

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

FOURTH QUARTERLY REPORT OF 2014
FROM THE
INDEPENDENT MONITOR
FOR THE VIRGIN ISLANDS POLICE DEPARTMENT



CHARLES A. GRUBER CONSULTING INC.
INDEPENDENT MONITOR
www.imt-policemonitor.org
(March 27, 2015)

**Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department**

INDEPENDENT MONITORING TEAM

Independent Monitor

Chief Charles A. Gruber
Elgin, Illinois Police Department (retired)

Police Practices Experts

Superintendent Ann Marie Doherty
Boston, Massachusetts Police Department (retired)

Chief Robert L. Stewart
Ormond Beach, Florida Police Department (retired)

CAG Staff & Consultants

Jerome A. Needle, Project Manager
Director of Programs & Research, International Association of Chiefs of Police
(retired)

Palmer D. Wilson, Technical Manager
Lieutenant, Commander, Office of Audits & Inspections, Montgomery County,
Maryland Department of Police (retired)

Leon A. Casey, Sr., Field Coordinator
Resident Agent in Charge, U.S. Customs Service (retired)

**CHARLES A. GRUBER CONSULTING INC.
INDEPENDENT MONITOR
www.imt-policemonitor.org**

**Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department**

TABLE OF CONTENTS

EXECUTIVE SUMMARY	4
I. COMPLIANCE PROGRESS: TRANSITION COSTS AND OPPORTUNITIES	8
II. SUMMIT 2	13
III. COMPLIANCE STATUS: OVERVIEW	16
IV. COMPLIANCE STATUS: DETAIL	25
V. VIPD USE OF FORCE REVIEW: MONITORS' PERSPECTIVE MARCH 2015 ..	86
VI. VIPD AUDITING PERFORMANCE	89
VII. MEASUREMENTS & ASSESSMENTS	91
VIII. OUTCOME ASSESSMENTS: TWO NEW INITIATIVES	101
IX. VIPD COMPLIANCE ACTIVITY	105
X. CONCLUDING THOUGHTS	107

See separately attached Appendices

APPENDIX A – PARAGRAPHS CURRENTLY IN SUBSTANTIAL COMPLIANCE OF NA
STATUS AS OF END OF FOURTH QUARTER, 2014

APPENDIX B – COURT ORDERED GOALS NOT IN SUBSTANTIAL COMPLIANCE
STATUS REPORT AS OF END OF FOURTH QUARTER 2014

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

EXECUTIVE SUMMARY

This is the report of the Independent Monitoring Team (IMT) for the Fourth Quarter of 2014, October through December and extended to also include January and February of 2015.¹ It is the first to be received by the new leadership of the Territory and the Virgin Islands Police Department. It can serve, along with other documents referenced, as a useful baseline to capture Consent Decree compliance conditions as the new leaders assume command. The IMT has engaged incoming Territorial and VIPD executives and appointees continuously during the post-election period on matters of pivotal significance for advancing Consent Decree compliance. The DOJ has been particularly active in this regard, as well. More engagement is planned and collaboration is expected to continue.

Compliance Status

The signature feature of the extended Fourth Quarter is the complete failure to bring even one paragraph into Substantial Compliance. As of August 28, 2014, the VIPD has been in Substantial Compliance with 31 paragraphs, and Not in Substantial Compliance with 20 paragraphs. At the close of the Fourth Quarter of 2014, continuing to the end of February 2015, the VIPD has still only achieved Substantial Compliance for 31 Consent Decree paragraphs. Twenty (20) are not in Substantial Compliance, about 40% of applicable paragraphs. A fall-off in progress was not unanticipated in view of the governmental/agency transition. We cannot affirmatively trace the result entirely to the transition.

Important compliance work did continue during this reporting period. As pledged by the Parties at the end of Quarter Three, a second summit-style meeting was held, in November, 2014. The event is notable for the consensus forged on "Impediments" to unmet Court-Ordered Goals and action remedies. The IMT conducted a Consent Decree-focused survey of compliance

¹ Going forward, future reports will align with the quarters outlined in the Court's February 25, 2015 Order (Dkt. No. 143).

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

knowledge requirements and perspectives of critical supervisor cadre of the VIPD. This diagnostic yielded important insights and action implications, albeit early ones, for VIPD "readiness" to complete and sustain Consent Decree compliance. The IMT initiated the design and definitions phase of an outcome measurements and assessment program. The VIPD audit work continued to improve. One work Group, Use of Force, advanced its design of a measurement innovation that should serve as a model for all other Work Groups. The VIPD's Status report for the period ending on February 20, 2015, Report #22, documents the VIPD's work toward compliance, across the agency. Of consequence are: training for recently promoted supervisors, leadership training for veteran supervisors, supervisory in-service training; revision and submission of three (3) force policies to DOJ for review and approval; revision of the Citizen Complaint Form to capture the important demographics of race, ethnicity and national origin. An IAPRO-based, comprehensive force analysis (the RRR Audit) is in final stages of review. For understanding and managing force conditions constitutionally in the Virgin Islands, this is a major contribution, and long overdue. A later section of this report outlines VIPD accomplishments as reported in the *Executive Summary of Status Report #22*.

Continuity Actions

The IMT is pleased to report that the VIPD is focusing intelligently on compliance organization, staffing, and "recommitment." Newly appointed Commissioner Delroy Richards, Sr., has pledged to meet the mandates of Governor Mapp and Lt. Governor Potter to restructure the VIPD to achieve and maintain consistency in constitutional policing practices and policies. The IMT joins the DOJ in welcoming Commissioner Richards.

As a package, early structural and resource allocation moves are promising. A principal lead for Consent Decree compliance has been designated. The IMT takes comfort from the fact that this individual has been serving in a compliance leadership position for an extended period of time. Continuity is being preserved. Reestablishing the Audit Inspection Unit as a Bureau is under consideration, as is augmenting staff with two persons currently serving in other capacities in the VIPD, one a sworn officer, the second non-sworn. A Vacancy Announcement has been posted

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

for the position of Early Intervention Program Research Analyst. Plans are to hire two (2) analysts. The skills, education, and experience levels set for the job are very well-suited to current Consent Decree compliance needs. Hires that can bring these assets to the compliance effort will be positioned to make very major contributions. The leadership of and responsibility for the four working groups has been vested in the two police chiefs as part of a refocus by the VIPD management. IMT interactions with these individuals are and have always been positive. We are encouraged.

A number of very recent events, including a VIPD-DOJ-IMT goals review conference, a series of IMT-VIPD technical assistance collaborations, and early restructuring of the VIPD compliance team have engendered optimism that a refreshed compliance environment is emerging.

Advancing Compliance Recommendations

All of the parties concur that attention to the 20 paragraphs that have not satisfied Substantial Compliance criteria must be intensified and that no slippage should occur with regard to the 31 paragraphs that have. Actions required to bring the 20 into compliance are already well defined for the VIPD. Indeed, they have fashioned many of the remedies themselves and collaborated with the IMT on others.

The Compliance Detail section documents the consensus positions and agreements forged at Summit 2 regarding Impediments – barriers to forward movement toward Substantial Compliance. They were recorded on November 20, 2014 and filed with the Court on December 12, 2014 in the *Interim Update on the Status of Compliance by the Virgin Islands Police Department, November 20, 2014* (Amended, December 9, 2014). They are reproduced in this Report as Recommendations. It is not inaccurate to regard them as Obligations. At a meeting with representatives of the new administration on February 3, 2015, the DOJ attorneys suggested schedule of priorities, as well.

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

Considering and understanding fully the challenge of transformation in any police culture, and particularly the challenges in the VIPD culture, the IMT must emphasize the urgency of accelerating compliance in the next quarter and immediate quarters thereafter. The Monitors remain available to assist with these challenges. We sincerely hope the new administration is receptive to our offer, suggestions and recommendations, understanding that we share common goals and objectives.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

I. COMPLIANCE PROGRESS: TRANSITION COSTS AND OPPORTUNITIES

During the later part of the 2014 calendar year, the IMT repeatedly cautioned the Territory and the VIPD to plan for and take actions to minimize the inevitable disruptions associated with governmental leadership transitions. Our *Second Quarterly Report for 2014* declared:

"Leadership transition is likely to disrupt the compliance process (as has been seen in the Consent Decree around the country). The Independent Monitor has begun discussion with the current Commissioner and his leadership team to plan for transition, to minimize disruption and ensure ongoing commitment to compliance efforts."

Our concern and urgings were expressed during summits and monthly meetings with the VIPD. To the best of the IMT's knowledge, no preemptive actions occurred. The sum of the attention to "future considerations" which naturally accompany transition periods and apparent absence of bridge measures, very likely contributed to an extended period marked by absolutely no progress on paragraph compliance. Not one Court-ordered, VIPD-pledged goal has come into compliance since the 2Q2014 Report.

Continuity Actions

To smooth transition, with the new Territorial Government, the IMT arranged a series of meetings with key members of Governor Mapp's incoming team. The first, December 16, 2014, was attended by all of the IMT's Police Practices Experts, Lieutenant Governor Potter, Mr. Emile Henderson III, Esq., Chief Counsel to Gov. Mapp, and Laverne Mills-Williams, the attorney assigned to Mr. Henderson's office with responsibility for the Consent Decree. Agreement resulted to meet again in coming weeks to further discuss opportunities to move the Consent Decree forward to embed more professional and constitutional policing practices in the VIPD. The second meeting, again with the three PPEs was with Ms. Soraya Diase Coffelt, J.D., Acting Attorney General, Deputy Commissioner Curtis Griffin, and Detective Eugene Alcendor, the Consent Decree Coordinator for the VIPD. Open and wide ranging discussions focused on

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

the status of the Consent Decree and many of the obstacles documented in previous Quarterly Reports. The IMT was impressed with the interest, preparation and informed inquiry of the new government. .

On January 15 and 16, 2015, Police Practices Expert Bob Stewart met on St. Croix with Mr. Emile Henderson III and Commissioner Richards. The purpose was to follow up on the December session and move forward more concrete ideas to maximize compliance efforts within the VIPD. Much of this meeting was spent recapping the history of the Consent Decree from the Monitors' perspective. We made a point of suggesting that the departmental alignment that the Commissioner was implementing caused us concern. We suggested the establishment of a Professional Standards Bureau that would house Internal Affairs, the Audit Unit, Training and the Policy Development Functions. This bureau would potentially be commanded by the same person who was designated to oversee the Consent Decree process for the VIPD. It had been established prior to the administration change that a senior command staff member would be assigned to oversee all Consent Decree activities for the agency.

We additionally voiced our concern that the newly appointed Deputy Commissioner was being charged with responsibilities that are typically assigned to at least two persons. In most departments the size of the VIPD, there is likely to be an Operations Commander and an Administrative or Professional Standards Commander who would share overall oversight of the functional arms of the agency. We continue to have concerns about the span of control in this design.

On February 3, 2015, the IMT participated in a meeting at the Government House on St. Thomas to again discuss work toward achieving greater compliance with the Consent Decree mandates. This meeting was attended by the DOJ, Ms. Laura Coon, CRT supervising attorney for this case, AUSA-VI Jocelyn Hewlett and IMT Monitor Mr. Charles Gruber. Attending for the USVI were Mr. Emile Henderson III, Chief Legal Counsel, Mr. Randolph H. Knight, Chief of Staff, and Ms.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Griffiths, Acting Attorney General, staff from the Government House at the request of Gov. Mapp, and (now) Commissioner Delroy Richards, Sr., Deputy Commissioner Curtis Griffin.

With the benefit of the Consent Decree status reports provided during previous meetings, the parties introduced their considered current thinking regarding the most pressing needs to address to advance compliance. It was universally accepted that the new Territorial Government is absolutely committed to the Consent Decree and the provisions for achieving constitutional policing. The challenge lies in how to achieve these goals expeditiously and effectively considering other priority issues facing the Territory at the same time, including crime incidence. The Territory indicated the need to take stock of current efforts as well as to identify leaders in the Virgin Islands Police Department who can move the process forward. In conjunction with that thinking, the Territory announced to the members present that the Governor has selected Mr. Curtis Griffin to be the new Deputy Commissioner of the VIPD, with a main duty to lead the territorial objective of coming into compliance with the Consent Decree. Both the IMT and the DOJ met this announcement with anticipation as we have worked with the new Deputy Commissioner and have found him to be a dedicated and ardent supporter for implementing the Consent Decree. We look forward to working with him and to his leadership within the VIPD. The parties agreed to keep meeting and identifying opportunities to advance the Consent Decree and to work collaboratively toward the obtainment of the goals outlined with the Consent Decree.

Opportunities

This transition period presents an ideal opportunity – a clear field – to reposition VIPD compliance strategy and assets for greater success. The IMT suggests a few measures to reignite compliance momentum. Suggestions here are restricted to matters of organization and staffing.

- **Restructure the Compliance Organization.** The IMTs *Response to the VIPD's Second Quarter Audit Compliance Report* argued for a restructuring of the VIPD compliance organization model. We recommended "...centralizing audit responsibility

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

and concentrating assets directly in the Commissioner's Office, in a newly structured Professional Responsibility cluster, under full-time, day-to-day leadership of a Chief (Consent Decree) Compliance Officer...." We repeat our call for this or a similar action. (Outlines of the recommended configuration can be found in the IMT's previous report.)

- **Restructure the Compliance Staff.** The VIPD organizational transition (the department-wide effort) will bring a range of personnel changes, promotions, transfers, and, perhaps, resignations and retirements. Some will be immediate. Some will follow. Some VIPD staff members who have central and peripheral roles in compliance work will be affected by transition. These could include members of Work Groups and individuals in other Consent Decree related capacities.

For reasons ranging from fresh perspectives, to motivation and interest, to "fit" for particular compliance assignments, the VIPD compliance line-up should be critically reexamined. Keeping need for continuity and experience in mind, the goal should be to field the most talented and motivated compliance team possible.

- **Compliance Staff Enhancements.** The IMT's *Third Quarterly Report of 2014* commented on the mounting level of unstarted and unfinished work confronting the VIPD compliance staff. This includes over 40 self-selected (Work Group-selected) recommendations, 30 impediments defined and documented at the August Summit, and 8 system/process workflow mapping and evaluation exercises. While there are redundancies in these groupings and a number have been addressed, a mountain of work remains. During the months since the foregoing census was taken, there has been progress and emergence of new challenges and requirements, outcome measurement and assessment being one. "We urge the VIPD to supplement the current teams - not just in number but in skill sets." (Third Quarterly Report, p. 26.) Our previous

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

recommendations to invest more generously in compliance programming remain relevant for consideration and action by the new VIPD leadership.

Early Movement

The IMT is pleased to report that the VIPD is focusing aggressively and intelligently on compliance organization, staffing, and recommitment. Starting with the last consideration, newly appointed Commissioner Delroy Richards, Sr., has pledged to meet the mandates of Governor Mapp and Lt. Governor Potter to restructure the VIPD to achieve and maintain consistency in constitutional policing practices and policies. The IMT joins the DOJ in welcoming Commissioner Richards.

As a package, early structural moves are promising. A principal lead for Consent Decree compliance has been designated in Deputy Commissioner Griffin. The IMT takes comfort from the fact that this individual has been serving in a compliance leadership position for an extended period of time. Continuity is being preserved. A Vacancy Announcement has been posted for the position of Early Intervention Program Research Analyst (January 30, 2015). Plans have been to hire two (2) analysts. The IMT hopes the job skills, education, and experience levels set for the job are very well-suited to current Consent Decree compliance needs. Hires that can bring these assets to the compliance effort will be positioned to make major contributions. Reestablishing the Audit Inspection Unit as a Bureau is under consideration, as is augmenting staff with three persons currently serving in other capacities in the VIPD, one a sworn officer, the other two non-sworn. The Training & Management and Supervision Work Groups have new leaders. IMT interactions with these individuals are and have always been positive. We are encouraged.

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

II. SUMMIT 2

In August, 2014, the IMT, the VIPD Consent Decree leaders, and compliance staff professionals collaborated in a two-day summit style meeting. Approached as a Consent Decree "re-set" engagement, the principal accomplishments of Summit 1 were clarification and concurrence on compliance status, paragraph by paragraph, on threshold (substantial compliance) criteria and agreement to add a more discrete threshold measurement, "Partial Compliance," to be applied to sub-paragraphs. Of the many outcomes of the engagement, none transcended in utility and value setting a compliance/non-compliance baseline from which all parties have been able to work with evident clarity and comfort during the months that have passed since the Summit. The compliance/non-compliance baseline:

At the outset of the Summit there were 19 paragraphs in Substantial Compliance. As a result of the exhaustive paragraph by paragraph review, utilizing a comprehensive set of worksheets that detail key status and documentation of all 53 operational Consent Decree paragraphs, the IMT was able to place an additional 12 paragraphs into Substantial Compliance, bring the status level to 31 in Substantial compliance, 20 Not In Substantial Compliance, and 2 in NA status.

Mutual agreement was also reached between the IMT and the VIPD to introduce a new classification at the sub-paragraph level only, of "Partial Compliance." The Partial Compliance plateau was set at 51% of those sub-paragraphs that had a numeric threshold. This action acknowledges significant progress in sub-paragraph components, while the VIPD continued to work toward Substantial Compliance for the paragraph as a whole. Including the most recent designations of Substantial Compliance, the current status of the VIPD for the 53 operational paragraphs is as follows:

Compliance - As of 08/28/14

Substantial Compliance	31
Not In Substantial Compliance	20
N/A	2

This constitutes the first time since the beginning of the Consent Decree that the VIPD was deemed by the monitors to have more paragraphs in Substantial Compliance than those Not In Substantial Compliance. The IMT Monitoring

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Team feels strongly, after the intense two days of the recent Summit, that the VIPD has begun to turn the corner and gain momentum while progressing toward overall compliance with the Consent Decree.

While feeling comfortable with the above judgment call, we remain cognizant of the pending transition in Territorial leadership and its subsequent impact on the VIPD. Based on our information, it is entirely possible that much of the upper echelon of the department will retire or otherwise leave the police service. That said, we are heartened by the efforts of members of the various working groups who will in all likelihood remain in the department, as they have recently demonstrated a new found determination and expertise with seeking compliance. Their efforts during the Summit, specifically in coming prepared for the detail work and genuine dedication to the process should bode well for the future, provided some care is taken with the transition of senior leaders. We urge the Court to exercise its powers to support as seamless a transition as possible to protect the progress that has been made and the spirit recently.

(Third Quarter Report of 2014, pp. 8 and 9.)

On November 12, 2014, about ten (10) weeks after the August Summit, a second Summit, was conducted. Work focused on Court-Ordered Goals and Consent Decree paragraphs that remained Not in Substantial Compliance. Also addressed were: (1) Use of Force concerns and issues, including firearms discharge frequency and cases; (2) Use of Force Audit Questions; (3) Use of Force training issues; (4) Review of quarterly reporting and court dates; and (5) IMT concerns over a proposed VIPD instructor waiver intents. Summit 2 achievements are documented in *Interim Update On The Status of Compliance By The Virgin Islands Police Department, November 20, 2014* (Amended, December 9, 2014), filed with the U.S. District Court For The District Of The Virgin Islands on December 12, 2014.

Having "set the table" at Summit 1 by clarifying, documenting and gaining consensus on compliance statuses and thresholds, the IMT and VIPD were positioned to diagnose and action-plan to accelerate compliance at Summit 2. Functioning in break-out group mode, discussions and deliberations focused on three (3) considerations of significance for compliance, for each of 14 paragraphs and 47 sub-paragraphs. The considerations:

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

- **Activity.** General and/or specific actions – completed and/or in process, to achieve compliance.
- **Impediments.** Obstacles and challenges that need to be addressed to advance to substantial or partial compliance.
- **Recommendations.** Specific actions/sets of actions to overcome impediments.

The results of the discussions and deliberations are painstakingly documented in the aforementioned Interim Update (59 pages) and repeated, with updates, in Section IV of this report.

The IMT expressed expectations and provided technical guidance on the Force Review Board initiative, Force Investigation Team Development & Implementation, Audit & Inspection Unit build-up, composition of the Training Review Committee, and Use of Force Training evaluation protocols.

The VIPD responded, reporting on progress with regard to Force Reporting Templates; Directive for Template Implementation & Training; Force Review Board Policy Approval; Force Review Board Staffing & Training; and Force Investigation Team Policy. Target completion dates were set for several of these initiatives.

**Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department**

III. COMPLIANCE STATUS: OVERVIEW

The following 13 charts document Paragraph Status at the end of Quarter Four, 2014. Compared to Quarter Three, 2014, there has been no change at all with regard to Overall Status (Chart 1), and therefore with regard to Overall Compliance by Paragraph Groups (Charts 4-8), or Compliance Levels by Phase (Charts 9-13).

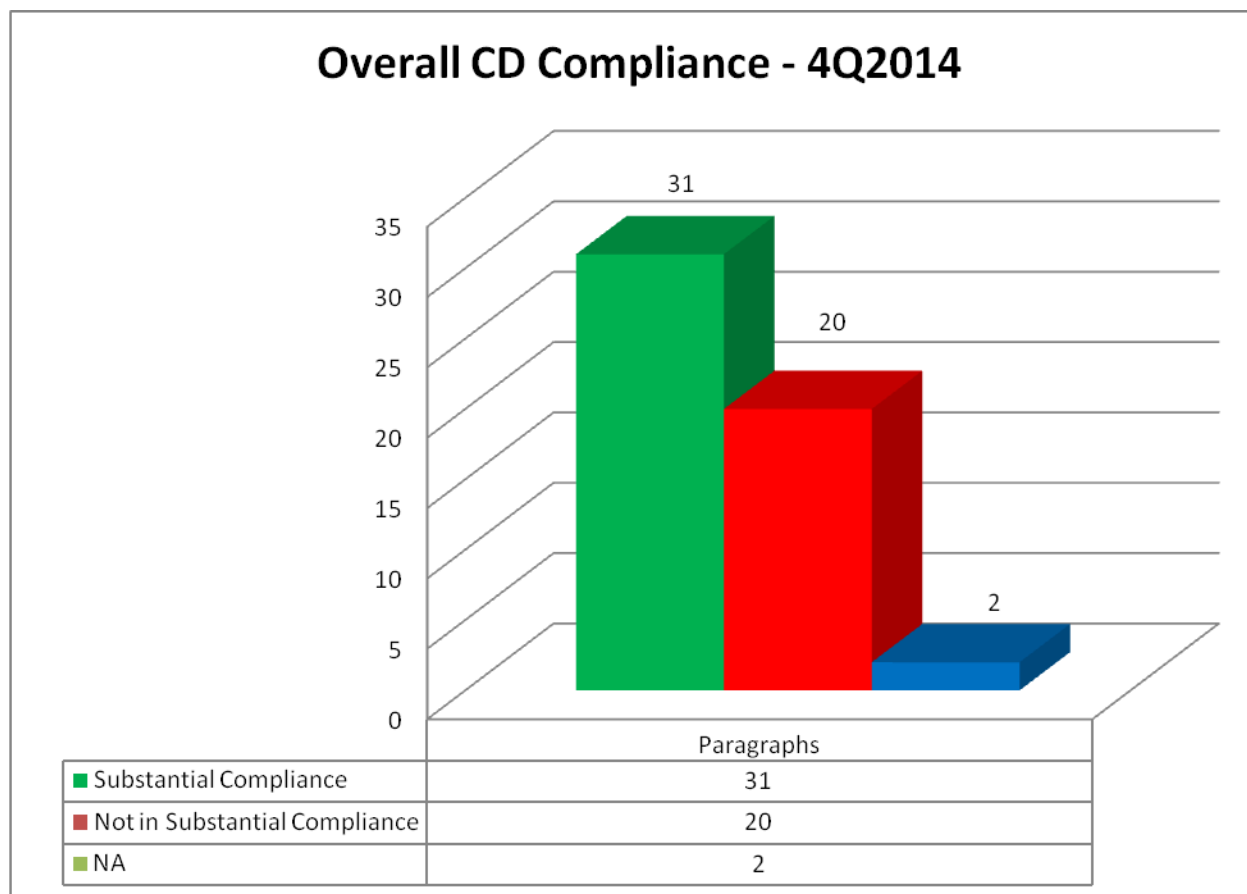
Overall Status

The VIPD has achieved Substantial Compliance for 31 paragraphs. These 31 paragraphs are detailed in Appendix A to this report. Twenty (20) are not yet in Substantial Compliance. Section C, Compliance Status, provides more detail on compliance by these paragraphs.

