

Final Approved Version
(With blank copy appended for use by the Country Rapporteurs)

**Template for World Factbook of Criminal Justice Systems
(Wednesday April 25th version)**

By

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CRIMINAL JUSTICE SYSTEM TEMPLATE

TO: Country Rapporteurs
FROM: Bill McDonald, Project Director, Georgetown University
RE: Directions for Completing revised BJS World Factbook of Criminal Justice Systems

(1) The template below is the one that we are asking you to complete for this project. It is based upon the one originally created by Graeme Newman, Adam C. Bouloukos, and Debra Cohen. We have modified it in light of suggestions from ICITAP as well as your suggestions especially those of Chris Birkbeck in Venezuela.

(2) We are asking for a lot of information! We realize that you will not be able to get some of it. Some does not exist or is not accessible. Do not worry overly about information that can not be gotten. And, please do not be put off by the wording of the questions. They sometimes sound as if we expect the impossible. We realize that we did not buy a year of your time! Do your best and give us what you can get. The questions are stated as requests for the maximum even though we realize we may have to settle for much less or nothing at all.

(3) Implied in many of the questions are several understandings that you should keep in mind. If you can not get exactly what is asked for, please give us the next best approximation. We always mean to say, "if it is possible" to get something. Occasionally we have added this phrase to some questions. But it applies to all.

(4) Frequently (but not always) we note that if the answer to the question asked varies according to some condition (such as the seriousness of the crime; or the whether jurisdiction is federal or state) to please specify the condition; and, give the answer for all the conditions, if you can.

(5) Always indicate the time period the data are from. Is it Calendar Year (CY)___ OR other time period. If other, please give the following: ____ (month) / ____ (year) to ____ (month) / ____ (year).

Note: In some countries, many government units use different time periods for their respective Fiscal Years (FYs). The federal government's FY may differ from the states/counties/ and cities. If your country is like that and does not have a consistent time period used by all the levels of government for which you provide data, please specify the actual time period to which any particular data refer using the format above.

If in your country's "Fiscal Year" refers to the same time period at all levels of government, then you may present your data with references to Fiscal Years. However, be sure to tell us what the Fiscal Year time period is.

(6) The ethical standards for the protection of human subjects with which we all must comply under the terms of our grant, require that nothing be done that could possibly harm any human subject associated with this project. That includes you as well as your sources of information. Harm is defined broadly to include anything that might damage your career, or reputation or employability.

(7) Thus, if you obtain information or an estimate or opinion from a source and there is any possibility that your source's career or employability could be harmed for providing that information or opinion, you must not identify your source in documents or communications with us. Do not even identify him/her by type of official. In your documentation, just refer to a "knowledgeable source" or some other phrase. By the same token, do not include anything in your report (which will have you identified as the author) which could reasonably cause damage to your career or employability (unless you personally choose to accept that risk.)

(8) If you have any questions about individual cases where some information may be potentially harmful, please check with Bill McDonald, Project Director, before identifying a source in your documentation. Of course, we would like to have sources identified in order to establish the reliability of our reports. But, protecting human subjects is the higher value here. It gets the higher priority.

(9) For clarification and/or examples of the type of information and the level of detail being sought, please contact me (wfm3@georgetown.edu). For additional help, review the current BJS WORLD FACTBOOK ON CRIMINAL JUSTICE SYSTEMS at the BJS Website at <http://www.ojp.usdoj.gov/bjs/spectps.htm>

(10) As you know from looking at the existing Factbook, you will be identified as the author of your country report.

(11) As a way of trying to make your job easier, we have attached a blank copy of the revised template. It is for your use in writing your report. You can just type your responses into each of the available categories.

SECTION I: GENERAL OVERVIEW

In countries with a federal or decentralized system of justice, please try to give a general account of the overall system, but also provide examples from the different localities or provinces which demonstrate diversity, if this is a significant factor.

1. Brief History.

Narrative on the history of the legal system, and criminal law in particular. Political and social context of criminal justice system. Significant legislation that has affected the criminal justice system. Include mention of any major events that have effected the administration of criminal justice in the past five years, e.g., major reforms, revisions, transformations.

2. Legal System.

Describe the type of legal system, if applicable, such as adversarial, inquisitorial, colonial, common law, socialist, Islamic, etc. (If an indigenous /customary, informal justice system plays a significant part either in the justice system or parallel to it, do not describe it here. Instead go to SECTION XI: Indigenous Criminal Justice (below) and describe it there.)

3. Political System.

How the different parts of the criminal justice system are administered according to such systems as Federal, State, Commonwealth, Provincial, local administrations etc. Note the number of States or Provinces.

SECTION II: CRIME

1. Classification of crimes.

A. Outline the general legal classification of crime (e.g., are there basic distinctions between serious and less serious offenses, such as felony/ misdemeanor, indictable/ non-indictable offenses, crimes/delicts etc.) List the crimes that generally fall within each category.

B. Note the age of criminal responsibility.

C. Describe drug offenses. For which drugs is it criminal to sell, use, cultivate, or possess (specify which)?

2. Crime Statistics (For all data please indicate: Calendar Year OR other time period.)

A. In regard to the crime data described below. If possible provide the data in the form of rates per 100,000 of population in addition to frequencies. Be sure to specify all relevant qualifications, such as type of offense and (CY _____) OR other time period _____(month) / _____ (year) to _____(month) / _____ (year).

