

Part III

Appendix

Contents of the Questionnaire*

Chapter I: Offence Definition

General Overview: Which reaction forms are available for which offence types in your country?

- I.1. Are all offences defined as criminal?
- I.2. Does the state respond to all known offences by formal criminal proceedings?
- I.3. Are all offences to be met by a penal sanction?
- I.4. Please provide details of what the offences named below are defined as and how they are dealt with
 - I.4.a. Illegal parking is a...
 - I.4.b. Exceeding the speed limit is a...
 - I.4.c. Driving under the influence of alcohol, without causing danger or an accident is a...
 - I.4.d. Driving under the influence of alcohol and causing danger to road traffic (driving recklessly) is a...
 - I.4.e. Driving recklessly/dangerously (without influence of alcohol) is a...
 - I.4.f. Special forms of theft are...
 - I.4.g. Possession of a small amount of cannabis/hash for personal use is...
 - I.4.h. Travelling with public transport without a ticket is a...
 - I.4.i. Begging in a public place is...
 - I.4.j. Being „drunk and disorderly“ (being drunk and causing a nuisance) in a public place is...
 - I.4.k. Prostitution is a...
 - I.4.l. Other offence, namely...

* The complete questionnaire including all categories of answers can be found via internet www.kriminologie.uni-goettingen.de/pps.

Chapter II: Investigative Stage

The Police in the investigative stage

- II.1. Please describe briefly the police service in your country
- II.1.a. Is there only one police organisation with all divisions (ultimately) responsible to one ministry (the ministry of the interior)?
- II.1.b. Please describe police service organisation including its hierarchy, i.e. who sets policy, provides resources, defines how these are to be used etc.?
- II.1.c. Where there is more than one kind of police, how are they different? Is, e.g., one police responsible only for a particular type or group of offences?
- II.1.d. In how far does a judicial structure (PPS, Ministry of Justice etc.) have influence on the police forces? Is there a police force which is factually controlled by these institutions?
- II.2. Are there alternative investigatory agencies, e.g. customs, tax and financial authorities etc.?
- II.2.a. If yes, what offences do they deal with?
- II.2.b. If yes, what happens to the case?

Chapter III: Control by PPS in the investigative stage

- III.1. What is the organisational relationship between PPS and police?
- III.2. Does the prosecution service have legal powers to direct police investigations?
- III.2.a. If no, does it direct the police anyway?
- III.2.b. Is the PPS considered to be „in charge of“ investigating offences?
- III.3. How does the PPS direct investigations generally? Can PPS issue general guidelines and instructions as to...
- III.3.a. Are these guidelines legally binding?
- III.3.b. How well are they observed in practice?
- III.3.c. Is there a disciplinary procedure to sanction police disobedience of such general guidelines?
- III.3.d. Does the PPS in fact issue such general guidelines?
- III.3.e. How often?
- III.4. When are the police required by law to inform the PPS about a case for the first time?

When do the police actually report a case to the PPS?

- III.5. Which cases does the PPS leave entirely in police hands including the decision to drop/dispose (in so far as police are empowered to do so)?

