



Evaluating prosecutors' performance: celebrating success and censuring failure

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In present **global** and complex world,
the Prosecutor must obtain an **overall performance**

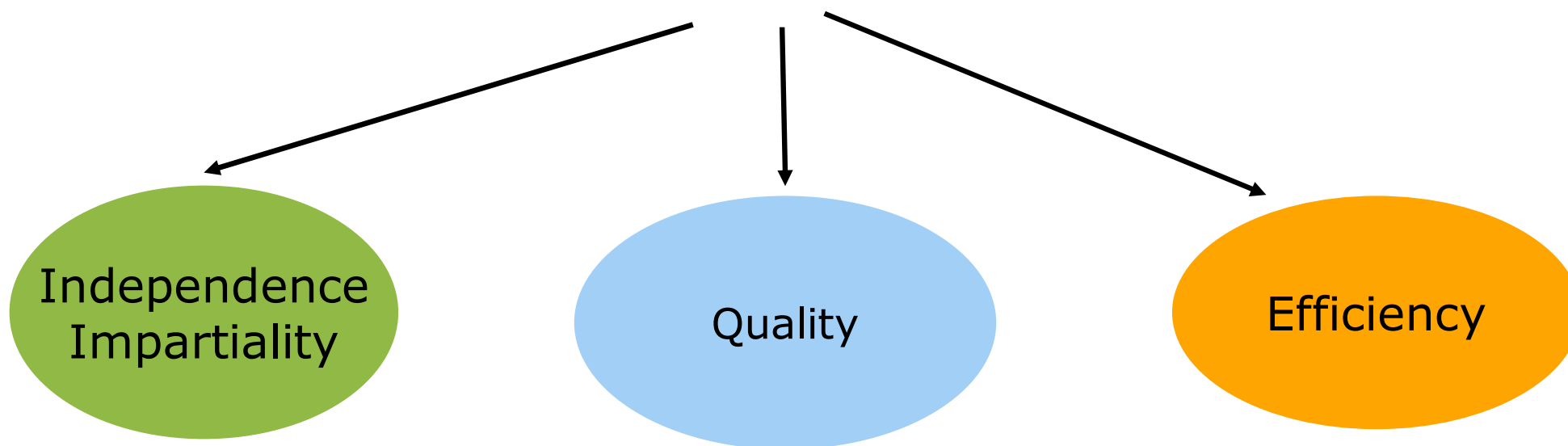
- More national prosecutors are enforcing **European Union criminal law at national and EU level**, using:
 - Mutual legal assistance instruments
 - Mutual recognition (i.e. European Arrest Warrant),
 - Eurojust
 - Networks of prosecutors (European Judicial Network, Western Balkans Prosecutors Network, SEE-PAG),
 - New investigative techniques (JITs)
 - Sophisticated cyber technologies.

Prosecutors' performances across European Union (EU) are assessed at **3 LEVELS**:

- **1st** against the **EU standards** of the judicial system, in relation to the **enforcement of the EU criminal law** at national level and the **cross-border cooperation in the EU area of freedom, security and justice**.
- **2nd** at **national level** prosecutors' performances contribute to the **efficiency of national judicial systems and inter-agencies cooperation**.
- **3rd** at **individual level**, each prosecutor is appraised **on case-by-case** performances or periodically during the entire professional career.

Common performance indicators/criteria

- **Performance Indicators** in each of these three levels built around key and inseparable **parameters**:



Achieving them prosecutors gain

public confidence

mutual trust

Modern performance criteria

- Modern and important performance **criteria, out of the legal sphere**, are introduced to evaluate prosecutor's professional activities and skills:
- **leadership**,
- **management**
 - of cases and processes,
 - strategic management,
 - change management,
 - crises management
 - the concept of total quality management (TQM)
- **the use of the IT**,
- proficiency in **legal English**
- **communication skills** with public and media.

