



ALEXIS TORRES  
SECRETARIO

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COMISIONADO

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## **RESPOND PRPB CMR-7**

On November 14, 2022, e 2022, the Puerto Rico Police Bureau (hereinafter, PRPB) received the draft of the CMR-7 (hereinafter PRPB) corresponding to the period of: April 2022 to September 2022. This, with the purpose of issuing comments as provided the Agreement for the Sustainable Reform of the Puerto Rico Police (hereinafter, Agreement).

The Agreement requires the Monitor to submit to the Court every six (6) months public reports that will include, among other things, the methodology and specific findings of each review conducted. Consonant with the above, we would like to point out some aspects of the CMR-7 draft that must be clarified. The table detailed below contains, briefly, various points that the Monitor should take into consideration for his evaluation of CMR-7.

The following will be discussed in depth with the Monitor, USDOJ and Special Master, on December 7, 2002, in a meeting scheduled for these purposes. Any doubt or question, we remain at your disposal.



Use of Force		
N/A	Monitor Assessment	“...the Monitor’s Office is encouraged by...and the production of improved data for the months of July through September 2022...” (page 7).
	NPPR response	UOF data quality has been improved for the months of January through September 2022. After the demonstrated success of the Provisional UOF Plan, PRPB used the reconciliation reports developed for said to plan to ensure UOF was consistently reported across PPR-126.2, PPR-605.1, and the FIU database in accordance with PRPB policy, starting in January 2022. Please see Appendix A for PRPB’s scorecard on this topic.
Paragraph 30	Monitor Assessment	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.
	NPPR response	PTMS was develop according to paragraph 134 Agreement for the Sustainable Reform of the Puerto Rico Police Department. We understand paragraph 30 don’t require that. we believe that it should be moved as a recommendation for the EIS unit.
Paragraph 41	Monitor Assessment	Long term resolutions to the issue would have to be crafted after the IT Needs Assessment and <u>AH Datalytics work were complete (end of 2022) as both these projects would have implications on the systems and processes used to track UOFs.</u> ” (Page 41)
	NPPR response	AH Datalytics’ current contract is effective until July 2024.
Paragraph 55	Monitor Assessment	“PRPB needs to ensure that PPR 628.1 (Crisis Intervention Incident Report) is prepared by all officers in incidents involving individuals in crisis” (page 72).
	NPPR response	<p>During CMR-7, the Chief Deputy Monitor suggested to the Director of the Reform Office to create an audit verifying whether a Crisis Intervention Incident Report was created for any incident with a corresponding Use of Force Report that had identified the subject as having a ‘Mental/Psychiatric History’. The Reform Office worked with AH Datalytics to produce this audit which was demonstrated to the Chief Deputy Monitor and the TCA’s IT Subject Matter Expert on September 15, 2022.</p> <p>This dashboard provides 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. Such information is critical for self-monitoring and managing performance. We suggest that the TCA consider acknowledging these efforts in the written compliance assessment for this paragraph.</p>



Paragraph 56	Monitor Assessment	Another concern is the reporting of interactions with individuals in crisis, during the CMR-6 period PRPB relied almost entirely on information provided in PPR 621.2 (Report of Other Incident of Services), which has continued in CMR-7. PRPB needs to ensure that PPR 628.1 (Crisis Intervention Incident Report) is prepared by all officers in incidents involving individuals in crisis. The Monitor's Office also reviewed GO 621 (Management of Incident Reports or Police Services) during the CMR-7 period and provided comments and recommendations to PRPB.
	NPPR response	Introduction page 72: Clarify that the PPR-621.2 report is completed for the processing of 408 orders. The GTE update includes the data elements to identify the processing of these cases. The interactive dashboard of crisis interventions developed by thus identifies it. The PPR-628.1 was designed only for cases of crisis intervention where an interaction is made with the purpose of de-escalating the situation. OG-628 Definition: Crisis Intervention- is a process that seeks to actively influence the psychic functioning of a person during a period of imbalance to alleviate the immediate impact of stressful events and help to adequately manage the activities affected in the crisis.
Paragraph 58	Monitor Assessment	For CMR-7, the Monitor's Office requested 87 randomly selected arrest files and received 84 files. Three files were not submitted for review (Complaint #'s 2022:10-400:000009, 2022-6-013-006534, and 2022-7-199-1611). In addition, one file was a duplicate file (Complaint #2022-11-038-00654) and one was an arrest by a municipal police department, which is not eligible for review (Complaint #2022-7-132-2366).
	NPPR response	Complaint 2022-10-400-00009 was reported as a case of an active undercover agent and was rescinded. The same happened with the case of the municipal police. See Annex I.

