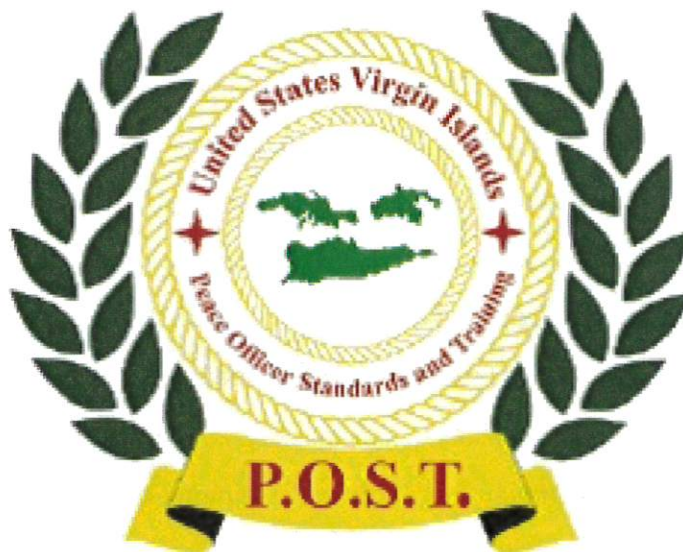


# **UNITED STATES VIRGIN ISLANDS PEACE OFFICER STANDARDS AND TRAINING**

## **ADMINISTRATIVE RULES**



**Approved by the P.O.S.T. Council**

**October 23, 2016**

## Table of Contents

<b>TABLE OF CONTENTS.....</b>	<b>2</b>
<b>DEFINITIONS. 204-X-.01.....</b>	<b>5</b>
<b>PURPOSE. 204-X-.02.....</b>	<b>6</b>
204-X-I-.03            Composition and Selection of Council.....	6
204-X-I-.04            General Description of Organization and Operation.....	7
204-X-I-.05            Rules of Order.....	7
204-X-I-.06            Quorum.....	7
204-X-I-.07            Election of Officers.....	7
204-X-I-.08            Meetings.....	7
204-X-I-.09            Use of Forms.....	7
204-X-I-.10            Executive Director.....	8
204-x-I-.11            Records.....	8
204-X-I-.12            Employment of Agents, etc.....	8
204-X-I-.13            Grants and Appropriations.....	8
204-X-I-. 14            Declaratory Rulings.....	9
204-X-I-. 15            Functions and Duties of the Council.....	9
204-X-I-.16            Responsibilities of Each Law Enforcement Agency.....	10
<b>POST STATUTES.....</b>	<b>11-0</b>
23 V.I.C. § 1201.        Creation of Peace Officer Standards and Training Council.....	12
23 V.I.C. § 1202.        Composition of Council.....	13
23 V.I.C. § 1203.        Officers and meetings of the Council.....	14
23 V.I.C. § 1204.        Powers and duties of the Council.....	15
23 V.I.C. § 1205.        Appointment of executive director of council; contracts for services; personnel; Investigators; subpoenas; funding; gifts, grants, or donations.....	18
23 V.I.C. § 1206.        Qualification and application procedures for peace officers.....	19
23 V.I.C. § 1207.        Instruction requirements.....	20
23 V.I.C. § 1208.        Applicability.....	22
5 V.I.C. § 3561.        Peace officers authorized to execute warrants of arrest.....	23
33 V.I.C. § 3051c .      Peace Officer Training Fund.....	24

## Table of Contents

205-X-2-00	Required Standards For Certification As Peace Officers Table of Contents.....	25
205-X-2-01	Peace Officer Certification Training.....	26
205-X-2-02	Age requirement.....	27
205-X-2-03	Education .....	28
205-X-2-04	Physical Qualifications.....	28
205-X-2-05	Character.....	29
205-X-2-06	Applicants to be Citizens.....	31
205-X-2-07	Discharged from Armed Forces.....	31
205-X-2-08	Driver's License.....	31
205-X-2-09	Application Package Required.....	31
206-X-3.00	Training Academies TABLE OF CONTENTS.....	32
206-X-3-01	Academy Certification .....	33
206-X-3-02	Course of Study (Law Enforcement Officer).....	33
206-X-3-03	Academy Employees.....	34
206-X-3-04	Instructors.....	34
207-X-4.00	Certification of Law Enforcement Officers Table Of Contents .....	35
207-X-4-01	Education Requirements .....	36
207-X-4-02	Employment Requirements .....	37
207-X-4-03	Waiver for Lateral Entry Equivalency Training .....	37
207-X-4-04	Failure to Complete Training .....	40
207-X-4-05	Withdrawal from School.....	40
208-X-5	Disciplinary Actions Table of Contents.....	41
208-X-5-01	Complaints.....	42
208-X-5-02	Probable Cause.....	42
209-X-6 00	Bearing of Contested Cases Table Of Contents .....	43
209-X-6-01	Procedure for Hearing Contested Cases.....	44
209-X-6-02	Revocation of Certification.....	44
210-X-7-01	Grandfather Statute Table of Contents.....	47
210-X-7-01	Grandfather Statutes.....	48



## Table of Contents

211-X-9 –00	Amendment Of Rules Table of Content.....	49
211-X-9-01	Petition for Adoption of Rules .....	50
211-X-9-02	Emergency Rules.....	50
211-X-9-03	Compliance with Administrative Procedures.....	50
212-X-11-00	Certification Of Correctional Officers Table Of Contents.....	51
212-X-11-01	Education Requirements .....	52
212-X-11-02	Employment Requirements.....	53
212-X-11-03	Correctional Officers (Course of Study).....	53
212-X-11-04	Correctional Officer Waiver for Lateral Entry Equivalency Training.....	54
213-X-12-00	In-service and Educational Requirements Table of Contents.....	57
213-X-12-01	Executive Continuing Education .....	58
213-X-12-02	In-Service Requirements .....	58
213-X-12-03	Firearms Re-qualification.....	60
213-X-12-04	Firearms Re-qualification by Retired Certified Peace Officers.....	60
213-X-13-00	Off Duty Employment Requirements for Certified Peace Officers Table of Contents.....	61
213-X-13-01	Off Duty Employment Requirements for Certified Peace Officers .....	62
	Appendixes Table of Content.....	63
214- X-14-01	Initial Instructor Certification and Renewal Certification Protocols.....	64
214-X-15-01	Rules for Peace Officers Certification.....	69



**RULE 204-X-.01 Definitions.** As used by the Peace Officers Standards and Training Council, the following words and phrases shall have the following meanings respectively.

1. Approved Academy: A school certified and authorized by the Commission to conduct law enforcement training.
2. Certification: A written statement issued by the Council testifying to the accreditation of an approved academy, instructor, or applicant.
3. Council: The Peace Officers Standards and Training Council or employees thereof acting on its behalf.
4. Curriculum: A program of study that conforms to the Council's promulgated requirements.
5. Instructor: An individual possessing a certificate issued by the Council to instruct in an approved academy.
6. School: includes any school, college, university, academy, or training program approved by the Council that offers basic or advanced law enforcement training that includes a combination of a course curriculum, instructors and facilities.
7. Academy Director: The individual appointed or approved by the Council to administer the operation of an approved academy.
8. Department Head means the head of any department or agency of the Government of the Virgin Islands where a peace officer is employed.
9. Subject: A specific course of instruction within the curriculum required by the Council.
10. Applicant: An individual seeking admittance to an approved academy as a trainee and/or certification as a law enforcement officer.
11. Candidate: means a prospective peace officer who has not yet been certified by the Council as having met the requirements of this chapter.
12. Law Enforcement Unit: means the peace officers whose primary duty is detecting and enforcing the laws of the Virgin Islands.
13. Law Enforcement Officer: means a peace officer as defined under title 5, section 3561, of this code.
14. Grandfathered: Peace officers employed by law enforcement units in the territory prior to the effective date of code section 23 V.I.C. § 1208

**RULE 204-X-.02 Purpose.**

The United States Virgin Islands Peace Officer Standards and Training Council referred to as the Council, has been established pursuant to Title 23 V.I.C. § 1201 to establish the standards for training for law enforcement and correction officers. Its purpose is to promote a high level of professionalism and training of Peace Officers of all law enforcement and correction agencies in the territory to protect the safety and welfare of its citizens.

**RULE 204-X-1-.03 Composition and Selection of Council. (a)** The Peace Officers Standards and Training Council shall be comprised as follows:

- (1) The Police Commissioner;
- (2) The Attorney General or his designee;
- (3) Director of the Virgin Islands Fire Services or his designee;
- (4) Police Chiefs from the Districts of St. Croix, St. Thomas, and St. John;
- (5) The Director of Enforcements for the Department of Planning and Natural Resources;
- (6) The Director of the Department of Corrections; and
- (7) The Chief Justice of the Supreme Court of the VI

(b) All members shall serve no longer than the term of their respective government positions. The members of the Council shall receive no salary but shall be reimbursed for their reasonable and necessary expenses actually incurred in the performance of their functions, nor shall their annual leave be reduced because of their work on the Council;

(c) The Director of the Virgin Islands Police Academy, the Director of the Institute of Law and Government of the University of the Virgin Islands, or his designee, and one Union Representative from each peace officer agency shall serve on the Council in an advisory capacity only, without voting privileges. Membership on the Council does not constitute public office and no member shall be disqualified from holding public office by reason of his membership; the Governor may request the assistance of the special agent in charge of the Virgin Islands Division of the Federal Bureau of Investigation.

Authority: Virgin Islands Code 23 V.I.C. § 1202

**RULE 204-X-1-.04 General Description of Organization and Operation.**

The Council is an independent agency of the United States Virgin Islands Government. All costs of operating the Council, including administrative, secretarial, clerical and investigative are paid from legislative appropriations. The Attorney General and his assistants provide legal services to the Council.

Authority: Virgin Islands Code 33 V.I.C. § 3051c

**RULE 204-X-1-.05 Rules of Order.**

All proceedings of the Council shall be governed by Roberts Rules of Order, except during disciplinary hearings and except where otherwise provided in these rules.

Authority: Virgin Islands Code 23 V.I.C. § 1203

**RULE 204-X-1-.07 Election of Officers.**

The Council shall elect a Chairman, Vice Chairman, and Secretary/Treasurer from among its members on its annual meeting in October of each year.

Authority: Virgin Islands Code 23 V.I.C. § 1203

**RULE 204-X-1-.08 Meetings.**

The Council shall meet in regular sessions, quarterly, at a time and place in the United States Virgin islands, to be designated by the Chairman of the Council. Special Meetings may be called by the Chairman, the Vice-Chairman or by a majority of the Council voting members, by giving notice of the time, place and purpose of such meeting to each member. Each member of the Council shall be given at least fourteen days and not more than ninety days notice of the time, place, and purpose of quarterly or Special Meetings. Such notice may be waived by all members of the Council either before or after a Special Meeting.

Authority: Virgin Islands Code 23 V.I.C. § 1203

**RULE 204-X-1-.09 Use of Forms.**

All applications and requests for which the Council has prescribed a form must be made on the prescribed form. Forms used by the Council may be acquired from the Executive Director.

Authority: Virgin Islands Code 23 V.I.C. § 1205 (15)a



**RULE 204-X-1-.10 Executive Director.**

The Executive Director of the Council is a certified law enforcement officer with the power of arrest as defined in Rule 204-X-1-.01(13) and shall be responsible for the administration of Council policy. The Executive Director is designated as agent for the Council for service of legal process upon the Council. The Executive Director shall be custodian of the seal and shall have authority to affix the seal to agreements and obligations of the Council and to certify copies of proceedings of the Council. All correspondence to the Council, including requests for information and all submissions and other requests, should be made through the Executive Director.

Authority: Virgin Islands Code 23 V.I.C. § 1205

**RULE 204-X-1-.11 Records.**

"Public Record" for the purpose of these Rules means all Council records which are reasonably necessary to record the business and activities required to be done or carried on by the Council so that the status and condition of such business and activities can be known by the public. Records which do not constitute "public records" include, but are not limited to, those received by a public officer in confidence. Sensitive personal and criminal records, complaints against law enforcement officers and individuals seeking certification as law enforcement officers, and records, the disclosure of which would be detrimental to the best interests of the public. Specific public records are available for inspection at the P.O.S.T. headquarters during regular business hours. Any person wishing to obtain copies of specific public records may request same from the Executive Director, and upon payment of the cost of copying, which cost shall be estimated and set from time to time by resolution of the Council, will be supplied copies.