B. For the crimes of murder, rape, a serious property offense, and a serious drug offense, provide statistics reported to / recorded by the police for the most recent year available. (Note: this might be best displayed as a table. If non-copyrighted published tables are available, please contact Project Director Bill McDonald about the possibilities for including them in your report. Fax or send copies with translations of titles and all captions.)

If these statistics are unavailable, provide either number of arrests or number of convictions for each crime. Specify which statistic is used.

C. Provide the definitions upon which the statistics are based and state the origin of these definitions (i.e., are they legal definitions, or "administrative" definitions used by the police for recording purposes). We realize that the above offense types may not specifically exist in some countries. Please choose the offense type that is closest.

D. State whether "attempts" are included in the statistic.

E. Provide complete bibliographical references for the sources of these definitions and statistics. (List the reference in SECTION XVI SOURCES below.)

F. Crime regions: Name regions (e.g. inner-city neighborhoods, mountainous or isolated regions, edges of big cities), where particular types of crime are generally higher or more typical of that area.

SECTION III. CRIME VICTIMS

1. Crime Victim Survey Findings

A. If crime victim surveys have been conducted, briefly describe the findings. (Be sure to provide bibliographic sources in SECTION XVI below and to indicate the year(s) of the survey(s)) In particular, list the rates of victimization for the major categories of crime covered by the victimization survey (e.g., robbery, burglary, assault, forcible rape, etc.). State the extent to which the official crime statistics reported by the police underestimate the amount of crime as revealed by the victim survey estimates. (Again, contact Project Director McDonald about the possibilities for including published tables in your report.) (CY _____ OR other time period _____(month) / _____ (year) to _____(month) / _____ (year).

Also, list major correlates of victimization particularly the correlates of gender, age, race/ethnic groups, urban/rural; income/socioeconomic status.

2. Victim Assistance

Number and Types of Agencies. Give the number of victims' assistance agencies and/or

type (e.g., rape crisis centers, compensation boards, whether state/private administered).

3. Victim's Role

Describe the roles, if any, of the victim in prosecution, sentencing, parole? Does the victim have the right to prosecute crimes on his/her own? Do victims often use criminal prosecutions to collect damages, financial debts (such as bad checks or loans)? Is the victim allowed to attach a civil suit to a criminal prosecution conducted by the public prosecutor? Can the victim or his/her family hire his/her own attorney to co-prosecute a case with the public prosecutor?

4. Describe victims' rights legislation, if any.

SECTION IV: CRIMINAL PROCEDURE AND RELATED MATTERS

1. Investigation, Search, Seizure, Detention

A. There are two somewhat different sequences of steps that occur in the criminal justice process. One sequence begins with a citizen either becoming suspicious of crime or a witness (or victim) to a crime; reports it to the police; who then acts. In the second the police initiate an inquiry/ investigation on their own.

Describe briefly the typical sequence of events and the legal standards that must be met in this process. Begin with the focusing of suspicion on a person. Continue through the initiation of some level of inquiry/ investigation (including merely asking a suspect some questions on the street); to "frisking" or "patting down" the clothing of a suspect; to a full search and interrogation of a suspect; to taking custody of a suspect ("arrest")/ and /or seizing evidence.

B. If the sequence or standards differ depending upon whether the case was initiated by a civilian or a police officer, please note the difference.

For example in the United States, the police do not need to meet any special legal standard of evidence in order to approach a person on the street and ask for information such as his/her name and purpose. But in order to "frisk" or "pat down" the outside of a person's clothing, the police must have "reasonable suspicion" that crime may be afoot and the person may be armed. In order to go further and search a person, the police must have "probable cause." Similarly they must have "probable cause" to seize / take custody/ "arrest" a person. The police must get an arrest or a search warrant from a judicial officer except in certain circumstances. Most arrests are made without arrest warrants. After an arrest, the arrestee must be brought before a judicial officer without delay for a determination that probable cause exists.

What are the legal standards of evidence that must be met? Are they usually met in the

typical case of serious crime (e.g., robbery, burglary, murder)?

C. Does your country's legal system exclude or limit in some way evidence which has been unlawfully obtained by the police (e.g., like the exclusionary rule in the U.S.A.)? If yes, briefly describe how it works; how often it happens; whether it seems to influence the police to be more compliant with legal standards.

D. Does your legal system prohibit or restrict certain investigative techniques such as "controlled deliveries"; the use of informants; wiretapping; other surveillance equipment; other police methods of investigation?

E. Are there police crime laboratories; crime scene evidence collection units; or specialized response teams? If so, how often do they respond? To whom do they report?

2. Pretrial Release / Preventive Detention

A. Administration: Describe how the pretrial release / "bail" system works. Who makes the decision? Judicial officer; police officer? Is there a pretrial release agency? How long (hours/days) after seizure/arrest/detention is the pretrial release decision made?

B. Criteria: What are the criteria used to determine whether to release? Is there some formula or point system? If so, what criteria are used: dangerousness; seriousness of offense charged; prior record of criminality: prior history of failure to appear for a court appearance; employment status; length of residency in the community; marital status; educational attainment; other? Is the decision based on concern about the offender failing to appear in court or about the possible danger to the community; or something else?

C. Preventive Detention: Is "preventive detention" allowed under law, i.e., can a suspect be held pretrial solely on the grounds of his/her possible danger to others? If yes, how often is it used? If no, is there a de facto practice of denying release to offenders on the grounds of dangerousness?

