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Improper influence against prosecutors and judges in Finland and Sweden

Findings from two national surveys 2008

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Contents

PREFACE 7
EXECUTIVE SUMMARY 9
INTRODUCTION 10
The objective and the research problems 10
Improper influence as a problem 11
Forms of improper influence 12
Earlier studies 13

SAMPLE, RESPONSE RATE, METHODOLOGICAL ISSUES 14
The Swedish sample 14
The Finnish sample 14
Fieldwork 15
Response rate 15
Methodological problems 17

THE PROFESSIONAL ROLES 17
The roles of prosecutors and judges 17
The prosecutor – a visible individual who presses charges 19
The judge in general courts of first instance – a neutral person towards the end of the criminal justice process 21
The judge of the province court (Sweden) / the judge of the administrative court (Finland) – the relevance of written proceedings 22

VICTIMISATION THROUGH IMPROPER INFLUENCE 23

REPEAT OR MULTIPLE VICTIMISATION 24
Harassment 24
Threats 26
The incidence of other problems 27
Family members are victimised only rarely 27

DIFFERENT PROFESSIONAL ROLES, DIFFERENT INFLUENCE 28
Earlier research 28
Influence at the workplace 29
Harassment 29
Threats 31
Damage to property 33
Violence 33
Corruption 34

THE STAGE OF THE PROCESS AT WHICH THE INFLUENCE OCCURS 34

THE PERPETRATORS 36
Perpetrators identified in earlier research 36
Perpetrators in the current survey 37
Harassment 37
Threats 40
Vandalism, violence, corruption 41

WHAT HAD BEEN DONE ABOUT THE ATTEMPTS AT IMPROPER INFLUENCE 42
Responses to improper influence according to earlier research 42
Responses to improper influence according to the present study 44
Support measures 45
Preventive and alleviating measures 45
Measures taken at the local workplace 46
Measures taken by a central authority 47

RECOMMENDATIONS BY THE RESPONDENTS 48
Suggestions for measures to cope with the problem situations 48

References 51

Annex 1. Case descriptions of “harassment” 55
Annex 2. Case descriptions of “threats” 59
Annex 3. Suggestions by the respondents for measures to prevent improper influence 60
Annex 4. Kauko Aromaa: A statistical exercise: cumulation and heterogeneity of risks of improper influences against prosecutors and judges.....84
Annex 5. The introductory letter.....96
Annex 6. The web survey questionnaire.....98

PREFACE

The independence of the judiciary is a major concern that is addressed in the United Nations recommendations concerning the rule of law. In practice, this has much to do with whether prosecutors and judges are able to carry out their duties without improper outside influence. However, to date only very little empirical evidence has been gathered on this issue. The study reported here contributes to filling this gap in knowledge.

This report is based on a study carried out in 2008 with support from the Scandinavian Research Council for Criminology, the Swedish National Crime Prevention Council (Brå), and the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI). It brings together the Swedish and Finnish country reports, authored by, respectively, researcher Johanna Skinnari with the guidance of Mr Lars Korsell, Director of Brå's Unit for research on economic and organised crime, and Senior Researcher Mika Junninen and Director Kauko Aromaa of HEUNI. The web survey in both countries was organised by Mika Junninen and Kauko Aromaa of HEUNI.

This report was prepared by Kauko Aromaa, who at the time of the study was Director of HEUNI. In addition to bringing the two survey results from Sweden and Finland together, and thus providing a comparative perspective on improper influence against judges and prosecutors – an issue which is as timely as ever – it contributes to the general methodological literature on victim surveys by containing (in annex 4) a separate analysis of questions relating to cumulation and heterogeneity of risks.

Helsinki 22 February 2016

Kauko Aromaa

former Director, HEUNI

EXECUTIVE SUMMARY

The web survey was carried out in 2008, targeting all prosecutors and judges in office in Finland and Sweden. The forms of improper influence addressed in the questionnaire were harassment, threats, violence, vandalism and corruption. The reference period applied was the preceding 18 months. The survey was carried out simultaneously in Finland and in Sweden using an identical questionnaire.

Judges and prosecutors have experience of all of the listed forms of improper influences. However, the dominant forms of influence are harassment and threats.

Victimisation occurred primarily at the workplace, and only rarely in the leisure time of the respondents.

Most of the perpetrators were individuals who were not connected with criminal organisations. This is the case in particular when the victim was a judge. Occasionally, however, organised crime representatives were also observed to be involved. This was true for prosecutors in particular.

Swedish prosecutors were harassed and threatened by organised crime representatives significantly more often than Finnish prosecutors.

It was unusual that family members of the civil servants concerned were victimised, but also some such instances were reported, some of them quite serious. Again, such incidents were more likely in Sweden than in Finland.

According to the respondents, the employer organisations of the respondents had not done very much to prevent such incidents or to protect their employees from improper influences. The respondents were also of the opinion that much more should be done about the problem.

The respondents had many suggestions for improvements, some of them quite sophisticated. These included, inter alia, ideas concerning the way their work was organised, the protection of personal data, access control, and the physical design of the offices and courtrooms. Overall, the responses demonstrate that the persons involved should be consulted carefully when planning and implementing new measures to prevent improper influences and to minimize their impact.

INTRODUCTION

The objective and the research problems

The United Nations have expressed concern that the rule of law may be hampered by unlawful action taken against the civil servants in question.[1] However, little empirical evidence has been available on the scope and contents of possible problems in this area. In order to be able to provide some perspective, any assessment of the situation should take a comparative approach.

The objective of the current study is to measure and compare unlawful actions that we have chosen to call "improper influences" directed against prosecutors and judges in Sweden and Finland. The research questions are:

- How prevalent is improper influence?
- Are also family members of prosecutors and judges victimised?

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[1] This concern is dealt with, for example, in the following United Nations standards and norms:

- the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169, annex);

- Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials (Economic and Social Council resolution 1989/61, annex);

- Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I. sect. B.2, annex);

- Basic Principles on the Independence of the Judiciary (Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. D.2, annex);

- Procedures for the effective implementation of the Basic Principles on the Independence of the Judiciary (Economic and Social Council resolution 1989/60, annex);

- Basic Principles on the Role of Lawyers (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B.3, annex);

- Guidelines on the Role of Prosecutors (Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.26, annex);

- International Code of Conduct for Public Officials (General Assembly resolution 51/59, annex); and

- the United Nations Declaration against Corruption and Bribery in International Commercial Transactions (General Assembly resolution 51/ 191, annex)

- Who are known / suspected of being involved in the improper influence?
- In what situations and what stages of the legal process is the influence exerted?
- Are incidents of improper influence reported and recorded?
- What can be done and what is being done in order to prevent improper influence?

Improper influence as a problem

Improper influence directed at prosecutors and judges may be conceptualised in a framework of workplace safety and the working atmosphere, or in a framework of the legitimacy and functioning of the criminal justice system, i.e. the rule of law. Both frameworks are relevant, and both comprise issues dealt with in this study. For both frameworks, the (crime) prevention approach is equally relevant.

From the workplace safety perspective, the issue is violence and other personal or workplace-related violations that are related to the victim's work and occur on the job (sometimes, the private and public overlap as for instance when an employee is harassed, threatened or assaulted in the workplace for private motives). However, according to both Finnish and Swedish law, the employer has a general obligation to provide protection against risks in the work environment, whether they have work-related or other causes.

From the perspective of legitimacy, or the rule of law, the core issue is the credibility and efficiency of the authorities responsible for law enforcement. Improper influences may jeopardise and endanger the rule of law, or the objectivity, reliability and independence of these authorities. Such influences are not acceptable in a system based on the rule of law, even if the employees involved would not be at risk regarding their personal safety or the safety of their family. It is in the public interest to prevent such influences and to minimise their impact if they occur.

From the prevention perspective, each case may require different measures. Social prevention as well as situational prevention measures deserve to be considered. In general terms, situational prevention may be seen as a matter of four main aspects (Clarke & Eck 2003; Cornish & Clarke 2003): increasing the risks; reducing the benefits (in this case, the success of the influence attempt); reducing the incentives, and removing the pretexts). In practice, these may be translated into multiple measures at multiple levels, such as identity protection, being prepared, developing coping skills, introducing general rules, training, integrity, physical planning, social planning, administrative planning, access control, monitoring and other technical prevention.

Forms of improper influence

Improper influence can be either instrumental or expressive, or both. Much of the improper influence may be expected to be of an instrumental nature, with the objective of obtaining a favourable decision or of disturbing or delaying the legal procedure. There is an obvious interest for suspects, defendants, plaintiffs and other stakeholders to try to interfere with the decision-making in each phase of the legal procedure, in particular if there is the belief, hope or chance that such influence might be successful. Whether instrumental or expressive, the influence may sometimes be of a very serious character.

