



Governance of the judicial chain

The Swedish National Audit Office has audited whether governance of different parts of the judicial chain is managed to take into account the impact on and effectiveness of the entire judicial chain. The judicial chain covers police, prosecutors, general courts and prison and probation services. Authorities within the chain are affected by each other's work and are partly dependent on each other to carry out their respective duties. This means that governance of one authority may affect other authorities in the chain. It is important that governance of the judicial system and the relevant authorities is adequately addressed, both for effective central government administration and an efficient judicial system.

The audit was based on three audit questions. The Swedish NAO's findings and assessments of each question are presented below, followed by general conclusions based on the findings.

Audit findings

According to the Swedish NAO, there is an awareness, mainly in the Ministry of Justice but also within the authorities, of the need for a chain perspective, but governance does not sufficiently take into account the impact on and effectiveness of the entire judicial chain.

Have the Government Offices and authorities designed work processes that create the conditions for taking a judicial chain perspective into account?

The Swedish NAO notes that even if the work processes in the Ministry of Justice and the authorities may create conditions for a chain perspective, these processes also have inherent risks that impair these conditions. The risks are partly from the internal division of responsibilities of the Ministry of Justice, and partly from the procedures for contacts with the

authorities. The internal division of responsibility lays a large proportion of the responsibility for briefings on the case officers and means that treatment of the judicial chain or its main activities is only coordinated to a limited extent. The Ministry's contacts are mainly with individual authorities, which risks making a holistic perspective in governance more difficult. As regards collaboration between the authorities, it is not specifically within the framework of their strategic work, and their central liaison is largely unlinked to strategic questions.

Are the Government's and the authorities' overall policy documents sufficiently consistent with a judicial chain perspective?

The audit shows that the policy documents are partly consistent with a chain perspective. In some of the documents, however, this has decreased or lapsed over the period audited. At the same time, performance reporting of the flow in the judicial chain has been given a more prominent place in the Government's budget bills. The Government's goal formulation and follow-up link together the different services within the judicial chain to a limited extent and the chain perspective is not evident in the Government's instructions to the authorities. Consequently, it is not either evident in the authorities' policy documents and documentation to the Government.

Do the Government Offices and authorities take the judicial chain as a whole into account in allocating resources between and within authorities?

The chain perspective has not been evident in allocation of resources between and within authorities. The documented priorities and considerations made by the Ministry of Justice are linked to the separate authorities. According to the documentation audited, the Ministry's internal briefings while planning resource allocation between authorities do not focus on achieving an efficient and effective judicial chain. The authorities do not seem to take each other or the chain as a whole into consideration to any great extent in their deliberations ahead of applications and internal allocation.

The overall conclusions of the Swedish National Audit Office

On the basis of the findings above, the Swedish NAO considers that the question of an efficient and effective judicial chain could take a more prominent place in governance and the briefings that take place, and that this would be facilitated by improved analysis and follow-up in this area.

Focus of governance

To work towards a more unified, efficient and effective judicial chain and avoid short-term selective measures, in its governance the Government can apply to a greater extent a more strategic and overall focus on how the judicial chain as a whole should work effectively and, on

the basis of this, identify where individual governance measures should be applied. This could improve the chain perspective in governance and thus benefit the processes in the chain and the possibilities of achieving the Riksdag's goals. Clearer priorities in the Government's governance of efficiency and effectiveness in the judicial chain would probably create incentives for the authorities to ensure more extensive interaction for an efficient and effective judicial chain.

The chain perspective in briefings

To ensure an effective and efficient judicial chain, the briefings that take place within the Ministry of Justice could more extensively take into account chain effects in addition to effects for individual authorities. That focus assumes knowledge and analysis of the often-complex relationships that interact in the chain. Equally, the Ministry's contacts with the authorities could be widened to include joint discussions with the authorities in the judicial chain, focusing on different processes, target areas and overall issues, such as planning or management of activity volumes. The authorities could also broaden their interaction in terms of planning and priorities.

Need for analysis and follow-up

In the view of the Swedish NAO, a fundamental condition to enable movement towards a unified, efficient and effective judicial chain is more knowledge and analysis of the relationships in the judicial chain, together with long-term governance and planning. The current activity follow-up makes it difficult to fully follow the processes throughout the entire chain. Moreover, the chain perspective is limited in the authorities' documentation to the Government. Overall analyses of the judicial chain are needed, both in the budget work and in the day-to-day work, to steer towards an efficient and effective judicial chain. The analysis function and budget coordination function in the Ministry of Justice partly meet this need. However, their roles in governance could be strengthened. By forming a knowledge base at all levels of the internal hierarchy, these overall analyses could also mitigate the risks of split responsibility within the Ministry of Justice and the risks of laying too great a responsibility for determining when briefings are needed on the case officers.

Recommendations

The Swedish NAO considers that governance of the judicial chain could be improved by enhanced knowledge in the area and a clearer chain perspective in governance, as well as in day-to-day work processes and briefings.

The Swedish NAO therefore makes the following recommendations to the Government:

- Clarify a more long-term judicial chain focus in governance. For example, this may involve enhanced long-term planning or goal formulation for how the authorities can jointly and in the long-term work towards the Riksdag's goals.
- Ensure strengthened access to follow-up and analysis from a more overall perspective. This may involve both strengthening the element of analyses that links to the overall needs of the judicial chain and supplementing the follow-up to achieve more coherent monitoring.
- Increase the holistic perspective in contacts with the authorities, for example by broadening areas of contact through joint dialogues with all authorities in the judicial chain.

The Swedish NAO makes the following recommendation to the authorities in the judicial chain:

- To a greater extent hold joint discussions of strategic questions to achieve consensus on priority areas and on what should be done, jointly and individually, to ensure the judicial chain is efficient and effective.