

**Second Quarterly Report of 2014  
from the  
Independent Monitor  
for the Virgin Islands Police Department**



**CHARLES A. GRUBER CONSULTING INC.  
INDEPENDENT MONITOR  
AUGUST 2014  
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## **EXECUTIVE SUMMARY**

The Second Quarter of 2014 is notable for change and transition. Two major events occurred, which when combined with a third that will occur later this calendar year, compel a comprehensive and concentrated reexamination of compliance program strategy and operations (the process). The objective of the reexamination, which the IMT views as a Reset, is to identify and implement actions to reinforce successes to date and to correct shortfalls to better enable the VIPD to achieve full and final Substantial Compliance with CD requirements and to conduct and institutionalize constitutional policing.

**The Events.** In the Second Quarter of 2014, the District Court of the Virgin Islands ordered amendments to the Consent Decree that materially refocuses priorities and timetables. The implications for the Virgin Islands Police Department compliance operations are consequential. Less consequential, but of extreme importance nonetheless, authority and responsibility for Independent Monitoring passed from Fried, Frank, Harris, Shriver & Jacobson, LLP to Charles A Gruber Consulting Inc. The impending consideration is the election-inspired transition in Virgin Islands government and its certain but currently ambiguous impact on police department leadership and command. Any number of scenarios may eventuate that will influence the efficiency, progress and sustainability of CD compliance. Best-case scenario for the CD enterprise is minimal, controlled interruption and dislocation. A deliberately planned and smoothly executed change strategy is called for, beginning as immediately as is possible.

**Compliance Status.** Having just completed five years of work to satisfy mutually agreed upon action to correct the patterns and practices that led to the Consent Decree originally, the VI and the VIPD have achieved Substantial Compliance with 19 of 51 provisions (paragraphs) of the Consent Decree, 37%. Greatest success has occurred in meeting the Citizen Complaint Process Group, 10 of 17 paragraphs, 59%. Compliance with the Management & Supervision Group (Risk Management) standards at 42%, 5 of 12 paragraphs. The VI and VIPD are struggling with Use of Force compliance, only 3 of 11, 27%. Only one of the nine (9) Training paragraphs is in Substantial Compliance.

The District Court of the Virgin Islands is not satisfied with progress to date. It has issued two principal Orders that call for prioritization of compliance goals and stringent timetables – “Quarterly Goals.”

Paragraphs currently in Substantial Compliance are:

31	39	40	42	43	45	46
47	48	49	50	52	53	57
62	64	66	70	80		

During the Second Quarter, the VIPD gained Substantial Compliance with three paragraphs, 46, 49 and 80. This matched First Quarter performance, three paragraphs: 43, 45 and 48.

**The Compliance Continuum.** To gain compliance, a sequence of thresholds must be met with regard to policy, training, and practice (sustained execution). For Use of Force, policy compliance has been achieved successfully for all eleven (11) paragraphs. Training has been successfully achieved for each applicable paragraph. The work remains to be done to satisfy Practice Compliance requirements, and thereafter to sustain achievements.

The Citizen Complaint compliance performance record mirrors that of the Use of Force Group in pattern. All 17 policy requirements have been met. All applicable training compliance paragraphs have been met. Practice Compliance is the challenge.

The Group 1 and 2 pattern repeats for Group 3, Management & Supervision. The policy phase has been achieved for every applicable paragraph as has training. The two (2) Policy requirements have been met for the Training Group. One-third, (3 of 9) training paragraphs remain to be achieved. The Practice/Execution Phase remains for eight (8) mandates.

Aggregating the Continuum data to produce a collective overview, it is reasonable to conclude that the Policy Phase has been accomplished in full. Updates must be completed as conditions warrant and monitoring will continue. Full compliance in the Training Phase is reachable. Practice (sustainability), arguably the most challenging phase, will dominate compliance activity for the next several years.

**Compliance Keys.** The Court-ordered Quarterly Goals approach can only serve to bring needed direction to Consent Decree compliance programming. It prioritizes compliance objectives, sets timetables, and enables the VIPD to invest its energies for maximum return. The ability of the VIPD to satisfy the Court will benefit measurably from a series of capacity building actions, several of them recommended by the IMT repeatedly. Several of the actions have been discussed with the VIPD. Their intent and/or commitment to move forward has been expressed.

- ☐ Establish the Force Review Board
- ☐ Establish the Shooting Investigation Team
- ☐ Establish the Audits & Inspection Unit
- ☐ Demand Greater Managerial and Supervisory Accountability with regard to all Consent Decree obligations

The foregoing four recommendations have self-evident direct linkage to Consent Decree compliance. Still direct, but more complicated in transformation requirements are the following:

- ☐ Ensure promotional preparation, readiness and a productive testing scheme.
- ☐ Ensure and sustain an integrated academy, field and in-service training regimen that foster the values and understanding of constitutional policing.
- ☐ Engage community members in compliance activities. A citizen survey and VIPD website postings are easy ways to inform the public about compliance activities and progress.

**Technology Transition & Business Development Process.** During Quarter Two, the IMT invested heavily in development of business process technology as well as in improving tools for monitoring, primarily for case review and analysis. A Data Management System received the most attention. Case Review & Analysis Templates were refined and redesigned. We have developed a Records Management System to support access to CD reports and documents. A web-based Calendar and a prototype website have been developed, the latter to support pending and much needed community engagement initiatives. We prepared for a summit to be held during the Third Quarter to clarify any differences that exist in assessing substantial compliance and to ensure that all parties are in agreement, to the maximum extent possible, with the current

status of each CD paragraph and sub-paragraph. Last, the IMT has begun work to introduce a series of metrics to measure outcomes (Constitutional Policing) and policies and CD processes designed to foster Constitutional Policing.

## **I. INTRODUCTION**

This is the Second Quarter Report of 2014 from the Independent Monitoring Team (IMT) for the quarter that ended June 30, 2014. During the quarter the IMT, along with the CRT from the United States Department of Justice, attended the Consent Decree progress review by District Judge Curtis V. Gomez, participated in three Monthly Meetings – by conference call and on-site, examined Use of Force and Citizen Complaint policies and procedures for review, and conducted a week-long on-site (June 9-13). We conducted technical assistance and provided guidance, direction and exemplars to Work Group leaders and in some cases group point persons. The IMT monitored VIPD training programs on site and completed documents to the satisfaction of Property and Procurement related to contract provisions of this Consent decree.

The Second Quarter marked a shift in the monitoring business model. Authority and responsibility for independent monitoring passed from Fried, Frank, Harris, Shriver & Jacobson, LLP to Charles A. Gruber Consulting, Inc., the authors of this report. Drawing on experience of the last five years of Consent Decree activity and the accumulated knowledge of successes, failures, VIPD assets and cultural and operational barriers, and unexploited opportunities, it is evident that the Independent monitoring function and the VIPD compliance effort can benefit from revision of current program methods and practices and the aggressive introduction of more contemporary information technology. VIPD organization and staffing for CD compliance is a subject that demands immediate attention. The pages that follow will outline how the monitoring program is already being advanced. In all of these regards, Quarter Two has been a Transition Quarter.

## **II. RESETTING COMPLIANCE STRATEGY AND PROGRAMMING**

Two major events occurred during this quarter which, when combined with a third event that will unfold during the remaining quarters of this year, compel a call for a concentrated re-examination of compliance program strategy and operations (process). The goal is to identify and implement actions that the VIPD can introduce that promise to reinforce successes to date, correct shortfalls, and introduce innovations that will carry them through to final substantial

compliance with the consent decree. The parties to the Consent Decree have before them what may be the best one-time window to energize a Virgin Islands Police Department compliance effort that demands a range of improvements that are crucial to future compliance success.

**The Events.** In the Second Quarter of 2014, the District Court of the Virgin Islands ordered amendments that materially refocus Consent Decree priorities and timetables. The implications for the Virgin Islands Police Department compliance business methods are consequential. Less consequential, but of extreme importance nonetheless going forward, authority and responsibility for Independent Monitoring passed from Fried, Frank, Harris, Shriver & Jacobson, LLP to Charles A. Gruber Consulting Inc.. The impending consideration is the election-inspired transition in Virgin Islands government and its impact on police department leadership and command. A new governor will be elected in November 2014. Transition will occur in January 2015. Top leadership positions in the VIPD are gubernatorial appointments. The current commissioner has declared his intent to retire. Past elections have resulted in numerous leadership and supervisory changes in the command structure of the VIPD. Any number of scenarios could eventuate that will influence the efficiency, pace, progress and sustainability of CD compliance. Best-case scenario for the CD enterprise is minimal, controlled interruption and dislocation. A deliberately planned and smoothly executed change strategy is called for.

**The Amended Order.** On May 27, 2014, the District Court of the Virgin Islands issued an Amended Order that calls for reprioritization of Consent Decree compliance goals, an action which seems to us to introduce requirements to refocus Virgin Islands Police Department compliance program organization, staffing and operations. Most important, it clarifies and sets the stage for better focused compliance achievement. It is, in our view, a well-conceived and department-friendly action.

The two principal Orders of the Court that pertain to the Action Plan & Quarterly compliance requirements are:

- ☐ **The Action Plan is Stricken From the Consent Decree.** The Action Plan has been guiding the operations of the Virgin Islands Police Department leadership and the Work Groups that have hands-on everyday responsibilities for

engineering the organizational and behavioral change called for by the Consent Decree.

Whether and how suspension of the Plan impacts Work Group direction and functioning is not totally clear at this point. The IMT intends to concentrate some attention to this issue. It is worthy of direct discussion, which will occur in Quarter Three.

- ☐ **Quarterly Goals.** The Virgin Islands Police Department February 25, 2014 agreement to submit quarterly goals to the Court and to accomplish any (all) goals accepted by the Court by the end of each respective quarter is adopted.

The Court's reasoning for the Orders is illuminating as a retrospective and a judgment on the Consent Decree compliance effort since inception and on its state as of this quarter. From the Order:

- ☐ The Consent Decree in this matter was first entered into on March, 2009. It has been amended five times, by the Court's count. Each amendment was in response to a motion by one or both parties as a result of the Virgin Islands being unable to comply with the deadlines for substantial compliance with some or all sections of the Consent Decree that called for improvement. (Page 2).
- ☐ Each time, the Virgin Islands and the United States indicated to the Court that changes in leadership in the Virgin Islands Police Department had resulted in renewed commitment to the consent decree . . . . However, as the Court explained at the February 25, 2014 hearing, words and promises are not enough (Page 3). . . .
- ☐ If history is any indication, the leadership's expressed desire to achieve compliance – not only for compliance's sake, but in order to improve the Virgin Islands Police Department so that it could effectively serve the community it is supposed to protect – will simply not, after six years and five amendments, be enough. (Page 3).

It is not possible to misinterpret the mood of the Court and the urgency introduced for measurable progress toward substantial compliance. A tipping point has been reached!

The impact and benefits of the Order appear to be visible and positive already. The IMT observed a surge of activity in the Virgin Islands Police Department compliance work, at least in June. Still, and in recognition of CD-allocated resource (staff) pressure, to reinforce forward movement and fulfill its legal obligations to the Court, the Virgin Islands Police Department is advised to remix the focus of compliance efforts. It must prioritize work to concentrate on the goals submitted to and approved by the Court. At the same time, it cannot permit progress and work toward remaining goals, those for which substantial compliance has already been achieved



and those not yet in substantial compliance, to atrophy or languish. To allow overall progress to date to regress will not be acceptable. Continued, even intensified diligence by all parties is required to ensure this condition does not eventuate.

**Independent Monitor Transition.** From 2009 through to the end of Quarter One, 2014, independent monitoring authority and responsibility was held by the firm of Fried, Frank, Harris, Shriver & Jacobson, LLP. At the outset of Quarter Two, 2014, authority and responsibility passed to Charles A. Gruber Consulting Inc. Fried, Frank exhibited ultimate cooperation and professionalism in support of the transition. We are grateful and thank them for all of their efforts. Having served as the Police Practices Experts cadre for Fried, Frank, the CAG team is well positioned to carry compliance monitoring forward. It is our declared intent to reinforce and build upon the entire Consent Decree experience to date, minimizing disruptions for all parties to the Consent Decree, while promising innovation based on lessons learned since 2009 and the new urgency introduced by the aforementioned Court Orders.

For the IMT, the Second Quarter blended continuing monitoring work, staffing augmentation to replace Fried, Frank resources, and considerable infrastructure capacity building. The transition resulted in role changes. Use of Force PPE, Charles Gruber, is now obligated to serve as the leader of the team and the Monitor. As executive responsibilities increase, time available for hands-on work, such as case review, diminishes. This reality must be, and is being controlled for. Resources and functions formerly invested and conducted by Fried, Frank are now replaced, in part, by the addition of Jerry Needle, Palmer Wilson, and Leon Casey, Sr., to the team. These professionals bring senior level experience in law enforcement evaluation, infrastructure, operations and organizational culture analysis and change management. Production and administrative capacity is off to a fast start. Section VI, Technology Transition & Development, documents progress in capacity building during Quarter Two. We expect that core transition requirements will be in place in the next two quarters (Third and Fourth, 2014). The strategy and business model will evolve and adapt continually.

**Virgin Islands Police Department Leadership Transition.** Change in Virgin Islands Police Department leadership is expected by the end of 2014. Being contingent on the election later in



this year and the ensuing executive search and selection process, an interim may occupy the Commissioner post for a time. Whether the candidate chosen for permanent appointment comes from inside the Virgin Islands Police Department or from the outside has its own set of implications for agency direction and operations, including the composition of a Consent Decree compliance team which is currently led by top-tier commanders (Chiefs, Deputy Chiefs, and Captains). The cadre of expertise will still be present in the department. It needs to be employed and cultivated further.

Leadership transition is likely to disrupt the compliance process (as has been seen in this Consent Decree and others around the country). The Independent Monitor has begun discussions with the current Commissioner and his leadership team to plan for transition, to minimize disruption and ensure ongoing commitment to compliance efforts. Discussions are not far along. Schedules to further discussions are currently being worked out.

### **III. COMPLIANCE STATUS**

Tables 1 and 2 display the status of VIPD compliance with Consent Decree requirements as of August 15, 2014 (somewhat beyond the close of Quarter Two). Table 1 presents a snapshot of overall compliance achievement (51 paragraphs). Table 2 conveys status on the policy, training, and practice continuum (phases).

**Overall Status.** The VI and VIPD have achieved Substantial Compliance with 19 of 51 provisions, 37% (Table 1). Greatest success has occurred in meeting the Citizen Complaint Process Group, 10 of 17 paragraphs, 59%. Compliance with the Management & Supervision Group (Risk Management) stands at 42%, 5 of 12 paragraphs. The VI and VIPD is truly struggling with Use of Force compliance, only 3 of 11, 27%. The IMT views the Use of Force Group as, perhaps, the most difficult to achieve. Only one (1) of the nine (9) Training paragraphs are in Substantial Compliance.

TABLE 1

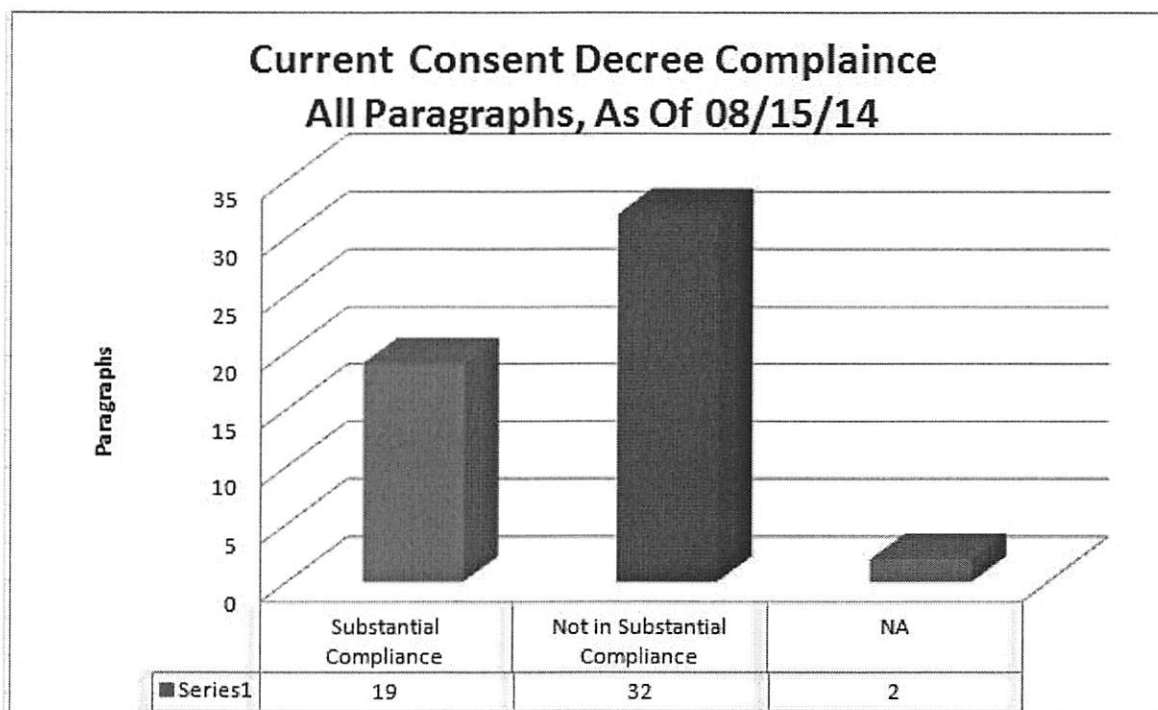
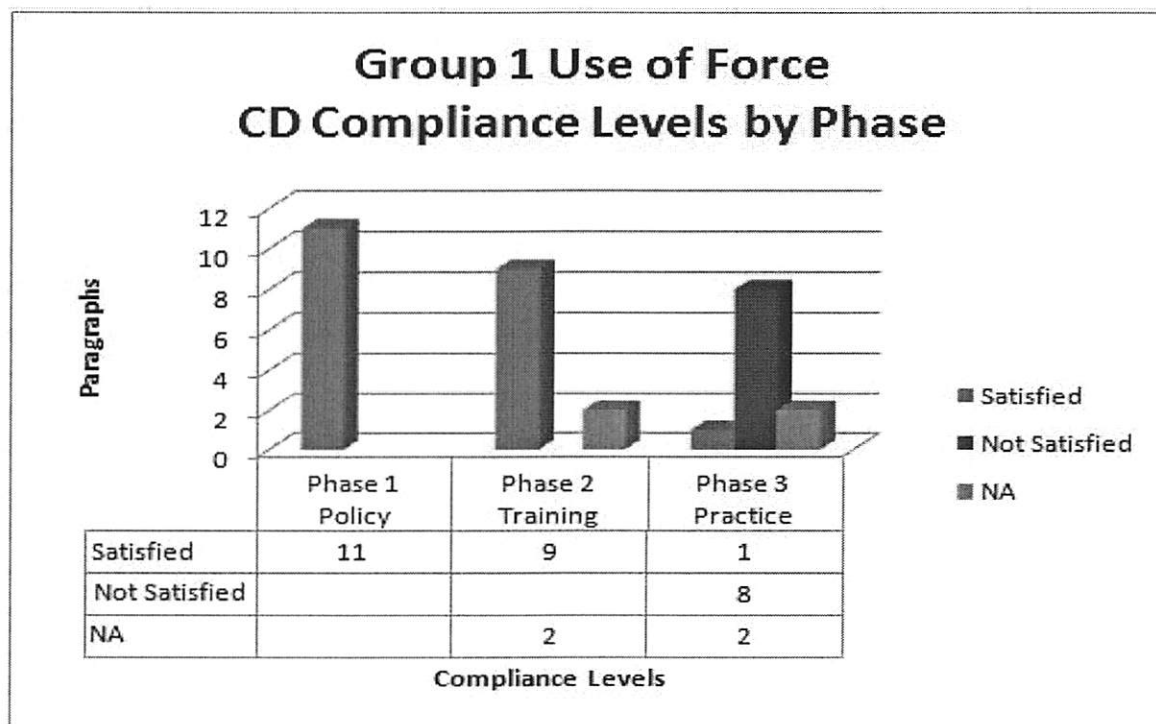
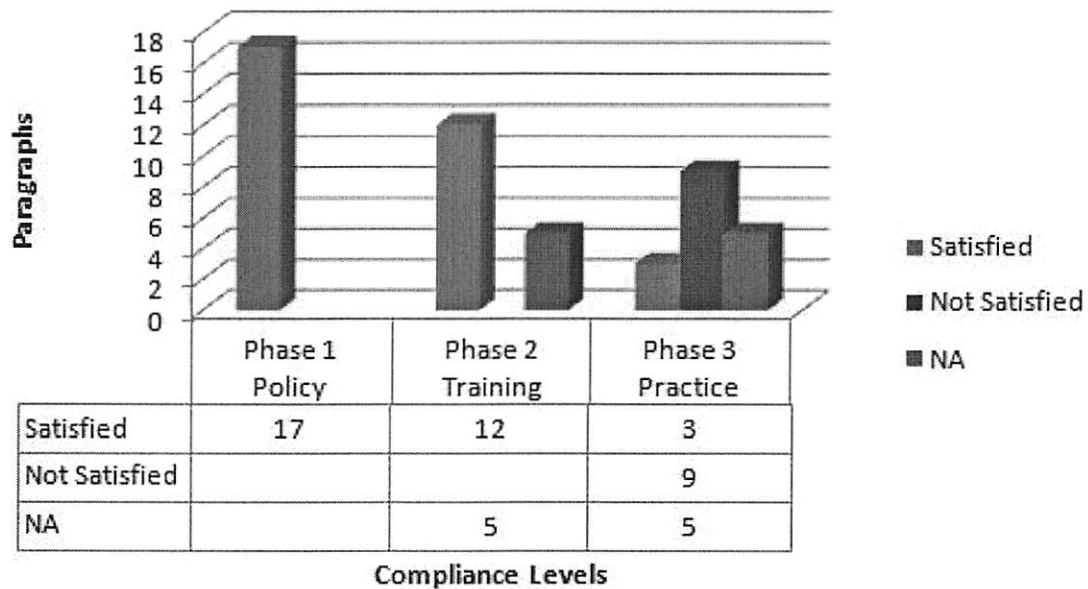


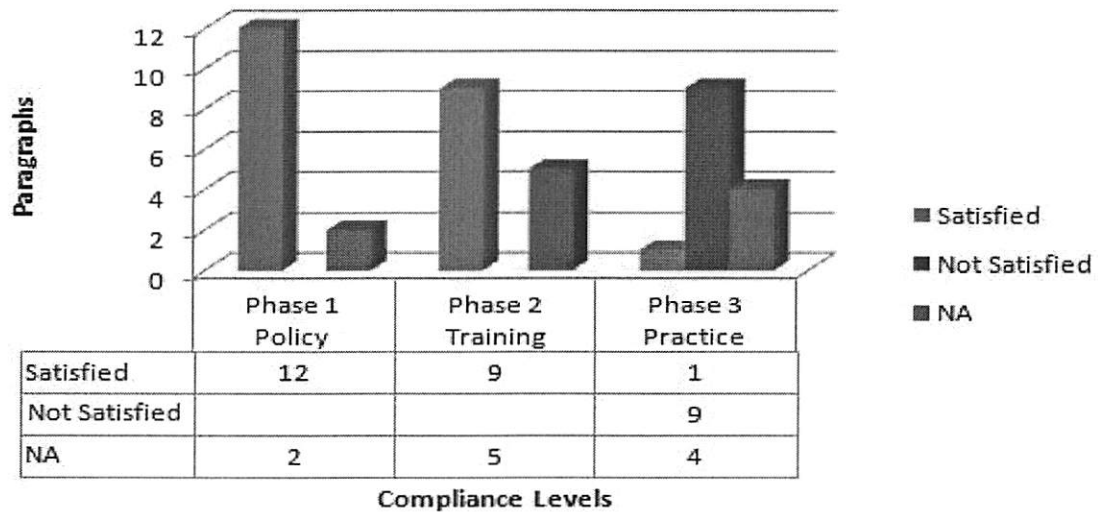
TABLE 2



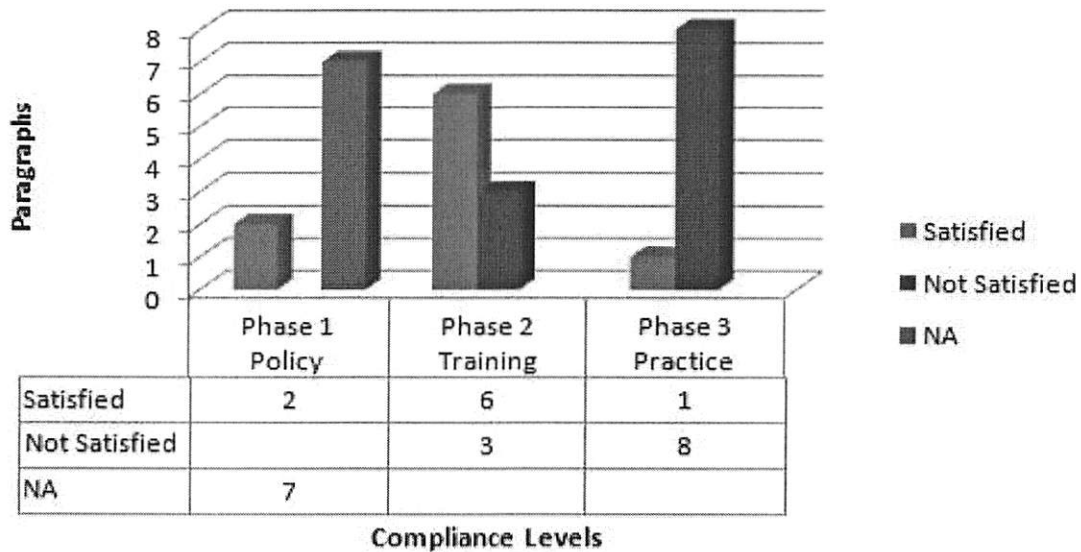
### Group 2 Citizen Complaints CD Compliance Levels by Phase



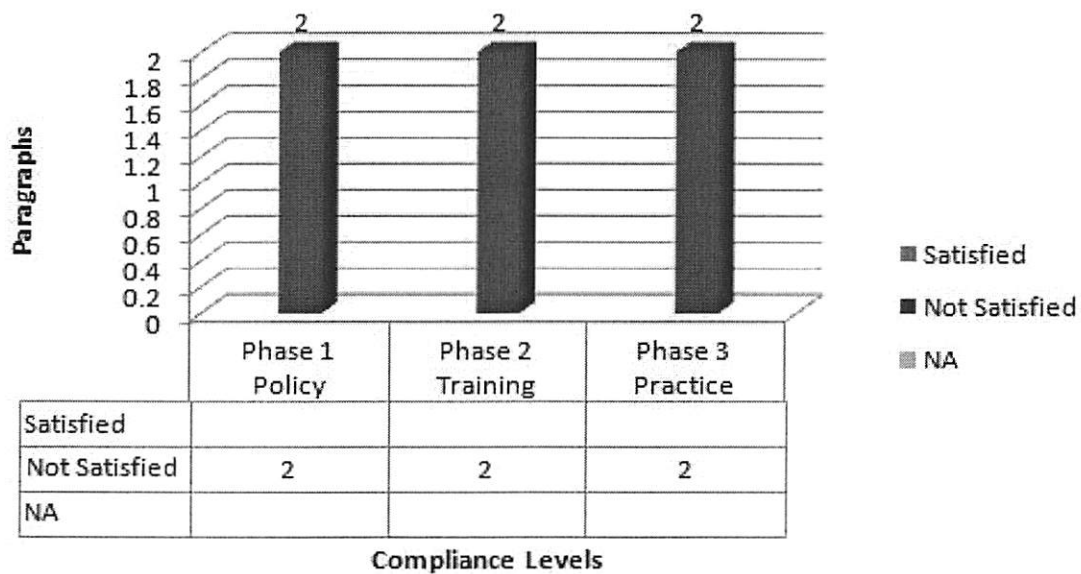
### Group 3 Management & Supervision CD Compliance Levels by Phase



### Group 4 Training CD Compliance Levels by Phase



### Group 5 Implementation CD Compliance Levels by Phase



**The Compliance Continuum.** Table 2, CD Compliance Levels by Phase, adds considerable dimension and clarification to compliance status. For the Use of Force Group, policy compliance has been achieved successfully in every instance – for each of the eleven (11) paragraphs. Training has been successfully achieved for each applicable paragraph. The work remains to be done to satisfy Practice Compliance requirements, and thereafter to sustain achievements.

The Citizen Complaint compliance performance record mirrors that of the Use of Force Group in pattern. All 17 policy requirements have been met. All applicable training compliance paragraphs have been met. Practice Compliance is a more major challenge. The Group 1 and 2 pattern repeats for Group 3, Management & Supervision. The policy phase has been achieved for every applicable paragraph as has the training phase. Practice Compliance lies ahead. Each of the two (2) required policy requirements have been met for the Training Group. One-third (3 of 9) of the training paragraphs remain to be achieved. The Practice Compliance Phase remains for eight (8) mandates.

Collectively, the Policy Phase has been accomplished in full. Updates must be completed as conditions warrant and monitoring will continue. Full compliance in the Training Phase is reachable. This must be a priority for the Training Group. Practice/Execution (sustainability), arguably the most challenging phase, will dominate compliance activity for the next several years.

Consideration for fairness and disclosure dictates that we note the presence of some confusion and disagreement between the VIPD and IMT regarding compliance status with regard to several paragraphs. A Third Quarter summit is scheduled to examine status, requirements, and to eliminate misunderstandings.

