

NATIONAL PUBLIC DEFENDER OFFICE

CHILEAN REPORT

I. THE INSTITUTION

1.1 Mission

The mission of the Public Criminal Defender's Office (DPP) is to provide high quality professional criminal defense to people who lack a lawyer for whatever reason, using a mixed public-private system of public criminal defenders, safeguarding equality under the law, the due process and acting with profound respect for the dignity of our clients.

Strategic goals:

- Guarantee national coverage of the public criminal defense service by strengthening the mixed system.
- Continuously improve the quality of the criminal defense services by strengthening the specialization and evaluation mechanisms with end-user assistance approach.
- Strengthen the disclosure of rights and the role of the public criminal defense attorney for the community, in the framework of the criminal justice system, by managing knowledge and its communication policy.
- Improve the institutional excellence by strengthening the handling of processes and the development of people.

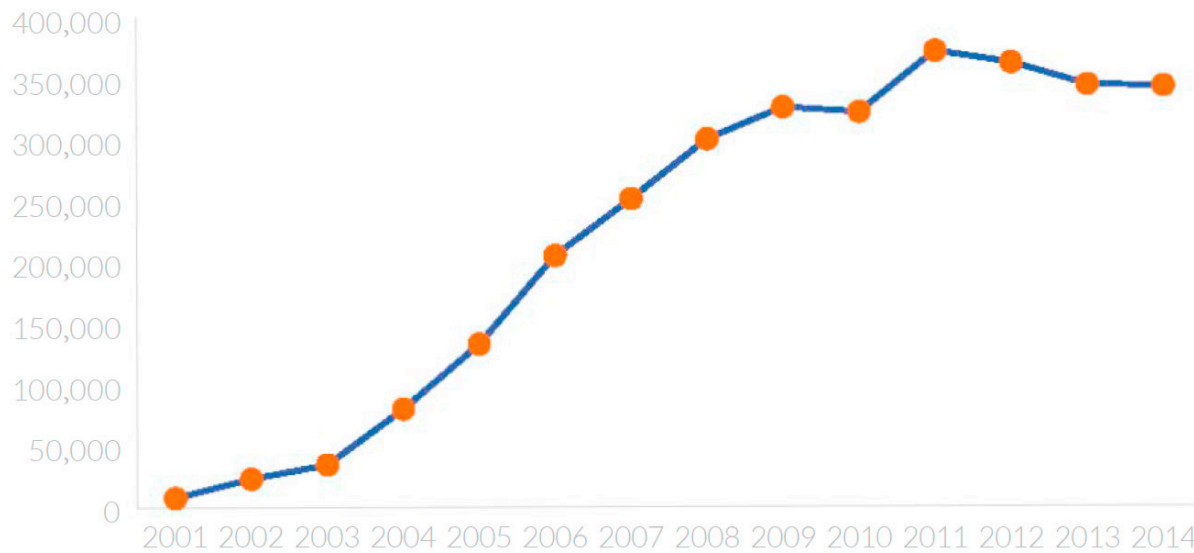
The DPP's Civil Society Council was created on September 29th 2009, holding three annual sessions about legal and contingency matters for the institution. The current organizations which make up the Civil Society Council of the Public Defender's Office are:

- Paréntesis Foundation.
- Citizen Safety Studies Center (CESC), Universidad de Chile.
- Universidad Diego Portales (UDP).
- Citizen Peace Foundation (Fundación Paz Ciudadana).
- Unicef.
- Pro Bono Foundation.
- Universidad de Valparaíso.
- Movement for Homosexual Freedom (Movilh).

II. DEFENSE COVERAGE

Since it started up in 2001, through to 2014, the Public Criminal Defender's Office has provided defense and has guaranteed the rights of 3,099,227 cases-defendants. During 2014, 342,366 entries were generated, which represents a drop of 1.1 percent in respect to the previous year.

Cases DPP Defendants from 2001 to 2014

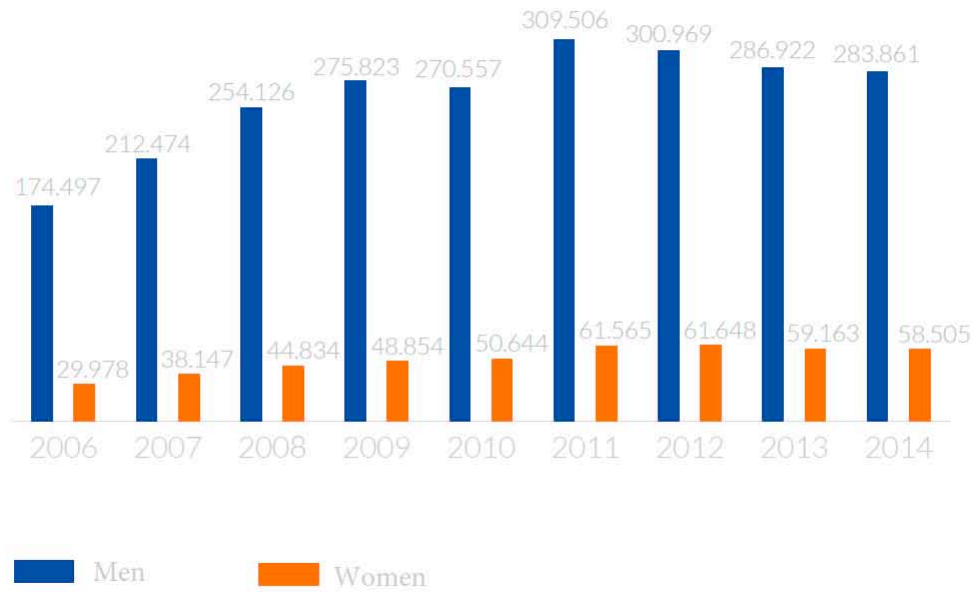


Considering the cases-defendants entered during 2014, 70.2 percent correspond to cases-defendants whose process with the Institution were initiated and finished during 2014, highlighting in this aspect, the situation of the Regions of Libertador Bernardo O'Higgins and Coquimbo, which respectively reached 76.7 percent in each one of these.

At a country level, according to demographic variables, the cases-defendants entered during 2014 present a similar distribution to the trend analyzed in previous periods.

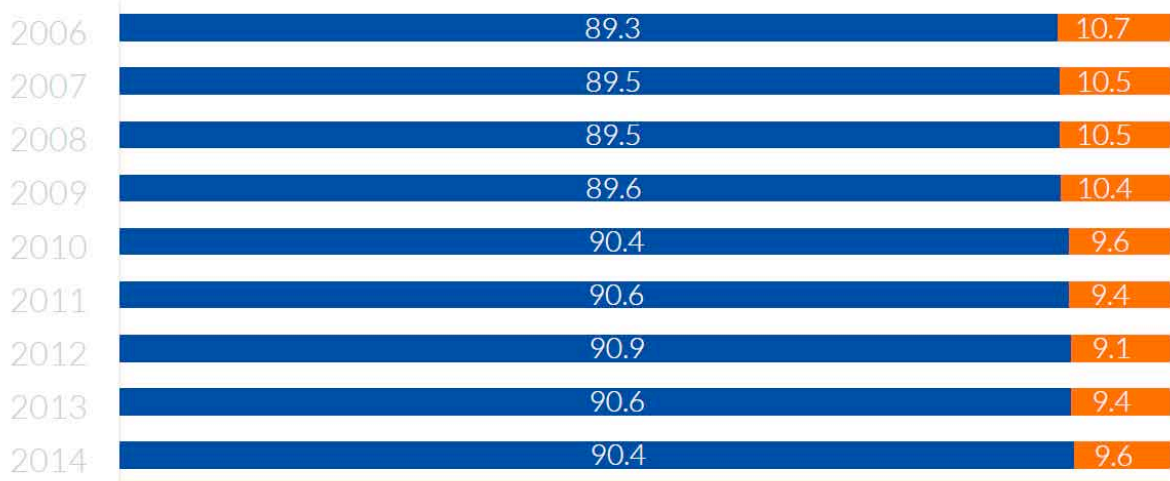
Of the cases-defendants entered during 2014, 82.9 percent correspond to cases of male defendants and 17.1 percent to cases of female defendants. On looking at the dynamic experienced from 2006 to 2014, a slight proportion increase is seen in the women's segment. From a numeric perspective, the dynamic of entries in terms of the gender of the defendant presents a similar trend, that is to say, in both cases a drop is seen from 2013 to 2014, of 1.1 percent approximately.

Cases DPP Defendants initiated from 2006 to 2014, segmented by gender

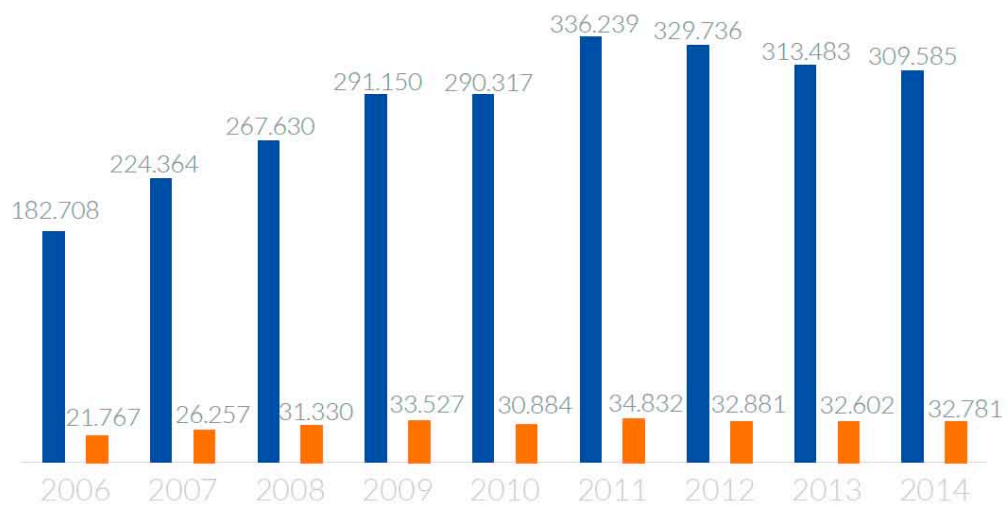


Segmenting the entries of 2014 by the age of the defendant, 90.4% of cases-defendants are 18 years of age and above, and 9.6% of cases-defendants are under 18.

