

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiffs

v.

COMMONWEALTH OF PUERTO RICO, et al.
Defendants

CIVIL NO.: 12-2039 (GAG)

**PUERTO RICO POLICE DEPARTMENT'S FIRST STATUS REPORT PURSUANT TO
REQUIREMENT 261 OF
THE AGREEMENT FOR THE SUSTAINABLE REFORM**

TO THE HONORABLE COURT:

COMES NOW, the Puerto Rico Police Department (PRPD) through the undersigned counsel and respectfully states as follows:

I. INTRODUCTION

1. The Agreement for the Sustainable Reform of the Puerto Rico Police Department” (hereinafter referred to as the “Agreement”) states in its pertinent part that, beginning with the Technical Compliance Advisor’s first six-month report, PRPD shall file with the Court sealed and unsealed versions of a status report. Therein, PRPD will delineate the steps taken during the review period to implement the Agreement, an assessment of the status of its progress, and any response to concerns raised in prior Technical Compliance Advisor’s reports. (See Requirement 261).

2. In compliance with Requirement 261 of the Agreement a status report and an assessment for each one of the areas of compliance is provided below. Since an initial progress report was filed before this Honorable Court on August 1st, 2014 (Docket No. 159-1), which covered PRPD’s initial reform progress until July 31st, 2014, this report covers the reform progress from August 1st to November 30th, 2014.

Confidential

II. PROGRESS REPORT

A. General Matters

3. *Reform Office:* The PRPD Reform Office continues under the direction of the highest ranking female officer in the PRPD ranks. There are forty-one (41) PRPD employees working in the Reform Office, including twenty-nine (29) PRPD members of different ranks, three (3) civilian employees, including one (1) attorney, one (1) reservist, eight (8) contractors for professional services, including four (4) attorneys, and one (1) budget and financial analyst from the Office of Management and Budget working full time for the Reform Office.

4. *Reform Office Organizational Structure:* A General Order establishing the Reform Office, officially reporting directly to the Superintendent, is in a final format. It includes some recommendations provided by the Technical Compliance Advisor (TCA). The General Order includes the structure of the Reform Office, as well as the vision, mission, and the duties and responsibilities of each division that answers to the office. All personnel have been reassigned according to the new structure recommended for the Reform Office, as follows:

- a. As stated in paragraph three (3) of this Report, the PRPD's Reform Office has a Director that reports directly to the Superintendent. The Director has the responsibility of advising the Superintendent in every aspect of the implementation of the Agreement. The Director meets on a weekly basis with the Superintendent to brief and discuss the reform progress and challenges towards the implementation of the Agreement. Additionally, the Director serves as a liaison between the TCA, the DOJ, the Puerto Rico Department of Justice (PRDOJ) and the PRPD.

- b. Deputy Director: The Deputy Director is an Inspector and she assists the Director in the supervision of Reform Office personnel and in the development and compliance of Action Plans.
- c. Division of Implementation and Compliance: This division of the PRPD's Reform Office is led by a First Lieutenant. It ensures every aspect of compliance of the Agreement through its Monitoring Section. It oversees and assesses compliance in the Zones of Excellence, and through its Field Strategies Section, has the responsibility of developing the action plans required by the Agreement. The progress of this Division will be informed in the areas of compliance of Supervision and Management.
- d. Division of Policies and Procedures: This Division of the Reform Office is under the direction of an attorney. This division has the responsibility of drafting policies, procedures, regulations, and legal documents in collaboration with PRPD members from inside and outside of the Reform Office. The Division also assists the Superintendent and the Director of the Reform Office in requests for information and documents from the TCA and the DOJ. The policies and legal documents that are informed within the areas of compliance of this report have been drafted and/or revised by this division.
- e. Community Engagement Division: This Division is under the direction of a Second Lieutenant. It develops strategies and manages compliance for the areas of Equal Protection and Non Discrimination, and Community Engagement and Public Information. The progress of this Division will be informed in the areas

of compliance of Equal Protection and Non-Discrimination and Community Engagement and Public Information.

- f. Division of Systems Efficiency and Management Procedures: This Division is under the direction of a civil employee. It ensures that the policies and strategies developed, pursuant to the Agreement, for the areas of Professionalization, Supervision and Management, and Recruitment Selection and Hiring are implemented. The progress of this Division will be informed in the areas of compliance of Professionalization, Supervision and Management, and Recruitment Selection and Hiring.
- g. Division of Professional Development: This Division is under the Direction of a First Lieutenant. It ensures in-service training for all PRPD members on all policies developed pursuant to the Agreement. It also ensures that the Academy training complies with the new standards of the Agreement. Additionally, this Division ensures implementation with the special training requirements for the areas of compliance of Use of Force and Searches and Seizures. The progress of this Division will be informed in the areas of compliance of Training, Use of Force, and Searches and Seizures.

5. *Access to the Equitable Sharing Program Funds:* Equitable Sharing Funds began to be disbursed on August 7, 2014. These funds are being used for the implementation of the Agreement and in accordance with federal government guidelines "Equitable for State and Local Law Enforcement Agencies". Currently there are six million three hundred thirty-four thousand nine hundred thirty-eight dollars and fifty-six cents (\$6,334,938.56) available.

6. *Equipment Acquisitions:* PRPD recently acquired thirty five (35) new vehicles, which were assigned as follows: sixteen (16) vehicles for the Force Investigations Units (FIUs), thirteen (13) for the Bureau of Community Relations which were labeled in accordance to their assigned area, six (6) for the Auxiliary Superintendence of Training and Education and two (2) for the Reform Office. These vehicles will be used to comply with Requirements 48, 205, and 117 of the Agreement.

7. *Providing Orientation on the content of the Agreement to PRPD personnel:* Each area commander has been given additional briefing on the Agreement. An executive summary of the Agreement, in Spanish, is being disseminated to ensure that all PRPD personnel are aware of the Agreement and the Reform process. The Superintendent and the Director of PRPD's Reform Office hold monthly meetings with the Area Commanders to discuss the reform progress.

8. *Action Plans:* The first set of Action Plans was delivered to the TCA and the DOJ on September 4, 2014, on the following compliance areas: Use of Force, Searches and Seizures, Equal Protection and Non-Discrimination, and Professionalization. Both the TCA and DOJ reviewed the Action Plans and issued detailed recommendations. On November 20, 2014, the PRPD met with the TCA and DOJ to discuss their input and to reach an agreement the submission of the remaining Action Plans. The parties agreed that a revised version of the first set of Action Plans will be submitted within one hundred and twenty (120) days, with the recommendations of the TCA and DOJ included.

B. Zones of Excellence

9. The Zones of Excellence (ZOE's) represent the different geographic and demographic areas of the Commonwealth of Puerto Rico. These police stations were selected in order to measure the results of the implementation of the Requirements of the Agreement in different settings.

10. PRPD recently assigned four (4) new vehicles, one to each of the Commanders of the ZOE's, to facilitate their availability twenty-four (24) hours per day, seven (7) days per week.

11. The CAD (Computer Aided Dispatch) system was established in all the ZOE's for the dispatch of service calls as it relates to the dispatch of patrol vehicles and the management of incident reports.

12. On November 2014, the daily activity report (Form No. 480) was revised by the ZOE Commanders, and approved by the PRPD. The revision was made to facilitate effective reporting by PRPD agents, and to enhance its usefulness as a management and supervision tool.

13. *ZOE's Monitoring:* Monthly meetings have been established with the ZOE Commanders and PRPD's Reform Office personnel for oversight purposes. Reform Office personnel also conduct random monitoring visits to ensure functionality and compliance with established goals. PRPD consultants Warshaw & Associates have been visiting the ZOE's to meet with the commanders and discuss implementation issues.

