

**Second Quarterly Report of 2015  
From The Independent Monitor For The Virgin Islands Police Department**

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**SECOND QUARTERLY REPORT OF 2015  
FROM THE  
INDEPENDENT MONITOR  
FOR THE VIRGIN ISLANDS POLICE DEPARTMENT**



**CHARLES A. GRUBER CONSULTING INC.  
INDEPENDENT MONITOR  
[www.imt-policemonitor.org](http://www.imt-policemonitor.org)  
(August 24, 2015)**

**Second Quarterly Report of 2015  
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**Second Quarterly Report of 2015**  
**From The Independent Monitor For The Virgin Islands Police Department**

---

**TABLE OF CONTENTS**

EXECUTIVE SUMMARY.....	4
I. THE SECOND QUARTER: INCREMENTAL PROGRESS .....	6
II. COMPLIANCE STATUS: OVERVIEW .....	9
III. COMPLIANCE STATUS: DETAIL .....	19
IV. VIPD AUDITING PERFORMANCE.....	69
V. IMT USE OF FORCE CASE REVIEW.....	79
VI. IMT TRAINING AUDITS.....	85
VII. IMT COMPLIANCE SUPPORT – SOFTWARE APPLICATIONS.....	93
VIII. REINFORCING VIPD GOAL AND PARAGRAPH DOCUMENTATION LINKING.....	99
IX. SUMMARY OF RECOMMENDATIONS.....	100
APPENDIX A – PARAGRAPHS CURRENTLY IN SUBSTANTIAL COMPLIANCE OR NA STATUS AS OF END OF SECOND QUARTER 2015,,,	103
APPENDIX B – COURT ORDERED GOALS NOT IN SUBSTANTIAL COMPLIANCE STATUS REPORT AS OF END OF SECOND QUARTER 2015.....	130
APPENDIX C – VIPD POLICIES OVERDUE FOR REVIEW CHECKLIST.....	136
APPENDIX D – PARAGRAPH 100 SUB-PARAGRAPH LINKAGE TO ORIGINAL PARAGRAPHS.....	142

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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### **EXECUTIVE SUMMARY**

"Not one paragraph has been brought into Substantial Compliance since August, 2014, a nine month period," was the principal finding reported in the IMT's First Quarterly Report, 2015, submission. Second Quarter efforts by the VIPD have not altered the compliance bottom-line materially. Once again, not one Consent Decree paragraph has been brought to Substantial Compliance status. The VIPD has been more successful than in previous quarters in complying with Court-approved initiatives, meeting nine of them this Quarter. However, none of these were of sufficient impact to change compliance status. We regard compliance progress as incremental, simply inching forward.

On the positive side, the VIPD continues to strengthen the compliance programming infrastructure. In addition to the data analysts hired in recent months, a Compliance Manager and a new Compliance Coordinator are now in place. The IMT will be working with both on orientation and technical matters prior to the end of this Quarter. We have evidence of renewed/reemphasized accountability for the Consent Decree-specific performance requirements by the St. Thomas Acting Deputy Chief. Also, the Deputy Commissioner has declared his intent to initiate several moves which should upgrade the training function, both recruit and in-service.

### **Compliance Status**

The VIPD has achieved Substantial Compliance for 31 paragraphs, 61% of substantive paragraphs. Twenty (20) paragraphs, 39% are not in Substantial Compliance. The Citizen Complaint Group is closest to completion with only two (2) paragraphs unmet. Training has a shortfall of four (4) Consent Decree paragraphs. The Management & Supervision Group has five (5) unmet goals and Use-of-Force continues to be the leading problem area with seven (7) paragraphs not yet in compliance (of a total of eleven [11]).

Overall, the VIPD has proposed to meet 91 compliance goals and initiatives – the Court-Ordered Goals. These are a combination of Consent Decree paragraph goals and initiatives (steps toward paragraph goals). As this Quarter closes, 29, (31%), of the original 91 have been met. Sixty-two

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

(62) remain to be met, (69%). Many of the goals have promised completion dates in the future, a very substantial number in December, 2015, and a handful in June, 2016.

### **VIPD Accomplishments**

It is noted that as of the date of this report, the IMT has not received the VIPD 2Q2015 Audit Report for comparison purposes. The 2Q2015 Status Report was received on August 18<sup>th</sup> just after publication of the draft of this report.

### **IMT Monitoring & Compliance Support**

The IMT was able to accelerate monitoring and compliance support (technical assistance) activity measurably in the Second Quarter, due in large part to the more settled VIPD organizational climate, following several transition quarters. Consent Decree-specific use-of-force practices were heavily monitored, as were training operations and the Early Intervention process. Policy review and update work, a collaboration among all Parties, was extensive. The IMT tailored and donated two special software applications, the VIPD Written Directive System and the Court Goals Monitoring System. These technologies can and should contribute positively to future compliance performance. Last, we worked with the VIPD Audit Unit to advance Metrics-Centered Auditing and comprehensive use-of-force baseline description and measurement.

### **Priority Recommendation**

While this report itemizes a broad range of recommendations, many reinforcing those made repetitively in recent quarters, we single out for attention here, one with special significance for VIPD compliance operations and performance. The IMT strongly suggests that the Parties revisit, with the Court, the calendar proposed earlier which presented a process for collaborating on goals setting--language, compliance criteria, and target dates, immediately at the start of each new Quarter.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

### **I. THE SECOND QUARTER: INCREMENTAL PROGRESS**

Our last Quarterly, filed on May 24, 2015, stated that, "Not one paragraph has been brought into Substantial Compliance since August 2014, a nine months period." The Report noted the presence of a series of positive indicators including a shift in leadership style, compliance staff augmentation, a harder focus on senior command responsibility and accountability. Our expectations for subsequent quarters were summarized as follows: "The IMT regards First Quarter activity and production, both level/intensity and focus, as favorable indicators of mounting capacity in the VIPD to meet the Court's expectations." During the past three months, the Second Quarter, VIPD progress is regarded by the IMT as "incremental." They have not, , brought one Consent Decree paragraph or subparagraph into Substantial Compliance. They have been marginally more successful than in previous Quarters in complying with Court Ordered Goals, nine of them in the judgment of the IMT, however 62 remain non-compliant. The VIPD compliance effort is "simply inching forward." However, the IMT is pleased to report we are comfortable with internal focus and priority on Consent Decree compliance, activity levels, and the VIPD-IMT collaboration climate. Not without concerns, these aspects of the compliance environment are much improved compared to a year ago and continue to bode well for the future. We acknowledge the commitment of the VIPD's top leadership and thank them for their hard work this quarter.

#### **A. IMT Monitoring & Technical Assistance Overview**

With several VIPD transition Quarters now behind, and a more settled VIPD organizational environment established, the IMT was able to materially accelerate monitoring and technical assistance work during Quarter Two. We conducted three on-site visits, in addition to on-going on-site monitoring work by our VI-resident professional. These entailed focused audits and technical assistance considerations referenced next and later in this Report.

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

The IMT worked with the VIPD and the DOJ on evaluation, updating, and finalizing the Force Investigation Team Policy (3.15); Reporting, Investigation, & Review of Force (3.2); the Use of Force Review Board (3.3). Considerable work was also done on the draft EIP Risk Management Protocol with several exchanges between the VIPD, DOJ and the IMT. It is expected that the EIP protocol would be completed and training on these policies will be conducted during the next quarter.

The IMT, in response to a request from the VIPD, sourced information on Special Event Planning from the U.S. Park Police (which as an organization handles more special events than any other police department in the U.S.), as well as manual from COPS, FEMA, and the District of Columbia Government that cover all aspects of the special event planning process and operational control.

We examined and evaluated three (3) Compliance Audits, for the Third and Fourth Quarters of 2014 and the First Quarter of 2015. This was followed up, on-site, with the VIPD's Interim Audit Unit Commander to gain agreement and common understanding on how to move future audits forward, methodologically, one of the IMT's top priorities, Metrics-Centered Auditing and, similarly, to ignite VIPD executive level attention to annual Response to Resistance Analysis Report (STX Only) ("RRR") which should be the platform for Use of Force Outcome Measurement. Related, we initiated, separately, a data request to construct a 5-year longitudinal, baseline to examine force and related complaints. We will report more on that effort in the upcoming quarter.

IMT other audits and monitoring work focused on Blue Team practices; use of force review practices by and capacity of the Chief and Deputy of Police on St. Croix; training quality, most notably learning objectives, instructional designs, and lingering Power DMS issues; and policy update control practices.

The IMT designed, demonstrated on-site and then donated for VIPD use, two special software applications, one to monitor and control mandatory scheduled review of VIPD

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

written policies and the second to enable the VIPD to define the document steps required to achieve goal and paragraph compliance.

This compliance work positions the VIPD to work toward compliance in a more organized and cost-effective fashion utilizing the provided software.

The protocols employed to conduct the foregoing activities, as well as findings and recommendations are reported on below, in separate treatments and/or within the Status Compliance sections.

Finally, we wish to report and acknowledge most gratefully the VIPD's expressed willingness to work with us to address areas of importance, upgrading training curriculum and instructional design practices and developing a better system to connect forwarded documentation to Consent Decree paragraphs. Each of these intents was discussed during our July Monthly conference call (August 7, 2015).

### **B. VIPD Progress**

The IMT had not received the VIPD Status Report at the time of filing this quarter's report.



## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

### **II. COMPLIANCE STATUS: OVERVIEW**

The following 8 charts document Paragraph Status at the end of the Second Quarter of 2015. Compared to Quarter One, 2015, and Quarters Three and Four, 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).

#### **Overall Status**

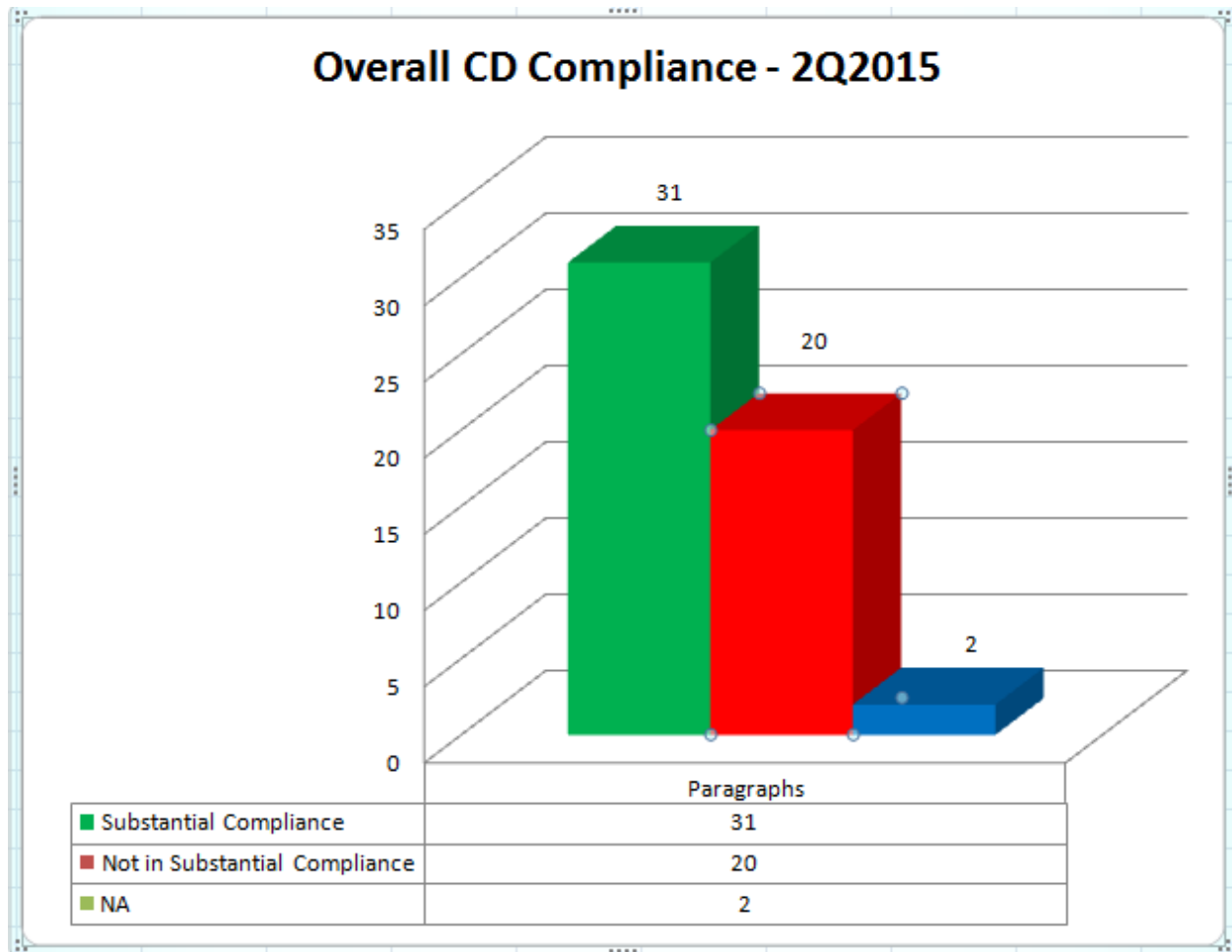
The VIPD has achieved Substantial Compliance for 31 paragraphs. These 31 paragraphs are detailed in Appendix A to this report. Twenty paragraphs (20) are not yet in Substantial Compliance. Section III, Compliance Status Detail, provides more detail on compliance by these paragraphs.

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, two of these reflect a bare majority. The Use of Force group remains at only 4 of 11 paragraphs in Substantial Compliance.

**Second Quarterly Report of 2015**  
**From The Independent Monitor For The Virgin Islands Police Department**

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**CHART 1**



## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

CHART 2

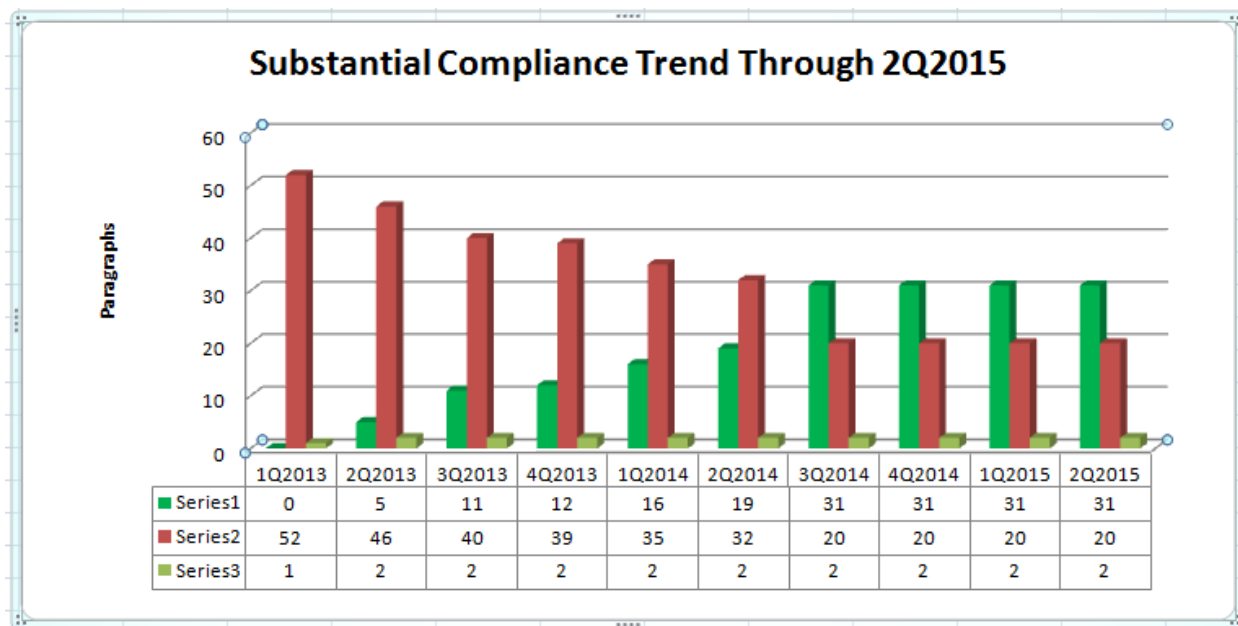
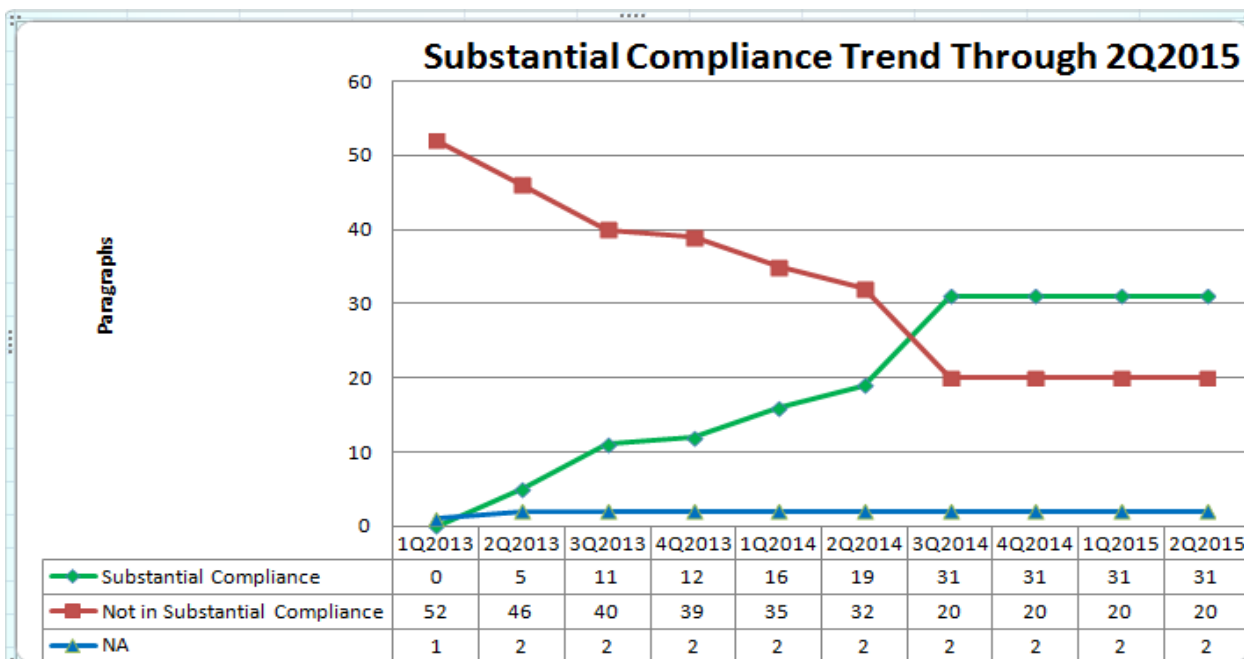


