

**THIRTY-FIFTH LEGISLATURE OF THE U.S.
VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY,
JUSTICE AND PUBLIC SAFETY
Chairman: The Honorable Clifford A. Joseph Sr.**

**Virgin Islands Police Department
St. Croix, USVI
April 3rd, 2025**

Good morning, Mr. Chairman, The Honorable Clifford Joseph Sr., esteemed members of the 36th Legislature, legislative staff, colleagues from the Virgin Islands Police Department (VIPD), and to our attentive audience. I am Police Commissioner Mario M. Brooks, today my team and I stand before you to express unequivocal support for Bill No. 36-0036 an Act repealing and reenacting Title 20, Virgin Islands Code, Part II, Chapter 43, Section 512, to increase penalties for traffic violations, establish a Virgin Islands Police Department Impound Lot, and address other related purposes and Bill No. 36-0024. We also stand in support of an Act amending title 14 Virgin Islands Code, chapter 85 by adding section 1710 declaring a person incapable of consent to sexual relations while the person is in police custody.

BILL NO. 36-0036 (SPONSORED BY: SENATOR KENNETH L. GITTENS)

Mr. Chairman, distinguished members of the Senate, thank you for the opportunity to testify today on this matter. The urgency of this bill is underscored by recent data from the Virgin Islands Office of Highway Safety. Regarding traffic citations, the Virgin Islands Police Department's Traffic Records Program diligently collects and analyzes data on traffic crashes, citations, and adjudications. The Virgin Islands Police Department observations indicate a troubling rise in violations which we believe can be linked to the current fee structure.

With a focus on Fiscal Year (FY) data, our references will be drawn from FY2023 and 2024. In FY2023 officers of the Virgin Islands Police Department issued 6,276 moving citations and 875 parking violations across the territory. In 2024 officers of the Virgin Islands Police Department issued 7,294 moving citations and 1,216 parking violations across the territory. Although the Virgin Islands Police Department has been consistently increasing our issuance of citations to mitigate the violations committed on our roadways; the increase clearly shows that despite having the penalties in place there are those who continue to operate motor vehicles with wanton disregard across our territory.

But, more impactful than the citations, are the crashes and the fatalities caused by the reckless and disrespectful behaviors of some of the motor vehicle operators.

There were 5,084 crashes in FY2023, and 5037 in FY2024. The island of St. Thomas unfortunately continues to be the leader in the number of crashes with 3,125, and 3,070 respectively. St. Croix follows with 1,713 and 1,708 respectively; and St. John with 246, and 258 respectively. The number of fatalities recorded in FY2023 were 12 with an equal number of 6 on St. Thomas and St. Croix. In FY2024 there were 7 fatalities recorded – 4 on St. Thomas, 2 on St. Croix and 1 on St. John. But FY2025 is a crushing year thus far with 9 fatalities of which 8 occurred on St. Croix and the other fatality occurring on St. Thomas.

Crashes and fatalities in the territory often also indicate that many of the vehicles on our roadways contain unrestrained occupants. Title 20 of VIC §466 states that all occupants of a moving vehicle must wear a seatbelt or use proper child restraints. The USVI usage rate for calendar year 2024 was 71% which is significantly lower than the national average of 90%. There were 195 and 207 unrestrained drivers involved in crashes in FY2023 and FY2024 respectively. Of those unrestrained drivers, 5 lost their lives in FY2023 and 2 in FY2024.

In FY2023 the territory recorded 101, and FY2024 the territory recorded 80 crashes which involved drivers impaired due to alcohol or drug use. In FY2023 there were 26 drivers involved in those crashes with Blood Alcohol Content (BAC) higher than the lawful limit. In FY2024 the number of crash related drivers with BAC higher than the lawful limit was 20. Alcohol use and drug use (prescription or otherwise) should not be combined with the operation of motor vehicles on our

roadways, the results can be devastating to family, friends, visitors, and members of our wider community.

In FY2023 and FY2024 there were 65 and 61 pedestrian-motor vehicle crashes respectively; 8 and 3 bicycle-motor vehicle crashes respectively; 227 and 233 commercial vehicle crashes respectively; and 42 and 66 motorcycle crashes respectively. Of these types of crashes, there were 2 pedestrian fatalities recorded for each of the fiscal years: 3 motorcyclist fatalities for FY2023 and 1 for FY2024, and thankfully 0 bicyclist fatalities for those periods.

These statistics highlight the persistent threat posed by the actions of reckless and disrespectful road users. We all share the roadways, and the VIPD is requesting your assistance in increasing these fines/fees to prohibitive levels to protect all road users.

