



Extract from the report to the
Public Accounts Committee on
the practice followed by the Danish
police for dropping criminal cases

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1. Introduction and conclusion

1.1. Purpose and conclusion

1. This report concerns criminal cases that are dropped by the police before charges are pressed.

The purpose of the study is to determine whether criminal cases are dropped by the police in compliance with the Danish Justice Administration Act and the guidelines issued by the Danish Public Prosecutor. The point of departure for the study is a previous report published by Rigsrevisionen on the Danish criminal justice system, which, among other things, showed that the police in 2012 dropped approximately one fourth of all cases reported and not always made it clear to the injured parties that the cases had been dropped. On the basis hereof, Rigsrevisionen decided to launch a study focused on how the police handle criminal cases that are dropped. Rigsrevisionen initiated the study in December 2014.

CONCLUSION

The police may decide to drop a case if they, after having assessed the specific case, conclude that there is not sufficient evidence of a criminal offence to start an investigation or continue an ongoing investigation. In 2014, the police dropped approximately 274,000 criminal cases, corresponding to approximately 30 per cent of all criminal offences reported. The police dropped approximately 90 per cent of all burglary cases, approximately 75% of all theft cases, approximately 16 per cent of all rape cases and approximately 20 per cent of all cases concerning economic crime. The share of burglary and theft cases dropped was largely the same in Denmark's 12 police districts, whereas there were variations between the districts in the share of rape cases and cases relating to economic crime that were dropped.

The 12 police districts all have guidelines that prescribe when cases can be dropped, and according to Rigsrevisionen's study, they are all complying with the regulations of the Administration of Justice Act. It should be noted that the police also take the gravity of the reported crimes into account.

Rigsrevisionen's review of 298 cases dropped in four selected police districts and covering four types of criminal offences shows that, no rape cases were dropped by the police districts without prior investigation, whereas the majority of theft cases were dropped without prior investigation. The share of cases concerning rape and theft that were investigated in the respective police districts, before they were dropped, was largely the same, and there were only marginal variances between the police districts in respect to the share of burglary cases and economic criminal offences that were investigated, before they were dropped.

The four types of criminal offences addressed in the report

- *Burglary*
- *Theft*
- *Rape*
- *Economic crime.*

The four police districts examined

- *Copenhagen*
- *North Zealand*
- *Central and Western Jutland*
- *Southern Jutland.*

Incident reports for further examination

If the police conclude that there is uncertainty about the objective elements of a criminal offence, they may decide, initially, to enter the reported case into the system as an incident report for further examination. The same applies if it is impossible for the police to determine which regulation under the criminal code a criminal offence concerns. A subsequent assessment of the credibility of the case, forensic evidence and other evidence, may also lead to the registration of a case in the system as an incident report for further examination.

Clear-cut cases

If the police suspects that a crime has been committed and the objective elements of the offence are beyond doubt, the case will be registered as a clear-cut case.

Keeping the injured party informed

Section 749, sub-section 3 of the Danish Administration of Justice Act prescribes that the injured party and others with reasonable interest in the case, shall be informed by the police if the case is dropped.

The practice followed by the police districts for recording cases as dropped either prior to investigation or after investigation, varies considerably. In consequence, the injured parties are not always correctly informed of the status of their case. Moreover, the statements prepared by the police cannot be used to determine whether there are differences between the police districts concerning the share of cases that are investigated before they are dropped.

If there is uncertainty about the objective elements of a reported criminal offence, the police may decide to record it as an incident report for further examination. These files are only included in the police statistics as reports of criminal offences, if they are subsequently converted into so-called *clear-cut* cases. It is not possible to determine how many incident reports for further examination concerning criminal offences the police have registered. The study shows a lack of central guidelines on the criteria for labelling reported cases as incident reports for further examination, which increases the risk that this type of reports are used differently in the 12 police districts. A random sample revealed several initial reports that could have been registered as clear-cut cases and therefore should have been included in the police statistics on reported criminal offences. The review of cases shows that the status of the cases as initial files for further investigation does not seem to affect the police investigations. However, the police failed to keep the injured parties informed to the extent prescribed by the Administration of Justice Act in approximately 30 per cent of the files examined.

The study shows that the injured parties receive standard receipts when they report minor criminal offences. However, the receipt contains contradictory information, is difficult to understand, and does not include any guidance on how to file a complaint. Nor does it appear from the receipt whether the police will drop the case, which means that the injured parties are deprived of the opportunity to file a complaint if the police have decided/or decide to drop their case.

In cases where investigations have been started, the police districts follow different practices for the level of information to be provided to the injured parties in the event that the police decide to drop their cases. This results in a lack of consistency in the services provided to the injured parties across the police districts. It should be noted, though, that Rigsrevisionen's review shows that in the more serious cases, the injured parties are generally informed about the reason for the decision to drop their case, and they receive guidance on how they should file a complaint, if they disagree with the decision made by the police.

With a few exceptions, the four police districts adhere to the guidelines issued by the Public Prosecutor, which determine who has the authority to drop criminal cases.

It is for the Public Prosecutor to ensure that all police districts process criminal cases in a consistent and uniform manner. The study shows that the Public Prosecutor and the two regional assistant public prosecutors have supervised the individual police districts, yet have not had sufficient focus on ensuring the consistency of the process for dropping cases across the districts.

To ensure the required consistency in the provision of services to the citizens, Rigsrevisionen recommends that the Public Prosecutor and the Danish National Police should

- define clear guidelines for the registration of criminal cases as dropped either prior to investigation or after investigation;
- support efforts to ensure that the injured parties are informed, in a comprehensible manner, if their case has been dropped, and ensure that the police districts inform the injured parties in a consistent and uniform manner, in particular when cases are dropped after an investigation has been started;
- define clear guidelines for the registration of reported cases as incident records for further examination and for the conversion by the police of such files to criminal cases.

The Public Prosecutor and the National Police agree with Rigsrevisionen's recommendations, and will take steps to develop guidelines that reflect these recommendations.