



A model for monitoring the authorities responsible for the criminal justice process

Part 2: Focus on indicators

Summary

It is very much in the public interest that government authorities operate effectively and that their work is of high quality and makes efficient use of public resources. To ensure this, their performance and mutual interactions need to be monitored regularly by both the government and the authorities themselves.

In its appropriation directions for 2017, Brå was commissioned by the government to propose a model for monitoring the work of the authorities responsible for the criminal justice process, among other things in order to more accurately follow up their performance and the relevance of their work. The proposed model was presented in the report *En modell för uppföljning av rättskedjans myndigheter. En idéskiss. (A model for following up the authorities responsible for the criminal justice process. A draft proposal)*. (Brå 2018). The report included a set of indicators that were considered to reflect the authorities' performance in a fair manner. In 2021, Brå was commissioned by the government (Ju2018/04100) to further develop the proposed model.

Aims and method

The aim in producing this report has thus been to continue the work that was initiated in connection with Brå's previous report. The work has involved conducting an updated review of the objectives specified in the governing documents that regulate the work of the authorities responsible for the criminal justice process. In addition, Brå has reviewed proposals from other actors who have recently examined similar issues.

Thereafter, Brå has primarily worked to specify the proposed indicators in more detail, modifying the proposals presented in the previous report, assessing the feasibility of the indicators and proposing how the indicators could be used to regularly monitor the work of the criminal justice system.

Initially, an external reference group was established comprising representatives from the five Swedish authorities whose work constitutes the focus of the relevant monitoring process (the Police Authority, the Prosecution Authority, the Economic Crime Authority, the Courts of Sweden (via the National Courts Administration), and the Prison and Probation

Service). In parallel, Brå also reviewed the authorities' governing documents to see whether the proposals presented in the previous report needed to be modified due to any changes in governance. Thereafter, the work has primarily focused on producing the proposed indicators in those cases where the necessary data are available. Some of the indicators proposed in the previous report have proved to be unsuitable or impossible to develop, and for this reason Brå has looked into the possibilities of developing alternative indicators or definitions. Thereafter, the available data for the proposed indicators have been analysed and processed to produce preliminary outcomes for the five-year period 2016–2020.

Indicators as part of a framework

The report presents a review of the indicator concept and its applicability in order to show how complex phenomena such as the operations of the criminal justice process can be understood and measured. Indicators are used to understand multifaceted and complex phenomena, and it has therefore been important to develop a framework that defines what is to be measured and with which indicators. Accordingly, the report also describes the factors that have been considered when developing indicators that can measure key aspects of the work of the criminal justice process, not least those aspects set out in the governing documents: productivity, process quality and the quality of experiences of the justice system.

These considerations have resulted in a model that includes a goal structure comprised of three levels:

- the government's visions, which currently comprise the government's overarching objectives for criminal justice policy (to reduce crime and increase public safety) and for the criminal justice system (the rule of law and legal security)
- strategic goals (productivity, process quality and experiences of the criminal justice process) are followed up using 18 indicators distributed across six target areas: volume management, regional consistency, disruptive measures, complainants in the criminal justice process, confidence in the justice system and recidivism
- stakeholder goals (governmental instructions issued to the authorities responsible for the criminal justice process)

Further development of the indicators

Brå's work to further develop the performance indicators presented in the previous report has resulted in a total of 18 proposed indicators distributed across the six different target areas presented above. The ambition has been to develop indicators that provide a basis for monitoring the work of the justice system as a whole while also reflecting the individual justice system authorities' internal monitoring needs. The proposed indicators are intended to show how well the criminal justice system as a whole is achieving its core goals, while at the same time producing results that can be broken down to show how well each authority or part of the criminal justice system has contributed to the whole.

Table 1. Summary of the proposed performance indicators.

Strategic target area	Performance indicator	Measures primarily
Volume management	1. Percentage of offences linked to a suspect that result in a sanction	Productivity and process quality
Volume management	2. Backlog size	Productivity
Volume management	3. Backlog age	Productivity
Volume management	4. Duration of the criminal justice process	Productivity
Regional consistency	5. Investigations requiring additional investigative measures following final submission to prosecutor	Process quality
Regional consistency	6. Charged offences dismissed by district courts as unproven	Process quality
Regional consistency	7. Rulings changed by the courts of appeal	Process quality
Disruptive measures	8. Persons convicted in resource-intensive cases	Productivity and process quality
Disruptive measures	9. Confiscation of criminal proceeds	Productivity and process quality
Disruptive measures	10. Company fines	Productivity and process quality
Disruptive measures	11. Disqualifications from commercial activity	Productivity and process quality
Complainants in the criminal justice process	12. Complainants in initiated police investigations	Productivity
Complainants in the criminal justice process	13. Complainants whose cases have been heard in court	Productivity and process quality
Complainants in the criminal justice process	14. Experiences of the criminal justice process	User quality
Confidence in the criminal justice system	15. Confidence in the criminal justice process	User quality
Recidivism	16. Recidivism prevalence	Process quality