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- III.6. Which cases does the PPS leave entirely in police hands until the investigation is completed, but insist on being involved in all decisions beyond that?
- III.7. In which cases does there tend to be a moderate level of PPS involvement in the investigative stage, e.g. because PPS advice needed or permission for certain measures required etc.?
- III.8. In which cases is the PPS involved in a case from the very beginning of the investigation?
- III.9. PPS becomes actively involved in the investigative stage (if yes, please describe):
- III.9.a. To allow certain measures?
- III.9.b. To allow pre-trial detention?
- III.9.c. To guide police evidence collection?
- III.9.d. To be present during interrogation/statements or to interrogate/hear suspect?
- III.9.e. To be present during interrogation/statements or to interrogate/hear victim?
- III.9.f. To be present during interrogation/statements or to interrogate/hear witnesses?
- III.9.g. To co-ordinate and plan investigation (with police command)?
- III.10. Is the type of offence for which PPS should/can take charge of and how far (and which the police can deal with relatively independently) regulated in any way, e.g. by guidelines?
- III.10.a. Who decides this/ issues such guidelines?
- III.10.b. Are there guidelines instructing what kind of measures are appropriate in a “typical“ investigation into types of offences?
- III.10.c. If yes, who issues such guidelines?
- III.10.d. If this is regulated regionally, is there significant regional variation? Please give examples
- III.11. Which actions require the police (or PPS where head of the investigation) to seek whose approval (normally in advance where there is no time pressure/emergency)?
- III.12. Are there emergency or „in flagranti“ police powers (meaning that police can exercise powers they usually need permission for because, e.g. there is time pressure or danger that a suspect may destroy evidence etc.)?
- III.13. Which powers does this apply to in what circumstances?
- III.14. Are there any actions the police may never take without the prior approval described above?
- III.15. Where the police use emergency/ in flagranti powers and this requires post-facto court approval what happens if the court finds that the action was not justified and therefore illegal?
- III.16. Does the PPS have some means (other than disciplinary proceedings etc.) of influencing the police?
- III.17. Do police and PPS work together in any other fields than investigation?

Police duty to report/hand on cases/information at the end of the investigative stage

- III.18. Is there a general principle of legality at police level?
- III.19. As far as offences not taken directly to court by the police are concerned: Are the police obliged to hand a case on where the offender is known?
- III.20. Do they do so in practice?
- III.21. When (at what stage in the proceedings) do the police hand a case over?
- III.21.a. Is there a legal provision as to when the police should hand a file over to the PPS?
- III.21.b. When is the file (and responsibility for a case) actually handed over?
- III.22. Is there a mechanism for the PPS to check the cases not handed on where the police are obliged to hand on?
- III.23. How often are such powers actually used? Does this actually take place?
- III.24. How do systems manage an agreement between the police and the PPS to decide what should/should not be handed on?
- III.25. Can the police hand a case over to an agency other than the PPS? (Please answer for cases involving adults only)?
- III.26. Does this agency then make the decision whether to prosecute?
- III.27. Are there any alternative systems which deal with offences (as we have defined these before) i.e. are there alternative institutions, e.g. for specific sections of society like the military?
- III.27.a. Is there an alternative police?
- III.27.b. Is there an alternative court?
- III.27.c. If yes, which section of society and what offences do they deal with?
- III.27.d. Does the PPS become involved in any way?
- III.27.e. If yes, please describe

Chapter IV: Police Competence

- IV.1. What happens to a case when police investigation is ended?
- IV.2. Can the police take cases to court?
- IV.2.a. If yes, what types of cases can the police take to court?
- IV.2.b. For which offences can the police bring a case straight to court?
- IV.2.c. How is this regulated?
- IV.2.d. If by guidelines, who issues these?
- IV.3. What kind of proceedings do the police use?
If the police can decide between different procedural forms, does the PPS have any influence on which form they chose?
- IV.4. Does the PPS have any way of influencing such cases (other than giving approval where this is required)?

- IV.5. Is there discretion/ a principle of expediency/opportunity at police level?
- IV.5.a. Can the police decide to drop a case on grounds of insufficient evidence?
- IV.5.b. If yes, for what types of cases can the police do this?
- IV.5.c. Can the police do this for all offences?
- IV.5.d. How is this regulated?
- IV.5.e. If by guidelines, who issues these?
- IV.5.f. Does the PPS have any other way of influencing such cases (other than giving approval where this is required)?
- IV.5.g. Can the police drop a case on public interest grounds?
- IV.5.h. If yes, is/does this...?
- IV.5.i. If yes, for what types of cases can the police do this?
- IV.5.j. Can the police do this for all offences?
- IV.5.k. How is this regulated?
- IV.5.l. If by guidelines, who issues these?
- IV.5.m. Does the PPS have any other way of influencing such cases (other than giving approval where this is required)?

