

### Question 20.a.

More recently, Cartabia Reform has introduced a new way of documenting judicial police activities, based on the use of audiovisual and phonographic tools. In fact, according to **paragraph 4 bis of article 350** of the code of criminal procedure "Summary information from the person against whom the investigations are carried out", "Where the person under investigation and the lawyer so permit, the public prosecutor may, at the request of the judicial police, authorize the conduct of the investigation at a distance. The provisions of Article 133b(6) shall be complied with insofar as they are compatible". **Article 133-ter of the code of criminal procedure** "Methods and guarantees of remote participation" states that: "1. The judicial authority, when it provides that an act is performed at a distance or that one or more parties remotely participate in the execution of an act or in the celebration of a hearing, provides with a reasoned decree. When it is not issued at the hearing, the decree is notified or communicated to the parties together with the provision which fixes the date for the completion of the deed or the celebration of the hearing and, in any case, at least three days before the aforementioned date. The decree is also communicated to the authorities concerned. 2. In the cases referred to in paragraph 1, an audiovisual connection is activated between the courtroom or the judicial office and the place where the persons performing the deed or participating in the remote hearing are located. The place where the persons performing the act or participating in the remote hearing are found is equivalent to the courtroom. 3. The audiovisual connection is implemented, under penalty of nullity, with methods suitable for safeguarding the discussion and the effective participation of the parties in the deed or hearing and to ensure the simultaneous, effective and reciprocal visibility of the people present in the different places and the possibility for each of them to hear what is being said by the others. In cases of public hearings, adequate publicity of remote acts is ensured. Audiovisual recording of the deed or hearing is always ordered. 4. Without prejudice to the provisions of paragraphs 5, 6 and 7, the persons who carry out the deed or who participate in the remote hearing connect from another judicial office or from a judicial police office identified by the judicial authority, after verifying the availability of technical equipment and logistic conditions suitable for the audiovisual connection. 5. Persons detained, interned, subjected to pre-trial detention in prison or restricted in prison following arrest or detention, when they perform the deed or participate in the remote hearing, connect from the place where they are. 6. Having heard the parties, the judicial authority may authorize the persons who carry out the deed or who participate in the remote hearing to connect from a place other than that indicated in paragraph 4. 7. The defenders connect from their respective offices or from another place, provided that it is suitable. However, the right of the defenders or their substitutes to be present in the place where the client is located is guaranteed. The right of defenders or their substitutes to consult privately with each other and with the client by means of suitable technical instruments is likewise always guaranteed. 8. In the cases referred to in paragraphs 4 and 5 and, unless the judicial authority provides otherwise, in the case referred to in paragraph 6, an auxiliary of the judge or of the public prosecutor, also identified among the auxiliaries in service at the office referred to in the aforementioned paragraph 4, or a judicial police officer, identified as a priority among the personnel in service at the judicial police sections and designated among those who do not carry out, nor have they carried out, investigative or protection activities against of the defendant or in relation to the facts referring to him, is present in the place where the persons performing the deed or participating in the remote hearing are located, certifies their identity and draws up minutes of the operations carried out pursuant to the article 136, in which he acknowledges compliance with the provisions referred to in paragraph 3, first sentence, and in paragraph 7, second and third sentences, of the precautions adopted to ensure the regularity of the

examination with reference to the place where the person is finds, as well as the absence of impediments or limitations to the exercise of the rights and faculties pertaining to it."