Improper influences may also be exerted in retaliation, or they may simply be uncontrolled expressions of frustration. However, even such cases may simultaneously have an instrumental aspect, demonstrating to the representatives of the criminal justice system that they may be at risk if they do certain things, i.e. the influence may have a "general preventive" or "general deterrent" purpose. Such a consequence may also be unintended. Such cases often occur after the decision in the case has been taken, but they may also happen before the decision, the message then being that it is not advisable to interfere with certain kinds of affairs.

If the influence occurs before the decision, it is more obvious that instrumental motives may be at the forefront, in particular with the motive of trying to discontinue, slow down or distract the procedure. However, also in this case, the objective may be to convey the message that the authorities should not interfere with the actors exerting the influence.

If the influence is just a reaction to a decision, we are dealing with a different issue than if the purpose is to influence the decision. For the criminal justice system employees involved, and their personal, physical or social safety, the purpose of the action may not always make much difference. The two issues are, however, fundamentally different: the retaliation or the reactive protest may need to be dealt with differently than is the case with an attempt to influence future decisions. Also as a problem of control and prevention, the two cases may have different implications that deserve further analysis.

In respect of the forms that influence may take, surveys have applied different operational definitions. For example, the 1999 Finnish-Lithuanian survey (Aromaa 2002) assessed improper influence as comprising threats, violence, extortion, and bribery directed at the respondent or his/her family. The 2005 Swedish survey (Brå 2005) addressed also additional phenomena: harassment and damage to property.

The current Finnish-Swedish 2008 survey adopted the categories applied in the Swedish 2005 survey. Thus, compared with the 1999 Finnish-Lithuanian survey, harassment and damage to property were added, and extortion (which according to the previous survey was very rare) was not included.

Also other forms of improper influence have been identified, which are not always easy to classify under any of the above categories. Such forms may be of many subtle kinds, including delicate pressure through sexual services or attraction, vague promises or hints that resemble "offers you cannot refuse", "old boys' network" services to help out a friend, or symbolic acts that only the target knows how to interpret. Also letter-bombs and letters containing toxic powder or other dangerous or unpleasant substances have been observed.[2] All of these forms of behaviour are apparently quite uncommon but examples of them have been described in earlier research and in other sources.

Earlier studies

Before the present study, similar research had been carried out in both countries. In Finland, a first survey was made in 2000 using the mail questionnaire mode.[3] In Sweden, a similar study was published in 2005 (Brå 2005). The studies were not identical and thus not strictly comparable. However, on a general level the overall findings were not dissimilar.

In the present study, an attempt was to be particularly comparative. The model was taken from the 2005 Swedish study, modified, inter alia, according to experiences from the 2000 Finnish study. In particular for budgetary reasons but also for the sake of comparability,[4] the web survey mode was applied in both cases. Identical questionnaires were drafted, testing for meanings by consultations with experts knowledgeable in the work of prosecutors and judges. The electronic questionnaires were sent to the respondents using a web survey program (Webropol), administered by HEUNI for both countries.

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[2] An example was reported from the Office of the Finnish Prosecutor General: "[on 6 October 2010] the office of the Prosecutor General received a letter that contained powder… The person who opened the letter suffered mild skin symptoms although he was wearing gloves… The same individual had been sending similar mail to the Office of the Prosecutor General also before. The earlier letters, however, had not contained dangerous substances. They have instead been primarily harassment and clumsy attempts at extortion". (Helsingin Sanomat, 8 October 2010, p. A11).

[3] Furthermore, a survey of experiences with improper influence in connection with police work was carried out in Finland in 2005, with financial support from the Scandinavian Research Council for Criminology (NSfK) (Junninen 2005).

[4] There is not yet very much experience regarding the significance of different survey modes regarding comparability. However, some studies do indicate that also internet surveys can be used and that the results are similar to those of other modes, and thus acceptable. This needs to be subjected to further systematic testing, and since this methodological issue was not the topic of the current study, both surveys applied an identical survey mode. The response rate of web surveys has been found usually to be lower than in surveys applying other more traditional data collection modes (Lozar-Manfreda & Vehovar 2004; Groves et al. 2009).

SAMPLE, RESPONSE RATE, METHODOLOGICAL ISSUES

Below, we describe the samples and the way the survey was carried out. We also discuss some advantages and disadvantages of the method.

The Swedish sample

The Swedish target group comprised all prosecutors employed in the Prosecution Authority (Åklagarmyndigheten; ÅM) and in the Economic Crime Authority (Ekobrottsmyndigheten; EBM), as well as all regular and non-permanent judges (fiskaler and assessorer) in general courts of first instance and in the (administrative) province courts (länsrätt).

The Swedish group of prosecutors comprises the same categories that were targeted in the previous Brå survey (2005). However, the group of judges is not quite identical with the one addressed in the 2005 study. In the present survey, the target group was broadened so that it also comprises administrative courts as well as a larger group of non-permanent judges in general courts (the 2005 study only comprised those non-permanent judges who were dealing with criminal matters). The reason for this was that attempts at influencing the work of judges are by no means limited to criminal trials; on the contrary, earlier research would indicate that this is more common in family law cases or other cases where the case generates strong emotions among the parties involved. Such parties do not consider themselves as criminals/offenders, and therefore may feel that they do not belong in court (Geiger 2001). Rather than drawing a sample of all judges, the study was restricted to comprise only courts of first instance, whether general courts or administrative courts.

The Finnish sample

The Finnish sample was identical to the Swedish one, with the exception that also other courts (Appeal Courts, the Supreme Court and the Supreme Administrative Court, the Insurance Court, the Labour Court and the Market Court) were included (see Junninen & Aromaa 2010). In this report, we focus only on the comparable part of the Finnish data, and therefore only judges in first instance general courts and administrative courts are included. In Finland, there is no separate prosecutorial unit for economic crime. Therefore, the following analysis collapses the prosecutors of the Swedish Prosecution Authority and those of the Swedish Economic Crime Authority.

The number of persons who received the link to the web survey is shown in Table 1.

Table 1. Number of persons in the sample

Category	Sweden	Finland
All prosecutors of the Prosecution Authority*	762	344
All prosecutors of the Economic Crime Authority*	95	.
All judges of general courts of first instance	598	471
All judges of administrative courts of first instance**	274	317
Total	1729	1132

* In Finland, all prosecutors are organised under one authority

** In the Finnish data, referendaries of administrative courts are included. (Referendaries prepare cases for decision by the judges, and have special legal responsibility in doing so)

Fieldwork

In Sweden, on 26 March 2008, an e-mail was sent to all persons in the sample, providing them with a link to the survey. Before this, and once more when the link was sent, information about the survey was provided on the intranet systems of the Prosecution Authority (Åklagarmyndigheten), the Court Authority (Domstolsverket) and the Economic Crime Authority (Ekobrottsmyndigheten). A reminder was sent by e-mail on 10 April, with further reminders during May and June over telephone to chief prosecutors and deputy chief prosecutors of the Prosecution Authority and the Economic Crime Authority, as well as to leading judges (rådmän) in the Court Authority. All of these measures were taken in order to increase the response rate (cf. Frankfort-Nachmias and Nachmias 1996; Denscombe 1998).

In Finland, no register of all prosecutors and judges was available. Therefore, the link to the questionnaire was e-mailed to the office e-mail address of all courts and prosecutor's offices, requesting the link to be forwarded to all relevant employees. This was done on 26 March 2008. Reminders were sent on 10 April and 21 April. The Finnish part of the survey was closed on 21 May 2008.

Response rate

In the Swedish survey, 1096 persons out of 1729 responded, or 63 per cent of the entire research population. In the comparative part of the Finnish survey, 673 persons out of 1132 responded, or 59.5 per cent of the entire research population.[5] Table 2 shows the response rate in different respondent categories.

[5] Of the Finnish data, this report only deals with the prosecutors and judges who are organisationally equivalent to those of the Swedish study. The full Finnish data are presented in the Finnish country report (Junninen & Aromaa 2010).

The Swedish response rate was lower than the one in the Swedish survey on improper influences in 2005. The response rate in Finland was moderately lower than the one in the current Swedish survey, but considerably lower than in the Finnish 1999 survey.

The low response rates in both countries are, however, not unexpected since web surveys have often been observed to yield lower response rates than mail surveys, which were applied in the previous Finnish and Swedish studies (Aromaa 2006; Dahmström 2005; Trost and Hultåker 2008).

