**Developing New Statistics Describing the Criminal Justice Process**

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**Abstract**

*The Swedish National Council for Crime Prevention (Brå) is responsible for the production of Official Crime Statistics in Sweden. The criminal justice process involves several authorities, e.g. the Swedish Police Authority, the Swedish Prosecution Authority and the Swedish Courts, which each have separate data recording systems.*

*A decade ago, the Swedish government initiated the development of a new, coherent digital case management system, focusing on efficiency, quality and legal safety. This new system is revolving around the digitalization and standardization of information-exchange between all authorities involved in the criminal justice process. The first stage was launched in 2013 and included the Swedish Police Authority, the Swedish Prosecution Authority and the Swedish Economic Crime Authority. This means that it is now possible to trace a reported offence, and its related information, on its path through the part of the justice system handled by those authorities. This is important as it enables the government to monitor, analyze and follow up the activities of the criminal justice system in a coherent way previously not possible.*

*Consequently, Brå was in 2013 commissioned by the Swedish government to develop new operational and pertinent statistics, providing reliable information that can be used for the coherent follow-up and analysis of activities in the criminal justice process.*

*The development of the new statistics necessitated a new statistical approach, which involved simplifying the sophisticated and complex structure of the transaction data obtained from the authorities in the justice system to produce a more pragmatic and aggregated structure. In 2018, Brå published the first version of the new statistics, which contained information on annual volumes of reported offences and the suspects linked to those offences and other results, e.g. processing times and balances, relating to the process of handling these offences and suspects in the context of criminal investigations.*

**Keywords:** Crime statistics, standardized information-exchange, legal process, statistics development

# Background

## *1.1 A digitally linked criminal justice system*

In order to meet the challenges that the criminal justice system was facing – whose ultimate goal is to ensure the safety of citizens and reduce the number of crimes – a more efficient handling of criminal cases was required (Justitiedepartementet, 2014)[[1]](#footnote-1). A decade ago, as part of achieving this goal, the Swedish government instructed the authorities of the criminal justice system to jointly develop practices focused on the handling of criminal offences with a specific focus on *efficiency*, *quality* and *legal certainty* (Justitiedepartementet, 2014)*.* The instructions meant that the authorities concerned, using information technology (IT), were to improve their information exchange in relation to the management of criminal offences*.* In addition, the aim was to create a better foundation for *knowledge*, *analysis* and *follow-up* within the criminal justice system. It was argued that when a criminal case can be followed electronically through the criminal justice process, information can be produced and analyzed in ways that had not previously been possible (Justitiedepartementet, 2014). In this way, new conditions would be created to streamline the handling of criminal cases and to introduce more knowledge-based law enforcement.

## *1.2 Distribution of the new digital information in the judicial process*

The establishment of the criminal justice system's information exchange is organized by means of a collaboration between eleven law enforcement agencies: the Swedish National Council for Crime Prevention, the Swedish Crime Victim Compensation and Support Authority, the Swedish Courts, the Swedish Economic Crime Authority, the Swedish Prison and Probation Service, the Coast Guard, the Swedish Police Authority, the Forensic Agency, the Swedish Tax Agency, Swedish Customs and the Swedish Prosecution Authority (Justitiedepartementet, 2014). Some of these agencies´ participation is relatively peripheral. The main collaboration includes five authorities: the Swedish National Council for Crime Prevention, the Swedish Police Authority, the Swedish Prosecution Authority, the Swedish Courts and the Swedish Prison and Probation Service. This collaboration goes under the acronym RIF.

## *1.3 Management of criminal cases*

Every year, large numbers of criminal cases are handled by the authorities of the criminal justice system. Criminal proceedings begin when a criminal offense is reported. Subsequently, investigative authorities conduct an investigation, which results in a preliminary investigation protocol. If there are sufficient grounds for a prosecution, the prosecutor submits an indictment to the court, and the case is tried. The court announces its judgment and the correctional service makes an enforcement decision. By replacing the paper-based, manual exchange of information with an *electronic, standardized* information exchange, the processing of criminal cases becomes more effective. The digitalization and standardization of the information exchange in the criminal justice process also creates opportunities for better control and more efficient use of resources in the justice system (Justitiedepartementet, 2014). Moreover, it makes it possible to trace a reported and registered crime, and its related information on its path through the entire criminal justice system. Hence, *traceability* becomes a key factor (Justitiedepartementet, 2014).

