



Strasbourg, 7 February 2012

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**CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS  
(CCPE)**

**Questionnaire with a view of the preparation of Opinion No. 7 on the  
management of the means of the prosecution services**

**Replies from Denmark**

## **SECTION I: Status of the prosecution services in the state administration**

1. Please specify the status of the prosecutor and the prosecution service in your state. Is it an autonomous institution? If yes, how is this autonomy guaranteed?

**The Prosecution Service in Denmark is not an autonomous institution. The Prosecution Service is thus under the responsibility of the Minister of Justice. The Prosecution Service as well as the Police and the Prison Service are subordinate to the Minister of Justice.**

**The Prosecution Service is structured as a hierarchy of three levels headed by the Director of Public Prosecutions (the General Prosecutor). The second level comprises six units called Regional Public Prosecutors, while at the local level there are 12 Commissioners of Police heading both the local Prosecution Service and the police. In addition to the basic structure, the Prosecution Service includes two specialised units with nation jurisdiction: The State Prosecutor for Serious Economic Crime and The Special International Crimes Office handling war crimes and crimes against humanity, etc.**

2. Does the ministry of justice or another authority govern the activity of the prosecution service? If so, how?

**The Ministry of Justice governs the Prosecution Service through a performance contract. The contract for the Prosecution Service is concluded between the Ministry of Justice and the Director of Public Prosecutions and covers the entire organisation. The contract is settled on annual basis and sets the objectives for the Prosecution Service. The contract is not legally binding.**

3. Which authority is responsible for the creation of prosecutor positions?

**The Director of Public Prosecution is responsible for the creation of prosecutor positions. However, sometimes the recruitment process is coordinated together with the Ministry of Justice and other institutions under the Ministry of Justice, such as the Police and the Prison Service.**

4. Please indicate if there is any connection between the prosecution service and the Ministry of Justice or another public authority in terms of financial and human resources, IT facilities etc. If so, please describe how this connection works.

**Cross ministerial IT-facilities (handled by the Prison Service).**

5. Is the prosecution service independent from other institutions when implementing and managing its own budget?

**The Police and the Prosecution Service are commonly funded in the Finance Act (§11.31.01). The specific funds for the prosecution cannot be read out of the Finance Act, but distribution of the total funds is decided by common agreement between the National Police and the Director of Public Prosecutions. The Prosecution Service is independent from other institutions when implementing its own budget; however the administration of the Prosecution Service is – like other public administrations - audited by the National Audit Office of Denmark (Rigsrevisionen).**

## SECTION II: Financial rules and regulations of the prosecution service

6. Does the law governing the prosecution service include provisions on financial management and on the executive's obligation to provide it with the necessary infrastructure?

**In the Finance Act it is stated that The Director of Public Prosecutions has the overall responsibility for steering the entire Prosecution Service both professionally and in terms of HR and financial management. The overall organisation and professional objectives of the Prosecution Service are described in the Danish Administration of Justice Act.**

7. Please describe how and when the budget of the prosecution service is managed (preparation, distribution of funds between the budget lines).

**The total funds for the Prosecution Service are distributed through an activity-based resource allocation model. The proposal for funds is distributed to the Commissioners of Police before the negotiation of their internal performance contracts. The Director of Public Prosecutions is responsible for this process. The funding is coupled to goals for efficiency in the performance contracts.**

8. Is there a specific department within the prosecution service responsible for the management of resources?

**The Director of Public Prosecutions is responsible for management of resources.**

9. Is there a national and/or centralised IT system for managing, monitoring and evaluating the budget of the prosecution services? *Does this system include a mechanism for increasing the efficiency of the resource management?*

**The Director of Public Prosecutions presents data concerning production, financial and human resources in a resource management application in a centralised IT-based business intelligence system to certain users within the Prosecution Service.**

## SECTION III: Resources of the prosecution service

10. Please specify the amount of budget of the prosecution service for 2008, 2009, 2010 and 2011 (€ equivalent), indicating the distribution between staff expenditure and other types of expenditure.

	Staff expenditure	Other types of expenditure	Total cost
2008	€ 71,3	€ 17,8	€ 89,1
2009	€ 75,4	€ 18,2	€ 93,6
2010	€ 79,0	€ 19,9	€ 98,9
2011	€ 78,1	€ 20,4	€ 98,5

**Cost of the prosecution service in mill. €**

11. *In your jurisdiction, what resources would you improve access to, and how would you do that (e.g. through partnership agreements, joint investigations, redistribution of resources etc.)?*

**It is uncertain what is meant by this question**

12. Are the current or future budgets of the prosecution service affected by the 2009-2011 economic crisis?

**No**

13. *What instruments are used to allocate resources needed for the good functioning of the prosecution service?*

**It is uncertain what is meant by this question**

14. Is there any connection between the budgets allocated to the prosecution service and to the judiciary or to law enforcement bodies?

**See no 5**

15. Do human resources of the prosecution service depend on other institutions of the judiciary (e.g. Judicial Council, National Schools of Clerks)?

