Attitudes of Prosecutors for Reforms in Prosecution and Criminal Proceedings









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

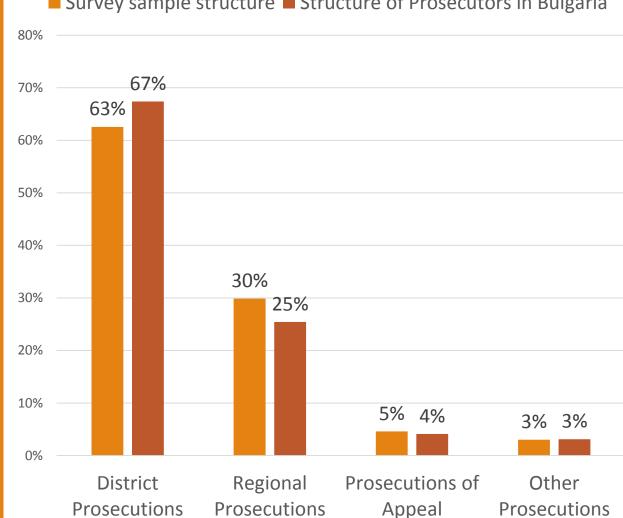
Method of selection Typological recruitment

Target groups

Judges, prosecutors, investigators and investigating policemen

Sample characteristics

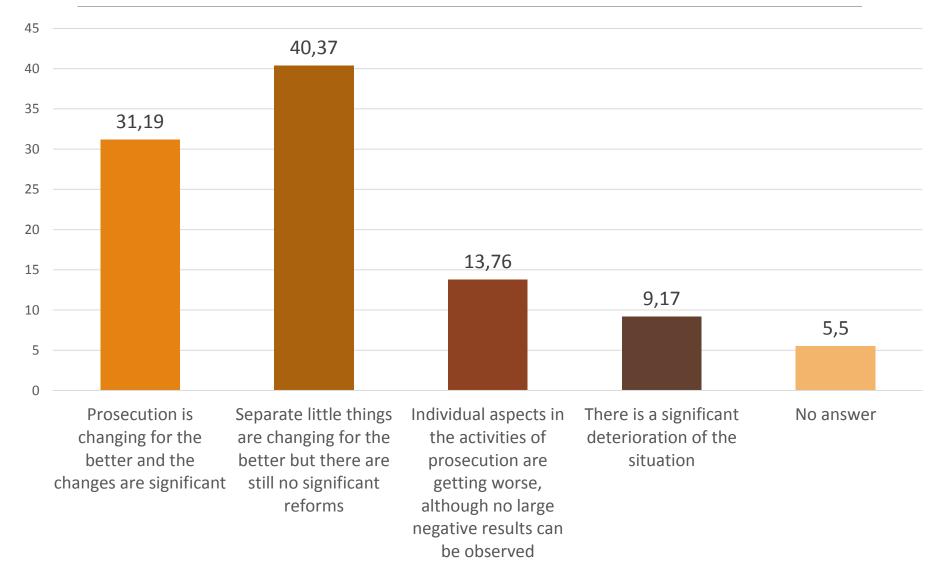
Comparison between survey sample structure and structure of prosecutors in Bulgaria according to the type of prosecution



Source: Supreme Judicial Council and Global Metrics

■ Survey sample structure ■ Structure of Prosecutors in Bulgaria

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)

Prosecutors are often loaded with activities that divert them from the prosecution work (like preparing reports, analysis, presentation of...

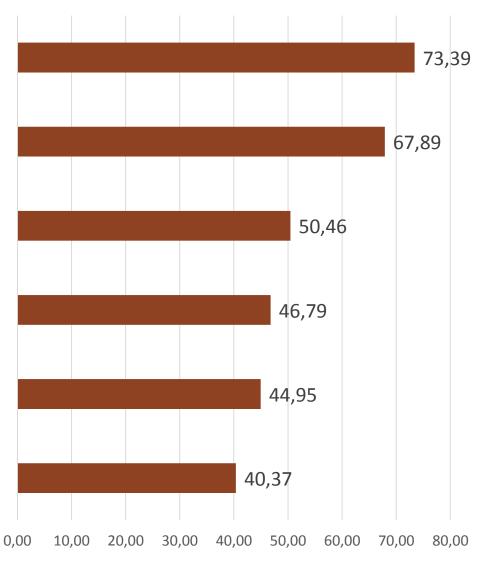
Process is too formal

Formal evaluation, which does not create motivation for quality work and does not identify weaknesses and gaps in the work of each prosecutor

Poor job of the investigating policemen

Lack of clear and transparent mechanisms for advancement in the hierarchy

Poor legislative process and too frequent changes causing problems in the regulatory framework



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.

