

“Puerto Rico Police Act of 1996”

Act No. 53 of June 10, 1996, as amended

(Contains amendments incorporated by:

Act No. 203 of September 6, 1996

Act No. 15 of June 5, 1996

Act No. 44 of July 25, 1997

Act No. 14 of January 8, 1998

Act No. 198 of August 7, 1998

Act No. 245 of August 14, 1998

Act No. 39 of January 10, 1999

Act No. 48 of January 14, 1999

Act No. 134 of June 18, 1999

Act No. 141 of July 3, 1999

Act No. 146 of July 15, 1999

Act No. 337 of December 10, 1999

Act No. 71 of April 25, 2000

Act No. 50 of February 19, 2000

Act No. 186 of August 24, 2000

Act No. 460 of December 29, 2000

Act No. 461 of December 29, 2000

Act No. 185 of December 28, 2001

Act No. 10 of January 5, 2002

Act No. 290 of December 24, 2002

Act No. 6 of January 1, 2003

Act No. 11 of January 1, 2003

Act No. 67 of January 4, 2003

Act No. 208 of August 28, 2003

Act No. 32 of January 8, 2004

Act No. 85 of March 27, 2004

Act No. 106 of May 4, 2004

Act No. 145 of June 11, 2004

Act No. 189 of August 4, 2004

Act No. 227 of August 23, 2004

Act No. 242 of September 2, 2004

Act No. 262 of September 8, 2004

Act No. 468 of September 23, 2004

Act No. 53 of August 13, 2005

Act No. 97 of August 26, 2005

Act No. 137 of November 4, 2005

Act No. 1 of January 4, 2006

Act No. 261 of December 8, 2006

Act No. 171 of December 3, 2007
Act No. 191 of December 13, 2007
Act No. 40 of April 15, 2008
Act No. 70 of May 23, 2008
Act No. 114 of July 16, 2008
Act No. 132 of July 29, 2008
Act No. 168 of August 6, 2008
Act No. 71 of August 13, 2009
Act No. 73 of August 13, 2009
Act No. 113 of October 7, 2009
Act No. 132 of October 26, 2009
Act No. 35 of March 26, 2010)

(Amendments non-incorporated:

Act No. 107 of July 29, 2010
Act No. 31 of March 11, 2011
Act No. 35 of March 21, 2011
Act No. 167 of July 29, 2011
Act No. 177 of August 11, 2011
Act No. 79 of May 4, 2012)

To establish the Puerto Rico Police Act of 1996, and repeal Act No. 26 of August 22, 1974, as amended, known as the "Puerto Rico Police Act of 1974," and to amend Clause (7) of subsection (e) of section 5 and section 5A of Act No. 447 of June 19, 1954, as amended.

STATEMENT OF MOTIVES

The Government of Puerto Rico, through its "Mano Dura Contra el Crimen" program ("Hard-hitting Program Against Crime"), implemented mainly by the Puerto Rico Police, has made great and significant strides against crime during the past three (3) years. The People of Puerto Rico, grateful for the genuine efforts expended by the Police Corps, have awarded that body with well-deserved support and respect.

The achievements attained by the Puerto Rico Police in such a brief period through the implementation of administrative and operational reforms, are worthy examples of the efforts of these public servants, who day after day contribute towards improving the quality of life.

Never before in our history had the Puerto Rico Police faced such enormous challenges as during the past ten years. Until a few years ago our people seemed to lose all hope due to constant increase in crime from year to year.

For example, the official statistics for the period between 1985 and 1992 are self-explanatory for our people's loss of hope, as result of the accelerated increase in the incidence of Type I crimes (murder, armed robbery, larceny/theft/burglary, assault and battery,

carjacking/grandtheft auto, breaking and entering, and rape): 1985-116,432; 1986-119,522; 1987-110,018; 1988-111,947; 1989-110,027; 1990-124,371; 1991 - 119,731; 1992-128,874.

As of 1993, on the contrary, our people experienced a hopeful change; the constant growth trend in crime turned into a constant trend in the decrease of crime according to official statistics gathered by the same technicians using the same methods as before: 1993-121,035; 1994-116,263; 1995-106,088.

Between 1988 and 1992, for example, an increase of 17,000 Type I crimes was registered. In contrast, between 1992 and 1995, a decrease of 23,000 Type I Crimes was registered, a record decrease. Thus, the constant rising fund was halted, criminals have started losing ground and the number of crimes has been reduced.

It is important to note that in 1995 the incidence of Type I Crimes was substantially less than the incidence of that same type of crime in 1985. This shows that during the past three years alone, the combined efforts of the present Administration through the "Mano Dura Contra el Crimen" program, and the "Congreso de Calidad de Vida"(Quality of Life Congress"), have gained a ten-year advantage over the criminal element, an extraordinary and unprecedented achievement in the history of Puerto Rico.

Furthermore, this combined effort has contributed in preventing 257 murders and over 52 thousand Type I Felonies during the past three years. These crimes would have been committed during the present four-year term if the uncontrolled increasing crime rate registered between 1988 and 1992 had continued. This achievement has been confirmed through the method known as regression, an accepted method in the field of statistics, and used by the Puerto Rico Police for over twenty years in order to make projections as to the incidence of crime.

A number of Task Forces has also been established with Commonwealth and Federal crime-fighting agencies. Some examples of these are the "Carjacking Task Force", the "Safe Street Task Force", the "Most Wanted Task Force" and the "Bank Robberies Task Force"; traffic personnel has been included in crime prevention activities through the "Traffic to Fight Crime" Program which by sets up road blocks by means of which unlicensed drivers and other violators of the provisions of the Traffic Act involving illegal weapons, drugs, smuggling, stolen vehicles and other criminal activities, have been detected.

Notwithstanding the achievements mentioned above, a new Puerto Rico Police Act is needed to fulfill present and future administrative and operational needs. The Act presently in effect dates back to 1974. It is evident that during the past 22 years the Police Force has grown substantially in number of members and the scope of its operations.

Therefore, the purpose of this new legislation is to achieve uniformity in the operational structure of the Puerto Rico Police in order to expedite its administrative procedures and make optimum use of its resources. As part of this effort we hereby adopt the Puerto Rico Police Act of 1996.

Be it enacted by the Legislature of Puerto Rico:

Section 1. — Short Title. (25 L.P.R.A. § 3101 note)

This Act shall be known as the "Puerto Rico Police Act of 1996."

Section 2. — Definitions. (25 L.P.R.A. § 3101)

For the purposes of interpreting this Act, the following terms shall have the meaning expressed below, unless otherwise clearly construed from the context:

(a) *Police officer.* — Shall mean any member of the police force appointed as such after having completed the basic training course provided by the Superintendent.

(b) *School protection officer.* — Means the member of the Puerto Rico Police appointed as such, who is responsible for surveillance directed to maintain order and protect the life and property of the school community.

(c) *Cadet.* — Shall mean any member of the police force who has not completed the basic training requirements. The Superintendent shall guarantee, through regulations, the right of the members of the Force to receive the benefits of the classification which their training entails, when because of their service said members have been unable to attend the Academy on the date closest to their recruitment.

(d) *Neighborhood Security Council.* — Shall mean the body constituted by volunteer citizens who join efforts with the police in a crusade against crime in order to promote, through their services, a better quality of life and the greater welfare of the community where they live.

(e) *Governor.* — Shall mean the Governor of the Commonwealth of Puerto Rico.

(f) *Board or Evaluation Board.* — Shall mean the Medical Evaluation Board of the Puerto Rico Police, created by Section 19 of this Act.

(g) *Police force member.* — Includes only the personnel directly performing tasks involving criminal investigations, the maintenance of public order, the protection of the life and properties of citizens and other similar duties imposed on the Puerto Rico Police now or in the future.

(h) *Municipalities.* — Includes the municipalities of Puerto Rico and its capital city, San Juan.

(i) *Officers.* — Shall mean Colonels, Lieutenant Colonels, Majors, Inspectors, Captains and Lieutenants.

(j) *Civilian personnel.* — Shall mean any employee recruited by the Superintendent to perform tasks in support of the members of the Police Force. Civilian employees who, due to the nature of their duties, are exposed to the same risks as a law enforcement officer and die in the line of duty shall be entitled to the same rights and benefits as any member of the force who dies in the line of duty. These benefits include all compensation for widows and widowers, as well as to their children, to which the members of the force are entitled and that exist in our legal system for them, and those to be established in the future. The Superintendent shall establish by regulations the personnel that, due to the nature of their duties, shall be entitled to these benefits.

(k) *Pilot.* — Shall mean any employee recruited by the Superintendent to function as a pilot or copilot, who is especially trained and qualified to handle aircraft, pursuant to the requirements established by the Federal Aviation Administration of the Federal Administration Department of the United States of America and by the Superintendent. They must be currently licensed to operate the type of aircraft they are assigned to pilot, and must comply with the flying time required and maintain the optimum physical and mental condition needed to perform these functions.

(l) *Police, Corps, Organization, Force.* — Shall mean the Puerto Rico Police.

- (m) *Auxiliary Police*. — Shall mean a volunteer citizen accredited by the police as such, subject to the norms established by the Superintendent. Through their services, they shall assist in the fight against crime and towards the welfare of the citizens. They shall receive no financial compensation whatsoever for their services.
- (n) *Reservist*. — Shall mean any special employee contracted according to the provisions of Section 31 of this Act.
- (o) *Superintendent*. — Shall mean the Superintendent of the Puerto Rico Police.
- (p) *Assistant Superintendent*. — Shall mean the employee designated by the Superintendent to direct one of the Offices of the Assistant Superintendents, and holds said office pursuant to Section 8 of this Act.
- (q) *Associate Superintendent*. — Shall mean the Associate Superintendent of the Puerto Rico Police.
- (r) *Child*. — Means any person who has not attained eighteen (18) years of age.
- (s) *AMBER Plan*. — Means a national alert to manage emergency child abduction cases.
- (t) *SILVER Plan*. — Means a national alert to manage cases of missing persons with cognitive impairments.
- (u) *General Director of the Auxiliary Police*. — Means the citizen appointed by the Police Superintendent as the administrator and supervisor of the Auxiliary Police operations, who shall be subject to the authority of the Superintendent, as provided in this Act.
- (v) *Auxiliary Officers*. — Means the set of ranks held by the Auxiliary Police, as established by this Act.
- (w) *Auxiliary Sergeant*. — Means an Auxiliary Police officer who has been promoted to Auxiliary Sergeant after having complied with the requirements established by the Executive Board.
- (x) *Auxiliary Second Lieutenant*. — Means an Auxiliary Sergeant promoted to Auxiliary Second Lieutenant after having complied with the requirements established for this rank, pursuant to the criteria established by the Executive Board.
- (y) *Auxiliary First Lieutenant*. — Means an Auxiliary Second Lieutenant promoted to Auxiliary First Lieutenant after having complied with the requirements established for this rank, pursuant to the criteria established by the Executive Board.
- (z) *Auxiliary Captain*. — Means an Auxiliary First Lieutenant promoted to Auxiliary Captain.
- (aa) *Auxiliary Inspector*. — Means an Auxiliary Captain who has been promoted to Auxiliary Inspector through designation by the Puerto Rico Police Superintendent and who complies with the requirements for the rank established by the Executive Board.
- (bb) *Auxiliary Commander*. — Means an Auxiliary Inspector who has been promoted to Auxiliary Commander, through designation by the Puerto Rico Police Superintendent and who complies with the requirements for the rank established by the Executive Board.
- (cc) *Auxiliary Lieutenant Colonel*. — Means an Auxiliary Commander promoted to Auxiliary Lieutenant Colonel through designation by the Puerto Rico Police Superintendent.
- (dd) *Auxiliary Colonel*. — Means an officer whose rank is designated as permanent by the Puerto Rico Police Superintendent.

Section 3. — Puerto Rico Police; Creation and Duties. (25 L.P.R.A. § 3102)

A civil organization for public order to be known as the "Puerto Rico Police" is hereby created in the Commonwealth of Puerto Rico, whose duties shall be to protect persons and property, maintain and keep the public order, pursue and procure the most complete protection of the civil rights of the citizens, prevent, discover, investigate and persecute crime and, within the scope of its authority, enforce obedience of the laws and municipal ordinances and regulations promulgated thereunder. The members of the Police Force shall be included in the career service.

Section 4. — Puerto Rico Police; Direction and Authority. (25 L.P.R.A. § 3103)

The supreme authority in the direction of the Police shall be vested in the Governor of Puerto Rico, but the immediate administration and direction of the organization shall be delegated [to] a Superintendent.

The Governor shall appoint the Superintendent with the advice and consent of the Senate. Should a member of the Police be appointed to that office, that person shall retain all his/her rights and privileges as such, excluding the rank, while holding office as Superintendent. In the event a civilian is appointed to that office, that person shall be vested with all the rights and privileges of a member of the Force.

