

GOVERNMENT OF PUERTO RICO  
PAROLE BOARD



**REGULATIONS OF  
PAROLE BOARD**

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**GOVERNMENT OF PUERTO RICO  
PAROLE BOARD**

**RULES OF PROCEDURE OF THE PAROLE BOARD**

**ARTICLE I – DENOMINATION**

These Rules shall be known as the Rules of the Parole Board.

**ARTICLE II - STATEMENT OF PURPOSE**

The Parole Board was established by Act No. 118 of 22 July 1974, as amended, known as the "Parole Board Act". This is 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. The Act delegates to the Board a series of powers, responsibilities, and duties, including the power to grant parole to any person who is held in the custody of any of the correctional institutions in Puerto Rico, provided that he or she complies with the requirements set forth in Act No. 118. above.

The adoption of these Rules of Procedure establishes the procedural rules that will govern the discharge of the adjudicative function of the Parole Board. It incorporates mechanisms to carry out the proceedings within the corresponding term, safeguarding the rights recognized to the petitioners as part of the due process of law. In turn, these Regulations incorporate the rights granted to victims of crime by Act No. 118 above and the Bill-of-Rights of Victims and Witnesses of Crime", Act No. 22 of 22 April 1988, as amended, laying down the rules for ensuring the participation of the victim in proceedings before the Board. Pursuant to the Supreme Court's ruling in *Ortiz v. Alcaide*, 131 DPR 849 (1992), these Regulations adopt the provisions on the adjudication process established in the "Uniform

Administrative Procedure Act of the Government of Puerto Rico," Act No. 38 of June 30, 2017, as amended.

The articles contained in these Rules shall be construed in such a manner as to ensure at all times equitable and deferential treatment of members of the correctional population, petitioners, and releasees, in accordance with the public policy of rehabilitation, as set forth in Article VI, Section 19, of the Constitution of the Commonwealth of Puerto Rico, in order to effectively promote the proper treatment of the petitioners and those released, and to make possible their moral and social rehabilitation.

### **ARTICLE III - LEGAL BASIS**

These Regulations are adopted pursuant to the authority expressly conferred on the Parole Board by Article 3(g) of Act No. 118, above, and in compliance with the provisions of Act No. 38 of June 30, 2017, as amended, better known as the "Uniform Administrative  
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Procedure Act of the Government of Puerto Rico."

### **ARTICLE IV - APPLICABILITY**

These Rules 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**

Every term used of the masculine gender includes the feminine and the neuter, and, where the sense so indicates, neuter gender words may refer to any gender. Likewise, any term used in the singular includes the plural and vice versa. Any word or phrase not defined in this article shall be interpreted in accordance with its common usage.

The following terms and phrases used in this Regulation shall have the following meanings:

- a. **Attorney:** A person admitted by the Supreme Court of Puerto Rico to the practice of law.
- b. **Minutes:** Confidential written document that may not be disclosed and contains sensitive and privileged information that relates to what happened, discussed, or agreed upon at the Board or at a Board meeting.
- c. **Resolutions:** Resolution or Order of the Board adopted by a majority of the 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:** Unless otherwise expressed, "year" means a calendar year, "month" means a period of thirty (30) days, and "day" means a calendar day.
- e. **Summons or Notice:** A written notice issued by the secretary of the Board, or a written or verbal summons by the examining officer and/or the Board, indicating the place, time, and date of a hearing.
- f. **Executive Clemency:** Those privileges granted by the Governor by virtue of Article IV, section 4 of the Constitution of Puerto Rico, which include suspending the execution of sentences in criminal cases, pardoning, commuting sentences, and remitting in whole or in part fines and forfeitures for crimes committed in violation of the laws of Puerto Rico. The modalities of executive clemency are as follows: Conditional commutation, Commutation of the minimum, Commutation of the maximum or remission of sentence, Commutation of sentence, Conditional pardon, General pardon

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or amnesty, Partial pardon, Full pardon, Remission of fines and confiscations, and Suspension of execution of sentence.

- g. Penal Code of 1974:** Penal Code of the Government of Puerto Rico established under Act No. 115 of July 22, 1974, as amended.
- h. Criminal Code of 2004:** Penal Code of the Government of Puerto Rico established under Act No. 149 of June 18, 2004, as amended.
- i. Penal Code of 2012:** Penal Code of the Government of Puerto Rico established under Act No. 146 of July 30, 2012, as amended.
- j. Official Knowledge:** The agency's interpretation of any law or regulation under its administration, issued at the request of a party or at the agency's initiative, and which forms part of the agency's formal repertoire of interpretations.

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- k. Special Conditions:** Conditions imposed by the Board taking into consideration the specific circumstances of each case.
- l. Mandatory Conditions:** Conditions imposed by the Board in all cases where the privilege of parole is granted. These conditions are adopted by the Board by resolution and with the approval of the majority of its members.
- m. Internal Mail:** Any written communication issued between the Department of Corrections and Rehabilitation and the Parole Board.
- n. Department of Corrections and Rehabilitation:** An agency of the Executive Branch responsible for implementing policy related to the adult and juvenile correctional and rehabilitation system, as well as the custody of all offenders and transgressors of the Puerto Rico criminal justice system.

- o. "Detainer":** An application filed by a Criminal Justice Agency with the Correctional Institution in which the petitioner is incarcerated and requesting that the Detainer be notified when the petitioner is to be released.
- p. Immigration Detainer:** A tool used by U.S. Immigration and Customs Enforcement (ICE) and other Department of Homeland Security (DHS) officials when the agency identifies potentially deportable individuals who are detained in Puerto Rico jails.
- q. State Detainer:** When a State issues an Order relating to a petitioner who is under the jurisdiction of that State because criminal proceedings are pending in the home state.
- r. Federal Detainer:** A federal arrest warrant issued by the appropriate federal authorities for the execution of a pending sentence.
- s. Executive Director:** A person appointed by the President of the Board who shall be in charge of the administrative and operational affairs of the Board, who may contract or otherwise provide to the Board such services as he or she deems necessary or desirable for its operation.
- t. Analogous Entity:** Means any legal entity, public or private facility, or facility that is engaged, in whole or in part, in planning, administering, and providing mental health treatment, recovery, and rehabilitation services, and that operates with professionals authorized to practice as such, under the laws of Puerto Rico. This definition also includes mental health professionals in their private offices who operate for the purpose of providing mental health treatment, recovery, and rehabilitation services, including drug and alcohol

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use disorders and comorbid conditions. A provider is also considered to be community-based organizations, for-profit or not-for-profit, that are dedicated to providing therapeutic interventions to patients with drug, alcohol or comorbid abuse or dependence disorders.

- u. Evaluation:** Analysis of the social, physical, emotional, mental, and criminal history; abilities, interests, and other relevant aspects of petitioners and releasees, conducted by treatment personnel and those specialists hired by the Department of Corrections and Rehabilitation or the Board.
- v. Parole Brief Report:** An investigation conducted by the socio-penal services technician of the Department of Corrections and Rehabilitation's Community Program, the purpose of which will be, among other things, to corroborate the feasibility of the proposed exit plan and the opinion of the immediate community.
- w. Adjustment and Progress Report:** A study carried out by the socio-penal service technician in relation to the conduct observed by the person while confined in an institution, in a diversion program or enjoying parole. It includes aspects of work or study, compensation, physical or mental health, addiction, treatment, enjoyment of passes, people who visit you in the institution and other relevant aspects as the case may be.
- x. Parole Report:** A study conducted by a socio-penal service technician from the Department of Corrections and Rehabilitation's Community Program, which includes the social and criminal history; circumstances of the crime(s), official version of the crime, mailing and physical address and opinion of the

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injured party, 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-penal services technician considers the Board should know.

- y. Examining Officer's Report:** A written report rendered by the examining officer, in which he expresses findings of fact, conclusions of law, and makes his recommendation for the consideration of the Board.
- z. Correctional Institution:** A place authorized and designated by the Department of Corrections and Rehabilitation for the extinction of sentences. It includes prisons, detention centers, correctional camps, social adjustment homes, industrial schools, treatment centers, and programs where members of the correctional population are present.
- aa. Board:** The Parole Board is an autonomous agency created by Act No. 118 above, with quasi-judicial functions and attached to the Department of Corrections and Rehabilitation.
- bb. Jurisdiction:** Authority vested by law on the Board to grant, revoke, release, or modify the conditions of parole, issue warrants for the arrest, detention, or requisition of fugitives, recommend to the ruler the granting of executive clemencies, and any other act of the Board authorized by law.
- cc. Organic or enabling law or law:** Act No. 118 of 22 July 1974, as amended, establishing the Parole Board.
- dd. Released:** A sentenced person who enjoys the privilege of parole.

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- ee. Mandate:** Certificate issued by the Board containing the mandatory and special conditions to be fulfilled by the released person from the moment the release on parole is effective.
- ff. Amended Mandate:** A certificate issued by the Board containing the modified conditions.
- gg. Associate Member:** A person appointed by the Ruler, with the advice and consent of the Senate, to occupy a seat on the Board, as provided for in Section 1 of Act No. 118 above, who shall devote all his working time to the official duties of the office.
- hh. Members:** Refers to the President, Vice President, and all associate members who make up the Board.
- ii. Notification:** Official letter sent by the secretary of the Board to the petitioner, released and his legal representative, if any, as well as to the victim, informing him or her of the content of any resolution, summons, or agreement issued by the Board and the date of which it was sent.
- jj. Examining Officer:** A person appointed by the Board to conduct hearings, receive evidence on any case or matter pending determination by the Board itself, take the oath of office, and make recommendations.
- kk. Arrest Warrant:** An order of confinement issued by the President or any member of the Board of any released person to be committed to the correctional institution designated by the Secretary of the Department of Corrections and Rehabilitation. This order is issued to be enforced in and

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outside the jurisdiction of Puerto Rico. It will not expire until the sentence is served.

**ll. Remote Arrest Warrants:** A warrant for the arrest of any person released for more than five years by the President or any member of the Board to be committed to the correctional institution designated by the Secretary of the Department of Corrections and Rehabilitation. This order is issued to be enforced in and outside the jurisdiction of Puerto Rico. It will not expire until the sentence is served.

**mm. Expert:** A person who possesses special knowledge, skill, experience, training, or instruction sufficient to qualify as an expert witness in the matter on which he or she is to testify. It shall also be understood as a person who uses his or her special knowledge to assist a victim in understanding the proceedings before the Board or the information to which he or she is entitled, and which is related to his or her specialty.