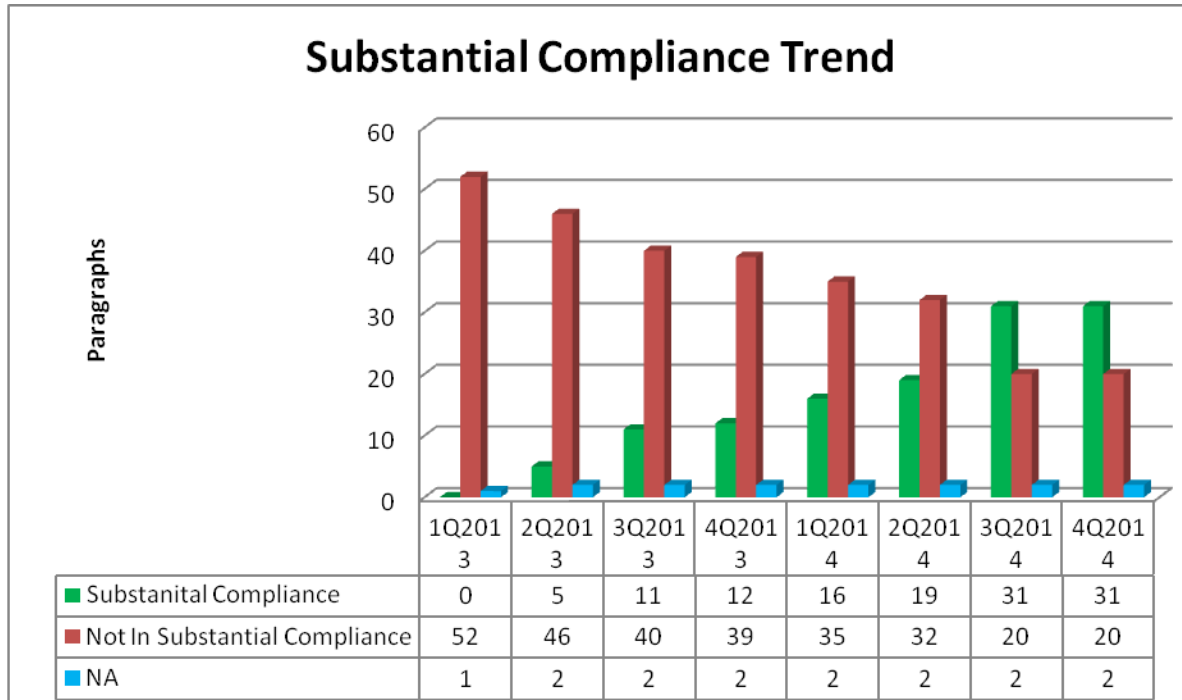
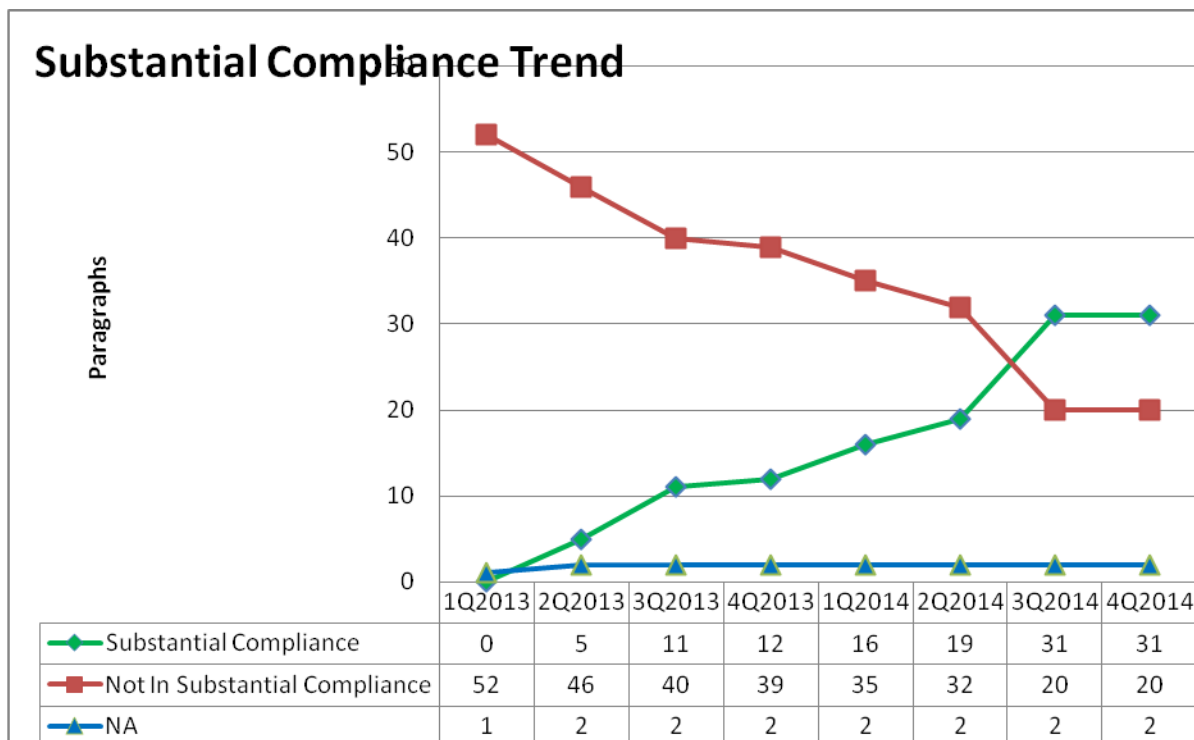
Compliance/Non-Compliance patterns vary among Consent Decree paragraph groupings. Charts 4-8 show that three groupings have a majority of paragraphs in Substantial Compliance: Citizen Complaints, 15 of 17; Management & Supervision, 7 of 12; Training, 5 of 9; and Use of Force, 4 of 11.

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

CHART 1



Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

CHART 2**CHART 3**

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

CHART 4

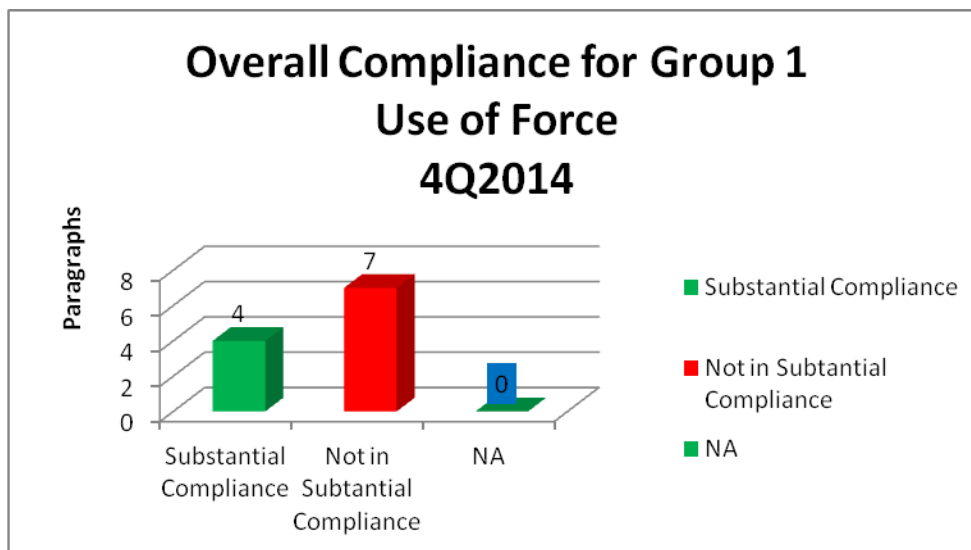
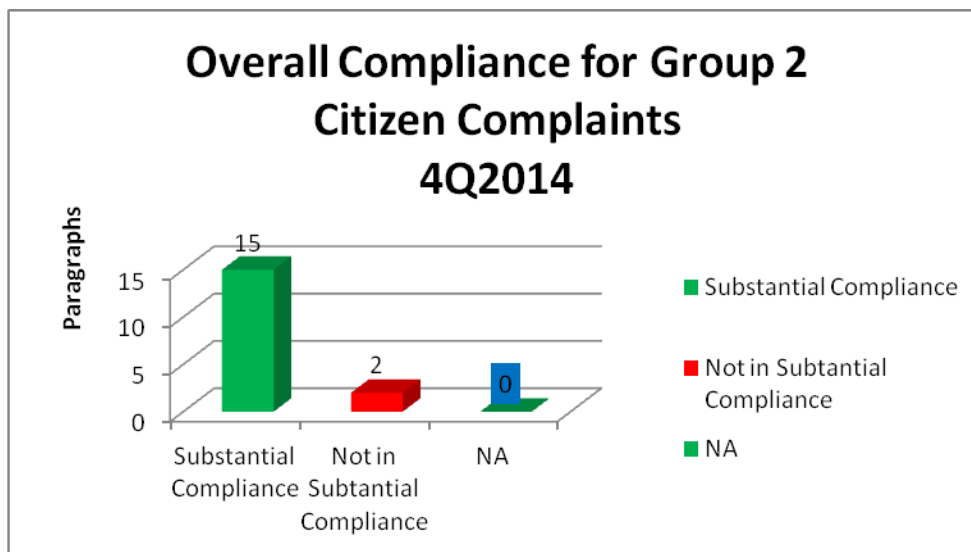


CHART 5



**Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department**

CHART 6

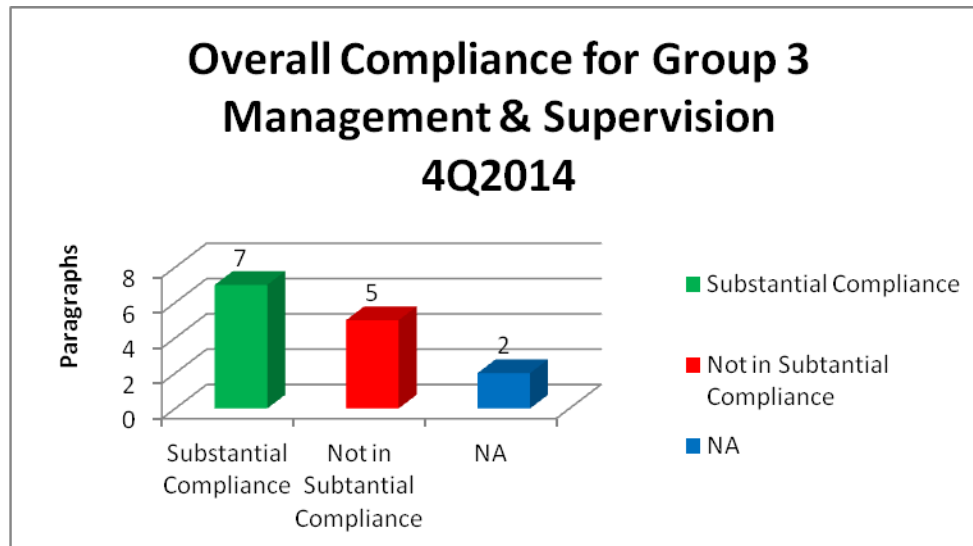
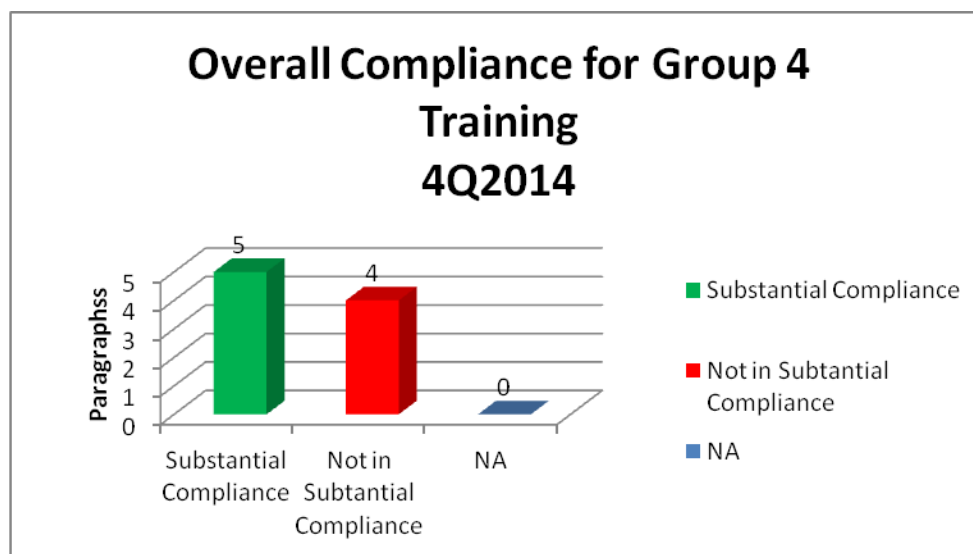


CHART 7



Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

CHART 8

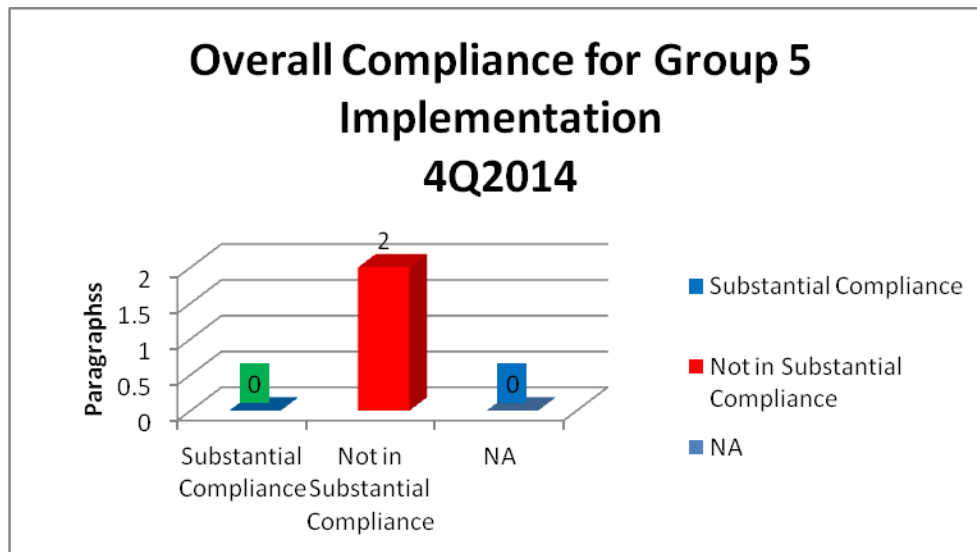
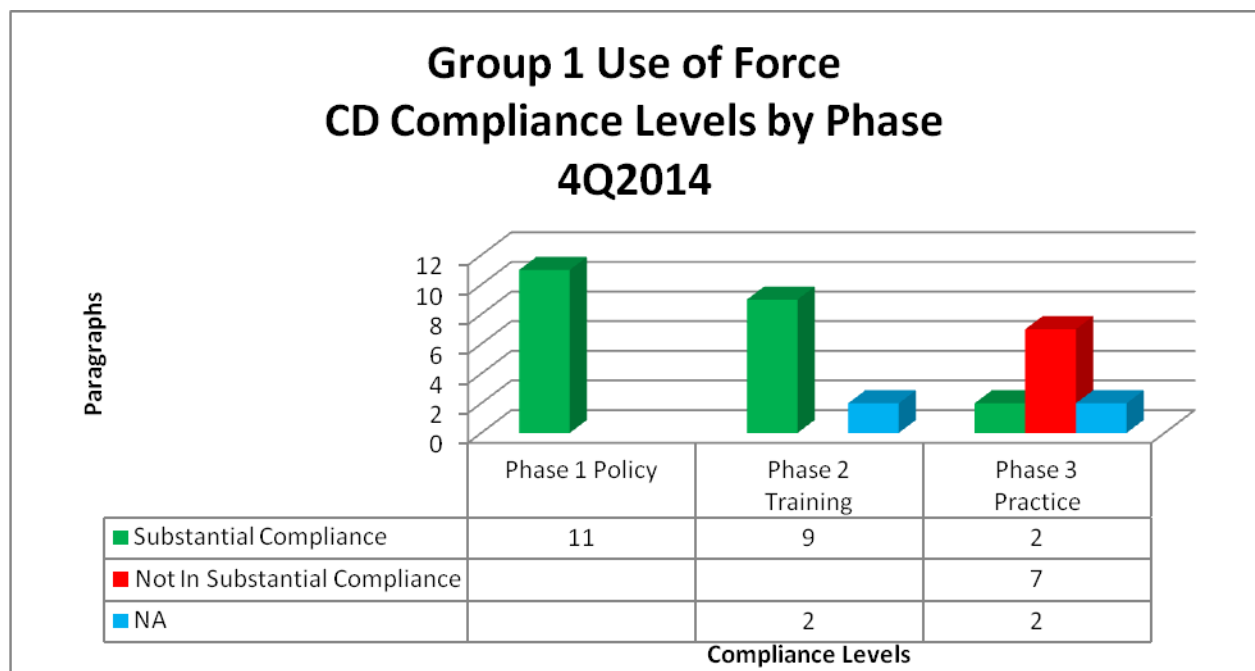
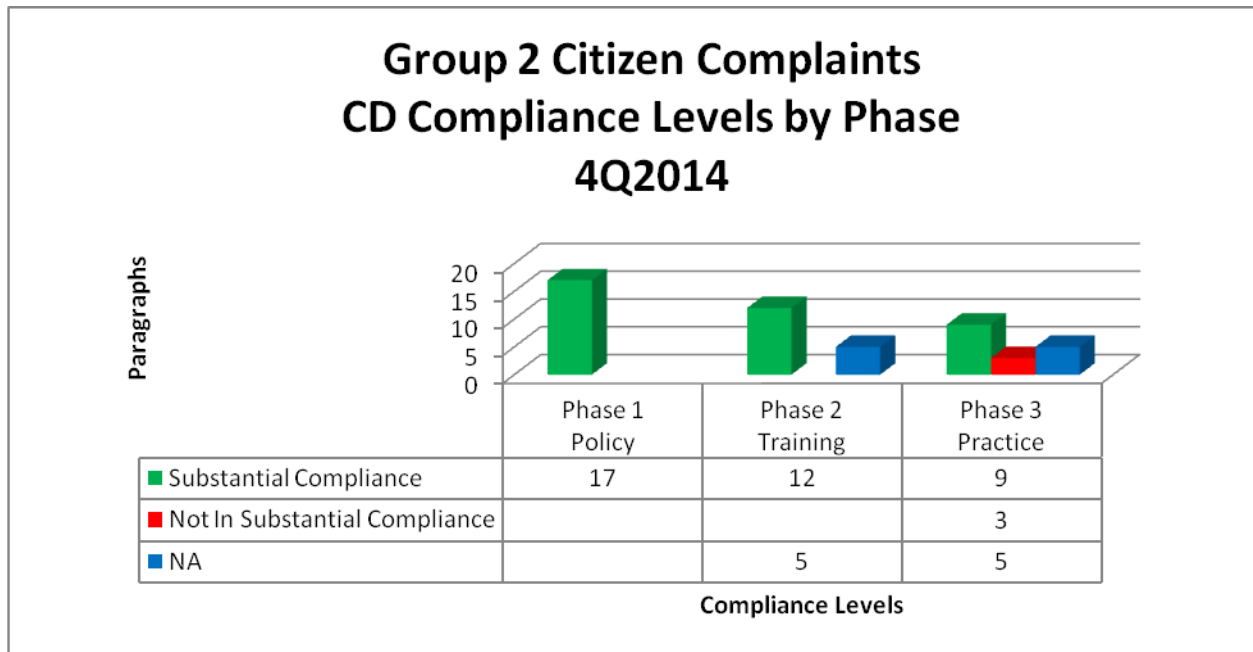
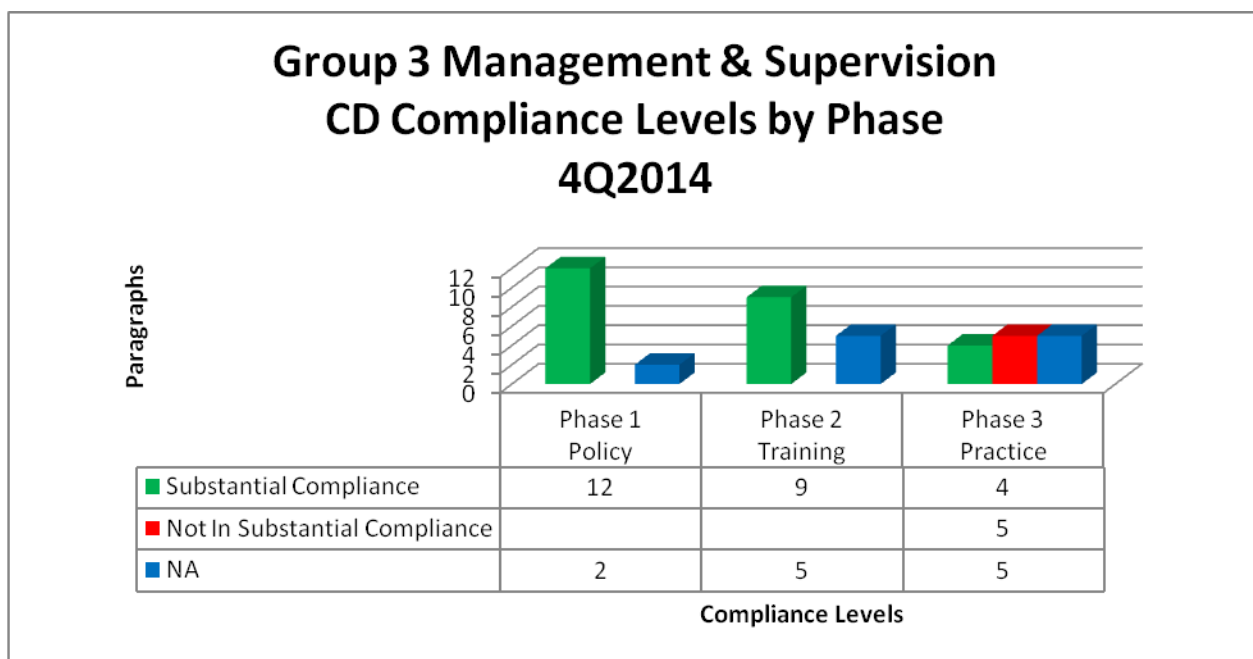


