

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

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



**CHARLES A. GRUBER CONSULTING INC.
INDEPENDENT MONITOR
www.imt-policemonitor.org
November 20, 2015**

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

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EXECUTIVE SUMMARY

The most positive achievement of Quarter Three was the IMT-DOJ-VIPD Action Planning Summit, November 12 and 13, 2015. Technically, conducted one week after the closing date of the Quarter, weeks of work by all Parties occurred during Q32015 in preparation, most important, compliance step planning on court-ordered goals and initiatives.

During the preceding Quarter, the Second of 2015, the VIPD achieved compliance with nine (9) court-ordered initiatives. It met all six court-ordered initiatives scheduled for the current Quarter. Coupled with the Summit production, clearly still work in progress, a major advance in Metrics-Centered Auditing capacity, substantial investment in policy and flow chart-based use-of-force and citizen complaint process diagnostics, the IMT is willing to acknowledge VIPD momentum.

At the same time and overshadowing the momentum none of the goals work accomplished this quarter has advanced paragraph compliance. Not one additional paragraph was brought to compliance in Quarter Three. Not one sub-paragraph was brought into compliance. One sub-paragraph was granted partial compliance. This pattern has characterized the past five quarters.

Compliance Status

The VIPD has achieved Substantial Compliance for 31 paragraphs. These 31 paragraphs are itemized in Appendix A. Twenty paragraphs (20) are not yet in Substantial Compliance. Section III provides detail on these paragraphs. Compliance/Non-Compliance patterns vary among Consent Decree paragraph groupings. Three groupings have a majority of paragraphs in Substantial Compliance, two of these a bare majority, Citizen Complaints, 15 of 17, Management & Supervision, 7 of 12, Training, 5 of 9. The Use of Force group remains at only 4 of 11 paragraphs in Substantial Compliance.

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Six new goals were proposed by the VIPD and approved by the Court for compliance by the end of 3Q2015. Filed September 9, 2015 and due November 6, 2015, these goals and their status are:

- Revise OC policy to address weight variance and database to record OC weights, to be implemented territory-wide. **Completed**
- Submit revised draft OC policy to USDOJ and IMT. **Completed**
- Develop a flowchart for Use of Force investigations and the adjudication process. **Completed**
- Update existing flowcharts for Citizen Complaint Process and the adjudication process. **Completed**
- Complete the test in-service evaluation survey form. **Completed**
- Submit draft revised disciplinary policy and matrix to USDOJ and IMT. **Completed**

The existing flow charts reflect processes that change as procedures and practices evolve within an organization. FIT, UFRB & Citizens Complaint Processes will necessarily require updates to the Flow Charts consistent with the procedural changes as VIPD develops and advances their procedures.

Fourth Quarter Priorities

Consent Decree paragraph and court-ordered goals compliance work, auditing, policy review, report preparation, court preparation, and Consent Decree staffing and infrastructure building and management are some of the on-going obligations that define Quarterly work for the VIPD. The work is complex and resource/labor intensive. In this environment, it is not only prudent but essential to prioritize production/accomplishment objectives. For the upcoming Quarter, the VIPD is already committed to achieving a package of court-ordered goals and initiatives. This must be a priority. Simultaneously, the IMT recommends that top priority also be accorded to completing a comprehensive Action Plan for compliance that addresses all outstanding Consent Decree paragraphs and sub-paragraphs. This work began weeks ago. The IMT-supplied Goals

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Monitoring System software (GMS) was developed to facilitate goals, VIPD initiatives and action planning. The results of our Summit work is being loaded into the GMS while this report is being finalized, including newly defined goals and steps to achieve goals. The IMT will review the work prior to the next court hearing, December 7, 2015.

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I. THE THIRD QUARTER: MOMENTUM

For the fifth consecutive Quarter, the Territorial and VIPD compliance team has not brought one additional paragraph to Substantial Compliance status. Fifteen months have elapsed since the last paragraph compliance success. No sub-paragraphs were brought to compliance or partial compliance, with the exception of paragraph 69-a which was moved into partial compliance status this Quarter. As of November 6, 2015, 43 of 97 Court-Ordered Goals have been completed, 44%. Fifty-four (54) have not been completed, 56%. Court-Ordered Goal Compliance by Consent Decree paragraph focus is displayed in the graphic below.

VIPD performance for the past Quarter, the Second of 2015, was summarized as "incremental," "simply inching forward." Intense and better organized VIPD work efforts and a measure of observable momentum characterized the Third Quarter, most evident with regard to November 6 court goals.

A. IMT Monitoring & Technical Assistance Overview

Our last Quarterly stated that "with several VIPD transition Quarters now behind, and a more settled VIPD environment established, the IMT was able to materially accelerate monitoring and technical assistance." This momentum continued and accelerated in Quarter Three. The IMT conducted five (5) on-site monitoring engagements, delivered two, two day training sessions, and conducted an IMT-DOJ-VIPD Summit. A special compliance-focused analysis was attempted, an EIP Historical Update. This is reported in Section VI.

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GOAL COMPLIANCE STATUS 3Q2015

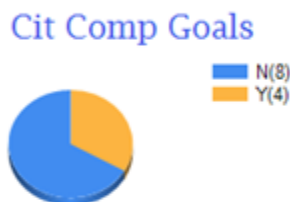
UOF Group 1

Group 1 Total Goals	43
Group 1 Completed	24
Group 1 Not Completed Goals	19
Group 1 Not Completed Percent	0.44



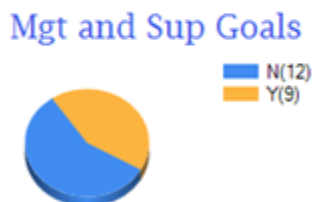
Citizen Complaint Group 2

Group 2 Total Goals	12
Group 2 Completed	4
Group 2 Not Completed Goals	8
Group 2 Not Completed Percent	0.67



Mgt & Sup Group 3

Group 3 Total Goals	21
Group 3 Completed	9
Group 3 Not Completed Goals	12
Group 3 Not Completed Percent	0.57



Training Group 4

Group 4 Total Goals	21
Group 4 Completed	3
Group 4 Not Completed Goals	18
Group 4 Not Completed Percent	0.86



Blue (N) is Not Completed

Our last Quarterly report noted that the IMT developed a Goals Monitoring System (GMS), software designed to support a variety of VIPD requirements including definition of action steps and accountabilities for court-ordered goals, paragraphs and sub-paragraphs, and, simultaneously, to enable Work Groups to provide information in

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consistent formats. IMT technical support to the VIPD to employ the software was continuous during the Third Quarter, the ultimate goal being to prepare for the November 8 Summit. Use of Force and Citizen Complaint Process flowcharts were critiqued, technical assistance was provided for several versions, as were proposed Disciplinary Matrix revisions.

B. The Summit

A two-day Summit was conducted in St. Thomas on November 12 and 13, 2015. The Summit was designed to facilitate orderly and consistent VIPD production of the goals, paragraph and sub-paragraph compliance and action plans that the court has requested. Five objectives were articulated for/to VIPD participants, who were VIPD's work group leaders and members, commanders, including the Commissioner, Deputy Commissioner, Compliance Coordinator, and principals from the newly constituted audit unit.

- **Objective One:** Review the six (6) goals due for Quarter Three. Expected Work Product: Review and update of the goals with the Parties and consensus on status.
- **Objective Two:** Review remaining non-completed goals, estimated to number 59, many directly related to paragraphs and sub-paragraphs that remain NISC (Not in Substantial Compliance). Expected Work Product: Completed compliance plans for all goals, to include for each unfinished goal, action steps, priority choices, steps, suspense dates, that are reasonable and possible to comply with.
- **Objective Three:** Review 3Q2015 Quarterly Report Draft. Expected Work Product: Input from the Parties, working toward consensus.
- **Objective Four:** Review remaining paragraphs not specifically linked to listed goals supported by Action Plans for sub-paragraphs not associated with the goal

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components of GMS software. Expected Work Product: Steps, action officers, reasonable suspense dates.

- **Objective Five:** Review policy on goal setting criteria (what constitutes a goal) and how incremental goals will be used within a goal. Expected Work Product: Draft statement on developing goals and review process.

With some clean-up work on the weekend after the Summit, the VIPD participants produced nine (9) 4Q2015 Goals. While they did review and draft detailed Action Plans for each of the outstanding goal, the IMT as of the date of this report has not received the draft copies of these plans for review. Using the base estimate of 54, the VIPD needs to produce plans for all 54 to have a complete, comprehensive Action Plan for presentation in Court. We hope to have a full evaluation of these drafts completed by the December court hearing.

Not to be overlooked as a value of the Summit, VIPD work group professionals gained IMT-guided experience in compliance planning work. This experience will be reinforced as we evaluate work products prepared at the Summit and engage in refinement. This experience, augmentation notwithstanding, the VIPD is advised to acquire the services of an experienced strategic planning professional to help to complete the required Action Plan. While a permanent arrangement promises many benefits, a contractor should be considered to fill immediate needs.

C. **VIPD Quarterly Progress Summary**

The VIPD view of Third Quarter accomplishments is documented in their Status Report, Twenty-Six (November 2015).

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II. COMPLIANCE STATUS: OVERVIEW

The following 8 charts document Paragraph Status at the end of the Third Quarter of 2015. Compared to Quarter One and Two of 2015, and Quarters Three and Four, 2014, there has been no change at all with regard to Overall Status (Chart 1), and therefore with regard to Overall Compliance by Paragraph Groups (Charts 4-8).

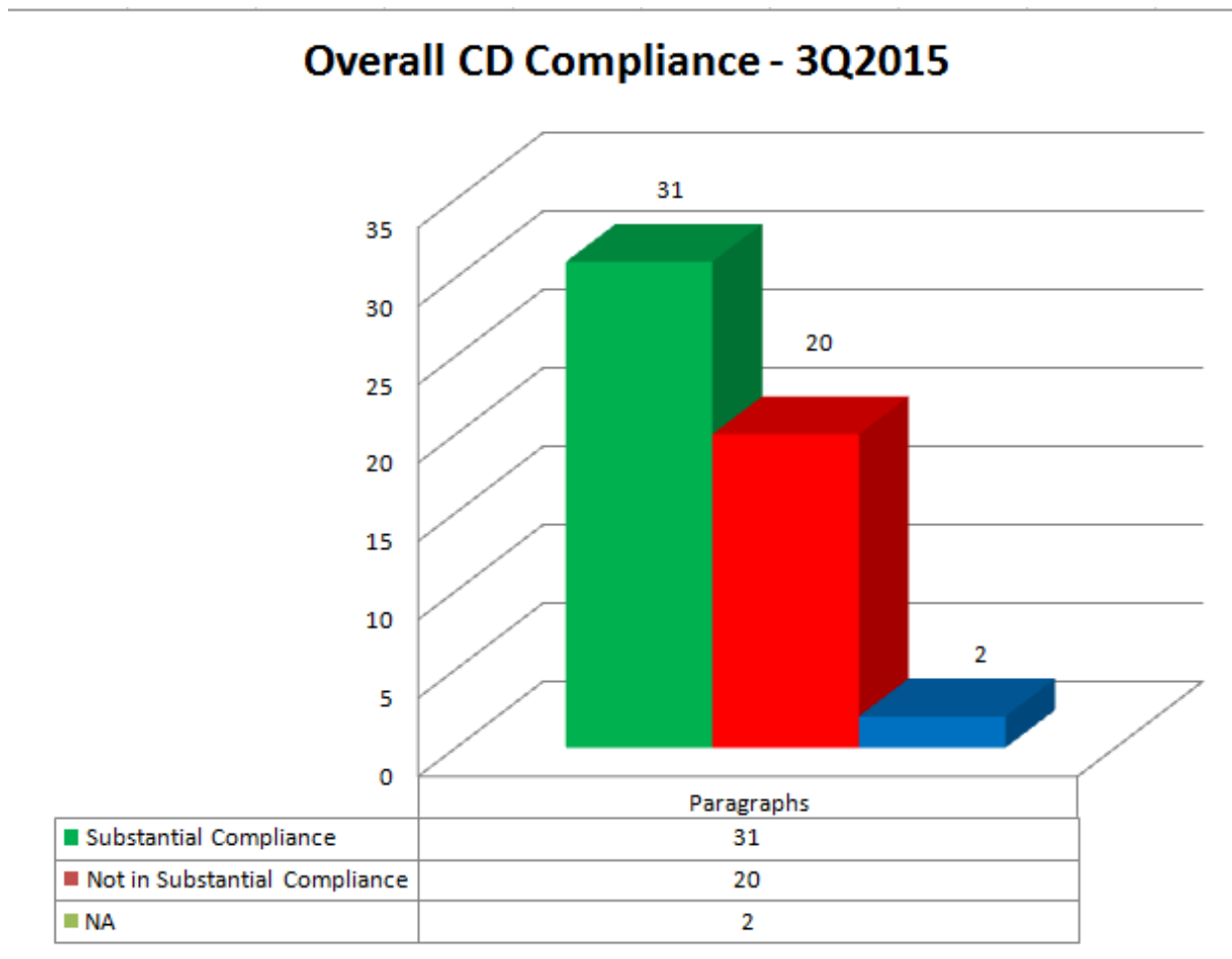
Overall Status

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

Compliance/Non-Compliance patterns vary among Consent Decree paragraph groupings. Charts 4-8 show that three groupings have a majority of paragraphs in Substantial Compliance: Citizen Complaints, 15 of 17, Management & Supervision, 7 of 12, Training, 5 of 9, two of these reflect a bare majority. The Use of Force group remains at only 4 of 11 paragraphs in Substantial Compliance.