Strategic target area	Performance indicator	Measures primarily
Recidivism	17. Correctional system clients who have completed risk-reduction interventions	Productivity and process quality
Recidivism	18. Correctional system clients in occupational/treatment activities at correctional facilities	Productivity

Volume management

“Volume management” refers to the process that normally begins when an offence report is registered by the police and that may continue until a sanction has been completed by an offender. There are several reasons why it is important that authorities are able to manage their case flows. Among other things, this work includes prosecuting offenders, and doing so within a reasonable amount of time. The indicators within the volume management target area are based entirely on data from Brå's data management system for Sweden's official criminal justice statistics.

1. Proportion of offences linked to a suspect that result in a sanction

Purpose: To monitor the proportion of all offences linked to registered suspects that result in a sanction.

Definition: The ratio between the number of offences that result in a sanction and the total number of offences linked to a registered suspect.

2. Backlog size

Purpose: To monitor the ability of the investigative and judicial authorities to manage their case flow.

Definition: The ratio between the number of offences linked to a registered suspect that remain in the backlog at some point in the criminal justice process at the end of the current year, and the total number of offences linked to a registered suspect that are processed by the investigative, prosecutorial and judicial authorities during the current year.

3. Backlog age

Purpose: To monitor the length of the processing times associated with the cases that remain open at the end of the year.

Definition: The time (median number of days) that has passed as of 31 December since the offences comprising the backlog were registered in the criminal justice system.

4. Duration of the criminal justice process

Purpose: To monitor how quickly complainants and offenders can receive a decision on the issue of guilt.

Definition: The time (median number of days) from the reporting of an offence to the publication of a verdict in a district court.

Regional consistency

“Regional consistency” encompasses both aspects of the vision for the criminal justice system, that is, the rule of law and legal security. Measuring regional consistency also encompasses the key legal principles of uniformity, predictability and proportionality. The indicators within the regional consistency target area are based on data from Sweden's official criminal justice statistics and are designed as variance metrics, which means that they measure the variance across different regions in the prevalence of various types of decisions.

5. Investigations requiring additional investigative measures following final submission to prosecutor

Purpose: To monitor the extent to which the decisions made by prosecutors concerning completed police investigations are made in a uniform manner.

Definition: The number of decisions made by prosecutors requiring that additional investigative measures are conducted in police investigations submitted as having been completed.

6. Charged offences dismissed by district courts as unproven

Purpose: To monitor the extent to which the charges presented by prosecutors to the courts are of equal quality across the country.

Definition: The number of charged offences dismissed as unproven in district court judgements during the year, in relation to the total number of charged offences included in district court judgements in the same year.

7. Rulings changed by the courts of appeal

Purpose: To monitor the extent to which the investigations that result in an appeal are of equal quality across the country.

Definition: The number of charged offences for which the verdict of a court of appeal differs from that of the district court, in relation to the total number of charged offences reviewed by the courts of appeal during the year.

Disruptive measures

The “disruptive measures” target area encompasses measures taken within investigative and prosecutorial operations that have a reducing effect on criminal activities. The indicators in this target area are based on data from the concerned authorities' databases and registers, where these are available.

8. Number of resource-intensive criminal investigations and cases

Purpose: To monitor the ability of the criminal justice system to both investigate, prosecute and try particularly resource-intensive cases.

Definition: The number of criminal investigations in which at least four out of seven conditions indicating a resource-intensive case are met. The seven conditions are:

- a) more than (x) registered suspects
- b) more than (x) complainants
- c) at least (x) months of pre-trial detention?
- d) the use of at least (x) covert coercive investigative measures
- e) at least (x) applications for international legal assistance
- f) investigation results in a main court hearing lasting at least (x) hours
- g) investigation results in prison sentences amounting to at least (x) years

9. Confiscation of criminal proceeds

Purpose: To monitor the extent to which the criminal justice system is able to confiscate criminal proceeds from offenders.

Definition: The number of requests to confiscate criminal proceeds approved each year.

10. Company fines

Purpose: To monitor the extent to which the criminal justice system acts to prevent companies being used to commit offences.

Definition: The number of company fines imposed each year.