**nn. Petitioner:** A member of the correctional population who requests to be considered for parole by the Board upon completion of the minimum sentence, as certified by the Department of Corrections and Rehabilitation.

**oo. President:** A person appointed as such by the Governor, with the advice and consent of the Senate, who shall be the executive officer in charge of directing the Board in quasi-judicial matters, shall preside over meetings of associate members, and shall direct the general operation of the agency.

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- pp. Mental Health Professional:** Means professionals of 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.
- qq. Community Program:** An office attached to the Department of Corrections and Rehabilitation's Office of Programs and Services, charged with conducting corroborative investigations of a petitioner's exit plan and supervising those released on parole.
- rr. Complaint:** A document in which a released person is accused of having violated one or more of the conditions imposed on him or her in the Mandate when granting him or her parole, specifying the facts that constitute the violation or violations charged.
- ss. Reconsideration of cases:** The process by which the Board will reconsider cases in which parole has been denied.
- tt. Fugitive Requisition:** A search warrant issued by the president or any of the associate members of the Board for the arrest of the released person and the effective execution of the arrest warrant and his appearance.
- uu. Resolution:** Official pronouncement of the Board notifying its decision regarding the parole privilege containing the warnings for reconsideration or review thereof. They also include requests or orders issued by the Board on any other matter within its jurisdiction.
- vv. Retention:** Order that prevents the release of the defendant until he or she appears before the Board and the complaint is finally disposed of.

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**ww. Secretary of the Board:** A person appointed by the President, who shall be in charge of the Secretary of the Board and shall perform the duties and responsibilities conferred and assigned by these Regulations, the law, and the President.

**xx. Specific Sentence:** A sentence of imprisonment for a specific or fixed period of time, handed down by a court in accordance with the provisions of Act No. 100 of 4 June 1980 repealing Act No. 295 of 10 April 1946, as amended.

**yy. Indeterminate Sentence:** A sentence of imprisonment handed down by a competent court without a specific limit of duration within the minimum and maximum terms provided by law for the offence committed or by the sentencing court in those cases in which the law does not expressly provide for a minimum or maximum term, according to Act No. 295 of 10 April 1946, as amended. This applies to all offences committed and sentenced prior to the entry into force of Act No. 100 of 4 June 1980.

**zz. Victim of crime:** Any natural person against whom any crime under the laws of the Government of Puerto Rico or the laws of the United States of America has been committed or attempted to be committed, or the guardian or legal guardian of such person, surviving spouse or relative up to the third degree of consanguinity, when the person is deceased, a minor, or physically or mentally incapable of testifying. Likewise, the Commonwealth of Puerto Rico, in those cases in which a person has been convicted of committing any crime against public property and/or property rights or against the public function, as listed in Act No. 118, above.

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**aaa. Vice-President:** A member of the Board selected as Vice-President by a majority vote of the members, who shall hold office during the term of his appointment and shall replace the President during his absence in all his functions.

**bbb. Hearing: Hearing** held by the Board, any of the members, or an examining officer.

**ccc. Consideration Hearing:** A hearing that is held in those cases that are presented for consideration by the Board, to be evaluated in relation to parole.

**ddd. Special Hearing:** A hearing held for the released person for the purpose of resolving a matter or matters expeditiously or urgently.

**eee. Investigative Hearing:** A hearing held to assess whether there is probable cause to believe that the released person has violated the conditions imposed in the Mandate.

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**fff. Mandate Modification Hearing:** A hearing held for the purpose of amending the Mandate, either to change, eliminate, include, or modify the conditions imposed on the released person for the enjoyment of the privilege of parole.

**ggg. Follow-Up Hearing:** A hearing held as part of the conditions of the Mandate, to evaluate the adjustments of the released in the free community, including those requests for change of residence outside the jurisdiction of the Government of Puerto Rico.

**hhh. Final Hearing:** A hearing held to determine whether or not to revoke the parole privilege.

- iii. **Initial Summary Hearing:** A hearing held within the shortest possible period of time, which under normal circumstances should not exceed seventy-two (72) hours from the time of the arrest and detention of the released person.
- jjj. **"Warrant":** A warrant and arrest warrant issued by the Board when a released person is outside the jurisdiction of the Government of Puerto Rico.

## **ARTICLE VI - INTERNAL FUNCTIONING OF THE BOARD**

### **A. Quorum**

In the absence of a president, the meeting of the Board may be convened by three (3) associate members, who shall constitute a quorum, and one (1) of the associate members shall be admitted to practice law by the Supreme Court of Puerto Rico. If there is a president, the president and two (2) associate members shall be a quorum.

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## **ARTICLE VII - JURISDICTION**

### **Section 7.1 - Indeterminate Sentence Regime**

- A. The Board shall acquire jurisdiction when the petitioner has served the minimum term of imprisonment in accordance with the sentence for which he is being held. In consecutive or concurrent sentences of imprisonment, he must have served a period equal to the longest minimum term of imprisonment. When the sentence is life imprisonment, the petitioner must have served twelve (12) calendar years.



- B. The minimum term of imprisonment will be determined according to the certification issued by the Department of Correction and Rehabilitation on the sentence settlement sheet.

**Section 7.2 - Regime of Determined Judgment**

- A. Convictions under the Criminal Code of 1974

- 1. The Board shall acquire jurisdiction when the petitioner has served half of the fixed sentence imposed on him.
- 2. When the petitioner has been convicted of first-degree murder, the Board shall acquire jurisdiction when the person has attained twenty-five (25) calendar years or when he or she has attained ten (10) calendar years if the person convicted of such offense was convicted of such offense as a juvenile tried as an adult.

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- 3. When the sentence results in the imposition of the special penalty provided for in Article 49-C of the Criminal Code of 1974, the Board shall acquire jurisdiction when 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 felony of the first degree or has been determined to be a habitual offender, the Board shall acquire jurisdiction upon completion of twenty-five (25) calendar years of his or her sentence, or ten (10) calendar years, if he or she is a juvenile 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 upon serving eighty percent (80%) of the term of confinement imposed.
  3. If the person has been convicted of a felony of the third degree, the Board shall acquire jurisdiction upon completion of sixty percent (60%) of the term of confinement imposed.
  4. If the person has been convicted of a felony of the fourth degree, the Board shall acquire jurisdiction upon serving fifty percent (50%) of the term of confinement imposed.
- C. Convictions under the 2012 Penal Code, which apply in accordance with the law in force.

**Section 7.3 - Petitioners Sixty (60) Years of Age or Older**

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- A. The Board shall acquire jurisdiction of the case if the petitioner is between sixty (60) and sixty-four (64) years of age and has served a minimum of ten (10) years of his or her sentence; or if you are sixty-five years of age or older and have served a minimum of five (5) years of your sentence. Only the convict will be eligible who, in addition to meeting the required age:
  - i. The sentence you are serving is not for: murder, kidnapping, sexual assault, incest, genocide or crimes against humanity, sale or distribution of controlled substances to persons under eighteen (18) years of age, sale or distribution of illegal weapons, use of a minor for the production, publication or sale of child pornography and abuse through the restriction of liberty and crimes of sexual assault in the

relationship, as provided for in Act No. 54 of 15 August 1989, as amended.

ii. Has not been a repeat offender in the aggravated or habitual modality, as defined in the Penal Code, and has observed good conduct in the institution for a reasonable period of time of not less than one (1) calendar year uninterrupted to date.

B. Petitioners who comply with subsection (A) shall be evaluated by the Board and shall meet the other requirements established by the Act and Regulations in order for the Board to determine whether to grant them the privilege of parole.

C. Specifically for the cases contemplated in subsection (A) of this section, persons who meet the requirements established by law and regulation shall be eligible to enjoy the privilege, even in cases where the jurisdiction of the Board is limited under a special law.

D. Jurisdiction in these cases shall be subject to compliance with the provisions of Articles 3-A to 3-F of Act No. 118, above, relating to victims of crime.

#### **Section 7.4 - Revoked Cases**

A. In cases overturned for violation of conditions, the petitioner will serve half of the remainder of his sentence so that the Board can acquire jurisdiction and reconsider him for parole.

B. In cases overturned by the commission of a new offense, the Board will acquire jurisdiction again when the petitioner serves the minimum term of

imprisonment required for the Board to assume jurisdiction for the new offense.

- C. When the Board revokes the privilege and the petitioner is serving a sentence of life imprisonment or a sentence of ninety-nine (99) years or more, the Board shall acquire jurisdiction again when the petitioner completes four (4) calendar years of imprisonment from the revocation.
- D. If the remaining half is one (1) year or less, the Board will not reconsider the case for parole, except in exceptional situations.

#### **Section 7.5 - Exceptions to the Exercise of Your Jurisdiction**

A. The Board shall not exercise jurisdiction in the following cases:

1. When the offense for which the petitioner is serving a prison sentence is expressly excluded by the Board's organic law and/or special laws.
2. When the provisions related to victims established in the Organic Law of the Board and these Regulations are not complied with.
3. When the petitioner is serving a term of imprisonment as a precondition for probation.
4. When the sentence imposed is six (6) months of imprisonment or less, and the case has been referred to the Board with forty-five (45) calendar days or less remaining to extinguish said sentence.
5. When the case has been referred without the petitioner having served the minimum term of imprisonment required for the Board to assume jurisdiction.

- B. The fact that the petitioner has pursued any available legal remedy to challenge his confinement, or that such remedy is pending before any court in Puerto Rico or the United States at the time the Board acquires jurisdiction, shall not preclude the Board's exercise of jurisdiction.

## **ARTICLE VIII - VICTIMS**

### **Section 8.1 – Rights**

In proceedings before the Board in which Act No. 118 above allows victims to participate, the victim of crime shall be guaranteed the following rights:

1. Receive 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 their discretion, to present to the members of the Board or the appropriate panel of the Board their opinion on:
  - a. The rehabilitation process and the determination to be made in due course in relation to the benefit of the privilege, and/or
  - b. The economic, emotional, or physical impact that the commission of the crime has had on you and your family.
4. Be present as an observer at the hearing.
5. Upon request, testify at the hearing of the petitioner or released person, in his absence.
6. Waive, in writing, the right to notify and participate in the proceedings of the Board.

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7. Have access to all the information contained in any file or form of documentation about the released or petitioner, as well as any file 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, when pertinent and in accordance with applicable laws and regulations, except for information offered in a confidential manner by unrelated third parties and which 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 you are entitled.
9. Require that information about his or her residential and business address, telephone numbers and any documents, papers, or photographs containing this information be kept confidential and that are in the custody of the Board and its employees, when the particular circumstances of the case and the personal safety of the victim and his or her family warrant it.
10. To be notified of the outcome of the hearing when the person responsible for the crime is to be released on parole, prior to his or her departure or transfer to the free community.
11. Go for administrative review before the full Board of any determination, order, or resolution issued by the appropriate panel.
12. Seek judicial review before the Court of Appeals of any determination, order, or resolution rendered by the Board.

