

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF THE VIRGIN ISLANDS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	C.A. No.
)	
1. THE TERRITORY OF THE)	<u>COMPLAINT</u>
VIRGIN ISLANDS; and)	
2. THE VIRGIN ISLANDS POLICE)	
DEPARTMENT)	
)	
Defendants.)	
_____)	

INTRODUCTION

1. The United States brings this action under 42 U.S.C. § 14141 to remedy a pattern or practice of conduct by law enforcement officers of the Virgin Islands Police Department ("VIPD") that deprives persons of rights, privileges, and immunities secured or protected by the Constitution or laws of the United States. The Territory of the Virgin Islands, ("Territory") and the VIPD (collectively, "Defendants"), through their acts and omissions, are engaging in a pattern or practice of subjecting individuals to the use of excessive force by the VIPD. The Defendants have tolerated this conduct through their failure to adequately train, supervise, investigate, and discipline officers, and their failure to establish consistent policies, procedures, and practices that appropriately guide and monitor the actions of VIPD officers and the VIPD's response to those actions. Accordingly, the United States seeks a judgment

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granting injunctive and declaratory relief for the Defendants' violations of law.

The United States alleges:

DEFENDANTS

2. Defendant Territory of the Virgin Islands ("Territory") is an unincorporated United States territory composed of three islands: St. Thomas, St. John, and St. Croix.

3. Defendant Virgin Islands Police Department is a law enforcement agency operated by the Territory.

JURISDICTION AND VENUE

4. This Court has jurisdiction of this action under 28 U.S.C. §§ 1331 and 1345.

5. The United States is authorized to initiate this action pursuant to 42 U.S.C. § 14141.

6. Venue is proper in the District of the Virgin Islands pursuant to 28 U.S.C. § 1391, as the Defendants reside in and the claims arose in the District of the Virgin Islands.

FACTUAL ALLEGATIONS

7. VIPD officers, while both on-duty and off-duty, have engaged and continue to engage in a pattern or practice of using excessive force against persons in the Territory. This use of excessive force includes, but is not limited to:

- a. use of excessive force in effecting arrests or detaining persons suspected of engaging in

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criminal activity;

- b. use of excessive force in otherwise routine encounters with citizens; and
- c. use of excessive force in shooting and brandishing weapons.

8. The defendants, through their acts or omissions, have engaged in and continue to engage in a pattern or practice of systemic deficiencies that has resulted in the pattern or practice by VIPD officers that deprives persons of rights, privileges, and immunities secured or protected by the Constitution or laws of the United States described in paragraph 7 above. These systemic deficiencies include, but are not limited to:

- a. failing to implement policies, procedures, and practices regarding the use of force that appropriately guide and monitor the actions of individual VIPD officers;
- b. failing to evaluate, document, and investigate adequately and thoroughly incidents in which a VIPD officer uses force;
- c. failing to establish a consistent policy for adequately investigating internal and external complaints;
- d. failing to discipline adequately or impose

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corrective action for VIPD officers who use excessive force;

- e. failing to implement policies, procedures, and practices addressing the imposition of discipline or corrective action where appropriate;
- f. failing to supervise VIPD officers adequately to prevent the use of excessive force; and
- g. failing to train VIPD officers adequately to prevent the use of excessive force.

CAUSE OF ACTION

9. Through the actions described in paragraphs 7-8 above, the Defendants have engaged in and continue to engage in a pattern or practice of conduct by VIPD officers that deprives persons in the Virgin Islands of rights, privileges, or immunities secured or protected by the Constitution (including the Fourth and Fourteenth Amendments) or the laws of the United States, in violation of 42 U.S.C. § 14141.

PRAYER FOR RELIEF

10. The Attorney General is authorized under 42 U.S.C. § 14141 to seek declaratory and equitable relief to eliminate a pattern or practice of law enforcement officer conduct that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States.

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WHEREFORE, the United States prays that the Court:

a. declare that the Defendants have engaged in a pattern or practice of conduct by VIPD officers that deprives persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, as described in paragraphs 9-10 above;

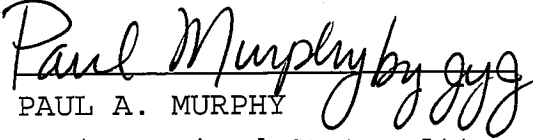
b. order the Defendants, their officers, agents, and employees to refrain from engaging in any of the predicate acts forming the basis of the pattern or practice of conduct as described in paragraphs 7-8 above;


c. order the Defendants, their officers, agents, and employees to adopt and implement policies and procedures to remedy the pattern or practice of conduct described in paragraphs 7-8 above, and to prevent VIPD officers from depriving persons of rights, privileges, or immunities secured or protected by the Constitution or laws of the United States; and

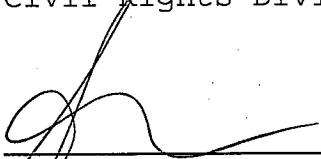
d. order such other appropriate relief as the interests of justice may require.


Respectfully submitted,

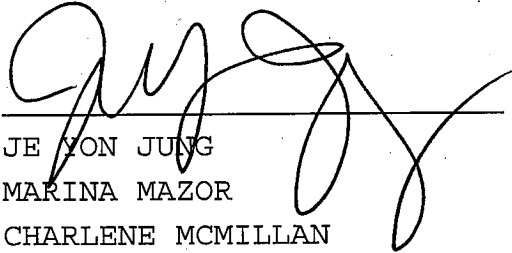
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CERTIFICATE OF SERVICE

I certify that a copy of the Complaint in United States v. The Territory of the Virgin Islands; and the Virgin Islands Police Department was served by electronic mail and regular mail on December 23, 2008, on the following:

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