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GENERAL DE LA NACIÓN

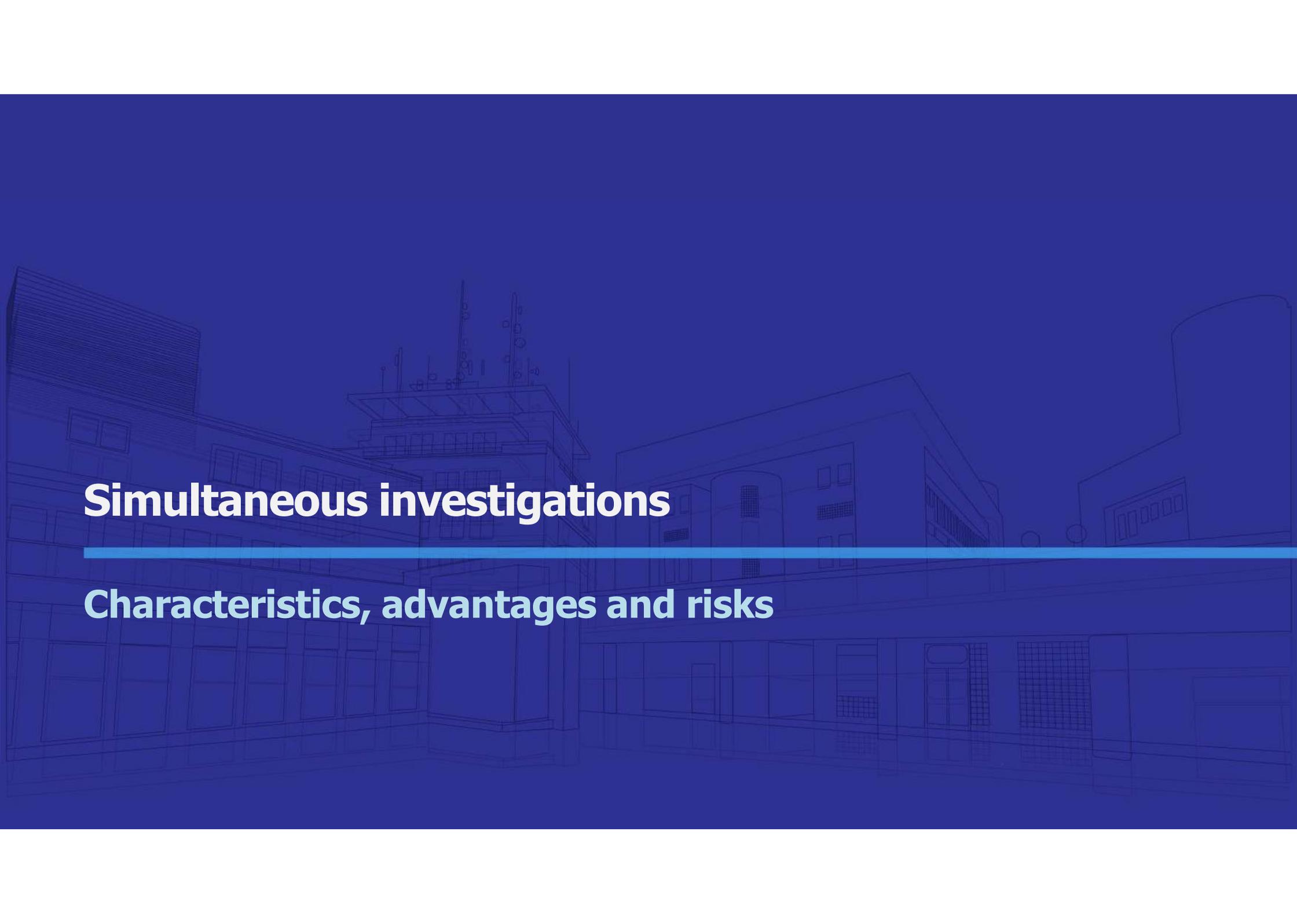
En la calle y en los territorios

**Parallel financial
investigation in criminal
proceedings and the
Asset forfeiture.**

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Simultaneous investigations

Characteristics, advantages and risks

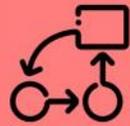
Simultaneous investigation (criminal and asset forfeiture proceedings)

As a result of the analysis of the new dynamics of transnational organised crime and the identification of new criminal typologies, it has become more relevant to address the recommendations of the Financial Action Task Force (FATF) that seek to strengthen the investigation and seizure of assets, with the aim of joining efforts to be more effective in the prosecution of crime and achieve a greater impact in its dismantling.

