officers and supervisors.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD needs to expand its use of competency-based training across both Districts. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has made progress towards satisfying this requirement by installing PowerDMS, which the Department plans to use to maintain training records. The Department has loaded policies, lesson plans, and post-training quizzes to PowerDMS. 	<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> <ul style="list-style-type: none"> Status: Satisfied. <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 tests, the sworn personnel have entered and successfully completed a remedial program</p>	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>However, the VIPD has not provided documentation that it has loaded historic training records into PowerDMS. That is a critical step in using PowerDMS as a tracking system to ensure all staff are trained on policies. The VIPD has told the OIM that it expects to complete a “work plan” by April 30, 2014 to finish implementing PowerDMS.</p> <p>Continue refresher training on policies through documented, periodic in-service and roll call training.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has reported that it is providing Roll Call and Commanders Call training. However, there is no documented coordination between the Director of Training, Police Chiefs, and Deputy Police Chiefs to ensure uniform Consent Decree-related training across Zones and Districts. The VIPD should incorporate Roll Call and Commanders Call training records into PowerDMS. <p>Yearly review of policies to determine training needs.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The Commissioner signed an SOP during the Fourth Quarter of 2013. Under the SOP, the VIPD requested feedback on the Use of Force Policy from across the VIPD, but received comments from only one squad. The OIM understands that the Use of Force Policy is currently under review. While the Department has developed a process to review its use of force policies, it has not developed a similar process to review use of force training. The VIPD reported in its Status Report for the Fourth Quarter of 2013 that the Training Division and the VIAG review use of force lesson plans before the execution of 	<p>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.</p> <ul style="list-style-type: none"> • Status: Not satisfied. Although initially requested in the Second Quarter of 2013, the VIPD has not provided the OIM with documentation demonstrating that sworn personnel who did not attend the training and/or failed the post-training examinations were provided remedial training and/or were disciplined. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	related training. While those are positive steps, they are not sufficient. For example, the VIPD does not have a process in place to review and document the delivery of training.		
<p>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 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 service training.</i></p>	<p>Competency-based training of supervisors on policy will continue.</p> <ul style="list-style-type: none"> Status: Satisfied, but additional work needed. The VIPD needs to expand its use of competency-based training across both Districts. Moreover, the VIPD should utilize more training exercises that focus on scenario-based decision making and role playing. <p>By April 30, 2014 improve tracking system to ensure all staff are trained on policies.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has made progress towards satisfying this requirement by installing PowerDMS, which the Department plans to use to maintain training records. The Department has loaded policies, lesson plans, and post-training quizzes to PowerDMS. However, the VIPD has not provided documentation that it has loaded historic training records into PowerDMS. That is a critical step in using PowerDMS as a tracking system to ensure all staff are trained on policies. The VIPD has told the OIM that it expects to complete a “work plan” by April 30, 2014 to finish implementing PowerDMS. <p>Continue refresher training on policies through documented, periodic in-service and roll call training.</p> <ul style="list-style-type: none"> Status: Not satisfied. The VIPD has reported that it is providing Roll Call and Commanders Call training. However, there is no documented coordination between the Director 	<p>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 completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or where supervisors have not completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisors.</p> <ul style="list-style-type: none"> Status: Not satisfied. Although initially requested in the Second Quarter of 2013, the VIPD has not provided the OIM with documentation demonstrating that Supervisors who did not attend the training and/or failed the post-training examinations were provided remedial training and/or were disciplined. <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</p>	Not in Substantial Compliance

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
	<p>of Training, Police Chiefs, and Deputy Police Chiefs to ensure uniform Consent Decree-related training across Zones and Districts. The VIPD should incorporate Roll Call and Commanders Call training records into PowerDMS.</p> <p>Yearly review of policies to determine training needs.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The Commissioner signed an SOP during the Fourth Quarter of 2013. Under the SOP, the VIPD requested feedback on the Use of Force Policy from across the VIPD, but received comments from only one squad. The OIM understands that the Use of Force Policy is currently under review. While the Department has developed a process to review its use of force policies, it has not developed a similar process to review use of force training. The VIPD reported in its Status Report for the Fourth Quarter of 2013 that the Training Division and the VIAG review use of force lesson plans before the execution of related training. While those are positive steps, they are not sufficient. For example, the VIPD does not have a process in place to review and document the delivery of training. 	<p>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 test(s); or 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> <ul style="list-style-type: none"> • Status: Review ongoing. This requirement was not assessed during the First Quarter of 2014 because no Supervisors were promoted during the applicable time period. 	
<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> <ul style="list-style-type: none"> • Status: Satisfied. <p>For subsection b: Definition of “force” comports with ¶ 21 of the Consent Decree.</p>	<p>Not in Substantial Compliance</p>

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<ul style="list-style-type: none"> • Status: Satisfied. <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> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, the OIM did not review any cases where this requirement was implicated. <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> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, the OIM did not review any cases where this requirement was implicated. <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 while on duty.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The Police Practices Experts have observed that uniformed Officers on the St. Thomas and St. Croix Districts carry less lethal alternatives. The Police Practices Experts will monitor if the VIPD detectives carry less lethal alternatives in the coming quarters. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>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.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, the OIM did not review any cases where this requirement was implicated. <p>VIPD immediately implements any policy revisions, once approved.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>2. Firearms policy (paragraph 39): Sworn personnel do not possess or use unauthorized firearms or ammunition.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has issued its Firearms Policy, but the Department has not provided the OIM with any documentation demonstrating compliance with this requirement. <p>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.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, the OIM did not 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>review any cases where this requirement was implicated.</p> <p>Firearm discharges are documented on an RRR.</p> <ul style="list-style-type: none"> • Status: Not satisfied. As described earlier in ¶ 35, the OIM reviewed a case where an Officer allegedly fired warning shots in the air. The firearm discharge was not documented on an RRR. This incident was only discovered through a citizen complaint about the warning shots. <p>Service ammunition obtained and used by officers is obtained through official VIPD channels.</p> <ul style="list-style-type: none"> • Status: Not satisfied. Although the VIPD has issued its Firearms Policy, the Department has not provided the OIM with any documentation demonstrating compliance with this requirement. <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> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, the OIM did not review any cases where this requirement was implicated. <p>Off-duty officers notified on-duty sworn personnel or local enforcement officers before taking police actions, except in exigent circumstances.</p> <ul style="list-style-type: none"> • Status: Review ongoing. During the 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>First Quarter of 2014, the OIM did not review any cases where this requirement was implicated.</p> <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> <ul style="list-style-type: none"> • Status: Review ongoing. During the First Quarter of 2014, the OIM did not review any cases where this requirement was implicated. <p>Completed investigations into complaints of misconduct are in compliance with the provisions of the Consent Decree.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. As discussed in ¶ 46, the VIPD has provided initial training on the preponderance of evidence standard. During the Second Quarter of 2013, the VIPD provided the OIM with documentation showing that Supervisors were tested on the preponderance of the evidence standard. According to the VIPD, a total of 28 Supervisors were tested during the First Quarter of 2014 with a 71% passing rate (20 out of 28). Although the VIPD reports that remedial training was conducted for Supervisors who failed the examination, the OIM has not seen any such documentation. <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,</p>	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>his/her conduct did not lead to an injury, and he/she did not authorize conduct leading to the use of force incident).</p> <ul style="list-style-type: none"> Status: Review ongoing. During the First Quarter of 2014, investigating Supervisors had no involvement in the incident in 83% (5 out of 6) of the closed use of force investigations reviewed by the Police Practices Experts. <p>5. Investigative findings (Paragraph 52): Use of force investigations include documented findings of all of the considerations required by ¶ 52.</p> <ul style="list-style-type: none"> Status: Review ongoing. In 67% (8 out of 12) of the closed IAB investigations reviewed by the Police Practices Experts during the First Quarter of 2014, the cases included an assessment of whether the police action was in compliance with policy, training, and legal standards. 57% (8 out of 14) of the investigations assessed whether the incident involved Officer misconduct. 25% (2 out of 8) of the investigations assessed whether the use of different tactics should or could have been employed. 44% (4 out of 9) of the investigations assessed whether the incident indicated a need for additional training, counseling, or other non-disciplinary corrective measures. 9% (1 out of 11) of the investigations assessed whether the incident suggested that the VIPD should revise its policy, training, or tactics. <p>6, Allegations of criminal misconduct (Paragraph 53): In investigations involving criminal</p>	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>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> <ul style="list-style-type: none"> • Status: Review ongoing. The OIM did not review any cases during the First Quarter of 2014 where this requirement was implicated. <p>7. Elements of RMS Protocol (Paragraph 64): The VIPD has implemented a protocol for using the RMS that includes the components identified in ¶ of the Consent Decree.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>The VIPD has implemented a protocol that includes an automated system to analyze the data according to the criteria identified in ¶ of the Consent Decree.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Reports are generated and distributed to appropriate sworn personnel (<i>e.g.</i>, Chiefs, Deputy Chiefs, and supervisors) on a monthly basis.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>Reviews conducted by the Deputy Chiefs, managers, and supervisors comport with the RMS protocol.</p> <ul style="list-style-type: none"> • Status: Satisfied, but additional work needed. The VIPD has provided the OIM with limited documentation that the Department has carried out action plans as required by the RMS protocol, or met to address certain patterns and trends regarding conduct by VIPD personnel. 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<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> <ul style="list-style-type: none"> • See requirement immediately above. <p>Interventions, as exemplified in paragraph 64 of the Consent Decree, comport with the RMS protocol.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The VIPD and the OIM are in the early stages of assessing this requirement. <p>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.</p> <ul style="list-style-type: none"> • See requirement immediately above. <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> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has not provided any documentation that RMS records are reviewed upon transferring VIPD personnel to a new section or unit. <p>The VIPD has established a protocol for evaluating whether deputy chiefs, managers and</p>	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		<p>supervisors are able to use the RMS system to enhance effectiveness and risk.</p> <ul style="list-style-type: none"> • Status: Not satisfied. The VIPD has not provided the OIM with any documentation that it has established a protocol. <p>This evaluation protocol is followed with a reasonable level of accuracy and completeness.</p> <ul style="list-style-type: none"> • See requirement immediately above. <p>The RMS is managed and administered by IAU.</p> <ul style="list-style-type: none"> • Status: Satisfied. <p>8. Disciplinary matrix (paragraph 70): Disciplinary penalty decisions are consistent with the penalties set forth in the matrix.</p> <ul style="list-style-type: none"> • Status: Review ongoing. The VIPD finalized its revised Disciplinary Matrix on November 1, 2013. As such, there have only been a limited number of violations of VIPD policy adjudicated using the revised Disciplinary Matrix. The OIM did not assess this requirement during the First Quarter of 2014. We also note that the VIPD reported in its Status Report that it conducted eighteen disciplinary proceedings during the First Quarter of 2014 in the St. Thomas District and an unknown number of hearings in the St. Croix District. According to the VIPD, “the disciplinary matrix was referenced and implemented” in each proceeding. We do not know if the discipline (or lack of discipline) that was imposed in each proceeding was consistent with the Disciplinary Matrix 	

CONSENT DECREE PARAGRAPH	ACTION/REVIEW/AUDIT	REQUIREMENTS FOR SUBSTANTIAL COMPLIANCE	COMPLIANCE STATUS
		because the VIPD has not provided documentation for those proceedings.	