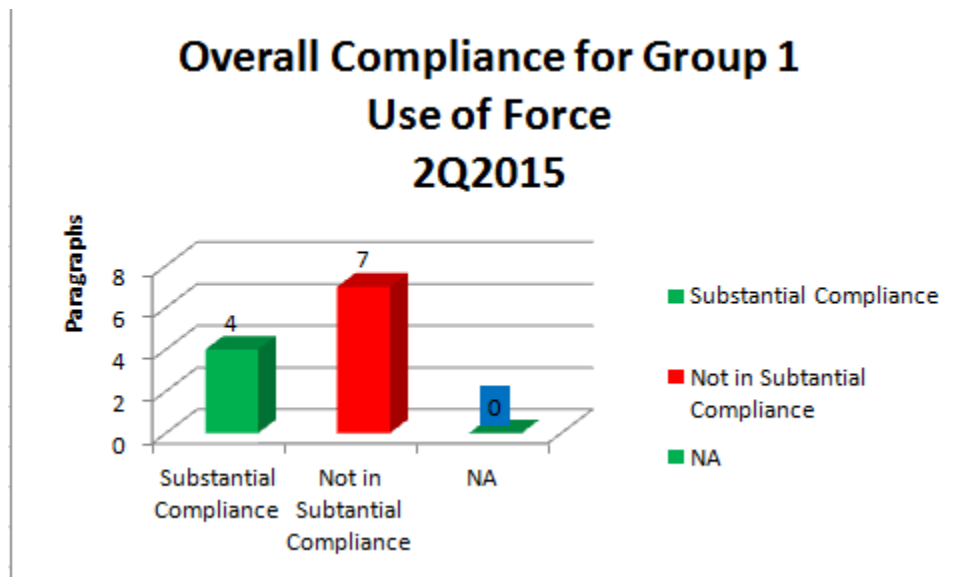
CHART 3



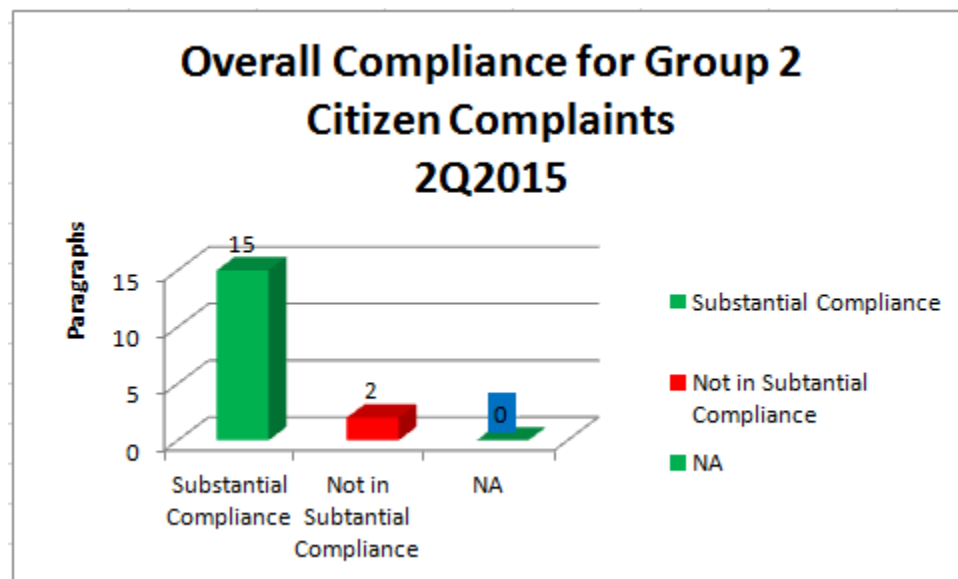
**Second Quarterly Report of 2015**  
**From The Independent Monitor For The Virgin Islands Police Department**

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**CHART 4**



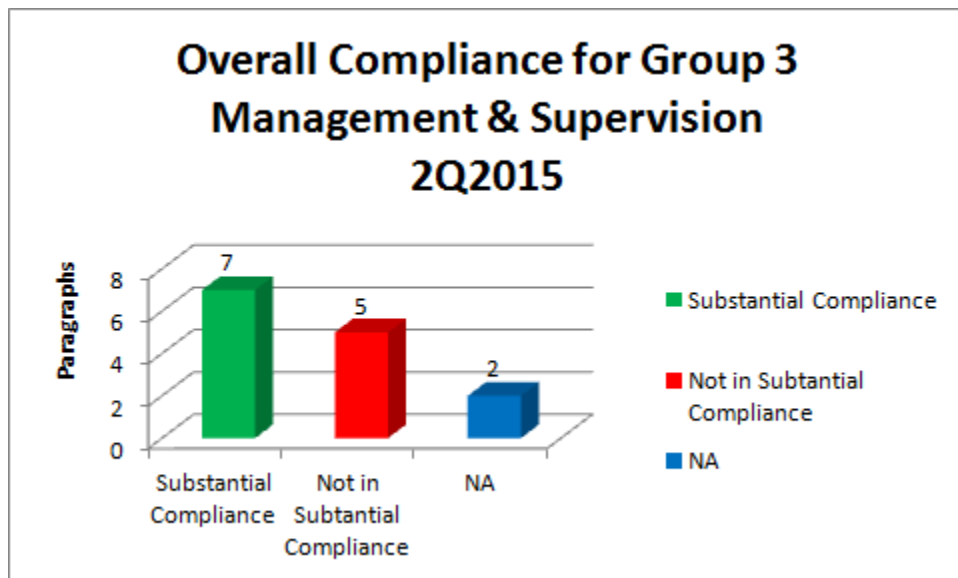
**CHART 5**



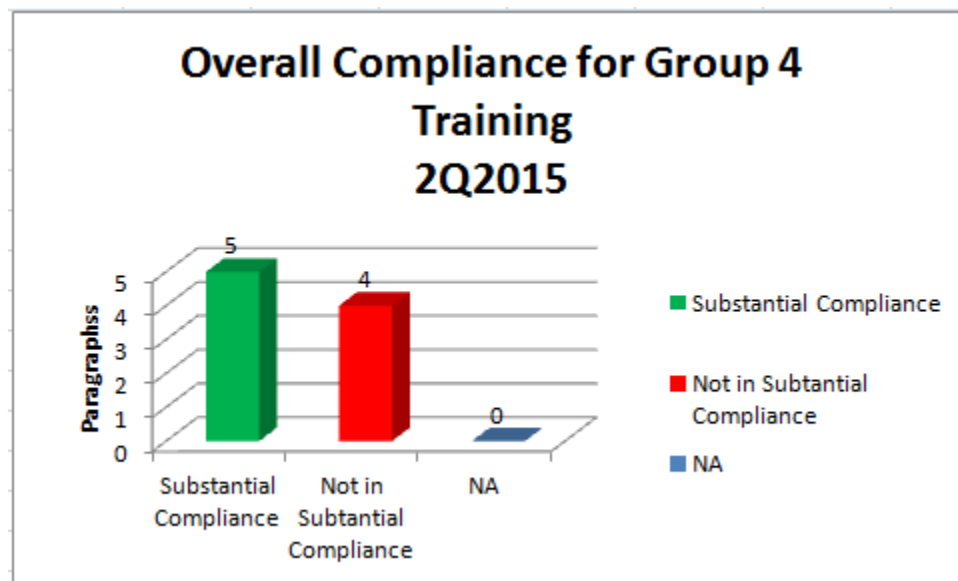
**Second Quarterly Report of 2015**  
**From The Independent Monitor For The Virgin Islands Police Department**

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**CHART 6**



**CHART 7**

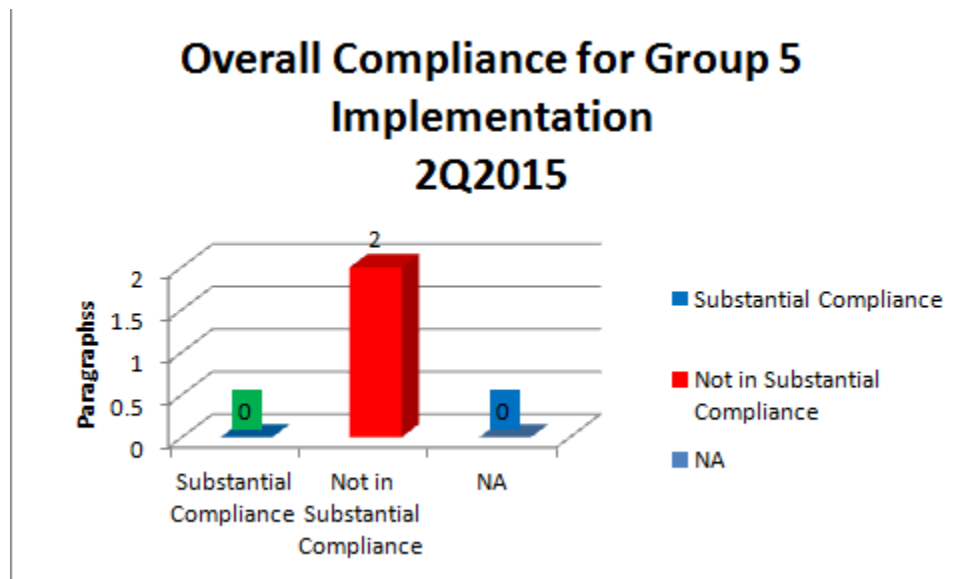


## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

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CHART 8



### IMT Compliance Concerns

#### **Early Intervention Process**

As IMT has previously reported for the past several quarters, for the EIP there has 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 the same behavior resulting in additional citizen complaints and/or uses of force. During the 4th Quarter 2014, IMT was informed that there were 97 alerts forwarded during 2014. However, the 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 which continues in the current quarter. During this quarter (as discussed later under the Paragraph 44 status section), the VIPD has initiated formal charges for lack of appropriate EIP action against 2 supervisors and 1 commander.

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

During the last quarter, the VIPD completed additional supervisory training on EIP Action Plans and Assessment on STT and STX. During this quarter, a revised EIP policy was developed by the VIPD and reviewed by DOJ and the IMT. That policy is currently in the final stages and the IMT is holding the goal for a new policy as pending while the VIPD continues to have the policy signed, published and distributed, and then officers retrained on the revised policy, during the upcoming quarter.

#### **VIPD Policy Review**

As noted last quarter, in the fall of 2014 the IMT determined that a significant number of VIPD policies had not been reviewed in accordance with the schedule posted for and recorded on each policy. Many of these policies cover critical Consent Decree specific required operating practices. Policy review is mandated by Paragraph 31. Frequency of review (the schedule) is not specific in the Consent Decree; *however it* is guided by the VIPD's policy which calls for review of every high risk policy, every year, which is consistent with policing practices for such policies.

When policy review mandate was brought to the attention of the VIPD compliance leaders by the IMT, we were assured that review would begin without delay and we would see results shortly after the VIPD Policy Committee completed its review and recommendation work. The review and recommendation process entails evaluation by both the IMT and DOJ, which add time to final update and publication of policy revisions. With the change in leadership, it was expected that some delays would have occurred in moving these reviews forward by the VIPD, however during the current reporting period; this progress has churned to a halt, with several explanations being given. Depending on the source of the explanations, one either hears that the Policy Committee never has its full complement attend the meetings to conduct business" or at the other extreme that "there are not resources available to get the revised policies typed." Whatever the case may be, the review process appears stagnated and the IMT has not been able to get reliable information as to where the process stands. When asked about specific policies, the response is

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

usually “we will have to check on that” and there has been no formal reporting back to the IMT on the status of all policies. Upon IMT inquiry on progress made, in late February 2015, the IMT was told that a special committee had been formed to speed up review. Policies were also reformatted prior to being sent to the Policy Committee. The policies were also under review by the new police administration.

On March 16, 2015, the Deputy Commissioner reinforced the priority of review and incorporated District supervisors into the policy redevelopment process – a technically and culturally positive initiative in our view. "To facilitate an orderly and effective review, Supervisors in each District are required to conduct roll call training or discussions on identified policies." (Memorandum, March 16, 2015.) Ten (10) Use of Force policies were identified for review:

- 3.1 Use of Force
- 3.4 Firearms Policy
- 3.5 Impact Weapons
- 3.6 Electronic Control Weapon
- 3.7 OC Spray
- 3.8 Off-Duty Policy
- 3.9 Vehicle Pursuit Policy
- 3.10 Spike Strip
- 3.12 Tactical Operations
- 3.13 Sniper Operations

Documentation received from the VIPD for this review consisted of attendance rosters from some type of group review done in unit roll call settings. There were limited comments noted, but some leaders indicated the time allocated to accomplish this task “diminished the response.” Further the documentation provided did not indicate what was to be or was done with these limited suggestions. A March 24, 2015 summary document, apparently prepared by a supervisor, listed suggestions from their personnel. Other documents suggested that this review was possibly



## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

perceived as training and a review of the policies was conducted. In summary, field personnel were provided an opportunity to comment on the Consent Decree policies, but in a somewhat reduced time frame. More importantly, the documentation does not indicate an organized and documented headquarters level review of these important policies. During the April, 2015 IMT-VIPD Monthly Meeting, it was learned that the Special Committee had essentially completed its review and that the formatting was waiting for location of an editable copy of the documents, because policies were in Adobe PDF format. The IMT provided Technical Assistance and converted all of the policies to Word format the day after the Monthly Meeting and sent them to the VIPD.

During office visits on May 11-12, 2015, the IMT learned that despite conversion assistance to the VIPD, no further formatting or review work had been done on the noted policies by the VIPD staff. This was confirmed during the May 13, 2015 Work Session by both the Policy Review Committee chair and the senior staff person responsible for the review process. The IMT discussed the criticality of this situation and its potential for removing a paragraph from compliance. The Deputy Commissioner assured us that he would locate and detail appropriate staff to complete this process expeditiously.

Despite inquiries and the offer of free software to manage the review and development of written directive process (which was turned down in favor of the Power DMS options [see discussion in Section VII for more detail on this]). The IMT monitors status of all VIPD policies, directives, and SOPs within its data system and based on a printout dated 08/12/15, a total of 20 policies remain overdue for review some as much as 1232 days overdue. This printout can be viewed as Appendix C to this report. Policies that show an overdue day period in excess of 132 days result from no copy of the policy being on file with the IMT. The IMT notes here its concern that the promised review be completed as soon as possible and that VIPD management take whatever steps are necessary to expedite the review (if that remains an issue) and the distribution for review by the IMT and DOJ, of all remaining out of date policies, directives, and SOPs. The IMT further expresses its concern that while directives are an important tool for quickly

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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implementing an improvement to a policy, once that policy has been approved and implemented, those associated directives should be canceled and removed from circulation. Further, the VIPD should comply with all established schedules and establish appropriate suspense systems to ensure that future reviews and publication of updated policies is responsive to both the demands of the Consent Decree and contemporary standards for policy development and professional policing. In addition the recommendations noted in Section VII, to this report, should also be strongly considered by the VIPD in order to improve its management of the entire written directive system. The IMT stands ready to assist in any way with this urgent need.

On August 18, 2015, a day after the draft IMT report was provided to the parties for comment, the VIPD provided to the IMT and DOJ five force-related policies (as noted below) that had been revised as a result of annual reviews.

3.1 Use of Force

3.4 Firearms

3.5 Impact Weapons

3.6 Electronic Control Weapons

3.8 Off Duty Official Action

The IMT has scheduled reviews of these policies during the first week of September.

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

---

#### III. COMPLIANCE STATUS: DETAIL

##### A. Compliance Status as of August 21, 2015

Table 1, below, depicts those paragraphs that were in Substantial Compliance (SC) on August 21, 2015:

**Paragraphs in Compliance as of August 21, 2015 – Table 1**

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 2nd Quarter 2015 reporting period. Detail of these paragraphs can be found in Appendix A to this report.

##### B. Court Ordered Compliance Goals

Nine court ordered goals came into compliance during 2Q2015. These goals were:

Due July 22, 2015; filed 07/23/15

Goal	IMT Number	IMT Response
1. Identify training for Force Investigation Team.	UOFS-3	Completed
2. Creation of a standardize(d) protocol to ensure proper dissemination of Directives and other protocols Territory Wide; Timeliness of cases.	CC17	Pending
3. Submit directive to the Policy Committee to review policy 7.3 and incorporate directive into policy.	CC20	Completed
Note: The IMT Goal Number is used by the IMT to further identify the VIPD goals, many of which either repeat themselves or are similar in wording.		

Due August 1, 2015; filed 08/04/15

Goal	IMT Number	IMT Response
1. Approval of Force Review Board Policy.	UOF-D, UOFS6	Completed
2. Development of Force Investigation Team (FIT) Policy	UOF-G, UOFS9	Completed

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

---

3. Approval of Force Investigation Team Policy	UOFS1	Completed
4. Train Reviewing personnel on use of Checklist	UOF3	Completed
5. Complete training for Forensic CSI Staff on creating officer involved shooting sketches and trajectory.	UOF5	Completed
6. Review EIP protocol to incorporate previously issued directive in policy.	M&S 15	Completed (1)
7. SOP Development for Advisory Committee	TRNG 22	Completed (1)

(1) With reservations

Additional information regarding the status of these initiatives is found in Section III, Table

3. A total of 62 court ordered goals remain non-compliant

During the 1<sup>st</sup>, 2<sup>d</sup>, 3<sup>rd</sup>, 4<sup>th</sup> Quarters 2014 and the 1<sup>st</sup> and 2<sup>nd</sup> Quarters 2015, the VIPD proposed compliance with numerous paragraphs. The Court, in its subsequent summary orders (with the exception of the 3<sup>rd</sup> Quarter where the proposed goals appear to be orally accepted), ordered that the paragraphs listed in Table 2 below come into compliance by the Quarter reporting dates of 5/23/14, 8/15/14, 11/21/14, 2/20/2015, 5/15/2015, and 08/21/15. Compliance requirement details for those goal focused sub-paragraphs are shown in Appendix B to this report. The Summary Table displays all goals, regardless of status, across the five court orders. The column to the far right shows the status of each of these paragraph grouped goal sets. It should be noted that in many cases the goals reflect the paragraphs across quarters, many of which remain Not in Substantial Compliance.

