

FIRST QUARTERLY REPORT OF 2016
FROM THE
INDEPENDENT MONITOR
FOR THE VIRGIN ISLANDS POLICE DEPARTMENT



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TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	7
I. COMPLIANCE STATUS	16
II. COMPLIANCE STATUS – PRIORITIES 2016	26
III. USE OF FORCE PARAGRAPH COMPLIANCE: SEVEN QUARTERS.....	31
IV GOALS ACTION PLANS UPDATE	43
V. MANAGING FORCE: THE FIT & FRB TRAINING INITIATIVE.....	46
VI. USE OF FORCE CASE ANALYSIS.....	58
VII. FORCE REPORTING: A SPECIAL STUDY.....	64
VIII. CITIZEN COMPLAINTS & MANAGEMENT & SUPERVISION	72
IX. TRAINING	76
X. ENGAGING THE TERRITORIAL GOVERNMENT.....	79

APPENDICES (See Separate Package)

APPENDIX A – PARAGRAPHS AND SUB-PARAGRAPHS NOT IN SUBSTANTIAL COMPLIANCE REPORT

APPENDIX B – COURT ORDERED GOALS NOT IN SUBSTANTIAL COMPLIANCE STATUS REPORT

APPENDIX C – PARAGRAPH 100 SUB-PARAGRAPH LINKAGE TO ORIGINAL PARAGRAPHS

APPENDIX D – SUB-PARAGRAPHS NOT IN SUBSTANTIAL COMPLIANCE WITH NO GOALS ASSOCIATED WITH THEM

APPENDIX E – GOALS MEETING COMPLIANCE DURING QUARTER

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EXECUTIVE SUMMARY

Mindful of the District Court's expressed desire that the Consent Decree be positioned for a final, sustained assessment stage by August, 2016, IMT monitoring and technical assistance was especially aggressive during the First Quarter of 2016. Augmenting our standard quarterly program of VIPD paragraph, sub-paragraph and court-ordered goal compliance activity – site visits, monthly, weekly and at times daily calls with command and work group members, as well as our scheduled weekly telephone conferences with the Compliance Coordinator and the Audit & Inspections Unit Commander, IMT concentrations included:

- The IMT-VIPD-DOJ February Goals Compliance Action Plans Development Summit.
- Development of Force Investigation Team (FIT) and Force Review Board (FRB) standard operating procedures (SOPs).
- Design and delivery of SOP training to members of the FIT and FRB, two courses.
- Continuous evaluation of VIPD-crafted Goals Action Plans.
- Evaluation of VIPD policies, new and revised.
- Update of our previous Five-Quarters use of force compliance measurements, now Seven-Quarters measurement.

We prioritized engagement with the Office of Professional Standards on Disciplinary Matrix revisions/development; the Training Advisory Committee to further develop the evaluations requirement of the Consent Decree; the Citizen Complaint Work Group to address the citizen complaint case backlog; and reviewed several shooting incidents and a misconduct case filing.

The IMT initiated three special studies to enable and position us to sharpen and solidify our quantitative and qualitative grasp of considerations of central consequence to VIPD Consent Decree progress, compliance and VIPD operational practices, completing two of three.

- **Use of Force Case Analysis.** Twenty-two (22) Use of Force cases were examined, with specific focus on whether (a) supervisors or designated investigative officers/units conducted timely reviews, (b) if not, were appropriate non-disciplinary corrective and/pr disciplinary actions taken, and (c) if discipline was used, did it comport with

Matrix requirements. This endeavor also enabled us to compare, broadly, consistency of IMT findings with those of Compliance Audits, for a subset of cases. (Auditing the Audit.)

- **Force Reporting Audit.** Using an arrest report-based methodology, the IMT determined the compliance rate for submission of RRRs, a basic Consent Decree mandate. As we move to production of outcome measurements, which starts with a baseline force level profile, having a valid force and reporting rate is an absolute. This study also offered the corollary benefit of comparison to/validation of similar findings of VIPD compliance audits. (Auditing the Audit.)
- **Misconduct Accountability.** The Case Analysis and Force Reporting studies were completed during the Quarter. The third special study is still in an early design state. We are going to review everything about misconduct findings, the discipline process, validity of findings, compliance to matrix, appeals, final outcomes and enforcement of penalties. It will also determine if accountability actually occurs, whether VIPD misses dates of compliance per contract, lowers penalties to effectively eliminate accountability, or mitigates a penalty that would allow the inference that no actual remedial impact has occurred or resolved the behavior that lead to the misconduct. The sampling timeframe and projected completion of the study are not yet firm.

Of special value was a productive interchange of views and confirmation of shared Consent Decree objectives with Territorial political leadership. At that meeting the Territory made special note of the appointment of a Senior Policy Advisor for Justice & Law Enforcement on the Governor's staff and the Territory's eagerness that the IMT and DOJ work closely with the Advisor, Eugene Farrell, on Consent Decree matters. We are very eager to do so.

Compliance Status

Despite the aggressive First Quarter 2016 program of work and the development of what were labeled "potential momentum changers" during the previous quarter (Fourth, 2015), namely summit-driven Goal Action Planning and Priorities 2016, a collaborative VIPD-IMT exercise that produced a prioritization of reachable goals for compliance during the now-ended First Quarter of 2016, and the second, the First Quarter of 2016 ended fundamentally where it began. Twenty (20) Consent Decree paragraphs remain short of compliance, while 31 paragraphs remain in substantial compliance. The sub-paragraph profile remains essentially the same as last quarter, 73 sub-paragraphs are not in compliance. Of the 73, 22 are associated with Paragraph 100, which is has an implementation focus and one is associated with Paragraph 101. That leaves 50 that are found within the 20 remaining non-compliant paragraphs. The IMT is able to report

incremental progress and VIPD accomplishment with regard to court-ordered goals. Five (5) court-ordered goals from previous quarters were brought to compliance during the First Quarter of 2016, however 61 remain unmet. Moreover, 32 goal-compliance dates due within this quarter were missed, a staggering number. **Using paragraph compliance as the primary measurement, the VIPD is now one quarter short of two calendar years without bringing a paragraph into substantial compliance.** This chronic failure, coupled with the observations that follow, have to be interpreted to suggest that the Court's desire for compliance achievements by August are simply unrealistic and at this time beyond the capacity of the VIPD. There are not enough personnel with the time and skill sets to bring about the reforms ordered by the Court. Capacity is steadily growing and more personnel are being engaged in the process but only incrementally.

The current command staff of VIPD is the most cooperative and engaged that we have worked with during the life of this Consent Decree. IMT is pleased and encouraged by the establishment of the Audit Unit, the Professional Responsibility Unit and the addition of a new, energized Consent Decree Compliance Coordinator. We believed that these steps would accelerate the pace of compliance and improve the overall command accountability and responsibility among management personnel throughout the entire agency.

While several incremental steps have occurred during this current quarter which move the VIPD in the direction of increased paragraph compliance, we have not seen the anticipated improvements in supervisory and management responsibility that we expected to find at this point in attainment of Substantial Compliance.

Compliance Prospects – Near Term

The 2015 Fourth Quarterly Report could not have been more direct regarding the pivotal strategic and technical importance of the Goals Action Plans requested by the Court. At several points in that report the IMT emphasized the predictable consequences of failure to fashion a "comprehensive and predictably successful plan for complying with outstanding goals and

paragraphs." The Executive Summary stated that "...the Priorities cannot/are not likely to be met if the Action Plan initiative fails."

Six months have expired since work began on an Action Plan at the November, 2015 Goals Planning Summit. VIPD work on goals action plans has continued, at a pace and with resource investments that are somewhat unclear, frequent IMT reminders to VIPD compliance staff notwithstanding. The Fourth Quarterly Report, 2015, documented the IMT's assessment of the adequacy of the plans, as of February, 2016, to propel compliance. It declared the work product "not yet good enough." Now, three months later, the IMT is forced to repeat the earlier assessment – still not good enough. Prospects for the VIPD to be positioned to satisfy the Court's August "aspirational" date are dim. There are, after all, only three months until that date. More compelling with regard to any dramatic compliance movement in the next three months or so, the IMT is increasingly convinced that the VIPD has exhausted its technical capability to bring plans to operational readiness/implementation-worthy condition. A decisive intervention needs to be taken to fill this capacity gap. Absent a bold stroke, the forthcoming quarter, Quarter 2, 2016 is most likely to mirror Quarter 1, 2016 in many respects with regard to Consent Decree compliance. This view notwithstanding, we devoted much of the May Summit to strengthening goals action plans as we continue to strive with the VIPD to meet the Court's desired date. We received updated action plans (as this document was going to press) for eight (8) paragraphs or sub-paragraphs selected by the Work Groups at the May Summit, but have not had time to conduct a review of same. We will report on these during 2Q2016.

To be clear, our observation that the VIPD seems to have exhausted its technical ability to produce compliance priority action plans should not in any way be interpreted to discredit the performance of VIPD compliance professionals, including Work Group members. The reality is that unlike so many law enforcement agencies, the VIPD has ignored the need to staff itself or otherwise acquire the services of educated, trained, and experienced management analysts, research and evaluation specialists, data management specialists, and other classes of professionals best suited for constructing goals actions plans. While the IMT has tried via technical assistance in the form of training, facilitation, and software to shortstop these deficiencies, the VIPD should add these assets immediately. For the past three quarters the IMT has recommended that the Training Bureau create a relationship with a local college to assist in

developing lesson plans, especially for use of force curricula, at all levels, recruit to in-service, as well development of training evaluation capacity. Some movement has occurred including a contract with the University of the Virgin Islands for instructor development, but little in the arena of training evaluation.

The capacity condition and the remedies offered notwithstanding, the VIPD has not completed the action plan previously ordered by the Court. The VIPD still must develop plans that are based on identification of root causes of the non-compliance, best solutions selected and with the individuals currently assigned – and hold them accountable – not merely for overall responsibility but for specific required actions.

Compliance Prospects – A Longer View

Last year the IMT analyzed Five-Quarters of VIPD Compliance Audit measurements of Use of Force paragraphs, our first longitudinal retrospective of this nature. The Audits covered Paragraphs 32 through 36, and the associated sub-paragraphs. Results of that analysis were used primarily internally for IMT evaluation purposes. We have now updated this previous work with two more quarters of VIPD Compliance Audit Findings, the last two of 2015. The results of the Seven Quarters Analysis are published in this document. We find that for the 11 Use of Force Paragraphs in the Settlement Agreement (and the 22 sub-paragraphs); the overall pattern of compliance performance has not changed significantly since the first analysis. Generally, what the VIPD was complying with well in earlier reviews, they have sustained. What they were not doing well – getting it right operationally, they still are not.

Of 22 Use of Force sub-paragraphs – the building block components of paragraphs, that the VIPD has historically measured, fourteen (14) do not/could not meet a 95% compliance threshold. Eight (8) sub-paragraphs can/do meet the threshold. Four (4) of the fourteen (14) that do not are "reachable."

Considering the foregoing and additional findings of our examination, it is more accurate than not, to state with regard to the compliance failures (some with historical compliance rates as low as 20-40%) the interventions which the VIPD has introduced, including hours and hours of training, some application of discipline, and the continuing call for command accountability,

simply are not producing required compliance outcomes. The interventions that are being administered, individually or in combination, which should be bringing about better results, need to be reanalyzed, rethought, and re-administered to be more effective. We know, for example, training does not meet best practice standards in many instances. We know that many very sensible recommendations from VIPD Compliance Audits have not been implemented. (Unmet Audit Recommendations. [See IMT 2^d/3rd/4th Quarter 2015 Reports]) Belief that failure to hold personnel sufficiently accountable for performance failure is widespread among VIPD professionals and the IMT. The Misconduct Study to be completed will illuminate the situation with data. Above all, the VIPD functions without a suitable level of contemporary research, program planning, and organizational transformation resources assets. New, additional interventions may be called for as well.

The implication of the inability of the VIPD to move the Use of Force mandates examined toward threshold requirements for at least the past two years are clear. Most cogent in the context of this report is the likelihood that compliance with unmet Use of Force Consent Decree paragraphs is not likely by August 2016.

Force Management Capacity

In contrast to areas of under achievement during the First Quarter, positive and important progress occurred with regard to positioning the VIPD to manage force more effectively. The VIPD, IMT, and DOJ worked intensely to produce Standard Operating Procedures (SOPs) for the Force Investigation Team (FIT) and the Force Review Board (FRB). The successful SOP initiative enabled the VIPD to comply with Goals 4Q5-1 and 4Q5-2, which required the VIPD to develop the two SOPs.

In early April, the IMT trained members of the VIPD who have been selected by the VIPD to compose Force Investigation & Force Review Board membership, along with a cadre of command officers. Designed in parallel with SOP development work, the training concentrated on a broad range of force-related KSAs (knowledge, skills and abilities). Formal evaluation and verbal feedback indicated that the VIPD training was well received. The performance and impact of the FIT and FRB operations will be monitored by the IMT, going forward. This is where the real evaluation of the training will be made. Additional reviews of cases by the FIT

and FRB was conducted at the Summit. The DOJ had staff present to observe the VIPD progress.

These training experiences can and hopefully will benefit the VIPD, beyond the intrinsic and direct value for force consideration. In design and delivery they embody the best in adult learning and training practices and the IMT will donate the complete instructional packages for both future training of the FIT/FRB members as well models of training development. The VIPD now possesses two best practice models to guide its own training activities going forward, Consent Decree-related and beyond.

We are pleased to note that the VIPD is finalizing a Video-Recording Policy. Borrowing heavily from the IACP's Recording Police Activity Model Policy (revised December 2015), therefore based on the latest industry standard, issuing this policy is a noteworthy step in progression to legal (constitutional), transparent, and procedurally just policing. The video policy focuses on recording by members of the public. More work remains to be done on the police, VIPD side of the equations.

The IMT has made recommendations for many months asking for the VIPD to implement in-vehicle and body camera policies. The VIPD has the equipment, already purchased and on site, to enhance the capability of its staff in both oversight and review. It lacks only digital storage capacity and policy to implement use of these tools.

Work Group Activity & Accomplishments

The IMT thought it useful to ask the VIPD for a brief statement of most pertinent quarterly activity and accomplishments, in essence their view of highlights.

The Use of Force Work Group reported: participation in the February, 2016 Summit; five (5) meetings focused on strategies to achieve paragraph, subparagraph compliance; two (2) meetings with commanders and sergeants on each Island on Roll Call Training for Citizen Complaint Investigations; attendance at FIT/FRB Training; an audit to determine whether supervisors are traveling to Use of Force incidents; the newly inaugurated Use of Force Review Board procedure. Of significance, the Group increased their number of members, from three to five.

The Managements & Supervision/Citizen Complaint Work Group highlighted: design of an Investigative Case Management Log; directive for the Case Management Log issued; development of a Non-Training Issue Support Form; and training at commander's call, both districts. The Group noted reassignment of Lieutenant Jones to the Audit & Inspections Unit.

The Training Work Group reports: designation for evaluation of Use of Force Policy & Training letter from AG; assembly and evaluation of the In-Service Training Survey; revision of Instructor Selection Process Directive; revision of Roll Call Policy and preparation of Roll Call Training schedules; created in-service training evaluation forms for course and instructor evaluations; completed Power DMS training on records upload (officers and instructor files); established system to capture instructor and curriculum time accounting during recruit and in-service.

On May 16, 2016, the IMT received a draft of VIPD's Status Report for Quarter Ending May 6, 2016. This document adds detail to the foregoing activity and accomplishments summary, marginal in nature.

A Territorial View

At the All-Parties conference in February, Territorial leadership expressed their positions on a range of consequential Consent Decree matters, collectively positive. Of greatest interest:

- The August "deadline" will remain a focus and a target that the Territory wants to meet.
- Selection, plans for, and implementation of T&M Report recommendations will be reconciled with intents and requirements of the Consent Decree.
- A Senior Policy Advisor for Justice & Law Enforcement has been appointed to the Governor's staff. The Territory is anxious for the IMT and DOJ to work with the Advisor. The IMT is particularly eager to exploit this opportunity to, among other possibilities, ramp-up Territorial engagement and integration in Consent Decree compliance work.

Finally, of general Consent Decree cultural interest, Territorial leaders noted that with the presence of numerous crime and justice problems throughout the Territory, forward Consent Decree compliance progress may be slower than the USDOJ would like, but efforts are being made.

Next Quarter

An All-Parties Summit was held May 9 through 13, 2016. It concentrated on Goals Actions Planning work and VIPD capacity-building, primarily strategic planning. We also worked with the Audit & Inspections Unit to future develop their upcoming audits, outline with the Force Working Group our proposed plan to study OIS (Officer Involved Shootings) and review the instructor and training files with the VIPD Training Staff.

In the upcoming weeks we will assist in the completion of the Disciplinary Matrix. The IMT will conduct the Misconduct Special Study we have already initiated, a review of previous incidents of OIS, and further support of force evaluations by the Chiefs and Deputy Chiefs in both districts.

I. COMPLIANCE STATUS:

The following 8 charts document Paragraph Status at the end of the First Quarter of 2016. Compared to Quarter One, Two, Three and Four 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). Trending is depicted in Charts 2-3.

A. Overall Status

The VIPD has achieved Substantial Compliance for 31 paragraphs. Twenty paragraphs (20) are not yet in Substantial Compliance. These paragraphs are detailed in Appendix A to this report.

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. The Use of Force grouping has the majority of steps and checkpoints for compliance within the reporting and investigation processes and thus a significant number of problem areas which continue to exist, thwarting compliance, even at the sub-paragraph level.

B. Compliance at the end of Quarter One, 2016:

1. Consent Decree Paragraphs That Came Into Compliance during the 1st Quarter 2016

No Consent Decree Paragraphs came into compliance during the 1st Quarter 2016. One sub-paragraph (69-A) came into compliance.

2. Paragraphs in Substantial Compliance at the end of the 1st Quarter, 2016 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 Not In Substantial Compliance: **32**, 33, 34, 35, 36, 37, 38, 44, 58, 59, 60, 69, 71, 72, 73, 74, 77, 81, **100**, 101.

(NOTE: Bolded/underlined paragraphs have a sub-paragraph evaluated as to implementation under paragraph 100)

Paragraphs Having Not Applicable (NA) Status 67, 68

NOTE: (These paragraphs as considered NA as they deal with adopting and using IAPro as a risk management system, as well as approval for subsequent modifications; none have been requested and no further compliance is required unless a modification is requested):

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.

The following charts display this status information.

