

December 2024



## Executive Summary for the Eleventh Report of the Federal Monitor, Covering the Period from April 2024 through September 2024

This is the eleventh Chief Monitor's Report (CMR-11) outlining the compliance levels of the Commonwealth of Puerto Rico in relation to the Consent Decree entered between the United States and the Commonwealth of Puerto Rico. This report provides the eleventh assessment following the four-year capacity building period established by the Consent Decree that ran from June 2014 to October 2018 and covers the period from April through September 2024.

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 complaint in CMR-9. Further, when reviewed comprehensively, almost 29% (N=51) of the

December 2024

paragraphs meet either substantial or full compliance in CMR-11 in comparison to 20% (N=36) in CMR-9.

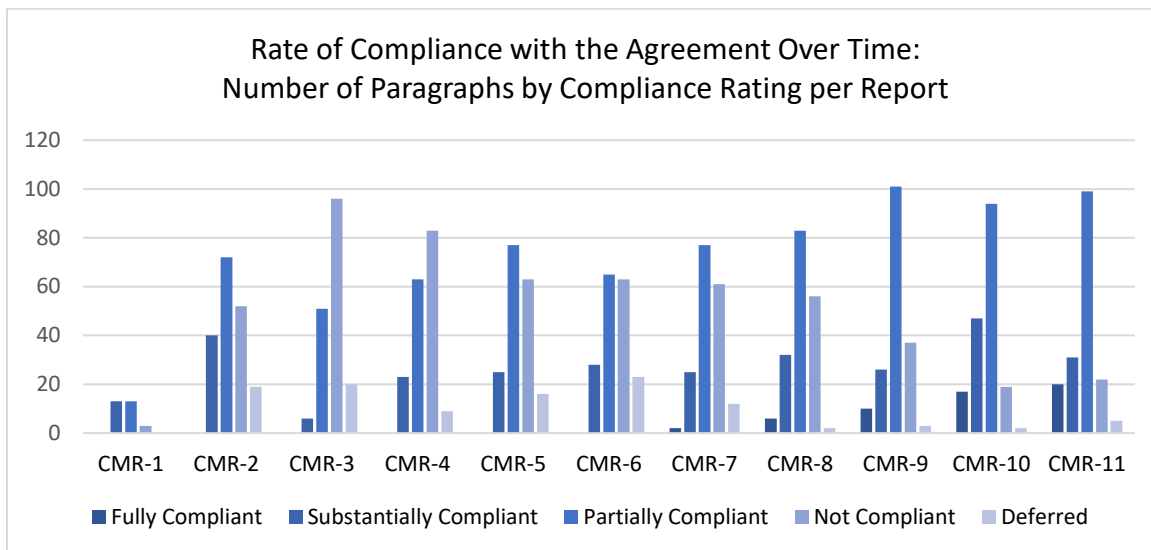


Figure 1. Rate of Compliance Over Time

### 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.

December 2024

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 an 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.

### Summary of Compliance by Section

The following summary provides an overview of the Monitor's Office's compliance assessment for each area of the Agreement.

December 2024

## 1. 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

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

December 2024

to introduce 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.

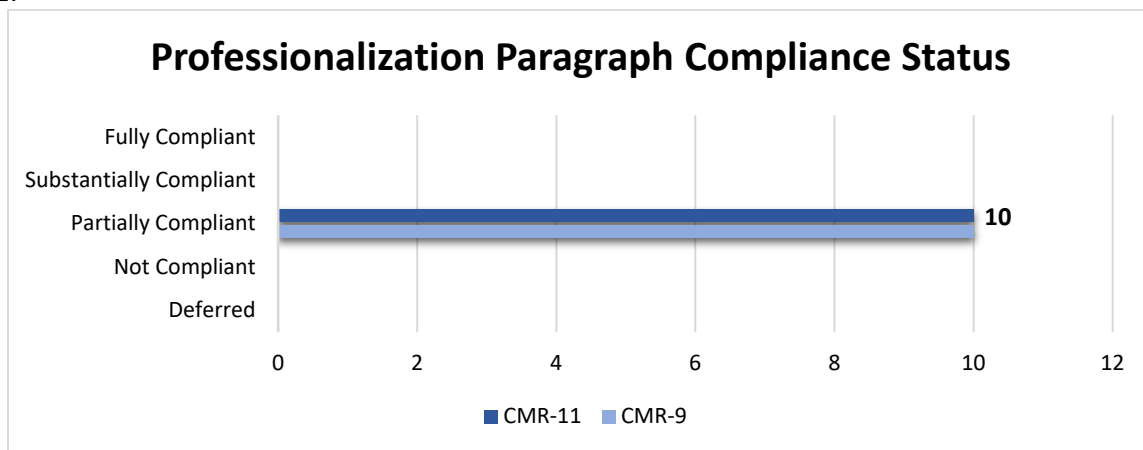


Figure 2. Professionalization: Paragraph Compliance Status

## 2. 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

December 2024

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.

December 2024

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.

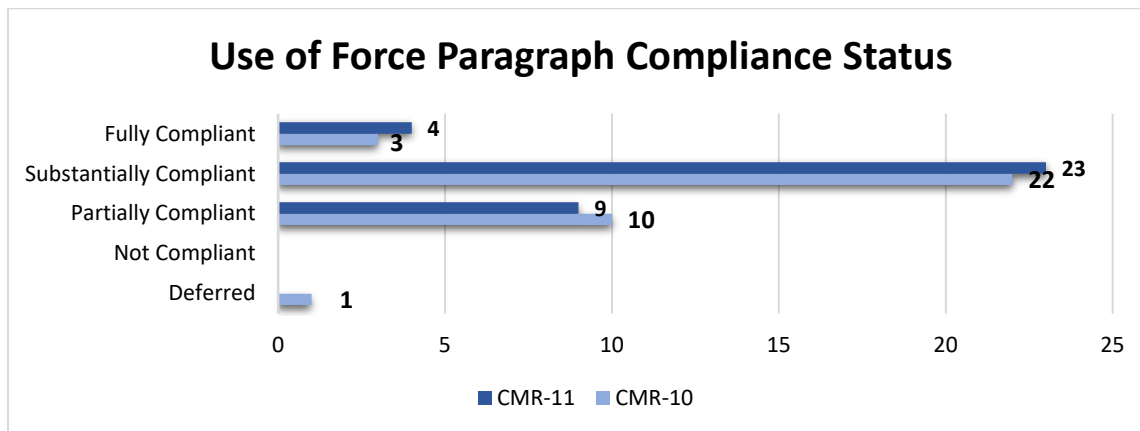


Figure 3. Use of Force: Paragraph Compliance Status

### 3. Searches and Seizures

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.

December 2024

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.

