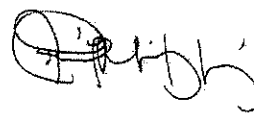


GOVERNMENT OF PUERTO RICO
PAROLE BOARD

Number: 9232

Date: November 18, 2020

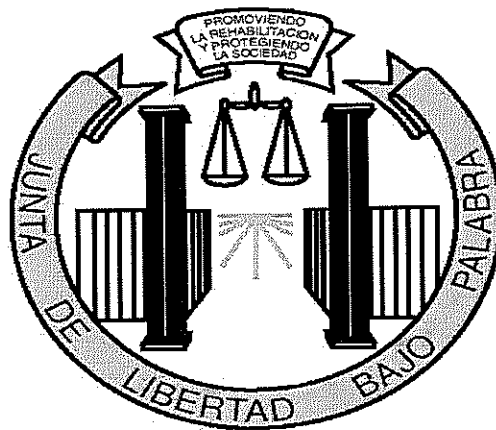
Approved :



Raúl Márquez Hernández

Secretary of State

DEPARTMENT OF STATE



BY LAWS OF THE
PAROLE BOARD

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**GOVERNMENT OF PUERTO RICO
PAROLE BOARD**

PAROLE BOARD RULES

ARTICLE I - DENOMINATION

This Regulation shall be known as the Bylaws of the Parole Board.

ARTICLE II - STATEMENT OF PURPOSE

Law No. 118 of 22 July 1974, as amended, creates the Parole Board, as an administrative body with quasi-judicial functions, whose purpose is the rehabilitation of persons convicted of crime, while protecting the best interests of society and victims of crime. In the disclaimer of its quasi-judicial functions, the Parole Board is empowered to decree the parole of any person held in the custody of Puerto Rico's correctional institutions, provided that it meets the requirements set out in Law No. 118, above.

The adoption of this Regulation lays down the procedural rules governing the discharge of the adjudicative function of the Parole Board. This Regulation incorporates mechanisms to carry out the processes within the corresponding term, safeguarding the rights recognized to petitioners as part of the due process of law. In turn, this Regulation incorporates the rights granted to victims of crime by the organic law of the Board and the Bill of Rights of Victims and Witnesses, Act No. 22 of April 22, 1988, as amended, laying down the rules to ensure the victim's participation in proceedings before the Board.

In accordance with the provisions of the Supreme Court in **Ortiz v. Alcaide**, 131 DPR 849 (1992), this Regulation adopts the provisions on the award process laid down in the Law on Uniform Administrative Procedure, Law No. 38 of June 30, 2017, as amended.

The articles contained in this Regulation shall be construed in such a way that the administration of processes on the Board ensures at all times equitable and deferential treatment of members of the correctional population, petitioners and parolees in accordance with public rehabilitation policy, as set out in Article VI, Section 19 of the Constitution of the Commonwealth of Puerto Rico, to effectively promote the proper treatment of petitioners and parolees to make their moral and social rehabilitation possible.

ARTICLE III - LEGAL BASE

This Regulation is adopted in accordance with the authority expressly conferred on the Parole Board by Article 3(g) of Law No. 118 of 22 July 1974, as amended, known as the Organic Law of the Parole Board, and in compliance with the provisions of Law No. 38 of June 30, 2017, as amended, better known as the "Uniform Administrative Procedure Law of the Government of Puerto Rico."

ARTICLE IV - APPLICABILITY

This Regulation shall apply to all proceedings before the Parole Board, as well as to all parties appearing before the forum, regardless of the nature of their appearance.

ARTICLE V - DEFINITIONS

Any term used to refer to a person shall be understood to refer to both genders, as well as any term used in singular must be understood in the plural. Any words or sentences not defined in this article shall be interpreted according to their common and ordinary use.

The following terms used in this Regulation have the following meaning:

- a. Lawyer:** Person admitted by the Supreme Court of Puerto Rico to practice law.

- b. **Act:** Confidential written document that cannot be disclosed and contains sensitive and privileged information that relates to what happened, discussed, or agreed upon during a board meeting.
- c. **Agreements:** Resolution or Order of the Board adopted by a majority of members, and one of them must be admitted to the practice of law by the Supreme Court of Puerto Rico.
- d. **Year, month and day:** If not expressed otherwise, "Year" means a calendar year, "month" means a period of thirty (30) days, and "day" means a natural day.
- e. **Immediate authorization:** Faculty granted to a parolee to carry out an action or local level for a set time.
- f. **Citation or Summons:** Writing issued by the Secretary of the Board, or oral citation by the examiner or the Board, indicating the place, time and date on which a hearing will be held.
- g. **Executive Clemency:** Those privileges granted by the Governor under Article IV sec. 4 of the Constitution of Puerto Rico, and which include suspending the execution of sentences in criminal cases, pardoning, commuting sentences and condoning all or part of fines and forfeitures for crimes committed in violation of the laws of Puerto Rico. Executive clemency, in its Pardon mode, includes: Total Pardon, Conditional Pardon, Minimum Commutation, and Maximum Commutation.
- h. **Penal Code of 1974:** Penal Code of the Government of Puerto Rico established under Law No. 115 of July 22, 1974, as amended.

- i. **Penal Code of 2004:** Penal Code of the Government of Puerto Rico established under Law No. 149 of June 18, 2004, as amended.
- j. **Penal Code of 2012:** Penal Code of the Government of Puerto Rico established under Law No. 146 of July 30, 2012, as amended.
- k. **Official Knowledge:** The agency's interpretation of any law or regulation that is under its administration that is issued at the request of part or at the initiative of the agency and becomes part of the formal repertoire of interpretations of the agency.
- l. **Special conditions:** Conditions imposed by the Board taking into account the specific circumstances of each case.
- m. **Mandatory Conditions:** Conditions imposed by the Board in all cases where the privilege of parole is granted. These conditions adopted by the Board by resolution and with the majority approval of the members of the Board.
- n. **Internal Mail:** Any written and issued communication between the Department of Correction and Rehabilitation and the Parole Board.
- o. **Department of Correction and Rehabilitation:** Agency of the Executive Branch responsible for implementing the policy related to the correctional and rehabilitation system of adults and minors, as well as the custody of all offenders and transgressors of the criminal justice system of Puerto Rico.
- p. **Detainer:** Petition submitted by a Penal Justice Agency to the Correctional Institution in which the petitioner is imprisoned and is requesting notification to the Agency that issued the Detainer as to when the petitioner is to be released.

- q. **Immigration Detainer:** A tool used for the U.S. Immigration and Customs Enforcement Service (ICE) and other Department of Homeland Security (DHS) officials when the Agency identifies potentially deportable persons who are detained in Puerto Rico prisons.
- r. **State Detainer:** When a State issues an Order related to a petitioner under the jurisdiction of that State; because it has a pending criminal prosecution in the state of origin.
- s. **Federal Detainer:** Federal arrest warrant issued by relevant federal authorities for a pending sentence to be served.
- t. **Executive Director:** Person appointed by the President of the Board who will be in charge of the administrative affairs and operations of the Board, who may contract or otherwise provide the Board with all the services it deems necessary or convenient for its operation.
- u. **Analogous entity:** Means any legal entity, public or private facility, or facility that is dedicated, in whole or in part, to plan, administer and provide services of treatment, recovery and rehabilitation of mental health, and that operates with professionals authorized to practice, as such, in accordance with the laws of Puerto Rico. This definition also includes mental health science professionals in their private offices operating for the purpose of providing mental health treatment, recovery and rehabilitation services, including drug and alcohol use disorders and comorbid conditions. It is also considered a provider institution, community-based organizations, with or without profit,

that are dedicated to providing therapeutic interventions to patients with disorders for drug abuse or dependence, alcohol or comorbid conditions.

- v. **Evaluation:** Analysis of the social, physical, emotional, mental and criminal histories; the capacities, interests and other relevant aspects of petitioners and parolees, practiced by treatment personnel and those specialists hired by the Department of Correction and Rehabilitation or the Board.
- w. **Brief Report on Parole:** Research carried out by the socio-criminal services technician of the Community Program of the Department of Correction and Rehabilitation, whose purpose will be, among other things, to corroborate the viability of the proposed exit plan and the opinion of the immediate community.
- x. **Adjustment and Progress Report:** Study carried out by the socio-criminal service technician in relation to the behavior observed by the person while confined in an institution, in a diversion program or enjoys parole. It includes aspects of work or study, compensation, physical or mental health, addiction, treatment, enjoyment of passes, personal visitors at the institution and other relevant aspects as the case may be.
- y. **Parole Report:** Study conducted by a socio-criminal services technician of the Community Program of the Department of Correction and Rehabilitation, which includes the social and criminal history; circumstances of the crime(s), official version of the crime, postal and physical address and opinion of the injured person, opinion of the family and the community regarding the release of the member of the correctional population, institutional adjustments,

description, corroboration, evaluation of the exit plan, plus any other relevant information that the socio-criminal services technician considers to be known to the Board.

- z. Report of the examiner officer:** Written report issued by the examiner or officer in which he expresses the determinations of fact, conclusions of law and issues his recommendation for consideration by the Board.
- aa. Correctional Institution:** Place enabled and designated by the Department of Correction and Rehabilitation until the extinction of sentences. It includes prisons, detention centers, correctional camps, social accommodation homes, industrial schools, treatment centers and programs when they are in the correctional population.
- bb. Board:** The Parole Board is an agency created by Law No. 118 of 22. July 1974, as amended.
- cc. Jurisdiction:** Authority conferred by law on the Board empowering it to grant, revoke, relieve or modify the conditions of parole, issue warrants for arrest, retention or fugitive requirement, recommend to the governor the granting of Executive Clemency and any other act of the Board authorized by law.
- dd. Organic or Enabling Law or Law:** Law No. 118 of July 22, 1974, as amended, created by the Parole Board.
- ee. Parolee:** Person who is released and enjoys the privilege of parole.

- ff. **Mandate:** Certificate issued by the Board containing the mandated and special conditions to be fulfilled by the parolee from the moment the parole is effective.
- gg. **Amended mandate:** Certificate issued by the Board containing the amended conditions.
- hh. **Associate Member:** Person appointed by the Governor, with the advice and consent of the Senate, to occupy a post on the Parole Board, as provided for in Article 1 of Law No. 118 of July 22, 1974, as amended, who will devote all his/her working time to the official functions of the position.
- ii. **Members:** Refers to all the members of the Board, including the President.
- jj. **Notification:** Official letter sent by the Secretary of the Board to the petitioner or parolee, legal representative if involved, as well as to the victim, giving knowledge and declaration of the content of any resolution, summons or agreement issued by the Board and whose date of dispatch is contained therein.
- kk. **Official Examiner:** Person appointed by the Board to hold meetings, receive proof of any case or matter pending determination by the Board itself, take the oath and issue recommendations.
- ll. **Arrest Warrant:** Order to confine issued by the president or any of the members of the Board, of any parolee to be admitted to the correctional institution appointed by the secretary of the Department of Correction and Rehabilitation. This order is issued to be executed in and out of the jurisdiction of Puerto Rico. It will not expire until the sentence is served.

