

Electronic Evidence and Criminal Justice

National Prosecutor's
Office
Chile



**Money Laundering, White Collar,
Environmental, Cyber and Organized Crimes
Unit**

Electronic Evidence and Criminal Justice - Chile

- In accordance to Chile's domestic law, all criminal investigations must be lead exclusively by the Public Prosecutor's Office, which is assisted by national police forces that work as auxiliary organisms under the instructions of the prosecutors.

- In this sense, Chilean Penal Procedural Code states that prosecutors have the lead in all criminal investigations.

- There are two police corps the public prosecutor can work with in a criminal investigation:
 - PDI
 - Carabineros de Chile

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- The Public Prosecutor's Office found itself in the need of generating its own capacity building regarding electronic evidence because of a criminal case that took place during the end of 2017.
- In an organized crime investigation, a public prosecutor received from one of Chilean police forces, transcriptions of Whatsapp conversations that were extracted from seized mobile phones.
- However, the conversations were highly incriminating which led the prosecutor into suspicion.

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➤ The Money Laundering, White Collar, Environmental, Cyber and Organized Crimes Unit (ULDDECO), from Chile's National Prosecutor's Office had been developing a digital forensic lab in order to face criminal investigations with digital evidence.

We had acquired a minimum of the technology needed to learn how to obtain and recover evidence found in digital media such as hard drives, cellphones and other devices.

➤ We used this small forensic lab to extract from the actual mobile phones the evidence of the Whatsapp conversations. In this way we could compare the transcription with the actual electronic evidence.

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➤ We found out the transcriptions were actually manipulated, and started a criminal investigation against the police officers that gave the transcriptions to the Public Prosecutor's Office.

➤ Lessons learned:

In terms of cybercrime, the prosecutor's and lawyers need not only legal expertise, but also high knowledge in the extraction and use of electronic evidence.

Thus, the necessity of capacity building.

This is why we have:

Redoubled our efforts in strengthen our technical knowledge through our small forensic lab, with specialized personnel that work with prosecutors in national importance cases.

Digital Forensics Development in Chile's Prosecutor's Office

➤ Also, we have taken the lead of the Digital Evidence Worktable, in which also participate other governmental authorities such as Police Forces and the Ministry of Interior and Public Security. This worktable has elaborated a series of documents with standards needed in the recompilation, analysis and preservation of e-evidence that guarantees the possibility of its use in criminal investigations and trials.

➤ We acknowledge the necessity of receiving training from experts. Chile entered the Glacy+ Project.

We received the basic training for judges and prosecutors during 2018 and will be receiving the advance course next April 8th.

In other Glacy+ activities that have been taking place abroad we have send someone from the police foces and someone from the public prosecutor's office.

Digital Forensics Development in Chile's Prosecutor's Office

- We aim to continue developing our own capacities in all cybercrime areas in order to accomplish successful results in our criminal investigations.
- Specially taking into account that electronic evidence can be crucial for solving high complexity cases of organized crime as well as investigations of any criminal offence in which e-evidence can be collected.

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