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# Eleventh Report of the Federal Monitor

Covering the Period from April 2024 through September 2024

Compliance status of the Puerto Rico Police Bureau in  
accordance with the Federal Court approved Settlement  
Agreement between the United States Department of Justice  
and the Commonwealth of Puerto Rico

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## Table of Contents

<b>INTRODUCTION .....</b>	<b>4</b>
GENERAL BACKGROUND ON THE AGREEMENT AND MONITORING PROCESS .....	4
SCOPE AND METHODOLOGY .....	4
MONITORING ACTIVITIES DURING CMR-9.....	6
KEY FINDINGS OF THE MONITOR’S NINTH REPORT.....	6
<b>I. PROFESSIONALIZATION .....</b>	<b>9</b>
1. STAFFING AND COMMUNITY POLICING .....	12
2. PROMOTIONS .....	15
3. COMMANDER CORPS .....	26
<b>II. USE OF FORCE.....</b>	<b>30</b>
1. GENERAL PROVISIONS .....	33
2. SPECIALIZED TACTICAL UNITS.....	37
3. CROWD CONTROL POLICIES AND PERFORMANCE .....	42
4. FORCE REPORTING.....	47
5. FORCE REVIEW, INVESTIGATION, AND ANALYSIS .....	53
6. SUPERVISORY AND FRB REVIEWS .....	56
7. FIU INVESTIGATIONS AND FORCE REVIEWS BY SFRB .....	63
8. USE OF FORCE TRAINING .....	72
9. RESPONDING TO BEHAVIORAL/MENTAL HEALTH CRISIS .....	77
<b>III. SEARCHES AND SEIZURES: INTERNAL CONTROLS AND ACCOUNTABILITY .....</b>	<b>82</b>
1. STOPS, SEARCHES, AND SEIZURES .....	86
2. INVESTIGATORY STOPS AND SEARCHES.....	87
3. ARRESTS .....	93
4. SEARCHES .....	103
5. TRAINING ON STOPS, SEARCHES, AND SEIZURES .....	107
<b>IV. EQUAL PROTECTION AND NON-DISCRIMINATION .....</b>	<b>111</b>
1. GENERAL PROVISIONS .....	113
2. DISCRIMINATORY POLICING .....	124
3. SEXUAL ASSAULT AND DOMESTIC VIOLENCE .....	134
<b>V. RECRUITMENT, SELECTION, AND HIRING.....</b>	<b>150</b>
<b>VI. POLICIES AND PROCEDURES .....</b>	<b>151</b>
<b>VII. TRAINING .....</b>	<b>161</b>
<b>VIII. SUPERVISION AND MANAGEMENT .....</b>	<b>162</b>
1. DUTIES OF SUPERVISORS.....	164
2. SUPERVISOR TRAINING .....	175
3. PERFORMANCE EVALUATION .....	175
4. EARLY IDENTIFICATION SYSTEM .....	178
5. INTERNAL AUDITS AND INTERAGENCY FEEDBACK.....	185
<b>IX. CIVILIAN COMPLAINTS, INTERNAL INVESTIGATIONS, AND DISCIPLINE .....</b>	<b>193</b>
1. CIVILIAN COMPLAINTS.....	196
2. INTERNAL INVESTIGATIONS .....	199
3. COMPLAINT INTAKE, CLASSIFICATION, ASSIGNMENT, AND TRACKING.....	202
4. INVESTIGATION OF COMPLAINTS.....	214

5. STAFFING, SELECTION, AND TRAINING REQUIREMENTS .....	236
6. PREVENTING RETALIATION .....	239
7. DISCIPLINE .....	241
8. OFFICER ASSISTANCE AND SUPPORT .....	244
<b>X. COMMUNITY ENGAGEMENT AND PUBLIC INFORMATION .....</b>	<b>248</b>
1. COMMUNITY ORIENTED POLICING .....	254
2. COMMUNITY INTERACTION COUNCILS .....	261
3. PUBLIC INFORMATION .....	267
<b>XI. INFORMATION SYSTEMS AND TECHNOLOGY .....</b>	<b>275</b>
<b>APPENDIX A: BACKGROUND TO PRPB MONITORING MISSION .....</b>	<b>283</b>
<b>APPENDIX B: METHODOLOGY .....</b>	<b>285</b>
COMPLIANCE LEVELS .....	285
SAMPLING METHODOLOGY .....	286
CMR-9 SAMPLES .....	287
<b>APPENDIX C: COMPLIANCE STATUS BY PARAGRAPH AND SUB-SECTION .....</b>	<b>295</b>

## Introduction

This report will outline the current compliance status of the Commonwealth of Puerto Rico (hereafter, the “Commonwealth”) and the Puerto Rico Police Bureau (hereafter, “PRPB” and at other times “the Bureau”) with the federal court approved Settlement Agreement (hereafter, the “Agreement” and/or “Consent Decree”). It was prepared by the Technical Compliance Advisor (hereafter, “the Monitor”) pursuant to paragraphs 242, 251, and 252 of the Agreement to inform the court, Parties, and residents of the Commonwealth about implementation status and levels of compliance with the Agreement. The Monitor’s Office (or “Monitoring Team”) will make itself available to the court, the Parties, and community groups to explain the Monitor’s Office’s findings and the compliance assessments presented in the report.

## General Background on the Agreement and Monitoring Process

The Agreement was fashioned to provide PRPB officers with the tools, guidance, and resources needed to reform unconstitutional policing practices and bring the Bureau into line with generally accepted practices of constitutional policing and effective law enforcement. The Parties recognize that constitutional policing, effective law enforcement, and the community’s trust in its police force are interdependent. Accordingly, full and sustained implementation of the Agreement will guarantee constitutional rights and will consequently increase public confidence in PRPB and its officers. In addition, and perhaps most importantly, the Agreement also aspires to develop dynamic leadership and management skills within PRPB aimed at transforming the Bureau for the benefit of the Commonwealth and its residents.

In a joint effort, the Parties identified each of the following areas for improvement, enhancement, or reform in PRPB:

1. Professionalization;
2. Use of Force (UOF);
3. Searches and Seizures;
4. Equal Protection and Non-Discrimination;
5. Recruitment, Selection, and Hiring;
6. Policies and Procedures;
7. Training;
8. Supervision and Management;
9. Civilian Complaints, Internal Investigations, and Discipline;
10. Community Engagement and Public Information; and
11. Information Systems and Technology.

To carry out necessary reforms in the above-mentioned areas, the Commonwealth developed Action Plans for each of the named substantive areas. These Action Plans set forth the steps agreed upon to execute and implement the reforms and achieve the desired outcomes in each area in detail. Moreover, the above reforms also require the implementation of new or amended policies, practices, training, corresponding documentation, and internal review. All such activities, together with the monitoring of sustainable compliance, fall within the scope of objective oversight, analysis, and reporting of the Monitor’s Office.

During the capacity-building period, the Monitor's Office assessed compliance based on the Commonwealth's own Action Plans, pursuant to Paragraph 240 of the Agreement. However, with the end of the capacity-building period, the mission of the Monitor's Office has changed. Beginning with CMR-1 and since October 2018, the Monitor's Office has been assessing PRPB's compliance with the Agreement.

### Scope and Methodology

The Chief Monitor's Eleventh Report covers the period between April and September 2024. CMR-11 covers 9 of the 11 performance areas of the Agreement: 1) UOF, 2) Searches and Seizures, 3) Equal Protection and Non-Discrimination, 4) Policies and Procedures; 5) Professionalization; 6) Supervision and Management, 7) Civilian Complaints, Internal Investigations, and Discipline, 8) Community Engagement and Public Information, and 9) Information Systems and Technology. Per the monitoring methodology agreed on by the Parties, 177 paragraphs were scheduled for assessment in CMR-11, out of 212 total paragraphs which the Monitor's Office is tasked to assess. This report excludes the sections of the Agreement covering Recruitment, Selection, and Hiring and Training as well as specific paragraphs throughout other sections that are assessed on an annual basis and were covered in CMR-10.

For each of these areas, the Monitor's Office presents its assessments based on the desk review of data that was provided by the Commonwealth, as well as interviews, questionnaires, site visits, observations, and the current state of IT (see below for more details on the activities conducted during the CMR-11 reporting period). The collection, analysis, reporting, and public dissemination of data regarding the ongoing PRPB sustainable reform efforts were designed to strengthen and ultimately ensure public accountability and trust in PRPB. Therefore, the Agreement requires: a) that the Monitor's Office submit timely assessments as to compliance, as well as achievements and impediments that the Bureau might be encountering; and b) that the Monitor's Office assist the Commonwealth in finding solutions to all impediments to compliance until sustainable compliance is reached.

In agreement with the approved methodology, the Monitor's Office uses a combination of quantitative and qualitative methods to assess the Commonwealth's compliance with the Agreement in the three areas of performance (policy, training, and implementation) selected for this CMR. Each paragraph in the Agreement has been assigned a methodology that was agreed on by the Parties and approved by the court. These methodologies include information on the data source, sampling method (if relevant), and compliance target. The compliance targets provided for each paragraph outline the objectives and thresholds the Commonwealth must meet to reach full compliance with the paragraph. Further, if applicable, the compliance targets outline whether the Commonwealth and PRPB have incorporated the requirement into an implemented policy; trained all relevant personnel on the requirement and policy; and fully implemented the requirement in practice. As such, the compliance targets provide the Commonwealth with a detailed pathway towards achieving full compliance.

Definitions for each of the compliance ratings used in the Monitor's Office's assessment as well as additional detail on the assessment and sampling methodologies are provided in Appendix B.

## Monitoring Activities During CMR-11

Over the past six months the Monitor's Office conducted five site visits to PRPB headquarters as well as various regions of the island including Carolina, Caguas, Mayaguez, and Aibonito. At each of these field visits the Monitor's Office visited the area command, district(s) within each area, Highway Patrol Units, and other units at each location. At each location the Monitor's Office met with executive command and PRPB personnel leading and/or involved in various units such as Centro de Mando, Radio Control, Community Interaction Councils (CICs,) Community Relations, and UOF.

These field visits provided an opportunity for the Monitor's Office to hear directly from supervisors and officers on the front line, speak with members of the Commonwealth community, observe operations, receive system demonstrations, and validate the assessments they made as part of their review of over 8,000 policies, documents, certifications, audio recordings, training materials, and case files and reports provided for review during the CMR-11 reporting period. While on site, team members also participated in four system demonstrations on various dashboards including the Sexual Assault (SA) Module, public crime data dashboard, Community Policing Module, and the Auto-evaluation Module. The Monitor's Office also acquired access to these systems as part of its efforts to streamline monitoring efforts.

In addition to the field visits to various area commands on the island, members of the Monitor's Office, PRPB, and the Office of the Special Master (OSM) also conducted a peer-to-peer exchange with the New York, New York Police Department (NYPD). This visit focused on NYPD's operational practices related to training, Internal Affairs (IA), Integrity Unit, and IT. The objective of this visit was to examine practices from another large police agency, specifically those areas that PRPB is working on further developing to achieve compliance. The Monitor's Office is grateful for the NYPD's willingness to share its processes and procedures with PRPB.

During the CMR-11 reporting period, the Monitor's Office also reviewed 34 policies, forms (PPRs), and protocols under Paragraph 229 of the Agreement. The policies included GO 627 (Domestic Violence (DV) Investigations), GO 801 (CICs), GO 805 (Community Meetings), GO 630 (Identification of Crimes and/or Hate Incidents), and GO 213 (Professional Career Development Program) among others.

The Monitor's Office also observed community engagement events hosted by PRPB and the CICs. The Monitoring Office also conducted a community townhall meeting in August 2024 in Aguadilla as part of its efforts to host meetings for the community each quarter. This meeting was largely positive and was attended by nearly 200 representatives from the community, PRPB, and the Department of Public Safety (DSP). Further, in effort to better understand and assist the specific needs of the LGBTQIA+ community, the Monitor's Office and USDOJ met with representatives of this community. Discussion involved an overview of the role of the Monitor's Office and USDOJ. Community members also voiced their concerns about negative interactions between members of their community and PRPB. The Monitor's Office appreciates the initiative from the LGBTQIA+ community to come forward with their concerns and in further collaboration and problem solving with PRPB. The Monitor's Office will continue to work with PRPB and the LGBTQIA+ community to address these issues and assist in continued collaborative problem-solving sessions.

During this reporting period, the Monitor's Office participated in a status conference. The June 2024 status conference focused on updates related to the CMR-10 report, the IT Corrective Action Plan (CAP), the Supervision and Staffing Plan, Reform funding levels and 2024 fiscal spending, and the associate degree curriculum. The Monitor's Office has continued to work closely with the Parties to monitor the Commonwealth's progress with implementing the various implementation plans filed with the court.

In addition, during the CMR-11 reporting period, the Monitor's Office in collaboration with the Parties revised the Community Engagement and Public Information methodology used to assess compliance. The objective of these revisions is to further streamline assessments and better align the performance targets and data sources with general policing practices. No changes to the paragraph requirements were made, rather the methods with which PRPB must document their progress and the performance targets to assess this progress were redefined. These changes will take effect in the CMR-12 reporting period.

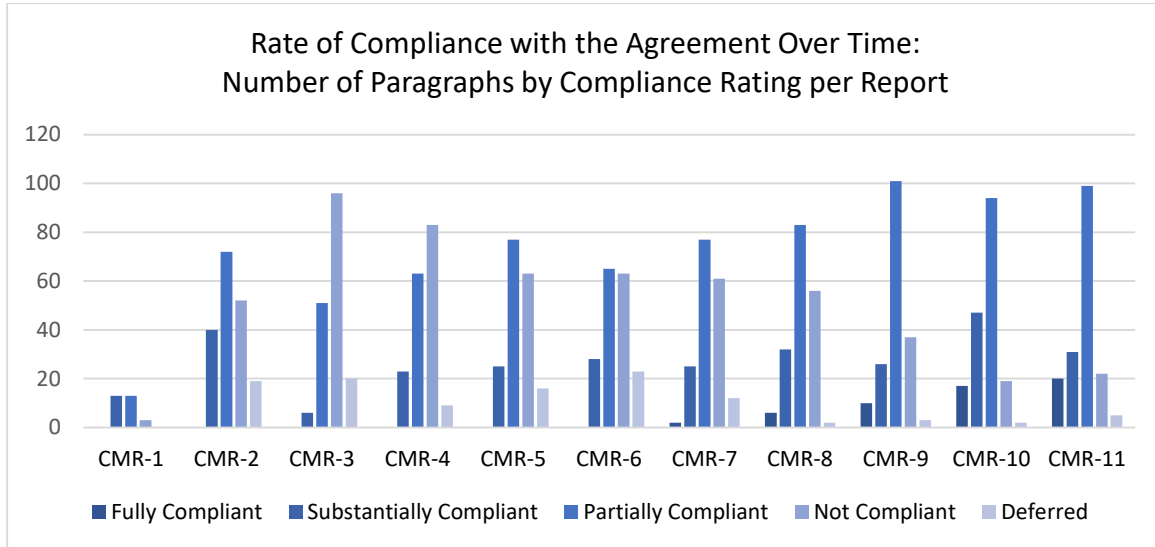
Finally, the Monitor's Office continues to contract with Gartner Inc. to support PRPB's efforts related to the Project Management Office (PMO) as well as its efforts to procure a new Records Management System (RMS). During this reporting period progress was made in both areas (see the [IT](#) section for more information). Related to IT, PRPB established, refined, and/or sought the procurement of new systems to improve internal auditing, supervision, and investigatory processes, which is a core component to the Commonwealth's success in complying with the Agreement. This CMR delves into these developments throughout the report.

### Key Findings of the Monitor's Eleventh Report

During the CMR-11 reporting period, the Commonwealth's achievements towards partial and/or substantial compliance with many of the paragraphs remained relatively the same as the last reporting period. Changes to compliance during this reporting period were largely based on continued implementation of the 2024 in-service training, promotions of various leadership ranks, and refinements in operational practices related to UOFs, administrative investigations, and supervision. While continued forward progress is a positive sign, the Monitor's Office continued to note various gaps in training (i.e., recruitment, ethics, scenario-based trainings), data analysis, technology and information systems (i.e., Computer-Aided Dispatch (CAD) and RMS) and supervision that hinder its ability to move compliance forward.

The Commonwealth's continued progress at this point hinges on its ability to successfully implement a sustainable training program, specifically in-service, its implementation of RMS and other technological systems targeted at improving its record management, dispatch of services, training records, supervision, data analytics, and investigatory processes. Further, as the Commonwealth improves its ability to record and track data related to the various areas of the Agreement, it will be imperative for it to demonstrate the validity of its data. Validating the data will secure substantial compliance with many paragraphs. Based on discussions with the Commonwealth during this reporting period, the Monitor's Office remains hopeful that a number of the gaps previously mentioned will be addressed in the coming reporting periods. Although a transition of government leadership is impending, the Monitor's Office also remains hopeful that changes in leadership will not alter or negatively affect the progress made thus far or impede the Commonwealth's noted plans for continued improvements to compliance.

As noted above, when examining the total paragraphs assessed in this CMR (N=177) in comparison to the previous CMR in which these sections and paragraphs were assessed (CMR-9; N=177), the Monitor's Office notes that the Commonwealth has achieved continued progress during this reporting period. For example, 99 paragraphs met partial compliance and 22 paragraphs were rated not compliant during this reporting period, in comparison to 101 paragraphs rated as partially compliant and 37 as not compliant in CMR-9. Further, when reviewed comprehensively, almost 29% (N=51) of the paragraphs meet either substantial or full compliance in CMR-11 in comparison to 20% (N=36) in CMR-9.



*Figure 1. Rate of Compliance Over Time*

In the forthcoming report sections, the Monitor's Office provides the assessment and analysis produced by the subject matter experts. All recommendations and assessments are offered in the spirit of collaboration with the sole objective of assisting the Commonwealth in achieving a pathway to compliance.



## I. Professionalization

With respect to Professionalization, the Monitor's Office concludes that the Commonwealth has remained at the same level of compliance since the previous reporting period in which this area was assessed, CMR-9. The development of policies for promotions, staffing, career development, performance evaluations, recruitment, and integrity audits have been completed or are in progress. Those policies that have been implemented and/or recently finalized incorporate the requirements of the Agreement. In-service training for 2024 continues. The Commonwealth has begun working on a 2025 training plan that will include a needs assessment to ensure that in-service training is meeting the department and Agreement requirements.

PRPB policy allows officers with ongoing administrative investigations to pass through the promotional process. However, passing the promotional process does not ensure that officers will be promoted. The promotion of officers with open administrative complaints is contingent on the result of the investigations. By the end of the current reporting period, six second lieutenants have not yet been promoted due to open administrative investigations, as confirmed by the Promotional Board.

According to the Consolidated Status Report #4, during 2024 and the PRPB HR Department, the following promotions were made during 2024:

- *Captain Promotions*  
In 2024 102 first lieutenants were promoted to the rank of captain after passing the examination and completing the required training.<sup>1</sup>
- *First Lieutenant Promotions*  
On September 26, 2024, the first lieutenant promotion took place. A total of 159 second lieutenants were promoted to the first lieutenant rank after passing the examination that took place in May 2024 and the training in August 2024.

This CMR will not assess the area of Recruitment, Retention, and Hiring as it is reviewed annually and was last reviewed in CMR-10. Nonetheless, the recruitment efforts undertaken by PRPB during this reporting period are important for Paragraph 13 purposes, given PRPB's understaffing challenge, which is also a challenge for police agencies in many jurisdictions, and the aging personnel population in PRPB, among others. Also reported in the Commonwealth's Staffing Plan was the re-assignment of personnel to address staffing challenges, and added project managers to ensure compliance and the sustainability of initiatives. This position is a great strategy that will positively advance the entire reform related to this area.

With regard to recruitment, 1,690 cadets are still undergoing the recruitment process. During FY2023 - 2024 that culminated on June 30, 2024, 249 cadets were recruited and are a part of Class 235, which began in September 2024. For FY2024-2025, 800 new positions for potential cadets have been approved.

In September 2024, a meeting was held between The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), the Monitor's Office, and PRPB. The purpose of the meeting was to introduce

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<sup>1</sup> See chart received from the PRPB HR Department.

PRPB to the CALEA accreditation process and requirements. After the meeting CALEA sent accreditation requirements information to PRPB. Information was also provided from a metropolitan law enforcement agency who has been accredited over 20 times. PRPB is determining their interest level in the accreditation process. Updated information will be provided in CMR-12.

During this reporting period, the Monitor's Office has continually met with PRPB personnel. The Monitor's Office has met with Human Relations (HR), the Promotion Board, and conducted interviews of sampled PRPB personnel. The Monitor's Office has been diligent in asking for information and reviewing it. Based on the conclusions gathered from this information, the Monitor's Office has found that PRPB follows a pattern of being partially compliant in the paragraphs of this section.

Overall, the Commonwealth's compliance with the 10 paragraphs assessed during this reporting period within Professionalization reflects the same levels of compliance as what was noted in previous reports. In CMR-9, all paragraphs were assessed as partially compliant. This holds true for CMR-11. See figure 2.

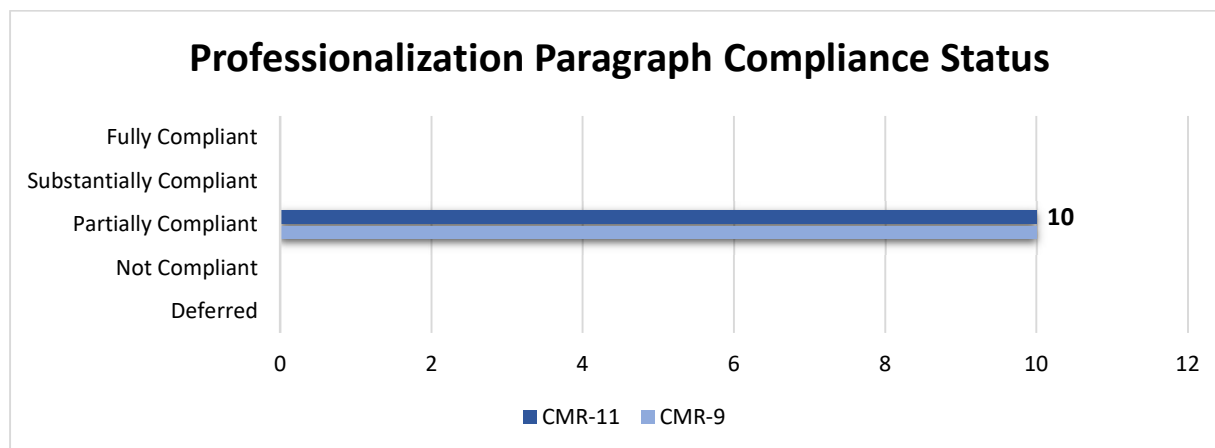




Figure 2. Professionalization: Paragraph Compliance Status

## Paragraph 12: Professionalization - General Provisions

*PRPD shall develop processes and mechanisms that promote professional, ethical, and respectful policing services to effectively address Puerto Rico's public safety challenges; consistently and uniformly apply constitutional police practices; build public confidence; and strengthen its institutional structures. PRPD shall promote continuous performance improvement among all PRPD personnel that regularly identifies problems or challenges, assesses causal or contributing factors, and takes reasonable measures to achieve performance expectations in areas related to this Agreement.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented		Annually



Practice:

Not Implemented

Assessment  
Frequency*Compliance Targets*

1. Policies incorporate the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on the code of ethics and conduct is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled officers are trained and certified in the code of ethics and conduct (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. 95% of sampled administrative investigation outcomes are within policy.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. 95% of sampled integrity audit outcomes are within policy.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
Note: Compliance will be determined on two separate but inter-dependent bases: (1) the implementation of paragraphs 13-21, and (2) the results of outcome assessments, pursuant to Paragraph 243 of the Agreement.		

*Compliance Assessment*

The Monitor's Office reviewed a sample of 92 candidate files ranking from agent to colonel to assess whether PRPB met the 95% compliance threshold for the required Ethics Training (REA 617). This training is supposed to be administered to all sworn PRPB members once every two years. In CMR-9, the Monitor's Office found that PRPB met the threshold for this target. However, in the Monitor's Office's analysis for this reporting period, it was concluded that PRPB has not met the 95% compliance threshold so far. It must be noted that PRPB's Training Calendar is developed on a yearly basis, and the current Training Calendar ends in December 2024. In the proposed courses for 2025, compiled in a presentation provided by PRPB titled "Cumplimento con Adiestramiento," includes the Code of Ethics Training. The Monitor's Office has not seen any information proving that PRPB has scheduled officers to receive REA 617. Thus, Target 3 is missed. The Monitor's Office will assess Paragraph 12 again in CMR-13.

PRPB policies related to this paragraph have been revised since the Monitor's Office's last assessment. PRPB continues to incorporate the requirements of Paragraph 12 and has not provided documentation that indicates over 95% of its workforce is currently trained on the Code of Ethics and Conduct. Regarding administrative investigations, the Monitor's Office noted several areas where PRPB uses the findings of the investigations in relation to professional advancement. However, the Monitor's Office has not yet been provided information to verify that 95% of sampled administrative investigation outcomes complied with GO 617 (Code of Ethics for Members of PRPB), and no integrity audits have been conducted.

Partial compliance generally resulted from evidence that PRPB may not be following through or providing evidence of the actions and discipline noted in administration investigations. Investigation files for complaints against PRPB personnel show several areas where greater consistency in discipline could enhance professionalization of the workforce, including a) more consistent recommendations for re-training where appropriate, b) consistently documenting supervisor reviews of full investigation files before they are adjudicated, c) consistent discipline of officers that disregard civilian complaints, and d) greater use of psychological evaluations in adjudication and recommendations or mandates that officers avail themselves of counseling services provided by PRPB when appropriate. Further, as noted in previous CMRs, PRPB continues to work on developing its policies and procedures related to integrity

audits. As such there are no integrity audits for the Monitor's Office to assess for compliance with Target 5.

The Monitor's Office notes that one of the main priorities for PRPB are integrity audits. To achieve this goal and become compliant with this paragraph, PRPB must continue working on developing an Integrity Audits Unit and an integrity audits policy. Captain Melendez, the head of the Internal Audits Unit has been meeting with the Monitor's Office, OSM, and USDOJ. Captain Melendez also attended the visit to NYPD, and the Monitor's Office is optimistic regarding the outcomes that this visit produced. The aforementioned tasks are expected to be completed during the CMR-12 reporting period.

#### *Pathway Forward*

Going forward, PRPB must create an automated system or revise its current SARP system to allow the Monitor's Office the ability to verify what discipline was imposed and when it was completed or produce documentation that provides this information for the administrative investigations requested. Similarly, once developed, the integrity audit process should include a review process that would allow PRPB and the Monitor's Office the ability to review audit outcomes in a comprehensive manner.

The Monitor's Office will continue to track PRPB's progress in developing an Integrity Audit Unit and its related policies and procedures. Specific recommendations and feedback on the preliminary drafts of the policy were submitted at the end of the CMR-9 reporting period and were provided in the pathway forward for Paragraph 157.

While the planned Integrity Audit Unit is a step towards substantial compliance, the unit should also contemplate a proactive element to allow spot field inspections of PRPB paperwork pertaining to administrative investigations, to include both punitive and corrective actions, across the island. Such a capability would allow PRPB to self-ensure compliance with its procedures at all levels of the organization. The Monitor's Office notes that OSM is currently assisting PRPB with developing related protocols and procedures for the Integrity Audit Unit and looks forward to the developments resulting from this assistance.

### *1. Staffing and Community Policing*

As noted above, PRPB recently submitted an updated plan to the Court to implement the Staffing Plan and the initial activities associated with the Staffing Plan. During the reporting period, PRPB established related committees and assigned project leads to each of the initiatives noted in the Staffing Plan. Evaluations of Paragraph 13 implementation have determined that the Staffing Plan shows positive signs of being consistent with community-oriented policing principles and supports the systematic use of partnerships and problem-solving techniques. The Monitor's Office is hopeful that this will also offer PRPB members the opportunity to more substantively serve the communities in which they live.

The Monitor's Office is encouraged by PRPB's renewed effort to develop and align technological resources to this and other areas of the Bureau. Effective use of technology will produce timely data, which in turn will enhance PRPB's performance and strategy. The ability to produce this data quickly and accurately will further assist the Monitor's Office in assessing compliance levels.




The Monitor's Office has reviewed and approved all policies and training curriculums related to this paragraph.

In uniformity with the [Civilian Complaints, Internal Investigations, and Discipline](#) section of the Agreement, not all the outcomes of administrative investigations undertaken by PRPB follow its policy.

PRPB has not submitted any evidence to the Monitor's Office that proves integrity audits are being conducted, or its policy is being developed. The Monitor's Office, alongside USDOJ and OSM, have conducted visits to the New Orleans, Louisiana Police Department and the New York City, New York Police Department. During these visits, PRPB was able to see how other police departments conduct integrity audits and related policies. These have been very helpful for PRPB, and the Monitor's Office expects that this underlying issue will be resolved in the near future.

### Paragraph 13: Professionalization – Staffing and Community Policing

*PRPD shall assess the appropriate number of sworn and civilian personnel to perform the different department functions necessary to fulfill its mission. To do so, PRPD shall conduct a staffing allocation and resource study. The study shall form the basis for a staffing and resource allocation plan that is consistent with community-oriented policing principles and supports the systematic use of partnerships and problem-solving techniques. To foster community-oriented policing, the plan shall consider deployment practices that offer officers opportunities to serve the communities in which they reside.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### Compliance Targets

1. PRPD conducted a Staffing Allocation and Resource Study to assess appropriate number of personnel.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. The Staffing and Resource Allocation Plan is consistent with the requirements of the paragraph and the Staffing Allocation and Resource Study.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled units are staffed consistent with the Agreement and the Staffing and Resource Allocation Plan.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. 85% of the initiatives in the Staffing and Resource Allocation Plan are implemented.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### Compliance Assessment

In PRPB's July 2024 Consolidated Status Report, PRPB subdivided its initiatives related to this paragraph in four sections: 1) Recruitment, Retention, Incentives, and Professional Development; 2) Civilianization; 3) Resource Distribution; and 4) Promotions. This CMR will not assess the area of Recruitment, Retention,

and Hiring as it is assessed annually and was last reviewed in CMR-10. Nonetheless, the recruitment efforts undertaken by PRPB during this reporting period are important for Paragraph 13 purposes, given PRPB's understaffing challenge, which is also a challenge for police agencies in many jurisdictions, and the aging personnel population in PRPB, among others.

During this reporting period, PRPB signed a contract with Ana G. Méndez University in August 2024, which will provide an associate's degree to incoming cadets that passed all of the recruitment requirements if they do not have said degree as a minimum requirement already. Class 235 consists of 249 cadets, and Ana G. Méndez is expected to provide these cadets with an associate's degree. These courses will be administered simultaneously with PRPB's training, administered by SAEA. PRPB anticipates this will begin during September 2024. Class 236 can hold 800 budget-approved positions for new potential incoming cadets. A complete assessment of this area will be provided in CMR-12. A copy of the contract between DSP/PRPB and Ana G. Mendez was forwarded to the Monitor's Office.

PRPB has attempted to implement various incentives for its employees to improve its retention rates, and also incentivize employees. Such initiatives have included toll incentives, uniform discounts, and medical plan contributions.

The civilianization initiative has progressed during this reporting period as well. Sworn members continue to be transferred into patrolling duties in SARP, SAOC, SAE, and SAIC. PRPB has employed civilians to fulfill the positions left vacant by sworn members that were performing administrative duties, and expects more positions to become available as sworn members performing administrative duties continue to be evaluated and decided accordingly.

PRPB also continues to evaluate its sworn members that have been unarmed due to medical and psychological conditions. This has been an underlying problem that PRPB expects to resolve by October 2024. Finally, PRPB also conducted promotional examinations for the positions of captain, first lieutenant, and sergeant, therefore fulfilling a supervisory gap in many units, divisions, precincts, and districts.

PRPB also submitted staffing documents to ensure an adequate amount of officers were available for every shift in every precinct/district and unit/division. In agreement with the areas of [Supervision and Management](#) and [Community Engagement and Public Information](#), although some have a sufficient number of officers assigned per shift, others lack the necessary personnel to function adequately. Through recruitment, PRPB aims to solve this problem.

Regarding Target 3, the Monitor's Office is unable to conduct a full assessment of training since the PRPB Training Calendar has not yet concluded. However, the Monitor's Office has not yet received PRPB's mid-period training numbers, which include Ethics Training. A more thorough review of Target 3 will be possible once PRPB submits this data to the Monitor's Office for assessment.

The Monitor's Office wants to highlight the important improvements that this information constitutes and commends PRPB for performing such improvements. If PRPB continues showing the Monitor's Office efforts that prove its compliance, PRPB will eventually be evaluated as substantially compliant with this paragraph.



PRPB has provided evidence to the Monitor's Office that indicates PRPB has assigned the Commonwealth's contractor, AH Datalytics, to design a digital solution for the analysis of every PRPB unit through the lens of the Staffing Plan. This solution, when available, should assist the Monitor's Office in accurately determining PRPB's compliance with the updated Staffing Plan for Paragraph 13.

This paragraph also requires that all paragraphs in the Professionalization section (Paragraphs 12-21) be substantially compliant for this paragraph to be rated as substantially compliant, or through any other way determined by its evaluation methods in the court-approved methodology.

#### *Pathway Forward*

PRPB should continue its efforts to implement its updated Staffing Plan. The Monitor's Office will track the progress of the updated Staffing Plan.

The Monitor's Office continues to stress the importance of allocating resources and project management staff to this effort. Implementing the updated Staffing Plan will not only improve PRPB's compliance with Paragraph 13 but will garner progress in several of the paragraphs related to Supervision and Management. Further, not only will this achieve compliance, but also improve PRPB's management of personnel and resources, and improve operations and place PRPB on a path towards sustainable reform. The Monitor's Office notes that PRPB has also implemented a lateral program, which has allowed it to hire 53 former municipal police officers who also underwent 600 hours of additional Academy training. The Monitor's Office verified that all 53 lateral hires met PRPB requirements.

## 2. Promotions

The Monitor's Office acknowledges PRPB's improvement in the selection of mid-level management officers. It is hopeful that PRPB will continue to ensure transparent, fair, and merit-based promotions at all ranks. The Monitor's Office will remain vigilant, along with the Puerto Rico HR Department, to ensure that this process of fair and merit-based promotions will continue to be the standard for all ranks. PRPB's efforts to establish related committees, identify project leads, and begin working on related materials and protocols have begun and will continue to be assessed.

In accordance with its authority under the Agreement, and as recognized by GO 504 (Promotion Examinations Board), the Monitor's Office reviewed the process related to this examination. The sole purpose of this monitoring process was to give a proper and thorough review of both (1) the preparation and (2) the scoring of the exam, to ensure both were properly done subject to the guidelines provided by GO 504 (Promotion Examinations Board) and the Official Announcement. The Monitor's Office's assessment of the exam itself can be found under Paragraph 17. The assessment of the perception among promotional applicants as to the fairness and objectivity of the promotions process can be found under Paragraph 16.

Since CMR-9, PRPB has carried out promotional examinations for the ranks of sergeant, captain, and first lieutenant. PRPB has been transparent with the Monitor's Office throughout the processes. The Monitor's Office has been able to assess samples of candidates for all the examinations, assess the questions of the exams prior to it being administered, attend the examinations in-person, and view the scoring process. The Monitor's Office has found the processes to be mostly compliant. PRPB complied

with its policies and procedures outlined in the various “Convocatorias,” which the Monitor’s Office also assessed before their publishment and found to be compliant.

Among the topics assessed by the Monitor’s Office in the candidate review were complaints, training, years of service, and taxes, which were the requirements outlined in the “Convocatorias.” The Monitor’s Office found that the candidates complied with these requirements in all four examinations. The questions on the exams were also reviewed by the Monitor’s Office. When necessary, small corrections were made to correct vagueness or ambiguity in the questions. The Monitor’s Office interviewed candidates that attended the exam, and most found the exam to be written correctly, and the process to be transparent.

During the examinations, the Monitor’s Office reviewed the process for administering the exam. The Monitor’s Office was present when questions about the exam from the candidates were answered by the Examination Board, and the Monitor’s Office found the process to be according to policy and guidelines. Overall, the Monitor’s Office found PRPB to be compliant with how the examinations were administered, and its compliance with PRPB policies and procedures.

The Monitor’s Office also found the revision process of the exams to be straightforward and compliant. The Monitor’s Office attended various revision meetings, and all were found to be compliant. Whenever there was a score change during the revision process, the Monitor’s Office was duly notified as well. The Monitor’s Office also attended the subsequent training for those candidates that passed the exam and found the training to be compliant and according to policies.

Nonetheless, as reported in CMR-10, the PRPB handling of the 2015 captain’s promotional exam and the subsequent appeals under the Public Service Appeals Commission (CASP) had a negative effect on the 2024 captain’s promotional process. These candidates were promoted and administered an 80-hour training during the 2024 captain’s promotional process instead of the 40-hour training that the remaining candidates received. These captains have required additional processes, for the purpose of complying with the Agreement. The Monitor’s Office is still optimistic that in the future it will receive more information regarding these captains, such as performance evaluations during their first quarter.

The Monitor’s Office also personally went to the CASP headquarters to obtain more information about the status of PRPB appeals. During that meeting, the Monitor’s Office was made aware of the uncertainty of the number of cases that still have not been resolved by CASP. Some of these cases have been under CASP for years, and in some cases, decades.




Because of the effect that these candidates had on the 2024 captain’s promotional process, the Monitor’s Office finds PRPB to be partially compliant. The Monitor’s Office will continue analyzing the information received and will provide assessments of the process.

The Monitor’s Office looks forward to PRPB’s continued progress and to working with PRPB as it develops the related promotional tools. Due to the current state of activities, the Monitor’s Office expects demonstratable progress in this subsection in the CMR-13 reporting period.



### Paragraph 14: Professionalization – Promotions

*PRPD's promotion practices shall be merit-based and comply with equal opportunity employment principles.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### Compliance Targets

Note: This paragraph is assessed with Paragraph 16.

### Compliance Assessment

PRPB demonstrated that its promotional processes were merit-based and complied with equal opportunity and employment principles. The Monitor's Office reviewed the exam announcements, requirements for taking the exam, list of study topics, exam questions, and was able to monitor the revision process. The Monitor's Office assessed the candidates solely on their abilities to fulfill the requirements outlined in their exam announcement and found that PRPB was compliant in this matter.

Nonetheless, the Monitor's Office requested the files of 74 promotional candidates for review during this reporting period. The files of each candidate contained their 2023 performance evaluation, training records, and SARP complaint history. The Monitor's Office found that some of the SARP history records do not align with the scores given in their performance evaluations. Also, some officers have patterns of complaints resulting out of recurring allegations. These issues stem from an outdated record keeping system and can be handled by an Early Intervention System (EIS) and RMS. Paragraph 157, which monitors PRPB's compliance with an EIS, is expected to become more efficient once PRPB acquires an RMS and EIS. Based on this assessment, this paragraph will remain in partial compliance.

The Monitor's Office sampled a total of 74 promotional candidates for interviews, including candidates that passed the promotional process, did not pass the promotional process, or did not meet the qualifications to be eligible to pass through the promotional process. The Monitor's Office found that the candidates had a positive perception of the process, and that it was well conducted.

PRPB policy allows officers with ongoing administrative investigations to pass through the promotional process. However, passing the promotional process does not ensure that officers will be promoted. The promotion of officers with open administrative complaints is contingent on the result of the investigation. By the end of the current reporting period, six second lieutenants have not yet been promoted due to open administrative investigations, as confirmed by the Promotional Board.

However, this paragraph is assessed with Paragraph 16. As will be explained in the compliance assessments of Paragraphs 16 and 17, the Monitor's Office determined these to be not compliant during CMR-10. The Monitor's Office considered this when evaluating this paragraph and determined the paragraph to be partially compliant. Once Paragraph 16 is substantially compliant, the Monitor's Office will consider improving this paragraph's rating.

As noted in Paragraph 16, promotion policies incorporate the requirements of Paragraphs 14 and 16-20. The promotion trainings are consistent with approved policies. During the reporting period, the Monitor's Office again reviewed the information leaflet for the Sergeant Promotion Exam, the Protocol of Promotions for Ranks of Inspector to Colonel, related exams and interview guides, and the Special Call for Promotions to the Ranks from Inspector to Colonel. These promotional practices are merit-based and comply with equal opportunity employment principles.

As reported in the past, the Commonwealth has a board responsible for designing a promotion system, which includes the administration of examinations and other more objective measures, complying with their goal. However, officers interviewed continue to note issues such as favoritism and failure to answer transfer requests with PRPB's transfer policy, GO 305 (Rank System Transfer Transactions). During the September 2024 site visit, the Monitor's Office met with the PRPB HR Director in reference to this problem. The Monitor's Office will continue to meet monthly with the HR Director to resolve problems with the transfer policy and its implementation.

It should be noted that the interviewed captains all stated that their exam information was thorough, helpful, and professional in its development. Interviews of the newly promoted captains are currently being conducted by the Monitor's Office. The overall opinions and perceptions of most of the 21 interviewed candidates have been positive. The study materials contained in the "Convocatoria" adequately reflected the content of the exam questions. All interviewed candidates stated that those who studied diligently probably passed.




#### *Pathway Forward*

PRPB has completed a full cycle of test preparation, written testing, interviews, and promotional trainings through the rank of colonel. The promotional process should continue to be designed to evaluate qualifications that are job related. It is incumbent upon PRPB to change its transfer policy to be fair and equitable for all PRPB employees. The PRPB HR Director indicated to the Monitor's Office that the transfer policy was currently being re-evaluated by members of the command staff to achieve a fair and equitable system. In July the new policy was approved by the Monitor's Office.

#### Paragraph 15: Professionalization – Promotions

*PRPD shall publish detailed job descriptions for each rank among sworn personnel, specifying the duties, responsibilities, and minimum qualifications for each position. PRPD shall develop the job descriptions in consultation with the TCA based on generally accepted policing practices.*

Compliance Status	Assessment Schedule	
Partially Compliant	Review	October 2023 – September 2024

 Policy:	Implemented	Period	
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### Compliance Targets

- |  |   |
|--|---|
| 1. Job descriptions for each rank among sworn personnel are: (a) based on generally accepted policing practices and (b) are detailed, specify duties, responsibilities, and minimum qualifications | <input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed |
| 2. Job descriptions for each rank among sworn personnel are published.   | <input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed |

### Compliance Assessment

In an April 2024 certification, PRPB certified that they are currently reviewing its job descriptions for officers. The last time the Monitor's Office reviewed PRPB's job descriptions was during the CMR-9 reporting period, where it was recommended that these be reviewed in a timely manner. These are expected to be received by the Monitor's Office for review in the near future. The Monitor's Office also recommends PRPB develop job descriptions for its civilian personnel.

In review of this paragraph, PRPB provided a copy of its Rank Structure: Functions, Duties, and Responsibilities to the Monitor's Office through a certification, which has not changed since the Monitor's Office last review in 2022. According to a certification provided to the Monitor's Office in April 2023, this most recent review did not result in any revisions to the manual. This manual has not been revised since April 2020. The Monitor's Office strongly encourages PRPB to update its manual in a timely manner.

### Pathway Forward




Although the current copy of the Rank Structure policy meets compliance for this paragraph, the Monitor's Office recommends that PRPB update the Rank Structure policy and specific job descriptions, including civilians, as needed once PRPB has implemented a career path policy. Substantial compliance with this paragraph will be contingent on PRPB's practical application of the career path and related job descriptions.

### Paragraph 16: Professionalization – Promotions

*PRPD shall ensure that its supervisor selection process is lawful, fair, and consistent with generally accepted policing practices and anti-discrimination laws. PRPD shall develop objective selection criteria to ensure promotions are based on knowledge, skills, and abilities that are required to perform supervisory and management duties successfully in core substantive areas. PRPD shall provide clear guidance on promotional criteria, and prioritize effective, ethical, and community-oriented policing as criteria for promotion. These criteria should account for experience, civil rights and discipline record, training, and skills.*

Compliance Status

Assessment Schedule

Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

1. Promotion policies incorporate the requirements of Paragraphs 14, 16-20.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
2. All promotion trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled promotions committee personnel are trained and certified in all promotions policies (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. Selection devices comply with promotion policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. 95% of selected promotion files comply with policy.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
6. 95% of interviewed candidates perceive the promotion process as merit-based, fair, non-discriminatory and objective.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### *Compliance Assessment*

The Monitor's Office requested and received information regarding all promotions undertaken by PRPB during the reporting period. PRPB provided information clarifying that no promotions were made to the ranks of commander, lieutenant colonel, and colonel during the reporting period.

During the prior reporting period, the Honorable Judge Francisco A. Besosa signed an "Order Finding the Commonwealth Defendants in Civil Contempt and Establishing Immediate Oversight." The Order provided for additional requirements that the Commonwealth must meet to ensure continued compliance with the Agreement.




The Monitor's Office requested information regarding the 12 captains that took the 2015 captain exam and were promoted because of the subsequent appeals made to CASP. Some of the information was provided including appeals made to CASP, training records, and disciplinary records. It should be noted that the 80-hour special captain's training for these 12 candidates was completed on August 2, 2024. All 12 candidates passed the training and are currently captains in PRPB. Performance evaluations for these 12 captains are not yet due and are expected to occur in January 2025. The Commonwealth continues to provide other information related to the CASP appeals status updates. The Monitor's Office found that PRPB has other open CASP appeals although not all appeals are regarding PRPB promotions. CASP personnel have no way of knowing the number of pending appeals CASP has involving PRPB processes. Some of these appeals have been under CASP for years, and in some instances, decades. The Monitor's Office will continue to review the information related to the promotion of the 12 captains and the Court Order.

### Pathway Forward

Based on the Honorable Judge Besosa's Order, it is the opinion of the Monitor's Office that the status of Paragraph 16 was not compliant in CMR-10. During the reporting period, PRPB submitted some information related to Honorable Judge Besosa's Order. The Monitor's Office expects PRPB to submit all of the information requested by the Monitor's Office related to this topic during the forthcoming reporting periods.

### Paragraph 17: Professionalization – Promotions

*PRPD shall utilize competitive written examinations as a component of the selection process to award promotions through the rank of Captain. Written promotion examinations shall conform to generally-accepted professional standards for test validity and security and be designed to evaluate qualifications that are job related and consistent with business necessity. PRPD shall develop these examinations in consultation with the TCA based on generally accepted policing practices and in compliance with anti-discrimination laws.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This paragraph is assessed with Paragraph 16.

### Compliance Assessment

The Monitor's Office requested and received information regarding all promotions undertaken by PRPB during the reporting period. PRPB provided information clarifying that during no promotions were made to the ranks of commander, lieutenant colonel, and colonel during the reporting period.

As noted in Paragraph 16, in addition to those captains previously promoted, 12 additional captains were promoted as part of their subsequent CASP appeal. The Monitor's Office has been following the status updates as they relate to the Commonwealth's compliance with the related Court Order (See Paragraph 16).




During this reporting period the Monitor's Office also reviewed the promotional process for first lieutenants, which included the review of related examinations and candidate files, and found that the Commonwealth followed the promotion process according to its policies and protocols and paragraph requirements.

### Pathway Forward

The Monitor's Office will continue to assess the Commonwealth's promotional processes to ensure continued compliance with its policies and procedures and, more importantly, paragraph requirements.

### Paragraph 18: Professionalization - Promotions

*All appointments to ranks above Captain shall be based on objective criteria that account for the knowledge, skills, and abilities to perform core management, supervisory, and leadership duties.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This paragraph is assessed with Paragraph 16.

### Compliance Assessment

The following details the Monitor's Office's efforts to assess the Commonwealth's compliance with Paragraphs 18 and 20 of the Agreement. The Monitor's Office completed a review of the various aspects associated with the process of promoting command-level personnel. The Monitor's Office's review of compliance of this process included the following:

1. Review of a sample of candidate records that applied for promotion.
2. Review of interview/exam related materials and observations of interviews with candidates.
3. Review of a sample of candidate records for those that passed step 2 for promotion.
4. Review of the recommendations list prepared by the Promotions Evaluation Panel (Panel) by rank.
5. Review of the list received by the Commissioner with recommendations by the Panel.
6. Review of the recommendations list prepared by the Commissioner's Office for submission to the Secretary of DSP.
7. Review of the recommendations list prepared by the Secretary's Office for submission to the Governor.

The Monitor's Office completed its review of all the steps listed above and a memorandum was drafted and sent to the Parties. For more information regarding the Monitor's Office's assessment of the promotional candidates, refer to Paragraph 14 of this CMR.

The purpose of the review was to ascertain whether the promotions process from the ranks of inspector to colonel complied with the Promotions Protocol enacted by PRPB and DSP on August 16, 2022, which was previously approved by the Monitor's Office and the Parties. In addition, the Monitor's Office

performed this assessment to verify whether PRPB and DSP had complied with Paragraphs 18 and 20 of the Agreement during this reporting period.

The Monitor's Office reviewed the command level promotional process to assess its compliance with the related protocol and paragraphs as noted in the Agreement. In its review, the Monitor's Office found the Commonwealth adhered to the protocol.

It should be noted that while the Commonwealth has made strides to promote officers and leaders after many years where no promotions had been conducted because of previous issues with the integrity of the process, overlooking gender diversity in the selection of leaders can undermine the perception of equity and overall success of this new process and protocol.

By the end of the current reporting period, the Monitor's Office has not received any information regarding promotions above the rank of captain. During this reporting period, the Monitor's Office requested information regarding all promotions to all ranks. PRPB later provided clarifying information that no promotions were made to the ranks of commander, lieutenant colonel, or colonel during the reporting period.

#### *Pathway Forward*

PRPB's substantial compliance with this paragraph is contingent on its ability to operationalize the policy. The Monitor's Office assessed PRPB's compliance with this paragraph after the policy was implemented. The Monitor's Office reviewed candidate files, selected and not selected, to determine if the appointments were based on objective criteria that account for the knowledge, skills, and abilities to perform core management, supervisory, and leadership duties. In future promotional processes, it is expected that PRPB will continue to ensure that all appointments to ranks above captain shall be based on objective criteria that account for the abilities to perform core management, supervisory, and leadership duties.




During this reporting period, the Monitor's Office requested information regarding all promotions to all ranks. By the end of the reporting period, the Monitor's Office was still unaware whether any promotions above the rank of captain took place. This paragraph is assessed with Paragraph 16. As it was explained in the compliance assessments of Paragraphs 16 and 17, the Monitor's Office determined these to be partially compliant. The Monitor's Office considered this when evaluating this paragraph and determined the paragraph to be partially compliant. Once Paragraph 16 is substantially compliant, the Monitor's Office will consider improving this paragraph's rating.

#### **Paragraph 19: Professionalization – Promotions**

*PRPD shall establish procedures that govern the removal of officers from consideration for promotion for disciplinary action related to serious misconduct.*

Compliance Status	Assessment Schedule	
Partially Compliant	Review	October 2023 – September 2024



 Policy:	Implemented	Period	
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This paragraph is assessed with Paragraph 16.

### *Compliance Assessment*

The Monitor's Office reviewed samples of promotional candidates, which included ethics training, complaints, years of service, among other qualifications, and it was determined that all candidates in the samples were compliant in this paragraph. For additional information on ethics training, refer to Paragraph 12. The officers that did not comply with the requirements established in the promotional announcements were not accepted for promotion. In the case that officers had open administrative investigations against them, they were allowed to take the exam by policy, but they could not be promoted until they were found to be exonerated from the investigation. Nonetheless, as reported in Paragraph 14, PRPB still has some issues regarding candidate selection.

As was noted in Paragraph 16, PRPB has met the related policy compliance targets. In review of this paragraph, PRPB submitted a copy of Rule 4216 (Puerto Rico Police Personnel Regulations) in 2022. This rule provides for the disqualification of a candidate for promotion based upon relevant and objective data relating to misconduct. Specifically, a promotion candidate is disqualified from promotion for a sustained finding of a serious administrative misconduct for one year after that finding. In cases of minor misconduct, the disqualification period is six months.

During the recent round of promotions, six eligible officers were passed over for promotion due to open administrative complaints, which has caused delays in resolution. The delays in attaining final resolution on internal investigations could significantly hold back careers and lifetime earnings. PRPB may be opening itself up to potential litigation for lost lifetime earnings from officers who are ultimately cleared of misconduct allegations but nevertheless missed a promotion opportunity due to these unresolved complaints.

PRPB policy creates an absolute bar for the promotion of a sworn member while that member has an open case pending in SARP. The Monitor's Office is aware of PRPB members who were denied promotion in rank due to the existence of a SARP complaint against them. More specifically, if a candidate has not been promoted because of an ongoing administrative investigation that has surpassed the 5-day, 30-day, or 90-day thresholds, then the Monitor's Office is concerned that there is a cause for potential lawsuits. As is pointed out in the analysis of Paragraph 179 (see the Civilian Complaints, Internal Investigations, and Discipline section for more detail), PRPB has shown a pattern of delays when investigating complaints, mainly because of not properly adjudicating serious complaints that were filed against PRPB members. In addition, the Civilian Complaints, Internal Investigations, and Discipline section clearly shows pervasive problems when adequately investigating administrative complaints. These conclusions reinforce the serious worries raised above.



### Pathway Forward




Monitor's Office will continue to assess PRPB's compliance with this paragraph. It should be noted that the Monitor's Office was not given access to determine which candidates had on-going long-term active SARP investigations during the review of candidate files. Officers passed over for promotion due to unresolved administrative complaints could be held back in their careers and PRPB could be open to potential litigation for lost lifetime earnings. It is incumbent upon PRPB to hire more staff to review and adjudicate cases and determine if the candidate should be eligible to take the promotional examination.

A full ethics training assessment will be conducted at the end of the reporting period, once PRPB provides its training numbers.

Although this paragraph is assessed with Paragraph 16, the Monitor's Office determined the paragraph to be partially compliant.

### Paragraph 20: Professionalization – Promotions

*PRPD shall establish specific criteria for the promotion of officers in direct supervisory roles. Officers in supervisory roles shall not be rendered ineligible for promotion based solely on the number of civil complaints filed against officers under their supervision. The nature and type of civil complaints, particularly those complaints that are investigated and substantiated by evidence, shall also be weighed when considering an officer for promotion. Promotions of officers with pending investigations or disciplinary action in a matter alleging serious misconduct shall be held in abeyance until the investigation or disciplinary action is resolved.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### Compliance Targets

Note: This paragraph is assessed with Paragraph 16.

### Compliance Assessment

As reported in Paragraph 19, the Monitor's Office reviewed samples of promotional candidates, which included ethics training, complaints, years of service, among other qualifications, and it was determined that all candidates in the sample were compliant with this paragraph. For additional information on ethics training, see Paragraph 12. The officers that did not comply with the requirements established in the promotional announcements were not accepted for promotion. In the case that officers had open administrative investigations against them, they were allowed to take the exam by policy, but they could not be promoted until they were found to be exonerated from the investigation.

As noted above, PRPB submitted a copy of Rule 4216 (Puerto Rico Police Personnel Regulations). This rule provides for the disqualification of a candidate for promotion based upon relevant and objective data relating to misconduct. Specifically, a promotion candidate may not receive a promotion if she/he has a case pending in SARP. If and only if a case is concluded in favor of the accused officer may such an officer be promoted. This aspect of the policy complies with the intent of Paragraph 20. As noted under multiple paragraphs; however, the fair execution of this policy is being hampered by delays in concluding internal investigations.

As noted above, during interviews held by the Monitor's Office with those individuals who had recently passed the sergeants exam, several interviewees stated that the complaints against them had not been resolved and therefore they were not able to be promoted even though they had passed the exam. These issues were not clearly pointed out in the file review and were anecdotal information. The Monitor's Office feels that there may be the potential for litigation for lost lifetime earnings due to the unresolved complaints years behind schedule (see Paragraph 179 and the Civilian Complaints, Internal Investigations, and Discipline section for more detail).

In addition to this related policy, PRPB is working on establishing its EIS, which will allow PRPB to review the nature and type of civilian complaints and any related disciplinary action more effectively as part of the promotional consideration process during the CMR-12 reporting period. There is no evidence to show that EIS is operational.

#### *Pathway Forward*

The Monitor's Office looks forward to assessing the practical application of Rule 4216 (Puerto Rico Police Personnel Regulations), as well as further EIS developments. The training, use, and practice of these policies and systems will allow the Monitor's Office to assess PRPB's compliance with this paragraph more comprehensively. It is incumbent upon PRPB to hire more staff to review and adjudicate cases. PRPB should incorporate a process that would identify those individuals who have an active long-term on-going SARP investigation and determine if the candidate should be eligible to take the promotional examination.

### *3. Commander Corps*




As mentioned previously, the policies related to career paths reflect that they are fair, transparent, and free of bias or political interference, which is essential to the creation of a credible, effective, and competent command staff. During the prior reporting period, the Monitor's Office reviewed GO 213 (Professional Career Development Program). PRPB's substantial compliance with the paragraphs under this subsection is contingent upon its ability to apply its policy into practice. During the reporting period, the Monitor's Office was not provided evidence that the Commander Corps program is being used.

As reported in Paragraph 19, the Monitor's Office reviewed samples of promotional candidates, which included ethics training, complaints, years of service, among other qualifications, and it was determined that all candidates in the sample were compliant with this paragraph. A full ethics training assessment will be conducted at the end of the reporting period, once PRPB provides its training numbers for the entire reporting period. The officers that did not comply with the requirements established in the promotional announcements were not accepted for promotion. In the case that officers had open

administrative investigations against them, they were allowed to take the exam by policy, but they could not be promoted until they were found to be exonerated from the investigation.

### Paragraph 21: Professionalization - Commander Corps

*PRPD shall provide a developmental career path for officers aspiring to the command ranks that emphasizes leadership, ethics, community-oriented policing, educational achievement, and constitutional policing.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: Deferred. See Jt. Mot., ECF No. 1095 at 9 (proposing Special Master assist developing plan in accordance with Paragraph 21); Order, ECF No. 1102 at 2 (approving same).

### Compliance Assessment

In accordance with the [Supervision and Management](#) section of this CMR, PRPB is in the process of completing the 2024 Performance Evaluation Training, which will be delivered both virtually and in-person, as reported by PRPB. The PRPB Training Design Committee expects to complete all the training materials by October 2024, and have all personnel trained by December 2024. The Monitor's Office will assess the training and will make recommendations and observations on the materials. The Monitor's Office will also assess whether 95% of PRPB personnel have received the training before performance evaluations take place. Supervisors are expected to conduct performance evaluations during January 2025. The Performance Evaluations policy (GO 310) was approved by the Monitor's Office during 2023 and has been published and implemented by PRPB. Substantively, these performance evaluations will assess officers on UOF, community engagement, and others, as was done during the January 2024 performance evaluations.

The Monitor's Office understands that performance evaluations are an effective way for PRPB to emphasize leadership, ethics, community policing, educational achievements, and constitutional policing in its officers. Promotions have taken place as well, as the previous paragraphs in this section have reported, which also promote these practices. The Monitor's Office was able to review the exam questions, and PRPB welcomed all recommendations.

Nonetheless, because of the assessments of Paragraphs 16 and 17, the Monitor's Office rates this paragraph as partially compliant. Unless otherwise determined by an official body, ideally, officers should only be promoted through the process implemented by PRPB for such matters.

The Monitor's Office previously reviewed and subsequently approved GO 213 (Professional Career Development Program) in September 2022. PRPB must work on reviewing and/or developing the associated training to incorporate aspects of this policy into supervisor training and any training related to performance evaluations. As such, the career path has not been fully implemented in practice and compliance with Paragraph 21 remains partial.

More broadly, as part of its review of GO 213 (Professional Career Development Program), the Monitor's Office provided additional considerations for PRPB related to implementing the new policy. The considerations included meet both the needs of PRPB and its employees, increasing productivity and confidence, motivating employees, providing incentives, retaining professionally oriented employees with career goals, providing promotional opportunities, attracting more qualified employees, and retaining more trained and technically competent employees. Substantial compliance is dependent on PRPB's development of related training and practical application of the policy and procedures established.

The Monitor's Office stresses the importance of implementing GO 213 (Professional Career Development Program) and incorporating this policy and the requirements of this paragraph into training, specifically training related to supervision and performance evaluations. The considerations provided by the Monitor's Office during the policy review process included noting that GO 213 should be implemented together with GO 310 (Performance Evaluations). The Monitor's Office acknowledges the planned changes to performance evaluations as noted in the most recently revised GO 310 dated February 15, 2023, and its related forms. If not implemented in conjunction with GO 310, PRPB will face difficulty operationalizing GO 213 due to the need to improve the current performance evaluation program. As noted by the Monitor's Office in previous CMRs, performance evaluations as currently conducted do not provide a good foundation for promotional decisions. Additional considerations for implementation include developing a feedback process that includes SAEA, auditing the performance evaluation process, and re-training current supervisors and training newly promoted supervisors.

#### *Pathway Forward*

As recommended by the Monitor's Office, supervisors now meet with their subordinates to discuss performance as well as goals, objectives, performance challenges, and areas for growth. Supervisors must develop a system to document and keep track of their performance evaluation discussions. During the September 2024 site visit, the Monitor's Office met with the HR Director regarding improving writing skills for performance evaluations. The Monitor's Office suggested that a training program be developed using ProMedia. The HR Director agreed that a training program needed to be developed in order to prepare sergeants in developing new skills to supervise and evaluate employees. Meetings will continue to be held on a monthly basis with the HR Director concerning performance evaluations. There is also the need to ensure that supervisors themselves are evaluated and promoted based on the quality of the evaluations they perform of their supervisees.

As mentioned previously in this CMR, one of PRPB's priorities is complying with performance evaluations training and execution. Officers should have an opportunity to provide feedback on the performance evaluation courses that are taken by them. These courses must be approved by the Monitor's Office prior to their implementation. Currently, the Design Committee is designing two modalities of training for performance evaluations. They include in-person training for the sergeants that were promoted during 2023, and virtual training for all other supervisors in the ranks of sergeant to colonel. They must

take this training on or before December 31, 2024, since performance evaluations are scheduled to be given in January 2025.

## II. Use of Force

PRPB formally implemented its Provisional Use of Force (UOF) Plan in July 2022. The Provisional UOF Plan, which has been in place for over two years, coupled with the increase of sergeants in the field, has resulted in improved UOF incident reporting. Thus, the Monitor's Office has determined that the Provisional UOF Plan has produced accurate numbers Bureau-wide. Nevertheless, the plan will change with the introduction of PRPB's new records management system (RMS).

In addition, the Commonwealth's contractor, AH Datalytics, continues to help develop and improve the various UOF related dashboards. This assistance provides the Reform Unit with the ability to comprehensively review whether certain procedural or documentary steps were taken as part of the force reporting process in the field. These data dashboards should also assist first-line supervisors with managing workflow and ensuring officer compliance.

During this reporting period, PRPB reported 1,160 instances of UOF in 553 incidents. A cross check of various units' data by the Monitor's Office determined the accuracy of the data and that the information from PRPB's GTE system is comprehensive. It should be noted that the Monitor's Office has determined that PRPB continues to make progress in the preparation and submission of UOF reports (PPR 605.1) in the timeframe outlined in PRPB policy. In the 69 UOF reports (PPR 605.1) reviewed by the Monitor's Office, 97% were prepared and submitted in the timeframe outlined in policy. In addition, as outlined in the policy, supervisors completed their investigation within five business days. These improvements have resulted in continued positive compliance ratings.

It should be noted that 2,244 out of 2,311 (97%) officers from the rank of sergeant to colonel have received REA 601, which includes training on the investigation and review of UOFs. Most PRPB officers (96%) have completed the training.

Consistencies in the UOF data largely affect many of the paragraphs in this section. Other topics such as the Force Investigation Unit (FIU), Force Review Boards (FRBs), Crisis Intervention Training (CIT), Special Weapons and Tactics (SWAT), and crowd control procedures also impact PRPB's overall compliance with this section. As it relates to FIU, the Monitor's Office has observed significant improvement in meeting established timelines. The Parties and the Monitor's Office have agreed to temporarily modify the 45 calendar days requirement that FIU has to complete UOF investigations for the CMR-10 and 11 reporting periods to 60 calendar days. With the timeframe modifications for completing FIU investigations, the Monitor's Office observed that 100% of cases were completed within the agreed upon timeframe. The additional personnel added to FIU have and will continue to contribute to improved compliance.

While the Monitor's Office's review of Commissioner Force Review Board (CFRB) evaluations over the course of its CMRs, has found that the evaluations were objective, they were not timely. To address this issue during the reporting period, PRPB modified the process by updating and creating new forms associated with the FIU (PPR 113.1 through PPR 113.12). PRPB has also created new

forms, PPR 502.7 (Review of Field Investigations of UOF Incidents Investigated by the FIU Use of Force Investigations Division) and PPR 502.8 (Final Determination of the Incident).

In the previous CMR to address the backlog of cases with the CFRB for review, PRPB created additional temporary boards headed by board members from the original CFRB who had received training on GO 502 (Force Review Board) and designated them as presidents of these newly formed boards. The remaining members of these boards were drawn from the area commands' command staff who had also received the training. PRPB at the time indicated that the existence of these boards was for the sole purpose of reducing the backlog of cases and as such have reverted back to one CFRB.

Adding to the extensive workload currently undertaken by the CFRB, in an effort to reduce the number of open investigations from previous periods, the FIU has closed a number of older cases.

In the area of responding to behavioral/mental health crisis it is critically important to have CIT trained officers throughout the 13 area commands. Since the conclusion of the pilot project in November 2020, PRPB had lagged in expanding its CIT coverage outside of Arecibo until the last reporting period. However, PRPB made significant progress in the CMR-9 and 10 reporting periods, adding personnel and expanding the program to 5 additional areas. By the end of the current reporting period PRPB had 281 trained CIT officers - 253 of which are assigned to patrol/CIT functions (90%) in the 13 area commands.

PRPB also appointed a new CIT Bureau Coordinator in early 2024 who holds the rank of inspector to lead the expansion efforts. The assigned inspector has experience in this area, holding a doctoral degree in psychology.

Notwithstanding the issues noted above, the Commonwealth has demonstrated progress in many of the UOF paragraphs. Much of the efforts made in this reporting period can be attributed to PRPB's continued collaboration with AH Datalytics, the Commonwealth's contractor, who has helped PRPB develop several UOF related dashboards, which include "Compliance with Reports", "Use of Force Statistics", "Requests from the Monitoring Team", and "Specialized Tactical Unit Mobilizations." These dashboards are useful to the Monitor's Office as they serve as another tool in assessing PRPB's compliance with the Agreement. In addition, PRPB's efforts in training members as CIT officers and in expanding the CIT Program to all area commands have been identified by the Monitor's Office as major steps. The positive efforts made in this reporting period have proven beneficial in increasing PRPB's compliance ratings in this section.

Overall, the Commonwealth's compliance with the 36 paragraphs assessed during this reporting period within UOF reflects some improvement in levels of compliance to what was noted in previous CMRs. In CMR-10, 28% of paragraphs (10 paragraphs) were assessed as partially compliant and 61% (22 paragraphs) were assessed as substantially compliant, in comparison to the current reporting period, where 25% of paragraphs (9 paragraphs) were found to be partially compliant and 64% (23 paragraphs) were found to be substantially compliant. Four paragraphs (22%) were rated as fully compliant. See figure 3.



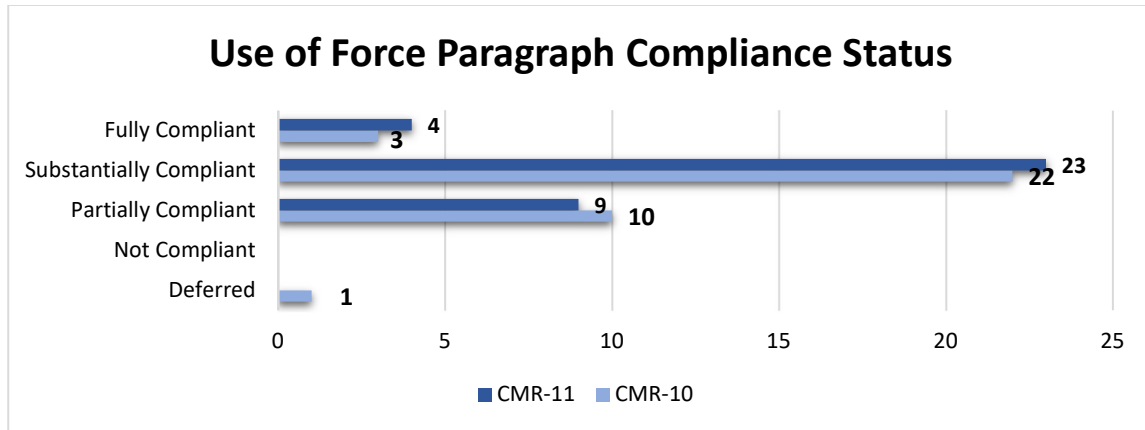





Figure 3. Use of Force: Paragraph Compliance Status

### Paragraph 22: Use of Force - General Provisions

*PRPD officers shall use force in accordance with the rights, privileges, and immunities secured or protected by the Constitution or laws of the United States and the Commonwealth of Puerto Rico, and shall prohibit the use of unreasonable force. PRPD shall develop policies and procedures that enable officers to rely primarily on non-force techniques to effectively police; use force only when necessary; and de-escalate the use of force at the earliest possible moment.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: Compliance will be determined on two separate, but inter-dependent bases: (1) the implementation of Paragraphs 23-57, and (2) the results of outcome assessments, pursuant to Paragraph 243.

### Compliance Assessment

As in previous CMRs, the Monitor's Office requested the following information: 1) number of incidents in which force was used and 2) how many officers used force in each incident. In response, PRPB provided information attesting that force was used 1,160 times in 553 incidents during this reporting period.

Of the 1,160 UOF incidents that occurred in this reporting period, the Monitor's Office randomly sampled and reviewed 69 UOF reports (6%). An analysis of the reports by the Monitor's Office determined that the UOFs were in accordance with the rights, privileges, and immunities secured or



protected by the Constitution or laws of the United States and the Commonwealth of Puerto Rico, which prohibit the use of unreasonable force.

Further, during this reporting period, the Monitor's Office reviewed various policies and procedures related to UOF reporting. As previously noted, the Monitor's Office finds that PRPB's policies and procedures on UOF enable officers to rely primarily on non-force techniques to effectively police, use force only when necessary, and de-escalate the UOF at the earliest possible moment. Adherence to the policies in practice is also reflected in the Monitor's Office's review of UOF reports which verified that the levels of force were consistent with PRPB policies.

### *Pathway Forward*

Now that PRPB has, via its Provisional UOF Plan, provided reliable data relating to UOF numbers, the Monitor's Office can thoroughly analyze the data. Further, this analysis is more representative of the UOFs that occurred during this reporting period. However, PRPB should endeavor to develop a permanent system to report accurate UOF incidents, one that is not labor intensive and does not require several layers of review as in the Provisional UOF Plan to address and correct discrepancies in the data. This improved system should be woven into PRPB's efforts to implement its IT Corrective Action Plan (CAP) and improvements to its RMS.

## 1. General Provisions

PRPB complies with applicable law and comports with generally accepted policing practices in its policy and training related to UOF, including training on less lethal weapons. The comprehensive UOF policy requires that PRPB categorize all reportable UOFs into multiple levels, grouped by degree of seriousness, and identify all force techniques used by officers. PRPB has provided the Monitor's Office with the requested case files for review under the applicable paragraphs.

PRPB has demonstrated continued compliance with several paragraphs in this subsection including the continued prohibition of CN gas.

### Paragraph 23: Use of Force - General Provisions

*PRPB complies with applicable law and comports with generally accepted policing practices. The comprehensive use of force policy shall categorize all reportable uses of force into multiple levels, grouped by degree of seriousness, and shall include all force techniques, technologies develop a comprehensive and agency- PRPD shall wide use of force policy that, and weapons, both lethal and less-lethal, that are available to PRPD officers, including officers assigned to specialized tactical units. The comprehensive use of force policy shall clearly define and describe each force level option and the circumstances under which each force level is appropriate. The highest level of force described by the policy shall include all serious uses of force, as defined in this Agreement.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		

 Training:	N/A	Assessment Frequency	Annually
 Practice:	Implemented		

### Compliance Targets

1. Policies incorporate all of the requirements of Paragraphs 22-24.

☒ Met ☐ Missed

### Compliance Assessment




PRPB has prepared comprehensive policies that categorize UOFs into multiple levels, grouped by degree of seriousness and describes each force level and the options available to officers as outlined in the Agreement. The policies are consistent with generally accepted policing practices relating to UOF. The Monitor's Office reviewed 69 UOF incidents during this reporting period and determined that the force used by officers was accurately categorized into levels grouped by the degree of seriousness. During this reporting period, there were 1,160 UOF applications; of these instances, 462 were level 1 (40%), 269 were level 2 (23%), 354 were level 3 (31%), and 75 were level 4 (6%) UOFs.

### Pathway Forward

The Monitor's Office looks forward to assessing PRPB's progress with improving data accuracy as it has implemented the Provisional UOF Plan and continues its work on the IT Needs Assessment and subsequent IT CAP.

### Paragraph 24: Use of Force - General Provisions

*PRPD shall develop comprehensive and agency-wide policies that comply with applicable law and comport with generally accepted policing practices concerning the use of: (a) lethal force; (b) firearms; (c) canines; (d) ECWs; (e) chemical agents; (f) less lethal munitions; (g) batons and impact weapons; and (h) any other force technology, weapon, or implement authorized by PRPD during the life of this Agreement. PRPD shall also develop a policy on sharing information with the public regarding serious uses of force and the dissemination of information to family members of civilians involved in a use of force incident.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Implemented		

### Compliance Targets

1. Policies incorporate all of the requirements of Paragraphs 22-24.

☒ Met ☐ Missed

### Compliance Assessment

PRPB has prepared comprehensive policies and revised them periodically as outlined in the Agreement. The policies are consistent with generally accepted policing practices relating to UOF. As noted above, PRPB has incorporated the paragraph requirements into policy.




During this reporting period, the Monitor's Office reviewed and provided conditional approval, pending USDOJ approval, on PPR 122.1 and OG 141 (FURA). The Monitor's Office also provided recommendations on Anejo A for OF 602 (Tasers). These recommendations included updated the accompanying policy upon transfer completion to the new taser and to distribute the new taser to specialized units first.

### Pathway Forward

Substantial compliance with this paragraph hinges on PRPB's ability to demonstrate its practical application of UOF policies. The Monitor's Office will continue to make a comprehensive assessment to determine if the UOF policies are in fact adhered to in practice. The Monitor's Office will continue to review PRPB's compliance with this paragraph and is hopeful that the implementation of the Provisional UOF Plan and IT Needs Assessment will continue to improve PRPB's ability to accurately report and track UOFs.