- mm. Remote Arrest Warrants:** Arrest warrant with more than five years of issuance by the president or any of the members of the Board, of any parolee to be admitted to the correctional institution appointing the Secretary of the Department of Correction and Rehabilitation. This order is issued to be executed in and out of the jurisdiction of Puerto Rico. It will not expire until the sentence is served.
- nn. Expert:** Person who possesses special knowledge, skill, experience, training or instruction sufficient to qualify as an expert or expert in the matter on which the person will testify. It will also be understood as the person who uses his special knowledge to assist a victim to understand the procedures before the Board or the information to which he is entitled, and which is related to his specialty.
- oo. Petitioner:** Member of the correctional population requesting to be considered for parole by the Board, once it comes to the minimum of the sentence, as certified by the Department of Correction and Rehabilitation.
- pp. President:** Person appointed as such by the Governor, with the advice and consent of the Senate, who will be the executive functionary in charge of leading the Board in quasi-judicial matters, preside over the meetings of the Board members and lead the overall functioning of the Agency.
- qq. Mental Health Professional:** Professionals from various disciplines and levels of academic preparation, related to mental health, who provide services and who comply with the laws of Puerto Rico to practice their profession.

- rr. Community Program:** Office attached to the Office of Programs and Services of the Department of Correction and Rehabilitation, responsible for conducting investigations to corroborate the exit plan submitted by a petitioner and supervising those parolees under the privilege of parole.
- ss. Complaint:** A written document in which a parolee is charged with violating one or more of the conditions imposed on them by granting them parole, specifying the facts that constitute the violation or the alleged violations.
- tt. Reconsideration of cases:** A process by which the Board will re-consider cases in which parole has been denied.
- uu. Requisition of Fugitive:** Search order issued by the president or any of the associate members of the Board so that the parolee is arrested, and the arrest warrant and his appearance become effective.
- vv. Resolution:** Official pronouncement of the Board by which it notifies its decision regarding the privilege of parole containing the warnings for reconsideration or revision thereof. They also include applications or orders issued by the Board on any other matter within its jurisdiction.
- ww. Withholding:** Order that prevents the release of the defendant until he/she appears before the Board and the complaint is finally ordered.
- xx. Secretary of the Board:** Person appointed by the president, who will be in charge of the Secretary of the Board and will perform the duties and responsibilities conferred and assigned by this Regulation, the law and the president.

- yy. Judgment determined:** Sentence of imprisonment for a fixed term, issued by a court in accordance with the provisions of Act No. 104 of June 4, 1980.
- zz. Indeterminate Judgment:** Sentence of imprisonment issued by a competent court in which the minimum and maximum terms are imposed for any crime committed and sentenced prior to the validity of Law No. 104 of 4 June 1980.
- aaa. Crime victim:** Any natural person against whom any crime has been committed or attempted to be committed in the laws of the Government of Puerto Rico or in the laws of the United States of America, or the legal guardian or custodian of such person, spouse survivor or a relative up to the third degree of consanguinity, when the former has died, is a minor, or is physically or mentally incapacitated to appear to give testimony.
- bbb. Vice President:** Member of the Board selected as vice president by majority of votes of Board Members, who will hold the position during the term of their appointment and replace the president during his/her absence in all related functions.
- ccc. Hearing:** Hearing held by the Board, any of the members or an Official Examiner.
- ddd. Consideration Hearing:** A hearing that is held in those cases that are presented before the Board's Consideration, to be evaluated in relation to parole.
- eee. Special Hearing:** Hearing held as parolee for the purpose of resolving a matter or matters expeditiously or urgently.

- fff. Investigation Hearing:** A hearing held to assess whether there is probable cause to believe that the parolee has violated the conditions imposed in the mandate.
- ggg. Mandate Modification Hearing:** A hearing held for the purpose of amending the Mandate, either to change, delete, include, or modify the conditions imposed on the parole for the enjoyment of the privilege.
- hhh. Follow-up Hearing:** hearing held as part of the terms of the Mandate, to evaluate the adjustments of the parolee in the free community, including those requests for change of residence outside the jurisdiction of the Government of Puerto Rico.
- iii. Final Hearing:** A hearing held to determine whether or not to revoke the parole privilege.
- jjj. Initial Summary Hearing:** A hearing held within the shortest possible term, which in normal circumstances should not exceed seventy-two (72) hours from the time of arrest and detention of the parolee.
- kkk. Warrant:** Mandate and arrest order issued by the Board when a parole is outside the jurisdiction of the Government of Puerto Rico.

ARTICLE VI - INTERNAL OPERATION OF THE BOARD

A. Agency Headquarters

The headquarters of the Board will be the city of San Juan, Puerto Rico; however, the Board may hold sessions or hearings anywhere within the territorial area of the Government of Puerto Rico or the United States.

B. Minutes

The first matter to discuss at each Board meeting will be quorum verification. The previous minutes will then be read, the copy of which must be delivered to the members by email at least one (1) day in advance of the regular meeting. It will not be read unless there is a unanimous agreement. The previous minutes shall be approved by a majority of the members present. Once approved they will be signed by the president and at least one (1) Associate Member of the Board who had attended that meeting.

C. Meetings

Ordinary or extraordinary meetings may be held when the President summons and deems it necessary to attend matters, in the event of the extraordinary meeting they shall be urgent matters which shall be expressed in their purpose. The president may delegate this function to the vice president. Board meetings will be private and confidential, disclosure is not permitted. Meetings should be held at least six (6) times a year.

D. Quorum

In the absence of a President; The Board meeting may be called by three (3) associate members who will constitute a quorum, and one of the associate members must be admitted to practice law by the Supreme Court of Puerto Rico. If there is a president, he/she and two (2) associate members will be a quorum. If a quorum is not constituted, the members present will carry out tasks that do not involve decision-making, such as, for example, reading correspondence.

ARTICLE VII - JURISDICTION

Section 7.1 - Indeterminate Sentence Regime

- A. The Board shall acquire jurisdiction when the petitioner has complied with the minimum term of detention in accordance with the judgment for which he is held. In consecutive or concurrent sentences of detention, must have served a period equal to the longest minimum term of detention. When the sentence is for life imprisonment, the petitioner must have served twelve (12) calendar years.
- B. The minimum term of reclusion shall be determined by the certification issued by the Rehabilitation Correction Department on the sentencing settlement sheet.

Section 7.2 - Determined Sentencing Regime

- A. Convictions under the Penal Code of 1974
 - 1. The Board shall acquire jurisdiction where the petitioner has served half of the fixed judgment imposed on him.

2. When the Petitioner has been sentenced for first-degree murder, the Board shall acquire jurisdiction when the person has turned twenty-five (25) natural calendar years or when he has served ten (10) natural calendar years if the person convicted of such a crime was a minor and sentenced as an adult.
3. When the judgment imposed a special penalty as provided for in Article 49-C of the 1974 Penal Code, the Board shall acquire jurisdiction where the petitioner has paid the special penalty and has served half of the fixed sentence imposed.

B. Convictions under the 2004 Penal Code

1. If the person has been convicted of a first-degree felony or a habitual recidivism has been determined, the Board shall acquire jurisdiction upon his or her twenty-five (25) natural years of his sentence, or ten (10) natural calendar years, in the case of a minor prosecuted and sentenced as an adult.
2. If the person has been convicted of a second-degree felony or a severe second-degree felony, the Board shall acquire jurisdiction at the eighty per cent (80%) of the term of detention imposed.
3. If the person has been convicted of a third-degree felony, the Board shall acquire jurisdiction upon its sixty per cent (60%) of the term of detention imposed.

4. If the person has been convicted of a fourth-degree felony, the Board shall acquire jurisdiction upon its fifty percent (50%) of the term of detention imposed.
- C. Convictions under the 2012 Penal Code, which apply in accordance with applicable law.

Section 7.3 - Petitioners sixty (60) years of age or older

- A. The Board shall acquire jurisdiction in the case if the petitioner is between sixty (60) to sixty-four (64) years of age and has served a minimum of ten (10) years of his sentence; or if have sixty-five years of age or older and have served a minimum of five (5) years of the sentence. Only will be eligible the convict who in addition to meeting have the required age:
 - i. The sentence that are serving is not for: murder, kidnapping, sexual aggression, incest, genocide or crimes against humanity, sale or distribution of controlled substances to persons under the age of eighteen (18), sale or distribution of illegal weapons, use of a minor for the production, publication or sale of child pornography and abuse by restricting the freedom and crimes of sexual aggression in the relationship , as referred to in Law No. 54 of 15 August 1989, as amended.
 - ii. Has not been a recidivist in the aggravated or usual modality as defined in the Penal Code and has observed good conduct in the institution for a reasonable period of time not less than one calendar year uninterrupted to date.
- B. Petitioners who comply with clause (A) shall be assessed by the Board and shall comply with the other requirements established by the Law and

Regulations in order for the Board to determine to grant them the privilege of parole.

- C. Specifically, for the cases referred to in clause (A) of this section, persons who meet the requirements of Law and Regulations will be eligible to enjoy the privilege, even in cases where the jurisdiction of the Parole Board is limited under special law.
- D. The jurisdiction of these cases shall be subject to compliance with the provisions of Section 1503(a) to (f) of Law 118 of 22 July 1974, as amended, relating to victims of crime.

Section 7.4 – Revoked Cases

- A. In revoked cases overturned for violation of conditions, the petitioner will serve half of the remaining sentence so that the Board can acquire jurisdiction and re-consider it for parole.
- B. In cases revoked by the re-crime commission, the Board shall acquire jurisdiction again when the petitioner complies with the minimum term of detention required for the Board to assume jurisdiction for the new crime.
- C. When the Board revokes the privilege and the petitioner is serving a sentence of life imprisonment or a sentence for ninety-nine (99) years or more, the Board shall acquire jurisdiction again when the petitioner meets two (2) natural calendar years of detention upon revocation.
- D. If the remaining half is one (1) year or less, the Board shall not again consider the case for parole, except for exceptional situations.

Section 7.5 - Exceptions to the exercise of its jurisdiction

- A. The Board shall not exercise jurisdiction in the following cases:
1. When the crime for which the petitioner complies with a sentence of detention is expressly excluded by the organic law of the Board and/or special laws.
 2. When the victim-related provisions set out in the Board's organic law and this Regulation are not complied with.
 3. When the petitioner is complying with the term of detention as a precondition for the enjoyment of parole.
 4. When the sentence imposed is six (6) months or less, and the case has been referred to the Board with forty-five (45) calendar days or less to extinguish that judgment.
 5. When the case has been referred without the petitioner having complied with the term of detention required for the Board to assume jurisdiction.
- B. It shall not be an impediment for the Board to exercise its jurisdiction the fact that the petitioner has brought any legal remedy available to challenge its detention, or that such remedy is pending before any court in Puerto Rico or the United States at the time the Board acquires jurisdiction.

ARTICLE VIII - VICTIMS

Section 8.1 - Rights

In those proceedings before the Board, in which Law No. 118, above, grants victim's participation, the victim of crime shall be guaranteed the following rights:

1. Receive a dignified, compassionate and respectful treatment from all members and employees of the Board.
2. Be notified in writing of the date on which the hearing is to be held.
3. Appear and be heard, either orally or in writing at his or her discretion, to present to the members of the Board or the panel of the Board his or her opinion on:
 - a. The rehabilitation process and the determination to be made at the time in relation to the benefit of the privilege, and/or
 - b. The economic, emotional or physical impact that the commission of the crime has caused on your person and your family.
4. Be present as an observer in the hearing.
5. By request for this purpose, testify at the petitioner's hearing or released, in the absence of the petitioner.
6. To resign, in writing, the right of notification and participation in the procedures of the Board.
7. Have access to all information contained in any file or form of documentation about the parolee or petitioner, as well as any records related to his or her physical or mental health when the request for

information is directly related to the administration of justice in criminal cases, where relevant and in accordance with applicable laws and regulations , except for information provided as confidentiality by unrelated third parties and that may reveal their identity.

8. Be assisted by a lawyer or any expert who facilitates the understanding of the procedures, or the information to which are entitled.
9. To require that the confidentiality of information about your residential and business address, as well as telephone numbers and any documents, paper, photographs containing this information and in the custody of the Board and its employees, be maintained when the particular circumstances of the case and the personal safety of the victim and his/her family members warrant it.
10. Be notified of the outcome of the hearing when the person responsible for the crime is to be released on parole, prior to his departure or transfer to the free community.
11. To appeal an administrative review, to the plenary of the Board on any determination, order or resolution issued by the corresponding panel.
12. Appeal to the Court of Appeals for any determination, order or decision issued by the Board.
13. When victim is a minor or incapacitated, unless asked about the extent of the duty to tell the truth, is not to be taken an oath or affirmation in this regard.

14. Have at your disposal a separate area from the place where the parolee, petitioner or related persons are located.

Section 8.2 - Obligations

In those proceedings before the Board, the victim shall be obliged to:

1. Be properly identified and comply with the security requirements of the Board, Community Programs and the relevant correctional institutions.
2. Appear on the date and time that has been notified to you for the hearing.
3. Refrain from any verbal or physical manifestation that interrupts the procedures or interferes with the safety of those present in it.
4. To inform the Board of any change of postal address, physical and telephone number within a term of no more than ten (10) calendar days from the date the change of postal address and/or telephone number was made.
5. Use the information contained in the petitioner's file or parolee solely and exclusively for the purpose of issuing an informed opinion on the rehabilitation of the petitioner and the determination to be made at the time in relation to parole.
6. Refrain from publishing or disclosing to third parties the information obtained from the files of the parolee or petitioner.

Section 8.3 - Notification of Victims

- A. Notification to the victim shall be made using the contact information arising from the case reference and the accompanying documents.
- B. When the victim's information does not arise from the case and accompanying documents, the Board shall request it, in writing, from the Community Program of the Department of Correction and Rehabilitation and other relevant agencies, as well as conduct a search of the information systems accessible to the Board.
- C. After exhausting the remedies referred to in the previous clause, if no information is obtained about the victim, the Board shall notify the hearing by posting a notice in a general circulation newspaper, which shall include the following:
 - 1. Expression of the provision of law or regulation that empowers publication.
 - 2. Case name and number
 - 3. Month in which it will be considered by the Board
 - 4. Postal address and telephone number of the Board.
 - 5. Date of issue of notice
 - 6. Signature of the Board's Secretary
- D. The published notice shall remain in force for the term of fifteen (15) working days from the date of publication of the notice. After this term, the Secretary of the Board will certify compliance with the notification to the injured party and the procedure will continue without their participation.

E. In cases where the Board has the information of the victim or comes to the knowledge of the victim after the necessary efforts to obtain it, the hearing shall be notified as follows:

1. Hearings shall be notified in writing within fifteen (15) working days prior to the date on which the hearing will be held, including the following information:
 - a. The date, time and place where the hearing will be held.
 - b. Brief explanation of the reasons for the hearing, including mention of the crime or crimes for which the client was convicted.
 - c. A list of the provisions of law or regulation applicable to the victim's participation in the proceedings.
 - d. Address and telephone number of the office or official with whom the victim may contact to receive additional information about their participation in the hearing.
2. The notification shall be made by regular mail to the last known postal address of the victim in the file. The notification by mail is considered to have been made with the act of depositing it in the mail.
3. If the notification is not received returned by the postal service, it shall be understood that it was duly received by the victim. In the absence of a response from the victim, the secretary of the Board shall proceed to certify compliance notification, and proceedings will continue

without your participation. In these cases, all subsequent notifications will be made to the last known postal address of the victim in the file.

4. If the notification is returned by the postal service, after verifying that it was duly made to the last known address that works in the file, the secretary of the Board will proceed to certify compliance with the notification and continue with the procedure without the participation of the victim. In these cases, the certification issued will remain in force as long as there are no changes to the information of the victim on the record. If, subsequently, the Board becomes aware of another postal address of the victim, subsequent notifications shall be made to that address.

- F. In cases where the injured party is a legal entity, the Board's secretary shall issue a certification stating that in the event that it does not apply the provisions on notification to victims contained in the board's organic law.
- G. Any other notification mechanism provided by law may be used.

Section 8.4 - Victim Participation

- A. Hearings
 1. At the request of the victim, the victim may be present as an observer at the hearing and the hearings following the granting of parole. Upon request for this purpose, the victim may testify at these hearing, in the absence of the petitioner or parolee. In both cases, the petitioner's legal representative or parolee must be notified and may be present at the hearing.

2. The victim's appearance may be personally at the headquarters of the Board or through the videoconferencing system, for which he/she will go to the Community Program or correctional institution indicated.
 3. When appearing at the hearing, the victim may be assisted as a lawyer or by any expert who facilitates his or her understanding of the proceedings. Such lawyer or expert will be hired by the victim of crime and will be obliged in writing to maintain the confidentiality of the information provided to him by the Board in the exercise of his duties. The attorney or expert will be responsible for the misuse of this information.
 4. Targeting victims
 - a. Before entering the hearing, the victim will be guided on the process by the assigned staff. This guidance will be made in the designated waiting area for victims.
 - b. Personnel assigned to victims will take and update the victim's contact information.
 - c. In this guidance, the victim may request that he be allowed to examine the file and sign a commitment not to disclose the information.
- B. The victim's opinion.
1. The victim may give his opinion to the Board, personally, orally or in writing through any available electronic system, on the rehabilitation process, the determination to be made by the Board at the time and/or

the economic, emotional or physical impact caused by the commission of the crime to his/her person and his/her family.

2. When the victim is interested in submitting his opinion in writing, it must be submitted to the Board within fifteen (15) calendar days from the date of notification of the hearing.
3. The victim shall give his or her oral opinion at an informal hearing before the Board, which may be held on the day of the petitioner's hearing or in a term no later than five (5) calendar days, from the date on which the petitioner's hearing was held. This hearing shall be recorded, public and may be held at the headquarters of the Board or through the videoconferencing system. The hearing may be closed to the public upon written and duly substantiated request from the victim, in order to maintain the confidentiality of the information offered by the victim.
4. At the informal hearing before the Board, the victim may request that he/she be notified of the Board's determination to grant the petitioner the privilege of parole, expressing the effective date of the privilege granted, prior to the date on which he or she will join the free community. In these cases, the notification shall be made by certified mail to the last postal address on the file, or by personal delivery with acknowledgement of receipt.
5. At the informal hearing, you may also request the Board to notify you of the determinations issued in all or some of the Board's processes.

This notification shall be made by regular mail to the last postal address of the victim on the file.

C. Disclaimer of right

1. The victim may disclaim, freely, expressly and voluntarily, all or some of the rights conferred by law and this Regulation.
2. The disclaim of rights shall be made in writing, by letter for that purpose or by using the form provided by the Board, which shall be kept in the victim waiver file.
3. When the victim waives his or her right of notification and/or participation in the processes before the Board, the Board shall respect his/her wish and shall not notify him/her of the processes after the date of the waiver. The board's secretary shall issue certification on the total resignation of the victim and the proceedings shall be continued.
4. The victim may waive his or her right to participate in the processes before the Board, without it being understood that she/he also waives his right to give his opinion, and vice versa.

Section 8.5 - Access to the File

- A. The victim will have access to all the information contained in any file or form of documentation about the parolee or petitioner, as well as any files related to his physical or mental health. However, the victim will not have access to that information offered as confidentiality by unrelated third parties and that may reveal their identity. To this end, the Board will allow

consideration of all documents that the Board took or may have taken into consideration when evaluating the petitioner.

- B. Any request for access to the file shall be in writing, addressed to the Secretary of the Board, and shall be submitted no less than ten (10) calendar days before the date on which the case shall be considered by the Board or the date on which the notified hearing shall be held.
- C. The victim will have a term of five (5) calendar days, from the date of the request, to access the file. The Board, in the exercise of its discretion, may extend this term at the request of the victim. In any case, access to the file will not be granted for a date after the date on which the case will be considered by the Board or the date on which the notified hearing will be held.
- D. Upon concluded inspection of the file, the Secretary of the Board shall issue certification on the victim's appearance and access to the file.
- E. The victim shall use confidential information solely and exclusively for the purpose of issuing an informed opinion on the determination of the consideration of the privilege of parole, and not for public disclosure. It will be the responsibility of the victim, his/her lawyer and/or expert to maintain the confidentiality of the information.
- F. It will be the Board's responsibility to maintain the confidentiality of the identity of those third parties who provide information to the Board for the scope of a determination.

- G. The Board shall provide the victim with certified copies of any requested documentation, prior to payment of the reproduction cost established at the agency.
- H. From the victim requesting to examine the petitioner's criminal and social records or parolee, the Board will refer the request to the Department of Correction and Rehabilitation, as it is that Department that has legal custody of such records.

ARTICLE IX - CASE REFERRED TO THE BOARD

Section 9.1 - Application for Privilege

- A. The privilege of parole shall be formally requested by receipt of the reference sent to this purpose by the Department of Correction and Rehabilitation or at the written request of the petitioner.
- B. The referral of the case to the Board entails the consent of the petitioner so that the Board can review and obtain a copy of all its files in the possession of the Department of Correction and Rehabilitation, in order to be evaluated by the Board.

Section 9.2 - Referrals

- A. The referral shall be made by means of the form adopted by the Department of Correction and Rehabilitation for this purpose, and it shall be accompanied by the agreement taken by the Classification and Treatment Committee and the parole report, including the contact information of the injured party, issued

by the Community Program of the Department of Correction and Rehabilitation.

B. Terms to refer cases:

1. The Department of Correction and Rehabilitation will refer cases to the Board with no less than ninety (90) calendar days before the petitioner complies with the minimum term of detention required for the Board to acquire jurisdiction.
2. In cases of petitioners serving a sentence of life imprisonment under the indeterminate sentence, that sentence shall be made when the latter has served twelve (12) calendar years of the sentence of detention.
3. In cases where the petitioner comes into contact with the socio-criminal services technician with more than ten (10) calendar days to comply with the minimum term of detention required for the Board to assume jurisdiction, and less than ninety (90) calendar days to extinguish judgment, the case will be referred to the Board before the minimum term of imprisonment required for the Board to assume jurisdiction expires.
4. When the petitioner, at the time of his sentencing, has complied with the minimum term of imprisonment required for the Board to assume jurisdiction or to be missing ten (10) calendar days or less to comply with that term, the case shall be referred immediately to the Board.

ARTICLE X - CRITERIA TO BE CONSIDERED BY THE BOARD

Section 10.1 - Eligibility Criteria

- A. The Board shall evaluate applications for the privilege, on a case-by-case basis, in accordance with the degree of rehabilitation and adjustment submitted by the petitioner during the term he has been in detention.
- B. In assessing cases, the Board shall take into account the following criteria in relation to the petitioner:
 - 1. Criminal history
 - a. The entire criminal file.
 - b. The criminal record. A criminal record shall be understood to be the times that a petitioner has been convicted and sentenced.
 - c. Any offences in which three (3) years have elapsed since the petitioner served the sentence shall not be taken into account.
 - d. Nature and circumstances of the crime for which it serves a sentence, including the degree of force or violence used in the commission of the crime.
 - e. If complied with the payment of the special penalty for the Compensation and Services Fund to Victims and Witnesses of Crime, provided for in Article 48(i) of the 2012 Penal Code, where applicable.
 - f. If there is a detainer issued by any state in the United States, the federal court, the federal government, and/or the Immigration and Naturalization Service.

- i. The only fact that there is a detainer against a petitioner shall not be grounds for denying parole provided that the petitioner meets all other criteria.
2. A settlement relationship of the statement(s) that the petitioner complies with.
3. The classification of custody, the time it takes in that classification and whether there was a change of classification and the reasons for it.
 - a. The Board shall not grant parole when the petitioner is in maximum custody.
4. The petitioner's age.
5. The victim's opinion.
 - a. The victim's opinion is a factor to be considered by the Board, but the determination on the degree of rehabilitation of a petitioner and whether he is able to continue serving his sentence in the free community is the board's prerogative.
6. Social history
 - a. The entire social file shall be taken into account.
 - b. If you have previously been free on parole, probation or any other diversion program.
 - i. Compliance and institutional adjustments
 - ii. He/she was revoked for parole, probation or any other diversion program.

- iii. A revocation shall not be taken into consideration if three (3) years have elapsed from the date on which parole, probation or any other diversion program was revoked.
 - c. The institutional adjustment history and social history prepared by the Department of Correction and Rehabilitation.
 - d. If disciplinary measures have been imposed on it, it is provided that disciplinary measures in which one (1) year has elapsed from the date on which such disciplinary action was imposed shall not be taken into account.
 - e. The history of work and/or study carried out in the institution.
 - f. In the cases referred to in Article VII, Section 7.4 of this Regulation, the petitioner must have observed good conduct in the institution for a reasonable period of time that shall not be less than one (1) natural calendar year, uninterrupted, as of the date of compliance with the conditions for privilege.
7. If have a structured and viable exit plan in the areas of job and/or study offer, residence and friend counsellor.
- a. The exit plan may be in Puerto Rico, in any state in the United States, or in any other country that has a reciprocity treaty with the United States.
 - b. When the proposed exit plan is outside the jurisdiction of the Government of Puerto Rico:

- i. The petitioner shall provide the physical address of the place where he proposes to reside; the petitioner must provide the name, telephone number, email and relationship to the petitioner of the person with whom the parolee will reside.
 - ii. The application will be processed by the Reciprocity Program of the Department of Correction and Rehabilitation to the receiving State for investigation of the information provided by the petitioner.
 - iii. An exit plan outside the jurisdiction of Puerto Rico will not be accepted until the letter of acceptance of the Reciprocity Program is filed.
- c. An exit plan will not be accepted in a country that does not have a reciprocity treaty with the United States for the transfer of persons on parole or probation.
- d. Job and/or study offer.
 - i. Any petitioner must provide an offer of employment or, in the alternative, a curriculum vocational training or study and work.
 - ii. The job offer shall be submitted by letter signed by the person extending the job offer to the petitioner, including the following information:

- (a) Full name, mailing address, physical, electronic and telephone(s) of the person offering the job
 - (b) Name, postal address, physical, electronics and telephone(s) and nature of the business in which the job is offered.
 - (c) Functions to be performed by the petitioner and working hours.
- iii. Curriculums, including vocational training and/or the curriculum and work, will be submitted by submitting the letter of acceptance of the institution, educational, with expression of the program or faculty to which you will enter.
- iv. Lack of job offer, or study will not be reason enough to deny privilege.
- v. It is exempt from submitting an offer of employment or studies in cases where the petitioner suffers from any physical, mental or emotional disability, duly diagnosed and certified by competent authority, or is over sixty (60) years of age.

e. Residence

- i. Every petitioner must indicate the place where he intends to reside if he is granted parole, whether in a residence or an internal program.
- ii. If a residence is proposed, the petitioner shall provide the full name, telephone number and email of the person with whom he or she will reside, or of a close relative, as well as the physical address of the residence. In these cases, an investigation will be carried out on the attitude of the community where the petitioner proposes to reside, if granted parole.
- iii. If you propose your own residence and do not have a family resource, you must present as a resource and support the friend advisor or someone who can serve as support even if he does not reside with the petitioner. You will need to provide that person's full name, phone number, and email. In these cases, an investigation will be carried out on the attitude of the community where the petitioner proposes to reside, if he is granted parole.
- iv. If the petitioner is interested in entering an internal program, he/she will have to submit the letter of acceptance of the program, as well as propose an alternate residence in which he will enjoy the passes,

in the cases that apply. Such alternate residence shall be corroborated in order to determine its feasibility. If alternate residence is not feasible, the petitioner will not be able to enjoy passes until he provides a viable alternate residence, and the Board authorizes it.

v. In determining whether the proposed housing is viable, the Board shall consider:

- (a) The personal characteristics and criminal history of the people with whom the petitioner will live in the house, and how the petitioner relates to them.
- (b) Community opinion on the determination to grant the privilege and the persons with whom the petitioner will live.
- (c) Condition of the physical plant of the residence and number of inhabitants of it.
- (d) If the proposed residence is relatively close to the residence of the victim of crime.
- (e) If there is any impediment in law for the petitioner to reside in the proposed home, except is included in the housing contract or certification of the corresponding administration.

- (f) 3Any other consideration that the Board deems relevant within the merits of the individual case.
- f. Friend counsellor
 - i. The friend counsellor has the function of cooperating with the Board and Community Program of the Department of Correction and Rehabilitation in the rehabilitation of the petitioner.
 - ii. Requirements
 - (a) Have no relationship of affinity until the second degree, or in sanguinity with the petitioner. This prohibition shall not apply in cases where the Board, in the exercise of its discretion, understands meritoriously on the basis of the particular circumstances of the case.
 - (b) Not to be or have been the petitioner's legal representative in any judicial or administrative process.
 - (c) Being of legal age
 - (d) Be a resident of Puerto Rico. May reside in the area bordering the Competent Community

Program. You must have frequent contact with the petitioner

(e) Be a person of moral integrity.

(f) No criminal records.

iii. An investigation will be conducted in the community into the conduct and moral integrity of the person proposed for friend counsellor.

iv. It will not be required to meet the friend counsellor requirement in cases where the proposed exit plan consists only of being admitted to an internal treatment program.

v. The lack of the friend counsellor will not be reason enough to deny the privilege.

vi. Friend counsellor to petitioners over sixty (60) years of age will not be required.

8. Health history

a. Consideration will be given to all reports issued by any mental health professional, which are part of the psychological history prepared by the Department of Correction and Rehabilitation and/or the psychiatric history prepared by Correctional Health, as applicable.

b. Petitioner's medical history.

- c. Treatments for health conditions received or received by the petitioner.
 - i. These treatments include those related to the control of addiction to controlled substances and/or alcohol, aggressiveness control, and any other treatments developed by the Department of Correction and Rehabilitation.
 - ii. Consideration will also be given to the need for the petitioner to benefit from any treatment, in cases where he has not received any treatment.
 - iii. Petitioners who meet the penalty of detention for the following crimes will be required to have taken and completed in the institution the Learning to Live Without Violence Program:
 - (a) Murder.
 - (b) Crimes against sexual indemnity (crimes of sexual violence).
 - (c) Kidnapping.
 - (d) Crimes under the Domestic Violence Prevention and Intervention Act, Law No. 54 of August 15, 1989, as amended, which imply a serious corporal damage
 - (e) Robbery.

- iv. However, the foregoing may require a petitioner to benefit from the Learning to Live Without Violence Program when the case presents extraordinary circumstances that merit it, regardless of the crime for which it serves a sentence of detention.
 - v. If the petitioner does not have the initial evaluation from the Bureau of Rehabilitation and Treatment (NRT) or similar entity, he may be granted the privilege so that said evaluation can be carried out in the free community. This situation will occur in exceptional cases. We consider the following exceptional cases: elderly people, people with health conditions or disabilities at the institutional level and people with sentences of less than thirty (30) years. The crimes mentioned in Article X, Section 10.1 8 c iii are excluded.
 - vi. Any member of the correctional or released population may present a certificate of treatment or private psychological or psychiatric evaluation at their own expense to the Parole Board for possible approval.
9. If is registered in the Register of Persons Convicted of Sexual Offences and Child Abuse, in cases where the petitioner serves a

sentence for any of the offences identified in Article 3 of Law No. 266 of September 9, 2004, as amended.

10. If is registered in the Register of Persons Convicted of Domestic Violence, in cases where the petitioner serves a sentence for any of the offences identified in the Law No. 59 of August 1, 2017, as amended.
11. Compliance with DNA sampling, in cases where the petitioner defaults on any of the offences identified in Article 8 of Law No. 175 of July 24, 1998, as amended.
12. The Board shall have discretion to consider the above criteria as it deems appropriate and any other meritorious in relation to the rehabilitation of the petitioner and the best interests of society.

Section 10.2 - Documents

- A. The Department of Correction and Rehabilitation, through its authorized officers, employees and/or representatives, shall provide the Board with any documents containing information related to the criteria outlined above. The production of these documents shall be made for the date of the consideration hearing or the date on which the case is reconsidered. In compliance with the above, the Department of Correction and Rehabilitation shall forward to the Board the following documents:
 1. Report for Possible Parole (FEI-1)
 2. The petitioner's original criminal and social record.

3. Report on parole duly completed.
 - a. The relevant Community Program shall forward this report to the Board, including the following information:
 - i. Corroboration of the proposed exit plan and the opinion of the community where the petitioner will reside to grant him the privilege
 - ii. Nature and circumstances of the crime for which you serve sentence
 - iii. Criminal record history secretary
 - iv. Social, educational, work, medical, institutional adjustment history of the petitioner
 - v. History of treatments for health conditions, such as drug addiction, alcoholism, mental or physical health, among others
 - vi. The victim's opinion.
 - b. In cases where the proposed exit plan is for any state in the United States, the letter of acceptance or rejection of the state will be included.
 - c. This report will be sent two (2) months in advance of the date on which the case will be evaluated and will

be valid for one (1) year from the date it was signed by the socio-criminal services technician.

4. Copy of the judgments imposed on the petitioner.
5. Copy of the arrest warrant issued against the petitioner by any state of the United States and/or the Immigration and Naturalization Service.
6. Updated statement settlement sheet.
7. Brief Report on Parole.
 - a. This report will be forwarded, two (2) months prior to the date on which the Board will re-evaluate the case and will be valid for one (1) year from the date of issue.
8. Evidence of work history and study at the institution.
9. Copy of the letter of offer of employment or, in the alternative, letter of acceptance from the institution where the petitioner will study.
10. Certificate that the petitioner completed the required treatments, and evaluation reports related to such treatments.
11. Adjustment and Progress Report
 - a. This report shall be submitted in conjunction with the agreement of the Classification and Treatment Committee, two (2) months prior to the date on which the case will be assessed and shall be valid for one (1) year from the date of its issuance.

12. Medical, psychological and/or psychiatric evaluation
 - a. The Board may require the medical, psychological or psychiatric evaluation of the Rehabilitation and Treatment Or Correctional Health Negotiator, or similar entity duly accredited by the State, in cases where the person is serving a sentence for crimes against life and/or sexual offences, in accordance with the rule of law in force on the date on which he was sentenced, or in any other case where the Board deems it necessary.
 - b. These reports shall be valid for three (3) years from the date of evaluation.
 - c. The Board in its sole discretion may require another assessment, even if it has one in force.
13. In the cases you apply, you will submit evidence on:
 - a. Payment of the special penalty set out in Article 48(i) of the 2012 Penal Code.
 - b. Letter of acceptance of the Reciprocity Program, which will be valid for ninety (90) calendar days, counted from the date of issue, which may be extended in meritorious cases, upon request of the Board to the Reciprocity Program.

- c. The taking of the DNA sample as required by Law No. 175 of 24 July 1998, as amended, in the cases it applies.
- d. Letter of acceptance of the internal treatment program. This letter may be valid for up to six (6) months from the date of issue.
- e. Oath of Friend Counsellor duly supplemented and subscribed by the proposed person.
- f. Evidence of registration in the Register of Persons Convicted of Sexual Offences and Child Abuse established in Law No. 266 of September 9, 2004, as amended.
- g. Evidence of registration in the Register of Persons Convicted of Violations of the Domestic Violence Prevention and Intervention Act, Law No. 54 of August 15, 1989, as amended.
- h. Final determination by revoking the privilege of parole, probation or any other diversion program from which the petitioner has benefited.
- i. Final resolution by which they imposed some disciplinary action on the petitioner.

ARTICLE XI - PROCEDURES BEFORE THE BOARD

- A. All hearings shall be public, but the Board may authorize them to be closed to the public in order to receive relevant information or oral testimony from the petitioner or victim, upon written and substantiated request, submitted no less than fifteen (15) calendar days prior to the date of the notice. Private hearings may also be held at the written request of Justicia's Secretary, in order to protect an investigation in process.
- B. All procedures at the hearing shall be recorded by any electronic or computerized mechanism for such purposes and said record will remain in the custody of the Secretary of the Board. Upon request, the examiner or officer may authorize the parties to record the proceedings during the public hearing and/or perpetuate the procedures by using any other mechanism for those purposes.
- C. The meetings may be held before the Board in full, or any member or before an official examiner. During the hearing, the Board or the presiding officer shall be empowered to:
 - 1. Take an oath to the witnesses before they give a statement.
 - 2. To offer all parties the opportunity to respond, present evidence and argue, conduct cross-interface and submit evidence in rebuttal.
 - 3. Take official knowledge of anything that might be the subject of judicial knowledge in the courts of justice.

4. Issue summons requiring the appearance of witnesses and the presence of books, records, documents and objects relevant to the case or matter before your attention.
 5. Receive witness and documentary evidence on any matter pending determination by the Board.
 6. Exclude evidence that is impertinent, immaterial, repetitive or inadmissible on constitutional or legal grounds based on evidence privileges proof recognized by the courts of Puerto Rico.
- D. The Evidence Rules will not apply in this process, but the fundamental principles of evidence may be used to achieve a quick and fair solution to the procedure, provided that they are not inconsistent with the procedure.
- E. Witnesses
1. It will be each party's responsibility to ensure that their witnesses are available on the day of the hearing.
 2. Where a party warrants that the witnesses it shall use at the hearing must be summoned through the Board, the Board shall order, through the Secretary of the Board, the appearance and declaration of such witnesses, subject to the following:
 - a. The interested party shall submit in writing to the Board the names and postal address of the witnesses fifteen (15) days prior to the hearing. Failure to comply with the foregoing may result in no summons being issued, without this being grounds for suspension of the hearing.

- b. Any summons of witnesses requested from the Board shall be by the interested party, by any means it deems relevant, who shall be prepared to demonstrate the diligence of the summons at the request of the Board or the presiding officer.
3. The Board, or any of its members or trustees and examiners presiding over the hearing may, *motu proprio*, order the appearance and statement of witnesses, as well as the presentation of books, papers, records, documents and other evidence relevant to the case before its consideration. In these circumstances, the summons shall be issued by the Secretary of the Board.
4. In the event of refusal to obey a summons duly issued by the Board, the Board may appear before any room of the Court of First Instance within whose jurisdiction the person is located, resides or works, to request that the court order compliance with the summons or issue order making it mandatory to appear witnesses and/or present books, records, documents or objects that have been required of such witness. Failure to comply with such an order may be penalized as contempt of court.
5. In cases where witness summons proceeds through the court, the interested party shall stage the site at its own cost.
6. Any person may be prosecuted for perjury he or she commits in testifying before the Board or member or Official Examiner presiding over the hearing.

7. No person duly cited for hearing will be excused from appearing, except for a greater reason established in a timely manner.
8. The Board or member or Official Examiner presiding over the hearing may limit the number of deponents for safety reasons.
9. On the day of the hearing, once the witnesses are sworn in, they will leave the room until it is time for them to give a statement.

F. Suspension of Hearings

1. Hearings may only be suspended for the right reason, upon written request, submitted five (5) calendar days prior to the date of the hearing.
2. If the Board does not express itself on the request, it shall be deemed to have been rejected out of the box, so the signaling will continue to be in force, with the parties appearing mandatory.
3. The Board or member or Official Examiner presiding over the hearing may accept an application for suspension requested orally at the hearing, provided that there is just cause for doing so.
4. When the suspension of the hearing is requested by the petitioner, parolee or his legal representative, or for reasons attributable to him, the suspension will entail a waiver of any term in his favor.

- G. In the processes before the Board, the use of test discovery mechanisms will not be permitted.

H. Notification of signaling

1. The summons shall be notified to you within the term provided for this purpose in this Regulation, in accordance with the nature of the hearing.
2. The summons shall be made in writing with expression of the place, time and date of the hearing, the rights that will assist you during the hearing, and shall ensure that the hearings will not be suspended and the measures that the Board may take if a party does not appear at the hearing.
3. The summons shall be notified as follows:
 - a. In cases where the petitioner or release appears by legal representation, the notification shall be made by regular mail or email to the last address of the lawyer, as recorded in the file in the file.
 - b. In addition, the petitioner or parolee shall be notified, personally, through the socio-criminal services technician assigned to his case, by internal mail. In these cases, the petitioner or parolee person will sign the copy of the notified summons, indicating the date on which he signed it. The socio-criminal services technician shall forward to the Board the summons made within three (3) calendar days from the date of signature of the petitioner or parolee, by e-mail.

- c. The summons to the victim shall be in accordance with the process set out in Section 8.3 of this Regulation.
- I. The following rights shall be guaranteed to the petitioner or parolee during the hearing:
 1. Right to appear in its own right or through legal representation. Where the petitioner is interested in his or her own right, he/she shall complete the "Disclaimer of Legal Representation" form provided by the Board.
 2. Right to present evidence on your behalf.
 3. Right to an impartial award.
 4. Right to have the decision based on the file.

ARTICLE XII - CONSIDERATION OF CASES FOR PAROLE

Section 12.1 - Consideration Hearing

- A. The consideration hearing is held in those cases that are presented before the Board's consideration for the first time.
- B. General Provisions
 1. The consideration hearing shall be governed by the provisions of Article XI of this Regulation.
 2. Consideration hearings may be held through the personal appearance of the parties to the headquarters of the Board, or from the correctional institutions and/or the relevant Community Program office through

the videoconferencing system or any other electronic or computerized system for those purposes.

3. In the consideration hearings, the order of the test will begin with the requester.

C. Terms to celebrate:

1. The consideration hearing shall be held on a date as close as possible to the date of expiry of the sentencing minimum, and always within the term of forty-five (45) calendar days, counted from the date on which the Petitioner complied with the minimum term of detention required for the Board to acquire jurisdiction. This term may be extended by exceptional circumstances or attributable to the petitioner or under his control.
2. In the exercise of its discretion, by agreement adopted by a majority, the Board may consider a case outside the term set out in the previous subparagraph, where it presents special circumstances justifying its immediate consideration.

D. Notification of summons

1. The summons to the petitioner shall be notified in writing, including in its content the criteria to be considered by the Board when assessing the case for parole, within twenty (20) calendar days prior to the date of the summons.
2. The notification shall be made in accordance with Article XI(H) of this Regulation.

Section 12.2 - Reconsideration of cases

- A. The reconsideration provided for in this section relates to cases in which parole has been refused and which the Board provided that it will re-consider within one (1) year from the date it last considered the case. The Board may re-consider a case outside the term previously provided for, on a meritorious basis.
- B. In re-considering a case, the Board shall comply with the notification to victims in accordance with Section 8.3 of this Regulation.
- C. The reconsideration of the cases will take place without the holding of a hearing for these purposes. At the discretion of the Board, a hearing may be held, upon written request for this purpose submitted by the petitioner four (4) months prior to the date on which the Board will re-consider its case. Reconsideration hearings shall be governed by the provisions of Article XI of this Regulation.

Section 12.3 - Determination on Parole

- A. Determination to grant parole
 - 1. If parole is granted, the Board shall impose the mandated and special conditions it considers advisable for the rehabilitation of the Parolee.
 - 2. The Board shall have broad discretion to modify, change, impose and eliminate any and all conditions it deems necessary and appropriate to grant parole, in order to assist in the early rehabilitation of the parolee and safeguard the best interests of society.