## *1.4 Developing new crime statistics at a new dedicated unit*

In 2013, the first stage of RIF was launched, and included the Swedish Police Authority, the Swedish Prosecution Authority and the Swedish Economic Crime Authority. In the light of the new opportunities offered by RIF, the Swedish National Council for Crime Prevention (Brå) was commissioned by the Swedish government to develop new, operational and adequate statistics, as well as new types of indicators for operational monitoring (Justitiedepartementet, 2012). In response, Brå established a new unit at the Division for Crime Statistics, with the sole purpose of working to develop new forms of crime statistics.

It is worth mentioning that Brå has since 1995 been responsible for the production of Sweden’s official crime statistics. However, the current official crime statistics provide limited possibilities to present an overall picture of the criminal justice process with regard to offences and crime suspects. The purpose of each of the current types of official statistics is to describe a specific part of the criminal justice process.

Since 2013, Brå has therefore been conducting a long-term development project with the primary objective of developing a new generation of statistical products that can be used to describe, analyze and follow up activities through different stages of the criminal justice process (Brottsförebyggande rådet, 2013a). The new statistical products are being developed in areas related to operational statistics, primarily statistics that shed light on the handling of crimes and suspects on their way through the criminal justice process, including indicators related to operational results. The unit for the development of crime statistics (FUR) is responsible for the development of the new statistical products, in close cooperation with Brå’s IT department.

## *1.5 A challenge: from a complex data structure to a simplified one*

The data that form the basis for the design and production of the new statistical products, focused on the handling of offences and crime suspects, are obtained from a so called “integration database”, also known as KDB, which is administrated by Brå. The database collects all the transactional data from the criminal justice case management systems that are reported in to Brå, and the data are stored in an unstructured manner. As a result, the KDB handles enormous amounts of complex data.

In order to facilitate the management of this data, FUR has identified and specified micro data excerpts from the KDB that are required for the purpose of developing and producing the new statistical products. A pragmatic approach has been adopted to simplify the structure of the sophisticated and complex transaction data into a more workable and aggregated structure. The simplified data structure was explicitly designed for being used in order to produce statistical tables on offences and crime suspects. The simplified structure resulted in two aggregated files, one related to data on offences and the other related to data on crime suspects. These two files represent our target populations, and can be merged by means of a unique key identity associated with each offence.

## *1.6 Outcomes from the project – new generation of crime statistics*

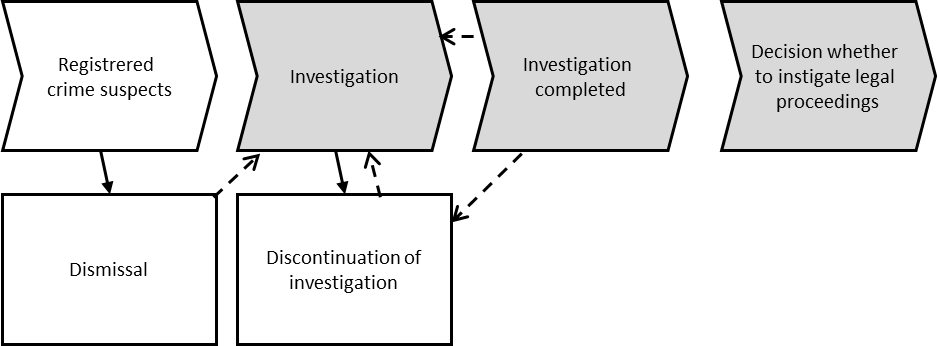
The most expressed requirement from the users of the statistics (primarily the government) has been to follow up the activities of the criminal justice system in a coherent way through the entire process (Brottsförebyggande rådet, 2013b). This has not been possible prior to the introduction of RIF. A special emphasis has therefore been given to the prospects of developing new types of crime statistics with the aim of being able to use in the *analysis* and *monitoring* of the criminal justice system activities as a whole.

The purpose of the results that are presented in this paper is to respond to the needs expressed by the users of crime statistics. The results reflect the new crime statistics product that describes the handling of offences and crime suspects on their path through the criminal justice process – from the registration of offences to decisions by the prosecutor on whether to prosecute.