DPP Defendants initiated from 2006 to 2014, segmented by ages



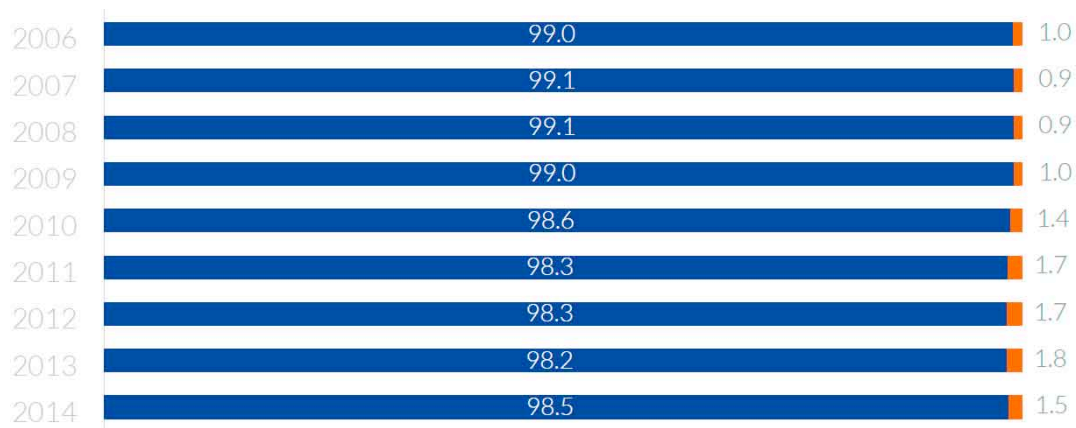
■ 18 and over ■ Under 18



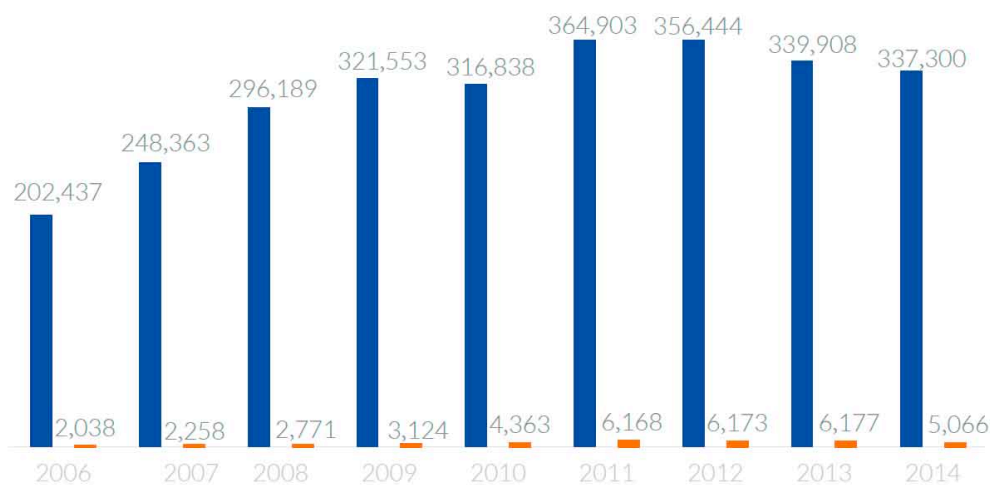
■ 18 and over ■ Under 18

During 2014, 98.5 % of the case defendants initiated stated that they did not belong to a particular ethnic group, while 1.5 percent did specify they belong to an ethnic group ¹.

Cases DPP Defendants initiated from 2006 to 2014, segmented by their declaration of belonging to an ethnic group.



■ Non-Indigenous ■ Indigenous

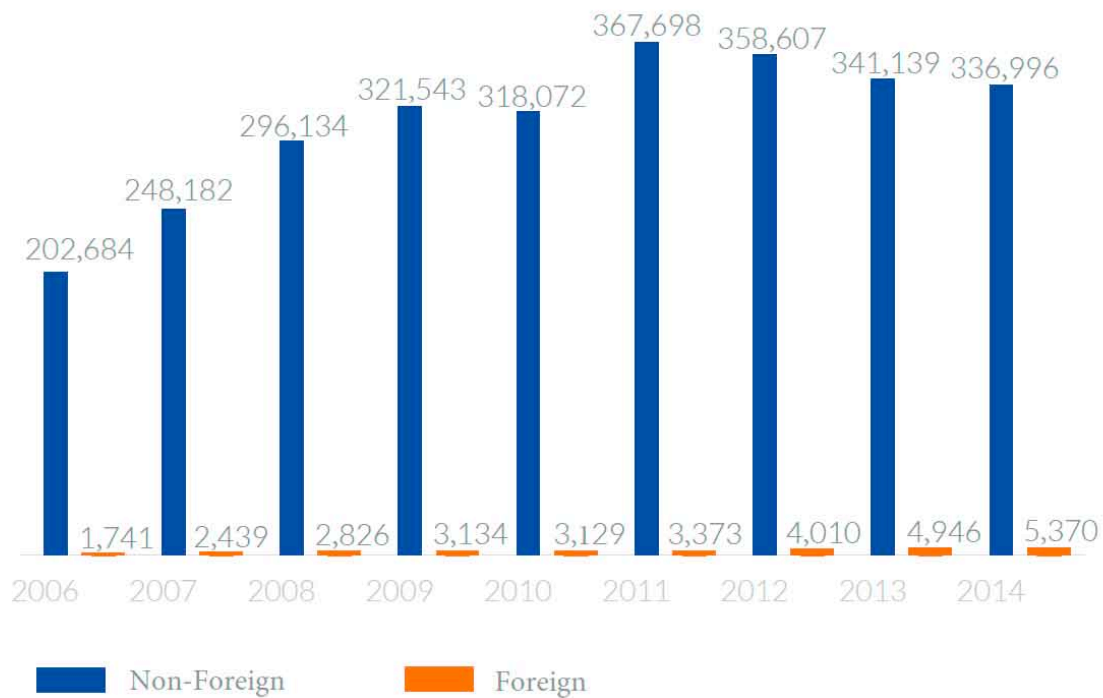
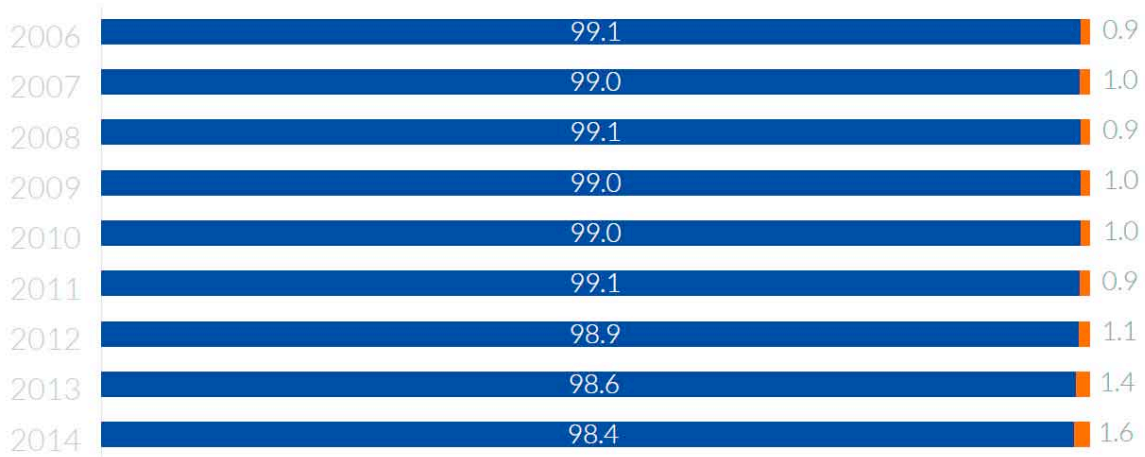


■ Non-Indigenous ■ Indigenous

¹ The ethnic variable is built from the self-conception of the defendant of a case, without there being an additional validation mechanism in this matter.

Considering what happened during 2014, 98.4 % of the cases-defendants initiated corresponded to Chilean defendants, so the remaining 1.6 percent corresponds to foreign defendants. From 2011 to the present date, a slight increase of foreigners is presented, a scenario that matches the analysis of the trends from a numerical point of view.

DPP Case Defendants initiated from 2006 to 2014, segmented by nationality

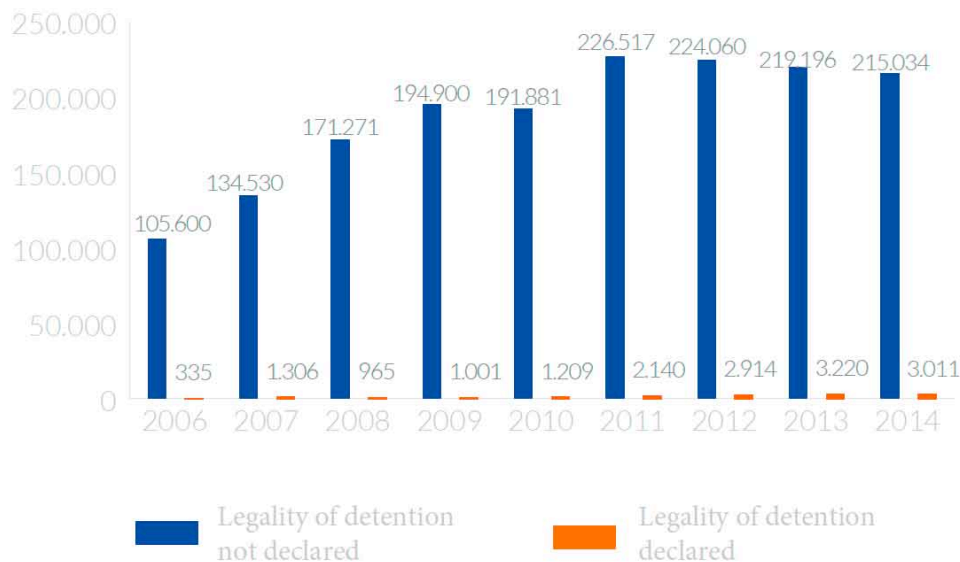
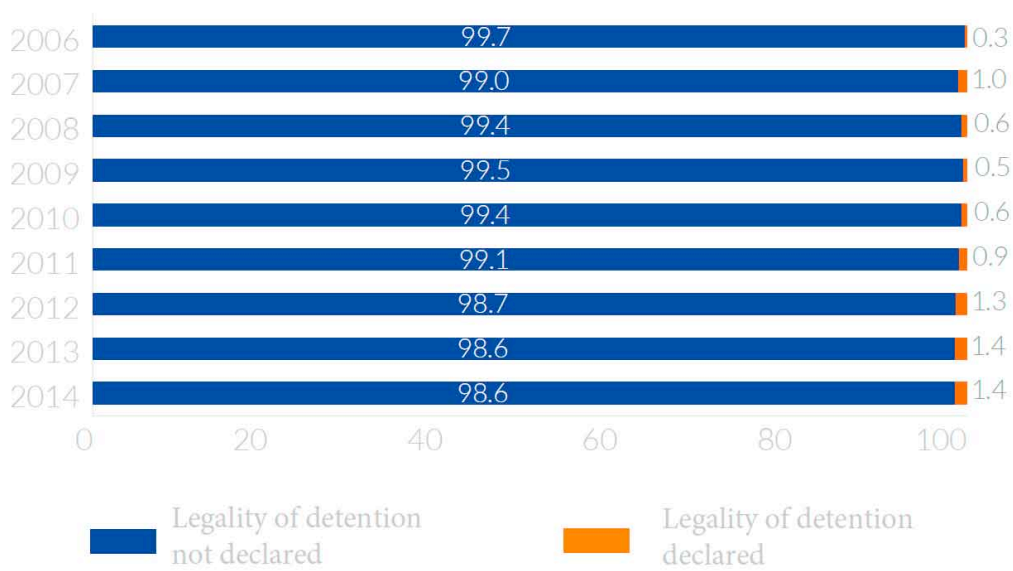