3. Parole shall be effective as of the date laid down by the Board in the resolution and certification of parole.
 4. In any event that parole is granted, the Department of Correction and Rehabilitation shall certify to the Board that it has complied with Article 6 of the Law on the Prevention and Treatment of Sexually Transmitted Diseases, Law No. 81 of June 4, 1983, as amended.
 5. The Board may grant parole to be enjoyed in any state of the United States, through the interstate pact (Reciprocity).
- B. When the Board denies parole, it shall express individually in its resolution the determinations of fact and conclusions of law underpinning that determination, as well as indicate the date (month and year) on which it will re-consider the case.

Section 12.4 - Terms and Conditions

- A. The following will be mandated conditions for all parolee:
1. The parolee person will consent to undergo a regular program for the detection of the presence of controlled substances by reliable tests that allow their orientation, treatment and rehabilitation.
 2. The parolee will comply with the laws of the Government of Puerto Rico.
 3. When leaving the correctional institution, you must go directly and without any dilation to the place where you have informed the Board that you will establish your residence.

4. Must meet with your friend counsellor at least one (1) time a month to discuss with him the progress of your plans and any issues or issues in which you need the help or guidance of such friend counsellor.
5. Will refrain from possession and use intoxicating beverages, narcotic drugs or narcotics. Likewise, you will refrain from frequenting taverns (bars), places of bad reputation; and places where prohibited games are held. It will also refuse the association or company of people of bad rep reputation.
6. Any change of residence within the territorial boundaries of Puerto Rico, will need the prior written authorization of the socio-criminal services technician in charge of the case. Any change of residence outside the jurisdiction of Puerto Rico will require prior written authorization from the Parole Board.
7. Will observe good behavior in the community. Will refrain from committing facts or incurring omissions that constitute public crimes in accordance with the laws of Puerto Rico or administrative misdemeanors, United States law, or municipal ordinances. It will refrain from belonging to groups that advocate for changes of government by illegal means and will also prevent and refuse to meet with persons identified as belonging to groups for known purposes of obtaining changes in the government by illegal means
8. Will cooperate with the Parole Board, your individual members, and all Board officers when required to discuss or consider any matter

related to your case. Likewise, Will observe respectful and serene conduct as long as you are interviewed by the Board, by one of its members or by any Board Officer. Will observe equal respectful conduct as long as you appear before the Board, any of your members, or any Official Examiner appointed by the Board to vent any matter relating to your case.

9. The determination of probable cause by a court of the commission of a felony shall constitute sufficient cause for the release to be admitted to a correctional institution determined by the Department of Correction and Rehabilitation until the Board makes its final decision.

B. This list does not constitute a limitable catalogue of mandated conditions, so the Board may adopt the mandated conditions it deems appropriate by resolution approved by most members of the Board.

Section 12.5 - Waiver of the Privilege of Parole

A. The petitioner may waive his right to be considered by the Board for parole, provided that such waiver is free and voluntary, submitted in writing at any time before or during the consideration stage for the privilege. A petitioner who has waived this right may subsequently request the Board to assume jurisdiction and consider its case by submitting writing to that effect.

B. At the request of the parolee, the Board may leave the privilege of freedom on parole without effect, provided that such an application is made freely and voluntarily, and no complaint has been filed against it in violation of the conditions imposed in its mandate.

- C. The Board will not accept an application for a waiver of the privilege if it is filed after the revocation process has begun because a complaint has been filed against the parolee person.

ARTICLE XIII - CASES UNDER THE PRIVILEGE OF PAROLE

Section 13.1 - Follow-up hearing

- A. Follow-up hearings are held as part of the terms of reference, to assess the free-community adjustments of the parolee, including those requests for change of residence outside Puerto Rico's jurisdiction.
- B. General Provisions
 1. Follow-up hearings shall be governed by the provisions of Article XI of this Regulation.
 2. Follow-up hearings may be held through the personal appearance of the parties to the headquarters of the Board or the relevant Community Program through the videoconferencing system or any other electronic or computerized system for those purposes.
 3. In the follow-up hearings, the order of the test will begin with the socio-criminal services technician who supervises the parolee in the free community, or authorized representative.
- C. As part of the conditions imposed, the months in which the Follow-up hearings will be held will be included in the Mandate. However, at the discretion of the Board, additional follow-up hearings may be held at the hearings previously indicated in the Mandate.

D. Notification

1. Summons to follow-up hearings included in the Mandate shall be notified two (2) months prior to the date of the signaling. If additional hearings are held, the summons shall be notified thirty (30) calendar days before the date of the notice. For just cause, this hearing may be cited outside the term set forth herein, provided that the terms of summons of the injured parties are complied with, as applicable.
2. The summons shall be notified in accordance with Article XI(H). In its content it will notice the socio-criminal services technician assigned to the supervision of the parolee, on his duty to submit the completed Adjustment and Progress report in its entirety, five (5) days before the date of the signaling.

E. The follow-up hearing may become a research hearing or a modification hearing of the Mandate, if circumstances warranting such conversion occur during the follow-up hearing. In such cases, the procedures shall be governed by the provisions of this Regulation concerning such hearings. Under no circumstances may the follow-up hearing be suspended unless there are exceptional circumstances preventing the hearing from taking place.

F. The non-appearance of the parolee person at a follow-up hearing, after being proving, to the satisfaction of the Board, *that* was duly summoned to the hearing, may give basis for the revocation process to begin.

Section 13.2 - Command Modification hearing

- A. The Board, *motu proprio*, or at the request of a party, may hold a hearing for the purposes of amending the Mandate, either to change, eliminate, include or modify the conditions imposed on the parolee.
- B. These hearings shall be governed by Section 13.1(B) of this Regulation.
- C. The summons to these hearings shall be notified thirty (30) calendar days prior to the date of the signaling for just cause, this hearing may be cited outside the term set forth herein, provided that the terms of summons of the injured parties are complied with, as applicable.
- D. The summons at the hearing shall be made in accordance with Article XI(H), including in its content the reasons why the hearing is held.

Section 13.3 - Special Processes

- A. Special processes include all requests for releases that require prior authorization from 1st Board to be executed.
- B. Travel permit
 - 1. The travel permit constitutes a special concession granted by the Parole Board and must be requested only in special situations, and in accordance with the adjustments and progress of the parolee in the free community.
 - 2. The application for a travel permit shall be submitted by report lodged by the socio-criminal services technician assigned to the supervision of the parolee, within a period of not less than fifteen (15) calendar days in advance of the date of departure and must be accompanied by

the duly completed permit and signed by that technician. Applications filed outside this term will not be considered by the Board, except in extraordinary circumstances where there is just cause.

3. The Board shall issue its determination within five (5) working days from the date on which the application was filed with the Board, unless just cause.
4. The Board shall not grant a travel permit unless there is a reciprocity agreement with the country to which the parolee will travel, except for extraordinary circumstances.

C. Other permits

1. It is a permit that may be granted by the Board with use strictly for activities in the jurisdiction of Puerto Rico.
2. It must be requested only due to special circumstances within a period of (5) working days before the date of the event. In cases of emergency status, the application may be filed in three (3) working days prior to the date of the event. Requests submitted outside the terms described above will not be reviewed, except in circumstances of fair cause.
3. Such permits will be awarded for reasons of health, death, recreation, family events and any other circumstances that are fair cause.
4. The Board will work on these applications as quickly as possible.

D. Special Hearing

1. At the discretion of the Board, a Special Hearing may be held to resolve a particular urgent matter. The mandate will not be amended in this hearing.
2. For the celebration of this hearing do not have to comply with the fifteen (15) days' notice term for the parties.

E. Detention order at medical institution

1. The Board may order the entry of a person on parole to any medical institution for treatment, where it is reasonably certain that his presence in the community is incompatible with the safety or well-being of the person himself or the community.
2. The time the person is held at the medical institution will be credited to his sentence, as if he were enjoying parole in the community.
3. Cases of persons held in a medical institution will be reviewed periodically in periods not exceeding six (6) months by the Board to, in agreement with the medical authorities of the institution where they are being held, determine the appropriateness of their return to the community.

Section 13.4 - Violation of conditions

A. Preliminary Investigation

1. When the socio-criminal services technician assigned to the supervision of the parolee comes to the knowledge that the parolee has

- committed conduct constituting probable violation of the conditions imposed by the Board in the mandate of parole, he shall carry out the investigation into the matter within the next fifteen (15) working days.
2. After the investigation, the socio-criminal services technician shall submit to the Board a report within thirty (30) working days, except in extraordinary circumstances, in which it shall record:
 - a. A summary of the facts and circumstances of the likely violations attributed to the parolee.
 - b. A comprehensive track record of the parolee's behavior throughout the period he has enjoyed parole.
 - c. Any other related data that must be known to the Board.
 3. Assessed the report, the Board shall determine whether it is appropriate to summons for investigation or order the arrest of the Parolee.
 4. In cases where the Board comes to the attention that a parolee has committed probable violation of the conditions of the parole mandate, without the report of the socio-criminal services technician, the Board, *motu proprio*, may cite for the hearing of investigation or order the arrest.

B. Research Hearing

1. At the discretion of the Board, an investigative hearing may be held to assess whether there is probable cause to believe that the release has violated the conditions imposed in the mandate. The

determination to hold this hearing shall be based on the information received by the Board, by any means, or by the report submitted by the socio-criminal services technician, on the seriousness of the allegedly infringed conditions, the criminal history of the parolee, the conduct observed by the parolee under the privilege and any other relevant circumstances.

2. This hearing shall be held in a term of no more than forty-five (45) calendar days from the receipt of the report sent by the socio-criminal services technician. This term may be extended by the Board in meritorious cases.
3. The research hearing shall be governed by the provisions of Section 13.1(B) of this Regulation.
4. This hearing shall be notified to the parties as soon as possible, complying with the notification to victims pursuant to Section 8.3 of this Regulation, in any cases applicable.
5. The notification of the hearing shall be made in accordance with Article XI(H), including in its content a list of the violations charged with expression of the conduct constituting violation of the condition.
6. During this hearing, the following rights shall be guaranteed to the parolee:
 - a. Be notified in writing of the alleged infringement of the status of parole.

- b. Prepare properly and be represented by a lawyer. When the parolee interest appears in its own right, he must complete the "Disclaimer of Legal Representation" form provided by the Board.
 - c. Confront the evidence against and present evidence in favor.
7. At the hearing, the Board shall issue the corresponding determination, among which it may order the closure and file of the complaint, proceed with a warning or issue the arrest warrant.

C. Arrest Order

- 1. The Board or any of its members may order the arrest and detention of any release, to be admitted to the correctional institution designated by the secretary of the Department of Correction and Rehabilitation.
- 2. The order shall be signed by the president of the Board or any of his members and shall be handled by any law enforcement officer or agent, as if it were a court order.
- 3. The arrest warrant shall be identified under the heading with the name of the release, case number on the Board and complaint number, and shall notify the release of the following:
 - a. The alleged infringement of the status of parole.
 - b. The rights that assist.
 - c. The holding of an initial summary hearing to determine whether there is probable cause to believe that the alleged

infringement has been committed and whether there is probable cause for it to remain held until the Board makes the final determination.