**Goals Compliance Requirements & Achievements.** By agreement with the Court, the VIPD is expected to be in Substantial Compliance with all or part of 33 CD paragraphs by August 15, 2014. The IMT records indicate that the VIPD is in Substantial Compliance with ten (10) of these. Counting nine (9) paragraphs achieved previously, the VIP is currently in Substantial



Compliance with 19 (as of August 15, 2014). These are Paragraphs: 31, 39, 40, 42, 43, 45, 46, 47, 48, 49, 50, 52, 53, 57, 62, 64, 66, 70 and 80.

**Second Quarter Record.** During the First Quarter of 2014, the VI and VIPD achieved Substantial Compliance with three Paragraphs, 43, 45, and 48. Despite their best efforts, the VIPD, during the reporting period, only came into Substantial Compliance with paragraphs 46, 49 and 80. Paragraph 80, unfortunately, is not a paragraph contained in the Court's order of 07/03/14.

**IMT Comments & Recommendations.** In keeping with past practice, the IMT has examined the VIPD Status Report for the First Quarter (#19). Item-by-item Comments and Recommendations are documented in Appendix A. Global observations are in order here.

The efforts of the Force Working Group are commendable. They are attacking some of the most frequently occurring themes in their review of force incidents that have caused and continue to cause the department to miss opportunities to find compliance. Supervisors not making it to the scenes of force incidents are one example. Working on templates and other resources to focus both officers and supervisors on their recurring duties consistent with the VIPD's force policies and the Consent Decree is another. Development of the Force Review Board and its related investigation policy will address a myriad of issues the department has been struggling with and have been identified in both IMT audits and VIPD audits. We expect that the VIPD leadership will put a priority on completing and implementing this policy in the 3rd Quarter of 2014. Delay will only continue to exacerbate issues for the department and its personnel as well as the citizens who deserve this level of professional policing. We are encouraged that, for the second time, the UOF Working Group concurs with IMT findings that force reporting and investigation are not occurring consistently, timely, nor adequately as required. While we have again provided the VIPD with exemplars for both Use of Force Review Board policies and procedures and Firearms and Serious Use of Force Investigation Team policy and procedures, the VIPD has yet to submit those policies to the commissioner for their implementation. The VIPD reports that the Working Group is writing and developing these policies and procedures and bi-weekly reports indicate that they are being worked on. Neither has been completed. We are encouraged that the

VIPD now sees that implementation of these policies and procedures will help identify system, training and process failures that are keeping them from achieving compliance with a majority of CD force paragraphs. We anticipate positive results from implementation. No change in status occurred in Quarter Two with regard to any of the UOF CD compliance requirements.

The Citizen Complaint Process Working Group continues to move forward toward substantial compliance. The most significant challenge in the Citizen Complaint Process area continues to be the timely completion of investigations. This occurs territory-wide and ranges from insignificant complaints to the most serious allegations. While there have been limited efforts to address this issue, more attention and action must occur to ensure that supervisors and managers are paying attention to the issue. Supervisors and managers must be held accountable for their actions and inactions. This concern threads throughout the CD Citizen Complaint paragraphs.

The IMT is generally in agreement with the VIPD's current assessment of their status in the area of Management and Supervision. The appointment of a new chair and point person at the end of the second quarter is significant. The IMT has already seen some concentrated attention and action. The IMT is very hopeful that this will continue.

During the Second Quarter, IAPro access, territory-wide, was provided to the IAB, IAB Director and Assistant Director, a positive. There are concerns related to training documentation. The IMT anticipates that with full implementation of PowerDMS, these concerns will be addressed. The IMT will, in future quarters, continue to review those areas deemed in compliance. The IMT will continue to work with the VIPD to ensure continued compliance.

The VIPD has been generating and disseminating reports from their RMS. Critical information has been shared with supervisors and managers that directly impacts EIP. However, the response to such information from supervisors and managers has been inconsistent and, sometimes non-existent. Once again, the IMT emphasizes the importance of holding supervisors and managers accountable for their actions/inactions. (During the July 2014 monthly meeting the VIPD acknowledged similar shortcomings.)

There is substantial work to be done in this area. As stated above, the IMT has seen good attention since the appointment of the new chair and point persons. The IMT looks forward to assessing what is accomplished during the next few quarters.

For Training, the IMT is pleased with the acquisition and implementation of PowerDMS. We've asked for updates on the progress of populating the data categories. The return memos have not, however, delineated the number of files, by category that have been entered into the system. They have been general, repetitive statements about the broad classes of information being entered but not specific numbers and descriptions of records. We believe that, by now, we would be receiving reports of training events that were produced in PowerDMS and we are not. This is the first accounting that we've received concerning remedial training. Prior to this, we have received reports that have included "make-up" training and remedial training and we were unable to differentiate between the two. Following a discussion about this, the Commissioner directed the Interim Training Director to develop a field in PowerDMS, separate and apart from "make-up" training. To date, as we point out above, we have not yet seen reports of this type produced directly from PowerDMS.

The process of data entry could be clearer to us if we could see a plan with anticipated completion dates. This would enable us to get a grasp on when we might see PowerDMS reports and the types of reports that we might be seeing. While we appreciate this update, it doesn't describe, in enough detail, where we are in the process or where we can anticipate being in the coming days and months.

The IMT cannot stress too strongly that the ad hoc group assembled on May 20, 2014 to evaluate use of force training be made a standing committee that meets monthly to review, analyze and evaluate the way in which training is taking hold in the field. There is much to be gained from having this kind of high level review of the entire training process not just its delivery.

We now believe that the VIPD has met the requirements of Paragraph 80.



**Compliance Analytics.** It is the IMT's intent to position all parties to better understand the status of compliance and non-compliance and especially to be better able to clarify and convey where barriers exist, in order to address and attack them. Accordingly, future activity will concentrate and document compliance activity at the sub-paragraph level. We have constructed a diagnostic tool to examine each and every paragraph and its component sub-paragraphs. Appendix B displays the tool. The IMT intends to use it to structure the work at the aforementioned summit.

#### **IV. COMPLIANCE KEYS**

The Court-ordered Quarterly Goals approach can only serve to bring needed direction to the Consent Decree compliance programming. It prioritizes compliance objectives, sets timetables, and enables the VIPD to invest its energies for maximum return. In keeping with the transition/reset theme introduced in this report, the IMT wishes to single out a set of actions that we believe the VIPD should emphasize to improve the speed, efficiency and effectiveness of compliance achievement.

Our choices are guided by "manageability." The list is limited. Implementation should not be complicated. The VIPD may or may not have the staff resources. This question remains to be answered. (See Section V). Many of the actions have been discussed with the VIPD and in most cases intent and/or commitment has been expressed.

- ☐ Establish the Force Review Board
- ☐ Establish the Shooting Investigation Team
- ☐ Establish the Audits & Inspection Unit
- ☐ Demand Managerial and Supervisory Accountability with regard to all Consent Decree obligations

The foregoing four recommendations have self-evident direct linkage to Consent Decree compliance. Still direct, but more complicated in transformation requirements are the following:

- ☐ Ensure promotional preparation, readiness, and a productive testing scheme.

- ☐ Ensure and sustain an integrated academy, field and in-service training regimen that foster the values and understanding of constitutional policing.
- ☐ Engage community members in compliance activities. A citizen survey and VIPD website postings are easy ways to inform and to report progress.

## **V. MOUNTING A STRONGER COMPLIANCE PROGRAM**

The VIPD asserts that its capacity to advance compliance with CD provisions is impaired by staff shortages. Supervisors, pressed by competing and priority workload, sometimes find CD case review obligations challenging. Creating the Audit and Inspection Unit, stocking a Force Review Board and Shooting Investigation Team is difficult. Data analysts to support the Risk Management Group must await positive action on the 2015 budget. Working Group leaders acknowledge shortfalls in the amount of time that can be devoted to audits. The cumulative impact of just this set of conditions is impairing the progress of the IM function as well – an echo effect.

The VIPD may be correct that it lacks the resources to intensify CD compliance operations. The IMT is not yet positioned to definitively judge the merits of VIPD decisions – more properly indecisions, with regard to the foregoing CD-focused staffing issues as well as others. We do not have sufficient data-supported familiarity with the totality of the VIPD's policing environment, organization, workload, and staffing. Comprehensive examination of these aspects of the VIPD has never been a monitoring focus. At this transitional juncture, however, it is necessary. We can help the VIPD by building a policy and practice database and searching for resource recovery opportunities by conducting CD-specific mini-management studies. Surely, we can clarify the staffing issues. We should note that our multi-year attempts to obtain personnel rosters have been frustrating.

**The Policing Environment.** The contextual/diagnostic database required to more fully understand the VIPD, the community it serves, agency operations and CD-staffing capacity, would have two types of information. The first aggregates factors and trends that condition the policing environment:

- ☐ Population/Demographics
- ☐ Economic Factors
- ☐ Social Indicators
- ☐ Crime, Violence, and Disorder
- ☐ Service Requirements
- ☐ Order Maintenance Requirements
- ☐ Workload
- ☐ Resources – Staffing and Financial
- ☐ Performance/Outcome Indicators

These data, with their dimensions, also have implications for department and officer performance, including conduct, misconduct, and constitutional policing capacity.

**Policies & Practices.** This second category focuses on how the police mission is conducted – leadership, management, operations.

- ☐ Mission, goals, objectives
- ☐ Accountability
- ☐ Policing Philosophy
- ☐ Community Engagement
- ☐ Organizational Culture
- ☐ Ethics, Integrity and Citizen Complaints
- ☐ Organization
- ☐ Staffing
- ☐ Leadership
- ☐ Management and Supervision
- ☐ Management and Labor Rights and Relationships
- ☐ Management controls and internal affairs
- ☐ Management support services
- ☐ Marketing and public information
- ☐ Crime prevention and fear reduction
- ☐ Personnel and risk management
- ☐ Education and training
- ☐ Patrol, traffic, investigations
- ☐ Data and information assembly and analysis
- ☐ Information and operations technology
- ☐ Communications
- ☐ Interagency relationships
- ☐ Recruitment, Selection, Retention
- ☐ Training
- ☐ State-of-the-art programming
- ☐ Effectiveness and productivity

**A VIPD Consent Decree-Tailored Database.** Creating a portfolio of diagnostics (a database) that addressed all of the considerations itemized above is the ideal. To do so would require completing a comprehensive organization and management study. Neither the IMT commitments, priorities, nor resources allow pursuit of the ideal at this time. What is practical – and necessary, is to begin to accumulate data that would enable us to answer critical priority Consent Decree-specific questions. Examples:

- ☐ Are there times when first responder deployments to calls and situations is limited to the point that officers fear for their safety and/or pressed to control a situation, increasing the likelihood of improper or too-early resort to force? (Answer comes from calls-for-service analysis).
- ☐ Are there constraints on supervisors' capacity to respond in a timely way to field situations? (Also a CFS-directed analysis).
- ☐ Are recruitment, selection, field training, promotional and performance evaluation practices designed and carved out to maximize constitutional policing?
- ☐ Does the VIPD culture encourage/allow officers to believe in the principles of procedural justice? (The primary precept of which is that if officers view their internal environment to be fair and just, they are more likely to model the behavior on-the-street/with citizens. The reciprocal is evident.)
- ☐ Are officers supplied with adequate information to prepare them to manage citizen constitutionally and with regard to public and officer safety? (A dispatch/IT technology review.)

The IMT has scheduled on-site data-collection required to begin to build the database needed to address the questions itemized above and to begin to construct the larger database outlined. For its part, the VIPD will have to supply data it currently possesses, in a very timely way, gather/produce data that is not readily available, and assign a well-placed point person to work with us directly. The result will be clear answers to CD-specific issues, staffing and operational.

## **VI. TECHNOLOGY TRANSITION & DEVELOPMENT**

During Quarter Two, the IMT invested heavily in development of business process (monitoring) technology as well as tools for monitoring, primarily for case review and analysis. A Data Management System received the most attention. Case Review & Analysis Templates were refined and redesigned. These are subject to further refinement. We have developed a Records Management System to support access to CD reports and documents. A web-based Calendar and a prototype website have been developed, the latter to support pending and much needed community engagement initiatives. All of these developments are discussed in detail in Appendix C, Technology Transition.

IMT work to introduce outcome (and process) measurement began in Quarter two as well. Appendix D, The Constitutional Policing Index, outlines results to date. The metrics we hope to develop and apply will not only capture the state of compliance, progress and police behaviors, but will serve as diagnostic tools to achieve and sustain constitutional policing.

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

**Appendix A  
IMT Review, Comments and Recommendations**



**CHARLES A. GRUBER CONSULTING INC.  
INDEPENDENT MONITOR  
JULY 2014  
[www.imt-policemonitor.org](http://www.imt-policemonitor.org)**

## I. USE OF FORCE

**VIPD EXECUTIVE SUMMARY.** During this reporting quarter, an equipment audit was completed in both Districts. The audit comprised equipment inspections executed during the first quarter 2014. Audit objectives (5) included the following as a matter of example: Determine if the VIPD has met the compliance standard for paragraph 39, specifically, whether sworn personnel do not possess or use unauthorized firearms and Determine if the VIPD has met the compliance standard for paragraph 39, specifically, whether sworn personnel do not possess or use unauthorized ammunition. The completed audit report was submitted to select individuals within the chain of command including the Police Commissioner and Assistant Police Commissioner for review and comment. As of the completion of this report, a copy of this audit report is not yet forwarded to IMT and USDOJ as VIPD's internal review is not yet completed.

### **PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*This type of audit/inspection is standard practice within most police agencies. Generally completed by the first line supervisor prior to the officers tour of duty. Incorporating this practice and oversight is recommended. The audit should really address whether the supervisors and managers are requiring that the inspections be done or not. We look forward to reviewing the results of this audit and expect that the VIPD will provide the results soon as this audit has been done.*

**VIPD EXECUTIVE SUMMARY.** The use of force work group in a previous audit conducted determined that it was necessary for Supervisors to travel to the scene of all use of force incidents including level four incidents. As a result, a Commissioner's directive #002-2014 (Supervisor's Response to Use of Force Events) was developed, approved by the Commissioner and disseminated in both Districts. A copy of this directive was also submitted to IMT May 28, 2014. Additionally, this directive mandated that any available on-duty Supervisor shall be dispatched to the scene of an incident of use of force if no supervisor is available in the Zone where the use of force incident occurred.

However, it was subsequently disclosed that the specific section of the directive requiring appearance of Supervisors to level four uses of force incidents contravened current force related policy. Consequently, the suggestion of rescinding the directive and reissuing same excluding the section requiring the appearance of Supervisors to level four incidents of use of force was entertained briefly. A revised directive however, has not been generated as of the completion of this report and will be followed up in future quarterly status reports.

### **PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*There should be more explanation of what occurred. Audits determined that officers were failing to notify their supervisors of force events promptly. The result is that both important information about witnesses and potential evidence was not available to the leaders of the department. The question remains if the commissioner's directive is being followed or not? This answer is confusing. We should ascertain and answer in our report.*



**VIPD EXECUTIVE SUMMARY.** Also, the VIPD and more specifically the use of force work group continues its efforts to develop templates for Supervisors that will be utilized for use of force investigations and Response to Resistance Reports. These templates will be instrumental in establishing across the board consistency in the quality and format of force investigations and also in the completion of RRR's.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The question remains: What was actually accomplished on the production of these resources? Are the templates close to completion? Is there a target date? The IMT would like to see prototypes ASAP.*

**VIPD EXECUTIVE SUMMARY.** Additionally, work continues as it relates to the review of policy 3.2(reporting, review and investigation of use of force), draft policy for the proposed Force Review Board and use of force policy 3.1 which was submitted to the Policy Committee for review. Anticipated challenges as it relates to the proposed force review board includes but not limited to identifying appropriate personnel as members of this review board, considering the challenges the department is already facing pursuant to inadequate levels of command or supervisory personnel.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*Promotional exams were conducted during this quarter; however, the number of successful completions fell below desired levels. More will be reported in subsequent reports as to the next step(s) going forward.*

**VIPD EXECUTIVE SUMMARY.** The use of force work group completed their audit of the first quarter of 2014. This report likewise will be shared with IMT and USDOJ. Going forward the use of force work group tweaked their section of the consent decree establishing a matrix that identified sections of the use of force section of the decree further broken down in subsections, so as to be able to target and address each mandate contained in each paragraph. A copy of this tweaked matrix was submitted to IMT June 30, 2014 along with a biweekly report. The following use of force paragraphs 32-36, including subsections were submitted to the Court for possible compliance by August 15, 2014.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The IMT has also reworked the CD into subsections for use going forward. We will review the VIPD/work group "tweaking" for consistency.*

The efforts of the Force Working Group have been commendable. They are attacking some of the most frequently occurring themes in their review of force incidents that have caused the department to miss opportunities to find compliance. Supervisors not making it to the scenes of force incidents being just one example. Working on templates and other resources to focus both officers and supervisors on their recurring duties consistent with VIPD's force policies and the Consent Decree is another. Finally, the development of the Force Review Board and its related investigation policy will address a myriad of issues the department has been struggling with. We hope that the VIPD leadership team will put a priority on completing these policies and implementing them in the 3rd Q



of 2014. Any delay will only continue to exacerbate issues for both the department and its personnel as well as the citizens who deserve this level of professional policing.

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.

**VIPD REPORT:** During this reporting period, the VIPD and specifically the use of force work group continued to review the Officer Involved shooting policy in conjunction with the Reporting review and investigation of use of force policy 3.2. As previously reported the use of force work group will incorporate the Officer Involved Shooting Policy with policy 3.2. Also, a draft force review board policy is also being reviewed and policy 3.1 already reviewed by the use of force work group, VIAG and VIPD's legal Counsel is currently with the Policy Committee for review. All of the policies identified above will be shared with USDOJ and IMT prior to department dissemination.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*Each of these policies should be stand-alone. The investigation of an officer involved shooting should be a stand-alone policy. The Force Review Board should be a stand-alone policy. Remedial care for a police officer after a shooting incident should be a stand-alone policy. Most police agencies see each of these plus others separate policies relevant to the area of deadly force as significant and worthy of individual attention.*

**(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.

**VIPD REPORT:** As previously reported, the VIPD in an effort to assist Supervisors in complying with paragraph 32, developed and posted posters at designated locations within all Zones in both Districts. These posters provided information on reporting requirements and time limits and outlined elements of each of the four levels of force. These posters were also forwarded to IMT more than two quarters prior. Continuing with this effort to assist Supervisors and Officers in use of force reporting requirements, and overall assist the VIPD in achieving substantial compliance, the use of force work group is currently developing templates inclusive of use of force investigation and Response to Resistance Reports (RRR). They are expected to serve as a guide for Supervisors as they conduct their investigations and also lends to consistency in format and quality of investigations. These templates as they are being developed will be shared with IMT for their anticipated input.

#### **PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The VIPD has made significant progress in making sure the reports and reviews of force incidents get reported and reviewed. The glitch is contemporaneous response of a supervisor to the scene of the use of force (which the VIPD issued a Commission's directive) and consistent application of the policies throughout the territory. Templates alluded to in the VIPD report are not yet completed by the working group. They are, however, a good learning and reminder tool which should assist the department. We are encouraged by their willingness to engage this process, but mindful that developing the documents is but one small step in a process of learning and implementation of a whole process. Develop templates and checklists for both supervisors and officers to follow in completing and investigating all reportable uses of force as required by VIPD policy.*

**(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.

**VIPD REPORT:** During this reporting quarter, the use of force work group determined through previous audits completed that a directive is required to mandate the appearance of an on-duty Supervisor to the scene of all use of force incidents regardless if it occurred outside of their area of assignment. This will ensure at a minimum Supervisory preliminary on scene assessment of all use of force incidents regardless of force level and will further ensure that required steps as per the consent decree are being followed. However, subsequent to the approval and dissemination of this directive, it was disclosed that a section of this directive conflicted with current force related policy which, requires Supervisors to travel to all use of force incidents with the exception of level 4. Brief ensuing discussions entertained the suggestion of amending the directive to only mandate the appearance of an on duty Supervisor from outside his or her assigned area to the scene of a use of force incident, if no Supervisor is available in the area or Zone where the use of force incident occurred. A copy of the original directive # 002-2014

(effective date May 30, 2014) was submitted to IMT May 28, 2014. However, as of this report, a revised directive has not yet been generated and disseminated.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The VIPD has not been consisted in ensuring that contemporaneous to a force use that the supervisors respond in a timely way to the scene of a use of force, that they have examined the subject for injuries, that they have interviewed the person for complaints of pain or injury and finally to ensure that subject(s) receive timely medical attention. The monitors are fully aware that some of these requirements are done (and properly reported) in some cases while, in others they are not. The inconsistency of application of these requirements is not just an isolated issue. It is territory wide. It is district wide and even disparate by shifts and supervisors. Develop templates and checklists for both supervisors and officers to follow in completing and investigating all reportable uses of force as required by VIPD policy.*

**(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.

**VIPD REPORT:** The VIPD since the initiation of quarterly audits by work group of their respective areas has conducted three quarterly audits thus far. The third audit conducted of the first quarter of 2014 concluded June 30, 2014 of this reporting period. The audit report for this audit will be shared with USDOJ and IMT after VIPD's internal review of the report is completed. As deficiencies are identified in these audits, 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. These quarterly audits are expected to disclose the extent to which there is compliance or non-compliance with the mandates as outlined in paragraph 34 of the consent decree; to which the VIPD will respond with the implementation of corrective measures in a timely manner.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The supervisors and department chain of command have been designated as the investigating body of force incidents by VIPD policy. They are to review, evaluate and document each use of force. The VIPD leadership team has had a mixed response to completing these requirements. Based on VIPD's own audits, not all supervisors address all the elements required, not all managers evaluate and document inconsistencies in reporting on in the investigation itself. Territory wide the application has been mixed. To its credit the VIPD has recognized this and is in the process of adopting several programs and methods to address the identified weaknesses or issues outlined in our reviews and later confirmed by their audits. It is not lost on us that this could be expected to occur. The whole system and their*

*associated processes are new to everyone including the leadership team.*

*Write, train all relevant personnel and implement a Force Review Board policy. Write, train all relevant personnel and implement a Critical Incident Investigation Team for the VI Territory. Complete the Supervisor's template and checklist for the investigation and review of officers' use of force. Train and implement for all relevant members of the staff. Complete, train all relevant personnel and implement a template for how to properly document, write and complete all the necessary documents for an officer's use of force.*

**NOTE:** *The PPE Comments and Recommendations for Paragraph 34 apply equally to Paragraphs 35, 36, 37, and 38.*

**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.

**VIPD REPORT:** An equipment audit was conducted in both Districts during the first quarter of 2014 to assess if the VIPD has attained compliance with paragraph 39 & 41, and to specifically assess the following: whether sworn personnel do possess or use unauthorized firearm; determine whether sworn personnel possess or use unauthorized ammunition; determine whether the service ammunition obtained by Officers is obtained through official VIPD channels; determine whether 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 and Whether Officers carry an intermediate force device at all times while on-duty. This equipment audit was forwarded to the Police Commissioner and others for review. Subsequent to the completion of this review process the report will be shared with IMT and USDOJ.

#### **PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*This type of audit/inspection is standard practice within most police agencies. Generally completed by the first line supervisor prior to the officers' tour of duty. Incorporating this practice and oversight is recommended. The audit should really address whether supervisors and managers are requiring that the inspections be done. We look forward to reviewing the results of this audit and expect that the VIPD will provide the results soon.*

*Develop a line tool to implement throughout the territory where supervisors are required to inspect all personnel and the associated work areas of the VIPD for compliance with this requirement and other safety regulations associated with policing.*



**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.

**VIPD REPORT:** The VIPD continues to provide training on an ongoing basis to include roll call and annual in-service trainings, which is again scheduled for August 2014, and will be reported further in subsequent quarterly reports. Annual in-service and roll call trainings includes in-class review of department policies, including the Off-duty Official Action policy developed in direct response to paragraph 40 and the administering of a competency exam to assess both retention, application and comprehension of information presented.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The policy has been written and issued. The paragraph has been taught to the relevant personnel. However, it has not been implemented. Where opportunities to demonstrate compliance have occurred the VIPD has not provided documentation to show whether or not the relevant subsections of this paragraph were acted upon or even considered. Given that officers taking police action while off duty is a rare event, when it does occur the VIPD needs to have in place a procedure to ensure that appropriate steps are taken to document its response.*

*We recommend that the commission issue a directive that outlines steps to be taken when an officer takes official police action while off duty. It should include all the relevant tasks of this paragraph plus if appropriate where personnel are not on scene with the authority to implement the tasks of this paragraph. The on-scene supervisor is directed to call out personnel to handle the event.*

**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.

**VIPD REPORT:** An equipment audit was conducted in both Districts during the first quarter of 2014 to assess if the VIPD has attained compliance with paragraph 39 & 41 and specific to paragraph 41, determine whether Officers carry an intermediate force device at all times while on-duty. This equipment audit will be shared with USDOJ and IMT after the VIPD completes its internal review of the report. Also, as it relates to training, the VIPD continues to provide training on an ongoing basis to include roll call and annual in-service training, which is again scheduled for August 2014, and will be reported further in subsequent quarterly reports.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*This type of audit/inspection is standard practice within most police agencies. Generally completed by the first line supervisor prior to the officers' tour of duty. Incorporating this practice and oversight is recommended. The audit should really be addressing if the supervisors and managers are not requiring that the inspections be done. We look forward to reviewing the results of this audit and expect that the VIPD will provide the results soon.*

*Develop a line inspection tool to implement throughout the territory where supervisors are required to inspect all personnel and the associated work areas of the VIPD for compliance with this requirement and other safety regulations associated with policing.*

## **II. CITIZEN COMPLAINT PROCESS**

**VIPD EXECUTIVE SUMMARY.** During this reporting quarter, VIPD's public service announcement consistent with consent decree mandates continue through various means, including radio, television and printed materials. The VIPD continues to receive complaints through the designated means and at the consent decree authorized locations in both Districts. Although the Action Plan was rescinded by the Court, the VIPD continues to require the completion and submission of inspection reports for the availability of information materials at all required locations in both Districts. This was evident during this reporting quarter as inspection reports were submitted along with biweekly reports for the citizen complaint process work group.

In response to timeliness issues pertaining to the completion of complaint investigations, the Police Commissioner issued a directive in each District that required "identified Supervisors" to complete all assigned investigations that are outstanding for 2013. All cases submitted as a result of this directive will be reviewed to ensure that the quality of the investigations was not compromised in an effort to meet deadline for case submission. Cases not meeting quality standards will be returned for correction. A similar directive is anticipated for outstanding 2014 cases and will be reported in future quarterly reports.

The VIPD during this reporting quarter was able to accomplish the task of affording access to IAPRO from either District for the Director and Assistant Directors of IAB. This was verified by the IMT during a site visit to both Districts the week of June 9-13, 2014. Both Directors could now view and access IAPRO cases from either District. A collaborative effort between MIS and IAB made this possible.

Additionally, the citizen complaint process work group completed their audit of the first quarter of 2014, June 30, 2014. All audit reports completed by the respective work groups will be submitted to the Chairperson of the Audit work group for review, compilation and submission to the Police Commissioner for final review. Upon the completion of this internal review process the final audit report will be shared with IMT and USDOJ.

PPE RESPONSE: COMMENTS & RECOMMENDATIONS

*The most significant challenge in the Citizen Complaint Process area continues to be the timely completion of investigations. This occurs territory wide and ranges from the most insignificant complaints to the most serious allegations. While there have been some limited efforts to address this issue, obviously more attention and action must occur to insure that supervisors and managers are paying attention to the issue; they must be held accountable for their actions/inactions. This concern threads through most paragraphs regarding citizen complaint process. As recently as the July CD monthly meeting, the VIPD acknowledged timeliness continues to be an issue, but is improving.*

*The IMT has heard repeated promises to hold supervisors accountable for not completing work required/related to the CD. Historically, application of such promises has been uneven. We recommend (again) that supervisors, territory wide, be held accountable for their actions and inactions, including discipline.*

COMPLIANCE SUMMARY – CONSENT DECREE PARAGRAPHS

**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.).

**VIPD REPORT:** The VIPD continue this reporting period towards compliance with paragraph 44 by ensuring that complaints could be filed in the various means as indicated. Also, the duty officer is authorized by implemented policy to take complaints including third party complaints filed at any Zone. Each complaint is resolved in writing and forwarded to complainant as notification of the final disposition of their complaint. Evidence of this practice has been provided to IMT and IMT also has access to IAPRO to view case files. Additionally, IAB submits to IMT a monthly case listing, which affords the opportunity to select and review any cases they wish to review. A review of a case file discloses all accompanying documentation associated with that case file to include notification to complainant of final case disposition. Additionally, each complaint continues to be assigned a complaint number which is also provided to the complainant and each complaint is tracked.

The IMT has indicated that timeliness of complaint investigation is an issue and the VIPD during this reporting period as a first step to address this issued a commissioner's directive. A copy of this directive for each District was submitted to IMT. This directive provided specific deadline for the submission of all outstanding 2013 complaint investigations and a similar directive will be forth coming for outstanding 2014 complaint investigations. All the completed investigations received as a result of the directive will be scrutinized through the appropriate channels and any not meeting established standards will be returned to be corrected and resubmitted.

