

Summary:

**Victims of Crime – Government Agencies
and Their Handling of Financial
Compensation Due to Crime**

Victims of Crime – Government Agencies and Their Handling of Financial Compensation Due to Crime (RiR 2011:18)

Summary

The Swedish NAO has examined how responsible government agencies handle financial compensation to victims of crime. The Swedish NAO has also examined how the Government administers these activities.

Background

Motivation for the audit

Obtaining redress is important for the victim of a crime. An integral part of redress is that the victim receive financial compensation for any injury or indignity suffered.

Handling criminal injuries compensation is a frequent task for government agencies in the judicial chain. Reports indicate that criminal injuries compensation is awarded to approximately 35,000 victims every year through judgements or orders of summary punishment.

It has long been known that the system of obtaining compensation is complicated and requires that the victim participates in much of the process, something that not all of them are able to do.

The overall system for handling financial compensation due to crime has not been previously examined from the victim's point of view.

Objective of the audit

The objective of the audit was to explore whether the system of government agencies and other organisations that handle financial compensation due to crime is effective and consistent with the needs of victims.

Questions addressed by the audit

The audit addresses the following questions:

1. Are the responsible agencies effective in their handling of criminal injuries compensation?
2. Is the process of obtaining compensation that has been awarded appropriate from the point of view of victims?
3. Has the Government administered the responsible agencies sufficiently and presented a complete assessment of their activities?

Scope of the audit

The audit covers the Prosecution Authority, the courts, the Enforcement Authority and the Crime Victim Compensation and Support Authority. The

audit also covers the Government's administration in the field. The audit also touches on parts of the police organisation and the support that counsel for the injured party provides. The audit does not include damages awarded in connection with orders of summary punishment or when criminal injuries compensation is paid because a preliminary investigation has been closed.

Assessment criteria

Statements by the Riksdag and Government concerning victims of crime indicate that

- judicial authorities are to maintain a clear crime victim perspective, and victims are to perceive that their need for support and assistance is being met
- victims are to be treated respectfully and receive proper information throughout the judicial chain. Victims are to be treated on the basis of their individual needs and abilities
- the right of victims to obtain compensation from the perpetrator in certain cases is a fundamental component of the law of damages

Results of the audit

The Swedish NAO's overall conclusion is that the handling of criminal injuries compensation suffers from certain shortcomings. The Riksdag and the Government have devised a system for supporting victims so that they can obtain financial compensation due to the crime. As a result of insufficient follow-up and other factors, no overview of how the system functions has been put together; thus, not enough data are available to permit monitoring and improvement of the system. Although the Riksdag has stated on a number of occasions that support and assistance for victims of crime is a priority area, the Swedish NAO does not feel that the responsible agencies have done enough to ensure effective handling of criminal injuries compensation. Neither the information nor the support that victims receive is adequate. The shortcomings of the system entail a risk that compensation does not provide the redress for which it is intended. There is also a risk that the requirement of equal treatment is not being met.

The audit of the Swedish NAO has shown that

- not all components of the way that responsible agencies handle criminal injuries compensation are effective
- the process of obtaining compensation that has been awarded is not appropriate from the point of view of the victim
- the Government has not administered the responsible agencies sufficiently and has not presented a complete assessment of their activities.

There are several reasons for the above inadequacies. Crime victims do not receive enough information, support and assistance during the process and they are handled unequally by the police and prosecutors. Furthermore, the responsible agencies do not co-operate with each other enough to improve

their activities in this area. Finally, the Government lacks an overview of the process for handling financial compensation to victims of crime.

Victims do not receive enough information

Many of the victims we talked with during the audit experience the process of obtaining payment of criminal injuries compensation that has been awarded to be complicated. Counsel for the injured party confirm that perception. The information and support provided to victims of crime vary in scope and content and are often insufficient. Both oral and written information is needed at several points in the chain of events from the police to the Crime Victim Compensation and Support Authority. The informational efforts that the Crime Victim Compensation and Support Authority has been assigned to carry out for the judicial system as a whole are not having the full intended impact.

Victims are treated unequally

The police and prosecutors suffer from certain shortcomings when preparing compensation claims. For example, the documentation that the police provide to prosecutors concerning compensation claims is often incomplete. Prosecutors do not ask for additional information from the police, or resolve unanswered questions with the injured party, to the extent required. As a result, the claims have not always been sufficiently prepared when the main proceedings begin.

Co-operation between agencies could be better

The responsible agencies largely fail to cooperate with each other on practical matters that would make things easier for victims of crime.

An overview is lacking and the Government does not see the process in its entirety

The Government lacks an overview of how the system for criminal injuries compensation works in practice. Thus, the Government has not been able to present the Riksdag with a complete assessment of the system. Nor does the Government have an overview of the process for handling financial compensation to victims of crime. The Government's follow-up of the system for handling criminal injuries compensation is limited to processing of criminal injuries compensation claims by the Crime Victim Compensation and Support Authority. The absence of data means that the Government lacks both knowledge and an overview of the number of criminal injuries compensation claims handled by the system each year, as well as the number of victims who actually obtain all or part of the compensation that has been awarded to them. As the result of insufficient follow-up, not enough data is available for the Government to properly monitor these activities.

The Swedish NAO's recommendations

Recommendations to the Government

- Improve administration and follow-up of the handling of criminal injuries compensation.
- Let the Crime Victim Compensation and Support Authority notify the Enforcement Authority that criminal injuries compensation has been paid.

Recommendations to the responsible agencies

- The National Courts Administration, Enforcement Authority and Crime Victim Compensation and Support Authority should improve their own follow-up.
- The National Police Board, Prosecution Authority, National Courts Administration, Enforcement Authority, and Crime Victim Compensation and Support Authority should improve the information they provide to victims of crime.
- The Enforcement Authority and Crime Victim Compensation and Support Authority should simplify administration of criminal injuries compensation.
- The National Police Board should ensure the quality of information provided to victims of crime, as well as the preparation of compensation claims.
- The Prosecution Authority should draw up guidelines and evaluate their effects.
- The Prosecution Authority should examine the need for training.