

**U.S. Department of Justice  
International Criminal Investigative  
Training Assistance Program  
ICITAP**

**FY 91 PROGRAM DESCRIPTION AND BUDGET**

## PERU

### I. CRIMINAL JUSTICE SYSTEM OVERVIEW

Peru is a constitutional republic of 23 million people with an executive branch headed by an elected president, a bicameral legislature, a separate and independent judiciary, and an attorney general's office (the public ministry). With 496,222 square miles. Peru is larger than California and Texas combined, divided into arid desert coast, high Andes and Amazonian jungle. Its history has been characterized by a small, European elite located in Lima, ruling an Andean, ethnic Indian population, and has been punctuated by periods of military rule (most recently during the 1968-80 populist regime of Gen. Bermudez-Morales).

The current President, Ing. Alberto Fujimori, was elected in July 1990 by a wide margin of the electorate on a platform of change and has initiated an aggressive campaign of reforms attempting to address the effects of widespread economic problems, massive production of cocaine, and the protracted civil war led by the guerrilla groups, Sendero Luminoso and MRTA. Currently 70 percent of the nation's population live in "Emergency Zones" under military command. The impact of heavy losses of life, economic paralysis and the resulting high underemployment of a relatively well educated population are aggravating severe social and political dislocations.

The criminal justice system in Peru is characterized by its increasing inability to cope with the demands placed on it by conditions in the country. This has been highlighted in Fujimori's campaign to transform the justice system, which he terms as the system of "injusticia". The judicial branch is headed by a 16-member Supreme Court seated in Lima. The Tribunal of Guarantees, a separate judicial body, interprets the constitution on matters of individual rights. An independent attorney general serves as a judicial ombudsman. Superior courts sit in departmental capitals and hear appeals from decisions by lower courts. Courts of first instance are located in provincial capitals and are divided into civil, penal, and special chambers.

The Public Ministry is headed by the Attorney General, who is assisted by three deputy attorneys general. Approximately 700 public prosecutors are assigned to judicial districts throughout the nation. The prosecutors are responsible for conducting investigations of criminal cases, and they also act as protectors of the civil and human rights of detainees. Its separation from the Judiciary in 1979 has left it resource poor and much more disorganized in the provinces, and has also left some critical questions as to the relative powers and functions of the two entities.

In 1985, the National Police of Peru (PNP) was created, combining the three previous organizations into one. The General Police (70,000 members) has general policing duties; the Technical Police (10,000 members) is responsible for criminal investigations and intelligence; and the Security Police (20,000 members) is charged with physical security, borders and prisons. The Technical Police is responsible for conducting criminal investigations in all areas except the "emergency zones", where the

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military is in control. The PNP Officer Corps is generally considered to be educated, reasonably well trained and rife with corruption; one reason given by President Fujimori for the recent dismissal of 250 ranking police officials.

Counternarcotics activities by the PNP are the responsibility of two separate divisions: the Division of Drug Police (DIPOD) located within the General Police, and the Division of Drug Intelligence and Investigations (DINTID), a unit of the Technical Police.

Since the 1985 consolidation, police training is administered by the Directorate of Instruction. This includes the Superior School for follow-up training of majors through Lt. colonels, the Preparatory School for officers and security police, and the Specialization School for specialty courses given graduates of the Preparatory School. In addition, there is a separate Institute of Higher Studies for colonels. Currently due to budgetary restraints, none of these schools is able to devote much training to criminal investigations.

Peru has a large National Police crime laboratory which has existed for many years. The staff has a high percentage of university educated chemists, engineers and physicians, many with several years experience in forensic science. The only staff weakness appears to be a lack of specific forensic science training in the more advanced forensic areas. The laboratory is housed in a large office building and, although not modern, it appears adequate in size. Fingerprint records are beginning to be automated, years ahead of many other Latin American countries. Almost all of the laboratory instruments are European in manufacture.

There is a conflict between the observed forensic resources of the laboratory and the requests for assistance: a lack of supplies and needed repairs to conduct examinations coupled with the recent purchase of several very expensive and advanced instruments such as an electron microscope and a gas chromatograph-mass spectrometer. Although laboratory personnel have received training from the manufacturer of this equipment, they lack the specific forensic science training needed to fully apply these tools to forensic examinations.

