Attitudes of Prosecutors for Reforms in Prosecution and Criminal Proceedings
Survey characteristics

The survey was commissioned by Bulgarian Institute for Legal Initiative Foundation and was carried out by Global Metrics, agency for social and marketing research.

**Quantitative survey**

- **Sample size**: 450 interviews among prosecutors
- **Sample design**: Quota sample
- **Representativeness**: National representative for Prosecutions’ offices

**Qualitative survey**

- **Number of in-depth interviews**: 45
- **Method of selection**: Typological recruitment
- **Target group**: Judges, prosecutors, investigators and investigating policemen
Sample characteristics

Comparison between survey sample structure and structure of prosecutors in Bulgaria according to the type of prosecution

Source: Supreme Judicial Council and Global Metrics
How would you rate the reforms in the prosecution during the last year and a half?

- Prosecution is changing for the better and the changes are significant: 31.19%
- Separate little things are changing for the better but there are still no significant reforms: 40.37%
- Individual aspects in the activities of prosecution are getting worse, although no large negative results can be observed: 13.76%
- There is a significant deterioration of the situation: 9.17%
- No answer: 5.5%
Number of answers to question "What are the main difficulties and problems the prosecution is facing?"

Average problems mentioned - 6.67
What are the main difficulties and problems the prosecution is facing? (1)

- Process is too formal: 67.89%
- Formal evaluation, which does not create motivation for quality work and does not identify weaknesses and gaps in the work of each prosecutor: 50.46%
- Poor job of the investigating policemen: 46.79%
- Lack of clear and transparent mechanisms for advancement in the hierarchy: 44.95%
- Poor legislative process and too frequent changes causing problems in the regulatory framework: 40.37%

*Multiple response question. Sum of answers is more than 100 because more than one answer was given.*
What are the main difficulties and problems the prosecution is facing? (2)

<table>
<thead>
<tr>
<th>Difficulty</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low level of trust in the work of the prosecution</td>
<td>36.70</td>
</tr>
<tr>
<td>Low level of remuneration</td>
<td>34.86</td>
</tr>
<tr>
<td>Lack of adequate expertise and technological support</td>
<td>32.11</td>
</tr>
<tr>
<td>Lack of motivation to work among most of the prosecutors</td>
<td>29.36</td>
</tr>
<tr>
<td>Contradictory and scattered internal regulations</td>
<td>29.36</td>
</tr>
<tr>
<td>Lack of a sense of common mission and a key role in fighting crime and creating legal order</td>
<td>27.52</td>
</tr>
<tr>
<td>Poor facilities, lack of working areas or areas with poor or inadequate working conditions</td>
<td>26.61</td>
</tr>
</tbody>
</table>

Multiple response question. Sum of answers is more than 100 because more than one answer was given.
What are the main difficulties and problems the prosecution is facing? (3)

- Excessive workload of prosecutors in some prosecutions and poor organization of human resources: 25.69%
- Excessive centralization and hierarchical intervention: 23.85%
- Lack of opportunity for specialization and training: 22.94%
- There are too many factors restricting the free inner conviction and independence of a prosecutor: 21.10%

Multiple response question. Sum of answers is different from 100 because more than one answer was given.
What are the main difficulties and problems the prosecution is facing? (4)

<table>
<thead>
<tr>
<th>Difficulty</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prosecutors are deprived of sufficient personal initiative and the ability and incentives to focus on more complex cases</td>
<td>20.18</td>
</tr>
<tr>
<td>Lack of specialized teams and developed specific methods for working on complex forms of criminal activity</td>
<td>20.18</td>
</tr>
<tr>
<td>Use of disciplinary sanctions as a practice for biased punishment of certain prosecutors and not for improving the process of justice</td>
<td>15.60</td>
</tr>
<tr>
<td>Too much pressure in certain cases</td>
<td>14.68</td>
</tr>
<tr>
<td>Frequently prosecutors have to appear in the court without knowing in advance about that and cannot be properly acquainted with the materials of the case making it impossible to conduct a coherent strategy...</td>
<td>6.42</td>
</tr>
</tbody>
</table>

Multiple response question. Sum of answers is different from 100 because more than one answer was given.
During the assignment of files, are you aware of cases in which the principle of random assignment was not applied?

