

## THE ACTIVITIES OF THE OFFICE OF THE PROSECUTOR GENERAL

The prosecution service underwent many organizational and operational reforms in the 1990s. These were connected to the reform of the state's local administration as well as the reform of legislation pertaining to legal proceedings. The Office of the Prosecutor General began operating on 1 December 1997 as the nation's supreme prosecution authority. The Office of the Prosecutor General also functions as the central administrative authority for public prosecutors and is thus responsible for result management in the prosecution service.

The objective of the present audit was to evaluate the effectiveness of the activities of the Office of the Prosecutor General at the level of local prosecution units. The problem is how to combine the tasks of the supreme prosecutor with the tasks of the central administrative authority in managing and supervising local prosecutors, who exercise independent discretion in bringing charges. Another objective was to find out how the Office of the Prosecutor General has succeeded in applying the prosecution service's two-tier administrative model and resolving problems which may have arisen in it. The Office of the Prosecutor General oversees 76 local prosecution units (73 from the beginning of 2003).

The audit also investigated the Ministry of Justice's role in supervising the prosecution service and in result management between the ministry and the Office of the Prosecutor General as well as possible problems in this area.

The audit was conducted during the period January 2002 - March 2003. A questionnaire was sent to all head district prosecutors to get a picture of the effectiveness of the activities of the Office of the Prosecutor General in the field. A statistical analysis was also performed using data concerning the prosecution service to determine how the size

of a prosecution unit affects the economy and effectiveness of activities and the time required to handle cases.

Result management in the prosecution service is hampered by the fact that the management system is not considered real at the local level. This is a common problem in state administration. Partly for this reason the heads of prosecution units have not yet fully absorbed the basic principles of result management. Head district prosecutors' position as their unit's result manager is also unclear in some respects. The adoption of result management at the local level is made more difficult by the fact that neither the heads of local prosecution units nor the Office of the Prosecutor General have real possibilities to influence the number or division of personnel in units. Personnel costs account for 80% of total expenses in the prosecution service and are therefore in a significant position when it comes to achieving the prosecution service's economy and effectiveness objective, which is measured in terms of operational costs per resolved case and the number of resolved cases per person-year. The need to influence the number of personnel and the division of personnel between different units and professional groups is thus apparent. On the basis of the audit it would be worthwhile, at least with regard to the prosecution service, to reconsider the decision in principle concerning terminations and transfers of personnel in the Ministry of Justice's administrative sector from the viewpoint of effectiveness. The decision in principle does not allow terminations or transfers of personnel in the administrative sector without the consent of personnel. Possibilities to reallocate personnel resources should be used effectively when temporary and open posts are filled, however.

Reliable and comparable information on the work load of local prosecution units is needed so that personnel resources can be allocated properly to different units. This must be done by the time the large age groups retire. The Office of the Prosecutor General should make sure that the prosecution service's result management project proceeds and the Ministry of Justice should support the availability of the necessary information technology tools for this purpose.

On the basis of the statistical analysis of effectiveness information, the size of a prosecution unit (the number of prosecutors and office personnel) does not affect economy one way or the other. The same was true with regard to productivity, although the analysis suggested that a unit which is sufficiently large or has over 20 prosecutors is more effective in terms of productivity. Information concerning actual case handling times was only available for 2001. For this reason it was only possible statistically to analyse objectives for different years. Since these have not changed since 1999, the Office of the Prosecutor General should investigate whether the present time allotted for the evaluation of charges is a real and adequate gauge for activities.

The Office of the Prosecutor General has striven to reduce problems resulting from two-tier administration and the small size of local units in many ways. The State Audit Office believes that these measures have been successful in principle. Co-operation between prosecution units and the development of this co-operation offer effective means for this. At the proposal of the Office of the Prosecutor General, the Ministry of Justice issued a new order concerning co-operation in prosecution tasks. This order came into force on 1 January 2003 and called for the country to be divided into 16 inter-unit co-operation areas. In this connection the Office of the Prosecutor General issued an order concerning the arranging of co-operation, together with guidelines. Under the regulations which were in force at the time of the audit there were 27 inter-unit co-operation areas.

The results of both the survey of head district prosecutors and the statistical analysis indicated that possibilities under the co-operation arrangements which were in force at the time of the audit were not utilized fully. This applied to the practical arrangement of prosecution activities at the local level and the management of the prosecution service as well.

Establishing inter-unit co-operation requires firmer measures from the Office of the Prosecutor General. The Office of the Prosecutor General should make sure that the benefits of co-operation are fully utilized in the inter-unit

co-operation areas which were formed on 1 January 2003. The new inter-unit co-operation arrangements signify responsible state prosecutors' closer participation in developing and directing inter-unit co-operation areas and in the annual result management process. This also means the significant focusing of their work input on the Office of the Prosecutor General's tasks as the central administrative authority. The Office of the Prosecutor General should closely monitor the volume of socially significant criminal cases and prosecution tasks which are the responsibility of the state prosecutors in order to achieve balance in the use of resources for all the office's tasks.

Functional benefits can be obtained from co-operation and from larger units than present district prosecution offices or prosecution departments in state local offices. This conclusion is supported by most of the responses to the written questionnaire.

The Office of the Prosecutor General needs to strengthen its direction of local prosecution units in its role as the central administrative authority and in its result management. The new division into inter-unit co-operation areas and the new guidelines and orders concerning it are an indication of the Office of the Prosecutor General's efforts in this direction.

The audit drew attention to statistical differences regarding cases dropped by different prosecution units. The Office of the Prosecutor General has reportedly started investigating these differences and the reasons for them. The State Audit Office considers this important to ensure citizens' equal treatment and the uniformity of prosecution activities and to allow the fair comparison of prosecution units.

Problems and deficiencies in the production of statistics for the prosecution service have made it more difficult for the Office of the Prosecutor General to carry out its tasks as the central administrative authority and supreme prosecutor. Statistics and comparisons which are needed particularly to ensure citizens' equal treatment have not been available or have not been utilized sufficiently. Improvement in this respect can be achieved through co-operation

between the Ministry of Justice and the Office of the Prosecutor General.

The supervisory relationship between the Ministry of Justice and the Office of the Prosecutor General has been characterized by a certain vagueness. The scope and form of the ministry's supervision is not fully clear. The audit indicated that there is a need to clarify the supervisory relationship, which both sides recognize. This particularly concerns the content of the Ministry of Justice's criminal-policy supervision. The audit also suggested that there is a need to develop co-operation between the ministry and the office.