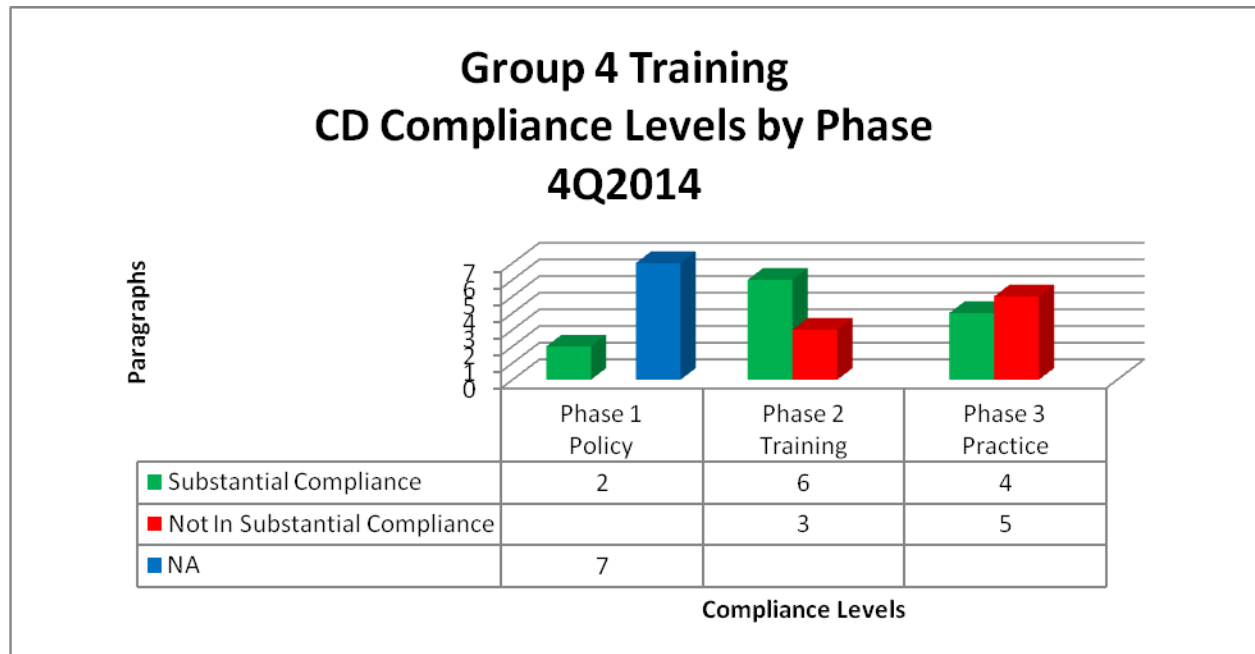
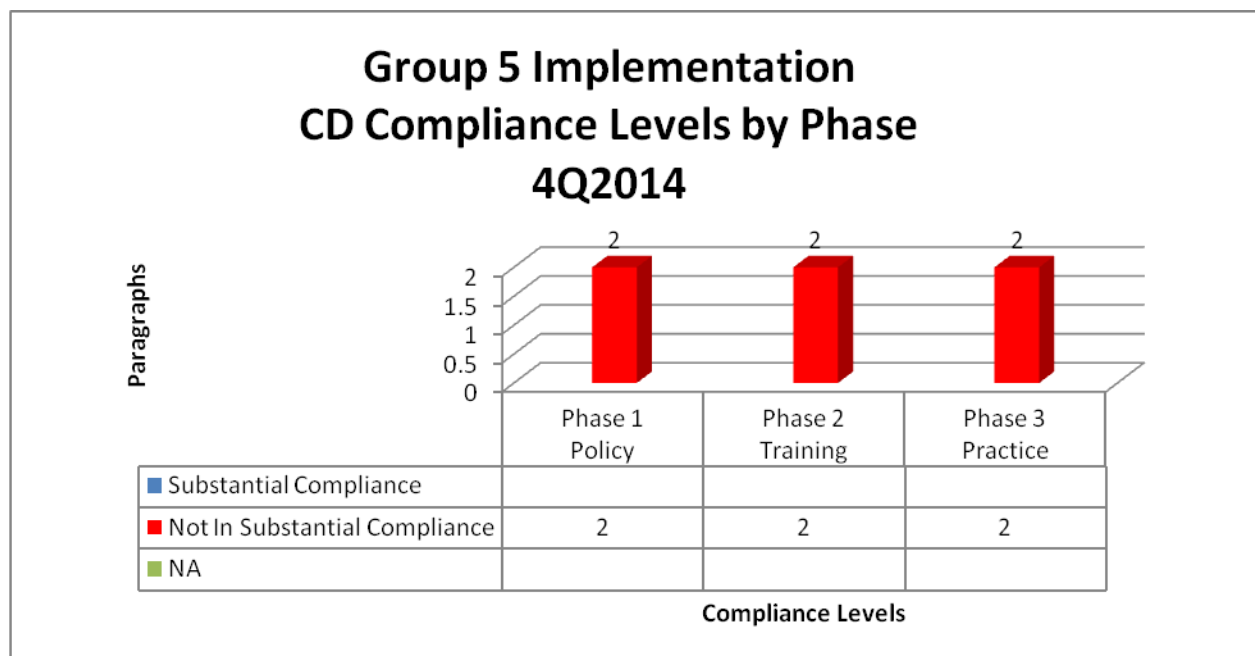
CHART 9



Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

CHART 10**CHART 11**

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

CHART 12**CHART 13**

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

The Compliance Continuum

Charts 10-13, *Compliance Levels by Phase*, add considerable dimension to the compliance status profile. For the Use of Force group, policy requirements have been met for every paragraph. Training has been successfully achieved for all nine (9) paragraphs that are applicable. The challenge now is to meet Practice Compliance requirements and thereafter to sustain those achievements. Only two (2) of the nine (9) have been satisfied.

The Citizens Complaint compliance continuum surpasses the Use of Force pattern. All 17 policy requirements have been satisfied, as have all applicable training requirements. Practice compliance is advancing well, with only three (3) unsatisfied requirements. The Management & Supervision Group record mirrors Citizen Complaints in Policy and Training. Practice is more of a challenge. The continuum pattern for the Training paragraphs is characterized by some deviation. Phase 2, Training, shows three (3) paragraphs that are not yet in compliance and five (5) of nine (9) Practice paragraphs still to be satisfied.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

IV. COMPLIANCE STATUS: DETAIL

A. Compliance Status as of February 20, 2015

The table below depicts those paragraphs that were in Substantial Compliance (SC) on February 20, 2015:

Paragraphs in Compliance as of February 20, 2015

31	39	40	41	42	43	45
46	47	48	49	50	51	52
53	54	55	56	57	61	62
63	64	65	66	70	75	76
78	79	80				

No additional paragraphs came into compliance during the 4th Quarter reporting period.

B. Court Ordered Compliance Goals

During the 1st, 2^d, 3rd and 4th Quarters, the VIPD proposed compliance with numerous paragraphs. The Court, in its subsequent summary orders (with the exception of the 3rd Quarter where the proposed goals appear to be orally accepted), ordered that the paragraphs listed in the table below come into compliance by the Quarter reporting dates of 5/23/14, 8/15/14, 11/21/14, and 2/20/2015. Compliance requirement details for those goal focused sub-paragraphs are shown in Appendix B to this report. The following summary table displays all goals, regardless of status, across the four court orders. The column to the far right shows the status of each of these paragraph grouped goal sets.

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

Court Ordered Goals Status

4Q2014

PARA	5/23/2014	8/15/2014	11/21/2014	2/20/2015	NISC/Partial	SC	STATUS
32		a-f	a,b,c,d,f	b,c,d,f	b,c,d,f	a,e	NISC
33		a,c	a,c	a,b,c,d,f	a,b,c,d,e	(5)	NISC
34		a,b,e,f	a,b,e,f	a,b,c	a,b,c,d,e	f	NISC
35		a,g	a,d	a,b,c	a,b,c	d	NISC
36		a-g	a-g	a,b,d	a,b,d	c,e,f,g	NISC
41		ALL	ALL			ALL	SC
44		ALL	(1)	(3)	i	a,b,c,d,e,f,g,h	NISC
45	ALL					ALL	SC
46	ALL					ALL	SC
47	ALL					ALL	SC
48	ALL					ALL	SC
49	ALL					ALL	SC
50	ALL					ALL	SC
51	ALL	ALL	ALL			ALL	SC
52	ALL					ALL	SC
53	ALL					ALL	SC
54	ALL	ALL	ALL			ALL	SC
55	ALL	ALL	ALL			ALL	SC
56	ALL	ALL	ALL			ALL	SC
57	ALL					ALL	SC
58	ALL	ALL	ALL	ALL	c,d,e	a,b	NISC
60		ALL	ALL		c,d,h	a,b,e,f,g,i,j,k	NISC
61		ALL	ALL			ALL	SC
65		ALL	ALL			ALL	SC
69		ALL	ALL	ALL	a,b		NISC
71				ALL	b,c,d,f	a	NISC
72				ALL	ALL		NISC
73	ALL		ALL	ALL	a	b	NISC
74	ALL	c	a,c,e,f,g	a,c,e,f,g	a,c,d,e,f,g	b	NISC
75	ALL	ALL				ALL	SC
76	ALL	ALL				ALL	SC
77	ALL	ALL	ALL	ALL	ALL		NISC
78	ALL	ALL				ALL	SC
79	ALL	ALL				ALL	SC
81	ALL	ALL	(2)	(4)	b,d,f	a,c,e	NISC
(1) Para 44 as it pertains to imeliness of investigations.							
(2) Para 81 as it pertains to providing supervisory training in leadership and management.							
(3) Para 44 as it pertains to imeliness of investigations.							
(4) Para 81 as it pertains to supervisory training only.							
(5) Some sub-paragraphs of Para 33 were consolidated at the August 2014 Summit.							

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

NOTE: The November 21, 2014 goals were submitted but no court order was rendered. Indications are that they were acceptable to the Court.

In addition to the above paragraphs, in its filing on September 12, 2014, the VIPD asserted they would come into compliance with the following seven initiatives.

1. Edit and improve new force reporting templates.
2. Issue directive for template implementation.
3. Training and implement templates.
4. Approval of Force Review Board Policy.
5. Identify personnel for Force Review Board.
6. Identify training for Force Review Board personnel.
7. Develop Force Investigations Team (FIT) policy.

In its February 20, 2015 filing the VIPD added the following goals that were not associated with a specific paragraph.

February 20, 2015 Goals identified separate from paragraphs included:

- UOF Special 1: Approval of Force Investigation Team Policy.
- UOF Special 2: Identify personnel for Force Investigation Team (FIT).
- UOF Special 3: Identify training & funding for Force Investigation Team.
- UOF Special 4: Issue Directive for template implementation.
- UOF Special 5: Train and implement templates.
- UOF Special 6: Approval of Force Review Board Policy.
- UOF Special 7: Identify personnel for Force Review Board.
- UOF Special 8: Identify training for Force Review Board Personnel.
- UOF Special 9: Develop force investigation team policy.

These initiatives are discussed in subsequent sections of this report.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

C. Compliance Detail

As previously noted, the VIPD has achieved Substantial Compliance for 31 paragraphs. Twenty (20) remain in Not in Substantial Compliance status, with little or no activity during the current quarter. This is the third time in the history of the VIPD Consent Decree that more paragraphs have been in full compliance than have not. The work done at August Summit explains some of the surge in compliance.

- **Paragraphs in Substantial Compliance at the end of the Quarter Four, 2014 are:** **31**, **39**, **40**, 41, 42, 43, 45, 46, **47**, 48, 49, **50**, 51, **52**, **53**, 54, 55, 56, 57, 61, **62**, 63, **64**, 65, 66, **70**, 75, 76, 78, 79 and 80.

(NOTE: Bolded/underlined paragraphs have training evaluated under paragraph 75 and implementation under paragraph 100)

- **Paragraphs that attained Substantial Compliance at the end of Quarter Four, 2014:** None.
- **Paragraphs Not In Substantial Compliance:** 32, 33, 34, 35, 36, 37, 38, 44, 58, 59, 60, 69, 71, 72, 73, 74, 77, 81, 100, 101.

The IMT issued a memorandum on November 13, 2014, in response to requests generated at the Summit, of the linkage between paragraph 100 sub-paragraph compliance requirements or items (a-w) and their original location in another paragraph of the Consent Decree. This was included as Appendix A to that report.

D. Other Activities

The Force Review Board

The IMT previously provided technical assistance to Captain Duggan, the Force Work Group chairperson. The IMT forwarded carefully selected examples of Policies and Procedures to develop a Force Review Board capable of completing detailed analysis of force incidents that would fall under its purview. Captain Duggan has taken this item under her personal review,

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

with several individuals she has selected from the VIPD supervisory staff, and reported on the committee's progress during the October 29, 2014 monthly meeting, the November Summit and December meetings and court hearing, as well as numerous phone conversations. (See Section III, A., which provides updated details) As of March 6th 2015 the VIPD has provided to the DOJ and the IMT several versions of the policy pertaining to the Review Board. Those versions have been exchanged between the parties and are in the final stages of completion. Captain Duggan did not want to proceed forward with completing the policy with the anticipation of a complete change in VIPD leadership. That new leadership could or would change the direction of the policy and VIPD would have wasted its resources on designing policy, training, and protocols for such a project which would only have to be changed again under new leadership. That waiting until the new leadership gave its formal approval for completion made more sense. The program was developed as far as it could be and now with the approval of the DOJ should be ready for the new commissioner's signature to implement.

The Force Investigation Team

The IMT previously provided technical assistance to Captain Duggan by providing examples of an Organizational Plan and Operations Manual to implement a Force Investigation Team. Captain Duggan has selected her team members to undertake a review and evaluation of those documents and will oversee the development of recommendations related to the implementation to the VIPD executive leadership of the FIT Team. (See Section III, A., which provides updated details) As of March 6th 2015 the VIPD has provided to the DOJ and the IMT several versions of the policy pertaining to the Review Board. Those versions have been exchanged between the parties and are in the final stages of completion. Captain Duggan did not want to proceed forward with completing the policy with the anticipation of a complete change in VIPD leadership. That new leadership could or would change the direction of the policy and VIPD would have wasted its resources on designing policy, training, and protocols for such a project which would only have to be changed again under new leadership. That waiting until the new leadership gave its formal approval for completion made more sense. The program was

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

developed as far as it could be and now with the approval of the DOJ should be ready for the new commissioner's signature to implement.

Audit & Inspection Unit

The Commissioner of the VIPD recently decided to implement the Audit & Inspection Unit (AIU), VIPD Policy 2.07. He initially established it with one full-time member, the unit commander. While it was our understanding that the intent of the VIPD is to supplement the AIU staffing with temporary assigned staff of up to six months duration, such temporary assignments do not enhance the development of AIU experience and capacity as would some level of additional full time staff. This plan was certainly not what the IMT expected when the Commission announced in the last court session that the unit would be implemented.

In the view of the IMT, single person staffing with temporary duty personnel is clearly deficient and does not recognize the importance and relationship between a robust and comprehensive audit and inspection program and the department's continued progress toward full compliance with the Consent Decree. Assignment of one full-time member, the commander, who is responsible for overall supervision and management of the function as well as of actual conduct of audits, does not ensure that the unit will be able to fulfill its assigned mission. Based on the extensive experience that the IMT members have with audit units and a review of other law enforcement agencies, we were expecting an initial staffing of at least a commander and a combination of at least two to three full or part-time auditors. While we acknowledge that the unit will require some stand-up organizational time, to do so without full-time staffing levels jeopardize the initiation. In saying this, we have taken into consideration the initiation of system-focused audits (discussed in our recent letter to the Commissioner), the oversight and direct staffing assistance to the on-going audit working groups as well as beginning the department-wide, bi-annual unit level inspections function. None of this is possible with only one full-time member, who has other critical duties, and a rotating, part-time staffing of individuals who have their own unit level responsibilities.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Subsequent to our 3Q2014 report comments on recommended staffing of the Audit and Inspection Unit, the VIPD in 4Q2014 announced the additional staffing of three persons to the AIU. This is indeed a welcome change of course and one which the IMT believes would certainly enhance its ability to perform its mission, however, subsequent to that announcement we learned that the AIU Commander would be selected for a Deputy Chief position, thus leaving the AIU without a commander at the very critical initial standup time period. Inductions are that the VIPD has a replacement in mind, however, the IMT is concerned that such a transition should take place now rather than later to ensure unit effectiveness. The IMT, as before, will provide whatever technical assistance the new commander and AIU team needs to begin its vital mission. We urge the department leadership to finalize this personnel change as soon as possible.

Training Review Committee

During the 3rd Quarter the IMT observed that the VIPD has established a Training Review Committee that has 12 members, generally representing management and the Training Academy. It appears there are neither first responders nor the lead from the Use of Force Working Group as full time members. In addition, this committee is tasked with evaluating Use of Force training materials and programs, in some cases making use of IAPro generated data. However they have not created criteria, process, or a protocol for this evaluation. Finally the Committee should consider allowing anonymous routing for training improvement recommendations, which may lead to increased recommendations from field personnel.

The IMT recommended that the VIPD address these issues quickly in order to facilitate effective and comprehensive evaluation of use of force training those results in improvements in content and delivery. They can do this by reviewing and adjusting the membership to increase first responder representation and the lead of the Use of Force Working Group, create a well designed protocol for evaluating the training in the context of IAPro operational data, and allow for direct routing of suggestions to the Committee. During the 4th Quarter, the IMT continued to provide technical assistance in this area and given that the Training Work group has placed this issue on

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

their 1Q2015 goals is a positive sign. The IMT stands ready to continue assist the VIPD with this review in any way we can.

Early Intervention Process

The other area of concern has to do with the lack of progress in the EIP area. There was been limited, ineffective supervisory/managerial response to alerts forwarded. This is allowing employees, who may be starting to exhibit signs of problematic behavior, to continue same behavior resulting in additional citizen complaints and/or uses of force. IMT was informed that there had been 97 alerts forwarded during 2014; however, VIPD could not immediately provide a status update other than a statement that very few had been addressed appropriately. This seems to indicate a VIPD supervisory issue.

Court Goals and Paragraph Compliance Detail

A. VIPD Initiatives

1. Edit and improve new force reporting templates.
 - a. IMT Comment: Three templates have been developed by the Use of Force Working Group. These include a Witness Statement, an Officer Statement (RRR), and a Supervisory Investigation. They were recently field tested on St. Croix and some updates were made to the final versions. IMT has provided technical assistance to the Working Group throughout the development of these templates.
2. Issue directive for template implementation.
 - a. IMT Comment: The directive has been developed and is pending VIPD Commissioner Signature; it will be issued prior to the December court hearing date.
3. Training and implement templates
 - a. IMT Comment: Supervisors and Officers on St. Croix were trained by Captain Duggan during the period 11/25/14 and 11/26/14, while Supervisors on St, Thomas and St, John were trained on 12/11/14. St. Croix officers were trained by the Academy staff

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

on 12/1/14-12/5/14. The remaining officers on St. Thomas/St. John and anyone who missed the previously scheduled training, are scheduled for that training, to be conducted by Sergeant Marsh, March 16th 2015.

4. Approval of Force Review Board Policy.
 - a. IMT Comment: A draft of the proposed policy was sent to DOJ and the VIPD is reviewing comments made by DOJ and revising as necessary. Once completed it will be reviewed by the IMT staff and returned to the VIPD for approval and publication. This document has been reviewed and exchanged between the parties and the IMT. The new leadership of the VIPD has taken under advisement and will report back to the DOJ and the IMT on what course of action they wish to take.
5. Identify personnel for Force Review Board.
 - a. IMT Comment: This process will be underway once the directive has been approved. IMT will provide assistance as needed with the selection process. IMT has provided technical assistance and materials to aid the VIPD with this process. This document has been reviewed and exchanged between the parties and the IMT. The new leadership of the VIPD has taken under advisement and will report back to the DOJ and the IMT on what course of action they wish to take
6. Identify training for Review Board personnel.
 - a. IMT Comment: Again, once the directive is approved, development of the necessary training will begin. IMT will assist as needed. IMT has provided technical assistance and materials to aid the VIPD with this process.
7. Develop force investigations team policy.
 - a. IMT Comment: This is a work in progress, with an expectation that a draft will be available by December 5, 2014. IMT has provided technical assistance and materials to aid the VIPD with this process, and will assist as needed. This document has been reviewed and exchanged between the parties and the IMT. The

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

new leadership of the VIPD has taken under advisement and will report back to the DOJ and the IMT on what course of action they wish to take

- B. Paragraph and Goal Detail Review: The IMT reports on all paragraphs and sub-paragraphs proposed by the VIPD and accepted by the Court as quarterly goals. In addition, the IMT also reports on other paragraphs and sub-paragraphs that are Not in Substantial Compliance or Partial Compliance (sub-paragraphs only) as they feel are important to progress toward Consent Decree compliance.

Paragraph 32, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

During this reporting period the VIPD has undertaken an aggressive approach at revamping its internal review system to respond to known lapses in the force reporting, investigation and review process. They developed a 1) revised Officer Responding to Resistance template, 2) new Witness Officer Force template, 3) revised Supervisor Investigating Force template, and a directive from the commissioner implementing the templates. The force group leader Capt. Duggan executed training and tested the methodology for the implementation of the training and the validity of the templates. Additional tweaks to the products were detected and will be completed. Supervisors and Officers on St. Croix were trained by Captain Duggan during the period 11/25/14 and 11/26/14, while Supervisors on St. Thomas and St. John were trained on 12/11/14. St. Croix officers were trained by the Academy staff on 12/1/14-12/5/14. The

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

remaining officers on St. Thomas/St. John and anyone who missed the previously scheduled training, are scheduled for that training, to be conducted by Sergeant Marsh, March 16th 2015.

IMT staff conducted interview based surveys with VIPD supervisory and command personnel during December 2014 and January 2015. A summary of the results of these surveys is documented elsewhere in this report and has implications for compliance with many of the following paragraphs.

Sub-paragraph 32a is currently in compliance.

Impediments to Compliance

With regard to the template's training and curriculum development, the close coordination between the Use of Force Working Group and the Training Division will be critical for the development of effective training development and delivery. It appears that this did not occur. Instructor selection for department wide template trainers has not been completed. The development of the training protocols, outcome measures and evaluation for the template training has not been completed. It does not appear that the Training Division was fully involved in the development of this training and thus its future training delivery may be impacted unless these critical training components are institutionalized and monitored by Training. These must be done to ensure that training is repeated evenly throughout the department and into future sessions going forward. New leadership in the training division should undertake a fresh review of this recommendation and work closely with the Force working group to meet this recommendation.

Recommendations to Gain Compliance

Coordinate with the Training Division all necessary documentation and curriculum components to ensure all members are trained consistently and provided the same outcome measures.

Sub-Paragraph b, Status = Partial Compliance

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

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Activity

This has been a particularly troublesome spot for the reporting process. Officers fail to identify all the force used and by each officer each time. The new reporting form is designed to capture this element.

Impediments to Compliance

Supervisors have failed to identify all force used each and every time force is executed. Supervisors and management must review force cases more specifically for the failure to identify each and every specific type of force used during an event. The Force Working group has determined that a supervisor Review Checklist may help eliminate this occurrence and is in the process of developing one for the VIPD.

Recommendations to Gain Compliance

Train supervisors to evaluate each and every force application employed by department personnel.

Prepare “go-bys” to example actual review of different use of force cases.

Sub-Paragraph c, Status = Not in Substantial Compliance

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

Activity

In August 2014, deficiencies are being identified through audits and corrective action is being applied by the agency.

At the 11/12/14 Summit there has been no change in the status of this sub-paragraph. The department produced the templates to engage the department leadership into better monitoring the force review process. The templates were electronically produced and have been tested by a diverse group of VIPD managers. Several adjustments were noted by the managers and those

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

adjustments to the templates were in progress by the working group. Further the training was facilitated by the use of force working group and the results would be incorporated into the final roll-out. The Use of Force Working Group chair advised that the training should be out and running prior to the Dec court date.

