

Combate  
Fighting  
**CRIME**

o na Europa  
in European

## QUESTIONNAIRE FOR REFERENCE



Combatendo o crime na Europa  
Os departamentos especializados  
e o papel do Ministério Público e das polícias no  
seu funcionamento e desempenho

Fighting crime in Europe  
The specialized departments  
and the role of the Public Prosecution Service  
and the Police in their functioning and performance



**SMMP**

Sindicato dos Magistrados  
do Ministério Público

"Your positions [prosecutors] are of such independence and importance that while you are being diligent, strict, and vigorous in law enforcement you can also afford to be just".

Robert H. Jackson  
Former Attorney General of the United States  
"The Federal Prosecutor", 24 J. Am. Judicature Soc'y 18 (1940)

1. NAME OF THE DEPARTMENT

Norwegian Bureau for the Investigation of Policeaffairs

2. ADDRESS

Address \_\_\_\_\_

Fax \_\_\_\_\_ E-mail \_\_\_\_\_ Phone number \_\_\_\_\_

3. CONTACT POINT (Optional)

Deputy Director Tohian Martin Welhaven

(Name and contacts of the person responsible for the relations with colleagues)

4. DATE OF FOUNDATION

01, 01, 2005

5. REASONS FOR ITS FOUNDATION

- Need for specialisation, as the organisations of plenary jurisdiction had no resources to effectively combat some types of crimes or had poor performance, etc.;
- Public opinion pressure for a better investigation and performance against the most complex, organized and cross-border criminality;
- Other. Please specify. \_\_\_\_\_

6. LEGAL BASIS OF THE DEPARTMENT

- Statutory.
- Other. Please specify. \_\_\_\_\_

**7. RULES GOVERNING THE DEPARTMENT**

- Laws       Regulations       Codes of Conduct       Guidelines  
 Please specify the scope of these various texts \_\_\_\_\_

**8. THE DEPARTMENT IS ACCOUNTABLE TO**

- Minister of Justice       Attorney General       Director of Public Prosecutions  
 Other. Please specify \_\_\_\_\_

**9. REMIT OF THE DEPARTMENT**

Please specify the range of crimes investigated and prosecuted.

*Investigate and prosecute offenses committed by members of the police and prosecuting authority.*

**10. INTERNAL STRUCTURE**

Please provide your organisational chart

**11. JURISDICTION**

**11.1. HOW DO YOU GET TO KNOW CASES**

- Ex officio. Please specify (intelligence, media analysis, etc.) \_\_\_\_\_  
 Complaints  
 Referrals. Please specify who submits them (regulatory agencies, etc.) \_\_\_\_\_

**11.2. TAKING CASES**

- All cases reported.  
 Selected cases. Please specify the criteria used to select cases \_\_\_\_\_

**11.3. ALLOCATION OF CASES VIS-A-VIS THE ORGANISATIONS OF PLENARY JURISDICTION**

Please specify the criteria used to select cases.

*Ref. number 9.*

**12. DEPARTMENTS' POWERS**

- Search       Arrest       Telephone interceptions       Interview suspects and witnesses  
 Other. Please specify. *Prosecuting power* \_\_\_\_\_

### 13. TRAINING

- Is there on-job specialized training for prosecutors and police officers?  
 What kind of subjects, skills or competencies are taught (scientific, financial, accounting, etc.)?

*Organised crime, investigation methods, legal issues, etc.*

### 14. BUDGET

Please specify total resources and spending (in 2007, 2008 and 2009).

### 15. INVESTIGATIVE AND WORKING METHODS

#### 15.1. INTERNAL ASSIGNMENT OF THE CASES

- Draw by lot?  
 Allocated in a case by case basis? If so who decides and what type of criteria is used?

*Head of Investigation Division*

#### 15.2. INDIVIDUAL OR TEAM WORK

- The prosecutor  
 A team directed by the prosecutor  
 Joint-up teams (Prosecutor, police, accountants, information technology experts, financial experts)

#### 15.3. IN CASE OF TEAM WORK

- How is the team formed and by whom  
 Who leads the team (prosecutor, police officers, experts) *Prosecutor*  
 Who decides what strategy to take, what facts to investigate, what crime is substantiated and should be prosecuted (prosecutor, police, expert) *Prosecutor and Investigator*

#### 15.4. POLICE SUPPORT

- In-house police  
 Outsourced (v.g. police, law enforcement, regulatory agencies)

*National Authority for Investigation and Prosecution of Economic and Environmental Crime (ASOKERIN), Special unit for investigation of Organised and*

#### 15.5. WHO INTERVIEWS WITNESSES AND SUSPECTS

- Prosecutors  
 Prosecutor assisted by police officers or experts  
 Police officers  
 Experts

*Serious crime, local police*

**15.6. SEARCH AND SEIZURE**

Is there a need to apply to a judge for a search warrant authorizing a search of identified premises and to copy or seize certain records or other materials?  Yes  No

**15.7. WHO CARRIES OUT THE SEARCH AND SEIZURE?**

- Prosecutors
- Prosecutors together with police officers, or information technology experts
- Who performs the search of financial documents, computers and electronic mail? cf 15.4
- Is there a manual of procedures for search and seizure?  Yes  No
- If so please attach a copy. Not available in english

**15.8. SPECIAL POWERS**

Are you entrusted with (statutory or other) special powers to investigate or prosecute the cases of your remit?  Yes  No

If so, please specify \_\_\_\_\_

**16. PROSECUTION GUIDELINES**

Are there guidelines for prosecution?  Yes  No

If so please attach a copy.

**17. KEY EVIDENCE USED IN YOUR CASES**

**17.1. TYPES OF EVIDENCE**

- Documents
- Videotape
- Audiotape
- Intercepted communications (phone, e-mail, mail)
- Who has the power to authorise interception? Court

**17.2. STATUS OF EVIDENCE GATHERED DURING THE INVESTIGATION  
(NAMELY, DOCUMENTS AND STATEMENTS OF WITNESSES AND SUSPECTS)**

- Can it be used as evidence in during trial?  Yes  No
- Can the court refer to previous made or documents?  Yes  No

**17.3. EVIDENCE MANAGEMENT**

Are there techniques to cost-effectively manage massive documentary, electronic, video and audiotape, financial, expert materials?

If so, please specify \_\_\_\_\_

**18. WHO TAKES RESPONSIBILITY FOR THE DECISION TO PROSECUTE**

- The Director  The Prosecutor (by himself)  
 Other. Please specify. \_\_\_\_\_

**19. TRIAL**

**19.1. WHO CONDUCTS TRIAL PROCEEDINGS?**

- Prosecutor (in-house)  In-house counsel  Out-sourced counsel  Other

**19.2. MOST COMMON GROUNDS FOR ACQUITTAL IN TRIAL**

- Lack of evidence  Defences  Questions of law

**19.3. FOLLOW-UP OF THE COURT DECISION**

- The Prosecutor has formal knowledge of the decision?  Yes  No  
 Is there a review of the court decision in the department?  Yes  No

**20. WHO CONDUCTS APPELLATE PROCEEDINGS**

- Prosecutor (in-house)  In-house counsel  Out-sourced counsel  Other

**21. CASELOAD (Please refer to 2006, 2007, 2008 and 2009)**

- 15.1. Number of cases taken 2006: 904 2007: 978 2008: 1017 2009: 1095  
 15.2. Number of cases prosecuted 2007: 81 " 91 71  
 15.4. Number of convictions 101 22 13  
 15.5 Average time to complete investigations including the prosecutors decision:  
 2006: 296 days, 2007: 202 days, 2008: 153 days, 2009: 214 days.

**22. RECOVERY OF THE PROCEEDS OF CRIME**

- Are there specialized counsels to handle these procedures?  Yes  No

What is the success rate? 100% (almost)

How does it work international cooperation on this matter? \_\_\_\_\_

**23. POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS**

If you want to comment on this, please use this line

\_\_\_\_\_  
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#### 24. FURTHER COMMENTS

In case you have further comments, please use this box. When referring to a previous question, please identify its number

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#### 25. GENERAL ASSESSMENT

Please identify the arguments 'for and against' and provide your general appraisal about the investigation and prosecution performed by specialised departments

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## BACKGROUND NOTE:

1. Life is much more complicated than it used to be. Crime too, as a social fact, is to a large extent increasingly much more complex and sophisticated than it used to be.
2. People in the criminal justice community cannot disregard this new reality. To handle with ever increasing complexity, we must relentlessly devise not just new laws, but new strategies, new methods and new organisational forms, in order to deliver justice in reasonable time, by discharging innocent people and bringing and convicting offenders in the courts.
3. To successfully combat crime, most particularly serious, complex and cross-border offences, we must always be one step ahead. One strategy that is rapidly becoming a widespread trend to achieve this is specialization. Specialized laws, specialized courts, specialized crime fighting organisations, specialized prosecutors, specialized police officers and investigators.
4. Of course the problem of legal drafting, most specifically in laws aimed at combating serious, complex and cross-border offences, is of paramount significance. The lack of clear policies and vague standards of liability seriously hinders norm-compliance and enforcement, is both detrimental to legal certainty, the rights of defendants and to the prosecutorial function, as they tend to make prosecutions extremely difficult and burdensome.
5. But in this seminar we want to turn specifically to the topic of specialized organisational, investigating and prosecutorial forms to combat crime, most particularly serious, complex and cross-border offences.
6. This is a professional meeting specifically directed to the members of the criminal justice community (chiefly to prosecutors, police investigators, and experts, but also to judges, legislators, the general public and the media).
7. So we're looking forward to know in detail some European specialized crime fighting organizations that have a reputation for efficiency and delivering results. We want to grasp factual, clear and solid state-of-the-art information about the most efficient organizational and working methods to successfully investigate and prosecute crimes, namely but not exclusively the most serious, complex and cross-border offences (v.g. fraud, corruption, money-laundering, drugs, cases relating to foreign jurisdictions, namely within the European Union, cases relating to public officials).
8. We want to hear your views about this subject, naturally. But we also want to know the facts about this and to have the relevant statistical data.
9. A range of general questions implicated in specialization are pounding: the causes explaining the emergence of specialized organizations, their statutory remit, questions of internal department, special recruitment and training, supervision, criteria for selecting cases, disclosure, specialist prosecution, management of massive evidence (namely documentary or record-heavy cases), case management, proficient analysis and assessment of evidence to build a solid case etc.
10. A point of special interest for us is the topic of the specialist prosecutor: how is he recruited, trained, supervised, his career path, etc.
11. Another topic of special interest for us is the prosecutor-police relations: joined-up teams (prosecutor, police, forensic experts, namely economic, financial and accounting), the police relationship skills, in-house or out-source police support, etc. To achieve this we would expect that each delegation can bring together a prosecutor and police officer working in the same organisation, so we can hear both their views about joined-up teams.
12. Finally, the court use of evidence collected during investigations is another vital subject which we would definitely like to address.
13. Therefore we drafted a tentative questionnaire to have an integrated and systematic view of all this, that allows us to make comparisons, draw practical conclusions, be acquainted with feasible solutions for dire problems, learn from each other's experiences, get to know the best practices. In a word, strive to absorb the new learning and trough the cross-fertilization of different approaches, working methods and legal cultures, improve our performance.
14. The questionnaire merely aims at sketching a framework that assists speakers to focus in the core subjects, simplifies the learning by the audience and last but not least, sets a standard to make comparisons and draw practical inferences in mode of conclusions.

15. Of course by no way this questionnaire aims at confining the speakers to a rigid scheme of things, they are entirely free to select some of these topics, adapt others, or even to add new questions. Please act as you think fit in order to best fulfill the spirit of this event. This questionnaire should ease your burden: you can just select the topics you think are really worth mentioning in your speech, and refer the addressees to the written answers with regard to the others points.
16. In your spoken addresses we would like to hear a sort of outline about the most relevant organisational, working and investigative methods and accomplishments of your organization (most particularly points 9, 10 and 11) and finally your overall appraisal about the goods and bads of specialized crime fighting.
17. We're asking for a huge amount and range of information. As you would imagine, we're just expecting to have a synopsis of the most relevant information, not the details.
18. In case you deem that your answer in some point will disclose confidential information, please feel free not to respond.
19. The answers to the questionnaire will be distributed by all the invited organizations and speakers, and will be made available (both in Portuguese and English) in the SMMP's webpage (<http://www.smmp.pt/?p=6768>)
20. Please be so kind to send us back your answers to [smmp.secretariado@net.novis.pt](mailto:smmp.secretariado@net.novis.pt) (e-mail) or to (00351) 2138706 03 (fax), not later than Wednesday, March 31, 2010.