Since 2018, the results have been published annually, and in the long term it is envisaged that this statistical product will be incorporated into the official crime statistics.

1. **The criminal justice process**

**Figure 1. Illustration of the investigative and prosecution process for crime suspects[[2]](#footnote-2). (The broken lines indicate common types of situations in which previous decisions are re-evaluated)**



When an offence is reported, a decision is made about whether to initiate a criminal investigation or to dismiss the reported offence without further investigation. If an investigation is initiated, it is supposed to result in either a discontinuation or a completion, depending on whether there are sufficient grounds to take the case to court. In reality, however, the criminal justice process of criminal justice is not this straightforward. The process includes several parties that may evaluate the same information differently. In addition, new information about the offence is continuously being added, both as a result of the investigation and from external sources, which may lead to previous decisions being re-evaluated. This means, for instance, that an investigation that has previously been discontinued may be resumed. It is not unusual for a criminal investigation to be discontinued and then resumed in repeated loops before a final decision is reached. Also, completed investigations may be sent back to be supplemented or even discontinued following their completion. All this mean that in practice the process is complex and difficult to capture in a comprehensive way. Thus, it was a challenging task to statistically describe the process in a simplified manner, without losing important aspects.

To describe all the possible pathways an offence can take in the criminal justice process would be an overwhelming task, and some degree of aggregation is therefore needed. One option would be only to present the status of the offence at the end of the year, as a representation of the outcome of the criminal investigation. However, all information about the decisions preceding the final one would then be lost, and as a result, many of the opportunities made possible by the new coherent digital case management system would not be utilized. Instead, our solution was to identify the most important types of decisions that can be made in relation to an offence or a crime suspect and then present which types of decisions are made in relation to each offence or suspect. However, there are a large number of decision types in the data, and many of them represent virtually the same kind of decision. As an example, table 1 shows all of the decision types which in practice means that an investigation is discontinued. It was, therefore, necessary to create broader categories of decisions types, which combined decisions that mean practically the same thing.

**Table 1. Types of decisions in the data structure that imply that an investigation has been discontinued**

|  |  |
| --- | --- |
| **CODE** | **Meaning of the decision** |
| UTNE | Investigation is discontinued (old decision code still in use) |
| FUNERAR | Investigation is discontinued by police (old decision code still in use) |
| FAAR | Simplified investigation on suspect is discontinued |
| FEJR | Simplified investigation is discontinued |
| L31AV | Investigation under the Young Offenders Act is discontinued |
| L31OP | Investigation under the Young Offenders Act is handed over to the police for discontinuation |
| FUNE | Investigation is discontinued |
| FUMA | Investigation on suspect is discontinued |
| FNER | Final service of discontinued investigation |
| FMAR | Final service of discontinued investigation to suspect |

This resulted in the identification of four primary decision categories: *Investigation initiated*, *investigation discontinued*, *investigation completed* and *decision on whether to instigate legal proceedings*. In addition, some secondary decision categories were identified, but these will not be further discussed in this paper. A new, interesting aspect in the statistics is the presentation of the size of the balances, i.e. the number of offences or crime suspects that are still being processed at the end of the year. The balances are based on the status of the offences or suspects on December 31. For reasons of simplicity, the statuses are grouped into fewer categories in a similar way to that employed in relation to the decision types. If the offence or suspect was in one of the three primary statuses: *investigation not yet initiated*, *under investigation* or *investigation completed* (but no decision made on legal proceedings); the offence or the suspect is considered to be part of the balance. Another advantage of presenting both decisions and status is that doing so makes it possible to see both how many offences that have e.g. led to a discontinuation decision during a given year, and how many offences that remain in this discontinuation status of at the end of the year.

Another important feature of the statistics is that they present both the numbers of offences and suspects subject to a certain type of decision during the calendar year of interest, and the numbers of offences and suspects subject to decisions of a certain type during the calendar year or earlier. The two different time frames fulfill different purposes. To assess the productivity of a specific year, it is of interest to know how many offences that have been subject to a certain decision in that specific year. On the other hand, when relating different types of decisions to each other, all decisions need to be taken into account irrespective of the calendar year. For instance, to calculate the annual proportion of the investigations that were discontinued, you also need to include older investigations that were still ongoing in the calculation in order to obtain an accurate proportion. In other words, the denominator needs to include investigations that were initiated during the calendar year of interest plus the investigations that were ongoing at the onset of the calendar year of interest.

