



Government of
The Virgin Islands of the United States

VIRGIN ISLANDS POLICE DEPARTMENT
OFFICE OF THE POLICE COMMISSIONER



August 19, 2016

Police Operations and
Administrative Services
#45 Mars Hill,
Frederiksted
St. Croix, VI 00840
(340) 778-2211

Criminal Justice Complex
Charlotte Amalie
St. Thomas, VI 00802
(340) 774-2211

Leander Jurgen Command
Cruz Bay
St. John, VI 00830
(340) 693-8880

VIPD'S STATUS REPORT FOR QUARTER ENDING AUGUST 6, 2016

MANAGEMENT AND SUPERVISION

WORK GROUP STATUS REPORT

**Paragraphs: 60 a, b, c, d, e, f, g, h, i, j, k,
 72 a and b

 60A**

60. The new risk management system collected and recorded the following information:

- **a. use of force,**
- b. canine bite ratios, c. the number of canisters 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 or off duty, g. all complaints (and their dispositions), h. all criminal proceedings initiated, as well as all civil or administrative claims filed with, and 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.**

Many of the sub sections of this paragraph are agreed to be in compliance but we are including steps taken to ensure that these sections remain in compliance.

60A

- a. All use of force; (Monitoring Compliance; currently in Substantial Compliance)**
- On July 8, 2016 the workgroup reviewed a random selection of 1A and arrest reports between the periods of 11/20/14 to 05/15/15 and from 02/12/16 to 05/31/16 to look for potential unreported uses of force.
- On June 17, 2016 a directive was created outlining the person or unit who will be responsible for obtaining the data for analysis. The creation of this directive ensured that the EIP analyst conducted monthly audits/inspections of the system which will be done by the 5th of each month, to ensure all reported UOF entries are entered completely in the system.

- On June 23, 2016 the workgroup chairperson distributed and reviewed the newly created directive to EIP analyst and group members to ensure they understand the requirements for conducting the monthly audits/ inspections.
- On July 29, 2016, the M&S group conducted monthly inspections of randomly selected 1A and arrest reports from the current quarter and ensured that all UOF incidents were being reported and entered in the IPro (RMS) system. AIU included a review of these monthly inspections in the quarterly audit commencing with the second quarter of 2016.

60B Canine Bite Ratio

- The Chiefs in both districts created a directive requiring Canine unit supervisors to submit, on a weekly basis, utilization/deployment reports to the EIP Analyst section. *****SUBMITTED ON MONDAYS*****
- The Deputy Chiefs in both districts reviewed directives with Canine Supervisors ensuring that they comprehension of the requirements of the directive.
- Commencing On June 21, 2016, Canine Units in both districts submitted weekly deployment reports to EIP Analyst.
- The work group obtained CAD data from 911 displaying all K9 responses from 1/1/15 to 07/15/16 ensuring that all deployments during that period are captured and analyzed to determine bite ratios.
- A directive was created which required the EIP Analyst to conduct quarterly analysis of Canine Bite ratios to comply with the EIP Protocol analysis requirements.
- An interim database was created for canine unit supervisors to track all K-9 Unit deployments until IPro's release of the K-9 module this fall. The database can track minimally the same fields as on the deployment reports, to include: 1A Number, Crime Classification, Handler name, Canine name, Unit #Location, Date of Occurrence, Date reported, Time arrived, whether deployment resulted in an apprehension, and whether there was a bite/hold, and type of deployment.
- At this present time deployment of K-9 units changed from their present Special Response deployment to a regular support role in support of patrol operations.

60C The number of canisters of chemical spray used by officers

- The measuring of equipment is currently available and in working order in both districts.
- All commanders were notified to send their officers to training for canister inspection.
- Measuring of officers' canisters from each district was completed by the training bureau.

60D. All injuries to prisoners

- All required posters were validated and present in all Zones and report processing areas.
 - Group Obtained 911 CAD listings for all reported Injury to Prisoner incidents between 1/1/15 and 05/06/16. An inspection was conducted to compare data in the IA-Pro system and ensured all incidents
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were reported and required action taken. If no case found, initiate case and investigate; update compliance log with results.

