

Criminal Justice College

Act No. 155 of July 17, 1999, as amended

(Contains amendments incorporated by:

Act No. 5 of January 4, 2000

Act No. 321 of September 2, 2000)

To establish the Criminal Justice College of Puerto Rico as an entity to be attached to the Puerto Rico Police Department; determine the purposes, functions and powers thereof; create a Board of Directors; determine the powers and duties thereof; and transfer programs, assets and liabilities.

STATEMENT OF MOTIVES

The Executive Order of June 30, 1995, Administrative Bulletin No. OE-1995-41, authorized the Application for Accreditation and Licensing of the Police Academy and conferred upon the Puerto Rico Police Superintendent the authority to engage in the procedures necessary for obtaining accreditation and licensing for the Police Academy by the Council on Higher Education. Due accreditation and licensing processes would thus cover the educational needs of the Academy in all areas germane to public safety and provide for the conferring of university degrees in fields related to police sciences and criminal justice. Said Executive Order also authorized the creation of a Board of Directors, with functions concerning the determination of institutional policy, approval of the regulations necessary and establishment of the procedures required by the Council on Higher Education, in order for the Police Academy to be enabled to confer university degrees under the corresponding accreditation. The Governor of Puerto Rico authorized the Police Superintendent to engage in any effort directed to the transfer of the necessary resources in order to make feasible the provisions of Administrative Bulletin No. OE-1995-41, *supra*.

Furthermore, Act No. 53 of June 10, 1996, as amended, known as the "Puerto Rico Police Act of 1996," empowered the Police Superintendent to engage in the procedures necessary to turn the Police Academy into a higher education institution that confers university degrees and also to establish a work and study program, in order to contribute in the professional betterment of those members of the Police Corps who are interested in obtaining a university degree.

Much has been achieved since then. The Council on Higher Education granted a license authorizing the Criminal Justice College, hereinafter "the College," to offer an Associate Degree in Criminal Justice. For the first time throughout history, a Police Academy had become a higher education institution, serving as a role model for several states of the United States and for European countries. The College, in turn, initiated the procedures required for obtaining accreditation from the Middle States Association of Colleges and Schools, which is an indispensable requirement for receiving Federal funds.

In order to provide the Police Corps with a means for its betterment, it is the intent of this Act to create a College, as part of the Puerto Rico Police Department, to be deemed as a higher education institution empowered to confer university degrees, with academic and operating autonomy, in compliance with the requirements for accreditation of the Middle States Association of Colleges and Schools and to qualify for Federal and state financial aids.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Statement of Purposes. — (25 L.P.R.A. § 3351 note)

With the purpose of achieving academic and operational independence “The Criminal Justice College,” hereinafter referred to as “the College,” is hereby established as an higher education institution empowered to grant college degrees.

Section 2. — Objectives of the College. — (25 L.P.R.A. § 3351)

It is the mission of the College to meet the following objectives:

- (a) To impart technical, scientific and humanistic education to the professionals who shall intervene in areas of public safety, in both government and private entourages.
- (a) To offer degrees in police sciences, criminal justice and other related areas, through a curriculum that reflects the latest, most advanced techniques.
- (b) To provide students with knowledge and skills, in both general and specialized areas, so as to enable them to function within a broader range of services in the fight against crime and protection of public safety.
- (c) To impart to students an integral view of the components of the justice system in Puerto Rico.
- (d) To make students aware of the fact that the crime rate in Puerto Rico is an issue that affects all sectors of society and that it calls for humane, realistic and scientific efforts, as well as prompt and effective solutions.
- (e) To instill in students the highest moral, disciplinary, and professional values, which are indispensable for the effective fulfillment of the duties of a law enforcement officer.
- (f) To maintain a continuing education program on Criminal Justice and Public Safety.
- (g) To develop and offer other programs and university degrees concerning the field of public safety.

Section 3. — Functions and Powers of the College. — (25 L.P.R.A. § 3352)

The College shall have the following functions and powers, not to be construed as a limitation:

- (a) To be the owner in fee simple of the physical facilities, manage and coordinate for the most efficient use of the facilities currently in use or under construction, or of those to be built or acquired in the future.
To adopt, alter and use an official seal, which shall be taken into judicial notice and affixed in all official documents.
- (b) To acquire property rights and assets, whether real or personal, through donation, bequest, purchase, or by any other legal means, and to own or dispose of the same pursuant to the applicable laws and in the manner provided for by regulations, provided the acquisition of such

rights and properties, ownership or disposal thereof is necessary and convenient to fulfill its corporate mission and for the best interests of the College.

(c) To draft, approve and adopt bylaws to govern its activities and internal operations.