Paragraph 63	Monitor Assessment	"Fifteen of the sixty-eight supervisory and commander reviews (22%) revealed that the review did not occur within the time required by this paragraph; some reviews were conducted as much as weeks after the arrest." (Page 87).
	NPPR response	During CMR-7, the Reform Office worked with AH Datalytics to develop a dashboard that shows the percent of arrest files that have a corresponding supervisory review (PPR-615.8), and the percent of PPR-615.8's that are submitted within 12 hours by a supervisor, and signed by a director in 7 days, as required by PRPB policy. PRPB and AHD demonstrated this dashboard to the TCA on September 1 <sup>st</sup> . This dashboard provides 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. Such information is critical for self-monitoring and managing performance. We suggest that the Monitor Office consider acknowledging these efforts in the written compliance assessment for this paragraph given that access to this information is a major improvement.



Paragraph 72	Monitor Assessment	“However, officers routinely fail to complete and store these forms in arrest file folders. In 143 arrest and search files submitted by PRPB, PPR 636.1 was missing in 77 files (73 out of 82 arrest files and 4 out of 61 search files).” (Page 99)
	NPPR response	<p>During CMR-7, the Reform Office worked with AH Datalytics to develop a dashboard that shows the percent of arrest files that have a corresponding PPR-631.1. PRPB and AHD demonstrated this dashboard to the TCA on September 1st.</p> <p>This dashboard provides 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. Such information is critical for self-monitoring and managing performance.</p> <p>We suggest that the Monitor Office consider acknowledging these efforts in the written compliance assessment for this paragraph given that access to this information is a major improvement.</p>
Paragraph 73	Monitor Assessment	<b>Page 99:</b> PRPB must hold supervisors accountable for failing to ensure that arrest files contain all required forms, including seized property and egress/ingress forms, among others. Evidence should be listed on the police report section titled “Bienes”, which is designed for that purpose, and not on the personal property form (PPR 636.1), which should be used for personal property that is to be returned to the owner upon release
	NPPR response	Under our legal system, the PPR-636.1 form is used to occupy criminal property. As for self-incrimination. The jurisprudence is very clear regarding the constitutional protection of what the person speaks about.
Paragraph 74	Monitor Assessment	During the CMR-7 reporting period, PRPB reported having conducted 718 searches. Of these 718, the Monitor’s Office randomly sampled and reviewed 61 searches (8%). Further, of the 61 searches, 14 were consent searches (23%), 42 were search warrants (69%), and 5 (8%) were categorized as “Propio Conocimiento” searches. Since there is no such category as “Propio Conocimiento” authorized by GO 612 and they do not seem to have been authorized by any judicial authority, the Monitor’s Office considers these consent searches, for a total of 19 consent searches (31%). Six of the nineteen files (32%) did not contain the mandatory consent form (PPR 612.1); ten of those searches resulted in no arrest (53%); and two arrests were not evaluated by the supervisor (Complaint #’s 2022-9-008-001797 and 2022-3-858-005437). Four search files lacked the property inventory form (PPR 636.1), and nine lacked the Egress/Ingress form (PPR 631.1); another six files that involved the seizure of motor vehicles lacked the Motor Vehicle Inventory form (PPR 128). In the arrests that were evaluated, supervisors failed to address the important issue of the missing forms in the files or explain what “Propio Conocimiento” is, and which policy authorizes its use.



	<b>NPPR response</b>	<p>Pages 101-102: Own knowledge is the way that the Ponce police area identified the cases in its table. However, from a simple reading of the five (5) complaints, the following:</p> <p>Q. 2022:3-039:001461 (Plan View see narrative PPR-615.8)</p> <p>Q. 2022:3-069:000807 (Administrative Search)</p> <p>Q. 2022:3-069:000813 (Plan View see narrative PPR-615.8)</p> <p>Q. 2022:3-758:004201 (may be Plain View)</p> <p>Q. 2022:3-758:005574 (Lost complaint).</p> <p>See Annex 2</p>
<b>Paragraph 83</b>	<b>Monitor Assessment</b>	The IT Needs Assessment and the work conducted by AH Datalytics will be helpful in addressing issues in the consistent capturing of this data and the Bureau's ability to aggregate and conduct data analysis." (Page 113)
	<b>NPPR response</b>	<p>We suggest that the Monitor Office consider articulating the work that the Reform Office requested from AH Datalytics regarding this paragraph. PRPB's new dashboards display the percent of complaints with a complaint card (PPR-126.2), incident report in which arrests occurred (PPR-621.1), use of force report (PPR-605.1), and crisis intervention report (PPR-628.1) in which the age, nationality, ethnicity, and race were filled out. In some cases, such as for the crisis intervention report, the Reform Office requested that <b>the same audit include whether the subject's functional</b> diversity and whether the subject was homeless or not, were also filled out. This dashboard provides 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. Such information is critical for self-monitoring and managing the data quality of subject's demographic information.</p>
<b>Paragraph 88</b>	<b>Monitor Assessment</b>	"Approximately 10% of the Puerto Rican population is Dominican Republic, and the consulate is participating in meetings to discuss recruitment of officers from the Dominican community." (Page 120)
	<b>NPPR response</b>	We believe the underlined portion intended to say "is from the Dominican Republic" or "is Dominican". Only 2% of the Puerto Rican Population is Dominican (see Annex 3, the Institute Statistical Study.