The non-response turned out to be of considerable interest in the Finnish 2000 study. It was found that many prosecutors and judges in two large cities (Helsinki and Turku) did not reply, and subsequent controls revealed that these non-respondents had often had problems related to improper influences.

Therefore, the conclusion was that some of the non-response may be indicative of an influence problem, while some of it could signal that the respondent did not have such experiences. It is possible that these two alternatives balance each other out. If this is the case, then the non-response did not cause under-reporting of the problem experiences. It would be important to look at the reasons for the non-response more closely. In the current study, this was not possible because of anonymity pledges that prevented the identification of non-respondents and follow-ups, where these could have been approached once more.

Table 2. Response rate, Sweden and Finland

	Sweden		Finland	
Respondent category	Number	Per cent	Number	Per cent
Prosecutors, the Prosecution Authority (Åklagarmyndigheten)	450	59.1	.	.
Prosecutors, the Economic Crime Authority (Ekobrottsmyndigheten)	78	82.1	.	.
Prosecutors, total	528	62.5	255	74.1
Judges, general courts of first instance	387	64.7	264	56.1
Judges, administrative courts	178	65.0	154	48.7
Total[6]	**1096**	**63.4**	**673**	**59.5**

[6] Three persons who completed the questionnaire did not answer the introductory questions about where they were employed.

Methodological problems

In Sweden, some prosecutors and judges informed the research team that the survey does not work very well, or that they had problems in responding to web surveys because of insufficient computer skills. There were also other problems that may come up with the web survey method (Dahmström 2005; Trost and Hultåker, 2008; cf. also Denscombe 1998). Such issues may have contributed to the low response rate.

Also in the Finnish survey, similar feedback was received. However, the overall reaction was positive. Since the response rate was, nonetheless, lower than in the 2000 survey, and the reported problems were clearly dissimilar to the 2000 findings, we do suspect that the lower response rate in Finland may have concealed some rather serious cases of improper influence.

In terms of identifying more detail, in any collection of data the paper questionnaire mode is inferior to a face-to-face or telephone interview. For resource reasons, personal interviews were not an option in the current study.

HEUNI, which administered the survey, decided furthermore to make several of the follow-up questions voluntary, and this has likely caused some degree of unit non-response (i.e. sometimes such individual questions were not answered even if the respondent answered other questions). Results for questions for which the unit non-response was assessed to be too large are not discussed in this report.

THE PROFESSIONAL ROLES

The roles of prosecutors and judges

Prosecutors and judges have central roles in the court/criminal justice procedure. The police, of course, are first in line when the criminal justice procedure is concerned, and their situation needs to be researched. Similarly, it would be relevant to know what kinds of pressures and other improper influences are exerted on lay judges, witnesses and attorneys. A further point of interest would be to investigate in what ways and to what extent the media are trying to exert influence on the work of the courts. For budgetary reasons, the focus in the current study is on prosecutors and judges only.

In criminal cases, the chain of legal decisions starts from the criminal investigation carried out by the **police**. At this stage, the interest in influencing the decisions may be expected to be relatively high since, if successful, all future harm to the suspect and others involved would be prevented. Also the volume of potential trouble-makers is obviously larger than at the next stages of the chain of legal decisions, and it is therefore likely that also the prevalence of experiences of improper influence is highest at this initial stage of the

procedure. As we have not included the police in this study, this idea could not be pursued further; however, a previous study (Junninen 2005) indicated that it is likely to be supported by empirical evidence.

The next authority in the chain are the **prosecutors**. It is up to them to decide whether charges are pressed or not. The volume of suspects and potential trouble-makers is smaller than at the police stage, but also the decision to prosecute or not has heavier consequences. For this reason, it is difficult to speculate whether the individual risk of experiences of influence would be higher or lower than at the police stage, also because there is a relatively speaking larger proportion of rather trivial cases at the police stage. Thus, when a case reaches the prosecutor, some of the more trivial cases have been pruned out, and the average interest of the person concerned to influence the next decision may be larger.

The final authority in the chain are the **general court judges**. In criminal procedure, their role is to sit back and assess the evidence as well as apply the law. Although the interest in influencing this decision could again deemed to be greater than at the previous stage when prosecution is decided upon, judges are both physically and psychologically at a distance from the event and its investigation, to the effect that experiences with problems could be expected to be a bit less prevalent among them. General court judges, however, also deal with civil law cases, often comprising in practice divorce and child custody conflicts, in which the risks of problems may be quite different than in criminal cases.

Administrative court judges are at the end of a quite different chain of administrative decisions. In Finland and Sweden, their cases are prepared and initially decided upon in municipal administration, the decisions being taken by a variety of municipal authorities. The case may, for example, be about taxation, planning and construction, child protection, coercive mental health measures, administrative deprivation of liberty, or residence permits or deportation. In such matters, the stakes may at times be high, and emotions may become heated. As the decisions are mostly taken in written proceedings in which the parties are not present in person, it might be expected that the overall prevalence of improper influence could be lower than in the general courts.

In order to understand why some actors have an interest in influencing judges and prosecutors, we need to look at how prosecutors and judges of general courts of first instance/administrative courts work. With more knowledge about the professional roles, the survey results become more transparent.

The prosecutor – a visible individual who presses charges

In earlier research, the prosecutor has been singled out as the professional category within the criminal justice system who is particularly often subjected to improper influences (Brå 2005:18; cf. also Åklagarväsendet rapport 1995:7). Prosecutors reported mainly having been subjected to serious disturbances (11 per cent) and serious threats (7 per cent), and to a significantly lower degree to violence and illegal offers (Brå 2005:18; cf. also Åklagarväsendet rapport 1995:7; Harris et al. 2001; RKP rapport 1994:2; RKP KUT-rapport 2004:9b). A number of other studies, including the previous Brå and HEUNI surveys, indicate that attempts to corrupt prosecutors (and judges) are very rare in Finland and Sweden (RKP KUT-rapport 2004:9b; Nordqvist 2003; Mischkowitz 2000; Junninen 2007). The corruption that seems to take place is friendship-based corruption or bribes in the form of cash or different kinds of gifts (Nordqvist 2003; Mischkowitz 2000; Brå 2007:21).

An explanation for the relatively high rates of harassment and threats is that prosecutors as individuals are rather visible because of their leading role in the crime investigation and their powers to decide whether charges are pressed and what the charges are about. The prosecutor, despite his/her role as a representative of the law enforcement bureaucracy, appears often to be seen as a person who is acting on his/her own initiative. According to both Swedish and Finnish criminal procedural law, it is also the prosecutor whose obligation it is to be the active party.

The media are also increasingly often describing the prosecutor as an individual. A Swedish prosecutor described the situation in the web survey:

> "Related to a TV programme about a case I had prosecuted and in which my role had been described in an unfair manner as weak, I immediately received a number of unpleasant telephone calls. Persons I did not know called and gave me shit in a way that was rather disquieting. It is impossible just to shake it off, there is always something unpleasant that remains".[7]

A Finnish prosecutor referred to a corruption case, in which

> "the local media made strong statements indicating that the prosecutor is shooting a fly with a cannon. To be subjected to such media criticism may be subsequently reflected in future prosecution decisions, at least subconsciously."[8]

[7] That people receive negative feedback after media publicity is, however, something else: in this case, it happened to be a prosecutor, but it was perhaps not just the lawsuit but his exposure to media publicity itself that gave rise to the negative reactions.

[8] This case illustrates a different but equally relevant consequence of media publicity.

It is the prosecutor as an individual who expresses himself or herself, who explains, who has opinions and who takes action. The prosecutor is a party in the case, and even if he/she is also to take into account the circumstances that are in favour of the defendant, he/she is still likely to be seen as an "opponent". Furthermore, the prosecutor is often involved at an early stage of the criminal procedure and is taking decisions that are mostly negative for the defendant concerned. The prosecutor as an individual is simply a much exposed person, and this also makes the prosecutor an obvious target of improper influence.

Many prosecutors commented on this issue in the web survey. Below, we cite a Swedish comment:

> "You must understand that it is the prosecutor as the head of the crime investigation and as the one who makes the decisions who is eventually responsible for more serious investigations. Criminal organisations and individual offenders identify by name the prosecutors who are responsible for them being prosecuted. The prosecutor should not appear by name but only as a representative of the Prosecution Authority."

A Finnish prosecutor described an incident where his person was connected with the attack:

> "After the court verdict, the female partner of a man sentenced to imprisonment for an aggravated assault came to my office and slapped my face because she said it was my fault as the prosecutor that her husband was convicted."

