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Executive Summary for the Fourth Report of the Federal Monitor, Covering the Period from October 2020 through March 2021

This is the fourth Chief Monitor's Report (CMR-4) outlining the compliance levels of the Puerto Rico Police Bureau ("PRPB") in relation to the Consent Decree entered between the United States and the Commonwealth of Puerto Rico. This report provides the fourth 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 October 2020 through March 2021.

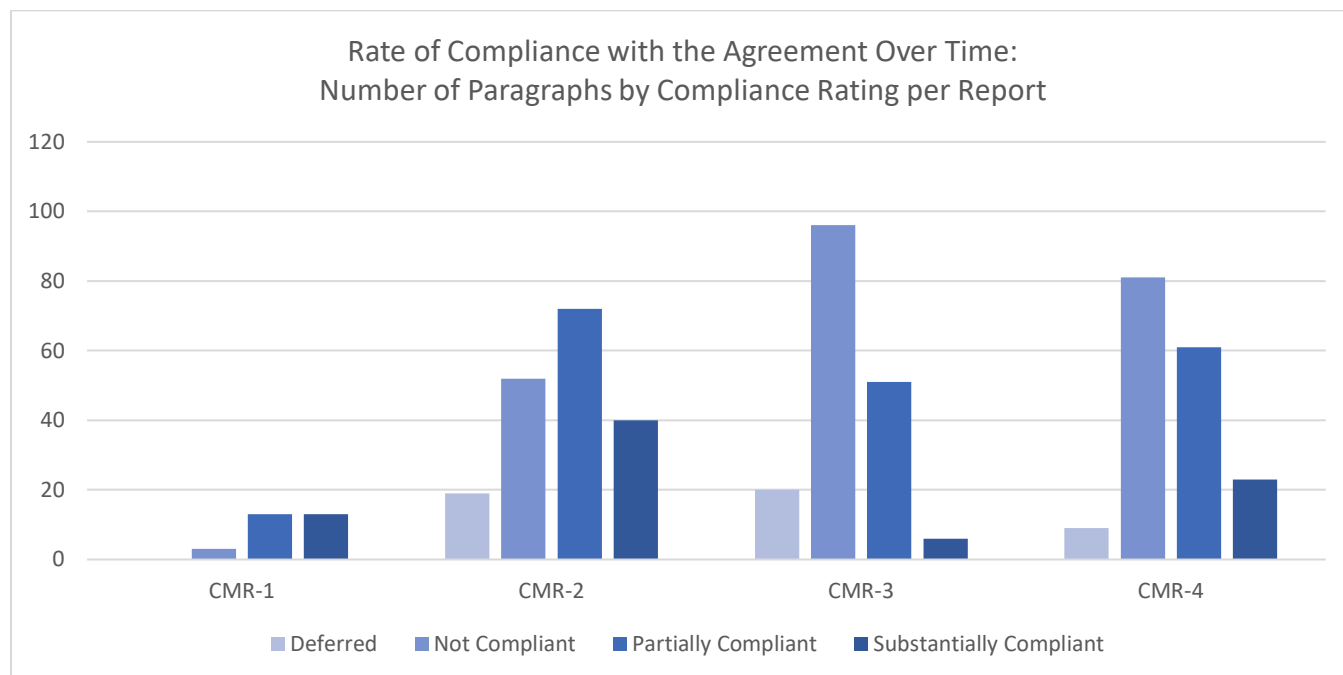
CMR-4 also represents the first Chief Monitor's Report under the administration of Governor Pedro Pierluisi. Pierluisi was inaugurated midway through the reporting period, and subsequently appointed a new Commissioner of PRPB and a new Secretary of Public Safety. The Chief Monitor wishes to note that the new Commissioner and the Secretary of Public Safety have shown cooperation and good faith to achieve the goals of the reform process under the Agreement.

CMR-4 also covers a period of review during which the COVID-19 pandemic continued to have a significant social and economic impact. Both law enforcement activities and the monitoring process itself were significantly affected by the quarantine restrictions enacted by the PR government.

PRPB's compliance level in CMR-4 decreased compared to CMR-2 (see chart below), which was the previous report to assess the same paragraphs as CMR-4 (Approximately 2/3 of the 212 paragraphs tracked by the Monitor's Office are assessed biannually in each CMR, but the remaining 1/3 are assessed annually divided between alternating reports). Monitor's Office continued to encounter numerous issues with PRPB's capacity to identify, collect, disseminate, and analyze valid data on its performance. This is especially true in the case of data on use of force, which is a central issue both in the Consent Decree entered by the Parties, and in the broader practice of accountable and effective

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constitutional policing. The Monitor's Office strongly encourages PRPB to continue striving for better knowledge management capabilities and practices under the tenure of the new Commissioner and Director of Public Safety.



The following summary provides an overview of our compliance assessment for each area of the Agreement.