Appendix A
VIPD Report for the First Quarter of 2014

CONSENT DECREE
BETWEEN
THE UNITED STATES DEPARTMENT OF JUSTICE, THE TERRITORY OF THE
VIRGIN ISLANDS AND THE VIRGIN ISLANDS POLICE DEPARTMENT



STATUS REPORT
Issued April 7th 2014

Virgin Islands Police Department
Status Report#18

Introduction

In March 2004, the Department of Justice (“DOJ”) initiated an investigation of an alleged pattern or practice of excessive force throughout the Virgin Islands Police Department (“VIPD”) under the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141 (“Section 14141”). Virgin Islands officials met with DOJ officials to facilitate the Virgin Islands’ cooperation with the Department of Justice investigation and craft a consent decree addressing all the parties’ concerns. The consent decree (“CD”) is the result of a cooperative effort that evinces a commitment to constitutional policing on the part of the Department of Justice; the Territory of the Virgin Islands; and the Virgin Islands Police Department.

This progress report is the eighteenth (18th) submitted by the Virgin Islands Police Department’s (VIPD) Compliance Monitoring Team (CMT). The CMT was created to ensure the timely implementation of and compliance with the Consent Decree (CD) [United States of America v. The Territory of the Virgin Islands; and the Virgin Islands Police Department; 08-CV-00158; dated March 24, 2009].

This report focuses on the work completed this quarter, and on the paragraphs of the CD which have “substantive” requirements that either VIPD or the Virgin Islands Government is responsible for complying with. A status is provided for each of these provisions as well as a summary of the steps taken by VIPD during this quarter in order to comply with the Agreement.

EXECUTIVE SUMMARY

TRAINING

During this reporting quarter, the Training Bureau and the VIPD as a whole is proud to announce and report that in the St.Thomas/ St.John District police recruit class 2013-1 graduated 14 Officers on Friday January 10, 2014. A listing identifying each of these Officers by their full names was submitted to OIM via email communication. Although, this is a small number of graduates that is dwarfed even more when compared to the number of Officers retiring, the VIPD nonetheless is pleased to have these Officers and welcome them as new members of the VIPD law enforcement family. These Officers after their graduation were immediately paired with Field Training Officers to commence their yearlong probationary and field training period and will go through a rotational period that will afford each of them the opportunity to experience working at each Zone/ Command in the St. Thomas/ St.John District and after their rotation is completed, will be assigned to a Zone or Command. Each of the probationary Officers was assigned a PDN (Permanent Designator Number) and were also administered the blue team training and their competency exam scores were submitted to OIM January 30, 2014. In contrast, in the St. Croix District, police recruit class 2014- started during this reporting quarter and will be reported on in future quarterly reports.

The Training Bureau during this reporting quarter conducted training which included the following disciplines: Law enforcement resiliency training conducted January 20-25, 2014. This was a 40 hour law enforcement resiliency and peer support training that was delivered in the St. Croix District. A total of twelve (12) Officers from the St. Croix District and ten (10) from the St.Thomas /St. John District were selected to attend and participate. This training included topics such as principles of police stress, peer support, overview of mental and emotional health issues, psychological aspects of stress, effective communication, police suicide, coping with stress, human resiliency and law enforcement and conducting psychological debriefings. A competency examination was also administered at the conclusion of the training.

Medical Preparedness and Response to Bombing Incidents training took place January 30-31, 2014 sponsored by the Department of Homeland Security and in conjunction with Texas A & M Engineering Extension Service. This was a sixteen hour training session and was hosted at VITEMA Headquarters in St.Thomas. Three Officers from the St.Thomas/St. John District were selected and participated in this training. Domestic violence and sexual assault training took place February 18-21, 2014 in Raleigh North Carolina and one (1) Supervisor and four (4) Officers from the St.Thomas/St. John District attended this training. Hostage Negotiation trainings levels 1&2 also took place during the month of February 2014 in the St.Thomas/St. John District and level three (3) took place in St. Croix and St.Thomas/St.John District March 31- April 4, 2014. Also, Leadership Training Course was delivered in both Districts during the month of March 2014, and a training summary report for this training was submitted to OIM during this reporting quarter.

In preparation for upcoming in-service trainings tentatively scheduled for June 2014, the Training Bureau disseminated department wide a memorandum requesting from the Commands, suggested topics to be covered during the impending in-service trainings. In response to this request, the IAB submitted correspondence dated February 3, 2014 and requested training in the following areas: refresher training on EIP; refresher training on blue team use(Supervisors and Officers);training on blue team protocol; refresher on Arrest policy; refresher training on Reporting Review and Investigating use of force; Customer Service; Training on counseling(Supervisors); Training for dealing with persons with mental defects; Ethics; Training on performance evaluations and refresher training on criminal procedures. More will be reported in future reports as these requested trainings are delivered.

Consistent with requirements to provide fire arms training, the Training Bureau initiated semi-annual firearms qualification training during the month of March 2014, in the St.Thomas/St.John District. A memorandum dated January 20, 2014 from the Training Bureau established firearms training beginning February 24 & 25 and February 27 & 28 for Supervisors and the month of March beginning March 3, 2014 for Officers in the St.Thomas/St. John District. Lesson plan and course outline for this firearms qualification training including service weapon and shotgun course was submitted to OIM 2/19/14 via email. As with other trainings and consistent with established norms, the Training Bureau is expected to compile a training report reflective of this semi-annual firearms training.

With respect to VIPD's Action plan requirement to implement a tracking system to ensure that all staff are trained on policies, efforts continue during this reporting period which included communication meetings held between MIS, Training Bureau and representatives of Power DMS with regards to VIPD's implementation of Power DMS. The MIS Bureau further submitted to USDOJ correspondence dated February 27, 2014 that delineated goals for the month of March through April 30, 2014 as it relates to the implementation and full operation of Power DMS. Among the established goals are the following: MIS conducting training with Instructors, Administrative Training Staff and the Policy Committee on their roles in Power DMS and the uploading of historical annual training data to include uploading and publishing existing policies to Power DMS system.

Thus far, Training with respect to Power DMS has been completed for MIS and the Training Staff. The Instructors have already began uploading training information to Power DMS. Additionally, all consent decree related policies have also been uploaded to Power DMS of which OIM and USDOJ have been made aware through email communication.

The Training Bureau provided notice in a memo dated January 27, 2014 of the creation of a six member (from both Districts) Use of Force Assessment Committee, which constitutes two (2) Sergeants, one(1) Corporal and three (3) Officers. The principal purpose of this Assessment Committee is to conduct on a monthly basis, thorough and focused reviews of response to resistance reports, so as to be able to identify any training issues regarding use of force and also to gauge Officers performance as it relates to their use of the various force options available to them in the performance of their duties. This Assessment

Committee, in addition to meeting monthly is also required to submit a quarterly report of their reviews to the Training Director. To facilitate this effort, the Training Bureau in a memorandum dated January 27, 2014 requested the IAB to forward response to resistance reports to the Assessment Committee in each District by the end of each month beginning January 31, 2014. An electronic copy of the memorandum dated January 27, 2014 and identifying the members of the newly formed Assessment Committee was submitted to OIM January 28, 2014.

CITIZEN COMPLAINT PROCESS

The VIPD continues to ensure that all required complaint informational materials continue to be available at all locations to include all police vehicles as designated by the consent decree. As evidence of this effort, during this reporting quarter inspection reports for the availability of complaint materials were submitted to OIM for both Districts during this reporting quarter. Also, to simplify the inspection reporting process, the VIPD revised the inspection report form making it more user- friendly, to include check boxes and also making it available in an electronic format. Some of the inspections completed during this reporting quarter were done utilizing this revised form which was also forwarded to OIM.

Remedial training was conducted in the St.Thomas/St. John District for those Supervisors that failed the preponderance of evidence standard training conducted during Commander's call January 16, 2014. This remedial training was conducted using Power DMS.

The quarterly audit of the fourth quarter of 2013 concluded March 31, 2014 and the audit report for the respective work group were forwarded to the Chairperson of the audit group for review, compilation and submission to the Police Commissioner. Following review by the Police Commissioner, the audit reports will be submitted to OIM and USDOJ, as was the case with the third quarterly audit for 2013.

RISK MANAGEMENT SYSTEM

During this reporting quarter, the IAB continues to generate and disseminate various reports regarding EIP to include the EIP quarterly patterns and trends which was also submitted to OIM for this reporting quarter. This report includes Officer alerts, all complaints, uses of force, vehicle pursuits, vehicle accidents and administrative investigations for this reporting quarter. Additionally, the IAB in an effort to improve Supervisor's comprehension and application of the EIP process is coordinating training with an outside vendor to conduct training in problem solving and conflict resolution. More will be reported in future quarterly reports regarding this effort.

The Management and Supervision work group completed their audit of the last quarter of 2013 and their audit report was submitted to the Chairperson of the Audit group for review , compilation and submittal to the Police Commissioner for his review prior to being submitted to OIM and USDOJ.

The VIAG has submitted civil suits to IAB as required by the consent decree and continues to do so on an ongoing basis; However, IAB has requested assistance in inputting the data into IAPRO. In response to this

response for assistance one person per District has been identified. The person identified in St. Croix District has already started to input data related to civil suits for that District and the person identified in the St. Thomas District will commence doing likewise shortly after some scheduling issues have been rectified.

Use of Force

The use of force work group completed their audit of the last quarter of 2013 and their audit report was submitted to the Chairperson of the audit group March 31, 2014. This report, like the audit reports submitted by the other work groups will be reviewed by the Chairperson of the Audit group, compiled into a single report and forwarded to the Police Commissioner for review followed by subsequent submittal to OIM and USDOJ. Following the audit reports the next step is to conduct meetings with Supervisors and Commanders in both Districts to provide a briefing on the foregoing audit, apprise them of deficiencies, areas of compliance as well as non compliance and also, inform them of recommendations to rectify deficiencies and their role in the implementation of the recommendations. More will be reported in future quarterly reports as these meetings are conducted and the recommendations are implemented.

The use of force work group and the Training work group are working collaboratively to develop a series of mini roll call lesson plans for the purpose of delivering standardized roll call trainings in both Districts. More will be reported in future quarterly reports as these mini roll call lessons are finalized and training commences.

Additionally, as it relates to annual policy review, the use of force work group have completed their review of use of force policy 3.1 and submitted same to VIPD's legal counsel as well as VIAG for their review. Following review by legal and VIAG which represents level three of the review process consistent with the SOP for the review of critical policies, this policy will be forwarded to the Policy Committee for level four review which is the final level of review, as delineated in the SOP for the review of critical policies. The next policy that the use of force work group has begun to review is policy 3.2, "Reporting Review and investigation of use of force", which will follow the same process as outlined above.

As previously reported, promotional exams have been scheduled in both Districts for the ranks of Sergeant, Lieutenant and captain during the months of April to May 2014. OIM was provided with a copy of the exam notices with scheduled dates and times for each promotional exam. The VIPD is hoping that these promotional exams will provide a needed boost in its' supervisory ranks in both Districts, which could serve to be beneficial to the department's substantial compliance efforts, particularly as it relates to the performance of certain rank specific functions.

