



Strasbourg, 7 February 2012

CCPE(2011)7

**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 SWEDEN

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 Swedish Prosecution Authority is an independent organisation. It is an autonomous agency accountable to the Government and it is independent both from the police and the courts.

The autonomy is guaranteed by the Swedish Constitution which i.e. regulates the relation between the legislative and the executive powers.

The prosecution service in Sweden also includes the Swedish Economic Crime Authority, a special prosecution authority for fighting economic crime. Answers given in this questionnaire only apply to the Swedish Prosecution Authority.

An organizational chart of the Swedish Prosecution Authority is enclosed.

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

The Swedish Prosecution Authority, like all government agencies within the Swedish judicial system, falls within the area of responsibility of the Ministry of Justice. The Government determines the general mandate, guidelines and the allocation of resources for the agencies activities.

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

The Government appoints the Prosecutor-General who is the head of the Swedish Prosecution Authority and the highest-ranking public prosecutor in the country. The creation of prosecutor positions is the responsibility of the prosecution authority.

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.

Except the allocation of financial resources from the Government there is no other connection between the prosecution service and the Ministry of Justice in terms of financial and human resources, IT facilities etc.

The Swedish Prosecution Authority and the Swedish Economic Crimes Bureau have a joint platform for IT and some of the IT systems are used in common. The Swedish Prosecution Authority is responsible for the recruitment and training of all public prosecutors.

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

Yes it is.

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?

Provisions on financial management etc. are not included in the law governing the prosecution service. Financial management ordinances and provisions for central government apply to the Prosecution Authority as to all government agencies in Sweden. There is no executive's obligation to provide it with the necessary infrastructure.

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

The budget is prepared in the yearly planning and budgeting process which involve all management levels within the Prosecution Authority. Budget is delegated from the Prosecutor-General to all local public prosecution offices, to the development centres and to the departments at the office of the Prosecutor-General. Budget delegated to the departments at the office of the Prosecutor-General also include budget lines to cover the authority's joint and common costs for premises (rent, electricity and capital cost on investments), training of prosecutors and administrative staff, IT etc. Delegated budgets to the local public prosecution offices cover salaries and benefits for employees and running costs.

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

The finance department at the office of the Prosecutor-General coordinates the budget allocation and budget execution for the entire organization. The department is responsible for financial management, monitoring of financial outcome, forecasts, accounting, internal rules and guidelines etc.

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 Prosecution Authority has a centralised IT system – Agresso –for accounting and for budget management and monitoring of financial outcome. The Agresso business system is used by most central government agencies in Sweden. The business system is an important tool for an efficient resource management. The business system gives easy access to consolidated financial outcome for management purposes.

The Prosecution Authority, like all central government agencies in Sweden, reports financial outcome monthly to the central government accounting system, Hermes. Hermes is a national IT system for managing and monitoring of the Swedish state budget. The system is also used for submitting forecasts to the Government on the expected total expenditure for the current year and future years.

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.

EUR million	2008	2009	2010	2011
Appropriation from the Government	113	117	127	132
EUR million	2008	2009	2010	2011
Expenditure:				
Staff	90	94	106	107
Other	20	23	26	24
Total	110	117	132	131

1 EUR = app. SEK 9,00

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.)?

The Swedish Government emphasises increased efficiency and reform in administrative services and office property. The Prosecution Service Authority is assessing to what extent this can be improved through partnership with other government agencies in general and within the justice system in particular.

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

No effect on the current budget, but a lower economic growth will probably affect the state budget and the allocation of resources for the coming years.

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

Every year (March 1st) the Prosecution Service Authority submits a proposal for financing its operations in the coming years to the Government. The proposal does not only include a proposal of funding but also describes the consequences if the requested resources are not allocated. As a part of the budget process within the Prosecution Authority the allocation of resources to the local public prosecution offices is based on a model where budget means are distributed in relation to the average number of received crime suspicions where different types of crime have different weights.

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

The courts and the Swedish Police Force are independent government authorities, separated from the prosecution service. The Ministry of Justice is responsible for the allocation of budget to all the government agencies in the judicial system.