- Group obtained CAD listing for all reported Injury to Prisoner incidents between 05/06/16 and 07/15/16 and ensured that Injury to Prisoner incidents were reported, entered into IAPro, and required actions taken.
- A report was submitted regarding steps 2 and 3 to the AIU, DOJ and IMT.

60E. 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”

- All data was gathered in the IAPro system on “discretionary arrests” from 1/1/15 to 07/15/16 and disseminate to M&S Group for review.
- All arrests and other reports obtained from Step 1 were reviewed for comparison with IAPro data where force was used and a citizen was charged with an enumerated charge were segregated (duplicated from the UOF incident for analysis purposes) in the system for subsequent analysis and review).
- A report was prepared along with revisions on Thursday, August 18, 2016 with findings added as an addendum to Quarterly reports and for use by Deputy Chiefs in their quarterly EIP reviews with Commanders and supervisors.

60f. All critical firearm discharges, both on-duty and off-duty

- On July 24, 2016, workgroup members reviewed all reported critical Firearm Discharges in the IAPro System, from 01/01/15 to 07/15/16 and ensured accuracy of data. All 1A reports and Use of Force reports concerning Critical Firearm Discharges were obtained and checked for consistency in reporting and accuracy with inputted IAPro data.

60H 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

- All quarterly report listings of criminal actions, civil suits and administrative claims between 01/01/16 and 07/15/16 from the VIAG were in accordance with agreements between the VIPD and the VIAG.
 - On July 26, 2016, the workgroup members compared to IAPro record to determine if the IAPro system has been updated.
 - All records were updated from the VIAG office.
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- All information in the IAPro system were reviewed for clarification by the VIAG and updated as necessary based upon information received.
- All reports have been received and the IAPro case files were updated accordingly, a certification memorandum was submitted to the CD Coordinator for forwarding to the DOJ and the IMT.
- Suspense date was establish to ensure that the processes in Steps 1-5 are repeated on a quarterly basis.

60I All vehicle pursuits

- All vehicle pursuit policy were reviewed and validated to determine reporting requirements consistent with the CD.
- All CAD data were reviewed for events categorized as pursuit and a list was created with appropriate information to link them with IAPro cases from 01/01/16 to 07/15/16.
- The work group members compared CAD data categorized as vehicle pursuits to IAPro pursuit-based case entries for the same period as reflected on the list created in Steps 1 and 2 to ensure required reporting has been complied with.
- The workgroup identified personnel involved in pursuits and their supervisors on all CAD categorized events where no IAPro report is found to appropriate Police Chief and request appropriate administrative review for compliance.
- Police Chiefs in both districts took appropriate action based upon the investigation and reported same back to the AIU for inclusion in the final report and subsequent quarterly audits.
- A report was prepared and submitted with findings from Steps 1-4 to CD Coordinator for submission to DOJ/IMT.

60J All incidents involving the pointing of a firearm if any such reporting is required

- The workgroup reviewed a random selection of 1A and accompanying arrest reports involving felony cases between 01/01/15 and 07/15/16 to determine those where there is some indication that an officer pointed a firearm at an individual or subject.
 - A report was created a report which listed from the IAPro system, all cases with an occurrence date between the dates in Step 1 above, where a Use of Force report has been filed indicating an officer pointed a firearm during an incident or arrest.
 - The workgroup compared the lists developed in Step 1 with the list developed in Step 2 and isolated those cases where no Use of Force report was initiated (e.g., none in file within IAPro) where one would have been required by Department Policy. Officers were identified that were involved as well as the supervisors and initiate appropriate action, through their Police Chief, as per department policy.
 - According to the list developed in Step 3, steps where initiated to have required reports prepared and logged into IAPro.
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- The workgroup members provide reports detailing the results of Steps 1-4 to Compliance Coordinator and request which was forwarded to DOJ/IMT for review.

60K. All disciplinary action taken against officers

- The workgroup created a listing of all cases in the IAPro system where the disposition was sustained to determine whether they were appropriately duplicated as Disciplinary Action incidents as required by VIPD policy for EIP analysis.

