

# State protection of individuals under threat – deficiencies in scope and effectiveness

## Summary

Each year, a great number of people in Sweden are subjected to threats, violence and harassment. This leads to significant costs, both for the victim and for society at large. The Swedish Prosecution Authority, the Swedish Police Authority and the Swedish Tax Agency have important roles in state efforts to protect individuals under threat. The Swedish Police Authority has crime victim and witness protection units – BOPS – in which they assess the threat to a person, and take protective measures when necessary. The Swedish Tax Agency decides on protected personal data, and the Swedish Prosecution Authority decides on non-contact orders.

The Swedish National Audit Office (NAO) has examined whether the state effectively protects individuals under threat. The protective measures should prevent people from being subjected to threats, violence, or harassment. If unsuccessful, there is a risk for unnecessary suffering for the individuals under threat, and ultimately for undermining confidence in the judicial system and the state. The Swedish NAO's overall conclusion is that the state is not working effectively enough to protect individuals under threat, partly because the state cannot ensure that the individuals in need of protection are granted it, and partly because the protection is not always effective.

The audit shows that deficient knowledge among employees who register police reports leads to many cases being referred to BOPS, often incorrectly. The proportion of granted non-contact orders varies considerably across Sweden, indicating that accuracy in inflow processing varies in different parts of Sweden, and that there are unjustified disparities in how prosecutors decide on non-contact orders. Current

regulation also means that prosecutors do not issue non-contact orders where they could have the best effect. The substantial inflow of cases to BOPS forces them to prioritise between cases, despite there being a need for protection. Meanwhile, BOPS cannot currently follow up in which cases they have taken protective measures.

The Swedish NAO assesses that the protection granted by the authorities does not effectively prevent individuals from being subjected to threats, violence or harassment. This is partly because breaches of non-contact orders too rarely have consequences for the threat actor, and that government agencies incorrectly divulge individuals' protected personal data as a result of poor knowledge. The audit shows that most breaches of non-contact orders do not lead to prosecution, and that there are too few appointed police officers who monitor that non-contact orders have the desired effect. Additionally, the technical equipment for combining non-contact orders with ankle tags does not currently work as intended. The Swedish Tax Agency's postal service for people with protected personal data is both resource-intensive and poses security risks. In order to address these risks, the service should be regulated by law.

The protective measures that the state can offer to subjected individuals involve tremendous restrictions for the protected person. The Swedish NAO therefore assesses that the state needs to prioritise preventive measures targeting perpetrators to a greater extent, in addition to the protective measures being taken.

## Recommendations

### Recommendations to the Government

- Initiate amended legislation to extend the possibility of issuing non-contact orders against individuals without previous convictions, for example by clarifying that the prosecutor shall also take account of other circumstances, besides previous criminal activity, that indicate the prevalence of a risk of crime, persecution or serious harassment.
- Complete the initiative to regulate the Swedish Tax Agency's postal service for individuals with protected personal data, such that this can be done securely and effectively, by means of
  - giving the Swedish Tax Agency the authority to scan letters and consignments forwarded by the agency to individuals with protected personal data
  - limiting the type of post that the Swedish Tax Agency needs to forward to individuals with protected personal data.
- Follow up on the agencies' work with protected personal data in ongoing agency governance.

### **Recommendations to the Swedish Police Authority**

- Ensure that police employees have sufficient knowledge to assess when a case should be referred to the crime victim and witness protection units, and when they should inform of non-contact orders.
- Appoint contact points who can work to ensure compliance with the non-contact order and, if necessary, propose additional protective measures.
- Procure technology that enables electronic monitoring of non-contact orders.
- Follow up on the crime victim and witness protection units (BOPS) more systematically, for example in order to show which target groups are prioritised.

### **Recommendations to the Swedish Prosecution Authority**

- Ensure that prosecutors apply non-contact order legislation uniformly throughout Sweden, for example by analysing and discussing follow-up on decisions on non-contact orders and taking relevant actions.
- Develop working methods that ensure that prosecutors can access all relevant information about the prevailing risk of crime, persecution or harassment.