



# Rule of Law Assistance: Transition Plan February 2013

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## Submitted by:

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(updated to February 2013)

## EXECUTIVE SUMMARY

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This document provides a summary of key recommendations to USAID and its future contractors or implementers in the Rule of Law area. It focuses on the progress, lessons learned and challenges observed by the end of February 2013 in the following initiatives: a) Support to the Community Policing Program to the National Civilian Police (PNC) and selected municipalities; b) Training of selected units of the Attorney General's Office (AGO); c) Technical assistance to the Technical Unit of the Coordinating Commission of the Justice Sector (UTE); d) Assistance to the Supreme Court of Justice's (SCJ) to provide services to women and children victims of violence and sexual abuse; and, e) Support to the court annexed mediation centers of the SCJ. During the implementation of this FOG, our organization was able to maintain uninterrupted USAID assistance and provide key support to the above-mentioned institutions by ensuring continuity to the initiatives related to the Partnership for Growth.

In general, all the institutions were open to our interim mechanism, facilitating access to project activities, ensuring that progress required by USAID for this period was achieved. However, given the limitation in time and the appointment of a new Attorney General, we encountered difficulties in fully implementing the planned technical assistance to this institution.

In relation to the Community Policing Program, we provided support to the strategic decision-making team of the National Civilian Police in the process of institutionalizing this program at a national level by actively participating in the weekly meetings of the Technical Committee while providing continuity to the technical supervision of thirteen sub-delegations and seven municipal prevention councils. One important achievement in terms of sustainability is the inclusion of the complete course of Community Policing in the National Academy of Public Security for future generations of Police Officers. We were also able to evaluate the implementation of the prevention plans of 2012 in the seven municipalities served and develop their operative prevention plans for 2013.

In the following period, it is important to provide continuity to the support of these municipal councils and select at least three additional ones among the other six municipalities in which the sub-delegations of the PNC are being supported. It is also recommended to expand in the near future in at least two sub-delegations, particularly in the Department of La Paz and Santa Ana. For further expansion, it is key to follow the internal prioritization made by the PNC of 26 sub-delegations where the Community Policing Program is needed.

Regarding the initiative of "*Municipios Libres de Violencia*" (MLV) initiated by mediators of the Church and Gangs which was endorsed by the Organization of American States (OAS) in November 2012, we recommend that in case they coincide with the 13 municipalities as is the case of Sonsonate and Quezaltepeque, USAID program continue to provide support to prevention activities and not gang re-insertion activities. It is possible that in the near future,

Ciudad Delgado and Panchimalco will also be part of the initiative, so there will be at least four municipalities of the USAID program with parallel efforts. Therefore, given the political dynamic, it would be convenient to officially inform the thirteen and future municipalities of the scope and limitations of USAID community policing program.

In relation with the support to key actors on the criminal procedure such as the Attorney General's Office (AGO), we provided technical assistance to selected prosecutors of the Juvenile Justice Unit of the AGO of San Salvador and San Miguel. As stated in our scope of work, an international consultant provided special mentoring to these prosecutors in the preparation of complex cases involving minor offenders. It is recommended to provide sustainability and continuity to this effort by training intermediate level leaders in the AGO not only in the juvenile justice units but also in the rest of the institution. The intermediate leaders of the AGO must be able to perform the mentoring sessions currently developed by the USAID consultant. In addition, it is important to provide technical assistance and training in a series of topics further developed in this document. This recommendations need to be validated with the current institutional authorities of the AGO. Provided that USAID obtains the authorization to train police, it is important to include in the training and technical assistance police officers, public defenders and judges in order to provide balance to the assistance to all the key actors in the criminal procedures in the following USAID projects.

Regarding the assistance provided to the Technical Unit of the Coordinating Commission of the Justice Sector (UTE), the main achievements during this project were: (a) technical assistance to the Statistical Unit of UTE in gathering and processing information for a fourth indicator of the nine performance indicators of the Criminal Procedures Code; and, (b) technical assistance in developing a strategic plan to implement goals 1 and 2 of the Partnership for Growth with participants of all the institutions of the Justice Sector. We include a prioritization of actions for implementation with USAID's support in the near future in this regard.