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CHART 1



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CHART 2

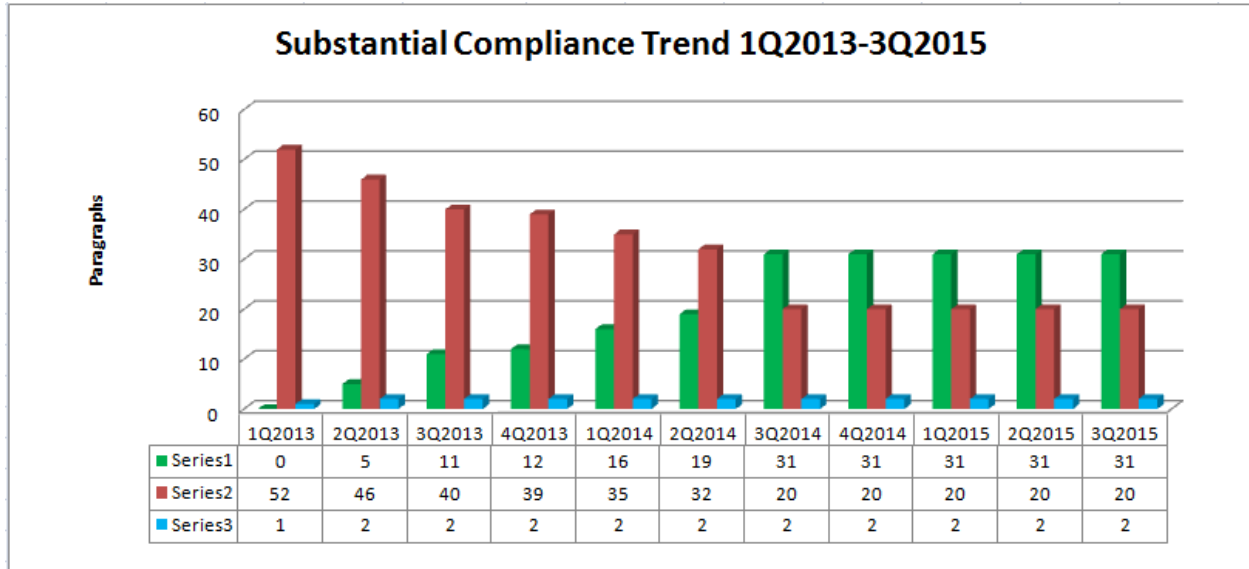
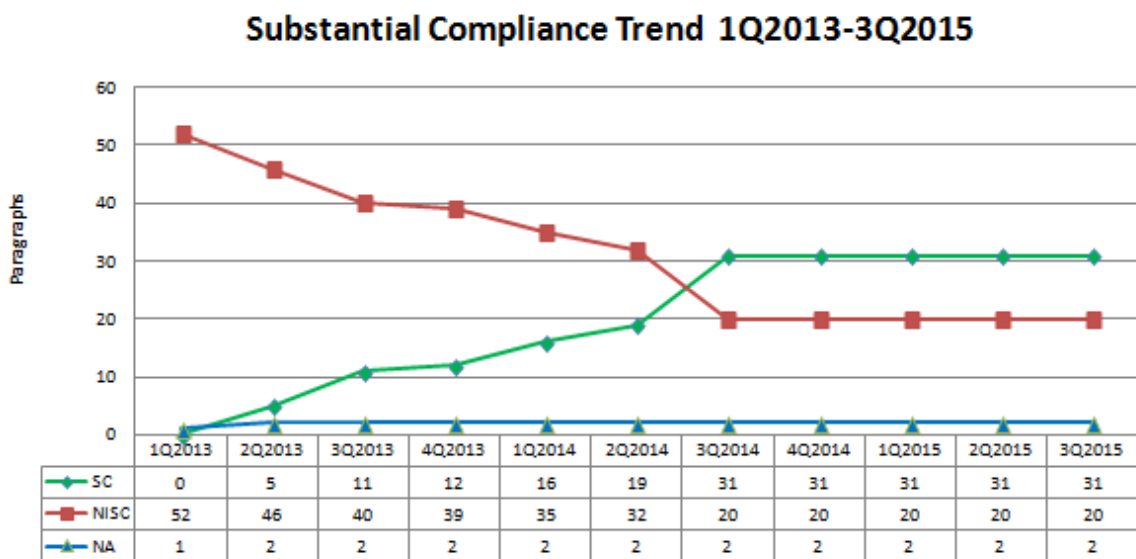


CHART 3



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CHART 4

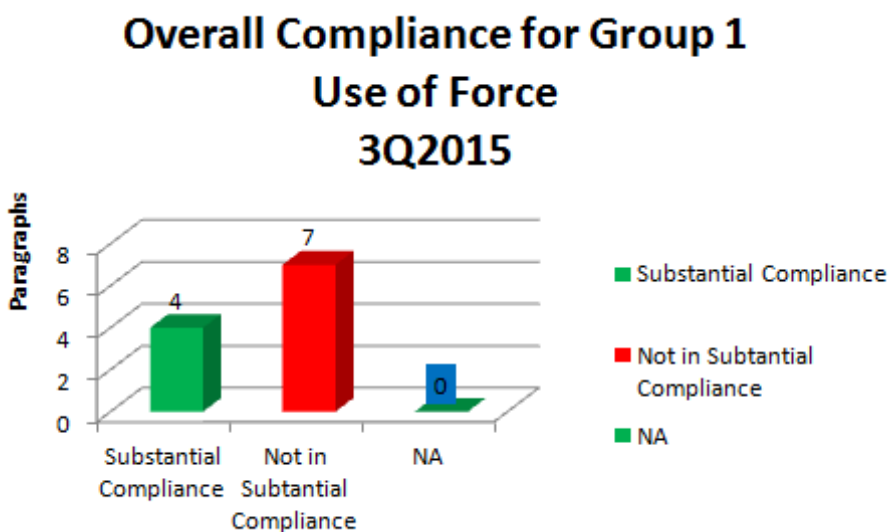
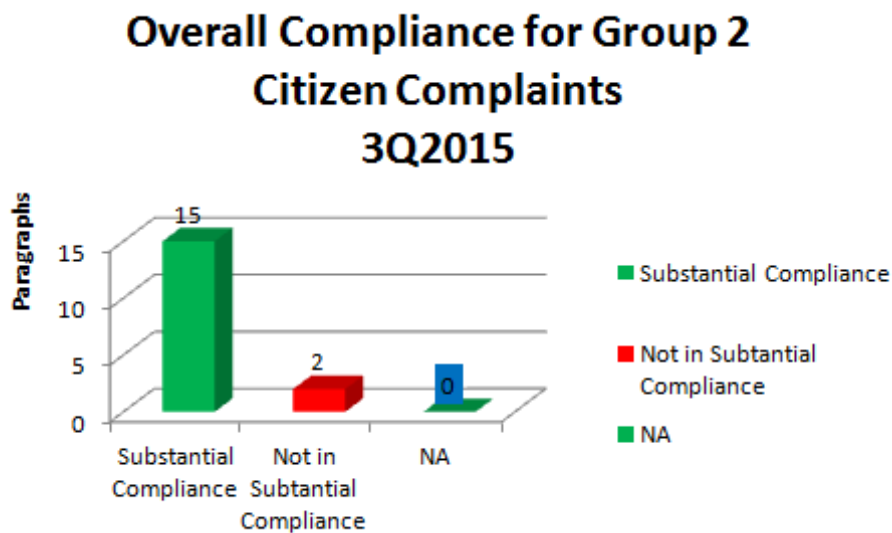


CHART 5



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CHART 6

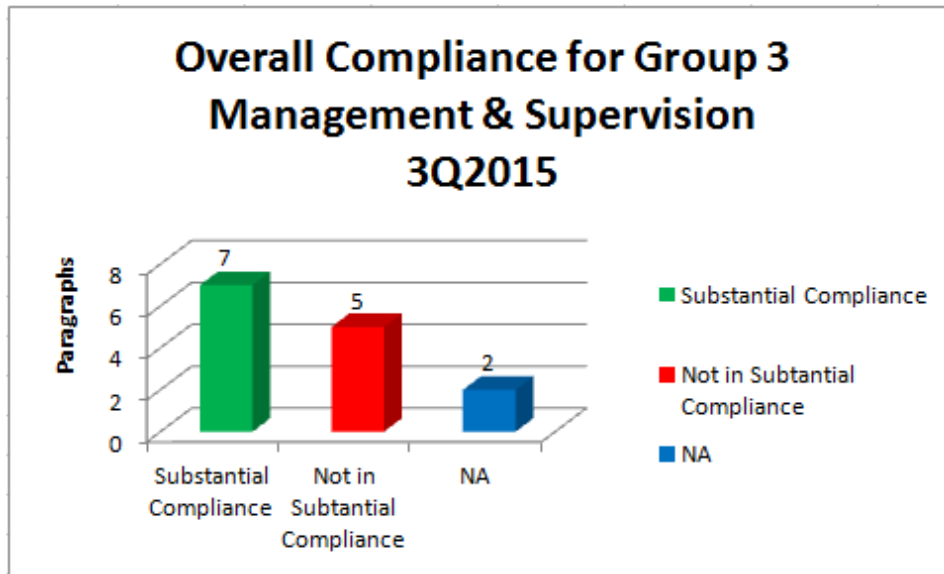
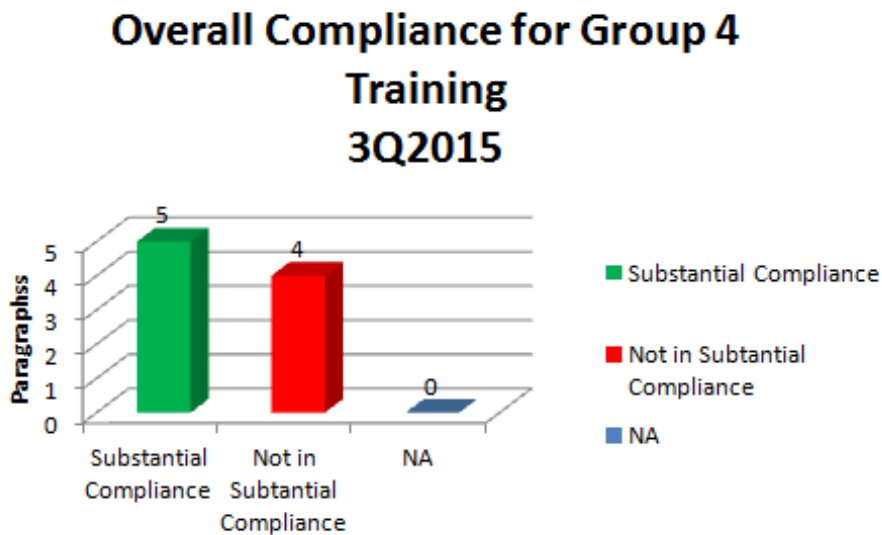


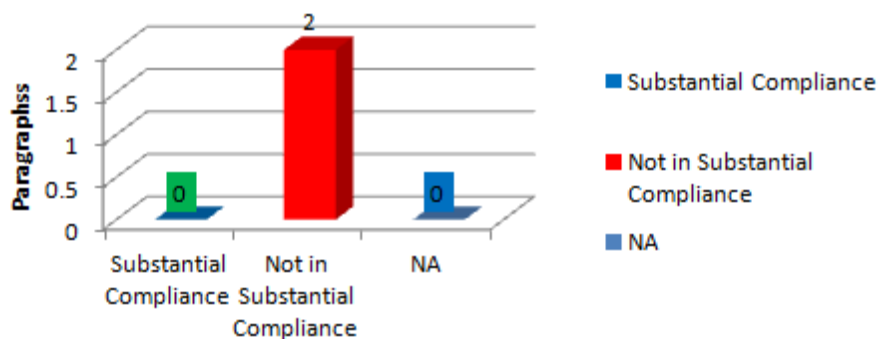
CHART 7



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CHART 8

**Overall Compliance for Group 5
Implementation
3Q2015**



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III. COMPLIANCE STATUS: DETAIL

A. Compliance Status as of November 6, 2015

Table 1, below, depicts those paragraphs that were in Substantial Compliance (SC) on November 6, 2015:

Paragraphs in Compliance as of November 6, 2015 – Table 1

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

No additional paragraphs came into compliance during the 3rd Quarter 2015 reporting period. Detail of these paragraphs can be found in Appendix A to this report.

B. Court Ordered Compliance Goals

Six new goals were proposed by the VIPD and approved by the Court during 3Q2015. These goals were:

Due November 6, 2015; filed September 9, 2015

Goal	IMT Number	IMT Response
1. Revise OC policy to address weight variance and database to record OC weights, to be implemented territory-wide.	3Q5-1	<u>Completed</u> ; weight variance study completed and variance established; IMT continues to work with the VIPD on designing and implementing the territory-wide database. The completed database, ready for loading to their server was forwarded on 11/20/15. This contains all necessary reports for future monitoring
2. Submit revised draft OC policy to USDOJ and IMT	3Q5-2	<u>Completed</u> ; IMT has reviewed, along with DOJ, and forwarded comments back to VIPD

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- | | | |
|------------------------------------------------------------------------------------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Develop a flowchart for Use of Force investigations and the adjudication process. | 3Q6-3 | <u>Completed</u> ; On 11/3/15 the IMT met with Det. V. Newton the VIPD person assigned to this project. She provided the IMT with drafts she developed. The IMT reviewed the drafts with Det. Newton and provided technical assistance. On 11/6/15 the IMT received the drafts back from VIPD and shared with the DOJ. The parties worked together and developed initial flow charts for the processes. The existing flow charts are evolving processes that change as procedures and practices change within the effected organizational processes. FIT, UFRB & Citizens Complaint Processes will necessarily require updates to the Flow Charts consistent with those procedural changes as VIPD develops and advances their procedures. |
| 4. Update existing flowcharts for Citizen Complaint Process and the adjudication process | 3Q5-4 | <u>Completed</u> ; IMT forwarded comments, VIPD redrafted and IMT approved final version during quarter. The existing flow charts are evolving processes that change as procedures and practices change within the effected organizational processes. FIT, UFRB & Citizens Complaint Processes will necessarily require updates to the Flow Charts consistent with those procedural changes as VIPD develops and advances their procedures. |
| 5. Complete the test in-service evaluation survey form. | 3Q5-5 | <u>Completed</u> (with concerns); VIPD did complete the form but has not yet deployed it or analyzed the responses to determine if the process is beneficial within the VIPD |

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- environment, thus while the form is completed the purpose the form was designed for, evaluation of the effectiveness of VIPD training, has not been achieved yet.
6. Submit draft revised disciplinary policy and matrix to USDOJ and IMT. 3Q5-6 **Completed**; draft received and is under review by the IMT.

Note: The IMT Goal Number is used by the IMT to further identify the VIPD goals, many of which either repeat themselves or are similar in wording. It does not appear in the Court order.

Additional information regarding the status of these initiatives is found in Section III, Table A total of 54 court ordered goals remain unfinished by the VIPD.