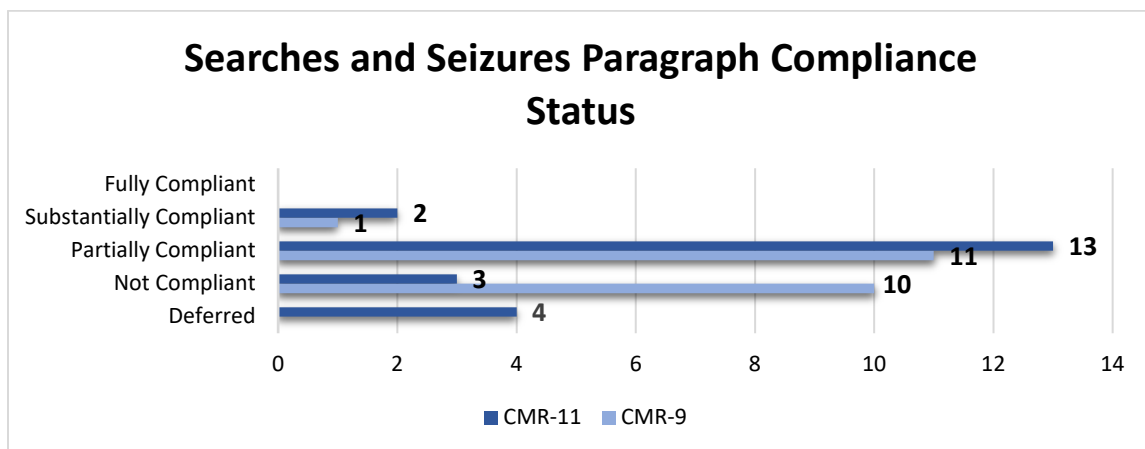


Figure 4. Searches and Seizures: Paragraph Compliance Status

December 2024

#### 4. 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

December 2024

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.

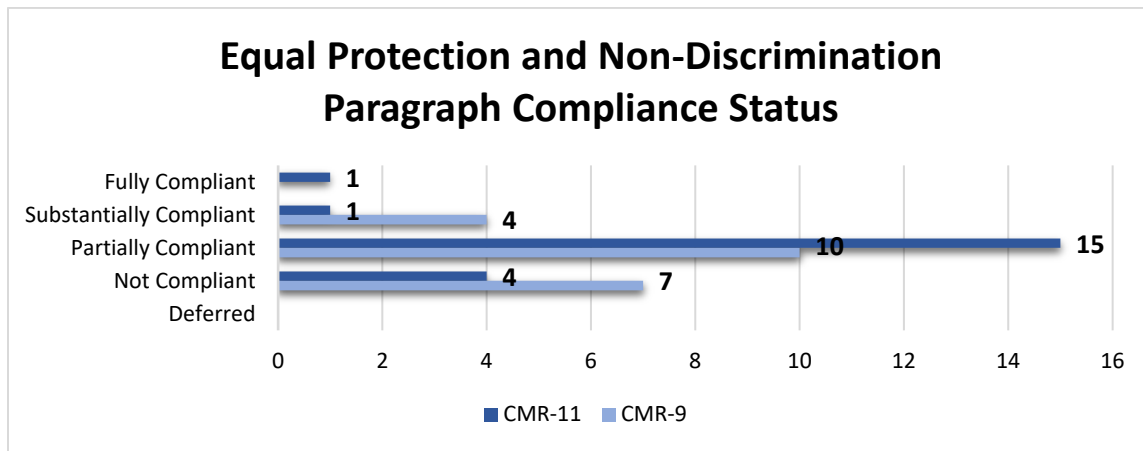


Figure 5. Equal Protection and Non-Discrimination Paragraph Compliance Status

## 5. 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

December 2024

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.

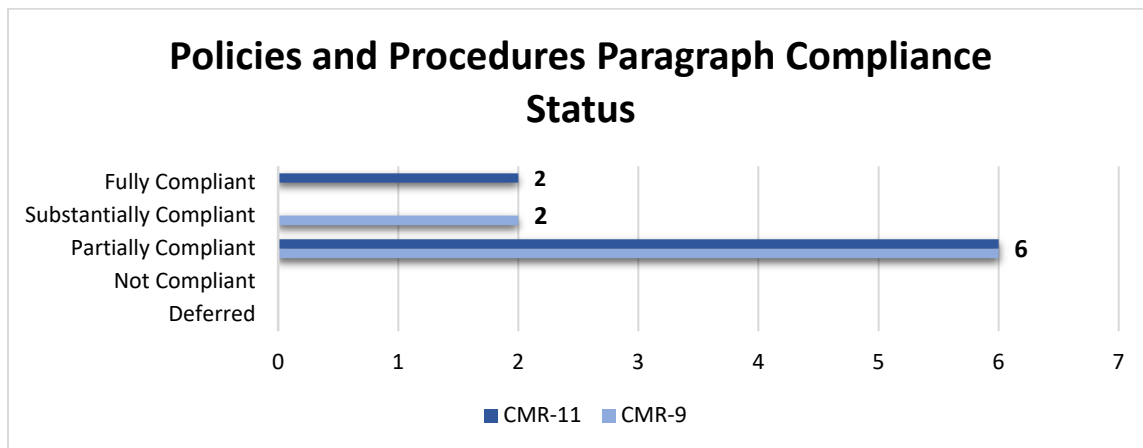


Figure 6. Policies and Procedures: Paragraph Compliance Status

## 6. 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.

December 2024

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. 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.