FY 91 funding for ICITAP activities in Peru is \$200,000, as shown in the country budget in Annex G.

**II. ISSUES & NEEDS**

- a. • Investigative judges and prosecutors resist or have no working relationship with the Peruvian National Police.
- b. • Judges and prosecutors receive no criminal investigations training in law school or in continuing education courses offered by their respective Ministries.
- c. • Prosecutors are not actively involved in the initial stages of investigations, except in a few major cases.
- d. • Travel costs and limits on movement are obstacles for participation in training activities and seminars by judiciary officials from the "Emergency Zones".
- e. • The 1985 mandate for the effective integration of the three major units of the Peruvian National Police has not been accomplished. As a result, unworkable allegiances to the former organizational structure and unclear roles and lines of responsibility exist in the police.
- f. • Police supervisors and line managers are deficient in management skills and techniques.
- g. • None of the Police academies teach investigative techniques, legal procedures, or criminal codes for investigators.
- h. • There is a high level of corruption in Peruvian law enforcement/judicial agencies, evidenced by the removal last year of 250 senior officers on criminal charges. The newly-appointed Attorney General recently stated to the press his priority to "moralize" the prosecutor's functions through a comprehensive training campaign.
- i. • The police have substantial forensic capabilities relative to other Latin American countries. The Police Laboratory has a large, well-educated staff and an adequate facility. However, due to the depressed Peruvian economy, it lacks funds for supplies, equipment repair and specific forensic science expertise in some advanced areas such as serology, chemistry and toxicology.

**III. STRATEGIES FOR ADDRESSING ISSUES AND NEEDS**

- a.
  - Establish training programs that focus primarily on building understanding and generating working relationships among judges, prosecutors, and the police.
  - Sponsor an in-country conference, with participants from the criminal justice entities, to establish a forum for addressing vital issues of interest to the groups.
- b.
  - Establish a relationship between the criminal justice entities, by seeking co-sponsorship of training and participation of other agencies.
  - Include judges and prosecutors in all police training courses.
  - Invite Supreme Court and Public Ministry instructors as observers in criminal investigative training courses, to develop subject-matter expertise. Obtain commitment from the judiciary that ICITAP will train their instructors in return for making the courses part of their on-going curriculum.
- c.
  - Support continued efforts of the Peruvian government to strengthen the role of the Public Ministry and pass additional legislation to provide sufficient resources to that entity. Monitor progress of the working relationship with the police in the investigative process.
- d.
  - Encourage AID to provide funding for judges and prosecutors from the provinces to participate in ICITAP activities.
- e.
  - Provide technical assistance to the police for identifying barriers and monitoring progress in integrating their institutional components.
- f.
  - Enhance the management capabilities of police executives and supervisors, through management techniques courses.
- g.
  - Improve capabilities and knowledge of police in areas of investigative techniques, legal procedures, and criminal codes through courses that focus on these topics.
  - Arrange for the judiciary to assign lecturers for all courses that include legal procedures and criminal code topics.
  - Support criminal investigative curriculum and instructor development at the police academies.
- h.
  - Assist the Public Ministry Training Director in the development of training programs that stress professional and ethical practices for prosecutors.

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- Explore with the police the feasibility of establishing an Office of Professional Responsibility.
- i.
- In order to maintain existing forensic capabilities, provide the National Police crime laboratory with supplies and repair equipment. Provide advanced forensic science training through internships and technical assistance to develop full use of the existing equipment and staff.