Section 5. — Superintendent; Powers, Authority, and Duties. (25 L.P.R.A. § 3104)

The Superintendent, as administrator and director of the Force, shall have the following powers and duties:

- (a) Supervise and ensure that due process of law is complied with in all matters pertaining to regulations and adjudication in the Police Force.
- (b) Determine, through regulations, the organization and administration of the Police, as well as the obligations, responsibilities and conduct of its members, civilian employees, police auxiliaries, reservists and council members, and any other matter needed for the operation of the Corps. The regulations shall be submitted to the Governor, and once approved by the latter, shall have force of law and shall be effective thirty (30) days after their approval. The Superintendent is hereby authorized to introduce amendments to the regulations following the same norms and procedures previously established for their approval.
- (c) [Regulation] of the requirements for the recruitment, training and enlistment of members of the Force and exercise the appointing power. In addition, he/she shall establish through regulations the Puerto Rico Police members retraining requirements. Provided, that said retraining shall be mandatory every two years, after joining the Force, and shall be limited to the work division to which the Police Officer is assigned.
- (d) Determine the posting and duties of all members of the Police according to the Uniform Rank System and the requirements of the service.
- (e) Appoint, subject to the provisions of this Act, all officers with the rank of Inspector, Major, Lieutenant Colonel and Colonel, upon confirmation by the Governor. The Corps Regulations shall establish the eligibility requirements for said ranks, so that the qualifications of each candidate may be determined objectively and scientifically. The

following conditions shall be taken into consideration: conduct, leadership, initiative, attitude, education, years in service and the physical condition of the candidates. Should a vacancy arise in any of the aforementioned ranks, the Superintendent shall make his/her recommendation to the Governor, giving serious consideration to the factors listed above. Said recommendation shall include at least one concise report on each candidate including all the necessary information concerning each of the factors to be considered. Promotions shall be effective as of the date the Governor signs them. The number of positions for the rank of Colonel shall be limited to ten (10).

(f) Establish in the regulations the rank or position of those who will head the areas, divisions, zones, districts and precincts.

(g) Appoint all civilian police personnel according to the provisions of Act No. 5 of October 14, 1975, as amended, known as the "Puerto Rico Public Service Personnel Act" [*Note: Repealed by Act 184-2004 known as "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico"*], and of Act No. 89 of July 12, 1979, as amended, known as the "Uniform Compensation Act" [*Note: Repealed by Act 184-2004 known as "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico"*]. The Superintendent shall also appoint all police auxiliaries, who for all the purposes of this Act shall neither be considered as members of the Force nor as civilian employees. They shall act in their capacity as citizens who, at the request of the Superintendent or his/her duly-authorized representative, voluntarily render their services to the Police Force in the fight against crime. They shall be covered by Act No. 45 of April 18, 1935, as amended [11 L.P.R.A. §§ 1 et seq.], known as the "Workmen's Accident Compensation Act". They shall also be included within the concept of "state officials" while performing their duties as such and shall enjoy the full protection and benefits provided by law.

(h) Establish, through regulations, the organization and structure of each of the offices of the assistant superintendents and the bureaus.

(i) Provide, through regulations, for the chain of command in case of absence, disability, death or temporary vacancy of the office of Associate Superintendent.

(j) Provide, through regulations, all matters concerning the contracting of members of the Medical Evaluation Board and its procedures, subject to the provisions of Section 19 of this Act.

(k) May bear firearms for his/her personal protection and that of his/her family, even after having ceased to hold said position, while demonstrably mentally and morally capable to do so.

(l) May create and grant bonuses for distinguished and meritorious services, to be established through regulations.

(m) May exercise any authority or power not in conflict with the provisions of this Act, for the proper operation of the Police Force.

(n) Develop, in coordination with the Commissioner of the Federal Communications Commission in Puerto Rico, the implementation of the AMBER Plan and the SILVER Plan, and to also promote the adoption thereof in the different cable systems and local radio and television stations, until the Federal Communications Commission makes it mandatory through the approval of the corresponding regulations.

(o) Reach an agreement with the municipalities to designate municipal police officers that in coordination with the Puerto Rico Police shall provide surveillance in schools. The cost incurred for the recruitment of such municipal personnel shall be defrayed by the State.

(p) As part of his/her functions as public security custodian:

(1) Shall establish liaisons and maintain coordination among state and federal agencies and international entities to organize and implement joint surveillance efforts in the coastline, airports and maritime ports and share and exchange the information and data needed to protect the points of access to Puerto Rico against the entry of drugs in to our Island;

(2) [shall] promote coordination between state and federal security agencies for the detection of criminal enterprises, money laundering and trafficking of firearms, whenever these illegal enterprises and activities are related to the illegal trafficking of drugs;

(3) [shall] coordinate the action plans and efforts of the government bodies related to the control of illegal trafficking of drugs, and

(4) [shall] advise the Governor and the Legislature on the mechanisms for controlling illegal trafficking of drugs destined to the Island, and each January, shall submit an annual report on the efforts made pursuant to this subsection to the Legislature and the Governor of Puerto Rico at the beginning of the first regular session of the year.

(q) Shall ensure the establishment and maintenance of a registry of crime incidence on the Island, as well as statistics for each area contained in the police regions on reported offenses, to be detailed according to their nature and the percent of clarification of said criminal acts. These statistics shall serve to allow the Superintendent to establish strategies that shall lead to appropriately fight crime, as well as to implement preventive initiatives in areas of greater criminal incidence. The Superintendent shall prepare a monthly report on the crimes reported to be detailed according to their nature and the percent of clarification of said criminal acts.

(1) The Superintendent shall adopt a collection, compilation, and report model of the criminal activity statistics per area contained in the police regions, to be detailed according to their nature and the percent of clarification of said criminal acts. This model or system shall include mechanisms to ensure that the highest quality control standards are followed in the collected and disclosed statistical information, including both internal and external annual audits. A copy of the audit reports shall be filed before the Clerk of the House of Representatives and the Secretary of the Senate not later than February 1st of each year. In the case of statistical data regarding murders/homicides, the Superintendent shall establish a procedure to guarantee that officers of the Police, the Forensic Sciences Institute and the Registry of Vital Statistics of the Department of Health share and analyze the information available to ensure that there are no discrepancies in the compiled and reported data.

(2) The Superintendent shall establish the pertinent procedure to ensure that the monthly reports on crime statistics per area contained in the police regions, are detailed according to their nature and the percent of clarification of said criminal acts are updated and available through the Internet and other institutional disclosure means to expedite the continuous access of the citizens to said data.

Section 6. — Superintendent; Special Powers. (25 L.P.R.A. § 3105)

(a) The Superintendent may promote members of the Force to the immediately next highest rank, up to the rank of Captain, in the following cases and subject to the provisions prescribed below:

(1) In the cases of promotions for merit, provided that the candidate has completed at least twelve (12) years of service on the Force and has proven productivity, shown leadership, efficiency, good conduct, and initiative. Furthermore, the candidates for promotion based on merit, shall also comply with the following:

(A) Not be subject to an administrative investigation in the Puerto Rico Police or under a criminal investigation.

(B) Not have incurred violations of the Code of Ethics applicable to public servants, established pursuant to Act No. 12 of July 24 of 1985, as amended, known as the "Commonwealth of Puerto Rico Ethics in Government Act", during the last five (5) years.

(C) Not been convicted of a felony or misdemeanor that implies moral turpitude.

The Police Superintendent is hereby empowered to establish through regulations, any additional pertinent requirements to be considered for promotions based on merit. Provided, that said regulations shall specify the acts and events that shall be taken into account for a promotion based on merit.

Furthermore, the Superintendent shall have the power and discretion to grant promotions among those who meet the requirements for a promotion based on merit or among those who are in the Register of Eligible Candidates for promotion, pursuant to Section 15 of this Act.

(2) Provided they have completed 15 years or more in the service of the Force, but are to be retired because of physical or mental disability as a result of rendering exceptional or uncommonly meritorious services; or when they are to be retired for years of service; or posthumously, upon their demise in the performance of their duties. These promotions shall take effect within one hundred and twenty (120) days prior to the date of retirement. In the case of those who die in the performance of their duty, the posthumous promotion decreed by the Superintendent shall take effect immediately.

(3) In case of promotions due to retirement, the positions held by those members of the Force so promoted shall pass by conversion to the new category. Once converted positions become vacant they shall automatically revert to the rank existing before the conversion.

(b) The Superintendent shall procure and disburse to the surviving spouse, or in his/her absence, to the dependents of the police officer who has died in the performance of his/her duties, an amount corresponding to four (4) monthly payments of the gross salary earned by the latter to cover urgent family needs. This payment shall be charged to the operating expenses budget of the Puerto Rico Police no later than two (2) working days after the death of the member of the Force. In addition to said payment, the Superintendent is authorized to defray the funeral service expenses of a Police Officer fallen in the line of duty up to a maximum of two thousand dollars (\$2,000). The processing of this benefit shall be made independently from any other compensation or benefit to which the spouse or the dependents of these public servants are entitled.

(c) The determination of the Superintendent as to whether the death of a police officer or civilian employee occurred in the line of duty shall override any other administrative decision to such effect issued by any official of an agency, a public corporation or any other instrumentality of the Commonwealth of Puerto Rico, including those made on the basis of the provisions of subsection (1) of Section 2 of Act No. 127 of June 27, 1958, as amended. The Puerto Rico Police Superintendent is also authorized to issue a certification pertaining to the death of a police officer or civilian employee in the line of duty. Said certification shall be issued within sixty (60) days from the death of the police officer or civilian employee. This certification shall be considered by all the agencies, public corporations or any other instrumentality of the Commonwealth of Puerto Rico which is bound to pay an indemnization for the referred death. From the time said certification is final and binding in a term no to exceed sixty (60) days, the agencies, public corporations or any other instrumentality of the Commonwealth of Puerto Rico shall be bound to comply with said payment. Provided, That in the case the widow/widower or the beneficiaries do not receive the payment within the referred term, an ascending monthly surcharge of 0.5% of the total payment of the indemnization shall be made.

At an administrative level, the determination of the Superintendent shall be final and binding. However, it may be subject to judicial review pursuant to the provisions in the "Uniform Administrative Procedures Act", Act No. 170 of August 12, 1988, as amended.

(d) When the Superintendent designates a member of the Force top head any Police bureau or area, he/she shall fix the salary fixed for that designated police officer is less than that of any other member of the Police Force or a career civil employee under his/her supervision, the Superintendent may authorize a differential of up to ten percent (10%) to be added to the salary of the designated police officer above the highest salary of the career employee serving in that office of the Assistant Superintendent, or Police bureau or area. The salary established by this provision shall never be equal to or higher than that of the Assistant Superintendent and may only be enjoyed while holding the confidential position to which he/she was designated by the Superintendent. Once the designation has concluded, the police officer shall return to his/her corresponding permanent rank, the salary assigned thereto and shall receive the automatic salary increase if he/she has not reached the highest level in the salary schedule corresponding to the rank which he/she held prior to holding the confidential position.

(e) The Superintendent shall have the power to take steps to convert the police Academy into an institution of higher learning which confers university degrees, and may, through Regulations, establish a study and work program subject to the needs of the service, to enable the members of the Force who wish to pursue university studies, to achieve professional self-improvement.

(f) The Superintendent shall have the power to establish, by regulations, the conditions upon which the members of the Force may be promoted for merit up to the rank of Captain through special promotions for merit and/or heroism. In no case shall more than one rank be assigned in a term of two (2) years, and never more than two (2) times through the mechanism of promotion for merit throughout his/her entire career.

(g) The Superintendent shall have the power to require the members of the Corps to pass a psychological exam at least every three (3) years in order to maintain the parameters established at the time of their recruitment to become part of the Puerto Rico Police.

Section 7. — Associate Superintendent; Creation, Authority, Powers, Duties. (25 L.P.R.A. § 3106)

(a) The Superintendent shall appoint an Associate Police Superintendent, with the consent of the Governor, who under his/her direction, shall assist him/her in his/her administrative and operational duties. In the event the Superintendent should be absent or suffer from temporary disability, the Associate Superintendent shall substitute for the latter and exercise all his/her authority, powers and duties during said absence or disability. In the event of the death, resignation or removal from the Force of the Superintendent, the Associate Superintendent shall exercise all the authority, powers and duties of the former during said absence or disability. In the event of the death, resignation or removal from the Force of the Superintendent, the Associate Superintendent shall temporarily exercise all the powers of the Superintendent while said vacancy exists.

(b) The Associate Superintendent shall also be charge of all those matters entrusted to him/her by the Superintendent which will enable the discharge and performance of the duties inherent to his/her office, including those expressly entrusted to the Superintendent by law. He/she shall receive an annual salary to be fixed by the Superintendent.