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

**Court Ordered Paragraph Related Goals Summary - Table 2**

PARA	5/23/2014	8/15/2014	11/21/2014	2/20/2015	5/15/2015	NISC/Partial	SC	PARA STATUS	06/16/15 GOAL DATES
32		a-f	a-f	a-f		a-f	a,d,e	NISC	12/18/2015
33		a,c	a,c	a,b,c,d,e		a,b,c,d,e	(5)	NISC	12/18/2015(a & a ONLY)
34		a,b,e,f	a,b,e,f	a,b,c		a,b,c,e	f	NISC	12/18/2015(a, b, & e ONLY)
35		a,c	a,d	a,b,c		a,b,c	d	NISC	12/18/2015(a ONLY)
36		a-g	a-g	a,b,d		a,b,d	c,e,f,g,h,i	NISC	12/18/2015
41		ALL	ALL				ALL	SC	
44		ALL	(1)	(3)		i	a,b,c,d,e,f,g,	NISC	6/30/2015
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	c,d,e	a,b	NISC	Note 6
60		ALL	ALL		c,h,j	c,d,h	a,b,e,f,g,i,j,k	NISC	12/18/2015
61		ALL	ALL				ALL	SC	
64				ALL			ALL	SC	
65		ALL	ALL				ALL	SC	
69		ALL	ALL	ALL		a,b		NISC	6/30/2015
71				ALL		b,c,d,f	a	NISC	12/18/15 (b ONLY)
72				ALL		ALL		NISC	6/30/2015
73	ALL		ALL	ALL		a	b	NISC	12/18/2015
74	ALL	c	a,c,e,f,g	a,c,e,f,g		a,c,d,e,f,g	b	NISC	12/18/2015
75	ALL	ALL					ALL	SC	
76	ALL	ALL					ALL	SC	
77	ALL	ALL	ALL	ALL		ALL		NISC	12/18/2015
78	ALL	ALL					ALL	SC	
79	ALL	ALL					ALL	SC	
81	ALL	ALL	Note 2	Note 4		b,d,f	a,c,e	NISC	12/18/2015
(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.									
(6) None listed in Filing Document 156 dated 06/16/15									

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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In an order dated 06/09/15, issued subsequent to the 1Q2015 Evidentiary Hearing, the Court directed the VIPD to “submit its schedule for achieving its long-term goals related to full compliance with the Consent Decree; provided that such submission shall include, but not be limited to, the deadlines by which the Virgin Islands intends to achieve substantial compliance with respect to the following general areas of the Consent Decree: use of force; training; management and supervision; and citizen complaints “ and further ordered “for each quarter in which it failed, or in which it fails to meet its quarterly goals (i.e., where there is a quarterly deficiency) the Virgin Islands shall submit a new deadline by which it intends to accomplish those previously set quarterly goals no later than seven (7) days after the entry of this order for any quarterly deficiencies that pre-date this order; and not later than seven (7) days after the end of a given quarter for any quarterly deficiencies that arise after the entry date of this order; provided that, in any event, such new deadlines shall not coincide with, nor delay, any prospective deadlines set for completion of future quarterly goals.” The VIPD responded with a plan for the non-compliant goals and those dates are reflected in Table 3, below. It should be noted that both Table 2 and Table 3 reflect some goals not addressed by the VIPD, yet remain unmet in the IMT records.

In addition to the referenced filings, and the paragraphs listed above, in its filing of quarterly goals for the 3<sup>rd</sup> and 4<sup>th</sup> Quarters of 2014 and 1<sup>st</sup> and 2<sup>nd</sup> Quarters of 2015, the VIPD agreed to come into compliance with the several initiatives and or goals. While, for the most part, these initiatives/goals were not associated with a paragraph, the IMT has associated them (if applicable) with a paragraph and reports their status below or within the particular paragraph. In addition, after 1Q2015 Evidentiary Hearing, the VIPD was ordered to establish a completion date for each of the outstanding and non-completed initiatives or goals. These dates have been inserted in the chart under the Goal/Revised Date” column. In the VIPD’s filing, dated 06/16/15, where a new completion date was not addressed the words “None Listed” appears instead of a date. A detail table of these initiatives/goals is shown in Table 3, below.

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

**Additional Court Ordered Initiatives or Goals Summary – Table 3**

<b>Goal/ Revised Date</b>	<b>Text</b>	<b>Status/ Links</b>	<b>Comment</b>
<b><i>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 11/29/14</i></b>			
UOF-A	Edit and improve new force reporting templates	Completed 1Q2015	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.
UOF-B	Issue directive for template implementation	Completed 1Q2015	The directive has been developed and signed by the Commissioner. Follow-up use of force template training conducted in the St. Thomas /St. John District during the week of March 16, 2015. This is pursuant to Quarterly goals for the use of force work group for the reporting quarter ending May 15, 2015; the template directive was provided to the IMT on May 15, 2015.
UOF-C	Training and implement templates	Completed 1Q2015	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, conducted by Sergeant Marsh, on March 16 <sup>th</sup> and 18 <sup>th</sup> 2015 on St. Thomas. Still some stragglers remain and VIPD asserts they will train them during 2Q2015. The stragglers were trained during 2Q2015..
UOF-D 08/01/15	Approval of Force Review Board Policy	Completed 08/04/15	Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
UOF-E	Identify personnel for Force Review Board	Completed 1Q2015	Same as UOFS-7 page 2; positions rather than people have been identified in the policy and whoever fills the position will be on the board; This process will be underway IMT has provided technical assistance and materials to aid the VIPD with this process. Referenced policy has been approved and signed by the VIPD.
UOF-F 07/22/15	Identify training for Force Review Board personnel	Pending;	Same as UOFS-8; Again, the policy has been approved with a September 1, 2015 effective date. IMT has provided technical assistance and materials to aid the VIPD with this process. Some training has been provided by Northwestern University (FIT related) and additional training was scheduled to be

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

Goal/ Revised Date	Text	Status/ Links	Comment
			delivered by a FBINA sourced team for the first week of 3Q2015, however impending weather conditions required a reschedule. The IMT has requested curriculum materials but not yet received what was requested and is holding this goal pending receipt and resulting review of those materials.
UOF-G 08/01/15	Develop Force Investigations Team (FIT) policy	Completed 08/04/15	Same as UOFS-9; -. Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
<b>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 02/20/15</b>			
UOFS1 08/01/15	Approval of Force Investigation Team Policy	Completed 08/04/15	See UOF-G Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
UOFS2	Identify personnel for Force Investigation Team (FIT).	Completed 1Q2015	IA personnel have been trained to investigate FIT level 1 cases (see UOF-F); they conduct parallel investigations; IAB also reviews the file for completeness from the CID report. Additional training was completed for Forensic personnel at Northwestern University and was completed during this quarter
UOFS3 07/22/15	Identify training & funding for Force Investigation Team	Completed 07/23/15	Training was scheduled to be delivered by a FBINA sourced team for the first week of 3Q2015, however impending weather conditions required a reschedule. The IMT has requested curriculum materials but not yet received what was requested and is holding this goal pending receipt and resulting review of those materials..IMT had some concerns with the proposed training and will work with the VPD to ensure adequate and responsive training to the needs of the Force Review Board is delivered.
UOFS4	Issue Directive for template implementation	Completed 1Q2015	Same goal and comment as UOF-B
UOFS5	Train and implement templates	Completed 1Q2015	Same goal and comment as UOF-C
UOFS6 08/01/15	Approval of Force Review Board Policy	Completed 08/04/15	Same goal and comment as UOF-D Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
UOFS7	Identify personnel for Force Review Board	Completed 1Q2015	Same goal and comment as UOF-E
UOFS8 12/18/15	Identify training for Force Review Board Personnel	Pending	Same goal and comment as UOF-F
UOFS9 08/01/15	Develop Force Investigation Team policy	Completed 08/04/15	Same goal and comment as UOF-G Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.



## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

Goal/ Revised Date	Text	Status/ Links	Comment
<b><i>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 05/15/15</i></b>			
UOF1	Development of a UOF Investigation Reviewer's Checklist.	Completed 1Q2015	Checklist for VIPD reviewers has been developed and commissioner's directive for implementation has been signed and issued. Training was accomplished during 2Q2015
UOF2	Issue Commissioner's Directive for use of Reviewer's Checklist	Completed 1Q2015	The template directive was provided May 15, 2015 to the IMT and signed by the Commissioner. IMT continues to monitor impact of the checklist.
UOF3 08/01/15	Train Reviewing personnel on use of Checklist	Completed 08/04/15	Supervisory personnel have received training and VIPD attests that 98% of all supervisory personnel have been trained. The IMT will test compliance in the next quarter by testing supervisors for compliance with the aforementioned training.
UOF4	Issue Commissioner's Directive mandating Forensic personnel to comply with work product time limits for Level 1 Force Investigations.	Completed 1Q2015	Directive completed and pending approval; The template directive was provided May 15, 2015 to the IMT and signed by the Commissioner Pending full implementation status review by the IMT in 3Q2015.
UOF5 08/01/15	Complete training for Forensic CSI staff on creating officer involved shooting sketches and trajectory	Completed 08/04/15	Officers attended training at Northwestern Traffic Institute and received certificates. IMT will assess during compliance review of serious use of force investigations the quality of their reports. Through end of 2Q2015 no incidents arose that required investigation. IMT will review any such cases as they arise and determine impact of the training.
UOF6	Continue training for all officers on UOF Reporting templates	Completed 1Q2015	This is make-up training for those who missed last Fall and March 2015 training; Training on the templates was completed during 2Q2015.
TRNG22	Reorganize the Training Advisory Committee.; Paragraph 74g	Pending	Pending review of directive
TRNG23 12/18/15	Create and implement new protocol for monitoring and evaluating UOF training; Paragraph 73a	Pending	Pending review of Kirkpatrick training and implications for adoption of components by the VIPD
TRNG24 08/01/15	SOP Development for Advisory Committee; Paragraph 74g	Completed 07/23/15	2Q2014 While the VIPD has in fact published a revised version of this SOP, the IMT continues to have concerns regarding its content and impact on the committee's activities, which are discussed in this report's body at referenced paragraph.
TRNG25 12/18/15	Revise and implement Roll Call Policy; Paragraph 74e	Pending	IMT reviewed the submitted directive and finds it did not follow IMT recommendations and needs further refinement and possible separation into two or more separate directives. IMT will work with the Training Division Director to expedite the corrections.

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

Goal/ Revised Date	Text	Status/ Links	Comment
TRNG26 12/18/15	Development of the Kirkpatrick method of evaluating training; Paragraph 73a	Pending;	Initial training completed in 1Q2015; deadline for completion extended by VIPD to 12/18/15 by the VIPD through court filing
TRNG27	Conduct the first semi-annual meeting and analysis by April 20, 2015	Completed 1Q2015	This relates to Training Advisory Committee and Training Division to supply documentation for meeting in May 2015; Documentation was received.
M&S7	Complete Familiarization training on Disciplinary Flow chart to all Commanders by March 30, 2015; Paragraph 72	Completed 1Q2015	VIPD advises did a flow chart on the disciplinary system; training done in both districts
M&S8	Conduct inspections monthly to ensure compliance with the disciplinary matrix and to ensure non-disciplinary corrective action is recommended consistently when applicable with disciplinary actions. Paragraph 72	Completed 1Q2015	The IMT receives monthly reports of audits performed regarding the matrix use compliance, which contain clear and cogent recommendations for improvement and corrections when errors or non-compliance is found. IMT recommends that VIPD management and VIPD Audit and Inspection Unit review and follow-up with the recommendations and issues reported in these reports.
M&S9	Develop a workable database to track OC canisters issued to officers. Conduct monthly inspections to ensure compliance; Paragraph 60c	Completed 1Q2015	Technically has reached goal of developing a workable database; but will not move sub-paragraph into compliance until IMT sees action or documentation on the inconsistencies. Inspection reports received monthly by IMT indicating monthly inspection compliance with the goal, however the VIPD should look toward a unified system that collects this data, now reported in multiple separate reports, in one document agency-wide. The recent report done to establish variance levels for the weight check provides an excellent format in listing STX personnel.
M&S10	Revisit the implementation of an MOA between the VIPD/VIAG with new administration; Paragraph 60h	Completed 1Q2015	VIPD provided IMT copies of SOPs from VIAG regarding notification to VIPD; while not a formal MOA, this addresses the CD concern. This goal completed 05/15/15.
M&S11	Finalize MOA with VITEMA on information sharing to facilitate the requirements of Paragraph 60 with the goal of moving it into compliance	Pending	MOA was completed 05/30/15, however the problem with pursuit activity recordation remains an IT issue and the VIPD continues to work with VITEMA to resolve it. The INT has established a cut-off date of end of 3Q2015 to resolves this issue prior to placing the VIPD in non-compliance with the associated paragraph. Completion of the required IT fixes to the

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

Goal/ Revised Date	Text	Status/ Links	Comment
			VITEMA software will bring this goal into compliance MOA completed during 2Q2015.
M&S12	M&S will with the assistance of 911 create a code for vehicle pursuits and have all vehicles for VIPD listed at 911 so vehicle accidents involving police Vehicles can be track; Paragraph 60i	Pending	Had meeting with VITEMA; problem is that software at STX allows for secondary entry of pursuit with a robbery etc; STT does not have a similar software function. While we recognize that VIPD continues to work with VITEMA to address this issue, IMT has not been provided/shown how to access pursuit listings territory-wide Acknowledge that VIPD reports providing vehicle listing to VITEMA See also M&S 11 above
M&S13	VIPD will retrain supervisors on preparing the EIP action plans and assessment report.	Completed 1Q2015	Completed on STT and STX;
M&S14	Conduct remedial training on the EIP process for Commanders, thereafter, conduct monthly inspections and hold those accountable for non-compliance with the EIP protocol; Paragraph 64	Completed 1Q2015	Need documentation on attendance vetted to staffing lists. Review more inspections for conformance. Again, retraining accomplished; individuals have been/in process of discipline. Does not move sub-paragraph or paragraph into compliance; VIPD has hired two data analysts who can assist with this function. currently considering hiring individual to assist with assessments and action plans/ IMT receives periodic notification of such remedial training accomplished and continues to monitor during cases review where such was the determined remedial action.
M&S15 08/01/15	Revise EIP protocol to incorporate previously issued directives in the policy; Paragraph 60	Completed 08/04/15.	Draft received on 7/21/15 in which directive was incorporated. However, more changes need to be made; expect completion in 3Q2015, with subsequent approval, publication, and distribution effected to fully meet spirit of the goal.
M&S16	Finalize the development of additional protocols for the Audit unit; Paragraph 69	Pending	Draft Audit protocols and SOP pending VIPD review. IMT has not received SOP. Completed 05/12/15.
CC17 07/22/15	Creation of a standardized protocol to ensure proper dissemination of Directives and other protocols Territory Wide; Paragraph 44 Timeliness of Cases	Pending	The protocol submitted to IMT is electronic or digital based (storage of the documents and signatures on receipt) responds to those officers with assigned laptops or office computers, thus facilitating operational access, it does not ensure proper dissemination of directives and protocols for personnel without assigned computers (laptops); further the current bound format of the policy manual (as referenced in VIPD Policy 1.3, Written Directive System (07/20/15) does not lend itself to inserting paper copies which would be required for maintenance of paper directives for personnel

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

Goal/ Revised Date	Text	Status/ Links	Comment
			without permanent access to assigned laptops upon which electronic storage, distribution and on-line operational referencing is based upon. IMT will work with the VIPD to address this issue during 3Q2015.
CC18	Create email policy to ensure officers and supervisors monitor email notifications on Complaints/UOF/training or other relevant information; Paragraph 44	Completed 1Q2015	Directive completed.
CC19 None listed	Revised the Investigative Report format to capture Commanders recommendations to be used Territory Wide; Paragraph 58 Unit Commanders Responsibilities	Pending	IMT needs documentation
CC20 07/22/15	Submit the directive to the Policy Committee to revise policy 7.3 and incorporate directive in the policy; Paragraph 58 Unit Commanders Responsibilities	Completed 07/23/15	Policy was updated with inclusion of the directive during the 2Q2015 reporting period.
CC21	Implement Citizen Complaint Checklist for use by investigators and reviewers to ensure all investigations are within standard.; Paragraph 58 Unit Commanders Responsibilities	Completed 1Q2015	VIPD recently revised and implemented Citizen Complaint Checklist. Directive was completed 05/05/15.
<b>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 08/21/15</b>			
2Q15-1	Authorize and contract training for the Force Review Board	Pending	IMT is awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc), Course of Instruction with performance objectives, and other training materials for the course scheduled for late August 2015 IMT notes progress by VIPD but not completed.
2Q15-2	Conduct training for the Force Investigation Team	Pending	Same as 2Q15-1
2Q15-3	Develop OC Spray Chart	Pending	The IMT has not been presented with this chart. We have reviewed an audit by the VIPD and note that it

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

Goal/ Revised Date	Text	Status/ Links	Comment
			accomplishes the objectives set forth in monitoring OC controls. The IMT notes that the audit did not include the whole territory. It was however a good first effort.
2Q15-4	IAPro Application Training	Pending	On 8/11, VIPD provided IMT and DOJ with a roster of individuals that attended IAPro training on July 27. However, IMT is awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc), Course of Instruction with performance objectives, and other training materials for the course delivered in July 2015. IMT needs such materials to help assess the quality of the instruction. Where possible, IMT will have VI resident team members attend VIPD scheduled training courses.
2Q15-5	Train investigators and reviewers on the Citizen Complaint Checklist	Pending	IMT is awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc.), Course of Instruction with performance objectives, and other training materials, including attendee rosters, for this course.
2Q15-6	Train investigators and reviewers on the Summary Investigation Report	Pending	IMT is awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc), Course of Instruction with performance objectives, and other training materials, including attendee rosters, for this course

The codes used in the first column (Goal/Revised Date) are those used by the IMT to track VIPD compliance with these goals within the MT data system. These codes were instituted as many of the goals had similar wording or were duplicative of others. See our discussion of the goal identification system in Section VII. Additionally, some of these initiatives are discussed in subsequent sections of this report, as noted.

#### C. Compliance Detail

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.

- **Paragraphs in Substantial Compliance at the end of the 2nd Quarter, 2015**  
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.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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**(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 Two, 2015:** 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 that displays 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 is included as Appendix D to this report.

### **D. Court Goals – Further Discussion**

#### **1. The Force Review Board**

The Force Review Board, Policy 3.3 (Use of Force Review Board) was finalized, approved by DOJ and signed by the VIPD Commissioner with an effective date of 09/01/15. The selection of Board members is contained within the above policy and the VIPD is currently working on obtaining training for the members during the 3Q2015 reporting period. Development of training, a schedule for that training, and a vetting process for membership selection is expected during the 3Q2015.

#### **2. The Force Investigation Team**

The Force Investigation Team, Policy 3.15, was finalized and approved by DOJ and IMT during the 2Q2015 reporting period. The policy was signed by the Commissioner and has an effective date of 09/01/15. Training for the Force Investigation Team was split into components as there are a number of training programs that are required. One focusing on the forensic side (Forensic Reconstruction) was accomplished by sending existing members of the IAB to training conducted by Northwestern University during the period June 22-24, 2015/ Another, covering the operations of the FIT, is scheduled for the period August 24-28, 2015 and will be reported on during the 3Q2015 reporting period.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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### **E. 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 we feel they are important to progress toward Consent Decree compliance.