Authority: Virgin Islands Code 23 V.I.C. § 1203

**RULE 204-X-1-.12 Employment of Agents, etc.**

The Council may employ investigators, inspectors, attorneys and any other agents, and employees and assistants as may from time to time be necessary, and may use any other means necessary to bring about and maintain a rigid administration and enforcement of the Code and these Administrative Rules.

Authority: Virgin Islands Code 23 V.I.C. § 1204 (13)

**RULE 204-X-1-.13 Grants and Appropriations.**

The Council is authorized to accept grants from the Federal Government, its departments and agencies as well as grants and appropriations by the United States Virgin Islands Government, or any individual, corporation or fund.

Authority: Virgin Islands Code 23 V.I.C. § 1205

#### **RULE 204-X-1-.14 Declaratory Rulings.**

The Council may issue declaratory rulings to any person substantially affected by a Rule with respect to the validity of the Rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Council, or with respect to the meaning and scope of any order of the Council.

Such ruling shall be issued provided:

The petitioner shows that he/she is substantially affected by the Rule in question,

Sufficient facts are supplied in the request to permit the Council to make a valid determination, and

The request arises from an actual question or controversy.

A request for a declaratory ruling must be in writing and must specifically state that it is a "request for a declaratory ruling".

Such rulings will be made in accordance with the Virgin Islands Administrative Procedure Act

#### **RULE 204-X-1-.15 Functions and Duties of the Council.**

The Council shall have the following functions and duties together with all powers necessary or convenient for the performance thereof:

1. To study, obtain data, statistics, and information and to make reports concerning the recruitment, selection and training of law enforcement officers in the United States Virgin Islands and to make improvements in methods of recruitment, selection, and training of law enforcement officers;
2. To review from time to time the standards described in 23 V.I.C. § 1207 for applicants for and appointees as law enforcement officers;
3. To consider, hold public hearings on, adopt and promulgate standards relating to the physical, mental and moral fitness of any applicant for or appointee as a law enforcement officer as do not lower the standards in 23 V.I.C. § 1206 or as otherwise permitted by 23 V.I.C. § 1207;
4. To consider, and make reports from time to time concerning the work, the curriculum, and courses offered by law enforcement training schools in the United States Virgin Islands and to make recommendations for improving the schools, curriculum, and courses;
5. To encourage the establishment of law enforcement training schools and courses on law enforcement in existing institutions of learning;
6. To gather statistics and data relative to standards and training and make the same available to governmental entities upon request;
7. To revoke its approval or certification of any person appointed or certified pursuant to this article for failure to meet the continuing training or education requirements set forth in the rules of the Council or for failure to meet the requirements of 23 V.I.C. § 1207;



8. To make investigation to determine whether the requirements of this article and the rules, regulations and standards of the Council issued pursuant to this article are being observed and followed;
9. To enforce this article and the rules, regulations, and standards issued by the council with appropriate civil and criminal actions by the Attorney General, or other appropriate officials;
10. To enter into cooperative agreements with federal and local law enforcement agencies for effective training; and
11. To obtain the services and advice of experts in the field of law enforcement for the purpose of aiding the Council in its studies, considerations, reports and recommendations, and in the adoption of standards, rules and regulations.

Authority: Virgin Islands Code 23 V.I.C. § 1204

**RULE 204-X-1-.16 Responsibilities of Each Law Enforcement Agency.**

1. Each law enforcement agency shall have the responsibility of seeing that all required forms and necessary information are properly submitted to the Council in a timely manner.
2. Each law enforcement agency shall have the responsibility of assuring that each of its employees who are law enforcement officers, receive the training required by 23 V.I.C. § 1207 or by the rules of the Council.
3. Each law enforcement agency shall cooperate with the Council and its Executive Director in carrying out the provisions and responsibilities of 23 V.I.C. § 1206 and the rules and regulations of the Council.
4. It shall be the responsibility of each law enforcement agency to submit an Initial Employment Application (form # IE0001) to the Council no later than (30) thirty days after the applicant is employed.
5. It shall be the responsibility of each law enforcement agency to submit a notice of employment, within 10 days of employment, to the Council on any law enforcement officer previously certified by the Council.
6. Each law enforcement agency shall file, within 30 days of the termination of a law enforcement officer, a notice of termination on (form #SS0001) with the Council.
7. It shall be the sole responsibility for each law enforcement agency to hire and/or terminate persons as law enforcement officers and not the responsibility, duty or obligation of the Council.
8. It shall be the responsibility of each law enforcement agency to conduct a thorough background investigation on each applicant.

Authority: Virgin Islands Code 23 V.I.C. § 1204



# Peace Officer Standards and Training Statutes



*23 V.I.C. § 1201*

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE TWENTY-THREE Internal Security and Public Order  
Chapter 16. Peace Officer Standards and Training Council

*23 V.I.C. § 1201 (2016)***§ 1201. Creation of Peace Officer Standards and Training Council**

(a) There is established within the Virgin Islands Police Department, a Peace Officer Standards and Training Council, hereinafter referred to in this chapter as the "Council".

(b) As used in this chapter, unless the context otherwise requires:

(1) "Candidate" means a prospective peace officer who has not yet been certified by the Council as having met the requirements of this chapter.

(2) "Council" means the Virgin Islands Peace Officer Standards and Training Council.

(3) "Department Head" means the head of any department or agency of the Government of the Virgin Islands where a peace officer is employed.

(4) "Peace Officer" means a peace officer as defined under title 5, section 3561, of this code.

(5) "Law Enforcement Unit" means the peace officers whose primary duty is detecting and enforcing the laws of the Virgin Islands.

(6) "School" includes any school, college, university, academy, or training program approved by the Council that offers basic or advanced law enforcement training that includes a combination of a course curriculum, instructors and facilities.

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(1), Sess. L. 2000, p. 566.

23 V.I.C. § 1202

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE TWENTY-THREE Internal Security and Public Order  
Chapter 16. Peace Officer Standards and Training Council

23 V.I.C. § 1202 (2016)

**§ 1202. Composition of Council**

**(a)** The Peace Officers Standards and Training Council shall be comprised as follows:

- (1)** The Police Commissioner;
- (2)** The Attorney General or his designee;
- (3)** Director of the Virgin Islands Fire Services or his designee;
- (4)** Police Chiefs from the Districts of St. Croix, St. Thomas, and St. John;
- (5)** The Director of Enforcements for the Department of Planning and Natural Resources;
- (6)** The Director of the Department of Corrections; and
- (7)** The Chief Justice of the Supreme Court of the VI.

**(b)** All members shall serve no longer than the term of their respective government positions. The members of the Council shall receive no salary but shall be reimbursed for their reasonable and necessary expenses actually incurred in the performance of their functions, nor shall their annual leave be reduced because of their work on the Council;

**(c)** The Director of the Virgin Islands Police Academy, the Director of the Institute of Law and Government of the University of the Virgin Islands, or his designee, and one Union Representative from each peace officer agency shall serve on the Council in an advisory capacity only, without voting privileges. Membership on the Council does not constitute public office and no member shall be disqualified from holding public office by reason of his membership; the Governor may request the assistance of the special agent in charge of the Virgin Islands Division of the Federal Bureau of Investigation.

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(1), Sess. L. 2000, p. 566.



*23 V.I.C. § 1203*

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE TWENTY-THREE Internal Security and Public Order  
Chapter 16. Peace Officer Standards and Training Council

*23 V.I.C. § 1203 (2016)***§ 1203. Officers and meetings of the Council**

(a) The Council at its initial meeting, which shall be held promptly after the appointment of its members, shall elect a Chairman, a Vice Chairman, and a Secretary Treasurer, from among its members who shall serve until the first meeting in the succeeding year. Thereafter the chairman, vice-chairman and secretary-treasurer shall be elected at the first meeting of each calendar year.

(b) Four members of the Council shall constitute a quorum for the transaction of business.

(c) The Council shall maintain minutes of its meetings and such other records as it considers necessary.

(d) The Council shall report, at least annually, to the Governor and to the Legislature of the Virgin Islands all of its activities.

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(1), Sess. L. 2000, p. 566.

*23 V.I.C. § 1204*

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE TWENTY-THREE Internal Security and Public Order  
Chapter 16. Peace Officer Standards and Training Council

23 V.I.C. § 1204 (2016)

**§ 1204. Powers and duties of the Council**

**(a)** The Council is vested with the following functions and powers to:

- (1)** Meet at such times and places as it may consider necessary;
- (2)** Contract with other agencies, public or private, or persons as it considers necessary for the rendering and affording of such service, facilities, studies and reports to the Council as will best assist it to carry out its duties and responsibilities;
- (3)** Participate with and secure the cooperation of every department, agency or instrumentality in the furtherance of the purpose of this chapter;
- (4)** Establish the standards for training of personnel to staff the territorial Police and Correction Training Academy;
- (5)** Determine the qualifications for acceptance to the Territorial Peace Officers Standardized Training School;
- (6)** Establish the minimum requirements for employment as a temporary, probationary, emergency, and/or part-time position as a peace officer;
- (7)** Develop the curriculum and course of study for the certification of a peace officer;
- (8)** Establish the requirements for peace officers to be re-certified on an annual basis;
- (9)** Certify all peace officers within the Territory;
- (10)** Approve schools and prescribe minimum qualifications for instructors at approved schools and to train instructors;
- (11)** Determine whether a candidate has met the requirements of this chapter and is qualified to be employed as a peace officer, and to issue a certificate to those qualified;
- (12)** Certify to the law enforcement or corrections unit on the candidate's successful completion of the course;
- (13)** Do any and all things necessary or convenient to enable it wholly and adequately to perform its duties and to exercise the power granted to it;
- (14)** Establish curriculum composing the basic training course;
- (15)** Adopt such rules and regulations as are necessary to carry out the purposes of this chapter, including but not limited to, the following:

**23 V.I.C. § 1204 (2016)**

**(A)** To prescribe forms to be used by the law enforcement and correction units in obtaining data required on a candidate, e.g. personal history, medical history, doctors certificate, training certificated, internal investigation, or other forms that the Council deem necessary for record-keeping purposes under this chapter;

**(B)** To establish administrative standards and procedures to be implemented by law enforcement and correction units under this chapter; and

**(C)** To establish the degree and proficiency a candidate must achieve to satisfactorily complete the training requirements under this chapter.

**(16)** Establish the grounds for suspension and termination for the certification of peace officers within the Territory;

**(17)** Determine the length of time and conditions of which a peace officer may serve in a probationary temporary or emergency position; and

**(18)** Require that any law enforcement agency within the Territory in which any peace officer shall resign or in which any peace officer's employment is terminated or suspended as a result of disciplinary action or investigation of a matter which may warrant disciplinary action shall within thirty (30) days of such action, submit a written report of the Council as to the nature of the action and the agency's justification for the action.

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(1), Sess. L. 2000, p. 566.

---



Page

Left

Blank

*23 V.I.C. § 1205*

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE TWENTY-THREE Internal Security and Public Order  
Chapter 16. Peace Officer Standards and Training Council

*23 V.I.C. § 1205 (2016)***§ 1205. Implementation of policies and programs of the Police Department**

- (a)** The policies and programs for the Council shall be implemented by the Police Department.
- (b)** The Council's staff, clerical and technical assistants and other personnel, supplies, material, equipment, and other articles necessary for the purpose of this chapter, shall be provided by the Police Department.
- (c) (1)** The funds necessary to carry out the provisions of this chapter shall come from the funds appropriated and available to the Police Department or from any other available funds; and  
**(2)** The Council may accept and use gifts, grants and donations for the purpose of carrying out the provision of this chapter.
- (d)** The Commissioner of Finance shall annually forward to the Governor and Legislature a detailed accounting of the disbursements and the unobligated balance from the Fund.

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(1), Sess. L. 2000, p. 566.