The templates include Officer Witness report, RRR, and Supervisor's Investigation Report of Use of Force. Training will take about 1 hour for the Witness and the officer's RRR; 2.5 hours for the supervisor component, according to the working group leader.

We were informed that by the Dec court date, the VIPD will be able to tell us how many officers will have been trained on the new templates. Supervisors and Officers on St. Croix were trained by Captain Duggan during the period 11/25/14 and 11/26/14, while Supervisors on St. Thomas and St. John were trained on 12/11/14. St. Croix officers were trained by the Academy staff on 12/1/14-12/5/14. The remaining officers on St. Thomas/St. John and anyone who missed the previously scheduled training, are scheduled for that training, to be conducted by Sergeant Marsh, March 16th 2015.

Impediments to Compliance

Failure to implement the templates and training personnel on them. Continued failure to meet deadlines and content requirements in UOF reporting.

Recommendations to Gain Compliance

Follow through with the template implementation and training, with follow-on evaluation, through the on-going audits.

Complete "go-bys" development.

Sub-Paragraph d, Status = Partial Compliance

=>95% of RRRs contain a narrative description of the events preceding the use of force written by the supervisor or assigned investigator.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Activity

The new forms are designed to capture this information and reinforce the supervisor's role in learning what the events that preceded the force use were.

Impediments to Compliance

Untrained supervisors and department leaders who failed to identify the supervisor's oversights.

Recommendations to Gain Compliance

Improved training focused on the organizations weaknesses learned through audits and inspections.

Sub-Paragraph f, Status = *Partial Compliance*

=>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.

Activity

IMT is reviewing case files to determine if audio and video taping is being conducted and if those files are attached to reports. IMT will continue this review through 1Q2015. IMT does note that several of the respondents in the surveys conducted during December 2014 and Jan 2015 indicated, anecdotally, that the department had not previously provided such recording equipment and had purchased their own.

Impediments to Compliance

Comments held pending completion of case reviews referenced above.

Recommendations to Gain Compliance

Install in car video cameras. Review the distribution and availability of department owned audio and/or video equipment need to comply with this requirement, and purchase as needed to

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

overcome shortcomings. This might be an appropriate audit for the Audit and Inspection Unit (AIU) to complete to validate the survey comments.

General Discussion and/Meetings

Mini summit produced understanding that VIPD would have templates, and training completed by Dec 2014 court hearing.

Activity

Complete training curriculums, instructor class notes, class objectives, outcome measures and class evaluations.

Impediments

None known

Recommendations

Assign personnel to complete tasks and focus leadership on meeting timetables.

Paragraph 33, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

IMT met frequently with the Force Working Group chair and members through conference calls, mini summit and IMT monitoring activities.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

Insufficient supervisors are neither available nor assigned to the areas most needed to ensure proper oversight or inquiries of force are properly reviewed and evaluated.

Recommendations to Gain Compliance

Promote and assign supervisors where experience has shown that supervisors are needed to review, analyze, and evaluate force incidents occurring on their watch. No action on this recommendation. IMT has been advised there were some promotions made in January 2015; however the IMT does not know where they have been assigned.

Sub-Paragraph a, Status = Partial Compliance

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

Activity

VIPD has identified persons to be promoted for supervision which should help ensure that they are available for force review.

Impediments to Compliance

VIPD has not completed the promotional process and was in the process of making assignments.

VIPD must then train the new supervisors on force review, investigation and reporting process. The VIPD scheduled training for newly promoted supervisors during 1Q2015 (late Feb 2015).

Recommendations to Gain Compliance

Finish both the promotional and training processes outlined.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Sub-Paragraph e, Status = Partial Compliance

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

Activity

VIPD has worked to complete the templates for both the capture and evaluation of the tenets contained in this item of the consent decree.

Impediments to Compliance

Completion of the training and then oversight management to ensure that both officers and supervisors complete and document their activities. A continued lack of coordination between work groups and Training Division to develop on-going and refresher training.

Recommendations to Gain Compliance

Ensure that the Training Division, in conjunction with the template designers, provides for coordinated training and management of the curriculums necessary to properly retrain and train new employees in the same process.

General Discussion and/Meetings

Discussion of system designed to ensure the capture of the necessary elements of the consent decree. That those elements are consistently trained

Activity

This was discussed at the mini summit. The VIPD is making good headway on the system designed to capture the elements of force inquiry via the use of templates. Test training has been done and the development of the final protocols, curriculums and teaching outcomes are yet to be completed. VIPD expects to completed all of that work before the Consent Decree hearing in December 17, 2014

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments

Development of the student and instructor outcome measures, lesson plans, evaluations before the December hearing could be difficult. The monitor was unable to find any of the above documents in the Power DMS system.

Development of “go-byes” should assist with compliance.

Recommendations to Gain Compliance

Assign training personnel to assist the Force work group chairman in completing the training documentation. Little or no activity occurred here, although with changes made in the Training Division it is anticipated that some movement will result in 1Q2015.

Paragraph 34, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

IMT met frequently with the Force Working Group chair and members through conference calls, mini summits and IMT monitoring activities.

Sub-paragraphs f and g are in compliance.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

Management review of the completed force cases has been intermittent and incomplete. Both the VIPD audits and IMT reviews have disclosed untimely cases, incomplete analysis that failed to properly identify inadequate officer or supervisor reporting, missing collection of evidence, witness identification missing and case analysis was not supported by evidence.

Recommendations to Gain Compliance

VIPD efforts to implement both a Force Review Board, and a Serious Force Investigation team will greatly assist in the ongoing force analysis issues. Properly trained and motivated managers who follow reporting procedure themselves will also result in furthering compliance. IMT completed review of supporting directives and policy for this area in 4Q2014 and forwarded to DOJ for additional review and comments. It is anticipated that finalization and implementation will occur in 1Q2015.

Sub-Paragraph a, Status = Partial Compliance

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.

No change in activity, impediments, or recommendations from prior reports. No progress was made.

Sub-Paragraph b, Status = Partial Compliance

In =>90% of the reportable use of force incidents, the supervisor completes the supervisor's narrative description of the RRR in a manner that comports with the requirements of paragraph 34 of the Consent Decree.

No change in activity, impediments, or recommendations from prior reports. No progress was made, with the exception of template completion and associated training conducted during the later part of 4Q2014.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Sub-Paragraph c, Status = Not in Substantial Compliance

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 include a precise description of the facts and circumstances that either justify or fail to justify the officer/s conduct.

No change in activity, impediments, or recommendations from prior reports. No progress was made.

Sub-Paragraph d, Status = Partial Compliance

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.

No change in activity, impediments, or recommendations from prior reports. No progress was made.

Sub-Paragraph e, Status = Partial Compliance

See a, above.

No change in activity, impediments, or recommendations from prior reports. No progress was made.

General Discussion and/Meetings

Activity

Meetings with Force Working Group, mini summits (November 2014), IMT monitoring and evaluations of cases. IMT has continued building a 2014 baseline of cases analyzed upon which to compare 2015 case processing to.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments

VIPD leadership has not been focused on assuring accountability to CD compliance.

Recommendations to Gain Compliance

The VIPD must hold the highest levels of the department responsible for completing CD requirements as well as subordinate officers.

Paragraph 35, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

IMT met with the Force working Group, had two mini summits and conducted monitoring and evaluations of force cases.

Impediments to Compliance

Force review does not adequately address cases that suggest supervisors are asking leading questions. Templates are being developed to document and train supervisors to be alert and prohibit leading questions from being used. Templates were completed and associated training conducted during 4Q2014. Persons who missed the initial training will attend a session in early March 2015. A supervisor's force checklist is also being developed to ensure supervisors don't miss required elements of the consent decree during their reviews. A similar checklist is being developed for the Citizen Complaint process.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Recommendations to Gain Compliance

Implement and train the templates

Sub-Paragraph a, Status = Partial Compliance

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

No change in activity, impediments, or recommendations from prior reports. No progress was made.

Sub-Paragraph b, Status = Partial Compliance

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.

No change in activity, impediments, or recommendations from prior reports. No progress was made.

Sub-Paragraph c, Status = Not in Substantial Compliance

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.

No change in activity, impediments, or recommendations from prior reports. No progress was made.

Sub-Paragraph d, Status = Substantial Compliance

=>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.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Activity

This sub paragraph is considered in compliance. It is however one of those paragraphs that can easily fall out of compliance. The VIPD must be vigilant in their oversight of case analysis for insuring that supervisors are carefully considering all factors when evaluating credibility. Reinforcing on daily case oversight when factors might be considered important for such purpose.

Impediments to Compliance

Proper case review by supervisors

Recommendations to Gain Compliance

Implement templates and training. Engage Use of Force review Board.

Paragraph 36, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Meetings with VIPD leadership, and Force working Group. IMT monitoring and case review.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

Management review and accountability has been spotty and inconsistent.

Recommendations to Gain Compliance

Leadership to hold themselves and VIPD managers accountable for incomplete investigations.

Sub-Paragraph a, Status = Partial Compliance

=>90% of the Use of Force reports, the supervisors, or designated investigating officers or units, who supervised the officer using the force, conducted the investigation of all uses of force or injury resulting from the use of force by that officer. This requirement does not apply to the lowest level use of force as defined in DOJ approved VIPD policy.

There is no change in activity, impediments, or recommendations for this sub-paragraph, although the IMT has noticed some improvements in this area and will continue to monitor against the under-development case review baseline.

Sub-Paragraph b, Status = Partial Compliance

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

There is no change in activity, impediments, or recommendations for this sub-paragraph.

Sub-Paragraph d, Status = Partial Compliance

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.

There is no change in activity, impediments, or recommendations for this sub-paragraph.

General Discussion and/Meetings

Case review and audits of both VIPD and IMT.

Activity

Meetings with Force working group, mini summit, IMT monitoring and case evaluations.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments

VIPD documentation has been weak in assuring that sub paragraphs of the paragraph have been supported. Templates have been developed and are in the process of implementation. The planned evaluation of the templates impact on this issue.

Recommendations to Gain Compliance

Implement and train officers and supervisors on the templates and “go by's.” As noted before training was delivered on the templates and now the VIPD must monitor and evaluate their effectiveness.

Paragraph 37, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

There is no change in activity, impediments, or recommendations for this paragraph. VIPD confirmed no change in status during November Summit and December 2014 meetings and court hearing.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

Recommendations to Gain Compliance

Sub-Paragraph a, Status = Not in Substantial Compliance

=>90% of the completed use of force case files contained signed documentation from the Chief and/or Deputy Chief indicating that he/she reviewed the completed investigation and the date of such review. In these cases, were all appropriate deficiencies noted and was corrective action directed or imposed?

There is no change in activity, impediments, or recommendations for this sub-paragraph.

Sub-Paragraph b, Status = Not in Substantial Compliance

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

There is no change in activity, impediments, or recommendations for this sub-paragraph.

Sub-Paragraph c, Status = Not in Substantial Compliance

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.

There is no change in activity, impediments, or recommendations for this sub-paragraph.

Sub- Paragraph d, Status = Not in Substantial Compliance

In =>90% of reportable use of force incidents, supervisors are held accountable for the quality of their investigations, 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.-

There is no change in activity, impediments, or recommendations for this sub-paragraph.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Sub-Paragraph e, Status = Not in Substantial Compliance

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.

There is no change in activity, impediments, or recommendations for this sub-paragraph

Sub-Paragraph f, Status = Not in Substantial Compliance

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.

There is no change in activity, impediments, or recommendations for this sub-paragraph

Paragraph 38, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

There is no change in activity, impediments, or recommendations for this paragraph. VIPD confirmed no change in status during November summit and December 2014 meetings.

Impediments to Compliance

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph a, Status = Not in Substantial Compliance

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

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

There is no change in activity, impediments, or recommendations for this sub-paragraph.

Sub-Paragraph b, Status = Not in Substantial Compliance

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

There is no change in activity, impediments, or recommendations for this sub-paragraph.

Sub-Paragraph c, Status = Not in Substantial Compliance

=>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.

There is no change in activity, impediments, or recommendations for this sub-paragraph.

Paragraph 44, Status = Partial Compliance

Consent Decree Paragraph Wording

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

VIPD is in compliance with all paragraphs of this paragraph with the exception of paragraph "I" where timeliness continues to be the issue.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph i, Status = Not in Substantial Compliance

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

Activity

Timeliness continues to be the issue on this paragraph; as stated in VIPD's 3rd Quarterly report, "The IMT has determined that the VIPD is in compliance with various components of the paragraph 44, but lacks substantial compliance due to the lack of timeliness of complaint investigations. The VIPD however, is not contesting IMT's assessment as it relates to timeliness of complaint investigations, as reported previously the VIPD has attempted to resolve the timeliness issue through the issuance of commissioner's directives in both Districts, which mandated the completion of all outstanding 2013 and 2014 investigations. As a result of these directives the number of outstanding cases for both Districts was reduced significantly. Additionally, through internal processes/mechanisms, which included weekly and monthly dissemination of case listings to the chain of command, and at commanders call sessions, the VIPD will continue to identify outstanding investigations and implement actions, disciplinary as well as commissioner's directives to ensure that timeliness is no longer an issue as it relates to complaint investigations. "This quote focuses on zone investigations. IMT concurs with this VIPD assessment.

IMT will also assess IAB timeliness in future quarters.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

Lack of appropriate numbers of supervisors. This has been raised repeatedly as one of the critical impediments towards compliance/reform in the VIPD. During this period, VIPD has promoted supervisors; IMT will continue to monitor impact of promotions on the timeliness of investigations"

Lack of accountability re supervisors – although we have seen that start to improve with disciplinary actions taken. IMT continues to review progress

Recommendations to Gain Compliance

The IMT takes note that some promotions were made in January 2015, but without accurate staffing information, it is difficult to determine if all needed assignment to patrol were made.

If disciplinary action not effective; demotion from rank next step – this step identified by VIPD.

Paragraph 58, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

During this quarter, the VIPD issued a Directive to address the process of forwarding information relative to training needs. This Directive was issued in December, 2015. Along with VIPD, IMT will monitor effectiveness of same.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

The December Directive addresses how to forward training concerns identified through investigations. As mentioned in earlier IMT Quarterly Reports, limiting 'problems and training' to merely training is not sufficient.

Recommendations to Gain Compliance

The new directive addressing issues re paragraph 58 should be monitored As stated in earlier IMT Quarterly Reports, further direction appears to be needed re the identification of 'problems' beyond training. Up until this time, the focus has been on training needs, but the CD paragraph states 'problems or training'.

The work group should continue to work with Miss Tweed on development of report to better documented remedial training – including the identification of where the request initiated.

Paragraph 60, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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.*

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Activity

See sub-paragraphs.

Impediments

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph b, Status = Substantial Compliance

- 1. >95% of canine deployments are entered into RMS with a reasonable level of accuracy and completeness.*
- 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.*

Activity

See other sub-paragraphs.

Impediments to Compliance

See other sub-paragraphs.

Recommendations to Gain Compliance

See other sub-paragraphs.

Sub-Paragraph c, Status = Not in Substantial Compliance

=>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.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Activity

VIPD provided a listing of all personnel who were issued an OC Spray with a weight of the canister. An audit will be conducted and a report will be provided.

Impediments to Compliance

See recommendations.

Recommendations to Gain Compliance

VIPD should audit, identify deficiencies and address same.

Sub-Paragraph d, Status = *Partial Compliance*

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

Activity

According to VIPD, *The Injury to Prisoners* posters are completed and are being posted throughout the various zones. IMT acknowledges receipt of the finalized directive for the records bureau (on 11/20/14). According to VIPD goals and the Management and Supervision bi-weekly reporting for period ending 12/1/14, this directive is to be incorporated into the arrest policy.

Impediments to Compliance

See recommendations – IAB addressing impediments

Recommendations to Gain Compliance

VIPD should audit, identify deficiencies and address same.

Sub-Paragraph h, Status = *Not in Substantial Compliance*

=>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.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Activity

According to the VIPD, the group was able to meet with 911 and 1/13/15 to develop a code for vehicle pursuits was created. A screen print out of the close-out code displaying 911 capabilities to track vehicle pursuit was provided.

The group was able on 1/13/15 to have 911 create a code for tracking vehicle accidents involving VIPD personnel. A listing of all VIPD marked vehicles that were involved in an accident was generated.

911 informed the group that the system was not able to provide a listing of the unmarked police vehicle because they were not provided with that listing.

A listing of the unmarked vehicles will be provided to 911 so an identical report can be generated for the audit.

The group was able to meet with 911 and 1/13/15 a code for vehicle pursuits was created. A screen print out of the close-out code displaying 911 capabilities to track vehicle pursuit was provided.

The group was able on 1/13/15 to have 911 create a code for tracking vehicle accidents involving VIPD personnel. A listing of all VIPD marked vehicles that were involved in an accident was generated.

911 informed the group that the system was not able to provide a listing of the unmarked police vehicle because they were not provided with that listing.

A listing of the unmarked vehicles will be provided to 911 so an identical report can be generated for the audit.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

IMT will monitor the submission of materials from VIAG to VIPD to ensure that the time periods represented in the letter are met. IMT does note that the part of the letter addressing criminal matters is not particularly clear. IMT is assuming that the “appropriate time” referenced in the letter is as soon as notification (if only to PC and IAB) would not interfere with the criminal investigation. IMT looks forward, next quarter, to reviewing the VIAG internal protocol/direction which will hopefully clarify this section.

Recommendations to Gain Compliance

As stated in earlier reports, VIAG needs to provide some form of documentation confirming that all such required materials are being forwarded to the VIPD; additionally VIAG needs to respond to VIPD requests in a timely fashion.

Paragraph 69, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

According to the VIPD on 1/7/2015 a review of the present Audit Policy 2.7 was conducted and corrections are being worked on.

On 1/15/2015 the SOP for the Audit procedure for Staff Inspections was drafted and the Acting Police Commissioner Richards approved a letter submitted identifying members of the Audit Unit.

Sub-paragraph a remains in compliance.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Impediments to Compliance

Failure to provide adequate full time staff to match requirements will inhibit compliance in sub-paragraph b.

Recommendations to Gain Compliance

See paragraph level comments.

Sub-Paragraph b, Status = Partial Compliance

The protocol establishes a regular and fixed schedule to ensure that such audits occur with sufficient frequency, and cover all VIPD zones.

IMT acknowledges that VIPD continues to work on additional aspects of this section. IMT will continue to monitor.

Paragraph 71, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

The management and supervision work group continues to conduct periodic inspections and or audits to ensure the forms or letters are being utilized to comport with the mandates of paragraph 71 sub section (b).

Impediments to Compliance

See other sub-paragraphs.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Recommendations to Gain Compliance

All activity, impediments, and recommendations for sub-paragraph b remain the same; no changes, as of 02/20/15.

Sub-Paragraph a, Status =Substantial Compliance;

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

Sub-Paragraph b, Status = Not in Substantial Compliance

=>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.

Activity

Although the VIPD actions postdate the end of the quarter covered by this report, IMT acknowledges that the VIPD reports the following: The Group on 2/23/2015 will notify SAC Reyes to provide the Commissioner with the completed Notification and Waiver Letters for approval and signature along with the attached Departmental Directive from the Commissioner instructing the department's personnel of its' utilization through a roll call session. The roll call covering the forms will be conducted 3/2-6/2015 and the audit of the forms will start 3/9/2015.

Impediments to Compliance

VIPD to implement above mentioned steps.

Recommendations to Gain Compliance

All activity, impediments, and recommendations for sub-paragraph b remain the same; no changes, as of 02/20/15.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Sub-Paragraph c, Status =Substantial Compliance;

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

Paragraph 72, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

According to the VIPD, “As it relates to subsection (a) of paragraph 72, going forward the management and supervision work group will initiate monthly inspections to gauge compliance “with the disciplinary matrix. “The management and supervision work group will also conduct monthly inspections with respect to subsection (b) for adherence specific to ensuring that “non-disciplinary corrective action is recommended consistently when applicable with disciplinary actions.”

As noted elsewhere in this report, the recent (December 2014 and January 2015) IMT survey of supervisors and commanders seems to indicate continued dissatisfaction by VIPD personnel with the matrix.

According to the VIPD, The Discipline Procedure posters were completed on 01/29/15 and the final printed version were posted throughout the various zones in the STT District and provided to the Chief in the St. Croix District to be posted as well.

Impediments to Compliance

Lack of understanding/adherence to VIPD policy.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Recommendations to Gain Compliance

As stated earlier by the IMT, VIPD identifies deficiencies, also need to identify whether it is due to lack of understanding or intentional policy violation – once identified, additional training or discipline needs to occur.

The IMT again recommends that based on the survey results of dissatisfaction with both the disciplinary matrix and the implementation of the disciplinary process by management, the VIPD review both the process and the matrix with a goal towards making it more objective and fair in construct and application.

Sub-Paragraph a, Status =Not in Substantial Compliance

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

All activity, impediments, and recommendations shown above for sub-paragraph a.

Sub-Paragraph b, Status =Not in Substantial Compliance

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

All activity, impediments, and recommendations shown above for sub-paragraph b.

Paragraph 73, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Although the Training Committee has now met twice, they still need to develop a protocol or analytic process for the conduct and expected outcomes from the meetings. This task was mentioned in the Oct meeting notes, but there was no indication of how or when this protocol would be developed nor was anybody assigned responsibility for leading the development

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

process. The area addressed in the meeting seemed to range more on equipment issues with no documentation (in or attached to the report) of any review of specific courses or lesson plans. Use of force activity as to type and effectiveness was discussed, apparently based upon reports from IAPro (which were attached), but the notes did not adequately reflect the content, issues raised, lesson plans or courses impacted by the data or decisions that emanated from those discussions. Without a well developed protocol for the evaluation and review, no meaningful evaluation can take place.

Impediments to Compliance

Training Committee:

- a. Still does not have a protocol for the conduct and expected outcomes from the meetings, which inhibits its focus and effectiveness;
- b. Their agenda tends to focus on review of equipment issues;
- c. Fails to review training and training materials from an analytical basis based upon developed criteria. Areas addressed in the meeting seemed to range more on equipment issues. No Use of Force activity as to type and effectiveness was discussed, apparently based upon reports from IAPro (which were attached), but the notes did not adequately reflect the content or decisions that emanated from those discussions. Without a well-developed protocol, no meaningful evaluation can take place.

Recommendations to Gain Compliance

Recommendations can be found under each of the sub-paragraphs and include: Training Review Board needs to establish an evaluation and review protocol to more effectively conduct their meetings and reviews of UOF training delivery.

IMT has recently provided technical assistance to the newly appointed Training Director who has put on his 1A2015 goals the review and restructuring of this committee. The IMT will continue to provide assistance as requested in this effort.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Sub-Paragraph a, Status = *Partial Compliance*

The Training Division has coordinated and reviewed all use of force training. This review occurs: at least semi-annually and needs to be comprehensive and analytical.

Activity

During the Summit the Training Director indicated that there was no update or increase in compliance to this sub-paragraph. Further discussions and review of the Training Review Committee meeting minutes submitted prior to the Summit for May and Oct 2014 reveal a review did take place, but that review was neither comprehensive nor analytical. The Committee did review data from IAPro (copies attached to the Committee reports) that listed Use of Force types or categories used by field officers, but the minutes do not reveal any protocol or comprehensive, analytical approach to this review. In addition, this review was not linked to any specific training courses, lesson plans, or testing activities.