PPE RESPONSE: COMMENTS & RECOMMENDATIONS

*The most significant challenge in the Citizen Complaint Process area continues to be the timely completion of investigations. This occurs territory wide and ranges from the most insignificant complaints to the most serious allegations. While there have been some limited efforts to address this issue, obviously more attention and action must occur to insure that supervisors and managers are paying attention to the issue; they must be held accountable for their actions/inactions. This concern threads through most paragraphs regarding citizen complaint process\* - will not continue to repeat this concern thru all paragraphs.*

*The IMT has heard repeated promises to hold supervisors accountable for not completing work required/related to the CD. Historically, application of such promises has been uneven. We recommend (again) that supervisors, territory wide, be held accountable for their actions and inactions, including discipline.\**

*Historically, documentation regarding training on the components listed in this paragraph have been incomplete or not to be found. Ongoing training related to this paragraph must be documented in PowerDMS; VIPD needs to provide IMT off-site access.*

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

**VIPD REPORT:** As stated previously, training is a repetitive cycle that principally occurs during roll call and annual in-service trainings. The Next scheduled in-service annual training is scheduled for August 2014, in both Districts and will include training on the preponderance of evidence standards. Also, as the use of Power DMS increases and is fully established, the delivery of training including the administering of competency exams will be more expedient and effective in targeting employees for training.

PPE RESPONSE: COMMENTS & RECOMMENDATIONS

*During the second quarter of 2014, VIPD did provide documentation demonstrating that supervisors who did not attend the preponderance of evidence training and/or failed the post training examinations were provided remedial training. The IMT will continue to monitor the application of the standard to investigations; VIPD should do the same through their audit process. The IMT considers that the VIPD reached substantial compliance in the Second Quarter.*

**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.

**VIPD REPORT:** Through the completion of quarterly audits, the VIPD is ensuring that substantial compliance with paragraph 47 as well as other consent decree mandates is maintained. The third



quarterly audit was conducted of the first quarter of 2014 and was completed June 30, 2014. This report will be shared with USDOJ and IMT after VIPD's internal review process is completed.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The VIPD provided information regarding Second Quarter during the Third Quarter. The IMT will verify VIPD findings during the Third Quarter. The IMT will continue to monitor level of compliance; VIPD should do the same through their audit process.*

**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.

**VIPD REPORT:** The VIPD continues during this reporting quarter to implement the requirements of paragraph 49 to include in particular ensuring the numbering and tracking of all complaints received. Also, through IAB providing notification to the Police Commissioner on an ongoing basis and within twenty four hours or less for specific violations such as allegations of excessive force and or violations of constitutional rights, as required by the consent decree.

As tangible evidence of compliance, the VIPD has provided IMT with complaints with assigned complaint numbers, copy of investigative check sheet utilized by IAB to indicate date and time of notification to the Police Commissioner for cases of excessive force or allegations of constitutional rights violations and this practice of documentation continues. Also, during recently instituted quarterly audits completed by work groups of their respective areas of the consent decree and shared with IMT, the citizen complaint process group reviewed complaint cases in both Districts. This affirmed among other things that each complaint was assigned a complaint number. The VIPD also continues to provide IMT on a monthly basis, an electronic copy of all case listings for each preceding month, as was evident during this reporting quarter for the months of April May and June 2014. Additionally, the VIPD has provided IMT with onsite access to IAPRO to view all cases and the MIS Bureau is further working to provide IMT access to IAPRO offsite or from their Residential location in the United States.

The IAB as established through department policy continues to be the primary and centralized Bureau responsible for determining whether an investigation will be assigned to a Zone or retained by IAB. The IAB further generates reports through IAPRO that identifies all cases received, the area of assignment for investigative purposes, and whether the case has been assigned to the Command or Zones or retained by IAB. These reports as stated prior continue to be shared with IMT on a monthly basis and or as requested.

Additionally, during this reporting quarter, the VIPD is pleased to report that the Director as well as the Assistant Director of IAB are now both able to access cases in IAPRO from either District as a result of collaborative efforts between MIS and IAB. The MIS Bureau provided the IAB with updated laptops in each District and MIS further made the necessary "IT configuration" which facilitated access to cases in IAPRO from either District. As a matter of fact during IMT's site visit to the Territory during the week of June 9-13, 2014, IAB demonstrated this accessibility to IMT in each District.

On the basis of the preceding accomplishments with respect to paragraph 49, the VIPD submits that it has substantially complied with the requirements of paragraph 49 as outlined in the consent decree.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*During the second quarter of 2014, IAPRO access, territory wide, was provided to the IAB Director and Assistants. VIPD is in substantial compliance at this time. VIPD should continue to monitor through their audit process; IMT to continue to monitor. VIPD must work to provide IMT off site access to IAPRO.*

**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.

**VIPD REPORT:** VIPD's efforts to maintain substantial compliance with paragraph 50, includes the coordination and implementation of training on the complaint policies on an ongoing basis. In addition to annual in service trainings, roll call trainings are also being conducted to supplement and reinforce annual in-service trainings. The complaint policies previously approved by the department are included in these trainings. Annual in service training is again scheduled for August 2014, and will be reported in more details in subsequent status reports.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*Substantial Compliance: VIPD should continue to do actions described above. Historically, documentation of training on the components listed in this paragraph have been incomplete or not to be found. Historical and ongoing training related to this paragraph must be documented in PowerDMS. VIPD needs to provide IMT off-site access.*

**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.

**VIPD REPORT:** The VIPD's Training Bureau is currently coordinating annual in-service training that is scheduled to start July 2014 in both Districts. This training is anticipated to include policies such as the Citizen Complaint process policies 7.1, 7.3 and also training on the preponderance of evidence standard. Quarterly audits continue to occur on an ongoing basis and thus far since the initiation of quarterly audits by work groups of their respective areas of the consent decree, they have completed their third quarterly audit June 30, 2014. This audit was completed of the first quarter of 2014 and will be shared with IMT and USDOJ, after an internal review of the audit reports by the VIPD.

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. The completion of audits on a quarterly basis will continue to be instrumental in aiding the VIPD in gauging compliance or noncompliance with paragraph 51 as well as other areas of the consent decree.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*Historically documentation regarding training on the components listed in this paragraph have been incomplete or not found. Historically and ongoing, training related to this paragraph must be documented in Power DMS. VIPD needs to provide IMT offsite access.*

**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.

**VIPD REPORT:** As previously reported the VIPD has developed and implemented policies 7.1 and 7.3 in relation to paragraph 54, as well as other paragraphs akin to the citizen complaint process, as delineated in the consent decree. Training continues to be provided on an ongoing basis through roll call and in-service trainings.

During this reporting period and specifically beginning the latter part of May 2014, the Training Bureau initiated a systematic process where Commanders and Supervisors are receive training on an ongoing basis on how to conduct roll call trainings using prepared roll call training materials from the Training Bureau. They (Supervisors) then conduct roll call trainings for their subordinates based upon the roll call training that they received from the Training Bureau. Documentation relative to these roll call trainings were submitted to IMT during this reporting period.

Additionally, annual in-service trainings are pending for August 2014, in both Districts. The continuation of quarterly audits will aid the VIPD in identifying areas of compliance and noncompliance as it relates to paragraph 54, and also in developing and implementing corrective measures aimed at acquiring substantial compliance. These quarterly reports will continue to be shared with IMT and USDOJ.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The VIPD provided information regarding substantial compliance during the Third Quarter. We will assess on the next site visit. This note also applies to Paragraphs 55 and 56.*

**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.

**VIPD REPORT:** During the previous (First quarterly for 2014) the following was reported "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". As a follow-up for this quarterly report, remedial trainings were conducted March 25, 2014 on the preponderance of evidence standard for six (6) Supervisors in the St. Thomas/St. John District and an electronic copy of the training summary report for this training to include attendance roster was submitted to IMT April 22, 2014. Additionally, remedial training requested by the IAB for six individuals in the St. Thomas/St. John District for violation of rules and procedures that did not warrant disciplinary actions, also implemented March 25, 2014. An electronic copy of the training summary report to include attendance roster were also submitted April 14, 2014 to IMT.

Additionally, the continuation of quarterly audits will aid the VIPD in identifying areas of compliance and noncompliance as it relates to paragraph 58. These audits are also expected to aid in developing and implementing corrective measures aimed at acquiring substantial compliance.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The IMT agrees with the VIPD assessment.*

### **III. MANAGEMENT AND SUPERVISION**

**VIPD EXECUTIVE SUMMARY.** An electronic copy of the quarterly patterns and trends data representing the first quarter of 2014 for the St. Croix District was submitted to IMT April 9, 2014. This is a comprehensive report delineating incidents reported for the reporting quarter including complaints, administrative investigations, discretionary arrest, use of force, vehicle accidents and alerts triggered.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*While the VIPD has been generating and disseminating reports from their RMS. Specifically, there has been critical information shared with supervisors and managers that directly impacts EIP. However, the response from supervisors and managers to such information has been inconsistent and, sometimes non-*

*existent. Once again, the IMT emphasizes the importance of holding supervisors and managers accountable for their actions/inactions. (As of the July 2014 monthly meeting, the VIPD acknowledged similar shortcomings.)*

**VIPD EXECUTIVE SUMMARY.** The VIPD in an effort to provide training on an ongoing basis has identified and consulted with Mardenborough & Associates as a potential vendor to conduct training including areas such as conflict resolution and crisis management. Thus far, a proposal has been received from the vendor and is being reviewed and will be reported in further detail in subsequent status reports.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The IMT will continue to monitor applicability of training to CD concerns.*

**VIPD EXECUTIVE SUMMARY.** During this reporting quarter the VIPD in an effort to address the need for Data Analysts for both Districts, included in their 2015 Budget request to the USVI Legislature, a request for a Data Analyst for each District. However, there is no guarantee that this request will be granted, the VIPD however is hopeful that it will. While on the subject of Data Analyst, the IAB completed the entry of all civil suits received to date in both Districts. However, some of the civil suit cases are missing information pertinent to complete each case entry. The IAB has completed a listing of the cases that are missing information for submission to the VIAG. If the missing information is available and could be provided by the VIAG it will be entered.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The “iffy” nature of this approval to resource acquisition is cause for concern. Even if the Legislature approves the budget request, data analysts would not be in place for a period of time. We urge the VIPD to continue to look for alternatives within existing resources and staffing shaping the patterns and practices it is conceived to address.*

**VIPD EXECUTIVE SUMMARY.** As it relates to the VIPD’s audit policy, full implementation is stymied attributable to challenges such as inadequate command level personnel and financial limitations to name a few. The VIPD however, is considering alternatively editing specific language in the policy to allow a frame work of operation more conducive and practical based upon current availability of resources. More will be reported in future quarterly reports reflective of this effort. None the less, the VIPD continued this reporting quarter to follow through with the completion of audits on a quarterly basis by work groups of their respective areas of responsibility with respect to the consent decree. The third quarterly audit conducted of the first quarter of 2014 was completed June 30, 2014 and the audit report for this audit will be shared with IMT and USDOJ after review by the VIPD.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*Shaping the audit process to available resources may be a necessity. If so, the Work Group has to be cognizant of focusing on critical priorities. A more robust resource commitment to allow for full effort is a better option, compliance with existing VIPD policy to stand up the Inspection Unit would be the best option.*

**VIPD EXECUTIVE SUMMARY.** The Director of IAB informally has been designated as the Point person for the Management and Supervision work group. Also, the Assistant Police Commissioner was designated as the Chairperson. Since recently being designated as the point person for this group, three draft directives were developed and submitted to the Assistant Commissioner June 30, 2014, concerning the following: (1) revision to the Vehicle Pursuit policy; (2) specific timelines for submission of EIP data from Human Resources Bureau, Payroll Section and Training Bureau and (3) the submission of all K-9 Deployment data and K-9 bites, holds, apprehensions or other use of force involving VIPD K-9 on a monthly basis to IAB, Planning and Research Bureau and the Office of the Chief. More will be reported in future quarterly status reports with respect to these proposed draft directives submitted for approval and implementation.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The appointment of a new chair and point person to this group is significant. It portends positive achievements.*

**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.

**VIPD REPORT:** The IAB continues to generate and disseminate reports as required by paragraph 59 of the consent decree on a weekly, monthly and quarterly basis through the use of IAPRO. Quarterly patterns and trends data are submitted to the VIPD's chain of command to include IMT, as was the case on April 9, 2014. Also, EIP allegation alerts are also submitted to the chain of command and IMT as was the case April 22, 2014. However, it is important to note that VIPD's RMS is not limited to IAPRO, although IAPRO is a principal data source.

Also, in an effort to assist the chain of command in being more competent with the use of IAPRO, the IAB is currently coordinating with IAPRO representatives to conduct free webinar training. More will be reported concerning this effort in future quarterly status reports.



Quarterly audits continue to be completed as a self-assessment to aid the VIPD in identifying areas of compliance, obstacles to achieving compliance and also in identifying corrective measures. The third quarterly audit was conducted of the first quarter of 2014 and was completed June 30, 2014 and will be shared with IMT and USDOJ.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*IMT acknowledges that LAB is generating and disseminating reports as required by this paragraph. However, the management and supervisory response to such information has been inconsistent and, sometimes, non-existent. VIPD, at monthly CD meeting in July, acknowledged similar shortcomings.*

**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.

**VIPD REPORT:** During this reporting quarter the VIPD continues to collect and enter into IAPRO information as represented in paragraph 60 subsections a, b, d, e, f, g, h, i, j, and k. Subsections (b) and (c) are not currently being captured in IAPRO. In fact, as it relates to subsection (b) or canine bite ratios, this is computed using the number of deployments to canine bites and an excel spreadsheet is utilized to accommodate the data. Additionally, with respect to information on the number of canisters of Chemical Spray used by Officers, since the Training Bureau issues the Canister of OC Spray the records pertaining to issuance is maintained with said Bureau and shared with IAB for analysis purposes.

Additionally, with respect to subsection (h) all of the civil cases to date have been entered into IAPRO for both Districts. However, some of the cases entered are still missing certain fields of information and the IAB is completing a list identifying the cases in each district that is missing information. This list will be

forwarded to VIAG. The VIPD however, is still working to employ permanent data analyst and have included a budgetary request in their 2015 budget for a data Analyst for each District.

Quarterly audits continue to be completed as a self-assessment to aid the VIPD in identifying areas of compliance, obstacles to achieving compliance and also in identifying corrective measures. The third quarterly audit was conducted of the first quarter of 2014 and was completed June 30, 2014 and will be shared with IMT and USDOJ.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The IMT agrees with VIPD information. Additionally, at monthly CD meeting in July, VIPD mentioned a new canine directive issued in current quarter (third quarter) to help address this paragraph. VIPD must continue to work towards compliance by following up on issues regarding canine, oc spray, prisoners injured outside of use of force and the civil cases.*

*IMT to assess on next on-site visit for substantial compliance.*

**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 REPORT:** VIPD's RMS/EIP system includes information as identified in paragraph 61 and as it relates specifically to civilian's race, ethnicity or national origin, these information are also entered if available or provided. Additionally, a recommendation was made from a previous audit conducted by the Management and Supervision group for the modification of the citizen complaint form to include a field for race, ethnicity or national origin. However, that change is not effected on the complaint form.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*VIPD acknowledges that audit recommendation to address this has not been completed. VIPD should adjust complaint form to assist VIPD in reaching compliance. IMT to assess on next on-site visit for substantial compliance.*

**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.

**VIPD REPORT:** As part of VIPD's compliance efforts with paragraph 63, training will continue to take place on the EIP policy during roll call and in service trainings. In-service trainings are again scheduled for July 2014 in both Districts. Also, a critical part of this effort is the execution of audits on a quarterly basis of all aspects of the consent decree to include paragraph 63. The third quarterly audit was

conducted of the first quarter of 2014. This audit was completed June 30, 2014 and will be shared with IMT and USDOJ.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*VIPD has not, at this time, provided documentation that their own protocol is being followed. VIPD should continue to monitor through the audit process; IMT to continue to monitor.*

**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.

**VIPD REPORT:** In service training is pending for August 2014, in both Districts and will include training on policies to include the EIP policy. The VIPD is also coordinating and researching additional EIP training and will report in further details in future quarterly status reports.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*Earlier, VIPD was given substantial compliance for having a protocol approved by DOJ. Since then, additional training has been identified as necessary. VIPD reports that training is currently scheduled for the third quarter.*

*The implementation of this paragraph had been moved to paragraphs 100-101. The following applies: IMT acknowledges that LAB is generating and disseminating reports as required by this paragraph. However, the management and supervisory response to such information has been inconsistent and, sometimes, non-existent. VIPD, at monthly CD meeting in July, acknowledged similar shortcomings.*

*Regarding implementation, the VIPD should ensure that current policies covering how management and supervisors are to respond to these reports is followed. Once again, managers and supervisors need to be held accountable for their actions and inactions.*

**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.

**VIPD REPORT:** During this reporting quarter, the VIPD and more specifically the IAB continues to ensure among other things that information is being entered into IAPRO timely, accurately, and in a complete manner. This information is also maintained in a secure and confidential manner. The IAB also periodically runs quality assurance tests/reports on information maintained in IAPRO. The VIPD also will maintain information consistent with the time requirement as stipulated in paragraph 65; however, IAPRO's full implementation was in 2010.

Quarterly audits continue to be completed as a self-assessment to aid the VIPD in identifying areas of compliance, obstacles to achieving compliance and also in identifying corrective measures. The third quarterly audit was conducted of the first quarter of 2014 and was completed June 30, 2014 and will be shared with IMT and USDOJ.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*IMT to assess on next site visit for substantial compliance.*

**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.

**VIPD REPORT:** During this reporting quarter a meeting was convened on Monday April 7, 2014 with both Districts via video and telephone conference to review, discuss and critique the audit report completed by the work groups of their respective areas for the fourth quarter of 2014. This meeting was chaired by the Police Commissioner. Each work group reviewed their audit report and fielded questions relative to their audit and audit recommendations. A third audit was completed June 30, 2014 of this reporting period covering the first quarter of 2014 and will be shared with IMT and USDOJ after the completion of the internal VIPD review process.

Additionally, with respect to the department approved audit policy, considering the issue of personnel shortage particularly in specific command ranks, full implementation of this policy is not yet accomplished. The policy requires the creation of an Audit Unit which in itself presents some challenges, principally manpower and financial to name a few. Consequently, the department has considered at least one viable option of editing specific language in the policy. More will be reported in future status reports as it relates to full implementation of the audit policy, however, audits continue on a quarterly basis by work group of their respective areas of the consent decree, as reported previously.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*VIPD currently in violation of own audit policy. Audits, particularly in this area, have been very deficient. VIPD should work towards establishment of the audit unit (as required by their own policy) and, meanwhile, continue to improve audit process. IMT to assess on next on-site visit for substantial compliance.*

**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.

**VIPD REPORT:** The VIPD continue to implement the disciplinary matrix consistent with the requirements of paragraph 70. During this reporting quarter, ten disciplinary hearings including three grievances were held in the St. Thomas/St. John District in which the disciplinary matrix was applied. However, as of the close of this reporting quarter the number of hearings in the St. Croix District was not received and will be reported in future status reports. Also, a listing generated at IAB representing administrative hearings for the first and second quarter 2014 with sustained disposition was submitted to IMT June 30, 2014.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*Earlier VIPD given compliance for having matrix approved by DOJ; implementation moved to 100-101. VIPD is reporting that all hearings reviewed are consistent with matrix last quarter. VIPD is to provide information for review at next site visit. IMT to assess at that time.*

**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.

**VIPD REPORT:** During this reporting quarter, the Police Commissioner issued a directive dated May 16, 2014, with an attachment that delineated outstanding 2013 cases for investigation and also identified the individual responsible for each case listed. Each individual listed were directed to complete the outstanding investigations by Friday May 23, 2014. An electronic copy of this memo was also submitted to IMT May 28, 2014. An update will be provided in subsequent quarterly reports as far as number of investigations completed and also including those cases if any returned as a result of deficiencies.

Relative to efforts to extend the statute of limitation from 50 to 90 days, as of the completion of this report representative of the second quarter of 2014, negotiations has not been initiated with either the PBA or LESU. Consequently, there is no progress to be reported at this time.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*A significant challenge for the VIPD continues to be the timely completion of investigations. This occurs territory-wide and ranges from the most insignificant complaints to the most serious allegations. While there have been some limited efforts to address this issue, obviously more attention and action must occur to ensure that supervisors and managers are paying attention to the issue. They must be held accountable for their actions/inactions. As recently as the July CD monthly meeting, the VIPD acknowledged timeliness continues to be an issue, but is improving.*



*The IMT has head repeated promises to hold supervisors accountable for not completing work required/related to the CD. Historically, application of such promises has been uneven. We recommend (again) that supervisors, territory-wide, be held accountable for their actions and inactions, including discipline.*

**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.

**VIPD REPORT:** Since the approval of the disciplinary matrix and policy, the VIPD has continued to implement same with respect to the imposition of discipline. During this reporting period there were ten (10) disciplinary hearings and three (3) grievances held in the Office of the Chief in the in the St. Thomas/St. John District. In all of the hearings held the disciplinary matrix was adhered to. Documentation pursuant to these hearings is available for IMT's review during their monitoring site visit.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*VIPD is reporting that all hearings reviewed are consistent with the matrix last quarter. VIPD should provide information for review at next site visit. IMT to assess at that time.*

## **IV. TRAINING**

**VIPD EXECUTIVE SUMMARY.** Memo dated April 14, 2014 from the Acting Director of the Training Bureau concerning Power DMS and instructions for logging into Power DMS was disseminated to all Sworn and Civilian personnel in the St. Thomas, St. John and St. Croix Districts. Power DMS as the software to accommodate the department's training data base will be utilized for a diverse spectrum of training related functions to include the electronic dissemination of policies to Sworn and Civilian personnel thus eliminating immense volumes of paper reproduction. Also, online competency testing, roll call and policy refresher trainings during annual in-service trainings. A copy of this memorandum was submitted to IMT and USDOJ via email April 15, 2014.

The Training Bureau at the request of IAB, conducted remedial training for five of six Officers cited for violations of the rules and procedural manual that did not rise to the level for disciplinary actions. The sixth Officer was on emergency leave at the time the remedial training was conducted on March 25, 2014 and will have to be rescheduled. This remedial training was conducted by one of the Training Cadres and specifically covered the following: Professional Conduct, Law Enforcement Code of Ethics and Communication Skills for Law Enforcement. This was a two hour training session conducted at the Training Academy in the St. Thomas/St. John District. A copy of the remedial training summary report completed by the Cadre that conducted the training to include sign in sheet and a memorandum dated April 3, 2014 identifying the six Officers for remedial training was submitted to OIM April 14, 2014.

Additionally, as reported during the first quarterly report of 2014, Commander's call training was conducted in the St. Thomas/St. John District on January 16, 2014 on the Preponderance of evidence Standard by the Deputy Chief Of the St. Thomas/St. John District and a follow-up remedial training was conducted March 25, 2014 for the Supervisors that failed to achieve a passing score. An electronic copy of the remedial training summary report to include signature sheet dated March 25, 2014 was submitted to OIM April 22, 2014.

During an on-site visit to the St. Thomas/St. John District, the second week of May 2014, by two Police Practice experts of the IMT (Independent Monitor Team) MIS (Management Information Systems) conducted at IMT's request, a Power DMS power point presentation at the Training Academy. In attendance in addition to the IMT Police Practice experts were the following; Compliance Coordinator, VIPD's consent decree legal representative at the VIAG level, Acting Training Director and Deputy Chief St. Thomas/St. John District. At the conclusion of the presentation IMT noted that the VIPD is much further along with Power DMS than they had thought, which is very welcoming for the VIPD to hear. However, the VIPD is mindful that additional work still needs to be completed to fully benefit from the capabilities of Power DMS.

IMT also noted during that same presentation that PDN assigned to each sworn personnel were not uploaded into Power DMS. This however was remedied during this reporting quarter as the Planning and Research Bureau at the request of the Compliance Coordinator forwarded an updated listing of assigned PDN's for upload into Power DMS. The VIPD procured the software Power DMS not only in response to consent decree mandate to established a training data base, but more significantly to computerize its entire training operation, such that all training data is readily accessible. Towards this end, the VIPD's Training Bureau in collaboration with its' MIS Bureau has received training in the operation of Power DMS, uploaded Sworn/Civilian personnel information, policies, exams, trainings, lesson plans and historical data.

The uploading of historical data as expected is an ongoing process, however, the primary priority is to upload certifying courses that have expiration dates, so as to be able to track and maintain current and up to date Instructor Certifications. Also, as information will be disseminated via Power DMS using department email address assigned to each employee, Sworn as well as Civilian, the Training Bureau as stated earlier in this report issued correspondence dated April 14, 2014 to both Districts. This correspondence advised the chain of command and all personnel to ensure that their department email is operational by April 21, 2014. More will be reported in future reports concerning this effort.

At the request of IMT, a list of policies, lesson plans and trainings conducted to include competency online testing via Power DMS was submitted to IMT May 30, 2014. As reported prior, to date the VIPD has completed online testing using Power DMS and is preparing to expand online testing to include all or as many trainings as feasible for both Sworn and Civilian employees.

As the VIPD continue to expand on Power DMS usage, IMT will continue to be apprised of VIPD's application of Power DMS towards the establishment of a comprehensive training data base. In addition to being used as a training data base other intended functions include for example, distribution of new policies, general orders, directives, notification of impending certification expiration, remedial trainings and scheduled trainings. As the department becomes more competent and familiar with the operation

of Power DMS, the uses of this software will more than likely be expanded even more. The Training bureau is also simultaneously considering the creation and implementation of an SOP applicable to the operation of Power DMS that will delineate procedurally, guidelines applicable to the proper usage and operation of Power DMS and will be reported in further details in subsequent reports.

Additionally, during this reporting period Commissioner's Directive#003-2014 "Instructor selection process" was disseminated within the department in both Districts in direct response to consent decree mandate as outlined in paragraph 74 subsection (c). A copy of this directive was also submitted to the IMT. This directive specifies the qualification and criteria for Sworn and non-sworn VIPD personnel Instructors, as well as Instructors from agencies outside of the VIPD.

The Training Bureau in its continuing effort to comply with the mandates of the consent decree conducted a Use of force training and policy review meeting Tuesday May 20, 2014 in both Districts via video conference. In attendance at this meeting were members of the Training work group, Chief of Police St. Thomas/St. John District, representative of VIAG, VIPD's Legal Counsel and the point person of the Use of force work group. The purpose of this meeting was to review use of force training and policies in specific reference to consent decree mandate as delineated in paragraph 73 & 78. The following policies and corresponding trainings were discussed; Spike Strip 3.10, Vehicle Pursuit 3.9, Off-Duty Official Action 3.8, O.C Spray 3.7, Electric Control Weapon 3.6, Impact Weapon 3.5, Firearms 3.4, Reporting Investigation & Review of use of Force 3.2, Use of Force 3.1, Canine 3.11, Tactical Operations 3.12, and Arrest 12.1. An electronic copy of internal memo dated May 19, 2014 announcing this meeting was submitted to the Independent Monitor Team (IMT) on said date, May 19, 2014. Also, a summary report of this meeting dated May 21, 2014 was submitted to IMT May 22, 2014. A follow-up meeting was tentatively scheduled for November 2014.

Trainings conducted during this reporting quarter in both Districts include the following: Prescription Drug Crimes one day April 1, 2014, fifteen Officers (15) were selected to attend; Practical Kinesics Interview & Interrogation April 21-25, 2014 twenty three (23) Officers were selected to attend; Crisis Intervention May 13-14 & May 15-16, 2014, Active Shooter June 9-13, 2014; Customer service May 9, 2014; Mastering leadership performance for executives June 16&17, 2014; Federal Hate Crime Law ; USVI Hate Crime Legislation And Roll call.

Firearm training was conducted during the first quarter 2014 in the St. Thomas/St. John District as part of in service trainings as previously reported and will also be conducted August 2014, in the St. Croix District during in-service trainings. This training was scheduled to occur sooner in the St. Croix District, but was delayed due to ongoing issues relative to contracting with a private entity for use of their firearms training range.

Also, the Police Recruit class that graduated in the St. Thomas/St. John District during the first quarter of 2014 received training on April 26, 2014, by the Training Bureau on consent decree mandated policies specifically, the following; Acceptance of citizen complaints, Blue team protocol, Data Input Plan, Early Intervention and Off-duty Official Action Plan. IMT was advised of this training through a memo dated May 14, 2014.

PPE RESPONSE: COMMENTS & RECOMMENDATIONS

*The IMT is pleased with the acquisition and implementation of PowerDMS. We've asked for updates on the progress of populating the data categories. The return memos have not, however, delineated the number of files, by category that have been entered into the system. They have been general, repetitive statements about the general classes of information being entered but not specific numbers and descriptions of records. We believe that, by now, we would be receiving reports of training events that were produced in PowerDMS and we are not.*

*This is the first accounting that we've received concerning remedial training. Prior to this, we have received reports that have included "make-up" training and remedial training and we were unable to differentiate between the two. Following a discussion about this, the Commissioner directed the Interim Training Director to develop a field in PowerDMS, separate and apart from "make-up" training. To date, as we point out above, we have not yet seen reports of this type produced directly from PowerDMS.*

*The process of data entry could be clearer to us if we could see a plan with anticipated completion dates. This would enable us to get a grasp on when we might see PowerDMS reports and the types of reports that we might be seeing. While we appreciate this update, it doesn't describe, in enough detail, where we are in the process nor where we can anticipate to be in the coming days and months.*

*Accordingly, we anticipate that the VIPD will produce and make available all records of all future training from Power DMS.*

COMPLIANCE SUMMARY – CONSENT DECREE PARAGRAPHS

**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.

**VIPD REPORT:** Efforts toward attaining compliance with paragraph 73 during this reporting period included the convening of a meeting on Tuesday May 20, 2014 in the Commissioner's conference rooms in both Districts for the purpose of reviewing all use of force courses and policies. This review among other things aimed to identify any areas where improvement is warranted, determine if any Use of Force material required updating and to solicit suggestions on how training could be improved. The following policies and corresponding trainings were reviewed: 3.10 Spike strip; 3.9 Vehicle Pursuit; 3.8 Off duty Official Action; 3.7 OC Spray ; 3.6 Electronic Control Weapon; Impact Weapon; Firearm; 3.2 Reporting, Investigation & Review of use of Force ; 3.1 Use of Force; 3.11 Canine; 3.12 Tactical Operations and 12.1 Arrest. An electronic copy of a summary report for this meeting was submitted to IM May 22, 2014. Also submitted to IMT May 20, 2014 pursuant to this meeting was an electronic copy of memorandum dated May 19, 2014 anticipated participants. The next meeting is tentatively scheduled for November 2014.