Considering those cases-defendants entered during 2014 via control detention, in 9.7 percent of them it was requested by the public defender to declare the procedure illegal, a similar proportion to what was analyzed in the previous year.

In respect to this specific group, from the total number of requests made, in 14.7 percent of them the illegality of the detention was effectively declared, a proportion that is slightly lower than the one in 2013.

Having said that, in general terms, this 14.7 percent only represents 1.4 percent of the total number of cases-defendants that entered via control detention during 2014, a similar proportion to 2013.

DPP Cases initiated from 2006 to 2014, segmented by judge illegality of the detention statement



DPP Cases and crimes initiated

During 2014, the highest proportion of case load was concentrated on assaults and battery crimes (19.7%), thefts (13.6 %), crimes against liberty and intimacy of people (12.7%) and crimes against transit law (10.3%), implying more than 55 percent of the crimes associated to cases-defendants initiated during this period.

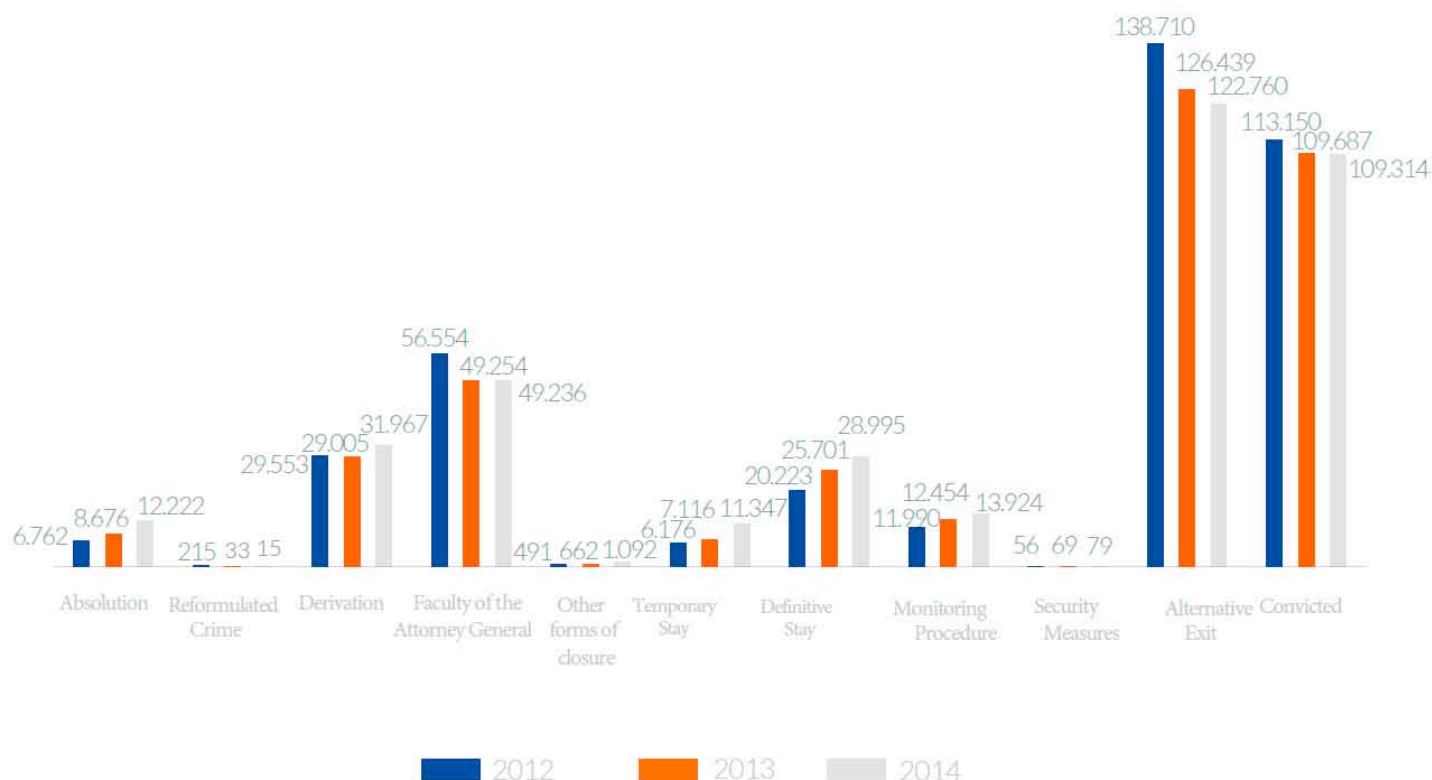
Main case load crimes of DPP Defendants initiated in 2014, segmented by demographic variables

| | | |
|---------------------------|----------------|---|
| GENDER | Male | Assault (19.0%), Crimes against liberty and intimacy of people (13.1%), Transit Law Crimes (11.8%), and Theft (10.9%) |
| | Female | Theft (26.8%), Assault (23.6%), Crimes against liberty and intimacy of people (10.5%) and offenses (10.1%) |
| AGE RANGE | Under 18 | Theft (21.8%), Non-violent crimes (14.6%), Robberies (14.4%), Crimes against property (14.2%). |
| | 18 or over | Assault (20.8%), Crimes against liberty and intimacy of people (13.3%), Theft (12.7%), and Transit Law Crimes (11.3%) |
| ETHNICITY (SELF-REPORTED) | Indigenous | Assault (25.1%), Transit Law Crimes (15.4%) and Crimes against liberty and intimacy of people (15.3%) |
| | Non-indigenous | Assault (19.7%), Theft (13.7%), Crimes against liberty and intimacy of people (12.7%) and Transit Law Crimes (10.2%) |
| NATIONALITY | Foreign | Drug Law Crimes (23.0%), Assault (22.2%) and Transit Law Crimes (10.8%). |
| | Non-foreign | Assault (19.7%), Theft (13.6%), Crimes against liberty and intimacy of people (12.8%) and Transit Law Crimes (10.3%) |

Main crimes in closed cases

The highest proportion of crimes dealt with are concentrated in assaults and batteries (20%), theft (13.1 %), crimes against liberty and people's privacy (13 %) and transit law crimes (10.2%), concentrating more than 55% of the crimes associated to cases-defendants closed during 2014.

DPP Defendants closed cases,segmented by ways out from the judicial system(20062014)



The DPP cases-defendants finished in 2014 (347,650), there were 45,129 cases-defendants identified as innocent or not convicted, equivalent to 13 percent of the total cases finished. Analyzing the distribution of the profile of case-defendants in respect to all those finished by region, a higher proportion of innocent pleas or not convictions were presented in the Libertador Bernardo O'Higgins (20.4 %) and Antofagasta (18.4 %) regions.

In addition, in 5.5% (2,462) of this cases-defendants, the precautionary measure of pre-trial incarceration or provisional internment was decreed.

A specific profile of the innocent or not convicted cases-defendants correspond to those were defendants were absolved of all the prosecution charges. This segment represents 15.3% of all the cases-defendants classified as innocent or not convicted, following the methodology explained (2 percent of all the cases-defendants finished in the period).

