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# LONG TERM TRAINING STRATEGY FOR LATVIA'S PROSECUTORS



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## Foreword

**T**he Latvian Judicial Training Centre (LJTC) was founded in 1995. Initially with the support of state and international donor funds, the LJTC focused on creating continuing education opportunities for judges and employees of the justice system. The justice system is faced with an ever changing legal environment, with new judicial instruments, European Union legal precedents and other innovations. LJTC cooperates with partners in Latvia, with similar EU training centres and with other partners abroad to ensure comprehensive and thorough training on these new developments.

Standard practice in the European Union is to gather judges and prosecutors together for training, in order to ensure a common understanding. Since 2012, LJTC and the Prosecutor General have created an annual program of professional seminars for prosecutors. State budget resources are scarce for this type of training; therefore, LJTC has been pursuing other funding sources. LJTC was successful in raising funds for a project “The Development and Implementation of a Long Term Training Strategy for Latvia’s Prosecutors” from the Nordic fund Nordplus, co-financed by LJTC and the Prosecutor General. The project provided for a series of national seminars, as well as a number of international seminars with Danish and Swedish experts. This handbook is one outcome of this project. Co-authored by Solvita Kalniņa-Caune, Ilona Kronberga, Inga Pāvula and Aija Tūna, this book offers an overview of prosecutors’ continuing education, and recommendations for creating a systemic professional continuing education system for Latvia’s prosecutors.

The report references recommendations by the European Union and the Council of Europe on professional development in the judicial system, recognizing the specific needs of prosecutors. The report refers to established professional development systems for prosecutors, as an integral part of career planning for every prosecutor. Key features of this system are training available at the candidate level, and for different specializations, and the existence of different types of support systems. For example, intervision is one support system that can be easily implemented because it requires time, not additional financial resources. A mentoring program is another type of support system that can be used to bolster the skills, knowledge, work habits and loyalty of junior prosecutors.

The handbook also provides concrete tools for the trainer to assist in preparation of training courses and program development, and describes various methods appropriate for training adults. No matter what path the Prosecutor General and the Prosecutors’ Council chooses in pursuing a professional development system for prosecutors, this handbook will be an excellent resource for developing a strategy for a quality training program for junior prosecutors and a professional development program for all prosecutors.

On behalf of the publisher,

Solvita Kalniņa-Caune, director, Latvian Judicial Training Centre

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# I. PROFESSIONAL PROSECUTORS – A KEY COMPONENT FOR THE RULE OF LAW

## 1. Role of the Prosecution Service and Prosecutors in Society and in the Justice System (*Ilona Kronberga*)

The aim of the Public Prosecution is, on behalf of society and in the public interest, to ensure the application of the law, while upholding the rights of each individual.<sup>1</sup> In accordance with the legal norms in Latvia, the prosecutor is a member of the justice system, who participates in court proceedings, fulfils other duties in accordance with the law, and holds one of the following public offices: prosecutor general, chief prosecutor, deputy chief prosecutor or prosecutor.<sup>2</sup>

Although the Public Prosecution is a part of the justice system and charged with independent supervision over the application of the law in accordance with the legal competencies entrusted to it<sup>3</sup>, the scope of these competencies is quite broad. The Public Prosecution is entrusted to:<sup>4</sup> oversee pre-trial investigations and operational investigative activities, intelligence and counterintelligence activities of the security services, security measures for the protection of state secrets and their adherence to the law; conduct pre-trial investigations; launch investigations; launch and conduct criminal investigations, conduct prosecutions, supervise the execution of sentences; protect the rights and legal interests of the individual and the state; submit cases to the court, participate in court proceedings. The Public Prosecution is an integral part of the justice system that cannot be considered simply a stand-alone profession. It is an institution among other institutions of the justice system, which has a central and specific role to play in safeguarding the rule of law, including safeguarding the rights of the individual.<sup>5</sup> The protection of society from legal transgressions and upholding the rights of the individual - this can only be accomplished through mutual cooperation at all levels of all institutions within the justice system and the development of this system based on common goals and values.

The effectiveness of the Public Prosecution is dependent not only on the prosecution itself and the efforts of individual prosecutors, but on interagency cooperation within the justice system, and the ability to operate at a national and international level. To develop common policies for public safety, crime prevention and safeguarding the rights of

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<sup>1</sup> Antonio Mura, Council of Europe Standards on Public Prosecutors, September, 12; 2013. Accessible: <http://www.coe.int/t/dghl/cooperation/ccpe/conferences/2013/Mura%20-%20Moscow%20130903.pdf> (accessed 06.08.2014.)

<sup>2</sup> Law on the Prosecution, adopted 19.05.1994., Paragraph 1, part three and Paragraph 30, <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>3</sup> Ibid, Paragraph 1 part one

<sup>4</sup> Ibid, Paragraph 2

<sup>5</sup> Even though the list of institutions engaged in upholding the rule of law is quite lengthy (Terehovičs V. Tiesībsargājošās institūcijas Latvijā, 2007. Accessible at: <http://ej.uz/j8jj>), the author is referring to those institutions most closely cooperating with the Public Prosecution, the court, police, sworn advocates, prison administration, state probation service.

individuals and common professional approaches, the Consultative Council of European Prosecutors was established on 13 July 2005<sup>6</sup>. The Council prepares and submits recommendations to the European Union Committee of Ministers on the legal practice and development of European public prosecutions, and organizes annual conferences for the General Prosecutors of Europe.<sup>7</sup> Even though the European public prosecutions are diverse in their structure, organizations, placement in the institutional framework of the state, and functions,<sup>8</sup> the nature of their operations is very similar. This has been conducive to promoting a unified vision of priorities at the European level<sup>9</sup>:

- a) specific functions of public prosecutors in the criminal justice system, and other functions outside the criminal sector;
- b) safeguards provided to public prosecutors for carrying out their functions, including adequate legal and organizational conditions, budgetary means appropriate to the functions entrusted, fair and impartial procedures for career development and access to appropriate and sufficient training, reasonable conditions of service including age of retirement and pension, the right to special protection for prosecutors and family members when their personal safety is threatened, and others;
- c) a properly regulated relationship (adequate independence) with the legislative and executive powers;
- d) an appropriately defined legal relationship and cooperation between judges and public prosecutors;
- e) an appropriately defined legal relationship and cooperation between public prosecutors and the police;
- f) well defined duties of the public prosecutor towards individuals (interaction with all those, who come into contact with the legal system including suspects, witnesses or any other persons whose rights are violated);
- g) international cooperation (international judicial cooperation and other mutual assistance in crime prevention)

In fact every European Public Prosecution has a much broader mandate than is traditionally recognized. It is not only pre-trial investigations, criminal investigations, prosecutions. Prosecutors are not exclusively focused on criminal procedures, but are upholding public safety. In keeping with this view, the European Prosecutors' conference

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<sup>6</sup> The Consultative Council of European Prosecutors (CCPE). For more information, see. [http://www.coe.int/t/dghl/cooperation/ccpe/presentation/ccpe\\_en.asp](http://www.coe.int/t/dghl/cooperation/ccpe/presentation/ccpe_en.asp) (last accessed 08.08.2014.)

<sup>7</sup> European Conference of Prosecutors, [http://www.coe.int/t/dghl/cooperation/ccpe/conferences/default\\_en.asp](http://www.coe.int/t/dghl/cooperation/ccpe/conferences/default_en.asp) (accessed 08.08.2014.)

<sup>8</sup> One of the oldest prosecutors' associations is the International Association of Prosecutors, established in 1995. The Association works globally and regionally. Its work, values and goals are similar to CCPE. For further information, see <http://www.iap-association.org/> (accessed 08.08.2014.)

<sup>9</sup> Framework Overall Action Plan for the Work of the CCPE, November 29, 2006. Available at: <http://ej.uz/3jgc> (accessed 08.08.2014.)

topics include not only crime prevention issues, but also cooperation strategies between judicial institutions at the national and European level, and the role of the prosecutor in particular aspects of the criminal justice system.<sup>10</sup> The role of the prosecutor in a democratic society, upholding the rule of law, requires broad knowledge of both the national legal system and international law.<sup>11</sup> Europeans are increasingly mobile and inter-connected. It is, therefore, important that the justice systems of the member states of the European Union are based on a common set of values, and that these values are embodied in laws that are applied in a common, understandable manner. These common principles are important in meeting new challenges in combatting transnational organized crime, and also to bolster society's and individuals' trust in the rule of law and confidence in the officers of the law.<sup>12</sup>

According to international recommendations<sup>13</sup> and taking into account the differences in the public prosecution service in different countries<sup>14</sup> it is possible to separate the work of the public prosecutor into two parts: 1) work within the criminal justice system and 2) work outside the criminal justice system. Council of Europe Committee of Ministers Recommendation Rec (2000)19, adopted on 6 October 2000, makes recommendations to the member states of the Council of Europe on the role of the public prosecutor in the criminal justice system. "The prosecutor is defined as a public authority, who on behalf of society and in the public interest, ensures the application of the law where the breach of the law carries a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system."<sup>15</sup> It is emphasized that the mission of the prosecutor is to act in the interests of society, not in his own interests, not taking into account economic or political interests. The prosecutor is responsible for the effectiveness of the criminal justice system and upholds the public interest.<sup>16</sup> This recommendation<sup>17</sup> emphasizes that all countries have three basic prosecutorial

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<sup>10</sup> European Conference of Prosecutors. Accessible:

[http://www.coe.int/t/dghl/cooperation/ccpe/conferences/default\\_en.asp](http://www.coe.int/t/dghl/cooperation/ccpe/conferences/default_en.asp) (accessed 08.08.2014.)

<sup>11</sup> Additional information, including information on particular aspects of international law (non-exhaustive) necessary for prosecutors working in a European Union country, can be found here:

[http://www.coe.int/t/dghl/cooperation/ccpe/reftexts/default\\_en.asp](http://www.coe.int/t/dghl/cooperation/ccpe/reftexts/default_en.asp) (accessed 08.08.2014.)

<sup>12</sup> Role of the public prosecutor in a democratic society governed by the rule of law, April 24, 2003.

Accessible : <http://assembly.coe.int/ASP/Doc/XrefViewHTML.asp?FileId=10149&Language=en> (accessed 08.08.2014.)

<sup>13</sup> Recommendation CM/Rec(2012)11 of the Committee of Ministers to member States on the role of public prosecutors outside the criminal justice system. Pieejams: <http://ej.uz/uo5v>; Recommendation (2000)19 on the Role of Public Prosecution in the Criminal Justice System. Accessible: <http://ej.uz/nsc8> (skafits 08.08.2014.)

<sup>14</sup> Gwladys Gillieron, Public Prosecutors in the United States and Europe: A comparative Analysis with Special Focus on Switzerland, France and Germany; Springer International Publishing Switzerland, 2014. Excerpts available: <http://ej.uz/s17a> (accessed 08.08.2014.)

<sup>15</sup> Recommendation (2000)19 on the Role of Public Prosecution in the Criminal Justice System.

Accessible: <http://ej.uz/nsc8> (accessed 08.08.2014.)

<sup>16</sup> For comparison – a judge takes individual decisions based on conclusions reached by analyzing evidence about a particular case and defendant.

<sup>17</sup> Recommendation (2000)19 on the Role of Public Prosecution in the Criminal Justice System, 2. and 3. comment on the content of the recommendation. Accessible: <http://ej.uz/nsc8> (accessed 08.08.2014.)



functions<sup>18</sup>, but there are many additional responsibilities that vary from country to country, but are no less important. For example, the prosecutor 1) implements particular policies for crime prevention (applies the law, contributes to the development of new laws); 2) conducts and supervises pre-trial investigations, provides support to victims of crime, makes decisions on alternative sanctions (for example, in Latvia, prosecutorial injunctions and exemptions from criminal liability); 3) monitors the implementation of judicial decisions (in Latvia, for example, monitoring enforcement of sentences).

Implementing crime prevention policies, as set out by the executive and legislative bodies, is one of the main tasks of the prosecutor. To this end, the prosecutor applies different types of legal norms, including using discretionary powers to apply alternative solutions in criminal proceedings. The prosecutor, therefore, needs to have a broad knowledge base. As noted in the recommendations, **continuing professional development for prosecutors is both a right and a duty, to be undertaken before appointment as a prosecutor as well as over the course of the prosecutor's professional career.**

Knowledge and skills necessary for prosecutors can be divided into two categories:

- 1) Knowledge and skills necessary to become a prosecutor (basic principles underpinning the duties of the prosecutor, and professional ethics; international law relating to the work of the prosecutor, especially human rights law; work organization and human resource management in the justice system; professional evaluation criteria, the goals and tasks of the public prosecutor);
- 2) Knowledge and skills necessary to perform the daily duties of a prosecutor in accordance with work assignments and crime prevention priorities (familiarity with current events in the justice sector), specific knowledge and skills appropriate to current types and development of criminality; specialized knowledge and skills in particular areas (for example, technology, finance, languages), skills in international cooperation and knowledge of international cooperation in criminal matters.

**In order to ensure that this knowledge and skills are available to prosecutors, a framework for the education of prosecutors is necessary as an integral part of a general development strategy for the public prosecution.**

The Council of Europe Committee of Ministers Recommendation (2000/19)<sup>19</sup> proposes a minimum necessary knowledge and skills set for prosecutors— prosecutors must be knowledgeable on cross-border and international crime, organised crime, computer crime, protecting vulnerable victims and witnesses, environmental protection through criminal

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<sup>18</sup> Takes decisions on launching or continuing criminal investigations, upholds the charges in court, decides on appealing particular court decisions.

<sup>19</sup> Recommendation (2000)19 on the Role of Public Prosecution in the Criminal Justice System, Accessible: <http://ej.uz/nsc8> (accessed 08.08.2014.)

law, financial criminal offences such as money laundering and fraud, and other specific areas. Prosecutors must also have a broad general knowledge of the law, not a narrow specialized focus. A professional development system for the public prosecution must cater to all offices (prosecutor general, chief prosecutors, deputy chief prosecutors, and prosecutors), all specialities (for example, money laundering, sector-specific crimes), all levels of the prosecution (Prosecutor General, district prosecution, regional prosecution, specialized prosecutors' offices). The system of initial training, internships, continuing education and evaluation is closely connected to the work organization and regular planning process in the public prosecution. This is key to establishing a sustainable professional development policy, and directly related to funding requirements for a quality public prosecution service. This in turn is a prerequisite for an effective national crime prevention policy.

The Report on European Standards as Regards the Independence of the Judicial System: Part II – The Prosecution Service<sup>20</sup> emphasises that the prosecution and its organizations should focus on functions within the criminal justice sphere. It is recognized that there are gaps in legal norms defining a framework and operational principles for the prosecution service outside the application of criminal law. The prosecution services of various European countries have diverse, even contradictory functions outside the criminal justice area.<sup>21</sup> Taking this into account, recommendations were developed for the prosecution service and its organizations for work outside the criminal justice sphere. On 19 September 2012 the Council of Europe Committee of Ministers adopted Recommendation CM/Rec (2012)11<sup>22</sup>, outlining recommendations to member states on the functions of the prosecution service outside the criminal justice sphere as defined by national legislation.<sup>23</sup> This recommendation defines the mission of the prosecution service when working outside the criminal justice system. If national legislation has entrusted the prosecution service with responsibilities and public authority outside the criminal justice system, the prosecution should represent the public interest, protect human rights and fundamental freedoms, and uphold the rule of law.<sup>24</sup> Recommendation CM/Rec (2012)11 further states that prosecutors operating outside the criminal justice sphere can be entrusted functions related to:

- 1) ensuring the implementation of the basic functions of the prosecution;

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<sup>20</sup> Report on European standards as regards the independence of the Judicial system: Part II, the Prosecution service. Adopted by the Venice Commission at its 85th plenary session (Venice, 17-18 December, 2010). Accessible: <http://ej.uz/gebc> (accessed 11.08.2014.)

