PROSECUTOR
– a part of the legal system
The Swedish prosecutor has a central role within the judicial system, both in Sweden and in an international context. The prosecutor’s role is to independently lead criminal investigations, make decisions on charges and take cases to court. The hearing is set by the prosecutor’s formulation of the charges.

With highly-skilled prosecutors and staff and a modern organisation, the Swedish Prosecution Authority contributes to combatting crime in an effective and legally compliant way. The work is controlled by the rules of law. It will always be characterised by objectivity and respect for the individual. The Swedish Prosecution Authority has a well-developed co-operation with the police and other authorities within the judicial system. The operations are managed with as much transparency as possible.

Anders Perklev
Prosecutor-General
Criminal policy challenges

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

Domestic violence

Domestic violence and sexual offences usually affect those in a defenceless or otherwise vulnerable position, mainly women and children. They are difficult to investigate since evidence is often lacking or flawed. In cases of sexual offences against children, interview methods can also present major difficulties.

Serious organised crime

Serious organised crime is becoming ever more widespread and complex. The development, in particular, of international and systemic-threatening crime can affect the stability of the whole of society in the long term. This crime generates large amounts of money. Efforts against organised crime should take place strategically and in cooperation with the police and other authorities.
Everyday crime

Everyday crime, also known as volume crime, constitutes the majority of all crimes. It includes, for example, vehicle crime, theft, burglary and vandalism, in other words crime that affects people in their everyday lives and contributes to making society unsafe. The prosecution authority must therefore have a stable organisation along with well-developed methods for dealing efficiently with everyday crime.

The economic gain of crime

Money is the strongest driving force behind the majority of crimes. Reducing the economic gains of crime is therefore of central importance in combatting crime.
Efforts against young offenders

One of the most important tasks is to prevent crime among youngsters and minimise reoffending in crime. With early and clear preventive measures against young offenders we can prevent serious organised crime in the future. For a long time combatting young offending has been a prioritised issue for the Swedish Prosecution Authority. The authority has produced a national action plan concerning this and strategies have been developed. Our aim is to reduce the time dealing with juvenile cases and to increase the rule of law.

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The legal process

An effective legal system is one of the cornerstones of a democratic society. The rule of law 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 authority, the court and the prison and probation service. The prosecutor, 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 criminal justice process are dependent on one another’s operations, and close cooperation 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 regularly has to determine which investigation measures and decisions are needed.

When the investigation concerns serious or complex crimes, the prosecutor often takes part directly in the investigation, for example crime-scene reconstructions or important interviews.

The prosecutor’s duties at the preliminary investigation stage include making decisions on coercive measures, for example arrests, search of premises and confiscations. A person may be held in custody during an investigation and this is decided by a court in a detention hearing. 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 400 000 suspected crimes. These are incidents that have been reported to the police and for which there is a suspect. Each year, approximately 30 000 people are arrested and some 9 000 are remanded in custody.
The prosecution

Once a preliminary investigation has been completed, the prosecutor decides whether or not to prosecute. 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 a summary imposition of a fine. If the suspect gives his/her approval, the case does not have to be tried in court – the summary imposition of a fine is equivalent to a court ruling.

In total, approximately 100 000 actions are brought against people each year, either through prosecution or a summary imposition of a fine. The number of prosecution rulings amounts to some 170 000 (the same person can be prosecuted for several offences) and the number of summary impositions of fine to approximately 40 000 per year.
The prosecutor establishes the basis for the criminal action in court and takes the case forward.

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 provides, the prosecutor establishes the basis for the criminal action in court and takes 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 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

Among some 1,400 employees within the Swedish Prosecution Authority, 950 are prosecutors while the remainder work with various support functions. The operative prosecution activities are conducted in seven Public Prosecution Areas and at the National Public Prosecution Department. The prosecution areas consist of the country’s 32 public prosecution offices, with a geographical sphere of operation that is approximately equivalent to a county. In Stockholm and Malmö there are several local public prosecution offices.

Everyday crime constitutes a large part of the prosecutor’s work. Included in this category is shoplifting, assault and causing damage. At most local prosecution offices, there is a specialist prosecutor for combatting everyday crimes who co-ordinates the work carried out by the office. There
are also specialist prosecutors for other types of offence, such as environmental crime, violent crimes of a serious nature and domestic violence.

Cases involving economic crime are handled by specialist prosecutors from within the Swedish Economic Crime Authority which, in legal terms, is under the Prosecutor-General’s responsibility but is administratively an independent authority.

The National Public Prosecution Department consists of the prosecution offices with a national responsibility – one for combating corruption, one for dealing with environment and working environment cases and one for security-related cases. The National Unit against Organised Crime is also a part of the department. This office has specialist competence in order to combat organised cross-border crime and to permit international cooperation between prosecutors.

The Separate Public Prosecution Office deals with suspected offences committed by for example police officers, prosecutors and judges.

**Development and inspection work**

The Prosecution Authority’s three prosecution development centres are tasked with conducting methodological and legal development within different criminal areas. Legal supervision and inspection are also conducted here. An example of this is the fact that all appeals made against prosecution decisions are handled by the development centres. The centres are responsible for maintaining general expertise within their respective areas of responsibility.
The Prosecutor-General and the Head Office

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.

Each year, the Prosecutor-General appeals to the Supreme Court approximately 10–20 Court of Appeal judgments. A person who has been convicted of a crime is also entitled to appeal to the Supreme Court against the verdict. In both cases, a leave to appeal has to be applied for and in those cases where the convicted person makes an appeal, the Prosecutor-General in many cases has to make a statement in the form of a letter of response. Even in those cases where a leave of appeal 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 Head Office there are personnel, economic, communication and IT-tasks, as well as a legal department for legal direction as well as central international issues and work carried out in the Supreme Court. There is also a Supervision Department and one Director of Public Prosecutions for Extraordinary Remedies.
Work at international level

Crime is increasingly crossing borders, and these days criminal investigations often have international connections. This puts a heavy demand on ensuring that smooth and efficient judicial cooperation takes place between prosecutors and police in different countries.

Cooperation between criminal investigation authorities in different countries is well established today, not least within the EU. There are several international judicial instruments that make this cooperation possible. The work carried out within the EU largely takes the form of direct contact between prosecutors. Eurojust, the European consultative forum of prosecutors whose seat is in The Hague, and the European Judicial Network (EJN) are important actors that have the task of facilitating cooperation primarily between EU member countries but also with other countries.

In practice, judicial cooperation often consists of prosecutors from different countries assisting each other in their criminal investigations by obtaining evidence (interviewing suspects, witnesses and experts; searching premises etc.) or handing over wanted individuals suspected of a crime to the country where the criminal investigation is taking place.

In addition, Swedish prosecutors take part in international cooperation by discussing complex issues in organisations such as the International Association of Prosecutors (IAP). Within the framework of international civil crisis management and development cooperation, the Swedish Prosecution Authority and Swedish prosecutors provide assistance to authorities in other countries to help improve the safety of individuals in crisis situations where no effective judicial system exists, and, by promoting the rule of law, to help create a judicial system that is sustainable in the long term.