



March 10, 2011

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**Re: DOJ Investigation into allegations of abuses by the Puerto Rico Police  
Department**

Dear Assistant Attorney General Perez:

As you know, beginning around May 2008, the ACLU of Puerto Rico began reporting allegations of a pattern and practice of violent police misconduct against the citizens of Puerto Rico to the Department of Justice. These incidents have increased both in their frequency and intensity and other recent actions also raise troubling questions about the Puerto Rican government's commitment to First Amendment protections. We are writing today to urge you to bring your team's investigation to a close and issue your report and findings. We hope that DOJ will soon be able to intervene and provide some remedies to help end the Puerto Rico Police Department's abuse against the Puerto Rican people.

While we understand you have been briefed on this investigation, for background purposes, a few of the allegations of abuses bear repeating:

- **Villa Cañona:**  
Between 2007 and 2008, residents of Villa Cañona, in the town of Loiza, Puerto Rico, an African-Puerto Rican community dating back hundreds of years, were victims of police aggression, which were, in part, racially motivated. Residents became prisoners of their own community. The ACLU denounced the ongoing abuses, while taking on the case of Evelyn Rivera, a single parent of two minors, one of whom is afflicted by severe brain damage. This Villa Cañona family was a victim of abuse on three different occasions.

- Miguel Caceres case:  
In October 2007, a police officer executed a man in the town of Humacao, Puerto Rico, during an argument between Caceres and the police officer over a traffic violation. Caceres was shot four times to the back in broad daylight while he lay on the sidewalk. Many citizens looked on and the incident was filmed.
- Jorge Polaco de Jesús case:  
Also in October 2007, police officers shot to death a young 26 year old man of African-Puerto Rican descent; a resident of Carolina, Puerto Rico. The precinct involved is the very same implicated in the Villa Cañona community abuses. Mr. Polaco was taken away by the officers, allegedly to get the young man immediate assistance at a hospital located five minutes away. He arrived at the hospital DOA one and a half hours later, with 7 bullet wounds to the back and one bullet to the front left shoulder. The circumstances of Jorge Polaco's death suggest an extrajudicial execution, but no official local or federal investigation has been conducted, despite ongoing requests. One of the two officers was transferred and has very recently been implicated in the coma-inducing beating of another citizen. The second officer left the jurisdiction within a month and is now an officer in a southern state.
- Mayaguez false prosecution cases:  
In 2007, a group of police officers were found to have fabricated drug-related charges against many residents of a housing project in the City of Mayaguez, Puerto Rico. While an FBI sting put several of these officers behind bars, the practice continues. It is believed that over 100 citizens are still behind bars as a result of these fabricated cases.
- Dominican Community claims of police abuse (known incidents 2008 through the present):  
Dominican leaders, the ACLU, and other civil rights advocates, have for many years denounced incidents of extreme police abuse motivated by national origin and racial profiling in several locations known to be predominantly Dominican communities, specifically in the Santurce sector of San Juan, Puerto Rico.
- Villas del Sol Community human rights abuses (2009 – 2010):  
The government attempted to forcefully evict the residents of Villas del Sol, a squatter community comprised mostly of indigent families of Dominican origin. Police officers violently attacked members of the community, which mainly consisted of female heads of households and children, beating them, using pepper spray, tasers and in some cases tossing the women over concrete barriers. The water was also turned off for approximately eight months, while two epidemics simultaneously afflicted Puerto Rico – the AH1N1 virus and the Dengue hemorrhagic fever. After the situation was brought to the attention of the Department of Justice and the Inter-American Commission of Human Rights, the Puerto Rican government reinstated the community's running water supply.

- Police abuse against the homeless population (known incidents 2008 through 2010):  
The police have engaged in many incidents of abuse against the homeless community, including obstructing a federally funded needle exchange program and arresting and physically abusing its participants. Many of the homeless are beaten, maced, and later charged with possession of drug paraphernalia or violation of municipal ordinances. The ACLU has also exposed the practice of humiliating the homeless, stripping them naked, and taking them out of town, sometimes in unmarked cars, and dropping them off at random locations.