<sup>21</sup> Ibid, a.77 – 83..

<sup>22</sup> Recommendation CM/Rec(2012)11 of the Committee of Ministers to member States on the role of public prosecutors outside the criminal justice system. Accessible: <https://wcd.coe.int/ViewDoc.jsp?id=1979395&Site=CM> (accessed 11.08.2014.)

<sup>23</sup> In Latvia the prosecution has the following functions: work in civil cases at all three levels of the court system, including prosecutors' complaints and protests; submissions and complaints; reviews of draft legislation and policy documents; participation in working groups and coordination meetings. Further details of the role of Latvia's public prosecution outside the criminal justice system can be found in, for example, Prosecutor General Ēriks Kalnmeier's 2013 annual report. Accessible: <http://www.prokuratura.gov.lv/public/30230.html> (accessed 11.08.2014.)

<sup>24</sup> CM/Rec (2012)11, B.2., <https://wcd.coe.int/ViewDoc.jsp?id=1979395&Site=CM> (accessed 11.08.2014.)

2) ensuring the prosecution service's professional relationship to the executive, the legislature and the judiciary;

3) fulfilling obligations towards individual members of society

The recommendations also refer to the role of the prosecution in supervising the work of public authorities, and the need for national level and international cooperation<sup>25</sup>. **‘In fulfilling their mission, public prosecution services should establish and, where appropriate, develop co-operation or contacts with ombudspersons or similar institutions, other national, regional and local authorities, and with representatives of civil society, including non-governmental organisations’**.<sup>26</sup> One can conclude that for the fulfilment of prosecutorial duties the prosecutor needs to be knowledgeable in civil law, international human rights law, and must have communications and organizations skills for successful cooperation with diverse organizations (government, local government, non-governmental organizations and others).

Taking into account that the prosecutor, in fulfilment of his professional duties, acts in the public interest, and the decisions of the prosecutor can significantly limit individual rights and freedoms, the professional qualification, knowledge and skills of the prosecutor is the subject of intensified interest in all countries. Given the functions of the prosecution, the prosecutor is

- 1) a public official with broad legal knowledge,
- 2) a decision-maker,
- 3) a problem solver,
- 4) a strategic planner,
- 5) an institution builder, upholding the public image of the prosecutor and prosecution.<sup>27</sup>

While it is possible that members of the public do not have direct contact with the work of the prosecutor, poor quality work by the prosecution can be seen by all. **The general public demands results from law enforcement authorities – a sense of security in daily affairs.** In order to safeguard the public from the illegal actions of individuals, and the detrimental consequences of these acts, law enforcement authorities must act in a methodological, goal oriented fashion. It requires the concerted efforts of all authorities –

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<sup>25</sup> In accordance with the Law on the Prosecution(19.05.1994), the enforcement of court judgements is included. See paragraph 2, sub-para. 5. Accessible: <http://likumi.lv//doc.php?id=57276> (accessed 06.08.2014.)

<sup>26</sup> CM/Rec (2012)11, F.26 un 27. Accessible: <https://wcd.coe.int/ViewDoc.jsp?id=1979395&Site=CM> (accessed 11.08.2014.)

<sup>27</sup> Zachary Tumin. Summary of the proceedings: Findings and discoveries of the Harvard University Executive Session for State and Local prosecutors at the John F. Kennedy School of Government (1986-90), Harvard University, 1990. Accessible: <http://ej.uz/nzne> (accessed 11.08.2014.)

police, prosecution, courts and penal institutions. Each of these institutions must clearly recognize its functions, goals, operational principles and missions. **Prosecutors do not simply offer a transition from police to court. They are central actors upholding the rule of law and the public interest.**

Latvian attitudes and expectations of the prosecution service and prosecutors were surveyed 6-12 August 2014.<sup>28</sup> Participation in the survey was voluntary; 57 individuals responded to 5 questions.<sup>29</sup>

51 % (29 people) of all respondents were government employees, 19 % (11 people) identified themselves as victims or representatives of non-governmental organizations, 12 % (7 people) – entrepreneurs or self-employed, 12 % (7 people) – students, 6 % (3 people) – homemakers, pensioners or unemployed.

34 % (30 people) of respondents espoused the view that a prosecutor is a public official about whose work the public should be more knowledgeable. 25 % (22 people) considered prosecutors to be highly qualified public officials, who recognize their professional goals and role in the justice system, 20 % (17 people) thought that a prosecutor is a public official about whom society knows very little. 11 % (10 people) expressed the view that a prosecutor must execute his duties in prosecuting law-breakers and the general public does not need more detailed information about this work. 9 % (8 people) recognized that a prosecutor is generally associated with state power, and it is enough to have minimal understanding of the actual functions of a prosecutor.

Survey respondents were asked to name characteristics of a prosecutor. Respondents noted that a prosecutor should be:

- honest, objective and just (44 % of all respondents),
- independent, self-critical, patient (19 %),
- meticulous, responsible, responsive (17 %),
- tolerant, patient, respectful of confidentiality (11 %),
- goal oriented, confident and strict (9 %).

37 % of all respondents noted that they or their families had had contact with prosecutors, but 33 % had not had direct contact with prosecutors or their work. 26 % had been a victim of crime in their lifetime, and 4 % had had contact with prosecutors due to a legal infraction. In responding to the question of what type of a prosecutor have you, your family or acquaintances had contact with, 29 % replied that the prosecutors had been indifferent to their needs; 26 % replied that the prosecutors had left a professional

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<sup>28</sup> Public opinion poll ‘‘ Do You Have an Opinion about the Work of the Prosecutor?’’ Accessible: <http://politika.lv/article/vai-tev-ir-viedoklis-par-prokuroru-darbu> (accessed 11.08.2014.)

<sup>29</sup> This opinion poll was voluntary, and its goal was to obtain an illustrative view of dominant attitudes in society about the prosecution and prosecutors. Therefore, only general tendencies can be gleaned. As such, this poll cannot be used as a detailed, authoritative source of information.

impression and had done their job; 24 % noted that the prosecutors had been calm, polite and left a good impression; 18 % replied that the prosecutor had been unwilling to cooperate, but one individual stated that the prosecutor had been impatient and coarse.

In conclusion, the general public in Latvia has little information about the work of prosecutors and would like to know more. **In cooperating with the prosecution service, the public expects honesty, objectivity and a just result.** Surveyed individuals have reported both positive experiences with prosecutors and negative ones – characterizing prosecutors as indifferent, disinterested, and unpleasant. **The general public should have more information about the work of the prosecution service; the prosecution service needs to define its values, to establish a system for professional development, including training on communication skills.**

## **2. Role of Professional Development in the Development of the Public Prosecution** (*Ilona Kronberga*)

In accordance with international and national law, to execute his duties the prosecutor must have the necessary knowledge in criminal law and criminal procedures, in civil law, and in international law. **The prosecutor must be knowledgeable in:**

- a) principles underpinning the fulfilment of the prosecutor's duties and professional ethics;
- b) organization of work and human resource management in the justice system;
- c) the goals and functions of the prosecution service and professional evaluation criteria;
- d) international law (including European Union law<sup>30</sup>), pertaining to the work of prosecutors, especially human rights law;
- e) aspects of organized crime;
- f) computer crime;
- g) protection of vulnerable victims and witnesses;
- h) crimes against the environment;
- i) money laundering, fraud and similar crimes.
- j) cross-border and international crime, international cooperation in criminal affairs and other areas.

### **A prosecutor needs the following skills:**

- a) ability to analyse a situation and make decisions appropriate to the type and dynamic of particular crimes; ;
- b) communication and work organization;
- c) cooperation with institutions at a national and international level;
- d) a good grasp of topical issues in the justice sphere, enabling the fulfilment of daily functions in accordance with operational goals and crime prevention priorities;
- k) practical knowledge in various specific areas, especially technologies, finance, foreign languages;
- l) general communications skills for international cooperation and other needs.

UN guidelines on the role of the prosecutor<sup>31</sup> emphasize that the prosecutor plays a key role in the justice system because the prosecutor not only upholds the public interest in security, but acts according to the rule of law, thus promoting the value of rule of law and increasing public respect for the rule of law. Effective and quality work of prosecutors is key in general crime prevention: **by effectively pursuing the public interest, the prosecutor enhances respect for the rule of law.** On the one hand, the prosecutor

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<sup>30</sup> Council Conclusions on European Judicial Training, Luxembourg, 27 and 28 October, 2011. Accessible: <http://ej.uz/5amx> (accessed 12.08.2014.)

<sup>31</sup> Guidelines on the Role of Prosecutors Adopted by the 8th United Nations Congress on the Prevention of Crime and the Treatment of offenders, Havana, Cuba, 27 August to 7 September, 1990. Accessible: <http://ej.uz/6qa7> (accessed 11.08.2014.)

monitors the lawful conduct of pre-trial investigations and other operations and conducts prosecutions in court; on the other hand – the prosecutor defends the public interest (including the interests of the victims and witnesses) in public safety and rule of law. If one assumes that the system of law enforcement institutions<sup>32</sup> is created with a unified purpose, with each institution fulfilling its unique set of functions, the system as a whole is as effective as its weakest link. The strength of each institution depends on its financial and human resource planning and management. All institutions within this system – the police, prosecution service, courts and penal institutions – need a strategic development plan<sup>33</sup>, where one of the main pillars is quality staff appropriate to the needs of each institution for continuous and effective functioning. **The retention of quality specialists, their performance evaluation, and continued professional development throughout their careers is a key component for the successful functioning and development of the prosecution service, and therefore for the justice system as a whole.**

Development planning for law enforcement institutions is closely tied to the legal status of each institution and to particular functions in the law enforcement system. Development planning methods for government institutions<sup>34</sup>, including approval and entry into force of planning documents, will be different than the development planning procedures of independent institutions<sup>35</sup>. It is important, however, to retain a commonality between the institutions regarding values, principles and goals. For example, the Basic Principles for the Development of the Judicial System 2009 – 2005, approved by the Council of Ministers of Latvia contain a chapter on human resources development in the justice system. The concept note analyses and makes recommendations for a professional development system encompassing not only judges and officers of the court, but also other professionals within the justice system. The document provides an analysis of an appropriate institutional model, target audience and programme development, European Union requirements for the continuing education of judges, prosecutors and other officers of the court<sup>36</sup>. Conclusions are drawn about deficiencies in the current system, noting that the content of the teaching programs for judges and officers of the court is being developed separately from the teaching programs for prosecutors and other professionals in the justice system. Interdisciplinary training is underdeveloped; there are no events including both judges and officers of the court and other professionals in the justice

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<sup>32</sup> This refers to those institutions in closest cooperation with the prosecution service, i.e. the courts, police, penal institutions ( Prison Administration and State Probation Service).

<sup>33</sup> Latvia does not have a unified framework for development planning for law enforcement institutions. Individual institutional development plans are focused on development of the particular institution, other plans focus on issues of importance to a subset of institutions. Most institutions, however, have some type of institutional development plan. For example, the Concept for the Development of the State Police (<http://ej.uz/65vg>), Infrastructure Development Concept for the Prison Administration (<http://ej.uz/kjj5>), Guidelines for the Development of the Court System 2009 – 2015 (<http://polsis.mk.gov.lv/view.do?id=3195>). (accessed 12.08.2014.)

<sup>34</sup> Public agencies subordinate to the executive branch.

<sup>35</sup> Law on the Prosecution, adopted 19.05.1994., paragraph 6. part one. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>36</sup> Resolution of the Council and of the Representatives of the Governments of the Member States meeting within the Council on the training of Judges, prosecutors, and judicial staff in the European Union (2008/C 299/01). Accessible: <http://ej.uz/29yy> (accessed 12.08.2014.)

system - prosecutors, sworn advocates, notary publics, bailiffs, police, Prison Administration and Probation Service staff.<sup>37</sup> Codes of Ethics for these professional groups have been developed in isolation from one another, leading to variability in the application of the norms therein.<sup>38</sup>

The Law on the Prosecutors' Office states that the Prosecutor General's Council is a collegiate advisory body appointed by the Prosecutor General<sup>39</sup>, charged with developing, adopting and reviewing major organizational and operational issues of the prosecution service<sup>40</sup>, including issues such as: founding documents of institutions subordinate to the prosecution service; appointment and review board regulations; code of ethics, regulations on the ceremonial attire of prosecutors; regulations on the selection procedures, internships and professional reviews of prosecutors; regulations on performance reviews; regulations on the use of the prosecutors' seal; regulations on awards; regulations about the prosecutor's assistant<sup>41</sup>. Within the prosecution service itself there is an institution charged with ensuring the independence of prosecutors but also organizing the work of the prosecution, and in fact engaging in development planning on a number of issues, producing internal regulations on all necessary issues. In accordance with legislation<sup>42</sup> the Prosecutor General's Council, as a body of an independent institution, has an adequate legal mandate to develop and approve necessary planning documents for the Latvian Prosecution Service (LP), setting out LP values, mission, personnel and financial plans. This type of approach would enable the development of an independent, quality personnel policy, including planning for recruitment, internships, professional development, continuing education, regular performance evaluations, and motivational tools for career growth. This would also demonstrate to the general public that the prosecution service is an independent institution within the justice system, upholding the public interest, cognizant of its mission, and grounded in the rule of law.

The existence of a planning and evaluation system<sup>43</sup> is crucial to the prosecution service's ability to develop new working methods and approaches. The general public is no longer satisfied with a purely punitive approach towards criminals. There is an expectation of a high degree of public safety and a high professional standard and professional responsibility from every law enforcement agency, including the prosecution service. The prosecutor in each Latvian city is a well-known public official, a highly qualified jurist performing the duties of a prosecutor, but also someone who personifies the rule of law, reduces the threat of crime in a particular city, bolsters public safety and improves the quality of life. Therefore, it is not always possible to judge the performance of a

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<sup>37</sup> Basic Principles for the Development of the Justice System 2009 – 2015, p. 31. Accessible: <http://polsis.mk.gov.lv/view.do?id=3195> (accessed 12.08.2014.)

<sup>38</sup> Ibid, p. 33.

<sup>39</sup> Law on the Prosecution Service, adopted 19.05.1994., paragraph 29, part one. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>40</sup> Ibid, paragraph 29. part two.

<sup>41</sup> Ibid, paragraph 29. part three.

<sup>42</sup> Ibid. paragraph 29. part two.

<sup>43</sup> Reference is made to evaluating the role of the prosecution service in crime prevention and upholding the rule of law.



prosecutor and his contribution to public safety by quantifying the number of cases brought to trial, perusing crime statistics or other types of indicators. The goals and functions of the prosecutor, and also the practical impact of his work reaches across these boundaries. At the same time, the prosecution service and the individual prosecutor create their own public image, so it is important that the public receive a clear message about the mission, role and professional contribution of the prosecution to public safety. These ideas need to be defined in a way that is accessible to the general public, to strengthen the perception that the prosecution service works in the public interest, and to ensure that each prosecutor in his daily work follows not only the letter and spirit of the law, but recognizes that he or she is working towards particular goals and embodying the values of the prosecution service.

**The mission of the prosecution service can be defined as effective and appropriate actions to prevent crime and a responsibility to uphold public safety.**<sup>44</sup> The goals of the prosecution service in Latvia, as defined in Latvian legislation, are:

- a) to ensure honest, objective and timely investigations<sup>45</sup>;
- b) to strengthen public safety and restore justice<sup>46</sup>;
- c) to promote the implementation of unified professional standards and an effective law enforcement process<sup>47</sup>.

