



Specific Programme Criminal Justice

European Commission

Directorate-General Justice – Directorate B: Criminal Justice



INSTITUTE OF CONFLICT RESOLUTION
SOFIA - BULGARIA

3E-RJ- MODEL Record and Assessment Tool on RJ: *RECORD QUESTIONNAIRE - B.2* *RJ at Prosecution level separately for Juveniles*

3E-RJ-MODEL

**The 3E Model for a Restorative Justice Strategy in Europe
Greece, United Kingdom, Bulgaria, Finland, Hungary, Poland, Spain
(including research also in Turkey, the Netherlands, Denmark, Germany)
JUST/2010/JPEN/AG/1534**

November 2011

Country concerned: _____

User's name: _____

General and Procedural Characteristics of RJ at PROSECUTION LEVEL separately for JUVENILES (B.2)

Concerning the reference country and according to your professional experience (please **colorize** the answer of your preference):

Record_Question.

B.2:

Separately for
JUVENILES

Question 1

*If answering is "i", "ii" or "iii", please, mention briefly some of the most important examples. If answering is "iv", go on by ignoring the sub-questions which the second part of their indicative number is the same as in the sub-question concerned. ("a" or "b")/
You may also add any Comment*

At prosecution level: (either pre-charge or post-charge stage and usually before trial)

1. a. Are there RJ measures and procedures that are expressis verbis provided in legislation?

- | | |
|-------------------|----------------------|
| i. YES, WIDELY | ii. YES, MODERATELY |
| iii. YES, LIMITED | iv. NO, NOT PROVIDED |

(if the space is not enough, you may refer to an annex that could be added at the end by pointing out to the specific Question

1. b. Are there RJ programmes and practices that are implemented without being provided expressis verbis in legislation, either by using opportunities of legislation and legal system or the discretion of competent JJ authorities and officials?

- | | |
|------------------|-------------------------|
| i. YES WIDELY | ii. YES, MODERATELY |
| iii. YES LIMITED | iv. NO, NOT IMPLEMENTED |

(if the space is not enough, you may refer to an annex that could be added at the end by pointing out to the specific Question

Record_Question.

B.2:

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JUVENILES

Question 2

If answering is “ii” or “iii”, please, mention briefly some of the most important examples/You may also add any Comment

At prosecution

level: (either pre-charge or post-charge stage and usually before trial)

2. a. RJ measures and procedures that are *expressis verbis* provided in legislation:

- i.** ...are general, concerning all categories of crimes.
- ii.** ...are special, concerning only specific categories of crimes.
- iii.** ...are both general and special (some measures are provided generally for any category of crime and others are provided only for specific categories of crimes).

(if the space is not enough, you may refer to an annex that could be added at the end by pointing out to the specific Question)

2. b. RJ programmes and practices that are usually implemented without being provided in legislation:

- i.** ...are general, concerning all categories of crimes.
- ii.** ...are special concerning only specific categories of crimes.
- iii.** ...are both general and special (some practices are implemented generally to any category of crime and others are implemented only to specific categories of crimes).

(if the space is not enough, you may refer to an annex that could be added at the end by pointing out to the specific Question)

**Record_Question.
B.2:
Separately for
JUVENILES**

Question 3

*If answering is “ii” or “iii”,
please, mention briefly some
of the most important
examples/You may also add
any Comment*

**At prosecution
level:** (either pre-
charge or post-charge
stage and usually before
trial)

3. a. RJ measures and procedures that are *expressis verbis* provided in legislation:

- i. ...are general, concerning all groups of juvenile offenders.
- ii. ...are special, concerning only specific groups of juvenile offenders.
- iii. ...are both general and special (some measures are provided for any group of juvenile offenders and others are provided only for specific groups).

*if the space is not enough,
you may refer to an annex
that could
be added at the end by
pointing out
to the specific Question*

3. b. RJ programmes and practices that are usually implemented without being provided in legislation:

- i. ...are general, concerning all group of juvenile offenders.
- ii. ...are special, concerning only specific group of juvenile offenders.
- iii. ...are both general and special (some practices are implemented generally to all groups of juvenile offenders and others are implemented only to specific groups).

*if the space is not enough,
you may refer to an annex
that could
be added at the end by
pointing out
to the specific Question*

Record_Question.

B.2:

Separately for
JUVENILES

Question 4

*If answering is “ii” or “iii”,
please, mention briefly some
of the most important
examples/ You may also add
any Comment*

At prosecution

level: (either pre-
charge or post-charge
stage and usually before
trial)

4. a. RJ measures and procedures that are *expressis verbis* provided in legislation:

- i.** ...are general, concerning all groups of victims.
- ii.** ...are special, concerning only specific group of victims.
- iii.** ...are both general and special (some measures are provided for any group of victim and others are provided only for specific groups).

