

## JUDICIAL POLICE PROFESSION

### 1. Who are judicial police?

The judicial police are the court's assistants in criminal cases, with a special function in protecting and maintaining public order in society, with a focus on strengthening justice. Judicial police intervention may occur at any stage of criminal proceedings. Judicial police have a duty to inspect felonies, misdemeanors, and petty offences, identifying, arresting the perpetrators, and gathering evidence.

Therefore, the intervention of judicial police is very important in reaching the suppression of the whole activity by monitoring the conduct or attempts to commit a crime and building a case. Moreover, judicial police provide important information to the courts, which have prosecutors and investigating judges about what they know. According to article 57 of The Code of Criminal Procedure, the hierarchy of judicial police is divided into three such as judicial police officers, judicial police agents, civil servants, and other public agencies, which are specifically authorized by law to investigate certain crimes within their jurisdiction.

For this monthly legal brief vol. 33(1), we will only explain about judicial police officers. For the explanation of judicial police agents, civil servants, and public agencies, we will explain in the next monthly legal brief.

### WHAT'S NEW

*The Ministry of Interior has issued a notification on the issuance of permanent residence permits to immigrants in Cambodia on 29 August 2022. This notice complies with the immigration law promulgated by Royal Krom No.5 dated 22 September 1994. The issuance of this card for purposes of daily life such as applying for public/administrative services, health services, banking services, purchase and sale of movable and immovable property, doing business, applying for a job in factories, enterprises, and other activities that law permits for foreigners. Meanwhile, the ministry of interior also issued instruction number 015 dated 01 July 2019 on the issuance of the administrative letter and registration letter to Khmer spouses and foreign immigrants attached with the cost of using permanent residence permits issued by the ministry to foreign immigrants as well.*

### 2. What are the main responsibilities of judicial police officers?

Each judicial police officer has authorities within the territorial boundaries of the unit to which they are assigned. However, the territorial jurisdiction of a judicial police officer may be extended to the whole country by the prosecutor in case of a felony or misdemeanor cases or emergency cases. The intervention of judicial police must be done in collaboration with competent judicial police officers in the area.

The important roles of a judicial police officer are:

- Receive petitions, defamation complaints, and appeal from the public
- Examine all crimes including felony, misdemeanor, and petty offences
- Investigate the actual crime and preliminary investigation
- When the investigation began, judicial police officers execute the order to investigate on behalf of the investigating judge according to the conditions stated by article 173 of The Code of Criminal Procedure.

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- Manage and collect the evidence both by starting their investigation and under the direction of the prosecutor or investigative judge.
- Compose the report (Police report, writing letter describing the facts of the case)
- In case of actual crime, the suspect can detain within 48 hours if there is reasonable doubt as a basis for indictment.
- Request to extend the detention of the suspect for not more than 24 hours when all five conditions are met namely: (1) Serious felony case (2) There are clear indications that a crime has been committed (3) As a necessary measure for the investigation to be successful (4) An application must be made in writing to the prosecutor to verify (5) Approval from the prosecutor.

In addition, the judicial police officer must keep a record of all complaints received, which shall include the name, status, date, and unit of the judicial police officer. In particular, each page must be signed by a judicial police officer and the plaintiff.

### 3. What is the qualification to become a judicial police officer?

According to article 60 of The Criminal code, the qualifications to become a judicial police officer are as follows:

1. National police officers with the rank of major lieutenant higher and have served national police at least two years after obtaining a higher diploma of the judicial police
2. Military officers of the Royal Gendarmerie of Cambodia who served in the Royal Gendarmerie for at least two years after obtaining a higher diploma of in the judicial police.
3. With the following qualifications and functions:
  - Governor and deputy governor of provincial and municipalities, governor and deputy governor of district and khan, and the chief of commune and chief of Sangkat
  - Director and deputy director of the Central Department of Judicial Police, director and deputy director of the Central Department of Security of the National Police, director and deputy director of Central Department of Public Order of the General Commission of National Police
  - Director and deputy director of the department, director and deputy director of offices, director and deputy director of divisions in charge of criminal affairs and under the supervision of the Central Department of Judicial Police and the Central Department of Security and Central Department for Public Order
  - Director and deputy director of departments, director and deputy director of offices, and director and deputy director of units of Department of Border Police for "cross-border crimes", Department of Drug-Combating, Department of Tourist Police, Special Commissioner for Heritage Protection.
  - Provincial and municipal police commissioners and deputy commissioners
  - Director and deputy director of offices, director and deputy director of units that are in charge of criminal affairs under the Provincial/Municipal Police Commissioners such as

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Office of Penal Police for Serious Offenses and Minor Offenses, Office of Human Anti-Trafficking, and the Protection of Minors, Office for Technical and Criminal Science, Office of Combating Drug, Office of Anti-Terrorism, and Office of Immigration.

- Inspector and deputy inspector, and director and deputy director of Criminal Division of District/Khan
- Director and deputy director of Traffic Police Offices, director and deputy director of Traffic Police Sections "for traffic offenses"; director and deputy director of Explosives Management Office; director and deputy director of Explosives Management Sections "for explosives weapon offenses". Director and deputy director of Tourist Police Units; director and deputy director of Tourist Police Office; director and deputy director of Tourist Police Division.
- Director and deputy director of Commune/Sangkat Administrative Police Station "for criminal offenses"
- Commander and deputy commander of the Royal Gendarmerie in charge of criminal affairs
- Provincial and Municipal Royal Gendarmerie Commander and deputy commander in charge of the criminal affairs
- District Commander and deputy commander of the Royal Gendarmerie in charge of criminal affairs
- Director and deputy director of offices, director and deputy director of units of the Royal Gendarmerie in charge of criminal affairs
- Director and deputy director of other units in charge of criminal investigations established in a special case.

Police officers and military officers of the Royal Gendarmerie who are qualified as judicial police officers shall be appointed by the minister as the guardian of judicial police officers or of the Gendarmerie officers.

Lastly, we hope this newsletter can be the information and additional knowledge for readers to better understand the roles and responsibilities of the judicial police.

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