D. Statistics: What proportion of arrestees are released pretrial? What form of release do they get: release on their promise to return to court ("own recognizance"); third party custody; bail bond?(CY ____ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

3. Legal Rights of Suspects/Accused

What rights does a person suspected/accused of a crime have? Right to be notified that he is being investigated by the government? Right to remain silent? Right to be notified by the police of his rights (such as the Miranda warnings in the USA)? Right to pretrial release? Right to an attorney? Right to have an attorney paid for by the state if indigent? Right to know the charges against him? Right to speedy trial? Right to confront the

witnesses against him? Right to a trial? Right to a jury? Right to appeal? Right to “discovery” (learn details of the case against him)? Right to an appeal?

4. Investigation & Case Preparation

A. “Investigation” as used here refers to the work involved in collecting evidence, interviewing witnesses, and all the activities involved in preparing a case for trial. In some jurisdictions all of that work is done by the police. In others it is done primarily by either an investigating magistrate or a public prosecutor. In still others, the work is divided among several officials. In your country who does the “investigation”?

B. What role, if any, does the public prosecutor play in the conduct of the “investigation” of the case? Supervise the police? Conduct an independent investigation?

C. What role, if any, does the magistrate/ judicial officer play in the investigation and preparation of the case?

5. Pretrial Diversion

This refers to procedures whereby a person arrested for a crime is permitted to participate in some special treatment program (such as drug rehabilitation or victim compensation or community service). If the arrestee successfully completes the program, the criminal case against him/her is dismissed (or perhaps just reduced to a lower level of seriousness).

A. Administration: If a diversion program exists, briefly describe it. Is it part of a “restorative justice” program?

B. Statistics: What proportion of the criminal cases entering the system are “diverted” or placed in special pretrial programs which result in the case being disposed of in some less serious way if the offender completes some kind of treatment or restitution? (CY _____ or other time period _____(month) / _____(year) to _____(month) / _____(year).

6. Case Dismissals

A. Rate of Case Attrition. What proportion of the incoming cases are terminated without going to a trial? Does this differ by seriousness of the crime? (CY _____ or other time period _____(month) / _____(year) to _____(month) / _____(year).

B. Reasons for Case Attrition. What are the main reasons cases are dismissed before trial? Illegal actions by the police? Inadequate evidence? Witnesses/victims unwilling to cooperate? Special policies of police, prosecutor, judge? Corruption? Diversion program? Restorative justice program?

C. Organization of Case Attrition. How do these dismissals come about? Are they the result of a screening/ reviewing process? If so, by whom? Police? Prosecutor? Judge? At what point in the criminal justice process do most of them happen? About how many days from “arrest” (initial police seizure of the suspect) do these dismissals occur?

7. Convictions Without Trials

A. Statistics. Proportion of Convictions Obtained Without Trial. What proportion of ***all convictions*** are the result of procedures other than genuine/normal trials, such as practices like plea negotiations *or its equivalent* (in which a defendant waives his right to a trial in exchange for any kind of consideration made known to him either directly by the judicial officer or prosecutor or indirectly through his attorney or the jailhouse culture). (CY _____ or other time period _____(month) / _____ (year) to _____(month) / _____ (year).

B. “Plea Negotiations” or Its Equivalent. Some court systems claim to have no “plea bargaining” but have institutionalized a well known two track system. Defendants who want the case against them tested can get a full trial. Defendants who are willing to confess their guilt get a quick, pro forma “trial.” And, everyone knows that in exchange for not putting the state to the cost and trouble of a full trial, the defendant who pleads guilty will be treated more leniently than he who insists on the full trial.

These latter systems count their *pro forma* trials as “real” trials, which gives an inflated sense of how real/ genuine trials actually happen in the system. If such a two track system exists, please note it; and, if possible, get estimates of the extent of all convictions (at least in serious cases) produced by these expedited arrangements.

For our purposes, “plea negotiation” refers to a system in which defendants agrees to waive their right to trial in exchange for some consideration from the state. In some places, the negotiations are open and *explicit*. In others, they are less visible. Defendants are not promised anything explicitly; but they are told by someone or they learn from the jailhouse culture that they will get a lighter sentence if they plead guilty rather than force the court to go to trial. In these systems the “bargaining” is *implicit*. The key is that the defendants reasonably believes that the sentence will be longer if they insist on a trial.

Does your system have explicit, implicit or no plea bargaining?

8. Trials

A. Describe the nature of the trial procedure. How many judges sit? Any lay judges? A jury? Who presents the case? Do witnesses give oral testimony? Are witnesses cross examined? Do prosecutor and defense attorney have equal rights to make inquiries and objections; or does one side have some advantages/ privileges not available to the other side?

B. Outcomes at Trial. Please give the relative proportions of all possible outcomes of cases that go to trial. What proportion result in: acquittal; dismissal; conviction by jury; conviction by judge? (If this varies by seriousness of offense, give either separate figures or add some note specifying the limitations and qualifications upon the data you give. Also give (CY _____ or other time period _____(month) / _____ (year) to _____(month) / _____ (year).

9. Sentencing & Penology

A. Discretion & Sentencing. How determinant is the sentencing system? That is, how much discretion is left to the judge (others?) in setting the sentence? Is it wide open or narrowly confined? If confined, how is it controlled? Sentencing guidelines or other structured sentencing systems? If so, who sets them? A national commission?

B. How does the sentencing procedure work? Who sets the sentence? The judge? Is a pre-sentence report prepared? Is there a special hearing? Who participates? Do social workers, psychologists, psychiatrists, clergypeople, and similar professionals contribute to the sentencing decision? If so, how often? Routine or exceptional?