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

The Courts - Employment as a prosecutor requires Swedish court clerk merit rating obtained at a district or administrative court.

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?

At the Office of the Prosecutor-General there are four Directors of Public Prosecution with responsibility for co-ordination of the operative activities at the local public prosecution offices. The Directors have the possibility to redistribute budget means, staff or cases between the local offices. A formal decision can also be taken by the Prosecutor-General to redistribute budget means during the fiscal year.

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?

The Prosecutor General reserves a specific budget for interim/temporary measures if there is a great deal of uncertainty about the workload and/or other essential preconditions in a certain area.

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.

Resources for investigations are only allocated to the police. The prosecution service doesn't have direct access.

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?

The budgetary resources of the Swedish Prosecution Authority are sufficient but limited. Temporary scarcity of investigators or other personnel can however occur due to both expected and unforeseen circumstances. In such situations, the prosecutor and the police have to make priorities among conflicting interests. A consequence thereof may be that the application of special investigation techniques, i.e. forensic examinations of computers, are delayed but not cancelled. What is said about special investigation techniques applies to criminal investigations in general.

When such situations occur, the prosecutors make priorities in accordance with the principles described in question 23.

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

The individual prosecutor is responsible for the investigations led by him or her. The decisions made or the actions taken by the prosecutor in the course of an investigation can be tried for example by a superior prosecutor or in retrospect, by the Parliamentary

ombudsmen (JO). Such review of the activities of the prosecutor is, however, conducted primarily from a legal standpoint and does not focus on the manner in which the prosecutor has managed the resources of the Swedish Prosecution Authority, the Police or any other government agency. Similarly, the review exercised by the courts through their judgments, primarily focuses on legal issues and only indirectly on the resource management of the prosecutor during the investigation that preceded the indictment.

The resource management of the Swedish Prosecution Authority in general is subject to review of separate government agencies, e.g. the Swedish National Audit Office (Riksrevisionsverket) and the Swedish Agency for Public Management (Statskontoret).

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

When the investigation is led by the prosecutor, chapter 23 Section 3 of the code of judicial procedure, provides that the prosecutor may request assistance by the police. In that capacity, the prosecutor hence calls for the use of resources of another authority. Although the prosecutor can invoke the resources of the police, the prosecutor neither controls nor is responsible for the management of police resources. The prosecutor, however, constantly strive to combine the focus on achieving work of high quality with an efficient resource management. What is said about the Police applies to other investigative authorities as well, e.g. the Swedish Customs.

The Swedish Prosecution Authority also participates in the efforts to fight organized crime within the Operative Council (sv. Operativa rådet). The Operative Council, in which eight national agencies take part, makes decisions regarding the national operative direction in the struggle against organized crime and is authorized to deploy specially assigned police resources, so called action groups, in all parts of the country.

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?

The Swedish Prosecution Authority primarily operates through

1. 32 public prosecution offices,
2. three international public prosecution offices,
3. one National Anti-Corruption Unit,
4. one National Environmental Crimes Unit,
5. one Prosecution Office for National Security, and
6. one National Police-related Crime Office

The offices and units mentioned in sections 2-6 all specialize in specific crime fields, e.g. corruption and environmental crimes.

Within the 32 public prosecution offices, the prosecutors are to some extent specialized in specific types of investigations, such as crimes committed by young offenders and domestic violence. Large public prosecution offices are generally more often divided into separate specialized teams of prosecutors than the smaller ones. Even the smaller offices, however, often have specialists assigned to investigations of the abovementioned crimes.

Specialization in certain fields are considered an advantage in achieving both quality and improved efficiency. For the units mentioned under sections 2-6 above, the specialization enables increased international cooperation within for example Eurojust as well as sustainability in time consuming and complicated investigations.

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?

The priorities according to which the prosecutors operate are established primarily by the legislator, e.g. by establishing mandatory deadlines for finalizing investigations against young offenders.

Priorities are further established by the Prosecution Authority and set out in internal documents such as the annual general planning document and other operational guidelines.

Applicable laws, the annual general planning document of the Swedish Prosecution Authority and internal guidelines provide that investigations in which the suspect is being detained, investigations against young offenders, investigations of crimes against children shall be prioritized by the prosecutors in that order before other investigations.

