



**35<sup>TH</sup> LEGISLATURE OF THE VIRGIN ISLANDS  
COMMITTEE ON HOMELAND SECURITY, JUSTICE AND PUBLIC SAFETY**

**The Honorable  
Kenneth L. Gittens  
Chair of Committee**

**THE VIRGIN ISLANDS DEPARTMENT OF HEALTH**

**Testimony**

Presented by  
Reuben D. Molloy, Assistant Commissioner

Update from our agency's Enforcement Section.

1 Good day, Honorable Senator Kenneth L. Gittens, Chairperson of the Committee on Homeland  
2 Security, Justice, and Public Safety; Honorable Ray Fonseca, Vice Chair, Committee Members,  
3 and all Non-committee members, and the viewing and listening audience. I am Reuben Molloy,  
4 Assistant Commissioner for the Virgin Islands Department of Health on behalf of the Honorable  
5 Health Commissioner Justa E. Encarnacion. Present with me today are Dr. Nicole Craigwell-Syms,  
6 Assistant Commissioner; and Wanson Harris, Director of Environmental Health and Safety.

7 We are here today to provide testimony on our Department's Health Enforcement Officers.

8 We appreciate the opportunity to provide a comprehensive update on the Enforcement Section  
9 within the Division of Environmental Health at the Virgin Islands Department of Health. In  
10 addition to the statutory authority granted under Title 5 of the Virgin Islands Code, Subtitle 3, Part  
11 I, Chapter 305, Subchapter I, I would like to highlight the vital role of our dedicated Enforcement  
12 Officers and the ongoing efforts to strengthen our manpower, operational efficiency, and capacity.

13 **Manpower Staffing and Ongoing Expansion:** Currently, the Enforcement Section operates with  
14 a dedicated team of three Enforcement Officers. Their unwavering commitment and diligence have  
15 been instrumental in carrying out inspections, investigations, and enforcing health and safety  
16 regulations throughout the territory.

17 I am pleased to share that we are actively in the process of enhancing our manpower. Plans are  
18 underway to add three additional Enforcement Officers to our team, reflecting our commitment to  
19 expanding our capacity to address the evolving challenges in public health and safety. Additionally,  
20 we are in the process of creating two Chief positions—one on St. Croix and one on St. Thomas—  
21 to provide leadership and coordination across the islands.

1 **Fleet and Equipment:** The Enforcement Section utilizes four vehicles equipped for enforcement  
2 activities, two of which are undergoing repairs for mechanical issues. The division also uses  
3 advanced technologies such as data management systems to monitor and analyze environmental  
4 health indicators.

5 **Duty Hours and Operational Flexibility:** The Enforcement Officers work from 8:00 AM to 5:00  
6 PM, Monday through Friday, with weekends and holidays off, as per the Collective Bargaining  
7 Agreement. However, they also conduct after-hours operations and respond to cases in  
8 collaboration with the Virgin Islands Police Department, especially when dealing with individuals  
9 with behavioral health issues.

10 **Arrest of Suspect for Burglary:** The Enforcement Section recently apprehended an individual  
11 involved in the burglary of buildings operated by the Virgin Islands Department of Health, after a  
12 thorough investigation that involved gathering evidence, conducting interviews, and collaborating  
13 with relevant authorities. This incident highlights the effectiveness of our investigative processes  
14 and the commitment of our Enforcement Officers to maintaining the security of facilities under  
15 the jurisdiction of the Virgin Islands Department of Health. It also underscores the critical role our  
16 officers play in collaborating with law enforcement agencies to address criminal activities that  
17 impact the well-being of our community.

18 **Overview of Enforcement Activities (2023):** During 2023, the Enforcement Section conducted  
19 inspections on 789 establishments throughout the territory. Our dedicated Enforcement Officers  
20 identified and addressed significant health and safety concerns, resulting in the issuance of 127  
21 Cease and Desist orders to establishments that failed to maintain health standards, posing imminent  
22 health and safety threat to the public.

1 Furthermore, Enforcement Officers issued 195 citations during the same period, with fines totaling  
2 \$16,100. These fines were imposed on establishments that violated health and safety regulations,  
3 reinforcing our commitment to regulatory compliance.

