



17th St. & Constitution Avenue N.W.
Washington, D.C. 20006
United States of America

Organization of American States

P. 202.458.3000
www.oas.org

**INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION
CICAD**

Secretariat for Multidimensional Security

**XLI MEETING OF THE GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING
OCTOBER 1 - 2, 2015
LIMA, PERU**

OEA/Ser.L/XIV.4.41
CICAD/doc.5/15
28 September 2015
Original: Español

**ASSET INVESTIGATION
MARCELO CONTRERAS
MINISTERIO PUBLICO, CHILE**

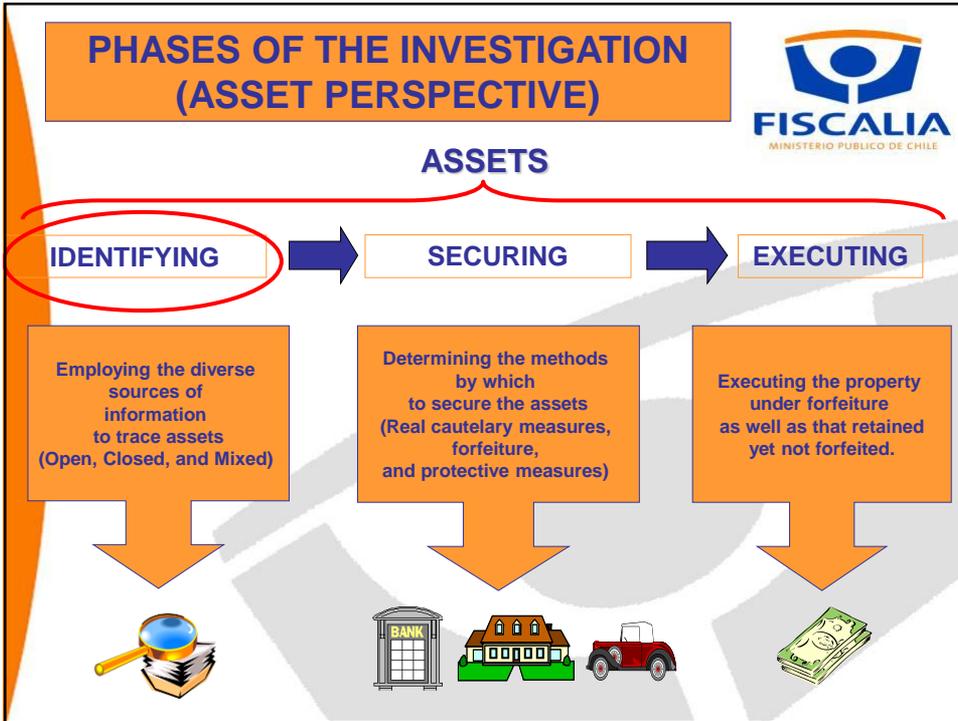


ASSET INVESTIGATION

GELAVEX meeting, October 2015.

Lima, Perú.

Specialized Unit on Money Laundering, Economic and
Environmental Crimes, and Organized Crime (ULDDECO)



ASSET INVESTIGATION



BACKGROUND

- ❖ For some years now, the importance attached to the “asset investigation” as it pertains to inquiries on criminal offences involving specific forms or degrees of **organized crime** has become increasingly notable.
- ❖ In fact, some **international conventions** pertaining to this subject matter (Palermo / 2000), highlights this investigation emphasizing that it's adequate practice would permit the identification and sanction of property generated through crime.
- ❖ On this context, the asset investigation comes to be the first step in **a process** aimed to transfer the ownership to the state of such illegal property.

ASSET INVESTIGATION



PRECISIONS

- ❖ This investigation technique should by no means be limited to merely cases of organized crime or economic related criminal offences, as it encompasses the investigation of any kind of crime. As is evident, its use in the aforementioned cases will be indispensable in clarifying the facts, whereas, in other cases, its focus will shift to generating leads which will allow the completion of the penal investigation through financial or economic facts.
- ❖ The terms "Asset investigation" and "financial investigation" are often understood as synonyms. From our perspective, both terms would entertain a relationship of genre to species, as a financial investigation is a type of asset investigation used to uncover the many steps of a financial operation (the flow of the operation), identifying its interveners, amounts, related documents, places where it was carried out, dates, etc.

ASSET INVESTIGATION



CHARACTERISTICS

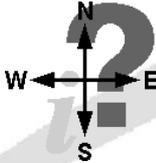
- ❖ These types of investigations are set retrospectively, as it is impossible to establish relations between assets and individuals which are yet to materialize. Like so, we could establish the degrees of probability pertaining to their future production, but we could not establish their effectiveness.
- ❖ They are qualitative investigations, given that they are founded upon a particular case of analysis wherein is extensively investigated the backgrounds that allows to discard or confirm the relationships between individuals and assets or rights.
- ❖ They have a highly documentary characteristics, and the use of rules or principles of heuristic analysis remains frequent.

