



# CRYSTAL SCALES OF JUSTICE

## **Crystal Scales of Justice Award 2009**

*Presentation of the shortlisted projects*



EUROPEAN COMMISSION



COUNCIL OF EUROPE  
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# Crystal Scales of Justice Award 2009



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# Recognising innovative practice in criminal justice throughout Europe

The European Commission and the Council of Europe have created a Crystal Scales of Justice Award for innovative practice in the field of criminal justice. The prize, awarded for the first time in 2009 went to projects designed to improve criminal proceedings, court organisation and the general functioning of the criminal justice system.

Applications were open to candidates from European Union and Council of Europe countries and were assessed by a panel of European legal practitioners. To be eligible to apply, projects must have been presented by a court, a Bar association or an association of legal professionals, a prosecution office, a prison or probation administration, or any other entity responsible for criminal justice affairs.

The award, which follows on from the success of the Crystal Scales of Civil Justice Award set up in 2005, was an excellent way of encouraging new practices that contribute to improving the quality of criminal justice. The event enabled judges and other legal practitioners to join forces with the European Commission and the Council of Europe to identify and promote innovative practices, which will in turn contribute to the quality of legal systems.

Details of the award-winning projects and the impact they have had on criminal justice in their country are outlined in this brochure. The 2009 prize and three special distinctions were awarded during the Justice Forum plenary session on 5 June 2009 to the following bodies:

- Central Prison Service Board - Poland
- General Public Prosecutor's Office of Brandenburg - Germany
- Probation and Mediation in Justice Association - Czech Republic
- Amsterdam District Court - Netherlands

For more information on the award, see:

<http://www.coe.int/CEPEJ>



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# Poland

## Volunteer work for inmates

The Central Prison Service Board was awarded the Crystal Scales of Justice Prize for its innovative scheme to team up inmates with care facilities to the benefit of both sides of the community.

### Making prison work

According to Poland's Executive Penal Code, imprisonment should instill a sense of social responsibility and respect for the rule of law. To make this noble goal more of a reality, certain Polish prison services have embarked on an inventive form of cooperation which teams up inmates with hospices and homes for the elderly and disabled.

The idea is to make prison work more effective by giving inmates a valuable role in society and to bridge resource gaps which hospices and homes have difficulty in filling. So far, the scheme has been successfully implemented in prisons in Lubliniec, Kwidzyń, Gdańsk and Kraków where it began in the late 1990s.

The popularity of the scheme has grown and in 2008 the scheme was conducted in over 60 of Poland's prisons, involving over 800 inmates. Gdańsk Hospice Foundation has latched on to the idea as a means to overcome prejudice and is actively promoting the scheme online.

While originally the inmates were involved only in tasks relating to general refurbishment, hospices and care homes have extended the scope of these tasks to include meal deliveries and patient care. Inmates are prepared to carry out tasks through special courses organised either by the prison or the care facility, from first aid courses to more advanced medical training courses.

Media interest in the scheme is high, with television and radio shows being broadcast regularly about the impact the scheme is having on inmates and society.

## Assessing the impact

The positive influence this scheme has had in Poland on both inmates, hospices and homes for the elderly and for the disabled is clear to see. While the scheme is not necessarily a novelty for Western Europe, it certainly is for Poland.

### Serving society

Hospices and homes are extremely grateful for the extra help, especially given the financial difficulties they face. The help allows them to complete essential renovation and maintenance projects. The managers and carers are no longer affected by a sense of threat at the prospect of hiring an inmate and even look forward to the fresh new ideas brought by the inmates. What's more, the families of patients have now grown accustomed to the idea and appreciate its benefits.

The scheme is also gradually reshaping the image of the prison service as inmates work hard in serving the community. The conventional inmate stereotypes are being broken down and replaced with attitudes of greater tolerance and acceptance.

### Serving the inmates

The scheme reduces the risk of inmates falling into the trap of 'prisonisation', where they suffer deep institutionalisation and become afraid of life in a free world.

During the scheme, the inmates develop greater social and cognitive skills. This helps them reintegrate in society both socially and professionally. Since inmates have been taught how to solve problems in a more constructive way, they are also less likely to reoffend.

These changes in behaviour also help inmates identify more readily with their own families, and even bond more closely with them.

The volunteer work is popular among the inmates as it gives them a sense of fulfillment and purpose. Often they continue this work after having been released from prison.

This scheme is a form of restorative justice which goes beyond the traditional service of providing security for society and demoralised prisoners. It is leading Poland in a new direction which places even greater importance on the social dimension of criminal justice.

