

Summary

Dealing with criminal cases efficiently RiR 2011:27

Within the framework of the *Rättsväsendets samlade effektivitet* [Overall efficiency of the judicial system] strategy, the Swedish National Audit Office has carried out an audit on efficiency in the judicial system and specifically in the processing of criminal cases. Based on the overall findings from the eight audits conducted from 2008 to 2011, the Swedish National Audit Office has analysed the reasons for the observed inefficiencies in the judicial system and the processing of criminal cases. The focus was on management by the government and the government agencies in the period from 2000 to 2011.

Background to the audit

Reason: Crime causes suffering and costs for individuals and for society as a whole. Crime is due to a number of factors in society. Action is needed in several policy areas to prevent crimes being committed and persons re-offending. However, the main responsibility lies with the judicial system. In order for the general public to have confidence in the judicial system, the system needs to be effective and the flow of criminal cases between the government agencies, the so-called *chain of criminal justice*, must be efficient. A number of problems relating to efficiency in the judicial system were emphasised in various studies and reports from the 2000s. These problems included long processing times, police investigations being closed without further action, lack of quality in preliminary investigations, trials being cancelled, victims of crime not being treated well and too many people re-offending. Considerable resources were allocated to the judicial system in the 2000s. Despite this, there has been insufficient improvement in results in terms of shorter processing times, more crimes solved and a reduction in crime and re-offending. The government therefore requires that the strengthening of the judicial system should result in a significant improvement in results in operational terms. For that reason, the Swedish National Audit Office has decided to audit the efficiency of the judicial system and the causes of the problems.

Aim: The aim is to analyse the causes of the lack of efficiency on the basis of the overall findings of the audits on the efficiency of the judicial system and the processing of criminal cases. The overall questions for the audit are: Do the government and the competent agencies in the judicial system deal with crime in an efficient, coordinated way?

Focus: The Swedish National Audit Office has audited the government's and the agencies' operational management on the basis of four key objectives for the judicial system – a reduction in crime and re-offending, more crimes solved and shorter processing times. The audit also covers management of cooperation, skills provision and knowledge provision in the judicial system and also includes a review of the organisational culture in the judicial system and the government's reports to the Riksdag. The audit relates to the 2000-2011 period.

Scope: The audit covers the government and the Ministry of Justice and the following central government agencies in the judicial system: *Rikspolisstyrelsen* [the Swedish National Police Board] and the district police authorities, *Åklagarmyndigheten* [the Swedish Prosecution Authority], *Ekobrottmyndigheten* [the Swedish National Economic Crimes Bureau], *Domstolsverket* [the Swedish National Courts Administration] and the district courts, *Kriminalvården* [the Swedish Prison and Probation Service] and *Brottsförebygganderådet* [the Swedish National Council for Crime Prevention] and *Brottsoffermyndigheten* [the Crime Victim Compensation and Support Authority].

The results of the audit

The Swedish National Audit Office's general picture is that the agencies in the judicial system attend to their basic functions. However, the Swedish National Audit Office's overall conclusion based on the audits is that the government and the agencies have not succeeded in making key parts of the judicial system and legal chain more efficient. There are still several deficiencies and weak links in the legal chain – from the reporting of an offence to sentencing and implementation of sentences. There are also deficiencies in crime prevention and work to prevent re-offending. Overall, this means that the processing of cases in the legal chain takes an unnecessarily long time and that there is a deterioration in the quality of processing of cases. This affects the ability of the judicial system to achieve the goals of reducing crime and increasing security. It also leads to consequences for the individual victims of crime. The Swedish National Audit Office notes that lack of resources is not a conclusive reason for the deficiencies and neither have the agencies cited this as a cause of the problems. It is more a question of how resources are used in operational terms and how the judicial system is governed and managed.

The Swedish National Audit Office notes that in the 2000–2011 period the government and the agencies have taken several steps to bring about change and improve results in operational terms. However, audits by the Swedish National Audit Office show that most of the problems and deficiencies that existed at the beginning of the 2000s still remain. Action by the government and the agencies has therefore not had sufficient impact. One explanation for this lack of impact is the government's and the agencies' management of the judicial system. However, the nature and the tasks of the judicial system affect the conditions for managing the judicial system. Crime also developed and became internationalised in the 2000s, which makes great demands on management.

There is a lack of important knowledge for managing the judicial system

The Swedish National Audit Office concludes that the government has not guaranteed access to important knowledge on operation and operational results in the judicial system. It is a question of basic monitoring statistics, crime statistics, knowledge of problems and causes of inadequate results and their consequences in operational terms. The agencies have, in turn, not taken sufficient steps to bring about effective monitoring and they do not report important data on results. It is therefore unclear whether goals with regard to processing times are being achieved. There are also deficiencies in the measurement of other results such as crimes solved, developments in crime and re-offending. The agencies have also failed to devise effective systems to acquire knowledge of what works in operational terms. The Swedish National Council for Crime Prevention has not been used to a sufficient extent and the Council itself has not taken the initiative to produce and develop such knowledge. Overall, this affects the conditions for efficient management of the judicial system.

