



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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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 Latvia

STATUS

1. The autonomy of the Prosecution Office is safeguarded by the status of Prosecution Office provided for by the Prosecution Office Law. According to the Section 1(1) of the Prosecution Office Law the Prosecution Office shall be an institution of judicial power, which shall independently exercise supervision over the compliance to law within the limits of competence prescribed by this Law.
2. According to the Section 6(1) and (2) of the Prosecution Office Law the Prosecutor shall be independent in his/her activities from any influence of other public and administrative institutions or officials and shall comply only with law. The Parliament, the Cabinet of Ministers, public and local government institutions, public and local government officials, enterprises and organizations of all types as well as individuals shall be prohibited from intervening into the work of the Prosecution Office in investigation of cases or during the performance of any other functions of the Prosecution Office.
3. According to the Prosecution Office Law the Prosecutor General shall establish a structure and staff of the Prosecution Office accordingly with the allocated public budget funding.
4. No, Prosecution Office is judicial institution that independently carries out functions and tasks set out in the Prosecution Office Law.
5. In general, yes. The checks regarding quality and efficiency of budget expenditure are performed by the State Audit Office that in case of necessity gives instructions on improvements of budget management mechanism, which are binding to the Prosecution Office.

FINANCIAL RULES AND REGULATIONS

6. Yes, the financial management of the Prosecution Office must be performed mainly in compliance with general requirements to public funding expenditure in public funding bodies. According to the Section 51 of the Prosecution Office Law the State shall provide the institutions of the Prosecution Office with service premises, means of communication and an appropriate logistical and technical base.
7. The Prosecution Office budget for next year initially is being developed, taking into consideration execution of previous year budget and economical situation in the country. Draft budget is developed by the Administrative Director Service of the Prosecution Office and agreed with the Prosecutor General. Initially are calculated primary (mandatory) budgetary expenses related with maintenance of Prosecution Office institutions (expenses for rent of premises, heating, payments for electricity consumption, post services etc.) and salaries. The amount of needed funding is established, taking into consideration the tariffs of previous year and possible changes of tariffs in next year. Also salary is unitary governed by the Law on Salary of State and Municipal Institutions Officials and Employees. After calculation of abovementioned expenses the remaining amount is divided by positions on the grounds of priority needs for ensuring of Prosecution Office performance (repair of premises, improvements of infrastructure, renewal of logistical and technical base etc.). Prosecutor General submits draft budget to the Ministry of Finance for its advancing for approval within joint public budget package in the Parliament. According to the Law on Financial and Budget Management any amendments to a draft budget of the Prosecution Office must be agreed by the Ministry of Finance with Prosecutor General.
8. Management of Prosecution Office funding is ensured by the Administrative Director Service – the Prosecution Office unit that ensures financial and business activity of the Prosecution Office and of institutions under its supervision. Internal audit is taken by Internal Audit Division, which is directly subordinated to the Prosecutor General. Only Prosecutor General is authorized to deal with the financial resources.
9. The Administrative Director Service performs centralized management of the Prosecution Office budget in the unified system *HORIZON* (in current version of given software). That system is used by most public institutions. The system gives possibility to improve supervision over public funding expenditure efficiency.

RESOURCES

10. Herewith we provide information regarding funding allocated to the Prosecution Office of the Republic of Latvia and its expenditure:

Year 2008

Resources for covering of expenses – 23 656 154 €
Grant from general revenues – 23 634 811 €
Expenses (total) – 23 656 154 €
Reimbursement – 20 958 241 €
Salaries – 15 795 111 €.

Year 2009

Resources for covering of expenses – 18 162 474 €
Grant from general revenues – 18 141 131 €
Expenses (total) – 18 174 573 €
Reimbursement – 16 273 413 €
Salaries – 13 114 202 €.

Year 2010

Resources for covering of expenses – 15 182 346 €
Grant from general revenues – 15 161 003 €
Expenses (total) – 15 182 346 €
Reimbursement – 13 157 748 €
Salaries – 10 603 391 €.

Year 2011

Resources for covering of expenses – 20 181 595 €
Grant from general revenues – 20 160 252 €
Expenses (total) – 20 181 595 €
Reimbursement – 18 156 996 €
Salaries – 14 361 615 €.