To fulfil this mission and support strategic development the following questions must be answered: 1) what are the attainable goals? (define them); 2) How are these goals to be reached? (formulate actions); 3) How will we know the goals have been reached? (formulate performance indicators); 4) what can help achieve these goals? (identify actions to be taken and strategies to implement). Answers to these questions will help analyse, predict and plan the attainment of any goal within the framework of a planning document.

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<sup>44</sup> For more details about strategic planning for the prosecution service, see „Prosecution in the 21st Century: Goals, Objectives and Performance measures”, February, 2004. Accessible: [http://www.ndaa.org/pdf/prosecution\\_21st\\_century.pdf](http://www.ndaa.org/pdf/prosecution_21st_century.pdf) (accessed 13.08.2014.)

<sup>45</sup> This function is mandated by the Law on the Prosecution paragraph 2, which defines the functions of the prosecution. It is also based in criminal law and criminal procedures law. Law on the Prosecution, paragraph 2, adopted 19.05.1994. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>46</sup> One can look at this function in the context of a punitive justice goal, as outlined in the Criminal Law, paragraph 35, part two, which lists punitive justice aims to be – to uphold public safety, restore justice, punish the guilty for the crime committed, resocialize the convicted, ensure that the convicted and others obey the law and refrain from committing crimes.

<sup>47</sup> In accordance with the Law on the Prosecution, paragraph 5, part three, which states that a prosecutor is required to regularly educate himself and improve his professional qualification and skills, necessary for fulfilling his professional obligations, and in accordance with paragraph 25, part two, which states that the chief prosecutors of the Prosecutor General’s departments have the right to participate in Council of Ministers meetings and provide professional opinions on the compliance of draft norms with the Constitution and legislation. Law on the Prosecution, adopted 19.05.1994. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

**The following actions are needed to achieve the goals of the prosecution service:**

- 1) **to ensure objective, honest and timely investigations, the prosecution must**
  - a. monitor pre-trial investigations and operational activities (for example, evaluate procedural steps for their compliance with the law);
  - b. conduct pre-trial investigations (take actions as the initiator of investigations in accordance with the Code of Criminal Procedure) ;
  - c. conduct criminal investigations (for example, take decisions as outlined in the Code of Criminal Procedure);
  - d. prosecute cases (for example, participate in court proceedings) ;
  - e. protect the rights of individuals, the public interest and the rule of law (for example, by filing petitions in the court) and others; ;
  
- 2) **to strengthen public safety and to restore justice the prosecution must**
  - a. take actions to prevent crime (for example, protect the rights of individuals, the public interest and rule of law, supervise the enforcement of sentences, inform victims of their rights);
  - b. engage in preventative activities (for example, work with victims and witnesses, issue prosecutorial injunctions, apply a conditional release from criminal liability, monitor enforcement of sentences);
  
- 3) **to promote the implementation of unified professional standards and an effective law enforcement process, the prosecution must**
  - a. plan and organize a sustainable personnel recruitment, internship, evaluation and continuing education system (for example, the evaluations of applicants, organization of internships, training needs assessment, organization of appropriate training, periodic reviews of professional growth and professional development needs, practical application of professional ethics);
  - b. organize long-term planning system for budget and other resources (for example, the number and professional profile of staff as appropriate to functions and goals, work load planning, office space, equipment and other resources);
  - c. participate in the drafting of new legal norms, provide oversight for adherence to the Constitution and existing legal norms, improve the system of law enforcement agencies (for example, participation in ministerial and other agency working groups in order to ensure adherence of draft regulations to the operational principles of the prosecution service, participation in Council of Minister meetings, in accordance with the Law on the Prosecution Service) ;
  - d. international cooperation (for example participation in professional exchange programs, international meetings, familiarization with international legal norms).

Taking into account the diverse skills and knowledge necessary for the execution of the aforementioned obligations, and taking into account the particular mission, goals and

functions of the prosecution service and the necessity, in the interests of public safety, to engage in high level cooperation among all law enforcement agencies, one can conclude that the continuing education system for prosecutors should be considered a priority in the strategic development plan of the prosecution service. Setting such a priority could motivate prosecutors to pursue continuing education and focus on professional growth goals. It would also help attract new, highly motivated recruits to the prosecution service.

**In designing a continuing education program, one must take into account that:**

- 1) prosecutors are highly qualified public officials, who are well aware of their professional goals and the significant role that the prosecution plays not only in the court system, but in the law enforcement system as a whole;
- 2) highly qualified and motivated prosecutors are an asset to the justice system, because they command respect for the prosecution service, and an asset to society;
- 3) professional growth for prosecutors must take place throughout their career, and should be a key element of performance evaluations;
- 4) a prosecutor's qualification must match his career development path and remuneration potential within the system.

A key feature of a development strategy is precisely formulated mission-appropriate performance indicators. The use of indicators allows for monitoring not only the individual professional contribution of each prosecutor, but also the contributions of the prosecution service as a whole to the reduction of criminality and upholding the rule of law.

### **3. Basic principles for working with adults in continuing education** (*Inga Pāvula*)

Continuing education is the improvement of one's professional knowledge and skills, and also the continuation of education acquired in the past. Continuing education courses are customarily of a more practical nature, allowing one to immediately apply new knowledge and skills in the work place.

Some basic principles must be observed in the planning, organization and management of professional continuing education programs, if these programs are to serve as a high quality continuation of academic education, and contribute to a life-long career development path.

#### **3.1. Adult learning motivation**

**Adults learn only when they themselves are ready, and only that, which they themselves deem necessary! Knowledge and skills must be immediately applicable!**

In order to engage adults in the learning process, they need to understand why something is being taught, and how this new knowledge or new skills will contribute to their professional work today and in the longer term. Therefore, it is necessary to assess the needs and interests of the learner vis-a-vis the planned curriculum. One must assess the current knowledge of the learners, the issues and challenges they face, their successes in meeting those challenges and their perceived knowledge and skills deficits. It may be necessary illustrate with examples why particular knowledge and skills would be necessary, how this would contribute to their professional work, make this work more interesting, effective or productive. Participants must be engaged in the learning process, by choosing appropriate learning methods and by using their own experiences and examples to teach. Participants should be encouraged to actively plan on incorporating their new knowledge into their current work, and to share these plans with their colleagues. The sharing process itself will generate new perspectives on how to put newly acquired knowledge and skills into practice.

#### **3.2. Using Professional Experience in Adult Education**

**Adults learn based on their own experience. They build on their own experience adding new layers of knowledge and skills.**

Previous educational and professional experiences influence the way in which adults learn – their learning style, effective learning strategies, and attitudes towards new material. Adult education should build on these past experiences, incorporating experience sharing into the learning process, by inviting participants to share examples, recount their own

experiences, applicable to the subject matter. New material should be placed in the context of past and present experiences. A quality learning process should lead the participant to evaluate past experiences and find within oneself resources for positive change, which in turn will bolster professional confidence and create motivation for further professional development.

In order to take full advantage of participant experience, the learning process should incorporate a range of learning methods, corresponding to diverse learning styles. Visual information, presentations, group work, work in pairs, discussions – these methods all provide opportunities for expressing one's opinion, sharing experiences, creating cooperative relationships with colleagues and enriching one's professional experience.

### 3.3. Learning Environment for Adults

#### **Learning takes place in a secure, supportive and invigorating psychological climate!**

Continuing education organizers and trainers design and create the learning environment. A trainer can create an open environment, modelling his or her own experiences, dilemmas, and issues and also providing targeted assignments and activities to elicit participants' experiences and encourage group bonding. The group dynamic influences the creation of a secure learning environment – a supportive, engaging environment that creates a desire to participate and express oneself, or the creation of an unsupportive environment, with a dismissive, sceptical attitude that leads participants to disengage and fall silent.

If the learning environment encourages expression, sharing of examples and experiences, adult receive emotional validation of their professionalism and are more open to new information and ideas. When a trainer observes a different dynamic emerging – protests, lack of clarity, it is up to the trainer to encourage an open airing of issues and to give appropriate feedback (explanations, answers). If the participant has no opportunity to express critical views or a negative attitude, then these attitudes stay with the participant after the learning experience, coupled with a bitterness about having one's alternative viewpoint dismissed. Therefore, **a constructive feedback loop is especially important for adult learners and trainers alike**. Evaluation and self-evaluation is another effective method for creating this feedback loop about the training process and curriculum.

## II. CONTINUING EDUCATION FOR PROSECUTORS – FRAMEWORKS, METHODS, EVALUATION

### 4. Competencies of Prosecutors and Professional Development (*Ilona Kronberga*)

The competencies of prosecutors in Latvia are outlined in national law, and normative acts, recommendations and guidelines issued by the European Union, Council of Europe, United Nations and other international agencies.<sup>48</sup> Some of these documents are binding for Latvian prosecutors, others are non-binding recommendations or guidelines. International non-binding documents are issued in order to encourage national prosecution services to not only achieve their domestic goals, but to work in concert internationally. There are two types of international recommendations or guidelines: those that pertain to specific issues in the work of the prosecution (for example, prevention of a particular type of crime<sup>49</sup>) and those that influence the institutional development of the prosecution service (for example, guidelines for the continuing education of prosecutors, unified principles of professional ethics, evaluations of the role of the prosecution in different jurisdictions, structure of relationships with different parts of the justice system<sup>50</sup>). International norms do not dictate the competencies that should be granted to prosecutors in domestic law. They outline main principles and development directions. National legislatures decide on the competencies of each country's prosecution service and prosecutors. In Latvia, the competencies of the prosecution service are similar to those in other European countries. They are detailed in the Constitution<sup>51</sup>, Law on the Justice system<sup>52</sup>, Law on the Prosecution<sup>53</sup>, Criminal Procedures Law<sup>54</sup>, Civil Procedures Law<sup>55</sup> and other legislation. Conclusions about the competencies of the prosecution service and prosecutors cannot be drawn based only on these laws: these laws lay out the competencies of prosecutors and the prosecution only in connection with particular aspects of the law. Prosecutors have also been entrusted with

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<sup>48</sup> In this case we refer to organizations and professional groups established under the auspices of the Council of Europe, European Union, United Nations. For example, the Consultative Council of European Prosecutors is a consultative body established by the Council of Europe Committee of Ministers. Common guidelines on application of different legal norms can also be adopted by the Conference of European Prosecutors.

<sup>49</sup> Protecting society from organised crime. Accessible: <http://ej.uz/9s39> (accessed 14.08.2014.)

<sup>50</sup> Recommendation CM/Rec(2012)11 of the Committee of Ministers to member States on the role of public prosecutors outside the criminal justice system. Pieejams: <http://ej.uz/uo5v>; Recommendation (2000)19 on the Role of Public Prosecution in the Criminal Justice System. Pieejams: <http://ej.uz/nsc8> (skatīts 08.08.2014.)

<sup>51</sup> Constitution of the Republic of Latvia, adopted 15.02.1922. Accessible: <http://likumi.lv/doc.php?id=57980> (accessed 14.08.2014.)

<sup>52</sup> Law on the Justice System, adopted 15.12.1992. Accessible: <http://likumi.lv/doc.php?id=62847> (accessed 14.08.2014.)

<sup>53</sup> Law on the Prosecution, adopted 19.05.1994. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>54</sup> Criminal Procedures Law, adopted 21.04.2005. Accessible: <http://likumi.lv/doc.php?id=107820> (accessed 14.08.2014.)

<sup>55</sup> Civil Procedures Law, adopted 14.10.1998. Accessible: <http://likumi.lv/doc.php?id=50500> (accessed 14.08.2014.)

other functions, which are detailed in the internal regulations of the prosecution service. For example, prosecutors are required to undertake professional development activities of a particular nature with a particular regularity, they are required to participate in professional performance reviews, respect the code of ethics, participate in international cooperation events, participate in multi-disciplinary working groups and otherwise cooperate with government, local government and non-governmental experts on issues of relevance to the competencies of the prosecution service. **The competencies of the prosecution service should not be viewed as a narrow specialization, but need to be placed in a broad context.**

Prosecutors' training, especially continuing education activities, should be planned taking into account the aforementioned competencies, the individual needs of prosecutors, and differences in the level of knowledge and skills that prosecutors have, despite the universal academic and professional qualification demands made of all prosecutors.<sup>56</sup> Numerous factors create these differences, for example, the regularity and quality of ongoing professional training, the motivation of the prosecutor for professional development, the particular area of specialization of each prosecutor, and personal characteristics.

In order to gauge how prosecutors view professional development, career opportunities and continuing education opportunities in the Latvian Prosecution Service, 135 currently employed Latvian prosecutors were surveyed – 111 prosecutors, 21 chief prosecutors, 3 deputy chief prosecutors.<sup>57</sup> 76 % have been working at the prosecution service for over 10 years, 14% under 3 years, 9% between 5 and 10 years, 1% between 3 and 5 years. 39 % of those surveyed espoused the view that the general public should be better informed about the work of prosecutors, because that would make the prosecutors' work easier, foster better mutual understanding and strengthen the rule of law. 35% felt that prosecutors are highly qualified public officials, who are cognizant of their mission and role in the justice system. 17% of those surveyed felt that in the eyes of the public, the prosecutor is first and foremost a representative of the judicial system and a public official, and the general public does not need a more detailed understanding of the specific work of a prosecutor. 1% held the view that prosecutors are public officials working in accordance with specific functions delineated in the Law on the Prosecution Service, paragraph 2, and that the general public does not require more detailed knowledge on the work of the prosecution.<sup>58</sup> 29 % of the prosecutors surveyed indicated that they are lacking knowledge in finance and accounting, but 27% felt that they lack knowledge about the use of various technologies. 21% (66 respondents) indicated they lack English language skills, but 1% (2 respondents) felt the need to improve their Russian language skills. 10% identified gaps in

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<sup>56</sup> In accordance with the Law on the Prosecution Service, paragraph 33, part one, point 4, adopted 19.05.1994. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>57</sup> The *Survey of Latvian Prosecutors – 2014* on professional development, career opportunities, continuing education opportunities was conducted 6 – 12 August 2014, with the cooperation of the Latvian Judicial Training Centre, the Latvian Prosecutor General, and the Centre for Public Policy PROVIDUS under the auspices of the project “The Development and Implementation of a Sustainable Long-term Learning Strategy for Prosecutors”.

<sup>58</sup> This was indicated by 3 individuals, or 1% of all respondents.

their knowledge of the application of particular norms in the Criminal Law and Law on Criminal Procedures, in particular the most recent changes and revisions to these laws. 12% listed various specific areas of the law in which they lack sufficient knowledge and indicated a desire to gain this knowledge. The following issue areas were identified: Civil Law, Administrative Law, Finance Law, Accounting, Commercial Law, Corporate Law, European Union Law, Tax Law, Labour Law, Environmental Law, Human Rights Law, Administrative Procedures Law, criminalistics and theories of conducting operational activities, international law, international civil procedures.

No respondent considered his own knowledge and skills to be so high as to not require further training. All respondents had participated in some type of training during the last five years. Based on the survey results, one can conclude that the majority of prosecutors would like to participate more often in professional development activities. 25% participate in training events organized by the prosecution service, and independently pursue professional development on a regular basis. 23% attend conferences and seminars, at their own initiative or the prosecution service's initiative. 21% indicated that they independently pursue professional development, as needed, but 16% participate only in those training events provided by the prosecution service. 10% (35 individuals) of the respondents are currently studying a foreign language. Three prosecutors are enrolled in a master's or doctoral programme, 5 have had a secondment to a foreign country. Four prosecutors have not been engaged in any professional development activities in the past year.