C. Probation. Does probation exist? What proportion of cases are sentenced to probation? Does this differ by seriousness of the offense? What proportion of probation cases have their probation revoked and are incarcerated? (CY _____ or other time period _____(month) / _____ (year) to _____(month) / _____ (year).

D. Penalties. Types of penalties. What different kinds of penalties are typically used? List the range (e.g., fines, prison, probation, corporal punishment, house arrest, banishment, institutional treatment facility, public punishments, publicity, disenfranchisement, exile etc.), and if possible the classes of crimes to which these penalties are more commonly attached (i.e., is rape typically punished by prison, property crime by fines, etc.). For fines please convert currency into U.S. dollar equivalents.

E. Death Penalty. Is the death penalty allowed? If not, when was it abolished? Why was it abolished? Because considered cruel / inhumane / uncivilized? Or, because it was being arbitrarily applied? Or because it was being applied in a way that discriminated against some groups/ categories of people?

If death penalty exists, for what crime(s)? Method(s) of execution? How many executions in last 5 years?

10. Appeals

A. What proportion of cases are appealed? (CY _____ or other time period _____(month) / _____ (year) to _____(month) / _____ (year).

B. What are the grounds for appeal? Legal errors only? Sentence severity? Prejudice? Other?

C. Can the state appeal? Under what conditions?

11. Parole

A. Is there a parole system? If abolished, when and why?

B. Describe the parole system? Who makes the parole decision? If a board or commission, how is the board established? What kinds of members does it usually have? Does it usually consist of social workers, psychologists, psychiatrists, clergy people, and similar professionals or citizens or a mixture? Does the public prosecutor's office and/or the judge that handled the case normally participate or offer an opinion regarding the parole decision?

C. Discretion in parole decision. What are the criteria used in determining the parole decision? Are they specified by law? Are they based on statistical prediction tables?

D. Proportion Given Parole. Proportion of convicts entering prison that get released on parole (as opposed to released directly). (CY _____ or other time period _____ (month) / _____ (year) to _____ (month) / _____ (year).

E. Number on Parole. How many people are on parole? Break down by gender and any other demographic variables available. (CY _____ or other time period _____ (month) / _____ (year) to _____ (month) / _____ (year).

SECTION V. POLICE

By "police" we mean: "public agencies whose principal functions are the prevention, detection and investigation of crime and the apprehension of alleged offenders" (The United Nations' Definition).

1. Administrative organization

A. Administrative structure: local, state, federal etc. How many of each kind of police agency exist? List the types of police agencies (e.g. tax collection, immigration etc.) and how they are administered (e.g. local, state, federal etc.).

B. Chain of command. To what government office are the police answerable, the mayor? governor? the electorate (e.g. elected sheriffs)?

2. Annual budget

Total annual expenditure on policing. If possible, please also provide expenditure per 100,000 population. Please convert currency to U.S. dollars. If available break down the data by level of government, for example: total annual expenditure on police services by the federal government; by the state/territorial/provincial government; by the local government(s) (counties/ departments/cities/towns/villages). (CY ____ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

3. Number of personnel

Number of police officers, numbers in rate per 100,000 population. Breakout numbers by types or levels of organization, e.g. federal vs state and local. (CY ____ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

What % are female?

4. Qualifications & Entry requirements & Removal

What qualifications for new recruit? Are officers vetted for prior criminality or other disqualifications? Can officers be removed from the force for cause?

5. Initial and In-Service Training

Describe the time required (days, weeks, years) and the type of training (academy or just on the job). Who does the training? Police? Academics? Both?

6. Starting salary

What is the starting salary for police officers in a major city? (Please give also in U.S. dollars AND in units of national minimum wage) (CY ____ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

7. Accountability (procedures for handling complaints & imposing sanctions)

How are complaints against the police handled? Who investigates them? Is there an external watchdog/ citizen group? What kind of power to sanction do they have? Do the prosecutors/ judges/ or defense attorneys attempt to control or sanction police illegality or police use of improper force or methods? Give examples of sanctions imposed on the police for unlawful or improper behavior.

8. Legal Authority

Describe the legal basis for police authority to act. Cite authorizing laws.

9. Relation to the Military

Comment on relation to the military. Is there a police agency which is also a military unit? Are police officials drawn from the military frequently? Do they train together? Cooperate in investigations?

10. Unions

Are there police unions? How much power do they wield? On what subjects?

11. Technological Infrastructure

A. Identification systems. Do the police have a fingerprint or biometric system for identifying people? Is there a central records system for the entire country? Do most police agencies use/ have access to the central records system? Which agency controls the central records system? How do fingerprints (or other biometric measures) get entered into that system? Are all persons arrested fingerprinted? Do all government employees have to be fingerprinted? How extensive is the central records system? Are all citizens included? All criminals? How quickly/easily can the police get information about a case from their records system?

If fingerprints are not used, how do the police identify people? Do they have a name card or similar system?

Does a national identity card or equivalent exist? Does it use biometric measures? Do the police have access to this data?

B. Vehicles. Are automobiles available to the police?

C. Weapons. What types of weapons are used?

D. Surveillance. What types of surveillance equipment is available, wiretapping, listening, electronic monitoring.

E. Radios. What kind of radio connectivity do the police have?

F. Computers. To what extent are computers used? For what purposes?

12. Special Policies

Do major police agencies have any special policies or programs or projects in operation such as “community policing”; “problem oriented policing”; use of force restrictions; use of firearms restrictions; school or youth programs; crime prevention programs?

SECTION VI: PROSECUTORS

1. Administrative organization

A. Structure. Note the administrative structure of the offices: i.e. local, state, federal etc. How many of each kind of office exist?

