Prosecuting Bribery in the Application of Corporate Compliance Programs - Chile

Submitted by: Chile
PROSECUTING BRIBERY IN THE APPLICATION OF CORPORATE COMPLIANCE PROGRAMS.

APEC MEETING, PUERTO VARAS AUGUST 2019.
XIMENA CHONG CAMPUSANO.
ACT N° 20.393.

- Asset Laundering.
- Terrorist Financing.
- Bribery Offense.

2009

- Receiving Offenses.

2016

- Offense of Disloyal Administration.
- Private Bribery.
- Incompatible Bargaining Offense.
- Crime of Misappropriation.

2018
THE LEGAL ENTITY AND CORRUPTION OFFENSES.

Stock Corporation.

Limited Liability Company & EIRL

Foundations and Corporations.
THE CHILEAN MODEL OF LIABILITY OF LEGAL PERSONS FORM CRIMINAL OFFENSES.

1. ORGANIZATION DEFECT.
2. LACK OF PREVENTION.
3. POOR PREVENTION.
THE ROLE OF THE COMPLIANCE MODEL.
CONTENT OF A COMPLIANCE MODEL.

⇒ **DESIGN STAGE.**
⇒ **IMPLEMENTATION STAGE.**

**AUTONOMY.**
**ACCESS TO ADMINISTRATION.**
**INTERNAL SANCTIONS.**
**CERTIFICATION.**
**PROTOCOLS, RULES AND PROCEDURES.**
**RISK MATRIX.**
**MATERIAL RESOURCES, FACULTIES.**
**COMPLIANCE OFFICER.**
**COMPLAINT PROCEDURE.**
THE ROLE OF CORPORATE COMPLIANCE MODEL.

AVOID CRIMINAL LIABILITY.

FACTOR TO REDUCE PUNISHMENT.

BE NEUTRAL.
SPOTLIGHTS OF THE CRIMINAL INVESTIGATION.

CORPORATE GOVERNANCE
- STRUCTURE.
- BUSINESS GROUP.
- TRADE ASSOCIATION.
- RELATIONSHIP WITH THIRD PARTIES.
- MANAGEMENT.

COMPLIANCE MODEL
- DESIGN.
- IMPLEMENTATION.
- DIFUSSION.
- CONTENT.
- SPECIFIC RISKS.
- RISKS OF THE ACTIVITY.
- SUITABILITY.
- ABILITY TO RESPOND.

COMPLIANCE OFFICER
- AUTONOMY.
- ACCESS TO ADMINISTRATION.
- MATERIAL RESOURCES.
- INTERNAL RESEARCH PROTOCOL.
- TRAINING.
- RESULTS TRACKING.
- CERTIFICATION.
CHALLENGES FOR THE PROSECUTION OFFICE.
STANDARDS TO EVALUATE COMPLIANCE PROGRAMS