December 2024

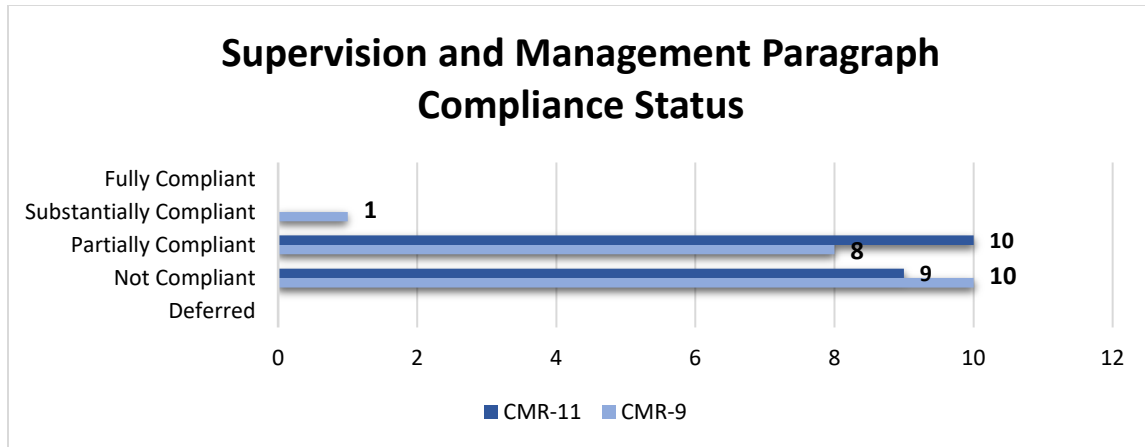


Figure 7. Supervision and Management: Paragraph Compliance Status

## 7. 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

December 2024

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.

December 2024

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>2</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 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.

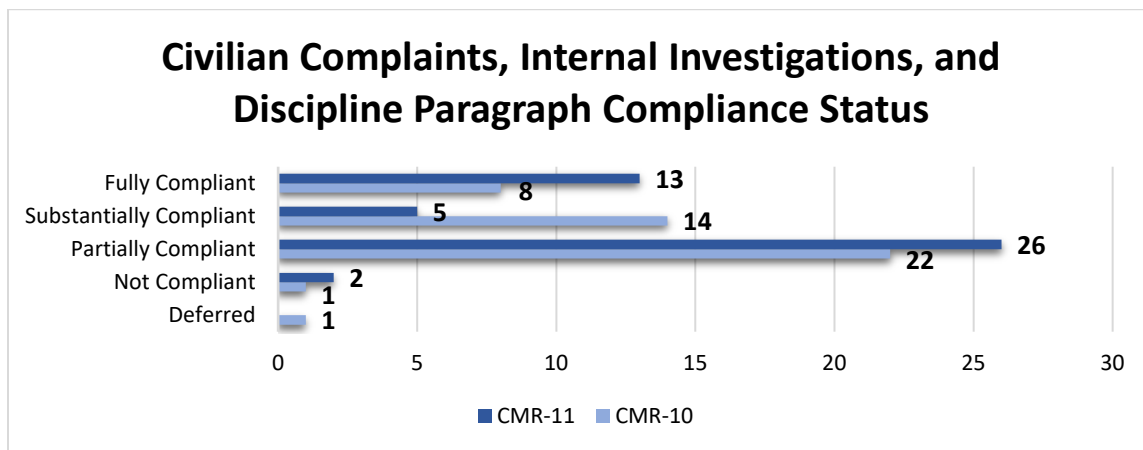


Figure 8. Civilian Complaints, Internal Investigations, and Discipline: Paragraph Compliance Status

## 8. 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

<sup>2</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.