In addition to promotions, during this reporting quarter and specifically during the month of January 2014, the VIPD posted in-house job announcements for two vacancies, namely, Firearms/Tool Mark Examiner and Police Evidence Custodian. A copy of each of these vacancy announcements was submitted to OIM January 2014 and more will be reported as these positions are filled.

The VIPD's use of force work group intends to implement a use of force review board and is already reviewing drafts of use of force review board policies. This will be reported in more details in future quarterly reports as the review board policy is considered in a more focused and concentrated effort.

1. Compliance Summary

CD Paragraphs

I. INTRODUCTION

II. USE OF FORCE POLICIES

Paragraph 31- The VIPD will review and revise its use of force policies as necessary to:

a. define terms clearly;

b. define force as that term is defined in this Agreement;

c. incorporate a use of force model that teaches disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements or calling in specialized units as appropriate responses to a situation;

d. advise that, whenever possible, individuals should be allowed to submit to arrest before force is used;

e. reinforce that the use of excessive force will subject officers to discipline, possible criminal prosecution, and/or civil liability;

f. ensure that sufficient less lethal alternatives are available to all patrol officers; and

g. explicitly prohibit the use of choke holds and similar carotid holds except where deadly force is authorized.

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

* The use of force work group during this reporting period completed their review of the use of force policy 3.1, and submitted same to VIPD's legal counsel and VIAG. After the policy is reviewed by legal counsel and VIAG, it will be forwarded to the Policy Committee for final review and revision if necessary before being submitted to the Police Commissioner. All use of force and or force related policies approved prior by USDOJ as per the consent decree will be submitted to USDOJ and OIM for the purpose of affording the opportunity to review any revisions made to the policy prior to re-disseminating the revised policy department wide.

The next force related policy up for review by the use of force work group is the Reporting Review and Investigation of use of force policy 3.2. The use of force work group in their initial review of policy 3.2 have decided to merge it with the officer involved shooting policy or certain aspects of it.

II. EVALUATION, DOCUMENTATION, AND REVIEW OF USE OF FORCE

A. General Use of Force Incidents

(AMENDED)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 use of force. Use of force reports will include a supervisor's narrative description of the events preceding the use of force, written by a supervisor or by the designated investigative unit. Use of force reports also will include the officer(s) narrative description of events and the officer(s) statement. Except in cases of use of force involving the lowest level of force as defined in VIPD policy as approved by DOJ, the officer's statement shall be audio or videotaped.

*The VIPD's use of force reporting requirements are delineated in the approved and department disseminated policy namely, "Reporting Review and Investigation of Use of Force" which is currently being reviewed by the use of force work group as part of the annual review of use of force policies. This policy review will follow the same procedure as briefly outlined above relating to the review of the use of force policy 3.1.

During this reporting quarter each of the four work groups conducted their first quarterly audit of the third quarter of 2013 of their respective area of responsibility with respect to the consent

decree. After completion of the audit each group's final audit report to include recommendations was submitted to the Chair person of the Audit Group for review, compilation and submission to the Police Commissioner. The Police Commissioner after completing his review submitted electronically, a copy of each group's report to USDOJ and OIM. Subsequent audits will continue to take place on a quarterly basis as per VIPD's action plan requirement. The audit for the fourth quarter of 2013 concluded March 31, 2014 and a copy of this report will also be submitted to USDOJ and OIM after review by the Police Commissioner.

The recommendations submitted by the respective work groups in their audit report for the third quarter of 2013 are being reviewed by the Police Commissioner prior to implementation. Audit recommendations approved by the Police Commissioner will then be implemented either through directives, roll call and or Commander's call training sessions or any other means as determined by the Police Commissioner or Police Operations chain of command.

(AMENDED)Paragraph 33 – Officers shall notify their supervisors following any use of force 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 receives needed medical attention.

The VIPD, as acknowledged by OIM have developed and provided training on the appropriate policy applicable to paragraph 33, and as part of the implementation phase during the fourth quarter of 2013, conducted the first quarterly audit that measured the degree of compliance with consent decree mandates to include the specific requirements of paragraph 33. The audit of the requirements of paragraph 33 disclosed on average, a 50 percent compliance rate based upon the review of six completed use of force investigations. As future audits are completed and deficiencies are identified and recommendations made and implemented, the department anticipates a much improved compliance rate. The second quarterly audit for the fourth quarter of 2013 has concluded and will be reported in future status reports. All quarterly audit reports will be shared with OIM and USDOJ, as was the case with the first quarterly audit conducted of the third quarter of 2013.

As the VIPD's dwindling supervisory numbers has been established repeatedly, the department however, continues its' efforts through the coordination of promotional exams to boost supervisory numbers to levels adequate and necessary to facilitate the completion of supervisory and rank specific functions of the consent decree and police operations as a whole. These efforts thus far have resulted in the scheduling of promotional exams for sergeants, lieutenants and captains in both Districts from April to May 2014. OIM/USDOJ was provided with information regarding the promotional process as well as copies of memoranda providing notice of scheduled exam dates in both Districts. The specific number of sworn personnel in each District that signed up for each promotional exam was not immediately available from the Government's Personnel Division as of the completion of this report and will be provided in subsequent quarterly report(s) or by other applicable means.

Consistent with consent decree requirements regarding Officers promoted to supervisory rank, the Training Bureau will continue to coordinate and execute leadership training within 90 days of supervisory promotions, as have been done in the past for those who have successfully achieved supervisory ranks. During this reporting quarter, and specifically during the month of March 2014, in both Districts, the Training Bureau coordinated and delivered through an outside vendor namely, MTAG, supervisory leadership training entitled "Mastering First Line Supervision" and a copy of the course outline and lesson plan was submitted to OIM (1/2/14) to include also, during the latter part of this reporting quarter a copy of the training summary report for this training.

(AMENDED)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 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.

*The use of force work group in their quarterly audit of the third quarter of 2013 reviewed six completed use of force investigations and the following were reported as it relates to the requirements of paragraph 34: Supervisors documented the investigation in the narrative of the use of force report (67%) compliance; A precise description of the facts that either justify or fail to justify the force (33%) compliance; Assessed if reasonable suspicion/probable cause was present for stop/ search (50%) compliance; Assessed that the conduct of the officer was justified (100%) compliance and Assessed whether the force was within policy (100%) compliance. The varying degrees of non-compliance percentage standards is anticipated to level off at acceptable compliance standards with the implementation on an ongoing basis of audit recommendations subsequent to each quarterly audit conducted. The next quarterly audit representing the fourth quarter of 2013 was completed March 31, 2014 and will be shared with OIM and USDOJ.

(AMENDED)Paragraph 35 – The parties agree that it is improper interview procedure during use of force reviews 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, including in the factors to consider when evaluating credibility.

*The VIPD as stated prior has initiated its' first quarterly audit of the third quarter of 2013 and subsequent audits will continue quarterly on an ongoing basis. The second quarterly audit commenced during this reporting quarter and Compliance status as it relates to paragraph 35, as well as other mandates of the consent decree are expected to be disclosed through the execution of these quarterly audits. As deficiencies are identified, a plan of action based upon submitted recommendations will be developed and implemented with prior approval from the Police Commissioner where deemed necessary and appropriate.

(AMENDED)Paragraph 36 – Supervisors, or designated investigating officers or units, shall conduct an investigation of all uses of force or an injury resulting from a use of force by any officer under their command. This requirement does not apply to uses of force involving the lowest level of force as defined in VIPD policy as approved by DOJ. In an investigation, supervisors or designated investigating officers or units, shall interview all witnesses to a use of force or an injury resulting from a use of force. Consistent with the requirements of the collective bargaining agreement or other applicable law, VIPD supervisors or designated investigating officers or units shall ensure that all officer witnesses provide a statement regarding the incident. Supervisors, or designated investigating officers or units, shall ensure that all use of force reports for all levels of force identify all officers who were involved in the incident or were on the scene when it occurred. Supervisors, or designated investigating officers or units, shall ensure that all reports for all levels of force indicate whether an injury occurred, whether medical care was provided, and whether the subject refused medical treatment. Supervisors, or designated investigating officers or units, shall ensure that all reports include contemporaneous photographs or videotapes taken of all injuries at the earliest practicable opportunity, both before and after any treatment, including cleansing of wounds.

**The VIPD in its' ongoing implementation efforts with respect to paragraph 36 during this reporting quarter procured and disseminated to Commanders in both Districts hand held recorders for the purpose of recording statements associated with use of force and citizen complaint investigations. The audit of the fourth quarter of 2013 is anticipated to provide meaningful information relative to the use of recorders for the purpose of conducting interviews, as is required.*

Additionally, the department through established work groups completed the first quarterly audit of the third quarter of 2013, which included paragraph 36. The completed audit report was shared with OIM and USDOJ and is self explanatory as it relates to compliance status with paragraph 36 at the time the audit was completed. The second quarterly audit of the fourth quarter of 2013 was completed on or before March 31, 2014 and will be also shared with OIM and USDOJ.

** (AMENDED)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 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.*

** The quarterly audit completed by the use of force work group of the third quarter of 2013 with respect to the requirements of paragraph 37 disclosed overall inconsistencies in supervisory investigations, and corrective recommendations included the creation and implementation of a template relative to use of force investigations followed by roll call and commander's call trainings; roll call /commanders call refresher trainings pertaining to the thorough and accurate completion of RRR (response to resistance report); implementation of disciplinary proceedings for Officers who fail to fully and completely document force and also roll call/commanders call trainings geared towards providing enhanced comprehension and clarity of the definitions of the terminologies applicable to use of force investigatory findings; so as to enable Supervisor's to correctly apply the appropriate terminology with respect to their investigatory findings. More will be reported in future quarterly reports as these corrective recommendations continue to be implemented.*

(AMENDED)Paragraph 38 – The VIPD will investigate all critical firearm discharges. The VIPD will ensure that the investigation 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.

**The VIPD continues to ensure the completion of ballistic reports through executed contractual agreement with a certified firearms and tool mark examiner as reported prior.*

The VIPD also during this reporting quarter advertised in-house, vacancy announcements for Police Evidence Custodian and Firearms Tool Mark Examiner. Copies of both of these vacancy announcements were submitted to OIM January 22, 2014. More will be provided in future quarterly reports when these positions are filled.

The continued execution of audits on a quarterly basis will enable the VIPD to determine to what

extent the mandates of paragraph 38 is being complied with and the audit reports will continue to be shared with OIM and USDOJ. The audit of the fourth quarter of 2013 was completed on or before March 31, 2014 and will likewise be shared with OIM and USDOJ after being reviewed by the Police Commissioner. The VIPD however, is requesting that OIM provide timely documented technical assistance with respect to each quarterly audit report submitted to them, as this could be beneficial to the VIPD in conducting future quarterly audits. Although OIM offered verbal comments regarding the first quarterly audit conducted of the third quarter of 2013, to date the VIPD has not received the benefit of a detailed documented feedback from OIM.

Specific Force Policies

Paragraph 39 – 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 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.