Applying the methodology of parallel or simultaneous investigations not only complies with FATF recommendations 30 and 31, but is also the most effective mechanism in the fight against organised crime.



Characteristics of simultaneous investigation



Greater complexity as it requires coordination and knowledge of the criminal process and knowledge of the extinction process.



PROSECUTORS must have knowledge of the criminal process and the extinction process.



Allows decisions to be taken in order to dismantle the organisations because decisions can be taken with regard to assets in both the criminal and the extinction proceedings.



The decree of precautionary measures in simultaneous investigations should be extraordinary, art. 89 CED, in order to wait for the time available in the criminal proceedings for the transfer of evidence.



Advantages of simultaneous investigation



The greatest advantage is the **PROBATORY COMMUNITY**, we are subject to the control of legality and we have the tools that allow us to do so.



Maximum effectiveness in the fight against organised crime: on the one hand, those responsible for committing crimes are captured and brought before the judicial authorities, and on the other hand, the illicit finances of these organisations are affected.



Procedural economy: in other words, within the framework of an investigative process, activities can be carried out through which EMPs and EFs can be obtained that are useful and necessary for other investigations and that can be shared through judicial police acts such as inspections of processes.



Additionally, it prevents different results from being produced through the same judicial police acts.

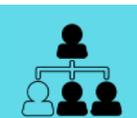
Risks of simultaneous investigation



- **Early discovery of evidence.** It is important to be aware of the procedural terms in criminal matters to present the indictment and the terms for the extraordinary decree of precautionary measures, i.e. Art 89 CED, since there are 6 months for the presentation of the lawsuit.



- **Leakage of information** which in criminal matters can have consequences such as the impossibility of bringing the perpetrators of illicit activities before the judges and in matters of extinction, the sale of assets, the transfer of companies, the concealment of vehicles and livestock.



Success of a simultaneous investigation



✓ Sharing of criminal information with the asset forfeiture process and vice versa should be allowed, so that investigations are known.

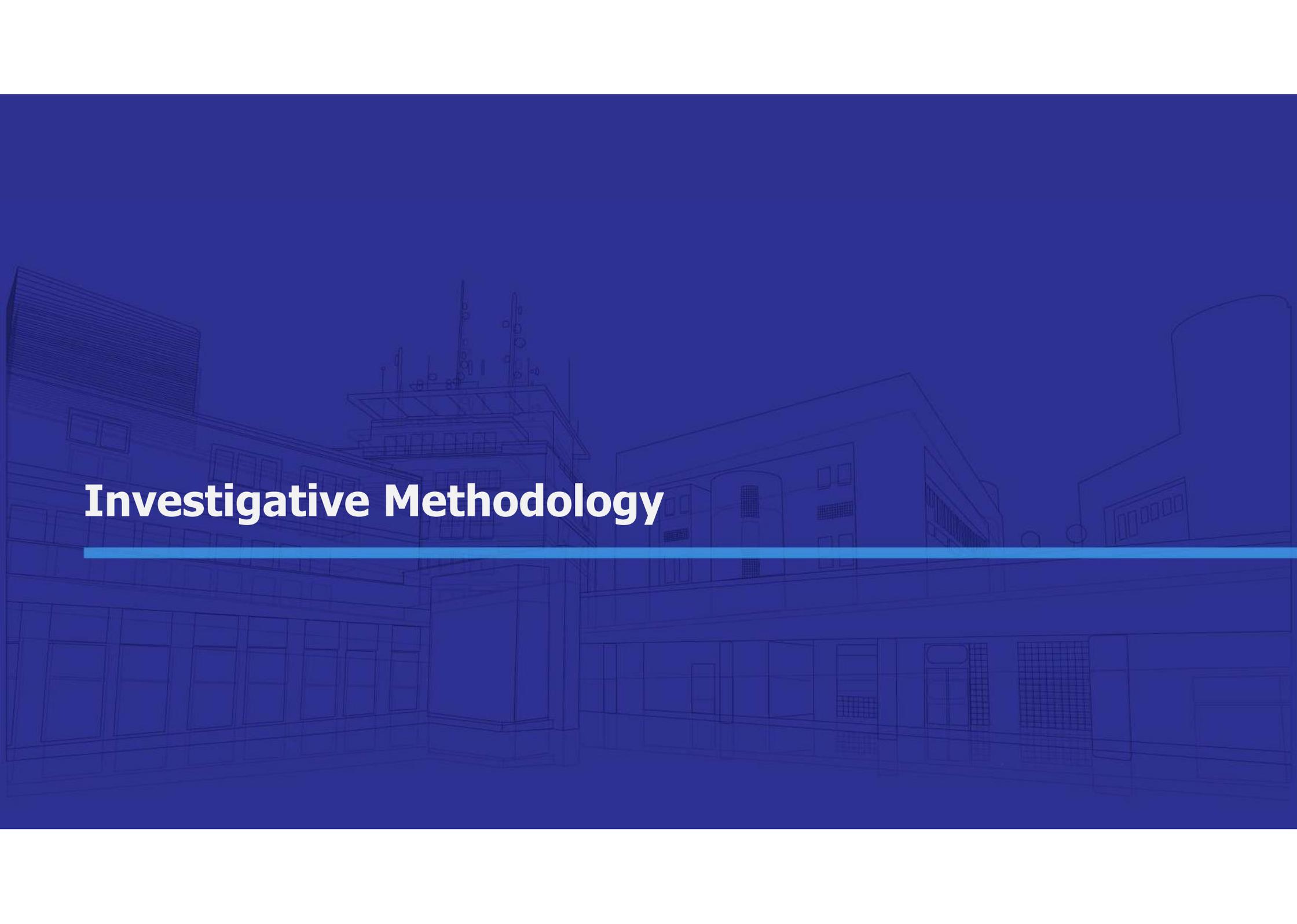
✓ Articulation between prosecutors.