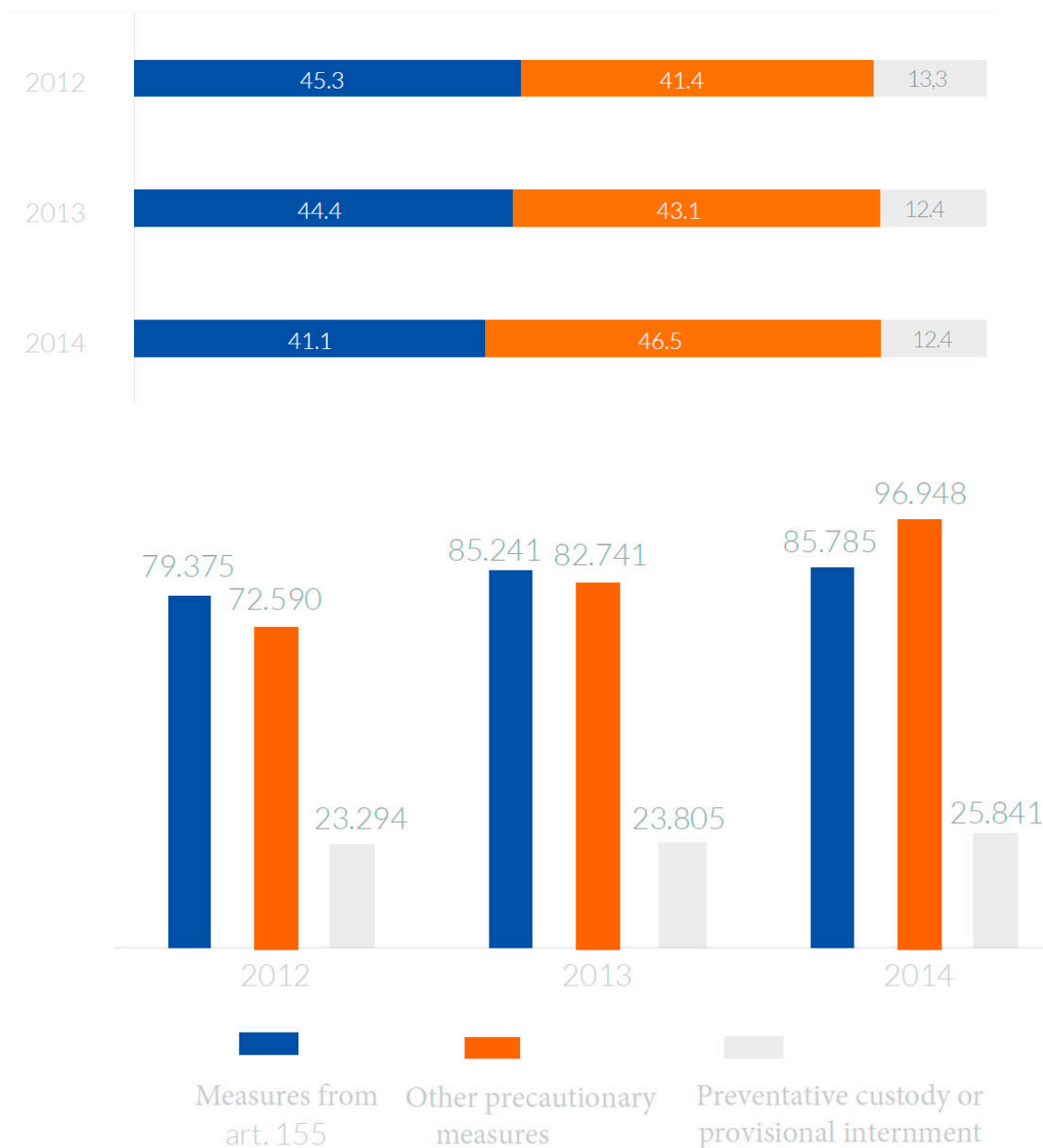
DPP Defendants cases finished by not guilty plea or acquittal during 2014, segmented by pre-trial detention on adults and adolescents(provisional internment) and duration of it

| REGION | JANUARY TO DECEMBER 2014 | | | | | | | | | |
|----------------------------------|--|-------|---|------|--|------|--|------|--------|------|
| | Without preventative custody or provisional internment | | In preventative custody or provisional internment between 0 and 15 days | | In preventative custody or provisional internment between 16 days and less than 6 months | | In preventative custody or provisional internment for 6 months or more | | TOTAL | |
| | N | % | N | % | N | % | N | % | N | % |
| Arica and Parinacota | 470 | 91,1% | 11 | 2,1% | 27 | 5,2% | 8 | 1,6% | 516 | 100% |
| Tarapacá | 612 | 83,6% | 16 | 2,2% | 65 | 8,9% | 39 | 5,3% | 732 | 100% |
| Antofagasta | 2.521 | 86,3% | 175 | 6,0% | 203 | 6,9% | 22 | 0,8% | 2.921 | 100% |
| Atacama | 979 | 94,4% | 22 | 2,1% | 25 | 2,4% | 11 | 1,1% | 1.037 | 100% |
| Coquimbo | 1.373 | 90,6% | 47 | 3,1% | 74 | 4,9% | 21 | 1,4% | 1.515 | 100% |
| Valparaíso | 4.545 | 93,1% | 157 | 3,2% | 135 | 2,8% | 43 | 0,9% | 4.880 | 100% |
| Libertador Bernardo O'Higgins | 5.150 | 97,4% | 45 | 0,9% | 75 | 1,4% | 17 | 0,3% | 5.287 | 100% |
| Maule | 1.524 | 94,7% | 25 | 1,6% | 47 | 2,9% | 14 | 0,9% | 1.610 | 100% |
| Bio Bío | 3.977 | 95,4% | 41 | 1,0% | 128 | 3,1% | 24 | 0,6% | 4.170 | 100% |
| La Araucanía | 2.507 | 96,5% | 25 | 1,0% | 50 | 1,9% | 17 | 0,7% | 2.599 | 100% |
| Los Ríos | 477 | 96,6% | 6 | 1,2% | 8 | 1,6% | 3 | 0,6% | 494 | 100% |
| Los Lagos | 2.174 | 97,4% | 21 | 0,9% | 29 | 1,3% | 8 | 0,4% | 2.232 | 100% |
| Aysén | 251 | 98,8% | 2 | 0,8% | 1 | 0,4% | 0 | 0,0% | 254 | 100% |
| Magallanes and Antártica Chilena | 120 | 92,3% | 3 | 2,3% | 6 | 4,6% | 1 | 0,8% | 130 | 100% |
| Metropolitana Norte | 7.090 | 95,2% | 132 | 1,8% | 143 | 1,9% | 86 | 1,2% | 7.451 | 100% |
| Metropolitana Sur | 8.897 | 95,7% | 118 | 1,3% | 178 | 1,9% | 108 | 1,2% | 9.301 | 100% |
| Total | 42.667 | 94,5% | 846 | 1,9% | 1.194 | 2,6% | 422 | 0,9% | 45.129 | 100% |

Precautionary measures decreed

The precautionary measures of the period are segmented into three main groups: preventative incarceration or provisional internment (12.4 percent), other measures stated in art. 155 (41.1%) and other precautionary measures (46.5 %).

Precautary Measures Decreed from 2012 to 2014.

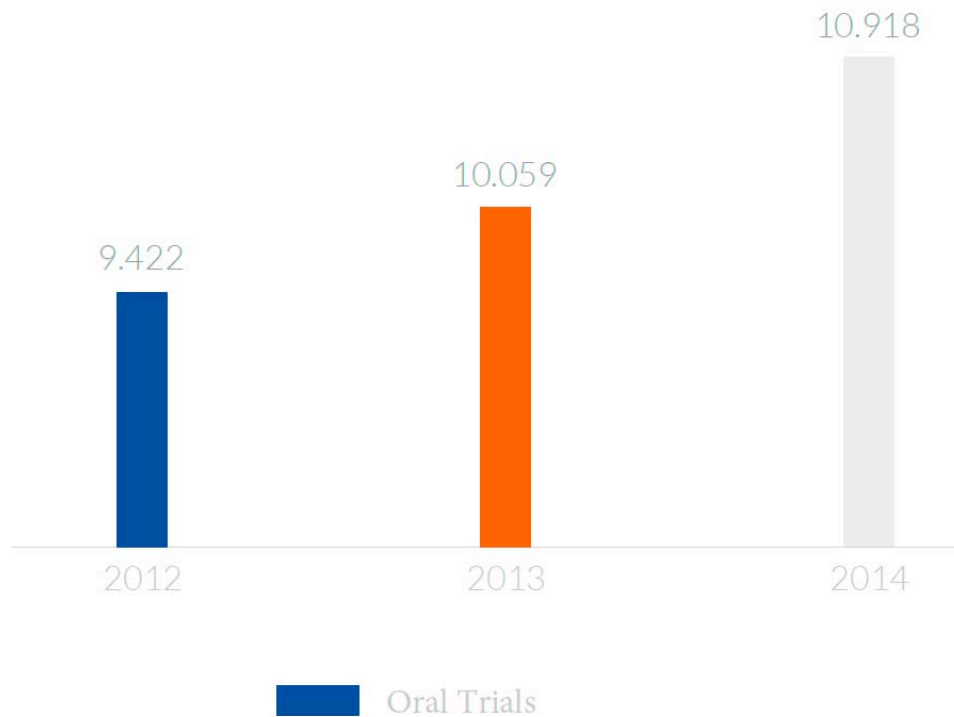


The precautionary measures ruled with highest frequency during 2014 were the detention by judicial order (29.2%), show before the judge or another authority (13.8%), preventative incarceration or provisional internment (12.3 %), and prohibition of approaching the victim (11.9 %).

Oral proceedings and hearings

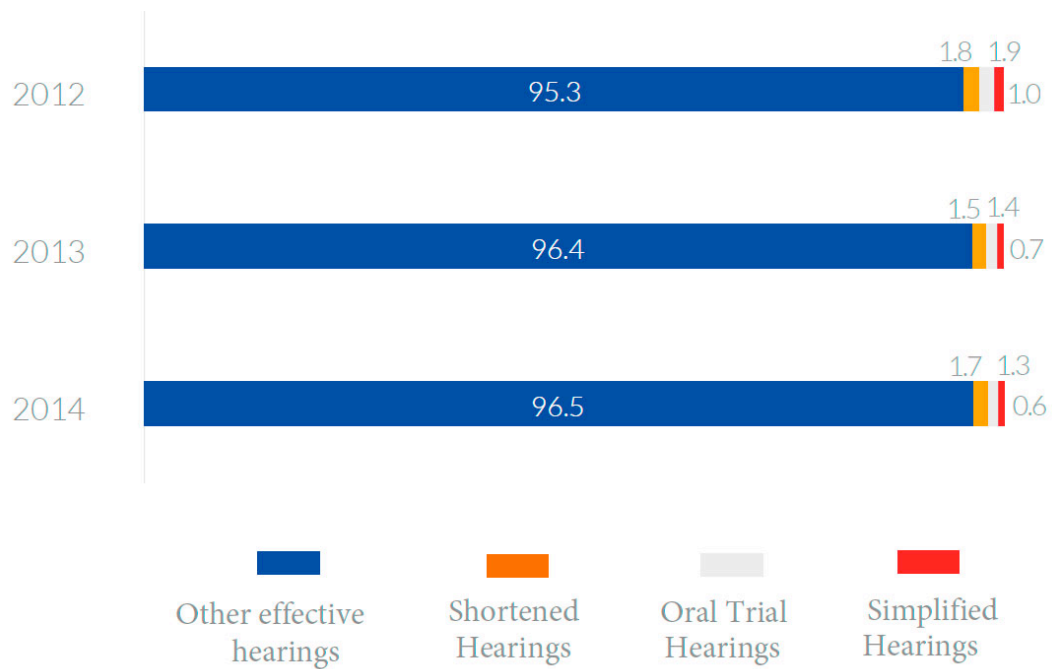
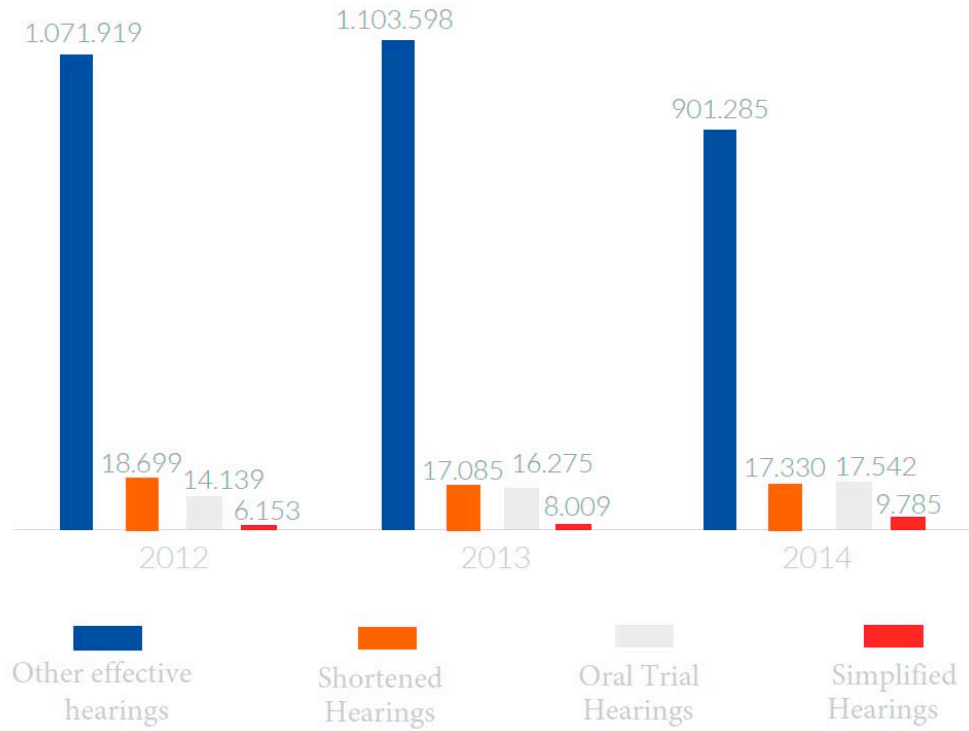
During 2014, there were 10,918 cases-defendants who held 1 or more ordinary oral proceedings or hearing (regardless of the entry and/or closing date of each case-defendant). Similar to 2013, during 2014 there was a growth in 9% of cases finished in the accounting of this profile.

