

INTERIM UPDATE ON THE STATUS OF COMPLIANCE
BY THE VIRGIN ISLANDS POLICE DEPARTMENT
FROM THE
INDEPENDENT MONITOR
FOR THE VIRGIN ISLANDS POLICE DEPARTMENT
NOVEMBER 20, 2014



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

Updated December 9, 2014



Independent Monitoring Team
For the USVI Police Department

Compliance Status, November 20, 2014
(Amended December 9, 2014)

I. EXECUTIVE SUMMARY

This report summarizes the present status of the Territory of the Virgin Islands (VI) and the Virgin Island Police Department (VIPD) compliance with the Consent Decree (2008-158, as amended). It is the second time that compliance status has been presented down to the sub-paragraph level for all paragraphs.

This work has resulted from a productive collaboration at a Summit style meeting in St Thomas, USVI, on November 12, 2014. The objectives or focused outcomes of that Summit was to:

- Review VIPD compliance status with Not in Substantial Compliance paragraphs, focusing on those with Court ordered goals.
- Address Use of Force concerns and issues including:
 - o Review of police discharge of firearms cases and frequency;
 - o Review of Case File UOFT-2013-0017;
 - o Review Audit Questions on Cases;
 - o Review training memo issue concerning UOF decision making.
- Review suggested quarterly reporting and court dates.
- Review IMT concerns surrounding proposed police instructor waiver.

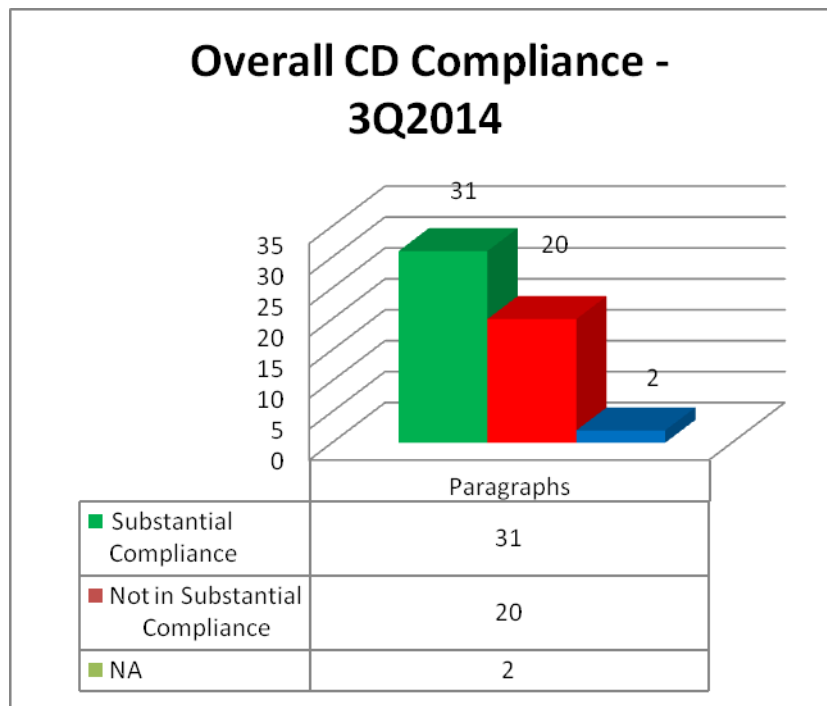
Progress was achieved on all of the objectives. For the record, the VIPD has brought no additional paragraphs into compliance since the last compliance requirement report, August 15, 2014. Overall compliance is shown in Chart 1, below:



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Chart 1, Overall Compliance, November 20, 2014



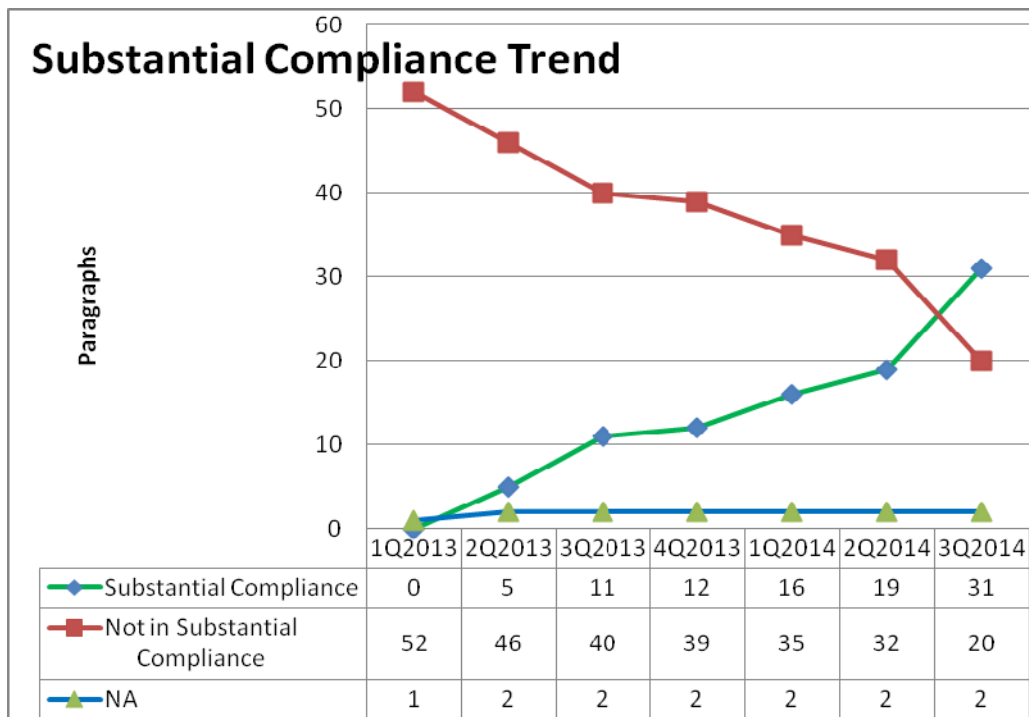
Compliance trends for life of the Consent Decree are displayed at Chart 2, below:



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Chart 2, Compliance Trends



The IMT feels that if they apply themselves to the recommendations found in Section III, within this report, the VIPD should be able to make some progress before the next report.

While feeling comfortable with the above judgment call, we remain cognizant of the pending transition in Territorial leadership and its subsequent impact on the VIPD. Based on our information, it is entirely possible that much of the upper echelon of the department will retire or otherwise leave the police service. That said, we are heartened by the efforts of members of the various working groups who will in all likelihood remain in the department, as they have recently been demonstrating a new found determination and expertise with seeking compliance. We urge the Court to exercise its powers to support as seamless transition as possible so as not to disrupt the progress and spirit that has recently been displayed during the Summit.



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Individual Consent Decree group compliance status is displayed in Charts 3-7.

