

**PRESENTATION OF ATTORNEY GENERAL**  
**GORDON C. RHEA**  
**DEPARTMENT OF JUSTICE’S TESTIMONY**  
**THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS**  
**IN RE: BILL NO. 36-0024**  
**COMMITTEE ON HOMELAND SECURITY,**  
**JUSTICE AND PUBLIC SAFETY**  
**APRIL 3, 2025**

Good Morning Senators, legislative staff, and the listening and viewing audience. I am Attorney General Gordon C. Rhea. It is my pleasure to appear before you today to address Proposed Bill No. 36-0024. Thank you for including the Department of Justice in this very important discussion.

**The Department of Justice, the Office of the Attorney General, and the attorney for the People of the Virgin Islands, recognize and support this bill that seeks to protect individuals who are detained, under arrest, or otherwise in custody of a law enforcement official from unlawful sexual relations.**

The Bill clearly states who the protected parties are and declares them “incapable of consent to sexual relations” with a law enforcement official. Under no circumstances should an arrestee or detainee be subjected to sexual contact or intercourse with a law enforcement official, as there is always the concern that the law enforcement official is using their position of authority to gain “consent” of the person under their control, whether directly or indirectly.

The V.I. Code refers, in different sections, to a person being “incapable of consent” due to (1) idiocy, imbecility, any unsoundness of mind; (2) by reason of mental or physical weakness, immaturity or bodily ailment; (3) stupor or weakness of mind; or (4) impairment by an intoxicating, narcotic or anesthetic agent. Bill 36-0024 seeks to define “incapable of consent” with regard to the particular victims identified, as well as defining “sexual relations.”

These provisions could perhaps be included in 14 V.I.C. §1699, which provides definitions for the chapter pertaining to rape and related offenses. The Department of Justice would also recommend adding a definition of “law enforcement officer” in the added/amended section to the V.I. Code.

The term “law enforcement officials” should encompass all individuals who have arrest powers in the territory, including all officers of the law, whether appointed or elected, who exercise police powers, especially the powers of arrest or detention. In order to adequately address the problem that this bill seeks to address, corrections and probation officers should also be included in the definition of “law enforcement official,” with no restrictions. Currently, the Virgin Islands Code does not contain a definition of “law enforcement official” so this law could clarify who is included in this class of people.

In 14 V.I.C. §1700a, Aggravated Rape in the Second Degree, rape or sodomy committed against a minor (between the ages of 13 and 18) prohibits persons in a “position of authority” from sexual relations with these identified minors. “Position of Authority” is defined in this statute and includes police officers, probation officers (other than when the officer is exercising custodial control over a minor), among many other adults who work with minors. This statute may need to be amended as well, particularly if this bill passes and is enacted.

The enactment of this bill will protect arrestees and detainees from unlawful sexual contact by any law enforcement officer who arrested the victim or should reasonably know that the victim is under arrest or in custody. No other law within the Virgin Islands Code adequately protects this class of people, and this law is very much needed.

That concludes my remarks. Thank you for your time and attention today.