The Swedish National Audit Office considers that an integrated survey of the process could provide a basis for making the judicial system and specifically the legal chain more efficient.

The government's and the agencies' management has not been long-term, coherent and clear

The audit by the Swedish National Audit Office shows that the goals set by the government for the agencies have not been long-term and sustainable and have varied considerably over the past ten years. There are no common, clear goals for the agencies in the legal chain. The government's operational goals are also not always accompanied by requirements for indicators or key figures. Work on crime prevention is one example of this. There are also deficiencies in monitoring systems and monitoring measurements in the judicial system. The agencies should specify the government's goals and produce key figures and indicators. How and to what extent the agencies do this varies. Overall, management by results is not working well, which ultimately has an impact on results.

There is a need for a clearer expression of will by the government on what strategic issues and development areas are prioritised. According to the Swedish National Audit Office, an integrated, long-term, strategic, action-oriented plan that establishes priorities for future development in the judicial system is lacking. There is also a need for a clearer process perspective in management to identify and tackle problems in the flow of cases.

And management has not achieved its full impact

The audit by the Swedish National Audit Office shows that the government and the agencies have experienced difficulties in achieving any impact with their management in practice. Problems that have been known for a long time persist, despite the fact that the government and the agencies have actively worked to solve them. The agencies have also experienced difficulties in achieving any impact with new working methods and procedures such as the *Polisens underrättelsemodell* (PUM) [Police Intelligence Model], *polisens nationella utredningskoncept* (PNU) [National Investigative Concept of the Police] and enforcement planning in the Swedish Prison and Probation Service. Therefore arises a gap between plan and practice – policy documents have no impact on the operation of the system. In addition, the agencies do not make use of the possibilities existing in the legislation to a sufficient extent.

The judicial system is, by its very nature, relatively difficult to manage, consisting as it does of strong professions and different organisational cultures. Obtaining any impact in terms of management, changing working methods and procedures, solving important problems and improving results in the long term, requires the government and the agencies to take more account of the environment that they manage. The Swedish National Audit Office considers that greater participation and support at several levels in the judicial system is required in order for management to have a greater impact. The government should involve the agencies in its governance to a greater extent and at an earlier stage. The agencies should also establish support for decisions to a greater extent than at present and to a greater extent involve the staff in changes in operational procedures. Management skills must also be further developed.

Cooperation in the judicial system needs to be strengthened and developed

An effective judicial system presupposes collaboration within the judicial system and with parties outside the judicial system. The Government's requirements for cooperation are, according to the Swedish National Audit Office, not expressed clearly enough or in strong enough terms. Neither are the forms of cooperation in the judicial system always sufficiently well structured and developed.

The government has not provided a clear, coherent mandate for cooperation in the agencies'

instructions and appropriation directions. The requirements for cooperation are also imprecise in the agencies' policy documents. The requirements for cooperation set out in the Agency Administration Ordinance and the Administrative Procedure Act are expressed in general terms. There is also a lack of knowledge of how cooperation works in practice in the judicial system. The knowledge that is available is not used actively by the government and agencies to prioritise and ensure that cooperation measures are taken, not even when there are obviously problems of cooperation.

Binding agreements and adequate structures have sometimes been lacking in the areas where cooperation occurs. This applies not only to cooperation between the agencies in the judicial system but also between the judicial system and other sectors of society. In the government's communication on the crime-prevention work carried out in 2001, the government pointed to the need for an overall approach and to the fact that crime-prevention efforts also needed to be broadened and deepened at central level, i.e. between the judicial system and other agencies and parties. The government has not re-examined this issue.

Better use should be made of skills and knowledge provision

The Swedish National Audit Office considers that the internal operation of the judicial system can be made more efficient by greater cultivation of roles and more efficient use of the skills of the personnel. It is clear from the audit that the agencies have adopted a more or less strategic approach to their skills provision. Constant efforts have been made in training, skills development and leadership development. However, the audit by the Swedish National Audit Office shows that the skills of the personnel are not always used in the most efficient way. This applies, for example, to the use of civilian investigators in the police and processing staff in the Swedish Prosecution Authority and the courts. The role of prison officers and other professional staff within the Swedish Prison and Probation Service is unclear. Overall, this affects the efficiency of the system and therefore also operational results.