*if the space is not enough,
you may refer to an annex
that could
be added at the end by
pointing out
to the specific Question*

4. b. RJ programmes and practices that are usually implemented without being provided in legislation:

- i.** ...are general, concerning all group of victims.
- ii.** ...are special, concerning only specific group of victims.
- iii.** ...are both general and special (some practices are implemented generally to all group of victims and others are implemented only to specific groups).

*if the space is not enough,
you may refer to an annex
that could
be added at the end by
pointing out
to the specific Question*

**Record_Question. B.2:
Separately for
JUVENILES**

Question 5

You may also add any Comment

5. a. RJ procedures that are provided in legislation are used rather:

- i. AS ALTERNATIVES (e.g. by diversion from prosecution)
- ii. EITHER AS ALTERNATIVES OR AS COMPLEMENTS
- iii. AS COMPLEMENTS

...to the traditional JJ procedures of this level.

5. b. RJ programmes and practices which are implemented without being provided are usually:

- i. ALTERNATIVES (e.g. by diversion from prosecution)
- ii. EITHER ALTERNATIVES OR COMPLEMENTS
- iii. COMPLEMENTS

...to the traditional JJ procedures of this level.

*if the space is not enough,
you may refer to an annex that could
be added at the end by pointing out
to the specific Question*

*if the space is not enough,
you may refer to an annex that could
be added at the end by pointing out
to the specific Question*

At prosecution

**level: (either pre-charge
or post-charge stage and
usually before trial)**

Record_Question. B.2:
Separately for
JUVENILES

Question 6

According to your answer, please give namely the legal criteria or the general standards for referral to RJ procedures/You may also add any Comment

6. a. The referral to RJ process is *expressis verbis* provided as:

i. COMPULSORY FOR THE COMPETENT AUTHORITIES
(according to provided legal criteria)

ii. COMPULSORY IN SOME CASES AND PART OF THEIR DISCRETION IN SOME OTHERS

iii. PART OF THEIR DISCRETION (according to provided general standards)

6. b. The referral to RJ process is usually implemented (in programmes and practices that are not provided in legislation) as:

i. COMPULSORY FOR THE COMPETENT AUTHORITIES
(according to provided legal criteria)

ii. COMPULSORY IN SOME CASES AND PART OF THEIR DISCRETION IN SOME OTHERS

iii. PART OF THEIR DISCRETION (according to general standards)

*if the space is not enough,
you may refer to an annex that could
be added at the end by pointing out
to the specific Question*

*if the space is not enough,
you may refer to an annex that could
be added at the end by pointing out
to the specific Question*

At prosecution

**level: (either pre-charge
or post-charge stage and
usually before trial)**

**Record_Question. B.2:
Separately for
JUVENILES**

**At prosecution
level: (either pre-charge
or post-charge stage and
usually before trial)**

Question 7

7. a. The competent authority for the referral to the RJ process is:

- i. THE PROSECUTION AUTHORITY
- ii. THE COURT
- iii. A SPECIALIZED JJ AUTHORITY/SERVICE (namely):

- iv. OTHER (please also specify the legal nature of it, if it is a public, municipal or private agency etc): _____

....according to *expressis verbis* provisions.

7. b. The competent authority for the referral to the RJ process is usually:

- i. THE PROSECUTION AUTHORITY
- ii. THE COURT
- iii. A SPECIALIZED JJ AUTHORITY/SERVICE (namely): _____

- iv. OTHER (please also specify the legal nature of it, if it is a public, municipal or private agency etc): _____

...when it is implemented

(in programmes and practices that are not provided in legislation).

Question 8

(You may choose more than one question)

8. a. The referral to RJ process can be derived by an initiative of:

- i. THE PROSECUTOR
- ii. A JJ OFFICIAL(namely): _____
- iii. THE VICTIM
- iv. THE OFFENDER
- v. THE PARENTS OF THE JUVENILE
- vi. THE LEGAL COUNSEL/DEFENCE LAWYER
- vii. OTHER: _____
- viii. NOT PROVIDED

**...according to
expressis verbis provisions.**

8. b. The referral to RJ process can be derived by an initiative of:

- i. THE PROSECUTOR
- ii. A JJ OFFICIAL(namely): _____
- iii. THE VICTIM
- iv. THE OFFENDER
- v. THE PARENTS OF THE JUVENILE
- vi. THE LEGAL COUNSEL/DEFENCE LAWYER
- vii. OTHER: _____

...when it is implemented.