- Yes, for reasons related to the specialization: 23.85
- Yes, without a convincing explanation: 17.43
- No: 56.88
- No answer: 1.83
Do you know whether in your prosecution there are cases in which with a decision of the superior prosecutor, one case has been "taken" from the initial supervising prosecutor and was assigned to another prosecutor?
Are you aware of situations where prosecutors have received verbal instructions from superior prosecutors on specific cases?

- Yes, frequently: 11.01%
- Yes, single: 31.19%
- No: 54.13%
- No answer: 3.67%
Assessment of the performance of prosecutors?

Does assessment provide a real and fair evaluation of the performance of prosecutors?

- Yes: 2.75%
- Rather yes: 13.76%
- Rather no: 56.88%
- No: 24.77%
- No answer: 1.83%

Do you personally feel that you are properly and adequately assessed?

- Yes: 13.76%
- Rather yes: 36.70%
- Rather no: 29.36%
- No: 11.01%
- No answer: 9.17%
According to you how true is the statement that in the hierarchy of the Prosecution (Prosecutor’s Office) people with the best professional and moral qualities are advancing in the career?

- I totally agree: 3.67
- Rather agree: 20.18
- Rather disagree: 38.53
- I totally disagree: 36.70
Which of the following statements suits best to your opinion? (1)

- I have the feeling that together with other prosecutors we are fighting to establish justice and rule of law.
  - Agree: 76.15%
  - Do not agree: 20.18%
  - No answer: 20.18%

- Regardless of the controversial results in major criminal cases, in everyday life when working on majority of cases, prosecutors perform very well.
  - Agree: 85.32%
  - Do not agree: 9.17%
  - No answer: 9.17%

- The majority of prosecutors around me are good professionals who conscientiously do their job.
  - Agree: 88.07%
  - Do not agree: 9.17%
  - No answer: 9.17%

- I see sense and benefit for the society from the work of the prosecution office where I work.
  - Agree: 89.91%
  - Do not agree: 7.34%
  - No answer: 9.17%

- Generally I like my job.
  - Agree: 95.41%
  - Do not agree: 4.59%
Which of the following statements suits best to your opinion? (2)

- My job as a prosecutor is guaranteeing stability and security
  - Agree: 54.13%
  - Do not agree: 38.51%
  - No answer: 13.76%

- I like the work of the prosecutor but not the way the Bulgarian Prosecution performs
  - Agree: 54.13%
  - Do not agree: 43.12%
  - No answer: 2.75%

- The prosecution has a comprehensive strategy for reform with clear measures and priorities
  - Agree: 39.45%
  - Do not agree: 55.05%
  - No answer: 5.50%

- For administrative leaders in the prosecution system are appointed people with vision and high professional and moral qualities
  - Agree: 30.28%
  - Do not agree: 60.55%
  - No answer: 9.17%

- Prosecution in Bulgaria works well and does not need reform
  - Agree: 13.76%
  - Do not agree: 81.65%
  - No answer: 4.59%
In your opinion is there a different treatment in the application of disciplinary measures, i.e. in some cases for the same offenses penalties are imposed, while in others - not?
If a case of overriding public interest fails, is anyone internally held accountable – individual prosecutor or a group of prosecutors?
What changes do you think are necessary to ensure that the evaluation of the work of the prosecutor's focus will be more on the quality of work rather than formal and quantitative indicators?

- Change in the methodology for evaluation: 65,14
- Creation of a unified central Attestation Commission to ensure thoroughness of the evaluations and uniform standard: 40,37
- Expansion and regulation of the power to assess the work of the prosecutor’s immediate administrative leader who best knows his work: 34,86
- Providing more time to the auxiliary appraisal commissions and enhance the motivation of their members: 17,43
- Extending the powers of the Inspectorate to the Supreme Judicial Council: 3,67
- Other: 2,63

Multiple response question. Sum of answers is more than 100 because more than one answer was given.
Correlation between level of satisfaction and importance of key characteristics of Bulgarian Prosecutor's Office (1)

Results show high importance and low level of satisfaction of all characteristic

**X axis:** The average score on a scale from 1 to 10, where 1 - there is no or almost absent in the Bulgarian Prosecutor's Office, and 10 - to a large extent has been achieved.

**Y axis:** The average score on a scale from 1 to 10, where 1 – not at all important, and 10 – very important.
Correlation between level of satisfaction and importance of key characteristics of Bulgarian Prosecutor's Office (2)

X axis: The average score on a scale from 1 to 10, where 1 - there is no or almost absent in the Bulgarian Prosecutor's Office, and 10 - to a large extent has been achieved.

