

The Virgin Islands Consortium

VIPD Maintains Full Consent Decree Compliance as Court Tests Whether Reforms Will Last

Federal court records show VIPD is in compliance with every consent decree provision, but a failed 2018 sustainment period hangs over the latest review as the department works to prove its use-of-force and oversight reforms are durable enough to last.

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VIPD officials outside the Ron de Lugo Federal Building and U.S. Courthouse on St. Thomas following the Sept. 11 consent decree hearing, as federal monitoring focuses on whether the department can sustain its reforms. By. VIPD.

The V.I. Police Department entered its latest quarterly consent decree hearing having achieved a milestone federal court records confirm: compliance with every provision of the long-running police reform agreement. But those same records show why the more consequential question now is not whether VIPD can reach compliance, but whether it can keep it.

The U.S. Department of Justice told Chief U.S. District Judge Robert A. Molloy in a February 23 filing that the Independent Monitoring Team had found VIPD compliant with Paragraph 37, the final provision standing between the department and full compliance with the decree. The finding meant, DOJ wrote, that VIPD was “now in compliance with every provision of the Consent Decree.” Federal attorneys said the department’s focus would consequently shift from reaching the milestone to maintaining it, particularly in the use-of-force and management-and-supervision areas, while the parties identified a path toward eventual termination of the decree.

That distinction carries unusual weight in VIPD’s case because the department has been here before.

In a 2021 order, the federal court recounted that VIPD had achieved substantial compliance with every provision of the consent decree on December 19, 2018, beginning the sustained-compliance period required before federal oversight could end. Quarterly evidentiary hearings continued during that period, however, and the evidence showed that VIPD subsequently fell out of compliance with some provisions. By December 2020, the court determined that terminating the decree was not warranted.

The history places the September 11 quarterly hearing in a different context from the February milestone. The issue now is whether VIPD’s current systems can prevent the kind of backsliding that derailed its earlier attempt to exit federal oversight.

VIPD, in a September 13 release describing last week’s hearing, said court monitors recognized the department’s continued progress and the policies and systems it has established to support accountability and long-term compliance. The department also said Judge Molloy acknowledged that VIPD has the capability, systems and protocols necessary to move forward and indicated that there were no identified barriers preventing it from reaching sustainable compliance.

Those remarks are being attributed to VIPD because the District Court has not posted a written September 11 order or opinion reflecting the hearing on its public opinions page. The department’s account nevertheless comes against a federal record that had already placed VIPD into the maintenance phase months earlier.

VIPD pointed to several internal mechanisms it says are intended to make the reforms self-sustaining. Weekly Commanders Call meetings allow senior leadership to examine operations, identify problems, require follow-up and reinforce accountability. Pattern and Trend Meetings are used to analyze data for recurring issues that may require intervention, while Quality Audits examine policies, investigations and documentation for compliance with departmental standards.

The significance of those systems is clearer when compared with deficiencies documented only a year earlier. In a February 2025 status report filed in federal court,

DOJ said the Independent Monitoring Team had identified timeliness as a central problem in VIPD's force investigations and citizen-complaint process. The filing said delays had occurred because cases were left unassigned, remained with former employees or sat awaiting supervisory review, while internal accountability was inconsistently applied. The monitor also reported at the time that VIPD had not effectively used its risk-management data and had gone without a pattern-and-trend analysis meeting since 2023.

By January 2026, the picture had changed substantially. DOJ reported that VIPD was compliant with nearly every consent decree requirement and that Paragraph 37, dealing with the quality and timeliness of use-of-force investigations, was the only remaining provision in partial compliance. The parties and monitoring team were then working on changes intended to improve the review of lower-level force cases and reduce unnecessary paperwork.

One month later, the Independent Monitoring Team found Paragraph 37 compliant, completing VIPD's return to compliance across the decree.

The February federal filing also recorded progress in another major area. VIPD had reached two years of sustained compliance with the decree's citizen-complaint provisions on February 16, prompting both the monitoring team and Justice Department to support termination of that portion of the agreement. The monitor nevertheless recommended that VIPD permanently adopt a temporary review directive credited with improving the thoroughness, timeliness and outcomes of complaint investigations, a recommendation DOJ also supported.

That would not be the first portion of the decree to be removed after VIPD demonstrated that reforms could last. In May 2021, Judge Molloy terminated the decree's training section after finding that the department had maintained substantial compliance with those requirements for more than three years. In doing so, the court said VIPD had demonstrated a durable remedy in that area even though other sections remained under federal supervision.

The federal intervention dates to 2009, when the court approved the consent decree following allegations by the Justice Department that VIPD officers had engaged in a pattern or practice of unconstitutional uses of force. The agreement imposed reforms covering force investigations, citizen complaints, management and supervision, accountability systems and officer training. It also established independent monitoring and regular public reporting to determine whether those reforms were actually being implemented.

The decree's termination provisions make durability central to the entire process. The court has previously explained that the agreement requires VIPD and the territory not merely to reach compliance, but to maintain substantial compliance for the required period before the remaining federal supervision can be lifted. That safeguard is particularly relevant given what happened after the department's 2018 compliance finding.

Deputy Police Commissioner Jason Marsh said the systems now in place distinguish today's department from the one that originally entered the decree. "We have put the

policies, processes, systems, and accountability measures in place to ensure that the agency that brought us into the Consent Decree is not the agency we are today,” he said in VIPD’s release.

Police Commissioner Mario Brooks said the department intends for constitutional policing to remain embedded in VIPD after federal oversight ends. “This is our home, our people, and our goal will and always will be to provide our community with constitutionally guided service,” he said.

Federal oversight, however, remains active. The Justice Department continues to list the Virgin Islands Police Department matter as an enforcement case, and no final order terminating the remaining decree has been entered.

VIPD said the next quarterly consent decree hearing is scheduled for December 4. By then, the central question will remain the one the federal court has confronted once before: whether the reforms that brought the department back into full compliance have become durable enough to remain in place when federal oversight is eventually gone.