During the 2Q2015 reporting period there was no additional compliance activity by the VIPD over that reported for the 1Q2015 reporting period and thus no compliance status changes were made to either paragraphs or sub-paragraphs. The following section reflects that unchanged status. The Activity, Impediments and Recommendations for each of the paragraphs and related sub-paragraphs Not in Substantial Compliance remain the same for the 2Q2015 reporting period, and the below text is largely taken verbatim from the last report.

It is also noted that as of the date of this report, the IMT has not received the VIPD 2Q2015 Audit Report for comparison purposes. The 2Q2015 Status Report was received on August 18<sup>th</sup> just after publication of the draft of this report.

### **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**



## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

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During this reporting period the VIPD has continued its' aggressive approach at revamping its internal review system to respond to known lapses in the force reporting, investigation and review process. They had previously (4<sup>th</sup> Quarter 2014) 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 modifications resulted. Supervisors and Officers on both island have been trained on the templates, with any stragglers training in both the last and current reporting quarters. Capt. Duggan has been moved to the Audit unit and during this quarter an Audit Manager has been hired to assist with auditing process.

Continued training on the templates for officers and supervisors was to be scheduled for the VIPD during the quarter. Future audits in succeeding quarters will dictate if the templates have been successful. As an example during the past 5 Quarters Paragraph 32 c has seen the compliance numbers hover around 65 to 70 percent of all supervisors' reviews. This trend continued through the 2Q2015 reporting period. This was built upon continuous improvements but still stagnated and fell well short of compliance approval. The templates were designed to attack this issue and others. Close observation of these numbers in future quarters will attest to the wisdom of providing this ongoing training.

#### **Impediments to Compliance**

With regard to the template's previously mentioned training and curriculum development, the close coordination between the Use of Force Working Group and the Training Division was deemed critical for the development of effective training and delivery to the public. It appears that this did not occur as completely as desired by the IMT. In addition, the development of the training protocols, outcome measures and evaluation for the template training was not been completed and it does not appear that the Training Division was fully involved in the development of this training. The IMT did not receive or review the associated lesson plans prior to delivery of the training.

The IMT remains concerned that future training delivery may be impacted unless these critical training components are institutionalized and monitored by Training. This must be done to ensure that training is repeated evenly throughout the department and into future sessions going forward. Given the renewed interest in training evaluation as seen in the recent Kirkpatrick courses, the new leadership in the training division seems to have taken the lead and intends on closing the gap in this area. It is essential that the VIPD support and encourage this effort for it to be successful.

#### **Recommendations to Gain Compliance**



## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

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Coordination between the Audit and Inspection Unit with the Training Division to ensure that 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.*

#### **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, however the new reporting form is designed to capture this element. Last quarter (1Q2015) it was reported that both the VIPD and the IMT review continued to find consistent improvement in reporting in this subparagraph throughout the cases. Close assessment by the supervisors of all force applied moved the VIPD to a compliance rating for the last quarter (1Q2015) of 43%. However, the compliance rating was well below an acceptable level. The IMT intends to revisit these numbers in more detail during the next quarter. We will continue to aggregate the data as we move forward and can confirm reliability. While this still leaves room for improvement, it is an indicator that the supervisor's role in moving the mandates of the consent decree forward cannot be underestimated.

#### **Impediments to Compliance OK**

Supervisors' failure to properly identify all uses of force continues in some cases. 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. We continue to monitor the impact of the supervisor Review Checklist and will expand that through a larger sample of cases under review. Aggressive follow-up of failure to review at all levels of the VIPD should be a command priority.

#### **Recommendations to Gain Compliance**

Train supervisors to evaluate each and every force application employed by department personnel and place close attention to the completion of the checklist by supervisors, reviewers, and other investigators as a quality control device.

Prepare templates to assist in investigation completion. These would be in the form of inserts directly related to the specific investigation being detailed. While introduction of the templates and associated instruction for completion appeared to center on the form, the IMT is suggesting that further detailed examples be developed and made available via computer access to assist officers in completing the templates.

VIPD leadership must insist on objective and consistent review of all reporting packages to ensure they are complete and follow the requirements of the VIPD policies that govern their completion.

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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### **Sub-Paragraph c, Status = Not in Substantial Compliance**

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

#### **Activity**

Beginning with the August 2014 Summit, deficiencies were being identified through audits and corrective action was being applied by the agency. However, at the November, 2014 Summit no change was found in the status of this sub-paragraph and errors continued to surface. The department, with IMT encouragement, decided to produce a series of checklist templates to be used to evaluate completeness of use of force reporting. The templates were electronically produced and were tested by a diverse group of VIPD managers. Several adjustments were noted by the managers and IMT review and those adjustments to the templates were implemented in the final copies by the working group. Training was developed and delivered by the Use of Force Working Group point person during the last part of November and early December 2014. Personnel that missed this initial training attended make-up classes taught by SGT Marsh in March 2015.

The IMT has noted repeatedly that the evaluation of force is a major weakness in the reviews of force by the VIPD. It has not gone unnoticed by the VIPD either. VIPD audits and reviews as well as the IMT's reviews have disclosed that the supervisors fail to properly "evaluate each and every type of force used" Last reporting period (1Q2015), of the 7 cases which were evaluated, only 2 cases met the requirements and 5 cases did not. This is a compliance rating of 29%. When viewed more in the aggregate with the previous 2 Quarters the compliance rating is 38% in 3Q2014 and 40% in the 4Q 2014. The opportunities for VIPD's supervisors to evaluate force, occurs infrequently, thus achieving the requirements of the consent decree require them to be diligent in the performance of force reviews. This is a primary responsibility of all police supervisors and the community has a right to believe that the VIPD is managing the force being applied by their peace officers constitutionally. These failures continued to be observed during the 2Q2015 reporting period.

#### **Impediments to Compliance**

Continued failure to meet deadlines and content requirements in UOF reporting.

#### **Recommendations to Gain Compliance**

Emphasis on use of the recently implemented templates as quality control devices and retraining on them as needed. Follow-up with individual supervisors who fail to complete force reports properly.

### **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.*

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

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#### **Activity**

IMT has continued to review case files to determine if audio and video taping is being conducted and if those files are attached to reports. IMT notes 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. Both the VIPD and the IMT reviews disclose that this issue is being addressed, in terms of enclosure with the reports and noted in the supervisors report. Evaluation of content of the recordings is still under review by the IMT.

#### **Impediments to Compliance**

The IMT intends to complete its expanded case reviews and submit a report by September 30, 2015. During 2Q2015 IMT reviewed a series of cases, which followed the same trends as noted above, but will complete a larger sampling during 3Q2015. .

#### **Recommendations to Gain Compliance**

IMT continues to urge the VIPD to 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 overcome shortcomings. This might be an appropriate audit for the Audit and Inspection Unit (AIU) to complete to validate both the survey comments and VIPD efforts to ensure availability of the required equipment.

### **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 summits and IMT monitoring activities. The IMT requested department organization and staffing materials during the quarter, but received only a listing or department members from within the IAPro system, which proved to be outdated and incomplete. No position staffing information was provided and organizational charts do not appear to reach down to the squad level to ascertain if appropriate staffing is in place.

#### **Impediments to Compliance**

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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The VIPD claims that sufficient supervisors are neither available nor assigned to the areas most needed to ensure proper oversight or arrival at use of force events and proper investigation, documentation, review and evaluation of these events. The IMT has no documentation such as position staffing tables or allocation plans, and/or detailed organizational charts with line-item position coding, to determine if this situation description is accurate.

### **Recommendations to Gain Compliance**

Promote and assign supervisors where experience shows that supervisors are needed to review, analyze, and evaluate force incidents occurring on their watches. IMT has been unable to determine if any positive action was accomplished on this issue, as while the IMT has been advised there were some promotions made in January 2015, we have no direct knowledge or documentation to indicate where they have been assigned (e.g., a staffing table or personnel assignment orders); The IMT was updated by the VIPD on supervisors who participated in supervisory leadership training delivered by the FBI Training Division. The IMT believes this training was critical, valuable, and well received by the VIPD supervisors who attended.

Develop detailed position allocation tables with authorized and filled position coding and provide same to the IMT for review of supervisory coverage issues.

### **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.*

See Paragraph 33 above

### **Activity**

VIPD has identified persons to be promoted for supervision which should help ensure that they are available to conduct Use of Force reviews. The IMT has found consistent with the VIPD audits that officers fail to promptly and properly notify supervisors when they use force. The VIPD and IMT have also found that supervisors fail to respond to the scene to conduct their inquiry and evaluation or fail to report the reasons for not responding. Consistent with this finding during the past 4 Quarters the VIPD has a compliance rating hovering at a compliance rate of 1 proper response in every 3 cases for a 33 % rating for this requirement.

### **Impediments to Compliance**

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

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

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VIPD should continue to work with VITEMA to ensure that the records associated with all force events calls for service and radio traffic between officers and supervisors are available for VIPD use in both investigating failures as well as auditing the entire system.

#### **Recommendations to Gain Compliance**

Ensure that any promotions and assignments of new supervisors are complimented with appropriate training and management

#### **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 to both capture and evaluate the tenets contained in this item of the consent decree. During this quarter the VIPD and the IMT found that consistent with past quarters that supervisors only inquire about the medical condition of the person upon whom force was used in about half of the cases that they should have. In the 1<sup>st</sup> Quarter 2015 supervisors did not examine subjects for injury in 57% of audited cases. Additionally, they did not interview subjects for complaints of pain in 57% of audited cases. Parallel results for the 3<sup>rd</sup> and 4<sup>th</sup> Quarters of 2014 were 75% and 100% (did not examine) and 75% and 100% (did not interview). It should be noted that the audited sample is very small, 25 cases for all three quarters. In the 3<sup>rd</sup> and 4<sup>th</sup> Quarters of 2014 the failure numbers were much higher which may be an indication that the recent decrease is consistent with the template introduction and or management oversight.

Results of the 1Q2015 Audit Report show little change. Supervisors did not meet the injury/examination requirements in 57% of the cases, nor were interviews conducted in 57% of cases.

#### **Impediments to Compliance**

Failure to institutionalize template training by the Training Division, as well lack of command emphasis on using the templates to quality control completeness of the use of force investigation.

#### **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. Increase command emphasis on using the templates as quality control devices.

#### **Paragraph 34, Status = Not in Substantial Compliance**

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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### **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.

### **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. IMT continues to find closed cases with missing documentation which seems to support VIPD audit findings of a similar nature.

### **Recommendations to Gain Compliance**

VIPD efforts to implement both a Force Review Board and a 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. The Force Review Board and FIT team policies were finalized and approved by DOJ and IMT during this quarter.

VIPD audits and IMT case review seem to indicate the need for review of all cases in file, using a case content checklist, by the newly hired IAB analysts to ensure completeness of the case files.

### **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.*



## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

---

IMT continues to see problems in this area in cases reviewed and is expanding the number of cases for review in 3Q2015 to determine if a more positive trend has occurred. We continue to believe that there are insufficient supervisors available to properly respond to and complete UOF investigations and this appears to bear out through the more recent Blue Team spot checking in comments made by the personnel (although a small sampling due to availability) who were interviewed by IMT team members. IMT has not received any VIPD staffing reports for comparison in staffing trends over the last year. IMT will be asking for updated staffing reports during 3Q2015.

#### **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.*

During the prior reporting period there was a slight increase in the number of cases that would qualify as being properly handled. A narrative cannot be considered complete if key information and evidence is missing from the narrative or the document. The VIPD has had a compliance rating hovering around 25% of its cases as being correctly written during previous quarters. The findings by both the VIPD and confirmed by the IMT, as discussed in IMT's previous report, show a compliance rating just slightly better at 29%. We expected to see a somewhat better application of the templates and training, but are reserving judgment to give the forms, supervisors and training more opportunities to prove themselves.

#### **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. Last quarter (1Q2015) IMT reported there was a slight decrease in the number of cases that would qualify as compliant. Supervisors did not include a precise description of the facts and circumstances that either justify or fail to justify the officer's use of force. The VIPD has had a compliance rating hovering around 39% of its cases as being correctly written during previous quarters. The recent findings by both the VIPD and confirmed by the IMT show a compliance rating just slightly better at 29%. We would have expected to see a somewhat better application of the templates and training but are reserving judgment to give the forms, supervisors and training more opportunities to prove them as contributing to compliance.

#### **Sub-Paragraph d, Status = Partial Compliance**

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

*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.*

Similarly, as above, the supervisors do not support findings with facts, evidence, circumstances, or information that is descriptive enough to support their findings. The VIPD has had a compliance rating hovering around 39% of its cases as being correctly written during previous quarters. Recent findings by both the VIPD and confirmed by the IMT show a compliance rating just slightly better at 29%. We expected to see a somewhat better application of the templates and training but are reserving judgment to give the forms, supervisors and training more opportunities to prove themselves.

The failure to comply pattern remained unacceptable in the 2Q2015, at 29%.

#### **Sub-Paragraph e, Status = Partial Compliance**

*In =>95% of the reportable use of force incidents, the investigating officer had no involvement in the incident (i.e., he/she was not involved in the use of force incident, his/her conduct did not lead to an injury, and he/she did not authorize or participate in conduct leading to the use of force incident), in order to be able to investigate each use of force.*

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

### **General Discussion and/Meetings**

#### **Activity**

**The new VIPD leadership must continue its current focus on assuring accountability to CD compliance.**

#### **Impediments**

Absence of accountability throughout the Use of Force reporting continuum directly impacts compliance.

#### **Recommendations to Gain Compliance**

The VIPD must engage mid-level and senior management in supporting the highest levels of accountability for completing CD requirements. Continued use of and support for use of the recently implemented templates should result in a higher level of compliance with the Consent Decree requirements.

### **Paragraph 35, Status = Not in Substantial Compliance**

#### **Consent Decree Paragraph Wording**



## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

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*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 continued evaluations of force cases.

#### **Impediments to Compliance**

Use of Force review does not adequately address cases that suggest supervisors are asking leading questions. Templates were developed and implemented to document and train supervisors to be alert and prohibit leading questions from being used. A supervisor's force checklist was developed to ensure supervisors don't miss required elements of the consent decree during their reviews. A similar checklist was developed for the Citizen Complaint process.

#### **Recommendations to Gain Compliance**

Continued focus of use of the templates as quality control devices.

#### **Sub-Paragraph a, Status = Partial Compliance**

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

IMT has not seen any improvement in the cases reviewed during the 2Q2015 but has plans to increase the size of the review during 3Q2015 as the current sample is too small to qualify for any change in status.

#### **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.*

This sub-paragraph is in need of additional work by the VIPD. Both the IMT and the VIPD have found that the supervisors fail to include relevant evidence (circumstantial, direct and physical) in their narratives which must be considered when credibility determinations are being made. An example is where Taser camera and download

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

---

information is available yet the supervisors do not include it in reports to either support the officer's statement or the citizen's statement of the force event. (UOFT2014-0051)

### **Impediments to Compliance**

Failure to include all required information, supporting documents, and evidence as part of the use of force investigative report.

### **Recommendations to Gain Compliance**

Continued focus on use of the templates as quality control device at all levels of the use of force reporting and investigative process.

### **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.*

### **Activity**

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

### **Impediments to Compliance**

Where witness information is known and supervisors do not address material inconsistencies in the investigation, the supervisor failed to follow through as did the reviewers. If the reviewers had caught this lapse and corrected it would not have been found by the audit and the IMT. The parties and the IMT should discuss whether some other designation (other than metrics) might be preferable for sub-paragraphs where few events occur during a reporting period. UOFT2014-0075

### **Recommendations to Gain Compliance**

Continued focus on use of the templates as quality control device at all levels of the use of force reporting and investigative process.

## **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*

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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*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 Use of Force Working Group. IMT monitoring and case review.

### **Impediments to Compliance**

As noted last quarter, management review and accountability has been spotty and inconsistent.

### **Recommendations to Gain Compliance**

Leadership must hold themselves and VIPD managers accountable for incomplete investigations. Continued focus and use of the templates as a quality control device by supervisors

### **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.*

### **Activity**

All force cases reported to the VIPD are now being investigated. The IMT will work with the VIPD to determine if this sub-paragraph is ready for compliance. The most recent 3 quarters have shown increased compliance and IMT will conduct a review during the 3Q2015 reporting period to determine status.

### **Impediments to Compliance**

Continued focus on accountability by the correct investigating officer is needed.

### **Recommendations to Gain Compliance**

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

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Use of the templates as quality control device should go far towards compliance of this sub-paragraph.

#### **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.*

The VIPD has been unsuccessful in getting its supervisors to obtain credible witness information and collecting that data for their force investigations. Where witness information is available the VIPD often fails to include their statements in the file. In the last 4 Quarters (1) out of every (3) cases in which a witness was identified in the reviewed files a supervisor failed to follow through on complying with the witness reporting requirements of the subparagraph.

#### **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.*

IMT and VIPD observe that in the past three quarters supervisors consistently noted that they identified all involved police personnel on the scene and their involvement in the use of force and the parties could therefore properly inquire about the circumstances surrounding the event. Moving forward this subparagraph should be ready for a detailed compliance review during the 3Q2015.

#### **Impediments to Compliance**

Continued focus on accountability by the investigating officer to identify and evaluate use of force by all officers involved or on the scene of a use of force incident.

#### **Recommendations to Gain Compliance**

Use of the templates as quality control device, coupled with close attention to the facts of the incident, should go far towards compliance of this sub-paragraph.

### **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*

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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*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**

Recent implementation of the templates should have some impact on compliance here, if used correctly and are subsequent corrective actions are supported by management.

### **Impediments to Compliance**

Failure to affect accountability throughout the management chain of the investigation directly impacts this paragraph.

### **Recommendations to Gain Compliance**

Continued use of the templates, supported by management follow-up and accountability should increase compliance with this paragraph.

### **Sub-Paragraph a, Status = Partial 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?*

### **Activity**

The IMT is pleased that force cases are now being reviewed by the VIPD Command officers from the respective districts. IMT granted Partial Compliance during 1Q2015, while we continue to make an assessment of the reviewers' ability to capture the values sought within the consent decree in his/her reviews.

A limited review conducted during the 2Q2015 (reported on in Section V,a) determined that command review of cases needs to be conducted more diligently.

### **Impediments to Compliance**

Failure to affect accountability at senior levels of the investigation directly impacts this paragraph.

### **Recommendations to Gain Compliance**

Continued focus on management review and follow-up, coupled with subsequent accountability should increase compliance with this 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*

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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*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?*

### **Activity**

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the Police Commissioner to review the substance of the VIPD audits and the IMT's reviews and strategize a plan of action to correct the deficiencies. Use of the IMT supplied Goal worksheets and database can be equally used for the planning process here.