December 2024

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

December 2024

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.

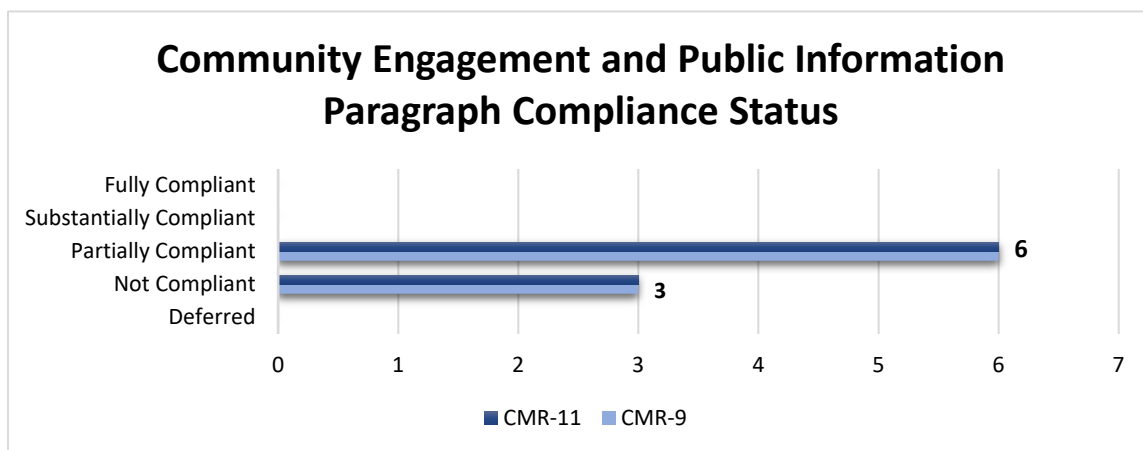


Figure 10. Information Systems and Technology: Paragraph Compliance Status

## 9. 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

December 2024

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.

December 2024

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.

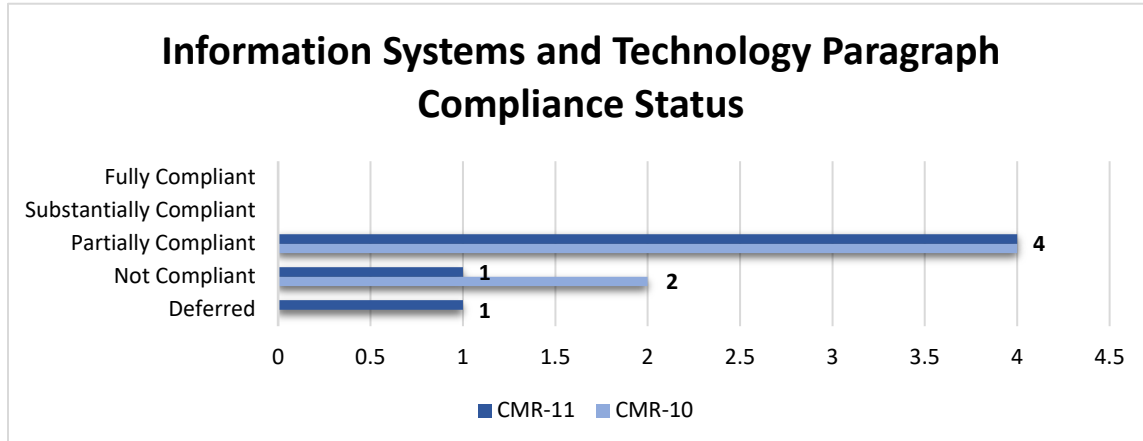


Figure 10. Information Systems and Technology: Paragraph Compliance Status