



PILOT PROJECT ON CASE MANAGEMENT SYSTEM IN ALBANIAN PROSECUTORIAL SERVICES

**IN THE FRAMEWORK OF COUNCIL OF
EUROPE PACO IMPACT PROJECT**

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I. THE OBJECTIVE

1. EXPECTED RESULTS

- **The implementation of the Pilot Project aims at ensuring to the PG's Office, numerous advantages/improvements in relation to:**
 - **Methodological way and monitoring of the cases in all prosecutorial levels;**
 - **Prevention of corruption and non-professional conduct during crime investigation and proceeding, based on accurate and periodical reporting for each case;**
 - **Improvement of the methodology in collecting and analysing indicators of criminal proceeding;**
 - **Future electronic information exchange in all prosecutorial and judicial police levels (TIMS).**

II. MAIN ISSUES FOR THE EFFECTIVE IMPLEMENTATION OF CASE MANAGEMENT

- **To ensure to the PG and his office the basic information needed in order to monitor the performance of prosecutors operating in district and appellate levels;**
- **To unblock the manipulation of information from the prosecutors since the core data will be already registered at the PG office once the criminal proceeding starts;**
- **To evidence the work of prosecutorial services in general and to prevent the non-professional conduct and prosecutors' corruptive practices in particular;**

II. MAIN ISSUES FOR THE EFFECTIVE IMPLEMENTATION OF CASE MANAGEMENT

- **Case management (CM) will be helpful to the PG Office when periodical information should be provided to respective constitutional institutions;**
- **CM will improve and facilitate the updated reporting of prosecutorial services in monitoring/evaluation mechanisms:**
 - **Council of Europe bodies such as GREGO and MONEYVAL, as well as**
 - **In the framework of Association Stabilization Agreement (ASA) with the European Union progress achieved within Albanian Prosecutorial Services.**

III. ACTIVITIES CARRIED OUT IN THE FRAMEWORK OF PILOT PROJECT

- **Based on the request of the PG, in early 2003, an assessment mission (CoE experts Ms. Elisabeth Nochlin and Mr. Harald Range) was carried out in order to assess and provide expertise in improving the case management in the Albanian prosecutorial services;**
- **Later on the experts submitted their recommendations “On improving the case management and information tracking aiming at preventing corruption within prosecutorial services”;**
- **In August 2004, following the approval of the Pilot Project and based on an Order of the PG, the Working Group (composed by prosecutors) on preparation of the CM system in the view of CoE recommendations was established;**
- **During November 2004 - April 2005, the WG worked on the adaptation of the standard forms that would be used in the CM system;**

III. ACTIVITIES CARRIED OUT IN THE FRAMEWORK OF PILOT PROJECT

- **In June 2005, the Working Group conducted a study visit in the Prosecutor General Office (Celle) of Lower Saxony, Germany in order to be acquainted with the experience and best practices of a similar case management system;**
- **In November 2005, in collaboration with the CoE experts, the standard forms of the CM system were finalized;**
- **In February 2006, the PG organized a technical meeting with heads and prosecutors of prosecution offices in order to present and get comments with regard to the implementation of this new system within prosecutorial services;**
- **In April 2006, the draft-Order of the PG on "Improving the case management in the prosecutorial services" was drafted.**
- **The final approval of PG is expected soon in order to start the CM implementation.**

IV. GROUP OF CASES BASED ON PRESELECTED CRIMINAL OFFENCES THAT WILL BE INCLUDED IN THE CM SYSTEM

- The criminal cases foreseen to be included in the CM system are based on two criteria:
 - Firstly, criminal offences that are considered serious crimes;
 - Secondly, a group of criminal offences that are considered very sensitive for the Albanian society.