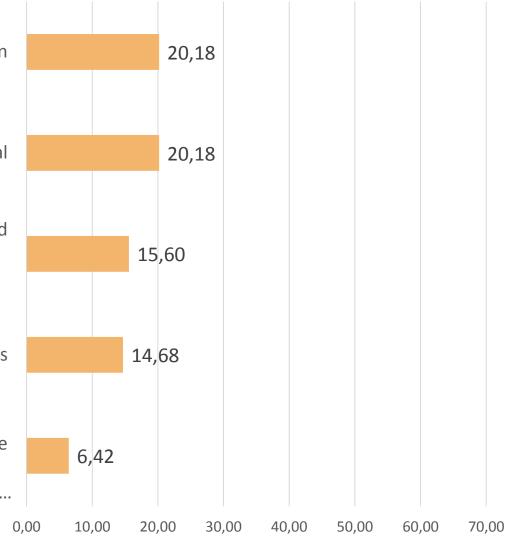
What are the main difficulties and problems the prosecution is facing? (3)



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

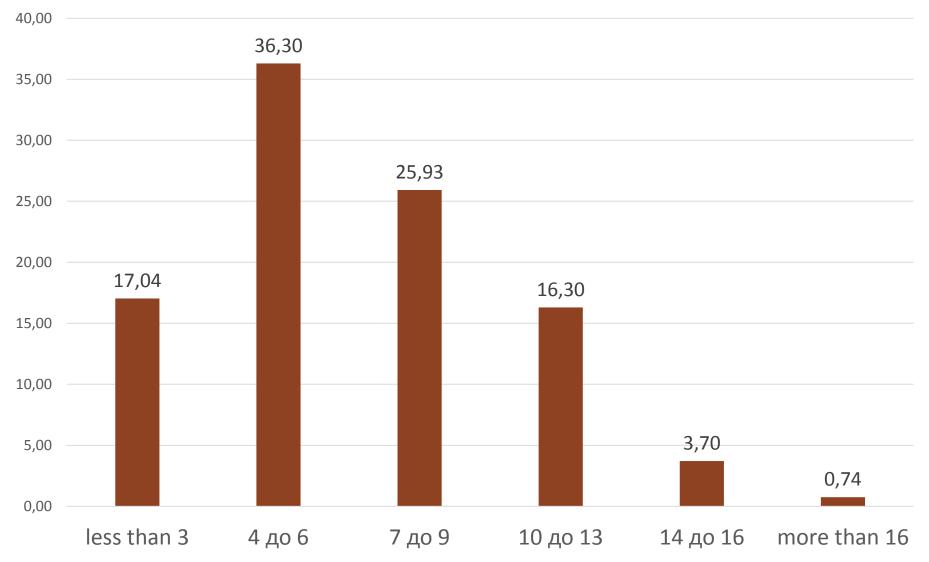
Prosecutors are deprived of sufficient personal initiative and the ability and incentives to focus on 20,18 more complex cases Lack of specialized teams and developed specific methods for working on complex forms of criminal 20,18 activity Use of disciplinary sanctions as a practice for biased punishment of certain prosecutors and not for 15,60 improving the process of justice Too much pressure in certain cases 14,68 Frequently prosecutors have to appear in the court without knowing in advance about that and cannot be 6.42 properly acquainted with the materials of the case making it impossible to conduct a coherent strategy...



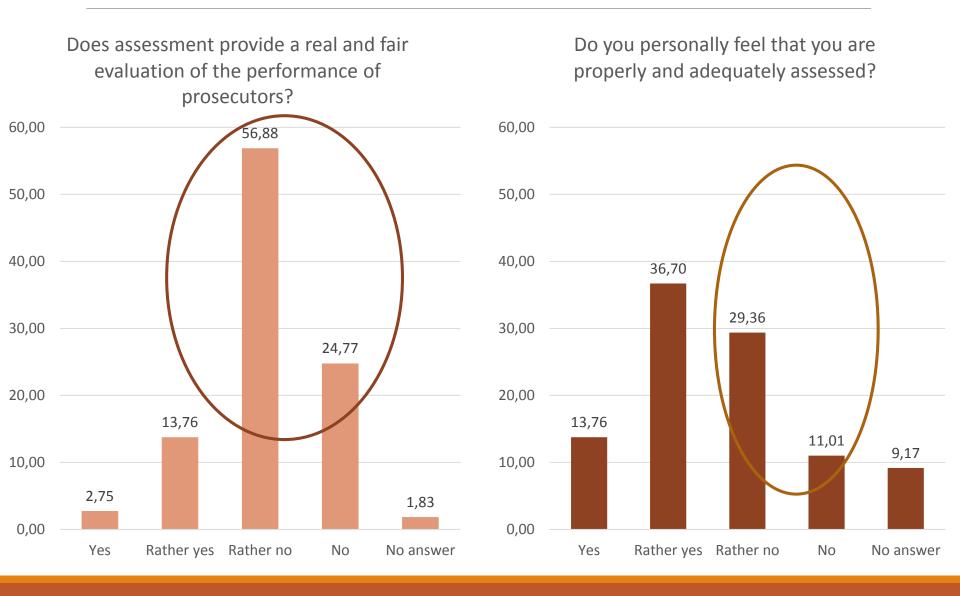
Multiple response question. Sum of answers is different from 100 because more than one answer was given.

