

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO

3 IN THE MATTER OF:

4 CIVIL AND CRIMINAL DISCOVERY IN  
5 REFERENCE TO PUERTO RICO POLICE  
6 ADMINISTRATIVE CHARGE  
7 RESOLUTION INVOLVING POLICE  
8 OFFICER MISCONDUCT.  
9

Misc. No. 07-214 (JAF)

CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

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10 ORDER

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

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

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

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

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

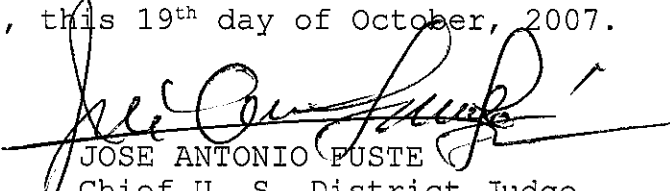
5 4. In the event that there is a dispute about the privacy or  
6 relevancy of any information or if some information compromises an  
7 ongoing criminal investigation, the parties will submit the matter to  
8 the court for in-camera disposition.

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

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

14 **IT IS SO ORDERED.**

15 San Juan, Puerto Rico, this 19<sup>th</sup> day of October, 2007.

16  
17   
18 JOSE ANTONIO FUSTE  
Chief U. S. District Judge