

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

PEOPLE OF THE VIRGIN ISLANDS,)	
)	
Plaintiff,)	(Superior Court of the Virgin Islands
)	Case No. ST-09-CR-F020)
v.)	
)	
WILLIAM G. CLARK,)	
)	
Defendant.)	
_____)	

DECLARATION OF EDUARDO M. HALLEY

I, Eduardo M. Halley, declare as follows:

1. I am a Supervisory Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), a law enforcement agency within the United States Department of Justice. I have been employed by ATF for approximately 26 years. I am currently assigned to the Miami Field Division, which has supervisory authority over the United States Virgin Islands.

2. William G. Clark is also employed by ATF. He has been an ATF Special Agent for approximately seven years. In September 2008, he was assigned to St. Thomas, United States Virgin Islands. There have been no adverse administrative actions taken against him during his tenure.

3. I am familiar with ATF policies and guidelines, including the ATF Use of Force and Weapons Policy and ATF Directive 3210.7C. Chapter C, Section 31 of the ATF Use of Force and Weapons Policy states:

Special Agents are considered available for duty 24 hours a day, 7 days a week in a standby or on-call status. For this reason, special agents will be armed at all times while on duty. Leave status does not suspend special agents' authority to carry firearms.

Accordingly, special agents are authorized to be armed at all times and expected to protect themselves and the public subject to the rules set forth in this chapter.


4. Chapter E, Section 55.a. of ATF Directive Number 3210.7C states:

A special agent may witness a State violation, either on or off-duty. Although no specific Federal authority exist allowing special agents to make arrests for other than Federal violations, the Bureau takes the position that special agents are not totally without authority or responsibility in this area. Bureau special agents may intervene in exigent State offenses under the authority vested in them by State law as either statutorily recognized peace officers or as private citizens. The latter, in most States, limits the arresting private citizen to situations in which a State felony has been committed and the arrested person committed the felony.

5. At the request of the United States Department of Justice, an investigative team from the ATF Miami Field Office investigated an incident on September 7, 2008, during which ATF Special Agent William G. Clark shot an apparently intoxicated male who engaged in a violent domestic assault on his female partner. The male later expired. The ATF investigative team concluded that Special Agent Clark acted with prudence and restraint, only resorted to the use of deadly force in response to an imminent and deadly threat to his safety and the safety of others, and acted in compliance with the established policies of the United States Department of Justice.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Date: 2/10/2009


Eduardo M. Halley
ATF Supervisory Special Agent