

COMMONWEALTH OF PUERTO RICO
OFFICE OF THE GOVERNOR
SAN JUAN, PUERTO RICO

Administrative Bulletin No. 5329A

EXECUTIVE ORDER OF THE GOVERNOR OF THE COMMONWEALTH OF PUERTO RICO TO AMEND ARTICLE 1, REPEAL SUBSECTION (B) OF ARTICLE 3 AND RENUMBER SUBSECTIONS (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), (O) AND (P) AS SUBSECTIONS (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N) AND (Q) OF ARTICLE 3, RESPECTIVELY, AND TO ADD A NEW ARTICLE 4 AND A NEW ARTICLE 5 AND RENUMBER ARTICLES 4, 5 AND 6 AS ARTICLES 6, 7 AND 8, RESPECTIVELY, OF THE EXECUTIVE ORDER OF THE GOVERNOR OF THE COMMONWEALTH OF PUERTO RICO TO CREATE A COUNCIL FOR THE PROTECTION OF CITIZENS' RIGHTS TO PRIVACY AND FOR THE SECURITY OF PERSONS AND OF THE COMMONWEALTH OF PUERTO RICO, ADMINISTRATIVE BULLETIN NO. 4970-A OF JULY 21, 1987, AND SUPERSEDE THE EXECUTIVE ORDER OF THE GOVERNOR OF THE COMMONWEALTH OF PUERTO RICO OF MAY 2, 1988, ADMINISTRATIVE BULLETIN NO. 5094.

NOW THEREFORE, I RAFAEL HERNANDEZ COLON, Governor of the Commonwealth of Puerto Rico, by virtue of the authority vested in me by the Constitution of Puerto Rico and laws of the Commonwealth of Puerto Rico, do hereby proclaim and order as follows:

FIRST: That Article 1 of the Executive Order of July 21, 1987, Administrative Bulletin No. 4970-A, be amended to read as follows:

"Article 1.- The Council created by this Executive Order shall be continuous and permanent and shall be composed of the Secretary of State, the Secretary of Justice, who will be its Chairman and the Police Superintendent."

SECOND: That subsection (b) of Article 3 of the Executive Order of July 21, 1987, Administrative Bulletin No. 4970-A be repealed, and subsections (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o) and (p) of Article 3 be renumbered as subsections (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n) and (o) of Article 3, respectively.

THIRD: That a new Article 4 be added to the Executive Order of July 21, 1987, Administrative Bulletin No. 4970-A, to read as follows:

"Article 4.- The information under custody of the Council, gathered in accordance with the guidelines established in Article 3, may be subject

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to examination by any citizen, provided, that such examination does not:

- (a) interfere with law enforcement criminal investigations or procedures;
- (b) deprive a person of the right to a fair trial or to an impartial sentence;
- (c) constitute an unjustified invasion of privacy;
- (d) reveal the identity of a confidential source;
- (e) reveal investigative techniques or procedures;
- (f) endanger the life or physical safety of law enforcement personnel or witnesses.

Only the Council, with the Governor's approval, may authorize the disclosure of information concerning to its functions, operations or activities. Any employee, functionary or official, or person, who carelessly, by omission, or deliberately offers information, divulges or discusses publicly any action, activity, investigation or official act under the supervision of the Council, shall be subject to the administrative sanctions as shall be established pursuant to subsection (c) of Article 3."

FOURTH: That a new Article 5 be added to the Executive Order of July 21, 1987, Administrative Bulletin No. 4970-A to read as follow:

"Article 5.- This Order shall be implemented by appropriate directives by the Secretary of Justice and the Police Superintendent to all criminal law enforcement personnel to comply with the provisions of the Order. In addition, under the supervision of the Council, the Secretary of Justice and the Police Superintendent shall continue to conduct training programs for all criminal law enforcement personnel on the procedure and guidelines contained in this Order to insure that the conduct of all criminal law enforcement personnel will conform with the specific procedures and guidelines established therein."

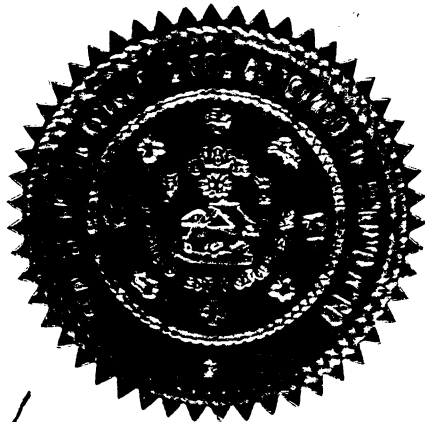
FIFTH: That Articles 4, 5, and 6 of the Executive Order of July 21, 1987, Administrative Bulletin No. 4970-A, be renumerated as Articles 6, 7 and 8, respectively.

SIXTH: That the Executive Order of the Governor of the Commonwealth of Puerto Rico which provides the procedure by which the investigations of criminal

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acts against the public security should be conducted and to adopt temporary measures, Administrative Bulletin No. 5094 of May 2, 1988, is superseded by these amendments and therefore no longer remains in effect.


SEVENTH: This Order shall take effect immediately after its signature.



IN WITNESS WHEREOF, I have hereunto set my hand and have caused the seal of the Commonwealth of Puerto Rico to be affixed at San Juan, Puerto Rico, this day of April 13, 1989,


Rafael Hernández Colón
Governor

Attest:


Sila M. Calderon
Secretary of State