

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE:) **PROMULGATION No. 2016-008**
ESTABLISHMENT OF THE OFFICE OF)
THE VIRGIN ISLANDS MARSHAL.)
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ORDER OF THE COURT

Pursuant to its inherent authority and the authority granted to it by section 21(c) of the Revised Organic Act of 1954, as amended, title 4, chapter 1 of the Virgin Islands Code, and title 4, chapter 21 of the Virgin Islands Code, the Supreme Court of the Virgin Islands hereby establishes the Office of the Virgin Islands Marshal. Accordingly, it is hereby

ORDERED that the Office of the Virgin Islands Marshal is **HEREBY ESTABLISHED**, which shall consist of all marshals of the Supreme Court of the Virgin Islands and all marshals of the Superior Court of the Virgin Islands employed in those positions as of today’s date, together with all court security officers and ancillary and support personnel so employed. Additionally, all equipment, vehicles, firearms, and other property under the custody and control of what was previously known as the Office of the Marshal of the Superior Court and the Office of the Supreme Court Marshal is now under the custody and control of the Judicial Branch Administrative Office through the Office of the Virgin Islands Marshal and the Acting Chief Marshal. The Human Resources Division of the Judicial Branch Administrative Office shall oversee the transfer of all marshals and other employees, while the Property & Procurement Division of the Judicial Branch Administrative Office shall inventory all equipment, vehicles, firearms, and other property. It is further

ORDERED that Lawrence Walcott Jr. is **HEREBY DESIGNATED** to serve as Acting Chief Marshal of the Office of the Virgin Islands Marshal until such date as a Chief Marshal is

appointed by the Chief Justice in accordance with title 4, section 351(a) of the Virgin Islands Code.

It is further

ORDERED that all individuals employed by the Office of the Marshal of the Superior Court and the Office of the Supreme Court Marshal on the effective date of Act No. 7888, who are now, by virtue of this order, members of the Office of the Virgin Islands Marshal, including court security officers and those serving in administrative positions, **SHALL RETAIN** their current positions, rank and pay grade until and unless modified in accordance with chapters 1 and 21 of title 4 of the Virgin Islands Code. Those serving in the management positions of Chief Superior Court Marshal, Assistant Chief Superior Court Marshal and Chief Supreme Court Marshal, which positions shall cease to exist, may continue to serve similar functions as Assistant Chief Virgin Islands Marshal for the St. Thomas – St. John District, Assistant Chief Virgin Islands Marshal for the St. Croix District and Assistant Chief Virgin Islands Marshal for the Supreme Court, respectively, under the direction of the Chief (or Acting Chief) Virgin Islands Marshal, pending further order of the Supreme Court. It is further

ORDERED that all marshals **MAY CONTINUE** to use badges and other insignia issued by the Office of the Marshal of the Superior Court and the Office of the Supreme Court Marshal, which shall have the same force and effect until and unless replaced by the Office of the Virgin Islands Marshal. It is further

ORDERED that all items, assignments, or work commenced by the Office of the Marshal of the Superior Court or the Office of the Supreme Court Marshal prior to issuance of this order, including marshal's sales, **SHALL BE COMPLETED**, with the Office of the Virgin Islands Marshal serving as the successor to the Office of the Marshal of the Superior Court and the Office of the Supreme Court Marshal, as the case may be. It is further

ORDERED that, for the remainder of Fiscal Year 2016 or until further notice, the salaries, benefits, and other expenses associated with employees of the Office of the Virgin Islands Marshal who had previously been employed by the Office of the Marshal of the Superior Court shall be paid from the Fiscal Year 2016 budget of the Superior Court, whereas the salaries, benefits, and other expenses associated with employees of the Office of the Virgin Islands Marshal who had previously been employed by the Office of the Supreme Court Marshal (including the Acting Chief Marshal) shall be paid from the Fiscal Year 2016 budget of the Supreme Court. It is further

ORDERED that Supreme Court Rule 102 is **AMENDED** by striking all existing language in its entirety and replacing it with the following new language:

- (a) There is established in the Judicial Branch of the Virgin Islands an Office of the Virgin Islands Marshal, which shall operate under the supervision, direction and control of the Chief Justice of the Virgin Islands. The Chief Justice shall appoint a Chief Marshal who shall administer the Office of the Virgin Islands Marshal, as well as such assistant and deputy marshals as the Chief Justice considers necessary for the proper administration and performance of duties and functions.
- (b) It shall be the duty of the Office of the Virgin Islands Marshal to attend sessions of the Supreme Court of the Virgin Islands and the Superior Court of the Virgin Islands and preserve order; provide for the safety and security of all judicial officers, employees, patrons, property, and buildings; serve and execute process, writs, and orders issued under the laws of the Virgin Islands by the Supreme Court or the Superior Court; and perform such other duties as may be directed by the Chief Justice; *provided, however*, that a marshal assigned to a particular justice, judge, or magistrate judge shall be under the immediate direction of that judicial officer when performing specific duties at any particular time.
- (c) The marshals of the Office of the Virgin Islands Marshal shall be peace officers as defined and provided by 5 V.I.C. § 3561, with the powers, duties, and obligations thereof, and are entitled to all benefits provided by law such peace officers. No person shall be eligible for appointment as a marshal unless he or she has successfully completed the training required for peace officers as established by the Government of the Virgin Islands, or equivalent training, and taken the oath of office required of officers of the Government of the Virgin Islands and of the Virgin Islands Judiciary.
- (d) The Supreme Court may promulgate other rules, regulations, and procedures to govern the operations of the Office of the Virgin Islands Marshal.

It is further

ORDERED that copies of this order be directed to the appropriate parties.

SO ORDERED this 22nd day of August, 2016.

/s/ Ive Arlington Swan
IVE ARLINGTON SWAN
Associate Justice

/s/ Rhys S. Hodge
RHYS S. HODGE
Chief Justice

/s/ Maria M. Cabret
MARIA M. CABRET
Associate Justice

ATTEST:
VERONICA J. HANDY, ESQ.
Clerk of the Court