PPE RESPONSE: COMMENTS & RECOMMENDATIONS

*The significant tasks to be completed in this paragraph are: Review use of force training semi-annually – Not Satisfied; Ensure the quality, consistency and compliance with applicable law and VIPD policy – Satisfied; Review use of force training semi-annually – Not Satisfied*

*For some time the Training Bureau has been participating in the semi-annual review of use of force policy in conjunction with the Use of Force Working Group and the VIAG's Office. That review has been proceeding for much, if not all, of the past two years. The review of lesson plans by VIAG or VIPD legal staff has been sufficient to ensure that those lesson plans to ensure "quality, consistency, and compliance with applicable law and VIPD policy."*

*For the life of the Consent Decree, however, VIPD has never put a process in place to review use of force training. Training has relied upon the semiannual review of use of force policy to satisfy the requirements of this paragraph. We have indicated on a number of occasions that the review of force policy did not satisfy the requirement to review training semi-annually.*

*On May 20, 2014, the Interim Training Director convened a meeting of command staff and training staff members to conduct the review referenced in this paragraph. We commend VIPD for taking this step forward and assembling the appropriate people who should be involved in this kind of evaluation process. We find that the "committee" also discussed several other training topics that are critically important to the substantial compliance of a number of Consent Decree paragraphs and efforts. While this was an important step in the right direction, we believe that a more rigorous standard for evaluating use of force training must be established.*

*We did not see the development of a set of criteria upon which judgments and evaluation would be established. We did not see a review and evaluation of use of force data, by type, utilized in an analytical way to interpret how training has affected operational performance in the field nor how training might need to be adjusted to meet operational needs. This kind of data is available in LAPRO and should form the basis of an enlightened discussion of the connections between use of force training and its application by officers in the field.*

*While we believe that this committee is the right group of administrators to have present and participating in this kind of evaluation, we think that there should be more structure to its purpose and duties. We also believe that the criteria for evaluating use of force training should match the criteria employed in the required audit protocol.*

*Ensure the quality, consistency and compliance with applicable law and VIPD policy which has been satisfied.*

*The IMT recommends that this Committee meet before Nov. 201 which is the tentative date for its next meeting. There is significant work for this committee. It really needs to create a protocol for this meeting and focus attention to a methodology for conducting analysis of the training function. Their first meeting was an ad hoc unstructured discussion without looking at critical indicators that reflect the effectiveness of training in the field.*

*We need to see a review of use of force information, by type, produced in LAPRO. We also need to see an*

*analysis and review of RRR's that focusses on problems, experiences and new goals for officers and reviewers.*

*Additionally, the categories of review established by this working group should form the basis of the Training Audit Reports. Moreover, the Working Group should determine how well training on policy affects policy implementation, compliance and administration in the field. This too should be an integral part of any Training Audit protocol.*

**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.

**VIPD REPORT:** During this reporting quarter the Training Bureau conducted roll call trainings for Commanders and Supervisors in both Districts. The plan being implemented requires the Training Bureau to train Commanders and Supervisors on the fourth Thursday of each month and the Commanders and Supervisors will in turn provide the training received to their subordinates. The first block of roll call training for Commanders and Supervisors was conducted by the Training Bureau Thursday May 29, 2014 and included topics such as the following: Conduct roll call training, demonstrate how to conduct roll call training and issued materials to conduct roll call trainings. Documentation associated with this training was submitted to IMT June 17, 2014 and specifically were the following: memo dated May 27, 2014 re: Commanders and Supervisors meeting Thursday May 29, 2014; memo dated May 30, 2014 re: roll call guidelines and training schedule; mini power point; five question roll call training test re: policy 3.2; five question test re: Arrest policy 12.1 and Commanders and Supervisors attendance roster for both Districts.

Based upon a memorandum dated June 23, 2014 another session of roll call training was scheduled to take place on Thursday June 26, 2014 and topics for this roll call training included the following: conduct roll call training; demonstrate how to conduct roll call training; issue materials to conduct roll call training and Retrieve prior roll call training documents. As of the completion of this report, no documentation was provided the compliance coordinator for this roll call training and will be forwarded to IMT as soon as they are received.



Additionally, in response to subsection (c) of paragraph 74, directive #003-2014 "Revised Instructor Selection Process" was developed for the expressed purpose of delineating the criteria for selection of Law enforcement Instructors. This directive was reviewed and approved by the Police Commissioner and IMT's input was also received. The effective date of this directive is May 16, 2014 and it was also disseminated in both Districts. A copy was provided to IMT May 21, 2014.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The significant tasks to be completed in this paragraph are:*

- *Ensure the quality of use of force training – Not Satisfied*
- *Develop and implement use of force training curricula - Satisfied*
- *Select and train VIPD officer trainers – Not Satisfied*
- *Develop and oversee in-service training –Satisfied*
- *Develop and oversee roll call training with the Chiefs of Police – Not Satisfied*
- *Establish a procedure for evaluating all training – Not Satisfied*
- *Conduct regular needs assessment – Not Satisfied*
- *Ensure the quality of use of force training – Not Satisfied*
- *This is the same as the requirements for Paragraph 73.*
- *Develop and implement use of force training curricula – Satisfied*
- *Select and train VIPD officer trainers – Not Satisfied*

*While VIPD has published a directive outlining this process, other work remains. The directive refers to "re-certification." We've not seen a definition in a directive or S.O.P. We fully understand that certain tactical trainer certifications come with their own certification or renewal criteria. We have asked for, but have yet to receive, a certification period and re-certification process for general instructors. These are trainers who have successfully completed a basic instructor class. We cannot move forward with this task until these questions are answered. We still have a level of discomfort about the application of the directive since we've not heard a credible argument for delaying the full implementation of the Commissioner's Directive.*

- *Develop and oversee in-service training –Satisfied*
- *Develop and oversee roll call training with the Chiefs of Police – Not Satisfied*

*While we are pleased to see that a product of the May 20, 2014 Working Group meeting is collaboration between the Training Director and the Police Chiefs to better coordinate roll call and Commander's Call training, we have not yet had an opportunity to see outcomes. We are aware of the plans to conduct commander and supervisor instruction on procedures for roll call training. We look forward to seeing the actual training and the corresponding record keeping.*

- *Establish a procedure for evaluating all training – Not Satisfied (See Paragraph 73.)*
- *Conduct regular needs assessment – Not Satisfied*

*We've not yet seen a comprehensive needs assessment that surveys the entire organization in a systematic way to gather information that would be fed back into the training planning agenda. The IMT recommends that the VIPD develop a "master plan" for roll call training and how it will intersect with PowerDMS. It should prepare a report on officer trainer certification, re-certification and*

*how many "waivers" are given. Also: develop needs assessment tool (questionnaire, focus groups, feedback from command staff/instructions); establish in-service training schedule for the year; and revise lesson plans identified as being deficient.*

**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.

**VIPD REPORT:** During this reporting period the Training Bureau continued to coordinate and deliver training for both Districts. In cases where the training was delivered by a vendor outside the Territory, a course outline was submitted in advance of the start of the training and this outline was reviewed by the Training Bureau and copy also submitted to IMT. An example of this is the "Mastering Leadership Performance strategies for executives" and the pending (July 2-9, 2014) "Managing Police Misconduct for Police Supervisors" trainings. The Mastering Leadership Performance Strategies for executives training was conducted by MTAG and PATC (Public Agency Training Council) is scheduled to conduct "Managing Police Misconduct for Police Supervisors" July 2014. The outline and agenda for this training was submitted to IMT June 23, 2014. A Training summary report reflective of the "Mastering Leadership Performance strategies for executives" training is not yet received from the Training Bureau as of the completion of this report. A copy of this training summary report was requested by the Compliance Coordinator and will be submitted to IMT when received.

Lesson plans continue to be submitted to the VIAG for review prior to the implementation of the training. Combination reviews by the Training Bureau and the VIAG ensures that training is consistent with VIPD policy, Law, proper police practices and also ensures that only mandates objectives and approved lesson plans are implemented by Instructors, as required by paragraph 75 of the consent decree. Trainings conducted during this reporting period includes but is not limited to the following: Crisis Intervention; Customer Service; Federal Hate Crime Law and USVI Hate Crime Legislation; Managing Police Misconduct for Police Supervisors; Prescription Drug Crimes; Practical Kinesic Interview and Interrogation; Active Shooter; Mastering Leadership Performance Strategies for Executives and Trainings conducted by the Training Bureau for Commanders and supervisors in both Districts on "how to properly conduct Roll call trainings".

As it relates to training each work shift as a team, this is little more complex to accomplish but the VIPD is exploring various strategies for accomplishing this task without creating too much of a negative impact on patrol operations. Progress with respect to this task will be reported in future quarterly status reports.

#### **PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The significant tasks to be completed in this paragraph are:*

- *Provide training consistent with VIPD policy and law – Satisfied*
- *Ensure that only approved lesson plans are taught – Satisfied*

- *Make effort to train work shift as a team – Not Satisfied*
- *Provide training consistent with VIPD policy and law – Satisfied*
- *Ensure that only approved lesson plans are taught – Satisfied*

*Despite the fact that VIPD has all of its Consent Decree related lesson plans approved by the VIAG, we have noted deficiencies with several lesson plans. These lesson plans do not conform to standards that we generally see in place in the agencies that we are familiar with. We would urge VIPD to undertake a comprehensive review and, where necessary, update and/or revise those lesson plans that do not conform with the standards that we have previously identified.*

- *Make effort to train work shift as a team – Not Satisfied*

*As we have stated previously, most training in all departments is delivered to groups of employees who typically don't all work the same shifts or assigned to the same area. It is generally not easy to pull a whole squad or platoon off shift to attend training at the Academy. The only time that the whole shift team is likely to be all together is at roll call. Team training, if accomplished at all, must usually be conducted during roll call sessions. VIPD has echoed these sentiments and has proposed that they will look at enlarging the roll call agenda to include activities that would satisfy this requirement.*

*We have indicated in several other places in this report that the "Working Group" meeting of May 20, 2014 was critically important to the compliance of several Consent Decree paragraphs. One of these areas is the coordination of roll call training between the Training Director and the Police Chiefs. We again suggest that this group meet again and often to assist with the expansion of roll call training to include a component that would begin to address this Consent Decree requirement. This initiative will require imagination and ingenuity. The more command officers involved in the process, the more likely we are to develop a comprehensive approach and hopefully, sound and workable solutions.*

**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.

**VIPD REPORT:** The VIPD maintains records of lesson plans and other training materials and these are both accessible and clearly dated however, IMT has indicated that the records are not adequate, no documentation on instructor certification or evaluation of instructors. The VIPD appreciates IMT's input and will reevaluate to address the areas considered deficient. The VIPD has taken a giant step in the purchase and implementation of the Power DMS software that is expected to resolve any remaining data base or record management issues. To date, the VIPD has uploaded the following but not limited to lesson plans, policies, exams, historical training data, administered test and uploaded sworn and civilian personnel information to Power DMS, provides notification of impending expiration of certification, upcoming trainings and remedial trainings.

Also, at the request of IMT during this reporting quarter, a listing was provided electronically on May 30, 2014 of all the policies, Trainings and test that have been uploaded to Power DMS to date.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The significant tasks to be completed in this paragraph are:*

- *Keep adequate records of lesson plans and other training materials – Not Satisfied*
- *Keep training documents in a central file - Satisfied*
- *Keep adequate records of lesson plans and other training materials – Not Satisfied*

*While these tasks have remained incomplete for the life of this Consent Decree, major improvements are currently being implemented. VIPD has purchased a software system specifically designed for maintaining training records. This system is very powerful and is state of the art. While it will take some time to enter data and records, this paragraph is clearly on its way to completion.*

- *Keep training documents in a central file – Satisfied.*

*We recommend that the Training Bureau begin compiling their training records in PowerDMS. Each new training class should be entered into the computer system and reports to command staff and IMT should be generated in PowerDMS.*

**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.

**VIPD REPORT:** The VIPD currently continue to maintain training records consistent with the requirements of paragraph 77. Additionally, as reported prior the department has invested in new software namely Power DMS, a cloud base software to accommodate its training data base. Thus far, since acquiring and implementing this software the VIPD has provided periodic updates to IMT via electronic memoranda sent during this reporting quarter specifically April 15, 2014 and May 19, 2014. Also, an onsite Power DMS presentation was conducted at the Training Academy in the St. Thomas/St. John District by one of VIPD's MIS personnel and was attended by a member of the IM team. The application of Power DMS will be to varying extent including but not limited to delivering certain training materials online, to conduct roll call trainings, online testing and the distribution of new policies, general orders and written directives.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The significant tasks to be completed in this paragraph are:*

- *Maintain training records for every officer that document: Training received; Course description and duration; Curriculum; Instructor– Not Satisfied*
- *Maintaining training records for every office that document: Training received; course description and duration; Curriculum; and Instructor – Not Satisfied*

*We have held since the initiation of this engagement that this particular paragraph was designed to implement a record keeping system that was equivalent to that typically found in police agencies around the country. This particular paragraph was designed specifically because the investigators in the course of their work did not find a record keeping system that captured basic elements typically found in police training records. While VIPD has maintained that it has all of the data elements required by this paragraph, we have not found that they exist in a system that allows for recall of each data element for each employee nor are they in a contiguous file system so that the data elements can be retrieved together.*

*There are any number of reasons for the assembly and maintenance of records ordained by this paragraph but chief among them is be able to prove that an employee actually attended successfully completed a training course; that the curriculum for the course was "certified" and current; and that the instructor(s) who taught the course were properly credentialed at the time that they taught the class.*

*This is most important in those classes which are tied to the risk management effort of the agency or the "high liability" areas associated with the exercise police powers.*

*As police practitioners, we have seen standard police training record keeping in a variety of police agencies of all sizes. The current methodology employed by VIPD does not approach this standard.*

*The adoption of PowerDMS as the VIPD Training Bureau record system should vastly improve the effort.*

*As the adoption and implantation of PowerDMS takes place, we recommend its maximum usage. While it may be easier to resort to memos to record training events, we encourage the exclusive use of PowerDMS as the repository for all training records and the linking of lesson plans, tests, instructors and attendance as a standard practice.*

*We are more than happy to assist VIPD with the development of PowerDMS. We are familiar with the system and its features.*

**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.

**VIPD REPORT:** The VIPD continue to ensure compliance with applicable laws and VIPD Policies consistent with paragraph 78 by continuing to submit to the VIAG all use of force and other force related policies for review prior to the initiation of training. Additionally, the VIPD and specifically the Training Bureau during this reporting period as mentioned earlier in paragraph 73 of this report, convened a meeting to review use of force policies and Trainings and legal representative from the VIAG was also a participant of said meeting. A follow up meeting is scheduled for November 2014.

#### **PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The significant tasks to be completed in this paragraph are:*

- *Review use of force training and policy regularly – Not Satisfied*
- *Review use of force training and policy regularly – Not Satisfied*

*The PPE Comments and Recommendations for Paragraph 73 applies equally to this Paragraph.*

**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.

**VIPD REPORT:** Consistent with the ongoing delivery of annual in-service trainings, the next in-service trainings are scheduled for July 2014 in both Districts. This training is expected to include various subsections in paragraph 79 and in addition to the recommended increase usage of the simulator as recommended by IMT, the VIPD anticipates achieving substantial compliance with paragraph 79 in its entirety in the near future. Also, during this reporting period training was conducted in Crisis Intervention May 13-14 and 15-16, 2014 in the St. Thomas/St. John District and May 19-20, 2014 and May 21-22, 2014 in the St. Croix District. There were internal VIPD discussions as to whether or not the crisis intervention training referenced above satisfies subsection (i) of paragraph 79, to which the compliance coordinator recommended that course information relative to said training be forwarded to IMT to enlist their input in said determination.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The significant tasks to be completed in this paragraph are: 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 - Satisfied*
- b. *proper use of force decision-making – Not Satisfied*



- c. *the VIPD's use of force reporting requirements – Satisfied*
- d. *the Fourth Amendment and other constitutional requirements - Satisfied*
- e. *examples of scenarios faced by VIPD officers that illustrate proper use of force decision-making- Not Satisfied*
- f. *interactive exercises that emphasize proper use of force decision-making – Not Satisfied*
- 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 – Not Satisfied*
- h. *threat assessment – Not Satisfied*
- i. *appropriate training on conflict management – Not Satisfied*

*Provide all recruits, officers, supervisors, and managers with annual training on use of force.*

*While a number of the tasks relating to use of force training in this paragraph have been satisfied, we are very concerned that parts of this area were omitted during the most recent recruit class. When this fact was discovered by the monitors, the class had to be pulled from their Field Training to return to the Academy to receive these blocks of instruction.*

*The fact that such an important block of instruction was not conducted during recruit training is significant, on its own; we are extremely troubled that this omission was hardly noticed by command staff. We've not seen any inquiry, investigation or explanation by the senior members of VIPD about how this could happen and the implementation of measures to ensure that it could re-occur.*

*Such training will include and address the following topics:*

- a. *the VIPD's use of force model, as described in this Agreement - Satisfied*
- b. *proper use of force decision-making – Not Satisfied*

*We have indicated previously that during the last round of in-service training, VIPD initiated the use of a force simulator. This was an important upgrade to the entire training operation. We have also reported that during this first round of simulator training, participants always found themselves in a shooting solution.*

*To be effective, simulations do not always conclude with firearms usage. The complete range of options should include voice commands and the use of less lethal weapons. The true measure of a participant's judgment is being able to read, evaluate and respond to the threat level that they face and, if possible, they de-escalate the situation without resorting to force.*

*There is a challenge ahead of VIPD to get all of its officers on a simulator enough times to satisfactorily evaluate their ability to exercise and display the judgment necessary to appropriately address the force situations that they are likely to face.*

- c. *the VIPD's use of force reporting requirements – Satisfied*
- d. *the Fourth Amendment and other constitutional requirements – Satisfied*
- e. *examples of scenarios faced by VIPD officers that illustrate proper use of force decision-making- Not Satisfied See "b." above.*

- f. interactive exercises that emphasize proper use of force decision-making – Not Satisfied. See “b.” above.*
- 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 – Not Satisfied. (See “b.” above.)*
- h. threat assessment – Not Satisfied (See “b.” above.)*
- i. appropriate training on conflict management – Not Satisfied*

*We are very pleased that VIPD has begun conducting Crisis Intervention Training (CIT). To satisfy this requirement, VIPD should train a significant proportion of its operations personnel.*

*Select employees (Command Staff) are not routinely included in department – wide training; especially that designed for supervisors and managers.*

*We recommend that VIPD should explore ways in which it might increase and accelerate simulator training and evaluation. The department should also add issues relating to de-escalation to roll call training.*

**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.

**VIPD REPORT:** Training on citizen complaint process as well as other department policies occurs on an ongoing basis through roll call and annual in-service trainings. The next session of in-service trainings are scheduled for July 2014, and will also include the complaint policies 7.1 and 7.3.

#### **PPE COMMENTS AND RECOMMENDATIONS**

*The significant tasks to be completed in this paragraph are:*

*Provide training on citizen complaint process and protocols. – Satisfied.*

*VIPD should create a set of audit tools that assess continued compliance. The audit tools should assess the effectiveness of citizen complaint training as it is operationally implemented.*

**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.

**PPE RESPONSE: COMMENTS & RECOMMENDATIONS**

*The significant tasks to be completed in this paragraph are:*

- *Provide burden of proof training to all supervisors - Satisfied*
- *Provide supervisory training on leadership and command accountability – Not Satisfied*

*The significant tasks to be completed in this paragraph are:*

- *Provide burden of proof training to all supervisors – Satisfied*
- *Provide supervisory training on leadership and command accountability – Not Satisfied*

*We are aware that most, if not all, of the required training relating to burdens of proof has been conducted and continues to be presented during in-service and roll call training.*

*We also know that training on leadership and command accountability has been conducted but we remain unsure of specific content. While we have seen course outlines for much of this training, we are left without complete knowledge about the training. To get a better sense of the delivery and reception of this kind of training, we have requested that the training sessions be video recorded. Our requests have gone unheeded.*

*The Monitors are therefore concerned about two critical issues:*

- *The first issue relates to the tie between what is taught in the supervisory and management classes and the work that participants perform in the field. We do not see a correlation between the topics relating to supervisory leadership and command accountability and a corresponding improvement in these areas in practice.*
- *The second concern involves the apparent absence of command officers in these supervisory and management classes. This first came to light when we reviewed attendance records of in-service training and discovered that no command officer had attended. The Training Director indicated that they did not need to attend this training because their work brought them into routine review of departmental policies. We do not find this explanation satisfactory.*

*While command officers may not attend the same training as their subordinates, it is typically the case in most departments that command officers receive an overview or briefing that outlines and explains the content and substance of the training that their subordinates are receiving.*

*We have communicated with the instructors of several of the supervision and management courses who have indicated that they typically do not see members of the command staff in class nor do they have briefings where they inform command staff of the content of the training and they point out noteworthy issues of policy and practice that they normally conduct when they train in other departments.*

*The Monitors believe that this situation needs to be addressed and corrected immediately.*

*We again make a request that classroom training be video recorded and forwarded to IMT.*

*IMT recommends that the "Working Group" that met May 20, 2014 examine that manner in which VIPD begins to utilize the lessons learned in supervisory and command accountability training in field operations.*

*IMT recommends that, beginning with the upcoming Tactical Operations Command and Liability Course, the members of the Command Staff participate in training or, at a minimum, initiate a practice of meeting with contract instructors and those who are teaching supervisory and management classes.*

***VIPD REPORT:*** *The Training Bureau coordinated and delivered through MTAG (Marine Tactical Application Global) leadership training entitled "Mastering leadership performance strategies for executives" in the St. Croix District June 12 & 13 and in the St. Thomas District June 16 & 17, 2014. An electronic copy of the course outline and agenda was submitted to IMT May 27, 2014. As of the completion of this report a Training Report has not been submitted to the Compliance Coordinator and will be forwarded to IMT when received.*

*Also, during this reporting period training was conducted on April 26, 2014 for Recruit Officers (that graduated January 2014) on the following policies: Acceptance of Citizen Complaints 7.2; Blue Team 6.3; Data input Plan 6.1 ; Early Intervention Program 6.2 and Off duty Official Action 3.8. An electronic copy of the training summary report for these trainings was submitted to IMT May 15, 2014.*

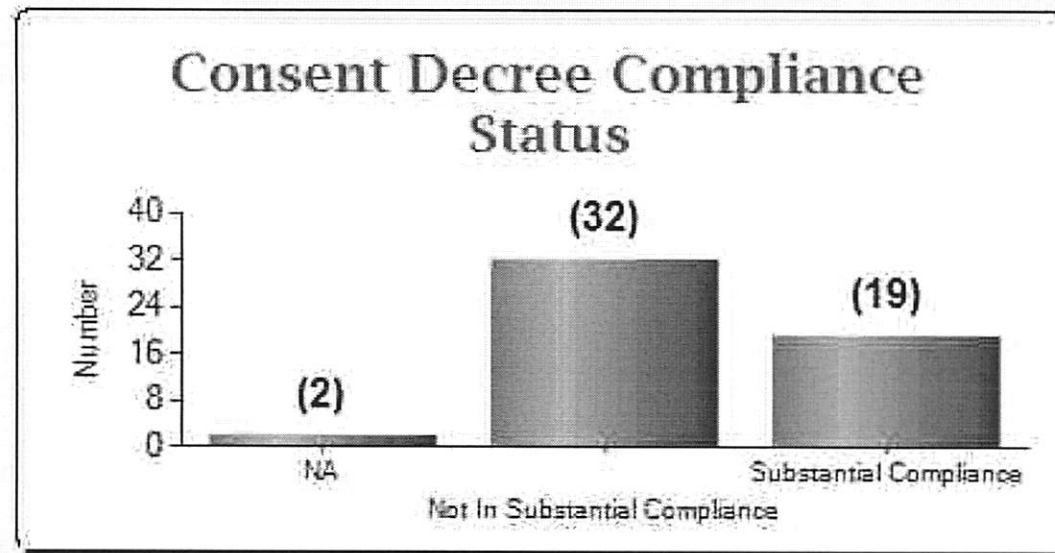
**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

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**VIPD Compliance Snapshot**  
**2nd Quarter 2014**

*US v The Territory of the Virgin Islands & Virgin Islands Police Department*

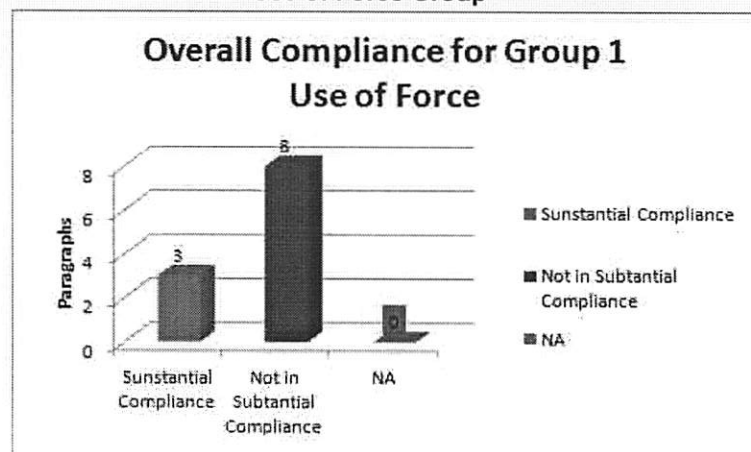
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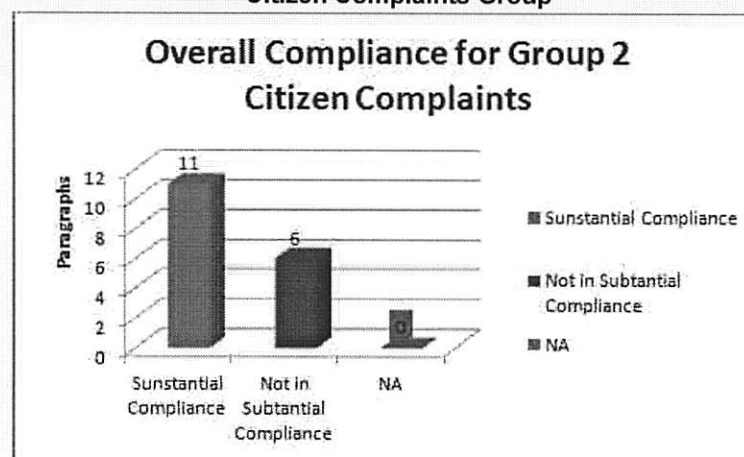


## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

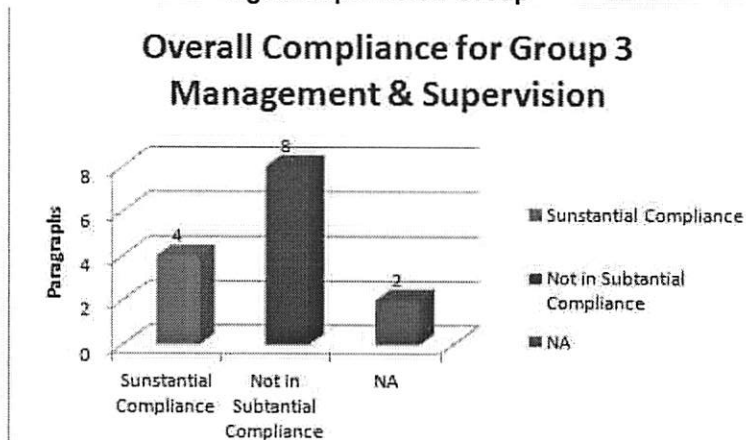
Use of Force Group



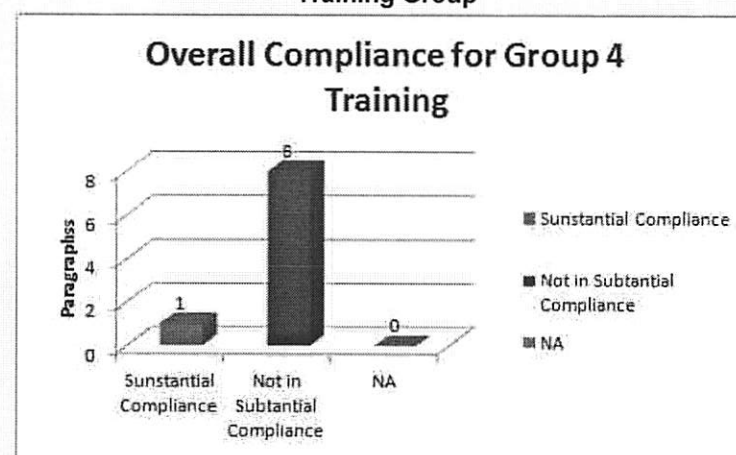
Citizen Complaints Group



Mgt & Supervision Group



Training Group

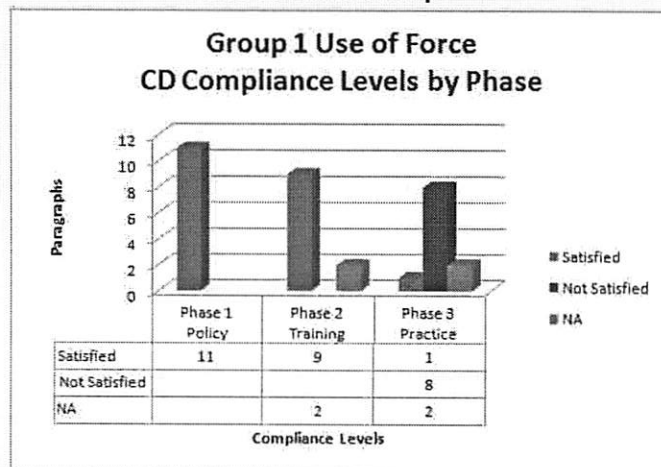




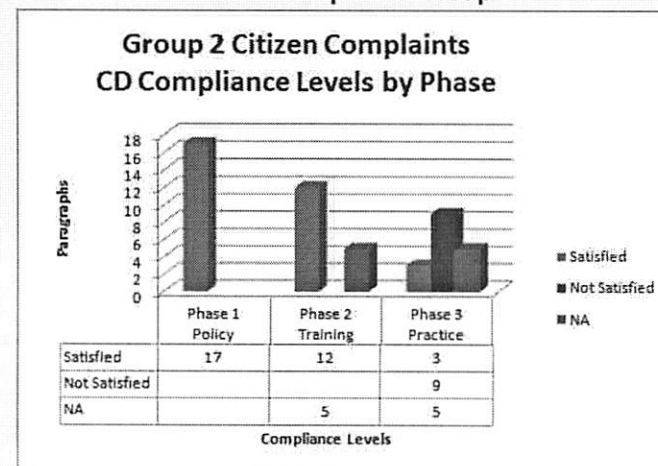
## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

