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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 NORWAY

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

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 Norway is an autonomous institution. Its autonomy is guaranteed by law. King in Council formally may, however, instruct Director of Public Prosecution (DPP) in the handling of specific cases, but this has never been done and would be in conflict with a long tradition and several statements in official documents from Parliament regarding the autonomy of the prosecution authority. Financially, the prosecution service relies on sufficient funding/grants from the Ministry of Justice and Public Security (Justis- og beredskapsdepartementet)/Norwegian Parliament (Storting).

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

The Norwegian government (which is responsible towards the Parliament (Storting)), may/will express general views/goals regarding priorities within the area of criminal politics in connection with the yearly allocations of means/funding. The DPP will take such statements into account when goals and priorities within the prosecution authority are communicated to subordinated departments, and the same applies for the Police directorates (Politidirektoratet) priorities. The Ministry of Justice and Public Security cannot, and will not, interfere with decisions in specific cases taken by the Prosecution authority.

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

The Norwegian prosecution authority is divided into three levels (local, regional, national). The regional and national level represent The Higher Prosecution Authority, while the first level (local) is part of the Police and formally subordinated The Chief of Police. In matters regarding questions of prosecution, the Chief of Police is responsible towards The Regional Public Prosecutor, which in turn is responsible towards DPP. DPP handles the funding of The Higher Prosecution Authority on the basis of funds received from the Norwegian Parliament (Storting), which is again based on proposals from The Ministry of Justice, while the prosecution authority at the first (local) level is financed in the same manner as part of the police (through The Police Directorate (Politidirektoratet)).

The creation of positions within The Higher Prosecution Authority is naturally nearly connected with funding. When increased manpower is needed, DPP will inform The Ministry of Justice about the need, which may be met by the Norwegian Parliament (Storting). Formally, public prosecutors in The Higher Prosecution Authority are appointed by The King in council. Public Prosecutors within the Police are appointed by the Chief of Police. Chief of Police is appointed by King in Council.

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.

As already explained, there is a connection between the prosecution service and The Ministry of Justice/Parliament in terms of financial and human resources. This also applies to operation of and investment in IT-facilities. Regarding IT-facilities, The Higher Prosecution authority uses solutions which is based on the system used within the police, and this system, and the special solutions for The Higher Prosecution Authority, are developed by a special branch of the Police (Politiets Data- og Materielltjeneste/PDMT). The Higher Prosecution Authority, therefore is charged with a yearly amount as a payment for operation of the system. Investments in new IT-solutions, however, has to be financed by grants/funding from Parliament, (or within the regular budget).

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

Yes

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?

Regulations regarding economic management has been given and applies (generally) to all state institutions (Økonomireglementet og Bestemmelser om økonomistyring i staten). Naturally these regulations also apply to the Higher Prosecution Authority.

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

The budget process is long and ongoing. To describe how it functions, it is necessary to start in "year minus 2" (2010 for the 2012-grant). In year minus 2 DPP informs The Ministry of Justice in writing about possible areas of commitment/cuts (and expected consequences of such commitments/cuts). The next year (year minus 1) areas of possible expansion/reduction similarly are described, and The Ministry of Justice supplies DPP with an "economic frame", which the Prosecution authority may comment. On the basis of these comments The Ministry of Justice may make some adjustments. After these adjustments have been made, The Ministry of Justice sends a letter to DPP regarding this years funding. On the basis of this letter and the grant that has been given, DPP allocates available funds between the different regions of The Higher Prosecution Authority. After this letter has been sent from DPP, there may still be further correspondence with The Ministry of Justice regarding additional grants. In May/June (year zero) Parliament makes a decision regarding the revised budget. This decision may, or may not, affect the total grant to The Prosecution authority in that very same year.

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

DPP is responsible for the management of resources within The Higher Prosecution Authority. The Police Directorate (Politidirektoratet) is responsible for the management of

resources within the police, and as stated in the answer to question 3 above, this also includes the first level of the prosecution service.

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?*

Yes, we apply a system delivered by the Directorate of Economic Management (Direktoratet for økonomistyring). This system does not yet, however, include a mechanism for increasing efficiency of resource management 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.

Please note what is stated in the answer to question 3, above. This figure only regards expenditures (in thousand euros (exchange rate 7,46)) for the Higher Prosecution Authority in year 2008-2011

Year	2008	2009	2010	2011
Salary	12049	12425	13666	14467
Rent	2298	2373	2449	2492
Travel expenses	737	792	812	757
Other expenditures	1256	1360	1318	1328
Total	16361	16951	18247	19046

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.)?*

Possibly through (even) more cooperation and flexibility between the (ten) regional prosecution offices and the prosecution service in the Police. It may also be possible to increase cooperation with official controlling bodies, like the National health insurance (NAV) and the National Tax Directorate (Skattedirektoratet).

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

It seems that the economic crisis in Europe may have reduced the commitment in this field, even though it has not been expressed directly. In this respect, however, it is also important to note that the economic crisis has not hit Norway as hard as other countries in Europe.

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

As explained above (in regard to question 7), DPP will have an ongoing dialogue with representatives of The Regional Prosecution Offices and with representatives of The Ministry

of Justice. On the basis of all the proposals from The Regional Prosecution Offices, he makes suggestions to The Ministry of Justice regarding future grants.

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

Probably. However, we have sent this question to the Ministry of Justice, which probably can answer more specifically. An answer from the Ministry of Justice will be forwarded. The same applies to question 28 and 32.

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

No, and please be aware that the Norwegian prosecution authority is not part of the Judiciary.

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 no formal routine which takes care of this. DPP may and will, however, whenever necessary, quickly try to redistribute means and give instructions concerning the handling of specific cases within The Higher Prosecution service.

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?

To some extent through a small reserve, but ideally this reserve should have been larger.

SECTION IV: Budget for investigations

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.

We have sent question 18-23 to the Police Directorate. The answer will be forwarded.

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?

Partly and in principle, eg. related to the amount of arrears and time limits in specific cases. However, the possibilities are limited due to old technology, which means that there is a potential for improvement.

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?

In the letter of allocations from The Ministry of Justice to the prosecution authority, there is usually given some signals in the form of main priorities/goals based on suggestions from DPP. This may also include some benchmarks, eg. regarding certain time limits and ratios of “success” etc. in specific types of cases.

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

The Ministry of Justice/the Norwegian Parliament may give such general instructions, usually based on suggestions from DPP.

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

The Director General's office plays an important role concerning which objectives that are expressed from the Ministry of Justice and the Norwegian Parliament (Storting) regarding the prosecution service. As already mentioned, such objectives will usually be based on suggestions from the Director General's office, or his views have been taken into consideration.

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?

We have sent this question to The Ministry of Justice. The answer will be forwarded

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.

No.

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

No, not directly – it is based on the described dialogue.

31. Who are parties of the negotiations?

As stated above, it is not directly a negotiation system. There is a dialogue between DPP, The Ministry of Justice and The Police Directorate. DPP, in turn, has an ongoing dialogue with the regional prosecution offices. The Police Directorate has a similar dialogue with the police districts.

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.

We have sent this question to The Ministry of Justice. The answer will be forwarded.

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

Attainment of the objectives is followed up through dialogue and reports exchanged between the DPP and The Regional Public Prosecutors offices several times each year.

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

There has, among other things, been an increased commitment to the police force (more generally), and an increased number of positions within the National investigation agency regarding serious economic crime, and within the National prosecution agency for organized crime and other serious crime.

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

Yes.

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

It functions well.

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

Not as far as we know.