- viii. NOT IMPLEMENTED

**Record_Questio
n. B.2:
Separately for
JUVENILES**

**At
prosecutio
n level:
(either pre-
charge or post-
charge stage
and usually
before trail)**

Question 9

(you may choose more than one answer)

**9. a. After the referral, the actual process of RJ -
provided is delivered and managed by:**

- i. A SPECIALIZED JJ AUTHORITY/SERVICE
(namely): _____

- ii. A SPECIALIZED SOCIAL PUBLIC
AGENCY: _____
- iii. A NGO or A SOCIAL PRIVATE AGENCY
- iv. A PARTNERSHIP BETWEEN (e.g. “i+ii” or “ii+iii” or “iii+iv” or
“i+ii+iii”): _____
- v. OTHER: _____

**9. b. After the referral, the actual process of RJ schemes
implemented is usually delivered and managed by:**

- i. A SPECIALIZED JJ AUTHORITY/SERVICE
(namely): _____

- ii. A SPECIALIZED SOCIAL PUBLIC
AGENCY: _____
- iii. A NGO or A SOCIAL PRIVATE AGENCY
- iv. A PARTNERSHIP BETWEEN (e.g. “i+ii” or “ii+iii” or “iii+iv” or
“i+ii+iii”): _____
- v. OTHER: _____

Question 10

(You may choose more than one question)

10. a. The involvement of:

- i. A JJ OFFICIAL(namely):

- ii. LEGAL COUNSELS/LAWYERS
- iii. THE PARENTS OF THE JUVENILE
- iv. TRAINED MEDIATORS/FACILITATORS
- v. SOCIAL WORKERS vi. THE VICTIM
- vii. THE COMMUNITY (local authorities, neighbours etc):

- viii. OTHER (e.g. teachers, professors, colleagues etc):
_____ **...is expressis verbis
provided at the actual process.**

10. b. The involvement of:

- i. A JJ OFFICIAL(namely):

- ii. LEGAL COUNSELS/LAWYERS
- iii. THE PARENTS OF THE JUVENILE
- iv. TRAINED MEDIATORS/FACILITATORS
- v. SOCIAL WORKERS vi. THE VICTIM
- vii. THE COMMUNITY (local authorities, neighbours etc):

- viii. OTHER (e.g. teachers, professors, colleagues etc):
_____ **...is usually
implemented at the actual process.**

Record_Question.

B.2:

Separately for JUVENILES

At prosecution

level: (either pre-charge or post-charge stage and usually before trial)

Question 11

11. a. RJ procedures are supervised by:

- i. THE PROSECUTION AUTHORITY
- ii. THE COURT
- iii. A SPECIALIZED JJ AUTHORITY/SERVICE (namely):

iv. OTHER (please also specify the legal nature of it, if it is e.g, a public, municipal or private agency):_____

–
....according to *expressis verbis* provisions.

- vi. SUPERVISION NOT PROVIDED

11. b. RJ programmes are supervised by:

- i. THE PROSECUTION AUTHORITY
- ii. THE COURT
- iii. A SPECIALIZED JJ AUTHORITY/SERVICE (namely):

iv. OTHER (please also specify the legal nature of it, if it is e.g, a public, municipal or private agency):_____

...when implemented.

- vi. SUPERVISION NOT IMPLEMENTED

Question 12

12. a.the evaluation of implementation of the procedure and the follow-up of each case is made by:

- i. THE PROSECUTION AUTHORITY
- ii. THE COURT
- iii. A SPECIALIZED JJ AUTHORITY/SERVICE (namely):

iv. OTHER (please also specify the legal nature of it, if it is e.g, a public, municipal or private agency):_____

–
....according to *expressis verbis* provisions.

- v. EVALUATION NOT PROVIDED

12. b. ...the evaluation of implementation of the programme and the follow-up of each case is made by:

- i. THE PROSECUTION AUTHORITY
- ii. THE COURT
- iii. A SPECIALIZED JJ AUTHORITY/SERVICE (namely):

v. OTHER (please also specify the legal nature of it, if it is e.g, a public, municipal or private agency):_____

...when implemented.

