



DEPARTMENT OF JUSTICE OFFICE OF THE ATTORNEY GENERAL

34-38 Kronprindsens Gade
GERS Complex, 2nd Floor
St. Thomas, V.I. 00802
(340) 774-5666

213 Estate La Reine
RR1 Box 6151, Kingshill
St. Croix, V.I. 00820
(340) 773-0295

October 19, 2026

To:

Hon. Milton E. Potter

Senate President (Author of Bill no. 36-00345)

Hon. Avery L. Lewis

Chair of the Committee on Government Operations, Veterans Affairs and
Consumer Protection and Secretary of the Legislature

Hon. 36th Legislature of the Virgin Islands

From:

H. Timothy Perry, Esq. —On behalf of Hon. Gordon C. Rhea, Esq.

Criminal Division Chief, St. Thomas & St. John District
Virgin Islands Department of Justice

Re:

Statement of Support for Bill No. 36-0345

The Virgin Islands Heroes Act

An act amending Title 3 Virgin Islands Code, chapter 25 by adding subchapter IXa to enact "The Virgin Islands Heroes Act" making benefits payable to the spouses and eligible children of public safety officers who are killed or catastrophically injured in the line of duty

To the Honorable Milton E. Potter, Senate President and the author of this excellent bill, the Virgin Islands Heroes Act; To the Honorable Senator Avery L. Lewis, Chair of the Committee on Government Operations, Veterans Affairs and Consumer Protection and Secretary of the Legislature; To the distinguished members of this Committee; our Senators, including the many former law enforcement officers present; to the Legislative Staff and to our listening audience, throughout the Virgin Islands, good morning. Thank you for the opportunity to be with you today and to support this bill.

My name is Timothy Perry, I have the privilege of serving as the Criminal Chief at the Virgin Islands Department of Justice, St. Thomas & St. John District, I also am the volunteer instructor of law at the Virgin Islands Police Academy, where all of our peace officers receive the education to serve the

Territory and keep our community safe. I am proud to represent the Virgin Islands Department of Justice today, and to speak on behalf of the Honorable Gordon C. Rhea, Esq., the Attorney General of the Virgin Islands.

First and foremost, the Virgin Islands Heroes Act is an excellent bill. The Attorney General's Office stands in full support of its passage, and is ready to fulfill the new legal duties this bill places upon the Department of Justice under Title 3 VIC §654(a).

Under Title 3 VIC §654(a), the duty falls to the Attorney General's Office to make legal determination whether a public safety officer has been killed in the line of duty and thereafter, to certify that finding to the Governor, where he or she could then authorize further action by the Director of the Office of Management and Budget.

The definitions in the bill, therefore matter. How a "public safety officer" and how a "catastrophic injury" are defined is critical to this bill achieving its goals—to see, to the families of those who died as a result of the service to the community.

First, the Definition under 3 VIC §652(1) of "Catastrophic injury" refers specifically to an injury sustained "*from an accident.*" Respectfully, the Department of Justice would recommend that this definition be broadened to include intentional criminal conduct that result in catastrophic injury to a public safety officer.

Consider an off-duty law enforcement officer. We are a small community; officers routinely encounter the dangerous defendants they have arrested, or the violent crime suspects they have investigated, outside of the scope of their formal police duties. These officers face risk of physical harm as a direct result of performing their public duties. For example, the brave officer who makes the arrest of a dangerous defendant on Friday, only to have that Defendant bail out of jail and seek to harm that same officer on Monday. Under these circumstances, any "catastrophic injury" to the officer would be no accident, but rather, an intentional violent act, for which the officer was made victim as a direct result of performing his duties. That he was off duty at the time of the injury becomes a technical loophole. Tailoring the definition of "catastrophic injury" to also include such officers injured by intentional (that is, non-accidental) conduct, as a clear and direct result of performing their duties, more closely aligns the definitions in this law with the goal of this law, to take care of the families of public officers harmed as a result of their service to the community.

Second, and similarly, 3 VIC §652(4) provides that the definition of "killed in the line of duty" to include only public safety officers killed "while on duty." The definition should be broadened, to include officers that are killed as a clear and direct result of performing their public safety duties.

Third, 3 VIC §652(5) defines "public safety officer" or "officer" as a police officer, probation officer, parole officer, correction officer, warden, prison guard, marshal or a peace officer as defined in 5 V.I.C. § 3561.ⁱ The Legislature may wish to consider broadening this definition to also include firefighters on duty. Also, other jurisdictions have included prosecutors as eligible public safety officers, if they are targeted and killed as a direct result of retaliation for their official duties of criminal prosecutions, that is, a prosecutor's death resulting from an act of revenge or retaliation by a defendant, gang, or criminal organization.

