

## *Corrections and Rehabilitation Department*

Reorganization Plan No. 3 of December 9, 1993

Prepared by the Legislature of Puerto Rico, convened in its Second Regular Session of 1993, after a study of Reorganization Plan No. 3, submitted by the Governor of the Commonwealth, pursuant to the provisions of the Executive Reorganization Act of 1993.

### **Section 1. — Statement of Public Policy.** (3 L.P.R.A. App. VI, § I note)

Article VI, Section 19 of the [Constitution of the] Commonwealth of Puerto Rico establishes the responsibility of the Government of Puerto Rico regulating the penal institutions to serve their purposes in an effective manner and provide the treatment delinquents need for their moral and social rehabilitation.

In compliance with this constitutional mandate, it is established through this plan, the structural outline of a system-centered on two basic objectives: protect society and contribute to public security, which for the people is a priority; and rehabilitate inmates and transgressors in institutions and community programs.

To reach said objectives, the Government has four basic bodies: the Corrections Administration, the Administration of Juvenile Institutions, the Parole Board and the Training and Employment Enterprises Corporation. All of these respond directly to the Governor or to a Secretary in an individual manner; all are independent and operate with autonomy.

The Executive Branch needs a viable operating mechanism which allows it to effectively exercise its powers and responsibilities in that area. The creation on the Corrections and Rehabilitation Department will allow: (a) to redirect and implement the public policy in an integral and coordinated manner on institutional level as well as in the community; (b) improve the planning and development of corrections and rehabilitation programs for youths and adults, and (c) coordinate, effectively and economically the operating resources in this Department. Furthermore, it contributes to the integration of a rehabilitation system, thus expediting the supervision and evaluation thereof by part of the Governor.

From the administrative point of view, the reorganization proposed expedites the consolidation of services and resources common to all rehabilitation and correctional agencies, mainly the managerial and advisory functions.

Through this Reorganization Plan, the integration of a new Corrections and Rehabilitation Department is proposed to the Correction Administration, and Administration of Juvenile Institutions, the Parole Board and the Training and Employment Enterprises Corporation. This plan assures that the Secretary of Corrections and Rehabilitation will have greater ease to coordinate effectively the activities of the various bodies that carry out important functions in the field of correction and rehabilitation of persons who have incurred crimes or offenses. It will also be assured that said public policy directly to correction and rehabilitation is being implemented in an integral manner in a central direction responsible to the Governor.

**Section 2. — Creation of the Department.** (3 L.P.R.A. App. VI, § I)

The Corrections and Rehabilitation Department is hereby created as a body of the Executive Branch of the Commonwealth of Puerto Rico.

**Section 3. — General Functions of the Department.** (3 L.P.R.A. App. VI, § II)

The Corrections and Rehabilitation Department shall be the body of the Executive Branch responsible for implementing the public [policy] related to the correction and rehabilitation system of adults and youths; and of integrating, planning and developing in a coordinated manner, the plans, operations, services and resources of the bodies that compose it.

**Section 4. — Creation of the Office of Secretary.** (3 L.P.R.A. App. VI, § III)

The Office of the Secretary of Corrections and Rehabilitation is hereby created to direct the Department that is established through this Reorganization Plan. The Secretary shall be appointed by the Governor with the advice and consent of the Senate of Puerto Rico; he/she shall respond directly to the Governor and shall act as his representative in the exercise of his office and duties and shall receive an annual salary of sixty-five thousand dollars (\$65,000).

**Section 5. — Natural Resources Administration.** (3 L.P.R.A. App. VI, § IV)

The functions, powers and duties of the Secretary of Corrections and Rehabilitation shall be the following:

- (a) Exercise the function, powers and duties that the Governor transfers or delegates on him/her; and provide continuous consulting services to the Governor in all aspects having to do with the rehabilitation of the transgressors and convicts, as well as to the corrections system and other alternate programs to imprisonment.
- (b) Direct, plan, coordinate, supervise and evaluate the operation of the bodies that make up the Department; keep the Governor informed, and render the required reports.
- (c) Advise the Governor and the Legislature in the drafting of the public policy regarding the rehabilitation of transgressors and inmates and the corrections system, and other alternate programs to imprisonment; and enforce said public policy as formulated by the Governor and the Legislature.
- (d) Establish and develop plans, programs and strategies with the participation of the directly [sic] officials of the bodies that constitute the Department, emphasizing preventive, rehabilitating, educational and vocational measures for transgressors and inmates.
- (e) Study and analyze the rehabilitation problems of youth and adults, as well as the corrections system, in coordination with, and the participation of directing official, and implement the necessary measures to manage them.
- (f) Study measures and ways to improve security in adult and youth institutions, implement measures for that purpose, including the modernizing of operations and the establishment of programs for their rehabilitation.

- (g) Adopt, establish, develop, amend, repeal and implement rules, norms and procedures for the effective operation of the Department and the bodies under its jurisdiction, and to regulate the internal security and discipline in the system and the conduct of officials and employees.
- (h) Coordinate operations and duties with the Department of Justice, the Safety and Public Protection Commission, the Department of Health, the Department of Education, the Sports and Recreation Department, as well as with other government dependencies, including public corporations and municipalities.
- (i) Evaluate work plans and budget needs of the components of the Department.
- (j) Evaluate the problems and needs with respect to improvements, construction and maintenance of physical facilities, prepare the Capital Improvements Program and make sure it is carried out.
- (k) Coordinate and supervise the use of human and fiscal resources and equipment to attain the greatest effectiveness and operational efficiency.
- (l) Design, study and determine the internal organization of the Department with the coordination, participation and advice of the Office of the Management and Budget.
- (m) Carry out those function inherent to his/her office.
- (n) To promote the members of the Correctional Officers Corps of the Corrections Administration to the next higher rank up to the rank of Captain.