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13. When he is a minor or incapacitated, unless he is asked about the scope of the duty to tell the truth, not to be taken an oath or affirmation to this effect.
14. Have at their disposal an area separate from the place where the released, petitioner, or persons related to them are located.

### **Section 8.2 - Obligations**

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

1. Be properly identified and comply with the safety requirements of the Board, Community Programs, and appropriate correctional institutions.
2. Appear on the date and time notified to you for the hearing.
3. Refrain from making any verbal or physical statement that interrupts the proceedings or threatens the safety of those present at the meeting.
4. Inform the Board of any change of mailing address, physical address, and telephone number within ten (10) calendar days from the date the change of mailing address and/or telephone number was made.
5. Use the information contained in the file of the petitioner or released person solely and exclusively for the purpose of issuing an informed opinion on the rehabilitation of the petitioner or released person and the determination to be made in due course in relation to parole.
6. Refrain from publishing or disclosing to third parties the information obtained from the files of the released person or petitioner.

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### **Section 8.3 - Victim Notification**

- A. Notification to the victim will be made using the contact information provided by the referral of the case and the accompanying documents.
- B. When the victim's information does not emerge from the referral of the case and the accompanying documents, the Board shall request it, in writing, from the Community Program of the Department of Corrections and Rehabilitation and other appropriate agencies, as well as conduct a search in the information systems accessible to the Board.
- C. After exhausting the remedies indicated in the preceding paragraph, if no information about the victim is obtained, the Board shall proceed to notify the hearing by publishing a notice in a newspaper of general circulation, which shall include the following:

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- 1. Expression of the provision of law or regulation that authorizes publication.
  - 2. Case name and number
  - 3. Month in which it will be considered by the Board.
  - 4. Mailing address and telephone number of the Board.
  - 5. Date of Issuance of Notice
  - 6. Signature of the Secretary of the Board
- D. The posted notice will remain in effect for fifteen (15) business days from the date of posting of the notice. After this period, the secretary of the Board will proceed to certify compliance with the notification to the injured party and the procedure will continue without his or her participation.



E. In cases where the Board has the victim's information or becomes aware of it after the necessary steps have been taken to obtain it, the hearing shall be notified in accordance with the following:

1. Notice of hearings shall be given in writing within fifteen (15) working days prior to the date of the hearing, including the following information:

a. The date, time, and place of the hearing.

b. Brief explanation of the reasons for holding the hearing, including mention of the crime(s) 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 for additional information about his or her participation in the hearing.

2. Service shall be made by regular mail to the victim's last known mailing address on file. Service by mail is deemed to have been affected with the act of depositing it in the post.

3. If the notification is not returned by the postal service, it will 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 certify compliance with the notification, and the proceedings will continue

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without their involvement. In these cases, all subsequent notifications will be made to the victim's last known mailing address on file.

4. If the notification is returned by the postal service, after verifying that it was duly sent to the last known address on file, the secretary of the Board will proceed to certify compliance with the notification and the procedure will continue without the participation of the victim. In these cases, the certification issued will remain in force as long as there are no changes in the victim's information in the file. If, subsequently, the Board becomes aware of another postal address of the victim, subsequent notifications will be made to that address.
5. In cases where hearings are suspended for just cause, the rescheduling of the new hearing will not have to comply with the fifteen (15) business day notice period as long as the initial notice has been made as appropriate. However, the notification of the new hearing may not be less than three (3) working days prior to the date of the hearing. The victim may waive such notification period provided that he or she signs the document provided by the Board for that purpose. Such waiver does not prejudice your right to be notified within the relevant time limit at subsequent hearings.
6. The hearing will be suspended in cases where the victim requests it because he or she wants to be assisted by a lawyer and/or any expert or companion to facilitate his or her understanding of the proceedings or the information to which he or she is entitled. However, the

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suspension will not be appropriate if the hearing has previously been suspended for the same facts.

- F. In those cases, in which the injured party is a legal entity, the secretary of the Board shall issue a certification indicating that the provisions on notification to victims contained in the organic law of the Board do not apply in the case, except in those circumstances in which the Commonwealth of Puerto Rico is considered a victim of crime. as established in Law 118, above. Such notice shall be made in writing to the Secretary of Justice, and by publication in at least one (1) newspaper of general circulation of an advertisement providing the foregoing details. Any other notification mechanism provided by the Parole Board may be used, i.e., regular mail or e-mail, depending on the victim's preference. The victim will be required to sign the form...

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#### **Section 8.4 - Victim Participation**

- A. Hearings
1. At the request of the victim, the victim may be present as an observer at the consideration hearing and at hearings following the granting of parole. Upon request, the victim may testify at these hearings, in the absence of the petitioner or the released person. In both cases, the legal representative of the petitioner or released person must be notified and may be present during the hearing.
  2. The appearance of the victim may be in person at the headquarters of the Board or through the videoconferencing system, for which he or

she will go to the Community Program or correctional institution indicated.

3. When appearing at the hearing, the victim may be assisted by a lawyer or by any expert to facilitate the understanding of the proceedings. Such lawyer or expert shall be hired by the victim of crime and shall be obliged in writing to maintain the confidentiality of the information provided by the Board in the exercise of his or her functions. The attorney or expert witness will be liable for the misuse of this information.

4. Victim Counseling

- a. Before entering the hearing, the victim will be guided through the process by the assigned personnel. This orientation will be done in the designated waiting area for victims.
- b. Personnel assigned to victims will take and update the victim's contact information.
- c. In this orientation, the victim may request to be allowed to examine the file and sign the commitment not to disclose the information.

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- B. Victim's opinion.

1. The victim may submit his/her 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 that the commission of the crime has caused to him/her and his/her family.

2. When the victim wishes to submit his/her 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 no later than five (5) calendar days from the date on which the petitioner's hearing was held. This hearing will be recorded and may be held at the headquarters of the Board or via videoconferencing.
4. At the informal hearing before the Board, the victim may request to be notified of the Board's determination to grant the parole privilege to the petitioner, stating the effective date of the privilege granted and prior to the date on which he or she will join the free community. In these cases, notification shall be made by registered mail to the last postal address on 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 made in all or some of the Board's processes. This notification shall be made by regular mail to the last mailing address of the victim on file.

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C. Waiver of Rights

1. The victim may waive, freely, expressly, and voluntarily, all or some of the rights conferred by the law and these Regulations.
2. The waiver of rights shall be made in writing, by letter to that effect, or by using the form provided by the Board, which shall be kept in the file of victim waivers.
3. When the victim waives his/her right to notice and/or participate in proceedings before the Board, the Waiver will respect his/her wish and will not notify the victim of proceedings subsequent to the date of the waiver. The secretary of the Board will issue a certification of the victim's total resignation and the proceeding will continue.
4. The victim may waive his or her right to participate in proceedings before the Board, without this being understood as also waiving his or her right to express his or her opinion, and vice versa.

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**Section 8.5 - Access to the file**

- A. The victim shall have access to all the information contained in any file or form of documentation relating to the released or petitioner, as well as any file relating to his or her physical or mental health. However, the victim will not have access to information offered in a confidential manner by unrelated third parties that may reveal their identity. To that end, the Board will allow the Board to review all documents that the Board took or could 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 or designated personnel.

- C. Upon completion of the inspection of the file, the secretary of the Board or designated personnel shall issue a certificate of the victim's appearance and access to the file.
- D. The victim shall use the confidential information solely for the purpose of making an informed opinion on the determination of parole consideration, and not for public disclosure. It will be the responsibility of the victim, his/her lawyer and/or expert or companion to maintain the confidentiality of the information.
- E. It shall be the responsibility of the Board to maintain the confidentiality of the identity of any third party who provides information to the Board for the purpose of deciding.
- F. The Board shall provide the victim with certified copies of all requested documentation, prior to payment of the reproduction fee established by the agency.
- G. If the victim requests to examine the criminal and social records of the petitioner or released person, the Board shall refer the request to the Department of Corrections and Rehabilitation, since it is that Department that has legal custody of such records.

**ARTICLE IX - REFERRAL OF CASES TO THE BOARD**

**Section 9.1 - Request for Privilege**

- A. The privilege of parole shall be deemed to have been formally requested upon receipt of the referral sent for that purpose by the Department of Corrections and Rehabilitation when it is deemed that the petitioner has complied with the

minimum established by law to be considered by the Board or upon the petitioner's written request. In the latter case, the Board deems that the petitioner has met the minimum required to be evaluated and will issue a Resolution to the Department of Corrections and Rehabilitation requesting the formal referral of the petitioner with the corresponding documents.

- B. Referral of the case to the Board entails the petitioner's consent for the Board to review and obtain a copy of all of his records held by the Department of Corrections and Rehabilitation, in order to be evaluated by the Board.

#### **Section 9.2 – Referrals**

- A. The referral shall be made using the form adopted for that purpose by the Department of Correction and Rehabilitation and 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.

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- B. Terms for referring cases:
  - 1. The Department of Corrections and Rehabilitation shall refer cases to the Board no less than ninety (90) calendar days before the petitioner meets the minimum term of confinement required for the Board to acquire jurisdiction.
  - 2. In the case of petitioners serving a sentence of life imprisonment under the indeterminate sentence regime, the referral will be made when the petitioner has served twelve (12) calendar years of the prison sentence.



3. In those cases, in which the petitioner contacts the socio-penal services technician with more than ten (10) calendar days remaining to complete the minimum term of imprisonment required for the Board to assume jurisdiction, and less than ninety (90) calendar days to extinguish the sentence, the case will be referred to the Board before the expiration of the minimum term of confinement required for the Board to assume jurisdiction.
4. When the petitioner, at the time of sentencing, has served the minimum term of confinement required for the Board to assume jurisdiction or ten (10) calendar days or less remain to serve that term, the case shall be immediately referred to the Board.

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**ARTICLE X - CRITERIA TO BE CONSIDERED BY THE BOARD**

**Section 10.1 - Eligibility Criteria**

- A. The Board will evaluate applications for the privilege on a case-by-case basis based on the degree of rehabilitation and adjustment the petitioner has shown during the term of confinement.
- B. In evaluating cases, the Board will consider the following criteria in relation to the petitioner:
  1. Criminal history
    - a. The entire criminal file.

