

Beyond Number



**Performance of Prosecution in
the fight against corruption
January - March 2017**

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METHODOLOGY

It should be noted at the very beginning that the measurement of performance of prosecution is not an easy task. Unlike courts, whose work is measured by cases, the work of prosecutions is mainly measured by persons. This is because prosecution invests a lot of time to prepare a case for an individual. This comes as a result of the complexity of the actions that the Prosecutor has to undertake while investigating a certain case. One case will have involved a minimum of one person. Accordingly, in cases where multi-suspects are involved, the Prosecutor has to take individual steps to secure the evidence for each of them.

Of course, the investigation is never the same and it varies depending on the criminal offence and the complexity of the case. All these and many other factors have an impact on the duration of a case until it turns into an indictment. As was the case in the report on courts, Lëvizja FOL used CEPEJ formulas to assess the performance of prosecution (CEPEJ, 2015). CEPEJ itself did not assess the efficiency of prosecutorial service.

However, after the analysis, FOL found that the CEPEJ formula for courts are also applicable to the measurement of the efficiency of prosecution based on official statistics.

The assessment does not include the entire prosecutorial system and does not include all cases and types of criminal offences. The measurement is carried out only for a special group of criminal offences, precisely for those stipulated in Chapter XXXIV of Criminal Code of Kosovo - Official Corruption, as well as Criminal Offences Against Official Duty, Articles 422 – 437.

The measurement is statistical and does not aim to measure the quality of cases, the quality of service of administration or the integrity and professionalism of prosecutors. The fields covered by Lëvizja FOL for the measurement of performance of prosecution are as follows: 1 Influx of Cases, 2 Clearance Rate, 3 Case Turnover Ratio, 4 Case Resolution Trend, 5 Disposition Time, and 6) Backlog Index.

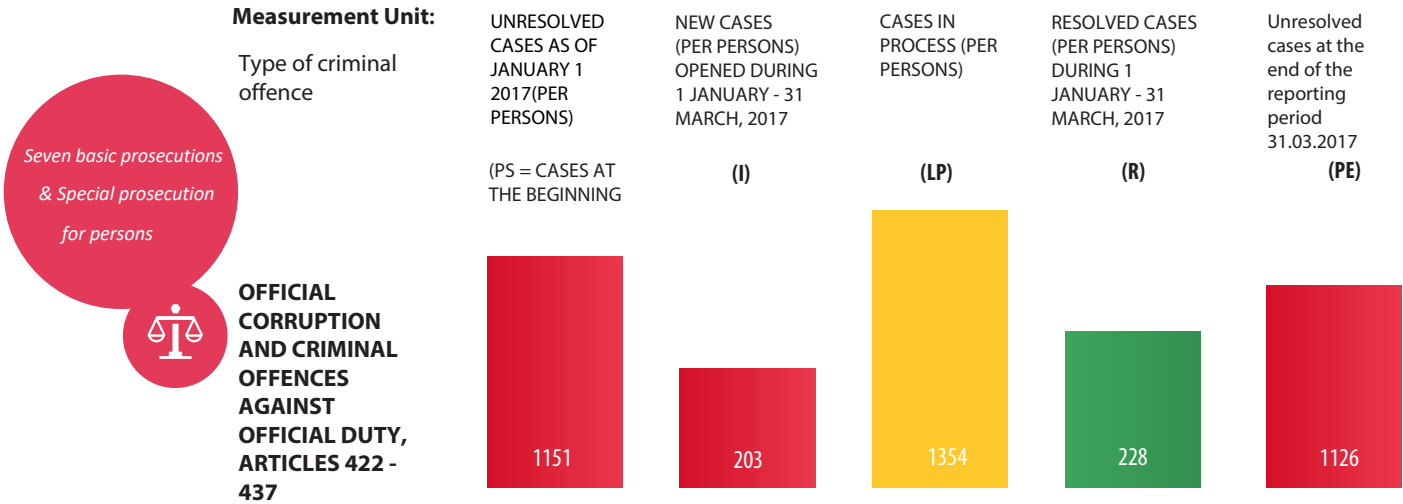
*This performance report is based on official statistics published by Kosovo
Prosecution Council*



INFLUX OF CASES

NATIONAL LEVEL

Based on CEPEJ method, influx of cases show the relationship between new cases, resolved cases and those waiting to be resolved. The number of new cases is the number of cases entering the system and requesting justice; the number of resolved cases is the answer given by justice system, i.e. the number of cases that are resolved. Cases waiting to be resolved or unresolved cases is the number of cases which are still not handled by prosecution at a certain time, and as such those are cases that are transferred.