CHART 1

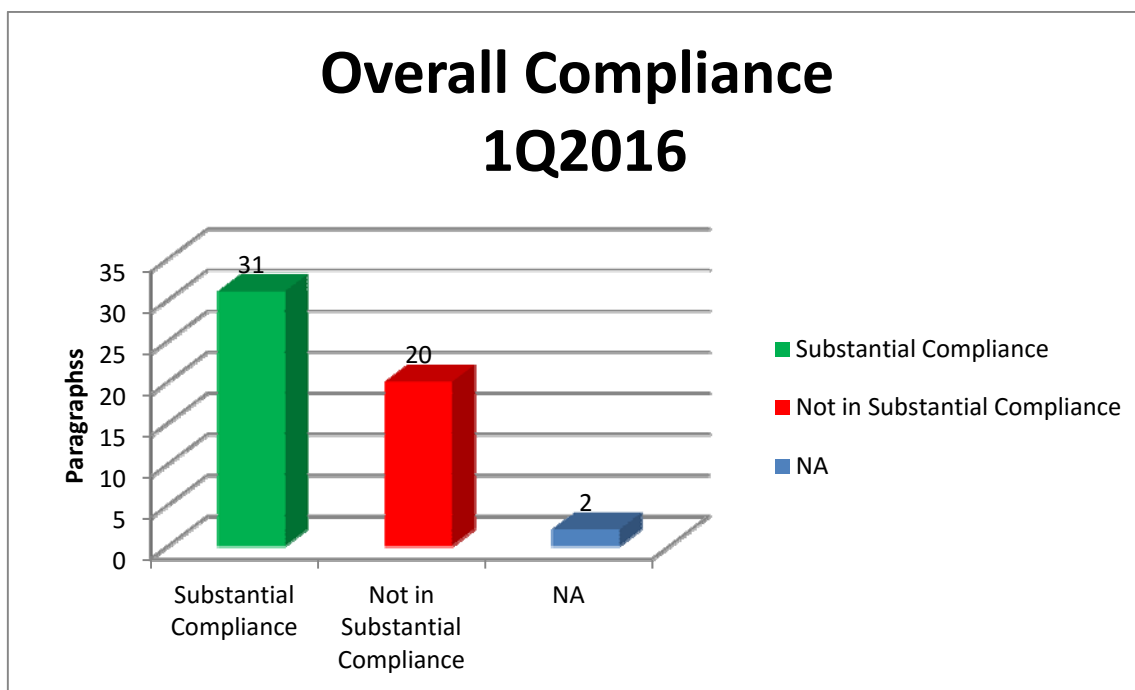


CHART 2

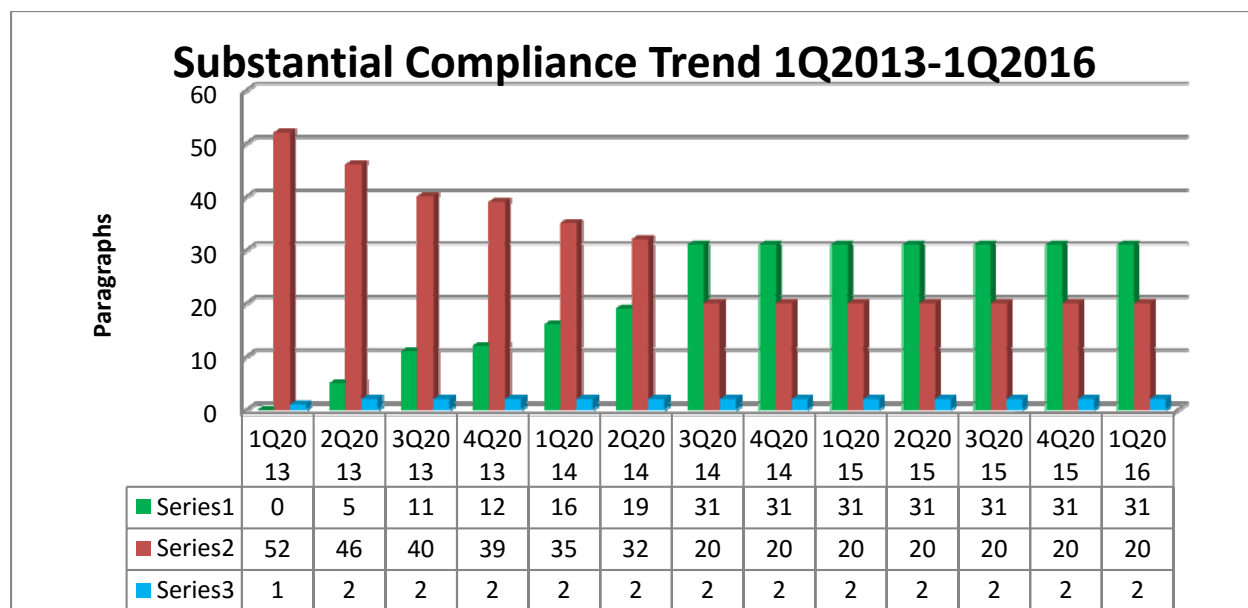


CHART 3

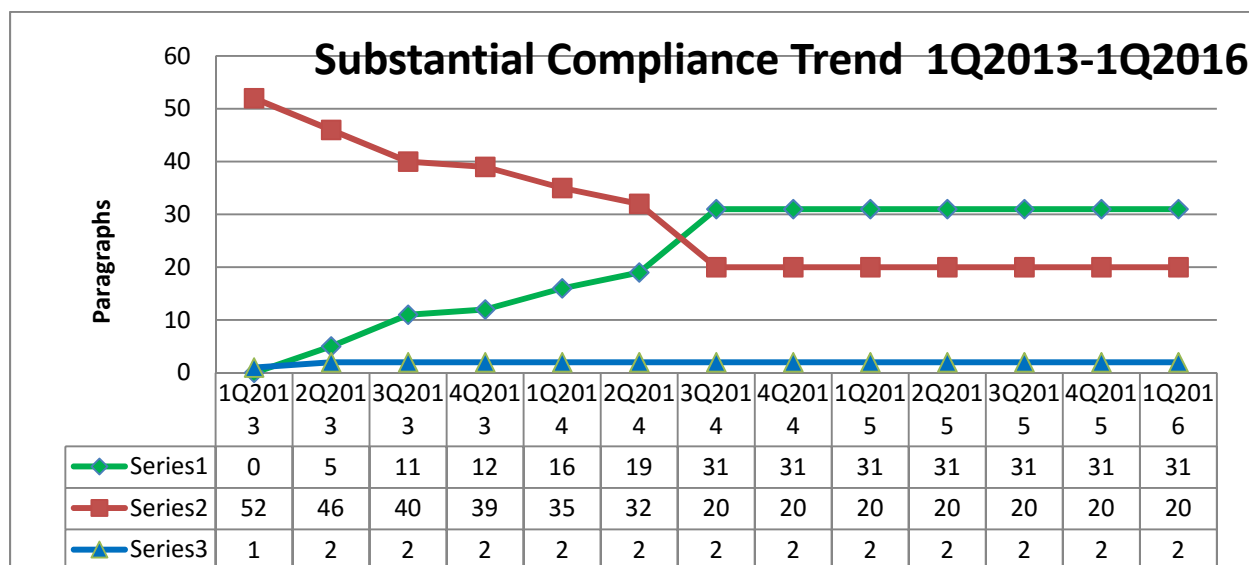


CHART 4

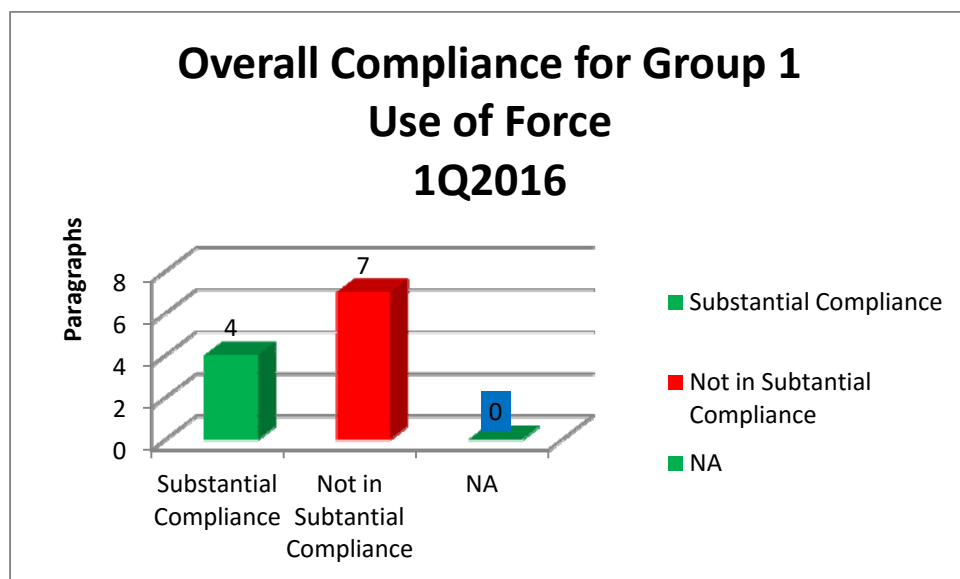


CHART 5

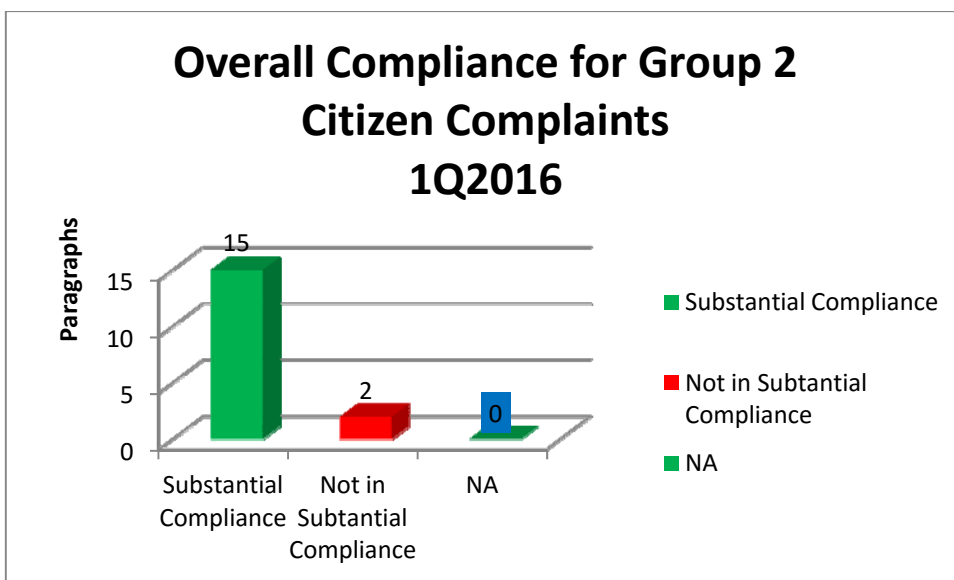


CHART 6

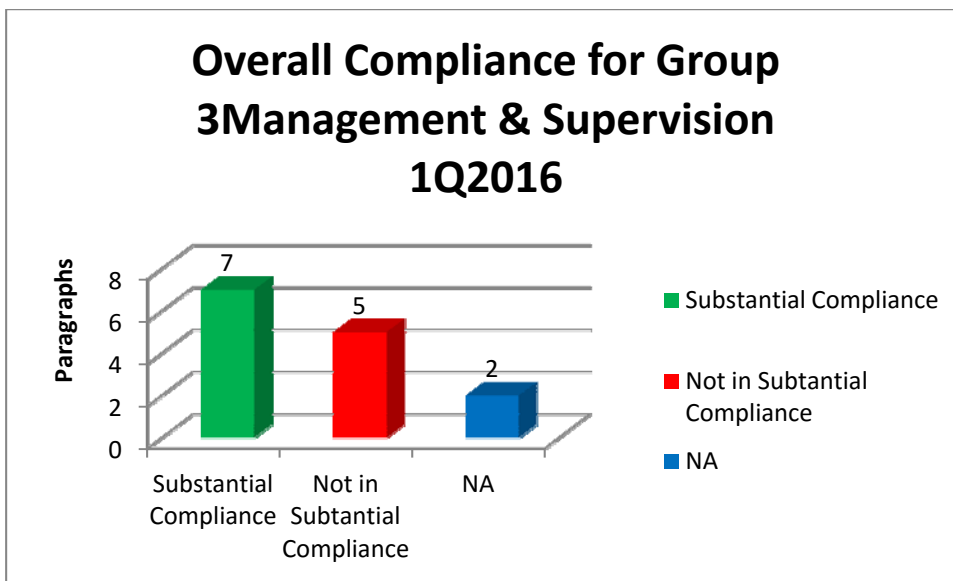


CHART 7

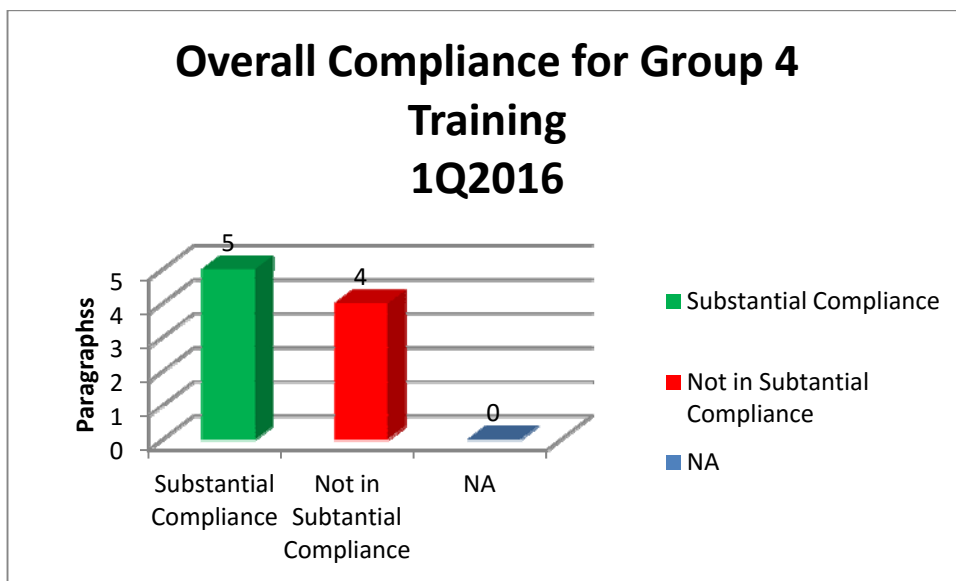
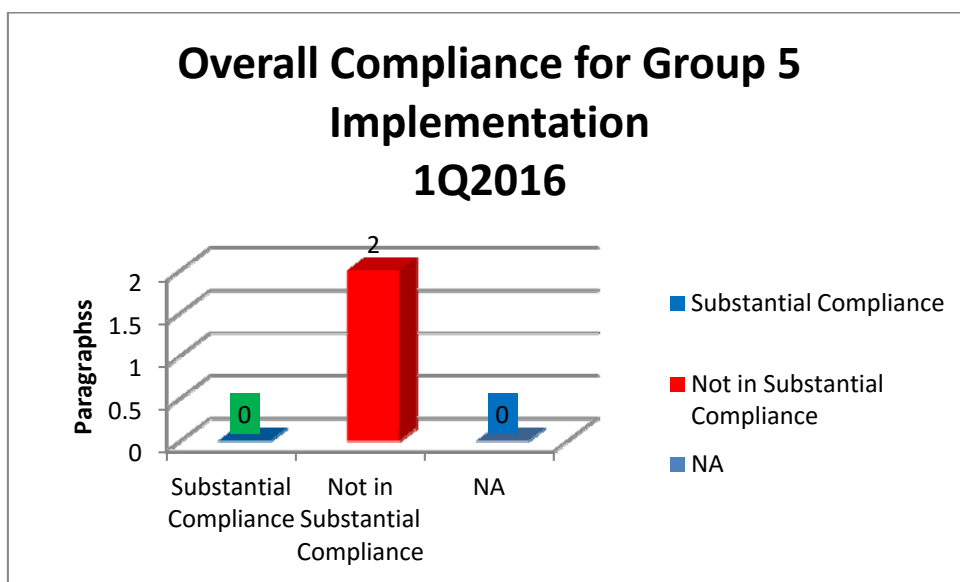


CHART 8



C. Court Ordered Goals for the 1st Quarter 2016

The VIPD submitted the following eight (8) goals for compliance during the 1st Quarter 2016 and all were approved by the Court. Their status as of the end of the 1st Quarter 2016 is as follows:

1Q6-1

Goal Statement: Comply entirely with Paragraph 32

IMT Evaluation

The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed in the Use of Force compliance sections and Appendices to this report.. Their efforts have not resulted in compliance with the goal.

Not Completed

1Q6-2

Goal Statement: Comply entirely with Paragraph 33

IMT Evaluation

The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed in the Use of Force compliance sections and Appendices to this report... Their efforts have not resulted in compliance with the goal.

Not Completed

1Q6-3

Goal Statement: Comply entirely with Paragraph 44

IMT Evaluation

The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in this report. Their efforts have not resulted in compliance with the goal. See Section VIII, in this report, for additional information.

Not Completed

1Q6-4

Goal Statement: Comply entirely with Paragraph 69

IMT Evaluation

VIPD gained compliance with sub-paragraph 69-a with the full time assignment of two senior members of the VIPD to the Audit and Inspections Unit. They did not gain compliance with sub-paragraph 69-b, the audit schedule. In addition, the VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in this report. Their efforts have not resulted in compliance with the goal.

Not Completed

1Q6-5

Goal Statement: Comply entirely with Paragraph 58

IMT Evaluation

The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in this report. Their efforts have not resulted in compliance with the goal.

Not Completed

1Q6-6

Goal Statement: Comply entirely with Paragraph 70

IMT Evaluation

The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. This paragraph deals with the Disciplinary Matrix and has been in Substantial Compliance since 12/18/13. The parties have indicated a need to review the current relevancy of the matrix components to current trends and experience by other agencies and to update it as necessary. The VIPD did not complete its review process, thus the goal was not met. The IMT has chosen to continue the original Substantial Compliance of the paragraph pending both the VIPD review and an IMT special study on the implementation of discipline compared to case adjudication. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in this report. Their efforts have not resulted in compliance with the goal.

Not Completed

1Q6-7

Goal Statement: Comply entirely with Paragraph 73

IMT Evaluation

The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in this report. Their efforts have not resulted in compliance with the goal.

Not Completed

1Q6-8

Goal Statement: Comply entirely with Paragraph 77

IMT Evaluation

The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in this report. Their efforts have not resulted in compliance with the goal.

Not Completed

NOTE: Appendix A, to this report, provides additional details on the paragraphs referenced above.

D. Other Court Ordered Goals Completed During the First Quarter 2016.

A total of five (5) goals were completed during the quarter, including 4Q5-1, 4Q5-2, 4Q5-5, 4Q5-9 and 69-a. The analysis of those goals, along with other goals can be found at Appendix E to this report as well as elsewhere in this report.

D. Current Status of All Other Court Approved Goals

All remaining Court Order Goals, not noted above, remain non-compliant. To view a detailed listing of these goals, the reader is directed to Appendix B to this report, which includes a total of 61 goals non-compliant.

E. Sub-Paragraphs Not Associated With a Goal

There are a total of twelve (12) sub-paragraphs monitored by the IMT that are not associated with a specific Court Ordered Goal. These are listed in Appendix D to this report. During the First Quarter of 2016 there was no work done by the VIPD to prepare compliance plans within their GMS software, nor any work done and reported to the IMT, toward compliance with these sub-paragraphs. The IMT has, on several occasions, reminded the VIPD of the need to complete these work plans and to begin work in response to same towards compliance. The IMT will continue to place emphasis on these sub-paragraphs during 2Q2016.

F. Current Status of Consent Decree Paragraphs Not In Substantial Compliance

Detailed listing of Consent Decree paragraphs Not in Substantial Compliance, along with their sub-paragraphs, can be found in Appendix A to this report. There are a total of 73 sub-paragraphs located within 20 paragraphs that remain non-compliant. Two of these paragraphs are 100 and 101, which taken together comprise 23 of these sub-paragraphs. Both of these paragraphs are considered implementation paragraphs, so the net number of non-compliant sub-paragraphs, other than those in paragraphs 100 and 100, is 50.

II. COMPLIANCE STATUS – PRIORITIES 2016

During the IMT's January team meetings in Miami, the IMT reviewed all non-compliant paragraphs and goals and developed a set of priority area goals for enhanced monitoring in 1Q2016 and 2Q2016. These 17 priority areas, which were first identified in the IMT 4Q2015 Report, included the following:

Table 1 IMT Monitoring Priorities

Paragraph, Sub-Paragraph, or Goal	Priority	Focus Month
32b	1	Apr 2016
34b	1	May 2016
34c	1	May 2016
35b	1	Jun 2016
36b	1	Mar 2016
44i	1	Apr 2016
4Q5-1	1	Feb 2016
4Q5-2	1	Feb 2016
72a	1	Mar 2016
CC17	2	May 2016
74c	2	Mar 2016
74e	2	Mar 2016
72b	2	Apr 2016
M&S 16	2	Mar 2016
4Q5-8	2	Feb 2016
35c	2	Jun 2016
32f	2	Jun 2016

NOTE: Shaded areas were 1Q2016 priorities; non-shaded 2Q2016 priorities.

Of these, 11 were selected for review during 1Q2016 (highlighted in grey) and each was awarded a priority of either 1 or 2, based upon the IMT estimate of VIPD compliance capacity, with the remainder set for 2Q2016. The IMT, both in person or via telephone, met throughout the quarter with the work groups responsible for each of the identified areas and monitored their compliance activity. Despite this enhanced oversight as well as increased attention to them by the VIPD, they were able to come into compliance with only two of the goals or sub-paragraphs, 4Q5-1 Develop Standard Operating Procedure (SOP) for the Force Review Board (FRB) and 4Q5-2 (Develop

SOP for Force Investigation Team (FIT) which dealt with FIT/FRB SOPs. Both of these resulted in compliance after the IMT delivered training in late April 2016.

Issues preventing compliance with the other goals or sub-paragraphs included:

32-b

Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Using the IMT Five Quarter Analysis View they were at 69%, while when using the IMT Seven Quarter Analysis, we found them to be at 63.3%, all data based on VIPD internal audits. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers, via the chain of command, for corrective action at all levels. The IMT will continue to monitor during the next quarter.

36-b

This goal has been illusive for a variety of reasons, although the VIPD has increased its emphasis on ensuring all witnesses are interviewed and those interviews detailed in the case reports. In some cases non-police witnesses have refused to cooperate, but in others available police witnesses are just left out. The Working Group has been returning these cases to the investigating officers, via the chain of command, for corrective action and compliance at all levels. The IMT will continue to monitor in 2Q2016.

44-i

This sub-paragraph based goal focuses on timeliness of completion of Consent Decree mandated investigations. IMT evaluation, during the current quarter, of these efforts was limited to the actual reduction of outstanding cases as of January 1, 2015. While St Croix showed a significant reduction in outstanding cases for this period of time, the efforts on St Thomas did not show progress. When queried as to what those efforts were, the STT Chief stated that the supervisors continued to receive weekly reminders of overdue cases and were reminded to complete same.

This was the same approach which had been utilized for the last few quarters without significant results. Most recently, when IMT requested of a number of supervisors/managers what the current outstanding numbers were, no one could provide a definitive answer.

{It should be noted that, although VIPD was focusing on cases since 1/1/15 in order to not continue to dig themselves into a larger hole, IMT has made clear that VIPD is responsible for successfully closing all cases as of 1/1/12}

The sub-paragraph is the only one preventing compliance for the paragraph 44, itself, so once the current backlog has been corrected and future case processing is on track in compliance with the standard, the paragraph should be able to come into compliance.

72-a

This goal and sub-paragraph, is concerned that in cases where the matrix calls for discipline, discipline is imposed by the VIPD. The parties concluded last year that the current matrix was not working nor had it been positively accepted by the rank and file of the department. The VIPD has undertaken a review of matrixes from other departments and most recently has focused on that used by Portland, OR. Both the DOJ and the IMT have provided technical assistance to the VIPD's efforts to replace the current matrix with a better performing and more widely accepted model. That effort continues and until such time as a new matrix is approved, discipline based on the old version will continue to be questioned. The IMT hopes that this issue will be settled during 2Q2016.

72-b

This goal is concerned with determining that where discipline is imposed, there is evidence that the VIPD has also considered non-disciplinary corrective action.

As reflected in the VIPD's own internal audits, this sub-paragraph has not reached compliance

74-c

This goal requires that the Director of Training and/or his/her staff develop a process to continually select and evaluate VIPD officer trainers. This issue is also related to the uploading of instructor qualification records into Power-DMS. Recently the VIPD reissued a directive

governing instructor selection and qualification. IMT, during the 1Q2016 Summit (May 9th through May 13th), reviewed these records to determine if compliance has improved. During this review IMT viewed the newly created “instructor files” which contained several documents, including certificates and sign in sheets for the most recent classes that the associated instructors had taught. They were instructed to create summaries or listings of the classes taught, instructor evaluations and documentation that instructors were vetted initially and updated annually. As is the case with several other training related requirements, the upcoming training cycle will provide their best opportunity to demonstrate and document a complete in-service training experience including evaluations and post classroom testing. If this work is completed, VIPD should move Paragraphs 73, 74 and 77 into compliance in the quarter.

The Training Advisory Committee should review the selection process (vetting) and should take an interest in the instructor certifications. We also recommend that AIU conduct an audit of these files for compliance.

74-e

The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have created a process for the development, implementation and approval of all Roll Call training curricula. The Training Director and/or his/her staff, in conjunction with the Chiefs and Deputy Chiefs, have developed, implemented and approved all Roll Call training curricula. The Training Director and/or his/her staff have maintained written documentation of this process. The VIPD has submitted a revised Roll Call policy documents to the IMT for review and it has been returned with several significant comments and suggestions, including separation of the policy into two separate policies, one for Roll Calls and the other for Roll Call Training. The IMT looks forward to compliance with its goal during 2Q2016.

M&S 16 (Re: Paragraph 69)

Finalize the development of additional protocols for the Audit unit; Paragraph 69. As noted in our 4Q2015 Report, we have reviewed and approved a draft SOP (protocol) for the AIU but have never received a signed and published copy from the VIPD. We look forward to this goal being complied with in 2Q2016.

4Q5-8 (A goal not directly paragraph related as impacts across the CD, that was established to energize the Training Division to assume a more active role in supporting Consent Decree work group identified training requirements.)

Training Division will collaborate with the other three (3) working groups to identify and respond with training support to Consent Decree issues and areas identified by the working groups. Training Division's support will include assessment of the needs; identification of the trainees; development of the curricula; delivery of training; and, in conjunction with the audit unit, evaluation of the training effectiveness. The IMT continues to work with the Training Division to implement a training support system with broader application. We look forward to seeing this goal compliant in 2Q2016.

The IMT will continue to work with the VIPD in the remaining non-compliant focus or priority areas during 2Q2016.

III. USE OF FORCE PARAGRAPH COMPLIANCE: **SEVEN QUARTERS**

The accumulating body of quantified VIPD-provided Compliance Audit measurements enables the Parties to the Consent Decree to examine Consent Decree compliance progress in new ways and with increasing confidence and clarity. The IMT's first longitudinal retrospective on Use of Force paragraph compliance was completed in 2015. It examined Five Quarters of performance/compliance measurements, all four of 2014 and the first of 2015. A second examination is reported here.

The Table (2) below updates the Five Quarters Use of Force Compliance Status & Progress Measurements analysis completed late last year, with an additional two tables from the latest VIPD Compliance Audit, 2015 Third and Fourth Quarters.

WHAT IT SHOWS

The Seven Quarters data are useful for observations and diagnostics far beyond what we have selected to comment on here, as the VIPD Audit itself. We single out the following for emphasis.

- What strikes us first off is that the overall pattern of compliance performance has not changed significantly since the first analysis – completed about nine months ago. (It reported through the First Quarter 2015.) Generally, what the VIPD was complying with well before, they have sustained. What they were not doing well, they still aren't. The pattern of what field officers and supervisors are getting right and not getting right with regard to Consent Decree force paragraph mandates has remained essentially unaltered for almost two years, as measured by the Audits and our reviews. The Performance Detail section immediately below arrays subparagraph compliance and non-compliance. With regard to the failures to meet compliance standards, applied interventions, including hours and hours of training, some degree of disciplinary actions, and pledges to intensify command accountability, have not produced substantial compliance outcomes.
- Comparing the percentages in the "Five Quarters" and "Percent Cumulative" columns shows change in only one (1) of twenty-two (22) subparagraphs, using a criterion of 10%. The 10% criterion is arbitrary, used only as a gauge to consider data points movement.

- ☐ Were a 95% threshold applied to the cumulative averages for seven quarters, eight (8) sub-paragraphs comply; fourteen (14) sub-paragraphs do not (of 22). If the comparison considers Quarter 7 alone, eight (8) subparagraphs meet the 95% threshold.
- ☐ Of 41 sub-paragraphs audited in 3Q/4Q 2015, including a series of first-time measures reported on in the 3Q/4Q 2015 Audit, only thirteen (13) meet a 95% and/or Yes/No threshold.
- ☐ Sixteen (16) measures fell below 50% compliance for the Seven Quarters period, including several core essentials such as 32.c, 34.d, 35.c, 37.b.1, 37.c, and 37.d.

PERFORMANCE DETAIL

Drilling into the performance compliance profile reveals three clusters/patterns of compliance and non-compliance: subs which consistently meet/have met; threshold standards; those on-the-cusp of meeting standards; and those that are not remotely close to meeting standards.

Sustained Compliance: A total of eight (8) requirements have met the 95% threshold for the seven-quarters period. (The new Yes-No, non-quantified, two-quarters measurements are not included in this analysis.)

- ☐ 32.a Force documented in writing.
- ☐ 34.c Investigator/reviewer had no part in the force incident.
- ☐ 34.f Investigator/reviewer had no part in authorizing conduct that led to force allegations.
- ☐ 34.g Investigator/reviewer was not present during force incident.
- ☐ 35.d All supervisors and officers trained to conduct UOF investigations.
- ☐ 36.a Supervisors investigate all uses of force by officers in their commands.
- ☐ 36.b All officer witnesses to use of force were interviewed.
- ☐ 36.d All officers involved in or on-scene of incidents were identified.

Reachable Compliance: There are a handful of subparagraphs that are/have been within realistic reach of the 95% threshold. These fall roughly in an 85, but below the 95% performance.

- ☐ 32.d Supervisors review includes a narrative description of events preceding use of force (87%).
- ☐ 32.e Investigation package includes RRR (91.1%).
- ☐ 35.a Supervisors ask officers or witnesses leading questions (88.4%).

- ☐ 36.c All witnesses provided a statement regarding the incident (93.1%).
- ☐ 37.a UOF investigation was reviewed by officer's commander and commander of Investigative unit (83.0%).

There are a total of four (4) Consent Decree requirements in this set.

Compliance Barriers: Eleven (11) subparagraphs have consistently remained below established thresholds, some remarkably below.

- ☐ 32.c Supervisor evaluated each type of force used (44.1%).
- ☐ 33.a Officer notified supervisor of use of force or allegation of use of force (49.6%).
- ☐ 33.b Supervisor responds to scene (55.0%).
- ☐ 33.c Subject examined for injury (21.6%)
- ☐ 33.d Supervisor interviewed subject for complaints of pain (20.8%).
- ☐ 33.e Supervisor ensured subject received medical attention if necessary (73.4%).
- ☐ 34.a Supervisor reviewed, evaluated, and documented each use of force (44.1%).
- ☐ 34.b Narrative description section of use of force report was completed (38.6%).
- ☐ 34.c Narrative included a precise description of the facts and circumstances that either justify or fail to justify officer conduct (37.8%).
- ☐ 34.d Supervisor evaluated the basis for use of force and determined whether the officer's Actions were within VIPD policy (44.1%).
- ☐ 36.e Investigations indicate whether injuries occurred (43.0%).

PRIORITIES 2016

Cumulative averages for the UOF Priorities selected are:

- ☐ 32.b 63.3%
- ☐ 34.b 38.6%
- ☐ 34.c 37.8%
- ☐ 35.b 65.0%
- ☐ 36.b 94.9%

Results for the last two quarters are not much different than the cumulative. Consider these numbers a "reality check." On the plus side, compliance with 4Q5-1, 4Q5-2, FIT/FRB SOPs and 4Q5-5, FRB Hearings, have been achieved.

AUDIT GROWTH & UTILITY

The audit data is changing shape, expanding and becoming increasingly useful for measurement, analytics, planning, and decision-making. To audit use of force, the VIPD has added new

measures, quantitative and qualitative (the Yes/No measure). For these, there is now a developing two-quarters data base that will become more useful as future quarters are added. Newer measures are moving audits deeper into important Consent Decree areas and operational outcomes, discipline (the Matrix) for example.

The cautionary note is that while we are very pleased and excited with the audit capacity building, we repeat our concern about the degree to which audit findings remain underutilized. Audit measurements could and should have greater compliance consequences if the VIPD exploited the data/measurements for analysis and decision-making to a greater extent. To service this objective, it is important that audits remain up to date. Timeliness of completion remains a serious IMT concern.

JUMP-STARTING UTILITY

The IMT had a plan to start to address the underutilization condition. The May, 2016 Summit included an examination of the Seven Quarters data, an adult learning exercise regarding how the data can be used for compliance operations, and reporting out by the Work Groups. This learning bloc integrated smoothly with the scheduled strategic planning bloc and the Force Review Boards work. No more than a "starter," we plan to repeat the exercise in the future.

BUILDING ON THE SEVEN-QUARTERS DATA

The Seven Quarters database can support a variety of additional analyses. For example, the DOJ has expressed interest in comparison between the Five Quarters here and the Seventh Quarter (or, soon, the Eighth Quarter). This is now easy to accomplish. We will do so during the next Quarter.

**First Quarterly Report of 2016 –
From The Independent Monitor For The Virgin Islands Police Department**

**USE OF FORCE PARAGRAPH COMPLIANCE
SEVEN QUARTERS (2014, 2015)**

Table 2

PARAGRAPH REQUIREMENT & MEASURE	PERCENT MET 95% REQUIREMENT 5 QUARTERS	PERCENT MET 95% REQUIREMENT QUARTER 6	PERCENT MET 95% REQUIREMENT QUARTER 7	PERCENT MET CUMULATIVE
32: <u>DOCUMENTATION</u>				
32.a: Force documented in writing	94%	100%	100%	95.3%
32.b: RRR indicates every type of force used	69%	46%	55%	63.3%
32.c: Supervisor evaluated each type of force used	46%	46%	36%	44.1%
32.d: Supervisor's review includes a narrative description of events preceding use of force	90%	89%	73%	87.1%
32.e: Investigations package includes narrative description of events (RRR)	95%	82%	82%	91.1%
32.e.1: Investigation package includes audio/videotaped statement	(Data Error)	57%	33%	45.0%
33: <u>NOTIFICATION/SUPERVISOR RESPONSE</u>				
33.a: Officer notified supervisor of use of force or allegation of excessive force	44%	64%	64%	49.6%
33.b: Supervisor responds to scene	(Data Error)	43%	67%	55.0%
33.c: Subject examined for injury	18% ¹	31%	23%	21.6%

¹ Three Quarters only.