✓ Coordination between prosecutors and investigators.

✓ Empathy, trust, teamwork.

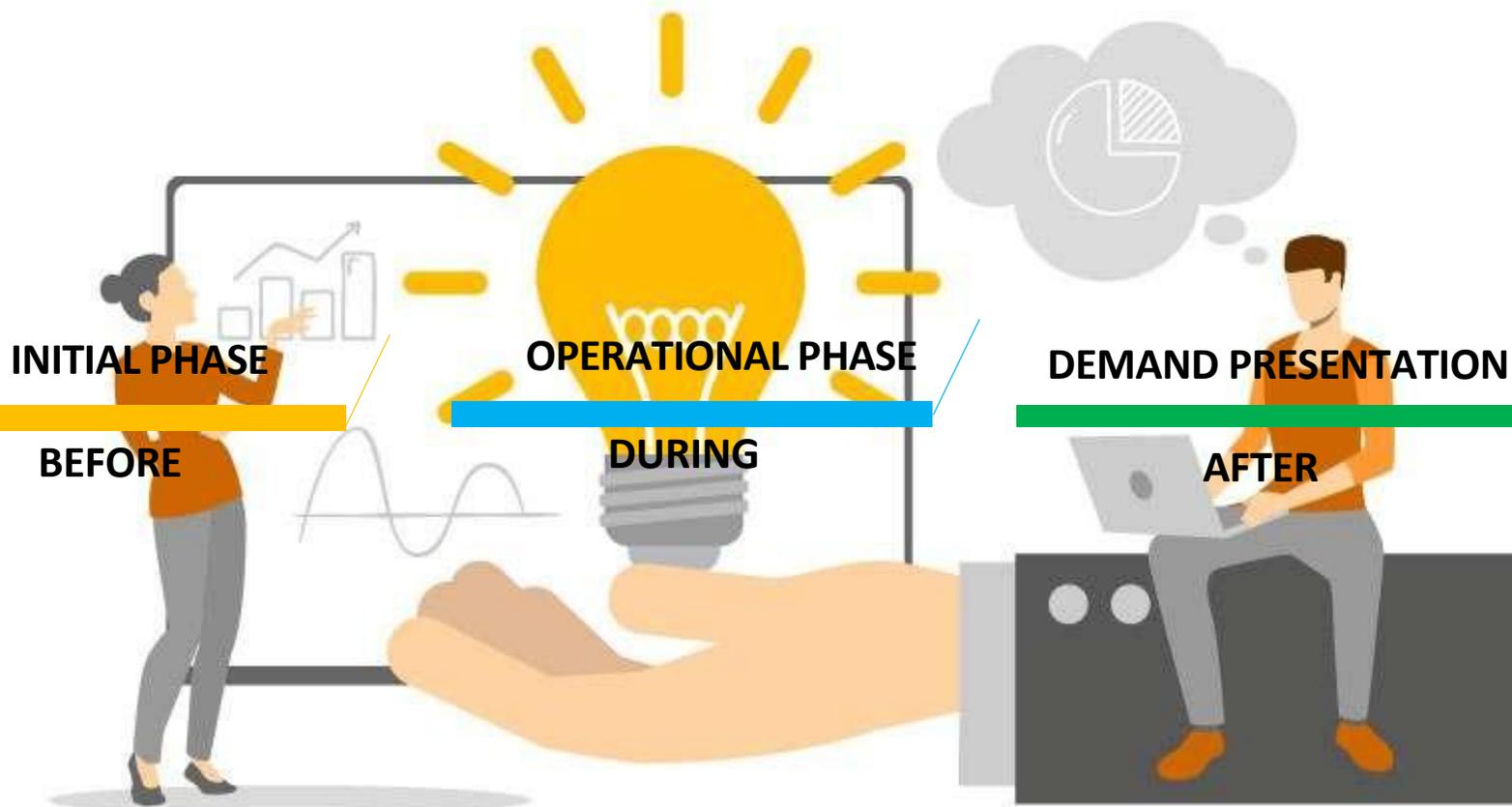
✓ Encouragement to achieve common objectives in the fight against organised crime, including the weakening of its criminal finances.