**Section 6. — Organizational Components of the Department.** (3 L.P.R.A. App. VI, § V)

The following bodies are hereby attached and shall be part of the Corrections and Rehabilitation Department:

- (a) The Corrections Administration, created by Act No. 116 of July 22, 1974, as amended.
- (b) The Parole Board, created by Act No. 118 of July 22, 1974, as amended.
- (c) The Administration of Juvenile Institutions, created by Act No. 154 of August 5, 1988, as amended, which is transferred from the Department of Social Services to the Corrections and Rehabilitation Department.
- (d) The Training and Employment Enterprises Corporation, created by Act No. 47 of August 6, 1991, as amended, which shall be attached to the Corrections and Rehabilitation Department as a departmental corporation.

The Corrections Administrator, the Administrator of Juvenile Institutions, the Chairman of the Parole Board and the Executive Director of the Training and Employment Enterprises Corporation shall respond directly to the Secretary of Corrections and Rehabilitation and shall be subject to his/her authority and supervision.

**Section 7. — Power of Appointment of the Heads and Directors of the Components of the Department.** (3 L.P.R.A. App. VI, § VI)

The Governor of Puerto Rico shall appoint, with the advice and consent of the Senate, the Corrections Administrator, the Administrator of Juvenile Institutions and the Chairperson and the two members of the Parole Board.

**Section 8. — Personnel Administration.** (3 L.P.R.A. App. VI, § VII)

The Correction and Rehabilitation Department shall constitute an Individual Administrator pursuant to Act No. 5 of October 14, 1975, known as the "Public Service Personnel Act of Puerto Rico" and Act No. 89 of July 12, 1979, known as the "Uniform Retribution Act". The Director of the Central Personnel Administration Office shall approve the classification and retribution plans pursuant to these laws and Act No. 89 of July 12, 1979, upon certification of availability of funds from the Office of the Management and Budget.

**Section 9. — General Dispositions.** (3 L.P.R.A. App. VI, § VIII)

None of the provisions of this Plan modifies, alters or invalidates any agreement pact, claim or contract that the officials or employees responsible for the bodies that through this Plan [is] integrated into the Corrections and Rehabilitation Department have entered, and that are in effect at the time this Plan [is] enforced. Any claim filed by or against said officials or employees and that is pending resolution at the time this Plan is enforced, shall subsist until its conclusion.

All the regulations that govern the operation of the bodies that through this Plan are integrated to the Department and that are in effect at the time of enforcing this Plan, shall continue to be in effect until the same are altered, modified, amended, repealed or substituted.

Employment is guaranteed to all regular employees affected by this reorganization[,] as well as the rights, privileges, obligations and status with respect to any existing pension or retirement system or systems or saving and loans fund to which they were availed to upon the approval of this Plan.

Any act or part thereof [that] is [in] effect that is in conflict with the provisions of the Reorganization Plan is hereby repealed.

**Section 10. — Integration of Administrative Functions.** (3 L.P.R.A. App. VI, § IX)

Within the year following his/her designation, the Secretary shall integrate within one sole administrative structure, the work related to the planning, purchase, auditing, preparation and control of the budget destined to the adults and youth correction and rehabilitation areas, and the work related to personnel administration. The structure established to such effects shall promote functional economy and operational efficiency of the units that compose the Department.

The Department and the bodies that compose it are hereby exempted from compliance with the provisions of Act Number 164 of July 23, 1974, as amended, Organic Act of the General Services Administration with respect to the purchases and supplies process subject to the development and implementation of the corresponding regulations and procedures.

Within the term of fifteen (15) months counting from the effective date of this Reorganization Plan, the Governor shall submit to both Legislative Bodies a report on the implementation thereof, together with an outline of the organization of the Department and component bodies.

The report shall be filed at the Office of the Secretary of the House and of the Senate and shall be referred to the Joint Committee on Executive Reorganization Plans which shall, with[in] ten (10) days after the filing of the report, call to public Plans hearing [sic] to analyze and submit to both Legislative Bodies their findings, conclusions and recommendations.

The report shall include a list of the measures established to increase the efficiency and productivity of the bodies that make up the entity and shall detail, in a specific manner, the mechanisms adopted or [to] be adopted.

The Legislature reserves the power to amend or refuse, partially or totally, the reorganization carried out or proposed within the terms and through the procedures set forth in the Executive Reorganization Plan of 1993.

**Section 11. — Appropriation.** (3 L.P.R.A. App. VI, § X)

The sum of one hundred thousand dollars (\$100,000) is hereby appropriated to the Secretary of Corrections and Rehabilitation for the initial organization of the Department, chargeable to unencumbered funds in the Commonwealth Treasury; Provided, That said sum is in addition to the salary provided by this Plan for the Secretary. In subsequent years, the sums needed shall be consigned in the General Budget of Expenses of the Commonwealth of Puerto Rico.

**Section 12. — Effectiveness.** (3 L.P.R.A. App. VI, § XI)

This Reorganization Plan shall take effect immediately after its approval. The Governor is hereby authorized to adopt the transition measures needed for the implementation of the provisions of this Plan without this interrupting the operation, public services and other administrative process of the bodies that are parts of the Department. The actions which must be taken to comply with the purposes this Plan shall be initiated within a period of time which shall not exceed thirty (30) calendar days after the approval of the Plan, under the coordination and counseling of the Office of the Management and Budget.

**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.**