Unknown Offenders

- IV.5.n. Where there is no known offender, who makes the decision no longer to look actively for an offender?
- IV.5.o. Can the police dispose of cases?
- IV.5.p. If yes, is/does this...?
- IV.5.q. If yes, for what types of cases can the police do this? E.g. where evidential deficiency very clear e.g. because there are no witnesses, or witnesses are not prepared to testify
- IV.5.r. Can the police do this for all offences?
- IV.5.s. How is this regulated?
- IV.5.t. If by guidelines, who issues these?
- IV.5.u. Does the PPS have any other way of influencing such cases (other than giving approval where this is required)?
- IV.5.v. Where there is no known offender who makes the decision no longer to look actively for an offender?
- IV.6. Can the police end a case by a fixed penalty (defined by a catalogue)? E.g. fine 50 Euros for driving < 20 Km/Hour above the speed limit
- IV.6.a. If yes, what kind of fixed penalty can they give?
- IV.6.b. If yes, for what types of cases can the police do this? (E.g. where evidence very simple)
- IV.6.c. For which offences can the police do this?
- IV.6.d. How is this regulated?
- IV.6.e. If by guidelines, who issues these?
- IV.6.f. Does it lead to a record of any sort? IV.7. Can the police end a case with a consequence, e.g. a kind of sanction or criminal record?

- IV.7.a. If yes, what kind of consequence can arise?
- IV.7.b. If yes, for what types of cases can the police do this? E.g. first-time offender, where police officer decides this is sufficient to deter the suspect from further offences in the future
- IV.7.c. Can the police do this for all offences?
- IV.7.d. How is this regulated?
- IV.7.e. If by guidelines, who issues these?
- IV.7.f. Does the police need PPS or court approval to do this?
- IV.7.g. Must the suspect agree to a consequence of this type?
- IV.7.h. Is this considered an admission of guilt?
- IV.7.i. Does it lead to a record of any sort?
- IV.7.j. If yes, is this a conviction?
- IV.7.k. Who has access to this record at a later stage?
- IV.7.l. What usually happens if the suspect refuses to agree?
- IV.7.m. How often does a suspect not agree?
- IV.8. Where the police require approval/agreement from another institution, how is this reached?
- IV.8.a. Where approval/agreement, how often is approval refused?
- IV.8.b. Or if possible, provide data (%) of cases in which approval is not given on one or more years

Chapter V: Unknown Offenders and Police Output

- V.1. What happens if the offender is unknown?
- V.2. Is PPS approval necessary?
- V.3. Does PPS have any means of ensuring police are not just making decision not to investigate certain types of crime?
- V.4. Please provide police input and output data
- V.4.a. Police drops - offence related (statistics)
- V.4.b. Police disposals - offence related (statistics)
- V.5. Where there are input and output (i.e. between reported and recorded crime) statistics at police level, is there a significant difference between the two?
- V.6. Are there, excluding the police, alternative prosecutorial agencies which take cases to court or make a decision not to do so?
- V.6.a. If yes, what offences do they deal with?
- V.6.b. Can such institutions drop on discretionary grounds?
- V.6.c. Can they impose conditions or sanctions?
- V.6.d. What kind of?
- V.6.e. Please provide statistics of cases dealt with by such institutions

Chapter VI: Prosecution Stage: Input

- VI.1. Can the PPS itself initiate an investigation?
- VI.1.a. If yes, on what basis?
- VI.1.b. If yes, how often does it do so?
- VI.1.c. If possible, please provide data on how many cases were initiated by the PPS in one or more year/s
- VI.2. Can the victim report an offence directly to the PPS?
- VI.3. Once a case has been received by the PPS (file handed on), can a prosecution be stopped at this stage by any other body/ person ?
- VI.3.a. Where a stop is possible, is this limited in any way? (e.g. victim can stop proceedings in certain types of offences because his/her agreement is a pre-condition.)
- VI.3.b. How often does this happen?
- VI.3.c. If possible, provide data for one or more year/s as to how often this happens
- VI.4. Must the PPS consider any other factors when making the decision whether to prosecute?
- VI.5. What happens if the PPS does not consider/ is not seen to have considered such factors?