- vi. EVALUATION NOT IMPLEMENTED

**Record_Question. B.2:
Separately for
JUVENILES**

Question 13

(you may choose more than one answer)

13. a. RJ measures and procedures that are provided may include the following forms:

- i. VICTIM OFFENDER MEDIATION or CONCILIATION
- ii. COMMUNITY BOARDS/CONFERENCING
- iii. FAMILY GROUP CONFERENCING
- iv. PEACE CIRCLES or HEALING/SENTENCING CIRCLES
- v. REPARATIVE PROBATION
- vi. ALL THE ABOVE TYPES
- vii. OTHER: _____
- viii. NOT PROVIDED

**At prosecution level:
(either pre-charge or post-charge stage and usually before trial)**

13. b. RJ programmes and schemes that are implemented usually include the following forms:

- i. VICTIM OFFENDER MEDIATION or CONCILIATION
- ii. COMMUNITY BOARDS/CONFERENCING
- iii. FAMILY GROUP CONFERENCING
- iv. PEACE CIRCLES or HEALING/SENTENCING CIRCLES
- v. REPARATIVE PROBATION
- vi. ALL THE ABOVE TYPES
- vii. OTHER: _____

Record_Question. B.2:
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JUVENILES

Question 14

(you may choose more than one answer)

14. a. RJ measures and procedures that are provided at this level could include as part or as a result/outcome of the actual process:

- i. A DIALOGUE BETWEEN THE VICTIM AND THE OFFENDER
- ii. A WRITTEN APOLOGY
- iii. AN AGREEMENT BETWEEN THEM
- iv. COMMUNITY PUNISHMENT
- v. A. COMPENSATION
- vi. MAKING COMMITMENTS
- vii. THE COMPLETION OF AN EDUCATION OR OTHER PROGRAMME
- viii. ALL THE ABOVE TYPES
- ix. OTHER: _____
- x. NOT PROVIDED

At prosecution level:
(either pre-charge or post-charge stage and usually before trail)

14. b. RJ programmes and practices that are implemented at this level usually include as part or as a result/outcome of the actual process:

- i. A DIALOGUE BETWEEN THE VICTIM AND THE OFFENDER
- ii. A WRITTEN APOLOGY
- iii. AN AGREEMENT BETWEEN THEM
- iv. COMMUNITY PUNISHMENT
- v. A. COMPENSATION
- vi. MAKING COMMITMENTS
- vii. THE COMPLETION OF AN EDUCATION OR OTHER PROGRAMME
- viii. ALL THE ABOVE TYPES
- ix. OTHER: _____

**Record_Question. B.2:
Separately for JUVENILES**

Question 15

Question 16

I. After the referral, does the offender or the victim have the right to interrupt the RJ process and remain only within the traditional JJ one?

- i. ONLY THE JUVENILE OFFENDER HAS THE RIGHT
- ii. ONLY THE VICTIM HAS THE RIGHT
- iii. NO ONE HAS THIS RIGHT
- iv. BOTH OF THEM HAVE THE RIGHT

If the actual process is not successful, in what way this could affect the JJ process?

*if the space is not enough,
you may refer to an annex that could
be added at the end by pointing out
to the specific Question*

At prosecution

**level: (either pre-charge
or post-charge stage and
usually before trial)**

**II. Under what terms and conditions could this right
been exercised?**

*if the space is not enough,
you may refer to an annex that could
be added at the end by pointing out
to the specific Question*

**Record_Question. B.2:
Separately for
JUVENILES**

**At prosecution
level:** (either pre-charge
or post-charge stage and
usually before trial)

Question 17

**I. Are the cases referred to
RJ process recorded
officially?**

- i. YES
- ii. NO

II. Since when?

**III. Are there sufficient
statistical data for the last
five years?**

- i. YES
- ii. NO

*If answering is yes to the
previous question, please
try to give the information
bellow.*

How many cases have been
referred to the RJ process of
prosecution level during the
last five years? Out of how
many cases in total?

How many cases have been
evaluated as successful
referral? Out of how many
referred cases in total?

Question 18

**At the specific level
level, the time needed
for the RJ process to
be completed is longer
or shorter in compare
to the traditional JJ
one?**

- i. LONGER
- ii. SHORTER
- iii. EQUAL
- iv. NOT ABLE TO
COMPARE
- v. NOT COMPARABLE
THE ONE TO OTHER

How much time is in
average needed for the
actual process of RJ to
be completed?

Question 19

**At the specific level,
the total financial cost
for the RJ process is
higher or lower in
compare to the JJ
ones?**

I. For the state:

- i. HIGHER
- ii. LOWER
- iii. EQUAL
- iv. NOT ABLE TO COMPARE
- v. NOT COMPARABLE THE
ONE TO OTHER

II. For the victim:

- i. HIGHER
- ii. LOWER
- iii. EQUAL
- iv. NOT ABLE TO COMPARE
- v. NOT COMPARABLE THE
ONE TO OTHER

III. For the offender:

- i. HIGHER
- ii. LOWER
- iii. EQUAL
- iv. NOT ABLE TO COMPARE
- v. NOT COMPARABLE THE
ONE TO OTHER

ANNEX

COMMENT TO THE QUESTIONS

QUESTION 1
COMMENT:

QUESTION 2
COMMENT:

QUESTION 3
COMMENT:

QUESTION 4
COMMENT: