

## Reporting Crime in Portugal

Many of the enquiries we receive at Safe Communities Portugal, seek information on how to report a crime, where to report it, whether they should report it, or how to obtain a police certificate to in order to make an insurance claim arising from the theft of items.

Much of this information is on the Safe Communities Portugal website, but I feel it is timely to write this feature as a reminder, as this is a frequent topic raised.

I also occasionally see on social media that someone has either been a victim of crime or has witnessed a crime, but there is no indication that this has been reported to police.

It goes without saying that it is very important that victims of crime report this to the authorities. By doing so, it is more likely that the person who committed the crime will be caught, held responsible and prevented from doing the same thing again.

In my view everyone has a civic responsibility to report crime to ensure safe communities, and issues such as insurance or compensation for example, come secondary to this. Reporting crime is also important for the purposes of crime statistics and developing properly focused crime prevention activities.

Readers may not be aware that In Portugal reporting a crime is also mandatory for anyone who becomes aware of situations that endanger the life, physical or psychological integrity, or freedom of a child or young person under the age of 18.

### How to report crime

If you hold a digital certificate you can report certain crimes electronically using the on-line crime reporting process. However, in practice this still requires the person reporting the crime to visit a police station within 48 hrs to prove identity. The system does not allow the use of overseas post codes (a field that is mandatory).

The main authorities to which people can report crime are the Public Prosecution Service (Ministério Público,) the GNR, PSP and Judicial Police. Each of these authorities has a duty to receive all the complaints and reports made to them, even if the crime was not committed within their territorial area or, in the case of the police forces, if they do not have jurisdiction for the investigation.

You can file a complaint or report even if you don't know who committed the crime. It is for the authorities to then investigate and ascertain the identity of the offender.

### Who can report a crime

For public crimes such as murder, robbery or domestic violence, it doesn't have to be the victim that reports it. Anyone who knows of the crime can do so and this is sufficient for the Public Prosecutor to initiate criminal proceedings, even if the victim doesn't wish to press charges.

If you wish to report a crime but are afraid of retaliation, for example, and don't want to reveal your identity, then you **may do so anonymously**. It is usually preferable that you identify yourself, however, so that you can be called upon to cooperate in the investigation at a later stage.

For other types of crimes, whether semi-public crimes such as non-aggravated theft, non-aggravated offences against physical integrity (assault) or private crimes such as insults and defamation, the

victims themselves must file the complaint within 6 months of the crime. Otherwise, the Public Prosecutor will not be able to initiate criminal proceedings. If the victim cannot do so, because he/she is under 16, has died, or is ill, or for any other reason, then a close relative such as a husband or wife, father or mother, son or daughter, can file the complaint.

Reporting a crime or filing a complaint is free of charge, does not require any formalities and can be done verbally or in writing. You should include as many details as possible to help the investigation, such as the date, time, place and circumstances of the crime, identification of the suspect(s) and the names of any witnesses and any other evidence.

When the victim reports a crime or files a complaint, he/she is entitled to receive a certificate showing that the complaint was registered.

### **Withdrawing a complaint/keeping up to date**

The complaint (unlike the report of the crime) may be withdrawn by the victim, that is to say, if for any reason the victim does not wish the proceedings to go ahead, as long as the defendant is not against this. The application to withdraw the complaint must be submitted to the authority responsible for the proceedings at that time, i.e. the Public Prosecutor during the inquiry stage and examination stage or the judge during the trial stage.

The inquiry stage may last from a few weeks to several months, depending on the amount of evidence to be gathered and the complexity of the investigation.

If the victim wishes to know how the case is progressing, they should contact the police officer in charge of the investigation or the public prosecutor assigned to the inquiry process, provide the case number and ask whether there is any information about it.

The victim must cooperate with the authorities whenever requested to do so and inform them about anything that could be helpful for the investigation.

Remember if you don't report the crime, the authorities will not be able to try to catch the person who committed the crime and he/she might do it again. You should consider the fact that the next victim might not be as able as you are to overcome the effects of the crime.

APAV provide an extensive service regarding victim support and discussing with them before reporting a crime, will be helpful in understanding your full rights as a victim and the court process. INFO VICTIMS also provide a Victims Support Helpline 116006.

David Thomas

President

Safe Communities Portugal

11<sup>th</sup> July 2019