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

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Court Ordered Paragraph Related Goals Summary - Table 2

PARA	5/23/2014	8/15/2014	11/21/2014	2/20/2015	5/15/2015	NISC/Partial	SC	PARA STATUS	06/16/15 GOAL DATES
32		a-f	a-f	a-f		a-f	a,d,e	NISC	12/18/2015
33		a,c	a,c	a,b,c,d,e		a,b,c,d,e	(5)	NISC	12/18/2015(a & a ONLY)
34		a,b,e,f	a,b,e,f	a,b,c		a,b,c,e	f	NISC	12/18/2015(a, b, & e ONLY)
35		a,c	a,d	a,b,c		a,b,c	d	NISC	12/18/2015(a ONLY)
36		a-g	a-g	a,b,d		a,b,d	c,e,f,g,h,i	NISC	12/18/2015
41		ALL	ALL				ALL	SC	
44		ALL	(1)	(3)		i	a,b,c,d,e,f,g	NISC	6/30/2015
45	ALL						ALL	SC	
46	ALL						ALL	SC	
47	ALL						ALL	SC	
48	ALL						ALL	SC	
49	ALL						ALL	SC	
50	ALL						ALL	SC	
51	ALL	ALL	ALL				ALL	SC	
52	ALL						ALL	SC	
53	ALL						ALL	SC	
54	ALL	ALL	ALL				ALL	SC	
55	ALL	ALL	ALL				ALL	SC	
56	ALL	ALL	ALL				ALL	SC	
57	ALL						ALL	SC	
58	ALL	ALL	ALL	ALL	c,d,e	c,d,e	a,b	NISC	Note 6
60		ALL	ALL		c,h,j	c,d,h	a,b,e,f,g,i,j,k	NISC	12/18/2015
61		ALL	ALL				ALL	SC	
64					ALL		ALL	SC	
65		ALL	ALL				ALL	SC	
69		ALL	ALL	ALL		a,b		NISC	6/30/2015
71				ALL		b,c,d,f	a	NISC	12/18/15 (b ONLY)
72				ALL		ALL		NISC	6/30/2015
73	ALL		ALL	ALL		a	b	NISC	12/18/2015
74	ALL	c	a,c,e,f,g	a,c,e,f,g		a,c,d,e,f,g	b	NISC	12/18/2015
75	ALL	ALL					ALL	SC	
76	ALL	ALL					ALL	SC	
77	ALL	ALL	ALL	ALL		ALL		NISC	12/18/2015
78	ALL	ALL					ALL	SC	
79	ALL	ALL					ALL	SC	
81	ALL	ALL	Note 2	Note 4		b,d,f	a,c,e	NISC	12/18/2015
(1) Para 44 as it pertains to imeliness of investigations.									
(2) Para 81 as it pertains to providing supervisory training in leadership and management.									
(3) Para 44 as it pertains to imeliness of investigations.									
(4) Para 81 as it pertains to supervisory training only.									
(5) Some sub-paragraphs of Para 33 were consolidated at the August 2014 Summit.									
(6) None listed in Filing Document 156 dated 06/16/15									

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It is noted that in addition to the paragraphs and sub-paragraphs referenced above, there are 14 sub-paragraphs that are not associated with a goal and remain in Not in Substantial Compliance status. These 14 sub-paragraphs are listed in Appendix D to this report. The IMT augmented the previously supplied (2Q2015) Goals Monitoring System (GMS) software in late October 2015, to provide the VIPD with monitoring and reporting tools similar to those related to the goals for preparing and monitoring an Action Plan for these sub-paragraphs. This additional component allows the VIPD to apply the same critical thinking to those sub-paragraphs in the Consent Decree that remain Not in Substantial Compliance and have no specific goals attached to them. The required input of suspense dates and persons accountable for completion within those dates further emphasizes the need for attention to these sub-paragraphs by the VIPD and provides a venue for the IMT to apply monitoring pressure for compliance that equals that already applied to the goals side of the process.

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

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and Table 3 reflect some goals not addressed by the VIPD, yet remain unmet in the IMT records.

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

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Additional Court Ordered Initiatives or Goals Summary – Table 3

Goal/ Revised Date	Text	Status/ Links	Comment
<i>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 11/29/14</i>			
UOF-A	Edit and improve new force reporting templates	Completed 1Q2015	Three templates have been developed by the Use of Force Working Group. These include a Witness Statement, an Officer Statement (RRR), and a Supervisory Investigation. They were recently field tested on St. Croix and some updates were made to the final versions. IMT has provided technical assistance to the Working Group throughout the development of these templates.
UOF-B	Issue directive for template implementation	Completed 1Q2015	The directive has been developed and signed by the Commissioner. Follow-up use of force template training conducted in the St. Thomas /St. John District during the week of March 16, 2015. This is pursuant to Quarterly goals for the use of force work group for the reporting quarter ending May 15, 2015; the template directive was provided to the IMT on May 15, 2015.
UOF-C	Training and implement templates	Completed 1Q2015	Supervisors and Officers on St. Croix were trained by Captain Duggan during the period 11/25/14 and 11/26/14, while Supervisors on St. Thomas and St. John were trained on 12/11/14. St. Croix officers were trained by the Academy staff on 12/1/14-12/5/14. The remaining officers on St. Thomas/St. John and anyone, who missed the previously scheduled training, are scheduled for that training, conducted by Sergeant Marsh, on March 16 th and 18 th 2015 on St. Thomas. Still some stragglers remain and VIPD asserts they will train them during 2Q2015. The stragglers were trained during 2Q2015...
UOF-D 08/01/15	Approval of Force Review Board Policy	Completed 08/04/15	Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
UOF-E	Identify personnel for Force Review Board	Completed 1Q2015	Same as UOFS-7 page 2; positions rather than people have been identified in the policy and whoever fills the position will be on the board; This process will be underway IMT has provided technical assistance and materials to aid the VIPD with this process. Referenced policy has been approved and signed by the VIPD.
UOF-F 07/22/15	Identify training for Force Review Board personnel	Completed	Same as UOFS-8; Again, the policy has been approved with a September 1, 2015 effective date. IMT has provided technical assistance and materials to aid the VIPD with this process. Some training has been provided by Northwestern University (FIT related) and additional training was

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Goal/ Revised Date	Text	Status/ Links	Comment
			scheduled to be delivered by a FBINA sourced team for the first week of 3Q2015, however impending weather conditions required a reschedule. Training was identified for both FIT & EFRB. Provided the 1 st week of November in/on both districts. Curriculums were reviewed and met policing practices. Additional training will be sought for both new units of the department to meet the 80 hour requirement in the VIPD Policy.
UOF-G 08/01/15	Develop Force Investigations Team (FIT) policy	Completed 08/04/15	Same as UOFS-9; Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
<i>VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 02/20/15</i>			
UOFS1 08/01/15	Approval of Force Investigation Team Policy	Completed 08/04/15	See UOF-G Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
UOFS2	Identify personnel for Force Investigation Team (FIT).	Completed 1Q2015	IA personnel have been trained to investigate FIT level 1 cases (see UOF-F); they conduct parallel investigations; IAB also reviews the file for completeness from the CID report. Additional training was completed for Forensic personnel at Northwestern University and was completed during this quarter. VIPD needs to name the FIT team leaders and their assigned personnel, including the on-call rotation list of FIT supervisors.
UOFS3 07/22/15	Identify training & funding for Force Investigation Team	Completed 07/23/15	Training was scheduled to be delivered by a FBINA sourced team for the first week of 3Q2015; however impending weather conditions required a reschedule. Training was delivered in 3Q15 and produced in both districts. IMT monitored the training and found training met policing standards. Additional training will need to be continued as the goal is to have continuous training to supplement VIPD personnel with ongoing skills development.
UOFS4	Issue Directive for template implementation	Completed 1Q2015	Same goal and comment as UOF-B
UOFS5	Train and implement templates	Completed 1Q2015	Same goal and comment as UOF-C
UOFS6 08/01/15	Approval of Force Review Board Policy	Completed 08/04/15	Same goal and comment as UOF-D Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
UOFS7	Identify personnel for Force Review Board	Completed 1Q2015	Same goal and comment as UOF-E Personnel have been selected by position and approved by Commissioner.
UOFS8	Identify training for	Completed	Same goal and comment as UOF-F

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Goal/ Revised Date	Text	Status/ Links	Comment
12/18/15	Force Review Board Personnel		
UOFS9 08/01/15	Develop Force Investigation Team policy	Completed 08/04/15	Same goal and comment as UOF-G Policy was reviewed, commented on by DOJ and IMT, and final version signed by the Commissioner on 08/01/15.
VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 05/15/15			
UOF1	Development of a UOF Investigation Reviewer's Checklist.	Completed 1Q2015	Checklist for VIPD reviewers has been developed and commissioner's directive for implementation has been signed and issued. Training was accomplished during 2Q2015
UOF2	Issue Commissioner's Directive for use of Reviewer's Checklist	Completed 1Q2015	The template directive was provided May 15, 2015 to the IMT and signed by the Commissioner. IMT continues to monitor impact of the checklist.
UOF3 08/01/15	Train Reviewing personnel on use of Checklist	Completed 08/04/15	Supervisory personnel have received training and VIPD attests that 98% of all supervisory personnel have been trained. The IMT will test compliance in the next quarter by testing supervisors for compliance with the aforementioned training.
UOF4	Issue Commissioner's Directive mandating Forensic personnel to comply with work product time limits for Level 1 Force Investigations.	Completed 1Q2015	Directive completed and pending approval; The template directive was provided May 15, 2015 to the IMT and signed by the Commissioner Pending full implementation status review by the IMT in 3Q2015.
UOF5 08/01/15	Complete training for Forensic CSI staff on creating officer involved shooting sketches and trajectory	Completed 08/04/15	Officers attended training at Northwestern Traffic Institute and received certificates. IMT will assess during compliance review of serious use of force investigations the quality of their reports. Through end of 2Q2015 no incidents arose that required investigation. IMT will review any such cases as they arise and determine impact of the training.
UOF6	Continue training for all officers on UOF Reporting templates	Completed 1Q2015	This is make-up training for those who missed last Fall and March 2015 training; Training on the templates was completed during 2Q2015.
TRNG22	Reorganize the Training Advisory Committee.; Paragraph 74g	Pending	Pending review of directive
TRNG23 12/18/15	Create and implement new protocol for monitoring and evaluating UOF training; Paragraph 73a	Pending	Pending review of Kirkpatrick training and implications for adoption of components by the VIPD
TRNG24 08/01/15	SOP Development for Advisory Committee; Paragraph 74g	Completed 07/23/15	2Q2014 While the VIPD has in fact published a revised version of this SOP, the IMT continues to have concerns regarding its content and impact on the committee's activities, which are discussed in

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Goal/ Revised Date	Text	Status/ Links	Comment
			this report's body at referenced paragraph.
TRNG25 12/18/15	Revise and implement Roll Call Policy; Paragraph 74e	Pending	IMT reviewed the submitted directive and finds it did not follow IMT recommendations and needs further refinement and possible separation into two or more separate directives. IMT will work with the Training Division Director to expedite the corrections.
TRNG26 12/18/15	Development of the Kirkpatrick method of evaluating training; Paragraph 73a	Pending;	Initial training completed in 1Q2015; deadline for completion extended by VIPD to 12/18/15 by the VIPD through court filing
TRNG27	Conduct the first semi-annual meeting and analysis by April 20, 2015	Completed 1Q2015	This relates to Training Advisory Committee and Training Division to supply documentation for meeting in May 2015; Documentation was received.
M&S7	Complete Familiarization training on Disciplinary Flow chart to all Commanders by March 30, 2015; Paragraph 72	Completed 1Q2015	VIPD advises did a flow chart on the disciplinary system; training done in both districts
M&S8	Conduct inspections monthly to ensure compliance with the disciplinary matrix and to ensure non-disciplinary corrective action is recommended consistently when applicable with disciplinary actions. Paragraph 72	Completed 1Q2015	The IMT receives monthly reports of audits performed regarding the matrix use compliance, which contain clear and cogent recommendations for improvement and corrections when errors or non-compliance is found. IMT recommends that VIPD management and VIPD Audit and Inspection Unit review and follow-up with the recommendations and issues reported in these reports.
M&S9	Develop a workable database to track OC canisters issued to officers. Conduct monthly inspections to ensure compliance; Paragraph 60c	Completed 1Q2015	Technically has reached goal of developing a workable database; but will not move sub-paragraph into compliance until IMT sees action or documentation on the inconsistencies. Inspection reports received monthly by IMT indicating monthly inspection compliance with the goal, however the VIPD should look toward a unified system that collects this data, now reported in multiple separate reports, in one document agency-wide. The recent report done to establish variance levels for the weight check provides an excellent format in listing STX personnel.
M&S10	Revisit the implementation of an MOA between the VIPD/VIAG with new administration; Paragraph 60h	Completed 1Q2015	VIPD provided IMT copies of SOPs from VIAG regarding notification to VIPD; while not a formal MOA, this addresses the CD concern. This goal completed 05/15/15.