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



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?

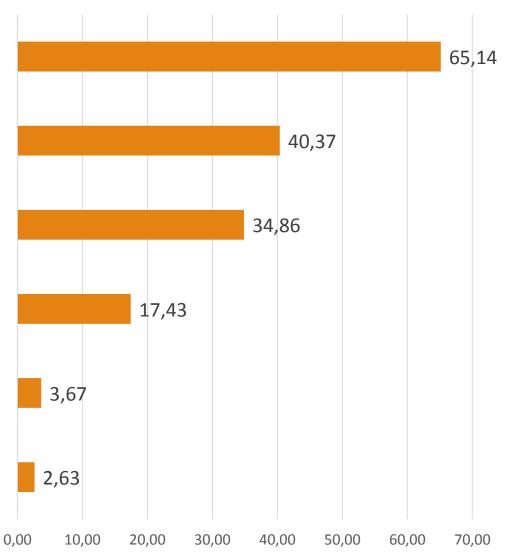
Change in the methodology for evaluation

Creation of a unified central Attestation Commission to ensure thoroughness of the evaluations and uniform standard

Expansion and regulation of the power to assess the work of the prosecutor's immediate administrative leader who best knows his work

Providing more time to the auxiliary appraisal commissions and enhance the motivation of their members

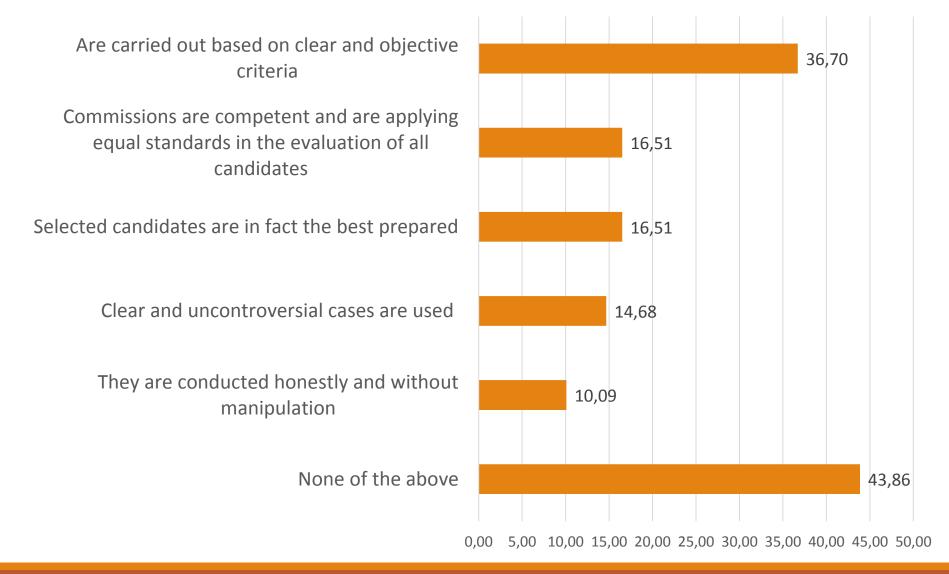
Extending the powers of the Inspectorate to the Supreme Judicial Council



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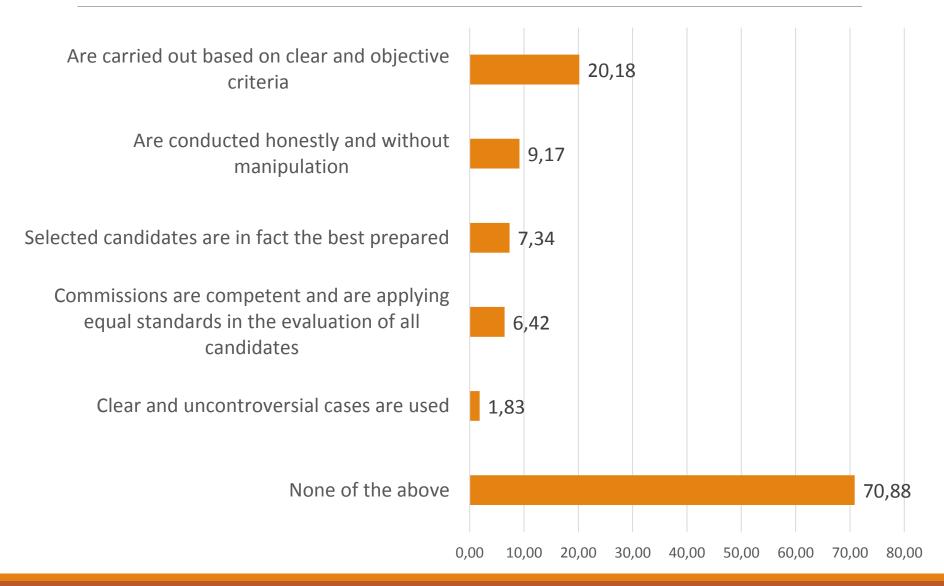
Other