Impediments to Compliance

The Use of Force training reviews conducted by the VIPD are neither comprehensive nor analytical, in that they:

1. Lack a standardized protocol that spells out how they will evaluate use of force activity and reports against the training materials and courses delivered by the Training Academy.
2. The absence of a protocol indicates that training evaluations are not conducted at all four levels (or at least at the first three levels) as detailed by Kirkpatrick and/or others and referenced within the Instructional Systems Design (ISD) process. The IMT Has provided materials explaining this process and is working with the newly appointed Training Director, to assist with the development of evaluation protocol and plans supportive of this paragraph.
3. Supervisors and officers, who are involved with the use of force and completing RRRs, have no independent input to these semi-annual Use of Force training reviews.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

4. Complicating and contributing to the absence of effective training evaluations, at all four levels, are training lesson plans and course outlines that do not incorporate effective training components such as well developed and written learning goals and student performance objectives.

5. Testing, at all levels, is not shown to be directly linked to an identified performance objective, making field level training failure linkage impossible.

Recommendations to Gain Compliance

The Use of Force training reviews conducted by the VIPD are neither comprehensive nor analytical. In order to improve these reviews, they need to:

1. Develop a standardized protocol that spells out how they will evaluate use of force activity and reports against the training materials and courses delivered by the Training Academy, for example UOF execution failures, as reported in IAPro as a start point to review the training programs and/or courses that support the skill associated with the reported UOF.

2. This protocol should include training evaluations that are conducted at least the first three levels as detailed by Kirkpatrick, and others, and referenced within the Instructional Systems Design (ISD) process. These evaluations should be longitudinal and include response from not only the trainee at the end of the course and some time afterward, but also the trainee's supervisor in order to determine if the training has been effective. The IMT is and will continue to provide assistance with this effort.

3. Supervisors and officers, who are involved with the use of force and completing RRRs, should have input to these semi-annual Use of Force training reviews.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

4. In order to lay the ground work for effective training evaluations, at least at the first three levels, all training lesson plans and course outlines should incorporate effective training components such as well developed and written learning goals and student performance objectives. Testing, at all levels, should be directly related to an identified performance objective.

The IMT has provided technical assistance during the reporting quarter to the Training Director and will continue to assist as needed in this and other areas of training related compliance.

Sub-Paragraph b, Status = Substantial Compliance

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 least every six (6) months.

Paragraph 74, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

This paragraph's current status was thoroughly reviewed with the VIPD and IMT staff during the August 2014 Summit.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

This paragraph was again reviewed with the VIPD staff during the November and December Summits and they informed the IMT that no progress had been made that would change any of the current compliance areas.

The IMT has provided technical assistance during the reporting quarter to the Training Director and will continue to assist as needed in this and other areas of training related compliance.

Impediments to Compliance

Comprehensive and analytical review of training outcomes. Addition to directive reference training certification.

Lack of coordinated training priorities and agenda with Chiefs and other command officers. No comprehensive plan for roll call training.

Questions raised by the IMT memorandum of 9/18/14 are serious and any further compliance with this sub-paragraph and paragraph should be held in abeyance

Each of the sub-paragraphs details impediments to compliance. These include:

Recommendations to Gain Compliance

Recommendations are noted in each of the paragraph's sub-paragraphs and include:

UOF training materials and delivery systems should be reviewed once the VIPD review of concerns raised by the IMT is completed.

Continue to assess the need for an instructor waiver as noted in other paragraphs, using the review agreed to by the VIPD. The IMT notes that the waiver was removed from the proposed directive and has reviewed an unsigned copy. Pending receipt of the signed copy and further evaluation of its impact on current instructional staff, the IMT withholds any further evaluation of the compliance with this paragraph.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Training staff should obtain additional training in Power DMS in order to actively participate in uploading training records, inputting training materials, and conducting analysis of training through reporting outputs.

The VIPD should conduct a complete review of the Roll Call Training program, focusing on definitions of what is Roll Call Training, who should deliver the training in the field (integration of shift supervisors as trainers), and what and where the training records should be maintained (preferably in Power DMS). The IMT is in receipt of a request for review of the current Roll Call training Directive and will forward recommendation forthwith. Based on initial discussions with the newly appointed Training Director, the IMT believes the program will be re-structured in such a way that is supportive of the Consent Decree needs as well as those of the line personnel of the VIPD. The IMT will continue to provide any requested technical assistance with this effort.

Increase the speed with which all individual training records are uploaded into Power DMS.

Establish a clear and well developed evaluation program for the Training Review Committee, utilizing IAPro data, among other options, as baselines for recommending changes to curriculum and delivery methods.

Sub-Paragraph a, Status = *Not in Substantial Compliance*

The Director of Training and/or his/her staff reviews all use of force training.

The Director of Training and/or his/her staff obtains legal review of all use of force training curricula.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Activity

VIPD audits indicated that the lesson plans used for UOF training had been approved by both the VIAG and the Training Director. In 2Q2014 audits, the VIPD indicated that all UOF lesson plans used in recruit training were approved and delivered by certified instructors.

On 9/18/14 the IMT forwarded correspondence to the Police Commissioner citing a concern with the training materials and/or delivery of training for UOF deadly force issues. On 10/25/14 the IMT received a response in the form of a memorandum from the Training Director to the Police Commissioner, but only signed by the Training Director.

During the 11/12/14 Summit, the IMT expressed their concern that the 10/25/14 memorandum merely reiterated case law and did not address the situation presented. The IMT further stated they had expected the VIPD to conduct an impartial inquiry to determine the full extent of the concern expressed by the IMT. The Police Commissioner directed that such an inquiry be conducted and that all efforts be made to complete it prior to the next court hearing.

Impediments to Compliance

Questions raised by the IMT memorandum of 9/18/14 are serious and any further compliance with this sub-paragraph and paragraph should be held in abeyance. This issue remains outstanding and the IMT has never received the report promised by the VIPD Commissioner during the November 2014 Summit.

Recommendations to Gain Compliance

Once the review of UOF training being conducted by the VIPD is complete, UOF training materials and delivery systems should be reviewed for compliance.

Sub-Paragraph c, Status = Not in Substantial Compliance

The Director of Training and/or his/her staff have developed a process to continually select and evaluate VIPD officer trainers.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

>95% of the training staff has received appropriate training and certification in the subject matter(s) that they are assigned to teach.

Activity

The VIPD proposed policy document on instructor selection (003-2014, Under Review) contained a waiver component. The IMT questioned the need for the waiver and during the Summit, the Police Commissioner agreed to have Training evaluate the actual need and bring back a list for review by the IMT.

Impediments to Compliance

VIPD continued inclusion of a waiver to instructor certification.

Recommendations to Gain Compliance

The IMT recommends that the VIPD conduct the proposed analysis and share the results with the IMT in order to resolve this issue.

In November, 2014, the IMT acknowledged that this issue appears moot as VIPD advised during the November monthly meeting that the VIPD has removed the waiver provision from the final version of the directive. The IMT will await receipt of Commissioner signed copy of the policy and review status of this paragraph.

Although outside of the quarter reporting period (02/24/15), the IMT received the revised document that no longer has the waiver included; however it was not a signed copy. In addition, as promised during the November, 2014 Summit, the IMT has yet to see the impact of a policy review on current instructor staff based on the new criteria.

Sub-Paragraph d, Status = Not in Substantial Compliance

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

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

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.

Activity

The use of Power DMS will certainly improve the VIPD's capability to collect and store training data. However past observations by IMT staff seem to indicate that the previous Director of Training did not have the capability to sign on to Power DMS and the other staff member interviewed by IMT staff on 11/13/14, while able to sign on, did not demonstrate full mastery of the various components of the Power DMS system. Neither indicated that they had the capability to load training data into the system, stating that only Ms. Tweed, from IT can load data into the system. During an on-line session, none of the staff could find curriculum focused training material on Use of Force training loaded into the system or how to use the system to find it. That does little to ensure us that the essence of this sub-paragraph is being accomplished.

Conversations during the reporting quarter with the new Training Director indicates significant progress in getting training personnel fully updated on Power DMS and that administrative staff as well as, to some extent, training personnel appear to be loading data into the system. Concentration appears focused on personnel training records as opposed to training curricula.

Impediments to Compliance

Until the Training staff becomes more fluent in the use of Power DMS they cannot comply with the content of this sub-paragraph.

Recommendations to Gain Compliance

The new Director of Training should make comprehensive use of Power DMS as the repository for all training records and curriculum. As curriculum is developed and delivered the final approved copies should be loaded into the system. This will enhance the availability of training materials department-wide and thus further facilitate roll call training. The loading and referencing of training materials and records in the system should become second nature. The benefits of output reporting and analysis will be significant.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Sub-Paragraph e, Status = *Partial Compliance*

The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have created a process for the development, implementation and approval of all Roll Call training curricula.

The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have developed, implemented and approved all Roll Call training curricula.

The Training Director and/or his/her staff have maintained written documentation of this process.

Activity

Comments made during the November summit and December, 2014 meetings seem to indicate that the VIPD Roll Call training program has slowed down and become less effective than previously. In addition, the current directive, 10.4, was due for review in 2013 and despite the fact that statements were made that it was reviewed, the IMT has not seen the report of that review. A cursory review of the current (02/13/12) directive revealed numerous errors and a copy was noting these questionable items was provided to the Training Director during a meeting on 11/13/14.

When this directive was discussed with the Training Director, in the context of review of the records that the directive assigned him responsibility for, he stated he had none of these policy required records and felt the directive was not workable from the start. He could not, however, provide the IMT staff with any written suggested re-write of the directive.

While it is our understanding that the two Chiefs of Police have some of the field records associated with the program, given the absence of those records assigned to training, the sub-paragraph can only remain in partial compliance.

The IMT provided technical assistance to the VIPD staff on the issue of roll call training and was subsequently notified, albeit after the end of the reporting quarter, that the Roll Call Training

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

policy was under review. The IMT provided input to that review and will continue to assist as needed.

Impediments to Compliance

Failure to completely implement Roll Call Training will continue to inhibit compliance with this sub-paragraph.

Lack of management oversight and focus on continued delivery of roll call segments. While there have been some notices regarding this training it does not seem to be consistent with the directive in terms of frequency and comprehensiveness. In addition most notices relate to outside trainers and products.

The IMT has, in previous reports, noted the deficiencies in the current Roll Call Training policy and the VIPD will need to review and revise this directive in order to re-vitalize this valuable and necessary program. Of critical interest is who will be the deliverer of this training.

The Roll Call attendance training records in Power DMS are just that, attendance records, and fail to identify any testing or evaluation of the training effectiveness.

There is no requirement in the current 10-4 Roll Call Training Policy for annual planning and scheduling of roll call training. The directive does mention a review but fails to note the frequency or extent.

Failure to conduct a thorough review of what appears to be a poorly written directive will inhibit the operation and record keeping of the Roll Call Training Program.

Finally there appears to be little or no management oversight or focus on roll call training for the patrol officer and during the Summits senior managers stated that the activity had slowed significantly at this time.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Recommendations to Gain Compliance

The VIPD should immediately review the current version of 10-4, with specific emphasis on the review comments forwarded by the IMT which address areas such as the following:

1. Paragraph III, Definitions in order to remove references to non-training related operations as reflected in sub-paragraphs III, B-D.
2. Review and refine the data collection and retention issues under paragraph IV for the Training Director. Consideration should be made to move all of this, as well as components of paragraph VI, B, to the Training division, given the remote update capability of Power DMS. The activity previously handled by the districts or zones could be uploaded from that location and saved in Power DMS. This will facilitate more efficient evaluations of the program as well as ensure the records of training are linked to the officers.
3. Finally, and most important, that VIPD senior management become directly involved in the oversight of the Roll Call training Program, to the extent that they
 - a- Participate in the creation of training topics.
 - b- Coordinate the scheduling of roll call training.
 - c- Review the record-keeping associated with roll call training.

Although outside of the reporting period, the IMT Notes that it recently received a copy of the referenced directive and a request that the IMT review and provide comments. The IMT has responded and will report on this request during 1Q2015.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Sub-Paragraph f, Status =Not in Substantial Compliance

The Director of Training and/or his/her staff have created and maintained a training record system that captures attendance records, instructor and student evaluations, and test results.

For >90% of the conducted Consent Decree related training sessions, evaluation review forms were collected from class participants.

Activity

This sub-paragraph was not reviewed by IMT staff, although the Training Director said during the Summit that there was no change in the current status. During the Nov Summit discussion was held regarding evaluation systems for training. The Training Director has taken the position that the testing done at the end of training session's meets the requirement for training evaluation, while the IMT feels that a more robust and longitudinal training evaluation program, similar to Kirkpatrick's Four Levels of Training Evaluation, should be used.

Follow-up meetings by the IMT with the Training Director and one of his staff, revealed, in the IMT's opinion, serious flaws in the development of training materials and programs, which will inhibit or prohibit the implementation of the more robust longitudinal training evaluation program. These include the absence of performance objectives in the available lesson plans for review and a lack of understanding of the need for such objectives both from a lesson development perspective as well as enabling effective evaluation programs.

Subsequent discussions with the newly appointed Training Director indicate movement toward resolution of the above issues and the IMT looks forward to monitoring them during the 1Q2015.

Impediments to Compliance

The VIPD Training Director and his staff see training evaluation as limited to the testing done at the end of each training class, or a combination of Level 1 and 2 evaluations. What they do not see necessary is Level 3 and 4 evaluation efforts. The failure to do so will inhibit compliance with the sub-paragraph required to "evaluate."

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

The absence of performance objectives within all training programs will continue to prevent implementation of useful and accurate evaluations of training effectiveness.

Failure to open training evaluation options and avenues to all personnel will limit the effectiveness of the evaluation component. Current indications from Training Review Committee notes seem to indicate that little or no such evaluations are being received.

Recommendations to Gain Compliance

In order to move forward the Use of Force evaluation requirements beyond Level 1, improve Level 2, and implement Levels 3 and 4 (if possible), as available, it is recommended that the VIPD Training Director:

Review all current lesson plans and training materials to ensure proper use of performance objectives (may also be called learning objectives, behavioral objectives, or training objectives) are in all lesson plans and training materials.

Base all testing in Level 2 upon the related performance objectives by using a test bank to develop multiple questions for each performance objective. This will allow for direct relationships between test questions that are missed to the performance objective for the material.

Develop longitudinal evaluation models for at least Level 3 which are student performance focused. In doing so, these evaluations will engage the trainee's supervisor and department management in evaluating the impact of training on operations and employee work performance.

Engage the Training Review Committee in the development of the Levels 2-3 evaluation processes and models.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

The IMT has provided technical assistance on these areas during the reporting quarter to the newly appointed Training Director and will continue to do so as needed.

Sub-Paragraph g, Status = Not in Substantial Compliance

The Director of Training and/or his/her staff have developed a process to review use of force incidents to identify patterns and trends that will influence training needs.

The Director of Training and/or his/her staff have conducted semi-annual reviews of use of force incidents to evaluate training needs.

The Director of Training and/or his/her staff have developed, reviewed and implemented all use of force training curricula (including lesson plans).

Activity

The most recent Training Review Committee reports indicate some level of review of UOF data generated by IAPro, however neither method or criteria used for the subsequent analysis was discussed in the report and no indication of any changes that would be needed were listed in the meeting minutes. IMT review of the data attached to the report indicates that there apparently is a serious problem with the use of verbal commands by field personnel, showing it to be the highest category of force used that was not effective in over 60% of the cases. This suggests that possibly how use of verbal commands is taught merits a review.

In addition, the issue of a needs assessment was not discussed during the Nov Summit, but was touched lightly during the follow-up meeting on 11/13/14 between the IMT and the previous Training Director and a member of his staff. A training needs assessment is always done prior to development of a training program and its' subordinate components. In the case of the Consent Decree some training is specifically required and thus the original training needs assessment may or may not have been accomplished. However as the training progresses and evaluations are conducted, additional training needs assessment should be conducted to see if the 1) the needs of the trainee have changed (e.g., they may be more proficient in areas they were not at the

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

beginning, and/or 2) the environment or rules have changed and as such additional or modified training may be required.

The key, in most cases to triggering a revisited needs assessment is the Level 2-3 evaluations, as noted previously, conducted by the training entity. In here lies the problem as the VIPD does not perform well developed Level 2 evaluations and no Levels 3, thus impacting adequate and effective needs assessment.

Discussions with the previous Training Director and selected staff member, seems to indicate a lack of understanding of the needs assessment or evaluation process, both key components to the Instructional Systems Design or ISD model. This will continue to impact training effectiveness as well as Consent Decree paragraph compliance. Subsequent engagement with the newly appointed Training Director indicates greater receptivity to these areas of need.

As noted above, the IMT began to see movement in this area towards the end of the reporting period and looks forward to monitoring it in 1Q2015. The IMT will also continue to provide whatever technical assistance the VIPD requests in support of this effort, within the IMT's ability to do so.

Impediments to Compliance

The VIPD has failed to demonstrate a clear evaluation system for review of UOF data against training programs and thus the sub-paragraph remains non-compliant.

Absent a renewed focus on this critical evaluation of available data for use in updating Use of Force training materials, will impact the quality of training delivered.

Recommendations to Gain Compliance

The VIPD should establish, within its Training Review Committee, a clear and well developed evaluation program for UOF training materials and programs based upon data from the IAPro

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

system and other sources. The results of these reviews should further improve the delivery of effective UOF training.

VIPD should consider revisiting, on a periodic basis, the training needs assessment in order to determine if it is still current and relevant to the field operations needs, especially in the area of use of force.

Paragraph 77, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

This paragraph's current status was thoroughly reviewed with the VIPD and IMT staff during the August 2014 Summit.

During the November and summit and December, 2014 meetings, the Training Director advised there had been no forward progress on compliance for this paragraph.

Impediments to Compliance

In August 2014 identified loading data into Power DMS.

In September 2014 identified need for a plan and design for data entry into Power DMS.

Failure to accelerate the loading of curricula into the Power DMS system.

Recommendations to Gain Compliance

In the November (as well as December) 2014, IMT Recommendations for improvement are noted under each sub-paragraph and include:

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

VIPD Training staff should increase capability and capacity to operate the Power DMS system and play a greater role in the uploading of training materials and student data.

Sub-Paragraph a, Status = *Partial Compliance*

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

Activity

This paragraph's current status was thoroughly reviewed with the VIPD and IMT staff during the August 2014 Summit.

During the November summit and December, 2014 meetings, the Training Director advised there had been no forward progress on compliance for this paragraph.

Impediments to Compliance

Loading data into Power DMS.

Plan and design for data entry into Power DMS.

Impediments are noted under each sub-paragraph for this paragraph.

Recommendations to Gain Compliance

Recommendations for improvement are noted under each sub-paragraph and include:

VIPD Training staff should increase capability and capacity to operate the Power DMS system and play a greater role in the uploading of training materials and student data.

Sub-Paragraph b, Status = *Not in Substantial Compliance*

=>95% of the training records shall, at a minimum, include the course description and duration, curriculum, and instructor for each officer.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Activity

See comments in sub-paragraph a, above. In addition, during an online session in Power DMS on 11/13/14, in which a search was conducted for uploaded lesson plans and other items under the curriculum section, training staff could not locate any course curriculum stored within the system as required by the paragraph.

Impediments to Compliance

See comments in sub-paragraph a, above.

Recommendations to Gain Compliance

See comments in sub-paragraph a, above. IMT has continued to provide Technical Assistance to the newly appointed Training Director in a wide variety of subject areas to support movement toward compliance with these paragraphs.

Paragraph 81, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

During the 11/12/14 summit and December court hearings the VIPD stated that there had been no substantive progress on this paragraph. IMT reviewed each sub-paragraph and that review revealed no progress.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

VIPD scheduled leadership training, conducted by the FBI, for selected personnel during early February 2015 (02/2-6/15 on St. Croix and 02/9-13/15 on St Thomas). While this training did not specifically address directly related Consent Decree training, it did address overall concepts of leadership. It was attended by Chiefs, Deputy Chiefs, Lieutenants, Sergeants and a few Corporal (totaling 68 personnel) and was apparently well received. The IMT will continue monitoring the VIPD's initiatives in this area. It is also noted that the IMT has not received copies of the evaluations, testing, or a course follow-on report on this training, although it did view the initial planning documents, performance objectives, and schedule as provided by the FBI.

Impediments to Compliance

After the August 2014 Summit the IMT provided this analysis of the compliance level of the paragraph, specifically geared toward supervisory training on leadership and command accountability.

While most of the requirements for compliance in this paragraph have been met, there is the clear need for more training in leadership and command accountability for supervisory, management and command personnel. While the training for command personnel may come in the form of "executive development," the IMT believes that command staff could benefit from participating in the supervisory and management training conducted within VIPD as well as attending developmental training conducted by any number of professional organizations and educational institutions.

We have urged command staff to attend part or all of the various supervisory courses taught by outside contractors. At a minimum, they should obtain briefings from these "visiting instructors," who are typically very well versed in their subject areas so that they have a sense of what is being taught to their subordinates but also to get information from subject matter experts on how their command issues are being addressed in other police agencies.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

During the November summit and December 2014 court hearing, the VIPD indicated that no progress had been made on this paragraph.

Recommendations to Gain Compliance

Recommendations for bringing this paragraph into compliance are logged with each sub-paragraph and include:

Complete remedial upgrade to Power DMS and develop linkage protocol.

Continue Power DMS remedial upgrade and upload remedial training records when complete.

Sub-Paragraph a, Status = Substantial Compliance

The VIPD will provide training on appropriate burdens of proof to all supervisors.

IMT did not formerly evaluate this component; however the previous Director of Training indicated during the November summit and VIPD during the December court hearings that there was no change in compliance with the paragraph or sub-paragraphs.

Sub-Paragraph b, Status = Partial Compliance

Training should include factors to consider when evaluating complainant or witness credibility.

IMT did not formerly evaluate this component; however the VIPD indicated during the November summit and December court hearing that there was no change in compliance with the paragraph or sub-paragraphs. They need to ensure that their recommendations regarding dispositions are unbiased, uniform, and legally appropriate. Training has been provided but the outcomes remain questionable.

Sub-Paragraph c, Status = Substantial Compliance

Training should include factors to consider when evaluating complainant or witness credibility.

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

Sub-Paragraph d, Status = *Partial Compliance*

The training shall include techniques designed to promote proper police practices.

IMT did not formerly evaluate this component; however the previous Director of Training indicated during the November summit and the VIPD during the December court hearing that there was no change in compliance with the paragraph or sub-paragraphs.

Sub-Paragraph e, Status = *Substantial Compliance*

This training will be provided w/I 90 days of promotion.

Sub-Paragraph f, Status = *Partial Compliance*

And will be made a part of annual in-service training.

IMT did not formerly evaluate this component; however the previous Director of Training indicated during the November summit and the VIPD during the December court hearing that there was no change in compliance with the paragraph or sub-paragraphs.

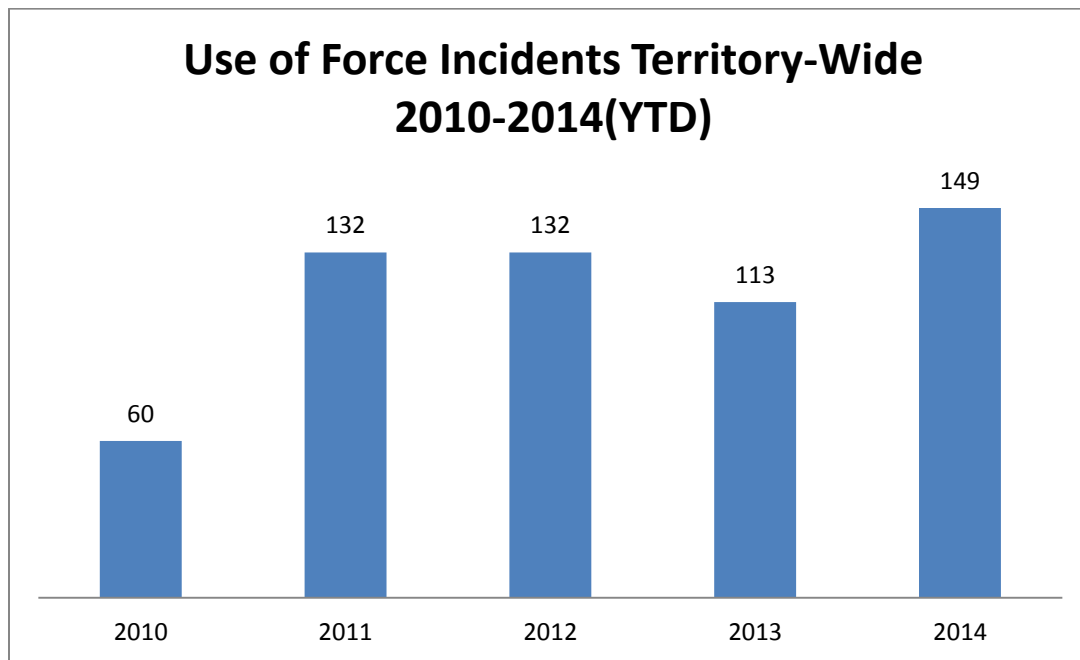
Additional detail on those paragraphs that are in Substantial Compliance as well as Court Goals are found at Appendices A and B to this report.

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

V. VIPD USE OF FORCE REVIEW: **MONITORS' PERSPECTIVE MARCH 2015**

Force incidents in the United States Virgin Islands have occurred with regularity between 2010- and 2014. Though generally accepted police practice requires these data to be collected, data were neither tracked nor documented prior to 2010. The VIPD determined that documenting its force practices was necessary to comply with the Consent Decree. The chart below displays the total number of recorded force incidents for the five year period, 2010 through 2014.



The total number of recorded force incidents has increased from 60 to 149, 89 incidents, 148%. (Data is from the IAPro System in US Virgin Islands, 1-13-2015. It has not been validated.)

While the numbers may indicate exceptional increases in force use by the Virgin Islands police officers, we find these numbers compelling for a far different reason. Previous to the Consent Decree force use within the territory went generally unreported and untracked by the VIPD. A comprehensive review of arrest reports by the IMT indicated that force was employed by the VIPD to bring persons into compliance and in custody but were not followed up by any

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

type of formal documentation, investigation, oversight, review or accountability. The IMT sees the current efforts and trends of the Territory in reporting, documenting, oversight, review, and accountability of its force policies in the most favorable light possible. The current practice is consistent with solid police practices' as well as with the spirit of the Consent Decree with which the Territory is working to comply.

The reporting of force coupled with management oversight of all practices associated with the use of force is new within the VIPD. The new practices have challenged the previous culture of the agency in questioning staff about the who, what, how, when, why and where, force is applied within the agency and throughout the Territory. Coupled with the salient differences between the different Islands' cultures in the Territory, the scope of the task becomes that much more complicated. It is however that very progress that is important to note here. It is the fact that reporting and oversight are happening on a more regular basis that the IMT wishes to be noted and reported to the Court. There is yet much more work to be done that must be noted also.

Having supervision readily and consistently available to respond and supervise force incidents is still a challenge for the VIPD. During this last reporting period supervisors did not arrive at the scene of force incidents consistent with their policies. Both VIPD audits and IMT reviews had the same findings. The IMT believes that it is not only a lack of qualified and trained supervisors but also the distribution of those supervisors. VIPD has repeatedly offered this rationale as the reason that they are unable to come into compliance with this Consent Decree provision. We believe that is certainly an existing problem but we also note that the VIPD does not adequately staff supervisors to work on "off hours," shifts that supervisors prefer not to work, like Friday, Saturday, Sunday evening and late hours. Late hours coverage issues on St. John's are particularly vexing. We have repeatedly asked that the VIPD to conduct a manpower and allocation study to examine and learn where and when they need both their officers and supervisors to be working. This concept has been brought up to the new government.

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

The VIPD, especially the Force Work Group is attacking several other force related problems that seem to repeat themselves in audits and IMT reports, including supervisors failing to get statements from all witnesses, failing to get a statement from the person upon whom the force was used, failure to collect or account for all possible evidence, pictures, audio recordings, delayed reporting of incidents and investigations, not all documents in file (i.e., no arrest report in file, no 1A file, etc.).

In an effort to correct these problems, the Force Work Group developed templates for officers, witnesses, and responding supervisors to follow. Appropriate personnel were trained during this reporting period on use of these documents. Still, the timeliness and accuracy of the management review of these documents has also been identified as lacking in the VIPD audits and IMT reviews. Getting supervisors, zone commanders and chiefs to document their concurrence and approval of investigations conducted by their subordinates has failed both VIPD's audits and IMT review. To remedy this, the Force Work Group is developing a force checklist to be completed by each level of the chain of command. Taken in conjunction with the completion of the Use of Force Review Board (UFRB) and the Firearms Investigation Team (FIT) the VIPD, should be poised to make a strong push toward compliance with the use of force paragraphs of the consent decree during the upcoming quarters.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

VI. VIPD AUDITING PERFORMANCE

The IMT judged the VIPD Compliance Audit for the *First Quarter of 2014* to be materially superior to the previous audit and report, while noting many flaws, some of a serious nature. The VIPD's *Second Quarter 2014 Compliance Audit Report*, submitted and reviewed by the IMT during the Fourth Quarter of 2014 did not warrant similarly positive credit with regard to improvement. It remained uneven, characterized by variations (inconsistencies in Work Group effort, methodological detail, and presentations, which continue to challenge the reader's ability to assess accomplishments efficiently. The report still lacks integration and summary of four separate audit components. The IMT is frustrated to have to single out, again, the need for action to remedy these repetitive shortfalls. Failure to have done so by now is entirely explainable by VIPD leadership inaction. At the same time, it seems to point out that the limited improvement in the Second Quarter may have been attributable to the strides made in the previous quarter. Expectations for measurable improvement in auditing work and that which is audited in any three-month period must remain realistic.

The IMT's most recent evaluation went far beyond citing need to address the repetitive problems. Our *Review & Recommendations Report* (January 6, 2014) called for (1) major reengineering of the VIPD auditing organization and staffing model and (2) conversion from current methodological and reporting protocols to a Metrics-Centered Model, of Use of Force patterned on the work of the Work Group. Successful implementation of these prescribed actions will serve all parties well as future compliance efforts unfold.

The collective experience of Work Group leaders and members to date, lessons learned during the past year, and the formal start-up of the Audit & Inspection Unit, coalesce to form an environment in which the VIPD can successfully restructure its audit organization and staffing configuration to achieve greater Consent Decree compliance effectiveness. Despite presence of an oversight Audit Work Group, the process remains decentralized -- a confederation of side-by-side entities, sometimes integrated situationally, sometimes unintegrated. To more fully realize

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

potential, with expectation of accelerating Consent Decree compliance, the IMT recommends centralizing audit responsibility and concentrating assets directly in the Commissioner's Office, in a newly structured Professional Responsibility cluster, under full-time, day-to-day leadership of a Chief (Consent Decree) Compliance Officer, equivalent in power to a deputy/assistant commissioner. It is worthy to consider placing Internal Affairs, the Audit & Inspections Unit, the Training Unit and the written directives (policy) function, under the leadership of the Chief Compliance Commander. This audit model will also promote greater independence and reduce the degree to which VIPD Audit Groups are auditing their own performance.

The recommended restructuring is not intended to be viewed principally as a transfer of assets to another box on the organization chart, but as a strategic move to force-multiply the intensity, control, and influence of the audit operations and movement in response to unfulfilled Work Group recommendations in particular. (*VIPD Compliance Audit, 2014 Second Quarter Report. IMT Review & Recommendations, July 6, 2014, pp. 2 and 3.*)

The Metrics-Centered Audit Model conversion is discussed in *Section X, Outcome Assessments: Two New Initiatives*.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

VII.MEASUREMENTS & ASSESSMENTS

Consent decrees negotiated during the past several years have included provisions (paragraphs) that require parties to conduct "Outcome Assessments." These are found under Implementation/ Compliance Assessment. These provisions empower and require independent monitors to employ a broad range of measures and assessments to gauge both (1) degree of compliance of subject police agencies with mandated Consent Decree provisions and (2) impact of actions/remedies on the conditions which called for consent decree agreement in the first place. Four Consent Decrees that this IMT has studied establish constitutional policing as the principal outcome to be achieved – the ultimate compliance standard, and suggest use of an extensive package of companion and supporting measures and assessments (ranging from 15-47 in number). The 2009 Virgin Islands Consent Decree, negotiated earlier than those researched, does not include an Outcome Assessment paragraph. It does, however, explicitly commit the VIPD to practice constitutional and effective, and respectful policing, the governing outcome of later Consent Decrees:

- **A.2.** ".... 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 (collectively, "the parties")."

- **B.3.** The parties share a mutual interest 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 or laws of the United States.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

Whether standards of constitutional, effective, and respectful policing are being met by the Territory and the VIPD in practice, is clearly a shared value and an inherent measurement and assessment obligation of the parties to the Consent Decree. Whether the conditions which underlie the Consent Decree (violation of 42 U.S.C., Paragraph 14141 – engaging in excessive use of force) are being remedied and reversed is clearly an inherent obligation of the parties to the Consent Decree.

Assessment & Measurement History

Paragraph 69 of the Consent Decree obligates the VIPD to "...develop a protocol for conducting audits," referred to as self assessments in some Consent Decrees. The VIPD is completing its fourth Compliance Audit. It has produced Quarterly Status Reports continuously since the Consent Decree became operational. They now number 22. On November 2, 2012, the Court adopted and ordered a VIPD Action Plan as part of the Consent Decree. The plan subsequently developed was stricken from the Consent Decree. (Amended Order, 5/22/14.)

The VIPD Audit Program, Quarterly Status reporting, and the now-repealed Audit Action Plan, were paralleled, report-by-report, with written IMT response documents as well as on-going monitoring, on-site and remotely. The totality of these still evolving processes constitute the core of measurement and assessment activity to date, documented and undocumented. The most recent IMT Audit Response Report (January, 2015) urged VIPD to adopt an operating and reporting protocol to ramp-up compliance measurement and assessment work.

Measurement & Assessment Future

Measurement and Assessment of VIPD paragraph compliance has been approached in the ways outlined above. Still evolving, there is much ground to cover. Impact remains relatively untouched. DOJ and the IMT are anxious to take Consent Decree Measurement and Assessment to the next level and have taken initial steps to do so.

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

Considering VIPD Consent Decree specific conditions, practices, and accomplishments to date, known compliance challenges, resource issues, as well as VIPD information capacities and gaps, the IMT intends to employ the following criteria to design a Measurement and Assessment Framework:

- **Constitutional Policing Practices.** Measures of lawful, constitutional uses of force will be the cornerstone of the measures and assessment package. These are the practices which the parties agreed to remedy. Final settlement of Consent Decree compliance can only be justified by demonstrating that constitutional behaviors and practices are in place and have been sustained for the two-year period required by the Consent Decree.

- **Process & Outcomes.** We intend to measure and assess the degree to which the actions and mandates of the Consent Decree (the substantive paragraphs), which in measurements constructs are process/practice, produce the ultimate results expected, such as minimizing use of excessive force, which in measurement constructs are outcomes.

- **Inclusiveness.** The IMT's design will concentrate, in the long run, on the entire range of substantive provisions of the Consent Decree: Use of Force, Citizen Complaints, Risk Management, and Training. Initial measurements and assessments will concentrate on Force paragraphs and sub-paragraphs.

- **Manageable Expectations.** To keep the program focused and meet short-range expectations of all parties, we will concentrate on an essential but limited range of measures and assessments, even within the Force cluster.

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

- **Honoring Infrastructure & Capacity Realities.** At this juncture the IMT is conversant with the capacity of IAPro, its assets and limitations for measurement and assessment work. The range and quality of broader VIPD contextual operational data and information required for measurement is not known to us. It is common and ideal in the police work for agencies to undertake "big data," and "predictive analytics" approaches at the outset of diagnostic and measurement efforts – the point where we are now. As advantageous as this would be, we are opting to rely primarily on the current and improvement-practical data capabilities of the VIPD. How far this will take us remains unanswered for now.

Toward Substantial Compliance: Exit Decision

Earliest design work will be directed to defining the outcomes, conditions, and practices that U.S. District Court of the Virgin Islands, and then DOJ, feel must be considered and prioritized to satisfy and especially to exit the Consent Decree. Measurements will be developed/selected/conducted that operationalize these preferences. DOJ has published an extensive package of suggested measures in recent Consent Decrees. The Court has spoken at compliance hearings. A Territorial/VIPD-focused inquiry has not occurred. It should.

Measurement & Assessment Package: Phase 1

In accordance with the criteria outlined above, subject to modifications and insights which emerge from engagement of the parties, and more detailed immersions in the study of VIPD data capacities, the measures package could include any or all of those presented in Table 1, Measures & Assessments Clusters. Priorities within the entire set will emerge and evolve as work proceeds. From among the set, the IMT recommends the following measures and assessments for priority consideration:

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

□ **Public Trust & Legitimacy**

- Proportion of the service population that judges the conduct of VIPD officers to be fair and impartial.

□ **Use of Force**

- Rate of force used per police-citizen encounter.
- Rate of force used lawfully.
- Rate of force used unlawfully (excessively and unnecessarily).

□ **EIP/Risk Management**

- Proportion of officers disciplined (for Consent Decree relevant violations).
- Proportion of officers subject to repeat alerts (includes supervisors, commanders and executives).
- Proportion of officers counseled, retrained, and/or subject to additional intervention options.

□ **Citizen Complaints**

- Number and rate of citizen complaints.
- Number not referred to IAB for investigation.
- Number referred to IAB for investigation.
- Findings of complaints investigated.
- Dispositions of complaints investigated.
- Disciplinary response to complaints investigated.

□ **Training**

Number and proportion (percentage) of recruits, officers, FTOs, supervisors, commanders and executives who annually receive initial (academy-level), roll call, refresher/update (in-service) training on:

- Fourth Amendment and other constitutional policing concepts and practices.
- VIPD's use of force model.
- Lawful/proper use of force decision-making.
- Use of force reporting requirements.
- Threat assessment.
- De-escalation and other disengagement techniques and options.
- Conflict management

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

VIPD Compliance Auditing

The IMT's Measurement & Assessment Program will not supplant VIPD Compliance Auditing, but incorporate it into the overall approach. The VIPD remains responsible to the mandate of the Consent Decree to continue to account for and report on work and on results of every paragraph. The most recent IMT ***Audit Report Response*** (for the Second Quarter of 2014) recommends a methodology for bridging/integrating VIPD auditing and IMT measurement and assessment.

TABLE 1 **MEASURES & ASSESSMENTS CLUSTERS**

□ Constitutional Policing Practices Clusters

1. Number & Rate of Sustained Complaints (Citizen) & Charges (Internal)
 - a. Abuse of Power
 - b. Abuse of Process
 - c. Harassment/Information
 - d. Citizen Contest
 - e. Civil Rights
 - f. Failure to Perform – Constitutional Issue
 - g. Failure to Take Citizen Complaint
 - h. Firearms Discharge
 - i. False Arrest
 - j. Pointing Firearm
 - k. Prejudicial Conduct
 - l. Threats
 - m. Unlawful Search
 - n. Unnecessary/Excessive Use of Force
 - o. Wrongful Detection
 - p. Other Violation of Citizen Rights

These categories of complaints and charges are those used in the VIPD's IAPro database. The content of the categories (the complaints and charges) need to be defined (reduced) for measurement. Measures for the Unnecessary/Excessive Use of Force category follow.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

2. Number & Rate of Arrests for which there is Documented Reasonable Suspicion for a Stop & an Arrest
3. Number & Rate of Searches that Result in Contraband

Each measure in this cluster and those that follow, sub-measures will be applied (broken down) by time, place (Island, Zone), ethnicity, gender, age, and other, as appropriate.

□ **Public Trust & Legitimacy Cluster**
Fair & Impartial Policing Cluster

Proportion of the service populations that judge the conduct of VIPD officers to be fair and impartial.

This measure would be applied to:

- the service population in aggregate.
- sub-populations by ethnicity, race, gender.
- sub-populations by service area (neighborhoods).
- sub-populations by service type (non-criminal).
- sub-populations by victimizations.
- sub-populations by enforcement actions/inactions.

□ **Use of Force**

1. Rate of force used per police-citizen encounter.
2. Rate of force used per arrest – lawfully.
3. Rate of force used per arrest – unlawfully, unnecessarily or excessively.
4. Number and rate of force complaints that are sustained and not sustained.
5. Number and rate of administrative force investigations in which each finding is supported by a preponderance of evidence.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

6. Number and proportion of officers found to have violated force policy, by number of instance/time period.
7. Canine bite ratio (covered by force type).

In addition to time, place, and subject sub-measurements, this cluster will produce data by force type and incident conditions (source of incident dispatch/stop/office discovery, presence of weapons, call/offense type, and other).

□ **EIP/Risk Management**

1. Proportion of officers subject to repeat Supervisory Alerts.
2. Number of officers subject to discussion with supervisors and/or commanders; counseling; training; monitoring; and/or other intervention options to modify behavior.
3. Number of officers subject to Action Plans.
4. Qualitative assessment of impact/effectiveness of intervention options and Action Plans.

Measures should aggregate data by officers, supervisors, and operational units.

□ **Citizen Complaints**

1. Number and rate of citizen complaints, all types, by type.
2. Number referred to the IAB for investigation, all types, by type.
3. Findings of complaints referred to IAB, all types, by type.
4. Disposition of complaints investigated by IAB, all types, by type.
5. Disciplinary responses to findings and dispositions (all dispositions).
6. Qualitative assessment of policy, program and training actions which result from findings and dispositions, patterns, and individual cases.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

□ Training

1. Number and proportion (percentage) of VIPD recruits, officers, FTOs, supervisors, commanders and executives who have received initial (academy-level), roll call, refresher/update (in-service) training on:
 - a. Fourth Amendment and other constitutional policing concepts and practices.
 - b. VIPD's use of force model.
 - c. Lawful/proper use of force decision-making.
 - d. Use of force reporting requirements.
 - e. Threat assessment.
 - f. De-escalation and other disengagement techniques and options.
 - g. Conflict management.
 - h. Core Consent Decree policies.
2. Qualitative assessment of degree to which VIPD training practices conform to best practice standards with regard to:
 - a. Needs assessment.
 - b. Instructor certification.
 - c. Delivery.
 - d. Evaluations.
 - e. Retraining.
 - f. Management, including record-keeping.

Measurements should cover individual employees, units, assignments and shifts. Specific assessments required to address critical on-going VIPD training issues should focus on:

3. Percentage of members that complete simulator training.
 - Percentage of sworn members who participate in de-escalation scenarios during simulator training.
 - Percentage of employees that have a two-year training history entered in the Power DMS database.
 - Percentage of instructor certifications entered in the Power DMS database.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

A Consent Decree Tailored Database: Renewing Our Recommendations

The IMT's Second Quarterly Report for 2014 stated a need to begin to build a database to support diagnostics and to settle a series of issues that were frustrating compliance efforts, including availability of supervisors. (See *Section V, Mounting A Stronger Compliance Program.*) Outlines of data requirements were presented in two classes, (1) Policing Environment and (2) Policies & Practices. Exploratory efforts of the IMT to gather a number of important data sets were abandoned, in large part by what is perceived to be the underdeveloped data capacity of the VIPD and, candidly, weak response from the department.

The data requirements set forth in our previous report include many that will also be required to understand and interpret measurements and assessments once they are available. Accordingly, we are renewing our call to the new leadership of the Territory and the VIPD to arrange for the presence of organizational (structural) and staffing (skills) assets as it fashions the 2015 version of the VIPD.

Protecting & Preserving Compliance

Beyond the measures and assessments defined and implied in the preceding materials, exit decision-making should incorporate assessments of the capacity of the VIPD to sustain full and substantial compliance beyond the life of the Consent Decree. "Capacity" includes a broad range of in-place best practices and confidence that the VIPD is culturally prepared to ensure that these practices are continually employed, nurtured and improved. Many of these have been cited in previous IMT reports, quarterlies and audit responses. Among the most essential are VIPD practices in such areas as: training; promotion; data and analytics; community and citizen engagement; discipline; performance measurement and evaluation; and leadership models. Assessing capacities requires primarily qualitative methodologies.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

VIII. OUTCOME ASSESSMENTS: TWO NEW INITIATIVES

The IMT intends to launch the measurements and assessments start-up outlined in the previous section in the next, second quarter of 2015, with a gathering of the parties to begin to select and prioritize measures and assessments for application. This would entail: (1) selecting those that the parties feel are essential for judging whether the mandates of the Consent Decree and the requirements of constitutional policing are met; (2) grouping the selections in achievable (manageable) segments, again recognizing priorities; and (3) setting target implementation dates. This process is certain to produce additions to and subtractions from the sets in Table 1 and initial set suggested by the IMT. A very preliminary discussion was held with DOJ on February 26, 2015.

As the start-up program unfolds, measurement and assessment activities already underway will continue, primarily Work Group auditing, the IMT is encouraged to have learned (during the February Monthly Consent Decree Meeting) that the Citizen Complaint Work Group is adapting the Metrics-Based Auditing Model. It is useful, also, to report here on two Fourth Quarter measurement and assessment initiatives not previously reported on, one by the VIPD, the second by the IMT.

Response To Resistance Analysis

The cornerstone of measures and assessments should come from the Force Cluster. Desperately needed is a comprehensive force information baseline including how much occurs (lawful and excessive), when, where, conditions and causes (correlates). This baseline does not exist today. The DOJ recently underscored need for collection of these sets of data. (Meeting at Government House, February 3, 2015.)

The most senior members of the Independent Monitoring Team, the Police Practices Experts who have monitored Consent Decree compliance since 2009, contend that the inability to document force reliably was a dominant characteristic of VIPD operations during the

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

negotiations that led to the Consent Decree agreement, as well as a defining cause for the Agreement. Absent this capacity, construction of a valid and reliable force baseline, even one composed of a limited range of basic dimensions, was not practical and was not attempted at that time. Addressing this essential need, called for in Paragraph 32 of the Consent Decree, had to await purchase, implementation, and field-based population of the IAPro data collection system.

This crucial gap in Consent Decree compliance programming is receiving attention by the VIPD's compliance staff. The Use of Force Work Group has prepared a ***Response To Resistance Analysis Report: 2014***. The findings and implications of the Analysis are forthcoming. Hopefully, they will be examined in the next Quarterly Report. It has been reported to the IMT that the IAB Director undertook a similar effort previously. A report to management was not acted upon.

Consent Decree Implementation: Workforce Perceptions

Transformation of the culture of the VIPD (the organization) and the behavior of VIPD officers is an overarching goal of the Consent Decree, with respect to matters of constitutional policing. Among the correlates of successful transformation are the degree to which VIPD commanders and supervisors properly lead, motivate, inform, train, supervise, evaluate, and hold officers accountable in regard to constitutional policing behaviors. These correlates can be examined in a number of ways, one being organizational culture analysis. A range of correlates (conditions and factors) have been examined qualitatively throughout the course of the monitoring effort. The audit processes have featured quantitative protocols. Still, a number of culture-driven correlates have not been measured or measured routinely up to the current point in time. As a lead-up to a future organizational culture analysis, designed and administered with methodological rigor, the IMT conducted a series of preliminary interviews during the Fourth Quarter to test a series of considerations of significance to compliance success and sustainability.

Fourth Quarterly Report of 2014

From The Independent Monitor For The Virgin Island Police Department

During December 2014 and January 2015, the IMT interviewed VIPD supervisors and commanders, a total of 23, 9 on St. Thomas and 14 on St. Croix. Scheduling issues prevented more interviews on St. Thomas/St. Johns. The interviews were conducted one-on-one. We pledged confidentiality to respondents. A 63-item interview instrument was used. The questions covered-eight general areas:

Category Code	Category Title	Number of Questions
A	IA Pro and Blue Team	5
B	Use of Force Investigations	12
C	Citizen Complaints	15
D	Early Intervention Program (EIP)	11
E	Training	10
F	Consent Decree	3
G	Promotions	3
H	Disciplinary Process	4

While all questions sought the interviewee's opinion or analysis of the current and past situation that a question focused on, some also called for the respondent to rate the quality or usefulness of the broader area under review. Some questions were restricted to commanders or managers. In other cases, such as training delivery, respondents were asked to rate training on a scale of 1 to 5. Most questions were open-ended and respondents were encouraged to elaborate or expand on answers as needed. A total of 1447 response items are in our database. This database can print reports upon selected criteria of the user. The interview instrument is appended.

While the IMT hopes to supplement the respondent universe during the coming months, the interviews to date crystalize a number of perceptual patterns. The results will be forwarded to the VIPD leadership for examination, analysis and development of actions to advance paragraph compliance. The value of the survey is to use the information collected to reinforce and sustain Consent Decree conditions and factors that in the judgment of commanders and supervisors are positive and to examine and modify, when appropriate, Consent Decree conditions and factors

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

that are not advancing or are impeding compliance. Accordingly, the IMT will assess the value of survey information to the VIPD leadership and when their leadership is able to use it constructively, beginning next quarter.

**Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department**

IX. VIPD COMPLIANCE ACTIVITY

In contrast to the absence of paragraph compliance movement, the VIPD's report for the period, *Status Report #22*, conveys a series of actions it believes will contribute with varying impact and at varying impact points (future dates and periods), to Consent Decree compliance and intended compliance outcomes. Singled out in the Executive Summary of the Status Report are the following:

Training. The Training Bureau reports completed delivery of: (1) supervisory training for recently promoted supervisors (mandated by Paragraph 81 of the Consent Decree); (2) leadership training for supervisors; (3) supervisory in-service. The Bureau reports a search for experts to conduct Force Investigation Team (FIT) training and Training Advisory Committee reconstruction to achieve greater "inclusiveness." Coupled with this endeavor, the Bureau is developing a protocol to guide TAC operations.

Citizen Complaints. In pursuit of a strengthened Citizen Complaint Process, the VIPD reports quarterly progress that includes revision of the Citizen Complaint form to capture race, ethnicity, and national origin (to comply with Paragraph 61 of the Consent Decree). Printed in the three Consent Decree required language, these have been placed in all Consent Decree required locations.

In quest of enhancing the supply of training, citizen complaint process and general Consent Decree information, several televisions have been secured and installed in various zones. Next step is development of a protocol to maximize and regulate use of this communication asset.

The VIPD continues to seek ways to reduce the number of outstanding complaint investigations, beyond the Waiver and Extension request procedure to be implemented.

Fourth Quarterly Report of 2014 From The Independent Monitor For The Virgin Island Police Department

In December 2014, VIPD issued a Directive regarding the handling of training needs identified in complaint investigations (paragraph 58).

Use of Force. Three force policies have been submitted to DOJ for review and approval: Reporting, Investigation & Review of Force; FIT; and Review Board. The Status Report calls attention to continuing efforts to staff the FIT and Force Review Board. The Policy Committee is being restructured to "boost and reinvigorate" its membership. A new chairperson has been appointed. A first-time "RRR Audit" has been conducted. This initiative, a particularly significant one, for managing force lawfully.

Conditional material and observations on the VIPD's Quarter 4 Progress, along with update information received from the VIPD in response to the IMT's draft of its (this) Fourth Quarter Report have been incorporated into the compliance detail material which appears earlier in this report.

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

X. CONCLUDING THOUGHTS

We are quite pleased to begin work with the new command staff of the Virgin Islands Police Department. We sincerely hope and expect that we will achieve much together in the days and months to come. That being said, there is much work to be done. Compliance progress ground to a halt during the transition between administrations and, as of yet, has not begun to advance. We, as monitors remain ready and available to assist in any way that we can. We sincerely hope that the new administration and command staff is receptive to our suggestions and recommendations understanding that we share common goals and objectives.

We are finding that the newly appointed Training Director is communicating with the monitoring team in a way that we have not previously experienced. We wish him well and look forward to making progress toward substantial compliance. The challenges facing the Training Bureau are going to take time but are not insurmountable. To date, VIPD has tended to approach Consent Decree progress in a manner that equated to "checking the boxes," seeing the paragraphs as singular requirements rather than comprehensively in terms of commonality that might exist among several paragraphs. Recognizing this should lead to joint solutions among paragraphs or across unit or work group lines. This is not unique to Training and we have seen it throughout. This has led, in part, to the current stagnation of progress in reaching substantial compliance. As long as paragraphs could reach compliance by the work of a single unit or work group, the "box" got checked. Now that many of the remaining paragraphs require the coordination of multiple command officers or a joint approach by two or more work groups, the effort has bogged down.

This condition is a symptom of a broader set of problems throughout the organization. We don't always see the kind of coordination of effort and communication necessary in a successful modern police agency. We frequently see joint meetings when a crisis arises and people must meet to solve a problem. This leads to short term fixes that typically require re-visiting because a problem repeats itself.

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

We have made recommendations that are more comprehensive in nature and often extend beyond the strict reading of the Consent Decree. Our suggestions are always based on successful policies, practices and functions that we find in the departments that we have worked with or have examined of similar size to the VIPD. These recommendations have often been met with rejection or delay, awaiting future plans, often not in the department's immediate future. This kind of thinking and behavior has led us to the situation that we currently find. Full substantial compliance is not yet within sight.

We do see improvement in some critical areas. Use of force and citizen complaint investigations conducted in the zones show marked improvement during the past year. While these are lower level cases compared to Internal Affairs cases, field supervisors have clearly improved their reviews and documentation of simple force cases. There remains a problem of finishing reviews within allotted timetables, yet the substance of reviews has noticeably improved.

We are concerned about the kinds of problems we find in more serious cases. When, because of the seriousness of a case, documentation of the investigative steps is most crucial, we discover missing documentation, lack of thoroughness and a failure to interview important witnesses. Most troubling is the administration of sustained cases that arise from internal investigations. The monitors are struck by two critical issues. The first surrounds the manner in which administrative hearings are conducted. The nature and conduct of the hearings are unlike any that we are familiar with. We have recommended that careful study be conducted to establish an administrative hearing process more in line with generally accepted practices for administrative review and what are commonly called, "Loudermill Hearings."

More disconcerting are cases where allegations are sustained and the investigation and hearing officers summarily dismiss the charges with no written explanation for the action. We are deeply troubled by this action. Our inquiries concerning this kind of activity have gone unanswered.

Fourth Quarterly Report of 2014
From The Independent Monitor For The Virgin Island Police Department

Similarly, while on a monitoring trip, our Police Practices Experts observed simulator training which resulted in questionable judgment employed by a student. When questioned about the reasons and justifications for the action he took, the student, an experienced officer, cited that he had been taught during in-service training that an officer could resort to deadly force when, in his or her mind, there is a threat of serious bodily harm or death to the officer and that there is no requirement beyond the officer's state of mind. He seemed unaware of the fact that the judgment displayed had to be objectively reasonable. Further inquiry from the monitors resulted in differing opinions among instructors. When we filed a written inquiry about the incident and the outcome we received a written response that was totally inadequate and did not address the core issues of our communication. When brought to the attention of the Commissioner, both in writing and verbally during the summit, he indicated that he had not seen the response to our letter and that he was completely unaware of the inquiry, but promised a much more complete answer to our questions and one that would be delivered in a timely fashion. To date, we have never received a response and the commissioner has since left the service. Both public and officer safety demands that this crucial policy and training issue receive immediate attention.

Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Paragraph	031	Paragraph Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Group	USE OF FORCE POLICIES			Group Code	1
CD Wording	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/Comments

IMT takes note that the newly installed administration has taken the initiative to expedite required reviews of all policy, with IMT and DOJ being afforded review opportunity.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	Definitions of all force terms are consistent with the Consent Decree, applicable law, and generally accepted police practices. The issuance of the policy and its continuation indicate substantial compliance.				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	Definition of "force" comports with 21 of the Consent Decree. The issuance of the policy and its continuation indicate substantial compliance.				
Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	Incorporates 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. The issuance of the policy and its continuation indicate substantial compliance.				
Sub-Para	d	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	Advises that, whenever possible, individuals should be allowed to submit to arrest before force is used. The issuance of the policy and its continuation indicate substantial compliance.				
Sub-Para	e	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	Reinforces that the use of excessive force will subject officers to discipline, possible criminal prosecution, and/or civil liability. The issuance of the policy and its continuation indicate substantial compliance.				
Sub-Para	f	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	Ensures that sufficient less lethal alternatives are available to all patrol officers. The issuance of the policy and its continuation indicate substantial compliance.				
Sub-Para	g	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	Explicitly prohibits the use of choke holds and similar carotid holds except where deadly force is authorized. The issuance of the policy and its continuation indicate substantial compliance.				
Sub-Para	h	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	VIPD satisfies all of the above requirements of 31(a-g) as provided in the "Definition of Substantial Compliance".				

End of Paragraph **031**



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Paragraph Group	Paragraph Status	Substantial Compliance	SC Date	11/06/2013	Group Code
CD Wording	<u>039</u>				
VIPD shall complete development of a Use of Firearms policy that complies with applicable law and 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 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/Comments					
<i>The IMT, through case reviews and spot checks of IAPro, monitors the VIPD continued compliance with this paragraph. In those cases where issues have arisen such as improper ammunition, the VIPD has taken appropriate action as part of the case resolution.</i>					
<u>Sub-Paragraph Detail</u>					
Sub-Para a	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013	
Compliance Reqmts	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.				
Sub-Para b	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013	
Compliance Reqmts	=>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.				
Sub-Para c	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013	
Compliance Reqmts	=>99% of the firearm discharges are documented on a RRR.				
Sub-Para d	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013	
Compliance Reqmts	=99% of the service ammunition obtained and used by officers is obtained through official VIPD channels.				
Sub-Para e	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013	
Compliance Reqmts	See c, above				
Sub-Para f	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013	
Compliance Reqmts	=>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.				
Sub-Para g	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013	
Compliance Reqmts	=>95% of sworn personnel displayed knowledge and proficiency in the use of				

Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

firearms, as evidenced by compliance with the policy requirements and disciplinary action against the sworn personnel.

End of Paragraph 039

Paragraph <u>040</u>	Paragraph Status <u>Substantial Compliance</u>	SC Date 11/06/2013
Group		Group Code

CD Wording The VIPD shall revise its policies regarding off-duty officers taking police action to

- 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,
- 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/Comments

The IMT monitors this paragraph through review of completed IAB case files and spot checks of remedial action retraining as recorded in Power DMS. While not all remedial training has been recorded, the paper case files indicate both referral and notification of attendance by VIPD personnel.

Sub-Paragraph Detail

Sub-Para a	Status <u>Substantial Compliance</u>	SC Date 11/06/2013
------------	--------------------------------------	--------------------

Compliance Reqmts 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

Sub-Para b	Status <u>Substantial Compliance</u>	SC Date 11/06/2013
------------	--------------------------------------	--------------------

Compliance Reqmts 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.

Sub-Para c	Status <u>Substantial Compliance</u>	SC Date 11/06/2013
------------	--------------------------------------	--------------------

Compliance Reqmts 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.

Sub-Para d	Status <u>Substantial Compliance</u>	SC Date 11/06/2013
------------	--------------------------------------	--------------------

Compliance Reqmts =>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.

End of Paragraph 040



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Paragraph	041	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/27/2014	
Group	EVALUATION, DOCUMENTATION, AND REVIEW OF I				Group Code	1
CD Wording	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/Comments

IMT monitors continued compliance with this paragraph through case review and spot checks of data recorded in Power DMS regarding remedial training records.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	=>95% of patrol and other applicable officers carry an intermediate force device at all times while on-duty.				

Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	08/25/2014
Compliance Reqmts	=>95% of sworn personnel display knowledge and proficiency on using intermediate force devices, as evidenced by compliance with the policy requirements..				

Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	=>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.				

End of Paragraph **041**

Paragraph	042	Paragraph Status	<u>Substantial Compliance</u>	SC Date	11/06/2013	
Group	CITIZEN COMPLAINT PROCESS				Group Code	2
CD Wording	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/Comments

IMT monitors this paragraph through VIPD forwarding of inventory spot checks as well physical checks by IMT personnel while in police facilities. The recent interviews of supervisory and command personnel supported the reported inventory actions.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
Compliance Reqmts	The VIPD will develop and implement a program to inform persons that they may file complaints regarding the performance of officers.				

Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	11/06/2013
----------	---	--------	-------------------------------	---------	------------



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Compliance Reqmts 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

End of Paragraph **042**

Paragraph **043** **Paragraph Status** Substantial Compliance **SC Date** 05/23/2014
Group CITIZEN COMPLAINT PROCESS **Group Code** 2

CD Wording 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/Comments

IMT has monitored this activity as recently as December and January when IMT personnel were able to visit police facilities and personally observe the placards on display. Further the recent interviews of supervisory and command personnel back up VIPD reporting that VIPD personnel do in fact carry adequate supplies of complaint forms in department vehicles.

Sub-Paragraph Detail

Sub-Para a **Status** Substantial Compliance **SC Date** 05/23/2014
Compliance Reqmts In =>80% of the VIPD facilities, vehicles, and government properties, complaint information brochures and forms are available.

Sub-Para b **Status** Substantial Compliance **SC Date** 05/23/2014
Compliance Reqmts In =>80% of VIPD district stations, substation, and mobile stations, a placard is displayed describing the complaint process, including relevant phone numbers.

Sub-Para c **Status** Substantial Compliance **SC Date** 05/23/2014
Compliance Reqmts 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.

Sub-Para d **Status** Substantial Compliance **SC Date** 05/23/2014
Compliance Reqmts In =>80% of officers carry the informational brochures and complaint forms with them at all times while on-duty.

Sub-Para e **Status** Substantial Compliance **SC Date** 05/23/2014
Compliance Reqmts 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.

End of Paragraph **043**



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Paragraph	045	Paragraph Status	<u>Substantial Compliance</u>	SC Date	05/23/2014
Group	CITIZEN COMPLAINT PROCESS			Group Code	2
CD Wording	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/Comments

IMT monitors compliance with this paragraph by reviewing completed IAB case files, spot checks within IAPro, and on-site interviews with VIPD personnel. VIPD auditing of this paragraph is also used as part of the monitoring profile.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	05/23/2014
Compliance Reqmts	=>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.				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	05/23/2014
Compliance Reqmts	=>90% of the allegations filed at the Zone or unit facilities are received at IAU within 5 business days.				

End of Paragraph **045**

Paragraph	046	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/15/2014
Group	CITIZEN COMPLAINT PROCESS			Group Code	2
CD Wording	Complaints will be evaluated based on a preponderance of the evidence standard, for which the Territory will develop and implement appropriate training.				

Activity/Comments

IMT monitors this paragraph through case file review, lesson plan review, and training testing reports. The VIPD audit this through similar means. Indications are that VIPD makes all possible effort to assure all personnel have been trained on this subject, both initially and refresher, however recent anecdotal interviews seem indicate a need for VIPD increased attention to training delivery in this area in order to reinforce preponderance of evidence concepts.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/15/2014
Compliance Reqmts	=>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.				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	08/15/2014
Compliance Reqmts	=>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.				

Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Sub-Para c Status Substantial Compliance SC Date 08/15/2014

Compliance Reqmts 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.

End of Paragraph 046

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

Group CITIZEN COMPLAINT PROCESS Group Code 2

CD Wording 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/Comments

IMT monitors compliance through IAB case review and has not discovered a lack of compliance with this paragraph's standard. Supervisory personnel appear to be doing a good job ensuring that the investigations are not compromised by violations of this requirement.

Sub-Paragraph Detail

Sub-Para a Status Substantial Compliance SC Date 11/06/2013

Compliance Reqmts 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).

End of Paragraph 047

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

Group CITIZEN COMPLAINT PROCESS Group Code 2

CD Wording 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/Comments

IMT monitors compliance with this paragraph through review of training records, one on one interviews, and IAB case reviews.

Sub-Paragraph Detail

Sub-Para a Status Substantial Compliance SC Date 04/01/2014

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

Sub-Para b Status Substantial Compliance SC Date 04/01/2014

Compliance Reqmts Obtained DOJ approval of a policy and procedure for the intake of complaints.

Sub-Para c Status Substantial Compliance SC Date 04/01/2014

Compliance Reqmts =>90% of the documented complaints are promptly delivered to a supervisor.

Sub-Para d Status Substantial Compliance SC Date 04/01/2014

Compliance Reqmts =>95% of all sworn personnel and applicable civilian employees have been trained and demonstrated the required proficiency on the complaint intake policy



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

and comports with the Consent Decree, including 44 and 48.

End of Paragraph 048

Paragraph	<u>049</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	06/15/2014
Group	CITIZEN COMPLAINT PROCESS			Group Code	2
CD Wording	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/Comments

IMT monitors compliance by review of the IAPro database, initially at both STT and STX, but now remotely from their home offices, to ensure adequate access. Runs are made to see who has been logging into the database and thus who has access. Visits to both IAB locations has validated agent access and organizational operations. The IAPro database remains the main investigative database, as per the paragraph standard, however as the system has matured, supplemental files have been created to support the main database, such as records of K-9 deployment to cross check against use of force reporting.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	06/15/2014
Compliance Reqmts	Established a separate IAPro database for the STT/STJ and STX Districts such that: (1) each database will be accessible from each District; (2) IAU agents in each District will have access to their respective databases; (3) the Director of IAU, Assistant Director of IAU, and EIP Coordinator will have access to both databases; (4) each complaint will receive a unique tracking number, with an STT extension for the St. Thomas/St. John District and an STX extension for the St. Croix District, so that no two complaints will have the same number within or between databases; (5) information in each database will be organized by District, and can be sorted by officer; and (6) if an officer transfers from one District to another, his/her information will be transferred to the new District's database.				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	08/15/2014
Compliance Reqmts	=>90% of allegations brought to the attention of the VIPD are assigned a unique identifier.				
Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	06/15/2014
Compliance Reqmts	In =>90% of the complaints that the IAU refers to a Zone, copies of all documents, findings and recommendations are forwarded to the IAU as needed or at completion.				
Sub-Para	d	Status	<u>Substantial Compliance</u>	SC Date	06/15/2014
Compliance Reqmts	=>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				
Sub-Para	e	Status	<u>Substantial Compliance</u>	SC Date	06/15/2014



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

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

End of Paragraph **049**

Paragraph **050** **Paragraph Status** Substantial Compliance **SC Date** 12/18/2013
Group CITIZEN COMPLAINT PROCESS **Group Code** 2
CD Wording 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/Comments

IMT monitors compliance with this paragraph by checking training records for both initial and in-service training. Interviews with VIPD personnel are also used as well as VIPD auditing reports.

Sub-Paragraph Detail

Sub-Para a **Status** Substantial Compliance **SC Date** 12/18/2013

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

Sub-Para b **Status** Substantial Compliance **SC Date** 12/18/2013

Compliance Reqmts =>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.

Sub-Para c **Status** Substantial Compliance **SC Date** 12/18/2013

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

Sub-Para d **Status** Substantial Compliance **SC Date** 12/18/2013

Compliance Reqmts 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.

Sub-Para e **Status** Substantial Compliance **SC Date** 12/18/2013

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

End of Paragraph **050**



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Paragraph	051	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
Group	CITIZEN COMPLAINT PROCESS			Group Code	2

CD Wording 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/Comments

IMT monitors this paragraph through review of training records and curriculum. IMT has also been assisting the department with improvements to training program development and evaluations. While not out of compliance with the standards prescribed, efforts are under way to increase the quality of the various training programs.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts Policies are developed, implemented, and distributed to VIPD investigators.

Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts In =>90% of the cases that VIPD investigators will ensure that all officers on the scene of an incident provide a statement regarding the incident.

08/28/2014- Changed by AM based on discussions with IAB

Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
----------	---	--------	-------------------------------	---------	------------

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

Sub-Para	d	Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts =>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.

Sub-Para	e	Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts 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.

Sub-Para	f	Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
----------	---	--------	-------------------------------	---------	------------

Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Compliance Reqmts =>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.

Sub-Para g **Status** Substantial Compliance **SC Date** 08/26/2014
Compliance Reqmts In =>90% of the incidents giving rise of allegations of misconduct, all officers on the scene provided a statement regarding the incident.

End of Paragraph 051

Paragraph 052 **Paragraph Status** Substantial Compliance **SC Date** 12/18/2013
Group CITIZEN COMPLAINT PROCESS **Group Code** 2
CD Wording 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/Comments**IMT uses the same monitoring points here as in paragraph 51.**Sub-Paragraph Detail

Sub-Para a **Status** Substantial Compliance **SC Date** 12/18/2013
Compliance Reqmts 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.

Sub-Para b **Status** Substantial Compliance **SC Date** 12/18/2013
Compliance Reqmts =>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.

Sub-Para c **Status** Substantial Compliance **SC Date** 12/18/2013
Compliance Reqmts 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.

End of Paragraph 052



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Paragraph	053	Paragraph Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Group	CITIZEN COMPLAINT PROCESS			Group Code	2

CD Wording 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/Comments

IMT has worked with the VIAG, VIPD IAB, and Training Division to monitor the requirements of this paragraph.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts 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.

Sub-Para	b	Status	<u>NA</u>	SC Date	12/18/2013
----------	---	--------	-----------	---------	------------

Compliance Reqmts 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.
Moved above to para 100
replace here with
Revised policy completed.

Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts =>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.

Sub-Para	d	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts 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.

End of Paragraph **053**



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Paragraph	054	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
Group	CITIZEN COMPLAINT PROCESS			Group Code	2

CD Wording 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/Comments

IMT monitors this paragraph through review of completed cases, training records of VIPD personnel, and training curriculum review.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts 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.

Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts 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.

Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
----------	---	--------	-------------------------------	---------	------------

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

End of Paragraph **054**

Paragraph	055	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/22/2014
Group	CITIZEN COMPLAINT PROCESS			Group Code	2

CD Wording 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/Comments

IMT monitors compliance by reviewing completed IAB case files. With regard to the follow through of investigations, even after a complainant withdraw the complaint or witnesses are unavailable, IMT notes that the VIPD does attempt to finish these cases to the best of their ability despite the absence of the resources.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
----------	---	--------	-------------------------------	---------	------------



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Compliance Reqmts	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.		
Sub-Para b	Status <u>Substantial Compliance</u>	SC Date	09/27/2014
Compliance Reqmts	In =>90% of completed investigations, the investigative reports include documentation that the supervisor has evaluated any searches or seizures that occurred during the incident.		
Sub-Para c	Status <u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	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.		
Sub-Para d	Status <u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	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.		
Sub-Para e	Status <u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	In =>90% of completed investigations, the elements identified in paragraph 55 of the Consent Decree have been considered, analyzed and documented.		

