

SATURN WORKING GROUP JUDICIAL TIME MANAGEMENT



Case-weighting for prosecution services

- Tool designed for all actors involved in the **organisation of prosecution services**
- Tool aims to **make stock of the existing case-weighting systems (CWS)** in Europe and beyond and draw key guiding principles for its establishment
- Complementary to **the study on case weighting in judicial systems (courts)** adopted in 2020
- Basis for possible **future guidelines** providing a framework on how to implement case-weighting systems

Case-weighting for prosecution services

➤ Structure:

1. Theory of case-weighting:

- *Objectives*

- *Methods*: Time-study method and Time-estimate method

2. Overview of prosecutorial CSWs in 8 countries in Europe:

- Austria, Belgium, Bulgaria, Denmark, Germany, Lithuania, the Netherlands and Sweden

Draft Report for approval by the Plenary: CEPEJ(2023)14

Case-weighting for prosecution services

➤ Structure:

3. **Comparative analysis:** pre-existing systems, lead institutions, outsourced design, purpose of CWSs, data collection methodology, working-time assessment, case-weighting attribution
4. **Alternative systems to case-weighting:** case study of Croatia and Norway

Case-weightening for prosecution services

➤ DEVELOPMENT AND IMPLEMENTATION:

- Most of the states have previous experience from legacy systems
- Leading institutions at the highest level are cornerstones of successful CWSs
- External expertise useful and applicable throughout the process

➤ CWS PURPOSES:

- Only personnel and budgetary requirements (**Austria, Germany, the Netherlands**).
- Also for prosecution service management at a:
 - Unit level (**Belgium, Bulgaria, Denmark, Lithuania, Sweden**) for allocating prosecutors, staff, budget and assessing productivity of the unit.
 - Individual level (**Bulgaria, Lithuania**) for assessing productivity of individuals, individual appraisal and career development and disciplinary responsibility.

Case-weightening for prosecution services

➤ DATA COLLECTION:

- Five states opted for time-study methodology (**Austria, Belgium, Denmark, Germany, Sweden**)

Denmark collects data continuously, Sweden twice a year for two weeks. Most states turned to online tools and most chose a representative sample. All use case management systems as much as possible to extract data.

- Three states opted for time-estimates (Delphi/like) (**Bulgaria, Lithuania, the Netherlands**)

In Lithuania 10 expert prosecutors spent 18 months reviewing resolved cases (50 cases per article of Criminal Code). In Bulgaria, a special working group created coefficients (basic and additional) for an extensive list of prosecutorial actions/decisions. The Netherlands graded cases complexity from one to five.

Case-weightening for prosecution services

➤ DATA COLLECTION:

- States take very different approaches in assessing the working-time of prosecutors
- Some are collecting precise data (**Denmark, Sweden, Lithuania**), other rely on averages and estimates

In Denmark, it is calculated that 4,9 h/d is spent on case related work. In Austria, it is estimated that a prosecutor works 1.720h/y and in Germany 1.646h/y, in Bulgaria this is 5h/d, 250 d/y. In Belgium, online calendar is used as a source of information.

- States employ external help for this part of the process (**Austria, Belgium, Germany**)

Case-weightening for prosecution services

➤ CLASSIFICATION OF CASES SERVES AS BASIS:

- Offences provided by law
- Phases of the procedure
- Offences and phases of the procedure
- Complexity of cases

Case-weightening for prosecution services

➤ CASE WEIGHT ATTRIBUTION:

- Time-study method – case weight is the average time (**Denmark** – 37,5h for conviction for murder and arson while in Sweden average time is converted into relative values).
- Time-estimate method – case weight is awarded by estimation (**Bulgaria** and **Lithuania** – basic weight determined and adjustment possible).

Case-weightening for prosecution services

➤ CASE WEIGHT ATTRIBUTION - EXAMPLES:

- **Denmark** - average time invested by prosecutors for a conviction for murder and arson is 37,5h, for indictment with trials for murder and arson is 11,25h, and for other decisions for murder and arson is 1,34h.

- **Sweden** - average time converted into relative values and indices.

One case type (“Use of illegal drugs/possession for personal use”) is referential – index 1,00. The average time for this case type is 1,15 hours: therefore, the index weight for each case type equals the average time/1,15.