Examining Magistrates

- VI.5.a. Is there an examining magistrate alongside the PPS?
- VI.5.b. What is the relationship between PPS and the examining magistrate?
- VI.6. Who can refer cases to him/her?
- VI.7. In what kinds of cases does the examining magistrate become involved?
- VI.7.a. What is his or her function/role in such cases?
- VI.7.b. What role does the PPS (still) play in proceedings in which an examining magistrate is involved?
- VI.8. Can the examining magistrate decide to drop a case?
- VI.8.a. If yes, on what grounds?
- VI.8.b. With a condition?
- VI.8.c. Can the examining magistrate drop without PPS agreement?
- VI.8.d. If yes, can the PPS appeal against this decision?
- VI.9. Examining Magistrate Level (statistics)
- VI.10. PPS input statistics

Chapter VII: Prosecution Decision-making

- VII.1. On what grounds can the PPS drop a case?
- VII.1.a. If these tests are defined by guidelines, who issues these?

- VII.2. Where a case is dropped, what records are kept?
- VII.2.a. Who has access to these?
- VII.2.b. How often are they referred to in future investigations?
- VII.3. Where court approval is required, how often is it not granted?
- VII.4. Where cases can be re-opened, under what circumstances?
- VII.4.a. How often does this happen?
- VII.5.a.i. Who has a mechanism to force the PPS to charge?
- VII.5.a.ii. Who has a mechanism to attempt to force a public trial?
- VII.5.a.iii. How often are these used?
- VII.5.b. Can the PPS refer a case for private prosecution (in combination with dropping the public case)?
- VII.5.c. Can anyone other than PPS (or victim where PPS refers a case for private prosecution) prosecute a case?
- VII.5.d. How often does this happen?
- VII.5.e. If possible, provide data on how many such alternative prosecutions took place in one or more year/s
- VII.6. Where the PPS wants to end a case what options does it have?
- VII.6.a. Please answer the following questions separately for all potential disposals the PPS can use (penal order/ conditional disposal (no conviction)/ drop (public interest)
- VII.6.b. Is an admission of guilt necessary for this kind of solution?
 - a) If yes, is this recorded?
 - b) Where?
 - c) If there is a record, who has access to this record in the future?
- VII.6.c. Whose consent is required for the disposal?
- VII.6.d. Where a suspect refuses to give his consent and it is necessary for a PPS disposal suggestion what will happen?
 - a) When suspect's consent is required, how is this gained?
 - b) How often is consent refused?
 - c) Please provide data on how often an offer was refused/order was appealed against in one or more year/s
- VII.6.e. If necessary, how does the court give its consent?
 - a) Can the court alter the proposed disposal? I.e. impose a different condition than PPS suggests?
 - b) How often does the court refuse its consent?
 - c) Please provide data on how often a proposal was refused in one or more year/s
- VII.6.f. Where victims consent is required, how is this gained?
 - a) How often does the victim refuse consent?
 - b) Please provide data on how often consent was refused in one or more year/s
- VII.6.g. Does this kind of disposal lead to a conviction/record?
 - a) Where is this recorded?
 - b) Who has access to this record in the future?

- VII.6.h. What are the limits to the use of this kind of disposal? (e.g. offences for which it may not be used) Please also state where these are defined (legislation, guidelines)
- Are any patterns visible in the use of this type of discretion in relation to particular offences or offence types? Please consider in particular (and provide definitions)
 - Or types of offenders? Please consider in particular
 - Law allows us for...
 - Penal order is used to deal with... (Please state the proportion of penal orders used to deal with the following: e.g. petty theft: 1/3 of penal orders issued are a reaction to petty theft)
- VII.6.h.e. The following make up (please provide proportion) of penal order, e.g. 90 % of petty thefts are dealt with by penal order
- VII.6.i. Which conditions/sanctions are usually imposed by this procedure?
- VII.6.j. Are any measures in place to ensure uniform use of discretionary PPS powers?