IV. CRIMINAL OFFENCES INCLUDED IN THE CM SYSTEM

- **Groups of criminal offences that will be included in the CM system:**
 - **traditional serious crimes including here criminal offences against life and health committed voluntarily;**
 - **organized crime and terrorism;**
 - **illegal trafficking of human beings related to prostitution exploitation, drugs, guns, motor vehicles trafficking etc;**
 - **economic crimes related to smuggling, fiscal evasion etc;**
 - **money laundering and other related criminal offences;**
 - **passive and active bribery;**
 - **crimes against humanity;**

IV. GROUP CASES BASED ON CRIMINAL OFFENCES INCLUDED IN THE CM SYSTEM

- **In the case management system will be included 120 criminal offences.**
- **These offences constitute 1/3 of the overall offences foreseen by the Criminal Code.**
- **Averagely, in Albania, in a year there are 3700 proceedings registered, approximately 30% of the total proceedings.**

V. STANDARD FORMS USED IN CM SYSTEM

- **Having in mind the exercising of the prosecutor and judicial police officer functions during the proceeding phases such as:**
 - **Preliminary investigation,**
 - **Trial, and**
 - **Execution of criminal decision**
- **As well as taking into consideration the types of forms recommended by the CoE experts, there are 8 standard forms included in CM.**

V.1 STANDARD FORMS USED IN CM SYSTEM

The types of the standard forms:

1. *"Form of Reporting the Criminal Offence by the Judicial Police";*
2. *"Form of Registering the Investigation in the Prosecution Office;*
3. *"Form of the Investigation Progress;*
4. *"Form of Completing the Investigation by the Judicial Police Officer";*
5. *"Form of Completing the Investigation by the Prosecutor ;*
6. *"Form of Completing the Case in the District Court;*
7. *"Form of Completing the Case in Appellate Court";*
8. *"Form of Executing the Criminal Decision".*

V.2 CONTENT OF THE STANDARD FORMS

- **The forms are conceptualised in a way that will include standard information about the proceeding for each case, through all the stages of the criminal proceeding.**
 - **Starting with the reporting of the case carried out by the judicial police,**
 - **Up to the execution of the criminal decision.**
- **Standard forms will also include the following:**
 - **Info about the occurrence/denouncement and facts of the case;**
 - **Evidences gathered. Number and names of the witnesses of crime, items recovered and seized;**
 - **Information on the person to whom the criminal offence is charged, circumstances of the arrest;**
 - **Summary of the statement by the person under investigation/accused;**

V.3 CONTENT OF THE STANDARD FORMS

- **Change of status during investigation process:**
 - **New evidences administered during the investigation process;**
 - **Change or revocation of personal and assets security measures;**
 - **Change, completion, and dismissal of charges, legal basis and reasons;**
 - **Completion of the criminal proceeding, recommended by the judicial police officer and decided by the prosecutor;**
- **Information when the case is brought to the district court and the decision given by the court;**
- **Information when the case brought to appellate court and the decision given by this court;**
- **Information on the execution of the criminal decision and its supervision by the prosecutor.**

V.4 CHECK AND BALANCE PRINCIPLE

- The forms of reporting/registering the criminal offences and completion of investigation is different for the judicial police officers and prosecutors.
- The reason why there is double information coming from the judicial police officer and prosecutor at the beginning and end of the criminal proceeding?!
- At the beginning and at the completion of criminal proceeding the judicial police officer sends to the prosecutor respectively the following:
 - **In the first phase:** reporting of the case with all the necessary information and the actions taken immediately after the criminal offence has occurred;
 - **In the final phase:** the judicial police officer sends to the prosecutor an explanatory report on the case and evidences collected as well as suggests the way the investigation should be completed.

V.4 CHECK AND BALANCE PRINCIPLE

- *In this contest it is foreseen to have two full pictures:*
 - *At the moment the investigation starts and at the completion of proceeding,*
- *With the main goal to appraise:*
 - *If the investigations conducted by the judicial police officer are complete and comprehensive ; and*
 - *If the final solutions of the prosecutors are based on the law and evidences collected, etc.*

VI. COMPLETING AND ADMINISTERING OF THE CM STANDARD FORMS

- **The forms should be completed in a clear and detailed way as specified in the standard forms.**
- **The form will reflect the content of case file.**
- **Every form will not exceed more than 2 pages and approximately it is estimated to be filled in about 15-20 minutes.**

VI. COMPLETING AND ADMINISTERING OF THE CM STANDARD FORMS

- **In the District Prosecution Offices, the completion of forms will be conducted as follows:**
 - **Forms No. 1 and 4 will be completed by the judicial police officer;**
 - **Other forms will be completed by the prosecutor who conducts the proceeding and are monitored and signed by the Head of the Prosecution Office.**
 - **In Appellate Prosecution Offices, the forms are completed by the appellate prosecutor that defends the case during the trial and is monitored and signed by the Head of Appellate Prosecution Office.**