(c) The position of Associate Superintendent shall be classified under confidential service and the person appointed to said office shall hold said position at the discretion of the Superintendent. However, the person holding said position shall provide evidence of having obtained, at least, a master's degree from a duly accredited university.

(d) In the event a member of the Force is appointed to that position, at the conclusion of said appointment, he/she shall turn to the corresponding permanent rank, the salary assigned to the aforesaid and shall receive the automatic salary increase if he/she has not reached the highest level in the salary schedule corresponding to the rank which he/she held prior to filling the confidential position.

(e) The Associate Superintendent may bear firearms for his/her personal protection and that of his/her family, even after ceased in said position and while demonstrably mentally and morally capable to do so.

Section 8. — [Auxiliary] Superintendents; Creation, Attributes of the Position. (25 L.P.R.A. § 3108)

The offices of [Auxiliary] Superintendents who shall answer directly to the Superintendent and hold said offices at his/her discretion, are hereby created. The [Auxiliary] Superintendents shall be in the Confidential Service and their salary shall be fixed by the Superintendent through regulations, taking into consideration the complexity of the particular [Auxiliary] Superintendent's position assigned. The salary assigned to [Auxiliary] Superintendents shall never be equal to or higher than that received by the Associate Superintendent.

None of the provisions stated herein shall prevent the designation of members of the Force who hold it shall fully exercise the authority delegated by the Superintendent. Those members of the Force designated as [Auxiliary] Superintendents shall hold the rank of Colonel while performing as such. At the conclusion of said appointment, they shall return to their corresponding permanent rank, the salary assigned to it, and shall receive the automatic

salary raise if they have not reached the highest level in the salary schedule corresponding to the rank which they held before holding the confidential position.

Section 9. — Members of the Force; Enlistment and Re-enlistment. (25 L.P.R.A. § 3108)

(a) All persons who join the Force are subject to a [probationary] period of two (2) years from the time they are sworn in. During said period, a person may be discharged from the service at any time if, in the judgment of the Superintendent, he/she shows ineptitude to become a member of the Force or if his/her habits and trustworthiness do not merit his/her remaining in the Corps. Said [probationary] period shall not include any period in excess of thirty (30) days during which the person is absent from active service for any reason whatsoever. The Superintendent shall perform an evaluation every six (6) months of the performance of those members of the Force undergoing their [probationary] period, and shall send a copy of this evaluation to the interested parties.

Except for the above provisions, those members of the Force shall have the same rights and privileges as the regular members of the Force in their [probationary] period.

(b) In the event any candidate for re-enlistment is rejected for any reason, the Superintendent shall explain the reasons for said rejection to that person in writing together with the notice denying his/her re-enlistment. In the event the rejection is based on information provided by any person during the investigation, the Superintendent shall not reveal the identity of that person under any circumstances whatsoever. In his/her notice, the Superintendent shall only state the reasons for the rejection of the request for re-enlistment. The candidate for re-enlistment affected by said situation shall have up to ten (10) working days to refute to the reasons which prompted the rejection. The Superintendent shall have the same term from the date of receipt of the answer in which to revoke or reaffirm his/her rejection. If no written answer is forthcoming from the Superintendent within the term established, this shall be interpreted as a reaffirmation of the rejection of the request for re-enlistment. During the procedure involving the notice, response and reaffirmation or revocation, the position or rank corresponding to the candidate shall not be filled. Once the procedure has been complied with the determination of the Superintendent shall be final and binding.

(c) The enlistment of the School Protection Officer to the Force shall be subject to a probationary period of one (1) year, during which a person may be discharged from the service at any time if, in the judgment of the Superintendent, he/she proves to be inept to become a member of the Force or if his/her habits and trustworthiness do not merit his/her remaining in the Corps. Said probationary period shall not include any period in excess of thirty (30) days during which the person is absent from active service for any reason whatsoever. The Superintendent shall perform an evaluation of the performance of those members of the Force undergoing their probationary period every six (6) months and shall send a copy of this evaluation to the interested parties. Provided, further, That the age to enlist as School Protection Officer shall be from eighteen (18) to thirty-five (35) years of age.

Section 10. — Working day. (25 L.P.R.A. § 3109)

(a) The legal working day of the Police shall not be in excess of eight (8) hours a day, nor more than forty (40) hours a week. Members of the Police Force who render services of an administrative, executive and supervisory nature, and those who are undergoing training courses offered or sponsored by the police, shall be excluded from the provisions of this subsection, and it shall be incumbent on the Superintendent to set their respective daily and weekly working schedules and their days off. The other members of the police who work in excess of the working schedule established herein, shall be entitled to be paid for the hours worked overtime, at the rate of time and-a-half. Provided, That any member of the Police Force who works in excess of the legal working day shall have the option of substituting the cash payment to which he/she is entitled for the overtime worked, for its equivalent in compensatory time.

(b) The Superintendent shall determine, through regulations, the procedure for the authorization, justification and payment of overtime. Any petition for payment of overtime which does not meet all the requirements provided in the Regulations, shall be null and void, and payment thereof shall not proceed; Provided, That starting July 1, 1997, the payment for overtime worked shall be made within a maximum term of sixty (60) days.

Compliance with the term established above is exempted when the hours exceeding the regular working day are worked in a situation in which, for reasons of national security, the rendering of extraordinary vigilance becomes pertinent. The Governor shall determine the existence of such an exceptional situation for the Superintendent to be exempted from the established terms.

In all subsequent budgets assigned to the Puerto Rico Police, an item shall be included for payment of overtime to allow compliance with the term requirement established above.

(c) Police members are under the obligation to work in excess of the legal working schedule established herein in the following cases:

- (1) In case of force majeure or emergencies, such as earthquakes, fires, floods, hurricanes, elections, riots and in any other case declared as such by the Governor.
- (2) Whenever it is required by the needs of the service and in benefit of the public service as determined by the Superintendent.

(d) The time spent by police members in the courts of justice as witnesses, or summoned through an order to appear officially before any government or municipal official, body or committee, shall be deemed to be official in nature and shall be computed according to the legal working schedule.

(e) The free- or leave-time that a member of the police devotes to official business of the service shall be deemed as time worked for the purposes of his legal working schedule and for the computation of payment for any overtime worked, provided that he/she presents the corresponding report verifying his/her work and intervention.

(f) For the purposes of any intervention for the purpose of complying with the provisions of this Act, the members of the Police Force shall keep their condition as such at all times and in any place they are located within the jurisdiction of the Commonwealth of Puerto Rico, even when they are off duty. To such ends, they shall have all the duties and attributes that are imposed on the members of the Police Force under the provisions of this Act. Notwithstanding this provision, the members of the Police Force, subject to the prior

approval of the Superintendent, may devote themselves to other tasks, endeavors or professions in the private sector, provided that they are not contrary to the objectives and purposes conferred to the Police of Puerto Rico under the provisions of this Act.

The Superintendent is hereby empowered to establish the tasks, endeavors or professions, that pursuant to what is provided above, the members of the Police Force may perform outside of their legal working day, the maximum number of hours they may work, and any other necessary conditions, pursuant to the purposes of this Act.

The members of the Police Force that are authorized by the Superintendent of Police to devote themselves, in their free time, to other tasks, endeavors or professions in the private sector, that are not incompatible with the objectives or purposes of this Act, may use their regulation weapon in the performance of said functions, provided that this activity is protected by a public liability insurance policy.

Section 11. — Uniform and Equipment. (25 L.P.R.A. § 3110)

(a) The Superintendent shall determine in the regulations what the official uniform of the Corps and the weapons and other equipment therefor shall be; and the provisions of the regulations concerning the uniform shall be published in a newspaper of general circulation in Puerto Rico at least thirty (30) days prior to the date said regulations take effect.

(b) All wearing apparel comprising the uniform and the equipment to be used by the Force shall be supplied by the police. The Superintendent shall establish the uniform and its proper use by regulations. It shall be understood that the uniform will include the material for the jacket, shirt and pants as well as the boots or shoes, cap, raincoat and the corresponding insignias, badges and colors which the members of the Corps shall wear pursuant to the regulations. Provided, That a cloth insignia or badge bearing the identification number of the agent and an insignia or badge indicating his/her surname shall be deemed to be an integral part of the uniform worn by the members of the Police Force who shall be bound to prominently and clearly visibly display said insignias or badges at all times while in active service, regardless of the clothing worn as uniform or the equipment used by the agent. The fact that the uniform worn or the equipment used makes it difficult for the insignia or badge with the surname or identification number of the agent to be displayed shall not constitute an exemption or a motive for failing to comply with this requirement. The Superintendent is hereby bound to take the necessary measures to ensure that the uniform and the equipment approved for the use of the agents comply with the requirement established in this provision, except for undercover agents or those wearing civilian clothes in those cases whereby the Superintendent determines that the identification of an agent affects compliance with his/her duties or his/her safety.

(c) Appropriations for the purchase of said items shall be consigned annually in the police budget. The use by any person who is not a member of the Puerto Rico Police of uniforms or any combination of the aforesaid outerwear which may tend to identify the wearer as a member of the Puerto Rico Police is hereby prohibited.

(d) Likewise, any natural or juridical person who does not have the prior authorization of the Superintendent is prohibited from manufacturing, distributing, selling and using a uniform, or part thereof, that is equal or similar to that prescribed for the use [by] the police, with regard

to its color or combination of outerwear, or of the equipment, including the design, color and insignias of motor vehicles.

(e) Any person who incurs a violation to the provisions of the two preceding subsections, shall be guilty of misdemeanor and upon conviction shall be punished with a maximum fine of five thousand dollars (\$5,000) or imprisonment for a term not greater than six (6) months, or both penalties at the discretion of the court.

(f) Upon the demise while in active service of any member of the Police who has served the corps honorably for fifteen (15) years, his/her badge number shall be retired and shall not be assigned to any person, with the exception of a direct descendant who, being a member of the Puerto Rico Police, requests to change his badge number for that of his predecessor. In case the deceased member of the corps has two (2) or more dependents who could claim the badge number, it shall be granted to the one who first entered the Puerto Rico Police, this person being able to waive such right in favor of the descendant following him in order of preference. It is also provided that upon the demise of any member of the Police while in the performance of his/her duties, his/her badge shall be presented to the surviving spouse or, in the absence of the latter, to his/her parents or dependents. With the exception of the above, any person who uses such badge to distinguish or identify him/herself as an active member of the Police, shall incur a misdemeanor, and upon conviction thereof, shall be punished with a maximum fine of five hundred dollars (\$500) or imprisonment for a term not greater than six (6) months or both penalties, at the discretion of the court.

(g) The Police Superintendent may, through regulations, authorize the members of the police who retire for years of service and who are authorized to bear and possess a firearm, to acquire a firearm from the Police Weapons Depository at a depreciated price. The funds collected from the sale of such weapons to those police officers who retire for years of service shall be covered into a special fund to defray the purchase or acquisition of new firearms for the Puerto Rico Police to replace those weapons sold by virtue of this provision to police officers who retire.

(h) The Superintendent shall determine through regulations the official uniform of the School Protection Officer I and II, as well as the duties and responsibilities to be assigned to the same.

Section 12. — Ranks; Uniformity. (25 L.P.R.A. § 3111)

(a) The ranks of the members of the Police Force shall be the following:

(1) *School Protection Officer I*: shall mean the member of the Police Force appointed on a probationary period to execute surveillance geared towards maintaining order and to protect the life and property of the school community.

(2) *School Protection Officer II*: shall mean the member of the Police Force who has fulfilled the probationary period to execute surveillance geared towards maintaining order and to protect the life and property of the school community.

(3) *Cadet* : Member of the Police, as defined in Section 2 subsection (b) of this Act.

(4) *Police Officer* : Member of the Police, as defined in Section 2, subsection (a), of this Act, who holds, as minimum, an Associate Degree granted by a college or university certified or accredited by the Puerto Rico Council on Higher Education.

(5) *Sergeant* : Police Officer promoted to Sergeant after having approved the examinations and fulfilled the requirements according to the Regulations established by the Superintendent, and who holds, as a minimum, an Associate Degree granted by a college or university certified or accredited by the Puerto Rico Council on higher Education. The rank of Sergeant constitutes the first line of supervision in the uniform rank system of the Puerto Rico Police.

(6) *Second Lieutenant* : Sergeant who has been promoted to the rank of Second Lieutenant after having approved the examinations and fulfilled the requirements for this rank according to the Regulations established by the Superintendent, and who holds, as a minimum, an Associate Degree granted by a college or university certified or accredited by the Puerto Rico Council on Higher Education.