A further complicating aspect is the connection between reported offences and the suspects linked to these offences. If an offence has more than one suspected person, one unique suspect per person is generated. Also, a new suspect is generated for each offence a single person is suspected of. In many cases, no suspects are linked to an offence at the time it is reported. However, the purpose of a criminal investigation is to identify suspects, and an investigation requires a suspect in order to be completed. This means that one or more suspects are often linked to the offence over the course of this process. In addition, the suspects may be subject to different degrees of suspicion. Investigations that only include suspects subject to the lowest degree of suspicion, *can be suspected*, can never be completed. For an investigation to be completed, there must be a suspect who is subject to at least *reasonable suspicion* (Bring and Diesen, 2009). Furthermore, after the completion of the investigation, all subsequent decisions are made in relation to the suspects. This means that no decisions are made in relation to the offences after this stage. Therefore, the focus of the statistics is primarily on crime suspects who are subject to at least *reasonable suspicion*. However, appendices containing detailed results tables are available both for all reported offences and all registered suspects.

# Methods

The aim of the statistics is to give a representative picture of the processing of offences and crime suspects in the presentation year. However, to capture suspects with processing times longer than a year, a reference period is used, in which the presentation year is extended to include the two preceding years.

In the statistics describing decisions and status, the population of crime suspects consists of all suspects who were originally registered in the presentation year, and who have been linked to offences reported at any time during the reference period, and suspects registered earlier in the reference period who were included in the balance at the beginning of the presentation year. All suspects have a unique status at the end of the year, which means that the sum of all statuses is the same as the total numbers of suspects in the population. In contrast, a suspect may have been subjected to more than one type of decision, for instance both a decision to initiate an investigation and a decision to complete the investigation. Thus, the total numbers of decisions will exceed the total numbers of suspects. However, even though a suspect may be subject to more than one decision of a given type, if for example the investigation of the suspect was discontinued, resumed, and then discontinued a second time, decisions of the same type are only counted once.

As for the statistics on processing times, a follow-up period of one year is used. Therefore, the population for the calculation of processing times consists of all crime suspects registered during the year preceding the presentation year. The statistics on processing times present the total time, i.e. from registration to a decision on whether or not to instigate legal proceedings, as well as times for specific parts of the process, e.g. from the initiation of the investigation to completion of the investigation. If a suspect has been subject to more than one decision of the same type, the time for the first of these decisions is employed in the calculation, with the exception of the time for the completion of the investigation, where the time of the last available decision is used. The reason for this exception is that more than one occurrence of a completion decision often means that the first criminal investigation was of insufficient quality to be able to make a decision on whether or not to instigate legal proceedings, and was thus sent back to be supplemented. Therefore, we assessed the latter occurrence of a completion decision to better describe the actual time at which the investigation was in practice completed. The statistics show the median number of days for the various processing time intervals. The reason for choosing the median when measuring the average was that the distributions of times were skewed, with most times being relatively short and a smaller number of times considerably longer (see figure 2 below).

**Figure 2. Distribution of processing times in number of days, from registration to decision on whether to instigate legal proceedings, crime suspects registered in 2017.**

Number of days

Source: Brottsförebyggande rådet 2019b

# Examples of results

This section presents a number of results that are intended to illustrate information that is produced on the basis of the new statistics on the criminal justice process (Brottsförebyggande rådet, 2019c). The purpose of the section is not to give an exhaustive account of all results that are included in the new statistical product, but to give examples of the most important types of results that the new statistics have made possible. It should be kept in mind that the results presented throughout this section only apply to crime suspects subject to at least a *reasonable suspicion*.

First of all, the statistics estimate the total numbers of crime suspects that the investigative and prosecuting authorities have had to process during a specific year. The suspects are divided by the number of suspects registered during the presentation year (2018) and the number of suspects registered during previous years (balance), see figure 3 below. The figure also shows how the numbers have changed in relation to 2017 (Brottsförebyggande rådet 2019c).

