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TESTIMONY ON BILL 31-0042
To Create the Virgin Islands Professional Standards Bureau

Good morning Senator Novelle Francis, Chairman of the Committee on Homeland Security, Justice and Public Safety, other members of the Committee, other Senators present, other testifiers, legislative employees, ladies and gentlemen present and in the viewing and listening audience. I am Steven van Beverhoudt, Virgin Islands Inspector General and I am here this morning at your invitation to comment on Bill 31-0042 an act to create the Virgin Islands Professional Standards Bureau (Bureau).

I would like to note that the bill was vetted and held in committee on May 8, 2015 pending some revisions to the proposed legislation. Not having attended that hearing, I would like to apologize in advance if the items covered in my testimony today had already been discussed at that session.

I would like to complement the sponsors of the proposed legislation for their desire to enhance accountability and transparency of law enforcement activities within the Virgin Islands and I fully support the concept. However, after reviewing the proposal, some questions were raised regarding the functions and responsibilities of the new Bureau.

- The bill establishes the Bureau as a part of the Virgin Islands Peace Officer Standards and Training Council (Council). However, the Council is comprised of officials from various departments and agencies, does the entity fall under a specific department or agency? Who are they answerable to?
- How are they to be funded? Who prepares and handles their budget?
- How is the Bureau staffed? Who determines their staffing levels?
- Has there been an analysis done covering the past ten years or so of the amount of potential law enforcement issues that would have been handled by the Bureau, in order to determine the potential work load?
- What will be their relationship to the VI Police Department's (VIPD) Internal Affairs Unit?
- Will there be potential duplication of investigative activity between the Bureau's duties, the VIPD's duties and the VI Department of Justice's duties?
- The bill requires the Bureau's notification of a firearms discharge from non-VIPD personnel in order that a determination can be made if further investigation is necessary. However, the VIPD, as the first responder, is charged with the investigation of a firearm being discharged. Is there the

potential for a conflict between the Bureau and the VIPD?

- The Bureau is charged with the responsibility of investigating potential violations of standards established for non-Police peace officers. If for example, a V. I. Port Authority peace officer moonlights as a security guard for a night club; and during an event, a fight breaks out. In the process of quelling the altercation, an individual is injured. The injured party files a criminal complaint. A VIPD investigation reveals that there was no criminal assault and does not pursue the matter; however a Bureau investigation finds that the officer used excessive force; whose investigation takes precedence?
- Will the Bureau have subpoena powers to obtain records and testimony?
- After an investigation is completed, what is next?
- What is the process of appealing the results of an investigation and subsequent ruling by the Council?
- Who investigates the Bureau if there are allegations against their staff?

On a technical note, under Section 1232 dealing with the listing of departments and agencies covered by this act, the VI Bureau of Internal Revenue's Investigative Unit is not include although technically, they would fall under the "catch-all" description in item 17.

In conclusion, maybe some consideration should be given to giving the VIPD' s Internal Affairs Unit and the Department of Justice's Investigations Unit the resources to do all potential criminal investigations, and the respective departments and agencies the responsibility of doing administrative investigations and administering actions in accordance with standards established by the Council. The results of which would be forwarded to the Council for review.

I thank you for the opportunity to be here today and I am available to answer your questions.