

The role of prosecutors and the police in Chile

IAP General Assembly



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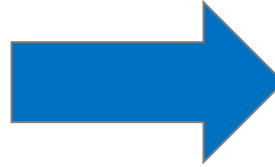
Criminal Justice System. Overview

The Chilean Criminal Justice System

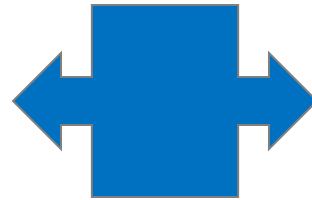
Public Prosecutor's Office

- Independent and autonomous (Art. 83 CPR)
- Exclusivity in main attributions.
- Criminal investigation and prosecution.
- Victims and witnesses protection.
- International cooperation.

Investigation. Role of the Police (PDI and Carabineros).



Accusatory Model



Criminal Courts

1. Juzgados de Garantía. Authorizations when investigation or procedural acts affects constitutional rights.
2. Criminal courts. Oral Trials.
3. Appeals Courts.
4. Supreme Court.

The role of prosecutors

**Criminal
Procedure Code**



- Investigation of offences and criminal prosecution.
- Direct investigation (*by themselves*) or through the police (instructions).
- Principle of objectivity.
- Protection and assistance to victims.

The role of the police

Criminal Procedure Code



- Civil police (PDI), Carabineros and Gendarmería (regarding offences committed inside prisons) have a *functional* dependence on prosecutors (not an *organic* one).
- They have to execute orders and instructions from prosecutors and judges (coercive measures, detention), and cannot question their opportunity or convenience, but may request a judicial authorization when appropriate. Administrative liability for non-compliance.
- Autonomous action.
- Inform offences to the PPO immediately.

The role of the police

**Autonomous
action**



- Assistance and protection of victims.
- Arrest in flagrant cases.
- Scene of crime: evidence gathering and keeping the scene intact for investigative purposes.
- Witness depositions (only voluntary).
- Receive and register criminal complaints (immediate communication to the PPO).
- Identity control.
- Accused deposition.
- Clothes registration.
- Corpses.
- Records.
- Prohibition to inform the press.

Interinstitutional cooperation and coordination

- Investigation by the Public Prosecutor's Office.
- Autonomous investigation by the police: jurisprudence.
- Election of the police. Regional and specialized approaches.
- Sharing of information. Databases police/PPO.
- General instructions by the PPO.
- Thematic coordination (e.g., drug trafficking; trafficking in persons; cybercrime; money laundering; international cooperation).

Fin presentación

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