4 **Collaboration with Partner Agencies:** Our Enforcement Officers work in close partnership on  
5 initiatives with the Department of Licensing and Consumer Affairs and the Virgin Islands Police  
6 Department. This collaborative approach enhances our ability to combat illegal activities  
7 surrounding business establishments, ensuring a holistic response to potential threats to public  
8 health and safety.

9 **Training and Certification:** To bolster our enforcement capabilities, our officers undergo rigorous  
10 training and maintain certifications in various essential areas. The training includes:

- 11 • Instructor Development Certification
- 12 • Active Shooter Response Training
- 13 • Officer Survival Training
- 14 • Dignitary Protection Training
- 15 • Interview and Interrogation Training
- 16 • Background Investigation and Retention Training
- 17 • Firearms Instructor Training
- 18 • Advanced SWAT Officer Training
- 19 • Glock Armorer's Course
- 20 • Non-Violence Crisis Prevention Training

21 These thorough training programs enable our Enforcement Officers to provide effective support to  
22 the Virgin Islands Police Department and other law enforcement agencies within the territory.

23 Furthermore, all officers have successfully completed their annual 40-hour training regimen,  
24 encompassing vital subjects including firearm recertification, use of force protocols, updates in  
25 constitutional law, ethical considerations, training on handling domestic violence and sexual assault  
26 cases, proficiency in Taser and OC spray deployment, and certification in impact weapons usage.

1 **Investigation:** To identify and address potential health hazards, the Enforcement Section conducts  
2 Routine Inspections of establishments and public spaces. Leveraging advanced technologies, we  
3 utilize Surveillance Systems to monitor environmental health indicators, allowing us to proactively  
4 respond to emerging concerns. Furthermore, we prioritize responsiveness by addressing  
5 Complaints from the public promptly, taking appropriate actions to mitigate potential risks.

6 **Enforcement:** In our enforcement efforts, the Enforcement Section is dedicated to upholding  
7 Regulatory Compliance through regular inspections. Applying Penalties and Fines for non-  
8 compliance serves as a deterrent, reinforcing the importance of adherence to established standards.  
9 In instances where immediate action is necessary, our division is empowered to take Legal Actions,  
10 including issuing cease-and-desist orders when required. After conducting our actuarial study a  
11 few years ago, we were able to submit a proposed Bill to Government House in 2023 to raise our  
12 fines in Title 19 of the Virgin Islands Code Section 1481, Penalties for violations of chapter. After  
13 many meetings and recent feedback on the proposed Bill, we submitted our final draft to  
14 Government House. Our proposed changes in this section increased the fines, and whoever violates  
15 the provisions of this chapter will now be fined for the first offense not more than \$900 instead of  
16 \$30, second offense not more than \$1500 instead of \$50, third offense not more than \$1700 instead  
17 of \$50 and for any subsequent or repeated offense, a cease-and-desist letter will be issued to the  
18 establishment putting them on notice that an imminent health hazard exists. The business  
19 establishment will be closed until a written request is made from the permit holder stating that the  
20 conditions in the letter no longer exist. The regular authority, the Environmental Health Division,  
21 must conduct the reinspection within 2 days. Once the regulatory authority determines that the  
22 public health hazard or nuisance no longer exists, a notice of reinstatement shall be provided to  
23 the business establishment. The addition of the cease-and-desist letter is incorporated from the

1 FDA (Food and Drug Administration) Food Code, specifically Section 8-904.10, which summarily  
2 suspends a permit to operate a food establishment if it determines through inspection or other  
3 means that an imminent health hazard exists. Furthermore, for serious and repeated violations, the  
4 health permit may be revoked by the Commissioner of Health after the violator can be heard under  
5 Title 19 of the Virgin Islands Code Section 1434.

6 **Technological Solutions:** Embracing innovation, the Enforcement Section implements cutting-  
7 edge Data Management Systems, streamlining the collection and analysis of environmental health  
8 data. Moreover, we leverage Advanced Testing Methods for environmental monitoring, ensuring  
9 the accuracy and efficiency of our detection measures.