14. *Progress at the ZOE of Bayamon Oeste Precinct:* This ZOE has one hundred and fourteen (114) PRPD members. Twenty-five (25) or twenty-two percent (22%) of the PRPD members assigned to this Precinct have been issued an Electronic Control Device after being trained and certified in its use. One hundred and thirteen (113) or ninety-nine (99%) percent of PRPD members have been provided with official email accounts to maintain constant

communications with PRPD Headquarters, and to receive bulletins and other official information. In addition, as of November 25, 2014, thirty-four (34) or a thirty percent (30%) of the PRPD members have been trained in the newly revised policies of Use of Force (General Orders 601 and 605). On November 22, 2014, this ZOE celebrated its Second Fair of Safety and Community Resources at the Pepin Cestero Court in Bayamón, Puerto Rico. The purpose of the fair was to promote community partnerships and relations with the PRPD, and to increase citizen participation of the Bayamón residents in the Community Safety Councils. Twelve (12) PRPD divisions, eleven (11) government agencies, twenty (20) private companies and eleven (11) Community Safety Councils in Bayamón participated in this fair. Over four hundred (400) community members attended the event. In terms of crime statistics, as of November 30, 2014, the efforts of this ZOE towards reducing its crimes have resulted in a one hundred twenty-four (124) or twenty-two point five percent (22.5%) reduction in crimes against the person (murders, sexual assaults, robbery, and battery) and one hundred eighty-nine (189) or seventeen percent (17%) reduction in crimes against the property (theft, car theft, and break-ins) as opposed to November 30, 2013.

15. *Progress at the ZOE of Utuado District:* This ZOE currently has thirty-nine (39) PRPD members. Thirty-eight (38) or ninety-nine percent (99%) of PRPD members assigned to this Precinct have received a new impact weapon after successfully completing training on the Use of Impact Weapons. Thirty-six (36) or ninety-two percent (92%) of the PRPD members assigned to this precinct received an Electronic Control Device after being trained and certified on its use. In addition, thirty-six (36) or a ninety-two percent (92%) of the PRPD members have been trained in the newly revised policies of Use of Force (General Orders 601 and 605). As of November 30, 2014, the efforts of this ZOE towards reducing its crimes have resulted in six (6) or twenty-three point one percent (23.1%) reduction in crimes against the person (murders, sexual assaults,

robbery, and battery) and fifty-seven (57) or twenty-nine point eighty-four percent (31.1%) reduction in crimes against the property (theft, car theft, and break-ins) as opposed to November 30, 2013.

16. *Progress at the ZOE of the Quebradillas District:* This ZOE has forty-four (44) PRPD members. Thirty-seven (37) or eighty-four percent (84%) of the PRPD members assigned to this District have received a new impact weapon after successfully completing training on the Use of Impact Weapons. Forty (40) or a ninety percent (90%) of the PRPD members assigned to this precinct have been provided with official email accounts to maintain constant communication with PRPD Headquarters and to receive bulletins. Twelve (12) or twenty-seven percent (27%) of the PRPD members assigned to this District, have been issued Electronic Control Devices after being trained and certified on its use. In addition, thirty-five (35) or eighty percent (80%) of PRPD members have been trained in the newly revised policies of Use of Force (General Orders 601 and 605). In terms of crime statistics however, this ZOE is confronting an increase in its crime rate when compared to that of November 30, 2013. Despite their efforts, as of November 30, 2014, crimes against the person (murders, sexual assaults, robbery, and battery) have increased by three (3) or fifteen point seventy-nine percent (15.79%). Crimes against the property (theft, car theft, and break-ins) have increased to fifty-seven (57) or twenty-nine point eighty-four percent (29.84%). This ZOE is working to identify the causes of this increase in its crime rate to develop a strategic plan to address it.

17. *Progress at the ZOE of Las Piedras District:* This ZOE has thirty-six (36) PRPD members. Twenty-eight (28) or seventy-eight percent (78%) of the PRPD members assigned to this District have been issued Electronic Control Devices after being trained and certified on its use. In addition, thirty-six (36) or one hundred percent (100%) of PRPD members assigned to this

precinct have been provided with official email accounts to maintain constant communication with PRPD Headquarters and to receive bulletins. In addition, seventeen (17) or forty-seven percent (47%) of the PRPD members have been trained in the newly revised policies of Use of Force (General Orders 601-605). As of November 30, 2014, the efforts of this ZOE towards reducing its crimes have resulted in twenty-two (22) or twenty-five point fifty-eight percent (25.58%) reduction in crimes against the person (murders, sexual assaults, robbery, and battery) and one hundred-one (101) or twenty-six point thirty-seven percent (26.37%) reduction in crimes against the property (theft, car theft, and break-ins) as opposed to November 30, 2013.

III. COMPLIANCE AREAS

A. Professionalization (Chapter III of the Agreement)

18. *Code of Ethics*: PRPD found that the draft of the policy "Code of Conduct and Ethics" was in conflict with PRPD Personnel Regulations. Any change, or amendment to the PRPD members' Code of Conduct can only be made through an amendment to said regulation. Consequently, PRPD modified the policy and is in the final revision process in PRPD's Reform Office. This step was taken to comply with requirement twelve (12).

19. *Detailed Job Descriptions for PRPD's Ranking System*: PRPD is reviewing detailed job descriptions for each rank from other jurisdictions. Additionally, models of rank descriptions that were submitted by Warshaw & Associates and the TCA Core Team are being evaluated.

20. *Promotions*: PRPD is currently facing challenges in carrying out promotions as a direct result of Puerto Rico Act 66-2014 "Special Law for the Fiscal and Operational Sustainability of the Commonwealth" passed in 2014. This law prevents personnel transactions, such as promotions, from being carried out due to their fiscal impact. At the present time, PRPD has one

thousand, seven hundred eighty-four (1,784) available positions for Sergeants; six hundred sixty-one (661) available positions for Second Lieutenants; three hundred forty-five (345) available positions for First Lieutenants; one hundred fifty-nine (159) available positions for Captains; sixty-seven (67) available positions for Inspectors; thirty-two (32) available positions for Commanders; and thirty-one (31) available positions for Lieutenant Coronels. PRPD is working with the Office of Management and Budget to identify an exemption within the law that will allow promotions to take place, in accordance with the Agreement. If a solution is identified to allow promotions, all eligible PRPD members who passed promotional tests and have no pending administrative investigations or disciplinary actions will be promoted in February 2015 during the week in which the Commonwealth of Puerto Rico honors PRPD members. On November 4, 2014, PRPD Superintendent Jose L. Caldero-Lopez, issued directive number OS-1-12-90 titled "Promotions Registry" ("Registro de Ascensos") to extend, until further notice, the duration of the eligibility Register for PRPD members who passed promotional tests so that this goal could be accomplished. Another challenge PRPD faces in promotions is the need to amend current legislation. Sections 3105 and 3114 of the Puerto Rico Police Act (Act # 53-1996) need to be amended in accordance with Requirements 17, 18, and 21 in order to ensure competitive written examinations to award promotions through the rank of Captain; establish objective criteria for promotions above the rank of Captain and establish the Commander Corps. Section 3101 of the Puerto Rico Police Act needs to be amended in accordance with Requirement 15 of the Agreement. Section 3122 of the Puerto Rico Police Act needs to be amended in accordance with Requirement 19 of the Agreement to establish specific criteria for the promotion of officers in direct supervisory roles.

B. Use of Force (Chapter IV of the Agreement)

21. *Use of Force*: General Order No. 601 "Rules for the Use of Force by Puerto Rico Police Members" was revised on September 3, 2014, and signed by the Superintendent as a provisional policy pursuant to Requirement 237(a). Several changes were incorporated to comply with requirement number twenty-four (24): the neck hold was changed to a level four (4) category as a use of force; shooting an animal when it represents a danger to public safety was also changed to a level four (4); and all strikes to the head were changed to a level four (4). The design of the Use of Force Matrix, an easy to read chart of the levels of force, was included in the general order to facilitate the understanding of the levels of force and how they relate to the levels of resistance encountered. On October 20, 2014, the TCA submitted his recommendations for this policy. The TCA found that General Order 601 was "very comprehensive, incorporating many of the best practices developed for police departments throughout the United States." DOJ provided their comments on November 17, 2014. The DOJ found that "The policy improves upon the earlier versions and meets most of the requirements of the agreement." The recommendations of both the TCA and DOJ will be incorporated in the next revision of this general order which is due on December 2015.

22. *Less lethal weapons*: PRPD created the following policies using the police best practices and approved them on January 31, 2012. The status of these policies is as follows:

- a. *General Order No. 602 "Use and Management of the Electronic Control Device"*: Pursuant to requirement number twenty-four (24), several definitions were incorporated to the revised version of this policy. The procedure to be followed when a PRPD member does not comply with the training was included. The title of the positions of the Area and Central Level Coordinators were changed to

"Technicians for Solutions and Research." The procedures to download the ECW data were also included. A form to document the use of the ECW was created, PRPD Form 892 "*ECW Control Log*". A form to record the seizure of Electronic Control Devices, PRPD Form 900 "*Less Lethal Weapon Seizure Form*" was developed and is being reviewed. This form will be used to record the receipt of the equipment, when an agent's ECW is taken away due to an agent failing re-certification or if the ECW is seized as evidence. An appendix was added to the General Order, which included a diagram showing the human body and the recommended areas of impact as well as the procedures for loading, testing, and maintenance of the ECW. PRPD expects to send this revised policy to the TCA and DOJ for approval on or before December 31, 2014.

- b. *General Order No. 603 "Use and Management of Impact Weapons"*: This order was revised and sent to the TCA and DOJ for approval on October 1st, 2014. In accordance with requirement number twenty-four (24), the following changes were incorporated into this policy: two diagrams showing the body parts that can be struck with the expandable or rigid baton were updated; several definitions were updated in compliance with the Agreement; the procedure to follow when a trainee does not successfully pass training was included; and a form to document the seizure of the baton, PRPD Form 900 "*Less Lethal Weapon Seizure Form*" was included. The TCA submitted his recommendations on October 9, 2014. In general, the TCA found the policy to be in compliance with the Agreement and commended PRPD for detailing the objectives of the policy. The TCA's recommendations were

incorporated to the revised version. PRPD is waiting for DOJ's recommendations to finalize the policy.

c. *General Order No. 604 "Use and Management of Pepper Spray and Tear Gas":*

PRPD revised General Order 604 in accordance with the Agreement. Pursuant to requirement numbers twenty-four (24) and fifty-three (53) of the Agreement, a work plan and a test for the evaluation of a chemical agent (oleoresin capsicum) in gel form was developed and conducted by personnel of the Reform Office and representatives of the product firms on October 3, 2014. The objective was to evaluate the usefulness and versatility of this type, brand, and method of dispersion of the chemical agent. As a result of said test, PRPD selected the gel form of oleoresin capsicum (OC) for use. Consequently, several changes were made to this policy. The procedure to follow when a trainee does not successfully pass the training is included in the revision. The name of the general order was changed to "Use and Handling of Chemical Agents". A form to record the seizure of the chemical agent PRPD Form 900 "*Less Lethal Weapon Seize Form*" was added to the policy. Appendixes for the decontamination procedure for chemical agents were added. The revised version of this policy is being finalized by the Reform Office and will be submitted to the TCA and DOJ on or before December 31st, 2014.

23. *Lethal weapons:* The Reform Office is in the process of reviewing and drafting new policies on the use of lethal weapons. The status of these policies are as it follows:

- a. *General Order 2004-3 "Use and Handling of Regulation Firearms":* In order to be compliant with the Agreement, this general order will have to be amended in its entirety. The revision of this general order will also affect the following:

General Order 77-8 "Rules and Procedures for the Distribution of Long Range Weapons, Munitions and Grenades," and Special Order 71-1 "Safety Rules for the Storage of Weapons of Long Range in the PRPD Facilities." PRPD's firearms instructors are working in collaboration with the Reform Office to finalize this policy by January 30, 2015. In a meeting held with personnel from the Deputy Superintendence in Education and Training ("the Academy"), a copy of the draft policy was provided so the Academy has the necessary information for the development of the training materials. It was requested that the Academy provide firearms maintenance diagrams in order to develop a training bulleting to be attached to this policy. Other topics discussed in this meeting, resulted in changes made to this policy in order to be in compliance with requirement number twenty-four (24) as follows: the establishment of the procedure to disarm a PRPD member when the member fails to qualify in the annual training (requirement number twenty-six (26)), and the establishment of the procedure when a PRPD member's service weapon is defective. Some of the PRPD forms were revised and amended as follows: Form No.121 "*Receipt for Duty Firearms, Magazines and Ammunition*," Form No. 279, "*Receipt for Service Firearms* and Form No. 846 "*Request for Gunsmith Services*."

24. *General Order 2010-5 "Reorganization of the Canine Division and Creation of the K-9 Training Center"*: This general order is being reviewed, to be in compliance with requirement number twenty-four (24).

25. *Report and Investigation of Use of Force Incidents*: General Order No. 605- "Report and Investigation of Use of Force Incidents" was revised on September 3, 2014, and

signed by the Superintendent as a provisional policy pursuant to Requirement 237(a). General Order 605 was amended to include the following: the definitions of the levels of use of force, a timeline of forty-five (45) days for the Force Investigation Units to complete their investigations of critical use of force incidents, in accordance with Requirement 51 of the Agreement; and information sharing with family members of an individual involved in a use of force incident that resulted in injury pursuant to Requirement 24 of the Agreement. On October 20, 2014, the TCA submitted his recommendations for this policy and they are under review by the Reform Office. The TCA found that General Order 605 is "very comprehensive, incorporating many of the best practices developed for police departments throughout the United States." PRPD is waiting for the recommendations from DOJ on this policy. The recommendations of both the TCA and DOJ will be incorporated in the next revision of this policy.

26. *Force Review Boards*: The Reform Office continues to work on the draft of this policy that creates the Force Review Boards.

27. *Force Investigation Units (FIUs)*: PRPD has recruited, selected, trained and assigned twenty-five (25) members to the FIUs and appointed a First Lieutenant as Director of these Units that responds directly to the Deputy Superintendent of Professional Responsibility. All FIUs members went through a rigorous process of background investigation prior to their selection, including a polygraph test and drug testing. The FIUs main facilities are located in the PRPD General Headquarters in Hato Rey. The other police areas have their respective FIU's housed inside their facilities, with the exception of Caguas. Caguas is in the process of identifying a suitable location for the unit. There are ten (10) FIU's to cover thirteen (13) areas, three (3) of the existing FIUs will cover two (2) areas each. On August 6, 2014, all personnel assigned to the FIUs were given an orientation regarding their duties and responsibilities by personnel of the

Reform Office. In addition, FIU personnel received a five (5) day training session from August 11 to 15, 2014, in the Academy located in Villalba. The training was conducted by certified instructors and included the use of force and identification and interview of members engaged in use of force incidents. The training also included interviewing witnesses, and the person(s) who were the subject of the use of force. Part of the training was the review of Use of Force Reports and related documents, recommendation and implementation of appropriate disciplinary actions, including remedial non-punitive measures related to the use of force policy violations. Report writing and electronic control weapons (ECW) training and retraining were also covered in detail. A representative from the PRPD Academy attended the FIU training, in order to become familiar with the duties of this new unit and for Academy personnel to have a thorough understanding of the material in order to design a syllabus for this training. Pursuant to Requirements 36 and 37 of the Agreement, the FIUs have been auditing the "Use of Force Reports" (PRPD Form No. 854) submitted by PRPD divisions for the year 2013 and from January 1 to September 30, 2014. This audit began in the middle of August 2014. To date, one hundred and ninety-one (191) of year 2013 reports and one hundred and sixty-eight (168) of year 2014 reports were examined. These Use of Force Reports were analyzed for content and compliance with PRPD policy.

28. *Use of Force Training:* On August of 2014, PRPD trained FIUs members on the Use of Force and Reportable Use of Force Policies (General Orders 601 and 605). PRPD began Use of Force training for personnel of the Task Forces and ZOE's on October 2014. As of November 30, 2014, one hundred-eleven (111) Task Force members have been trained, one hundred and eight (108) personnel from the ZOE's, and sixteen (16) members of Specialized Units have been trained on the aforementioned policies on Use of Force. It is important to note that training of fourteen thousand four hundred fifty (14,450) PRPD members on each use of force

policy that is developed is a challenging task in terms of time, logistics and resources. Requirements 53 and 54 of the Agreement, require PRPD to provide scenario-based training and interactive exercises on proper use of force decision-making as well as to incorporate night and stress training in the use of firearms for PRPD members. Since these training sessions will be offered concurrently with other training courses developed on other policies, PRPD needs to assess the best way to deliver all these training sessions without affecting the safety of the communities while agents are out of service. PRPD already started this assessment by identifying simulated shooting ranges systems to facilitate compliance with training as per Requirement 54 of the Agreement. For those training courses that do not require interactive exercises, PRPD needs to make an assessment of its technology, equipment, and infrastructure in order to provide alternative training options and to implement the data collection system required in Requirements 31, 39, and 41 of the Agreement.