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- b. Criminal record. A criminal record shall be defined as the number of times a petitioner has been convicted and sentenced.
  - c. The nature and circumstances of the crime, for which he is serving a sentence, including the degree of force or violence used in the commission of the crime.
  - d. If you complied with the payment of the special penalty for the Compensation and Services Fund for Victims and Witnesses of Crime, provided for in Article 48 (i) of the Criminal Code of 2012, in the cases that apply.
  - e. If there is a detainer issued by any U.S. state, federal court, federal government, and/or the Immigration and Naturalization Service.
- 2. A settlement statement of the judgment(s) served by the petitioner.
  - 3. The custody classification, how long you have been in that classification and whether there was a change in classification and the reasons for it.
    - a. The Board will not grant parole when the petitioner is in maximum custody.
  - 4. The age of the petitioner.
  - 5. The victim's opinion.
    - a. The opinion of the victim is a factor to be considered by the Board, but the determination of the degree of rehabilitation of

a petitioner and whether he is able to continue serving his sentence in the community is the prerogative of the Board.

6. Social history

- a. The entire social file will be taken into consideration.
- b. If you have previously been on parole, probation, or any other diversion program.
  - i. Compliance and Institutional Adjustments
  - ii. If your parole, probation, or any other diversion program was revoked.
- c. The institutional adjustment history and social history prepared by the Department of Corrections and Rehabilitation.
- d. If disciplinary measures have been imposed, it is provided that disciplinary measures in which two (2) years have elapsed since the date on which such disciplinary measure was imposed shall not be taken into consideration for the purposes of these criteria. This shall not preclude the Board from evaluating the case when the petitioner has or is pending disciplinary action, including administrative positives or positives for controlled substances.
- e. The history of work and/or study carried out at the institution.

7. If you have a structured and viable exit plan in the areas of job offer and/or study, residence, and friend advisor.

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- a. The exit plan may be in Puerto Rico, in any state of 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 his socio-penal technician with the physical address of the place where he intends to reside, if he is granted parole, the name, telephone number, e-mail address of the person with whom he will reside and his relationship with the petitioner. The socio-penal technician in charge of the case must refer the request to the Reciprocity Program of the Department of Correction and Rehabilitation.
  - ii. The request will be processed by the Department of Corrections and Rehabilitation's Reciprocity Program to the receiving State so that the receiving State may proceed to investigate the information provided by the petitioner and immediately notify the Board of the determination of the State that will be supervising 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 submitted.

- 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 parole or probation.
- d. Offer of employment and/or study.
  - i. Each petitioner must provide an offer of employment or, alternatively, a curriculum or vocational training, or work-study.
  - ii. The offer of employment shall be submitted by letter signed by the person extending the offer of employment to the petitioner, including the following information:
    - (a) Full name, mailing address, physical address, email address, and telephone number(s) of the person offering the job.
    - (b) Name, mailing, physical, electronic, and telephone address(es) and nature of the business in which the job is offered.
    - (c) Duties to be performed by the petitioner and working hours.
  - iii. The study plans, including vocational training and/or the work-study program, will be submitted by submitting the letter of acceptance from the educational institution, with an expression of the

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program or faculty to which you will enter. The job must include job descriptions.

iv. The lack of an offer of employment or study alone could be a reason for denying the privilege.

v. An offer of employment or studies is exempt in those cases in which the petitioner suffers from a physical, mental, or emotional disability, duly diagnosed and certified by the competent authority, or is over sixty (60) years of age.

e. Residence

i. Each petitioner must indicate the place where he or she intends to reside if granted parole, either in a residence or in a residential program.

ii. If a residence is proposed, the petitioner must provide his or her socio-penal service technician with the full name, telephone number and e-mail address of the person with whom he or she will reside, or of a close relative, as well as the physical address of the residence so that it can be corroborated by the corresponding Community Program. In these cases, an investigation will also be carried out into the attitude of the community in which the petitioner proposes to reside, if he or she is granted parole.

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- iii. If you propose a residence of your own and do not have a family resource, you must present as a resource and support the friend counselor or someone who can serve as support even if you do not reside with the petitioner. You will need to submit that person's full name, phone number, and email. In these cases, an investigation will also be conducted into the attitude of the community in which the petitioner proposes to reside, if granted parole.
  
- iv. If the petitioner is interested in entering an internal program, he/she will have to present the letter of acceptance of the program, as well as propose an alternate residence in which he/she will enjoy the passes, in the cases that apply. Such alternate residence will be corroborated to determine its viability. If alternate residence is not feasible, the petitioner will not be eligible for passes until a viable alternate residence is provided and authorized by the Board. In addition to the letter of acceptance, in the event that the inpatient treatment program to which the petitioner wishes to enter is paid for by the Department of Correction and Rehabilitation, he or she must have a

referral from the Department of Correction and Rehabilitation stating that he or she is authorized to enter said Program, as long as it is required by the Department of Correction and Rehabilitation. The determination will be based on criteria established by the Department of Corrections and Rehabilitation.

v. In determining whether the proposed housing is viable, the Board shall consider, but not be limited to, the following:

(a) The personal characteristics and criminal history of the persons with whom the petitioner will live in the dwelling, and how the petitioner relates to them.

(b) Opinion of the community on the determination to grant the privilege and the persons with whom the petitioner will live.

(c) Condition of the physical facility of the residence and number of inhabitants in it.

(d) If the proposed residence is relatively close to the crime victim's residence.

(e) If there is any impediment in law for the petitioner to reside in the proposed dwelling unless it is included in the housing contract or

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there is certification from the corresponding administration.

- (f) Any other consideration that the Board deems pertinent within the merits of the individual case.

f. Friend Counselor

- i. The counselor friend has the role of cooperating with the Board and the Community Program of the Department of Corrections and Rehabilitation, in the rehabilitation of the petitioner.

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ii. Requirements:

- (a) Not have a relationship of affinity up to the second degree, or of consanguinity with the petitioner. This prohibition shall not apply in those cases which the Board, in the exercise of its discretion, deems meritorious on the basis of the particular circumstances of the case.
- (b) Not be or have been the petitioner's legal representative in any judicial or administrative proceeding.
- (c) Be of legal age.

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- (d) Be a resident of Puerto Rico. You may reside in the area bordering the Community with Competence Program. You must have frequent contact with the petitioner.
    - (e) Be a person of moral integrity.
    - (f) Have no criminal record.
  - iii. An investigation will be conducted in the community into the conduct and moral integrity of the person proposed for a friend counselor.
  - iv. Compliance with the counseling buddy will not be required in those cases where the proposed exit plan consists solely of being admitted to an inpatient treatment program.
  - v. The absence of the counselor friend alone could be a reason for denying the privilege.
  - vi. The friend counselor will not be required of petitioners over sixty (60) years of age.
  - vii. In cases of reciprocity, it will not be necessary to meet with the counselor friend.
- 8. Health History
  - a. All reports issued by any mental health professional, which are part of the psychological history prepared by the Department of Corrections and Rehabilitation and/or the psychiatric

history prepared by Correctional Health, as applicable, will be taken into consideration.

- b. Petitioner's medical history.
- c. Treatments for health conditions that the petitioner has received or is receiving.

- i. These treatments include those related to controlled substance and/or alcohol addiction control, aggression control, and any other treatment outlined by the Department of Corrections and Rehabilitation.

- ii. Consideration will also be given to the need for the petitioner to benefit from some treatment, in cases where he or she has not received any.

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- iii. Petitioners serving prison sentences for the following crimes will be required to have taken and completed the Learning to Live Without Violence Program at the institution, as well as the Final Report on the Adjustment and Progress of the Program:

- (a) Murder.
    - (b) Offences against sexual indemnity (offences of sexual violence) and attempts thereto.
    - (c) Aggravated kidnapping
    - (d) Offences under the Domestic Violence Prevention and Intervention Act, Act No. 54 of

15 August 1989, as amended, involving grievous bodily harm.

iv. If the petitioner does not have the Learning to Live Without Violence Program, he or she may be granted the privilege so that the program can be carried out in the free community. This situation will occur in exceptional cases and when the Board deems it necessary.

9. If he was advised to register in the Registry of Persons Convicted of Sexual Offences and Child Abuse, in those cases in which the petitioner is serving a sentence for any of the offences identified in Article 3 of Act No. 266 of 9 September 2004, as amended.

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10. If you were advised regarding the registration in the Registry of Persons Convicted of Violations of the Law on Prevention and Intervention with Domestic Violence, in those cases in which the petitioner is serving a sentence for any of the crimes identified in Law No. 59 of August 1, 2017.

11. Compliance with the taking of DNA samples, in those cases in which the petitioner extinguishes his sentence for any of the crimes identified in Article 8 of Law No. 175 of July 24, 1998, as amended.

12. The Board shall have discretion to consider the foregoing criteria as it deems appropriate and any other meritorious ones in relation to the rehabilitation of the petitioner and the best interest of society.

### **Section 10.2 - Documents**

- A. The Department of Corrections and Rehabilitation, through its officers, employees, and/or authorized representatives, shall provide the Board with any document containing information related to the criteria outlined above. The production of these documents will be done by the date of the consideration hearing or the date on which the case is reconsidered. In compliance with the foregoing, the Department of Corrections and Rehabilitation shall submit the following documents to the Board:

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1. Report for Possible Parole (FEI-1).
2. The original of the petitioner's criminal and social file.
3. Parole report duly completed.
  - a. The appropriate Community Program will 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 if granted the privilege.
    - ii. Nature and circumstances of the crime for which you are serving a sentence.

- iii. Criminal history.
  - iv. Petitioner's social, educational, employment, medical, or institutional adjustment history.
  - v. History of treatment for health conditions, such as drug addiction, alcoholism, mental or physical health, among others.
  - vi. Victim's opinion.
- b. In those cases where the proposed exit plan is for any state in the United States, the state's letter of acceptance or rejection will be included.
  - c. This report will be sent two (2) months prior to 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-penal services technician.
- 4. Copy of the judgments imposed on the petitioner.
  - 5. Copy of the detainer issued against the petitioner by any state in the United States and/or the Immigration and Naturalization Service.
  - 6. Updated Judgment Settlement Sheet.
  - 7. Brief Parole Report.
    - a. This report shall be submitted two (2) months prior to the date on which the Board will re-evaluate the case

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and shall be valid for one (1) year from the date of issuance.