### Paragraph 25: Use of Force - General Provisions

*PRPD shall continue to prohibit the use of Chloroacetophenone (commonly referred to as "CN gas").*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Implemented		

### Compliance Targets




1. Policy prohibits use of CN gas.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. No supply of CN gas is identified in armories or other locations through unannounced site visits.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
3. No supply of CN gas is identified in armories or other locations through inspections.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
4. CN gas is never used by STUs.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

### Compliance Assessment

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

### Paragraph 26: Use of Force - General Provisions

*PRPD shall maintain an accurate, current list of officers who successfully qualify with their regulation firearm, including any other firearm that officers are authorized to use or carry. Officers who fail to re-qualify shall be relieved of police powers and immediately relinquish all firearms, including personal firearms. Those officers who fail to re-qualify after remedial training within a reasonable time shall be subject to disciplinary action.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Implemented		
 Practice:	Implemented		

### Compliance Targets

1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. All officers on the qualification list are qualified and certified on the use of firearms in accordance with policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. All officers who fail the qualification re-test on the same day are relieved of operational duty, disarmed, and summoned for re-training before leaving the Academy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. All officers who fail to qualify after re-training remain relieved of operational duty, remain disarmed, and are referred for disciplinary action.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. All officers are disciplined for failing to qualify after re-training or have a valid justification for not qualifying in accordance with policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. All officers with more than one regulation firearm are qualified in all authorized firearms.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

The Monitor's Office found that PRPB's policies relating to firearms qualifications incorporate all requirements of the paragraph. The Monitor's Office re-reviewed and approved GO 618 (Use and Handling of Regulation Weapons) during a prior reporting period.

To determine compliance with firearms training and qualifications, the Monitor's Office requested data relating to yearly firearms training and qualifications. PRPB is required to conduct firearms training and qualifications for all sworn members with Bureau issued firearms in both day and reduced light fire every 12 months.

PRPB continued the day and reduced light fire training and as of this reporting period 10,182 officers (96%) were trained on reduced light and 9,359 (88%) were trained on day fire. The remaining officers are currently scheduled to participate in the day firing training to meet the 95% compliance threshold required. All training will have been completed by October 30, 2024.

If PRPB continues conducting training in this manner it can expect to continue meeting compliance with the 12-month training requirement.

The Monitor's Office selected a random sample of 102 officers from the list of officers who were listed as qualified (night and day fire) and requested their certified training records to verify that officers were qualified with their service weapon for this reporting period. A review of the training files confirmed that all officers were qualified. However, in four instances, officers required additional testing on site for either day or night fire shooting. SARP provided documentation that there were no investigations conducted relating to officers failing to qualify with their service weapons, none was necessary as no officer failed to qualify. Therefore, the Monitor's Office did not have the opportunity to review whether officers are disciplined after failing to requalify for firearms training.

PRPB's IT Bureau and Auxiliary Superintendency for Education and Training (SAEA) are developing a Shooter Module, which will generate global reports; however, as of this reporting period, the module was not yet operational and has not been demonstrated to the Monitor's Office. The Monitor's Office anticipates reviewing an improved Shooter Module when it becomes functional.

#### *Pathway Forward*

PRPB needs to continue to qualify all sworn personnel on both day and reduce light fire within a 12-month period and must maintain records of this training in its Global Report. Further, the Monitor's Office stresses the importance of scheduling the training so that both segments are completed during a 12-month period to ensure that all officers are qualified. As of this reporting period PRPB provided documentation that in Day Fire (REA 618DV) 9,359 (88%) members have completed qualification. In Night Fire (REA 618NV) 10,182 (96%) have completed qualification. PRPB will need to continue qualifications to be in compliance with the Agreement.

## 2. Specialized Tactical Units




In relation to Paragraphs 27-31, the Monitor's Office has concluded that PRPB has developed UOF policies for specialized tactical units (STUs) and that these policies are consistent with PRPB's Bureau-wide UOF policy. A review of the tactical unit's (DOT) roll call documents verifies continued compliance with policies. Related to training on policy, PRPB DOT has also completed training. In practice, the Monitor's Office has verified that all STU officers meet eligibility requirements and that specialized units are not conducting general policing functions except for non-specialized preventive patrols in high crime areas. For these preventive patrols PRPB DOT provided documentation that officers assigned to preventive patrol do so in regular uniform and not in full tactical attire.

During this reporting period, the Monitor's Office reviewed documents and case files that attested to STU conducting preventative patrols and other policing activities as outlined in the appropriate policies. In addition, DOT is appropriately documenting its activities and having supervisors review those activities and documentation.

Using the dashboard created by AH Datalytics, the Commonwealth's contractor, PRPB now has a centralized database that captures all STU deployments Bureau-wide. This centralized database will help PRPB command staff determine DOT needs Bureau-wide.

### Paragraph 27: Use of Force - Specialized Tactical Units

*PRPD shall develop policies on the use of force by members of specialized tactical units ("STUs"). This policy shall be consistent with PRPD's agency-wide use of force policy. tactical units ("STUs"). This policy shall be consistent with PRPD's agency-wide use of force policy.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Bi-annually
 Practice:	Implemented		

#### Compliance Targets

1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. All use of force training involving STUs is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of officers are trained and certified in all use of force policies involving STUs (or scheduled for training, in the case of mid-year reviews)	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. 95% of uses of force by STU officers are within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

#### Compliance Assessment

PRPB has developed policies on UOF by STU members. These policies are consistent with PRPB's Bureau-wide policy. A review of UOF training involving STUs has determined that it is consistent with PRPB policy. No updates to this policy were conducted during this reporting period. Further, a review of training records found that 95% of sampled officers have completed training on UOF policies involving STUs in the required timeframe. The Monitor's Office concludes that all STU personnel meet the special training requirements related to their specialized units.

There were no instances in which DOT was mobilized in an active capacity during the reporting period. All activations were for "standby" status. These deployments were consistent with policies relating to UOF by specialized units.




#### Pathway Forward

The Monitor's Office will continue to monitor UOFs by specialized units at demonstrations and protests to verify compliance with this paragraph. The Monitor's Office also notes that PRPB must continue to schedule and conduct training for all officers on UOFs involving STUs.

### Paragraph 28: Use of Force - Specialized Tactical Units

*PRPD shall prohibit STUs from conducting general patrol and policing functions.*

Compliance Status	Assessment Schedule
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Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### *Compliance Targets*

1. Policies incorporate all requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training involving STUs is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of STU officers are trained and certified in STU policies (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. Presentation of data on STU deployments and activations.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. 95% of all STU deployments/activations for general patrol and policing functions are justified within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. 95% of all assignments of individual STU officers to general patrol and policing functions are justified and carried out within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### *Compliance Assessment*

The Monitor's Office has reviewed the STU policies and trainings and found that they meet the requirements of the Agreement, and that training follows approved policies. In addition, 95% of STU officers are trained and certified on STU policies. The Police Training Management System (PTMS) does not allow supervisors to easily track which officers have received which training courses, so DOT supervisors have been maintaining their own internal tracking, which is not conducive to tracking long-term and on-going training requirements; however, DOT collaborates with SAEA regarding training needs.

In relation to the policy requirements of Paragraph 28, GO 112 (Tactical Operations Divisions) allows DOT officers to be assigned to preventive patrol but precludes DOT from operating as a specialized unit or equipping tactical gear when conducting patrol functions. GO 112 also requires that DOT members always keep specialized weapons and tactical equipment accessible in the event their unit is activated to respond to an authorized DOT event. During the June 2024 site visit to Metro DOT, the Monitor's Office was informed that officers assigned to preventive patrol continue to keep their specialized equipment in the trunk of their vehicle, accessible to the officers in the event they are mobilized. In addition, PRPB has modified PPR 112.2 (Record of Mobilization of STU) to reflect this information as well as wearing the proper uniform. Verification of the changes to PPR 112.2 have been confirmed by the Monitor's Office.

The Monitor's Office has verified in its review of related documents that specialized units are properly documenting their daily assignments in compliance with the Agreement. Specialized units do not conduct general policing functions apart from preventive patrols in high crime areas or at special events. During this reporting period over 945 preventive patrols/other specialized deployments were



conducted. From that number the Monitor's Office requested a random sample of 87 records (9%). The Monitor's Office determined that deployments were consistent with the Agreement and PRPB policy.




PRPB also provided a random sample of 18 mobilizations for demonstrations/protests for DOT and 17 mobilizations for SWAT. A review of the files verified DOT and SWAT's compliance with policy.

### *Pathway Forward*

Reviews of deployment records and observations will ensure PRPB's continued compliance with the practical elements of this paragraph. The Monitor's Office will continue to evaluate training records to ensure that required trainings are being delivered on time and in adherence with the Agreement.

### **Paragraph 29: Use of Force - Specialized Tactical Units**

*PRPD shall develop eligibility criteria and selection devices for assignment to STUs that emphasize demonstrated capacity to carry out the mission of STU in a constitutional manner. Officers assigned to STUs who are unable to maintain eligibility shall be removed from STUs. Assignments to STUs shall be for a determined period, as specified by PRPD policy, unless there are extenuating circumstances that justify an extended assignment.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually
 Practice:	Implemented		

### *Compliance Targets*

1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training for evaluation boards is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of evaluation board members are trained.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. All officers selected to STUs meet eligibility requirements.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. All officers assigned to STUs who do not maintain eligibility are removed from STUs.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. 95% of all extensions of STU assignments are justified as extenuating circumstances within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### *Compliance Assessment*

The Monitor's Office has reviewed the STU policies and training courses and found that they meet the requirements of the Agreement, and that training follows approved policies.

PRPB provided documentation that there are currently 176 personnel assigned to DOT units throughout PRPB. The breakdown of those personnel by rank is as follows:



- 2 captains (one designated as in command)
- 7 second lieutenants
- 21 sergeants
- 140 agents
- 6 civilians




PRPB developed GO 112 (Tactical Operations Divisions) and GO 117 (Specialized Weapons and Tactics Division) which outline eligibility criteria and selection processes for specialized units. During the reporting period, no additional officers were assigned to DOT (full service). However, 21 officers from a group of 45 (47%) who met the requirements for possible assignment, passed the required physical agility test. Of the 21, 19 (90%) have been transferred to DOT but remain in a training status and are not listed in the DOT ranks.

SWAT reports that there has been an increase of six personnel.

The Monitor's Office reviewed DOT and SWAT personnel files for existing members and confirmed that the officers meet the requirements for assignment and have the required training. As it relates to DOT, the retention process for 20 officers to remain in their existing position as outlined in GO 112 (Tactical Operations Divisions) has been initiated in compliance with PRPB policy. SWAT does not have any members currently in the retention process.

### Paragraph 30: Use of Force - Specialized Tactical Units

*PRPD shall require STUs to document in writing all law enforcement activities to include operational plans and after-action reports prepared in consistent formats for all call-outs and deployments. Supervisors shall review the law enforcement activities of STUs periodically to ensure compliance with applicable laws and PRPD policies and procedures.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Implemented		
 Practice:	Implemented		

### Compliance Targets




1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training for STUs is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of law enforcement activities by STUs, including deployments and activations, are documented within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. 95% of law enforcement activities by STUs, including deployments and activations, are reviewed by supervisors.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

### Paragraph 31: Use of Force - Specialized Tactical Units

*PRPD shall track the number of STU deployments, the reason for each activation and deployment of STU, the legal authority, including type of warrant, if any, for each activation and deployment of STU, and the result of each activation and deployment of STU, including: (a) the approximate location of the STU deployment; (b) the number of arrests made; (c) the type of evidence or property seized; (d) whether a forcible entry was made; (e) whether force was used by an STU member or other officer; and (f) whether a person was injured or killed by an STU member.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Implemented		

### Compliance Targets

1. The STU tracking system accounts for all elements in the paragraph and outcome measures as required by Paragraph 243.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. The STU tracking system is accurate and current; all deployments are tracked.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

### Compliance Assessment

Using the dashboard created by AH Datalytics, the Commonwealth's contractor, in September 2022, PRPB now has a centralized database that tracks all STU deployments island-wide. This centralized database will help PRPB command staff determine DOT needs Bureau-wide.

### Pathway Forward

PRPB must maintain the Bureau-wide tracking system. The development of the tracking system is the responsibility of the field operations unit that oversees STU operations. Furthermore, the data and report outputs of this system should be used to inform Bureau-wide DOT strategies and address gaps in resources and potential officer safety issues.

### 3. Crowd Control Policies and Performance




In general, PRPB has made continued progress in how it prepares for and operates during demonstrations and protests. The Monitor's Office has had the opportunity to observe PRPB providing strategic policing coverage at demonstrations and protests over the course of this reporting period. As

reported in previous CMRs, PRPB's actions in response to demonstrations and protests have become increasingly consistent with generally accepted policing practices.

In response to demonstrations or protests during this reporting period, DOT participation was in a stand-by status only. This is a significant finding given the number of demonstrations and protests responded to during the reporting period. In those instances where DOT units did not actively engage with demonstrators or protestors, after-action and self-assessment reports were not completed, except for PPR 112.2 (Mobilization of Specialized Tactics). Further, the Monitor's Office found that an incident commander was identified at every demonstration/protest regardless of STU activation status.

### Paragraph 32: Use of Force - Crowd Control and Incident Management

*PRPD shall develop crowd control and incident management policies that comply with applicable law and comport with generally accepted policing practices.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Not Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on crowd control and incident management is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of STU officers, supervisors, and other officers are trained and certified in crowd control (or scheduled for training, in the case of mid-year reviews); 95% of all supervisors are trained in incident management (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. 95% of police responses to unplanned events are within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. 95% of police responses to planned events are within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. 95% of armories inspected by STU supervisors indicate that less lethal weapons and ammunition are controlled and maintained in accordance with policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
7. 95% of armories indicate that less lethal weapons and ammunition are controlled and maintained in accordance with policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

The Monitor's Office has reviewed the crowd control and management policies and trainings and found that they meet the requirements of the Agreement, and that training follows approved policies. After reviewing a random sample of training personnel records, the Monitor's Office determined that PRPB

has met the 95% threshold for the training of STU officers on the relevant crowd control training (REA 625). DOT officers have completed the yearly retraining as required.

The Monitor's Office requested a list of all demonstrations and protests Bureau-wide for the reporting period. PRPB provided a list of 170 protests - 51 unplanned (30%) and 119 planned (70%). Upon review, and as in previous CMRs, it is evident that the data was not aggregated, but rather provided for each area.

PRPB should aggregate its data on planned and unplanned crowd control events Bureau-wide for the purpose of analyzing and identifying possible training needs as well as the distribution of personnel and resources.

PRPB has identified demonstrations and protests in all cases as planned or unplanned and in no instance was a demonstration/protest not properly classified.

The Monitor's Office conducted site visits to Metro DOT during the reporting period and also reviewed data provided by the Reform Unit. The Monitor's Office analyzed data relating to personnel deployments to demonstrations and protests. As it relates to DOT, the Monitor's Office learned that in instances where PRPB had determined in advance that the DOT Unit would be activated, an operations plan was developed by the unit. However, in instances where the determination to mobilize the unit was made at the time of the event, DOT prepared no such plan.

The Monitor's Office selected a random sample of 50 crowd control events to review operational plans, after-action reports, and self-assessment reports as outlined in GO 625 (Management and Crowd Control). PRPB provided 50 files (100%). PRPB's responses to the demonstrations/protests were consistent with PRPB policy.

The Monitor's Office observed continued improvement in PRPB's preparation of PPR 625.6 (Evaluation of Strategies for Management or Control of Crowds) in this reporting period. All but one planned demonstration/protest reviewed had a properly prepared PPR 625.6.<sup>2</sup> In addition, three unplanned demonstrations did not have a PPR 625.6. Even though these demonstrations/protests were unplanned the Monitor's Office recommends that PRPB ensures that in all cases a PPR 625.6 is prepared irrespective of whether they were planned or unplanned.

Regarding training on the relevant crowd control policies, PRPB provided certification that DOT officers and supervisors are current in these courses. The Monitor's Office reviewed the documentation provided by Metro DOT which verified that members assigned to various DOTs throughout the Bureau are all trained on crowd control policies; this training requires yearly re-training.

PRPB submitted the quarterly reports (PPR 618.1) of STU supervisors who conducted inspections of armories as required by the Agreement. In a review of these quarterly reports, the Monitor's Office found them to be within policy and documented. The forms were also reviewed during site visits to STU facilities during armory inspections.

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<sup>2</sup> See case no. 2024-1-382-05782.




### Pathway Forward

Although PRPB is partially compliant in this area (not all members of PRPB are trained on GO 625 (Management and Crowd Control that all sworn members are to receive), the Bureau must continue to maintain an aggregated list of all demonstrations/protests, identifying them as either planned or unplanned, and classify them as such. In addition, PRPB should develop a Bureau-wide system/module where all information relating to protests/demonstrations occurring island-wide is stored and available for review. Maintaining such a list will assist PRPB in maintaining greater awareness of related operations and determining needed resources throughout the island.

The Monitor's Office will continue to assess training compliance with target three through random training record reviews, which also requires all PRPB officers to be trained on GO 625.

### Paragraph 33: Use of Force - Crowd Control and Incident Management

*The incident management policy shall provide that a ranking officer or other higher-level PRPD official at the scene of a mass demonstration, civil disturbance, or other crowd situation assume command and control and provide approval prior to deploying force as a crowd dispersal technique.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

Note: This Paragraph will be assessed with Paragraph 32.




### Compliance Assessment

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

### Paragraph 34: Use of Force - Crowd Control and Incident Management

*The crowd control policy shall require the use of crowd control techniques and tactics that respect protected speech and the right to lawful assembly.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review	April 2024 – September 2024

 Policy:	Implemented	Period	
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph will be assessed with Paragraph 32.

### *Compliance Assessment*

The Monitor's Office reviewed GO 625 (Management and Crowd Control) and found it to be compliant with the Agreement and general policing practices. The dispersing of unruly protestors after the application of gas or other less-than-lethal weapons should continue to be conducted only by DOT personnel that have the relevant training. PRPB used minimal force while responding to demonstrations and protests during this reporting period. Force was only used in instances where demonstrators/protesters were given lawful orders and failed to comply. Otherwise, demonstrators were allowed to assemble peacefully and lawfully.

For this reporting period, DOT units were only mobilized in a stand-by or preventive patrol capacity in response to potential needs for crowd control activities. It should be noted that when force was used at demonstrations/protests it was by non-STU officers from area commands assigned to the demonstration/protest.

The Monitor's Office considers this a significant finding, especially since PRPB responded to a substantial number of planned and unplanned demonstrations and protests during the reporting period. The use of crowd control techniques was within policy.




### *Pathway Forward*

To achieve substantial compliance, PRPB needs to continue to categorize all demonstrations and/or protests as planned or unplanned. The Monitor's Office recommends, where possible, that the dispersing of unruly protestors be conducted solely by DOT personnel. The Monitor's Office will continue to assess PRPB's progress and compliance with policy, crowd control resource deployment, and training through policy reviews and on-site observations.

### *Paragraph 35: Use of Force - Crowd Control and Incident Management*

*PRPD policy shall require the assessment of law enforcement activities following each response to a mass demonstration, civil disturbance, or other crowd situation to ensure compliance with applicable laws and PRPD policies and procedures.*

Compliance Status	Assessment Schedule	
Partially Compliant	Review	April 2024 – September 2024

 Policy:	Implemented	Period	
 Training:	N/A	Assessment Frequency	
 Practice:	Not Implemented		Bi-annually

### *Compliance Targets*

Note: This Paragraph will be assessed with Paragraph 32.

### *Compliance Assessment*

The Monitor's Office reviewed numerous documents relating to mass demonstrations. These documents included a review of PPRs 625.3 (Report on Crowd Control and Management) PPR 625.2 (Operations Plan), and PPR 625.6 (Management and Control of Crowds). The Monitor's Office found that the STUs did not prepare any after-action reports when activated other than in those where they actively participated in crowd control.

The Monitor's Office concludes that PRPB's actions during demonstrations and protests (planned and unplanned) in the reporting period were consistent with generally accepted policing practices and PRPB policy. PRPB provided the Monitor's Office with Operation Plans (PPR 625.2) for the various planned demonstrations and protests that occurred in the reporting period, as well as Crowd Management and Control Reports (PPR 625.3), which provided basic details of each event. In almost all cases reviewed, PPR 625.6 (Evaluation of Strategies for the Management and Control of Crowds) was completed and provided to the Monitor's Office.

For this reporting period PRPB reported that it responded to 170 demonstrations and/or protests, planned and unplanned. The Monitor's Office selected a random sample of 50 crowd control events to review operational plans, after-action reports, and self-assessment reports as outlined in GO 625 (Management and Crowd Control). PRPB provided all the files requested for review.

Of the 50 files reviewed, PRPB reported that 15 (30%) were identified as unplanned and 35 (70%) were planned. In one case (2024-8-616-006051), PPR 625.2 (Operations Plan) was not prepared. PRPB has made considerable progress in this area and needs to continue this effort.

### *Pathway Forward*

To achieve compliance, PRPB must continue to ensure that DOT supervisors and area commanders thoroughly assess all law enforcement activities following each response to a mass demonstration, civil disturbance, or other crowd control situation to ensure compliance with applicable laws and PRPB policies and procedures. This issue has been discussed with the Reform Unit previously. A variety of recommendations were provided including criteria to be assessed, debriefings with officers and the demonstrators and/or protestors, and the consistent use of after-action and self-assessment reports. Additionally, reference resources were also provided by the Monitor's Office.



#### 4. Force Reporting

PRPB formally implemented its Provisional UOF Plan in July 2022. The Provisional UOF Plan, which has been in place for over two years, coupled with the increase in sergeants in the field has resulted in improved UOF reporting for the reporting period. Thus, the Monitor's Office has determined that the Provisional UOF Plan has produced accurate numbers Bureau-wide. Nevertheless, the plan will change with the introduction of PRPB's new RMS.



PRPB has been able to demonstrate that it has continued to provide accurate UOF numbers. In addition, the Commonwealth's contractor, AH Datalytics, continues to help develop and improve the various UOF related dashboards. This assistance provides the Reform Unit with the ability to comprehensively review whether certain procedural or documentary steps were taken as part of the force reporting process in the field.

During this reporting period, PRPB reported 1,160 UOFs in 553 incidents. A cross check of various unit's data by the Monitor's Office determined the accuracy of the data and that the information from PRPB's GTE system is comprehensive. In reviewing whether PRPB officers are preparing and submitting UOF reports (PPR 605.1) in the timeframe as outlined in Bureau policy, the Monitor's Office determined that PRPB has made significant progress. In the 69 UOF reports reviewed, all but 2, 95% were prepared and submitted in the timeframe outlined in policy. The complaint numbers of those not completed as outlined in policy are 2024:07-075:002788 and 2024:08-616:005529. In the latter case the UOF was not reported until the following day. The matter was referred to SARP. In addition, as outlined in the policy, the percentage of supervisors that completed their investigation of UOFs within five business days was at 98%. These are significant improvements that have resulted in improved compliance ratings.

The Monitor's Office continues to stress that adherence to reporting timelines, as established by policy, and proper report writing are important to ensure PRPB moves forward with compliance. Increased staffing and supervision, along with increased accountability for failing to adhere to policies, are integral to increased compliance with the paragraphs in this subsection.

#### Paragraph 36: Use of Force - Force Reporting

*PRPD shall develop a Use of Force Reporting Policy and Use of Force Report Form that comply with applicable law and comport with generally accepted policing practices. The Use of Force Reporting Policy will require officers to notify their immediate supervisor following any use of force, prisoner injury, or allegation of excessive force. In cases involving a serious use of force, notification will be within one hour, absent exigent circumstances.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented		Bi-annually





Practice:

Implemented

Assessment  
Frequency*Compliance Targets*

1. Policies and forms incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on force reporting is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of officers are trained and certified in force reporting policies (or are scheduled for training, in the case of mid-year reviews)	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4a. 95% of use of force incidents are notified to immediate supervisors or adequately justified as an exigent circumstance in accordance with policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4b. 95% of use of force reports are completed within prescribed periods and are documented in accordance with policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4c. All failures to report use of force are referred to SARP for investigation.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4d. 95% of requests for medical services in connection with a use of force are within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4e. 95% of force incidents where a civilian is transported to a medical facility indicate that the officer notified the vehicle mileage and that the mileage was recorded. Mileage discrepancies are identified and addressed by supervisors as required by policy.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4f. 95% of all use of force reports are submitted to supervisors and SARP within prescribed time frames as required by policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4g. All use of force reports are stored and maintained by SARP as required by policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

*Compliance Assessment*

The Monitor's Office has reviewed the UOF policies and trainings and found that they meet the requirements of the Agreement, and that training follows approved policies. Training of the required 40 hours for all officers was conducted during the reporting period. PRPB has committed to training 95% of its sworn force before the end of 2024. A review of training records at the end of the reporting period reveals that PRPB is on track to achieve that goal.

The Monitor's Office reviewed UOF data in 69 reports during this reporting period, including STUs. In all the cases reviewed, the Monitor's Office determined that the level of force reported was consistent with the force used. The following observations are made as a result of this review:

- All the reports reviewed were complete.
- In all the cases reviewed, the Monitor's Office determined the UOF levels were appropriate.
- In all but one case (99%) officers notified supervisors of a UOF in accordance with policy.
- In all instances where medical aid was warranted, it was provided.
- In all but one report (99%) a supervisor reviewed the report within five business days, as outlined in the Agreement.
- Supervisors responded to all serious UOFs.
- In only two cases (5%) were the starting and ending mileage reported.
- As it relates to STUs, all reports were completed in the GTE system on time.

- All STU supervisors completed their investigation within the five-day timeframe identified in policy.
- In instances where body-worn cameras (BWCs) were worn by officers, video footage was used when investigating the UOF.

In an effort to prevent discrepancies and errors in UOF data PRPB is:

- Holding bi-weekly meetings with the Auxiliary Superintendency of Field Operations (SAOC), Technology and Communications Bureau (NTC), the Reform Unit, FIU, and Command Center directors.
- Providing guidance on how to complete PPR 126.2 (Complaint Card).
- Developing guidelines for when more than one unit is involved in a UOF incident.
- Continuing to improve GTE.
- Incorporating dashboards created by AH Datalytics, the Commonwealth's contractor.


It is clear from the Monitor's Office's review that PRPB's implementation of the Provisional UOF Plan has resulted in improvements in UOF reporting quality.

#### *Pathway Forward*

PRPB's compliance with this paragraph hinges on its ability to demonstrate consistent and valid UOF data collection. The Monitor's Office is encouraged by the implementation of the Provisional UOF Plan. PRPB currently has the tools to accurately track its UOFs. To continue to accomplish this, PRPB must ensure integration of the information systems that feed data on UOFs to the Bureau's Global List. The accuracy of this data is not only integral to PRPB's compliance with the Agreement, but also ensures that PRPB is able to operationally respond to and quickly address issues with UOF policy, training, and practice as well as accurately report on UOFs, both internally and externally to its community. PRPB must continue to ensure the integrity of its UOF reporting. PRPB must also hold officers and supervisors accountable for entering UOF reports in the timeframes established by policy.

#### **Paragraph 37: Use of Force - Force Reporting**

*The Use of Force Reporting Policy shall require all officers to report any use of force in writing in a Use of Force Report Form before the end of the shift. The Use of Force Report shall include: (a) a detailed account of the incident from the officer's perspective; (b) the reason for the initial police presence; (c) a specific description of the acts that led to the use of force, including the subject(s)' behavior; (d) the level of resistance encountered; and (e) a description of every type of force used. The Use of Force Reporting Policy shall explicitly prohibit the use of boilerplate or conclusory language in all reports documenting use of force. Failure to report a use of force or prisoner injury by a PRPD officer shall subject an officer, including supervisors and commanders, to disciplinary action.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		

 Training:	Implemented	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### *Compliance Targets*

Note: This paragraph is assessed with paragraph 36.

### *Compliance Assessment*

PRPB policy requires that all officers complete a UOF Report (PPR 605.1) before the end of the shift. PRPB has made significant progress in ensuring that UOF incidents are entered into GTE on time.

PRPB has taken several positive steps towards reaching compliance with this paragraph, including:

- Implemented the following changes to UOF reporting: 1) when a member of PRPB assigned to any specialized unit is involved in a UOF incident, the officer will request a complaint number from the district or precinct corresponding to the jurisdiction where the incident occurred; 2) PRPB has prohibited the use of complaint numbers with the prefix of the specialized unit in UOF incidents; and 3) PRPB's IT Bureau will take the corresponding steps to support compliance with the Commissioner's Directive. This will ensure that area commands are aware of each UOF incident in their jurisdiction.
- Implemented into practice that all UOF Reports (PPR 605.1) and Notification of UOF (PPR 605.3) be entered electronically into GTE.
- Adopted the Provisional UOF Plan with input from the Monitor's Office and USDOJ.
- Conducted an IT Needs Assessment.
- Contracted with AH Datalytics to carry out the implementation of the necessary structure identified in the Gap Analysis conducted in May 2021, as part of the PRPB reform process.

The Monitor's Office recognizes these actions by PRPB as positive steps that factored into the development of a mechanism by which PRPB can validate its UOF incident numbers.




### *Pathway Forward*

PRPB's compliance with this paragraph hinges on its ability to demonstrate consistent and valid UOF data collection. The Monitor's Office is encouraged by the implementation of the Provisional UOF Plan. PRPB currently has the tools to accurately track its UOFs. To continue to accomplish this, PRPB must ensure integration of the information systems that feed data on UOFs to the Bureau's Global List. The accuracy of this data is not only integral to PRPB's compliance with the Agreement, but also ensures that PRPB is able to operationally respond to and quickly address issues with UOF policy, training, and practice as well as accurately report on UOFs, both internally and externally to its community.

### **Paragraph 38: Use of Force - Force Reporting**

*PRPD policy shall require officers to request medical services immediately when an individual is injured or complains of injury following a use of force. The policy shall also require officers who transport a civilian to a medical facility for treatment to take the safest and most direct route to the medical facility. The policy shall*

*further require that officers notify the communications command center of the starting and ending mileage on the transporting vehicle.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This paragraph is assessed with paragraph 36.

### *Compliance Assessment*




In all UOF Reports (PPR 605.1) reviewed by the Monitor's Office, whenever medical aid was warranted, it was received. The Monitor's Office also assessed compliance regarding transportation and communication for medical aid and found the mileage documentation lacking.

### *Pathway Forward*

As previously stated, PRPB's compliance with this paragraph hinges on its ability to demonstrate consistent and valid UOF data collection as well as accurate information regarding the starting and ending mileage when transporting a subject. The Monitor's Office has assessed the accuracy of the Provisional UOF Plan and has determined that PRPB is able to accurately track its UOFs in this reporting period.

### **Paragraph 39: Use of Force - Force Reporting**

*PRPD's Use of Force Reporting Policy shall require that officers submit copies of Use of Force Reports to their immediate supervisor and to SPR for tracking and analysis. SPR shall maintain master copies of these reports in a central location.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### *Compliance Targets*

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Note: This paragraph is assessed with paragraph 36.

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### *Compliance Assessment*

In all UOF Reports (PPR 605.1) reviewed by the Monitor's Office, a UOF report was submitted to the officer's immediate supervisor. The Monitor's Office determined that PRPB has made significant progress in submitting reports in the timeframe required by Bureau policy. In the 69 UOF reports reviewed 67 (97%) were prepared and submitted in the timeframe outlined in policy. PRPB supervisors are also completing their UOF investigation in the timeframe outlined in policy.

Regarding submission to SARP for the tracking and analysis of these UOF reports, PRPB has demonstrated that it has the capabilities to provide these functions. The Monitor's Office acknowledges PRPB's efforts towards addressing this issue with its Provisional UOF Plan and the work of AH Datalytics, the Commonwealth's contractor.

### *Pathway Forward*

All officers must continue to submit UOF Reports (PPR 605.1) to their immediate supervisor and SARP in GTE for tracking and subsequent analysis. SARP must continue to maintain the data in a central location. PRPB has identified the Office of Legal Affairs (OAL) to be the custodian of the UOF data.

## 5. Force Review, Investigation, and Analysis




PRPB has successfully met the policy and training requirements of these paragraphs. Most of the UOF reports in the reporting period, in substance, had been properly prepared and the required actions relating to UOF incidents had been carried out as per the Agreement. In these reports, pertinent information was included, fields were checked, and the reports were signed. Staffing, which in the past had been a problem within FIU, has improved significantly.

The Provisional UOF Plan, which has been in place for over two years, coupled with the increase in sergeants in the field has resulted in improved UOF reporting for the reporting period. Nevertheless, PRPB is reminded that a more comprehensive, less labor-intensive system/plan needs to be developed. While it has been effective, it is not, nor should it be PRPB's final system. The RMS, once developed, should enhance PRPB's ability to track its UOFs accurately. The Monitor's Office also looks forward to the release of a public facing UOF Dashboard that will allow community members to interact with UOF data. PRPB should also endeavor to analyze the UOF data for the purpose of identifying trends.

While PRPB has revised its Annual Performance Evaluation of the Rank System (PPR 310.1) form to include criteria for evaluating supervisory reviews of UOFs by members under their command, the performance evaluation process must be outlined in the evaluation policy and procedures and incorporated into supervisory training. Doing so reiterates the value of such work in officer performance, encourages higher quality investigative work, and identifies ways in which investigators can seek to improve year to year.

## Paragraph 40: Use of Force - Force Review, Investigation, and Analysis

*PRPD policy shall specify that the conduct of all force reviews and investigations comply with applicable law and comport with generally accepted policing practices. All force reviews and investigations shall, to the extent reasonably possible, determine whether the officers' conduct was justified and within PRPD policy.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Target #1 and bi-annually for all other Compliance Targets
 Training:	Implemented		
 Practice:	Implemented		

### Compliance Targets

1. The policy incorporates all of the requirements of the policy.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. Training on force reviews and investigations is consistent with approved policies.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
3. 95% of officers are trained and certified in force reviews and investigation policies in accordance with their rank or assignment to FIU (or are scheduled for training, in the case of mid-year reviews)	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

Note: Implementation of the requirements of this paragraph is assessed with Paragraphs 43-47 for level 1-3 uses of force.

Note: Implementation of the requirements of this paragraph is assessed with Paragraphs 48-52 for level 4 uses of force.

### Compliance Assessment

The Monitor's Office has reviewed the policies and trainings and found that they meet the requirements of the Agreement, and that training follows approved policies. PRPB has been able to meet the threshold of 95% of officers trained and certified in force review and investigation policies in the prescribed timeframe.

Most of the UOF reports in the reporting period, in substance, had been properly prepared and the required actions relating to UOF incidents had been carried out as per the Agreement. In these reports, pertinent information was included, fields were checked, and the reports were signed.




### Pathway Forward

As stated in previous CMRs, UOF reports (PPR 605.1) should be consistently reviewed by SARP's FIU for completeness and accuracy as a matter of general practice. UOF reports should be closely scrutinized during the review process to identify possible errors and/or omissions. Staffing, which had been a problem within FIU, has improved significantly.

An assessment of FIU staffing should be conducted periodically to ensure it has the adequate staffing needed to conduct level 4 UOF investigations and properly conduct quality UOF reviews.

### Paragraph 41: Use of Force - Force Review, Investigation, and Analysis

*PRPD shall be responsible for maintaining a reliable and accurate tracking system on all officers' use of force; all force reviews carried out by supervisors; all force investigations carried out by Force Investigation Units ("FIU"); and all force reviews conducted by Force Review Boards ("FRB") and the Superintendent's Force Review Board ("SFRB"). At least annually, PRPD shall analyze data on officers' use of force to determine significant trends, identify and correct deficiencies revealed by this analysis, and document its findings in a public report.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2023 – September 2023
 Policy:	Implemented	Assessment Frequency	Bi-annually for Compliance Targets #1 and #2; annually for Compliance Target #3; and quarterly for Compliance Target #4
 Training:	N/A		
 Practice:	Not Implemented		

#### Compliance Targets

1. Tracking system accounts for all of the elements in the paragraph and outcome measures as required by Paragraph 243.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. All uses of force are tracked in the tracking system.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. Annual use of force reports provide meaningful data analysis, identify significant trends, discuss corrective action (if necessary), and present supportable findings based on accurate and current data, as required by policy.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. Records maintained by the Radio Control Center on use of force are consistent with data in the use of force tracking system.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

#### Compliance Assessment

PRPB formally implemented its Provisional UOF Plan in July 2022. The Provisional UOF Plan, which has been in place for over two years, coupled with the increase in sergeants in the field has resulted in improved UOF reporting for the reporting period. Thus, the Monitor's Office has determined that the Provisional UOF Plan has produced accurate numbers Bureau-wide. Nevertheless, PRPB is reminded that a more comprehensive, less labor-intensive system/plan needs to be developed. While it has been effective, it is not, nor should it be PRPB's final system. The RMS, once developed, will enhance PRPB's ability to track its UOFs accurately.

PRPB, in an effort to ensure UOF numbers are accurate starting from 2023, delegated AH Datalytics, the Commonwealth's contractor, to verify all UOF numbers. This has allowed PRPB to provide the public with accurate information relating to UOF trends through a regular report. Further, the Monitor's Office learned that AH Datalytics, the Commonwealth's contractor, was also working on a public facing UOF Dashboard that would allow community members to interact with UOF data.






The Monitor's Office also recommends that PRPB conduct a more thorough in-depth analysis of the UOF data for the purposes of identifying possible trends, training needs, and/or deficiencies etc. The Monitor's Office has shared what is needed with PRPB.

#### *Pathway Forward*

PRPB's compliance with this paragraph hinges on its ability to demonstrate consistent and valid UOF data collection. The Monitor's Office has assessed PRPB's compliance and implementation of the Provisional UOF Plan in this CMR and will continue to do so to ensure that the improvements made to UOF reporting and tracking are sustainable. Further, the Monitor's Office looks forward to the release of the public UOF Dashboard.

#### **Paragraph 42: Use of Force - Force Review, Investigation, and Analysis**

*The quality of force reviews, force investigations, and investigation reviews shall be taken into account in the performance evaluations of the officers performing such investigations and reviews.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

#### *Compliance Targets*

Note: This Paragraph is assessed with Paragraphs 145-146 on Performance Evaluations.

#### *Compliance Assessment*

PRPB has revised its Annual Performance Evaluation of the Rank System (PPR 310.1) form to include criteria for evaluating supervisory reviews of UOFs by members under their command. The UOF Section of the evaluation (Supervisors Section) addresses what is required in Paragraph 42 of the Agreement. During the reporting period PRPB through AH Datalytics, the Commonwealth's contractor, developed and demonstrated a dashboard which provides supervisors with the ability to identify UOF investigations conducted by supervisors under their review and to determine if investigations were conducted within policy.

#### *Pathway Forward*

This performance evaluation process must be outlined in the evaluation policy and procedures and incorporated into supervisory training. Doing so reiterates the value of such work in officer performance, encourages higher quality investigative work, and identifies ways in which investigators can seek to improve year to year.

## 6. Supervisory and FRB Reviews

PRPB has made substantial progress in this area of the Reform. Supervisors consistently respond to the scenes of serious UOFs or allegations of excessive force. The high level of compliance in supervisor assessments of levels of force and the quality review of force in the sampled investigations reviewed allows the Monitor's Office to verify the accuracy of the information related to UOFs provided by PRPB. All supervisory review timelines are being adhered to; however, PRPB needs to continue to maintain training consistency and quality.




Except for 2 FRB members (2%), all were trained on GO 502 (Force Review Board) meeting the 95% compliance threshold.

The Monitor's Office also emphasizes that PRPB needs to develop a single source database for all UOF cases that are evaluated by the 13 area command FRBs. Currently global information on FRB evaluations is prepared upon request of the Monitor's Office for its CMRs. When reviewing FRB cases, the Monitor's Office determined that the FRBs took appropriate measures as it relates to verifying the actions of officers involved in those incidents submitted to the Board for evaluation.

PRPB policy clearly dictates the actions that the FRBs and FIU must take when reporting misconduct to the appropriate investigative unit or to PRDOJ.

### Paragraph 43: Use of Force - Supervisory and FRB Reviews

*A supervisor shall respond to the scene of a serious use of force or allegation of excessive force involving an officer under his/her command upon notification of the incident.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraphs 48-52.

### Compliance Assessment




Of the 69 UOF reports (PPR 605.1) reviewed by the Monitor's Office during the reporting period, the Monitor's Office found no instances in which a supervisor failed to respond to a serious UOF. The Monitor's Office acknowledges PRPB's efforts towards addressing this issue with the Provisional UOF Plan.

### Pathway Forward

PRPB should continue to document that a supervisor responds to the scene of a serious UOF or allegation of excessive force involving an officer under his/her command upon notification of the incident. Furthermore, as previously stated, PRPB's compliance with this paragraph hinges on its ability to demonstrate reliable and valid UOF data collection. The Monitor's Office will continue to assess PRPB's ability to track UOFs accurately in future CMRs.

### Paragraph 44: Use of Force - Supervisory and FRB Reviews

*The supervisor shall conduct a supervisory review of all uses of force, prisoner injuries, or allegations of excessive force, except those incidents involving a serious use of force or force indicating apparent criminal conduct by an officer, which shall be investigated by FIU, SPR, and/or PRDOJ. No supervisor who was involved in the incident, including by participating in, ordering, or authorizing the force being investigated, shall be responsible for the review of the incident.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Implemented		
 Practice:	Implemented		

### Compliance Targets

1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on force reviews and investigations for supervisors is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of supervisors are trained and certified in force reviews and investigation policies (or are scheduled for training, in the case of mid-year reviews)	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4a. 95% of use of force incidents classified as Level 1-3 are reported, reviewed, and investigated by supervisors and commanders within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4b. 95% of supervisory force reviews are completed within five business days or have valid justifications for longer periods, based on exceptional circumstances.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4c. All use of force reviews and investigations by supervisors reach reasonably justified conclusions on officers' conduct and recommend disciplinary or corrective action, as necessary, in accordance with policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5a. 95% of reviews by Force Review Boards are within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5b. The use of force tracking system accounts for all Force Review Board reports and underlying documents.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5c. Force Review Board determinations and recommendations are tracked and analyzed by SPR.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### *Compliance Assessment*

Policies incorporate all requirements of the paragraph. Training on force reviews and investigations for supervisors is also consistent with approved policies. 95% of supervisors are trained and certified in force reviews and investigation policies.

It should be noted that 2,244 out of 2,311 (97%) officers from the rank of sergeant to colonel have received REA 601, which includes the investigation and review of UOF. Most PRPB officers (96%) have completed the training.

As it relates to supervisors serving on the area command FRBs, over 95% have received training to serve on the board. PRPB reports that the curriculum relating to the training of area command FRBs was completed by February 2024. Training of board members commenced in March 2024, starting with the presidents of the boards of the 13 area commands and those members of the CFRB. The initial training was then followed up with the training of additional members of various area command boards.

In the 69 UOF reports (PPR 605.1) reviewed by the Monitor's Office, in no instance did a supervisor fail to conform to what was required by policy, which was to complete their investigation of a UOF within 5 business days. As it relates to area command FRBs, the Monitor's Office confirms that 95% of FRB reviews are within policy. The high level of compliance in properly assessing levels of force and the quality review of force by supervisors in the sampled investigations reviewed allows the Monitor's Office to verify the accuracy of the information related to UOFs provided by PRPB. The Monitor's Office was able to confirm that SARP is analyzing FRB determinations and recommendations per the Agreement.




### *Pathway Forward*

As noted in other related paragraphs, compliance with this paragraph is largely contingent on PRPB's ability to accurately track all UOFs, ensuring that the Monitor's Office's review of UOFs is representative. The Monitor's Office will continue to assess PRPB's compliance with UOF review procedures, ensuring that they contain the appropriate information and justifications.

## **Paragraph 45: Use of Force - Supervisory and FRB Reviews**

*Supervisors shall complete use of force reviews within 5 business days of receiving the officer's use of force report. The reviewing supervisor shall: (a) determine whether the use of force was consistent with PRPD policy and/or raises any policy or operational concerns; (b) review all Use of Force Reports and ensure that all reports include the information required by this Agreement and PRPD policy; (c) document each use of force review promptly using a Supervisor's Force Review Report; and (d) consider whether there are non-punitive corrective actions or training needs. A higher ranking officer within the investigating supervisor's chain-of-command shall review the Supervisor's Force Review Report for completeness and conformance with PRPD policy. The reviewing officer shall evaluate the investigating supervisor's conclusions and document whether the reviewing officer concurs, disagrees (with an explanation of the disagreement and the alternate conclusion), or defers until further investigation is completed.*

Compliance Status	Assessment Schedule	
Substantially Compliant	Review	April 2024 – September 2024

 Policy:	Implemented	Period	
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 44.

### Compliance Assessment

Reports reviewed were conducted within the identified timeline and content does align with PRPB policy and Agreement language.




### Pathway Forward

PRPB must ensure all UOF incidents are investigated in the time allotted as required by GO 605 (Report and Investigation of UOF Incidents).

The Monitor's Office continues to stress the importance of re-training supervisors in their roles and responsibilities in conducting UOF reviews and increased accountability for failing to adhere to the policy.

### Paragraph 46: Use of Force - Supervisory and FRB Reviews

*A Force Review Board shall evaluate supervisory reviews, including Supervisor's Force Review Reports and reviewing officers' determinations. FRBs shall be composed of command staff from varying assignments. PRPD policies shall specify the conduct and requirements of FRB proceedings to ensure thorough, timely, and objective reviews. PRPD policy shall establish objective criteria that identify the force levels below serious uses of force that shall be reviewed by FRBs. FRBs shall review supervisory review for completeness, evidentiary support, and compliance with PRPD policy. FRB shall document each FRB proceeding, which shall include findings and recommendations to the regional commander. FRB may also return force reviews to supervisors for additional review, as necessary, to ensure thorough and complete reviews. Copies of all Force Review Reports and underlying documents shall be submitted to SPR for tracking and analysis.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Implemented		

### Compliance Targets

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Note: This Paragraph is assessed with Paragraph 44.

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### *Compliance Assessment*

PRPB provided the Monitor's Office with a random sample of 24 officers assigned to the 13 area command FRBs. As required by the Agreement, FRB members are of varying assignments and rank. The random sample included 1 inspector, 2 captains, 1 first lieutenant, and 20 second lieutenants. The Monitor's Office requested the training and certification records of the 24 randomly selected officers from this list to determine if they are qualified to serve on these boards as outlined in GO 502 (Evaluation Boards of Incidents of UOF). It should be noted that a review of the records determined that 22 of the 24 (92%) had the required training to serve on the board. Starting in March 2024, updated training was provided to FRB members.

PRPB reports that the curriculum relating to the training of area command FRBs was completed by February 2024. As previously stated, training of board members commenced in March 2024, starting with the presidents of the boards of the 13 area commands and CFRB members. The initial training was then followed up with the training of 22 additional members of various area command boards in March 2024. On August 12, 2024, PRPB stated that all have been trained.

For the purposes of determining compliance with this paragraph, the Monitor's Office requested a list of all FRB investigations conducted by the 13 area command FRBs for the reporting period. PRPB provided a list of 228 UOF cases evaluated by FRBs, of which the Monitor's Office randomly selected 65 cases for review. PRPB provided 64 case files (96%).<sup>3</sup>

The Monitor's Office emphasizes that PRPB needs to develop a single source database for all UOF cases that are evaluated by the 13 area command FRBs. Currently global information on FRB evaluations is prepared upon request of the Monitor's Office for its CMRs.

The Monitor's Office determined in the cases reviewed that the FRBs took appropriate measures as it relates to verifying the actions of officers involved in those incidents submitted to the Board for evaluation.

The Monitor's Office offers the following additional assessments of the information provided:

- In two cases (3%) the FRB ordered re-training.
- In all but two cases (97%) the Board's evaluations were unanimous.
- No cases were returned by the FRB due to missing or incomplete information.
- Levels of force were accurate in all cases evaluated by the Board.

Based on the review of the randomly selected area command FRB files, there were no reported referrals to PRDOJ or NIE, nor was any such need uncovered. It should be noted that the Monitor's Office has seen improvement in area command FRB's UOF evaluations. With the digitization of files at the end of

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<sup>3</sup> One was not provided: 2024-4-078-00723.

the previous reporting period, the information and data provided by PRPB and its FRBs was very precise in those cases where complete files were supplied.

It should also be noted as per GO 502 (Evaluation Boards of UOF Incidents) that the FRB has 15 days once the meeting convenes to complete their evaluation. This period can be extended by 15 days if the report is returned. Based on the documents provided, the FRBs complied with the timeline to complete their evaluation in most cases. PRPB should ensure that area command FRBs complete their evaluations within the timelines provided in GO 502 for each evaluation.

During the reporting period the Monitor's Office conducted site visits to area commands to meet with the FRB presidents. Some of the concerns voiced by the presidents include:




- The need to train and/or re-train board members of the various area command FRBs. PRPB initiated this training during the reporting period.
- The on-time preparation of the UOF Report (PPR 605.1). Many of the FRB members had trouble ascertaining when the UOF report was prepared as the date changes each time the report is amended. This issue was brought to the attention of PRPB IT by the Monitor's Office after the Monitor's Office experienced similar issues.
- PRPB needs to ensure that all required documents are in each case folder.

#### *Pathway Forward*

The Monitor's Office will review PRPB's updated training for FRB members and observe training once conducted to ensure that it adheres to the Agreement. Further, the Monitor's Office notes that compliance with this paragraph is also affected by PRPB's ability to accurately track and report on UOFs, as with many of the paragraphs in this section. PRPB needs to ensure that its record keeping relating to UOF evaluations by the FRB is complete and accurate.

#### **Paragraph 47: Use of Force - Supervisory and FRB Reviews**

*Whenever a reviewing supervisor, FRB, or other reviewing officer finds evidence of a use of force indicating apparent misconduct or apparent criminal conduct by an officer, he or she shall immediately notify his or her supervisor for referral to the appropriate investigating unit or the PRDOJ. The Superintendent shall be notified of the referral.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Implemented		
 Practice:	Implemented		

#### *Compliance Targets*



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Note: This Paragraph is assessed with Paragraph 44.

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### *Compliance Assessment*

PRPB policy clearly dictates the actions that the Board and FIU must take when reporting misconduct to the appropriate investigative unit or to PRDOJ. During this reporting period one case was referred to PRDOJ.

The Monitor's Office also reviewed 10 cases involving an accidental discharge, 3 resulted in a self-inflicted injury (30%) during the reporting period. FIU recommended that an administrative investigation be conducted and forwarded the cases to SARP. These cases, when investigated by FIU, are categorized as non-UOFs.

### *Pathway Forward*

In instances where FIU investigates a UOF and determines that it was an accidental discharge and not a UOF, the case must be immediately forwarded to SARP upon completion of the investigation, and the eventual disposition should be included in the FIU file. The designation of UOF should not be applied. The Monitor's Office also recommends that FIU continue to document all such cases.

## 7. FIU Investigations and Force Reviews by SFRB

As indicated in previous CMRs, FIU is required to investigate all serious UOF incidents, among other investigations across Puerto Rico, including both intentional and accidental firearm discharges involving PRPB personnel. During the reporting period there were 92 UOF cases where investigations were initiated by FIU.

In reviewing FIU investigations for this reporting period, the Monitor's Office has seen continued improvement in this area, including locating civilian witnesses, sketches of the crime scene, and locating and using camera evidence to make a determination including BWCs. In addition, the FIU Commanding Officer in conjunction with the Reform Unit has established a procedure whereby FIU now has access to files to view photographs relating to UOFs. The ability of FIU investigators to access these files has improved the time it takes to complete an investigation. In addition, upon completion of their investigation into an accidental discharge, FIU now immediately forwards the case to SARP for administrative investigation. The Monitor's Office again recommends that digital recording devices should be issued to all FIU investigators for the purpose of memorializing civilian witnesses' statements.

The Monitor's Office has observed considerable improvement regarding the amount of time FIU is taking to complete its investigations. Documentation provided by PRPB indicates that all the investigations conducted during the reporting period were closed within the required 60-day timeframe. FIU has met the 95% threshold required.

As previously noted, PRPB has worked with AH Datalytics, the Commonwealth's contractor, to develop a color-coded dashboard that identifies all open case statuses.




The Monitor's Office requested a list of all FIU investigations that were completed in the reporting period, regardless of when the incident occurred that prompted the opening of the investigation. FIU reports indicate that during the reporting period, 74 cases were closed.

In the past limited staffing along with reliance on external stakeholders to process evidence were contributing factors. However, PRPB has now increased the size of FIU. This and the accessibility of photographic evidence to FIU has resulted in an increase in cases closed during the reporting period and within the 60-day requirement as agreed upon by the Parties through the CMR-11 reporting period.

As it relates to the CFRB, the Monitor's Office continues to have concerns about the Board's ability to complete its UOF evaluations within the timelines required in GO 502 (Evaluation Boards of Incidents of UOF). PRPB needs to ensure that all UOF evaluations are completed in a timely manner as per policy.

#### Paragraph 48: Use of Force - FIU Investigations and Force Reviews by SFRB

*PRPD shall ensure that all serious uses of force and allegations of excessive force are investigated fully and fairly by individuals with appropriate expertise, independence, and investigative skills to ensure that uses of force that are contrary to law or policy are identified and appropriately resolved and that policy or operational deficiencies related to the use of force are identified and corrected. To this end, PRPD shall create FIUs to conduct investigations of serious uses of force, uses of force indicating apparent criminal conduct by an officer, uses of force by PRPD personnel of a rank higher than sergeant, or uses of force reassigned to FIU by the Superintendent, his or her designee, SPR, or FRB. PRPD policies shall specify the membership requirements, conduct of investigations, and operational procedures of FIUs.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Bi-annually
 Practice:	Implemented		

#### Compliance Targets

1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training for FIU officers is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of FIU officers are trained and certified in force reporting and investigation policies (or are scheduled for training, in the case of mid-year reviews)	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. All officers assigned to FIU meet eligibility requirements.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

#### Compliance Assessment

The Monitor's Office has reviewed the UOF policies and found that they meet the requirements of the Agreement. Regarding FIU training, the Monitor's Office conducted a site visit to FIU in April and July of 2024 and verified that the training materials employed by PRPB are consistent with policy and generally

accepted policing practices. All FIU members have completed the required advanced training for conducting investigations (FIUC 8041).

FIU is responsible for investigating serious UOFs, including a) accidental and intentional firearm discharges, b) UOFs by supervisors above the rank of sergeant, c) UOFs at protests, and d) any other UOF deemed appropriate by the Commissioner. The Monitor's Office confirmed through the Reform Unit that all FIU investigators have completed the 40-hour investigative training provided to Criminal Investigative Units (CIC) personnel. This was also verified by the FIU Commanding Officer. As previously stated, while the CIC training will be helpful in providing additional investigative knowledge to FIU personnel, the course will need to be tailored to the specific needs of FIU.




All officers assigned to FIU meet appropriate eligibility requirements.

#### *Pathway Forward*

PRPB should ensure that all FIU members are trained in a timely manner. The Monitor's Office will continue to review training records of newly assigned FIU personnel to ensure that PRPB has trained all members on investigating intentional and accidental firearm discharges and all other required training and re-training.

#### **Paragraph 49: Use of Force - FIU Investigations and Force Reviews by SFRB**

*A supervisor responding to a serious use of force or allegation of excessive force shall immediately notify FIU. FIU shall respond to the scene and commence an investigation. FIU may decline to respond to the scene following consultation and approval by the FIU supervisor. Declinations shall be documented in writing.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Implemented		

#### *Compliance Targets*

1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2a. 95% of use of force incidents classified as Level 4 are reported, reviewed, and investigated by officers, supervisors, commanders, and FIU officers within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2b. 95% of FIU investigations are completed within 45 days of the use of force or have valid justifications for longer periods based on exceptional circumstances.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2c. All use of force reviews and investigations by FIU reach reasonably justified conclusions on officers' conduct and recommend disciplinary or corrective action, as necessary, in accordance with policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3a. 95% of reviews by the Commissioner's Force Review Boards are within policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

3b. The use of force tracking system includes all Commissioner's Force Review Board reports and underlying documents.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
3c. Commissioner's Force Review Board determinations and recommendations are tracked and analyzed by SPR.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

### *Compliance Assessment*

During the reporting period, FIU reported conducting 92 investigations - of that number 74 (80%) were completed within 60 days as agreed upon by the Parties. The remaining cases had not yet reached the 60-day limit.

The investigation breakdown is as follows:

- 31 firearm discharges
- 21 UOFs by a supervisor above the rank of sergeant
- 10 negligent discharges
- 9 neck holds
- 7 electronic control devices
- 3 taser impacts to the head
- 3 Task Force
- 2 apparent criminal conduct. One was erroneously reported as a criminal referral, but it was later changed to Breach of Policy and referred to SARP
- 2 deaths in custody
- 1 canine bite
- 1 less-than-lethal flashbang (SWAT)
- 1 demonstration
- 1 negligent Electronic Control Device

### *Accidental Discharge Investigations*

The Monitor's Office conducted three site visits to FIU in April, July, and September 2024. During the visits, 10 accidental discharge files were reviewed. The following is a breakdown of the incidents during the reporting period:

- In three incidents the officer suffered self-inflicted wounds (30%)
- In six instances the officer was off duty (60%)
- In four instances the officers were on duty (40%)
- Two took place within a police facility (20%)
- All completed investigations have been referred to SARP by FIU for an administrative investigation.
- In addition to the above, FIU investigated negligent use of an electronic control device (taser) during a training session. This case was also referred to SARP for administrative investigation

As previously stated, the issue of accidental/negligent discharges has been a reoccurring problem identified in previous CMRs. While PRPB has taken appropriate actions in these cases it does not appear that it has sufficiently looked at the underlying issues that contribute to the problem, such as training.

The Monitor's Office verified with SARP that officers found to have violated Bureau policy as it relates to negligent discharges are receiving a 40-day suspension.

#### Closed FIU Investigations

To review cases closed by FIU, the Monitor's Office requested a random sample of 28 cases closed by FIU during the current reporting period. The Monitor's Office reviewed the 28 investigations for the purpose of assessing FIU's compliance with the Agreement and PRPB policies relevant to conducting investigations.

The following are general observations of the cases reviewed:

- All cases that were opened in the reporting period were closed within 60 days.
- FIU continues to show significant improvement in how it conducts its investigations. FIU investigators made numerous efforts to locate cameras in the area and possible witnesses. In addition, sketches were provided on all firearm discharges.
- Accidental discharges are no longer categorized as a UOF by PRPB once investigated.
- All FIU UOF reviews and investigations reached reasonably justified conclusions on the officer's conduct in accordance with policy.
- Of the eight intentional firearm discharge (Level 4) investigations reviewed by the Monitor's Office, six (75%) were found to be within PRPB policy and all required documents were in the files.
- In one incident (2024:06-013:011587), two officers were determined to have been justifiable; however, a third officer was not. In the other incident (2024:05-050:006779) the officer's discharge was determined to be a violation of policy (fired at a fleeing vehicle that posed no threat to the officer or other party).
- FIU when available is using BWC footage.
- It should be noted that when FIU arrives at a UOF scene that has possible criminal conduct, it does a quick referral to PRDOJ NIE. FIU then conducts a preliminary analysis to proceed with the eventual administrative investigation of the case. An administrative referral is sent directly to SARP to then proceed according to their corresponding procedures. Nonetheless, SARP may wait for PRDOJ to conclude their criminal investigation before they undertake the administrative one.

FIU has made considerable progress in closing cases in the time outlined in the Agreement. The Monitor's Office is encouraged by the efforts of FIU in this regard.

#### CFRB Investigations

As it relates to CFRB meetings, many of the cases evaluated by the Board involve serious UOFs. PRPB needs to outline the protocol as to how these meetings should be conducted. As previously stated, the Monitor's Office recommends that each CFRB member be fully versed in the details of the incident prior to the board meeting. This will allow for healthy discussion between members. To that end, all CFRB members now have access to FIU investigation files which have been digitized for review purposes. In addition, as previously stated in CMRs, when evaluating cases involving firearm discharges or other force

which rises to level 4, representatives of FIU should present the case to the Board members at the time of the evaluation review.

Another area of concern relating to FIU involves the investigation of UOFs by members of the Bureau above the rank of sergeant, which by policy, requires FIU to conduct the investigation. In past CMRs it was stated that the lack of supervisors, specifically sergeants in the field, required lieutenants, to some degree, to carry out the functions of a sergeant, one of which is assisting officers effecting arrest, and in doing so in some instances using lower levels of force. To some degree this has been addressed with the promotion of over 500 sergeants during the previous year. However, the Monitor's Office still recommends that supervisors of a higher rank from the respective area commands investigate lower levels of force by supervisors from the rank of sergeant through captain. This would require a change to GO 605 (Reporting and Investigating UOF by PRPB Members).

In the reporting period FIU investigated 21 cases (23%) where supervisors above the rank of sergeant used lower levels of force to effect an arrest.

#### *Pathway Forward*

PRPB must ensure that prompt notification is made to FIU in cases regarding their involvement. For the most part, this was the case. PRPB must also ensure that FIU has adequate personnel to conduct its investigations and that all personnel have completed all necessary training to meet timelines relating to investigating serious UOFs.

FIU has limited personnel to respond and investigate serious force by PRPB members throughout the Bureau. A possible option would be, as previously stated, that PRPB allow supervisors of a higher rank from the respective area commands to investigate lower levels of force by supervisors from the rank of lieutenant through captain. This would require a change to GO 605 (Reporting and Investigating UOF by PRPB Members).




The CFRB must complete its reviews within the time allotted in GO 502 (Evaluation Boards of Incidents of UOF) and document said reviews. Previously, the Monitor's Office recommended having either the FIU Commanding Officer or the FIU Executive Officer attend all CFRB meetings for the purpose of presenting the case to Board members and to answer any questions members may have regarding the cases to be discussed. It is the Monitor's Office's understanding that PRPB in some instances follows this process.

It should be noted that the Parties have agreed to develop a compliance measure that is tailored to the specific requirements of Paragraph 49 as part of the compliance plan filed with the court in November 2023. This is intended to ensure that this paragraph is assessed properly.

#### **Paragraph 50: Use of Force - FIU Investigations and Force Reviews by SFRB**

*FIU shall immediately notify and consult with PRDOJ regarding any use of force indicating apparent criminal conduct by an officer. If PRDOJ indicates that it may proceed criminally, or PRPD requests a criminal prosecution, any compelled interview of the subject officers shall be delayed until after consultation with PRDOJ or expressly*

*permitted by the Superintendent. No other part of the investigation shall be held in abeyance unless specifically authorized by the Superintendent in consultation with PRDOJ.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### *Compliance Targets*

Note: These Paragraphs is assessed with Paragraph 48.

### *Compliance Assessment*




In all cases where FIU determined that the UOF may involve criminal conduct by an officer, PRDOJ was notified along with its investigative arm, NIE. The Monitor's Office confirmed through a review of FIU data that there was one such referral during this reporting period.

### *Pathway Forward*

The Monitor's Office will continue to assess this paragraph in CMR-12. The review of referrals demonstrates compliance; however, the Monitor's Office would expect PRPB to demonstrate continued compliance with this paragraph. Further, the Monitor's Office will continue to review such cases to assess consistency in PRPB practice.

### **Paragraph 51: Use of Force - FIU Investigations and Force Reviews by SFRB**

*FIU shall complete its administrative use of force investigation within 45 days of the use of force, absent exceptional circumstances. At the conclusion of each use of force investigation, FIU shall prepare a report on the investigation and shall forward the report to SFRB for review and to SPR for tracking and analysis.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### *Compliance Targets*



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Note: These Paragraphs is assessed with Paragraph 48.

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### *Compliance Assessment*

For the reporting period PRPB reported that FIU opened 92 UOF investigations, and of those cases, all that were required to be closed in 60 calendar days (74) were closed in conformance with the timeline agreed upon by the Parties. The Monitor's Office can assess that FIU is currently in compliance with this paragraph; however, it should be noted PRPB must continue this effort going forward.

In January 2024, the Parties met with the Monitor's Office to discuss the timeline discrepancy. During the meeting it was agreed upon by the Parties that for the CMR-10 and 11 reporting periods, the 45-day timeline would be amended to 60 days.

In further discussions with FIU, investigators noted that in the past the root cause for failing to complete the investigation in the allotted time was delays in receiving the results of forensic and evidentiary material, e.g., video, photographs, and other evidence recovered at the scene of serious UOFs in a timely manner. This is the information FIU needs to make its determination. In many of these cases, FIU must rely on other PRPB units and DSP to complete their tasks before the investigation can be closed. One major step taken is that FIU investigators now have access to photographic evidence in digital files and no longer must wait to receive the videos and pictures to complete their investigation. This has aided PRPB in completing their investigations within policy.

Once an investigation is complete, FIU does prepare the required report for CFRB's review, analysis, and evaluation of the force.

### *Pathway Forward*

PRPB should ensure that all FIU investigations are completed in 60 days, as agreed upon by the Parties. PRPB must ensure that FIU has adequate staff and resources to complete these investigations.

## **Paragraph 52: Use of Force - FIU Investigations and Force Reviews by SFRB**

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*The Superintendent's Force Review Board shall evaluate all FIU investigations, including FIU reports and determinations. SFRB shall be composed of senior command staff from varying units. PRPD policies shall specify the conduct and requirements of SFRB proceedings to ensure thorough, timely, and objective reviews. SFRB shall review each FIU investigation for completeness, evidentiary support, and compliance with PRPD policy. SFRB shall document each force review proceeding, which shall include findings and recommendations, to the Superintendent. SFRB may also return force investigations to FIU for additional investigation, as necessary, to ensure thorough and complete investigations. Copies of all Force Review Reports completed by SFRB and underlying documents shall be submitted to SPR for tracking and analysis.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		

 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: These Paragraphs is assessed with Paragraph 48.

### *Compliance Assessment*

CFRB members have been trained on GO 502 (Force Review Board). The Monitor's Office was informed and provided documentation that the curriculum for training was developed and the training for board members commenced in March 2024.

PRPB provided the Monitor's Office with documentation that FIU opened 92 investigations during the reporting period and 74 cases that were forwarded to CFRB for evaluation.

For the mid-period of the report (April through June) the Monitor's Office requested a random sample of 19 cases evaluated by the Board for review. PRPB provided 19 case files (100%) along with a certification that 4 files (2024-10-103-003224, 2024-10-103-003007, 2024-01-766-00265, and 2024-04-053-000188) had been evaluated by the Board, but had not been uploaded to the platform. As it relates to the four cases, no assessment can be made at this time.

In the cases evaluated by the CFRB, the Monitor's Office determined that the CFRB reviews were objective; however, only in 13 of the 19 evaluations (68%) can it be concluded that the evaluation was completed within the 30 days as outlined by policy.

For the latter period of the report (July through September) the Monitor's Office requested a random sample of 25 cases sent to the Board by FIU for review. PRPB provided 25 case files (100%). Of the 25 cases, 3 cases (12%; 2021-08-716-000068, 2023-06-013-006564, and 2024-02-020-0005820) did not contain a FIU referral, therefore the Monitor's Office is unable to determine if the CFRB evaluated the case within 30 days as required by policy. In another case (2024-01-262-003248) it was determined that the canine bite of a veterinarian was not a UOF. In one other case (2024-02-009-001685) there was no documentation that the case was evaluated by the Board.

In the cases evaluated by the CFRB in the final period, the Monitor's Office determined that the CFRB reviews were objective; however, only in 20 of the 25 evaluations (80%) can it be concluded that the evaluation was completed within the 30 days as outlined by policy.

The following observations are put forth as a result of the review of both periods:

- In 38 cases (86%) the evaluation of the investigation was objective. In 6 cases (16%) due to lack of documentation the Monitor's Office cannot determine if the evaluation was objective.
- In nine cases (24%) due to lack of documentation the Monitor's Office cannot determine if the evaluation was conducted within timeline as outlined in policy.

- In 2 cases (5%) the evaluation was not completed within 30 days as outlined by policy
- Except for 7, 84% of evaluations included PPR 502.1 (Assessment of Incidents of UOF).
- There was one instance (3%) where re-training was directed.
- There were six cases (16%) referred to SARP for investigation.
- None were returned due to incomplete information.
- In the cases where PPR 502.1(Assessment of Incidents of UOF) was prepared all but four evaluations were unanimous.

It should be noted that the CFRB has made significant progress.

The Monitor's Office requested the training certification records of the four CFRB members, as well as any other person who may have served on the CFRB during the reporting period. This information serves to determine whether CFRB members are qualified to serve on the Board as outlined in GO 502 (Evaluation Boards of UOF Incidents). PRPB provided the Monitor's Office with personnel documentation verifying that the four members of the CFRB were trained and certified (J:UFC 2061) in March 2024.

In an effort to address the backlog of cases in the previous CMR, PRPB temporarily divided the four members of the CFRB (three members and one alternate) into four different boards and designated these individuals as the president, backfilling the remaining positions on the board with other ranking members of PRPB who have been trained/certified to serve on FRBs.

While this may have been effective in eliminating the backlog, it was not consistent with GO 502. The GO requires all CFRB members to hold the rank of captain or above and that there is only one board. Currently GO 502 provides the Commissioner with the power to reorganize the CFRB and or replace its members when he deems it necessary. It should be noted that the practice of multiple boards was discontinued in the CMR-11 reporting period.

The Monitor's Office has worked with PRPB to ensure that the CFRB meets the requirements outlined in GO 502 and to that end, PRPB has made significant progress. The Monitor's Office understands the complexity of cases evaluated by the CFRB, and therefore recommends that while it is important to comply with the timelines, it is also important not to sacrifice the quality of the review. PRPB may want to consider expanding the CFRB to two active boards to address the large workload.

On a positive note, the Monitor's Office has received documentation that the CFRB is submitting completed evaluations to SARP for tracking and analysis.

#### *Pathway Forward*

Issues with the timeliness of these evaluations, to some degree, appear to be a result of staffing shortages. It is also due in part to the fact that FIU has made a concerted effort to close all its cases, resulting in an inordinate number of cases sent to the CFRB for evaluation during a short period of time. It is imperative that PRPB and CFRB members commit to completing these evaluations in the timelines established in policy. PRPB should also ensure that all officers serving on the CFRB have training certifications. The Monitor's Office will review the training curriculum developed, and the training provided.




## 8. Use of Force Training

The Monitor's Office finds that PRPB is partially compliant with the paragraphs of this subsection of the Agreement which stipulates that all trainings must be consistent with policies and the Agreement and that all personnel must be trained and certified on UOF policies. While all training curriculums are consistent with policies and the Agreement, PRPB has not provided ample documentation to show that the training delivery compliance thresholds have been met. Regarding other training requirements, such as Crowd Control, Persons in Crisis, etc., PRPB has not kept up with the training and re-training as required even though PRPB has reached the 95% compliance threshold relating to the 40-hour in-service training.

### Paragraph 53: Use of Force - Use of Force Training

*PRPD shall train all PRPD officers on PRPD's use of force policies. Thereafter, PRPD shall provide all PRPD officers with use of force training at least every two years for the first four years of this Agreement, and annually thereafter. PRPD shall also provide training on use of force as necessary, based on developments in applicable law and PRPD policy. At least annually, PRPD shall assess all use of force policies and training. PRPD's use of force training program shall include the following topics:*

- a) legal standards for reasonable force;*
- b) PRPD's use of force policy;*
- c) reporting use of force, requesting medical service, and preserving evidence;*
- d) scenario-based training and interactive exercises that illustrate proper use of force decision-making;*
- e) the proper deployment and use of all weapons or technologies, including firearms, batons, chemical agents, and ECWs;*
- f) threat assessment and de-escalation techniques that encourage officers to make arrests without using force, and instruction that disengagement, area containment, surveillance, waiting out a subject, summoning reinforcements, calling in specialized units, or delaying arrest may be the appropriate response to a situation, even when the use of force would be legally justified;*
- g) crisis intervention and interacting with people with mental illnesses, including instruction by mental health practitioners and an emphasis on de-escalation strategies;*
- h) factors to consider in initiating or continuing a foot pursuit; and*
- i) appropriate training on conflict management.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Implemented		
 Practice:	Implemented		

### Compliance Targets

1. Training on use of force is consistent with approved policies and the requirements of the paragraph.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. 95% of officers are trained and certified in use of force (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

### Compliance Assessment

PRPB recently updated all UOF policies and, as a result, developed new UOF training curriculums on these policies. The Monitor's Office's previous review of related training on UOF was found to be consistent with the approved policies and requirements of the paragraph. After reviewing a random sample of training personnel records, the Monitor's Office determined that PRPB has met the 95% compliance threshold for re-training its officers on all relevant UOF policies. According to documentation provided by PRPB relating to in-service training, the Bureau is on pace to achieve 95% by the end of 2024. The Agreement states that PRPB must re-train its officers every year.



### Pathway Forward

The Monitor's Office will review the updated UOF training curriculums and ensure continued compliance with this paragraph. The training on UOF, specifically the topics noted in this paragraph, should also be incorporated into in-person scenario-based training to ensure that officers understand the policy requirements and the practical application of such procedures.

### Paragraph 54: Use of Force - Use of Force Training

*PRPD shall provide an appropriate firearm training program that:*

- a) requires officers to complete and satisfactorily pass firearm training and qualify on each firearm the officer is required or authorized to carry on an annual basis;*
- b) requires cadets, officers in probationary periods, and officers who return from unarmed status or extended leave to complete and satisfactorily pass firearm training and qualify on each firearm the officer is required or authorized to carry before such personnel are permitted to carry and use firearms;*
- c) incorporates night training, stress training (i.e., training in using a firearm after undergoing physical exertion), and proper use of force decision- making training, including continuous threat assessment techniques, in the annual in-service training program;*
- d) ensures that firearm instructors critically observe students and provide corrective instruction regarding deficient firearm techniques and failure to utilize safe gun handling procedures at all times; and*
- e) requires comprehensive testing that shows complete understanding of rules, regulations, and skills regarding firearm use.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented		Bi-annually



Practice:

Implemented

Assessment  
Frequency*Compliance Targets*

- |  |   |                                 |
|--|---|---------------------------------|
| 1. Training on the use of firearms is consistent with approved policies and the requirements of the paragraph.   | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |
| 2. 100% of officers are trained, certified, and qualified in use of firearms or have a valid justification for not qualifying in accordance with policies. | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |

*Compliance Assessment*

The Monitor's Office found that PRPB's policies relating to firearms qualifications incorporate all requirements of the paragraph. The Monitor's Office re-reviewed and approved GO 618 (Use and Handling of Regulation Weapons) during a previous reporting period.

To determine compliance with firearms training and qualifications, the Monitor's Office requested data relating to yearly firearms training and qualifications. PRPB is required to conduct firearms training and qualifications for all sworn members with Bureau issued firearms in both day and reduced light fire every 12 months.

PRPB continued the day and reduced light fire training and as of this reporting period 10,182 (96%) were trained on reduced light and 9,359 (88%) trained on day fire. The remaining officers are currently scheduled to participate in day firing training to meet the 95% compliance threshold required, all training will be completed by October 30, 2024.