Quarterly statistics for basic prosecutions and special prosecution of Kosovo for criminal offences against corruption and official duty.
FIRST QUARTER: 01 January - 31 March 2017

REGIONAL LEVEL



Basic Prosecutions	Cases at the beginning of the reporting period, transferred)	New cases (per persons) opened during 1 January - 31 March, 2017	Cases in process (per persons)	Resolved cases (per persons) during 1 January - 31 March, 2017	Unresolved cases at the end of the reporting period 31.03.2017
	(PS)	(I)	(LP)	(R)	(PE)
Prishtinë	595	102	697	28	614
Ferizaj	46	7	53	14	39
Mitrovicë	192	12	204	5	199
Prizren	71	27	98	48	50
Gjilan	45	22	67	26	41
Gjakovë	35	7	42	10	32
Pejë	39	25	64	27	37
Special Prosecution	128	0	128	15	113



Clearance Rate

National Level

Clearance rate is a highly important indicator of performance of prosecutions because it shows their capacity to handle the cases. Based on the calculated rate for first quarter 2017, prosecution worked efficiently reaching the level beyond 100%. A 100% clearance rate would be desirable if prosecutions did not have backlogged cases.



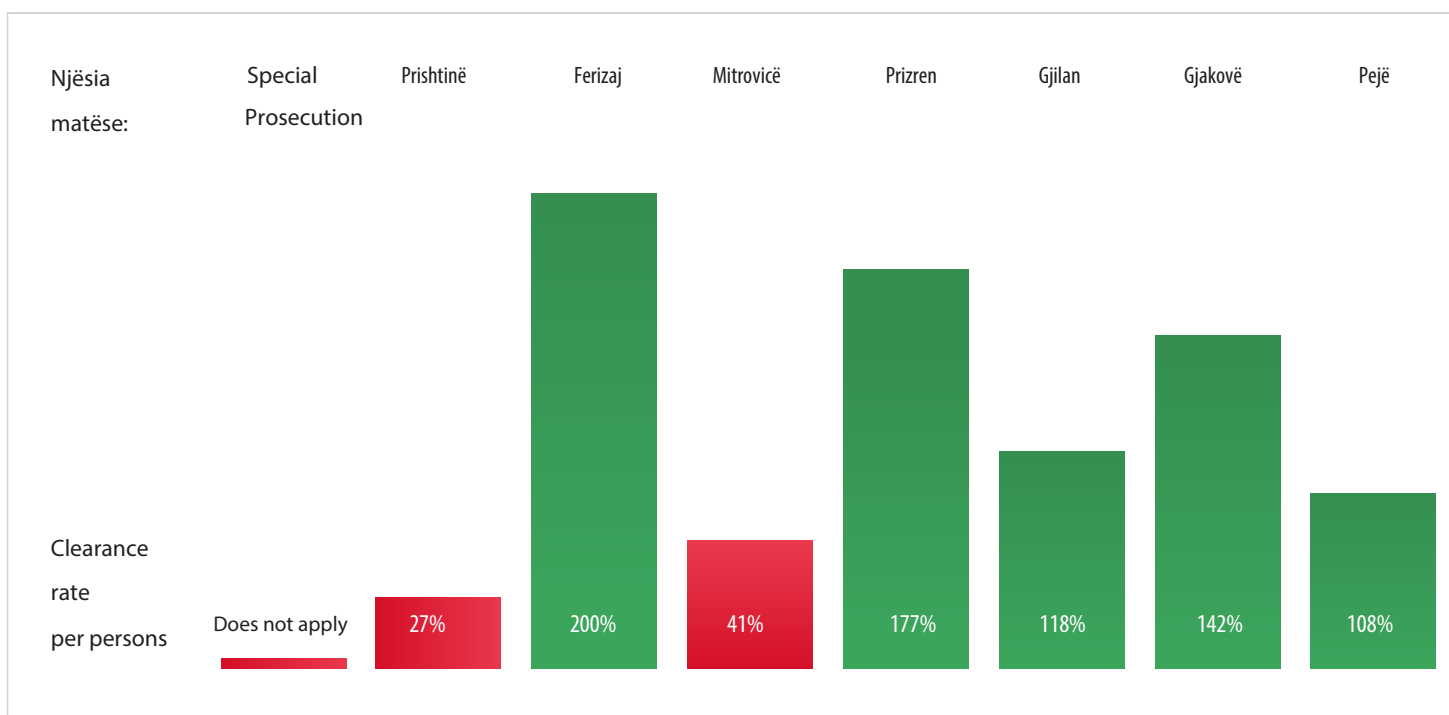
$$\text{Clearance rate \%} = \frac{\text{cases resolved by the end of the reporting period}}{\text{new cases during the reporting period}} \times 100$$