1. Use of Force

As reported in Monitor's Office CMR-3, PRPB continues to have no mechanism in place to validate its reporting of incidents in which force was used, nor the number of forces used in those incidents. PRPB's inability to validate its use of force numbers has been a recurring problem and one which has been identified in the Monitor's previous reports. PRPB's newly appointed Commissioner, however, has already instructed the IT Unit to comply with the Monitor's recommendation for tracking incidents. During a site visit on June 11th, 2021, the Monitor was able to establish that PRPB was implementing the revised forms in a pilot project involving the San Juan Centro de Mando on June 11th with the revised fields, as requested. Though this site visit falls outside of the period of review for CMR-4, the Monitor is encouraged by PRPB's actions to develop a system that, when fully implemented, will produce more accurate use of force numbers.

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Use of Force Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	1	4	0	0
Specialized Tactical Units	0	4	1	0
Crowd Control	1	3	0	0
Force Reporting	0	1	3	0
Force Review & Investigation	0	1	2	0
Supervisory and FRB Reviews	0	1	3	1
FIU Investigations & SFRB Reviews	0	2	3	0
Use of Force Training	0	2	0	1
Responding to Mental Health Crisis	0	2	0	0
Total	2	20	12	2

2. Searches and Seizures

PRPB has developed policies on arrests, searches, and seizures that are consistent with the Consent Decree and with generally accepted police practices. Search warrants generally have well documented probable cause and supporting evidence. Furthermore, PRPB investigators are adept at documenting probable cause and supporting evidence when preparing affidavits for search warrants. However, the Monitor continues to be concerned about the high percentage of search warrants conducted that have negative results. More than half of the 414 search warrants were served by Drug Units bureau wide, of which 38% or 95 search warrants resulted in no contraband found and, consequently, no arrests made. The Monitor analyzed 118 randomly selected arrest files and rated 98 files as partially compliant or below due to the lack of applicable forms required under PRPB's General Order 600-615, such as the booking sheet, Egress/Ingress, Property Inventory, and Arrest Review by Supervisor.

Searches and Seizures Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	0	0
Investigatory Stops and Searches	0	0	5	0
Arrests	0	3	5	0
Searches	0	2	2	0
Total	0	6	12	0

3. Equal Protection and Non-Discrimination

PRPB must continue to develop its reporting processes to ensure that PRPB demonstrates its ability to respond to these types of cases in the most effective and professional

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manner. In this reporting period, PRPB submitted some documents tantamount to partial compliance. However, due to incomplete documentation, PRPB has failed to demonstrate its capacity of comprehending these important police responses. The Monitor stresses the urgent need for information on how PRPB is addressing the recent declaration of a gender-based violence crisis during the pandemic. PRPB cannot stop sexual assault or domestic violence. However, PRPB has a significant role to prioritize addressing violence against women. PRPB can provide up-to-date information and support advocacy programs, which delivers a vital message to any person who is experiencing violence.

Equal Protection and Non-Discrimination Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	0	3	0
Discriminatory Policing	0	0	4	0
Sexual Assault and Domestic Violence	0	0	1	1
Total	0	0	8	1

4. Recruitment, Selection, and Hiring

The Monitor finds that PRPB is in partial compliance with the Agreement regarding recruitment, selection, and hiring policies and procedures. PRPB has made a demonstrable effort to recruit and hire qualified personnel and develop recruitment strategies that promote inclusive selection practices that better reflect a diverse cross-section of the Puerto Rican community. However, there is still more work to be done. The biggest impediment to PRPB's progress is technological limitations, which touch upon every aspect of the Agreement.

Consent Decree Section/Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	0	0
Recruitment Plan	0	2	0	0
Hiring Reforms	0	5	0	0
Total	0	8	0	0

5. Training

As a result of travel restrictions, the Monitor's Office did not make sufficient observations of training methods to reach a determination of training achievements during CMR-4. However, the Monitors found that PRPB had established a COVID-19 response to training. Virtual training platform "Canvas" was utilized to manage training delivery. The Canvas

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training was utilized to deliver required training such as Interactions with Transgender & Transsexual Persons (VITT 3082) which started June 29, 2020, and Harassment, Discrimination, Retaliation, and Sexual Misconduct (VREG3081) which started July 10, 2020. PRPB is working on strengthening training and to establish an unvarying training process. The PRPB Police Academy must continue to prioritize on assessments of instructors, full utilization of the PTMS for centralized training records, use of technology, use of appropriate equipment, and learning comprehension assessments.