If PRPB continues conducting training in this manner it can expect to meet compliance with the 12-month training requirement.

The Monitor's Office selected a random sample of 50 officers from the list of officers who were listed as qualified (night/day fire) and requested their certified training records to verify that officers were qualified with their service weapon for this reporting period. A review of the training files confirmed that all officers were qualified. However, in four instances (8%), officers required additional testing on site for either day or night fire shooting. SARP provided documentation that there were no investigations conducted relating to officers failing to qualify with their service weapons, and none was needed as no officer failed to qualify. As a result, the Monitor's Office did not have the opportunity to review whether officers are disciplined after failing to requalify for firearms training.

PRPB's IT Bureau and SAEA are developing a Shooter Module, which will generate global reports; however, as of the end of this reporting period, the module was not yet operational and has not been demonstrated to the Monitor's Office. The Monitor's Office anticipates reviewing an improved Shooter Module soon.

*Pathway Forward*




PRPB needs to continue to qualify all sworn personnel on both day and reduce light fire within a 12-month period and must maintain records of this training in its Global Report. Further, the Monitor's Office stresses the importance of scheduling the training so that both segments are completed during a 12-month period to ensure that all officers are qualified.

PRPB must create and maintain a “master list” which includes all sworn personnel and their status as it relates to firearm training. PRPB must work with the Monitor’s Office to grant the Monitor direct access to PTMS or other structured data sources so that the Monitor’s Office can directly verify rates of firearm certification and justifications for all officers that are not currently certified.

### Paragraph 55: Use of Force - Use of Force Training

*PRPD shall train all supervisors, FIU members, and command officers on PRPD’s use of force policies. Thereafter, PRPD shall provide all supervisors, FIU members, and command officers with training on use of force, force investigations, and force investigation reviews at least annually and, as necessary, based on developments in applicable law and PRPD policy. PRPD’s use of force training for supervisors, FIU members, and command officers shall include the following topics:*

- a) requesting medical services and determining the appropriate use of force reporting levels;*
- b) identifying and interviewing involved officers, witness personnel, subjects upon whom force was used, and civilian witnesses;*
- c) ensuring proper collection of evidence;*
- d) reviewing use of force and supplemental reports for completeness, accuracy, and quality, including recognizing boilerplate language and document discrepancies;*
- e) assessing the legality and appropriateness of a detention and subsequent arrest;*
- f) legal standards governing the use of reasonable force, including legal standards and requirements for criminal accountability, administrative accountability, and performance improvement related to tactics, training, equipment, and policy sufficiency;*
- g) recommending and administering proper discipline and non-punitive corrective action related to use of force; and*
- h) report writing.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	Implemented		
 Practice:	Implemented		

### Compliance Targets

- |  |   |                                 |
|--|---|---------------------------------|
| 1. Training on the use of force, force investigations, and force investigation reviews is consistent with approved policies and the requirements of the paragraph.   | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |
| 2. 95% of supervisors, FIU officers, and commanders are trained and certified in use of force, force investigations, and force investigation reviews (or scheduled for training, in the case of mid-year reviews). | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |



### *Compliance Assessment*

The Monitor's Office verified that 95% of supervisors, FIU personnel, and command personnel have been trained on the relevant courses (REA 601 Rules for UOF and REA 605 Report and Investigation of UOF) within the last year as required by the Agreement.

All FIU personnel have completed advanced training related to investigating intentional firearm discharges (Level 4 UOF). The FIU Commanding Officer informed the Monitor's Office that given the influx of new personnel into FIU, all members were trained on an advanced training course currently provided to CIC personnel. This additional training was in response to the Monitor's Office's previous CMRs and recommendations, which identified significant deficiencies in FIU's firearm discharge investigations (Level 4 UOFs).

### *Pathway Forward*

Given the nature of the important work conducted by FIU, it is imperative that they receive all the required training and that this training is periodically updated as needed. The work of the CFRB plays a pivotal role in identifying the training needs of FIU as they evaluate all FIU investigations and are in the best position to uncover deficiencies in training. The Monitor's Office will continue to assess training compliance with target two through random training record reviews.

## 9. Responding to Behavioral/Mental Health Crisis

As stated in previous CMRs, it is critically important to have CIT trained officers throughout the 13 area commands. Issues garnering personnel interest in the position had presented difficulties in the past creating CIT programs in all areas. One of the challenges was the training (40 hours) for CIT certification was only conducted at the Academy, which may have discouraged potential volunteers from the outlying area commands. Officers from those commands may have as much as a two hour daily commute each way to complete the required training. However, PRPB has for the most part overcome this issue. Currently there are 281 certified CIT officers Bureau-wide. Of that number 253 (90%) are operational in that they are assigned to patrol functions. The remaining 28 (10%) are assigned to various units and functions within PRPB and if needed they can supplement field CIT officers.

During the September 2024 site visit the Monitor's Office conferred with the Bureau-wide CIT Coordinator who related the following information:

- In the current reporting period, all area commands have CIT officers on all shifts. As previously stated, to ensure round the clock coverage, area commands are supplementing CIT coverage (if needed) by using CIT trained officers assigned to specialized units, such as, Transit, Drugs, and Hostage Negotiators. Currently there are 281 certified CIT officers.
- Current staffing levels in the 13 area commands are as follows:
 

○ Aguadilla – 16	○ Carolina – 21
○ Aibonito – 19	○ Fajardo – 17
○ Arecibo – 18	○ Guayama – 18
○ Bayamón – 16	○ Humacao – 18
○ Caguas – 23	○ Mayagüez – 30

- Ponce – 11
- San Juan – 30
- Utuado – 16

An additional 28 CIT Officers are assigned to specialized units.

- The curriculum for CIT training has been revised and provided to the Monitor's Office.
- Currently in Arecibo, 3 of the 18 certified CIT officers (17%) have been promoted to sergeant; however, they currently remain assigned to the area command and continue to serve as CIT officers. Three additional officers (17%) have been transferred to specialized units (two to the CIC investigative unit and one to motorized). They also continue to serve as CIT officers.

The CIT Bureau Coordinator holds the rank of inspector and has experience in this area including possessing a doctoral degree in psychology.

The expansion of CIT officers to all area commands and the presence of CIT trained officers Bureau-wide has enhanced PRPB's ability to handle calls for service involving individuals in crisis, especially those related to "Ley 408" (court ordered involuntary commitment).

PRPB is currently relying on PPR 628.1 (Crisis Intervention Incident Report) and PPR 621.2 (Other Information) to identify incidents involving a person in crisis. PRPB needs to ensure that PPR 628.1 reports are prepared by all officers in incidents involving individuals in crisis. AH Datalytics, the Commonwealth's contractor, has developed a dashboard that identifies interactions with persons in crisis and verifies whether a crisis intervention incident report (PPR 628.1) was created for the incident along with a corresponding UOF report (if applicable) that had identified the subject as having a "mental/psychiatric history" or involved a Ley 408 Committal Order. The dashboard has provided the Reform Office with 24/7 access to this information which is automatically updated daily and is broken down by area command, zone, precinct, and district.




PRPB needs to ensure that the system captures all PPR 621.2s (Other Information) that are not currently captured in a UOF or Ley 408 and query the system to determine if the subject of the report is a person in crisis. This has been an area of discussion that the Monitor's Office and USDOJ have had with PRPB and AH Datalytics, the Commonwealth's contractor.

#### Paragraph 56: Use of Force - Responding to Behavioral/Mental Health Crisis

*PRPD shall develop policies and procedures to improve its response to individuals in behavioral or mental health crisis, and to minimize the use of unnecessary force against such individuals. To achieve this outcome, PRPD shall, in addition to providing all officers with basic training on responding to persons in behavioral or mental health crisis, implement and train a comprehensive first responder Crisis Intervention Team ("CIT") to develop and maintain specially-trained CIT officers. The CIT shall incorporate the following requirements:*

- a) The CIT shall develop policies and procedures for the transfer of custody or voluntary referral of individuals between PRPD, receiving facilities, and local mental health and social service agencies.*
- b) The CIT policies and procedures shall require that whenever officers encounter juveniles in mental health crisis that officers refer them to appropriate mental health services located in the community.*

c) The CIT officers shall be assigned to field operations units and maintain their standard patrol duties, except when called to respond to potential behavioral or mental health crisis events where the officers may be required to respond outside of their assigned patrol district.

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Not Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all of the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on basic behavioral health is consistent with approved policies and includes general instruction on the CIT program.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of officers are trained and certified in basic behavioral health (or are scheduled for training, in the case of mid-year reviews)	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. Training on crisis intervention for CIT officers is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. 100% of officers assigned to CIT are trained and certified in crisis intervention.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. 100% of all officers assigned to CIT meet eligibility requirements.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
7. 95% of responses to incidents involving persons in mental health crisis are within policy.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
8. The incident tracking system tracks all incidents involving persons in mental health crisis and the disposition of the incident. Data analyzed as part of PRPB's annual report on use of force as required by policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

The Monitor's Office has reviewed the CIT policies and trainings and found that they meet the requirements of the Agreement. PRPB along with the Monitor's Office understands that establishing CIT teams is vital. The officers selected to be certified as CIT officers (40 hours of training) will continue in their normal capacity as patrol officers. PRPB now has 253 officers trained and certified as CIT officers throughout the 13 area commands and has an additional 28 in specialized units.

During previous reporting periods, USDOJ and the Monitor's Office observed a portion of the REA 628 (CIT) training. The Monitor's Office found the training to be dynamic, knowledge-based, and employed several adult learning techniques, including participation through questions and exercises. While the training has a strong foundation, USDOJ and the Monitor's Office provided some recommendations to further strengthen the training, such as incorporating more experience and scenarios from Puerto Rico and providing attendees with hard copies of the PowerPoint presentation for note taking.

PRPB provided documentation that no training of officers on the basic “Intervention with Persons in Crisis” course took place during this reporting period. The Academy similarly reports that all PRPB officers have not yet received the eight-hour basic CIT training. As noted in various sections of this CMR, virtual training was halted when issues relating to the integrity of the training were brought forth. As such, no virtual training was conducted during the reporting period. PRPB reports that they are working with the University of Puerto Rico (UPR) to develop virtual training courses for the CIT basic eight-hour specialized course for dispatchers and for the basic eight-hour course for all sworn members. The Monitor’s Office is encouraged by PRPB’s collaboration with UPR on the matter; however, questions exist whether the dispatcher training should be virtual, as opposed to in-person training which provides scenario-based training and interaction. PRPB has indicated that while the initial training for dispatchers will be virtual, the subsequent re-training will be done in person. By following this path PRPB will be able to provide some training to its 300 dispatchers; however, PRPB will need to develop an in-person, scenario-based training course for its dispatchers and subsequently train its dispatchers before it is considered in complete accordance with the Agreement.

PRPB worked with USDOJ and the Monitor’s Office to establish an evaluation committee as ordered by the court for the purpose of identifying potential evaluation methods and performance measures to gauge the impact of the Arecibo Pilot Program and to assist in the implementation of CIT Bureau-wide. The evaluation committee is made up of members from PRPB along with outside personnel with experience in the mental health field. The Monitor’s Office as well as USDOJ have participated in evaluation committee meetings.

The Monitor’s Office has confirmed that all officers currently in a CIT role are trained and re-trained in CIT as required and meet eligibility requirements.

For this reporting period, PRPB reported 715 cases of interactions with persons in crisis. A random sample of 86 cases was selected by the Monitor’s Office for review. The source of data for documenting PRPB’s interactions with persons in crisis consisted of PPR 628.1 (Crisis Intervention Incident Report). As a result of this case review, the Monitor’s Office makes the below observations:

- Fifty cases (58%) involved Ley 408 (Court Ordered Involuntary Psychiatric Examination).
- In the 86 cases reviewed only 21 (24%) were handled by certified CIT officers.
- In 8 cases (9%) officers used force to subdue the subject. Five involved Level 1 UOF (63%). The remaining three (37%) involved two tasers and the pointing of a firearm (Level 3). It should be noted this is a significant reduction in force used as reported in previous CMRs. PRPB should analyze the appropriate data for the purpose of determining the reason for the UOF reduction.
- There were 10 PPR 628.1 (Crisis Intervention Incident Report) reports (20%) which had incomplete involving the origin of the call fields.
- Two reported calls (4%) originated from Radio Control.
- In 20 cases (23%) the notification of person in crisis involved Centro Mando.
- In 54 cases (63%) the notification of person in crisis involved Reten (Desk Officers). Since many notifications of a person in crisis originate through field commands, PRPB should consider adding a section to GO 628 (Interventions with Persons in Crisis) that outlines the information that should be

obtained before officers are sent on a person in crisis call. In addition, this information should be added to the curriculum of the eight-hour course.

### *Pathway Forward*




The Monitor's Office looks forward to working with PRPB as it expands the number of CIT officers throughout the Bureau.

PRPB provided documentation that cadets are being trained in CIT at the Academy and that future classes will receive the 40-hour CIT training as part of the training required to graduate. As previously stated, PRPB should develop a plan to weave some of these officers into the CIT program as they gain patrol experience. To date PRPB has provided training records for Academy Classes 227 through 234, verifying that they have successfully completed the 40-hour CIT training. Those officers, if selected, would only require a modified re-training course.

On this point, the only training available to dispatchers is the eight-hour course provided for field personnel. PRPB needs to specify if it has developed and begun training on a course tailored specifically to dispatchers regarding how to route crisis calls to on duty CIT officers.

### **Paragraph 57: Use of Force - Responding to Behavioral/Mental Health Crisis**

*PRPD shall train PRPD field operations unit officers in the CIT program and shall ensure that CIT-trained officers are assigned to each shift in each police region. PRPD shall provide crisis intervention training to all dispatchers to enable them to identify calls for service that involve behavioral or mental health crisis events.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Not Implemented		
 Practice:	Not Implemented		

### *Compliance Targets*

1. 95% of shifts have at least one CIT-trained and certified officer.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on crisis intervention for call dispatchers is consistent with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of call takers are trained and certified in crisis intervention (or are scheduled for training, in the case of mid-year reviews)	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: Training on the CIT program for field operations officers is evaluated as part of the basic behavioral health training in Paragraph 56.

### *Compliance Assessment*

PRPB has implemented a CIT Program in all areas. The training for CIT officers took place at the Academy. Officers were required to pass a written exam at which point they could proceed to the scenario-based training segment. The course, Intervention Team in Crisis (CITE 8061), consists of 40 hours of training. PRPB provided the course curriculum as well as a certified list of those who were trained to the Monitor's Office. To date, 281 officers have been trained and certified.

PRPB has also selected CIT coordinators in all area commands who are currently identifying prospective CIT officers. In addition, a Bureau-wide coordinator has been named. PRPB has provided the Monitor's Office with the rating form that PRPB uses for prospective candidates to the program. In addition, the PRPB Commissioner has issued several job postings for uniformed agents from the precincts and districts of the 13 police areas who may be interested in becoming a CIT officer. The job postings provide a job description, eligibility requirements, training description, and application instructions. PRPB continues to interview officers for the position.

The Monitor's Office is encouraged by the progress PRPB has made in establishing a CIT program in all area commands. The Monitor's Office understands that establishing CIT teams in all areas in an expedited manner was difficult initially, given that support services may not have been available in the early stage in some areas. However, the presence of CIT trained officers Bureau-wide will enhance PRPB's ability to handle calls for service involving persons in crisis, especially those related to Ley 408.

In the past PRPB provided training to field personnel and dispatchers related to CIT; however, the training for dispatchers has not been specific to their work assignment. This training should be more in-line with the daily responsibilities of a dispatcher, including how to collect the appropriate information from the caller to provide to the responding officer. PRPB is addressing this issue as it relates to training dispatchers. PRPB will need to develop an in-person, scenario-based training course for its dispatchers and subsequently train its dispatchers before it is considered in complete accordance with the Agreement.

### *Pathway Forward*

The Monitor's Office is aware that PRPB is in the process of developing and reinstating its virtual training and expects that once completed, it will resume the virtual eight-hour basic CIT training course for all members.

Having developed a curriculum and training for the CIT Program, having tested it in the field in Arecibo, and expanded to all area commands, the Monitor's Office expects PRPB to continue adding to the program Bureau-wide. The training of officers to handle individuals with mental health issues is of paramount importance. Having a trained officer to deal with people in crisis can help minimize those incidents that can escalate into confrontations in which PRPB members may be required to use force.

The Monitor's Office expects to see significant progress in the training of PRPB personnel in crisis intervention as the CIT Program adds more personnel.

As previously stated, PRPB has not provided documentation that dispatchers have received specific training related to dispatching officers to persons in crisis. In fact, to this point, the only training available

to dispatchers is the eight-hour course provided for field personnel; however, even this training is unavailable. PRPB needs to develop a course specific to dispatchers regarding routing crisis calls to on-duty CIT officers. All dispatchers should receive this training. In addition, PRPB should also consider adding an additional section to GO 628 (Intervention with People in Crisis) identifying information that should be obtained and provided to officers before sending them to Ley 408 calls. Often officers assigned to the position of Reten (precinct/district desk officer) are approached by family members of subjects of Ley 408 Orders requesting that officers carry out the involuntary commitment order. In a review of 86 PPRs 628.1 (Crisis Intervention Incident Report) it was determined that in 54 cases (63%) the request for assistance was made directly to Retens.



### III. Searches and Seizures: Internal Controls and Accountability

The review of CMR-11 arrest data shows that officers continue to articulate probable cause more consistently. Only a small number of arrest reports were poorly written. Incomplete arrest files missing two or more arrest forms continue to be of concern, although not at the scale of past CMRs. If not for the absence of these forms, the files would have been rated substantially compliant. Boilerplate, conclusive, and repetitive language is no longer a serious issue, as in most cases in past CMRs.

The Monitor's Office's review of compliance during this reporting period also found that PRPB supervisors continue to perform well in the areas of arrest reviews, responding to the scene in arrest cases, and inspecting arrestees for injuries.

On the other hand, demographic and geographic data from investigatory stops, searches, and traffic stops are not yet tracked, collected, reviewed, and analyzed by PRPB, as required by the Agreement. However, PRPB has submitted a Search and Seizure Implementation Plan to the court and the Monitor's Office that outlines how it will address these issues going forward, with a potential implementation date in mid-2025.

Seized Property/Evidence Forms (PPR 636.1), as well as several other forms, are still missing from many arrest files. The Monitor's Office inspection of districts' temporary property/evidence rooms during this reporting period found them to be compliant. However, some of the inspected CIC and Drug Unit evidence rooms continue to lack proper space and ventilation to properly hold and preserve evidence.

Supervisors and commanders continue to perform well in reviewing and approving search warrant applications, affidavits, and arrests. With a very small exception, officers continue to properly complete consent search forms. It is the Monitor's Office's opinion that if PRPB officers were more diligent when completing arrest and search reports and forms, compliance would improve (see Paragraph 67 as an example).

Overall, the Commonwealth's compliance with the 22 paragraphs assessed during this reporting period within Searches and Seizures reflects a regression in compliance to what was noted in previous CMRs. In CMR-9, 45% of paragraphs (10 paragraphs) were assessed as not compliant and 50% (11 paragraphs) were assessed as partially compliant, in comparison to the current reporting period, where 14% of paragraphs (3 paragraphs) were found to be not compliant and 59% of paragraphs (13 paragraphs) were found to be partially compliant. Four paragraphs moved to deferred. See figure 4.

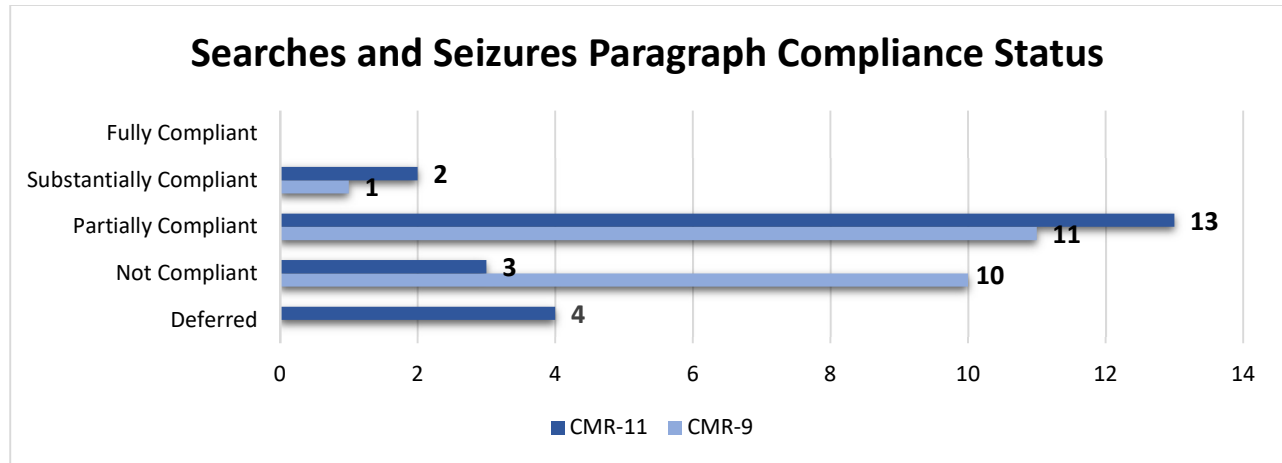





Figure 4. Searches and Seizures: Paragraph Compliance Status

### Paragraph 58: Searches and Seizures - General Provisions

*PRPD shall ensure that all investigatory stops, searches, and arrests are conducted in accordance with the rights, privileges, or immunities secured or protected by the Constitution and laws of the United States and the Commonwealth of Puerto Rico. PRPD shall ensure that investigatory stops, searches, and arrests are conducted as part of effective crime prevention strategies that are consistent with community priorities for enforcement.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: Compliance will be determined on two separate, but inter-dependent bases: (1) the implementation of Paragraphs 59-79, and (2) the results of outcome assessments, pursuant to Paragraph 243.

### Compliance Assessment

Terry Stops are not allowed in Puerto Rico unless they are the result of traffic violations based on probable cause. The Agreement requires that “...ALL stops and searches...”, including pedestrian and traffic stops, be tracked, recorded, reviewed, and analyzed in accordance with Paragraph 243. PRPB is in the process of developing systems to deal with these issues in its Search and Seizure Implementation Plan (see July 2024 PRPB 90-Day Status Report).

On whether proactive police operations were conducted as a result of community priorities (or requests by area CICs), PRPB provided certification from the following area commands stating that they did not receive any requests for proactive police service: Utuado (Cert #SAOC-NRC-DRC-CU-4-30), Aguadilla

(Cert #SAOC-NRC-DRC-CAG-10-1-958), Caguas (No Cert. #), Carolina (Cert #SAOC-NRC-DLAP-CC-1-083), and Guayama (No Cert #). However, PRPB should make an effort to provide additional evidentiary documentation, including community meeting notes and police response, for all police areas.

In this reporting period, PRPB officers continue to show progress documenting probable cause during investigatory stops and arrest situations with 64 of 70 eligible arrest cases (91%) showing at least fairly documented probable cause with the majority (59 cases or 84%) having documented probable cause well or very well. A contributing factor is that 99% of officers have received in-service training on GO 615 (Arrests and Summons) and GO 612 (Searches and Seizures). The Monitor's Office expects further improvement since an instructional video on how to articulate probable cause was provided to all officers beginning on August 14, 2024 (see PRPB July 2024 90-Day Status Report). The Monitor's Office has reviewed the video and, going forward, will request evidence of how PRPB will validate the number of officers who have seen the video.

### *Pathway Forward*

Strict adherence to training schedule and accountability will help PRPB improve and maintain compliance with this paragraph. PRPB must also provide further documentary evidence that the Bureau is seeking input to address community needs when it conducts operations to impact criminal activity or quality of life issues in neighborhoods. Documentary evidence can include, among others, copies of notes of residents describing their concerns and/or requesting police service for certain areas taken during community meetings and the police response to these requests/concerns. The creation of a graphical dashboards and scorecards (GTE and CAD modules) to track, collect, record, and analyze geographic and demographic stop data points will greatly help PRPB comply with this and Paragraph 243 of the Agreement, as well as others in this section.

## 1. Stops, Searches, and Seizures

According to PRPB, the latest required review of GO 612 (Searches and Seizures) has been stalled pending the completion of the Search and Seizure Implementation Plan.




PRPB has also reported a delay in instituting graphical dashboards and scorecards (GTE and CAD modules) to record demographic and geographic data for analysis, as required by the Agreement (Paragraph 243, as well as other paragraphs). Several arrest and search files continue to omit and/or fully complete some required forms and police reports.

### Paragraph 59: Searches and Seizures - General Provisions

*PRPD shall develop policies and procedures that comply with applicable law and comport with generally accepted policing practices on stops, searches, and arrests; provide training; ensure consistent supervision; and hold officers accountable for complying with applicable law and policy. PRPD policies shall define all terms clearly and provide guidance on the facts and circumstances that should be considered in initiating, conducting, terminating, and expanding an investigatory stop, detention, or search.*

Compliance Status

Assessment Schedule

Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: Implementation is assessed as part of the compliance reviews for Sections B (Paragraphs 60-64), C (Paragraphs 65-73), and D (Paragraphs 74-77) on Investigatory Stops and Searches, Arrests, and Searches, respectively.

Note: The policy requirements of this paragraph is assessed with Paragraphs 65, 72, 74, and 78.

Note: Training is assessed as part of Section E (Paragraphs 78-79) on Training on Stops, Searches, and Seizures.

### *Compliance Assessment*

PRPB policies on search and seizure and arrests are still in the process of annual revision awaiting the implementation of the Search and Seizure Implementation Plan. The existing policies cover all the legal and procedural topics on arrests, detentions, and searches. In-service training on these policies has reached almost 100% of officers (see December 2023 SAEA Academy Training Compliance Certification). PRPB has also recently distributed an instructional video on articulating probable cause to officers, which the Monitor's Office reviewed and found to be useful.

As a result, PRPB officers have shown vast improvement in articulating probable cause in their reports, as demonstrated by the data analyzed which showed that 64 of 70 (91%) of eligible arrest reports properly articulated probable cause.

### *Pathway Forward*

Keeping up with policy review, training, and implementation is essential for compliance. PRPB has provided in-service training to practically all its officers during this reporting period. However, PRPB must provide the Monitor's Office with evidence of how it intends to validate the number of officers who have viewed the instructional video and understand the concept of probable cause. PRPB must also evaluate the supervisors who fail to properly address officers who submit improperly completed arrest reports and forms.




## *2. Investigatory Stops and Searches*

In its preliminary analysis, the Monitor's Office observed a great improvement in documenting probable cause-based investigatory stops and searches by PRPB officers, which has led to the elimination of repetitive and boilerplate language in arrest and investigatory stops reports, as per policy.

Demographic and geographic data is not yet collected by PRPB because it lacks a system to collect and analyze such data as required by the Agreement in Paragraphs 60 and 243. PRPB has advised the Monitor's Office that this issue is being addressed in the new Search and Seizure Implementation Plan submitted to the court. According to the plan, collection and tracking systems are scheduled to start in December 2024. As part of this plan, PRPB has provided in-service training on arrest and searches to almost 100% of its personnel. The reported rate is 99% with the remaining 1% of officers on leave of one type or other.

### Paragraph 60: Searches and Seizures - Investigatory Stops and Searches

*PRPD shall develop an Investigatory Stops and Searches Reporting Policy and a system to collect data on all investigatory stops and searches, whether or not they result in an arrest or issuance of a citation. PRPD's stop data collection system shall be subject to the review and approval of the TCA, and shall require officers to document the following: (a) the date, time, location, and duration of the stop and/or search; (b) the reason for the stop and/or search; (c) the subject's apparent race, color, ethnicity or national origin, gender, and age; (d) whether any contraband or evidence was seized, and the nature of the contraband or evidence; and (e) the disposition of the stop, including whether a citation was issued or an arrest made. PRPD shall require that officers submit written reports regarding investigatory stops and searches to their supervisor by end of shift for review. A copy of these reports shall be forwarded to SPR and the Reform Unit for tracking and analysis.*

Compliance Status		Assessment Schedule	
Deferred		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

- 100% of stops and searches are justified based on probable cause. For stops and searches based on a lesser standard or that are otherwise unjustified, PRPB takes corrective and/or disciplinary action. ☐ Met ☒ Missed
- 100% of stops and searches reviewed as part of other areas of the Agreement are based on probable cause. For stops and searches based on a lesser standard or that otherwise unjustified, PRPB takes corrective and/or disciplinary action. ☐ Met ☒ Missed

Note: PRPB has not authorized investigatory or Terry stops based on reasonable suspicion. For Paragraphs 60-64, the Monitor's Office will assess the basis for stops and arrests based on probable cause.

### Compliance Assessment

GO 612 (Searches and Seizures) addresses investigatory stops in general terms (traffic stops based on probable cause, see Section III.B.18. and 19). It also addresses the issue of collecting and tracking investigatory stop data, as the Agreement requires, in Section V.B. "Compliance" of the policy. However, PRPB has not yet created a system to properly track, collect, and analyze demographic and geographic

data resulting from investigatory stops and searches as per Paragraph 243. PRPB reports that the creation of graphical dashboards for the collection and analysis of search and stops data has been delayed due to technical issues with the system. However, it reports that the delivery of the pilot system remains on schedule.




The Monitor's Office examined 18 arrest files resulting from motor vehicle stops submitted by PRPB Highway Patrol Units for this reporting period – these units are responsible for most, if not, all of these types of stops. All 18 cases were found to have properly articulated probable cause. PRPB's trend toward compliance in this area continues to move forward. While stops resulting in arrests are documented and easily tracked, stops resulting in no arrest are not yet documented or tracked. Traffic citations are documented but not collected and analyzed as required by the Agreement. The documents must also include demographic and geographic data for analysis.

#### *Pathway Forward*

Once PRPB creates and implements the dashboards and graphical scorecards for the collection, tracking, and analysis of investigatory stops and searches, including all traffic stops whether they result in arrest, no arrest, or citations, as required by Paragraph 243 of the Agreement, and a public report is submitted to the Monitor's Office, full compliance will finally be in sight.

#### **Paragraph 61: Searches and Seizures - Investigatory Stops and Searches**

*PRPD's Investigatory Stops and Searches Reporting Policy shall explicitly prohibit the use of boilerplate or conclusory language in all reports. PRPD policies shall also expressly prohibit officers from knowingly using or relying on information known to be materially false or incorrect in effectuating an investigatory stop or detention.*

Compliance Status		Assessment Schedule	
Deferred		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

#### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 60.

#### *Compliance Assessment*

PRPB prohibits the use of conclusory or boilerplate language and materially false or incorrect information by its officers, as stated in Section III.D.4.g.xxviii.d, and Section III.D.5.f.ii of the current GO 615 (Arrests and Summons).

PRPB officers have avoided the use of repetitive and boilerplate language due to properly articulating probable cause in arrest reports. For example, for this reporting period, data analysis revealed that 64 of 70 (91%) eligible arrest reports showed properly documented probable cause. This analysis included all 18 investigatory stops by PRPB Highway Patrol units.

In-service training of 99% of officers, including supervisors and commanders, on arrests and summons, which emphasized proper report writing that also included the elements of the crime and clear articulation of probable cause, invariably aided PRPB officers in properly preparing arrest reports. In addition, during the latter part of this reporting period, PRPB produced a video training on how to articulate probable cause. The Monitor's Office had the opportunity to review this video and found it to be effective and to the point.



While PRPB is not yet tracking and analyzing all stops regardless of whether they result in arrests or citations as required, it is in the process of implementing a RMS to comply with this requirement moving forward.

#### *Pathway Forward*

GO 615 (Arrests and Summons) is comprehensive, and effectively provides good guidance for officers in arrest situations. PRPB must continue the path of timely and effective training to ensure it maintains substantial compliance with this paragraph and others going forward. While the majority of arrest reports were rated substantially compliant, a few did not meet the basic requirements of properly completing forms and including them in the files as per PRPB policy. This issue can be easily addressed by supervisors going forward by ensuring that all arrest files contain all the pertaining forms. Additionally, with the future RMS implementation, PRPB will be in a better situation to reach and maintain compliance.

#### **Paragraph 62: Searches and Seizures - Investigatory Stops and Searches**

*A supervisor shall review each report on Investigatory Stops and Searches to determine whether the stop or search was within PRPD policy and this Agreement. For any investigatory stop or search deemed to be outside of PRPD policy or this Agreement, the supervisor shall determine if the stop or search: (a) should result in an internal investigation by SPR; (b) indicates a need for additional training, counseling, or any other non-punitive corrective measure for the involved officer; and (c) suggests the need for revising or reformulating agency policy, strategy, tactics, or training. The supervisor shall document on an auditable form those investigatory stops and searches that are unsupported by reasonable suspicion; are in violation of PRPD policy or this Agreement; or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The quality of these supervisory reviews shall be taken into account in the supervisor's performance evaluations.*

Compliance Status		Assessment Schedule	
Deferred		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A		Bi-annually





Practice:

Not Implemented

Assessment  
Frequency

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 60.

### Compliance Assessment

All investigatory stops and searches by PRPB officers must be based on probable cause per policy. The random sample obtained by the Monitor's Office for this reporting period contained 18 probable cause-based investigatory detentions or stops (motor vehicle stops) that resulted in arrests. All 18 had well-articulated probable cause. Supervisors reported that they responded to and reviewed all 18 arrest reports on PPR 615.8 (copies were included in the files). No violation of policies was observed or reported by PRPB supervisors. However, the Agreement requires that all stops whether the result is an arrest, no arrest, or a citation must be based on probable cause. The Agreement also requires that they all be documented and collected with specific demographic and geographic data for proper analysis and reporting. PRPB is in the process of implementing a RMS to accomplish this.

### Pathway Forward

PRPB must work towards documenting all its stops and searches, especially traffic stops resulting in no arrest, to achieve increased compliance with the paragraphs related to this subsection. Despite the improved progress noted by the Monitor's Office in past CMRs and this reporting period, PRPB's failure in documenting all investigatory stops and searches inhibits the Commonwealth's ability to achieve overall continued compliance, especially with Paragraph 243. The upcoming RMS implementation will help PRPB reach the ultimate goal of full compliance in this area.

### Paragraph 63: Searches and Seizures - Investigatory Stops and Searches

*A command-level officer or official shall review, in writing, all supervisory auditable forms related to investigatory stops and detentions. The commander's review shall be completed within three business days of receiving the document reporting the event. The commander shall evaluate the corrective action and recommendations in the supervisor's written report and ensure that all appropriate corrective action is taken, including referring the incident for administrative or criminal investigation.*

Compliance Status		Assessment Schedule	
Deferred		Review Period	April 2024 – September 2024
Policy:	Implemented		
Training:	N/A	Assessment Frequency	Bi-annually
Practice:	Not Implemented		

### Compliance Targets

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Note: This Paragraph is assessed with Paragraph 60.

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### *Compliance Assessment*

All 18 traffic stop arrests/detentions analyzed during this reporting period were reviewed by command level officers on PPR 615.8. Commanders did not find or report any violations by officers in any of their reviews, thus no corrective actions were recommended. The analysis of all 18 files by the Monitor's Office revealed no apparent misdeeds by officers. However, the Agreement requires that all stops whether the result is an arrest, no arrest, or a citation must be based on probable cause. The Agreement also requires that they all be documented and collected with specific demographic and geographic data for proper analysis and reporting. Because only stops resulting in arrests are documented, command-level officers are not able to review those stops resulting in no arrest or that only had a citation issued. PRPB is in the process of implementing a RMS to address this shortcoming.




### *Pathway Forward*

PRPB supervisors and commanders must continue to review all stop and detention reports, and especially traffic stops, whether they result in arrests or citations. The documentation collected must include key demographic and geographic data suitable for analysis. The collection and analysis of this data is essential to comply with Paragraph 243 of the Agreement' regarding Outcome Assessments.

## **Paragraph 64: Searches and Seizures - Investigatory Stops and Searches**

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*At least annually, PRPD shall analyze investigatory stop and search data to determine significant trends, identify and correct deficiencies revealed by this analysis, and document its findings in a public report.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

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Note: This Paragraph is assessed with Paragraph 60.

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### *Compliance Assessment*

Paragraph 243 of the Agreement requires that all stops and searches be tracked, recorded, reviewed, and analyzed. However, PRPB has not provided the Monitor's Office any evidence that a system to process and analyze this data yet exists. Graphical dashboards and scorecards for the analysis of this data are in the production pipeline as of this report writing, but not scheduled for full implementation until 2025.

### Pathway Forward




Until PRPB creates and implements systems capable of the required data collection and analysis, such as the promised dashboards and scorecards, as well as prepare and submit a timely public report on its findings, compliance with Paragraph 243 and this section will remain in the distance.

### 3. Arrests

Proper preparation of arrest reports continues to trend upward, an analysis of CMR-11 data on arrests reveals that the completion of in-service training on arrests and searches (99% of officers trained) and the addition of several new supervisors, has aided PRPB on its path to compliance. However, the omission and/or improper completion of forms and reports in some arrest files continue to persist and must be addressed.

#### Paragraph 65: Searches and Seizures - Arrests

*PRPD shall revise its policies on arrests to ensure that they comply with applicable law and comport with generally accepted policing practices.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Practice:	Not Implemented		

#### Compliance Targets

1. Policies and forms incorporate all of the requirements of Paragraphs 59, 65-71.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. 95% of selected arrests are notified and reviewed by supervisors in accordance with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. Officers transport arrestees and complete required arrest documentation in accordance with approved policies in 95% of selected arrests.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4a. Supervisors respond to injuries and complaints of pain by detainees or arrestees in accordance with approved policies in 95% of selected arrests.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4b-e. Supervisors review, document, and take corrective action, including making referrals when necessary, as required by approved policies in 95% of selected arrests.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. Unit commanders review, document, and take corrective action, including making referrals when necessary, as required by approved policies in 95% of selected arrests.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
Note: Training is assessed as part of Section E (Paragraphs 78-79) regarding Training on Stops, Searches, and Seizures.		

### Compliance Assessment

GO 615 (Arrests and Summons) conforms to generally accepted policing practices and complies with the Agreement. This policy was last revised and approved in October 2022 and is in the review process as of this writing pending the implementation of the PRPB Search and Seizure Implementation Plan.

During the reporting period, the Monitor's Office reviewed 79 files of the 83 submitted files - 4 were not eligible for review for different reasons. Out of the 79 files reviewed, 70 (89%) were eligible for supervisory review. The Monitor's Office's analysis revealed that all but one were reportedly reviewed by supervisors on PPR 615.8 for a 99% compliance rate.<sup>4</sup> However, four arrest files were rated as poorly reviewed or incomplete.<sup>5</sup>

Ten of the seventy-nine files (13%) were rated not compliant for missing two or more required PPR arrest forms, such as 636.1 (Seized Property), 631.1 (Arrested Person Report), 128 (Arrest Division), 621.1 (Incident Report), and 126.2 (Complaint Card). Some of these forms also lacked required information.<sup>6</sup> The Monitor's Office found no documents to ascertain how PRPB officers transport arrestees. However, officers reported that arrestees were transported directly to a police facility where supervisors noted that they inspected them for injuries and asked about their health in 77 of 78 eligible files (one file had no arrest); however, 10 of the files (13%) submitted lacked complete information on the arrestee's health condition, and one did not submit the inspection form.<sup>7</sup> The completed compliance rate for arrestee inspection is 86% (67 of 78 files) and the Agreement requires a 95% compliance rate.

### Pathway Forward

PRPB must continue to ensure all files contain properly completed required forms PPR 631.1 (Arrested Person Report), 615.8 and 636.1, when applicable, as well as the police report (PPR 621.1). PRPB must insist that liaison officers assigned to each police area ensure that arrest files contain all the pertaining properly completed forms. Simply lacking these forms excluded many arrest files from being rated substantially compliant.

### Paragraph 66: Searches and Seizures - Arrests

*PRPD shall require that officers notify the communications command center and a supervisor immediately after an arrest, or as soon as practicable. For felony arrests, or an arrest for obstructing or resisting an officer, PRPD shall require a field supervisor to respond to the scene of the incident and approve the officer's arrest determination, based on the existence of probable cause. If an officer's arrest determination is insufficient, or otherwise unjustified, the supervisor may, if necessary, interview the subject. The supervisor shall take appropriate action to address violations or deficiencies in an officer's arrest determination, including releasing the subject, recommending non-punitive corrective action for the involved officer, or referring the incident for administrative or criminal investigation. If a supervisor is unavailable to respond to the scene or there are exigent circumstances, the officer shall notify his or her immediate supervisor over a recorded channel of the elements of probable cause for the felony arrest or arrest for obstructing or resisting an officer. If the officer's immediate*




<sup>4</sup> See Complaint #2024-7-075-2397.

<sup>5</sup> See Complaint #s 2024-4-036-004117, 2024-7-074-1687, 2024-8-616-006153, and 2024-4-044:002182.

<sup>6</sup> See Complaint #s 2024-9-199-0312, 2024-7-074-1687, 2024-3-199-01006, 2024-12-027-003168, 2024:11-173:000812, 2024-3-199-00825, and 2024-7-075-2397.

<sup>7</sup> See Complaint #s 2024-3-199-01006, 2024-3-199-00918, 2024-12-027-003168, 2024-3-199-00825, 2024-5-199-000452, 24-3-199-00815, 2024-3-199-00701, 2024:7-171:002286, 2024:01-400:000466, and 2024:11-173:001936.

*supervisor is unavailable, the officer shall notify any field supervisor over a recorded channel of the elements of probable cause for the felony arrest or arrest for obstructing or resisting an officer.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Practice:	Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 65.

### *Compliance Assessment*

The Monitor's Office reviewed 78 PPR 126.2 (Complaint Cards) for this reporting period. On this form the communication command centers are supposed to record the arrestee's demographic information, as well as when a supervisor is notified to respond to an incident. However, only three of these forms (4%) properly listed this information.

PRPB recorded radio channel communications on the P-25 radio wave are difficult to discern or differentiate due to lack of clarity, control, and coordination between dispatchers and officers. However, most supervisors reported they responded to arrest scenes personally, by phone, or via radio.

Supervisors reported in their report review (PPR 615.8) that they responded, in one manner or another, to 69 of 70 (one contained no review) eligible arrest cases (99%) in the data analyzed. There were no deficiencies or rule violations reported by supervisors. There were two cases for resisting arrest included in this data submission.<sup>8</sup> In both cases, supervisors reported they responded in person and found no policy violations. The Monitor's Office reviewed radio communication in one case submitted by PRPB in which the involved unit is heard asking for a supervisor for an arrest and UOF.<sup>9</sup> PRPB was unable to obtain a recording for the second case.<sup>10</sup>

### *Pathway Forward*

PRPB must ensure dispatchers and officers follow radio communication protocols as established by PRPB policy. In the radio recordings reviewed, the Monitor's Office noticed some officers did not identify themselves before addressing Centro de Mando. Also, too often personal information is requested and aired over the radio, such as officers' name, ID number, and phone number, contrary to generally accepted policing practice. Supervisors, per policy and the Agreement, must respond either in person or

<sup>8</sup> See Complaint #s 2024-1-466-003316 and 2024-12-027-003945.




<sup>9</sup> See Call #2024-10-M-208045 and Complaint #2024-1-466-003316.

<sup>10</sup> See Complaint #2024-12-027-003945.

by radio to all arrests involving a charge for a felony, assaulting an officer, obstruction of justice, or resisting arrest.

### Paragraph 67: Searches and Seizures - Arrests

*When transporting an arrestee, officers shall take the safest and most direct route to the booking location. PRPD policy shall require that officers notify the communications command center of the starting and ending mileage on the transporting vehicle, as well as the gender, race, ethnicity, national origin, and apparent age of the arrestee. The officer shall complete all written arrest forms and booking recommendations at the time an arrestee is presented at any PRPD precinct, station, or specialized unit for booking.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 65.

### Compliance Assessment




PRPB has not yet implemented a system to track officers' travel when transporting an arrestee. It appears that officers routinely do not report to the communication command centers (Centro de Mando), or the centers do not record the beginning and ending mileage when transporting arrestees. The Monitor's Office's review revealed that 75 of 78 dispatch cards (PPR 126.2; 96%) submitted during the reporting period did not include mileage and only a few included some demographic data. Dispatch cards were not included in three arrest cases. The Monitor's Office was informed that PRPB is developing graphical dashboards and scorecards to capture and analyze this data in a revised GTE module. The Monitor's Office also found that in 52 arrest cases the files were missing at least one required arrest form, in most cases PPR 636.1.

### Pathway Forward

The Monitor's Office looks forward to PRPB's promised implementation of graphical dashboards and scorecards to collect demographic and geographic data, as well as mileage when transporting arrestees to police facilities or other locations, as required by the Agreement. PRPB must also train command dispatch center officers to solicit and record pertaining demographic information and the mileage to and from police facilities on PPR 126.2 (Complaint Card), as required by policy and the Agreement. During review, supervisors must also ensure that all required information is recorded on all police reports and forms and that all required forms are included in the files before approval.

### Paragraph 68: Searches and Seizures - Arrests

*At the time of presentment at a PRPD precinct, station, or specialized unit, a watch commander or supervisor shall visually inspect each detainee or arrestee for injury, interview the detainee or arrestee for complaints of pain, and ensure that the detainee or arrestee receives medical attention from an appropriate medical provider, as necessary.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 65.

### Compliance Assessment

The Monitor's Office reviewed 77 Booking Sheets (PPR 631.1), the form on which supervisors report whether they inspected arrestees for injuries. One arrest case did not contain the form.<sup>11</sup> Ten of the forms failed to note the health condition of the arrestee or missed important information for an 86% compliance rate, or 11 of 78 cases.<sup>12</sup> The Agreement requires a 95% compliance rate.

### Pathway Forward

PRPB supervisors continue to improve, although slightly, in completing the new Booking Sheet (PPR 631.1). However, PRPB has not yet reached the 95% compliance threshold required by the Agreement. PRPB must continue to emphasize the importance of properly completing, especially the section on health condition of arrestees, and including this form in all arrest files to fully comply. Also, the Monitor's Office has noted that most arrestees are not held in cells while arrest paperwork is being processed. This is contrary to generally accepted policing practice due to its inherent danger to officers and arrestees alike. PRPB policies on arrest and ingress/egress, GO 615 (Arrests and Summons) and GO 631, respectively, do not directly address this issue. The Monitor's Office recommends these policies be updated to reflect generally accepted policing practices for officer safety.

### Paragraph 69: Searches and Seizures - Arrests




*PRPD shall require that all booking recommendations be personally reviewed and approved in writing in an auditable form by a supervisor as to appropriateness, legality, and conformance with PRPD policies within 12 hours of the arrest, absent exceptional circumstances. Supervisors shall also examine arrest reports and forms*

<sup>11</sup> See Complaint #2024:10-199:000618.

<sup>12</sup> See Complaint #s 2024-5-199-000452, 24-3-199-00815, 24-3-199-00701, and 2024:7-171:00228.



*related to the arrest for boilerplate or conclusory language, inconsistent information, lack of articulation of the legal basis for the action, or other indicia that the information in the reports or forms is not authentic or correct. Supervisors shall evaluate each incident in which a person is arrested for interfering with a police officer, resisting arrest, assault on a police officer, or other similar charge to determine whether the incident raises any issue or concern regarding the basis for the arrest or implications on training, policies, or tactics.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Training:	N/A		
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 65.

### *Compliance Assessment*

GO 615 (Arrests and Summons), Section III.D.4.e. requires supervisors to personally review and approve arrest reports on PPR 615.8.

Eighty-three total arrest files were submitted to the Monitor's Office for review, but thirteen did not qualify for supervisory review due to being warrant arrests or otherwise not applicable. The Monitor's Office reviewed the remaining 70 arrest files that were eligible for supervisory review. Supervisors reported they reviewed 69 arrest cases (99%) on PPR 615.8 (one file contained no review form). Supervisors did not report any violations or deficiencies in their reviews. Additionally, the Monitor's Office did not find any evidence of the use of boilerplate or conclusory language, inconsistent information, or other indicators that the information in the reports or forms is not authentic or correct. The 70 eligible files were reviewed for proper articulation of probable cause and 63 (90%) were determined to show at least fairly documented probable cause, with the majority having good probable cause articulation. Six were rated as poor (9%).<sup>13</sup> Articulating probable cause and describing the particulars in each arrest has the effect of preventing boilerplate and repetitive language.

However, the majority of supervisory reviews were not completed within the 12-hour time frame required under this paragraph.<sup>14</sup> For this reporting period, there were two reports of resisting arrest.<sup>15</sup> In both cases, supervisors reported they responded in person and found no policy violations.

<sup>13</sup> See Complaint #s 2024:2-400:000247, 2024-8-616-006153, 2024-10-037-1728, 2024:5-041:001092, 2024:7-017:002746, and 2024:7-074:003583.<sup>13</sup>

<sup>14</sup> See Complaint #s 2024:4-078:001387, 24-3-199-01006, and 24-3-199-00825.




<sup>15</sup> See Complaint #s 2024-1-466-003316 and 2024:12-027:003945.

### Pathway Forward

Although PRPB has made significant progress in reviewing arrest reports the last few reporting period, it must ensure that, to maintain satisfactory compliance levels, supervisors continue to review all booking recommendations within the 12-hour period required by this paragraph and that all eligible arrests are properly reviewed and documented.

### Paragraph 70: Searches and Seizures - Arrests

*As part of the supervisory review, the supervisor shall document on an auditable form those arrests that are unsupported by probable cause, are in violation of PRPD policy or this Agreement, or that indicate a need for corrective action or review of agency policy, strategy, tactics, or training. The quality of these supervisory reviews shall be taken into account in the supervisor's performance evaluations.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 65.

### Compliance Assessment

PRPB supervisors continue to review arrest reports at a significantly higher rate than in past reporting period. Eighty-three total arrest files were submitted to the Monitor's Office for review, but thirteen arrest files did not qualify for supervisory review due to being warrant arrests or otherwise not applicable. The Monitor's Office reviewed the remaining 70 arrest files that were eligible for supervisory review. Supervisors reported they reviewed 69 arrest cases (99%) on PPR 615.8 (one file contained no review form). The 70 eligible files were reviewed for proper articulation of probable cause and 63 (90%) were determined to show at least fairly documented probable cause, with the majority having good probable cause articulation. Six were rated as poorly documented.<sup>16</sup> Although these six arrest reports were deemed to have poorly documented probable cause, supervisors reported finding no policy violations.

According to GO 310 (Performance Evaluations) Section V.C. "Evaluation Guide, Quality of Evaluations of Arrest Incidents", supervisors are to evaluate the "...quality of elements to establish probable cause..." However, based on the 26 samples of performance evaluations conducted in 2023 for supervisors (Evaluations are conducted once a year covering January 1 through December 31), PRPB did not find any

<sup>16</sup> See Complaint #s 2024:2-400:000247, 2024-8-616-006153, 2024-10-037-1728, 2024:5-041:001092, 2024:7-017:002746, and 2024:7-074:003583.




significant weaknesses in the criteria for supervisory operational skills or supervision. The list was made up of 13 sergeants, 8 lieutenants, 1 captain, 1 commander, 1 inspector, 1 lieutenant colonel, and 1 colonel. The GO establishes the grade-point score for each category as follows: Excellent - 4 points; Passing - 3 points; Needs improvement - 2 points; Fail - 1 point; and N/A. The lowest score for supervision among the sample reviewed was 3.13, above passing.

#### *Pathway Forward*

Supervisors reviewed arrest files in 99% of cases reviewed during this reporting period. Although PRPB supervisory reviews exceeded the 95% compliance threshold established by the Agreement, some reviews were rated poor or fair. PRPB must ensure all arrest files are properly reviewed and that all applicable arrest forms are completed and included in the files. Again, supervisors not adhering to policy must be called to task during performance evaluations. Going forward, PRPB should include the most recent performance evaluation for each supervisor who submitted an arrest supervisory review form (PPR 615.8) with the arrest sampling submitted for each CMR.

#### **Paragraph 71: Searches and Seizures - Arrests**

*A command-level officer or official shall review, in writing, all auditable forms related to arrests. The commander's review shall be completed within seven days of receiving the document reporting the event. The commander shall evaluate the corrective action and recommendations in the supervisor's written report and ensure that all appropriate corrective action is taken. Whenever a reviewing supervisor or command-level officer finds evidence of an arrest indicating apparent misconduct or apparent criminal conduct by an officer, he or she shall immediately notify his or her supervisor for referral to the appropriate investigating unit or the PRDOJ. The Superintendent shall be notified of the referral.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Training:	N/A		
 Practice:	Not Implemented		

#### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 65.

#### *Compliance Assessment*

Eighty-three total arrest files were submitted to the Monitor's Office for review during this reporting period, but thirteen arrest files did not qualify for command-level officer review due to being warrant arrests or otherwise not applicable. The Monitor's Office reviewed the remaining 70 arrest files that were eligible for command review. Commanders reported they reviewed 69 arrest cases (99%) on PPR 615.8 (one file contained no review form). The 70 eligible files were reviewed for proper articulation of probable cause and 63 (90%) were determined to show at least fairly documented probable cause, with

the majority having good probable cause articulation. Six were rated as poorly documented.<sup>17</sup> Although these six arrest reports were deemed to have poorly documented probable cause, commanders apparently took no action to rectify these shortcomings and simply agreed with the supervisors' findings.




Additionally, in almost half the cases (33), commanders failed to conduct the review within the 7 days of receiving the documents reporting the event.

### *Pathway Forward*

PRPB commanders, like supervisors, continue to improve arrest review compliance, reaching a rate of 99%. However, commanders failed to address poor supervisory reviews in six cases, and, in a large number of cases, their reviews exceeded the seven day time limit established by the Agreement.

## Paragraph 72: Searches and Seizures - Arrests

*PRPD shall require officers to provide written receipts to individuals whenever property is seized from the individuals. PRPD shall establish procedures that are based on generally accepted policing practices to ensure that all seized property is properly stored and returned, as appropriate.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Practice:	Not Implemented		

### *Compliance Targets*

1. Polices incorporate all of the requirements of Paragraphs 59 and 72.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Property is seized, stored, and returned, as appropriate, in accordance with approved policies in 95% of selected arrests.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. PRPB takes disciplinary and/or corrective action in response to all sustained complaints where an officer fails to issue a receipt, store, or return seized property in accordance with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

Note: Training is assessed as part of Section E (Paragraphs 78-79) regarding Training on Stops, Searches, and Seizures.

### *Compliance Assessment*

PRPB officers inventory evidence and seized property on PPR 636.1 (Seized Property Form). Various other forms, such as PPR 636.2, are used to track and keep the chain of custody by PRPB officers. For this reporting period, there were 107 cases (combined arrest and search files) that required the

<sup>17</sup> See Complaint #s 2024:2-400:000247, 2024-8-616-006153, 2024-10-037-1728, 2024:5-041:001092, 2024:7-017:002746, and 2024:7-074:003583.

completion of the seized property form (PPR 636.1). Officers submitted forms in less than half of the cases (50). All 50 forms were properly completed. However, in two forms officers asked the arrestee to sign the form to confirm the property/evidence was seized from them.<sup>18</sup> In the remaining 57 cases, no seized property forms were submitted (53%).

During the June 2024 site visit, SARP reported to the Monitor's Office that four of the following five complaints regarding seized property/evidence investigations had been concluded: #202300433 (one officer reprimanded, two officers not sustained); #202300765 (five-day suspension); #202301002 (still at the Office of Legal Affairs (OAL)); #202301200 (exonerated); and #202301351 (exonerated). Additionally, during the Monitor's Office's September 2024 site visit, SARP reported the following more recent cases under investigation: # 2024-01274 (firearm not turned into PRPB Armory Deposit), #2024-00939 (seized motor vehicle without cause), #2024-00855 (controlled substance (quantity of drugs seized was 6 when photo showed 12), and #2024-00965 (unknown where his firearms are). The Monitor's Office will follow up on these new cases for the next CMR.

As of this writing, PRPB has not provided the Monitor's Office with any evidence that the issue of inadequate space, poor ventilation, and lack of supplies at some PRPB evidence rooms (for example, Bayamon CIC and Metro Drug Unit reported on CMR-10) have been properly addressed.

### *Pathway Forward*

Supervisors must continue to ensure officers properly complete and submit Personal Property/Evidence forms whenever applicable. PRPB should require officers to list potentially incriminating evidence on the police report form (PPR 621.1) or create a form for such purpose without requiring the arrestee's signature. Returnable personal property should be listed separately, and the GO modified to reflect this change. PRPB has informed the Monitor's Office that it expects these issues will be addressed by the implementation of a new RMS. Evidence rooms lacking adequate storage space and proper ventilation presents a serious issue where evidence can be damaged or compromised.

### **Paragraph 73: Searches and Seizures – Arrests**

*PRPD shall develop a protocol to seek formal feedback from the prosecutor's office, the public defender's office, and Commonwealth judges on a regular basis regarding the quality of PRPD investigations, arrests, court testimony, and indicia of misconduct and to make operational and policy changes based upon this feedback. In addition, PRPD shall refer to SPR for investigation any information regarding specific incidents of possible officer misconduct received through this protocol.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	October 2024 – September 2024
 Policy:	Implemented		

<sup>18</sup> See Complaint #s 2024:09-400:000100 listing significant amounts of controlled substances, ammunition, and currency and # 2024:06-400:000126 also listing controlled substances.

 Training:	N/A	Assessment Frequency	Annually
 Practice:	Implemented		

### *Compliance Targets*

1. Interagency agreements and policies incorporate the requirements of the paragraph.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. PRPB officers seek and obtain feedback from criminal justice agencies and entities as required by approved agreements and policies.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
3. 100% of alleged misconduct noted in protocol documentation corresponds with a SARP investigation.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

### *Compliance Assessment*

PRPB's Reform Office submitted a revised Feedback Committee Protocol to the Monitor's Office, which now includes instructions to invite the Public Defenders' Office to the Committee's meetings. The Protocol complies with the Agreement.

For this term, the Monitor's Office interviewed committee members from the following committees: Bayamon, Caguas, Humacao, Guayama, Aibonito, San Juan, and the Central Committee.

All 13 police areas plus the Central Committee submitted documents regarding their Feedback Committee meetings from October 2023 through today. The documents sent and reviewed included attendance sheets, meeting minutes, and agendas. Attendees included the Administrative Judge (or his/her designee) in each area, District Attorneys or their representatives, the PRPB Committee members, as well as Municipal Police Department Commissioners, among others. Several issues were addressed, chief among them were officers' absence at various court proceedings. Committee members stated absences have been greatly reduced because of solutions discussed during the meetings. No misconduct complaints were filed during this reporting period.

### *Pathway Forward*




PRPB must ensure that Feedback Committees continue the trimestral meetings and submit documentary evidence, as required by the Protocol, to maintain a high level of compliance.

## 4. Searches

PRPB is still holding back the review of GO 612 (Searches and Seizures last updated in March 2022) pending implementation of the Searches and Seizures Implementation Plan. The policy, as it stands presently, conforms to generally accepted policing practices and appears to comply with the federal and local constitutional and criminal procedure legal standards. Searches by warrant and by consent continue to be properly conducted and documented by officers. Arrest evaluations by supervisors and commanders, and the proper documentation of probable cause continue to improve, due to in-service training and the addition of new supervisors.

## Paragraph 74: Searches and Seizures - Searches

*PRPD shall revise its policies on searches to ensure that they comply with applicable law and comport with generally accepted policing practices. PRPD policies shall define all terms clearly and specify procedures for executing search warrants and warrantless searches, including handling, recording, and taking custody of seized property or evidence.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all others.
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies and forms incorporate all of the requirements of Paragraphs 59, 74-77.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. Searches are conducted and reviewed by supervisors in accordance with approved policies in 95% of selected searches.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed

Note: Training is assessed as part of Section E (Paragraphs 78-79) regarding Training on Stops, Searches, and Seizures.

### Compliance Assessment

The current GO 612 (Searches and Seizures - last reviewed and revised in March 2022) conforms to generally accepted policing practices and complies with applicable laws and constitutional mandates. It clearly defines all terms and specifies procedures for conducting searches with or without a warrant, and provides guidance for officers in securing, handling, recording, and taking custody of seized property and evidence. It is presently on hold pending the implementation of the Searches and Seizures Implementation Plan.

In the review of a random sample of 73 eligible searches, the Monitor's Office rated 68 as substantially compliant (93%) and 5 as rated as not compliant for missing many forms and incomplete search warrants and affidavit and lacking description of the item to be searched in a consent search as well as missing Seized Property Form (PPR 636.1).<sup>19</sup>

There were 53 searches based on search warrants. Forty-seven search warrants were approved by supervisors (89%), while six had no supervisory approval (11%).

In the review of 22 consent search files, the Monitor's Office rated 20 as compliant (91%) – just short of the 95% compliance threshold. Two were rated as not compliant due to lack of a description of the item or place to be searched on the Consent Search Form (PPR 612.1) and not including related forms.<sup>20</sup>

<sup>19</sup> See Complaint #s 2024-5-199-000675, 2024-7-026-01450, 2024-12-057-002679, 2024-9-008-001398, and 2024-5-199-000743.

<sup>20</sup> See Complaint #s 2024-5-199-000743 and 2024-9-008-001398.






### Pathway Forward

To comply with the Agreement, PRPB must require that supervisors document reviews of all searches by using a specific form for consistency and easier tracking. PPR 612.3 (Approval of Request for Search or Arrest Warrants) would be ideal for this purpose.

### Paragraph 75: Searches and Seizures - Searches

*PRPD shall require that a supervisor review and approve in writing each request for a search or arrest warrant, including each affidavit or declaration before it is filed by an officer in support of a warrant application, for appropriateness, legality, and conformance with PRPD policy.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 74.

### Compliance Assessment

There were 53 searches based on search warrants this reporting period with 47 search warrants approved by supervisors (87%), which is short of the 95% compliance threshold. Six had no supervisory approval (11%).<sup>21</sup>

### Pathway Forward




PRPB supervisors are not consistently reviewing and approving all warrant-based searches. Additionally, the searches reviewed and approved by supervisors are documented on different forms. The Monitor's Office recommends that PRPB approve PPR 612.3 (Approval of Request for Search or Arrest Warrants) in its present form or any form the Bureau deems appropriate for supervisors to use for the review and approval of searches. This will provide consistency in the review and approval process.

### Paragraph 76: Searches and Seizures - Searches

*PRPD shall track each search warrant, the case file where a copy of such warrant is maintained, the officer who applied for the warrant, and each supervisor who reviewed the application for a search warrant.*

Compliance Status	Assessment Schedule
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<sup>21</sup> See Complaint # 2024-5-199-000675.

Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually for Compliance Target #2. Annually for all others.
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

1. Tracking system accounts for all of the elements in the paragraph and outcome measures as required by Paragraph 243.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed
2. All search warrants are tracked in the tracking system.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed
3. Documentation on search warrants is maintained in accordance with approved policies in 95% of precincts and units visited.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

Note: Policy content is assessed as part of Paragraph 74. Training is assessed as part of Section E 78-79) regarding Training on Stops, Searches, and Seizures.

### Compliance Assessment




During this reporting period the Monitor's Office visited PRPB's Criminal Investigation Corp and Drug units in Caguas, Aibonito, and San Juan. These units are responsible for conducting the majority of search warrant-based searches. In these units, search warrants are still being filed and organized in folders in file cabinets, and no analysis is ever conducted. PRPB will address this issue in its Searches and Seizures Implementation Plan when an updated GTE module is implemented.

### Pathway Forward

This paragraph will remain partially compliant until PRPB is able to develop and implement a centralized electronic tracking system to collect and analyze search warrant data, as per the Agreement.

### Paragraph 77: Searches and Seizures - Searches

*PRPD shall require officers to obtain and document consent from an individual who consents to a voluntary search of his/her person or vehicle when the search is conducted as part of a routine pedestrian or vehicle stop, unless a non-consensual search is otherwise legally permissible.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 74.

### Compliance Assessment

In the review of 22 consent search files, the Monitor's Office rated 20 as compliant (91%) and two as not compliant due to lack of a description of the item or place to be searched on PRPB's consent search form, (PPR 612.1) and not including related PRPB forms.<sup>22</sup> The compliance rate for consent searches is just short of the 95% compliance threshold.

### Pathway Forward

To maintain compliance moving forward, PRPB must ensure officers properly complete PPR 612.1 (Consent Search Form) for every consent search and include all pertaining forms in the files.

## 5. Training on Stops, Searches, and Seizures

PRPB has reached an almost 100% training rate in in-service training on GO 612 (Searches and Seizures), which addresses training on stops, searches, and seizures. PRPB needs to sustain a timely in-service training schedule to maintain compliance.

### Paragraph 78: Searches and Seizures - Training on Stops, Searches, and Seizures




*PRPD shall train all PRPD officers on PRPD's stop, search, and seizure policies. Thereafter, PRPD shall provide all PRPD officers with training at least every two years for the first four years of this Agreement, and annually thereafter. PRPD shall also provide training on stops, searches, and seizures as necessary, based on developments in applicable law and PRPD policy. PRPD shall coordinate and review all policies and training on stops, searches, and seizures to ensure quality, consistency, and compliance with the Constitution and laws of the*

*United States and the Commonwealth of Puerto Rico, this Agreement, and PRPD policy. PRPD shall conduct regular subsequent reviews of this training at least annually, and report its findings. PRPD's training program shall include the following topics:*

- a) PRPD policies and requirements in this Agreement regarding stops, searches, and seizures;*
- b) the Fourth Amendment and related law;*
- c) examples of scenarios faced by PRPD officers and interactive exercises that illustrate proper police practices, methods, and tactics in conducting consensual field interviews, investigatory stops, consent and non-consent searches, and arrests. These training scenarios shall address the difference between various police contacts by the scope and level of police intrusion; between probable cause, reasonable suspicion and mere speculation; and voluntary consent from mere acquiescence to police authority; and*
- d) comprehensive testing that shows complete understanding of rules and regulations.*

Compliance Status	Assessment Schedule	
Partially Compliant	Review	October 2023 – September 2024

<sup>22</sup> See Complaint #s 2024-5-199-000743 and 2024-9-008-001398.

 Policy:	Implemented	Period	
 Training:	Not Implemented	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

1. Training on stops, searches and seizures is consistent with approved policies and the requirements of Paragraphs 59, 65-78.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
2. 95% of officers are trained and certified in stops, searches, and seizures (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of relevant trainings are reviewed at least once a year.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

Policies for training on stops, searches, and seizures (GOs 612 and 615) were reviewed and approved by the Monitor's Office and PRPB approved and signed them in March and October 2022, respectively. These policies conform with generally accepted policing practices and constitutional mandates. The present in-service training for courses based on GOs 612 (Searches and Seizures) and 615 (Arrests and Summons) has reached an almost 100% compliance rate.<sup>23</sup> The Monitor's Office has audited some of this in-service training and found that it properly adheres to generally accepted policing practices. PRPB is aiming to maintain a training schedule to comply with this paragraph moving forward.<sup>24</sup> However, PRPB has failed to provide evidence of scenario-based and interactive exercises as required by this paragraph and PRPB GO 612 (Section IV.B.c.), which the Monitor's Office interprets this requirement to mean in-person role-playing exercises.

PRPB has not kept up with training reviews and evaluations. As reported the training section during CMR-10, "...during this reporting period only two courses were submitted to the Monitor's Office for review that contained documentation demonstrating the... feedback mechanism. The other trainings submitted for review during the reporting period only provided documentation demonstrating training delivery, not the feedback mechanism. PRPB also reports that 16 courses are in various stages of review or revision, which the Monitor's Office is unable to review at this point." Most recently, in a November 2024 meeting with SAEA, it was reported that all in-service course evaluations have been suspended until Benchmark Analytics is in place.

### *Pathway Forward*

PRPB must ensure that officers of all ranks receive in-person scenario-based training and interactive exercises (in-person role-playing), which are required by this paragraph and GO 612 (Searches and Seizures). This training is necessary to understand policy requirements and the practical application of such procedures. PRPB must also keep up with yearly course reviews and evaluations in order to reach and maintain compliance with this section.




<sup>23</sup> See December 2023 SAEA Training Compliance Certification.

<sup>24</sup> See PRPB Final Consolidated Status Report #3.

## Paragraph 79: Searches and Seizures - Training on Stops, Searches, and Seizures

PRPD shall train all supervisors and command officers on PRPD's stop, search, and seizure policies. Thereafter, PRPD shall provide all supervisors and command officers with training on reviewing subordinates' stops, searches, and seizures at least annually and, as necessary, based on developments in applicable law and PRPD policy. PRPD shall coordinate and review all policies and training on stops, searches, and seizures to ensure quality, consistency, and compliance with the Constitution and laws of the United States and the Commonwealth of Puerto Rico, this Agreement, and PRPD policy. PRPD shall conduct regular subsequent reviews of this training at least annually, and report its findings. PRPD's training on stops, searches, and seizures for supervisors and command officers shall include the following topics:

- a) requesting medical services and questioning detainees and arrestees for pain or injury;
- b) report writing, including reviewing reports on stops, searches, and seizures for completeness, accuracy, and quality, including recognizing boilerplate language and how to document discrepancies;
- c) assessing the legality and appropriateness of a stop, search, or seizure;
- d) legal standards governing searches and seizures, including legal standards and requirements for criminal accountability, administrative accountability, and performance improvement related to tactics, training, equipment, and policy sufficiency; and
- e) recommending and administering proper discipline and non-punitive corrective action related to searches and seizures.

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented	Assessment Frequency	Annually
 Practice:	Not Implemented		

### Compliance Targets

1. Training on stops, searches, and seizures is consistent with approved policies and the requirements of Paragraphs 59, 65-77, and 79.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
2. 95% of supervisors and commanders are trained and certified in stops, searches, and seizures (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of relevant trainings are reviewed at least once a year.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### Compliance Assessment

Policies for training on stops, searches, and seizures (GOs 612 and 615) were reviewed and approved by the Monitor's Office and PRPB approved and signed them in March and October 2022, respectively. These policies conform with generally accepted policing practices and constitutional mandates. The present in-service training for courses based on GOs 612 (Searches and Seizures) and 615 (Arrests and Summons) has reached 100% compliance.<sup>25</sup> The training population included all officers and supervisors,

<sup>25</sup> See December 2023 SAEA Training Compliance Certification.

as well as command officers. The Monitor's Office has audited some of this in-service training and found that it properly adheres to generally accepted policing practices. PRPB aims to maintain a training schedule to comply with this paragraph.<sup>26</sup> However, scenario-based training and interactive exercises which require in-person role playing applications have not been conducted.

PRPB has not kept up with training reviews and evaluations. As noted in the Training section assessment during CMR-10, "...during this reporting period only two courses were submitted to the Monitor's Office for review that contained documentation demonstrating the feedback mechanism. The other trainings submitted for review during the reporting period only provided documentation demonstrating training delivery, not the feedback or review mechanism. PRPB also reports that 16 courses are in various stages of review or revision, which the Monitor's Office is unable to review at this point." Most recently, in a November 2024 meeting with SAEA, it was noted that all in-service course evaluations have been suspended until Benchmark Analytics is in place. Further, course materials for virtual and in-service training were subsequently provided for review after this reporting period.

#### *Pathway Forward*

In-person scenario-based training and interactive exercises (role-playing) are required by Paragraph 78, as well as PRPB GO 612 (Searches and Seizures). PRPB must ensure that officers of all ranks receive this training so that they understand policy requirements and the practical application of such procedures. PRPB must also keep up with yearly course reviews and evaluations in order to reach and maintain compliance with this section.

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<sup>26</sup> See PRPB Final Consolidated Status Report #3.

#### IV. Equal Protection and Non-Discrimination

The Commonwealth continues to demonstrate a strong commitment to developing and refining policies aimed at ensuring clear guidance and accountability in its operations related to Equal Protection and Non-Discrimination. However, the effective implementation of these policies heavily relies on robust reporting systems, which PRPB is actively working to enhance. Key systems, including NIBRS reporting and training on the identification and reporting of hate crimes training, civilian complaint process, bias-free policing, and ProMedia, require significant attention and further development. Currently, stagnation in these areas has impeded progress and hindered the establishment of necessary processes, emphasizing the importance of addressing these challenges to enhance transparency and effectiveness within the Bureau.

During the reporting period, the Monitor's Office reviewed and approved several key documents aimed at enhancing domestic violence (DV) investigations. On May 31, 2024, GO 627 (DV Investigations) and related forms, including PPR 701.3-7, PPR 118.1 (DV Case File Comparison Sheet), and GO 154 (Protection Order Processing Operations Center - COPOP), were approved. Additionally, GO 630 (Identification of Hate Crimes and/or Incidents) received approval on September 12, 2024. The Hate Crimes Manual is pending approval. Other important approvals on May 31, 2024, included PPR 118.1 (Gender Violence and Juvenile Affairs Division), PPR 118.3 (DV Case File Comparison Sheet), and PPR 118.4 (Case File Comparison Sheet for Sexual Offenses and Child Abuse). Furthermore, PPR 118.5 (Agent Notes without Weapons Description) was approved on May 15, 2024, and the Internal Regulations for Virtual Courses was approved on August 30, 2024. These policies and forms meet the paragraph requirements and adhere to established standard policing practices.

To accurately gauge its performance and ensure compliance with established standards, PRPB must prioritize strengthening its reporting systems. This focus will facilitate better monitoring, evaluation, and reporting of its policies and practices, ultimately leading to greater organizational accountability. The agency is actively developing and implementing plans to improve its reporting methods, reflecting its commitment to better data collection, management, and reporting practices.

Despite incremental progress in complying with the anti-discrimination requirements outlined in the Agreement, critical gaps remain in demonstrating equitable policing practices and community interactions. Although PRPB has shown engagement through various community outreach programs and training initiatives, substantial deficiencies persist in data collection, content analysis, and transparent reporting, which are essential for evaluating adherence to bias-free policing standards. Areas of concern include inadequate documentation verifying the absence of discrimination in community activities, incomplete training data reflecting regression in compliance targets, and inconsistencies in reporting juvenile facility incidents.

Furthermore, recent changes to PRPB's reporting and data management processes show potential but have yet to be fully implemented to achieve compliance. While efforts to address these issues are underway, PRPB must provide comprehensive, verifiable documentation and implement systematic analyses to ensure all activities are conducted without discrimination, thus fulfilling its commitment to



equitable policing practices. To achieve full compliance, PRPB should continue supporting the transgender and transsexual communities while addressing any outstanding areas of concern.

In summary, the Commonwealth's compliance with the Equal Protection and Non-Discrimination paragraphs reveals slightly improved progress compared to what was previously observed in prior CMRs. In CMR-9 48% (10 paragraphs) of paragraphs assessed were partially compliant and 19% (4 paragraphs) of paragraphs assessed were substantially compliant, in comparison to the current reporting period, where 71% of paragraphs (15 paragraphs) were found to be partially compliant and 5% (1 paragraph) of paragraphs assessed were substantially compliant. One paragraph (5%) moved to fully compliant. See figure 5.