4. The Board shall issue an arrest and detention order in cases where the detainee is being held in a correctional institution or if his whereabouts in the jurisdiction of Puerto Rico are unknown.
5. When the parolee is outside Puerto Rico's jurisdiction, the Board will issue a warrant and an arrest order against the parolee, which will refer the Department of Justice to carry out the extradition process of the parolee.
6. After the arrest order has been executed, the parolee will be entered into the correctional institution determined by the secretary of the Department of Correction and Rehabilitation, and the Board shall be notified immediately of such fact by the person who has delivered the order.
7. The terms established to hold the initial summary hearing and the final hearing shall begin from the date on which the detainee was arrested and admitted to the correctional institution. In the event that the release has been extradited by an arrest order issued by the Board, the terms will begin to run from the date the release has entered a correctional institution in the jurisdiction of Puerto Rico.

D. Initial Summary Hearing

1. The Board shall hold an initial summary hearing within the shortest possible term, which in normal circumstances should not exceed seventy-two (72) hours from the time of the arrest and detention of the parolee, to determine whether there is probable cause to believe that the alleged infringement has been committed and whether there is probable cause for him to remain in detention until the Board makes the final determination.
2. If the parolee, after being arrested, is admitted directly to the medical area unit for suffering from a health condition that requires urgent treatment, the term of seventy-two (72) hours will begin to count from the date the release is discharged by a medical doctor. This shall constitute an interruption not attributable to the Board.
3. The hearing shall be held before an official examiner appointed by the Board, who will be entitled to summons witnesses, take oaths, receive proof and exclude evidence that is impertinent, immaterial, repetitive or inadmissible on constitutional or legal grounds based on evidence privileges, to take official knowledge of anything that might be the subject of judicial knowledge in the courts of justice, summarize it and make observations and recommendations to the Board on the case before consideration.

4. During the hearing, the parolee shall be guaranteed the opportunity to be heard, the opportunity to present evidence in his/her favor and confront adverse witnesses.
5. The release must be assisted by a lawyer during the hearing, but it will not be the Board's obligation to provide him with one. The parolee may waive this right and appear in his own right, provided that the waiver is free, voluntary and in writing.
6. The summons at the hearing shall be made in writing, with expression of the date, time and place in which it will be held, as well as the rights of the parolee person. The Board shall forward the summons, via facsimile and/or via e-mail, to the Criminal Record Area of the correctional institution where the parolee person entered for personal notice. In addition, the socio-criminal services technician of the Community Service Program and his lawyer shall be notified of it, by facsimile and/or via e-mail. Confirmation of receipt of the document via facsimile and/or via e-mail shall be described in the file as evidence of diligence.
7. The examiner may order that the persons interviewed by the socio-criminal services technician be kept anonymous in the preliminary investigation, for their personal safety.
8. The hearing shall be public and informal, but the Board may authorize the hearing to be closed to the public in order to receive relevant information or oral testimony from the parolee, upon request from the

Secretary of Justice, for the purpose of protecting an on-the-action criminal investigation.

9. The hearing shall be recorded by any electronic or computerized mechanism for such purposes, and such registration shall be in the custody of the Secretary of the Board. The examiner may authorize a party, on request on the day of the hearing, to record the proceedings during the hearing and/or perpetuate the procedures by using any other mechanism for those purposes, provided that this does not involve the dissolution of the process.
10. The initial summary hearing shall be held at the headquarters of the Board, with the physical appearance or through use of videoconferencing system of the parolee and his lawyer (if he/she has one). The socio-criminal services technician may appear physically or through the videoconferencing system.
11. The Evidence Rules will apply flexibly, so that they do not distort and hinder the just and prompt determination of probable cause. The Rules of Criminal Procedure shall apply as long as they are not inconsistent with the summary and informal nature of the hearing.
12. At the initial summary hearing, the order of the test will begin with the socio-criminal services technician.
13. The initial summary hearing may be suspended for reasons attributable to the release or at the request of his lawyer. In these cases,

the suspension entails a short waiver of all terms that the parolee person may have in his favor.

14. When the suspension proceeds in accordance with the above subparagraph, the Board shall consolidate the initial summary hearing with the final review hearing, which shall be indicated by notification no less than thirty (30) days in advance. The non-holding of the initial summary hearing is resumed with the holding of the subsequent hearing.
15. The initial summary hearing procedure will not allow the use of discovery mechanisms.
16. It will not be necessary to hold the initial summary hearing when a court has determined, in preview under Rule 23 of the Rules of Criminal Procedure, probable cause for the commission of a new felony.

E. Final hearing

1. The Board shall hold a final hearing to determine whether the revocation of parole is appropriate.
2. The hearing will be held within sixty (60) calendar days from the date of the release's arrest. This term may be extended for just cause or at the request of the parolee person or his legal representative. In the latter case, the request for extension entails a waiver of the terms you may have in your favor.

3. The final hearing will be held at the headquarters of the Board, with the physical appearance or through the videoconferencing system of the parolee and his lawyer, if any, as well as the socio-criminal services technician and the witnesses to be presented by the parties. In case of emergency see Article 13.5 of this Regulation.
4. The Board shall notify the parolee in writing of the date, time and place of the hearing, making an expression of the alleged violation of the status of parole, within fifteen (15) calendar days prior to the hearing. The Board shall forward the summons to the parolee, facsimile or e-mail, to the Criminal Record Area of the correctional institution where the parolee person is held for personal notice.
5. The Board shall also notify the lawyer of the parolee person, by regular mail to the last address or e-mail, as recorded in the file in the file, and to the socio-criminal services technician to the Community Program, by fax, internal mail or e-mail. These notifications will be within fifteen (15) calendar days in advance of the hearing.
6. Summons to the victim shall be in accordance with the process set out in Section 8.3 of this Regulation.
7. During the hearing the parolee will have the following rights:
 - a. Right to prepare properly
 - b. Right to be represented by lawyer. In the event that the release does not have a legal representative, the Board will assign one.

- c. Once legal representation is assigned to him, the parolee person has the right to waive being assisted as a lawyer, after guidance on his rights, such waiver is free and voluntary, and in writing.
 - d. Right to confront the evidence against you, subject to the protection of those interviewed who were guaranteed anonymity for security reasons.
 - e. Right to present evidence in your favor.
- 8. If the Board does not hold the final hearing within sixty (60) calendar days, from the date of arrest, the release shall be released immediately, upon a warrant issued by the president of the Board or his authorized representative.
 - 9. The alleged violation of parole shall be considered as not committed, if after ninety (90) calendar days from the release of the parolee, the Board does not hold the final hearing and revokes parole.
 - 10. The Evidence Rules will not apply in this process, but the fundamental principles of evidence can be used to achieve a quick and fair solution to the procedure. The Rules of Criminal Procedure shall apply as long as they are not inconsistent with the summary and informal nature of the hearing.
- F. Upon completion of the revocation process, the Board may determine the revocation of parole, warn, dismiss the complaint or modify the terms of

reference. In the last three (3) cases, the Board shall order the release of the parolee.

- G. If it appears that the person, whose admission to the correctional institution has been ordered by the Board, has violated the conditions of the parole, the period between the issuance of the arrest warrant and the date of the arrest will not be counted as part of the term for which was sentenced.

Section 13.5 - Procedures for Hearing in the Event of a Declaration of State of Emergency

Once the State of Emergency is declared by the Governor of Puerto Rico in the event that the various hearings expressed in this Regulation cannot be held, the Board by resolution of its members shall determine how they will be held. This is not in contrast to what is expressed in the Executive Order of the Government.

ARTICLE XIV - DETERMINATION OF THE BOARD

Section 14.1 - General provisions

- A. The Board shall make its determination on the basis of the preponderance of evidence, in the light of the evidence submitted at the hearing and the entire case record.
- B. Upon completion of the hearing, no other documents will be evident, unless required by the Board, in which case a copy of the document will be notified to the petitioner or parolee and his lawyer, if any, giving sufficient term for them to be expressed in connection with it.

- C. The Board may operate in full or divided into two (2) panels of three (3) members, in which the President shall be the third member:
 1. When the Board operates on panels, panels may be constituted only with all its members and their agreements shall be adopted unanimously. If unanimous agreement is not reached, the matter will be considered by the Full Board. These panels may operate and adjudicate matters independently of each other. The President, *motu proprio* or at the request of any of the members of a panel, may remove any matter before the consideration of a panel to be considered by the full Board.
 2. Any determination made by the Full Board shall be made by agreement of majority members.

Section 14.2 – Official Examiner's Report

- A. Once the hearing is held, the official examiner who chaired the hearing shall prepare a report in which he shall summarize all the evidence received, setting out separately the determinations of fact and conclusions of law, and in accordance with the evidence received, and the facts of the law substantiating that his recommendation.
- B. Any examiner's report shall be kept accounted for the facts and the applicable law, in accordance with the rule of law in force on the date on which the case was assessed.
- C. The officer examiner shall submit his report to the Board within fifteen (15) calendar days from the date on which the hearing was held. This term may be

extended only in the event of an exceptional circumstance, in which case the term shall not exceed twenty (20) calendar days from the date on which the hearing was held.

- D. The Board shall evaluate the recommendation and issue its determination by the relevant resolution.

Section 14.3 - Resolution

- A. When the hearing has been chaired by the Board or one of the members, in accordance with the delegated power to adjudicate cases before consideration, the Board shall issue its determination in writing, with expression of the determinations of fact, including the evidence underpinning its determination, and conclusions of law, by the corresponding resolution.
- B. Any Member of the Board may issue in writing its opinion, whether concurrent, dissenting or separate from the determination made by the Board.
- C. The resolutions shall contain the following information:
 - 1. Name of the petitioner or parolee and the identification number of the case.
 - 2. Determinations of Fact.
 - 3. Conclusions of Law.
 - 4. Determination of the Board.
 - 5. Warning about the right to request reconsideration from the Board or to urge an appeal for judicial review, stating the terms for it.

6. Date on which it was issued and signature of all members who participated in the determination.
 7. File date of the copy of the resolution
 8. Name and address of the parties to whom it was notified, except for that information corresponding to the victim, where applicable.
- D. The Board shall issue its final determination, by appropriate resolution, within thirty (30) calendar days from the date on which the hearing was held. In the event of revocations, the final determination may not be issued in excess of one hundred and fifty (150) days from the arrest and entry of the release.
- E. The Board may postpone its determination in cases considered for parole, in accordance with the following:
1. The determination to postpone shall be notified in writing to the petitioner, indicating the reasons for the postponement.
 2. The Board may postpone the issuance of the final determination by a term not greater than one hundred and eighty (180) calendar days, counted from the date on which the determination was made.
 3. It will not be a reason to postpone the determination of whether or not to order the parole of a member of the correctional population the fact that he has initiated any legal remedy available to question his detention, or that said appeal is pending before any court of Puerto Rico or the United States at the time the Board acquires jurisdiction over said member of the correctional population..