10 **Collaboration and Partnerships:** Acknowledging the significance of collaboration, we proactively  
11 initiate engagements with various government agencies, non-profit organizations, and community groups.  
12 This collaborative strategy cultivates a unified response to environmental health challenges. Furthermore,  
13 our dedication to community engagement is exemplified through Outreach Programs and feedback  
14 mechanisms, which actively involve and empower the public in the environmental health processes.

15 **Prosecutorial Approaches and Administrative Penalties:** The Division of Environmental  
16 Health adheres to a legal framework outlined in the Virgin Islands Code, specifically Title 5,  
17 Subtitle 3, Part I, Chapter 305, Subchapter I. Our prosecutorial approaches and execution of  
18 administrative penalties follow a structured process:

19 **Investigation and Evidence:** Our commitment to thorough investigations is exemplified through  
20 comprehensive inspections aimed at gathering conclusive evidence of non-compliance with health  
21 and safety regulations. These inspections, coupled with meticulous documentation, including  
22 photographs and relevant evidence, form the basis for our enforcement actions.

1 **Legal Authority and Framework:** The Enforcement Section operates with precision under  
2 specific statutory authority outlined in the Virgin Islands Code. This legal foundation empowers  
3 our actions, ensuring a robust and lawful approach to environmental health enforcement. Our  
4 endeavors are guided by clear regulations and guidelines that meticulously define the standards  
5 for maintaining and enhancing environmental health throughout the territory.

6 **Notice of Violation:** In instances of identified infractions, the Enforcement Section issues Notices  
7 of Violation to entities, meticulously outlining specific breaches and providing a defined timeframe  
8 for corrective action. This proactive approach ensures transparency and offers an opportunity for  
9 remediation.

10 **Administrative Penalties:** To deter non-compliance, the Enforcement Section applies a strategic  
11 use of monetary penalties. Imposing these penalties serves as a strong deterrent against violations,  
12 with graduated penalties implemented for repeated or severe breaches, ensuring proportionate  
13 consequences.

14 **Appeals Process:** In adherence to principles of fairness, a formal Appeals Mechanism is provided  
15 for violators who wish to challenge enforcement actions. Furthermore, judicial review processes  
16 are in place, allowing courts to assess the appropriateness of penalties imposed, ensuring  
17 accountability and fairness.

18 **Legal Action:** The Enforcement Section adopts a multifaceted approach to legal action,  
19 encompassing the pursuit of legal proceedings, court orders, and injunctions to address violations  
20 and enforce compliance. In cases of egregious violations posing significant threats to public health,  
21 criminal prosecution is pursued to maintain the highest standards of public safety.

1 **Compliance Monitoring:** Our commitment to public health does not conclude with enforcement  
2 actions. The Enforcement Section conducts follow-up inspections to ensure entities subject to  
3 penalties achieve compliance with prescribed corrective actions. This ongoing compliance  
4 monitoring, coupled with sustained oversight, creates a proactive and preventive approach to  
5 environmental health enforcement.

6 Finally, the decisions and actions within the Department of Health are guided by our MISSION,  
7 VISION, and VALUES. Our MISSION is To Reduce Health Risks, Increase Access to Equitable  
8 Quality Healthcare, and Enforce Health Standards. Our VISION is to be A Trust System That  
9 Supports A Healthy Virgin Islands. And our VALUES are Equity, Community-Focused, Integrity,  
10 Compassion, Accountability, Teamwork, Inclusiveness, Respect, and Results-Oriented  
11 Performance.

12 In conclusion, I want to thank the Environmental Health Division and our Enforcement Officers  
13 for their commitment and dedication not only to the Department and the enforcement community  
14 but also our community. Their commitment to prevention, investigation, enforcement,  
15 technological solutions, and collaboration forms the cornerstone of our efforts to ensure the highest  
16 standards of environmental health within the territory. The Department of Health is committed to  
17 reducing health risks, increasing access to quality healthcare, and enforcing health standards. The  
18 Department commits to continued collaborative efforts with the members of the 35th Legislature.  
19 We stand ready to respond to any questions you may have.