*23 V.I.C. § 1206*

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE TWENTY-THREE Internal Security and Public Order  
Chapter 16. Peace Officer Standards and Training Council

*23 V.I.C. § 1206 (2016)***§ 1206. Qualification and application procedures for peace officers**

After the effective date of this chapter, any person employed or certified as a peace officer shall:

- (a) Be at least twenty-one years of age;
- (b) Be a citizen of the United States;
- (c) Have a high school diploma or its recognized equivalent;
- (d) Not have been convicted, by any State or Territory or by the Federal Government, of any crime, the punishment for which could have been imprisonment in a federal, Territory or State prison or institution; nor shall the person have been convicted of sufficient misdemeanors to establish pattern of disregard for the law;
- (e) Be finger printed and be subject to a search made of local, State and National fingerprint files to disclose any criminal record;
- (f) Possess good moral character as determined by investigation under procedure established by the Council;
- (g) Have an oral interview with the hiring authority or his representative(s) to determine such things as a applicant's appearance, background and ability to communicate;
- (h) Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions that might adversely affect his exercising the powers or duties of a peace officer.

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(1), Sess. L. 2000, p. 566.



*23 V.I.C. § 1207*

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE TWENTY-THREE Internal Security and Public Order  
Chapter 16. Peace Officer Standards and Training Council

*23 V.I.C. § 1207 (2016)***§ 1207. Instruction requirements**

(a) In addition to complying with the pre-employment standards as set forth in section 1206 of this chapter every candidate shall satisfactorily complete at least a basic course of at least 10 hours of instruction, hereinafter, referred to as "basic" course, within 12 months of the date of his appointment as a peace officer; however, an extension of the 12 months time limit may be granted by the Council upon the presentation of evidence by a department head that a candidate was unable to complete the basis course due to illness, injury, military service, or other reasons deemed sufficient by the Council. Any such extension shall not exceed three months in duration. The Council shall have the authority to recognize instruction received by a candidate if, in the determination of the Council, such instruction is at least equivalent to that required by this chapter. If such instruction is recognized then it shall be in lieu of part or parts of the minimum hours of instruction required for the certification by this chapter. Should any candidate fail to successfully complete the basic training requirements within the time specified in this section, he shall not perform any of the duties of a peace officer involving the power of arrest until such training shall have been successfully completed.

(b) The basic course shall be completed at the Virgin Islands Police Academy or any other school approved by the Council which provides the courses as established by the Council, and shall include a basic Red Cross First Aid course consisting of ten hours.

(c) The provisions of this chapter establish only the minimum qualification standards and training requirements for peace officers in the Virgin Islands; each law enforcement unit is encouraged to prescribe such additional requirements as it deems necessary and appropriate.

(d) Each law enforcement unit shall prepare duplicate records on any candidate or peace officer employed under the provisions of this chapter as may be prescribed by the rules and regulations of the Council. One copy of the record shall be maintained in the headquarters of the law enforcement unit; the second copy shall be forwarded to the Council and shall be maintained at the Police Department. The contents of these records, except for court proceedings, shall be considered as confidential.

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(1), Sess. L. 2000, p. 566.

Page

Left

Blank

23 V.I.C. § 1208

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE TWENTY-THREE Internal Security and Public Order  
Chapter 16. Peace Officer Standards and Training Council

23 V.I.C. § 1208 (2016)

**§ 1208. Applicability**

**(a)** None of the provisions of this section shall apply to peace officers employed by law enforcement units in the territory on the effective date of this section. On the effective date of this chapter, an employed peace officer may choose to be certified under this chapter, and if so the Council shall have the authority to recognize equivalent instruction received by the peace officer before the effective date of this chapter. If such instruction is recognized then it shall be in lieu of part or parts of the minimum hours of instruction required for certification by this chapter. After the effective date of this section, no peace officer may be permanently employed, except as otherwise provided in this chapter, by any law enforcement unit without certification from the Council that the candidate had met the requirements provided for in this chapter.

**(b)** The provisions of this chapter shall not apply to emergency peace officers. For purposes of this section "emergency peace officers" means any peace officer who is employed or appointed to act as a peace officer during an emergency or disaster, which has been so declared by the Governor, and whose status as a peace officer is intended to be temporary and for that limited purpose.

**(c)** A peace officer so employed who does not comply with the provisions of this section shall not be authorized to exercise the powers of law enforcement officers, generally, and particularly shall not be authorized to exercise the power of arrest, and any arrest so made shall be deemed illegal, and any proceeding under it null and void.

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(1), Sess. L. 2000, p. 566.



*5 V.I.C. § 3561*

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 31st Legislature, including all code changes through March 17, 2016 \*\*\*

TITLE FIVE Judicial Procedure  
 Subtitle 3 Criminal Procedure  
 PART I. Procedure Generally  
 Chapter 305. Proceedings Before Trial  
 Subchapter I. Arrest

5 V.I.C. § 3561 (2016)

**§ 3561. Peace officers authorized to execute warrants of arrest**

**(a)** A peace officer is any inspector employed by the Taxicab Commission, marshal, deputy marshal, qualified probation officer of the Superior Court and Waste Management Authority Enforcement Officers, enforcement officer or Commissioner of the Department of Planning and Natural Resources, Corrections Officer, the 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 and Sergeant-of-Arms of the Legislature of the Virgin Islands while on duty, Executive Security Officers of the Virgin Islands Police Department assigned to the Office of the Governor and Lieutenant Governor, special agent within the Criminal Investigation Division of the Bureau of Internal Revenue and enforcement officer 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 but not limited to the Director and Assistant Director and agents of the Internal Affairs Bureau of the Virgin Islands Police Department, Virgin Islands Housing Authority Police Force, enforcement officer of the Virgin Islands Housing Authority and the Police Department or member of the police force. A warrant to arrest shall be directed to and executed by such officers.

**(b)** In order to qualify for and maintain status as a peace officer for executing arrest warrants and making arrests under this subchapter, each individual shall meet the minimum requirements set forth by the Peace Officer Standards and Training Council pursuant to title 23 Virgin Islands Code, Chapter 16, and successfully completes the academic training.

**HISTORY:** --Amended Sept. 26, 1980, No. 4477, Sess. L. 1980, p. 152; May 8, 1981, No. 4539, Sess. L. 1981, p. 36; Oct. 20, 1981, No. 4646, § 3, Sess. L. 1981, p. 256; Feb. 1, 1985, No. 5040, § 1, Sess. L. 1984, p. 463; Nov. 13, 1986, No. 5217, § 1, Sess. L. 1986, p. 332; June 6, 1988, No. 5341, § 6, Sess. L. 1988, p. 164; May 2, 1994, No. 5970, §§ 3, 5, Sess. L. 1994, p. 51, 52; Aug. 22, 1995, No. 6075, § 7(a), Sess. L. 1995, p. 197; March 29, 1996, No. 6102, § 4, Sess. L. 1996, p. 40; June 5, 2001, No. 6411, § 2, Sess. L. 2001, p. 32; Feb. 21, 2002, No. 6503, § 39, Sess. L. 2002, p. 277; June 7, 2004, No. 6675, § 23, Sess. L. 2004, p. 47; amended Oct. 23, 2013, No. 7563, § 1, Sess. L. 2013, p. 201; amended Oct. 23, 2013, No. 7564, § 1, Sess. L. 2013, p. 203.

*33 V.I.C. § 3051c*

Copyright © 2016 Office of the Code Revisor, Legislature of the Virgin Islands

\*\*\* Statutes current through Act 7834 of the 2015 Regular and Special Session \*\*\*

TITLE THIRTY-THREE Taxation and Finance

Subtitle 3 Finance

Chapter 111. Government Funds

33 V.I.C. § 3051c (2016)

**§ 3051c. Peace Officer Training Fund**

**(a)** There is established a separate and distinct fund within the Treasury of the Government of the Virgin Islands to be designated and known as the "Peace Officer Training Fund" (hereinafter the "Fund").

**(b)** The Fund shall consist of all sums appropriated thereto from time to time by the Legislature, all monies received by the Government pursuant to title 5, section 3504, of this code and two dollars of the fees collected under title 20, section 433, subsection (a) of this code, and all gifts, contributions and bequests of all monies made thereto.

**(c)** Monies deposited in the Fund shall be disbursed by the Commissioner of Finance, upon warrant of the Peace Officer Standards and Training Council, exclusively for the following purposes:

- (1)** Training of peace officers within the territory in a prescribed curriculum approved by the Council;
- (2)** salaries, costs and expenses relating to such training as provided in Item (1) of this subsection; and
- (3)** such capital expenditures as the Council may provide for the acquisition, construction and/or improvement of a training academy;

**HISTORY:** --Added Feb. 1, 2001, No. 6391, § 2(g)(4), Sess. L. 2000, p. 447.

**UNITED STATES VIRGIN ISLANDS PEACE OFFICER STANDARDS AND  
TRAINING COUNCIL  
REQUIRED STANDARDS FOR CERTIFICATION AS PEACE OFFICERS**

**TABLE OF CONTENTS**

<b>205-X-2-01</b>	<b>Peace Officer Certification Training.....</b>	<b>26</b>
<b>205-X-2-02</b>	<b>Age requirement.....</b>	<b>27</b>
<b>205-X-2-03</b>	<b>Education .....</b>	<b>28</b>
<b>205-X-2-04</b>	<b>Physical Qualifications.....</b>	<b>28</b>
<b>205-X-2-05</b>	<b>Character.....</b>	<b>29</b>
<b>205-X-2-06</b>	<b>Applicants to be Citizens.....</b>	<b>31</b>
<b>205-X-2-07</b>	<b>Discharged from Armed Forces.....</b>	<b>31</b>
<b>205-X-2-08</b>	<b>Driver's License.....</b>	<b>31</b>
<b>205-X-2-09</b>	<b>Application Package Required.....</b>	<b>31</b>



## OFFICER CERTIFICATION TRAINING

### **RULE 205-X-2-.01 Training:**

The applicant must be gainfully employed as a law enforcement officer by a law enforcement agency at the time of his/her application to the academy. For the purpose of this chapter the term peace officer includes Correctional Officers employed by the Virgin Islands Department of Corrections. Prior to certification, the applicant shall complete the required course of training established by the Council. An applicant may be provisionally appointed for a period of six months. No individual may be employed for an additional period until that individual is certified by the Council.

- 1). Each applicant must be gainfully employed as a full-time law enforcement officer by a law enforcement agency at the time of his/her application to the academy.
  - a). Full time is understood to mean 40 hours per week or to average out to 40 hours per week during the monthly or bi-weekly pay periods of most agencies.
  - b). A law enforcement agency employing an applicant working less than 40 hours per week must request in writing a waiver from the Executive Director requesting the applicant to attend the academy.
- 2). Prior to certification, the applicant shall complete the required course of training established by the Council.
- 3). An applicant may be provisionally appointed for a period of six months.

#### **(a) Provisional appointment requires:**

1. An application package as set out in Rule 205-X-2-.09 has been submitted on the first day of employment as stipulated in Rule 204-X-1-.16(4) and has been received by the Council.
- 2). A provisionally appointed law enforcement officer, who is involved in patrol operation for the purpose of detection, prevention and suppression of crime or the enforcement of the traffic or highway laws of the state, including exercising the power of arrest, will be under the direct control and supervision of a certified law enforcement officer.
- 3). Traffic direction and control may be performed by a provisionally appointed law enforcement officer without direct supervision, provided, however, that supervisory control is exercised by a certified law enforcement officer whose total span of control would be considered within reasonable limits.
- 4). A provisionally appointed law enforcement officer may render crowd control assistance at public gatherings or governmental functions as directed by the employing law enforcement agency provided supervisory control is exercised by a certified law enforcement officer whose span of control would be considered within reasonable limits.
- 5). The provisional appointment is valid for a total of six (6) months (180 days) during a (2) two year period of (730 days) from the time of first appointment by any law enforcement agency.

**Training and Age requirement**

- 6). This six-month period to complete his/her required course of training cannot be extended or re-started by an applicant being terminated or re-employed by the same or another law enforcement agency nor by an applicant voluntarily changing employment from one law enforcement agency to another. Each day of the six-month provisional appointment is cumulative no matter how many law enforcement agencies the applicant has worked for during his /her six month provisional appointment.
- 7). The provisional appointment of any applicant who does not complete the required course of law enforcement training within six months from the date of his/her initial employment/appointment is null and void.
- 8). A provisionally appointed applicant who fails to achieve certification, as required herein, within his/her six months provisional appointment time, may not re-apply for employment/appointment as a law enforcement officer for two years following the expiration of their provisional appointment time.