C. Searches and Seizures (Chapter V of the Agreement)

29. *Investigatory Stops:* Since August 27, 2014, PRPD directed its members not to conduct investigatory stops pending a review and a decision on the legality of conducting such stops in the Commonwealth of Puerto Rico. PRPD has been working with a special counsel who specializes in Puerto Rico criminal procedure to prepare an opinion that will support the implementation of investigatory stops. This counsel already revised and approved PRPD's policy and training bulletin on investigatory stops. If investigatory stops are finally implemented in Puerto Rico, in accordance to a policy based on the Agreement, PRPD faces many challenges in attaining acceptance of the practice by the general public, community groups, and organizations such as the American Civil Liberties Union (ACLU). PRPD must also coordinate with the judicial system to ensure that the judges understand the applicability and importance of this practice and

the need for PRPD members to conduct investigatory stops. Additionally, PRPD must gain prosecutors' backing and support of investigatory stops as a law enforcement tool. PRPD must also assess its technology infrastructure to identify the technology and equipment needed to implement the data collection system required in Requirement 60 of the Agreement. Once the Commonwealth of Puerto Rico approves the implementation of this practice, PRPD will design a plan in collaboration with community leaders and other stakeholders to implement the same in Puerto Rico.

30. *Searches and Seizures*: General Order 612 "Authority for the Members of the PRPD to Carry out Searches and Seizures" was signed by the Superintendent on August 27, 2014, as a provisional policy pursuant to Requirement 237(a). This general order partially repeals General Order 98-16 "Rules and Internal Procedures for the Processing and Filing of Citations, Orders of Arrest, and Searches and Seizures". The policy was sent to the TCA and USDOJ for their review and approval on August 29, 2014. The TCA Core Team provided their comments in a meeting held on October 8, 2014. They found the policy to be comprehensive and very close to compliance with the Agreement and best practices. On October 1st, 2014, USDOJ provided their comments and recommendations, stating that this order "Reflects a marked improvement from its predecessor, which we found to be too cumbersome and outdated to provide meaningful guidance to officers. Your work separating searches and property seizures from arrests makes the general order more manageable and easier to follow." Both USDOJ and the TCA's suggestions will be incorporated into the next revision of the policy.

31. *Arrests and Summons*: The new draft policy which repeals General Order 98-16 "Rules and Internal Procedures for the Processing and Filing of Citations, Orders of Arrest, Searches and Seizures" was sent to the TCA and USDOJ for approval on November 12, 2014. The

parties agreed that provisional policies under Requirement 237(a) of the Agreement would become final policies since PRPD has shown advanced dexterity and professionalism in drafting policies. As a result, PRPD sent this draft as a final policy that it will use going forward with the Reform process. As of this date, PRPD is awaiting comments and suggestions from USDOJ and the TCA.

32. *Searches and Seizures Training:* PRPD faces the same challenges stated in the Use of Force section of this Report. Requirement 78 of the Agreement also requires examples of scenarios and interactive exercises to illustrate proper police practices in the three (3) main policies developed for this area (investigatory stops, arrests, and searches) for the approximate fourteen thousand four hundred fifty (14,450) PRPD members.

D. Equal Protection and Non Discrimination (Chapter VI of the Agreement)

33. *Meeting with community stakeholders:* On September 18, 2014, PRPD participated for the second time in the monthly meeting with the ACLU. These meetings are positive steps toward establishing better bonds with community organizations and will enhance PRPD's efforts to provide better police services while protecting the civil rights of citizens. In addition, meetings with other organizations were held. On August 13, 2014, a meeting was held in the TCA's office with residents of the Manuel A. Perez public housing complex and members of an association of taxi drivers. On August 14, 2014, another meeting took place in the ACLU office, wherein different topics were discussed with members of varied organizations and communities. On September 9, 2014, another meeting was held in the sector known as La Playita in Santurce with the TCA, PRPD personnel, and residents of the following communities: Loiza, Hill Brothers (Rio Piedras), Manuel A. Perez Public Housing and La Playita (Santurce). Different topics were discussed between community leaders and government officials about how the police interact with the community, and how committed community groups are to working side by side with the PRPD.

On October 3, 2014, there was a meeting in the community known as Hill Brothers, in the Rio Piedras police zone where several participants, PRPD personnel, police members of the Community Relations Office of the San Juan Police Area, Precinct 362, and residents of the community Hill Brothers, and their leader got together to discuss issues of mutual concern such as sports recreational type projects, microenterprises, social assistance, and plan of cooperation between the community and police. Meeting with communities and organizations is an ongoing process that helps PRPD to obtain valuable information for the implementation of the Agreement. Leaders of these communities are eager to help with ideas to keep this process of reform moving forward.

34. *Homeless Population:* On September 9, 2014, a workshop titled "The Police of Puerto Rico in Defense of Civil Rights": Filing of Administrative Complaints" was conducted by the Director of the Administrative Investigation Division of the Ponce area with individuals who frequent the "Fondita de Jesus" (Homeless Shelter) in San Juan, Puerto Rico. This workshop was conducted following a request from a previous meeting held between members of the ACLU and representatives of "La Fondita de Jesus." The workshop was provided as an orientation to homeless persons, on how to file a complaint for misconduct against a PRPD member. PRPD is also working with community leaders of "La Fondita Jesus" to improve the protocol for interventions with homeless people and to provide training to current group of cadets on how to interact with this community during the third bimester.

35. *Traffic Stops:* The draft protocol for traffic stops was sent by email to the following community stakeholders on September 24, 2014: American Civil Liberties Union (ACLU), the TCA, representatives of the LGBTT Community, representatives of Feminist Organizations, Matria Project, leaders of the Asian Community, "Fondita de Jesus", University of Puerto Rico,

Interamerican University, Sagrado Corazon University, and University of Puerto Rico School of Law, Interamerican University School of Law, and University System Ana G. Mendez. These organizations and individuals were asked to review the draft and provide their opinions and suggestions.

36. *Immigration related laws:* Under Puerto Rico Act 97-2013, persons with non-defined migratory status may be issued driver's licenses. On October 6, 2014, PRPD issued the directive number OS-2-OAL-AOGG-636 titled "Directive to Promote Equal Protection in PRPD's Stops Pursuant to the Puerto Rico's Vehicles and Traffic Act" ("Directriz para Garantizar la Igual Protección de las Leyes en los Procesos de Intervención de la Policía de Puerto Rico a Tenor con la Ley de Vehículos y Tránsito de Puerto Rico") in collaboration with the Dean of Foreign Affairs, to educate PRPD members on this initiative while this traffic stops protocol is finalized. The Directive requires that any person with an undefined immigration status that is stopped by PRPD will be treated on an equal basis as any other person with American citizenship or a defined immigration status. Once the protocol is approved, it will substitute the directive. PRPD has not received any feedback from the aforementioned organizations on this protocol.

37. *Lesbian, Gay, Bisexual, Transsexual, and Transgender (LGBTT) Community:* PRPD is currently evaluating policies dealing with the LGBTT community from the cities of District of Columbia and Los Angeles. These policies were provided by USDOJ as part of our continued mutual collaboration. These policies will aid PRPD in determining the key elements to be included in the creation of its policy pursuant to Requirement 89 of the Agreement.

38. *NIBRS (National Incident Based Reporting System):* Pursuant to Requirement 85 of the Agreement, General Order 2000-3 "Controls on the Use, Distribution, Archiving and Final Disposition of the Incident Report (NIBRS) Police in Puerto Rico" is being revised. Meetings

have been held with key personnel from the PRPD Technology Office, the Statistics Office, and the Reform Office to determine which parts of this general order need to be amended to comply with the Agreement. PRPD is already collecting NIBRS data as part of the compliance with Requirement 86 of the Agreement, but there are challenges that need to be overcome in the way reported crime statistics will be perceived by the media and the public. PRPD has been using the Summary Reporting System for Uniform Crime Reporting (UCR) for many years. The new NIBRS system, which PRPD is adopting, has much more detail in its reporting than the traditional Summary Reporting System. In the NIBRS system, agencies collect offense information on forty six (46) crimes known as Group A offenses; in the Summary Reporting System, agencies collect offense information on eight (8) crimes known as Part I offenses. Since the change in reporting format will include more offenses in Type A, and since Group A offenses may be mistakenly equated to Part 1 crimes, the media and the community may perceive the change as a sudden increase in serious crimes. Both the community and the media need to be educated regarding the new UCR classification and reporting system.

39. *Domestic Violence and Sexual Assaults:* Pursuant to Requirements 93, 98, 99, and 100 of the Agreement, General Order 2006-4 (Rev. 1) "Rules and Procedures for the Criminal Investigations of Domestic Violence", and General Order 2006-5 "Reorganization of the Specialized Division of Domestic Violence" are under revision.

40. *Human Trafficking in Puerto Rico:* The PRPD is working on the development of a protocol on human trafficking. The TCA Core Team has provided assistance in this area.

41. *Bias-free policing:* In order to engage community stakeholders in the development of policies pertaining to equal protection and non-discrimination, the policy titled "Puerto Rico Police Policy against Harassment and Discrimination", was sent on September 23, 2104, by email,

to members of the ACLU. As of this date, the ACLU has not submitted a response on the draft. The same document was also sent by email to the following organizations or individuals for review and comment, as follows: the TCA, representatives of the LGBTT Community, representatives of Feminist Organizations, Matria Project, leaders of the Asian Community, "Fondita de Jesus", University of Puerto Rico, Interamerican University, Sagrado Corazon University, and University of Puerto Rico School of Law, Interamerican University School of Law, and University System Ana G. Mendez. PRPD has not received any feedback from the aforementioned organizations on this policy.

42. *Requirement 92 of the Agreement:* A review of Special Order 2006-2 "Rules and Procedures for the Investigations Criminal Complaint of Abuse And / Or Neglect in Institutional Institutions for Juvenile Offenders" is under way. PRPD has also identified the need to amend a collaboration agreement with the Puerto Rico Department of Justice (PRDOJ) to ensure that it reflects the Agreement. Said revision is in progress.

E. Recruitment, Selection, and Hiring (Chapter VII of the Agreement)

43. *Recruitment Officer:* Pursuant to Requirements 102 and 103 of the Agreement, PRPD appointed the person responsible for the creation of the recruitment plan.

44. *Cadet candidates' requirements:* PRPD Human Resources Office personnel in conjunction with personnel of the Reform Office, created a work group to comply with the requirements related to the recruitment, selection and hiring for the cadet position. The personnel that administer polygraphs examinations received in-service training on that regard from September 7 to September 12, 2014 in Seattle, Washington.

45. *Challenges confronted in this area:* Benefits for PRPD members have been drastically reduced by recent legislation. PRPD has the capacity of hiring twenty-one thousand

(21,000) PRPD members. In 2010, PRPD had approximately seventeen thousand (17,000) PRPD members, but legislation promoting early retirement and retirement benefits cuts reduced PRPD members to approximately fourteen thousand four hundred fifty (14,450) as of December 4, 2014. Much of the PRPD members that retired were the most experienced personnel. These very same cuts will affect the recruitment process since PRPD is offering fewer benefits and requiring higher education standards. At this time, PRPD has three thousand seven hundred fifty (3,750) available positions for agents and three thousand seventy-nine (3,079) available positions for supervisory personnel. PRPD is working in collaboration with the Office of Management and Budget to try to overcome the limitations that the Law-66-2014 establishes in terms of pay-cuts and benefits.

F. Policies and Procedures (Chapter VIII of the Agreement)

46. *Development Unit-level Policies and Procedures Manuals:* On August, 2014, the Bureau of Justice Assistance's (BJA) report on PRPD's homicide investigation policies, practices and procedures was translated into the Spanish language by the Reform Office. Additionally, an executive summary in Spanish was prepared. The recommendations indicated in said report are being evaluated by the Superintendent and a group of PRPD homicide investigators, to be disseminated to PRPD Homicide investigators once they are approved. The report will assist PRPD in finalizing its Homicide Manual to ensure that best practices are implemented.

47. *Challenges confronting reform progress in this area:* PRPD has identified several laws and regulations that need to be amended in order to fully comply with the Agreement. Changing existing law is a labor-intensive process that requires the attention of several branches of the government. It is anticipated that this could be a lengthy process. So far the laws and regulations that need amending are the following:

- a. The Police of Puerto Rico Act (Act No. 53-1996) on several articles of this act
(Several articles are mentioned within the other compliance areas);
- b. Puerto Rico Firearms Act (Act No. 404-2000);
- c. Puerto Rico Vehicles and Traffic Act (Act No. 22-2000);
- d. Puerto Rico Criminal Procedures Rules;
- e. PRPD Personnel Regulation No. 4216;
- f. Act 103 (Act 103-2010) to raise the quantity of hours of in-service training from the actual amount of twelve (12) hours to forty (40), to be in compliance with Agreement requirement number one hundred and twenty-nine (129).

G. Training (Chapter IX of the Agreement)

48. *Training Facilities and Training Coordinators:* Training centers have been created in the areas of Utuado, Arecibo, Humacao, Guayama and Aibonito. Additional training centers in Mayaguez, Carolina, Aguadilla, Caguas and Fajardo are being finalized. The training centers in the police areas of Ponce, and Bayamón will eventually be created. PRPD's goal is to have one training center in each one of the thirteen (13) police areas. As of November 30, 2014, PRPD has appointed forty (40) Training Coordinators in order to facilitate trainings required by the Agreement within the police areas. The Training Coordinators respond directly to the Deputy Superintendent in Education and Training, who continues to hold monthly meetings with them to discuss training plans and the progress of the trainings. Training Coordinators are required to send weekly reports to the Deputy Superintendent of the PRPD Academy as to the training progress in their police areas.

49. *Impact Weapons Training:* As of November 30, 2014, PRPD has trained nine thousand nine hundred and sixty-nine (9,669) PRPD members on General Order No. 603 titled

"Use and Management of Impact Weapons". As of November 30, 2014, PRPD has trained three hundred and thirty-seven (337) PRPD members assigned to the Task Forces and two hundred and nineteen (219) PRPD members of the ZOE's in said training.

50. *Electronic Control Weapons Training:* As of November 30, 2014, PRPD has certified one thousand seven hundred seventy-seven (1,777) PRPD members and three hundred eighty-four and sixteen (384) PRPD members have been re-certified. In addition, as of November 30, 2014, PRPD has trained one hundred and fifty-four (154) PRPD members assigned to the Task Forces, and one hundred and one (101) in the ZOE's in this area.

51. *Chemical Agent Training:* Pursuant to requirement 53 (e) of Chapter IV of the Agreement, a work plan for the evaluation of a chemical agent in gel form was developed, and a test was conducted by personnel from the Reform Office and representatives of the firms of the product. The goal of this task was to evaluate the usefulness and versatility of this type, brand and method of dispersion of the chemical agent. The results of the test showed that this type of chemical agent was safer for both PRPD members and innocent by-standers than the other types of chemical agents. PRPD is currently in the process of acquiring these chemical agents as a less-lethal weapon alternative for PRPD members.

52. *Orientation on the Agreement:* On October 3, 2014, PRPD gave an orientation on the Agreement to three hundred-eighteen (318) PRPD members assigned to the Task Forces.

53. *Curriculum for cadets pursuant to the Agreement:* PRPD's current cadet class is composed of three hundred forty-two (342) members and they already finished their first bimester. The topics covered on the first bimester were Use of Force; Criminology; Civil and Constitutional Rights; Psychological Fundamentals of Human Relations and Personal Development; Police Ethics; Basic Course on Handling and Use of Firearms; Communication Skills: Writing of Reports

and Forms; and Criminal Law. On September 2014, the Instructors' Guides for the first bimester were returned to the PRPD Academy, after being reviewed by the Reform Office. The training materials for the second bimester courses were sent by the PRPD Academy to the Reform Office for their approval. The topics being covered in the second bimester are: Special Laws; Searches and Seizures; Criminal Procedure; Community Policing; and Intermediate Course on Handling and Use of Firearms. Several changes were made to the training materials, including some recommended by PRPD consultants Warshaw & Associates. On October 2014, the PRPD Academy submitted several Instructor Guides to the PRPD's Reform Office. These training materials were evaluated and returned to the PRPD Academy with proposed changes. On October 6, 2014, the Superintendent sent the curriculum for the first bimester of the current cadet class to the ACLU. Once recommendations from the ACLU are received by the PRPD, they will be evaluated in the next review of the curriculum, which is scheduled to occur within the first months of 2015. As of November 30, 2014, no feedback from the ACLU has been received by the PRPD.

54. *Firearms qualifications:* As of November 30, 2014, nine thousand nine hundred sixty-seven (9,967) PRPD members have received the first annual firearms qualification for the year 2014. In addition, as of November 30, 2014, PRPD has trained three hundred and twenty-eight (328) PRPD members assigned to the Task Forces and two hundred twenty (220) members from the ZOE's in the use of firearms. In order to sustain firearms qualification requirements outlined in the Agreement, PRPD is in the process of negotiating the contract with a private firearms shooting range administrator located in the municipality of Moca. Another shooting range is being evaluated in the southern part of the Island.