Another Finnish prosecutor said:

> "A very central issue with regard to preventing influence attempts is how to protect the personal data of civil servants more effectively than what is currently the case. From what I know, the personal data protection order given by the administrative court is very inefficient. People who wish to harass and threaten find out the home addresses and other personal data regardless of the personal data protection order. This matter needs to be improved."

There are also differences between prosecutors as to what kinds of cases they are pursuing. Crime investigations that give rise to a lot of emotion and receive much media exposure are likely to create a higher degree of threat compared to cases with no publicity. Similarly, it is likely that the material interests as well as the severity of the sanction involved play a role – if large interests are at stake, the risk of improper influence attempts is probably larger than in small cases. Also, for instance in economic crime cases, the suspects are on average more powerful and resourceful than in other cases, and may perhaps consequently be more able and likely to resort also to extra-legal measures.

The judge in general courts of first instance – a neutral person towards the end of the criminal justice process

The previous Swedish study on improper influence comprised all regular judges in general courts, but regarding criminal cases, only non-permanent judges. In this latter group, the victimisation by improper influence displayed a pattern that was similar to the one found among the Swedish prosecutors, but on a lower level: harassment, 8 per cent; threats, 3 per cent; and violence, less than one per cent of the judges (Brå 2005:18). Also offers of an unacceptable nature (bribery) were rare, in particular compared with other professional groups. In the Finnish study of the year 2000, a similar pattern was found. However, the results cannot be directly compared, since the 2000 study did not comprise harassment.

A reasonable explanation for this finding – the difference in comparison to prosecutors – is that judges appear at a rather late stage of the criminal justice process, where the crime investigation has been completed, and where a prosecutor has already made the decision to prosecute. The chances of influencing the outcome may therefore be assessed to be relatively small. It is also reasonable to assume that the more time that has passed – with interrogations and other police and prosecutorial measures – the less emotionally "charged" is each subsequent encounter with the criminal justice system. This idea is derived from the observation that much of the improper influence detected seems to be rather irrational, and the objective of really influencing the decision of the representative of the relevant authority or of intimidating others in regards to their future decisions is thus not a leading one.

Furthermore, the judge as an individual is usually not similarly singled out and regarded as active as the prosecutor, but is rather considered to be a neutral and more passive party in the Swedish and the Finnish law enforcement continuum. It is also less common that a judge would be clearly visible in the media – judges rather seem to communicate through their sentences.

Nevertheless, also judges may suffer from publicity. A Finnish judge explains:

> "My address is protected, and my telephone number is secret. Also, there is no mail box with my name on it in front of my house. All staff members should keep secret the judge's contact information, telephone numbers and physical location – the correct answer to anyone asking for this is that he/she will be contacted if there is a reason to do so. For instance, a real bomber does not call because he wants to speak with the civil servant but because he wants to find out where the civil servant is in order to detonate his bomb at the right time and place… Members of the court should not be photographed by the media."

Discussions related to improper influence against judges in general courts of first instance mostly make reference to criminal cases. It is easy to believe that

"criminals" are particularly inclined to attempt direct improper influence of judges. Earlier research indicated, however, that both prosecutors and judges had observed that those attempting to influence them were, alongside individual offenders, often querulants (persons who obsessively feel wronged and go to court for the sake of principle), mentally disturbed persons, persons in a desperate situation, and substance abusers (Brå 2005:18). This means that there is a substantially larger variety of actors other than just "offenders" whom the judges are confronting and who may be active in seeking to exert improper influence.

Furthermore, such influencers are often observed other than in criminal cases. Regarding general courts of first instance, it is therefore civil cases, in particular family cases that represent a high-risk area (cf. Geiger 2001). In the Finnish 2008 data, child custody conflicts were found to be a case in point: desperate parents may not refrain from even the most extreme moves if other methods prove to be unsuccessful. The results of the previous Swedish study also gave indications that judges of administrative courts may be subjected to improper influence. They are often dealing with issues in which large material interests are concerned, and therefore the parties involved may have a high motivation to rely even to last resorts such as attempts at improper influence.

The judge of the province court (Sweden) / the judge of the administrative court (Finland)[9] – the relevance of written proceedings

In distinction from judges in general courts, judges in the administrative courts have not previously been studied with regard to improper influence.

A central difference between the two Swedish and Finnish categories of judges is that administrative court judges mostly do not conduct oral hearings in the main portion of proceedings. Their cases are instead about conflicts between individual persons and the state, and often have to do with tax issues, foreigner and nationality issues, social insurance issues, and other issues such as driving licences or alcohol sales licences (www.dom.se). The matters coming before the administrative courts are mostly dealt with in writing, not in personal face-to-face encounters. A Finnish judge comments:

> "Since the administrative court procedure is mainly based on documents, the parties involved sometimes call on the telephone or visit the office in order to ask about the situation and the scheduling of the case. In this context, they often try to explain their ideas regarding the case."

[9] Below, the terms "administrative courts" and "administrative court judges" shall be used for both the Swedish and the Finnish courts.

VICTIMISATION THROUGH IMPROPER INFLUENCE

Table 3 depicts the victimisation rates regarding the five most common forms of improper influence[10] among prosecutors, and among judges in general courts and administrative courts in both countries. The last column shows the prevalence of family members having been victimised by any of these forms of influence.

Harassment and threats are sometimes difficult to distinguish since they contain similar elements, and consequently, some respondents may have interpreted an event as harassment while some others might interpret a similar event as a threat.[11]

Harassment and threats are experienced relatively often, while violence, bribery attempts, vandalism, and attempts at influence targeting family members are quite rare. The prevalence of harassment victimisation ranged from 10 to 22 per cent, while threats had been experienced by 3-9 per cent. The highest harassment victimisation rates were found among the prosecutors, at the level of 21-22 per cent in both countries. Also for threats, the highest prevalence rates, about 8-9 per cent, were found among the prosecutors in both countries.

[10] Definitions of each were provided in the questionnaire (Annex 6).

[11] In the end, harassment and threat are subjectively defined. What is harassment to one respondent may be experienced as threat by another. Also, there is always a grey area around the edges of such concepts, as is illustrated by the comment of a Finnish prosecutor:

> "To my mind, the attempts at improper influence occur mostly unintentionally when parties in court cases communicate with us. They are often inclined to express their ideas regarding the reliability of the court system in general. Mostly, they criticise the neutrality of civil servants in general, and are already in advance critical of the forthcoming decision of the prosecutor…"

This kind of influence is at least very close to an attempt at improper influence but does maybe not quite meet the definition of "harassment" used in this study. The issue is mostly one of parties who can be described as being "difficult clients".

Table 3. Victimisation prevalence, preceding 18 months, Finland and Sweden, %.

Finland	Harassment	Threats	Violence	Vandalism	Corruption	Family members victimised
Prosecutors	22.4	9.0	0.8	0.4	0.4	2.0
General court judges	16.7	4.9	0.8	0.4	0.4	1.9
Administrative courts	11.0	3.2	0.6	0.0	0.0	0.0
Sweden	Harassment	Threats	Violence	Vandalism	Corruption	Family members victimised
Prosecutors	21.4	8.0	0.6	1.7	0.8	1.9
General court judges	10.3	3.1	0.5	0.8	0.3	0.5
Administrative courts	10.7	7.9	1.1	0.6	1.1	1.1

REPEAT VICTIMISATION

Repeat victimisation is an important topic that should be studied further. The working conditions of victims of multiple incidents may need to be improved, or perhaps their tasks and duties should be reconsidered. The risk mechanisms of such victims may also prove to be different from those of persons who become victims only rarely or on a single occasion. To study such mechanisms may shed new light on how prevention could be improved.

Harassment

Table 4 reproduces the distributions of incidents of harassment as reported by each respondent category. The distributions have been cut at five incidents; earlier victimisation surveys have shown that it is difficult to provide accurate figures for very frequent events, and high incidence figures are thus not very reliable in a statistical sense.

In both countries, it was common to report only one incident of harassment (34 % of all Swedish victims, 38 % of all Finnish victims).