(7) *First Lieutenant* : Second Lieutenant who has been promoted to the rank of First Lieutenant after having approved the examinations and fulfilled the requirements for this rank according to the Regulations established by the Superintendent, and who holds, as a minimum, an Associate Degree granted by a college or university certified or accredited by the Puerto Rico Council on Higher Education.

(8) *Captain* : First Lieutenant who has been promoted to the rank of Captain after having approved the examinations and fulfilled the requirements for this rank according to the Regulations established by the Superintendent, and who holds, as minimum, a Bachelor's Degree granted by a college or university certified or accredited by the Puerto Rico Council on Higher Education.

(9) *Inspector* : Captain who has been promoted to the rank of Inspector after being designated as such by the Superintendent and being confirmed by the Governor, according to Section 5, subsection (e) of this Act, and who holds, as a minimum, a Bachelor's Degree granted by a college or university certified or accredited by the Puerto Rico Council on Higher Education.

(10) *Major* : Inspector who has been promoted to the rank of Major after being designated as such by the Superintendent and being confirmed by the Governor, according to Section 5, subsection (e) of this Act, and who holds, as a minimum, a Bachelor's Degree granted by a college or university certified or accredited by the Puerto Rico Council on Higher Education.

(11) *Lieutenant Colonel* : Major who has been promoted to the rank of Lieutenant Colonel after being designated as such by the Superintendent and being confirmed by the Governor, according to Section 5, subsection (e) of this Act, and who holds, as a minimum, a Master's Degree granted by a college or university certified or accredited by the Puerto Rico Council on Higher Education.

(12) *Colonel* : Officer whose rank is permanent after being designated as such by the Superintendent and being confirmed by the Governor, according to Section 5, subsection (e) of this Act, and who holds, as a minimum, a Master's Degree or it's equivalent granted by a college or university certified or accredited by the Puerto Rico Council on Higher Education.

(b) The Puerto Rico Police shall be constituted into a unified organizational system in which the Superintendent determines the best use of the human resources available as provided in Section 5, subsection (d) of this Act.

(c) The creation of any rank, classification or specialized classification of the members of the Police, other than those provided in this Act, is hereby prohibited.

(d) No member of the Force who has not belonged to it for a term of fifteen (15) years or more shall be considered for promotion to the rank of Inspector, Major, Lieutenant Colonel or Colonel.

(e) All academic requirements established herein shall be applicable as provided in subsection (c) of Section 38 of this Act.

Section 13. — Fixing and Application of Monthly Compensation Schedules. (25 L.P.R.A. § 3112)

(a) Monthly compensation schedules:

As of October 1, 2004, the compensation schedules of the members of the Puerto Rico Police shall be the following:

MONTHLY COMPENSATION SCHEDULES FOR THE RANKS OF THE PUERTO RICO POLICE

Category	Basic	1	2	3	4	5	6	7	8	9	10	11	Max.
CADET	1718	1744											759
OFFICER	2100	2132	2163	2196	2229	2262	2296	2331	2366	2401	2437	2474	2511
SERGEANT	2182	2215	2248	2282	2316	2351	2386	2422	2458	2495	2532	2570	2609
SECOND LIEUTENANT	2264	2316	2369	2424	2537	2595	2655						2716
FIRST LIEUTENANT	2379	2434	2490	2547	2606	2665	2727	2789					2854
CAPTAIN	2590	2668	2748	2830	2915	3003	3093	3185					3281
INSPECTOR	2650	2730	2811	2896	2983	3072	3164	3259					3357
MAJOR	2753	2836	2921	3008	3099	3191	3287	3386					3487
LIEUTENANT COLONEL	2929	3017	3107	3201	3297	3396	3497	3602					3710
COLONEL	3143	3237	3334	3434	3537	3644	3753	3865					2936

**MAXIMUM RATE SCHEDULE
RATES OVER THE MAXIMUM**

Category	1	2	3	4	5	6	7	8	9	10	11	12	13
CADET	1796	1851	1879										
OFFICER	2548	2587	2625	2665	2705	2745	2787	2828	2871	2914	2958	3002	3047
SERGEANT	2648	2688	2728	2769	2810	2853	2895	2939	2963	3026	3073	3119	3166
SECOND LIEUTENANT	2778	2842	2907	2974	3043	3113	3184	3258	3332				
FIRST LIEUTENANT	2919	2986	3055	3125	3197	3271	3346	3423	3502				
CAPTAIN	3379	3481	3585	3693	3804	3918	4035	4156	4281				
INSPECTOR	3458	3561	3668	3778	3892	4008	4129	4252	4380				
MAJOR	3592	3700	3811	3295	4043	4164	4289	4418	4550				

LIEUTENANT	3822	3936	4054	4176	4301	4430	4563	4700	4841
COLONEL									
COLONEL	4101	4224	4351	4481	4616	4754	4897	5004	5195

(b) Monthly Compensation Schedules for School Protection Officer I and II:

MONTHLY COMPENSATION SCHEDULES FOR THE RANKS OF SCHOOL PROTECTION OFFICERS SHALL BE AS FOLLOWS:

Category	Basic	1	2	3	4	5	6	7	8	9	10	11	Max.
SCHOOL PROTECTION OFFICER I	1200	1218	1236	1255	1274	1293	1313	1333	1353	1373	1394	1415	1436
SCHOOL PROTECTION OFFICER II	1393	1414	1435	1457	1479	1501	1524	1547	1570	1594	1618	1642	1667

(c) The compensation schedules for the members of the Police Force shall be [set] according to the following provisions:

(1) Every originally appointed member of the Police Force shall receive the minimum rate [set] for his/her rank.

(2) Every member of the Police Force shall receive a raise equal to one step in the corresponding schedule upon completion of each year of service, counting from the date of his/her original appointment or from the date of reenlistment, should that be the case. The salary of any member of the Force that does not coincide with one of the specific rates included in the schedule shall be raised to next highest rate, once the raise is granted.

The salary of every member of the Police shall be raised pursuant to the intermediate rate established by his/her former salary and the intermediate rate corresponding to the new schedule.

(3) The time accrued for the purpose of granting steps within the schedule shall not be interrupted by the promotion of the members of the Force.

(4) The granting of these raises shall be subject to the condition that, with these raises, the compensation does not exceed the maximum rate of the corresponding schedule.

(5) Upon promotion, the member of the Force so promoted shall receive as compensation the minimum rate of the schedule corresponding to his/her new rank. If on the date of the promotion he/she is receiving compensation equal to or higher than said minimum rate, he/she shall receive the next highest rate to the salary he/she received before the promotion, as compensation in the new category. If the raise to be received after a promotion is less than the total amount to the step corresponding to his/her rank, he/she shall automatically receive a raise equivalent to at least one step.

(6) In the case of demotion, the member of the Force so demoted shall receive as compensation the salary rate within the schedule corresponding to the rank to which he/she is demoted, provided it does not exceed the salary received prior to the demotion.

(7) Every member of the Police Force who is suspended and is reinstated, or any former member of the Police Force who has reenlisted in the Force, shall receive the minimum rate in the schedule corresponding to his/her rank if the compensation he/she was receiving at the time his/her removal from the service was less than said minimum rate. If

it is compromised within the limits of the schedule in effect but does not coincide with one of its rates, it shall be increased to the next highest rate. Said compensation shall remain unaltered if it coincides with one of the rates, or if it exceeds the maximum of the corresponding schedule.

(8) In those cases in which the Superintendent believes that a candidate for reenlistment who has served a minimum of five (5) years on the Force has the education, technical knowledge, training courses or the experience which make the case meritorious, he/she may authorize a higher salary than the last salary earned in the Police Force by said candidate within the salary schedule of the rank which he/she held permanently.

(9) Those members of the Force in the career service who have failed to receive any type of salary raise those granted by law for a period of five (5) years of satisfactory and uninterrupted service, shall be eligible to receive salary raises for years of service. The training period shall be excluded from the initial computation of this term. Other applicable norms shall be subject to the uniform compensation regulations.

(10) When adjusting the salaries of the personnel rendering services when these schedules take effect, they shall be computed pursuant to the provisions of this Act, and no member of the Corps shall receive a salary lower than that he/she is then receiving.

(11) Provided, That in addition to their monthly salary, a two hundred and fifty-dollar (\$250) bonus shall be paid to all personnel of the Puerto Rico Police assigned to work in Vieques or Culebra, if they are not residents of such Island municipalities. Such bonus shall be deemed to be part of the salary and shall be paid during the time that such officers are assigned to work in Vieques or Culebra.

Section 14. — Supplementary Payments. (25 L.P.R.A. § 3113)

(a) The Superintendent shall establish, through regulations, the norms for granting supplementary payments. These payments shall not be subject to the limitations established in clause (4) of Section 13 of this Act and shall only be paid when the employee is, in fact, performing the functions which provided the basis for granting said payment.

BASIS FOR THE SUPPLEMENTARY PAYMENT	SUPPLEMENTARY PAYMENT
(1) For services in special assignments	Up to three (3) steps
(2) For services as motorcyclists	Up to two (2) steps
(3) For services which constitute extreme risk to the life of the member of the Force concerned	Up to three (3) steps
(4) For services as aircraft pilot and co-pilot	Between \$200 and \$1,500
(5) For services as aircraft mechanic	Between \$150 and \$500
(6) When due to the requirements of the service they must wear civilian clothes, for which they shall receive quarterly payments	\$200 per year

Section 15. — Promotions. (25 L.P.R.A. § 3114)

(a) Promotions in rank shall be granted for merit or by approving examinations up to the rank of Captain, except in those cases provided in this Act. Promotions bestowed for heroic acts shall be granted according to the regulations established by the Superintendent and shall be effective when a vacancy arises for the corresponding rank.

The criteria for promotions based on merit shall be established by regulations of the Police Superintendent pursuant to the provisions of Section 6 of this Act and taking into consideration the following provisions:

(1) The police officers to be promoted through the merit principle shall do so through evaluations, taking into consideration the experience, productivity, analysis of their work history, outcome of trainings, and the leadership shown in their performance as law and order agents, taking also into account their performance in the community and good conduct, in order for those police officers with the greatest capability to hold positions of direction and supervision in the Police.

(b) The Superintendent shall establish the procedures for the examinations for promotions in rank through regulations.

(c) The Superintendent shall appoint the members of the Police and fill vacancies on the basis of promotions up to the rank of Captain, by means of a reliable, modern and scientific examination system. The Superintendent shall also provide, by convocation, the requirements for taking the examinations for promotion in rank. All examination shall be offered within a period of not less than sixty (60) days nor more than ninety (90) days from the date of the convocation.

(d) Once the candidate has approved the examination and fulfilled all the necessary requirements to be included in the roster of eligible candidates, his/her promotion shall not be denied if the position and the financial resources needed to cover the budgetary effect of the promotion are available. Only those complaints or administrative investigations inferred from the record of the candidate prior to his/her having approved, the examination shall be taken into account for the denial of the promotion. Should any complaint or investigation arise after the examination has been approved, but before the promotion has been formalized, no one shall be appointed to the corresponding rank until the administrative investigation has been elucidated. In the event the outcome of the investigation exonerates the member of the Force in question, he/she shall be entitled to the rank for which he/she approved the examination, subject to the provisions of this subsection.

(e) In the event any candidate for promotion is rejected for any reason whatsoever, the Superintendent shall inform the reasons for said rejection to that person, in writing, together with the notice denying the promotion. In case the rejection is based on information provided by any person during the investigation, under [no] circumstances [shall] the Superintendent reveal the identity of that person. In his/her notice, the Superintendent shall only state the reasons for rejecting the application for promotion. The candidate for promotion affected by the abovementioned situation shall have up to ten (10) working days to [respond] to the reasons which prompted the rejection. The Superintendent shall have an equal term from the date the response is received in which to revoke or reaffirm his/her rejection. Should the Superintendent fail to issue a written response within the established term, it shall be interpreted as a reaffirmation of the rejection of the application for promotion. During the

procedure involving the notice, response and reaffirmation or revocation, the position or rank which would correspond to the candidate shall not be filled. Once the procedure has been completed, the determination of the Superintendent shall be final and binding. Provided, That any complaint filed after a promotion has been requested shall be resolved peremptorily within ten (10) days.

(f) Once the corresponding roster of eligible candidates has been certified, no member of the Police Force who has approved the examination, and the position for said rank exists, may be disqualified for promotion in rank by any interview.

(g) When the number of candidates who have approved the examination and qualified for promotion within the same rank is greater than the number of positions available, the order for granting the promotions shall be established according to the roster of eligible candidates which shall be established pursuant to the regulations in effect. In case of a tie, the promotion shall be granted to the member of the Police with greater seniority in the Force.

Section 15-A. — Transfers. (25 L.P.R.A. § 3114a)

It shall be the public policy of the Puerto Rico Police, implemented through the sound discretion of the Superintendent, to rotate its members in order to train them in the various operating functions carried out by this agency.