(d) To adopt an accounting system of its own, pursuant to generally accepted accounting principles. College accounts shall be kept in a manner such as to allow for the segregation or separation thereof, per activity. The Comptroller of Puerto Rico or his/her representative shall audit said accounts and ledgers from time to time.

(e) To execute contracts and enter into agreements, as necessary or convenient, in exercising its academic functions.

(f) To accept donations, legislative appropriations, and enter into contracts, agreements, and other transactions with agencies of the Government of the United States of America, the Government of Puerto Rico, its agencies, instrumentalities, municipalities and private entities, and invest the proceeds of any such income or donation for any valid purpose.

(g) To charge for services rendered and use such income for any valid purpose, pursuant to the established regulations.

(h) To lease and dispose of any of its assets or interest thereon, in the manner to be determined by the College.

(i) To carry out all acts necessary or convenient for the enforcement of the powers conferred by this Act or any other applicable law.

(j) To exist in perpetuity and to sue and be sued as a juridical person.

(k) To adopt and manage a personnel system of its own; appoint and contract all officials, agents and employees, who shall be classified as public employees and teaching personnel entitled to be members of the Puerto Rico Government Employee Association and the Puerto Rico Government Retirement System. The College shall also confer upon them the powers and assign them the duties it deems convenient, as well as fix their remuneration through the classification and compensation plans established, and the regulations to be adopted. The College shall be exempted from the provisions of Act No. 5 of October 14, 1975, as amended, known as the “Public Service Personnel Act,” and from the personnel regulations adopted thereunder. The College shall adopt a personnel system, as well as the compensation and classification plans, and the rules and regulations necessary to comply with the said plans and system.

Upon authorization of the President of the College, the Chancellor may contract the services of employees and officials of any other public agency or instrumentality, dependency or political subdivision of the Government of Puerto Rico and may pay them due compensation for additional services rendered to the College outside their regular working hours, without being subject to the provisions of Section 177 of the Political Code of 1902, as amended, or the provisions of any other applicable law. Services rendered under this subsection shall not be taken into account by the Puerto Rico Government Retirement System or the Puerto Rico Government Employee Association.

(l) To grant and confer university degrees to its students pursuant to the standards established by higher education institution accreditation entities and similar educational institutions; confer academic awards; and provide for the validation of studies, credit-hours and degrees.

Section 4. — Creation of the Board of Directors of the College. — (25 L.P.R.A. § 3353)

The College shall have a Board of Directors, hereinafter “the Board,” to be constituted as follows:

(a) The Board shall be constituted by nine (9) members, of which eight (8) shall be appointed by the Governor. They shall be of legal age, residents of Puerto Rico, and shall have a bachelor's degree as minimum educational level required. At least one of the members shall be a criminal justice expert. The Police Superintendent, in his/her functions as President of the College, shall be an ex officio member of the Board.

(b) Board members shall be initially appointed as follows: three (3) for a term of three (3) years; three (3) for a term of two (2) years; and two (2) for a term of four (4) years. Upon expiration of these initial terms, the Governor shall appoint future Board members for a term of four (4) years, until their successors are appointed and take office. Should a vacancy be created, a substitute shall be appointed to exercise his/her functions for the non-elapsd term of the original appointment.

(c) Board members shall receive a per diem equal to the minimum per diem set for members of the Legislature for each meeting they attend or day in which they render services or fulfill any of the official functions of their respective office or entrusted upon them by the Chair of the Board. This shall include attendance to committee sessions or meetings, per special meeting or meeting held by a committee or other entity, and the fulfillment of a task authorized by the Chair of the Board to which they belong.

Section 5. — Faculties and Duties of the Board of Directors of the College. — (25 L.P.R.A. § 3354)

The Board shall have the following faculties and duties:

(a) The Board shall meet in regular sessions according to an annual calendar to be approved in the first session of each year. It may hold special meetings, after due summons by its Chairperson, motu proprio or at the request of a majority of its members.

(b) The agreements and resolutions of the Board shall be made by a majority quorum of the members present, but no agreement or resolution may be adopted without the affirmative vote of at least five (5) of its members.

(c) Approve and amend the General Regulations of the College, the Student Regulations and any other regulations or standards applicable to the College pursuant to the provisions of Act No. 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico."

(d) Appoint the Chancellor and fix his/her salary. The Chancellor shall be a person fully knowledgeable in the fields of Police Sciences, Criminal Justice Sociology, academic administration and matters of general culture.

(e) Confer academic degrees to the students of the College on the recommendation of the President and the Chancellor.

(f) Create and grant academic honors on his/her own initiative or as proposed by the Chancellor or the President.

(g) Approve the cost of academic credit-hours, laboratories, workshops, tuition, readmission and graduation fees and any other charges for services offered by the College.

(h) Adopt by-laws.