Table 4. Harassment: reported incidents during the preceding 18 months, Finland and Sweden

Finland		1	2	3	4	5+	Total victims
Total (674)	N	45	43	13	5	13	119
	%	38	36	11	4	11	100
Prosecutors (255)	N	18	23	6	4	7	58
	%	31	40	10	7	12	100
General court judges (264)	N	13	18	7	-	6	44
	%	30	41	16	-	14	100
Administrative	N	14	2	-	1	-	17
	%	82	12	-	6	-	100
Sweden							
Total (1093)	N	59	40	24	11	38	172
	%	34	23	14	6	22	100
Prosecutors (528)	N	35	29	17	9	23	113
	%	31	26	15	8	20	100
General court judges (387)	N	18	7	3	2	10	40
	%	45	18	8	5	25	100
Administrative courts (178)	N	6	4	4	-	5	19
	%	32	21	21	-	26	100

Of those victimised, over two-thirds (71 %) in Sweden and over four-fifths (85 %) in Finland had experienced three incidents or fewer. There are, however, a small number of persons who had been victims of a very large number of incidents of harassment, ranging from about ten incidents up to an estimated 40 incidents (Sweden), or up to 99 incidents (Finland). One out of five (22 %) Swedish victims and one out of ten (11 %) Finnish victims had experienced five incidents or more.

These findings indicate that victimisation is a strongly cumulative and/or heterogeneous phenomenon (cf. Aromaa 1971; Hope & Trickett 2004). At the end of this report, a separate chapter (Aromaa 2011) presents an analysis of the distributions of victimisation incidents in both countries.

Threats

Table 5 shows the distributions of incidents of threats in each respondent category. Most victims reported only once incident, but some come up to five or more.

Table 5. Threats – reported incidents during the preceding 18 months, Finland and Sweden

Finland		1	2	3	4	5+	Total victims
Total (673)	N	25	13	1	2	1	42
	%	69	31	2	5	2	100
Prosecutors (255)	N	14	8	-	2	-	24
	%	58	33	-	8	-	100
General court judges (264)	N	7	4	1	-	1	13
	%	54	31	8	-	8	100
Administrative court judges (154)	N	4	1	-	-	-	5
	%	80	20	-	-	-	100
Sweden							
Total (1093)	N	37	18	7	1	4	67
	%	55	27	10	1	6	100
Prosecutors (528)	N	21	13	4	1	3	42
	%	50	31	10	2	7	100
General court judges (387)	N	8	2	1	-	1	12
	%	67	17	8	-	8	100
Administrative court judges (178)	N	8	3	2	-	-	13
	%	62	23	15	-	-	100

Threats were overall less prevalent than incidents of harassment, and this is also reflected in the distributions of incidents shown in Table 5.

Most Swedish judges who reported having been threatened, said that there had been one (53 %) or two (25 %) incidents. However, some reported as many as five incidents. The same pattern was found in all three Swedish respondent groups. In the Finnish responses, correspondingly, seven victims out of ten had been threatened only once, and the differences between the respondent groups were not very large.

The incidence of other problems

Since only a few judges and prosecutors reported having been victims of damage to property, violence or corruption attempts, the three groups are difficult to compare in detail. It is, however, striking that such incidents are not only rare in terms of how many persons have been victimised but also in terms of how many incidents had been experienced by individual victims. As many as 11 out of the 13 persons who said that they had been victims of damage to property reported only one single incident. The same is true of incidents of violence - it was most common that one single violent incident was reported, even if some replies reported as many as three. Finally, five persons of those seven who had received offers of bribes had only received one such offer during the reference period of 18 months.

In the Finnish data, no multiple victimisation was found for violence, damage to property or bribery attempts.

Family members are victimised only rarely

In both countries, slightly over one per cent (Sweden: 1.2 %, Finland: 1.5 %) of the respondents said that family members had been victimised, mostly by harassment.

Table 6. Percentage of respondents who reported that their family members were victims of improper influence with the purpose of influencing the respondent's functions as a civil servant.

	Sweden Number	Per cent (n=1097)	**Finland** Number	Per cent (n=673)
Harassment	7	0.6	9	1.3
Threats	5	0.5	1	0.1
Vandalism	2	0.2	-	-
Violence	-	-	-	-
Corruption	-	-	-	-

For Sweden, most of the 13 persons whose family members had been victims of improper influence reported that this had occurred only once. However, one respondent reported as many as eleven incidents. Both Swedish prosecutors and judges did report that family members had been victimised, but only two cases respectively were reported by each group of judges, while the remaining ten were targeted at families of prosecutors. For Finland, five of the victims belonged to the family of a prosecutor, and five belonged to the family of a general court judge.

Different professional roles, different perpetrators

The two judge categories and the prosecutors have dissimilar professional roles. They are also involved in transactions with different types of people in different kinds of cases. Such differences are illustrated in this chapter, in which we describe and analyse the forms of improper influence, in what kinds of situations they occur, and who is perceived to be behind the attempt at improper influence.

Earlier research

According to earlier research, harassment and threats against prosecutors and judges usually occur over the telephone or in personal interaction (RKP rapport 1994:2; Brå 2005:18). An unexpected finding in earlier Brå research was that a number of prosecutors, in distinction from other professional groups in the study, had learned about serious threats through tips/information from others. This was the case for one-third of all threats against prosecutors.

Yet, the threat is mostly explicated in the working place. In a study conducted by the Swedish National Central Police, one prosecutor out of five and one judge out of ten who had been threatened was victimised in their leisure time (Rikskriminalpolisen) (RKP rapport 1994:2; see also Åklagarväsendet rapport 1995:7; Brå 2005:18).

In a German study, corruption attempts against judges were found to be both spontaneous and of planned nature. This feature distinguished them from other professional groups such as customs officers, police officers, and probation staff, since members of these groups mostly confront only one type of corruption attempt (Mischkowitz et al. 2000). In the cases described in the German study, the prosecutors usually reported that the perpetrator was trying to find out what the prosecution contained, or other details of the case, while the cases against judges mostly involved the observation that certain individual interpreters were being used to a very high degree (Mischkowitz et al. 2000).

One approach that some individual officials apply and many authorities have adopted as a policy is that no gifts of any kind are to be accepted (Brå 2005:18; Brå 2007; Nordqvist 2003). In order to avoid giving offence to the person presenting the gift, certain kinds of simple gifts may be accepted on behalf of the entire office and displayed for instance in the lunch/coffee room. In this way, an attempt is made to avoid rumours of improper/improper offers (cf. Nordqvist 2003).

As observed above, improper offers/corruption directed at prosecutors and judges are rare. The previous Brå study provides a considerable amount of information regarding what the offers were about. For the prosecutors, in one case out of two, it was a free meal, while the picture was more varied among

the judges (Brå 2005:18). Overall, the survey responses indicated that the reported improper offers were of a relatively minor nature.

The most usual forms of harassment were unpleasant telephone calls, unpleasant mail, e-mail or ordinary mail, and furthermore that somebody blaming the prosecutor or the judge made a complaint to the ombudsman, a counter-report, or a report alleging misconduct in office (Brå 2005:18).

Threats, violence, harassment and corruption attempts usually take place already during the criminal investigation, or before or when the verdict is announced in the courtroom (Harris et al. 2001; Mischkowitz et al. 2000; Brå 2005:18). Even so, threatening letters or the like may appear also after the court verdict has been passed, but this is not usual (Brå 2005:18; Harris et al. 2001; Junninen 2007).

Influence at the workplace

Regardless of the type of incident, the usual feature is that the influence is exerted at the place of work. One exception is damage to property, since this typically targeted the car or the home.

Harassment

In both countries, the most common forms of harassment were unpleasant telephone calls, letters, e-mails or SMS's to the workplace.

In Sweden, 43 per cent of those who reported having been victims of harassment said that the incident was of this kind. In Finland, this proportion was even larger (67 %). Table 7 shows the distribution of different forms of harassment in the Swedish and the Finnish data.

Table 7. The most common forms of harassment during the preceding 18 months, by respondent group, Finland and Sweden, %

Type of harassment	Sweden				Finland			
	Prosecutors (N=111)	General court judges (N=40)	Administrative court judges (N=19)	Total (N=170)	Prosecutors (N=57)	General court judges (N=44)	Administrative court judges (N=17)	Total (N=118)
Telephone call, letter, e-mail, or SMS to the workplace	38.7	52.5	47.4	42.9	57.9	75.0	76.6	66.9
Complaint to ombudsman, police etc.	5.4	12.5	15.8	8.2	12.3	15.9	17.6	14.4
Indications of stalking	21.6	7.5	10.6	17.0	7.0	2.3	-	5.9
Telephone call, letter, e-mail or SMS to the private sphere	6.3	5.0	-	5.3	1.8	6.8	5.9	4.2
Other	27.9	22.5	26.3	26.5	19.3	-	-	9.3

A Swedish judge relates an earlier event:

> "I received an e-mail […] that contained an indirect threat, saying like "it only costs x crowns to have somebody killed". The e-mail, however, was sent to a number of other recipients besides myself, and was obviously written by someone with mental problems. I felt that the message was unpleasant to receive but it has not influenced me in any way afterwards."