The qualifications of a prosecutor should be one of the main evaluation criteria<sup>59</sup>, as indicated also by international recommendations<sup>60</sup>. The survey asked prosecutors if enough attention is paid in their performance evaluations to their efforts to improve their qualifications. 28 % felt that it is enough that once every five years they inform the evaluation committee of their professional development undertakings. 21% indicated that the professional development system was inadequate and should be changed. 20% considered the performance evaluation mechanisms to be ineffective and in need of change. 14% indicated that they participate in an annual performance review with their direct supervisor, during which past professional development efforts are analysed and future needs identified, and every five years appear before an evaluation committee. 11% of respondents noted that they have an annual performance review with their supervisors, during which the prosecutor informs the supervisor of professional development activities. 7% expressed the opinion that the current professional development system is ineffective and should be changed. Individual prosecutors noted that "the performance evaluation system is new, and does not seem to be working effectively. More senior officials are reviewed more often than once per year. As a chief prosecutor, I speak with

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<sup>59</sup> Law on the Prosecution, paragraph 38.<sup>2</sup>, adopted 19.05.1994. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>60</sup> Recommendation (2000)19 on the Role of Public Prosecution in the Criminal Justice System. Accessible: <http://ej.uz/nsc8> (accessed 08.08.2014.)



prosecutors about their performance and professional development almost every week. Prosecutors are very open to this”.<sup>61</sup>

**The professional development system for prosecutors, including continuing education, is a strategic direction for development of the prosecution service.**

Prosecutors were asked how they envisioned professional development system, and what types of methods should be used. 26% of the respondents considered it desirable for the leadership of the prosecution service to offer the necessary continuing education programs on an annual basis, so that prosecutors can best plan their time and participation. 25% noted that prosecutors are more in need of discussion seminars about new developments, not lectures. 22% expressed a need for a systemic approach to continuing education, which should be based on a needs assessment. 12% felt that e-learning would be appropriate for prosecutors, because this would not take them away from their daily jobs. 9% felt that the system of learning should be individualized to best meet the needs of each prosecutor. 5% considered the current system to be good enough, with no need for innovations.

There is no centre of learning in Latvia that specializes in preparing legal experts for work in the prosecution service. There is a shortage of high level experts, qualified in theory and practice, to provide teaching on topics such as operational activities or some aspects of forensic science or to provide practical skills training in investigatory techniques (for example, interrogation, confrontation, crime scene investigation (including examination of places, regions, bodies, animals), examination of persons, investigative experiments, checking witness statements in situ and others). In the survey prosecutors were asked who should lead professional development programs. 35 % indicated that there should be trainers with necessary knowledge and training in the particular topic. 24% felt that prosecutors themselves had the knowledge and motivation to become trainers. 21% felt that trainers should come from the pool of experienced prosecutors, but 18% felt that the trainers should be experts both from Latvia and from other countries. Only 2% felt that it would be sufficient to contract trainers from one of Latvia’s universities.

**In summing up the survey results, one can conclude:**

1. More information about the work of the prosecution service should be made available to the general public, as this would make the day to day work of the prosecutor easier.
2. Prosecutors are proud of their work, and consider themselves to be highly qualified public officials within the justice system, characterized by their honesty, objectiveness and sense of justice.<sup>62</sup>

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<sup>61</sup> The survey included the opportunity for prosecutors to express their own opinions if they did not agree with one of the provided statements. Some prosecutors noted that they are in office too brief a time for a performance review to have taken place. One noted that his professional qualifications are not taken into account during performance reviews.

<sup>62</sup> Code of Ethics for Latvian Prosecutors, adopted by the Council of the Prosecutor General 17.06.1998. Accessible: <http://ej.uz/vi2c> (accessed 14.08.2014.)

3. Currently the most acute knowledge gaps for prosecutors are in the areas of finance, accounting and technology.
4. Most prosecutors participate in professional development endeavours – those organized by the prosecution service, and self-initiated. If given the opportunity, they willingly attend seminars and conferences.
5. 52% of prosecutors consider the current professional development system to be good or adequate, but 48% see a need for improvement.
6. The professional development system for prosecutors should take a systemic approach, allowing prosecutors to plan their time one year in advance. The system must be based on a needs assessment, and learning opportunities should correspond to individual needs. Discussion seminars on current topics and e-learning are the preferred learning methods.
7. Teaching programs should retain trainers with knowledge in a particular field. Trainers should be chosen from among experienced and motivated prosecutors, or brought in from other countries.

Although the work of the prosecution is mainly in the criminal justice sphere and focused on the functions outlined in the Law on the Prosecution<sup>63</sup>, which is significant also in the context of international recommendations<sup>64</sup>, the prosecutor operates in a broader context than a classical criminal justice framework would allow. For this reason, the survey asked prosecutors about the skills, professional and other, that prosecutors should possess.<sup>65</sup> 44 % of the respondents stated that prosecutors should have a firm knowledge of substantive and procedural criminal law, but also of other areas such as civil law, finance, accounting, and others. . 30 % indicated that prosecutors needed good presentation skills, including using information technologies. 19% noted a need for good interpersonal communication skills. 5% expressed the opinion that good Latvian language skills are important, as is the knowledge of at least two foreign languages. Only 2% considered it enough for a prosecutor to know the Criminal Law and Criminal Procedures Law well and be honest. In conclusion, 98% of prosecutors surveyed considered knowledge and skills outside the traditional Criminal Law and Criminal Procedures Law to be necessary for professional performance.

**The Law on the Prosecution<sup>66</sup> requires a prosecutor to regularly improve his knowledge and to develop professional skills appropriate to the execution of his office.** In accordance with the Law on the Prosecution<sup>67</sup> the Prosecutors' Evaluation

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<sup>63</sup> Law on the Prosecution Service, paragraph 2, adopted 19.05.1994. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>64</sup> Report on European standards as regards the independence of the Judicial system: Part II, the Prosecution service, Adopted by the Venice Commission at its 85th plenary session (Venice, 17-18 December, 2010), Para 25, page 17. Accessible: <http://ej.uz/gebc> (accessed 11.08.2014.)

<sup>65</sup> The *Survey of Latvian Prosecutors – 2014* on professional development, career opportunities, continuing education opportunities was conducted 6 – 12 August 2014, with the cooperation of the Latvian Judicial Training Centre, the Latvian Prosecutor General, and the Centre for Public Policy PROVIDUS under the auspices of the project “The Development and Implementation of a Sustainable Long-term Learning Strategy for Prosecutors

<sup>66</sup> Law on Prosecution, paragraph 5, part three, adopted 19.05.1994. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>67</sup> Ibid, paragraph 29.<sup>2</sup> part two.

Committee assesses and rules on the fulfilment of requirements of internship for new recruits<sup>68</sup>, and evaluates the knowledge and skills of new recruits as well as prosecutors. The Prosecutors' Evaluation Committee conducts evaluations of prosecutors at least once every 5 years<sup>69</sup> in accordance with criteria set out in the Regulations on the Performance Evaluation of Prosecutors<sup>70</sup>. The Law on the Prosecution details only a few performance evaluation criteria for prosecutors: quality of fulfilment of functions, participation in professional development programs, organization of one's own work, quantitative measurements of output. Further criteria are found in the Regulations on the Performance Evaluation of Prosecutors<sup>71</sup>. Criteria used in performance evaluations are key to creating motivation and achieving high performance. The performance evaluation process should be based mostly on qualitative, not quantitative criteria. Prosecutors should be aware of these criteria well in advance of performance evaluations. The criteria should inform all actions of a prosecutor during the period for which he will be reviewed. At the start of each evaluation<sup>72</sup>, the Evaluation Committee should have a thorough brief on the prosecutor: a) his participation in professional development activities, b) quality of work performance, c) effectiveness, d) quantitative measures of performance, e) a draft professional development plan for the next evaluation period. **The professional development plan should be individualized, i.e. prepared individually for each prosecutor.** This plan should include not only future planning of professional development activities, but also an overview of activities undertaken during the evaluation period in question. The legally mandated five year period<sup>73</sup> can be considered a lengthy period, therefore annual interim reviews are necessary, and can be undertaken by each prosecutor's direct supervisor. An annual review would include review of qualitative and quantitative indicators, and monitoring the individual professional development plan. This review should not be considered a pro forma procedure. It should be planned in a timely manner, including the prosecutor in the planning stage.

### **Annual performance reviews should consist of three parts:**

#### **1. Preliminary evaluation of performance in the current period, based on performance indicators.**

Qualitative and quantitative performance indicators should be developed for each specific office, taking into account the particular office held, the functions to be fulfilled. Professional development achievements should also be included, also taking into account if the prosecutor has completed the previously agreed upon professional development plan.

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<sup>68</sup> Regulations for prosecutor candidates' internships and testing of qualifications, approved 04.06.2013 by the Prosecutor General, Order Nr. 92. Accessible: <http://ej.uz/r2xk> (accessed 15.08.2014.)

<sup>69</sup> Law on the Prosecution, paragraph 38.<sup>2</sup> part two. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>70</sup> Ibid, paragraph 38.<sup>2</sup> part three.

<sup>71</sup> The Regulations on Performance Evaluations for Prosecutors are not publicly available.

<sup>72</sup> In accordance with the Law on the Prosecution Service paragraph 38.<sup>2</sup> part three, once every five years.

Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

<sup>73</sup> Ibid., paragraph 38.<sup>2</sup> part two..

## **2. Needs assessment – professional development needs and staying up to date in the professional field.**

A structured needs assessment should take place, indicating the need to improve knowledge in particular areas of the law, particular learning needs or a need for other types of professional support. Changes to the prosecutor's assigned duties should be taken into consideration, as should his ability to fulfil his responsibilities and his own opinion of whether he is fulfilling his responsibilities. The prosecutor's attitude towards ethical questions or events associated with ethical dilemmas, and other factors contributing to an inability to perform his duties need to be assessed. Professional development needs can best be identified using a confidential questionnaire, whose results are revealed only to the person conducting the performance review.

**3. Interview with the direct supervisor (chief prosecutor).** Planning the interview is the responsibility of the chief prosecutor. For a successful interview, preparations must be made, including assessing each prosecutor's performance against a set of previously approved performance indicators, assessing the professional development needs of each prosecutor (implementing a questionnaire and analysing its results). Interviews should be scheduled with prosecutors in advance, so that both sides have an appropriate time period for preparation. The interviewer should commence with the annual performance review, explaining the assessment and discussing any issues. This assessment should be in written form, and should be submitted to the prosecutor before the interview so that the prosecutor can prepare. This written assessment need not be lengthy, it can be schematic, one to two pages long. Following this assessment, the interview should focus on professional development needs. If a questionnaire has been used, the results of this questionnaire should be discussed. The results of the interview should be that:

- 1) the prosecutor understands his assessment and receives professional support from his direct supervisor, or other necessary support;
- 2) the prosecutor is informed about his professional development plan for the next period, opportunities available to him including details of time and place or method;
- 3) the prosecutor has had an opportunity to express his opinions, and his needs and opinions have been taken into account.

**The annual review or interview process** can be conducted as outlined, or it can take a different form. The key is for this process not to be pro forma; it should not take up an inordinate amount of time; it should be mutually understandable and easy to execute. **It should serve as the basis for supportive professional communication and serve to motivate the prosecutor to improve his performance and to participate in professional development activities.** An annual interview or performance review could provide a system for improving the performance review mechanism currently mandated by law. It would give regular feedback about prosecutors' performance, quality of work, and professional development efforts. This approach would facilitate better personnel policy planning, including professional development planning on an annual basis and a 5

year basis. It would contribute to the strategic development of the prosecution service, including planning financial resources and improving the work of the prosecution.

Survey results<sup>74</sup> showed that **already 14% of prosecutors are subject to an annual interview process with their direct supervisor. Individual respondents noted that this method is effective and motivational.**

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<sup>74</sup> The *Survey of Latvian Prosecutors – 2014* on professional development, career opportunities, continuing education opportunities was conducted 6 – 12 August 2014, with the cooperation of the Latvian Judicial Training Centre, the Latvian Prosecutor General, and the Centre for Public Policy PROVIDUS under the auspices of the project “The Development and Implementation of a Sustainable Long-term Learning Strategy for Prosecutors”.

## 5. Educational planning for prosecutors (*Ilona Kronberga*)

Curriculum development should be closely tied to prosecutors' annual performance reviews or interviews. An annual learning plan, with curricula and schedules, should be in place at the moment when the planning process for annual interviews begins, i.e. when, prior to the actual interviews, the assessment against performance indicators and needs assessment for professional development is undertaken. The educational plan should include: target groups for training, timetables, training methods and topics. Space should be left available to include those issues that prosecutors will identify during the interviews. By using this approach, the interview process will not only identify professional development needs, but also offer prosecutors a well formulated approach to their professional development. Systemic planning of professional development needs will also enable better resource planning, and allow the prosecution service to generate support for professional development needs from project grants, international law enforcement network training programs, or European Union training resources.<sup>75</sup> In European countries, national spending on training and professional development of judges and prosecutors is significantly smaller than the average salary increase.<sup>76</sup>

The amount, type and topics of training are directly dependent on the needs assessment of the prosecutors themselves. However, planning should start with identifying the overall approach to the learning process, i.e. a concept note must be prepared. The concept note should include answers to questions such as: does the plan include continuing education for prosecutors already in public office, or include those in the internship or assessment process; what type of time frames are needed; how is the learning process connected to the performance assessment system, and what will be the relationship; are prosecutors to be trained separately or together with other professionals in the justice system; what are the current needs of prosecutors, i.e. what type of issues should be covered; how will this needs assessment be periodically updated; what teaching methods are to be used, in the introductory phase and in the future; what kind of resources are needed for implementation, for example will training take place in Riga or in the regions; what kind of evaluation system will be put in place for the training.

In countries with long traditions of professional training and continuing education for officials in law enforcement agencies<sup>77</sup>, it is emphasized that, in planning the learning process, one must choose methods and formats that respect and emphasize the independence of these professions.<sup>78</sup> This means that training must include not only academic knowledge of the law and its applications, but also an understanding of what are

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<sup>75</sup> For example, organizations such as the International Organization for Judicial Training, see <http://www.iojt.org/>; Academy of European Law, see <http://ej.uz/eujb>; European Judicial Training Network, see <http://www.ejtn.eu/>; European Commission, DG Justice, see <http://ej.uz/b89r> (accessed 15.08.2014.)

<sup>76</sup> Some `lessons` of training of judges and prosecutors, 2010. Accessible: <http://ej.uz/2ngp> (accessed 16.08.2014.)

<sup>77</sup> Training and Study Centre for the Judiciary, Netherlands. Pieejams: [http://www.ssr.nl/index.php?page=initial-training-programmes&hl=nl\\_NL](http://www.ssr.nl/index.php?page=initial-training-programmes&hl=nl_NL) (skatīts 15.08.2014.)

<sup>78</sup> The Training of Judges and Public Prosecutors in Europe, Council of Europe, 1996, Page 47. Accessible: <http://ej.uz/7uet> (accessed 15.08.2014.)

the consequences and results of application of legal norms based on legal principles and rule of law. This teaches independent decision-making and fosters a sense of responsibility for one's decisions. This independence is the reason that many countries choose to entrust judicial and prosecutors' professional training to special institutions created for this purpose, and given an independent status.<sup>79</sup> Often these are law enforcement agency or judicial or prosecution training centres implementing programs that have been developed by judicial or prosecution specialists in cooperation with academics and experts from diverse professions.<sup>80</sup>

In most European countries initial training and continued education for judges and prosecutors is organized separately (Bulgaria, Denmark, Estonia, Hungary, Lithuania, Spain, Sweden, the United Kingdom, Finland). Austria organizes joint training in some isolated cases, but Slovenia, Belgium, the Czech Republic, Poland, Rumania and the Netherlands organize particular activities jointly. Portugal, France, Italy, Luxembourg and Germany have one continuing education and training programme for both professions together.<sup>81</sup> In designing a program for prosecutors it will be necessary to make a decision on the approach – should the training be conducted on a unified platform with judicial training, or as a separate programme designed specifically for prosecutors.