Oral Trials from 2012 to 2014



During 2014, the institution was displayed in 945,942 effective hearings (excluding those proceedings identified as arraignments or for establishing a new day and time).

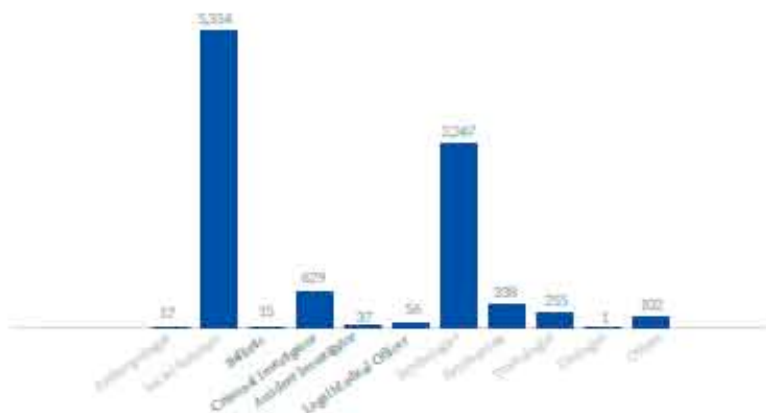
Hearings from 2012 to 2014, segmented by type



Experts Reports

During 2014, 9,061 experts reports were requested and approved, which implies an increase of 12.8% in respect to the previous year. An important increase, if one considers that the growth from 2012 to 2013 was only 0.5%

Experts Reports Expenses during 2014, segmented by specialist fields



III. Studies and Training

Court Unit

During 2014, 897 criminal appeals were presented to the Supreme Court. From these, the Public Criminal Defender's Office intervened in 414. They participated as appellant before the Supreme Court in 311 cases and in 103 cases, intervened as appellee.

Likewise, during the year, the Court Unit took on 21 of the 23 cases presented in the defense of fellow countrymen or foreigners required in extradition procedures to be judged in other countries. They also took part in two inapplicability requirements presented by other intervening parties.

| | |
|---------------------------|-----|
| Grievance Appeal | 145 |
| Extradition Appeal | 9 |
| Incident | 3 |
| Invalidity | 152 |
| Invalidity of extradition | 2 |
| Protection | 1 |
| Complaint | 89 |
| Disciplinary Complaint | 2 |
| Revision | 20 |

Documentation Center

During the year 2014, the total bibliographical heritage of the Public Criminal Defender's Office experienced an increase of 6 % in respect to the previous year, surpassing 11,920 records of document specimens. Likewise, an increase of 17 % in the collection of journal articles incorporated to the catalog, this being 4,757 journals articles in documents, all of which are available through the catalog.

Reports and Papers from Studies Department

'Report on criminal procedural doctrine law 2013' (four law reports), 'Official Document on substitute sentences Law Nº 18.216', papers 'Critical notes about Law Nº 18.314 which determines terrorist behavior and establishes its sentence', May 2014, and 'Observations on the bill which modifies Law Nº 18.314 on terrorist behavior' (Bulletin 9.692-07) from December 2014, paper 'Analysis of the modifications introduced by Law Nº 20.770 ("Emilia Law") to the Traffic Law and to the Decree in Law Nº 321, December 2014, and minutes of communication support "Emilia Law: an emergency legislation", September 2014. Paper 'About the situation of migrants when facing criminal justice', August 2014.

-During the year (July 8th), a new procedure was established for the request, approval, hiring and handling of experts

-New catalog of minimum actions for the public criminal defense attorneys for defendants deprived of freedom (August 27th)

-Two basic programs for defense attorneys (June and October), which trained 55 defense attorneys around the country. **Subjects:** introduction to state *ius puniendi*, theory of crime,

legitimate defense and necessity, *iter criminis*, crime by omission, responsibility and participation, sentence determination, sentences substitution, proceedings, crimes against copyright, sex crimes, drugs law, detention statute, other personal precautionary measures and concession of investigative measures, impediments to use proof and appeals against definitive sentences.

-Program for first hearings (December), for 20 defense attorneys around the country.

Subjects: case theory, legality control of detention, precautionary measures, appeals in initial hearings, provisional internment of defendants with probable mental disorders and provisional internment of adolescents.

Inter-institutional coordination

Round table discussion on legal reforms to the criminal procedural system, round table discussion on DNA-CODIS system, round table discussion on verification of injuries, round table discussion on substitute sentences, round table discussion on judicial deportation of foreigners, round table discussion on verification of the identification of people in the penal procedure, National Commission of Forensic Psychiatrists.

Joint training and training courses with the PDI (Criminal Intelligence Force) in matters of erroneous identification, related to the Defender's Office's Innocent Parties Project and the Zero Micro-trafficking Plan, work meetings with the Chilean Gendarmerie and with the Legal Medical Service, covering Law N° 20.603's coming into force of, work meetings with the Home Office's Foreign Office and Migration Department, covering the creation of the substitute sentence to deporting foreigners.

Gender approach in defense

During 2014, training has been held on gender and domestic violence (VIF, in Spanish). As a result, the following activities were held:

Training on "Gender, sexuality and international law of human rights", taught by Professor Macarena Saez of the American University, on April 20th 2014.

Training "Rights of LGBT groups from the perspective of criminal defense", taught by Professor Macarena Saez of the American University, on December 4th and 5th 2014.

'Indigenous studies', held between April 7th and 11th 2014, where Professor Rodrigo Pica covered the issue of gender equality measures established in article 3 of the ILO's Agreement 169.

'Basic studies', held between October 20th and 24th 2014, which had a module on Law N°20.066 about VIF.

Results and actions

I) Publication Nº11 of the institutional journal ("Revista 93") in December 2014 titled 'Women and the criminal system', with articles on abortion, criminal system and pregnant women who commits crimes, Why do women commit crimes? The United Nation's 'Bangkok Rules' and the jurisprudence practice of the role of women in the crime of trafficking, micro-trafficking and drug consumption.

II) Keeping a gender site on the Defender's Office's webpage, with information about the criminality and defense of women, and about women's rights in the criminal justice system.

III) Preparing three statistical reports, segmented by gender and with data for domestic violence.

In total, 294 activities were carried out throughout the country.

IV. TENDERS- External Private Lawyers paid with public funds

19th Tender: started in January 2014, 16 regions (including DRMN and DRMS) and 67 zones, for three years. The projection of the services demand in three years was calculated at 994,982. The Tender Council agreed to tender 50 percent, 495,148 cases. Total resources: 28,069,200,000 pesos.

The call to tender implied filling 75.4 percent of the required spaces, awarding 74.4 percent of the cases projected at 36 months, distributed among 96 bidders. Specifically, 184 defense attorney shifts could be incorporated to the group of defense attorneys.

20th Tender: starting from December 19th 2014, 15 regions and 50 zones for three years (two in Atacama). The projection of cases was 735,096 and the Council agreed to tender 51 percent (376,160 cases), with 212 sessions, 22,911,660,475 pesos

| CALL | SESSIONS | BUDGET AVAILABLE |
|-------------------------------|----------|-------------------|
| 20th General Defense Call | 212 | \$ 22,911,660,475 |
| 1st first hearings call | 12 | \$ 604,800,000 |
| 9th Penitentiary defense call | 39 | \$ 2,867,039,986 |
| General Total | 263 | \$ 26,383,500,461 |

Legislative support

There were 10 legislative monitoring bulletin published . This was distributed to all the DPP employees and to the Justice Ministry. Also, there is a weekly legislative report and 15 papers about legislative projects.

V. SPECIALIZED DEFENSE

On December 16th 2014, the Senate unanimously approved, with 27 votes in favor, none against and no abstentions, the bill which incorporated the staffing of a juvenile criminal defender's department into the Public Criminal Defender's Office, modifying Law Nº 19.718.

This modification allows incorporating 50 attorneys into the institutional staff, 11 social assistants and 22 administrative assistants.

This act marked an important sign towards our goals and constituted a recognition of the institution's efforts to provide a specialized defense for adolescents, just as is indicated in Law Nº 20.084.