Y axis: The average score on a scale from 1 to 10, where 1 – not at all important, and 10 – very important.
What do you think is the role of the European Commission Mechanism for Cooperation and Verification for achieving reforms in the prosecution and the judicial system?

- Positive, the CVM of the European Commission should continue: 48%
- No significant role, it is better to terminate the CVM of the European Commission: 20%
- I don’t know: 32%
What is your opinion on the recommendations included in the report of the CVM about the work of the prosecution?

- The recommendations are too general and do not show knowledge on the realities in the Bulgarian judiciary and prosecution: 39.45%
- The recommendations are very important they reflect the real problems of the judicial system and the prosecution in particular: 30.28%
- The recommendations are too political, there is a lack of solid arguments and justification of the allegations: 27.52%
- The Mechanism is an important tool for achieving change but its effect can be improved if more accurate findings and recommendations are made: 27.52%
- Only through pressure from the European Commission (EC) the judicial system and the prosecution in particular can achieve some positive changes: 25.69%
- Other, please specify: 1.80%

Multiple response question. Sum of answers is more than 100 because more than one answer was given.
Opinion about **competitions for initial entering in the system**

- Are carried out based on clear and objective criteria: 36.70%
- Commissions are competent and are applying equal standards in the evaluation of all candidates: 16.51%
- Selected candidates are in fact the best prepared: 16.51%
- Clear and uncontroversial cases are used: 14.68%
- They are conducted honestly and without manipulation: 10.09%
- None of the above: 43.86%

Multiple response question. Sum of answers is different from 100 because more than one answer was given.
Opinion about competitions for promotion of magistrates

- Are carried out based on clear and objective criteria: 20.18
- Are conducted honestly and without manipulation: 9.17
- Selected candidates are in fact the best prepared: 7.34
- Commissions are competent and are applying equal standards in the evaluation of all candidates: 6.42
- Clear and uncontroversial cases are used: 1.83
- None of the above: 70.88

Multiple response question. Sum of answers is more than 100 because more than one answer was given.
Opinion about **competitions for Presidents** of courts and prosecution offices

Selected candidates are aware of the problems and weak points and have a vision for the development of the relevant structure: 23.85%

Are carried out based on clear and objective criteria: 20.18%

Are conducted in a transparent way: 10.09%

Selected candidates are in fact the best prepared and best suited for the job: 9.17%

None of the above: 52.68%

*Multiple response question. Sum of answers is more than 100 because more than one answer was given.*
In your opinion, how spread is corruption and improper influence in different parts of the judicial and law enforcement system?

The average scores are on a scale from 1 to 10, where 1 is poorly distributed, and 10 - highly distributed.

<table>
<thead>
<tr>
<th>Category</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Among the managers in the system of the Ministry of Interior</td>
<td>5.54</td>
</tr>
<tr>
<td>Among the members of the Supreme Judicial Council</td>
<td>5.39</td>
</tr>
<tr>
<td>Among the experts witnesses</td>
<td>4.54</td>
</tr>
<tr>
<td>Among the Court Presidents</td>
<td>4.38</td>
</tr>
<tr>
<td>Among the judges</td>
<td>4.11</td>
</tr>
<tr>
<td>Among the Heads of prosecution offices</td>
<td>3.98</td>
</tr>
<tr>
<td>Among the prosecutors</td>
<td>3.64</td>
</tr>
<tr>
<td>Among investigation police</td>
<td>3.58</td>
</tr>
<tr>
<td>Among the investigators</td>
<td>3.37</td>
</tr>
<tr>
<td>Among administrative staff in prosecutions and the courts</td>
<td>2.60</td>
</tr>
</tbody>
</table>
Which, in your opinion, of the following forms of unethical or corrupt behavior are met among prosecutors? (1)