Authority: Virgin Islands Code 23 V.I.C. § 1207

**205-X-2-02 Age requirement**

To be certified as a peace officer in the Virgin Islands the applicant must be twenty (21) years of age at the time of graduation from the academy.

Authority: Virgin Islands Code 23 V.I.C. § 1206

## Education and Physical Qualifications

### **RULE 205-X-2-.03 Education.**

The applicant shall meet the following education requirements:

Possess a valid high school diploma as defined in a or b:

Earned from an accredited high school in the United States Virgin Islands and is the equivalent of a regular academic diploma recognized by the Virgin Islands Department of Education or GED.

(b) Earned in the United States or its territories from a high school accredited by an accrediting agency recognized by the Virgin Islands Department of Education and is the equivalent of a regular academic diploma recognized by the Virgin Islands Department of Education or earned another type diploma at said high school, or possesses a valid General Education Development (GED) certificate. Online, correspondence or mail order GED certificates are not acceptable. Or,

Possess an earned Associate's Degree or higher Degree from a College or University accredited by the Southern Association of Colleges and Schools (SACS), or its equivalent. And,

In addition to submitting one (1) of the three (3) requirements listed above, the applicant shall take and pass a Law Enforcement Basic Abilities Test (BAT), approved by the Council, prior to employment or certification as a law enforcement officer. The BAT is required of all applicants except those applicants who possess an Associate's Degree or higher from an accredited college or university.

The BAT may only be taken at a Council approved testing center. The applicant shall not take the BAT more than two times during any twelve month period.

Authority: Virgin Islands Code 23 V.I.C. § 1206

### **RULE 205-X-2-.04 Physical Qualifications.**

Applicants shall be certified on A POST Medical Form , by a licensed physician, designated by the appointing authority, as in good health and physically fit for the performance of the duties of a law enforcement officer.

Authority: Virgin Islands Code 23 V.I.C. § 1206



### **RULE 205-X-2-.05 Character.**

(1) The applicant shall be a person of good moral character and reputation; Conduct which reflects on good moral character and reputation includes: maintaining financial responsibility, refraining from conduct involving dishonesty, fraud, deceit, or misrepresentation; or conduct that impugns the integrity of the criminal justice system or adversely reflects on his fitness to serve as peace officers.

Conviction of any felony pursuant to any Virgin Islands, state, or federal law shall be a complete and absolute bar to certification, employment, appointment or approval as a law enforcement officer.

The existence of a pardon does not nullify a conviction for the purpose of this Rule.

An applicant having pleaded guilty or nolo contendere to any felony pursuant to Virgin Islands, state, or federal law is not eligible for certification, employment, appointment or approval as a law enforcement officer, notwithstanding suspension of sentence or withholding of adjudication.

Conviction of any conduct, including a plea of guilty or nolo contendere, in any other jurisdiction that would have constituted a felony in the United States Virgin Islands and been punishable by a sentence exceeding one year in the Virgin Islands shall be a complete and absolute bar to certification, employment, appointment or approval as a law enforcement officer, notwithstanding suspension of sentence, withholding of adjudication or the existence of a pardon. An applicant shall disclose and produce to the Council, any expunged record of any arrest, regardless of the disposition of the case. For the purpose of certification and regulation of law enforcement and correctional officers the Council shall have access to any expunged records sealed or archived.

(2) Conviction of a misdemeanor pursuant to any Virgin Islands, municipal, state or federal law shall not automatically disqualify a person as a law enforcement officer. The applicant shall not have been convicted of sufficient misdemeanors to establish pattern of disregard for the law, such convictions which establishes a pattern of disregard for the law may be considered as a factor among several in evaluating fitness as a law enforcement officer, which factors shall include but not be limited to the nature and gravity of the offense or offenses, the time that has passed since the conviction and/or completion of the sentence and the nature of the job held or sought and such other factors as to affect the applicant's character.

In the case of a misdemeanor conviction involving *a guilty plea or plea of nolo contendere, involving force, violence, perjury, or false statements, notwithstanding suspension of sentence or withholding of adjudication, results of psychological shall also be considered as a factor in considering the applicant's fitness as a law enforcement officer.* The psychological test administered to law enforcement officers will be approved by the Council.

At the request of the agency, and at the expense of the applicant or agency, a complete comprehensive psychological evaluation may be approved for an applicant who fails the psychological test. This complete comprehensive psychological evaluation will be administered by an agency selected by the Council and must be given immediately after the failure of the first test

## Character

The results of the psychological test will be furnished to the Council. The psychological test results must include a statement of whether or not the person is recommended for law enforcement:

(a) If an applicant fails the psychological test, he/she must wait one year to be eligible to submit a new application package requesting to attend the academy. This does not exempt the applicant from Rule 205 -X-2-.01.

(3) Adjudication as a youthful offender or juvenile shall not be considered as a conviction for the purpose of these Rules.

(4) Any person who is prohibited by Virgin Islands, state or federal law, from owning, possessing, or carrying a firearm, including but not limited to a pistol, handgun, rifle or shotgun, shall not be employed or certified as a law enforcement officer.

(5) Any person who is required to register as a convicted sex offender as defined in Title 14 V.I.C. § 1721 of the Virgin Islands Code shall not be employed or certified as a law enforcement officer.

(6) The arrest of any certified law enforcement officer or applicant for any felony or misdemeanor offense shall be immediately reported to the Council by the employing agency and the law enforcement officer.

(7) Applicants who falsify their application are ineligible for employment as a law enforcement officer and they are ineligible to attend the academy for certification as a law enforcement officer. Applicants who are determined to have falsified their applications are barred from employment or certification as law enforcement officer for two (2) years.

(8) No certified law enforcement officer shall knowingly and willfully provide false or misleading information to the Council or any of its agents.

(9) No law enforcement officer shall knowingly and willfully violate the Rules and Regulations of the Council.

(10) Any law enforcement officer who knowingly and willfully provides false or misleading information to the Council or its agents, or who knowing and willfully violates the Rules and Regulations of the Council, shall be subject to having their Certification suspended or revoked by the Council.



**Applicants to be Citizens; Discharged from Armed Forces; Driver's License;**

**RULE 205-X-2-06 Applicants to be Citizens;**

The applicant must be a citizen of the United States.

Authority: Virgin Islands Code 23 V.I.C. § 1206

**RULE 205-X-2-07 Discharged from Armed Forces;**

If an applicant has been a member of the armed forces of The United States, each and every discharge must be under honorable conditions.

Authority: Virgin Islands Code 23 V.I.C. § 1206

**RULE 205- X-2-.08 Driver's License;**

The applicant must have a valid Driver's License as prescribed by Virgin Islands code.

Authority: Virgin Islands Code 23 V.I.C. § 1204

**RULE 205-X-2-.09, Application Package Required:**

(1) Each applicant for certification as a law enforcement officer shall submit a complete application package in the form prescribed by the Council and provided by the Executive Director. An incomplete application will not be processed. An application which appears to be falsified or contains false information will be denied.

(2) Documentation. All documents listed below must be received by the Executive Director before an application package will be processed.

(a. Each applicant shall complete an application. All required paper documents shall be printed or typewritten. All documents must be completed fully. Incomplete applications will not be processed and will be returned to the employing agency.

(b. Certification by a licensed physician (A POST Physical form) that the applicant is physically able to participate in the required training program.

(c. Each applicant shall submit an affidavit (A POST Affidavit Form) certifying that he or she meets all requirements for employment and certification as a law enforcement officer under Title 23 V.I.C. §1206 of the Virgin Islands Code.

(d. Each applicant shall submit documents which reflect that the applicant meets the Education requirements of 205-X-2-.03

(e. Each applicant shall submit two fingerprint cards.

(f. Each applicant shall submit a release of information on an (Release of Information Form) approved by council.

Authority: Virgin Islands Code 23 V.I.C. § 1204

UNITED STATES VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND  
TRAINING COUNCIL ADMINISTRATIVE RULE

Chapter 206-X-00 TRAINING ACADEMIES

TABLE OF CONTENTS

206-X-3-.01	Academy Certification .....	33
206-X-3-.02	Course of Study (Law Enforcement Officer).....	33
206-X-3-.03	Academy Employees.....	34
206-X-3-.04	Instructors.....	34



## Academy Certification

### **RULE 206-X-3-.01 Academy Certification.**

(1) Certification may be issued for an approved academy that offers basic training, and in service training courses. Certification will continue in effect until surrendered or revoked.

(2) Prior to considering certification, an inspection of the proposed academy shall be conducted by the Council employees. Such inspection shall include but shall not be limited to the following areas: Administration, faculty, and facilities. The Executive Director shall submit to the Council the results of inspection with an appropriate recommendation.

(3) The following information will be provided to the Council:

- (a) The request must include the geographical area that will be covered (District).
- (b) The estimated number of students that will be trained in the program.
- (c) Proposed method of funding.
- (d) Anticipated yearly budget of proposed academy.
- (e) Statement as to why basic and advanced training cannot be obtained through existing academies.
- (f) Statement of request for basic or advanced training from existing academies that have not been met.

Authority: Virgin Islands Code 23 V.I.C. § 1204

### **RULE 206-X-3-.02 Course of Study (Law Enforcement Officer).**

- (1) Introduction to Law Enforcement
- (2) General Topics
- (3) Domestic Violence
- (4) Criminal Investigations
- (5) Criminal Procedures / Laws of Evidence/Courts
- (6) Juvenile Procedures
- (7) Basic First Aide/ CPR
- (8) Patrol Techniques
- (9) Traffic Operations
- (10) Offensive and Defensive Tactics
- (11) Community/News Media Relations
- (12) Use of Force/Firearms Training
- (13) Examinations

Authority: Virgin Islands Code 23 V.I.C. § 1204

**Academy Certification****RULE 206-X-3-.03 Academy Employees.**

The employees of each law enforcement academy shall be governed by personnel rules and regulations of the academy.

Authority: Virgin Islands Code 23 V.I.C. § 1204

**RULE 206-X-3-.04 Instructors.**

All law enforcement instructors participating in basic and in-service training courses at an approved academy must be certified. Instructors Certification: General, Specific, Legal and Firearms Instructor certificates are valid three years from date of issue.

Provisional Instructors must submit an instructor certification package to the Council for approval and Council will provide a provisional number which is valid for three years or unless revoked by Council.

Authority: Authority: Virgin Islands Code 23 V.I.C. § 1204

UNITED STATES VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND  
TRAINING COUNCIL ADMINISTRATIVE RULE

CHAPTER 207-X-4 CERTIFICATION OF LAW ENFORCEMENT OFFICERS

TABLE OF CONTENTS

207-X-4-.01	Education Requirements .....	36
207-X-4-.02	Employment Requirements .....	37
207-X-4-.03	Waiver for Lateral Entry Equivalency Training .....	37
207-X-4-.04	Failure to Complete Training .....	40
207-X-4-.05	Withdrawal from School.....	40

#### **207-X-4-.01 Education Requirements :**

- (1) The trainee must successfully complete 927 hours of basic training at an approved academy.
- (2) The trainee must satisfactorily complete the law enforcement training course within the time set forth by council
- (3) In order to successfully complete the law enforcement training course and be certified by the Council, the trainee must achieve the following:
  - (a) An overall score of not less than 70% on written exams,
  - (b) Pass the first aid exam with a score of not less than 85 % (Any re-test, if necessary, shall be administered within 72 hours.),
  - (c) Pass the legal issues exam with a score of not less than 70% (Any re-test, if necessary, shall be administered within 72 hours.),
  - (d) Pass the physical agility/ability test (Any re-test, if necessary, shall be administered within 48 to 72 hours.),
  - (e) Pass 40 hours of firearms training and qualify two of three attempts on the firearms course. A minimum score of seventy (70) is required to pass each attempt
- (1) If a trainee does not pass ANY of the three (3) qualification attempts then the trainee is deemed to have failed the Academy and is barred from employment and certification as a law enforcement officer for one year.
- (2) Any trainee who passes one of the three attempts, but fails to pass twice, will be allowed, at the written request of the employing Agency, to attend the next available academy to re-take the forty (40) hours of firearms training and qualification (provided the trainee passes all other phases of the academy session and does not exceed the statutory six (6) month provisional appointment time). If the trainee fails to pass firearms training at this point, the trainee is deemed to have failed the Academy and is barred from employment and certification as a law enforcement officer for one year.
- (f) Trainees shall not be absent more than 5% of the required training hours.
- (4) The trainee shall comply with all rules and regulations promulgated by the Council.
- (5) The trainee in addition to complying with the Council's rules and regulations shall comply with all rules and regulations promulgated by the academy.