Finally, in regard to the support to the Supreme Court the main achievements have been: (a) A total of 1,567 victims received aid at the different centers (UAls/Therapy Centers and AVCAS), supported by FUNIPRI and a series of workshops were provided to parents justice sector operators and even aggressors. In the future, it is important to achieve sustainability of this effort and then expand to other offices in the country. (b) The project provided support to the twenty-two mediators of the court annexed mediation offices in the Judicial Centers of Soyapango, Ciudad Delgado, Private and Social and Isidro Menendez. Key next steps are to consolidate these centers by including them in the official structure of the Court and expand their geographical reach by creating centers in San Miguel and Santa Ana.

In general, we consider that it has been useful for USAID counterparts and the final beneficiaries, the population, end-users of the justice sector institutions, to count with this mechanism and avoid major interruption in the performed services. If needed, once the new Rule of Law contractor is selected, we offer to organize a meeting with their key staff as well as key counterparts to ensure a smooth transition and a quick start up process.

## COMPONENT ONE

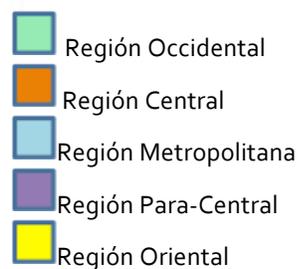
### KEY RECOMMENDATIONS TO SUPPORT TO THE COMMUNITY POLICING PROGRAM

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#### Expansion of the Community Policing Program

1. There is an unprecedented political momentum to expand this successful program within other operational regions of the National Civilian Police. However, as a first priority, the team of Police experts that has been working on this project suggests that the next two sites to open should be Santa Ana and La Paz. Highly committed executive officials<sup>1</sup> lead these areas and they have repeatedly requested to open a site in the above-mentioned municipalities. Approximately 40% of the police officers in La Paz have been trained in the philosophy of Community Policing and 20% in Santa Ana.

Furthermore, once La Paz is opened as a project site, the Para Central Region will become the first region of the PNC with sites in all its territory, consolidating a regional model under the leadership of Comm. Veronica Uriarte; this will provide a highly positive impact within the PNC leadership.



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<sup>1</sup> Regional PNC coordinator of the Western Region is Comm. Douglas Omar Garcia Funes and Regional PNC coordinator of the Para central region is Comm. Veronica Uriarte.

2. In addition to the two sub-delegations mentioned above, USAID's efforts in expanding the Community Policing Program should use an internal order issued in the last quarter of 2012 in which it defines a list of 26 sub-delegations that will be prioritized in expanding the philosophy of Community Policing. See Annex I.

It is worth noting that the current 13 sites of the project are included already in the list as well as La Paz and Santa Ana. See Annex II.

3. While expanding and consolidating the 26 sub-delegations has been requested by the National Civilian Police, this only covers 10% of the municipalities at a national level. Therefore, it is suggested that USAID should support parallel efforts by PNC and ANSP to conduct a strategic plan for the next expansion phase in a sustainable manner and in coordination with other donor efforts.

4. Donor Coordination. The National Civilian Police has started to invite donors to a weekly meeting of coordination regarding Community Policing; so far the Japanese Government and the German Cooperation have been present in those meetings as well as the current project staff of USAID. These meetings allow coordinating directly with the counterpart institution and among the donors. For example, the German Cooperation implemented by the German International Company (GIZ) informed in the meeting held February 26<sup>th</sup> that they are working in Santa Tecla, Colon, Usulután, San Miguel, Santiago Nonualco and San Salvador and plans to expand to 23 additional municipalities. They are utilizing funds from the government of Australia and with these they plan to work on a systematization of best practices in community policing that they can share with the Police institutions in the northern triangle of Central America and Nicaragua. The PNC offered to systematize the experience of USAID in four municipalities, among them Quezaltepeque, Ciudad Delgado and Panchimalco. The Japanese cooperation offered to systematize the model and share it with specialized units of the PNC in the near future.

