

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

UNITED STATES OF AMERICA,)	
)	C.A. No. 3:08-CV-158
Plaintiff,)	
)	
v.)	
)	
1. THE TERRITORY OF THE VIRGIN ISLANDS; and)	
)	
2. THE VIRGIN ISLANDS POLICE DEPARTMENT,)	
)	
Defendants.)	

**JOINT REPORT REGARDING DEFENDANTS’ PROGRESS
TOWARD ACHIEVING AUGUST 15, 2014 QUARTERLY GOALS**

Pursuant to the Court’s May 22, 2014 Order (“May 22 Order”), Dkt. # 97, Plaintiff, the United States of America, and Defendants, the Territory of the Virgin Islands and the Virgin Islands Police Department (“VIPD”) (collectively, “the parties”) file this report regarding Defendants’ progress toward meeting their Consent Decree goals for the quarter ending August 29, 2014.¹

Per the February 25, 2014 hearing in this matter, and the Court’s May 22 Order, Defendants are required to submit to the Court a list of quarterly compliance goals that they will achieve by the end of the third Friday of May, August, November, and February of each calendar year. Defendants must submit these goals to the Court no later than 10 weeks before

¹ Per the Court’s May 22 Order, the parties’ progress reports for the quarter ending on August 15, 2014 were due on the fourth Monday of August, or August 25, 2014. On August 25, 2014, the parties moved the Court for an extension of time to file their progress reports on Friday, August 29, 2014, so that the reports could be more accurately reflect the results of a two-day summit between the parties and monitors on August 26 and 27, 2014. Joint Motion for Extension of Time to File Progress Reports for the Quarter Ending August 15, 2014, Dkt. # 111.

the end of the associated quarter. May 22 Order at 5. Further, by the fourth Monday of each month listed above, the parties must submit progress reports regarding Defendants' compliance with the goals identified for the preceding quarter. Id. Thereafter, on the fourth Thursday of each of the identified months, the parties must appear before the Court for an evidentiary hearing to apprise the Court of the status of the Consent Decree. Id.

For the quarter ending on August 15, 2014, Defendants submitted their goals in two filings in June 2014, after the Court directed the VIPD to submit additional proposed quarterly goals. Notice of VIPD's Quarterly Goals for Quarter Ending August 15, 2014, June 6, 2014, Dkt. # 106; Notice of Filing of Virgin Islands Police Department's Additional Quarterly Goals for the Quarter Ending August 15, 2014, June 27, 2014, Dkt. # 108. Combined, in those filings, Defendants identified as their goals compliance, by August 15, 2014, with the following paragraphs that were not yet in substantial compliance: 32(a-f), 33(a and e), 34(a, b, e, and f), 35(a and d), 36(a-g), 41, 44, 51, 54, 55, 56, 58, 60, 61, 65, 69, 73, 74(e), 80, and 81. Id.

As detailed in the attached report ("Report") from the independent monitors, although Defendants are not yet in substantial compliance with all of the Consent Decree paragraphs identified above, Defendants have made significant progress toward compliance. Moreover, as a result of a productive two-day summit between the parties and the monitors on August 26 and 27, 2014, the parties and monitors are in full agreement on the compliance status of all the provisions of the Consent Decree, including the paragraphs identified above. Report at 1. Accordingly, the parties jointly submit this report regarding Defendants' progress toward achieving their goals for the quarter ending on August 15, 2014. Id.

As detailed in the Report, of the paragraphs identified for compliance by August 15, 2014, Defendants are currently in substantial compliance with the following: 32c, 32e, 34f, 35d, 36c, 36e, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 61, 65, 75, 76, 78, 79, 80.² Defendants are not yet in substantial compliance with the following: 32a, 32b, 32d, 32f, 33a, 33e, 34a, 34b, 34e, 35a, 36a, 36b, 36d, 36f, 36g, 44, 58, 60, 69, 73, 74, 77, and 81. Except for sub-paragraph 35a, all of these paragraphs or subparagraphs are in partial compliance.

Specifically, first, as detailed in the attached, Defendants are in compliance with the following paragraphs and/or subparagraphs in the use of force paragraphs they identified for compliance: 32c, 32e, 34f, 35d, 36c, 36e, and 41. They remain out of compliance with subparagraph 35a and are in partial compliance with subparagraphs 32a, 32b, 32d, 32f, 33a, 33e, 34a, 34b, 34e, 35a, 36a, 36b, 36d, 36f, and 36g. In this area, as described in the attached, Defendants are aware of deficiencies in use of force investigations, as identified in their internal audits, and are taking steps to increase compliance. Id. at 5-9.

Second, in the area of citizen complaints, four of the six paragraphs that were not yet in substantial compliance as of the original May 27, 2014 deadline are now in substantial compliance.³ Those paragraphs are: 51, 54, 55, and 56. Compliance designations for paragraphs 51, 54 and 56 are the result of a decision to limit the assessment of timeliness of investigations to paragraph 44 only, along with compliance with the training component (paragraph 80) and improvement in the percentages of compliance as reflected in VIPD audits

² This includes paragraphs that came into compliance during the quarter ending May 27, 2014.

³ Implementation for paragraphs 47, 50, 52, and 53, which are in compliance for policy and training purposes, is measured under paragraph 100.

and cases sampled by the monitors. Id. at 10. Additionally, paragraph 56 achieved compliance as a result of discussions with the monitors and VIPD's Internal Affairs Bureau ("IAB") and documentation that the monitors received from the IAB. Id. at 14. The monitors report that paragraph 44 remains out of compliance, because of the lack of timeliness of investigations, and inadequate supervisory/managerial accountability. Although the monitors report that they have observed improvement in identifying training needs, paragraph 58 remains out of compliance because deficiencies in identifying training needs still exist and must be addressed. Id. at 9-11, 15.

Third, in the area of management and supervision, paragraphs 61 and 65 are newly in compliance. Paragraphs 60 and 69 remain out of compliance. Paragraph 60 requires VIPD's risk management system to collect and record various type of information. The system currently is recording most of that information, but three areas remain outstanding. Id. at 15-17. Paragraph 69 requires Defendants to develop and implement a protocol for conducting audits. In their report, the monitors noted that although the working groups have been conducting quarterly audits, the monitors have advised VIPD to establish and staff an audit unit, per VIPD's policy that requires such a unit. The monitors further report that although the working group audits have improved, they are not yet adequate. The monitors continue to work with Defendants to provide advice and technical assistance to bring Defendants' audits up to acceptable standards. Id. at 18.

Fourth, Defendants have made significant progress in the area of training. In particular, paragraphs 76, 78, 79, and 80 are now in compliance. Paragraphs 73, 74, 77, and 81 remain out of compliance, though the monitors expect that these paragraphs "should" be able to come in to compliance in the next quarter. Id. at 18.

In short, although Defendants were unable to comply with all of the paragraphs identified in their June 6, 2014 and June 27, 2014 filings, they have made significant progress. In the next quarter, among other things, Defendants intend to accelerate their pace of progress, seek out additional technical assistance from the monitors, and work collaboratively with both the United States and the monitors in setting their goals for the upcoming quarter in advance of the due dates.

Respectfully submitted,

FOR THE UNITED STATES:

Dated: August 29, 2014

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