UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

IN THE MATTER OF:

CIVIL AND CRIMINAL DISCOVERY IN REFERENCE TO PUERTO RICO POLICE ADMINISTRATIVE CHARGE RESOLUTION INVOLVING POLICE OFFICER MISCONDUCT.

Misc. No. 07-214 (JAF)

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U.S. DISTRICT COURT
SAN JUAN, P.R.

ORDER

In order to address any litigation discovery need involving the administrative misconduct charge and resolution by the Puerto Rico Police Department regarding police officers, we establish the following procedure:

1. The party with interest in a particular misconduct record of a police officer should first serve a timely subpoena upon the Police Superintendent, with notice to the Director of the Puerto Rico Police Legal Division and the Director of Legal Affairs, Office of General Litigation, of the Puerto Rico Department of Justice. The subpoena may only be addressed to the administrative misconduct file of a police officer and not to the police officer's private employee or human resources side of the file record.

2. Upon receipt of the subpoena, the Director of Legal Affairs, Office of General Litigation, Puerto Rico Department of Justice, will contact the Police Department to secure the misconduct file in question. This file will be jointly reviewed for discoverable material by counsel for the party in interest and the

opposing party under the supervision of a Department of Justice attorney or a designated Puerto Rico Police attorney.

3. Any relevant discoverable material will be identified and produced to the party with interest against a written receipt.

4. In the event that there is a dispute about the privacy or relevancy of any information or if some information compromises an ongoing criminal investigation, the parties will submit the matter to the court for in-camera disposition.

5. Administrative misconduct complaints which have not been finally adjudicated will not be the object of discovery, unless a judicial officers decides otherwise.

6. This miscellaneous order will be published in the court's website and distributed to the members of the Bar.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 19th day of October, 2007.

JOSE ANTONIO FUSTE
Chief U. S. District Judge