Chart 3, Group 1 Use of Force

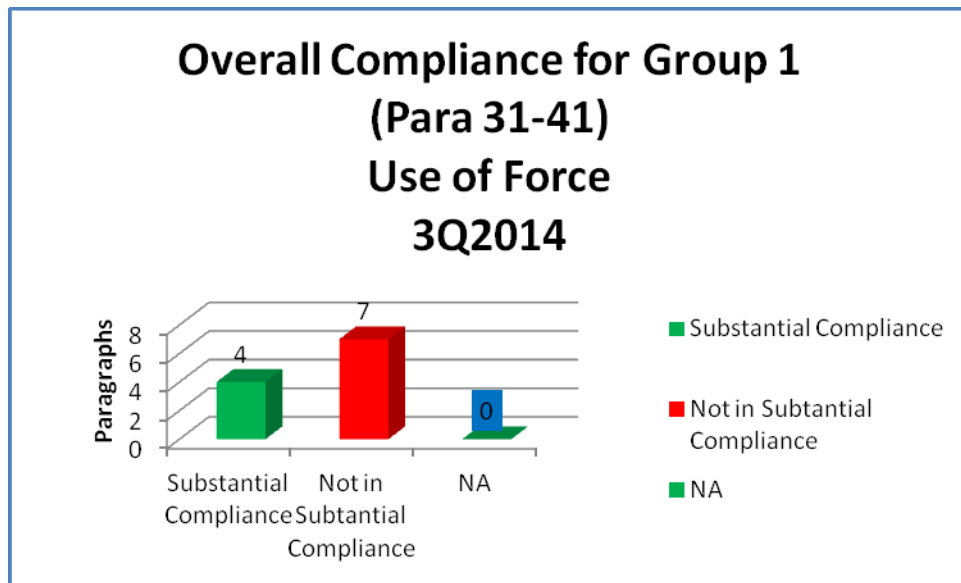
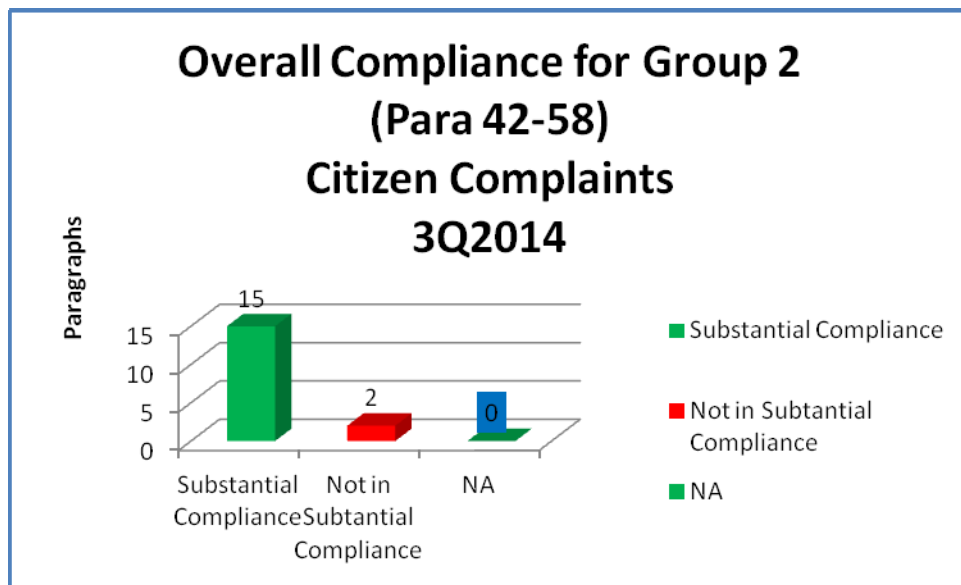


Chart 4, Group 2 Citizen Complaints





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Chart 5, Group 3 Management and Supervision

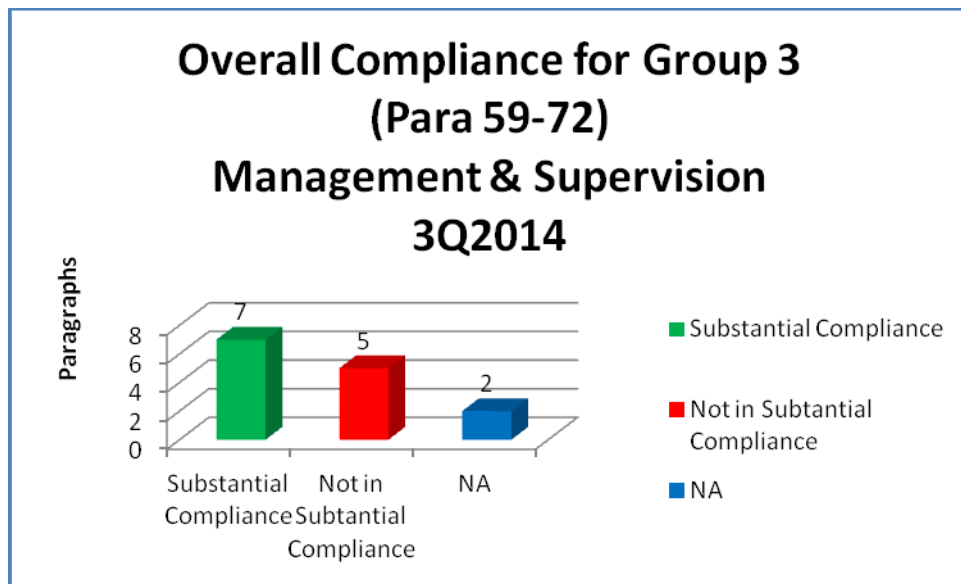


Chart 6, Group 4 Training

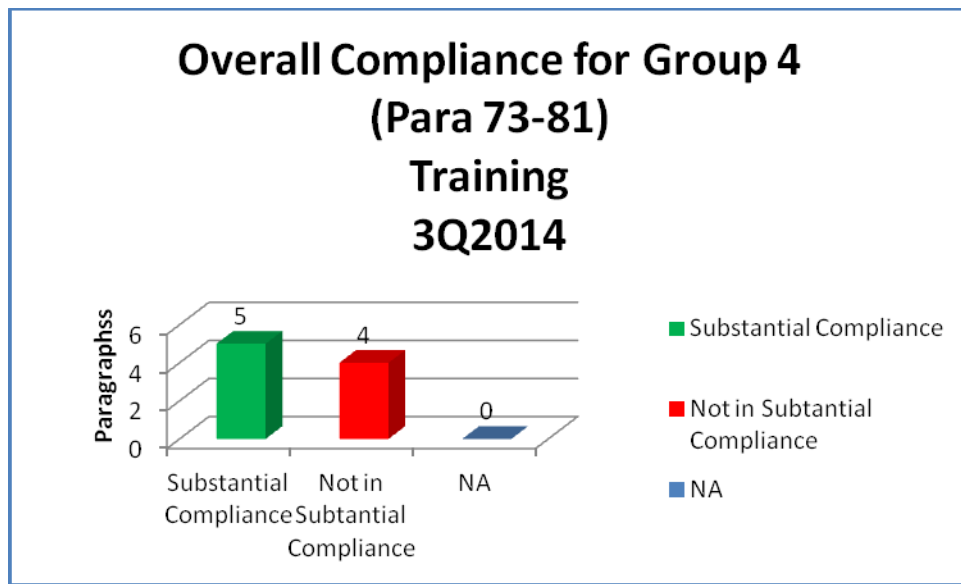
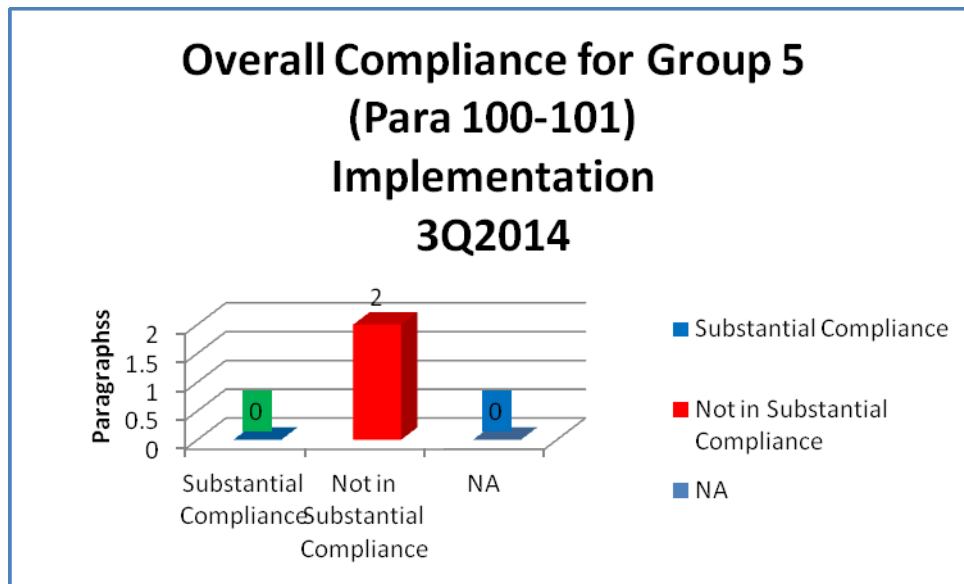


Chart 7, Group 5 Implementation



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II. STATUS AND COMMENTARY

A. Compliance Status as of November 20, 2014

Table 1, below, depicts those paragraphs that were in Substantial Compliance (SC) on November 20, 2014:

Table 1, Paragraphs in Compliance as of November 20, 2014

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				

B. Court Ordered Compliance Goals



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During the 1st, 2^d, and 3rd Quarters, the VIPD proposed compliance with numerous paragraphs. The Court, in its subsequent summary orders (with the exception of the 3rd Quarter where the proposed goals appear to be orally accepted), ordered that the paragraphs listed in Table 2 come into compliance by the Quarter reporting dates of 5/23/14, 8/15/14, and 11/21/14.

Table 2, Cumulative Court Ordered/Accepted Goals

<u>May 23, 2014</u>	45-58, ALL Sub-Paragraphs	73-81, ALL Sub-Paragraphs		
<u>August 15, 2014</u>	32, a-f; 33, a, e; 34, a,b,e,f; 35, a,d	36, a-g; 41, ALL Sub-Paragraphs	44, ALL Sub-Paragraphs; 51, All Sub-Paragraphs	54-56, All Sub-Paragraphs; 58, ALL Sub-Paragraphs
61, ALL Sub-Paragraphs, 60 ALL Sub-Paragraphs, 65, ALL Sub-Paragraphs	69, ALL Sub-Paragraphs; 73, ALL Sub-Paragraphs; 74,e	75-81, ALL Sub-Paragraphs		
<u>November 21, 2014</u>	32, a,b,c,d, and f 33, a and e 34, a,b, and e 35, a 36, a,b,d,f, and g	44, timeliness of investigations 58, ALL 60, c, d, h 69, ALL	71, ALL 72, ALL 73, ALL 74, a,c,e,f, and g	77, ALL 81, providing supervisory training in leadership and management

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

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

1. Edit and improve new force reporting templates.
2. Issue directive for template implementation.



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3. Training and implement templates.
4. Approval of Force Review Board Policy.
5. Identify personnel for Force Review Board.
6. Identify training for Force Review Board personnel.
7. Develop Force Investigations Team (FIT) policy.

C. Compliance Detail

The VIPD has achieved Substantial Compliance for 31 paragraphs. Twenty (20) are not yet in Substantial Compliance. This is the second time in the history of the VIPD Consent Decree that more paragraphs have been in full compliance than have not. The work done at August Summit explains some of the surge in compliance.

- **Paragraphs in Substantial Compliance at the end of the Quarter Three, 2014 are: 31, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 61, 62, 63, 64, 65, 66, 70, 75, 76, 78, 79 and 80. (NOTE: Bolded/underlined paragraphs have training evaluated under paragraph 75 and implementation under paragraph 100)**

Paragraphs that attained Substantial Compliance at the end of Quarter Three, 2014 include: 41, 46, 51, 53, 54, 55, 56, 61, 65, 75, 76, 78, and 80.

- **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.**



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

D. Other Activities

The Force Review Board

The IMT provided technical assistance to Captain Duggan, the Force Work Group chairperson. The IMT forwarded carefully selected examples of Policies and Procedures to develop a Force Review Board capable of completing detailed analysis of force incidents that would fall under its purview. Captain Duggan has taken this item under her personal review, with several individuals she has selected from the VIPD supervisory staff, and reported on the committee's progress during the October 29, 2014 monthly meeting and the November Summit, as well as numerous phone conversations. (See Section III, A., which provides updated details)

The Force Investigation Team

The IMT provided technical assistance to Captain Duggan by providing examples of an Organizational Plan and Operations Manual to implement a Force Investigation Team. Captain Duggan has selected her team members to undertake a review and evaluation of those documents and will oversee the development of recommendations related to the implementation to the VIPD executive leadership of the FIT Team. (See Section III, A., which provides updated details)



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Audit & Inspection Unit

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

In the view of the IMT, single person staffing with temporary duty personnel is clearly deficient and does not recognize the importance and relationship between a robust and comprehensive audit and inspection program and the department's continued progress toward full compliance with the Consent Decree. Assignment of one full-time member, the commander, who is responsible for overall supervision and management of the function as well as of actual conduct of audits, does not ensure that the unit will be able to fulfill its assigned mission. Based on the extensive experience that the IMT members have with audit units and a review of other law enforcement agencies, we were expecting an initial staffing of at least a commander and a combination of at least two to three full or part-time auditors. While we acknowledge that the unit will require some stand-up organizational time, to do so without full-time staffing levels jeopardize the initiation. In saying this, we have taken into consideration the initiation of system-focused audits (discussed in our recent letter to the Commissioner), the



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oversight and direct staffing assistance to the on-going audit working groups as well as beginning the department-wide, bi-annual unit level inspections function. None of this is possible with only one full-time member, who has other critical duties, and a rotating, part-time staffing of individuals who have their own unit level responsibilities.

While we understand the Commissioner's and the VIPD's stated concerns with department staffing, we suggest that at least one full staffer could be assigned by transferring the Department's Compliance Coordinator to the AIU. This should not diminish his important responsibilities as the coordinator, as much of that work is attributed to the transmittal of documentation between the VIPD and the IMT. If this is accomplished, initial planning and organization could be accomplished and then one or two additional personnel could be added during 2015 as the program transitions to operational activity and the department completes its promotional program. Rotating and/or part-time arrangements are also options.

The IMT urges the department to reconsider staffing of the AIU and recognize that an investment of resources now will certainly enhance the department's progress toward Consent Decree compliance in 2015. The IMT has already begun providing technical assistance to the AIU commander and is committed to continuing that assistance as the unit moves toward operation level capabilities.

Training Review Committee

The VIPD has established a Training Review Committee that has 12 members, generally representing management and the Training Academy. It appears there



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are neither first responders nor the lead from the Use of Force Working Group as full time members. In addition, this committee is tasked with evaluating Use of Force training materials and programs, in some cases making use of IAPro generated data. However they have not created criteria, process, or a protocol for this evaluation. Finally the Committee should consider allowing anonymous routing for training improvement recommendations, which may lead to increased recommendations from field personnel.

The IMT recommends that the VIPD address these issues quickly in order to facilitate effective and comprehensive evaluation of use of force training those results in improvements in content and delivery. They can do this by reviewing and adjusting the membership to increase first responder representation and the lead of the Use of Force Working Group, create a well designed protocol for evaluating the training in the context of IAPro operational data, and allow for direct routing of suggestions to the Committee. The IMT stands ready to assist the VIPD with this review in any way we can.

Early Intervention Process

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

In an attempt to illustrate shortcomings, IMT sent a request to the PC for specific EIP information with a requested due date of Nov 1, 2014. Nothing has been



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received at this time. Since that request, IMT is also tracking a probationary officer with numerous flags, including uses of force. Initial inquiry resulted in a manager identifying lack of appropriate supervision for his ongoing issues. (Please see subsequent discussion re supervisors.)

Section III Court Goals and Paragraph Compliance Detail

A. VIPD Initiatives

1. Edit and improve new force reporting templates.
 - a. IMT Comment: Three templates have been developed by the Use of Force Working Group. These include a Witness Statement, an Officer Statement (RRR), and a Supervisory Investigation. They were recently field tested on St Croix and some updates were made to the final versions. IMT has provided technical assistance to the Working Group throughout the development of these templates.
 2. Issue directive for template implementation.
 - a. IMT Comment: The directive has been developed and is pending VIPD Commissioner Signature; it will be issued prior to the December court hearing date.
 3. Training and implement templates
 - a. IMT Comment: Training has been scheduled on St Croix and a notice of that was signed by the Commissioner and issued to the field on November 17, 2014. Training will be complete for all of St Croix personnel by December 5, 2014. After evaluation of that training it will be conducted on St Thomas for St Thomas and St John. Training on the Witness and Officer statement should last about two hours, while the Supervisory investigation will be longer due to its complexity and content.
 4. Approval of Force Review Board Policy.
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- a. IMT Comment: A draft of the proposed policy was sent to DOJ and the VIPD is reviewing comments made by DOJ and revising as necessary. Once completed it will be reviewed by the IMT staff and returned to the VIPD for approval and publication. This should occur before December 15, 2014. IMT has provided technical assistance and materials to aid the VIPD with this process.
5. Identify personnel for Force Review Board.
 - a. IMT Comment: This process will be underway once the directive has been approved. IMT will provide assistance as needed with the selection process. IMT has provided technical assistance and materials to aid the VIPD with this process.
6. Identify training for Review Board personnel.
 - a. IMT Comment: Again, once the directive is approved, development of the necessary training will begin. IMT will assist as needed. IMT has provided technical assistance and materials to aid the VIPD with this process.
7. Develop force investigations team policy.
 - a. IMT Comment: This is a work in progress, with an expectation that a draft will be available by December 5, 2014. IMT has provided technical assistance and materials to aid the VIPD with this process, and will assist as needed.
- B. Paragraph and Goal Detail Review: The IMT reports on all paragraphs and sub-paragraphs proposed by the VIPD and accepted by the Court as quarterly goals. In addition, the IMT also reports on other paragraphs and sub-paragraphs that are Not in Substantial Compliance or Partial Compliance (sub-paragraphs only) as they feel are important to progress toward Consent Decree compliance.

Paragraph 32, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording



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

Activity

During this reporting period the VIPD has undertaken an aggressive approach at revamping its internal review system to respond to known lapses in the force reporting, investigation and review process. They developed a 1) revised Officer Responding to Resistance template, 2) new Witness Officer Force template, 3) revised Supervisor Investigating Force template, and a directive from the commissioner implementing the templates. The force group leader Capt. Duggan executed training and tested the methodology for the implementation of the training and the validity of the templates. Additional tweaks to the products were detected and will be completed. Training will be undertaken and delivered during this reporting period.

Sub-paragraph 32a is currently in compliance.

Impediments to Compliance

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

Recommendations to Gain Compliance

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



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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. The new reporting form is designed to capture this element.

Impediments to Compliance

Supervisors have failed to identify all force used each and every time force is executed.

Recommendations to Gain Compliance

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

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

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

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

Activity

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

At the 11/12/14 Summit there has been no change in the status of this sub-paragraph. The department produced the templates to engage the department leadership into better monitoring the force review process. The templates were electronically produced and have been tested by a diverse group of VIPD managers. Several adjustments were noted by the managers and those adjustments to the templates were in progress by the working group. Further the training was facilitated by the use of force working group and the results would be incorporated into the final roll-out. The Use of Force working Group chair advised that the training should be out and running prior to the Dec court date.

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



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We were informed that by the Dec court date, the VIPD will be able to tell us how many officers will have been trained on the new templates.

Impediments to Compliance

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

Recommendations to Gain Compliance

Follow through with the template implementation and training, with follow-on evaluation, through the on-going audits.
Complete "go-bys" development.

Sub-Paragraph d, Status = Partial Compliance

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

Activity

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

Impediments to Compliance

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

Recommendations to Gain Compliance

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

Sub-Paragraph f, Status = Partial Compliance

=>95% of the reports will include an audio or videotaped statement, unless the level of force used is at the lowest level as described by DOJ approved VIPD policy.

Activity

Reviews of audio and video tape recording of officer's statements reveal continued failure to include appropriate version with reports or not obtain correct version.

Impediments to Compliance



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Equipment is needed in the field to allow supervisors to capture statements taken during the on-scene review and evidence collection of force inquires from both officers and witnesses.

Recommendations to Gain Compliance

Install in car video cameras.

General Discussion and/Meetings

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

Activity

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

Impediments

None known

Recommendations

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

Paragraph 33, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

Impediments to Compliance

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

Recommendations to Gain Compliance



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Promote and assign supervisors where experience has shown that supervisors are needed to review, analyze, and evaluate force incidents occurring on their watch.

Sub-Paragraph a. Status = Partial Compliance

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

Activity

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

Impediments to Compliance

VIPD has not completed the promotional process.

VIPD must then train the new supervisors on force review, investigation and reporting process.

Recommendations to Gain Compliance

Finish both the promotional and training processes outlined.

Sub-Paragraph e. Status = Partial Compliance

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

Activity

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

Impediments to Compliance

Completion of the training and then oversight management to ensure that both officers and supervisors complete and document their activities.

Recommendations to Gain Compliance

Ensure that training provides for coordinated training and management of the curriculums necessary to properly retrain and train new employees in the same process.

General Discussion and/Meetings

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



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Activity

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

Impediments

Development of the student and instructor outcome measures, lesson plans, evaluations before the December hearing could be difficult.
Development of "go-byes" should assist with compliance.

Recommendations to Gain Compliance

Assign training personnel to assist the Force work group chairman in completing the training documentation.

Paragraph 34, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

Sub-paragraphs f and g are in compliance.

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



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reporting, missing collection of evidence, witness identification missing and case analysis was not supported by evidence.

Recommendations to Gain Compliance

VIPD efforts to implement both a Force Review Board, and a Serious Force Investigation team will greatly assist in the ongoing force analysis issues. Properly trained and motivated managers who follow reporting procedure themselves will also result in furthering compliance.

Sub-Paragraph a, Status = Partial Compliance

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

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

Sub-Paragraph b, Status = Partial Compliance

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

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

Sub-Paragraph c, Status = Not in Substantial Compliance

In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree and include a precise description of the facts and circumstances that either justify or fail to justify the officer/s conduct.

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

Sub-Paragraph d, Status = Partial Compliance

In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all



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other requirements of 31 of the Consent Decree and will evaluate the basis for the use of force, and determine whether the officers actions were within VIPD policy.

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

Sub-Paragraph e, Status = Partial Compliance

See a, above.

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

General Discussion and/Meetings

Activity

Meetings with Force Working Group, mini summit, IMT monitoring and evaluations of cases.

Impediments

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

Recommendations to Gain Compliance

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

Paragraph 35, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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



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Activity

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

Impediments to Compliance

Force review does not adequately address cases that suggest supervisors are asking leading questions. Templates are being developed to document and train supervisors to be alert and prohibit leading questions from being used.

Recommendations to Gain Compliance

Implement and train the templates

Sub-Paragraph a, Status = *Partial Compliance*

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

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

Sub-Paragraph b, Status = *Partial Compliance*

In =>90% of the use of force reviews, all relevant evidence, including circumstantial, direct and physical evidence is documented and appropriately considered, and credibility determinations made, if feasible.

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

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

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

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

Sub-Paragraph d, Status = *Substantial Compliance*

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



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Activity

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

Impediments to Compliance

Proper case review by supervisors

Recommendations to Gain Compliance

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

Paragraph 36. Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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



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Impediments to Compliance

Management review and accountability has been spotty and inconsistent

Recommendations to Gain Compliance

Leadership to hold themselves and VIPD managers accountable for incomplete investigations

Sub-Paragraph a, Status = Partial Compliance

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

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

Sub-Paragraph b, Status = Partial Compliance

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

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

Sub-Paragraph d, Status = Partial Compliance

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

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

General Discussion and/Meetings

Case review and audits of both VIPD and IMT

Activity

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



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Impediments

VIPD documentation has been weak in assuring that sub paragraphs of the paragraph have been supported. Templates have been developed and are in the process of implementation.

Recommendations to Gain Compliance

Implement and train officers and supervisors on the templates and "go by's."

Paragraph 37. Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

Impediments to Compliance

Recommendations to Gain Compliance

Sub-Paragraph a. Status = Not in Substantial Compliance

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

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



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

In =>90% of reportable use of force incidents, supervisors are held accountable for the quality of their reviews, and documented non-disciplinary and/or disciplinary action has been taken when a supervisor or manager: fails to conduct a timely and thorough review; neglects to recommend appropriate corrective action; or neglects to properly implement appropriate corrective action. In those cases where discipline was imposed, did the officials imposing the discipline follow the departmental disciplinary matrix?

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

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

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

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

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

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

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

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.



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

Sub-Paragraph f, Status = Not in Substantial Compliance

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

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

Paragraph 38, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

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.

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

Sub-Paragraph b, Status = Not in Substantial Compliance

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



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

Sub-Paragraph c. Status = Not in Substantial Compliance

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

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

Paragraph 44, Status = Partial Compliance

Consent Decree Paragraph Wording

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

Activity

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

Impediments to Compliance



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See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph i. Status = Not in Substantial Compliance

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

Activity

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

IMT will also assess IAB timeliness in future quarters.

Impediments to Compliance

Lack of appropriate numbers of supervisors. This has been raised repeatedly as one of the critical impediments towards compliance/reform in the VIPD. According to a variety of sources within the VIPD, sergeants and lieutenants, along with a number of corporals are to be made shortly. IMT is not aware of the selection process for corporals (if there is one), but would hope that these individuals would be ones who have exhibited behavior indicating strong supervisory potential.



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As the need for additional street/zone supervisors has continually been identified as a critical need, IMT anticipates that all appointees/promotes will be assigned to patrol, unless a more critical need can be identified for an isolated assignment outside of patrol. IMT concerns have been heightened by VIPD employees stating that they also believe that not all promotes will be assigned to street/zone assignments. Again, if this were to occur, IMT anticipated that it would be an isolated event – one where a more critical need (than zone assignment) can be documented.

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

Recommendations to Gain Compliance

Promotions scheduled shortly; however, these increased numbers need to be slated exclusively for patrol – unless a more critical need can be identified and documented.

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

Paragraph 58, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

According to the VIPD (3rd Quarterly report), “The mandates of paragraph 58 are established in policies implemented and the execution of quarterly audits will continue to aid the VIPD in identifying the extent to which there is compliance or noncompliance with paragraph 58. These audits will continue to be shared with IMT. Also, the responsibilities of Commanders as outlined in paragraph 58 with respect to the evaluation of each investigation of incident under their respective command and as delineated in implemented department policies have been and continues to be emphasized during roll call and commanders call sessions.” This continues within the VIPD. Additionally, Deputy Chief Jones has created a directive relative to commander’s



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responsibilities in this area, and forwarded same for review/sign off. (IMT requested copy of same during mini summit; Jones to forward to Alcendor for IMT; not received yet.) Anticipate that will be issued territory-wide during the 4th quarter.

As reported by IMT to the court last time, "while IMT has seen improvement in identifying the need for additional training and forwarding same, there continues to be very limited documentation that these issues are being properly addressed in a timely fashion and appropriately documented". This statement is accurate for this quarter also.

One of the impediments identified this past quarter was the fact there has been confusion as to whether the zone or IAB has the responsibility to forward to appropriate entity (thus far, this has been solely to the training bureau). This quarter, IAB assumed responsibility for forwarding as IAB is responsible for the final review of cases.

Impediments to Compliance

Again, there needs to be better documentation re identification of underlying **problems** and training needs. Supervisors have not been consistent in this identification; and, when it does occur, there had been confusion as to the responsibility to forward to appropriate entity (thus far, this has been solely to the training bureau). This quarter, IAB assumed responsibility for forwarding. Finally, there was inadequate documentation at the training bureau on the limited remedial training completed.

