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## PROCURADURÍA GENERAL DE LA REPÚBLICA DE EL SALVADOR

### 1. GENERAL INFORMATION

Agency: Procuraduría General de la República (Attorney General), El Salvador  
Sector: Prosecutors  
Project Title: Reducing Prison Overcrowding: Interventions with Public Defenders  
Location: San Salvador, Soyapango, Apopa, La Libertad (El Salvador)

### 2. EXECUTIVE SUMMARY

This project will equip public defenders with the tools necessary to increase conditional releases ordered by judges during defendants' initial hearings, and reduce the number of preventive detentions ordered. Those detained at this judicial stage are frequently sent to pretrial detention for lack of basic information provided by defendants and their families during the first 72 hours following their arrest. The pilot project developed by the Procuraduría General de la República (PGR) will consist of: 1) training criminal public defenders in interview techniques to improve data collection from defendants and their families, as well as relevant knowledge regarding provisional detention, which could be useful for providing effective petitions during initial judicial hearings; 2) the development and use of new interview forms to standardize and improve the quality of information collected by public defenders from defendants and their family members; and 3) the elaboration and provision of leaflets to provide detailed instructions to detainees' families regarding information needed to obtain conditional release, rather than provisional detention, during defendants' initial hearings.

Despite the efforts of the PGR to provide necessary support to detainees and their families, the institution would benefit from additional tools to help reduce the number of defendants who receive unnecessary pre-trial preventive detention. The objective of the project is to increase the number of alternative measures, such as conditional release, that are granted by judges during initial hearings, as opposed to the application of preventive detentions. Should this project achieve its objectives, the intervention could be scaled up, helping to alleviate in the medium term the chronic problem of prison overcrowding that El Salvador currently faces. By randomly assigning shifts of public defenders (each consisting of five public defenders per shift) within four offices of the PGR (San Salvador, Soyapango, Apopa, and La Libertad) that will receive this intervention, it will be possible to identify the causal impact of the intervention.

### 3. IMPLEMENTING ENTITY

The Criminal Public Defense Unit of the Procuraduría General de la República of El Salvador is the implementing entity of this project. The program will be carried out in four offices: San



Salvador, Soyapango, Apopa and Santa Tecla (La Libertad). The team that designed the proposal for the intervention includes the National Coordinator of the Public Defenders program. The proposal also has the support and approval of the Procuradora General (Attorney General) of El Salvador.

#### **4. PROJECT DESCRIPTION**

##### **A. PUBLIC POLICY PROBLEM**

The twin problems of prison overcrowding and lack of access to justice are grave concerns in El Salvador, and disproportionately affect Salvadorans with limited economic resources. The problem of overcrowding has grown in recent years. In 2016, the Supreme Court of Justice of El Salvador issued a resolution stating that the current conditions of prisons violate fundamental rights to personal integrity, given that on average 30 to 40 inmates reside in spaces of less than 10.2 square meters, implying a space of only 0.28 m<sup>2</sup> per detainee. Since pre-trial detention centers and prisons have become key recruiting sites for gangs in recent years, it is increasingly important to ensure that detainees that qualify for alternative measures to preventive detention are not subjected to the penitentiary system.

The opportunity to strengthen the work of public defenders offers a potential solution to the unjust detention of many who have committed no crime or those who have committed less serious crimes and therefore do not deserve to be imprisoned. Many in El Salvador enter the prison system because they are unable to present necessary information to judges within the first 72 hours after their detention; failure to do so results in preventive detention, producing a set of horrific consequences at the individual and communal level. Given the problem of judicial delays facing the country, those in pre-trial detention centers often are incarcerated for years without having been convicted of any crime.

Despite the tremendous needs in the judicial sector, few interventions have been rigorously evaluated. The project proposed by the PGR will feature a randomized controlled trial (RCT) monitoring and evaluation strategy to isolate the causal effects of the program.

##### **B. PUBLIC POLICY OBJECTIVES**

To address the problems identified in the previous section, the PGR proposes an intervention with the following strategic objectives:

1. Improve interview skills for public defenders.
2. Design and produce new forms that will help public defenders develop effective interviews with detainees and their relatives.
3. Increase the percentage of detainees' relatives who express that the services provided by the PGR have been effective.
4. Increase the number of initial hearings whose judicial resolution ends with alternative measures and conditional release as opposed to preventive detention for defendants who solicit the services of the PGR.



### C. PROPOSED ACTIVITY

The program will be implemented and evaluated using a randomized controlled trial (RCT). The intervention will be assigned randomly to shifts of public defenders in four offices of the PGR. To develop the intervention, the team will begin with a list of all shifts (composed of 5 public defenders per shift) and a random set of shifts from that list will be selected subsequently to receive the intervention.

Activities associated with the program include:

1. Strengthen the capacity of interviews and research techniques of the public defenders through specialized training.
2. Design and use new forms to facilitate interactions with other governmental and non-governmental institutions to help process information necessary for judges to grant conditional releases instead of preventive detentions.
3. Design and distribute to family members and detainees a pamphlet providing a list of documents required by public defenders within the first 72 hours, with the goal of increasing the probability of receiving a conditional release for the defendant, as opposed to preventive detention.

### D. EXPECTED RESULTS

The program evaluation plan will measure program results at the level of the public defenders' shift, and will measure impact using administrative data on resolutions issued by justices at the initial hearing, as well as through satisfaction surveys applied to detainees' relatives.

#### Short-term results:

1. Increase the capacity of public defenders to collect necessary information to improve the service provided to detainees and their families.
2. Increase the number of cases that arrive to the initial hearing with sufficient information required by judges to consider granting conditional release to defendants.
3. Improve the satisfaction of family members with the services provided by public defenders.
4. Reduce the number of detainees to whom preventive detention applies and increase the number of detainees to whom alternative measures, such as conditional release, are applied.

#### Medium-term results:

1. Reduce prison overcrowding in El Salvador.

### E. POTENTIAL IMPLEMENTATION CHALLENGES

There is a possibility that the control group learns about the treatment and wishes to use the new tools being implemented in the treatment group. In order to avoid this possibility of "contamination," the PGR will hire interns to monitor the use of the forms, which would help ensure that only shifts assigned to the treatment group would have access to the new forms.



## F. PRELIMINARY TIMELINE

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Development of the training plan								
Elaboration of the monitoring and evaluation plan								
Design of measuring instruments								
Provide training to public defenders								
Monitoring implementation								
Evaluation of the program								
2nd session Academy for Security Analysis								
Preliminary data analysis								

## G. BUDGET

Item	Project costs		Cost sharing		Grand total
	JJ for PGR		PGR	Other	
<i>Personnel</i>	\$ -		\$ -	\$ -	\$ -
<i>Fringe Benefits</i>	\$ -		\$ -	\$ -	\$ -
<i>Travel</i>	\$ -		\$ -	\$ -	\$ -
<i>Equipment</i>	\$ -		\$ -	\$ -	\$ -
<i>Supplies</i>	\$ 31,680		\$ -	\$ -	\$ 31,680
<i>Contractual</i>	\$ 18,200		\$ -	\$ -	\$ 18,200
<i>Other</i>	\$ 5,120		\$ -	\$ -	\$ 5,120
<b>Total Direct Charges</b>	\$ 55,000		\$ -	\$ -	\$ 55,000
<b>Indirect Charges</b>	\$ -		\$ -	\$ -	\$ -
<b>TOTAL</b>	\$ 55,000		\$ -	\$ -	\$ 55,000