<b>Paragraph 93</b>	<b>Monitor Assessment</b>	<p>PRPB provided a list of 16 cases that were investigated. Eleven were domestic violence (65%), two were sexual harassment (12%), and three were sexual misconduct (18%). Because the 11 domestic violence cases were under active investigation, the case files were not provided to the Monitor's Office for review. Moving forward the Monitor's Office will request cases closed during the reporting period to better assess compliance of these investigations against paragraph requirements.</p> <p>The Monitor's Office did review the sexual harassment and the sexual misconduct cases and found that of the five cases reviewed, only one sexual assault case (20%) provided documentation that a weapon had been seized and that a psychological fit for duty was conducted. The remaining four cases had no documentation of a weapon seizure or a fit for duty assessment. PRPB is required to provide a receipt of occupation of less lethal weapons, PPR 618.2 (Receipt for Loaded Regulation Weapons and Ammunition), and EIS Early Warning transaction sheet change status of complaint by assigned division. Consequently, PRPB is not in compliance with this paragraph.</p>
	<b>NPPR response</b>	<p>Page 138: The Monitor Officer only evaluated three cases not five case (see Annex V).</p> <p>Q. 2022-000403 Complaint of Improper Sexual Conduct Expressions of a sexual nature during training. In accordance with the Internal Regulations for the Prevention of Sexual Harassment, Discrimination and Retaliation, disarmament is not required.</p> <p>Q. 2022-000360: case of domestic violence, MNPPR was disarmed.</p> <p>Q. 2022-00445: case of domestic violence, MNPPR was disarmed. Attached evidence. In conclusion, 100% of cases were disarmed in accordance with current regulations. Also, we recommended defer to CMR-8, because the sample is not enough.</p>





147-149	Supervision and Management	
	<b>Monitor Assessment</b>	<p>“...much of the work in this area is being tabled until the IT Needs Assessment and AH Datalytics’ work has been completed.” (Page 168)</p> <p>“PRPB has noted that it is awaiting recommendations from the IT Needs Assessment and results of AH Datalytics’ work to begin developing EIS.” (Page 169)</p> <p>“Although PRPB has 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 Needs Assessment and AH Datalytics’ work is completed. The results and recommendations from these two projects will be used to inform EIS development.” (Page 171)</p> <p>“The Monitor’s Office looks forward to assessing PRPB’s progress in this area after the completion of the IT Needs Assessment and AH Datalytics’ work, both of which are expected to be completed by the end of 2022” (Pages 168, 169, and 171)</p>
	<b>NPPR response</b>	<p>AH Datalytics’ work helped PRPB produce accurate and complete force data in their electronic use of force system (FIU). AH Datalytics has collaborated with the Office of the Special Master, TCA, DOJ, DPS, and PRPB to consult with the University of Chicago on their advice on how to proceed with the EIS. AH Datalytics’ stands ready to assist PRPB with their EIS in the development of policies and business processes.</p> <p>Additionally, AH Datalytics’ current contract with PRPB is effective until July 2024.</p>
Paragraph 189	<b>Monitor Assessment</b>	<p>The Monitor’s chief concern regarding supervisory and Area Command oversight concerns the signed form developed by the PRPB for such written approval. In most case files examined, there is no date attached to this approval form, thus the reader is left to question exactly when the supervisor and area commander approved the file for submission to SARP. The lack of this date makes it impossible for the Monitor to reach a conclusion as to whether the 3-day rule established by the PRPB is being followed.</p> <p>It may certainly be the case that supervisors and area commanders are submitting approved cases in tenor with the Agreement concerning timeliness. The absence of this date on the correspondence, however, does not allow the Monitor to infer such timeliness.</p>
	<b>NPPR response</b>	<p>We recommended Monitor Office evaluated that files in the live SARP Module because it comes out that way where the information will not always be able to be fully displayed.</p>