The Superintendent shall have broad powers and discretion to consider and direct the transfer of any of the members of the force he/she deem[s] necessary for the best use and distribution of manpower.

Every transfer, except those carried out by request of the member of the Police force, shall be deemed to meet the requirements of the service.

Section 16. — Increase in Number of Positions. (25 L.P.R.A. § 3115)

When in the good of the service it should be necessary to increase the number of positions of the members of the Force or civilian employees, in a greater number than that authorized in the operating budget of the Police, the Superintendent shall file a petition justifying his/her request for the change to the Office of Management and Budget. Should said Office approve the petition, then the Superintendent shall proceed to process the change according to the norms established for such cases. No increase in the number of positions based on the elimination of others shall be authorized. Should it become necessary to make promotions as a result of the increase in the number of positions, they shall be made according to the provisions of this Act.

Section 17. — Life insurance; Payroll Withholding. (25 L.P.R.A. § 3116)

The Secretary of the Treasury of Puerto Rico is hereby authorized to deduct from the salaries of the members of the Police the amount needed to pay the total cost of subscribing to a freely-selected life insurance plan. The withholding shall be made to those members of the Force who voluntarily subscribe to said plan and so request it in writing. Premiums deducted from the salaries of the members of the Police as authorized in this section shall be made available to the corresponding insurance company by the Secretary of the Treasury.

Section 18. — Leave. (25 L.P.R.A. § 3117)

(a) Members of the Police shall be entitled to annual vacation leave at a rate of two and a half (21/2) days for each month of service and to sick leave at the rate of one and a half (11/2) days for each month of service excluding, in both cases, Saturdays, Sundays and legal holidays. Vacation leave shall be granted for a consecutive period of not less than fifteen (15) days per year. Vacation leave may be accrued up to a maximum of sixty (60) working days at the end of any calendar year. Sick leave may be accrued up to a maximum of ninety (90) working days.

Members of the Police shall also be entitled to enjoy the nineteen (19) legal holidays there are each year.

(b) The time during which a member of the Police must remain hospitalized or confined under medical treatment as a result of a work-related accident or injuries sustained while in the performance of his/her duties shall not be deducted from the vacation or sick leave authorized under subsection (a) of this Section. He/she shall continue to receive his/her monthly salary and any other vested right. During that time he/she shall accrue vacation and sick leave but shall not receive supplementary payments.

Nothing provided herein shall prevent the members of the police who are under treatment as a result of work-related accidents from being:

(1) Retired from the service with a pension, pursuant to the existing legislation on the matter, if the Medical Evaluation Board, created under Section 19 of this Act, determines that they are physically or mentally disabled for service after making the corresponding medical evaluations.

In this case, the member of the Force in question, if separated, shall continue to receive medical treatment and shall be entitled to receive the per diems assigned to him/her for that reason by the State Insurance Fund. Should the physical or mental disability disappear, said member of the Force may be reinstated to service upon certification of the Medical Evaluation Board.

No later than thirty (30) days after the case has been referred, the Police Force and the State Insurance Fund physicians must certify if the member of the Police Force suffers from a serious or slight injury, and whether it is temporary or permanent, and if it disables the member of the Police Force. Both shall certify whether the employee suffers from a permanent serious or slight injury, for a prolonged period, in order to avail him/herself the rights granted by this Act.

(A) In the case of temporary slight or serious injuries, both physicians must also include the period of convalescence recommended when issuing the certificate. If at the conclusion of said period the patient insists that the physical or mental injury still persists, both physicians must issue a new certificate verifying the truth of the allegations made by the patient not later than ten (10) days after the period originally authorized for convalescing has concluded. It is required that the recommendations of both physicians on the certificates coincide when the patient's return to the service is ordered. Likewise, when the periodic evaluations of the patient reveal that the patient can be returned to the service before the period of convalescence originally authorized has ended, it is also required that the recommendations of both physicians coincide.

When the determinations of both physicians fail to coincide, the determination of the Police Medical Evaluation Board shall prevail.

(B) In the event that the injury is certified by the Police physician and the State Insurance Fund physician as serious or slight, permanent or for a prolonged period, according to the definition of said terms stated in this Act, but does not disable the member of the Force, the Police of Puerto Rico shall, in the first place, provide reasonable employment with recognition of his/her rights, pursuant to Public Law 101-336 of July 26, 1990, known as the "Americans with Disabilities Act of 1990", as amended. In the event that the person concerned does not qualify for reasonable employment in the Police of Puerto Rico, he/she shall have the right, according to his/her capacity, to be relocated in any other position in the public service for which he/she meets the established minimum requirements. Regarding the recruitment and selection procedures, the provisions on personnel of Act No. 5 of October 14, 1975, the "Public Service Personnel Act", that apply to each specific agency or individual administrator, shall be observed.

(C) In the case [of] serious and permanent physical or mental injuries that prevent the patient from fully performing his/her duties as a member of the Police Force, said determination shall be made by the Police, the State Insurance Fund and the Retirement System physicians. Should there be differing opinions, the determination of the Medical Evaluation Board shall prevail. Should said Board determine that the employee is unable to perform the duties inherent to his/her position, he/she shall be separated from the service. Said determination shall be made through a certificate issued not later than sixty (60) days after the patient has transacted his/her petition as a result of the ailments caused by the injuries sustained.

These three agencies shall execute the procedures and agreements needed to implement these provisions.

(2) Punished administratively for faults committed.- Even those who are suspended from employment and salary shall continue to receive medical treatment and the corresponding per diems assigned to them by the State Insurance Fund. The members of the police under treatment by the State Insurance Fund shall not perform any work whatsoever with pay. They may only perform such tasks authorized by the State Insurance Fund as part of their therapy and/or treatment. Any member of the Force who violates this provision, besides being subject to administrative sanction for a serious offense, shall be bound to refund to the Puerto Rico Police and to the State Insurance Fund Corporation those salaries and benefits he/she may have received while on said leave.

(3) Provided, That in those cases unrelated to the job such as domestic violence and suicide attempts, the Psychiatrist as well as the Psychologists of the Medical Treatment and Evaluation Unit, shall determine, following the proper administrative procedure, whether the mental condition of the patient is of a chronic nature or difficult to overcome, and thus puts [at] risk the safety of the citizens, their colleagues, their families or themselves, and if that should be the case, the Superintendent shall proceed to decree the discharge of the police officer from the Police Force. The police officer shall be entitled to appeal said judgment. Once it is determined during the process of appeal that the mental condition of the police officer is not expected to improve, the Superintendent may not under any circumstances, permit the reinstatement of the former police officer into the Police Force. It is also provided

as a safety and precautionary measure that in those cases [in which] a police officer has been diagnosed as having problems involving violent behavior but has not been removed from the Force after it has been confirmed by the Psychiatrist of the Psycho-Social Unit as well as by the Medical Evaluation Board, that his or her emotional condition can be expected to improve, said officer shall not be authorized to carry his or her firearm until his or her condition has been diagnosed as being stable by the Mental Health Professionals indicated in the provisions of this Act.

(c) Military leave shall be granted to the members of the Force who belong to the National Guard or to the Armed Forces Reserve Corps for the period during which they are rendering temporary service ordered or authorized by virtue of the provisions of the laws of the United States of the Commonwealth of Puerto Rico. This leave shall not be deducted from the regular leave authorized in subsection (a) of this section. Any period of time during which a member of the Force attends academic courses sponsored by the United States Armed Forces or the Puerto Rico National Guard is excluded from this provision.

(d) Subject to the provisions established below, the Superintendent may grant leave without pay to the members of the Police. The leave authorized herein shall be granted to enable the members of the police to pursue further studies and acquire useful experience. In this case, said leave shall not extend for more than two (2) years. The Superintendent shall verify periodically whether the members of the Force on educational leave are doing so. Furthermore, the Superintendent shall require the institution where the member of the police is pursuing studies, to issue a periodic report as to his/her academic progress. Should it be determined that the member of the Force has abandoned his/her studies or that the extension of the leave is not justified, the Superintendent may order the cancellation thereof and the return of the member of the Force concerned to active service. In granting leave without pay, the Superintendent shall establish, through regulations, the provisions pertaining to the granting of leave without pay. To such ends, he/she shall be guided by the needs of the service, by the justification and merits of the member applying for such leave, and in no case shall leave without pay be granted to venture into working in another office or position. The Superintendent is authorized to extend provisional appointments to members of the Force to replace those to whom leave is granted for a period of more than ninety (90) days. These temporary appointments shall be extended only for the term of the leave authorized for the incumbent unless it is concluded before receiving a permanent substitute appointment if a vacancy occurs.

(e) When an officer holding a rank between that of Inspector and Colonel exhausts any type of leave in order to retire, the Superintendent may appoint a substitute who shall perform his/her duties and hold his/her rank temporarily. If the Superintendent believes that the candidate performed his/her duties satisfactorily, at the time the vacancy was created by the retirement he/she may recommend a promotion of a permanent nature to that rank to the Governor, provided said candidate meets all other requirements for that rank.

(f) The Superintendent may also grant a one-year educational leave with pay, provided the studies to be pursued fall within the area of police, legal, administrative or executive knowledge required of members of the police. In justified cases the term of the leave may be extended for an additional year.

The Superintendent may provide substitutes for the positions of those members of the Force to whom he/she grants educational leave temporarily in the same manner as provided for in this section granting leave without pay.

(g) Members of the Force who are on leave with or without pay for educational purposes shall not be entitled to accrue vacation or sick leave or compensatory time for the duration of said leave.

(h) Members of the Force who are on educational leave shall, upon its conclusion, serve the Commonwealth of Puerto Rico for a period equal to the term of the leave if they did not receive pay during such a time. In the case of those who received pay, they must serve for a period equal to twice the term of the leave. They may be exempted from this obligation if they reimburse the sum of money to be determined by the Office of Management and Budget to the Secretary of the Treasury. In both cases they shall receive the compensation corresponding to their position.

(i) Those members of the police who are elected as president, and up to a maximum vicepresidency, of a bona fide organization, thus authorized by the Department of Labor, who represent police officers and civil employees of the Puerto Rico Police, may request leave without pay from the Superintendent for the term during which said member of the police is elected or reelected to the presidency or vicepresidency of said organization.

Section 19. — Medical Evaluation Board; Creation and Powers. (25 L.P.R.A. § 3118)

The Medical Evaluation Board, attached to the Puerto Rico Police, is hereby created. It shall be constituted by a psychiatrist, a psychologist, a specialist in internal medicine, a surgeon and a specialist in occupational medicine, who shall have not less than five (5) years of experience in their respective fields of medicine. Said Board shall elect a Chairperson from among its members.

The [Medical] Evaluation Board shall have full discretionary autonomy and its members shall be contracted by the Superintendent for a term of up to two (2) years.

The [Medical] Evaluation Board shall meet as many times as deemed necessary to fulfill the purposes of this Act, and three (3) of its members shall constitute quorum. Decisions shall be made by a majority of the members present. When voting, quorum shall be ascertained.

The [Medical] Evaluation Board shall have those powers and duties granted by Section 18 of this Act, and its decisions shall prevail over the determinations of the physicians of the State Insurance Fund and the Retirement System. Reinstatement of any member of the Force shall require the prior authorization of the Medical Evaluation Board.

The Superintendent shall provide the personnel, equipment, supplies and offices required by the Medical Evaluation Board to fulfill the purposes of this Act, to be charged to the Police Force budget.

It is also provided that the Superintendent may contract the services of physicians, specialists and subspecialists who will provide support to the Medical Evaluation Board.

Section 19-A. — Psychosocial Treatment and Evaluation Unit; Creation and Powers. (25 L.P.R.A. § 3118a)

A Psychosocial Treatment and Evaluation Unit, attached to the Puerto Rico Police, is hereby created in every police area.

Every Psychosocial Treatment and Evaluation Unit shall be constituted by three (3) regular members, to wit, a clinical psychologist, a social worker and a part-time psychiatrist, from among which the Police Superintendent shall appoint the Unit Director. Furthermore, every Unit shall have an administrative assistant and the necessary clerical personnel according to the needs of each particular police area.

The Psychosocial Treatment and Evaluation Unit is charged with periodically conducting a psychosocial evaluation of every police officer in every police area and providing counseling and treatment to those police officers involved in cases of domestic violence or civil rights violations who face personal or work-related difficulties that affect their emotional stability, productivity and interpersonal relations and when, in the discharge of their duties, face situations involving violence. This Unit may intervene at the request of the affected police officer or of the Unit Director, who shall notify in writing the reasons for his/her request.

Every Unit shall meet as many times as necessary to determine which cases should be subject to a treatment program and which should be referred to the Medical Evaluation Board. Decisions shall be made by the majority of the regular members and be strictly confidential.