IV. ACHIEVEMENTS TOWARD ACCOMPLISHING STRATEGIES

- a.
  - ICITAP conducted a Police Management course in November, 1990 with participation from each of the criminal justice components, that served as a first step in building understanding and working relationships among these groups.
  - Two judges and three prosecutors participated in criminal investigative techniques courses.
  - Overview of Investigative Techniques and Coordinating Criminal Investigations courses, will bring together a total of 28 judges, 28 prosecutors, and 18 high-ranking police officials. Participants will learn criminal investigative techniques and coordination procedures, while building an understanding and working relationship among the students.\*
- b.
  - During a recent visit, ICITAP arranged for the Supreme Court to co-sponsor a Coordinating Criminal Investigations course and for the Public Ministry to co-sponsor a course in Overview of Investigative Techniques.
  - ICITAP invited judges and prosecutors to participate in all police training courses.
- c.
  - During a February visit to Peru in connection with other activities, ICITAP personnel met with Judiciary, Public Ministry, U.S. Embassy, and AID staff to express support of current legislation to strengthen role of the prosecutor.
- d.
  - AID agreed to provide funds for judges and prosecutors from the "Emergency Zones," to participate in ICITAP activities held in Lima.
- e.
  - Technical assistance will be provided to the police to identify barriers and make recommendations for implementing full integration of the components.\*
- f.
  - To date, ICITAP has trained 25 upper level police executives in management, administrative, and investigative techniques.
  - ICITAP will train an additional 25 police executives in a Police Management course, 25 supervisors in a Violent Personal Crimes course, and a total of 18 high-ranking officers in Overview of Investigative Techniques and Coordinating Criminal Investigations courses.\*
- g.
  - To address the need for improving police investigative techniques and knowledge of legal procedures and criminal codes at various levels, ICITAP will conduct the Overview of Investigative Techniques, General Criminal Investigation, and Violent Personal Crimes courses.\*

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- ICITAP arranged with Court and Public Ministry officials to assign lecturers on legal procedures and criminal code topics, for the courses mentioned above.
- h. • To date, no activities have been undertaken to develop joint training programs with the Public Ministry.
- i. • A forensic pathologist, sponsored by ICITAP, attended a professional meeting in the U.S.
- ICITAP will sponsor a three-month forensic scholarship in advanced serology in the United States for a scientist from the PNP laboratory. \*
- ICITAP has begun to conduct forensic proficiency testing through a testing service widely used by crime laboratories in the U.S., which will assist ICITAP in identifying deficiencies.

\* Activities to be accomplished from March-August, 1991 with FY 90 funds.



**V. PROPOSED FY 91 ICITAP ACTIVITIES**

- a. • ICITAP will conduct an in-country conference, with participants from the criminal justice entities, to establish a forum for addressing issues vital to the groups.
- b. • Judges and prosecutors will be invited to attend two criminal investigations training courses.  
• No FY 91 funds are available for instructor development activities with the Supreme Court and Public Ministry.
- c. • During future visits to Peru in connection with other activities, ICITAP personnel will continue to meet with judiciary, U.S. Embassy, and AID staff to express continuing support of current legislation that would strengthen role of the prosecutor. ICITAP has spoken with AID officials, and if legislation is passed, ICITAP will coordinate training that reflects the enhanced work relationship between the prosecutor and the police.
- d. • ICITAP will encourage AID to continue funding the participation of judges and prosecutors from the "Emergency Zones," in future courses.
- e. • After technical assistance is completed on organizational improvements, ICITAP will conduct a follow-up visit to assure that the implementation of consolidation is progressing and provide additional assistance as needed.
- f. • No management techniques courses are programmed for FY 91.
- g. • To improve capabilities and knowledge of police in areas of investigative techniques, legal procedures, and criminal codes, ICITAP will offer the Advanced Criminal Investigations and Crime Scene Search courses that focus on these topics.  
• ICITAP will arrange for the judiciary to assign lecturers to provide instruction in legal procedures and criminal code for ICITAP courses.  
• ICITAP will support curriculum and instructor development by inviting five academy instructors to an Advanced Criminal Investigation course. Subsequently, ICITAP will provide follow-up technical assistance to assist these instructors in developing full course curriculum for application at the academies.
- h. • ICITAP will initiate discussions with the Public Ministry Training Director to develop training programs that stress professional and ethical practices for prosecutors.

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- ICITAP will provide materials previously developed and will conduct in-depth discussions concerning the benefits of an Office of Professional Responsibility.
- i.
  - ICITAP will sponsor the attendance of forensic staff at professional meetings in the U.S.
  - By way of an internship in Toxicology or Forensic Chemistry, ICITAP will provide advanced training to forensic laboratory personnel in use of equipment.
  - ICITAP will provide forensic proficiency testing in order to assess needs to be addressed in future activities.