Juvenile Criminal Defense

During 2014, there were 32,784 accused adolescents represented by public criminal defense attorneys, from which 25,336 (77.3 percent) received the assistance of a juvenile criminal defense attorney. For budgetary reasons, the Public Criminal Defender's Office does not have juvenile criminal defense attorneys in all towns in the country.

Juvenile criminal defense trainings

The "Vth Juvenile Criminal Defense Program" was held with the attendance of 41 attorneys (39 public criminal defense attorneys, an inspector and an attorney from the Department of Evaluation, Control and Complaints) from all around Chile. During a week, matters such as the Convention on Children's Rights and the criminal system of adolescents, substantial aspects of Law Nº 20.084, system to determine juvenile criminal sanctions, specific procedural aspects of Law 20.084, execution of juvenile criminal sanctions and development psychology, and interview techniques with adolescents were covered. Special emphasis was given to defense during imprisonment.

Introductory session for new juvenile criminal defense attorneys

Its objective was to provide suitable tools to guarantee providing a criminal defense service of a similar quality to adolescents throughout the country.

The unit also offers technical assistance to prepare appeals, the analysis of jurisprudence and the definition of defense strategies. There were technical support visits to La Araucanía and Antofagasta, among other tasks.

Support documents

Book 'Studies of Juvenile Criminal Law V', Report 'Support for Juvenile Defense, Best Practices and Critical Junctions. Results of the Systematization workshop - Public Criminal Defender's Office', document 'Comments on the bill determining terrorist behavior and its penalization in relation to Law Nº 20.084, which establishes a system of criminal liability of adolescents for infractions to the criminal law' and working document Nº34, 'Origin and regulation of the

removal of freedom for people condemned by Law Nº 20.084 in penitentiary establishments administered by the Chilean Gendarmerie', November 2014, by Professor Miguel Cillero.

PENITENTIARY DEFENSE

The penitentiary public criminal defense model was approved in 2011, looking to guarantee the defense coverage during the crime's execution stage, by informing rights and the administrative and/or judicial representation along with the specialized legal advice for people who have been sentenced.

In 2014, the regions of Arica and Parinacota, Tarapaca and Valparaíso were incorporated to the program, as well as the remaining provinces of the Region of Biobío. Professionals from the unit held introductory sessions in Arica, Iquique and Concepción, while those for Valparaíso were held in Santiago.

In 2015, four more regions will be incorporated and it is expected that all the country will have the penitentiary program implemented by 2016.

Penitentiary defense trainings

30 penitentiary defense attorneys and 14 other attorneys from the institution took part. During one week, aspects such as the grounds of Chilean penitentiary law, relevant jurisprudence, torture, mistreatment and prison condition in the country, disciplinary regime, conduct in the penitentiary system, elimination of records and situation of indigenous people and migrants in prisons was covered. Emphasis was made on the interview techniques of people deprived of freedom. A module was included with the news about the Sigdp Penitentiary.

Training to penitentiary social assistants

19 penitentiary social workers and other three professionals from the psychosocial area attended during the two days. There was a critical review of the comprehensive models of criminal behavior and, in particular, of the RNR Model (Risk, Need, Capacity of Response) and the basic principles for an effective intervention. They also reviewed the evaluation tools based on evidence, the advantages, criticisms and alternative approaches to the RNR Model and the modifications to Law Nº 18.216 (Law Nº 20.603) and their impact on the crime execution stage.

Evaluation of the model

In August 2014, 2013's evaluation was presented, with several proposals: formulate standard tender guidelines, review and improve recording tools, improvement the management of payments and prepare jurisprudence bulletins, all of which was done during 2014.

The study '**Current model of workloads for penitentiary defenses and proposal of an optimized model**' was very useful. Its final report was handed over on December 29th 2014.

An instruction sheet to request records of people deprived of freedom was prepared. This allows applying the agreement signed with Chile's Gendarmerie in February 2014, with the goal that this institution facilitates information of the users to the penitentiary defense attorneys.

INDIGENOUS DEFENSE

The model provides specialized defense for defendants from indigenous peoples, complying with the mandate given to the State by the ILO's Agreement 169 on indigenous and tribal peoples. The Defender's Office has trained 174 attorneys throughout the country. It also has seven intercultural facilitators. In 2014, 41.1 percent of the cases with indigenous defendants were defended by a specialized professional.

'Indigenous criminal defense training'

This took place from April 7th to 11th 2014, with 32 attorneys attending. Its goal was to provide the necessary cognitive competences to provide a quality defense. Topics: characterization of the indigenous peoples (Mapuche, Aymara, Quechua and Rapa Nui), use of experts, cosmovision, general aspects of Agreement 169, aspects of migratory regulation, norm of the Anti-Terrorist Law and that of drug trafficking. A study about the situation of the Mapuche communities with the justice system was also presented and two attorneys explained about the practice of this type of defense.

'Workshop for intercultural facilitators'

Held on June 3rd and 4th, six facilitators attended. Its goal was to organize their work and exchange knowledge. The substitute sentences, legal pluralism and the introduction of improvements to the model were reviewed. An organization document was achieved which was distributed in November 2014.

Rapa Nui indigenous criminal defense model

During 2014, the attorney Antonia Rivas was put in charge of preparing Part III of the indigenous criminal defense model for the *Rapa Nui* people, with a description of cultural elements (cosmovision, co-habitation norms, institutions which regulate conflict, current authorities and elements of own rights that can be integrated to the criminal defense). Its distribution is foreseen for the beginning of 2015.

Distribution of the model for indigenous peoples from the north

National distribution in March 2014. This identifies the main cultural elements of the *Aymara*, *Quechua* and *Likan Antay* peoples.

Statistical study

Distribution in August 2014, with figures from 2013. Apart from characterizing the profile of the indigenous defendant and comparing this with those of non-indigenous peoples in crimes, precautionary measures, research periods and termination methods.

DEFENSE OF MIGRANTS

There were three training sessions held with Helena Olea, a specialist in the matter, in Antofagasta, Santiago and Valparaíso. 47 attorneys and other workers attended.

Criminal defense for foreign convicted parties

The 'penitentiary defense program' considered a penitentiary and migrant defense module, with emphasis on legal and social rights and features of the foreign convicted parties. Held on October 15th 2014, with 42 penitentiary defense attorneys and social workers from the institution.

Manual for the defense of foreigners and migrants

A '**Basic guideline of rights for foreigners and migrants within the criminal system**' was prepared and distributed, to guide the defense attorney about the most recurrent situations of violation of rights for foreigners in the criminal process.

'Second jurisprudence report'

On December 16th 2014, the second jurisprudence report about the situation of foreigners and migrants (both judicial and Inter-American) was distributed. It covers the deporting of foreign and the affectation of the family, the provision and return of documentation and the reversal of deportation, among other matters.

'Inter-institutional migrant's meeting'

In the 'inter-institutional meeting about migrant's access to justice', which involves the Public Criminal Defender's Office, a first statistical bulletin was prepared with information from the Police and Criminal Investigation Service about those detained and foreign victims who entered the system.

This was prepared in electronic format; it was distributed to different public and non-governmental organizations, embassies, consulates and universities, among other institutions. This is the first national document on the matter.

VI. INTERNATIONAL RELATIONS

The projects and cooperation activities carried out during 2014 were mainly focused on participating in the international courts which the Defender's Office forms part of (Aidef, Blodepm, Redpo), on receiving training and support for the defense attorneys and workers from the institution and apply to cooperation funds provided by EUROSOCIAL II, for the development of joint projects.

In March 2004, during the meeting of the Executive Committee and the extraordinary meeting of AIDEF's Directive Council, both in Washington DC (the United States), the National Defense Attorney had to give a presentation during a Special Session of the Legal and Political Affairs Commission of the OAS (Organization of American States).

Along with the rest of Aidef's board members, Andres Mahnke also met up with the Secretary General of the Organization of American States (OAS), Jose Miguel Insulza, to explain to him the main challenges of Latin American Defender's Offices and the role of the Chilean Public Criminal Defender's Office in the regional context.

During the year, the Defender's Office also participated in different conferences, colloquiums, courses and training sessions. For example, the **Discussion Colloquium 'The Inter-American Court of Human Rights and its influence on the national legal order'**, with presentations of Eduardo Vio Grossi, judge from the Inter-American Court of Human Rights; Pablo Saavedra Alessandri, Secretary of the Inter-American Court of Human Rights, and Macarena Saez Torres, professor from the Washington College of Law at the American University.

During 2014, and in the context of work with EUROsociAL II and in line with the general goal of strengthening the Public Defender's Offices in the region, a second phase of projects was developed, in this case focused on those deprived of freedom. EUROsociAL II supported the design, writing and publication of a **'Practical manual for penitentiary defense attorneys'**, directed to the public defense attorneys of Chile and Argentina, with the goal of improving their attention strategies of their clients in the sentencing execution stage, offer a greater guarantee by the public defense service in the conviction stage and achieve, definitively, a considerable advance in the social cohesion and in the access to justice for people deprived of freedom.

During September 2014, in Buenos Aires (Argentina), academic workshops **"Public defense and monitoring of human rights in the prisons"** and **"Training workshop for monitoring general visits and individual interviews inside penitentiaries"** were held, both activities organized by the EUROsociAL Justice and *Justice Cooperation Internationale (JCI)* program, entity of the French Justice Ministry which is in charge of cooperation issues.

VII. COMMUNICATIONS

In 2014, the communication work of the unit looked to keep the good image that the institution has and reinforce it through a permanent 'densification' of their communicational messages, always from a technical point of view; in addition of relieving the role of the public defense within the justice system, which allows witnessing the situation that the people represented by the Defender's Office go through.

Following the strategic objective of "strengthening the disclosure of rights and the role of the Public Criminal Defender's Office for the community within the framework of the criminal justice system, through the management of knowledge and their communicational policy", during 2014, a total of 294 broadcasting activities were carried out in the entire country, which meant the direct approach of the Defender's Office to a total of **11,391 people**, according to objective public defined in the program's preparation.

Digital Media

During 2014, the Communications and Press Unit continued with their work of developing, maintaining and updating their web pages. However, a milestone which marked the unit's work took place during the second half of the year, as the institution launched their official accounts in the different social networks, setting up institutional communication channels in *Facebook*, *Twitter*, *LinkedIn* and *Youtube*.

During the second half of 2014, the networks increased its number of followers: In *Facebook* from 105 to 1,176; in *Twitter* from 191 to 1,254; in *Youtube* from 146 plays to 3,694, and in *LinkedIn* from 574 followers to 871.