8. Evidence of work and study history at the institution.
9. Copy of the letter of offer of employment or, alternatively, letter of acceptance from the institution where the applicant 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 evaluated 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 a medical, psychological, or psychiatric evaluation by the Evaluation and Counseling Program Section (SPEA) or similar entity duly accredited by the State, in those cases in which the person is serving a sentence for crimes against life and/or crimes against sexual indemnity, in accordance with the rule of law in force on the date of sentencing.

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or in any other case where the Board deems it necessary.

- b. These reports will be valid for three (3) years from the date of the evaluation.
- c. The Board in its discretion may require another evaluation, even if it has one in place.
- d. Any member of the correctional or released population may submit a certificate of private psychological or psychiatric treatment or evaluation at his or her own expense to the Parole Board for possible approval.

13. Where applicable, he or she will submit evidence on:

- a. The payment of the special penalty established in Article 48 (i) of the Criminal Code of 2012 or, failing that, evidence of the exemption issued by the Court on the grounds of indigence, as established in the "Law for the Imposition of the Special Penalty of the Penal Code of Puerto Rico", Law No. 34 of August 27, 2021.
- b. Letter of acceptance of the Reciprocity Program, which will be valid for one hundred and twenty (120) calendar days, counted from the date of issuance, which may be extended in meritorious cases, upon request of the Board to the Reciprocity Program.

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- c. Letter of acceptance of the in-house treatment program. This letter will be valid for as determined by the internal treatment program itself. You must also have a referral from the Department of Corrections and Rehabilitation authorizing you to receive treatment under your contracts.
- d. Friend of the Advisor oath duly completed and signed by the person proposed.
- e. Evidence of registration in the Registry of Persons Convicted of Sexual Offences and Abuse Against Minors, as established in Act No. 266 of 9 September 2004, as amended.
- f. Evidence of registration in the Registry of Persons Convicted of Violations of the Domestic Violence Prevention and Intervention Act, as established in Law No. 59 of August 1, 2017.
- g. Final determination revoking the privilege of parole, probation, or any other diversion program from which the petitioner has benefited.
- h. Final resolution imposing some disciplinary measure on the petitioner.

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## **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 the victim, upon written and substantiated request, submitted no less than fifteen (15) calendar days prior to the date of the hearing. Private hearings may also be held, at the written request of the Secretary of Justice, in order to protect an ongoing criminal investigation.
- B. All proceedings at the hearing shall be recorded by any electronic or computerized mechanism for such purposes, and such record shall be in the custody of the Secretary of the Board. Upon request, the examining officer may authorize the parties to record the proceedings during the public hearing and/or perpetuate the proceedings by using any other mechanism for that purpose.
- C. Hearings may be held before the full Board or any member, or before an examining officer. During the hearing, the Board or the presiding officer shall have the power to:
1. Swear in witnesses before they testify.
  2. Offer all parties the opportunity to respond, present evidence and argue, conduct cross-examination, and submit evidence in rebuttal.
  3. To take official cognizance of everything that could be subject to judicial knowledge in the courts of justice.

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4. Issue subpoenas requiring the appearance of witnesses and the presence of books, records, documents, and objects pertinent to the case or matter before them.
  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 evidentiary privileges recognized by the courts of Puerto Rico.
- D. The Rules of Evidence will not apply in this process, but the fundamental principles of evidence may be used to achieve a prompt and fair resolution of the proceedings, provided they are not inconsistent with the procedure.

E. Witnesses

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1. It will be the responsibility of each party to ensure that they have their witnesses available on the day of the hearing.
2. Where a party justifies that the witnesses to be used at the hearing should be summoned through the Board, the Board shall, through the Secretary of the Board, order the appearance and testimony of such witnesses, subject to the following:
  - a. The interested party shall submit in writing to the Board the names and mailing addresses of the witnesses fifteen (15) days prior to the hearing. Failure to comply with the above may result in the summons not being issued, but this shall not constitute grounds for suspension of the hearing.

- b. Any summons of witnesses requested from the Board shall be served by the interested party, through the means it deems appropriate. Such interested party shall be prepared to provide evidence of the completion of the summons at the request of the Board or the presiding officer.
3. The Board, or any of its members or examining officers presiding over the hearing, may, *in its own motion*, order the appearance and testimony of witnesses, as well as the production of books, papers, records, documents, and other evidence relevant to the case for its consideration. In these circumstances, subpoenas shall be issued by the Secretary of the Board.
4. In the event of refusal to obey a duly issued summons by the Board, the Board may appear before any division of the Court of First Instance within whose jurisdiction the person is located, resides or works, to request that the court order the execution of the summons or issue the order making the appearance of witnesses and/or the production of books mandatory, records, documents, or objects that have been required of such witness. Failure to comply with such an order may be punished as contempt of court.
5. In cases where the summons of witnesses proceeds the court is appropriate, the interested party shall serve the summons at his own expense.

6. Any person may be prosecuted for perjury committed by giving false evidence before the Board or member or examining officer presiding over the hearing.
7. No person duly summoned for a hearing shall be excused from appearing, except for cause majeure duly proved.
8. The Board or examining member or officer presiding over the hearing may limit the number of deponents for security reasons.
9. On the day of the hearing, once the witnesses have been sworn in, they will leave the courtroom until it is time for them to give evidence.

F. Suspending Hearings

1. Hearings may only be adjourned for just cause and at the discretion of the Board, upon written request or on the day of the hearing.
2. When the request is made in writing, if the Board does not express itself on it, it will be understood that it was rejected outright, so the indication will continue in force, and the appearance of the parties will be mandatory.
3. The Board or examining member or officer presiding over the hearing may grant a request for suspension requested orally at the hearing, provided that there is just cause to do so.
4. When the suspension of the hearing is requested by the petitioner, the released person, or his legal representative, or for reasons attributable to him/her, the suspension shall entail a waiver of any term in his favor.

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5. When a victim expresses that he or she wishes to be assisted by a legal representative, the Board or member or examining officer presiding over the hearing may grant the request for suspension on that ground.
- G. The use of discovery mechanisms will not be permitted in proceedings before the Board.
- H. Service of Summons
1. The summons shall be served on you within the time limit provided for in these Rules, according to the nature of the hearing.
  2. The summons shall be in writing, stating the place, time and date of the hearing, the rights to which he or she will be entitled during the hearing, and shall state that the hearings will not be adjourned and of the measures that the Board may take if a party fails to appear at the hearing.
  3. The summons shall be served as follows:
    - a. In those cases where the petitioner or released person appears through legal representation, service shall be made by regular mail or e-mail to the lawyer's last address, as shown in the case file.
    - b. In addition, the petitioner or released person shall be notified, personally, through the socio-penal services technician assigned to his or her case, by internal mail. In these cases, the petitioner or released person shall sign the copy of the served summons, indicating the date on which the summons was

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signed. The socio-penal services technician shall forward the completed summons to the Board within three (3) working days from the date of signature of the petitioner or released, via e-mail.

c. The summons to the victim shall be made in accordance with the process set forth in Section 8.3 of these Rules.

I. During the hearing, the petitioner or released person shall be guaranteed the following rights:

1. The right to appear in one's own right or through legal representation. When the petitioner wishes to appear in his or her own right, he or she must state in writing that he or she freely and voluntarily waives the right to be represented by counsel.

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2. Right to present evidence in your favor.

3. Right to a Fair Adjudication.

4. The right to have the decision based on the file.

J. When any of the parties suffers from profound, severe, moderate, or mild deafness, or that reflects any other situation of hearing loss or condition that prevents them from communicating effectively, the party or its legal representative must notify the Board within twenty (20) business days so that the Board can take the necessary steps to assign a sign language and/or lip-reading interpreter. or provide you with some other reasonable accommodation that, in accordance with the provisions of the American with Disabilities Act and Act 136-1996, ensures the effectiveness of the communication.

## **ARTICLE XII - CONSIDERATION OF PAROLE CASES**

### **Section 12.1 - Consideration Hearing**

- A. The consideration hearing is held in those cases that are brought before the Board for consideration for the first time.
- B. General Provisions
  - 1. The consideration hearing shall be governed by the provisions of Article XI of these Rules.
  - 2. The consideration hearing may be held through the personal appearance of the parties at the headquarters of the Board, or from the correctional institutions and/or the office of the corresponding Community Program through the videoconferencing system or any other electronic or computerized system for such purposes.
  - 3. At the consideration hearing, the order of evidence will begin with the petitioner.
- C. Terms for holding it:
  - 1. The consideration hearing shall be held as close as possible to the date of expiration of the minimum sentence and always within forty-five (45) calendar days from the date on which the petitioner served the minimum term of imprisonment required for the Board to acquire jurisdiction. This term may be extended due to exceptional circumstances or circumstances attributable to or under the control of the petitioner.

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2. In the exercise of its discretion, by means of a resolution adopted by a majority, the Board may consider a case outside the term established in the preceding paragraph, when it presents special circumstances that justify its immediate consideration.

D. Service 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 evaluating the case for parole, within twenty (20) calendar days prior to the date of the summons.

2. Notification shall be made in accordance with the provisions of Article XI(H) of these Rules.

**Section 12.2 - Reconsideration of Cases**

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A. The reconsideration provided for in this section pertains to those cases in which parole has been denied and which the Board directed that it will reconsider within one (1) year from the date it last considered the case. The Board may reconsider a case outside the time limit set forth above, for meritorious cause.

B. When reconsidering a case, the Board shall comply with the notification to victims as provided in Section 8.3 of these Rules.

C. The reconsideration of cases shall take place without the holding of a hearing for that purpose. At the discretion of the Board, a hearing may be held, upon written request to that effect by the petitioner four (4) months prior to the date

on which the Board will reconsider the Board's case. Reconsideration hearings shall be governed by the provisions of Article XI of these Rules.

### **Section 12.3 - Parole Determination**

A. Determination to grant parole.

1. If parole is granted, the Board shall impose such mandatory and special conditions as it deems advisable for the rehabilitation of the released person.
2. The Board shall have broad discretion to modify, change, impose, and eliminate any and all conditions it deems necessary and desirable for granting parole, in order to assist in the prompt rehabilitation of the released person and to safeguard the best interests of society.
3. Parole shall be effective on the date set forth by the Board in the resolution and in the Parole Mandate.
4. In any case where parole is granted, the Department of Corrections and Rehabilitation shall certify to the Board that it has complied with the provisions of Article 6 of the "Law on the Prevention and Treatment of Sexually Transmitted Diseases", Act No. 81 of 4 June 1983, as amended.
5. The Board may grant parole to be enjoyed in any state of the United States, by interstate compact (Reciprocity).

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- B. When the Board denies parole, it shall state individually in its resolution the findings of fact and conclusions of law on which the determination is based, as well as the date (month and year) on which it will reconsider the case.