ASSET INVESTIGATION



It is a working tool and an investigative technique

EFFECTS



It guides the investigation and the subsequent prosecution



Provides an historical record of specific events; it is a totally documental process

ASSET INVESTIGATION



Work planning, particularly “on the field” actions and interrogations.

EFFECTS



Allows an adequate control on the management of the actions requested

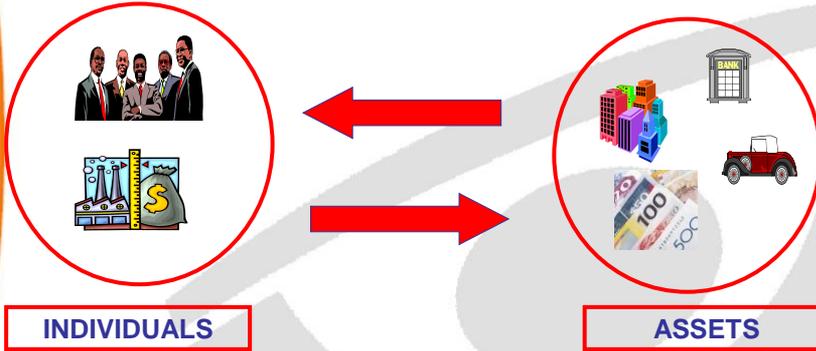


It is a task that demands perseverance and constancy

ASSET INVESTIGATION



HOW DOES THE INVESTIGATION BEGIN?



ASSET INVESTIGATION



Methodology: Determining the object



Natural Person



- ❖ Determining whether their direct family will be encompassed
- ❖ Up to which degree of relationship; in most cases, the investigation includes up to the fourth degree



Legal Entity



- ❖ Is just an inquiry to the Legal Entity or into the associates of which it is composed
- ❖ Expansive effect (companies made up of other companies)

ASSET INVESTIGATION



Methodology: Setting the Target



Assets



- ❖ An analysis of the current or historic owners is required
- ❖ A “*de facto*” holder must be identified as opposed to whomever appears to be the real owner of the assets

ASSET INVESTIGATION



Methodology: Setting a timeframe



PREVIOUS
ASSETS

CRIME

- ❖ Allows to set the particular moments wherein a non justified increment or operation was carried out
- ❖ In some cases, a preliminary inquiry is carried out to ensure payment of costs and fines.

ASSET INVESTIGATION

Methodology: Identifying and compiling facts

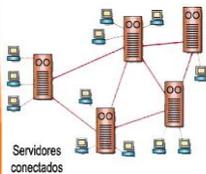


Seized documents

- ❖ It has been noted that many records can only be obtained within the seized documents, primarily those related to powers of attorney, mandates, contracts and private deeds, of which there is no registry records
- ❖ Also, it have also been relevant checkbooks in which entries are made for certain individuals.
- ❖ Recommendations:
 - i. Individualization of the documents
 - ii. Defining a method fro structuring the information

ASSET INVESTIGATION

Methodology: Inquiring in different sources of information



Screening

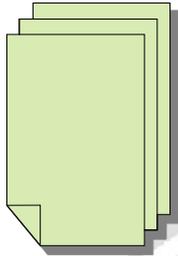


- ❖ Identification of the most relevant sources of information
- ❖ Selection of the information to be requested
- ❖ Compilation of the information

ASSET INVESTIGATION



Methodology: Analyzing the information (preliminary conclusions)



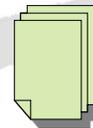
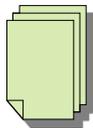
Report

- ❖ Each of the conclusions should point the documents which were held under consideration whilst arriving at it.
- ❖ Conclusions may be structured respect to the assets or the individuals.
- ❖ It must be stressed that these are preliminary conclusions, as they have been obtained merely from a documentary analysis.

ASSET INVESTIGATION



Methodology: Factual validation / elaborating definitive conclusions



Preliminary
Conclusions

Factual
Validation

Definitive
Conclusions

- ❖ In some cases, it is possible to realize that what is consigned in documents may be far from what happens in reality
- ❖ In carrying out this comparison, those who may act as front men may be identified.

END OF PRESENTATION

Marcelo Contreras Rojas
Subdirector ULDDCO

✉ macontreras@minpublico.cl

☎ (56-2) 6909130

Fax (56-2) 6909126