

CHILE

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RULES/GENERAL LAWS

General	National Constitution (2005) https://www.leychile.cl/Navegar?idNorma=242302
	Penal Code (1874) https://www.leychile.cl/Navegar?idNorma=1984
	Code of Military Justice (1944) https://www.leychile.cl/Navegar?idNorma=18914
	Organization Code of the courts (1943) https://www.leychile.cl/Navegar?idNorma=25563
	Policía de Investigaciones, disciplinary regulations (1981) http://gobiernotransparente.investigaciones.cl/transparencia/2019/leyes-y-normas/reglam-disciplina.pdf
	Carabineros, disciplinary regulations (2000) https://www.carabineros.cl/transparencia/transparencia2009/reglamento11.pdf
	Policía de Investigaciones, regulations of administrative investigation procedures (1982) http://gobiernotransparente.investigaciones.cl/transparencia/2019/leyes-y-normas/reglam-sumarios.pdf
	Carabineros, regulations of administrative investigation procedures (1999) http://www.carabineros.cl/transparencia/transparencia2009/15Reglamento.pdf
	When deployed, they are considered on duty and are can be held criminally responsable. The Military Justice Code in his article 3, declares that Military Tribunals have jurisdiction to judge Carabineros personnel that commits crimes while deployed and in the case of the civilian police, they are submitted to civilian laws, such as the criminal code .
	UN rules on sexual exploitation and abuse are implemented by MOU´s, SOFA or LOA depending on the mission and their requirements, when those rules are compatible with the chilean legislation and the national caveats.
SEA: police offence?	Chilean police regulate SEA cases on a disciplinary level. On a legal level, the military law system has jurisdiction to investigate and judge those SEA conducts that can be considered as crimes in accordance with the chilean criminal law.
Powers of the Commanding Officer (CO)	Commanding Officers cannot promulgate rules and policies as those rules and policies are established by the correspondant Police Authority before the deployment. Nonetheless, the Chief of the Police Force has the duty and the responsibility of give orders to their subordinates to prevent the transgression of those rules and policies. The Chief of the Police Force are empowered to take administrative (including administrative investigations) and disciplinary measures. Criminal punishment and investigation relays to Military Tribunals (criminal law) in the case of Carabineros and on civilian criminal courts in the case of the Policía de Investigaciones.
INVESTIGATION	
Who can investigate?	The Chief of the Police Force can investigate for all disciplinary and administrative aspect. If there are evidence of a criminal conduct, the investigation is conducted by a military prosecutor or a civilian prosecutor depending if the crime was committed by Carabineros or the Policía de Investigaciones, respectively.
National Investigation Officer (NIO)	National Investigations Officers are not deployed with units as the chilean police forces are deployed with legal advisors and officers in charge of civilian affairs.
PROSECUTION	
Referral	The Chilean military and police authority in charge of the forces.
Who can charge?	Military Prosecutors in the case of Carabineros and a civilian prosecutor in the case of civilian police (Policía de Investigaciones, PDI).
JUSTICE	
Police justice system	The police in Chile includes two organizations: Carabineros and Policía de Investigaciones. Carabineros is subjected to the military legal system (military tribunals) and Policía de Investigaciones to the civilian legal system.

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