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Goal/ Revised Date	Text	Status/ Links	Comment
M&S11	Finalize MOA with VITEMA on information sharing to facilitate the requirements of Paragraph 60 with the goal of moving it into compliance	Pending	MOA was completed 05/30/15, however the problem with pursuit activity recordation remains an IT issue and the VIPD continues to work with VITEMA to resolve it. The IMT has established a cut-off date of end of 3Q2015 to resolves this issue prior to placing the VIPD in non-compliance with the associated paragraph. Completion of the required IT fixes to the VITEMA software will bring this goal into compliance MOA completed during 2Q2015.
M&S12	M&S will with the assistance of 911 create a code for vehicle pursuits and have all vehicles for VIPD listed at 911 so vehicle accidents involving police Vehicles can be track; Paragraph 60i	Pending	Had meeting with VITEMA; problem is that software at STX allows for secondary entry of pursuit with a robbery etc; STT does not have a similar software function. While we recognize that VIPD continues to work with VITEMA to address this issue, IMT has not been provided/shown how to access pursuit listings territory-wide Acknowledge that VIPD reports providing vehicle listing to VITEMA See also M&S 11 above
M&S13	VIPD will retrain supervisors on preparing the EIP action plans and assessment report.	Completed 1Q2015	Completed on STT and STX;
M&S14	Conduct remedial training on the EIP process for Commanders, thereafter, conduct monthly inspections and hold those accountable for non-compliance with the EIP protocol; Paragraph 64	Completed 1Q2015	Need documentation on attendance vetted to staffing lists. Review more inspections for conformance. Again, retraining accomplished; individuals have been/in process of discipline. Does not move sub-paragraph or paragraph into compliance; VIPD has hired two data analysts who can assist with this function. currently considering hiring individual to assist with assessments and action plans/ IMT receives periodic notification of such remedial training accomplished and continues to monitor during cases review where such was the determined remedial action.
M&S15 08/01/15	Revise EIP protocol to incorporate previously issued directives in the policy; Paragraph 60	Completed 08/04/15.	Draft received on 7/21/15 in which directive was incorporated. However, more changes need to be made; expect completion in 3Q2015, with subsequent approval, publication, and distribution effected to fully meet spirit of the goal.
M&S16	Finalize the development of additional protocols for the Audit unit; Paragraph 69	Pending	Draft Audit protocols and SOP pending VIPD review. IMT had not received SOP during 2Q2015; Draft SOP received during 3Q2015 and is being reviewed by IMT and goal status could change before court hearing,
CC17 07/22/15	Creation of a standardized protocol to ensure proper dissemination of	Pending	The protocol submitted to IMT is electronic or digital based (storage of the documents and signatures on receipt) responds to those officers with assigned laptops or office computers, thus facilitating

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Goal/ Revised Date	Text	Status/ Links	Comment
	Directives and other protocols Territory Wide; Paragraph 44 Timeliness of Cases		operational access, it does not ensure proper dissemination of directives and protocols for personnel without assigned computers (laptops); further the current bound format of the policy manual (as referenced in VIPD Policy 1.3, Written Directive System (07/20/15) does not lend itself to inserting paper copies which would be required for maintenance of paper directives for personnel without permanent access to assigned laptops upon which electronic storage, distribution and on-line operational referencing is based upon. IMT will work with the VIPD to address this issue during 3Q2015. During 3Q2015, VIPD responded with an initiative in 3Q2015 to prepare and place 3-ring binders in each Zone with paper copies of all CD required policy for use by personnel without laptop computers. The IMT was also provided with a draft policy and the IMT provided comments.
CC18	Create email policy to ensure officers and supervisors monitor email notifications on Complaints/UOF/training or other relevant information; Paragraph 44	Completed 1Q2015	Directive completed.
CC19 None listed	Revised the Investigative Report format to capture Commanders recommendations to be used Territory Wide; Paragraph 58 Unit Commanders Responsibilities	Pending	IMT received document first week of November and is reviewing; possible change to Completed before court hearing.
CC20 07/22/15	Submit the directive to the Policy Committee to revise policy 7.3 and incorporate directive in the policy; Paragraph 58 Unit Commanders Responsibilities	Completed 07/23/15	Policy was updated with inclusion of the directive during the 2Q2015 reporting period.
CC21	Implement Citizen Complaint Checklist for use by investigators and reviewers to ensure all investigations are within standard.; Paragraph 58 Unit Commanders	Completed 1Q2015	VIPD recently revised and implemented Citizen Complaint Checklist. Directive was completed 05/05/15.

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Goal/ Revised Date	Text	Status/ Links	Comment
	Responsibilities		
VIPD Additional Initiatives or Goals, Not Listed in Table 2 Due 08/21/15			
2Q5-1	Authorize and contract training for the Force Review Board	Completed 3Q2015	Training was authorized in September 2015 to the IMT and conducted between 11/04/15 and 11/06/15 on both islands.
2Q5-2 11/06/15	Conduct training for the Force Investigation Team	Completed 3Q2015	Same as 2Q15-1
2Q5-3	Develop OC Spray Chart	Pending	The IMT has been working with the VIPD to develop a Territorial-Wide reporting system and database for the periodic weighing of OC Spray canisters. That database system is currently in final review and will be delivered to the VIPD for server based installation on 11/20/15. This will resolve the previous issues with the miss-matched reporting systems from each district and standardize it for Territorial-Wide reporting.
2Q5-4	IAPro Application Training	Completed	On 8/11, VIPD provided IMT and DOJ with a roster of individuals that attended IAPro training on July 27. While the training However, IMT is awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc), Course of Instruction with performance objectives, and other training materials for the course delivered in July 2015. IMT needs such materials to help assess the quality of the instruction. Where possible. IMT will have VI resident team members attend VIPD scheduled training courses. Additionally, during the week of November 2, 4 members of the VIPD (Deputy Commissioner, 2 analysts and 1 IA agent) attended IAPro training in Phoenix
2Q5-5	Train investigators and reviewers on the Citizen Complaint Checklist	Pending	IMT was awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc.), Course of Instruction with performance objectives, and other training materials, including attendee rosters, for this course. Submitted materials did not meet IMT standards to justify compliance. IMT will work with VIPD to improve both the quality of the training as well as the documentation needed to prove compliance. VIPD further did not follow IMT Procedure 15-1, VIPD Submission of Paragraph or Goal Completion, dated 08/07/15 when submitting the documentation.
2Q5-6 110/06/15	Train investigators and reviewers on the Summary Investigation	Pending	IMT was awaiting copies of the training schedule, curriculum materials (including lesson plans, Power Points, handouts, etc), Course of Instruction with

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Goal/ Revised Date	Text	Status/ Links	Comment
	Report		performance objectives, and other training materials, including attendee rosters, for this course. Submitted materials did not meet IMT standards to justify compliance. IMT will work with VIPD to improve both the quality of the training as well as the documentation needed to prove compliance. VIPD further did not follow IMT Procedure 15-1, VIPD Submission of Paragraph or Goal Completion, dated 08/07/15 when submitting the documentation.

The codes used in the first column (Goal/Revised Date) are those used by the IMT to track VIPD compliance with these goals within the IMT data system. These codes were instituted as many of the goals had similar wording or were duplicative of others. The format was standardized in 2Q2015 by use of the Quarter plus Year-Goal Number, e.g.; 3Q5-1. Additionally, some of these initiatives may be discussed further in other sections of this report, as noted. During the 3Q2015 Summit the VIPD agreed with a IMT proposal to formerly adopt this numbering system for future goals. This system is consistent with the Goals Monitoring System (GMS) software provided to the VIPD by the IMT.

C. Compliance Detail

The VIPD has achieved Substantial Compliance for 31 paragraphs. Twenty (20) remain in Not in Substantial Compliance status, with little or no activity during the current quarter.

- **Paragraphs in Substantial Compliance at the end of the 3rd Quarter, 2015** are: **31**, **39**, **40**, 41, 42, 43, 45, 46, **47**, 48, 49, **50**, 51, **52**, **53**, 54, 55, 56, 57, 61, **62**, 63, **64**, 65, 66, **70**, 75, 76, 78, 79 and 80.

(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, 2015:** None.
- **Paragraphs Not In Substantial Compliance:** 32, 33, 34, 35, 36, 37, 38, 44, 58, 59, 60, 69, 71, 72, 73, 74, 77, 81, 100, 101.

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The IMT issued a memorandum on November 13, 2014 that displays the linkage between paragraph 100 sub-paragraph compliance requirements or items (a-w) and their original location in another paragraph of the Consent Decree. This is included as Appendix C to this report.

D. Court Goals – Further Discussion

1. The Force Review Board

The Force Review Board, Policy 3.3 (Use of Force Review Board) was finalized, approved by DOJ and signed by the VIPD Commissioner with an effective date of 09/01/15. The selection of Board members is contained within the above policy and the IMT staff delivered training for all assigned members during the first week of November, 2015. Additional and ongoing training and skill development will continue as this process continues to evolve.

2. The Force Investigation Team

The Force Investigation Team, Policy 3.15, was finalized and approved by DOJ and IMT during the 2Q2015 reporting period. The policy was signed by the Commissioner and has an effective date of 09/01/15. Training for the Force Investigation Team was delivered by the IMT staff during the first week of November, 2015. Additional training was completed by FIT members focusing on the forensic side by Northwestern University during the period June 22-24, 2015. Additional and ongoing training and skill development will continue as this process continues to evolve.

E. Paragraph and Goal Detail Review

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

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During the 3Q2015 reporting period there was no additional compliance activity by the VIPD over that reported for the 1Q2015 or 2Q2015 reporting period and thus no compliance status changes were made to either paragraphs or sub-paragraphs. The following section reflects that unchanged status. The Activity, Impediments and Recommendations for each of the paragraphs and related sub-paragraphs Not in Substantial Compliance remain the same for the 3Q2015 reporting period, and the below text is in many cases taken verbatim from the last report.

It is also noted that as of the date of this report, the IMT has not received the VIPD 2Q2015 Audit Report for comparison purposes. The 3Q2015 Status Report was received on November 9th just after publication of the draft of this report.

Paragraph 32, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

During this reporting period the VIPD has continued its' aggressive approach at revamping its internal review system to respond to known lapses in the force reporting, investigation and review process. They had previously (4th Quarter 2014) developed a 1) revised Officer Responding to Resistance template, 2) new Witness Officer Force template, 3) revised Supervisor Investigating Force template, and a directive from the commissioner implementing the templates. The force group leader Capt. Duggan executed training and tested the methodology for the implementation of the training and the validity of the templates. Additional tweaks to the products were detected and modifications resulted. Supervisors and Officers on both islands have been trained on the templates, with any stragglers training in both the last and current reporting quarters. Capt. Duggan has been moved to the Audit unit and during this quarter an Audit Manager has been hired to assist with auditing process.

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

Impediments to Compliance

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

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

During the 3rd Quarter, IMT randomly selected 19 use of force cases closed by VIPD for review for compliance of the Consent Decree. The data analysis that follows regarding our review of those use of force cases was conducted by two of the monitoring team Police Practice Experts. IMT review for use of force cases are classified into three categories for determination for compliance. A finding can be made to find a case sufficient, in which case the PPE found enough information to agree that additional work would not change the finding but that the investigation, review, and analysis missed key pieces of the investigation. Insufficient cases are cases determined by the PPE to be below standards for the investigation, analysis and review of force cases. Complete case reviews are those investigations, which VIPD meets the industry standards and generally accepted policing practices of force investigation, analysis and review.

During this Quarter, IMT reviewed 19 closed use of force cases. For the first time in the history of this investigation, VIPD made progress and had a successful number of cases completed properly. Although much progress was made, they did not achieve sufficient numbers to be in compliance, however, their effort should not go unnoticed, and this quarter review was a good effort toward compliance.

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Specifics of case deficiencies we identified can be made, which are the following:

- officer's use of vague and pattern language,
- failure of a supervisor to document the arrival and departure of the supervisory investigation,
- failure to document officer and witness statements,
- failure to follow up to searches - prior to and after the arrest,
- failure to follow up on injuries, and
- officers "cut and paste" into their Response to Resistance Reports.

Results of our review by IMT demonstrated 11 out of 19 use of force cases should not have been accepted thru the chain of command. There were key components of the investigation missing or unanswered which should have been captured by chain of command and or Use of Force Review Board, had the UFRB been up and running.

Recommendations to Gain Compliance

Coordination between the IAB, Audit and Inspection Unit, and the Training Division to ensure that all necessary documentation and curriculum components are met so all members are trained consistently and provided the same outcome measures.

While there is still considerable room for improvement for VIPD use of force investigations, This quarter's effort by supervisory and command personnel should take notice of their improvement in use of force management. Over time, with the additional training in force investigations given in November 2015, the introduction of the UFRB the VIPD can improve if they continue with their concerted efforts with the basic fundamentals of force investigation, review, supervisory and command oversight.

Sub-Paragraph b, Status = Partial Compliance

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

Activity

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

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For the force cases reviewed during the 3Q 2015, there was a 60% compliance rate for force reviews. Eleven of the cases reviewed were completed appropriately, four did not meet industry standards, and three were insufficient as noted in the report. This again is a movement forward toward compliance. The addition of UFRB (Use of Force Review Board) should complement more compliance.

Impediments to Compliance

Supervisors' failure to properly identify all uses of force continues in some cases. Supervisors and management must review force cases more specifically for the failure to identify each and every specific type of force used during an event. We continue to monitor the impact of the supervisor Review Checklist and will expand that through a larger sample of cases under review. Aggressive follow-up of failure to review at all levels of the VIPD should be a command priority.

Continue to provide training to supervisors on proper methods of supervisory use of force investigations. Simultaneously, hold accountable those trained supervisors in the industry standards of investigation of force incidents. Ensure compliance in appropriate investigation of the force incident, review, analysis and vertical reporting to command.

Recommendations to Gain Compliance

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

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

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

In this quarter 63% of cases reviewed, supervisors failed to recognize each and every force type in an incident. The additional training provided to supervisors in the quarter should positively augment previous work to improve compliance. The addition of the audit unit in identifying early mistakes and causing correction before cases are filed and closed should also be helpful.

Sub-Paragraph c, Status = Not in Substantial Compliance

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

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Activity

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

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

During this Quarter, IMT found a 45% compliance rate. This is a small incremental improvement from last Quarter. Although not significant, this is process improvement. The additional training provided to supervisors in the quarter should positively augment previous work to improve compliance. The addition of the audit unit in identifying early mistakes and causing correction before cases are filed and closed should also be helpful

Impediments to Compliance

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

No significant change during this Quarter.

Recommendations to Gain Compliance

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

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Management must enforce and actively manage use of force incidents, reviews, and the completion of force investigative analysis in a timely manner and consistent with Consent Decree.

Sub-Paragraph f, Status = *Partial Compliance*

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

Activity

IMT has continued to review case files to determine if audio and video taping is being conducted and if those files are attached to reports. IMT notes that several of the respondents in the surveys conducted during December 2014 and Jan 2015 indicated, anecdotally, that the department had not previously provided such recording equipment and had purchased their own. Both the VIPD and the IMT reviews disclose that this issue is being addressed, in terms of enclosure with the reports and noted in the supervisors report. Evaluation of content of the recordings is still under review by the IMT.

IMT 3Q2015 review resulted in 19 cases reviewed. Of those, 55% of cases failed de-escalation consistent with Consent Decree mandates. IMT notes, this may attributed to supervisory non-compliance of de-escalation review and evaluation because of a lack of equipment.

Impediments to Compliance

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

VIPD Supervisors fail to recognize de-escalation techniques instructed to them during training and failure to report.