**Section 12.4 - Waiver of Parole Privilege**

- A. The petitioner may waive his or her right to be considered by the Board for parole, provided that such waiver is free and voluntary, and is 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 his or her case by submitting a written statement to that effect.
- B. At the request of the released person, the Board may revoke the privilege of parole, provided that such request is made freely and voluntarily, and no complaint has been filed against him alleging violation of the conditions imposed in his Mandate.
- C. The Board will not grant a request for waiver of privilege if it is filed after the revocation process has begun because a complaint has been filed against the released person.

**ARTICLE XIII – CASES UNDER THE PAROLE PRIVILEGE**

**Section 13.1 - Follow-Up Hearing**

- A. Follow-up hearings are held as part of the conditions of the Mandate, to evaluate the adjustments of the released in the free community, including those requests for change of residence outside the jurisdiction of Puerto Rico.

B. General Provisions

1. Follow-up hearings shall be governed by the provisions of Article XI of these Rules.
2. Follow-up hearings may be held through the personal appearance of the parties at the headquarters of the Board or the corresponding Community Program by means of the videoconferencing system or any other electronic or computerized system for these purposes.
3. In the follow-up hearings, the order of the evidence will begin with the socio-penal services technician who supervises the released person in the free community, or authorized representative.

C. As part of the conditions imposed, the months in which follow-up hearings will be held will be included in the Mandate. However, at the discretion of the Board, follow-up hearings may be held in addition to the hearings previously indicated in the Mandate.

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D. Notification

1. Summonses to follow-up hearings included in the Mandate shall be notified two (2) months prior to the date of the summons. If additional hearings are held, the summons will be served thirty (30) calendar days prior to the date of the summons. For just cause, this hearing may be summoned outside the term established herein, as long as the terms of summons of the injured parties are complied with, as applicable.

2. The summons shall be served in accordance with the provisions of Article XI(H). In its contents, the socio-penal services technician assigned to supervise the released person will be warned of his duty to submit the Adjustment and Progress Report completed in its entirety, five (5) days before the date of the appointment.
- E. The follow-up hearing may be converted into an investigation hearing or a modification of the Mandate, if circumstances arise during the hearing that warrant such conversion. In such cases, the proceedings shall be governed by the provisions of these Rules relating to such hearings. Under no circumstances may the follow-up hearing be adjourned, unless there are exceptional circumstances which prevent the hearing from taking place.
- F. The failure of the parolee to appear at a follow-up hearing, after it has been proved, to the satisfaction of the Board, that he or she was duly summoned to the hearing, may be the basis for the revocation process to be initiated.

### **Section 13.2 - Mandate Modification Hearing**

- A. The Board, *motu proprio*, or at the request of a party, may hold hearings for the purpose of amending the Mandate, either to change, eliminate, include, or modify the conditions imposed on the released person for the enjoyment of the privilege.
- B. These hearings shall be governed by Section 13.1(B) of these Regulations.
- C. Notice of summons to these hearings shall be given thirty (30) calendar days prior to the date of the summons. For just cause, this hearing may be

summoned outside the term established herein, provided that the terms of summons of the injured parties are complied with, as applicable.

- D. The summons to the hearing shall be made in accordance with the provisions of Article XI (H), including in its content the reasons for the hearing.

### **Section 13.3 - Special Processes**

- A. The special processes include all those requests for released persons that require prior authorization from the 1st Board to be executed.

- B. Travel Permit

- 1. A travel permit is a special grant granted by the Parole Board, which must be requested only in situations of a special nature, and in accordance with the adjustments and progress of the released person in the free community.

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- 2. The application for a travel permit shall be submitted by means of a report filed by the socio-penal service technician assigned to supervise the released person, within a period of no less than fifteen (15) calendar days prior to the date of departure and shall be accompanied by the permit duly completed and signed by said technician. Applications submitted outside of this period 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) business days from the date the request was submitted to the Board, unless just cause is given.

4. The Board will not grant a travel permit unless there is a reciprocity agreement with the country to which the released person will travel, except in 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 one (5) business days.
3. prior to the date of the event. In cases of an emergency nature, the request may be submitted three (3) business days prior to the date of the event. Applications submitted outside of the terms described above will not be reviewed, except in circumstances where there is just cause.
4. Such permits will be granted for reasons of health, death, recreation, family events and any other circumstance that has just cause.
5. The Board will work on these requests as expeditiously as possible.

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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 at this hearing.
2. In order to hold this hearing, the fifteen (15) day notice period for any of the parties does not have to be complied with.

E. Detention Order in a medical institution

1. The Board may order the placement of a parole person in any medical institution for treatment when it is reasonably satisfied that his or her presence in the community is incompatible with the safety or welfare of the person himself, or of the community.
2. The time the person is confined in the medical institution will be credited to his sentence, as if he or she were enjoying parole in the community.
3. The cases of persons confined in a medical institution shall be periodically reviewed by the Board, for periods not exceeding six (6) months, in order to determine, in agreement with the medical authorities of the institution where they are confined, the advisability of their return to the community.

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**Section 13.4 - Violation of Terms**

**A. Preliminary Investigation**

1. When the socio-penal services technician assigned to supervise the released person becomes aware that the prisoner has engaged in conduct constituting a probable violation of the conditions imposed by the Board in the Parole Mandate, he or she will proceed to carry out an investigation into the matter within the next fifteen (15) working days.
2. Once the investigation has been completed, the socio-penal services technician shall submit a report to the Board within thirty (30)



working days, except in extraordinary circumstances, in which he shall state:

- a. A summary of the facts and circumstances of the probable violations of which the released person is accused.
  - b. A comprehensive record of the released person's conduct during the entire period of parole.
  - c. Any other related data that should be known to the Board.
3. After evaluating the report, the Board will determine whether to summon the released person for an investigative hearing or to order the arrest of the released person.
  4. In those cases, in which the Board becomes aware that a released person has committed a probable violation of the conditions of the parole order, without the report of the socio-penal services technician, the Board, *motu proprio*, may summon an investigation hearing or order the arrest.

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**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 released person has violated the conditions imposed in the Mandate. The decision 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-penal services technician, regarding the seriousness of the conditions allegedly violated, the criminal history of the released

person, the conduct observed by him under the privilege and any other pertinent circumstances.

2. This hearing will be held within a period of no more than forty-five (45) calendar days, counted from the receipt of the report sent by the socio-penal 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 these Rules.
4. This hearing will be notified to the parties as soon as possible, complying with the notification to victims in accordance with Section 8.3 of these Rules, where applicable.
5. Notice of the hearing shall be made in accordance with the provisions of Article XI (H), including in its content a list of the alleged violations with expression of the conduct constituting a violation of the condition.
6. During this hearing, the released person will be guaranteed the following rights:
  - a. Be notified in writing of the alleged violation of the parole condition.
  - b. Prepare properly and be represented by an attorney. When the released person is interested in appearing in his or her own right, he or she will need to complete the "Waiver of Legal Representation" form provided by the Board.

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- c. Confront the evidence against you and present evidence in your favor.
7. Once the hearing has been held, the Board will issue the corresponding determination, among which it may order the closure and filing of the complaint, proceed with a reprimand or issue the arrest warrant.

**C. Arrest Warrant**

1. The Board or any of its members may order the arrest and confinement of any released person to be committed to such correctional institution as may be designated by the Department of Corrections and Rehabilitation.
2. The order shall be signed by the President of the Board or any of its associate members and shall be served 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 released person, the case number of the Board and the complaint number, and the Board shall notify the released person of the following:
  - a. The alleged violation of the condition of parole.
  - b. Your rights.
  - c. The holding of an initial summary hearing to determine whether there is probable cause to believe that the alleged violation has been committed and whether there is probable

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cause for the continued detention until the Board issues the final determination.

4. The Board shall issue an arrest and detention order in those cases where the released person is being held in a correctional institution or if his or her whereabouts are unknown in the jurisdiction of Puerto Rico.
5. When the released person is outside the jurisdiction of Puerto Rico, the Board will issue a warrant and an arrest warrant against the released person, which will be forwarded to the Department of Justice for extradition of the released person.
6. Once the arrest warrant has been executed, the released person shall be placed in such correctional institution as may be determined by the Department of Corrections and Rehabilitation, and the Board shall be immediately notified thereof by the person who served the warrant.
7. The terms established for holding the initial summary hearing and the final hearing will begin to count from the date on which the released person was arrested and admitted to the correctional institution. In the event that the released person has been extradited by an arrest warrant issued by the Board, the terms will begin to run from the date the released person has entered a correctional institution in the jurisdiction of Puerto Rico.

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**D. Initial Summary Hearing**

1. The Board shall hold an initial summary hearing within the shortest possible period of time, which under normal circumstances shall not exceed seventy-two (72) hours from the time of the arrest and detention of the released person, to determine whether there is probable cause to believe that the alleged violation has been committed and whether there is probable cause for the continued detention of the person pending the Board's final determination.
2. If the released person, after being arrested, is admitted directly to the medical area unit for suffering from a health condition that requires urgent treatment, the period of seventy-two (72) hours will begin to count from the date on which the released person is discharged by a medical physician. This will constitute an outage not attributable to the Board.
3. The hearing shall be held before an examining officer appointed by the Board, who shall have the power to summon witnesses, take oaths, receive evidence and exclude evidence that which is impertinent, immaterial, repetitive or inadmissible on constitutional or legal grounds based on evidentiary privileges, take official cognizance of everything that may be the subject of judicial cognizance in the courts of justice, summarize it and make observations and recommendations to the Board on the case for its consideration.

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4. During the hearing, the released person shall be guaranteed the opportunity to be heard, to present evidence on his behalf and to confront adverse witnesses.
5. The released person may be assisted by counsel during the hearing, but it shall not be the obligation of the Board to provide counsel. The released person may waive this right and appear in his or her own right, provided that the waiver is free, voluntary and in writing.
6. The summons to the hearing shall be made in writing, stating the date, time, and place of the hearing, as well as the rights of the released person. The Board will forward the summons, via facsimile and/or email, to the Criminal Records Area of the correctional institution where the released person was admitted for personal notification. In addition, the socio-penal services technician of the Community Program and his/her lawyer, if available, will be notified by facsimile and/or e-mail. Confirmation of receipt of the document via facsimile and/or e-mail will be attached to the file as evidence of completion.
7. The examining officer may order those persons interviewed by the socio-penal services technician in his preliminary investigation be kept anonymous for reasons of their personal safety.
8. The hearing shall be public and informal, but the Board may authorize it to be closed to the public in order to receive relevant information or oral testimony from the released person, upon request by the party or

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the Secretary of Justice, in order to protect an ongoing criminal investigation.