Authority: Virgin Islands Code 23 V.I.C. § 1204



**Employment Requirements; Waiver for Lateral Entry Equivalency Training.**

**RULE 207-X-4-.02 Employment Requirements.**

The applicant must be gainfully employed as a law enforcement officer by a law enforcement agency at the time of his/her application to the academy. Prior to certification, the applicant shall complete the required course of training established by the council. An applicant may be provisionally appointed for a period of six months. No individual may be employed for an additional period until that individual is certified by the council.

Authority: Virgin Islands Code 23 V.I.C. § 1207

**RULE 207-X-4-.03 Waiver for Lateral Entry Equivalency Training.**

(1) The Council may waive the completion of any course required by Rule 207-X-4-.01 of the regulations upon presentation of documentary evidence by a department that a gainfully employed (full-time) officer has received equivalent training in another jurisdiction or through federal, or department of defense law enforcement experience.

(2) The Council will review the documentation of equivalent training presented by the department to determine if comparative compliance is achieved.

(3) If equivalency training is approved, the officer will qualify to attend an 80 hour Law Enforcement Officer Refresher Course to equate previous training with current standards.

(4) Equivalency of Training: For the purpose of determining equivalency of training, the terms listed below shall have the following meaning and consideration in granting the applicant certification.

(a) Experience: The total; number of years the applicant has been employed full time as a law enforcement officer since completing an entry level basic police training course.

(b) Education: An academic title awarded by a post-secondary institution which is accredited by a state certification board or council and authorized to award such degrees.

(c) Equivalency: Achieved by:

(1) An applicant being Certified or licensed as a law enforcement officer in another State, by the Peace Officers Standards and Training Council of that State, and whose Certification is valid and in good standing, and who meets all other requirements for lateral entry equivalency training as outlined in these Rules. Applicant must have a minimum of one (1) year experience as a gainfully employed, full time law enforcement officer and must not have a break in service of more than three (3) years following separation of employment as a law enforcement officer in said state or territory.

Authority: Virgin Islands Code 23 V.I.C. § 1207

#### Waiver for Lateral Entry Equivalency Training.

(5) Eligibility. An applicant who is Certified in another State and who meets the requirements of Equivalency as outlined in section (4)(c)(I) of this Rule is deemed eligible. All other applicant's requesting lateral entry to the law enforcement field in the Virgin Islands must meet the following requirements:

(a) Military Police Applicant must be a graduate of a formal Military Police "Law Enforcement" Basic Police Training Course and have been performing duties in a law enforcement function for the last four years prior to separation and must not have a break in service in excess of three (3) years following military separation.

(b) Federal Law Enforcement Applicant must be a graduate of a formal Federal Law Enforcement Basic Police Training Course and have been performing duties in a law enforcement function the last four years prior to separation from Federal Service and must not have a break in service in excess of three (3) years following Federal Service separation.

(c) The following applicants will not be considered for eligibility:

(1) Applicants who do not meet Virgin Islands POST standards for certification.

(2) Applicants whose certification has been suspended or revoked.

(6) Refresher Course. Those applicants who have received an acceptable evaluation of their experience, education, and training are required to attend an eighty (80) hour refresher training course to be conducted at the Virgin Islands Police academy. The general curriculum will be developed and updated as needed by a committee of Academy Directors and approved by the Virgin Islands Peace Officers Standards and Training Council. No credit will be given for a partially completed training course. Trainees shall not be absent more than 5% of the required training hours. The following mandated subjects must be passed. Any trainee who fails to pass (a), (b), (c) or (d) shall be required to attend the 927 hour basic Academy.

(a) An overall academic average of not less than 70%.

(b) Pass the legal issues exam with a score of not less than 70%,.

(c) Pass the defensive driving course with a score of not less than 70%.

(d) Pass the physical agility test.

(e) Pass two of three attempts on the firearms course. A minimum score of seventy (70) is required to pass each attempt.

**Waiver for Lateral Entry Equivalency Training.**

- (1) If a trainee does not pass ANY of the three (3) qualification attempts then the trainee is deemed to have failed the Academy and is barred from employment and certification as a law enforcement officer for one year.
- (2) Any trainee who passes one of the three attempts, but fails to pass twice, will be allowed, at the written request of the employing Agency, to attend the next available academy to take the forty three (43) hours of firearms training and qualification (provided the trainee passes all other phases of the academy session and does not exceed the statutory six (6) month provisional appointment time). If the trainee fails to pass firearms training at this point, the trainee is deemed to have failed the Academy and is barred from employment and certification as a law enforcement officer for one year.
- (f) Applicant must present proof of CPR Training prior to admission to the course.
- (7) Definitions:
  - (a) Law Enforcement Officer: One who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of the Virgin Islands. A full time federal or military law enforcement officer who has powers of arrest, authority to carry a firearm, and is classified by their agency in a law enforcement position.
  - (b) Basic Police Training Course: A basic course recognized by a state commission, POST Council, state board, or agency which leads to licensing or certification as a law enforcement officer; or a basic course sponsored by the federal government for its law enforcement officers; or a basic course conducted by the Department of Defense for personnel classified as law enforcement personnel under their military specialty codes, i.e., Military Occupation Code (MOS), Air Force Specialty Code (AFSC).
- (8) Procedures:
  - (a) All council procedures applicable to certification of newly employed officers must be followed when applying for Lateral Entry.
  - (b) The employer must complete the required application forms in duplicate, and provide certified true copies of law enforcement training and training curriculums of the applicant to the Council.
  - (c) The applicant will arrange for the post-secondary schools, colleges, and universities to forward a certified true copy of post-secondary degrees earned, to the Peace Officers Standards and Training Council.

Authority: Virgin Islands Code 23 V.I.C. § 1207



**Failure to Complete Training; Withdrawal from School.****RULE 207-X-4-.04 Failure to Complete Training.**

Should a trainee fail academically or physically, the hiring agency may request that the trainee be allowed to attend another session. An applicant is eligible for two attempts of completion of the academy. If an applicant fails the academy twice, the applicant is ineligible to attend an academy for a period of two years from the date of failure of the second academy attempt. If, after two years, the applicant is again employed as a law enforcement officer, a new application package is required. This does not exempt the applicant from Rule 205-X-2-.01.

Authority: Virgin Islands Code 23 V.I.C. § 1207

**RULE 207-X-4-.05 Withdrawal from School.**

A recruit who is failing the course of study may withdraw and re-enter school only in hardship or emergency situations.

Authority: Virgin Islands Code 23 V.I.C. § 1204



UNITED STATES VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND  
TRAINING COUNCIL ADMINISTRATIVE RULE

CHAPTER 208-X-5 DISCIPLINARY ACTIONS

TABLE OF CONTENTS

208-X-5-.01 Complaints..... 42

208-X-5-02 Probable Cause.....42

**Complaints; Probable Cause.**

**RULE 208-X-5-.01 Complaints.**

Complaints alleging any violations of the law of the Virgin Islands, training, or rules of this Council concerning law enforcement selection, may be lodged by any person with the Executive Director.

Authority: Authority: Virgin Islands Code 23 V.I.C. § 1204

**RULE 208-X-5-.02 Probable Cause.**

The Executive Director will investigate the alleged violation and determine whether probable cause exists for disciplinary action.

Authority: Virgin Islands Code 23 V.I.C. § 1204

UNITED STATES VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND TRAINING  
COUNCIL ADMINISTRATIVE RULE

CHAPTER 209-X-6 BEARING OF CONTESTED CASES

TABLE OF CONTENTS

209-X-6-.01 Procedure for Hearing Contested Cases.....44

209-X-6-.02 Revocation of Certification.....44

**RULE 209-X-6-.01 Procedure for Hearing Contested Cases.**

1. Before the Council can deny an individual certification as a law enforcement officer, the Council shall convene a hearing concerning contested cases.
  2. Without limiting the scope of Rule 209-X-6-.01, the following shall apply to contested cases:
    - (a) The Council may at its discretion, appoint some person to act as a hearing officer. In the event a hearing officer is appointed, he/she shall preside at the hearing and shall rule on all questions of evidence and procedure, notwithstanding any other provisions of these rules to the contrary.
    - (b) Except as otherwise provided in subsection (c) of this rule, proceedings of the council in the exercise of its authority to issue any certificate or discipline any peace officer under the terms of this chapter shall be conducted in accordance with the Administrative Procedure Act." In all such proceedings the council shall have authority to compel the attendance of witnesses and the production of any book, writing, or document upon the issuance of a subpoena therefor. In any hearing in which the fitness of a peace officer or applicant is in question, the council may exclude all persons from its deliberation of the appropriate action and may, when it deems necessary, speak to the peace officer or applicant in private. All final determinations, findings, and conclusions of the council under this chapter are final and conclusive decisions of the matters involved.
    - (c) Proceedings for review of a final decision of the council shall be instituted by filing a petition within 30 days after the service of the final decision of the council or, if a rehearing is requested, within 30 days after the decision thereon. The petition shall be filed with the Executive Director of the Virgin Islands Peace Officer Standards and Training Council.
- (Authority: Virgin Islands Code 23 V.I.C. § 1204)

**RULE 209-X-6-.02 Revocation of Certification.**

The council shall have authority to refuse to grant a certificate to an applicant or to discipline a council certified officer under this chapter or any antecedent law upon a determination by the council that the applicant or council certified officer has:

- A. Failed to demonstrate the qualifications or standards for a certificate provided in this chapter or in the rules and regulations of the council. It shall be incumbent upon the applicant to demonstrate to the satisfaction of the council that he or she meets all requirements for the issuance of a certificate;
- B. Obtained a certification from the Council by fraud or cheating, or attempting to subvert the examination process;
- C. Been convicted of a felony in this Territory, state or federal jurisdiction of an offense that would constitute a felony if committed in the Virgin Islands including a finding or verdict of guilt, whether or not the adjudication of guilt is withheld or not entered, an admission of guilt, or no contest;
- D. Having been the subject of revocation, suspension, or surrender of a peace officer license or certificate in resolution of a complaint or other adverse action relating to licensing or certification in another jurisdiction;



E. Having been adjudicated by a court of competent jurisdiction, within or without the Territory, as incapacitated, lacking the capacity to serve as a peace officer, chemically dependent, mentally ill and dangerous to the public, or as having a psychopathic personality, or required to register as a predatory offender under Virgin Islands Statutes.

F. Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public; such conduct or practice need not have resulted in actual injury to any person. As used in this paragraph, the term "unprofessional conduct" shall include any departure from, or failure to conform to, the minimal standards of acceptable and prevailing practice of an officer;

G. Violated or attempted to violate a law, rule, or regulation of this Territory or any state, the council, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, so long as such law, rule, or regulation relates to or in part regulates the practice of an officer;

H. Violated any order issued by the board;

I. Made an intentional false statement or misrepresentation to the board;

J. Been suspended or discharged by the officer's employing law enforcement unit for disciplinary reasons.

(1) When the council finds that any person is unqualified to be granted certification as a peace officer or finds that any person should be disciplined pursuant to subsection (A) of this rule, the council may take any one or more of the following actions:

(A) Refuse to grant a certificate to an applicant;

(B) Administer a public or private reprimand, provided that a private reprimand shall not be disclosed to any person except the officer;

(C) Suspend any certification for a definite period;

(D) Limit or restrict any certification;

(E) Revoke any certification; or

(F) Condition the penalty, or withhold formal disposition, upon the officer's completing such care, counseling, or treatment, as directed by the council.

