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What Happens When a Criminal Suspect Violates Bail Conditions in the Virgin Islands? Superior Court Explains

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Superior Court on St. Croix.

A man who recently got into a single-vehicle accident and died on Midland Road in the vicinity of Estate Calquohoun was also a murder suspect [in the 2017 homicide of Dean Schneider in Watergut](#). Police also confirmed that a firearm was found in some grass at the scene about 33 feet away from the accident victim's body.

Community members immediately saw this as cause for concern. The V.I. Police Department has incessantly called on Virgin Islanders to provide information they may have regarding criminal activity. But one of the questions community members asked went to the heart of trust and

accountability: What happens if, for instance, a community member provides information about a murder suspect. This murder suspect is then released on bail with strict conditions, however instead of this suspect following the bail conditions, the suspect is seen breaking the order and roaming the island freely. How could the person who provided the information that may have led to the arrest of the suspect feel safe?

Following the [accident Saturday morning](#), Police Commissioner Ray Martinez stated that too often the public hears of individuals released on bail violating the conditions of their release. He said he would be reaching out to the Superior Court and the V.I. Department of Justice in regards to addressing this issue.

On Wednesday, the V.I. Courts' head of public relations, Regina Petersen, provided answers to the Consortium on a number of questions that aim to bring clarity to the process.

In the case of 31-year-old Andre P. Auguste, who died during the wee hours of Saturday morning following the accident and was a suspect in the 2017 homicide of Dean Schneider in Water Gut, Ms. Petersen pointed the Consortium to the "Stipulation for Modification of Conditions of Release" for the defendant's cases that was "signed by both the Attorney General's Office and the defendant's legal counsel."

Ms. Petersen said, "The defendant was not on 24-hour monitoring and had liberal work privileges including shift work at night. The defendant was meeting his check-ins and there were no reports of violations of any of the stipulated conditions of release."

According to the Stipulation for Modification of Conditions of Release, Auguste had to abide by a number of conditions: He had to reside at the residence of a third-party custodian; have no contact directly or indirectly with any victim or witnesses or co-defendant; could not leave St. Croix without written permission from the court; could not violate the laws of the USVI and the United States; he had to abide by 24-hour house arrest without the use of electronic monitoring, and was allowed to leave his residence only to work at a trucking company from Monday through Saturday from 5:30 a.m. to 6:00 p.m., and work at a retail outlet from 10:00 p.m. to 6:00 a.m. He could also leave the house to appear in court, meet with his attorney or go to the hospital for emergency care.

Here are the responses provided by Ms. Petersen to questions asked by the Consortium:

How often does the court monitor those released on bail with conditions such as curfews and even monitoring bracelets?

It should be understood that Individuals have a constitutional right to bail. This is also provided in the Revised Organic Act of 1954. Also, under the constitution the defendant is presumed innocent. When an individual is brought before the court for release, the court looks at factors such as, the nature of the crime, ties to the community, safety of the community, and safety of potential witnesses and/or victim(s). Judicial Officers impose standard conditions on release including but not limited to the amount of bail to ensure the defendant appears, use of third-party custodians to ensure a defendant follows the conditions of release, ordering an electronic (GPS) monitoring, imposing a curfew, requiring weekly or more frequent check-ins with the Office of Probation, ordering that a defendant stay away from all victim(s) and all potential witnesses, and ordering that the defendant not violate any laws on release. Often, these conditions are stipulated to by the Government and Defense counsel and approved by the Court only after it is satisfied with the conditions stipulated to. If an electronic (GPS) monitor is ordered, the individual is on 24 hour monitoring 7 days a week by a system that creates, records and sends alerts regarding the movements of the defendant.

Time parameters can be configured for allowances such as a job, doctor visits and court appearances. For persons without GPS monitoring, curfew checks are conducted randomly, and in most instances, individuals on pre-trial release have other conditions such as recurring telephone check-in or sign in with the Office of Probation. The release order will specify exactly what those requirements are. If there is a report of a curfew violation, it may result in an immediate arrest or an investigation or surveillance and/or automatic spot check. When such reports are made by law enforcement it requires a 1A report to be filed with the court. Additionally, the Third-party custodian is also bound/required to report any violations, and the defendant, as a condition of release, is required to report any change in circumstances which may include the loss or change of a job.

With so many released on bail pending trial (nearly 800 as of August 2021), does the court have the capacity to monitor all those individuals?

It is unclear where your 800 statistic is from, or whether your figure is cumulative for the Territory. But if you are counting cases, 800 cases does not necessarily translate to 800 persons being monitored. Pre—Trial Release conditions range from telephonic check-ins with probation all the way up to 24-hour confinement with electronic monitoring. Currently, in the District of St. Croix there are an estimated 200 cases being tracked by the office of Probation and 20 individuals on electronic bracelet monitoring by the Office of the Virgin Islands Marshal.

How many Marshals are assigned to enforcing release conditions?

As a general rule, Marshals do not enforce conditions of release. They monitor movement via GPS and investigate GPS monitoring anomalies and conduct random checks. If a violation is confirmed, OVIM reports the violation to the Judicial Officer who ordered the defendant to be placed on GPS monitoring. The determination regarding the revocation of bail or termination of release is made by the Judicial Officer. A Show Cause Hearing is then scheduled.

When was the last time a suspect who was released on bail punished for violating bail conditions?

In the past 30 days, there have been 3 revocations and 5 show cause hearings in the District of St. Croix alone and at least 2 revocations in St. Thomas.