Paragraph 205	Monitor Assessment	“The Monitor’s Office further finds that PRPB’s continued struggles and inability to report crime statistics to the public adequately and efficiently, is longstanding. Type I crimes for each police area is only available globally and cumulative and is not up to date.” (Page 237).
	NPPR response	We suggest the TCA consider articulating the work that the Reform Office, IT Division, and Crime Statistics Division have done with AH Datalytics to create public facing dashboards for use of force and crime statistics, which will be automatically updated monthly and are expected to be made public during CMR-8. PRPB and AH Datalytics demonstrated both these dashboards to the TCA on 8/4.
Paragraph 207	Monitor Assessment	However, during the CMR-7 reporting period the evidence submitted by PRPB demonstrated a substantial decrease in these activities Bureau-wide
	NPPR response	When the evaluation is based on a sample of 40 selected units, it is not reasonable to conclude on the number of PRPB activities.
Paragraph 214	Monitor Assessment	The Monitor’s Office attended and observed the Community Encounter in Caguas. However, other than the advertisement for the event, PRPB failed to submit supporting evidence as required, including work plans and outcome reports. Additional documents revealed that Utuado scheduled its Encounter for August 11, 2022. However, no supporting documents regarding topic or advertisement were submitted
	NPPR response	<p>On several occasions, including in the production of documents, the Monitor team has been informed that, from July 1, 2022, the documentation of community initiatives, including Community Encounters (EC) will be available in the Community Police System.</p> <p>All the documentation that the Monitor identifies as not delivered, Work Plan and Result Report, is available in the Community Police System.</p> <p>The Caguas area included 18 documents in the System which are available for review by all PRPB, Monitor and DOJ employees, to which all have access.</p> <p>The Utuado area in the Orientation and Approach module with control # 1637, included 1 digitized document containing: plan, Results Report, audio visual presentation, Survey, photos, attendance list, among others. Available for review by all PRPB, monitor team, and DOJ employees, to which all have access.</p>





Paragraph 214 - 215	<p><b>Monitor Assessment</b></p>	<p>Community Meetings, various pages (page 253)</p> <p>Item A- Non-compliance, in the policy</p> <p>Item B- The Monitor's Office also recommended that PRPB include a resource from SARP to facilitate public orientation about complaints and commendations and involuntary searches in support of a brief presentation, to complement any available written material. (page 253)</p> <p>Item C- The Monitor's Office also noted that during the past four years, SAEA has not provided training related to Community Encounters. (page 253)</p> <p>Item D- The presentation delivered, met most policy requirements, but failed to include SARP's presentation or orientation other than written materials to inform the public on their right to file administrative complaints or commendations on PRPB in the performance of duties and an individual's right to decline consent to voluntary searches. (Page 253)</p> <p>Item E- The Monitor's Office also observed a community meeting held by San Juan on August 24, 2022. This meeting could not be considered a Community Encounter nor a "Conversatorio" as neither of them met policy requirements. (Page 253)</p> <p>Item F- FPRPB must develop a calendar per police area with proposed dates including date, time, place, and discussion topics along with an outlined work plan three months prior to the activity. (page 255)</p> <p>Item G- Neither meeting included discussion of 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. (pages 255-256)</p>
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	<b>NPPR response</b>	<p>Clarifications about the Agreement, the Policy and the Implementation</p> <p>Item A- the requirements included in paragraphs 214, 215 and 216 were only for the first 2 years of the Agreement. Through the current policy and approved by the parties, the PRPB has decided to continue with the Community Meetings (CE), but with a more practical product. Based on the experience and implementation of the first few years DOJ, Monitor and PRPB have approved revisions to the policy with requirements other than the Agreement. Therefore, to assess our compliance, the Monitor must use the policy as a basis and not the Agreement.</p> <p>Section B, D and G- in the beginning when the Open Meetings (Community Meetings) were held and all the requirements of paragraphs 214 to 216 were included, they resulted in very long meetings. As a result, we decided (Monitor, DOJ and NPPR) that during the EC include available printed material on administrative complaints, the right of people not to consent to a search without a court order, among others. We (Monitor, DOJ and NPPR) also decided not to include information on audits or semi-annual reports, as an alternative for the citizen they began to be published in the Portal and today in the Virtual Library as well. It is for the foregoing that the presentations and content of the EC are not a reflection of the Agreement.</p> <p>Item C- The EC policy does not require training, for this reason SAEA will not develop it.</p> <p>Item E – The activity on August 24, 2022 was a Conversation, they are not structured, being a product developed according to the desire of the Citizen Interaction Committees, deliberately in the current policy and approved by the parties no structure was created so that they will be developed according to the topic, community and the way that the CIC's understand is more convenient. Therefore, you cannot be against any policy.</p> <p>Item F- Based on the complexity of obtaining and confirming facilities to develop initiatives, it is not feasible to develop work plans 3 months in advance</p>
<b>Paragraph 217</b>	<b>Monitor Assessment</b>	<p>"The review of PRPB's website revealed that Type I crimes, for each police area, were only globally and partially available through January 2022, along with a crime comparison. However, no monthly statistics for the subsequent months are available to the public" (Page 256)</p>
	<b>NPPR response</b>	<p>We suggest that the TCA consider articulating the work that the Reform Office, IT Division, and Crime Statistics Division have done with AH Datalytics to create a public facing crime statistics dashboard which will be automatically updated monthly and is expected to be made public during CMR-8. PRPB and AH Datalytics demonstrated this dashboard to the TCA on 8/4.</p>