(i) Organize its office, appoint its personnel and contract the services of experts, advisors and technicians needed to exercise the powers it has been granted in this Act.

(j) Consider and approve the draft of the budget of the College submitted annually by the President and approve and maintain an accounting system proper to the College.

Section 6. — President of the College. — (25 L.P.R.A. § 3355)

The President of the College shall be the Police Superintendent, who at the same time shall be the chief executive officer of the institution. The Superintendent shall represent the College during all acts and in all contracts that must be executed and shall have, without it being construed as a limitation, the following duties and faculties:

(a) Ensure that the objectives, standards, regulations and budgetary and development plans of the College are complied with.

(b) Act as the official representative of the College.

(c) Prepare a development plan for the College for the consideration and approval of the Board.

(d) Submit to the Board a list of the candidates for graduation.

(e) Submit to the Board the regulations of general application and all other matters requiring its approval.

(f) Prepare the annual budgetary draft and submit the same to the Board for its consideration and approval. Once said draft has been approved, he/she shall submit the latter to the corresponding government entities and defend the same before the Legislature.

(g) Submit to the Board for its consideration and approval the appointments of the Chancellor, the deans and any other official requiring confirmation.

(h) Appoint and contract teaching and classified personnel.

(i) Invite guest speakers and provide any other resources deemed to be of benefit in order to meet the objectives of the College.

(j) Establish and maintain agreements with higher education institutions and study centers from Puerto Rico and abroad.

(k) Render an annual report to the Board, the Governor and the Legislature on all efforts undertaken on or before November 30 of each year. The annual report shall also include a financial statement audited by a firm of certified public accountants; a breakdown of the transactions conducted during the preceding fiscal year and a relation of all activities held since the date of the last annual report.

Section 7. — Integration of Fiscal and Administrative Functions. — (25 L.P.R.A. § 3356)

The Puerto Rico Criminal Justice College is hereby authorized to open a checking account in a banking institution, insured by the Federal Deposit Insurance Corporation. The Board of Directors shall determine the banking institution and the officers whose signatures shall be authorized for said account.

The President of the College shall be responsible for integrating the functions pertaining to planning, purchases and audits and the preparation and control of the budget for the College and all personnel-related matters. The structure to be established for such a purpose shall promote functional economies and operational efficiency.

The College is hereby exempted from complying with the provisions of Act No. 164 of July 23, 1974, as amended [3 L.P.R.A. §§ 931 et seq.], known as the "General Services Administration Organic Act" in all matters concerning procurement procedures, subject to the development and implementation of the corresponding regulations and procedures.

The members of the Board of Directors appointed by the Governor are exempted from rendering reports to the Office of Governmental Ethics of Puerto Rico, pursuant to the provisions of Act No. 12 of July 24, 1985 [3 L.P.R.A. §§ 1801 et seq.].

Section 8. — Transfer. — (25 L.P.R.A. § 3351 note)

The College shall receive, as a transfer from the Police Academy and the Office of the Deputy Secretary of Education and Training, not to be construed as a limitation on other transfers, the following:

- (a) All powers, duties, functions, faculties, contracts, obligations and exemptions;
- (b) The personnel, property, archives, resources, documents, available and remaining funds from any source, and licenses, if any;
- (c) All physical facilities, materials, laboratories, plots of land, and any other property;
- (d) The personnel thus transferred shall retain its employee status and vested rights pursuant to the provisions of Act No. 5, supra, as well as that regarding the retirement, and savings and loan systems to which they belong, until the pertinent regulations are approved;
- (e) Any regulations governing the operations of the College in force at the date in which the transfer authorized by this Act takes effect, shall remain in force until their amendment.

The Chancellor, on behalf of the College, is hereby authorized to receive from the Police Academy and the Office of the Deputy Secretary of Education and Training as transfer, all real and personal property, records, resources, documents, available and remaining funds from any source, and licenses, physical facilities, materials, laboratories, land, and any other real or personal property.

Section 9. — Severability Clause. — (25 L.P.R.A. § 3351 note)

Should a court with competent jurisdiction rule any part of this Act or regulations approved hereunder to be unconstitutional, the remaining provisions shall remain in force and effect.

Section 10. — Transitory Provision. — (25 L.P.R.A. § 3351 note)

No provision of this Act shall be construed to modify, alter or invalidate any agreement, pact, claim or contract executed by authorized officials of the Police Academy and that are in effect on the effective date of this Act.

It is further provided that the Board of Directors of the College that existed prior to the approval of this Act, shall continue its functions for a maximum term of one (1) year from the approval of this Act, or until their successors are designated and confirmed as established in the provisions of Section 4 thereof.

Section 11. — Effectiveness. —

This Act shall take effect immediately after its approval.

Note. This compilation was prepared by Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.