#### **One inmate's experience**

*Adrian is a firm favourite among the patients at Poznań hospice where he can spend as many as eight hours of his day. He values his time at the hospice, seeing it as a way to make up for the past and to set things straight.*



**Title of project:** Voluntary work of the convicts in Poland

**Award applicant:** Central Prison Service Board, Poland

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**Supported by:** Ministry of Justice, Ministry of Regional Development, territorial authorities, Hospice Foundation, NGO



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# Germany

## e-Justice comes to Brandenburg's public prosecution offices

The General Public Prosecutor's Office of Brandenburg was recognised by the Crystal Scales of Justice Award for its innovative document management system which connects proceedings, document storage, recording mechanisms and digital dictation technology.

### **Optimising document management**

This scheme, launched in 2007, saw an innovative document management system being introduced into the general public prosecutor's office and into all the other public prosecutor's offices in Brandenburg. The Prosecutorial Automated Recording Mechanism also known as SAS (Staatsanwaltschaftliche Automatisierte Schreibwerk) is made up of a number of key elements:

#### **Exchange of prosecutorial data**

SAS covers almost all of the forms used during prosecutorial decisions and procedures. During the generation of a form, the monitor screen is divided in two parts. One side of the screen displays the entry of the data into the form and the other side shows the final document. The software allows written communications to be delivered automatically to authorities from other EU countries.

#### **Integrated digital dictation workflow**

This allows for information to be processed through a combination of standard forms and digital dictation. For longer texts, a prosecutor can use a standard form as well as a voice recorder. As soon



as this voice recorder is connected to a computer, the dictation is recorded and a screen mask opens. Through the use of this screen mask, the prosecutor assigns the dictation to the proceedings in question and to the typist.

### Filing of documents

All prosecutorial documents are saved automatically within SAS by to their file number and can be provided electronically to other law enforcement offices throughout Europe. All incoming information, including any extracted from criminal records from other member countries, is saved automatically within the respective proceeding file.

### Assessing the impact

The automatic generation and saving of data optimises the processing of proceedings. The length of the criminal proceedings is reduced. Outbound documents of the public prosecutor's office are issued much faster, so that the person who filed the charges or the injured party is notified much earlier of the outcome of the criminal proceedings.

The manual typing of the documents by a professional typist and the transmission of the hard copy file from the prosecutor to the professional typist is now unnecessary thanks to the automatic generation of the basic documents through SAS.

Whilst before dictation tapes were carried together with the hard copy files to the professional typists, the integrated dictation workflow ensures that the transmission is included in the transfer of the data. The hard copy file stays with the prosecutor.

Cooperation between police and public prosecutor's office is more effective in large-scale criminal proceedings. After an investigation, the police can scan in documents and transfer them to the prosecutor by a secured line. The complex courier service which is otherwise needed in a territorial state (Flächenland) like Brandenburg can therefore be omitted. The prosecutor is informed immediately of the results of the investigation conducted. At the same time, a complete duplicate of the file is available to him/her in case he/she has to file a motion in a court.

The project can also be used by courts and public prosecution offices in other European countries. Forms can easily be adjusted by staff members of courts or public prosecution offices.

#### **Where SAS will go from here**

*Future plans include scanning records of proceedings to give prosecutors electronic access to them during a hearing and to give all parties involved access.*



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**Title of project:** SAS - e-Justice used in the Public Prosecutor's Offices of the State (Land) Brandenburg

**Award applicant:** General Public Prosecutor's Office of Brandenburg, Germany

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**Supported by:** Brandenburg Ministry of Justice



## Czech Republic

# Mentor Scheme for the Roma people

The Association for Probation and Mediation in Justice was recognised by the Crystal Scales of Justice Award for its innovative scheme to appoint people from the Roma community to mentor offenders serving an alternative sentence.

### Roma serving Roma

The Mentor Scheme was set up in February 2004 by the Association for Probation and Mediation in Justice in cooperation with Czech Probation and Mediation Service for members of the Roma community who have received an alternative sentence, such as community service. Czech legal authorities appoint a mentor from the Roma community to an offender in order to help him or her fulfill obligations relating to the alternative sentence. The mentoring process also aims to limit the risk of re-offending and to aid social rehabilitation.

A Roma adult interested in helping his/her community is chosen to work as an intermediary between the Czech Probation and Mediation Service and the offender. The mentor follows a special training course and is then responsible for carrying out a number of tasks. These include: making house calls, helping the offender find a job, assisting him/her in communicating with the authorities, etc.

Mentors attend a monthly meeting where individual cases are discussed and experience is shared. There is also close cooperation between mentor and probation officer to ensure that the alternative sentence is served.

The scheme raises offenders' awareness of the law and increases their ability to make informed decisions. It also increases the Czech Probation and Mediation Service's understanding of the Roma community.