The development of the concept note, the implementation of a professional development program, and the operating of this program on a day to day basis is a time consuming process. For example, in planning continuing education for judges in Latvia, a curriculum working group has been established<sup>82</sup>, with four subgroups – criminal law, civil law, administrative law and international law. The Latvian Judicial Training Centre statutes define this working group as a consultative body, constituted by the Centre's Council annually at the start of the planning process for the coming year. Other countries offer similar examples, where curriculum working groups are approved by the council of the institution charged with organizing initial and continuing education for the particular professional group.<sup>83</sup> For example, in the Netherlands, a special training centre has been created to manage training programs for judges and prosecutors. In order to secure the independence of this institution, it is subordinate to the court system not to the Ministry of Justice. The Council of this training centre is the institution that develops the curriculum for judges and prosecutors, in cooperation with sectorial specialists and academics.<sup>84</sup>

Taking into account the structure of the Latvian Prosecution service<sup>85</sup> there are number of options how to organize the preparation of a concept note on the training of prosecutors,

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<sup>79</sup> Ibid, pp. 58.–88..

<sup>80</sup> Ibid, pp 47.–48.

<sup>81</sup> Report on EJTJN questionnaires concerning initial training in European countries. Accessible: <http://ej.uz/k1mi> (accessed 16.08.2014.)

<sup>82</sup> For further information on the curriculum working group for judges, see. <http://www.ltmc.lv/lv/padome-un-mpdg> (accessed 16.08.2014.)

<sup>83</sup> The Training of Judges and Public Prosecutors in Europe, Council of Europe, 1996, Page 47-48. Accessible: <http://ej.uz/7uet> (accessed 15.08.2014.)

<sup>84</sup> Study Guide for the judicial officer (2010). Accessible: <http://ej.uz/6uy7> (accessed 16.08.2014.)

<sup>85</sup> Law on the Prosecution Service, chapter III. Accessible: <http://likumi.lv/doc.php?id=57276> (accessed 06.08.2014.)

and a curriculum working group. Current regulations would lead one to conclude that preparation of the concept note falls within the purview of the Council of the Prosecutor General.<sup>86</sup> After the development and adoption of a concept note, the Prosecutors' Evaluation Commission, or a working group created by this commission, could develop the annual curriculum for prosecutors. This should be completed prior to the annual performance review process (or in a different time frame, if the concept note so concludes), and it should include an estimation of financial and human resource needs.

It is important to define the tasks for the curriculum development group:

- 1) to identify issues of interest to prosecutors from various fields of the law for inclusion in the curriculum;
- 2) evaluate and suggest teaching methods and methods for their implementation;
- 3) elaborate and submit by a certain date for approval to a designated official in the prosecution service an annual curriculum and timetable for teaching;
- 4) analyse and take into account the training needs of prosecutors, if necessary focusing on the particularities of individual prosecutors' needs.

Members of the working group should be specialists in those fields of law that have been identified as important for the education needs of prosecutors. Working group members should: 1) follow developments in the field of law corresponding to their responsibility in the working group; 2) participate in working group meetings (a minimum required attendance) and offer opinions on topics of interest in their field, and on opportunities for organizing training on these particular topics.

Working group membership should include experts, who are familiar with the work of the prosecution; who are experts in a particular field of law, in which the prosecution operates (criminal law, civil law, administrative law, administrative procedures, financial law, European law, international law, criminalistics, operational activities, etc.); who are responsible within the prosecution service for professional development issues (possibly experts from the evaluation committees); who are specialists in other areas not related to the law, but necessary for prosecutors' professional development (language, e-technologies, psychology, communications). The suggested working group model is, of course, not the only possible model. But it is one that, when elaborated, can integrate well into the strategic development plan of the prosecution service itself. One must note, however, that the specialists included in the working group should not only have an understanding of how to organize an academic learning process, but how to manage a training process focused on knowledge and skills, including evaluation and feedback loops.

The effectiveness of training programs depend not only on the competence of the planners, or the goals and tasks that have been identified, but also on a precise definition

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<sup>86</sup> Ibid, paragraph 29. part two.



of the target audience. In order to begin elaborating a training program for prosecutors, it is necessary to delve more deeply into the specifics of which prosecutors are to be trained. The characteristics of the target group is one of the factors affecting the choice of teaching methods and content.

In accordance with regulations and the tasks of the prosecution, prosecutors can be divided into the following groups:

- 1) Experience in prosecutions, that can be classified using the following categories:
  - Level A – minimal or no experience;
  - Level B – adequate experience (3 or more years);
  - Level C – highly qualified (expert
- 2) Office held: prosecutor, deputy chief prosecutor, chief prosecutor, prosecutor general.

First of all, target groups can be identified based on these categories. One must answer the question – what do prosecutors in each category need. Secondly, if organizing training for holders of a particular office in the prosecution service, one must ensure that the topic is appropriate to the functions of the officeholder. For example, chief prosecutors would benefit from training in personnel management or organization of work, and other topics and skills directly connected to the functions of a chief prosecutor.

## 6. Tailoring Educational Programs to Diverse Groups of Prosecutors

(Ilona Kronberga)

In planning educational programs for any target group, it is necessary to take into account basic tenets of adult education. For example, the target group are jurists with extensive work experience; each individual has their own value system, attitude and opinion on issues that must be respected; results can be achieved only if the teaching methods are focused on concrete topics of specific interest to the target group, exchange of experiences or on building professional confidence.

Taking into account experiences in other countries, the structure of the prosecution service in Latvia, current issues in the work of the prosecution, an educational program for target groups of prosecutors could include these types of programs:

1. **Initial training**<sup>87</sup>, is targeted at prosecutors with less than three years of experience. The goal of this programme would be to impart the necessary knowledge and skills in preparing procedural documents, taking appropriate decisions, communication skills for court and for communicating with other institutions, engaging in international cooperation, including knowledge of European law, skills in developing professional relationships with other law enforcement professionals, use of technology and other skills.
2. **Continuous training**<sup>88</sup> could include subprograms for particular target groups, for example: a) chief prosecutors, b) prosecutors working in specialized areas; c) a common program for all prosecutors addressing specific needs, such as use of technology, language skills, etc. This program would be developed taking into account specific needs of various specialists with the aim of developing professional, ethical, objective and independent prosecutors. This type of approach can be justified with the rapid pace of change in legislation, in the application of legal norms and in court precedents; with the need to maintain a consistent application of the law; with the rapid pace of change in international law and the increasing need for intensive international legal cooperation.
3. **Interdisciplinary program** can be organized through the exchange of experiences and joint seminars and discussions of topical issues with the participation of prosecutors and public officials from other law enforcement agencies. This type of program would foster better professional cooperation with judges, sworn advocates, prison administration officials and other specialists, and contribute to the consistent application of the law and a supportive environment for achieving law enforcement goals.

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<sup>87</sup> Guidelines for initial training for judges and prosecutors, Leonardo da Vinci Partnership Project, 2012, Page 76. Accessible: <http://ej.uz/f6nx> (accessed 16.08.2014.)

<sup>88</sup> An example of a continuing education program can be accessed here: <http://ej.uz/x7qy> (accessed 16.08.2014.)

4. **International training programs and secondment abroad** are training methods offered by international cooperation networks<sup>89</sup> Participation on these events broaden prosecutors' knowledge and understanding of European and international law, international legal cooperation, and promote a better understanding of European law enforcement practices, improve language skills and communication skills with European colleagues.

It must be noted, that every training program depends on the participation of the individual in his own learning, therefore it is important to compile information on best practices and guidelines for specific functions of the prosecution. These types of guidelines are used in other countries to promote consistent application of the law, to ensure the application of international law and other principles in daily work and to ensure the proper application of newly adopted legal norms.

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<sup>89</sup> International association of prosecutors, see <http://www.iap-association.org/>; European Judicial Training Network, see <http://www.ejtn.eu/>, and others.

## **7. The Role of the Trainer in Adult Education** (*Inga Pāvula*)

The role of the trainer in a quality continuing education process is key. Each trainer is a professional in his field, knows his subject matter and the topics to be covered in the sessions, and follows current developments in his field. But the role of trainer is a new professional identity that requires additional knowledge and skills.

The Latvian Judicial Training Centre has tested in practice ideas that help trainers be well prepared for seminars and training sessions, and assist in ensuring a quality teaching process. The trainer must undertake a number of tasks to ensure a productive adult education experience:

- 1) the trainer formulates and develops learning goals together with participants, evaluating training needs – individual needs, professional needs and public interest needs;
- 2) the trainer creates the opportunity for participants to take part in planning the learning process, in evaluation, in the choice of teaching materials and methods, thus creating a co-responsibility for the learning process;
- 3) the trainer uses diverse methods – discussions, group work and pair work, situational analysis, research with source material, participant experiences and others – to help each participant exploit his own experiences in the learning process so that learning becomes an integral part of professional life;
- 4) the trainer creates a pleasant physical environment and fosters a positive psychological climate of mutual trust, cooperation with the opportunity for everyone to express themselves;
- 5) the trainer and participants decide together on evaluation methods and criteria for the learning process and outcomes, thus assisting the participants in developing self-evaluation skills.

**The preparedness of trainers is vital to the quality of the teaching process.** Individuals, who are experts in their fields, need professional support to become effective trainers, as training is not their primary field of expertise.

The following materials and checklists for the preparation of training sessions have been tested by the Latvian Judicial Training Centre.

## **Trainer program content**

1. Basic principles and features of adult education.
2. Learning styles.
3. Life-long learning. 21st century skills.
4. Teaching methods for adults.
5. Lectures – uses and goals.
6. Discussions – types and uses.
7. Use of group and pair work.
8. The role of cooperation in adult education.
9. Virtual, on-line learning.
10. Effective use of technology in training.
11. Successful presentation – e-presentations, language, structure of content, visuals.
12. Evaluating the learning process and outcomes.
13. Self-evaluation and teaching evaluation methods.
14. Giving and receiving feedback.
15. Professional supervision – a tool for improving training skills and self-directed professional development.

## Trainer's Checklist

This checklist has been developed to help the trainer ensure that all necessary preparations have been made.

### Participants

- **Who are my participants?**

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- **What is their level of prior knowledge and experience? Do I need to inform participants of prerequisite knowledge? If so, how and when?**

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- **Have I prepared information, sources, hand-outs that would be of use to those without the prerequisite knowledge?**

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### Content and goals of the session

- **Are the goals and content of my session appropriate to the program topic and goals?**

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- **Is this topic of interest to the participants?**

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- **Have I prepared real life examples from professional experience?**

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## Lesson plan

- **How will I engage the participants in the subject at hand (assignments, questions, examples, video or audio clips, case studies, etc.)?**

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- **In what way will I engage the participants in the learning process and the lesson (*what methods, activities, assignments or questions will I use to hold participants' attention and promote understanding*)?**

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- **How will I know that participants have understood (*questions, assignments, cases*)?**

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- **How will I give feedback about the learning process and outcomes (*what methods will I use, when, about what*)?**

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- **How will I get feedback from the participants (*what will I ask about, what methods will I use*)?**

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## Presentations – use of technology and visuals

- **The first slide should have the topic of the day, the name of the trainer, the place and time. The second slide – the learning goal and lesson plan...**

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- **The quantity of information on each slide is small and easy to understand.**

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- **The font and font size are easy to read.**

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- **Animation, pictures and diagrams are necessary for better understanding and are easy to grasp.**

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- **Will the presentation materials be available as a hand-out?**

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*If the slides have comments, the background is white; if one slide has a lot of information, a Word document is a better choice*



## Hand-outs – presentation, assignments, overviews and summaries

- **Why does the participant need this hand-out?**

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- **Why do I as a trainer need the participant to have this hand-out?**

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- **When will the participant use this hand-out (during the session, individually after the session, if needed while doing his job)?**

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- **Is it necessary for each participant to have a hand-out? Maybe the electronic version before or after the session is enough when combined with a presentation that references these materials?**

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- **Does the formatting – font size, bold, chapters, headlines and content - assignments, questions help the participant understand the topic and use the hand-out?**

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## **Evaluation as a tool for the professional development of trainers**

Evaluation is necessary for improving the quality of continuing education courses and improving the performance of trainers. Participants, program leaders and trainers themselves should be involved in the evaluation.

We offer a sample evaluation tool to evaluate a training course, and criteria for observing a training course:

- 1) the trainer's self-evaluation and observations about the engagement of the participants in the learning process;
- 2) participants' evaluation of the training course;
- 3) criteria for independent observation of the training course.

These are tools for obtaining feedback from the participants, and for giving feedback to the trainer on his performance.

## Self – evaluation of the Trainer and Evaluation of Participant Engagement and Learning

Please evaluate \_\_\_\_\_ (topic, group, time)

	<b>Criteria</b>	<b>Yes</b>	<b>Mostly yes</b>	<b>Mostly no</b>	<b>No</b>
1.	The content of the course was appropriate to the needs of the participants				
2.	The presentation of the topic was of interest to the participants				
3.	The participants offered examples from their own experiences in court				
4.	Participants used opportunities to pose questions				
5.	Participants used opportunities to express opinions, and engage in substantive discussion				
6.	Participants gave feedback about the session and content				
7.	I created a learning environment that promoted active engagement				
8.	I used teaching methods that promoted cooperation and an exchange of views and opinions				
9.	I created a constructive feedback loop, in cooperation with the participants				
10.	I promoted a mutually respectful environment				
11.	I effectively used the time allotted				
12.	<b>Comments</b>				

## Participants' Evaluation

Please evaluate \_\_\_\_\_

(topic, trainer, time and date)

	Criteria	Yes	Mostly yes	Mostly no	No
<b>1.</b>	<b>Course content and management</b>				
1.1.	The course content as presented by the trainer is topical and utilizes examples from the last six months to one year				
1.2.	Course content was appropriate for the topic				
1.3.	Knowledge gained in this course is applicable to my current work				
1.4.	Knowledge gained in this course will be applicable to my future work				
1.5.	Participants had the opportunity to express their views and engage in substantive discussions				
1.6.	Participants had the opportunity to ask questions				
1.7.	Participants had the opportunity to give feedback about the content and management of the course				
1.8.	The trainer provided constructive feedback to the participants				
1.9.	The trainer demonstrates and promotes mutual respect.				
<b>2.</b>	<b>Quality and usefulness of course materials</b>				
2.1.	Hand-outs were useful during the course				
2.2.	Hand-outs will be useful in my work				
2.3.	Hand outs should have been made available prior to the course				
2.4.	Hand-outs should have been distributed after the course				
2.5.	The visual presentation was helpful in understanding the subject matter.				
<b>Comments</b>					
<b>Suggestion</b>					

### Course observation criteria

Trainer: \_\_\_\_\_

Topic: \_\_\_\_\_

Date and time: \_\_\_\_\_

	<b>Criteria</b>	<b>Yes</b>	<b>Mostly yes</b>	<b>Mostly no</b>	<b>No</b>	<b>Comments</b>
1.	The trainer clearly formulates the topic and goals of the session					
2.	The trainer creates a learning environment that encourages active participation by all.					
3.	The trainer exhibits an effective use of time.					
4.	The trainer employs teaching methods that promote cooperation and the exchange of views and opinions.					
5.	The trainer creates a constructive feedback loop in cooperation with participants.					
6.	The trainer demonstrates and promotes mutual respect.					

## **8. Teaching Methods in Adult Education** (*Inga Pāvula*)

This chapter offers insight into the most commonly used teaching methods to achieve a range of teaching goals. These methods have been successfully adapted for adult learners: teaching methods for presenting and acquiring information (lectures, working with text), methods for analysing and re-using information (graphic portrayals, discussion methods).