### **Technical Assistance and Training to the National Civilian Police**

1. Training efforts should be aligned with the expansion strategy mentioned above, ensuring that each sub-delegation has at least 85% of its personnel trained in the philosophy of Community Policing. The training strategy must try to be in tune with the rotation of personnel and count, if possible, with an agreement from the National Civilian Police in order to ensure its efficacy.

2. The Director of the National Civilian Police as well as the Police consultants consider that it is key to provide training on leadership skills to executive officers of the institution. Leadership training program must be in tune with the institution's management style. Therefore, it is suggested consultation be held with the director's office and the technical committee on the methodology and curricula before implementation.

3. To date, and in response to the request of several chiefs of police precincts (*jefes de puesto policial*), some training has been provided to these chiefs in the management of meetings with community groups. It is recommended to continue with these efforts to facilitate communication between the police, local authorities and the organized community leaders. This training should include lessons learned of community insertion methodologies that have worked for the different Police delegations.

4. It is suggested that in order to provide institutional coherence and an integral approach to the philosophy of community policing, it is important to provide training on this philosophy to the sub-direction offices of the PNC. These are: Traffic, Specialized Areas, Investigations Anti-Gang Unit and Rural Police. The institutional manual on community policing can be adapted to a mandatory ruling for this Units and Sub-Direction Offices. As mentioned above, before performing this activity, it is key to coordinate with JICA.

### **Strengthening the PNC's Citizen Response Offices (ODACs/Spanish Acronym)**

The model called ODAC (*Oficinas de Atencion Ciudadana*) is a relatively recent approach of the PNC to provide services to the public in a more client-oriented manner. Trained personnel with basic resources provide orientation and guidance to members of the public that report a crime. These offices are viewed as a complementary effort to the community-policing program and its strengthening and expansion will benefit crime prevention and engender closer support from the community to combat crime. Personnel in charge of these offices must be informed and trained in all the services provided by the justice system that may be useful to the "client" of the PNC, these services include the existing Supreme Court Offices to assist victims of violence and sexual abuse, mediation services at the Public Defender's Office or municipalities, Rapid Response Units of the Prosecutors Office, etc.

### **Strategic Participatory Meetings and coordination**

USAID police consultants have participated every week in periodical meetings at the highest strategic level of the PNC. These coordination efforts include weekly meetings with the Technical Council, Strategic Decision-making Team and the Director's Office. It is recommended to maintain this periodical high-level coordination for future implementation efforts.

### **Strengthening outreach efforts of the PNC and media coverage**

Basic funding should be provided to Sub-delegations where the project is being implemented in order to have their own flyers or cards for Police officers to have when they conduct their patrolling rounds. To date, they use photocopies or police officers make their own cards with hand-written information for citizens to call them. A small amount of support on USAID and other local donors (local private sector) can address this need in the future.

Media coverage to the Community Policing program provides a higher level of trust from the community and also from the PNC leaders. It is suggested to have a public relations strategy in coordination with the PNC to ensure there is periodical coverage of the success stories that this program generates.

### **Strengthening Municipal Prevention Councils**

1. For future support to the Municipal Prevention Councils in the Rule of law area it is suggested to request that the municipality sign a letter of understating with the ROL contractor as well as the PNC to commit resources for the prevention activities. Currently, there is no specific line item in municipal budget for prevention activities. There is one for women's rights and for children but the prevention committee is generally in a difficult position to coordinate the use of funding from these other budget lines. A more comprehensive budget preparation should be encouraged for 2014. However, when the operative prevention plans are executed in an adequate manner, the municipal authorities tend to get more involved and therefore provide funding to their activities.

