

Topic III: Toward Building Police Investigations Corresponding to New Criminal Justice System

In May 2016, the law amending a part of the Code of Criminal Procedure was approved, and promulgated in June. For the refinement and the multiplication of evidence-collection methods in criminal proceedings and for the enhancement of the trial proceedings, the law introduces several new systems, such as the system for audio and video recording of interrogations, the system based on agreement that grants privileges for prosecution in exchange for cooperation on evidence collection and the rationalization and streamlining of communications interception. The police are also advancing efforts to establish the police investigation methods harmonized with these new systems.

(1) System of Audio and Video Recording of Interrogations

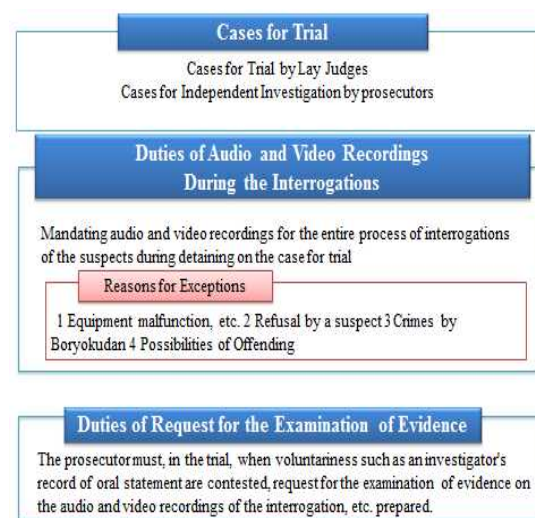
With the introduction of the new system, the law enforcement agencies shall be obliged, in principle, to record voice and picture of the entire process of arrested or detained suspect's interrogations, mainly in cases for trial by lay judges.

When the spontaneity of the suspect's statement in a document is challenged at the trial in cases to which the new system applies, the public prosecutor must request the examination of the audio and video recordings of the suspect's interrogations during which the document was made. The new system is expected to be utilized for providing an accurate proof of the spontaneity of suspect's statement.

The police have already been actively working on the pilot program of audio and video recordings of suspect's interrogations in cases for trial by lay judges; however, toward introduction of this system, the police investigators need to be given more training

and education to enhance their proficiency in interrogation under audio and video recordings, which may lead to further improvement in interrogation capabilities. In addition, the police project the expansion of audio and video recording equipment and their amelioration as well.

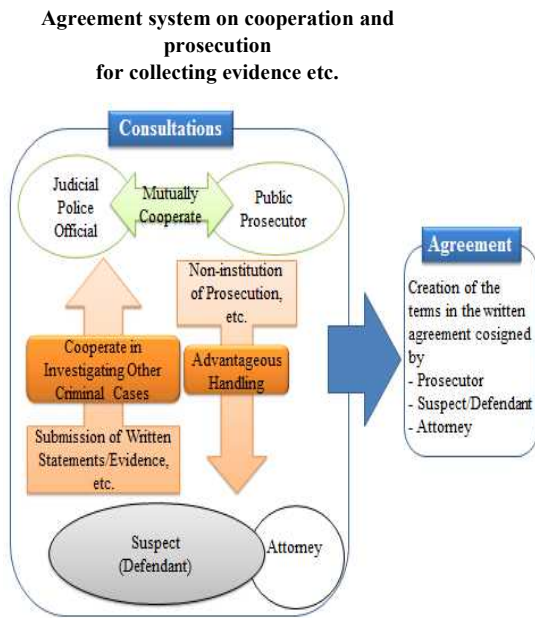
System of audio and video recordings of interrogations



(2) System based on Agreement that Grants Privilege for Prosecution in Exchange for Cooperation on Evidence Collections

The new system allows the prosecutor to agree with suspects/defendants, under the approval of their lawyer, on non-prosecution or reduction of a demand of penalty in exchange for the suspects' statements, providing evidence or giving other cooperation to clarify the facts of crimes committed by the other persons. The system shall be applicable only to certain financial and economic crimes, drug and firearms crimes. This system also allows judicial police officers to carry out the necessary acts in consultations for the agreement to the extent of the public prosecutor's authorization.