K. Upon arrest or indictment of an officer for any crime which is punishable as a felony, the Executive Director of the Council shall order the emergency suspension of such officer's certification upon the Executive Director's determination that the suspension is in the best interest of the health, safety, or welfare of the public. The order of emergency suspension shall be made in writing and shall specify the basis for the Executive Director's determination. Following the issuance of an emergency suspension order, proceedings of the Council in the exercise of its authority to discipline any officer shall be promptly scheduled as provided for in Rule. The emergency suspension order of the Executive Director shall continue in effect until issuance of the final decision of the Council or such order is withdrawn by the Executive Director.

(L) Upon initiating an investigation of an officer for possible disciplinary action or upon disciplining an officer pursuant to this Rule, the council shall notify the head of the law enforcement agency that employs such officer of the investigation or disciplinary action. In the case of an investigation, it shall be sufficient to identify the officer and state that a disciplinary investigation has been opened. Notice of the initiation of an investigation shall be sent by registered mail. If the investigation is completed without any further action, notice of the termination of such investigation shall also be provided to the head of the employing agency. In the case of disciplinary action, the notice shall identify the officer and state the nature of the disciplinary action taken. The notice of disposition shall be sent only after the action of the council is deemed final. Such notice shall be sent by priority mail.

(M) If the certification of an officer is suspended or revoked by either the Executive Director or Council, then the Council shall notify the head of the law enforcement agency that employs the officer and the Attorney General of the Virgin Islands. It shall be sufficient for this notice to identify the officer and state the length of time, if known, that the officer will not have powers of arrest. Such notice shall be sent by registered mail.

Authority: Virgin Islands Code 23 V.I.C. § 1204

VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND TRAINING COUNCIL

ADMINISTRATIVE RULE

CHAPTER 210-X-7 Grandfather Status

PERSONS WHO CEASE ACTIVE DUTIES AS LAW ENFORCEMENT OFFICERS

TABLE OF CONTENTS

210-X-7-.01 Grandfather Status.....48

**210-X-7-.01 Grandfather Status.**

Peace officers employed by law enforcement units in the territory prior to the effective date of code Section 23 V.I.C. § 1208 are grandfathered.

1. "Officers employed in a law enforcement role as of the effective date of the statute shall be deemed to be certified. However, such peace officers may be required satisfy the minimum standards of training, as required by the Council for all certified peace officers, in order to maintain their certifications.
2. Grandfathered law enforcement officers who cease active duty for the following reasons will retain their status with the Virgin Islands Peace Officers Standards and Training Council.
  - a. Leave of absence without pay.
  - b. Injured in the line of duty.
  - c. Retired or temporary disability obtained while on duty.

Authority: Virgin Islands Code 23 V.I.C. § 1204



UNITED STATES VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND TRAINING  
COUNCIL ADMINISTRATIVE RULE  
CHAPTER 211-X-9 AMENDMENT OF RULES

TABLE OF CONTENTS

211-X-9-01    Petition for Adoption of Rules .....50

211-X-9-02    Emergency Rules.....50

211-X-9-.03    Compliance with Administrative Procedure Act.....50

**RULE 211-X-9-.01 Petition for Adoption of Rules.**

Any person who wishes to propose that the Council adopt, repeal, or amend any rule may do so on the form prescribed by the Council and supplied by the Executive Director.

The Council shall meet and consider any petition for adoption, repeal, or amendment at the next quarterly meeting of its submission.

Authority: Virgin Islands Code 23 V.I.C. § 1204

**RULE 211-X-9-.02 Emergency Rules.**

In the event the Council finds that an immediate danger to the public health, safety or welfare requires adoption of a rule or that action is required by or to comply with a federal statute or regulation which requires adoption of a rule, the chairperson of the Council may call for the adoption of an emergency rule with a vote of at least four council members either in person, by the use of the phone, or email.

Authority: Virgin Islands Code 23 V.I.C. § 1204

**RULE 211-X-9-.03 Compliance with Administrative Procedure Act.**

All rules adopted by the Council shall otherwise substantively and procedurally comply with the provisions of Virgin Islands Law.

Authority: Virgin Islands Code 23 V.I.C. § 1204

VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND TRAINING  
COUNCIL ADMINISTRATIVE CODE  
CHAPTER 212-X-11 CERTIFICATION OF CORRECTIONAL OFFICERS

TABLE OF CONTENTS

212-X-11-.01 Education Requirements .....52

212X-11-02 Employment Requirements.....53

212-X-11-.03 Correctional Officers (Course of Study) .....53

212-X-11-.04 Correctional Officer Waiver for Lateral Entry Equivalency Training.....54

### **RULE 212-X-11-.01 Education Requirements.**

- (1) The trainee must successfully complete 600 hours of correctional officer training at an approved Academy.
- (2) The trainee must satisfactorily complete the correctional officer training course within the time set forth in the rules of the Council
- (3) In order to successfully complete the correctional officer training course and be certified by the Council, the recruit must achieve the following:
  - (a) An overall score of not less than 70 % on written exams,
  - (b) Pass the first aid exam with a score of not less than 70% (Any re-test, if necessary, shall be administered within 72 hours.),
  - (c) Pass the legal issues exam with a score of not less than 70% (Any re-test, if necessary, shall be administered within 72 hours.),
  - (d) Pass the physical agility/ability test (Any re-test, if necessary, shall be administered within 48 to 72 hours.),
  - (e) Pass 40 hours of handgun firearms training and qualify two of three attempts on the handgun firearms course. A minimum score of seventy (70) is required to pass each attempt
- (1) If a trainee does not pass any of the three (3) handgun qualification attempts then the trainee is deemed to have failed the Academy and is barred from employment and certification as a correctional officer for one year.
- (2) Any trainee who passes one of the three attempts, but fails to pass twice, will be allowed, at the written request of the employing agency, to attend the next available academy to re-take the Forty (40) hours of handgun firearms training and qualification (provided the trainee passes all other phases of the academy session and does not exceed the statutory six (6) month provisional appointment time). If the trainee fails to pass handgun firearms training at this point, the trainee is deemed to have failed the Academy and is barred from employment and certification as a correctional officer for one year.



### **Education Requirements; Employment Requirements; Correctional Officer (Course of Study).**

- (f) Pass shotgun firearms training and pass the shotgun firearms course. A minimum score of seventy (70) is required to pass the shotgun firearms course.
- (g) Trainees shall not be absent more than 5% of the required training hours.
- (4) The recruit shall comply with all rules and regulations promulgated by the Council.
- (5) The recruit in addition to complying with Council's rules and regulations must comply with all rules and regulations promulgated by the academy.

Authority: Virgin Islands Code 23 V.I.C. § 1204

### **RULE 212-X-11-.02 Employment Requirements.**

The applicant must be employed as a correctional officer, Internal Affairs Agent, or Director of the Bureau of Corrections as defined in the Virgin Islands Code 5 V.I.C. § 3561. All Correctional investigative services officers and their supervisors given police powers shall be required to comply with the minimum standards now in effect relating to Virgin Islands law enforcement officers.

Authority: Virgin Islands Code 23 V.I.C. § 1207

### **RULE 212-X-11-.03 Correctional Officer (Course of Study).**

#### **(1) Administrative/Personnel Time**

Ethics and Professionalism

Communication

Inmate Management

Officer Safety/Fitness

Medical and Mental Health

Legal Issues

Security, Custody, and Control

Conflict and Crisis Management

Correctional Operations

Authority: Virgin Islands Code 23 V.I.C. § 1207

**RULE 212-X-11.04 Correctional Officer Waiver for Lateral Entry Equivalency Training.**

1. The Council may waive the completion of any course required by Rule 212-X-11.01 of the regulations upon presentation of documentary evidence by the Bureau of Corrections that a gainfully employed (full-time or part-time) officer has received equivalent training in another jurisdiction or through federal, or department of defense correctional experience.
2. The Council will review the documentation of equivalent training presented by the Bureau of Corrections and use a point system, as described later in this rule, to determine if comparative compliance is achieved.
3. If equivalency training is approved, the officer will qualify to attend an 80 hour Correctional Officer Refresher Course to equate previous training with current standards.
4. Equivalency of Training Point System. For the purpose of determining equivalency of training, the terms listed below shall have the following meaning and values:
  - (a) Experience: The total; number of years the applicant has been employed full time as a correctional officer since completing an entry level basic correctional training course.
  - (b) Education: An academic title awarded by a post-secondary institution which is accredited by a state certification board or council and authorized to award such degrees.
5. Eligibility. An applicant requesting lateral entry to the correctional field in the Virgin Islands must meet the following requirements:
  - (a) Other State Applicants. Possess a current and valid Peace Officers Standards and Training Certificate from the state or territory the applicant received training. This certification of training must be issued after completing a basic correctional training course mandated by the State or Territory in which the officer was trained. Applicant must not have had a break in service in excess of three (3) years following Separation)
  - (b) Military Corrections Applicant. Be a graduate of a formal Military Confinement Basic Training Course. Applicant must have been performing duties in a correctional function the last four years prior to separation and must not have a break in service in excess of three (3) years following military separation.
  - (c) Federal Corrections Applicant. Be a graduate of a formal Federal Correctional Basic Training Course. Applicants must have been performing duties in a correctional function the last four years prior to separation from Federal Service and must not have a break in service in excess of three (2) years following Federal Service separation.

The following applicants will not be considered for eligibility:

Applicants who do not meet the Virgin Islands POST standards for certification.

Applicants whose certification has been suspended or revoked.

Refresher Course. Those applicants who have received an acceptable evaluation of their experience, education, and training are required to attend an eighty (80) hour refresher training course to be conducted at the corrections basic training academy. The general curriculum will be developed and updated as needed by the departmental curriculum development committee and approved by the Virgin Islands Peace Officers Standards and Training Council. No credit will be given for a partially completed training course. Trainees shall not be absent more than 5% of the required training hours. The following are mandated subjects and must be passed. Any trainee who fails to pass (a), (b), or (c) shall be required to attend the 600 hour corrections basic Academy.

An overall academic average of not less than 70%

Pass the Legal Issues Exam with a score of not less than 70%

Pass the physical agility test

Pass two of three attempts on the handgun firearms course. A minimum score of seventy is required to pass each attempt

If a trainee does not pass ANY of the three (3) handgun qualification attempts then the trainee is deemed to have failed the Academy and is barred from employment and certification as a correctional officer for one year.

Any trainee who passes one of the three attempts, but fails to pass twice, will be allowed, at the written request of the employing Agency, to attend the next available academy to take the Forty (40) hours of handgun firearms training and qualification (provided the trainee passes all other phases of the academy session and does not exceed the statutory six (6) month provisional appointment time). If the trainee fails to pass handgun firearms training at this point, the trainee is deemed to have failed the Academy and is barred from employment and certification as a correctional officer for one year.

Pass shotgun firearms training and pass the shotgun firearms course. A minimum score of seventy (70) is required to pass the shotgun firearms course.

Applicant must present proof of CPR Training prior to admission to the course.



**Definitions:**

**Correctional Officer:** An individual who is employed or has been employed by a federal, state, county, Territory, or municipal agency as a correctional officer, federal correctional officer, or military confinement officer who has power of arrest.

**Basic Correctional Training Course:** A basic course recognized by a state commission, POST Council, state board, or agency which leads to licensing or certification as a correctional officer; or a basic course conducted by the Department of Defense for personnel classified as correctional personnel under their military specialty codes, i.e., Military Occupation Code (MOS), Air Force Specialty Code (AFSC).

**Procedures:**

All Council procedures applicable to certification of newly employed correctional officers must be followed when applying for Lateral Entry.

The employer must complete the required application forms in duplicate, and provide certified true copies of correctional training and training curriculums provided in the training of the applicant.

The applicant will arrange for the post-secondary schools, colleges, and universities to forward a certified true copy of post-secondary degrees earned, to the Peace Officers Standards and Training Council.

Authority: Virgin Islands Code 23 V.I.C. § 1204



VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND TRAINING  
COUNCIL  
ADMINISTRATIVE CODE  
CHAPTER 213-X-12 IN-SERVICE AND EDUCATION REQUIREMENTS

TABLE OF CONTENTS

213-X-12-.01	Executive In-Service Requirements.....	58
213-X-12-.02	In-Service Requirements .....	58
213-X-12-.03	Firearms Re-qualification.....	60
213-X-12-.04	Firearms Re-qualification by Retired Certified Peace Officers.....	60

### **RULE 213-X-12-.01 Executive In-Service Requirements .**

Each Director, warden, chief of police or acting chief of police of any law enforcement agency in the Virgin Islands must annually complete 20 hours of executive level continuing education courses approved by the Virgin Islands Peace Officers Standards and Training Council.