<table>
<thead>
<tr>
<th>Behavior</th>
<th>Often</th>
<th>Sometimes</th>
<th>Very Rarely</th>
<th>Never or Almost Never</th>
<th>No Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Succumbing to hierarchical pressure</td>
<td>12,84</td>
<td>28,44</td>
<td>38,53</td>
<td>13,76</td>
<td>6,42</td>
</tr>
<tr>
<td>Abuse of power by court and prosecution leadership</td>
<td>7,34</td>
<td>12,84</td>
<td>23,85</td>
<td>49,54</td>
<td>6,42</td>
</tr>
<tr>
<td>Selective use of the opportunities for self-referral</td>
<td>5,50</td>
<td>18,35</td>
<td>35,78</td>
<td>35,78</td>
<td>4,59</td>
</tr>
<tr>
<td>Excessive pursuit of positive media coverage</td>
<td>4,59</td>
<td>32,11</td>
<td>36,70</td>
<td>20,18</td>
<td>6,42</td>
</tr>
<tr>
<td>Abuse of power to improve the formal indicators of performance evaluation</td>
<td>3,67</td>
<td>27,52</td>
<td>31,19</td>
<td>29,36</td>
<td>8,26</td>
</tr>
<tr>
<td>Yielding to pressure from influential political and economic factors</td>
<td>3,67</td>
<td>21,10</td>
<td>31,19</td>
<td>36,70</td>
<td>7,34</td>
</tr>
</tbody>
</table>
Which, in your opinion, of the following forms of unethical or corrupt behavior are met among prosecutors? (2)

<table>
<thead>
<tr>
<th>Behavior</th>
<th>Often (%)</th>
<th>Sometimes (%)</th>
<th>Very Rarely (%)</th>
<th>Almost Never (%)</th>
<th>Never or Almost Never (%)</th>
<th>No Answer (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bias instead of striving to reveal the objective truth</td>
<td>3.67</td>
<td>15.60</td>
<td>41.28</td>
<td>32.11</td>
<td>7.34</td>
<td></td>
</tr>
<tr>
<td>Abuse of prosecutorial powers to put pressure on economic entities</td>
<td>2.75</td>
<td>11.93</td>
<td>31.19</td>
<td>46.79</td>
<td>7.34</td>
<td></td>
</tr>
<tr>
<td>Keeping relations with suspicious persons with economic, political or social influence, that might question the independence of the prosecutor</td>
<td>2.75</td>
<td>24.77</td>
<td>36.70</td>
<td>29.36</td>
<td>6.42</td>
<td></td>
</tr>
<tr>
<td>Succumbing to the influence from colleagues</td>
<td>2.75</td>
<td>25.69</td>
<td>35.78</td>
<td>25.69</td>
<td>10.09</td>
<td></td>
</tr>
<tr>
<td>Lack of sufficient attention to the victims of crime</td>
<td>2.75</td>
<td>26.61</td>
<td>33.94</td>
<td>32.11</td>
<td>4.59</td>
<td></td>
</tr>
<tr>
<td>Unprofessional attitude towards citizens and parties in the process</td>
<td>2.75</td>
<td>38.53</td>
<td>28.44</td>
<td>25.69</td>
<td>4.59</td>
<td></td>
</tr>
</tbody>
</table>
Which, in your opinion, of the following forms of unethical or corrupt behavior are met among prosecutors? (3)

<table>
<thead>
<tr>
<th>Behavior</th>
<th>Often</th>
<th>Sometimes</th>
<th>Very Rarely</th>
<th>Never or almost never</th>
<th>No answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt of other benefits (services, etc.) by a prosecutor or his relatives</td>
<td>1.83</td>
<td>19.27</td>
<td>26.61</td>
<td>45.87</td>
<td>6.42</td>
</tr>
<tr>
<td>Noncollegial attitude to policemen and investigators</td>
<td>1.83</td>
<td>29.36</td>
<td>38.53</td>
<td>25.69</td>
<td>4.59</td>
</tr>
<tr>
<td>Contempt of court</td>
<td>0.92</td>
<td>6.42</td>
<td>22.94</td>
<td>61.47</td>
<td>8.26</td>
</tr>
<tr>
<td>Taking of bribery</td>
<td>0.92</td>
<td>15.60</td>
<td>21.10</td>
<td>55.96</td>
<td>6.42</td>
</tr>
<tr>
<td>Noncollegial attitude to lawyers</td>
<td>0.92</td>
<td>18.35</td>
<td>50.46</td>
<td>25.69</td>
<td>4.59</td>
</tr>
<tr>
<td>Abuse of power or substandard work due to overload</td>
<td>0.92</td>
<td>23.85</td>
<td>36.70</td>
<td>32.11</td>
<td>6.42</td>
</tr>
</tbody>
</table>
Thank you for your attention!

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