**First Quarterly Report of 2016 –
From The Independent Monitor For The Virgin Islands Police Department**

**USE OF FORCE PARAGRAPH COMPLAINTS
SEVEN QUARTERS (2014, 2015)**

PARAGRAPH REQUIREMENT & MEASURE	PERCENT MET 95% REQUIREMENT 5 QUARTERS	PERCENT MET 95% REQUIREMENT QUARTER 6	PERCENT MET 95% REQUIREMENT QUARTER 7	PERCENT MET CUMULATIVE
33: <u>NOTIFICATION/SUPERVISOR RESPONSE</u> (Cont'd.)				
33.d: Supervisor interviewed subject for complaints of pain	18%	32%	18%	20.8%
33.e: Supervisor ensured subject received medical attention if necessary	66%	93%	92%	73.4%
34: <u>SUPERVISORY EVALUATION</u>				
34.a: Supervisor (designee reviewed, evaluated, and documented each use of force	46%	46%	36%	44.1%
34.b: Narrative description section of use of force report was completed	38%	46%	36%	38.6%
34.c: Narrative included a precise description of the facts and circumstances that either justify or fail to justify the officer's conduct	36% ¹	46%	36%	37.8%
34.d: Supervisor (designee) evaluated the basis for use of force, and determined whether officer's actions were within VIPD policy	46%	46%	36%	44.1%
34.e: Did investigator/reviewer have any part in the force used during the incident (calls for negative finding)	100%	100%	95%	95.6%

**First Quarterly Report of 2016 –
From The Independent Monitor For The Virgin Islands Police Department**

**USE OF FORCE PARAGRAPH COMPLIANCE
SEVEN QUARTERS (2014, 2015)**

PARAGRAPH REQUIREMENT & MEASURE	PERCENT MET 95% REQUIREMENT 5 QUARTERS	PERCENT MET 95% REQUIREMENT QUARTER 6	PERCENT MET 95% REQUIREMENT QUARTER 7	PERCENT MET CUMULATIVE
34: <u>SUPERVISORY EVALUATION</u> (Cont'd)				
34.f: Did investigator/reviewer have any part in conduct that led to injury, or authorize conduct leading to use of force allegation of excessive force (calls for negative finding)	95%	100%	95%	95.6%
34.g: Was investigator/reviewer present during use of force incident (calls for negative finding)	95%	100%	95%	95.6%
35: <u>LEADING QUESTIONS</u>				
35.a: Supervisor or designee asked officers or witnesses leading questions that improperly suggested legal justifications for officer's conduct	92%	71%	92%	88.4%
35.b: All relevant evidence considered and credibility determinations made	²	71%	59%	65.0%
35.c: Supervisor made all reasonable efforts to resolve material inconsistencies between witness statements	2	25%	0%	12.5%
35.d: VIPD has trained all supervisors and officers to conduct UOF investigations	2	100%	100%	100.0%

² Three Quarters only, from 3/4Q2015 Audit

**First Quarterly Report of 2016 –
From The Independent Monitor For The Virgin Islands Police Department**

**USE OF FORCE PARAGRAPH COMPLIANCE
SEVEN QUARTERS (2014, 2015)**

PARAGRAPH REQUIREMENT & MEASURE	PERCENT MET 95% REQUIREMENT 5 QUARTERS	PERCENT MET 95% REQUIREMENT QUARTER 6	PERCENT MET 95% REQUIREMENT QUARTER 7	PERCENT MET CUMULATIVE
36: <u>INVESTIGATION OF ALL USE OF FORCE</u> (Except Lowest Level)				
36.a: Supervisors (designee) investigated all uses of force or injury resulting from a use of force by any officer under their command	95%	100%	100%	100%
36.b: All officer witnesses to a use of force or injury were interviewed	78%	85%	50%	94.9%
36.c: All witnesses provided s statement regarding the incident	100%	92%	60%	93.1%
36.d: All officers involved in or on-scenes of incidents were identified	100%	100%	95%	99.3%
36.e: Investigations indicate whether injuries occurred	28%	89%	73%	43.0%
36.e.1: Medical care was provided	(Data Issue)	---	---	---
36.e.2: Subject refused medical treatment	(Data Issue)	---	---	---
36.f: Investigations included photos/videotapes of injuries	2	75%	20%	47.5%
36.g: Photos/videos were obtained at earliest practicable opportunity	2	50%	10%	30.0%

**First Quarterly Report of 2016 –
From The Independent Monitor For The Virgin Islands Police Department**

**USE OF FORCE PARAGRAPH COMPLAINE
SEVEN QUARTERS (2014, 2015)**

PARAGRAPH REQUIREMENT & MEASURE	PERCENT MET 95% REQUIREMENT 5 QUARTERS	PERCENT MET 95% REQUIREMENT QUARTER 6	PERCENT MET 95% REQUIREMENT QUARTER 7	PERCENT MET CUMULATIVE
37: <u>COMMANDER/DIRECTOR REVIEW</u>				
37.a: UOF investigation was reviewed by officer's commander and commander of investigative unit	2	93%	73%	83.0%
37.b: Review found investigation free of deficiencies	2	68%	73%	70.5%
37.b.1: Deficiencies were corrected	2	17%	0%	8.55
37.b.2: Appropriate corrective and/or disciplinary action was taken	2	0%	0%	---
37.b.3: Discipline comported with Matrix	2	0%	0%	---
37.c: Supervisor/investigator conducted a timely review	2	29%	32%	30.55
37.c.1: If not, appropriate corrective and/or disciplinary action was taken	2	0%	0%	---
37.c.2: Discipline comported with Matrix	2	0%	0%	---

USE OF FORCE PARAGRAPH COMPLAINE

**First Quarterly Report of 2016 –
From The Independent Monitor For The Virgin Islands Police Department**

SEVEN QUARTERS (2014, 2015)

PARAGRAPH REQUIREMENT & MEASURE	PERCENT MET 95% REQUIREMENT 5 QUARTERS	PERCENT MET 95% REQUIREMENT QUARTER 6	PERCENT MET 95% REQUIREMENT QUARTER 7	PERCENT MET CUMULATIVE
37: <u>COMMANDER/DIRECTOR REVIEW</u> (Cont'd)				
37.d: Did supervisor/investigator conduct a thorough investigation/review	2	46%	36%	41.0%
37.d.1: If not, were appropriate corrective and/or disciplinary action taken	2	0%	0%	---
37.d.2: Did discipline comport with Matrix	2	0%	0%	---
37.e: Did supervisor/investigator recommend appropriate corrective action	2	50%	100%	75.0%
37.e.1: If not, was appropriate corrective and/or Disciplinary action taken	2	0%	0%	---
37.e.2: Did discipline comport with Matrix	2	0%	0%	---
37.f: Did supervisor/investigator properly implement appropriate corrective action	2	0%	0%	---
37.f.1: If not, were appropriate corrective/disciplinary actions taken	2	0%	0%	---

**USE OF FORCE PARAGRAPH COMPLAINEE
SEVEN QUARTERS (2014, 2015)**

**First Quarterly Report of 2016 –
From The Independent Monitor For The Virgin Islands Police Department**

PARAGRAPH REQUIREMENT & MEASURE	PERCENT MET 95% REQUIREMENT 5 QUARTERS	PERCENT MET 95% REQUIREMENT QUARTER 6	PERCENT MET 95% REQUIREMENT QUARTER 7	PERCENT MET CUMULATIVE
37: <u>COMMANDER/DIRECTOR REVIEW</u> (Cont'd)				
37.f.2: Did discipline comport with Matrix	2	0%	0%	---
37.g.: Was there a further review of commander/director review	2	93%	70%	81.5%
38: <u>FIREARMS DISCHARGES</u>				
38.a: Were all critical firearms discharges investigated	2	---	---	---
38.b.: Did the investigation account for: -all shots (38.b.1) -all officers who discharged their firearms (38.b.2)	2 2	--- ---	--- ---	---
38.c: A ballistic/crime scene analysis was included in the investigation package	2	---	---	---
41: <u>INTERMEDIATE FORCE DEVICE</u>				
41.a: IFD has been provided	2	Yes	Yes	Yes

**USE OF FORCE PARAGRAPH COMPLAINEE
SEVEN QUARTERS (2014, 2015)**

**First Quarterly Report of 2016 –
From The Independent Monitor For The Virgin Islands Police Department**

PARAGRAPH REQUIREMENT & MEASURE	PERCENT MET 95% REQUIREMENT 5 QUARTERS	PERCENT MET 95% REQUIREMENT QUARTER 6	PERCENT MET 95% REQUIREMENT QUARTER 7	PERCENT MET CUMULATIVE
37: <u>INTERMEDIATE FORCE DEVICE</u> (Cont'd)				
41.b: Device is carried by officers at all times while on duty	2	Yes	Yes	Yes
41.c: VIPD has continued it policy regarding IFD	2	Yes	Yes	Yes
41.d: IFD is incorporated into force continuum	2	Yes	Yes	Yes
41.e: All officers receive training on annual basis	2	Yes	Yes	\Yes

IV. GOALS ACTION PLANS UPDATE

The IMT's Fourth Quarterly Report for 2015 referenced the November 12 and 13 (2015) Goals Planning Summit, the principal objective of which was a DOJ, IMT, VIPD collaboration to develop a "comprehensive and predictably successful plan for complying with outstanding goals and paragraphs." The Fourth Quarterly Report presented the IMT's assessment of the value of the Plans as of the beginning of February, 2016, about 2-1/2 months after the Summit, declaring the work product "not yet good enough." Finally, the Fourth Quarterly Report emphasized in a priority fashion the pivotal technical and strategic importance of the Plans to Consent Decree progress. Linking the Plans to the aspirational expressions of the Court at the December, 2015 hearing regarding an August, 2016 Consent Decree compliance target and to achievement of the Priorities 2016 goals, our 4Q2015 Quarterly stated:

Next steps

We are expecting the Professional Standards Unit staff to review and strengthen the action plans, paragraph-by-paragraph and through each subparagraph. The IMT and Professional Standards Unit Director and VIPD Compliance Coordinator have agreed upon this step. The "scrubbed" product will be passed on to the IMT and DOJ for reaction and approval. Iterations will occur. Time is of the essence for several reasons, the most important, operationally, the IMT and VIPD have to employ the action plans to achieve the intent of the Compliance Priority & Monitoring Plan, as described in the next section. (From Section III.)

- To be successful for Priorities 2016 as well as other unmet mandates, the Goals & Actions Plans must be well crafted and carried out in a timely manner. (From the Executive Summary.)

Approximately three months have passed since the Fourth Quarterly Report was filed, bringing the VIPD Goals Plans production effort to the six months mark. At this juncture, the IMT is forced to repeat its first, earlier assessment – not yet good enough! In fact it appeared that the 1Q2016 Goals were not entered into the system until late in the quarter.

Condition of the Plans

First Quarterly Report of 2016

From The Independent Monitor For The Virgin Islands Police Department

VIPD's action plans are recorded in its Goals Management System (GMS). IMT members reviewed the plans periodically during the past Quarter. On March 15, 2015 the Director of Professional Standards forwarded an "Action Plan", directing the IMT to the GMS as well. All members of the IMT were directed by Independent Monitor Gruber to review this "Action Plan" document. On March 21st, Independent Monitor Gruber contacted the professional Standards Director and conveyed and explained the consensus position of the IMT. Principal points of conversation:

- ☐ the plans lacked details about who was responsible
- ☐ the plans lacked details about what was to be accomplished and when it was to be finished
- ☐ the plans lacked specific deadlines of both goals and sub goals for each specific objective

On March 22, 2015 the DOJ forwarded a short memorandum to the IMT summarizing its thoughts on the VIPD document. The tone and specifics were not positive. Among them:

- ☐ VIPD's own February 26 Goals filing, Document 200, stated that the Plan must include action steps associated with each goal as well as individuals responsible for completing action steps.

VIPD's action plan contains no incremental action steps and lists no individuals responsible for completing the goals. The "Plans" beneath each goal lack detail and specificity. The Plan references the GMS system, but VIPD has not provided DOJ with any GMS document that meets the requirements set out in the February 26 filing.

- ☐ Of the eight paragraphs the VIPD committed to complying within its February 26 filing, VIPD omitted two of them (Paragraphs 69 and 70) from its plan. It also included several paragraphs not mentioned in its February 26 filing.
- ☐ Finally, even though all goals must be completed by May 6, the Plan states that three of the paragraphs to be completed this quarter do not have a deadline until June 30.

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

While evident for some time, the goals and actions plan development process reflects the poverty of the VIPD's business skills capacity. Accordingly, we devoted several hours of the next Summit to compliance planning, problem solving, and data diagnostics instruction, however the results were disappointing and only reinforced are previously stated opinion of the VIPD capacity for compliance. As an example, the IMT attempted to generate internal leadership and ownership by allowing the VIPD to facilitate the feedback session of the compliance planning segment on the Summit's second day and to evaluate its own action plan product. The products of that session were to be consolidated by the VIPD Office of Professional Standards and forwarded to the DOJ and the IMT for review by May 18th, however as this report is being finalized no such complied action plan has been received..

Recommendations

Speaking exclusively to production of technically sufficient goals action plans, and not to policy, practice, and cultural reform and progress, the VIPD needs an immediate (as in "tomorrow") infusion of technical skills. In our last Quarterly we recommended/recommend partnering with the Territory's University as an avenue. We have suggested contracting. It may be possible to leverage skills from another government agency.

V. MANAGING FORCE: THE FIT & FRB TRAINING INITIATIVE

Concerns about investigation and review of Level 1 Use of Force incidents prompted the IMT initiative in the summer of 2015 to accelerate formation of a Force Investigation Team, to investigate Level 1 Use of Force in the Virgin Islands, and a Force Review Board, to review and recommend action by the Commissioner pursuant to these investigations. In developing the policies for these two elements, additional investigative responsibility and authorizations were included, In-Custody deaths and other cases as directed by the Commissioner. After much discussion and intense interaction among the Parties, two Department Policies, 3.15, Force Investigation Team and 3.3 Use of Force Review Board were developed, and signed by the Commissioner and published in September 2015. The policies, and requirements represent a distinct change from past. It was clear to all that training for its FIT and FRB members was needed.

The October Delivery

As a first step, the IMT developed and co-delivered an initial training seminar, two days on each island early in October 2015. This training consisted of one day provided by members of the New Orleans Monitoring Team and a second day delivered by IMT staff. The material covered varied on each day.

Day One Course Coverage

Learning objectives and course coverage included:

1. Recognize the purpose and value of a comprehensive investigation into critical firearms discharges and/or serious uses of force.
2. Understand the importance of conducting an expanded review of a use of force that is broader than simply determining if the application of force by the officer was justified.
3. Know the requirements of the Consent Decree related to use and investigation of use of force.

4. Understand and explain the standards set out in *Graham v. Connor* and ensuing related cases.
5. Know and be able to apply the preponderance of evidence standard as it applies to use of force investigations.
6. Be able to make witness credibility assessments, including being able to articulate the rationale for each determination.
7. Include in the scope of the investigation the actions of all members involved in the use of force incident, not just the actions of the member(s) who used force.
8. View a use of force incident as potentially consisting of a series of decisions by multiple actors.
9. Demonstrate the ability to review and identify each key decision point preceding and following the use of force event.
10. Demonstrate the ability to assess the quality of each decision while keeping in mind that such assessment has to consider what the officer knew or could have known at the moment the decision was made.
11. Demonstrate the ability to reach a decision on whether a serious use of force by a member of the Department was justified based upon a preponderance of evidence.
12. Demonstrate the ability to identify policy, training, supervision and/or equipment implications attendant to the incident.

Day Two Course Coverage

Learning objectives and course coverage included:

1. Describe the concept that use of force is necessary in law enforcement; that it is lawful to use force; and the use of force that is legal, moral and ethical, is acceptable.
2. Identify how proper and complete use of force investigations can enhance policy development, become an information resource to management in analyzing force incidents, and ultimately facilitating the identification of at-risk officers.
3. Attendees will be able to identify and define Use of Force terms and definitions.
4. Attendees will identify the FIT investigator's duties (generally) related to :

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

- On scene actions,
 - Follow-Up interaction, and
 - Submission of reports
5. Attendees will identify the FRB member's role (generally) in
 - Review of the submitted FIT investigator's report for completeness and competency
 - Evaluation of the critical decision points identified or not identified in the FIT report
 - Application of the "reasonable objectivity" standard to the investigator's conclusions.
 6. Attendees will describe and discuss the impact that agency culture can have on the objective evaluation of use of force incidents.
 7. Attendees will identify their understanding of the implications of the statement "There is nothing wrong with using necessary force; what matters is how force is treated by the agency."
 8. Using "mini discussions" and a video, attendees will demonstrate their understanding of relationship between the FIT investigation and the FRB review of that.
 9. List and discuss stakeholders and factors that influence a use of force event.
 10. List and discuss stakeholders and factors that influence a use of force event.
 11. Identify and describe the impact of various judicial rulings and federal statutes that control use of force evaluations, giving specific confrontation examples of each, including:
 - Tennessee v. Garner 471 US 1 (1985)
 - Graham v. Connor 490 US 386 (1989)
 - Canton v. Harris 489 US 378 (1989)
 - Monell v. Dept. of Social Services 436 US 658(1978)
 - 42 USC §1983
 - 18 USC §242
 - 42 USC §14141
 12. Identify and discuss the implications of an officer acting within as versus outside of established laws on his protections for official action.
 13. Identify how effective training for, monitoring of, investigating, and holding personnel accountable for their use of force can avoid future litigation and sanctions.

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

14. Identify the five phases of a use of force event, identify the thoughts, behaviors, and influences (internal and external), that impact each phase.
15. Define and discuss the use of decision point analysis.
16. After viewing video scenarios identify and then compare and contrast the officer's reaction or inactions.
17. Define the term "transparent investigation."
18. Define the term "Decision Point Analysis" and identify the steps associated with using it to evaluate a use of force confrontation.
19. Describe and provide examples of the use of Decision Point Analysis can impact training and/or policy decisions as well as identify alternative courses of action for the confrontation event.
20. Define the steps in how to process an event from response to report completion by a FIT team (generally).
21. Attendees will identify the components of the investigative report, how to assess the quality of these components, and subsequent testimony.
22. Attendees will describe the function of the FRB Coordinator (generally) and his/her role in the review process.

This training was deemed to constitute 16 hours of the required FIT training of 80 hours per year.

Standard Operating Procedures

While this training set the stage for the VIPD to begin the process of standing up the FIT and the FRB, it was missing one critical element: Standard Operating Procedures (SOPs). Policies described general guidelines. **SOPs guide the two units through the detail of their tasks.** The IMT, working with DOJ and the VIPD, began to develop these SOPs in early 2016. This effort included several on-site sessions with members of the FIT teams going over investigative protocols and administrative processing (February 2016). It also required numerous conversations between the parties with an understanding that actual work by the units may require additions and changes unique to the Territory.

First Quarterly Report of 2016 From The Independent Monitor For The Virgin Islands Police Department

Central to developing the FIT SOP was a standardized case format and investigative process, a need which the IMT noticed over the years. The first order of business was to develop this standardized case reporting format, coupled with an investigative checklist to guide the FIT investigative process, from activation until submission of the completed investigation to the Force Review Board. The result was Appendix B to the FIT SOP, FIT Case Report Format Outline and Appendix C-1 to the same SOP, and FIT Investigative Case Check List (CL-1). The former set the format and sequencing of report results in a standardized format, while the second provides a detailed (15 page) sequential check list where the FIT Supervisors can make investigative assignments and check off completion of those tasks. This second document is keyed back to the base SOP and Appendix B organizational sections.

The concept of SOPs, published as supporting department policy is fundamentally new to the VIPD. While there is a history of some units creating SOPs, these were not universally published nor did/do they directly connect to specific policy through attachment to that policy. The FIT and FRB SOPs change the concept, at least for organizational units that have their own department directives. Having SOPs provides for on-going modification of operational details without the formal and time consuming review process associated with policy. This is not to say that the SOPs are independent of command oversight. The two SOPs provide for review and approval by the IAB Director and Police Commissioner, as well as the IMT and DOJ.

Another shortfall experienced by the IMT was absence of well constructed and detailed job descriptions and associated training requirements for positions. As part of the FIT SOP, the IMT developed basic requirements for assignment to the FIT and suggested training courses. These were reviewed with the assigned VIPD personnel and found to be fairly representative. In addition, two Appendices were constructed, one to list the future specific job descriptions within the SOP and a second to list training courses found to support FIT duties. **Both of these Appendices need to be completed by the VIPD to further develop team expertise. This should be accomplished in conjunction with the Training Advisory Committee and the Chiefs of Police.**

First Quarterly Report of 2016 From The Independent Monitor For The Virgin Islands Police Department

The FRB SOP, by the nature of its function is more concise than the FIT. It discusses roles of the Board, the FRB Administrator and how the Board interacts with the FIT teams. Case flow from the FIT, through distribution to the Board members prior to the hearing, as well as the conduct of the hearing and processing of the Board's conclusions to the Commissioner are all detailed. Appendices were developed for checking FIT submissions for completeness (Appendix B, Completed Case Investigative File Review Check List- CL-2), Hearing Room requirements (Appendix C, Hearing Room Requirements-HR-1), production of a Hearing Plan to conduct the hearing (Appendix D, Hearing Plan -HP-1), and an Administrative File Control Plan (Appendix E –AFCP-1, [TBP]). This last document, coupled with the requirement for the FRB Administrator to establish a Board Case Management System (Board – CMS) to control the review process from start to finish, provides all necessary control and documentation for Board activities.

One roadblock to working with the actual personnel assigned to the FIT and FRB was the absence of an appointment order naming the members. The Commissioner issued a letter of appointment in February 2016 and discussions were held regarding how to identify the FRB. While the Board chair flexes with the source of the case (e.g., STT will chair STT cases, etc.), remaining members of the Board are to be somewhat permanent. Discussions with the VIPD resulted in including the Board appointments with the FIT document and to have these Board appointments (less the two District Chiefs of Police) be for one year with one member staggered at two years. In the FRB SOP a section was added for the FRB Administrator to be responsible for conducting training for all newly appointed Board members.

This process of review and discussion of the SOPs and associated Appendices continued through late March and during that period the IMT agreed to provide more in depth training for both the FIT and FRB. That training was scheduled and delivered during the period April 11-15, 2016.

The April Delivery

First Quarterly Report of 2016

From The Independent Monitor For The Virgin Islands Police Department

Training was designed to provide Team and Board members with an understanding of and competency with the newly developed SOPs for both the FIT and the FRB members, and to provide an opportunity for the VIPD to comply with Court Goal 4Q5-3, which requires VIPD to hold at least two Force Review Boards during the quarter. This was accomplished over a five day period, 04/11/16-04/13/16, for the FIT and 04/14/16-04/15/16 for the FRB, at the Government House-provided venue in St Croix.

The Courses

Lesson plan/coverage and hours for the two courses were:

- **FIT - 24 hours**
 - LP 1 - Course Opening/ Team building exercise
 - LP 2.1 - Review of FIT Policy 3.15 and FIT SOP
 - LP 2.2 - Use Decision Point Analysis to Assist in Case Investigation
 - LP 3 - Review Case Preparation Requirements of FIT SOP
 - LP 4 - Review Sample Cases Using FIT SOP and Policy 3.15
 - LP 5 - Review and Prepare Investigative Reports for Sample Cases 1-4
 - LP 6 - Course Closing

- **FRB - 16 hours**
 - LP 1 - Course Opening
 - LP 2.1 - Review of FRB Policy 3.3
 - LP 2.2 - Review of FRB SOP
 - LP 3 - Review of Hearing Protocol and Robert's Rules of Order
 - LP 4 - Case Review and Preparation of Hearing Plans
 - LP 5 - Conduct FIT Investigation Based Case Hearings by FRB
 - LP 6 - Course Closing

A total of 15 attendees participated in the FIT training (constituting the two FIT Teams). Additional personnel sat in at different times and for different periods. The 15 were awarded attendance certificates by the IMT.

There were 25 participants in the FRB training. Neither the assigned Assistant VIAG nor the VIPD Legal Counsel attended as required. They were also awarded certificates for attendance.

First Quarterly Report of 2016

From The Independent Monitor For The Virgin Islands Police Department

Copies of the sign in roster for FRB will also be forwarded to the VIPD. The IMT provided complete training course package, including lesson plans, handouts, PowerPoint files, course outlines and team building materials so that the VIPD can replicate the training at later dates as needed.

Several command staff members including Chief Foy, Deputy Chief Corniero, and Lieutenant Benta, were present the entire week and remained engaged throughout.

The Delivery

Throughout, the VIPD participants displayed a high level of interest and consistent engagement with the training and training materials. The cases selected for investigative action by the FIT and review by the FRB were older cases, generally not investigated by most of the team members. The teams identified the shortcomings in the case investigations and learned how cases should be investigated using the FIT Appendix B, FIT Case Report Format Outline and Appendix C-1, FIT Investigative Case Check List. The teams worked well together and kept the activity at a professional level even though they were investigating the other district's cases. The deficiencies discovered in the case reports were identified and the FRB, during its review, took note of these issues. That activity, in turn, should help in their review of future FIT cases. This was also important because there does not appear to be any prior standardized format or template for the IAB to construct case reports nor a template to gauge compliance with policy. Both Appendices should help to standardize investigation in the future. Further, the training was based on a standardized SOP for FIT and FRB, Territory based and applied to both islands and Districts. In the past there might have been two separate SOPs, based on island protocols. The need for territory-wide SOPs was brought home by closing comments by Chief Hector where he made the case for such territorial SOPs across the department.

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department



The presentations by the FIT teams were well developed despite the general weakness of the case files. Critiques of same by both the Boards and the IMT were accepted professionally. The FRB case reviews or hearings were held sequentially. After each one, a 30 minute or more feedback session critique was facilitated by the IMT staff. The actions of the Boards, both in questioning and the conduct of the sessions improved with each one. It was evident that the Board chairs learned a lot from the course, especially in the conduct of the sessions in a more professional manner. Evaluations conducted at the end of each course were positive overall with the singular negative comment that more time was needed to develop case reports. This was expected as participants were only allowed in-class time to produce a report of a case with which they were not familiar and did not originally investigate. The course allocated up to 11 hours for this, but due to other impacts the actual time was closer to 9 hours.

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department



In addition to the consolidation and unification of Island SOPs and the potential contribution to standardizing IAB investigative protocols, by-product value of the course delivery was the curriculum construction and documentation using the Instructional Systems Design (ISD) process and adult learning components. These components included games and practical exercises, supported by pre-designed handouts and facilitation by the IMT trainers. The course package will be provided to the VIPD. It can serve as a sample of how a course should be designed and documented. Course designing that meets professional training standards has remained a stubbornly resistant compliance issue.

In summary, the effort appears to have been well received and positive. This was the first time that the IMT has observed VIPD personnel demonstrating full attention to and participation in the training. More important, it appears they learned valuable lessons and indicated a desire to continue the process in a professional manner. It is noted that there were no absentees except for a one member of the STX FIT team who was not present during the first day and one/half due to court, but who actively jumped in and worked hard in both the case preparation and the presentations. The IMT is more than satisfied that the effort was worth the work that went into development and delivery. We believe change has occurred, at least for the FIT related case

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

reviews. The VIPD possesses greater force management capacity today than it possessed prior to the training.

Recommendations

1. The FRB SOP requires the FRB Administrator to brief all newly assigned members of the Board. It is recommended that she use the supplied FRB course materials as a framework for this briefing and include practical exercises, as well as the actual review of one case. This will ensure that the Board executes their responsibilities in concert with the requirements of CD approved policies 3.2, 3.15, and 3.3 as well as with the existing SOP.
2. The Training Bureau should review the construction of the courses, the use of adult learning components, and how the material is set to flow against documented course objectives. They can use the courses as models for development of training initiatives to revise required Consent Decree training materials and components associated with required Consent Decree training.
3. The case review work by the two Boards was videotaped by the Training Bureau personnel. The VIPD should use these tape recordings to focus on how they can develop follow-on training for the Board to improve their conduct of the reviews. It is recommended that this be done for at least two more case reviews prior to opening the reviews to the public. It is further recommended that public invitation be preceded by press releases announcing the hearings and the VIPD commitment to transparency. The Commissioner should be present at the first public hearing to add his comments in support of the new initiative. This would be a major change in the department's review of these UOF cases. They should maximize the opportunity to inform the public.
4. Based on the initial and subsequent conduct of the Board's case reviews, the Training Bureau should use the tapes to identify future training needs and adjust the course materials to include responses to these identified needs.
5. The VIPD should, based on the identified investigative successes and failures, develop a case template or format and checklist for all IAB investigations to ensure consistency and completeness of the investigation. During the FIT review of these cases and the subsequent case reports, deficiencies were clearly noted and were a matter of concern to the FIT representatives. The IMT recognizes that these cases were older ones and not investigated by the FIT in the first place, but were none the less demonstrative of the missing steps and components of the investigations. Similar investigative case templates should be helpful for the CID functions.