End of Paragraph 055

Paragraph	056	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/26/2014
Group	CITIZEN COMPLAINT PROCESS			Group Code	2
CD Wording	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/Comments

IMT monitors compliance by review of completed IAB case files and all have been shown to be resolved or disposed of in accordance with the standard and VIPD policy.

Sub-Paragraph Detail

Sub-Para a	Status <u>Substantial Compliance</u>	SC Date	08/26/2014
Compliance Reqmts	In =>90% the complainant will be periodically kept informed regarding the status of the investigation.		
Sub-Para b	Status <u>Substantial Compliance</u>	SC Date	08/26/2014
Compliance Reqmts	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.		
Sub-Para c	Status <u>Substantial Compliance</u>	SC Date	08/26/2014
Compliance Reqmts	=>90% of investigations have been resolved by making one of the dispositions		

Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

identified in 57 of the Consent Decree.

End of Paragraph 056

Paragraph	<u>057</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	10/13/2013
Group	CITIZEN COMPLAINT PROCESS			Group Code	2
CD Wording	<p>Each allegation in an investigation will be resolved by making one of the following dispositions:</p> <p>"Unfounded," where the investigation determines, by a preponderance of the evidence, that no facts to support that the incident complained of actually occurred;</p> <p>"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;</p> <p>"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</p> <p>"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.</p>				

Activity/Comments

IMT monitors compliance with this paragraph through review of IAB completed case files and spot checks of the IAPro database. While some cases take longer than needed to complete, they are resolved using one of the authorized dispositions.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	10/13/2013
Compliance Reqmts	>90% of investigations have been resolved by making one of the dispositions identified in 57 of the Consent Decree.				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	10/13/2013
Compliance Reqmts	See 57				
Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	10/13/2013
Compliance Reqmts	See 57				
Sub-Para	d	Status	<u>Substantial Compliance</u>	SC Date	10/13/2013
Compliance Reqmts	See 57				

End of Paragraph 057

Paragraph	<u>061</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Group	MANAGEMENT AND SUPERVISION			Group Code	3
CD Wording	<p>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).</p>				

Activity/Comments

IMT monitors compliance of this paragraph through both review of completed IAB case files and actual review of the IAPro database.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	VIPD has established a uniform method of identifying sworn personnel to ensure accurate identification and tracking of all employee conduct.				



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

=>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.

Sub-Para b Status Substantial Compliance SC Date 08/27/2014

Compliance Reqmts 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

Sub-Para c Status Substantial Compliance SC Date 08/27/2014

Compliance Reqmts =>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.

End of Paragraph 061

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

Group MANAGEMENT AND SUPERVISION Group Code 3

CD Wording 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/Comments

The Data Plan is based upon the IAPro system and both DOJ and IMT have reviewed and approved the plan and subsequent implementation of the IAPro system. IAPro continues to be the data center for IAB case processing and documenting.

Sub-Paragraph Detail

Sub-Para a Status Substantial Compliance SC Date 12/18/2013

Compliance Reqmts 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.

Sub-Para b Status Substantial Compliance SC Date 12/18/2013

Compliance Reqmts 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.

Sub-Para c Status Substantial Compliance SC Date 12/18/2013

Compliance Reqmts =>90% of the historical data required by the Data Input Plan is up-to-date with a



Independent Monitoring Team
For the USVI Police Department

**Paragraphs Currently In Substantial Compliance
Or NA Status As Of End of Fourth Quarter 2014**

**Appendix A
To
4Q2014 IMT Report**

reasonable level of accuracy and completeness

End of Paragraph 062

Paragraph	<u>063</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Group	MANAGEMENT AND SUPERVISION			Group Code	3
CD Wording	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/Comments

The IMT monitors the policy (through reviews), training (monitoring deliveries, review of curricula, and review of Power DMS), and implementation (through case review) of the risk management system.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	The VIPD has received approval from DOJ, and implemented a protocol for using the RMS.				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	The VIPD has audited the RMS and confirmed that it reflects the protocol.				

End of Paragraph 063

IMT-Rpt: para_stat_SC_NA
V1-032415

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 17 of 26



Independent Monitoring Team
For the USVI Police Department

**Paragraphs Currently In Substantial Compliance
Or NA Status As Of End of Fourth Quarter 2014**

**Appendix A
To
4Q2014 IMT Report**

Paragraph	<u>064</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Group	MANAGEMENT AND SUPERVISION			Group Code	3

CD Wording 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



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

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/Comments

The iMT monitors compliance with this paragraph through active review of case files, interaction with the software (accessing) by managers and command personnel, and VIPD audits. The current IAPro system meets all data elements and reporting criteria of the paragraph standard and IMT continues to monitor its use through periodic ad-hoc audits of data, reports, and management access.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	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.				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	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.				
Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	Reports are generated and distributed to appropriate sworn personnel (e.g., Chiefs, Deputy Chiefs, and supervisors) on a monthly basis				
Sub-Para	d	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	Sub Para c-k is on Para 100; remove from para 64 =>90% of the reviews conducted by the Deputy Chiefs, managers, and supervisors comport with the RMS protocol.				
Sub-Para	e	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	Deputy Chiefs, managers and supervisors have initiated intervention in =>90% of instances based on activity and pattern assessment contained in the RMS.				
Sub-Para	f	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	Interventions, as exemplified in paragraph 64 of the Consent Decree, comport with the RMS protocol =>90% of the time.				
Sub-Para	g	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	=>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.				
Sub-Para	h	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	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.				



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Sub-Para i	Status <u>Substantial Compliance</u>	SC Date 12/18/2013
Compliance Reqmts	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.	
Sub-Para j	Status <u>Substantial Compliance</u>	SC Date 12/18/2013
Compliance Reqmts	The RMS is managed and administered by IAU. IAU conducts audits on a quarterly basis with a reasonable level of accuracy and completeness.	
Sub-Para k	Status <u>Substantial Compliance</u>	SC Date 12/18/2013
Compliance Reqmts	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.	

End of Paragraph 064

Paragraph <u>065</u>	Paragraph Status <u>Substantial Compliance</u>	SC Date 08/27/2014
Group	MANAGEMENT AND SUPERVISION	Group Code 3
CD Wording	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/Comments

IMT periodically monitors compliance of this paragraph through review of former officer data within the IAPro system, which is approaching its full five years of operation.

Sub-Paragraph Detail

Sub-Para a	Status <u>Substantial Compliance</u>	SC Date 08/27/2014
Compliance Reqmts	The VIPD has received approval from DOJ, and implemented a protocol for using the RMS.	
Sub-Para b	Status <u>Substantial Compliance</u>	SC Date 08/27/2014
Compliance Reqmts	The VIPD has audited the RMS and confirmed that it reflects the protocol.	

End of Paragraph 065

IMT-Rpt: para_stat_SC_NA
V1-032415

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 20 of 26



Independent Monitoring Team
For the USVI Police Department

**Paragraphs Currently In Substantial Compliance
Or NA Status As Of End of Fourth Quarter 2014**

**Appendix A
To
4Q2014 IMT Report**

Paragraph	066	Paragraph Status	<u>Substantial Compliance</u>	SC Date	02/10/2014
Group	MANAGEMENT AND SUPERVISION				Group Code 3
CD Wording	<p>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:</p> <p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>				

Activity/Comments

This paragraph was in compliance with the purchase and implementation of the IAPro system. IAPro remains in active use within the IAB.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	02/10/2014
Compliance Reqmts	Completed				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	02/10/2014
Compliance Reqmts	Completed				
Sub-Para	c	Status	<u>Substantial Compliance</u>	SC Date	02/10/2014
Compliance Reqmts	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).				
Sub-Para	d	Status	<u>Substantial Compliance</u>	SC Date	02/10/2014
Compliance Reqmts	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.				
Sub-Para	e	Status	<u>Substantial Compliance</u>	SC Date	02/10/2014
Compliance Reqmts	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.				



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Sub-Para	f	Status	<u>Substantial Compliance</u>	SC Date	02/10/2014
Compliance Reqmts	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.				
Sub-Para	g	Status	<u>Substantial Compliance</u>	SC Date	02/10/2014
Compliance Reqmts	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.				
End of Paragraph 066					

Paragraph <u>070</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Group	MANAGEMENT AND SUPERVISION		Group Code	3
CD Wording	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/Comments

The IMT monitors the current matrix, which was approved by DOJ, for objectivity and fairness. Recent interviews conducted by the IMT seem to indicate a need for review of this matrix in light of current operations and needs and the IMT has suggested such to the VIPD. The current matrix, however, complies with the minimum standards of the paragraph.

Sub-Paragraph Detail

Sub-Para a	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	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.			
Sub-Para b	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	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.			
Sub-Para c	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	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.			
Sub-Para d	Status	<u>Substantial Compliance</u>	SC Date	12/18/2013
Compliance Reqmts	This revised matrix has been reviewed and approved by the DOJ.			

End of Paragraph 070



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

Paragraph	<u>075</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Group	TRAINING			Group Code	4

CD Wording 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/Comments

The IMT monitors both the classroom and roll call components of this paragraph to ensure compliance. While curricula appears to met this standard, the roll call training program is in need of review and adjustment to more effective and consistent delivery. The VIPD is in agreement and has commenced a department review of the roll call program. The IMT is participating in that review and has provided input to the proposed revised policy as well as technical assistance to the Training Director in the area of delivery, management, and evaluation of the program. The iMT will continue to monitor and provide assistance as needed.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	The VIPD has delivered training that is consistent with the content of approved lesson plans.				
Sub-Para	b	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	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				

End of Paragraph **075**

Paragraph	<u>076</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Group	TRAINING			Group Code	4

CD Wording 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/Comments

the IMT monitors compliance by review of current lesson plans and other curricula and has provided VIPD Training Division with technical assistance to enhance both the development and evaluation potential of training materials.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Compliance Reqmts	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.				

End of Paragraph **076**



Independent Monitoring Team
For the USVI Police Department

**Paragraphs Currently In Substantial Compliance
Or NA Status As Of End of Fourth Quarter 2014**

**Appendix A
To
4Q2014 IMT Report**

Paragraph	078	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
Group	TRAINING			Group Code	4

CD Wording 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/Comments

The IMT monitors compliance by review of lesson plans to ensure that the VIAG has approved the materials.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts 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.

End of Paragraph **078**

Paragraph	079	Paragraph Status	<u>Substantial Compliance</u>	SC Date	
Group	TRAINING			Group Code	4

CD Wording 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/Comments

The IMT monitors that approved training curricula is used to deliver Use of Force training courses at both the entry and in-service levels, that are tailored for the student population. Materials comport with the minimum requirements of this paragraph.

Sub-Paragraph Detail

Sub-Para	a	Status	<u>Substantial Compliance</u>	SC Date	08/27/2014
----------	---	--------	-------------------------------	---------	------------

Compliance Reqmts =>95% of sworn personnel have (a) attended and successfully completed the



Independent Monitoring Team
For the USVI Police Department

Paragraphs Currently In Substantial Compliance Or NA Status As Of End of Fourth Quarter 2014

Appendix A
To
4Q2014 IMT Report

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.

Sub-Para b	Status	<u>Substantial Compliance</u>	SC Date	08/28/2014
Compliance Reqmts	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).			
Sub-Para c	Status	<u>Substantial Compliance</u>	SC Date	08/28/2014
Compliance Reqmts	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).			
Sub-Para d	Status	<u>Substantial Compliance</u>	SC Date	08/28/2014
Compliance Reqmts	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.			
Sub-Para e	Status	<u>Substantial Compliance</u>	SC Date	08/28/2014
Compliance Reqmts	Where train-the-trainer or specific force tool certifications are required, =>95% of recruits, officers, supervisors and managers have those certifications.			

End of Paragraph 079

Paragraph	<u>080</u>	Paragraph Status	<u>Substantial Compliance</u>	SC Date	08/01/2014
Group	TRAINING			Group Code	4
CD Wording	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/Comments

The IMT monitors compliance with this paragraph by reviewing entry level and in-service training schedules and materials to ensure that requirements of this paragraph are compiled with. Student rosters are provided and IMT attempts to match them against the courses delivered.

Sub-Paragraph Detail

Sub-Para a	Status	<u>Substantial Compliance</u>	SC Date	08/15/2014
Compliance Reqmts	=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			



Independent Monitoring Team
For the USVI Police Department

**Paragraphs Currently In Substantial Compliance
Or NA Status As Of End of Fourth Quarter 2014**

**Appendix A
To
4Q2014 IMT Report**

<p>Sub-Para b</p> <p>Compliance Reqmts</p>	<p>program designed to ensure passage of the proficiency test(s) and passed the proficiency test(s); or</p> <p>Where sworn personnel have not successfully completed training and passed the proficiency tests, the VIPD has initiated appropriate corrective action, including training, and disciplinary action against the sworn personnel</p> <p>Status <u>Substantial Compliance</u></p> <p>The VIPD has developed policies or protocols related to the citizen complaint process, which address appropriate conduct and response in handling citizen complaints.</p>	<p>SC Date 08/15/2014</p>
---	--	-------------------------------------

End of Paragraph 080

IMT-Rpt: para_stat_SC_NA
V1-032415

The paragraphs in this report are in Substantial Compliance or are noted as Not Applicable (NA) and as such receive periodic spot checking and review by the IMT. Page 26 of 26



Court Ordered Goals Not in Substantial Compliance Status Report

Appendix B
To
4Q2014 IMT Report

As Of End of 4Q2014

Paragraph	032	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph	<u>b</u>	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC Requirement	=>95% of RRRs indicate each and every type of force that was used			
Sub-Paragraph	<u>c</u>	Status	<u>Not in Substantial Compliance</u>	Goal 08/15/2014
SC Requirement	=>95% of RRRs contain an evaluation of each type of force used by a supervisor			
Sub-Paragraph	<u>d</u>	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC Requirement	=>95% of RRRs contain a narrative description of the events preceding the use of force written by the supervisor or assigned investigator.			
Sub-Paragraph	<u>f</u>	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC Requirement	=>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.			

End Paragraph 032

Paragraph	033	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph	<u>a</u>	Status	<u>Partial Compliance</u>	Goal 11/21/2014
SC Requirement	In =>95% of the identified use of force incidents, the officer using force notified his/her supervisor immediately as required by VIPD policy.			
Sub-Paragraph	<u>b</u>	Status	<u>Partial Compliance</u>	Goal 02/20/2015
SC Requirement	In =>90% of the incidents where the supervisor was required to respond to the scene, he/she responded within a reasonable amount of time.			
Sub-Paragraph	<u>c</u>	Status	<u>Partial Compliance</u>	Goal 02/20/2015
SC Requirement	In =>90% of the incidents did the supervisor respond to the scene, he/she examined the person for injury,			
Sub-Paragraph	<u>d</u>	Status	<u>Partial Compliance</u>	Goal 02/20/2015
SC Requirement	In =>05% of the incidents where a supervisor responded to the scene, he/she interviewed the subject for injury or complaint of pain.			
Sub-Paragraph	<u>e</u>	Status	<u>Partial Compliance</u>	Goal 11/21/2014
SC Requirement	In =>90% of the incidents where the Supervisors responded to the scene, he/she ensured that subjects received any necessary medical attention.			

End Paragraph 033

Paragraph	034	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph	<u>a</u>	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC 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), will review, evaluate, and document each use of force.			
Sub-Paragraph	<u>b</u>	Status	<u>Partial Compliance</u>	Goal 08/15/2014
SC Requirement	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 para 34 of the Consent Decree.			



Court Ordered Goals Not in Substantial Compliance Status Report

Appendix B
To
4Q2014 IMT Report

As Of End of 4Q2014

Sub-Paragraph c **Status** Not in Substantial Compliance **Goal** 11/21/2014

SC Requirement 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 include a precise description of the facts and circumstances that either justify or fail to justify the officer/s conduct.

Sub-Paragraph d **Status** Partial Compliance **Goal** 02/20/2015

SC Requirement 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.

Sub-Paragraph e **Status** Partial Compliance **Goal** 08/15/2014

SC Requirement See a, above.

End Paragraph 034

Paragraph 035 **Status** Not in Substantial Compliance

Sub-Paragraph a **Status** Partial Compliance **Goal** 02/20/2015

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

End Paragraph 035

Paragraph 036 **Status** Not In Substantial Compliance

Sub-Paragraph a **Status** Partial Compliance **Goal** 08/15/2014

SC Requirement =>90% of the Use of Force reports, the supervisors, or designated investigating officers or units, who supervised the officer using the force, conducted the investigation of all uses of force or injury resulting from the use of force by that officer. This requirement does not apply to the lowest level use of force as defined in DOJ approved VIPD policy.

Sub-Paragraph b **Status** Partial Compliance **Goal** 08/15/2014

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

End Paragraph 036

Paragraph 044 **Status** Not In Substantial Compliance

Sub-Paragraph i **Status** Not in Substantial Compliance **Goal** 05/23/2014

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

End Paragraph 044

Paragraph 058 **Status** Not In Substantial Compliance

Sub-Paragraph c **Status** Not in Substantial Compliance **Goal** 05/23/2014

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



Court Ordered Goals Not in Substantial Compliance Status Report

Appendix B
To
4Q2014 IMT Report

As Of End of 4Q2014

Sub-Paragraph d **Status** Not in Substantial Compliance **Goal** 05/23/2014

SC Requirement =>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.

Sub-Paragraph e **Status** Not in Substantial Compliance **Goal** 05/23/2014

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

End Paragraph 058

Paragraph 060 **Status** Not In Substantial Compliance

Sub-Paragraph c **Status** Not in Substantial Compliance **Goal** 08/15/2014

SC Requirement =>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.

Sub-Paragraph d **Status** Partial Compliance **Goal** 08/15/2014

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

Sub-Paragraph h **Status** Not in Substantial Compliance **Goal** 08/15/2014

SC Requirement =>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.

End Paragraph 060

Paragraph 069 **Status** Not in Substantial Compliance

Sub-Paragraph a **Status** Partial Compliance **Goal** 08/15/2014

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

Sub-Paragraph b **Status** Partial Compliance **Goal** 08/15/2014

SC Requirement The protocol establishes a regular and fixed schedule to ensure that such audits occur with sufficient frequency, and cover all VIPD zones

End Paragraph 069

Paragraph 071 **Status** Not In Substantial Compliance

Sub-Paragraph b **Status** Not in Substantial Compliance **Goal** 11/21/2014

SC Requirement =>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.



Court Ordered Goals Not in Substantial Compliance Status Report

Appendix B
To
4Q2014 IMT Report

As Of End of 4Q2014

End Paragraph 071

Paragraph 072	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph a	Status	<u>Not in Substantial Compliance</u>	Goal 11/21/2014
SC Requirement	In =>90% of the cases where the matrix calls for discipline, discipline is imposed.		
Sub-Paragraph b	Status	<u>Not in Substantial Compliance</u>	Goal 11/21/2014
SC Requirement	In =>90% of the cases where discipline is imposed, there is evidence that the VIPD has also considered non-disciplinary corrective action.		

End Paragraph 072

Paragraph 073	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph a	Status	<u>Partial Compliance</u>	Goal 05/23/2014
SC Requirement	The Training Division has coordinated and reviewed all use of force training. This review occurs: at least semi-annually and needs to be comprehensive and analytical.		
Sub-Paragraph b	Status	<u>Substantial Compliance</u>	Goal 05/23/2014
SC Requirement	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 least every six (6) months.		

End Paragraph 073

Paragraph 074	Status	<u>Not In Substantial Compliance</u>	
Sub-Paragraph a	Status	<u>Not in Substantial Compliance</u>	Goal 05/23/2014
SC Requirement	The Director of Training and/or his/her staff reviews all use of force training. The Director of Training and/or his/her staff obtains legal review of all use of force training curricula.		
Sub-Paragraph c	Status	<u>Not in Substantial Compliance</u>	Goal 05/23/2014
SC Requirement	The Director of Training and/or his/her staff have developed a process to continually select and evaluate VIPD officer trainers.		
	>95% of the training staff has received appropriate training and certification in the subject matter(s) that they are assigned to teach.		
Sub-Paragraph d	Status	<u>Not in Substantial Compliance</u>	Goal 05/23/2014
SC Requirement	The Director of Training and/or his/her staff have reviewed and provided written approval of all curricula, course schedules and lesson plans.		
	The Director of Training and/or his/her staff have created and maintained a training record system that captures attendance records, instructor and student evaluations, and test results.		
Sub-Paragraph e	Status	<u>Partial Compliance</u>	Goal 05/23/2014
SC Requirement	The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy		



Court Ordered Goals Not in Substantial Compliance Status Report

Appendix B
To
4Q2014 IMT Report

As Of End of 4Q2014

Chiefs, have created a process for the development, implementation and approval of all Roll Call training curricula.

The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have developed, implemented and approved all Roll Call training curricula.

The Training Director and/or his/her staff have maintained written documentation of this process.

Sub-Paragraph f **Status** Not in Substantial Compliance **Goal** 05/23/2014

SC Requirement The Director of Training and/or his/her staff have created and maintained a training record system that captures attendance records, instructor and student evaluations, and test results.

For >90% of the conducted Consent Decree related training sessions, evaluation review forms were collected from class participants.

Sub-Paragraph g **Status** Not in Substantial Compliance **Goal** 05/23/2014

SC Requirement The Director of Training and/or his/her staff have developed a process to review use of force incidents to identify patterns and trends that will influence training needs.

The Director of Training and/or his/her staff have conducted semi-annual reviews of use of force incidents to evaluate training needs.

The Director of Training and/or his/her staff have developed, reviewed and implemented all use of force training curricula (including lesson plans).

End Paragraph 074

Paragraph 077 **Status** Not In Substantial Compliance

Sub-Paragraph a **Status** Not in Substantial Compliance **Goal** 05/23/2014

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

Sub-Paragraph b **Status** Not in Substantial Compliance **Goal** 05/23/2014

SC Requirement =>95% of the training records shall, at a minimum, include the course description and duration, curriculum, and instructor for each officer.

End Paragraph 077

Paragraph 081 **Status** Not In Substantial Compliance

Sub-Paragraph a **Status** Substantial Compliance **Goal** 05/23/2014

SC Requirement The VIPD will provide training on appropriate burdens of proof to all supervisors.

Sub-Paragraph b **Status** Partial Compliance **Goal** 05/23/2014

SC Requirement Training should include factors to consider when evaluating complainant or witness credibility.



Court Ordered Goals Not in Substantial Compliance Status Report

**Appendix B
To
4Q2014 IMT Report**

As Of End of 4Q2014

Sub-Paragraph	c	Status	<u>Substantial Compliance</u>	Goal	05/23/2014
SC Requirement	The VIPD will also continue to provide training to supervisors on leadership and command accountability.				
Sub-Paragraph	d	Status	<u>Partial Compliance</u>	Goal	05/23/2014
SC Requirement	The training shall include techniques designed to promote proper police practices.				
Sub-Paragraph	e	Status	<u>Substantial Compliance</u>	Goal	05/23/2014
SC Requirement	This training will be provided w/l 90 days of promotion.				
Sub-Paragraph	f	Status	<u>Partial Compliance</u>	Goal	05/23/2014
SC Requirement	And will be made a part of annual in-service training.				

End Paragraph 081

IMT-courtgoals_statusrptA
V1 032415

**Detailed discussion of the Court Ordered Goal paragraphs above can be
found in Section IV. Compliance Status: Detail of the base report.**

Page 6 of 6