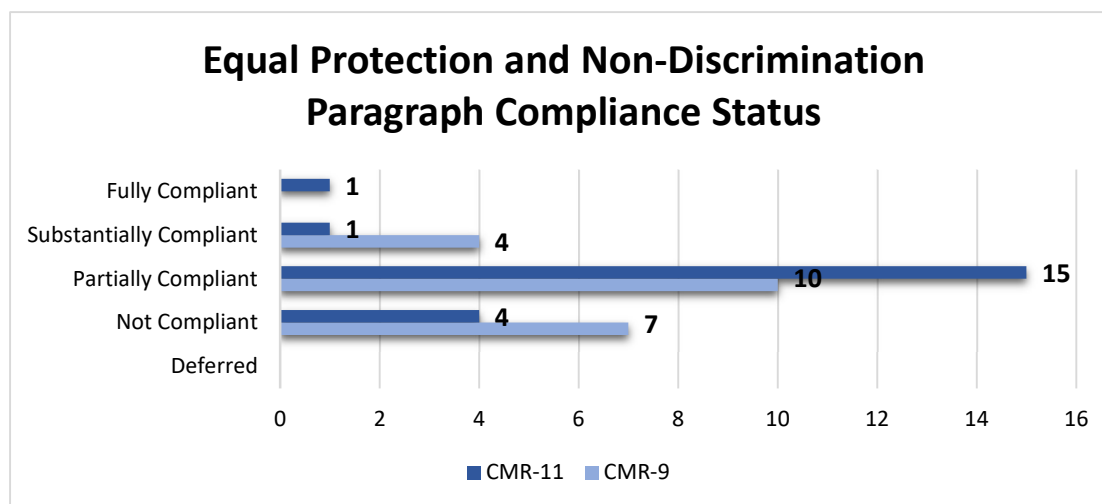





Figure 5. Equal Protection and Non-Discrimination Paragraph Compliance Status

### Paragraph 80: Equal Protection and Non-Discrimination – General Provisions

*PRPD shall ensure that police services are delivered equitably, respectfully, and free of unlawful bias, in a manner that promotes broad community engagement and supports effective crime prevention. In conducting its activities, PRPD shall ensure that members of the public receive equal protection of the law, without bias based on race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression, or political ideology or affiliation, and in accordance with the rights, privileges, or immunities secured or protected by the Constitution and laws of the United States and the Commonwealth of Puerto Rico.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### *Compliance Targets*

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Note: Compliance will be determined on two separate but inter-dependent bases: (1) the implementation of Paragraphs 81 – 100, and (2) the results of outcome assessments, pursuant to Paragraph 243 of the Agreement.

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### *Compliance Assessment*

PRPB has not fully complied with the requirement to deliver police services equitably, respectfully, and free of unlawful bias as outlined in the Agreement. Several areas require significant improvement. PRPB failed to meet the 95% compliance threshold for critical training, including bias-free policing, due to scheduling issues, delays in developing virtual training programs, and a shortage of instructors. While a comprehensive Training Plan was implemented in April 2023 to address these shortcomings, full compliance has not been reached.

PRPB's systems for National Incident-Based Reporting System (NIBRS) reporting, hate crime management, and performance evaluations exhibit significant deficiencies, which are essential for achieving unbiased and effective policing. The inconsistent handling of sexual assault (SA) and DV cases across different regions underscores the urgent need for standardized procedures to ensure equitable services. Additionally, PRPB must enhance its agents' skills in conducting trauma-informed interviews, indicating that further advancements are necessary in this area. It is particularly concerning that victims are often subjected to multiple interviews, which can exacerbate their trauma. Furthermore, it is disheartening to note that PRPB has ceased using the SAFEKIT platform for tracking forensic analysis, a system that previously kept victims informed about the status of their cases.

Despite these challenges, PRPB has made progress in community outreach, notably through the *Foreign Nationals Rights* pamphlet and the implementation of systems like COPOP for managing protective orders.

### *Pathway Forward*

PRPB is only partially compliant in the Equal Protection and Non-Discrimination section of the Agreement. To move toward full compliance, PRPB must complete investigation reports, conduct program evaluations that reflect community engagement, improve NIBRS and hate crime reporting, and document interactions with transsexual and transgender individuals to ensure fair and respectful treatment. Addressing these issues will enhance transparency, accountability, and adherence to the standards set forth in the Agreement.

PRPB submitted documents that demonstrate its commitment to achieving compliance; however, it is crucial to acknowledge that incomplete documentation has hindered its ability to fully showcase effective delivery of critical police responses. Despite this challenge, PRPB is making commendable strides in developing training programs and implementing best practices, with both virtual and in-person training formats currently under development. Additionally, the introduction of a new RMS aims to facilitate data-driven processes for collecting and analyzing incidents, though this initiative remains a work in progress.

To enable a thorough compliance assessment, PRPB must provide several essential pieces of information. First, it is imperative that all investigation reports are comprehensive and include all pertinent details. Furthermore, PRPB should conduct program evaluations and maintain documentation that reflects its engagement with the community. Establishing robust procedures for NIBRS reporting is also necessary to ensure accurate and comprehensive incident reporting. Moreover, PRPB must maintain detailed records of hate crimes and ensure these incidents are reported to the Federal Bureau of Investigation (FBI) according to established protocols. Finally, documentation of interactions with transsexual or transgender individuals is essential to guarantee equitable and respectful treatment.

In addition to these measures, PRPB should actively involve the community in the development and delivery of its training programs. By providing these critical elements for assessment, PRPB can enhance its transparency and accountability in meeting established standards.

## 1. General Provisions



PRPB demonstrates a strong commitment to developing and refining policies to ensure clear guidance and accountability. However, the practical implementation of these policies is heavily dependent on its reporting systems, which PRPB continues to work on improving. Critical systems, including NIBRS reporting, hate crime training, civilian complaint training, bias-free policing training, and ProMedia training, still need significant attention and development.

PRPB is currently experiencing stagnation in these areas, which has impeded progress and hindered the development of necessary processes. Addressing these challenges is essential for enhancing transparency and effectiveness within the Bureau. To accurately measure its effectiveness and ensure compliance, PRPB must prioritize strengthening these systems. Doing so will enable better reporting, monitoring, and evaluation of its policies and practices.

PRPB is actively developing and implementing plans to improve its organizational reporting methods. These initiatives, which are either in progress or in the planning phase, reflect PRPB's commitment to better data collection, management, and reporting. By advancing these efforts, PRPB is taking crucial steps toward greater transparency and accountability in its operations.

### Paragraph 81: Equal Protection and Non-Discrimination – General Provisions

*PRPD shall develop policies and procedures that comply with applicable law and comport with generally accepted policing practices on bias-free policing; provide training as described in this Agreement; ensure consistent supervision; and hold officers accountable for complying with applicable law and policy.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented		Annually



Practice:

Not Implemented

Assessment  
Frequency*Compliance Targets*

- |   |   |  |
|---|---|--|
| 1. Policies and procedures comply with applicable law and comport with generally accepted policing practices on bias-free policing. | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed            |
| 2. Trainings comply with applicable law and comport with generally accepted policing practices on bias-free policing.               | <input type="checkbox"/> Met            | <input checked="" type="checkbox"/> Missed |
| 3. 95% of reviewed supervisory and field records indicate that officers are supervised consistently.                                | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed            |

Note: The requirement of this Paragraph regarding PRPB's development of policies and procedures that comply with applicable law and comport with generally accepted policing practices on bias-free policing, is assessed together with Paragraphs 87, 88 and 109 of the Agreement.

Note: The requirement of this Paragraph that relates consistent supervision is assessed together with Paragraphs 135 (Supervision and Management), and 140 (Duties of Supervisors).

Note: The requirement of this Paragraph that relates to holding officers accountable for complying with applicable law and policy is assessed together with Paragraph 159 (Civilian Complaints, Internal Investigations, and Discipline).

Note: The requirement of this Paragraph that requires training as described in this Agreement is assessed together with Paragraphs 90, 117 (Training), 118 (Pre- Service Training), 123 (Field Service Training), and 129 (In- Service Training).

*Compliance Assessment*

During the reporting period, PRPB submitted a report to the Monitor's Office documenting 365 non-punitive cases involving PRPB personnel. No new policies or procedures were provided to the Monitor's Office for review during this reporting period, resulting in Target 1 being sustained as met.

For Target 2, PRPB has not provided training related to the courses associated with this paragraph, nor has it addressed the principles of bias-free policing within the required training timeframes. As a result, Target 2 remains unmet.

Regarding Target 3, PRPB submitted documentation in the form of PPR 639.1 (Verbal Warning), which serves as evidence of consistent officer supervision during duty hours. This document includes critical details such as the individual's name, ID number, assigned district or area, and the date of the verbal warning. The documentation complies with policy requirements, confirming that the policies are being implemented successfully.




*Pathway Forward*

To address the deficiencies identified, PRPB must prioritize the full implementation of its Training Plan, ensuring that all personnel receive comprehensive training on key policing practices related to bias-free policing. This training should cover essential topics such as implicit bias, racial profiling, and other foundational elements to foster unbiased law enforcement.

Additionally, PRPB must continue documenting supervisory oversight through the consistent use of PPR 373 (Daily Assignment Log Sheet). This process is crucial for confirming that supervisors are monitoring personnel effectively and ensuring accountability. Continuation and thorough documentation of this practice will help PRPB achieve and sustain compliance moving forward.

## Paragraph 82: Equal Protection and Non-Discrimination – General Provisions

*PRPD shall revise its complaint classification policies to effectively capture and track civilian complaints alleging discriminatory policing, even if the complainant does not specifically label the misconduct as such.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Implemented		

### Compliance Targets

- |  |   |                                 |
|--|---|---------------------------------|
| 1. PRPB classification policies comply with the requirements of the Paragraph.                                     | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |
| 2. PRPB classifies and tracks allegations of discriminatory policing in accordance with policy and this Paragraph. | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |


Note: This Paragraph is assessed with Paragraph 160 (Civilian Complaints) and Paragraph 174 of the Agreement (Complaint Intake, Classification, Assignment, and Tracking).

### Compliance Assessment

PRPB has provided documentation and evidence through SARP, demonstrating its compliance with regulations and policies for classifying and documenting discrimination allegations. Specifically, PRPB submitted a detailed tracking report covering the period from October 2023 to March 2024, which included 18 SARP cases. During this period, the Monitor's Office reviewed all these cases, gathering key data such as case number, type, date, status, investigation start date, assigned investigator, disposition, missing information, and the source of the complaint. This comprehensive data collection and reporting reflects PRPB's commitment to accurately categorizing and monitoring allegations of discriminatory policing.

## Paragraph 83: Equal Protection and Non-Discrimination – General Provisions

*PRPD shall revise all documentation produced in relation to officer and civilian interactions, including documentation related to arrests, traffic stops, investigatory stops and detentions, searches, property seizures, and civilian complaints, so that it permits officers to accurately record the demographic information of all involved persons, including alleged subjects and victims.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		

 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

1. All documentation produced in relation to officer and civilian interactions permits officers to accurately record the demographic information of all involved persons ☐ Met ☒ Missed

Note: This Paragraph is assessed with Paragraph 160 (Civilian Complaints) and Paragraph 174 of the Agreement (Complaint Intake, Classification, Assignment, and Tracking).

### *Compliance Assessment*

To demonstrate adherence to this paragraph, PRPB submitted the exact same information as in previous CMRs. PRPB provided a list of forms in GTE, along with their revision dates ranging from December 2018 (PPR 621.1 – Incident Report and 621.2 – Report of Other Incidents or Services) to August 2019 (PPR 126.2 (Complaint Card), 605.1 (UOF Report), 605.2 (Supplementary Report), 605.3 (Notification of UOF), as evidence of adherence. However, this reflects a regression compared to the CMR-7 reporting period, when PRPB submitted an updated traffic stop card for review, which included specific categories for collecting demographic data.

Most of the listed forms collect demographic information in a standardized manner, including fields for the individual's last name, mother's last name, legal name, initial, preferred name, age, gender, race, and nationality. PRPB had revised PPR 126.2 in 2021 to incorporate ethnicity, but challenges with the GTE hindered officers from accurately recording race data. In response, PRPB revised GTE in late summer 2022 and issued directives to ensure proper use.

To maintain compliance, it is essential to ensure consistency in the collection of demographic data. While PRPB has made progress in addressing the issues, particularly with recent revisions to arrest reports and the latest traffic stop card, limitations in GTE continue to prevent demographic data from being easily searchable. This requires manual review of each report, making demographic data impractical for public information purposes.

Looking forward, the implementation of the new RMS may help resolve these challenges. Additionally, the ongoing work by IT CAP and the Commonwealth's contractor, AH Datalytics, shows promise in improving PRPB's ability to consistently capture, aggregate, and analyze demographic data.

### *Pathway Forward*

The implementation of the new RMS will significantly enhance PRPB's ability to accurately document and manage data related to officer and civilian interactions. The RMS will streamline the data collection process by providing a more efficient, standardized platform for recording encounters such as traffic stops, arrests, and civilian complaints. This system will ensure that officers consistently capture demographic information, including race, ethnicity, gender, and nationality, for all individuals involved.






By automating certain processes, the RMS will reduce human error and address previous issues with data accuracy, particularly those encountered with the GTE.

Additionally, the RMS will greatly improve the searchability and accessibility of demographic data, resolving current limitations that require manual review of reports. With the RMS, PRPB will be able to aggregate data more effectively, enabling comprehensive analysis to identify trends, inform operational procedures, and enhance transparency. This system will also facilitate compliance monitoring, as it will provide reliable and easily accessible records for review by the Monitor's Office.

By improving data accuracy, consistency, and usability, the RMS will be instrumental in helping PRPB meet its compliance obligations while promoting greater accountability and transparency to the public.

#### Paragraph 84: Equal Protection and Non-Discrimination – General Provisions

*PRPD shall incorporate concrete requirements regarding bias-free policing and equal protection into its hiring, promotion, and performance assessment processes, including giving significant weight to an individual's documented history of bias-free policing. PRPD will comply with the non-discrimination requirements of Title VII of the Civil Rights Act of 1964, as amended.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually for Data Sources #3, #4, and #11. Annually for the other Data Sources.
 Training:	Not Implemented		
 Practice:	Not Implemented		

#### Compliance Targets

1. PRPB policies and procedures regarding hiring process comply with the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Hiring process trainings are consistent with bias-free policing and equal protection provisions of approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in all policies related to the civilian complaint program (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. 95% of reviewed candidates were selected consistent with approved policies regarding bias-free policing and equal protection.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. PRPB policies and procedures regarding promotion assessment process comply with the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. Promotion assessment trainings are consistent with bias-free policing and equal protection provisions of approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed



7. 95% of sampled personnel are trained and certified in all policies related to the civilian complaint program (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed
8. 95% of the reviewed promotions were awarded consistent with approved policies regarding bias-free policing and equal protection.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
9. PRPB policies and procedures regarding performance assessment comply with the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
10. Performance assessment trainings are consistent with bias-free policing and equal protection provisions of approved policies.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed
11. 95% of sampled personnel are trained and certified in all policies related to performance evaluations (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed
12. 95% of performance evaluations reviewed are consistent with approved policies regarding bias-free policing and equal protection.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
Note: The requirement of this Paragraph that require PRPB to incorporate bias-free policing and equal protection into its hiring practices is assessed together with Paragraph 104 (Hiring Reforms).	
Note: The requirement of this Paragraph that requires PRPB to incorporate bias-free policing and equal protection in its performance assessment process is assessed together with Paragraph 145 (Performance Evaluation).	
Note: The requirement of this Paragraph that requires PRPB to incorporate bias-free policing and equal protection in its promotion assessment process is assessed together with Paragraph 14 (Promotions).	

### *Compliance Assessment*

During the reporting period, the Monitor's Office conducted an evaluation of all 12 compliance targets, revealing both successes and areas where PRPB fell short of achieving compliance.

PRPB policies and procedures regarding the hiring process comply with the requirements of the paragraph. The newest recruitment policy (GO 501) is still with the Commissioner's Office for signature. PRPB has successfully adhered to its policies and procedures regarding the hiring process, a continuation of the positive findings from previous CMRs. The Monitor's Office determined that PRPB's approved hiring policies met the required standards. Furthermore, PRPB took proactive steps to revise policies related to performance evaluations (GO 310) and promotions. Target 1 is met.

PRPB submitted 92 training records through PTMS, outlining agents' training histories. Unfortunately, these records lacked any documentation related to training on hiring practices, meaning Target 2 is missed. Furthermore, the hiring process training course has not been reviewed by the Monitor's Office to determine if it is consistent with bias-free policing and equal protection provisions of approved policies.

PRPB has not fully trained and certified its personnel on the civilian complaint program (ESAL 201: Process on Handling Administrative Complaints and Non-Punitive Discipline). PRPB self-reported that 141 agents received this training in 2023, falling short of the 95% compliance threshold. Additionally, 66 civilian training files were submitted for review, of which 49 personnel had received training, but not in ESAL 201, and 17 had received no training at all. Furthermore, the IGPD Multitemático Igual Protección y No Discrimen course, which is part of the in-service training, only briefly referenced the civilian

complaint policy without adequately covering the process, procedures, or outcomes. As a result, it could not be counted toward compliance. Therefore, Target 3 is missed.

The Monitor's Office reviewed a global list, dated October 3, 2024, showing 411 candidates in various stages of the recruitment process. However, this list did not allow for verification that the candidates were selected in accordance with policies regarding bias-free policing and equal protection, due to inconsistencies such as duplicate entries for some candidates. Consequently, Target 4 is missed.

PRPB submitted documentation, PPR 310.1 (Performance Evaluation Form) that successfully demonstrates that 498 personnel were eligible for the second lieutenant exam, and 102 were eligible for the captain exam. This follows its promotional policy. As a result, Target 5 is met.

PRPB certifies that it did not schedule and initiate promotion assessment training that aligns with the principles of bias-free policing and equal protection, as required by policy. Ninety-two training records were submitted and reviewed by the Monitor's Office for compliance, and there is no notation of promotional assessment training in these records. Therefore, Target 6 is missed.

Similar to Target 3, PRPB failed to provide or schedule training to certify agents on the civilian complaint program, resulting in a missed target.

PRPB met Target 8 by conducting promotions across various ranks, ensuring that these promotions were consistent with policies regarding bias-free policing and equal protection. PRPB submitted PPR 310.1 to verify the promotions.

The policies and procedures related to performance assessment fully complied with paragraph requirements. Specifically, the approval of GO 310 (Performance Evaluations) during the prior reporting period contributed to the successful completion of Target 9.

PRPB did not implement, or schedule performance assessment training related to bias-free policing and equal protection, resulting in a missed target.

While PRPB reported over 95% of personnel received a 30-minute introductory course on ProMedia, this was insufficient for full understanding and application of the performance evaluation process. Additionally, a review of 92 PTMS records indicated the absence of training documentation related to performance evaluations. PRPB plans to implement a new evaluation process under GO 310 starting in January 2025. However, currently, this target remains unmet.

A review of 25 performance evaluations using form PPR 310.1 revealed that supervisors are effectively using ProMedia for officer evaluations. The evaluations covered January 2023 to December 2023 and provide clear examples of how the evaluation process should function. The next round of evaluations is scheduled for 2025. These evaluations demonstrate the inclusion of supervisor comments, goal-setting, and qualitative feedback. As a result, Target 12 has been met.

Overall, PRPB has shown progress in meeting certain targets, but there are several areas requiring further attention, particularly regarding the training and certification of personnel on the civilian complaint program, performance evaluation systems, and recruitment practices. PRPB needs to ensure




that agents receive proper training on bias-free policing and equal protection and implement periodic evaluations of recruitment strategies to assess whether current practices may disadvantage certain candidates. These evaluations will help uncover and address disparities, such as gender-based discrepancies in physical fitness tests. Additionally, PRPB should focus on training recruiters to follow standardized, equitable hiring processes to ensure fairness throughout the recruitment and selection process.

### *Pathway Forward*

As a pathway forward, PRPB can take several critical steps to address the missed targets and improve compliance. First, PRPB can implement the appropriate course for the civilian complaint program training and develop a comprehensive training curriculum that includes all relevant procedures, ensuring that personnel are fully certified upon completion. Additionally, the recruitment process can be refined to include specific selection criteria that verify candidates are chosen in alignment with bias-free policing and equal protection policies. This will involve documenting key selection processes such as background checks, psychological testing, and education requirements, which will be submitted to the Monitor's Office for ongoing review. Lastly, PRPB can develop and implement a ProMedia training program tailored for all personnel, focusing on a deeper understanding of the system and its practical application to enhance performance evaluations. These actions will not only facilitate meeting the missed targets but also strengthen PRPB's training, recruitment practices, and use of the ProMedia system.

### **Paragraph 85: Equal Protection and Non-Discrimination - General Provisions**

*PRPD shall use the National Incident Based Reporting System ("NIBRS") to collect and report crime data.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Targets #1, #2, and #4. Bi-annually for all other Compliance Targets.
 Training:	Not Implemented		
 Practice:	Not Implemented		

### *Compliance Targets*

1. Policies, procedures, and forms/modules incorporate the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. NIBRS training are consistent with approved policies and procedures.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of sampled PRPB members are trained and certified in NIBRS.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. PRPB is using the NIBRS to collect and report crime data.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

As a pathway forward, PRPB can take several critical steps to address the missed targets and improve compliance. First, PRPB can implement the appropriate course for the civilian complaint program

training and develop a comprehensive training curriculum that includes all relevant procedures, ensuring that personnel are fully certified upon completion. Additionally, the recruitment process can be refined to include specific selection criteria that verify candidates are chosen in alignment with bias-free policing and equal protection policies. This will involve documenting key selection processes such as background checks, psychological testing, and education requirements, which will be submitted to the Monitor's Office for ongoing review. Lastly, PRPB can develop and implement a ProMedia training program tailored for all personnel, focusing on a deeper understanding of the system and its practical application to enhance performance evaluations. These actions will not only facilitate meeting the missed targets but also strengthen PRPB's training, recruitment practices, and use of the ProMedia system.

### *Pathway Forward*

To ensure the successful implementation of NIBRS and improve the accuracy of hate crime reporting, PRPB must focus on several key areas moving forward. First, continued and targeted training will be essential to enhance the officers' understanding of hate crime definitions and reporting standards, ensuring that cases are accurately classified. Additionally, PRPB should establish ongoing training programs to reinforce this knowledge, especially as legal definitions or protocols evolve.




The acquisition and integration of the new RMS is a critical step toward achieving NIBRS certification. Once fully implemented, this system will streamline reporting processes and support PRPB's ability to meet national standards. To expedite this progress, PRPB should prioritize the timely acquisition and deployment of the RMS, ensuring that staff are adequately trained on its use.

Moreover, engaging with the FBI's NIBRS resources and best practices will help PRPB build stronger reporting capabilities and improve transparency with the public. Adequate budget allocation, staffing, and technical support must be secured to sustain long-term NIBRS compliance and reporting accuracy.

By addressing these areas, PRPB can position itself to achieve full NIBRS certification while enhancing the quality and reliability of its crime reporting.

### **Paragraph 86: Equal Protection and Non-Discrimination - General Provisions**

*PRPD shall collect accurate and reliable data on hate crimes on an ongoing basis and shall submit the data to the Federal Bureau of Investigation ("FBI") for analysis and publication in the FBI's Hate Crimes Statistics report in accordance with FBI submission requirements.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually for Compliance Target #3. Annually for all other Compliance Targets.
 Training:	Not Implemented		
 Practice:	Not Implemented		

*Compliance Targets*

1. Policies on criminal investigations incorporate all of the requirements of this Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Criminal investigation trainings are consistent with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in all policies related to identifying, collecting, and reporting hate crimes (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. PRPB notifies the FBI of all identified instances of hate crimes.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. 95% of investigations of hate crimes accurately identify and report hate crimes.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: The requirement of this Paragraph that requires PRPB to track hate crimes on an ongoing basis is assessed together with Paragraph 85.

*Compliance Assessment*

During this reporting period, PRPB did not meet several critical targets related to hate crime reporting and investigations. For Target 1 the Monitor's Office received a certification covering the period from October 1, 2023, to March 31, 2024. PRPB reports that the Bureau has adopted policies for the reporting, identification, investigation, and classification of hate crimes. These policies consist of the following: GO 630 (Identification and Investigation of Hate Crimes) which was approved as recently as September 12, 2024; the Manual for the Identification and Investigation of Hate Crimes, effective since September 2022 (is still currently in review by PRPB); and the Hate Crimes Module, currently active and awaiting final review and implementation of PPR 621.1 (Incident Report), designed to gather hate crime and incident data. Additionally, this module is being redesigned by C2S to enhance case management and statistical reporting. In support of these efforts, an audit dashboard for tracking hate crime cases is also in development.

Target 2 is missed because PRPB failed to conduct any Hate Crime Training (VICO 3081) during the reporting period. As a result, the necessary criminal investigation training that aligns with approved policies was not delivered, leaving personnel untrained in critical areas related to hate crime identification and investigation. Target 3 is missed due to the lack of Hate Crime Training (VICO 3081), PRPB did not meet the required threshold of 95% of personnel being trained and certified on hate crime policies. Without this training, personnel are not adequately prepared to identify, collect, and report hate crimes, which significantly hampers PRPB's ability to comply with this target. Target 4 is missed because PRPB reported only three hate crimes during this reporting period - one of which was reclassified as a femicide rather than a hate crime. This indicates inaccuracies in hate crime reporting and suggests that PRPB may not have properly identified or notified the FBI of all applicable hate crimes, further missing the target. Target 5 is missed because the reclassification of one of the three reported hate crimes as a femicide demonstrates that PRPB has not yet achieved the accuracy required to meet this target. The need for better understanding and correct classification of hate crimes remains evident, and without accurate identification, PRPB cannot ensure the proper handling or reporting of these cases.

In this reporting period PRPB has taken proactive steps by developing a hate crime brochure, especially as it relates to the classification of femicides and trans-femicides under Law No. 40-2021, which amends Article 93 of the Penal Code. This demonstrates a clear effort to inform the public and provide

transparency regarding hate crime policies and procedures. The inclusion of a QR code for easy access to GO 630 (Identification of Crimes and/or Hate Incidents), as well as the opportunity for the public to provide comments, is a positive step toward ensuring community engagement and feedback. It also reflects PRPB's commitment to transparency and continuous improvement by allowing for public input on such critical issues. Moreover, the approval of GO 630 and the on-going review of the Hate Crime Manual signals an awareness of the need to stay current with legal and social changes, ensuring that officers are well-informed and equipped to handle hate crimes appropriately. It will be important for the Commissioner to approve and finalize the brochure soon so that it can start serving its purpose in educating the public, reporting mechanisms, and ensuring that hate crime victims, including those affected by femicides and trans-femicides, receive the attention and justice they deserve.

Overall, PRPB has missed key compliance targets due to the absence of comprehensive hate crime training and delayed reporting mechanisms. To progress toward full compliance, PRPB must prioritize training, improve its classification and reporting practices, and ensure accurate identification of hate crimes moving forward. PRPB in its training and public service announcements (brochures) must educate its workforce in understanding that hate crimes are much broader than just femicides and trans femicides. While femicides (the killing of women because of their gender) and trans femicides (the killing of transgender women because of their gender identity) are specific forms of gender-based violence that can be classified as hate crimes, hate crimes encompass a wide range of offenses motivated by bias against various groups.

#### *Pathway Forward*

To achieve compliance in hate crime reporting, PRPB must address significant deficiencies in training, accurate reporting, and investigation. The immediate priority should be delivering comprehensive Hate Crime Training (VICO 3081) to all relevant personnel, ensuring officers are equipped to properly assess and classify hate crimes. Supervisors must also receive this training to guide and oversee investigations, as their role in accountability and case review is critical. The training will assist officers in understanding that a hate crime is typically defined as a criminal act committed against a person or property that is motivated by prejudice or bias against the victim's race, ethnicity, nationality, religion, sexual orientation, gender, gender identity, disability, or other characteristics. Each of these forms of violence or discrimination can be considered a hate crime if the perpetrator is motivated by bias or hatred against a protected characteristic of the victim. Femicides and trans femicides fall under this broader umbrella when the motivation stems from hatred toward the victim's gender or gender identity.

Moreover, PRPB should enhance its efforts to ensure that all hate crimes are reported accurately to the FBI and classified according to national standards. This includes improving mechanisms for identifying hate crimes and ensuring officers are consistently trained on updated reporting protocols.

The SA/DV Implementation Plan, already developed by PRPB, must be further leveraged to prioritize hate crime training and gender-based hate crime monitoring. Additionally, the IT CAP initiative, aimed at streamlining data sharing with the FBI, will be a key component in improving reporting accuracy. Ensuring that these efforts are supported with adequate resources and continuous training will enable PRPB to fulfill its obligations under the compliance targets and achieve NIBRS certification. By focusing on these key areas, PRPB can enhance its handling of hate crimes and move toward sustained compliance with reporting standards.






## 2. Discriminatory Policing

PRPB continues to make incremental progress in complying with the anti-discrimination requirements set forth in the Agreement, yet critical gaps remain in demonstrating that policing practices and community interactions are administered equitably. In the current review, PRPB has presented evidence of engagement through a variety of community outreach programs and training initiatives, yet substantial deficiencies are observed in data collection, content analysis, and transparent reporting, all of which are necessary to evaluate PRPB's adherence to bias-free policing standards. Key areas of concern include insufficient documentation verifying that community activities are free from discrimination, incomplete training data reflecting a regression in meeting compliance targets, and inconsistencies in reporting on juvenile facility incidents. Furthermore, recent changes to PRPB's reporting and data management processes show promise but have yet to be fully implemented to meet compliance. Consequently, while efforts to address these issues are underway, PRPB must provide comprehensive, verifiable documentation and implement a systematic analysis to confirm that all activities are conducted without discrimination, thereby fulfilling its commitment to equitable policing practices. To achieve full compliance with the relevant paragraphs, PRPB should persist in its efforts to support the transgender and transsexual communities while also addressing any outstanding areas of concern.

### Paragraph 87: Equal Protection and Non-Discrimination – Discriminatory Policing

*PRPD shall apply and administer all programs, initiatives, and activities without discriminating based on race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression, or political ideology or affiliation. PRPD shall develop policies and practices to prohibit selective enforcement or non-enforcement of the law based on these characteristics. These policies and practices shall comply with applicable law and comport with generally accepted policing practice.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

- |  |   |
|--|---|
| 1. 95% of PRPB programs, initiatives, and activities conform to the requirements of the Paragraph.   | <input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed |
| 2. 95% of selected PRPB programs, initiatives, and activities are consistent with approved policies regarding bias-free policing and equal protection. | <input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed |



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Note: The section of this Paragraph that requires PRPB to develop policies and practices to conform to the requirements of this Paragraph is assessed together with Paragraphs 81, 88, and 109 (Policies and Procedures).

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### *Compliance Assessment*

The documentation PRPB has submitted does not appear to sufficiently address the requirements of this paragraph. Although PRPB provided a global list of 191 community activities delivered throughout Puerto Rico, the Monitor's Office reviewed records for over 131 community activities, including rosters and photos. However, this documentation fails to address the core issue of ensuring that all programs, initiatives, and activities are administered without discrimination based on race, ethnicity, gender, and other protected characteristics. PRPB's activities submitted appear to include a comprehensive review of a diverse selection of programs to assess continued compliance. However, the content analysis that specifically reports on whether PRPB delivers these programs without discrimination based on race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression, or political ideology or affiliation was not submitted for the Monitor's Office's review.

The paragraph specifically calls for a thorough content analysis to demonstrate that PRPB is following policies and practices that prohibit selective enforcement or non-enforcement of the law based on these characteristics. However, PRPB has not provided evidence that its activities are being carried out in a way that actively prevents bias and aligns with bias-free policing and equal protection policies.

Additionally, the current submission lacks comprehensive data collection on key aspects, such as interactions that do not result in citations or arrests and encounters with individuals in crisis. This absence of critical data hinders the Monitor's Office from conducting a complete assessment of PRPB's application and administration of all programs, initiatives, and activities in a non-discriminatory manner, as required by the paragraph.




With PRPB's new RMS, there is potential for a more detailed analysis of programs and activities to ensure they are being delivered without discrimination. However, until PRPB provides a content analysis that demonstrates consistent application of these policies, their submission remains inadequate for compliance.

### *Pathway Forward*

Significant efforts are required to ensure that all PRPB programs fully align with the requirements outlined in this paragraph. While PRPB has made commendable progress in developing and coordinating bias-free policing and equal protection initiatives through the Community Engagement Division, there remains a critical need to enhance the quality of PRPB's data and its analytical capabilities. Improving data collection and analysis will allow PRPB and the Monitor's Office to more effectively evaluate whether PRPB's programs, initiatives, and activities are being administered in accordance with this paragraph and related paragraphs, such as Paragraph 91. In summary, in order for the Monitor's Office to assess whether PRPB programs, initiatives, and activities conform to the requirements of the paragraph and are being administered without discriminating based on race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression, or political ideology or affiliation, it must be able to analyze the data and outcomes of said activities.

### Paragraph 88: Equal Protection and Non-Discrimination – Discriminatory Policing

*PRPD shall develop policies to provide all individuals within the Commonwealth with police services in a non-discriminatory fashion to build and preserve trust among community members and more effectively prevent and solve crime. As part of these efforts, PRPD shall seek the assistance of community advocates in widely disseminating to the public its written policies on immigration-related laws.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Data Sources #1, #2 and #4. Bi-annually for the remaining Data
 Training:	Not Implemented		
 Practice:	Not Implemented		

#### Compliance Targets

1. PRPB policies complied with the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Trainings on discrimination free policing are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled PRPB members are trained and certified in discrimination free policing.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. Pertinent policies on pertinent immigration-related law were widely disseminated to the public.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: This Paragraph is assessed together with Paragraphs 81, 87, and 109 (Policies and Procedures).

#### Compliance Assessment

For this paragraph, PRPB provided a comprehensive list and training sessions records attended by 92 members. For Target 2, the Monitor's Office previously reviewed IGPD 5011 (Multi-Themed Equal Protection and Non-Discrimination), IGPD 5011SC (Supervisors Course Multi-Themed Equal Protection and Non-Discrimination), and IGPD 5011R (Refresher Multi-Themed Equal Protection and Non-Discrimination). These courses were found to be consistent with approved PRPB policies, meaning that Target 2 is met.

Regarding Target 3, PRPB submitted records for 92 agents' training, but these records indicate that no personnel participated in IGPD 5011, IGPD 5011SC, or IGPD 5011R. These courses are crucial components of PRPB's 40-hour 2024 training plan. However, without documentation confirming the officers' participation in these courses, Target 3 is missed. This represents a regression from CMR-9, where IGPD 5011 met the 95% compliance threshold as part of PRPB's comprehensive training strategy. Additionally, IGPD 5011SC (a 4-hour session for sergeants and above) and EEO 2061C (a 4-hour course for sergeants and above) were completed in the previous reporting period.

For Target 4, PRPB submitted a report on 24 community activities using the CICs to disseminate pertinent immigration law and PRPB policies. One example, on June 15, 2024, a CIC discussion aimed at the foreign

community was held in the Carolina police area. There is a large community of citizens born in the Dominican Republic, and they were chosen to receive valuable information about services offered by the Dominican Republic consulate. Representatives from the consulate provided guidance to the Dominican community on topics such as elderly care, how to bring their loved ones to the Dominican Republic when they pass away and encouraging the community to reach out to the consulate for information, regardless of their migratory status or if their papers have expired. PRPB also participated by sharing crime prevention information and instructing the community on how to avoid becoming victims, even if their migratory status is indefinite.




### *Pathway Forward*

PRPB has taken proactive steps by providing a comprehensive list of global training sessions attended by its personnel. PRPB is on the right track, as the courses IGPD 5011, IGPD 5011SC, and IGPD 5011R have been reviewed and found consistent with approved policies. However, sustaining compliance will require ongoing delivery of these courses to all relevant personnel and ensuring their consistent integration into the 40-hour annual training plan. To regain compliance, PRPB must ensure that all personnel, including supervisors, complete these courses and that participation is properly documented. Implementing a more rigorous tracking system for officer training participation will prevent such discrepancies in future reporting periods. Regular internal audits and checks should be performed to ensure all training requirements are met and fully recorded.

PRPB should continue to evaluate the impact of these community interactions on crime prevention and community relations to help identify areas of improvement. PRPB should also establish a system to gather feedback from the community about the effectiveness of these sessions, ensuring that community concerns are addressed.

### **Paragraph 89: Equal Protection and Non-Discrimination - Discriminatory Policing**

*PRPD shall develop a specific policy to guide officers' interactions with transgender or transsexual individuals that addresses gender identification, gender expression, transportation, processing, housing, and medical treatment.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Targets #1 and #2. Bi-annually for all other Compliance Targets.
 Training:	Not Implemented		
 Practice:	Not Implemented		

### *Compliance Targets*

- |   |   |                                 |
|---|---|---------------------------------|
| 1. PRPB policies guide officer interactions with transgender or transsexual individuals as required by the Paragraph. | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |
|---|---|---------------------------------|

2. PRPB trainings on interactions with transgender or transsexual individuals are consistent with approved policies.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed
3. 95% of sampled PRPB members are trained and certified in policies regarding interactions with transgender or transsexual individuals.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed
4. 95% of reviewed PRPB reports suggest compliance with PRPB policies regarding interactions with transgender or transsexual individuals.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

PRPB submitted various documents to meet all four targets. Specifically, for Target 1, GO 624 (Interactions with Transgender and Transsexual Persons) was last reviewed and approved on August 2, 2023. Recommendations to the policy were made in the areas of definitions, agent interactions, rules, and procedures. PRPB made those changes, and the policy was approved.

In review of Target 2, the Monitor's Office has not reviewed the most updated/revised version of REA 624 (Interactions with Transgender and Transsexual Individuals) or VITT 3081 (Virtual Training-Interactions with Transgender and Transsexual Individuals). Therefore, it is not known if PRPB trainings on interactions with transgender or transsexual individuals are consistent with approved policies. The Monitor's Office requests that this curriculum be made available to review the revisions as they relate to the updated policy.

For Target 3, PRPB submitted 93 agent training records which documents that REA 624 (Interactions with Transgender and Transsexual Individuals) was administered to agents between the years 2016 and 2022. While PRPB does partially meet the target that REA 624 was administered to its agents, no training documents indicate that there has been current REA 624 training with the new policy updates. Therefore, Target 3 is missed in this reporting period.

In a review of Target 4, PRPB reports six interactions between PRPB personnel and transgender or transsexual individuals. PRPB provided case files for only two of these interactions (33%). The two cases involved a DV and aggravated robbery incident. The review cannot determine whether PRPB complies with its own policies regarding interactions with transgender or transsexual individuals due to the way the cases are documented. In one case file a checklist is used; however, there is no notation that the victim was referred to services. For example, there is no documentation that PRPB personnel provided information on support services, medical attention, or a DV escape plan, per policy. The Monitor's Office finds that Target 4 is missed.

### *Pathway Forward*




PRPB's pathway forward involves a commitment to ensuring that personnel are trained and certified in effectively interacting with transgender and transsexual individuals. This includes upholding and enhancing compliance with GO 624 (Interactions with Transgender and Transsexual Individuals). To evaluate the quality of these interactions, PRPB must implement a comprehensive data collection system that tracks key performance metrics, such as gender identification, expression, transportation, processing, housing, and medical treatment. These metrics, recorded in police reports, should undergo detailed analysis to assess the effectiveness of current policies and inform necessary updates for improving services to the transgender and transsexual community.

Additionally, it is essential for PRPB to actively build a strong, trusting relationship with the transgender and transsexual community. While the community has expressed a willingness to engage in dialogue, PRPB has been hesitant. Moving forward, PRPB must prioritize open communication and collaboration to better serve and support the community's needs.

### Paragraph 90: Equal Protection and Non-Discrimination - Discriminatory Policing

*PRPD shall provide all PRPD officers with training on biased-free policing at least every two years for the first four years of this Agreement, and annually thereafter. PRPD shall also provide training on biased-free policing as necessary, based on developments in applicable law and PRPD policy. PRPD's training program shall include the following topics:*

- a) PRPD policies and requirements in this Agreement regarding biased-free policing;*
- b) community perspectives of discriminatory policing;*
- c) constitutional and other legal requirements related to equal protection and unlawful discrimination;*
- d) the protection of civil rights as a central part of the police mission;*
- e) arbitrary classifications and stereotyping based on age, race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression and political ideology or affiliation;*
- f) interacting with diverse populations, including persons who are homeless and economically disadvantaged;*
- g) identification of key decision points where prohibited discrimination can take effect at both the incident and operational planning levels;*
- h) methods, strategies, and techniques to reduce misunderstanding, conflict, and complaints due to perceived bias or discrimination, including community-oriented policing strategies; and*
- i) comprehensive testing that shows complete understanding of rules and regulations.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually for Compliance Target #5. Annually for all other Compliance Targets.
 Training:	Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. PRPB trainings on discrimination free policing are consistent with the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. 95% of reviewed training records complied with the training frequency requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of reviewed training curriculums complied with the content requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. Tests accurately assess an understanding of rules and regulations related biased-free policing.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

5. 95% of sampled PRPB members are trained and certified in bias-free policing. ☐ Met ☒ Missed

Note: This Paragraph is assessed together with Paragraph 81 and 117 (Training).

### Compliance Assessment

During the reporting period, PRPB achieved partial compliance by meeting four of the associated targets. This marks progress from the prior not compliant status.

IGPD 5011R (Refresher Multi-Thematic Equal Protection and Non-Discrimination) was integrated into PRPB's training plan. The training curriculum and its associated testing materials were reviewed and confirmed to meet all targets outlined in the relevant paragraph. Recognizing its importance, PRPB prioritized IGPD 5011R as a key component of its mandatory 40-hour training block, ensuring the course effectively addressed the specified requirements.

As part of its Action Plan, PRPB committed to training 100% of its personnel in IGPD 5011R by December 31, 2023. The Monitor's Office received documentation certifying that over 95% of PRPB members had completed the course ahead of schedule, meeting the compliance target. Under the terms of the Agreement, PRPB is required to provide biased-free policing training every two years for the first four years, and annually thereafter. Since PRPB achieved 95% compliance in 2023, the requirement to deliver this course moved into 2024, and training records for 2024 indicate that no IGPD 5011 was delivered. Therefore, Target 5 is missed. IGPD 5011R training will resume in 2025.

### Pathway Forward

Looking ahead, PRPB plans to use a virtual platform for delivering IGPD training, which is a positive step toward broadening accessibility. To optimize this approach, it is recommended that PRPB combine both virtual and in-person training. Topics such as legal updates, policy revisions, and support services can be effectively covered online, while hands-on skills like response techniques and interviews are best taught in person to enhance practical application during service calls. This blended approach will ensure a comprehensive and well-rounded training experience.

### Paragraph 91: Equal Protection and Non-Discrimination – Discriminatory Policing

*PRPD shall assess its operational programs, initiatives, and activities at least every two years to ensure that they are applied or administered in a manner that guarantees equal protection. As part of its assessment, PRPD shall specifically include an assessment of use of force, motor vehicle and pedestrian stops, arrests, and deployment of STUs. PRPD shall also assess its operations and tactics as part of regulatory inspections, assistance to regulatory agencies, and covert vice activities. PRPD shall base its assessment of programs, initiatives, and activities on accurate, complete, and reliable data, including data contained in the EIS, stop and detention data, use of force analyses, and operational planning and after-action reports. PRPD shall make this assessment publicly available.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		



 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

- |  |   |
|--|---|
| 1. 95% of reviewed programs, initiatives, and activities were assessed by PRPB at least every two years.   | <input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed |
| 2. 95% of reviewed assessments conducted by PRPB included an assessment of use of force, motor vehicle and pedestrian stops, arrests, and deployment of STUs, operations and tactics as part of regulatory inspections, assistance to regulatory agencies, and covert vice activities. | <input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed |
| 3. 95% of reviewed assessments of program initiatives and activities were based on accurate, complete, and reliable data, as required by the Paragraph.  | <input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed |
| 4. 95% of reviewed assessments were made publicly available by PRPB.   | <input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed |

Note: The section of this Paragraph that requires reliance on PRPB assessment of programs, initiatives, and activities on accurate, complete, and reliable data is assessed together with Paragraph 219 (Information Systems and Technology) and 148 (Early Intervention System) as to Use of Force.

Note: The section of this Paragraph that requires that operational programs, initiatives, and activities be reviewed every two years and be made publicly available, shall be assessed together with Paragraph 113 (Policies and Procedures).

### *Compliance Assessment*

During this reporting period, PRPB took initial steps to address the requirements of Paragraph 91 by modifying forms to include demographic data elements. These changes ensure that police officers collect demographic information from individuals receiving services, with the goal of evaluating and monitoring service provision to ensure it is non-discriminatory. This effort will be further supported once the new RMS becomes operational and the collected data can be validated. Despite these efforts, there has been no substantial progress in fully implementing Paragraph 91 during this reporting period.

In a September 2024 meeting, the Parties discussed the status of Paragraph 91. USDOJ clarified that the discussion was centered on OSM's offer to assist PRPB in implementing Paragraph 91, which emphasizes the collection and analysis of demographic data to ensure equitable delivery of police services. OSM acknowledged that delays in the development of the RMS posed a significant challenge but suggested that PRPB could begin developing a proof of concept in the meantime. PRPB has since identified a team to develop a plan for implementing the paragraph. This team is working with various units to gather data for a report comparing UOF data from 2022 and 2023, using a report from the Chicago, Illinois Police Department as a model. PRPB expects to have a draft ready for review by October 2024 and holds weekly meetings to fine-tune the data-gathering processes. Once the data is collected, PRPB will determine what to include in the report and establish a protocol to guide analysis and assessment.

While work is underway, Paragraph 91 remains incomplete as PRPB has not yet fulfilled its requirement to assess the effectiveness of its activities through a thorough data analysis and two-year program assessment report. These steps are essential for compliance. To meet the requirements of Paragraph 91,



PRPB must not only continue its outreach efforts but also perform a comprehensive evaluation of their impact through detailed data analysis and reporting.




### *Pathway Forward*

PRPB should continue to develop and refine its processes to ensure access to accurate, comprehensive, and reliable evaluation data, which is essential for upholding equal protection principles in all police activities and citizen interactions. As PRPB works toward implementing Paragraph 91, it is critical that data collection methods, particularly demographic data, are carefully monitored and validated to ensure that services are administered fairly and without discrimination. The forthcoming RMS will play a vital role in this effort, but interim measures, such as proof-of-concept approaches, can help maintain progress until the system is fully operational.

While PRPB's initiative to modify forms and gather data is commendable, to comply with Paragraph 91 PRPB must ensure that program assessments are conducted regularly, with a thorough review every two years. This involves more than simply reporting activities; after each program or initiative, a comprehensive evaluation should measure the quality and effectiveness of the work performed. By consistently analyzing the outcomes and impact of its activities, PRPB will not only fulfill its obligations under Paragraph 91 but also improve service delivery and better meet the community's needs.

### **Paragraph 92: Equal Protection and Non-Discrimination - Discriminatory Policing**

*Within five business days, PRPD shall prepare and provide to PRDOJ and the Puerto Rico Department of the Family the preliminary investigation report prepared in response to each allegation of abuse and mistreatment originating in secure juvenile correctional facilities. Such allegations include physical and mental abuse, juvenile on juvenile assaults, staff on juvenile abuse, and excessive use of force by staff.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### *Compliance Targets*

1. All allegations of abuse and mistreatment originating in secure correctional facilities are timely reported to the PRDOJ and the PR Department of the Family. ☐ Met ☒ Missed

### *Compliance Assessment*

During this reporting period, PRPB documented 12 cases occurring in juvenile correctional facilities, with 7 in Ponce (58%) and 5 in Villalba (42%). However, PRPB failed to provide the preliminary investigation

report to both PRDOJ and the Puerto Rico Department of the Family (PRDOF) within the mandated five business days based on the data received by the Monitor's Office.

Following the March 2024 site visit and in collaboration with the working group, a new reporting mechanism was established to improve data reporting and measurement. This initiative is expected to significantly enhance the reporting processes. PRPB has developed a new reporting platform designed to track the cases generated by juvenile institutions and the five-day timeline reporting period. This highlights what cases are reported to PRDOJ and PRDOF. However, this new reporting system and the way the report was uploaded only allows the Monitor's Office to see a partial grouping of incident data points. However, what is seen is that PRPB is reporting that between January 1, 2024, and June 16, 2024, that 18 incidents have occurred in juvenile facilities that generated a PRPB response. Further, because of how the report was submitted, it indicates that five met the five-day reporting requirement and five did not meet the reporting requirements.

Following the August 2024 site visit, resulting from a meeting with USDOJ, the Monitor's Office, and the Chief Monitor of the Juvenile Reform it was acknowledged that the Monitor's Office is to review all cases that are generated from the juvenile corrections facilities to ensure that the five-day reporting requirement is achieved.

To validate the accuracy of the reporting period's reported case totals, the Monitor's Office met with the Chief of the Juvenile Reform to verify the accuracy of PRPB's reporting numbers. It is noted that, as of October 2, 2024, for 2024, there have been 114 police referrals to PRPB. Between April 1 to September 30, 2024, there have been 64 cases referred to PRPB. These numbers do not reconcile with what PRPB is reporting in its internal reporting mechanism.

Further, the Parties agreed that PRPB would provide monthly reports and case reports for thorough analysis. This proactive step will demonstrate a positive move towards compliance. However, in this reporting period PRPB submitted minutes and a copy of a PowerPoint for one monthly report dated July 16, 2024, that provided for the discussion and direction of how Paragraph 92 was to be reported moving forward.

#### *Pathway Forward*

To address the discrepancies in reporting and ensure compliance with the five-day reporting requirement, PRPB must continue refining its new reporting platform to provide complete and accurate data. The introduction of monthly reports and case summaries, along with collaborative efforts between PRPB, USDOJ, and the Monitor's Office, marks a positive step toward accountability. Moving forward, consistent validation of data, timely submissions, and transparent communication between all Parties will be crucial to aligning PRPB's internal reports with actual case referrals and achieving sustained compliance.

### 3. Sexual Assault and Domestic Violence

The Monitor's Office has conducted thorough assessments of PRPB concerning its handling of SA and DV cases during this reporting period. Notable developments include the approval of several GOs and forms, such as GO 627 (DV Investigations) and associated documentation. These policies align with established

requirements and adhere to standard policing practices, demonstrating PRPB's commitment to enhancing investigative protocols.




However, significant challenges remain in the implementation and execution of training and investigative practices. Despite the approval of new policies, the lack of updated curricula for DV investigations has hindered progress in training officers effectively. Additionally, while some training records have been submitted, it is evident that mandatory DV training has not been adequately integrated, resulting in missed opportunities to bolster officers' skills in handling sensitive cases.

Reviews of 133 DV case files highlighted improvements in organization and documentation, yet inconsistencies in interview techniques and inadequate follow-up on corroborating evidence, particularly in stalking and harassment cases, were concerning. Furthermore, the assessment of SA cases revealed a pressing need for substantial enhancements in victim-centered approaches and investigative thoroughness. While some advancements have been made, significant disparities persist in the execution of investigative techniques and case management practices.

This section will explore the specific findings related to SA and DV cases, evaluating PRPB's compliance with established standards, the effectiveness of its training programs, and the overall impact of these measures on the quality of investigations and victim support. Through this analysis, we aim to highlight both achievements and areas that require urgent attention to improve PRPB's effectiveness in addressing sexual and domestic violence within the community.

### Paragraph 93: Equal Protection and Non-Discrimination - Sexual Assault and Domestic Violence

*PRPD shall respond to and investigate reports of sexual assault and domestic violence professionally, effectively, and in a manner free of gender-based bias. PRPD shall appropriately classify and investigate reports of sexual assault and domestic violence, collaborate closely with community stakeholders, and apply a victim-centered approach at every stage of its response. PRPD shall develop policies and procedures on responding to sexual assault and domestic violence, including incidents involving PRPD officers, that comply with applicable law and comport with generally accepted policing practices.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Targets #1, #2, and #4. Bi-annually for the remaining Compliance Targets.
 Training:	Not Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Reviewed policies and procedures on responding to sexual assault and domestic violence comply with applicable law and generally accepted policing practices.

☒ Met ☐ Missed

2. Trainings on responding to sexual assault and domestic violence are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled PRPB members are trained and certified in responding to sexual assault and domestic violence consistent with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. 95% of reviewed sexual assault and domestic violence investigations complied with requirements of the Paragraph.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: This Paragraph is assessed together with Paragraphs 94, 98 and 99.

### *Compliance Assessment*

For Target 1, the Monitor's Office reviewed and approved GO 627 (DV Investigations) and related forms PPR 701.3-7, alongside PPR 118.1 (DV Case File Comparison Sheet) and GO 154 (COPOP) on May 31, 2024. These policies and forms align with the paragraph requirements and are consistent with standard policing practices.

For Target 2, the Monitor's Office previously reviewed REA 622 (SA Crimes), REA 627R (DV Investigation Refresher), REA 627 (DV), and EEOP 2061 (Equal Employment Opportunity) during the CMR-9 reporting period. However, no curriculum updates were submitted for review during this reporting period, resulting in this target being met, as no changes were noted.

Regarding Target 3, PRPB submitted 92 agent training records for review. However, the Monitor's Office confirmed that these agents did not attend the REA 627R (DV Investigation Refresher) training in 2023. While PRPB fulfilled the mandatory 40-hour training requirement, DV training was not included, leading to a shortfall in this area and a missed target for the reporting period. The Monitor's Office notes that training on this topic is currently being conducted and will be reassessed for compliance in the next reporting period.

Finally, for Target 4, the Monitor's Office reviewed 41 SA and 133 DV cases, noting improvements in file organization and documentation. The implementation of the investigative checklist has helped organize the files more effectively. Despite these advancements, significant disparities remain in detail and interview techniques employed across cases, with some victim interviews being handwritten while others were transcribed by investigating officers. The Monitor's Office also observed a persistent failure to follow up on corroborating evidence in instances where victims reported stalking or harassment. While agents interviewed state that any new crime elements are reported to the prosecutor for their consideration there is no written documentation found in the case file. Additionally, when victims disclosed related crimes, subsequent investigations appeared inadequate, as the focus remained solely on the initially reported elements.




### *Pathway Forward*

PRPB must prioritize conducting annual training on SA and DV for its personnel to enhance their understanding and response capabilities in effectively managing these critical situations. Strategic coordination is essential in establishing these training sessions to ensure they meet the needs of the personnel. In the recent review of SA and DV cases, the Monitor's Office noted improvements in file organization and documentation. However, significant disparities persist in the detail and interview techniques employed across cases. Some victim interviews were handwritten, while others were transcribed by investigating officers, leading to inconsistency in documentation.

Furthermore, the Monitor's Office observed a persistent failure to follow up on corroborating evidence in instances where victims reported stalking, harassment, or unlawful restraint. While agents indicated that any new crime elements are reported to the prosecutor for consideration, there was no written documentation found in the case files to support this claim. Additionally, when victims disclosed related crimes, subsequent investigations appeared inadequate, with the focus remaining solely on the initially reported elements. Addressing these issues through targeted training and improved documentation practices is crucial for enhancing PRPB's response to SA and DV cases.

#### Paragraph 94: Equal Protection and Non-Discrimination - Sexual Assault and Domestic Violence

*PRPD's sexual assault policies and procedures shall provide clear and detailed guidelines for each stage of PRPD's response to a reported sexual assault, including (a) dispatch response; (b) initial officer response; (c) initial and follow-up victim interviews; and (d) on-scene and follow-up investigation. These protocols shall be based on recognized models and guidelines on forensic examinations, such as, for example, the National Protocol for Sexual Assault Medical Forensic Examinations issued by DOJ's Office of Violence Against Women.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

#### Compliance Targets

- |   |   |  |
|---|---|--|
| 1. PRPB's sexual assault policies and procedures comply with the requirements of the Paragraph. | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed            |
| 2. 95% of reviewed sexual assault investigations complied with requirements of the Paragraph.   | <input type="checkbox"/> Met            | <input checked="" type="checkbox"/> Missed |

Note: This Paragraph is assessed together with Paragraphs 93, 98 and 99.

#### Compliance Assessment

During the reporting period, a comprehensive review of 41 SA case files revealed improvements in file organization and documentation. However, significant disparities remain in the detail and interview techniques employed across cases; some victim interviews were handwritten, while others were transcribed by investigating officers. The Monitor's Office observed a persistent failure to follow up on corroborating evidence in instances where victims reported stalking, harassment, or unlawful restraint. Additionally, when victims disclosed related crimes, subsequent investigations appeared lacking, as the focus remained solely on the initially reported elements. Notably, cases where victims did not cooperate or express a desire to pursue charges were often closed immediately, with no further follow-up, echoing concerns previously highlighted by the Monitor's Office in earlier CMRs.

A positive development during this reporting period is the continued use of PPR 118.3 (Investigative Checklist), which delineates the tasks and responsibilities associated with the investigative process. This initiative signifies a step toward improving investigative practices. In evaluating the SA cases, PRPB demonstrated a compliance level of approximately 47% in its overall approach to investigating these cases, as mandated by the Agreement. It was noted that about 49% of these cases exhibited evidence of a victim-centered approach, while approximately 41% included the provision of next-step information or resources for victims. Conversely, PRPB gathered case report information in a manner that provided key investigative details 68% of the time.

To address these shortcomings, PRPB's interview techniques necessitate a significant shift toward a more victim-centered approach. Prioritizing the well-being of victims throughout the investigative process, including providing access to an advocate, is essential; unfortunately, this critical element is currently absent from PRPB case files. The Monitor's Office noted that in some instances, files contained supervisor approval, accompanied by signed documentation confirming the supervisor's endorsement of the report. This commendable practice should be upheld consistently, serving as an effective mechanism for maintaining accountability among supervisors and ensuring thorough follow-up.

During the CMR-9 reporting period, PRPB made substantial progress with SAFEKIT, a rape kit tracking system that allows victims to monitor the various stages of their kit analysis online. Supervisors expressed that this innovative tool plays a pivotal role in fostering trust and ensuring transparency in SA investigations. However, in the current reporting period, a significant inconsistency regarding the SAFEKIT tracking system emerged, including concerns raised with The Department of Health who reports to PRPB that they are not receiving the SAFEKIT from the hospitals in a consistency manner. However, PRPB does continue to provide the SAFEKIT information to sexual assault victims.

Interviews with agents assigned to the SA units revealed both strengths and areas for improvement. Agents reported extensive training, including an impactful 80-hour course aimed at enhancing investigative skills. They emphasized the importance of empathy during victim interactions but acknowledged the emotional toll of managing high caseloads, averaging 35 new cases per month, with individual agents overseeing upwards of 41 cases this year. While agents follow a systematic approach in interviews that involves multiple recounts from victims, they suggested streamlining procedures to reduce trauma, such as allowing interviews to be conducted alongside prosecutors.

Technology remains a significant barrier with agents highlighting the need for more functional computers and laptops to effectively manage their workloads as they transition from paper-based processes to digital documentation. The allocation of motor vehicles is also an ongoing issue with the SA units needing adequate vehicles to assist victims and families in traveling or relocating.

Furthermore, the lack of proper training for dispatchers and patrol officers in SA-related cases exacerbates the issue, as these initial responders often retraumatize victims who have already recounted their experiences multiple times. Newer agents echoed the necessity for unified training across all levels to enhance case handling and ensure a trauma-informed approach. Additionally, the accessibility of the reporting module requires improvement, as agents face challenges with file uploads and tracking critical evidence like rape kits, which currently lack a victim-accessible status check system.



Overall, while the SA units demonstrate a commitment to improving practices, strategic enhancements in training, technology, and procedural protocols are essential to foster trust, accountability, and effectiveness in their investigations. A pressing concern among PRPB sergeants and lieutenants is the insufficient number of available investigators, highlighting the necessity of establishing a retention and workforce sustainability model to ensure the timely filling of vacant positions. Given the urgency of SA investigations, having a consistently staffed and capable team is imperative. The absence of a sustainable workforce model poses far-reaching implications for the safety and well-being of both investigators and victims and the legal aspects of these cases. Maintaining a fully staffed and trained team is crucial in ensuring justice is served and that the rights of all parties involved are protected throughout the investigation process.

#### *Pathway Forward*

Considering the recent review of 41 SA case files and the identified areas for improvement, it is imperative for PRPB to establish a clear and actionable pathway forward. The findings reveal notable progress in documentation and file organization; however, persistent gaps in investigative practices and victim support necessitate a strategic response.

To enhance the quality and consistency of victim interactions, PRPB must implement standardized interview techniques across all SA cases. This includes ensuring that all victim interviews are transcribed rather than handwritten to maintain a uniform and accessible record. Additionally, adopting a victim-centered approach that prioritizes the well-being of victims is essential. This involves integrating access to advocates during the investigative process and providing victims with next-step information and resources. The Monitor's Office has highlighted the critical need for improved follow-up on corroborating evidence, particularly in cases involving stalking and harassment. PRPB should develop and enforce protocols that mandate thorough investigations into all reported elements of a case, especially when additional crimes are disclosed. Cases where victims do not wish to pursue charges should not be closed immediately; instead, follow-up outreach should be conducted to ensure all potential avenues of investigation are explored.

PRPB will continue the SAFEKIT process notification to sexual assault victims even though process notification issues remain between the Department of Health and the hospitals. This is a vital information process for victims and PRPB remains diligent in its role. While agents have undergone extensive training, there remains a pressing need for further education, particularly for dispatchers and patrol officers responding to DV incidents. A unified training program across all levels will help ensure a trauma-informed approach, reducing the risk of re-traumatization. Additionally, PRPB must address technology gaps by upgrading computer systems and ensuring that agents have the necessary tools to manage their caseloads efficiently. The allocation of adequate motor vehicles is also vital for assisting victims in need.

The ongoing challenges related to staffing levels within the SA/DV units must be addressed through the establishment of a robust recruitment and retention strategy. This model should focus on timely filling of vacant positions to ensure that investigators are adequately supported and that response times to urgent SA and DV cases are minimized. A well-staffed and capable team is essential for maintaining the integrity of investigations and safeguarding the rights of all parties involved. To foster accountability and






enhance investigative practices, PRPB should implement regular reviews of case files and processes, ensuring adherence to established protocols and identifying areas for further training and development. Supervisor approval and documentation should become standard practice to ensure oversight and thorough follow-up on cases.

The pathway forward for PRPB in addressing the complexities surrounding SA cases is one of commitment to continuous improvement. By standardizing practices, enhancing training, reinforcing technology, ensuring adequate staffing, and fostering a culture of accountability, PRPB can effectively serve its community, promote victim safety, and uphold the principles of justice. These strategic enhancements are critical to building trust within the community and ensuring that the rights of victims and investigators alike are respected and protected throughout the investigative process.

### Paragraph 95: Equal Protection and Non-Discrimination - Sexual Assault and Domestic Violence

*PRPD shall re-assess and revise, where needed, its classification protocols for crimes involving sexual assaults. PRPD shall track all reports of felony sexual assault based on the UCR definitions.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

- |  |   |  |
|--|---|--|
| 1. PRPB is appropriately classifying crimes involving sexual assault as required by the Paragraph. | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed            |
| 2. PRPB's classification and tracking of felony sexual assault crimes comply with the Paragraph.   | <input type="checkbox"/> Met            | <input checked="" type="checkbox"/> Missed |

Note: This Paragraph is assessed together with Paragraph 82.

### Compliance Assessment

For this reporting period the Monitor's Office received a certification dated April 26, 2024, stating that the manual for the management of incident reports or police services (NIBRS-2018 edition) is the document that is used for the classification of SA data. The certification stated that the manual is currently under review. It is still in review to harmonize it with the new version of the NIBRS manual.

The certification also stated that GO 118 (Gender Violence and Youth Affairs Divisions), which integrated the DV, SA, Child Abuse Division, and Juveniles and Juvenile Affairs was signed by the Commissioner and is published on the Virtual Library in January 2024. Further, GO 607 (Incidents of Sexual Crimes Committed by Employees of PRPB) was approved and signed by the Commissioner and published on the

Virtual Library in April 2024. GO 622 (Investigation of SA Incidents) was approved and signed by the Commissioner and published on the Virtual Library in January 2024.

The Monitor's Office has also received a comprehensive list of all active supervisors and directors who possess knowledge, responsibility, and/or have actively participated in the evaluation and review of SA protocols. This includes their involvement in assessments and reviews conducted in accordance with Uniform Crime Reporting (UCR) definitions, as well as their roles in monitoring and analyzing the outcomes of SA investigations.

While the processes outlined in the paragraph are indeed noteworthy, a significant gap becomes apparent with the absence of a SA tracking report as reported in CMR-9. The missing documentation pertains to UCR reports, which are essential for verifying the accurate classification and tracking of SA crimes. As a result, the Monitor's Office's ability to evaluate and review Target 2 is compromised due to the absence of the necessary tracking documentation. This represents a notable area of concern in the monitoring process.




#### *Pathway Forward*

The adoption of a new RMS underscores the necessity of designing a system that effectively captures classification protocols for SA crimes in accordance with UCR definitions. Statistical accuracy is vital, particularly concerning public reporting, as it directly influences the transparency of PRPB.

Ensuring the precision of data is of utmost importance, and PRPB should consistently work towards maintaining accurate reported numbers. Using the UCR reporting method is crucial for providing the clarity needed by both the public and stakeholders. This approach establishes clear expectations regarding how PRPB manages and reports on this critical issue, thereby reinforcing transparency and accountability in the process.

#### **Paragraph 96: Equal Protection and Non-Discrimination - Sexual Assault and Domestic Violence**

*PRPD shall ensure that its Sex Crimes Investigation Unit is accessible through a hotline that is staffed 24-hours a day with trained responders.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Data Sources #1 and #2. Bi-annually for the remaining Data Sources.
 Training:	Not Implemented		
 Practice:	Not Implemented		

#### *Compliance Targets*

1. Policy on Sex Crimes Investigation Unit incorporates the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on response to sex crimes related calls is in accordance with approved policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 100% of sampled 24-hour hotline PRPB personnel are trained and certified in responding to sex crimes related calls.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. PRPB maintains a staffed 24-hour a day hotline with trained responders for sex crimes.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. The manned hotline provides the public access to the Sex Crimes Investigation Unit.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### *Compliance Assessment*

During the reporting period, the Monitor's Office conducted assessments for all targets. According to GO 115 (Division of Sexual Crimes and Child Abuse), personnel who operate the hotline for counseling victims of sexual crimes must be assigned to the Sexual Crimes and Child Abuse Divisions. The directors of these divisions are responsible for ensuring that personnel have received the required training. Hotline personnel must complete the following courses: REA 622 (Investigative Aspects in Sexual Crime Incidents for Operators), REA 115 (Investigation of Sexual Crimes for Specialized Unit Participants), and LVVS 622 (Guidance Line for Victims of Sexual Violence). Reservist personnel must at least complete LVVS 622. Based on this, Targets 1 and 2 are met. Further, during this reporting period GO 115 was revised to GO 118 in January 2024. The sexual assaults, domestic violence, and child abuse units were restructured and merged under the Division of Gender Violence and Juvenile Affairs (DVGJ). The new associated training courses are AEVG 8061 and SEVG 8061, which incorporate material relevant to the 24-hour hotline responsibilities and duties. However, the Monitor's Office received these new courses in October and has not yet reviewed the training materials.

For Target 3, 12 training certifications were submitted showing compliance with REA 115 (Investigation of Sexual Crimes for Specialized Unit Participants). However, there is no indication that these call takers have completed REA 622 (Investigative Aspects in Sexual Crime Incidents for Operators) or LVVS 622 (Guidance Line for Victims of Sexual Violence). Therefore, Target 3 is not met, as it is unclear whether the call takers have received the full catalog of required courses. Additionally, there are no records available for the training of civilian call takers on REA 622 or LVVS 622. With the change of policy and a new organizational structure, PRPB has trained agents in AEVG 8061 and SEVG 8061. PRPB now reports that full coverage of the 24-hour hotline call center is manned by 6 DSP allocated civil contractors who are not police officers. There are currently five already trained in LVVS 622 (Sexual Assault Hotline call Center training). PRPB is awaiting the last hiring procedures for the sixth call taker. This call taker will also be required to attend LVVS 622.

For Target 4, PRPB demonstrated its commitment to maintaining a 24-hour hotline by submitting over 31 files covering the period from April to June 2024. Using PPR 118.1 (Gender Violence and Youth Affairs Division), these files comprehensively document essential details, including incident date, time, type, call taker, assigned investigator, district, case number, and supervising agent. This detailed documentation confirms PRPB's compliance with the requirement to staff and operate a continuous 24/7 hotline.

For Target 5, PRPB provided a list of 29 call takers assigned to 13 areas throughout Puerto Rico, ensuring statewide public access. From April to June 2024, 341 calls were received, confirming that the hotline is staffed by trained personnel and accessible for reporting sexual crimes. With the hotline now being manned at the COPOP center, it is encouraging to see effective scheduling of 24/7-hour coverage in place. As a result, Target 5 is met for this reporting period.




#### *Pathway Forward*

Moving forward, PRPB should assess and determine if six civil contractors sufficient for 24-hour coverage. The training required for these call takers should continue to be updated for relevancy to the duties and responsibilities of call takers. Additionally, for reservist personnel, it is essential to verify that they have completed the minimum required training, particularly LVVS 622, with regular updates provided to division supervisors.

PRPB should maintain its strong performance in operating a 24/7 hotline by continuing to submit detailed documentation of incidents and personnel involved in hotline operations. Adequate staffing levels must be maintained to ensure continuous operation, with any potential shortages addressed proactively. Additionally, public access to the hotline should be consistently available across all areas of Puerto Rico. PRPB should continue to monitor call volumes and staffing assignments to ensure that trained personnel are always available to manage incoming calls. Call taker scheduling, particularly at the COPOP center, should be explored to further strengthen hotline operations. These steps will ensure PRPB's continued progress toward full compliance and enhance its ability to support victims of sexual crimes.

#### **Paragraph 97: Equal Protection and Non-Discrimination - Sexual Assault and Domestic Violence**

*PRPD shall track dispositions of sexual assault investigations, including arrests, whether the prosecutor charged the suspect, and whether a conviction resulted. PRPD shall also track sexual assaults by gender and incidents in which more than one participant is arrested. PRPD shall report this data as part of its annual report.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

#### *Compliance Targets*

1. PRPB is tracking dispositions of sexual assault investigations based on the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. PRPB is reporting the sexual assault disposition data in its annual report.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

During this reporting period, PRPB made significant advancements in its reporting capabilities. One required piece for paragraph implementation is making this data available in its annual report. PRPB is in the process of establishing annual report reporting parameters which will include sexual assault data. The implementation of the EIS SA Module has facilitated the creation of a comprehensive system report that includes a) the status of all SA investigations, regardless of when the initial incident occurred or when the investigation began during the reporting period, and b) the outcomes of all completed investigations.

A PRPB certification dated April 23, 2024, indicates that the Bureau is actively tracking the provisions of SA investigations. The Sexual Crimes Module compiles data on cases investigated by the Sexual Crimes Division, addressing violations related to sexual indemnity and child abuse across the 13 police areas. This system provides supervisors with a tool to consistently monitor case progress and status, including whether a case was consulted on and its current investigation stage. Furthermore, it allows verification of case outcomes, including arrests, court processes, convictions, and whether a case was deemed unfounded or closed. This module fulfills the requirements of Paragraph 97 of the Agreement regarding the monitoring of investigation results.

Additionally, PRPB has made commendable progress by incorporating gender and age indicators into its data collection and reporting practices. This enhancement significantly enriches the understanding of SA cases, providing deeper insights into the complexities and demographics associated with these incidents.

The SA Status Report for the period of January 1, 2023, to March 24, 2024, indicates a total of 1,638 cases. This comprehensive report effectively categorizes these incidents by region and disposition, showcasing a systematic and organized approach to data collection and reporting.

Importantly, this paragraph illustrates compliance with reporting requirements by providing critical indicators, including gender breakdowns and information on cases involving multiple arrests. Such data enrichment is essential for a thorough understanding of SA incidents and reinforces transparency and accountability in reporting practices.

### *Pathway Forward*




PRPB should continue to prioritize the expansion of its incident tracking system once its RMS is fully implemented. This approach will significantly enhance the Bureau's ability to comprehensively monitor and analyze the outcomes of SA investigations, which is essential for accountability and continuous improvement. As PRPB moves forward with the public dissemination of SA dispositions, including critical information such as gender-based data, arrests, prosecutorial decisions, and convictions, it must also prepare for the community's response. Increased public awareness of these dispositions is likely to spark community interest and scrutiny regarding PRPB's effectiveness in managing these cases.

To maximize the impact of its reporting and data collection, PRPB would greatly benefit from expanding its reports to include data analysis. Such analyses can yield valuable insights and strategies for addressing changes or challenges within the system. For instance, data-driven insights could inform resource allocation in high-crime areas or guide the development of advocacy outreach efforts in regions with

higher reporting numbers. This strategic, data-driven approach enhances PRPB's ability to adapt and respond effectively to the evolving challenges associated with addressing SA cases. By continuously refining its tracking and reporting mechanisms, PRPB can foster transparency, accountability, and community trust while strengthening its overall effectiveness in handling SA incidents.

### Paragraph 98: Equal Protection and Non-Discrimination - Sexual Assault and Domestic Violence

*PRPD's domestic violence policies and procedures shall clearly delineate the duties of all PRPD officers and staff and provide clear and detailed guidelines for each stage of PRPD's response to a report of domestic violence.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

- |   |   |
|---|---|
| 1. PRPB's policies and procedures regarding domestic violence meet the requirements of the Paragraph. | <input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed |
| 2. 95% of reviewed domestic violence investigations complied with requirements of the Paragraph.      | <input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed |

Note: This Paragraph is assessed with Paragraphs 93, 94 and 99.

### Compliance Assessment

During the reporting period, the Monitor's Office reviewed and approved GO 627 (DV Investigations) and related forms PPR 701.3-7, alongside PPR 118.1 (DV Case File Comparison Sheet) and GO 154 (COPOP). These policies and forms align with the paragraph requirements and are consistent with standard policing practices.

In a review of 133 DV case files, improvements in file organization and documentation were noted. However, considerable inconsistencies remain in the level of detail and interview techniques used. For instance, some victim interviews were handwritten by victims, while others were transcribed by officers, reflecting a lack of standardization. The Monitor's Office observed a recurring issue of limited follow-up on corroborative evidence, especially in cases where victims reported stalking, harassment, or unlawful restraint. When victims disclosed additional related crimes, investigations often failed to expand beyond the initial charges. Cases were also frequently closed without further action if the victim declined cooperation or to press charges, mirroring previous concerns highlighted in earlier CMRs.