Opinion about **competitions for initial entering** in the system



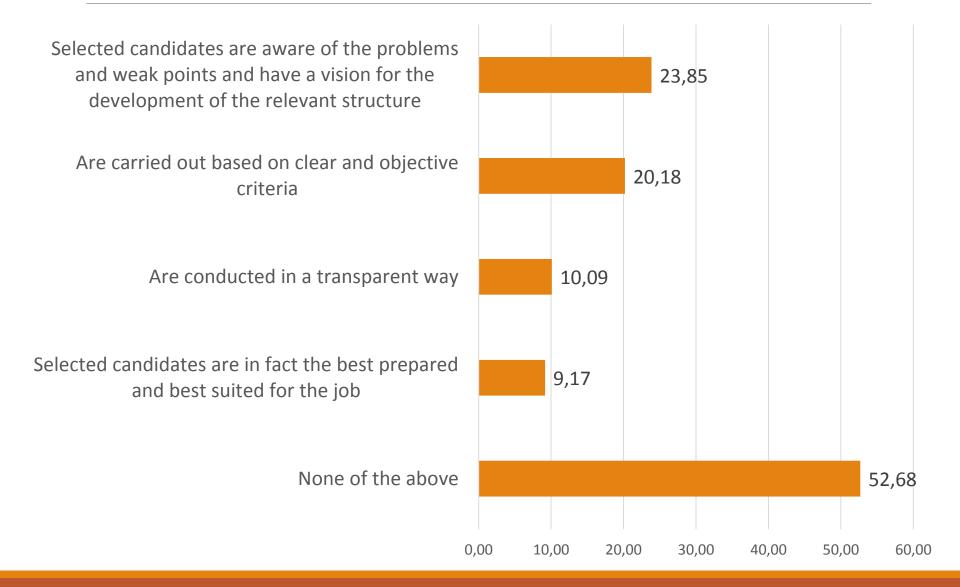
Multiple response question. Sum of answers is different from 100 because more than one answer was given.

Opinion about **competitions for promotion** of magistrates



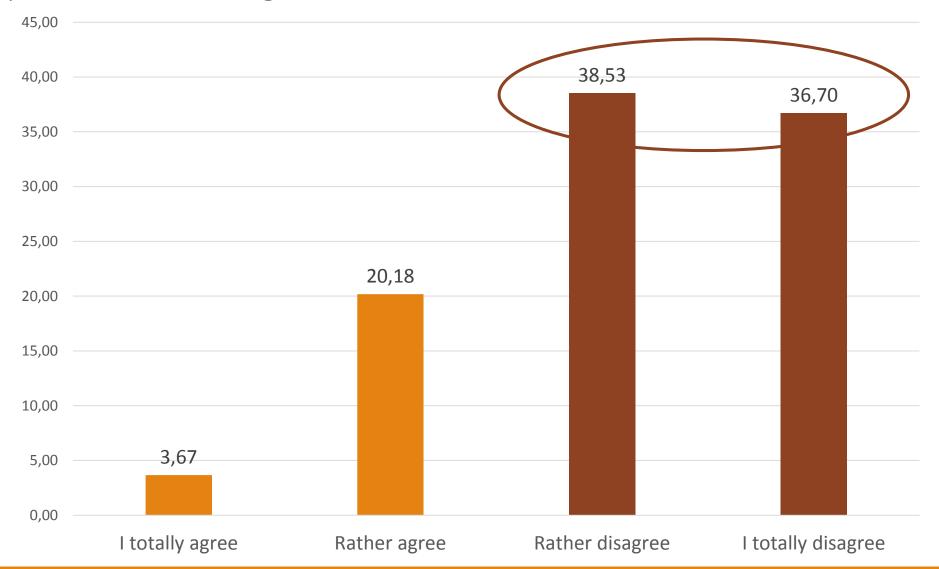
Multiple response question. Sum of answers is more than 100 because more than one answer was given.