Transparency and Accountability

- VII.7. In which form is a decision to drop or dispose of a case laid down?
- VII.7.a. This note is recorded...
- VII.7.b. Who has access to this at a later stage?
- VII.7.c. Who is informed of the decision?
- VII.8. Prosecution output (statistics)

Chapter VIII: Court Stage

- VIII.1. What is the PPS' role in preparation for and during trial?
- VIII.2. How is evidence presented during trial?
- VIII.3. Who decides what information should be given to the court?
- VIII.4. Where a judge or magistrate has conducted interviews before the trial, is this evidence presented differently?
- VIII.5. Are there quicker procedural paths at the court stage? E.g. accelerate proceedings
- VIII.5.a. Name of procedural alternative: _____
- If PPS has decided to/applies to use alternative proceedings, is the court legally required to check that the requirements for such proceedings are fulfilled?
 - Does the court do so thoroughly in practice?
 - If the court agrees with the procedural form, but disagrees on contents (e.g. type or severity of punishment applied for) can it simply change an element?
 - Can any party insist on normal proceedings?

- e) Which sanctions can be given after such proceedings?
- f) In how far do the PPS/police influence these proceedings?
- g) Does a guilty plea alter the trial procedure? If yes, how?
- h) How often does the court disagree with the use of alternative proceedings?
- i) If the police prepare but the PPS formally makes the application to court, how often does the PPS not follow the police's recommendation?
- j) How often is this procedural alternative used?
- k) Where possible, please provide numbers for one or more years
- l) How does this form of proceedings vary from „normal“ proceedings?
- m) Who provides the court with information in these cases?
- n) Where another body decides what evidence to bring, does the court have any means to get additional evidence and does it do so in practice?
- o) Can a trial take place without the defendant?
- p) Under what circumstances?
- q) In what form is the charge made?
- r) Can these effectively be seen as the decision of the institution which prepares them because the court usually agrees to the proposal made?
- s) Can cases be joined at the court stage?

Normal Proceedings

- VIII.6. Can a trial take place without the defendant?
- VIII.6.a. Under what circumstances?
- VIII.7. Who decides what to charge a suspect with?
- VIII.7.a. Can the court change the original legal evaluation the PPS makes of the offence committed (the charge it brings, e.g. manslaughter instead of murder)?
- VIII.7.b. If no, what happens where the charge is incorrect?
- VIII.7.c. If the court can change a charge, how often does this happen?
- VIII.7.d. Are there any mechanisms to form and safeguard correctness of charge?
- VIII.7.e. Does the accused make a guilty/innocent plea upon which court decides?
- VIII.7.e.i. What effect does an admission of guilt have?
- VIII.7.f. Is plea-bargaining forbidden?
- VIII.7.g. Are there signs that the PPS may reduce the seriousness of a charge due to concessions of the suspect, in particular in exchange for a guilty plea?
 - a) Is this regulated in any way?
 - b) Are there signs that suspect co-operation with the PPS can lead to only a part of the potential charges being brought?

- c) Is this regulated in any way?
- VIII.6.h. Where a person is accused of several offences can the PPS drop the others because the most serious is being prosecuted?