The Vision is changing from the 20th Century Classicism

- *The first and most important “**professional performance charter**” is in the **codes of procedures** and in other relevant **laws and regulations***
- *A **modern quality approach** drawn from “**innovation sciences**”, it’s trivial and abnormal for the justice sector.*
- *The **new quality approach** is sticky, and does not fit with the well established quality approach **written in legal codes**.*
- *The **modern performance approach** is a change in the **look of courts and prosecution offices**, rather than in **their fundamental nature***

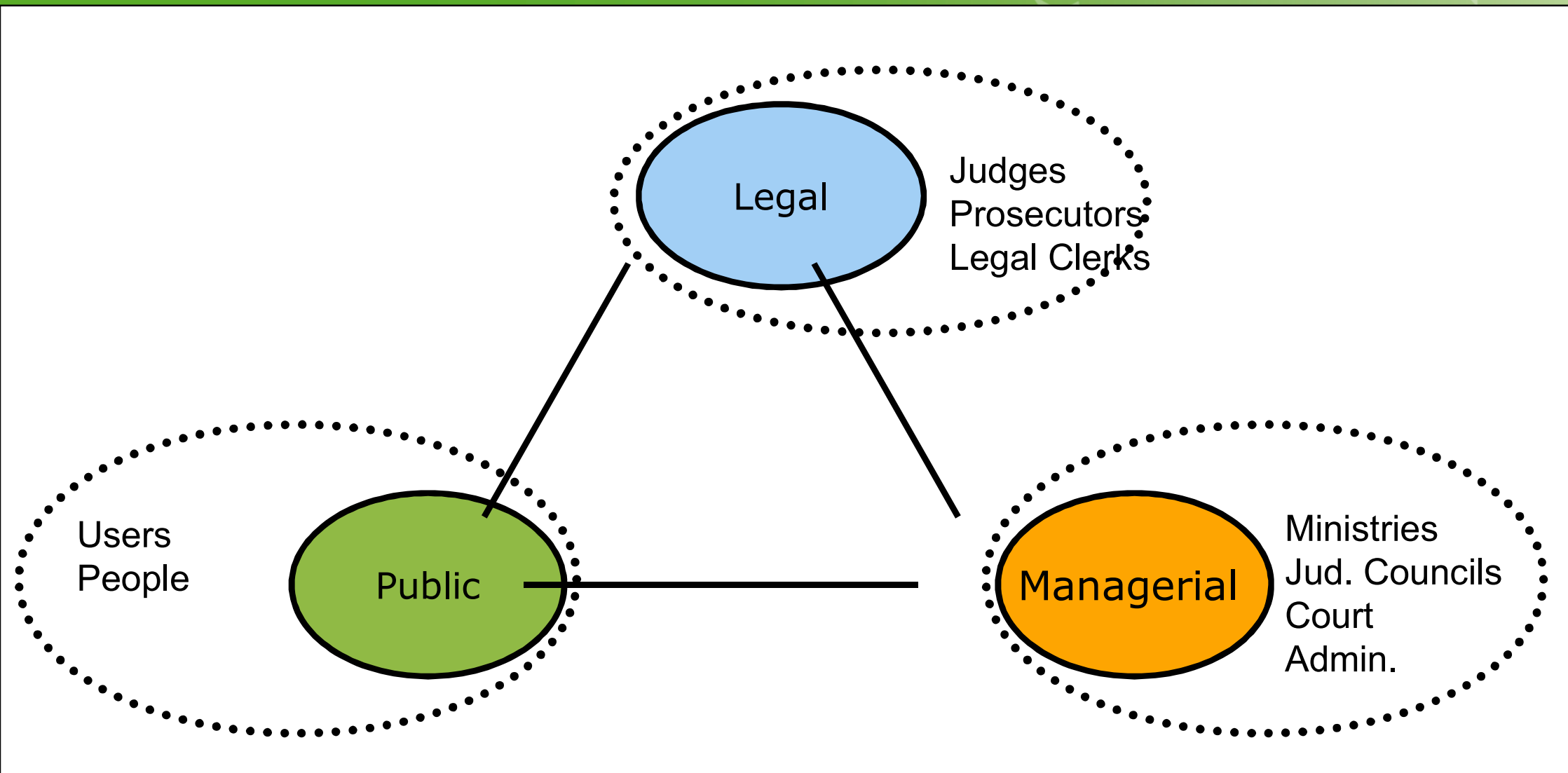
2009 EIPA Luxembourg, presentation of Mr. Francesco Conti, Researcher
Research Institute on Judicial System, Italy