55. *Field Training Officers Program:* The purpose of the Field Training and Evaluation Program (FTO) is to train new PRPD members so that each is prepared to function as a solo beat

PRPD member, at the conclusion of their training cycle. The training cycle consists of twenty (20) weeks or eight hundred (800) hours of intensive on-the-job training and daily performance evaluations. Training is conducted and staffed by field training officers and sergeants on a 24-hour basis. Field training officers have the dual responsibility of providing police service in their assigned beats, as well as conducting training and evaluations for new PRPD members. The draft of the policy creating this program titled "Creation of the Program of the Field Training Officer" and related forms are being finalized by PRPD. In compliance with the Agreement requirements, PRPD created the following forms: Application for the FTO Program, Daily Assessment of the new PRPD member (to be completed by the FTO), Weekly Assessment of the new PRPD member (to be completed by the FTO), a Phase Assessment of the new PRPD member (to be completed by the FTO), and an Assessment of the FTO (to be completed by the new PRPD member on each one of its FTOs). In September 2014, the desired requirements of individuals aspiring to become FTOs were presented to the Deputy Superintendent in Field Operations, and the area and precinct commanders of San Juan, Bayamon and Carolina. The purpose of the presentation was to provide them with a clear view of the role and responsibilities of the FTO. The Warshaw consultants have been meeting with the personnel responsible for the development of the general order, forms and manual of procedures for the mentorship program. In October 2014, the list of the FTO's candidates was submitted by the Area Commanders. Three (3) Evaluation Boards were created for the FTOs' selection process. Each board is composed of three (3) police officers of the rank of second lieutenant and above from the police areas of San Juan, Bayamon and Carolina, where trainees will be assigned during their FTO phase, and one representative of the PRPD's Reform Office. As of November 30, 2014, the boards have interviewed more than two hundred (200) FTO candidates, and one seventy-nine (179) passed the initial phase of selection which included a

background check for any pending administrative complaints. The boards continue the interview process to identify additional FTO candidates. The training for the first group of fifty (50) candidates for FTO is scheduled to begin on December 2nd, 2014. The rest of the FTOs will be divided in five (5) additional training groups. The starting dates for these trainings are as follows: January 12, 2015; January 26, 2015; February 9, 2015; February 23rd, 2015; and March 9, 2015. The topics that will be covered on the FTO training are: Introduction to the FTO Program; Use of Force; Reports and Forms; Police Ethics; Community Policing; Criminal Law; Criminal Procedure; Criminal Investigation; Arrests Tactics and Mechanisms; Traffic and Vehicles Act; Supervision and Management; and Execution of the FTO Program.

56. *Challenges in Training:* The training of approximately fourteen thousand six hundred sixty one (14,661) PRPD members on each policy that is developed pursuant to the Agreement is a challenging task in terms of time, logistics and resources. PRPD needs to assess its technology infrastructure in order to acquire the equipment and software platform to conduct on-line training. Once a system such as eLearning is established, training can be done at a much quicker pace. There are several laws that need to be amended, as listed on Section F, paragraph forty-nine (49) of this report.

H. Supervision and Management (Chapter X of the Agreement)

57. *Monitoring Section:* The Reform Office, through the Monitoring Section, is conducting inspections of different units to ensure compliance with the Agreement. The Monitoring Section is verifying the availability of PRPD Form 111 in different divisions. The Monitoring Section is also verifying that personnel carry these forms at all times. The Reform Office is also monitoring Open Meetings, auditing compliance with time-sensitive administrative investigations, and monitoring the training sessions that are being conducted. The Reform Office

continues to work on a plan to monitor all PRPD Divisions. From August 1st to November 30, 2014, this Section has conducted over seventy-two (72) inspections to monitor the aforementioned matters.

58. *Equal Employment Opportunity Training:* PRPD has been exchanging information with various companies to obtain proposals related to the topic of training of Equal Employment Opportunity (EEO) for officers appointed to the ranks of Lieutenant Colonel, Colonel, and Commanding Officer, and any other supervisor, as stated in Requirement 144 of the Agreement.

59. *Performance Evaluation System:* Pursuant to Requirement 145 of the Agreement, PRPD has requested proposals for performance evaluation systems from several software companies.

60. *Early Intervention System:* PRPD has been evaluating EIS systems from other agencies such as New Jersey and East Haven police departments that were referred by the Warshaw consultants and the TCA Core Team.

61. *Commendation form:* As of October 15, 2014, the Superintendent approved commendation form PRPD-888, which is available to the public and PRPD employees on the PRPD web page. The commendation form is intended to recognize above average performance by PRPD members. When a citizen or a PRPD employee commends a PRPD member for work well done, the commendation will become part of the member's file, and in the future, will be included in the data feed into the Early Intervention System.

62. *Challenges in Supervision and Management Area:* Within the compliance areas of the Agreement, the Supervision and Management area has proven to be the most challenging for the PRPD. Several factors have contributed to the limited progress on this area. Changes within the PRPD administration have curtailed the implementation of initiatives towards compliance. In

order to address these issues, the PRPD is in the process of procuring experts regarding supervision and management. As part of the effort to comply with the Agreement in the supervision compliance area, PRPD is evaluating other jurisdictions' policies and EIS software in order to create its own policies and develop its own EIS system that will address the specificities of the Agreement. Several model policies and an EIS system for PRPD, were provided by the Warshaw consultants and the TCA as part of our collaboration effort.

I. Civilian Complaints, Internal Affairs and Discipline (Chapter XI of the Agreement)

63. *Centralized Numbering and Tracking System:* Pursuant to Requirement number one hundred and seventy-one (171), PRPD currently assigns all citizen complaints a unique tracking number. Each of the thirteen Police Areas has SPR investigators who have the responsibility of entering all citizen complaints into the Administrative Complaint Tracking System

64. *Civil Rights Placard:* PRPD prepared the draft of the information describing an individual's right to be free from involuntary searches without a warrant. This information will be placed on a placard in accordance with Requirements 77, 162 and 216 of the Agreement. Said information is being evaluated by the Warshaw consultants and was discussed with USDOJ on November 18, 2014.

65. *Discipline:* The Progressive Discipline Order and Discipline Matrix Guidelines drafts are being reviewed by both the SPR and the PRPD Office of Legal Affairs to determine the best way to incorporate the same into an amendment to the PRPD Personnel Regulation. An amendment to the Personnel Regulation requires PRPD to comply with the procedure established in the Uniform Administrative Procedure Law, 3 L.P.R.A. §§ 2121-2123.

66. *Civilian Complaints Investigations:* The Director of the PRPD Legal Affairs Office, developed a work plan to work on the administrative complaints pending legal evaluation (backlog). In the month of May 2012, the back log in administrative complaints pending investigations in the Legal Affairs Office alone, was five thousand nine hundred ninety-six (5,996). PRPD now has, as of November 30, 2014, one thousand eight hundred twenty-six (1,826) complaints pending investigation. On the other hand, SPR has only nine hundred forty-five (945) complaints pending for investigation. From January 1st, 2014 to November 30, 2014, SPR has investigated one thousand eight hundred twenty-six (1,826) complaints. On October of 2014, the Superintendent signed Directive OS-2-OAL-AOOG-632 "Procedure for Notification of Summary Suspensions, Resolutions of Charges, Final Resolutions and other Communications" in order to comply with due process, and to expedite the process of administrative investigations. On August 29, 2014, the SPR Deputy Superintendent instructed the investigators of the police areas to conclude administrative investigations for complaints against PRPD members in forty-five (45) days through Memorandum No. SARP-1-827. The rest of the process has to be completely finalized in a period of forty-five (45) days, making the complete term of the investigation ninety (90) days, in accordance with Requirement 179 of the Agreement. Additionally, PRPD is in negotiations with the University of Puerto Rico, School of Law to create a program for the law school students to assist PRPD in reducing the backlog.

67. *Extension requests to conclude investigation of complaints:* Requests for extension to conclude administrative investigations are only approved by the Deputy Superintendent of SPR. During a recent monitoring made by the period of August 11, 2014 to September 24, 2014, there were thirty-two (32) requests for extensions to conclude administrative investigations. Of those thirty-two (32) requests for extensions, twenty-eight (28) were approved. The reasons for those

approved extensions related to outstanding processes in other agencies (delays in the Puerto Rico's Department of Justice, its Special Investigations Bureau [N.I.E.], in Federal Agencies and courts of law). Other extension approvals were related to the identification and subsequent statements required from additional witnesses identified after initial statements were taken during investigations.

