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**CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS  
(CCPE)**

**Questionnaire with a view of the preparation of Opinion No. 7 on the  
management of the means of the prosecution services**

**Replies from Estonia**

## **SECTION I: Status of the prosecution services in the state administration**

1. Please specify the status of the prosecutor and the prosecution service in your state. Is it an autonomous institution? If yes, how is this autonomy guaranteed?

The Prosecutor's Office is part of executive power and is administered by the Ministry of Justice. In a specific criminal matter, the Prosecutor's Office and prosecutor are independent. This is set out both in the Prosecutor's Office Act and in the Code of Criminal Procedure.

2. Does the ministry of justice or another authority govern the activity of the prosecution service? If so, how?

In a specific criminal matter, the Prosecutor's Office and prosecutor are independent. The supervisory control that the Ministry of Justice exercises over the Prosecutor's Office does not cover the activities of the Prosecutor's Office in pre-trial criminal proceedings and in public prosecution in court. However, the Ministry of Justice is responsible for the budget of the Prosecutor's Office; the Government is also entitled to decide on priorities in the fight against crime.

3. Which authority is responsible for the creation of prosecutor positions?

The Minister of Justice.

4. Please indicate if there is any connection between the prosecution service and the Ministry of Justice or another public authority in terms of financial and human resources, IT facilities etc. If so, please describe how this connection works.

The Minister of Justice defends the budget of the Prosecutor's Office in negotiations with the Ministry of Finance and before the Government and Parliament. The Minister of Justice decides on the total number of prosecutors and over their distribution across different Prosecutor's Offices. In practice though, changes are made on a proposal from the Prosecutor's Office. Responsibility for the IT facilities and required IT developments of the Prosecutor's Office rests with the separate Centre of Registers and Information Systems, administered by the Ministry of Justice.

5. Is the prosecution service independent from other institutions when implementing and managing its own budget?

The Minister of Justice approves the overall budget of the Prosecutor's Office, which the Prosecutor's Office as a rule can use independently. However, the Minister of Justice has the right to reserve a certain amount of funds allocated to the Prosecutor's Office from the state budget and assign a specific purpose for the funds, such as hiring new prosecutors.

## **SECTION II: Financial rules and regulations of the prosecution service**

6. Does the law governing the prosecution service include provisions on financial management and on the executive's obligation to provide it with the necessary infrastructure?

This is not directly regulated by law.

7. Please describe how and when the budget of the prosecution service is managed (preparation, distribution of funds between the budget lines).

Approved by the Parliament, the budget has 2 divisions: operating costs and investments. In the budget approved by the Minister of Justice, the operating costs are also divided in two: staff costs and management costs. The Prosecutor General will further subdivide the budget, which is to be presented to the Ministry of Justice.

8. Is there a specific department within the prosecution service responsible for the management of resources?

Yes, the Financial Department at the Office of Prosecutor General.

9. Is there a national and/or centralised IT system for managing, monitoring and evaluating the budget of the prosecution services? *Does this system include a mechanism for increasing the efficiency of the resource management?*

The financial accounts of the Prosecutor's Office are kept in a single state IT information system (SAP). The authorities administered by the Ministry of Justice are all in the same information system, which allows for single reporting and quick comparability.

### SECTION III: Resources of the prosecution service

10. Please specify the amount of budget of the prosecution service for 2008, 2009, 2010 and 2011 (€ equivalent), indicating the distribution between staff expenditure and other types of expenditure.

|                  | 2008<br>(mil €) | 2009<br>(mil €) | 2010<br>(mil €) | 2011<br>(mil €) |
|------------------|-----------------|-----------------|-----------------|-----------------|
| staff costs      | 8,6             | 7,4             | 7,2             | 7,2             |
| management costs | 1,7             | 1,8             | 1,7             | 1,8             |
| <b>Total</b>     | <b>10,3</b>     | <b>9,5</b>      | <b>9,2</b>      | <b>9,2</b>      |

11. *In your jurisdiction, what resources would you improve access to, and how would you do that (e.g. through partnership agreements, joint investigations, redistribution of resources etc.*

Gaining resources for filling vacant prosecutor's positions is of the first importance.

12. Are the current or future budgets of the prosecution service affected by the 2009-2011 economic crisis?

Yes. In 2008 the budget allocated for the salaries of prosecutors (taxes included) totalled €8.6 million, in 2009 it was €7.4 million, or it decreased by €1.2 million.

13. *What instruments are used to allocate resources needed for the good functioning of the prosecution service?*

The Ministry of Justice decides on the allocation of the total budgetary amount to the Prosecutor's Office. The Prosecutor General decides on the most effective division of the budget allocated to the Prosecutor's Office within the allocated budget.

The prosecutors are managed according to the principles of performance management – the budgets of Prosecutor's Offices are reviewed each half-year, considering the performance.

14. Is there any connection between the budgets allocated to the prosecution service and to the judiciary or to law enforcement bodies?

The Prosecutor's Office Act sets out that the salaries of the judges at the same level are also to be considered when deciding on the salaries of prosecutors.

15. Do human resources of the prosecution service depend on other institutions of the judiciary (e.g. Judicial Council, National Schools of Clerks)?

Not directly. However, movement of labour takes place between different legal authorities. For example, a prosecutor can proceed to work as a judge/lawyer, a police officer as a prosecutor, etc.

16. In your jurisdiction, is there any mechanism of rapid reaction which could allow a quick redistribution of means (financial or human resources, logistics) between prosecution services, according to the needs of the system?