England & Wales only

- VIII.7.i. Who decides which mode of trial to use?
- VIII.7.j. If the PP - does the court have the power to correct a mistake?
- VIII.7.k. How often does it actually do so?
- VIII.7.l. Where there is doubt as to which court has jurisdiction over the case, who decides which court to bring it to?
- VIII.7.m. On what basis is this decision made?
- VIII.7.n. Is there any indication that offenders are charged with lesser offences in order to avoid higher court jurisdiction?
- VIII.8. Does the PPS suggest a sentence?
- VIII.8.a. Where the PPS suggests a sentence, in how far does this influence the court?
- VIII.8.b. How often does the court not impose what the PPS requested?
- VIII.8.c. Can the PPS appeal against a verdict?
- VIII.8.d. How often does the PPS appeal against a verdict?
- VIII.8.e. Can the PPS appeal against a sentence?
- VIII.8.f. How often does the PPS appeal against sentence?
- VIII.8.g. Please describe briefly the PPS' appeal possibilities and the court structure for criminal cases
- VIII.9. Does a trial have to end with a verdict?
- VIII.10. How long do proceedings last?
- VIII.10.a. Is information available as to how long special procedural forms take in comparison?
- VIII.10.b. Is any information available on how long proceedings ended at PPS level last?
- VIII.11. Court output (statistics)

Chapter IX: Prosecution Service's Legal Role

- IX.1. Is the PPS regarded as an objective body, i.e. working to find all incriminating and exonerating evidence?
- IX.1.a. Do any legal obligations arise from this? When?
- IX.1.b. Considering the powers the PPS has in the investigative stage (see above), what rights do the defence (suspect or his/her legal representation) have? Mechanism, e.g. to stop a search or assets being frozen, the right to be present when witnesses are interviewed, a possibility to insist on certain investigative steps being taken etc.

- a) What means are there for a suspect/the defence to gain access to case information (in particular the file) where the PPS refuses this?
- b) What means are available for a suspect/the defence to force certain alternative investigative steps where the PPS refuses this?
- IX.1.c. What consequences are available when an individual prosecutor makes a mistake?
 - a) How often are such mechanisms (and which ones) actually used? What usually happens?
 - b) Where figures are available, how often have such consequences been implemented?
 - c) What mechanisms are in place to ensure an individual PP is dealing with cases as desired?
- IX.2. Is the PPS only active as the step between investigation and court within the procedural administration of criminal law? i.e. only role is a law enforcement agency

Chapter X: Control of the PPS and Individual Public Prosecutor (PP) Decisions

- X.1. What legal basis does the PPS have?
- X.1.a. What is the PPS?
- X.1.b. In how far is this reflected in reality? How independent is the PPS?
- X.2. Which PPS activities have a formal legal basis, which are laid down in guidelines or other form? Where legislation is concerned please name it, where guidelines or other mechanisms are concerned please name them and state who issues these
- X.3. Apart from government decisions anchored in legislation, how is general PPS policy determined, by whom?
- X.4. What forms of political control are in place outside of the PPS hierarchy to ensure PPS performs this role?
- X.4.a. Does this/do these institutions only become active upon a complaint by an interested party in an individual case?
- X.4.b. Can a citizen make a more general complaint, e.g. against a certain PPS policy?
- X.4.c. Is the PPS required to report regularly to this (or one of these, if so, please state to which one) institution(s)?
- X.4.d. Does an institution of this kind have powers to inspect the PPS?
- X.4.e. Can any other body inspect the PPS?
- X.4.f. If yes, which one?
- X.4.g. What form does an inspection take? - i.e. at what level does it occur, what methods are used, etc.?
- X.4.h. What is inspected?
- X.5. Is the PPS answerable to a ministry?
- X.5.a. If yes, is this the formal head of service?

- X.5.b. Can an external ministry/member of government issue general instructions (guidelines) to the PPS?
- X.5.c. Can an external ministry/member of government issue case-specific instructions to the PPS?
- X.5.d. Can another political figure issue case-specific instructions to the PPS?

