



Venezuela Publishes Disciplinary Regulation for Statute of the Investigative Police Role

By Holland & Knight

The presidency of the Republic of Venezuela published on July 21, 2021, Decree No. 4,541, in *Official Gazette* No. 42,173 (Decree), a partially regulated Decree with the Status, Validity and Force of Law of the Statute of the Investigative Police Role (hereinafter Statute of the Investigation Function of the Police), which is the main foundation for police investigation in Venezuela.

The purpose of the Decree is to partially regulate and draft the disciplinary rules and guiding principles established in the Statute of the Investigative Police Role to which the investigative police officers who serve in the scientific, criminal and criminal investigation units, as well as criminal investigation experts who are part of these units, will be subject.

The Decree is also intended to strengthen the disciplinary system as a fundamental aspect for the performance and correct development of disciplinary procedures carried out by criminal investigation officials and experts. Likewise, it should be noted that the Decree indicated that the National Executive Branch would act as the governing body of the investigative police service.

The Decree established the procedures, actions and formalities required when investigative officials and experts are subject to a disciplinary investigation.

It is also important to mention that the Decree expressly repealed in its entirety the Disciplinary Regulations of the scientific, criminal and criminalistic investigative units published on June 13, 2003, in the *Official Gazette* No. 37,711, except for a transitory article (First Transitory Provision).

The Decree establishes that the officials and experts must, within the framework of their actions, implement and adhere to the fundamental principles of legality, due process, remedial action, order, discipline, transparency and honesty; as well as to the public administration principles of orality, urgency, immediacy, efficiency, human rights, interpellation, procedural defense, inhibitions and independence of disciplinary responsibility. Likewise, the Decree states that officials and experts must act under strict adherence to moral, ethical and professional principles and guarantee the rights of the officials subject to disciplinary proceedings.

It should also be noted that the Decree established the system of preventive measures and absolute, temporary and accidental misdemeanors, as well as the grounds for recusal and inhibition that may be incurred by officials and experts undergoing disciplinary investigation.

Learn more about our [Venezuela Focus Team](#).

Information contained in this newsletter is for the general education and knowledge of our readers. It is not designed to be, and should not be used as, the sole source of information when analyzing and resolving a legal problem, and it should not be substituted for legal advice, which relies on a specific factual analysis. Moreover, the laws of each jurisdiction are different and are constantly changing. This information is not intended to create, and receipt of it does not constitute, an attorney-client relationship. If you have specific questions regarding a particular fact situation, we urge you to consult the authors of this publication, your Holland & Knight representative or other competent legal counsel.