B. Private Prosecutors: Are “private prosecutors” (not public official prosecutors) allowed to prosecute cases in court? If so, about how often does that occur? Is it used frequently? For some particular kind of crime or circumstance?

2. Annual budget

Total annual expenditure for public prosecutorial services. Please convert to U.S. dollars, if possible. Also please state expenditure per capita or per 100,000 population. If available break down the data by level of government, for example: total annual expenditure on prosecution services by the federal government; by the state/territorial/provincial government; by the local government(s) (counties/ departments/cities/towns/villages). (CY___ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

3. Number of personnel

How many public prosecutors are there? If possible, give also the rate per 100,000 population. If possible, break out numbers by type of public prosecutor (federal, state, local) (CY ___ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

4. Qualifications & Entry requirements

What qualifications are required? Law school? Special exams? Other?

How do chief public prosecutors get their office? Election? Appointment? By whom? Career merit? How do rank and file public prosecutors get their office?

5. Initial and In-Service Training

What, if any, kind of special training do prosecutors get to be prosecutors?

6. Starting salary

What is the starting salary for public prosecutors in a major city? (Please give also in U.S. dollars AND in units of national minimum wage) (CY ___ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

7. Accountability (procedures for handling complaints & imposing sanctions)

What procedures are available for sanctioning public prosecutors? How often are they used? To what effect?

Is there an office of professional responsibility and ethics or some equivalent that investigates the propriety of prosecutorial behavior? If so, describe where it is located; what authority it has; what kinds of cases it handles; how many cases it handles; and what the outcomes are.

8. Discretion

Under law how much discretion does the public prosecutor have in the handling of criminal cases referred to his office? If by law the public prosecutor has an obligation to prosecute every case, please cite the legal provision in question.

9. Technology

Is the filing system used by the public prosecutor a computerized data base system or a primarily manual system?

SECTION VII: DEFENSE BAR

1. Administrative organization

At least three kinds of arrangements to provide criminal defense exist: private defense attorneys paid for by their clients; private defense attorneys paid for by the state on a case by case basis to defend indigent clients; and public defenders who are salaried employees of a public agency that defends indigent clients.

Describe the types of criminal defense available in your country. How many of each kind of office exist? What are the relative proportions of the total criminal caseload handled by each type of defense arrangement?

If arrangements vary by federal, state or local jurisdiction please indicate so.

2. Annual budget

Total annual expenditure for publicly funded defense services. Please convert to U.S. dollars, if possible. Also please state expenditure per capita or per 100,000 population. If available break down the data by level of government, for example: total annual expenditure on publicly-funded defense services by the federal government; by the state/territorial/provincial government; by the local government(s) (counties/ departments/cities/towns/villages). (CY ___ other time period ___ (month) / ___ (year)

to _____(month) / _____ (year).

3. Starting Salary

For public defenders, what is the starting salary (in U.S. dollars and in units of minimum wage and/or as a ratio of the starting salary of public prosecutors)? (CY _____ or other time period _____(month) / _____ (year) to _____(month) / _____ (year).

4. Accountability (procedures for handling complaints & imposing sanctions)

What recourse does a defendant have if he/she is dissatisfied with their counsel's performance?

Is there an office of professional responsibility and ethics or some equivalent that investigates the propriety of defense counsel behavior? If so, describe where it is located; what authority it has; what kinds of cases it handles; how many cases it handles; and what the outcomes are.

SECTION VIII: JUDICIARY

1. Administrative organization

Describe or diagram the hierarchy of courts from highest authority to the lowest. Indicate how many of each type of courts exist.

2. Annual budget

Total annual expenditure for total judicial services. (If the costs of public prosecutorial services are considered "judicial services" and can not be separated out, please note this). Please convert to U.S. dollars, if possible. Also please state expenditure per capita or per 100,000 population. If available break down the data by level of government, for example: total annual expenditure on judicial services (most recent CY or FY) by the federal government; by the state/territorial/provincial government; by the local government(s) (counties/ departments/cities/towns/villages). (CY _____ or other time period _____(month) / _____ (year) to _____(month) / _____ (year).

3. Number of personnel

List the number of judges (all judicial officers excluding prosecutors) by type of court. (If possible, give also the rate per 100,000 population. Also, if available, give the gender breakdown and any other demographic break downs. (CY _____ or other time period _____(month) / _____ (year) to _____(month) / _____ (year).

4. Qualifications & Entry requirements

List the qualifications required for judges (judicial officers).

How do judges obtain their office? Appointment; competitive examination? Election by the public? Does the bar association play a role in the selection of judges? Is there some other judicial commission or organization that assesses the qualifications of judges?

5. Initial and In-Service Training

If judges get special training as judges, please describe what is involved.

6. Starting salary

What is the starting salary for judges (all judicial officers excluding public prosecutors) in a major city? Please give also in U.S. dollars AND in units of national minimum wage) (CY _____ or other time period _____(month) / _____ (year) to _____(month) / _____ (year).

7. Accountability (procedures for handling complaints & imposing sanctions)

What mechanisms exist for sanctioning judges for improper behavior? Can a judge be removed from office? Does that ever happen? On what grounds can it happen?

Is there an office of professional responsibility and ethics or some equivalent that investigates the propriety of judicial behavior? If so, describe where it is located; what authority it has; what kinds of cases it handles; how many cases it handles; and what the outcomes are.

8. Technology

To what extent is the record system of the criminal courts computerized?

SECTION IX: PROBATION

1. Administrative organization

In which unit of government are probation offices located? Courts? Independent agency? If a federal system, are there separate probation offices for each level (local, state, federal)? How many probation offices are there?