The assessment of the SA/DV investigative units revealed both strengths and areas for improvement. Interviews with investigative agents confirmed extensive training, including an impactful 80-hour course



to build investigative skills. Agents emphasized empathy in victim interactions but noted the emotional strain of handling an average of 35 new cases per month, with some agents managing upwards of 41 cases this year. Agents suggested streamlining interview procedures by conducting them with prosecutors to reduce the trauma of multiple recounts for victims. However, policies requiring arrests before DV incidents are confirmed can complicate community trust-building efforts. The case files review noted diverse police report templates across the island, with four distinct styles used in regions such as Aibonito, Arecibo, Bayamon, and Fajardo. While some reports were computer-generated, the majority were handwritten, creating challenges in readability and comprehension. Agents underscored the importance of having reliable computers and laptops to support an effective transition from paper-based to digital documentation. The need for suitable transportation vehicles for the SA/DV units remains critical. These units require vans or SUVs to safely relocate families when necessary. Although PRPB has supplied some areas with Dodge Chargers, these vehicles are not ideally designed to transport families and their belongings to secure shelters.

Additionally, the lack of DV-specific training for dispatchers and patrol officers remains an issue, as initial responders sometimes retraumatize victims by requiring repeated recounts of their experiences. Newer investigative agents with less than one year in the unit echoed the need for unified training to improve case handling and ensure a trauma-informed approach. Improved accessibility in the reporting module is also needed, as agents encounter challenges with file uploads and tracking crucial evidence, such as rape kits, which currently lack a victim-accessible status system. While the SA/DV units demonstrate a commitment to improvement, strategic enhancements in training, technology, and procedural protocols are essential for building trust, accountability, and investigative effectiveness.

PRPB's provision of DV advocacy referrals has been inconsistent. While some cases showed that investigators provided "next step" guidance to victims, including forms for locating safe spaces away from abusers, advocacy referrals were not documented across all cases. Additionally, PRPB's interview techniques require improvement to adopt a more victim-centered approach, such as assigning a victim advocate. If advocacy support is part of the process, it is inconsistently documented in case files. PRPB must strengthen agents' trauma-informed interviewing skills to make progress in this area. To strengthen advocacy work in DV cases, investigators must be well-trained, trauma-informed, empathetic, and skilled in both evidence gathering and victim support. They should also be knowledgeable about the dynamics of DV and collaborate effectively with community resources to ensure comprehensive victim support.

A positive development during this reporting period is the continued use of PPR 118.3 (Investigative Checklist), which delineates the tasks and responsibilities associated with the investigative process. This initiative signifies a step toward improving investigative practices. In evaluating the 133 DV cases, PRPB demonstrated a compliance level of approximately 63% in its overall approach to investigating these cases, as mandated by the Agreement. It was noted that about 79% of these cases exhibited evidence of a victim-centered approach, while approximately 93% included the provision of next-step information or resources for victims. Conversely, PRPB gathered case report information in a manner that provided key investigative details 90% of the time.






### Pathway Forward

To improve the quality and consistency of SA/DV investigations, several key steps are recommended. First, standardizing case file documentation and interview techniques will ensure uniformity across regions, transitioning fully to digital records for better organization and accessibility. Comprehensive training in trauma-informed practices is essential for all personnel involved in SA/DV cases, including investigative agents, dispatchers, and patrol officers, to ensure empathetic, victim-centered responses and reduce re-traumatization. Training should also include advocacy techniques, where advocates are consistently assigned to support victims, providing them with clear guidance and documented referrals for additional resources. To facilitate this transition, PRPB must invest in sufficient technology resources, such as computers and laptops for investigators, alongside improved digital reporting systems that streamline evidence tracking and allow for a victim-accessible status check for critical evidence like rape kits. The need for suitable transportation vehicles for the SA/DV units must be addressed. Additionally, implementing more thorough investigation and follow-up protocols will help address related crimes and prevent premature case closure, particularly in instances where victims initially decline cooperation. Supervisor accountability measures, such as required case file approvals, will further reinforce investigative rigor. Together, these steps will help PRPB build a cohesive, trauma-informed approach to SA/DV cases, fostering greater trust, accountability, and effective case management across the Bureau.

### Paragraph 99: Equal Protection and Non-Discrimination - Sexual Assault and Domestic Violence

*PRPD shall implement measures to respond to reports of domestic violence and sexual assault involving PRPD officers, including disarming officers and assessing their fitness for duty.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Target #1. Bi-annually for all other Compliance Targets.
 Training:	N/A		
 Practice:	Implemented		

### Compliance Targets

- PRPB policies and procedures implement measures to respond to reports of domestic violence and sexual assault involving PRPB officers, including disarming officers and assessing their fitness for duty. ☒ Met ☐ Missed
- 95% of reviewed investigations of domestic violence and sexual assault involving a PRPB officers complied with requirements of the Paragraph. ☒ Met ☐ Missed

Note: This Paragraph is assessed with Paragraphs 93, 94, and 98. The conduct envisioned by this Paragraph may also fall within the purview of Paragraph 184.

### Compliance Assessment

The Monitor's Office received reports of 29 DV cases involving PRPB members during this reporting period. Of these, 27 were DV incidents (93%) and two were cases of sexual harassment (7%). The Monitor's Office had requested 32 cases to review. The reports included both criminal and administrative investigation files related to these incidents. Certificates and certifications from the Director of the Office of Psychology and Social Work were submitted, outlining staff interventions with the individuals involved. Each complaint was assigned a SARP case number, confirming that all 29 incidents underwent SARP investigation.

PRPB adhered to its policy of initiating an administrative investigation whenever a criminal case involving one of its members is identified. In all DV cases, PRPB followed the procedure by confiscating weapons and ammunition from the involved officers, as documented with PPRs 618.2 (Authorized Weapons Receipt), 618.3 (Regulation Weapon Receipt), and 618.4 (Certification of Weapons and/or Ammunition Receipt). Additionally, all 29 incidents were referred to the Psychological Services Unit for further evaluation and support. No SA cases involving PRPB members were reported during this period.

### Pathway Forward

To ensure safety and accountability in cases of SA or DV involving PRPB personnel, PRPB must continue to strictly adhere to its policy requiring the confiscation of weapons and ammunition from involved officers. Documenting these actions through forms such as PPRs 618.2 (Authorized Weapons Receipt), 618.3 (Regulation Weapon Receipt), and 618.4 (Certification of Weapons and/or Ammunition Receipt) is essential to maintaining transparency and compliance. Additionally, it is crucial that PRPB consistently initiate a SARP investigation once a criminal case is identified, further reinforcing its commitment to accountability.

Equally important is the referral of officers involved in these cases to psychological services. This step can provide critical support and intervention, addressing underlying issues and contributing to a more effective resolution of DV incidents. By following these protocols and prioritizing mental health assessments, PRPB can enhance its approach to handling SA and DV cases, ultimately fostering a safer environment for both its personnel and the public.

### Paragraph 100: Equal Protection and Non-Discrimination - Sexual Assault and Domestic Violence

*PRPD shall track dispositions of domestic violence investigations, including arrests, whether the prosecutor charged the suspect, and whether a conviction resulted. PRPD shall also track domestic violence arrests by gender and incidents in which more than one participant is arrested. PRPD shall report this data as part of its annual report.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		

 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

1. PRPB is tracking dispositions of sexual assault investigations based on the requirements of the Paragraph.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. PRPB is reporting the sexual assault disposition data in its annual report.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

During this reporting period, PRPB made significant advancements in its reporting capabilities. One required piece for paragraph implementation is making this data available in its annual report. PRPB is in the process of establishing annual report reporting parameters which will include domestic violence data. The implementation of the EIS DV Module has facilitated the creation of a comprehensive system report that includes a) the status of all SA investigations, regardless of when the initial incident occurred or when the investigation began during the reporting period, and b) the outcomes of all completed investigations.

A PRPB certification dated April 23, 2024, indicates that the Bureau is actively tracking the provisions of DV investigations. The DV Crimes Module compiles data on cases investigated by the Sexual Crimes Division, addressing violations related to sexual indemnity and child abuse across the 13 police areas. This system provides supervisors with a tool to consistently monitor case progress and status, including whether a case was consulted on and its current investigation stage. Furthermore, it allows verification of case outcomes, including arrests, court processes, convictions, and whether a case was deemed unfounded or closed. This module fulfills the requirements of Paragraph 100 of the Agreement regarding the monitoring of investigation results.

Additionally, PRPB has made commendable progress by incorporating gender and age indicators into its data collection and reporting practices. This enhancement significantly enriches the understanding of SA cases, providing deeper insights into the complexities and demographics associated with these incidents.

The DV Status Report for the period of January 1, 2024, to September 21, 2024, indicates a total of 6,605 cases. This comprehensive report effectively categorizes these incidents by region and disposition, showcasing a systematic and organized approach to data collection and reporting. The report also compares the incidents recorded in the current year with the past three years, to the same date.

Importantly, this paragraph illustrates compliance with reporting requirements by providing critical indicators, including gender breakdowns and information on cases involving multiple arrests. Such data enrichment is essential for a thorough understanding of SA incidents and reinforces transparency and accountability in reporting practices.

## V. Recruitment, Selection, and Hiring

Recruitment, Selection, and Hiring is assessed on an annual basis. Paragraphs 101 – 108 were assessed in CMR-10 and will be assessed again in CMR-12.

## VI. Policies and Procedures

PRPB's Office for Policies and Procedures continues to generally review and approve policies in a timely manner. In some cases, some policies are being held at the Commissioner's Office and some are delayed pending the full implementation of the Searches and Seizures Implementation Plan and other related plans, which are scheduled for early 2025. PRPB policies routinely direct its personnel of the need to abide by the Bureau's rules and regulations, as well as Commonwealth laws and constitutional guarantees, and detail the consequences for failure to abide and/or failure to report violations by others within its policies. Further the policies provide clear and concise guidance to help officers properly perform their jobs.

PRPB provides new and revised policies to its personnel through its web-based Virtual Library, which is also available to the general public. The Virtual Library is comprehensive, user-friendly, and searchable by subject, title, or keyword. It includes all policies, regulations, forms, and manuals, as well as other documents. PRPB personnel are also notified of new and revised policies via Policia Informa, Outlook emails, and through monthly trainings held at each police area. PRPB informed the Monitor's Office that it has developed a module as part of its electronic system to verify or confirm when officers open and read the policies emailed to them. During a site visit during the reporting period, the Monitor's Office had the opportunity to review this module, called Info Access Module. The system holds high promise in helping PRPB achieve compliance in this area moving forward.

In-service training on policies has advanced significantly since the Monitor's Office's last CMR, with training on most subjects reaching a percentage in the high 90s for this reporting period, meeting the compliance threshold for in-service training. The Monitor notes that level of performance reported by the Commonwealth meets the performance thresholds of the 2023 Training Sustainability Plan, which set a scaled course for the Commonwealth to remedy its prior poor performance. Once the 2023 Training Sustainability Plan is met, the Commonwealth should be on course to meet the compliance thresholds set forth in the monitoring methodology and achieve substantial compliance in future monitoring evaluations.

However, timely policy review and approval needs to be improved, as well as the development of an effective policy review calendar in order to reach substantial compliance in all paragraphs.

Overall, the Commonwealth's compliance with the eight paragraphs within Policies and Procedures reflects progress to what was noted in previous CMRs. In CMR-9, 75% of paragraphs (6 paragraphs) were assessed as partially compliant and 25% of paragraphs (2 paragraphs) were assessed as substantially compliant. In CMR-11, 75% of paragraphs (6 paragraphs) were assessed as partially compliant. Two paragraphs (25%) moved to fully compliant. See figure 6.

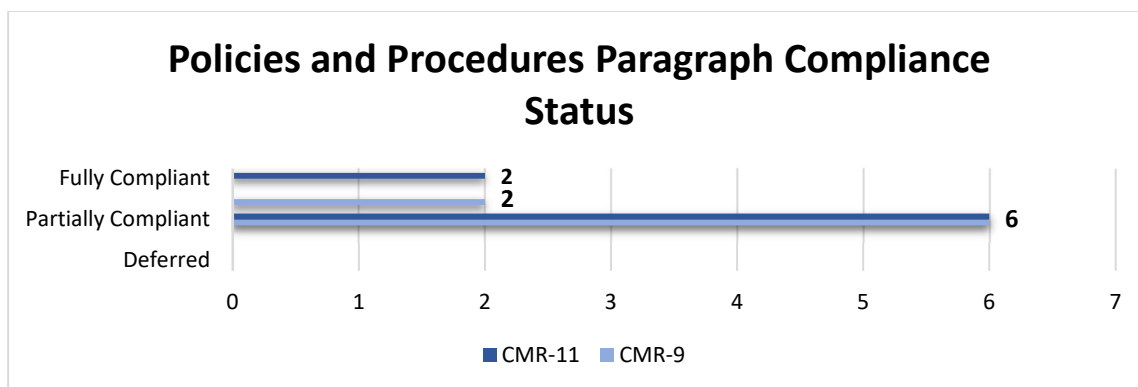





Figure 6. Policies and Procedures: Paragraph Compliance Status

### Paragraph 109: Policies and Procedures – General Provisions

*Policies and procedures shall reflect and express PRPD's core values and priorities, and provide clear guidance to ensure that officers and civilian employees lawfully, effectively, and ethically serve the community. PRPD shall develop comprehensive and agency- wide policies and procedures to ensure consistency with, and full implementation of, each requirement of this Agreement. These policies and procedures shall define terms clearly, comply with applicable law, and comport with generally accepted policing practice. PRPD shall apply policies uniformly and hold officers accountable for complying with policies and advancing PRPD's core values and priorities.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: Compliance will be determined on two separate, but inter-dependent bases: (1) the implementation of Paragraphs 110-116, and (2) the results of outcome assessments, pursuant to Paragraph 243.

### Compliance Assessment

PRPB has generally maintained a good pace in new policy creation and review, and in updating existing policies, forms, guides, and manuals. The 34 policies, regulations, and forms created/reviewed by PRPB this reporting period have been reviewed by the Monitor's Office and found to comply with the Agreement and generally accepted policing practices. To achieve full compliance, however, PRPB must ensure that all policies are implemented with proper training, and it must improve its ability to verify policy compliance in the field and demonstrate this through the outcome assessments conducted as part of Paragraph 243.

During this reporting period, PRPB provided in-service training to its officers, reaching an average course completion rate of 99% (surpassing the 95% compliance threshold; the remaining 1% is due to personnel on authorized leave) in five courses: Community Policing, Arrests and Summons, Search and Seizure, Equal Protection and Non-Discrimination, Code of Ethics, and Equal Employment Opportunities.




In a review of CMR-11 arrest and search data the Monitor's Office's found that PRPB officers have improved significantly in the preparation of police reports and forms, as well as in the articulation of probable cause, evidence that officers are being held accountable for complying with policies. As noted in the [Search and Seizure](#) section of this CMR, data analysis revealed that 63 of 70 (90%) eligible arrest reports properly documented probable cause, a requirement under GO 615 (Arrests and Summons), and the majority, 91% (72 of 79), were rated at least partially compliant, just short of 95% compliance threshold required by the Agreement.

### *Pathway Forward*

PRPB must ensure that all policies are implemented with proper training, and it must improve its ability to verify policy compliance in the field and demonstrate this through the outcome assessments conducted as part of Paragraph 243. PRPB should continue to leverage its monthly training sessions held in area commands and its virtual training system.

### **Paragraph 110: Policies and Procedures - General Provisions**

*PRPD shall develop and publish a department-wide policy and procedure manual that will include all policies, procedures, and regulations governing all administrative and operational aspects of PRPD. The manual shall be organized by subject-matter and indexed for reference.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Implemented		

### *Compliance Targets*

- |   |   |                                 |
|---|---|---------------------------------|
| 1. The Policy and Procedures Manual is complete, organized, and indexed, as required by the Agreement.        | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |
| 2. The current Policy and Procedures Manual is accessible to officers in 95% of selected precincts and units. | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |

### *Compliance Assessment*

PRPB's Virtual Library (GO 409) has been deployed since late 2021 and is listed on the PRPB website for easy access by officers and the public using a computer or smartphone and is searchable by subject,






keyword, and title. It contains all PRPB approved policies, forms, guides, and manuals. Thus, it qualifies as the Policies and Procedures Manual.

For this reporting period, PRPB's Policies and Procedures Office submitted 34 items to the Monitor's Office for review and approval. Twelve of these were either general orders or regulations, of which five were signed and published in PRPB's Virtual Library, with the remaining seven pending approval and signature by the Commissioner's Office. Although seven have not yet been signed and published, the Policy and Procedures Manual, or Virtual Library, is generally complete.

### Paragraph 111: Policies and Procedures - General Provisions

*PRPD's unit-wide policies and procedures shall be collected in unit-level policy and procedure manuals. PRPD shall develop unit-level policy and procedure manuals for, at a minimum, the following PRPD units or functions:*

- a) Field operations, including patrol, special and tactical operations, field support, special weapons and tactics, canines, supervision task forces, and mass demonstration or event policing;*
- b) SPR, including case and records management, administrative investigations, confidential investigations, parallel criminal and administrative investigations, FIU investigations, audits, and officer drug testing;*
- c) Use of Force Reporting, Investigation, and Review, including both Supervisory and Serious Use of Force Investigations and Review; and In- Custody Death Reviews;*
- d) Criminal investigations, including sub-units assigned to investigate homicides, sexual assaults, domestic violence, narcotics, vice, and illegal firearms; and*
- e) Recruitment and Training, including training provided by UCCJ and in- service training.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Implemented		

### Compliance Targets




- |  |   |                                 |
|--|---|---------------------------------|
| 1. Unit-wide policies and procedures are collected in manuals for each of the five areas specified in the Agreement.     | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |
| 2. The current unit-level policy and procedures manual is accessible to officers in 95% of selected precincts and units. | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed |

### Compliance Assessment

In 2021, PRPB issued GO 409 to create a Virtual Library to list all of the Bureau's policies, general orders, forms, manuals, and regulations. The Virtual Library is easily accessible and available to all officers and the public through its website. The Monitor's Office accesses the Virtual Library often and finds it to be user-friendly for searching documents by subject, keyword, and/or title. The Monitor's Office verified that it lists all four-unit level manuals required by this paragraph: SARP, SAOC, SAIC, and UOF.

### Paragraph 112: Policies and Procedures - General Provisions

*PRPD shall review each newly developed policy after it is issued and revise the policy as necessary to ensure that it provides effective guidance to PRPD personnel.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### Compliance Targets

1. Policies on policy development incorporate the requirements of the paragraphs.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Orientation on policy development protocols is consistent with approved protocols.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of policies and procedures due for review during the evaluation period are reviewed and, as necessary, revised.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. Stakeholder comments are reviewed and considered as part of the policy review process.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. Internal comments and recommendations are reviewed and considered as part of the policy review process.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. Policies are posted online in a timely manner or otherwise made available to the public as required by approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

Annex A (Policy and Procedure Development Process) of the approved Action Plan is the policy development protocol PRPB uses to develop policies that comply with generally accepted policing practices, Commonwealth laws, and constitutional guarantees. All policies are developed by the Policies and Procedures Section of the Reform Office, which is composed of attorneys, Reform Office sworn personnel, and civilians.

Thirty-four policies, manuals, guides, forms, and regulations were reviewed by the Monitor's Office during the twelve-month period of October 1, 2023, to September 30, 2024. Twelve of these were either general orders or regulations, of which five were signed and published on PRPB's Virtual Library, with the remaining seven pending approval and signature by the Commissioner's Office.

PRPB also submitted documentation to the Monitor's Office certifying that all comments on policies received directly from work units by email are discussed during meetings with the units affected by these policies and regulations. PRPB stated they receive comments from other stakeholders and the public through the Virtual Library and emails. The Monitor's Office received copies of emails discussing recommended changes to GO 805 (Community Meetings), GO 624 (Interaction with Transsexuals), and GO 801 (CICs). PRPB stated that all recommendations and comments are considered during policy




development. The Monitor's Office is aware that the Community Interaction Councils (CICs) have reviewed some of the policies. Also, the Women's Advocacy Group, through procuraduría de la mujer, commented on a domestic violence policy (See [Community Engagement and Public Information](#) section). However, PRPB has been slow in submitting the corresponding evidence. All documents on the Virtual Library have links to a comment page as was verified by the Monitor's Office while searching the Virtual Library during the reporting period.

### *Pathway Forward*

Timely policy review and approval needs to be improved, as well as the development of the online calendar. PRPB must make an effort to submit the necessary evidence to prove it seeks and considers stakeholder and internal comments and recommendations on policy reviews in order to achieve substantial compliance.

### **Paragraph 113: Policies and Procedures - General Provisions**

*PRPD shall review each policy or procedure created or revised pursuant to this Agreement on an annual basis for the first three years from the Appointment Date or upon notice of a policy deficiency, and biannually thereafter. PRPD will develop a schedule for the biannual review. PRPD shall make revisions as necessary to ensure that policies and procedures remain consistent with this Agreement, generally accepted policing practice, and current law. All PRPD policies, including but not limited to those created pursuant to this Agreement, shall be posted online and otherwise made publicly available in a timely manner. Reasonable exceptions shall apply to policies and procedures that are law enforcement sensitive.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed together with Paragraph 112.

### *Compliance Assessment*

PRPB generally creates new policies and reviews existing ones in a timely manner. However, the review, revision, and approval of GO 612 (Searches and Seizures) and GO 615 (Arrests and Citations) are still delayed pending the completion of PRPB's Search and Seizure Implementation Plan.

Thirty-four policies, manuals, guides, and regulations were reviewed and/or approved by the Monitor's Office during this reporting period, of which five were signed by the Commissioner and published in the Virtual Library. Seven others are pending approval from the Commissioner's Office.

The calendar provided by PRPB on policy review lacks some important details, such as present status of each policy and paragraph it is linked to. The Policy Development Office stated it is working on an online calendar which will address these issues. For now, the office employs a spreadsheet listing policies due for review, status, and paragraph. The development of an online calendar will facilitate quick and timely access for the Parties' reviews.




As noted in previous paragraphs, PRPB's Virtual Library is available to the public and anyone with a computer or smartphone and internet service. It can be searched by subject, title, or keyword. However, to be fully effective and useful, it must be updated with up-to-date policy revisions.

### *Pathway Forward*

PRPB must make an effort to accelerate the creation of an efficient online policy calendar listing details, such as when a policy is due for review, date approved, paragraphs it addresses, and date posted for public consumption.

### **Paragraph 114: Policies and Procedures - General Provisions**

*Within a reasonable period of time, PRPD shall ensure that all relevant PRPD personnel have received, read, and been trained on all new or amended policies or procedures as necessary to fulfill their role as required by policies and procedures, including the obligation to report any policy or procedure violation.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

1. Policies incorporate the requirements of the paragraphs.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on information systems and agency communications is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of selected officers received and opened all agency transmittals with policies that were approved and issued during the evaluation period.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. 95% of selected precincts or units notified personnel of new or revised policies related to the Agreement that were approved and issued during the evaluation period through monthly academies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. 95% of selected personnel received notification of policies advising that they may be subject to discipline, possible criminal prosecution, and/or civil liability for violating PRPB policy.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

Note: Compliance with the training requirements in Paragraphs 114-115 will be based on the assessments for Paragraph 119 regarding pre-service training for new recruits and Paragraph 129 regarding in-service training for existing personnel.

### *Compliance Assessment*

All policies and procedures created by PRPB thus far generally comply with paragraph requirements. During site visits conducted this reporting period, the Monitor's Office interviewed several front desk officers at various districts and units (Districts of Cidra, Las Piedras, Yabucoa, Santa Isabel, Ponce Oeste, Maunabo, and San Juan and Caguas Highway Patrol), and inquired about training on technology and communication systems, among other issues. Part of the duties for front desk officers (or Retens) is to operate PRPB's GTE and CAD systems for complaint/incident report intake. All officers interviewed stated they received training on GTE and CAD systems at the Academy.

Police commanders have stated to the Monitor's Office during several field site visits that their officers learn of new and revised policies, as well as other matters, through Policia Informa on the Bureau's website and Outlook emails.

Although, PRPB is not yet able to verify or confirm that officers open and read the messages and documents sent via Policia Informa and Outlook, the Policies and Procedures Office stated that it is working on developing an in-house system (module) to comply with this requirement. During a site visit this reporting period, the Monitor's Office had the opportunity to review this module, called Info Access Module. The module seems comprehensive and easily searchable. It will record all officers by name and ID number, use of the system, whether they opened any documents, which documents were opened, and date and time. It will also track the remaining unopened documents and gives supervisors the ability to monitor the system to track officers' compliance.

PRPB reported that in-service training on policy is on schedule as of the end of this midterm reporting period with the help of its virtual training system. During this reporting period, PRPB provided in-service training to its officers on Community Policing, Arrests and Summons, Search and Seizure, Equal Protection and Non-Discrimination, Code of Ethics, Equal Employment Opportunities, and UOF, reaching an average course completion rate of around 97%, surpassing the 95% compliance threshold.<sup>27</sup>

Evidence of the practical exercises (in-person scenario-based and interactive exercises) that must be conducted concurrent with some of the in-service trainings, such as on GO 615 (Arrests and Citations) and GO 612 (Searches and Seizures) have not yet been submitted to the Monitor's Office.

### *Pathway Forward*

PRPB must ensure it provides the required in-person and practical training (scenario-based and interactive exercises) to maintain compliance with the Agreement. Further, PRPB must be able to verify that all officers are opening and reviewing newly revised and newly created policies and procedures using the recently implemented Info Access Module.




### **Paragraph 115: Policies and Procedures - General Provisions**

*PRPD shall document that each relevant PRPD officer or other employee has received, read, and been trained appropriately regarding PRPD's policies and procedures.*

Compliance Status

Assessment Schedule

<sup>27</sup> See Certification Letter from the Academy dated December 15, 2023.

Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed together with Paragraph 114.

### *Compliance Assessment*

Command officers interviewed at various area commands and districts can only guarantee that PRPB personnel are notified of new or revised policies through their Policia Informa system, emails, and monthly academies. Although, PRPB is not yet able to verify or confirm that officers open and read the messages sent via Policia Informa and Outlook, the Policies and Procedures Office stated that it is working on developing an in-house system, called Info Access Module, to comply with this requirement. During a reporting period site visit, the Monitor's Office was given a demonstration of this module. The module seems comprehensive and easily searchable. It will record all officers by name and ID number, track system use, whether they opened any documents, which documents were opened, and date and time. It will also track the remaining unopened documents and gives supervisors the ability to monitor the system to track officers' compliance.

PRPB reported that in-service training on policy is on schedule as of the end of this reporting period with the help of its virtual training system. During this reporting period, PRPB provided in-service training to its officers on Community Policing, Arrests and Summons, Search and Seizure, Equal Protection and Non-Discrimination, Code of Ethics, Equal Employment Opportunities, and UOF, reaching an average course completion rate of around 97%, surpassing the 95% compliance threshold.<sup>28</sup>

### *Pathway Forward*




With the development and successful implementation of the Info Access Module, PRPB is potentially on the path to compliance with this and other paragraphs in this section.

### **Paragraph 116: Policies and Procedures - General Provisions**

*PRPD shall advise all officers that taking police action in violation of PRPD policy may subject officers to discipline, possible criminal prosecution, and/or civil liability.*

Compliance Status	Assessment Schedule	
Partially Compliant	Review	October 2023 – September 2024

<sup>28</sup> Ibid.

 Policy:	Implemented	Period	
 Training:	N/A	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed together with Paragraph 114.

### *Compliance Assessment*

PRPB policies routinely advise personnel of the need to abide by the Bureau's rules and regulations, as well as Commonwealth laws and constitutional guarantees. Personnel are also directed to report any violation of policy they observe or are aware of; the policies also detail the consequences for failure to abide by the policies and/or failure to report violations by others. These statements are generally posted in the "General Dispositions" sections of each policy. For example, see section B.9 and 19 of the current GO 612 (Searches and Seizures).

Although, all policies make it clear that violations may lead to disciplinary action, there are still some failures by a few supervisors to note and address violations as required by policy. For example, 7 of 79 arrest files (9%) were rated not compliant for missing two or more required PPR arrest forms, such as 636.1 (Seized Property Inventory), 631.1 (Condition of Arrested Person, or Booking Sheet), 128 (Motor Vehicle Inventory), 621.1 (Police Incident Report), and 126.2 (Complaint Card). Some of these forms also lacked required important information, such as arrestee's physical condition on some PPR 631.1s and supervisor's arrest evaluation on PPR 615.8.<sup>29</sup>

### *Pathway Forward*

Through training or other disciplinary action, PRPB must ensure its officers and supervisors adhere to the requirements of its own policies, rules, and guidelines to stay in compliance.

<sup>29</sup> See complaint numbers: 2024-9-199-0312, 2024-7-074-1687, 2024-3-199-01006, 2024-12-027-003168, 2024-11-173:000812, 2024-3-199-00825, and 2024-7-075-2397



## VII. Training

Training is assessed on an annual basis. Paragraphs 117 – 134 were assessed in CMR-10 and will be assessed again in CMR-12.

## VIII. Supervision and Management

During this reporting period, the Commonwealth demonstrated significant improvement leading to increased compliance with this section of the Agreement. Among its accomplishments during this reporting period were promotions, the operationalization of a new evaluation system, and the assignments of promoted first line supervisors. Even though the Commonwealth promoted a considerable number of supervisors, it still struggled to follow through with supervisory accountability and failed to develop and institutionalize adequate information technology systems to support supervision (i.e., Early Intervention System (EIS), personnel assignments records, and statistical accomplishments), continuing to interfere with PRPB's progress towards substantial compliance.

A total of 102 officers were promoted to Captain. Ninety officers passed the captain examination and attended the 40-hour training offered at the Academy on February 26, 2024. Additionally, 12 captains were promoted and completed the 80-hour training course as stipulated by the related Court Order. This achievement brings PRPB closer to the number of supervisors outlined in the Staffing Plan. In addition, in September 2024, PRPB promoted 154 first lieutenants. The Monitor's Office looks forward to reviewing the complete promotional process in its next CMR.

The development of EIS continues to be dependent on the implementation of the IT CAP. Inspections and audits also continue to be a concerning issue due to lengthy inspection completion and certification times. It was reported that the Commonwealth is still working with OSM to draft policies and protocols related to integrity audits.

During officer and supervisor interviews, concerns regarding the transfer unit, assignments, evaluations, shortages of vehicles, and low budgets for vehicle repairs were raised. Personnel responsible for Staffing Plan updates, human resources personnel, and high-ranking officials, confirmed that they were aware of these concerns and noted that they are working on correcting them. PRPB is showing improvement in providing proper supporting documentation demonstrating its commitment towards the areas of concerns noted by the Monitor's Office. During this reporting period an improvement in roll call meetings was identified during the interviews. Several officers reported that some meetings or roll calls are taking place before taking over their shifts but stated that these meetings are not being documented. They credited the accomplishment to the number of new supervisors. PRPB needs to continue pushing for training meetings and roll calls and ensuring they are documented and codified in policy.

PRPB implemented the new evaluation policy in January 2024; however, it has yet to provide proper and effective training on the policy even though the system is in place and over 95% of personnel have received their evaluations. During this reporting period, the Monitor's Office reviewed 92 samples of evaluations, and the scores were consistent. At this point, based on the samples and interviews, no inflation of scores was detected. During several meetings with HR, it was reported that training for the new evaluation system will take place during 2024. HR and Staffing Plan personnel provided videos and PowerPoint presentations to current supervisors on how to use the technology that is part of the evaluation, which the Monitor's Office reviewed. It was determined that the videos and PowerPoint presentations were effective in teaching the system. However, an effective and more complete training should teach supervisors how to determine fair and effective scores and, more importantly, how to write the summaries supporting the scores. This training is imperative to the success of the new policy.

Overall, the Commonwealth's compliance with the 24 Supervision and Management paragraphs assessed during this reporting period reflects similar levels of compliance to what was noted in previous CMRs. In CMR-9, 42% of the 19 paragraphs (8 paragraphs) were assessed as partially compliant and 52% of the 19 paragraphs (10 paragraphs) were assessed as not compliant, in comparison to the current reporting period, where 52% of the 19 paragraphs (10 paragraphs) were found to be partially compliant and 47% of the 19 paragraphs (9 paragraphs) were assessed as not compliant. See figure 7.

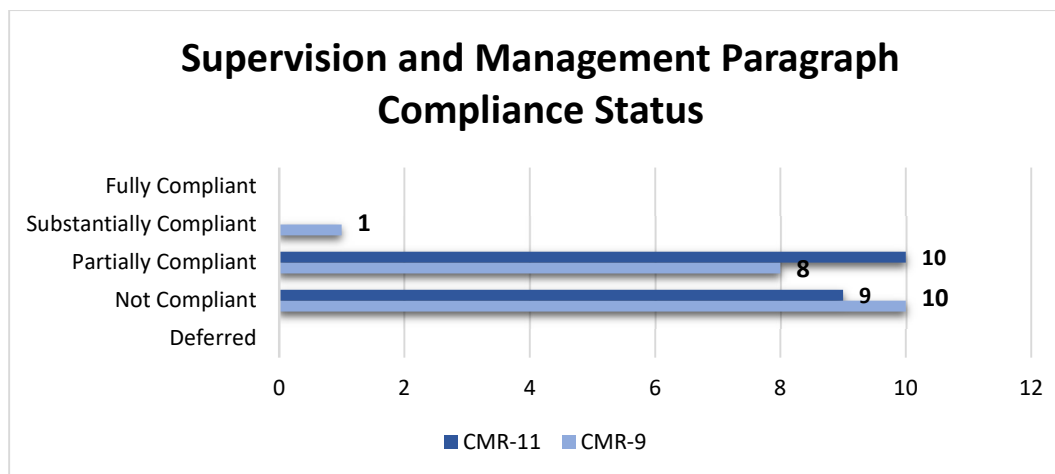





Figure 7. Supervision and Management: Paragraph Compliance Status

### Paragraph 135: Supervision and Management - General Provisions

*PRPD shall ensure that an adequate number of qualified first-line supervisors are deployed in the field to allow supervisors to provide close and effective supervision to each officer under the supervisor's direct command, to provide officers with the direction and guidance necessary to improve and develop as police officers, and to identify, correct, and prevent misconduct. PRPD shall develop policies for supervision that set out clear requirements for supervisors and are consistent with generally accepted policing practices.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – March 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: Compliance will be determined on two separate, but inter-dependent bases: (1) the implementation of Paragraphs 136-158, and (2) the results of outcome assessments, pursuant to Paragraph 243.

### *Compliance Assessment*

PRPB supervision policies set clear expectations and requirements for supervisors that are consistent with generally accepted policing practices. During this reporting period, PRPB started to provide a more complete, accurate, and real-time understanding of operational activities and staffing challenges across the Bureau, demonstrating improvement with reporting and tracking. Based on interviews with high-ranking officers and entry level officers, there has been an improvement in communication amongst themselves, the administration, and personnel. The Monitor's Office recognizes this improvement but recommends that effective communication continues to improve and that the concerns and needs provided by the high-ranking officials in the field be taken into consideration.

Interviews with personnel, supervisors, and supervisees again confirmed that supervision loads have improved across 95% of PRPB. It is expected that by the end of 2024 PRPB should reach 100% compliance, which would be reflected during the CMR-12 reporting period. The promotion of a considerable number of first-line supervisors should address issues currently identified as non-compliant, such as: supervisors developing the ability to identify, detect, and prevent misconduct; to provide better direction and guidance to assist officers in becoming more effective in performing their duties; and the successful application of accepted policing practices.

### *Pathway Forward*

The Parties and the Monitor's Office will continue to work on the implementation of the updated Staffing Plan. The Monitor's Office will continue to review the 90-day status reports to assess the Commonwealth's progress to achieve compliance with the staffing and supervision requirements of the Agreement and the initiatives and activities noted in the Staffing Plan.

PRPB has shown some improvement with reporting, but it needs to continue to work on providing more accurate, updated, and consistent reports to confirm that officers and supervisors are receiving trainings, schedules, and assignments consistent with supervision policies and the Staffing Plan, which specifies the ratio of officers and supervisors per unit. Documentation, such as staffing logs, should be provided to the Monitor's Office.




## *1. Duties of Supervisors*

As reported in other reporting periods, first-line supervisors must provide effective, clear, and consistent supervision of subordinates under their command. Supervisors should be able to motivate their officers to perform their duties lawfully, safely, and effectively. During this reporting period, supervision levels and in-person training continue to improve. With the substantial amount of first-line supervisor promotions, PRPB will be able to provide effective management over officers in the field across all shifts in all area commands once appropriate experience is achieved until then more experienced supervisors should mentor new supervisors. As in the prior reporting period PRPB continues to move towards partial compliance with these paragraphs. However, PRPB needs to continue to have a plan in motion to establish recurring and effective promotional cycles to achieve and maintain substantial levels of compliance even after the Agreement is complete. HR must also provide training on how to effectively document and discuss performance evaluations following the new system that was implemented in January 2024.

PRPB must develop and implement an updated and effective automated technology system to support the accurate, updated, and consistent reporting of statistical records of its personnel to confirm that officers and supervisors are receiving trainings, schedules, and assignments consistent with supervision policies. EIS must also be finalized, trained on, and deployed to allow for a holistic supervision approach.

### Paragraph 136: Supervision and Management - Duties of Supervisors

*All operational field officers shall be assigned to a single, consistent, and clearly identified supervisor. Supervisors shall be assigned to and shall substantially work the same days and hours as the officers they are assigned to supervise, absent exceptional circumstances. Scheduled leave (such as vacation time), unscheduled leave (such as sick leave due to illness or injury) and other routine absences (such as court appearances and training obligations) shall not be deemed noncompliance with this provision.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 136-140.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Supervision trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled supervisors are trained and certified in all policies related to supervision (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. Officer and supervisor schedules, assignments, and ratios are consistent with supervision policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. Supervisors are assigned and deployed in accordance with approved supervision policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. 95% of interviewed personnel perceive that supervision is close and effective.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
7. 95% of sampled referrals indicate proactive observation and intervention to ensure adherence to policies, law, and the Agreement.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

Based on the Staffing Plan and the approval and implementation of GO 310 (Performance Evaluations), it was determined that current policies incorporate all requirements established in Paragraphs 136-140. This was also confirmed during interviews with a random sample of PRPB supervisors. The supervision training curriculum has been reviewed by the Monitor's Office and has been implemented by PRPB and is consistent with approved policies. The required mandatory supervision trainings will improve PRPB's quality of supervision. The Agreement stipulates that supervisors must receive approved training before they are allowed to assume their positions in PRPB. PRPB reported that all first line supervisors have

attended the mandatory 40-hour training at the Academy, consistent with approved policies. PRPB must continue to offer supervisor trainings on a yearly basis.

During the reporting period, the Monitor's Office identified some improvement in officer and supervisor schedules, assignments, and ratios, but consistent supervision was still not identified. PRPB provided a Staffing Plan status report that stated the redistribution of personnel has been completed, but issues with consistent supervision were identified. With the recent promotion of first-line supervisors, the overload of assignments, morale issues, and lack of effective supervision reported by PRPB members, and the Bureau as a whole should be addressed, making the agency a more professional, respectful, and effective organization.

With the considerable number of first-line supervisors and captains promoted during the reporting period, PRPB has made considerable progress in achieving compliance with this paragraph. However, PRPB is still only partially compliant due to the recognized issue of lack of personnel throughout the reporting period. As soon as the recently promoted supervisors acquire and develop the necessary experience to perform at high levels, the challenges should be addressed, including the inability for PRPB supervisors to work the same days and shifts as their supervisees. PRPB personnel are recognizing this improvement as noted during interviews and conversations. It is expected that during future CMRs, these challenges should continue to decrease.

The overall understaffing of personnel is the biggest challenge to address. The provided Staffing Plan reported that the Fiscal Oversight Board approved a total of 377 cadets during the current fiscal year which should help address the lack of officers. DSP and the PRPB Police Commissioner approved the recent graduates in January 2024. In addition, in March 2024, 33 civilians were hired and another 125 were hired in December 2024, releasing a total 158 police officers from performing administrative functions and re-assigning them to their official duties. HR advised that after reviewing the civilian recruitment strategy established in 2022 in which the original goal was to hire a total of 1,365 civilians, a new goal was determined, and the number was adjusted to 699. After the hiring of 158 civilians in 2024, PRPB's goal is to hire the remainder of the 699 civilians by June 2025. These hirings will allow DSP and PRPB to approve the reassignments of officers performing civilian jobs, addressing the understaffing. HR reported that they have initiated communication regarding this initiative.

PRPB also reported the development of a system to promote recruitment and create incentives, retention, and professional development strategies to increase the number and quality of personnel. PRPB needs to continue to work towards improving recruitment methods to attract candidates to the organization and create incentives to retain current officers.




#### *Pathway Forward*

DSP and PRPB promoted a large number of first-line supervisors and high-ranking officers demonstrating their commitment to address the lack of supervisors and administrative issues in the Bureau. These improvements were reflected during this reporting period and will have further impacts during future reporting periods. However, a high percentage of interviewed personnel expressed that the promoted first line supervisors need better guidance from experienced supervisors. This guidance in conjunction with experience acquired during real-time decision-making situations will make them more effective supervisors. DSP and PRPB should begin succession planning for the possibility of a large number of

officers retiring due to the recently approved retirement plan. PRPB must develop a better system of consistently having supervisors working the same schedules as their supervisees. The operational deployment and transfers process for officers needs to be revised to accomplish better and effective schedules developing more consistent records of complying with direct supervision. This should also be addressed through the RMS updates. The Monitor's Office will continue to evaluate PRPB's compliance within this paragraph.

### Paragraph 137: Supervision and Management - Duties of Supervisors

*First-line field supervisors shall be assigned to supervise no more than ten officers for the first five years of this Agreement. After considering the results of the staffing study required by Paragraph 13 and whether the first-line supervisors are meeting all of the supervisory requirements of this Agreement at the current officer to supervisor ratios, the TCA and the Parties shall determine whether to lower the number of officers supervised by each first-line field supervisor. On-duty field supervisors shall be available throughout their shift to respond to the field to provide supervision to officers under their direct command and, as needed, to provide supervisory assistance to other units.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 136.

### Compliance Assessment

With the promotion of first-line supervisors and high-ranking officials, as well as with the expected 2024 promotion of captains, 1<sup>st</sup>, and 2<sup>nd</sup> lieutenants, PRPB will be heading towards compliance and, more importantly, towards making a major impact on the Bureau's supervision system.

PRPB provided the Monitor's Office with PPR 373s (Distribution of Personnel) samples for several areas demonstrating that over 95% of supervisors are not supervising more than 10 individuals. During interviews, supervisors and supervisees are confirming that most supervisors do not supervise more than 10 officers. In addition, in the past it was reported that supervisors supervised officers in at least three different area commands, but during this reporting period, no one reported this issue, showing improvement. Some supervisees reported having concerns with the new supervisors due to their lack of experience during decision making situations.

Supervisors interviewed during this reporting period reported equality in assigned supervisees. Also, during this reporting period, no lieutenant or captain was assigned to the same unit when other units



had none assigned, this was also confirmed during the review of the staffing logs. This demonstrates that PRPB has made improvement towards better and more effective assignments.

During this reporting period it was determined that there are still issues with sergeants consistently working the same shift as the officers they supervise. The PPR 373s (Distribution of Personnel) are consistent with what is being reported by interviewed personnel. The Monitor's Office expects to see continued improvement in this area in future CMRs that will result in compliance with this paragraph. However, PRPB still must continue to address issues related to lack of direct supervision, training, and updated policy. In addition to supervisors getting familiar with trainings and policies, it is imperative for them to be exposed to high pressure situations in their day-to-day work, so they can become well rounded supervisors. PRPB created dashboards connecting Kronos HR/T&A and SITA; however, during IT presentations, it was reported that the dashboards have not been finalized. It is expected that once the IT systems are in place, these dashboards will be fully functional, reliable, and validated. The system will enable PRPB to produce monthly reports regarding the distribution of personnel and recruitment reporting deficiencies as well as recommendations to DSP and the PRPB Commissioner for their approval. The Monitor's Office recognizes PRPB for the improvement in this paragraph, but still finds that PRPB is only partially compliant with Paragraph 137 mainly due to the lack of an adequate IT system to support supervision, especially as it relates to reporting accurate and efficient staffing data.




#### *Pathway Forward*

PRPB continues to show minimal improvement in IT systems. The Monitor's Office recognizes some improvement, but PRPB continues to have issues identifying accurate and efficient staffing data demonstrating specific duties and assignments for their personnel including supervisors. PRPB needs to improve their operational assignments of supervisors to officers to ensure more consistent supervision. PRPB must improve their patrol operational plans by conducting a more in-depth analysis of their staffing. During the Monitor's Office's site visits, IT demonstrations were presented to the team; however, while several demonstrated improvements, others did not. PRPB needs to develop a consistent and effective data processing system demonstrating staffing duties and assignments that enables them to provide the Monitor's Office with more accurate and efficient staffing data. An effective data system will assist PRPB with the monitoring of supervision practices and workloads and will aid upper management with the overall supervision system of the Bureau. The Monitor's Office, DSP, and PRPB management continue to work with Gartner Inc. to develop and implement an accurate automated system that should provide the Bureau with the ability to generate accurate and real-time data reports from the 13 area commands to account for their personnel, including management responsibilities for each of the departments.

#### **Paragraph 138: Supervision and Management - Duties of Supervisors**

*PRPD shall develop a program to ensure consistent field supervision when assigned supervisors are absent or otherwise unavailable for their tour of duty.*

Compliance Status	Assessment Schedule	
Partially Compliant	Review	April 2024 – September 2024

 Policy:	Implemented	Period	
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 136.

### *Compliance Assessment*

With the promotion of first-line supervisors and high-ranking officers, in addition to the expected promotion of captains, 1<sup>st</sup>, and 2<sup>nd</sup> lieutenants during 2024, PRPB will be achieving a long-term goal in their commitment. With these promotions, as well as their strategic assignments, PRPB will be able to provide and demonstrate a more consistent, effective, and professional supervision, which should close the gap to compliance for this paragraph. This accomplishment will promote much-needed security and respect from the community. As soon as these supervisors are in place, well trained, familiarized with policies, and most importantly, have developed the necessary experience to make correct, effective, and sound decisions during day-to-day duties, PRPB will accomplish one of the most critical elements in a law enforcement agency. PRPB leadership will have sufficient first-line supervisors to cover supervisory absences and the need for acting supervisors covering first-line supervisor duties will not be necessary. DSP and PRPB have worked together and demonstrated their commitment to the Staffing Plan.

The Monitor's Office recognizes the dedication by DSP and PRPB to implement this effective strategy to ensure that supervision in the Bureau reaches the highest possible levels. The promotions awarded at all levels of supervision have significantly closed the gap to compliance with this paragraph. PRPB submitted an official distribution of the promoted supervisors to comply with staffing needs. The Monitor's Office also recognizes the commitment to bring the supervisory staff up to the required levels that will make PRPB effective, efficient, credible, and will earn the needed community admiration and respect. DSP and PRPB management have never had any issues recognizing the need for an updated and effective automated technology system in support of statistical records of their personnel, but this system is still in the development stages. This automatic system will include the assignment and duties for supervisors substituting for absent supervisors to ensure consistency within the affected unit.




### *Pathway Forward*

The Monitor's Office continues to identify the lack of an updated and effective automated system within PRPB. PRPB needs to track statistics that will keep the Bureau's personnel and information updated and accurate. The Monitor's Office, DSP, and PRPB are currently working and coordinating with Gartner Inc. to develop and implement an effective automated system. This system must provide clear strategic assignments of their personnel, including updating policies on how to replace supervisors transferred, promoted, or on annual leave or sick leave. All supervisors should be able to step in and cover for an absent supervisor which can be accomplished by receiving proper and effective training to ensure they are knowledgeable of duties and responsibilities for all supervisory positions. DSP and PRPB recognize the need and are aggressively working to establish an effective system that will help them correctly

account for supervisor's duties, responsibilities, and assignments for all investigative divisions. The automated system and effective training will enable PRPB to be effective, efficient, and credible in addition to complying with the Agreement.

### Paragraph 139: Supervision and Management - Duties of Supervisors

*Precinct and unit commanders shall closely and effectively supervise the officers under their command.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 136.

### Compliance Assessment

During this reporting period, the Monitor's Office interviewed a random sample of approximately 17 supervisors and 19 supervisees, and reviewed limited documentation of evaluations, staffing logs, and disciplinary records. Due to the lack of an adequate IT system the Monitor's Office cannot provide a comprehensive analysis based solely on interviews and the limited documentation provided by PRPB. However, based on the information strictly developed through limited documentation and interviews, the Monitor's Office will give PRPB some credit as to providing close and effective supervision. The Monitor's Office will be able to provide a more complete and comprehensive analysis at the time of the new technology system implementation. The recently promoted supervisors, even with their lack of supervision experience, reviews of logs, performance evaluations, and the non-punitive module, support this conclusion. Common themes discussed during these interviews continued to be very similar to what has been reported in past CMRs. Additional new comments were in relation to the lack of experience of the new supervisors and that experienced supervisors are not very knowledgeable of the new evaluation system. The following comments were also made or repeated by interviewees:

### The Agreement

Officers advised being familiar with the Agreement, but no one reported completely reading the Agreement. One common comment made was that they reported being familiar with the UOF section. The main reasons provided for not reading or being familiar with the entire Agreement was a lack of time, and too many assignments and responsibilities due to the shortage of personnel. Furthermore, again over 99% of interviewees expressed favorable and positive comments on the entire PRPB organization, giving credit to the Agreement. Consistent statements made by officers as well as supervisors include the following:

*“The Agreement has made us a professional organization and has provided more effective and better guidance for management as well as for officers. Among the skills developed are better decision making, training, equipment, organizing, and planning. The communities are understanding and accepting our responsibilities, risks, and dedication to serve and protect. We feel supported by our management and our communities. Sections of the Agreement most commonly discussed during the monthly meetings is the UOF section.”*

#### Consistent Supervision

The promotions at all levels of supervision are providing PRPB with the ability to comply with the Staffing Plan, the Agreement, and become a more effective and well-respected organization. Interviewed supervisors expressed that the promotion of new sergeants has released them from additional duties allowing them to be more effective and only responsible for no more than 10 officers. They also advised that evaluating 10 or fewer officers will give them adequate time to conduct a more fair and effective evaluation of each officer. In addition, they will only evaluate officers that they directly supervise. Supervisors will now have someone to take over supervisory duties when a supervisor retires, transfers, goes on sick leave, or vacation. The Monitor’s Office believes that with the recent promotions, supervision at PRPB will reach a more consistent and effective level leading to compliance with the Agreement.

The issues identified with the shortage of supervision should greatly improve in future reporting periods and sergeants will not have to work long hours on the streets, making them more effective in performing their official duties. However, at any point, sergeants should be able to provide assistance in the field. The new supervisors should also eliminate the need for acting supervisors. Addressing these issues will improve the lack of communication among high-ranking officers, which was previously reported as a challenge. Instructions or directives will be provided in time and properly, which will minimize mistakes and increase compliance with orders.

As in the past several reporting periods, interviewees reported issues with unarmed officers assigned to civilian administrative work getting paid regular officer salary. Among the assignments are physical maintenance, building repairs, and vehicle maintenance. Interviewees reported that this issue is well known by management, especially with some of those officers reporting having emotional or personal problems to purposely be put on light duty, while still getting their regular pay. The Monitor’s Office has expressed several times that this system needs to be reviewed and managed in a way that officers abusing the system can be correctly identified and medically assessed to determine when they can return to duty or if incapable of performing law enforcement duties, be re-assigned to a civilian position, and be compensated accordingly. The Monitor’s Office believes this is fundamentally unfair to all those concerned and is a significant issue for morale within PRPB. In the Staffing Plan, it was reported that approximately 674 officers have been identified as having medical issues and assigned to administrative duties. It was also reported that during 2024, 323 of these officers (48%) will be examined by a Medical Board to determine their capability to return to officer duties.

#### Promotions

A significant number of interviewed officers stated no interest in seeking a promotion. The main reasons provided for the lack of interest continued to be the same: supervisors not motivating personnel, low

salary increases with more responsibilities, and most importantly, the fear of being transferred out of their current region. However, some officers recognized that a high percentage of the recently promoted personnel were assigned in their territory. This action by PRPB administration will diminish the concerns of being assigned out of their territories if promoted. Qualified and competent officers will gain interest in promotions, helping PRPB to get the best and most competent candidates for supervision.

#### Equipment

All interviewed officers reported being pleased with their personal equipment (tasers, bullet-proof vests, flashlights, etc.). However, officers continue to express the need for specialized vehicles such as SUVs to cover difficult terrains in their territories. Most officers continue to advise that most of the patrol cars do not contain computers, or if they have computers, they do not work properly, forcing officers to return to their offices to complete reports.

Not having working computers in the vehicles prevented officers from accessing vehicle and personnel records during traffic stops that can, on some occasions, turn into a safety issue. Officers have to call the office or “Centro de Mando”, which can take up to 30 minutes and can upset the civilian, turning into a safety issue. They also stated there have been situations where after issuing a ticket, officers do not know if the driver or others had an arrest warrant or a criminal record, which is another security issue. Like in the past, officers advised that their personal cell phones are the most reliable communication tool. All interviewed personnel reported that officers use their own money to repair official vehicles. Such repairs included brake pads, air conditioning systems, tires, and other minor repairs. Also, some repairs are done by the officers themselves. Officers reported that the reason for this situation is due to budget constraints. They stated that sometimes disabled vehicles can be parked for months, years, or sometimes forever.

#### Evaluations

During this reporting period the new evaluation system was implemented. Officers again stated not having any interest in the performance evaluation system and believe that the evaluations have no relevance to their job or future careers. Most stated that they just agree and sign their evaluation. However, officers did advise that supervisors discussed the evaluations with them regardless of the score, as required by the new system. Over 95% of officers interviewed advised that they received evaluation ratings between 3 and 4. During this reporting period, PRPB provided 92 performance evaluation samples. For the first time the Monitor’s Office determined that a score inflation was not detected. However, during the interviews, officers reported that they felt that the supervisors were not very knowledgeable of the new evaluation system. Officers explained that supervisors emailed them their evaluations for signature and then they had a one-on-one meeting. Several meetings with HR in January and February 2024 revealed that PRPB did provide a PowerPoint presentation and videos on how to use the new system but did not provide any training or guidance on the implementation, writings, discussions, and justification of scores. HR advised that training will be developed and provided during 2024, before the next evaluations are scheduled for January 2025.

#### Transfers

All interviewed officers believe that the transfer system is not what the policy promotes. Officers continue to report that they believe transfers take too long and that it continues to be influenced by

friendships, connections, and politics. They have no faith in the program. Interviewees believed that the transfer program is one of the biggest morale problems among officers. Regional transfers can take up to 15 years. Interviewees stated that it is well known that some officers are being transferred from the bottom of the seniority list. Over 95% of the officers expressed that the transfer policies are a problem that needs to be acknowledged and handled by upper management. HR advised that the automation of the transfer system started the first phase in November 2023 and completed in January 2024.

#### Community Relations

Officers acknowledged that each department or precinct has designated personnel to engage with the community. Several of the interviewed officers believe that it is solely this designated personnel's responsibility to participate and represent PRPB during any community events. Officers advised that due to personnel shortages, they have too many responsibilities and assignments to directly participate in community activities. Officers advised that it was the upper administrative leaders who created specialty units or assignments to represent PRPB in the community, taking the responsibility away from officers so that they can dedicate their time to daily investigative work.

#### General Observations

- Positive areas that were mentioned:
  - The Agreement is seen as a positive and a necessity;
  - Communication among officers;
  - Younger supervisors are becoming more professional and committed;
  - Payment for overtime hours has improved;
  - Steps to get better pay has improved;
  - Supervisors are open to considering new ideas and change;
  - Approval of the Commissioner;
  - Increased and enhanced professional instruction from supervisors;
  - Working conditions, training, and equipment have improved; and
  - The required 40-hour training, when available, has become easier to schedule.
- Areas needing improvement that were mentioned:
  - Written communication: Most interviewees stated that communication was primarily verbal. The perception is that written communications can be an issue for supervisors;
  - Supply shortages were not only reported but noted during precinct visits;
  - Increased and enhanced recruitment and retention programs to help with the lack of personnel;
  - Removal of political influence from PRPB, especially relating to transfers;
  - Improvement of the pension plan and benefits, which will in turn attract better candidates;
  - Some of those interviewed stated that cars and equipment are somewhat accessible, but PRPB needs to increase the budget for the purchasing of equipment, car parts, and the ability of repairing cars as quick as possible to better equip officers;
  - Shortage of qualified police candidates. Good incentives have to be in place to attract better candidates;
  - Supervisors are supportive of virtual training but believe that in-person training is needed and more effective;






- Officers reported working additional shifts or hours to cover the lack of officers. In many cases, the lack of officers is causing PRPB members to be overworked, affecting morale, and causing burnout;
- Supervisors and officers complained about the Judicial System, which they feel needs to be more consistent and effective in the application of the law; and
- Recognition of outstanding work sometimes does not occur.

### *Pathway Forward*

PRPB executive leadership should recognize and validate the officers' feedback as well as assess improvement within the transfer unit, the vehicle repair budget, assignments, and employee rewards and recognitions, etc. These officers are the ones involved in the day-to-day operations, they are the face of PRPB and should have the best available tools at their disposal. PRPB leadership should correct and improve the identified deficiencies. During this reporting period, DSP and PRPB addressed supervisory staffing shortages by promoting sergeants, captains, and high-ranking officials. In addition, they anticipate promoting 1<sup>st</sup> and 2<sup>nd</sup> lieutenants during 2024. These promotions will increase accountability and make supervision more effective and professional. The Monitor's Office will continue to assess PRPB as they continue to implement efforts related to the Staffing Plan, per Paragraph 13.

### **Paragraph 140: Supervision and Management - Duties of Supervisors**

*All PRPD commanders and supervisors shall ensure that all supervisors and officers under their command comply with PRPD policy, Commonwealth of Puerto Rico and federal law, and the requirements of this Agreement.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 136.

### *Compliance Assessment*

The Monitor's Office reviewed examples of staffing documents submitted electronically and during several site visits for the areas of Utuado, Carolina, Bayamon, Fajardo, and Aguadilla. Based on the documents reviewed and officers and supervisors interviewed, supervision is reaching a partial level of compliance. Supervisors have returned to normal activities and assignments in accordance with their job descriptions. Supervisors are developing experience in addition to receiving proper training that will lead them to provide better guidance and improve professionalism, prioritizing community policing and problem solving. One of the most important skills that supervisors must develop is the ability to identify, correct, and prevent misconduct.



PRPB needs to develop the EIS program, conduct personnel integrity audits, and ensure the implementation of inter-agency feedback systems. The Monitor's Office had the opportunity to attend several EIS demonstrations during 2024. However, PRPB has not implemented policy, training, or practice of the EIS. As soon as the EIS is approved and implemented, this paragraph will approach compliance. Effective and professional supervision is the backbone of any successful organization. PRPB supervisors are expected to be responsible for officers under their command complying with Bureau policy, the Agreement, and the law. Interviewed officers fully support their supervisors and believe that they provide effective and necessary supervision, guidance, and support to comply with PRPB policy, the Agreement, and the law. However, most of the personnel interviewed stated that their supervisors could benefit from more effective training that will make them better communicators, especially with the next level of supervision. They also expressed that even when they fully support their supervisors, they still have concerns with the inexperience of the recently promoted supervisors.

#### *Pathway Forward*

PRPB's digital non-punitive disciplinary application is likely accumulating a trove of data that could be mined for valuable clues concerning policies, training, supervision, and early intervention. The results of this data mining may likely uncover gaps in training, policy, and supervision that PRPB may proactively address. This analysis requires analytical capacity within the non-punitive disciplinary system and should be conducted at frequent intervals – at least quarterly.

PRPB should develop an analytical capability to look at non-punitive disciplinary cases with an eye towards correcting defects in training, supervision, and policy.

## 2. Supervisor Training




*Paragraphs 141 - 144 are assessed annually and will be reviewed in CMR-12.*

## 3. Performance Evaluation

PRPB implemented the new performance evaluation system in January 2024. The performance evaluation system will take place annually and supervisors are mandated to meet with their personnel regardless of score. The Monitor's Office understands that the new ProMedia system will be a very effective tool for PRPB when the proper training is provided. In addition to the annual evaluation and mandatory meetings, the expansion of the measured performance categories will be essential in providing clearer and detailed justifications for each element of the evaluation process. PRPB has yet to implement the proper training to provide supervisors with the proper knowledge of criteria, policies, and procedures and develop better communication skills to relay strategies that will help employees improve, making them more professional and effective. Supervisors need to develop better organization and planning skills that will help them provide clear plans to follow through with their guidance. The Monitor's Office believes that with the proper training and guidance, supervisors will develop all the necessary supervisory skills making them effective and better prepared to accomplish PRPB's mission. In addition, when the Commonwealth develops and institutionalizes an adequate IT auditing system, PRPB will be able to effectively monitor evaluations.

### Paragraph 145: Supervision and Management - Performance Evaluation

*PRPD shall develop and implement a specific system to accurately evaluate the qualifications and performance of all PRPD officers in areas that include, but are not limited to, constitutional policing, integrity, community policing, and critical police functions on both an ongoing and annual basis. PRPD shall develop objective criteria to assess whether officers meet minimum qualifications and performance standards, including officers in inactive status, where appropriate. The evaluation system shall provide for appropriate remedial or disciplinary action.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Not Implemented		
 Practice:	Not Implemented		

#### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 145-146.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on performance evaluations is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled personnel files indicate that supervisors are trained and certified on policies regarding performance evaluations (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. 95% of sampled officers meet minimum qualifications and eligibility criteria.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. 95% of sampled performance evaluations adhere to approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

#### Compliance Assessment

Through the review of training logs and conducting personnel interviews, the Monitor's Office determined that supervisory trainings are consistent with policies and that newly promoted supervisors attended the 40-hour mandatory training at the Academy before taking over their duties. However, it was reported that performance evaluations are still an issue for both supervisors and employees. The lack of training and knowledge of the system is noticeable for both. During this performance review cycle meetings took place between supervisors and employees to review evaluations regardless of the score, which had not happened prior. Inflated ratings were not detected during the sample evaluation review, which was also a first. Scores were consistent with normal and average evaluations.

The Monitor's Office confirmed that GO 310 (Performance Evaluations) was implemented in January 2024. The new performance evaluations will occur annually, and it is a requirement that every PRPB supervisor meets with their supervisees in-person to discuss the evaluations regardless of the rating. Evaluation topics include constitutional policing, integrity, community policing, and critical police functions, among others. However, during several meetings with HR, it was determined that no training or guidance has yet to be developed or approved. HR only reported that videos and PowerPoint




presentations were provided to the supervisors on how to access the new program, but no additional training or instructions were provided. HR reported that training will be provided before the next scheduled evaluations in January 2025. PRPB must make this training a high priority, the performance evaluation system is the most effective way to discuss performances, expectations, respective goals, and career paths. Without the proper training and guidance, the updated GO 310 (Performance Evaluations) will not be effective and PRPB personnel will continue to view evaluations as unimportant.

#### *Pathway Forward*

The Monitor's Office will continue to monitor the recently implemented GO 310 (Performance Evaluations) and related forms. Supervisors and supervisees need continued training, including on the evaluation system, to make PRPB more effective and professional. The revision of these policies and procedures is crucial for the implementation of this paragraph. PRPB needs to understand and update the ProMedia evaluation system so that executives and HR can monitor and audit the evaluations according to policy.

#### **Paragraph 146: Supervision and Management - Performance Evaluation**

*As part of this system, PRPD shall establish a formalized system documenting annual performance evaluations of each officer by the officer's direct supervisor. PRPD shall hold supervisors accountable for completing timely, accurate, and complete performance evaluations of their subordinates.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

#### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 145.

#### *Compliance Assessment*

A review of the newly implemented performance evaluation system samples and interviews were conducted by the Monitor's Office. The review revealed that the performance evaluations were completed on time and formalized. This new program will greatly benefit from the implementation of a better automated system. The systemic inflation of evaluation ratings was not detected during the review of the new system, which was confirmed through interviews and a review of 92 evaluation samples.

However, HR reported that they only provided training to supervisors on how to use the system, which was provided via PowerPoint presentations and videos. Training on writing score justifications and how to verbally discuss the evaluation with the officer will be offered during 2024 before the next scheduled

evaluations in January 2025. The Monitor's Office believes that after the proper training and guidance is approved and provided, the performance evaluation system will be effective, helping the Bureau become a more professional institution and will lead PRPB to reach compliance by January 2025.

#### *Pathway Forward*




The Monitor's Office will continue to monitor the implementation GO 310 (Performance Evaluations) and related forms. Supervisors and supervisees must receive effective trainings, including on the newly implemented evaluation system to make PRPB more professional. The revision of these policies and procedures is crucial for the implementation of this paragraph. With the correct implementation, the executives and HR can monitor and audit the evaluations according to policy.

#### 4. Early Identification System

During this reporting period, PRPB continued its work on the technical development of the EIS and provided the Monitor's Office with a system demonstration in March 2024. Although the system has been created, it is not yet operational. The related policy, GO 407, needs to be updated. Before that, PRPB must also identify and/or develop related resources and processes for the operational aspect of the system and unit, such as identifying where within the organization the unit will be housed, what resources will be available to officers needing intervention, and internal communications about the EIS. Further, the continued misuse of the EIS acronym by SARP presents a potential problem in how this new intervention system and unit are communicated with officers. So, while PRPB may have achieved partial compliance with the technological aspects of EIS, it is still not compliant with the operational aspects of the system and as such all related paragraphs within this subsection.

#### Paragraph 147: Supervision and Management - Early Identification System

*PRPD shall develop, implement, and maintain an early identification system ("EIS") to support the effective supervision and management of PRPD officers and employees, including the identification of and response to problematic behaviors as early as possible. PRPD shall regularly use EIS data to promote ethical and professional police practices; to manage risk and liability; and to evaluate the performance of PRPD employees across all ranks, units, shifts, commands, and organization components.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented	Assessment Frequency	Bi-annually
 Training:	Not Implemented		
 Practice:	Not Implemented		

#### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 147-153.

☐ Met ☒ Missed

2. Training on EIS is consistent with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of sampled supervisors and personnel administering EIS are trained and certified in EIS policies (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. EIS data and records demonstrate compliance with EIS policy for 95% of selected officers who trigger EIS and officers who do not trigger EIS.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. 95% of interviewed officers, supervisors, SARP personnel, and IT staff perceive EIS as an effective supervisory tool that addresses potential problematic behavior in a non-punitive manner.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
6. EIS is functioning as designed, equipment is in good working order, and information is secure in 95% of selected units.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

As noted above and in previous CMRs, there currently is no EIS developed and/or in use by PRPB. In the past, PRPB was misapplying the EIS acronym to a system that is primarily used as a case management system. PRPB has noted that it is awaiting recommendations from the IT CAP and results of C2S's, the Commonwealth's contractor's, work to begin developing EIS. EIS will be heavily reliant on the data and modules that are currently being reviewed and/or developed as part of these two projects. As such, it is most efficient for PRPB to wait until these projects have been completed until it begins delving into EIS development. It should be noted that in a certification provided by PRPB, PRPB stated that an EIS Division was created. However, PRPB's April 2024 Self-Assessment Report, which covers the period of January 1 through March 31, 2024, stated there was no EIS Division created during this reporting period. The report committed to creating an EIS Division by April 2024. As scheduled, it was reported that a team was created and is currently in place. The Monitor's Office looks forward to reviewing the EIS Division's policy, members, etc.

In an Action Plan approved by the Parties on September 5, 2023, PRPB noted that the efforts that would bring Paragraphs 147-153 into compliance completely rely on the acquisition and implementation of an RMS. As happens in other areas, some targets and paragraphs remain at a standstill regarding their compliance until PRPB executes the steps that it has committed to acquiring, implementing, and testing an RMS. PRPB reported in their September 2024 Self-Assessment Report that they initiated efforts to contract Benchmark Analytics for EIS implementation. PRPB reported that the contract with Benchmark Analytics was executed in October 2024. The Monitor's Office remains optimistic that PRPB will adequately complete the steps outlined in the aforementioned Action Plan, contributing to the compliance of Paragraphs 147-153.

### *Pathway Forward*




PRPB must develop an EIS that encompasses a range of clearly defined information and ensures that corrective action is based on appropriate evaluation, and not reserved for a mere accumulation of violations. Currently, the EIS module is under development and is not available for use by supervisors. EIS is a critical component of risk assessment and management systems and should be a priority for PRPB. PRPB must ensure that EIS provides a non-punitive, proactive method for identifying agents that may need training, counseling, or other intervention before issues arise involving agent misconduct. PRPB should continue to develop the platform so that supervisors can use the information from EIS data

and records. This will mean that EIS can become an effective supervisory tool that addresses potentially problematic behavior in a timely and non-punitive manner.

#### Paragraph 148: Supervision and Management - Early Identification System

*The EIS shall include a computerized relational database which shall be used to collect, maintain, integrate, and retrieve detailed data department-wide and for each officer regarding:*

- a) all uses of force;*
- b) injuries to and deaths of persons in custody;*
- c) all complaints and their dispositions;*
- d) data compiled under the stop data collection mechanism;*
- e) all criminal proceedings initiated, as well as all civil or administrative claims filed, that bear upon an officer's performance or fitness including, but not limited to, domestic violence and protective orders;*
- f) all judicial proceedings involving domestic violence, protective orders, and any other judicial proceedings which may be related to an officer's performance;*
- g) all instances in which PRPD is informed by a prosecuting authority that a declination to prosecute any crime was based, in whole or in part, upon concerns about the credibility of a PRPD employee or that a motion to suppress evidence was granted on the grounds of a constitutional violation by a PRPD employee;*
- h) all disciplinary action taken against employees;*
- i) all non-punitive corrective action required of employees;*
- j) all awards and commendations received by employees;*
- k) training history for each employee; and*
- l) identifying information for each PRPD officer and employee and;*
- m) demographic data for each civilian involved in a use of force or search and seizure incident sufficient to assess bias.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

#### Compliance Targets

Note: This Paragraph is assessed with Paragraph 147.

#### Compliance Assessment

In July 2023, the Monitor's Office received a certification from the Reform Office stating that an EIS module has been created and is in testing. PRPB stated that they are working on the identification of

suitable people to form the EIS Division. The EIS Division will oversee working on the module, examining its operation, and requesting required changes in programming and functionality for its full and effective operation. PRPB states that once the module is fully operational, records and reports will be generated and shared with the Monitor's Office. As such, the Monitor's Office concludes that there is no related policy and no related system and PRPB cannot be considered compliant with any paragraphs related to EIS.

In March 2024, the Monitor's Office attended a presentation prepared by C2S, the Commonwealth's contractor, that showed a preliminary version of an EIS. However, the Monitor's Office has not received any additional information or documentation about any components of this system. Furthermore, the Monitor's Office was informed that the system still does not capture the necessary data to be substantially compliant, nor has the data passed through a validation process. Because of this reason, this paragraph remains not compliant.




As mentioned in Paragraph 147, this paragraph relies on various steps that PRPB must perform regarding the acquisition of an RMS. As reported in their Self-Assessment Report, PRPB submitted an RFP during this reporting period, and is currently evaluating the proposals put forward by potential vendors. The Monitor's Office remains optimistic that PRPB will adequately complete the steps outlined in the aforementioned Action Plan, contributing to the compliance of Paragraphs 147-153.

#### *Pathway Forward*

The Monitor's Office looks forward to assessing the development of this work in CMR-12, and stresses to PRPB the importance of ensuring that EIS, once developed, captures the requirements of this paragraph.

#### **Paragraph 149: Supervision and Management - Early Identification System**

*PRPD shall establish a unit to develop, implement, and maintain the EIS with sufficient resources to facilitate data input and provide training and assistance to EIS users.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

#### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 147.



### Compliance Assessment

As noted above, there is an EIS module that has been created and is in testing. PRPB has not provided the Monitor's Office with a list of identified personnel that will lead EIS development efforts and its related policies and procedures. As noted above, any work related to this has been placed on hold until the IT CAP and C2S's, the Commonwealth's contractor's, work is completed. The results and recommendations from these two projects will be used to expedite EIS development.

In January 2024, the Reform Office indicated that they had selected six candidates to be the initial EIS team. The Monitor's Office is encouraged by these selections and looks forward to working with this initial division.




As mentioned in Paragraph 147, this paragraph relies on various steps that PRPB must perform regarding the acquisition of an RMS. As reported in their Self-Assessment Report, PRPB submitted an RFP during this reporting period, and is currently evaluating the proposals put forward by potential vendors. The Monitor's Office remains optimistic that PRPB will adequately complete the steps outlined in the aforementioned Action Plan, contributing to the compliance of Paragraphs 147-153.

### Pathway Forward

The Monitor's Office looks forward to assessing PRPB's progress in this area as part of its implementation of the IT CAP. The Monitor's Office will remain vigilant of any steps that PRPB completes in the IT CAP, or the Action Plan approved by the Parties regarding EIS. Once developed, the training, policy, and personnel will be assessed by the Monitor's Office.

### Paragraph 150: Supervision and Management - Early Identification System

*PRPD shall maintain necessary equipment, in sufficient amount and in good working order, to permit appropriate personnel, including supervisors and commanders, ready and secure access to the EIS system to allow for timely input and review of EIS data.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 147.

### Compliance Assessment

PRPB has made some progress in the development of an EIS module, but most of the supervisors and agents who were interviewed were unaware of what constitutes an EIS. Those that know how to use EIS nevertheless report not being able to access the system. The Monitor's Office has been told in interviews

that equipment such as logbooks, administrative supplies, laptops/iPads, and computers are not available for PRPB supervisors to use to access and review EIS data. The Monitor's Office notes that investment in such equipment is a prerequisite for providing supervisors with a mechanism for accessing and reviewing EIS once its development is complete.




As mentioned in Paragraph 147, this paragraph relies on various steps that PRPB must perform regarding the acquisition of an RMS. As reported in their Self-Assessment Report, PRPB submitted an RFP during this reporting period, and is currently evaluating the proposals put forward by potential vendors. The Monitor's Office remains optimistic that PRPB will adequately complete the steps outlined in the aforementioned Action Plan, contributing to the compliance of Paragraphs 147-153.

### *Pathway Forward*

The Monitor's Office notes that PRPB must take equipment needs into consideration as it works towards promoting new supervisors in the coming months. Further, PRPB should leverage the IT Needs Assessment and CAP to inform the status of its ability to provide supervisors and commanders with the equipment necessary to access supervisory and management systems like EIS.

### **Paragraph 151: Supervision and Management - Early Identification System**

*PRPD shall develop a protocol for using the EIS and information obtained from it. The protocol for using the EIS shall address data storage, data retrieval, reporting, data analysis, pattern identification, supervisory use, supervisory/departmental intervention, documentation and audits, access to the system, and confidentiality of personally identifiable information. The protocol shall also require unit supervisors to periodically review EIS data for officers under their command, including upon transfer between PRPD units or regions.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 147.