Training Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	0	1	0
Pre-Service Education and Training	0	1	4	0
Field Training Program	0	0	6	0
In-Service Training	0	0	4	0
Training Records	0	0	2	0
Total	0	1	17	0

6. Supervision and Management

In order to determine whether supervision and management are close and effective, the Monitor's Office requested training and personnel records of supervisors, performance evaluations produced by supervisors, integrity audits, and two months of additional staffing documents from a random sample of PRPB units. PRPB was able to demonstrate that officers do not take on supervisory roles until they have successfully trained for them, but the bureau could not provide clear and consistent materials attesting to supervisory practices. Staffing documents, integrity audits, and performance evaluations varied in quality, and the data provided did not fully conform with that requested. However, interviews with supervisors provided a candid source of information on PRPB management practices.

In interviews, supervisors expressed they generally do not supervise more than ten agents; however, the monitoring team has not been provided evidence to verify those assertions. It was further stated that some first-line supervisors only had three or four agents under their command due to lack of personnel. During demonstrations observed by the monitoring team it appeared that the supervisors did not have more than ten agents. PRPB must ensure that an adequate number of qualified first-line supervisors are deployed in the field to provide effective supervision necessary for officers to improve and grow professionally, to police actively and effectively, and to identify, correct, and prevent misconduct.

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Consent Decree Section/Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	0	1	0
Duties of Supervisors	0	1	4	0
Supervisor Training	2	2	0	0
Performance Evaluation	0	2	0	0
Early Identification System	0	0	7	0
Internal Audits and Interagency Feedback	0	3	1	1
Total	2	8	13	1

7. Civilian Complaints, Internal Investigations, and Discipline

Overall, the casework by SARP and IA investigators was similar to that noted in previous reports with a few noteworthy advances. PRPB has a well-established mechanism for soliciting and intaking complaints from identified and unidentified complainants. PRPB also has an elaborate Code of Conduct, a progressive disciplinary system, and corresponding processes for the reporting, registration, investigation, and adjudication of an array of internal misconduct complaints of both a criminal and administrative nature.

By and large, PRPB complied with requirements of complaint intake, classification, assignment, and tracking. There were a few red flags, especially concerning internally generated, anonymous whistleblower complaints of both criminal and administrative misconduct, which PRPB failed to prioritize. However, the Monitor notes SARP investigators number only 20–25, low for a Bureau of 12,000 sworn personnel, and lack essential tools such as surveillance equipment and undercover vehicles with which to perform the vital task of surreptitiously monitoring and recording the alleged criminal activities of PRPB officers.

The Monitor is also deeply troubled by the SARP reliance upon interview sheets (*hojas de entrevista*) in investigations. The Monitor finds these forms to be of little value and often submitted by the officer without any warning of consequences for untruthfulness. These are significant impediments to conducting some of the most sensitive, clandestine, and high-priority investigations performed by PRPB. Their level of resources should reflect both the size of the police force they are meant to investigate, and the critical nature of their mission.

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Civilian Complaints, Internal Investigations, and Discipline Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	0	0
Civilian Complaints	1	2	0	0
Internal Investigations	2	0	0	1
Complaint Intake & Handling	8	3	0	0
Investigation of Complaints	5	6	5	1
Staffing, Selection, & Training Requirements	0	1	1	1
Preventing Retaliation	0	1	0	0
Discipline	2	0	1	0
Officer Assistance and Support	1	0	1	2
Total	19	14	8	5

8. Community Engagement and Public Information

PRPB has minimally implemented community policing. PRPB continues to struggle with the implementation of the S.A.R.A model and developing alliances for solving problems, identifying crime trends, and addressing quality of life issues through community involvement in the thirteen police areas. PRPB has yet to fully develop meaningful partnerships; nor it has identified and established mechanisms to measure their effectiveness in their efforts. The Monitor finds that although training has been available and is on-going through SAEA, no in-service training/retraining has been offered during the past year to refresh and reinforce basic concepts in community policing.

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	1	2	0
Community Interaction Councils	0	2	3	0
Public Information	0	0	4	0
Total	0	4	9	0

9. Information Technology

PRPB has begun to achieve some progress toward partial compliance for technology, though it had not yet made sufficient progress toward full implementation of end-to-end solutions. An example of this is CAD, which has been deployed but without a formal curriculum for training by SAEA. With respect to EIS, four of twelve modules are

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purportedly developed, but the system's functionality has not been proven. PRPB has yet to show that it possesses substantive capability to exploit its information and data resources to advance the transformation and Decree. Moving forward, it is critical that PRPB be able to consistently demonstrate a viable analytical practice.

Information Technology Sub-Section	Count of Paragraphs per Section by Compliance Status			
	Substantially Compliant	Partially Compliant	Not Compliant	Rating Deferred
General Provisions	0	1	5	0

In summary, PRPB has demonstrated a renewed commitment to reform under the new Administration and has taken positive steps toward implementing the recent recommendations of the Monitor's Office. This is especially true as it relates to the reform unit under its new commanding officer who has accelerated implementation of many of the recommendations made by the Monitor's Office. Nevertheless, progress toward substantial compliance has been inconsistent across all areas of the reform process. PRPB, thus, must improve its own practices and coordinate with the Monitor's Office.