Internal Control

- X.6. Please describe PPS structure
- X.6.a. Please provide details of prosecution service manpower (full-time equivalent)
- X.6.b. Cases dealt with per head of lawyers and paralegals per year (in as far as available)?
- X.6.c. What qualifications are necessary to become a PP?
- X.6.d. What is the average age or age group of a PPS employee?
- X.6.e. What is the average age of employees entering the service?
- X.7. In how far can an individual prosecutor be given instructions in relation to a particular case? By whom?
- X.8. Does the individual PP have any possibilities to resist/appeal against a case-specific instruction?
- X.9. How are cases distributed within the system?
- X.10. Do any other factors influence a PP's work strongly?
- X.10.a. Are some of the measures/options available to a prosecutor to deal with a case much easier or quicker than others? Which ones, e.g. Mediation is likely to involve more work than a penal order?
- X.10.b. If certain measures are valued more highly than others in an evaluating system, does this reflect the actual (more or less) work involved? Where necessary, please explain the system
- X.11. Are there any more general influences on PPS work, e.g. media?
- X.12. Who finances the PPS? Is there any possibility to put pressure on the PPS as a whole through budgeting?
- X.12.a. Who decides how to distribute resources within the PPS? It is interesting to know in how far a level of the service may have flexibility in the distribution of resources and so, in how far it might be able to bring pressure to bear on prosecutors, who dispose of cases in a way it does not approve of. Additional certain options, e.g. mediation, may only truly be available where extra resources are provided
- X.12.b. Is there flexibility within the PPS budget?
- X.12.c. If yes who decides on distribution?

Chapter XI: Juveniles

- XI.1. What is the age of criminal responsibility?
- XI.1.a. What is the age of full (adult) criminal responsibility?
- XI.1.b. Is there a group between juveniles and adults? How is this group treated differently?
- XI.1.c. Do any factors other than age influence how juveniles are treated?
- XI.2. Are there status offences for juveniles (ones which adults cannot commit)?
- XI.3. If a juvenile commits an offence defined as criminal for an adult, is this also regarded as criminal for a juvenile?
- XI.4. If juveniles committing offences are not regarded as criminal are they dealt with within the criminal justice system?
- XI.5. If they are regarded as criminal, how are juveniles/young people treated differently in law?
- XI.5.a. If they are dealt with by a different court, which one?
- XI.5.b. What happens in practice?
- XI.5.c. If there is variation or where juveniles are not regarded as criminal etc., are juveniles included in police and other criminal justice statistics?
- XI.5.d. If no, are there independent statistics for juveniles?
- XI.6. Who leads an investigation into such offences?
- XI.7. Who investigates such offences?
- XI.7.a. What happens to the case when the investigation is complete?
- XI.7.b. Who decides whether to prosecute or not?
- XI.8. Where different institutions are involved; who transfers cases/ensures that cases are transferred to them?
- XI.8.a. Where different institutions are involved, where do they liaise with the criminal justice system?
- XI.8.b. Where different courts take over, are these fully responsible for all cases?
- XI.9. If juveniles are treated differently, this is true for...
- XI.10. Is it possible to use simplified/accelerated proceedings?
- XI.11. Are these the same as for adults?
- XI.12. What sentences are available?

Diversion

- XI.13. Can any other body than a court drop a case?
- XI.14. What is necessary for a case to be dropped? E.g. Where guilt is presumed but not regarded as serious. Do the same circumstances apply as for adults?
- XI.14.a. What conditions are necessary?
- XI.15. Juvenile disposals (statistics)
- XI.16. Are these decisions recorded?

XI.17 Who has access to these at a later stage?

Chapter XII: Victims

- XII.1. What rights does a victim have according to the law?
- XII.1.a. If the victim has a right to appeal against discretionary decisions to drop/dispose, can s/he do so fast enough to prevent a conditional disposal becoming legally binding (e.g. because suspect has fulfilled condition)?
- XII.2. What information must be given to the victim by the PPS according to the law/guidelines?
- XII.2.a. Is any information usually or often provided which the law does not prescribe?

XIII. Basic Principles

What basic principles dominate criminal procedure law? – Please comment on the definitions provided below (presumption of innocence; principle of officiality/ legality; immediacy; public trial; decision on guilt only made by a judge; guilt established only by a judge).

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