6. The training was delayed on the first day due to travel by the ST Thomas personnel, even though the class start time for Monday was reset at the VIPD request, from a 0800 start to a 1000 start. Training did not commence until 1130 hrs. This could have been avoided by deploying the St Thomas personnel the night before. Even if travel was set for Monday, enrolled personnel could have taken earlier flights and made the class on time. Lack of sufficient concern for starting meetings and training on-time has been a consistent theme in most all of IMT sponsored meetings or training and needs to be addressed by senior management. Even the Consent Decree Monthly Meetings never start on time due to the absence of VIPD personnel. This practice is a waste of resources and professionally disrespectful. This is an area that the Commissioner needs to address and demonstrate leadership in by being prompt and enforcing promptness from all VIPD. It is but one of many attributes of professional policing.

7. Based on lesson learned from the creation of Territory-wide SOPs that govern both the FIT and FRB operations, the VIPD should review all operational units, especially those that interact with CD requirements, and create standardized department or territory wide SOPs for each unit. This will improve service delivery, strengthen and streamline department audit capacity, and most importantly take a large step towards a culture change that now views the department as one unit and not two separate islands.

VI. USE OF FORCE CASE ANALYSIS

The Fourth Quarterly Report of 2015 noted that "...of major consequence for monitoring and compliance progress, the IMT staffing has been augmented. We have added a Police Practices Expert (PPE) who will augment the IMT and devote time primarily to Use of Force monitoring, technical assistance, and compliance status matters." This has indeed occurred. Case analysis accelerated this Quarter. On-site work increased. Our new PPE was instrumental in SOP development and SOP training. A Shooting Review data collection study is in design stage.

1Q2016 Team Focus Areas
(Table 3)

Focus Goal	Detail
Goal 45Q5-1	Goal- Develop Standard Operating Procedure (SOP) for the Force Review Board (FRB); February activity consisted of on-site work with the Force Working Group as well as several members of the FIT and FRB Teams to develop a Standard Operating Procedure for Force Review Board. This goal was met in April.
Goal 4Q5-2	Goal- Develop SOP for Force Investigation Team (FIT); February activity consisted of on-site work with the Use of Force Working Group and several members of the FIT and FRB Teams to develop a Standard Operating Procedure for Force Review Board. This goal was met in April.
Para 36b	Goal- In =>90% of reportable use of force incidents, all witnesses, to the extent practicable, are interviewed in the investigating supervisor's reports; The Use of Force Work Group met and reviewed all force incident cases prior to being officially approved by management. The Work Group performed well by pointing out deficiencies to submitted investigations and returning them for corrective action. However, the sub-paragraph did not come into compliance.
Para 32b	Goal- =>95% of RRRs indicate each and every type of force that was used; Use of Force Work Group met and reviewed all force incident cases prior to being officially approved. The Work Group identified several Paragraph 32 b deficiencies as noted above and re-directed them back to supervisory correction, however, the sub-paragraph did not come into compliance

Use of Force Working Group Case Reviews

At the February 2016 Summit, the Use of Force Working Group committed to holding a weekly meeting to discuss use of force incidents. Instead of individual force cases going straight into a final review process, a team review was explored as an opportunity for the Use of Force Working Group to expand their capacity and assist with Territory-wide Use of Force Incident review. The group has met and discussed fifteen use of force incidents. It submitted to the PPE 15 cases for follow-on review within their weekly meetings. Issues found with the cases reviewed consisted of:

Failure of officers to complete data entry or review associated with Paragraph 32 and its sub-paragraphs (specifically a, b, c, d, e, and f). Failure to comply with Paragraph 33 sub-paragraphs a, b, c, d, e, and f were noticed. (See Appendix A to this report for details on the paragraph and sub-paragraph requirements) Notifications of supervisors and supervisory response to scenes where force was used, continue to be a problem area for the VIPD. On the positive side, several of the cases were in compliance with all sub-paragraphs of both paragraph 32 and 33. In all cases, the Working Group returned deficient reports for corrective action.

Analysis of the who, what, how, why, when and where of the failures they detected in their reviews should bolster compliance rates as well.

Analysis of Force Incidents for 1Q2016 vs. Compliance Audit/ 2015 3rd & 4th Quarters

During this Quarter the IMT reviewed twenty-two (22) Use of Force cases. These included the following 2015 cases – UOFT-2015-0015, UOFT-2015-0019, UOFT-2015-0022, UOFT-2015-0023, UOFT-2015-0032, UOFT-2015-0033, UOFT-2015-0037, UOFX-2015-0002, UOFX-2015-0008, UOFX-2015-0014, & UOFX-2015-0017. The VIPD Third (3rd) and Fourth (4th) Quarter Compliance Audit also covered eleven (11) of the 2015 IMT force case reviews. The Audit reviews covered the essential areas of the Consent Decree requirements and the IMT independent reviews supported, for the most part, the work of the VIPD Audit Reviews, displaying very similar findings.

First Quarterly Report of 2016 From The Independent Monitor For The Virgin Islands Police Department

As specific areas of concern, both the VIPD Compliance Audit and the IMT examined Paragraph and Sub-paragraphs 37.c, 37.c.1 and 37.c, 2:

- ☐ Did the supervisor or designated investigative officer or unit conduct a timely investigation review?
- ☐ If not, were appropriate non-disciplinary corrective actions and/or disciplinary actions taken?
- ☐ If discipline was used, did it comport with Matrix requirements?

The 3rd Quarter audit and IMT Reviews both indicated 20 of the combined total of 28 cases reviewed by the IMT and VIPD, had not met the investigation deadlines. There is no evidence that any supervisors who failed to complete a timely investigation were counseled and or resulted in discipline. The 4th Quarter VIPD audit and IMT reviews both indicated that 15 of the 28 cases had not met the investigation deadlines. There is no evidence that any supervisors who failed to complete a timely investigation were counseled and or that their failures resulted in discipline. The files simply failed to indicate if any action occurred on behalf of management. This failure to respond continues to jeopardize the VIPD's ability to comply with the Consent Decree and requires immediate and responsible management action to correct. The reader is directed to the 7 Recommendations below for the IMT recommended corrective action.

On the positive side of the ledger the Audit Unit continues to identify the same failures and fact patterns that the IMT has found. This strengthening of the Audit Unit and its personnel is a foundation upon which the VIPD can build compliance on.

Supervisory Response to Use of Force Incidents

Virgin Islands Police Commissioner Delroy Richards signed Order 001-2016, effective December 18, 2015, which requires a supervisory response to ALL uses of force. This is conflict with current VIPD policy. The IMT and the Use of Force Working Group conducted the audit since

First Quarterly Report of 2016 From The Independent Monitor For The Virgin Islands Police Department

implementation. This directive is under revision and review by the IMT at the time of this report. We will report on the resolution in the 2Q2016.

Throughout the Territory there were forty-nine (49) force incidents; for the time frame of December 18, 2015 – April 26, 2016. Of these, 27 required a supervisory call-out.

- Of the 49 Use of Force Incidents
 - ☐ 14 of those incidents, the supervisor did not respond to the force incident.
 - ☐ 13 of those incidents, the supervisor did respond to the force incident.
 - ☐ 22 of those incidents, the supervisor did not need to respond to the force incident.
- Deducting the 22 incidents where an on-scene response was not necessary, leaves a total of 27 where a response was required. Of these, 14 of the 27 or in **52%** of the incidents, the supervisor did not respond to the force incident. This needs a follow up for compliance and reason(s) for non-compliance to the Commissioner's Directive.
- Additionally, in 13 of the 27, or **48%** of the incidents, the supervisor did respond to the force incident consistent with policy.

Four (4) of the supervisory non-responses occurred in the St. Thomas Police District and Ten (10) failures to respond occurred in the St. Croix District. A memo was sent by the IMT to the respective district Police Chiefs to explain why a supervisor failed to respond the use of force incident. Formal response and explanation has not been received and approved by the IMT at the time of this writing. It is however clear that the Commissioner's directive has moved the VIPD to get supervisors to the use of force scenes about half the time as required by policy. The reasons for failure have to be examined to learn how improvements can be made for compliance. We would recommend that the Chiefs of Police should be tasked to accomplish this review. As noted above, a revised Commissioner's Directive is currently being reviewed by the IMT on this subject.

Recommendations:

First Quarterly Report of 2016 From The Independent Monitor For The Virgin Islands Police Department

Our 1Q2016 review demonstrated promising work by the VIPD. The new review procedure for serious uses of force holds great value. However, despite the Quarter review demonstrating some progress, significant supervisory and management deficiencies remain pertaining to use of force. The following recommendations re-cap the current status and provide recommendations for the future. These recommendations should be incorporated into an updated Action Plan to be completed by VIPD.

1. Work with the IMT to practice and train on reviewing cases and writing Force Review Board reports. This will prepare the VIPD for the current cases in the pipeline for review. Additionally, the FRB process will enhance over time and ensure the Territory reviews force incidents from a broad and transparent perspective.
2. Continue the weekly meetings of the Use of Force Work Group. The Work Group has done a good job identifying deficiencies in force investigations prior to moving the cases forward to management. This enhancement over time will develop the capacity of mid-level managers to identify mistakes before cases are approved by Deputy Chiefs.
3. The Chiefs of Police need to actively manage and send cases from the Use of Force Work Group to supervisors for timely and properly completed use of force incidents. The Chiefs of Police are ultimately responsible for the work of their supervisory/ command personnel. The Force Work Group is a support arm for the Chiefs of Police and cannot be turned into an enforcement arm that supplants the authority role and responsibility of the Chiefs duty to actively manage their use of force investigations.
4. Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT **strongly believes** the current policy of using an on-call supervisor list is not the solution to the problem. Allowing police operations to be commanded by a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people of the Virgin Islands on a continual basis. Subsequent to the Summit, where the VIPD Use of Force Working Group discovered a 2013 Commissioner's Directive that differed from the current one, the VIPD submitted to the IMT a revised 2016 Directive that adjusts who will respond to use of force incidents and it is currently under review by DOJ and the IMT.

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this and the referenced draft directive. during the next scheduled court hearing.

5. The Chiefs of Police need to review and consider the findings of Use of Force Audits. The Audits are a roadmap for Consent Decree Compliance and Constitutional Policing Standards. We have previously asked that the VIPD review the audits and undertake an examination of the recommendations that have been previously made and consider implementing those recommendations. Specifically, VIPD personnel are not being actively managed for the timeliness or completeness of their use of force investigations.
6. The IMT, during the next and follow-on quarters, we will continue to review all 2016 use of force incidents as they are closed in order to actively monitor Consent Decree Compliance for all Use of Force areas in a more active mode.
7. The IMT will continue to support and provide technical assistance/guidance to the Use of Force Working Group and Chiefs of Police.

VII. FORCE REPORTING: A SPECIAL STUDY

Analysis of Arrest v Use of Force (UOF) Reporting, April 2016

Project Description

The IMT was concerned that not all uses of force were being reported in accordance with VIPD Policy 3.2. There is no unified reporting system in place covering incidents, arrests, and use of force and the incident and arrest reporting process may create differences in format (of reports) or numbering by island. The IMT decided to do a case review of arrest reports to sort out those that indicated resistance and try to match them up to the existence of an IA case within the IAPro system.

A review of all arrest reports between 1/1/2015 to 1/25/2016 was undertaken 3/29/2016 to 4/5/2016 at the VIPD records department St. Thomas/St. John (STT/STJ). A similar review was conducted on St Croix (STX) between 04/18/2016 and 04/20/2016. A total of 242 case files were individually examined for use of force/resisted entries on STT/STJ and 438 cases were reviewed on STX. The focus of the review was to determine if all instances where force was used by an officer resulted in case file being opened within the VIPD Internal Affairs system, e.g., IAPro. In addition to determining if the case file was present, a check was also made to see if a Response to resistance (RRR) report was loaded into the system. The IMT review **did not include** a paper file check for RRRs if none was found in the digital file nor did we check the specific force level involved which could have negated the need for an RRR, e.g., Level 4.

During the review, each arrest was reviewed to see if the check block indicating that the subject resisted was checked. Only those cases where such a check existed were selected for follow-up comparison with existing IAPro case files. On STT/STJ, a total of 49 case files were found to have this box checked, while on STX there were 16 reports found with the referenced block checked.

First Quarterly Report of 2016 From The Independent Monitor For The Virgin Islands Police Department

During the review, it was noted that on STT/STJ two different sets of Arrest/Detention Reports were in use during the reporting period. VIPD-ADE (10-12) PD5 (5-84) and Arrest Report, VIPD-ADE (10-12). The older report (5/84) had a check box for (Resisted) and the newer report (10-12) had boxes for Use of Force (UOF). On neither report is a space provided for the date of supervisory approval, a missing critical component of generally accepted police reporting systems and one which could be used to cross check with the IAPro system. On STX, the same two reports were in use during the reporting period. On St Croix, the VIPD-ADE (10/12) appears to be the current form that is computer generated and UOF blocks are noted. The PD 5 (5/84) is a hand written report and as such it was difficult to determine the arresting and approving supervisor name or PDN. On both reports no space is provided for the date of supervisory approval. As usual, the arrest report numbering system for St. Thomas, and St. Croix, are different and are filed differently on each island. As suggested later, this should be a point of interest and focus for the group developing the implementation of the Smart Cop Records Management System (RMS) application. Such consolidation should reduce repeated data entry by officers of the same information on a series of different reports and would achieve one of the cornerstones of modern policing records management.

The following table depicts the results of this review, with corresponding IAPro case numbers indicated where there was found a linkage between the arrest or incident number and an IAPro case file, as well as RRR presence:

Arrest Report-RRR Review, April, 2016
Table 4

<u>Arrest Number</u>	<u>Incident Number</u>	<u>Officer Name</u>	<u>Officer PDN</u>	<u>Date</u>	<u>IAB Number</u>	<u>On Sheet</u>	<u>IAB NBR</u>	<u>RRR In File</u>
<u>STT/STJ</u>								
0004-15	STT1500072	J Thomas	1283	1/1/2015	UOFT2015-0001	1	1	
0015-15	STT15-00549	J Smith	1221	1/10/2015	UOFT2015-0002	1	1	
0026-15	STT1500865	S Rhymer	1127	1/15/2015		1		
0041-15	STT1501368	I Huyghuel	1107	1/23/2015	UOFT2015-0005	1	1	
0050-15	STT151665	C Ettnoffe	1245	1/28/2015	UOFT2015-0007	1	1	
0139-15	STT152219	S Rachio	1146	3/16/2015	UOFT2015-0015	1	1	

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

0140J-15	STT150329	J Allen	1115	2/28/2015	UOFT2015-0016	1	1	
0140-15	STT154620	v Carr	1273	3/16/2015	UOFT2015-0016	1	1	
0149-15	STT154629	J Turnbull	1262	3/18/2015		1		
0151-15	STT154489	E Francis	1235	3/19/2015		1		
0168-15	STT1505361	V Carr	1273	3/30/2015	UOFT2015-0025	1	1	
0178J-15	STT150590	M Prescool	1207	4/10/2015	UOFT2015-0025	1	1	
0181-15	STT1506037	T Dowe	1089	4/11/2015		1		
0187-15	STT1506216	C Buchanan	1211	4/13/2015	UOFT2015-0027	1	1	1
0194-15	STT1506334	K Monmetio	1189	4/15/2015	UOFT2015-0028	1	1	
0213-15	STT156359	E Linduist	1103	4/25/2015	UOFT2015-0029	1	1	1
0217-15	STT1506919	A Krigger	1056	4/26/2015	UOFT2015-0030	1	1	1
0233-15	STT1507583	A George	1095	5/5/2015	UOFT2015-0035	1	1	1
0247-15	STT1503236	M Hodge-Donovan	1182	5/18/2015	UOFT2015-0037	1	1	1
0255-15	STT1508614	J Rey	1241	5/25/2015	UOFT2015-0038	1	1	
0260-15	STT1508708	R Thomas	17	5/26/2015		1		
0267-15	STT1509113	S Phillips	1127	6/1/2015		1		
0268-15	ST1509154	Molyneaux		6/2/2015		1		
0280-15	STT1509593	Y Loblack	1277	6/10/2015	UOFT2015-0042	1	1	1
0281-15	STT1509593	Y Loblack	1277	6/10/2015	UOFT2015-0042	1	1	
0282-15	STT1509628	V Carr	1273	6/24/2015	UOFT2015-0041	1	1	1
0305-15	STT1510554	K Turnbull	111	6/24/2015	UOFT2015-0044	1	1	
0306-15	stt1510632	S Simon	1281	6/27/2015	UOFT2015-0052	1	1	1
0307J-15	STT1501034	L Melendez	1238	6/20/2015	UOFT2015-0044	1	1	1
0309-15	STT1501808	A Fret	1212	06/30/15		1		
0328-15	STJ1501146	J Allen	1115	07/19/15	UOFT2015-0055	1	1	
0341-15	STT1512329	C Espirit	1153	07/27/15	UOFT2015-0056	1	1	
0416-15	STT155239A	D Castro	1269	09/19/15	UOFT2015-0061	1	1	
0421-15	STT15385	N James	1266	09/22/15	UOFT2015-0060	1	1	
0429-15	STT1515551	D Castro	1269	09/25/15	UOFT2015-0062	1	1	
0446-15	STT1516236	J Turnbull	1262	10/07/15	UOFT2015-0068	1	1	
0471J-15	STT1501560	F Riveria	1219	10/29/15		1		
0482-15	STT1517376	L Schneider	1189	10/29/15	UOFT2015-0128	1	1	
0485-15	STT15017631	R Dover	1275	11/03/15	UOFT2015-0072	1	1	
0493-15	STT1511466	A Dorsett	1247	11/09/15		1		
0509-15	STT1518546	L Schneider	1189	11/20/15	UOFT2015-0075	1	1	
0544-15	STT1519529	S Bachan	1204	12/09/15	UOFT2015-0080	1	1	
0546-15	STT1519606	S Bachan	1204	12/10/15	UOFT2015-0081	1	1	
0553-15	STT1520096	D Hyndman		12/19/15		1		
0554-15	STT1520105	M Trant	1047	12/19/15		1		

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

0557-15	STT1520021	M Thomas	1115	12/21/15	UOFT2015-0082	1	1	1
0031-16	STT1600312	Evans Jackson		01/15/16		1		
0033-16	STT1601455	K Browne	1236	10/02/15	UOFT2016-0001	1	1	
0051-16	STT1601208	Jean-Baptiste	1203	01/21/16	UOFT2016-0006	<u>1</u>	1	
49						49	36	10
STX								
0001-15	15A00015	K Williams	3177	01/01/15	UOFX2015-0002	1	1	1
0004-15	15A00039	D Stevens	3224	01/02/15	UOFX2015-0001	1	1	1
0041-15	15A001020	j Ventura	3256	02/04/15	UOFX2015-0032	1	1	1
0073-15	15A01758	D Marshall	3194	02/28/15	UOFX2015-0006	1	1	1
0089-15	15A02166	k Williams	3177	03/14/15		1		
0100-15	15A02398	R. Benjamin	3239	03/22/15		1		
0139-15	15A03242	E. Jefferson	3246	04/16/15	UOFX2015-0013	1	1	1
0140-15	15A03262	A. Poleon	3102	04/20/15		1		
0174-15	15A04579	W. Hector	3096	06/08/15	UOFX2015-0017	1	1	1
0210-15	15A05197	S Gabriel	3218	06/29/15	UOFX2015-0025	1	1	1
0292-15	15A06807	W Hector	3096	08/29/15	UOFX2015-0031	1	1	1
0256-15	15A05938	M Francis	3192	07/27/15		1		
0374-15	15A08780	J Gonzales	3042	11/10/15		1		
0002-16	16A00042	d Francis	3229	01/02/16	UOFX2016-0001	1	1	1
0040-16	16A00191	C Gregory	3117	01/08/16		1		
0040-16	16A00583	K Benjamin	3178	01/23/16		<u>1</u>		
16						16	9	9

Table 4

Analysis

On STT/STJ, 242 Arrest Reports were reviewed with 49 indicating resistance or about 20% of the arrests. On STX, the percentage was quite a bit lower, with 438 cases reviewed with only 16 indicating resistance or about 3.7%. The IMT has not determined the root cause of this discrepancy. When these cases were compared with IAPro data, the results on STT/STJ were 36 out of 49 with a linked IAPro case or about 73%. On STX the review revealed 9 out of 16 had IAPro cases associated with them or about 56%. The percentage between RRR being present or not should be adjusted by the force level (Level 4 does not require one) Arrest number 0041-15 required an RRR and officer was cited for failure to prepare one. Arrest numbers 0260-15, 0031-16, 0033-16, 0260-15, and 0267-15 required no RRR forms due to level of force. Arrest number

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

0428-15 has a Blue Team Use of Force Report in lieu of an RRR. Arrest number 0181-15 has no IAPRO record. RRR's are sometimes identified as "Investigative Report" in IAPRO and "Use of Force Report".

When reviewing the case selection for the presence of a Response to Resistance Report (RRR), it was found that on STT/STJ 10 of the 36 IAPRO case files had a RRR in file for about 28%. On STX the number was 9 of the 9, for 100%. Overall, Territory-wide, 681 cases were reviewed and it was found that 65 indicated resistance, or about 10%. Of the 65, 45 (69%) were found to have an associated IAB case in file and of the 45, 19 (42%) had RRRs in the case file. (See previous note reference Level 4 RRR requirements.)

The analysis is summarized in Table 5, below:

Comparison of STT/STJ v STX Cases

Table 5

<u>District</u>	<u>Cases Reviewed</u>	<u>Cases W/ Resistance</u>	<u>Percent</u>	<u>Cases w/IAB Numbers</u>	<u>Percent</u>	<u>Cases W/RRR</u>	<u>Percent</u>
STT/STJ	242	49	20.25%	36	73.47%	10	(1)32.26%
STX	439	16	3.64%	9	56.25%	9	100.00%
Totals	681	65	9.54%	45	69.23%	19	(1)47.50%

Table 5

(1) Percentage adjusted by force level (10/31, 19/40); five cases on STT/STJ no RRR required)

The study was undertaken to determine if UOF compliance reporting was consistently being accomplished on each and every arrest where force or resistance was indicated. Territory-wide one could draw a limited conclusion that about 70% of the time this is the case, using the matching techniques of the review. However it should be noted that the existence of resistance, as checked on the arrest report, did not seem to always equate to force being used by the reporting officer, although it was difficult to differentiate from the event narratives, and thus the ratio could be closer than depicted.

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

The results, however, do raise some concern levels over compliance and management oversight of the entire UOF reporting process. The fact there was a difference, at any level, indicates a need for increased oversight and management of the reporting process. While the UOF workgroup appears to be working on these issues, more needs to be done at the command and management level of the department to apply both leadership and sanctions where necessary to ensure the reporting process is complied with.

Some other conclusions can be made from the results.

- ☐ The incidence of resistance appears lower on STX than STT/STJ (3.7% compared to 20%); the IMT does not know at this time the root cause of this.
- ☐ The percentage match up of IA cases to arrests suggests resistance and thus potential use of force by the arresting officer is higher, on STT/STJ than STX.
- ☐ Compliance with RRR reporting appears higher on STX than STT/STJ.
- ☐ The fact that some percentage of arrests where resistance was checked on the arrest report did not result in compliance with Policy 3.2 and the initiation of required UOF reporting speaks to the quality and consistency of supervision within the department. The fact that differing report formats exist throughout the department, coupled with different numbering systems between the islands, only further complicates the process. The absence of a unified, real-time monitoring of reporting of events, arrests and UOF reporting, will continue to frustrate both management oversight during the process and compliance auditing after the fact. Although only slightly impacting, the external maintenance of dispatch information by VITEMA and their continued reluctance and delay to supply it to the VIPD and the IMT further frustrates the system.

- Finally, the completion of a mixed set of paper and computer generated documents at the arrest, incident and other processing points with a further and additional requirement to produce UOF reporting documents that are separate and yet similar in content (data elements) to the original event, may in fact be having an adverse impact on the completeness of all documents, as well as the officer's energetic compliance with the reporting requirements. In more than one event, the elimination of duplicative reporting efforts has generally increased both compliance and accuracy of the documents. However, this is further complicated by the absence, within the VIPD, of unified policy, SOPs, procedures and work products and a continued reliance on the "two island" system of management.

Recommendations

1. It is the IMT's understanding that the VIPD is in the process of implementing a computer based Records management System (RMS) called Smart Cop. It is recommended that in doing so the issues with divergent and separate numbering systems be considered in the planning and eliminated so as to institute a Territory-wide standard for incident and arrest numbering and associated reporting formats.
2. In planning for the new system, the VIPD should take into consideration the Use of Force Reporting requirements and reporting formats so as to minimize the duplication of data and thus reduce the number and complexity of the reports requiring completion by VIPD personnel to maintain compliance. This means that if we collect the date of the event, that date should populate itself throughout all levels of and reports associated with the reporting matrix, including that associated with UOF reporting. The same should hold true for both distinct character fields as well as complex narratives and requirements of contemporary UOF reporting should be considered concurrently with that of general police reporting and records management. Time spent thinking the system through now will pay dividends later in reduction of paperwork and increased compliance by officers and manager with the UOF reporting requirements, not to mention the development of statistical and analytic reporting products in the future..
3. VIPD should consider placing on the Arrest Report form or data entry screen a series of boxes, one that asks if the subject "RESISTED", and a second that asks if the arresting officer "USED FORCE" in response and finally one that requires a selection of the level

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

of force used. That would eliminate the current confusion and interpretation on the check blocks encountered during the report. If computer driven, the entry in the "USED FORCE" block should pass much of the information in the arrest report that matches that of the RRR to a RRR and require the reporting officer to generate the RRR to comply with the UOF reporting requirements. While it may not be a completely automated or transparent exchange it would help to link the arrest report with the UOF reporting if force was used.

4. A date and name of approving supervisor, for the supervisory approval of the arrest report should be included and generate a linkage to the supervisory review of the RRR.

5. Consideration should be given to merging the RRR data with both the arrest and incident data to reduce redundancy of data entry and thus frustration on the part of the reporting officer.

6. Supervisor should pay closer attention to the completion and review of arrest reports that indicate resistance and force being used to the completion and review of associated RRR reporting. This should enhance both functions.

7. From the standpoint of UOF reporting, what is apparently increasing compliance on STX should be reviewed and best practices shared with STT/STJ; possibly making territory wide procedural changes.

VIII. CITIZEN COMPLAINTS & MANAGEMENT & SUPERVISION

During the Quarter, the Citizen Complaint/Management and Supervision Working Group and the IMT added weekly telephone conferences in an attempt to increase movement towards compliance in these areas. Approximately 10 telephone conferences occurred; in addition to a daylong face to face meeting mid-way through the Quarter; and numerous short conversations necessary for clarification of points. The limited number of members worked diligently to address outstanding paragraphs and sub-paragraphs to move towards compliance. Unfortunately, the movement was not as significant as either the Working Group or IMT hoped.

Once again, regarding Paragraph 44i (this information also applies to paragraph 72) – the VIPD fell short on timeliness of cases. As reported in the last quarterly report, “as a result of the November 2015 summit, the Chief of St Croix reassigned supervisors to his office to complete their overdue cases. St Thomas chose an alternative plan to address the same issue. Originally, the due date for these overdue cases to be completed was mid-January 2016. At the request of VIPD this date was extended to February 1, 2016.”

The IMT evaluation of these efforts during the current Quarter was limited to the actual reduction of outstanding cases as of January 1, 2015. While St Croix showed a significant reduction in outstanding cases for this period of time, the efforts on St Thomas did not show progress. When queried as to what those efforts were, the STT Chief stated that the supervisors continued to receive weekly reminders of overdue cases and were reminded to complete same. This was the same approach which had been utilized for the last few quarters without significant results. Most recently, when IMT requested of a number of supervisors/managers what the current outstanding numbers were, no one could provide a definitive answer.

