

(H. B. 1854)

**(No. 140-2014)**

(Approved August 26, 2014)

## **AN ACT**

To create the “Puerto Rico Police Technological, Professional, and Labor Development Act”; establish the “Puerto Rico Police Technological, Professional, and Labor Development Fund”; create the “Puerto Rico Police Technological, Professional and Labor Development Fund Administration Trust”; establish its functions and duties; and for other purposes.

### **STATEMENT OF MOTIVES**

There is no doubt that the people is greatly concerned about criminal activity. In public opinion polls, criminality ranks among the main worries of the people of Puerto Rico, in addition to other social evils. Even though the statistics of the Puerto Rico Institute of Statistics as of December 2013 show that class 1 offenses have declined, the lack of security continues worrying the people.

The work performed by the Puerto Rico Police is of paramount importance to address this citizen’s need, given its relevance to all sectors of the Puerto Rican society. Thus, the Government of the Commonwealth of Puerto Rico cannot let its guard down with regard to criminal activity and must provide the Puerto Rico Police with more and better tools, especially for police officers who perform field work, since they carry the burden of protecting the people of Puerto Rico. Such tools shall include the latest technological resources, as well as adequate and sufficient equipment to carry out their duties, and the best training for police officers. Training must be provided in relation to all areas included within the scope of the duties of the members of the Police, so they may perform their functions more effectively and obtain better results within the applicable legal framework.

In 2011, the Civil Rights Division of the United States Department of Justice published a report that included many forms to improve Puerto Rico Police officers' performance. Said Recommendations were based on a study of civilian complaints regarding violations of their civil rights, as well as interviews and a thorough analysis of the operations of the Puerto Rico Police Department. The report submitted on September 5, 2011, highlighted the need to professionalize members of the Puerto Rico Police, among other recommendations. Such professionalization process should go hand in hand with the adoption of measures that provide the Police with technological tools that have proven to be efficient in other jurisdictions to address, prevent, and fight crime.

Furthermore, the Report included recommendations to reform the Police tactical units. Said Report also states the need to develop training curricula that comply with professional standards related to specialized tactical units. Moreover, it recommends adequate measures to ensure that police officers complete training and skill-building programs.

The acquisition of new equipment and the technological modernization of the Puerto Rico Police, as well as its professionalization, are our top priorities. These areas complement one another and are necessary, so that police officers may ultimately apply their knowledge using work tools adjusted to the technological advances in the field of security.

Our goal is to have a Police Department that is among the best trained and most modern of the world. We cannot continue waging an uneven battle against crime, in which criminals are better equipped and have better access to technological tools than the police. Crime concerns us all; for such reason, it is our responsibility to seek the professional development of the Police.

In times that warrant the maximization of public funds, we are compelled to create a fund to provide the Puerto Rico Police with the necessary resources to meet its technological and training needs. However, this must be done under an administrative structure whose sound practices ensure the proper and exclusive use of such funds and that transcends any changes in government administrations.

Statistics show that Puerto Rico loses approximately one hundred million dollars (\$100,000,000) every year in unpaid fines. It is estimated that of said amount, nearly thirty-two million dollars (\$32,000,000) are never collected because the administrative fine is not registered. According to official information provided by the Department of Transportation and Public Works (DTOP, Spanish acronym), fines generate an annual average revenue of twenty-nine million four hundred ten thousand three hundred ten dollars (\$29,410,310), which is considerably lower than the one hundred million dollars (\$100,000,000) that remain uncollected. It is important to mention that all such amounts pertain to only traffic fines recorded on the driver's license and the vehicle's registration plate, excluding *Auto Expreso* fines. Revenues generated from *Auto Expreso* fines are allocated to the Highways Authority and shall not be considered to nurture the Fund created herein.

The DTOP, as well as the Puerto Rico Police Department, must implement measures to maximize the collection of fines. Twenty percent (20%) of the revenues generated from maximization of the collections of traffic fines recorded on driver's licenses and vehicle's registration plate, including the efforts made by the Department of Transportation and Public Works and the Puerto Rico Police Department systems, shall be covered into the Fund. In addition, the Fund shall be nurtured from the amount corresponding to the additional fine imposed for every hundredth of one percent in excess of the blood alcohol concentration limit

established by law, over the base fine, in accordance with Section 7.04 of Act No. 22-2000, as amended.

Furthermore, the increase in the fine amount for driving without a seat belt or allowing others to travel without a seatbelt in a motor vehicle in the thoroughfares, as provided in Section 13.02 and 13.03 of Act No. 22-2000, as amended, shall also generate revenues to nurture the Fund. The amount of said fines shall increase from fifty dollars (\$50) to a maximum of five hundred dollars (\$500), provided that any increase shall be covered into the Fund.

Lastly, the Fund shall receive any revenues generated from every increase in the cost of internal revenue stamps in connection with the fees to be paid for the issue or renewal of private security guard, private detective, and safety agency for the protection of persons or real or personal property, and private detective agency licenses.