Paragraph 72

72. 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. In a case where discipline has been imposed on an officer, the VIPD must also consider whether non-disciplinary corrective action is required.

- The workgroup developed a list of all sustained charges within VIPD in cases closed between 1/15/15 and 07/15/16.
- The workgroup Identified / documented discipline provided for each sustained charge.
- The work group Assessed compliance of discipline imposed with existing disciplinary policy/matrix; and identified all documented extenuating circumstances justifying variance from the policy/matrix.
- The workgroup used the listing from Steps 1 thru 3 to determine if sustained charges were altered or overturned and identify at what point, by whom, and if justification was noted in the action.

72b. In =>90% of the cases where discipline is imposed, there is evidence that the VIPD has also considered non-disciplinary corrective action.

- Of those cases identified in Step 1 above in sub-paragraph a, the workgroup members determined from the case files whether or not the VIPD Investigators, Supervisors, Commanders, Chiefs or the Commissioner have taken into consideration non-disciplinary action options when recommending or administering discipline.

TRAINING

Action Steps completed for Paragraph 60:

- c. The number of canisters of chemical spray used by officers; (currently in compliance)

Step 1 COMPLIANCE ACHIEVED Ensure measuring equipment is available and in working order in both districts.

Date: June 3, 2016 Suspense Date: June 10, 2016 Completed Date: June 20, 2016

Responsible Person: Dir. G. McIntosh (assisted by Academy Supervisors Sgt. Sullivan STT / Sgt. Lynch STX)

Step 2 COMPLIANCE ACHIEVED Notify commanders to send their officers to training for canister inspection.

Date: June 6, 2016

Suspense Date: June 9, 2016

Completed Date: June 22, 2016

Action Officer: Director G. Macintosh

Step 4

Weigh-in officer will initiate exception memo on all canisters that exceed the tare weight and forward to the appropriate district Police Chief for action.

Date: June 28, 2016

Suspense Date: June 30, 2016

Completed Date: June 30, 2016

Action Officer: Director Lynne Harrison

USE OF FORCE

The Use of Force Workgroup (UOFWG) has achieved several accomplishments during the 2nd quarter of 2016. The first major accomplishment of the UOFWG was the successful scheduling and implementation of the UOF Investigative Training which was held on June 27-30, 2016 territorially. This training was mandatory and made possible with the assistance of the IMT personnel, Chet Epperson and Palmer Wilson through the VIPD Training Bureau. UOFWG members Acting Chief Jason Marsh, Deputy Chief Mark Corniero, Agent Chenelle Skepple and Detective Vivianne Newton have held and/or attended Commanders Call meetings with supervisory personnel in reference to reviewing use of force reports and investigations, the deficiencies that are being found, AIU Audit report pertaining to Use of Force, what is needed during use of force investigations in order to meet compliance with the paragraphs pertaining to use of force, the internal audit that has been conducted by UOFWG members for use of force cases entered and/or submitted from 01-15-16 to 07-15-16 and the supervisor's responsibility in responding to use of force incidents. The UOFWG also ensured that the majority if not all VIPD enforcement personnel were trained during Roll Call Training on Commissioner's Directive 08-2016 Supervisor Response to Use of Force Incidents. During the roll call training, the attendees were required to sign the Roll Call Training Sheet and received a copy of the Commissioner's Directive 08-2016. Additionally, the Blue Team Protocol was revised during this quarter and training was provided on this policy during In-Service Training held July 11, 2016 to August 6, 2016.

In closing, the UOFWG has also worked extremely hard in trying to obtain compliance for the use of force paragraphs within the Consent Decree. To date, we are close to obtaining compliance in paragraph 32 and possibly 33. As of August 18, 2016, as per IMT correspondence we have obtained compliance for subparagraphs 32B Steps 3, 4, 5, 6, 7 & 9; 32C Steps 3, 4, 5, 6, 7, 8, 9 & 10; 32F Steps 1, 3, & 4; 33C Step 3 and 37B Step 1. The UOFWG will continue to hold weekly meetings to review use of force cases submitted to identify, document and correct any deficiencies found during the reviews. The use of force cases will also be reviewed in order to see if they meet the mandates of the Consent Decree paragraphs.