### *Compliance Assessment*

There currently is an EIS module that has been created and is in testing, but PRPB still does not have an EIS that comports with generally accepted policing principles and practices related to early intervention. As such, the Monitor's Office concludes that there is no related policy and no related system, and PRPB cannot be considered compliant with any paragraphs related to EIS.




As mentioned in Paragraph 147, this paragraph relies on various steps that PRPB must perform regarding the acquisition of an RMS. As reported in their Self-Assessment Report, PRPB submitted an RFP during this reporting period, and is currently evaluating the proposals put forward by potential vendors. The Monitor's Office remains optimistic that PRPB will adequately complete the steps outlined in the aforementioned Action Plan, contributing to the compliance of Paragraphs 147-153.

#### *Pathway Forward*

The Monitor's Office looks forward to assessing the development of this work in CMR-12.

#### **Paragraph 152: Supervision and Management - Early Identification System**

*PRPD shall maintain all personally identifiable information about officers and employees included in the EIS for at least five years following their separation from the agency. Information necessary for aggregate statistical analysis shall be maintained indefinitely in the EIS. On an ongoing basis, PRPD will enter information into the EIS in a timely, accurate, and complete manner, and shall maintain the data in a secure and confidential manner.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

#### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 147.

#### *Compliance Assessment*

There currently is an EIS module that has been created and is in testing, but PRPB still does not have an EIS that comports with generally accepted policing principles and practices related to early intervention. As such, the Monitor's Office concludes that there is no related policy and no related system, and PRPB cannot be considered compliant with any paragraphs related to EIS.




As mentioned in Paragraph 147, this paragraph relies on various steps that PRPB must perform regarding the acquisition of an RMS. As reported in their Self-Assessment Report, PRPB submitted an RFP during this reporting period, and is currently evaluating the proposals put forward by potential vendors. The Monitor's Office remains optimistic that PRPB will adequately complete the steps outlined in the aforementioned Action Plan, contributing to the compliance of Paragraphs 147-153.

#### *Pathway Forward*

The Monitor's Office looks forward to assessing the development of this work in CMR-12.

### Paragraph 153: Supervision and Management - Early Identification System

*Following the initial implementation of the EIS, and as experience and the availability of new technology may warrant, PRPD may propose to add, subtract, or modify data tables and fields, modify the list of documents scanned or electronically attached, and add, subtract, or modify standardized reports and queries. PRPD will submit all such proposals for review and approval as set forth in Paragraph 229.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

#### Compliance Targets

Note: This Paragraph is assessed with Paragraph 147.

#### Compliance Assessment

There currently is an EIS module that has been created and is in testing, but PRPB still does not have an EIS that comports with generally accepted policing principles and practices related to early intervention. As such, the Monitor's Office concludes that there is no related policy and no related system, and PRPB cannot be considered compliant with any paragraphs related to EIS.

As mentioned in Paragraph 147, this paragraph relies on various steps that PRPB must perform regarding the acquisition of an RMS. As reported in their Self-Assessment Report, PRPB submitted an RFP during this reporting period, and is currently evaluating the proposals put forward by potential vendors. The Monitor's Office remains optimistic that PRPB will adequately complete the steps outlined in the aforementioned Action Plan, contributing to the compliance of Paragraphs 147-153.

#### Pathway Forward

The Monitor's Office looks forward to assessing the development of this work in CMR-12.




### 5. Internal Audits and Interagency Feedback

In review of the paragraphs within this subsection, the Monitor's Office found that PRPB ensures that audit work is conducted in a consistent, fair, and professional manner. The Audit Division provides transparency and gains public trust through accountability, quality, and continuous improvement. The audit system identifies operational deficiencies, analyzes the causes and contributing factors, and implements effective corrective measures. These audits help ensure that all areas of Puerto Rico receive adequate levels of service delivery. Policies reviewed by the Monitor's Office related to this subsection

meet paragraph requirements. The Monitor's Office notes that in the past the lack of staff and resource allocation has resulted in a low number of internal audits being conducted each reporting period.

#### Paragraph 154: Supervision and Management - Internal Audits and Interagency Feedback

*As part of PRPD's continuous improvement efforts and to ensure compliance with this Agreement, PRPD shall establish an auditing system that identifies operational deficiencies, analyzes causal and contributing factors, and implements effective remedial action. To effectuate the system, PRPD shall develop and implement auditing protocols that are based on generally accepted policing practices. The protocols shall provide the audited unit an opportunity to respond to preliminary findings and recommendations, as appropriate, to foster a culture of accountability and continuous improvement among all PRPD units and personnel.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	Implemented		
 Practice:	Not Implemented		

#### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 154-156.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on internal audits and inspections are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified on the auditing and inspections system (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. 95% of selected internal audits and inspections comply with policy.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. Internal audits and inspections are scheduled regularly for all PRPB units, locations, and personnel.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. PRPB prepares an annual report that (a) includes the conclusions and recommendations of internal audits and inspections conducted for the covered period and (b) is reviewed by the Commissioner and unit commanders to guide corrective action, as appropriate.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

#### Compliance Assessment

In assessing PRPB's compliance with this paragraph, the Monitor's Office finds that related policies incorporate the requirements of Paragraphs 154-156. Trainings on internal audits and inspections are consistent with approved policies. However, the Monitor's Office finds that 95% of sampled personnel have completed the required training and certification on the auditing and inspections system in the required timeframe for this reporting period, though the most recent round of training on Operational and Administrative Inspections for Compliance Inspectors (Inspecciones Operacionales y Administrativas para Inspectores de Cumplimiento) was conducted in 2020.

Based on conversations with members of the Inspection Division in January 2024, PRPB is using the auditing system to identify operational deficiencies and their causes and contributing factors so that effective remedial action may be implemented. The Monitor's Office notes that the Inspections Manual and Guide is comprehensive and has been well received by PRPB supervisors. It should also be noted that these two documents were revised and have been reviewed by the Monitor's Office as part of Paragraph 229 and comments were provided.

The details from the Monitor's Office review of completed audits are included under Paragraph 156. These audits were comprehensive, clear, and concise. PRPB is commended for the inspections that were completed – the reports were extensive and involve hundreds of pages of documentation and analysis.

Nearing the end of the reporting period, the Monitor's Office was informed that PRPB conducted 42 total inspections. The Commissioner certified 4 inspections out of the 28 reviewed (14%). For this reason, and because of Paragraphs 155 and 156, Target four is missed. Furthermore, regarding Target 6, the Inspections Annual Report did not contain any proof that the Commissioner reviewed and signed it.

#### *Pathway Forward*




The Monitor's Office commends PRPB for its work to update and conduct a new round of training on administrative inspections for compliance inspectors and will continue to assess PRPB's compliance. Based on this review, PRPB is found to be using the auditing system to identify operational deficiencies, so that effective remedial action may be implemented. The revised Inspections Manual has resulted in more comprehensive inspections. However, the Commissioner must certify all inspections. In addition, the Annual Report needs to be reviewed, approved, and signed by the Commissioner's Office. Further, it is suggested that additional training be conducted on the auditing and inspections systems and PRPB should ensure that its internal audits and inspections are conducted according to policy.

#### **Paragraph 155: Supervision and Management – Internal Audits and Interagency Feedback**

*Paragraph 155 is assessed annually and will be reviewed in CMR-12.*

#### **Paragraph 156: Supervision and Management - Internal Audits and Interagency Feedback**

*PRPD auditors shall issue a report to the Superintendent on the result of each audit. The Superintendent will review each audit for appropriate policy, disciplinary, and/or non-punitive corrective action. The commander of each precinct or specialized unit shall review all audit reports regarding employees under their command and, if appropriate, shall take non- punitive corrective action or disciplinary action.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

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Note: This Paragraph is assessed with Paragraph 154.

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### *Compliance Assessment*

The Monitor's Office has received information from the Inspection Division indicating that audits are consistently planned and conducted. The Monitor's Office has not been provided with documentation to demonstrate that the Commissioner reviews each audit for appropriate policy, disciplinary, and/or non-punitive corrective action. Documentation was provided to demonstrate that the commander of each precinct or specialized unit reviewed all audit reports regarding employees under their command and, if appropriate, took non-punitive corrective or disciplinary action.

During the reporting period, PRPB provided documentation showing that they had completed 42 inspections. The Monitor's Office's sample size was 28 and the locations included a wide array of units and divisions across the 13 area commands.

Although some divisions and units had considerably fewer violations than others, the Monitor's Office acknowledges the efforts made by each division and unit in rectifying their violations, especially when the audits were completed in a timely manner. The audits show that most of the divisions and units were able to correct the violations reported by the Inspection Division, and the Monitor's Office recognizes the initiative taken by PRPB personnel. Audits are important for PRPB divisions and units because they pinpoint the areas that need attention, and the Monitor's Office will continue to acknowledge the divisions and units that display initiative in correcting their violations.

During the January and February 2024 site visits, the Monitor's Office recommended that more operational audits should be completed during the reporting period. The Monitor's Office appreciates the work that was done by the Inspection Division on the 28 sampled audits.

It is noted by the Monitor's Office that those in charge of each of the 28 locations resolved all issues identified by the Inspection Division within 30 days. In each of these inspections, proper advance notice was given to those in command in preparation for their efforts.

Further, the Monitor's Office recommends that the inspection of the Guánica Maritime Division completed during the CMR-8 reporting period continue to be used as a model. This inspection audit was streamlined and very efficient due to the organized methods used to track the information and equipment. Specifically, all equipment was numbered, and the records were organized by numerical order to easily identify the corresponding equipment. This included equipment such as portable radios, computer equipment, bullet proof vests, tasers, weapons, vehicles-organized by VIN, model, and make, ballistic shields, etc. It is hoped by the Monitor's Office that the other areas could review and establish a similar tracking system to prepare for future audits.

The Monitor's Office is aware of the severe understaffing problems suffered by many of the divisions/units assigned to conduct inspections. The Metro Division, for example, is probably the division where the understaffing problem is most noticeable. This division regularly relies on the participation of personnel from other areas to comply with its yearly scheduled inspections. The Monitor's Office is also aware of the equipment allocation and training initiatives that PRPB must provide the different divisions/units assigned to inspections once new personnel are assigned to alleviate this understaffing.



During previous assessments of this paragraph, the Monitor's Office has found a continuous pattern of repetition in the violations committed by the various inspected units/divisions and this reporting period is no exception. These violations include no weekly taser tests, improper uniform, vehicle upkeep violations, among others. Although the Monitor's Office understands that PRPB has generally been effective in solving and documenting the initiatives taken to solve these violations once they are identified, PRPB has not found and implemented an effective resolution to remedy this pattern.

#### *Pathway Forward*




During this reporting period the Inspection Division completed a system upgrade to their automatic system by adding a functionality that enables the Inspection Division to directly send inspections results to the Commissioner and the Associate Commissioner for evaluation and final approval. The Inspection Division must provide a list of resolved and approved samples to the Monitor's Office. These strategies and corrective actions should be published so that other commanders can see successful resolutions. The Monitor's Office has been provided with the 2024 Annual SARP Audits Report normally issued in January. However, each audit was not signed off by the Commissioner. The Monitor's Office suggests that the 2024 Annual SARP Audits Report be required reading for all supervisors in PRPB, and this information be included in future promotional examinations of sworn personnel.

It is again recommended by the Monitor's Office that the roll call concept be instituted uniformly across PRPB. This is important for proper preparation for duty, officer safety, the administration of non-punitive discipline, and formalizing the role of the supervisor. The roll call setting and the ad hoc inspections process is beneficial to ensure readiness for duty and performance.

Along with Paragraph 13, the Monitor's Office will continue to review the allocation of personnel to these divisions/units.

#### **Paragraph 157: Supervision and Management - Internal Audits and Interagency Feedback**

*PRPD shall develop and implement a plan for organizing and executing regular, targeted, and random integrity audits. The integrity audits will be used to identify and investigate officers engaging in misconduct including, but not limited to, unlawful stops, searches, seizures (including false arrests), excessive uses of force, potential criminal behavior, racial or ethnic profiling, and bias against lesbian, gay, bisexual, and transgendered persons, or any other form of misconduct. These operations shall also seek to identify officers who discourage the filing of a complaint, fail to report misconduct or complaints, or otherwise undermine PRPD's integrity and accountability systems. SPR shall have the oversight responsibility within PRPD for these operations. SPR shall use relevant EIS data and other relevant information in selecting targets for integrity audits.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented	Assessment Frequency	Bi-annually
 Training:	Not Implemented		
 Practice:	Not Implemented		

### *Compliance Targets*

1. Policies incorporate all the requirements of this Paragraph.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
2. Training on integrity audits is consistent with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified on integrity audits (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. 95% of selected integrity audits are designed effectively and comply with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. EIS and other relevant information is considered when selecting targets for integrity audits in 95% of selected integrity audits.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

PRPB in conjunction with OSM continues to work in adopting and implementing a protocol to perform integrity audits. PRPB submitted a preliminary draft of its Integrity Audit policy and protocol and participated in a meeting with the Parties to discuss the drafts. PRPB has not begun training relevant personnel and conducting integrity audits based on the associated policy and protocol. In addition, no data was provided by PRPB during the reporting period due to the policy still being in development; therefore, the Monitor's Office was unable to complete a review of a random sample of integrity audits.

In March 2024 and July 2024 respectively, the Monitor's Office, OSM, and PRPB travelled to the New Orleans, Louisiana Police Department and the New York Police Department for a peer-to-peer visit. Integrity audits were discussed as well as case presentations. Both visits were very informative and productive. The Monitor's Office suggests that PRPB should adopt similar strategies and technology systems.




An Action Plan was approved by the Parties and PRPB should have approved policies related to integrity audits incorporating the requirements of the paragraph during the next reporting period. The Monitor's Office has not received a finalized and approved version of the aforementioned policy. However, as has been noted above, the Monitor's Office is aware of the steps that PRPB has taken in achieving compliance with this paragraph, its compliance targets, and the steps in the Action Plan.

### *Pathway Forward*

The Monitor's Office looks forward to the implementation of these materials during a future CMR. PRPB and OSM are continuing to collaborate on the development of the integrity audit policy and the Monitor's Office is hopeful that it will be completed soon.

### **Paragraph 158: Supervision and Management - Internal Audits and Interagency Feedback**

*PRPD shall establish an executive-level liaison committee consisting of high-level command officers of the PRPD who communicate, on at least a quarterly basis, with representatives of federal and local criminal justice components in all regions in Puerto Rico, including judicial courts, prosecutors, the University College, and municipal police departments. The committee shall seek mutual feedback and information on improving Puerto Rico's criminal justice system, including performance issues or concerns related to PRPD, its officers, employees, or units. All PRPD high-level commanders who participate in the executive-level liaison committee shall ensure that all allegations of misconduct or potential criminal activity are referred to SPR and/or PRDOJ for investigation, as appropriate.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Quarterly
 Practice:	Not Implemented		

### *Compliance Targets*

- |   |   |  |
|---|---|--|
| 1. Agreements and protocols incorporate all the requirements of this Paragraph.   | <input checked="" type="checkbox"/> Met | <input type="checkbox"/> Missed            |
| 2. PRPB solicits feedback and shares information with criminal justice components, and refers allegations of misconduct or potential criminal activity it obtains from such components to SARP for investigation. | <input type="checkbox"/> Met            | <input checked="" type="checkbox"/> Missed |

### *Compliance Assessment*

As has been determined in previous CMRs, PRPB meets Target one. Aligning with the Civilian Complaints, Internal Investigations, and Discipline section, various components of the criminal justice system have stepped forward to partake in these meetings, and all allegations of misconduct and potential criminal activity it receives from these components are properly referred to SARP.

During this reporting period, PRPB submitted documentation confirming that the area commands of Humacao, Ponce, Mayagüez, Bayamón, Caguas, Carolina, Arecibo, and Aibonito carried out compliant communications through meetings. The Monitor's Office also received minutes that captured the conversations between the attendees of the meetings held in these area commands. These meetings are for PRPB to solicit feedback from criminal justice components, inform them of the services and initiatives done by PRPB, and refer any misconduct/potential criminal activity by any of its officers to SARP. The aforementioned area commands comprise 8 of the 13 areas (62%), all of which are required to comply with this paragraph. Out of the five remaining area commands, Fajardo only submitted an invitation document, an agenda, and an attendance sheet, with no meeting notes; Guayama submitted a document certifying that the meeting was suspended because not all of the components were available to attend; and Aguadilla submitted documents informing that the meetings were not held. San Juan and Utuado did not submit any documentation related to this paragraph.

Another possible area of improvement for PRPB is ensuring that all required attendees are present at these meetings. Out of the area commands that submitted attendance sheets, the areas of Humacao, Ponce, Aibonito, Arecibo, and Fajardo did not count all of the required representatives or were unclear about the representation of each component. The Monitor's Office encourages PRPB to provide clear and adequate documentation aiming towards compliance. In addition, the Monitor's Office is aware that the quality assessment of these meetings is reliant on its ample documentation and note taking. For example, the meeting held in Ponce demonstrated adequate note taking, and there were discussions on the recurring theme of domestic violence cases across the island, possible alliances with certain

communities, and providing educational content for officers. The Monitor's Office encourages these types of discussions and this documentation approach. Bayamón exhibited another exemplary meeting because of its discussion and documentation. The notes showed that COPOP, restraining orders, and CIT were discussed. Because of the reasons outlined above, Target 2 is missed, maintaining partial compliance with Paragraph 158.

#### *Pathway Forward*

Documentation is the most important component for compliance in Paragraph 158. The Monitor's Office encourages all PRPB area commands to perform these meetings frequently and hold productive discussions related to the criminal justice system and refer possible misconduct/criminal activity to SARP.

The Monitor's Office recommends that PRPB continue to use protocols for maintaining related documentation not only as a means of demonstrating compliance with the Agreement, but more broadly to document the outcomes and action items from these meetings to ensure follow-through and accountability. A protocol has been developed and other criminal justice agencies in Puerto Rico have responded to or ratified the protocols developed by PRPB. Now, PRPB should develop an automated system to obtain copies, agreements, and protocols related to criminal justice committees and verify that these materials incorporate all requirements to improve compliance. It is also suggested by the Monitor's Office that a PRPB member be appointed to take concise and complete notes during these meetings.

## IX. Civilian Complaints, Internal Investigations, and Discipline

During the current reporting period, the Monitor's Office found that the Commonwealth improved in some areas and lost ground in others. In areas where PRPB and DSP have aligned much needed resources, there has been recent progress. In other areas, there has been no measurable progress in quite some time. There are several areas that are still stalling and which, in turn, have a negative impact on PRPB's compliance levels.

As of this CMR, the Monitor's Office has interviewed well over 150 current and former SARP investigators. With the exception of the FIU and Inspections Units, the majority of remaining SARP investigators continue to express concerns over case workload, deployments, and a deficiency in human resources needed to manage caseloads. The Monitor's Office continues to interview SARP investigators with over a dozen active cases open at any given time. The impact of this problem is highly variable, depending upon the investigator and the location of their assignment. SARP investigators from the western portion of the island frequently report being assigned to investigate cases in the San Juan Metropolitan area, despite being physically based many miles away from the accused employee(s), witnesses, and complainant(s). This practice of intentionally assigning cases far away from where they are alleged to have occurred creates tremendous inefficiencies for the Bureau and inconvenience to citizen complainants. To service these investigations, SARP investigators rely on a patchy fleet of vehicles – some in safe condition and others clearly unsafe – to commute for hours away from their areas of assignment. This ongoing situation supports the conclusion that SARP investigative resources - both human and otherwise - are either insufficient or have not been allocated and deployed effectively across the island.

The insufficiency and maldistribution of human resources across SARP entities, with the noteworthy exception of FIU and Inspections, continues to negatively impact compliance ratings. SARP human resources must be adjusted upward where needed to ensure both timeliness and accuracy in all SARP investigations and reports. Furthermore, SARP should consider recruiting more SARP investigators to deal with the large volume of SARP cases generated in the San Juan Metropolitan Area. If sufficient investigative resources cannot be found to cure this issue within the San Juan area, then PRPB should begin offering overtime as well as reliable, safe transportation to investigators with the overall goal of keeping all cases within the timelines that PRPB agreed upon.

While the Monitor's Office has seen some positive developments over the five-year course of its assessment of the Commonwealth's compliance with the Agreement, there are areas still stalling progress and PRPB's compliance levels.

After reviewing hundreds of SARP cases, the Monitor's Office is now convinced that the 'preponderance of evidence' standard of proof, which under the Agreement is required to be applied in 100% of SARP cases, continues to be misunderstood by a significant percentage of SARP investigators. The problem manifests itself when SARP investigators indicate an unwillingness to look at an officer's disciplinary history until after their investigation has concluded. When asked why, the overwhelming majority responded that they wanted to consciously avoid prejudicing themselves against the officer.

An officer's previous record can hold important evidence, especially in closely decided cases. PRPB must work with SARP, SAEA, and the Office of Legal Affairs (OAL) to make clear how and when this sort of evidence should be reviewed. Practical examples of cases where this evidence proved to be pivotal should be provided to investigators through both formative and in-service training.

The Monitor's Office has consistently encountered SARP cases that were closed with minimal, if any, effort to resolve direct and material contradictions in members' individual versions of the same incident. In previous CMRs, the Monitor's Office has made note of SARP administrative investigators alleging interference, collusion, retaliation, and possible cover-ups of administrative investigations against their immediate supervisor and perhaps even higher figures within PRPB. These allegations involved a multitude of alleged internal misconduct of a particularly alarming nature.

When sworn police witnesses offer diametrically opposed versions of material fact(s) in a case involving an allegation of grave police misconduct, such a case may not be closed without interviewing all witnesses and the accused. These irreconcilable differences in grave misconduct cases demand exhaustive attempts, including polygraph examination(s), on the part of the investigator to reconcile diametrically opposing versions. There is no possible scenario where the Monitor's Office can find substantial compliance with the Agreement as long as this practice continues unchecked. Any PRPB employee who is found, based upon a preponderance of evidence, to have been untruthful during any SARP investigation must be held accountable, regardless of whether the employee was originally cited as a complainant, witness, or accused. Police officers are routinely called to testify honestly about their observations in a variety of settings, including internal matters. The credibility and trustworthiness of the entire Bureau rests upon an established reputation for honesty and candor.

The Monitor's Office has also noted a highly unusual investigative tack used when an accused officer holds a rank of lieutenant or above and the complainant is an anonymous whistleblower. The higher the rank, the more pervasive this unusual activity is. The interviews conducted by SARP of superior officers allegedly involved in these anonymous allegations are unusually perfunctory and deferential. Investigators in these types of cases commonly rely upon leading questions resulting in unusually short yes/no answers when questioning superiors to determine any responsibility for alleged misbehavior.<sup>30</sup>

Overall, the Commonwealth's compliance with the 46 paragraphs assessed during this reporting period within Civilian Complaints, Internal Investigations, and Discipline reflects some regression of compliance with what was noted in previous CMRs. In CMR-10, 48% of paragraphs (22 paragraphs) were assessed as partially compliant and 30% (14 paragraphs) were assessed as substantially compliant, in comparison to the current reporting period, where 57% of paragraphs (26 paragraphs) were found to be partially

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<sup>30</sup> For a clear example of this, see SARP 2023-1359 - Anonymous case against a fellow PRPB lieutenant and sergeant alleges extrajudicial tools and measures, as well as a lack of required planning for search warrant raids. The SARP investigator never asked for a copy of the pre-raided plans, only the duty assignments. The questioning of the lieutenant was very poor, leading and confining the subject to yes/no answer questions seemingly designed to reach a hasty, foregone, and inaccurate conclusion. The lieutenant had a lengthy history of very similar complaints of the same conduct. The case was closed as Unfounded, lacking any evidence showing that the conduct did not occur, which is standard for an Unfounded finding.

compliant and 11% (5 paragraphs) were found to be substantially compliant. Four paragraphs (9%) moved to fully compliant as they met the two-year timeframe of substantial compliance. See figure 8.

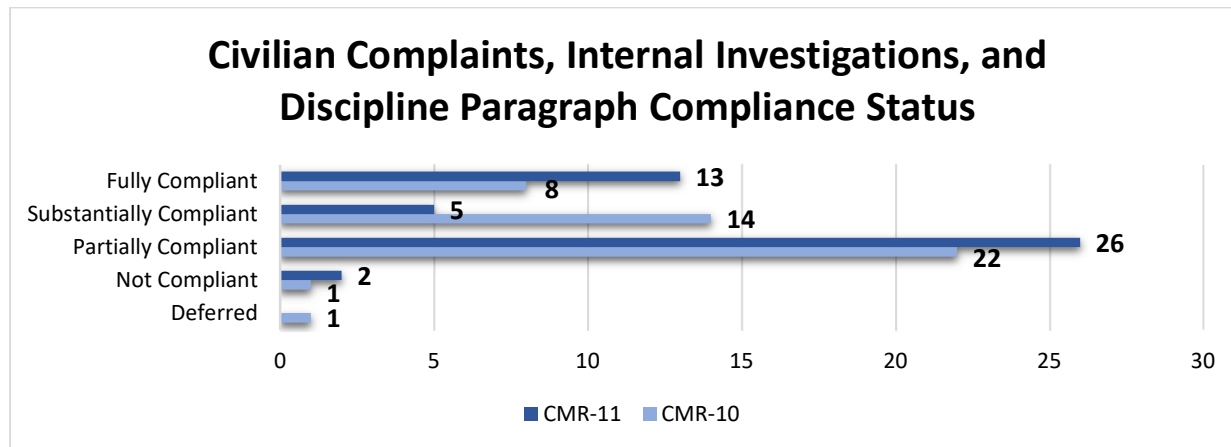





Figure 8. Civilian Complaints, Internal Investigations, and Discipline: Paragraph Compliance Status

### Paragraph 159: Civilian Complaints, Internal Investigations, and Discipline - General Provisions

*PRPD shall ensure that all allegations of officer misconduct are received and are fully and fairly investigated; that all investigative findings are supported by a preponderance of the evidence; and that all officers who commit misconduct are held accountable pursuant to a disciplinary system that is fair and consistent. PRPD shall develop policies and practices for the intake, investigation, and adjudication of misconduct complaints against PRPD officers. These policies and practices shall comply with applicable law and comport with generally accepted policing practices, and shall include the requirements set out below.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

Note: Compliance will be determined on two separate, but inter-dependent bases: (1) the implementation of Paragraphs 160-204, and (2) the results of outcome assessments, pursuant to Paragraph 243.

### Compliance Assessment

The Monitor's Office bifurcates the analysis of SARP investigation files into Phase I and Phase II, the former an assessment of compliance with respect to the internal investigation itself, the latter an assessment of the adjudication process that ends with the Commissioner's final resolution. This analysis model allows the Monitor's Office to assess any recent improvements in SARP investigations in close to



real time, while also allowing the Monitor's Office to contrast SARP performance in more dated investigations. The Phase II analysis allows the Monitor's Office to assess the adjudicative process from the end of an investigation through various levels of internal management and legal review, up to its final resolution.

The Monitor's Office continues to note that while SARP leadership has been diligent in requesting equipment, vehicles, tools, and human resources from PRPB to cure deficiencies previously mentioned by the Monitor's Office, much work remains to increase compliance levels. While the dearth of adjudicative legal staff in OAL has been remedied, OAL now lacks sufficient secretarial support staff. The Monitor's Office has also recommended a throughput analysis<sup>31</sup> of Special Arrest and Extraditions Division (SEAQA), the SARP entity responsible for adjudicating less-serious offenses.

### *Pathway Forward*

DSP must deliver the resources SARP needs to conduct its investigations and reach its conclusions in a thorough and timely manner. Moving forward, where and when delays in this procurement process occur, the Monitor's Office will determine and point out where the delay occurred so that the Commonwealth may take decisive action to remedy it.

## 1. Civilian Complaints

The Monitor's Office notes that the training programming of either 95% of the sworn force or 95% of the unit membership as required has been met, depending on the relative paragraph. While the Monitor's Office is satisfied that the training was conducted, there are lingering questions concerning the actual efficacy of the training, as reflected in investigative outcomes for this reporting period.<sup>32</sup>

The cross section of actual complaints reviewed by the Monitor's Office demonstrates that public awareness of the ability to submit a complaint concerning a PRPB member, the clarity of the complaint form, and the existence and use of multiple viable complaint entry mechanisms are all in accordance with the Agreement. The Monitor's Office sees a growing segment of complaints reported using the Internet portal designed for this purpose.<sup>33</sup>

### Paragraph 160: Civilian Complaints, Internal Investigations, and Discipline - Civilian Complaints




*PRPD will develop and implement a program to inform persons that they may make complaints regarding the performance of any officer.*

Compliance Status	Assessment Schedule	
Substantially Compliant	Review	April 2024 – September 2024

<sup>31</sup> Throughput analysis is a common term used in HR referring to an analysis of the amount of work produced by a unit as it is presently staffed, measured in total output for that unit.

<sup>32</sup> Among these concerns is misapplication of the *Garrity Rule*. PRPB trained SARP members in Garrity over the past 18 months using a curriculum that has not been reviewed by the Monitor's Office.

<sup>33</sup> A variety of complaint inputs were observed during the Monitor's Office's current analysis, including physically tendering complaints at a PRPB facility, receipt of complaints via telephone, U.S. Mail, and PRPB's Internet complaint portal (commonly referred to as *Interfaz*).

 Policy:	Implemented	Period	
 Training:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Implemented		

### *Compliance Targets*

1. Policies incorporate all of the requirements of Paragraphs 160-162.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Civilian complaint program trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled press, office and SARP personnel are trained and certified in all policies related to the civilian complaint program (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. PRPB has developed and implements a program to inform persons that they may make complaints regarding the performance of any officer.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### *Compliance Assessment*

PRPB policy and training on receiving civilian and internal complaints as well as its implementation have not changed since the Monitor's Office's last review where it was found to be compliant with the spirit and letter of the Agreement.

PRPB has demonstrated the required 95% compliance threshold of training and certification of Press Office and SARP personnel as required by this paragraph.

As demonstrated by the form and number of actual complaints received, PRPB's use of a variety of mechanisms to inform members of the public about their ability to submit a complaint against a PRPB member, either as a named person or anonymously, continues to be successful. The Monitor's Office observed informational material about the complaint program publicly posted at each of the area commands and precincts visited. The Monitor's Office urges PRPB to continue to proactively emphasize this accessibility in its open community meetings held across the island.

The Monitor's Office's interviews of nearly all SARP investigators shows an individual awareness of SARP's shared responsibility to educate and proactively communicate the existence of the PRPB civilian complaints program to members of the communities that they serve.




### *Pathway Forward*

The Commonwealth must continue to ensure its SARP personnel receive the training required and that it continues to carry out its program to inform persons that they may make complaints regarding the performance of any officer.

### **Paragraph 161: Civilian Complaints, Internal Investigations, and Discipline - Civilian Complaints**

*Pre-printed complaint forms shall not include any language that can be construed as discouraging civilians from submitting complaints, including warnings regarding potential criminal prosecution for false or untrue*

*complaints. PRPD shall require all officers to carry complaint forms in their official vehicles at all times or on their person, if feasible.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

#### *Compliance Targets*

1. Content of complaint forms is consistent with civilian complaint program policies. ☒ Met ☐ Missed




Note: Policies and Trainings is assessed with Paragraph 160.

#### *Compliance Assessment*

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

#### **Paragraph 162: Civilian Complaints, Internal Investigations, and Discipline - Civilian Complaints**

*PRPD shall make complaint forms and informational materials, including brochures and posters, available at all police facilities and on the PRPD website. Information shall be posted in Spanish and English. PRPD shall post and maintain a permanent placard describing the external complaint process at appropriate government buildings where public services are provided. The placard shall include relevant contact information, such as telephone numbers, email addresses, and websites. PRPD shall also post and maintain a placard explaining an individual's right to be free from involuntary searches and seizures and thus to decline consent to voluntary searches.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Implemented		

#### *Compliance Targets*

1. Content of complaint forms and informational materials is consistent with civilian complaint program policies. ☒ Met ☐ Missed

2. The PRPB website and 95% of PRPB facilities and patrol vehicles have required civilian complaint materials.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
3. Placards as described in Par. 162 are displayed in 95% of all PRPD and DPS buildings, plus eleven regional judicial centers across the Island.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

Note: Policies and Trainings is assessed with Paragraph 160.

### *Compliance Assessment*

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

## 2. Internal Investigations

For SARP to reach its goal of substantial compliance, additional staff and equipment are still needed. The Monitor's Office has seen some responses to SARP procurement requests for both human and tangible resources, but much more is required.




SARP and NAI's present location within police facilities disincentivizes citizens to report crimes allegedly committed by police officers who may work at that very same facility. While past discussions with SARP indicated that some suitable NAI locations had previously been identified across the island, no evidence of any new office locations has been provided to the Monitor's Office. The Monitor's Office has frequently questioned why no IA units have been moved out of police facilities, despite prior notice that these units require relocation for compliance purposes. Only recently, the Monitor's Office learned of new PRPB opposition to this measure via its written responses to CMR-10. PRPB's response in opposition to relocating IA to an independent location are unavailing because it places undercover units at risk.<sup>34</sup> Undercover units involved in plainclothes surveillance of alleged police wrongdoers are located in the very same building as the uniformed police officers they are supposed to surveil. Not only are these special investigators assigned to the same building, but they also share the same parking lot where their personal and undercover vehicles are parked alongside these same officer's vehicles.

Substantial compliance requires DSP to not only procure suitable sites, but to also make them usable and secure for the purpose of conducting a full, robust NAI mission without any further unnecessary delay.

### **Paragraph 163: Civilian Complaints, Internal Investigations, and Discipline - Internal Investigations**

*PRPD shall require that all officers and employees report misconduct, including apparent, alleged, or perceived misconduct, by another PRPD officer or employee to a supervisor or directly to SPR for review and investigation. Where apparent misconduct is reported to a supervisor, the supervisor shall immediately document and report this information to SPR. Failure to report or document apparent or alleged misconduct or criminal behavior shall be grounds for discipline, up to and including termination of employment. The presumptive discipline for a failure to report apparent or alleged misconduct or criminal behavior shall be commensurate to the presumptive discipline for the underlying apparent or alleged conduct not reported.*

<sup>34</sup> The Monitor's Office has been informed anecdotally during multiple interviews that PRPB actually had properly located its IA bureaus in off-site locations in the past. Only in more recent times was IA improperly relocated to police area commands. Returning these bureaus to off-site locations is a condition precedent to reaching a higher level of compliance with the Agreement.

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on internal reporting of misconduct and investigations is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in relevant policies related to reporting and internal investigations (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. All reports of alleged or perceived misconduct are reviewed and investigated, as appropriate, by supervisors or SARP.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
Note: Implementation of the portion of this Paragraph regarding discipline is assessed with Paragraphs 177 (Data Source #4), 198, and 199.		

### Compliance Assessment

Universal training components for sworn PRPB members as well as the underlying policy regarding complaint reporting procedures have not changed from PRPB's previously substantially compliant versions. PRPB has demonstrated that it has reached the 95% compliance threshold in training and certification of its personnel concerning relevant policies and procedures. Training efficacy still remains in question.




The Monitor's Office finds that PRPB has met the burden of showing that reports of alleged or perceived misconduct are reviewed and investigated, as appropriate, by supervisors or SARP and, therefore, achieve the corresponding compliance target.

### Pathway Forward

PRPB must continue to ensure that its personnel are trained, certified, and tested on relevant policies related to their subject matter expertise.

### Paragraph 164: Civilian Complaints, Internal Investigations, and Discipline - Internal Investigations

*PRPD shall develop protocols requiring supervisors to investigate and take appropriate disciplinary or non-punitive corrective action when the supervisor becomes aware of minor misconduct or policy infractions by an officer that do not merit an SPR notification. The incident of misconduct and the supervisor's response shall be reported to SPR within five business days for SPR's review. Where the officer disputes the misconduct allegation, the allegation shall be referred to SPR for investigation.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 164 and 165.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Training on supervisory review of minor policy violations is consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled supervisors are trained and certified in policies related to supervisory review of minor policy violations (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. 95% of selected supervisory reviews and responses comply with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. 95% of selected supervisory reviews and investigations are reviewed and evaluated by unit commanders and the commanders identify needs, as appropriate, in accordance with Paragraphs 164 and 165.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. 95% of selected supervisory reviews and investigations are sent to SARP and assessed according to approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### Compliance Assessment

Most SARP investigators interviewed have informed the Monitor's Office that the non-punitive disciplinary rule is barely used. Many can recite from recent memory cases where the non-punitive rule ought to have been used instead of resorting to a full SARP investigation with conflicting results. While data submitted by PRPB indicates that its supervisors are actively using non-punitive discipline to address PRPB misconduct, they could be using it more frequently to deal with situational behavioral problems.<sup>35</sup>

PRPB's digital non-punitive disciplinary application is likely accumulating a trove of data that could be mined for valuable clues concerning policies, training, supervision, and early intervention. The results of this data mining may likely uncover gaps in training, policy, and supervision that the Bureau may proactively address. This analysis requires analytical capacity within the non-punitive disciplinary system and should be conducted at frequent intervals – at least quarterly.

Lastly, the Monitor's Office awaits proof of whether this new system is effective at discerning non-punitive sanctionable behavior from that which should be investigated, proven, and acted upon by PRPB. At this point, the Monitor's Office has seen no conclusive proof that the system is effective in these cited

<sup>35</sup> Target 6 states that "95% of selected supervisory reviews and investigations are sent to SARP and assessed according to approved policies." The Monitor's Office now possesses abundant evidence that PRPB has broadly missed the 95% compliance threshold established in the methodology.




areas. The Monitor's Office is simply unaware of any PRPB efforts to study this data and determine whether any sort of analysis is properly conducted.

#### *Pathway Forward*

PRPB should develop an analytical capability to look at non-punitive disciplinary cases with an eye towards correcting defects in training, supervision, and policy.

### **Paragraph 165: Civilian Complaints, Internal Investigations, and Discipline - Internal Investigations**

*The results of unit investigations, be they minor misconduct allegations, policy infractions, or SPR referrals, shall each be referred to and evaluated by unit commanders for underlying problems including supervisory, training, or other deficiencies. Unit evaluations shall be sent to SPR for further assessment of trends and potential deficiencies in tactics or training, among other considerations.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Not Implemented		

#### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 164.

#### *Compliance Assessment*

The Monitor's Office's continuing review of all cases for the current reporting period has revealed only a handful of SARP cases where specific tactical, training, policy, or procedural deficiencies were mentioned, either at the unit, area, or SARP command level. It is accepted as a fact that many SARP investigators are overburdened with their caseloads.

The Monitor's Office reiterates the questions that every SARP investigator must answer in their case reports, either affirmative or negative, and in the case of an affirmative answer, the investigator must supply details.

- Could a fault in training be a contributing cause or factor in this complaint?
- Was this complaint caused by or aggravated by a defective PRPB policy?
- Was inadequate (or non-existent) supervision a contributing cause or factor in this complaint?

#### *Pathway Forward*

PRPB is expected to address identified training, policies and procedures, or supervisory shortcomings as they may apply to each complaint.






Failing the above, PRPB will not advance beyond partial compliance with this paragraph.

### 3. Complaint Intake, Classification, Assignment, and Tracking

Complaint intake, classification, assignment, and tracking continue to be one of the best areas of SARP performance. SARP's database digitally captures and tracks all incoming complaints, investigations, and reports. It has been in broad use for many reporting periods. This system now allows the SARP Commander to track timelines including when extensions are granted and when any given case is overdue for completion.

#### Paragraph 166: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*PRPD shall train all officers in how to properly handle complaint intake.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Implemented		

#### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 166-176.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Complaint intake, classification, assignment, and tracking trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled officers are trained and certified in relevant policies related to complaint intake, classification, assignment, and tracking (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

#### Compliance Assessment

Records clearly indicate that accepted policies and related training curricula are unchanged from previous CMRs. The training content on complaint intake, classification, assignment, and tracking as previously approved by the Monitor's Office continues to be consistent with policies. What is less clear is whether the actions observed by the investigators were influenced by training or certifications.

While PRPB has met the 95% compliance threshold for training related to this paragraph, there are a number of PRPB employees who continue to produce illegible PPRs 311.1 (Administrative Complaint Form), a basic area which must certainly have been covered in training.




### *Pathway Forward*

PRPB must ensure that officers are trained and certified in relevant policies related to complaint intake, classification, assignment, and tracking.

Illegible PPRs 311.1 (Administrative Complaint Form) filled out by PRPB of any rank must be rejected by supervisors and sent back for rewriting. Repeat offenders must be corrected using non-punitive discipline.

### **Paragraph 167: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking**

*The refusal to accept a misconduct complaint, discouraging the filing of a misconduct complaint, or providing false or misleading information about filing a misconduct complaint, shall be grounds for discipline.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Compliance Target #1. Bi-annually as to Compliance Target #2.
 Training:	N/A		
 Practice:	Not Implemented		

### *Compliance Targets*

Note: Implementation is assessed with Paragraphs 177 (Data Source #4), 198 and 199.

Note: Policies and trainings are assessed as part of Paragraph 166.

### *Compliance Assessment*

While the Monitor's Office had observed several examples in the past of complaint frustration or redirection, which caused concern, what remains clear after five years of monitoring is that PRPB never asks a complainant if any PRPB member tried to discourage or frustrate their ability to file the complaint in the first place. There is no way that the Monitor's Office may determine whether this practice continues unless PRPB specifically asks the complainant if someone failed to accept or redirected their complaint.

In cases where a police officer discouraged or redirected a case to another area or jurisdiction, a complainant will often not mention this so long as the complaint is eventually received by some official and eventually acted upon in some way by the Bureau. It is essential to note that a person may have had to travel needlessly to a different police station without knowing that, by PRPB rule, their complaint should have been accepted by any PRPB member anywhere across the island.

Knowing that a given misconduct complaint was ultimately received and investigated thoroughly is not enough for substantial compliance. In order to receive a substantial compliance rating, the Monitor's Office requires the ability to prove that no possible hindrance of or redirection of complaints by PRPB occurred. This requires reliable data.

### Pathway Forward

PRPB must identify all cases where a complainant has alleged that his/her complaint was either refused or discouraged by a PRPB member and then register and investigate the allegation.

As part of their interview checklist, SARP investigators must proactively ask each complainant,

- Did any PRPB member try to dissuade you from filing this complaint?
- Did any PRPB member refuse to accept your complaint?




This short line of questioning is essential to elicit information from those who may have been subjected to discouragement or outright refusal on the part of any PRPB member to accept their complaint. Investigators who encounter this accusation from any source should be directed to mention the allegation directly in their investigative report and either address the allegation in the present report, or in the alternative, refer the allegation for a separate and thorough investigation.

PRPB members who have been found, based upon a preponderance of evidence, to have either discouraged a complainant from filing a complaint or to have refused to accept a complaint must be identified and disciplined appropriately.

PRPB will not advance beyond partial compliance if it continues to fail on following the foregoing recommendations.

### Paragraph 168: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*PRPD shall accept all misconduct complaints, including anonymous and third- party complaints, for review and investigation. Complaints may be made in writing or verbally, in person or by mail, telephone (or TDD), facsimile, electronic mail, or any other appropriate electronic means.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

- PRPB accepts, reviews, and investigates complaints, as appropriate, in accordance with approved policies. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 166.

### Compliance Assessment

Within the general sample of Phase I and Phase II analyses, the Monitor's Office has consistently observed a significant number of complaints submitted either via U.S. Mail or the Internet (SARP *Interfaz*)

within the review samples. Some of these complaints are submitted anonymously either by civilians or, more often, by anonymous insiders or whistleblowers. The Monitor's Office now requests special lists of all Phase I cases where the identity of the complainant is unknown.

Recently, the Monitor's Office became aware of another category of complaints received by PRPB - "refused" (*rechazada*) cases. The term "refused" is not found within PRPB rules regarding complaints filed with the Bureau.<sup>36</sup> Rather, what exists is an approved mechanism of administrative closure under the following narrow and exclusive set of circumstances:

- In cases where the complained against party is not an employee of PRPB, or
- In cases where the complaint is a duplicate of a complaint that has already been filed, or
- In cases where, even if the allegation were true, it could not possibly have constituted a PRPB administrative violation.

The Monitor's Office was provided with a sample of these "refused" cases. A review of these files revealed an array of complaints from anonymous sources as well as from known individuals – both sworn and civilian.<sup>37</sup> The Monitor's Office determined that while many fell into one of the three categories, the file itself contained no mention of the rule or which aspect of the rule caused it to be refused. Furthermore, most of these cases contain no reference to being administratively archived, which is the only outcome permitted under the rule as currently written. Lastly, the process of "refusing" a case is an imperfect process subject to no written rule. The Monitor's Office saw numerous examples of refused cases that should have been the subject of a complete internal investigation.<sup>38</sup>

While there has been some level of improvement with respect to anonymous complaints, there are still SARP members who have a difficult time investigating these cases. The Commonwealth should always be mindful that - whether the complaint came from an anonymous civilian or an insider - a person lodging a complaint against the Bureau has placed their faith in this system. Very few complaints should be prejudged, without having at least submitted the case for a preliminary investigation by a competent investigator to determine whether any of the three acceptable conditions for archival apply. If an acceptable condition applies, then the investigator must cite that specific condition as well as data that supports that conclusion in their reports as well as the officer's historical background ("historial"). That information must always be legibly recorded within the case file.

In SARP investigations, *hojas de entrevista* may be used, but they must always be followed up by a separate, in-person, face-to-face interview of the person, both recorded and transcribed.

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<sup>36</sup> If the preliminary investigation reveals that the complaint's allegations do not represent a violation of applicable law and PRPB rules and policies, then the investigator will write a report documenting why the case should no longer be investigated.

<sup>37</sup> Anonymous complaints, or those complaints where the true identity of the complainant is unknown, are automatically subjected to a preliminary investigation under PRPB Rule 9088 to determine whether the case should be fully investigated or administratively archived. An anonymous complaint, according to the Rule, should reflect only one of two possible outcomes – either administrative closure for one of three acceptable situations, or in the alternative – a full internal investigation conducted administratively. In the cases warranting a criminal investigation, a separate and simultaneous criminal investigation must be conducted. See Paragraph 178.

<sup>38</sup> From the *Rechazada* case list provided by PRPB, the following cases should not have been refused and should have been fully investigated to conclusion: Case 50 – alleged hostile work environment created by a PRPB lieutenant; Case 51 – superior removing a marked car from general service to suit his/her own purposes; Case 60 – drug control superior officer ordering raids without participants wearing appropriate safety gear - contrary to PRPB Rules; Case 61 – allegation of excessive force used on an elderly motorist; Case 63 – alleged disrespectful treatment; and Case 96 – sergeant versus lieutenant – respectful treatment.

PRPB refuses to assign many cases for simultaneous internal criminal and internal administrative investigation within the five-day period stipulated in the Agreement. No reason has been found to support such action. Not only have SARP investigator interviews indicated that this practice is pervasive and enduring, but there is also ample documentary evidence<sup>39</sup> showing SARP assigning a case for criminal investigation by IA, waiting for IA to conclude their criminal investigation, and then tasking the same IA investigator with conducting a separate administrative investigation. This is despite repeated admonishments by the Monitor's Office over the past ten CMRs.

#### *Pathway Forward*

PRPB should either discard the *rechazada* classification altogether and rely on administrative closure as originally permitted, or in the alternative, seek to redraft Rule 9088 (Processing of Administrative Complaints) to officially define this term and allow established procedures for its use.

All administratively closed SARP case files must contain a brief explanation as to which of the three allowed circumstances for administrative closure apply to the respective case. Known complainants must receive a copy of the correspondence containing this brief explanation, in addition to information concerning the right to appeal before the Commission of Investigation, Prosecution, and Appeal (CIPA), should the complainant wish to pursue the matter further.<sup>40</sup>

According to Rule 9088, all SARP cases where the identity of the complainant is unknown must first be subjected to a preliminary investigation. For administrative closure or archival, the investigation must reveal one of the three acceptable circumstances for administrative closure. Failing that, the case may not be administratively closed and must be investigated thoroughly and expeditiously.

All cases of a purported criminal nature must be assigned within five business days for simultaneous investigation by both NIA (Administrative Investigation) and NAI (Internal Investigations). Under no circumstances should an NAI investigator be assigned to investigate a case administratively once his/her criminal investigation into the same incident has been concluded.

While most of the legible *rechazada* cases fell into one of the approved administrative closure categories, others should have been fully investigated by SARP.

Failure to address these defects will make it impossible to advance beyond partial compliance.




#### Paragraph 169: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*PRPD will establish a protocol that provides procedures to be followed when an individual objects to an officer's conduct. The protocol shall provide that, absent exceptional circumstances, the officer will inform the individual of his or her right to make a complaint and shall provide the complaint form and the officer's name and*

<sup>39</sup> For an example of an IA case that corroborates this standing policy, see SARP Case 2023-1537, "...the undersigned investigator was assigned this case on November 6, 2023, preparing an investigative work plan, and beginning a criminal investigation. On May 15, 2024, after evaluating the investigative merits, a change was made from criminal to administrative." This case should have been assigned for a simultaneous investigation on or about November 6, 2023, and not six months later in May of 2024. No criminal investigator of any kind, including SARP IA, should conduct an administrative internal investigation.

<sup>40</sup> The Monitor's Office is aware that PRPB tracks these cases with a unique identifying number, which differs from an actual SARP case number. The case tracking software used by PRPB contains a written reference to the reason given for "refusing" the case. Most of the physical case files, which often contain the PPR 311.1 complaint form or a copy of the *Interfaz* digital complaint do not contain this packet of information to explain why the complaint was refused. PRPB must follow Rule 9088 by mandating a brief, legible justification memo in the physical file while continuing to enter data into their tracking system.

identification number. If the individual indicates that he or she would like to make a complaint on the scene, the officer shall immediately inform his or her supervisor, who shall immediately respond to the scene and initiate the complaint process. In the absence of the officer's immediate supervisor, any supervisor may respond to the scene. All misconduct complaints received outside of SPR shall be forwarded to SPR before the end of the shift in which they were received.

Compliance Status		Assessment Schedule	
Partially Complaint		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

1. Intake protocol was followed in 95% of sampled investigations.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Intake protocol was followed in 95% of sampled complaints received by officers in the field.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: Policies and trainings are assessed as part of Paragraph 166.

### Compliance Assessment

The continued scarcity of on-site complaint cases in review samples supports the conclusion that this activity is most likely not occurring. However, PRPB should continue to use proactive steps to ensure that on-site complaints are actually a viable input method and are never discouraged in any way.

After having reviewed several hundred completed SARP investigations over the course of the past five years, the Monitor's Office is not convinced that on-site complaints are being accepted exactly in the manner called for under the rule. For nearly five years now, the Monitor's Office has repeatedly recommended that each SARP investigator ask each complainant the following as a preamble to their interview:

- Did any PRPB member try to dissuade you from filing this complaint?
- Did any PRPB member refuse to accept your complaint?

When this becomes part of SARP operating procedure, the Monitor's Office will have empirical evidence showing that PRPB officers are not attempting in any way to undermine, redirect, or frustrate the complaint process. Without empirical evidence, the Monitor's Office is forced to adjudicate a negative based upon thin or non-existent data.

### Pathway Forward




For nearly five years now, the Monitor's Office has repeatedly recommended that each SARP investigator ask each complainant the following as a preamble to their interview:

- Did any PRPB member try to dissuade you from filing this complaint?
- Did any PRPB member refuse to accept your complaint?

When this becomes part of SARP operating procedure, the Monitor's Office will have empirical evidence showing that PRPB officers are not attempting in any way to undermine, redirect, or frustrate the complaint process. Without empirical evidence, the Monitor's Office is forced to adjudicate a negative based upon thin or non-existent data.

#### Paragraph 170: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*PRPD shall develop a system to ensure that allegations of officer misconduct made during criminal prosecutions or civil lawsuits are identified and assessed for further investigation. Any decision to decline an investigation shall be documented.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Implemented		

#### Compliance Targets

1. PRPB has a system to identify and assess civil lawsuits and criminal proceedings filed involving allegations of officer misconduct.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2a. SARP reviews all allegations involving PRPB personnel to assess the need to investigation by PRPB.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2b. 95% of such SARP reviews are documented in accordance with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
Note: Policies and trainings are assessed as part of Paragraph 166. Implementation is assessed, in part, with Paragraph 158.		

#### Compliance Assessment




The Monitor's Office continues to receive a list of both civil causes of action and potential acts of criminality allegedly committed by PRPB members, all of which have been referred to SARP from either OAL or SAIC for assessment.

#### Paragraph 171: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*SPR shall maintain a centralized numbering and tracking system for all misconduct complaints. Upon the receipt of a complaint, SPR shall promptly assign a unique numerical identifier to the complaint, which shall be provided to the complainant as soon as practicable.*

Compliance Status	Assessment Schedule
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Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

1. SARP administers a centralized numbering and tracking system for all misconduct complaints. ☒ Met ☐ Missed




Note: Policies and trainings are assessed as part of Paragraph 166. Implementation is assessed, in part, with Paragraph 178.

### Compliance Assessment

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

### Paragraph 172: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*Where a supervisor receives a misconduct complaint in the field alleging that misconduct has occurred, other than those incidents covered by Paragraph 44 of this Agreement, the supervisor shall gather all relevant information and evidence and provide these to SPR. All complaints should be referred to SPR by the end of tour of duty, absent exceptional circumstances.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

- 1a. 95% of sampled complaints were forwarded to SARP by the end of the relevant tour of duty or articulated exceptional circumstances. ☒ Met ☐ Missed
- 1b. 95% of sampled complaints document what information and evidence is collected by the PRPB supervisor. ☒ Met ☐ Missed

Note: Policies and trainings are assessed as part of Paragraph 166. Implementation is assessed, in part, with Paragraph 136, Data Sources #6 and #7.




### Compliance Assessment

Cases generated by field supervisors were included in the investigation files received during the reporting period. In these cases, supervisors forwarded relevant information and evidence to SARP in a timely manner.

In the case of rudimentary and minor violations of the PRPB Code of Conduct, such as repeated absence, instances of not following orders, lateness, uniform violations, and other very minor disciplinary issues, supervisors should first turn to non-punitive discipline to help the employee adequately address these deficiencies rather than passing this responsibility to SARP.

### Paragraph 173: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*Within five business days of the receipt of a misconduct complaint, SPR shall determine whether the complaint will be assigned to a supervisor for a Supervisory Investigation, retained by SPR for investigation, and whether it will be investigated criminally by PRPD, PRDOJ, or both.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

1. 95% of sampled SARP investigation files are assigned for investigation in accordance with approved policies. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 166.

### Compliance Assessment

PRPB has implemented a digital timestamp solution that indicates that the Bureau is assigning new SARP cases for investigation within the five working day period mandated by the Agreement. Unfortunately, the majority of these cases were for mere administrative violations, and not for alleged criminal conduct by PRPB members. The Monitor's Office sees multiple cases of a criminal nature being investigated solely by NAI and not referred to an administrative investigator (NIA) for concurrent investigation within the same five-day rule. In fact, multiple SARP investigators have recently informed the Monitor's Office that this unacceptable practice continues.

### Pathway Forward

To begin with, every PRPB member must be instructed to fill out every PPR 311.1 (Administrative Complaint Form) either by using a typewriter or by using block letters. The Monitor's Office has seen multiple examples of illegible and often indecipherable PPR 311.1 complaints penned by PRPB, some replete with misspelling and grammatical errors, all of which have been filled out by either PRPB cadets

or sworn PRPB members. There is absolutely no excuse for this lack of oversight, as the rule requires that PPR 311.1s are reviewed and signed by a superior officer as part of their intake. In these cases, PRPB superior officers were either inattentive or unconcerned over the fact that these self-generated PPR 311.1 complaints were illegible.<sup>41</sup>

As pointed out in prior CMRs, there is no justification whatsoever to delay the assignment of allegations of PRPB criminal wrongdoing for a separate, concurrent investigation conducted by a SARP administrative investigator.<sup>42</sup>




Cases of a criminal nature involving possible misconduct by a PRPB member, which come to the attention of PRPB through any source, including but not limited to PRDOJ, USDOJ, civilian complainants, witnesses, anonymous sources, whistleblowers, media accounts, NAI investigators, etc., must be concurrently assigned to both a SARP IA investigator as well as a SARP administrative investigator within five business days of receiving this complaint.

PRDOJ or USDOJ may request in a signed writing to hold the administrative investigation in abeyance for a defined period of time not exceeding the aggregate period of time prescribed by the rule.

PRPB will not achieve substantial compliance with this paragraph until it meets the requirements of the pathway forward.

#### Paragraph 174: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*PRPD shall develop a complaint classification protocol that is allegation-based rather than outcome-based to guide SPR in determining where a complaint should be assigned.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

#### Compliance Targets

1. SARP classifies complaints in accordance with policy. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 166.

<sup>41</sup> See cases from Rechazada list #53, #69, #88, and #93.

<sup>42</sup> There is one exception to the general rule - cases where a USDOJ or PRDOJ criminal prosecutor has requested a pause of the concurrent administrative investigation in a signed writing.

### Compliance Assessment

As mentioned in Paragraph 173, the Monitor's Office continues to see cases in which alleged criminal misconduct is sent for internal criminal investigation and once that criminal investigation has been concluded, the same case is assigned to the same criminal internal investigator for administrative investigation. There is no evidence in the file as to whether a PRDOJ prosecutor has requested a delay in the administrative investigation of a criminal matter, so the Monitor's Office is left to conclude that there was no such request from the prosecutor's office.<sup>43</sup> All cases involving both criminal and administrative violations, regardless of the source of the complaint, should be classified and investigated concurrently from both a criminal and rules violation perspective by two separate branches of SARP – NAI and NIA.




### Pathway Forward

In the absence of a written and signed correspondence from a USDOJ or PRDOJ prosecutor, a PRPB member that alleges misconduct that could be classified as both criminal and administrative in nature, the case must be assigned for separate, concurrent, and full criminal and administrative investigations in accordance with established timelines.

PRPB will not achieve substantial compliance with this paragraph until it assigns criminal wrongdoing cases for simultaneous criminal and administrative SARP investigations within five days as required by the Agreement.

### Paragraph 175: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*A misconduct complaint investigation may not be conducted by any supervisor who used force during the incident; whose conduct led to the injury to a person; who authorized the conduct that led to the reported incident or complaint; who was on the scene at the time of the incident leading to the allegation of misconduct; or by any officer or supervisor who has a conflict of interest as defined by PRPD policy.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

1. All misconduct complaint investigations are conducted by persons not prohibited from doing so, as required by the Paragraph. ☒ Met ☐ Missed

Note: Policies and trainings are assessed as part of Paragraph 166.




<sup>43</sup> It is with this reason in mind that the Monitor's Office requires a paper trail in the form of a signed writing from a PRDOJ (or AUSA) requesting that SARP forego the administrative investigation for a renewable period of 90 days.

### Compliance Assessment

The Monitor's Office has yet to find a case where a PRPB member alleged to have been involved in misconduct has taken an investigative role in the corresponding internal investigation.

#### Paragraph 176: Civilian Complaints, Internal Investigations, and Discipline - Complaint Intake, Classification, Assignment, and Tracking

*PRPD's centralized numbering and tracking system shall maintain accurate and reliable data regarding the number, nature, and status of all misconduct complaints, from initial intake to final disposition, including investigation timeliness and notification to the complainant of the interim status and final disposition of the investigation. This system shall be used for periodic assessment of compliance with PRPD policies and procedures and this Agreement.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Implemented		

### Compliance Targets

1. SARP's record management system maintains accurate and reliable data for operational and internal compliance purposes. ☒ Met ☐ Missed

Note: Policies and trainings are assessed as part of Paragraph 166.

### Compliance Assessment

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

## 4. Investigation of Complaints

While the Monitor's Office has seen some positive developments over the five year course of monitoring the Agreement, there are areas of longstanding intransigence that have a negative overall effect on compliance levels.

After interviewing hundreds of SARP cases, the Monitor's Office is now convinced that the preponderance of evidence standard of proof, which under the Agreement is required to be applied in 100% of SARP cases, continues to be misunderstood by a significant percentage of SARP investigators. The problem manifests itself when SARP investigators indicate an unwillingness to look at an officer's disciplinary history until after their investigation had concluded. When asked why, the overwhelming majority responded that they wanted to consciously avoid prejudicing themselves against the officer.

An officer's previous record can hold important evidence, especially in closely decided cases. PRPB must work with SARP, SAEA, and OAL to make it clear how and when this sort of evidence should be reviewed. Practical examples of cases where this evidence proved to be pivotal should be provided to investigators through both formative and in-service training.

The Monitor's Office has consistently encountered SARP cases that were closed with minimal, if any, effort to resolve direct and material contradictions in members' individual versions of the same incident. In previous CMRs, the Monitor's Office has made note of SARP administrative investigators alleging interference, collusion, retaliation, and possible cover-ups of administrative investigations against their immediate supervisor and perhaps even higher figures within PRPB. These allegations involved a multitude of alleged internal misconduct of a particularly alarming nature. The Monitor's Office will continue to follow these investigations in future Phase I/Phase II analyses.

When sworn police witnesses offer diametrically opposed versions of material fact(s) in a case involving an allegation of grave police misconduct, such a case may not be closed without interviewing all witnesses and the accused. These irreconcilable differences in grave misconduct cases demand exhaustive attempts, including polygraph examination(s), on the part of the investigator to reconcile diametrically opposing versions. There is no possible scenario where the Monitor's Office can find substantial compliance with the Agreement as long as this practice continues unchecked. Any PRPB employee who is found, based upon a preponderance of evidence, to have been untruthful during any SARP investigation must be held accountable, regardless of whether the employee was originally cited as a complainant, witness, or accused. Police officers are routinely called to testify honestly about their observations in a variety of settings, including internal matters. The credibility and trustworthiness of the entire Bureau rests upon an established reputation for honesty and candor.

The Monitor's Office has also noted a peculiar investigative tack used when an accused officer holds a rank of lieutenant or above and the complainant is an anonymous whistleblower. The higher the rank, the more pervasive this activity. The questioning of superior officers allegedly involved in these anonymous allegations is unusually perfunctory and deferential. Investigators in these types of cases commonly rely upon leading questions resulting in unusually short yes/no answers when questioning superiors to determine any responsibility for alleged misbehavior.<sup>44</sup>




### Paragraph 177: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

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*PRPD shall ensure that policies and procedures regarding the investigation of complaints clearly establish that complaints are adjudicated on the basis of the preponderance of the evidence. This standard should be clearly delineated in policies and procedures and accompanied by extensive examples to ensure proper application by investigators.*

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<sup>44</sup> For a clear example of this, see SARP 2023-1359 - Anonymous case against a fellow PRPB lieutenant and sergeant alleges extrajudicial tools and measures, as well as a lack of required planning for search warrant raids. The SARP investigator never asked for a copy of the pre-raid plans, only the duty assignments. The questioning of the lieutenant was very poor, leading and confining the subject to yes/no answer questions seemingly designed to reach a hasty, foregone, and inaccurate conclusion. The lieutenant had a lengthy history of very similar complaints of the same conduct. The case was closed as Unfounded, lacking any evidence showing that the conduct did not occur, which is standard for an Unfounded finding.

Compliance Status		Assessment Schedule	
Partially Complaint		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

1. Policies incorporate all the requirements of Paragraphs 177-193.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Investigation of complaints trainings are consistent with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in relevant policies related to investigation of complaints (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. 100% of sampled investigation files were adjudicated using a preponderance of the evidence standard.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

Except for a SARP IA (criminal) case, the standard of proof to be applied to any given administrative case is that of a preponderance of evidence. This standard is well delineated throughout SARP formative training as well as the Instructor's Manual. Despite this training and documentation, the data continues to indicate a persistent level of confusion among SARP investigators over the practical application of a concept that is basic, yet apparently difficult for many SARP investigators to grasp and apply practically to any given set of facts. The simplest way to explain a preponderance of evidence is to describe it numerically as 50.1 versus 49.9.

### *Pathway Forward*

The Monitor's Office is aware that all SARP investigators have received REA 114R, a re-trainer consisting of 16 hours of training, which the Monitor's Office had neither reviewed nor approved prior to its delivery. The Monitor's Office strongly urges PRPB to have a closer look at the standard of proof segment of this training refresher. Any future refresher training must include relevant training on how certain documented prior misconduct could possibly change a not sustained finding to a sustained one. The Monitor's Office strongly recommends using multiple practical examples of preponderances of evidence to cure this lingering uncertainty. SARP supervisors and area commands must also be on the lookout for these close-call cases of repeated misconduct. SARP supervisors must be held accountable when approving a serious not sustained case that either lacks necessary proof or leaves unchallenged contradictory evidence between sworn officers over a material fact.




SAEA curriculum developer(s) should devote more attention to define and distinguish preponderance of evidence, with other commonly used standards of proof used by PRPB including, probable cause and guilt beyond a reasonable doubt. Efforts must be made to point out the relevance of prior accusations



of remarkably similar conduct by the accused officer, even if the case was eventually adjudicated as not sustained. Actual case examples should be used to illustrate and delineate these important differences.<sup>45</sup>

### Paragraph 178: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*PRPD shall investigate all misconduct complaints and document the investigation and its findings and conclusions in writing. PRPD shall develop and implement a policy that specifies those complaints that may be resolved via administrative closing or informal resolution. Administrative closing shall be used for minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct, among others.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

- 95% of sampled complaints are investigated, documented, and resolved, and relevant PRPB personnel were so advised, in accordance with approved policies. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

An administrative investigation must be launched when any employee, sworn or civilian, is alleged to have committed any violation of the U.S. or Puerto Rico Constitutions, federal or state laws relating to their duties, the commission of any crime proscribed by the penal code or special criminal law, regulations, public policy, or procedure established by PRPB, whether under color of law or in their personal affairs.<sup>46</sup>

If a review of the content of a complaint does not indicate a violation of U.S. or Puerto Rico Constitutions, state or federal law regarding functions, regulations, public policy, or procedure established by PRPB, whether under color of law or in their personal conduct, or in the alternative the complainant is anonymous, then pursuant to Rule 9088 the complaint is then assigned for a preliminary investigation.<sup>47</sup>

The Agreement between the Parties provides that,

<sup>45</sup> Of particular interest are cases where there are no witnesses other than the complainant and the accused, and where the PRPB member involved had been accused of remarkably similar misconduct in the past.

<sup>46</sup> PRPB Rule 9088, Article VI, paragraph 19, *Investigación Administrativa*.

<sup>47</sup> PRPB Rule 9088, Article VI, paragraph 20, *Investigación Preliminar*.

*“(A)administrative closing shall be used for minor policy violations that do not constitute a pattern of misconduct, duplicate allegations, or allegations that even if true would not constitute misconduct, among others.”<sup>48</sup>*

### *Pathway Forward*

If the subject of anonymous or administratively filed complaints were the only measure of compliance under this paragraph, then the Monitor’s Office would have made a sweeping not compliant assessment for PRPB’s repeated failure to comply with previous recommendations. Over all prior reporting periods, an outsized portion of these complaints has been poorly handled by PRPB.

No case with a known complainant should be sent for preliminary investigation where the complaint alleges conduct on the part of any PRPB member, sworn or civilian, that could constitute a violation of U.S. or Puerto Rico Constitutions, state or federal law regarding functions, regulations, public policy, or procedure established by PRPB, whether under color of law or in their personal conduct.

Administrative closures are reserved only for allegations that – even if proven,

1. Could not possibly constitute a PRPB administrative violation, or
2. Cases that are duplicated within the system, or
3. Cases that do not involve a PRPB employee.

Furthermore, any case that is administratively closed by SARP, as well as the officer’s historial must contain a reference to the applicable rule above, as well as a written explanation as to why this case was administratively closed or archived.

The Monitor’s Office repeats the previously recommended examples of terminology to be used:

- a. ...upon investigation, the allegations, even if proven to be true, cannot possibly rise to the level of an administrative or criminal violation committed by a PRPB member due to..., or
- b. ...this case is an exact duplicate of SARP 20xx-xxxx, which is registered within EIS, or
- c. ...the accused is not a member of PRPB.

Any case sent to SARP command for administrative closure without this specific statement and supporting facts must be reviewed by SARP command immediately. Cases with insufficient documentation and/or faulty rationale must be returned to the original investigator with instructions that the archival petition is denied and that a thorough investigation must be carried out immediately within the 90-day timeframe following the original receipt of the complaint by the investigator. The case must be completed and returned with an appropriate and well-supported finding of sustained, not sustained, exonerated, or unfounded. Once a case advances beyond this potential archival decision, and barring any future change to the Agreement, the four listed findings are the only ones acceptable to the Monitor’s Office for closing that investigation.

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<sup>48</sup> See Agreement between USDOJ and the Commonwealth of Puerto Rico, Paragraph 178. The inclusion of the language “...among others” should be openly discussed to reveal any other situations agreeable to the Parties where administrative archival should be indicated. One possible example might be the archival of a complaint offered by a known serial complainant who suffers from mental illness, a phenomenon commonly encountered in police internal investigative units across the world.

Now that PRPB has recently created the capability to better track SARP cases and related data, *historical* reports - otherwise known as an officer's record of misconduct allegations - must invariably contain a written reference as to which of the three valid reasons cited above were applied to the facts in a case that has been administratively closed after publication of CMR-10. There must be no exceptions.

The mere fact that the complainant's identity is unknown to PRPB, by itself, is never an acceptable reason to administratively file or otherwise archive any complaint against a PRPB member.

Lastly, the Monitor's Office has consistently pointed out that PRPB must properly investigate all complaints where the claimant's identity is unknown. For the past five years, the Monitor's Office has noted the unusually variable quality of internal administrative investigations, especially where the complainant is clearly an unidentified party and the opposing party is a ranking officer. The questioning of employees involved in these anonymous allegations is unusually perfunctory and deferential. Investigators in these types of cases often rely upon leading questions resulting in very short yes/no answers when questioning superior officers and sworn witnesses to determine whether the officer of rank was actually involved in alleged misbehavior.<sup>49</sup> Officers are allowed to state – mostly without any challenge by the investigator - that they have no current memory of these incriminating allegations. Even more questionable is that many times these same officers have complete memory of exculpatory evidence contemporaneous to the event.

The Monitor's Office continues to see cases of hostile work environment from a known PRPB subordinate against a named superior where SARP reached an erroneous conclusion.<sup>50</sup> Defective lines of questioning must end without further delay if PRPB is to progress any further in its compliance.

No case should be administratively closed unless it meets PRPB's own administrative closure criteria cited above.

The continued use of inappropriate techniques, incomplete investigations, cases archived counter to PRPB rules, mishandled or poorly investigated anonymous complaints, and the non-concurrence of simultaneous administrative and criminal internal investigations all act as an effective bar to achieving substantial compliance with this paragraph.

Barring any change to the above, PRPB will not progress beyond partial compliance with Paragraph 178.




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<sup>49</sup> See SARP 2023-1359 anonymous case against a fellow PRPB lieutenant and sergeant that alleges extrajudicial tools and measures, as well as a lack of planning for search warrant raids. The SARP investigator never asked for a copy of the pre-raid plans, only the duty assignments. The questioning of the lieutenant was very poor, leading and confining the subject to yes/no answer questions seemingly designed to reach a fast, foregone, and inaccurate conclusion. The lieutenant has a lengthy history of similar complaints of similar conduct. The case was closed as unfounded, which was inappropriate as the investigator supplied little evidence showing that the conduct did not occur, as required for an unfounded finding.

<sup>50</sup> Case 2023-1332, a sergeant accused by a named officer of creating hostile work environment. As the investigator pointed out, this case might have been better handled using non-punitive discipline; however, once the PPR 311.1 was submitted by the agent, the case has to be investigated thoroughly and adjudicated in accordance with policy, which in the Monitor's Office's professional opinion was not based upon the evidence. The case should have been sustained for disrespectful treatment of a subordinate. Supervisors and superior officers must be held accountable to the same rules of decor as the people in their charge, perhaps even more so. Case 2023-1017 - allegations of misconduct were supported by one inspector witness and refuted by a second inspector witness in sworn declarations. The case was closed without determining who was telling the truth and who was being dishonest.

## Paragraph 179: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*PRPD shall ensure that all administrative investigations conducted by SPR shall be completed within 90 days of the receipt of the complaint, including assignment, investigation, review, and final approval. The SPR commander is authorized to grant additional 30 day extensions, for up to 90 additional days in the aggregate, for justifiable circumstances, which shall be documented in writing. For purposes of these extensions, workload shall not constitute justification for extensions. Where an allegation is sustained, PRPD shall have 30 days to determine and notify the officer of the appropriate discipline. The appropriate discipline shall be imposed as soon as practicable, consistent with PRPD's disciplinary procedures. All administrative investigations shall be subject to appropriate tolling periods as necessary to conduct a parallel criminal investigation or as provided by law.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

1a. 95% of sampled investigations were adjudicated and notified within authorized timeframes in accordance with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
1b. 95% of disciplinary actions were imposed within authorized timeframes in accordance with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
2. 95% of SARP investigations that were not completed within prescribed timeframes have justified extension approvals as required by approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

The Monitor's Office continues to find examples where the 90-day investigative deadline rule, or the 3x30-day extension rule were either not appropriately followed or the file lacked evidence of compliance. SARP case files often contain an excessive amount of unnecessary and sometimes repetitive or conflicting forms that can make it very difficult to clearly establish important dates. Many files contain multiple letters with conflicting dates – some with signatures and dates, and others without.<sup>51</sup> The PRPB IT system mistakenly stamps the second (30-day) case extension as the first, which creates confusion in the mind of the reviewer. There were also cases in the sample that lacked memorialization of deadlines in the case file or had contradicting documentation owing to PRPB's seemingly endless supply of forms

<sup>51</sup> Other cases contain confusing references to dates expressed. For example, the style of 12/1/2024 used interchangeably with 1/12/2024. PRPB must standardize their date abbreviations to either the North American style or the Latin American style, but not both.

that require both signature and physical inclusion in the case file.<sup>52</sup> The number of these cases encountered was far greater than the 5% threshold.

As for the 90-day rule and the extension mechanism, and where the entire record of a case file is complete, the record shows that the majority of SARP investigators are cognizant of these deadlines and most seek extensions where indicated. Notwithstanding, there have been multiple incidents of repeated, legitimate requests for extensions that were delayed prior to eventual approval by the SARP command. These repeated delays ranged from a matter of days to well over a week. In fairness, all signs point to the investigator continuing the investigation in earnest while awaiting written approval for the extension. There have also been cases where the investigation was passed on to other investigators for reasons that are unclear to the Monitor's Office. Whether the original investigator or colleague finishes the case, the 90-day rule and the extensions rule still both apply.