A limited review conducted during the 2Q2015 (reported on in Section V,a) determined that command review of cases needs to be conducted more diligently.

### **Impediments to Compliance**

Failure to affect accountability at senior levels of the investigation directly impacts this paragraph.

### **Recommendations to Gain Compliance**

Continued focus on management review and follow-up, coupled with subsequent accountability should increase compliance with this 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.*

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the Police Commissioner to review the substance of the VIPD audits and the IMT's reviews and strategize a plan of action to correct the deficiencies. Use of the IMT supplied Goal worksheets and database can be equally used for the planning process here.

A limited review conducted during the 2Q2015 (reported on in Section V,a) determined that command review of cases needs to be conducted more diligently.

### **Impediments to Compliance**



## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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Failure to affect accountability at senior levels of the investigation directly impacts this paragraph.

### **Recommendations to Gain Compliance**

Continued focus on management review and follow-up, coupled with subsequent accountability should increase compliance with this 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.-*

### **Activity**

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the police commissioner to review the substance of the VIPD audits and the IMT's reviews and strategize a plan of action to correct the deficiencies. Use of the IMT supplied Goal worksheets and database can be equally used for the planning process here.

### **Impediments to Compliance**

Failure to affect accountability at senior levels of the investigation directly impacts this paragraph.

### **Recommendations to Gain Compliance**

Continued focus on management review and follow-up, coupled with subsequent accountability should increase compliance with this paragraph.

### **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.*

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the Police Commissioner to review the substance of the VIPD audits and the IMT's reviews and

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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strategize a plan of action to correct the deficiencies. Use of the IMT supplied Goal worksheets and database can be equally used for the planning process here.

### **Impediments to Compliance**

Failure to affect accountability concerning remedial training compliance and documentation, as well as any appropriate discipline, directly impacts this paragraph.

### **Recommendations to Gain Compliance**

VIPD should develop some system for ensuring that remedial training is both accomplished and documented when it is used as a corrective action for improper use of force. Any and all appropriate discipline associated with the findings should also be implemented and documented. Case files, both paper and digital, should include a completion of remedial training certificate or letter from the Training Division.

### **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.*

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the police commissioner to review the substance of the VIPD audits and the IMT's reviews and strategize a plan of action to correct the deficiencies. Use of the IMT supplied Goal worksheets and database can be equally used for the planning process here.

### **Impediments to Compliance**

Failure to implement and document appropriate discipline, directly impacts this paragraph.

### **Recommendations to Gain Compliance**

VIPD leadership needs to ensure that any and all appropriate discipline associated with the findings should be applied and carried out and subsequently documented and associated with the case.

## **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*



## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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*firearms. The VIPD will conduct all ballistic or crime scene analyses, including gunshot residue or bullet trajectory tests, as appropriate.*

### **Activity**

The IMT and DOJ worked with the VIPD to develop the Force Review Board and Force Investigation Team (FIT) polices, which were signed by the Commissioner with an effective date of 09/01/15. Portions of required training for the FIT was conducted in July 2015, while other training is scheduled for later in August 2015. It is anticipated that both elements will be fully operational during the 3Q2015 and into the 4Q2015 and the IMT looks forward to assisting their processes and evaluating their actions during that and follow-on quarters.

### **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.*

See paragraph level entries for paragraph38.

### **Impediments to Compliance**

Failure to thoroughly investigate and account for use of force incidents. Failure to properly implement and train a Force Review Board and Force Investigation Team contributes to the non-compliance of this sub-paragraph. However compliance must be evaluated through review of the action of both of these elements in 3Q2015 and future quarters.

### **Recommendations to Gain Compliance**

Continue to implement a Force Investigation Team and Force Review Board to improve the quality of use of force investigations and subsequent evaluation of justification for the use of force. Complete implementation of the two elements, including review of their activities and actions.

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

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

See paragraph level entries, above for paragraph 38.

### **Impediments to Compliance**

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

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Failure to thoroughly investigate and account for use of force incidents. Failure to fully implement and train a Force Review Board and Force Investigation Team contributes to the non-compliance of this sub-paragraph. Failure to account for all shots fired in use of force investigations. Failure to use the templates as quality control devices to ensure all shots fired are accounted for whenever appropriate.

#### **Recommendations to Gain Compliance**

Continue to implement a Force Investigation Team and Force Review Board to improve the quality of use of force investigations and subsequent evaluation of justification for the use of force. Complete implementation of the two elements, including review of their activities and actions.

#### **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.*

While these directives and initiatives do not directly respond to the issue of supervisors being trained in use of force investigations, if implemented as currently proposed, the number of investigations by supervisors will greatly decline, with the FIT taking over responsibility. Activity of both elements will be a focus of IMT review during the 3Q2015.

#### **Impediments to Compliance**

See paragraph above

#### **Recommendations to Gain Compliance**

Implement controls to ensure all supervisors are trained on use of force investigations and/or implement the FIT and FRB.

#### **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*

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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*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 sub-paragraphs of this paragraph with the exception of paragraph "i" where timeliness continues to be the issue.

### **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 previously stated in VIPD's earlier reports. 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. There has also been a focus on completing 2015 cases. As a result of these directives the number of outstanding cases for both Districts was reduced significantly.

At this time IMT has requested the documentation showing current status of outstanding cases. At the most recent monthly meeting (August 7, 2015) VIPD could not provide the number of outstanding /overdue cases. There was discussion that sometimes cases are completed at the zone, but then sit at IAB. IMT emphasized that our focus was on overdue cases throughout VIPD. IMT requested documentation and will assess once received.

As previously stated timeliness within IAB as regards citizen complaints has improved during the CD, IMT continues to have concerns with a number of the more serious investigations. Many of these involve officer-involved shootings (IAB and CID) and can linger for protracted periods of time (sometimes for years).

"IMT recognizes that VIPD Audits are identifying the timeliness deficiencies.

According to the Third-Fourth Quarters 2014 Audit, of 35 cases reviewed 27 were not

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

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timely. (There was some confusion in numbers provided; the number 27 may be as low as 25)

During the Audit for the 1st Quarter 2015, 8 cases were reviewed. While the audit report states that these were the cases completed during the first quarter, they appear to be cases initiated and closed within the 1st quarter as they all have 2015 numbers. If this is not case, then it would appear that none of the overdue 2014 cases (referenced above) have made progress. Of those 8 cases, 3 are identified as overdue. IMT will clarify, again, which cases VIPD audits each quarter as regards citizen complaints.

IMT also recognizes that VIPD is attempting to insure that if delays are necessary, appropriate waiver request is initiated.

#### **Impediments to Compliance**

As previously stated, lack of accountability as regards supervisors continues to be an issue— although we have seen that improve with disciplinary actions taken. IMT will continue to review progress.

#### **Recommendations to Gain Compliance**

As VIPD moves forward with additional promotions (unsure when this may occur), IMT strongly recommends, again, that priority be given to assignment to patrol

As previously reported, if disciplinary action is not effective; demotion from rank will be the next step – this confirmed by the VIPD.

The VIPD needs to monitor the waiver requests to insure that these are for valid reasons.

### **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 the last quarter of 2014, the VIPD issued a Directive to address the process of forwarding information relative to training needs. This Directive was issued in December, 2014. Along with VIPD, IMT continues to monitor effectiveness of same.

During this quarter, VIPD issued a Directive regarding recommendations identified which deals with training or other problems. IMT acknowledges that VIPD is currently auditing this requirement. During the 3rd-4th quarter Audit of 2014 VIPD self identified a number of

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

cases where this was not done; during the Audit for the First Quarter 2015, VIPD self identified one instance when a recommendation should have been forwarded - it was not (1 of 1).

#### **Impediments to Compliance**

See above

#### **Recommendations to Gain Compliance**

IMT encourages VIPD to continue auditing this paragraph. As deficiencies are noted, IMT would anticipate disciplinary action would be forthcoming if the same supervisors continue to not comply.

### **Paragraph 59, Status = Not in Substantial Compliance**

#### **Consent Decree Paragraph Wording**

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

#### **Activity**

See sub-paragraphs.

#### **Impediments**

See sub-paragraphs.

#### **Recommendations to Gain Compliance**

See sub-paragraphs.

### **Sub-paragraph b, Status = Not in Substantial Compliance**

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

#### **Activity**

As stated in previous reports, the IMT continues to emphasize the fact that unless supervisors and management personnel are held accountable for their responsibilities, the VIPD will have a challenging time maintaining CD compliance. Regarding this particular paragraph, the IMT anticipated that by holding managers accountable, the VIPD will move closer to initial compliance.

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

Additionally, the IMT anticipates that resolving IT issues, considered a priority by the VIPD, will move initial compliance forward. This paragraph is contingent on other paragraphs coming into compliance regarding EIP.

#### **Impediments to Compliance**

VIPD needs to reinforce accountability throughout the ranks.

#### **Recommendations**

Continue to develop a sense of accountability throughout the command structure through training and senior leadership mentoring.

### **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.*

#### **Activity**

See sub-paragraphs.

#### **Impediments**

See sub-paragraphs.

#### **Recommendations to Gain Compliance**

See sub-paragraphs.

### **Sub-Paragraph c, Status = Not in Substantial Compliance**

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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*=>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.*

### **Activity**

During this quarter VIPD provided a review of OC canisters on STX; during the most recent monthly meeting, VIPD stated that a similar assessment was completed on STT/STJ. VIPD stated they would forward same. IMT has submitted a subsequent request to VIPD. At this time, IMT has not received the documentation as regards STT/STJ.

### **Impediments to Compliance**

See recommendations.

### **Recommendations to Gain Compliance**

VIPD should audit STT/STJ and provide documentation to IMT

### **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 have been posted throughout the various zones. These posters described VIPD policy regarding reporting injuries to detainees to assist officers in completing reporting requirements. This directive has been 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.*

### **Activity**

During this quarter a new Attorney General was appointed. During the most recent monthly meeting, VIAG representative stated that she believed that the agreement with the former AG would remain in effect until we were notified of any change



## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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### **Impediments to Compliance**

IMT will continue to monitor the submission of materials from VIAG to VIPD to ensure that the time periods represented in the SOP are met.

### **Recommendations to Gain Compliance**

Continued close attention to activity covered by this SOP by VIPD staff in IAB. The IMT will continue to monitor the VIAG's efforts to support the VIPD in these cases and notes that periodic updates on case status from the VIAG have been received ruing the reporting quarter.

### **Sub-paragraph i; Status = Substantial Compliance**

*=>95% of vehicle pursuits are entered into RMS with a reasonable level of accuracy and completeness.*

### **Activity**

IMT recognizes VIPD efforts in this area; however, there still needs to be work with VITEMA to be able, not only to store, but to easily access pursuit information. IMT is not moving VIPD out of compliance at this time, but will provide additional time to identify and correct any deficiencies

According to the VIPD 1st Quarter Audit, "It was discovered during this audit that the 911 system is not set up to document vehicle pursuits unless originally transmitted and closed out as such."

While STX is complaint to the extent of capturing pursuit data, STT remains an issue and the VIPD continues to work with VITEMA to resolve this programming issue.

### **Impediments to Compliance**

VIPD and VITEMA need to further link the 911/CAD data with the IAPro system to increase capture of all pursuits. This includes the need to associate codes with the pursuit activity and have those codes be the same on STT and STX. This is needed in order to ensure accurate capture of pursuit activity to compare with UOF reporting. This is an IT technical problem that needs to be worked out at that level.

### **Recommendations**

As stated in the last report, the sub-paragraph has been deemed in compliance due to VIPD's efforts to ensure accurate capture of the pursuit data. IMT recommends continued meetings with VITEMA to insure more seamless integration with the coding. IMT recognizes VIPD efforts in this area; however, there still needs to be work with VITEMA to be able, not only to store, but to easily access pursuit information. IMT is not moving VIPD out of compliance at this time, but will provide additional time to correct deficiency. This extension will not exceed the 3Q2015 and after such time the paragraph will be removed from compliance.



## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

### **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**

During this quarter, IMT received the 3rd-4th quarter 2014 audit and the 1st quarter of 2015. The Audits continue to improve. IMT hopes that these Audits will be completed in a more timely fashion than has occurred previously.

As previously noted in IMT quarterly reports, the IMT strongly recommends that, long term, VIPD have a full time staff (minimum 3-4 persons) assigned to the Audit Unit.

#### **Impediments to Compliance**

As stated in earlier reports, failure to fully staff the unit and prepare annual audit plans, unit policy, and appropriate SOPs.

#### **Recommendations to Gain Compliance**

Fully staff the unit, prepare unit policy, SOPs, and an annual audit plan.

### **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**

As previously reported, a directive (001-2015) was issued on Jan 6, 2015, that provides for extensions to reporting times, when justified and requested, by investigating personnel.

#### **Impediments to Compliance**

See other sub-paragraphs.

#### **Recommendations to Gain Compliance**

See sub-paragraphs.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

### **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**

At this time IMT has requested the documentation showing current status of outstanding cases. At the most recent monthly meeting (August 7, 2015) VIPD could not provide the number of outstanding /overdue cases. There was discussion that sometimes cases are completed at the zone, but then sit at IAB. IMT emphasized that our focus was on overdue cases throughout VIPD. IMT requested documentation and will assess once received."

IMT recognizes that VIPD Audits are identifying the timeliness deficiencies. According to the Third-Fourth Quarters 2014 Audit, of 35 cases reviewed 27 were not timely. (There was some confusion in numbers provided; the number 27 may be as low as 25)

During the Audit for the 1st Quarter 2015, 8 cases were reviewed. While the audit report states that these were the cases completed during the first quarter, they appear to be cases initiated and closed within the 1st quarter as they all have 2015 numbers. If this is not case, then it would appear that none of the overdue 2014 cases (referenced above) have made progress. Of those 8 cases, 3 are identified as overdue. IMT will clarify, again, which cases VIPD audits each quarter as regards citizen complaints.

IMT also recognizes that VIPD is attempting to insure that if delays are necessary, appropriate waiver request is initiated.

### **Impediments to Compliance**

VIPD to implement above mentioned steps.

### **Recommendations to Gain Compliance**

See above

## **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**

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

VIPD continues to struggle with compliance with this section. VIPD self identifies this deficiency. According to the most recent Audit, "The Disciplinary Matrix is still not being properly adhered to as discipline is not being meted out as per the standards set forth. We did not find any evidence that there was disciplinary action for those persons out of compliance".

#### **Impediments to Compliance**

Lack of adherence to VIPD policy.

#### **Recommendations to Gain Compliance**

As stated repeatedly by the IMT, VIPD needs to identify 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.

IMT continues to recommend that VIPD continue to assess both the process and the matrix with a goal towards making it more objective and fair in construct and application.

Completion of the current review of the Disciplinary Matrix.

#### **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**

A Standard Operating Procedure (SOP) for the Training Advisory Committee (TAC) was signed by the Commissioner on May 22, 2015, and forwarded to the United States and the Independent Monitor on July 21, 2015. The IMT had previously reviewed and provided extensive comments on the proposed draft (March 31, 2015) and found little change to the signed

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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SOP in light of those recommendations. The IMT's concerns with the final SOP included both outcomes and the protocol itself (for example it is unclear exactly which of the two police chiefs are the chair of the board, among other inconsistencies.) In addition, while being titled an SOP, it did not detail a protocol for the various reviews (what will be reviewed, in what context, using what criteria, etc). While the signed SOP is a step in the right direction, the IMT still views it as a "work in progress" and thus not compliant with the intent of the paragraph.

This draft and review process, as well concerns raised by the IMT goes back to the fall of 2014. At that time the committee was not, in the IMT's view, fulfilling the detail or the spirit of the Consent Decree paragraph. This discussion continued through the IMT's monitoring visits in the spring of 2015. After receiving the last draft in March of 2015, the IMT submitted a detailed critique to the Commissioner on March 31, 2015. The subsequent signed SOP did not seem to address these concerns. The IMT determined the VIPD was in compliance with their Court goal to issue the SOP, but did so with reservations as to its comprehensiveness and content.

### **Impediments to Compliance**

As noted previously by the IMT, the IMT has reviewed Training Advisory Committee agendas and reports and had concerns in the following areas:

- 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 (e.g., SOP), no meaningful evaluation can take place.

Many of the above concerns remain with published SOP and unless addressed will interdict the usefulness of the committee in improving training. While the SOP is an improvement over past attempts it still falls short in the "how to do the review" department or protocol.

### **Recommendations to Gain Compliance**

Throughout the conduct of this consent decree, VIPD has struggled with understanding exactly what is required by this paragraph. VIPD must (by the requirements of the paragraph) conduct a semi-annual review of the quality and consistency of their use of force training. They must also review the use of force training's compliance with both law and VIPD policy. This amounts to two (2) inquiries into VIPD training activity a year. There is also a requirement that VIPD use of force policy (2) be reviewed on the same schedule using the same criteria for the review. This

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

amounts to four (4) inquiries to be conducted by VIPD semi-annually. The new SOP now mandates a quarterly review, which increases the number of reviews to a total of eight (8).

The IMT, based on our experience, would think that these reviews of use of force policy and use of force training would be conducted jointly or, at a minimum, conducted collaboratively. To date, we've not seen this kind of agency-wide review. We've also not seen a meaningful, analytical review of use of force training. In fact, the current SOP has limited number of participants (8 categories, although no count by category is listed) and few from the first responder/investigator or their supervisors groupings. It appears mostly representative of management and the training function, with two union representatives.

The action by the Training Director followed our suggestions and made provisions for training by the Kirkpatrick Group which specialized in the evaluation of training. This should enhance the understanding of this segment of the training delivery function for all on this committee.

The IMT remains convinced that improvements to this SOP can and should be accomplished and will continue to assist the VIPD in that endeavor.

### **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**

- a. ensure the quality of all use of force training;*

This was discussed during a meeting with the IMT (Mr. Wilson and Mr. Stewart). Once the TAC is formed it will address the quality of training that is provided to the officers during training also an evaluation process will assist with a an assessment of the training that was provided (Kirkpatrick Levels of Evaluations.

- b. develop and implement use of force training curricula;*

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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### *Sub-paragraph is in Substantial Compliance*

#### *c. select and train VIPD officer trainers;*

The Instructor Selection Process (ISP) was revised and signed by Commissioner Designee Delroy Richards, Sr. on March 8, 2015. Training was conducted for new instructors during August, 2015.

#### *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;*

IMT has received the signed policy and believes it does not conform to the review provided previously by the IMT. Further the IMT believes that the current version still contains material which more closely related with a separate policy or policies on Conducting Roll Calls and one related to Line inspections. The IMT will work with the VIPD to correct these deficiencies.

#### *f. establish procedures for evaluating all training curricula and procedures; and*

See sub-paragraph g below.