The statistics also indicate that from January to December 2014, the webpage of the Defender's Office recorded a total of 447,972 visits and 220,492 unique users (visitors counted just once, those who have accessed the site during the specified time period), January and March being the months which had most traffic, with 43,618 and 41,189 visits, respectively.

The webpage is one of the ways that the people requiring help can make citizen requests (congratulations, queries and complaints, among others). In this way, in 2014, 3,180 requests arrived through this system, among which there were 1,351 complaints about the defense, 906 requests, 401 congratulations, 347 queries, 159 general complaints and 16 opinions.

The unit also organized nine workshops for journalists about 'Key aspects to understand criminal justice in Chile. The errors that the system makes from the perspective of the Public Criminal Defender's Office', including essential aspects of the Innocents Project.

Innocents Project

To December 31st 2014, the webpage of this institutional project had 42 documented cases of innocent people who were in preventative incarceration or had completed their sentence for crimes they did not commit. Eleven of these cases were added during the year.

International Conference "Innocents Project"

On August 19th 2014, a year after the launch of the Public Criminal Defender's Office's "Innocents Project" (Proyecto Inocentes) website (www.proyectoinocentes.cl), and as a way of checking the advances reached and to promote the debate about the causes of the more traditional errors of the criminal procedural system, an international conference of the project was held, which involved the presentation of Sandra Levick, Head of the Special Litigation Unit of Public Defender's Office for the District of Columbia, Washington DC (The United States). The meeting was headed by the time Attorney General, Georgy Schubert, along with the presence of the Justice Minister, Jose Antonio Gomez, as well as representatives from the Public Prosecution Service, the Police Force and the Criminal Investigations Force, among other guests.

VIII. QUALITY ASSURANCE

The DECR worked on two fundamental concepts: integration of the evaluation and control mechanisms and strengthening of teamwork, not only at an internal level, but with the regional defender's offices and other departments and units.

With the first of these, it began with the construction of an integrated quality management system for the Defender's Office.

Work was done in setting up an IT management system of the inspections system. During the year 2014, 271 inspections were made, 156 of these scheduled. There were also 110 subject-based inspections. In all the cases there were follow-up and corrective measures. The inspections made involved the revision of 2,337 cases, of which 1,292 had people subject to preventative custody

Of the 1,292 interviewed in preventative custody, in 1,048 cases (81 percent) were ended where the defendant (client) was happy with the relationship they had with their defender, under the parameters of the level of information, communication and dignity.

External audits:

- **Attention quality area:** User satisfaction EA and public attention model EA.
- **Standards Area:** Oral hearing preparation EA (APJO).
- **Processes Area:** Efficient Operation Model EA (MOE), Quality Index EA and penitentiary defense workloads EA.

Complaints

During 2014, 3,180 citizen requests were input into the system. From these, 42.48 percent (1,351 cases) correspond to complaints about the defense. At the same time, 906 requests and 401 congratulations comments were recorded.

More than half the defense complaints were made by requesting a change of defense attorney (62 percent). After that, only 8.73 percent stated that the defense did not inform about the cases and 7 percent recorded another type of complaint, as can be seen in the following chart.

Quality of the defense workshops (DECR - regional defender's offices): There were three cycles of workshops in January, April and December, most face-to-face, with participation of the DEP and the DIE. On these occasions, not only were the results of the audits and inspections provided, but the revision of the best practices started in 2013, through shared files were maintained.

IX. QUALITY CONTROL

During 2014, the IT System of the Legal Consultancy's Documentary Follow-up (Sisdaj) reveals that the UAJ made the legality control of more than 1,620 documents, including projects of

administrative acts, circulars, memorandums, preparation or revision of administrative guidelines for tenders, administrative contracts, about the provision of services and legal declarations, among others.

Since the coming into force of Law Nº 20.285 About Access to Public Information, this unit has had to coordinate the access to information requirements, also known as "passive transparency", from its origin and until achieving that the citizen or user obtains a satisfactory response. In this way, during 2014, the UAJ handled a total of 54 requests, with a one hundred percent response within the legal period.

X. MANAGEMENT OF PEOPLE AND ORGANIZATIONAL DEVELOPMENT

Staffing

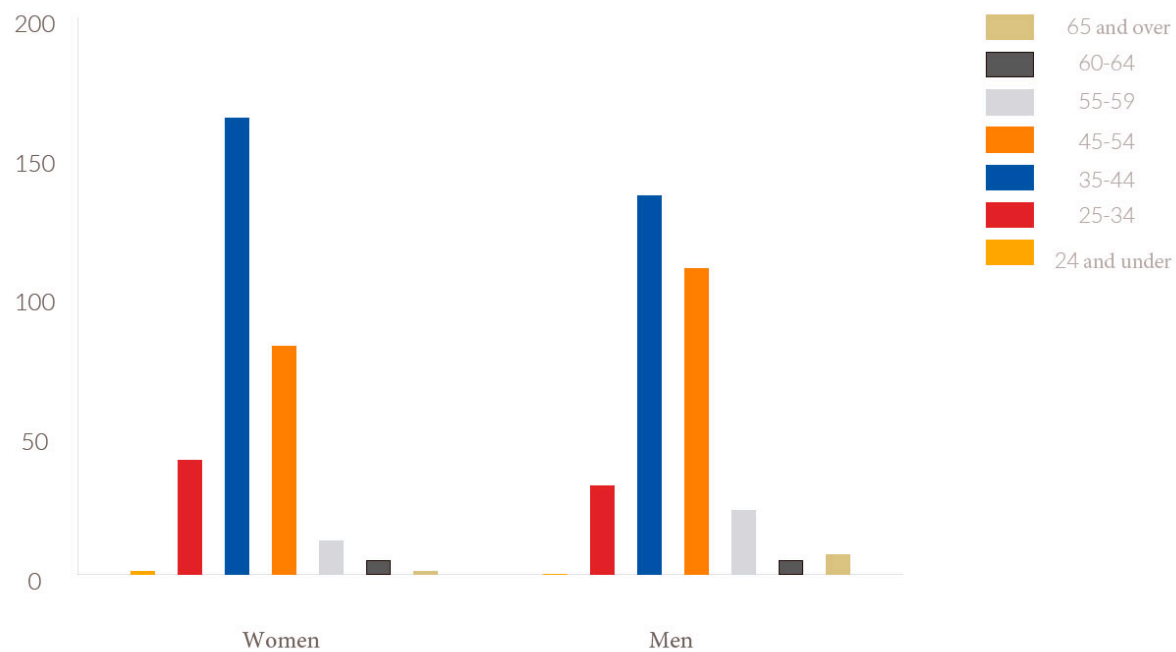
To December 31st 2014, the Public Criminal Defender's Office had an effective staff of 619 workers, of which 288 were permanent legal staff and 331 were on fixed term contracts, which includes the 155 local defenders considered in Law Nº 19.718.

On the other hand, 100 people worked as free-lancers under lump sum payments, of which 85 worked in the adolescent criminal defense program, team which consisted of 50 attorneys, 12 social assistants and 21 administrative assistants. The remaining 15, corresponding to 15 percent, worked in specialized consultancy roles in different areas of the institution.

In respect to the age distribution of the Public Criminal Defender's Office's personnel to December 31st 2014, 48.79 percent of the workers were between 35 and 44 years old or less, this being the segment with the highest concentration. They are followed by the group between 45 and 54 (30.05 percent) and 25 and 34 (12.44 percent).

DPP Employees, segmented by age and gender during 2014

| DISTRIBUTION BY AGE GROUP 2014 | WOMEN | MEN | TOTAL | % IN RELATION TO TOTAL |
|--------------------------------|-------|-----|-------|------------------------|
| 24 or less | 1 | 0 | 1 | 0.16% |
| 25-34 | 41 | 32 | 73 | 11.79% |
| 35-44 | 164 | 136 | 300 | 48.47% |
| 45-54 | 82 | 110 | 192 | 31.02% |
| 55-59 | 12 | 23 | 35 | 5.65% |
| 60-64 | 5 | 5 | 10 | 1.62% |
| 65 and over | 1 | 7 | 8 | 1.29% |
| Total | 306 | 320 | 619 | 100% |



Leadership abilities trainings

During 2014, the application and consolidation of the 'Leadership abilities program' continued. During this year, the training of the second group of regional directors was done (consisting of 5 regional defense attorneys, 10 regional administrative directors and 5 regional study bosses) and also a group of 25 local head attorneys, with the respective coaching processes.

Working environmental management program, Self-care pilot program, Assistant's Day (in two groups, with more than 60 participants in each one), **flexible schedule extended to all the regions, work with the Health and Safety Bi-Partite Committee, Regional lifestyle programs, worker introduction program, clean and tidy project.**

245 training activities were held with 2,150 participants and 669 participants trained (93 percent of the staff). From the total, 12.25 percent had a learning evaluation.

Training Activities Held During 2014

| | |
|--|--------|
| 1. Total training activities held in 2014 | 245 |
| 2. Percentage of training activities held with learning evaluation | 12.25% |
| 5. Total number of participants in training activities in 2014 | 2,150 |
| 6. Worker(s) trained in 2014 | 669 |
| 7. Percentage of workers trained in 2014 | 93% |

XI. INTERNAL AUDIT

Three types of reports: Governmental Audits (Government's Internal General Auditing Council), Ministerial Audits (Ministry of Justice), Institutional audits. In total, there were 16 internal audits (13 planned ones and 3 extraordinary ones, which covers 7 regional defender's offices and 3 departments at a central level (41.2 percent of the total).

Follow-up was also done to 100 percent of the commitments agreed for all the centers audited. In respect to the commitments made in 2013 and 2012, 21 in total, 100 percent were declared as concluded.

In 2014, 77 commitments were signed, permanent monitoring has been maintained on this, a context in which a total of 34 were concluded during the same year (44.1 percent) and 43 need to be followed up on during 2015 (55.9 percent)

XII. BUDGET MANAGEMENT

Law Nº 20.713, from December 18th 2013, authorized a budget of 45,177,781,000 pesos, for year 2014 which represented a decrease of 1.5% in respect to 2013.

This budget contemplated more resources for the development of the penitentiary defense program in the regions of Arica and Parinacota, Tarapaca and Valparaiso for 440,511,000 pesos and for the operational continuity for 161,763,000 pesos for the renewal of vehicles, replacement of furniture, machines and equipment, as well as for IT programs and equipment.