**No**

16. In your jurisdiction, is there any mechanism of rapid reaction which could allow a quick redistribution of means (financial or human resources, logistics) between prosecution services, according to the needs of the system?

**There is not a specific mechanism in place. However, when it is called for means can be redistributed on ad hoc basis within certain boundaries.**

17. Does the General Prosecutor (or equivalent institution) have a specific budget for taking interim/temporary measures in situations when, within a certain prosecution service, human resources are insufficient?

**See no 16**

#### **SECTION IV: Budget for investigations**

**Investigations are not within the authority of the Prosecution Service in Denmark - investigations are handled by the police.**

18. What steps are required in order to obtain direct access to the resources needed for investigations? Please assess the period of time that elapses between submitting a request for resources and the moment when they are actually obtained.

19. Have you ever faced the risk that special investigative techniques (e.g. communication interceptions, legal-genetic expertise, computer search) could not be applied in due time because of insufficient resources? Have insufficient resources in general affected the performance of criminal investigation in normal cases?

20. Is the resource management performed by the prosecution services during their investigations controlled? Please specify.

21. What is the resource management procedure when various agencies are involved in the investigation procedure (e.g. the police)?

22. Is it possible for prosecutors to specialise in certain type of crimes? If so, what kind of effect it has had on the results of the prosecution service?

23. Are there areas of investigation that have priority access to financial or material resources? If so, how and by whom is this priority established?

## **SECTION V: Description of the system of management by results**

24. Do you have a system of management by results? (Please specify.) If yes, is there any problem with this system?

**The Prosecution Service is managed through internal performance contracts for the Regional Public Prosecutors and the Commissioners of Police. The performance contracts are concluded between the Director of Public Prosecutions and the subordinated parties. The contract covers performance objectives on efficiency (based on a weighted production model), production, processing time, reduction of old charges (the average age). Besides the performance objectives, the contracts also cover other areas such as HR and local issues.**

25. What kind of objectives are set for the prosecution service, if such a system of objectives exists? Does your system use benchmarks of achieved results?

**The achieved results of the objectives mentioned above are monitored both individually and as benchmarks in a centralised business intelligence system (see no 9).**

26. Which authority/authorities is/are competent to set these objectives?

**The overall objectives in the performance contract for the Prosecution Service are negotiated between the Ministry of Justice and the Director of Public Prosecutions; where as the objectives in the internal contracts are negotiated between the Director of Regional Public Prosecutions and the Public Prosecutors/the Commissioners of Police. The negotiations at different organisational levels are coordinated at the same time.**

27. What role does the prosecution service play in setting these objectives?

**See no 25 - 26.**

28. Are the objectives coordinated between all authorities of the criminal procedure? If such coordination exists, how does it influence the activities of the prosecution service?

**The performance contract for the Prosecution Service is coordinated with the objectives in the performance contract for the Police, so that these two contracts constitute the overall management framework for the Police and Prosecution Service.**

29. Are there regulations in your system as regards the optimal workload within prosecution offices? if yes, is the allocation of resources correlated with the workload? Please provide examples.

**The resources are allocated through an activity-based budget model, which insures that resources are correlated with the workload.**

30. Is the setting of objectives based on a negotiation system?

**See no 25 – 26.**

31. Who are parties of the negotiations?

**See no 25 – 26.**

## **SECTION VI: Follow-up of results and reporting**

32. Please indicate if there are any national strategies implemented in your state regarding the resources allocated to the judicial system, including the prosecution service. If so, in what areas were these strategies developed? Please comment on the results of these strategies.

**The political strategy for the Prosecution Service is stated in the political four-year agreement for economy in 2012-2015 of both the Police and the Prosecution Service. Besides the political goals, the Prosecution Service has stated its own long-term goals and strategy for 2010 – 2015 as well as a common strategy for the Police and Prosecution Service for 2011-15.**

33. Is the attainment of objectives followed up yearly? How?

**The attainment of objectives is communicated in a common annual report for the Police and the Prosecution Service. Besides the common annual report, the Director of Public Prosecutions also publishes a non-financial annual report which focuses on the goals of the internal strategy and communicates different feature stories about the results of the Prosecution Service.**

34. Have any reforms been implemented during the last 5 years aimed at increasing the budget of justice?

**A significant reform of the Police and the Prosecution Service was implemented in 2007.**

35. Is the prosecution service included in the government strategies for enhancing the efficiency of public institutions (e.g. e-governance, external financial audit)?

**The Prosecution Service is included in the Government strategy on public procurement. Furthermore, the Prosecution Service is bound by governmental contracts with private service and goods providers.**

**The administration of the Prosecution Service is externally audited by the National Audit Office of Denmark (Rigsrevisionen).**

36. How would you assess internal audit recommendations within the prosecution service?

**The Prosecution Service and the Police have set up a joint, internal audit.**

37. Is the social impact of the prosecutors' activities evaluated? If yes, by whom?

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