### **8.1. Types of Lectures**

#### ➤ **Oral essay. Structured lecture**

Content is presented in a manner appropriate to learning new information: eliciting curiosity (about the topic to be discussed), information uptake, initial understanding summarizing new material and integrating it into previously acquired knowledge systems, feedback about the new material via short questions, information about next steps.

A structured lecture is one-way communication from the trainer. The trainer is both the actor and the director. In order for this type of a lecture to achieve learning goals and sustain participant interest, the trainer must have a strong persona...as an actor stepping into a leading role.

#### ➤ **Question and answer lecture**

This lecture is structured around questions – each section leads with a question, followed by a detailed answer. The questions motivate participants to target their listening, to focus on the content and understanding the content, and to focus their attention.

#### **Problem-oriented lecture**

The lecture leads with a problem. Participants are guided towards a solution. Cognitive activity and participation levels are high in this type of lecture. Problem-solving skills are also imparted. Knowledge acquired in this manner has a higher retention rate.

#### ➤ **Provocative lecture**

The lecture presents controversial assertions and assumptions, encouraging participants to engage in seeking out the ‘truth’. A part of the lecture is conducted as a question/answer session.

## 8.2. Working with text

### ➤ Double note-taking

This method is appropriate for detailed in-depth review of information and text, and it is necessary to place this new information in the context of experiences, in order to be able to employ the new information in the future. This can be an individual working method, to be accomplished before the training session, or during the training session to be used as a starting point for a group discussion or conversation. The conversation should centre on the comments, but follow the sequence of the text.

Double note-taking employs a two-column table:

- The left side contains facts, quotations and other information from analysis of the given text of information;
- The right side provides notation space for the participant's opinions, comments, questions and conclusions.

#### 1. Double note-taking for individual work with text or information

<b>Text, facts</b>	<b>Comments</b>
Information from the text: quotations, numbers, data, facts, depending on the assignment or learning goals.	Participant's views, opinions, questions, thoughts provoked by particular facts or information in the text.

#### 2. Double note-taking for a lecture

<b>Lecture notes</b>	<b>Comments</b>
Notes on the lecture	Participant's views, questions, thoughts, keywords, etc., that serve to bring the participant back to particular content in the lecture.

#### 3. Double note-taking for lectures – analysis of information and preparation for discussions

<b>Excerpts and quotations from the lecture</b>	<b>Comments</b>
The participant transcribes or the trainer offers important information, questions, topics.	Participants note their views, thoughts, opinions, answers to employ in the discussion.

#### 4. Double note-taking to summarize information and improve retention

Important facts, information, concepts	Clarifications
The trainer offers important facts, concepts, information to remember, understand or explain.	The participant adds his definition, explanation, understanding to be used for self-examination or discussion.

##### ➤ INSERT (interactive notation system for effective reading and thinking)

This method is suggested if one needs to analyse, achieve an in-depth understanding and evaluate new information in the context of existing knowledge, views, experience, integrating the new information into existing knowledge.

The student makes notations while reading text, evaluating the information and his own experience, previous knowledge and views. For effective analysis of information in group work, a common notation system is used:

„v” – information already known;

„+” – new information;

„-” – information that is controversial, does not fit with previous views, knowledge or experience;

„?” – information raises questions, further clarification necessary.

All or some of the notations can be used, depending on the learning goal.

##### How to use this method

1. Make notations on the margins, which are then used to analyse or discuss the text.
2. After reading the text, create a summary table for use for discussion in groups or pairs.

The summary table can be prepared individually, by a group, before or during the session.

v	+	-	?

3. Create a summary table for criteria, quotations, topics assigned by the trainer.

The table can be used to discuss topics proposed by the trainer or it can be an assignment for the individual, to test understanding of the new material.



Topic, criteria, question	v	+	-	?

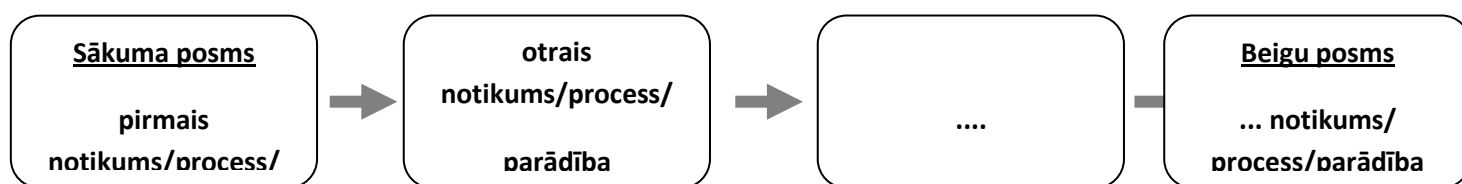
4. A summary of issues noted with „-” and „?” create an opportunity for the trainer to provoke discussion, or to gauge the issues of importance to the participants.

5. A summary of issues noted with „+” gives an overview of newly acquired information and knowledge.

### ➤ Graphic portrayals of information

● **Flow charts** are used to describe a process, sequence of events, stages of developments, steps in a linear process or actions and consequences.

**Topic:**



Initial phase: first event, process or manifestation

Second event, process or manifestation

...

Concluding phase: event, process or manifestation

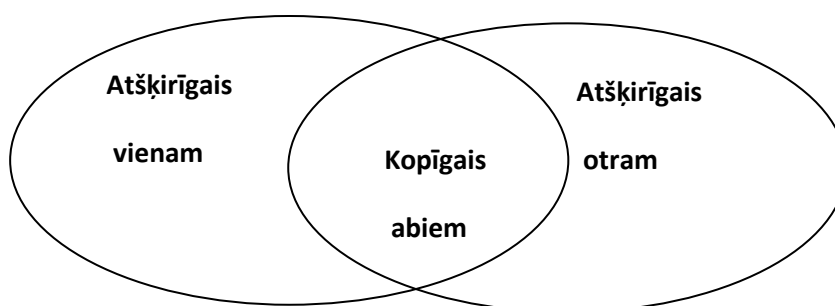
Questions:

- What is the object?
- What happens at the beginning (the first event)?
- What are the development stages
- How does one event impact the next?
- What is the end result?

- „KWL: **Know – Want to Know - Learned**” approach is used as a structured notation system for brainstorming. The first two columns are filled out prior to working with text or information. The last column is filled out while working with the text or afterwards. This method helps to focus attention on prior knowledge, experience or assumptions. It can be used for individual work, or group or pair work.

<b>Topic:</b>		
<b>K - know</b>	<b>W- want to know</b>	<b>-L - learned</b>
<b>Summary of “Learned”</b>		

- A **Venn diagram** is a graphic organizer that helps analyse information to show commonalities and differences between at least two objects, phenomena, events, etc.

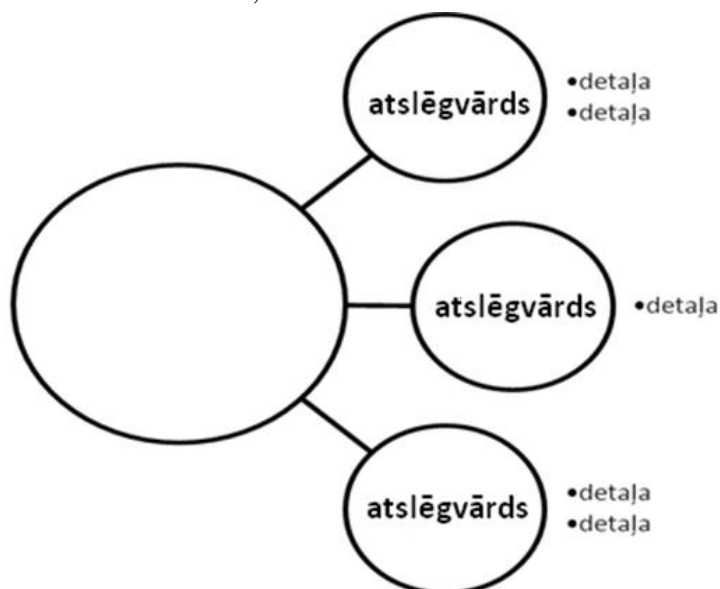


**Unique to one**

**Common to both**

**Unique to another**

- **An Idea map** is used to describe the basic idea, object, process, concept of a text. The main idea is at the centre, which is then clarified with key words and details.



Keyword, detail, detail

Keyword, detail

Keyword, detail, detail

### 8.3. Discussion method

This method is a targeted conversation, engaging the participation of all or part of the group, to exchange views on a common subject. Participants have the opportunity to talk with each other and listen to each other's answers. Customarily the trainer leads the discussion, planning the content and, when necessary, acting as an initiator or consultant, or providing a summary.

Discussions are more effective than lectures in creating an understanding of concepts and in developing problem solving skills. Lectures are more effective transmitters of information.

The discussion method is useful if the goal is to:

- Improve critical thinking skills and promote higher level of thinking;
- Improve communication skills, by justifying one's opinion with conclusions based on facts, definitions, concepts and principles;
- Approximate real life multi-actor situations in the learning process;
- Promote the exchange of knowledge among participants, reinforcing a positive

- attitude towards cooperation and the possibility of learning from one another;
- Provide participants with the opportunity to better understand themselves and each other.

Open discussions, closed discussions, group discussions and panel discussions are most often used in adult education.

### ➤ **Open discussion**

Open discussion is the most often used discussion method. It is easy to confuse this method with a simple introductory question of “let’s talk about this” or “what do you think of this”, but a proper use of the open discussion method will lead to a deeper understanding of the topic at hand. Participants can gain new knowledge, exchange opinions, express their views, provided that they have basic knowledge of the topic. Depth of conversation and level of detail is dependent on the pre-existing knowledge of the participants. The discussion leader does not need to have knowledge of the topic, but he does need to be a master of the process.

Time required – at least 20 minutes.

#### **Stages of discussion:**

1. **Introduction** – agreement on rules and the topic to be discussed. The leader poses the first question.
2. **Analysis**– all aspects of the issue are analysed, the leader summarizes and poses the next question.
3. **Conclusion** – alternatives are analysed, if it is necessary to reach a mutually acceptable viewpoint, but it is possible to conclude with a plurality of viewpoints.

The role of the discussion leader is:

- to impart basic information;
- pose the first question;
- engage all participants;
- summarize the discussion, preferably with visual aids, utilizing a blackboard or posters;;
- ensure that participants remain focused.

### ➤ **Closed discussion**

A closed discussion can also be referred to as a method of questioning that harnesses participant knowledge. The result of the discussion is pre-determined by the discussion leader. The leader manages the process using questions and leading the discussion to the desired result. Participants analyse, evaluate and contemplate. This method is appropriate for discussion leaders with a good grasp of their subject.

Time required – not more than 20 minutes.

### **Stages of discussion:**

1. **Preparation** – the discussion leader clearly states the goals and formulates tasks.
2. **Implementation** – the leader poses questions in order to guide the discussion, periodically summarizes, and notes the most important ideas on a blackboard or posters.

The role of the discussion leader is:

- To ask questions, engaging all participants;
- To ask leading questions;
- To summarize important observations and conclusions.

### **Group discussion**

Group discussion is used for the exchange of ideas and views, to deepen understanding of the content, to tie new knowledge to previous experience and to future learning. Each participant has the opportunity to speak, the group can use the individual knowledge, skills and experiences of participants. The leader can observe what information has been retained. However, if the group discussion is not properly managed, if there has not been agreement about rules and time frames, group discussions can take up time with little result. This method can be employed in a large group, by dividing participants into smaller groups, where each group discusses a different topic, or all groups discuss the same topic, with each group presenting their results at the conclusion. An appropriate group size is up to seven participants.

The role of the discussion leader is:

- Give an introduction defining the goal and tasks for the groups;
- Monitor the groups to ensure that all participants speak, not just a few vocal participants;
- Monitor the group discussions to keep them on topic;
- Monitor time limits;
- Provide a summary at the conclusion of the discussion.

### **➤ Panel Discussion**

A panel discussion provides elements of a lecture and a group discussion, making it an appropriate teaching method in adult education. Three to five participants are chosen for the panel; they discuss a previously arranged topic before the other participants. Other participants engage after the panel presentations, asking questions and making comments. The members of the panel should be competent on the topic, or they should have time to prepare prior to the session. The panel can also be composed of invited guest experts. The

discussion leader must keep the discussion on topic. In the introduction, the leader communicates the structure of the discussion: each panellist has a set time to present (usually 3 to 5 minutes, but it depends on the topic), then after all presentations the leader engages the participants in discussion. At the end, the discussion leader provides a brief summary. For a successful discussion, the room must be arranged to allow for panellists to sit before an audience, seated in a semi-circle.

## **9. Supplementary Support for Professional Development**

### **9.1. Supervision (*Inga Pāvula*)**

Supervision is a professional dialogue, with the goal of improving one's competencies and ensuring and improving the professional quality of work. It is a managed process with set meeting times and places, using methods and techniques to help the client (the person undergoing supervision) reach his goals.

#### **Goals of supervision:**

- Ensure professional development, support, and promote professional growth;
- Encourage evaluation and analysis of one's performance, one's emotions and professional situations;
- Manage work-related stress.

#### **Benefits of supervision for the client (participant):**

- Professional development;
- Awareness of available resources and opportunities;
- Analysis and evaluation of professional performance;
- Opportunity to solve work issues and overcome difficulties;
- Acquisition of knowledge and ideas;
- Emotional support.

Supervision can be employed individually or for a group as a part of a professional development program.

#### **Goals of individual supervision:**

- Improve self-evaluation and reflection skills;
- Develop problem-solving skills;
- Improve one's capacity to analyse one's own experiences and resources;
- Develop capacity for self-directed professional development.

#### **Goals of group supervision:**

- Develop capacities to provide and ask for support in professional growth;
- Improve problem-solving capabilities in the group;
- Improve capacities to analyse one's own experiences and resources;
- Develop skills in evaluating future training needs;
- Improve self-evaluation and reflection skills.

The most important outcome of supervision is professional growth and development. The supervision process is an opportunity for life-long personal improvement.

## **9.2. Intervision** (*Solvita Kalniņa-Caune*)

Colleagues in justice system training centres in Western Europe, for example SSR in the Netherlands, have been employing the intervision method for at least 15 years to provide professional support to justice system professionals and to ensure the existence of support systems in the courts. As already mentioned in earlier chapters, the Netherlands is one of the European Union Member States that provides joint training for judges and prosecutors.

Intervision can be described as a collegial supervision (among colleagues, those working in the same system, at the same level). The supervision clients offer support and resources to each other. During the intervision, participants take turns describing situations or issues, and other participants offer their viewpoints or solutions that have been employed in similar situations. **The only resource necessary for an intervision program is time.**

There are however a few conditions for a successful intervision program:

- 1) **Respect for confidentiality**, which guarantees the possibility to speak freely about issues and seek solutions based on similar situations encountered by colleagues;
- 2) **Small group size (5 – 6 participants)** ensures that there is enough experience in the group to constructively engage in problem-solving, but convening meetings is not problematic.
- 3) **Sufficient time allotment (2 – 3 hours)** so that all participants have the opportunity to present their issues and receive feedback.

## **9.3. Mentoring** (*Solvita Kalniņa-Caune*)

A mentor is the main support for a newcomer to the system. A mentor is an experienced and trustworthy consultant, a colleague that will pass along knowledge, skills, approaches and attitudes to a new colleague. It is the mentor's responsibility to help the new colleague gain confidence in his new role and function, to help formulate goals for one's professional career and life in general. A mentor can challenge the colleague to aim higher and achieve more. The relationship must be clearly defined for both parties – communication must be open, yet confidential.