Recommendations to Gain Compliance

IMT continues to urge the VIPD to install in car video cameras. Review the distribution and availability of department owned audio and/or video equipment that will assist the VIPD with complying with this requirement, the IMT understands that the equipment has been purchased but the VIPD had not developed the policies and procedures for the equipment use, review, audit, storage and retrieval. This might be an appropriate audit for the Audit and Inspection Unit (AIU) to complete to validate both the survey comments and VIPD efforts to ensure availability of the required equipment.

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VIPD should write a policy for the use, review, auditing and storage on in-car video cameras. Currently, VIPD has the equipment in squads and they must provide direction for above.

Paragraph 33, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

IMT recommends the selection and placement of a Use of Force Territorial Coordinator. Firearms Investigation Team (FIT) training has occurred and this is the proper time for the Commissioner to appoint someone to the Coordinator position.

Impediments to Compliance

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

IMT understands VIPD undertook a study of other police operations that would positively impact the Consent Decree. We understand some of the areas studies were manning charts, geographic policing, span of control, and resource allocation. IMT looks forward engaging VIPD discussion on how to maximize delivery of the recommendations to enhance VIPD's compliance with the Consent Decree. We also look forward to reviewing the study that the Territorial leaders ordered to be completed on this very topic.

Recommendations to Gain Compliance

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

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

IMT understands VIPD undertook a study of other police operations that would positively impact the Consent Decree. We understand some of the areas studies were manning charts, geographic policing, span of control, and resource allocation. IMT looks forward engaging VIPD discussion on how to maximize delivery of the recommendations to enhance VIPD's compliance with the Consent Decree. We also look forward to reviewing the study that the Territorial leaders ordered to be completed on this very topic.

Sub-Paragraph a, Status = Partial Compliance

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

See Paragraph 33 above

Activity

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

IMT case reviews disclosed improvement, but falls short as to where VIPD should be in at this time and certainly by August 2016. Of the 20 force case reviews - 7 supervisors responded appropriately, 10 cases the supervisor did not respond to the scene. There was nothing in the case reviews to indicate why the supervisor did not respond also there were 3 cases that the PPE was unable to determine because of the lack of information in the report. These conditions are a direct failure of the management oversight of the case review process.

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Impediments to Compliance

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

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

Due to the lack of detail information in police reports, VIPD needs to determine the reason(s) as to why supervisors are not responding to force incidents. Also, why management of the force review process is not being monitored or audited by the VIPD before the case is closed.

Recommendations to Gain Compliance

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

Newly promoted supervisors should not be authorized a shift or manage personnel until they have completed a 40-hour course on Supervisory Investigation of Use of Force Incidents.

Sub-Paragraph e, Status = Partial Compliance

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

Activity

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

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Results of our previous reviews and Audits Report showed little change. Supervisors did not meet the injury/examination requirements in 57% of the cases, nor were interviews conducted in 57% of cases.

IMT review for this quarter revealed that the VIPD stayed the same as in the prior review. No change is noted and the VIPD remained

Impediments to Compliance

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

These recommendations continue to be valid.

Recommendations to Gain Compliance

Ensure that the Training Division, in conjunction with the template designers, provides for coordinated training and management of the curriculums necessary to properly retrain and train new employees in the same process. Increase command emphasis on using the templates as quality control devices.

Commanding Officers need to ensure that these questions are answered in every RRR. IMT further recommends the selection and placement of a Use of Force Territorial Coordinator. Firearms Investigation Team (FIT) training has occurred and this is the proper time for the Commissioner to appoint someone to the Coordinator position.

Paragraph 34, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

Impediments to Compliance

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Management review of the completed force cases has been intermittent and incomplete. Both the VIPD audits and IMT reviews have disclosed untimely cases, incomplete analysis that failed to properly identify inadequate officer or supervisor reporting, missing collection of evidence, witness identification missing and case analysis was not supported by evidence. IMT continues to find closed cases with missing documentation which seems to support VIPD audit findings of a similar nature.

IMT reviews show forward movement within the VIPD's supervisors' description of the events preceding the use of force in the RRR process. Description of the events preceding the use of force clearly demonstrated progress. But, that were the progress ends the continued use of pattern language and general terms in cases reviews were still present. Some cases contained so much boiler plate language that the appropriateness of the force could not be determined by the PPE's.

Recommendations to Gain Compliance

VIPD efforts to implement both a Force Review Board and a Force Investigation Team will greatly assist in the ongoing force analysis issues. Properly trained and motivated managers who follow reporting procedure themselves will also result in furthering compliance. The Force Review Board and FIT team policies were finalized and approved by DOJ and IMT during this quarter.

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

Training for supervisors in Force Review Board and Force Investigation Team (FIT) took place in 4th Quarter. This training will assist with VIPD progress in Consent Decree requirements and possibly move this paragraph into partial 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.

IMT continued to see problems in this area in cases reviewed and we expanding the number of cases for review in 3Q2015 to determine if a more positive trend has occurred. We continue to believe that there are insufficient supervisors available to properly respond to and complete UOF investigations and this appears to bear out through the more recent Blue Team spot checking in comments made by the line operational personnel (although a small sampling due to availability) who were

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interviewed by IMT team members. IMT has not received any VIPD staffing reports for comparison in staffing trends over the last year.

Activity

IMT case reviews of 3Q2015 found a positive trend of VIPD supervisors recuing themselves from force investigations when being initially involved.

Impediments

Insufficient supervision, which are properly deployed and trained. Failure to deploy supervisors who are not part of the force incident.

Recommendations

Command Officers need to ensure sufficient supervisors are available when a subordinate supervisor is involved in a use of force incident.

Recommend that the VIPD establish a SOP outlining on-call supervisors to respond to the scenes of force use when needed.

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.

Status Change: No Change Date Changed: 10/31/2015

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

Activity

IMT review indicated a noticeable improvement. There still remains general terms, boiler plate language and passive descriptions. The supervisors are at least writing something in the description. The analysis of the force for Graham factors, threat encounters, and specific descriptions of force resistance encountered is still weak in the

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reviews. There was however a noticeable difference. If VIPD continues this progress, the 4Q2015 Report could get VIPD into at least Partial Compliance.

Impediments

Supervisors who do not know how to properly write and analyze force use by their subordinates.

Recommendations

Command Officers need to review and critique supervisory force narratives. Ensure supervisors who need additional training are trained and recommend that they get the tools necessary to properly complete the task on reporting, investigating, & reviewing force.

Sub-Paragraph c, Status = Not in Substantial Compliance

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

No change in activity, impediments, or recommendations from prior reports. No progress was made. Last quarter (2Q2015) IMT reported there was a slight decrease in the number of cases that would qualify as compliant. Supervisors did not include a precise description of the facts and circumstances that either justify or fail to justify the officer's use of force. The VIPD has had a compliance rating hovering around 39% of its cases as being correctly written during previous quarters. The recent findings by both the VIPD and confirmed by the IMT show a compliance rating just slightly better at 29%. We would have expected to see a somewhat better application of the templates and training but are reserving judgment to give the forms, supervisors and training more opportunities to prove them as contributing to compliance.

Activity

IMT reviews indicate no change for 3Q2015.

Impediments

Supervisors do not know how to articulate the precise facts of the Graham Factors, describe the specific threat encountered nor to properly write the circumstances which would provide for a reasonable objective analysis.

Recommendations

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Training for supervisors in Force Review Board and Force Investigation Team (FIT) will take place in 4th Quarter. This training will assist with VIPD progress in Consent Decree requirements.

Sub-Paragraph d, Status = Partial Compliance

In =>90% of the reportable use of force incidents, the supervisor completed his/her review and evaluation according to VIPD's use of force policies and all other requirements of 31 of the Consent Decree and will evaluate the basis for the use of force, and determine whether the officers' actions were within VIPD policy.

Activity

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

This 3Q2015 report disclosed a noticeable improvement in force reviews but with much more work to be done.. Further assessment in the next quarter and the training applied during this quarter should assist in VIPD's compliance with the Consent Decree requirements into the 4Q2015 report.

Impediments

Supervisors do not know how to articulate the precise facts of the Graham Factors, which provide for a reasonable objective analysis. During this Quarter IMT reviewed written statements involving force incidents from supervisors. There was no indication of follow up for specific areas of concern. Evidentiary concerns were not properly documented and evaluated. Taser downloads were not properly documented. Written statements from officers contained discrepancies in the statements and no indication to evaluate the follow up. Photographs could have provided valuable evidence and no indication they were taken and or placed into the file.

Recommendations

Training for supervisors in Force Review Board and Force Investigation Team (FIT) will take place in 4th Quarter. This training will assist with VIPD progress in Consent Decree requirements.

Cases should not have been approved, but rather sent back to the submitting supervisor for follow up. Command Officer should have noted the kick-back and placed information in the file

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Sub-Paragraph e, Status = Partial Compliance

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

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

Activity

No change

Impediments

Cases should not have been approved, but rather sent back to the submitting supervisor for follow up. Command Officer should have noted the kick-back and placed information in the file

Recommendations

No change

Discussion and/Meetings

Activity

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

No change

Impediments

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

No change

General

Recommendations to Gain Compliance

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

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No change

Paragraph 35, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

During this Quarter IMT reviewed written statements involving force incidents from supervisors. There was no indication of follow up for specific areas of concern. Evidentiary concerns were not properly documented and evaluated. Taser downloads were not properly documented. Written statements from officers contained discrepancies in the statements and no indication to evaluate the follow up. Photographs could have provided valuable evidence and no indication they were taken and or placed into the file.

Impediments to Compliance

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

Cases should not have been approved, but rather sent back to the submitting supervisor for follow up. Command Officer should have noted the kick-back and placed information in the file

Recommendations to Gain Compliance

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

Sub-Paragraph a, Status = Partial Compliance

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

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

Activity

IMT did not assess this area during 3Q2015.

Impediments

IMT did not assess this area during 3Q2015.

Recommendations

IMT did not assess this area during 3Q2015.

Sub-Paragraph b, Status = Partial Compliance

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

This sub-paragraph is in need of additional work by the VIPD. Both the IMT and the VIPD have found that the supervisors fail to include relevant evidence (circumstantial, direct and physical) in their narratives which must be considered when credibility determinations are being made. An example is where Taser camera and download information is available yet the supervisors do not include it in reports to either support the officer's statement or the citizen's statement of the force event. (UOFT2014-0051)

IMT reviews found continued discrepancies and lack of supervisors fully investigating force incidents. When applied, 2 of 7 force incidents were correctly completed 3Q2015.

Impediments to Compliance

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

Supervisors appear do not know how to recognize and accomplish this task. During quarter Use of Force and Force Investigation Team training will assist and improve in this area.

Recommendations to Gain Compliance

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

Cases should not have been approved, but rather sent back to the submitting supervisor for follow up. Command Officer should have noted the kick-back and placed information in the file

Sub-Paragraph c, Status = Not in Substantial Compliance

In =>90% of investigations where material inconsistencies are present between witness statements, reasonable efforts are made to resolve the inconsistencies.

When evaluating witness credibility, appropriate factors are considered and documented.

Activity

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

See above

Impediments to Compliance

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

See above

Recommendations to Gain Compliance

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

See above

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

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

IMT reviews indicate overall VIPD progress with this area. If continued, during 4th Quarter could be moved into Compliance.

Impediments to Compliance

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

IMT review of 3Q2015, 7 medical case incidents were non-compliant and 4 were compliant. The reports lacked the evaluation to determine why the injuries occurred and were they consistent with the RRR report. Photos of injuries were not taken - 5 incidents were complaint and 6 non-compliant.

Recommendations to Gain Compliance

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

Command Officer monitoring. Cases should not have been approved, but rather sent back to the submitting supervisor for follow up. Command Officer should have noted the kick-back and placed information in the file

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

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requirement does not apply to the lowest level use of force as defined in DOJ approved VIPD policy.

Activity

All force cases reported to the VIPD are now being investigated. The IMT will work with the VIPD to determine if this sub-paragraph is ready for compliance. The most recent 3 quarters have shown increased compliance and IMT will conduct a review during the 4Q2015 reporting period to determine status.

Data in the IA Pro system must be validated to ensure the IMT is capturing all the events. That will occur in the 4th Q2015

No change

Impediments to Compliance

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

No change

Recommendations to Gain Compliance

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

No change

Sub-Paragraph b, Status = Partial Compliance

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

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

Activity

Cases should not have been approved, but rather sent back to the submitting supervisor for follow up. Command Officer should have noted the kick-back and placed information in the file

Impediments

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Management oversight

Recommendations

Appoint a territorial force coordinator.

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.

Activity

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

Impediments to Compliance

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

Cases should not have been approved, but rather sent back to the submitting supervisor for follow up. Command Officer should have noted the kick-back and placed information in the file

Recommendations to Gain Compliance

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

Paragraph 37, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

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approved by DOJ, designated command staff shall further review the Commander and/or Director's reviews according to the level of force involved.

Activity

Recent implementation of the templates should have some impact on compliance here, if used correctly and are subsequent corrective actions are supported by management. Command officer received training in this quarter in both FIT and FRB. This should help their continued development in force review and analysis.

Impediments to Compliance

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

Recommendations to Gain Compliance

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

Cases should not have been approved, but rather sent back to the submitting supervisor for follow up. Command Officer should have noted the kick-back and placed information in the file

Appoint a territorial force coordinator.

Sub-Paragraph a, Status = Partial Compliance

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

Activity

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

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

We have determined during the 3Q2015 review that the command officers are reviewing the cases but not capturing all the deficiencies nor insuring that the corrections are made and followed up on for accountability.

Impediments to Compliance

Failure to affect accountability at senior levels of the investigation directly impacts this paragraph. During this quarter the command officers received additional training that should assist them in overseeing force accountability.

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Recommendations to Gain Compliance

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

Sub-Paragraph b, Status = Not in Substantial Compliance

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

Activity

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

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

Our 3Q2015 review showed that the command officers are reading the cases but failing to identify missing case information and approving force cases that should have been returned for additional follow-up or investigation.

Impediments to Compliance

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

Recommendations to Gain Compliance

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

Audit cases before approval by the command officers and identify areas that need attention

Appoint a territorial force coordinator.

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

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VIPD's DOJ approved use of force policies and all other requirements of 31(a)-(g) of the Consent Decree.