2. While the PNC expands its project sites, it is important to have parallel and coordinated efforts to support the municipal councils to develop the participatory tools that have been developed in the current project; this ensures that good coordination is kept between the PNC and the Municipal authorities. Eventually, it is important to create an internal mechanism within the PNC and probably COMURES as well as the municipalities to continue this coordination in a sustainable manner.

For further information on this component please refer to Appendix III.

## **COMPONENT TWO**

### **SUPPORT TO THE ATTORNEY GENERAL'S OFFICE**

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During the implementation of this grant, our organization provided assistance to the Attorney General's Office, focusing on the Juvenile Justice Units in San Salvador and San Miguel. However, based on experience and recommendations of key personnel of this institution, we provide the following suggestions for the transition period that must certainly need to be validated with the new Attorney General once the new USAID ROL project starts its implementation. See Annex IV.

We summarize our recommendations to the Attorney General's Office in four key areas:

#### **a) Institutional Strategic Planning**

We recommend conducting an institutional assessment using both internal and external performance indicators with objective and updated information.

Using the assessment as a basis and validated with key staff of the institution, we suggest conducting a strategic plan with participation of the new USAID's ROL implementer and key staff of the AGO in order to ensure coherence between the institutional priorities and the scope of work and performance indicators of the USAID funds.

The experience and lessons learned of the previous five-year strategic plans of the institution must be taken into consideration in order to enhance the effectiveness of the new plan.

The new plan must be inclusive and participatory in order to ensure stakeholder engagement and an effective implementation.

#### **b) Technical Assistance and training**

USAID has provided technical assistance and training to many of the specialized units of the Attorney General's Office. Although training most continue in the specialized units, in particular in the Unit of Crimes against Women and Children (UMM), in the future, it is advisable to develop a comprehensive training plan for the general units ("unidades comunes") of the institution as well.

The areas to be included in this training plan include but are not limited to theory of the case, technical and analytical and coordinated investigation, oral accusation techniques, oppositions and counter-interrogation. All of the topics mentioned before must be taught in a practical manner and not in a traditional classroom style, using selected cases prosecutors are developing as they participate in the training sessions.

The training sessions can be developed in a sustainable manner by implementing them through a mentoring system in which internal leaders guide the learning process. Details of this mentoring system are included in Appendix IV.

**c) Strengthening the Rapid Response Units (UST/ Spanish acronym)**

The main recommendation to strengthen these units is the creation of an internal protocol that formally defines competencies, criteria for intervention and remission of cases. According to the consultant in charge, the type of cases that are submitted to the UST does not respond to unified criteria and there are serious differences in the levels of effort and administrative responsibilities between one UST and the other; this creates dissatisfaction both in the staff and in the public.

The creation of the internal protocol or bylaw must be done in an inclusive and participatory manner with prosecutors currently working at the USTs.

**d) Coordination between National Civilian Police and Attorney General's Office**

It is important to continue efforts to enhance coordination between these two institutions. The revision of the internal structure of the National Civilian Police and its different approach to the investigation has separated it from the AGO.

Technical assistance must concentrate in developing an adequate coordination given the disparity of organizational structures between the two institutions, in particular in the specialized areas that could ideally work in parallel efforts facilitating investigation of cases.

## **COMPONENT THREE**

### **SUPPORT TO THE COORDINATING COMMISSION OF THE JUSTICE SECTOR**

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During this two-month period, our project has provided support to the Technical Unit of the Coordinating Commission of the Justice Sector to strengthen its own statistical unit providing continuity to the meetings of the inter-institutional statistical committee and gathering data for a fourth performance indicator of the Criminal Procedures Code. We have also provided support to systematize the justice sector priorities in relationship with the Partnership for Growth (PFG) Goals 1 and 2 in particular which were already presented to the members of the Coordinating Commission of the Justice Sector.

We enclose below a series of priorities identified and discussed with the Technical Unit of the Coordinating Commission of the Justice Sector by consultant Victor Rodriguez.