#### *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.*

After discussions with Jim Kirkpatrick for the development of the Kirkpatrick's "Four Levels of Evaluations" training, the VIPD brought the Kirkpatrick team to the VI and conducted training for management and supervisors. Training was conducted in May 2015. This training focuses on how to conduct longitudinal evaluations of the effectiveness of training on the ability of the trainee to perform their assigned functions.

### **Impediments to Compliance**

Absence of a comprehensive and analytical review of training outcomes.

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 regarding the current lapse and inadequacies of the VIPD Roll Call Training Program are serious and any further compliance with this sub-paragraph and paragraph should be held in abeyance. This program is still under review and updating by the VIPD.

Each of the sub-paragraphs details impediments to compliance.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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### **Recommendations to Gain Compliance**

Several of the sub-paragraphs in this paragraph share common resolutions with the tasks associated with Paragraph 73.

- a. ensure the quality of all use of force training.
- 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.

The IMT has recommended for some time that there is so much similarity to the resolutions to these paragraphs that they ought to be resolved jointly.

The Training Advisory Committee seemed to us to be the best place to establish appropriate protocols for the requirements of these sub-paragraphs and Paragraph 73 and coordinate VIPD's efforts to reach compliance.

We also believe that sub-paragraph e:

"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."

This lends itself to the kinds of issues that would be appropriate for the regular review, discussion and advice from the Training Advisory Committee."

Similarly, sub-paragraph d:

"d. ...develop, implement, approve, and oversee all in-service training," should be reviewed by the Training Advisory Committee.

We repeat our recommendation that compliance with these sub-paragraphs and Paragraph 73 be at the cornerstone of the duties and responsibilities of the Training Advisory Committee.

The one sub-paragraph that would likely remain outside of the direct focus of the Training Advisory Committee would be:

"c....select and train VIPD officer trainers."

The IMT has long since held that this definition would include all classes of academy and in-service trainers and all Field Training Officers. VIPD, after more than a year of development, recently published a directive outlining the policies and procedures for the selection of instructors. We have recommended for some time that a similar policy be established for FTO's



## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

The VIPD should conduct a review of all current staff and field instructors, vetting them against the requirements of VIPD Policy 003-2014 Instructor Selection, and provide documentation to the IMT with the results of that review.

#### **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.*

Sub-paragraphs a,c,e are in Compliance, while b,d,f remain in Partial Compliance.

##### **Activity**

Currently all training records are maintained by the administrative secretaries in both districts. Those records are located in each respective office in STT and STX. The hard copies of records are placed in binders that are labeled and stored in a file cabinet or on a shelf (Bookcase) in a central area in both locations. These records are not as complete as one would like and in many cases it is impossible to link a trainee's attendance at a specific block of instruction to the instructor that delivered that training. This frustrates compliance with the accuracy of the records and thus the paragraph as noted below. This is discussed in more detail and how Power DMS can possibly resolve this in Paragraph 81. The training bureau also has a training database (PowerDMS) that tracks all trainings officers receive. The information on PowerDMS can be accessed remotely from any location and VIPD personnel are in discussion with a vendor who will assist in the upload of officer's files and historical data into PowerDMS.

##### **Impediments to Compliance**

In August 2014 IMT identified the need for loading data into Power DMS. In September 2014 IMT identified the need for a plan and design for data entry into Power DMS. Continued failure to accelerate the loading of curricula into the Power DMS system will impact compliance.

##### **Recommendations to Gain Compliance**

Substantial Compliance in this paragraph has been particularly troublesome for VIPD. The current state of the paper files of VIPD members does not lend itself to analysis of compliance, especially in the area of who the instructors were for each of the blocks of instruction received by the individual officers. Once what information is loaded and Power DMS can begin to provide comprehensive data reports, some measure of investigation might be able to fill in some of these current blanks, in some cases using other participant's records. The current paper filing system does not lend itself to this analysis. The IMT has strongly urged the VIPD to complete its data entry of officer records from the paper files so



## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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further research can be accomplished. Thus at the heart of this issue is the establishment of an automated capability to produce records which reliably provide:

*the course description,  
the duration of the course,  
a copy or reference to the curriculum used at the time of the training, and  
the instructor(s) for each officer.*

The IMT has maintained that it is our experience that police departments the size and makeup similar to VIPD have, as a standard practice, this kind of automated capability in total or in-part.

While maintaining that it has the capacity to produce the information required in Paragraph 77, VIPD has produced one report almost two years ago that only included the participants in St. Thomas/S. John District. IMT deems these reports critical to both compliance as well as proper supervision of the training function.

We continue to recommend with great import that making the inclusion of the kinds of records required to be maintained by this paragraph be made a priority. Extraordinary steps must be taken to streamline the process by which complete, accurate historical training records should be entered into PowerDMS and audited as quickly as possible.

### **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**

Sub-paragraphs a,c,e are in Compliance, while b,d,f remain in Partial Compliance.

#### **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.

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

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. This absence of command staff participation, while recommended highly, is not a direct impediment to compliance.

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.

During the November and December 2014 summit and December 2014 court hearing, the VIPD indicated that no progress had been made on this paragraph. The VIPD concurred that no progress had been made during the May 2015 work sessions, with the exception that the FBI had conducted some leadership and supervisory training, in which many senior leaders participated, during the 1<sup>st</sup> Quarter of 2015. The IMT remains encouraged with this initiative but are withholding long term judgment pending a continuation and broadening of the effort, especially in terms of our previous suggestions that the leadership of the agency also participate in some lower level instruction in support of both exposure to the concepts and team building.

#### **Recommendations to Gain Compliance**

Substantial Compliance in this particular paragraph poses several distinct and complex challenges. The paragraph first requires the Training Bureau to train supervisors on how to apply appropriate burdens of proof, evaluate witness credibility.

While we know that the requisite training has been conducted, we have not seen an objective evaluation of how those supervisors are performing those tasks in the field. We've only seen participant performance on the quiz conducted immediately following training. This is certainly another one of the areas that we have pointed out and that the Kirkpatrick Training addresses. Kirkpatrick (and others) references four (4) levels of evaluation, the first being the current after class quiz. The second level asks the trainee, at some period after completing training, did the training received result in improvement in the way they do their job. The third level asks a similar question of the trainee's supervisor, but after a period of job performance subsequent to the training and the fourth level attempts to ask the organization if the training has improved the organization's ability to deliver its service product. Each of these is structured against the performance objectives of the training course (or what we want the trainee to be able to do after completion of training).

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

While completion of training is an important step, without an organized effort (longitudinal evaluation components similar to those pioneered by Kirkpatrick) it is difficult to determine if the training has had any impact on the trainee's job performance. If no improvements are noted then the training was probably not successful and in need of review and modification; thus purpose of the training has not been accomplished. In the IMT's view, merely conducting the training does not necessarily equate to compliance that is established to result in improvements in officer's and the department's compliance with the Consent Decree. There remains the challenge of evaluating the outcomes and/or effect that training has had on participants.

This also points out again how substantial compliance was comparatively easy when the requirements of a paragraph were able to be achieved within a single office, unit or bureau. This kind of evaluation requires the active participation and collaboration between the Training Bureau and the Districts so that Training is receiving enough feedback on supervisor performance in the Districts for them to be able to determine whether their training products were "successful."

We believe that VIPD will benefit immensely by having the Kirkpatrick Group in for training. It's important that as many command officers as well as supervisors and managers attend this training.

The second requirement of this paragraph mandates that VIPD provide this training for new supervisory promotees within 90 days of their elevation to their new rank. In addition to the testing that might take place at the time of training, this training should be a part of any probationary evaluation conducted at the end of the probationary period.

The third requirement is that this training be a part of in-service training. When the systems are in place, the focus of the in-service training should be based on the results of evaluations of how the allied functions are being performed in the field. Shortcomings among supervisors in areas of the Consent Decree, as well as other practices in need of improvement, should be well documented and highlighted during in-service, roll call and commander's call training.

The final requirement and possibly the most important within this paragraph is a responsibility to provide training to supervisors on leadership and command accountability. VIPD has just recently begun to include commanders above the rank of captain in this kind of training even that delivered within the Territory. Command Staff and certain sworn administrative personnel were not included in in-service training. When questioned about the practice, VIPD offered no responses.

There is much to be learned from responsible, modern supervisory training and VIPD has contracted with very reputable and professional trainers. These instructors are generally well versed in many of the standard practices required by this consent decree. They can bring

**Second Quarterly Report of 2015**  
**From The Independent Monitor For The Virgin Islands Police Department**

---

helpful advice to command staff in their work as well as their subordinates. Systematic improvement in a policy or practice can only come when command knows and understands the training that their subordinate commanders and supervisors are receiving so that they can support it.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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### **IV. VIPD COMPLIANCE AUDITING PERFORMANCE**

The IMT received the VIPD's Compliance Audits for the Third and Fourth Quarters of 2014 and the First Quarter of 2015 in July, 2015. As in previous Quarterlies, we are summarizing our evaluation. As a result of an important Consent Decree-required evaluation by the Audit Unit Commander, we are able and pleased in this Quarterly, to report on a Use of Force Assessment, sufficient in structure to serve as a platform for future outcome measurement. Last, we address, again, persistently stubborn barriers to compliance, repeatedly cited in the VIPD's own audits. The 2014 document bundled two quarters. The 2014 Third and Fourth Quarter Report does not have a transmittal letter, an introduction, nor a summary. The Introduction to the Use of Force Section leads off with the following: "In this report we are presenting the audit results for the two quarters. This is an effort to bring us to a current point of information and to enable Department Administration and Managers to have a more dynamic and accessible understanding of our compliance status in regard to Response to Resistance Consent Decree Issues." This statement is repeated in the Introduction to the Citizen Complaint sections, including the RRR reference. The Management & Supervision & Training section states that the audit covers ". . . July thru December 2014." The Training audit covers the ". . . 2014 4<sup>th</sup> Quarter Training Cycle . . . on Use of Force Policies." The VIPD does not seem to have submitted a Third Quarter Audit for Training. The 2015 First Quarter audits return to the VIPD's conventional one-quarter audit cycle.

#### **A. The Audits: Shortfalls & Potentials**

Compliance auditing consumes many hours of the VIPD's finite resources. We do not know how many hours. Evolving very incrementally, and poised to advance to a metrics-based approach, the audit process and the Audit Report is not yet satisfying its potential and the information needs of its audiences, internal and external, including the IMT. The IMT's Review & Recommendations Report for the Second Quarter of 2014 noted:

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

The Second Quarter Compliance Audit & Report, the subjects of this review, repeat variations in work group effort, methodological details, and presentations, which continue to challenge the reader's ability to assess accomplishments efficiently. The audit again is in four separate pieces, leaving it to readers to interpret results of each and synthesize the combined whole. We encouraged the VIPD previously to bring the audit parts together, analyze and summarize them to present an agency-level perspective. An integration exercise should yield valuable insights to improve successive audits. We recommend that the Audit Group oversight team commit to this task, preferably, yield the work to the recently established Audit & Inspections Unit, for the present, and later to the newly proposed restructured Compliance Unit, once staffed.

These observations still stand. As constructed, the Audit Reports still leave it to the reader/user to synthesize, interpret, and conclude what many of the pages and pages of information and data mean vis-à-vis compliance progress.

Opportunity to reengineer the situation described is inherent in our prescribed metrics-centered model. A more robust body of quantified measurements will enable the VIPD to format, analyze, and display results in ways that are just not possible right now. Analytical and action opportunities are expected to come into focus more sharply as a result. Note for perspective and expectations however, what the conversion process entails. The Use of Force presentation in the latest Compliance Audit Report – the model for measuring Citizen Complaints, Management & Supervision, and Training, is composed of 60 separate measurements. These cover eight (8) paragraphs and their sub-paragraphs. To build out the model will require developing measurements for 39 additional paragraphs: 17 for Citizen Complaints, 14 for Management & Supervision and 8 for Training. (Paragraphs 100 and 101 are not included in the total.) We believe these numbers clarify why the AIU rollout requires ample staffing, with special skills. This said, we believe the AIU Interim Commander is making progress already. This much exceeds expectations. Still, the resource issue stands.

#### **B. Audit-Based Compliance Barriers**

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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Based on the VIPD's self-reports, documented in the Recommendations sections of the audits to date, we find continued presence of impediments to compliance progress that have remained stubbornly resistant to change for some time. The 2015 First Quarter Audit Report (VIPD) singles out many principal issues/recommendations. We quote them verbatim from the audit report. The IMT concurs with the VIPD audit statements.

### **Use of Force**

1. **Training.** Training for all levels of review in what is required information in an RRR and in force investigation. Roll call refresher training for the appropriate information that is mandatory to be included is an RRR. Additional roll call refresher training for supervisors in what is required in an RRR and in a force investigation.
2. **Standard of Information.** The Command Level Review must pay attention to the fact that there is a specific standard of information that must be in each of the reports. The checklist is to assist the supervisor in assuring the information is in the report when there is a failure to utilize the checklist – pertinent information is not included.
3. **Administrative Review.** The Administrative Review also must follow the same requirements as those for the Command Level and look at each folder with a critical eye.
4. **Accountability.** Hold all levels in the force reporting process accountable for failures in reporting, investigating, and review of the force folders.

### **Citizen Complaints**

1. **Timeliness.** Ensure that cases are completed timely. This is presented as the "predominant recommendation." Improvement is noted.
2. **Accountability.** There must be accountability for violations of policies 7.2 and 7.3.
3. **Internal Affairs.** Internal Affairs must monitor the due date(s) that are entered for cases in IAPro. Internal Affairs must ensure that when waivers are approved, the due dates must reflect in IAPro for the time period approved. Internal Affairs must ensure that when cases are requested for audit, all documents must be forwarded.

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

---

4. **Inspections.** All areas must submit for Inspections the information materials in the vehicles and stations.

#### **Management & Supervision**

1. **Canine Bites.** Ensure that supervisors have access to the 911 CAD System to run the necessary query at the end of their tour of duty for assigned cases. VIPD has placed a request with VIPD-MIS technical support staff of the 911 CAD System to have supervisors gain access for read-only purposes.
2. **Discretionary Arrest Data.** Have data analysts on-board so that the requirements of the Early Intervention Program can be implemented fully.
3. **Criminal Proceedings, Civil or Administrative Claims.** The IMT received signed VIAG SOPs for both civil and criminal actions resultant of VIPD Case on 05/15/15.
4. **Vehicle Pursuit Data.** Further configuration of the 911 System is needed to meet the Department's need to track vehicle pursuits. (In consultation to rectify issue.)
5. **EIP Training.** The VIPD must retrain those required to conduct EIP alerts and there must be training on the entire dynamics of the system to be able to use its full capacity.

This audit presents very important findings which were not raised to the recommendation level and, therefore, are not reported here. Example: "The Disciplinary Matrix is still not being properly adhered to as discipline is not being meted out per the standard set forth." (See Unmet Recommendations below for context.)

#### **Training**

1. **Meeting Requirements.** Ensure that individuals attached to VIPD while holding positions in specialized units outside of the VIPD are scheduled for required training. Ensure that supervisors who were excused from classes (military, leave) receive the training that they missed.

During this Quarter, the IMT received Status Report Number 25, covering the period from 05/25/15 to 08/21/15, and Compliance Audits for three past quarters, two in 2014, and one in 2015. Audit documentation and reporting is lagging one quarter behind status



## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

reporting and thus IMT real-time reporting to the Court. This undermines our capacity to conduct paragraph-by-paragraph evaluation of consistency between and among efforts.

### **C. The Recommendations Backlog**

A primary objective of auditing is to identify compliance shortfalls, prescribe corrective actions, and re-audit/re-measure to gauge the impact of corrective actions. In this regard, the VIPD Work Groups are doing their jobs. Every quarterly report produced by the VIPD auditors has put forth improvement recommendations. While neither the VIPD nor the IMT has produced a comprehensive box score – number of recommendations acted on, successfully implemented, and not acted on, we can say the number of unresolved recommendations presents a formidable challenge to compliance.

The IMT's response to the VIPD's 2014 Second Quarter Report (the one preceding the recently received batch) included this statement:

"With regard to Audit Report Recommendations for the Second Quarter and previous Quarter reports, the most charitable statement the IMT can make is that the Work Groups, individually and collectively, are "drowning in good intentions." Each audit report offers recommendations, repeating those from prior audits and adding new ones, with only sporadic references of a direct nature to action or lack thereof regarding previous recommendations. Recommendations are just piling up."

We estimated that the body of unresolved recommendations numbered 50.

A recently drafted internal VIPD document, perhaps an uncirculated analysis by the VIPD Audit Unit sets the current number of unresolved recommendations much lower than the IMT's estimate. By quarter, VIPD estimates are:

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

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**Table 4**

<b><u>QUARTER</u></b>	<b><u>UNRESOLVED RECOMMENDATIONS</u></b>
<b>Third Quarter 2013</b>	<b>47</b>
<b>Fourth Quarter 2013</b>	<b>25</b>
<b>First Quarter 2014</b>	<b>27</b>
<b>Second Quarter 2014</b>	<b>23</b>
<b>Third/Fourth Quarters 2014</b>	<b>15</b>
<b>First Quarter 2015</b>	<b>17</b>

Not all findings subject to recommendation rise to recommendation level. The document from which the recommendation counts were taken notes lack of consistently timely response to recommendations, ". . . no viable action after presentation of the quarterly audit reports . . . . (has led to) . . . deterioration in some of the audit output and a recycling, in most cases, of the recommendations which had not been addressed over a series of quarters."

To be clear, many recommendations have been acted upon by the Commissioner, the Work Groups, and others involved in the compliance effort. The declining quarterly totals suggest this to be the case. In addition to the current number of unresolved recommendations, our concern, which mirrors that of the author of the VIPD report, there has been no definitive direction or consistent process by which the recommendations of the compliance audits are addressed. A consequence for compliance progress is self-evident.

Implementation potential of recommendations differ, influenced by resources, complexity, and timing requirements. Training recommendations, which comprise a major segment of unresolved recommendations, require material effort, ranging from course design to scheduling considerations. Others, however, are "softer targets," including a number of "accountability" recommendations. "There must be accountability

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

for violations of policy 7.2 and 7.3," for example. Failure to comply with this recommendation could be simply a failure of will, in the judgment of the IMT. We believe the Commissioner needs to address the unresolved audit recommendation issue, starting with a formal plan. It would make sense to prioritize for earliest attention those audit recommendations that would most influence achievement of Court-Ordered Goals. The IMT intends to analyze the unresolved recommendations situation with the VIPD during the next quarter. This opportunity couples comfortably with Court-Ordered Goals Compliance work review we are happy to arrange for the next quarter.