Classicism

The Temple of Justice

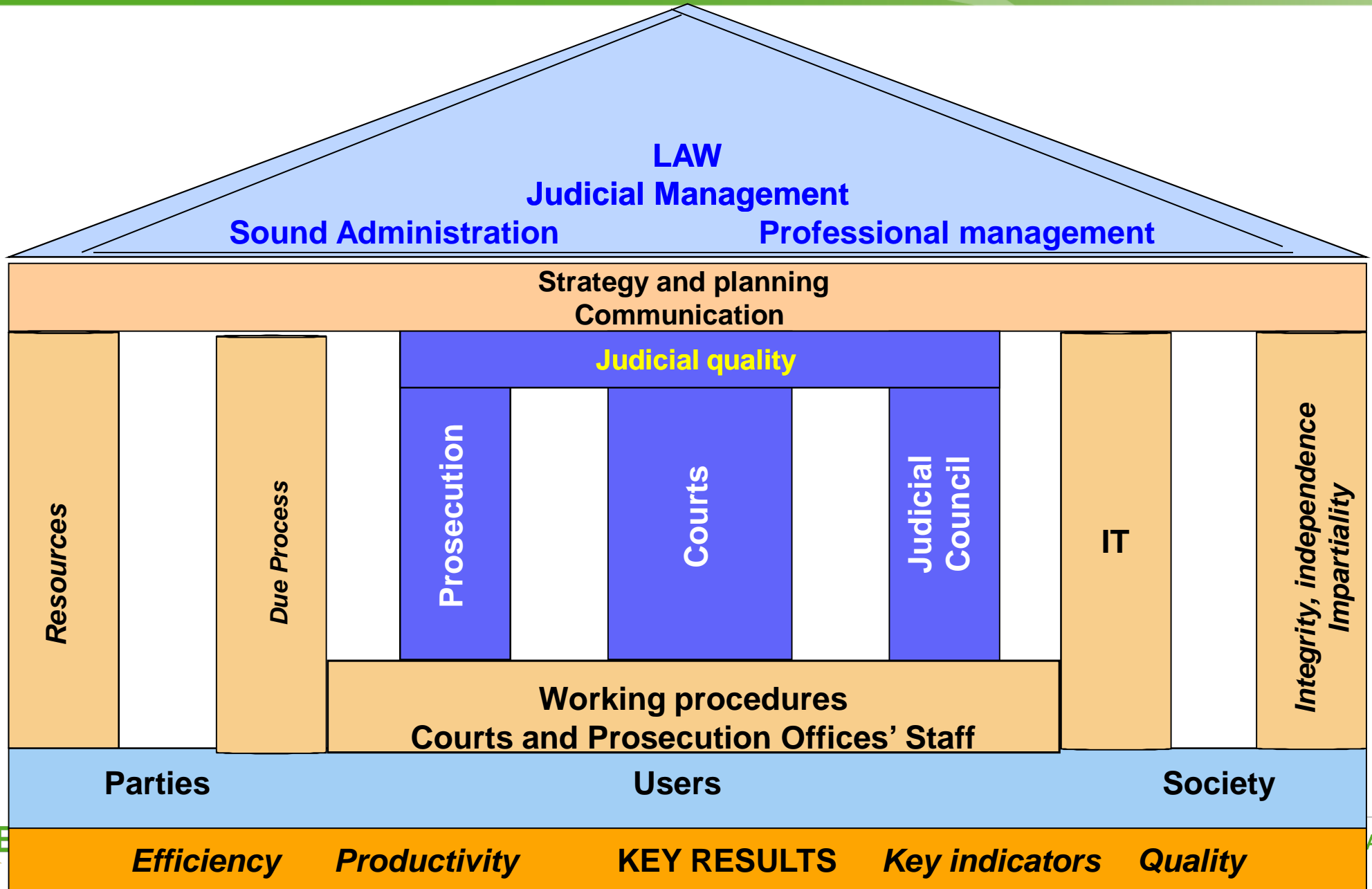


Quality of justice *Is Not just* “legal”



2009 EIPA Luxembourg, presentation of Mr. Francesco Conti, Researcher
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Modern Justice in 21st Century



Quality of the judicial systems

Task, institutions and actors

Judicial processes and proceedings

- **High Judicial Councils**
(Judges and Prosecutors)
- **Judiciary**
- **Prosecutors' Offices**
- **Law Enforcement**

- Judges & Prosecutors
- Law enforcement officers
- Legal Clerks

Administration of justice, of systems and activities

- High Judicial Councils
(Judges and Prosecutors)
- Ministry of Justice
- Judicial Training Institutes

- Judges & Prosecutors
- Legal Clerks
- Non-legal clerks
- Lawyers
- Legal advisors
- Linguists
- Economists
- Technical Staff
- Non-legal staff

European standards on effective prosecution

- Whatever the model of the national justice system or the legal tradition in EU **effective prosecution** means:
 - 1) Conducting a fair, impartial, independent and expeditious pursuit
 - 2) Complete administration of evidences, both inculpatory and exculpatory – finding the truth
 - 3) Sound inter-agencies coordination at national level and cross-border partners in judicial cooperation in criminal matters, all involved collaborate professionally
 - 4) Transparency and integrity

Standards of the European Union

- 1) Guarantee the respect of the procedural rights or the suspected and accused persons (their right to defence and fair trial)
- 2) Victims' protection
- 3) Witnesses protection
- 4) Appropriate management of the length of judicial proceedings

number of unresolved cases

clearance rate - the ratio of the number of resolved cases over the number of incoming cases

number of pending cases

The Future

- Effective prosecution is indispensable for mutual trust, respect, recognition and execution of judicial decisions taken by the prosecutors from another EU MS
- The on-going EU criminal justice reform
 - extension of the Eurojust competences,
 - establishment of the European Public Prosecutors Office
 - increase the potential of the European Judicial Network in Criminal Matters and of the Joint Investigation Teams,
 - European Investigation Order in force in 2017

will increase significantly the challenges the prosecutors will face in the near future.



- **Coordinated by Europol**
 - **34 participating countries, Eurojust, Frontex and INTERPOL**
- the biggest ever cooperated international law enforcement operation targeting serious and organised crime in the EU and involved actions at hundreds of locations
- **1146** individuals arrested – 90 THB, 170 illegal migration
- **30** children saved from trafficking
- **599 kg cocaine, 200kg** of heroin seized; **1.8t** of cannabis seized
- **1million** euros in cash confiscated
- **1,5 million** packages of cigarettes confiscated
- **17** stolen cars seized
- **1** illegal factory for counterfeited medicines