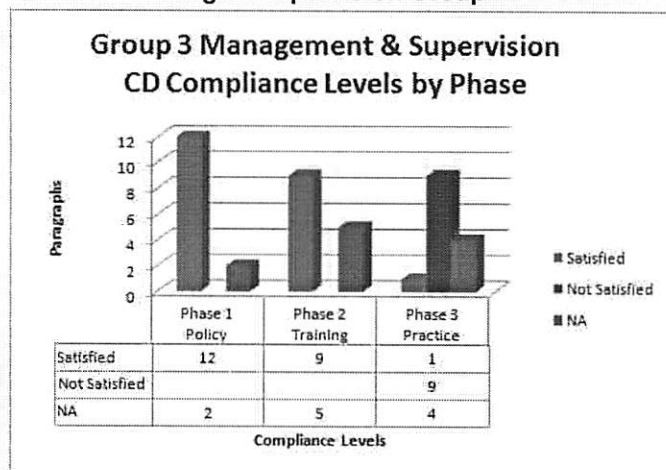
#### Use of Force Group



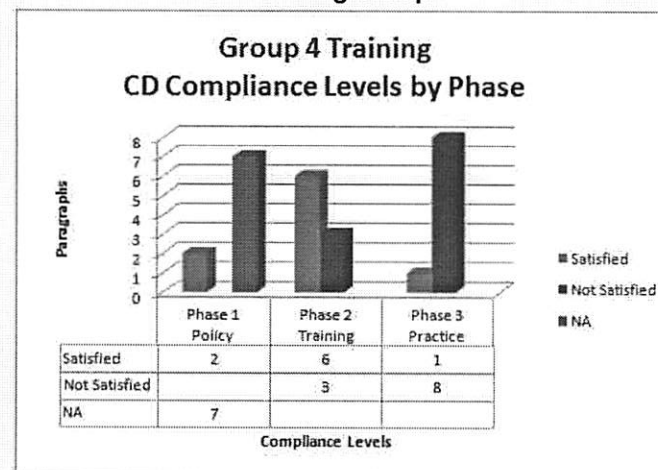
#### Citizen Complaints Group



#### Mgt & Supervision Group



#### Training Group



## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
031	Substantial Compliance	11/06/2013	

**Order Content**

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

**Activity History**

Competency-based training of officers and supervisors on remaining policies by Jan 31, 2013 3.8 Off-Duty Policy 3.9 Vehicle Pursuit Policy 3.10 Spike Strip 3.12 Tactical Operations 3.13 Sniper Operations will be completed by January 31, 2013 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system) and periodically test proficiency with the policies. Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As and arrest reports). Ensure allocation of sufficient staff to input historical and current data into IAPro. Develop and implement a process for identifying personnel who continually fail to report uses of force or otherwise fail to follow the policy and provide and document discipline and/or remedial training.

**Paragraph Substantial Compliance Requirement**

Obtained DOJ approval for all use of force policies that require DOJ approval. Approved policies are distributed to sworn personnel and applicable civilian employees. =>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new or revised use of force policy and demonstrated proficiency through a written examination or skill proficiency exercise (the "proficiency test(s)"); or (b) if sworn personnel have not successfully completed the required initial 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. All use of force training comports with the requirements of 31(a)-(g) of the Consent Decree, and is taught from curricula/lesson plans that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Satisfied	10/13/2013

a Definitions of all force terms are consistent with the Consent Decree, applicable law, and generally

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

	accepted police practices.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
b	Definition of "force" comports with 21 of the Consent Decree.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
c	In =>95 of 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.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
d	In =>95% of the 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.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
e	See 31	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
f	In =>95% of 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, and, in =>95% of patrol and other applicable officers carry less lethal alternatives at all times while on-duty.	<b>Substantial Compliance</b>

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	
<hr/>			
g	In =>95% of use of force incidents, choke holds and similar carotid holds were not used, except where deadly force was authorized, and in =>95% of 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.	Substantial Compliance	
<hr/>			
		Substantial Compliance Goal Date:	
<hr/>			
h	VIPD satisfies all of the requirements of 31(a)-(g) as provided in the "Definition of Substantial Compliance" column in this Chart.	Substantial Compliance	
<hr/>			
		Substantial Compliance Goal Date:	
<hr/>			

Ran On: 08/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
032	Not In Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

Yearly review of policies. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). By November 30, 2012, ensure that the Virgin Islands' Attorney General's Office, the Training Working Group, and the Use of Force Working Group review all use of force policies. Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As and arrest reports to ensure RRRs are completed). This requires allocation of sufficient staff to input historical and current data into IAPro. By June 30, 2013, ensure that audits audit the timeliness of completion of use of force investigations. By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnel who continually fail to report uses of force or otherwise fail to follow the policy and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

=>95% of the use of force incidents have been documented in an RRR and investigated by a supervisor. =>95% of the RRRs will include each of the requirements identified in 32 of the Consent Decree. In =>90% of the 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. =>95% of uses of force comply with applicable law.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a =>95% of Use of Force incidents are documented in reports (RRR) and investigated by a supervisor or designated investigating officer.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

08/15/2014

Ran On: 08/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

b	=>95% of RRRs indicate each and every type of force that was used	Not in Substantial Compliance	Substantial Compliance Goal Date: 08/15/2014
c	=>95% of RRRs contain an evaluation of each type of force used by a supervisor	Not in Substantial Compliance	Substantial Compliance Goal Date: 08/15/2014
d	=>95% of RRRs contain a narrative description of the events preceding the use of force written by the supervisor or assigned investigator.	Not in Substantial Compliance	Substantial Compliance Goal Date: 08/15/2014
e	=>95% of the reports will include a statement written by the officer using the force that contains a narrative of the events	Not in Substantial Compliance	Substantial Compliance Goal Date: 08/15/2014
f	=>95% of the reports will include a statement written by the officer using the force.	Not in Substantial Compliance	Substantial Compliance Goal Date: 08/15/2014
g	=>95% of the reports will include an audio or videotaped statement, unless the level of force used is at the lowest level as described by DOJ approved VIPD policy.	Not in Substantial Compliance	Substantial Compliance Goal Date: 08/15/2014



## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

h =>95% of the RRRs will include each of the requirements identified in 32 of the Consent Decree.

**Substantial  
Compliance  
Goal Date:**

08/15/2014

Paragraph

Paragraph Status

Substantial Compliance Date

Goal

033

Not In Substantial Compliance

08/15/2014

#### Order Content

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

#### Activity History

By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Conduct complete Use of Force Review on quarterly basis commencing on November 30, 2012. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of supervisors or outlining how it intends to use existing supervisors to implement the policies and this action plan. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As, arrest reports and RRRs). This requires allocation of sufficient staff to input historical and current data into IAPro By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training

#### Paragraph Substantial Compliance Requirement

In =>95% of the identified use of force incidents, the officer using force notified his/her supervisor immediately as required by VIPD policy. In =>90% of the incidents 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. In =>90% of the incidents where the supervisor responded to the scene, he/she conducted a complete investigation, including ensuring that the subject received any needed medical attention.

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Satisfied	10/13/2013

Phase 3-Consistent Application:	Status Date:
Not Satisfied	

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

Not in Substantial Compliance

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**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

		Substantial Compliance Goal Date:	08/15/2014
<hr/>			
b	In =>90% of the incidents where the supervisor responded to the scene, within a reasonable period of time, he/she conducted a complete investigation, including ensuring that the subject was examined for any injuries.	Not in Substantial Compliance	
		Substantial Compliance Goal Date:	
<hr/>			
c	In =>90% of the incidents where the supervisor responded to the scene, he/she conducted a complete investigation, including ensuring that the subject was interviewed regarding any pain and received any needed medical attention.	Not in Substantial Compliance	
		Substantial Compliance Goal Date:	08/15/2014
<hr/>			
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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
034	Not In Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By November 30, 2012, VIPD will provide DOJ with an action plan for achieving sufficient numbers of supervisors or outlining how it intends to use existing supervisors to implement the policies and this action plan. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As, arrest reports and RRRs). By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying supervisors who neglect their responsibilities to investigate as required by policy and provide and document discipline and/or remedial training.

**Paragraph Substantial Compliance Requirement**

In =>95% of the reportable use of force incidents, the investigating supervisor had no involvement in the incident (i.e., he/she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize or participate in conduct leading to the use of force incident). In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree. In =>90% of the reportable use of force incidents, the supervisor completes the supervisor's narrative description of the RRR in a manner that comports with the requirements of 34 of the Consent Decree.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

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

**Not in Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	08/15/2014
b	In =>90% of the reportable use of force incidents, the supervisor completes the supervisor's narrative description of the RRR in a manner that comports with the requirements of 34 of the Consent Decree.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	08/15/2014
c	In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree and included a precise description of the facts and circumstances that either justify or fail to justify the officer/s conduct.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	
d	In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree and will evaluate the basis for the use of force, and determine whether the officers actions were within VIPD policy.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	
e	See a, above.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	08/15/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
035	Not In Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files). By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

In =>90% of the interviews conducted during use of force reviews, leading questions were avoided. In =>90% of investigations where material inconsistencies are present between witness statements, reasonable efforts are made to resolve the inconsistencies. In =>90% of the use of force reviews, all relevant evidence, including circumstantial, direct and physical evidence is documented and appropriately considered, and credibility determinations made, if feasible. When evaluating witness credibility, appropriate factors are considered and documented. =>95% of supervisors are trained on how to conduct, review, and evaluate use of force incidents, including but not limited to, what factors to consider when evaluating witness credibility.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

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

**Not in Substantial Compliance**

**Substantial  
Compliance  
Goal Date:** 08/15/2014

b In =>90% of the use of force reviews, all relevant evidence, including circumstantial, direct and

**Not in Substantial Compliance**

Ran On: 08/23/2014

## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

physical evidence is documented and appropriately considered, and credibility determinations made, if feasible.

Substantial  
Compliance  
Goal Date:

- c In =>90% of investigations where material inconsistencies are present between witness statements, reasonable efforts are made to resolve the inconsistencies.  
When evaluating witness credibility, appropriate factors are considered and documented.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
036	Not In Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files). By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

In =>90% of reportable use of force incidents, all involved officers are identified in the investigating supervisor's reports. In =>90% of reportable use of force incidents, all witnesses, to the extent practicable, are identified in the investigating supervisor's reports. In =>90% of reportable use of force incidents, the investigating supervisor ensured that efforts were made to identify and interview witnesses, and documented these efforts in writing. In =>90% of 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. In =>90% of the 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. In =>90% of all 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.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

a      =>90% of the Use of Force reports, the supervisors, or designated investigating officers or units, who

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

supervised the officer using the force, conducted the investigation of all uses of force or injury resulting from the use of force by that officer. This requirement does not apply to the lowest level use of force as defined in DOJ approved VIPD policy.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

08/15/2014

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

08/15/2014

- c In =>90% of reportable use of force incidents, the investigating supervisor ensured that efforts were made to identify and interview witnesses, and documented these efforts in writing. This requirement will be in compliance with the Collective Bargaining Agreement and any other applicable law.

Substantial  
Compliance  
Goal Date:

08/15/2014

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

08/15/2014

- e In =>90% of 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.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
037	Not In Substantial Compliance		

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files). By June 30, 2013, in consultation with DOJ develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

=>90% of the completed use of force case files contained signed documentation from the Chief and/or Deputy Chief indicating that he/she reviewed the completed investigation and the date of such review. In =>90% of the completed use of force investigations in which the Chief and/or Deputy Chief found deficiencies in the investigations, the deficiencies were documented, corrected, and supplemental investigative reports prepared to document the additional investigative efforts. In =>90% of reportable use of force incidents, the Chief and/or Deputy Chief provided a written, signed and dated finding on whether the use of force was justified under VIPD's DOJ approved use of force policies and all other requirements of 31(a)-(g) of the Consent Decree. In =>90% of reportable use of force incidents, supervisors are held accountable for the quality of their reviews, and documented non-disciplinary and/or disciplinary action has been taken when a supervisor or manager: fails to conduct a timely and thorough review; neglects to recommend appropriate corrective action; or neglects to properly implement appropriate corrective action. In =>95% of the use of force incidents where the Commander's/Director's review and evaluation concluded that improper tactics were used, there is evidence that the involved sworn personnel received and successfully completed remedial training, and, if appropriate, were disciplined. In =>95% of the use of force incidents deemed unjustified by the Commander's/Director's review and evaluation, the involved sworn personnel were disciplined, including separation from service with the VIPD when appropriate, and, if separation from service was not appropriate, received remedial training.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

Ran On: 08/23/2014

## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

- a =>90% of the completed use of force case files contained signed documentation from the Chief and/or Deputy Chief indicating that he/she reviewed the completed investigation and the date of such review.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

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**Substantial  
Compliance  
Goal Date:**

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

**Substantial  
Compliance  
Goal Date:**

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
038	Not In Substantial Compliance		

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. Execute any contract(s) necessary to train supervisors or others responsible for conducting ballistic or crime scene analyses by January 31, 2013. Conduct the training by March 31, 2013. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files). By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

=>99% of all critical firearm discharges are investigated and documented. =>95% of all investigations or reviews of critical firearm discharges accounted for all shots. =>95% of all investigations or reviews of critical firearm discharges accounted for the locations of all officers who discharged their firearms. In =>95% of all investigations or reviews of critical firearm discharges, the VIPD conducted ballistic crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate. =>95% of all supervisors (or other personnel) have either: (a) attended and successfully completed the initial in-service training on ballistic and crime scene analyses and demonstrated proficiency through a proficiency test(s) and passed the proficiency test(s); or (b) if supervisors (or other personnel) have not successfully completed the required training and passed the proficiency test(s), the supervisors (or other personnel) have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s); or Where supervisors (or other personnel) have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

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

Not In Substantial Compliance

Substantial  
Compliance  
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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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=>95% of all investigations or reviews of critical firearm discharges accounted for the locations of all officers who discharged their firearms.

Substantial  
Compliance  
Goal Date:

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In =>95% of all investigations or reviews of critical firearm discharges, the VIPD conducted ballistic crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.

Substantial  
Compliance  
Goal Date:

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

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Goal Date:

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
039	Substantial Compliance	11/06/2013	

**Order Content**

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.

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-servicetraining. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of firearm discharge reporting). By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

Obtained DOJ approval for Use of Firearms policy. Approved policy is distributed to sworn personnel and applicable civilian employees. =>99% of sworn personnel do not possess or use unauthorized firearms or ammunition. In =>99% of the cases where an officer is found to be in possession of unauthorized firearms or ammunition, there is evidence that an investigation was conducted and appropriate corrective action was taken which includes bringing the officer's conduct into compliance with the VIPD firearms policy. =>99% of the firearm discharges are documented on a RRR. =99% of the service ammunition obtained and used by officers is obtained through official VIPD channels. =>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for the Use of Firearms policy and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage 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. =>95% of sworn personnel displayed knowledge and proficiency in the use of firearms, as evidenced by compliance with the policy requirements.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Not Applicable		Not Applicable	

- a The VIPD Use of Firearms policy will comply with applicable law and current professional standards, will be approved by DOJ, and is distributed to sworn personnel and applicable civilian employees.

Substantial Compliance

Ran On: 08/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	<input type="text"/>
b	=>99% of sworn personnel do not possess or use unauthorized firearms or ammunition. In =>99% of the cases where an officer is found to be in possession of unauthorized firearms or ammunition, there is evidence that an investigation was conducted and appropriate corrective action was taken which includes bringing the officer's conduct into compliance with the VIPD firearms policy.	Substantial Compliance	
		Substantial Compliance Goal Date:	<input type="text"/>
c	=>99% of the firearm discharges are documented on a RRR.	Substantial Compliance	
		Substantial Compliance Goal Date:	<input type="text"/>
d	=99% of the service ammunition obtained and used by officers is obtained through official VIPD channels.	Substantial Compliance	
		Substantial Compliance Goal Date:	<input type="text"/>
e	See c, above	Substantial Compliance	
		Substantial Compliance Goal Date:	<input type="text"/>
f	=>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for the Use of Firearms policy and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or		<input type="text"/>

**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

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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.

Substantial  
Compliance  
Goal Date:

g

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

Substantial  
Compliance  
Goal Date:

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

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

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. Conduct Use of Force Review on quarterly basis commencing November 30, 2012. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files). By June 30, 2013, in consultation with DOJ develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

Obtained DOJ approval of use of force policy on off-duty officers taking police action. Approved policies are distributed to sworn personnel and applicable civilian employees. In =>85% of reported incidents involving off-duty officers taking police action, the off-duty officer's conduct comports with policies regarding off-duty officers taking police action and 31(a)-(g) of the Consent Decree. =>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new or revised policy regarding off-duty officers taking police action and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel. =>85% of off-duty officers notified on-duty sworn personnel or local enforcement officers before taking police actions, except in exigent circumstances. In =>90% of the incidents where an off-duty officer taking police action appeared to have consumed alcohol, the off-duty officer submitted to field sobriety, breathalyzer, and/or blood tests.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Not Applicable		Not Applicable	

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

**Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
041	Not In Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system) and periodically test proficiency with the policies. Yearly review of policies. Conduct inspections of personnel with report on quarterly basis commencing November 30, 2012. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies (i.e., review of sample of use of force investigation files). By June 30, 2013, in consultation with DOJ, develop and implement a process for identifying personnel who continually fail to report uses of force and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

=>95% of patrol and other applicable officers carry an intermediate force device at all times while on-duty. =>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new or revised policy related to intermediate force devices and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel. =>95% of sworn personnel display knowledge and proficiency on using intermediate force devices, as evidenced by compliance with the policy requirements.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a =>95% of patrol and other applicable officers carry an intermediate force device at all times while on-duty.

Not in Substantial Compliance

Substantial  
Compliance  
Goal Date:

08/15/2014

=>95% of sworn personnel display knowledge and proficiency on using intermediate force devices, as

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**Appendix B  
2Q2014 Compliance Status  
By Paragraph and Sub-Task**

b

evidenced by compliance with the policy requirements..

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

08/15/2014

c

=>95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new or revised policy related to intermediate force devices and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or

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

**Not in Substantial Compliance**

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Compliance  
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08/15/2014

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
042	Substantial Compliance	11/06/2013	

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system) and periodically test proficiency with the policies. Yearly review of policies. Biweekly inspections by Zone Commanders to ensure that all complaint process materials are available in their Zones. Zone Commanders will provide a written report of their inspections

**Paragraph Substantial Compliance Requirement**

In =>80% of 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

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Not Applicable		Not Applicable	

- a The VIPD will develop and implement a program to inform persons that they may file complaints regarding the performance of officers.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- b In =>80% of 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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

Ran On: 08/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
043	Substantial Compliance	05/23/2014	

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Biweekly inspections

**Paragraph Substantial Compliance Requirement**

In =>80% of the VIPD facilities, vehicles, and government properties, complaint information brochures and forms are available. =>80% of officers carry the informational brochures and complaint forms with them at all times while on-duty. In =>80% of VIPD district stations, substation, and mobile stations, a placard is displayed describing the complaint process, including relevant phone numbers. In =>90% of the incidents where a citizen complained about an officer's conduct, the officer informed, and did not discourage, the citizen about his/her ability to make a complaint.

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Satisfied	10/13/2013

Phase 3-Consistent Application:	Status Date:
Not Satisfied	

- a In =>80% of the VIPD facilities, vehicles, and government properties, complaint information brochures and forms are available.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

- b In =>80% of VIPD district stations, substation, and mobile stations, a placard is displayed describing the complaint process, including relevant phone numbers.

**Substantial Compliance**

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## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	05/23/2014
c	In =>80% of the previously noted loations, the posted placards will be deisplayed in both English and Spanish, and where deemed necessary in French or French Patois, to account for diversity in the VI population.	Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014
d	In =>80% of officers carry the informational brochures and complaint forms with them at all times while on-duty.	Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014
e	In =>80% of the instances, where a citizen objects to an officer's conduct, that officer will inform the citizen of his or her right to make a complaint. Officers will not discourage any person from making a complaint.	Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014
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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
044	Not In Substantial Compliance		05/23/2014

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Yearly review of policies. Monthly review of IAU and zone files By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of citizen complaint investigation files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. By June 30, 2013, in consultation with DOJ, create a periodic 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)

**Paragraph Substantial Compliance Requirement**

Obtained DOJ approval for a complaint intake policy. Approved policy is distributed to sworn personnel and applicable civilian employees. =>95% of sworn personnel and applicable civilian employees have either: (a) attended and successfully completed the initial in-service training for each new or revised complaint related policy and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel and applicable civilian employees have not successfully completed the required training and passed the proficiency test, the sworn personnel and applicable civilian employees have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel and applicable civilian employees have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel and applicable civilian employees. All complaint intake training comports with the requirements of the Consent Decree, and is taught from curricula/lesson plans that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel. =>90% of complaints are documented and resolved in writing. In =>90% of the compliance tests conducted by the OIM, the VIPD officer properly responds to the inquiring/complaining person. In =>90% of the compliance tests conducted by the VIPD audit unit, the sworn personnel and applicable civilian employee properly responded to the inquiring/complaining party. For =>90% of the complaints lodged and recorded, a file documents the actions taken by VIPD in response to the complaint. =>90% of documented complaints are assigned a unique identifier and are retrievable by that identifier, the complainants name, if it was provided, or the name of the accused officer, if known. =>90% of completed investigations into complaints comport with the provisions of the Consent Decree. =>90% of documented complaints do not include opinions of the intake officer about the mental competency or veracity of the complainant

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
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## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

Satisfied		10/13/2013	Satisfied		10/13/2013	Not Satisfied		
<hr/>								
a	Policy will include that complaints may be filed in writing or verbally, in person or by mail, telephone (or TDD), facsimile or electronic mail					Not in Substantial Compliance		
						Substantial Compliance Goal Date:	05/23/2014	
<hr/>								
b	Policy will include authorization that the officer at the front desk of each district station will be authorized to take complaints, including third-party complaints, which persons may file at any district station					Not in Substantial Compliance		
						Substantial Compliance Goal Date:	05/23/2014	
<hr/>								
c	In =>90% of cases, complaint intake officers describe facts that bear upon a complainant's demeanor and physical condition but do not express opinions regarding his/her mental competency or veracity.					Not in Substantial Compliance		
						Substantial Compliance Goal Date:	05/23/2014	
<hr/>								
d	=>90% of documented complaints are assigned a unique identifier and are retrievable by that identifier, the complainants name, if it was provided, or the name of the accused officer, if known.					Not in Substantial Compliance		
						Substantial Compliance Goal Date:	05/23/2014	
<hr/>								
e	In=>90% of the complaints, they are tracked tracked according to the basis for the complaint (e.g., excessive force, discourtesy, improper search, etc.).					Not in Substantial Compliance		
						Substantial Compliance Goal Date:	05/23/2014	
<hr/>								

Obtained DOJ approval for a complaint intake policy.

Ran On: 08/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

f

Approved policy is distributed to sworn personnel and applicable civilian employees.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

g

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

h

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

i

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

**Not in Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	05/23/2014
j	In =>90% of the compliance tests conducted by the OIM, the VIPD officer properly responds to the inquiring/complaining person.	Not in Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014
k	In =>90% of the compliance tests conducted by the VIPD audit unit, the sworn personnel and applicable civilian employee properly responded to the inquiring/complaining party.	Not in Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014
l	For =>90% of the complaints lodged and recorded, a file documents the actions taken by VIPD in response to the complaint.	Not in Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014
m	=>90% of documented complaints do not include opinions of the intake officer about the mental competency or veracity of the complainant	Not in Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
045	Substantial Compliance	05/23/2014	

**Order Content**

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. - 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.

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service training. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). By Dec. 31, 2012, implement tracking system to document 5-day requirement. Monthly review of IAU files By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies (i.e., review of sample of citizen complaint investigation files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

**Paragraph Substantial Compliance Requirement**

=>90% of the allegations filed at Zone or unit facilities are forwarded to IAU. =>90% of the allegations filed at the Zone or unit facilities are received at IAU within 5 business days.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a =>90% of the allegations filed at Zone or unit facilities are forwarded to IAU.  
=>90% of the allegations filed at the Zone or unit facilities are received at IAU within 5 business days.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date: 05/23/2014

- b =>90% of the allegations filed at the Zone or unit facilities are received at IAU within 5 business days.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date: 05/23/2014

Ran On: 08/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
046	Substantial Compliance	08/15/2014	

**Order Content**

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

**Activity History**

Competency-based training of officers and supervisors by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system) and periodically test supervisors' knowledge of the preponderance of the evidence standard. Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. Monthly review of files By June 30, 2013, in consultation with DOJ, develop a process for identifying Supervisors who are not using the preponderance of the evidence standard and provide and document discipline and/or remedial training

**Paragraph Substantial Compliance Requirement**

=>95% of sworn personnel have either: (a) attended and successfully completed training on the preponderance of the evidence standard and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel. All training on the preponderance of the evidence comports with the requirements of the Consent Decree, and is taught from curricula/lesson plans that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel. =>90% of completed investigations into complaints/allegations of misconduct include a substantive analysis and assessment of the evidence, and a finding that is based upon the preponderance of evidence standard.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Satisfied	08/15/2014

- a =>90% of completed investigations into complaints/allegations of misconduct include a substantive analysis and assessment of the evidence, and a finding that is based upon the preponderance of evidence standard.

**Substantial Compliance**

05/23/2014

Ran On: 08/23/2014

## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

**Substantial  
Compliance  
Goal Date:**

=>95% of sworn personnel have either: (a) attended and successfully completed training on the preponderance of the evidence standard and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.

**Substantial Compliance**

**Substantial  
Compliance  
Goal Date:**

05/23/2014

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

**Substantial Compliance**

**Substantial  
Compliance  
Goal Date:**

05/23/2014

Ran On: 08/23/2014

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
047	Substantial Compliance	11/06/2013	

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. By June 30, 2013, in consultation with DOJ, develop a process for identifying supervisors who neglect their responsibilities to investigate as required by policy and provide and document discipline and/or remedial training. Monthly review of IAU files to ensure compliance

**Paragraph Substantial Compliance Requirement**

In =>90% of the reportable use of force incidents, the investigating supervisor had no involvement in the incident (i.e., he /she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize conduct leading to the use of force incident).

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Not Applicable		Not Applicable	

- a In =>90% of the reportable use of force incidents, the investigating supervisor had no involvement in the incident (i.e., he /she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize conduct leading to the use of force incident).

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

Ran On: 08/23/2014

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
048	Substantial Compliance	04/01/2014	

**Order Content**

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

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. Monthly review of files at zone level and IAU

**Paragraph Substantial Compliance Requirement**

Obtained DOJ approval of a policy and procedure for the intake of complaints. For =>90% of the complaints lodged and recorded, a file documents the actions taken by VIPD in response to the complaint. =>95% of all sworn personnel and applicable civilian employees have been trained and demonstrated the required proficiency on the complaint intake policy and comports with the Consent Decree, including 44 and 48. =>90% of the documented complaints are promptly delivered to a supervisor. In =>90% of the compliance tests conducted by the OIM, the sworn personnel and applicable civilian employees properly responds to the inquiring/complaining person.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	04/01/2014

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

- b Obtained DOJ approval of a policy and procedure for the intake of complaints.

**Substantial Compliance**

## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	05/23/2014
<hr/>			
c	=>90% of the documented complaints are promptly delivered to a supervisor.	Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014
<hr/>			
d	=>95% of all sworn personnel and applicable civilian employees have been trained and demonstrated the required proficiency on the complaint intake policy and comports with the Consent Decree, including 44 and 48.	Substantial Compliance	
<hr/>			
		Substantial Compliance Goal Date:	05/23/2014
<hr/>			
e	In =>90% of the compliance tests conducted by the OIM, the sworn personnel and applicable civilian employees properly responds to the inquiring/complaining person.	Substantial Compliance	
		Substantial Compliance Goal Date:	05/23/2014
<hr/>			
Ran On: 08/23/2014		Page 41 of 109	

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
049	Substantial Compliance	08/15/2014	

**Order Content**

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.