To ensure the proper use of said Fund, this legislation establishes a structure for its administration, through a Trust, which shall allow for the inclusion of components with skills and knowledge in this field. For all of the foregoing, this Legislative Assembly, as part of its commitment to the people of Puerto Rico and the Puerto Rico Police, deems it imperative to create the “Puerto Rico Police Technological, Professional, and Labor Development Fund” and to establish, independently from the Puerto Rico Police Department, an administrative structure for the operation thereof to guarantee transparency in the use of said funds and that the same are used for the purposes set forth in this Act.

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- This Act shall be known as the “Puerto Rico Police Technological, Professional, and Labor Development Act.”

Section 2.- The “Puerto Rico Police Technological, Professional, and Labor Development Fund,” hereinafter the “Fund,” is hereby created. The Fund is hereby established for the purpose of providing the Puerto Rico Police with complementary mechanisms and resources to fulfill their daily duties using the tools provided by the latest technological innovations in the fields of public safety, criminal investigation, training and professional skill building.

Section 3.- Definitions.-

The following terms shall have the meaning stated below:

- a. Police - shall mean the Puerto Rico Police.
- b. Fund - shall mean the Puerto Rico Police Technological, Professional, and Labor Development Fund.
- c. Executive Director - shall mean a member of the Board appointed by the Governor to administer the Trust, whose duties are designated by the Board.
- d. Trust - shall mean the Puerto Rico Police Technological, Professional, and Labor Development Trust.
- e. Board or Trust Board - shall mean a group of trustees in charge of the Trust and composed of seven (7) members.
- f. Contributions - shall items or funds earmarked by law to nurture the Fund which may be matched with private, state, municipal or federal contributions.

Section 4.- Creation of the Fund.-

A special fund to be known as the “Puerto Rico Police Technological, Professional, and Labor Development Fund,” hereinafter the “Fund,” is hereby created in the books of the Puerto Rico Police Department.

The Fund shall be kept separate from other budget items and fund appropriations under the custody of the Puerto Rico Police Department. The Fund shall be administered by the “Puerto Rico Police Technological, Professional, and Labor Development Trust.”

#### Section 5.- Contributions to the Fund.-

The “Fund” shall be nurtured, for a term of ten (10) years, from the following contributions:

a. The sum corresponding to the fine imposed for every hundredth of one percent in excess of the blood alcohol concentration limit established by law, over the base fine, in accordance with Section 7.04 of Act No. 22-2000, as amended.

b. Twenty percent (20%) of the revenues generated from the maximization of the collections of traffic fines achieved through the mechanization of fine processing systems implemented by the Department of Transportation and Public Works and/or the Puerto Rico Police Department. It shall be understood as the revenues generated from the maximization of the collections of fines in excess of twenty-nine million dollars (\$29,000,000). Any contribution from the revenues derived from fines imposed under Section 23.06 of Act No. 22-2000 as amended, is hereby excluded.

c. Any other contribution identified by law specifically to nurture the Fund.

d. These funds may be matched with private, state, municipal or federal contributions.

#### Section 6.- Use of the Fund.-

The Fund shall be used for the technological improvement of the equipment use by the Puerto Rico Police, the professional and labor development of the Puerto Rico Police, including skill building programs, and technical, tactical, and field training required by the Puerto Rico Police, as well as Law and other courses that allow for the professionalization and better academic education of the members of the Puerto Rico Police; or any other purpose authorized by the Trust created under this Act, seeking to attain the intent thereof.

Section 7.- Creation and Duties of the Trust.-

The “Puerto Rico Police Technological, Professional, and Labor Development Trust,” hereinafter the “Trust,” is hereby created. Such Trust shall constitute a nonprofit, irrevocable, and perpetual entity with independent juridical personality, the main purpose of which shall be to administer the Puerto Rico Police Technological, Professional, and Labor Development Fund.

The Trust shall be in charge of administering the Fund. The Trust shall be responsible for overseeing the appropriation of funds and ensuring that such funds are used in accordance with the purposes of this Act and the regulations adopted thereunder.

The Trust shall be constituted by means of a public deed executed before a Notary Public, and the terms and conditions thereof shall include the scope and limitations set forth in this Act.

Section 8.- Trust Board.-

The Trust Board shall be composed of seven (7) trustees, to wit, the Police Superintendent; the Secretary of Justice, an official designated by the Puerto Rico Police Superintendent to assist in the execution and implementation of the Puerto Rico Police professionalization program and the Secretary of the Treasury. The remaining three (3) Trust members shall be citizens with an established reputation, appointed by the Governor of the Commonwealth of Puerto Rico, one (1) of which shall be a certified public accountant, an economist, or a finance expert; one (1) of the members shall have experience in public administration; and one (1) member shall represent public interest and be selected by the Governor from a list submitted by civil rights advocacy organizations.

The Chief Information Officer of the Commonwealth of Puerto Rico shall provide technological advice when needed.

The Board members shall serve for a three (3)-year term after their appointment and may be removed from office by the Governor for just cause. If any of the members resigns from his/her position, a successor shall be appointed for the remainder of the term. The Board members shall not receive any compensation for their services.

