

Cooperation between the police and the prosecution service

Attention has been drawn to long processing times in criminal cases in various connections. These have been considered a significant problem for the legal security of society, the parties concerned and the accused. Long processing times also have a considerable impact on costs.

Cooperation between pre-trial investigation and the prosecution service has been viewed as one way to reduce processing times. Quantitative and qualitative information concerning this cooperation has been scarce, however.

The main question in the audit was whether cooperation between the police and the prosecution service has met objectives with regard to shortening processing times and reducing costs. Cooperation has been examined using a process-based approach, taking the courts' perspective into account.

Cooperation between the police and the prosecution service has most often involved the scope of a pre-trial investigation, the focusing of an investigation and the use of coercive means. Cooperation has increased particularly in the early stage of the pre-trial investigation process. Cooperation has been considered important particularly in complex and demanding cases. These typically involve financial crime, drug crime or offences in the category of organized crime, in which the scope of an investigation has substantial significance for prosecution and judicial proceedings.

In criminal cases the notification procedure under the Criminal Investigations Act has worked well as a whole. In some cases cooperation has even started during the targeting stage. Owing to differences between units, practices vary. Optimally cooperation helps both parties get a good idea early on regarding how long it will take to pursue an investigation and prosecute a case and what resources this will require.

Police departments have strived to improve pre-trial investigation in cooperation with the prosecution service by centralizing vol-

ume crime functions. The aim has been to streamline the handling of volume crimes, which have required considerable resources in the past, by setting aside cases that have no chance of proceeding to trial or conviction. In 2004 a uniform procedure for the preliminary handling of financial crime went into operation in the Helsinki metropolitan area, with the prosecution service participating from the start. This has helped focus attention on matters that are essential for investigation and constituent elements, and prosecutors' commitment to cases has apparently improved as well. In 2010 police departments formed national cooperation networks, in which local prosecutors are meant to be actively involved. Pre-trial investigation has shifted from planning investigations to supporting police units, which the National Audit Office considers a more appropriate role.

The objective is to direct society's resources towards more serious crimes at an early stage of handling cases. More decisions have been made to limit the scope of the investigation, but practices vary among units and prosecutors. Apart from the National Bureau of Investigation, in the police the focus in fighting crime has shifted significantly towards serious, organized and professional crime only in the Helsinki metropolitan area, where this type of crime is most prevalent. A similar change has been visible in the prosecutors' activities. The preparation of written investigation plans, which help the police and the prosecution service in focusing and scheduling work, has also become standard practice mainly in the Helsinki metropolitan area and has generally involved financial crime. In the opinion of the National Audit Office it is important to make better use of investigation plans.

Pre-trial investigation records are still quite diverse. In the opinion of the National Audit Office, anyone who examines pre-trial investigation records should be able to see on what grounds the police or the prosecution service suspect a person of an offence. The concluding statement procedure prescribed in the Criminal Investigation Act should be supported with clear and specific questions, and the prosecutor should be present on this occasion. Well-prepared concluding statements facilitate and guide prosecution and support the main proceedings when a case comes to court.

In the opinion of the National Audit Office, use should be made of arbitration measures supporting pre-trial investigation and prosecution when a crime is reported or in an early stage of a pre-trial

investigation, in which case they can reduce the work load on the police and result in real savings. Arbitration in a later stage produces benefits only with regard to prosecution and judicial proceedings.

The National Audit Office emphasizes the importance of two-way feedback between the police and the prosecution service and the need to support it with national guidelines. Feedback sessions should be arranged primarily after the conclusion of judicial proceedings in major cases. At this time the police and the prosecution service could together discuss the reasoning in the judgment and the weight given to different matters. Both sides could also share observations regarding the course of the investigation and trial as well as factors influencing the case.

The National Audit Office recommends that joint local training for the police and the prosecution service should be expanded and directed more towards practical matters regarding cooperation. It is also important to improve access to training.

Information system cooperation between the police and the prosecution service is aimed at including the entire process from pre-trial investigation to judicial proceedings in a uniform national system. When it is introduced the new system will make it possible to shorten through times and at the same time achieve significant savings, improve the quality of work and increase the crime solving rates. In the opinion of the National Audit Office, it is important for information systems to be developed in close cooperation so that the maximum benefit can be obtained from the new system, avoiding overlapping functions, and for the necessary resources to be ensured in both administrative sectors.

A shortage of resources has made it difficult for the prosecution service to divide time between pre-trial investigation cooperation, prosecution and judicial proceedings. Although prosecutors' specialization has apparently improved the quality of work in general, responses received from prosecution offices indicate that the quality of pre-trial investigation cooperation has been compromised to some extent by a lack of resources.

Changes in the operating environment create new challenges particularly with regard to the investigation and prosecution of serious crime. The National Audit Office considers it highly important to evaluate the operating environment and resource needs realistically

in both the police and the prosecution service. In this way the best possible foundation can be created for cooperation and the functioning of processes. In the opinion of the National Audit Office, in highly complex and demanding cases the prosecution service should have more possibilities to specialize. The preconditions for working with a partner or as a team should also be improved.

Legislation supplemented by official guidelines provides a good basis for cooperation between the police and the prosecution service. To achieve uniform practices, the importance of cooperation should be emphasized in legislation particularly with regard to the investigation and prosecution of more complex and demanding cases. Responsibility for managing and supervising pre-trial investigation should be defined more clearly in legislation. To improve the planning and monitoring of cooperation, the concluding of performance agreements and the evaluation of results should be sharpened in the police and the prosecution service. The National Police Board and the Office of the Prosecutor General should increase the steering of local units by setting common national performance objectives.

The prosecution service operates under the Department of Criminal Policy at the Ministry of Justice, which is also responsible for steering the enforcement of sanctions and the Criminal Sanctions Agency as well as crime prevention tasks. Prosecutors' closest cooperation partners and particularly the courts, in contrast, fall within the scope of the Department of Judicial Administration. From the viewpoint of operational and financial planning and decision-making, it would seem more logical for the prosecution service, the courts, legal aid and enforcement to operate under the same department. It would then be possible to pay more attention to process thinking, which has also been stressed in parliamentary committee reports.