The police shall make efforts to operate this system properly and effectively under the close collaboration with public prosecutors, through the thorough preparations such as giving police officers necessary instruction and education on the system.



(3) Rationalization and Streamlining of Communications Interception

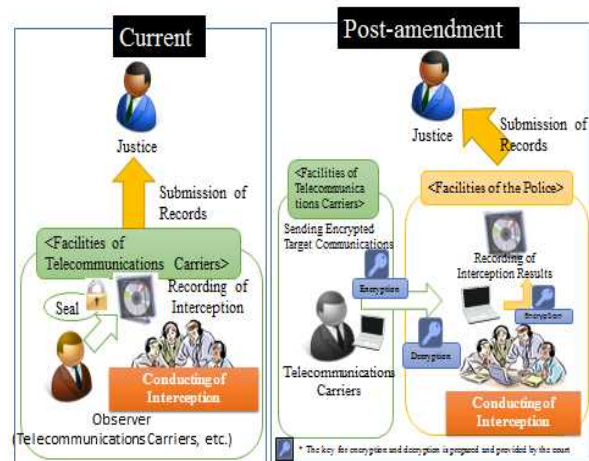
Since the enforcement of the Act on Wiretapping for Criminal Investigation in 2000, the police have been making use of communications interception to investigate organized crimes based on a warrant issued by a judge, under the strict conditions such as proving difficulties in identifying suspects by any other investigation methods, etc.

According to the Act before the amendment, communications interception should be applicable only to four types of offenses such as drug crimes; however, with the amendment in May 2016, certain crimes such as murder, injury or fraud committed by organized group were newly added to the target crimes. Due to this amendment, communications interception come to be

utilized to investigate serious organized crimes such as the case of murder and physical injury committed by Boryokudan and a special fraud including remittance fraud.

The current law makes compulsory the presence of a telecommunication carrier's officer during communications interception and his/her sealing of record after interception. In addition, communications interception are carried out in the facilities of telecommunication carriers, which oblige law enforcement agencies to dispatch many investigators in a long term. Consequently, these systems have put a heavy burden on

Operation image of communications interception after the amendment of the Act



both telecommunications carriers and law enforcement agencies. The amendment in May 2016 have also accomplished rationalization and streamlining of the procedure. It ensures the appropriateness of communications interception through preventing the tampering of records with technical measures such as encryption of communication contents, which makes it possible to carry out communications interception without the presence or sealing of record of a telecommunications carrier's officer and to permit the police to conduct communications interception in the police facilities.

The communications interception will become a useful investigation method for complete elucidation of organized crime cases difficult to clarify by other methods and for arrests of core members of criminal organizations. The police shall keep on utilizing communications interception effectively and properly while following strict requirements and procedures under the law.

(4) Other Systems

Apart from the above, the amendment contains other new systems such as the expansion of the evidence disclosure system including the introduction of the grant procedure of an evidence list, the enhancement of support by a lawyer including the expansion of the cases subject to the public defender systems and the introduction of new measures to protect crime victims and witnesses including the expansion of interrogations of a witness by using video link system. Through this integrated revision, a new criminal judicial system will be established in line with the demands of the times.

**List of the major systems and the term from promulgation to effectuation
June 3, 2016**

Systems	Term
System of audio and video recordings of interrogations	Within 3 years
System based on agreement that grants privilege for prosecution in exchange for cooperation on evidence collection	Within 2 years
Rationalization and streamlining of communications interception	
• Expansion of target crime	Within 6 months
• Rationalization and streamlining improvement of the procedures	Within 3 years
Expansion of the evidence disclosure system	Within 6 months
Enhancement of support by lawyers	
• Expansion of the cases subject to the public defender system	Within 2 years
• Expansion of instruction relating to appointment of defender	Within 6 months
Measures to protect crime victims and witnesses	
• Expansion of witness interrogation by the video link system	Within 2 years
• Measures concerning disclosure of the name, etc. of the witness	Within 6 months
• Concealment of the name, etc. of the witness in the court	Within 6 months