The Director of every Unit shall refer to the Medical Evaluation Board those cases whereby the temporary separation or retirement from service of police officers is recommended. It shall also refer those cases involving police officers that refuse to submit to a treatment program according to the recommendation of the Psychosocial Treatment and Evaluation Unit (U.T.E.S.S., Spanish Acronym). In the event that a referred person insists on refusing to undergo treatment, the Superintendent shall be notified and shall determine the sanctions to be imposed for such noncompliance.

Section 20. — Municipalities; Assistance and Hospitalization. (25 L.P.R.A. § 3119)

The municipalities shall have the obligation to supply, free of charge, adequate medical assistance, hospitalization and the necessary medications after being prescribed by a physician for their treatment, to the members of the Police Force, as well as to their spouses, minor children, children under twenty-one (21) years of age who are attending a post-secondary course of studies, or their disabled dependents. Likewise, all hospitals [and] clinics of the Government of the Commonwealth of Puerto Rico shall render said medical and hospitalization services to the members of the Force as well as to their spouses, minor children or disabled dependents, when they so request them, and provide all prescribed medications free of charge, and issue any necessary certificates. The municipalities, and the Government hospitals and clinics shall give preferential treatment to the requests of the members of the Police for medical assistance and hospitalization. The benefits provided in this section shall be extended to the widows or surviving spouses of any member of the Puerto Rico Police unless they remarry, to their dependents until they come of age, or of any

age disabled, and to the members of the Puerto Rico Police who retire with twenty-five (25) years or more of honorable service.

In the event that the persons entitled to these benefits have availed themselves of any type of prepaid health insurance plan, the state or municipal institution which provides them with any type of health services may bill said plan for the services rendered, exempting the person in question from paying the corresponding deductible.

Section 21. — Regulation Weapons; Use for Target Practice. (25 L.P.R.A. § 3120)

Any member of the Force who has been trained in the use and handling of firearms is hereby authorized to use his/her regulation weapon and obtain ammunition for target practice in gun clubs, armories or target shooting clubs, subject to the regulations adopted for such purposes by the Superintendent.

Section 22. — Activities; Applicable Policies. (25 L.P.R.A. § 3121)

Given the special nature of the services rendered by the Puerto Rico Police, the following is hereby established as the invariable policy of the Commonwealth of Puerto Rico and made a part of this Act:

- (a) The members of the Police shall not engage in propaganda or in any other activity in favor or against any political office while in service or in uniform. Neither shall they hold positions of leadership in political parties or organizations.
- (b) Any activity on the part of the members of the Police to obtain transfers, promotions or any other personal benefit within the Puerto Rico Police through the use or employment of influences extraneous to the norms established by regulations or by law is hereby prohibited.

Section 23. — Disciplinary measures; Procedures for Slight and Serious Faults. (25 L.P.R.A. § 312)

The regulations shall determine the faults of the members of the Force entailing disciplinary action. Said faults shall be classified as serious or slight. The regulations shall prescribe the pertinent action pursuant to the provisions of this Act.

Disciplinary action for slight and serious faults shall be [set by] the regulations, which shall determine which persons shall have the power to impose sanctions in such cases, as well as the procedure to implement these, subject to the following:

(a) *Procedure for slight faults.* —

- (1) The punishment that shall be imposed for slight faults shall be the following: suspension from employment and salary not to exceed thirty (30) days; the rendering of community services, or a combination of any of the above. In the case of suspension of employment and salary, the Superintendent of Police, with the written consent of the defendant, may commute the punishment imposed to the member of the Police Force on a maximum of two (2) occasions within a period of five (5) years and have said punishment charged, fully or partly, to the vacation leave or overtime to which the member of the Police Force is entitled.

(2) Should the member of the Force concerned disagree with the decision of the Superintendent, he/she may appeal the case before the Investigations, Prosecution and Appeals Commission created under Act No. 32 of May 22, 1972 [1 L.P.R.A. §§ 171 et seq.], before which he/she shall be entitled to a hearing pursuant to the established terms. The appeal must be filed within thirty (30) days after the notice of the punishment issued by the Superintendent or his/her designee has been served.

(3) The Commission shall resolve the appeal within thirty (30) days after it has been filed. Should he/she fail to comply with the aforementioned term, the accused shall be entitled to appealing [for] aid [from] his/her jurisdiction within a term not greater than thirty (30) days. The writ of appeal must be accompanied by the corresponding allegations indicating the [inappropriateness] of the punishment.

(4) It shall not be obligatory to follow the Rules of Evidence which prevail in the courts of justice in any procedure carried out under the provisions of this subsection.

(b) *Procedure for Serious Faults.* —

(1) The file on the investigation of any serious charge shall include a full report concerning the charges brought against the accused member or members of the Force. The processing of the investigation and remitting of the file shall be done without any unnecessary delay. The regulations shall determine which officials shall have access to the investigation file.

(2) The punishment that shall be imposed for serious faults may be one of the following: reassignment of duties or posting, transfer, permanent expulsion from the Corps, demotion or suspension of employment without salary for a period not to exceed five (5) months.

(3) The charges for serious faults shall be stated in writing and signed by the Superintendent [or] the Associate Superintendent.

(4) The Superintendent shall be empowered to temporarily suspend any member of the Force from employment while any investigation ordered concerning the incompetence, misconduct or crime of which said member of the Force is accused is being performed. In that event, the Superintendent shall proceed to have the corresponding charges brought against the accused without unnecessary delay and shall investigate and resolve such cases as soon as possible, imposing the punishment he/she deems reasonable within the limits of this Act, or providing that the person concerned may return to service with or without reimbursing his/her salary earned, during the suspension period, if the facts should so justify it in his/her judgment.

(5) Should a member of the Force be suspended from employment and salary for any reason whatsoever, he/she shall be barred from performing his/her duties as such. Neither shall he/she enjoy the rights and privileges which are granted to the members of the police by law, while said suspension is in effect.

(6) The Superintendent, after perusing and analyzing the case file and having given the accused the opportunity to be heard, shall resolve the case, absolving the accused or imposing the punishment he/she deems reasonable, as provided by clause (2) of this subsection. If the member or members of the Force concerned have been declared guilty of misconduct, the Superintendent shall provide the accused with a copy of the document containing his/her decision, which shall be confirmed through the signature of the latter

and shall include the date and time of notice. The procedure for these cases shall be determined through regulations.

(7) In any case in which sanctions which entail suspension from employment and salary are imposed, the Superintendent, at the request of the accused, may commute said sanction for additional services to the Corps equivalent to the term of the suspension.

(8) Any member of the Force against whom the Superintendent has dictated an adverse decision may appeal the case before the Investigations, Prosecution and Appeals Commission, created by virtue of Act No. 32 of May 22, 1972 [1 L.P.R.A. §§ 171 et seq.], before which he/she shall be entitled to a hearing pursuant to the terms established in said sections. The appeal must be filed within thirty (30) days after the notice of the punishment has been received.

Section 24. — Civil Actions against Members of the Force. (25 L.P.R.A. § 3123)

When a member of the Force is sued in any proceeding of civil nature arising as a result of the performance of his/her duties, or of any incident which occurs while he/she is acting in his/her official capacity and within the range of his/her duties, the Superintendent shall assign the services of an attorney to assist him/her during the proceedings. This provision shall not apply when a criminal prosecution is instituted followed by disciplinary action against the member of the Force.

Section 25. — Interference with Appointments of Police Officers. (25 L.P.R.A. § 3124)

(a) No person shall perform any act which prevents the unbiased appointment of police personnel, nor the application of this Act or the rules adopted with regard thereto. Neither shall that person make or accept any false statement, certification or report with regard to any examination, certification or appointment made under the provisions of this Act or of the regulations adopted thereunder. No person shall impersonate another, or in any manner permit or help another person to fraudulently impersonate him/her with regard to any or oral or written examination required for enlistment or promotion in the Puerto Rico Police.

(b) Any person who violates subsection (a) of this section shall incur a misdemeanor and upon conviction, shall be punished with a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), or with a term of imprisonment not to exceed ninety (90) days, or with both penalties, at the discretion of the court. Furthermore, said person shall be deemed ineligible for appointment to any position and for rendering services of any other kind in the departments, agencies, instrumentalities, public corporations and political subdivisions of the Commonwealth of Puerto Rico for a term of five (5) years from the date on which the judgment is final.

If such a person is an employee or official, or renders services of any kind in any of the aforesaid dependencies, he/she shall be discharged as soon as the judgment is final.

(c) The undue intervention of any person [outside of] the Police Force who lacks the supervisory or appointing authority or power in the Police and who, by taking advantage of partisan politics or undue influence pretends, for reasons [contrary] to the best interests of the Police Force, to obtain enlistment, reenlistment, promotion, transfer, discharge, demotion or to perform any action for the benefit or [to the] detriment of any member of the Police, shall

incur a misdemeanor, and upon conviction, shall be punished [by] a term of imprisonment not to exceed six (6) months or [by] a fine not to exceed five hundred dollars (\$500), or both penalties, at the discretion of the court. To make recommendations or suggestions regarding matters of humanitarian, social, equitable or administrative nature shall not be construed to be undue intervention.

Section 26. — Organization of Other Police Corps Prohibited. (25 L.P.R.A. § 3125)

No municipality, department, agency or instrumentality may organize or commission any police corps whatsoever, except in those cases authorized by the Autonomous Municipalities Act, Act No. 81 of August 30, 1991 [21 L.P.R.A. §§ 4001 et seq.].

Section 27. — Undercover Agents; Special Rules. (25 L.P.R.A. § 3126)

The provisions of this Act notwithstanding, those members of the Force who are assigned to perform as undercover agents shall be treated in the following manner while performing as such:

(a) They shall receive time-and-a-half (1 1/2) salaries within the maximum salary schedule assigned to their rank while performing as undercover agents. In the case of a cadet who is performing as an undercover agent, the salary to be assigned shall be determined on the basis of the rank as agent.

(b) The Superintendent shall take all the necessary administrative measures to guarantee the safety and the secret identity of the undercover agent. Their salaries shall be disbursed by the Police as cash payments. The Superintendent shall also make monthly cash disbursements to the undercover agents for the amount of money needed to cover the employer's contribution towards a private individual or family health insurance plan, at the request of the undercover agent. Salary contributions towards the payment of income taxes or any benefits or obligations such as, for example, the State Insurance Fund, retirement plans, loans or fees, shall be withheld and deposited in a special account in custody of the Superintendent. Once the undercover agent has been relieved from such duties, the Superintendent shall remit the corresponding amount of money to every creditor agency, institution or organization. Provided, that notwithstanding the back payments that may arise due to the security measures already mentioned in this subsection, undercover agents shall be fully protected by all the benefits for which their contributions were withheld and which were deposited in the special account in custody of the Superintendent.

(c) Upon being released from his/her duties as an undercover agent, the member of the Police shall be reinstated to the corresponding rank and salary schedule before being designated as an undercover agent.

(d) Undercover agents shall only be used to carry out investigations of a strictly criminal nature. The participation or intervention of undercover agents and of any other members of the Police in investigations or activities other than those of strictly criminal nature is hereby totally prohibited.

(e) Under no circumstance shall a person under eighteen (18) years of age be recruited by the Puerto Rican Police to perform work as an undercover agent.

Section 28. — Special Agents. (25 L.P.R.A. § 3127)

The Governor may [augment] the Police Force by authorizing the enlistment of special agents for the time he/she may deem necessary. This enlistment shall be effected by the Superintendent according to the provisions contained in the regulations for such a purpose. During the time for which said special agents are called into service, they shall earn the same compensation and receive the same emoluments as the Police Officers regularly enlisted and likewise shall have their same powers and duties.

Section 29. — Contracting of Police Services. (25 L.P.R.A. § 3128)

The Superintendent may enter into contracts with the municipalities, departments, instrumentalities and public corporations of the Commonwealth of Puerto Rico for security services to be rendered in addition to those already provided by the Force, as well as with private security enterprises. Contracting for these services with private enterprises, such as owners and concessionaires of artistic, cultural or amusement shows shall only be performed when they do not affect the regular services provided by the police. Services which involved labor management disputes or bodyguard services cannot be contracted.

The funds needed [to] defray the expenses for services to be rendered pursuant to the provisions of this section shall be bonded or paid in full and in advance when the agreement covering the aforesaid is signed. The superintendent shall establish, through regulations, the procedure and rates to be paid for the contracting of security services.

The funds received on this account by the Puerto Rico Police shall be entered into the books of the Secretary of the Treasury apart from any other funds obtained by said agency from other sources so that they may be easily identifiable as to their use by the Puerto Rico Police.