11. The Prosecution Office needs more financial resources for ensuring of technical equipment. More funding is required for training and increasing of qualification of the Prosecutors.
12. Due to economical crisis in 2009 the budget of the Prosecution Office of the Republic of Latvia was radically cut (on average for 25%). Also in 2010 and 2011 the public budget funding was allocated in decreased amount in comparison with the budget of 2008. Since 2009 the funding of the Prosecution Office of the Republic of Latvia is insufficient.
13. The amount of needed funding is determined depending on number of employees in each Prosecution Office institution, workload, condition of buildings and premises, current condition of equipment, equipment of working places and other factors.
14. The Prosecution Office is judicial power institution that independently performs functions and tasks set out in the Prosecution Office Law. The annual public funding request of the Prosecution Office of the Republic of Latvia is not directly related with budget requests of other judicial power and investigation institutions.
15. The Prosecution Office is judicial power institution that independently performs functions and tasks set out in the Prosecution Office Law. Hence the number of persons employed by the Prosecution Office of the Republic of Latvia is not directly dependant on number of persons employed by other judicial institutions.
16. The needed funding for ensuring of performance of 44 Prosecution Office institutions is allocated in centralized way in one budget program "Maintenance of the Prosecution Office institutions". Hence Prosecutor General, who manages and supervises performance of the Prosecution Office institutions, as well as determines their internal structure and staff-roll accordingly with the allocated public funding, in case of necessity may rapidly take decision on redistribution of funding between the Prosecution Office institutions. If arises necessity to redistribute allocated funding between types of expenditure, then pursuant to the procedures provided for by the Law the Prosecution Office of the Republic of Latvia applies with substantiated request to the Cabinet of Ministers or the Ministry of Finance.
17. The needed financial resources and number of employed persons is approved upon adoption of current annual public budget. Within the approved resources the Prosecutor General is entitled in case of necessity immediately redistribute resources between the institutions of the Prosecution Office or its units, as well as to adopt internal legal acts in such cases.

18. Any prosecutor of every Prosecution Office unit may apply with the written request to the management of the Prosecutor's General Office and responsible persons regarding resources required for work. The request dependently on financial possibilities is executed within 3-10 days or in longer period, if immediate execution is not possible due to restricted funding or if according to the procedures provided for by the law of the Republic of Latvia the Prosecution Office must arrange a tender.
19. The primary costs related with ensuring of Prosecution Office performance are payments for communications, IT and maintenance services for Prosecution Office institutions. The lack of modern equipment or other material provision may influence deadlines of work execution. Due to restricted funding of forensic examination centres deadlines of fulfilling of some forensic examinations may be very long, that possibly may impede finalization of certain criminal procedures in reasonable deadline.
20. Every Prosecutor is responsible for use of resources received for ensuring of work. The supervision and accounting of resources allocated to every Prosecution Office institution is centralized and carried out by the Administrative Director Service (Financial Division, Logistical Division, Filing Division). For example, IT equipment is granted for use against signature of a prosecutor, who assumes obligation to comply with rules of equipment exploitation and is pecuniary liable for granted equipment.
21. Every judicial or investigation institution according to the Law "On Current Annual Public Budget" is granted independent funding according to the functions entrusted to such institution. Hence every institution separately accounts granted and spent resources.
22. The Section 28 ("Specialized Prosecution Offices") of the Prosecution Office Law provides for that Prosecutor General may establish specialized branch specific prosecution office, if it is necessary. Specialized branch specific prosecution offices may be granted the status of district or court region prosecution office. Prosecutor General has established 5 specialized prosecution offices: Specialized Prosecution Office for Organized Crime and Other Branches, Specialized Multi-Branch Prosecution Office, Prosecution Office for Investigation of Financial and Economical Crimes, Prosecution Office for Investigation of Crimes Related to Illegal Circulation of Drugs, Riga Road Transport Prosecution Office. Prosecutors of mentioned Prosecution Offices supervise quality and efficiency of investigation of respective criminal offences, as well as perform criminal prosecution and maintaining of public accusation for these criminal offences. Establishment of the specialized prosecution offices depends on criminal situation in the country. Additionally Head Prosecutors, when arranging of work of prosecutors under their supervision, by their order may specialize specific prosecutors for fighting with certain types of criminal offences. For example, some prosecutors of Specialized Prosecution Office for Organized Crime and Other Branches specializes only in investigation of criminal offences related with human trafficking, that substantially improves quality of investigation and supervision of the given cases.
23. Every Prosecution Office institution within the funding granted for entire year is allocated resources for fulfilment of determined functions without prioritizing of fighting with any specific type of crimes.