## Assessing the impact

The Mentor Scheme has been applied in several regions of the Czech Republic. 52 mentors have been trained and collaborated with 18 regional centres of Czech Probation and Mediation Services. 573 offenders have been involved in the scheme and the intervention was successful in 265 cases.

The scheme has proved effective in preventing crime and helping offenders to integrate better into society. The mentor's own input enhances offenders' social skills and boosts their self-confidence. This input is beneficial to the whole Roma community as it increases their trust in the authorities and strengthens family ties.

The probation officers involved in the scheme share information with other experts and authorities so that there can be greater cooperation between them and mentors during pre-trial proceedings. The mentor's input in pre-trial proceedings is not only about initial contact and proposing possible approaches, but also about taking the initiative to address actively criminal behavior.

### **Erika's experience**

*Erika, a mother of four, was sentenced to 280 hours' community service. As someone with little education, Erika had spent her life in a difficult situation. Unused to authority and taking responsibility for her actions, Erika would have probably ended up in prison and her children in a children's home had a mentor not intervened.*



The mentor can also advise on the alternative sentence and on how the offender will manage to live up to the agreed arrangements, such as earning money to pay for damages. This means that the obligations of the alternative sentence are much more likely to be fulfilled.

The participation of mentors in multidisciplinary teams for juvenile offenders has proved beneficial. In 2008, a 'Mentor for Juveniles' Probation Programme was established and has been approved by the Ministry of Justice.

**Title of project:** Mentor Scheme

**Award applicant:** Association for Probation and Mediation in Justice, Czech Republic

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**Supported by:** Czech Probation and Mediation Service and the Ministry of Justice



# Netherlands

## European Criminal Law and Human Rights

The Amsterdam District Court is being recognised by the Crystal Scales of Justice Award for its innovative scheme to bridge the gap between theory and practice in European criminal law.

### Practice makes perfect for European law

European law has been of major importance to lawyers in EU Member States for around half a century, affecting national constitutions in a revolutionary way. Nevertheless, many lawyers and judges continue to focus on their own national law. EU law for most seems complex and, sometimes, even daunting.

European law needs to be made more visible and understandable. Legal practitioners must be informed and consulted about important changes in European law at an early stage. This is especially true now that European law affects fundamental rights more and more.

Closing this gap between theory and practice is what the Amsterdam District Court's criminal law department set out to achieve in 2007. The resulting programme - targeting criminal judges practising European and Human Rights law - was built on the premise that simply teaching European law to criminal judges is not enough. If Europe really wants to raise awareness about the importance and impact of European law, then opportunities must be given to judges to actually practise it.

To do this, the Amsterdam District Court organises special court sessions every two months where various criminal cases dealing with the same European legal issue are presented and debated by judges, prosecutors and lawyers. Judges volunteer for these special trials. In this way, participants are better prepared to practise European law.

## Assessing the impact

The programme is already making a difference in the courtroom - here's one example.

One court session of the European Criminal Law and Human Rights Chamber dealt with cases of EU citizens staying in the Netherlands illegally because of their criminal record. A close look at European jurisprudence revealed that prosecuting EU citizens is legally possible only if they appear to be an actual threat to public order. This, however, had never been an issue in the Dutch courts before. Now, thanks to this session, no EU citizens are being prosecuted in the Netherlands solely because of their criminal record.

Other court sessions of the chamber dealt with questions like freedom of speech; the legality of taking DNA-samples from minors for the purposes of crime prevention; the legality of pre-trial arrest among EU citizens who do not possess a home in the Netherlands.

The programme has sparked interest among many judges and clerks who voluntarily participate in the special sessions. This is important as the programme must not be confined to a small group of specialists if it is to be effective. The idea is that all criminal judges and clerks take part. The Amsterdam District Court has noticed that judges, clerks, prosecutors and lawyers all take an interest in European law as soon as they are told of its relevance to individual criminal cases.

### Report findings

*Language difficulties, too few guidelines and a lack of finance for training have been identified as the three main challenges to be overcome in order for national judges to apply EU law correctly, according to a European Parliament report on the role of the national judge in the European legal system.*



The project has attracted much national attention and is considered to be a pilot programme for other courts. The Haarlem District Court has announced it will follow the Amsterdam model of organising European law-related court sessions. The Amsterdam District Court has started now to organise similar European chambers in its other law department for civil law and administrative law.

The reason for its success is that the concept of this special chamber is quite clear. The court sessions are easy to organise, at low cost, and they bring theoretical knowledge of all participants into practice.

**Title of project:** European Criminal Law and Human Rights Chamber

**Award applicant:** Amsterdam District Court, Criminal Law department, the Netherlands

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**Supported by:** Dutch Ministry of Justice, Dutch Council of the Judiciary, Dutch judges in the European Court of the EC and the Court of Human Rights and the president of the Supreme Court