We should note that although the VIPD focused on cases since 1/1/15 in order to not continue to dig themselves into a larger hole, the IMT has made clear that VIPD is responsible for successfully closing all cases as of 1/1/12.

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

When asked why this sub-paragraph would not reach compliance during the First Quarter, a number of reasons were provided, including: not enough supervisors; special events (Carnival); scheduled training; technical issues (such as systems down); and others. While the IMT does not disagree with the aforementioned reasons, none of these were new or unanticipated when the VIPD identified this Paragraph as an attainable goal for this Quarter.

There were a minimal number of instances where personnel appeared to be held accountable. On St Croix, two individuals were identified as to be disciplined. One has not been available to be served the paperwork yet. A second supervisor had the charges dropped due to what VIPD described as “the complicity of IA actions.” At this time, the IMT has not seen any paperwork that reflects how this issue was addressed by senior management to ensure that it was not repeated nor has the IMT received an explanation of the “complicity of IA actions.” These are but a couple of examples which reflect that, despite the efforts of the working group, the actions (or lack thereof) of senior supervisors/managers are not significant and consistent enough to assist in moving this area into compliance.

The Working Group created an Investigative Case Management Log with an accompanying Directive in an attempt to assist investigators/supervisors to record their actions and be more aware of the time restraints. IMT reviewed and approved same during this Quarter.

To better address the resolution of issues not related to training which are identified through the course of an investigation, the Working Group drafted a Request for Non-Training Issue Support Form with an accompanying Directive. The intent was for this to be formally issued during this Quarter; however the IMT has no record of such implementation. The IMT will assess in future quarters the effectiveness of same. (Paragraph 58)

The IMT is giving compliance to sub-paragraph 69a; which was a result of the VIPD formally assigning two permanent members to the Audit Unit. , During this Quarter the VIPD reassigned a second person to the Audit Unit as her primary responsibility. Although, historically, the IMT has recommended 3-4 people be assigned full-time to the Audit Unit, as a minimum, the IMT

First Quarterly Report of 2016

From The Independent Monitor For The Virgin Islands Police Department

will allow compliance at this point and continue to assess whether this is sufficient. The last Audit submitted by the VIPD was their best so far and the IMT wishes to acknowledge that. It is anticipated that the quality will continue to improve with the current full time staffing.

As an additional point regarding the Audits, the IMT has continually recommended to the VIPD to revisit the Unresolved Audit Recommendations (see 4Q2015 IMT Report for a reference to these recommendations generated by the Audit Unit and not responded to by the VIPD.). During this Quarter, the Work Group initiated a project to review and address, if possible, the recommendations. The Work Group has started a binder containing how the recommendations are being, or have been, addressed. While this is an excellent start, it is definitely a work in progress.

Finally, during this Quarter, the IMT had a face to face with the Audit Unit to initiate discussion on the audit function in these areas. This discussion will continue as the Audit function evolves.

Paragraph 69b is still not in compliance as the IMT has not seen the Audit SOP applied in a timely and consistent manner. The 3rd and 4th Quarter 2015 Audits were combined by the VIPD due to lateness.

The VIPD has been attempting to create a revised Disciplinary Matrix for a prolonged period of time (Paragraph 70). During the First Quarter, the IMT provided additional samples of other agencies' approaches and met with the point person for this project. At this time, the VIPD continues to work on creating a revised Disciplinary Matrix.

Additionally, during this Quarter, the IMT initiated a project which will compare recommended disciplinary actions against the final approved action. The intent is to assess the level of consistency. These efforts will be reported on next Quarter.

In our last Quarterly Report, the IMT stated "At this time, the EIP (Early Intervention Program) is very much a work in progress. While the infrastructure to support EIP has improved, the IMT has not yet seen evidence that managers and supervisors are effectively, and uniformly, utilizing

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

the system. Management and supervisory accountability in this area is an essential step for compliance.” The IMT status assessment remains unchanged.

IX. TRAINING

The IMT has seen several small, incremental steps toward substantial compliance in Paragraphs 73, 74, 77 and 78 during 1Q2016. Overall, however, efforts continue to fall short of the requirements set forth in the Consent Decree. Despite the time and effort put forward by the IMT during last quarter's mini-summit and through telephone conferences with Training Bureau and IT personnel which provided guidance and recommendations, the VIPD has not completed the requisite activities and tasks necessary, to satisfy the Consent Decree mandates nor to establish training programs, procedures and systems typically found in the training environments of similarly constituted police agencies.

Several key activities took place and deserve mention. Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

The IMT believes that the upcoming in-service training cycle, in June 2016, provides an opportunity to demonstrate completion of the full list of tasks that fulfill the aforementioned Consent Decree Paragraphs. For example, while it would appear that a semi-annual review of lesson plans may be taking place, there has not been documentation that it was being completed in accordance with the Consent Decree. IMT asked for documentation of the entire process from appointing the AG's Designee to documenting the semi-annual review of both policy and lesson plans for consistency with VI Law and VIPD policy.

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

Following the documented review of the use of force policies by the AG's designee; the results of post-training tests and evaluations; post-training knowledge based quiz; and post-training qualitative analysis, a comprehensive report of the entire semi-annual training and evaluation period should be prepared and distributed to command staff. The findings of the report would elicit recommendation for future in-service training, roll call training and supervisory emphasis in management activities. We also expect to see a similar report produced after each recruit academy graduation.

The other focus area involves Paragraph 77. The IMT has requested that the VIPD produce two years of documented records in compliance with this paragraph. We believe that there are two years of records that reliably document in-service participant attendance. The IMT also believes that the VIPD, with some effort, could produce two years of lesson plans that would match the classes taught in the same time period. A two-year chronology of instructors and their subject matter just doesn't exist. The IMT believes that the VIPD should memorialize processes and procedures that reliably capture instructional data for at least one (1) year to comply with this paragraph.

The IMT continues to work with the VIPD on the standardization and automation of instructor files. We reported two quarters ago on our inspection findings along with recommendations that would ensure the accuracy and completeness of the records. We continued to provide guidance and technical assistance as paper files are organized and entered into PowerDMS.

The IMT's highest recommended priority remains the engagement of assistance from a local college or university to assist with the development of lesson plans and evaluation methodologies with measurable outcomes. The objectives in lesson plans should correlate to surveys and evaluations in a manner that produces measurable outcomes.

The IMT also recommends that prior to the beginning of the upcoming in-service training period, a detailed plan (which is included in their Action Planning) be prepared that describes the entire training cycle complete with evaluations and reporting requirements. Specifically, the plan

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

should include, but not be limited to the lesson plan, quizzes, class and instructor evaluations, post-training knowledge quiz and qualitative survey and summary.

X. ENGAGING THE TERRITORIAL GOVERNMENT

The government of the U.S. Virgin Islands has the ultimate responsibility for compliance with the mandates of the Consent Decree. Accordingly, keeping the Territory's political leadership apprised of Consent Decree-compliance progress and issues is an important role of all Parties.

On February 24, 2016, representatives from all Parties met for an extensive state-of-the-Consent-Decree discussion. Present from the Justice Department was Laura Coon and Jack Morse, Attorneys for the Civil Rights Division, Emile Henderson, Counsel to Governor Mapp, Eugene D. Farrell, Senior Policy Advisor, Justice & Law Enforcement, Commissioner Richards, Deputy Commissioner Griffin, Police Chiefs Foy and Hector, Charles Gruber and Robert Stewart from the IMT.

The agenda was extensive. Discussion focused on the T&M Report, Compliance Plans for unmet areas of the Consent Decree, status of Consent Decree issues discussed at the previous meeting with Territorial leaders, and a miscellaneous package of additional subjects of interest and importance, including "next steps."

The T&M Report discussion centered on:

- ☐ The Territory's reaction to the findings and recommendations.
- ☐ Development of plans to address recommendations.
- ☐ How will introduction of recommendations affect the progress of the Consent Decree.
- ☐ How will the Territory fund T&M recommendations and the Consent Decree operations that are already underway.

The Territory indicated that plans would be developed and that legislation was being designed to give the POST (Peace Officers Standards and Training) more oversight throughout all the police jurisdictions within the Virgin Islands Territory. Ongoing plans for the recommendations would be forthcoming and would be designed to work in concert with the current Consent Decree without disruption to the ongoing and current work of the Consent Decree.

First Quarterly Report of 2016 From The Independent Monitor For The Virgin Islands Police Department

With regard to a Compliance Plan for outstanding areas of the Consent Decree, we reported and asked:

- ☐ The VIPD still has not completed an adequate compliance plan for outstanding areas of the Consent Decree, including sub-paragraphs not attached to goals. When will that plan be done?
- ☐ Is the August 2016 date for substantial compliance of all paragraphs of the Consent Decree realistic in the Territory's view?

In response the Territorial representatives stated the goals have been challenging to the Territory due, in part, to changes in many positions and leaders. Current leadership believes much progress has occurred even if total compliance has not been reached. Policing in the Territory has changed. It will continue to change and become more compliant with the Agreement as the VIPD is strengthened in both training of personnel and ensuring accountability. The August deadline will remain a focus and a goal that the Territory wants to meet.

Among issues also discussed are:

- ☐ Untimely investigation of Citizen Complaints.
- ☐ Supervisor failures on EIS alerts and inadequate Use of Force investigations.
- ☐ Force Training not being assessed properly.

During the meeting, Commissioner Richards and Deputy Commissioner Griffin assured that progress is being made to resolve all of these conditions. The Parties have assessed that progress is slow but making forward strides. Territorial leaders noted that given the numerous problems being addressed throughout the Territory, forward progress may be slower than the United States would like to see but that best effort is being given.

Additional items discussed were:

- ☐ NYPD Training.
- ☐ Use of Governor's emergency powers to add personnel to the VIPD.
- ☐ Annual Report of VIPD activities.
- ☐ Civil Asset Forfeiture.
- ☐ Use of the 1033 Program.

First Quarterly Report of 2016
From The Independent Monitor For The Virgin Islands Police Department

□ Next Steps.

Decisions on these issues have been made by the Territory and some may be under current discussion. When and if formal plans are made and developed, all will be so informed.

The Territory made special notice of the appointment of Mr. Eugene D. Farrell as the Senior Policy Advisor for Justice and Law Enforcement on the Governor's staff. The Territory wanted both the DOJ and the IMT to meet with and work with Mr. Farrell and the VIPD on all of the discussions and Consent Decree related work as we continue to move forward with all plans. The IMT considers this to be a timely and potentially profitable opportunity to cement coordination among the Parties and to add an asset to the compliance team.

The IMT takes note that all the parties are fully engaged and participating with vigor to accomplish the consent decree requirements in both word and spirit. Notwithstanding the many roadblocks and obstacles that the parties have faced all are still hopeful that the Territory will accomplish the reforms intended. Delay most probably will continue as the difficulties faced by the territory are varied and many.

APPENDICES

See Separate Appendix Package That Follows

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

032 Not In Substantial Compliance

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.

Sub-Paragraphs

b Partial Compliance

Substantial Compliance Requirement

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

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period. Cases still fail to list all types of force that was used in the event.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

- 1) Identify supervisor weaknesses and meet and counsel them individually.
- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
- 3) Have Chief's conduct force tracking thru commanders call
- 4) Train Chief's and D/Chief's on analyzing force patterns and practices
- 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.
- 6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Using the IMT Five Quarter Analysis View they were at 69%, while when using the IMT Seven Quarter Analysis, we found thmn to be at 63.3%, all data based on VIPD internal

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

audits. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers, via the chain of command, for corrective action at all levels. The IMT will continue to monitor during the next quarter.

See base report for additional information in Section VI.

c Not in Substantial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

- 1) Identify supervisor weaknesses and meet and counsel them individually.
- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
- 3) Have Chief's conduct force tracking thru commanders call
- 4) Train Chief's and D/Chief's on analyzing force patterns and practices
- 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.
- 6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.

1Q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers for corrective action. The IMT will continue to monitor during the next quarter.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

See base report for additional information in Section VI.

f Partial Compliance

Substantial Compliance Requirement

=>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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

- 1) Identify supervisor weaknesses and meet and counsel them individually.
- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
- 3) Have Chief's conduct force tracking thru commanders call
- 4) Train Chief's and D/Chief's on analyzing force patterns and practices
- 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.
- 6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers for corrective action. The IMT will continue to monitor during the next quarter.

See base report for additional information in Section VI.

**Paragraphs and Sub-Paragraphs Not In
Substantial Compliance
As Of End of 1Q2016**

END OF PARAGRAPH 032

033 Not In Substantial Compliance

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.

Sub-Paragraphs

a Partial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event, when they arrive, and when they have completed their work on scene.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - Throughout the Territory there were forty-nine (49) force incidents; for the time frame of December 18, 2015 - April 26, 2016. Of these, 27 required a

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

supervisory call-out.

a. Of the 49 Use of Force Incidents

14 of those incidents, the supervisor did not respond to the force incident.

13 of those incidents, the supervisor did respond to the force incident.

22 of those incidents, the supervisor did not need to respond to the force incident.

b. Deducting the 22 incidents where an on-scene response was not necessary, leaves a total of 27 where a response was required. Of these, 14 of the 27 or in 52% of the incidents, the supervisor did not respond to the force incident. This needs a follow up for compliance and reason(s) for non-compliance to the Commissioner's Directive.

c. Additionally, in 13 of the 27, or 48% of the incidents, the supervisor did respond to the force incident consistent with policy.

Four (4) of the supervisory non-responses occurred in the St. Thomas Police District and Ten (10) failures to respond occurred in the St. Croix District. A memo was sent by the IMT to the respective district Police Chiefs to explain why a supervisor failed to respond the use of force incident. Formal response and explanation has not been received and approved by the IMT at the time of this writing. It is however clear that the Commissioner's directive has moved the VIPD to get supervisors to the use of force scenes about half the time as required by policy. The reasons for failure have to be examined to learn how improvements can be made for compliance. We would recommend that the Chiefs of Police should be tasked to accomplish this review. As noted above, a revised Commissioner's Directive is currently being reviewed by the IMT on this subject.

Recommendation

Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT strongly believes the current policy of using an on-call supervisor list is not the solution to the problem. The essentially allow police operations to be commanded by a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people the of the Virgin Islands on a continual basis.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance As Of End of 1Q2016

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this during the next scheduled court hearing.

b Partial Compliance

Substantial Compliance Requirement

In =>90% of the incidents where the supervisor was required to respond to the scene, he/she responded within a reasonable amount of time.

4q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event, when they arrive, and when they have completed their work on scene.

1Q2016

Status Changed in 1Q2016 n

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

Quarter Monitoring Activity and Status

1Q2016 - Throughout the Territory there were forty-nine (49) force incidents; for the time frame of December 18, 2015 - April 26, 2016. Of these, 27 required a supervisory call-out.

a. Of the 49 Use of Force Incidents

14 of those incidents, the supervisor did not respond to the force incident.

13 of those incidents, the supervisor did respond to the force incident.

22 of those incidents, the supervisor did not need to respond to the force incident.

b. Deducting the 22 incidents where an on-scene response was not necessary, leaves a total of 27 where a response was required. Of these, 14 of the 27 or in 52% of the incidents, the supervisor did not respond to the force incident. This needs a follow up for compliance and reason(s) for non-compliance to the Commissioner's Directive.

c. Additionally, in 13 of the 27, or 48% of the incidents, the supervisor did respond to the force incident consistent with policy.

Four (4) of the supervisory non-responses occurred in the St. Thomas Police District and Ten (10) failures to respond occurred in the St. Croix District. A memo was sent by the IMT to the respective district Police Chiefs to explain why a supervisor failed to respond the use of force incident. Formal response and explanation has not been received and approved by the IMT at the time of this writing. It is however clear that the Commissioner's directive has moved the VIPD to get supervisors to the use of force scenes about half the time as required by policy. The reasons for failure have to be examined to learn how improvements can be made for compliance. We would recommend that the Chiefs of Police should be tasked to accomplish this review. As noted above, a revised Commissioner's Directive is currently being reviewed by the IMT on this subject.

Recommendation

Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT strongly believes the current policy of using an on-call supervisor list is not the solution to the problem. The essentially allow police operations to be commanded by

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people the of the Virgin Islands on a continual basis.

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this during the next scheduled court hearing.

c Partial Compliance

Substantial Compliance Requirement

In =>90% of the incidents did the supervisor respond to the scene,he/she examined the person for injury,

4q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event,

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

when they arrive, and when they have completed their work on scene.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

See 33b above; also 1Q2016- IMT reviewed this area during the quarter and issues still remain with compliance. See base report for additional.

d Partial Compliance

Substantial Compliance Requirement

In =>05% of the incidents where a supervisor responded to the scene, he/she interviewed the subject for injury or complaint of pain.

4q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event, when they arrive, and when they have completed their work on scene.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - See 33 b above; also 1Q2016- IMT reviewed this area during the quarter and issues still remain with compliance. See base report for additional. Issues still remain with compliance and the workgroups are focusing on this area.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

e Partial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event, when they arrive, and when they have completed their work on scene.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - See 33 b above; also 1Q2016- IMT reviewed this area during the quarter and issues still remain with compliance. See base report for additional. IMT continues to monitor this although improvements have been seen.

END OF PARAGRAPH 033

**Paragraphs and Sub-Paragraphs Not In
Substantial Compliance**

As Of End of 1Q2016

034 Not In Substantial Compliance

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.

Sub-Paragraphs**a Partial Compliance****Substantial Compliance Requirement**

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.

4q2016

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph has been the most difficult one for the VIPD to come into compliance with. The paragraph primarily deals with the requirements of the inquiry into the use of force including the precise description of the facts and circumstance that either justify or fail to justify the use of force. This analysis has been absent from most supervisors reports to date. During this reporting period the VIPD trained most of its supervisors and management staff from Nov 2-5 2015 in both districts on all of the requirements needed in an inquiry to meet the compliance standard for this paragraph. We further recommend

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 N

Quarter Monitoring Activity and Status

1Q2016 - The VIPD has published an on-call schedule but continues to have problems getting supervisors to the use of force incident scene. Throughout the Territory there were forty-nine (49) force incidents where supervisory call-out was required for the time frame of December 18, 2015 - April 26, 2016.

a. 49 Use of Force Incidents

14 of those incidents, the supervisor responded to the force incident.

13 of those incidents, the supervisor did not respond to the force incident.

22 of those incidents, the supervisor did not need to respond to the force incident.

b. 14/27 = 52% of the incidents, the supervisor did not respond to the force incident. This needs a follow up for compliance and reason(s) for non-compliance to the Commissioner's Directive.

c. 13/27 = 48% of the incidents, the supervisor did respond to the force incident consistent with policy.

Four of the supervisory non-responses (4) occurred in the St. Thomas Police District and Nine (9) failures to respond occurred in the St. Croix District. A memo was sent to the Police Chiefs of their respective districts to explain why a supervisor failed to respond to the use of force incident. Formal response and explanation has not been received and approved by the IMT at the time of this writing. It is however clear that the Commissioner's directive has moved the VIPD to get supervisors to the use of force scenes about half the time as required by policy. The reasons for failure have to be examined to learn how improvements can be made for compliance. We would recommend that the Chiefs of Police should be tasked to accomplish this review.

b Partial Compliance

Substantial Compliance Requirement

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 para 34 of the Consent Decree.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph has been the most difficult one for the VIPD to come into compliance with. The paragraph primarily deals with the requirements of the inquiry into the use of force including the precise description of the facts and circumstance that either justify or fail to justify the use of force. This analysis has been absent from most supervisors reports to date. During this reporting period the VIPD trained most of its supervisors and management staff from Nov 2-5 2015 in both districts on all of the requirements needed in an inquiry to meet the compliance standard for this paragraph. We further recommend

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - There was no progress on this sub-paragraph during 1Q2016

c Not in Substantial Compliance

Substantial Compliance Requirement

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 includeg a precise description of the facts and circumstances that either justify or fail to justify the officer/s conduct.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph has been the most difficult one for the VIPD to come into compliance

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

with. The paragraph primarily deals with the requirements of the inquiry into the use of force including the precise description of the facts and circumstance that either justify or fail to justify the use of force. This analysis has been absent from most supervisors reports to date. During this reporting period the VIPD trained most of its supervisors and management staff from Nov 2-5 2015 in both districts on all of the requirements needed in an inquiry to meet the compliance standard for this paragraph. We further recommend

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - There was no progress on this sub-paragraph during 1Q2016. No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

d Partial Compliance

Substantial Compliance Requirement

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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph has been the most difficult one for the VIPD to come into compliance with. The paragraph primarily deals with the requirements of the inquiry into the use of force including the precise description of the facts and circumstance that either

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

justify or fail to justify the use of force. This analysis has been absent from most supervisors reports to date. During this reporting period the VIPD trained most of its supervisors and management staff from Nov 2-5 2015 in both districts on all of the requirements needed in an inquiry to meet the compliance standard for this paragraph. We further recommend

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016..

e Partial Compliance

Substantial Compliance Requirement

See a, above.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - There was no progress on this sub-paragraph during 1Q2016. No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

END OF PARAGRAPH 034

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

035 Not in Substantial Compliance

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.

Sub-Paragraphs

a Partial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph has been the most difficult one for the VIPD to come into compliance with. The paragraph primarily deals with the requirements of the inquiry into the use of force including the precise description of the facts and circumstance that either justify or fail to justify the use of force. This analysis has been absent from most supervisors reports to date. During this reporting period the VIPD trained most of its supervisors and management staff from Nov 2-5 2015 in both districts on all of the requirements needed in an inquiry to meet the compliance standard for this paragraph. We further recommend

- 1) With the FIT and UFRB nearing implementation the compliance issues associated with all force paragraphs should increase dramatically.
- 2) The force training of all personnel needs to be continuous and constantly updated and renewed based on the outcomes learned by management through the above processes.
- 3) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

4) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

b Partial Compliance

Substantial Compliance Requirement

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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph has been the most difficult one for the VIPD to come into compliance with. The paragraph primarily deals with the requirements of the inquiry into the use of force including the precise description of the facts and circumstance that either justify or fail to justify the use of force. This analysis has been absent from most supervisors reports to date. During this reporting period the VIPD trained most of its supervisors and management staff from Nov 2-5 2015 in both districts on all of the requirements needed in an inquiry to meet the compliance standard for this paragraph. We further recommend

- 1) With the FIT and UFRB nearing implementation the compliance issues associated with all force paragraphs should increase dramatically.
- 2) The force training of all personnel needs to be continuous and constantly updated and renewed based on the outcomes learned by management through the above processes.
- 3) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

transmit them to the D/Police Chief for approval.

4) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

c Not in Substantial Compliance

Substantial Compliance Requirement

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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph has been the most difficult one for the VIPD to come into compliance with. The paragraph primarily deals with the requirements of the inquiry into the use of force including the precise description of the facts and circumstance that either justify or fail to justify the use of force. This analysis has been absent from most supervisors reports to date. During this reporting period the VIPD trained most of its supervisors and management staff from Nov 2-5 2015 in both districts on all of the requirements needed in an inquiry to meet the compliance standard for this paragraph. We further recommend

1) With the FIT and UFRB nearing implementation the compliance issues associated with all force paragraphs should increase dramatically.

2) The force training of all personnel needs to be continuous and constantly updated and renewed based on the outcomes learned by management through the above processes.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

3) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.

4) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

END OF PARAGRAPH 035

036 **Not In Substantial Compliance**

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

Sub-Paragraphs

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

a Partial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph singles out the requirements to identify all witnesses to a use of force or an injury as a result of a use of force. VIPD has had its issues getting supervisors to the scene and if they don't arrive they can't identify either witnesses or potential evidence associated with the use of force. If the supervisors would completely fill out the check sheet created by VIPD to ensure that this information is captured compliance would soon follow. We would further recommend

1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.

2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

b Partial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph singles out the requirements to identify all witnesses to a use of force or an injury as a result of a use of force. VIPD has had its issues getting supervisors to the scene and if they don't arrive they can't identify either witnesses or potential evidence associated with the use of force. If the supervisors would completely fill out the check sheet created by VIPD to ensure that this information is captured compliance would soon follow. We would further recommend

1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.

2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Use of Force Work Group met and reviewed all force incident cases prior to being officially approved. The Work Group performed well by pointing out deficiencies to submitted investigations and returning them for corrective action. Both the sub-paragraph and the related goal continue to be elusive for the VIPD.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

d Not in Substantial Compliance

Substantial Compliance Requirement

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.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

END OF PARAGRAPH 036

037 Not In Substantial Compliance

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

Sub-Paragraphs

a Partial Compliance

Substantial Compliance Requirement

=>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?

4Q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

Paragraph generally

This paragraph requires the D/Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

b Not in Substantial Compliance

Substantial Compliance Requirement

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?

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

"During the 4th Quarter 2015, there was no change in compliance with this paragraph determined by spot checking of case reports. The IMT met with the associated workgroup and discussed the options available to gain The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the D/Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

c Not in Substantial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the Dep. Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

- 1) That zone Commanders be held accountable for failing to both timely and

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

completely reviewing their subordinate supervisor force inquiry reports by the Dep. Police Chiefs. That all items required in the reports are accounted for before they transmit them to the Dep. Police Chief for approval.

2) That the Dep Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016_ This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

d Not in Substantial Compliance

Substantial Compliance Requirement

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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the Dep. Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the Dep.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

Police Chiefs. That all items required in the reports are accounted for before they transmit them to the Dep. Police Chief for approval.

2) That the Dep Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

e Not in Substantial Compliance

Substantial Compliance Requirement

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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the Dep. Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the Dep. Police Chiefs. That all items required in the reports are accounted for before they transmit them to the Dep. Police Chief for approval.

2) That the Dep Police Chief & the Police Chief are both required to read, accept



Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

f Not in Substantial Compliance

Substantial Compliance Requirement

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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the Dep. Chief to identify deficiencies in the force reports.

The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the Dep. Police Chiefs. That all items required in the reports are accounted for before they transmit them to the Dep. Police Chief for approval.
- 2) That the Dep Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

**Paragraphs and Sub-Paragraphs Not In
Substantial Compliance****As Of End of 1Q2016**

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

END OF PARAGRAPH 037**038 Not In Substantial Compliance**

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.

Sub-Paragraphs**a Not in Substantial Compliance****Substantial Compliance Requirement**

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph deals with the investigation of serious uses of force and the evidentiary requirements surrounding the collection of the forensics of the crime scene. The VIPD has trained personnel and implemented the requirements related to this paragraph. It is currently under review by the IMT for compliance.

1QW201

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

b Not in Substantial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph deals with the investigation of serious uses of force and the evidentiary requirements surrounding the collection of the forensics of the crime scene. The VIPD has trained personnel and implemented the requirements related to this paragraph. It is currently under review by the IMT for compliance.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

c Not in Substantial Compliance

Substantial Compliance Requirement

=>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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

Paragraph generally

This paragraph deals with the investigation of serious uses of force and the evidentiary requirements surrounding the collection of the forensics of the crime scene. The VIPD has trained personnel and implemented the requirements related to this paragraph. It is currently under review by the IMT for compliance.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

END OF PARAGRAPH 038

044 **Not In Substantial Compliance**

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.).

Sub-Paragraphs

i Not In Substantial Compliance

Substantial Compliance Requirement

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

1Q2016

Status Changed in 1Q2016 N

Quarter Monitoring Activity and Status

1Q2016- Once again, regarding Paragraph 44i (this information also applies to paragraph 72) - the VIPD fell short on timeliness of cases. As reported in the last quarterly report, "as a result of the November 2015 summit, the Chief of St Croix reassigned supervisors to his office to complete their overdue cases. St Thomas chose an alternative plan to address the same issue. Originally, the due date for these overdue cases to be completed was mid-January 2016. At the request of VIPD this date was extended to February 1, 2016."



Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

The IMT evaluation of these efforts during the current Quarter was limited to the actual reduction of outstanding cases as of January 1, 2015. While St Croix showed a significant reduction in outstanding cases for this period of time, the efforts on St Thomas did not show progress. When queried as to what those efforts were, the STT Chief stated that the supervisors continued to receive weekly reminders of overdue cases and were reminded to complete same. This was the same approach which had been utilized for the last few quarters without significant results. Most recently, when IMT requested of a number of supervisors/managers what the current outstanding numbers were, no one could provide a definitive answer.

We should note that although the VIPD focused on cases since 1/1/15 in order to not continue to dig themselves into a larger hole, the IMT has made clear that VIPD is responsible for successfully closing all cases as of 1/1/12.

When asked why this sub-paragraph would not reach compliance during the First Quarter, a number of reasons were provided, including: not enough supervisors; special events (Carnival); scheduled training; technical issues (such as systems down); and others. While the IMT does not disagree with the aforementioned reasons, none of these were new or unanticipated when the VIPD identified this Paragraph as an attainable goal for this Quarter.

There were a minimal number of instances where personnel appeared to be held accountable. On St Croix, two individuals were identified as to be disciplined. One has not been available to be served the paperwork yet. A second supervisor had the charges dropped due to what VIPD described as "the complicity of IA actions." At this time, the IMT has not seen any paperwork that reflects how this issue was addressed by senior management to ensure that it was not repeated nor has the IMT received an explanation of the "complicity of IA actions." These are but a couple of examples which reflect that, despite the efforts of the working group, the actions (or lack thereof) of senior supervisors/managers are not significant and consistent enough to assist in moving this area into compliance.

The Working Group created an Investigative Case Management Log with an accompanying Directive in an attempt to assist investigators/supervisors to record their actions and be more aware of the time restraints. IMT reviewed and approved same during this Quarter.

4Q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

4Q2015-This goal is under review by the IMT and final action on compliance will be determined after the Feb 2016 Summit. However, despite efforts by the IMT team

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

on-site, there was no resolution from the Summit and remains awaiting formalization of schedule formats territory-wide. The IMT continues to stand ready to assist as needed.

Appendix A:

As reported previously and repeatedly by the IMT, the VIPD has attempted to resolve the timeliness problems by issuing Commissioner's directives in both Districts, which mandate 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. More recently, as a result of the November 2015 summit, the Chief of St Croix reassigned supervisors to his office to complete their overdue cases. St Thomas chose an alternative plan to address the same issue. Originally, the due date for these overdue cases to be completed was mid-January 2016. At the request of VIPD this date was extended to February 5, 2016. IMT will assess the effectiveness of these efforts.

VIPD needs to clearly identify the specific reasons for the delay and address same. Additionally, VIPD must continue to hold managers and supervisors accountable for inappropriate delays.

END OF PARAGRAPH 044

058 **Not In Substantial Compliance**

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.

Sub-Paragraphs

c Not in Substantial Compliance

Substantial Compliance Requirement

=>90% of any identified problems and/or training needs have been relayed to the appropriate VIPD entity.

4q2015

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

IMT acknowledges that during the second quarter of 2015, VIPD issued a Directive regarding recommendations previously identified dealing with training or other problems. IMT further acknowledges that VIPD has and is currently auditing this directive's requirements for compliance. In that regard, the VIPD has self-identified compliance failures in several previous internal audits. The IMT received a document

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

during the first week of 2016 reflecting on going efforts in this area, however the IMT will need to see consistent implementation, through VIPD Audits and IMT review prior to determination of substantial compliance.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - To better address the resolution of issues not related to training which are identified through the course of an investigation, the Working Group drafted a Request for Non-Training Issue Support Form with an accompanying Directive. The intent was for this to be formally issued during this Quarter. The IMT will assess in future quarters the effectiveness of same.

See also 44-i

d Not in Substantial Compliance

Substantial Compliance Requirement

=>90% of the cases where there is a determination that modification to or additional training is required, there is documented evidence that VIPD implemented additional training.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

IMT acknowledges that during the second quarter of 2015, VIPD issued a Directive regarding recommendations previously identified dealing with training or other problems. IMT further acknowledges that VIPD has and is currently auditing this directive's requirements for compliance. In that regard, the VIPD has self-identified compliance failures in several previous internal audits. The IMT received a document during the first week of 2016 reflecting on going efforts in this area, however the IMT will need to see consistent implementation, through VIPD Audits and IMT review prior to determination of substantial compliance.

1Q2016

Status Changed in 1Q2016 n

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

Quarter Monitoring Activity and Status

1Q2016- See 58-c

e Not in Substantial Compliance

Substantial Compliance Requirement

=>90% of the cases where the VIPD identified policy or equipment deficiencies, there is documented evidence that corrective measures were implemented.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

1Q2016 - The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

IMT acknowledges that during the second quarter of 2015, VIPD issued a Directive regarding recommendations previously identified dealing with training or other problems. IMT further acknowledges that VIPD has and is currently auditing this directive's requirements for compliance. In that regard, the VIPD has self-identified compliance failures in several previous internal audits. The IMT received a document during the first week of 2016 reflecting on going efforts in this area, however the IMT will need to see consistent implementation, through VIPD Audits and IMT review prior to determination of substantial compliance.

END OF PARAGRAPH 058

059 **Not In Substantial Compliance**

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.

Sub-Paragraphs

b Partial Compliance

Substantial Compliance Requirement

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.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

4q2015 Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status. Compliance with this sub-paragraph is contingent on compliance with sub-paragraphs in paragraph 60.

1Q2016 Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

END OF PARAGRAPH 059

060 Not In Substantial Compliance

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.*

Sub-Paragraphs

d Partial Compliance

Substantial Compliance Requirement

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

4Q2015 Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

During this quarter VIPD has been addressing injuries received by individuals for reasons other than uses of force. The VIPD Audit Unit and IMT to continue to review these ongoing efforts.

See also Appendix B, as this sub-paragraph is related to a goal.

END OF PARAGRAPH 060

069 **Not in Substantial Compliance**

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.

Sub-Paragraphs

b Not in Substantial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

During early 2015 there was a period of time when the VIPD Audit submissions were severely delayed. The IMT believes that this reflects a change period for the current administration and will not be repeated. While the Audits continue to improve, the IMT hopes that these Audits will be completed in a more timely fashion than has occurred previously. During the last quarter the IMT received a VIPD proposed Audit SOP. Since the audits had been delayed, the IMT looks forward to assessing to what level the draft is being appropriately applied.

As stated in earlier reports, the IMT strongly encourages the VIPD to enhance the Audit staff, prepare annual audit plans, and complete /submit audits in a timely fashion.

1Q2016

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

1Q2016 - The VIPD brought sub-paragraph 69-a into substantial compliance during the quarter. IMT is aware of the published audit schedule and is awaiting compliance with that schedule prior to awarding compliance with 69-b.

END OF PARAGRAPH 069

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

071 Not In Substantial Compliance

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.

Sub-Paragraphs

b Not in Substantial Compliance

Substantial Compliance Requirement

=>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.

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period as timeliness remains an issue. This sub-paragraph is related to a goal (see 60-d) and content in the report body (see Section II, Global Assessment, Citizen Complaints Paragraphs)

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - This continues to be a problem for the VIPD. The assigned workgroup has begun to review and impact this issue by review and return for corrective action, investigative reports.

END OF PARAGRAPH 071

072 Not In Substantial Compliance

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.

Sub-Paragraphs

a Not in Substantial Compliance

Substantial Compliance Requirement

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

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - The assigned workgroup has begun reviewing this issue and the IMT will be conducting a special study to analyze compliance during 2Q2016.

b Not in Substantial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - See 72 a

END OF PARAGRAPH 072

073 Not In Substantial Compliance

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.

Sub-Paragraphs

a Partial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

This paragraphs associated goal was established to produce a survey instrument for the evaluation of training. A trial run was made with disappointing results. There is

**Paragraphs and Sub-Paragraphs Not In
Substantial Compliance****As Of End of 1Q2016**

also the need to re-address the components of the survey instrument. IMT believes that VIPD has to re-visit the persons that would be queried in a training survey and the object of the survey which should match the training objectives. This goal should be revised to incorporate these issues or combined with one of the other goals that lend themselves to evaluation of the training product(s).

1Q2016

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

1Q2016 - The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in the base report. Their efforts have not resulted in compliance with the goal.

Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

END OF PARAGRAPH 073**074 Not In Substantial Compliance**

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.*

Sub-Paragraphs

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

a Not in Substantial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

IMT has not seen a revised directive for the Training Advisory Committee since our last comments which itemized several issues that IMT had with VIPD's more recent version.

It took a full quarter to develop a survey instrument to be used to evaluate training. The form should have been developed, tested and issued in the time it took to develop it.

Paragraph 73 requires the VIPD to conduct a semi-annual review of use of force training to ensure quality, consistency and compliance with applicable law and VIPD policy. Since initiation of the Consent Decree, the VIPD has interpreted this requirement to refer only to a companion requirement that use of force policy be reviewed semi-annually. To that end, the VIPD has ensured only that use of force training is consistent with, and in compliance with, applicable law and VIPD policy. Our belief is that any use of force policy review requires assessment and analysis of how well outcomes reflect training objectives.

IMT hopes that upcoming meetings with the Audit Unit may be helpful in finalizing training evaluation criteria.

1Q2016

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

1Q2016 - Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance As Of End of 1Q2016

c Not in Substantial Compliance

Substantial Compliance Requirement

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

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The Compliance Audit Report addresses this issue in much more detail than the goal report. In the Audit, assessors found several shortcomings in the updated instructor files but substantiate that the most recent certifications have been added to individual trainer records. The paragraph's associated goal calls for a revision of the Commissioner's Directive which would include the instructor evaluation procedure. To date, we have not reviewed a draft of the revision.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

d Not in Substantial Compliance

Substantial Compliance Requirement

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

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

Paragraphs and Sub-Paragraphs Not In Substantial Compliance As Of End of 1Q2016

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

e Partial Compliance

Substantial Compliance Requirement

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

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

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT continues to monitor progress with this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period. IMT has no idea why it would take until 3-15-16 to complete the revision of the Roll Call Policy 10.4, which has been under review for a over a year. It was first brought to the attention of the VIPD by the IMT in November of 2014, at which time the VIPD admitted the policy was not working and agreed to review and update it.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

This should be a goal that is completed in a much more shorter period of time than it is taking.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

f Not in Substantial Compliance

Substantial Compliance Requirement

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

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

While VIPD is working on the mechanics of entering records into PowerDMS, there is no SOP outlining the exact records that must be maintained and the record components for each record category. This is information that MIS will need to properly establish the record keeping system. There is some "getting the horse before the cart" in this paragraph and its associated goal. It might be helpful if there was protocol on which records need to be maintained and how. While the VIPD Division of Training "Standard Operating Procedures" is dated, there are sections which, if not applicable, might be helpful in organizing this kind of protocol.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

g Not in Substantial Compliance

Substantial Compliance Requirement

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

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

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

A system for assessing patterns in UOF incidents is scheduled to be completed by 2-19-16. We would endorse this as a high priority. The audit unit could lend significant support in the creation of this kind of analysis. IMT is meeting with the Audit Unit personnel in 1Q2016 to address analysis methodology as well as the mechanism to addressing any deficiencies found.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

END OF PARAGRAPH 074

077 Not In Substantial Compliance

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

Sub-Paragraphs

a Not in Substantial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found this is one area where the VIPD Training Bureau has accomplished a significant portion of their goal but still has problems with the quantity and quality of those records associated with instructors. All in-service training records have been entered into PowerDMS and the records have been audited.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016-The IMT has requested that the VIPD produce two years of documented records in compliance with this paragraph. We believe that there are two years of records that reliably document in-service participant attendance. The IMT also believes that the VIPD, with some effort, could produce two years of lesson plans that would match the classes taught in the same time period. A two-year chronology of instructors and their subject matter just doesn't exist. The IMT believes that the VIPD should memorialize processes and procedures that reliably capture instructional data for at least one (1) year to comply with this paragraph.

The IMT continues to work with the VIPD on the standardization and automation of instructor files. We reported two quarters ago on our inspection findings along with recommendations that would ensure the accuracy and completeness of the records. We continued to provide guidance and technical assistance as paper files are organized and entered into PowerDMS.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

b Not in Substantial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

This paragraph and its associated goal will be extremely hard to attain. While trainee attendance records have been entered into PowerDMS, historic and current lesson plans and instructor records have not. The paragraph requirement is that all three records be accessible. Historically, matching classes with specific instructors and creating an accurate history of lesson plans through the years.

There has been a misinterpretation of the IMT's aim with regard to this provision of the CD. As the department migrated to PowerDMS and were encouraged by the IMT to make it the primary repository of training records, the notion was perceived that we were demanding that a "one button push" should create a report with all three components of the requirement. We've tried very hard to explain that we have never demanded such a system. We believe that if all three elements exist in reliable databases, it would be reasonably retrievable which is what we interpret the paragraph requires.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- The IMT has requested that the VIPD produce two years of documented records in compliance with this paragraph. We believe that there are two years of records that reliably document in-service participant attendance. The IMT also believes that the VIPD, with some effort, could produce two years of lesson plans that would match the classes taught in the same time period. A two-year chronology of instructors and their subject matter just doesn't exist. The IMT believes that the VIPD should memorialize processes and procedures that reliably capture instructional data for at least one (1) year to comply with this paragraph.

The IMT continues to work with the VIPD on the standardization and automation of instructor files. We reported two quarters ago on our inspection findings along with recommendations that would ensure the accuracy and completeness of the records. We continued to provide guidance and technical assistance as paper files are organized and entered into PowerDMS.

END OF PARAGRAPH 077

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

081 **Not In Substantial Compliance**

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.

Sub-Paragraphs

b Partial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

This sub-paragraph and its associated goal are a subset of a broader training and agency requirement. It is also one of the thornier issues of the CD because, we believe, because it requires more than the provision of training for managers and command staff but also "implementation" in the form of more accountable behavior on the part of the command staff. While difficult to quantify and/or measure, it is our collective opinion that the command staff of VIPD does not handle command level activities in a manner that we would expect to find in a police organization the size of VIPD. There are significant issues associated with coordination of work between and among units at a command level; command decision making and the administration of policy, procedures and discipline to name a few.

VIPD Counsel has indicated that the "implementation" of this paragraph should be measured elsewhere in the CD. We have no objection to the implementation of the parameters of this paragraph being measured elsewhere in the CD but, to date, VIPD has not recommended a different paragraph where we would assess and report on implementation. Until we agree on a different paragraph with which to measure implantation, we feel that we must apply the litmus test to this paragraph because it goes to the core objective of the consent decree. This specific issue is also addressed in the T&M Report.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- The IMT's highest recommended priority remains the engagement of assistance from a local college or university to assist with the development of lesson

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

plans and evaluation methodologies with measurable outcomes. The objectives in lesson plans should correlate to surveys and evaluations in a manner that produces measurable outcomes.

The IMT also recommends that prior to the beginning of the upcoming in-service training period, a detailed plan be prepared that describes the entire training cycle complete with evaluations and reporting requirements. Specifically, the plan should include, but not be limited to the lesson plan, quizzes, class and instructor evaluations, post-training knowledge quiz and qualitative survey and summary.

d Partial Compliance

Substantial Compliance Requirement

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

4q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

There was a suspense date of 12-12-15, subsequently changed to 05/31/16, for the accomplishment of several important preparatory steps associated with assessment of relevant supervisory and management training. As of yet, we have not seen results of this work.

For some time, the IMT was critical of the fact that most, if not all, command staff members did not attend in-service training. The reasons given for this practice were completely unsatisfactory and did not justify the flawed philosophy.

During the first in-service training session in 2015, supervisors had their own classes. We were very disappointed when the most recent in-service were general sessions for all ranks. We don't understand this.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016- The IMT's highest recommended priority remains the engagement of assistance from a local college or university to assist with the development of lesson plans and evaluation methodologies with measurable outcomes. The objectives in lesson plans should correlate to surveys and evaluations in a manner that produces measurable outcomes.

The IMT also recommends that prior to the beginning of the upcoming in-service training period, a detailed plan be prepared that describes the entire training cycle complete with evaluations and reporting requirements. Specifically, the plan should include, but not be limited to the lesson plan, quizzes, class and instructor evaluations, post-training knowledge quiz and qualitative survey and summary.

**Paragraphs and Sub-Paragraphs Not In
Substantial Compliance
As Of End of 1Q2016**

f Partial Compliance

Substantial Compliance Requirement

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

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

There was a suspense date of 12-12-15, subsequently changed to 05/31/16, for the accomplishment of several important preparatory steps associated with assessment of relevant supervisory and management training. As of yet, we have not seen results of this work.

For some time, the IMT was critical of the fact that most, if not all, command staff members did not attend in-service training. The reasons given for this practice were completely unsatisfactory and did not justify the flawed philosophy.

During the first in-service training session in 2015, supervisors had their own classes. We were very disappointed when the most recent in-service were general sessions for all ranks. We don't understand this.

1Q2016

Status Changed in 1Q2016 n

Quarter Monitoring Activity and Status

1Q2016 - see 81-d

END OF PARAGRAPH 081

100 Not in Substantial Compliance

The Territory of the Virgin Islands and the VIPD shall implement each and every provision of this Agreement as that term is defined in Paragraph 30 of this Agreement.

Sub-Paragraphs

a Not in Substantial Compliance

Substantial Compliance Requirement

All uses of force comply with VIPD policies and applicable law.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A.

b Not in Substantial Compliance

Substantial Compliance Requirement

As appropriate, Officers disengaged, contained the area, conducted surveillance, waited out the subject, and/or called in specialized units.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

See note at bottom of Appendix A

c Not in Substantial Compliance

Substantial Compliance Requirement

When feasible, an individual is allowed to submit to arrest before force is used.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

d Not in Substantial Compliance

Substantial Compliance Requirement

In use of force incidents, the use of force review concludes that sufficient less lethal alternatives were used where appropriate based on the totality of circumstances.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

e Not in Substantial Compliance

Substantial Compliance Requirement

Patrol and other applicable officers carry less lethal alternatives at all times.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

f Not in Substantial Compliance

Substantial Compliance Requirement

In use of force incidents, choke holds and similar carotid holds were not used, except where deadly force was authorized.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

g Not in Substantial Compliance

Substantial Compliance Requirement

In use of force incidents where the use of force review concluded that use of choke holds or similar carotid holds were not authorized, the VIPD took corrective and/or disciplinary action against the officer who used a choke hold or other carotid hold.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

h Not in Substantial Compliance

Substantial Compliance Requirement

Sworn personnel do not possess or use unauthorized firearms or ammunition.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

i Not in Substantial Compliance

Substantial Compliance Requirement

In cases where an officer is found to be in possession of unauthorized firearms or ammunition, there is evidence that an investigation was conducted and appropriate corrective action was taken.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

j Not in Substantial Compliance

Substantial Compliance Requirement

Critical Firearm Discharges are documented in an RRR.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

k Not in Substantial Compliance

Substantial Compliance Requirement

In reported incidents involving off-duty officers taking police action, the off-duty officer's conduct comports with policies regarding off-duty officers taking police action and 31 (a) - (g) of the Consent Decree.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

l Not in Substantial Compliance

Substantial Compliance Requirement

Off-duty officers notified on-duty sworn personnel or local law enforcement officers before taking police actions, except in exigent circumstances.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

m Not in Substantial Compliance

Substantial Compliance Requirement

In incidents where an off-duty officer taking police action appeared to have consumed alcohol, the off-duty officer submitted to field sobriety, breathalyzer, and/or blood tests.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

n Partial Compliance

Substantial Compliance Requirement

In 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 conduct leading to the use of force incident.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

o Partial Compliance

Substantial Compliance Requirement

Use of force investigations include documented findings of all of the considerations required by 52.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

p Partial Compliance

Substantial Compliance Requirement

When administrative investigations are referred to the VIAG or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

Paragraphs and Sub-Paragraphs Not In Substantial Compliance

As Of End of 1Q2016

r Partial Compliance

Substantial Compliance Requirement

The VIPD is utilizing the EIP. Underlying documentation should include documentation of EIP meetings, the Early Intervention Unit Action Plan and Early Intervention Unit Assessment, attendance records of VIPD personnel and all follow-up documentation for completed intervention.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

s Partial Compliance

Substantial Compliance Requirement

Deputy Chiefs, managers and supervisors have initiated EIP interventions based on activity and pattern assessment contained in the RMS.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

t Not in Substantial Compliance

Substantial Compliance Requirement

EIP interventions are based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely the number or percentages of incidents in any category of information recorded in the risk management system.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

u Not in Substantial Compliance

Substantial Compliance Requirement

In instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit promptly review the RMS records of such officers.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

v Not in Substantial Compliance

Substantial Compliance Requirement

The VIPD has established a protocol for evaluating whether Deputy Chiefs, managers and supervisors are able to use the RMS effectively.

Paragraphs and Sub-Paragraphs Not In Substantial Compliance As Of End of 1Q2016

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

w Not in Substantial Compliance

Substantial Compliance Requirement

Disciplinary penalty decisions are consistent with the penalties set forth in the Disciplinary Matrix.

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A

END OF PARAGRAPH 100

101 Not In Substantial Compliance

The VIPD shall implement immediately all provisions of this Agreement that involve the continuation of current VIPD policies, procedures, and practices. The remaining provisions shall be implemented either by the specified implementation date or, for those provisions that have no specified implementation date, as soon as is reasonably practicable and no later than 150 days after this Agreement's effective date.

Sub-Paragraphs

a Not in Substantial Compliance

Substantial Compliance Requirement

4Q2015

Status Changed in 1Q2016

Quarter Monitoring Activity and Status

See note at bottom of Appendix A.

END OF PARAGRAPH 101

Sub-Paragraphs Reporting	73
Less Paragraph 100	-22
Less Paragraph 101	-1
Total Sub-Paragraphs Not Compliant	50

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Goal 1Q6-1 Original Order Date 05/06/2016 Current Suspense Date 05/06/2016 **Days OD 14**
Description **Action Officer** Chief Foy

Paragraph 32, All

Status Synopsis

1Q2016 - VIPD did not produce a compliance plan for this goal and did not complete the Court ordered "Action Plan" either. IMT activity for this goal (paragraph) can be found in the base report with noted activity by the Workgroup on case review and return for corrective action when not in compliance with policy or the CD.

Goal 1Q6-2 Original Order Date 05/06/2016 Current Suspense Date 05/06/2016 **Days OD 14**
Description **Action Officer** Chief Foy

Paragraph 33, ALL

Status Synopsis

1Q2016 - VIPD did not produce a compliance plan for this goal and did not complete the Court ordered "Action Plan" either. IMT activity for this goal (paragraph) can be found in the base report with noted activity by the Workgroup on case review and return for corrective action when not in compliance with policy or the CD.

Goal 1Q6-3 Original Order Date 05/06/2016 Current Suspense Date 05/06/2016 **Days OD 14**
Description **Action Officer** Chef Hector

Paragraph 44, ALL

Status Synopsis

1Q2016 - VIPD did not produce a compliance plan for this goal and did not complete the Court ordered "Action Plan" either. IMT activity for this goal (paragraph) can be found in the base report with noted activity by the Workgroup on case review and return for corrective action when not in compliance with policy or the CD. In addition, the Workgroup has been steadily reducing the number of incomplete investigations.

Goal 1Q6-4 Original Order Date 05/06/0116 Current Suspense Date 05/06/2016 **Days OD 14**
Description **Action Officer** Chief Hector

Paragraph 69, All

Status Synopsis

1Q2016- the VIPD brought sub-paragraph 69-a into substantial compliance during the quarter. IMT is aware of the published audit schedule and is awaiting compliance with that schedule prior to awarding compliance with 69-b.

Goal 1Q6-5 Original Order Date 05/06/0116 Current Suspense Date 05/06/2016 **Days OD 14**
Description **Action Officer** Chef Hector

Paragraph 58

Status Synopsis

1Q2016-The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in the base report. Their efforts have not resulted in compliance with the goal.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Goal 1Q6-6 Original Order Date 05/06/0116 Current Suspense Date 05/06/2016 **Days OD 14**

Description

Action Officer Chief Hector

Paragrpah 70, All

Status Synopsis

1Q2016-The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. This paragraph deals with the Disciplinary Matrix and has been in Substantial Compliance since 12/18/13. The parties have indicated a need to review the current relevancy of the matrix components to current trends and experience by other agencies and to update it as necessary. The VIPD did not complete its review process, thus the goal was not met. The IMT has chosen to continue the original Substantial Compliance of the paragraph pending both the VIPD review and an IMT special study on the implementation of discipline compared to case adjudication. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in this report. Their efforts have not resulted in compliance with the goal.

Goal 1Q6-7 Original Order Date 05/06/2016 Current Suspense Date 05/06/2016 **Days OD 14**

Description

Action Officer Chief Foy

Paragrpah 73, All

Status Synopsis

1Q2016- The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in the base report. Their efforts have not resulted in compliance with the goal.

Goal 1Q6-8 Original Order Date 05/06/2016 Current Suspense Date 05/06/2016 **Days OD 14**

Description

Action Officer Chief Foy

Paragraph 77, All

Status Synopsis

1Q2016-The VIPD did not produce an Action Plan to address this or other 1Q2016 goals as required by the Court. The efforts of the VIPD to address deficiencies with non-compliant sub-paragraphs are detailed elsewhere in the base report. Their efforts have not resulted in compliance with the goal.

Goal 2Q5-5 Original Order Date 08/21/2015 Current Suspense Date 11/06/2015 **Days OD 196**

Description

Action Officer Chief Hector

Train investigators and reviewers on the new Summary investigation Report

Status Synopsis

3Q2015-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

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Submission of Paragraph or Goal Completion, dated 08/07/15 when submitting the documentation.

4Q2015- Status remains unchanged as IMT has not been provided appropriate documents and VIPD has not requested compliance review.

1Q2016-Status remains unchanged as IMT has not been provided appropriate documents and VIPD has not requested compliance review.

Goal 2Q5-6 Original Order Date08/21/2015 **Current Suspense Date** 08/21/2015 **Days OD** 273

Description

Action Officer Chief Hector

Train investigators and reviewers on the new Citizen Complaint Checklist

Status Synopsis

3Q2015-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.

4Q2015- same status as 4Q5-5; no receipt of documentation or request for compliance from VIPD.

1Q2016- Status remains unchanged as IMT has not been provided appropriate documents and VIPD has not requested compliance review.

Goal 32-b Original Order Date08/15/2014 **Current Suspense Date** 05/06/2016 **Days OD** 14

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period. Cases still fail to list all types of force that was used in the event.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

1) Identify supervisor weaknesses and meet and counsel them individually.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
 - 3) Have Chief's conduct force tracking thru commanders call
 - 4) Train Chief's and D/Chief's on analyzing force patterns and practices
 - 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.
 - 6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.
- 1Q2016 - Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers for corrective action. The IMT will continue to monitor during the next quarter.

Goal	32-c	Original Order Date	08/15/2014	Current Suspense Date	05/06/2016	Days OD	14	
Description							Action Officer	Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

- 1) Identify supervisor weaknesses and meet and counsel them individually.
- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
- 3) Have Chief's conduct force tracking thru commanders call
- 4) Train Chief's and D/Chief's on analyzing force patterns and practices
- 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.
- 6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.

**Appendix B To IMT 1Q2016
Quarterly Report**

Days OD in RED Indicate Missed Suspense Date

Page 4 of 32

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

1Q2016- Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers for corrective action. The IMT will continue to monitor during the next quarter.

