



PRELIMINARY FINDINGS OF THE ACLU HUMAN RIGHTS DOCUMENTATION RESEARCH IN PUERTO RICO

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Since 2004, the ACLU of Puerto Rico has documented numerous cases of police brutality in Puerto Rico. Between March and May 2011, the national office of the ACLU conducted fact finding human rights research in Puerto Rico to further document allegations of police brutality. This document is a preliminary report of the ACLU researcher's initial findings. The ACLU's final research findings will be detailed in a full length report to be released in September 2011.

I. About the ACLU's Fact finding Human Rights Research

For two weeks in late March and early April 2011, and for one week in May 2011, the ACLU researcher conducted fact finding research in San Juan, Puerto Rico to examine:

1. Excessive use of force by police against university students, union leaders, workers and other protesters at the University of Puerto Rico (UPR), the steps of the Capital Building, and elsewhere—including pepper spraying, shooting with rubber bullets and beatings with nightsticks.
2. Restrictions on freedom of expression and assembly, and restrictions on the freedom of the press.
3. Other instances of police brutality, including excessive use of force by police in low income communities and communities of African and/or Dominican descent.

The research focused on the following categories of police violence and abuse:

1. Police violence against striking students at the UPR and student protesters at other locations.
2. Police violence against protesting union leaders and workers at various locations, including outside the Capitol building, governor's mansion, Supreme Court and outside a fundraiser for the governor.

- A mother and teenage daughter attacked by police at a protest at the Capitol building, where they marched to protest the closure of the legislative sessions and the firing of thousands of public workers.
- A man attacked by police while protesting the tearing down of a heritage site for a hotel.
- Labor leaders beaten with nightsticks, tear gassed, and pepper sprayed by police at protests at the Capitol building, Supreme Court, and the governor's mansion to protest the mass firing of 23,000 public workers, the majority unionized.
- Photojournalists, an independent radio journalist, and student journalists subject to police restrictions and/or violence while covering protests (e.g. police impeded access to cover police abuse of protestors; police used force on journalists wearing clearly displayed press credentials), including a journalist injured by riot squad officers who violently pushed him, causing a persistent arm injury.
- A minority party member of the Puerto Rican House of Representatives beaten and injured by police while trying to intervene when she witnessed riot squad officers beating and pepper spraying student journalists at the entry of the Capitol building.

The ACLU documented numerous cases of police brutality against low income communities and communities of African and/or Dominican descent. The people interviewed by the ACLU include:

- A mother whose unarmed son was executed by police, shot seven times in the back while in police custody, following an t i m e s

- Two young Dominican men beaten by police in separate incidents; in both cases the young men were unarmed and required

chamber. These government actions have limited journalists' ability to cover significant news stories even though they were breaking no laws.

Civilians subjected to severe police brutality, including lethal force, face serious obstacles to securing justice. Their administrative complaints often yield no results, they face long delays, criminal cases are rarely initiated against the officers reportedly involved, and the officers involved in the cases documented generally were not sanctioned.

III. Preliminary Findings Regarding Puerto Rico Police Department Policies and Practices

To its credit, the Puerto Rico Police Department (PRPD) has acknowledged that there is need for reform of police policies and practice, and it has initiated a process of reform that is expected to include the issuance of new use of force policies, training of cadets and officers on these new policies, and other much needed reforms. The ACLU has identified the following problematic PRPD policies and practices that require attention during this reform process:

- As of May 2011, the PRPD has no protocols on the use of force, on the use of chemical agents (pepper spray and tear gas), or on riot police and crowd control policy. Moreover, the PRPD has no catalogue of all existing written directives and orders governing police action. PRPD leadership has indicated that the ~~APJ/AA~~

- There is no special treatment of complaints of officer actions resulting in the death of a civilian.
- In cases of officer involved deaths of a civilian, if there is doubt about whether the shooting was in self defense, or if the particular circumstances are not known, the Area Command prepares the standard incident report about the death of a person; no special reports are prepared, nor does the incident appear in police statistics.
- The ACLU documented numerous problems with the PRPD's complaint process that lead to impunity for excessive use of force and other police abuse, including:
 - Excessive delays: PRPD administrative complaints often take years to resolve, due in part to the many steps (there are 14 steps, including reviews by hearing officer, legal division, etc.).
 - Excessive delays after complaints are referred for criminal investigation of alleged crimes by police officers. Where there is evidence of criminality, a complaint is referred to the Special Investigation Bureau (NIE) of the Justice Department instead of administrative investigation within the PRPD. There are excessive delays in the NIE process.
 - Failure to interview witnesses to incidents of excessive use of force, including civilian bystanders and other police officer witnesses to incidents.
 - Refusal ~~the~~ to a

sanctions and/or orders the reinstatement of officers who have been ordered discharged from the police force due to unlawful use of force.

- The ACLU documented significant gaps in the training and supervision of officers, including:
 - Failure of high level supervisors to establish protocols to provide for adequate supervision of officers who have offended.
 - Inadequate follow up training of field officers after their initial training in the police academy.
- The ACLU documented a systematic failure to ensure officers can be identified by civilians who wish to report complaints of excessive use of force:
 - Police dispatched to protests are not wearing identifying name tags (they are removable Velcro tags) or are concealing identifying name tags with the pocket flap of their uniform. Booking papers do not indicate name of arresting officer in the majority of the cases of arrested protestors. The ACLU has also received reports that officers are exchanging badges with other officers to discourage identification.

To its credit, the PRPD has already accomplished the following much needed reforms:

- Until February 2011, the PRPD had no standard trigger weight for police issued weapons. Weapons were set to standard factory setting, as low as 5.5 and 6 lbs. In response to the shooting of an unarmed civilian at a Burger King, in February 2011 the PRPD set the standard trigger weight to 8.5 lbs (NYPD and LAPD have a minimum requirement of approximately 12.5 lbs trigger weight). The PRPD has changed 1500 weapons to conform to the new trigger weight standard, but still has to change 5000 already issued weapons.
- Until recently, the PRPD has change ~~m80303030~~ issued
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There are inadequate protections to ensure that police do not use excessive force against protestors and journalists. Better training, supervision, control and monitoring of officers' use of force are needed.

There are gaps in the existing oversight and disciplinary mechanisms for police who use excessive force. The government's failure to hold officers accountable for misconduct or improper, unreasonable and excessive uses of force has created impunity for these officers.

For more information, please go to: www.aclu.org/puertorico