**Activity History**

Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. By December 31, 2012, implement a tracking system for complaints referred to a zone and a tracking system for notifying the Police Commissioner of complaints alleging excessive use of force. Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample citizen complaint investigation files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. Quarterly inspections by committee members

**Paragraph Substantial Compliance Requirement**

Established a separate IPro 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. =>90% of allegations brought to the attention of the VIPD are assigned a unique identifier. In =>90% of the complaints that the IAU refers to a Zone, copies of all documents, findings and recommendations are forwarded to the IAU within 48 hours for tracking and monitoring. For =>90% of the investigations, evidence exists that IAU adequately tracked and monitored the complaint. =>95% of complaints alleging excessive use of force or a civil rights violation are reported to the Police Commissioner within 24 hours of receiving the complaint

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Satisfied	08/15/2014

- a Established a separate IPro 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;

**Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

(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.

Substantial  
Compliance  
Goal Date: 05/23/2014

b =>90% of allegations brought to the attention of the VIPD are assigned a unique identifier.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date: 05/23/2014

c In =>90% of the complaints that the IAU refers to a Zone, copies of all documents, findings and recommendations are forwarded to the IAU within 48 hours for tracking and monitoring.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date: 05/23/2014

d =>95% of complaints alleging excessive use of force or a civil rights violation are reported to the Police Commissioner within 24 hours of receiving the complaint

**Substantial Compliance**

Substantial  
Compliance  
Goal Date: 05/23/2014

e For =>90% of the investigations, evidence exists that IAU adequately tracked and monitored the complaint.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date: 05/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
050	Substantial Compliance	12/18/2013	

**Order Content**

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.

**Activity History**

Competency-based training of all investigators by November 30, 2012 Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013 Yearly review of policies. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Quarterly review of files in IAU and zone By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample citizen complaint investigation files). Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. By June 30, 2013, in consultation with DOJ, audit timeliness of completion of citizen complaint investigations.

**Paragraph Substantial Compliance Requirement**

Obtained DOJ approval of a policy concerning the investigation of misconduct complaints. =>95% of sworn personnel and applicable civilian employees have either: (a) attended and successfully completed the initial in-service training for each new or revised policy concerning the investigation of misconduct complaints and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel and applicable civilian employees have not successfully completed the required training and passed the proficiency test(s), the sworn personnel and applicable civilian employees have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel and applicable civilian employees have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel and applicable civilian employees. =>90% of sworn personnel display knowledge and proficiency of investigating misconduct complaints, as evidenced by compliance with the policy requirements. All training on investigating misconduct complaints comports with the requirements of the Consent Decree, and is taught from curricula/lesson plans that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel. =>90% of completed investigations into complaints of misconduct are in compliance with the provisions of the Consent Decree.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Not Applicable		Not Applicable	

a Obtained DOJ approval of a policy concerning the investigation of misconduct complaints.

Substantial Compliance



## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- c =>90% of sworn personnel display knowledge and proficiency of investigating misconduct complaints, as evidenced by compliance with the policy requirements

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- e =>90% of completed investigations into complaints of misconduct are in compliance with the provisions of the Consent Decree.

**Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

			Substantial Compliance Goal Date:	
<hr/>				
Paragraph	Paragraph Status	Substantial Compliance Date		Goal
051	Not In Substantial Compliance			05/23/2014

#### Order Content

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.

#### Activity History

By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training Yearly review of policies. Quarterly review of IAU and zone files. All statements will be recorded by January 31, 2013. After January 31, 2013, bi-monthly review to ensure statement are being recorded. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

#### Paragraph Substantial Compliance Requirement

Policies are developed, implemented, and distributed to VIPD investigators. =>95% of all investigators and probationary officers have either: (a) attended and successfully completed the initial in-service training concerning the components identified in 51 of the Consent Decree and demonstrated proficiency through a proficiency test(s); or (b) if investigators and probationary officers have not successfully completed the required training and passed proficiency test(s), investigators and probationary officers have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where investigators and probationary officers have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the investigators and probationary officers. All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel. =>90% of completed investigations into complaints of misconduct include a documented and substantive analysis and assessment of the evidence, and a finding that is based upon the preponderance of evidence standard. In =>90% of the incidents giving rise of allegations of misconduct, all officers on the scene provided a statement regarding the incident. =>90% of all interviews related to a complaint of misconduct will be mechanically recorded using an audio or video tape.

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Satisfied	10/13/2013

Phase 3-Consistent Application:	Status Date:
Not Satisfied	

Ran On: 08/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

a Policies are developed, implemented, and distributed to VIPD investigators.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

b In =>95% of the cases that VIPD investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

c =>90% of all interviews related to a complaint of misconduct will be mechanically recorded using an audio or video tape.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

d =>95% of all investigators and probationary officers have either: (a) attended and successfully completed the initial in-service training concerning the components identified in 51 of the Consent Decree and demonstrated proficiency through a proficiency test(s); or (b) if investigators and probationary officers have not successfully completed the required training and passed proficiency test(s), investigators and probationary officers have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where investigators and probationary officers have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the investigators and probationary officers.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

e All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that:

**Not in Substantial Compliance**

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**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

- (a) follow a standard format;  
(b) identify training objectives;  
(c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and  
(d) indicate that it has been reviewed by legal counsel.

Substantial  
Compliance  
Goal Date:

05/23/2014

- f =>90% of completed investigations into complaints of misconduct include a documented and substantive analysis and assessment of the evidence, and a finding that is based upon the preponderance of evidence standard.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

- g In =>90% of the incidents giving rise of allegations of misconduct, all officers on the scene provided a statement regarding the incident.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

Ran On: 08/23/2014

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
052	Substantial Compliance	12/18/2013	

#### Order Content

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

#### Activity History

Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training Yearly review of policies. Monthly review of zone and IAU files By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

#### Paragraph Substantial Compliance Requirement

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. =>90 % of all use of force investigations includes documented findings of all of the considerations required by 52. =>95% of all supervisors have either: (a) attended and successfully completed the initial in-service training related to this policy and demonstrated proficiency through proficiency tests; or (b) if supervisors have not successfully completed the required training and passed the proficiency tests, supervisors have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisors. All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel.

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Not Applicable	

Phase 3-Consistent Application:	Status Date:
Not Applicable	

- a The VIPD policy formalizes a process for review of all uses of force that ensures the consideration of and documentation of all of the findings identified in 52 and that =>90 % of all use of force investigations includes documented findings of all of the considerations required by 52.

**Substantial Compliance**

**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

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Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
053	Substantial Compliance	12/18/2013	

**Order Content**

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

**Activity History**

Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training Yearly review of policies. Quarterly review commencing on November 30, 2012, of files in IAU and zones to ensure compliance. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

**Paragraph Substantial Compliance Requirement**

In collaboration with the Virgin Islands Attorney General's Office, the VIPD has issued a policy that provides clear guidance on how to handle allegations of criminal misconduct by sworn personnel and applicable civilian employees and includes the elements of 53. =>95% of all supervisors have either: (a) attended and successfully completed the initial in-service training related to this policy and demonstrated proficiency through proficiency test(s); or (b) if supervisors have not successfully completed the required training and passed the proficiency tests, supervisors have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where supervisors have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisor. All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel. In =>90% of investigations involving criminal investigations that are referred to the Attorney General's Office or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Not Applicable		Not Applicable	

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

**Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Substantial  
Compliance  
Goal Date:

- b In =>90% of investigations involving criminal investigations that are referred to the Attorney General's Office or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

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

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
054	Not In Substantial Compliance		05/23/2014

**Order Content**

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.

**Activity History**

Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training Yearly review of policies. Monthly review files at zone and IAU to ensure compliance By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

In =>90% of completed investigations, all relevant and appropriate evidence identified in 54 of the Consent Decree has been considered and documented. In =>90% of completed investigations, there is documented evidence that a supervisor did not give an automatic preference for an officer's statement over a non-officer's statement. In =>90% of completed investigations, there is documented evidence that a supervisor has not disregarded a witness' statement because the witness has a connection to the complainant. The VIPD has developed a process for ensuring that supervisors are aware of and have been trained on ways to resolve material inconsistencies between witness statements. In =>95% of completed investigations, reasonable efforts are made to resolve any inconsistencies.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a In =>90% of completed investigations, all relevant and appropriate evidence identified in 54 of the Consent Decree has been considered and documented.

**Not in Substantial Compliance**

**Substantial  
Compliance  
Goal Date:**

05/23/2014

The VIPD has developed a process for ensuring that supervisors are aware of and have been trained

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

b on ways to resolve material inconsistencies between witness statements.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

c In =>90% of completed investigations, there is documented evidence that a supervisor did not give an automatic preference for an officer's statement over a non-officer's statement.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

d In =>90% of the cases, 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.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

e In =>90% of completed investigations, there is documented evidence that a supervisor has not disregarded a witness' statement because the witness has a connection to the complainant.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

f In =>95% of completed investigations, reasonable efforts are made to resolve any inconsistencies.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
055	Not In Substantial Compliance		05/23/2014

**Order Content**

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.

**Activity History**

Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training Yearly review of policies. Monthly review of files along with IAU agents monthly to ensure compliance by commanders or heads By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

In =>90% of investigations, there is documented evidence that all misconduct revealed by the investigation, whether part of the initial allegation or discovered during the investigation, has been reasonably investigated and addressed. In =>90% of completed investigations, the investigative reports include documentation that the supervisor has evaluated any searches or seizures that occurred during the incident. In =>90% of completed investigations, a supervisor has ensured the continuation of every investigation - even when the complaint is withdrawn, or the alleged victim is unwilling or unable to provide medical records or proof of injury, or the complainant will not provide additional statements or written statements - until the VIPD has determined whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available. In =>90% of completed investigations, a supervisor has not considered the fact that a complainant pled guilty or was found guilty of an offense as evidence of whether a VIPD officer used or did not use a type of force, or as a justification for discontinuing the investigation. In =>90% of completed investigations, the elements identified in paragraph 55 of the Consent Decree have been considered, analyzed and documented.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a In =>90% of investigations, there is documented evidence that all misconduct revealed by the investigation, whether part of the initial allegation or discovered during the investigation, has been

Not in Substantial Compliance

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

reasonably investigated and addressed.

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Compliance  
Goal Date:

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- b In =>90% of completed investigations, the investigative reports include documentation that the supervisor has evaluated any searches or seizures that occurred during the incident.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

- c In =>90% of completed investigations, a supervisor has ensured the continuation of every investigation - even when the complaint is withdrawn, or the alleged victim is unwilling or unable to provide medical records or proof of injury, or the complainant will not provide additional statements or written statements - until the VIPD has determined whether the original allegation(s) can be resolved based on the information, evidence, and investigatory procedures and techniques available.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

- d In =>90% of completed investigations, a supervisor has not considered the fact that a complainant pled guilty or was found guilty of an offense as evidence of whether a VIPD officer used or did not use a type of force, or as a justification for discontinuing the investigation.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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- e In =>90% of completed investigations, the elements identified in paragraph 55 of the Consent Decree have been considered, analyzed and documented.

**Not in Substantial Compliance**



## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Substantial  
Compliance  
Goal Date:

05/23/2014

Paragraph

Paragraph Status

Substantial Compliance Date

Goal

056

Not In Substantial Compliance

05/23/2014

Order Content

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.

#### Activity History

Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training By November 30, 2012, monthly review of files to determine whether complainants are been notified and implementation of timelines for notification and sample notification letter. Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training Yearly review of policies. Quarterly inspections of IAU and zone files By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

#### Paragraph Substantial Compliance Requirement

=>90% of investigations have been resolved by making one of the dispositions identified in 57 of the Consent Decree.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied		Satisfied	10/13/2013	Not Satisfied	

a In =>90% the complainant will be periodically kept informed regarding the status of the investigation.

Not in Substantial Compliance

Substantial  
Compliance  
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b In =>90% of the cases, upon completion of the investigation, the complainant will be notified of its outcome, including an appropriate statement regarding whether any non-disciplinary corrective action or disciplinary action was taken.

Not in Substantial Compliance

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Substantial  
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c =>90% of investigations have been resolved by making one of the dispositions identified in 57 of the Consent Decree.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

Paragraph

Paragraph Status

Substantial Compliance Date

Goal

057

Substantial Compliance

02/10/2013

#### Order Content

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

#### Activity History

Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training Yearly review of policies. Quarterly inspections of IAU and zone files By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

#### Paragraph Substantial Compliance Requirement

>90% of investigations have been resolved by making one of the dispositions identified in 57 of the Consent Decree.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Satisfied	10/13/2013

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**Appendix B  
2Q2014 Compliance Status  
By Paragraph and Sub-Task**

a	>90% of investigations have been resolved by making one of the dispositions identified in 57 of the Consent Decree.	
		<b>Substantial Compliance</b> Goal Date: <input data-bbox="1708 435 1919 488" type="text"/>
<hr/>		
b	See 57	<b>Substantial Compliance</b>
		<b>Substantial Compliance</b> Goal Date: <input data-bbox="1708 602 1919 656" type="text"/>
<hr/>		
c	See 57	<b>Substantial Compliance</b>
		<b>Substantial Compliance</b> Goal Date: <input data-bbox="1708 769 1919 823" type="text"/>
<hr/>		
d	See 57	<b>Substantial Compliance</b>
		<b>Substantial Compliance</b> Goal Date: <input data-bbox="1708 937 1919 990" type="text"/>
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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
058	Not In Substantial Compliance		05/23/2014

**Order Content**

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

**Activity History**

Competency-based training of all investigators by November 30, 2012 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call/commanders call training Yearly review of policies. Monthly review of files in IAU and zone files. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

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. In =>90% of the completed investigations into allegations of misconduct, there is documentation indicating that a supervisor has evaluated underlying problems and training needs, if any. =>90% of any identified problems and/or training needs have been relayed to the appropriate VIPD entity. =>90% of the cases where there is a determination that modification to or additional training is required, there is documented evidence that VIPD implemented additional training. =>90% of the cases where the VIPD identified policy or equipment deficiencies, there is documented evidence that corrective measures were implemented.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a 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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

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

**Not in Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	05/23/2014
c	=>90% of any identified problems and/or training needs have been relayed to the appropriate VIPD entity.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	05/23/2014
d	=>90% of the cases where there is a determination that modification to or additional training is required, there is documented evidence that VIPD implemented additional training.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	05/23/2014
e	=>90% of the cases where the VIPD identified policy or equipment deficiencies, there is documented evidence that corrective measures were implemented.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	05/23/2014

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
059	Not In Substantial Compliance		

**Order Content**

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

**Activity History**

Internal Affairs and MIS have chosen a computerized database, IAPRO, to assist in the supervision and management. Currently Supervisors and Commanders, etc. are in the process of completing all the Use of Force reports required for bringing the Department up to date for 2012. At least once per month, the Deputy Chief during Commander Call, will address Decree compliance issues, including timely completion of use of force reports commencing November 30, 2012 and on an ongoing basis. Working group members will conduct regular reviews, but no less frequently than weekly, commencing November 30, 2012 to ensure that all Blue Team programs are installed on all Zone Command computers and are also fully functioning. To ensure compliance with the Blue Team protocols, and the PDN process and to increase usage, working group members will be scheduling times to observe roll calls and to ensure that these matters are discussed via roll calls. Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. This ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

**Paragraph Substantial Compliance Requirement**

See below

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a The VIPD has developed, codified in policy, and implemented a risk management system to include a new computerized relational database or paper system for maintaining, integrating, and retrieving information necessary for supervision and management of the VIPD. Priority will be given to the VIPD obtaining any established program and system.

**Not in Substantial Compliance**



**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

Substantial  
Compliance  
Goal Date:

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

**Not in Substantial Compliance**

Substantial  
Compliance  
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## Appendix B

### 2Q2014 Compliance Status

#### By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
060	Not In Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

Internal Affairs and MIS have chosen a computerized database, IAPRO, to assist in the supervision and management. Currently Supervisors and Commanders, etc. are in the process of completing all the Use of Force reports required for bringing the Department up to date for 2012. Officers will continue to enter use of force reports via Blue Team. Working group members will conduct bi-monthly review commencing November 30, 2012 to ensure compliance with A through K. Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. This ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

**Paragraph Substantial Compliance Requirement**

NA; see individual items below

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a >95% of uses of force that require the completion of a RRR are entered into RMS with a reasonable level of accuracy and completeness.

Not In Substantial Compliance

Substantial  
Compliance  
Goal Date:

- b >95% of canine deployments are entered into RMS with a reasonable level of accuracy and completeness.

Not In Substantial Compliance

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**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

2. >95% of canine deployments resulting in a bite are entered into RMS with a reasonable level of accuracy and completeness.
3. RMS provides statistical analyses of canine bite ratio or the data necessary to compute such ratio.

Substantial  
Compliance  
Goal Date:

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- e =>95% of 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," are entered into RMS with a reasonable level of accuracy and completeness.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- f =>99% of all firearm discharges, whether on or off-duty, are entered into RMS with a reasonable level of accuracy and completeness.

**Not in Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	<input type="text"/>
g	>95% of complaints are entered into RMS with a reasonable level of accuracy and completeness. 2. >95% of the dispositions of such complaints are entered into RMS with a reasonable level of accuracy and completeness.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>
h	=>95% of criminal proceedings initiated, civil or administrative claims filed, and civil lawsuits served against the Territory, the VIPD, and its Officers resulting from VIPD operations will be entered in RMS with a reasonable level of accuracy and completeness.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>
i	=>95% of vehicle pursuits are entered into RMS with a reasonable level of accuracy and completeness.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>
j	=>99% of all incidents involving the pointing of a firearm at a human being are entered into RMS with a reasonable level of accuracy and completeness.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>
k	In =>95% of 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.	<input type="text"/>	

**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

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Substantial  
Compliance  
Goal Date:

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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Ran On: 08/23/2014

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
061	Not In Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

All officers have been assigned a PDN. Working group members will conduct bi-monthly review commencing November 30, 2012 to ensure compliance with A through K. 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. Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. This ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

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

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a VIPD has established a uniform method of identifying sworn personnel to ensure accurate identification and tracking of all employee conduct.  
=>95% of the incidents included in the database, the name and unique identifier for each involved officer has been entered with a reasonable level of accuracy and completeness.

**Not in Substantial Compliance**

08/15/2014

Ran On: 08/23/2014

**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

		Substantial Compliance Goal Date:
-----		
b	VIPD has established a uniform method of identifying applicable civilian employees to ensure accurate identification and tracking of all employee conduct and in =>95% of the incidents included in the database, the appropriate identifying information (e.g., name, ethnicity or national original), if available, for each involved civilian has been entered with a reasonable level of accuracy and completeness	<b>Not in Substantial Compliance</b>
-----		
		Substantial Compliance Goal Date: 08/15/2014
-----		
c	=>95% of the incidents included in the database, the shift and assignment for each on-duty supervisor has been entered with a reasonable level of accuracy and completeness.	<b>Not in Substantial Compliance</b>
-----		
		Substantial Compliance Goal Date: 08/15/2014
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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
062	Substantial Compliance	12/18/2013	

**Order Content**

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

**Activity History**

Data Input Plan and RMS protocol/policy has been resubmitted and is awaiting approval from Department of Justice

**Paragraph Substantial Compliance Requirement**

The VIPD has received DOJ approval for its Data Input Plan. =>90% of the historical data required by the Data Input Plan is up-to-date with a reasonable level of accuracy and completeness

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Not Applicable		Not Applicable	

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

Paragraph

Paragraph Status

Substantial Compliance Date

Goal

063

Not In Substantial Compliance



Order Content

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.

#### Activity History

Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. This ensures periodic quality checks on data entered. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. Data Input Plan and RMS protocol/policy has been resubmitted and is awaiting approval from Department of Justice

#### Paragraph Substantial Compliance Requirement

The VIPD has received approval from DOJ, and implemented a protocol for using the RMS. The VIPD has audited the RMS and confirmed that it reflects the protocol.

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Satisfied	10/13/2013

Phase 3-Consistent Application:	Status Date:
Not Satisfied	

a The VIPD has received approval from DOJ, and implemented a protocol for using the RMS.

**Not In Substantial Compliance**

Ran On: 08/23/2014

**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

Substantial  
Compliance  
Goal Date:

b The VIPD has audited the RMS and confirmed that it reflects the protocol.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
064	Substantial Compliance	12/18/2013	

**Order Content**

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

**Activity History**

Data Input Plan and RMS protocol/policy has been resubmitted and is awaiting approval from Department of Justice Working group members will conduct bi-monthly review commencing November 30, 2012 to ensure compliance with A through K. Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

See below

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Not Applicable	

Phase 3-Consistent Application:	Status Date:
Not Applicable	

- a The VIPD has received DOJ approval of a protocol with the components identified in 64(a) of the Consent Decree.  
2. The VIPD has implemented a protocol for using the RMS that includes the components identified in 64(a) of the Consent Decree.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- b The VIPD has received DOJ approval of a protocol that includes an automated system to analyze the data according to the criteria identified in 64(b) of the Consent Decree.  
2. The VIPD implemented a protocol that includes an automated system to analyze the data according to the criteria identified in 64(b) of the Consent Decree.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- c Reports are generated and distributed to appropriate sworn personnel (e.g., Chiefs, Deputy Chiefs, and supervisors) on a monthly basis

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- d =>90% of the reviews conducted by the Deputy Chiefs, managers, and supervisors comport with the RMS protocol.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- e Deputy Chiefs, managers and supervisors have initiated intervention in =>90% of instances based on

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

	activity and pattern assessment contained in the RMS.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
f	Interventions, as exemplified in paragraph 64 of the Consent Decree, comport with the RMS protocol =>90% of the time.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
g	=>90% of interventions are based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely on the number or percentages of incidents in any category of information recorded in the risk management system.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
h	In =>90% of instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit have promptly reviewed the RMS records of such officers.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
i	The VIPD has established a protocol for evaluating whether deputy chiefs, managers and supervisors are able to use the RMS system to enhance effectiveness and risk. 2. This evaluation protocol is followed with a >90% level of accuracy and completeness.	<b>Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
j	The RMS is managed and administered by IAU.	
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**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

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IAU conducts audits on a quarterly basis with a reasonable level of accuracy and completeness.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
065	Not In Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

Data Input Plan and RMS protocol/policy has been resubmitted and is awaiting approval from Department of Justice. Quarterly review commencing November 30, 2012 will be conducted to ensure compliance. Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

The information required by 65 is entered and appropriately maintained with a reasonable level of accuracy and completeness.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a The VIPD has received approval from DOJ, and implemented a protocol for using the RMS.

**Not in Substantial Compliance**

**Substantial  
Compliance  
Goal Date:**

08/15/2014

- b The VIPD has audited the RMS and confirmed that it reflects the protocol.

**Not in Substantial Compliance**

Ran On: 08/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

			Substantial Compliance Goal Date:	08/15/2014
Paragraph	Paragraph Status	Substantial Compliance Date		Goal
066	Substantial Compliance	02/10/2014		

**Order Content**

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.

**Activity History**

IAPRO database is being utilized and the Blue Team system is continuously progressing toward completion. The installation of the program was completed on 3/23/10 at the Internal Affairs Bureau on St. Thomas. Working group members will conduct bi-monthly review commencing November 30, 2012 to ensure compliance with a through g. Blue Team technical issues will be resolved, training will be ongoing, and all districts will receive a round of training by January 31, 2013. By November 30, 2012, VIPD will Provide DOJ with an action plan for achieving sufficient numbers of staff to input current and historic data or outlining how it intends to use existing staff to accomplish this task. The plan will include an implementation date subject to the agreement of the parties. By June 30, 2013, in consultation with DOJ implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

**Paragraph Substantial Compliance Requirement**

See below

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Satisfied	10/13/2013

Phase 3-Consistent Application:	Status Date:
Satisfied	

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**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

a	Completed	<div style="border: 1px solid black; padding: 2px; text-align: center;"><b>Substantial Compliance</b></div> <div>Substantial Compliance Goal Date: <input style="width: 100px;" type="text"/></div>
b	Completed	<div style="border: 1px solid black; padding: 2px; text-align: center;"><b>Substantial Compliance</b></div> <div>Substantial Compliance Goal Date: <input style="width: 100px;" type="text"/></div>
c	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).	<div style="border: 1px solid black; padding: 2px; text-align: center;"><b>Substantial Compliance</b></div> <div>Substantial Compliance Goal Date: <input style="width: 100px;" type="text"/></div>
d	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.	<div style="border: 1px solid black; padding: 2px; text-align: center;"><b>Substantial Compliance</b></div> <div>Substantial Compliance Goal Date: <input style="width: 100px;" type="text"/></div>
e	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.	<div style="border: 1px solid black; padding: 2px; text-align: center;"><b>Substantial Compliance</b></div> <div>Substantial Compliance Goal Date: <input style="width: 100px;" type="text"/></div>
f	Within 14 months of selecting the contractor, the VIPD will have ready for testing a beta version of the	

**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

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.

**Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- g 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.

**Substantial Compliance**

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Goal Date:

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
067	NA	08/07/2013	

**Order Content**

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.

**Activity History**

Before implementation of the new risk management system existing data bases and resources were used. VIPD will maintain documentation of how it identified and addressed patterns of officer conduct based on existing databases and resources and provide this documentation on a quarterly basis to the Monitor, starting in the 3rd quarter of 2012.

**Paragraph Substantial Compliance Requirement**

NA

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Applicable		Not Applicable		Not Applicable	

- a The VIPD has, within 120 days, prepare for the review and approval of DOJ, and thereafter implement, a protocol for using the risk management system.

NA

Substantial  
Compliance  
Goal Date:

- b The VIPD will submit for the review and approval of DOJ all proposed modifications to the protocol prior to implementing such modifications.

NA

Substantial  
Compliance  
Goal Date:

Ran On: 08/23/2014

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## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
068	NA	05/07/2010	

**Order Content**

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.

**Activity History**

To be determined as the need arises.

**Paragraph Substantial Compliance Requirement**

VIPD receives approval from DOJ for all modifications to RMS prior to implementation

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Applicable		Not Applicable		Not Applicable	

- a 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.

NA

Substantial  
Compliance  
Goal Date:

- b The VIPD will submit all such proposals for review and approval by DOJ before implementation.

NA

Substantial  
Compliance  
Goal Date:

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
069	Not in Substantial Compliance		08/15/2014

**Order Content**

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

**Activity History**

Finalize Audit Protocol and submit to DOJ by November 30, 2013. Auditors to attend training re: conducting audits by April 30, 2013. Train staff regarding Audit Protocol by June 30, 2013. Audit will commence June 30, 2013 By June 30, 2013, VIPD will implement systems to ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

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. The VIPD creates an audit capacity and identifies staff to carry out the protocol. =>95% of the 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. All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel. In =>90% of the 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.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	10/13/2013

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

Not in Substantial Compliance

Substantial  
Compliance  
Goal Date:

08/15/2014

The protocol establishes a regular and fixed schedule to ensure that such audits occur with sufficient

Ran On: 08/23/2014



## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

b frequency, and cover all VIPD zones

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

08/15/2014

Paragraph

Paragraph Status

Substantial Compliance Date

Goal

070

Substantial Compliance

12/18/2013

#### Order Content

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

#### Activity History

Revisions to Disciplinary will be forwarded to USDOJ by November 1, 2012. Competency-based training of all staff by Feb. 15, 2013 and ongoing documented refresher training through in-services and roll call/commanders call By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

#### Paragraph Substantial Compliance Requirement

Obtained DOJ approval of a disciplinary matrix that: (a) accounts for an officer's violations of different rules, rather than just repeated violations of the same rule; (b) is revised to increase the penalties for uses of 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. =>90% of disciplinary penalty decisions are consistent with the penalties set forth in the matrix.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Not Applicable		Not Applicable	

a The VIPD has developed a disciplinary matrix to take into account an officer's violations of different rules, rather than just repeated violations of the same rule.

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**By Paragraph and Sub-Task**

		Substantial Compliance Goal Date:	
b	The VIPD has further revised this matrix to increase the penalties for uses of excessive force, improper searches and seizures, discrimination, or dishonesty, to reflect the seriousness of those infractions.	Substantial Compliance	
		Substantial Compliance Goal Date:	
c	The revised disciplinary matrix provides the VIPD with the discretion to impose any appropriate punishment when the VIPD believes the officer's misconduct exhibits a lack of fitness for duty.	Substantial Compliance	
		Substantial Compliance Goal Date:	
d	This revised matrix has been reviewed and approved by the DOJ.	Substantial Compliance	
		Substantial Compliance Goal Date:	
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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
071	Not In Substantial Compliance		

**Order Content**

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

**Activity History**

Disciplinary Matrix previously approved. However, further revision needed. Revisions will be forwarded to USDOJ by November 1, 2012. Competency-based training of all staff by February 15, 2013 and ongoing documented refresher training through in-services and roll call/commanders call. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies, including (but not limited to) review for inclusion of written Police Commissioner extension approval in investigatory files. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

**Paragraph Substantial Compliance Requirement**

The VIPD has developed a policy that establishes clear time periods by which the various steps of a complaint adjudication process should be completed, from complaint receipt to the imposition of discipline, if any. =>90% of the time, these established time periods are not violated except for in exigent circumstances and with the Police Commissioner's written approval for tolling and notice to the complainant.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a The VIPD has developed a policy that establishes clear time periods by which the various steps of a complaint adjudication process should be completed, from complaint receipt to the imposition of discipline, if any.