The actions decided in the Operative Council is prioritized by the cooperating agencies since special resources are assigned to those investigations.

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 ?

Yes we do. The system is a basic performance management system where we set the long-term objectives, make a yearly plan on how to meet those objectives and describe how we intend to measure the results. As in all such systems it can be difficult to find result measures that correspond well with the actual goals. There is also a risk that what gets measured tends to be viewed as an objective rather than an indicator to monitor the results.

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?

At present there are no explicit externally imposed objectives for the Swedish Prosecution Authority, other than the general task which is to reduce criminality by ensuring that those who commit crimes are held responsible in an efficient and legally secure manner. However, in the annual appropriation directions, issued by the Ministry of Justice, a number of statistics and other types of operations information are defined, which are to be accounted for in the annual report. These indicate what legal areas are prioritized by the government (e.g. juvenile delinquents). An additional number of specific tasks are also given in this document.

There are five general (internal) goals set for the Swedish Prosecution Authority:

- 1. The quality in our casework is high and uniform, performed within a cost efficient operation*
- 2. The Prosecution Authority contributes to the legal development and a uniform legal practice*
- 3. The Prosecution Authority is an attractive employer*
- 4. The Prosecution Authority is viewed upon with high confidence*
- 5. The quality in internal management, support and services is high*

These are measured by a number of statistics. No 1 is supported by statistics from the case management system, primarily case turnaround time and prosecution rate in prioritized legal areas. These statistics are published on the IntraNet and are used in extensive benchmark activities. To measure no 3 and 4 we use external material from recognized annual polls. No 2 and 5 are subject to internal evaluation.

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

The Ministry of Justice has the possibility to include specific objectives in the annual appropriation directions, but at present this is not the case. The Prosecutor-General decides upon both budget and internal goals and objectives for the Prosecution Authority in the annual general planning document.

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

The Prosecution Authority has a high degree of self-determination and sets its own objectives.

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 Ministry of Justice coordinates the annual appropriation directions within the judicial system. Some specific tasks are for instance given jointly to the Police and the Prosecution Authority and the prioritized legal areas are usually the same. On all levels, from the Prosecutor-General to local prosecution offices, there are regular meetings where co-ordination matters are discussed with the corresponding counterparts from the Police and the courts.

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.

There is no formal regulation regarding limits or optimal work load, but the momentary case load per prosecutor is monitored closely. Those statistics are used as one basis for the re-distribution of budget means, staff or cases which the Directors of Public Prosecution can make.

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

Not formally, but there are a number of opportunities for those responsible for operations to give feed-back on suggested objectives.

31. Who are parties of the negotiations?

The Directors of Public Prosecution conduct dialogues with the local chief prosecutors concerning budgets, activities and objectives.

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.

National strategies that are central to the prosecution service are the Mobilization to combat organized crime, Youth offenders and Efficient exchange of information in the Criminal Justice system. The national efforts focused on Youth offenders have not rendered any

additional resources. Organized crime and the improved exchange of information have included increased resources available to the judicial system.

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

Yes, in the annual report the Swedish Prosecution Authority, like all government agencies, reports back to the government on general performance, spending and other areas specified in the appropriation directions.

Internally, we closely (each month) monitor all objectives set in the annual general planning document.

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

For the years 2010-2012 the Swedish Parliament (Riksdagen) and the Government have decided on increases in the budget of justice.

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 the prosecution service is included in government strategies for e-governance. All government agencies in Sweden are audited by the Swedish National Audit Office.

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

The Prosecution Authority has been governed by the ordinance on internal audit since 2010. The internal audit function was established the same year. The audits carried out during 2010 and 2011 have been valuable and most internal audit recommendations have been followed.

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

Yes, by the Swedish National Council for Crime Prevention (Brå), which functions as the Swedish Government's body of expertise, research and development within the judicial system.

*An annual survey, **the Swedish Crime Survey**, is conducted by **Brå** of attitudes and experiences of the general population of Sweden regarding victimization, fear of crime and public confidence in the justice system.*