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

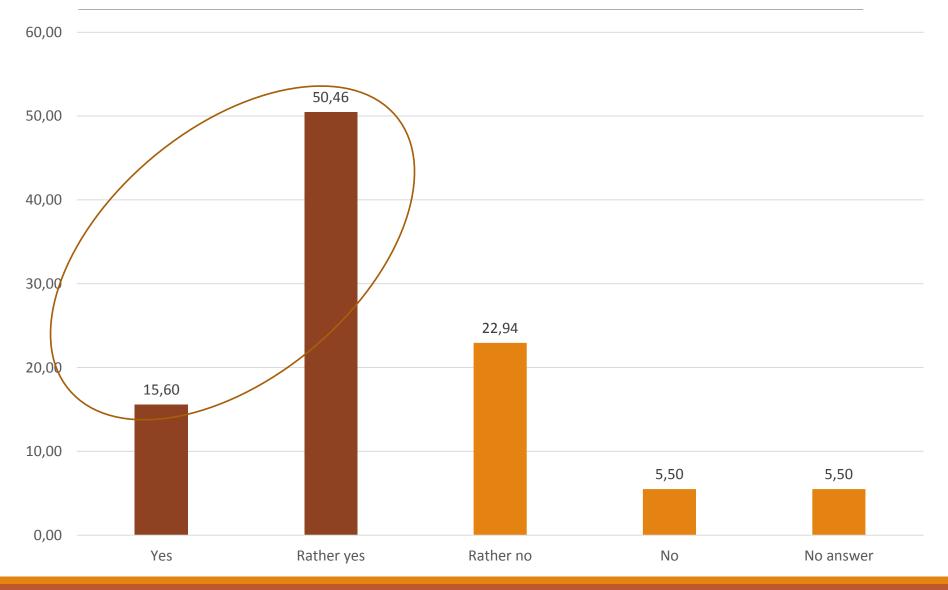


Multiple response question. Sum of answers is more than 100 because more than one answer was given.

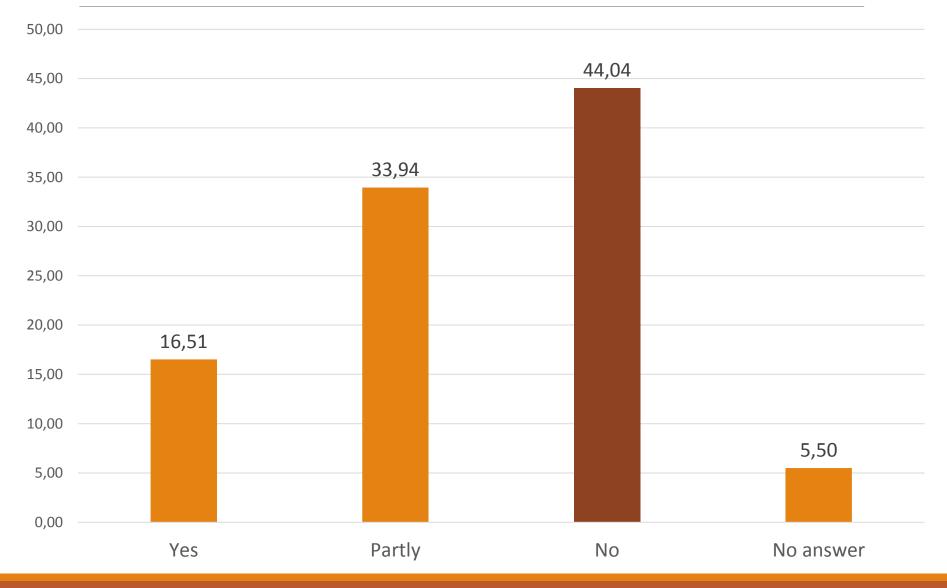
According to you how true is the statement that in the hierarchy of the Prosecution (Prosecutor's Office) people with the best professional and moral qualities are advancing in the career?



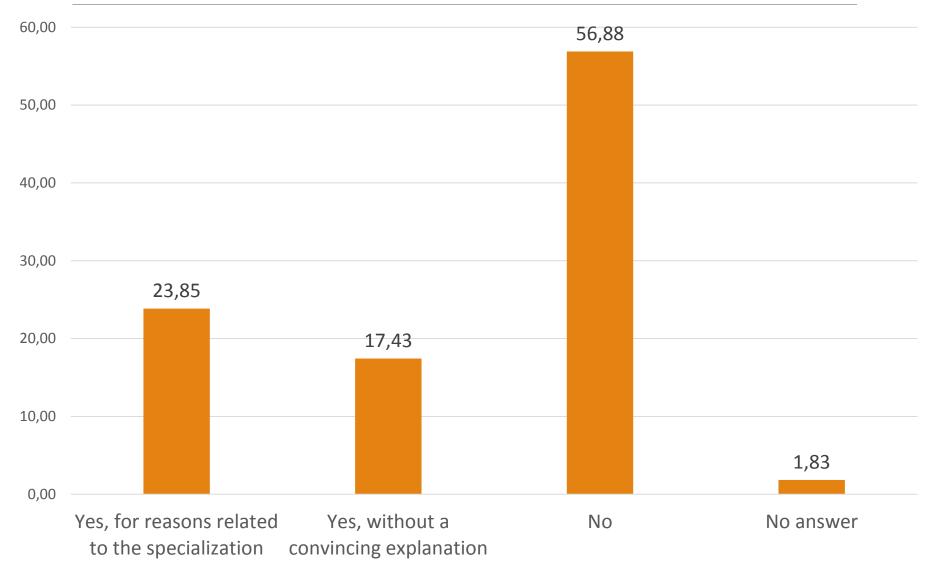
In your opinion is there a different treatment in the application of disciplinary measures, i.e. in some cases for the same offenses penalties are imposed, while in others - not?



