

## **Public Prosecutor's Office, budget cuts and performance**

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The Prosecutor's Office has expressed its dissatisfaction with the proposed budget reduction. It points out that it will affect complex investigations, attention to victims, protection of prosecutors, the purchase of software for investigations. It tells us that this will have an impact on organised crime investigations.

But what does the Prosecutor's Office do with the resources, and is it true that this reduction will affect these types of cases? Associating its disagreement with the fight against organised crime is persuasive in terms of public opinion and parliamentary action.

It is true that today more cases are coming in, that criminality has changed and requires new ways of prosecution. It is hard to believe that the executive has not taken this into account. In fact, it is reported that the ECOH programme will receive a budget increase of 23% by 2025. It is therefore legitimate to ask whether the proper performance of the Prosecutor's Office depends only on a question of resources.

Those of us who litigate regularly know that just as there are excellent prosecutors, there are also practices that do not reflect an adequate use of resources. Rescheduling of hearings due to lack of minutes or lack of knowledge of the case by the prosecutor on duty; avoidable control hearings, under-use of final dismissal or unnecessary opposition to it, the request for unjustified precautionary measures, the filing of inconducive proceedings and a series of practices, perhaps minor, but which affect their work and have an impact on resources.

In the midst of this debate, we should not forget that the Prosecutor's Office has benefited from a number of institutional and budgetary improvements since its inception. Its professional staff has been considerably increased, the number of prosecutors has grown, the legal subrogation of prosecutors is now legal and widely used. Moreover, its legal powers and practical prosecutorial power have been greatly enhanced by various reforms to the Code of Criminal Procedure, which is very different to the

of the year 2000. Changes in identity control, legality of detention, pre-trial detention and, more recently, the scope of the abbreviated procedure and reformalisation, are just some of the modifications that facilitate the work of the Prosecutor's Office and have a direct or indirect impact on the use of resources.

On the other hand, the tools for controlling the actions of prosecutors have remained practically the same since 2000: inefficient and ineffective administrative controls and a certain degree of judicial control in guarantee courts that does not have the real power to alter the course inconducive investigations or to prevent unsuccessful cases from going to trial, with the costs that this entails.

It is good that the OTP can observe the budget reduction but the proper performance of the prosecution service does not depend on it. Better practices and efficient control mechanisms can also contribute. Let us not be confused.