* During this reporting quarter in VIPD's continued effort to maintain substantial compliance with paragraph 39, equipment inspection training was conducted in the St. Thomas/St. John District January 16, 2014, for all Supervisors, as part of Commander's call training. An electronic copy of the lesson plan for this training was submitted to OIM January 29, 2014. This training included inspection of department issued OC spray, service firearms, service firearm magazines, ECW (TASER), ECW cartridges, Expandable Baton and hand cuffs. The principal purpose of this equipment inspection training was to train all Supervisors in the proper and department authorized manner to conduct inspection of department issued equipments; so that Supervisors could in turn conduct inspections of the authorized equipments of the subordinate Officers that they supervise, utilizing a standardized procedural inspection method.

The instructional objectives of this training as outlined in the lesson plan includes familiarizing Supervisors with the inspection techniques, location of serial number on their service firearm, amount and type of authorized ammunition, how to prepare TASER (ECW) model# x26 for inspection, location of serial number on OC Spray, inspection of department equipment and how to prepare department issued firearm for inspection. An equipment inspection report form was developed for the purpose of documenting equipment inspections conducted by Supervisors and an electronic copy of this form was also submitted to OIM. The periodic performance of equipment inspections by Supervisors of the Officers assigned to them will ensure that the department continues to comply with the mandates of paragraph 39, specifically as it relates to authorized service ammunition type and amount and the implemented firearms policy in general.

Paragraph 40 – The VIPD shall revise its policies regarding off-duty officers taking police action to:

- a. provide that off-duty officers shall notify on-duty VIPD or local law enforcement officers before taking police action, absent exigent circumstances, so that they may respond with appropriate personnel and resources to handle the problem;*
- b. provide that, if it appears the officer has consumed alcohol or is otherwise impaired, the officer shall submit to field sobriety, breathalyzer, and/or blood tests.*

* The policy review process has already been initiated following the steps as outlined in the SOP for the review of critical policies which is inclusive of the "Off-Duty Official Action" policy developed specifically in response to the mandates of paragraph 40. All use of force and force

related policies will be reviewed consistent with the four levels of review delineated in this SOP. Thus far, during this reporting quarter, the use of force work group has reviewed use of force policy 3.1 and forwarded their recommendations to VIPD's legal counsel and VIAG. The next policy scheduled for review by the use of force work group is the Reporting Review and Investigation of use of force policy 3.2, and progress with this review will be reported in future quarterly status report(s).

Quarterly audits will continue to be conducted to ensure compliance with the mandates of paragraph 40, as well as the other mandates of the consent decree and copies of these audits will continue to be shared with OIM and USDOJ.

Paragraph 41 – 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.

*The VIPD as acknowledged by OIM has achieved phase 1 and 2 compliance representative of policy development and the execution of training as it relates to paragraph 41. Additionally, as reported prior, the VIPD has provided TASER as the chosen intermediate force device to Officers in both Districts and continues to provide training on this device as well as the approved corresponding policy on an ongoing basis. To systematically gauge the department's compliance with paragraph 41, as well as other mandates of the consent decree, the department is conducting audits on a quarterly basis. The first quarterly audit was conducted of the third quarter of 2013 and the second quarterly audit conducted of the fourth quarter of 2013 commenced during this reporting quarter and was completed March 31, 2014. The first quarterly audit of 2013 was shared with OIM and USDOJ, as will all subsequent audit reports.

IV. CITIZEN COMPLAINT PROCESS

A. Public Information

Paragraph 42 - 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.

* During this reporting quarter, the VIPD continues to maintain substantial compliance with paragraph 42 through the continued implementation of the informational program developed to inform the general public on the department's complaint process. Commercials via radio and television regarding the complaint as well as the compliment process continues to be aired on several local radio stations coupled with the availability at Zones, Substations, marked and unmarked police vehicles of complaint informational materials such as brochures and posters in English, Spanish and French. Documented inspections are conducted on a biweekly basis and copies of these inspections for both Districts continues to be forwarded to OIM, as was evident during this reporting quarter. Additionally, the form used to document these inspections was revised, simplified and is now in an electronic format which was also submitted to OIM during this reporting quarter as part of inspections completed during this reporting quarter.

Quarterly audits began during the third quarter of 2013 by work groups of their respective areas and will continue quarterly on an ongoing basis to ensure that compliance is maintained in areas of the consent decree for which the department has achieved compliance and also to identify deficiencies and make recommendations to remedy the identified deficiencies. The completed audit reports will continue to be shared with OIM and USDOJ.

(AMENDED) 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. 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.

*During this reporting quarter the VIPD provided OIM with electronic copies of documented inspections conducted in each District during the months of January and February 2014 for the availability of informational materials on the complaint process at designated locations as mandated by the consent decree.

Also, likewise documented inspections for March 2014 will be submitted to OIM.

As stated in the previous quarterly report pursuant to the revision of periodic inspection form to include its conversion into an electronic format, as a follow-up, this revision was completed and the inspections submitted to OIM included the revised electronic version of the inspection form.

The VIPD continues to date to comply with all requirements as outlined in paragraph 43, which includes ensuring the continued availability of complaint informational materials at consent decree required locations in both Districts in the required languages being English, French and Spanish, permanently posting posters in English, French and Spanish describing the complaint process at required locations and including telephone numbers for IAB in each District, as well as a 1-800 complaint hotline number, requiring through policy that all Officers carry informational brochures and complaint forms in English, French and Spanish in their vehicles at all times while on duty and revising the complaint form to include survey type questions to enable the VIPD to determine if Officers are informing citizen of their rights to make a complaint and if Officers are discouraging citizens from filing complaints. Documented inspections submitted to OIM on an ongoing basis serves as evidence of the continued availability of the required materials in the required languages in both Districts.

The audit of the fourth quarter of 2013 of specific areas of the citizen complaint process was completed on March 26, 2014 and included paragraph 43. A copy of this completed audit report will be afforded OIM and USDOJ subsequent to being reviewed by the Police Commissioner.

Means of Filing and Tracking Complaints

Paragraph 44 - Complaints may be filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic mail. The duty officer at the front desk of each district station will be authorized to take complaints, including third-party complaints, which persons may file at any district station. Complaint intake officers may describe facts that bear upon a complainant's demeanor and physical condition but May not express opinions regarding his/her mental competency or veracity. Each complaint will be resolved in writing. Upon receipt, each complaint will be assigned a unique identifier, which will be provided to the complainant. Each complaint will be tracked according to the basis for the complaint (e.g., excessive force, discourtesy, improper search, etc.).

** The VIPD as established in multiple quarterly reports submitted prior have developed policies specific to the complaint process, provided training on an ongoing basis during annual in-service, roll call and commander's call trainings and provided documentations of these trainings to OIM. Additionally, as OIM and USDOJ are both aware, the VIPD has acquired Power DMS to among other things track all trainings. The requirements as outlined in paragraph 44 are also included in the complaint policies.*

The VIPD also continues to employ the IAPRO software acquired in 2010 to track all complaints by various means including according to the basis of the complaint and by assigned complaint number. OIM has access to IAPRO and is further provided a listing of all cases on a monthly basis and by this listing it is evident that each case is assigned a tracking number or unique identifier. Further, complaints are resolved in writing as supported by copies of complaint resolution letters generated by IAB that were provided to OIM and continues to be the practice.

To further gauge compliance status, the VIPD on an ongoing basis is conducting quarterly audits as a self assessment strategy in determining what is working and what needs fixing, as it relates to consent decree requirements applicable to paragraph 44, as well as other areas of the consent decree. According to the audit report completed for the third quarter of 2013 by the citizen complaint group, one of the findings of this report disclosed that of thirty cases audited in both Districts, all were assigned unique identifier number for tracking purposes as required by the consent decree. A copy of this report as stated earlier was provided to OIM and USDOJ, as will a copy of the completed audit report for the fourth quarter of 2013 subsequent to being reviewed by the Police Commissioner.

Paragraph 45- 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.

**The VIPD has established prior that copies of allegations of misconduct filed at the Zones are forwarded to the IAB within the specified five day requirement particularly as it relates to the use of the blue team field reporting software installed at the Zones and which continues to be used to upload reports to IAPRO, which is administered by IAB. As reported prior, a complaint taken at any Zone in either District and entered in blue team will be immediately uploaded into IAPRO and could therefore be accessed and viewed by IAB, hence the five day requirement is easily met and is therefore not an issue. Also, documented inspections are conducted weekly to ensure that blue team is functioning and the MIS Bureau is provided copies of these inspections, so if there are any issues concerning the proper functioning of blue team they could be addressed timely by MIS. OIM is also provided copies of these documented inspections conducted in both Districts. Additionally, a manual procedure was implemented in the event that the blue team software is not functioning, and requires that complaints received at the Zones are logged into log books available at each Zone for this purpose. In this case the five day requirement could also be verified by reviewing the log book to determine when the complaint was received and ascertaining from IAB, the date when a copy of the complaint was received by their office.*

OIM however, in their fourth quarterly report for 2013 has recommended that "the VIPD continue to audit whether copies of all allegations of misconduct are retrieved from drop boxes in the Zones and referred to the IAB within five business days". However, although the VIPD

continues to welcome, value and appreciate OIM's recommendations, it is important to note that depositing a completed complaint form into any of the drop boxes provided at the Zones for this purpose is not synonymous with filing a complaint at the Zone as referenced in paragraph 45. Drop boxes as a matter of fact, although not mandated by the consent decree were provided as a matter of convenience to the Public and to ensure that complaints deposited into these drop boxes are handled equally as timely as complaint taken at the desk by an Officer or Supervisor, they are retrieved from the drop boxes on a daily basis by IAB agents in each District. When these complaints are retrieved by the IAB agent, information such as the time and date is indicated on the complaint as well as the location where the complaint was retrieved. The IAB agents also contact the complainant (assuming that a contact number was provided) on the completed complaint form and provide them with a complaint tracking number that could be used by the complainant when making references to their complaint.

Nonetheless, the VIPD is hopeful that going forward, the ongoing execution of quarterly audits which has recently been initiated, will aid in satisfactorily demonstrating to OIM, VIPD's compliance with paragraph 45 and other mandates of the consent decree.

Investigation of Complaints

Paragraph 46 - Complaints will be evaluated based on a preponderance of the evidence standard, for which the Territory will develop and implement appropriate training.

* In an effort to ensure that supervisors comprehension and application of the preponderance of evidence standard maintains or exceeds acceptable levels, the VIPD continues to implement training on an ongoing basis through in-service, roll call and commander's call trainings. This was evident during this reporting quarter when commander's call training was conducted for Supervisors and Commanders in the St. Thomas/St. John District at the Training Bureau on the preponderance of evidence standards on Thursday January 16, 2014. A competency exam was administered at the end of the class, which was passed by twenty of the twenty eight class participants. Remedial training was conducted by the Training Bureau during this reporting quarter using power DMS for those Supervisors that did not pass the competency exam administered on January 16, 2014.

Also, as a matter of establishing the ongoing repetition or cycle of training, particular reference is drawn to the prior quarterly report representing the fourth quarter of 2013, in which was reported training on the preponderance of evidence standards for Supervisors during in-service trainings conducted October through November 2013.

The execution of quarterly audits by the VIPD as a self assessment mechanism will serve as an effective means by which compliance and non compliance with department approved and implemented policies and procedures could be measured and in the case of non- compliance remedied appropriately through corrective measures, such as remedial trainings and disciplinary actions etc. As stated throughout this report, these quarterly audit reports will be shared with OIM and USDOJ after being reviewed by the Police Commissioner.

Paragraph 47 - 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.

* The VIPD having achieved substantial compliance with paragraph 47, as determined by OIM, is

ensuring through audits completed quarterly that compliance with paragraph 47, as well as other areas of the consent decree is maintained. The second quarterly audit conducted of the fourth quarter of 2013 concluded March 31, 2014 and will be shared with OIM and USDOJ after being reviewed by the Police Commissioner.

Paragraph 48 - The VIPD will investigate every citizen complaint. The VIPD will establish a clear policy and procedure regarding the intake of any complaint, including anonymous and confidential complaints, against a VIPD officer. This policy and these procedures will include instructions to an officer for taking a complaint and prompt delivery to a supervisor.

* As reported prior, the IAB as the central clearing house for all complaints received by the various means as established by the consent decree generates reports weekly, monthly and quarterly concerning complaint investigation through the use of the IAPRO software, which is the principal means by which the department track all complaints received, to ensure that each citizen complaint is investigated. These reports among other things, identifies the complaint as well as the supervisor assigned to investigate the complaint and also provides the due date to the IAB for the completed investigation. These reports have been shared with OIM and OIM also has authorized access to IAPRO to view cases and their corresponding investigative status.

The OIM has already established prior that the VIPD has attained phase 1 and 2 compliance with paragraph 28, as it specifically relates to policy development and training. However, OIM should have a much clearer view of VIPD's phase 3 compliance with paragraph 48, as the quarterly audits are completed of VIPD's compliance efforts. The second quarterly audit conducted of the fourth quarter of 2013 concluded March 31, 2014 and will be shared with OIM and USDOJ after being reviewed by the Police Commissioner.

Paragraph 49 - The VIPD will institute a centralized numbering and tracking system for all complaints, and each complaint will receive a tracking number as quickly as possible. The IAU will be designated as the primary and centralized agency to determine whether the investigation will be assigned to zone (one of the seven zones located throughout the Virgin Islands), retained by the IAU, or referred for possible criminal investigation. If the IAU refers a complaint to a zone, copies of all documents, findings, and recommendations should be immediately forwarded to the IAU for tracking and monitoring. For complaints alleging the excessive use of force or violation of a person's constitutional rights, the Police Commissioner should be notified no less than twenty-four hours after receipt of a complaint.

The VIPD during this reporting quarter continues to comply with the requirements as outlined in paragraph 49 of the consent decree as have been reported in prior quarterly reports. The VIPD continues to forward to OIM a listing of all cases monthly and OIM also has access to IAPRO. The cases submitted to OIM all have assigned case numbers for tracking purposes as mandated by paragraph 49 of the consent decree, therefore VIPD's compliance with that specific requirement is clearly evident and established. Also, the VIPD has in previous reports explained the assignment of complaint case numbers through VITEMA and VIPD's IAPRO software system. As far as designation of IAB as the primary and centralized agency pursuant to the assignment of cases for investigation, that has already been established in policy and continues to be implemented and complied with.

Additionally, all complaints referred by IAB to Zones are tracked through IAPRO and reports are generated by IAB through IAPRO that identifies all assigned cases, and the due dates for submission to IAB for those cases referred by IAB to the Zones for investigation. The IAB also reviews all cases submitted from the Zones to them and any discrepancies identified results in the case being returned to be corrected and resubmitted.

Notification to the Police Commissioner within twenty four hours after receipt of a complaint alleging excessive use of force or violation of a person's constitutional rights continue to be implemented and is documented in IAB's investigative case file. Documented evidence of this practice has been submitted during previous quarters to OIM. Although OIM has indicated receiving limited documentation of this notification, it is important to note that complaints alleging excessive use of force or violations of person's constitutional rights occurs or are reported infrequently, hence the limited documentation of such.

Additionally, according to the completed audit report for the third quarter of 2013, (a copy of which was provided to OIM) reference was made to use of force case # cct2013-0157, classified as alleged excessive force and there was evidence that the Police Commissioner was notified within twenty four hours, as indicated in the investigative case file.

The VIPD's efforts to ensure compliance with all mandates of the consent decree are further evident through the execution of quarterly audits by work groups of their respective areas of responsibility pursuant to the consent decree. VIPD conducted its first audit of the third quarter of 2013 and a copy of the audit report was completed and submitted to OIM and USDOJ. The second quarterly audit representing the fourth quarter of 2013 was completed on March 31, 2014 and included paragraph 49. A copy of this completed audit report will be shared with OIM and USDOJ.

Paragraph 50 - 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.

** As part of VIPD's efforts to maintain substantial compliance with paragraph 50, training continues on the complaint policy which included the most recent in-service trainings conducted during the last quarter of 2013. The execution of audits on a quarterly basis as was evident for the third quarter of 2013 will further serve as a self assessment tool to enable the VIPD to gauge compliance, as well as areas of non compliance followed by the implementation of corrective action where deemed necessary and appropriate. As stated throughout this report, these quarterly audit reports will continue to be shared with OIM and USDOJ.*

Paragraph 51 - The VIPD will establish policies and procedures and train all of its investigators on the factors to consider when evaluating complainant or witness credibility; examination and interrogation of accused officers and other witnesses; identifying misconduct even if it is not specifically named in the complaint; and using the preponderance of the evidence standard as the appropriate burden of proof. VIPD investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident. The policy will require that all interviews be mechanically recorded using an audio or video tape.

** The VIPD most recently provided training on the complaint policies 7.1 & 7.3 during in-service trainings conducted during the last quarter of 2013, as reported prior for that period. Since then and during this reporting period training was provided to supervisors on the preponderance of the evidence standard on January 16, 2014 in the St. Thomas/ St. John District, as stated earlier in this report. Also, as reported previously, hand held recorders were procured and disseminated to Commanders in both Districts for the purpose of recording statements during the course of investigations conducted. Additionally, the VIPD initiated its first quarterly audit of the third quarter of 2013, which included whether the audio recording requirement as expressed in paragraph 51 is being complied with. The completed audit report for that quarter was shared with OIM and USDOJ and the second audit of the fourth quarter of 2013 concluded March 31, 2014 and will be shared with OIM and USDOJ, as was the previous quarterly audit report.*

Paragraph 52 - 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.

*As part of VIPD's efforts to maintain substantial compliance with paragraph 52, training continues on the complaint policy, which included the most recent in-service trainings conducted during the last quarter of 2013. The execution of audits on a quarterly basis as was evident for the third quarter of 2013 will further serve as a self assessment tool to enable the VIPD to gauge compliance, as well as areas of non compliance followed by the implementation of corrective action where deemed necessary and appropriate. As stated throughout this report, these quarterly audit reports will continue to be shared with OIM and USDOJ.

Paragraph 53 - The policy will provide clear guidance to all investigators regarding the procedures for handling criminal misconduct allegations, referring them to the Virgin Islands Attorney General's Office or other appropriate agency for possible criminal prosecution, and the entity or individual who should make the determination of whether the complaint should be investigated criminally. The policy will be revised to require the completion of an administrative investigation, irrespective of the initiation or outcome of criminal proceedings.

*As part of VIPD's efforts to maintain substantial compliance with paragraph 53, training continues on the complaint policy which included the most recent in-service trainings conducted during the last quarter of 2013. The execution of audits on a quarterly basis as was evident for the third quarter of 2013 will further serve as a self assessment tool to enable the VIPD to gauge compliance, as well as areas of non compliance followed by the implementation of corrective action where deemed necessary and appropriate. As stated throughout this report, these quarterly audit reports will continue to be shared with OIM and USDOJ.

Paragraph 54 - In each investigation, the VIPD will consider all relevant evidence including circumstantial, direct and physical evidence, as appropriate, and make credibility determinations, if feasible. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will the VIPD completely disregard a witness' statement merely because the witness has some connection to the complainant. The VIPD will make efforts to resolve material inconsistencies between witness statements.

*The VIPD noted that the OIM in their fourth quarterly report for 2013 stated the following: "During the Fourth Quarter of 2013, the Police Practices Experts reviewed 11 closed citizen complaint investigations and concluded that evidence was preserved in 50% (2 out of 4) of the investigations; relevant evidence (including circumstantial, direct, and physical evidence) was taken into consideration in 67% (4 out of 6) of the investigations; witness credibility determinations were made in 78% (7 out of 9) of the investigations; the officer did not give preference to an Officer's statement in 82% (9 out of 11) of the investigations; a witness statement was not disregarded merely because the witness had some connection to the complainant in 90% (9 out of 10) of the investigations; and inconsistencies in witness statements were documented and addressed in 60%(3 out of 5) of the investigations".

Although the VIPD is not agreeing with or disputing OIM's finding, the VIPD anticipates that the

percentages as represented by OIM will improve as will be determined through audits ongoing on a quarterly basis. A copy of the VIPD's quarterly audit report for the fourth quarter of 2013 that was completed March 31, 2014 will be afforded OIM and USDOJ.

Paragraph 55 - During an investigation, all relevant police activity, including each use of force (i.e., not just the type of force complained about) will be investigated. The investigation will also evaluate any searches or seizures that occurred during the incident. The VIPD will not close an investigation simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide medical records or proof of injury or the complainant will not provide additional statements or written statements; rather, the investigating agency will continue its investigation as necessary to determine whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available. In each investigation, the fact that a complainant pled guilty or was found guilty of an offense will not be considered as evidence of whether a VIPD officer used or did not use a type of force, nor will it justify discontinuing the investigation.

* As acknowledged by OIM, VIPD has developed policies applicable to paragraph 55, and the complaint process in general and has provided training, thus achieving compliance with phases 1 and 2 of a three phase compliance process. The primary strategy that the VIPD has employed to demonstrate substantial compliance during phase three is to conduct audits of various mandates of the consent decree on a quarterly basis and sharing these audit report with OIM and USDOJ.

The first audit was conducted of the third quarter of 2013 and one of the findings of this audit with respect to paragraph 55, was that of thirty cases audited in both Districts, in none of the audited cases were there any evidence that the case was closed because a complaint was withdrawn, or the alleged victim was unwilling or unable to provide medical records or proof of injury or the complainant did not provide additional information or written statements. Audits will continue in both Districts to ensure that established standards and procedures are being consistently adhered to and OIM and USDOJ will continue to receive copies of the audit reports.

Paragraph 56 - 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.

* The VIPD through the IAB continues to disseminate through written correspondence to each complainant, upon the completion of the investigation, notification of its outcome including whether any non-disciplinary corrective action or disciplinary action was implemented. These correspondences are included as part of the investigative case file which has also been afforded to OIM. The IAB continues to submit to OIM on a monthly basis and as requested case summaries and specific investigative case files, which includes notification letters of case outcomes sent to complainants.

Additionally, According to the audit completed by the citizen complaint process work group of the third quarter of 2013, which consisted of an audit of thirty complaint cases from both Districts, letters of notification of investigative case outcomes were included in the cases reviewed.

As quarterly audits are completed of various mandates of the consent decree, to include paragraph 56, VIPD's compliance status with respect to paragraph 56 and other areas of the consent decree will become more evident. The second quarterly audit representing the fourth quarter of 2013 was completed March 31, 2014 and will be shared with OIM and USDOJ.

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 evidence, that the alleged conduct did occur but did not violate VIPD policies, procedures, or training.

* The OIM in their fourth quarterly report of 2013 has determined that the VIPD has achieved substantial compliance with paragraph 57 of the consent decree. However, the VIPD is quite aware that achieving substantial compliance is a significant accomplishment but does not signal the end, as compliance must be maintained. As such, the VIPD’s efforts including the completion of quarterly audits are ongoing to ensure that compliance is maintained. The quarterly audit of the fourth quarter of 2013 was completed March 31, 2014 and will be shared with OIM and USDOJ.

Paragraph 58- Unit Commanders will evaluate each investigation of an incident under their command to identify underlying problems or training needs. Any such problems will be relayed in the form of a recommendation to the appropriate VIPD entity.

* The Training Bureau during this reporting quarter in a memorandum to the Police Chief of the St. Thomas/St. John District, dated February 15, 2014 requested a listing of individuals identified for remedial training, including personnel who have been disciplined and have triggered alerts within the department’s EIP system. More will be reported in future quarterly reports concerning this listing and remedial trainings implemented.

MANAGEMENT AND SUPERVISION

A. Risk Management system

Paragraph 59 - 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.

* The VIPD as reported prior has established the infrastructure necessary to facilitate the Risk Management System (RMS), which included the purchase, installation and implementation of software, namely IAPRO. The VIPD has further purchased and installed large capacity HP storage servers in both Districts, developed policies and received approval of those policies after making numerous revisions. Training has been provided with respect to the IAPRO software, EIP policy developed and training also continues on an ongoing basis during roll call, Commander’s call and annual in-service trainings. The necessary reports as required by paragraph 59 of the consent decree are being generated and disseminated weekly, monthly and quarterly by IAB through the use of IAPRO.

Additionally, the VIPD has implemented the audit phase as a self assessment to determine the

quality of the work product being generated, overall compliance status with established policies and also as an effective means by which deficiencies could be identified and corrected. The audit of the fourth quarter of 2013 was completed March 31, 2014 and will be shared with OIM and USDOJ.

Paragraph 60 – The new risk management system will collect and record the following information:

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

* The VIPD continues to collect and enter information into IAPRO and is conducting quarterly audits to identify areas of compliance and non compliance. These quarterly audits will continue to be shared with OIM and USDOJ to include the quarterly audit of the fourth quarter of 2013 that was completed March 31, 2014.

The blue team field reporting software installed at various Zones and Substations in both Districts for the purpose of uploading reports including use of force reports as indicated in paragraph 60, continues to be operational as represented by the weekly blue team reports that were submitted for each District to OIM for this reporting quarter as well as previous quarters. As indicated prior, the blue team operation form was revised to a more simple and user friendly format and also digitized, so it could also be completed electronically and completed inspection reports were submitted to OIM during this reporting quarter using the revised format.

Also, during this reporting quarter to aid in the inputting of information received from VIAG into IAPRO, as indicated in subsection (h), a civilian employee in the St. Croix District has been tasked with performing this function and has already started. Likewise, a civilian employee in the St. Thomas/St. John District was also identified to perform the same task and will start shortly after some current scheduling issues are resolved.

Paragraph 61 – 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).

*VIPD’s RMS/EIP system continues to include information as outlined in paragraph 61 and OIM has access to IAPRO to view and verify the information contained. Additionally, quarterly audits are being conducted and will continue to be shared with OIM and USDOJ to include the quarterly audit of the fourth quarter of 2013 that was completed March 31, 2014.

Additionally, during this reporting quarter, VIPD’s liaison Officer(St.Thomas/St. John District) to

the Superior Court of the Virgin Islands conducted reviews of 1A's (Offense Reports) and arrest reports for the month of February 2014 to assess to what extent Officers were using their assigned PDN on department documents. A hard copy report was generated dated March 6, 2014, which identified all the Officers in the St. Thomas /St. John District that completed 1A reports and Arrest reports during the month of February 2014. Based upon this report, there were a total of thirty three Officers identified by name, and an equal number of Supervisors assigned to various Zones, specifically A, B, C & D. All Officers and Supervisors based upon this review used their assigned PDN on the arrest and 1A offense reports reviewed. The 1A and arrest forms were attached to the report as supporting documents. As the report is voluminous, it will be made available for review by OIM during their next scheduled site visit. As of the completion of this quarterly report, a similar report was not provided for the St. Croix District.

Paragraph 62 – Within 120 days of the implementation of the new risk management system, or later with the agreement of DOJ, the VIPD will prepare, for the review and approval of DOJ, a plan for including appropriate fields and values of new and historical data into the risk management system (the “Data Input Plan”). The Data Input Plan will identify the data to be included and the means for inputting such data (direct entry or otherwise), the specific fields of information to be included, the past time periods for which information is to be included, the deadlines for inputting the data, and the responsibility for the input of the data. The Data Input Plan will include historical data that is up-to-date and complete in the risk management system. The VIPD and DOJ will together seek to ensure that the protocol receives final review and approval within 30 days after it is presented for approval.

* The VIPD during this reporting quarter continues to enter data into the EIP system as required and delineated in the implemented data input plan. The VIPD during the last quarter of 2013 has embarked on the execution of audits on a quarterly basis to ensure that policy requirements are being adhered to. The second quarterly audit since the inception of quarterly audits during the last quarter of 2013 was completed March 31, 2014 and will be shared with OIM and USDOJ after being reviewed by the Police Commissioner.

Paragraph 63 – 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.

* As have been established undoubtedly, the VIPD has developed, received approval and provided training on the EIP policy in direct response to paragraph 63, as well as other paragraphs of the consent decree specific to the EIP process. The VIPD continues its efforts during this reporting quarter to fully implement this policy. An essential and critical part of this effort is the execution of audits on a quarterly basis of all aspects of the consent decree and the subsequent sharing of these audit reports with OIM and USDOJ. The next audit report represents the fourth quarter of 2013 and was completed March 31, 2014.

Paragraph 64 – The protocol for using the risk management system will include the following provisions and elements:

a. The protocol is comprised of the following components: data storage, data retrieval, reporting, data analysis, pattern identification, supervisory assessment, supervisory intervention, documentation and audit.

b. The protocol will require the automated system to analyze the data according to the following criteria: i) number of incidents for each data category by individual officer and by all officers in a unit; ii) average level of activity for each data category by individual officer and by all officers in a unit; and iii) identification of patterns of activity for each data category by individual officer and by all officers in a unit.

c. The protocol will require the system to generate reports on a monthly basis

describing the data and data analysis and identifying individual and unit patterns.

d. The protocol will require that VIPD deputy chiefs, managers, and supervisors will review, on a regular basis but not less than quarterly, system reports, and will evaluate individual officer, supervisor, and unit activity.

e. The protocol will require that VIPD deputy chiefs, managers, and supervisors initiate intervention for individual officers, supervisors and for units based on appropriate activity and pattern assessment of the information contained in the risk management system.

f. The protocol will require that intervention options include discussion by deputy chiefs, managers, supervisors, and officers; counseling; training; and supervised, monitored, and documented action plans and strategies designed to modify activity. All interventions will be documented in writing and entered into the automated system (appropriate intervention options will be employed based on the evaluation described in subsection (e) above).

g. The protocol will specify that actions taken as a result of information from the risk management system be based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely on the number or percentages of incidents in any category of information recorded in the risk management system.

h. The protocol will require that VIPD deputy chiefs, managers, and supervisors. will promptly review the risk management system records of all officers recently transferred to their sections and units.

i. The protocol will require that VIPD deputy chiefs, managers, and supervisors be evaluated on their ability to use the risk management system to enhance effectiveness and reduce risk.

j. The protocol will require that the system be managed and administered by the Internal Affairs Unit of the VIPD. The IAU of the VIPD will conduct quarterly audits of the system to ensure action is taken according to the process described above.

k. The protocol will require regular reviews, at no less than quarterly intervals, by appropriate managers of all relevant risk management system information to evaluate officer performance territory-wide, and to evaluate and make appropriate comparisons regarding the performance of all VIPD units in order to identify any significant patterns or series of incidents.

* As acknowledged by OIM, the EIP policy has been developed approved and training provided, as such assessing the VIPD as having achieved compliance with the two required phases deemed applicable to paragraph 64. The VIPD however continues to provide training on an ongoing basis as was evident during this reporting quarter specifically on January 23, 2014, during which the EIP Coordinator conducted follow-up training on the EIP process in the St. Croix District, which was attended by Supervisors, Deputy Chief and Commanders. An electronic copy of the completed roll call training form reflecting this training and the names of the participants was submitted to OIM January 29, 2014.

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 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.

*The VIPD will continue to maintain in IAPRO all personally identifiable information pertaining to Officers consistent with the time requirement as stipulated in paragraph 65, however, it must be noted also that IAPRO has been implemented in 2010, thus far less than five years.

The IAB is the Administrator of IAPRO and continues to ensure among other things as reported in

prior quarterly reports that information is being entered timely, accurately, in a complete manner and is also maintained in a secure and confidential manner. The IAB also periodically runs quality assurance tests/reports on information maintained IAPRO.

The VIPD as reported prior has appointed an Agent of IAB as the EIP Coordinator whose responsibility includes ensuring that information from the various entities within the department are being forwarded timely for input into IAPRO. Additionally, audits will continue to be executed on a quarterly basis to include audit of the EIP process and IAPRO and these audit reports will be shared with OIM and USDOJ.

Paragraph 66 - 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:

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).

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. 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 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.

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.

*The OIM has determined and reported in their fourth quarterly report for 2013, that the VIPD has achieved substantial compliance with paragraph 66, as the VIPD has acquired through purchase, the IAPRO software system, which is operational and continues to be used as it relates to the EIP process. Also, the VIPD continues however during this reporting quarter to ensure that IAPRO remains operational, that data continues to be entered as required, the necessary reports are generated and that IAPRO is maintained in a secure and confidential manner.

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.

* The VIPD did continue to use existing data bases and resources as stipulated in paragraph 67 and with the procurement and installation of the IAPRO software as the database for the new Risk Management System, also has entered historical data as far back as 2009 and continues to enter current data on an ongoing basis as these data are generated.

The VIPD as stated prior is conducting audits of various mandates of the consent decree on a quarterly basis, as a form of self assessment of the department's compliance or noncompliance

with established policies and procedures developed with respect to consent decree mandates. These quarterly audit reports will be shared with OIM and USDOJ to include the audit report for the fourth quarter of 2013.

Paragraph 68 – 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.

*The VIPD will comply with the requirements of paragraph 68 as stipulated however, to date none of the changes as reflected in paragraph 68 has been made.

Oversight

Paragraph 69 – 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.

*Thus far, as reported prior, the VIPD has developed an audit policy in response to paragraph 69 and provided training to its personnel regarding this policy and trainings continue on an ongoing basis, as it relates to this as well as other department policies. The VIPD also initiated and completed its first quarterly audit representing the third quarter of 2013, and a copy of this audit report was submitted to OIM and USDOJ during the first quarter of 2014. Recommendations generated from this audit were also included in the audit report submitted to the Police Commissioner for review and approval prior to any implementation. Additionally, the VIPD completed its second quarterly audit on March 31, 2014 representing the last or fourth quarter of 2013 and a copy of this audit report will also be submitted to OIM and USDOJ.

The VIPD attributable to certain limitations arising from manpower issues is unable to fully execute specific sections of the audit policy and is considering multiple options. Thus far, during this reporting quarter, the VIPD has initiated discussions with parties to this consent decree relative to perhaps temporarily suspending specific areas of the audit policy until VIPD's resources are adequate enough to enable the full implementation of those areas of the policy.

As reported prior also, promotional exams have been scheduled to take place during the first half of 2014 and based upon the results should aid in boosting supervisory levels negatively impacted particularly through ongoing retirements.

In the interim, the VIPD in the absence of an Audit Unit as required by the audit policy is utilizing the work groups to execute audits of their respective areas of responsibility with respect to the consent decree. Individuals within these work groups as OIM and USDOJ are aware, have all received training in conducting audits.

Beginning with the completed audit of the fourth quarter of 2013, video and or teleconferenced meetings will be held with both Districts including first line Supervisors, Commanders and other members of the chain of command, during which the audit report will be discussed to include recommendations and a plan of action implemented for the timely execution of corrective actions pursuant to any deficiencies identified in the preceding audits. Documents pursuant to these conferences to include planned corrective actions will be afforded to OIM and USDOJ.

*** Discipline**

Paragraph 70 - The VIPD will develop a disciplinary matrix to take into account an officer's

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

* The VIPD continues during this reporting quarter to implement and apply the disciplinary matrix as it relates to disciplinary hearings. Thus far during this reporting quarter, there has been eighteen (18) hearings conducted by the Chief in the St. Thomas/St. John District and the specific number of hearings in the St. Croix District was pending as of the completion of this report. In all these hearing proceedings the disciplinary matrix was referenced and implemented.

Paragraph 71 - The VIPD will extend its statute of limitations for instituting disciplinary action from 50 days to 90 days. VIPD policy will identify clear time periods by which the various steps of a complaint adjudication process should be completed, from complaint receipt to the imposition of discipline, if any. Absent exigent circumstances, extensions will not be granted without the Police Commissioner's written approval and notice to the complainant. In the limited circumstances when an extension is necessary, appropriate tolling provisions will be outlined in the policy.

*As it relates to efforts to extend the statute of limitation from 50 to 90 days, as of the completion of this report representative of the first quarter of 2014, no negotiations has been initiated with either the PBA or LESU. More will be reported in future quarterly reports when negotiations have started and the proposition pursuant to the extension of the statute of limitation is addressed during the negotiation process. The VIPD continues to comply with policy requirements as outlined in paragraph 71 specific to investigations conducted and ongoing quarterly audits will serve to further establish areas of compliance and or noncompliance as it relates to paragraph 71 and other areas of the consent decree requiring substantial compliance.

To further aid in reducing the time taken to complete and submit investigations, the IAB periodically disseminates reports to the chain of command using IAPRO, which identifies assigned cases and provides the due dates of the identified cases. Copies of these reports have been submitted to OIM previously. Additionally, Commanders are reminded during Commander's call sessions to ensure case investigations are completed and submitted timely in order to avoid disciplinary actions.

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 discipline has been imposed on the officer.

*The VIPD continues during this reporting quarter to implement and apply the disciplinary matrix as it relates to disciplinary hearings. Thus far during this reporting quarter, there has been eighteen (18) hearings conducted by the Chief in the St. Thomas/St. John District and the specific number of hearings in the St. Croix District was pending as of the completion of this report. In all these hearing proceedings the disciplinary matrix was referenced and implemented.

TRAINING

A.

Management Oversight

Paragraph 73 – 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.

*During this reporting quarter, the use of force work group completed their review of use of force policy 3.1 and forwarded their recommendations to legal counsel and VIAG. Consistent with the Commissioner approved SOP for the critical review of policies, the next step is for the policy to be reviewed and or revised if necessary by the Policy Committee. The next policy scheduled for review by the use of force work group is the Reporting Review and Investigation of use of force policy 3.2.

Use of force and or force related trainings coordinated and delivered during this reporting quarter includes the semi-annual firearms qualification training that was conducted during the months of February and March 2014 in the St.Thomas/St. John District. An electronic copy of the lesson plan and course outline for this training was submitted to OIM during this reporting quarter. A final training report for this training will be generated by the Training Bureau and will be shared with OIM after the report is finalized and reviewed by appropriate personnel within the Department.

Paragraph 74 – The Director of Training, either directly or through his/her designee(s), consistent with applicable law and VIPD policy will:

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

*During this reporting quarter, with respect to subsection (e) the use of force work group in conjunction with training is developing mini roll call lesson plans to be used in both Districts to conduct roll call trainings on a regular basis and will be reported in future quarterly reports in more details when the lesson plans are completed and the trainings are implemented. The OIM in their fourth quarterly report for 2013 has determined that VIPD has achieved Satisfied but need additional work for subsection (b), Satisfied for subsection (d) and Not Satisfied for the remaining subsections. The VIPD appreciates OIM's recommendations specific to each subsection and will continue efforts towards achieving compliance. Additionally, the execution of audits on a quarterly basis will aid the department in identifying and correcting areas of non compliance and these audit reports will be shared with OIM and USDOJ.

Paragraph 75 – 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.

* As reported prior, all lesson plans for courses taught at the VIPD's Training Academy are submitted prior to the start of the training to the Training Director for review and approval and use of force or force related lessons plans are also forwarded to the VIAG for an additional level of review prior to the start of the use of force or force related training. Further, the VIPD has provided OIM copies of lesson plans reviewed and signed by the VIAG. For this reporting quarter, the Training Bureau coordinated and facilitated the following trainings conducted by outside

entities; Law Enforcement Resiliency & Peer Support St. Croix January 20-24, 2014; level 1 & 2 Hostage Negotiation training St. Thomas during months of February 2014, Supervisory training during the month of March 2014 in both Districts, level 3 Hostage Negotiation training both Districts and Domestic Violence and Sexual Assault February 18-21, 2014 in Raleigh North Carolina (1 sergeant & 4 Officers attended from the St. Thomas District). The Training Bureau also during this reporting period conducted in-house semi- annual fire arms qualifications training during the months of February and March 2014, in the St. Thomas/St. John District. A copy of the firearms training lesson plan and course outline was submitted to OIM on February 19, 2014.

Paragraph 76 – 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.

*As have been established prior, the VIPD's Training Bureau maintains records of all lesson plans and other training materials applicable to each District and these records are accessible and clearly dated. However, the VIPD in an effort to improve and expand its record keeping capabilities and implement improved technologies in file management, record keeping and its training data base etc, procured the Power DMS application as its primary data base for all training related information. The MIS Bureau is the primary unit within the VIPD that is spearheading the initial configuring and set up of Power DMS. During this reporting quarter, there have been multiple communication meetings between representative of Power DMS , MIS and the Training Bureau towards the initial set up of Power DMS and MIS have been uploading data into appropriate fields in Power DMS, and also addressing additional licenses for users, specifically crossing guards.

The MIS has established in writing and shared with OIM and USDOJ an interim plan that delineates phases and goals for each phase towards the full implementation of Power DMS. These phases start from March 1st to April 30, 2014. The goals for this reporting quarter included the following from March 1-15, 2014: conduct training with instructors, administrative training staff and the Policy Committee on what their roles are in the Power DMS system,(which has already begun), MIS working with each group of user's on automating their business rules. The March 16-21, 2014 goals: entering of historical annual training data; uploading and publishing of existing policies to Power DMS by the Policy Committee and the compilation by Instructors of course materials for uploading to Power DMS. Thus far, all consent decree related policies have been uploaded to Power DMS, a total of twenty three and OIM and USDOJ were notified of this via email communication. Also, the MIS, and Training Staff have all received training on the application of Power DMS and Instructors have already begun to upload instructional information to Power DMS.

As these functions are ongoing, more will be reported in subsequent quarterly reports as to the status of progress with respect to the accomplishment of each identified goal.

*** 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 instructor for each officer.**

* The VIPD's Training Bureau continues to maintain training records regarding every VIPD Officer and these training records are inclusive of information as specified in paragraph 77. Additionally, as stated earlier in this report, the VIPD in an effort to improve and expand its record keeping capabilities and implement improved technologies in file management, record keeping and training data bases etc, procured the Power DMS application as its primary data base for all training related information to include completing competency exams and serving overall as a tracking system for all trainings including training on policies. This application is currently being

implemented. It is important to note here also that Power DMS is capable of creating multiple versions of the same test thus alleviating OIM's concern prior to Power DMS about Officer's being able to memorize the test administered.

Curriculum

Paragraph 78 – 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.

* The Training Director continues to submit to VIAG for review, all lesson plans related to use of force trainings and or policies prior to the implementation of the training.

Additionally, the execution of audits on a quarterly basis will aid the department in identifying and correcting areas of non compliance and these audit reports will be shared with OIM and USDOJ.

Paragraph 79 – The VIPD will continue to provide all recruits, officers, supervisors, and managers with annual training on use of force. Such training will include and address the following topics:

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

*The VIPD continues to provide annual trainings consistent with and inclusive of the requirements as indicated in paragraph 79 and these trainings are continually being coordinated, as reflected in the Training Bureau's Training calendar of which a copy is periodically afforded OIM to include updated copies. Upcoming trainings include Crisis Intervention training as a form of conflict management that is scheduled to take place in May in both Districts. Also, Hostage negotiation trainings level 1&2 was executed in the St. Thomas/ St. John District during the month of February 2014. The VIPD also continue to employ the Simulator in each District for use of force trainings, including and relating to paragraph 79, and in particular subsections b, e, f and d.

Additionally, the execution of audits on a quarterly basis will aid the department in identifying and correcting areas of non compliance and these audit reports will be shared with OIM and USDOJ.

Paragraph 80 – 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.

* The VIPD continues to provide a wide spectrum of training in various disciplines on an ongoing basis including training on citizen complaint policies 7.2 & 7.3 applicable to paragraph 80 and other specific mandates of the consent decree, as it relates to the citizen complaint process. During the last quarter of 2013, training was provided on citizen complaint process for Officers

and Supervisors as part of annual in-service trainings. A copy of the in-service training summary report was submitted to OIM during this reporting quarter. Also, follow-up training was conducted on January 16, 2014 in the St. Thomas/St. John District on the preponderance of evidence standard during Commander's call. Additionally, in-service training is again being coordinated and is anticipated to start June 2014 and will also include training on VIPD's policies including the citizen complaint process policies 7.2 & 7.3.

Paragraph 81 – The VIPD will provide training on appropriate burdens of proof to all supervisors, as well as the factors to consider when evaluating complainant or witness credibility (to ensure that their recommendations regarding dispositions are unbiased, uniform, and legally appropriate). The VIPD will also continue to provide training to supervisors on leadership and command accountability, including techniques designed to promote proper police practices. This training will be provided to all officers promoted to supervisory rank within 90 days of assuming supervisory responsibilities, and will be made part of annual in-service training.

* As part of VIPD's continuing effort to comply with paragraph 81, as well as other mandates of the consent decree, training on the citizen complaint process policies is delivered on an ongoing basis during roll call and or commanders call and in-service trainings. As stated earlier, the in-service training completed during the last quarter of 2013 included training on the preponderance of evidence standard as well as the complaint policies. Additionally, in the St. Thomas/ St. John District follow-up training was conducted on the preponderance of evidence standard that included a competency exam that was administered to twenty eight participating Supervisors of which eight did not pass the test. The eight Supervisors received remedial trainings using Power DMS during the latter part of this quarter.

Additionally, during this reporting quarter and specifically during the month of March 2014, Supervisory trainings entitled "Mastering First Line Supervision" were conducted in both Districts. An electronic copy of the course outline and lesson plan was submitted to OIM during this reporting quarter. This training was conducted by an outside vendor namely, MTAG. A Training report produced by the Training Bureau for this training was submitted to OIM March 25, 2014.

**The paragraphs highlighted in green (for tracking purpose) represent those paragraphs for which the VIPD has achieved substantial compliance as determined by OIM.*

V. MONITORING, REPORTING, AND IMPLEMENTATION

B. Independent Monitor

Paragraph 82 – By 150 days from the date of this Agreement, the Territory and the DOJ shall together select an Independent Monitor, acceptable to both, who shall monitor and report on the VIPD's implementation of this Agreement. The parties recognize that one person, or team of people, may be selected to fulfill the role of Monitor. The selection of the Monitor shall be pursuant to a method jointly established by the DOJ and the Territory. If the DOJ and Territory are unable to agree on a Monitor or an alternative method of selection within 150 days from the date of this Agreement, the DOJ and the Territory each shall submit two candidates who have experience as a law enforcement practices expert or monitor, or as a Federal, state or local prosecutor or judge, along with résumés and cost proposals, to the Court. The Court shall then appoint the Monitor from among the names of qualified persons submitted. The selection of the Monitor shall be conducted solely pursuant to the procedures set forth in this Agreement, and will not be governed by any formal or legal procurement requirements.

No report required

Paragraph 83 – 87 –

83. The Monitor, at any time after the initial selection of the person or team of persons as the Monitor, may request to be allowed to hire or employ such additional persons or entities as are reasonably necessary to perform the tasks assigned to him or her by this Agreement. Any person or entity hired or otherwise retained by the Monitor to assist in furthering any provisions of this Agreement shall be subject to the provisions of paragraphs 94, 96, and 97, governing testifying, conflicting employment and confidentiality. The Monitor shall notify the Territory and the DOJ in writing if the Monitor wishes to select such additional persons or entities. The notice shall identify and describe the qualifications of the person or entity to be hired or employed and the monitoring task to be performed. If the Territory, through its Department of Justice, and the DOJ agree to the Monitor's proposal, the Monitor shall be authorized to hire or employ such additional persons or entities. The Territory or the DOJ have ten days to disagree with the proposal. If the Territory and the DOJ are unable to reach agreement within ten days of receiving notice of the disagreement, the Court shall resolve the dispute. The Monitor and any person he or she retains to assist in furthering any provisions of this Agreement must successfully pass a background check in order to be eligible to carry out his or her role under this Agreement.

No report required

84. The Territory shall bear all reasonable fees and costs of the Monitor. In selecting the Monitor, DOJ and the Territory recognize the importance of ensuring that the fees and costs borne by the Territory are reasonable, and accordingly fees and costs shall be one factor considered in selecting the Monitor. In the event that any dispute arises regarding the reasonableness or payment of the Monitor's fees and costs, the Territory, DOJ and the Monitor shall attempt to resolve such dispute cooperatively prior to seeking the assistance of the Court to resolve such dispute.

No report required

85. The Monitor shall only have the duties, responsibilities and authority conferred by this Agreement. The Monitor shall not, and is not intended to, replace or take over the role and duties of the Governor of the Territory or the Police Commissioner. In order to monitor and report on the VIPD's implementation of each substantive provision of this Agreement, the Monitor shall conduct the reviews specified in paragraph 86, infra, and such additional reviews regarding the implementation of this Agreement as the Monitor deems appropriate. At the request of the DOJ or the Territory, based on the Monitor's reviews, the Monitor may make recommendations to the parties regarding measures necessary to ensure full and timely implementation of this Agreement.

86. In order to monitor and report on the VIPD's implementation of this Agreement, the Monitor shall regularly conduct compliance reviews to ensure that the VIPD has implemented and continues to implement all measures required by this Agreement. The Monitor shall provide reasonable notice to VIPD prior to conducting any on-site compliance reviews.

No report required

87. Subject to the limitations set forth in this paragraph and applicable collective bargaining agreements, the VIPD will reopen for further investigation any use of force or citizen complaint investigations the Monitor determines to be incomplete. The Monitor will provide written instructions for completing any investigation determined to be incomplete. The Monitor will provide these recommendations so that the directive given by the Police Commissioner to implement the Monitor's instructions is given within a reasonable period following the investigation's conclusion. The Monitor may not exercise this option concerning any investigation the disposition of which has been officially communicated to the officer who is the subject of the investigation.

No report required

Paragraph 88 – The parties agree that the VIPD will hire and retain, or reassign a current VIPD employee for the duration of this Agreement, to serve as a full-time VIPD Compliance Coordinator. The Compliance Coordinator will serve as a liaison between the Virgin Islands Attorney General's Office, the VIPD, the Monitor and DOJ, and will assist with the VIPD's compliance with this Agreement. At a minimum, the Compliance Coordinator will: coordinate the VIPD's compliance and implementation activities; facilitate the provision of data, documents and other access to VIPD employees and material to the Monitor and DOJ as needed; ensure that all documents and records are maintained as provided in this Agreement; and assist in assigning compliance tasks to VIPD personnel, as directed by the Police Commissioner or his designee. The VIPD Compliance Coordinator will take primary responsibility for collecting the information the Monitor requires to carry out the terms of this Agreement.

Currently executed

Paragraph 89 – 95 –

89. In monitoring the implementation of this Agreement, the Monitor shall maintain regular contact with the Police Commissioner and Virgin Islands Attorney General's Office, as well as the DOJ.

90. The Monitor shall have reasonable access to all VIPD employees and facilities that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement. The Monitor shall cooperate with the VIPD to access people and facilities in a reasonable manner that, consistent with the Monitor's responsibilities, minimizes interference with daily operations.

91. The Monitor shall have reasonable access to all Territory and VIPD documents for monitoring purposes only that the Monitor reasonably deems necessary to carry out the duties assigned to the Monitor by this Agreement, except any documents protected by the attorney-client privilege. Should the Territory or the VIPD decline to provide the Monitor with access to a document based on attorney-client privilege, the Territory shall provide the Monitor and DOJ with a log describing the document.

92. For the purpose of implementing this Agreement, the DOJ and its consultative experts and agents shall have reasonable access to all VIPD employees, facilities, and VIPD documents, to the extent permitted by law. The DOJ and its consultative experts and agents shall cooperate with the Territory and the VIPD to access involved personnel, VIPD facilities, and documents in a reasonable manner that minimizes interference with daily operations. Should the Territory and the VIPD decline to provide the DOJ with access to a document based on attorney-client privilege, the Territory shall provide the DOJ with a log describing the document.

93. The Monitor and DOJ shall provide the Territory, the Virgin Islands Attorney General's Office, or the VIPD with reasonable notice of a request for copies of documents. Upon such request, the Territory and the VIPD shall provide the Monitor and DOJ with copies (electronic, where readily available) of any documents that the Monitor and DOJ are entitled to access under this Agreement.

94. All non-public information provided to the Monitor or DOJ, whether by the Territory or the VIPD, shall be maintained in a confidential manner. Other than as expressly provided in this Agreement, this Agreement shall not be deemed a waiver of any privilege or right the Territory or the VIPD may assert, 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.

95. For the purpose of implementing this Agreement, the Monitor shall have reasonable access to all documents in criminal investigation files that have been closed by the VIPD. The Monitor shall also have reasonable access to all arrest reports, warrants, and warrant applications whether or not contained in open criminal investigation files; where practicable arrest reports, warrants and warrant applications shall be obtained from sources other than open criminal investigation files

C. Independent Monitor Reports

Paragraph 96 – 97 –

96. The Monitor shall issue quarterly written, public reports detailing the Territory of the Virgin Islands' compliance with and implementation of each substantive provision of this Agreement. These reports shall be written with due regard for the privacy interests of individual officers and the interest of the Territory and the VIPD in protecting against disclosure of non-public information. At least 16 business days before filing a report, the Monitor shall provide a copy of the draft to the parties for input as to whether any factual errors were made or whether any sensitive data or non-public information is disclosed. The Monitor shall consider the parties' responses and make appropriate changes, if any, before issuing the report. The Monitor may testify in this case regarding any matter relating to the implementation, enforcement or dissolution of this Agreement.

97. Except as required or authorized by the terms of this Agreement or the parties acting together: neither the Monitor, nor any member of their staff, shall make any public statements or issue findings with regard to any act or omission of the Territory, or its agents, representatives, or employees; or disclose non-public information provided to the Monitor pursuant to the Agreement. Any press statement made by the Monitor or any member of the Monitor's staff regarding their employment must first be approved by DOJ, the Virgin Islands Attorney General's Office, and VIPD. Neither the Monitor nor any member of its staff shall testify in any other litigation or proceeding with regard to any act or omission of the Territory, the VIPD, or any of their agents, representatives, or employees related to this Agreement or regarding any matter or subject that the Monitor or their staff may have received knowledge of as a result of his or her performance under this Agreement. Unless such conflict is waived by the parties, the Monitor shall not accept employment or provide consulting services that would present a conflict of interest with the Monitor's

responsibilities under this Agreement, including being 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 the Territory or its departments, officers, agents or employees. The Monitor is not a state or local agency, or an agent thereof, and accordingly the records maintained by the Monitor shall not be deemed public records subject to public inspection. Neither the Monitor nor any person or entity hired or otherwise retained by the Monitor to assist in furthering any provision of this Agreement shall be liable for any claim, lawsuit, or demand arising out of the Monitor's performance pursuant to this Agreement. This paragraph does not apply to any proceeding before a court related to performance of contracts or subcontracts for monitoring this Agreement.

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D. Virgin Islands Police Department Reports and Records

Paragraph 98 – Within 90 days following entry of this Agreement and no later than every three months thereafter until this Agreement is terminated, the VIPD shall file with the Monitor and Virgin Islands Attorney General's Office, with a copy to the DOJ, a status report delineating the steps taken by the VIPD during the reporting period to comply with each provision of this Agreement. The VIPD shall also file such a report documenting the steps taken to comply with each provision of this Agreement during the term of this Agreement 120 days before the end of the Agreement's term.

**This report is filed this 7th day of April 2014, in compliance with the Consent Decree.*