2. Total annual budget

Annual expenditure on probation. Please convert to U.S. dollars, if possible. Also please state expenditure per capita. If available break down the data by level of government, for example: total annual expenditure on probation services by the federal government; by the state/territorial/provincial government; by the local government(s) (counties/

departments/cities/towns/villages). (CY ____ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

3. Probation: Officers & Convicts

How many probation officers are there? (Number per 100,000 population?) (CY ____ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

How many convicts on probation are there? (Number per 100,000 population?) (CY ____ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

4. Qualifications & Entry requirements

What are the qualifications for a probation officer?

5. Initial and In-Service Training

What training do probation officers receive?

6. Starting salary (in dollars; & in units of national minimum wage)

What is the starting salary for a probation officer in a large city?(CY ____ or other time period ____ (month) / ____ (year) to ____ (month) / ____ (year).

SECTION X: PRISONS, JAILS, HOUSES OF CORRECTION

1. Administrative organization

A. How is the correctional system organized? Is a distinction made between “prisons” (institutions that house people convicted of crime and run at a state and/or federal level) and “houses of correction” (institutions that house people convicted of crime and operated by local government) and “jails” (detention facilities for people who have not been convicted but rather are awaiting trial)?

B. How many prisons, jails, and houses of correction are there? Please break them down by type of facility. For prisons, indicate how many are maximum security; minimum security, prison farms.

C. Juvenile facilities. How many of the prisons/ correctional institutions referred to in B above are for juveniles only?

2. Annual budget

Total annual expenditure on prisons; jails; houses of correction.
Break down the costs by type of facility. Please convert to U.S. dollars, if possible. Also please state expenditure per capita. If available break down the data by level of government, for example: total annual expenditure on correctional/ penal services (most recent CY or other period) by the federal government; by the state/ territorial/ provincial government; by the local government(s) (counties/ departments/ cities/ towns/ villages).

3. Guards/ Prisoners/ Beds

A. Prison Staff /Guards. How many prison staff / guards are employed? Please break out by prison, jail, houses of correction, if possible. Also give the rate per 100,000 population. If available break down the data by level of government, for example: total prison staff/guards employed by the federal government; by the state/territorial/provincial government; by local government(s) (counties/ departments/ cities/ towns/ villages). (CY ___ or other time period ___(month) / ___(year) to ___(month) / ___(year).

B. Prisoners. How many prisoners are there, i.e., what is the average daily population? Also give the rate per 100,000 population. Give separate counts for prisons, and jails and houses of correction, if these distinctions exist and the data are available. If available break down the data by level of government, for example: total number of prisoners in Federal prisons; in state/ territorial/ provincial prisons; in local prisons (counties/ departments/ cities/ towns/ villages). How many are for juveniles only?

C. Beds. How many beds are there for prisons, jails, houses of correction? In addition to bed counts, indicate whether the prison system is filled to capacity or more or less. If available break down the data by level of government, for example: total number of prison beds by the federal government; by the state/territorial/provincial government; by the local government(s) (counties/ departments/ cities/ towns/ villages). (CY ___ or other time period ___(month) / ___(year) to ___(month) / ___(year).

4. Qualifications & Entry requirements

What are the qualifications for a prison officer/ guard?

5. Initial and In-Service Training

What training do prison officers/ guards receive?

6. Starting salary

What is the starting salary for a prison officer/ guards in a large city? Please also give in U.S. dollars; & in units of your national minimum wage. (CY ___ or other time period ___(month) / ___(year) to ___(month) / ___(year).

7. Accountability

What mechanisms exist to deal with complaints about abuses by prison officials/ guards?

8. Rehabilitation Activities

Are prisoners required/allowed to work? attend classes for education degrees? attend rehabilitation program? Group therapy?

9. Conditions.

What amenities and privileges are provided to prisoners? Visiting policies; weekend leave; half-way houses?

10. Remissions.

Do prisoners get time off for good behavior? At what rate?

SECTION XI: JUVENILE JUSTICE

1. Organization.

Briefly describe the juvenile justice system. Include some general information about its legal and administrative organization. How many custodial institutions (reform schools; prisons; detention facilities) are there for juveniles only? Please break down by level of government if relevant and available.

2. Jurisdiction.

Can juveniles be tried as adults? If so, under what conditions? What are the ages at which a juvenile is eligible for processing as an adult?

3. Relationship to Adult Criminal Justice.

How does the juvenile justice system relate to the criminal justice system? Are juvenile court records passed on to/ made available to the criminal court (and/ or the public prosecutor) once the juvenile becomes an adult? Or, are those records sealed from use in the adult system?

SECTION XII: INDIGENOUS CRIMINAL JUSTICE SYSTEMS

Briefly describe any indigenous, informal, customary criminal justice systems that operate in the country. Confine your account to description of indigenous institutions and procedures; and any links/ overlap with the formal criminal justice agencies and procedures.

SECTION XIII: TRANSNATIONAL/INTERNATIONAL CRIME & JUSTICE

1. Procedures

A. Extradition Treaties. Can criminals (including nationals) be extradited to other countries? If so, please list the countries with whom extradition treaties exist. Please note if only non-nationals may be extradited.

B. Extraditions. If any counts of the number of extraditions per year exist for any recent years, please list.

C. Foreign Prosecutions. Does your legal system allow for “foreign prosecutions” whereby your courts will prosecute a case on behalf of another country where the crime was committed? If so, please cite and quote the relevant legal provision.