Activity

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

Our reviews conducted during our previous quarters (reported on in Section V, a) determined that command review of cases needs to be conducted more diligently. Our 3Q2015 disclosed the same concerns and issues as in the previous quarters.

Impediments to Compliance

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

Recommendations to Gain Compliance

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

Audit cases before approval by the command officers and identify areas that need attention

Appoint a territorial force coordinator.

Sub- Paragraph d, Status = Not in Substantial Compliance

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

Activity

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

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Impediments to Compliance

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

Recommendations to Gain Compliance

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

Audit cases before approval by the command officers and identify areas that need attention

Appoint a territorial force coordinator.

Sub-Paragraph e, Status = Not in Substantial Compliance

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

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

Impediments to Compliance

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

Recommendations to Gain Compliance

Audit cases before approval by the command officers and identify areas that need attention

Appoint a territorial force coordinator.

Sub-Paragraph f, Status = Not in Substantial Compliance

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

The VIPD and the IMT have found significant deficiencies in reviews. The compliance rate for most of these sub-paragraphs hovers between 45% and 75%. Some are still

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totally at zero compliance. Clearly the department has to visualize a solution for this total paragraph. The IMT would suggest that a meeting be convened by the police commissioner to review the substance of the VIPD audits and the IMT's reviews and strategize a plan of action to correct the deficiencies. Use of the IMT supplied Goal worksheets and database can be equally used for the planning process here.

Impediments to Compliance

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

Recommendations to Gain Compliance

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

Audit cases before approval by the command officers and identify areas that need attention

Appoint a territorial force coordinator.

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

The IMT and DOJ worked with the VIPD to develop the Force Review Board and Force Investigation Team (FIT) polices, which were signed by the Commissioner with an effective date of 09/01/15. Portions of required training for the FIT were conducted in July 2015, while other training is scheduled for later in August 2015. Additional FIT and FRB training was conducted during the Nov. 2015 and most command and senior members of the department attended that training. The training was videotaped so additional supervisors who were not able to attend could view the training. It is anticipated that both units FIT and UFRB will be fully operational during the 4Q2015 and the IMT looks forward to assisting their processes and evaluating their actions during that and follow-on quarters.

Impediments to Compliance

Command accountability

Recommendations to Gain Compliance

Audit cases before approval by the command officers and identify areas that need attention

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Appoint a territorial force coordinator.

Sub-Paragraph a, Status = Not in Substantial Compliance

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

See paragraph level entries for paragraph38.

Impediments to Compliance

Failure to thoroughly investigate and account for use of force incidents. During 3Q2015 training for a Force Investigation Team took place in both districts. However compliance must be evaluated through review of the action of both of the FIT team and the quality of its investigations and the department's review of those cases and future quarters.

Recommendations to Gain Compliance

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

Sub-Paragraph b, Status = Not in Substantial Compliance

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

No Change

Impediments to Compliance

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

See above

Recommendations to Gain Compliance

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

See above

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Sub-Paragraph c, Status = Not in Substantial Compliance

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

While these directives and initiatives do not directly respond to the issue of supervisors being trained in use of force investigations, if implemented as currently proposed, the number of investigations by supervisors will greatly decline, with the FIT taking over responsibility. Activity of both elements will be a focus of IMT review during the 3Q2015. FIT and UFRB training of command and senior members of the department took place in both districts during 3Q2015. The continued training and implementation of the FIT policy into operational orders must be achieved with the next quarter.

Impediments to Compliance

Need to stand up the unit requires operational orders.

Recommendations to Gain Compliance

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

Paragraph 44, Status = Partial Compliance

Consent Decree Paragraph Wording

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

Activity

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

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Impediments to Compliance

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph i, Status = Not in Substantial Compliance

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

Activity

Timeliness continues to be the issue on this paragraph; as previously stated in VIPD's earlier reports. As reported previously, the VIPD has attempted to resolve the timeliness issue through the issuance of commissioner's directives in both Districts, which mandated the completion of all outstanding 2013 and 2014 investigations. There has also been a focus on completing 2015 cases. As a result of these directives the number of outstanding cases for both Districts was reduced significantly.

At this time IMT has requested the documentation showing current status of outstanding cases. During the August 15, 2015 monthly meeting the VIPD could not provide the number of outstanding /overdue cases. There was discussion that sometimes cases are completed at the zone, but then sit at IAB. IMT emphasized that our focus was on overdue cases throughout VIPD. IMT requested documentation and will assess once received.

As previously stated timeliness within IAB as regards citizen complaints has improved during the CD, IMT continues to have concerns with a number of the more serious investigations. Many of these involve officer-involved shootings (IAB and CID) and can linger for protracted periods of time (sometimes for years). While the VIPD has been the source for many of the delays, responsibility, historically, also rests with the VIAG. IMT will continue to monitor.

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

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

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IMT also recognizes that VIPD is attempting to insure that if delays are necessary, appropriate waiver request is initiated. During this current quarter, VIPD focused on the development of a flow chart regarding the citizen complaint process (with timelines) to address any confusion supervisors/managers may have as to their responsibilities in the area of timeliness

Impediments to Compliance

As previously stated, lack of accountability as regards supervisors continues to be an issue— although we have seen that improve with disciplinary actions taken. IMT will continue to review progress. Additionally VIPD managers should have a clear idea as to the status/numbers of overdue cases.

Recommendations to Gain Compliance

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

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

The VIPD needs to monitor the waiver requests to insure that these are for valid reasons. VIPD management should also identify the logjams and focus in those areas.

Paragraph 58, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

During the last quarter, VIPD issued a Directive regarding recommendations identified which deals with training or other problems. IMT acknowledges that VIPD is currently auditing this requirement. During the 3rd-4th quarter Audit of 2014 VIPD self identified a number of cases where this was not done; during the Audit for the First Quarter 2015, VIPD self identified one instance when a recommendation should have been forwarded - it was not (1 of 1).

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IMT received a document during the first week of November and is reviewing; possible change of related goal to Completed before court hearing.

Impediments to Compliance

See above

Recommendations to Gain Compliance

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

Paragraph 59, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

See sub-paragraphs.

Impediments

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-paragraph b, Status = Not in Substantial Compliance

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

Activity

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

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

Impediments to Compliance

VIPD needs to reinforce accountability throughout the ranks.

Recommendations

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

Paragraph 60, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

The new risk management system will collect and record the following information:

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

Activity

See sub-paragraphs.

Impediments

See sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph c, Status = Not in Substantial Compliance

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

Activity

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

Impediments to Compliance

See recommendations.

Recommendations to Gain Compliance

VIPD should audit STT/STJ and provide documentation to IMT

Sub-Paragraph d, Status = Partial Compliance

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

Activity

According to VIPD, *The Injury to Prisoners* posters are completed and have been posted throughout the various zones. These posters described VIPD policy regarding reporting injuries to detainees to assist officers in completing reporting requirements. This directive has been incorporated into the arrest policy.

During the current quarter, VIPD has drafted a system/policy to address documentation of injuries not received by a use of force; IMT provided feedback

Impediments to Compliance

See recommendations – IAB addressing impediments.

Recommendations to Gain Compliance

VIPD should audit, identify deficiencies and address same.

Sub-Paragraph h, Status = Not in Substantial Compliance

=>95% of criminal proceedings initiated, civil or administrative claims filed, and civil lawsuits served against the Territory, the VIPD, and its Officers resulting from VIPD operations will be entered in RMS with a reasonable level of accuracy and completeness.

Activity

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

During the October 2015 monthly meeting, IMT raised the issue that we would need to review the log out system at the VIAG to insure documentation forwarded to VIPD is properly entered into their RMS VIAG rep was unsure that such a system existed. IMT emphasized that we would need to review whatever system VIAG uses to identify what and when materials forwarded to VIAG. IMT will continue to pursue

Impediments to Compliance

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

Recommendations to Gain Compliance

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

Sub-paragraph i; Status = Substantial Compliance

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

Activity

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

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

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

During this quarter IMT requested any/all documentation reflecting status. IMT will assess once received

Impediments to Compliance

VIPD and VITEMA need to further link the 911/CAD data with the IAPro system to increase capture of all pursuits. This includes the need to associate codes with the pursuit

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activity and have those codes be the same on STT and STX. This is needed in order to ensure accurate capture of pursuit activity to compare with UOF reporting. This is an IT technical problem that needs to be worked out at that level.

Recommendations

As stated in the 1Q2015 report, the sub-paragraph has been deemed in compliance due to VIPD's efforts to ensure accurate capture of the pursuit data. IMT recommends continued meetings with VITEMA to insure more seamless integration with the coding. IMT recognizes VIPD efforts in this area; however, there still needs to be work with VITEMA to be able, not only to store, but to easily access pursuit information. IMT is not moving VIPD out of compliance at this time, but will provide additional time to correct deficiency. This extension will not exceed beyond the scheduled November 2015 Summit. If appropriate documentation not provided, the paragraph will be removed from compliance into partial

Paragraph 69, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

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

During the current quarter IMT received VIPD proposed Audit SOP. While considered a good faith effort, IMT continues to review. Additionally since the audits are delayed, IMT does not have the opportunity to assess to what level the draft is being applied

At this time, however, IMT is moving sub-paragraph "a" into Partial Compliance as result of the submission of the Audit Unit SOP for review.

Impediments to Compliance

As stated in earlier reports, failure to fully staff the unit and prepare annual audit plans, and complete /submit audits in a timely fashion

Recommendations to Gain Compliance

Fully staff the unit, and develop an annual audit plan and schedule.

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Paragraph 71, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

Also please see comments in paragraph 44 which describes creation of flowchart for citizen complaint process as this flowchart also addresses this paragraph

Impediments to Compliance

See other sub-paragraphs.

Recommendations to Gain Compliance

See sub-paragraphs.

Sub-Paragraph b, Status = Not in Substantial Compliance

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

Activity

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

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

During the Audit for the 1st Quarter 2015, 8 cases were reviewed. While the audit report states that these were the cases completed during the first quarter, they appear to be cases initiated and closed within the 1st quarter as they all have 2015 numbers. If this is not case, then it would appear that none of the overdue 2014 cases (referenced above) have made

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progress. Of those 8 cases, 3 are identified as overdue. IMT will clarify, again, which cases VIPD audits each quarter as regards citizen complaints. At this time the IMT has not received additional audits.

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

Impediments to Compliance

VIPD to implement above mentioned steps.

Recommendations to Gain Compliance

See above

Paragraph 72, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

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

During the current quarter, VIPD submitted a draft revised disciplinary policy and matrix to USDOJ and IMT This matrix is currently under review

Impediments to Compliance

Lack of adherence to VIPD policy.

Recommendations to Gain Compliance

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

Completion of the current review of the Disciplinary Matrix.

Sub-Paragraph a, Status =Not in Substantial Compliance

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

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

Sub-Paragraph b, Status =Not in Substantial Compliance

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

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

Paragraph 73, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

Activity

There has been no movement on this paragraph during this quarter.

A Standard Operating Procedure (SOP) for the Training Advisory Committee (TAC) was signed by the Commissioner on May 22, 2015, and forwarded to the United States and the Independent Monitor on July 21, 2015. The IMT had previously reviewed and provided extensive comments on the proposed draft (March 31, 2015) and found little change to the signed SOP in light of those recommendations. The IMT's concerns with the final SOP included both outcomes and the protocol itself (for example it is unclear exactly which of the two police chiefs are the chair of the board, among other inconsistencies.) In addition, while being titled an SOP, it did not detail a protocol for the various reviews (what will be reviewed, in what context, using what criteria, etc). While the signed SOP is a step in the right direction, the IMT still views it as a "work in progress" and thus not compliant with the intent of the paragraph.

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

Impediments to Compliance

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

- a. Still does not have a protocol for the conduct and expected outcomes from the meetings, which inhibits its focus and effectiveness;

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b. Their agenda tends to focus on review of equipment issues;

c. Fails to review training and training materials from an analytical basis based upon developed criteria. Areas addressed in the meeting seemed to range more on equipment issues. No Use of Force activity as to type and effectiveness was discussed, apparently based upon reports from IAPro (which were attached), but the notes did not adequately reflect the content or decisions that emanated from those discussions. Without a well-developed protocol (e.g., SOP), no meaningful evaluation can take place.

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

Recommendations to Gain Compliance

Throughout the conduct of this consent decree, VIPD has struggled with understanding exactly what is required by this paragraph. VIPD must (by the requirements of the paragraph) conduct a semi-annual review of the quality and consistency of their use of force training. They must also review the use of force training’s compliance with both law and VIPD policy. This amounts to two (2) inquiries into VIPD training activity a year. There is also a requirement that VIPD use of force policy (2) be reviewed on the same schedule using the same criteria for the review. This amounts to four (4) inquiries to be conducted by VIPD semi-annually. The new SOP now mandates a quarterly review, which increases the number of reviews to a total of eight (8).

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

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

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

Paragraph 74, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

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

Activity

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

This was discussed during a meeting with the IMT (Mr. Wilson and Mr. Stewart). Once the TAC is formed it will address the quality of training that is provided to the officers during training also an evaluation process will assist with a an assessment of the training that was provided (Kirkpatrick Levels of Evaluations. **The VIPD indicates there remains additional work to be accomplished relative to the formation and operation of the TAC.**

Unfortunately, the introduction of the Kirkpatrick training to all VIPD supervisors, rather than those who would be directly involved in the training evaluation process, led to confusion and frustration on the part of field supervisors who saw it as more work on top of their already taxing duties.

This has led to a delay in the implementation of any evaluation process that would measure the effectiveness of consent decree training beyond the class evaluations conducting at the end of the training session. VIPD has yet to demonstrate a mechanism that reasonably evaluates the effect of training in the day to day activities of its members in the field.

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

Sub-paragraph is in Substantial Compliance

- c. select and train VIPD officer trainers;*

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

Activity

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Following the approval of the Instructor Selection Process, the IMT suggested that the Training Bureau conduct an internal review of their instructor files to ensure that their trainers met the requirements of the policy.

It was further suggested that, following the internal review, that VIPD conduct an audit of their instructor records and files and their inclusion into PowerDMS

The IMT conducted its own review of instructor files during the last quarter and found two separate methodologies for creating and storing instructor files in each district. There were strengths in both efforts and we recommended that they be reviewed for common usage.