Goal 32-f Original Order Date08/15/2014 **Current Suspense Date** 05/06/2016 **Days OD** 14

Description

Action Officer Chief Foy

=>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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

This paragraph is still stagnated and progress has been incremental at best. Both VIPD and the IMT have discussed potential actions they can take to drive compliance forward.

- 1) Identify supervisor weaknesses and meet and counsel them individually.
- 2) Assess supervisor ability to write, review and analyze force incidents; and improve training delivery,
- 3) Have Chief's conduct force tracking thru commanders call
- 4) Train Chief's and D/Chief's on analyzing force patterns and practices
- 5) Train supervisors on techniques to coach and mentor subordinates on thru force incidents.
- 6) Use technology to advance the force review and analysis process. Install and operate the in car video system, personal worn cameras etc.

1Q2016- Focusing on requiring RRRs to indicate each and every type of force that was used in force incidents, the VIPD has increased its compliance rate, but still falls short of meeting the established goals of 95% or better compliance. Both the VIPD audits and IMT case reviews confirm this status. The UOF Working Group has been reviewing each investigation and included RRRs to ensure compliance with requirements and returning deficient ones back to the investigating officers for corrective action. The IMT will continue to monitor during the next quarter.

**Appendix B To IMT 1Q2016
Quarterly Report**

Days OD in RED Indicate Missed Suspense Date

Page 5 of 32

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Goal **33-a** **Original Order Date** 08/15/2014 **Current Suspense Date** 05/06/2016 **Days OD** **14**

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event, when they arrive, and when they have completed their work on scene.

1Q2016 - 1Q2016 - The response by supervisors to use of force incidents remains a problem and is a focus of both the IMT and the VIPD. Based on analysis of recent activity, the IMT suggested the following as a solution:

Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT strongly believes the current policy of using an on-call supervisor list is not the solution to the problem. The essentially allow police operations to be commanded by a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people the of the Virgin Islands on a continual basis.

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this during the next scheduled court hearing.

Goal 33-b Original Order Date 02/20/2015 Current Suspense Date 05/06/2016 **Days OD 14**
Description **Action Officer** Chief Foy

In =>90% of the incidents where the supervisor was required to respond to the scene, he/she responded within a reasonable amount of time.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A:

The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found that there is no change in compliance during the reporting period.

Paragraph generally

33:

This paragraph has received special action by the VIPD in its attempt to reach greater compliance. During this quarter the Chief's in both districts issued orders that zone commanders appoint on call supervisory personnel to respond to use of force incidents when on duty personnel are not available. Both IMT reviews and VIPD audit's disclosed the failure of police supervisory personnel in be available when force events occur. We further recommend

- 1) That the Chief's work together to create a unified scheduling system throughout the Territory for the call out and regularly audit the call out to ensure compliance.
- 2) Drive home the importance of leadership oversight thru their Commanders Call
- 3) Require supervisors to report to VITEMA when they respond to a force event, when they arrive, and when they have completed their work on scene.

1Q2016 - 1Q2016 - The response by supervisors to use of force incidents remains a problem and is a focus of both the IMT and the VIPD. Based on analysis of recent activity, the IMT suggested the following as a solution:

Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT

**Appendix B To IMT 1Q2016
Quarterly Report**

Days OD in RED Indicate Missed Suspense Date

Page 7 of 32

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

strongly believes the current policy of using an on-call supervisor list is not the solution to the problem. The essentially allow police operations to be commanded by a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people the of the Virgin Islands on a continual basis.

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this during the next scheduled court hearing.

Goal 33-c Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 **Days OD 14**

Description

Action Officer Chief Foy

In =>90% of the incidents did the supervisor respond to the scene, he/she examined the person for injury,

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- IMT reviewed this area during the quarter and issues still remain with compliance. See base report for additional.

Goal 33-d Original Order Date 02/20/2015 Current Suspense Date 05/06/2016 **Days OD 14**

Description

Action Officer Chief Foy

In =>05% of the incidents where a supervisor responded to the scene, he/she interviewed the subject for injury or complaint of pain.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- Issues still remain with compliance and the workgroups are focusing on this area.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Goal 33-e Original Order Date 02/20/2015 Current Suspense Date 05/06/2016 Days OD 14
Description Action Officer Chief Foy

In => 95% of the incidents where medical attention to the subject was need the supervisor ensured that care was provided.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - IMT continues to monitor this although improvements have been seen.

Goal 34-a Original Order Date 08/15/2014 Current Suspense Date 06/30/2016 Days OD -41
Description Action Officer Chief Foy

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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- IMT continues to monitor this area as needed.

Goal 34-b Original Order Date 08/15/2014 Current Suspense Date 12/18/2015 Days OD 154
Description Action Officer Chief Foy

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 Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- See Appendix A to the base report, as well areas within the base report where this is addressed.

Goal 34-c Original Order Date 02/20/2015 Current Suspense Date 06/30/2016 Days OD -41
Description Action Officer Chief Foy

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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

Goal	34-e	Original Order Date 08/15/2014	Current Suspense Date 12/18/2015	Days OD 154
Description		Action Officer Chief Foy		

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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

Goal	35-a	Original Order Date 08/15/2014	Current Suspense Date 06/30/2016	Days OD -41
Description		Action Officer Chief Foy		

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

Goal	35-b	Original Order Date 02/20/2015	Current Suspense Date 06/30/2016	Days OD -41
Description		Action Officer Chief Foy		

In =>90% of the use of force reviews, all relevant evidence, including circumstantial,

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

direct and physical evidence is documented and appropriately considered, and credibility determinations made, if feasible.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Goal **35-c** **Original Order Date**02/20/2015 **Current Suspense Date** 02/20/2015 **Days OD** **455**
Description **Action Officer** Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Goal **36-a** **Original Order Date**08/15/2014 **Current Suspense Date** 06/30/2016 **Days OD** **-41**
Description **Action Officer** Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Goal 36-b Original Order Date 08/15/2014 Current Suspense Date 06/30/2015 Days OD 325

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Goal 36-d Original Order Date 08/15/2014 Current Suspense Date 06/30/2015 Days OD 325

Description

Action Officer Chief Foy

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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - No progress has been made on this goal and the workgroups have this as an action item. The VIPD needs to review its problem solving protocols and revisit the planning stages for compliance with this goal. New strategies need identification and plans for implementing them developed.

See base quarterly report for additional information on this goal area.

Goal 44-i Original Order Date 08/15/2014 Current Suspense Date 05/06/2016 Days OD 14

Description

Action Officer Chief Hector

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

Status Synopsis

4Q2015-This goal is under review by the IMT and final action on compliance will be determined after the Feb 2016 Summit. However, despite efforts by the IMT team on-site, there was no resolution from the Summit and remains awaiting formalization of schedule formats territory-wide. The IMT continues to stand ready to assist as needed. Appendix A:

As reported previously and repeatedly by the IMT, the VIPD has attempted to resolve

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

the timeliness problems by issuing Commissioner's directives in both Districts, which mandate 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. More recently, as a result of the November 2015 summit, the Chief of St Croix reassigned supervisors to his office to complete their overdue cases. St Thomas chose an alternative plan to address the same issue. Originally, the due date for these overdue cases to be completed was mid-January 2016. At the request of VIPD this date was extended to February 5, 2016. IMT will assess the effectiveness of these efforts.

VIPD needs to clearly identify the specific reasons for the delay and address same. Additionally, VIPD must continue to hold managers and supervisors accountable for inappropriate delays.

1Q2016- Again, the VIPD fall short on timeliness of cases. As reported in the last quarterly report, "as a result of the November 2015 summit, the Chief of St Croix reassigned supervisors to his office to complete their overdue cases. St Thomas chose an alternative plan to address the same issue. Originally, the due date for these overdue cases to be completed was mid-January 2016. At the request of VIPD this date was extended to February 1, 2016."

The IMT evaluation of these efforts during the current Quarter, was limited to the actual reduction of outstanding cases as of January 1, 2015. While St Croix showed a significant reduction in outstanding cases for this period of time, the efforts on St Thomas did not show progress. When queried as to what those efforts were, the STT Chief stated that the supervisors continued to receive weekly reminders of overdue cases and were reminded to complete same. This was the same approach which had been utilized for the last few quarters without significant results. Most recently, when IMT requested of a number of supervisors/managers what the current outstanding numbers were, no one could provide a definitive answer.

We should note that although the VIPD focused on cases since 1/1/15 in order to not continue to dig themselves into a larger hole, the IMT has made clear that VIPD is responsible for successfully closing all cases as of 1/1/12.

When asked why this sub-paragraph would not reach compliance during the First Quarter, a number of reasons were provided, including: not enough supervisors; special events (Carnival); scheduled training; technical issues; and others. While the IMT does not disagree with the aforementioned reasons, none of these were new or unanticipated when the VIPD identified this Paragraph as an attainable goal for this Quarter.

On St Croix, two individuals were identified as to be disciplined. One has not been available to be served the paperwork yet. A second supervisor had the charges dropped due to what VIPD described as "the complicity of IA actions." At this time, the IMT has not seen any paperwork that reflects how this issue was addressed by senior

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

management to ensure that it was not repeated nor has the IMT received an explanation of the "complicity of IA actions" These are but a couple of examples which reflect that, despite the efforts of the working group, the actions (or lack thereof) of senior supervisors/managers are not significant and consistent enough to assist in moving this area into compliance.

The Working Group created an Investigative Case Management Log with an accompanying Directive in an attempt to assist investigators/supervisors to record their actions and be more aware of the time restraints. IMT reviewed and approved same during this Quarter.

Goal 4Q5-4 Original Order Date02/06/2016 **Current Suspense Date** 02/06/2016 **Days OD** 104

Description **Action Officer** Chief Foy

Establish process for on-call Supervisor(s) to respond to Use of Force incidents when off duty.

Status Synopsis

4Q2015-This goal is under review by the IMT and final action on compliance will be determined after the Feb 2016 Summit. However there was no resolution from the Summit and remains awaiting finalization of schedule formats territory-wide.
1Q2016 - Virgin Islands Police Commissioner Delroy Richards signed Order 001-2016, effective December 18, 2015, which requires a supervisory response to use of force incidents. The IMT and the Use of Force Working Group conducted an audit since implementation.

Throughout the Territory there was forty-nine (49) force incidents where supervisory call-out was required for the time frame of December 18, 2015 - April 26, 2016.

a. 49 Use of Force Incidents

14 of those incidents, the supervisor responded to the force incident.

13 of those incidents, the supervisor did not respond to the force incident.

22 of those incidents, the supervisor did not need to respond to the force incident.

b. 14/27 = 52% of the incidents, the supervisor did not respond to the force incident. This needs a follow up for compliance and reason(s) for non-compliance to the Commissioner's Directive.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

c. 13/27 = 48% of the incidents, the supervisor did respond to the force incident consistent with policy.

Four of the supervisory non-responses (4) occurred in the St. Thomas Police District and Nine (9) failures to respond occurred in the St. Croix District. A memo was sent to the Police Chiefs of their respective districts to explain why a supervisor filed to respond the use of force incident. Formal response and explanation has not been received and approved by the IMT at the time of this writing. It is however clear that the Commissioner's directive has moved the VIPD to get supervisors to the use of force scenes about half the time as required by policy. The reasons for failure have to be examined to learn how improvements can be made for compliance. We would recommend that the Chiefs of Police should be tasked to accomplish this review. In the base report, the IMT made the following recommendation regarding this problem of supervisory response to use of force incidents:

"Chiefs of Police need to actively manage Commissioner's Directive 001-2016/ On-Call Supervisors to Respond to Use of Force. The Directive specifically covers for disciplinary action against anyone who fails to comply with the Directive. The IMT strongly believes the current policy of using an on-call supervisor list is not the solution to the problem. The essentially allow police operations to be commanded by a police private during weekends, holidays and late hours does not meet professional policing standards or adequate supervision of an armed force. It also fails the people the of the Virgin Islands on a continual basis.

The solution is to adjust the working schedules of supervisors to ensure that at least ONE supervisor is on duty 24/7 on each island. This supervisor does not have to be from patrol, but rather could be any supervisor, including those assigned to day work administrative jobs. They could rotate through such supervisor assignments and still perform their administrative jobs, but at a different hour of the day. Most well managed and responsible law enforcement agencies ensure the presence of supervisors and many actually mount a duty-commander position that assumes command of the department in the absence of the police chief. The IMT believes the VIPD must make this transition now before serious problems occur. The IMT will be commenting on this during the next scheduled court hearing."

Goal **4Q5-5** **Original Order Date** 02/06/2016 **Current Suspense Date** 02/06/2016 **Days OD** 104
Description **Action Officer** Chief Hector

VIPD will bring backlog of cases current by designating a time period for supervisors

**Appendix B To IMT 1Q2016
Quarterly Report**

Days OD in RED Indicate Missed Suspense Date

Page 15 of 32

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

responsible for the delinquent cases to complete the investigation of each delinquent case.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- See previous comments under 44-i

Goal **4Q5-8** **Original Order Date**02/06/2016 **Current Suspense Date** 02/06/2016 **Days OD** **104**

Description

Action Officer Chief Foy

Training Division will collaborate with the other three (3) working groups to identify and respond with training support to Consent Decree issues and areas identified by the working groups. Training Division's support will include assessment of the needs; identification of the trainees; development of the curricula; delivery of training; and, in conjunction with the audit unit, evaluation of the training effectiveness.

Status Synopsis

4Q2015-This goal should be a part of an overall revision of all lesson plans. While there is a priority to revise and update CD related lesson plans; the entire system needs review and revision.

There was an Instructor "Retreat" in Nov. 2015; there is a meeting scheduled to take place by 1-29-16 to advance this goal. Another meeting was scheduled for 12-17-15 which IMT believed would produce a lesson plan revision schedule. Progress should be reported during Monthly meeting 2-3-16 but was not. We would very much want to come away from our next "summit meeting" with VIPD with a revision plan.

There was progress made but no finalization of the results of this review at the Summit. IMT reviewed initial drafts and made comments. VIPD to finalize and submit for formal review. VIPD in it's 02/12/16 Court filing extended the compliance date to 03/31/16.

This goal remains Not Complete.

1Q2016- VIPD submitted a Compliance Request on 02/12/16, The IMT denied compliance on 02/24/16 for several reasons including that not all CD related lesson plans were reviewed, reviews did not include specific references to changes, etc.

Additional information is provided within the Compliance evaluation memo and the Training section of the report.

Goal **58-c** **Original Order Date**05/23/2014 **Current Suspense Date** 05/23/2014 **Days OD** **728**

Description

Action Officer Chief Hector

=>90% of any identified problems and/or training needs have been relayed to the appropriate VIPD entity.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- To better address the resolution of issues not related to training which are identified through the course of an investigation, the Working Group drafted a Request for Non-Training Issue Support Form with an accompanying Directive. The intent was for this to be formally issued during this Quarter. The IMT will assess in future quarters the effectiveness of same.

See also 44-i

Goal **58-d** **Original Order Date** 05/23/2014 **Current Suspense Date** 05/23/2014 **Days OD** **728**

Description

Action Officer Chief Hector

=>90% of the cases where there is a determination that modification to or additional training is required, there is documented evidence that VIPD implemented additional training.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- See 58-c

Goal **58-e** **Original Order Date** 05/23/2014 **Current Suspense Date** 05/23/2014 **Days OD** **728**

Description

Action Officer Chief Hector

=>90% of the cases where the VIPD identified policy or equipment deficiencies, there is documented evidence that corrective measures were implemented.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- See 58-c

Goal **60-d** **Original Order Date** 08/15/2014 **Current Suspense Date** 06/30/2016 **Days OD** **-41**

Description

Action Officer Chief Hector

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Goal **69-b** **Original Order Date**08/15/2014 **Current Suspense Date** 05/06/2016 **Days OD** **14**

Description **Action Officer** Chief Hector

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

Appendix A: During early 2015 there was a period of time when the VIPD Audit submissions were severely delayed The IMT believes that this reflects a change period for the current administration and will not be repeated. While the Audits continue to improve, the IMT hopes that these Audits will be completed in a more timely fashion than has occurred previously. During the last quarter the IMT received a VIPD proposed Audit SOP. Since the audits had been delayed, the IMT looks forward to assessing to what level the draft is being appropriately applied.

As stated in earlier reports, the IMT strongly encourages the VIPD to enhance the Audit staff, prepare annual audit plans, and complete /submit audits in a timely fashion.

030416-VIPD request for compliance was denied based on lateness of audits.

Goal **70** **Original Order Date**05/06/2016 **Current Suspense Date** 05/06/2016 **Days OD** **14**

Description **Action Officer** Chief Hector

Complete revision to Disciplinary Matrix and publish

Status Synopsis

1Q2016- The VIPD has been attempting to create a revised Disciplinary Matrix for a prolonged period of time (Paragraph 70). During the First Quarter, the IMT provided additional samples of other agencies' approaches and met with the point person for this project. At this time, the VIPD continues to work on creating a revised Disciplinary Matrix.

Goal **71-b** **Original Order Date**02/20/2015 **Current Suspense Date** 06/30/2016 **Days OD** **-41**

Description **Action Officer** Chief Hector

=>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.

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016- This continues to be a problem for the VIPD. The assigned workgroup has begun to review and impact this issue by review and return for corrective action,

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

investigative reports.

Goal 71-c Original Order Date 02/20/2015 Current Suspense Date 02/20/2015 **Days OD 455**

Description

Action Officer Chief Hector

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - The assigned workgroup has begun a focused review of this issue and has been having some limited impact. They will continue their efforts and iMT will continue to monitor during 2Q2016.

Goal 72-a Original Order Date 02/20/2015 Current Suspense Date 06/30/2016 **Days OD -41**

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - The assigned workgroup has begun reviewing this issue and the IMT will be conducting a special study to analyze compliance during 2Q2016.

Goal 72-b Original Order Date 02/20/2015 Current Suspense Date 06/30/2016 **Days OD -41**

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is directly related to a sub-paragraph and the current status is covered in detail in Appendix A to the IMT 4Q2015 Report.

1Q2016 - See 72 a

Goal 73-a Original Order Date 05/23/2014 Current Suspense Date 05/06/2016 **Days OD 14**

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-IMT has not seen a revised directive for the Training Advisory Committee since our last comments which itemized several issue that IMT had with VIPD's more recent version.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

It took a full quarter to develop a survey instrument to be used to evaluate training. The form should have been developed, tested and issued in the time it took to develop it. Paragraph 73 requires the VIPD to conduct a semi-annual review of use of force training to ensure quality, consistency and compliance with applicable law and VIPD policy. Since initiation of the Consent Decree, the VIPD has interpreted this requirement to refer only to a companion requirement that use of force policy be reviewed semi-annually. To that end, the VIPD has ensured only that use of force training is consistent with, and in compliance with, applicable law and VIPD policy. Our belief is that any use of force policy review requires assessment and analysis of how well outcomes reflect training objectives.

IMT hopes that upcoming meetings with the Audit Unit may helpful in finalizing training evaluation criteria.

Court Hearing Notes; This is one of the two paragraphs that VIPD proposes to put into compliance during 1Q16.

I think that they may have the system in place but it still may be subject to audit and review at the end of the quarter.

There needs to be a memo from the AG's Office naming Sherri as his designee for purposes of the CD

She semi-annually must produce a memo indicating that she has reviewed UOF policy and lesson plans to ensure that they are consistent with VIPD law and policy.

She also needs to attest the completion of a process designed to assess the quality of UOF training.

The process of evaluating the quality needs to include:

- Quiz at the end of training

- Evaluation of class and instructor(s) at end of training

- Quiz 30 days after training to test retention (procedures for failures)

Surveys w/ 6 mos to officers and supervisors assessing the results of training objectives in the field(UVI might be helpful)

- Report to Sherri (for inclusion in her report)

- Report to Training Advisory Committee for their review.

Each in-service training period should start the cycle over with any needed adjustments built into the next cycle (this also feeds into those topics which become the subject of roll call training - this part still needs some work as does the clear documentation and disposition of remedial training.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal	74-a	Original Order Date 05/23/2014	Current Suspense Date 05/31/2016	Days OD -11
Description	Action Officer Chief Foy			

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

Status Synopsis

4Q2015-This goal was established to produce a survey instrument for the evaluation of training. A trial run was made with disappointing results. There is also the need to re-address the components of the survey instrument. IMT believes that VIPD has to re-visit the persons that would be queried in a training survey and the object of the survey which should match the training objectives. This goal should be revised to incorporate these issues or combined with one of the other goals that lend themselves to evaluation of the training product(s).

1Q2016 - Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal	74-c	Original Order Date 05/23/2014	Current Suspense Date 05/31/2016	Days OD -11
Description	Action Officer Chief Foy			

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

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Status Synopsis

4Q2015-The Compliance Audit Report addresses this issue in much more detail than the goal report. In the Audit, assessors found several shortcomings in the updated instructor files but substantiate that the most recent certifications have been added to individual trainer records. The goal calls for a revision of the Commissioner's Directive which would include the instructor evaluation procedure. To date, we have not reviewed a draft of the revision.

Court Hearing Notes: VIPD just re-issued the directive governing this process. The Training Advisory Committee should review the selection process (vetting) and should take an interest in the instructor certifications. We and the Audit Unit should review the instructor files again and check their inclusion in PowerDMS.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 74-d Original Order Date 05/23/2014 Current Suspense Date 05/31/2016 Days OD -11

Description Action Officer Chief Foy

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

Status Synopsis

4Q2015-We would think that this goal could have been incorporated into the goal(s) related to the revision and updating of all lesson plans (4Q5-8)

Court Hearing Notes: VIPD asked for compliance on the basis of their submission of several UOF related lesson plans that were revised by several instructors. We denied compliance. This is the sub-paragraph most in need of help from UVI - during 2-3 separate occasions, we have recommended that rather than teach a repetitive IDC course from UVI, it would more advantageous to have a consulting relationship with UVI and get them to help revise all of their CD related lesson plans. Their practice of having lesson plans written and re-vised by a squad of instructors is ill-advised. Most departments this size have all of their lesson plans prepared by a very small group,

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

many of whom also write policy. Their needs to be more symmetry between the policy and lesson plan revisions. This remains a work in progress.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 74-e Original Order Date 05/23/2014 **Current Suspense Date** 05/31/2016 **Days OD** -11
Description

Action Officer Chief Foy

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

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

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

Status Synopsis

4Q2015-IMT has no idea why it would take until 3-15-16 to complete the revision of this policy. This should be a goal that is completed in a more shorter period of time than it is taking IMT has no idea why it would take until 3-15-16 to complete the revision of the Roll Call Policy 10.4, which has been under review for a over a year. It was first brought to the attention of the VIPD by the IMT in November of 2014, at which time the VIPD admitted the policy was not working and agreed to review and update it. This should be a goal that is completed in a much more shorter period of time than it is taking.

This goal remains Not Completed.

See also sub-paragraph 74-e, Appendix A.

Court Hearing Notes: This sub-paragraph continues to languish with no concerted effort by VIPD. While the strict interpretation of the paragraph calls for a roll call training policy to be established in conjunction with the Chiefs. The only effort on the table was a policy outlining the conduct of roll call rather than one outlining how roll call training is to be established and delivered. We envisioned that the coordination of roll call training would be coordinated with the Training Advisory Committee. VIPD has been unable to stand

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

up the Training Advisory Committee. Ironically, a 2009 version of the Training Bureau Standard Operating Procedures call for the establishment of a "Training Committee" whose mission and duties mirror most of the very same tasks that we have been asking the Training Advisory Committee to perform.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal	74-f	Original Order Date 05/23/2014	Current Suspense Date 05/31/2016	Days OD -11
Description			Action Officer Chief Foy	

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

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

Status Synopsis

4Q2015-While VIPD is working on the mechanics of entering records into PowerDMS, there is no SOP outlining the exact records that must be maintained and the record components for each record category. This is information that MIS will need to properly establish the record keeping system. There is some "getting the horse before the cart" in this goal. It might be helpful if there was protocol on which records need to be maintained and how. While the VIPD Division of Training "Standard Operating Procedures" is dated, there are sections which, if not applicable, might be helpful in organizing this kind of protocol.

Court Hearing Notes: Our sense is that this procedure should be a duty of the Training Advisory Committee much in the way the Policy Review Committee is functioning now. While there are probably several other methodologies for achieving compliance with this

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

sub-paragraph, it is not currently being addressed.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal	74-g	Original Order Date	05/23/2014	Current Suspense Date	05/31/2016	Days OD	-11
Description				Action Officer Chief Foy			

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

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

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

Status Synopsis

4Q2015-A system for assessing patterns in UOF incidents is scheduled to be completed by 2-19-16. We would endorse this as a high priority. The audit unit could lend significant support in the creation of this kind of analysis. IMT is meeting with the Audit Unit personnel in 1Q2016 to address analysis methodology as well as the mechanism to addressing any deficiencies found.

Court Hearing Notes: There should also be a nexus to the semi-annual analysis and evaluation of in-service training which feeds into the decision-making regarding future training.

1Q2016- Requirements within Paragraphs 73, 74 and 78 mandate use of force policy and lesson plan reviews semi-annually. There is also a requirement for semi-annual evaluations of the quality of use of force training. The VIPD enacted several policies and practices that will be employed as a part of this process, namely the development of a training survey tool and an instructor evaluation form. Several critical steps remain that must be taken by the Training Bureau to ensure that evaluation of use of force training adheres to basic rules of reliability and validity. The survey should be created to measure how well the training objectives were met in the field. The survey should

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

produce measurable outcomes that are validated by supervisors and managers and the survey must reach and query enough officers to make the results meaningful.

Goal 77-a Original Order Date 05/23/2014 Current Suspense Date 05/06/2016 Days OD 14

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-The IMT has randomly reviewed examples of this sub-paragraph and its supporting components and found this is one area where the VIPD Training Bureau has accomplished a significant portion of their goal but still has problems with the quantity and quality of those records associated with instructors. All in-service training records have been entered into PowerDMS and the records have been audited.

Goal remains Not Completed

See also sub-paragraph 77-a, Appendix A

Court Hearing Notes: VIPD believes that it has one full year of in-service records that would put this paragraph into compliance. We indicated that we should have two years of records for this paragraph. There is probably only one year of instructor records. If was most important that VIPD initiate a process for re-positing all of the required records in some systematic way. Once VIPD indicates that they have two full years of attendance and lesson plan files and one year of instructor records, we will audit the files and if they are in order, we will award substantial compliance for this paragraph. 1Q2016 - The IMT has requested that the VIPD produce two years of documented records in compliance with this paragraph. We believe that there are two years of records that reliably document in-service participant attendance. The IMT also believes that the VIPD, with some effort, could produce two years of lesson plans that would match the classes taught in the same time period. A two-year chronology of instructors and their subject matter just doesn't exist. The IMT believes that the VIPD should memorialize processes and procedures that reliably capture instructional data for at least one (1) year to comply with this paragraph.

The IMT continues to work with the VIPD on the standardization and automation of instructor files. We reported two quarters ago on our inspection findings along with recommendations that would ensure the accuracy and completeness of the records. We continued to provide guidance and technical assistance as paper files are organized and entered into PowerDMS.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Goal **77-b** **Original Order Date** 05/23/2014 **Current Suspense Date** 05/06/2016 **Days OD** **14**

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal will be extremely hard to attain. While trainee attendance records have been entered into PowerDMS, historic and current lesson plans and instructor records have not. The paragraph requirement is that all three records be accessible. Historically, matching classes with specific instructors and creating an accurate history of lesson plans through the years.

There has been a misinterpretation of the IMT's aim with regard to this provision of the CD. As the department migrated to PowerDMS and were encouraged by us to make it the primary repository of training records, the notion that we were demanding that a "one button push" should create a report with all three components of the requirement. We've tried very hard to explain that we have never demanded such a system. We believe that if all three elements exist in reliable databases, it would be reasonably retrievable which is what we interpret the paragraph requires.