A current budget of 47,316,634,000 pesos to December 2014 was set. The expense accrued to December 31st reached 47,141,485,000 pesos, equivalent to 99.6 percent. With this, the expenditure in personnel (53 percent) was financed, with remunerations and travel expenses for a staff of 629 workers and the fees of the adolescent criminal defense program and the public criminal defense tenders(external lawyers) program (31 percent), through which the private service providers of the public criminal defense service were financed. The remaining 16 percent included the operation expenses, provisional payments, experts, external audits, vehicles, equipment and others.

Budget 2014

| PUBLIC CRIMINAL DEFENDER'S | BUDGETS LAW - 2014 | CURRENT BUDGET - 2014 | EXECUTION | % OF EXE | BALANCE FROM EXE |
|--|--------------------|------------------------|------------|----------|------------------|
| TOTAL INCOME | 45,177,781 | 47,316,634 | 47,415,704 | 100.2% | -99,070 |
| CURRENT TRANSFERS | 0 | 12,748 | 12,748 | 100.0% | 0 |
| Fund Administrator for Retirement Bonus | 0 | 12,748 | 12,748 | 100.0% | 0 |
| OTHER CURRENT INCOME | 142,260 | 142,260 | 387,487 | 272.4% | -245,227 |
| Recoveries and reimbursements for Medical Leaves | 133,655 | 133,655 | 333,834 | 249.8% | -200,179 |
| Pecuniary Sanctions and Fines | 1,339 | 1,339 | 42,989 | 3210.5% | -41,650 |
| Others | 7,266 | 7,266 | 10,664 | 146.8% | -3,398 |
| STATE CONTRIBUTION | 45,029,856 | 47,155,961 | 46,402,656 | 98.4% | 753,305 |
| Salaries | 21,400,276 | 24,827,620 | 24,827,620 | 100.0% | 0 |
| Rest | 23,629,580 | 22,328,341 | 21,575,036 | 96.6% | 753,305 |
| SALE OF NON-FINANCIAL ASSETS | 5,665 | 5,665 | 7,571 | 133.6% | -1,906 |
| Vehicles | 5,665 | 5,665 | 7,571 | 133.6% | -1,906 |
| STARTING CASH BALANCE | 0 | 0 | 605,243 | #DIV/0! | -605,243 |
| | BUDGETS LAW - 2014 | PCURRENT BUDGET - 2014 | EXECUTION | % OF EXE | BALANCE FROM EXE |
| TOTAL EXPENSES | 45,177,781 | 47,316,634 | 47,141,485 | 99.6% | 175,149 |
| EXPENSES IN PERSONNEL | 21,520,556 | 24,947,900 | 24,929,715 | 99.9% | 18,185 |
| - Salaries | 20,661,606 | 22,500,011 | 22,722,883 | 101.0% | -222,872 |
| - Receipts | 118,951 | 1,693,868 | 1,652,321 | 97.5% | 41,547 |
| - Extraordinary Works | 160,064 | 163,172 | 109,158 | 66.9% | 54,014 |
| - National Travel Expenses | 562,089 | 573,003 | 433,421 | 75.6% | 139,582 |
| - Foreign Travel Expenses | 17,846 | 17,846 | 11,932 | 66.9% | 5,914 |
| CONSUMPTION GOODS AND SERVICES | 5,190,240 | 5,286,747 | 5,286,508 | 100.0% | 239 |
| PROVISIONAL BENEFITS | 0 | 55,260 | 55,260 | 100.0% | 0 |
| CURRENT TRANSFERS | 18,305,222 | 16,699,689 | 16,546,939 | 99.1% | 152,750 |
| Application Art. N° Letter h) Law 19.718 | 725,352 | 1,030,006 | 1,022,360 | 99.3% | 7,646 |
| External Audits | 462,877 | 250,011 | 233,347 | 93.3% | 16,664 |
| Public Criminal Defense Tender Program | 16,559,947 | 14,895,552 | 14,770,108 | 99.2% | 125,444 |
| Judicial Reform Coordination Program | 556,871 | 523,945 | 521,009 | 99.4% | 2,936 |
| AIDEF | 116 | 116 | 57 | 48.7% | 60 |
| BLODEPM | 59 | 59 | 58 | 98.8% | 1 |
| ACQ OF NON FINANCIAL ASSETS | 161,763 | 327,038 | 323,064 | 98.8% | 3,974 |
| Vehicles | 59,336 | 133,611 | 130,061 | 97.3% | 3,550 |
| Furniture and Others | 22,138 | 22,138 | 22,112 | 99.9% | 26 |
| Machinery and Equipment | 11,155 | 11,155 | 11,140 | 99.9% | 15 |
| IT Equipment | 17,634 | 17,634 | 17,484 | 99.1% | 150 |
| IT Programs | 51,500 | 142,500 | 142,267 | 99.8% | 233 |

In the **tender program**, for the external lawyers services the finance charges reached 14,770,108,000 pesos, equivalent to 99.2 of the current budget of 14,895,552,000 pesos.

Total costs 2014 for the external defense lawyers program

| EXECUTION TO DECEMBER 2014 OF PUBLIC CRIMINAL DEFENSE TENDERS PROGRAM M\$ | |
|---|------------|
| Regions | Execution |
| Arica-Parinacota | 456,850 |
| Tarapacá | 535,349 |
| Antofagasta | 709,164 |
| Atacama | 372,420 |
| Coquimbo | 672,643 |
| Valparaíso | 1,651,728 |
| O'Higgins | 954,850 |
| Maule | 756,330 |
| Bío Bío | 1,601,650 |
| La Araucanía | 714,925 |
| Los Ríos | 351,260 |
| Los Lagos | 860,796 |
| Aysén | 73,544 |
| Magallanes | 169,704 |
| DRM Norte | 2,476,312 |
| DRM Sur | 2,399,363 |
| National Direction (*) | 13,221 |
| Totals | 14,770,108 |

(*) Publication of call to tender.

Regarding **experts**, 1,022,360,000 pesos were spent, equivalent to 99.3 percent.

Total Costs on experts during 2014, segmented by specialists fields

| LEVEL OF EXPENDITURE BY TYPE OF EXPERT - 2014 | | |
|---|-------------|--------------|
| Types of Experts | Expense M\$ | % over total |
| Social assistants | 379,288 | 37.1% |
| Psychological experts | 293,041 | 28.7% |
| Psychiatric experts | 105,232 | 10.3% |
| Legal medical experts | 33,289 | 3.3% |
| Photographic experts | 2,683 | 0.3% |
| Criminal investigator experts | 87,569 | 8.6% |
| Neurological experts | 4,970 | 0.5% |
| Transit experts | 277 | 0.0% |
| Toxicological experts | 70,911 | 6.9% |
| Anthropological experts | 5,122 | 0.5% |
| Deaf-dumb translation experts | 1,695 | 0.2% |
| Legal reports | 13,500 | 1.3% |
| Others | 24,783 | 2.4% |
| Totals | 1,022,360 | 100% |

XIII. PLANNING AND MANAGEMENT CONTROL

Definition process of performance indicators, in the framework of preparing the 2015 budget, 2014 Collective Performance Agreement (was approved by Exempt Resolution N° 610, from December 5th 2013, and it committed to 651 workers, distributed in 22 centers of responsibility, with a total of 70 management goals to meet, including 48 regional goals, which consisted in three equal goals for all the country's regional defender's offices.

Management Improvement Program, strategic performance indicators related to the 2014 Budgets Law

The result of the budgetary performance indicators obtained to December 31st 2014 reached 99.74 percent of the global compliance, managing to maintain, just like in 2013 (99.77 percent), a very good level of compliance of the goals of the indicators which measure the quality of the criminal defense provision. This shows the development and maturing that has been reached in the management control system as a result of the organizational improvement process and the commitment of the people who are in the institution.

Percentage of responses to criminal defense complaints answered in a period equal to or less than 13 working days, in respect to the total amount of complaints received during period t

The result obtained is 99.69 percent, above the goal set (91 percent) and the result from 2013 (98.19 percent). The regional defender's offices have improved the complaint response procedure management, so the development on the online monitoring system was relevant, which is fed information from the Information Management System of the Complaints and Suggestions Information Office (SIGO and OIRS, respectively).

Percentage of adolescent defendants assisted by juvenile criminal defense attorneys

Of the 32,381 minors, 25,092 were assisted by specialized juvenile defense attorneys, attaining a result of 77.49 percent, which surpassed both the goal (73 percent) and the result of 2013 (72 percent). This indicator greatly depends on the distribution of the staff of specialized defense attorneys that the respective regional defender's office has, and its results also shows the gap that exists between the demand for juvenile specialized defense and the staff (offer). The balance that must exist between the coverage and the quality of the juvenile specialization must continue being studied, in order to maintain the quality of the specialized juvenile defense.

Percentage of valid defendants input up to year t-1, with criminal process closed in year t in respect to the defendants with valid cases input in year t-1.

For a balance of 114,172 causes dragged over from the start of the reform, 93,248 were closed during 2014 (81.67 percent, a result that was below the goal set (85 percent). The end of a process does not depend on the Criminal Defender's Office, but mainly on the will of the defendant and of the rest of the parties involved in the criminal justice system.

Percentage of defendants with criminal process closed in year t, in respect to the defendants input in year t.

From the 331,293 defendants input, 237,085 closed their criminal processes. In spite that the goal was 76%, only 71.56 percent was reached which, although this means a non-compliance, it was not associated to monetary incentives. In this case, a strong impact of external factors had a bearing on the result of the closure of the criminal process, like the delay in the scheduling of hearings by the courts and that the criminal persecution policy causes that processes are extended in search for a more beneficial way out for the defendant.

Percentage of defendants in preventative custody visited by a public criminal defense attorney in year t, in respect to the total number of defendants in preventative custody in year t.

From an average of 7,303 defendants in preventative custody, 7,217 were visited correctly (98.82 %), a result above the goal (98 %) and similar to 2013's result (98.94 %). This performance is suitable thanks to the management of the defenders and to the permanent follow-up carried out, starting from the daily monitoring in the institutional management control system housed in the SIG-SIAR IT application, where the low performances can be reversed before the end of the month.

Award for institutional excellence.

The National Administration Direction had to lead the application process of the Defender's Office to the 2014 Annual Award for Institutional Excellence (PAEI). This allowed our institution to be distinguished by the Government of Chile, through the Civil Service, as one of the three best evaluated public services within the framework of this institutional recognition.