MANAGEMENT SYSTEM

24. There exists the system for analyzing of prosecution office performance results, no problems have arisen in relation with that system.
25. That system ensures unified statistical record keeping regarding work of the prosecutors in the preliminary criminal procedure and prosecutor's work which is not related with the directing of the preliminary criminal procedure. By the order of Prosecutor General are developed criteria for assessment and comparison of prosecution office institutions performance results, on the grounds of these criteria each month current workload and performance efficiency of prosecutors is estimated. Referring to the statistical data submitted by each prosecution office institution negative and positive rating is granted. For example, positive rating is granted for every criminal case lodged with the court, for every person regarding which the criminal procedure is terminated by executing Prosecutor's injunction on sentence etc. Negative rating is granted, for example, for every remaining criminal procedure, if its criminal prosecution deadline exceeds two months etc.
26. This is the system for analysis of Prosecution Office performance results developed by the Prosecution Office upon its own initiative on the grounds of internal legal acts and its tasks may be determined only by Prosecutor General.

27. It is internal system for analyzing of Prosecution Office performance results and its tasks may be determined only by Prosecutor General by means of internal legal act adoption which is binding to all Prosecution Office institutions.
28. Tasks of that system are not coordinated with other institutions involved in the criminal procedure.
29. One of main tasks of this system is to determine and compare current workload of prosecutors that gives a possibility to adjust it respectively in case of necessity.
30. System tasks are determined by way of negotiations in the Prosecutor's General Office.
31. In negotiations involved parties are Prosecutor General and Head Prosecutors of the Prosecutor's General Office departments, who are responsible for respective areas of the Prosecution Office activities in the country.

RESULTS AND REPORTING

32. Not applicable.
33. Priority target areas of the Prosecution Office are determined once in a half year after assessment of prosecution office performance quality and efficiency, as well as criminal situation in the country in the Council of the Prosecutor General (The Council of the Prosecutor General shall be a collegiate advisory institution which shall review the main issues related to the organization and operation of the Prosecution Office). Additionally once in a half year Head Prosecutor of the Criminal Law Department of the Prosecutor's General Office by order determines especially topical types of the criminal offences, which must be paid special attention in terms of fighting with them and for finalization of the criminal procedures regarding such offences additional positive ratings are granted. Moreover once in a year the Prosecutor's General Office organizes meeting of Head Prosecutors, during which indicators of prosecution office performance in previous year are assessed and priority target areas for prosecution office activities in next year are identified in presence of deputies from respective Parliament commissions, heads of other law enforcement and public institutions and representatives of mass media.
34. Not applicable.
35. Not applicable.
36. Internal audit recommendations regarding financial management are assessed by Prosecutor General. If more comprehensive analysis is necessary, Prosecutor General may request some prosecutor to perform an examination. Prosecutor's workload is monitored each month and dependently on workload changes Prosecutor General may make corrections after consultations with head prosecutors of departments or heads of other prosecution office units regarding possible solutions.
37. Once in a year Prosecutor General organizes meeting of Head Prosecutors, during which indicators of prosecution office performance in previous year are assessed and priority target areas for prosecution office activities in next year are identified in presence of deputies from respective Parliament commissions, heads of other law enforcement and public institutions and representatives of mass media. This meeting is open and representatives of mass media also are invited to attend it. Prosecution Office has also the website, wherein are regularly published news of Prosecution Office activities. Additionally each year is drafted annual report of the Prosecution Office, which is freely available to any interested person. Prosecutor's General Office has also public relations officer, who regularly summarizes information regarding news on Prosecution Office activities and informs about that mass media. Mass media can freely obtain information they are interested in from Prosecution Office units or officials through public relations officer.