Any Director, warden, chief of police or acting chief of police who fails or refuses to comply with the provisions of this section or falsely reports executive level training shall be subject to having his/her certification revoked by the Virgin Islands Peace Officers Standards and Training Council.

The Virgin Islands Peace Officers Standards and Training Council may, for sufficient cause, grant an extension of time in which to complete said courses.

Any Director, warden, chief of police or acting chief of police who is aggrieved by any order or ruling made under the provisions of this section shall have the same rights and procedure of appeal as from any other order or ruling of the Virgin Islands Peace Officers Standards and Training Council.

Authority: Virgin Islands Code 23 V.I.C. § 1204

### **RULE 213-X-12-.02 In-service Training.**

1. Certified law enforcement officers in the Virgin Islands shall annually complete 20 hours of In-Service education courses approved by the Council.

(a). Law enforcement officer includes all officers certified by the Virgin Islands Peace Officers Standards and Training Council who have arrest powers to include corrections officers who are certified and have the power of arrest.

2. The Virgin Islands Peace Officers Standards and Training Council may, for sufficient cause, grant an extension of time in which to complete said courses.

(a). Any certified law enforcement officer who is a member of the Virgin Islands National Guard or U.S. Military Reserve and who is ordered to active duty because of a declared state of emergency shall be exempt from In-Service training requirements while he or she is serving on active military duty, provided the certified law enforcement officer's In-Service training is current and not delinquent at the time he or she is called to active military service.

(b). The Chief Law Enforcement Officer of the employing agency must file a written request to the Executive Director stating that the officer is currently employed and has been ordered to active military duty because of a national emergency. A copy of the officer's military orders shall be included with the request.

(c) This exemption shall not extend beyond twenty-four (24) months.

(3) . A certified law enforcement officer in Virgin Islands may keep up or maintain their in-service courses for three (3) years without being employed as a law enforcement officer to allow them to re-enter the field of law enforcement without having to take the refresher training. This training will be maintained by the law enforcement officer and sent to the Virgin Islands Peace Officers Standards and Training Council immediately after re-employment as a law enforcement officer within the three-year period. The courses must be acceptable and approved by the Council.

- (4) After a three year absence from employment as a law enforcement officer in Virgin Islands, a previously certified law enforcement officer in the Virgin Islands shall be required to apply for renewal of his/her certification which will require successful completion of an approved 80-hour academy re-certification course. A previously certified law enforcement officer in the Virgin Islands, who has not been employed as a law enforcement officer for three years or more in the Virgin Islands, may be provisionally appointed for six months by the employing agency upon their submitting a notice to the Council as required by Rule 204-X-1-.16(5) and an application for training as set out in Rule 205-X-2-.09, requesting to attend the next available 80-hour academy re-certification course.
- (5) If the Council is unable to provide an 80-hour academy re-certification course within the six-month provisional appointment period for a previously certified officer, the council may through the Executive Director extend the provisional appointment period for a period up to 180 days.
- (a) The provisional appointment of any law enforcement officer shall be null and void at the end of one year after appointment unless that person has completed the 80-hour academy re certification course. Said person shall then be required to attend the regular basic law enforcement training course (927 hours).
- (6) In-service credit may not be granted for re-certification training, i.e., chemical aerosol, firearms qualification, defensive driving, etc.
- (7) No more than six hours of in-service credit may be obtained through video, computer, multi-media, or satellite-based training and the training must:
- (a) Be approved by the agency head in advance, and
- (b) Be directly related to law enforcement, and
- (c) Occur in a classroom setting, and
- (d) Have a training coordinator or department official present, and
- (e) The student achieve a minimum passing score of 70% or above on a post-viewing examination.
- (8) In-Service training shall be reported to the Council by each agency head in the manner prescribed by the Council.
- (9) Permanent training records verifying course of study, including syllabus listing instructor (s), institution sponsoring name, date and time of training and proof of officer attendance shall be maintained by the law enforcement agency. All training records shall be available to inspection and verification by the Council.
- (10) The certification of any law enforcement officer, not otherwise exempt, shall be suspended if the law enforcement officer's in-service training becomes delinquent twenty-four or more hours. The law enforcement officer shall then be required to complete the Virgin Islands Peace Officers Standards and Training Council eighty (80) hour refresher training program before having his/her certification reinstated. The Executive Director shall notify the law enforcement officer and the chief law enforcement officer of the employing agency, thirty (30) days before the effective date of said suspension.
- The certification of any law enforcement officer shall be automatically suspended if the law enforcement officer's employment is terminated and he/she is in violation of this section at the time of termination.



### **In-service Training; Firearms Requalification**

(11) Any law enforcement officer who fails or refuses to comply with the provisions of this section or who falsely reports training shall be subject to having his/her certification revoked by the Virgin Islands Peace Officers Standards and Training Council.

(12) Law enforcement officers who have honorably retired from law enforcement in the Virgin Islands, or with 20 years or more of service, are exempt from Sections (3) and (4) of this rule.

(13) Any person who is registered or certified with the council as a retired peace officer is excused and exempt from compliance with this Rule for the year in which he or she retires. A retired peace officer may voluntarily comply with the requirements of this rule and, in that event, such retired peace officer shall receive such minimal annual training without payment of any fees or costs, but only if sufficient class space is available. Nothing in this subsection shall be deemed to grant an exemption to persons required to complete the annual training requirement of this rule.

Any law enforcement officer who is aggrieved by any order or ruling made under the provisions of this section shall have the same rights and procedure of appeal as from any other order or ruling of the Virgin Islands Peace Officers Standards and Training Council.

Authority: Virgin Islands Code 23 V.I.C. § 1204

### **RULE 213-X-12-.03 Firearms Requalification.**

Virgin Islands Peace Officers Standards and Training Council requires that all law enforcement officers as defined in the Virgin Islands Code 5 V.I.C. § 3561 who have been certified by the Council, shall successfully pass an approved firearms course annually.

All law enforcement agencies or departments shall report annually to the Virgin Islands Peace Officers Standards and Training Council the results of firearms re-qualifications for each certified law enforcement officer on POST approved forms.

The employer or appointing authority of any certified law enforcement officer, as defined By Virgin Islands Code 5 V.I.C. § 3561, may request in writing a suspension or waiver of firearms re-qualification if their department no longer authorizes or requires them to carry or use a firearm. Any officer who has been granted a waiver or suspension of the firearms re-qualification rule, must submit proof of firearms re-qualification signed by the department head, prior to again being authorized or required to carry or use a firearm.

### **RULE 213-X-12-.04 Firearms Requalification for Retired Certified Peace Officers.**

A retired peace officer may voluntarily comply with the requirements of this rule and, must submit proof of firearms re-qualification signed by a certified firearms instructor approved by Council to be authorized to carry or use a firearm. in that event, such retired peace officer shall receive such minimal annual training and a fee may be accessed by the Virgin Islands Police Department to cover administrative cost, background checks, targets and ammunition to comply with this rule.

Authority: Virgin Islands Code 23 V.I.C. § 1204



VIRGIN ISLANDS PEACE OFFICERS STANDARDS AND TRAINING  
COUNCIL

ADMINISTRATIVE CODE

CHAPTER 213-X-13-00 OFF DUTY EMPLOYEMENT REQUIREMENTS  
FOR CERTIFIED PEACE OFFICERS

TABLE OF CONTENTS

213-x-13-01 Off Duty Employment Requirements for Certified Peace Officers.....62

**213-X-13-01 Off Duty Employment Requirements for Certified Peace Officers**

- 1) Any law enforcement agency within the Territory in which a certified peace officer uses his or her certification as a basis for off duty employment is required to have an off duty employment policy approved by the POST Council.
- 2) No certified peace officer will be permitted to use his or her certification outside of his or her employing agency without approval from the agency head. Any certified peace officer employed while off duty without approval from their agency head may be disciplined pursuant to Council Administrative Rule 209-x-6-02 (G).

# Appendixes

214- X-14-01	Initial Instructor Certification and Renewal Certification Protocols.....	64
214-X-15-01	Rules for Peace Officers Certification.....	69

# United States Virgin Islands Peace Officer Standards and Training

## INITIAL INSTRUCTOR CERTIFICATION AND RENEWAL CERTIFICATION PROTOCOLS

### GENERAL INSTRUCTOR CERTIFICATION

1. Be a graduate of any certified Police Basic Training Course.
2. Have three (3) years Law Enforcement experience.
3. Under certain circumstances, the Executive Director can waive the above two requirements.
4. Attend and successfully complete a P.O.S.T. Council approved Instructor Development Course.
5. After completion of a P.O.S.T. Council approved Instructor Development Course, complete a minimum of two (2) hours of instruction under the guidance of a P.O.S.T. Council approved certified instructor, and document the training in a letter stating the date, title of the training, location of the training, number of students attending, the number of hours of instructional time, and the supervising instructor's name.
6. Make application for instructor certification within one (1) year of completing Instructor Development Course.
7. Submit the application with original signatures, letter of evaluation and a copy of the certificate of Instructor Development Course completion, Lesson Plan and Cover Sheet to the **Executive Director, Peace Officer Standards and Training Council, #45 Mars Hill, Frederiksted, VI 00840.**

### Training Areas

After initial instructor certification is completed, primary instructors may provide training in any subject presented in the basic course curriculum, or in any subject except specialized or high liability courses unless certified. If determined to be needed by the department CEO, the trainer may teach other general courses if he/she has sufficient experience and education to provide good quality instruction.

### HIGH LIABILITY SKILLS INSTRUCTOR CERTIFICATION IN EVO, FIREARMS, AND PHYSICAL TACTICS

*Those holding only a General Instructor Certification are not authorized to instruct the High Liability skills: EVO, Firearms, and Physical Tactics.*

These certifications require additional training for the instructor since these skill areas are considered high liability disciplines. To become a High Liability skill instructor requires the officer to **(A)** be a P.O.S.T. Certified Primary Instructor in good standing, **(B)** complete a P.O.S.T. Council approved instructor course in the area for which that officer seeks certification and **(C)** submit the required documents for certification.



## RE-CERTIFICATION:

1. General Skill re-certifications are good for three (3) years from the date of approval. Failure to recertify before the expiration date will require an instructor to retake the Instructor Development Course or a waiver may be granted by the Council and the applicant must then instruct an approved P.O.S.T. Council approved course within one (1) year after the expiration date of the instructor certificate, under the guidance of a P.O.S.T. Council approved certified instructor, and document the training in a letter stating the date, title of the training, location of the training, number of students attending, the number of hours of instructional time, and the supervising instructor's name. Once this is completed the applicant can be re-certified. **This is a one-time waiver.**

The applicant may request a one-time extension as outlined below. **There is no grace period for instructor re-certifications.**

2. A one-time extension may be granted for completing the instructional hours required by submitting a request to the: Executive Director, Peace Officer Standards and Training Council , #45 Mars Hill, Frederiksted, VI 00840. in writing **BEFORE** the expiration date. The length of an extension, if authorized, will be determined on a case-by-case basis by the Executive Director. During this extension period, an instructor is authorized to present training that can be counted towards a student's in-service training requirement.
3. Primary Instructors must provide documentation of at least sixteen (16) hours of training over the three (3) year certification period. This is done by:
  - a. Submitting an application for recertification.
  - b. Attaching documentation of training provided as outlined below.
4. High Liability skill instructors must document sixteen (16) hours of instruction in **each certified High Liability skill area**. For example, if an EVO instructor teaches all 16 hours presenting EVO material, that instructor can use those 16 hours to satisfy both the primary and the High Liability skill minimum instructional time requirement. However, if this instructor is also a firearms instructor, this instructor must present at least 16 hours of EVO instruction **AND** 16 hours of firearms instruction to be re-certified in both areas.