68. *Audits of the investigation of civilian complaints*: Pursuant to Requirements 160, 179, and 192 of the Agreement, SPR developed a work plan to conduct audits of their respective Divisions of Administrative Investigations in each of the thirteen (13) PRPD areas. All thirteen (13) PRPD areas were audited in the month of September and October, 2014. These audits were performed using staff from the PRPD's Reform Office and the SPR, to ensure compliance with the Agreement.

69. *Review of General Order 2010-14 "Structure and Operation of SPR (PRPD Superintendence of Professional Responsibility)"*: The Reform Office reviewed this general order and prepared a revised draft compliant with the Agreement. This draft was sent to SPR for their evaluation. The Force Investigations Units (FIUs) was incorporated in this draft as part of the SPR.

70. *Orientation on the Agreement for the PRPD Legal Affairs Office Personnel*: The PRPD's Reform Office provided orientation on the Agreement to the personnel of the Legal Affairs Office. The orientation was focused on Civilian Complaints and Internal Affairs and Discipline in order to identify challenges pursuant to their experience in this area.

71. *Term of duty for SPR members, Requirement 195 of the Agreement*: Memorandum SARP-1-827 dated August 29, 2014, from the Deputy Superintendent of SPR established a rule that creates a maximum term of service of three (3) years for SPR members and supervisors. A

member may be reappointed if he/she has demonstrated effective performance in accordance with the Agreement.

72. *Centralized Numbering and Tracking System:* As part of the analysis that PRPD is conducting to develop a centralized numbering and tracking system in accordance with Requirement 176 of the Agreement, PRPD conducted a research and spoke with representatives from IAPRO (Internal Affairs and Professional Standards Application) to determine the viability of the system for compliance with the Agreement. After careful consideration and upon advice of the Warsaw consultants, it was decided to consider alternate systems to IAPRO.

73. *Drug-Testing Program:* As part of the efforts for compliance with Requirement 200 of the Agreement, PRPD and the Institute of Forensic Science have identified the need to amend the law titled "Tests for the Detection of Controlled Substances in the Public Sector Employment Act" (Act No. 78-2013) and Regulation 6403 titled "Program To Regulate the Tests for the Detection of Controlled Substances in Employment in the Public Sector". Currently the drug-testing program continues to be conducted in accordance with the applicable laws and regulations. As of November 30, 2014, PRPD has conducted drug testing of one thousand six hundred thirty-one (1,631) PRPD members. Of those PRPD members, three (3) tested positive and as a result thereof, were terminated.

74. *Use and Management of Digital Recorders in Administrative Investigations:* Experts in technology were consulted in order to obtain technical information for the development of this special order.

75. *SPR Training:* On November 7, 2014, the Legal Affairs Office provided a training to twenty (20) PRPD members of the Discipline Measures Section of SPR on how to draft resolution of charges based on evidence and applicable law.

76. *Challenges on Civilian Complaints, Internal Affairs, and Discipline:* This area is challenging in terms of policies that are currently in effect and are in conflict with the Agreement. Most of these policies are regulations that, in order to be repealed, must follow the Uniform Administrative Procedure, 3 L.P.R.A. §§ 2121-2123. Regulation 6506 needs to be repealed in order to revise the receipt and investigation process of civilian complaints pursuant to the Agreement. The Puerto Rico Police Act (Law No. 53-1996) and the Personnel Regulation of the Puerto Rico Police Department (Regulation No. 4216) need to be amended to incorporate the conduct and discipline requirements of the Agreement. "Tests for the Detection of Controlled Substances in the Public Sector Employment Act" (Act No. 78-2013) and Regulation 6403 titled "Program to Regulate the Tests for the Detection of Controlled Substances in Employment in the Public Sector" need to be amended to incorporate Requirement 200 of the Agreement. The amendment process that PRPD needs to follow to amend regulations and laws puts the PRPD in a difficult position, since the process depends on other agencies or branches with their own objectives and timelines. On the other hand, the Investigation, Processing, and Appellate Commission (CIPA) is a separate agency in charge of receiving appeals from both civilians and PRPD members from determinations on civilian complaints, discipline, and PRPD members transfers. CIPA is struggling in terms of budget and personnel, which is causing year-long delays in their adjudication of appeals. The struggles of CIPA have an impact on the PRPD since there could be PRPD members with patterns of misbehavior that should be terminated, as well as good PRPD members that should be cleared of investigations but are depending of CIPA's determination in order to obtain such clearance. The Reform Office already started conversation with CIPA in order to identify potential solutions. Additionally, the Reform Office is working in

collaboration with the PRPD Legal Division in order to accelerate the process to amend or repeal the aforementioned regulations and laws.

J. Community Engagement and Public Information (Chapter XII of the Agreement)

77. *Training on Community Oriented Policing:* PRPD has the training materials for Community Police course (POL 3087), for the second (2nd) bimester, for the current group of cadets (Class 223) currently in the Academy. These training materials included the S.A.R.A. (Scanning, Analysis, Response and Assessment) model. This course consists of forty-five (45) contact hours, and helps comply with requirement number two hundred-six (206).

78. *Policy development on Community Oriented Policing:* PRPD is developing a community engagement plan for the South Hill Brothers community, jurisdiction of the Monte Hatillo precinct in Rio Piedras. This is part of PRPD's efforts to work with communities in order to foster mutual respect and trust between the community and police, as established in requirement number two hundred-seven (207).

79. *Citizen Interaction Committees (CIC's):* There is one (1) Central CIC that responds directly to the Superintendent and ten (10) Area CICs in the police areas of Aguadilla, Arecibo, Bayamon, Caguas, Carolina, Guayama, Humacao, Ponce, San Juan, and Utuado. The CIC committees of the police areas of Aibonito, Fajardo, and Mayaguez are being restructured. The Central CIC has conducted forty-one (41) meetings as of November 13, 2014. As of November 13, 2014, the CICs within the police areas have conducted a total of one hundred and eighty-six (186) meetings. PRPD is working with the USDOJ and the TCA in the revision of General Order 801 of the CICs to create a fair, inclusive and objective process of recruiting and selecting CIC members as stated in the Requirement 209 of the Agreement. The input of the current CIC

members was considered as part of the revision of this policy. The final policy is expected to be in place by the end of December 2014.

80. *Open meetings with the community:* After the TCA Appointment Date, PRPD has held thirty-nine (39) meetings with the community with a total of one thousand one hundred and forty (1,140) attendees. Topics like the DOJ investigation, the Agreement, and the progress made with the Reform process were discussed. These open meetings have been under continuous monitoring by the PRPD to ensure they are being held in all thirteen (13) areas, in accordance with PRPD policies and the Agreement. The meeting structure and agendas have evolved over time by virtue of public recommendations and lessons learned during the past three (3) years. *General Guide to Conduct Open Meetings* (memorandum SARC 07/11/90 dated August 21, 2012), and *Guide to Coordination of Open Meetings* (RA-1 of February 2013), are currently being reviewed to tailor them to the Agreement. In addition to educating the public on the general aspects of PRPD, other topics have been discussed. PRPD has discussed crime statistics, how to file an administrative complaint, police use of force, and crime prevention methods. In accordance with Requirement 217 of the Agreement, PRPD is developing the structural, operational, and technological capability to generate monthly crime statistics for public dissemination. Meanwhile, crime statistics are available to the public at open meetings. Individuals may also obtain crime statistics at the Statistical Offices of the thirteen (13) police areas and in the PRPD's website.

81. *Public Information:* Personnel assigned to the compliance area of Public Information have been monitoring the news looking for critical incidents involving PRPD members, and monitoring social networks in search of any event, involving the PRPD, which affects the community. PRPD is working towards publishing information about the Reform Office in the PRPD "Facebook" and "Twitter" official pages. In addition, Reform Office information

will be placed in PRPD's official webpage. This project is in the design phase and will be available to the public soon. Documents related to the Agreement are available to everyone in the PRPD web page.

82. *"Reforma Te Informa"*: A booklet called "Reforma Te Informa" has been designed by the Reform Office. Once finalized, it will be submitted to the Superintendent for final approval and will consequently be published and disseminated to the general public. Another booklet with more detailed information of the eleven (11) areas of compliance is being designed to keep the public and PRPD members informed about the Reform Process. In addition, an electronic email account, reforma@policia.pr.gov is now available to the general public and PRPD members as a means of direct communication with the Reform Office.