The establishment of impound lots on both St. Croix and St. Thomas is a critical component of this legislation. Currently, the absence of dedicated impound facilities poses significant challenges for vehicle storage and security. Vehicles involved in violations or accidents are often left to private towing businesses to secure in minimally secured areas, raising concerns about price gouging, preferential treatment, vandalism, theft, and public safety. Often this is coupled by steep unregulated towing and storage costs as well for the community to absorb. By creating secure impound lots, we ensure that vehicles are stored safely until they can

be retrieved by their rightful owners, thereby enhancing community confidence in our law enforcement processes. We have already begun the work of preparing both locations for service. In addition, the Virgin Islands Police Department has recently acquired several wreckers which will be utilized to support this initiative as well. We are extremely grateful to the sponsor of this bill for the foresight to support this endeavor for the Virgin Islands Police Department.

In conclusion, the data presented today underscores the pressing need for legislative action to address traffic violations and enhance roadway safety in the Virgin Islands. By increasing penalties for traffic infractions and establishing secure impound facilities, we take a significant step toward safeguarding our community and reducing preventable tragedies on our roads.

I urge this esteemed body to pass Bill No. 36-0036, reinforcing our collective commitment to the safety and well-being of all Virgin Islanders.

Thank you for your attention and dedication to this critical issue. We stand ready to answer any related questions that you may have.

BILL NO. 36-0024 (SPONSORED BY: SENATOR RAY FONSECA)

Mr. Chairman, distinguished members of the Senate, thank you for the opportunity to testify today in this matter. I submit this testimony in support of Bill No. 36-0024, which seeks to amend Title 14 of the Virgin Islands Code, Chapter 85,

by adding Section 1710, to declare that a person in police custody is incapable of consenting to sexual relations. Herein I will request that the term Police Officer be replaced with Law Enforcement Officer to reflect the importance of this legislation to cover all sworn personnel within this jurisdiction.

This legislative amendment is not only necessary for closing a critical legal gap but also aligns the Virgin Islands with existing federal law and best practices adopted by a majority of U.S. states. Please note that while VIPD officers have associated policies as well as issued bodycams that are mandated to be in record mode when chasing, apprehending, and transporting persons of interest, suspects or any other persons within the community aligned with criminal activity, not all law enforcement personnel who serve within the territory have the same policies.

Legal Precedent and Federal Alignment

The United States Congress has already recognized the inherent coercion in custodial settings by enacting 18 U.S.C. § 2243(c), which makes it a federal crime—punishable by up to 15 years in prison—for any federal law enforcement officer to “knowingly engage in a sexual act with an individual who is under arrest, under supervision, in detention, or in Federal custody.” Notably, under this law, consent is not a valid defense.

This federal statute reflects the understanding that individuals in custody cannot freely consent due to the power imbalance between them and law enforcement officers. However, because 18 U.S.C. § 2243(c) applies only to federal

law enforcement officers, state and territorial agencies must enact their own laws to ensure that all officers—whether local, territorial, or municipal—are held to the same standard. By passing Bill No. 36-0024, the Virgin Islands Legislature will ensure that territorial law enforcement officers are subject to the same strict accountability as their federal counterparts.

The Need for Stronger Legal Protections

Cases of sexual misconduct, while not representative of the majority of law enforcement personnel who serve honorably undermine public trust when they occur. Data from the Bureau of Justice Statistics (BJS) and investigative reports from the U.S. Department of Justice (DOJ) reveal troubling patterns:

A 2016 BJS report found that more than half of substantiated cases of law enforcement sexual misconduct involved victims who were in custody or otherwise under law enforcement authority.

A 2018 nationwide study found that at least 35 states have passed laws explicitly prohibiting law enforcement officers from engaging in sexual acts with individuals in custody, regardless of claimed consent.

Despite these alarming statistics, some jurisdictions without clear statutes have seen officers successfully argue that their encounters were “consensual.” This legal loophole must be closed to ensure that no person in custody is ever placed in a position of coercion or exploitation.

Strengthening Public Trust and Accountability

Trust between law enforcement and the community is the foundation of effective policing. When instances of sexual misconduct occur, they not only harm the victims but also tarnish the reputation of all law enforcement officers and erode public confidence in law enforcement agencies.

By passing Bill No. 36-0024, the Virgin Islands will:

- Align itself with federal law (18 U.S.C. § 2243(c)) and ensure local law enforcement officers are held to the same standards as federal officers.
- Eliminate any ambiguity in the law by stating that individuals in custody cannot consent to sexual relations with law enforcement officers.
- Protect the integrity of the Virgin Islands Police Department (VIPD) and our local law enforcement colleagues by reinforcing our commitment to ethical policing and public trust.

Conclusion

I urge the committee to fully support and advance Bill No. 36-0024. This legislation is not about restricting the rights of officers—it is about ensuring that the power entrusted to law enforcement is never used to exploit vulnerable individuals. It upholds the principles of justice, accountability, and public trust, all of which are essential to maintaining a fair and effective criminal justice system in the Virgin Islands.

Thank you for your time and consideration. We will remain on standby to welcome any questions from the committee.