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Independent review on the transfer of  
summary cases from the Police to the  
Attorney General's Office

December 2025



# Executive Summary

## Our Remit

We were commissioned to undertake this independent review by the Government of Malta so as to fulfil a milestone that forms part of **Malta's Recovery and Resilience Plan**<sup>1</sup> (the "RRP" / "**Malta's RRP**"). This milestone, referred to as M6.5, requires that *"A review shall be undertaken by an independent contractor on the transfer of offences and summary cases from the Police to the Attorney General's Office. The review shall formulate policy recommendations for the shift of offences and summary cases. The executive summary of the review shall be published."*

## Background

Our remit derives from Reform C6-R2 of the RRP which reform consists of the transfer of prosecution cases from the police to the Attorney General's office, and the Attorney General's office recruiting additional officers. The objective of this measure is to make the Prosecution Services better function.

An initial step was taken in 2019, when the Office of the State Advocate was created to take over the non-prosecutorial functions of the Attorney General (AG). Subsequent legislation provided for the transfer of the prosecution of at least 30 categories of offences, **i.e. carrying a sentence exceeding two years imprisonment (including money laundering and corruption)**, from the Police to the Office of the Attorney General (OAG). The AG was also given powers, along with the Executive Police, to prosecute before the Court of Magistrates, apart from being competent to prosecute before the Criminal Court.

The transfer of serious cases to the OAG has followed a phased transition with annual transfer Regulations between October 2020 and October 2024.

The principal objective of our work has been to gauge how all other less serious crimes, that are carrying a fine or prison sentence of less than two years, shall be transferred from the Police to the OAG, and to make recommendations on how that should be achieved.

## Our Approach

In the course of our work, we visited and worked in Malta on five separate occasions over the ten-week period it took to gather and assimilate the information we determined was needed to reach our conclusions and recommendations. We reviewed extensive material, both that which is publicly available and also that which was produced at our request by the parties referred to in this report.

We conducted extensive interviews and some larger workshops with: officials primarily in the Ministry for Justice and in the Office of the Attorney General, members of the Judiciary and also the Courts Service, and also with senior officers of the Malta Police including a number of Inspectors currently responsible for summary case prosecutions.

We reviewed how Malta's criminal justice system has developed up to the present day. We also reviewed in detail how proposals for changes had evolved from the time of the 2013 Bonello Commission through to the extensive changes that Malta has set in place since the first Venice Commission Report of 2018.

The ability of the OAG to take on extensive new responsibilities in respect of the prosecution of summary cases has formed a key part of our investigations. We have therefore spent appropriate time to understand how the transfer of more serious cases has been managed, and how the capabilities of the OAG have developed, and are planned to develop in the future.

In parallel, we have engaged with the Malta Police so as to gain a good understanding of how summary cases are currently managed so that we could better understand the practical challenges of a transfer of responsibilities.

### Findings

There is recognition of the benefits of the prosecution of summary offences being transferred from the Police to the OAG. There is seen to be particular benefit in the Police focusing on investigations with independent prosecutors taking decisions on whether to prosecute, and then leading on the prosecution of, all levels of criminal cases.

Compared to the more serious cases, that are relatively small in number but can also be complex, there are very high volumes of summary cases that are handled by the Police in the Magistrates Courts. The figures we were given suggest that the numbers of annual cases are in the region of 15,000 to 17,000.

Moreover, unlike the current OAG prosecutions model, which is centralised, the Police operate a decentralised prosecutions model where most of the prosecutorial work is handled at District level. Key challenges are therefore over how best the OAG might effectively embrace and change the existing Police model and what a new modus operandi would look like.

However, the OAG is also not yet ready and able to take on a major short-term influx of summary offence prosecutions. Thus far, the primary focus of the OAG has been on building its prosecutorial capabilities in respect of the cases which have been transferred since 2020. A major and transformational Five-Year Plan is currently being implemented with support from international bodies and is still in its early stages. There remains, for example, a business-critical need to implement effective IT systems to support case management workloads and to help improve efficiency and effectiveness. Implementing IT Systems at the OAG is also a precursor to any further major transition in case workload.

There will also need to be a different business model established in the OAG to handle summary offence prosecutions as the numbers of cases are very large and are typically processed through the courts in a different way to more serious cases.

The state of performance development in the OAG does not however preclude an early start being made on summary offence transfer planning and preparations.

### Recommendations

Our principal recommendation is that the transfer of summary cases to the OAG from the Police should take place. The benefits of so doing are clear. We are confident from our extensive discussions and interviews that the key parties in Malta are largely supportive of the importance and value of this transfer and that it should proceed.

Priority should however be given to successfully implementing the identified near-term workload increases at the OAG. This includes the transfer of a further list of offences not specifically classed as summary offences that should be made in two tranches in October 2026 and October 2027.

The subsequent transfer of summary cases is neither a quick nor simple challenge, a point that is well recognised within Malta's criminal justice community. This transfer will need to be undertaken in a very different and more complicated way than the earlier case transfers that have occurred. New operational models, and revised policies, processes and procedures will need to be devised and put into place. There are options to be considered and agreed upon. The existence of effective IT systems and competent people resources will also be key to success.

At this point, we do not consider that it is appropriate to identify a timeline against which a successful operational transfer can be completed. Nonetheless, we are confident that planning work can start soon, and we explain how that can be initiated.

Momentum on summary offence transfer can be achieved through an early but limited start in preparing the transfer of caseload from the Police to the OAG. This process can be initiated this year through the creation of an inter-departmental committee ("the IDC") that would be set up to define how the detailed transfer should take place against the recommendations we have made.

Our recommendations are that the IDC should consider the following matters:

- Whether a new small unit in the OAG should be created, of between two and three experienced OAG prosecutors, and including Change Managers to initiate the practical planning of the transfer. This unit could develop into the summary cases prosecutions unit over time;
- How case transfer will need to be staggered over time (and there are a range of options for doing so);
- That planning and implementing a single mass transfer of cases would need very careful and lengthy planning. Although, in theory, this approach might be an option, it carries significant implementation risk and would also result in a hiatus in case transfer, potentially until 2030;

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- The need to review that the proposed IT systems developments that are taking place in the OAG, the Police and the Courts Service will meet the full functional and interoperability requirements required to handle the summary case workload;
- The creation of "Test Beds" to support the detailed development of the OAG target operating model and to better understand the detailed requirements related to case handling and case transfer;
- The skills and resources needed by the OAG to service the prosecution of summary cases;
- The need to strengthen the current OAG operating model to provide more senior management resource.

### Concluding remarks

We would like to extend our gratitude for the co-operation and time committed by all those we spoke with and those who helped with producing the information we requested.