11. Disqualifications from commercial activity

Purpose: To monitor the extent to which the criminal justice system investigates and prosecutes individuals who have committed sophisticated offences using businesses as a vehicle in the commission of these crimes.

Definition: The number of such disqualifications imposed each year.

Complainants in the criminal justice process

This target area focuses on legal security, which means the right of a victim of crime to have their case investigated and tried, and the right to acknowledgement within the criminal justice process. The indicators within the “complainants in the criminal justice process” target area are based on data from Sweden's official criminal justice statistics and Brå's Swedish Crime Survey (SCS).

12. Complainants in initiated police investigations

Purpose: To monitor the ability of the criminal justice process to safeguard the rights of victims of crime in cases referred to the criminal justice system.

Definition: The number of persons per 100,000 of the population who appear as complainants in initiated police investigations.

13. Complainants whose cases have been heard in court

Purpose: To monitor the proportion of complainants in initiated police investigations whose cases are heard by a district court.

Definition: The number of complainants who have had their case heard by a district court in relation to the total number of complainants registered in connection with investigated offences that have been linked to a suspect.

14. Experiences of the criminal justice process

Purpose: To monitor the perceptions of crime victims and others involved in the criminal justice process regarding their contacts with the criminal justice system.

Definition: The proportion of people who report very or relatively positive experiences of the justice system authorities minus the proportion who report having very or relatively negative experiences.

Confidence in the criminal justice system

“Confidence in the criminal justice system” refers to the level of public confidence in the criminal justice process. This indicator is based on data from the Swedish Crime Survey (SCS).

15. Confidence in the criminal justice process

Purpose: To monitor the proportion of Swedish residents who have confidence in the authorities involved in the criminal justice process.

Definition: The proportion of people with a very or relatively high level of confidence in the criminal justice system, minus the proportion with a very or relatively low level of confidence in the criminal justice system.

Recidivism

The criminal justice system has an explicit role in reducing levels of recidivism. Three indicators are proposed for this target area, all based on data from Sweden's official criminal justice statistics and those of the Prison and Probation Service.

16. Recidivism level

Purpose: To monitor the proportion of convicted offenders who reoffend.

Definition: The proportion of convicted offenders released from prison, or receiving a non-custodial sanction, who subsequently receive a new conviction within a year.

17. Correctional system clients who have completed risk-reduction interventions

Purpose: To monitor the extent to which correctional system clients complete needs-based interventions against recidivism.

Definition: The proportion of correctional system clients with identified risk-reduction needs in relation to recidivism who have completed at least one risk-reduction intervention focused on recidivism during the course of their sanction.

18. Correctional system clients in occupational/treatment activities at correctional facilities

Purpose: To monitor the extent to which inmates have access to activities that can improve their chances of not re-offending (such as work, education or treatment) at their correctional facility.

Definition: The proportion of the total time available that is spent in such activities.

Outcomes should not be considered definitive results

In producing this report, Brå has checked the availability of the data required for the proposed indicators, and the report also presents an outcome for each indicator covering the five-year period 2016–2020. These outcomes are not, however, presented in this summary. The government's instruction to Brå included taking account of the ongoing work that is being conducted to digitalise the criminal justice system, and to propose indicators that could be developed within ten years. This has involved both opportunities and limitations and means that there are substantial variations between different indicators regarding how soon they could be introduced. It also means that for several of the indicators, the outcomes presented in the report are subject to one or more of the following limitations:

- A source other than that intended has been used, although the outcome is considered reasonably accurate.
- A source other than that intended has been used, and this has also impacted the reported outcome.
- The correct source has been used, but shortcomings in quality mean that the reported results do not provide a fair reflection of the outcome concerned.

The report highlights a number of different factors affecting the certainty of the reported outcomes. Generally speaking, the results should be considered a test of the feasibility of the indicators rather than definitive results. Accordingly, Brå would like to emphasise that the operations of the criminal justice system cannot be evaluated on the basis of the outcomes presented in the report. Nor can the justice system authorities be evaluated on the basis of these outcomes, since Brå has not been instructed to formulate specific targets for the various outcomes. Instead, the examples are simply intended to provide the reader with an idea of what the proposed indicators could show and how they could be used to improve the monitoring process.