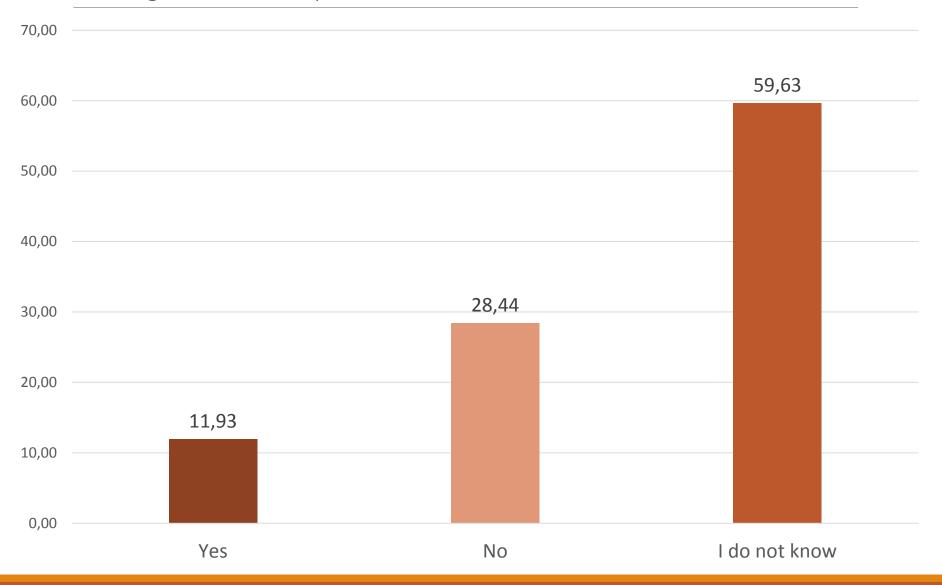
If a case of overriding public interest fails, is anyone internally held accountable – individual prosecutor or a group of prosecutors?



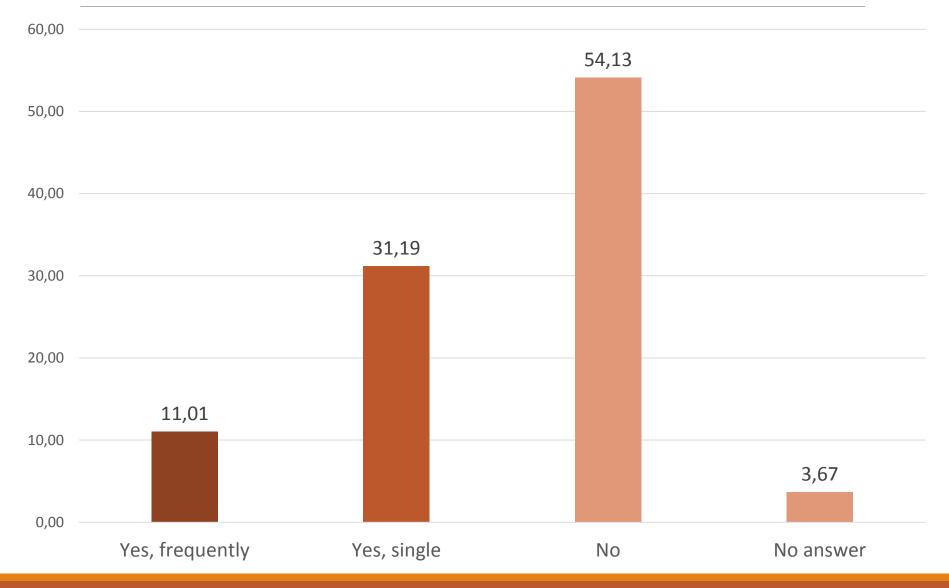
During the assignment of files, are you aware of cases in which the principle of random assignment was not applied?