D. Number of Foreign Prosecutions. How many foreign prosecutions have occurred annually in the past five years? For what kinds of crimes? On behalf of what countries?

E. Foreign Prisoner Transfers. Does your country have agreements with other countries to for the mutual transfer of nationals to serve prison terms in their respective home countries? If so, with what countries? Please cite the relevant legal provisions.

F. Number of Prisoners Transferred. How many prisoners have been transferred (to and from) your country annually for the past five years?

G. Mutual Legal Assistance Treaties. List the countries with whom your country has mutual legal assistance treaties. Provide any information available about how often your countries makes or receives requests for mutual legal assistance.

2. Foreign Law Enforcement / Justice Contacts

A. Training. To what extent do police, prosecutors or judges participate in foreign or international training programs? Examples? Foreign police academies? Neighboring Countries Regional Training Programs?

B. International Civilian Police Missions. Do your police or judicial officials participate in peace operations such as that of the United Nations? Examples?

C. Regional Policy Planning. Do your police/ prosecutors/ law enforcement/ judicial officials participate in any regional law enforcement discussion group or planning group to develop binational or multinational policies to common problems such as illegal immigration, drug smuggling, etc.?

D. Legats. Does your country have any law enforcement officials stationed at its embassies

abroad? Where and why?

E. Joint Working Groups. Does your country's law enforcement officials/ prosecutors belong to any binational or multinational operational group directed at crime? If so, describe.

F. Transnational Crime Problems. If your country has any of the following special crime problems briefly describe them: alien smuggling; money laundering; international child abductions; arms trafficking; stolen vehicles; other transnational problem. If any statistics on the magnitude of these problems exist, please include them and give references. Also list any conditions or qualifications on the statistics.

SECTION XIV: RESEARCH & INFORMATION RESOURCES

1. Research

Identify for your country and provide addresses/ contact information for:

Government agency/ies which publish information on crime and/or justice.
University or private organizations that conduct research on crime and/or justice.

2. Publications

List the leading journals/ magazines/ newsletters or other special publications on police, crime and/or justice published in your country.

3. Professional Associations

List the major professional associations of police, prosecutors, defense attorneys, judges, correctional official, and academic criminologists in your country.

SECTION XV: PUBLIC OPINION & SELF-HELP & VIGILANTISM

1. Survey Findings. If public opinion surveys regarding the police, or the criminal justice system have been done, please include the major findings and the nature of the samples. For example, what percent of national samples of the public have confidence in the police, the courts, the penal system? How do the police and criminal justice agencies compare in public opinion compared to other institutions in your society such as the military, the congress, the labor unions, the church, the schools?

2. Self- Help & Vigilantism. In the past five years how many cases of citizens taking the law into their own hands have happened, such as lynchings of criminals or other private "justice" activities. Please describe. Were any done because of lack of public confidence in the police or justice system?

3. Citizen Attacks on Police or Justice System. In the past five years have there been any attacks on the police or other components of the justice system which represented citizen backlash/ resentment/ frustration with the failures/ inefficiency/ corruption of the police/ justice system? (This excludes attacks by organized crime or by revolutionaries.) Please describe.

SECTION XVI: SOURCES

Provide complete information for the references from which you obtained your information. Include personal sources of information by title and date unless ethical considerations (described above) prevent you from doing so.

Use the style format as used in the current version of the BJS Factbook, a sample of which is reproduced below.

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- Cole, George F., S. J. Frankowski, and M. G. Gertz, (1987) *Major Criminal Justice Systems*. Beverly Hills: Sage.
- David, R. and J. E. Brierley (1968) *Major Legal Systems of the World Today*. London: Free Press.
- Duffee, D., F. Hussey, and J. Kramer, (1978). *Criminal justice: Organization, structure, and analysis*. NJ: Prentice-Hall.
- Fairchild, E. (1993), *Comparative criminal justice systems*. Belmont, CA: Wadsworth.
- Feeley, Malcolm M. (1991), *Court reform on trial: Why simple solutions fail*. New York: Basic Books.
- Feeley, Malcolm M. (1973), "Two models of the criminal justice system". *Law and Society Review*, 7(3): 407-425.
- Foucault, M. (1977), *Discipline and Punish*. New York: Pantheon.
- Hoebel, E. Adamson (1954), *The Law of Primitive Man*. Cambridge: Harvard University Press.
- Malinowski, Bronislaw (1926), *Crime and Custom in Savage Society*. New York: Harcourt, Brace and Company, Inc.
- Milovanovic, Dragan (1994), *The Sociology of Law*, 2nd Edition. Albany, NY: Harrow and Heston Publishers.
- Packer, Herbert L. (1969), *The Limits of Criminal Sanction*. Stanford, CA: Stanford University Press.
- Terrill, Richard J. (1984), *World Criminal Justice Systems*. Cincinnati: Anderson Publishing Company.
- Von Glahn, Gerhard (1986), *Law Among Nations*. New York: Macmillan Publishing Company, Inc.

Walker, Sam (1992), Origins of the contemporary criminal justice paradigm: The American Bar Foundation Survey, 1953-1969. *Justice Quarterly*, 9(1): 47-76.

Weber, M. (1978), *Economy and Society*, Vol 1 and 2, G. Roth and C. Wittich (eds.) Los Angeles, California: University of California Press.