Proposed use of the indicators in practice

Brå's proposal is that the indicators be employed in the context of a cyclical monitoring process in which targets and priorities are established, and outcomes are analysed and assessed, which will in turn lead to the specification of new targets. Brå proposes that central documents that govern the work of the justice system specify the target area to which each individual target is linked and also how these targets relate to the government's visions for the criminal justice system and criminal justice policy. They should also indicate the importance or priority of each target in relation to the others, as well as whether the targets apply to individual authorities within the justice system or to all of them. The targets could also be associated with a particular level of resources and should be assigned a time frame. Many of the phenomena measured by the indicators are relatively stable, so in most cases a longer time frame than the annual follow-up process that is currently employed would be appropriate. Further, the work to set and follow-up targets would be better facilitated if the government and the authorities were to find ways to improve their communication with one another, and also to improve communication across divisional boundaries within the Ministry of

Justice. This would improve the opportunities for actors within the criminal justice system to develop a common understanding of the intentions underlying the performance monitoring process, and would lead to greater clarity regarding the expectations placed on the various authorities that comprise the criminal justice system.

Brå proposes that the indicators be used for two purposes. Firstly, performance analysis can help identify trends. Secondly, it can also assist in identifying potential problems faced by the criminal justice system. To fully understand the results, the indicators often need to be broken down. Accordingly, Brå recommends that the results be broken down by, for example, crime category, organisational unit and the authority responsible for managing a given type of criminal investigation.

In order to facilitate assessments of whether or not indicator outcomes are satisfactory, the monitoring model should also include reference values and an interpretative framework, as was proposed in Brå's previous report. The proposed reference values and interpretive framework include factors that could affect the outcomes and that should therefore be taken into account in order to properly understand the outcomes. Analysis and assessment should be conducted systematically in order to avoid attributing negative results to external circumstances and positive results to the work of the justice system itself, as well as to avoid ignoring factors in a way that may alter or distort the picture that is presented. Brå proposes that the government and the justice system authorities should engage in a broader dialogue on these matters to ensure the quality of the government's final assessment.

Brå proposes the use of result dashboards as a means of presenting the indicator outcomes graphically and providing an accessible overview of the extent to which results match the targets set for different areas of the criminal justice process.

Conclusions and next steps

The proposed model for monitoring the work of the authorities responsible for the criminal justice process requires further development in certain areas. The key areas in need of development are:

- further development of the indicators

- efforts to digitalise the criminal justice system

Any further development of the indicators within the area of volume management should include the work of the prison and probation service. Within the area of disruptive measures, it would be useful to develop an indicator reflecting the transfer of information that is intended to produce a crime-reducing effect between the criminal justice system and other relevant authorities (e.g., the Social Insurance Agency and the Tax Agency).

A precondition for many of the proposed indicators is that the ongoing digitalisation process within the criminal justice system continues as planned. The current status of the digitalisation process means that at the present time many of the proposed indicators cannot be produced with acceptable quality or using the proposed method.

Monitoring the work of the criminal justice process in line with Brå's proposed model would provide the government and the authorities of the justice system with a common conceptual apparatus, a clearer goal structure and a process that includes a number of agreed steps. The use of the proposed model would also enhance the dialogue between the parties involved, which would hopefully lead to a greater degree of consensus with regard to targets, priorities and assessments of criminal justice system performance. The model thus establishes a high level of ambition for the government in terms of its governance and monitoring work.

Brå's assessment

The proposals set out in this report have been guided by three factors: simplification, transparency and a holistic perspective.

The criminal justice system is comprised of several authorities, which makes the operation of the criminal justice process complex, since even though these authorities complement one another, they have different roles in both society and the criminal justice process itself. Moreover, the authorities use different data systems and different metrics to monitor and report on their operations. In addition, there is also a political dimension, since the government has instructed Brå to produce a model for governance in the absence of any predetermined or fixed targets. Another aspect of this political dimension is the interaction between the government and the authorities of the justice system, which is to some extent the result of a long-term process focused on

developing areas of governance and collaboration that, for various reasons, are not regulated in detail.

Complexity is therefore unavoidable, and Brå has attempted to reduce the level of complexity as far as possible – to *simplify*. One important example of this is that the use of the 18 proposed indicators should reduce the number of measures that the justice system authorities are required to report to the government. Brå has also attempted to simplify the monitoring process by making it more *transparent* and thereby predictable. More transparent governance can also help reduce some of the problems identified in Brå's previous report, not least in terms of the authorities' need for clarity and predictability, and the need to strengthen the government's ability to independently assess the authorities' performance.

The third theme, *a holistic perspective*, stems from the specifications contained in the government's instructions to Brå. A monitoring system based on the overarching objectives of the criminal justice process will help the justice system authorities to realise the government's visions for criminal justice policy and the criminal justice system. Coordination and collaboration in the work of the authorities that manage the criminal justice process will produce a justice system that is greater than the sum of its parts.