

Attitudes of Prosecutors for Reforms in Prosecution and Criminal Proceedings



GLOBAL METRICS Ltd.



 **B i L I**
Bulgarian Institute for Legal Initiatives



AMERICA FOR BULGARIA
F O U N D A T I O N

Фондация Америка за България

The current survey is part of the broader analysis "Index for Reform in the Prosecution 2013". The survey is developed with the support of the "America for Bulgaria" Foundation (ABF). All statements, conclusions and recommendations are solely those of the BILI team and are in no way binding on the ABF.

The America for Bulgaria Foundation assists in growing and strengthening a vibrant market economy and democratic society in Bulgaria, helping the country to realize its full potential as a successful, modern European nation. Founded in 2008, the ABF is a successor to the Bulgarian American Enterprise Fund, an investment fund created by the U.S. government acting through the U.S. Agency for International Development. The grants provided by ABF build on the legacy of goodwill and friendship that exists between the American people and the citizens of Bulgaria.

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

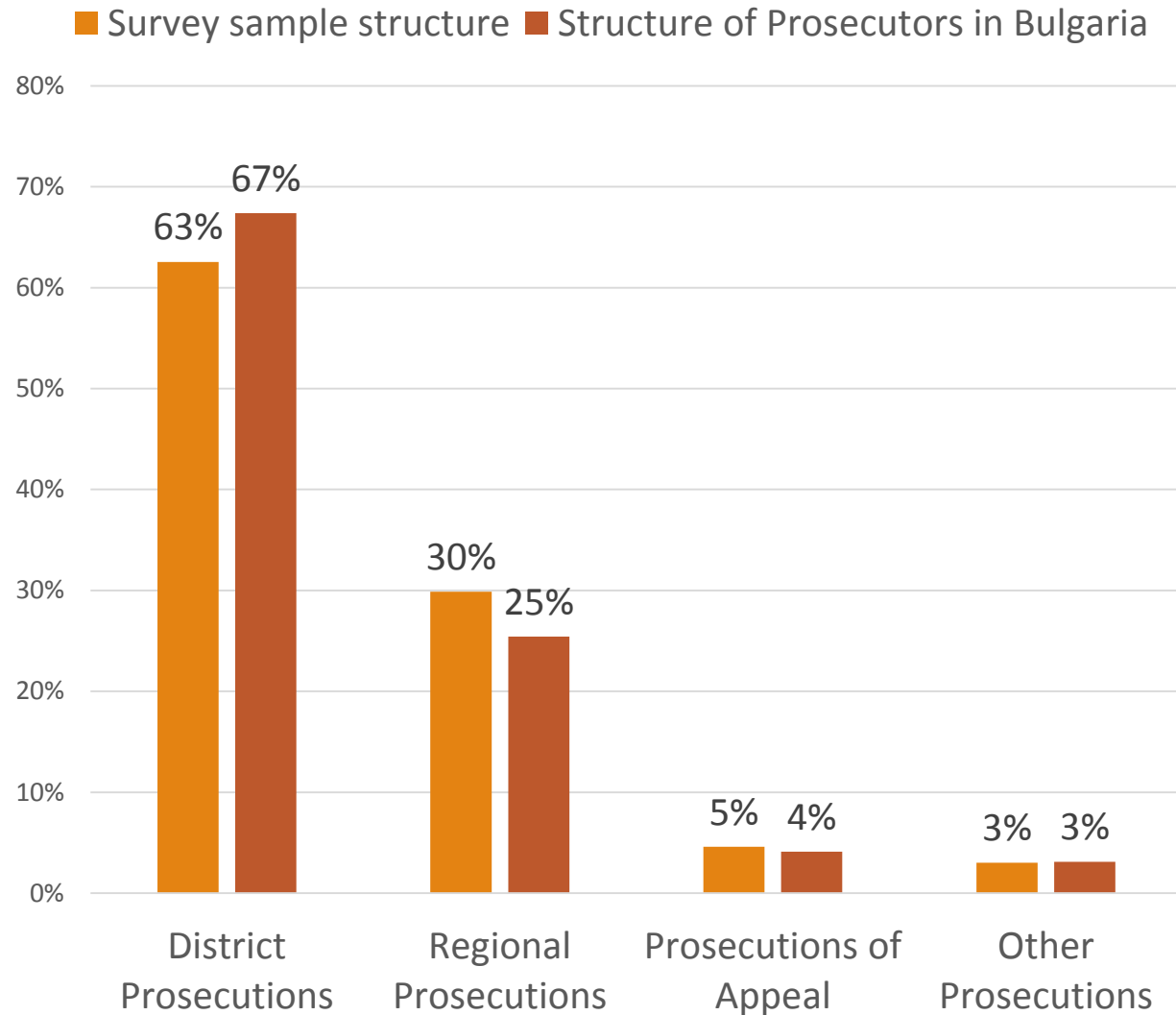
Typological recruitment

Target groups

Judges, prosecutors, investigators and investigating policemen

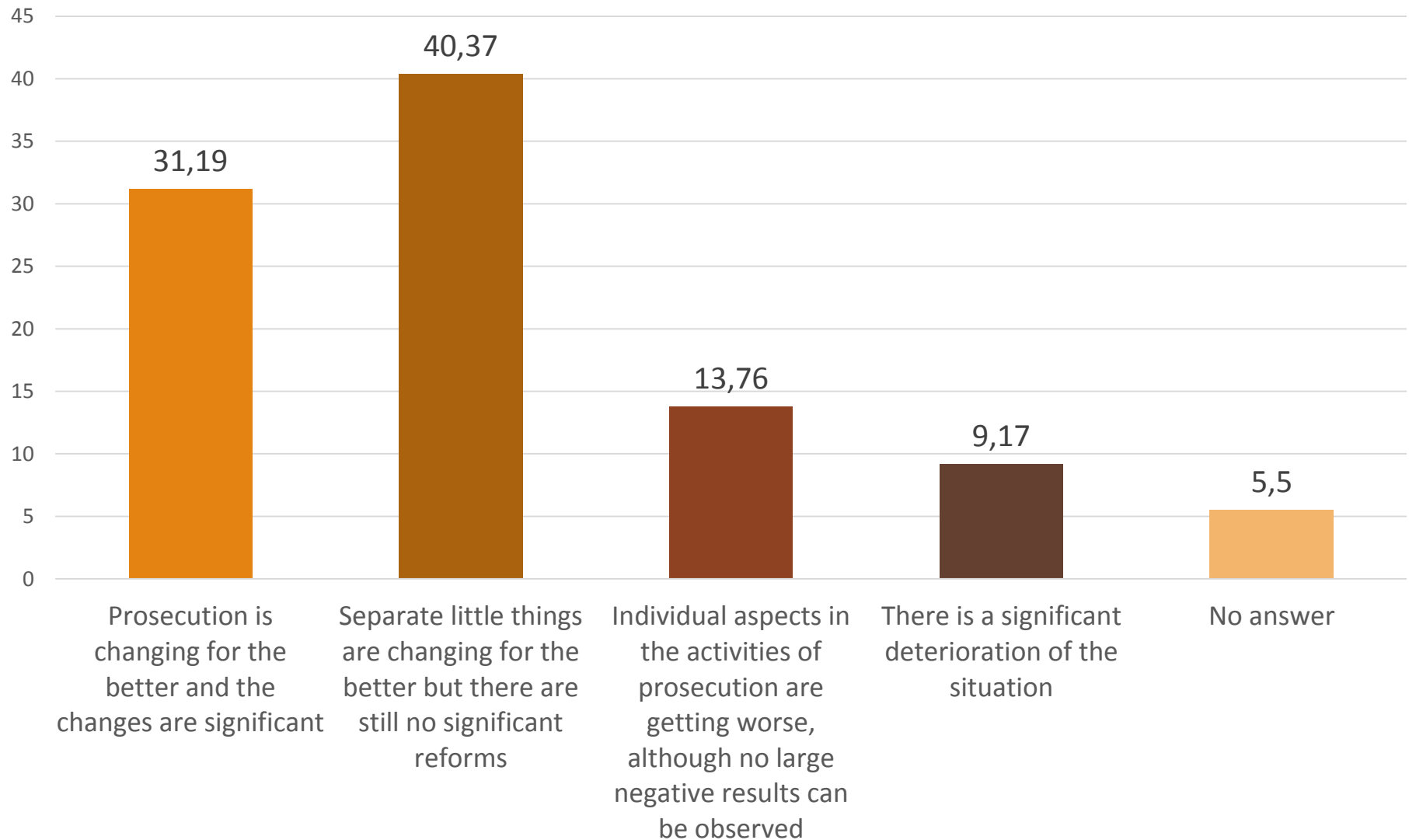
Sample characteristics

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

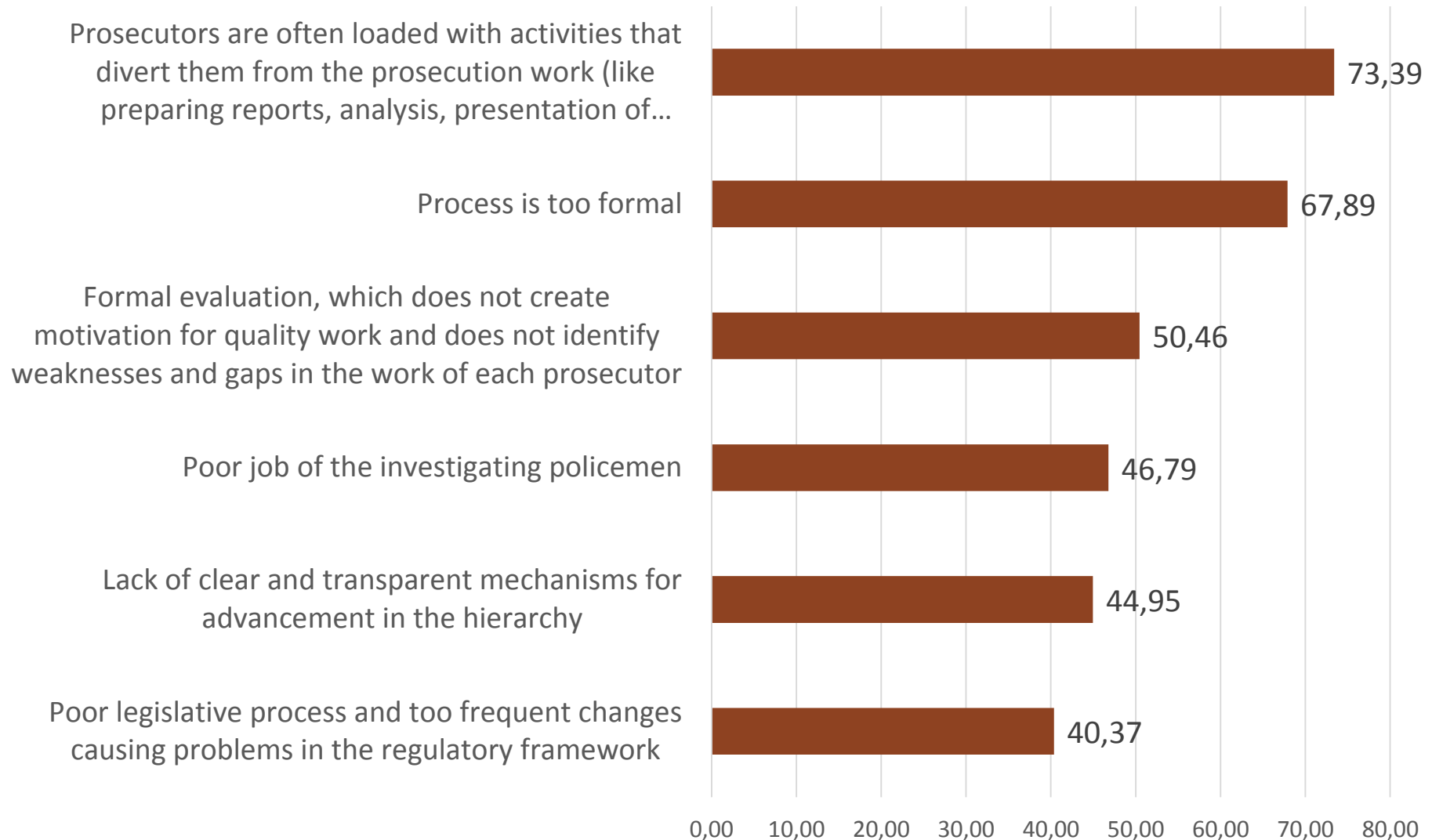


Source: Supreme Judicial Council and Global Metrics

How would you rate the reforms in the prosecution during the last year and a half?