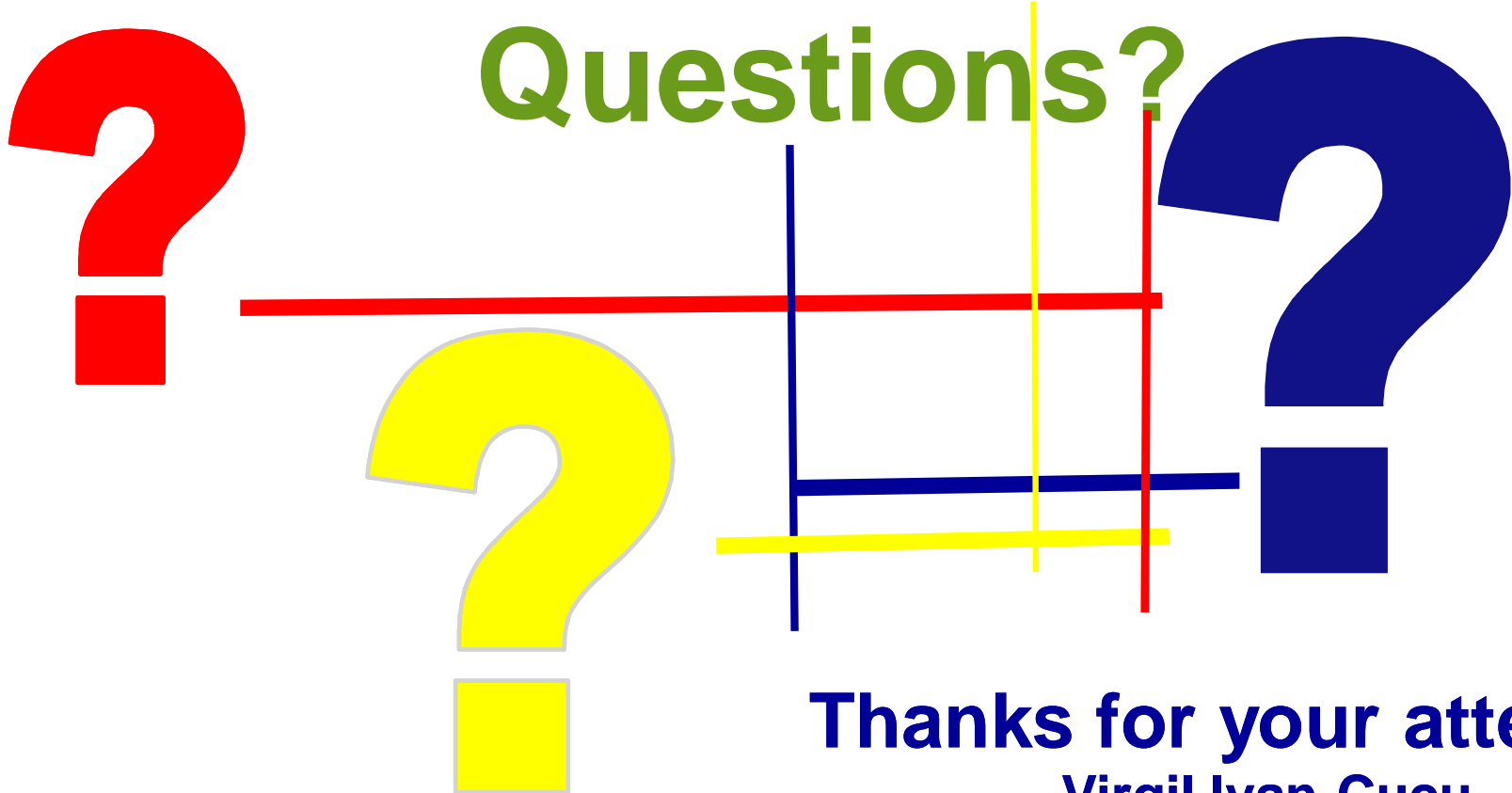
- **20,000** law enforcement agents
- **300** actions
- Harbours, airports, bus stations, cross points in 34 countries



SUCCESS OR FAILURE?

***RESOURCES VS. RESULTS
IMAGE PROMOTION VS. DETERRENT EFFECT
COORDINATED ACTIONS VS LOCAL ENFORCEMENT
RAIDS***





Thanks for your attention
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