While minor cases of misconduct are adjudicated within SARP by SEAQA, the Monitor's Office has observed persistent delays in the adjudicative phase of serious complaints, which according to PRPB Rule 9088 (Processing of Administrative Complaints), must be conducted by OAL within a 30-day period.<sup>53</sup> OAL and SEAQA are limited to 30 days to adjudicate the case, including notification to the parties about the disposition of the underlying complaint.<sup>54</sup> Compliance with these deadlines has always been the exception, and never the rule.

As a result, for at least the past five CMRs, the Monitor's Office has criticized PRPB OAL for having been effectively gutted in terms of its staffing and support resources. While that issue has been largely addressed, it has come to the Monitor's Office's attention that SEAQA, (the SARP Bureau that adjudicates and gives notice in less-serious offenses) may also be understaffed and overtasked, thereby creating an obstacle to a substantial compliance assessment. SARP should conduct an immediate analysis of SEAQA's needs to determine whether more resources, human or otherwise, are needed.

### *Pathway Forward*

As the agency responsible for PRPB HR and Procurement, DSP must maintain adequate staffing of PRPB OAL and SARP SEAQA to ensure that the self-imposed 30-day limit for adjudication and notification is met.

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<sup>52</sup> PRPB seemingly has a form for every prospective duty and responsibility, including forms for assigning investigations and later requesting time extensions (up to 3 extensions of 30 days). Every PRPB form must be signed, dated, time-stamped, and acknowledged/responded to within the time period stipulated by the rule. The Monitor's Office frequently finds these forms incomplete or left blank – at times with no signature, date, or timestamp. Command responses to extension requests can be delayed for a number of days, and cases in the current sample have been extended more than the 180 day maximum limit agreed upon. Still other cases are passed from investigator to investigator while the original investigator leaves on holiday, military leave, or sick compensation. This widespread practice is used to improperly reset the 90/180 day clock every time a re-assignment occurs. This area is ripe for use of IT to track requests and granting of 3 x 30 day extensions in any given case and limiting all cases to 180 day maximum for investigation. SARP must be able to use IT to determine where these problematic cases are in the process and exert greater field supervision over them.

<sup>53</sup> See PRPB Rule 9088, Article XII, s.5.

<sup>54</sup> *ibid*, Article XII, s.2. Also, see previous CMR comments on the unnecessary practice of notifying officers in hand via PPR 441.

## Paragraph 180: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*PRPD shall ensure that investigations of officer misconduct are thorough and the findings are consistent with the facts.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

1. 95% of selected investigations are thorough and findings are consistent with the facts ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

This is a difficult and complex portion of the Agreement as it relies on several factors to help promote improvement. Substantial compliance will not occur until each and all of these factors are adequately addressed.

The Monitor's Office is aware of policy and procedural changes made to help achieve compliance with this paragraph. These changes include audio recording of all interviews (upon consent), as well as the creation of a faithful and accurate transcript by transcription experts, and not - as PRPB has repeatedly insisted – by its already overtasked and overburdened SARP investigators. The Monitor's Office also cites the rollout, albeit flawed, of the PRPB Garrity implementation as examples of areas where PRPB has shown earnest effort in both policy and procedural change. Much still remains to be done.

The Monitor's Office repeats its concern regarding the interviewing techniques employed by many SARP investigators, specifically as they relate to establishing a conversational rather than legalistic tone. This activity persists in sampled cases and should have been pointed out to attendees of REA 114R (SARP Re-Training).

IA investigators still periodically rely upon a variant of a hoja de entrevista, which is a form used by a PRPB witness to compose an unchallenged statement of the facts in their own hand. Hojas de entrevista have also been used less frequently to memorialize an investigator's version of a PRPB witnesses' statement. These statements, at times handwritten, are often illegible and have little investigative use beyond freezing an officer's contemporaneous and individual version of the event. The Monitor's Office continues to object to the use of hojas de entrevista as a stand-alone tool for conducting any interview of any kind, especially SARP interviews. Recently, the Monitor's Office reviewed several cases where criminal internal investigators improperly used the *Garrity Rule* to compel officers to answer



incriminating questions. In those cases, officers were erroneously given a Garrity Warning and afterwards were allowed to rely upon statements originally made in their hoja de entrevista. In short, not only did an investigator misuse Garrity, but he also lost an opportunity to examine assertions made by officers in their contemporaneous written reports.<sup>55</sup>

The Monitor's Office is opposed to the suggested practice of having PRPB SARP investigators create their own transcripts of recorded SARP interviews. From what the Monitor's Office has gathered in well over 150 private interviews, most SARP investigators presently handle a high caseload. In fact, it has come to the Monitor's Office's attention that some investigators are handling over a dozen open cases at once, with additional cases assigned each week. Multiply this caseload of 12 by a factor of at least 2 witnesses per case and a time commitment of well over a week of full-time work merely for the investigator to listen to and transcribe these interviews has been reached. To compel a trained and skilled investigator to complete 24 1-hour interviews and then spend at least the same amount of time creating transcripts is an unacceptable misuse of investigative resources.

### *Pathway Forward*

Current SARP members will require substantive in-service training once policy and practice changes are finalized.

Regarding recommended changes, the Monitor's Office continues to assert that:

1. The use of hojas de entrevista only for "locking in" and memorializing the version of a PRPB member at any time before an actual in-person interview (either by NAI, NIA, or NAA) of the same subject. Hojas de entrevista must always be typewritten and never handwritten. The interviewer should use the hoja de entrevista prior to and during the in-person interview to ask questions and to clear up any areas left unclear or in doubt. A hoja de entrevista must never be offered nor accepted as a stand-alone statement.
2. All SARP interviews should be digitally recorded with written consent of the interviewee. Said recordings should be transcribed by a professional transcriber, not the investigator.
3. SARP interview practice must be rooted in an open rather than legalistic style. Open-ended questioning must predominate, especially in the first part of the interview, to place the subject at ease. The words, *le pregunto*, should be avoided as part of the conversational interview style, but may be employed later in certain interviews to deal with recalcitrant/hostile witnesses or to clarify answers and eliminate ambiguity.
4. In cases where there is a preponderance of evidence that a PRPB member, whether complainant, witness, or accused, has attempted to deceive a SARP investigator, that member must receive a sustained finding for untruthfulness, regardless of whether the PRPB member was involved in the misconduct alleged in the complaint in any way.
5. Anonymous whistleblower complaints must be investigated as if the person making the complaint is both known and reliable, at least until such time as the complainant's reliability has been substantially called into question by known facts.
6. Multiple members of PRPB SARP Internal Affairs have strongly indicated to the Monitor's Office that the continuing, irrational practice of locating their criminal, undercover self-investigative

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<sup>55</sup> For case examples involving the misuse or lack of use of the *Garrity Rule* where indicated, see 2019-0218, 2023-0267, and 2023-1657.



units in PRPB police facilities has a deleterious effect on sensitive undercover investigations against the very same uniformed individuals who are working in those facilities.

### Paragraph 181: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*PRPD shall require officers to cooperate with administrative investigations, including appearing for an interview when requested by a PRPD or Commonwealth investigator and providing all requested documents and evidence. Supervisors shall be notified when an officer under their supervision is summoned as part of an administrative investigation and shall facilitate the officer's appearance, unless such notification would compromise the integrity of the investigation.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

1. Officers cooperate and supervisors are notified about SARP summons, as required by approved policies, in 95% of selected investigations. ☐ Met ☒ Missed
2. SARP personnel indicate that the level of cooperation of officers and supervisors with SARP investigations is acceptable in accordance with generally accepted practices. ☒ Met ☐ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

While SARP investigator interviews indicate that PRPB officers show up for interviews and answer most questions posed to them, the actual content of these interviews is variable in terms of quality and candor. Occasionally, when asked direct questions that go to the heart of wrongdoing by another officer, some officers claim a faulty memory of limited aspects of the alleged wrongdoing, seemingly to avoid implicating a coworker or superior officer in any alleged misconduct.

I don't recall is the most prevalent contemporary expression of the notorious code of silence. In the interviewed officer's mind, s/he has neither lied to the investigator nor implicated a fellow officer in misconduct, they are simply stating that they fail to remember the most critical and salient information, while oftentimes vividly remembering other contemporary, mitigating, or innocuous facts. While this scenario is problematic per se, even worse are examples of direct contradictory statements of fact between fellow officers that are left untested and unreconciled by the investigator. Invariably in these sorts of cases, the investigator is permitted to close the case and leave behind a record of untested discrepancies between police officers, all of whom are duty bound to tell the truth.

### *Pathway Forward*

As mentioned repetitively in this and nearly all previous CMRs, the Monitor's Office recommends that no case be closed when officers directly contradict one another concerning a material fact in a serious internal misconduct case of any kind.<sup>56</sup>

In the case of those officers whose memory allegedly fails when asked a direct question regarding their observations of another officers' alleged misconduct, the SARP investigator must employ some additional questioning to test just how poor the officers' memory is concerning other events that happened contemporaneously. In nearly all the cases involving alleged memory faults examined by the Monitor's Office, including several more recent cases, this I don't recall, or I'm not sure, assertion by an officer is invariably accepted at face value and left unchallenged by SARP investigators.

The Monitor's Office knows from experience that a SARP interview of any kind could present an imbalance of power between a superior officer and an agent or sergeant investigator. This imbalance of power may not only influence an investigator's decision to ask or not ask certain questions of the subject, it may also prevent the investigator from being more insistent or persistent in an interview. While the Monitor's Office has frequently noted an unusual level of deference used by SARP investigators in interviewing superior officers, declarations of poor or absent memory must always be properly challenged regardless of whether a colonel or an agent is making that assertion.

Example: "Officer, you remember handcuffing the man, so how could you not remember your partner removing the man's watch at the same time?"

Additional follow-up questions may include:

1. Why don't you remember?
2. Is there anything that would refresh your memory on this?
3. Are there any documents that could help you remember?
4. Who might know the answer?
5. How would you get the answer to this question? and
6. Do you have any reason to dispute the complainants' version of the incident?

All of these questions may be used by the investigator to determine the declarant's level of veracity when claiming a lack of memory of certain questions, while at the same time clearly remembering innocuous or exculpatory contemporaneous details.




Where two or more PRPB officers offer sworn statements or declarations that are diametrically opposed over a material fact in an investigation involving very serious misconduct, the investigator should not close the case in frustration. Rather, the investigator should request a polygraph interview and examination to help further indicate the reliability of an officer's statement of material fact. Once any declarant's veracity has been effectively called into question on any question of material fact, then the declarant's version of the event in question is effectively undermined.

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<sup>56</sup> In an administrative scenario, with no apparent criminal exposure (or in the case of Garrity, where there may exist criminal exposure on the part of any party), the declarant must answer all questions truthfully, or otherwise be subject to dismissal from the Bureau.

## Paragraph 182: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*The subject officer of an administrative investigation shall not be compelled to provide a statement to administrative investigators where there is a potential criminal investigation or prosecution of the officer until the remainder of the investigation has been completed, and after the administrative investigators have consulted with the prosecutor's office and the SPR commander, except where the taking of such a statement is authorized by the Superintendent after consulting with the prosecutor's office.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

1. Compelled statements are taken in accordance with approved policies and officers' constitutional rights. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

PRPB crafted an acceptable Garrity policy and Garrity Warning over 18 months ago, which the Monitor's Office reviewed, edited, and approved for use well over a year ago.

The Monitor's Office was not provided with the updated training material (REA-114R), which has been taught to SARP personnel for over a year now. The absence of the curriculum makes it impossible for the Monitor's Office to determine where mistakes were made in this training.

To this point, the Monitor's Office saw a clear misunderstanding of the *Garrity Rule* and how it must be applied. The Monitor's Office has seen several examples of Garrity misuse. The policy approved by the Monitor's Office last year has apparently not been implemented completely.

To begin with, Garrity is used to elicit a statement only in an administrative interview, and never in an interview conducted by any criminal investigator - especially one from IA. These misuses of Garrity were observed when criminal internal investigators were improperly assigned administrative investigations to complete despite the Monitor's Office's strident and continual criticism of this same enduring practice. In at least two cases from the current sample (100% of the sample), a PRPB criminal investigator ordered an officer to truthfully answer incriminating questions under Garrity. This represents a clear and fundamental misunderstanding of the rule.

Garrity is used by administrative investigators to compel an officer to answer a question that may incriminate the officer. In return for this truthful answer, the government may not use that statement, nor any derivative of the statement in a criminal proceeding. Garrity effectively creates use immunity for these incriminating yet truthful answers. The use of Garrity requires strict separation between criminal internal and administrative internal investigators in order to preserve the integrity and confidentiality of answers provided to administrative investigators under the rule. Under Garrity, there can be no crisscrossing of investigative efforts split between administrative and internal criminal investigations.

Garrity does however permit unfettered sharing of investigative data and findings from criminal investigators to administrative investigators, but this is strictly a one-way street. No criminal investigator, including PRPB IA, may have any access whatsoever to Garrity statements nor derivatives therefrom.

#### *Pathway Forward*

SARP has demonstrated to the Monitor's Office that they now possess an acceptable Garrity policy, which is the condition precedent for achieving any level of compliance in the future. That policy was written over a year ago.

After a nearly 18-month waiting period, the Monitor's Office found several examples of criminal investigators actually misusing the rule. There were no cases found in the current sample where Garrity was properly used.

For five years now, PRPB has been forewarned on numerous occasions against the practice of having criminal internal investigators repeat an investigation on the administrative side once an IA criminal investigation has concluded. PRPB has effectively doubled-down on this unacceptable practice with the misuse of Garrity. By continuing to assign these IA cases to IA investigators for an administrative investigation, they willfully continue to pursue this unacceptable policy. By misusing the Garrity Rule, PRPB has succeeded in making an intolerable situation even more precarious than it was before.

Internal investigative failures in any agency inevitably lead to reinstatement of officers who, by their own actions, demonstrate that they should no longer wear any police uniform. These reinstatement actions, be it through CIPA, CASP, or the civil tort system, are all quite expensive to litigate. Therefore, misuse of investigative tools such as Garrity will no doubt result in further negative economic impact upon the Commonwealth's taxpayers and could allow officers deemed unfit for policing to demand their jobs back, including back pay.

PRPB must re-train its investigators to understand how and when to use the new policy.




Until PRPB addresses the above concerns effectively, the Bureau will not reach substantial compliance with this paragraph.

#### Paragraph 183: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*Where there is no potential criminal investigation or prosecution of the subject officer, SPR investigators shall not warn the subject officer that he or she has a right not to provide a statement that may be self-incriminating.*

Compliance Status

Assessment Schedule

Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

1. Subject officers are not given Miranda warnings where there is no potential for criminal investigation or prosecution. ☒ Met ☐ Missed




Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

For the entire compliance monitoring phase, including CMR-1 to CMR-11, the Monitor's Office has not uncovered a single instance of a PRPB member being Mirandized where no possible criminal jeopardy could have arisen from the facts as alleged.

### Paragraph 184: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*If at any time during complaint intake or investigation the investigator determines that there may have been criminal conduct on the part of any officer or employee, the investigator shall immediately notify the SPR commander. The SPR commander shall immediately notify the Superintendent and shall consult with the prosecutor's office regarding the initiation of a criminal investigation. Where an allegation is investigated criminally, SPR shall continue with the administrative investigation of the allegation, except that it may delay or decline to conduct an interview of the subject officer(s) or other witnesses until completion of the criminal investigation unless, after consultation with the prosecutor's office and PRPD Superintendent, such interviews are deemed appropriate.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

- 1a. Investigators notify SARP and SARP consults with prosecutors in accordance with approved policies when an investigator determines that there may have been criminal conduct on the part of any officer or employee. ☒ Met ☐ Missed

1b. Administrative investigations continue when a parallel criminal investigation is also ongoing in accordance with approved policies. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

While the Monitor's Office has seen and approved changes to PRPB policy and procedure to make this practice standard in most cases, the Monitor's Office has seen no evidence that internal cases of a criminal dimension are being investigated criminally and administratively at the same time by different investigators. This has been the same observation over five years of monitoring.




### Pathway Forward

Internal criminal and administrative investigations must be conducted concurrently and by separate corresponding branches of SARP, NAI, and NIA. Internal Affairs (NAI) investigators should not conduct administrative investigations of any kind, much less be assigned to re-investigate their own cases from an administrative angle.

Continuance of this unacceptable practice prevents achieving any status beyond that of partial compliance with Paragraph 184.

### Paragraph 185: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*PRPD, PRDOJ, and the prosecutor's office shall develop protocols to ensure that the criminal and administrative investigations are kept appropriately separate after a subject officer has provided a compelled statement. Nothing in this Agreement or PRPD policy shall hamper an officer's obligation to provide a public safety statement regarding a work related incident or activity.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

1. Administrative and criminal investigations are conducted separately as required by approved policies after a subject officer has provided a compelled statement. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

The Monitor's Office's partial compliance finding is based upon continued lack of implementation of agreed upon policies and procedures.

The active misuse of Garrity by PRPB is discussed in Paragraph 182.




PRPB continues to assign administrative investigations to criminal IA investigators despite repeated objections by the Monitor's Office. Only an administrative investigator may use Garrity. Once that Garrity statement has been taken, it may not be shared with a criminal investigator, including IA.

### *Pathway Forward*

So long as PRPB continues to misuse Garrity and/or assign administrative investigations to criminal investigators including IA, PRPB will not progress beyond partial compliance with Paragraph 185.

## **Paragraph 186: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints**

*In each investigation, PRPD shall consider all relevant evidence, including circumstantial, direct, and physical evidence. There will be no automatic preference for an officer's statement over a non-officer's statement, nor will PRPD disregard a witness' statement merely because the witness has some connection to the complainant or because of any criminal history. PRPD shall make efforts to resolve material inconsistencies between witness statements.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

### *Compliance Targets*

- 95% of sampled investigations considered all relevant evidence in a manner consistent with this Paragraph, and tried to resolve material inconsistencies between witness statements. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### *Compliance Assessment*

Based upon multiple interviews of SARP investigators and analysis of case samples, the Monitor's Office has seen only a few instances where circumstantial evidence (especially prior remarkably similar allegations of misconduct on file with PRPB), is presently being considered by SARP investigators in their investigations.

Additionally, most SARP investigators accept an officer's assertion of a memory lapse in their internal investigations without further questioning. While pursuing this line of questioning may be uncomfortable for the SARP investigators, it is vital that the SARP investigator endeavors to get to the truth of the assertion.






### Pathway Forward

The Commonwealth must consider all relevant evidence, including circumstantial, direct, and physical evidence when conducting its investigations. Further the Commonwealth shall make efforts to resolve material inconsistencies between witness statements as part of its investigations.

### Paragraph 187: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*A misconduct investigation shall not be closed simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide additional information beyond the initial complaint, or because the complainant pled guilty or was found guilty of an offense.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

1. 95% of sampled investigations were not closed simply because the complaint is withdrawn or the alleged victim is unwilling or unable to provide additional information beyond the initial complaint, or because the complainant pled guilty or was found guilty of an offense. ☒ Met ☐ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.




### Compliance Assessment

The Monitor's Office has yet to observe a case that had been closed because a complaint was withdrawn, the alleged victim failed to cooperate, or the complainant was found guilty of any offense.

### Paragraph 188: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*The misconduct investigator shall explicitly identify and recommend one of the following dispositions for each allegation of misconduct in an administrative investigation:*

- a) "Unfounded," where the investigation determines by clear and convincing evidence that the alleged misconduct did not occur or did not involve the subject officer;
- b) "Sustained," where the investigation determines, by a preponderance of the evidence, that the alleged misconduct did occur;
- c) "Not Sustained," where the investigation is unable to determine, by a preponderance of the evidence, whether the alleged misconduct occurred; or
- d) "Exonerated," where the investigation determines by clear and convincing evidence that the alleged conduct did occur but did not violate PRPD policies, procedures, or training.

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

1. Misconduct investigators identify and recommend one of the listed dispositions for each allegation of misconduct in an administrative investigation. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

The Monitor's Office has seen several cases in this reporting period where the SARP investigator, the area commander, and the SARP Commander left an incongruous finding in place. This commonly manifests itself as a confusion between a not sustained and exonerated finding, though there are other variations as well.<sup>57</sup>

All must understand that the findings of exoneration apply only when the preponderance of evidence reveals that the conduct did occur, and that the conduct was proper (in accordance with PRPB rules, policies, and/or procedures). If there is substantial doubt that the incident actually occurred, only then would the appropriate finding be unfounded.

### Pathway Forward




The Monitor's Office urges SARP to clarify the difference between its four factual case findings among all staff during all scheduled training events since confusion among SARP members continues.

### Paragraph 189: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*The unit commander of the investigating supervisor shall review the supervisor's recommended disposition and accept, reject, or modify it. The unit commander shall document rejected or modified recommendations from supervisors in writing. Supervisory investigation reports and all related documentation and evidence shall be provided to SPR immediately upon completion of the investigation, but no later than within three business days. SPR shall review disposition recommendations made by unit commanders to ensure that investigative standards are met. SPR shall retain misconduct investigation reports and related records.*

Compliance Status	Assessment Schedule
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<sup>57</sup> See 2023-1359, 2024-0729 and 2024-0209 (all cases closed as unfounded despite no proof that the conduct did not occur. All should have been not sustained). See also 2024-0034 (should have been sustained rather than not sustained).

Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

1. The unit commanders complied with the requirements of this Paragraph in 95% of selected investigations. ☐ Met ☒ Missed

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment



The Monitor's Office learned during the reporting period that digital signatures and time stamps have now been incorporated into current SARP cases under investigation and entered into EIS. Notwithstanding this change, documents corroborating this important supervisory review are often left without a signature or date or are not included in the file at all.<sup>58</sup>

### Pathway Forward

The Monitor's Office recommends that each case be reviewed to ensure that it contains a properly endorsed review/approval from both the area command as well as SARP (or their lawful authorized delegate).

### Paragraph 190: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*The SPR commander shall review the investigator's recommended disposition and accept, reject, or modify it. The SPR commander shall document rejected or modified recommendations from investigators in writing. The Superintendent, or his or her designee(s), shall review the SPR commander's recommended disposition and accept, reject, or modify it. The Superintendent, or his or her designee(s), shall document rejected or modified recommendations from SPR.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A		Bi-annually

<sup>58</sup> See 2024-0049 (missing extension paperwork), 2024-0263 (missing approval documentation), 2024-0186 (missing approval paperwork), 2024-0094 (missing approval dates and contains conflicting forms), 2023-1359 (missing extension documents), 2023-1332 (4 extensions granted in this case – 3 is the maximum), 2023-1017 (missing an extension form), and 2019-1022 (missing extensions in a case that lingered in IA limbo for over 4 years before it was improperly assigned to an IA investigator for an administrative investigation).

 Practice:	Not Implemented	Assessment Frequency	
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### Compliance Targets

1a. The SARP commander reviews and resolves the complaint in accordance with the paragraph in 95% of selected investigations.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
1b. The Commissioner reviews and resolves the complaint in accordance with the paragraph in 95% of selected investigations.	<input type="checkbox"/> Met <input checked="" type="checkbox"/> Missed
Note: Policies and trainings are assessed as part of Paragraph 177.	

### Compliance Assessment

According to PRPB's own policy, once an investigation has been concluded, then either OAL (in serious matters) and SEAQA (in less-serious matters) has 30 days to reaffirm said finding and notify the parties. The Monitor's Office's review clearly indicates that compliance in this area is more the exception than the rule.



### Pathway Forward

While the situation in OAL has improved over the past year, recent conversations with members of SEAQA indicate that this minor-offense adjudicative branch may also be understaffed.

The Monitor's Office recommends that, when a finding is changed at the SARP command, OAL, SEAQA, or the Commissioner level, that the initial investigator not only be informed of such a change, but also receive a brief rationale for said change. To add a brief explanation to the file and to grant access to these findings permits the investigators to follow their investigative results as they are adjudicated and helps to instill transparency and clarity in findings. Historiales must also contain a brief rationale for changes in any findings.

### Paragraph 191: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*In addition to determining whether the officer committed the alleged misconduct, administrative investigations shall assess and document whether: (a) the action was in compliance with training and legal standards; (b) the use of different procedures should or could have been employed to achieve a potentially better outcome; (c) the incident indicates a need for additional training, counseling or other non-punitive corrective action; and (d) the incident suggests that PRPD should revise its policies, strategies, tactics, or training. This information shall be shared with the relevant commander(s).*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A		Bi-annually



Practice:

Not Implemented

Assessment  
Frequency

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 178.

### Compliance Assessment

The Monitor's Office has examined cases investigated during the reporting period for the inclusion of the following observations on the part of the investigator:

- (a) Compliance with training and legal standards;
- (b) Whether the use of different procedures should or could have been employed to achieve a potentially better outcome;
- (c) Whether the incident indicates a need for additional training, counseling, or other non-punitive corrective action; or
- (d) Whether the incident suggests that PRPB should revise its policies, strategies, tactics, or training.

The results of this analysis are clear. In virtually all SARP cases reviewed for this reporting period, the investigator did not mention any of these observations in their final report.

### Pathway Forward

To improve its performance, SARP investigators must be mindful of existing PRPB training, legal standards, rules and procedures, and GOs and policies. Many complaints against PRPB members by members of the public relate to one or more of these causal factors. Presently, the Monitor's Office finds that the majority of SARP investigators are not analyzing their cases to identify possible causal factors.

PRPB must include observations (a) through (d) as noted above in every case file. This could be accomplished on their cover sheet checklist as checked boxes indicating that the analysis was made and was concluded as negative or not applicable. In the case where the observation was made in the investigation, the investigator must specifically elaborate on the observation in his/her report.

### Paragraph 192: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*Each misconduct complainant will be notified in writing regarding the initiation of an investigation, the final disposition of the investigation, any disciplinary or non-punitive action taken, and the right to seek further review of the final disposition under applicable law. If an investigation goes beyond the 90 day limit, the complainant will be notified that an extension has been granted. PRPD shall establish procedures for complainants dissatisfied with the outcome to discuss their concerns with SPR commanders.*




Compliance Status

Assessment Schedule

Fully Compliant

Review

April 2024 – September 2024

 Policy:	Implemented	Period	
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Implemented		

### Compliance Targets

- |  |   |
|--|---|
| 1. Complainants are notified about the status of the investigation and outcome in accordance with approved policies in 95% of selected investigations. | <input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed |
| 2. Complainants are given the opportunity to appeal the determination before the Investigation, Processing and Appeals Commission.                     | <input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed |




Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

### Paragraph 193: Civilian Complaints, Internal Investigations, and Discipline - Investigation of Complaints

*SPR shall retain all misconduct investigation records for at least five years after the officer's separation from the agency. This obligation shall apply to records regarding officers' credibility that come to the attention of SPR and that may be subject to disclosure under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Implemented		

### Compliance Targets

- |  |   |
|--|---|
| 1. SARP retains at least 95% of investigation files for persons who have separated from PRPB less than five years ago. | <input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed |
| 2. PRPB's document retention practices comply with approved policies.  | <input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed |

Note: Policies and trainings are assessed as part of Paragraph 177.

### Compliance Assessment

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.




## 5. Staffing, Selection, and Training Requirements

As policies and investigative techniques continue to change, PRPB must ensure that all current investigators are familiar with and can demonstrate their familiarity with all these new procedures.

All personnel assessments in general, and those involving SARP investigators and staff in particular, should contain a presential component. Supervisors should meet with subordinates to privately discuss areas where the subordinate is excelling and areas where a subordinate may improve their performance. Specific advice or coaching should always be given to the subordinate with the goal of improving the employee's performance and job satisfaction.

### Paragraph 194: Civilian Complaints, Internal Investigations, and Discipline - Staffing, Selection, and Training Requirements

*PRPD shall ensure that a sufficient number of well-trained staff are assigned and available to thoroughly complete and review misconduct investigations in a timely manner and in accordance with the requirements of this Agreement. PRPD further shall ensure it provides sufficient resources and equipment to conduct adequate criminal and administrative misconduct investigations.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Training:	Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 177-193.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Trainings for the internal investigation unit are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. All internal investigation unit personnel are trained and certified in relevant policies (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. The internal investigation unit has sufficient resources and equipment, or is in the process of procuring needed resources and equipment.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5a. Internal investigation unit personnel serve three-year terms.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5b. Retained internal investigation unit personnel have demonstrated effective performance.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

From extensive interviews with SARP members, the Monitor's Office continues to find that the decision process to extend an investigator's service period appears to be ad hoc in practice, but there are signs of positive change.



The Monitor's Office has reviewed recent procurement requests from SARP command and has found that some of the requested personnel and resources have been delivered. However, there is still a desperate need for off-site NAI office space, additional investigators, infrastructure support, and improvements to the vehicular fleet. The Commonwealth has expressed publicly that it does not support the relocation of IA bureaus outside of police facilities, which is a prerequisite to any substantial compliance rating.

### *Pathway Forward*




The Monitor's Office expects DSP to address SARP requests for human resources, equipment, and office space at its highest priority and to deliver these resources without any unnecessary further delay.

Having absorbed the procurement function of PRPB, DSP must now procure adequate office spaces to house NAI investigators. Aside from being located outside of any PRPB facility, this space must contain adequate infrastructure (securely alarmed premises, sufficient Internet access, secure communications, desks, chairs, cubicles, and private interview space, etc.).

These are all prerequisites for a substantial compliance finding for this paragraph.

### **Paragraph 195: Civilian Complaints, Internal Investigations, and Discipline - Staffing, Selection, and Training Requirements**

*PRPD shall establish a term of duty of up to three years for SPR officers and supervisors who conduct investigations and may reappoint an officer to successive terms of duty if that officer has demonstrated effective performance based on an appropriate annual performance evaluation.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Training:	N/A		
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 194.

### *Compliance Assessment*




Very few SARP investigators describe a conversation with their superior(s) regarding whether they would choose to stay in SARP or transfer to another section after their three years of service. After interviewing virtually every SARP investigator, the Monitor's Office concludes that most investigators, if given a choice, would choose to stay in the unit. Nevertheless, every SARP member should be asked every three years if they would like to be assigned to another part of the Bureau.

### Pathway Forward

Re-appointment of SARP investigators for additional three-year terms should not be an automatic practice, but rather one based upon a series of objective performance reviews. The three-year period should be looked at as an opportunity to move out investigators who are either burned out or unmotivated. It should also be looked at as a career-improvement measure. If SARP asks its highly productive members if they are content, those members invariably will provide insight into workplace conditions and morale. SARP members who on their own volition unilaterally transfer out of SARP should do so via an exit interview conducted by the area commander. This interview may help SARP determine what, if anything, led to the investigator's decision to voluntarily leave the unit. Effective exit interviews frequently develop actionable intelligence on recruitment, morale, and retention of employees.

### Paragraph 196: Civilian Complaints, Internal Investigations, and Discipline - Staffing, Selection, and Training Requirements

*All SPR personnel conducting officer misconduct investigations shall receive at least 40 hours of initial training in conducting officer misconduct investigations and shall receive additional in-service training each year.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 194.

### Compliance Assessment

Records indicate that all SARP investigators have completed REA 114 – the formative investigator's training course. Although PRPB has met compliance with this paragraph because its methodology is contingent on progress made in Paragraph 194, compliance is found to be partial.

### Pathway Forward

SARP and SAEA should work together to address the following areas of observation made by SARP investigators in SARP reports:




- Whether the use of different procedures should or could have been employed to achieve a potentially better outcome, or
- Whether the incident indicates a need for additional training, counseling, or other non-punitive corrective action, or
- Whether the incident suggests that PRPB should revise its policies, strategies, tactics, or training.

## 6. Preventing Retaliation

In the present SARP file sample requests, complaints specifically involving retaliation usually comprise a small percentage of cases within the given sample. The Monitor's Office has some concerns regarding multiple ongoing investigations and will be scrutinizing these cases very carefully once they are declared to be complete. The Monitor's Office reserves the right to draw a purposive sample of SARP cases that specifically feature such allegations to ensure a statistically relevant assessment for future CMRs.

### Paragraph 197: Civilian Complaints, Internal Investigations, and Discipline - Preventing Retaliation

*PRPD policy shall expressly prohibit all forms of retaliation, whether subtle or direct, including discouragement, intimidation, coercion, duty-station reassignment, or adverse action, against any person, civilian or officer, who reports misconduct, makes a misconduct complaint, or cooperates with an investigation of misconduct. Retaliation shall be considered a serious policy violation and shall subject an officer to serious disciplinary action, up to and including termination.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Training:	Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of this Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Retaliation trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in retaliation policies (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. Complaints involving alleged retaliation are investigated and adjudicated in accordance with approved policies and agency standards in 95% of selected complaints.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. 95% of interviewed personnel perceive retaliation for participating in an investigation of misconduct is not tolerated and leads to serious disciplinary action.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

The Monitor's Office will meticulously examine high profile cases of an internal nature, which often involve possible retaliation, to ensure that they are properly and thoroughly investigated, that the outcome and findings are adequately supported by the facts, and that the findings are adjudicated expeditiously in accordance with PRPB policy. There were only a handful of this type of case within the sample requested. The Monitors Office will consider requesting a broader sample of these complaints for the CMR-12 reporting period to be better able to judge compliance.

### Pathway Forward

SARP investigators must review the accused officer's history in every case, especially those cases that involve repeated allegations of remarkably similar behavior involving similar complainants. Regardless of whether this analysis supports a finding of sustained or not sustained, the investigator should mention an officer's past record of having been accused of remarkably similar conduct by similar types of people. The investigator must also determine whether their investigation and the record of prior similar accusations by similar complainants reaches the 50.1% burden of proof required for a sustained finding or not.




As retaliation cases often have an acutely negative impact on morale at all levels of a police agency, SARP investigators must exhaustively investigate these allegations. No investigation involving reprisal within PRPB should be closed administratively, nor should any such case ever be considered complete when untested and diametrically opposing versions of the facts are left in place between sworn PRPB members. In these serious cases, which have severe implications for both agency morale and discipline, every legal tool must be employed to determine who is being truthful and who is not regardless of the ranks of the people involved. Only after every legal avenue to the truth has been tested may such a case be considered completed and closed.

## 7. Discipline

The Monitor's Office continues to see that discipline is applied in accordance with the PRPB Code of Conduct and related disciplinary matrix but is frequently delayed in cases that extended beyond the 180 day maximum period for SARP investigations.

### Paragraph 198: Civilian Complaints, Internal Investigations, and Discipline - Discipline

*PRPD shall ensure that discipline for sustained allegations of misconduct is fair, consistent, based on the nature of the allegation, and that mitigating and aggravating factors are set out and applied consistently. Discipline shall be based on objective criteria and shall not depend on or be influenced by rank or external considerations.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Training:	Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 198-199.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Discipline trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

3. 95% of sampled personnel are trained and certified in discipline policies (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. Discipline is taken and documented in response to sustained misconduct complaints in accordance with approved policies in 95% of selected complaints.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. Disciplinary matrix employs objective criteria to apply to sustained findings to assess the appropriate level of discipline.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### *Compliance Assessment*

The Monitor's Office bases its assessment on a Phase II examination of multiple closed cases, each of which received a final resolution during the reporting period. While this group of cases was far more dated than those subjected to a Phase I analysis, the Monitor's Office may conclude that PRPB is using its disciplinary matrix as it was designed to be used. This does not mean that PRPB is close to meeting its own rules requirements with respect to adjudication or notice to the parties, as has been repeatedly stated in this and previous CMRs.

The Monitor's Office continues to see that discipline is generally applied in accordance with the PRPB Code of Conduct and related disciplinary matrix. There are occasional cases however that fall outside of this disciplinary scheme.<sup>59</sup>

The Monitor's Office continues to recommend that, when the Commissioner deviates from the PRPB disciplinary matrix, which most often involves a downward departure on the number of days an implicated party is suspended, then there should be a short statement as to why such a deviation is indicated. The absence of any written rationale for lessened discipline (or for that matter enhanced discipline) lends itself to accusations of favoritism, influence, nepotism, or political interference, all of which are devastating to agency morale.

The Monitor's Office continues to see that overall discipline is generally applied in accordance with the PRPB Code of Conduct and disciplinary matrix. There are cases, however, that fall outside of this disciplinary scheme. Most of these outlier cases contain no written rationale for the change in finding or deviation from the disciplinary code.

The Agreement stipulates that, when PRPB deviates from the disciplinary matrix, which frequently but not always involves a downward departure from the PRPB disciplinary code, there must be a written rationale as to why such a deviation is indicated.

The continued absence of any written rationale for lessened discipline lends itself to accusations of favoritism, influence, nepotism, or political interference, all of which are devastating to agency morale.

### *Pathway Forward*




No internal investigative case either of a serious criminal or administrative nature should be closed when the investigation leaves in place a direct contradiction between versions of sworn PRPB officials of any rank without first exhausting all attempts to reconcile the discrepancy.

<sup>59</sup> In case 2023-1088, a sergeant received a 60-day suspension under Article 18. The sergeant's record shows a prior similar offense where the sergeant also served a 60-day suspension. The latest suspension should have been for 90 days in keeping with the PRPB progressive disciplinary matrix.

In cases where the final resolution findings depart from the original investigator's findings, the investigator should be able to access these findings online and find a brief, written rationale for the deviation from the SARP investigator's findings. This helps maintain transparency within the disciplinary process while providing helpful feedback for investigators.

### Paragraph 199: Civilian Complaints, Internal Investigations, and Discipline - Discipline

*PRPD shall establish a disciplinary matrix for reviewing sustained findings and assessing the appropriate level of discipline to facilitate consistency in the imposition of discipline. All disciplinary decisions shall be documented, including the rationale behind any decision to deviate from the level of discipline set out in the disciplinary procedures.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Not Implemented		

### Compliance Targets

Note: This Paragraph is assessed with Paragraph 198.

### Compliance Assessment

The Monitor's Office has seen evidence of multiple deviations from disciplinary findings and recommendations within PRPB with many files lacking the reason for the lessened discipline or modified findings. When case finding modifications or deviations from the disciplinary code are made at the Office of the Police Commissioner, they frequently lack any written rationale at all.

### Pathway Forward




The Monitor's Office recognizes the sole statutory authority of the Police Commissioner under Ley 20 to impose discipline on a PRPB member, nevertheless the Agreement calls for disciplinary deviations to be duly documented with a rationale.

Moving forward, all disciplinary cases where the original finding has been changed within PRPB must contain a legible, written rationale for said change.

### Paragraph 200: Civilian Complaints, Internal Investigations, and Discipline - Discipline

*PRPD shall review its drug testing program on an ongoing basis to ensure that pre-service testing for new officers and random testing for existing officers is reliable and valid. The program shall be designed to detect use of banned or illegal substances, including steroids.*

Compliance Status	Assessment Schedule
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Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Not Implemented		

### *Compliance Targets*

1. Policies incorporate all the requirements of this Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. PRPB's drug testing program trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in PRPB's drug testing program policies (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. Drug tests are reliable, valid, and administered to new officers and a random selection of existing officers in accordance with the Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### *Compliance Assessment*

Examination of PRPB's random controlled substance testing shows some baseline improvement from the previous reporting periods. PRPB must trend closer towards 4,000 random screenings a year to help ensure that every active PRPB member is screened at random at least once every 3 years, which is best practice.

The Monitor's Office concludes that the collection and preservation methodologies employed are sufficient in both their design and practical use.

### *Pathway Forward*

The Monitor's Office is pleased to see a return to progress in PRPB's controlled substance testing program relating to the aggregate number of persons tested annually.

From the tables supplied by PRPB, and except for cadets and cadet candidates, it is impossible to determine how long active PRPB members had gone without prior testing. The Monitor's Office continues to recommend that PRPB prioritize testing sworn officers who have not been tested in the last five years. It is unclear from the data whether PRPB is doing this.

The Monitor's Office recommends that, wherever possible, controlled substance testing be performed on all applicants for any position within PRPB prior to being contracted for employment and certainly before entering the Academy.<sup>60</sup> The Monitor's Office also reaffirms that the aggregate number of tests conducted annually be increased to approximately 4,000 members, including active and incoming

<sup>60</sup> While drug testing has a cost in terms of human resources as well as the test itself, that cost is minimal compared to performing a full-spectrum background investigation. To perform such an in-depth investigation only to later discover that the candidate tested positive for a controlled substance implies a less than efficient use of candidate screening resources.






cadets. The Monitor's Office remains open to suggestions from and collaboration with PRPB to make this process more innovative, efficient, and effective.

## 8. Officer Assistance and Support

The Monitor's Office continues to find the PAE program to be highly effective and thus in substantial compliance with the Agreement. Where a lower level of compliance is assessed, it is due to the lack of training held in the subject matter area and not a failure of PAE in any way.

### Paragraph 201: Civilian Complaints, Internal Investigations, and Discipline - Officer Assistance and Support

*PRPD shall provide officers and employees with a range of non-punitive supports and services to address and correct problem behavior, as part of PRPD's disciplinary and performance improvement systems. These supports and services shall include a comprehensive range of mental health services that include, but are not limited to: readily accessible confidential counseling services; critical incident debriefings and crisis counseling; mental health evaluations; and stress management training that comport with generally accepted practices.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Training:	Implemented		
 Practice:	Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of Paragraphs 201-204.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Officer assistance and support trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in officer assistance and support policies (or scheduled for training, in the case of mid-year reviews).	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. A variety of non-punitive supports and services that comport with generally accepted practices are available to officers and their families as required by approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
5. Mental health professionals are involved in developing and providing in-service training on mental health stressors related to law enforcement and the mental health services available to officers and their families.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
6. Mental health counseling provided to PRPB employees is confidential, pursuant to approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed

### Compliance Assessment

PRPB currently provides officers and employees with a range of non-punitive support and services to address and correct problem behavior as part of PRPB's disciplinary and performance improvement




systems. These supports and services include readily accessible confidential counseling services, critical incident debriefings, crisis counseling, mental health evaluations, and stress management training.

#### *Pathway Forward*

PRPB currently provides officers and employees with a range of non-punitive support and services to address and correct problem behavior as part of PRPB's disciplinary and performance improvement systems. These supports and services include readily accessible confidential counseling services, critical incident debriefings, crisis counseling, mental health evaluations, and stress management training.

### **Paragraph 202: Civilian Complaints, Internal Investigations, and Discipline - Officer Assistance and Support**

*PRPD shall train management and supervisory personnel in officer support services protocols to ensure wide availability and use of officer support services.*

Compliance Status		Assessment Schedule	
Substantially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Training:	Implemented		
 Practice:	Implemented		

#### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 201.

#### *Compliance Assessment*

PRPB currently trains management and supervisory personnel on officer support service protocols to ensure wide availability and use of officer support services.




#### *Pathway Forward*

PRPB has achieved substantial compliance with this paragraph. The Monitor's Office will continue to reassess PRPB's continued compliance in future CMRs. A sufficient level of PAE provider staffing should be maintained.

### **Paragraph 203: Civilian Complaints, Internal Investigations, and Discipline - Officer Assistance and Support**

*PRPD shall involve mental health professionals in developing and providing in-service training on mental health stressors related to law enforcement and the mental health services available to officers and their families.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review	April 2024 – September 2024

 Policy:	Implemented	Period	
 Training:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Implemented		

### *Compliance Targets*




Note: This Paragraph is assessed with Paragraph 201.

### *Compliance Assessment*

The Monitor's Office has found continued full compliance during this reporting period and will continue to reassess for paragraph compliance in future reporting periods.

### **Paragraph 204: Civilian Complaints, Internal Investigations, and Discipline - Officer Assistance and Support**

*PRPD shall ensure that any mental health counseling services provided to PRPD employees remain confidential as consistent with generally accepted practices in the field of mental health care.*

Compliance Status		Assessment Schedule	
Fully Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Practice:	Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 201.

### *Compliance Assessment*

PRPB ensures that any mental health counseling services provided to PRPB employees remain confidential as consistent with HIPPA and generally accepted practices in the field of mental health care. PRPB has achieved full compliance with this paragraph.

## X. Community Engagement and Public Information

Successful community policing practices and crime control are the result of partnerships between the community and the police. A fundamental piece to those partnerships is the community's perception of the police as an entity or organization; translated into transparency, genuine interest in serving, collaborating with the community, and police accountability. When community members have positive interactions and develop constructive perceptions, they are likely to seek the police for help and work with them to prevent and solve crimes. Field work and structured programming toward this end are essential for advancing community policing principles within PRPB and to demonstrate sustainability.

Of the 13 paragraphs within Community Engagement and Public Information in the Agreement, a limited number are assessed every six months. A comprehensive review of the entire section was provided in CMR-10 and will be provided again in CMR-12. For CMR-11, only 9 paragraphs (Paragraphs 205 - 207, 211 - 212, and 214 - 217) are assessed in this report. In most cases, only specific targets within these paragraphs are assessed biannually. The compliance targets assessed in this reporting period are bolded within each paragraph cited above.

It should be noted that during this reporting period the methodology to assess compliance in this section of the Agreement was revised and approved by the court. Beginning with CMR-12, targets and data sources for a number of the paragraphs have changed. These changes allow for a more streamlined assessment of the paragraph requirements and are more in line with general policing practices.

During this reporting period, the Monitor's Office's assessment continued to focus on PRPB's efforts to streamline implementation practices in community policing administratively and operationally. PRPB's transition continues aiming at effectively demonstrating community engagement and public information practices. These practices encompass supporting evidence in alignment with 1) recruiting a diverse and representative workforce with community participation through Community Interaction Councils (CICs); 2) performance appraisals; 3) personnel deployments in response to community engagement efforts; 4) collaborative problem-solving activities through the implementation of the SARA Model; 5) meaningful outreach activities aimed at community education, prevention, and awareness; and 6) improving the community's quality of life through strategic and structured planning for meaningful community interactions including open meetings or initiatives classified as Encuentros Comunitarios. To assess compliance the Monitor's Office sampled the police areas of San Juan, Mayaguez, Bayamon, Carolina, Caguas, Utuado, and Aguadilla.

Partial progress has been achieved in the Community Engagement and Public Information section of the Agreement during this reporting period; an overall trend maintained through most reporting periods. Notably, although partial levels of compliance were achieved at some levels in the past, during this reporting period, progress was markedly hampered by PRPB's inability to demonstrate implemented problem-solving initiatives in any of the sampled police areas cited above. This, coupled with PRPB's need to further develop and sustain meaningful alliances, adopt a comprehensive police approach, effectively reach out to the community to deliver information to the public by way of open meetings (Encuentros

Comunitarios) to address issues of community concerns across all police areas, and systematically educating the public on topics outlined in the Agreement, stalls PRPB's compliance progress.

To PRPB's credit, during the later reporting period of CMR-10, police area coordinators were appointed to facilitate direct field technical assistance within each police area and identify community stakeholders for engagement and collaborative initiatives development with a goal of being able to more accurately, reliably, and effectively measure implemented practices. However, on a broader scope, progressive changes must be demonstrated through the development of an engagement plan supported by a training sustainability plan including ancillary training, staffing and supervision plans, a streamlined community policing approach to meet compliance targets in the Agreement, improved communication to the public, and continued IT systems to support accountability and transparency.

During this reporting period, the Monitor's Office re-reviewed GO 801 (CICs), 803 (Community Policing), and 805 (Community Meetings), and interviewed PRPB members directly involved in community policing and outreach at various levels within the districts, precincts, area coordinators, and area commands. Interviewees spanned seven police areas, civilians, community safety council (CSC) members, and CIC members, who represent the community within the sampled police areas. Additionally, the Monitor's Office attended a Rules and Regulations training for CSCs in Carolina, facilitated through SAEA and the CICs in collaboration with the CSC's president. Also, the Monitor's Office sponsored a Townhall Meeting in Aguadilla through joint efforts with PRPB. Approximately 162 community members and stakeholders including CSCs, representatives from various municipalities, non-profit organizations, direct services providers, and Aguadilla CIC members attended this meeting. The Honorable Francisco A. Besosa, U.S. District Judge for the District of Puerto Rico, addressed the group along with PRPB Commissioner Antonio Lopez, and USDOJ representatives Luis Saucedo, Esq. and Jorge Castillo, Esq. Similarly, the Monitor's Office also held a community meeting in Hato Rey where members of the LGBTQIA+ community along with other representative organizations including representatives from the Civil Rights Commission had the opportunity to share concerns from their representative perspectives, regarding policy, PRPB's investigative processes concerning LGBTQIA+ and the transgender community. The group aims to open communication channels between them and the Commonwealth to effectively address concerning issues and establish forums for the exchange of resources.

Overall, the Commonwealth's compliance with the nine Community Engagement and Public Information paragraphs assessed during this reporting period reflect similar levels of compliance noted during previous reporting periods. In CMR-9, the last CMR in which this subset of paragraphs were reviewed, (6 paragraphs) were found to be partially compliant, during this reporting period those paragraphs remained unchanged. See figure 9.

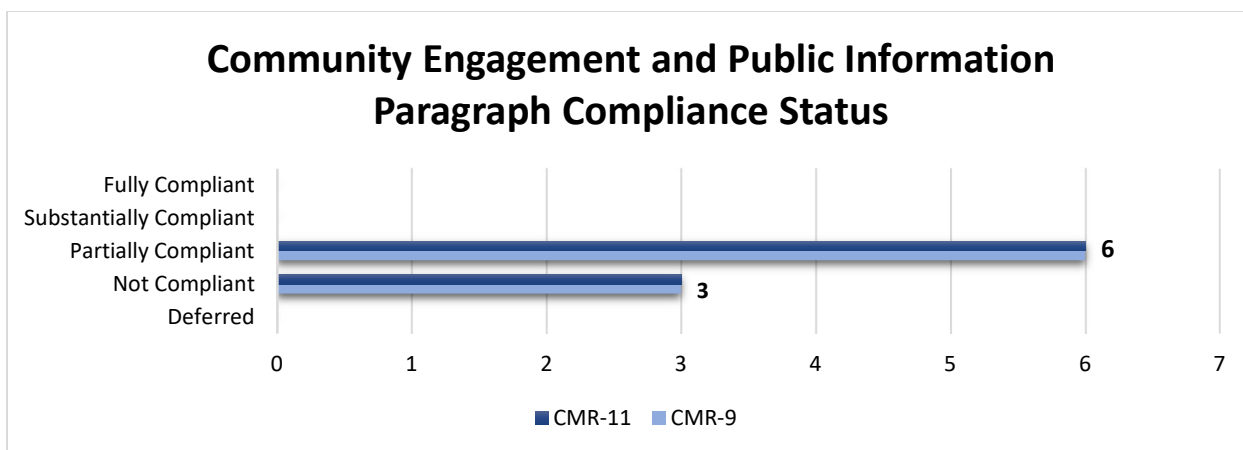





Figure 9. Community Engagement and Public Information: Paragraph Compliance Status

### Paragraph 205: Community Engagement and Public Information - General Provisions

*PRPD shall create robust community relationships and engage constructively with the community to ensure collaborative problem-solving, ethical and bias-free policing, and more effective crime prevention. PRPD shall integrate community and problem oriented policing principles into its management, policies and procedures, recruitment, training, personnel evaluations, tactics, deployment of resources, and systems of accountability. PRPD shall engage the public in the reform process through the dissemination of public information on a regular basis.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

#### Compliance Targets

Note: Compliance will be determined on two separate but inter-dependent bases: (1) the implementation of paragraphs 206 - 217, and (2) the results of outcome assessments, pursuant to Paragraph 243 of the Agreement.

#### Compliance Assessment

The Monitor's Office assessed the following aspects of community policing relevant to Paragraph 205 during this reporting period.

##### Community Policing in Policy

The Monitor's Office finds that related GOs and standing policies in community policing, GO 803 (Community Policing), GO 801 (CICs) and GO 805 (Community Meetings) remain overdue for approval as

of 2021. The Monitor's Office has re-submitted recommendations. However, during our bi-weekly discussions with PRPB, the Reform Office conveyed that although progress has been achieved, approval is expected by November 30, 2024. Finalizing approval may facilitate timely development of engagement plans and operational practices for demonstrated sustainability into CMR-12.

#### Community Policing Training

The Commonwealth relies on the new methodology on community policing approved by the Court on September 18, 2024, and the approval of pending policies on community policing (GOs 801, 803, and 805) for continued and supplemental training. In the interim, during CMR-10, PRPB made significant progress in implementing community policing training as part of the 40-hour in-service training. PRPB plans for training to be complete in December 2024. This new target date is due to anticipated delays in fulfilling previously submitted timelines. However, the annual training plan, necessary for continuity and compliance with policy and the Agreement only contemplates REA 803 (Community Policing) for in-service training on community policing addressing requirements for Paragraphs 206-207. Notwithstanding, integral to community policing is public information under the purviews of GO805 and in alignment with Agreement requirements for paragraphs 214-215; not addressed under the current plan.

On the other hand, ancillary in-service training for CIC agent facilitators emphasizing duties and responsibilities was identified through the Monitor's Office's interviews with PRPB and CICs. However, there is a need to formalize an assessment and develop a curriculum before training is delivered. These needs have been shared with PRPB during the Monitor's Office's working group meetings. Anticipated delays are forecasted, pending approval of past due policies on community policing and CICs (GOs 801, 803, and 805, respectively) including other internal reviews. Technical assistance and field support in community policing, specifically for alliance development and strategies for problem-solving and outreach were delegated to the designated area coordinators during CMR-10. However, based on PRPB personnel interviewed during this reporting period and the evidence submitted, structured planning and action items are pending policy approval.

PRPB reported having finalized contractual services with Benchmark Analytics. Through this contract, PRPB aims to improve operational implementation practices, specifically in the areas of record keeping and effective and reliable measurement of implemented practices, including enhancements to the electronic module system on community policing. The Monitor's Office notes that these expansions for training documentation including in-service training plans along with timelines, evaluations, and a substantive curriculum development with stakeholders' feedback, are paramount for PRPB's progressive compliance. Moreover, the Monitor's Office emphasizes the importance of a comprehensive community engagement plan including timelines for delivery of training and establishing protocols for area coordinators and related documentation not only as a means of demonstrating compliance with policy but more broadly to document the outcomes supportive of action plans, ensuring follow-through and accountability. As in prior reporting periods, the Monitor's Office understands that careful consideration should be given to streamlining processes including reference manuals within practical field training and assistance. Although PRPB has anticipated delays in fulfilling previously submitted timelines and is cognizant about compliance setbacks, the RMS integration will help streamline processes.



#### Community Policing in Recruitment

Identified recruitment deficiencies during CMR-8, specifically for a plan including community participation, are carried through CMR-11 without marked difference. PRPB's recruitment plan to achieve a diverse workforce representative of the Puerto Rican community was recently finalized and approved. The Monitor's Office notes that despite recruitment policy stipulations for community participation through CIC involvement into PRPB candidates' recruitment, advertisement, and selection process (GO 501), little if no evidence was submitted to the Monitor's Office in support of such practices during this reporting period. The Monitor's Office's interviews with CIC members also confirmed this assertion. Additionally, recruitment regulations need to align with community policing standards and values including interpersonal skills, problem solving capacities, mature judgment, and critical thinking abilities. The plan must also contemplate provisions for PRPB to seek and engage CIC input and participation, including recommendations in the selection process to ensure securing a diverse candidate pool and assistance in identifying barriers in securing underrepresented candidates and initiatives to overcome those barriers.

The Monitor's Office recognizes the Recruitment Director's effort to ensure a diverse workforce. However, the Press Office and its media resources can play an instrumental and more visible role in recruitment efforts that are worth considering for better practices. Action plans must incorporate PRPB's media resources to inform and attract potential candidates and keep the public abreast of active efforts. Additionally, in alignment with public policy and Law 65, high school seniors, colleges, technical schools, consulates, and community organizations must be steadily sought through strategic and systematic planning during each reporting period. The Monitor's Office notes that although some steps in the right direction were taken to comply with GO 501 (Cadet Aspirant Recruitment), including an advertisement committee with CIC participation, these projects were postponed. The Monitor's Office reiterates that implementing these adjustments into better practices will strengthen PRPB's commitment to community engagement in recruitment.

#### Community Policing in Management and Performance Evaluations

GO 310 (Performance Evaluations) was implemented in January 2024. This new performance evaluation program takes place annually. As required, PRPB supervisors meet with the supervisee in-person to discuss the evaluations regardless of scores or ratings; an effective way to discuss performance, expectations, professional development, and career paths. The performance evaluation policy was expanded to include community policing. Supervisory training beyond a self-paced orientation available through the electronic platform module has been implemented and is on-going pending completion by December 2025. Performance evaluation samples reviewed<sup>61</sup> in support of compliance for this reporting period failed to denote supervisory observations or recommendations for motivational programming or professional development. Until supervisory training has been fully implemented, these changes may hold insignificant value; hindering PRPB's ability to meaningfully and effectively assess performance. Community policing principles must be effectively correlated to the process for vested performance interests. Performance guidelines and ratings should be commensurate with proficiency in problem

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<sup>61</sup> See 35904, 36579, 35588, 34251, 33316, 29023, 20214, 18463, and 18180.

solving, proactive policing, community interactions, alliance development and sustainment, and stakeholder satisfaction, among other values in community policing.

#### Community Interaction Committees

The policy for the CICs including the Committees' Rules and Regulations Manual remains overdue for revisions and approval as of 2021. Finalizing their approval may assist PRPB in the development of concrete engagement plans, operational practices for continued community participation through the committees, expanding membership recruitment, deliver consistent membership training, and pursue joint initiatives in support of a comprehensive police approach in community policing, and meeting Agreement requirements.

Although, PRPB made significant progress in recruiting and expanding membership in each police area by facilitating training and confirmation during the CMR-10 reporting period, recurrent issues to confirm new members identified during previous reporting periods prevail in CMR-11. New candidates remain pending confirmation due to the unavailability of the required multi-themed workshops since October 2023. It is noted that these volunteers (approximately 13 - 16 candidates throughout the 13 police areas) completed their investigative process and received DSP's clearance. They possess a vested interest in assisting PRPB in advancing the reform and are instrumental in PRPB's ability to sustain community connections. However, as previously noted, these unresolved issues have been contributing factors for membership decline, warranting PRPB's expedited attention.

#### Community Policing and Collaborative Problem Solving

Problem solving initiatives through the implementation of the SARA Model substantially decreased throughout the sampled police areas. During previous reporting periods PRPB attempted to implement at least one problem-solving project per district/precinct per area to meet compliance targets. However, this objective was not met, despite the appointment of area coordinators during CMR-10 for assistance and support to facilitators in community policing.

The Reform Office submitted a certificate indicating that no problem-solving initiatives under the SARA Model were implemented for the police areas of Aibonito, Utuado, San Juan, Mayaguez, Bayamon, Carolina, and Caguas. On the other hand, PRPB did not submit any evidence in support of engagement with community stakeholders for collaborative work through partnerships or developed alliances for potential problem-solving. The Monitor's Office tasked itself to review PRPB's self-monitoring module only to find that the few control numbers recorded associated to alliance development, in most cases only contained one unspecified picture as documentation. Outreach activities submitted in support of compliance were also documented through pictures and missed relevant documents including discussion topics, presentations, agendas, and attendance and outcome reports. In conclusion, implementation deficiencies persist in documenting and executing practices. PRPB must ensure that all related reports are comprehensive to meet compliance targets in support of successful compliance and effective implemented practices.

To make progress in community policing and problem-solving, PRPB must implement a comprehensive geographic deployment of resources through a full Staffing Plan rollout. It entails incorporating staffing requirements for community policing into the updated Staffing Plan within Paragraph 13 of the Agreement. Addressing these longstanding deficiencies also ensures data quality and effective

implementation practices, supporting the expansion of community policing. PRPB needs to develop a comprehensive engagement plan containing guided implementation practices and strategies including personnel deployment, active community participation into recruitment, policies, training reviews, community discussions, and open meetings to meet Agreement requirements. Integrating the Press Office and media resources into the plan would contribute to increased public awareness and education on community policing practices, policies, Agreement related discussions, outreach activities, collaborative initiatives in problem solving, open meetings, services, and the exchange of resources.

#### *Public Information*

During CMR-9 and subsequent reporting periods, PRPB focused on improving its website by redesigning and integrating public reports, including community dashboards, enhancing public access to information. Consciously in alignment with diversity and inclusion policies, the Commonwealth incorporated a sign language interpreter to the Commissioner's message, and more significant, it remarkably improved community access to statistics on crime, facilitating searches based on set parameters for dates, offenses/crimes, and police areas. The efforts also included community dashboards on other Agreement related topics affecting UOF, administrative complaints/commendations, sexual offenses, domestic violence, and Reform status. These significant milestones provide information to the public and added value to PRPB's efforts in promoting transparency and reinforcing better accountability practices. However, dashboards and website information updates must evolve to keep information current and generate public interest. Safety tip banners introduced during CMR-10 must be updated, adding multiple topics and enhanced features.

Notwithstanding, these efforts, PRPB has been unable to communicate hate crime occurrences in a clear and accessible manner to the public beyond the statistics dashboard, which does not fully comply with policy and Agreement requirements. Crimes are not NIBRS certified. NIBRS requires data submissions at least on a monthly basis. However, NIBRS implementation is in progress.

The Monitor's Office also found insufficient efforts in holding community open meetings (Encuentros Comunitarios) to address community concerns, reporting on Agreement progress, and educating the public on various reform topics, despite minimum Agreement requirements to hold these meetings annually. Current efforts in these areas are inadequate, requiring the structured integration of the Press Office and internal multimedia resources into engagement plans, informing the public about opportunities to participate in focus groups, provide input on strategies to fight crime, inform crime trends, review policies and practices, and communicate PRPB's Reform progress. Expanded and targeted efforts should include the development of informational campaigns through videos, podcasts, and webinars for dissemination to address Agreement related topics including issues in domestic and gender violence, professionalization, immigration, and hate crimes among other topics in equal protection. Partnering with community stakeholders for awareness, education, services, and referrals is essential for effective engagement.

#### *Pathway Forward*

Recruitment regulations need to align with community policing standards and values. The plan must also contemplate provisions to seek and engage CICs for input and participation, including recommendations in the selection process to ensure securing a diverse candidate pool and assist in identifying barriers and

initiatives to overcome those barriers. The Press Office along with its media resources can play an instrumental and more visible role in recruitment efforts through advertising campaigns. Action plans must incorporate PRPB's media resources to inform and attract potential candidates and keep the public abreast of active efforts. Develop proactive community engagement plans through CICs and community stakeholders to identify problems and collaboratively work on implementing effective responses, promote better community-oriented practices, trusting relationships, transparency, and accountability.

PRPB must implement a long awaited and comprehensive geographic deployment of resources through a full Staffing Plan rollout. It entails incorporating staffing requirements for community policing into the updated Staffing Plan associated with Paragraph 13 of the Agreement. Addressing these deficiencies will ensure data quality and effective implementation practices and support the expansion of community policing. PRPB needs to develop a comprehensive engagement plan containing guided implementation practices, and strategies including personnel deployment, active community participation into recruitment, policies, training reviews, problem-solving, community discussions, and open meetings to meet Agreement requirements.

Integrating the Press Office and PRPB's media resources into engagement plans may prove successful at increasing public awareness and education in community policing practices, including policies, Agreement related discussions, outreach activities, and collaborative initiatives for problem solving, services, and the exchange of resources.

For better practices at informing the public, community dashboards and website information updates must evolve to keep information current and generating public interest. The safety tip banners introduced during CMR-10 must be updated, adding multiple topics and enhanced features. Efforts in holding community open meetings (Encuentros Comunitarios) to address community concerns, reporting on Agreement progress, and educating the public on various reform topics must be firmed up through streamlined operational practices. PRPB should include soliciting community input for discussion topics at open meetings and include calendars for these meetings containing the police area and discussion topics on the website. Educational podcasts and targeted campaigns should be directed for collaborative participation, satisfaction surveys, policies, crime trends, gender and domestic violence, including services, resources, and Agreement related topics. These better practices foster commitment to proactive community participation, facilitating compliance and meeting Agreement requirements.

PRPB should use internal resources and social media as added mechanisms for reporting crime statistics to keep the public informed. The effort should include information on hate crimes even if they have not occurred. PRPB should use the Federal Bureau of Investigation's (FBI's) NIBRS resources to inform and educate the public on the use and benefits of NIBRS in preparation for transitioning. See Paragraph 217 for additional recommended actions.

## 1. Community Oriented Policing

Successful problem solving in community policing requires ongoing analysis which is the key to detecting patterns and planning effective responses. It is the most critical phase of problem-solving because it involves discovering the underlying or primary factors often responsible for causing a problem. In police




organizations, analysis is often perceived as requiring too much time and resources, immaterial to the actions that need to be taken. Effective responses depend on full understanding of the problems and the underlying factors associated with them. Therefore, to implement appropriate responses, the analysis must be conducted in a systematic and structured manner to address community problems effectively, a recurrent deficiency on implemented practices previously identified, but carried through CMR-11.

Regrettably, progress in community policing significantly decreased throughout this reporting period. PRPB did not engage in any problem-solving activities within the Monitor's Office's sampled areas. Evidence for engagement in outreach activities, as well as stakeholder initiatives, through partnerships/alliances was inadequate and did not comply with minimum requirements to meet compliance targets or was simply not submitted.

The Monitor's Office raises concerns regarding the quality of the data submitted; validated through the Monitor's Office review of PRPB's self-monitoring module despite recent corrective measures taken to minimize previously identified deficiencies through the designation of police area coordinators. Supervisors and area coordinators play a fundamental role in facilitating guidance and assistance for problem-solving and defining and shaping outreach endeavors and community alliances, including best practices at documenting efforts, supporting evidence, and conducting data quality controls. These findings are strong indicators of PRPB's need to develop a comprehensive plan including streamlined operational objectives and practices, actionable plans, and outcome reports, pursuant to the newly approved methodology.

### Paragraph 206: Community Engagement and Public Information - Community Oriented Policing

*PRPD shall reassess its staffing allocation and personnel deployment to ensure that they support community policing and problem-solving goals. PRPD shall employ a Scanning, Analysis, Response, and Assessment ("SARA") model to structure its problem-solving approach.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually as to Compliance Targets #1 and #2. Bi-annually as to all other Compliance Targets.
 Training:	Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of Paragraph 206.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. Community policing and problem solving trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

<b>3. 95% of sampled PRPB members are trained and certified in community policing and problem solving, including the SARA Model.</b>	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
<b>4. Staff allocation and personnel deployment plan are aligned with community policing and problem solving.</b>	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
<b>5. 95% of sampled PRPB precincts, districts, and units implement the SARA Model.</b>	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: This paragraph is assessed together with Paragraph 13 of the Agreement.

### *Compliance Assessment*

GO 803 (Community Policing) was established in October 2021. Though the policy met Target 1 requirements during the CMR-10 reporting period, and the Monitor's Office submitted its recommendations, overdue revisions are still pending approval. PRPB has identified November 30, 2024, as the anticipated approval date.

PRPB resumed delivering the mandatory 40-hour annual in-service training, including community policing during CMR-10. Despite the outdated policy, PRPB training continued through SAEA, surpassing the 95% threshold. PRPB anticipates reaching 100% training compliance by December 2024 due to internal delays. This training portion is subject to assessment compliance during CMR-12.

The Commonwealth; however, has yet to fulfill the requirements of Target 4 under Paragraph 13. During the CMR-8 reporting period, PRPB submitted an updated staffing plan to the court, but the full implementation has continuously fallen short to date. For continued progress towards substantial compliance in community policing and problem-solving, PRPB must implement a comprehensive geographic deployment of resources through a full Staffing Plan rollout, ensuring reliability on personnel re-deployment, data quality, and effective implementation practices.

PRPB has secured the contracted services of Benchmark Analytics as reported by the Reform Office during the October working group meeting. Through Benchmark Analytics, PRPB aims to improve reporting systems, and supplement AH Datalytics, the Commonwealth's contractor, through streamlined operational practices to overcome the substantial delays and challenges with fulfilling Agreement requirements. In the interim, PRPB recognized the impact on compliance ratings. However, with the new court approved methodology on Community Engagement and Public Information, PRPB also intends to refine and redefine operational practices for improved outcomes, enhanced data quality audits, and overall functionality.

During this reporting period, problem solving initiatives through the SARA Model markedly decreased. In the past, PRPB attempted to implement at least one problem-solving project per district/precinct per area; integral to the Technical Assistance Program provided by the Reform Office aiming to meet Target 5. However, this objective was not met despite the appointment of area coordinators during the CMR-10 reporting period. The Monitor's Office notes that a contributing factor, among others, may be the need for a comprehensive engagement plan including all 13 police areas.



The Reform Office certified that no problem-solving initiatives under the SARA Model were implemented within the Monitor's Office's sampled areas of San Juan Aibonito, Mayaguez, Bayamon, Carolina, Utuado, and Caguas<sup>62</sup> including specific districts/precincts. Therefore, Target 5 is missed.

Field interviews revealed meetings held with coordinators centered on the exchange of concerns regarding operational difficulties within the electronic modules and the need for reporting mechanisms to give notice to revert/amend recorded initiatives. Other PRPB interviewed personnel reported challenges such as recurrent multiple assignment issues limiting the availability to engage in initiatives (i.e., multiple tasks assignments: safety councils' facilitator (1-2 council assignments, alliance facilitator duties, and community policing assignments designated to the same officer). Others, including area commanders, district directors, and other rank officers shared concerns about vehicle shortages or unavailability, insufficient funds for vehicle repairs, and new assignments upon transfer hampering effective practices. It is noted that DSP is working on addressing these issues.

On the other hand, the Monitor's Office raises concerns regarding the overall quality of the data submitted, which required the Monitor's Office's review of PRPB's self-monitoring module for additional information. This, despite recent corrective measures taken through the designation of police area coordinators, to eliminate previously identified documenting deficiencies. Supervisors and area coordinators play a fundamental role in facilitating guidance and assistance for problem-solving, defining and shaping outreach endeavors, and community alliances, including best practices at documenting efforts, supporting evidence, and conducting data quality controls. These findings are strong indicators of PRPB's need to develop a comprehensive engagement plan including streamlined operational objectives and practices, action plans and outcome reports, and data quality controls, pursuant to the new methodology.

#### *Pathway Forward*

Through the advent and approval of the revised community policing policy, the appointed police area coordinators should be empowered to help officers identify potential community stakeholders, create internal directories, foster relationships, identify problem-solving needs, and develop initiatives to improve quality of life. Supervisors should be accountable for their unit's development and implementation of initiatives promoting problem-solving, providing guidance to identify barriers and effective responses, addressing deficiencies to ensuring data quality, and proactive involvement for effective implementation practices, thus fostering better practices in community policing.

The Monitor's Office reaffirms that implementing a comprehensive geographic deployment of resources through a full Staffing Plan rollout is critical to make progress in community policing and problem-solving. The Monitor's Office also stresses the importance of seeking and engaging community stakeholders for proactive problem-solving. PRPB is encouraged to undertake a dynamic and thorough internal evaluation of implemented practices; identifying shortfalls and lessons learned for continued improvement and the development of a comprehensive engagement plan for review by the Parties. It is imperative that

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<sup>62</sup> Evidence submitted pertains to a precinct not sampled during this reporting period. It is dated 2023 and although classified as in progress, the work plan is expired, lacks supporting data, and implementation is deficient.



problem-solving efforts involve precincts, districts, and units to meet the 95% compliance threshold across PRPB, in alignment with the institutionalization of community policing.

### Paragraph 207: Community Engagement and Public Information - Community Oriented Policing

*PRPD shall continue to conduct outreach to a broad cross-section of community stakeholders to establish extensive problem-solving partnerships and develop cooperative strategies that build mutual respect and trusting relationships.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Annually for Compliance Targets #1 and #2. Bi-annually for all other Compliance Targets.
 Training:	Implemented		
 Practice:	Not Implemented		

### Compliance Targets

1. Policies incorporate all the requirements of Paragraph 207.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Community partnerships and problem-solving strategies trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled PRPB members are trained and certified in community partnerships and problem-solving strategies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. 95% of sampled districts, precincts, and units conduct outreach to a broad cross-section of community stakeholders.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### Compliance Assessment

GO 803 (Community Policing), approved in 2021, remains overdue for review and approval. The Monitor's Office re-submitted recommendations, which PRPB plans to address and receive approval by November 30, 2024. During the CMR-10 reporting period, PRPB complied with the mandatory 40-hour annual in-service training, including training on community policing, encompassing partnerships and problem-solving strategies. To the Commonwealth's credit, training continued through SAEA, despite the outdated policy. The training portion is assessed annually and will be reviewed during CMR-12.

On the other hand, PRPB did not submit any evidence in support of engagement with community stakeholders for collaborative work through partnerships or developed alliances for the sampled police areas of Caguas, San Juan, Carolina, Bayamon, and Mayaguez. The Monitor's Office tasked itself to review PRPB's self-monitoring module finding that the few control numbers associated with formal alliances for this reporting period, only contained a few unspecified pictures as support to determine compliance. No evidence of formal alliances was recorded for the police areas of Carolina and Caguas, while the alliances recorded for the police area of San Juan were attributed to Central Headquarters.

Only three of the alliances recorded were supported by Memoranda of Understanding (MOUs); no other evidence was recorded. Informal alliances were also poorly documented.<sup>63</sup> Recorded documents included unspecified pictures, as depicted during a recent demonstration to the Monitor's Office.

PRPB did not provide evidence of efforts targeted at audience expansion to facilitate outreach activities or develop alliances for awareness, education, and/or the exchange of resources through structured programming.<sup>64</sup> PRPB's outreach activities were the response to community requests, primarily schools. However, there was no evidence of PRPB's seeking to engage other community stakeholders. In conclusion, implementation deficiencies persist in documenting and executing practices.<sup>65</sup> These significant deficiencies are consistent with the Monitor's Office's findings throughout past reporting periods as early as CMR-6. PRPB must ensure that all initiatives and related reports are comprehensive to meet compliance targets in support of successful compliance. Police area coordinators and supervisors should be supportive of these processes.

The Monitor's Office also found that within the sampled police areas no outreach was conducted on relevant Agreement related topics, such as complaints and commendations, voluntary searches, UOF, or Reform status. Moreover, there was no evidence recorded for outreach on hate crimes and non-discriminatory practices. Notwithstanding, PRPB conducted outreach on civil rights, protective orders, and domestic violence. The police areas of Carolina and Aibonito conducted outreach on immigration. Noteworthy, Carolina's initiative included community resources, some government agencies, and the Dominican Consulate in a joint effort.

Globally, PRPB conducted a total of 5,243 outreach activities; out of those 1,508 (29%) were attributed to the sampled police areas of Aguadilla, Aibonito, Carolina, Bayamon Utuado, Mayaguez, Caguas, and Guayama. However, most of these initiatives were recorded for SAOC and SAIC; others for SAOE, the Commissioner's Office and a few for DSP and SAEA. No evidence was submitted or available for review for SARP or specialized units. On average five out of the eight (63%) sampled police areas conducted outreach on Agreement related topics. However, only two out of the eight sampled police areas (25%) facilitated outreach on transgender policy and none in nondiscriminatory practices or UOF. Noteworthy, all sampled areas conducted outreach on domestic violence. It is imperative that such efforts involve all auxiliary superintendencies to meet the 95% compliance threshold for districts, precincts, and units across the Bureau. On a positive note, outreach initiatives recorded in the self-monitoring module included humanitarian activities, unspecified cultural and recreational activities, socialization, and community sports. All of these activities are in alignment with fostering mutual respect and trust building and relationships, which must be advanced and replicated throughout PRPB. Relevant and essential topics for outreach delivery should include transgender policies, hate crimes, community policing, COPOP's role, stalking, violence during courtship, feminicides, fraud and scams, administrative

<sup>63</sup> See 2024-1764, 2024-1702, 2024-1687, 2024-1711, 2024-1646, 2024-1648, 2024-1670, and 2024-1733.