We also found that a significant number of high liability instructor certifications had lapsed. We know that VIPD is attempting to rectify this situation but have not yet seen the records that reflect the updates.

Impediments

While VIPD reports that there are no impediments to achieving this goal, we are puzzled by the length of time that it is taking to perform a relatively minor task. While there is a backlog of official audits that must be conducted, we are baffled that VIPD could not conduct its own internal review of the records.

d. *develop, implement, approve, and oversee all in-service training; (Sub-paragraph is in compliance)*

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;*

Activity

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

Impediments

While the VIPD has reported that it sees no impediments, the IMT believes that this sub-paragraph should have been brought into compliance long ago.

Recommendations

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We've not seen a resolution of a process that systematically produces consistent roll call training and it certainly doesn't include discussions and collaboration with the chiefs. In lieu of this, we would agree that the Training Advisory Committee could very well perform this function once it begins to function.

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

See sub-paragraph g below.

g. conduct regular needs assessments to ensure that use of force training is responsive to the knowledge, skills, and abilities of the officers being trained.

Activity

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

Impediments to Compliance

Absence of a comprehensive and analytical review of training outcomes.

Lack of coordinated training priorities and agenda with Chiefs and other command officers.

No comprehensive plan for roll call training.

Questions raised by the IMT memorandum of 9/18/14 regarding the current lapse and inadequacies of the VIPD Roll Call Training Program are serious and any further compliance with this sub-paragraph and paragraph should be held in abeyance. This program is still under review and updating by the VIPD.

Each of the sub-paragraphs details impediments to compliance.

Recommendations to Gain Compliance

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

- a. ensure the quality of all use of force training.
- f. establish procedures for evaluating all training curricula and procedures, and
- g. conduct regular needs assessments to ensure that use of force training is responsive to the knowledge, skills, and abilities of the officers being trained.

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

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

We also believe that sub-paragraph e:

"e. in conjunction with the Chiefs, develop, implement, approve, and oversee a patrol division roll call protocol designed to effectively inform officers of relevant changes in policies and procedures."

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

Similarly, sub-paragraph d:

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

Recommendations

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

We have noted that lesson plans and curricula are sorely inadequate. IMT has provided T.A. on how lesson plans should be developed and provided numerous examples of what standard lesson plans should look like. To date, we've not seen an update on the progress of the effort. The IMT has assisted the VIPD in developing a 4Q2015 Goal that will address not only the structure of these lesson plans but also increase the amount of adult learning delivery options within each of the lessons. The end product of that goal is a schedule of all modifications needed in each lesson plan. The IMT continues to provide Technical Assistance to support an understanding of why adult learning styles are important to student competency and thus the ability to fulfill the Consent Decree policy and procedure requirements. The IMT will closely monitor this area and the distribution of adult learning materials by the IMT has already been forwarded to the VIP D Training Division (11/19/15).

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

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

The IMT has long since held that this definition would include all classes of academy and in-service trainers and all Field Training Officers. VIPD, after more than a year of

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development, recently published a directive outlining the policies and procedures for the selection of instructors. We have recommended for some time that a similar policy be established for FTO's

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

Paragraph 77, Status = Not in Substantial Compliance

Consent Decree Paragraph Wording

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

(Note- this paragraph was not originally broken down into sub-paragraphs. The eiMT broke it down to facilitate progress and focus points.

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

Activity

Currently all training records are maintained by the administrative secretaries in both districts. Those records are located in each respective office in STT and STX. The hard copies of records are placed in binders that are labeled and stored in a file cabinet or on a shelf (Bookcase) in a central area in both locations. These records are not as complete as one would like and in many cases it is impossible to link a trainee's attendance at a specific block of instruction to the instructor that delivered that training. The IMT has indicated that the VIPD should have two years of recruit and in-service training records that meet the criteria of being able to demonstrate complete training records that include a course description, curriculum, and instructor data.

This frustrates compliance with the accuracy of the records and thus the paragraph as noted below. This is discussed in more detail and how Power DMS can possibly resolve this in Paragraph 81. The training bureau also has a training database (PowerDMS) that tracks all trainings officers receive. The information on PowerDMS can be accessed remotely from any location and VIPD personnel are in discussion with a vendor who will assist in the upload of officer's files and historical data into PowerDMS.

We have no idea since VIPD has failed to provide a number of files completed or quarterly goals that included the number of files that would be completed during the upcoming quarter. Despite our requests, we've never been given a number of files updated nor a number of anticipated entries for any upcoming quarter.

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Impediments to Compliance

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

Recommendations to Gain Compliance

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

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

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

While maintaining that it has the capacity to produce the information required in Paragraph 77, VIPD has produced one report almost two years ago that only included the participants in St. Thomas/S. John District. IMT deems these reports critical to both compliance as well as proper supervision of the training function. These records should be accurate within 30 days of the most recent training. New entries and updating should occur within 30 days of training having been completed.

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

Paragraph 81, Status = Not in Substantial Compliance

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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.

NOTE- As with Paragraph 77, the IMT created the following sub-paragraphs in order to better monitor progress and compliance by the VIPD

Activity

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

Impediments to Compliance

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

While most of the requirements for compliance in this paragraph have been met, there is the clear need for more training in leadership and command accountability for supervisory, management and command personnel. While the training for command personnel may come in the form of "executive development," the IMT believes that command staff could benefit from participating in the supervisory and management training conducted within VIPD as well as attending developmental training conducted by any number of professional organizations and educational institutions. This absence of command staff participation, while recommended highly, is not a direct impediment to compliance.

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

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

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participate in some lower level instruction in support of both exposure to the concepts and team building.

Recommendations to Gain Compliance

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

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

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

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

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

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

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

There is much to be learned from responsible, modern supervisory training and VIPD has contracted with very reputable and professional trainers. These instructors are generally well versed in many of the standard practices required by this consent decree. They can bring helpful advice to command staff in their work as well as their subordinates. Systematic improvement in a policy or practice can only come when command knows and understands the training that their subordinate commanders and supervisors are receiving so that they can support it.

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IV. AUDIT PERFORMANCE

The Second Quarterly Report of 2015 documented receipt of the VIPD's Compliance Audits for the Third and Fourth Quarters of 2014 and the First Quarter of 2015 – one package. Auditing compliance was not consistent among Work Groups. Training did not supply a Third Quarter Audit for 2014. Management & Supervision did not complete an audit for the First Quarter of 2015. Of even greater import for this Quarterly, the IMT must report that we have not received a Compliance Audit Report for either the Second or Third Quarter of 2015. The Second Quarter Compliance Report has been drafted by the VIPD and is being processed for formal release. The delinquency is attributable in large part to a restructuring of audit methodology to comply with IMT recommendations. The interruption/delay in quarterly audits should be worth the cost in the long run.

A. Metrics-Centered Auditing Program

Approximately one year ago, the IMT called on the VIPD to take steps designed to materially strengthen the value of the auditing process. The IMT's Review of the 2014 Second Quarter Audit Report encouraged the VIPD and its audit staff to embrace the approach employed by the Use of Force Work Group. The approach is central to the broader Metrics-Centered Outcome Measurements model prescribed by the IMT. The most recent VIPD Compliance Audit, 2015 First Quarter, reflected very limited movement. The Citizen Complaint audit suggested at least recognition of the concept of Metrics-Centered auditing, but had far to go developmentally. The Management & Supervision & Training sections of the First Quarter Audit did not indicate any movement at all.

Engagement with Audit Unit executive staff, as recently as during the Summit, confirms that the "audit hiatus" – the several quarters period without formal submission of an official audit, has been used to develop the tools for more comprehensive Metrics Centered Auditing, to respond to IMT recommendations.

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B. VIPD Work To Date

Approximately 175 measurements have now been defined, applicable to and encompassing quantifiable paragraphs and sub-paragraphs in all four Consent Decree categories, Use of Force, Citizen Complaints, Management & Supervision, & Training. Approximately 120 measures are new – hiatus period design and development work. For each measure, data can be collected for each quarter, going forward. Historical data is available for Use of Force. Legacy data is not otherwise available. Some measurements yield only to yes/no decisions. Next steps will include IMT review of proposed measurements, and should include beta-testing by the VIPD, followed by appropriate revisions

The value-added potential of the Metrics-Centered Auditing design and development advances made this Quarter by the VIPD can be appreciated by reviewing the next section which demonstrates how the IMT has employed the metrics available to date, to analyze Use of Force compliance progress and lay out several decision options.

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V. USE OF FORCE TRENDS & OUTCOMES

During Quarter Three the IMT initiated its most comprehensive effort to date to profile use-of-force incidents and trends. Previous Quarterlies document our expectations of data shortfalls and an array of reliability issues. These problems were, in fact, encountered. As a result of the work done we are, however, better positioned to collaborate with the VIPD to move outcome measurement work forward, starting in Quarter Four, 2015.

Force data for six years, 2010-2015 were downloaded from IAPro:

- Types of Force: 42-45 types.
- Total Number, by Type.
- Effective or Not Effective: force applied gained subject compliance or did not.

Data were aggregated to produce: Total Number of Incidents; Total Uses of Force; Number of Officers Involved; Average Number of Officers Per Incident. Data were sorted by Island and combined for a Territorial view. The data convert easily for set-up by Effectiveness – most effective and least effective.

To understand and interpret the data that are available with an acceptable degree of confidence and fairness it is necessary to add context, including data on Levels of Force, Dispositions/Justifications, and measures of police-citizen encounters/engagements (calls-for-service, stops, for example). We have not yet been able to compile these data sets. They may or may not be hosted in IAPro. This is a next step, as is confirming validity and reliability of the data we do have. It is because of the absence of the not-yet-available data sets and reliability confirmation requirements that we are not releasing the Force Profiles just yet. Auditing reliability will entail comparing and perhaps reconciling the use of force data sets with RRRs, citizen complaint data, and case files.

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Our plan is to seek agreement from the VIPD to jointly pursue the aforementioned next steps, starting immediately. The tasks to be done seem ideally suited to the IAB staff, including the recently hired data analysts. Our most immediate task will be to reexamine the functionalities of IAPro and to seek important data that resides outside of IAPro. VITEMA should be able to provide police-citizen transaction data (calls-for-service), for example.

All of this stated, we intend to share our measurement data with the VIPD to initiate discussions surrounding what the data may indicate or do suggest for use-of-force analysis.

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VI. EIP UPDATE FOR THIRD QUARTERLY REPORT 2015

The Early Intervention Program (EIP) for the VIPD is being developed pursuant to requirements contained in the current Consent Decree (CD). The information for this update has been drawn from a variety of documents, including the: CD; IMT (OIM) Quarterly Reports; VIPD Audits; working group periodic reports; VIPD training materials; and Police Practices Expert reports. For purposes of this report it should be noted that prior to June 2015, IMT was known as OIM.

According to the Consent Decree:

The VIPD will develop and implement a risk management system to include a new computerized relational database or paper system for maintaining, integrating, and retrieving information necessary for supervision and management of the VIPD. Priority will be given to the VIPD obtaining any established program and system. The VIPD will regularly use this data to promote civil rights and best police practices; to manage risk and liability; and to evaluate the performance of VIPD officers across all ranks, units and shifts. (Paragraph 59.)

In order to create such a system, Paragraph 60 of the CD states:

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.

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According to the current VIPD policy on Risk Management Protocol:

“*EIP*” Early Intervention Program refers to VIPD’s Risk Management System designed to extract information from databases and forms to track work performance activities for each member of the VIPD in order to identify and alert supervisors and executives of the possible need for intervention or special recognition. The system allows supervisors to document regular reviews of member’s work performance and any actions taken to correct poor performance and or recognize exemplary performance.

“*IAPro*” refers to the Internal Affairs software used by this department to manage the EIP.

To broadly explain actions taken by the VIPD thus far to implement the EIP, a variety of measures/attempts are presented.

During 2011 the IMT (OIM) Reported:

The Consent Decree requires the VIPD to implement a RMS to identify potentially problematic behavior from VIPD personnel at an early (and hopefully remediable) stage. The VIPD chose IAPro as its RMS, and has been working to bring it online for several quarters. After a series of lengthy and frustrating delays, the VIPD reports that IAPro is now functional in both Districts.

The OIM subsequently learned that the VIPD needed to increase storage capacity of its servers to accommodate IAPro. This significantly slowed the implementation process.

The VIPD also reports that it is working with the IAPro vendor to install the Blue Team component of IAPro on all Supervisors’ computers in both Districts. Blue Team will allow VIPD personnel to enter force-related information into IAPro while in the field. Once that information is uploaded into IAPro, it will be accessible to Supervisors and IAB personnel. Blue Team installation, as well as a related train-the-trainer program, took place in July (2011) in the St. Thomas District; a parallel training will take place in the St. Croix District thereafter.....

The Management & Supervision working group focused much of its attention during the Second Quarter on the Department’s Data Input Plan. Although the

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DOJ approved the VIPD's Data Input Plan on March 22, (2011) the Department has not yet disseminated the Plan department-wide; we encourage the VIPD to do so during the next quarter. As previously discussed, the Data Input Plan identifies information about VIPD personnel (including, but not limited to, uses of force, disciplinary issues, motor vehicle accidents, and sick days) that the Department will enter into IAPro to facilitate its risk management function. The Management & Supervision working group contacted the individuals (some of whom work outside the Department) who are ordinarily responsible for maintaining that information and worked with them to develop an efficient process to enter that information into IAPro.....

IAB is in the process of entering information from as early as 2009 into IAPro. Because IAPro seeks to identify potentially problematic conduct based on established norms, IAPro functions best when it has a wealth of information to analyze. Unfortunately, despite making multiple requests for additional personnel, IAB does not have the resources (while also carrying out its other functions) to complete this process on a reasonable time-line. The Director and Assistant Director of IAB previously hired an intern to assist with entering historic information into IAPro. The OIM applauds that type of creative problem solving, and invites the Management & Supervision working group to develop other solutions.

Another missing piece in the RMS puzzle is the Department's RMS Protocol, which sets forth various thresholds for supervisory review. For example, if an Officer receives more than X number of complaints within Y period of time, IAPro will alert the Officer's Supervisor to the potential issue; X any Y will be set forth in the RMS Protocol based on Department norms and generally accepted police practices. The DOJ provided the Department with comments on a draft version of the RMS Protocol on June 14. As such, we expect the Department to finalize the RMS protocol in the upcoming quarter.