The Board, its members, officials, agents, or the employees of the Trust shall be held harmless from any civil liability for any action taken in good faith while carrying out their functions and duties in accordance with the provisions of this Act.

#### Section 9.- Executive Director.-

The Executive Director shall be selected by the Governor of the Commonwealth of Puerto Rico from among the members of the Trust Board and fix his/her compensation. However, any Executive Director appointed to the Board while holding any public office shall not receive any compensation, in which case the compensation or remuneration received for administering or discharging the duties of such office shall suffice. The Executive Director shall have all the duties delegated by the Board in connection with the administration of the Trust, including calling Board meetings.

#### Section 10.- Powers, Duties, and Responsibilities of the Trust Board.-

The Trust Board shall have all the powers and duties needed to carry out its responsibilities, including, but not limited to:

a. Act as the governing body of the Trust for the purpose of implementing the public policy and objectives of this Act.



- b. Approve, amend, or repeal regulations to address any issues related to the implementation of this Act;
- c. Authorize the accounting and disbursement of funds required for the administrative operations of the Fund.
- d. Determine the powers, duties, and responsibilities of the Executive Director of the Trust, as well as to delegate to him/her any of the powers or authorities of the Board under this Act.
- e. Appoint officials, employees, or agents as are necessary to achieve the ends and purposes of this Act; establish their powers, authorities, and duties as well as the terms and conditions of employment.
- f. Adopt any and all plans as are necessary to achieve the purposes of this Act.
- g. Approve, before the beginning of each fiscal year, the Trust's annual operating budget, to be defrayed with the resources of the Fund.
- h. Exercise all vested and incidental powers as appropriate to achieve the purposes of this Act.
- i. Implement and periodically audit demonstration projects that must be established before starting each phase, to validate their effectivity and be able to approve their implementation in a general manner.

#### Section 11.- Powers of the Trust.

The Trust shall and may exercise all rights and powers as are necessary to carry out its purposes, including, but not limited to:

- a. Have perpetual succession as a corporation.
- b. Adopt an official seal and alter the same as appropriate.
- c. Enter into the necessary and pertinent agreements with the Puerto Rico Police Department to maximize the use of the funds available, in accordance with the purposes of this Act.

d. Sue and be sued in its own name, and complain and defend, as well as to initiate any legal or administrative action to protect or enforce any right conferred under this Act.

e. Draft, adopt, and repeal any necessary and pertinent regulations to manage its affairs as well as to exercise and perform its duties, powers, and responsibilities.

f. Receive, administer, and meet conditions and requirements related to any endowment, gift, or donation of any property or money, including those from the Commonwealth of Puerto Rico, the Government of the United States of America, any agency or instrumentality thereof, or from any private source.

g. Receive managerial, administrative, and technical advice and, if necessary, hire such services.

h. Negotiate and execute, with any person including any government agency or instrumentality of the Commonwealth of Puerto Rico, any kind of contract and all those instruments and agreements as are necessary to exercise the powers and authorities conferred under this Act.

#### Section 12.- Quorum at Board Meetings.-

Board meetings shall be called by the Executive Director of the Board within, at least, forty-eight (48) hours in advance. A two-thirds (2/3) majority of Board members shall constitute a quorum for all purposes. Board members that belong to the Governor's cabinet may designate an official with duties closely related to the administration of their agencies to represent them at the meetings of the Board, in the event such member is unable to attend the same. Agreements shall be reached by a majority vote of the members present. The absence of one or more Board members shall not prevent the Board, once a quorum is established, from making the necessary determinations or carrying out its duties and exercising its rights. Any determination of the Board shall be final, once it meets and a

quorum is established, unless the Trust establishes other procedure through regulations. In any case, the minutes of all Board meetings shall be kept and be available for public inspection at the Trust's office or place determined by the Trust.

Section 13.- Reports.-

On or before sixty (60) days after the close of every fiscal year, the Trust shall submit a report to the Governor and the Legislative Assembly regarding compliance with and administration of this Act. The report shall include an itemization of the funds collected, the manner in which such funds were distributed, as well as an account of the meetings of the Trust and the actions taken by the Trust and the results thereof. It shall also state the technological improvements achieved during said year and the corresponding projections for the following fiscal year.

Section 14.- Rulemaking Authority.-

As provided in this Act, the Trust Board shall establish rules, regulations, and norms as are necessary to attain the objectives thereof.

Section 15.- Effectiveness.-

This Act shall take effect ninety (90) days after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 140-2014 (H. B. 1854)** of the **3<sup>rd</sup> Regular Session** of the **17<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** to create the “Puerto Rico Police Technological, Professional, and Labor Development Act”; establish the “Puerto Rico Police Technological, Professional, and Labor Development Fund”; create the “Puerto Rico Police Technological, Professional and Labor Development Fund Administration Trust”; establish its functions and duties; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 9<sup>th</sup> day of March, 2015.

Juan Luis Martínez Martínez  
Acting Director