Both sides in a mentoring relationship stand to benefit. The new colleague learns to understand his strengths and develop his weaknesses. The mentor needs to have a deep understanding of the process, and how it affects the new colleague. In order for mentoring to be successful, the mentor needs to receive regular training on how to be a successful



mentor, how to avoid mistakes and create the type of feedback system that will assist the new colleague in finding his place in the professional community, and execute his responsibilities in a high quality and timely manner.

Many countries and many professions use mentoring programs to create a system by which professional competencies are passed from one employee to another, from one generation to another. This creates a strong, knowledgeable team, and a stable knowledge base for the organization. The mentor helps his charge evaluate options, but the colleague himself is responsible for the conclusions drawn, decisions made and final actions.

**Mentors** should possess certain skills, which can, of course, be acquired over time:

- A mentor must **want to help** (the mentoring process must receive the mentor's undivided attention, and the relationship needs to be cast in a positive light in order to be encouraging to the colleague even if mistakes have been made);
- **A mentor needs to constantly pursue self-improvement.** In order to assist in the professional development of others, the mentor must set an example by developing his own knowledge and skills. Mentors observe that engaging in the mentoring process means engaging in their own professional development.
- **A mentor needs to be confident in his own knowledge and skills and able to pass on this knowledge to others. A mentor must be honest, open and truthful.** These are enduring values in human relationships;
- **A mentor must ask the proper questions in appropriate ways.** Questions should provoke thought and evaluation. Coaching techniques for posing questions are useful in mentoring. A golden rule – never use “why” questions or yes/no questions

For the recipient of mentoring, this process offers a wonderful opportunity to tap into the resources of another professional, in order to better understand one's own professional needs and desires. To gain maximum benefit from the mentoring process, it should be targeted to a specific goal. If the recipient finds it difficult to identify a reachable goal the mentor must assist. The recipient should proceed ever closer to his goals, and not fall back to things that he does not want, cannot do, or are outside his sphere of control.

## **10. Planning and executing training programs: approaches, steps, results (Aija Tūna)**

In discussing the rapid change in all sectors of society, Alvin Toffler has noted that in the 21st century, an illiterate person will not be someone who cannot read and write, but someone who can't unlearn and relearn, i.e. discard knowledge and skills no longer functional or those that are creating hurdles, and learn to do things differently. Understanding that prosecutors, just like many other professional groups, are highly qualified experts, continuing education needs to be approached in a way that recognizes and respects the high level of expertise, yet creates an appetite for new knowledge and the desire to review, rethink and evaluate the usefulness of existing knowledge and experience, skills and attitudes, and to raise the profile of general competencies, including communication competencies. A successful professional prosecutor is not only a narrowly focused specialist, but an educated generalist.

**Quality professional development planning begins with a respectful attitude** towards the people for whom these events are being planned. One must respect their needs, time, the context they work in, their existing knowledge and experience, which can be both positive and negative, but in either case has an impact on the success of continuing education programs. No matter how acute training needs seem to be, training participants must be treated respectfully, keeping in mind Aristotelian wisdom: 'When you wish to praise, consider what to recommend; when you wish to recommend, consider what could be praised.'

Factors such as the time of the training session, the place, including accessibility by public transportation or private vehicle, the room and its set-up, these are just some of the factors that impact the well-being of participants, and therefore impact the quality of the learning experience and willingness to engage in future continuing education events.

It is important to set the tone at the beginning of the training session, exhibiting concern for participants' well-being, welcoming them, establishing an atmosphere of open cooperation, declaring a willingness to respect the needs of participants, yet noting that these needs vary greatly and may not be able to be met immediately. Certainly, the organizers should choose bright, warm, well-ventilated premises, but participants' opinions of appropriate temperature may vary greatly. People feel better if they have the opportunity to express their wishes and desires, even if it is not possible to fulfil these wishes immediately. Expression of these wishes serves to dissipate negativity that can distract from the main goal of the session – learning and cooperation.

A professional development strategy does not allow for individual, out of context events even if these events are extremely topical and attract top experts. **A professional development system has four main elements that are connected to each other in a flexible, proactive way. They are:**

- 1) needs assessment,

- 2) planning,
- 3) implementation,
- 4) evaluation.

Each element requires financial resources and time.

### 10.1. Needs assessment

For a professional development program, a needs assessment refers to the needs of the organization or institution, and to the needs of the individuals. Ideally, these needs coincide, but often they are different, which is not necessarily a problem. A **needs assessment identifies the gap between current and desired performance** of the individual or institution, and identifies actions to be taken to reduce this gap.

The coordinator responsible for continuing education within the organization has an important role to play. He must peruse diverse sources to create proposals for the content and process of continuing education, understanding what issues are on the agenda, and what types of continuing education forms are appropriate for all involved. In identifying the learning needs, the coordinator compiles information about:

- 1) gaps in performance or poor quality performance;
- 2) necessity to acquire new knowledge/new subject matter;
- 3) the effects of changes in the professional sphere or society as a whole on the prosecutors' day to day work;
- 4) prosecutors' and other employees' desire to improve performance, share experiences and engage in activities within their professional community.

The starting point is the need for change. Coordinating the interests of all parties, utilizing methods of engagement, will ensure that the proposed continuing education programme will be rich in content, appropriate to needs, and participants will responsive.

It is important to clarify not only the specific content needs, but also the preferred learning method, which undoubtedly needs to mesh with the learning goals. For example, do prosecutors feel the need to gain new information and understand how this information impacts current practice. Possibly, participants would like to exchange experiences, give and receive professional support, or develop general competencies. As evidenced by the survey data <sup>90</sup> discussed in previous chapters, one quarter of all respondents expressed a preference for "seminar-type of discussions", that impart new information, but provide cooperation opportunities with colleagues and invited experts and make the new

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<sup>90</sup> The *Survey of Latvian Prosecutors – 2014* on professional development, career opportunities, continuing education opportunities was conducted 6 – 12 August 2014, with the cooperation of the Latvian Judicial Training Centre, the Latvian Prosecutor General, and the Centre for Public Policy PROVIDUS under the auspices of the project "The Development and Implementation of a Sustainable Long-term Learning Strategy for Prosecutors"

information more applicable to current practices. Important information on needs can be gleaned from the evaluations of existing continuing education events – if such evaluations are conducted properly, not pro forma. For example, attendance records can offer information about appropriateness of time, length or premises. Evaluation questionnaires may contain questions on content, form and teaching method.

Needs assessment is a process. It is not a single questionnaire or a one-time event. The process is tailored to particular situations, but usually includes the same elements (collection of information, analysis and comparison of alternatives, decision-making). Needs assessments for training needs should be conducted regularly, on a larger or smaller scale. A comprehensive overview should be undertaken at least annually.

There are many and diverse practical methods and instruments for conducting needs assessments.

### **1. Observation**

This method requires participation in training sessions, and observing strengths and weaknesses in the organization of the session, the content and management of the session. Direct observation helps in understanding participant evaluations and contributes important information for the planning process.

### **2. Interview**

The program coordinator conducts interviews, posing the same set of questions to various participants (noting which expressed viewpoint is individual, which is a group's point of view). An interview enables a more detailed explanation of views; it breeds trust, it allows for active listening and develops relationships with the participants that can have a positive effect in future professional development activities.

### **3. Questionnaires**

Questionnaires are written interviews. They can be distributed electronically, allowing for a larger respondent group and saving money. Questionnaires can generate a big picture view, but should not be used as a sole source of information.

### **4. Analysis of position descriptions**

This method analyses position descriptions to understand the competencies, knowledge, skills, and attitudes necessary for particular jobs.

### **5. Identification of problems**

Problem identification is usually conducted by convening special meetings (or devoting meeting time to this) to discuss issues associated with the professional development strategy.

### **6. Analysis of institutional policy**

An analysis of institutional policy can identify gaps between stated goals and common practices.

To conclude, needs assessments consist of four main parts: 1) identification of performance gaps, 2) setting priorities, 3) identification of opportunities and challenges and 4) identifying possible solutions, to be developed into recommendations for organizational development and a professional development plan, including plans for financial, time and human resources.

## **10.2. Organizational and Financial Planning**

Planning continuing education events includes creating a systemic plan, and planning each individual event (resource mobilization, communication with all involved parties, such as participants and trainers, service providers and suppliers). Continuing education events – training events and support mechanisms, can take the form of conferences, e-learning, half-day, full-day or multiple day seminars, seminar series, consultations, mentoring, individual or group supervision, intervision, secondment to other institutions, etc. Some of the training events will be aimed at particular target groups, based on office held, level of experience, prerequisite knowledge, etc. (organizing along the lines of grades and subjects). Other training events will be open to all professionals in a particular institution or sector. These events provide an opportunity for mutual learning and community building, because they enable like-minded professionals to meet despite the fact that their day to day work does not offer meeting opportunities. This can improve cooperation, help create context and highlight new aspects of ones work. One must keep in mind that **learning goals include not only acquisition of new knowledge, but also skills and attitudes.**

Planning continuing education events in a long time frame (a semester or a year) the target participant group should be informed well in advance, providing precise information about the timing of events. Before opening registration for events, participants should have information about the full program of events, courses, seminars, with the option of evaluating the offerings as of high, medium or low interest. This technique will give insight into the needs and desires of the target group, and foster a shared responsibility for these events. Corrections in the plan may become necessary, but the improved result is worth it.

It is important to consider the goals of the continuing education event in the context of time allotted. Consideration should be given to the necessity of convening people for a few hours to listen to a lecture, to allowing enough time for an interactive seminar to cover all necessary issues. Possibly a multi-day seminar is a better solution, offering also the opportunity to remove oneself from daily affairs and focus only on the training. Many continuing education specialists consider a 2 day event to be optimal: two consecutive days with 6 working hours per day divided into 1,5 hour blocks of time or 9 working hours divided over two days if lengthy travel time needs to be taken into consideration.

This type of seminar is appropriate for topics of high interest to the target group, including medium interest issues only if they are of significant institutional importance.

Each continuing education event will have its own financial needs, depending on the chosen place, length, participant list, etc. Some expenditure categories are always needed:

### **1. Personnel to organize the event (a coordinator))**

This can be someone, whose main professional task is to organize training events. One must remember that during events, this individual will have little time for other obligations. Participants are keen to see coordinators present at events, at least part time, as this is seen as a sign of respect and an opportunity to express ones needs and opinions. For the coordinator, this contributes to developing a needs assessment.

### **2. Premises**

It is important that the premises are appropriate to the size of the group, and that the trainer has appraised of his needs for the arrangement of the room. If chairs are set up theatre style, the room can be smaller; if group activities are foreseen, tables and a larger room will be required, as well as the possibility to post things to the wall or special stands for A0 poster paper. If the trainer needs break-out rooms for small group, this also needs to be taken into account in the choice of premises.

### **3. Equipment**

The standard equipment list is: computer and projector, whiteboard with A0 size poster paper, thick markers, white paper for note-taking, pens. One should check to see that the internet connection works and that there are speakers for the computer, as presentations often include video or audio clips. In case of a large participant group, microphones may be necessary. Some guest speakers are particular about types of microphones, therefore, it is prudent to make inquiries prior to the training event.

### **4. Working materials and hand-outs: preparation and copying**

The continuing education coordinator should work in close cooperation with the trainer to ascertain what kind of materials will be necessary and to arrange for timely delivery of originals for copying purposes, and to agree upon a distribution schedule. Often, materials are needed at the seminar itself, and do not require prior distribution. If the hand-outs are of an informative nature, they may service to distract attention away from the trainer and the work at hand. Hand-outs should be marked with the name and date of the event, so that they can be easily identified in the future. Name tags are recommended, because they ease communications. One can use pre-printed tags, or tags that each participant fills in during an ice-breaker activity.

### **5. Stationery**

The trainer should provide the coordinator with a list of stationery items necessary for the session. Usually these are post-it notes, A0 poster paper, and thick markers for every working group. In the event of a lengthy training program, participants may find folders useful to organize the training materials. If a ring binder is provided, holes should be pre-

punched in the hand-outs. An envelope-type of folder is convenient, and should be labelled with basic information about the training event.

## **6. Water, coffee, lunch or dinner**

Neurological researchers remind us that water is vital to brain activity, so it is important to provide water during training. If the room does not have a source of drinking water, provision in the budget should be made for drinking water. Coffee breaks and meals meet not only physical needs, but they also create relationships, provide for networking and conversation. Some say that at seminars and conferences break time is more productive than the sessions themselves, because then one can talk about the real issues, and meet those people that one would never have the opportunity to meet otherwise. In working out the agenda, sufficient time must be allotted for breaks. A group of 30 would require about half an hour for coffee break and an hour for lunch. Length of mealtimes should be coordinated with the service provider, because table and buffet service vary greatly in time allotments. Serving coffee during registration prior to the event creates a welcoming aura, serves as an ice-breaker and conversation-starter, and creates positive engagement. During registration for the event, inquiries should be made about dietary restrictions and every effort made to accommodate these restrictions.

## **7. Accommodations**

The budget for a multi-day seminar must include accommodation costs. As noted previously, the opportunity to devote several days to training is productive. In most cases adults should be provided with single accommodations. If there are budgetary constraints, a doubling up should be considered, but participants should be consulted beforehand, and there should be two separate beds in the double rooms. If participants are accommodated for the night, the training plan could include an entertainment event, such as a pool or sauna, a guest lecturer, music, team building activities, etc. Some hotels and guest houses offer entertainment opportunities in a package with the accommodations. Participation in entertainment activities cannot be considered an obligatory part of the training event.

## **8. Transportation costs**

Transportation costs can be included or excluded from the training event budget, depending on the established custom. If transportation costs for participants are to be compensated, participants must be informed in advance of the documentation required, of the types of transportation costs covered (public transportation, personal transportation, etc.). Transportation cost of trainers and lecturers and staff (including transportation costs of materials and supplies) should be included in the budget.

## **9. Compensation of trainers**

Compensation of trainers is an unavoidable expenditure. Agreement on the work expected, the content and the compensation should be reached in the initial planning phases. In most cases, preparation of materials and hand-outs is included in the training cost. There can be cases, however, when substantial written materials are needed that should be compensated separately. Utilizing e-learning modalities, one of the main expenditures will be for the time and expertise of the trainer in developing materials and

moderating the training process. E-learning without consistent and timely feedback loses its efficacy.

## **10. Translation costs**

If training is undertaken by guest experts from other countries, and materials and hand-outs are to be used, translation costs must be included in the budget. Translators will also need equipment, for example, for simultaneous translation, which allows for a more dynamic training session. Simultaneous translation cannot be used for group work. But during group work, the trainer will need a translator to assist him in listening and interacting with the groups.

### **10.3. Program implementation**

A carefully planned continuing education event does not require much input during the actual event. However, one must always be prepared to react to unexpected events. For this reason, the coordinator should be present at events.

### **10.4. Evaluation**

A qualitative performance indicator in education is quality of the process, reflecting the participation and well-being of the participants, which in turn affects their learning outcomes and effectiveness of the training program. Participants should have the opportunity to give feedback, because this information is necessary both for the trainers and the organizers. Feedback is not only the questionnaire at the end of the event. Observations should be made throughout the event. In the beginning – ‘‘take the temperature’’ (observe the mood upon arrival, has transportation to the event been pleasant, are the participants communicating with each other, where are they in the room). Then – during the training process observe if the training is progressing at a proper pace, is it taking the expected direction. Lastly, at the close of the event, inquire about what has been accomplished, and what to do differently next time.