**Figure 3. Number of registered crime suspects, 2018 and 2017 respectively, divided by number of suspects registered during the presentation year and the number of suspects in balance at the beginning of each year.**

Source: Brottsförebyggande rådet 2019c

As mentioned previously, one important feature of the new statistics is that crime suspects constitute the primary object of interest. This means that it is possible to identify all types of decisions that have been made in relation to a certain suspect, irrespective of whether these decisions have been made by the police or the prosecutor. The information on the balances and the decisions that have been tracked from previous years allow for several new possibilities regarding the calculation of the proportions of suspects who have been subject to different types of decisions. Figure 4 below shows the total number of processed suspects in 2018 and the numbers that have been subject to decisions regarding the initiation of an investigation, the discontinuation of an investigation and the completion of an investigation. Note that the decisions may have been made anytime during the reference period (2016–2018). The figure also shows the proportions of suspects who have been subject to different types of decisions. For instance, for 39 percent of the suspects for whom an investigation was initiated, the investigation had been completed (Brottsförebyggande rådet, 2019c). Two important remarks are needed here. First, the fact that a suspect has been subject to a certain decision does not necessarily mean that the decision was the final one. For instance, for about 6,000 of the suspects who were subject to a discontinuation decision, the investigation was either ongoing or had been completed at the end of 2018. Second, as a result of the complex reality of criminal justice processing, no types of decisions are mutually exclusive. For instance, some of the suspects subject to a completion had also been subject to a discontinuation decision.

**Figure 4. Illustration of the decisions made in relation to crime suspects by the investigative and prosecuting authorities in 2018.**



Source: Brottsförebyggande rådet 2019b

In other situations, the primary interest might be directed at the productivity or the case load of the presentation year. In such cases, decisions made during previous years are not relevant. Calculating proportions will give misleading results when only decisions made during a specific year are taken into account, but the use of absolute numbers make sense. In figure 5 below, the trend shows a successive increase since 2016 in the numbers of suspects who have had been subject to a decision to initiate an investigation. This result indicates a steadily increasing work load for the authorities involved in criminal investigations (Brottsförebyggande rådet, 2019c).

**Figure 5. Number of crime suspects subject to a decision to initiate an investigation 2016, 2017 and 2018.**

**Result from 2018 and change from 2017 and 2016**

|  |  |  |
| --- | --- | --- |
| *Investigation initiated in 2018:* | | 541 000 |
|  | *Change from 2017* | +20 300 (+4 %) |
|  | *Change from 2016* | +28 400 (+6 %) |
|  |  |  |
|  |  |  |
|  |  |  |

Source: Brottsförebyggande rådet 2019c

Most decisions made in relation to a crime suspect result in the suspect being given a new status. For instance, when a decision is made to complete an investigation, the status of the suspect changes from *under investigation* to *investigation completed*. To obtain a snapshot of how far the bulk of suspects have come in the process at the end of the year, the statistics present the distribution of statuses on December 31th among the suspects handled by the authorities during the year. As figure 6 below shows, the majority of the suspects were in one of the three statuses: *under investigation*, *investigation discontinued* or *legal proceedings*. Suspects who at the end of the year are in any of the statuses: *investigation not yet initiated*, *under investigation* or *investigation completed*, constitute the year’s final balance (Brottsförebyggande rådet, 2019c).

**Figure 6. Distribution of crime suspects in 2018 by status on December 31st.**



Source: Brottsförebyggande rådet 2019c

In the following year, the investigative and prosecuting authorities have to handle not only all the new incoming crime suspects in that year, but also those who were in the balance at the end of 2018. Therefore, the size of the balance is an important factor that affects the total work load for a given year. Figure 7 below shows that the size of the balance has increased over recent years, which may have an impact on the capacity to deal with all new suspects that need to be investigated (Brottsförebyggande rådet, 2019c).