<sup>64</sup> Current policy requires PRPB to form alliances through outreach with public/private sectors, faith-based groups, academia, and the media to a) improve community relationships, b) strengthen support and social networks, c) consolidate initiatives to improve quality of life, d) reduce criminal activity, and e) increase crime solving. The Agreement requires reaching out to stakeholders to establish problem-solving partnerships and develop collaborative strategies to facilitate mutual respect and trusting relationships.

<sup>65</sup> See 19489, 19195, 18943, 19202, 19419, 20386, 20613, 20696, 20671, 20055, 20794, and 21209.

complaints and commendations, voluntary searches, UOF, cybercrime, and sexual exploitation of children, including public information and access to the sexual offender registry, to address issues of community concern and needs. The Press Office may prove helpful in disseminating information to the public on these topics through broadcasted programming including social media, podcasts, and webinars.

The Monitor's Office finds that a comprehensive work plan needs to be in place to address these deficiencies. The plan must include outlined strategies aimed at engaging audience expansion to facilitate outreach activities and develop alliances for awareness, education, and prevention through structured programming and documented efforts for measuring effective practices. Best practices should include efforts in seeking community stakeholders for problem solving, outreach and alliance development, meeting minutes with objectives, stakeholder planning discussions, presentations, and outcome reports comprehensive of encountered challenges and success stories documentation, which are essential for measuring effective practices. Delivering structured initiatives to various sectors demonstrates commitment to community engagement and supports community policing expansion. Exploring stakeholder expansion and partnering with federal agencies (Homeland Security (HSI), the FBI, and the U.S. Attorney's Office), as well as other established organizations (YMCA, Boys & Girls Club, Paz Para La Mujer, Women's Advocacy Office, and the academia) with proven record in community programs, is reiterated.

#### *Pathway Forward*

It is imperative that outreach involve all auxiliary superintendencies to meet the 95% compliance threshold for districts, precincts, and units across PRPB. Partnering with federal agencies for stakeholder expansion and other established service providers, colleges, universities, community-based organizations, and the private sector can assist PRPB with identifying relevant issues and conducting focus groups in support of problem-solving, alliance development, and outreach. Integrating the Press Office in outreach initiatives for education, public information, and crime prevention would assist PRPB in demonstrating commitment to working with the community and add value towards the institutionalization of community policing while keeping the community informed. Substantial compliance depends on the quality of implemented practices, supported by data and community feedback. These findings are strong indicators of PRPB's need to develop a comprehensive engagement plan including streamlined operational objectives and practices, action plans, and outcome reports, pursuant to the methodology.

#### **Paragraph 208: Community Engagement and Public Information - Community Oriented Policing**

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*Paragraph 208 is assessed annually and will be reviewed in CMR-12.*

## **2. Community Interaction Councils**

The CICs are community members, all volunteers representing diverse community sectors. Representative committees are instituted throughout the 13 police areas. There is also a Central CIC constituted by the spokespersons from the 13 police areas who serve as liaisons between PRPB and the

committees at large. They play a dynamic and fundamental role in advising, reviewing, and offering recommendations to PRPB on various matters, including policies, recruitment, and implemented strategies from the experiences and priorities of their respective communities. The CICs account for corresponding input from community stakeholders and safety councils for constructive feedback to PRPB. Per policy, the CICs provide guidance to the Commissioner on ways to enhance public awareness on policies, recruitment of a diverse workforce, implemented police practices, and provide feedback on community issues and concerns for increased transparency and accountability in disseminating public information.

During the reporting period, the CIC policy (GO 801) including the Committees' Rules and Regulations Manual remain overdue for revisions and approval as of 2021. Finalizing their approval may assist PRPB with developing concrete engagement plans and implementing operational practices for continued community participation through the committees, expanding membership recruitment, delivering consistent membership training, and pursuing joint initiatives in support of a comprehensive police approach in community policing.

Although, PRPB made significant progress in recruiting and expanding membership in each police area by facilitating training and in turn confirmation during the CMR-8 reporting period, issues to confirm new members identified during the CMR-9 and 10 reporting periods prevail. Compliance with sufficient resource allocation and authority to ensure CICs possess the means, staffing, timely and consistent training access, and necessary mandates to fulfill their mission, including PRPB's operating budget in consultation with the committees at large, fluctuates throughout most reporting periods, with this reporting period being no exception.

PRPB should prioritize proactive organizational commitment to establish a comprehensive police approach in all 13 police areas to achieve substantial compliance with the Agreement. Leveraging field knowledge and CIC expertise are fundamental to assessing community safety issues, develop strategies, and implement best practices to achieve a sustainable reform.




#### Paragraphs 209 - 210: Community Engagement and Public Information – Community Interaction Councils

*Paragraphs 209 and 210 are assessed annually and will be reviewed in CMR-12.*

#### Paragraph 211: Community Engagement and Public Information - Community Interaction Councils

*PRPD shall allocate sufficient resources and authority to ensure that CICs possess the means, staffing, access, training, and mandate necessary to fulfill their mission and the requirements of this Agreement. The operating budget shall be revisited on an annual basis in consultation with the CICs.*

Compliance Status	Assessment Schedule	
Partially Compliant	Review	April 2024 – September 2024

 Policy:	Implemented	Period	
 Training:	Not Implemented	Assessment Frequency	Annually for Compliance Targets #1 and #2. Bi-annually for all other Compliance Targets.
 Practice:	Not Implemented		

### *Compliance Targets*

1. Policies related to CICs incorporate the requirements of the paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. CIC orientation course is consistent with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
<b>3. PRPB makes CIC orientation available to all members of the CICs.</b>	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
<b>4. 85% of CICs possess the means, staffing, and access necessary to fulfill their mission and the requirements of this Agreement.</b>	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

The CIC policy (GO 801) along with the committee's Rules and Regulations Manual remain overdue pending approval since 2021. The revised policy should reflect amended CIC recruitment protocols to align membership recruitment with the representation needs of each area committee. This is a reiterated observation and recommendation made by the Monitor's Office to address gaps in achieving comprehensive community representation. The policy also needs to clearly outline the expectations for collaborative efforts between CICs and PRPB in alignment towards a comprehensive police approach, provide guidelines to direct their work and activities, including input and participation into recruitment of a representative and diverse workforce, policies, training reviews, facilitate discussions on public policy, non-discriminatory practices, professional responsibility through SARP, and other Agreement related areas.

Unresolved issues regarding the availability of multi-themed workshops to confirm new members have been identified as contributing factors for membership decline, warranting PRPB's expedited attention. During CIC interviews some committees shared the concern that despite completed investigations and clearance through DSP, 13 recruited candidates remain pending confirmation due to training availability. PRPB must meet the challenge of delivering training consistently, timely, and in alignment with policy guidelines as membership expands. It is through training that CICs can be confirmed to perform their duties and assist in advancing the reform. The Monitor's Office notes that the last CIC orientation and training was delivered in October 2023.

The CICs are instrumental in PRPB's ability to sustain community connections and achieve a comprehensive approach in community policing for progressive compliance. The virtual training approach proved effective and should be resumed. Supplementing it with scenario-based training enhances community understanding and sensitivity to police functions and is highly recommended. PRPB must provide mechanisms for CIC feedback on multi-themed training for content quality and improvement. Developing a training schedule to deliver training virtually every quarter and scenario-based at the Academy with capabilities of live streaming every six months will facilitate access to membership expansion and maximize participation.

PRPB submitted a blanket certificate indicating that all police areas have the necessary resources including equipment to perform their duties according to the allocated budget. On the contrary, the Monitor's Office learned through PRPB field interviews, including area commanders, that two out of the five sampled police areas (40%) during this reporting period need reliable vehicles, printers, and updated InFocus projectors for presentations among other equipment and supplies. PRPB must ascertain that the committees for each police area have resources including equipment, supplies, and available vehicles to fulfill their mission. Securing a meeting place away from the command's headquarters promotes community accessibility and neutral meeting grounds. A few of the committees meet away from headquarters. On the other hand, the Monitor's Office notes that PRPB needs to update active membership information to ascertain adequate and reliable compliance assessment samples for interviews. Through interview coordination early during the reporting period, the Monitor's Office learned that several listed members were no longer active.

During the CMR-8 reporting period, PRPB notified the Court that there is no operating budget in place for CICs. Nevertheless, pursuant to the Agreement, it is PRPB's responsibility to consult CICs when discussing and revising the Bureau's operating budget. This practice promotes transparency and the committee's first-hand knowledge to inform the public about PRPB's resource allocations, predominantly for equipment, vehicles, training, and projected resources for community policing initiatives, outreach programs, problem-solving efforts, and community encounters through open meetings. Area commanders must be proactive and take steps to ensure that CICs have the necessary resources to fulfill their mission including a meeting space to promote community participation. Discussing committee resource needs with the spokesperson, the agent facilitator, and the area commander ensures alignment in meeting needs, adhering to policy, and supports engagement, enabling the committees to carry out their mission and objectives. Although no budget is allocated to the CICs, PRPB should continue to ensure that they have adequate resources to carry out their mission and objectives, including the availability of reliable transportation.

#### *Pathway Forward*




It is crucial for PRPB to review policies regularly as required in the Agreement and stipulated in agency policy. Area commanders must take proactive steps to ensure that CICs have the resources necessary to fulfill their mission. PRPB faces the unmet challenge of maintaining CIC training as membership expands. Training must be delivered consistently, in a timely manner, and in alignment with policy guidelines. Developing a CIC training schedule to deliver training virtually every quarter and scenario-based at the Academy with capabilities of live streaming every six months will facilitate access to membership expansion and maximize participation. The virtual training approach proved effective in the past and should be resumed supplemented with scenario-based training to enhance community understanding and sensitivity to police functions. PRPB must provide mechanisms for CIC feedback on multi-themed training for content quality, policy reviews, recommendations, and improvement. Discussing and validating the committees' resource needs with the spokesperson and the area commander ensures that the committees are assisted with fulfilling their mission, supports engagement, and aligns with the development of a comprehensive policing approach with the CICs. The Monitor's Office reiterates the importance of revising and discussing PRPB's operating budget with the CICs. This practice promotes transparency and enables the CICs to inform the public about PRPB's resource allocations.



## Paragraph 212: Community Engagement and Public Information - Community Interaction Councils

PRPD shall work closely with CICs to develop a comprehensive community policing approach that collaboratively identifies and implements strategies to address crime and safety issues. In order to foster this collaboration, PRPD shall share appropriate information and documents with CICs, provided adequate safeguards are taken not to disclose confidential or otherwise law enforcement sensitive information. PRPD shall seek CIC assistance, counsel, recommendations, or participation in areas including:

- a) reviewing and assessing the propriety and effectiveness of law enforcement priorities and related community policing strategies, materials, and training;
- b) reviewing and assessing the propriety and effectiveness of PRPD policies on matters such as discriminatory policing, search and seizure, use of force, the civilian complaint process, and victim services;
- c) reviewing and assessing concerns or recommendations about specific PRPD policing tactics and initiatives;
- d) providing information to the community and conveying feedback from the community to PRPD;
- e) advising the Superintendent on recruiting a qualified, diverse workforce; and
- f) advising the Superintendent on ways to provide data and information, including information about PRPD's compliance with this Agreement, to the public in a transparent and public-friendly format, to the greatest extent allowable by law.

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2023 – March 2024
 Policy:	Implemented	Assessment Frequency	Annually
 Training:	N/A		
 Practice:	Not Implemented		

### Compliance Targets

1. PRPB developed a community policing approach working closely with CIC as per the requirements of the paragraph.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
2. PRPB protects confidential and law enforcement sensitive information in documents and information it shares with the CICs.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. Every six months, PRPB sought assistance, counsel, recommendations or participation from the CICs, collectively, at least once in all areas specified by the Paragraph.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### Compliance Assessment

As in previous reporting periods, progress of the development and implementation of a comprehensive community policing approach in collaboration with CICs remains under marginal levels of compliance. This is supported by the lack of supporting evidence and by the need of a structured engagement plan. Appropriate and relevant evidence is necessary to support collaborative efforts with CICs through various practices, including a) reviewing and assessing the appropriateness and effectiveness of law enforcement priorities and related community policing strategies, resources, and training; b) reviewing



and assessing relevancy and effectiveness on policies, police best practices, Agreement related matters, and victim services; c) reviewing and assessing concerns or recommendations about specific PRPB tactics and initiatives; d) providing information to the community and conveying community feedback to PRPB; e) advising the Commissioner on recruiting a qualified, diverse workforce; and f) advising the Commissioner on ways to deliver data and information to the public in a transparent and public-friendly format.

Strong indicators of a comprehensive police approach and best practices in community policing should establish work plans per police area based on jointly identified needs, crime trends through mapping, and community intelligence; quality of life concerning issues, structured initiatives on Agreement related matters including outreach for awareness and education; and joint community discussions and activities reliably supported to meet the compliance targets established in this paragraph.

The Monitor's Office has learned through CIC interviews and other civilians that some of these activities are carried out by the committees as part of their semester plans, while others, including CSCs, have demonstrated engagement in community initiatives and disseminated information about the Agreement as internal initiatives. However, PRPB has not documented these efforts effectively.

Sampled CICs (Caguas, Carolina, Aguadilla, Utuado, and Guayama) revealed that only three out of the five areas (38%) reviewed had developed semester work plans. Unfortunately, PRPB has not demonstrated the integration of these efforts into a comprehensive community policing approach. Evidence on joint efforts with CICs cannot be limited to the review of policies without further supporting information.

On the other hand, PRPB reported having included the community in the review of several policies during this reporting period, however, no evidence in support of this assertion was provided to the Monitor's Office to determine compliance. PRPB did not demonstrate that they sought assistance, advice, and collaboration from the requested CIC sample to address community safety concerns, obtain community feedback, facilitate recruitment, and share information. In turn, PRPB submitted certificates from the area commanders of Aguadilla, Guayama, Utuado, Carolina, and Caguas stating that the committees did not submit any recommendations on policies, training, or engaged in any format to address safety concerns, crime, and disorder nor did they engage in activities in collaboration with the CIC to inform the public about recruiting a diverse workforce, crime statistics, gender and domestic violence issues, and Agreement related issues. However, Caguas submitted recommendations on some policies and set a recruitment table at the Committees' community dialogue held in October. Supporting evidence was not submitted for the Monitor's Office's review. Joint activity agendas, work plans, and outcome reports should be a part of each police areas' engagement plan and must be submitted in support of meeting compliance targets.

As in previous reporting periods, interviewed civilians and CIC members shared concerns and frustrations at PRPB's unresponsiveness to recommendations made primarily on policies reviewed, leading to feeling discouraged from making recommendations. PRPB must consider mechanisms to integrate the community through CIC participation, communicate responses effectively, and expand and document its collaboration with the community to develop and implement a comprehensive community policing approach. These include integrating CICs in policy related responsibilities, recruitment, training, and

jointly implementing strategies aimed at reducing crime conducive to improving the community's quality of life.

#### *Pathway Forward*

PRPB must develop engagement plans for each area and establish protocols for maintaining related documentation not only as a means of demonstrating compliance with the Agreement, but more broadly to document the outcomes and action items from these interactions to ensure follow-through and demonstrate accountability. PRPB should revisit resuming the uniform practice implemented during the CMR-7 reporting period where guidance was provided to the 13 police areas to comply with the requirements of this paragraph, including a compliance certificate internally designed outlining targets and required tasks in support of compliance assessment. Careful consideration should be placed to streamline processes including area command training on established guidelines and reference manuals for engaging and working with CICs to develop unified mechanisms to track CIC recommendations to PRPB on policies, recruitment, community dialogues, and outreach. PRPB can increase its ability to fulfill compliance targets through successful RMS integration and the development of a CIC dashboard or module for integration into the community policing electronic module system.

#### **Paragraph 213: Community Engagement and Public Information – Community Interaction Councils**

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*Paragraph 213 is assessed annually and will be reviewed in CMR-12.*

### **3. Public Information**




During the CMR-9 reporting period, and subsequent reporting periods, PRPB focused on improving its website by redesigning and integrating public reports including community dashboards which enhanced public access to information. In alignment with diversity and inclusion policies, the Commonwealth incorporated a sign language interpreter to the Commissioner's message, and mostly significant, remarkably improved community access to statistics on crime through community dashboards; facilitating searches based on set parameters for dates, offenses/crimes, and police areas. These efforts included dashboards on other Agreement related topics, including UOF, administrative complaints/commendations, sexual offenses, domestic violence, and Reform status. These significant milestones on information to the public added value to the Bureau's efforts in promoting transparency and reinforcing better accountability practices. However, dashboards and website information updates must evolve to keep information current and generate public interest. Safety tip banners introduced during the CMR-10 reporting period must be updated, adding multiple topics, tips, and enhanced features.

Notwithstanding, these efforts, PRPB has been unable to communicate hate crime statistics to the public in a clear and accessible manner, which hampers its ability to fully comply with policy and Agreement requirements. The Monitor's Office also found insufficient efforts in holding community open meetings (Encuentros Comunitarios) to address community concerns, reporting on Agreement progress, and educating the public on various reform topics despite minimum Agreement requirements to hold these meetings annually. Current efforts in these areas remain deficient.

Careful consideration must be given to the integration of the Press Office and internal multimedia resources into engagement plans, aiming at informing the public about opportunities to participate in focus groups, provide input on strategies to fight crime, inform crime trends, review policies and practices, and communicate PRPB's progress on the Reform. Expanded and targeted efforts should include the development of informational campaigns, webinars, and podcasts for dissemination to address Agreement related topics including issues in domestic and gender violence, professionalization, immigration, and hate crimes among other topics in equal protection. These practices foster commitment to proactive community participation, facilitate compliance, and meet Agreement requirements.

#### Paragraph 214: Community Engagement and Public Information - Public Information

*PRPD shall develop a Community Outreach and Public Information program in each of the former thirteen police regions or in other operational subdivisions with comparable geographic coverage.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

#### Compliance Targets

1. Community Outreach and Public Information program was developed in each of the former thirteen police regions or geographic equivalent.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
2. At least bi-annual open meetings were held during the first two years of the Agreement. Then annually until the end of the Agreement.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of the meetings were widely publicized at least one week before such meeting.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. During 95% of the meetings reviewed the public was informed of the requirements of this Agreement, PRPB's progress meeting these requirements, and addressed areas of community concern.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. 95% of the Outcome Reports of open meetings reviewed comply with the parameters established by this Paragraph.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
6. 95% of the meetings reviewed included public education on an individual's right to decline consent to voluntary searches, consistent with Paragraph 77 of this Agreement.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
7. Community Outreach and Public Information program meetings comply with Paragraphs 214-216 and parameters established in Worksheets # 3.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

Per policy, open meetings or Encuentros Comunitarios constitute the primary mechanism for PRPB to report progress on meeting Agreement requirements, to address issues of community concern, and to educate the public on topics required by the Agreement. However, as outlined in the Action Plan, during the CMR-10 reporting period, PRPB committed to reviewing and publishing the policies for this paragraph but have yet to do so. PRPB now reports expected approvals by November 30, 2024.

Compliance with reaching out to the community for information, education, and addressing issues of community concerns through open meetings remains an unmet challenge for PRPB despite minimum Agreement requirements to hold these meetings annually. The reviewed calendar in the Virtual Library with outlined programming for open meetings (Encuentros Comunitarios) lacked details about the events to encourage community participation. Announcements were replicated in schedule format throughout, lacking relevant information including location, discussion topic, and timetables. These meetings must be widely publicized. PRPB's demonstrated inconsistent and deficient efforts require an engagement plan where the structured integration of the Press Office and internal resources (Citizens Services Unit throughout the 13 area commands) be part of implemented practices. The plan should detail resource participation ensuring that programming aligns with the identified objectives outlined in this paragraph. It must also incorporate a control and monitoring process to ensure sustainability across all 13 police areas.

PRPB failed to submit open meetings' evidence for the sampled police areas during this reporting period. Utuado reported having held its open meeting on October 16, 2024, and San Juan certified that no open meetings were held during this reporting period. An open meeting for this area is scheduled for March 19, 2025; both events are subject to compliance assessment during CMR-12. The Monitor's Office notes that evidence submitted by the Commonwealth for Utuado and Aguadilla were related to Conversatorios; activities carried out through the CICs as required per policy, and not in support of open meetings as required by policy and the Agreement. The Monitor's Office further notes that PRPB must be conscientious and thorough in the review of content submitted to the Monitor's Office for compliance assessment. Effective compliance with this paragraph relies on evidence inclusive of publicity, agendas, discussion topic presentations, information to the public on Reform progress, complaints and commendations, and individuals' right to decline consent to voluntary searches, as outlined in Paragraph 77 of the Agreement, and outcome reports.

The Monitor's Office recommends documenting these open meetings in a separate module within the community policing system to ascertain execution, avoid comingling activities, and improve data quality management. The integration of the RMS holds promise to facilitate these processes along with the integration of other internal resources including the Press Office and social media to inform the public, ensure attendance, and demonstrate vested interest in community integration for collaboration. PRPB's

community policing area coordinators should be considered for assisting area commands in developing the necessary competencies to meet the requirements outlined in this paragraph.

The Monitor's Office reiterates prior recommendations to consider developing a streamlined and uniform presentation through SAEA in coordination with the Reform Office. This uniform presentation may assist PRPB in facilitating police area presentations, supplementing the Bureau-wide presentation with information relevant to each area command, including the a) area's own crime statistics and crime trends, b) police area discussion topics and resources, c) information on CIC and CSC participation, d) information on outreach activities and community alliances developed within the area, and e) facilitate a forum for open community discussions enabling continuity and engagement.

The Monitor's Office shares concerns about the impact that missed targets in this paragraph has on superseding paragraphs as compliance is dependent upon targets outlined in this paragraph. The Monitor's Office will continue to assess this paragraph pending evidence submission for this last quarter.

#### *Pathway Forward*

Current efforts in these areas are inconsistent and deficient, requiring the structured integration of the Press Office and internal resources (including Citizens Services Unit throughout the 13 area commands) into engagement plans for implementation. The integration plan must detail resource participation ensuring that programming aligns with the identified objectives outlined in this paragraph. It must also incorporate a control and monitoring process to ensure sustainability across all 13 police areas. PRPB should consider using community policing area coordinators to assist area commands in developing and securing the necessary competencies to meet the requirements outlined in this paragraph. The new RMS integration holds promise by posing an opportunity to standardize and improve the documentation process. In the interim, documenting these open meetings in a separate module within the community policing system to ascertain execution and data quality management should be explored.




The Monitor's Office reiterates prior recommendations to develop a standardized presentation through SAEA, in collaboration with the Reform Office, based on the targeted principles, Agreement requirements, and policy aiming at assisting the Bureau in delivering local presentations, supplemented with relevant information from area commands, including a) area statistics on crime and trends, b) chosen discussion topics and resources, c) CIC and CSC participation, d) information on outreach activities and community alliances developed within the area, and e) facilitate a forum for open community discussions.

#### **Paragraph 215: Community Engagement and Public Information - Public Information**

*The Community Outreach and Public Information program shall require at least bi-annual open meetings for the first two years of this Agreement. During the meetings, PRPD officers from the police region and/or the Reform Unit shall inform the public about the requirements of this Agreement, PRPD's progress meeting these requirements, and address areas of community concern. At least one week before such meetings, PRPD shall widely publicize the meetings using print media, the Internet, and public service announcements on television or radio.*

Compliance Status

Assessment Schedule

Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

Note: This Paragraph is assessed with Paragraph 214.

### *Compliance Assessment*

As mentioned in Paragraph 214, the evidence provided to support "Community Encounters" (Encuentros -Open meetings) is insufficient for the Monitor's Office to assess required compliance. PRPB did not furnish any evidence of open meetings held in other police areas. The calendar outlining programming for these events to inform the public lacked detailed information and it was inconsistent with the limited supporting evidence submitted. While the reviewed calendar on the Virtual Library contains announcements for future potential Encounters, their occurrence as scheduled will be subject to compliance assessment in the next CMR. The Monitor's Office anticipates evaluating PRPB's supporting evidence for this paragraph during CMR-11 to determine progress towards substantial compliance.




### *Pathway Forward*

Current efforts in these areas are inconsistent and deficient, requiring the structured integration of the Press Office and internal resources (including Citizens Services Unit throughout the 13 area commands) into engagement plans for implementation. The integration plan must detail resource participation ensuring that programming aligns with the identified objectives and the capacity to deliver content as outlined in this paragraph. It must also incorporate a control and monitoring process to ensure sustainability across all 13 police areas. PRPB should consider using community policing area coordinators to assist area commands in developing and securing the necessary competencies to meet the requirements outlined in this paragraph. The new RMS integration holds promise by posing an opportunity to standardize and improve the documentation process. In the interim, documenting these open meetings in a separate module within the community policing system to ascertain execution and data quality management should be explored.

The community open meetings (Encuentros) calendar should be accessible to the public, publicized, and updated through PRPB's Virtual Library and internal resources, including multimedia platforms, PRPB's website, the Press Office, and area commands Citizen Services' Unit. The Monitor's Office reiterates that the Press Office and PRPB's multimedia platforms should publicize the events for all 13 police areas, regardless of where the event is being held.

### Paragraph 216: Community Engagement and Public Information - Public Information

*The Community Outreach and Public Information meetings shall, with appropriate safeguards to protect sensitive information, include summaries of all audits and reports completed pursuant to this Agreement and any policy changes made and other significant action taken as a result of this Agreement. The meetings shall also include public education on an individual's right to decline consent to voluntary searches, consistent with Paragraph 77 of this Agreement.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	April 2024 – September 2024
 Policy:	Not Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		

#### Compliance Targets

Note: This Paragraph is assessed with Paragraph 214.

#### Compliance Assessment

PRPB's compliance with this paragraph is assessed with Paragraph 214, requiring summaries of all audits, reports, policy changes, and actions taken by the Commonwealth. Summaries must be available to the public at the open meetings to keep the public informed, demonstrating transparency and accountability. PRPB has been unsuccessful at submitting audit summaries and reports to assess compliance through all reporting periods. Effective methods must be established to ensure transparency and understanding through public reporting. The Reform Office is the Bureau's clearinghouse, holding an integral role in facilitating this process.

#### Pathway Forward




PRPB's compliance with this paragraph requires summaries of all audits and reports, policy changes, and actions taken by PRPB. Summaries should be available to inform the public during open meetings to demonstrate accountability. The Reform Office holds a relevant role in facilitating this process and should establish effective methods to ensure transparency and understanding through public reporting.

### Paragraph 217: Community Engagement and Public Information - Public Information

*PRPD shall maintain and publicly disseminate accurate and updated crime statistics, including those related to hate crimes, on a monthly basis.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review	April 2024 – September 2024



 Policy:	Not Implemented	Period	
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### *Compliance Targets*

1. PRPB disseminates crime statistics on a monthly basis.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. 95% of reviewed crime statistics were publicly disseminated on a monthly basis.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 100% of hate crimes were publicly disseminated once they occurred.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. PRPB communicated hate crimes statistics to the public in a clear and easily accessible way.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: The portion of this paragraph that requires that PRPB maintain updated crime statistics is assessed together with Paragraph 219 of the Agreement (Information Systems and Technology), and Paragraph 148 (Early Identification System).

### *Compliance Assessment*

Notwithstanding the milestones reached during the CMR-8 reporting period PRPB has been unable to communicate hate crime occurrences to the public as required. These crimes are only reported through PRPB's statistics dashboard, not communicated or accessible through any other means. Multiple factors account for these deficiencies, including but not limited to the need to finalize the review of the Manual for the Identification and Investigation of Hate Crimes, effective since September 2022, and a hate crimes module designed to effectively gather hate crime and incident data, but most significantly because PRPB has not delivered personnel training on hate crimes. Absent a comprehensive training, PRPB personnel cannot be adequately prepared to identify, collect, correctly classify, and accurately report hate crimes, hampering its ability to meet multiple targets in this paragraph.

During the CMR-10 reporting period, the Monitor's Office, PRPB, and OSM actively engaged in implementing the NIBRS system. This initiative was not only aimed to streamline reporting processes but to provide the opportunity to facilitate hate crime reporting to the FBI. Law enforcement agencies report hate crimes to the FBI monthly or quarterly either directly or through their state's UCR programs. These agencies submit hate crimes data in either a NIBRS submission or an electronic hate crime report layout via e-mail. Agencies may also submit hate crime data on printed forms titled the Hate Crime Incident Report and the Quarterly Hate Crime.<sup>66</sup> PRPB worked on redesigning its internal modules for better case management and improved data collection. Upgraded systems are forecasted through the newly contracted services of Benchmark Analytics. NIBRS certification is in also progress. Nevertheless, compliance targets two through four in this paragraph are missed. In the interim, integrating RMS may prove helpful for increased reliability and transparency into publication. Additionally, PRPB should use internal resources and social media as added mechanisms to keep the public abreast about hate crimes

<sup>66</sup> See <https://ucr.fbi.gov>.

and crime statistics in general along with FBI's NIBRS resources to inform and educate the public in the use and benefits of NIBRS, in preparation for its eventual transition.

#### *Pathway Forward*

To keep the public informed and abreast of monthly crime statistics, PRPB should use internal resources including the Citizen Services' Unit within each area command and social media as added mechanisms for reporting. This effort should include information on hate crimes even if they have not occurred. PRPB could also use FBI's NIBRS resources to inform and educate the public on the use and benefits of NIBRS, in preparation for its eventual transition. Enhanced efforts should be directed at developing informational campaigns, webinars, and podcasts to address Agreement related topics including crime reporting, community surveys, issues in domestic and gender violence, professionalization, immigration, hate crimes, and equal protection among other topics for added transparency and accountability.

## XI. Information Systems and Technology

During the CMR-11 reporting period, the Commonwealth made some progress in the Information Technology section of the Agreement. Although the effort to acquire a replacement RMS moved forward, the pace was often at risk and impacted by staff availability decision making delays, and procedural review.

As to positive indicators, on-site interviews in Carolina showed that UOF data matched GTE data. Operational pervasiveness of radios progressed sufficiently but will require validation during the CMR-12 reporting period. With regard to acquiring staffing and additional contracting support, PRPB awarded delayed vendor contracts to support the implementation of the Portfolio Management Office (PMO). This action remains essential to PRPB's efforts to effectively staff and onboard needed personnel. While late in the CMR-11 reporting period, arrival of the PMO Portfolio Manager was important to adding management capacity making the expectation of matured planning and execution during the CMR-12 reporting period reasonable. The Monitor's Office expects development and publishing of management and control artifacts including, plans, charters, concepts of operations, and clarity of roles and responsibilities during the CMR-12 reporting period. Looking forward PRPB must continue its concerted efforts to retain its assembled support team to overcome internal talent shortages and process issues and to gain proactive control of its IT operating and management environment.

### Summary of Concerns

Effective communication and transparency from PRPB to Gartner Inc., USDOJ, and the Monitor's Office was at times elusive as demonstrated by the lack of clarity regarding the RMS purchase order approval status with GSA, relevant acquisition materials, and the long-delayed arrival of the PMO Portfolio Manager. Ample opportunity exists to share these details during multiple weekly status reviews and monthly on-sites. The significant support available from Gartner Inc. and the Monitor's Office was arguably underutilized given the extensive involvement of Gartner Inc., USDOJ, and the Monitor's Office in construct of the procurement artifacts including the statement of work and the logic therein for RMS and the PMO acquisition. Communication and transparency would have better informed critical systems such as PRPB's choice to replace EIS and PTMS. The decision to do so materialized rapidly and, to a large extent, without the knowledge of USDOJ or the Monitor's Office. This is a productive decision; however, questions remain that while the Monitor's Office and USDOJ have long stated their concerns with respect to the usefulness of PTMS and EIS for multiple reporting periods as far back as 2015, why the decision to replace EIS and PTMS was not made much sooner and why PRPB had claimed that EIS was operational contrary to the Monitor's Office's observations.

Data validation and purification remains ambiguous. The Monitor's Office has raised this concern for numerous reporting periods and PRPB has not been clear on its path forward. On at least two levels the veracity of data matters. The first being that without validation, the investments in technology and procedure cannot be factually reconciled thus leaving accuracy in question. Second, without validation and a firm grasp of the working data, sorts and queries of data may not genuinely represent the status of police operations thereby causing a divide between actual experience and recorded data. A plan for data validation, verification, and reconciliation is needed during the CMR-12 reporting period. Longer term, the understanding of trend data is critical to transformation, cultural, and behavioral change.

PRPB's IT management must continue to become more acute over time as discipline, rigor, attention to detail, and cadence will need to be effective, specifically in RMS management and Benchmark contract execution. Without active PRPB control of contract execution, PRPB will continue to be pulled by external stakeholders with differing priorities. The Monitor's Office is guardedly optimistic that the Portfolio Manager and PMO construct will enable the Commonwealth to make headway. The PMP will also need to implement a plan for change and requirements management, which is ambiguous at this time.

During the reporting period PRPB briefed its relationship with PRITS, who were to perform much needed penetration testing. Although positive, it remains unexplained why the penetration testing has taken more than two years to organize and why it is to be "no later" than December if an agreement with PRITS had been reached before September 2024. A full assessment has not been declared. This must be clarified.

### Looking Forward

The Monitor's Office urges the Commonwealth to 1) use the advisory services made available to the fullest extent possible, 2) to embrace third party validation and verification in technology and process development and delivery, 3) to prepare for long term sustainability and rely on succession planning and knowledge transfer strategies, and 4) to employ aggressive and rigorous management and planning practices that will ensure optimal and predictable outcomes for the Commonwealth.

The Monitor's Office will renew its focus on needed progress regarding NIBRS, body-worn cameras, National Crime Information Center (NCIC), and future staffing during the CMR-12 reporting period.

Overall, the Commonwealth's compliance with the six Information Systems and Technology paragraphs remains relatively unchanged, with the exception of one paragraph moving from not compliant to deferred. Four paragraphs (67%) continue to be partially compliant. Of the remaining two paragraphs, one is rated as not compliant (17%) and one is rated as deferred (17%). See figure 10.

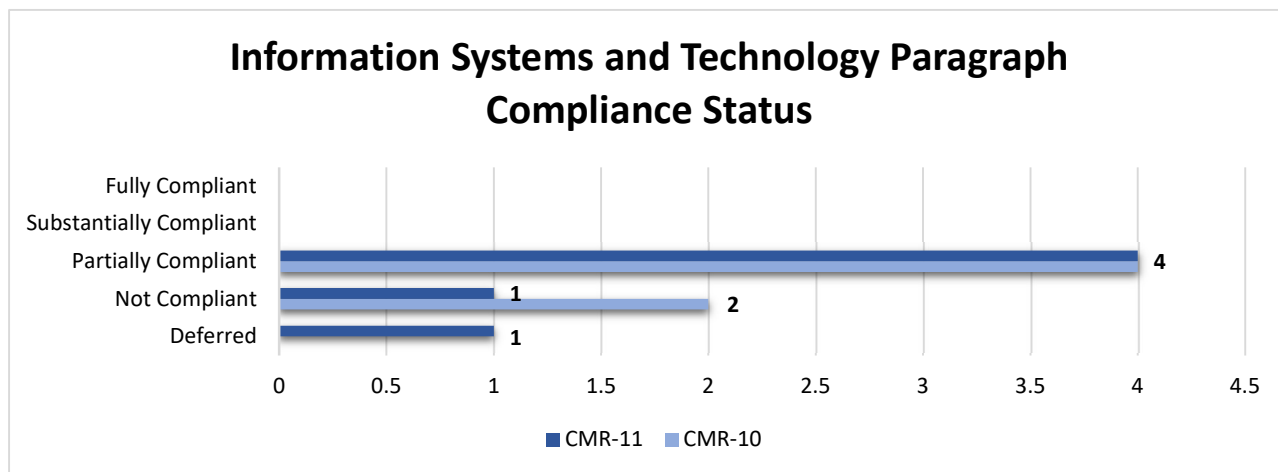





Figure 10. Information Systems and Technology: Paragraph Compliance Status

### Paragraph 218: Information Systems and Technology

PRPD shall establish information systems and utilize technology to support the implementation of this Agreement in an efficient and effective manner.

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2023
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

Note: Compliance will be determined on two separate, but inter-dependent bases: (1) the implementation of Paragraphs 219 – 224 in tandem with applicable Paragraphs in sections III through XII and (2) the results of outcome assessments, pursuant to Paragraph 243.

### Compliance Assessment

PRPB remained partially compliant overall although there was no substantive change in the status of IT systems or applications (tools), see the table below. Procedural and data inconsistencies continue, and progress was largely static for the CMR-11 reporting period. This is to a limited degree understandably given the focus on the RMS replacement and is also an indicator of insufficient capacity.

System	Technology Sufficiency	Procedure Compliance Targets Filed 10/30/19
Project Management System (Asana)	Fully Compliant	Fully Compliant
CAD/CAD Mobile	Partial	Partial
NIBRS	Deferred	Not Compliant
NCIC – National Crime Information Center	Deferred	Not Compliant
GTE (To be replaced by Axon/RMS)	Partial	Partial
Promedia (Performance Evaluation System to be replaced by Benchmark)	Partial	Partial
PTMS (To be replaced by Benchmark)	Partial	Partial
Formal Community Partnerships / Alliances – distribute data and information	Minimally	Not Compliant
EIS (To be replaced by Benchmark)	Deferred	Not Compliant
Supervisory Module	Partial	Partial
Sexual Assault and Domestic Violence	Substantial pending Data Validation	Partial
Non-Punitive Module	Substantial pending Data Validation	Partial
Tracking Module	Deferred	Deferred
CFRB	Deferred	Deferred
FRB	Deferred	Deferred

System	Technology Sufficiency	Procedure Compliance Targets Filed 10/30/19
Inspections – Operational, Investigative & Administrative	Substantial pending Data Validation	Deferred
Legal Affairs	Deferred	Deferred
SARP	Deferred	Deferred
Crime Mapping	Substantial pending Data Validation	Partial
SAEC – Computerized Analysis and Statistics	Substantial pending Data Validation	Deferred
Virtual Library – publish policies, procedures, forms, implement n PRPB Website	Fully Compliant	Fully Compliant
UOF	Substantial pending Data Validation	Substantial pending Data Validation
Handheld Recording Devices	Not Compliant	Not Compliant
Body Worn Cameras	Partial	Deferred




Table 1. Information Systems and Technology Systems Reviewed During the Reporting Period

### Pathway Forward

Due to the criticality of RMS, EIS, and PTMS, the Commonwealth must maintain its focus on these three systems while also establishing baselines to conduct independent validation and verification, a cyber assessment, penetration testing, data purification and reconciliation efforts, and publishing initial PMO artifacts and a Master Integration Plan.

### Paragraph 219: Information Systems and Technology

*PRPD shall collect and maintain all data and records necessary to: (a) document implementation of and compliance with this Agreement, including assisting the TCA's outcome assessments and the data collection and reporting required by this Agreement; (b) perform ongoing performance improvement activities in each of the areas addressed by this Agreement; (c) facilitate and ensure transparency and wide public access to information related to PRPD decision making and activities, as permitted by law; and (d) promote officer and civilian safety.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented		
 Training:	N/A	Assessment Frequency	Bi-annually
 Practice:	Not Implemented		

### Compliance Targets

1. Data dictionary includes all data sets necessary to access compliance with the Agreement.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed
2. The data systems permit PRPB to engage in ongoing performance improvement activities in each of the areas addressed by this Agreement.	<input checked="" type="checkbox"/> Met <input type="checkbox"/> Missed

3. PRPB makes publicly available all data that the Agreement requires be published, in accordance with PRPB policy and applicable laws.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
4. PRPB collects and maintains data that is relevant, useful, and applicable to officer and civilian safety.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. PRPB maintains data and records in compliance with the Agreement and applicable laws.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

Note: Review frequency, consistent with the periodicity of assessments in areas III through XII and XIV.

### Compliance Assessment

The Commonwealth achieved more success gathering and analyzing data during the reporting period due to the increase in IT application functionality; however, full success requires process control, procedural clarity, and supervisory discipline to ensure procedural repeatability and data integrity. Concerns were raised during field visits that training is inconsistent, which could lead to discrepancies. Ultimately, data reconciliation and independent validation and verification must be conducted recurringly in order to ensure data precision and relevance. With regard to training, it is unclear whether SAEA can support the Chief Information Officer (CIO) and BT's training demands.

The Monitor's Office further notes that the five compliance targets above will be comprehensively reassessed in the CMR-13 reporting period given the changes expected with RMS, EIS, and PTMS.




### Pathway Forward

These expectations are unchanged from the prior CMR and are still applicable. PRPB must continue to improve data collection procedures, address staffing shortages, continue to master and further the data analytic methods developed by AH Datalytics, and improve its management oversight and supervisory rigor. For this reason, the Monitor's Office endorses the activities of AH Datalytics and recommends their continued support to further progress.

A data reconciliation effort must be scoped and implemented given the changes expected with the RMS, EIS, and PTMS replacements.

### Paragraph 220: Information Systems and Technology

*PRPD shall develop protocols for collecting, analyzing, and reporting the information required by this Agreement. These protocols shall be developed and implemented in coordination with the TCA and shall be approved by the DOJ prior to implementation.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	April 2024 – September 2024
 Policy:	Implemented	Assessment Frequency	Bi-annually
 Training:	N/A		
 Practice:	Not Implemented		



### Compliance Targets

Note: This Paragraph is assessed with Paragraph 219.

### Compliance Assessment




Relatively unchanged from the prior CMR, PRPB continues to be partially compliant with regard to reporting and publishing (see Paragraph 218). The procedural operationalization of most technology coupled with process does not yet fit the definition of compliance.

### Pathway Forward

Unchanged from the prior CMR, PRPB must complete the development of tools and protocols for collecting, analyzing, and reporting the information required by the Agreement. Some progress has been made but NIBRS, RMS, EIS, and PTMS must be fully operationalized before credible data can reliably be extracted for publishing, assessment, and trend analysis purposes. The bridges between technology and procedural use must be completed and supported by training and policy adaptations.

### Paragraph 221: Information Systems and Technology

*PRPD shall develop and maintain an automated record management system and electronic files as part of the Action Plans developed for each subsection above.*

Compliance Status		Assessment Schedule	
Partially Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented	Assessment Frequency	Annually
 Practice:	Not Implemented		

### Compliance Targets

1. A record management system accounts for all the elements of the Paragraph and outcome measures as required by Paragraph 243. ☐ Met ☒ Missed

### Compliance Assessment




Significant effort was put into the RMS replacement during the reporting period. Although early coordination and task missteps were encountered, they are being addressed. Follow through during the CMR-12 reporting period is crucial to implementation.

### Pathway Forward

PRPB should continue to focus on and maintain the current implementation plan.

### Paragraph 222: Information Systems and Technology

*PRPD shall provide each supervisor with handheld recording devices and require that supervisors use these devices to record complainant and witness statements taken as part of use of force or misconduct complaint investigations.*

Compliance Status		Assessment Schedule	
Not Compliant		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented	Assessment Frequency	Annually
 Practice:	Not Implemented		

#### Compliance Targets

1. Policies incorporate all the requirements of this Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. Handheld recording device trainings are consistent with approved policies.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in relevant policies related to handheld recording devices (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. Complaint and witness statements are recorded in 95% of use of force reviews.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. Complaint and witness statements are recorded in 95% of misconduct complaint investigations.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
6. All sampled units had access to functional handheld recording equipment.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

#### Compliance Assessment

This assessment is unchanged from CMR-10. The Commonwealth did not provide the required documentation for the Monitor's Office to adequately assess the progress on this paragraph. The Monitor's Office recommends that the Commonwealth make a concerted effort to demonstrate its progress in this area.




#### Pathway Forward

As noted in previous CMRs, PRPB must provide evidence of their efforts to comply with the Agreement. PRPB should prepare for and brief its plan for development, operations, training, and support to the Monitor's Office. Operational evidence will require that archiving and retrieval of data and audio is consistent and repeatable.

### Paragraph 223: Information Systems and Technology

*All officers shall have access to National Crime Information Center ("NCIC") data for valid law enforcement purposes only. PRPD shall develop a protocol for the handling and use of NCIC data.*

Compliance Status	Assessment Schedule
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Deferred		Review Period	October 2023 – September 2024
 Policy:	Implemented		
 Training:	Not Implemented	Assessment Frequency	Annually
 Practice:	Not Implemented		

### *Compliance Targets*

1. Policies incorporate all the requirements of this Paragraph.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
2. NCIC data trainings are consistent with approved policies.	<input checked="" type="checkbox"/> Met	<input type="checkbox"/> Missed
3. 95% of sampled personnel are trained and certified in relevant policies related to handling and use of NCIC data (or scheduled for training, in the case of mid-year reviews).	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
4. NCIC data is considered in 95% of patrol interventions and investigations.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
5. All sampled units had access to NCIC data.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed
6. PRPB safeguards appropriately protect sensitive data.	<input type="checkbox"/> Met	<input checked="" type="checkbox"/> Missed

### *Compliance Assessment*

This assessment has not changed from the previous CMR. As noted, the central commands are relied on heavily for access to NCIC information. Officers that need NCIC information must relay their requests to the central commands.

### *Pathway Forward*

Unless the criteria for success under this paragraph is changed, PRPB must continue integrating and implementing NCIC to ensure roll out beyond headquarters and area central commands. Availability to all authorized and trained officers must be achieved and be in alignment with NCIC operational use criteria. Additionally, effective training throughout PRPB is required from SAEA and BT.

## **Paragraph 224: Information Systems and Technology**

Nothing in this Agreement shall be construed as prohibiting PRPD from contracting services related to technology and data collection, entry, and analysis.

### *Compliance Assessment*

As noted in previous CMRs, PRPB has adopted the allowances of this paragraph.

## Appendix A: Background to PRPB Monitoring Mission

In 2008, USDOJ initiated an investigation of PRPB into an alleged pattern or practice of using excessive force, conducting unlawful searches and seizures, and unlawful discrimination, all of which are proscribed by the United States Constitution. USDOJ conducted their investigation pursuant to the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14141, and the anti-discrimination provisions of the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. § 3789d. PRPB accepted the grounds for the investigation and pledged cooperation and has worked in partnership with USDOJ to establish the reforms outlined in this Agreement.

As part of its investigation, USDOJ and its police practices expert consultants conducted a detailed fact-finding review with the assistance and full cooperation of PRPB, including: a) tours of police areas; b) interviews with PRPB officers, supervisors, command staff, Commonwealth officials, members of the public, and other stakeholders; c) review of many thousands of documents, including policies and procedures, incident reports, internal investigation of civilian complaint records, external audit reports, and legislative materials; and d) accompanying line officers and supervisors during their respective tours of duty. PRPB's Superintendent and command staff officials met personally with USDOJ representatives and consultants on multiple occasions and pledged their full support and cooperation.

In response to the concerns raised by USDOJ during its practice investigation of PRPB, and in recognition of the need to modernize and professionalize its operations, PRPB undertook its own internal reform efforts. These efforts culminated in the issuance in March 2011 of PRPB's own internal reform plan. The plan included: 1) the development and implementation of new policies regarding UOF and a wide range of other substantive areas; 2) the training of all appropriate officers in the new UOF policies through "train-the-trainer" pedagogy; 3) the adoption of a reformed disciplinary system; 4) the improvement of citizen complaint procedures; 5) the strengthening of community outreach efforts through Citizen Interaction Committees; and 6) a staffing review to improve supervisor to officer ratios.

In September 2011, USDOJ issued a written report of its investigative findings ("the Report"). The Report presented USDOJ's findings related to UOF, UOF to suppress the exercise of First Amendment rights, and searches and seizures. The Report identified several additional areas of serious concern, including discriminatory policing and the insufficient quality of investigation into sex crimes and domestic violence. Finally, the Report outlined a series of other performance issues: 1) systemic deficiencies in PRPB's policies and procedures; 2) conduct of specialized units; 3) formative and in-service training; 4) supervision; 5) intake, internal investigation, and institutional adjudication of administrative misconduct complaints; 6) corrupt acts and other crimes committed by PRPB officers; 7) substandard processes for promotion in rank; 8) lack of risk management; 9) poor external oversight and accountability; and 10) a lack of sufficient community engagement. The Report concludes that the performance of PRPB was undermined by several entrenched and long-standing problems, which in the estimation of USDOJ called for a systemic remedy.

While the Commonwealth did not concur with all the findings and conclusions in the Report, the Parties met throughout 2012 to exchange ideas and proposals for modernizing and professionalizing PRPB and to discuss numerous reforms already underway at PRPB's own initiative. Once the newly elected Commonwealth administration took office in January 2013, the administration familiarized itself with the Agreement and continued negotiating to reach a final Agreement. The Agreement is the product of

these good faith negotiations. In July 2013, the draft Agreement was presented to the Honorable Gustavo A. Gelpi, Chief Judge of the U.S. District Court for the District of Puerto Rico, who approved the draft, formalizing the Agreement.

On June 5, 2014, the Court approved the selection and hiring of an independent monitor to help PRPB and the Commonwealth during the capacity building phase and thereafter monitoring the compliance period of the Agreement.

Unlike other consent decrees throughout the United States and its territories and owing to the unique institutional development and needs of the Commonwealth, the Agreement between the USDOJ and Commonwealth of Puerto Rico included a four-year “capacity-building” phase. During that phase, PRPB and the Commonwealth were expected to develop policies, procedures, and technologies to address serious deficiencies within the Bureau. The Monitoring Team, which is comprised of subject matter experts, was expected to provide substantive expertise and technical assistance to guide PRPB in its implementation and development efforts, while at the same time providing the public with assurance that PRPB’s progress would be evaluated in a reliable, independent, and transparent manner.

The capacity-building period concluded on October 8, 2018, at which time the “monitoring phase” was to commence according to the Agreement. However, at that time the Monitor and Parties were unable to come to a consensus on the methodology matrices that the Monitor’s Office proposed to use to measure PRPB’s compliance with the Agreement. This resulted in a delay in the start of the monitoring phase, and the Court subsequently suspended monitoring measures pending the finalization and acceptance of a compliance assessment methodology agreeable to the Parties. The Commonwealth, legal counsel, and the USDOJ conferred with the Monitoring Team over the course of six months to develop methodology matrices necessary to measure compliance for the 11 performance areas outlined in the Agreement. After review, and with the assent of the Parties, the Court accepted the objective methodologies put forth by the Monitor’s Office.

In March 2020, the court approved and published the First Report of the Federal Monitor, which focused primarily on policies and procedures, UOF, and IT. CMR-1 found broad compliance on policy and procedure and certain areas of UOF, but nevertheless found a series of key lapses in UOF investigations and IT infrastructure. Later that same year, CMR-2 provided a more comprehensive overview of PRPB’s performance, covering a significantly larger number of Consent Decree paragraphs. The format and comprehensiveness of our CMRs has evolved with each report. CMR-5 represents the first full comprehensive assessment and report and the first report in which PRPB’s status in the implementation of policy, training, and practice was documented. As such, CMR-5 provided a model for Monitor’s reports going forward. As some areas, and paragraphs, of the Agreement are only assessed biannually, CMR-6 along with CMR-7 jointly provide the most comprehensive assessment provided by the Monitor’s Office thus far.

## Appendix B: Methodology

In agreement with the approved methodology, the Monitoring Team uses a combination of quantitative and qualitative research methods to assess the Commonwealth's compliance with the Agreement in the areas of performance selected for this report. These methods include but are not limited to 1) document reviews of forms that PRPB uses in the daily conduct of its activities; 2) content analysis of policies, training materials, internal investigation files, and other documents that provide detailed evidence of PRPB's efforts to comply with the Agreement; 3) interviews with sworn and civilian PRPB personnel, members of the public who can directly verify PRPB's community outreach and public information activities, personnel from other criminal justice components within Puerto Rico, and additional stakeholders in the reform process; 4) site visits to PRPB facilities, patrol locations, crowd control incidents, CIC meetings, and public information sessions; and 5) analysis of PRPB's data systems and the knowledge management practices that make use of these systems.<sup>67</sup>

### Compliance Levels

Each paragraph in the Agreement has been assigned a methodology that was agreed on by the Parties and approved by the court. These methodologies include information on the data source, sampling method (if relevant), and compliance target. The compliance targets provided for each paragraph outline the objectives and thresholds the Commonwealth must meet to reach full compliance with the paragraph. Further, if applicable, the compliance targets outline whether the Commonwealth and PRPB have incorporated the requirement into an implemented policy; trained all relevant personnel in the requirement and policy; and fully implemented the requirement in practice. PRPB and the Commonwealth's status in the implementation of policy, training, and practice are noted for each paragraph assessed, see figure 11. For those paragraphs where training is not a requirement of the paragraph training is listed as not applicable (N/A).



Figure 12. Implementation Status: Policy, Training, Practice

The compliance levels are defined as follows:

- **Fully Compliant:** Where PRPB has objectively demonstrated substantial compliance with the cited portion of the Agreement for a period of more than two years;

<sup>67</sup> The full methodology can be accessed at the Monitor's website at <https://www.fpmpr.org>.

- **Substantially Compliant:** Where PRPB has objectively demonstrated extensive compliance with the cited portion of the Agreement (as defined by the compliance targets for a given paragraph) for a period of less than two years;
- **Partially Compliant:** Where PRPB has objectively demonstrated a sub-optimal level of compliance with the cited portion of the Agreement, as defined by the compliance targets for a given paragraph;
- **Not Compliant:** Where PRPB has not objectively demonstrated compliance with the cited portion of the Agreement, either due to a lack of evidence, or due to evidence of significant shortfalls in compliance relative to the targets outlined for a given paragraph;
- **Rating Deferred:** Where the Monitoring Team has not obtained sufficient evidence to reach a determination as to compliance status with a given paragraph, due to no fault on the part of PRPB.

The court draws a clear distinction between a deferred rating and a rating of not compliant due to lack of information. In the latter case, the Monitor's Office is unable to reach a determination of compliance because PRPB and the Commonwealth failed to provide the Monitor's Office with requested data, and thus failed to provide evidence of compliance. In the former case, the Monitor's Office could not obtain sufficient data to reach a determination of compliance due to no fault on the part of PRPB or the Commonwealth, e.g., travel restrictions prevented the Monitor's Office from conducting required site visits.

### Sampling Methodology

The Monitor's Office uses a variety of sampling methods to draw valid and representative samples for the data sources noted above. These sampling methods include the following:

1. Simple random sampling: Used for large datasets such as arrest reports and search/seizure incidents that occur in very large volumes each reporting period.
2. Stratified random sampling: Used for large but varied datasets such as training, performance, and disciplinary records for sworn PRPB personnel who are stratified by rank.
3. Purposive sampling: Used for datasets that require intentional selection to investigate key topics and cover all stakeholders over the course of successive CMRs, such as interviews with CIC members, training and counseling staff, and PRPB personnel assigned to specialized units.
4. Full enumeration: Used for sources that must be reviewed exhaustively, such as revisions to policies and training curricula, exemplars of forms that PRPB uses to interact with the public, and records for critical incidents such as deployment of chemical agents to disperse crowds.

In addition, the Monitor's Office uses a rolling sampling method for key data sources that require analyzing significant amounts of data on a tight deadline, such as arrests and searches, internal investigations, UOF incidents, etc. These data sources present a significant workload for the Monitor's Office, and for PRPB, because the relevant incidents either occur in large volumes during each reporting period or involve large amounts of documentation per incident. The Monitor's Office has addressed the



tradeoff between sample frequency, sample size, and margin of error, by adapting a “rolling” sampling method that the U.S. Census Bureau has developed for the American Community Survey.<sup>68</sup>

Using this method, the Monitor’s Office draws quarterly samples for large data sources that are reviewed biannually. Sample sizes are calculated for each quarter by examining the past six months of incidents and drawing a proportional number of cases for the present quarter. Sample size is determined so that the margin of error for two years of combined data (consistent with the above definition of full compliance) is under 5%, allowing the Monitor’s Office to state confidently whether PRPB has maintained substantial compliance on a given paragraph for the past two years and has therefore achieved full compliance. As such, the sample sizes below were determined not only on the number of cases stated for the present CMR, but on the basis of the past two years of data inclusively.

### CMR-11 Samples

The Monitor’s Office requested the following samples from PRPB for CMR-11:

Paragraph(s)	Primary Section	Data Source
<b>Common</b>	Common	Training records for a random sample of 17 in-service trainings conducted during the reporting period, drawn from a population of 37. PRPB provided 94% of the request.
<b>Common</b>	Common	Training records (PTMS) for a random sample of 92 sworn personnel, drawn from a population of 10,712. PRPB provided 100% of the request.
<b>Common</b>	Common	Electronic records and materials for a purposive sample of 32 in-service trainings provided during the evaluation period from a population of 40. PRPB provided 100% of the request.
<b>84, 136-140, 144-153</b>	Common	Training records for a random sample of 66 civilian personnel, drawn from a population of 719. PRPB provided 100% of the request.
<b>12, 163-165, 198-170, 172-175, 180-189</b>	Professionalization; Civilian Complaints, Internal Investigations, and Discipline; Information Systems and Technology	Supervisory review and initial investigation files for a random sample of 79 misconduct complaints that have completed their initial investigations, drawn from a population of 1,117. PRPB provided 100% of the request.
<b>13, 81, 136-141, 205</b>	Professionalization; Equal Protection and	Two months of staffing documents for a random sample of 42 PRPB precincts and units demonstrating that all agents report to a single

<sup>68</sup> United States Census Bureau, American Community Survey Design and Methodology, January 2014, <https://www.census.gov/history/pdf/acsdesign-methodology2014.pdf>

	Non-Discrimination; Supervision and Management; Community Engagement and Public Information	supervisor and supervisors manage no more than 10 agents, drawn from a population of 180. PRPB provided 100% of the request.
<b>16-20, 84</b>	Professionalization; Equal Protection and Non-Discrimination	Promotion files for a random sample of 148 promotion candidates, drawn from a population of 1,206. PRPB provided 100% of the request.
<b>16-20, 84</b>	Professionalization; Equal Protection and Non-Discrimination	Training records for a random sample of seven promotion candidates, drawn from a population of seven. PRPB provided 100% of the request.
<b>23-24, 27, 32-35</b>	Use of Force	PPR 605.1 (UOF Report) and PPR 605.2 for a random sample of 13 UOF incidents by STU officers, drawn from a population of 15. PRPB provided 100% of the request.
<b>25, 32-35</b>	Use of Force	Inspection reports for a random sample of 15 armory inspections, drawn from a population of 28. PRPB provided 93% of the request.
<b>26, 54</b>	Use of Force	Weapons training certificates for a random sample of 102 officers demonstrating that each officer successfully qualified with all weapons that they are authorized to carry, drawn from a population of 11,699. PRPB provided 100% of the request.
<b>27, 28, 29, 32-35, 145-146</b>	Use of Force, Supervision and Management	Training records, performance evaluations, disciplinary records, and any SARP investigations for a random sample of 43 officers assigned to STUs and STU evaluation boards, drawn from a population of 202. PRPB provided 98% of the request.
<b>28</b>	Use of Force	Activation/deployment records for a random sample of 87 STU deployments for preventive patrol and policing functions, drawn from a population of 945. PRPB provided 100% of the request.
<b>28</b>	Use of Force	Deployment records for a random sample of 86 STU officers. Records should identify the nature of each deployment for each officer, including assignment to general patrol and policing functions, drawn from a population of 404. PRPB provided 97% of the request.
<b>30</b>	Use of Force	Activation/deployment records for a random sample of 29 STU activations. Records should include the operational plans and after-action reports prepared by the STUs for each activation/deployment, drawn from a population of 148. PRPB provided 100% of the request.

<b>32-35</b>	Use of Force	Incident reports and after-action reports for a random sample of 50 planned and unplanned incidents involving crowds drawn from a population of 170. PRPB provided 100% of the request.
<b>32-35, 44-47, 55, 79, 84, 136-153, 164-165, 222</b>	Use of Force, Searches and Seizures, Supervision and Management, Civilian Complaints, Internal Investigations, and Discipline	Training records, performance evaluations, disciplinary records, and any SARP investigations for a random sample of 25 supervisors and command officers, drawn from a population of 2,292. PRPB provided 100% of the request.
<b>36-39, 41, 44-47</b>	Use of Force	PPR 605.1 (UOF Report), PPR 605.2, PPR 605.3, and PPR 126.2 (Complaint Card) for a random sample of 78 UOF incidents, as well as PPR 113.2 (UOF Incident Investigation Report) for any UOF incidents investigated by FIU, drawn from a population of 1,160. PRPB provided 72% of the request.
<b>40, 48, 55</b>	Use of Force	Training records, performance evaluations, and disciplinary records of 16 FIU investigators, drawn from a population of 34. PRPB provided 94% of the request.
<b>41, 49, 51, 52</b>	Use of Force	Investigation files for a random sample of 28 FIU investigations, including all PPR 113.1 (Preliminary Notification of UOF Incidents), PPR 113.2 (UOF Incident Investigation Report), and PPR 113.3 (Evaluation of the UOF Report) forms, drawn from a population of 74. PRPB provided 100% of the request.
<b>41, 49-52</b>	Use of Force	Evaluation files including PPR 502.7 and PPR 502.8 for a random sample of 44 CFRB reviews, drawn from a population of 107. PRPB provided 100% of the request.
<b>44-47</b>	Use of Force	Training records and certificates for a sample of 24 FRB members to determine whether all board members are fully trained and certified to serve on the FRB, drawn from a population of 101. PRPB provided 92% of the request.
<b>44-47, 222</b>	Use of Force; Information Systems and Technology	FRB evaluation files including PPR 502.1 (Assessment of Incidents of UOF) and PPR 502.2 for a random sample of 65 UOF incidents classified as Level 2-3 with injuries, drawn from a population of 228. PRPB provided 97% of the request.
<b>56</b>	Use of Force	Training records and additional relevant data for 43 CIT officers/coordinators demonstrating that the personnel met all eligibility criteria, drawn from a population of 202. PRPB provided 100% of the request.

<b>56</b>	Use of Force	Incident reports for a random sample of 86 incidents involving persons in mental health crisis, drawn from a population of 715. PRPB provided 100% of the request.
<b>57</b>	Use of Force	Training certificates for a random sample of 28 CIT-trained dispatchers, drawn from a population of 341. PRPB provided 100% of the request.
<b>60-64, 74-76</b>	Searches and Seizures	Incident reports, search warrants, property seizure receipts, storage documentation (where relevant), and related documents and CAD data for a random sample of 75 consensual searches based on probable cause, drawn from a population of 1,027. PRPB provided 99% of the request.
<b>60-64, 84, 145-146, 205</b>	Searches and Seizures; Equal Protection and Non-Discrimination; Supervision and Management; Community Engagement and Public Information	Performance evaluations and disciplinary records for a random sample of 92 sworn personnel, drawn from a population of 10,712. PRPB provided 100% of the sample.
<b>60-64, 154-156</b>	Searches and Seizures; Supervision and Management	Records and reports for a random sample of 35 operational audits, assessments, and inspections, including evidence that the auditing system identifies operational deficiencies, analyzes causal and contributing factors, and implements effective remedial action, drawn from a population of 51. PRPB provided 97% of the request.
<b>65-72, 223</b>	Searches and Seizures; Information Systems and Technology	Arrest reports and related incident reports for a random sample of 83 arrests, including CAD data, property seizure receipts, storage documentation (where relevant), related SARP investigation files (where relevant), and call logs for all sampled arrests involving obstruction of justice, resisting arrest, or assaulting an officer to verify that a supervisor responded, drawn from a population of 11,164. PRPB provided 100% of the request.
<b>72</b>	Searches and Seizures	Investigation files for a random sample of 12 administrative investigations involving seized property, drawn from a population of 12. PRPB provided 100% of the request.
<b>78, 79, 129-131</b>	Equal Protection and Non-Discrimination; Training	Reports and supporting materials from the most recent review of a sample of 16 in-service trainings, drawn from a population of 16. PRPB provided 69% of the request.

<b>81, 164-165, 177-178</b>	Equal Protection and Non-Discrimination; Civilian Complaints, Internal Investigations, and Discipline	PPR 639.2 for a random sample of 106 non-punitive disciplinary incidents, drawn from a population of 600. PRPB provided 99% of the request.
<b>82, 197</b>	Equal Protection and Non-Discrimination; Civilian Complaints, Internal Investigations, and Discipline	Investigation files for a random sample of 36 misconduct complaints involving allegations of unequal protection including allegations of discriminatory policing and retaliation, drawn from a population of 106. PRPB provided 100% of the request.
<b>84, 102-107</b>	Equal Protection and Non-Discrimination; Recruitment, Selection, and Hiring	Training records for a random sample of five personnel involved in recruitment and hiring, drawn from a population of five. PRPB provided 100% of the request.
<b>84, 104-107</b>	Equal Protection and Non-Discrimination; Recruitment, Selection, and Hiring	Recruitment office files for a random sample of 56 recruited candidates, drawn from a population of 411. PRPB provided 100% of the request.
<b>86</b>	Equal Protection and Non-Discrimination	Investigation files for a sample of two hate crimes including documentation that the FBI was notified of each incident, drawn from a population of two. PRPB provided 100% of the request.
<b>87</b>	Equal Protection and Non-Discrimination	Documents for a sample of 100 PRPB programs, initiatives, and activities demonstrating that the programs are applied and administered without discrimination on the basis of race, color, ethnicity, national origin, religion, gender, disability, sexual orientation, gender identity, gender expression, or political ideology or affiliation, drawn from a population of 4,185. PRPB provided 100% of the request.

<b>89</b>	Equal Protection and Non-Discrimination	Reports from a random sample of six reported PRPB interactions with transgender or transsexual individuals, drawn from a population of six. PRPB provided 100% of the request.
<b>91</b>	Equal Protection and Non-Discrimination	Assessment reports and supporting documents for a random sample of one operational assessment, drawn from a population of one. PRPB provided 100% of the request.
<b>92</b>	Equal Protection and Non-Discrimination	Investigation files for a sample of 17 incidents involving allegations of abuse and mistreatment originating in secure correctional facilities, drawn from a population of 17. PRPB provided 100% of the request.
<b>93, 94</b>	Equal Protection and Non-Discrimination	Investigation files for a random sample of 41 SA investigations including supplemental reports and/or prosecutor findings, drawn from a population of 91. PRPB provided 100% of the request.
<b>93, 98</b>	Equal Protection and Non-Discrimination	Investigation files for a random sample of 133 DV investigations including supplemental reports and/prosecutor findings, drawn from a population of 3,698. PRPB provided 98% of the request.
<b>96</b>	Equal Protection and Non-Discrimination	Call records for a sample of hotline complaints.
<b>96</b>	Equal Protection and Non-Discrimination	Training records and selection documents for a sample of 12 PRPB personnel who attended the 24-hour hotline for sexual crimes training, drawn from a population of 19. PRPB provided 100% of the request.
<b>99</b>	Equal Protection and Non-Discrimination	SARP and SAIC investigation files for a random sample of 32 SARP investigations involving allegations of SA and DV against PRPB personnel, drawn from a population of 40. PRPB provided 91% of the request.
<b>114-116</b>	Policies and Procedures	Agency transmittal receipts for policies and procedures emailed to a random sample of 92 sworn personnel, drawn from a population of 10,712. PRPB provided 100% of the request.
<b>114-116, 132</b>	Policies and Procedures; Training	Documents demonstrating that a purposive sample of 42 precincts and units held monthly academies and/or in-service training meetings delivered at the beginning of shifts or tours of duty, drawn from a population of 189. PRPB provided 100% of the request.
<b>154-156</b>	Supervision and Management	Training records for a random sample of 14 operational auditors indicating training on internal audits and inspections, drawn from a population of 23. PRPB provided 79% of the request.

<b>160, 166, 177, 194-196</b>	Civilian Complaints, Internal Investigations, and Discipline	Training records, performance assessments, and disciplinary records for a sample of 42 members of the internal investigations unit, drawn from a population of 194. PRPB provided 100% of the request.
<b>164-165, 168-169, 172-173</b>	Civilian Complaints, Internal Investigations, and Discipline	All available data for a random sample of 198 complaints received through the SARP complaint intake module, drawn from a population of 1,450. PRPB provided 100% of the request.
<b>170, 182</b>	Civilian Complaints, Internal Investigations, and Discipline	SARP investigations files, criminal investigation files, and related data and communications for a purposive sample of 45 civil lawsuits and criminal prosecutions filed involving PRPB personnel, drawn from a population of 81. PRPB provided 98% of the request.
<b>177-179, 190, 192-193, 198-199</b>	Civilian Complaints, Internal Investigations, and Discipline	SARP investigation files and related data for a sample of 112 closed misconduct investigations, drawn from a population of 780. PRPB provided 81% of the request.
<b>200</b>	Civilian Complaints, Internal Investigations, and Discipline	Test results and related records for a random sample of 67 PRPB personnel who were drug tested during the reporting period, drawn from a population of 1,657. PRPB provided 100% of the request.
<b>206</b>	Community Engagement and Public Information	PPR forms and related materials that would demonstrate that each indicated precinct/unit in a sample of 42 used the SARA Model to identify recurring quality of life problems and collaborate with the community on problem-solving activities, drawn from a population of 189. PRPB provided 100% of the request.
<b>207</b>	Community Engagement and Public Information	Documents for a sample of 20 PRPB programs, initiatives, and activities demonstrating that PRPB collaborated with a broad cross-section of community stakeholders to establish problem solving strategies, develop stronger relationships, consolidate initiatives, educate, and reduce criminal activity, drawn from a population of 234. PRPB provided 100% of the request.
<b>209</b>	Community Engagement and Public Information	Documents demonstrating that a sample of 5 CICs held meetings every 3 months during the reporting period including meeting agendas and minutes, attendance sheets, workplans, outcome reports etc., drawn from a population of 14. PRPB provided 100% of the request.
<b>211</b>	Community Engagement	Documents that would demonstrate that PRPB has offered a multi-themed workshop and orientation to all members of a sample of 5



	and Public Information	CICs including lists of themed workshops orientation courses delivered to each CIC and corroborating documents such as lesson plans and schedules, sign in sheets, and training certificates for CIC members that completed orientations and/or workshops, drawn from a population of 14. PRPB provided 100% of the request.
<b>211</b>	Community Engagement and Public Information	Documents that would demonstrate that a sample of 5 CICs possess the means, staffing, and access necessary to fulfill their mission and the requirements of this Agreement including budget sheets, CIC staffing lists, resource lists, and evidence of access to appropriate facilities, drawn from a population of 14. PRPB provided 100% of the request.
<b>212</b>	Community Engagement and Public Information	Documents that would demonstrate that PRPB sought assistance, counsel, recommendations, and general collaboration from a sample of 5 CICs to address community safety concerns, obtain community feedback, facilitate recruitment, and share of information, drawn from a population of 14. PRPB provided 100% of the request.
<b>214-216</b>	Community Engagement and Public Information	Advertisements, meeting agendas and minutes, outcome reports, and other pertinent documents for a sample of seven open community outreach meetings, drawn from a population of seven. PRPB provided 57% of the request.

*Table 3. CMR-11 Data Samples*

## Appendix C: Compliance Status by Paragraph and Sub-Section

The following sections were assessed in this report:

### I. Professionalization

Professionalization Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	0	0
Staffing & Community Policing	0	1	0	0
Promotions	0	7	0	0
Commander Corps	0	1	0	0
<b>Total</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>

### II. Use of Force

Use of Force Sub-Section	Count of Paragraphs per Section by Compliance Status				
	Fully Compliant	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	1	3	1	0	0
Specialized Tactical Units	2	3	0	0	0
Crowd Control	1	0	3	0	0
Force Reporting	0	3	1	0	0
Force Review & Investigation	0	2	1	0	0
Supervisory and FRB Reviews	0	5	0	0	0
FIU Investigations & SFRB Reviews	0	4	1	0	0
Use of Force Training	0	3	0	0	0
Responding to Mental Health Crisis	0	0	2	0	0
<b>Total</b>	<b>4</b>	<b>23</b>	<b>9</b>	<b>0</b>	<b>0</b>

### III. Searches & Seizures

Searches and Seizures Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	2	0	0
Investigatory Stops and Searches	0	0	1	4
Arrests	2	6	1	0
Searches	0	4	0	0
Training on Stops, Searches, and Seizures	0	1	1	0
<b>Total</b>	<b>2</b>	<b>13</b>	<b>3</b>	<b>4</b>

### IV. Equal Protection and Non-Discrimination

Equal Protection and Non-Discrimination Sub-Section	Count of Paragraphs per Section by Compliance Status				
	Fully Compliant	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred

General Provisions	1	0	3	3	0
Discriminatory Policing	0	0	5	1	0
Sexual Assault and Domestic Violence	0	1	7	0	0
<b>Total</b>	<b>1</b>	<b>1</b>	<b>15</b>	<b>4</b>	<b>0</b>

## V. Policies and Procedures

Consent Decree Section/Sub-Section	Count of Paragraphs per Section by Compliance Status				
	Fully Compliant	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	2	0	6	0	0

## VI. Supervision and Management

Supervision and Management Sub-Section	Count of Paragraphs per Section by Compliance Status				
	Fully Compliant	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	0	1	0	0
Duties of Supervisors	0	0	4	1	0
Performance Evaluation	0	0	2	0	0
Early Identification System	0	0	0	7	0
Internal Audits and Interagency Feedback	0	0	3	1	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>9</b>	<b>0</b>

## VII. Civilian Complaints, Internal Investigations, and Discipline

Civilian Complaints, Internal Investigations, and Discipline Sub- Section	Count of Paragraphs per Section by Compliance Status				
	Fully Compliant	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	1	0	0
Civilian Complaints	2	0	0	0	0
Internal Investigations	0	1	2	0	0
Complaint Intake & Handling	5	1	4	1	0
Investigation of Complaints	4	0	12	1	0
Staffing, Selection, & Training Requirements	0	0	3	0	0
Preventing Retaliation	0	0	1	0	0
Discipline	0	0	3	0	0
Officer Assistance and Support	2	2	0	0	0
<b>Total</b>	<b>13</b>	<b>5</b>	<b>26</b>	<b>2</b>	<b>0</b>

## VIII. Community Engagement and Public Information

Community Engagement and Public Information Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	0	0

Community Oriented Policing	0	2	0	0
Community Interaction Councils	0	2	0	0
Public Information	0	1	3	0
<b>Total</b>	<b>0</b>	<b>6</b>	<b>3</b>	<b>0</b>

## IX. Information Systems and Technology

Information Technology Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	4	1	1