A second common problem in both countries was complaints to the Ombudsman, complaints to a superior or to the police, in which the actual objective was understood to be harassment.

A third frequent form of harassment comprised stalking. This form was more common in Sweden than in Finland, and was experienced particularly often by Swedish prosecutors (22 %). Of the 13 persons in the Swedish data who reported indications of stalking, 12 were prosecutors.

Telephone calls, letters, e-mails or SMS's to the private sphere were less common forms of harassment, accounting for only 5 per cent of the cases.

Several respondents pointed out how easy it is to make observations concerning them. A Swedish prosecutor wrote:

> "Information regarding my home address was sought on the internet. This was done through the internet page [name] that published address data. Since I've got an uncommon family name, this could be done in a few minutes."

Comparing the two countries, the category "other" was much larger in Sweden than in Finland. It is not clear why the previous answer alternatives were so often rejected by the Swedish respondents. It may be that since the harassment questions were presented first, they have captured some problem incidents that would strictly speaking belong to the next questions (threats, vandalism). However, if this was the case, the outcome also indicates that the Swedish respondents were more often at a loss as to which incident to report from

among several different ones, since they not only had experienced more than one victimisation incident more frequently, but had also experienced a larger variety of kinds of incidents. For respondents with multiple victimisation experiences, the questionnaire gave the instruction to select the one that was the "most unpleasant", but the formulation of this question may not have worked as intended.

Looking at the Swedish problem descriptions provides a partial answer: Swedish respondents seemed overall to have had more varied experience than the Finnish ones, and the option "other" would therefore be more likely chosen. The case descriptions provided in annex 1, however, also give the impression that many incidents reported here would actually belong in to the next category, that of "threats". Being the first alternative, harassment seems to have attracted many problem experiences of other kinds as well.

Case descriptions for both countries are provided in Annex 1.

Threats

Table 8 indicates what kinds of threats the respondents reported. There is a striking difference between the two countries: in Finland, threats presented in personal confrontations are much less frequent than in Sweden: three cases in Finland, against 18 in Sweden. The corresponding Swedish percentage was four times the Finnish one (26 % vs. 7 %).

Correspondingly, the proportion of threats using communications media to the workplace was more than three out of four in Finland, but less than one-half in Sweden. This is in line with a similar difference regarding harassment. Furthermore, the role of indirect threats was slightly more prominent in Sweden than in Finland.

Table 8. Type of threat, preceding 18 months, by respondent group, Finland and Sweden, %.

	Sweden				Finland			
Type of threat	Prosecutors (N=42)	General court judges (N=12)	Administrative court judges (N=14)	Total	Prosecutors (N=24)	General court judges (N=13)	Administrative court judges (N=5)	Total
By telephone, letter, e-mail, or SMS to the workplace	35.7	33.3	57.1	43.1	79.2	76.9	80.0	78.6
In person threat	23.8	50.0	7.1	26.2	8.3	7.7	-	7.1
By tips or secondary sources	9.5	-	7.1	7.7	-	7.7	-	2.4
By telephone, letter, e-mail or SMS to the private sphere	7.1	-	7.1	6.2	4.2	7.7	-	4.8
Other, n.a.	23.8	16.7	21.4	15.4	8.3	-	20.0	7.1

Comparing respondent groups, it turns out that the high proportion of personally presented threats in Sweden primarily concerns general court judges, but also – less prominently – prosecutors. The Swedish administrative

court judges have a similar profile to all Finnish respondent groups, with threats primarily received as communications to the workplace.

This observation could mean that Swedish general court judges are most exposed to direct personal confrontations in which threats can be presented, followed by Swedish prosecutors, while the other respondent groups would seem to be much less vulnerable to such problems. The Swedish court procedure may provide more opportunities for personal exchanges than the Finnish one. For administrative courts, the finding would likely reflect the lower exposure to client or similar contacts, because of the predominantly written procedure, in which context personal confrontations are not common.

Regarding the option "other", two Finnish prosecutors explained:

- "telephone call to my home, said nothing"
- "encountering a difficult client in a public place".

In this context, one administrative court judge reported, in response to the section in the survey on threats, having been contacted by a representative of a non-governmental organization that focuses on European due process.

In Sweden, the judges in administrative courts said in eight cases out of 14 that the threat was presented by telephone, letter, e-mail or SMS to the workplace. The remaining replies were scattered evenly across the other alternatives.

In six cases out of twelve, the Swedish general court judges had received the threat in person. In four cases it was made for example by a telephone call to the workplace.

Among the Swedish prosecutors, three types of threats are discernible. First, 15 out of 42 victimised prosecutors said that the threat was made for example by a telephone call to the workplace, 11 reported a threat that was made in person, and seven said that the threat came as a tip or from a secondary/indirect source. Of the eight respondents who had learned about the threat by a tip, seven were prosecutors.

Also in the earlier Swedish study, tips about threats were relatively common among prosecutors. Other studies of improper influence indicate that it is difficult to make judgements about threats that are not directly made to the person they attempt to influence (Brå 2009; Brå 2008:8; Brå 2005:18). Since the victim does not meet the perpetrator, it is not possible to judge from his/her behaviour how likely it is that the threat is also going to become real. At times, tips concerning threats may come from persons whose identity must be protected, and this makes it difficult to have an open exchange about the influence attempt and consequently to make a clear assessment of the threat. Tips by offenders indicating that somebody is going to harm the prosecutor also need not have any reality basis but may have other objectives (such as deflect the interest away from the one who is providing the tip, or to gain status).

This finding raises the question of possible differences in awareness between the two countries. The Swedish prosecutors and judges may be more aware of problems studied here, and consequently they may also take note more often of indirect hints received from the police or other sources, and report these as instances of improper influence. Furthermore, the police-prosecutor interaction may be more intensive in Sweden than in Finland; also this might explain part of the larger volume of indirect hints/tips in Sweden.

Case descriptions for both countries are provided in Annex 2.

Damage to property

In the Swedish data, as many as 12 of the 13 persons who reported that they had been victims of damage to property said that the damage was done to private property. The target was the apartment/house or parts of the house, in particular the front door, but also the car. The damage concerned many kinds of targets: mail boxes were damaged, cars were scratched, wheels taken from the family car, or parts of the apartment or property inside of the apartment were taken. The incidents in which guns were fired into the respondent's apartment were not seen as damage to property but as threats, difficult as they may be to place under the given incident categories.

A Swedish general court judge comments:

> "Several of my colleagues and my boss have been victims of relatively serious vandalism at their homes, and also to threats over the telephone and the Internet. I consider this to be very serious, and it causes me a considerably amount of concern. That I have not been personally victimised is probably a matter of chance, or pure good luck. The risk that the perpetrator is successful, that is to have an influence, is, I'm afraid, not non-existent, however professional we judges may be. In any case, they have succeeded in influencing our routines and security attitudes, and creating an atmosphere of uneasiness/tension. This is of course totally unacceptable and must be prevented."

The Finnish respondents gave only two examples, both of a not very serious character. The low number of incidents of damage to property does not allow for detailed analysis except that clearly, Swedish prosecutors and judges had more experiences of damage to property than did their Finnish colleagues. However, incidents of a more serious nature have been occasionally reported in Finland in the media, but were not captured by our survey.

Violence

Violence was rare overall: seven Swedish and five Finnish respondents had experienced physical violence in the preceding 18 months.

None of the seven Swedish respondents who reported violent incidents had been in need of medical treatment as a consequence of the violence. This indicates that the violence brought forth in the responses was primarily non-serious. This is also in line with earlier research as presented above.

For the Finnish respondents, the finding is very similar: out of the five victims, four had not been in need of medical treatment as a consequence of the violence (one did not respond to this question).

Corruption

The instances of inappropriate offers reported by the prosecutors and the judges were of several kinds. The examples provided in the Swedish data comprised offers of free meals, candy, other objects, money, internal benefit,[12] and offering something that could be bought at a very good price.

In the Finnish data, one offer was described as an "offer of services", the other one was a percentage of the damage compensation demanded in the complaint.

This means that the few bribery/corruption-related cases found in the survey were rather minor. Of course, also these incidents would deserve a concrete description which is not available in the current data.

It might not be likely that those who might have accepted bribes report this in a survey. Nevertheless, this finding would mostly support the conventional understanding, also supported by current Transparency International data on perceptions, that these two countries are on the low side when bribery of civil servants is concerned.

THE STAGE OF THE PROCESS AT WHICH THE INFLUENCE OCCURS

Prosecutors are victimised during an early stage of the process, while judges experience problems in connection with court proceedings and/or in the exchange of documents.

According to the survey, it is not possible to say much about at what stage the damage to property, the violence or the inappropriate offers occurred. The number of victims of such attempts of influence was too small for this.

For harassment and threats, the findings are shown in Table 9.

[12] By "internal", the respondent referred to the bureaucracy: a superior or a colleague had attempted to exert influence with reference to promotion or other advantages in office.

Table 9. The stage of the criminal procedure at which the harassment or threat occurred.

Stage	Sweden		Finland	
	Harassment	Threats	Harassment	Threats
Before or during the police investigation	27.2	6.0	33.4	16.7
When bringing charges	8.0	4.4	13.7	16.7
During exchange of documents in the administrative court	4.1	8.8	-	4.8
In trial / oral hearings / hearings on remand	25.7	23.5	38.4	33.4
While waiting for verdict	4.9	4.4	-	2.4
Appeal to higher court /second instance administrative court	11.7	16.2	12.3	4.8
After the verdict took legal force	11.1	8.8	17.9	19.0
No response	6.4	10.3	-	-

The follow-up questions were optional, and consequently there is a degree of internal non-response. The answers indicate, however, that about one harassment incident out of three occurs before or during the police investigation. A second point with a high risk is the main trial or the oral hearings. Many judges and prosecutors wrote about the need to improve the security of the court building but often also of its surroundings. As a Swedish prosecutor explains:

> "Just one example about our risks: In connection with hearings on remand during week-ends or holidays, in [big city] prosecutors must travel using public transport to [suburb]. After the session is closed, which may be late at night, we need to walk from the detention centre/court to [a station], and there it may happen that a suspect who was not detained is travelling with you on the same train. Similar situations occur after a late court session. This is mainly a security concern of courts."

A Finnish prosecutor comments in part on a similar dilemma:

> "It is important to make it easier for prosecutors to move around. A prosecutor must in no case travel by public transport but by his own car, including parking space in a protected place. It should also be reconsidered whether prosecutors should be always available by telephone with their direct numbers – since prosecutors must always answer the telephone, also their location is simultaneously revealed. Prosecutors who work in different locations must be able to move safely. If for instance your office is in one building and the client reception is in an adjacent building, it is ridiculously easy to get at the prosecutor, for example by

> one person asking to see him in the client reception, while other members of the group lie in wait along the open and unprotected route he has to use from the office to the client reception. It would be important to have a security guard escort in major cases."

Prosecutors and judges are dissimilar in the sense that prosecutors enter the legal procedure at an earlier stage, and they therefore also experience attempts at improper influence at an earlier stage, and more frequently. Only 17 per cent of the Swedish prosecutors who reported incidents of harassment said that these had occurred after the main trial. For Swedish general court judges, the corresponding proportion was 43 per cent, and for their colleagues in administrative courts as high as 58 per cent.

Several Swedish judges do, however, maintain that prosecutors are more often victimised even in court, partly because they are more visible as individuals, but also because of organisational factors. A Swedish judge explains:

> "For the time being, judges have mostly been spared attempts at improper influence. Probably judges are felt to be relatively neutral in comparison to the prosecutors. The risk of influence is understood to be relatively low in court premises because judges use "internal routes" when going to the courtroom. This must be much worse for the prosecutors who usually use routes open to the general public. It has been understood that the prosecutors should have close contact with the complainants who are to be heard and who are staying in the areas open to the public. Considering this, it may be difficult to arrange 'separate entries for prosecutors if the situation of the complain-ants is not improved simultaneously, since the complainants may indeed be subjected to improper influence in the public areas."

The stage where the threats occur is similar to that of harassment. Threats occur primarily before or during the police investigation, and in connection with the main trial. As was the case with harassment, prosecutors report attempts at influence at an early stage of the procedure.

THE PERPETRATORS

Perpetrators identified in earlier research

In the previous Swedish study on improper influence, prosecutors and judges thought that it was generally a single individual who was behind the serious incidents of harassment. According to both prosecutors and judges, mostly mentally disturbed persons and querulants were responsible for these serious incidents (Brå 2005:18). Also individual offenders and persons in desperate situations were thought to be responsible for a large proportion of the harassment incidents. Prosecutors, more often than judges, had observed that

various kinds of organised crime and activist organisations were responsible for some attempts at improper influence.

Also in regards of serious threats, as a rule single individuals were thought to be responsible. The Swedish prosecutors thought the persons responsible usually were individuals suffering from a mental disturbance, or individual offenders or drug addicts. The Swedish judges named the same offender categories, with the exception of the individual offenders (Brå 2005:18). Exactly as was the case with harassment, persons from different kinds of organised criminal groups were indicated both in the replies of the Swedish prosecutors and the judges. However, the number of respondents who thought that organised crime was involved was very low.

Some earlier studies maintain that it is not possible to identify a particular personality profile in regards to those who direct threats or violence at persons working in the criminal justice system. Focusing on personality profiles may therefore be risky and lead to potential offenders remaining undetected (Weiner and Hardenbergh, 2001)

An American judge maintains that young offenders are a risk factor: they do not have the same self-control and they may act out in the courtroom, in particular if they are gang members, and they are trying to gain status or retaliate against other gang members (Geiger, 2001; cf. also Brå 2008:8). Apart from lack of experience and a wish to display strength to a gang, also alcohol and drugs may render people unpredictable. According to a Swedish study, more than one judge and prosecutor out of five who reported that they had been threatened thought that the perpetrator was under the influence of alcohol, narcotic substances or other chemicals at the time the threat was made (RKP rapport 1994:2).

Perpetrators in the current survey

Harassment

Many kinds of persons may be guilty of harassment. Table 10 shows what kinds of perpetrators were responsible for the harassment, according to the perception of the respondents. When interpreting the figures, it must be borne in mind that the question was about the "most unpleasant" incident, if the respondent had experienced more than one incident. This means that, in the case of respondents with multiple victimisations, the identity of the person guilty of the "most unpleasant" incident will override all the other perpetrators. Since multiple victimisation was not very frequent, this may not be a serious problem. However, it does suggest that a more detailed questionnaire might yield slightly different perpetrator profiles than we found with the current questionnaire. The difference would, however, obviously be leaning towards the less serious perpetrators, and therefore, for considerations related to prevention, not of a crucial nature.

Table 10. Perpetrators of harassment, preceding 18 months, by respondent category, Finland and Sweden, %

	Finland			Sweden		
	prosecutors (n=57)	general court judges (n=44)	administrative court judges (n=17)	prosecutors (n=113)	general court judges (n=40)	administrative court judges (n=19)
Person with an intoxicant problem	5.3	2.3	5.9	4.4	2.5	-
Mentally disturbed person	26.3	43.2	5.9	19.5	27.5	15.8
Person in desperate situation	14.0	9.1	17.6	14.2	17.5	15.8
Querulant	3.5	25.0	11.8	14.2	25.0	52.6
Individual offender	17.5	-	-	12.4	12.5	-
Political activist	3.5	2.3	5.9	4.4	-	5.3
Member of youth gang	-	-	-	5.3	5.0	-
Member of prison gang	1.8	-	-	-	-	-
Member of mc gang	5.3	-	-	6.2	-	-
Member of eastern European criminal group	-	-	-	0.9	-	-
Member of other organised criminal group	3.5	-	-	10.6	-	-
Organised criminal group or gang total	10.6	-	-	17.7	5.0	-
Business/entrepreneur	-	2.3	5.9	1.8	-	-
Unknown	-	-	-	4.4	5.0	10.5
Someone else / no answer	19.3	13.6	47.1	1.8	5.0	-
Total	100.0	100.0	100.0	100.0	100.0	100.0

For multiple victims, the prioritisation of the "most unpleasant" incident has the effect that more trivial cases are concealed behind the most unpleasant one. This does not exaggerate the prevalence of serious/unpleasant incidents but deflates the rates for less serious incidents.