#### **D. Metrics-Centered Auditing**

The IMT's Review of the 2014 Second Quarter Audit Report encouraged the VIPD and its audit staff to embrace the approach employed by the Use of Force Work Group. The approach is central to the broader Metrics-Centered Outcome Measurements model prescribed by the IMT. The components of Metrics-Centered Compliance Auditing were outlined in the IMT's Review (p. 29). Judging from the construction of the most recent VIPD Compliance Audit, 2015 First Quarter, very limited movement has occurred during the past seven (7) months. The Citizens Complaint audit suggests at least recognition of the concept of Metrics-Centered auditing, but has far to go developmentally. The Management & Supervision & Training sections of the First Quarter Audit do not indicate any movement at all. From discussions recently held (described below), not much movement is likely to be evident in the next Quarter Audit Report, which will take the "no-action" period out to ten (10) months.

Having been rescheduled several times, the VIPD's Interim Audit Unit Commander and members of the IMT finally met at VIPD Headquarters on St. Thomas on July 13, 2015 to jump-start the Metrics-Centered Auditing conversion process. As the architect of the Use of Force metrics-centered model, the Interim Commander is already primed methodologically to lead the conversion process. The St. Thomas meeting focused mostly on confirming a mutual understanding of objectives and technical considerations.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

The IMT has complete confidence that the Interim Commander can lead the effort to successful achievement. We are less confident that sufficient authority and resources are present. Audit & Inspections Unit organization and staffing, and therefore distribution of roles and authorities, is still not settled. The Interim Commander is carrying a formidable workload and, at this writing has no staff. Recognizing that the VIPD must balance a number of considerations in regard to AIU and auditing matters, some finality would be welcome. A Chief Compliance Officer is scheduled to come on board in August. This should help. A Compliance Coordinator was just hired. (The previous Coordinator has been promoted, so this may be a trade-off.) Hopefully, our concerns will have vanished by the time the next quarterly report is prepared. To be clear, however, we see no reason why demonstrable movement toward metrics-centered measurements should not be made by the end of the Third Quarter 2015.

### **E. Outcome Assessment: Use of Force**

Current Decree efforts have yet to yield a comprehensive, quantitatively-anchored portrait of the force environment in the Virgin Islands and application of force by the members of the VIPD. A belated start has undermined production of outcome measurement, analysis and, most important, introduction of prevention and control intervention that may have emerged from analysis. Not having an assessment has squandered an opportunity to position the VIPD to achieve the CD's transparency intents. Force information could have and should have been published for the community. This condition can be placed on the path to correction in reasonably short order, albeit somewhat imperfectly.

Leveraging another unutilized (surely underutilized) VIPD asset, the First Annual Response to Resistance (Use of Force) Analysis Report: St. Croix District 2014, is recommended.

The Report's Introduction states:

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

---

"The Virgin Islands Police Department – District of St. Croix is completing its 1<sup>st</sup> annual Response to Resistance (Use of Force) analysis report as part of an ongoing effort to improve the level and quality of service to the community.

Additionally, as part of the mandates of the VIPD Consent Decree, the Virgin Islands Police Department (VIPD) implemented response to resistance policies which not only regulate and prescribe the types of force being used, but require officers to report their response to resistance to enable the Department to, among other things, collect and analyze data.

The collection of data allows the Department to implement corrective action where needed, in the form of discipline, training, revision of policies, and/or the creation of new policies and practices. The analysis of Response to Resistance data also serves as a method for identifying patterns and trends that could predict or indicate a need for early intervention."

The Report, 30 tables and 13 charts, is a broad ranging statistical download of IAPro data. The scope and content of the data approximates force profiles produced by other consent decree monitors and the force-research community. The RRR Annual can and should be the prototype for further development in the VIPD setting. The second half of the July 13 IMT-Audit Commander meeting focused on ways and means to pursue further development to improve the report.

Building on RRR Report work to date to reach a point when analysis and action may occur, informed by a sufficient body of essential and valid data on force conditions, will be more challenging than advancing metrics-centered auditing. Much design work remains. IAPro data issues are omnipresent (noted in RRR Report). **Work to date covers only St. Croix.** On the assets side is the presence of lead developer and the very decent prototype. IMT concerns are the same as those noted for metrics-centered auditing progress – authorities and resources. **The sooner that useable Force Profile information is in place, the sooner the Parties will be informed with outcome information, have the ability to assess the constitutionality of force practices in the**

**Second Quarterly Report of 2015**  
**From The Independent Monitor For The Virgin Islands Police Department**

---

**Virgin Islands, and introduce policy and practice innovations that protect constitutional guarantees.**

The IMT recommends as a next action step, a VIPD-DOJ-IMT session to lay out the most essential set of data components and measurements and forge a formal plan for moving ahead.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

### **V. IMT USE OF FORCE CASE REVIEW**

During the Second Quarter, on-going use of force case review continued. The IMT also took early steps to examine frequency and nature of use of force patterns and trends, a step toward Consent Decree outcome measurement.

#### **A. Case Review: Fostering Command Consistency**

"Under the force review and investigation policy in place for the VIPD, a chain of command review system is used. Each supervisory command officer up the chain of command MUST review, concur, and approve the force used, and identify any "out-of-policy" force reporting, investigation or inquiry, and any tactical, training, or equipment failures or issues. These issues are all to be noted in THEIR written review of the investigations or inquiries completed by immediate subordinates. Commanders are to be held accountable for any corrective action that is deemed necessary to correct deficiencies."

The chain of command review system described above is used for two principal purposes: 1) to foster knowledge and consistency in force review, from the first line sergeant through to the chief, and 2) to correct mistakes and guarantee the integrity of the agency. This transparency protects both the community and officers. The VIPD implemented command review policies consistent with the Consent Decree to achieve the purposes set forth.

On June 16, 2015 the IMT administered a monitoring instrument to the Chief and Deputy Chief in the St. Croix district to assess their understanding of and compliance with the force review policies of the VIPD and Consent Decree requirements. Prior to the exercise the IMT randomly pulled five (5) completed Use of Force cases from the St. Croix District for compliance with the requirements stated above: 2015-0001; 2015-0003; 2015-0006; 2015-0009; and 2015-0012. The policy paragraph was read to each commander at the outset of the exercise/interview. Of the sample cases, the Chief of

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

Police reviewed two (2) cases. The Deputy Chief reviewed and approved three (3) cases. Neither reviewed the other's cases. In one (1) case there appears to have been a serious policy violation (STXF2015-0003) where supervisors failed to follow-up and investigate. There is only one document, a Word file, in the IAPro case file and that fails to clarify the situation. This highlights the need for the filling of the Force Coordinator position as required by the Force Review Board policy that was recently approved and signed off on by the Commissioner.

The monitoring methodology revealed several practices that need to be revisited by the VIPD. First and foremost, the Chiefs of Police must read, approve and concur with the force used in his district and be accountable to the people of the district for the force that officers use. It appears that the Deputy Chiefs have final authority on approval of force investigations, but the Chiefs should be responsible for review and approval performance of their subordinates. Second, the Chiefs must know the patterns of force within their commands. Which areas of the community most often result in officers having to use force? What training or interventions need to occur to protect officers and identify the risks they face? An integral element in force review is looking at force from a global level and that responsibility belongs to the Chiefs. Looking for patterns and trends that can either help the officer and the agency or identify those risks that need to be mitigated for both as well.

#### **B. Use of Force Patterns & Trends**

The RRR Annual Report for 2014 referenced earlier in this Quarterly was completed by the VIPD earlier this year. During the Second Quarter of this year – this reporting period – the IMT took early steps to prepare for its own examination of force trends and patterns, an initial step toward outcome measurement. At our request, the VIPD downloaded several data sets from IAPro: total number of force incidents reported (recorded); number of cases within that total classified as "excessive" force; and the



## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

number within that total classified as "unnecessary." Data was sought, and provided for a five year period, 2010-2015, and for 2015 year-to-date.

Because these broad measures, and many complementary measures to be applied to detail force patterns and trends, are so consequential for judging constitutional policing behavior by the VIPD law enforcement officers, the impact and outcomes of the now years of Consent Decree-mandated remedies, and future/continuing actions called for from analysis, we are not yet reporting the IAPro data received. We know, for example, that IAPro installation and development and Blue Team capacity and practices evolved over time, affecting year-to-year reporting and recording consistency and, therefore, comparative data validity. We have to isolate the point in time that represents a useable baseline for the patterns and trend analysis. We know that case preparation quality has varied over time. Simply put, these conditions and others must be considered to understand data validity, and conduct informed analysis and publish/release force patterns and trend data.

Our intent, for Quarter Three, 2015, is to call on the Commander of the IAB, the two recently hired IAB data analysts, and others in the VIPD, to examine the processes and practices that will position the VIPD and the IMT to produce valid, reliable, and revealing force patterns and trends profiles and analyses.

#### **C. Blue Team Audit**

During the month of July, 2015, IMT Team members interviewed eleven (11) supervisors, 4 from STT and 7 from STX, to determine if they were competent with Blue Team activities. The low number of respondents from STT was a result of availability. The IMT used a standardized interview sheet that has five (5) specific questions, followed by an open ended comment opportunity for the supervisors. The questions posed were:

Q1. Was Blue Team system up and available?

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

- Q2. Was the Supervisor able to sign into Blue Team?
- Q3. Could the Supervisor find and review current alert status of a member of his unit?
- Q4. Could the Supervisor identify how often he/she is required to check into the IAPro system via the Blue Team system to check on activity status related to their personnel?
- Q5. Could the Supervisor identify the type of activity that is reportable through the Blue Team? Specifically the following incidents:

5-1. Citizen Complaints

5-2. Administrative Investigations

5-3. UOF Incidents

5-4. Vehicle Accidents (Department Vehicles Only)

5-5. Firearms Discharge

5-6. Vehicular Pursuit Incidents

5-7. Injury to Detainees

Generally the responses were good and indicated that the supervisors were fully knowledgeable with the Blue Team protocols and requirements. Of the questions asked, only questions 3, 4, 5-2, 5-5, 5-6, and 5-7 had less than 100% accuracy and those only missed one question each for 91%. Of the six missed questions 3 of the 6 were by one interviewee. The questions missed were mostly in the types of incidents that require Blue Team notifications. One supervisor was not familiar with using the Blue Team Dashboard.

The most disturbing response was to Question 5-5 where one respondent did not indicate understanding the requirement for notification of Firearms Discharge. Again, this was one interviewee, who also missed two other incident types of Vehicular Pursuits and Injury to Detainees. In summary the supervisors acquitted themselves quite well.

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

To the open-ended comment question, most supervisors complained about the Alert System process and generally their issues had to do with the following:

1. Retention of alerts on officers after the case has been investigated and found to be unfounded or exonerated.
2. Alerts against the supervisors for officers no longer under their command who had been transferred but alert remains against the supervisor.
3. Alerts sent on date but suspense date is before the date the alert date was sent, requiring an extension request.
4. Action plans are submitted and actions completed but alert status never changes to completed.
5. IAB fails to update assignment records on officers as a result of transfer and continues to send action items to previous supervisor.
6. System requests for allegation when reporting injury to detainee when there is none and refuses to take report without an allegation entry.
7. Numerous interviewees noted that officers under their supervision are reluctant to take action because of the alert system as presently operated and feel even frivolous complaints are repeatedly investigated generating alert counts.
8. Low morale resulting from both the alert system and the current disciplinary matrix was noted by several supervisors.
9. One supervisor noted that he was under red status because of one officer under his supervision, however that officer is on extended administrative leave, thus he can do nothing to correct the situation.
10. One supervisor noted that many of the issues have been brought up at Commanders Call and to IAB, but with no resolution of feedback.

In summary, despite the survey population being small, we found that most supervisors appear to understand their responsibilities with Blue Team and EIP. At the same time they seem frustrated with some of the idiosyncrasies of the system which they believe to be unfairly affecting them and their personnel. They also feel that the current state of low

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

morale is related to many of these issues and that management either does not listen or fails to follow-up on the issues raised.

#### **Recommendations**

1. That a review of the alert system protocols and processes (including the internal IAPro processes) be undertaken to validate or invalidate and address when necessary the concerns raised by supervisors.
2. The issue of the disciplinary matrix and the field perception (rightly or wrongly) that it is unfair and in need of repair, should be a priority issue for the VIPD management. This concern with the disciplinary matrix was also raised in the supervisory survey done by the IMT in December 2014 and January 2015 and was reported in the 1Q2015 Quarterly report from the IMT. In discussions with the VIPD prior to and after that report there were indications that a review committee had been established and a complete review of the disciplinary matrix was underway. To date the IMT has not been made aware of any results from such a committee nor do we know when such results may be available. We urge the VIPD to expedite this review in order address some of the concerns that have been raised.

The IMT will continue to periodically conduct these checks of the Blue Team system using the same questions to further expand the survey population as well as monitor any changes resultant from management response to the issues raised.

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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### **VI. IMT TRAINING AUDITS**

Two on-site Training observation and evaluation visits were conducted this Quarter. The first, July 14, focused on recruit training, the second, July 20-24, focused on a range of Consent Decree-related considerations including instructor certification records and the progress of data entry into the department's automated recordkeeping system.

#### **A. Recruit Training**

Three members of the IMT visited the VIPD Training facility. The team observed about two hours of a module on Community Policing & Crime Prevention, gathered instructional support materials (participant handouts), and had a brief discussion with the training officer in-charge/on-site that day.

We came away with several positives. The instructor was motivated, energetic, and a good fit to lead a group of mostly young, entry-level recruits. The recruit class exhibited attention, enthusiasm, and engagement. Offsetting these positives is a broad range of deficiencies. We treat them in two categories: (1) technical/methodological; and (2) end-game/learning results, both of which impact training generally and Consent Decree related training more specifically.

1. **Technical.** Two visits to the training setting as well as evaluation of documents that were made available to the IMT, and a history working with in-service training practices, suggest that the ability of the VIPD to conduct effective adult-centered learning is probably not yet sufficiently imbedded to maximize the benefits of recruit training objectives. (Note: Training staff was not able/did not supply instructional program materials for the 26-week course. We left with observational knowledge of topics for Week 3, handouts for the module, and a lesson plan for another course.)

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

Training can be primarily teacher/instructor-centered or student-centered. Adult-learning should always be student-centered, designed to meet the needs of the student. This did not seem to be the case in the setting we observed. The performance objectives in the lesson plan for the module observed by the IMT (received after we departed) convey what the instructor is to do, not terminal performance (or skills) – what the students must know and be able to perform. Absence of student-centered performance objectives minimizes the probability that complementary required components of the program of instruction can meet training design standards. It is tantamount to designing curricula without clear definition of the end-game.

Lesson plans reviewed in the past have a modicum of student-centered content, but for the most part, do not. A lesson plan downloaded from Power DMS (Taking Citizen Complaints) is a verbatim statement of content from VIPD policy and nothing else, no instructor notes, no student exercises, no practice exercises, no PowerPoint insertions, nor interactive questions, all essential mechanisms for student-centered learning.

We were stunned to find a copy of the Police Manual being used as a learning aid, a document we have not been able to get despite repeated requests. The Manual has no date of issue and contains materials dating as far back as the 1980s, 30 years ago. (No Consent Decree-related policies are contained in the document.)

We have shared our concerns with the Deputy Commissioner and are engaged in exchanges to further inform our knowledge base and clarify our perceptions. At this juncture, however, we have deep concern about the capacity of the VIPD to get its recruits as ready as they might be when they leave the academy. Our concern is intensified by at least one observation from a VIPD training staff member that the VIPD's field training program – what should be the seamless

## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department

---

next step in development – is not functioning well. Further study of the functioning of the FTO program is in order.

2. **Consent Decree Training.** The IMT pursued a line of questioning to reveal how Consent Decree purposes, processes, and requirements are presented to recruits. A key question regarded whether the Consent Decree is being taught as one self-contained module, is woven throughout other modules, or with both methods. The response was that the Consent Decree is referenced in each of the blocks on the Consent Decree policies, but there is not one block to cover, for example, Consent Decree origins, intent, implications, and positive contribution the Consent Decree has made or can make to improve the delivery of constitutional policing services to the people of the Virgin Islands. Accordingly, a major opportunity is being missed to influence the values and perspectives of recruits positively with regard to the Consent Decree and foster cultural change going forward. Training should be viewed as a driver of change. This potential needs to be emphasized and actualized constantly as the VIPD advances training programming, at all levels.
3. **The End-Game.** Not all members of the Training staff, or contractors employed, may be fully conversant with adult learning concepts. If so, this will impact the end-game -- a force that is responsive to the demands of and champions the purposes of the Consent Decree. This speaks to the outcome of training, which is duty performance. To make the policies and programs prescribed by the Consent Decree functional at a maximum level, adult-centered learning must replace student-centered learning. As the training moves from the psychomotor skills, like shooting, to cognitive recall skills, like understanding and applying policy, to affective areas of cultural change, use of adult learning techniques and delivery methods become more important to the end-game. Recruit courses are notorious for having instructors read from legal publications or procedure manuals. During our visit, the instructor delivering the Community Policing course read several

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

founding objectives from a 1980s COP training program, slowly so students could copy them. (Slides were unreadable due to the light yellow text on the screen.) This style of delivery does not meet adult learning training requirements and is not student-focused.

#### **B. Instructor Certification Records**

Following a long and contentious development period, Commissioner's Order #003-2014 "Trainings (sic) Revised Instructor Selection Process" was issued on May 16, 2014. In the last two quarterly reports and during several monthly meetings, the IMT urged the VIPD to conduct an internal review of their instructor files for compliance with the new directive and to then request a more formal audit of those same records with the results being forwarded to the Training Advisory Committee (TAC). To our knowledge, no review or audit has been conducted. The IMT believes that such a review should take place in both districts and undertook the task during a recent on-site visit. We took the opportunity to examine training records generally and to assess the VIPD's progress in inputting historical data into PowerDMS.

- 1. Record Maintenance.** We find that records are maintained differently in each district. While there is sound rationale for the manner in which records are created, stored and maintained, we believe that the recordkeeping should be the same and that practices be standard throughout the Territory.

We liked the summary sheet in St. Thomas District that provides a ready – resource by listing all of an officer's training on a continually updated and printed record. We believe that this same kind of report will be stored in the computer system but is more than adequate today.

We were similarly impressed to see FTO Certificates in the folders of trainers in St. Croix District. It is clear that the VIPD is in a position to be able to train its



## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

---

own FTO's. There are more than enough FTO trainers to fulfill the role for the VIPD without the need to bring contract trainers into the territory.

The IMT found that typically, all of the officers' training records were placed into a folder. There was no real division between their recruit training records, their in-service training records, and specialized training with certificates and their instructor certifications. We suggest that following a new employee's probationary period their recruit training records be removed and placed into a separate file and stored. We also suggest that instructor files and certificates be stored within the training folder but divided from personal training histories.

2. **Instructor Certifications.** The VIPD organizes its instruction certificates in one of three classifications.

**General Instructor:** These are trainers who have successfully completed a forty hour Instructor Development course or qualify for some sort of equivalency. The certification has no expiration date.