What are the main difficulties and problems the prosecution is facing? (1)



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)



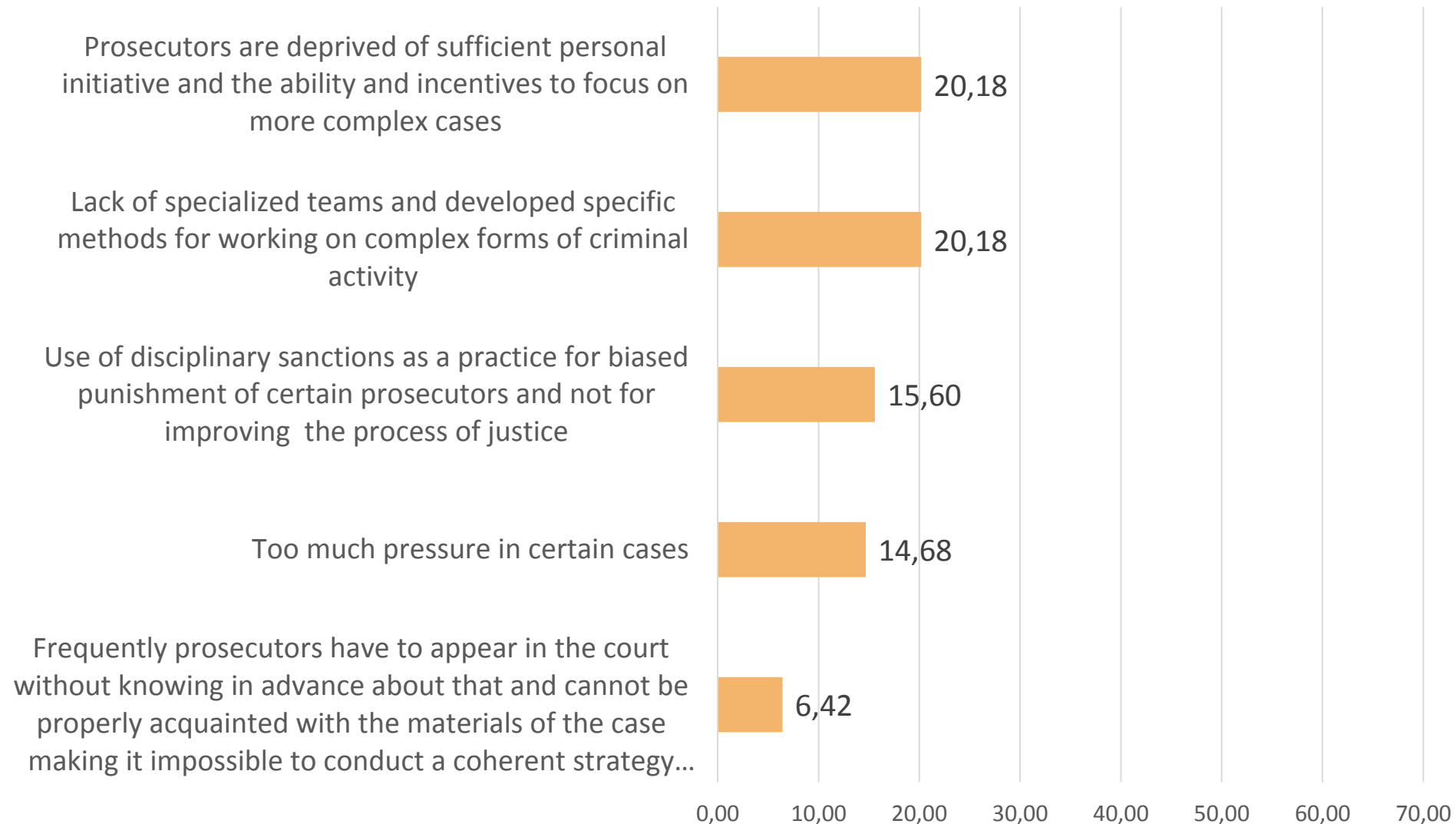
Multiple response question. Sum of answers is more than 100 because more than one answer was given.

What are the main difficulties and problems the prosecution is facing? (3)



Multiple response question. Sum of answers is different from 100 because more than one answer was given.

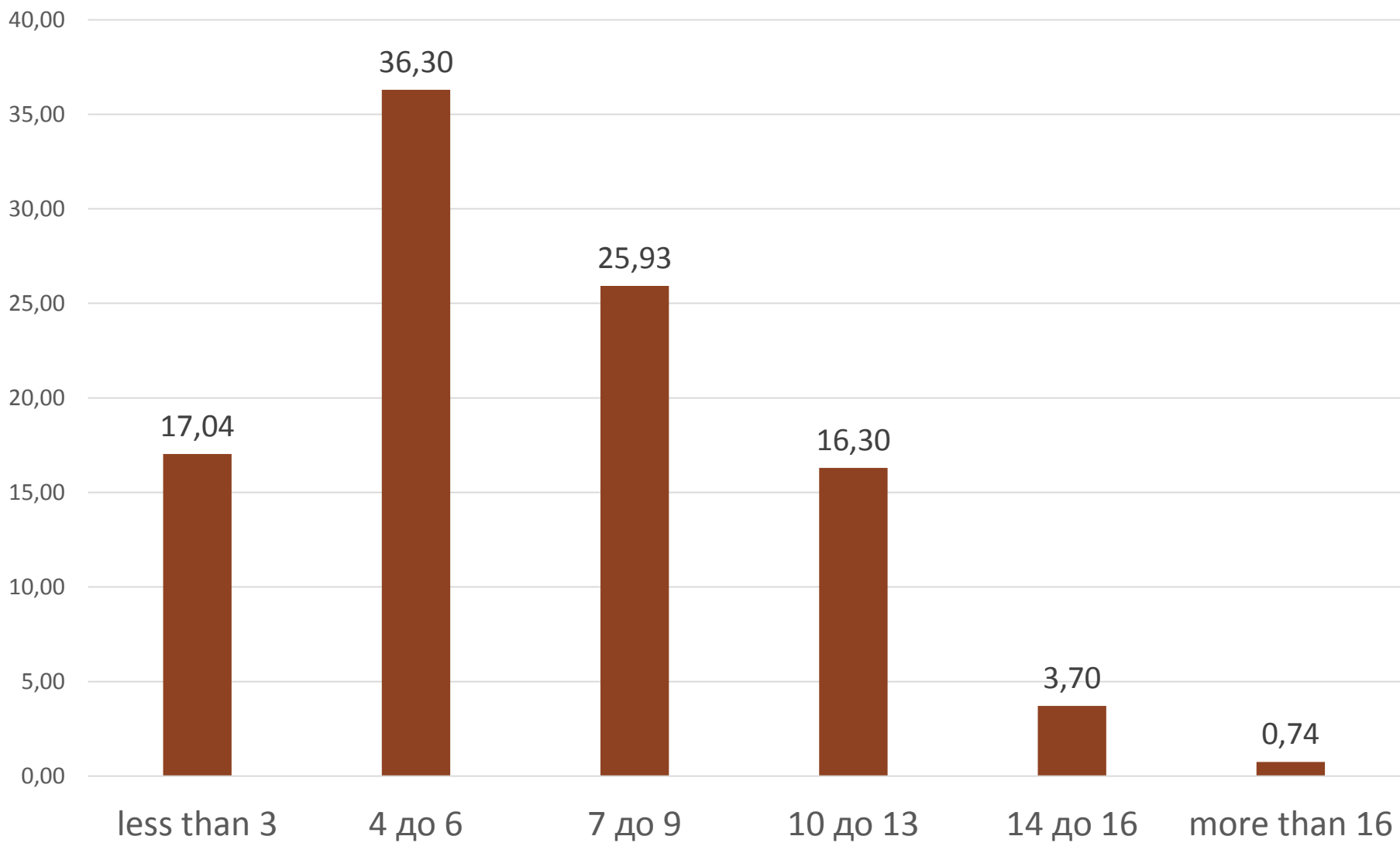
What are the main difficulties and problems the prosecution is facing? (4)



Multiple response question. Sum of answers is different from 100 because more than one answer was given.

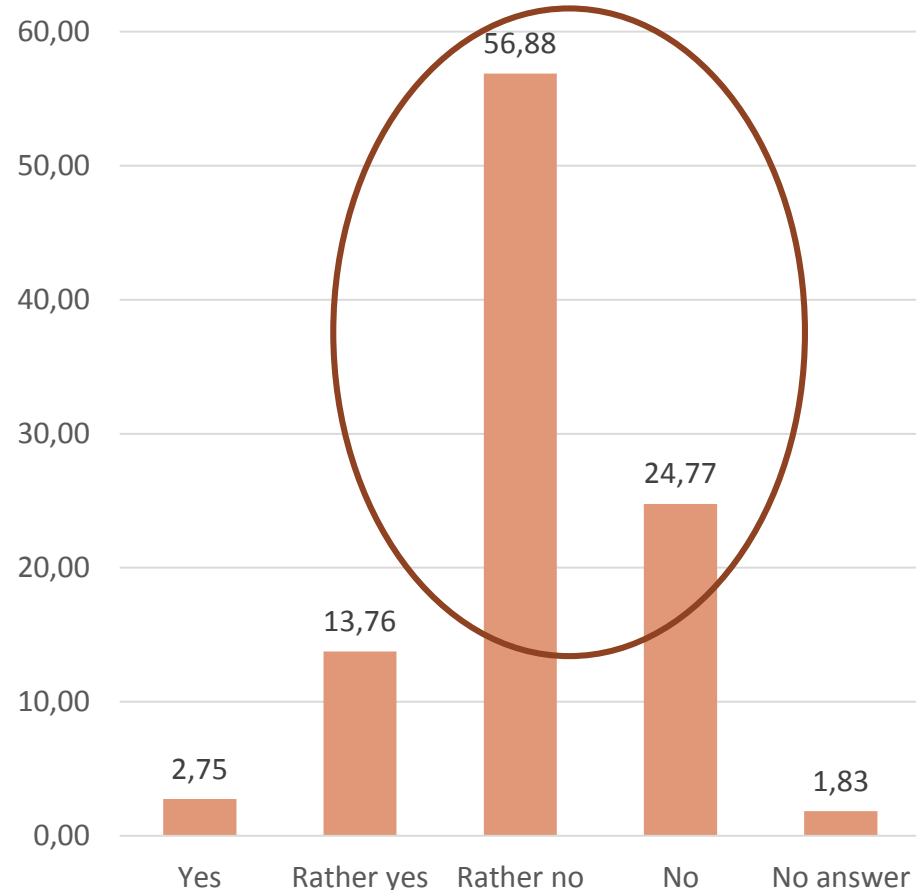
Number of answers to question "What are the main difficulties and problems the prosecution is facing?"

