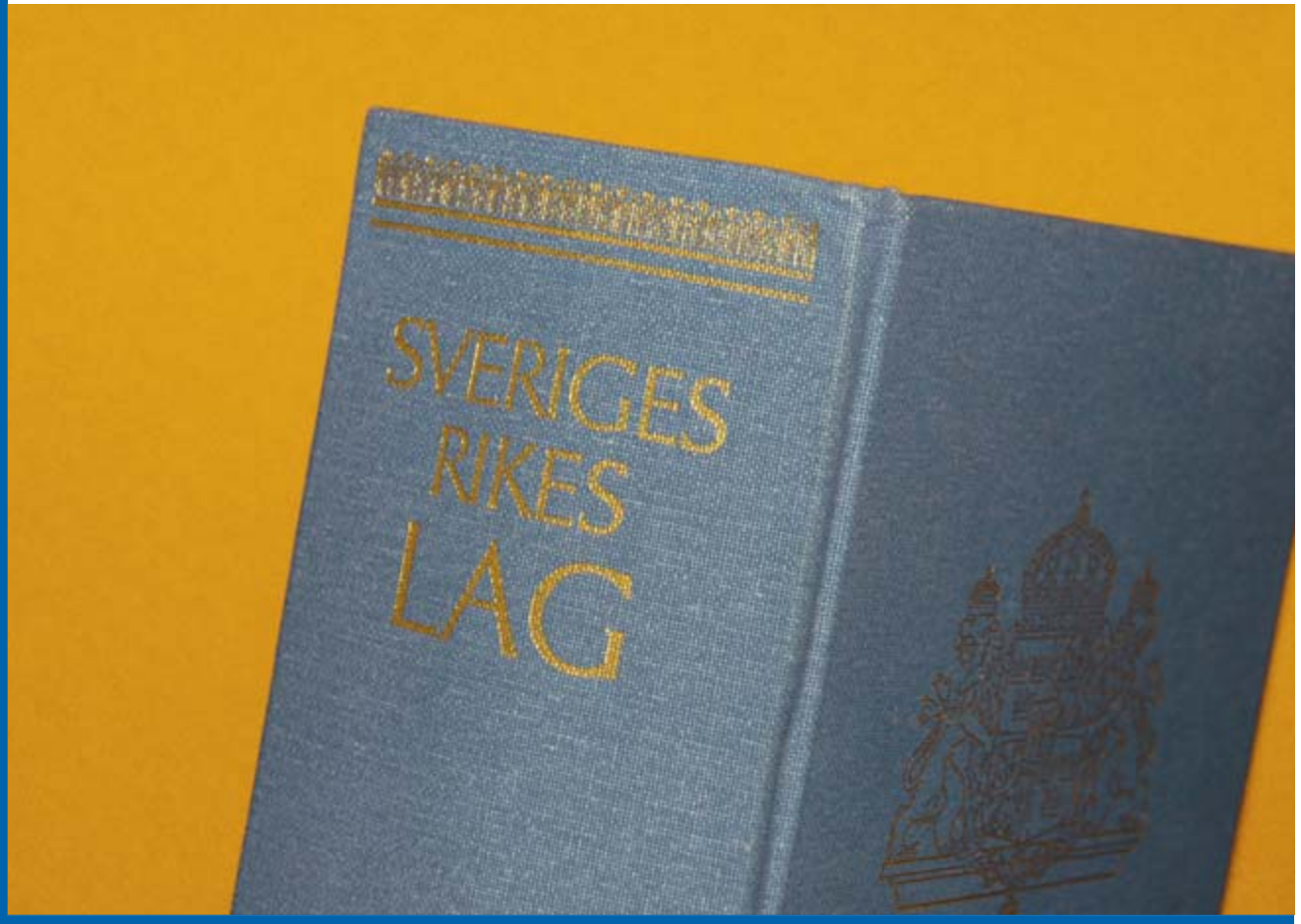
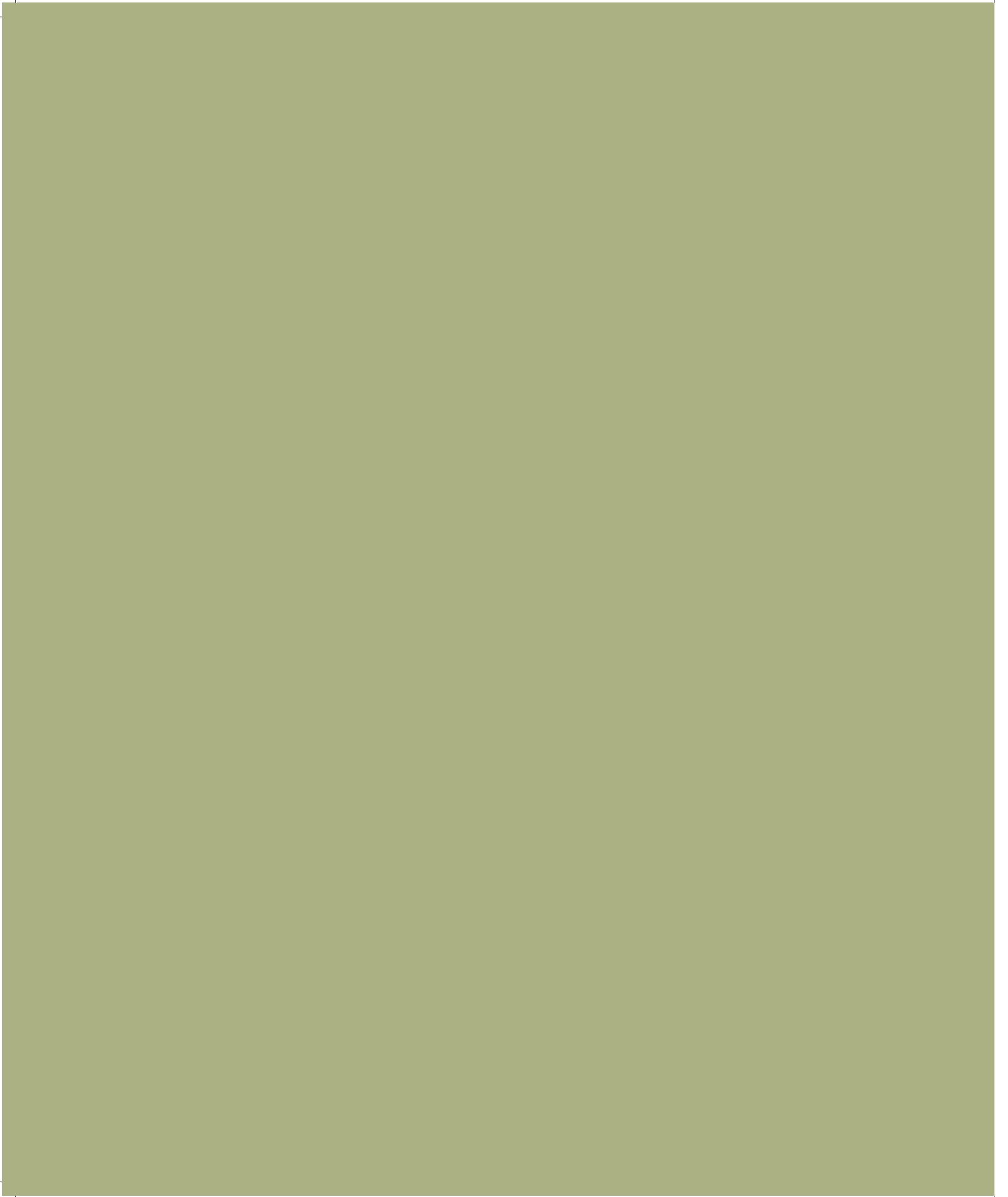


# Prosecutor – a part of the legal system





## A cutting-edge prosecution service

**E**ven in an international perspective, the Swedish public prosecutor is a powerful figure in the legal system. In parallel with the strengthening of the prosecutor's position, the training of prosecutors has improved and their competence has developed. The status of the profession has gradually increased, and becoming a prosecutor is today a very attractive proposition for young lawyers.

The prosecutor leads investigations of crimes, decides on various coercive measures, institutes proceedings and appears in court. The prosecutor steers the progress of the case, both during the investigative phase as well as during the court hearings. It is the prosecutor who orchestrates the legal process.

Today's prosecution service is a modern, development-oriented organisation that is devoted to the reduction of crime by ensuring that those individuals who have committed crimes are called to account for their actions in a legally correct and effective way.



Prosecutor-General Fredrik Wersäll

Photo: Ateljé Ugglå

## Criminal policy challenges

Society is continually developing – and so too is crime. The legal system must therefore be developed in tune with developments in the world around us. During recent years there have been a number of major challenges in criminal policy. Some of them are described below.

### Measures in connection with young people

There is a disproportionately high representation of young people among both perpetrators and victims. Most people who commit offences while young stop after a while, but a small proportion gradually develop a criminal lifestyle and other types of anti-social behaviour. When young people commit crimes it is important for society to react rapidly and decisively in order to reduce the risk of continued crime.

### Everyday crime

Everyday crime, which is also referred to as volume crime, is the most frequent type of crime. Included in this category are vehicle offences, theft, burglary and causing damage, i.e. crimes that affect people in their everyday lives and contribute towards a lack of security in society.

### Violent crime

Unlike most other categories of crime, it appears that certain types of violent crime have increased in frequency during recent years. Apart from the serious consequences for those individuals who are directly affected by the violence, it also contributes to a general sense of insecurity and an impaired social climate. Violent crime must be both prevented and combated in every way possible.

### Sexual crimes

Sexual crimes are often inflicted against defenceless or otherwise vulnerable people, primarily women and children. They are difficult to investigate, since evidence is frequently lacking or inadequate. When it comes to sexual offences against children there are also considerable difficulties in connection with questioning or interview methods. Therefore, the work aimed at combating sexual crime has a very high priority.

### Hate-related crime

Hate-related crime in this context means agitation against minority groups, unlawful discrimination, homophobic offences, threats and violence against elected representatives as well as all other types of

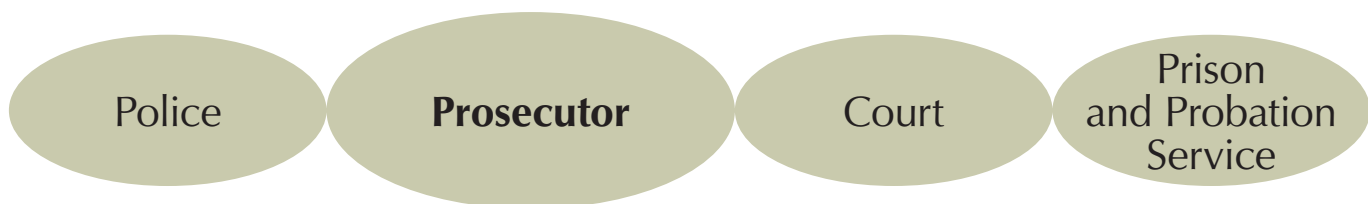




Photo: Fredrik Persson/Pressens bild

crime in which the motive is to violate a person or group as a consequence of race, colour, nationality or ethnic origin, religious belief, sexual disposition or some other similar circumstance. This too is a category of crime that affects defenceless or vulnerable people, and is also to a large extent concealed. This means that it has to be prevented and combated using new methods.

## The legal process

An effective legal system is one of the basic cornerstones of a democratic society. Legal security means that the individual must be able to rely on the legislation, on the authorities and on the courts of law. The laws have to be modern and at the same time guarantee basic freedoms and rights.

The overall objective of criminal policy is to reduce crime and increase the sense of security that people experience. The prosecution service has to contribute towards the achievement of this objective by ensuring that the perpetrators of crimes are called to account for their actions in a legally correct and effective way.

The prosecutor is an important link in the legal process involving the police, the prosecution service, the court and criminal care. It is the prosecutor who, within the bounds of the law, decides on whether legal proceedings are to be taken, and it is the prosecutor who leads the preliminary investigations and represents the State in court. The various authorities in the legal process are dependent on one another's operations, and close co-operation between the different parties is therefore essential.

## How a prosecutor works

### Preliminary investigation

When a crime has come to the attention of the police, a preliminary investigation is conducted. The prosecutor leads this investigation from the point when a certain individual can be reasonably suspected of having committed the crime. In the case of less serious offences, the police conduct a preliminary investigation from beginning to end.

As the leader of the preliminary investigation, the prosecutor is responsible for investigating the offence in the best way possible. The investigation is carried out by the police on the instructions of the prosecutor. The prosecutor constantly follows the course of the investigation and all the time has to determine what



investigation measures and decisions are needed. When the investigation concerns serious or complex crimes, the prosecutor often takes part directly in the investigation, such as in connection with crime-scene reconstructions or important interrogations.

The prosecutor's duties in the preliminary investigation stage include making decisions on coercive measures, i.e. questions concerning, for example, arrest, searching premises and confiscation. Whether or not a person is to be held in custody for a longer period of time is decided in connection with court proceedings on pre-trial detention. During the proceedings, the prosecutor gives an account of the case against the suspect and the reasons why he or she should be detained.

The prosecutor also has to make sure that the interests of the victims of a crime are properly represented.

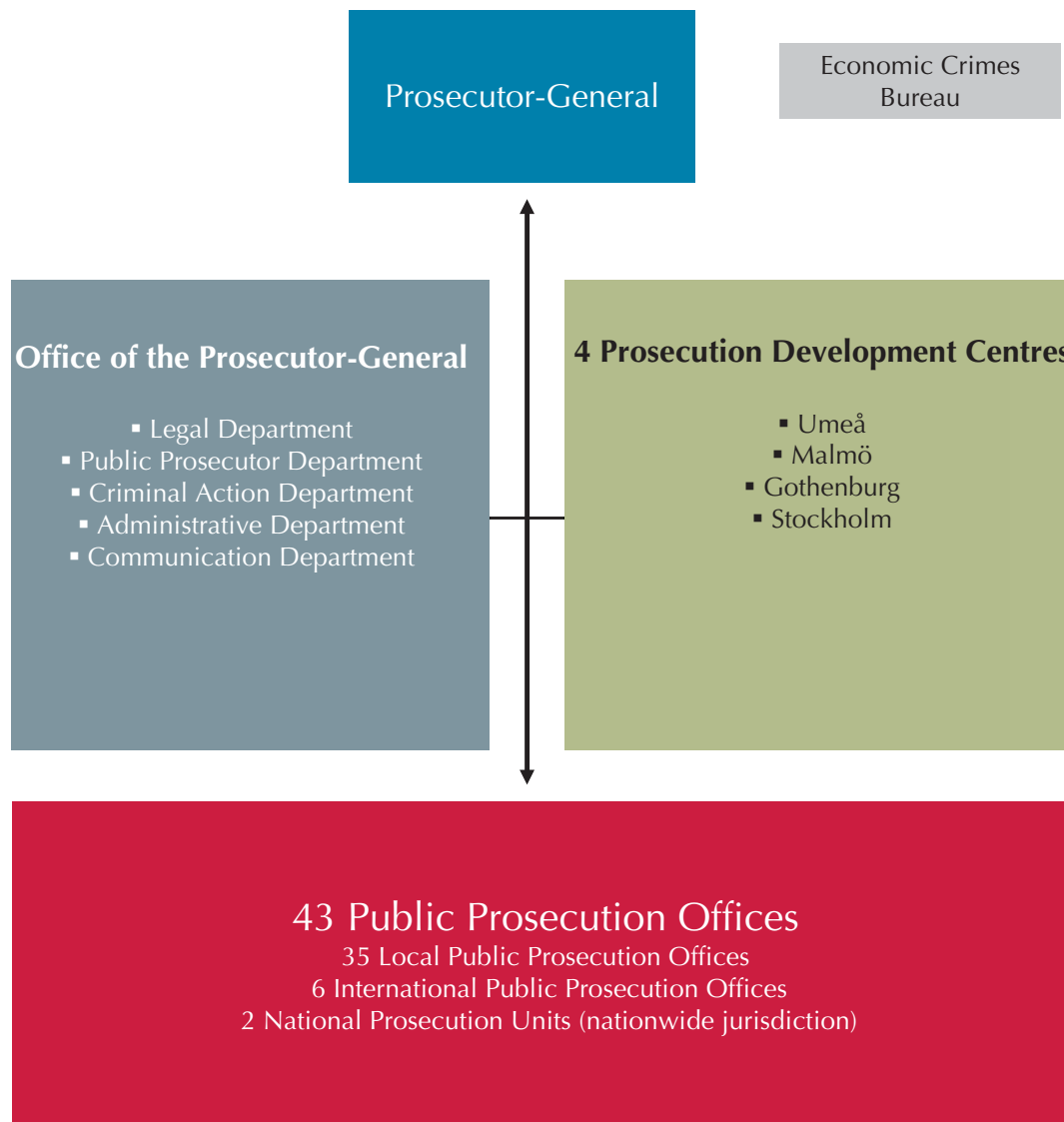
Every year, the Swedish Prosecution Authority deals with some 450 000 suspected crimes. These are incidents that have been reported to the police and for which there is a suspect. Each year, 26 000 people are arrested and some 10 000 are remanded in custody.

### **The prosecution**

Once the preliminary investigations have been completed, the prosecutor decides whether or not to start legal proceedings. If the prosecutor believes that an offence has been committed that comes under the category of general prosecution, and that there is sufficient evidence against the suspect, the prosecutor is obliged to bring a case against the person in question. This is referred to as the absolute requirement to prosecute. According to certain regulations, however, the prosecutor can in exceptional cases decide not to prosecute, despite the fact that the case can be proved. In the event of a crime for which a prison sentence is not the normal outcome, the prosecutor can serve a fine or a suspended sentence, referred to as an order of summary punishment. If the suspect gives his/her approval, the case does not have to be tried in court – the order of summary punishment is equivalent to a court ruling.

In all, a total of approximately 120 000 actions are brought against people each year, either through prosecution or an order of summary punishment. The number of prosecution rulings amounts to some 175 000 (the same person can be prosecuted for several offences) and the number of orders of summary punishment to approximately 47 000 per year.

# Swedish Prosecution Authority



## The court

Another important part of the prosecutor's work is preparation and representation in court. Through the decision to prosecute and the description of the offence that the prosecutor gives, the prosecutor establishes the framework for the criminal action and moves the case forward.

## The action

Once the district court has passed its judgement, the prosecutor or the convicted person can appeal against the verdict to the Court of Appeal. The ruling of this court can in turn be appealed against to the Supreme Court. In the Supreme Court, only employees especially appointed by the Prosecutor-General are allowed to plead a person's case.

# Organisation and duties

## Operative prosecution work

Of the approximately 1 100 employees within the Swedish Prosecution Authority, some 750 are prosecutors, while the others have some sort of support function.

The operative prosecution work is carried out in the country's public prosecution offices. Of these, 35 are local offices operating in geographical areas that roughly correspond to a county. In the three metropolitan areas there is more than one local public prosecution office in each area.

Everyday crime constitutes a large part of the prosecutor's work. Included in this category are shoplifting,

assault and causing damage. At most local prosecution offices there is a specialist prosecutor who co-ordinates the work carried out by the office to combat everyday crime. There are also specialist prosecutors for other types of offence, such as environmental crime, violent crimes of a serious nature and drug-related crime.

At six places throughout the country there are international prosecution offices with specialist competence for combating organised, cross-border crime and for the international co-operation between prosecutors. In addition, there are two national prosecution units: one for combating corruption and the other for dealing with suspected offences committed by the police.

Cases involving economic crime in the three metropolitan counties, as well as in certain adjoining counties, are handled by some 70 specialist prosecutors from within the Economic Crimes Bureau, which in legal terms comes under the Prosecutor-General but is administratively an independent authority.

## Development and inspection work

At four places in the country there are prosecution development centres whose task it is to undertake methodological and legal development within different criminal areas. Legal follow-up and inspection are also conducted in these places. An example of this is the fact that all appeals made against prosecution decisions are handled by the development centres. The development centres are responsible for maintaining general expertise within their areas of responsibility.

### **Prosecution Development Centre, Umeå**

- Crime victim matters
- Police cases/misconduct
- Interface between police /prosecution
- Co-operation between prosecution/court
- General punishment process issues

### **Prosecution Development Centre, Stockholm**

- Crime against property, including economic crime
- Tax offences
- Security cases, including terrorism
- IT crime
- Drugs and doping-related crime
- Environment and working environment crime
- Corruption crime
- Trafficking
- General consequence issues

### **Prosecution Development Centre, Gothenburg**

- Violent crime, including violation of freedom and unlawful threats
- Sexual crime
- Acts on circumcision/sexual mutilation, bans on visiting and the purchase of sexual services

### **Prosecution Development Centre, Malmö**

- Smuggling offences, excluding drugs and doping-related crime
- Hate-related crime
- Traffic offences
- Human rights
- Other penal law

### **The Prosecutor-General and the Office of the Prosecutor-General**

The Prosecutor-General is the highest prosecutor in the country and the only public prosecutor in the Supreme Court. The Supreme Court is the final instance among the public courts and a pure Court of Record. By referring suitable cases to the Supreme Court, the Prosecutor-General helps to make sure that light is shed on important issues in connection with the practical administration of the law.

Each year, the Prosecutor-General appeals in the Supreme Court against approximately 20 High Court rulings. A person who has been convicted of a crime is also entitled to appeal in the Supreme Court against the verdict. In both cases, a review permit has to be applied for and in those cases where the convicted person makes an appeal, the Prosecutor-General has to make a statement in the form of a so-called letter of response. Even in those cases where a review permit has not been granted by the Supreme Court, the letters of response written by the Prosecutor-General help to shed light on important legal matters.

At the Office of the Prosecutor-General there is a criminal action department for, among other activities, work carried out in the Supreme Court, a legal department for legal direction and control as well as central international issues, a public prosecutor department with responsibility for co-ordination of the operative activities, an administrative department and an information department.

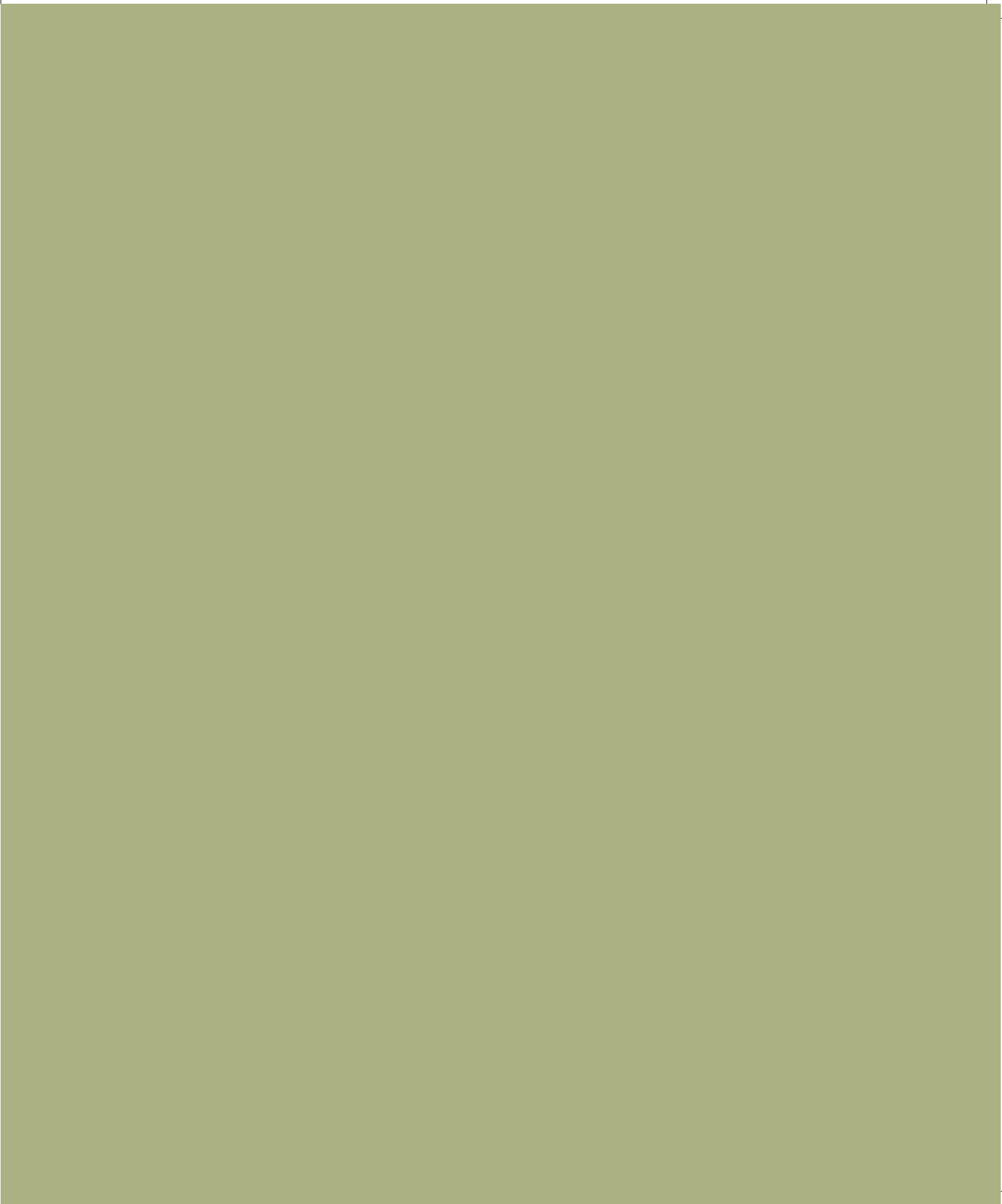


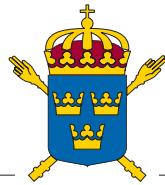
## International operations

The need for legal and criminal policy co-operation across borders is increasing in step with internationalisation. Crime is also beginning to be of an increasingly cross-border nature. Consequently, during recent years international co-operation has been changed and made more efficient as a result of international agreements and changes in routines.

The practical work involves assisting foreign prosecutors with criminal investigations that take place abroad. It may be a question of interrogations with individuals who are in Sweden, house searches and/or the extradition of a wanted person. Similar assistance is often required from other countries in connection with Swedish criminal investigations.

International operations also include participation in various international networks and co-ordinating bodies for operative prosecutors. The most important of these is Eurojust, which consists of prosecutors from all the EU member states. Swedish prosecutors are also involved in a variety of development projects in Eastern Europe and elsewhere.





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