

English summary

Fast-track. An evaluation of the trial project focused on the quicker processing of criminal cases

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The confidence of citizens in the legal system is to a large extent dependant on their perceptions of how quickly criminal cases are processed by the justice system and of the extent to which this processing is conducted in a way that ensures the protection of the legal rights of the individual. This is not least the case in relation to the justice system's ability to clear-up so-called high-volume offences. Common examples of this type of crime include thefts and shoplifting offences, vandalism, vehicle thefts, assault and crimes against the Road Traffic Offences Act.

For a number of years now, the agencies of the justice system have been working to make their efforts in the area of high-volume crime more effective. One initiative taken by the Government has involved initiating a trial project Fast-track, to improve the speed with which high-volume crimes are processed. This trial project was initiated on 1st July 2004 and is to continue for a period of two years. The Swedish National Council for Crime Prevention (Brottsförebyggande rådet – BRÅ) has been assigned the task of following and evaluating the work of the project.

The Government's overarching objective with Fast-track is that convictions will be brought about more quickly. One measure intended to give the agencies of the justice system the opportunity to achieve this end involved the introduction of a legislative change that means that summonses to appear in court may be served in a simplified fashion during the trial project, by being sent to the suspect. One condition, however, is that the police or the prosecutor have informed the suspect that the simplified summons may be employed and explained what this means. This information must be given to the suspect in writing. The processing time from the registering of the offence report to the time when the suspect is deemed to have received the summons to appear at trial is not to exceed five weeks.

How often is the fast-track procedure employed?

In order to produce a picture of the flow of fast-tracked cases, from offence report to final decision, the National Council has registered reports relating to high-volume crimes of a kind where the police could lead the criminal investigation during a certain period in the autumn of 2004. These cases have been followed on their journey through the legal system. The National Council's follow-up covers a total of 262 reports, relating to 354 high-volume offences. Slightly under 20 per cent of these led to some form of conviction, with just under ten per cent resulting in a court judgement.

THE POLICE DESIGNATED 27 PER CENT OF CASES FOR FAST-TRACK

Of the registered reports, 27 per cent, or 76 reports, were designated for Fast-track by the police. These reports included 96 offences. The offences that were most often designated for Fast-track were crimes against the Knives Act, minor traffic offences, shoplifting offences and thefts. It was also relatively common for reports of violence, threats or other unlawful conduct against public servants, and also for violent resistance in relation to the work of public servants, to be designated for Fast-track. Cases were designated for Fast-track significantly more often when they were investigated by high-volume crime groups, than when they were processed by other forms of investigative unit, such as duty officers, local police or traffic police units.

SLIGHTLY UNDER 30 PER CENT CONCLUDED AS FAST-TRACK CASES IN COURT

Almost one quarter of the reports that reached the public prosecutor were dismissed directly, primarily because they were related to ongoing cases at other police authorities. Of the 76 cases designated for fast-tracking, a prosecutor's decision in the question of an indictment was made in 59. This corresponds to slightly over 20 per cent of the potential fast-track cases registered by the National Council. These reports related to 72 offences.

Of the offences examined by the prosecutor, 64 resulted in convictions, of which 35 took the form of court convictions, five took the form of waivers of prosecution and 24 of summary fines. Among the offences resulting in convictions, theft and shoplifting were by far the most common.

Of the offences that resulted in a court prosecution, 30 had been settled by March 18th 2005. This corresponds to approximately 40 per cent of the offences designated for Fast-track and just under ten per cent of the registered high-volume offences. Of these, 21 cases were also processed as fast-track cases in the courts. Thus slightly less than 30 per cent of the cases that left the police designated for fast-tracking were concluded as fast-track cases in court.

Has Fast-track led to quicker processing?

The median processing time for the 59 fast-track cases assessed by prosecutors amounted to six days at the police, and one day at the prosecutor. A little over 80 per cent of these cases were processed by the police within fourteen days. The prosecutors processed almost 90 per cent of the cases within three days. The median processing time for the 21 fast-track cases that were concluded as fast-tracked court cases amounted to 30 days.

THE LARGEST TIME-SAVINGS ARE MADE AS THE CASES REACH COURT

In order to produce a picture of the length of “normal” processing times for cases corresponding to those designated for fast-tracking, the Council collected 43 comparable cases from the Söderort police district in Stockholm.

The comparison shows that the time taken by the police investigation (median time) was somewhat shorter in fast-tracked cases (six days) by comparison with these other cases (seven days), and that the prosecutor’s processing times were substantially shorter; here the median processing time was one day for fast-track cases as against seven days for the Söderort cases. The difference does not, however, amount to many days in real terms. The most substantial difference in processing times is instead found at the court level. Here the difference in processing times between the City district (35 days) and Söderort (56 days) amounted to three weeks. This difference in processing times may in part be a result of the fact that the trial project is located at a division of the Stockholm district court that is known for its speedy processing of cases. It is likely however that the possibility available to the court of using simplified summonses has also had an effect.

Could more cases be processed on the fast-track?

The picture described by the justice system has been that relatively few cases have been processed on the fast-track during the initial stages of the project. This is also confirmed by the National Council’s follow-up of cases. The question is why only 27 per cent of the registered cases were designated for fast-tracking by the police. The police have provided a number of explanations, which may be divided into three principal categories.

THE POLICE DO NOT ALWAYS MANAGE TO COMPLETE THE INVESTIGATION OF OFFENCES WITHIN FOURTEEN DAYS

There are also cases where the police are not able to complete the investigation of simple cases within the allotted time as a result of quite legitimate factors associated with criminal investigations. In cases where test results and forensic medical certificates are required, as is often the case in connection with assaults and drug offences, it is often not possible to complete the

investigation within the allotted time. The same is often the case when complainants present damages claims that must also be investigated, or where the suspect has requested that the investigation be supplemented subsequent to being served with the transcript of the completed investigation. In order for more cases to be able to be processed via Fast-track, the total allotted time of five weeks needs to be extended. This would also give the police in the second-line the opportunity to use the simplified serving procedure in connection with the serving of the completed investigation transcript.

THERE ARE MANY SUSPECTED OFFENDERS THAT CANNOT BE CONVICTED BY MEANS OF FAST-TRACKED PROCESSING

It is not unusual for typical high-volume offences in the City district to be committed by offenders with no fixed address, or who have given a false address or committed other offences that are being investigated by another police authority. Cases involving suspects of these kinds slip off the fast-track. In order for the justice system to be able to reach this group, the suspect should be regarded as having been served with documents once they have been sent to the address reported by the suspect. If the suspect changes address during the course of the investigation, it should be up to him or her to inform the police or the court of this fact.

THERE ARE DEFICIENCIES IN THE POLICE'S ORGANISATION AND WORKING METHODS

One explanation is that there are deficiencies in the way the police are organised and in their working methods. Amongst other things, the police organisation is complex and it is difficult to disseminate information and implement changes. Traditionally, information relating to change is given to persons in senior positions. These are then assumed to disseminate this information further, which does not always happen. This is particularly serious in relation to Fast-track, which requires first-line officers to take special initial measures for a case to have a chance of becoming fast-tracked. Even if the police do exactly what is required, however, there remains a limitation, in that street officers are not always able to conclude the case-work on the spot, since they often lack the authority required to serve the suspect with the transcript of the completed investigation. More street officers should therefore be given this authority.