### Documenting Instructional Hours for Re-certification

On P.O.S.T. form #IC0002 list:

1. Date training occurred
2. Class subject
3. Location of training
4. Number of students
5. Number of instructional hours
6. Do not send rosters. Instructor hours should only be submitted on department letterhead or a P.O.S.T. approved form with the information detailed above. Send this documentation with the application for recertification to: Executive Director, Peace Officer Standards and Training Council , #45 Mars Hill, Frederiksted, VI 00840.

## **Re-certification Time Frame and Pro-rating High Liability Skills Hours When Added to a Primary Instructor Certification**

The certification period is determined by the date the instructor card is issued and is typically three years. If a High Liability Skill (EVO, FIREARMS, PHYSICAL TACTICS) is added as an additional certification to a primary certification, the original expiration date is not altered. The length of the new High Liability skill certification is shortened to correspond to the original expiration date.

Instructional hours required for re-certification in a High Liability skill area that was added will be calculated at one (1) hour per month remaining on the original certification period.

Example: A new instructor has three (3) years to teach until time to re-certify. That instructor must document sixteen (16) or more hours of instruction in a primary area. If the initial date of certification is 05/03/2016, the date of expiration will be 05/03/2019. If a High Liability skill instructional area is added on 09/03/2016, the time remaining on the original primary certification is thirty-two (32) months. This means that the instructor would have to teach at least sixteen (16) additional hours in the High Liability skill area before 05/03/2019 to re-certify.

### **Submission Period**

The re-certification application and supporting documents should be sent in thirty (30) days prior to the expiration date, but not more than sixty (60) days prior to the expiration date. If this is done, the new expiration date will be the current expiration date plus three years. If the re-certification application is sent in more than sixty (60) days prior to the expiration date, the new expiration date will be adjusted accordingly.

For instance, if an instructor submitted for recertification seven (7) months ahead of time, the new re-certification period would end seven (7) months earlier than if the instructor had applied 30 days before the expiration.

### **SPECIALIZED INSTRUCTORS:**

Specialized instructors are those individuals that possess a specialized certificate in the field of criminal justice or law enforcement. These instructors are not authorized to teach High Liability courses unless certified by the P.O.S.T. Council. Specialized courses may include but not limited to: Field Sobriety Testing, Bike or Motorcycle Training, Crash Re-Construction, or other criminal justice or law enforcement training that requires certification to teach or operate specialized equipment.

Specialized instructors re-certifications are good for three (3) years from the date of approval. To re-certify, the Specialized Instructors must provide documentation of at least sixteen (16) hours of training over the three (3) year certification period at least sixty (60) days prior to the expiration date of the current certificate.

1. Date training occurred
2. Class subject
3. Location of training
4. Number of students
5. Number of instructional hours



This is done by:

- a. Submitting an application for recertification.
- b. Attaching documentation of training provided as outlined below.
  1. Date training occurred
  2. Class subject
  3. Location of training
  4. Number of students
  5. Number of instructional hours
  6. **Do not** send rosters Instructor hours should only be submitted on department letterhead or a P.O.S.T. approved form with the information detailed above. Send this documentation with the application for recertification to: Executive Director, Peace Officer Standards and Training Council, #45 Mars Hill, Frederiksted, VI 00840.

#### **PROVIDER APPLICATIONS:**

An organization, business, governmental agency or instructor, which may or may not have law enforcement duties or function, may be authorized to provide training which can be used to partially satisfy an officer's in-service training requirement if certain conditions are met. These include:

1. The organization, business, governmental agency or instructor, must make application for a Provider Number which will be used for reporting training. The application will require, among other things, the organization or business address, a contact person and a description of the function performed by the organization, business, government agency, or instructor. The instructor must provide the P.O.S.T. Council with a resume, certifications such as training records, college transcripts, and degrees earned from an accredited institution of higher learning.
2. The provider will need to demonstrate that it has the ability to create Performance Objectives and Lesson Plans for the material and classes it wished to present. It must have either a physical location or IT capabilities for presenting the class material in a professional manner (depending on approach), and it must have a record keeping system which will document who attended and successfully completed these classes. This record keeping system must be open to inspection by the P.O.S.T. Council. A provider must issue a certificate or other document to each student upon that student's successful completion of a class which displays the Provider Number.
3. A private provider's authorization to present approved training will expire three years from the date of issue of the provider number. A provider may submit a renewal application at the end of that period stating that the provider is still in the business of providing training to Virgin Islands law enforcement officers and the P.O.S.T. Council may then grant renewal of the provider's authority to present training. A provider's authority to present training may be revoked at any time for cause.

Page

Left

Blank



## **Rules for Peace Officers Certification**

### **OFFICER CERTIFICATION**

#### **01 Application for Certification.**

Every person required or permitted to be certified shall make application on forms furnished by the Council, and in connection therewith shall, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, waivers to obtain information and other supporting data as required. The written application for certification shall be a permanent record which the officer must maintain current. The application for certification shall be valid for only (12) months from date of application. Should the applicant not be certified within said period, the applicant will be required to make a new application and in connection therewith; shall answer all questions, supply all information, and furnish all certificates, affidavits, and other supporting data as required. An application for certification shall be on file with the Council prior to the applicant's employment or appointment as an officer. Any untrue, misleading or omitted statement contained in any such application shall be cause for denial, and if any registration has been granted, it shall be cause for the revocation of same.

#### **02 Qualifications for Certification: Pre-Employment Requirements.**

(1) When initially accepted for employment or appointment by a law enforcement unit any candidate seeking certification under these Rules shall:

(a) Be at twenty one (21) years of age as evidenced by a certified copy of said candidate's birth certificate or other proof of birth acceptable to the Council.

(b) Be a citizen of the United States or a repatriated or naturalized citizen of the United States as of the date employment commences as evidenced by a certified copy of said candidate's birth certificate or other certified proof of citizenship acceptable to the Council.

(c) Have a high school diploma or its recognized equivalent or an approved college degree indicating successful completion of high school. A recognized equivalent means a diploma awarded by any state on the basis of a General Education Development (GED) Test. If an applicant for certification is unable to document that the high school diploma was issued by an accredited school, successful completion of an examination provided or approved by the Council shall suffice. Documented non-accredited schools are not applicable under this rule.

(d) Complete two (2) applicant fingerprint cards prior to commencement of employment as a peace officer in a law enforcement unit. All fingerprint cards shall be processed by the Virgin Islands Police Department or a law enforcement agency approved by council to conduct background checks and the National Crime Information Center (NCIC) and the results returned to the Council.

(e) Be found, after examination by a licensed physician or surgeon, to be free from any physical, emotional, or mental conditions which might adversely affect his/her exercising the powers or duties of a peace officer.

(f) Successfully complete a job related academy entrance examination provided for and administered by the Council in conformity with local and federal law (where applicable).

(g) Not have been convicted by any state or by the federal government of any crime the punishment for which could have been imprisonment in the federal or state prison or institution nor have been convicted of sufficient misdemeanors to establish a pattern of disregard for the law, provided that, for purposes of this paragraph, violations of traffic laws and other offenses involving the operation of motor vehicles when the applicant has received a pardon shall not be considered.

(h) Possess good moral character as determined by investigation under procedure established by the Council.

### **03 Qualifications for Certification, Training Requirements.**

No candidate shall be certified under these Rules unless and until the academy director of the school where said candidate has satisfactorily completed the basic course established in accordance with these Rules, shall have submitted verification in such form as the Council may require, that the candidate has met the training requirements set forth in this Chapter.

### **04 Applications to be Permanent Records:**

Responsibility to Keep Current. All certification applications under these Rules shall be a permanent record. Should any change occur after certification that would require a different answer to any question in the application, to include change of address, or any supporting document that is made as part of the application, such change must be reported, by the officer, as an amendment to the application within thirty (30) days of the date of the occurrence of such change.

### **05 Notification of Disciplinary Action.**

Any applicant/candidate for certification or person certified pursuant to 23 V.I.C. § 1206 , who has disciplinary action taken against him/her by any agency, organization, or department of this Territory, thereof, or federal, shall notify the Council within fifteen (30) days of said action. For purposes of the thirty (30) day time limit, evidence that notification was mailed within thirty (30) days shall be sufficient. Disciplinary action as used herein means any action taken by any territorial or federal agency against a certified officer, which meets any of the following criteria:

- (a) arrest by local, state, or federal authorities;
- (b) suspensions, in totality, of thirty (30) days or longer for singular incidents of misconduct, demotions (other than for administrative purposes), termination by employing agency, or resignations in lieu of terminations;
- (c) indictments of presentments in any local, state or federal courts;
- (d) conviction or bond forfeiture, in any local, state or federal court. The term "conviction" shall include a finding or verdict of guilt, plea of guilty, or a plea of nolo contendere, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon;
- (e) minor traffic citations written to a certified officer need not be reported to the Council.



## **06 Notification Required by Employing Agency.**

- (a) Employing agencies suspending for thirty (30) days or longer, demoting (other than for administrative purposes), discharging an applicant/candidate for certification or certified officers for disciplinary reasons or accepting resignations in lieu of termination shall inform the Council in writing within thirty (30) days of such action and records concerning the disciplinary action shall be made available to an investigator with POST Council.
- (b) Employing agencies shall inform the Council in writing within thirty (30) days of any change of status in an officer's employment to include: hiring, resignation, change of home address, legal name change, promotion, administrative demotion, and education level.
- (c) Employing agencies shall inform the Council in writing within thirty (30) days of any applicant/candidate for certification or certified officer arrest.

## **07 Inquiries to Determine Compliance.**

The Council shall have the authority to initiate inquiries to determine compliance with the Peace Officer Standards and Training Act by an individual officer or employing agency of the local government. The officer's waiver signed upon application shall authorize the Council to obtain documents and other information necessary for the inquiry.

## **08 Notification of Disciplinary Action.**

The Council shall notify all officers by mail or hand delivery of any disciplinary action or a hearing to determine if disciplinary action is appropriate. For purposes of notification, mailing by delivery confirmation or certified mail to the last address specified on the application or the last known address of the officer shall constitute proper service.

## **09 Notification of Officer Arrest.**

Agencies arresting an applicant/candidate for certification or certified officer shall inform the Council in writing within fifteen (15) days of said arrest and records concerning the arrest shall be made available to an investigator with POST Council. Arrests shall include, arrest by local, state, or federal authorities; or indictments of presentments in any local, state or federal court. Minor traffic citations written to a certified officer need not be reported to the Council.

## **10 Officer Recertification**

- (a) All peace officers certified shall be required to apply for recertification every three (3) years from initial date of certification. [The certification date will be on the issued Certification Certificate.]
- (b) all applications for recertification shall be due on the last day of the month of certification and may be submitted up to ninety (90) days prior to the scheduled recertification date.

- (c) applications for recertification shall be submitted on forms approved by the Council.
- (d) failure to comply with this rule shall result in the officer's certification expiring and authorization to serve as a peace officer in the United States Virgin Islands suspended until such time as officer meets requirements, established by the Council, for recertification.
- (e) officer recertification shall not be used in lieu of a petition for reinstatement of certification or reconsideration of application.




**United States Virgin Islands  
Peace Officer Standards and Training  
Administrative Rules Approval**

The United States Virgin Islands Peace Officer Standards and Training Administrative Rules have been adopted and approved by the Council this 23rd day of October, 2016:

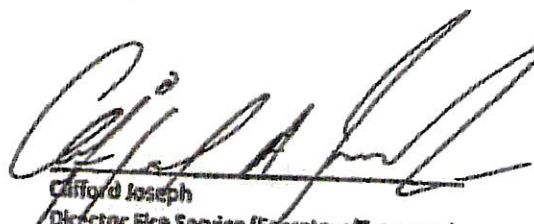
  
Delroy Richards, Sr.  
Police Commissioner/ POST Chairman


  
Winston McFarlane  
St. Croix Acting Police Chief

  
Rick T. Mullgraw  
Director, Bureau of Corrections

  
Claude E. Walker, Esq.  
Attorney General

  
Jason Marsh  
St. Thomas/St. John Acting Police Chief

  
Clifford Joseph  
Director Fire Service (Secretary/Treasurer)

  
Howard Forbes  
Director DPNR Enforcement

  
Rhys Hodge  
Chief Justice of the Supreme Court of the VI

United States Virgin Islands  
Peace Officer Standards and Training  
Administrative Rules