**Figure 7. Number of crime suspects in final balance in 2016, 2017 and 2018.**

**Result from 2018 and change from 2017 and 2016**

|  |  |  |
| --- | --- | --- |
| *Final balance in 2018:* | | 227 000 |
|  | *Change from 2017* | +9 120 (+4 %) |
|  | *Change from 2016* | +17 500 (+8 %) |
|  |  |  |
|  |  |  |
|  |  |  |

Source: Brottsförebyggande rådet 2019c

Figure 8 shows an example of statistics on processing times, which are also a novel feature of the new statistics. For crime suspects registered in 2017, the total median time from registration to a decision on whether or not to instigate legal proceedings was 68 days (Brottsförebyggande rådet, 2019b). The figure also shows that the most time-consuming part of the process was the investigation. The median time from the initiation of an investigation to a completed investigation was 60 days and the median time from initiation of an investigation to the discontinuation of an investigation was 43 days.

The figure presents the interquartile ranges in parentheses. These ranges show large variations in processing times, which is of course a consequence of the different characteristics and varying complexity of different types of crime.

As the follow-up time was one year, 365 days is the maximum number of days. Thus, processing times longer than 365 days were excluded from the calculations. Primarily as a result of erroneous registration dates, some processing times turned out to be negative. These times were also excluded in those cases where it was not possible to correct them. If, for instance, date of a completed investigation is missing for a suspect, the time from registration of the crime suspect to the completion of investigation cannot be calculated. However, as long as the date of the decision on whether or not to instigate legal proceedings is available, the total time from registration of the crime suspect to the final decision can still be calculated.

**Figure 8. Processing times for crime suspects 2017, expressed in median number of days (quartiles in parentheses).**

 Source: Brottsförebyggande rådet 2019b

## *4.1 How should the results be assessed in terms of quality?*

As was pointed out in the introduction, the aim of the new statistics was to provide a basis for describing, analyzing and following up activities through the criminal justice process. However, since every single suspect is associated with its own unique set of characteristics, it is difficult to produce a universal assessment of the quality of investigative and prosecution activities on the basis of the statistics produced. For instance, how should one assess the proportion of discontinued investigations? The completion of an investigation is not always better than a discontinuation. If further investigation would be too costly, in relation to the severity of the crime, or if the quality of evidence against the suspect is too poor, a discontinuation of the investigation is probably the most reasonable and cost-efficient decision. It is even more difficult to assess the processing times. Shorter processing times should not be achieved at the expense of quality. In both of these examples, the available data lack the information needed to assess the result.

Furthermore, changes in results can also be influenced by changes in the composition of the crimes committed. For instance, in recent years, the number of fraud suspects has increased, while the number of theft suspect has decreased (Brottsförebyggande rådet, 2019a). Since it is easier to complete an investigation regarding theft than an investigation regarding fraud, this development is likely to decrease the proportion of completed investigations, other things being equal. Similarly, the median time for investigating a fraud suspect is considerably longer than for investigating a theft suspect (Brottsförebyggande rådet, 2019b). Thus, an overall increase in median processing times could be expected, based on the recent changes in the distribution of suspects with regard to the types of crime they have committed.

# Conclusion

In this paper, a new generation of crime statistics is presented. The new statistics respond mainly to the need expressed by the users, to follow up, analyze and monitor the activities of the criminal justice system as a whole. The results presented in this paper are a subset of comprehensive statistical tables, where it is possible to follow all crime suspects handled a given year through the process, irrespective of whether the suspects have been handled by the police or the prosecutor. The statistics show the decisions the suspects have been subject to, the processing times and the number of suspects still under process at the end of the year.

In the feedback we have received on the new statistics, the users have expressed that they find the results relevant and innovative, but, due to inherent complexity, sometimes difficult to interpret in terms of quality or efficiency. In order to improve relevance and accessibility, the next step in the project is therefore to develop new indicators or sets of indicators based on the results in the statistical tables. The purpose of the indicators is primarily to complement the new statistics in order to further facilitate better decision making and provide reliable tools for follow up of the activities in the criminal justice system. The starting point will be to begin by analyzing the state of knowledge, as well as identifying a framework that can be used as a reference, and available statistical methods.

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1. All references used in this paper are either written in Swedish or published by Swedish authorities. For convenience reason, we consistently refer to the non-translated name of the authority and title of the reference. [↑](#footnote-ref-1)
2. A crime suspect is the link between an offence and each person suspected of the offence. A crime suspect is not the same as a person, as a person can be suspected of more than one offence, and, thus, represent more than one crime suspect. [↑](#footnote-ref-2)