Recommendations to Gain Compliance

The new directive addressing issues re paragraph 58 should be issued and monitored. Additionally, further direction appears to be needed re the identification of 'problems' beyond training. Up until this time, the focus has been on training needs, but the CD paragraph states 'problems or training'.

Miss Tweed will need to continue work on development of report to better documented remedial training – including the identification of where the request initiated.

Also, the training bureau needs to be able to easily access PowerDMS to continually assess whether they are properly addressing and documenting all training needs forwarded. VIPD needs to incorporate this into their ongoing audit efforts
Once directive issued, IMT will assess improvement/compliance.

Paragraph 60, Status = Not in Substantial Compliance



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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 b, Status = Substantial Compliance

1. >95% of canine deployments are entered into RMS with a reasonable level of accuracy and completeness.
2. >95% of canine deployments resulting in a bite are entered into RMS with a reasonable level of accuracy and completeness.
3. RMS provides statistical analyses of canine bite ratio or the data necessary to compute such ratio.

Activity



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During the VIPD audit process re canine bites, VIPD self identified a concern due to the fact that the Audit Manager identified a number of missing reports. These missing reports bring into question the reliability of the canine numbers. Last quarter, VIPD was identified as being in compliance with this section of paragraph 60 (b) – canine bite ratio – due to the process VIPD put into place and the initial results. At this time, due to the fact that VIPD self identified the possible deficiency which could lead to not being in compliance and are taking steps to immediately address and correct, the IMT is not dropping VIPD out of compliance at this time. VIPD to provide documentation and IMT to review prior to next report. If there continues to be a question/concern at that time, VIPD would move from substantial to partial compliance. IMT recognizes the importance of VIPD developing the ability to identify deficiencies and taking swift and concrete actions to correct.

Impediments to Compliance

Supervisors and managers need to ensure that all appropriate reports are completed and filed. (Please see comments re supervisors noted in paragraph 44 – these concerns could be repeated throughout CD)

Recommendations to Gain Compliance

VIPD should continue to identify deficiencies throughout the CD to assist in maintaining compliance. VIPD will provide documentation re corrective actions taken re missing reports and final findings.

Sub-Paragraph c, Status = Not in Substantial Compliance

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

Activity

The number of canisters of chemical spray used by officers. Scales for the purpose of measuring the OC canisters have been provided to the training bureau. Documentation re how the process is being handled and the results, territory-wide, has not been provided

Impediments to Compliance



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The training bureau is not providing appropriate documentation of implementation.

Recommendations to Gain Compliance

The training bureau needs to initiate the process for weighing OC canisters; additionally, document process and results territory wide. The training bureau will also need to follow-up on any/all questions or concerns this process should raise- for example, missing canisters, individuals using more/less than is documented, etc.

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

All injuries to prisoners; A directive has been issued by the PC (drafted by IAB) addressing how to report injuries to prisoners. The system had been in place for prisoners injured due to use of force; the directive addresses all injuries. Reports are starting to be received. There is also a draft of a flow chart currently being reviewed.

Finally, in response to the VIPD Court approved goals, there is a draft directive for the records bureau; once completed, will then be incorporated into the arrest policy.

Impediments to Compliance

See recommendations – IAB addressing impediments

Recommendations to Gain Compliance

IAB continues to create additional written guideline to improve process re prisoner injuries. This needs to be finalized, trained and implemented.

IMT UPDATE: At this time, IMT acknowledges receipt of the finalized directive for the records bureau (on 11/20/14). According to VIPD goals and the Management and Supervision bi-weekly reporting for period ending 12/1/14, this directive is to be incorporated into the arrest policy.

Sub-Paragraph h, Status = Not in Substantial Compliance



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=>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

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.

VIPD had prepared a MOA for the VIAG office to sign, confirming that all materials required for this section were forwarded. At this time, IMT has been informed that the VIAG does not see the necessity. IMT reinforced the need for some documentation confirming that all such required materials are being forwarded to the VIPD. IMT has been informed of a dated request from VIPD to VIAG regarding MV accident information during the 3rd Quarter.

IMT Update: IMT recognizes and agrees that the VIPD requested information from VIAG on Nov 3, 2014, and sent a subsequent reminder email, with response received from VIAG around Nov 19, 2014 (Regarding two officer involved MV accidents). However, information from VIAG should be forwarded to the VIPD in a timely fashion, upon receipt. The two claims were actually filed on May 23, 2014 and Sep 16, 2014 (according to records submitted by the VIAG to the VIPD).

Impediments to Compliance

At this time, VIAG has not provided any documentation reflecting that all required documentation is being provided to VIPD. While materials are being received, the materials has not always been complete and useable. IMT recognizes that the records forwarded from VIAG to VIPD more recently have been more complete however, concerns described above remain.

IMT UPDATE: The response was received on 12/03/14 With regard to this letter to the Police Commissioner from the VIAG received by IMT on 12/03/14, the IMT will monitor the submission of materials from VIAG to VIPD to ensure that the time periods represented in the letter are met. IMT does note that the part of the letter addressing criminal matters is not particularly clear. IMT is assuming that the "appropriate time" referenced in the letter is as soon as notification (if only to PC or



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IAB) would not interfere with the criminal investigation. IMT looks forward, next quarter, to reviewing the VIAG internal protocol/direction which will hopefully clarify this section.

Recommendations to Gain Compliance

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

Paragraph 69, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

Sep 2014- IMT staff provided TA to the newly appointed Audit Unit Commander with establishing the AIU, suggested staffing requirements, organizational data collection, and assistance with designing the Use of Force Reporting System audit. The IMT will continue providing such TA as needed to further AIU operations. During this TA, it was observed by the IMT that the directive establishing the AIU only provides for one full time member (although it provide for temporary assignments of personnel for up to six months on specific projects) and as such will not provide the unit with the necessary full time staff for continuity of operations or development of staff competency with auditing.

October 2014- IMT continued to provide technical assistance as needed with the AIU commander. Lack of additional full time personnel continues to hamper capacity of the unit.

IMT staff had repeatedly identified the need for an operational and staffed Audit and Inspections Unit, consistent with the Consent Decree. That unit has been established, but is only staffed with one full time person. The audit load both internal and external to the Consent Decree requirements cannot be accomplished by one person or even the



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temporary personnel the current directive authorizes (but who the AIU has not seen to date.)

This lack of staff and adequate space once staff is assigned inhibits a robust audit capability.

Despite these limitations, the IMT has and will continue to commit technical assistance to the AIU commander to help with unit capacity development, current audits, and others required by the various paragraphs of the Consent Decree. Sub-paragraph a remains in compliance.

Impediments to Compliance

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

Recommendations to Gain Compliance

VIPD should provide additional full time staff to the unit. One source of staff would be to assign the current Consent Decree Coordinator to the unit and allow him to work audits in addition to current duties. He is a trained investigator and thus should be able to adjust to the audit work with little problem. The addition of audit assignments should not inhibit his ability to respond to the requirements of his current position. Since the AIU Commander is also the Consent Decree manager that would consolidate these positions in one office.

