Immigration and Refugee Board of Canada

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El Salvador: Procedures for reporting a crime and obtaining a copy of a police report; whether a copy of a police report can be obtained by a person who is outside the country or by a third person

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Procedures to Report a Crime

Sources indicate that a person can report a crime with the National Civil Police (Policía Nacional Civil, PNC), the Office of the Attorney General of the Republic (Fiscalía General de la República, FGR), or a justice of the peace (Lawyer 7 Aug. 2015; IUDOP Sept. 2014, 42; El Salvador n.d.a). A crime can be reported either verbally or in writing (ibid.; Lawyer 7 Aug. 2015). A crime can also be reported through a proxy (ibid.; El Salvador n.d.a). In addition, the website of the PNC indicates that a person can report a crime by telephone, by dialing 122 (ibid. n.d.b).

According to the website of the FGR, it is [translation] "advisable" for a person who wants to report a crime to include any evidence, including documentary evidence, that they have available to substantiate their claim (ibid. n.d.a). The FGR further indicates that if the person reporting a crime has any witnesses, they must be identified with their full names, unless they request to be placed, or are already placed, in the witness protection program (ibid.). The accuser must also provide any identifying information about the person being accused (ibid.). In cases where the accuser is a minor, it is also [translation] "advisable" that he or she be accompanied by a parent (ibid.). Sources noted that the procedure, as well as the form used to fill out the police report, is the same throughout the country (Lawyer 7 Aug. 2015; Lawyer and Notary Public 6 Aug. 2015). The same sources stated that when a person reports a crime, [translation] "usually" he or she only receives the case reference number (ibid. 28 Aug. 2015; Lawyer 27 Aug. 2015).

According to the Constitution of El Salvador, it is the responsibility of the FGR "[t]o direct the investigation of a crime with the collaboration of the National Civil Police in the manner that the law determines" (El Salvador 1983, Art. 193(3)). A study on public security in El Salvador undertaken by the Public Opinion University Institute (Instituto Universitario de Opinión Pública, IUDOP) of the Central American University "José Simeón Cañas" (UCA) explains that a crime is investigated by PNC investigators who are subordinated to an assistant public prosecutor (auxiliar fiscal) of the FGR, who leads the investigation (IUDOP Sept. 2014, 42). Sources indicate that when a police report is lodged, the FGR assesses the information and determines whether a criminal procedure must take place (ibid., 42-43; Lawyer and Notary Public 6 Aug. 2015).

2. Procedures to Obtain a Copy of a Police Report

In correspondence with the Research Directorate, a lawyer and notary public with offices in San Salvador and Maryland, US, explained that in order to prevent the fraudulent use of police reports, the FGR is not
obliged to issue copies of these reports before the criminal procedure takes place (ibid.). The same source stated that if a person were to ask for a copy of a police report before the criminal procedure were to take place, this person would submit the request to the public prosecutor in charge of the case, who has discretionary power to issue a full copy of the report (ibid. 28 Aug. 2015). In correspondence with the Research Directorate, a lawyer in criminal and civil law in San Salvador indicated that a person who wishes to obtain a copy of a police report must make a request at the FGR's access to information office and state the purpose of the request (Lawyer 7 Aug. 2015). He added that the FGR does not provide an actual copy of the report but a summary (ibid.). The same source explained that if the FGR decides to start a criminal procedure, then it is "easier" for a person to request a full copy of the police report from the court that is in charge of the case (ibid. 27 Aug. 2015). He further explained that a person can obtain a copy of a police report as long as the trial is not considered "confidential" (ibid.).

Sources indicated that a person can request a copy of a police report from abroad by means of a power of attorney (Lawyer and Notary Public 6 Aug. 2015; Lawyer 7 Aug. 2015). According to the lawyer, the power of attorney document should include as much information as possible, including the case number and the reasons why the copy of the report is being requested (ibid.). The lawyer and notary public noted that a copy or a partial copy of the police report can be requested from abroad only after the criminal procedure has started (6 Aug. 2015).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References


Lawyer, San Salvador. 27 August 2015. Correspondence with the Research Directorate.

_____. 7 August 2015. Correspondence with the Research Directorate.

Lawyer and Notary Public, San Salvador. 28 August 2015. Correspondence with the Research Directorate.

_____. 6 August 2015. Correspondence with the Research Directorate.

Additional Sources Consulted


Internet sites, including: El Salvador – Corte Suprema de Justicia, Embassy in Washington; United States – Embassy in San Salvador.