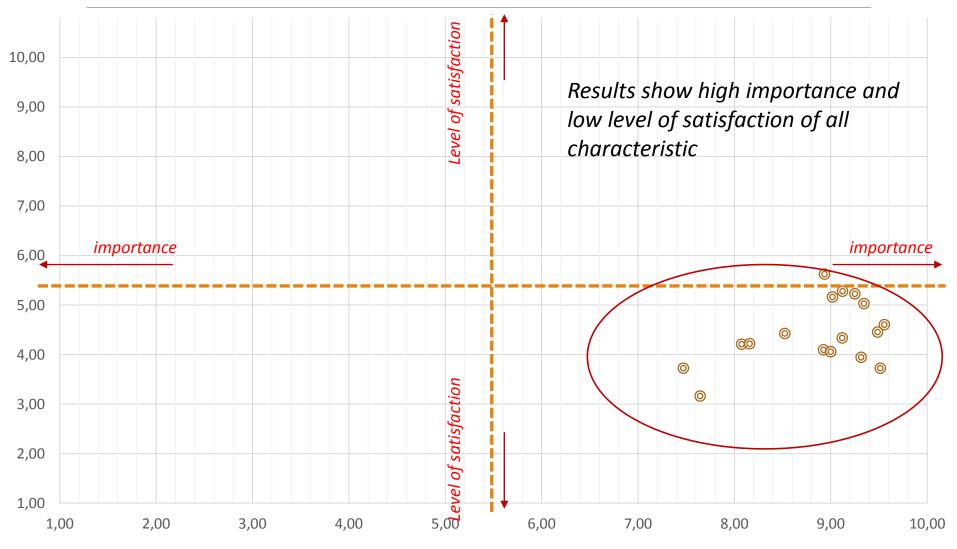
Do you know whether in your prosecution there are cases in which with a decision of the superior prosecutor, one case has been "taken" from the initial supervising prosecutor and was assigned to another prosecutor?



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



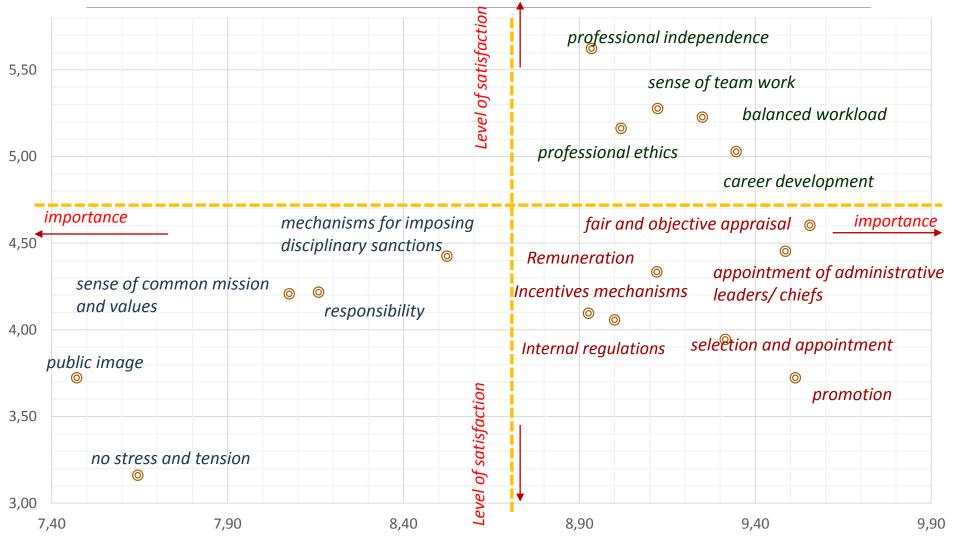
Correlation between level of satisfaction and importance of key characteristics of Bulgarian Prosecutor's Office (1)



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

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

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

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

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



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

Agree Do not agree No answer

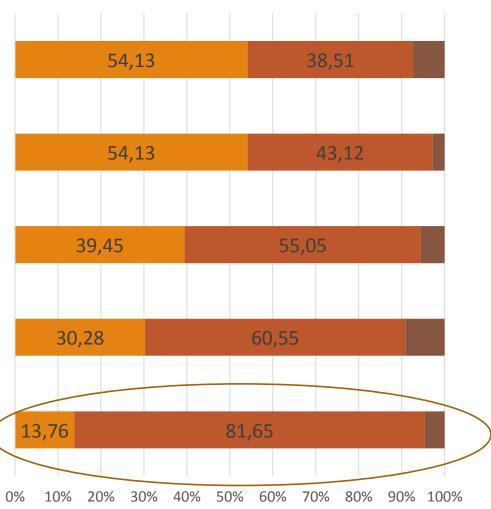
My job as a prosecutor is guaranteeing stability and security

I like the work of the prosecutor but not the way the Bulgarian Prosecution performs