Sub-Paragraph b, Status = Partial Compliance

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

See paragraph level comments

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.



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Activity

According to the VIPD 3rd Q Report, "In order to facilitate a consistent and formalized or standardized format or procedure for the issuance of waivers and or extensions from the Police Commissioner, a notification letter was developed and is pending review and approval. An electronic copy of this notification letter was submitted to IMT. Also, a waiver format was created for the Police Commissioner and is pending review and approval, a copy of which was also afforded to IMT. An electronic version of the aforementioned letter was also developed.

The management and supervision work group intends to conduct periodic inspections and or audits to ensure the forms or letters are being utilized to comport with the mandates of paragraph 71 sub section (b). These efforts will be reported in future quarterly status reports.

IMT concurs with the aforementioned VIPD assessment

Impediments to Compliance

To put in place the next steps leading to compliance, draft letter and waiver needs PC approval. IMT informed this to happen soon.

Recommendations to Gain Compliance

All activity, impediments, and recommendations for sub-paragraph b remain the same; no changes.

Sub-Paragraph a, Status = Substantial Compliance:

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

Sub-Paragraph b, Status = Not in Substantial Compliance

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

Activity

According to the VIPD 3rd Q Report, "In order to facilitate a consistent and formalized or standardized format or procedure for the issuance of waivers and or extensions from the Police Commissioner, a notification letter was developed and is pending review and approval. An electronic copy of this notification letter was submitted to IMT. Also, a waiver format was created for the Police



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Commissioner and is pending review and approval, a copy of which was also afforded to IMT. An electronic version of the aforementioned letter was also developed.

The management and supervision work group intends to conduct periodic inspections and or audits to ensure the forms or letters are being utilized to comport with the mandates of paragraph 71 sub section (b). These efforts will be reported in future quarterly status reports
IMT concurs with the aforementioned VIPD assessment.

Impediments to Compliance

To put in place the next steps leading to compliance, draft letter and waiver needs PC approval. IMT informed this to happen soon.

Recommendations to Gain Compliance

All activity, impediments, and recommendations for sub-paragraph b remain the same; no changes."

IMT UPDATE: IMT has received draft notification form and waiver and understand that the electronic version is pending approval. While this additional information reflects VIPD movement towards compliance, it does not change status.

Sub-Paragraph c, Status =Substantial Compliance;

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

Paragraph 72, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

According to the VIPD, "As it relates to subsection (a) of paragraph 72, going forward the management and supervision work group will initiate monthly inspections to gauge compliance "with the disciplinary matrix. "The management and supervision work group



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will also conduct monthly inspections with respect to subsection (b) for adherence specific to ensuring that "non-disciplinary corrective action is recommended consistently when applicable with disciplinary actions."

Impediments to Compliance

Lack of understanding/adherence to VIPD policy.

Recommendations to Gain Compliance

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

IAB has stated that IAB intends to create a flow chart for use by supervisors/managers and hearing officers for non-disciplinary options (similar to possible EIP intervention actions). This should be finalized and implemented.

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-paragraphs 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-paragraphs 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



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Although the Training Committee has now met twice, they still need to develop a protocol or analytic process for the conduct and expected outcomes from the meetings. This task was mentioned in the Oct meeting notes, but there was no indication of how or when this protocol would be developed nor was anybody assigned responsibility for leading the development process. The area addressed in the meeting seemed to range more on equipment issues with no documentation (in or attached to the report) of any review of specific courses or lesson plans. Use of force activity as to type and effectiveness was discussed, apparently based upon reports from IAPro (which were attached), but the notes did not adequately reflect the content, issues raised, lesson plans or courses impacted by the data or decisions that emanated from those discussions. Without a well developed protocol for the evaluation and review, no meaningful evaluation can take place.

Impediments to Compliance

Training Committee:

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

Recommendations to Gain Compliance

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

Sub-Paragraph a, Status = Partial Compliance

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

Activity

During the Summit the Training Director indicated that there was no update or increase in compliance to this sub-paragraph. Further discussions and review of the Training Review Committee meeting minutes submitted prior to the Summit for May and Oct 2014 reveal a review did take place, but that review was neither



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comprehensive nor analytical. The Committee did review data from IAPro (copies attached to the Committee reports) that listed Use of Force types or categories used by field officers, but the minutes do not reveal any protocol or comprehensive, analytical approach to this review. In addition, this review was not linked to any specific training courses, lesson plans, or testing activities.

Impediments to Compliance

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

- 1- Lack a standardized protocol that spells out how they will evaluate use of force activity and reports against the training materials and courses delivered by the Training Academy.
- 2- The absence of a protocol indicates that training evaluations are not conducted at all four levels as detailed by Kirkpatrick and/or others and referenced within the Instructional Systems Design (ISD) process.
- 3- Supervisors and officers, who are involved with the use of force and completing RRRs, have no independent input to these semi-annual Use of Force training reviews.
- 4- Complicating and contributing to the absence of effective training evaluations, at all four levels, are training lesson plans and course outlines that do not incorporate effective training components such as well developed and written learning goals and student performance objectives.
- 5- Testing, at all levels, is not shown to be directly linked to an identified performance objective, making field level training failure linkage impossible.

Recommendations to Gain Compliance

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

- 1- Develop a standardized protocol that spells out how they will evaluate use of force activity and reports against the training materials and courses delivered by the Training Academy, for example UOF execution failures, as reported in IAPro as a start point to review the training programs and/or courses that support the skill associated with the reported UOF.
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2- This protocol should include training evaluations that are conducted at the four levels as detailed by Kirkpatrick, and others, and referenced within the Instructional Systems Design (ISD) process. These evaluations should be longitudinal and include response from not only the trainee at the end of the course and some time afterward, but also the trainee's supervisor in order to determine if the training has been effective.

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

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

Sub-Paragraph b, Status = Substantial Compliance

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

Paragraph 74, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

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

Activity



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

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

Impediments to Compliance

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

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

Questions raised by the IMT memorandum of 9/18/14 are serious and any further compliance with this sub-paragraph and paragraph should be held in abeyance. Each of the sub-paragraphs details impediments to compliance. These include:

Recommendations to Gain Compliance

Recommendations are noted in each of the paragraph's sub-paragraphs and include: UOF training materials and delivery systems should be reviewed once the VIPD review of concerns raised by the IMT is completed.

Continue to assess the need for an instructor waiver as noted in other paragraphs, using the review agreed to by the VIPD.

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

The VIPD should conduct a complete review of the Roll Call Training program, focusing on definitions of what is Roll Call Training, who should deliver the training in the field (integration of shift supervisors as trainers), and what and where the training records should be maintained (preferably in Power DMS).

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



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

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

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

Activity

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

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

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

Impediments to Compliance

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

Recommendations to Gain Compliance

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

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

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



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

Activity

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

Impediments to Compliance

VIPD continued inclusion of a waiver to instructor certification.