<b>Information Systems and Technology</b>		
<b>Introduction Information Systems and Technology</b>	<b>Monitor Assessment</b>	<p>Page 258 Third Paragraph During the CMR-7 reporting period this was evident in the continuing troubled developments of PTMS and NIBRS, the numerous corrections needed to CAD and GTE in response to UOF data flaws exposed during data entry, the inconsistent use and status of Promedia, and the Bureau of Technology's continuing mischaracterization of the "operational availability" of its systems. Technology best case convention requires that to meet full operational availability, functionality minimums must be met, key performance parameters must be satisfied, full testing has been completed, and training is available. This is not actually the case. Basic development continues on most projects, and training from SAEA is unavailable. For these reasons PRPB is at risk of backsliding technologically and operationally despite past progress made. Also impactful to the above conditions, senior leadership involvement and support of IT activities has yet to occur unambiguously. The apparent lack of involvement raises the question of top-down commitment to the priority of technology modernization.</p>
	<b>NPPR response</b>	<p>We recommended change troubled developments PTMS. The PTMS don't have a development problem as an application. But the academy (SAEA) needs human resources for entry data to the application. If there is a need to add functionalities, it is necessary for academy to submit new requirements according GO-403. Also clarify is modification a GTE not CAD.</p> <p>The quality of the data flow between GTE and the Use of Force Module was improved as demonstrated in the samples submitted to the Monitor. The PROMEDIA application for MNPPR performance evaluations is in production and in use. But it needs some modifications, but this does not mean it is inconsistent.</p>
<b>Paragraph 219</b>	<b>Monitor Assessment</b>	<p>Page 261-Although training records for each officer are housed within PTMS, the system does not allow for comprehensive queries, and does not contain all relevant training materials, training schedules, and systems to record and track which officers are due for required training. The training coordinators in each area supplement the inadequacies of the system by developing their own tracking sheets and records. A manual system that is complicated when officers are transferred to different area commands.</p>
	<b>NPPR response</b>	<p>See same comments above introduction page 258. The System is functional for the purpose of technology.</p>



<b>Paragraph 220</b>	<b>Monitor Assessment</b>	Although PRPB is partially compliant with regard to technology reporting and data publishing (see paragraph 218), the operationalization of such technology remains not compliant. The Virtual Library as a platform is functional and available; however, as noted in the Community Engagement and Public Information and Policies and Procedures sections, the Virtual Library is not updated frequently with the most up to date policies and procedures making the tool not compliant
	<b>NPPR response</b>	PPRB updated platform that same day they are signed. Why those comments?
<b>Paragraph 223</b>	<b>Monitor Assessment</b>	PRPB is not compliant with this paragraph. As noted in previous CMRs, all officers have not received National Crime Information Center (NCIC) training. Training and access to NCIC is limited to a few personnel located at the Centro de Mando at the various area commands. Officers that need NCIC information must relay their requests to the Centro de Mando. Although the relay of information is typically timely, as observed by the Monitor's Office during past site visits, direct access to this information by officers in the field is prudent to officer and public safety
	<b>NPPR response</b>	Access to the NCIC System at the agent level has not been implemented yet. However, all operational personnel have access to the NCIC through the System operators who are designated in the Command Centers in the Police areas. All Specialized and Investigative Units have NCIC System operators. In addition, 100% of the NCIC operators in the Command Centers of the 13 police areas are trained and certified, which is why they meet the requirements of the FBI.



## Appendix

- A. This screenshot from PRPB's UOF Compliance Dashboard demonstrates that over 95% of incidents from January to September 2022 consistently report whether force occurred or not across PPR-126.2, PPR-605.1, and the FIU database.