Clearance Rate for January - March 2017



Regional Level

Clearance rate for basic prosecutions





Trend of leveling of cases

National Level

A high number of cases is still being transferred from previous year, making the system incur delays in giving justice. The number of transferred cases directly affects the performance of prosecution, despite the fact that the level of performance is above 100%. The calculation here takes into account the clearance rate of cases for the first quarter.



$$\text{Trends} = \frac{\text{Number of cases in process (LP)}}{\text{Number of resolved cases (R) - Number of new cases (I)}}$$



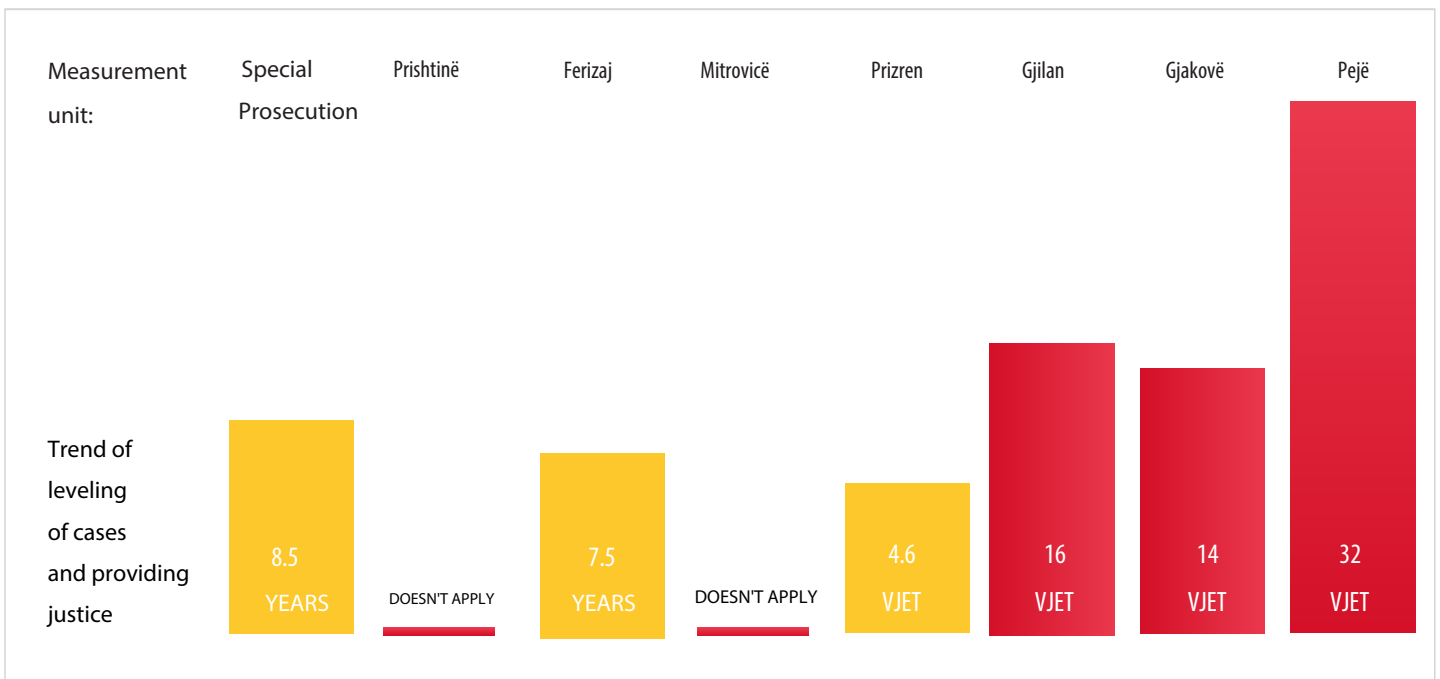
$$\text{Trend} = \frac{1354}{228 - 203} = 54 \text{ (years)}$$

- Leveling of cases with a clearance rate of 112% will be achieved in the year 2071



Regional Level

Trend of leveling of cases based on statistics for the period 01 January - 31 March, 2017 for seven basic prosecutions and special prosecution





National Level

The European Commission for the Efficiency of Justice (CEPEJ) requires the justice system to report an indicator of disposition time which is calculated in two steps. First, the number of resolved cases during the reporting* period is divided with the number of unresolved cases by the end of the reporting period, known as "case turnover ratio". Then, case turnover ratio is divided by 365 (for yearly statistics) so that the disposition time can be expressed in the number of days, in our case for the quarterly statistics we divide it by 90 (days). Disposition time (DT) compares the number of resolved cases during the reporting period with the number of unresolved cases by the end of the reporting period. Case turnover ratio and disposition time compares the number of resolved cases during the reporting period with the number of unresolved cases by the end of the reporting period. Case turnover ratio measures the speed with which the system (in this case prosecutions) handle cases it receives - in other words, it measures the time needed to resolve a case. The higher the case turnover ratio is the longer the less it takes for the system to offer justice.

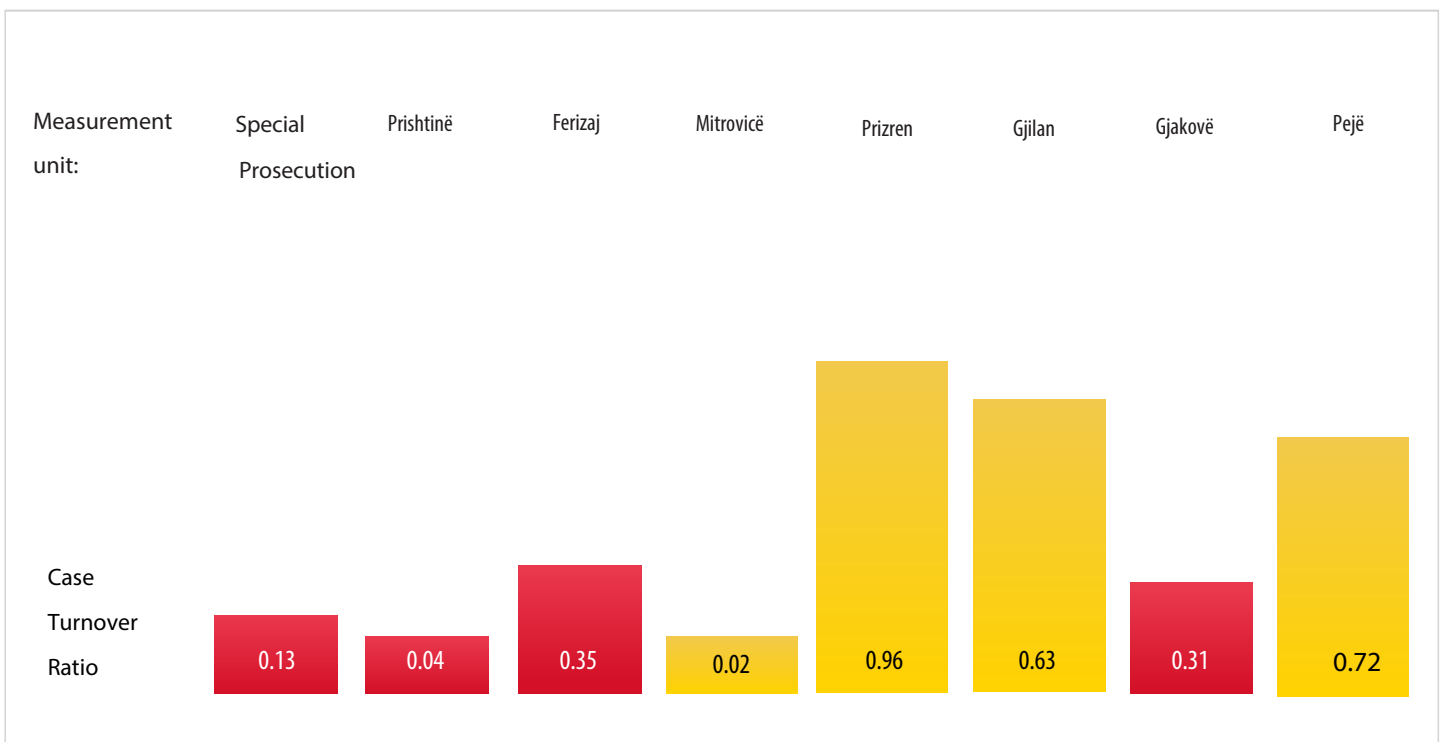


$$\text{Case turnover ratio} = \frac{\text{number of resolved cases by the end of the reporting period}}{\text{number of unresolved cases by the end of the reporting period}}$$

Case turnover ratio for the first quarter of 2017 is **0.20**

0.20

Regional Level





Disposition time (DT)

National Level

Disposition time (DT) compares the number of resolved cases during the reporting period with the number of unresolved cases by the end of the reporting period.



Disposition time

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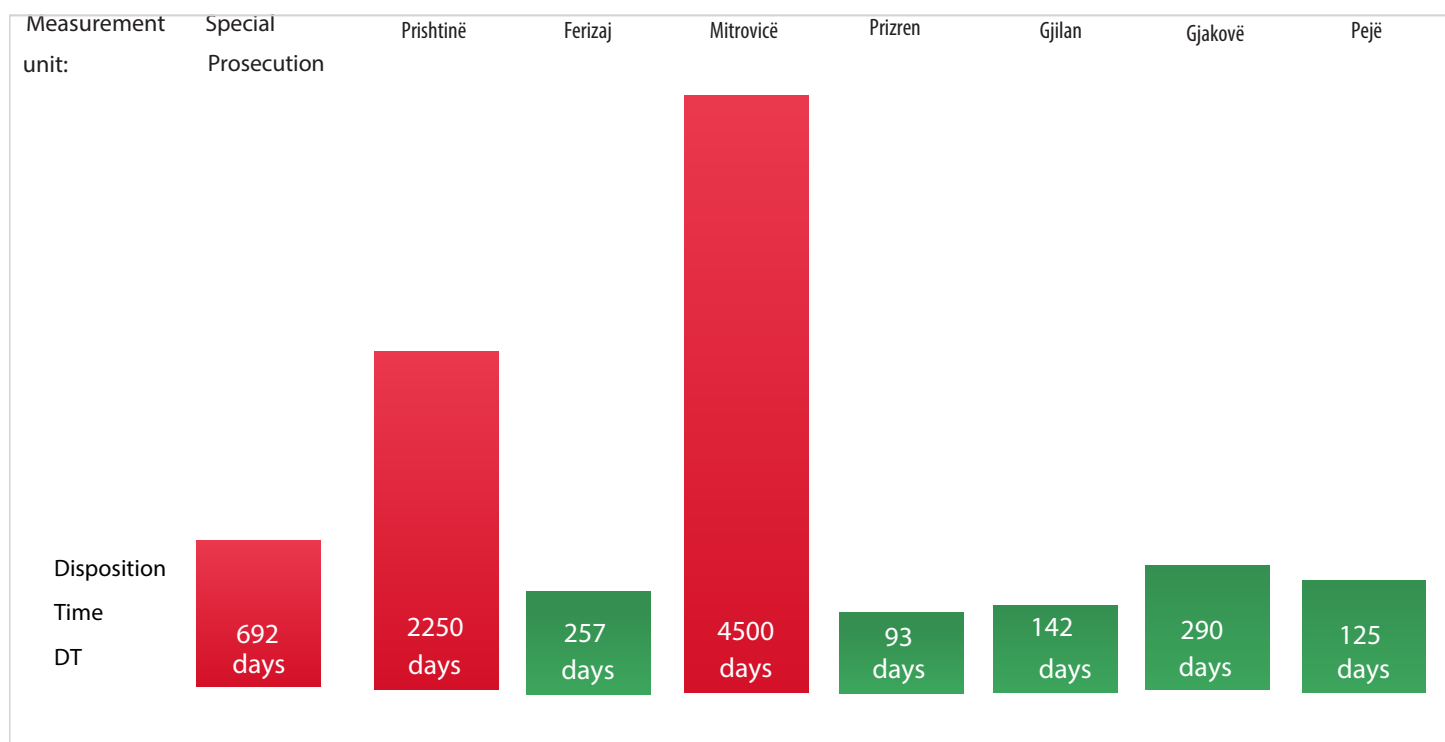
90

Case turnover ratio

Disposition time for first quarter for
prosecution
January - March 2017
is **450 days**

450
days

Regional Level





National Level

This indicator is established by the number of unresolved cases at the beginning of the reporting period, divided by the number of resolved cases during the reporting period. A high value of this number tells us that longer time is needed to resolve a case. For example, if this number is higher than 1.0, the court did not resolve as many cases as it had at the beginning of the reporting period and that such cases are being transferred for another period.



backlog index

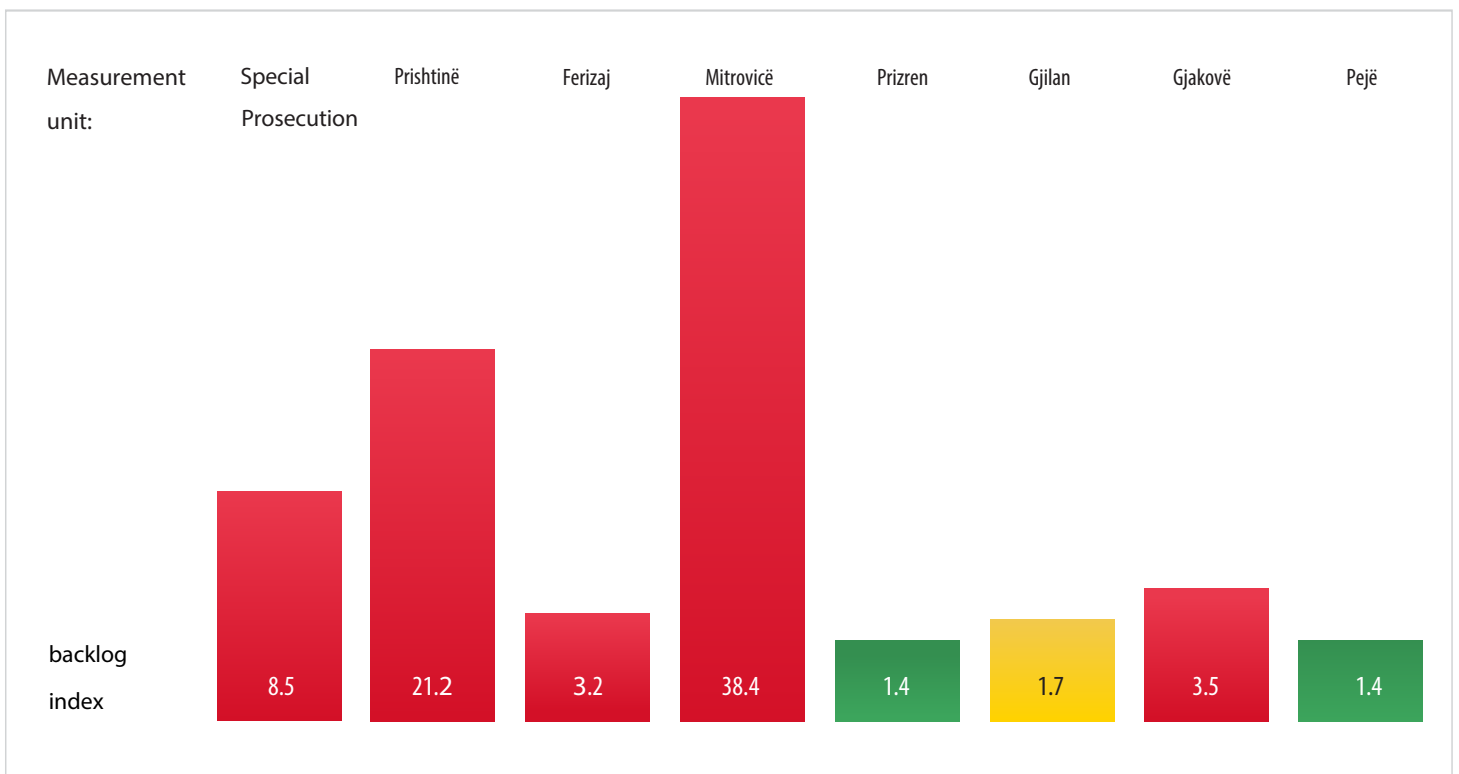
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$$\frac{\text{number of transferred cases at the beginning of the reporting}}{\text{Number of resolved cases during the reporting period}}$$

backlog index for first quarter of 2017 is 5.0

5.0

Regional level



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