Along with using traditional evaluation questionnaires, it can be useful to employ the ‘unfinished sentence’ technique. A small slip of paper with a thought can be of use when breaking for coffee, or at the end of a particular session. Examples of ‘unfinished sentences’: I found out that..... I would like to tell you that..... I would like to know more about ..... If I had only known that..... For me, as an expert..... Questions can focus on the learning process and the mood, as these things are inextricably linked to successful continuing education. These sentences help the organizers understand more fully the feelings and needs of participants. The participants gain confidence that their views are taken into account, and that they are being taken care of, dispelling feelings that their professionalism is under attack.



Donald Kirkpatrick's four step learning evaluation model calls for initially formulating questions that enable one to measure what is transpiring, for example: Do participants consider this to be a good use of their time? Do they feel that the training was a success? What were the strengths and weaknesses of the training? Did the participants like the place and working style? Was this compatible with their personal learning style? Then decisions must be taken about what changes one would want to measure – changes in knowledge, skills or attitudes. It is best to take measurements before and after the training event. Later, methods must be developed to measure behavioural changes following training. This is the most complex because behaviour changes very slowly, and behavioural change is affected by many different factors, for example the lack of supportive attitudes from management of peers to new ideas brought back from training sessions. Motivation generated at the training session can dissipate quickly, which is why multiple sessions over time, complemented by active communication between sessions (in an e-environment) is more effective than single events.

**Evaluation should include the following aspects:**

- 1) Programme content,
- 2) Quality of implementation,
- 3) Programme impact,
- 4) Programme effectiveness (profitability)...

Even though much attention is paid to cost efficiency, the programme coordinator must balance all aspects of the evaluation, to assess the long term gains.

## **11. E-learning opportunities** (*Aija Tūna*)

E-learning can be an effective supplement to traditional training in seminars and conferences. But it is important for organizers to define the purpose served by the e-learning, and what resources (time and finances) are available to ensure a high quality, effective process. Despite interest expressed in questionnaires about e-learning, for objective and subjective reasons it is in fact very difficult to sustain engagement and to measure learning outcomes.

E-learning is most often justified with reference to the specific opportunities it presents. There are four reasons why e-learning could be considered a successful approach:

### **1. The opportunity to present large quantities of information and create a one-way communication channel.**

In this case e-learning is supplementary to a traditional training event, or an independent learning opportunity guided by a trainer. Learning materials are placed on a particular internet site; participants can peruse these at their own pace and time schedule, meeting program requirements. The trainer or moderator can see each participant's progress and results. This type of e-learning requires a number of tasks:

- To prepare materials and assignments for an e-environment, supplying an adequate but not overwhelming volume of information and assignments, together with instructions that are clear and motivating to the participant and conducive to productive work.
- Independent work of the participants, where they become acquainted with the information and complete assignments. Assignments can be tests, taken online, ensuring that after taking the test the participant sees feedback on right/wrong answers. In this case, the test is scored by technological means. If the assignments are organized in such a way that participants must generate their own answers (examples from their experience that demonstrate an understanding of the material, synthesis or information, etc.), online tools are not necessary. But it is, however, necessary to plan more time (and higher compensation) for engagement of a trainer or moderator, who will have to read each assignment and provide feedback.
- Feedback or a brief evaluation, prepared by the trainer or moderator.

### **2. Exchange of opinions and engagement in discussion fora**

This approach can be a part of an e-learning course, or an assignment between two traditional seminars. It is designed to foster discussions, to deepen understanding and to connect this new understanding to professional practices, to share experiences and generate new ideas.

An e-environment makes it easier to ensure that every participant takes part in the discussion. It also creates space for participants to spend more time formulating their opinions, and reduces the opportunities for more vocal participants to dominate the discussion. In this case a) the trainer offers up a topic for discussion or prepares an assignment; b) participants reflect on this, give opinions, defend their viewpoints, share experiences and comment on other participants' views; c) the trainer serves as a moderator, asking questions, structuring the discussion, summarizing the discussion, etc.

### **3. Independent work or projects in the e-environment.**

When undertaking independent work or projects in the e-environment, participants should have the opportunity to consult with the trainer. E-tools help organize work, and the trainer can track each participant's individual accomplishments, as well as group work. The e-environment can be used for presentation of results. This is successful for joint outputs – preparing conference or working group presentations, or serving as a consolidated repository of information from long-term continuing education activities. Using this method, the participants are more active; the trainer is available as a consultant.

### **4. Networking in the professional community, keeping up contacts, researching best practices, reflection**

In this case, continuing education coordinators serve mainly to provide the environment for a professional discussion and exchange of experiences. It is, however, important to understand who will be the users of this e-environment and why these users would prefer this environment to others already available. If there is limited access to this e-environment, it could provide a more secure professional milieu in which to communicate, pose questions, share experiences and reflections, and serve to strengthen participants' professional identity. It could become a source for identifying future continuing education needs, and serve to generate resources appropriate for broader audiences.

#### **Planning for any form of e-learning must include resource planning:**

- a) Compensation for the coordinator;
- b) Adequate compensation for the trainers and moderators, taking into account the expected level of engagement;
- c) Costs incurred for the creation of or adaptation of particular e-tools;
- d) Compensation for the creation of materials, or the creation of a collection (including translation costs, if needed), or the creation of assignments.

In planning the time-frame for e-learning one needs to find an ideal balance between too slow a pace, and too demanding a pace, taking into account that participants will be

working professionals. Time demands must be proportional to participants' capabilities. One must also plan for a dynamic feedback loop and clarity about follow-up, in a way that does not overstress the participant, but creates motivation to continue to participate in the learning process.

### III. SUMMARY AND CONCLUSIONS: FUTURE MODELS FOR A PROFESSIONAL DEVELOPMENT SYSTEM FOR PROSECUTORS

(Ilona Kronberga)

The European Union was established based on common European legal principles and the national legal systems of each member state. The effectiveness of both types of legal norms depends on those entrusted with applying these norms – law enforcement officials. The common European legal culture is created by the responsible participation of all. The education process of each European country’s law enforcement officials is key to creating a climate of mutual cooperation, understanding and a common application of the law<sup>91</sup>. Professional qualifications of law enforcement officials need to be up to standards necessary for meeting current professional challenges. European Union documents repeatedly state<sup>92</sup>:

- a) priority in continuing education should be given to prosecutors and judges;
- b) continuing education should focus on the professional needs of prosecutors and judges and be practice oriented;
- c) continuing education for prosecutors and judges should provide initial and continuous training<sup>93</sup>;
- d) initial training for prosecutors and judges should take advantage of short term exchanges among member states;
- e) wider use should be made of e-learning methods, such as the *e-Justice Portal*<sup>94</sup> which provides a wealth of information in all European Union languages;
- f) foreign language skills should form a part of the continuous training of prosecutors and judges.

Successful continuing education for adults depends on the adults themselves. This applies to prosecutors as well. The information and conclusions in this handbook should be

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<sup>91</sup> The Stockholm programme – an open and secure Europe serving and protecting citizens (2010/C 115/01), Para 1.2.6., 3.2.1., 4.3.1. Accessible: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:EN:PDF> (accessed 20.08.2014.)

<sup>92</sup> Building trust in EU-Wide Justice a new dimension to European Judicial Training, European Commission, Part 2, 2011. Accessible: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0551:FIN:EN:PDF> (accessed 20.08.2014.)

<sup>93</sup> Ibid, Part 4.

<sup>94</sup> European Justice. Accessible: <https://e-justice.europa.eu/home.do?action=home&plang=lv> (accessed 20.08.2014.)

considered a contribution to spark the development, implementation and future operation of a professional development system for the Latvian Prosecution service.

### **Society and the mission of the prosecutor**

Prosecutors themselves create the public image of the prosecutor. It is important that the general public has a clear understanding of the work of the prosecutor that is based on the mission of the prosecutor and his professional daily contributions to public safety. Therefore the mission, goals, principles and tasks of the prosecution service should be formulated in language easily accessible to the general public. This will generate deeper understanding of the public interest role of the prosecution service.

### **What is the role of the prosecutor in the justice system?**

The mission of the prosecution service in European Union states is: to embody the principles of justice and enhance respect for the rule of law. The prosecutor is not a servant of the Criminal Procedures Law, but he serves the interest of public safety, and the safety of each individual. The prosecutor's role in strengthening democratic values in the European Union is ever expanding, which is why prosecutors need a broad knowledge base and a good understanding not only of their own legal system, but also of international legal norms.

### **What kind of knowledge base is necessary for the prosecutor?**

Professional development is a right and a responsibility for prosecutors, both as a part of their initial training, and throughout their entire career. Prosecutors must possess a set of qualifications in order to gain office, and then must broaden their knowledge and skills base throughout their career in order to fulfil their professional obligations in accordance with crime prevention priorities. Prosecutors need to be well versed in all fields of the law. They should be generalists, not narrowly specialized. The continuing education system should serve officeholders at all seniority levels, in all areas of specialization.

### **Is a solid grounding in criminal law enough for a prosecutor?**

If the legal system has endowed prosecutors with functions outside the criminal justice system, then the prosecutor has been entrusted with upholding the public interest, protecting human rights and fundamental freedoms and strengthening the rule of law.

### **Why are prosecutor's decisions important?**

The prosecutor, in fulfilling his professional obligations, works in the public interest. Decisions made by the prosecutor can curtail individual rights and freedoms, therefore the skills and qualifications of prosecutors are a priority in all countries. A prosecutor is a

public official with a broad knowledge of the law, a decision-maker, a problem-solver, a strategic planner, and a public communicator shaping the public image of prosecutors.

### **How are prosecutors seen by society?**

The general public in Latvia has little information about the work of the prosecution service, yet would like to know more to gain a better understanding. The public has high expectations of prosecutors, expecting them to be honest, objective and just.

### **How does one improve the law enforcement system?**

Law enforcement institutions – the police, prosecution, courts and penal institutions need a common strategic development plan, which includes prioritizing continuing education. Attraction of qualified specialists, performance evaluation and career long professional development form a solid foundation for the development of the prosecution service as a pillar of the justice system.

### **What are the weaknesses of the current continuing education system for professionals in the justice system?**

Curriculum development for judges and officials of the court is undertaken separately from curriculum development for prosecutors and other officials in the justice system. Little use is made of interdisciplinary learning methods that would offer judges and officials of the court the opportunity to interact with other law enforcement public officials – prosecutors, sworn advocates, notary publics, bailiffs, police, Prison Administration officials, and Probation Service officials.

### **How to plan an effective continuing education programme given the current legal framework?**

The Prosecutor General's Council is an independent body that has an appropriate delegation of functions to be able to elaborate and approve development planning documents for the Prosecution service. These planning documents can reaffirm the values and mission of the prosecution and outline a development plan for human and financial resources. This type of approach would improve personnel policy, including the professional development of prosecutors, continuing education, regular performance assessments and would result in more highly motivated prosecutors.

### **How should one develop professional standards for prosecutors?**

In order to contribute to a common professional standard for prosecutors, resulting in more effective law enforcement, the following steps should be taken: create a sustainable, continuous system for personnel recruitment, internships, performance evaluation and continuing education, provide appropriate financial and other resources for this professional development system, prioritize this system in the strategic development plan of the prosecution service, cultivate international cooperation in the area of continuing education.

### **What is continuing education?**

Continuing education is a process by which one improves professional knowledge and skills. It is appropriate to current needs and developments, and strives to operationalize new knowledge in day to day practices.

### **What are the principles of adult continuing education?**

The continuing education process is voluntary. Therefore, motivation is key. The learning process should be based on particular target groups and their needs and interests, and participants' experience should be integrated into the learning process. An assessment of participants' level of skills and knowledge should be made prior to training, and participants should be made aware of benefits to be gained. Training coordinators are responsible for a secure and supportive environment, conducive to learning.

### **Competencies of prosecutors and their professional development needs**

When planning continuing education events, all of the competencies of prosecutors should be taken into account, and particular attention should be paid to individual needs. The competencies of the prosecution are not narrowly focused. Currently prosecutors have expressed interest in improving knowledge of finance and accounting; improving foreign language and use of technology skills. Prosecutors have expressed an interest in more and better planned professional development opportunities.

### **What kind of professional development system would prosecutors prefer?**

A professional development system needs to be methodical, training schedules need to be set at least one year in advance. A needs assessment should be undertaken before delineating a training program. Topics should be appropriate to the needs and desires of each prosecutor. Prosecutors have expressed interest in e-learning and discussion seminars.

### **Should the performance evaluation system be linked to continuing education events?**

Performance evaluation should be based on criteria, formulated in advance. These criteria are crucial to motivation, and to achieving high quality performance. Annual evaluations should be conducted as an interview with a direct supervisor. Each evaluation should include an assessment of performance, an assessment of professional development needs and an interview with the direct supervisor. Performance evaluation should be a part of a professional support approach, which should result in a professional development plan for the coming year.

### **What are the planning stages for a continuing education program?**

To ensure a quality continuing education program a concept note should be prepared, that would lay out the organizational model and serve as the starting point for curriculum development. A curriculum development working group should be convened for development of the annual training curriculum for prosecutors. This training plan should be in place prior to the annual performance evaluation process, but it can be adjusted to



reflect the results of the performance evaluations. New training programs should be prepared annually. They should include a delineation of target groups and teaching methods in order to allow for financial and human resource planning.

### **What types of target groups and teaching methods are appropriate for prosecutors?**

The continuing education program depends on the needs of the target group. Prosecutors can be divided into target groups: a) initial training for prosecutors who have less than 3 years of experience; b) continuing education programs with sub-programs for chief prosecutors, specialized prosecutors and a common program for all prosecutors on current professional issues; c) interdisciplinary program, providing joint training with other law enforcement officials, d) international program providing for secondments and other exchanges of experience.

### **What type of trainer is appropriate for adult education?**

The quality of the trainer impacts the quality of the continuing education process. Trainers should be professionals in their field, they need an excellent grasp of the material and topics, and they need to use appropriate teaching methodology to impart knowledge. Trainers need to be up-to-date on current events in their field. If an experienced prosecutor is a trainer, one should take note that being a trainer is a new professional identity for the prosecutor that requires new knowledge and skills. The trainer should be well versed not only in his subject matter, but also in curriculum development instruments.

### **What is training evaluation and why is it necessary?**

The teaching process is a series of events, inter-connected and well planned. All parts of the process are of equal importance: choice of subject matter, choice of teaching method, participants' needs assessment, cooperation between participants and trainers during the sessions, and evaluation at the end of the session. Evaluation of training is important not only for the participants, but also serves as a professional development tool for the trainer. The evaluation contains three parts – self-evaluation by the trainer, participants' evaluation and independent observations, based on set criteria. Training evaluations are an important instrument to improve the quality of the continuing education process.

### **Which teaching methods are appropriate for prosecutors?**

In the continuing education program for prosecutors, all adult learning methods are appropriate: different lecture formats, chosen according to learning goals and subject matter; methods of analysing information; open discussions, if an exchange of views based on previous experiences is needed or consensus needs to be built around a particular solution; different discussion methods, allowing for active learner participation; supervision, to generate professional dialogue about improving professional outcomes.

**What should be taken into account when planning training programmes?**

A training program needs to be planned around achieving learning goals, simultaneously taking into consideration the current knowledge and experience of the target group. Respect for the learners, for their professional development needs and their time, is key to planning and implementing a quality professional development program.

**What are the elements of a professional development system?**

A professional development system has four main elements, all interconnected: a) a training needs assessment of the target group; b) planning the training – premises, time, human and financial resources, technical support, etc.; c) implementing the training program and ensuring smooth operations; d) evaluation, or feedback. Each step demands resources – human, financial and time.

**What is e-learning, and how to effectively employ it?**

E-learning is an education method that uses communication technologies. E-learning can serve as a supplement to traditional training events such as seminars or conferences, or it can be a stand-alone virtual learning experience. When choosing e-learning, it is crucial to define why e-learning is being chosen, what is the purpose, and what resources are available to ensure a successful learning experience.