Not in Substantial Compliance

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

Not in Substantial Compliance

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

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c In the limited circumstances when an extension is necessary, appropriate tolling provisions will be outlined in the policy.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

Paragraph

Paragraph Status

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Goal

072

Not In Substantial Compliance



Order Content

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

Activity History

Disciplinary Matrix previously approved. However, further revision needed. Revisions will be forwarded to USDOJ by November 1, 2012 Competency-based training of all staff by February 15, 2013 and ongoing documented refresher training through in-services and roll call/commanders call. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

Paragraph Substantial Compliance Requirement

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

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Satisfied	10/13/2013

Phase 3-Consistent Application:	Status Date:
Not Satisfied	

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

**Not in Substantial Compliance**

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

**Not in Substantial Compliance**

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Compliance  
Goal Date:

**Paragraph**

**Paragraph Status**

**Substantial Compliance Date**

**Goal**

073

Not In Substantial Compliance

05/23/2014

**Order Content**

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

**Activity History**

VIPD has hired a training consultant to coordinate and review all use of force policies and lesson plans. All Lesson Plans for the In-Service Training has been completed. On an ongoing basis, continue to consult with counsel to ensure compliance with Territorial law. Finalize Audit Protocol and submit to DOJ and the Monitors' subject matter experts by November 30, 2012. Auditors to attend outside training re: conducting audits by April 30, 2013. Train staff regarding Audit Protocol by June 30, 2013. By June 30, 2013, VIPD will implement systems to ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

The Training Division has coordinated and reviewed all use of force policies and training. This review occurs: (a) prior to the issuance of any new policy and scheduling of any new training, and, thereafter, (b) at least semi-annually. The Training Division issues reports to DOJ and OIM regarding its review of use of force policies and training programs within a reasonable time after each review, or at a minimum every six (6) months. The Director of Training provides written approval for all changes to previously approved use of force training.

Phase 1-Policy Status	Status Date:
Not Applicable	

Phase 2-Training/Execution:	Status Date:
Not Satisfied	

Phase 3-Consistent Application:	Status Date:
Not Satisfied	

The Training Division has coordinated and reviewed all use of force policies and training. This review

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- a occurs: (a) prior to the issuance of any new policy and scheduling of any new training, and, thereafter, (b) at least semi-annually.

**Not in Substantial Compliance**

Substantial  
Compliance  
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- b The Training Division issues reports to DOJ and OIM regarding its review of use of force policies and training programs within a reasonable time after each review, or at a minimum every six (6) months.

**Not in Substantial Compliance**

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Compliance  
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- c The Director of Training provides written approval for all changes to previously approved use of force training.

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
074	Not In Substantial Compliance		05/23/2014

**Order Content**

The Director of Training, either directly or through his/her designee(s), consistent with applicable law and VIPD policy will: a. ensure the quality of all use of force training; b. develop and implement use of force training curricula; c. select and train VIPD officer trainers; d. develop, implement, approve, and oversee all in-service training; e. in conjunction with the Chiefs, develop, implement, approve, and oversee a patrol division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures; f. establish procedures for evaluating all training curricula and procedures; and g. conduct regular needs assessments to ensure that use of force training is responsive to the knowledge, skills, and abilities of the officers being trained.

**Activity History**

Instructor Development Course/Train the Trainer is scheduled for October 15-19, 2012 (STX), October 8-12, 2012 (STT) and will be completed by October 19, 2012. 40hrs In-Service Training was completed in 2011. The Training Bureau will continue its 40hrs In-Service Training in both districts for supervisor and officers which will start on June 25, 2012 and end September 21, 2012. The Director of Training will develop and implement a tracking system to track training attendance, by November 30, 2012 and shall periodically test for proficiency on the policies. By June 30, 2013, VIPD will implement systems to ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. Competency-based training of officers and supervisors on remaining policies by Jan 31, 2013 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

See below

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Applicable		Not Satisfied		Not Satisfied	

- a The Director of Training and/or his/her staff reviews all use of force policies.
2. The Director of Training and/or his/her staff obtains legal review of all use of force training curricula.

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- b The Director of Training and/or his/her staff have developed and implemented use of force training curricula (including lesson plans).
2. The Director of Training and/or his/her staff have developed a process for the review of documentation of all uses of force by sworn personnel to identify patterns and trends that will influence training needs.
3. The Director of Training and/or his/her staff have conducted monthly reviews of use of force incident reports to evaluate training needs.

**Not in Substantial Compliance**

Substantial  
Compliance  
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- c The Director of Training and/or his/her staff have developed a process to continually select and evaluate VIPD officer trainers.
2. >95% of the training staff has received appropriate training and certification in the subject matter(s) that they are assigned to teach.

**Not in Substantial Compliance**

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05/23/2014

- d The Director of Training and/or his/her staff have reviewed and provided written approval of all curricula, course schedules and lesson plans.
2. 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.

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- e The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have created a process for the development, implementation and approval of all Roll Call training curricula.
2. The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have developed, implemented and approved all Roll Call training curricula.
3. The Training Director and/or his/her staff have maintained written documentation of this process.

**Not in Substantial Compliance**

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**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

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- f 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.  
2. For 790% of the conducted Consent Decree related training sessions, evaluation review forms were collected from class participants.

**Not in Substantial Compliance**

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- g The Director of Training and/or his/her staff have developed a process to review use of force incidents to identify patterns and trends that will influence training needs.  
2. The Director of Training and/or his/her staff have conducted semi-annual reviews of use of force incidents to evaluate training needs.  
3. The Director of Training and/or his/her staff have developed, reviewed and implemented all use of force training curricula (including lesson plans).

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### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
075	Not In Substantial Compliance		05/23/2014

**Order Content**

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.

**Activity History**

On an ongoing basis, continue to consult with counsel to ensure compliance with Territorial law. Finalize Audit Protocol and submit to DOJ and the Monitors' subject mater experts by November 30, 2012. By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Auditors to attend training re: conducting audits by April 30, 2013. Train staff regarding Audit Protocol by June 30, 2013. Refresher training on policies ongoing, through documented, periodic in-service and roll call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, VIPD will implement systems to ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training.

**Paragraph Substantial Compliance Requirement**

The VIPD has delivered training that is consistent with the content of approved lesson plans. The Director of Training and/or his/her staff has developed a plan to provide training for each work shift as a team on use of force and implements that plan. To the extent possible, the Director of Training and/or his/her staff have provided training for each work team on use of force

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Applicable		Satisfied	10/13/2013	Not Satisfied	

- a The VIPD has delivered training that is consistent with the content of approved lesson plans.

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Compliance  
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- b The Director of Training and/or his/her staff has developed a plan to provide training for each work shift as a team on use of force and implements that plan. To the extent possible, the Director of Training and/or his/her staff have provided training for each work team on use of force

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076

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05/23/2014

#### Order Content

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.

#### Activity History

By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). By November 30, 2012 and on ongoing basis, provide Monitors' subject matter experts with training curricula and schedules at least 15 days in advance of training, but preferably 30 days in advance.

#### Paragraph Substantial Compliance Requirement

The VIPD has established a central, commonly accessible repository for lesson plans and training materials. =95% of training materials are clearly dated. Training records are maintained in a central, commonly accessible repository. =95% of lesson plans contain all of the required signatures of review and approval.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Applicable		Satisfied	10/13/2013	Not Satisfied	

a

The VIPD has established a central, commonly accessible repository for lesson plans and training materials.  
=95% of training materials are clearly dated.  
Training records are maintained in a central, commonly accessible repository.  
=95% of lesson plans contain all of the required signatures of review and approval.

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Paragraph	Paragraph Status	Substantial Compliance Date	Goal
077	Not In Substantial Compliance		05/23/2014

**Order Content**

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

**Activity History**

By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system).

**Paragraph Substantial Compliance Requirement**

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

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Applicable		Satisfied	10/13/2013	Not Satisfied	

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

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Paragraph	Paragraph Status	Substantial Compliance Date	Goal
078	Not In Substantial Compliance		05/23/2014

**Order Content**

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

**Activity History**

By November 30, 2012, and on an ongoing basis, VIPD shall consult with VI AG to ensure that all use of force training and use of force policies are in compliance with applicable laws and VIPD policy.

**Paragraph Substantial Compliance Requirement**

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

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Applicable		Satisfied	10/13/2013	Not Satisfied	

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

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Paragraph	Paragraph Status	Substantial Compliance Date	Goal
079	Not In Substantial Compliance		05/23/2014

**Order Content**

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

**Activity History****Paragraph Substantial Compliance Requirement**

At least annually, the Training Director and/or his/her staff develop a training schedule and curricula for 100% of all use of force related policies that incorporates and addresses all of the components identified in 79(a)-(i). At least annually, the Training Director and/or his/her staff implement that training schedule and curricula for 100% of all use of force related policies based on 79(a)-(i). =>95% of sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised use of force policy that includes and addresses the issues in paragraph 79(a)-(i) and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel in each of the categories of recruits, officers, supervisors and managers have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel. All training comports with the requirements of the Consent Decree, and is taught from curricula/lessons plan that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel. Where train-the-trainer or specific force tool certifications are required, =>95% of recruits, officers, supervisors and managers have those certifications.

<b>Phase 1-Policy Status</b>	<b>Status Date:</b>	<b>Phase 2-Training/Execution:</b>	<b>Status Date:</b>	<b>Phase 3-Consistent Application:</b>	<b>Status Date:</b>
Not Applicable		Not Satisfied		Not Satisfied	

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

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

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- b At least annually, the Training Director and/or his/her staff develop a training schedule and curricula for 100% of all use of force related policies that incorporates and addresses all of the components identified in 79(a)-(i).

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- c At least annually, the Training Director and/or his/her staff implement that training schedule and curricula for 100% of all use of force related policies based on 79(a)-(i).

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

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- e Where train-the-trainer or specific force tool certifications are required, =>95% of recruits, officers, supervisors and managers have those certifications.

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Paragraph

Paragraph Status

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Goal

080

Substantial Compliance

08/01/2014

05/23/2014

#### Order Content

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

#### Activity History

Competency-based training of officers and supervisors on remaining policies by Jan 31, 2013 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training. 08/01/14- During the 2d Quarter 2014, efforts by team members as demonstrated by audit reports, indicated Phase 3 level Implementation has been satisfied and thus this paragraph is now in Substantial Compliance.

#### Paragraph Substantial Compliance Requirement

The VIPD has developed policies or protocols related to the citizen complaint process, which address appropriate conduct and response in handling citizen complaints. =95% of sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised complaint process related policy and demonstrated proficiency through a proficiency test(s); or (b) if sworn personnel have not successfully completed the required training and passed the proficiency test(s), the sworn personnel have entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel.

Phase 1-Policy Status	Status Date:
Satisfied	10/13/2013

Phase 2-Training/Execution:	Status Date:
Satisfied	10/13/2013

Phase 3-Consistent Application:	Status Date:
Satisfied	08/15/2014

- a =95% of sworn personnel have (a) attended and successfully completed the initial in-service training for each new or revised complaint process related policy and demonstrated proficiency through a

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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

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

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081	Not In Substantial Compliance		05/23/2014

**Order Content**

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

**Activity History**

Competency-based training of supervisors on remaining policies (i.e., Investigating Misconduct and Citizen Complaints Policy) by Jan 31, 2013 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system). Refresher training on policies ongoing, through documented, periodic in-service and roll call training. Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies. Also ensure that lapses in policy implementation are addressed by system of documented discipline and/or re-training

**Paragraph Substantial Compliance Requirement**

=>95% of 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 successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisors. =>95% of newly promoted supervisors have attended and successfully completed the initial training within 90 days of assuming supervisory responsibility incorporating the requirements of 78-81 and demonstrated proficiency through a proficiency test(s); or (b) if newly promoted supervisors have not successfully completed the required training within 90 days of assuming supervisory responsibility and passed the proficiency test(s), the newly promoted supervisor has entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency 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.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Satisfied	10/13/2013	Satisfied	10/13/2013	Not Satisfied	

- a =>95% of 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

Not In Substantial Compliance

## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

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 successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the supervisors.

Substantial  
Compliance  
Goal Date:

05/23/2014

- b =>95% of newly promoted supervisors have attended and successfully completed the initial training within 90 days of assuming supervisory responsibility incorporating the requirements of 78-81 and demonstrated proficiency through a proficiency test(s); or (b) if newly promoted supervisors have not successfully completed the required training within 90 days of assuming supervisory responsibility and passed the proficiency test(s), the newly promoted supervisor has entered and successfully completed a remedial program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

- c 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.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

05/23/2014

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
100	Not in Substantial Compliance		

**Order Content**

The Territory of the Virgin Islands and the VIPD shall implement each and every provision of this Agreement as that term is defined in Paragraph 30 of this Agreement.

**Activity History****Paragraph Substantial Compliance Requirement**

In =>90% of reportable use of force incidents, all involved officers are identified in the investigating supervisor's reports. In =>90% of reportable use of force incidents, all witnesses, to the extent practicable, are identified in the investigating supervisor's reports. In =>90% of reportable use of force incidents, the investigating supervisor ensured that efforts were made to identify and interview witnesses, and documented these efforts in writing. In =>90% of 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. In =>90% of the 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. In =>90% of all 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.

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Satisfied		Not Satisfied		Not Satisfied	

- a All uses of force comply with VIPD policies and applicable law.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

- b As appropriate, Officers disengaged, contained the area, conducted surveillance, waited out the subject, and/or called in specialized units.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

When feasible, an individual is allowed to submit to arrest before force is used.

Ran On: 08/23/2014



## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

c		<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
d	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.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
e	Patrol and other applicable officers carry less lethal alternatives at all times.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
f	In use of force incidents, choke holds and similar carotid holds were not used, except where deadly force was authorized.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
g	In use of force incidents where the use of force review concluded that use of choke holds or similar carotid holds were not authorized, the VIPD took corrective and/or disciplinary action against the officer who used a choke hole or other carotid hold.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
h	Sworn personnel do not possess or use unauthorized firearms or ammunition.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

i	In cases where an officer is found to be in possession of unauthorized firearms or ammunition, there is evidence that an investigation was conducted and appropriate corrective action was taken.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
j	Critical Firearm Discharges are documented in an RRR.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
k	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.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
l	Off-duty officers notified on-duty sworn personnel or local law enforcement officers before taking police actions, except in exigent circumstances.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
m	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.	<b>Not in Substantial Compliance</b>
		Substantial Compliance Goal Date: <input type="text"/>
n	In reportable use of force incidents, the investigating supervisor had no involvement in the incident (i.e., he/she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize conduct leading to the use of force incident.	<b>Not in Substantial Compliance</b>

## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

		Substantial Compliance Goal Date:	<input type="text"/>
o	Use of force investigations include documented findings of all of the considerations required by 52.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>
p	When administrative investigations are referred to the VIAG or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>
q	RMS reports are generated and distributed to appropriate sworn personnel (e.g., Chiefs, Deputy Chiefs, and supervisors) on a monthly basis.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>
r	The VIPD is utilizing the EIP. Underlying documentation should include documentation of EIP meetings, the Early Intervention Unit Action Plan and Early Intervention Unit Assessment, attendance records of VIPD personnel and all follow-up documentation for completed intervention.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>
s	Deputy Chiefs, managers and supervisors have initiated EIP interventions based on activity and pattern assessment contained in the RMS.	<b>Not in Substantial Compliance</b>	
		Substantial Compliance Goal Date:	<input type="text"/>

EIP interventions are based on all relevant and appropriate information, including the nature of the  
 Ran On: 08/23/2014

**Appendix B**  
**2Q2014 Compliance Status**  
**By Paragraph and Sub-Task**

t

officer's assignment, crime trends and crime problems, and not solely the number or percentages of incidents in any category of information recorded in the risk management system.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

u

In instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit promptly review the RMS records of such officers.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

v

The VIPD has established a protocol for evaluating whether Deputy Chiefs, managers and supervisors are able to use the RMS effectively.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

w

Disciplinary penalty decisions are consistent with the penalties set forth in the Disciplinary Matrix.

**Not in Substantial Compliance**

Substantial  
Compliance  
Goal Date:

## Appendix B

### 2Q2014 Compliance Status By Paragraph and Sub-Task

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
101	Not In Substantial Compliance		

**Order Content**

The VIPD shall implement immediately all provisions of this Agreement that involve the continuation of current VIPD policies, procedures, and practices. The remaining provisions shall be implemented either by the specified implementation date or, for those provisions that have no specified implementation date, as soon as is reasonably practicable and no later than 150 days after this Agreement's effective date.

**Activity History****Paragraph Substantial Compliance Requirement**

Phase 1-Policy Status	Status Date:	Phase 2-Training/Execution:	Status Date:	Phase 3-Consistent Application:	Status Date:
Not Satisfied		Not Satisfied		Not Satisfied	

Substantial  
Compliance  
Goal Date:

Ran On: 08/23/2014

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

**Appendix C  
Technology Transition**



CHARLES A. GRUBER CONSULTING INC.  
INDEPENDENT MONITOR  
JULY 2014  
[www.imt-policemonitor.org](http://www.imt-policemonitor.org)



### Appendix C Technology Transition

Once the IMT took over responsibility for monitoring the VIPD Consent Order, it became evident to us that increased application of technology could improve our monitoring capabilities as well as further improvements in compliance by the VIPD. This would require implementation of several separate components that would complement each other. These components included development of a data management system (DMS) that included both data input and records management (RMS) functions. While this system remains under development, several component functions are currently running at our data center location and should be online for remote team member access by the end of August 2014. The configuration of this system would allow access to the RMS by the VIPD, DOJ, and the US District Court, nature of access to be determined.

**Data Management:** This system will eventually have many components, including “live” status monitoring of the compliance by the VIPD to all elements of the Consent Decree. By that we mean that as any paragraph changes its compliance or phase compliance level, the system updates not only the data but also the charting and reports available within the system. This component will not only track compliance by paragraph, but also both audit group reporting and quarterly VIPD assessment reports, integrating data loads of the content of both documentation for purposes of analysis. The main screen for this component, referred to as the “Dashboard”, which monitors paragraphs 31-81 as well as 100 and 103, is pictured below in Figure 1.

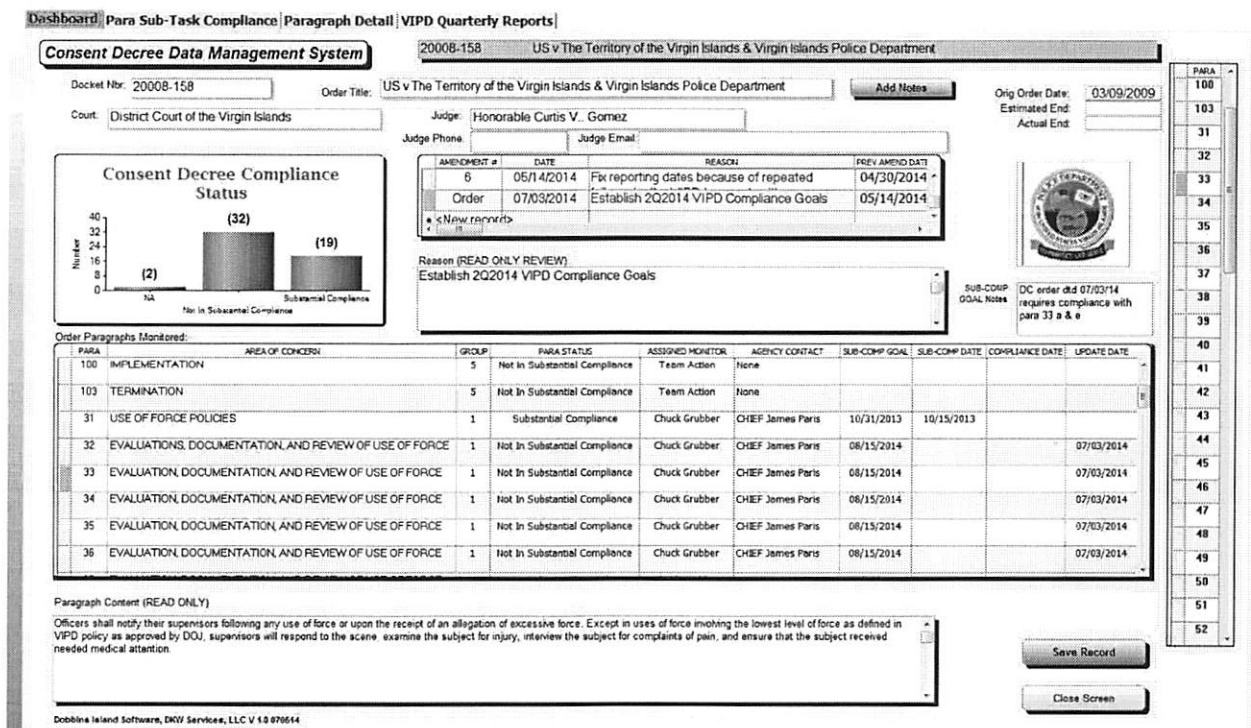


Figure 1

On this screen, in the upper left, is a live-data chart depicting the current status of compliance with the action paragraphs of the Consent Decree (paragraphs 31-81, 100, and 103.) This chart is connected to data within the system and compliance status changes in one of the reporting paragraphs will be updated to the chart without user interaction. The Consent Decree data, along with Court ordered amendments to it, are displayed along with the Court of Record information. In the main part of the screen, each paragraph, along with its content from the actual order, is displayed, accompanied by selected information such a compliance status, IMT member assignments, etc.



As noted across the top of the screen are additional screens indicated by tabs, which delve further into the specifics of each paragraph, VIPD report, or other documentation. Once of these additional screens is shown at Figure 2, below.

Dashboard | **Para Sub-Task Compliance** | Paragraph Detail | VIPD Quarterly Reports

**Order Paragraph Compliance Status Update**

Paragraph: **34** Content: Supervisors, or designated investigating officers or units, will review, evaluate, and document each use of force, and will complete the narrative description section of the use of force report. The narrative description will include a precise description of the facts and circumstances that either justify or fail to justify the officer's conduct. As part of this review, the supervisor or designated investigating officer will evaluate the basis for the use of force, and determine whether the officer's conduct was justified.

Group: **EVALUATION, DOCUMENTATION, AND REVIEW OF USE OF FORCE** Group Code: **1** READ ONLY

Para Compliance Status: **Compliance**  
**Substantial Compliance**  
☒ **Not in Substantial Compliance**  
 NA

Para Sub-Item Compliance Status: **Compliance**  
**Substantial Compliance**  
☒ **Not in Substantial Compliance**  
 NA

Phase 1 = Policy  
 Phase 1 Status: **Satisfied**  
 Phase 1 Status Date: 10/13/2013

Phase 2 = Training/Execution  
 Phase 2 Status: **Satisfied**  
 Phase 2 Status Date: 10/13/2013

Phase 3 = Consistent Execution  
 Phase 3 Status: **Not Satisfied**  
 Phase 3 Status Date: 10/13/2013

ITEM CODE	REQUIREMENT DESCRIPTION	SUBSTANTIAL COMPLIANCE	SUB-COMPL GOAL	ORD DATE ASSES	DATE SUB-COMP	DATE LAST ENTRY
a	Supervisors or designated investigating officers or units, will review, evaluate, and document each use of force.	In => 95% of the reportable use of force incidents, the investigating supervisor had no involvement in the incident (i.e., he/she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize or participate in conduct leading to the use of force incident).	10/13/2013			07/12/2014
b	Supervisors will complete the narrative description section of the use of force report.	In => 90% of the reportable use of force incidents, the supervisor completes the	10/13/2013			07/12/2014
c	The narrative description will include a precise description of the facts and circumstances that either justify or fail to	In => 90% of the reportable use of force incidents, the supervisor completed his/her review	10/13/2013			07/12/2014
d	As part of this review, the supervisor will evaluate the basis for the use of force, and determine whether the	In => 90% of the reportable use of force incidents, the supervisor completed his/her review	10/13/2013			07/12/2014
e	An officer who used force during the incident, whose	In => 95% of the reportable use of force	10/13/2013			07/12/2014

Run Compliance Para List Only | Run Only Report Annex | Select Para to Run Only Report Annex | Compliance Status Check | Save Records | Close Screen

Figure 2

This is one of the working screens, where we are in the process of splitting compliance at the paragraph level down to sub-tasks within the paragraph too clarify some of the issues related to substantial compliance trigger performance levels. This sub-task procedures is shown in the bottom table where the substantial compliance is now being broken down to sub-task compliance. Check blocks to the right, in grey shading, control both the paragraph and sub-task level compliance and as the paragraph changes in compliance here, the live chart on the Dashboard will automatically adjust if the changes move the paragraph from "Not in Substantial Compliance" to "Substantial Compliance".

In addition to the above, this screen also tracks the Compliance Phase levels in the three grayed Phase Levels Compliance boxes in the middle of the screen. The results of changes here also drive the overall paragraph compliance, with substantial compliance resulting from all three phases being shown as "Satisfied". There are several other tabs associated with the Consent Decree Data Management System (CDDMS) as shown on the remaining tabs, each one drilling down further into the compliance and reporting process. Data from this system forms the basis for the Appendix A in the Quarterly Reports and planned further monthly updates to the VIPD as part of our increased status communication process. An example of the data integration to the Quarterly Reporting system is the front page to this report's Appendix A, which provides the reader with a comprehensive snapshot of the current state of compliance. That front page is shown in Figure 3, below.

## Appendix B 2Q2014 Compliance Status By Paragraph and Sub-Task

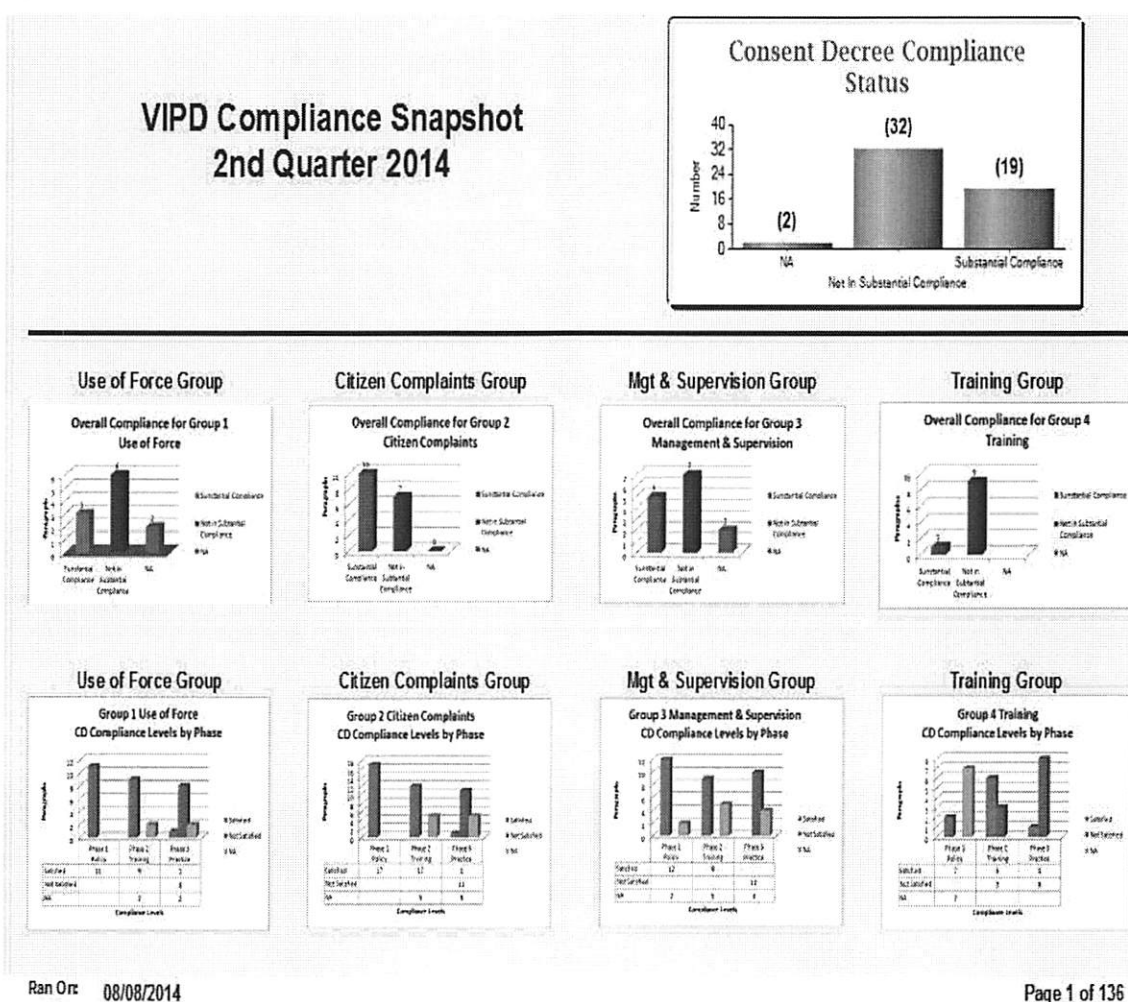


Figure 3

This is an example of the data being drilled down from the paragraph level to the individual group's compliance status, to the breakdown of that data into the three component phases, all on one page for the reader to see.

The Monthly Update report to the VIPD might look like the sample that follows in Figure 4. The same styled cover page, with the three tiered charting display of status, would appear, followed by paragraph focused status review and documentation of activity.