There are two parts of this Bill that stand out as particularly worthy of support.

The first, under 3 VIC §655, is the University of the Virgin Islands education benefit, in which eligible surviving spouses and children of our community heroes could receive full tuition and student fees at UVI. This ensures that the loss of a parent, while traumatic, does not foreclose that child's own opportunity to become educated and future leader in the community.

The second, under 3 VIC §656, is the continued health insurance coverage benefit, in which the Government of the Virgin Islands pledges to pay qualifying health insurance premiums for officers suffering catastrophic injury, as well as eligible family members. What a beautiful and strong statement that, in the Virgin Islands, we take care of those who give their lives to keep this community safe.

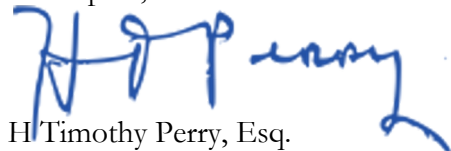
These provisions, in fact the entire bill, is a powerful statement as to this community's priorities, the commitment to sustaining public service and protecting those who serve, and their families. I am hopeful, to the public safety officers in the Territory, and to the young people considering careers in public safety, this is a powerful tool for recruitment and retention.

Finally, when I first read this bill, the first thing that came to mind is the distinguished service of Det. Delberth Phipps, Jr. I remember working with him, what must be nine or ten years ago, working the traffic docket on St. John. Between cases, we would talk about our kids, Ofc. Phipps was teaching his son, then a little boy, how to fish. Later we celebrated when Ofc. Phipps was promoted to Detective, into Major Crimes. A Homicide Detective, the best of the best. Phipps was the 2AM call, "we can solve this murder, Perry, we just need to get into this car..."

And on July 4th 2023, Det. Phipps, was at Subway ordering some food when the call came to 911 dispatch that there was an armed man at Jah Yard, Hospital Ground. Phipps told the clerk to hold the sandwiches; he would be back. Det. Phipps was a force. Smart. Dedicated to this community. He worked hard. Det. Phipps was an *exceptional* officer. He didn't just show up for work, he showed up to help. Det. Phipps had a vision for this community. And he was killed in the line of duty. What an unbelievable loss. To this community. To his family. Respectfully, I would suggest that, consistent with the ends of this bill, *the Virgin Islands Heroes Act* be made retroactive for a period of five (5) years, to include the ultimate sacrifice made by Det. Phipps, to see his son through college.

In conclusion, The Office of the Attorney General of the Virgin Islands expresses its strong support for Bill No. 36-0345, Virgin Islands Heroes Act. On behalf of Hon. Gordon Rhea, Attorney General of the Virgin Islands, thank you for the opportunity to appear before this chamber and to contribute to the good work of the 36th Legislature.

All respect,



H. Timothy Perry, Esq.
Chief of the Criminal Division

ⁱ 5 V.I.C. § 3561(a) A peace officer is any:

Inspector employed by the Taxicab Commission;
Marshal, deputy marshal, qualified probation officer of the Superior Court;
Waste Management Authority Enforcement Officers;
Enforcement officer or Commissioner of the Department of Planning and Natural Resources;
Corrections Officers;
Director of the Fire Services, fire marshal, fire inspector, deputy fire inspectors I, II, and III;
Investigator of the Department of Justice, as designated by the Attorney General;
Enforcement officer of the Department of Licensing and Consumer Affairs;
Chief and Assistant Chief of Security, security officers and Sergeant-of-Arms of the Legislature of the Virgin Islands while on duty;
Executive Security Officers of the VIPD assigned to the Office of the Governor and Lt Governor; Special agent within the Criminal Investigation Division of the Bureau of Internal Revenue;
Enforcement officers within the Treasury Division of the Department of Finance;
Enforcement officer of the Virgin Islands Port Authority;
Health inspectors of the Virgin Islands Department of Health;
Qualified security officers of the University of the Virgin Islands;
Internal Affairs Agent of the Bureau of Corrections;
Internal affairs agents, to include Director and Asst Director and agents of the Internal Affairs Bureau of the Virgin Islands Police Department;
Virgin Islands Housing Authority Police Force;
Enforcement officers of the Virgin Islands Lottery;
Executive Director of the Peace Officers Standards and Training and investigators;
Enforcement officers of the Governor Juan F. Luis and Roy L. Schneider Hospitals;
Enforcement officer of the Virgin Islands Housing Authority and the Police Department or member of the police force.