9. The hearing shall be recorded by any electronic or computerized mechanism for such purposes, and such record shall be in the custody of the Secretary of the Board. The examining officer may authorize a party, at his or her request on the day of the hearing, to record the proceedings during the hearing and/or to perpetuate the proceedings by using any other mechanism for that purpose, provided that this does not result in the delay of the proceedings.
10. The initial summary hearing shall be held at the headquarters of the Board, with the physical appearance or videoconference of the released person and his or her lawyer, if available. The socio-penal services technician may appear in person or through the videoconferencing system.
11. The Rules of Evidence shall apply flexibly, so that they do not distort and impede 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 evidence will begin with the socio-penal services technician.
13. The initial summary hearing may be adjourned for reasons attributable to the released person or at the request of his or her lawyer. In these

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cases, the suspension entails a tacit waiver of all the terms that the released person may have in his or her favor.

14. When the suspension proceeds in accordance with the preceding paragraph, the Board shall consolidate the initial summary hearing with the final revocation hearing, which shall be indicated by notice not less than thirty (30) days in advance. Failure to hold the initial summary hearing is remedied by holding the subsequent hearing.
15. The use of discovery mechanisms shall not be permitted in the initial summary hearing procedure.
16. It is not necessary to hold the initial summary hearing when a court has determined at a preliminary hearing pursuant to Rule 23 of the Rules of Criminal Procedure probable cause for the commission of a new felony.

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**E. Final Hearing**

1. The Board will hold a final hearing to determine whether the revocation of parole is appropriate.
2. The hearing shall be held within sixty (60) calendar days from the date of the release of the releasee. This term may be extended for just cause or at the request of the released person or his or her legal representative. In the latter case, the request for an extension entails the waiver of the terms that may be in your favor.
3. The final hearing will be held at the headquarters of the Board, with the physical appearance of the released person or by videoconference



system of the released person and his lawyer, if any, as well as the socio-penal services technician and the witnesses to be presented by the parties. By way of exception, the final hearing may be held without the appearance of the defendant in cases where the defendant has been found guilty and is serving a sentence for a federal crime, which will be sufficient cause to initiate and proceed with the process of revocation in absentia. In the event of an emergency, see Article 13.5 of these Regulations.

4. The Board shall notify the released person in writing of the date, time, and place of the hearing, stating the alleged violation of the condition of parole, within fifteen (15) calendar days prior to the hearing. The Board shall forward the summons to the released person, via facsimile or e-mail, to the Criminal Records Area of the correctional institution where the released person is being held, so that it may be served personally.
5. The Board will also notify the released person's lawyer, by regular mail to the last address or e-mail, as shown in the case file, and the socio-penal services technician to the Community Program, via fax, internal mail, or e-mail. These notices will be within fifteen (15) calendar days prior to the hearing.
6. The summons to the victim shall be made in accordance with the process set forth in Section 8.3 of these Rules.

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7. During the hearing, the released person shall have the following rights:
  - a. The right to prepare properly.
  - b. Right to be represented by counsel. In the event that the released person does not have a legal representative, the Board will assign one.
  - c. Once legal representation has been assigned, the released person has the right to waive the right to be assisted by a lawyer, subject to guidance on his or her rights, provided that such waiver is free and voluntary, and is in writing.
  - d. The right to confront the evidence against them, 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 released person shall be released immediately, upon release order issued by the President of the Board or his authorized representative.
9. The alleged violation of parole shall be considered as not committed if, ninety (90) calendar days after the release of the released prisoner, the Board does not hold the final hearing and revoke the parole.
10. The Rules of Evidence will not apply in this process, but the fundamental principles of evidence may be used to achieve a prompt

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and fair resolution of the proceedings. The Rules of Criminal Procedure shall apply as long as they are not inconsistent with the summary and informal nature of the hearing.

- F.** At the end of the final hearing, the Board may decide to revoke parole, reprimand, dismiss the complaint or modify the conditions of the Mandate. In the last three (3) cases, the Board will order the release of the released person.
- G.** If it appears that the person, whose admission to the correctional institution has been ordered by the Board, has violated the conditions of his parole, the period between the issuance of the arrest warrant and the date of his arrest shall not be counted as part of the term for which he was sentenced.

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

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Once the State of Emergency is declared by the Governor of Puerto Rico, if the various hearings set forth in these Regulations cannot be held, the Board, by resolution of its members, shall determine the manner in which they shall be held. This is without going against what is expressed in the Government's Executive Order.

**ARTICLE XIV - DETERMINATION OF THE BOARD**

**Section 14.1 - General Provisions**

- A.** The Board will make its determination on the basis of a preponderance of the evidence, in the light of the evidence presented during the hearing and the entire case file.

- B. At the end of the hearing, no other document shall be admitted into evidence, unless required by the Board, in which case a copy of the document shall be served on the petitioner or released person and his or her attorney, if any, allowing sufficient time for them to express themselves in relation thereto.
- C. The Board may function in plenary session or divided into two (2) panels of three (3) members, in which the President shall be the third member:
1. When the Board operates in panels, they may be constituted only by all their members and their resolutions shall be adopted unanimously. If unanimous agreement is not reached, the matter will be referred to the full Board for consideration. These panels will be able to function 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 for consideration by a panel for consideration by the full Board.
  2. Any determination made by the full Board shall be made by agreement of a majority of the members.

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#### **Section 14.2 - Report of the Examining Officer**

- A. After the hearing, the presiding examining officer shall prepare a report summarizing all the evidence received, setting out separately the findings of fact and the conclusions of law, based on the evidence received, and the facts of the law on which his recommendation is based.

- B. Any report of the examining officer shall be consistent with the established facts and applicable law, in accordance with the rule of law in force on the date the case was assessed.
- C. The examining officer shall submit his or her report to the Board within fifteen (15) calendar days from the date of the hearing. This term may be extended only in exceptional circumstances, in which case the term will not exceed twenty (20) calendar days, counted from the date on which the hearing was held.
- D. The Board will evaluate the recommendation and issue its determination through the corresponding resolution.

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**Section 14.3 - Termination**

- A. When the hearing has been presided over by the Board or one of the members, in accordance with the delegated power to adjudicate the cases before it, the Board shall issue its determination in writing, with an expression of the findings of fact, including the evidence supporting its determination, and conclusions of law, by means of the corresponding resolution.
- B. Any member of the Board may issue a written opinion, whether concurring, dissenting or separate from the determination made by the Board.
- C. The resolutions shall contain the following information:
  - 1. Name of the petitioner or released and the identification number of the case.

2. Findings of Fact.
3. Conclusions of Law.
4. Determination of the Board.
5. Warning of the right to request reconsideration from the Board or to seek judicial review, with an expression of the terms for doing so.
6. Date it was issued and signature of all members who participated in the determination.
7. Date of filing of the copy of the decision in the file
8. Name and address of the parties to whom the notice was served, except for the information pertaining to the victim, where applicable.

D. The Board shall issue its final determination, by means of the corresponding resolution, within thirty (30) calendar days from the date on which the hearing was held. In the case of revocations, the final determination may not be issued in excess of one hundred and fifty (150) days from the arrest and admission of the released person.

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E. The Board may postpone its determination in cases considered for parole, subject to the following:

1. The decision to postpone shall be notified in writing to the petitioner, stating the reasons for the postponement.
2. The Board may postpone the issuance of the final determination for a period not exceeding one hundred and eighty (180) calendar days from the date on which the determination was made.

3. The fact that a member of the correctional population has filed any available legal remedy to challenge his or her confinement, or that such remedy is pending in any court of Puerto Rico or the United States at the time the Board acquires jurisdiction over such member of the correctional population, shall not be a reason to postpone the determination of whether or not to order parole.
4. The determination of the revocation process may not be postponed. It may not exceed one hundred and fifty (150) days, such term is jurisdictional.

F. Notification of Determination

1. The Board shall give notice of its determination within twenty (20) calendar days from the date the determination was issued.
2. In those cases where the victim has requested notification of the Board's determinations or determination to grant parole, notification shall be made in accordance with the provisions of subsections four (4) and five (5) of Section 8.4(B) of these Rules.
3. In those cases where the petitioner or released person appears by legal representation, service on counsel shall be made in accordance with the provisions of Article XI(H)(3)(a). The notification shall be deemed to have been affected by the act of depositing it in the post office and if it is not received by the postal service, it shall be understood that it was duly received. It can also be sent via email.

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4. Decisions shall be notified to the petitioner or released person through the socio-penal services technician assigned to his or her case, by internal mail. In these cases, the petitioner or released person shall sign a copy of the notified resolution, indicating the date on which it was signed, which shall constitute evidence of the proceedings. Once completed, it shall be the responsibility of the socio-penal services technician to return a copy of the resolution to the Board within three (3) calendar days from the date on which the petitioner or released was notified of the resolution.

#### **Section 14.4 - Closure and Archiving of Cases**

- A. The Board will order administrative closure of a case when the petitioner is evaded from the jurisdiction of the Department of Corrections and Rehabilitation.
- B. The Board shall order the closure and archiving of cases due to the death of the petitioner or the person who has been released, upon presentation of a document that proves it, or when the judgment has expired.
- C. The Board may not order the administrative closure of a case when an Arrest Warrant and/or Warrant has been issued that has not been served and there is no evidence in the record that the released person has completed the sentence.



## **ARTICLE XV - ADMINISTRATIVE REVIEW AND JUDICIAL REVIEW**

### **Section 15.1 - Reconsideration**

- A. Any party adversely affected by a partial or final resolution or order may request the Board to reconsider the resolution or order within twenty (20) calendar days from the date of filing of the notice of the resolution or order.
- B. The request shall be made in writing under the heading "Reconsideration", and may be filed in person, at the secretary of the Board, or by e-mail or regular mail, in which case the word "Reconsideration" must be inscribed on the postal envelope.
- C. To determine the date of filing, the date on which the document was stamped as received at the secretary of the Board, during working hours, will be considered. When the motion for reconsideration has been filed by a member of the correctional population, in his or her own right, the filing date shall be the day on which the brief was delivered to the correctional institution officer, who shall be responsible for processing the submission of the brief to the Board.
- D. The Board shall consider such motion within fifteen (15) calendar days from the date of filing of the motion. If the Board rejects it outright or fails to act within fifteen (15) days, the time limit for requesting review shall begin to run again from the time such denial 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 time limit for requesting review shall begin to run from the date on which a copy of the notice of the resolution finally resolving the

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motion for reconsideration is filed in the file. Such resolution shall be issued and filed within ninety (90) calendar days following the filing of the motion for reconsideration. If the Board grants the motion for reconsideration but fails to take any action on the motion within ninety (90) calendar days of the motion being filed, it shall lose jurisdiction over the motion and the time limit for seeking judicial review shall begin to run from the expiration of such ninety (90) day period unless the Board, For just cause and within those ninety (90) days, extend the term to resolve for a period not to exceed thirty (30) additional calendar days.