The priorities have been identified according to specific criteria presented below. We include in this document only the activities prioritized for the short term. However, we enclose the complete documentation of recommendations made by justice sector institutions that include all the actions that need to be developed in the framework of goals 1 and 2 of the PFG.

The criteria used to select priorities for the short term were:

1. Activities within the PFG with a sectorial approach
2. Existence of committees formed in the scheme of PFG to ensure sustainable work
3. Institutional support to the initiatives
4. Possibility to obtain results in the short term

According to the above criteria, the following areas were identified:

1. Training. It is key to strengthen training units of all justice sector institutions through a comprehensive "training for trainers" program. It is also important to enhance leadership abilities within the sector particularly for senior managers in order to use their potential, their knowledge, skills and abilities to help them guide effectively the processes of institutional transformation innovating for the future.
2. Process of investigation. Creating inter-institutional coordination protocols in criminal investigation will allow improving institutional practices in managing and using scientific evidence.
3. Institutional re-structuring. It is key to help justice sector institutions to restructure their personnel based on the real workloads determined by a set of criteria or workload assessment tool, which would be useful for decision makers in transforming their institutions into more efficient organizations.

4. Evaluation of best practices and models of services and their impact in the sector. In this area it is important to evaluate and discuss the impact of models implemented by USG initiatives such as the integral care to victims provided at the Supreme Court of Justice and the implementation of Rapid Solution Units at the Attorney General's Office. The objective of this evaluation would be to identify achievements and improvements and continue i development in all of the Prosecutors' Offices, assessing/valuating/ measuring of impact of the initiatives in the Public Defender's Office (PGR) work and Primary Courts all over the country.

5. Outreach and popular legal education. In this area specific actions identified are:

a. Elaborate and if possible, implement, a protocol to strengthen good practices to access services in institutions of the justice sector. At this point it is unclear to most of the population how to proceed and where to go when facing a legal issue or problem. Even when Justice Sector Institutions have modernized their websites and included more information about their services, most of the population does not have access to this information due to their level of resources or education. This protocol would help include strategies to improve popular access to justice sector, location and hours of service.

b. Design and implement a communications sectoral and institutional strategy in order to communicate to the public all the actions implemented to improve Criminal Procedure Code/Law and the services of the Justice Sector institutions. This includes but is not limited to:

- Training an institutional spokesperson: designation and training
- Establish communication parameters for the justice sector institutional speech
- Strengthen an effective strategy in institutional relations with media at a sectoral level
- Strengthen internal communication mechanisms
- Provide guidance tools to citizen to access services

6. Sector statistics. Key actions to develop in this regard are:

a. Propose the establishment of a protocol and processes for sharing information

b. Evaluate the strategic plan of implementation of Criminal Procedure Code, review and propose performance indicators for continuity.

7. Enhance Transparency and Internal Control in the justice sector. Assess feasibility for developing a comprehensive case track management system administrated by the Supreme Court of Justice on information for lawyers, notaries, judges and other civil servants.

For further information please refer to Appendix V.

**COMPONENT FOUR**  
**SUPPORT TO THE SUPREME COURT OF JUSTICE IN EFFORTS TO PREVENT VIOLENCE AGAINST WOMEN AND CHILDREN AND MEDIATION SERVICES (FUNIPRI)**

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Sub-contractor "*Fundacion La Ninez Primero*" (FUNIPRI) in coordination with the Supreme Court authorities and the inter-institutional Board of Directors of the Project has developed very successful efforts to prevent the re-victimization of women and children that have suffered violence or sexual abuse. However, the main concern about the success of this experience is the political will to allocate additional resources from the National counterparts to make this effort sustainable, ensure quality services with the increasing demand at the Comprehensive Care Centers, Play Therapy Centers and AVCAS and develop a healthy and sustainable geographical expansion.

In order to achieve this, it is important to develop a political strategy to lobby at various levels within and outside the members of the network and generate consensus on the need for sustainability that can be included in their annual work-plan as a strategic line of action.