**Independent Monitoring Team  
Consent Decree Compliance Status  
Monthly Update Report**

Paragraph	Paragraph Status	Substantial Compliance Date	Goal
31	Substantial Compliance	10/15/2013	10/31/2013

**Order Content**

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

**Activity History**

Competency-based training of officers and supervisors on remaining policies by Jan 31, 2013 3.8 Off-Duty Policy 3.9 Vehicle Pursuit Policy 3.10 Spike Strip 3.12 Tactical Operations 3.13 Sniper Operations will be completed by January 31, 2013 By November 30, 2012, implement system to ensure all staff are trained on policies (i.e., a tracking system) and periodically test proficiency with the policies. Refresher training on policies ongoing, through documented, periodic in-service and roll call commanders call training. Incorporate competency-based training on policies into Police Academy by Jan. 31, 2013. Yearly review of policies. By June 30, 2013, in consultation with DOJ, implement audit tools to ensure staff are complying with the policies (i.e., review of sample of 1As and arrest reports). Ensure allocation of sufficient staff to input historical and current data into IAPro. Develop and implement a process for identifying personnel who continually fail to report uses of force or otherwise fail to follow the policy and provide and document discipline and/or remedial training.

**Paragraph Substantial Compliance Requirement**

Obtained DOJ approval for all use of force policies that require DOJ approval. Approved policies are distributed to sworn personnel and applicable civilian employees. >=95% of sworn personnel have either: (a) attended and successfully completed the initial in-service training for each new or revised use of force policy and demonstrated proficiency through a written examination or skill proficiency exercise (the "proficiency test(s)"); or (b) if sworn personnel have not successfully completed the required initial 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. All use of force training complies with the requirements of 31(a)-(g) of the Consent Decree, and is taught from curricula/lesson plans that: (a) follow a standard format; (b) identify training objectives; (c) incorporate, to the extent possible, adult learning techniques (e.g., class exercises); and (d) indicate that it has been reviewed by legal counsel.

Phase 1: Policy Status	Status Date	Phase 2: Training/Executors	Status Date	Phase 3: Consistent Application	Status Date
Run On: 07/30/2014 15:24:52	Report Name: monthly_rpt_vipd Version Nbr: 1-072514	Date Source: f:\database\development\consentorders\mainset.SET	Page 2 of 4		

Figure 4

The second page of information would something like that shown in Figure 5.

**Independent Monitoring Team  
Consent Decree Compliance Status  
Monthly Update Report**

Satisfied	10/13/2013	Satisfied	10/13/2013	Satisfied	10/13/2013
<b>Sub-Task Name</b>	<b>Sub-Task Content</b>	<b>Sub-Task Substantial Compliance</b>	<b>Sub-Task Status</b>		
a	Define terms clearly	Definitions of all force terms are consistent with the Consent Decree, applicable law, and generally accepted police practices.	Substantial Compliance		
<b>Sub-Task Name</b>	<b>Sub-Task Content</b>	<b>Sub-Task Substantial Compliance</b>	<b>Sub-Task Status</b>		
b	Define force as that term is defined in this agreement.	Definition of "force" complies with 21 of the Consent Decree.	Substantial Compliance		
<b>Sub-Task Name</b>	<b>Sub-Task Content</b>	<b>Sub-Task Substantial Compliance</b>	<b>Sub-Task Status</b>		
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;	In >= 95% of 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.	Substantial Compliance		
<b>Sub-Task Name</b>	<b>Sub-Task Content</b>	<b>Sub-Task Substantial Compliance</b>	<b>Sub-Task Status</b>		
d	advise that, whenever possible, individuals should be allowed to submit to arrest before force is used;	In >= 95% of the 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.	Substantial Compliance		
<b>Sub-Task Name</b>	<b>Sub-Task Content</b>	<b>Sub-Task Substantial Compliance</b>	<b>Sub-Task Status</b>		
e	reinforce that the use of excessive force will subject officers to discipline, possible criminal prosecution, and/or civil liability;	See 31	Substantial Compliance		
<b>Sub-Task Name</b>	<b>Sub-Task Content</b>	<b>Sub-Task Substantial Compliance</b>	<b>Sub-Task Status</b>		
f	ensure that sufficient less lethal alternatives are available to all patrol officers; and	In >= 95% of 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. 2. 75% of patrol and other applicable officers carry less lethal alternatives at all times while on-duty.	Substantial Compliance		

Phase 1: Policy Status	Status Date	Phase 2: Training/Executors	Status Date	Phase 3: Consistent Application	Status Date
Run On: 07/30/2014 15:25:44	Report Name: monthly_rpt_vipd Version Nbr: 1-072514	Date Source: f:\database\development\consentorders\mainset.SET	Page 3 of 4		

Figure 5

Case Review & Analysis Templates. The system goes beyond this series of screens just shown and includes components for Use of Force, Citizen Complaint, and Administrative Investigation review and analysis. These components are still under development, but as part of our revised approach to case review, we are developing new interim case review

checklists, using Excel macro based worksheets. These worksheets will be loaded into the system while we develop the on-line data entry formats. Once on-line, the Police Practice Experts (PPE) will sign into the system and enter their case reviews directly into the system, by-passing the paper based review and shortening the time that it takes for data entry. Both the interim and final on-line systems will result in on-line live data and reporting that will speed analysis and feedback to the VIPD to assist in their compliance efforts. The newly released paper based Use of Force checklist (OPNS Form 14-1) is shown at Figures 6, 7 and 8, below.

	A	B	C	D	E	F	G	H	I	J
1	<b>Use of Force/Investigation</b>									
2	<b>IMT Review Checklist</b>									
3										
4	IAB Number			File Included		IMT Reviewer:				
5	Form 1A Number:			File Included		Date of Review:				
6	Arrest Number:			File Included		Was the File Provided:				
7	Date of Occurrence:					IMT Review Number				
8	Location of Incident:					Was the Force Justified?				
9	Zone of Occurrence:					(If NO, Explain Below)				
10		Name	Wgt	PDN	Assignment					
11	1st Officer Using Force									
12	Initial Force type:			Gender	Race	Ethnicity				
13	Secondary Force Type:									
14		Name	Wgt	PDN	Assignment					
15	2d Officer Using Force					Force Consistent w/ Use Of Force Policy?				
16	Initial Force Type:			Sex	Race	Ethnicity				
17	Secondary Force Type:					(If No, Explain Below)				
18		Name	Wgt	PDN	Assignment					
19	3rd Officer Using Force									
20	Initial Force Type:			Sex	Race	Ethnicity				
21	Secondary Force Type:									
22	Citizen/Victim:	Name		Email	Phone	Was the Investigation Complete				
23						(If Not Complete, Comment Below)				
24	Contact Information:		Wgt	Sex	Race	Ethnicity				
25										
26	Date Report Completed		Calendar	Case File Includes:						
27	Investigator/Assignment		Days	Incident Report				Should Investigation Be Reopened		
28	Zone Reviewer:		Elapsed	Officer Statement				IMT Flagged for Review:		
29	Date of Review:		0	Supervisor Statement				Additional Reviewer:		
30	Command Reviewer:			All Require Recordings				If Other Reviewer, Who?		
31	Date of Review:		0	All Required Photos				Additional Reviewer Conclusions:		
32	Chief/Deputy Reviewer			IAB Report				Additional Reviewer Comments:		
33	Date of Review:		0	All Other Req Documents						
34			Total Calendar Days	0						
35	Was The Investigation Completed Within The Timeline Required Under the Reportable Use of Force Policy? (1)							IMT Reviewer Comments		
36	(1) The Reportable Use of Policy requires that the investigating supervisor sign and date an investigation report and forwarded the completed case file to the Commander within 10 calendar days from the date of the incident; the Commander must submit findings and conclusions to the Deputy Chief/Chief within 5 working days after receiving the case file; and the Deputy Chief/Chief has 5 working days to submit a copy of his or her findings and a copy of the case file to IAB. The investigation should be completed within 30 days.									
37										
38										
39										
40										
41										

Figure 6



Content of Officer's Report and Supervisor's Investigation		
Auth	Requirement	Compliance/MT Comments
32	Was a Response to Resistance Report (RRR) Prepared	0
N/A	Was an Incident report (1-A) Included in the File	0
N/A	Was an Arrest Report Included in the File	0
32	Officer's narrative describes the type of force used?	
32	Was each and every type of use of force used described?	
31	Were choke holds used? If used was deadly force authorized?	
31	Did the officers engage in a force model that used disengagement, area containment, surveillance, waiting out the subject, summoning reinforcements, or calling out specialized units? K-9? SWAT?	
32	Officer's narrative includes a description of the events leading up to the use of force?	
34	The narrative includes a description of the subject's actions that provide the basis for the force used?	
31	Where possible did the officers give the subject a chance to submit to arrest before force was used?	
33	Was a statement taken from the subject?	
33	Was the statement audio and/or video taped?	
33	The subject received timely medical attention?	
33	Supervisor was notified in a timely manner?	
33	Supervisor responded to scene and conducted an investigation?	
33	Supervisor arrived on scene in a timely manner?	
47	Investigating supervisor was not directly involved in the incident?	
34	Supervisor documented the investigation in the narrative of the RRR (and/or on a supplemental form) and the narrative includes: A description of the events preceding the use of force? An evaluation of the appropriateness of each type of force used? A precise description of the facts that either justify or fail to justify the force? An assessment of whether reasonable suspicion/probable cause was present for: - For the Stop? - For the Search? - An assessment of whether the conduct of the officer was justified? - An indication of whether the supervisor observed the subject(s) and the officer(s) for injuries? - A description of injuries to the officer(s) and/or subject(s)? - An assessment of whether the force was within policy?	
36	All involved officers are identified in the RRR, including all officers who used force and all officers who witnessed the incident or were on the scene at the time of the incident?	
38	Were all shots fired accounted for?	
VIPD 3.2	All officer witnesses prepared an RRR?	
	Did all RRRs reflect original writing as opposed to "cut & paste"?	

Figure 7

36a	Were all witness statements taken?	
36a	Were all witness statements audio or video taped?	
32	Audio taped statements taken from all officers?	
35	If formal statements were taken, were leading questions avoided?	
39	Were all parties statement given equal review for credibility?	
54	Was all relevant evidence including circumstantial, direct and physical evidence, evaluated?	
54	Did the investigation attempt to resolve all inconsistencies:	
36	Were all officers on the scene identified?	
36	Hospital reports were obtained?	
36	Photos of injuries were taken?	
36	Were medical reports obtained? Did they support injuries described in the report?	
37	The completed supervisor's investigative report was reviewed by a Zone or Line CO?	
37	The Zone Commander or unit CO reviewer concurred with the investigating officer?	
37	The CO's review identified some or all of the deficiencies with the supervisor's investigation?	
37	The completed supervisor's investigative report and supporting documents were reviewed by a Chief/Deputy Chief?	
37	The review identified deficiencies with the supervisor's investigation, and required the deficiencies be corrected?	
37	There is evidence that corrective action was taken for failure to conduct a timely and thorough review, recommended appropriate corrective action, or properly implemented appropriate corrective action?	
58	Did the completed investigation identify underlying problems and training needs?	
58	If so, were they communicated to the appropriate VIPD entity (e.g., Training)	
58	There is evidence that corrective action was taken as indicated below:	
	Counseling?	
	Remedial training?	
	Equipment modification?	
	Policy revision?	
	Other?	
<b>Submission Instructions:</b>		
1. Save your work using SAVE AS command and give it a file name as follows: UOF-year (written as 14)-case number-date(written as 070114 for 07/01/14)-Reviewer (Initials) HERE IS A SAMPLE = "UOF-14-000001-CAG"		
2. Rename the package you received from the VIPD as above, but add -PKG at the end of the file name HERE IS A SAMPLE = "UOF-14-000001-CAG-PKG"		
3. Send both files to Palmer for filing; send ORIGINAL CHECKLIST; PKG can be PDF		



Figure 8

The Citizen Complaints and Administrative Investigations will have similar formats. One advantage of standardizing the forms is the ability to control the data entered into each field by use of drop down selection boxes. These boxes are somewhat limited on the Excel sheets, but will be more robust in the on-line version, thus further improving data integrity and facilitating analysis and sorting based on accurate field wording. This is a major benefit to data management systems over paper documents. The on-line system will also shorten the time frame between data entry and data availability for analysis.

**The RMS.** Another feature of the new technology is access for all team members to files located at our data center under a Records Management System (RMS). A separate drive has been setup and access granted to all team members so they can browse all IMT files within the system, which currently occupy about 11 GB of data grouped into several main categories, CAG Administrative, IMT Monitoring, and VIPD Submitted Files and some other, mainly reference or historical documents focused. Included within the system are all previous Fried Frank documents that were available within their SharePoint® system. Team members conducting case review can submit their final check sheets, along with the original case file documents submitted by the VIPD for logging and filing to that system. Access is user name and password protected and is accessed from anywhere, including a SmartPhone, via the Web through a screen looking like that in Figure 9, below.



Figure 9

File system access is displayed in Figure 10, below.

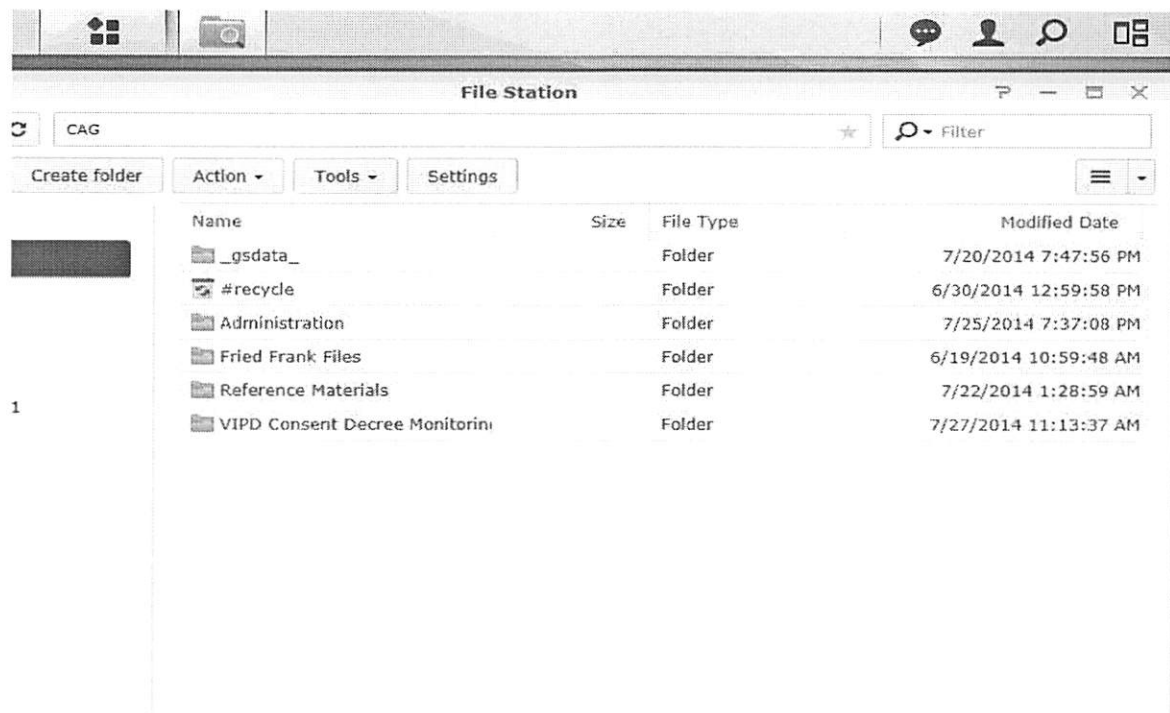


Figure 10

Files coming into the data center are logged and then filed in the above system, using another component of the Consent Decree Data Management System (CDDMS), the Administrative screen. This screen provides date stamping of receipt as well as file location documentation and suspense actions associated with the file. The example of this screen shown at Figure 11, below, displays a recent Use of Force Case review that was received from one of the PPEs and was logged and filed within the system. The RED boxes show the file name and where it was filed. Since bringing the system up, over 200 documents have been logged and filed as indicated in the counter on the bottom right of the screen.

Figure 11

In the case of the Use of Force case reviews, the PPE's completed checklist (currently in Excel format) and the VIPD case file (in PDF format), are combined into one file, annotated with a "Completed and Logged" overprint and then filed. An



example of the case package (first sheet only) shown in the screenshot above, is shown in Figure 12, below (in redacted format for this report).

**Use of Force/Investigation  
IMT Review Checksheet**

IAB Number	UOFY 2013		File Included	YES	IMT Reviewer:	RHS
Form 1A Number:			File Included	YES	Date of Review:	8/27/14
Arrest Number:					Was the File Provided:	Complete
Date of Occurrence:					IMT Review Number	IMT-14-00001
Location of Incident:					Was the Force Justified?	YES
Zone of Occurrence:					(If NO, Explain Below)	
1st Officer Using Force	Name	Wgt	PDN	Assignment		
Initial Force Type:	Soft Hands		Gender	Race	Ethnicity	
Secondary Force Type:	Name	Wgt	PDN	Assignment		
2nd Officer Using Force	Name	Wgt	PDN	Assignment		
Initial Force Type:			Sex	Race	Ethnicity	
Secondary Force Type:	Name	Wgt	PDN	Assignment		
3rd Officer Using Force	Name	Wgt	PDN	Assignment		
Initial Force Type:			Sex	Race	Ethnicity	
Secondary Force Type:	Name	Wgt	PDN	Assignment		
Citizen/Victim:	Name	Wgt	PDN	Assignment		
Contact Information:	Name	Wgt	PDN	Assignment		
Date Report Completed	9/27/2013	Calendar	Days	Elapsed	Case File Includes:	
Investigator/Assignment	SGT				Incident Report	YES
Zone Reviewer:	SGT				Officer Statement	YES
Date of Review:	1/4/2014				Supervisor Statement	YES
Command Reviewer:					All Required Recordings	YES
Date of Review:	1/4/2014				All Required Photos	YES
Chief/Deputy Reviewer					IAB Report	YES
Date of Review:	1/30/2014				All Other Req Documents	YES
Total Calendar Days	125					
Was The Investigation Completed Within The Timeline Required Under the Reportable Use of Force	YES					
<p>(1) The Reportable Use of Policy requires that the investigating supervisor sign and date an investigation report and forward the completed case file to the Commander within 10 calendar days from the date of the incident; the Commander must submit findings and conclusions to the Deputy Chief/Chief within 3 working days after receiving the case file; and the Deputy Chief/Chief has 5 working days to submit a copy of his or her findings and a copy of the case file to IAB. The investigation should be completed within 30 days.</p>						
<p>IMT Reviewer Comments</p> <p>reports that disposition was based on findings but was still open because there was no Disposition Letter. Letter from IAB 9-23-13 requesting closure of the case. It would appear that received the case but never signed off on it and closed it.</p>						

CAG-UOF Checklist  
V.1 - 072414  
ORHS-Form 14-1

Complete and Logged

1 of 3

Figure 12

**The Web-Based Calendar.** As shown in the screenshot, there are several other tabs associated with the Administrative component, all directed at management of data and actions of the IMT team. The last tab of this component accesses the web-based team calendar that currently limits access to team member, but in the future will have a public component that will be part of our Website for public view. This private calendar covers team operations and staff availability, while the future public one will include notices of when the monitors will be on site, court dates, quarterly reporting periods and report release dates, etc. The current private version is shown at Figure 13, below.

Document Files | Correspondence | Suspense System | **Calendar**

Open CAG Web Calendar

Save Records  
Close Screen

Dobbins Island Software, DKO Services, LLC V.1.5 672214

Figure 13

**The Website.** One area where we intend to be more active is public engagement. To further this effort we have obtained a new website domain and are in the process of developing the website to be informative to the public as to the mission of both the Consent Decree and the work of the monitors. We will be providing copies of all our public documents including quarterly reports, and important links to the VIPD and other sites of interest. Included within the site is a contact form for inquiries, but we intend to insure that the public understand that we do not investigate complaints and that they need to contact the VIPD for such assistance. We will, however, insure, if they desire contact, that we follow-up and insure they understand how to file a complaint and/or, hopefully, compliments as to VIPD performance. While the site is currently under construction, we hope to have it fully functional by mid-September. A screenshot of the current home page is shown in Figure 14, below.



Figure 14

As the reader can see, we have been very busy and focused on bringing our technology on line to support increased monitoring activity and hopefully support improved progress by the VIPD toward full compliance with the Consent Decree. In doing so we believe we have made some great strides forward toward improved monitoring and reporting capabilities that will pay dividends beginning in the next quarter.



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

**Appendix D  
Constitutional Policing Index**



**CHARLES A. GRUBER CONSULTING INC.  
INDEPENDENT MONITOR  
JULY 2014  
[www.imt-policemonitor.org](http://www.imt-policemonitor.org)**

## THE CONSTITUTIONAL POLICING INDEX

### MEASURING AND ASSESSING IMPACT AND OUTCOMES OF THE VIRGIN ISLANDS POLICE DEPARTMENT CONSENT DECREE

Recently crafted consent decrees and settlement agreements feature a requirement for Outcome Assessment, a process and recommended measure to determine whether implementation of prescribed/mandated remedies and actions (the paragraphs) result / are likely to result in constitutional policing and/or remediate the patterns, practices, and conditions that caused government intervention in the first place. The New Orleans, Puerto Rico, Seattle consent decrees and settlement agreements are examples. The Virgin Islands Police Department consent decree, negotiated and finalized earlier (March 2009) did not / does not explicitly demand outcome assessment. The need for impact measurement and interpretation is now commonly recognized by the parties. Inactivity with regard to measurement is unfortunate. Opportunity to collect and manufacture at least quantitative baseline information appears to have been unexploited for most of the now five-year life of the Virgin Islands Police Department Consent Decree compliance program. (The IMT does has not examined the comprehensive reliability of the Virgin Islands Police Department's IT and analytics capacity, which bears directly potential – past and current.) Building/guiding development of a Virgin Islands Police Department CD-metrics capacity is an immediate priority to the IMT.

### CONSTITUTIONAL POLICING: OUR GOVERNING DESIGN PRINCIPLE

The IMT metrics program is being designed to reveal, first and foremost, whether and to what degree the Virgin Islands Police Department is achieving the commitment to constitutional policy that is the basis of the CD:

*This consent decree (Agreement) 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 . . . .”*

(p. 1, Consent Decree, March 2009).

The Consent Decree sets forth a provision that serves to define constitutional policing:

*The parties share a mutual interesting in promoting effective and respectful policing. They join together in entering this Agreement to promote police integrity and prevent conduct that deprives persons of rights, privileges or immunities secured or protected by the Constitution of the laws of the United States.*

(p. 1)

Finally, and of great utility for modeling a metric program, is:

*In its complaint, the United States alleges that the Territory of the Virgin Islands and the Virgin Islands Police Department (collectively, “the Defendants”) are violating 42 U.S.C. §1414, by engaging in a pattern or practice of excessive force (emphasis added) by others of the Virgin Islands Police Department and by the failure to adequately train, supervise, investigate and discipline officers, and the failure to establish consistent policies, procedures, and practices that appropriately guide and monitor the action of VIPD officers and the VIPD’s response to those actions.”*

(p. 2)

For modeling and actual measurement, excessive use of force primarily, and force generally, should be “the” governing metrics.

Definition and construction of the concept of constitutional policing does not seem to be entirely clear. It does, however, seem to be framed by legal protections – and more so, violation of – the rights, privileges and immunities guaranteed by the Constitution of the United States and important law derived therefrom. Accordingly, it makes sense to us to model a metric system that provides measurements of police behaviors that go beyond excessive use of force, measures of bias, for example.

## GETTING STARTED

Designing and building the Virgin Islands Police Department Consent Decree metrics package will be a long-term, interactive, evolutionary endeavor. Our plan is to build/help build it incrementally. Rather than attempt to conceive and finalize the “grand design,” our recommendation is to (1) take on “manageable chunks,” concentrating first on limited sets of core measures; and (2) accord weight to current and reasonably achievable (upgraded) Virgin Islands Police Department information production capacity – a blend of data base content and condition, technology, and IT research/analytic skill sets. (The state of these conditions and skill sets is not known to us at this juncture.)

Table 1 displays a range of options for the metrics package start-up. Labeled for now the Constitutional policing Index. The metrics program can be built from several clusters, distinguished by object/type of measurement/measure and data source.

Outcomes. This cluster would reveal the “constitutionality” of Virgin Islands Police Department activity and behavior with regard to core rights, privileges, and immunities guaranteed to citizens. It includes the primary CD impact outcome measurement – excessive use of force.

EIP Measures. This cluster would include several components of the outcome cluster, but would supplement and broaden the picture of constitutional policing. It would present a total picture of citizen allegation and Virgin Islands Police Department disposition.

Trends or Patterns. Each and all of the foregoing metrics must be applied and tracked (repeat measurement) continually to achieve critical mass-meaning. For a variety of reasons, to identify need for intervention that should produce ever-increasing constitutional behavior by Virgin Islands Police Department personnel, the metrics must be analyzed for significance. Almost all metrics reveal consequential and explanations, implications, insights and potentials when diagnosed by subject matter experts.

Process Measurement. Evaluation standards require that outcome measurement be paralleled by process measurement. The valid conclusion with regard to impact of intervention on outcomes, position and negative, demand understanding of the implementation of intervention. The “interventions” in the present situation are the actions and remedies stipulated/prescribed in the Consent Decree, augmented by DOJ and IMT recommendations and expectations. Most of the required process measures are already available. There are the compliance thresholds currently in play.

## **THE IAPro DATABASE**

What follows is a very simple representation of the configuration of the VIPD IAPro database, plus information content categories.

### **Citizen Complaints**

- Citizen Complaints Incidents Received: Class & Sub-class
- Citizen Complaints Incidents: by unit, officer ratio
- Citizen Complaint Dispositions: with Actions Taken
- Citizen Complaints Demographic: by gender, involved officer (race/ethnicity), involved office (age), involved officer (assignment/operations, territorial comparisons)

### **Administrative (Investigations)**

- Allegations
- Investigations: by allegation, by class (of Department Violations)
- Investigation: by unit and officer ratio
- Disposition and Action Taken
- Involved Officer Demographics: by race/ethnicity, gender, age

### **Use of Force**

- Incidents/Number: by Status and Funding
- Incidents/Number: by Month Received

- Incidents/Number: by Type Used
- Incidents/Number: By Unit, Office Ratio
- Type of Force Tall – Type
- Citizen Resistance Tally: Reason
- Citizen Condition Tally: Injuries
- Charges Against Involved Citizens
- Citizen Arrest: Yes, No, Counts
- Citizen Injuries: Number, percent, taken to hospital
- Officer Injuries Tally: Number, percent, taken to hospital
- Reason for Use of Force
- Type of Service Being Rendered
- Force by Unit and Officer Ratio
- K-9 Bite Ratios: by officer name
- Incidents: By Disposition
- Two Year Trend: by Reason (effecting arrest, battery on officer, etc.); by Service Being Rendered; by Citizen Injury
- Taken to Hospital; Officer Injury; by Operations (Unit);
- Firearms Discharge: by Number, by Office

#### **Vehicle Accidents**

- Incidents / Number
- Findings: Officer at Fault
- Cause of Accident
- Time of Accident
- Officer Injuries: Yes/No
- Non-employee Injuries
- Amount of Damages
- Three-Year Trend: Employee Responsibility (Fault); Time of Accident; Weather Conditions; Injuries
- Dispositions

#### **Vehicles & Pursuits**

- Incidents/Number
- Reason Initiated
- Time
- Initial Violation
- Weather
- Pursuit Distance
- Type of Vehicle Pursued
- Beginning/Ending Location



- Event that Concluded Pursuit
- Citizen Complaints & Quarterly Activity by Unit (Patrol Zone, CID, Special Detail, etc.)
- Quarterly Pattern & Trending Data
- Citizen Complaint
- DUI Factors
- In-car Camera Availability & Use
- Pursuit Aborted
- Arrest of Driver Pursued for DUI
- Helicopter Assistance
- Stop Device Used
- DUI Arrest
- Liability Claim Filed
- Pursuit Justified / Within Policy
- Citizen Condition / Injury Tally
- Disposition
- Three Year Trend

**TABLE 1**  
**CONSTITUTIONAL POLICING INDEX**

**A. OUTCOME MEASURES – SUPER (MACRO)**

☐ Use of Force

1. Overall:

- a. Number and Rate of Complaints (citizen, command generated)
- b. Number and Rate of Excessive Force complaints
- c. Arrest Related – Number and Rate (citizen command generated)

[By force type. Can/should detail by geographic areas, race, gender, ethnicity]

- 2. Rates of Sustained Complaints: Overall and arrest-related.
- 3. All of the above.

☐ Stop, Search, Seizure

- 1. Overall, Number and Rate of Citizen and Command Complaints (by type of complaint, geographic area, demographic breakdown, department dimensions – shifts, units, officers, supervisors)
- 2. Number and Rates Sustained  
Preponderance of evidence/lack thereof subset)

☐ Equal Protection (Bias Free)

- 1. Number and Rate of Stops – traffic and other (by purpose, demographics, department dimensions)
- 2. Outcome by Number and Rate (arrests, citations, confiscations)
- 3. Response – Time and Quality of Service Measures (emphasis on sexual assault, domestic violence, hate crimes, rate, gender and LGTB populations)

**B. EIP MEASURES**

☐ Number and Rate of Complaints/Charges (citizen, command)

- 1. Abuse of Power

2. Abuse of Process
3. Harassment/Information
4. Citizen Contest
5. Civil Rights
6. Failure to Perform – Constitutional Issue
7. Failure to Take Citizen Complaint
8. Firearms Discharge
9. False Arrest
10. Pointing Firearm
11. Prejudicial Conduct
12. Threats
13. Unlawful Search
14. Unnecessary/Excessive Use of Force
15. Wrongful Detection
16. Other Violation of Citizen Rights

☐ Number and Rate of Sustained Complaints/Charges  
(Complaints/Charges from 2013 EIP Annual Report)

C. Trends and Patterns

Longitudinal comparison and analysis of all of the foregoing data sets.

D. Process Measurer

E. The compliance thresholds already established for CD paragraphs and sub-paragraphs.