Example: For rape, the average time is 7,16h: weight index 6,23 (7,16/1,15).

Case-weightening for prosecution services

➤ CASE WEIGHT ATTRIBUTION - EXAMPLES:

- **Bulgaria** - first step (mandatory) is the assigning coefficient - 1 equals 150 min, second step elective.

- In **Lithuania**, the two steps (predetermined weight and the aggravating factors) occur simultaneously. For the investigation phase, a fixed weight of working time is allocated for each case type and an additional rate is added for each suspect.

*Example: For fraud, if the prosecutor is supervising the investigation:
concluded by termination, standard weight 11h,
suspended, standard weight 20h,
referred to the court: standard weight 50h
14h added for each additional suspect*

Case-weightening for prosecution services

➤ BARRIERS TO INTRODUCING CWS:

- Insufficient awareness
- Excessive burden concerning data collection
- Concerns of improper use of collected data
- Deficiencies in data collection process/available data
- Concerns about the effectiveness of the CWS among prosecutors

Case-weightening for prosecution services

➤ Structure: Seven key guiding principles:

- Strong leadership
- Significance of long-term planning
- Importance of defining purposes targeted by the CSW introduction
- Quality and efficiency in data collection
- Incorporation of relevant and efficient IT tools
- Dissemination, transparency, and communication
- Sustainability

Case-weighting for prosecution services

➤ Structure:

5. Seven key guiding principles:

- Strong leadership
- Significance of long-term planning
- Importance of defining purposes targeted by the CSW introduction
- Quality and efficiency in data collection
- Incorporation of relevant and efficient IT tools
- Dissemination, transparency, and communication
- Sustainability

Database of backlog reduction practices

- Follow up to the **Backlog Reduction Tool (approved by Plenary in June 2023)** drawing inspiration from the **Resource Centre on cyberjustice and artificial intelligence**
- **Purpose:**
 - collect and display backlog reduction practices
 - provide factual presentation, without endorsing specific practices
 - facilitate bilateral exchanges and knowledge sharing among authorities

Document for approval by the Plenary: Concept note on the database on backlog reduction practices CEPEJ(2023)15

Database of backlog reduction practices

➤ Structure:

1. **Domain:** legislative, operational, resources and training
2. **8 areas of application**
3. **Level of application:** national-wide, court / prosecution service / judge
4. **Implementation status / period**
5. **Country and implementing authority**
6. **Description of practices with evidence to support the results**

Database of backlog reduction practices

➤ Collection of information:

- CEPEJ members, Network of pilot courts and national correspondents
- appointment of a **Task Force** to review collected practices
- updated on a six month basis

➤ Please send measures / practices

to START BUILDING THE DATABASE

Length of stages of the civil procedure

➤ Tool designed to:

- identify **common steps** in civil proceedings across Europe
- detect **delays** in civil proceedings
- understand **reasons** for the occurrence of delays

If possible, the **final objective** is to:

- set up guidelines for **the duration** of each step
- propose **optimum timeframes** for these steps
- provide **insight into practices** which can expediate these processes

Length of stages of the civil procedure

➤ Steps to design the Tool:

- Questionnaires on the steps of **the civil procedure**
- Collection of **explorative data** from the Network of pilot courts
- Preliminary analysis of **32 replies** from pilot courts
- Creation of a **Task Force** composed of pilot courts
- Clarification of the concept and the methodology (
- Data Collection
- Production of outcome

Reference document: Concept note « Which way forward for the tool to analyse the length of the steps of civil proceedings? » CEPEJ-SATURN(2023)11

Length of stages of the civil procedure

➤ Agreed steps of the civil proceedings:

- Serving documents
- Filing a response to the legal action by the defendant
- Preliminary/first hearing
- Final hearing
- Issuing a written judgment
- Filing an appeal on the first instance judgment

Length of stages of the civil procedure

➤ Preliminary analysis showed that:

- most respondents have no legal deadlines for the stages of civil proceedings
- nor they collect the data nor their real duration
- some procedural rules (apparently) affecting the overall length of civil proceedings
- no significant impact of legal deadlines on initial stages BUT more on the later stages (e.g. preliminary / first to final hearings)

**SATURN WORKING GROUP
JUDICIAL TIME MANAGEMENT**

Thank you for your attention!