

(H.B. 221)

(No. 88)

(Approved August 26, 2005)

AN ACT

To require the promulgation and implementation of a Protocol of Intervention with Victims/Survivors of Domestic Violence, demand that said Protocol be capably implemented by the agencies of the Executive Branch that intervene with the victims and survivors of domestic violence, provide that the Office of the Women's Advocate shall have the legal power and responsibility for ensuring the faithful compliance with this Protocol and for other purposes.

STATEMENT OF MOTIVES

Domestic violence has been acknowledged to be a serious social and health problem that annually affects thousands of victims and families in Puerto Rico. Domestic violence, besides being antisocial conduct, is a crime as established in Act No. 54 of August 15, 1989, known as the Act for the Prevention of and Intervention with Domestic Violence. The consequences of domestic violence have a direct impact on the physical and emotional health of the victims, as well as on the strategies these use to face situations of abuse.

According to the Statistics Division of the Puerto Rico Police, 277,959 incidents of domestic violence were reported between 1990 and 2004, an amount which represents an average of 19,854 incidents per year.

That amount, in turn, indicates that women represent between 90% and 95% of the direct victims of domestic violence.

It is evident that the children from homes where domestic violence is latent, in turn become victims of such a serious problem. The impact of domestic violence on minors is devastating. Studies indicate that those children who have been exposed to incidents of spousal abuse are more aggressive, have less social skills and low self-esteem. There is no doubt that at the personal level violence in the home deeply scars the lives of all family members.

In view of the above it becomes imperative to develop strategies for multidisciplinary intervention and protection and support services for the victims/survivors of domestic violence and their children. In order to achieve this goal, the Legislature of Puerto Rico raises to the rank of law the requirement of establishing Protocols of Intervention with Victims/Survivors of Domestic Violence so they may serve as compliance guidelines for the employees of government agencies that intervene during the various stages of the process to provide assistance to the victims/survivors of domestic violence and the children under their custody.

The basic purpose of a Protocol of Intervention is to provide the mechanics for establishing a uniform process under which the various agencies are to render services. This tool provides certain specific guidelines which must adjust to the programmatic structure of each agency, taking into consideration the services it provides, its internal regulations and its legal and administrative capacity to allow the agency to operate according to what has been established.

With this requirement the Legislature of Puerto Rico makes sure that the officials render a fair, timely, and effective intervention in rendering

their services. Similarly, it strengthens the services given the victims/survivors of domestic violence by guaranteeing that all agencies concerned be bound by law to comply with the establishment and implementation of Protocols of Intervention in order to provide uniform and effective intervention in cases of domestic violence.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-The promulgation and implementation of a Protocol of Intervention with Victims/Survivors of Domestic Violence is hereby required in recognition of and harmony with the public policy of the Government of Puerto Rico, pursuant to Act No. 54 of August 15, 1989, as amended, known as the “Act for the Prevention of and Intervention with Domestic Violence.”

Section 2.-It is the responsibility of all agencies of the Executive Branch of the Commonwealth of Puerto Rico that intervene with the victims and survivors of domestic violence, to comply with the requirement of establishing and implementing a Protocol of Intervention with Victims/Survivors of Domestic Violence, which must include the following minimum requirements: a public policy statement, its legal basis and applicability, the responsibility of the personnel, the uniform procedure to be followed for rendering services to the victims, a uniform procedure for interagency collaboration and the aspects to be considered in the management of cases.

Section 3.-The Interagency Integral Public Policy Commission on Domestic Violence, created pursuant to EO 2005-40 is hereby raised to the rank of Law, which shall be constituted by the following agencies: the Office of the Women’s Advocate, whose Advocate shall at the same time be the Chairperson of the Commission; the Department of Justice; the Puerto

Rico Police; the Department of Correction and Rehabilitation; the Department of the Family; the Department of Education; the Department of Health; The Housing Department; the Office of Special Communities; the Puerto Rico Corporation for Public Broadcasting; and those advisors and representatives of the public interest that the Chairperson of the Commission may deem pertinent.

Section 4.-Among its duties the Interagency Integral Public Policy Commission on Domestic Violence shall take the necessary steps so that every agency concerned may draft, promulgate and implement its own Protocol of Intervention with Victims/Survivors of Domestic Violence.

Section 5.-The Office of the Women's Advocate shall provide the necessary technical advice for the creation of said protocols of intervention, giving special attention to those agencies of the Interagency Commission that work in the areas of public security and criminal justice and shall have the legal authority and responsibility of ensuring faithful compliance with this Act.

Section 6.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 88 (H.B. 221) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to require the promulgation and implementation of a Protocol of Intervention with Victims/Survivors of Domestic Violence, demand that said Protocol be capably implemented by the agencies of the Executive Branch that intervene with the victims and survivors of domestic violence, provide that the Office of the Women's Advocate shall have the legal power and responsibility for ensuring the faithful compliance with this Protocol and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 24th of January of 2006.

Francisco J. Domenech
Director