- E. If the date on which the copy of the notification of the order or decision is filed in the file is different from the date on which the notice was deposited in the ordinary mail or sent by electronic means, the term shall be calculated from the date of deposit in the ordinary mail or of the dispatch by electronic means. as applicable.

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### **Section 15.2 - Judicial Review**

Upon completion of the reconsideration process, the party adversely affected by a final order or resolution of the Board may file a motion for review with the Court of Appeals within thirty (30) calendar days from the date of the filing of the copy of the notice of the Board's final order or resolution or from the applicable date of the Board's final order or resolution. Section 15.1 of these Rules, when the time limit for seeking judicial review has been interrupted by the timely filing of a motion for reconsideration. The party

shall notify the Board and all parties of the filing of the request for review within the time limit for requesting such review.

#### **ARTICLE XVI - ADMINISTRATIVE PROCEEDINGS**

A. The Board shall maintain a record of each petitioner and releasee, which shall contain all documents relating to the case, including the examining officers' reports, the Board's notices, orders, and resolutions, the briefs filed by the parties, and the reports filed by the Department of Corrections and Rehabilitation, among others.

B. All information obtained by the Board or by any of its officers or employees, in the performance of their official duties, shall be confidential and may not be disclosed, revealing the name of the member of the correctional population in any way.

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C. The information contained in the Board's files may be disclosed only in the following instances:

1. When there is the voluntary written consent of the petitioner or released person or the person who has the petitioner or released in his or her legal custody because he or she is incapable of giving 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 file of the petitioner or released, or who uses such information for any purpose other

than that for which it was requested, shall be guilty of a misdemeanor, in accordance with the provisions of Article 7 of the Organic Law of the Parole Board.

- E. Information related to the victims' home and business addresses, as well as phone 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 victim's address and telephone number information has been omitted. No public official or employee shall disclose information about the victim's address and telephone numbers, except in the instances set forth in Article 2(c) of Act No. 22 of April 22, 1988, as amended, better known as the "Bill of Rights of Victims and Witnesses of Crime."

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- F. Any person interested in the reproduction of documents contained in the Board's file, provided that he or she is authorized to access such information, shall have to pay the costs of reproduction established by the Board. The secretary of the Board shall not deliver such copies until the interested party has paid for the reproduction.

## **ARTICLE XVII - GENERAL PROVISIONS**

### **Section 17.1 - Filing and Notification of Briefs to the Board**

- A. Any document submitted to the Board must be signed by the party or his/her attorney, including the postal address, e-mail address, facsimile, and telephone number.

- B. To determine the date of filing of a document with the Board, the date on which it was stamped at the Board's secretariat during working hours shall be considered.
- C. Where the brief has been submitted by a member of the correctional population, in his or her own right, the filing date shall be the date on which the brief was delivered to the correctional institution officer, who shall be responsible for arranging the submission of the brief to the Board.
- D. Any document submitted by facsimile shall be deemed to have been filed on the date on which it is stamped at the secretariat of the Board during working hours, regardless of the date on which the document is sent. In these cases, the document submitted by facsimile must be filed in original, by email or personal presentation, within three (3) working days from the date on which it was sent via facsimile, this term being non-extendable. Once the above has been complied with, the submission of the original document will be backdated to the date of receipt of the facsimile at the registry. If the original is not received within the period provided, it will be considered not filed until it is received at the secretary's office, in which case the filing date will be the date on which the original of the document was received.

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### **Section 17.2 - Updating Party Information**

- A. Any change of address, e-mail, facsimile, or telephone number that takes place during the course of the proceedings must be notified to the Secretary of the Board by means of a written statement to that effect.

- B. If the parties or their counsel do not give notice of the change in information, and notices are sent to you in accordance with the information that emerges from the record, it will not be accepted as an excuse or defense that the notice was not received by the parties.
- C. It shall be the responsibility of the attorney of record to notify the Board immediately when he or she relinquishes legal representation of the petitioner or released.

**Section 17.3 - Errors of Form**

Formal, official, 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 such errors shall not interrupt the terms that are in force.

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**Section 17.4 - Inhibition**

- A. At any hearing or matter before the Board, on its own initiative or at the request of a party, the President of the Board may order the disqualification of any of its members or the Board by majority vote may order the disqualification of any of the examining officers, in any of the following circumstances:
  - 1. Circumstances that create conflicts of interest or the appearance thereof.
  - 2. To take advantage of the outcome or to have personal prejudice or bias towards any of the persons or lawyers involved in the hearing or to 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 released person is extinguishing his sentence.
4. Have been an attorney, adviser, or counselor to any of the parties or their attorneys in the crimes for which the petitioner or released person is serving sentences; or prosecutor in a criminal investigation or proceeding in which the facts were the same as those present at the hearing before him; or judge, in the same circumstances.
5. Any other cause that may reasonably cast doubt on your impartiality in adjudicating or that tends to undermine public confidence in the parole system.
6. It shall not be grounds for inhibition for the petitioner or released to reside in the same town as any member or examining officer of the Board unless other reasons for inhibition apply.

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- B. When the request for inhibition is submitted by the petitioner, the released person, his legal representative, or any party to the case, it shall be made in writing and shall specify the grounds on which it is based. The President or the Board, as applicable, shall have a period of twenty (20) calendar days to resolve the request for inhibition, except in extraordinary circumstances that warrant that it be resolved within a shorter term.
- C. Any examining member or officer may, *on his or her own initiative*, request the President or the Board, as applicable, to refrain from attending to any matter, provided that there is reasonable cause to do so. The President or the

Board, as applicable, shall have a period of twenty (20) calendar days to resolve the request for inhibition, except in extraordinary circumstances that warrant that it be resolved within a shorter term.

**Section 17.5 - Motions Assuming or Waiving Legal Representation**

- A. Where a party is represented by counsel, notice shall be given to the party and to counsel at the last address in the file.
- B. Upon acceptance of a motion assuming legal representation, such counsel shall be the legal representative of the party in all proceedings before the Board and as such shall be notified of all determinations made in relation to his client.
- C. No attorney shall be relieved of the legal representation of a party until a motion to that effect is filed and so granted by the Board.

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**Section 17.6 - Penalties**

The Board may impose penalties for failure to comply with orders or other procedural instances, in accordance with the provisions of Section 3.21 of the "Uniform Administrative Procedure Act of the Government of Puerto Rico," Act No. 38 of June 30, 2017, as amended.

**Section 17.7 - Terms**

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



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

- A. The Secretary of the Board, in consultation with and under the immediate supervision of the President, shall perform any and all duties assigned to him by the President.
1. If the secretary is absent or unable to perform each of the duties assigned to him, the president shall appoint and authorize a person to perform such functions in place of the secretary and for a specified period.
- B. The secretary shall keep the seal of the Board and all documents signed by the Board, in original or copy, bearing such seal shall be deemed to be authentic.
- C. The secretary shall be responsible for the custody and maintenance of the records and other documents of the Board, including the book of minutes and preparation. He will also carry the records, files, and card holders of the Board.
- D. The secretary shall keep under his control and supervision of all 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 may be delegated to him. Except by order of a court or by official action, it will not allow them to be removed from the Board.
- E. When cases in which copies of documents in the files of the Board are issued, at the request of a party, the secretary shall certify under his signature that it is a true and exact copy of the original.

- F. He will prepare the agendas for the parole and victim hearings.
- G. He shall be responsibility to ensure that all documentation of matters submitted to the Board for consideration is complete and in order.
- H. Inform the Board and the examining officers as to the documents and status of the various cases or matters under consideration.
- I. He will be responsible for notifying the Board's determinations, filing the original of the same in the file on that same date.
- J. In any case where the issuance of a summons to any person is required, the Secretary of the Board shall prepare the summons and issue it under his signature.
- K. Certify compliance with the notification to the victim required by law.

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**ARTICLE XIX – DESTRUCTION OF INACTIVE RECORDS**

Inactive files may be destroyed five (5) years after their final closure, complying with the disposition processes established by applicable law. In the case of clemency proceedings, the Board shall determine, by administrative order, the procedure to be followed to destroy them.

**ARTICLE XX - SEPARABILITY CLAUSE**

If any word, sentence, subparagraph, section, or article of these Rules is declared unconstitutional or void by a Court of Justice, such declaration shall not affect, impair, or invalidate the remaining provisions and parts of these Rules, but shall be limited to the specific word, sentence, subparagraph, section, or article declared unconstitutional or void.

The nullity or invalidity of any word, sentence, subparagraph, section, or article in any case shall not be construed as affecting or impairing in any way its application or validity in any other case.

#### **ARTICLE XXI - EXCEPTION CLAUSE**

Any matter not covered by these Regulations shall be resolved by the appointing authority, in accordance with the relevant laws, regulations, resolutions or executive orders, and in all matters not provided for within, the rules will be governed by general public administration principles of equity.

#### **ARTICLE XXII - PROSPECTIVE CLAUSE**

The provisions of this Regulation shall apply only prospectively from the date of its entry into force.

#### **ARTICLE XXIII - DEROGATORY CLAUSE**

The Rules of Procedure of the Parole Board, Regulation No. 9232 of November 18, 2020, the Regulations of the Parole Board, Regulation No. 7799 of January 21, 2010, the Amendment to the Rules of Procedure of the Parole Board, Regulation No. 7799 of January 21, 2010, are hereby repealed, Regulation No. 8495 of June 24, 2014, and any other regulations and/or rules adopted by the Parole Board to address the matters and matters contemplated in these Regulations and that are not consistent with the provisions of these Regulations.

**ARTICLE XXIV - VALIDITY**

These Regulations shall enter into force thirty (30) days after their filing with the Department of State, in accordance with the provisions of the "Uniform Administrative Procedure Act of the Government of Puerto Rico", Act No. 38 of June 30, 2017, as amended. **The original Regulations is in Spanish. If there is any discrepancy between the Spanish and English versions, the Spanish text will prevail.**

Approved in San Juan, Puerto Rico, today \_\_\_ of 2024.

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Aixa S. Pérez Mink, Esq.  
President  
Parole Board

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