**IV. Blank Outline of Georgetown Version of
World Factbook of Criminal Justice Systems**
(For use by country rapporteurs to make their reports)

COUNTRY:

Report Author:

SECTION I: GENERAL OVERVIEW

1. Brief History.
2. Legal System.
3. Political System.

SECTION II: CRIME

1. Classification of crimes.
 - A. General legal classification of crime
 - B. Age of criminal responsibility.
 - C. Describe drug offenses.
2. Crime Statistics
 - A. *rates* per 100,000 population in addition to frequencies.
 - B. For the crimes of murder, rape, ...
 - C. Definitions
 - D. "Attempts" are included in the statistic.
 - E. Bibliographical references
 - F. Crime regions: Name regions

SECTION III. CRIME VICTIMS

1. Crime Victim Survey Findings
2. Victim Assistance. Number and Types of Agencies.
3. Victim's Roles
4. Victims' rights legislation

SECTION IV: CRIMINAL PROCEDURE AND RELATED MATTERS

1. Investigation, Search, Seizure, Detention
 - A. Describe typical sequence of events and the legal standards
 - B. If the sequence or standards differ...
 - C. Legal system exclude illegal evidence?
 - D. Legal system restrict certain investigative techniques?

- E. Are there police crime laboratories?
- 2. Pretrial Release / Preventive Detention
 - A. How does the pretrial release / “bail” system work?
 - B. Criteria?
 - C. Is “preventive detention” allowed?
 - D. Statistics.
- 3. Legal Rights of Suspects/Accused
- 4. Investigation & Case Preparation
 - A. Who does the “investigation”?
 - B. Role public prosecutor plays?
 - C. Role magistrate/ judicial officer plays?
- 5. Pretrial Diversion
 - A. Administration.
 - B. Statistics.
- 6. Case Dismissals
 - A. Rate of Case Attrition.
 - B. Reasons for Case Attrition.
 - C. Organization of Case Attrition.
- 7. Convictions Without Trials
 - A. Statistics.
 - B. “Plea negotiations” or equivalent.
- 8. Trials
 - A. Describe the nature of the trial procedure.
 - B. Outcomes at Trial.
- 9. Sentencing & Penology
 - A. Discretion & Sentencing.
 - B. How does the sentencing procedure work?
 - C. Probation. Does probation exist?
 - D. Penalties. Types of penalties.
 - E. Death Penalty.
- 10. Appeals
 - A. What proportion of cases are appealed?
 - B. What are the grounds for appeal?
 - C. Can the state appeal?
- 11. Parole
 - A. Is there a parole system?
 - B. Describe the parole system?
 - C. Discretion in parole decision.
 - D. Proportion given parole.
 - E. Number on parole.

SECTION V. POLICE

- 1. Administrative organization
- 2. Annual budget
- 3. Number of personnel

4. Qualifications & Entry requirements & Removal
5. Initial and In-Service Training
6. Starting salary
7. Accountability
8. Legal Authority
9. Relation to the Military
10. Unions
11. Technological Infrastructure
 - A. Identification systems.
 - B. Vehicles.
 - C. Weapons.
 - D. Surveillance.
 - E. Radios.
 - F. Computers.
12. Special Policies

SECTION VI: PROSECUTORS

1. Administrative organization
 - A. Structure.
 - B. Private Prosecutors.
2. Annual budget
3. Number of personnel
4. Qualifications & Entry requirements
5. Initial and In-Service Training
6. Starting salary
7. Accountability
8. Discretion
9. Technology

SECTION VII: DEFENSE BAR

1. Administrative organization
2. Annual budget
3. Starting salary
4. Accountability

SECTION VIII: JUDICIARY

1. Administrative organization
2. Annual budget
3. Number of personnel
4. Qualifications & Entry requirements
5. Initial and In-Service Training
6. Starting salary
7. Accountability
8. Technology

SECTION IX: PROBATION

1. Administrative organization
2. Annual budget

3. Number of personnel
4. Qualifications & Entry requirements
5. Initial and In-Service Training
6. Starting salary

SECTION X: PRISONS, JAILS, HOUSES OF CORRECTION

1. Administrative organization
 - A. Organization.
 - B. Number of institutions.
 - C. Juvenile facilities.
2. Annual budget
3. Number of personnel
 - A. Prison Staff /Guards.
 - B. Prisoners.
 - C. Beds.
4. Qualifications & Entry requirements
5. Initial and In-Service Training
6. Starting salary
7. Accountability
8. Rehabilitation Activities
9. Conditions
10. Remissions

SECTION XI: JUVENILE JUSTICE

1. Organization.
2. Jurisdiction.
3. Relationship to Adult Criminal Justice.

SECTION XII: INDIGENOUS CRIMINAL JUSTICE SYSTEMS

SECTION XIII: TRANSNATIONAL/INTERNATIONAL CRIME & JUSTICE

1. Procedures
 - A. Extradition Treaties.
 - B. Extraditions.
 - C. Foreign Prosecutions.
 - D. Number of Foreign Prosecutions.
 - E. Foreign Prisoner Transfers Treaties
 - F. Number of Prisoners Transferred.
 - G. Mutual Legal Assistance Treaties.
2. Foreign Law Enforcement / Justice Contacts
 - A. Training.
 - B. International Civilian Police Missions.
 - C. Regional Policy Planning.
 - D. Legats.
 - E. Joint Working Groups.
 - F. Transnational Crime Problems

SECTION XIV: RESEARCH & INFORMATION RESOURCES

1. Research

2. Publications

3. Professional Associations

SECTION XV: PUBLIC OPINION & SELF-HELP & VIGILANTISM

1. Survey Findings

2. Self- Help & Vigilantism

3. Citizen Attacks

SECTION XVI: SOURCES