According to the Swedish National Audit Office, knowledge provision could also be used more efficiently. The Swedish National Council for Crime Prevention should have a role as a knowledge centre for compiled criminal policy, but it is not fully used in this way. Also, the Swedish National Council for Crime Prevention has itself not taken the initiative to a sufficient extent to bring this about. Knowledge provision at the agencies differs widely in practice and the link to operational development is often unclear. It is also unclear what research is being carried out and what research is needed in the judicial system. No party in the judicial system has responsibility or has assumed responsibility for producing an overall picture of the need for knowledge in the judicial system as a basis for operational development and greater efficiency.

Deficiencies in the government's reports to the Riksdag

The Committee on Justice pointed out on several occasions in the 2000-2010 period that the government and the agencies should monitor and report back on developments in various areas and take action to improve the achievement of goals and address operational problems. That applies to crime-prevention work and development in the Swedish Prison and Probation Service in particular. According to the Swedish National Audit Office, it is reasonable that in such cases the government should report to the Riksdag on what has been done and what has been achieved in this area.

The Swedish National Audit Office notes that the government's presentation of results and outcomes in the budget bills has improved over the years, but information is still lacking on such items as total processing times, re-offending and estimates of how actual crime (which estimates are also based on sources other than reporting frequency and national security investigations) has been dealt with in

the presentation. The emphasis in the budget bills has been more on reporting in general terms on what action is being carried out in the judicial system and what the government intends to do in the future. However, the description of the causes of inadequate results is relatively brief and is not always linked to assessments of results. Neither is there any clear account and summary of the main efficiency problems in the judicial system that have emerged in various investigations and evaluations over the past ten years. The government has also not issued any communication to the Riksdag on crime-prevention work or on the Swedish Prison and Probation Service area after 2001. The Swedish National Audit Office therefore considers that the government's presentation to the Riksdag should be more comprehensive, clear and relevant.

Recommendations

Recommendations to the government

In order to increase the achievement of goals and improve results in the judicial system, the government should carry out a basic analysis of how the system operates from the perspective of the legal chain and processing. That analysis should take the form of a reassessment and should include substantial deficiencies in the legal chain, relationships of dependence, needs and opportunities for coordination, etc. The focus should be on links and the flow *between* the agencies. Based on that analysis, the government should draw up a strategic, action-oriented plan for the judicial system which sets out the overall priorities for the system.

- The analysis and the strategy should be drawn up in close cooperation with the managements of the agencies in the judicial system. As far as overall crime-prevention work is concerned, cooperation should take place with parties outside the judicial system.
- The government should then consider how greater cooperation can be brought about in the judicial system and legal chain. This can be done, for example, through an overall regulation for the judicial system or by means of clear, coordinated requirements in the agencies' instructions and appropriation directions.
- The government should also formulate common, coherent goals for the judicial system and ensure that effective indicators for monitoring are produced. In this context, it is important for the managements of the agencies to participate and thereby jointly commit themselves to implementation. The government should also continuously monitor work to ensure that measures are adopted and that they give rise to the intended results.
- To make the operation of the judicial system more efficient, the government should carry out an overall analysis of the skills provision within the judicial system. That analysis should consider what skills are available, how they are used and how they are developed. In this context, the government should also consider how the analytical ability at the Ministry of Justice can be strengthened. The government should also adopt a view on the issue of reformed police training.
- The government should adopt measures to improve and develop overall knowledge provision in the judicial system. An analysis of the need for and access to knowledge should be carried out. The role of the Swedish National Council for Crime Prevention and the use of the Council as a knowledge centre for the judicial system should be considered in this context and there should also be consideration of what other parties are able to contribute

knowledge.

- When reporting back to the Riksdag, the government should provide a better overall picture of what has been achieved and the problems that exist in the judicial system.

Recommendations to the agencies

In order to function more efficiently and improve the achievement of goals for the individual agencies and for the judicial system as a whole, the agencies must guarantee the following, based on their ability to manage operations:

- Goals that can be monitored. The managements of the agencies should also clarify how operational goals are to be achieved and what priorities need to be established and what measures should be adopted.
- Effective systems for monitoring and ensuring that the information is of a high quality. The agencies should continuously monitor the measures adopted to ensure that they give rise to the intended results.
- Analyses based on the perspective of the legal chain and an overall perspective that include reasons why the problems have not been solved.
- Further cultivation of roles and tasks by such means as increasing the use of civilian investigators in the police and processing staff in the Swedish Prosecution Authority and the Swedish Courts. The Swedish Prison and Probation Service should review the role of prison officers and other professional staff and how it can be made more clear and specific. The agencies should also continue to prioritise the development of managerial skills.
- Effective systems for acquiring knowledge of what methods work in operational terms.
- The managements of the agencies should also be better at establishing support for decisions and operational reforms to be implemented in the system.