- C. To determine the filing date, the date on which the document was sealed as received at the Secretary of the Board, during working hours, will be attended solely and exclusively. When the motion for reconsideration has been presented by a member of the correctional population, in its own right, the filing date will be the day on which the document was delivered to the official of the correctional institution, who will be responsible for processing the sending of the document to the meeting.
- D. The Board shall consider such a motion within fifteen (15) calendar days from the date of submission of the motion. If the Board rejects it out of the box or does not act within fifteen (15) days, the term for review will begin to run again from the time such refusal is notified or from the expiration of those fifteen (15) days, as the case may be. If any determination is made in its consideration, the term for review shall begin to be counted from the date on which a copy of the notification of the decision is filed in the file by finally resolving the motion for reconsideration. Such a decision must be issued and filed in the file within ninety (90) calendar days following the establishment of the motion for reconsideration. If the Board welcomes the motion of reconsideration, but ceases to take any action in connection with the motion within ninety (90) calendar days of the motion to have been filed, it will lose jurisdiction over it and the term for requesting judicial review will begin to be counted from the expiration of that term of ninety (90) days unless the agency, for just cause and within those ninety (90) days, extend the term to be resolved for a period not exceeding thirty (30) additional calendar days.

Section 15.2 - Judicial Revision

After the reconsideration process has been exhausted, the party adversely affected by a final order or decision of the Board may file a request for revision with the Court of Appeal, within thirty (30) calendar days from the date of the file in the file of the notice of the board's final order or decision or from the applicable date of those provided for in Section 15.1 of this Regulation, where the term for requesting judicial revision has been interrupted by the timely submission of a motion for reconsideration. The party shall notify the submission of the request for revision to the Board and to all parties within the term to request such revision.

ARTICLE XVI - ADMINISTRATIVE RECORDS

- A. The Board shall maintain a dossier of each petitioner and parolee, which shall contain all documents relating to the case, including the reports of the Official Examiners, the notices, orders and resolutions of the Board, the briefs submitted by the parties and the reports submitted by the Department of Correction and Rehabilitation, among others.
- B. All information obtained by the Board or by any of its officers or employees, in the performance of its official duties, shall be of character, confidential and may not be disclosed, revealing the name of the correctional population member in any way.

- C. The information contained in the Board's files may be disclosed only in the following instances:
1. When the voluntary written consent of the petitioner or parolee or the person who has the petitioner or parolee in his legal custody is measured because he is unable to grant such consent.
 2. For purposes directly related to the administration of justice in criminal cases.
- D. Any person who discloses confidential information contained in the petitioner's file or parolee, or who uses such information for any purpose other than that claimed, shall incur a less serious crime, in accordance with Article 7 of the Organic Law of the Board of Freedom under Word.
- E. Information related to residential and business address as well as victims' telephone numbers will be kept confidential. No report, paper, drawing, photograph or document containing such information and in the custody of the Board shall be available for public inspection, unless the information of the victim's address and telephone number has been omitted. No official or public employee shall disclose information on the address and telephone numbers of the victim, except in the instances set out in Article 2(c) of Law No. 22 of 22 April 1988, as amended, better known as the Charter of Rights of Victims and Witnesses of Crime.
- F. Any person who is interested in the reproduction of documents contained in the Board's file, provided that he is authorized to access such information, shall pay the reproduction costs established by the Board. The board's

secretary shall not deliver such copies until the interested party satisfies the reproduction payment.

ARTICLE XVII - GENERAL PROVISIONS

Section 17.1 - Establishment and notification of written notices on the Board

- A. All documents presented at the meeting must be signed by the party or their lawyer, stating the postal address, email, fax and telephone number.
- B. In order to determine the date of establishment of a letter to the Board, the date on which it was stamped in the Board Secretary during working hours shall be attended solely and exclusively.
- C. When the letter has been submitted by a member of the correctional population, in its own right, the date of establishment shall be the date on which it delivered the letter to the correctional institution official, who shall be responsible for processing the sending of the letter to the Board.
- D. Any document submitted by facsimile shall be filed on the date on which it is stamped in the Secretary of the Board during business hours, regardless of the date of submission of the letter. In these cases, the document submitted by facsimile must also be submitted in original, by mail, email or personal presentation, within three (3) working days from the date on which it was sent via facsimile, this term being non-extendable. In compliance with the above, the presentation of the original letter shall be rolled back to the date of receipt of the facsimile in the Secretary. If the original is not received in the term provided, it will be not established until it is received in the Secretary, in

which case the filing date will be the date on which the original of the letter was received.

Section 17.2 - Updating the party's information

- A. Any change of address, e-mail, facsimile or telephone that takes place within the course of the proceedings shall be notified to the board's secretary by filing in writing for this purpose.
- B. If the parties or their attorney do not notify you of the change in information, and notices will be sent to you based on the information that arises from the file, it will not be accepted as an excuse or defense that the notice was not received by the parties.
- C. It will be the responsibility of the record attorney to notify the Board immediately when it renounces the petitioner's legal representation or release.

Section 17.3 - Errors in fact

Are clerical or administrative errors in resolutions or orders may be corrected by the Board at any time, on its own initiative or at the request of a party, provided that the correction of said errors will not interrupt the terms that are in effect.

Section 17.4 - Inhibition

- A. In any hearing or matter before the consideration of the Board, on its own initiative or upon request of a party, the Board may order any of its members or the Official Examiner to refrain in any of the following circumstances:

1. Circumstances that create conflicts of interest or the appearance thereof.
 2. Obtain benefit from the result or have a personal prejudice or bias towards any of the persons or lawyers involved in the hearing or have prejudged the case.
 3. There is a relationship within the fourth degree of consanguinity or second degree of affinity with any of the victims of the crimes for which the petitioner or parolee is extinguishing sentence.
 4. Having been a lawyer, advisor or advisor to any of the parties or their lawyers in the crimes for which the petitioner or parolee person is serving sentences; or prosecutor in an investigation or criminal procedure in which the facts were the same as those present at the hearing before his consideration; or Judge, in the same circumstances.
 5. Any other cause that may reasonably cast doubts about its impartiality in awarding or which is in store to undermine public confidence in the system of parole.
 6. It shall not be an inhibition for the petitioner or parolee residing in the same town of any Member or official examiner of the Board, unless other grounds of inhibition apply.
- B. The request for inhibition shall be made in writing, under oath, and shall specify the reasons on which it is based.
- C. Any Member or examiner may be inhibited, *motu proprio*, from attending to any matter, provided that there is reasonable cause to do so.

- D. Any request for inhibition shall be resolved by the president of the Board.

Section 17.5 - Motions assuming or resigning legal representation

- A. When a party appears represented as an attorney, any notification shall be made to the party and to that lawyer, to the last address on the record.
- B. Upon acceptance of a motion assuming legal representation, such lawyer shall be the legal representative of the party in any proceeding before the Board and as such shall be notified of all determinations issued in relation to its client.
- C. No lawyer shall be exonerated of the legal representation of a party until a motion is filed for that purpose and thus accepted by the Board.

Section 17.6 - Sanctions

The Board may impose penalties for non-compliance with orders or other procedural instances, in accordance with Section 3.21 of the Uniform Administrative Procedure Law, No. 38 of June 30, 2017, as amended.

Section 17.7 - Terms

The term within which any act provided by law or by this Regulation must be executed, shall be calculated excluding the first day and including the last, unless this is Saturday, Sunday or holiday, in which case the last day will be the next working day. The provisions of this Section shall not apply to the terms provided in Section 13.4(D)(1) of this Regulation.

**ARTICLE XVIII - DUTIES AND RESPONSIBILITIES OF THE SECRETARY OF
THE BOARD**

- A. The secretary of the Board, in consultation and under the immediate supervision of the president, will carry out each and every one of the functions assigned.
- B. The Secretary shall guard the seal of the Board and all documents signed by it, in original or copy, which have such seal stamped, shall be deemed authentic.
- C. The Secretary shall be responsible for the custody and maintenance of the Board's files and other documents, including the book of minutes and the preparation thereof; The Secretary shall also keep the records, archives and card holders of the Board.
- D. The Secretary will keep under control and supervision all the files, documents, tapes and / or recordings in any electronic or computerized medium, in addition to any other material related to the matters before the forum, which were delegated to him/her. Except by order of a court or by official procedures, the Secretary will not allow them to be removed from the Board.
- E. In cases where a copy of documents in the Board's records is issued, at the request of a party, the Secretary shall certify under his/her signature that it is a faithful and accurate copy of the original.
- F. Prepare agendas for parole and victim hearings.

- G. Be responsibility that all documentation of the matters that are submitted to the consideration of the Board are complete and in order.
- H. Will inform the Board and the Examining Officials as to the documents and the status of the different cases or matters under consideration.
- I. Be responsible for notifying the Board's determinations, filing the original of the same on the same date.
- J. In any case in which the issuance of a summons to any person is required, the secretary will prepare the same and issue it under his/her signature.
- K. Will certify compliance with the notification to the victim required by law.

ARTICLE XIX – DISPOSAL OF INACTIVE FILES

Inactive files may be disposed five (5) years from their final closure, complying with the disposition processes established by applicable law. In the case of executive clemency files, the Board will determine, by administrative order, the procedure to follow to confiscate them.

ARTICLE XX - SEPARABILITY CLAUSE

If any word, sentence, paragraph, section or article of this Regulation is declared unconstitutional or void by a Court of Justice, such declaration shall not affect, impair or invalidate the remaining provisions. and parts of this Regulation, but their effect shall be limited to the specific word, sentence, paragraph, section or article declared unconstitutional or void. The nullity or invalidity of any word, sentence, paragraph, section or article in any case, shall not be construed as affecting or harming in any way its application or validity in any other case.

ARTICLE XXI - EXCEPTION CLAUSE

Any matter not covered by this Regulation shall be resolved by the nominating authority, in accordance with the relevant laws, regulations, rulings or executive orders and in everything not provided for therein, shall be governed by the rules of sound public administration and the principles of fairness.

ARTICLE XXII – PROSPECTIVE CLAUSE

The provisions of this Regulation shall apply only prospectively from the date of its validity.

ARTICLE XXIII – DEROGATORY CLAUSE

The Regulations of the Parole Board, Regulation No. 7799 of January 21, 2010, are hereby repealed, Amendment to the Regulations of the Parole Board, Regulation No. 7799 of January 21, 2010, Regulation No. 8495 of June 24, 2014, and any other regulations and/or standards adopted by the Parole Board to address the matters and matters covered by this Regulation and that are not consistent with the provisions of this Regulation.

ARTICLE XXIV – EFFECTIVE/VALIDITY

This Regulation shall enter into force thirty (30) days after its establishment with the State Department, in accordance with the provisions of the Uniform Administrative Procedure Law of the Government of Puerto Rico, Law No. 38 of June 30, 2017, as amended.

Approved in San Juan, Puerto Rico, today 18 of November, 2020.



Aixa S. Pérez Mink, Esq
President
Parole Board