Average problems mentioned - 6.67

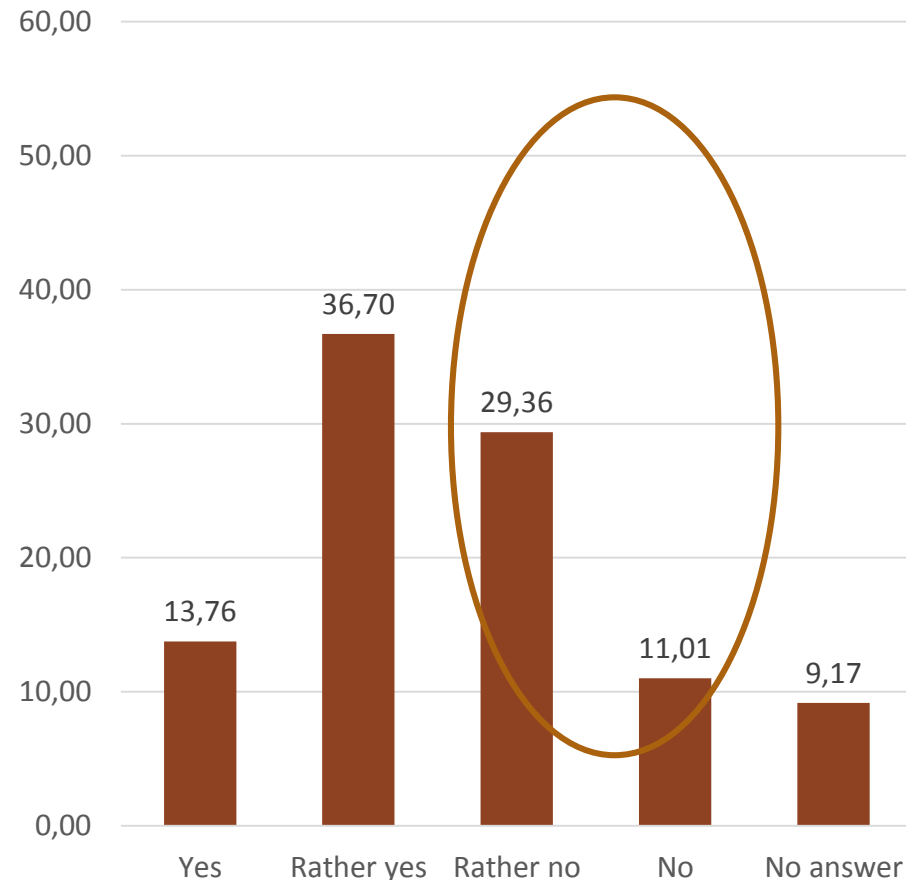


Assessment of the performance of prosecutors

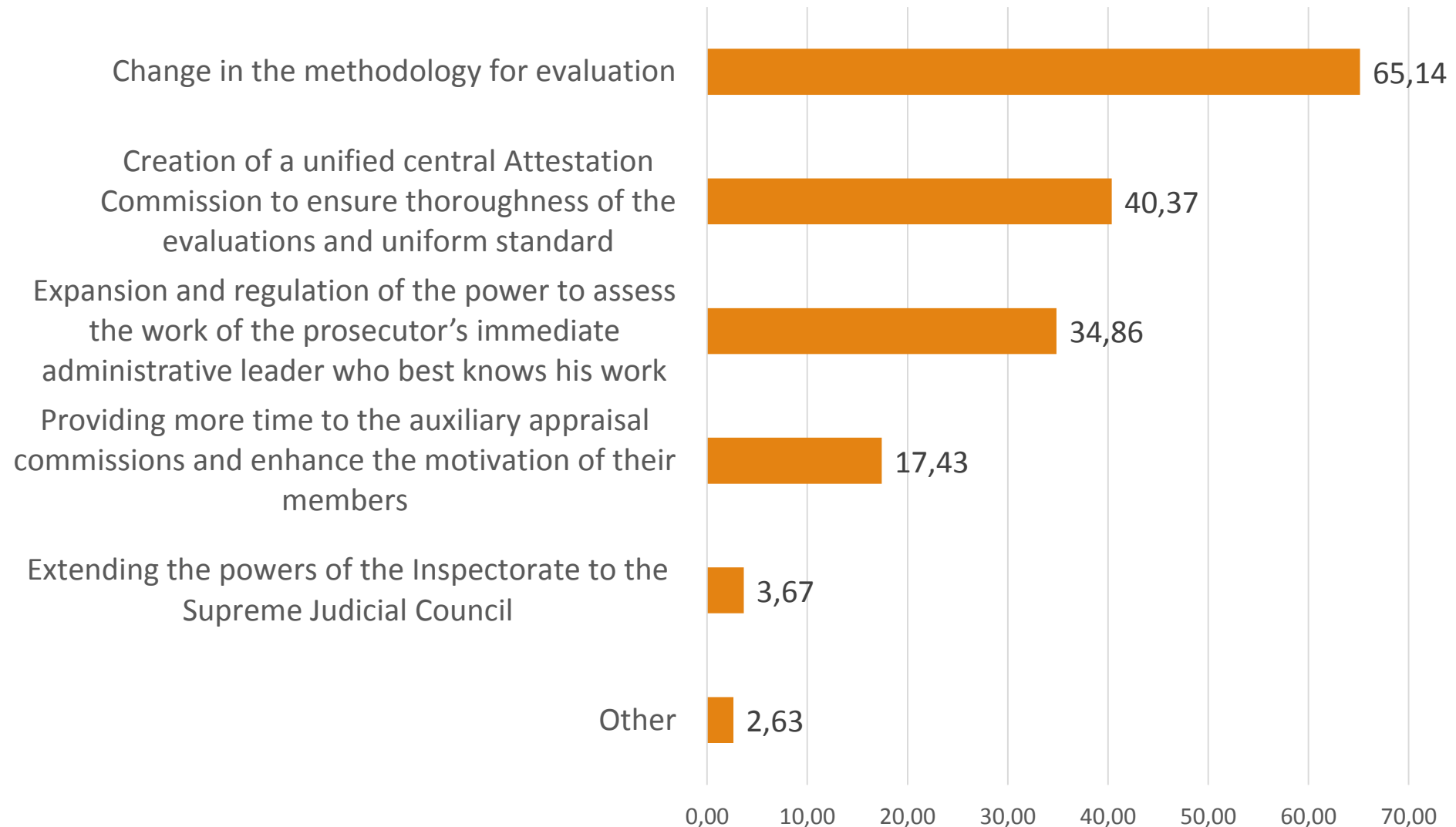
Does assessment provide a real and fair evaluation of the performance of prosecutors?



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

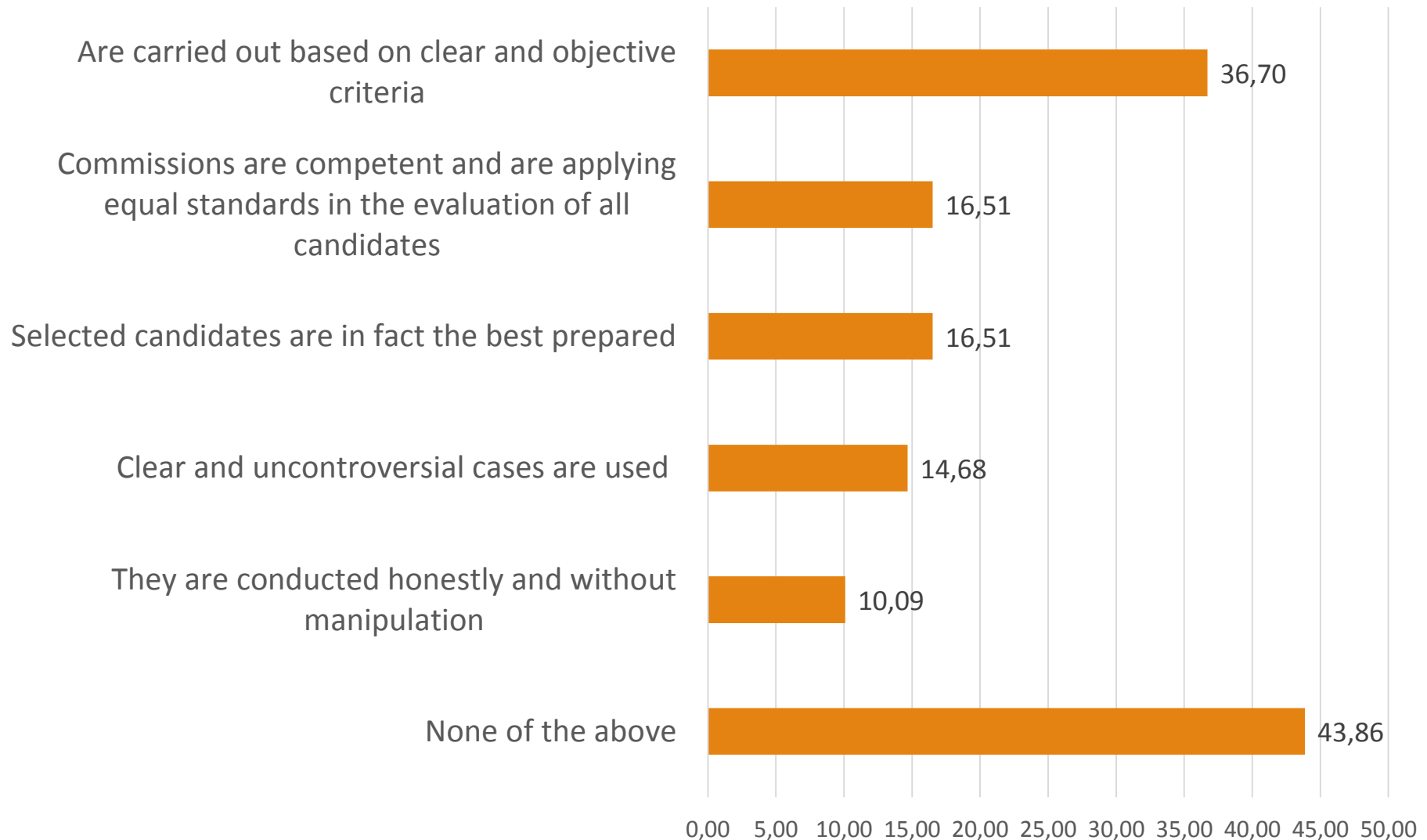


What changes do you think are necessary to ensure that the evaluation of the work of the prosecutor's focus will be more on the quality of work rather than formal and quantitative indicators?



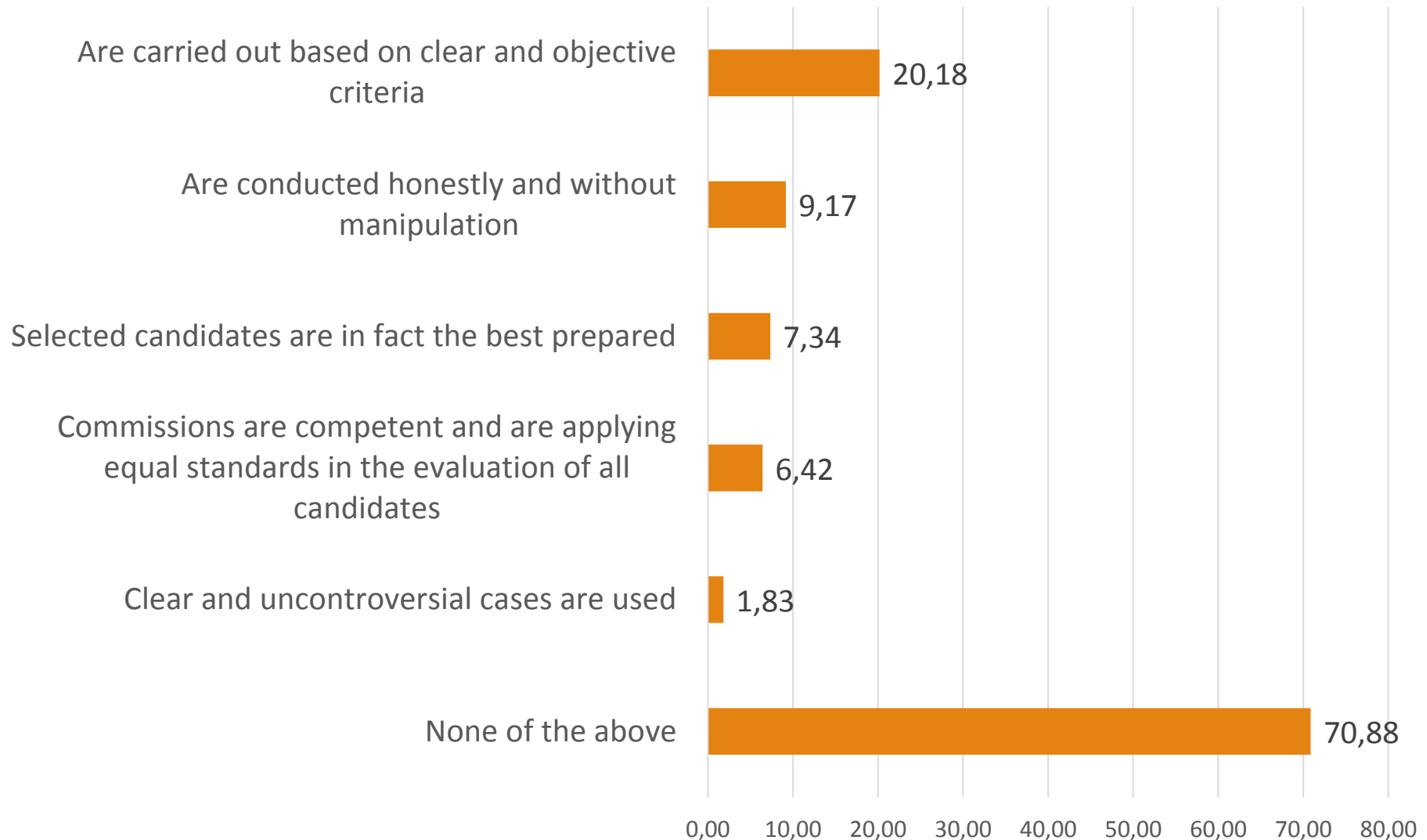
Multiple response question. Sum of answers is more than 100 because more than one answer was given.

Opinion about competitions for initial entering in the system



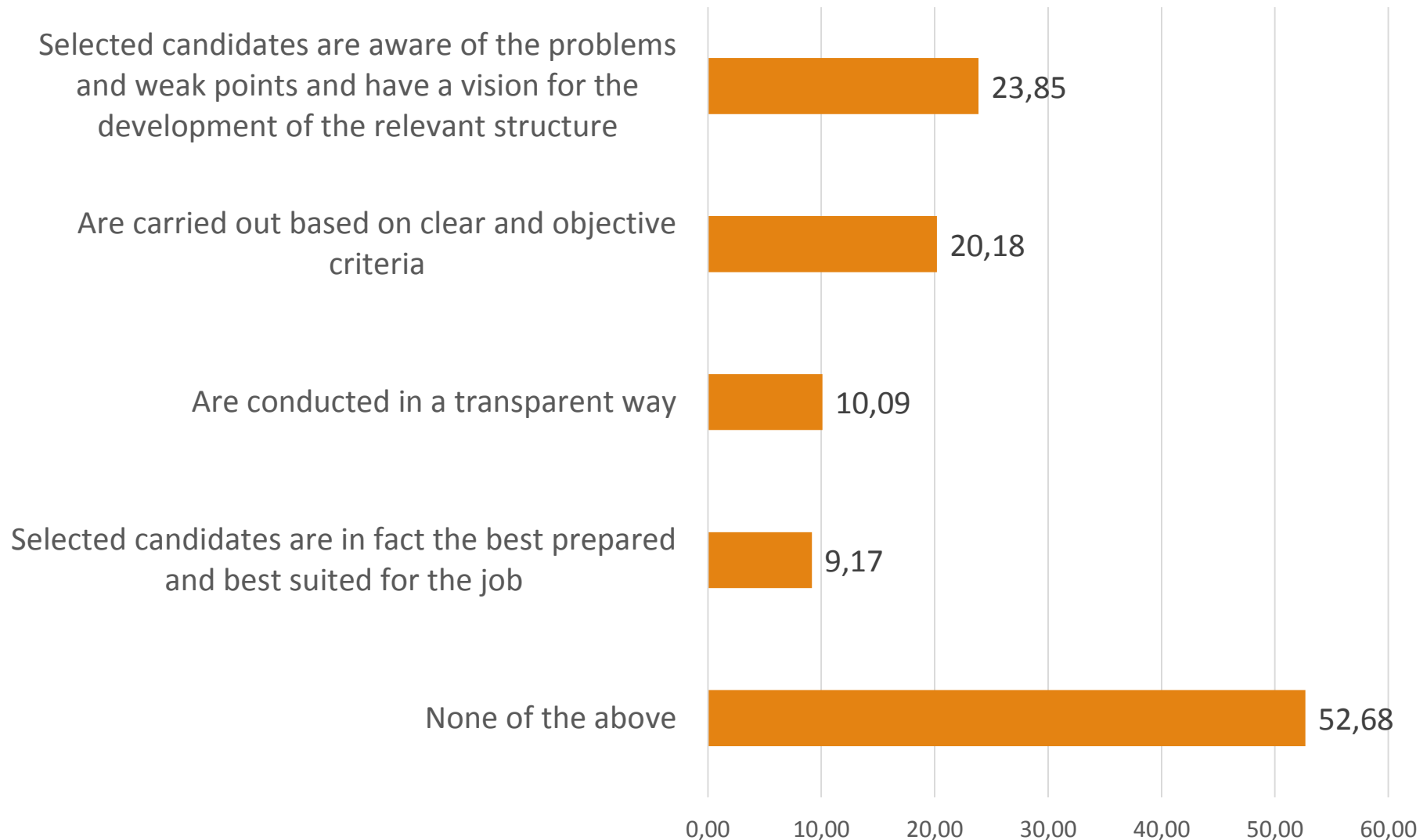
Multiple response question. Sum of answers is different from 100 because more than one answer was given.

Opinion about competitions for promotion of magistrates



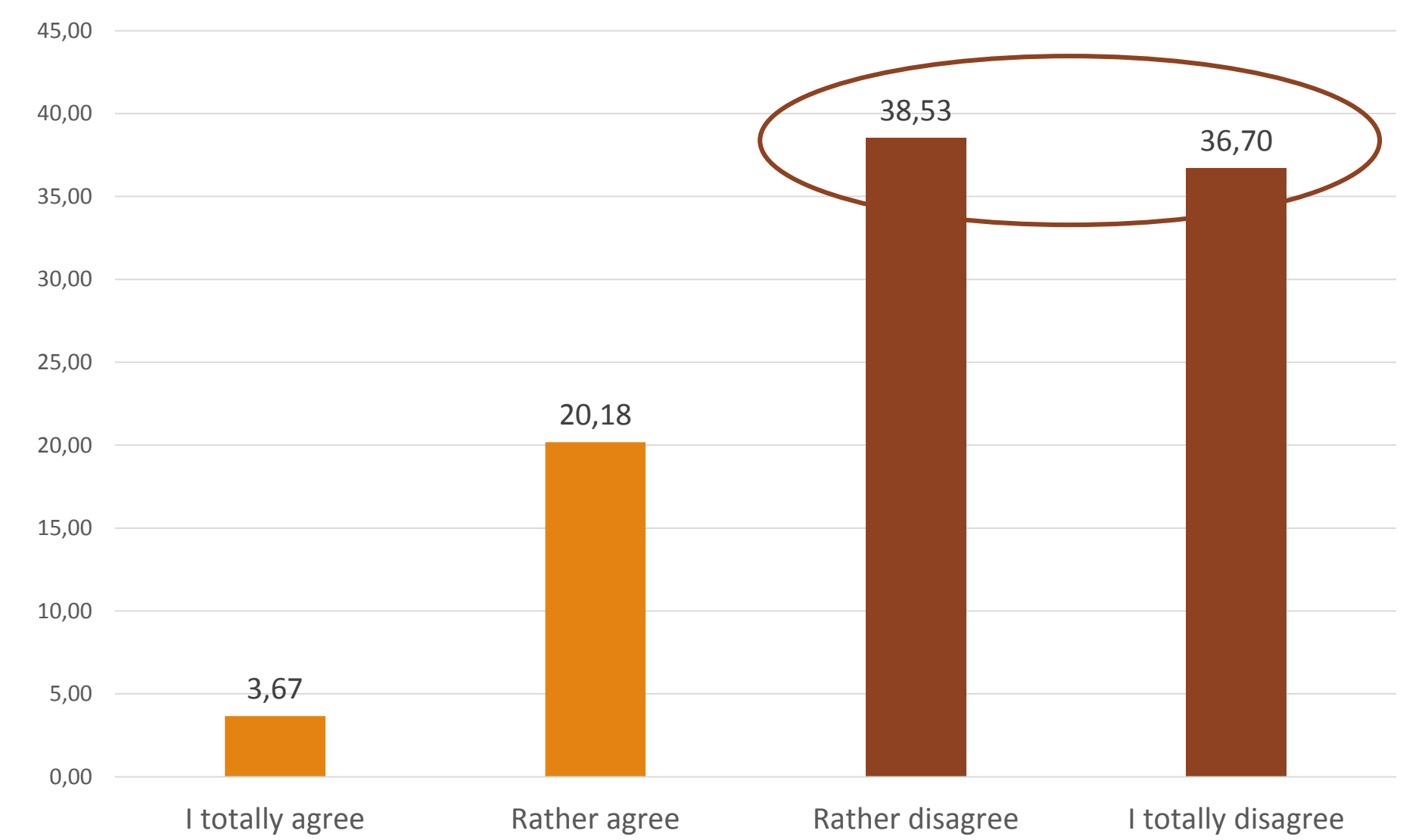
Multiple response question. Sum of answers is more than 100 because more than one answer was given.

Opinion about **competitions** for Presidents of courts and prosecution offices

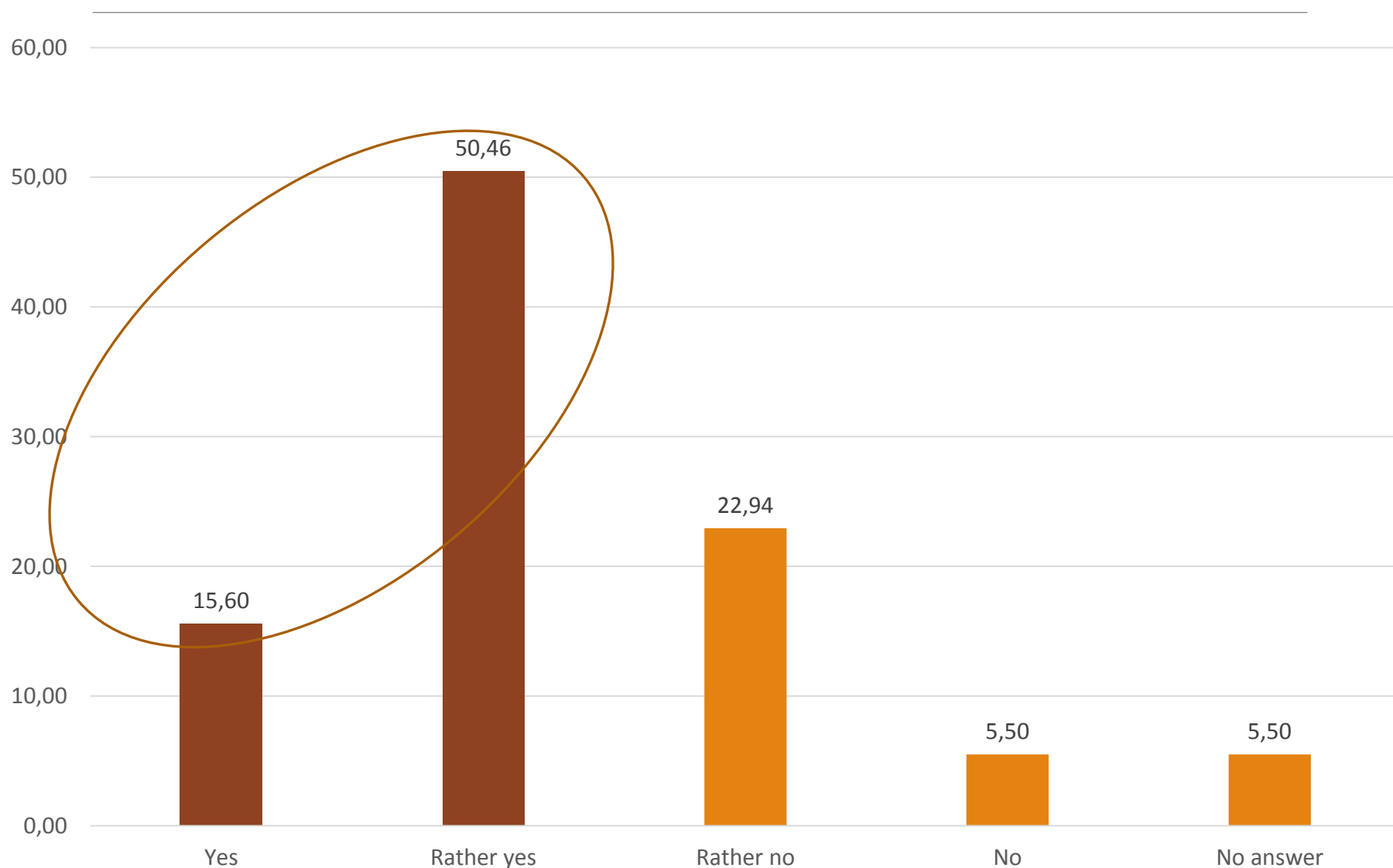


Multiple response question. Sum of answers is more than 100 because more than one answer was given.

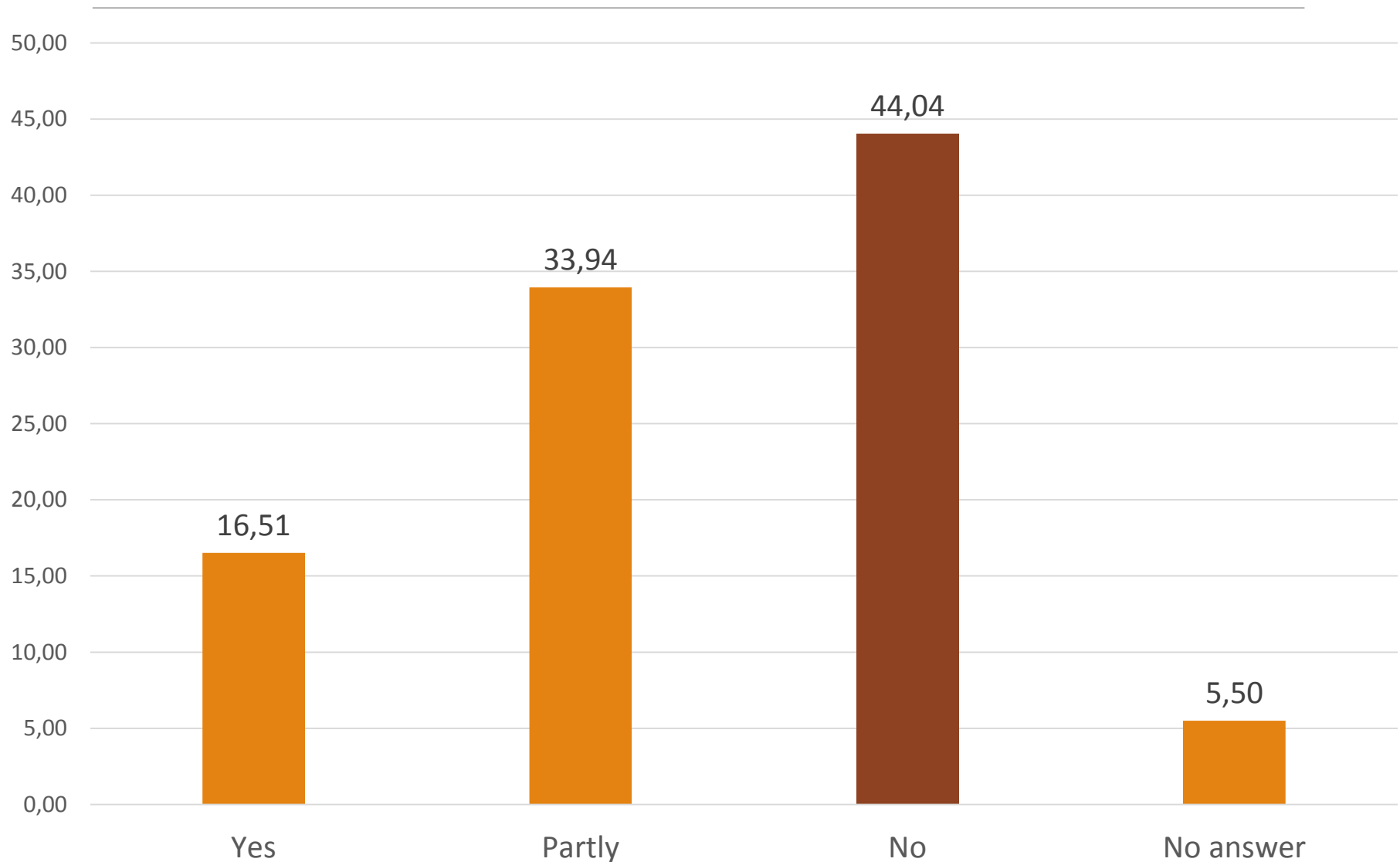
According to you how true is the statement that in the hierarchy of the Prosecution (Prosecutor's Office) people with the best professional and moral qualities are advancing in the career?



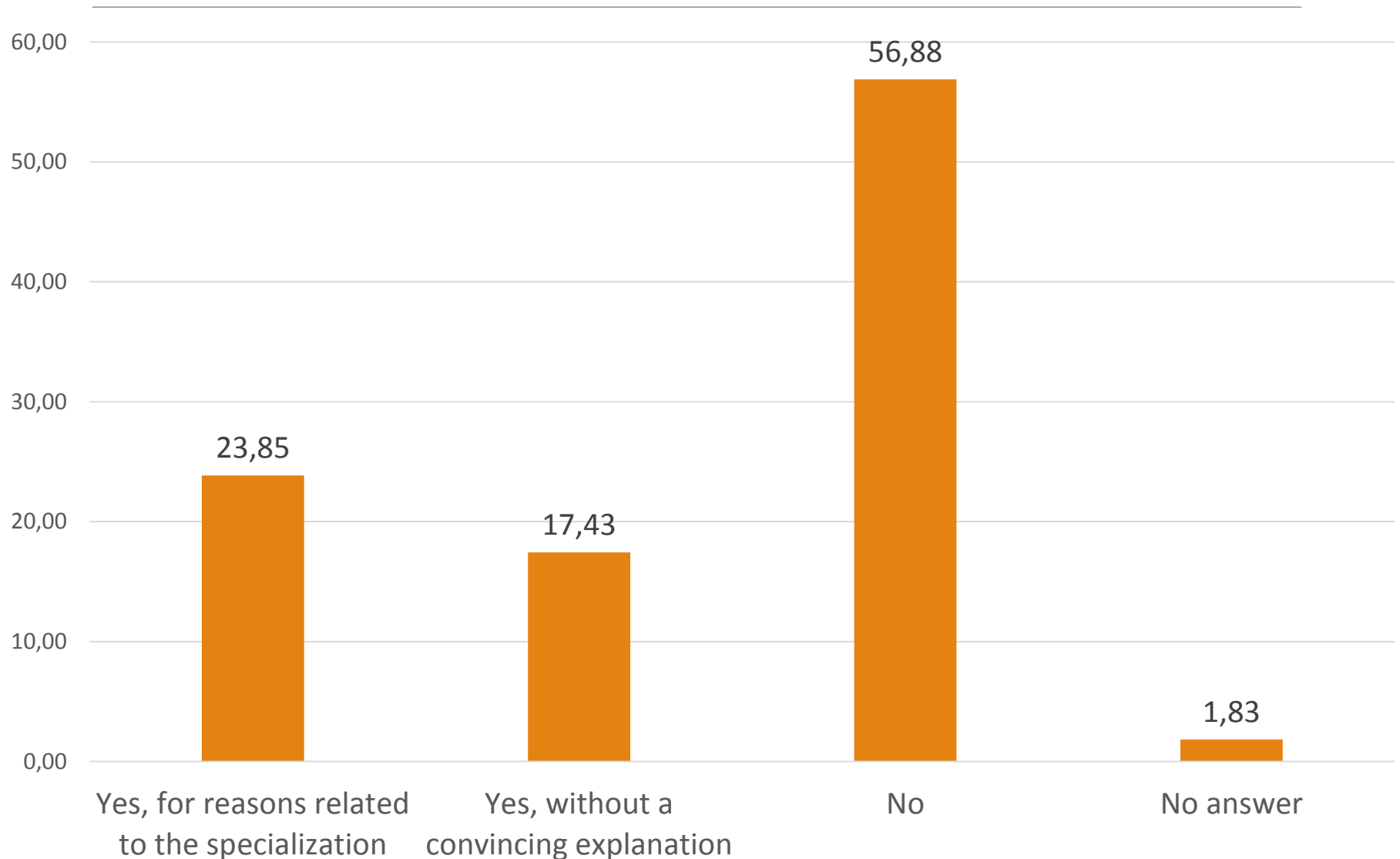
In your opinion is there a different treatment in the application of disciplinary measures, i.e. in some cases for the same offenses penalties are imposed, while in others - not?



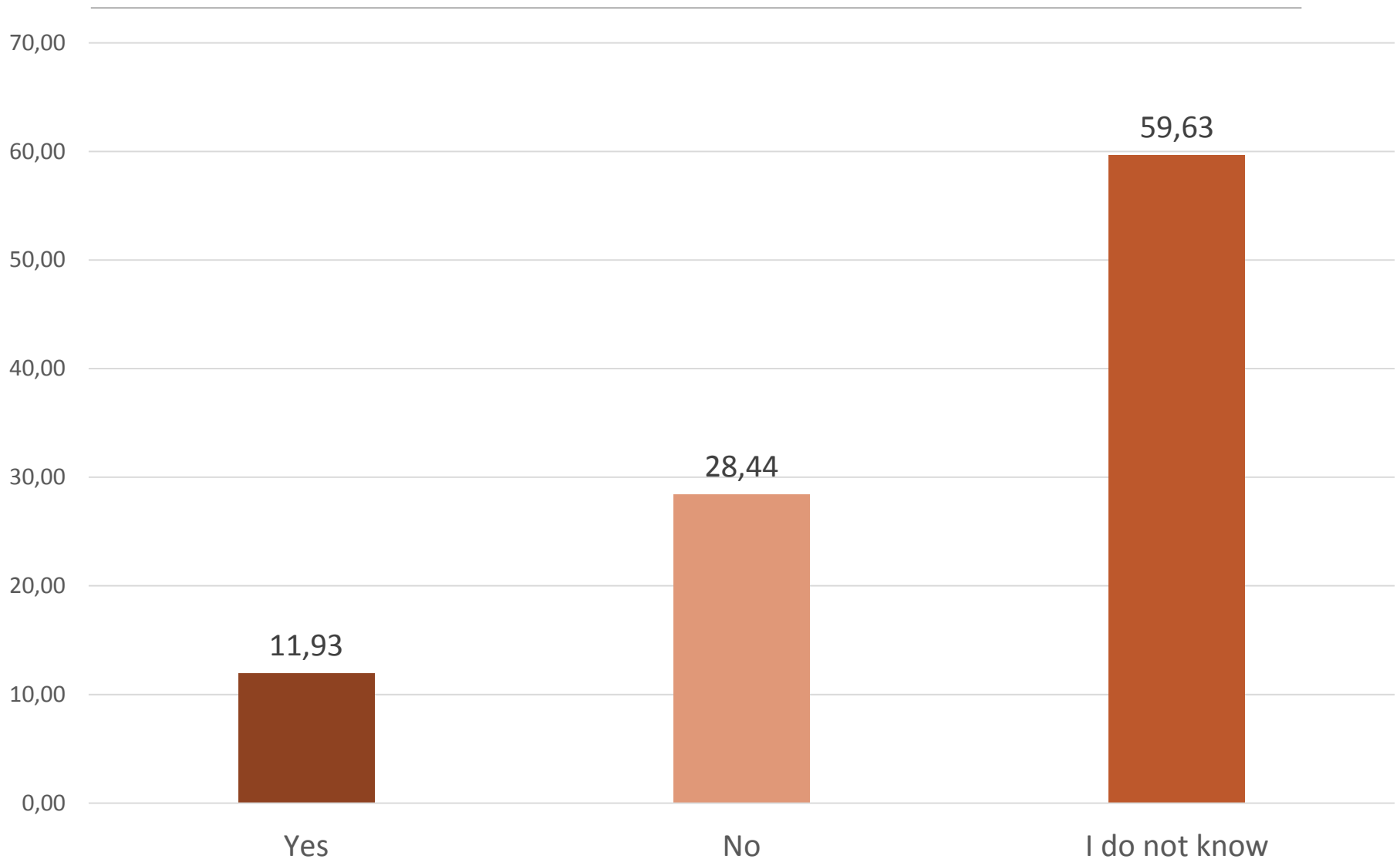
If a case of overriding public interest fails, is anyone internally held accountable – individual prosecutor or a group of prosecutors?



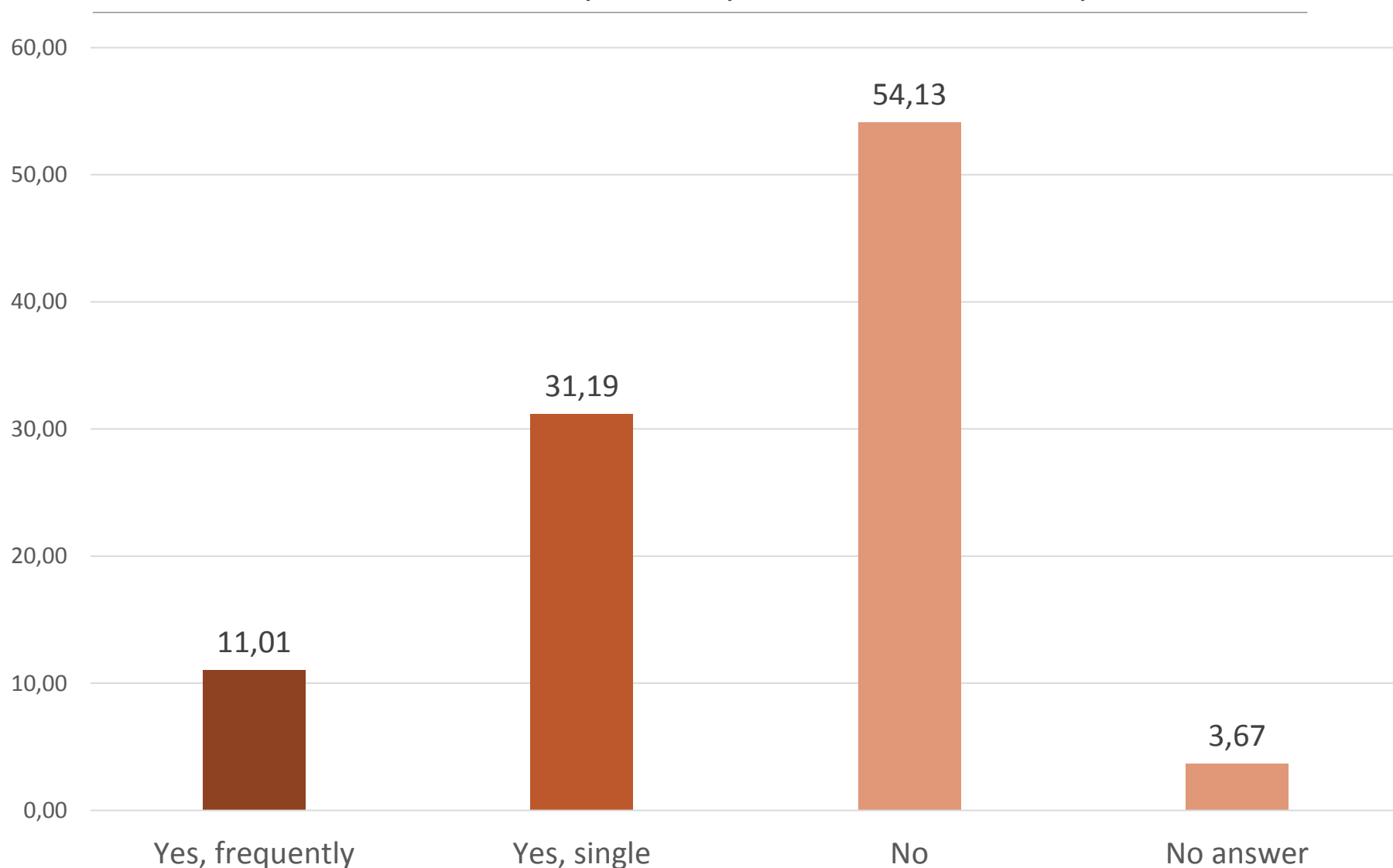
During the assignment of files, are you aware of cases in which the principle of random assignment was not applied?



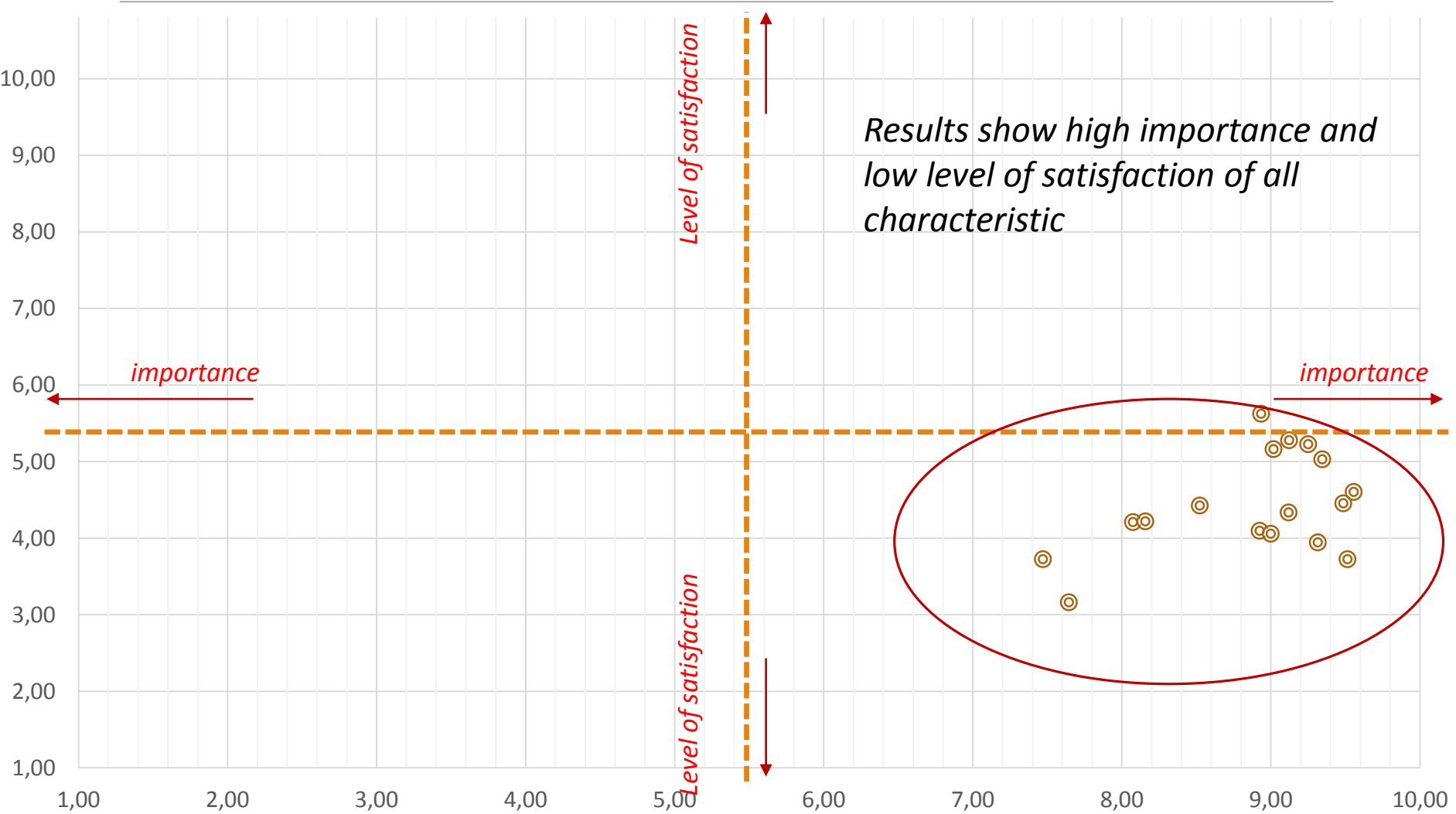
Do you know whether in your prosecution there are cases in which with a decision of the superior prosecutor, one case has been "taken" from the initial supervising prosecutor and was assigned to another prosecutor?



Are you aware of situations where prosecutors have received verbal instructions from superior prosecutors on specific cases?



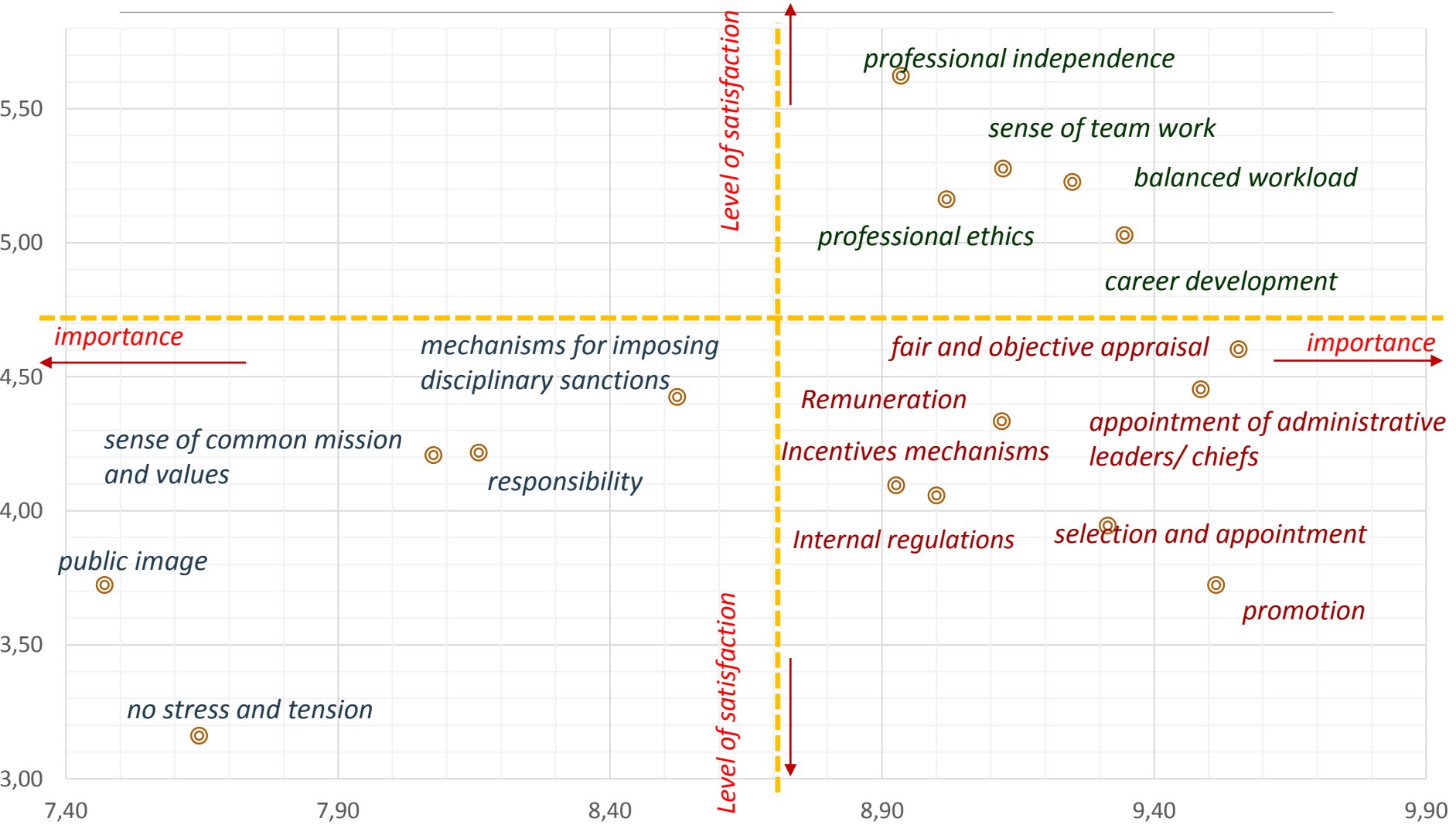
Correlation between level of satisfaction and importance of key characteristics of Bulgarian Prosecutor's Office (1)



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.

Which of the following statements suits best to your opinion? (1)

■ Agree ■ Do not agree ■ No answer

Generally I like my job

95,41

4,59

I see sense and benefit for the society from the work of the prosecution office where I work

89,91

7,34

The majority of prosecutors around me are good professionals who conscientiously do their job

88,07

9,17

Regardless of the controversial results in major criminal cases, in everyday life when working on majority of cases, prosecutors perform very well

85,32

9,17

I have the feeling that together with other prosecutors we are fighting to establish justice and rule of law

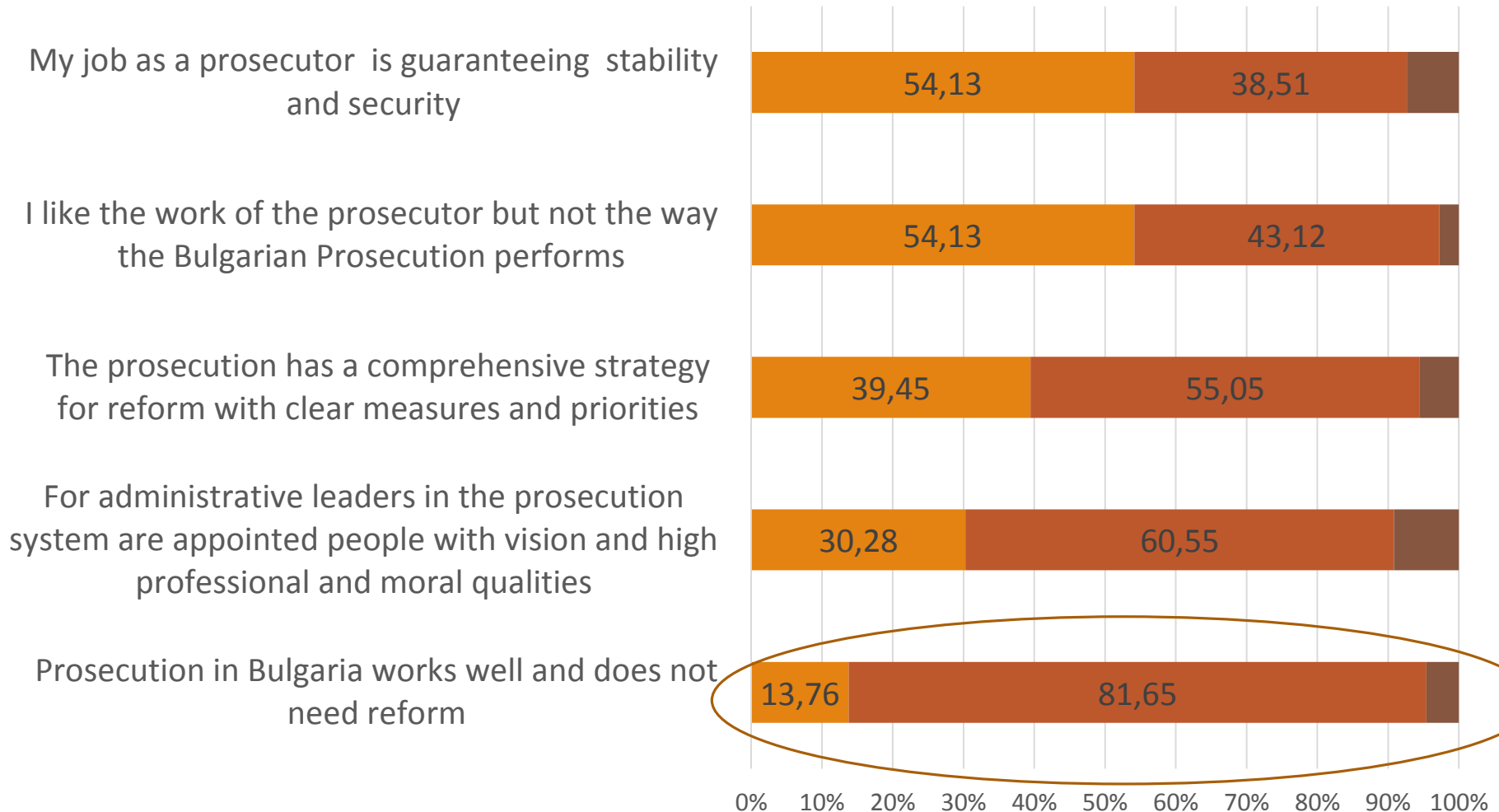
76,15

20,18

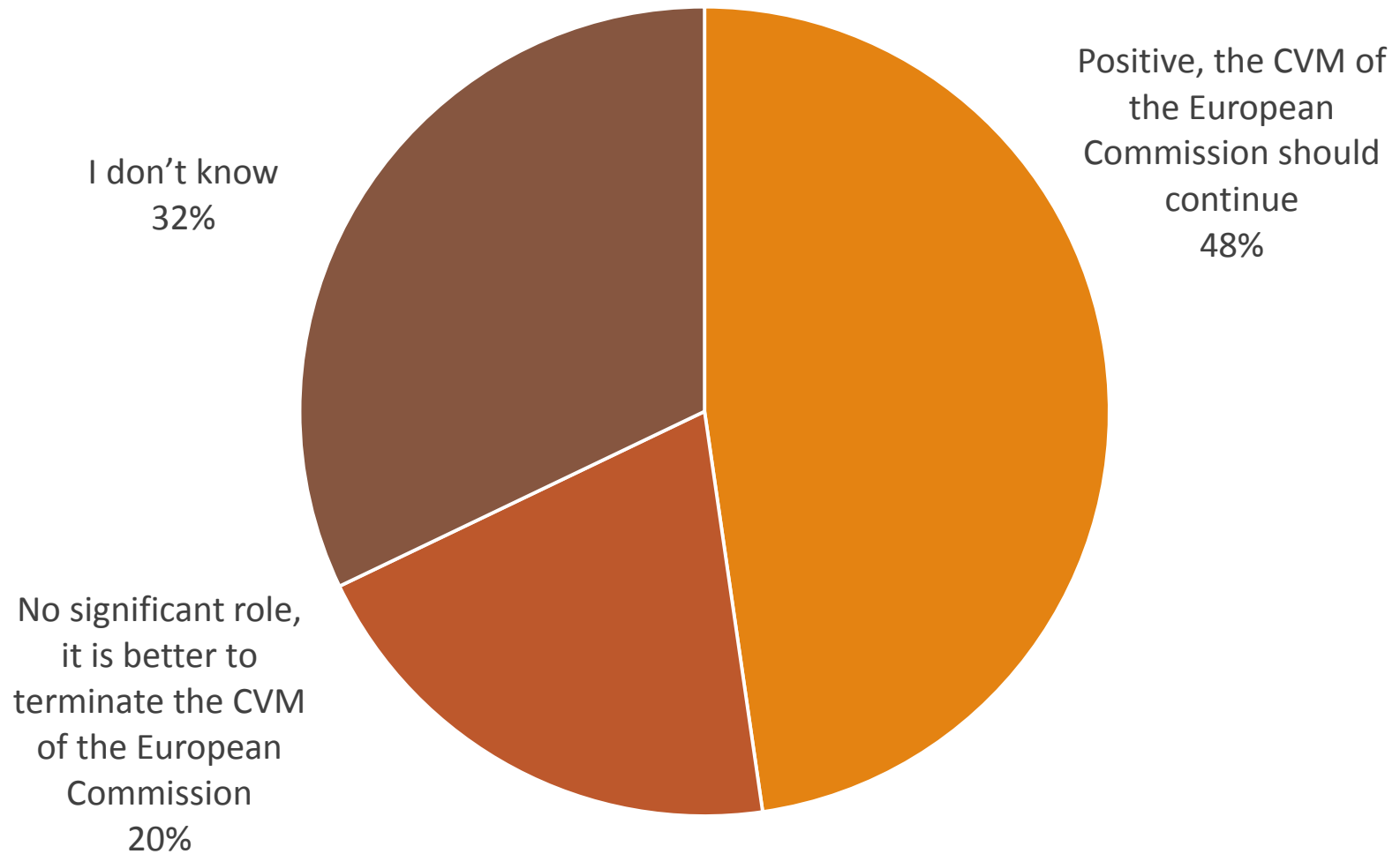
0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Which of the following statements suits best to your opinion? (2)

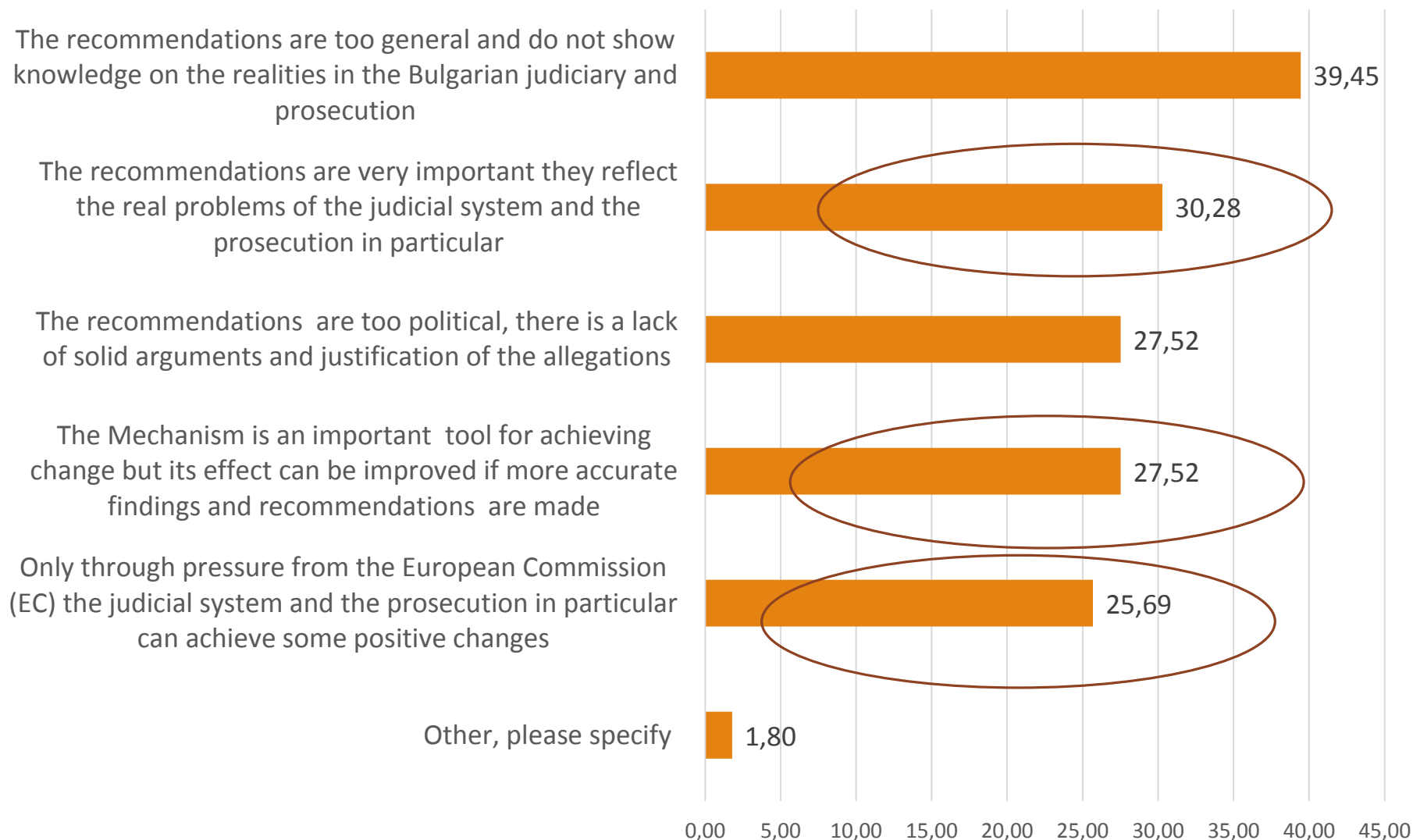
■ Agree ■ Do not agree ■ No answer



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?



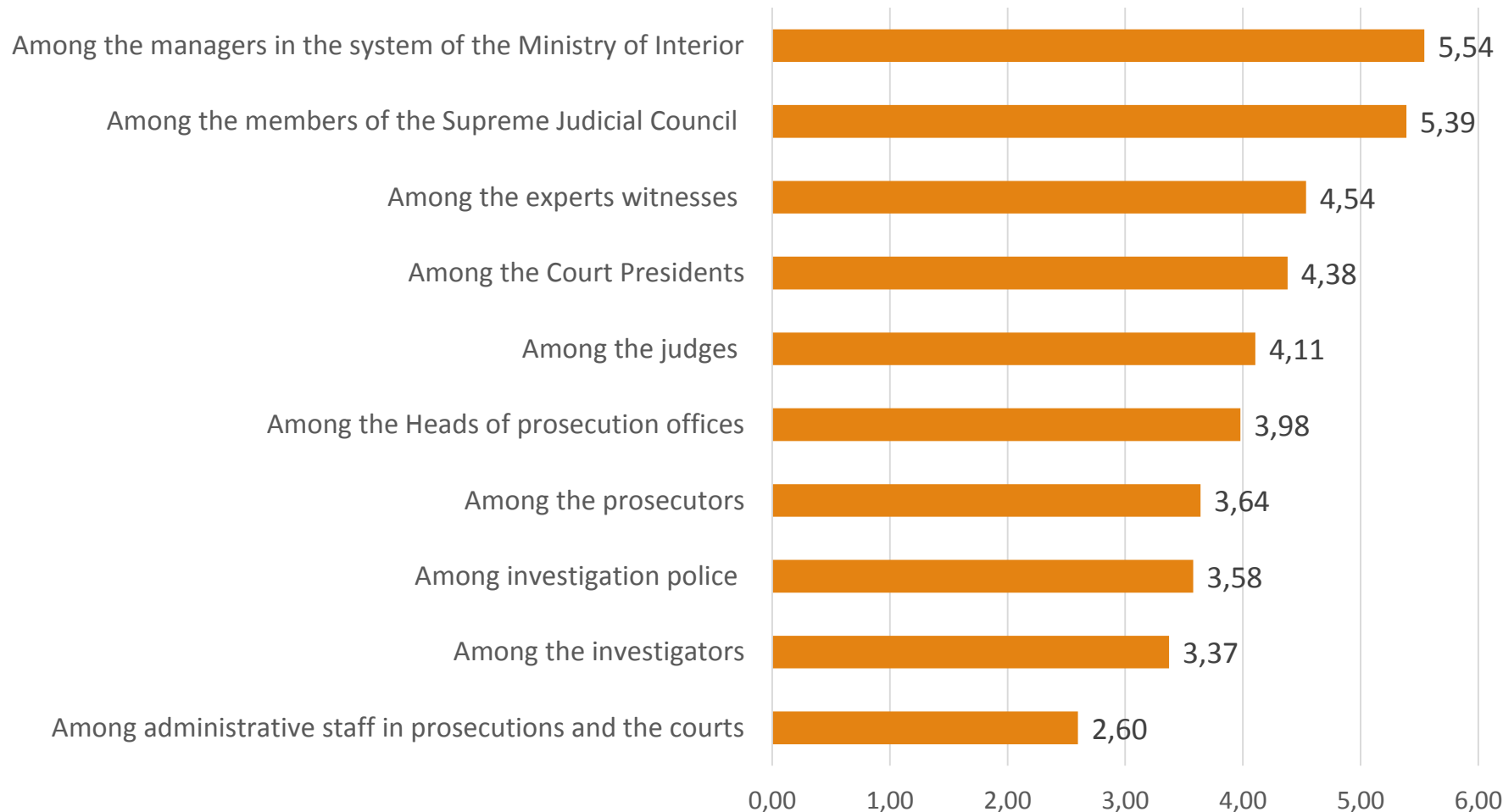
What is your opinion on the recommendations included in the report of the CVM about the work of the prosecution?



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



Which, in your opinion, of the following forms of unethical or corrupt behavior are met among prosecutors? (1)

	often	sometimes	very rarely	never or almost never	no answer
Succumbing to hierarchical pressure	<u>12,84</u>	<u>28,44</u>	38,53	13,76	6,42
Abuse of power by court and prosecution leadership	7,34	12,84	23,85	<u>49,54</u>	6,42
Selective use of the opportunities for self-referral	5,50	18,35	35,78	35,78	4,59
Excessive pursuit of positive media coverage	4,59	32,11	36,70	20,18	6,42
Abuse of power to improve the formal indicators of performance evaluation	3,67	<u>27,52</u>	31,19	29,36	8,26
Yielding to pressure from influential political and economic factors	3,67	<u>21,10</u>	31,19	36,70	7,34

Which, in your opinion, of the following forms of unethical or corrupt behavior are met among prosecutors? (2)

	often	sometimes	very rarely	never or almost never	no answer
Bias instead of striving to reveal the objective truth	3,67	15,60	41,28	32,11	7,34
Abuse of prosecutorial powers to put pressure on economic entities	2,75	11,93	31,19	46,79	7,34
Keeping relations with suspicious persons with economic, political or social influence, that might question the independence of the prosecutor	2,75	24,77	36,70	29,36	6,42
Succumbing to the influence from colleagues	2,75	25,69	35,78	25,69	10,09
Lack of sufficient attention to the victims of crime	2,75	26,61	33,94	32,11	4,59
Unprofessional attitude towards citizens and parties in the process	2,75	38,53	28,44	25,69	4,59

Which, in your opinion, of the following forms of unethical or corrupt behavior are met among prosecutors? (3)

	often	sometimes	very rarely	never or almost never	no answer
Receipt of other benefits (services, etc.) by a prosecutor or his relatives	1,83	19,27	26,61	45,87	6,42
Noncollegial attitude to policemen and investigators	1,83	29,36	38,53	25,69	4,59
Contempt of court	0,92	6,42	22,94	61,47	8,26
Taking of bribery	0,92	15,60	21,10	55,96	6,42
Noncollegial attitude to lawyers	0,92	18,35	50,46	25,69	4,59
Abuse of power or substandard work due to overload	0,92	23,85	36,70	32,11	6,42

Thank you for your attention!

Contacts:

Bulgarian Institute for Legal Initiatives (BILI)

132 G. Rakovski Str., fl.3

Sofia 1000, Bulgaria

Tel: + 359 2 980 80 84; 980 85 15

Fax: + 359 2 981 13 12

E-mail: office@bili-bg.org

Global Metrics Ltd.

7 Stresher Str., Sofia 1606, Bulgaria

Tel: + 359 888 759 479

E-mail: office@globalmetrics.eu

Web: globalmetrics.eu