In order to educate VIPD personnel about the Department's new RMS, the Director of IAB invited Samuel Walker, Ph.D., a highly regarded criminologist and expert on early intervention programs, to make a series of presentations in the St. Thomas and St. Croix Districts during the Second Quarter. The day long presentations were conducted on May 16, 2011 on St. Thomas and May 17, 2011 on St. Croix.

There were approximately 60-70 participants in each session. Mr. Walker talked about departments that have been transformed by the implementation of an EIP and attempted to provide a historic view of the evolution of EIP systems and the features that have been most successful and the benefits of an efficient system. Participants, however, were much more interested in the policies and procedures

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surrounding the acceptance and investigation of citizen complaints. Most of their discussion questioned reasons complainants were not charged when they made false statements as a part of their complaint.

We were left with the impression that there was a general lack of interest in Mr. Walker's presentation. The primary focus of the sessions was to question and criticize the citizen complaint process.....

The Management & Supervision working group must take a more active role in the implementation of the Department's RMS; while the Director and Assistant Director of IAB and the Acting Director of MIS have done a laudable job, they need others to contribute their time and energy as well. Among other things, the Management & Supervision working group should: 1) identify personnel to assist with entering historic information into IAPro; 2) work with the Training Director to develop training relating to the Data Input Plan, RMS and Blue Team; and 3) finalize the Department's RMS Protocol. We expect the Department to issue the finalized RMS Protocol during the next quarter.

While the above paragraph was written in 2011, the first RMS Protocol was approved and issued in 2013.

During 2012 and 2013 the VIPD continued to struggle with the implementation of EIP. Significant efforts during this time period include:

- the creation of a Data Collection Check Sheet identifying 33 pieces of data to be entered and where the information will come for 32 of the 33 (one TBD at that time). Ongoing discussions and meetings held to further efforts to obtain all required information. These efforts necessitated cooperation internally and with external entities
- individuals identified as potential analysts. Internal candidates assigned to positions. Historic data continued to be entered.
- training for commanders provided by the then IAB Director and one of the initial analysts. Some of this training (by initial analyst) provided the following as various types of interventions:
 1. Referral to the Chaplain.
 2. Referral to the Psychologist.
 3. Referral to the Peer Mentorship or a Peer Counselor program.
 4. Referral to the Employee Assistance program.
 5. Referral to Training for supplemental training.

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6. Going on calls with the employee.
7. Requiring the employee to maintain a daily log.
8. Monitoring the employee.
9. The Supervisor being flexible, available, informal and consistent and coaching or mentoring the employee.
10. Direction to take a specific course.
11. Recommend re-assignment.
12. Enter into a performance contract.
13. Other _____.

Subsequently IMT determined that all of these potential interventions had not been approved/ authorized by the VIPD. Temporary analyst subsequently transferred.

VIPD agreed to provide IMT with quarterly EIP reports as of the Third quarter of 2012. These have evolved tremendously since the 2012-2013 time period.

VIPD issued an approved RMS protocol in 2013.

VIPD initiates alerts to managers and supervisors.

During 2014 the Data Collection Data Sheet continued to be worked on. Working group report for March 2014 reflects less than 20% of required fields being effectively captured. September 2014 notes from this group reflect ongoing challenges in this area.

This working group also identified the following issues during this same time period:

- Action Plans not consistently being prepared and Follow-up Assessments not being prepared.
- Crime trends and patterns only created for STT not for STX.
- No evaluation or evidence to show that Command Staff is using data.
- EIP Evaluation Form still in Draft Stage.
- No Evaluation method to show Command staff's ability to use the system.
- Arrest Data Base not functional on STT and no sufficient data entered.
- No Analyst to collect and analyze collected data or to ensure all data is collected accurately and timely.
- No method to show that Command Staff is consistently requesting or reviewing officers EIP files who recently transferred to their unit.

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It should be noted that the issues listed above remained issues for a prolonged period of time; in fact, the majority remain today.

While the following points (in working group December 2014 update) may not reflect the highest priority issues, they do exemplify the environment which created extensive frustration for those attempting to bring the CD into compliance:

1. Subsection (b): M&S will conduct monthly inspections to ensure non-disciplinary is recommended consistently when applicable with disciplinary actions
 - a. **TASK** - Create a flow chart for use by Supervisors/Commanders and Hearing Officers (e.g., Counseling, Remedial Training, Financial Counseling- same as EIP Intervention Actions)
 1. **STATUS** – COMPLETED NOVEMBER 25, 2014. Policy committee reviewed and forwarded to Commissioner for final approval (pending).
 2. **Task** - send commissioner reminder to review document.
 - And**
 - b. **TASK**
 1. Create new Easy-follow Flow Chart on EIP Process
 2. **STATUS** – EIP flow chart completed and sent to Ms. Rames for printing on 10/06/14- Ms. Rames is on leave to return on Wednesday December 3, 2014.

Also, during the 4th Quarter 2014, IMT was informed that there were 97 alerts forwarded during 2014. However, the VIPD could not immediately provide a status update other than a statement that very few had been addressed appropriately. This seems to indicate a VIPD supervisory issue which continues into 2015. However, earlier in 2015, the VIPD has initiated formal charges for lack of appropriate EIP action against 2 supervisors and 1 commander.

During 2015 there has been movement within EIP, to include:

- Ongoing training.

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- Attempts to address concerns regarding OC spray, pursuits, injuries to prisoners, documentation from VIAG – all elements needed for an effective EIP.
- Limited activity on the disciplinary process and matrix.
- Hiring of 2 analysts.
- Draft of a revised RMS protocol.

Additionally, during the month of July, 2015, IMT members interviewed eleven (11) supervisors, 4 from STT and 7 from STX, to determine if they were competent with Blue Team activities. The low number of respondents from STT was a result of availability. The IMT used a standardized interview sheet that had specific questions, followed by an open ended comment opportunity for the supervisors. Generally the responses were good and indicated that the supervisors were fully knowledgeable with the Blue Team protocols and requirements. To the open-ended comment question, most supervisors complained about the Alert System process and generally their issues had to do with the following:

1. Retention of alerts on officers after the case has been investigated and found to be unfounded or exonerated.
2. Alerts against the supervisors for officers no longer under their command who had been transferred but alert remains against the supervisor.
3. Alerts sent on date but suspense date is before the date the alert date was sent, requiring an extension request.
4. Action plans are submitted and actions completed but alert status never changes to completed.
5. IAB fails to update assignment records on officers as a result of transfer and continues to send action items to previous supervisor.
6. System requests for allegation when reporting injury to detainee when there is none and refuses to take report without an allegation entry.
7. Numerous interviewees noted that officers under their supervision are reluctant to take action because of the alert system as presently operated and feel even frivolous complaints are repeatedly investigated generating alert counts.
8. Low morale resulting from both the alert system and the current disciplinary matrix was noted by several supervisors.

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9. One supervisor noted that he was under red status because of one officer under his supervision, however that officer is on extended administrative leave, thus he can do nothing to correct the situation.
10. One supervisor noted that many of the issues have been brought up at Commanders Call and to IAB, but with no resolution of feedback.

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

While a number of the supervisors' concerns are actually required components of an effective EIP – these concerns should be addressed even if it merely results in an explanation of their necessity during future training opportunities.

A review of the 2015 EIP files on STT reflected 44 alerts forwarded to date (Oct 29, 2015). The majority of folders contained the alerts and a memo to supervisor (and command) for action. There were a limited number of action plans found in these folders and far fewer assessments. During the September Monthly Meeting, VIPD anticipated that there may be 1 or 2 totally completed EIP folders.

The value of the current analysts thus far has been the reassignment of periodic reports (monthly, quarterly, fiscal year, etc) and the responsibility to forward alerts. They were hired midyear 2015. During the first week of November 2015 the new analysts attended their first formal training with IAPro. Thus far, their training has been on the job.

As reported in numerous IMT quarterly reports (and above), as regards EIP, there has been limited, ineffective supervisory/managerial response to alerts forwarded. This is allowing employees who may be starting to exhibit signs of problematic behavior to continue the same behavior resulting in additional citizen complaints and/or uses of force. It is anticipated that with the hiring of the new analysts, more focused attention will occur to ensure that the EIP is followed correctly. The analysts alone cannot, however, bring the required CD paragraphs into compliance. IMT anticipates that with the analysts, additional managerial staff assigned to the

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CD and managerial/supervisory accountability (throughout the chain of command), the VIPD will move towards effective EIP compliance quickly between now and late 2016. This initial review of the VIPD EIP is a limited historical perspective. At this time there are a number of individuals working on CD compliance within the VIPD who were not involved or present during the early attempts of EIP. The IMT intends to focus on the EIP status in future IMT Quarterly Reports.

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VII. FORCE INVESTIGATION/FORCE REVIEW BOARD TRAINING

The Third Quarter featured an IMT arranged, designed, and delivered Managing Force in the VIPD training to selected members of the evolving Force Investigation Team and Force Review Board, associated internal stakeholders, and accountable executives. Back-to-back two-day sessions were held, November 4 and 5 on St. Croix and November 5 and 6 on St. Thomas.

The first day of each session, taught by three nationally recognized use-of-force experts, consisted of 65 scheduled hours of lectures, adult-learning designed exercises, and Q&A, preceded by an Opening Test (13 questions). Course topics included:

- The Goals/Learning Objectives
- Why Do This?
- Force In Policing
- The VIPD Consent Decree
- Legal Considerations
- Investigating Use of Force – Division of (VIPD) Responsibilities
- Managing Police Use of Force
- Deconstructing a Use of Force Event (Totality of Circumstances)
- The Final Decision
- Aftermath
- Decision Point Analysis
- The Comprehensive Investigation Report

The objectives of Force Investigation Team Procedural Training, Day 2, were to enable participants to:

- Appreciate the Importance of the VIPD FIT.
- Respond, Investigate, and Review Level 1 Uses of Force & Serious Force.

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- Conduct a Comprehensive FIT Investigation for Quality and Completeness.

Relying heavily on actual VIPD cases, the instructors, Chief Chet Epperson, Rockford, Illinois Police Department and IMT Charles Gruber, tailored a curriculum composed of the modules:

- What to Expect (included a review of Consent Decree responsibilities)
- Desired Outcomes (of FIT investigations)
- FIT Duties
- VIPD Policies
- FIT – Definition
- Serious Use of Force
- Team Composition
- Activation of FIT
- Key FIT Investigation Responsibilities
- FIT Training Requirements
- Case-Based Learning (Breakouts and case-work)
- Past VIPD Incident Review

A FIT/FRB-specific Training Needs Assessment was designed and distributed prior to finalizing curricula. The effort did not produce results expected. Participants and course evaluations are not yet available.

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VIII. RECOMMENDATIONS SUMMARY & ACTION AGENDA

Chapter II, Section E, Paragraph & Goal Detail Review, details "Impediments to Compliance" and "Recommendations to Gain Compliance" for all paragraphs and sub-paragraphs accepted by the Court as quarterly goals. Even with updates, many of these have appeared repetitively in successive Quarterlies. Command accountability for force review, use of templates, timely response to citizen complaints, and semi-annual review of the quality and consistency of force training are but a few examples. Another repetition here does not seem to be called for. We can only stress the mounting frustration with the languishing absence of compliance progress. We are singling out for attention recommendations made and actions called for in this report and addressing/updating progress and absence of progress with regard to recommendations made in our previous, Second Quarter 2015 report.

A. Second Quarter Recommendations Update

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

This, like all compliance matters, is a primary responsibility of, first, the Commissioner and second, the Deputy Commissioner and is a repeat recommendation from previous Quarterly Reports. The IMT would like a report that summarizes movement with regard to the Unresolved Audit Recommendations set forth in the VIPD's (undated) document.

2. Continue to position the Citizen Complaint, Management & Supervision and Training Work Groups to conduct Metrics-Centered Auditing, using the new metrics created by the Audit Commander.

Impressive progress made.

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3. Build on the Annual RRR Report prototype to produce comprehensive and outcome focused body of force patterns, trends and analytics.

The sooner that useable Force Profile information is in place, the sooner the Parties will be informed with outcome information, have the ability to assess the constitutionality of force practices in the Virgin Islands, and introduce policy and practice innovations to protect constitutional guarantees. The IMT is not aware of any progress/action. The Audit Unit is working on developing the ability to assess this information.

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

This sweeping, longer-term endeavor should begin with submission of instructional design and course materials to the IMT for evaluation, well prior to scheduled course delivery dates. Until base changes are made in the design, delivery and evaluation of training, the progress of the Consent Decree compliance will certainly remain stagnant.

The VIPD exhibits greater awareness of the values of recommended actions but the "base changes" are not nearly in reach.

5. Review and restructure as needed the recruit curriculum to ensure that Consent Decree values, objectives, and policies and practices are consistently imparted and woven throughout all components of the training.

The IMT has no evidence of progress/action.

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6. Strengthen the level of oversight, guidance, and collaboration between command staff and the Training Bureau staff to ensure that goals and objectives are understood and shared.

The IMT has no evidence of progress/action.

7. Review and reinvigorate the Departmental commitment to the audit function by increasing staffing to the unit and refocusing command attention to its work products and contributions to moving the Consent Decree and the Department forward toward contemporary policing best practices.

The Audit function is back on track. Command is not maximizing the opportunities inherent in Audit production, special audits, such as the RRR Annual and shooting/serious force case auditing.

B. Third Quarter Recommendations

1. Acquire immediate strategic planning capacity to facilitate completion of the court required plans for both the goals and paragraph compliance.
2. Prioritize use-of-force trends and outcome measurements data collection. Appoint a Territorial Force Coordinator.

IAB should be the accountable unit.

3. Prioritize correction to the EIP shortfalls itemized above and in numerous preceding Quarterly reports.
4. Accelerate FIT/FRB development.

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- Develop Standard Operating Procedure (SOP) for Force Investigation Team (FIT).
 - Develop Standard Operation Procedure (SOP) Force Review Board (FRB).
 - Chiefs of Police will hold at least two (2) Use of Force Review Boards for the quarter.
 - Develop Standard Operating Procedure (SOP)/Commissioner Directive to identify and provide for an on-call supervisor(s) to respond to Use of Force incidents when no other supervisor is available.
5. Ensure the Action Plan is completed in a timely and quality manner.

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APPENDICES

See Separate Package