There is no specific established mechanism as regards budget funds. When needed, in exceptional circumstances it is possible to apply for additional funds from the Government's reserve fund and temporarily rearrange work organisation.

17. Does the General Prosecutor (or equivalent institution) have a specific budget for taking interim/temporary measures in situations when, within a certain prosecution service, human resources are insufficient?

No.

#### **SECTION IV: Budget for investigations**

18. What steps are required in order to obtain direct access to the resources needed for investigations? Please assess the period of time that elapses between submitting a request for resources and the moment when they are actually obtained.

To receive additional resources besides the approved budget, the Government of the Republic is to be approached. The Government has the right to allocate the required funds from the Government's reserve fund. This approach is made via either the Ministry of Justice or Internal Affairs. This will take a week at the minimum.

19. Have you ever faced the risk that special investigative techniques (e.g. communication interceptions, legal-genetic expertise, computer search) could not be applied in due time because of insufficient resources? Have insufficient resources in general affected the performance of criminal investigation in normal cases?

The queues for expert analyses (chiefly the DNA analysis) primarily affect the speed of proceedings. Also, technical resources relating to surveillance activities are overburdened at certain times.

20. Is the resource management performed by the prosecution services during their investigations controlled? Please specify.

The Prosecutor's Office has the right to give relevant orders to investigative authorities (e.g., how many investigators should be on a case). As a rule, the relevant decisions are made in accordance with the opinion of the investigative authority.

21. What is the resource management procedure when various agencies are involved in the investigation procedure (e.g. the police)?

As a rule, various agencies determine the number of people on a specific case. There are no separate procedural rules for the allocation of resources; they are applied in mutual coordination.

22. Is it possible for prosecutors to specialise in certain type of crimes? If so, what kind of effect it has had on the results of the prosecution service?

It is possible. It allows for better training of officials, greater skills, and work of better quality.

23. Are there areas of investigation that have priority access to financial or material resources? If so, how and by whom is this priority established?

Priorities in the fight against crime are determined by the Government. Above all, this makes it possible assign a greater number of prosecutors and investigators to do certain things. As a rule, there is no way of obtaining additional resources in the course of a budgetary year.

## **SECTION V: Description of the system of management by results**

24. Do you have a system of management by results? (Please specify.) If yes, is there any problem with this system ?

We do. Both the overall work results and results in priority fields are considered. To some extent, the results will serve as a basis for the allocation of the budget among Prosecutor's Offices. What could be a problem is that as a rule such result oriented systems are focused on quality, yet the quality of the work of prosecutors is difficult to adequately assess and compare, particularly considering the independence of prosecutors.

25. What kind of objectives are set for the prosecution service, if such a system of objectives exists? Does your system use benchmarks of achieved results?

For example, an objective set is the speed of criminal proceedings involving minors (as a rule below 4 months), prosecution in priority offences, etc. No direct benchmarks are used, apart from the speed of proceedings involving minors.

26. Which authority/authorities is/are competent to set these objectives?

The broad objectives in different fields are set by the Government. Specific definitions, objectives, and the way those are measured have been mutually agreed by the heads of the Prosecutor's Office and investigative authorities.

27. What role does the prosecution service play in setting these objectives?

The broad criminal policy objectives are set by the Government (e.g., that greater attention is to be directed to cyber crime) in consultation with the Prosecutor's Office and investigative authorities. To a great extent the specific objectives (e.g., what type of cyber crime will be particularly fought against) and the way and means to reach them can be chosen by the authorities. This is done primarily on the initiative of the Prosecutor's Office.

28. Are the objectives coordinated between all authorities of the criminal procedure? If such coordination exists, how does it influence the activities of the prosecution service?

The objectives are coordinated between the Prosecutor's Office and investigative authorities. However, investigative authorities cannot force any other objectives on the Prosecutor's Office without the latter's consent.

29. Are there regulations in your system as regards the optimal workload within prosecution offices? if yes, is the allocation of resources correlated with the workload? Please provide examples.

Officially, no such system has been set up, but the workload of prosecutors is monitored and resources reallocated where possible.

30. Is the setting of objectives based on a negotiation system?

The broad criminal policy objectives are set by the Government in consultation with both the Prosecutor's Office and investigative authorities. However, the Government is not connected with this opinion. Specific objectives are coordinated between the Prosecutor's Office and investigative authorities.

31. Who are parties of the negotiations?

The Minister of Internal Affairs, Minister of Justice, Prosecutor General, heads of major investigative authorities.

## **SECTION VI: Follow-up of results and reporting**

32. Please indicate if there are any national strategies implemented in your state regarding the resources allocated to the judicial system, including the prosecution service. If so, in what areas were these strategies developed? Please comment on the results of these strategies.

Currently there are no strategies that have brought to the Prosecutor's Office any considerable additional resources.

33. Is the attainment of objectives followed up yearly? How?

34. Have any reforms been implemented during the last 5 years aimed at increasing the budget of justice?

No.

35. Is the prosecution service included in the government strategies for enhancing the efficiency of public institutions (e.g. e-governance, external financial audit)?

Yes. For example, the accounting and staff accounting of the Prosecutor's Office are centralised under the Ministry of Finance, IT development is centralised under the Centre of Registers and Information Systems.

36. How would you assess internal audit recommendations within the prosecution service?

They are good.

37. Is the social impact of the prosecutors' activities evaluated? If yes, by whom?

No.