Investigative Methodology

INVESTIGATIVE METHODOLOGY FOR SIMULTANEOUS ASSET FORFEITURE



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INITIAL OR PRE-PROCESSING PHASE

BEFORE:

Initiative Investigative

Assignment of the Case

First working group

Judicial Inspection of criminal proceedings

Analysis of audit results

Financial Intelligence and Analysis Unit STRs

ONew Warrants to Police Judicial

Asset Identification

Working Group Meeting

Judicial Inspection
Accounting Study
Final Report
Criminal Final
Report of Asset
Forfeiture
Commercial
Estimate

Análisis del Lavado de Activos
Tipologías del

Working Group Meeting
Study of Titles

Resolution of Precautionary Measures

Planning the Operation



En la calle y en los territorios

OPERATIONAL PHASE MATERIALISATION OF PRECAUTIONARY MEASURES DURING:

PMU Unified Command Post

Materialisation of SAE objectives

Attention Contingencies Addition Precautionary Measures

Activities Confiscation/Penalty Precautionary Measures/EDD

Reports and Progress to Chiefs

Obtaining Elements Probative Materials

Taking photographic and filmic images

Register of Precautionary Measures

DEMAND PRESENTATION

AFTER:

Post Materialisations
Report

Lead Investigator Meeting PJ-
Prosecutor-New Warrants to
Judicial Police.

Forensic Commercial
Appraisal

Lead Investigator-Monitoring
Registration to Precautionary
Measures

Receipt of materialisation
and inventories certificates
by PJ

Weaknesses
Opportunities
Strengths
Threats

WOST

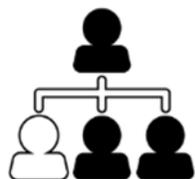
Filing a Claim 06
Months

Complex case



Complex case

Dismantling of a criminal organisation dedicated to drug trafficking and money laundering.



Its leader was an **INVISIBLE NARCOTRAFFICKER**, who invested his money from drug trafficking activities in different commercial companies, whose corporate purpose was to carry out construction works through contracts with the state, financed political campaigns, acquired a large number of assets such as real estate, commercial establishments dedicated to the hotel business, vehicles and livestock.

This is a typology identified in the region of the constitution of legal persons and which is present in around 52% of the cases, presenting a variation in comparison with the previously most used typology, which was the front man.

The leader of the organisation created the entire commercial emporium in the hands of members of his family and closest collaborators who, through the figure of front man, contributed to the money laundering operations.

Conclusion

Without a doubt, PARALLEL or SIMULTANEOUS investigations represent a great difficulty, as we have seen, they require various aspects on the part of the work teams, but they also represent greater efficiency, effectiveness and a greater impact on the dismantling of criminal organisations.



THANKS



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