Court Hearing Notes: VIPD believes that it has one full year of in-service records that would put this paragraph into compliance. We indicated that we should have two years of records for this paragraph. There is probably only one year of instructor records. If it was most important that VIPD initiate a process for re-positing all of the required records in some systematic way. Once VIPD indicates that they have two full years of attendance and lesson plan files and one year of instructor records, we will audit the files and if they are in order, we will award substantial compliance for this paragraph.

1Q2016- The IMT has requested that the VIPD produce two years of documented records in compliance with this paragraph. We believe that there are two years of records that reliably document in-service participant attendance. The IMT also believes that the VIPD, with some effort, could produce two years of lesson plans that would match the classes taught in the same time period. A two-year chronology of instructors and their subject matter just doesn't exist. The IMT believes that the VIPD should memorialize processes and procedures that reliably capture instructional data for at least one (1) year to comply with this paragraph.

The IMT continues to work with the VIPD on the standardization and automation of instructor files. We reported two quarters ago on our inspection findings along with recommendations that would ensure the accuracy and completeness of the records. We continued to provide guidance and technical assistance as paper files are organized and entered into PowerDMS.

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Goal **81-b** **Original Order Date** 05/23/2014 **Current Suspense Date** 05/31/2016 **Days OD** -11

Description

Action Officer Chief Foy

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

Status Synopsis

4Q2015-This goal is a subset of a broader training and agency requirement. It is also one of the thornier issues of the CD because, we believe, because it requires more than the provision of training for managers and command staff but also "implementation" in the form of more accountable behavior on the part of the command staff. While difficult to quantify and/or measure, it is our collective opinion that the command staff of VIPD does not handle command level activities in a manner that we would expect to find in a police organization the size of VIPD. There are significant issues associated with coordination of work between and among units at a command level; command decision making and the administration of policy, procedures and discipline to name a few. VIPD Counsel has indicated that the "implementation" of this paragraph should be measured elsewhere in the CD. We have no objection to the implementation of the parameters of this paragraph being measured elsewhere in the CD but, to date, VIPD has not recommended a different paragraph where we would assess and report on implementation. Until we agree on a different paragraph with which to measure implantation, we feel that we must apply the litmus test to this paragraph because it goes to the core objective of the consent decree. This specific issue is also addressed in the T&M Report.

1Q2016 - The IMT's highest recommended priority remains the engagement of assistance from a local college or university to assist with the development of lesson plans and evaluation methodologies with measurable outcomes. The objectives in lesson plans should correlate to surveys and evaluations in a manner that produces measurable outcomes.

The IMT also recommends that prior to the beginning of the upcoming in-service training period, a detailed plan be prepared that describes the entire training cycle complete with evaluations and reporting requirements. Specifically, the plan should include, but not be limited to the lesson plan, quizzes, class and instructor evaluations, post-training knowledge quiz and qualitative survey and summary.

Goal **81-d** **Original Order Date** 05/23/2014 **Current Suspense Date** 05/31/2016 **Days OD** -11

Description

Action Officer Chief Foy

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

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

Status Synopsis

4Q2015-There is a suspense date of 12-12-15 for the accomplishment of several important preparatory steps associated with assessment of relevant supervisory and management training. The date has passed and, as of yet, we have not seen results of this work.

For some time, the IMT was critical of the fact that most, if not all, command staff members did not attend in-service training. The reasons given for this practice were completely unsatisfactory and did not justify the flawed philosophy.

During the first in-service training session in 2015, supervisors their own classes. We were very disappointed when the most recent in-service were general sessions for all ranks. We don't understand this.

1Q2016- The IMT's highest recommended priority remains the engagement of assistance from a local college or university to assist with the development of lesson plans and evaluation methodologies with measurable outcomes. The objectives in lesson plans should correlate to surveys and evaluations in a manner that produces measurable outcomes.

The IMT also recommends that prior to the beginning of the upcoming in-service training period, a detailed plan be prepared that describes the entire training cycle complete with evaluations and reporting requirements. Specifically, the plan should include, but not be limited to the lesson plan, quizzes, class and instructor evaluations, post-training knowledge quiz and qualitative survey and summary.

Goal **81-f** **Original Order Date**05/23/2014 **Current Suspense Date** 05/31/2016 **Days OD** -11
Description **Action Officer** Chief Foy

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

Status Synopsis

4Q2015-This is the same as 81-d
1Q2016 - see 81-d

Goal **CC17** **Original Order Date**05/15/2015 **Current Suspense Date** 07/22/2015 **Days OD** 303
Description **Action Officer** Chief Hector

Creation of a standardized protocol to ensure proper dissemination of Directives and other protocols Territory Wide; Paragraph 44 Timeliness of Cases

Status Synopsis

3Q2015-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,
4Q2015-Draft was reviewed and deemed compliant by IMT. However, IMT has not

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

received a FINAL published copy or any request for Goal Completion certification from the CD Coordinator. Additionally, IMT has not seen specific implementation of the SOP into VIPD activity.

IMT continues to hold this goal as Not Complete

1Q2016- This process continues to be a work in progress. The VIPD proposed and published a directive that established a binder system at each Zone. They then published another directive that established somebody to keep the binder up to date. The personnel without computers would then be able to refer to that binder (one each Zone) for any questions regarding the directives. This however does not solve the real problem which is how does the officer refer to a binder in the station when he is on the road?

The IMT suggests that the solution may in fact be to purchase a three ring binder for each field person without a laptop and let them print put copies of policy and file in their own binder which can be readily accessible within the patrol vehicle.

Goal M&S12 Original Order Date 05/15/2015 Current Suspense Date 05/15/2015 **Days OD 371**

Description

Action Officer Chief Hector

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

Status Synopsis

3Q2015-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

1Q2016- the IMT has not been provided with any pursuit reports substantiating the above system this quarter.

Goal M&S16 Original Order Date 05/15/2015 Current Suspense Date 06/30/2016 **Days OD -41**

Description

Action Officer Chief Hector

Finalize the development of additional protocols for the Audit unit; Paragraph 69

Status Synopsis

3Q2015-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,

4Q2015-Draft was reviewed and deemed compliant by IMT. However, IMT has not received a FINAL published copy or any request for Goal Completion certification from

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

the CD Coordinator. Additionally, IMT has not seen specific implementation of the SOP into VIPD activity.

IMT continues to hold this goal as Not Complete

1Q2016- The iMT has yet to receive a signed and approved copy of the AIU SOP.

Goal TRNG22 Original Order Date 05/15/2015 Current Suspense Date 08/01/2015 **Days OD 293**

Description

Action Officer Chief Foy

Reorganize the Training Advisory Committee.; Paragraph 74g

Status Synopsis

3Q2015-Pending review of directive

4Q2015-This goal speaks more specifically to the reorganization of the Training Advisory Committee but lists no steps for its achievement.

The last version of the directive establishing the TAC was published without the incorporation of our latest revisions. We are also unclear about who is the chair of this committee.

1Q2016- The Training Advisory Committee continues to be a work in progress with several iterations of the policy being reviewed but not approved by the IMT.

Goal TRNG23 Original Order Date 05/15/2015 Current Suspense Date 12/18/2015 **Days OD 154**

Description

Action Officer Chief Foy

Create and implement new protocol for monitoring and evaluating UOF training; Paragraph 73a

Status Synopsis

3Q2015-Pending review of Kirkpatrick training and implications for adoption of components by the VIPD.

4Q2015-See comments in 73a

1Q2016 - see 73-a

Goal TRNG25 Original Order Date 05/15/2015 Current Suspense Date 03/31/2016 **Days OD 50**

Description

Action Officer Chief Foy

Revise and implement Roll Call Policy; Paragraph 74e

Status Synopsis

3Q2015-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.

4Q2015-See 74e above

**Court Ordered Goals Not in Substantial
Compliance Status Report
As Of End of 1Q2016**

1Q2016- See 74e

Goal **TRNG26** **Original Order Date** 05/15/2015 **Current Suspense Date** 03/31/2016 **Days OD** **50**

Description

Action Officer Chief Foy

Development of the Kirkpatrick method of evaluating training; Paragraph 73a

Status Synopsis

3Q2015-Initial training completed in 1Q2015; deadline for completion extended by VIPD to 12/18/15 by the VIPD through court filing.

4Q2015-See 73a above

1Q2016- see 73a

Total Goals Not in Substantial Compliance **61**

**Appendix B To IMT 1Q2016
Quarterly Report**

Days OD in RED Indicate Missed Suspense Date

Page 32 of 32

IMT System ID: appendix_B_QtrRep

*Some Goals listed herein are also Sub-paragraphs and as such may
be commented on in Appendix A. The reader is directed to that
Appendix for additional information.*

Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs

The following lists the Consent Decree paragraph(s) where the Paragraph 100 Sub-Paragraphs were originally located.

<u>Sub-Paragraph</u>	<u>Substantial Compliance Requirement</u>	<u>Linked Paragraph</u>
a	All uses of force comply with VIPD policies and applicable law.	031
Sub-Paragraph b	Substantial Compliance Requirement As appropriate, Officers disengaged, contained the area, conducted surveillance, waited out the subject, and/or called in specialized units.	Linked Paragraph 031C
Sub-Paragraph c	Substantial Compliance Requirement When feasible, an individual is allowed to submit to arrest before force is used.	Linked Paragraph 031D
Sub-Paragraph d	Substantial Compliance Requirement In use of force incidents, the use of force review concludes that sufficient less lethal alternatives were used where appropriate based on the totality of circumstances.	Linked Paragraph 031F
Sub-Paragraph e	Substantial Compliance Requirement Patrol and other applicable officers carry less lethal alternatives at all times.	Linked Paragraph 031F
Sub-Paragraph f	Substantial Compliance Requirement In use of force incidents, choke holds and similar carotid holds were not used, except where deadly force was authorized.	Linked Paragraph 031G
Sub-Paragraph g	Substantial Compliance Requirement In use of force incidents where the use of force review concluded that the force was inconsistent with policy or legal standard,, the VIPD took corrective and/or disciplinary action against the officer. (SC Compliance Requirement wording updated 11/12/14; also inked back to paragraphs 33 and 34)	Linked Paragraph 032
Sub-Paragraph h	Substantial Compliance Requirement Sworn personnel do not possess or use unauthorized firearms or ammunition.	Linked Paragraph 039
Sub-Paragraph	Substantial Compliance Requirement	Linked Paragraph

Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs

The following lists the Consent Decree paragraph(s) where the Paragraph 100 Sub-Paragraphs were originally located.

i	In cases where an officer is found to be in possession of unauthorized firearms or ammunition, there is evidence that an investigation was conducted and appropriate corrective action was taken.	039
<u>Sub-Paragraph</u> j	<u>Substantial Compliance Requirement</u> Critical Firearm Discharges are documented in an RRR.	<u>Linked Paragraph</u> 039
<u>Sub-Paragraph</u> k	<u>Substantial Compliance Requirement</u> In reported incidents involving off-duty officers taking police action, the off-duty officer's conduct comports with policies regarding off-duty officers taking police action and 31 (a) - (g) of the Consent Decree.	<u>Linked Paragraph</u> 031A-G
<u>Sub-Paragraph</u> l	<u>Substantial Compliance Requirement</u> Off-duty officers notified on-duty sworn personnel or local law enforcement officers before taking police actions, except in exigent circumstances.	<u>Linked Paragraph</u> 040A
<u>Sub-Paragraph</u> m	<u>Substantial Compliance Requirement</u> In incidents where an off-duty officer taking police action appeared to have consumed alcohol, the off-duty officer submitted to field sobriety, breathalyzer, and/or blood tests.	<u>Linked Paragraph</u> 040B
<u>Sub-Paragraph</u> n	<u>Substantial Compliance Requirement</u> In 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 conduct leading to the use of force incident. (Also found in paragraph 47; Updated 11//12/14)	<u>Linked Paragraph</u> 047
<u>Sub-Paragraph</u>	<u>Substantial Compliance Requirement</u>	<u>Linked Paragraph</u>

Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs

The following lists the Consent Decree paragraph(s) where the Paragraph 100 Sub-Paragraphs were originally located.

o	Use of force investigations include documented findings of all of the considerations required by 52.	052
<u>Sub-Paragraph p</u>	<u>Substantial Compliance Requirement</u> When administrative investigations are referred to the VIAG or other appropriate agency, the VIPD has documentation that it has completed, to the extent possible, its own administrative investigation.	<u>Linked Paragraph</u> 053
<u>Sub-Paragraph q</u>	<u>Substantial Compliance Requirement</u> RMS reports are generated and distributed to appropriate sworn personnel (e.g., Chiefs, Deputy Chiefs, and supervisors) on a monthly basis.	<u>Linked Paragraph</u> 064C
<u>Sub-Paragraph r</u>	<u>Substantial Compliance Requirement</u> The VIPD is utilizing the EIP. Underlying documentation should include documentation of EIP meetings, the Early Intervention Unit Action Plan and Early Intervention Unit Assessment, attendance records of VIPD personnel and all follow-up documentation for completed intervention.	<u>Linked Paragraph</u> 064F
<u>Sub-Paragraph s</u>	<u>Substantial Compliance Requirement</u> Deputy Chiefs, managers and supervisors have initiated EIP interventions based on activity and pattern assessment contained in the RMS.	<u>Linked Paragraph</u> 064K
<u>Sub-Paragraph t</u>	<u>Substantial Compliance Requirement</u> EIP interventions are based on all relevant and appropriate information, including the nature of the officer's assignment, crime trends and crime problems, and not solely the number or percentages of incidents in any category of information recorded in the risk management system.	<u>Linked Paragraph</u> 064G



Paragraph 100 Sub-Paragraph Linkage to Original Paragraphs

The following lists the Consent Decree paragraph(s) where the Paragraph 100 Sub-Paragraphs were originally located.

<u>Sub-Paragraph</u>	<u>Substantial Compliance Requirement</u>	<u>Linked Paragraph</u>
u	In instances when officers are transferred to a new section or unit, Deputy Chiefs, managers and supervisors for the relevant section or unit promptly review the RMS records of such officers.	064H
<u>Sub-Paragraph</u> v	<u>Substantial Compliance Requirement</u> The VIPD has established a protocol for evaluating whether Deputy Chiefs, managers and supervisors are able to use the RMS effectively.	<u>Linked Paragraph</u> 064I
<u>Sub-Paragraph</u> w	<u>Substantial Compliance Requirement</u> Disciplinary penalty decisions are consistent with the penalties set forth in the Disciplinary Matrix.	<u>Linked Paragraph</u> 070

Sub-Paragraphs Not In Substantial Compliance With No Court Goals Associated With Them As Of End of 1Q2016

PARAGRAPH	CONTENT	STATUS	Not In Substantial Compliance
034	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.		
SUB PARAGRAPH	REQUIREMENT	STATUS	Partial Compliance
d	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.		

SUSPENSE 02/20/2015

IMT COMMENTS ON STATUS

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph has been the most difficult one for the VIPD to come into compliance with. The paragraph primarily deals with the requirements of the inquiry into the use of force including the precise description of the facts and circumstance that either justify or fail to justify the use of force. This analysis has been absent from most supervisors reports to date. During this reporting period the VIPD trained most of its supervisors and management staff from Nov 2-5 2015 in both districts on all of the requirements needed in an inquiry to meet the compliance standard for this paragraph. We further recommend

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

Sub-Paragraphs Not In Substantial Compliance With No Court Goals Associated With Them As Of End of 1Q2016

IMT COMMENTS ON STATUS

1q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016..

034 SUB TOTAL 2

PARAGRAPH	CONTENT	STATUS
		Not In Substantial Compliance
037	All investigations into use of force shall be reviewed by the Officer's Commander and/or Director, or by a Commander and/or Director in the designated investigative unit, who shall identify any deficiencies in those reviews, and shall require supervisors, or designated investigative officers or units, to correct any and all deficiencies. Supervisors, and designated investigative officers or units, will be held accountable for the quality of their reviews. Appropriate non-disciplinary corrective action and/or disciplinary action will be taken when a supervisor, or designated investigative officer or unit, fails to conduct a timely and thorough review, or neglects to recommend appropriate corrective action, or neglects to properly implement appropriate corrective action. As provided by VIPD policy and approved by DOJ, designated command staff shall further review the Commander and/or Director's reviews according to the level of force involved.	
SUB PARAGRAPH	REQUIREMENT	STATUS Partial Compliance SUSPENSE
a	=>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?	

IMT COMMENTS ON STATUS

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the D/Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept

**Sub-Paragraphs Not In Substantial Compliance
With No Court Goals Associated With Them
As Of End of 1Q2016**

and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

IMT COMMENTS ON STATUS

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

SUB PARAGRAPH	REQUIREMENT	STATUS	Not in Substantial Comp	SUSPENSE
b	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?			

IMT COMMENTS ON STATUS

"During the 4th Quarter 2015, there was no change in compliance with this paragraph determined by spot checking of case reports. The IMT met with the associated workgroup and discussed the options available to gain The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the D/Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the D/Police Chiefs. That all items required in the reports are accounted for before they transmit them to the D/Police Chief for approval.
- 2) That the D/Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

IMT COMMENTS ON STATUS

Sub-Paragraphs Not In Substantial Compliance With No Court Goals Associated With Them As Of End of 1Q2016

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

SUB PARAGRAPH	REQUIREMENT	STATUS	Not in Substantial Comp	SUSPENSE
c	In =>90% of reportable use of force incidents, the Chief and/or Deputy Chief provided a written, signed and dated finding on whether the use of force was justified under VIPD's DOJ approved use of force policies and all other requirements of 31(a)-(g) of the Consent Decree.			

IMT COMMENTS ON STATUS

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the Dep. Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the Dep. Police Chiefs. That all items required in the reports are accounted for before they transmit them to the Dep. Police Chief for approval.

2) That the Dep Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

IMT COMMENTS ON STATUS

1Q2016_ This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

**Sub-Paragraphs Not In Substantial Compliance
With No Court Goals Associated With Them
As Of End of 1Q2016**

SUB PARAGRAPH	REQUIREMENT	STATUS	Not in Substantial Comp	SUSPENSE
d	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.			

IMT COMMENTS ON STATUS

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the Dep. Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the Dep. Police Chiefs. That all items required in the reports are accounted for before they transmit them to the Dep. Police Chief for approval.

2) That the Dep Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

IMT COMMENTS ON STATUS

1Q2016- This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

Sub-Paragraphs Not In Substantial Compliance With No Court Goals Associated With Them As Of End of 1Q2016

SUB PARAGRAPH	REQUIREMENT	STATUS	Not in Substantial Comp	SUSPENSE
e	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.			

IMT COMMENTS ON STATUS

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the Dep. Chief to identify deficiencies in the force reports. The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

- 1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the Dep. Police Chiefs. That all items required in the reports are accounted for before they transmit them to the Dep. Police Chief for approval.
- 2) That the Dep Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

IMT COMMENTS ON STATUS

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

SUB PARAGRAPH	REQUIREMENT	STATUS	Not in Substantial Comp	SUSPENSE
f	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.			

IMT COMMENTS ON STATUS

Sub-Paragraphs Not In Substantial Compliance With No Court Goals Associated With Them As Of End of 1Q2016

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph requires the Dep. Chief to identify deficiencies in the force reports.

The IMT participated in training with VIPD to teach both supervisors and management personnel in both districts the requirements of the paragraph. Now they must exhibit the ability to carry out those requirements. We further recommend:

1) That zone Commanders be held accountable for failing to both timely and completely reviewing their subordinate supervisor force inquiry reports by the Dep. Police Chiefs. That all items required in the reports are accounted for before they transmit them to the Dep. Police Chief for approval.

2) That the Dep Police Chief & the Police Chief are both required to read, accept and concur that the inquiry reports are complete accurate and reflect a complete substance of the event. They must also write any follow-up that is required and any area of the inquiry in which they disagree with that is contained in the event reports.

IMT COMMENTS ON STATUS

1Q2016- This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. Case reviews by the IMT and that of the VIPD AIU seem to confirm that work remains in order to gain compliance. Workgroup is actively working to increase ability to gain compliance and IMT is engaged with them. It remains non-compliant in 1Q2016.

037 SUB TOTAL 12

PARAGRAPH	CONTENT	STATUS
038	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.	Not In Substantial Compliance
SUB PARAGRAPH	REQUIREMENT	STATUS Not in Substantial Comp SUSPENSE
a	=>99% of all critical firearm discharges are investigated and documented.	

IMT COMMENTS ON STATUS

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined

**Sub-Paragraphs Not In Substantial Compliance
With No Court Goals Associated With Them
As Of End of 1Q2016**

that there was no change in compliance status.

Paragraph generally

This paragraph deals with the investigation of serious uses of force and the evidentiary requirements surrounding the collection of the forensics of the crime scene. The VIPD has trained personnel and implemented the requirements related to this paragraph. It is currently under review by the IMT for compliance.

IMT COMMENTS ON STATUS

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

SUB PARAGRAPH	REQUIREMENT	STATUS	Not in Substantial Comp	SUSPENSE
b	=>95% of all investigations or reviews of critical firearm discharges accounted for all shots.			

IMT COMMENTS ON STATUS

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.

Paragraph generally

This paragraph deals with the investigation of serious uses of force and the evidentiary requirements surrounding the collection of the forensics of the crime scene. The VIPD has trained personnel and implemented the requirements related to this paragraph. It is currently under review by the IMT for compliance.

IMT COMMENTS ON STATUS

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

**Sub-Paragraphs Not In Substantial Compliance
With No Court Goals Associated With Them
As Of End of 1Q2016**

SUB PARAGRAPH	REQUIREMENT	STATUS	Not in Substantial Comp	SUSPENSE
c	=>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.			
IMT COMMENTS ON STATUS				
The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status.				
Paragraph generally				
This paragraph deals with the investigation of serious uses of force and the evidentiary requirements surrounding the collection of the forensics of the crime scene. The VIPD has trained personnel and implemented the requirements related to this paragraph. It is currently under review by the IMT for compliance.				
IMT COMMENTS ON STATUS				
1Q2016- This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.				
038 SUB TOTAL				6

PARAGRAPH	CONTENT	STATUS	Not In Substantial Compliance
059	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.		

Sub-Paragraphs Not In Substantial Compliance With No Court Goals Associated With Them As Of End of 1Q2016

SUB PARAGRAPH	REQUIREMENT	STATUS	Substantial Compliance	SUSPENSE
a	The VIPD has developed, codified in policy, and implemented 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.			

IMT COMMENTS ON STATUS

SUB PARAGRAPH	REQUIREMENT	STATUS	Partial Compliance	SUSPENSE
b	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.			

IMT COMMENTS ON STATUS

The VIPD has not entered any planning steps into the GMS software for this sub-paragraph and the IMT, through its quarterly monitoring efforts, has determined that there was no change in compliance status. Compliance with this sub-paragraph is contingent on compliance with sub-paragraphs in paragraph 60.

IMT COMMENTS ON STATUS

1Q2016 - This sub-paragraph does not have any plans listed in the GMS, nor has any activity been focused on it. It remains non-compliant in 1Q2016.

059 SUB TOTAL 3

TOTAL 23

Goals Meeting Compliance During Reporting Quarter

Reporting Quarter is Between 02/07/2016 and 05/06/2016

<u>Goal</u>	<u>Original Court Date</u>	<u>Current Suspense Date</u>	<u>Compliance Approval Date</u>
4Q5-1	02/06/2016	02/06/2016	02/12/2016

Develop Standard Operating Procedure (SOP) for the Force Review Board (FRB).

Compliance Comments

During the week of Feb 7-12, 2016, the IMT worked with VIPD and developed a final draft of the FIT SOP. It is currently being reviewed by the Parties. As the goal was to develop, the IMT will carry this goal as Completed

IMT Follow-Up Recommendation

The IMT-VIPD-DOJ will review the final draft and make any necessary corrections, ending with an approved operational SOP. Although the IMT conducted introductory briefings for FIT personnel during the same period, the VIPD should formalize additional training and begin to schedule the required 80 hours of training specified in the Policy 3.15, FIT. The current draft SOP has recommended training courses listed and they were reviewed and deemed appropriate by assigned FIT personnel.

<u>Goal</u>	<u>Original Court Date</u>	<u>Current Suspense Date</u>	<u>Compliance Approval Date</u>
4Q5-2	02/06/2016	02/06/2016	02/12/2016

Develop SOP for Force Investigation Team (FIT)

Compliance Comments

During the week of Feb 7-12, 2016, the IMT worked with VIPD and developed a final draft of the FRB SOP. It is currently being reviewed by the Parties. As the goal was to develop, the IMT will carry this goal as Completed

IMT Follow-Up Recommendation

The IMT-VIPD-DOJ will review the final draft and make any necessary corrections, ending with an approved operational SOP. Although the IMT conducted introductory briefings for FRB personnel during the same period, the VIPD should formalize additional training. The IMT will provide further technical assistance and intends to attend the first iteration of the FRB case hearing and provide appropriate mentoring to the Board.

<u>Goal</u>	<u>Original Court Date</u>	<u>Current Suspense Date</u>	<u>Compliance Approval Date</u>
4Q5-3	02/06/2016	05/06/2016	04/15/2016

Chiefs of Police will hold at least two (2) Use of Force Review Boards for the quarter. FIT members to observe or participate.

Compliance Comments

IMT Follow-Up Recommendation

<u>Goal</u>	<u>Original Court Date</u>	<u>Current Suspense Date</u>	<u>Compliance Approval Date</u>
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Training Division will collaborate with the other three (3) working groups to identify and respond with training support to Consent Decree issues and areas identified by the working groups. Training Division's support will include assessment of the needs; identification of the trainees; development of the curricula; delivery of training; and, in conjunction with the audit unit, evaluation of the training effectiveness.

Compliance Comments

This goal was actually based on the establishment of an internal process so that other working groups could convey their training needs to the Training Bureau. It was outside of the activities required by the Consent Decree. It is necessary for the department to have a standardized methodology so that requests for training can be memorialized and acted upon.

IMT Follow-Up Recommendation

The Training Division will need to continue to develop the process begun under this goal and strengthen their response with curriculum design and subsequent delivery and evaluation of the training impact. The IMT would like to receive copies of any such initiatives.

Goal

69-a

Original Court Date

08/15/2014

Current Suspense Date

05/06/2016

Compliance Approval Date

04/28/2016

The VIPD has developed a protocol for conducting audits. The protocol will be used by each officer or supervisor charged with conducting audits.

Compliance Comments

IMT has consistently recommended that an effective Audit Unit should have a minimum of 3-4 personnel assigned full-time. During the January 2016 summit, VIPD queried whether assignment of Lieutenant Jones to the Audit Unit would suffice. From IMT perspective we agreed to consider compliance with this subparagraph with the assignment of 2 full-time knowledgeable personnel - supplemented with appropriate additional personnel as needed. Upon receipt of documentation of Lieutenant Jones assignment it was apparent that this assignment was not full-time, but, according to VIPD documentation, "This serves to notify you that as part of your Consent Decree duties, you will also serve as second in command of the Audit Unit headed by Captain Mary Duggan." The Subject is identified as "Adjunct Duties"

IMT Follow-Up Recommendation

The IMT recommends the permanent, full-time reassignment of Lieutenant Jones to the Audit Unit; or the current status of Lieutenant Jones effectively working with Captain Duggan and the identification of additional personnel to be trained and assigned to the Audit Unit.

04/28/16- The goal and sub-paragraph has now been complied with.

04/28/16- VIPD submitted an updated assignment order for both Captain Duggan and Lieutenant Jones indicating a full time assignment to the AIU for each individual and that has satisfied the goal and sub-paragraph requirement.

Total Goals Reporting 5