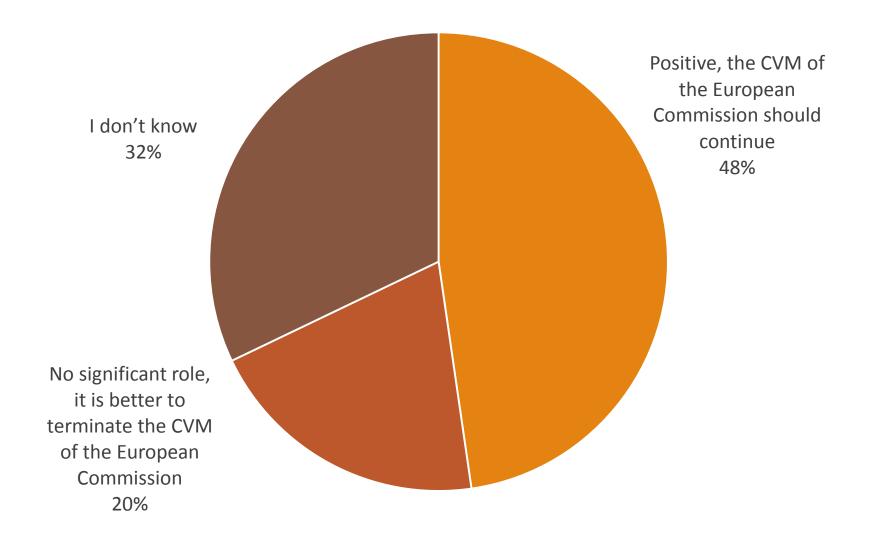
The prosecution has a comprehensive strategy for reform with clear measures and priorities

For administrative leaders in the prosecution system are appointed people with vision and high professional and moral qualities

Prosecution in Bulgaria works well and does not need reform



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?

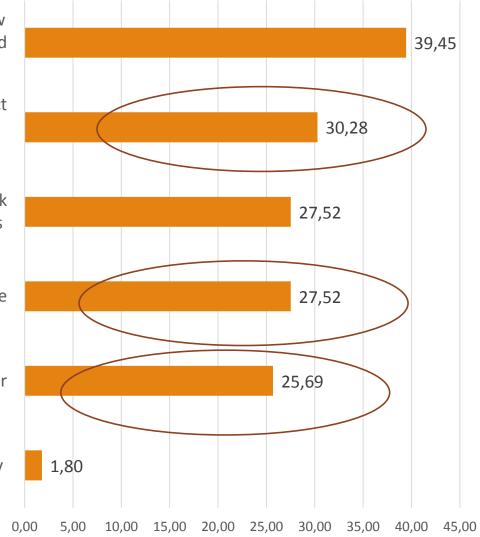
The recommendations are too general and do not show knowledge on the realities in the Bulgarian judiciary and prosecution

The recommendations are very important they reflect the real problems of the judicial system and the prosecution in particular

The recommendations are too political, there is a lack of solid arguments and justification of the allegations

The Mechanism is an important tool for achieving change but its effect can be improved if more accurate findings and recommendations are made

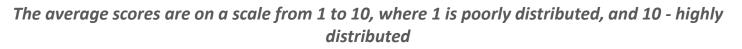
Only through pressure from the European Commission (EC) the judicial system and the prosecution in particular can achieve some positive changes

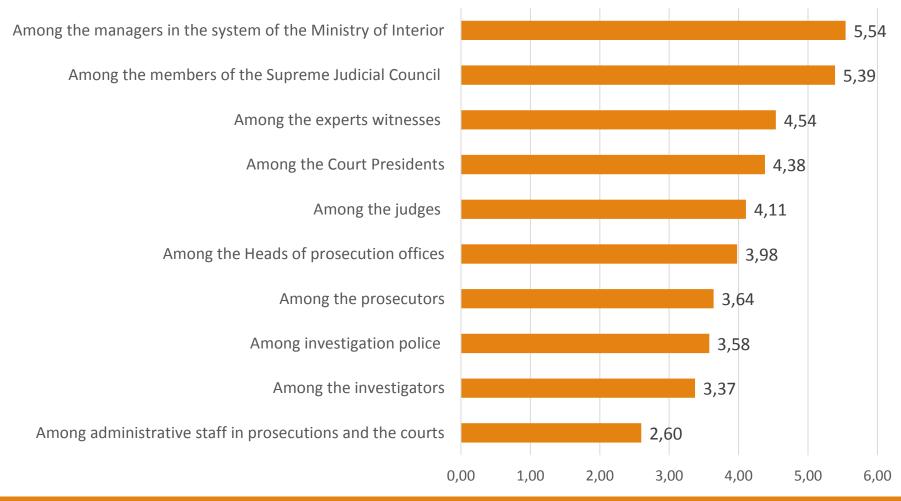


Other, please specify

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?





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)

				never or	no
	often	sometimes	very rarely	almost never	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	2,75	24,77	36,70		6,42
question the independence of the prosecutor				29,36	
Succumbing to the influence form 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!

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