The projections of this component for the future ROL contract are:

a) Comprehensive Care and Crisis Centers' (CCC) Projections. In these area it is necessary to:

- Strengthen the sustainability and continuity of the existing CCC, Play Centers and Crisis Centers.
- Implement at a national level the services of the new CCC, Play Centers and Crisis Centers in a sustainable manner.
- Provide continuous training to staff of the CCC and Crisis Centers on victim care and related legislation.
- Provide a higher degree of specialization in the application of play therapies.
- Develop workshops to inform and ensure the buy-in of justice sector operators whose work relates to the CCC, Crisis Centers and Play Centers.

- Strengthen relationships with other institutions or organizations that work directly with victims, such as municipal governments, the Ministry of Education, etc.
- Publicize services offered in the CCC and Crisis Centers.
- Promote training about sexual abuse prevention in schools.

b) Board of Directors of the Inter-institutional Network to support Victims of Abuse. In this regard it is important that the next ROL contractor helps to:

- Incorporate more institutions as members to ensure network growth.
- Strengthen the Board of Directors of the CCC and Crisis Centers through the preparation of an Annual Work Plan, the establishment of accountability mechanisms for Board members, and training in areas related to their functions.
- Strengthen relationships with other institutions and organizations that work with domestic violence and child abuse, by promoting our services through visits, reports and bulletins.

Additional recommendations that current implementer, FUNIPRI has evaluated as necessary include:

1. Conduct outreach campaigns to inform judges, secretaries and assistants and offices of the Supreme Justice Court on the services of the Comprehensive Care Centers.
2. Continue strengthening the program to inform all justice sector operators, since they are some of the largest obstacles found during most processes.
3. Keep working towards the creation of specialized courts.
4. Support the Courts' efforts to maintain sufficient funds to accommodate the needs of the victims in a sustainable manner.
5. Assess the possibility of incorporating larger spaces for the self-help groups.
6. Assess the possibility to bring the police services closer to the Centers.
7. Incorporate within the Centers new institutions such as the Ministry of Work, municipal governments, the Ministry of Education, INSAFORP, and others in order to broaden the support network.
8. Elaborate incidence strategies with the institutions.
9. Increase technical staff since the number of serious cases has increased creating a higher demand in the last few months, requiring the incorporation of a psychiatrist.
10. Continue training in self-care processes, based on a program directed by a specialist, which should also be offered to justice sector operators that ask to be included.
11. Promote and generate spaces for the staff to analyze and study new applicable laws.
12. Train the center coordinators on leadership and team management.

For further information please refer to FUNIPRI's transition plan in Appendix VI.

### **Court Annexed mediation centers (ORACS Spanish/acronyms).**

Given the their recent creation and the fact that during the interim period there was limited assistance to this model, we recommend to strengthen the four existing centers in the future ROL project, particularly in the following areas:

#### **Technical assistance and training**

- a. Evaluating their progress and assessing the strengths and weaknesses of the model
- b. Training mediators with clinical methodology and providing specialization in key areas such as family mediation.

It is important to note that in the near future the Supreme Court will implement a reform in labor law that will include mandatory mediation as an initial step to access labor courts. This will make even more important the existence of these offices within the Supreme Court and provide specialized training in labor mediation.

#### **Administrative strengthening**

The internal agreement that officially incorporates these offices into the Supreme Court is in the process of being signed. We recommend that the next USAID ROL contractor seek internal conditions of sustainability within the Supreme Court prior to expanding the model.

In order to provide technical and administrative sustainability to these offices, it would be desirable that they depend on one national coordinator who can be part of the legal management office (gerencia juridica) so that international cooperation can have a unified counterpart within the Supreme Court. In this is not the case, and each office continues to depend on different magistrates, we recommend that the USAID ROL contractor re-evaluate with the Supreme Court its support to this initiative.

#### **Expansion of services**

Provided that it is feasible to enhance the institutional position of the current centers and it is possible to establish a unified counterpart for them, it is recommended to expand services by creating multi-matter mediation services in Santa Ana and San Miguel.