These funds shall be accounted for regardless of any specific fiscal year and shall be managed according to the rules and regulations adopted by the Superintendent in consultation with the Secretary of the Treasury and in harmony with the provisions in effect for the administration of similar funds. Expenses of these funds shall be closely related to the application of this section. Said funds may be transferred to the corresponding items of the operating budget of the police in any fiscal year. Likewise, expenses may be transferred according to the budgetary needs for said year and only if they are closely related to the operations subject to this section.

Those enterprises that sponsor nonprofit shows and shows produced especially for children shall be exempted from paying for the use of police officers.

Section 30. — Protection of Governor, Superintendent, Officials, Former Officials. (25 L.P.R.A. § 3129)

(a) The Puerto Rico Police shall be responsible for providing security and protection to the Governor of Puerto Rico and his/her family.

(b) It shall also be responsible for providing security and protection to the Superintendent and his/her family during his/her term of office. Once the term of office of the latter has

concluded, said service shall continue for four (4) additional years and may be extended upon the prior request to and approval of the incoming Superintendent.

The nature of the protection services provided for the former Superintendent shall be similar to that provided while he/she was holding office as Superintendent.

(c) Those officials or former officials for whom the Police provides escort, security and protection services shall only be entitled to said services within the jurisdiction and territory of Puerto Rico, with the exception of the Governor of Puerto Rico. In those exceptional or meritorious cases for which escort, security and protection services are requested to be provided outside the jurisdiction of Puerto Rico, said services shall be provided with the prior approval of the Superintendent and the Governor. Should the request for police escort come from an official, the expenses incurred for per diems, overtime, transportation and lodging shall be paid by the agency or dependency represented by the official requesting the service.

Section 31. — Reservists. (25 L.P.R.A. § 3130)

The Superintendent may contract any veteran of the Police who has been pensioned due to mandated retirement because of age or years of service, under the pension or retirement system created by virtue of the laws of Puerto Rico, to work in the Police Force as a reservist after the Superintendent has verified that his/her physical and mental condition will allow him/her to perform his/her duties subject to the regulations established by the former and without impairing the pension which said pensioner receives according to the provisions of law.

The Superintendent, at his/her discretion, shall [set] the hourly schedule and the compensation of the reservists, which shall not exceed a fulltime schedule of eight (8) hours nor the maximum salary corresponding to a fulltime employee performing the same duties.

Reservists contracted by virtue of the provisions of this section shall also receive the pension to which they are entitled under Act No. 447 of May 15, 1951, as amended [3 L.P.R.A. §§ 761 et seq.], or under any other pension or retirement system created by virtue of laws of Puerto Rico. To such effects, contracted reservists are exempted from complying with Section 1 of Act No. 187 of May 2, 1952, as amended [3 L.P.R.A. §§ 792 et seq.] and with Section 4 of Act No. 40 of June 15, 1959, as amended [3 L.P.R.A. 823 et seq.]. The contract of said reservists shall not impair any vested benefit or right enjoyed as a police pensioner.

The time those persons contracted pursuant to this section have worked as reservists shall not be computed for the purposes of their retirement, nor shall any withholding whatsoever be made on that account.

Section 32. — Police Auxiliaries. (25 L.P.R.A. § 3131)

For the purposes of Act No. 45 of April 18, 1935, as amended [11 L.P.R.A. §§ 1 et seq.], known as the "Compensation System for Work-Related Accidents Act", members of the Security Councils and private persons who act as auxiliary police shall be included within the concept of state officials while performing their duties as such, and the Superintendent may establish the badges to be worn by said state officials. In case of work-related accidents or illness and for the purposes of per diems and compensation payments as such, the

corresponding weekly compensation shall be estimated according to the minimum salary established by law. The Superintendent shall pay an annual premium for these purposes to the State Insurance Fund and shall negotiate the terms for the protective coverage for those volunteers who, as required by the Superintendent or his/her duly authorized delegate, render services at any location assigned to them. The cost of said premium shall be consigned annually in the operating budget of the agency.

Section 33. — Auxiliary Police; Enlistment Requirements and Exclusions. (25 L.P.R.A. § 3131a)

Any citizen who wishes to become an auxiliary police officer must comply with the following requirements:

- (a) Submit all regulatory documents required for the position.
- (b) Be between the ages of 19 and 65 years, subject to the Superintendent's discretion to establish exceptions that he/she considers as contributing toward the best operations of the Auxiliary Police. The citizen may participate in any applicable state or federal program.
- (c) Fulfill any other ratified regulatory requirement.

A citizen may not become a member of the Auxiliary Police for the following reasons:

- (a) If not an American citizen.
- (b) If not a resident of Puerto Rico.
- (c) If already a municipal, correctional, state or federal officer, or otherwise a member of any law enforcement entity.
- (d) If a member of the honorary corps.
- (e) Due to any other ratified regulatory requirement.

Section 34. — Auxiliary Police; Duties and Responsibilities. (25 L.P.R.A. § 3131b)

Auxiliary police officers have responsibilities that are similar to those of a police officer, therefore, it is determined that, among their duties, they may:

- (a) Participate in police crime prevention operations or any other police activity when authorized by the Puerto Rico Police Superintendent or the designated officer, as well as by the communities of the area.
- (b) Participate in national emergencies to render services entrusted to them by the Puerto Rico Police Superintendent or the designated officer.
- (c) Carry out crime prevention patrols and surveillance with prior authorization from the Superintendent and/or the Area Commanders.
- (d) Perform general office work and assist the Police with administrative assignments.
- (e) Participate in the search and rescue operations of persons reported missing or in need of emergency assistance.
- (f) Render traffic control services.
- (g) Render crime prevention surveillance services in schools, parks, malls and urban train stations, among other locations.

(h) Render support services at the offices of auxiliary superintendents, area command centers, districts, precincts, police detachments and mini police stations in all matters related to the operational and administrative phases.

(i) Work pursuant Act No. 81 of August 30, 1991, as amended,, known as the "Autonomous Municipalities Act of the Commonwealth of Puerto Rico of 1991".

Section 35. — Creation of the Auxiliary Police Executive Board. (25 L.P.R.A. § 3131c)

The Auxiliary Police Executive Board shall be composed of seven (7) members to be appointed for (4) four years by the Police Superintendent, is hereby created. It shall be composed of one (1) President, one (1) Vice-president, who shall be at least an Auxiliary Colonel, four (4) Auxiliary Commanders and one (1) Secretary, whose rank shall be at least an Auxiliary Commander.

Responsibilities of the Members – The Board members shall not be personal liable for the duties of the Auxiliary Police. The Puerto Rico Police, by itself or by contract, shall defend the members of the Board and indemnify and hold harmless all Board members, whether or not they are members of the board at the time of the claim against any personal liability, action, cause of action and any and all claims made against such members for any action taken by them in good faith in the performance of their duties and within their scope of work as members of the Board, pursuant to the provisions in this Act and any other applicable laws, except in cases of proven and clear gross negligence or illegal acts.

Chairperson of the Board – The Board shall elect a chairperson, who shall be the principal director of the operations of the Board and the Auxiliary Police. The Chairperson shall be in charge of the execution of the powers and faculties delegated to him/her by the Superintendent and the Executive Board, and shall represent them in all acts as necessary.

Section 36. — Auxiliary Police Ranks. (25 L.P.R.A. § 3131d)

The Executive Board shall submit the recommendations for the granting of Auxiliary Officer appointments to the Superintendent of the Puerto Rico Police. Said officers shall serve for four (4) years. Auxiliary Police officers shall hold the following ranks:

- (a) Auxiliary Police Officer
- (b) Auxiliary Sergeant
- (c) Auxiliary Second Lieutenant
- (d) Auxiliary First Lieutenant
- (e) Auxiliary Captain
- (f) Auxiliary Inspector
- (g) Auxiliary Commander
- (h) Auxiliary Lieutenant Colonel
- (i) Auxiliary Colonel

Section 37. — Training Program. (25 L.P.R.A. § 3131e)

Once the candidate is appointed by the Superintendent of the Puerto Rico Police, she/he shall undergo an initial twelve (12) weeks of training on the duties and functions of Auxiliary

Police, according to the program approved by the Superintendent at the University College of Criminal Justice of Puerto Rico.

Section 38. — Use of Personal or Assigned Weapon. (25 L.P.R.A. § 3131f)

The following rules on the use of weapons shall be observed:

(a) The Puerto Rico Police Superintendent may authorize Auxiliary Police officers who hold a license to possess and carry firearms in effect to use their weapon in the performance of their duties. Auxiliary Police officers shall submit a copy of a certificate of having approved training in the proper use and safe handling of firearms, as provided in Section 2.02 (E) of Act No. 404 of September 11, 2001, as amended, known as the Puerto Rico Weapons Law.

(b) The Puerto Rico Police may discretionally assign a weapon to Auxiliary Police officers who have been trained in the proper use and safe handling of firearms as established in the previous paragraph. Furthermore, Auxiliary Police officers who carry their own firearm, as well as those who are assigned a firearm by the Agency shall comply with Section 2.05 of Act No. 404 of September 11, 2001, as amended.

(c) All Auxiliary Police officers who are assigned a firearm due to their responsibilities shall receive an annual training in the proper use and safe handling of firearms. They shall submit a certificate of the training received to the Superintendent through the Director of the Auxiliary Police. If no certificate is submitted, the Superintendent shall divest the Auxiliary Police officer of the assigned firearm.

(d) Auxiliary Police officers who have been trained in the proper use and safe handling of firearms and have complied with the provisions of law are hereby authorized to use their firearms in the performance of their duties. The Superintendent shall issue a special Auxiliary Police officer license to those citizens who comply with the Auxiliary Police officer enlistment requirements and do not have a firearms license. Likewise, they may acquire ammunition for practice purposes in gun clubs, armories and target practice organizations, subject to the regulations thereof in effect in the Puerto Rico Police.

Section 39. — Uniforms and Identifications. (25 L.P.R.A. § 3131g)

Regular and dress uniforms for Auxiliary Police officers shall be the same as the uniforms used in accordance with the regulations of the Puerto Rico Police. The pins and uniform accessories shall be the same. The identification shall be the same as the one used by the Puerto Rico Police and shall bear the name, rank and PA.

Section 40. — Privileges and Additional Benefits. (25 L.P.R.A. § 3131h)

Auxiliary Police officers shall have the following privileges and additional benefits:

(a) Auxiliary Police officers that hold a previous license or authorization to carry firearms granted pursuant to the applicable laws shall be subject to be authorized, discretionally, by the Superintendent to carry said firearms in the performance of their official duties under the terms and conditions he/she establishes.

(b) In the cases contemplated in subsection (a) above, to obtain the discretionary authorization of the Superintendent to practice in the Puerto Rico Police firing ranges, under the terms and conditions that he/she establishes.

(c) If he/she enrolled as a regular member of the Puerto Rico Police, to be acknowledged and accredited in the manner determined by the Superintendent for hours worked as Auxiliary Police officers and any courses or trainings approved.

(d) To be honored posthumously and have their legal beneficiaries compensated in the manner determined by the Superintendent, in the event that they die in the line of duty as Auxiliary Police officers.

(e) To be considered for the granting of any other benefit that the Superintendent decides to grant discretionally, according to the needs of the service and the available resources, under the same terms and conditions he/she establishes.

(f) Auxiliary Police officers shall be included in the term of “law enforcement officers” while performing their duties as such and shall enjoy all the protection and benefits provided by law, including the benefits established in Act No. 45 of April 18, 1935, as amended, known as the “Compensation System for Work-Related Accidents Act.”

(g) They may participate in any state or federal program that may apply.

Section 41. — General Provisions – Auxiliary Police. (25 L.P.R.A. § 3131i)

The following general provisions shall apply to Auxiliary Police officers:

a) Auxiliary Police officers shall have all the benefits that may be applicable, pursuant to Act No. 460 of 2000. If an Auxiliary Police officer reports an accident or illness to the State Insurance Fund that is not related to the performance of his/her duties, the officer must personally assume the medical expenses and other expenses related thereto.

b) The Office of Security and Protection shall investigate all Auxiliary Police officer candidates that are referred thereto by the Executive Board.

c) The use of special equipment and licenses of the Puerto Rico Police by any Auxiliary Police officer shall be subject to the regulations of the Police and shall require the authorization of the Auxiliary Superintendent of the Auxiliary Police.

d) Auxiliary Police officers shall abstain from performing their duties or any intervention in matters that constitute a conflict of interest with the profession or trade they practice privately, including Private Security Agents.

e) Any citizen who ceases to be a member of the Auxiliary Police shall return the uniform within five (5) days. Failure to comply with what is herein established shall result in the commission of illegal withholding and use of public property.

f) Elected officers or candidates to an elective office shall not be admitted into the Auxiliary Police; if they were former members of the Auxiliary Police, their office shall remain suspended for the duration of their term as elected officers or candidates to an elective office.