**Specialized Instructor:** Experts in certain important areas who provide specific information not generally found within the usual "police" or "law enforcement" areas. This might include computer use or foreign languages. No special instructional certification is required.

**High Liability Instructor:** Trainers who possess instructor certificates in specific weapons and tactics that permit them to teach subjects such as firearms, defensive tactics, less lethal weapons, K-9, emergency vehicle operation and other tactical courses.

Certificates, on average, are for a three year period unless otherwise specified. VIPD has adopted the three year standard where it is not otherwise specified by the certifying entity.

3. **Instructor Records.** We discovered that we had not been able to access a significant proportion of the PowerDMS records. While we have been viewing records of the last two years of in-service training, we had not been given the

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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appropriate permissions to view instructor files and lesson plans beyond those utilized for in-service training. This issue was addressed right away and is greatly appreciated.

Generally, it appears that there is little in the way of records for Specialized Instructors. Criteria should be established for those records that should be maintained for this group of instructors. At a minimum, their instructional histories and evaluations should be kept.

It would appear that all General Instructors have an appropriate certificate indicating successful completion of an Instructor Techniques or Development class.

Likewise, High Liability Instructors appear to have appropriate certifications in place. It also appears to us, however, that most initial certifications have expired.

While current instructors are not subject to the requirements of Directive 003-2014 for newly appointed trainers, there are stipulations concerning performance review and disciplinary histories that are also applicable to established instructors. We found no provisions in place for reviewing performance evaluations and adverse actions.

4. **Training Records Automation**. We are still exploring records in PowerDMS to which we previously had no access. Other than shortcomings noted elsewhere, the VIPD is making significant progress entering historical records. We should jointly explore the capabilities of PowerDMS so that we might better use it to conduct analysis and evaluation of training and its effectiveness.

We find virtually no records of roll call or commander's call training. We understood that this was a part of the VIPD plan to enter this training information and to expand the quiz and testing capabilities.

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

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### | C. **Recommendations**

The IMT's Training Audits revealed the need for a series of specific actions and confirm longer-held observations and recommendations.

1. The VIPD must reengineer its training practices to ensure that courses of instruction comply with standard learning practices, including adult-centered learning principles.
2. The recruit curriculum should be reviewed with a view to ensuring that Consent Decree values, objectives, and practices are consistently imparted.
3. The training function should be consciously employed as a driver of cultural change, consistent with Consent Decree values, objectives and practices.
4. The Training Bureau is in need of oversight and guidance from the department's command staff to fulfill its role in the organization. This requires an interactive relationship between the leaders of the organization and training personnel so that they are working on shared goals and objectives. The IMT will make every effort to attend the next Training Advisory Committee meeting. We believe that we might be able to help the Committee organize its purpose and goals more definitively.
5. During our on-site visit, we discussed the fact that PowerDMS, in addition to its training module, has a standards module designed specifically for the maintenance and distribution of policy. Currently, the VIPD is utilizing the training module to maintain and distribute policy.
6. While certain features of the training module can perform some of the same functions, the standards module is designed specifically for written policy development and distribution. We believe that many of the policy development

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

---

tasks would be much simpler in the standards module. We believe that the VIPD, as a goal, would want to place all policies within PowerDMS and retire the existing “Manual.”

7. The IMT repeats its urging for the VIPD to review and audit instructor records. We have pointed to certain shortcomings that require the immediate attention of the department.

#### **D. VIPD MOVEMENT**

As noted, the IMT has already shared many of the observations and findings reported here with the Deputy Commissioner. We are excited to report that a number of decisions have already been taken to begin reengineering of the training function. A training supervisor has been replaced. The VIPD intends to audit all lesson plans. The Consent Decree document will be provided to all recruits and will be discussed during training. These are very positive developments that promise payoff in terms of Consent Decree compliance purposes and desired offer service and behavior.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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### **VII. IMT COMPLIANCE SUPPORT: SOFTWARE APPLICATIONS**

The IMT has continuously offered Technical Assistance (TA) to the VIPD where and when needed. This Technical Assistance has taken the form of mentoring, suggesting and/or locating reference materials, training opportunities, and sample programs from other law enforcement agencies. The current VIPD compliance team has been especially welcoming in this regard, no one more so than the Deputy Commissioner. During the reporting quarter, TA continued and expanded, including site coordination visits and hands-on assistance. Some examples follow.

During the First Quarter 2015 reporting period, the IMT identified a problem with effective and timely review of VIPD policies, especially those associated with the Consent Decree. In 2014, the IMT created and used monitoring software to track previously published policies, directives, and Standard Operating Procedures (SOPS) as well as their established required review dates. This software was part of the larger IMT Data Systems. Not only was the review process not being adhered to (generally required annually on the anniversary date of the documents); the process appeared to lack a cohesive, defined and monitored review sequence that was documented. More than once during meetings with the VIPD, when the IMT asked for the status of a policy that supposed to be under review, no one could definitively provide information as to where the policy was in the review process. Discussions with VIPD personnel further reinforced this lack of organization and the system was variously defined as "ad hoc," "not documented," "review committee not functioning well," or just that "nothing was moving forward on a regular basis."

As the IMT already had written its data system, a component to track all VIPD written directives, monitor them against established review dates, and track the revision process, an extract was made from the system and a stand-alone database software program was developed for use by the VIPD. That system was titled the VIPD Written Directive System and offered to the VIPD during the reporting period. The VIPD responded that they felt their Power DMS system could do all that the IMT-supplied software could and chose not to implement the IMT version. Subsequent review of the Power DMS modules currently licensed to the VIPD seem to indicate

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

---

that the Training Module (which they are currently licensed for) can only perform the listing and distribution function, while the more detailed development and review processes noted above are only contained within the Standards module of Power DMS. The IMT suggested that the VIPD obtain the Standards Module for tracking the detailed development and review processes contained within the IMT system and not provided for under the Training Module in Power DMS. The IMT developed software remains available and is currently in the hands of the VIPD.

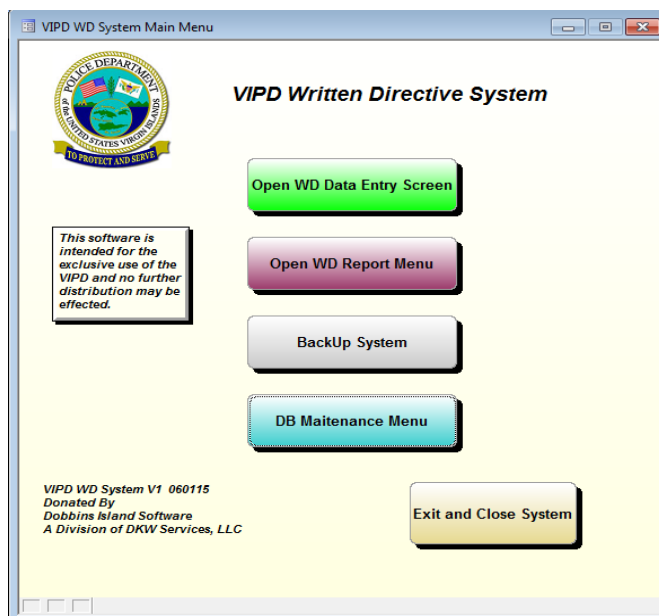


Figure 1

The main data screen can demonstrate some of the capabilities of the software, especially the monitoring of review suspense dates, linkage of forms to directives via coded numbering systems, and the review process itself as the written directive moves through the system to finalization.

## Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department

**VIPD Policy and Forms Control System**

Policies /Directives/ SOPs in File: 68 Today's Date: 06/08/2015

Policy Seq Nbr: 00001

Buttons: Issued Only, NIP Only, Pending Only, Show All Status, Index This Policy, 03.1, Add A Policy

NBR	TITLE	TYPE	CD REQ	STATUS	ORIG PUB DATE	CURRENT PUB DATE	NEXT REV DATE	OVERDUE?	SCHED	SCHED REV DATE	PENDING	COMMENT
03.1	Use of Force Policy	POL	Y	ISSUED	03/30/2011	03/30/2011	03-29-2012	Y				
03.2	Reporting, Investigating, and Review of Use of Force	POL	Y	ISSUED	03/30/2011	03/30/2011	03-29-2012	Y	N		N	This
03.14	Vehicle Accident Policy	POL	Y	ISSUED	09/21/2014	09/21/2014	09-21-2015	N				
03.4	Firearms Policy	POL	Y	ISSUED	05/03/2011	06/03/2011	06-02-2012	Y				
03.5	Impact Weapons	POL	Y	ISSUED	03/30/2011	03/30/2011	03-29-2012	Y				

Comment: Print Transmittal Letter for Signature for This WD

Days That WD Is Overdue for Review: 1166 (If MINUS, Not OverDue)

Buttons: Add a Revision Number, Open Revision Detail, Add a Review Step, Print Review Status Report, Open Review Detail

NBR	REV DATE	COMMENTS
1	08/13/2014	

Buttons: Add A Form, Forms in File: 0

FORM	TITLE	FORM DATE	REV DATE	REV NBR	COMMENT
<New record>					

Buttons: Open Associated Form(s) Detail, Open Report Menu, Save Record, Get Help Here, Print WD History for This WD, Close Screen

Figure 2

A second issue developed regarding the development, numbering, and monitoring of Court Ordered Goals by the VIPD. In the past, these goals were directly related to the various paragraphs and sub-paragraphs of the Consent Decree and reflected clearly defined compliance requirements and easily identifiable labels such as "32-b." During the Third Quarter of 2014, the VIPD began filing goals with the Court that were not generally directly related to the compliance requirements of paragraphs and did not have specific labels or codes associated with them. Rather, these goals were merely statements of some step or process that the VIPD expected to achieve during the associated reporting periods. An example of one of these goals is "Edit and Improve the Force reporting Templates," with a completion date of 11/29/14. The IMT, in order to better sort and track these goals within its database system gave this goal the label or code of "UOF-A." In retrospect, this choice of coding was not the best. As the quarters progressed, and for the Second Quarter 2015 goals we began using a more standardized and simple format such as 2Q15-1, with a secondary and separate code that denotes what workgroup it is associated with (in this case it was 1 for the Use of Force workgroup). For its filings and reporting of

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

---

compliance the VIPD has chosen not to use these codes and reports its activity by the goal description only.

Other issues are present for the IMT with regard to our goal compliance review obligations. The VIPD has ten (10) working days after the quarter ends to submit their goals for the next quarter. It usually waits until the ninth (9<sup>th</sup>) day to advise the DOJ and IMT what new goals they are contemplating. In most cases this is accomplished via conference call during which the VIPD requests a quick response in order for them to file with the Court the next day. This results in a number of insufficiently defined goals not structured for precise evaluation. This condition has resulted in conflict between the Parties regarding completion. The IMT suggests that a better way to accomplish this goal submission routine is for the IMT, DOJ, and the VIPD to meet immediately after the evidentiary hearing and develop the goals in a consensus setting. Of concern is the need to have these goals proffered by the VIPD itself and then developed jointly so there is no confusion as what is required to determine whether a goal has been met. This procedure would also set the stage for offers of technical assistance related to goal completion, as well as facilitate a timely and useful submission to the Court by the VIPD, well within the time limits specified by the Court's order.

Finally it is recommended that to facilitate digital tracking as well as Court reference to the goals, the parties and the IMT should develop a better system to manage and track quarterly goals, which would include a unified coding system. A simple code such as described above will accurately identify a goal to the quarter submitted, and facilitate electronic tracking of submissions and steps toward compliance. These capabilities reside in the software provided to the VIPD by the IMT, the VIPD Court Goals Monitoring System, shown in the following screen shots of the opening menu:



## Second Quarterly Report of 2015

### From The Independent Monitor For The Virgin Islands Police Department



Figure 3

The software provided detailed monitoring of both the goals and the steps associated with completing them as shown in the main editing window below.

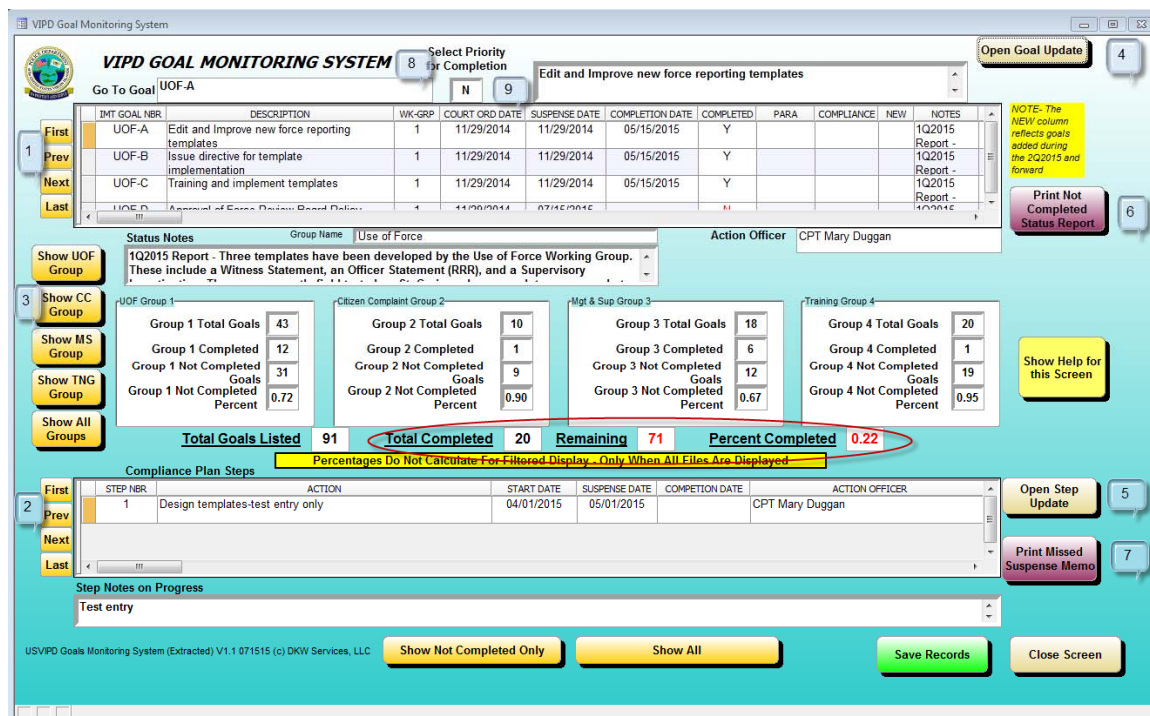


Figure 4

## **Second Quarterly Report of 2015**

### **From The Independent Monitor For The Virgin Islands Police Department**

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Like its partner the Written Directive System, this software was extracted and modified from the IMT internal data system for use by the VIPD and both run on the same software platform. The data assembled in both systems is fully transferable to higher level software used throughout the law enforcement spectrum, such as Oracle or IBM DB2 should the VIPD decide to develop their own system in the future.

The system was supplied with a paper based working check sheet that allows the VIPD to plan out the steps required to complete the goals in a group session or the software can provide the same environment with unlimited user access. Since the IMT runs identical software sub-systems, the VIPD can easily report their progress through various output reports which the IMT can use to update its systems.

In both cases described, IMT team members provided on-site technical assistance in the operation of the two software system, provided the underlying operating software runtime programs, and made modifications requested by the VIPD. The IMT believes that the VIPD has in fact installed and has operating the Goals Monitoring Software but not the Written Direction Program, still maintaining that Power DMS can handle the problems. While the IMT would be happy with the full Power DMS options (including the Standards module), concerns remain with the process available under the Training module only and has seen no real progress in the required reviews of Consent Decree related policies or the actions of the Policy Review Committee. The IMT still has not received a full accounting for the review status of these critical policies that have long passed their review dates. Both software programs were provided with a User Manual to guide the use of the program. A copy of the current review status of all policies related to the Consent Decree is provided as an Appendix to this report.

**Second Quarterly Report of 2015**  
**From The Independent Monitor For The Virgin Islands Police Department**

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**VIII. REINFORCING VIPD GOAL & PARAGRAPH**  
**DOCUMENTATION LINKING**

The IMT and the members of the DOJ team have urged the VIPD on several occasions to connect documents transmitted to the Parties to the goals and paragraphs to which they apply. Practice has been uneven, at best. Failure to do so risks and causes confusion, unnecessary consumption of resources (on both ends), and frustrates the Parties (probably, also, on both ends). The Second Quarter effort to evaluate/react to Court-Ordered Goal Compliance is a pointed and still very fresh example.

This standing expectation was revisited during the Monthly Call among the Parties, August 7, 2015. We are pleased to report that documentation received subsequent to this mutual discussion has, in fact, been linked. As the newly hired Compliance Coordinator replaces the current one, we trust the importance of the practice will be emphasized. Ability of the IMT to judge compliance progress efficiently and equitably relies on the clarity of documentation, not exclusively but to a material extent.

## **Second Quarterly Report of 2015 From The Independent Monitor For The Virgin Islands Police Department**

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### **IX. RECOMMENDATIONS SUMMARY**

Chapter II, Section E, Paragraph & Goal Detail Review, details "Impediments to Compliance" and "Recommendations to Gain Compliance" for all paragraphs and sub-paragraphs accepted by the Court as quarterly goals. Even with updates, many of these have appeared repetitively in successive Quarterlies. Command accountability for force review, use of templates, timely response to citizen complaints, and semi-annual review of the quality and consistency of force training are but a few examples. Another repetition here does not seem to be called for. We are singling out for attention other recommendations made in this report.

1. Address the Audit Unit's self-reported portfolio of the Unresolved Audit Recommendations.

This, like all compliance matters, is a primary responsibility of, first, the Commissioner and second, the Deputy Commissioner.

2. Continue to position the Citizen Complaint, Management & Supervision and Training Work Groups to conduct Metrics-Centered Auditing.
3. Build on the Annual RRR Report prototype to produce comprehensive and outcome focused body of force patterns, trends and analytics.

The sooner that useable Force Profile information is in place, the sooner the Parties will be informed with outcome information, have the ability to assess the constitutionality of force practices in the Virgin Islands, and introduce policy and practice innovations to protect constitutional guarantees.

4. The VIPD must reengineer its training practices to ensure that courses of instruction comply with best learning practices and adult/student-centered learning principles.

**Second Quarterly Report of 2015**  
**From The Independent Monitor For The Virgin Islands Police Department**

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This sweeping, longer-term endeavor should begin with submission of instructional design and course materials to the IMT for evaluation, well prior to scheduled course delivery dates.

5. Review and restructure as needed the recruit curriculum to ensure that Consent Decree values, objectives, and policies and practices are consistently imparted.
6. Strengthen the level of oversight, guidance, and collaboration between command staff and the Training Bureau staff to ensure that goals and objectives are understood and shared.
7. Revisit, all parties and the Court, the calendar proposed earlier which presented a process for collaborating on goal setting and quality real-time quarterly reporting overall.