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Rising Tensions Between Police and Judiciary Following Detective Phipps's Death

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The shocking death of Detective Delberth Phipps by a gunman who was released on bail after being charged with first-degree murder in February, has once again placed the police and the judiciary at odds regarding the issue of bail. Detective Phipps was shot dead Tuesday morning in what Police Commissioner Ray Martinez deemed an “ambush” by the suspect, Richard Dangleben Jr. The commissioner railed against the judiciary and called for a reevaluation of the current system where suspects are swiftly released back into the community — many of them repeat offenders.

"Our judges are too lax, they are too soft when it comes to bail," Mr. Martinez chastised. "They hide behind a lot of these things. They hide behind the fact that it's their way, it's their opinion. And who gets the blame for it when these individuals are back on the streets? It's more often than not the Virgin Islands Police Department and the Attorney General's Office, because that's who

the community sees as the individuals who allowed them to be out when, in fact, that's not the case."

The commissioner asked for the community's prayers on behalf of Detective Phipps's family and the entire VIPD, but said he struggled to control his emotions when reviewing the facts surrounding his officer's murder. "This suspect in today's shooting was out on bail for a February first-degree murder charge," Mr. Martinez noted. "Today's episode, and many before us speaks volumes to the fact that our court systems and our judges need to do better when it comes to bail."

"I understand and respect the court's position that bail should not be used simply to incarcerate or to keep someone off the street. But in that same token, it should be. There are individuals who should not be on our streets," Martinez asserted, arguing that there is a specific sociocultural context in the Virgin Islands that members of the judiciary should consider when deciding how to structure bail and other conditions of pretrial release, or deciding whether to even grant a defendant release from custody ahead of trial.

"I know that I'm going to take some heat from the courts for this but it is what it is," said the VIPD commissioner. "Once the police department has done its due diligence to make arrests, probable cause for those arrests have been found.... There is a presumption against bail, and that presumption against bail is specific here in a territory to individuals who have been charged with first-degree murder, as was this individual — yet he was out there on the streets."

Martinez echoed sentiments by his Criminal Investigation Bureau Commander for St. Croix, Lt. Naomi Joseph. In May, Lt. Joseph [aired her frustrations](#) surrounding the number of suspects arrested on weapons and ammunition charges while on bail for similar offenses. At the time, Joseph said she understood the purpose of assessing and granting bail for people suspected of criminal activity. "Bail is not punitive, bail is surety," she said. However, she argued that judicial officers are not necessarily making proper consideration of the defendant in front of them in each case and what that person's risk is to the community. "To hell with whether or not they have a tendency of repeating. If they're a repeat offender there's not even a consequence," Lt. Joseph lamented.

The argument from the VIPD, articulated by Lt. Joseph and Commissioner Martinez, is that those accused of violent crimes and repeat offenders should not be allowed the opportunity to continue to violate the laws of the territory.

Richard Dangleben Jr. was released into the third-party custody of his parents when he was released from custody by the court at the end of February following the first-degree murder charge. In the four months since then, he was able to acquire the bulletproof vest and at least two firearms, the AR-15 and a handgun of unspecified make and caliber. He also managed to stockpile "several hundred rounds" in his vehicle, according to Martinez. "He was prepared for war," said the commissioner.

Noting that this was not the first time someone has lost their life at the hands of a person who was out on bail for an ongoing criminal matter, Martinez called for all aspects of law enforcement and justice in the USVI, as well as the wider territory to adopt a different approach. "This is not a Department of Justice, this is not a Supreme Court, a Superior Court of the Virgin Islands, this is not a VIPD issue solely. It's a community issue," he said. "Let's start to truly put in the work that is going to holistically combat gun violence."

On Tuesday morning, just before 8:00 a.m., police were summoned to an area known as "Jah Yard" in the Hospital Ground community. There, they were confronted by Dangleben, who was

wearing a bulletproof vest and carrying an AR 15 .223 rifle. “ During the exchange, Detective Phipps was struck as well as the suspect. Both individuals were transported to the Roy Lester Schneider Hospital, where Detective Phipps succumbed to his injuries,” said Martinez. “We all understand that at a moment's notice while protecting and serving we can also pay with our lives. And today, Detective Delbert Phipps Jr. paid with his life.”

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