In addition, since Governor Luis Fortuño came into power two years ago, police abuse has escalated and now free expression is under great threat. We have reported that university students at a peaceful protest have been subjected to violent attack and arrested by the hundreds, while female students have been inappropriately touched by police officers. Government proceedings were closed to the public and protestors at the legislature have been pepper sprayed, beaten and shot at by police. Tens of thousands of workers have been fired and their criticism of government policies repressed, while the legislature and federal courts suppress lawyers' rights to speak out against their government. Specifically, the following are some of the most recent allegations of events:

- Puerto Rico's Governor Luis Fortuño has made the troubling statement that he will not allow protests and expression from what he calls the "extreme left." In what seems to be enforcement of an anti-First Amendment policy by the university's Chancellor, massive police forces have been deployed at the University of Puerto Rico to suppress student protests over fee hikes.
- Starting in the summer of 2010, students of the University of Puerto Rico have been involved in a strike in opposition to an enrollment fee imposed by the UPR administration, after massive administration cuts to the university's budget. In order to quash the peaceful protests, the government of Puerto Rico activated the Riot Squad Unit, who joined the elite SWAT unit on several occasions, resorting to extreme police brutality against protesters. Students have been mercilessly beaten, maced with pepper spray, and shot at with rubber bullets. Police have also applied torture techniques on immobilized student protesters, including the illegal use of nightsticks to provoke serious and permanent injuries, and the application of pressure in the neck, eye and jaw of the protesters to provoke pain and cause unconsciousness. At most events young women are the first to be targeted for police violence and have also been sexually harassed, groped and touched by police.
- At the University of Puerto Rico all forms of expression have been prohibited, through a Resolution issued by UPR Chancellor Ana Guadalupe; a resolution which Governor Luis Fortuño ordered armed police officers to enforce. The resolution, which was to be in force for a period of 30 days, has since been extended twice and is still in effect. On February 9, 2011, a group of students participated in civil disobedience on campus, consisting of a paint-in. During the paint-in, students peacefully and without interrupting the educational process, painted messages of protest in a limited area of the street at the

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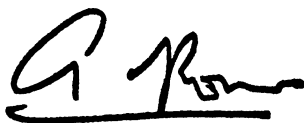
front of the main library, in defiance of the Chancellor's absolute prohibition on any form of protest. Students immediately came under extremely violent attack by members of the police force's heavily armed SWAT and Riot Squad teams.

- On June 25, 2010, the President of the Puerto Rico Senate cut off public access to legislative sessions, even though it is constitutionally mandated that all sessions are open to the public. On June 30, 2010, at a protest at the steps of the Capital Building over the closing of access to legislative sessions, protesters were beaten, pepper sprayed, and shot at by the Puerto Rico police. A member of the legislature's minority party was beaten and her arm broken as she was trying to enter the session; while many other young women were beaten. In one case, a mother who attempted to shield her young daughter from physical abuse was also beaten and dragged.
- In another troubling development, the Puerto Rico Bar Association, an organization viewed as a forum for dissent against the government, was recently de-certified through legislation, which the governor signed into law. In addition, some Bar Association members, with close ties to the majority party, filed what has been described as a "politically motivated" class action against the Puerto Rico Bar Association. Although a court order prohibited the president of the Bar informing lawyers that they could opt-out of the lawsuit, which could destroy this 171 year old institution, he did so anyway, and was thrown in jail by the federal judge hearing the case. He stayed in jail for four days until poor health forced him to pay a \$10,000 fine so he could be released for medical treatment.
- In addition to the debacle and related violence at the University of Puerto Rico, in the past two years, legislation has been passed that would prohibit protests at construction sites, at any government building that renders educational services, and other locations rendering government services, under penalty of criminal prosecution.

Clearly, these allegations raise troubling questions about the Puerto Rican government's commitment to the human rights of its citizens and the First Amendment's protections of freedom of assembly, expression and the right to petition the government. We hope that DOJ will soon conclude its investigation and intervene into these unconstitutional practices.

Thank you for your consideration. We hope to hear from you and your investigation team soon. Please feel free to contact me if you need any further information.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Romero". The signature is stylized and written in a cursive-like font.

Anthony D. Romero  
Executive Director