83. *Challenges confronted in this area*: Since the PRPD created the Citizen Interaction Committees, it has faced numerous obstacles in maintaining its members engaged in said Committees. Some Committees have been more engaged, consistent, and active than others. Some Committees have suffered inconsistent attendance and participation. We face a challenging task with the Aibonito Area Committee, where despite our best efforts, we have found a lack of interest due to the area's a low crime rate. Because there are relatively few crime concerns, residents do not appear interested in participating. Efforts will be made to overcome this challenge once the new CIC policy is approved.

K. Information Systems and Technology (Chapter XIII of the Agreement)

84. *Infrastructure Improvements*: The Headquarters of Fajardo were relocated to a new building, which required the installation wiring system and the creation of their technology infrastructure. In addition, the computers at the Fajardo Headquarters have been upgraded.

Pursuant to the TCA's recommendation, PRPD has obtained a Tech Guide issued by the USDOJ, Community Policing Services, which is being evaluated.

85. *Technology Centers:* The Technology Center in the Area Headquarters of Aibonito was finalized. Technology Centers in the Area Headquarters of Fajardo, San Juan, Caguas and Humacao are still in the process of being developed. In the Caguas and San Juan areas, the equipment is available, but the electric systems need to be improved. PRPD is in the process of acquiring the materials for such improvements. All of the Technology Centers are also being equipped with a forty-two (42) inch screen television monitor.

86. *Data Back Up System:* The PRPD has acquired two (2) additional data repositories to safeguard all PRPD data, one in the General Headquarters in San Juan and the other one in the Ponce Headquarters. This system allows the PRPD to recover all the data in case of a failure of one or all of the PRPD servers, so that PRPD daily operations are not affected. The system is expected to be fully operational by January 2015.

87. *Computer Aided Dispatch (CAD):* The "CAD" was installed in all the precincts and districts of the PRPD within the thirteen (13) police areas. In addition, the Stolen Vehicles and Drug Units have full capability through the Mobile CAD. The CAD Mobile System for Patrol vehicles is waiting for parts to be assembled. PRPD is already collecting NIBRS data as part of the compliance with Requirement 85 and 86 of the Agreement, using the Dispatch Now System in the command centers.

88. *Microsoft 365 for Email accounts to all PRPD employees:* Access to Microsoft 365 is expected to be ready by the beginning of 2015. The acquisition of Microsoft Office 365 will help with compliance with the Agreement, as it is a tool that allows the exchange of information within the entire PRPD. Microsoft 365 will enhance PRPD's ability to communicate internally and

exchange information such as crime data, calls for service, and tactical operational information. This software facilitates scheduling trainings, preparation of reports, collection of data, and dissemination of information. Additionally, it will facilitate compliance with Requirements 51, 92, 113-115, 117-134, and 115-158 of the Agreement.

89. *Extending the Bandwidth for Data Transmission:* PRPD has identified the need to acquire an additional line capacity of 150mb. It is vital for the CAD System and the changes from HMC to Microsoft 365 and will facilitate the installation process of new applications that will be acquired. It also will promote compliance with the technology requirements of the Agreement.

90. *PRPD Webpage:* PRPD's new webpage is expected to be ready by the end of 2014. The webpage format is in process of being approved by the Office of Management and Budget to ensure compliance with the Law 229-2003.

91. *Computer Equipment Acquisition and Updating for the PRPD Units:* In the first of three (3) phases for the renovation of the technology equipment for PRPD divisions, one hundred and ninety five (195) Dell Computers models 260 and 280 were substituted for new computers Dell model 7010 (Windows 7). In other PRPD divisions, Dell models 330, 745, 780 were upgraded. In the second phase, three hundred and forty-five (345) Dell models 260 and 280 located in the Areas Headquarters and the Investigative Divisions were substituted for new Dell's model 7010. The third phase of this renewal of computer equipment is to update the current inventory to have a better understanding of where PRPD's technology needs are. PRPD acquired, in addition, four (400) hundred multi-units, with the capabilities to serve as a photocopy, scanner, and fax. The distribution process of these multi-units started on the last week of November, 2014.

92. *Airwatch:* PRPD acquired a mobile device security application called Airwatch. This system, when installed in mobile devices (e.g. laptops, tablets, smartphones), will transmit

GPS information that tracks the location of each device. The system also has the capability to erase or shred all data from a mobile device remotely. This feature is necessary in the event that a PRPD mobile device is lost or stolen.

93. *CIW*: PRPD has significantly upgraded their communication capability with the Criminal Information Warehouse (CIW), which provides agents and investigators with criminal history information. Prior to the upgrade, when criminal histories and other criminal information was requested, it would take several days for investigators to get back the information. It now only takes a few minutes, since the query is made directly to the CIW database thorough a computer terminal. The software to access the CIW can be installed in any computer

94. *License Plate Hunter*: PRPD acquired the License Plate Hunter system to outfit fifteen (15) patrol vehicles. The system is comprised of vehicle-mounted cameras that are linked to CIW. As the patrol vehicle travels, the cameras scan license plate numbers, which are automatically checked against a stolen vehicle database. This technology is expected to increase the number of recovered stolen vehicles and arrests for auto theft. The fifteen (15) patrol vehicles are assigned to the Traffic Unit. Some of these units will be assigned to the Zones of Excellence as needed, based on crime data information.

95. *Integrated Criminal Record (RCI)*: The PRPD Technology Division is working on acquiring a module that will allow direct entry of criminal information into the Puerto Rico Department of Justice system, which is linked to the Criminal Information Justice System (CIJS). This upgrade in technology will allow PRDOJ to review information and evidence in criminal cases as soon as it is entered into the system by PRPD.

96. *Challenges in Technology*: PRPD started the Reform process with a distinct handicap in that it was years behind with technological advances. PRPD has been making some

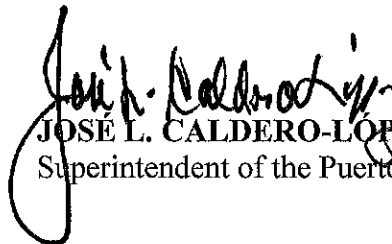
progress, albeit slow. PRPD has identified the need to acquire more computers, portable radios and a good human resources system that will be compatible with the EIS, once that system is developed. These items need additional funding. The deployment of new technology requires expertise in order to determine which systems will best suit our needs. PRPD's technology personnel need to be trained in all the systems and software that PRPD has acquired so far. PRPD also needs funds for the daily operation of the existing technology and to maintain the data and voice infrastructure. PRPD has limited funding, which must be allocated based on priorities. Although technology is considered a high priority, PRPD must continue to function, and has needs in many other areas that require funding in order to continue to provide police services to the community.

IV. CONCLUSION

The PRPD understands and accepts its role in protecting and serving all residents of the Commonwealth of Puerto Rico. In order to do so, it must evolve and adapt better methods of conducting its law enforcement mission. While PRPD understands that the reform process is a lengthy and difficult undertaking, PRPD is ready to meet that challenge. PRPD thanks the USDOJ, and the TCA and his Core Team for their collaboration and assistance in its reform efforts. PRPD believes that a collaboration environment will certainly aid it in achieving its noteworthy goals. PRPD members will continue to strive to provide better services to the community they are sworn to protect and serve.

I hereby certify under penalty of perjury under 28 U.S.C. § 1746 and any other applicable law of United States of America, that the foregoing report and information is true and correct.

Executed on San Juan, Puerto Rico, on this 4th day of February, 2015.


JOSE L. CALDERO-LOPEZ
Superintendent of the Puerto Rico Police Department

RESPECTFULLY SUBMITTED.

IT IS HEREBY CERTIFIED that on this same date, the foregoing was submitted to the Attorney General of Puerto Rico: César Miranda; the Technical Compliance Advisor: Arnaldo Claudio; to the Attorney General Office of the United States: Eric Holder and the attorneys of record, and that the foregoing was notified this 4th day of February 2015, to all attorneys of record.

CESAR MIRANDA RODRÍGUEZ
Secretary of Justice

S/ BEATRIZ ANNEXY GUEVARA
BEATRIZ ANNEXY GUEVARA
Puerto Rico Department of Justice
P.O. Box 9020192
San Juan, P.R. 00902-0192
Tel. (787) 721-7700
Fax. (787) 722-4440

Puerto Rico Police Department's First Status Report Pursuant to Requirement 261 of the Agreement for the Sustainable Reform

USDC-PR No. 217505
bannexy@justicia.pr.gov