Recommendations to Gain Compliance

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

11/26/14 Update: IMT acknowledges that this issue appears mute as VIPD advised during the November monthly meeting that the VIPD has removed the waiver provision from the final version of the directive. The IMT will await receipt of Commissioner signed copy of the policy and review status of this paragraph.

Sub-Paragraph d, Status = Not in Substantial Compliance

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

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

Activity

The use of Power DMS will certainly improve the VIPD's capability to collect and store training data. However recent observations by IMT staff seem to indicate that the Director of Training does not have the capability to sign on to Power DMS and the other staff member interviewed by IMT staff on 11/13/14, while able to sign on, did not demonstrate full mastery of the various components of the Power DMS system. Neither indicated that they had the capability to load training data into the system, stating that only Ms. Tweed, from IT can load data into the system. During an on-line session, nobody could find curriculum focused



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training material loaded into the system or how to use the system to find it. That does little to ensure us that the essence of this sub-paragraph is being accomplished.

Impediments to Compliance

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

Recommendations to Gain Compliance

The Director of Training should obtain training in Power DMS for himself and key staff members so that the loading and referencing of training materials and records in the system becomes second nature. The benefits of output reporting and analysis will be significant.

Sub-Paragraph e, Status = Partial Compliance

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

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

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

Activity

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

When this directive was discussed with the Training Director, in the context of review of the records that the directive assigned him responsibility for, he stated he had none of these policy required records and felt the directive was not



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workable from the start. He could not, however, provide the IMT staff with any written suggested re-write of the directive.

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

Impediments to Compliance

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

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

The current directive (10-4, Roll Call Training Policy) has activity listed in paragraph III, Definitions that are not training, but rather administrative in nature (items B, C, and D). The use of additional duty trainers (paragraph IV, B, 3) does little to develop the training and mentoring skills of all supervisors, who should be the primary roll call trainer for their subordinates.

The Roll Call attendance training records in Power DMS are just that, attendance records, and fail to identify any testing or evaluation of the training effectiveness. There is no requirement in the 10-4 Roll Call Training Policy for annual planning and scheduling of roll call training. The directives do mention a review but fails to note the frequency or extent.

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

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

Recommendations to Gain Compliance

The VIPD should immediately review the current version of 10-4, with specific emphasis on the following:



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

Sub-Paragraph f, Status =Not in Substantial Compliance

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

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

Activity

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

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



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understanding of the need for such objectives both from a lesson development perspective as well as enabling effective evaluation programs.

Impediments to Compliance

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

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

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

Recommendations to Gain Compliance

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

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

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

Develop longitudinal evaluation models for Levels 3 and, if possible, 4 evaluations that are student performance focused. In doing so, these evaluations will engage the trainee's supervisor and department management in evaluating the impact of training on operations and employee work performance.

Engage the Training Review Committee in the development of the Levels 2-4 evaluation processes and models.



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Sub-Paragraph g, Status = Not in Substantial Compliance

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

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

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

Activity

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

In addition, the issue of a needs assessment was not discussed during the Nov Summit, but was touched lightly during the follow-up meeting on 11/13/14 between the IMT and the Training Director and a member of his staff.

A training needs assessment is always done prior to development of a training program and its' subordinate components. In the case of the Consent Decree some training is specifically required and thus the original training needs assessment may or may not have been accomplished. However as the training progresses and evaluations are conducted, additional training needs assessment should be conducted to see if the 1) the needs of the trainee have changed (e.g., they may be more proficient in areas they were not at the beginning, and/or 2) the environment or rules have changed and as such additional or modified training may be required.

The key, in most cases to triggering a revisited needs assessment is the Level 2-4 evaluations, as noted previously, conducted by the training entity. In here lies



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the problem as the VIPD does not perform well developed Level 2 evaluations and no Levels 3 or 4, thus impacting adequate and effective needs assessment. Discussions with the Training Director and selected staff member, seems to indicate a lack of understanding of the needs assessment or evaluation process, both key components to the Instructional Systems Design or ISD model. This will continue to impact training effectiveness as well as Consent Decree paragraph compliance.

Impediments to Compliance

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

Discussions with the Training Director and selected staff member seem to indicate a lack of understanding of the needs assessment or evaluation process, both key components to the Instructional Systems Design or ISD model. Training Surveys, in and of themselves, such as that conducted in January 2014 for In-Service Training, do not equate to a well designed and executed training needs assessment. This will continue to impact training effectiveness as well as Consent Decree paragraph compliance.

Recommendations to Gain Compliance

The VIPD should establish, within its Training Review Committee, a clear and well developed evaluation program for UOF training materials and programs based upon data from the IAPro system and other sources. The results of these reviews should further improve the delivery of effective UOF training.

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

Paragraph 77, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity



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

During the Nov 2014 Summit, the Training Director advised there had been no forward progress on compliance for this paragraph.

Impediments to Compliance

In August 2014 identified loading data into Power DMS.

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

Recommendations to Gain Compliance

In November 2014, IMT Recommendations for improvement are noted under each sub-paragraph and include:

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

Sub-Paragraph a, Status = Partial Compliance

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

Activity

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

During the Nov Summit, the Training Director advised there had been no forward progress on compliance for this paragraph.

Impediments to Compliance

Loading data into Power DMS.

Plan and design for data entry into Power DMS.

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

Recommendations to Gain Compliance

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



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

Sub-Paragraph b, Status = Not in Substantial Compliance

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

Activity

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

Impediments to Compliance

See comments in sub-paragraph a, above.

Recommendations to Gain Compliance

See comments in sub-paragraph a, above.

Paragraph 81, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

During the 11/12/14 Summit the Training Director stated that there had been no substantive progress on this paragraph. IMT reviewed each sub-paragraph and that review revealed no progress.

Impediments to Compliance



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

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

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

09/30/14 Lack of supervisory training to supervisors on leadership and command accountability continues.

11/12/14- Given no progress in compliance for this paragraph, as stated by the Training Director at the Nov Summit, the impediments previously noted continue.

During the November Summit, the Training Director indicated that no progress had been made on this paragraph.

Recommendations to Gain Compliance

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

Complete remedial upgrade to Power DMS and develop linkage protocol.

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

Sub-Paragraph a, Status = Substantial Compliance

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



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IMT did not formerly evaluate this component; however the Director of Training indicated during the November Summit that there was no change in compliance with the paragraph or sub-paragraphs.

Sub-Paragraph b, Status = *Partial Compliance*

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

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

Sub-Paragraph c, Status = *Substantial Compliance*

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

Sub-Paragraph d, Status = *Partial Compliance*

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

IMT did not formerly evaluate this component; however the Director of Training indicated during the November Summit that there was no change in compliance with the paragraph or sub-paragraphs.

Sub-Paragraph e, Status = *Substantial Compliance*

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

Sub-Paragraph f, Status = *Partial Compliance*

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

IMT did not formerly evaluate this component; however the Director of Training indicated during the November Summit that there was no change in compliance with the paragraph or sub-paragraphs.



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/S/ Charles A. Gruber
Independent Monitor
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