Section 42. — Neighborhood Security Councils; Creation. (25 L.P.R.A. § 3132)

Neighborhood security councils in the service of citizens are hereby created. They shall be formed by neighbors of the community to which they shall render voluntary services. The

Commissioner shall determine, by an internal regulation, the badges to be used, the enrollment requirements, their obligations, responsibilities, and conduct.

The Superintendent, in turn, shall have the duty to enforce the following concerning neighborhood security councils:

(a) To establish mechanisms to promote and [publicize] the neighborhood security councils, with the purpose of informing citizens in general about the procedure to follow for the formation of a neighborhood security council in the community, and also to inform citizens about the achievements of the program.

(b) To create, in coordination with the Secretary of the Treasury, tax incentives for any enterprise or business that sponsors one or more neighborhood security councils economically.

(c) In any community where a neighborhood security council is established, such community must have visible signs informing that a neighborhood security council is active in that specific community.

(d) Each Puerto Rico Police area headquarters must have an office to promote and to coordinate the pertinent work for the neighborhood security councils in its area. This office shall publish material for the general public every six months on the formation, achievements, and objectives of the neighborhood security councils in its area.

(e) To issue an annual report at the end of each fiscal year, to the Legislative Assembly of the Commonwealth of Puerto Rico, regarding neighborhood security councils by municipality. Likewise, the report must contain the achievements of the past fiscal year, as well as the goals and objectives for the next fiscal year.

Section 43. — Police Band. (25 L.P.R.A. § 3133)

(a) The organization of a band which shall be known as the "Puerto Rico Police Band" is hereby provided, whose organization and composition, as well as the rules for its government and administration, shall be determined in the Police Regulations. The members of the band shall be engaged in regular police work at least fifty percent (50%) of their working time.

(b) Operating expenses shall be consigned annually in the operating budget of the police.

(c) The Police Superintendent is hereby authorized to charge a minimum fee equal to the necessary expenses incurred by the Police Band, when participating in activities other than those of an official protocolary nature.

The Superintendent shall regulate the procedure to be followed and the fee to be paid for using the services of the Police Band.

The moneys collected by the Puerto Rico Police for said account shall be covered into the General Fund of the Commonwealth Treasury, separate from any funds from other sources received by said agency, to be used by the Puerto Rico Police Band in pursuit of its activities and rehearsals and to acquire musical instruments.

Section 44. — Police Chaplain Corps-Creation. (25 L.P.R.A. § 3134)

The Superintendent is hereby authorized to organize a Chaplain Corps subject to the following:

(a) All religious beliefs may be represented in the Chaplain Corps.

(b) Chaplains shall wear the vestments of their respective religions or the uniform and/or garments specified by the Superintendent.

(c) A strict separation shall be maintained between the church and the state.

(d) The duties of the chaplains and their relationship with the Police shall be established by the Superintendent through a General Order.

Section 45. — Medals for Valor. (25 L.P.R.A. § 3136)

Medals shall be awarded yearly to members of the Police Force and private citizens who have distinguished themselves for acts of valor during the preceding year. The highest award shall consist of gold medals. The others shall be of silver and shall be deemed of equal merit. Persons to be awarded shall be selected by a Commission consisting of the Superintendent or his/her representative, the Director of the Puerto Rico Central Personnel Administration Office, and the Adjutant General of the National Guard. Said Commission shall be presided by the Director of the Puerto Rico Central Personnel Administration Office. After examining the records and performance of the candidates submitted, the Commission shall adjudicate the medals. These shall be awarded on the 21st day of February of each year, which is the date celebrated as Police Day.

Section 46. — Vested Rights. (25 L.P.R.A. § 3136)

The provisions of this Act shall not affect the vested ranks or salary schedules of by [sic] the members of the Police Force.

Section 47. — Transitory Provisions. (25 L.P.R.A. § 3137)

(a) It is hereby provided that the presently appointed and confirmed Police Superintendent is exempted from complying with the requirement stated in the second paragraph of Section 4 of this Act concerning his/her appointment with the advice and consent of the Senate of Puerto Rico.

(b) The Police shall be governed by the regulations in effect under the provisions of Act No. 26 of August 22, 1974 until the regulations provided in Section 5, subsection (b) are in effect, except with regard to those provisions which are incompatible with this Act. However, the Superintendent shall be bound to draft new Police Regulations within the term of ninety (90) days from the approval of this act.

(c) It is hereby provided that as of January 1, 1977, in order to be eligible for the ranks of Lieutenant Colonel and Colonel, it shall be an indispensable requirement for the candidate to have taken and passed not less than sixty-four (64) university credits in a college or university accredited by the Puerto Rico Council on Higher Education. As of January 1, 1979, in order to be eligible for the ranks of Colonel and Lieutenant Colonel, it shall be a requirement for the candidate to hold a Bachelor's Degree granted by a college or university accredited by the Council on Higher Education of Puerto Rico. The university studies required and established herein shall not apply to those members of the Force who joined it prior to December 31, 1994.

It is hereby provided that, as of January 1, 2000, in order to be eligible for the ranks of Colonel and Lieutenant Colonel, it shall be a requirement for the candidate to hold a Master's degree or its equivalent granted by a college or university accredited by the Council on Higher Education of Puerto Rico; for the ranks of Commander, Inspector and Captain, the candidate must hold a Bachelor's degree granted by a college or university accredited by the Council on Higher Education of Puerto Rico; for the ranks of First Lieutenant, Second Lieutenant, Sergeant and Police Agent, the candidate must hold an Associate Degree conferred by the University College of Criminal Justice or by a college or university accredited by the Council on Higher Education of Puerto Rico. The university studies required and established herein shall not apply to those members of the Force who joined it prior to December 31, 1994.

Those candidates recruited pursuant to the provisions of Act No. 208 of 2003, must complete an Associate Degree in the University College of Criminal Justice or a public or private university accredited by the Council on Higher Education of Puerto Rico in a term of six (6) years, as of the candidate's completion of the special curriculum. Cadets who do not meet the requirements established herein within the probationary period shall not become Puerto Rico Police Officers.

(d) It shall be an essential requirement to be eligible for the rank of School Protection Officer I to have [passed] the courses in techniques to intervene with adolescents and other training necessary for an efficient performance of his/her functions. The Superintendent shall determine the exact number of credit-hours and courses an aspirant should [pass]. In addition, he/she must have a high school diploma or its equivalent and meet all other requirements established in the recruiting standards. For the rank of School Protection Officer II, it shall be a requirement to [pass] the probationary period as School Protection Officer I and meet all other requirements established in the norms of enlistment. To compete for the rank of Officer, he/she shall have an Associate Degree and one (1) year of experience as School Protection Officer II.

(e) Private security agencies and companies shall have a grace period of one year, from the effective date of this act, during which the provisions of subsection (d) of Section 11 of this Act shall not apply, [and] during which they shall discontinue the practice of allowing their employees to wear uniforms or portions thereof, with regard to their color, and a combination of outerwear, or equipment, including the design, color and insignias of motor vehicles, that are equal or similar to those prescribed for the use of the Police.

(f) Upon the effective date of this act, the rank and salary schedule enjoyed at that time by every member of the Police Force shall remain unaltered, with the exception of the following rank equivalencies:

- (1) The rank of Cadet Guard is eliminated and substituted by the rank of Cadet with the same salary schedule.
- (2) The rank of Guard is eliminated and substituted by the rank of Police Officer with the same salary schedule.
- (3) The classification or rank of Assistant Investigating Agent is eliminated and the following equivalencies are established:
 - (A) Assistant Investigating Agents who have obtained said classification or rank by [passing] examinations, shall be recognized with the rank of Sergeant. They shall be subject to the basic salary schedule for Sergeant or to the salary schedule they have as

Assistant Investigating agent, whichever is greater. They shall be allowed to take the examination for the rank of Second Lieutenant not later than one hundred and eighty (180) days from the date of approval of this act.

(B) Assistant Investigating Agents who have obtained said classification without having [passed] examinations, but who have supervised units or divisions uninterruptedly and satisfactorily during any twelve-month period within the five years prior to the approval of this act, shall be recognized with the rank of Sergeant. They shall be subject to the basic salary schedule for Sergeant or to the salary schedule they have as Assistant Investigating Agent, whichever is greater. Said agents shall have a term of not more than sixty (60) days in which to present corroborating evidence that they meet the abovementioned requirements. The Superintendent shall establish a procedure to validate said experience, as well as to proceed with the equivalency when pertinent.

(C) Assistant Investigating Agents who have obtained said classification without having [passed] examinations, but who have performed as such for less than fifteen (15) years, shall be recognized as Police Officers. They shall be subject to the basic salary schedule as Police Officers or to the salary schedule they have as Assistant Investigating Agent, whichever is greater, and shall be entitled to take the examination for the rank of Sergeant no later than 180 days from the date of approval of this act.

(4) The classification or rank of Investigating Agent I is eliminated and the following equivalency is established: Investigating Agents I shall be recognized with the rank of Second Lieutenant. They shall be subject to the basic salary schedule for Second Lieutenants or to the salary schedule they have as Investigating Agent I, whichever is greater.

(5) The classification or rank of Investigating Agent II is eliminated and the following equivalency is established: Investigating Agents II shall be recognized with the rank of First Lieutenant. They shall be subject to the basic salary schedule for First Lieutenants or to the salary schedule they have as Investigating Agent II, whichever is greater.

(6) The classification or rank of Investigating Agent III is eliminated and the following equivalency is established: Investigating Agents III shall be recognized with the rank of Captain. They shall be subject to the basic salary schedule for Captains or to the salary schedule they have as Investigating Agent III, whichever is greater.

(7) The classification or rank of Investigating Agent IV is eliminated and the following equivalency is established: Investigating Agents IV [who] have served on the Force for a term of fifteen (15) years or more may be appointed to the rank of Inspector or Major, at the discretion of the Superintendent, subject to the provisions of Section 5, subsection (e) of this Act. They shall be subject to the basic salary schedule for Majors or to the salary schedule they have as Investigating Agent IV, whichever is greater.

(8) The classification or rank of Investigating Agent V is eliminated and the following equivalency is established: Investigating Agents V shall be recognized with the rank of Lieutenant Colonel. They shall be subject to the basic salary schedule for Lieutenant Colonels or to the salary schedule they have as Investigating Agent V, whichever is greater.

(9) The following equivalencies are established for the ranks of Pilot I, II, III, IV, and V:

(A) Pilots I who have served on the Force for a term of ten (10) years or more shall be recognized with the rank of Second Lieutenant.

(B) Pilots II who have served on the Force for a term of ten (10) years or more shall be recognized with the rank of First Lieutenant.

(C) Pilots III who have served on the Force for a term of ten (10) years or more shall be recognized with the rank of Captain.

(D) Pilots IV who have served on the Force for a term of fifteen (15) years or more shall be appointed to the rank of Inspector, subject to the provisions of subsection (e) of Section 5 of this Act.

(E) Pilots V who have served on the Force for a term of fifteen (15) years or more shall be appointed to the rank of Major, subject to the provisions of subsection (e) of Section 5 of this Act.

Any Pilot I, II, or III, who upon the effective date of this act has not met these requirements and wish an upgrade in rank, may aspire to take the examination corresponding to the rank provided by this equivalency once he/she has met the terms established herein.

It is further provided that as of the effective date of the provisions of this act, any member of the Police Force assigned by the Superintendent to perform the duties as a Pilot shall have met the entrance requirements of the Force to which all members of the Police are subject, and with the requirements of the force to which all members of the Police are subject, and with the requirements established by the Federal Aviation Administration of the Department of Transportation of the United States of America. Members of the Police Force who, as of the effective date of this act, are assigned by the Superintendent to perform duties as Pilot or Copilot, shall be subject to the Uniform Rank System.

(10) The positions occupied by members of the Police Force promoted on their merits shall become regular positions.

Section 48. — Budgetary effect. (25 L.P.R.A. § 3138)

Any effect on the budget resulting from the implementation of the provisions of this Act shall be consigned in the operating budget for fiscal year 1996-97.

Section 49. — Severability. (25 L.P.R.A. § 3101 note)

If any clause, paragraph, subsection or section of this Act is declared unconstitutional by a competent Court, the judgment thus declared shall not affect, harm nor invalidate the rest of the Act. The effect of such judgment shall be limited to the clause, paragraph, subsection or section, or part thereof, which was hereby declared unconstitutional.

Section 50. — [Omitted. Sections 5 and 5A of Act No. 447 of June 19, 1954, as amended, is hereby amended]

Section 51. — Repeal. (25 L.P.R.A. § 3101 note)

Act No. 26 of August 22, 1974, as amended, known as the "Puerto Rico Police Act of 1974," is hereby repealed in its entirety, upon the effective date of this Act.

Section 52. — Effectiveness. — This Act shall take effect July 1, 1996.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.