VI. COMPLETING AND ADMINISTERING OF THE CM STANDARD FORMS

- **In all prosecution offices, the completed forms will be separately filed for each proceeding/case, also based on their chronology.**
- **In PG's Office, the respective directorates and sectors based on the areas they cover will open specific files by grouping the forms under each prosecution office.**
- **In PG's Office the file with all the forms will be kept by the appointed prosecutor until the end of proceeding and criminal decision is executed.**

VI. COMPLETING AND ADMINISTERING OF CM STANDARD FORMS

- **The forms will be completed and saved in:**
 - **PC or server, as well as**
 - **In hard copy which is signed by the respective person.**
- **The prosecution offices that are already in the network will send the forms in electronic way to the administrator of the PG's office, priory appointed by the PG.**
- **The data of completed forms are classified information and only the following persons have the right to consult them:**
 - **The head of respective prosecution office;**
 - **Prosecutor General; or**
 - **Persons, to whom such right is delegated by the PG.**

VII. REPORTING OF THE STANDARD FORMS TO THE PG's OFFICE

- **The printed/electronic forms will be send to the PG's office by:**
 - **Judicial police officer,**
 - **Prosecutor of the District Prosecution Office;**
 - **Prosecutor of Appellate Prosecution Office.**
- **The deadlines when the forms should be submitted to the PG's office are defined in PG's draft order and they derive based on each specific form and the reporting phases as follows:**
 - **Within 3 days: "Form of Reporting of Criminal Offence" and "Form of Completion of Investigation by the Judicial Police Officer";**

VII. REPORTING OF THE STANDARD FORMS TO THE PG's OFFICE

- **Within 5 days: "Form of Registering the Criminal Offence in the Prosecution Office";**
- **Within 3 days: "Form of Completing the Criminal Investigation by the Prosecutor";**
- **Within 10 days: "Form of Completing the Case in the District Court" and "Form of Completing the Case in the Appellate Court";**
- **Within 30 days: "Form of Criminal Decision Execution".**

VIII. IMPLEMENTATION OF THE PILOT PROJECT IN EACH PROSECUTORIAL LEVEL

- **The implementation of the Pilot Project on CM system will start after the approval of the PG's Order.**
- **In addition, will be calculated the cost of its implementation and all the funds necessary:**
 - **For the technical and administrative support for the means of implementation;**
 - **For the preparation of the software where the information of the standard forms will be inserted;**
- **The next steps will be:**
 - **Drafting of manuals or implementation guidelines with regard to the methodology and practical ways for completing the standard forms;**
 - **Organization of trainings for prosecutors and judicial police officers of the district and appellate prosecution offices on tools and means to implements the CM system.**

VIII. IMPLEMENTATION OF THE PILOT PROJECT IN EACH PROSECUTORIAL LEVEL

Currently with regard to Pilot Project implementation exist two possibilities:

- **First possibility** is to primarily implement the project in the district and appellate prosecution offices of Tirana and Durres, where currently the computer network connecting these offices with the PG's office is already set up;
- **Second possibility** is that the system will be implemented in all prosecutorial services. If this would be the choice, all the prosecution offices which are not in network, will submit the standard forms both in hard copy and in CD/USB.
- In both cases, the electronic information will be administered by the Department of Information and Technology (priority authorised by the PG) in order to provide the necessary information to the prosecutors appointed by the PG.

IX. CONCLUSIONS

- **BY CONCLUDING HERE WE DEEM THAT THE CM SYSTEM:**
 - **WILL BE THE MOST EFFECTIVE SOLUTION IN RELATION TO CASES MONITORING AND CONTROL WITHIN THE ALBANIAN PROSECUTORIAL SERVICES;**
 - **IS A GOOD APPROACH WITH REGARD TO BEST EXPERIENCES FROM OTHER COUNTRIES;**
 - **WILL AIM AT PREVENTING CORRUPTION IN ALBANIAN PROSECUTORIAL SERVICES.**

THANK YOU!
QUESTIONS??