Most often, the perpetrator was a "mentally disturbed" person or a person with an "intoxicant problem" (these two may be hard to distinguish). Also persons in a desperate situation were mentioned often. An additional quite large category was querulants, persons who obsessively feel wronged and go to court for the sake of principle. This kind of perpetrator was particularly often mentioned in Swedish replies.[13]

Persons from organised criminal groups or gangs were particularly frequent in the Swedish replies (one out of five); a smaller number of such perpetrators

[13] The Swedish language has a special expression for this kind of person: "rättshaverist" which seems to be commonly used among Swedish professionals. (A very rough translation would be "legal wreckage".) A somewhat corresponding colloquial expression is used also in Finnish ("käräjäpukari"; "court bully") but it is used much less broadly, and also may not embrace quite the same connotations as its Swedish equivalent. This is a highly interesting observation if one considers the degree to which concepts like this can be translated in targeted or general population victimisation research.

were also mentioned in the Finnish data (one out of ten). For both countries, this kind of perpetrators concentrated almost exclusively on prosecutors.

In Finland, the option "someone else" was chosen rather often. Of the Finnish prosecutors, nine chose this option. In these cases, the perpetrators were parties to civil and criminal trials, but also legal counsel (twice), and the police (twice).[14]

Of the Finnish general court judges, six responded "someone else". Of these, three were legal counsels, one was a defendant, one was a prosecutor, and one was an activist with an interest in the administration of justice (the latter appeared also in the responses of the administrative court judges mentioned below).

Finally, of the Finnish administrative court judges, seven gave additional information regarding the option "someone else". In this group, a non-governmental organization that focuses on European due process was mentioned three times; another three were parties in administrative appeals or their representatives; and one was a "local politician".

Overall, in the majority of the harassment incidents, the perpetrators were perceived to be individual actors fitting in to one of three categories: persons with mental disturbances/intoxicant problem, persons in a desperate situation, and querulants. These groups of persons were mentioned numerous times by both the prosecutors and the two categories of judges.

Some comments by Swedish prosecutors:

> ”In practice, it seems that both professional criminals and mentally disturbed offenders understand in 95 % of the cases that the prosecutor is only doing his job / representing the authority.”
>
> “Some groups have now passed a limit that used to be sacred”.
>
> ”Actions against biker gangs and other criminal groups are increasing”

A judge in a Swedish administrative court on migration had this to say:

> “I and my family have been threatened because I, in my position as judge, have not supported an appeal concerning the revocation of a driver’s licence [of an immigrant]. This happened after the court verdict was passed.”

A Swedish general court judge explains:

> “My responses about being harassed relate to family cases (custody disputes). It is not unusual that the parties in such cases become aggressive

[14] These were, as described by the respondents: (1) the plaintiff; (2) the defendant; (3) the spouse of the defendant; (4) an ordinary person; (5) the prosecution was about an issue that was embarrassing to him; (6) a person with a foreign background; (7) legal counsel; (8) the overenthusiastic counsel of the defendant after having lost the case in the general court; (9) the police; (10) the police; (11) a person who writes in an American body-building magazine about the effects of supplements.

and threatening when the decision is against them. They often make telephone calls and want to have justice or ask for endless reconsiderations."

Threats

Threats could be expected to be somewhat more serious than harassment cases, and consequently, their perpetrators might be somewhat dissimilar from the group of harassers.

Table 11 Perpetrators of threats, preceding 18 months, by respond-ent category, Finland and Sweden, %

	Finland			Sweden		
	prosecutors (n=23)	general court judges (n=13)	administrative court judges (n=17)	prosecutors (n=5)	general court judges (n=12)	administrative court judges (n=14)
Person with an intoxicant problem	13	7.7	-	-	8.3	7.1
Mentally disturbed person	30.4	53.8	-	14.3	16.7	42.9
Person in desperate situation	4.3	-	20	4.8	8.3	7.1
Querulant	8.7	7.7	20	2.4	25	21.4
Individual offender	8.7	-	-	19	16.7	-
Political activist	-	-	-	7.1	-	7.1
Member of youth gang	-	-	-	4.8	-	-
Member of prison gang	-	-	-	-	-	-
Member of mc gang	8.7	-	-	11.9	-	-
Member of eastern European criminal group	-	-	-	-	-	-
Member of other organised criminal group	-	7.7	-	23.8	-	-
Organised criminal group or gang total	8.7	7.7	-	40.5	-	-
Business/entrepreneur	-	7.7	20	-	-	-
Unknown	4.3	-	-	2.4	8.3	
Someone else / no answer	21.7	15.4	40	9.6	16.7	14.3
Total	100	100	100	100	100	100

According to Table 11, the perpetrators actually seem to be rather similar to those involved in the harassment cases. Querulants are a bit less prevalent in comparison to harassment cases, and so are persons who are in a desperate situation. Individual offenders are equally prevalent among perpetrators making the threats as they were among the harassers.

The most striking difference when compared to harassers is the high frequency of perpetrators of threats who were related to organised criminal groups or gangs. Such persons were clearly more common in the context of threats than in the harassment situations, and clearly more common in Sweden than in Finland. All Swedish respondents who said that the perpetrators came from organised criminal groups or gangs were prosecutors. As many as 40 per cent of those who threatened Swedish prosecutors came from organised criminal

groups or gangs (most unpleasant/disquieting incident), while this figure was nine per cent for Finnish prosecutors.

The option "someone else" was also selected a few times. Apart from the given options, some of the Finnish judges said they had also been threatened by representatives of a non-governmental organization that focuses on European due process, and legal counsels. A Swedish district court judge who selected "someone else" explained the threat as follows:

> "A high-ranking director, since a middle-level director had happened to reveal that the procedure when internally filling higher positions was just a 'game for the gallery', and that it had already been decided beforehand who was to be appointed. These were so-called 'nice and law-abiding' persons."

One of the Swedish judges expressed concern about the kinds of clients whose cases are dealt with in the administrative courts as follows:

> "There are often mentally unstable persons in immigration cases, and I believe that one day, some dangerous situations may occur."

Thus, as was the case concerning harassment, the perpetrators are usually persons with a direct involvement in the cases, such as plaintiffs and defendants and their family, and legal counsels. However, the range of possible parties guilty of threats was very broad, and included also unexpected types of parties, such as a local politician, the respondent's superiors, the police, and an appeal court judge. Threats could even be presented by total outsiders who were for instance mobilised by publicity given by the media.

Vandalism, violence, corruption

The respondents reported only a very small number of cases of vandalism, violence, and corruption. Therefore, no percentages about their perpetrators are provided below.

Not surprisingly, the perpetrator remained unknown in particular in **vandalism** victimisation. The identified perpetrators of such attempts at improper influence primarily comprised single individuals (individual offenders without a gang connection, persons in a desperate situation, persons with a mental disturbance), but there was also a proportion of organised and system-threatening crime (members of biker gangs or some other organised criminal groups, and political activists).

In the few cases of **violence**, the responses were brief, and did not provide full descriptions of the perpetrators. A Finnish prosecutor had been attacked by an individual offender (defendant). Swedish prosecutors told about a mentally disturbed person, a person in a desperate situation, and a member of a biker gang. A Swedish judge described a similar incident that occurred after the verdict, when he was attacked by an individual offender. Finally, Swedish administrative court judges had been assaulted by a person in a desperate situation and by a political activist.

There were also only a few **corruption** attempts, and case descriptions were brief or missing. A Finnish general court judge told about how a mentally disturbed person had offered a percentage of the compensation demanded in the trial. Swedish prosecutors had on three occasions been offered bribes by individual offenders, and in one case by a person in a desperate situation. A Swedish administrative court judge had been offered a bribe by a mentally disturbed person and a party in a case of private prosecution. Thus, the corruption cases were mostly about bribes. However, corruption being a vague term, the question also captured a case in which a Swedish general court judge maintained that the corruption was about internal management in the organisation, to the effect that the top manager discriminated against/in favour of certain employees.

WHAT HAD BEEN DONE ABOUT THE ATTEMPTS AT IMPROPER INFLUENCE

This chapter presents earlier research, and shows who is notified about attempts at influence.

Responses to improper influence according to earlier research

The most usual consequence of harassment and threats against Swedish prosecutors and judges was that they had at least once considered changing jobs or quitting (one-third of the judges who reported threats, more than one-fourth of the prosecutors who reported harassment) (Brå 2005:18). Only a small proportion of the victims said that they had been granted sick-leave or that they had at least once been influenced to the effect that their functioning as a civil servant had been impeded as a consequence of harassment or threats (1.3–3.8 per cent of those Swedish prosecutors, respectively judges, who said that they had been harassed or threatened). Many more reported that they had seriously considered whether to order a measure, or avoided a case that they should have taken (11–15 per cent).

In a study of violence, threats and harassment against judges in Pennsylvania in the United States, the researchers found that violence was most likely to make judges change their behaviour (Harris 2001).[15] Also an "inappropriate approach" could have such effects, but not at all to the same degree. The same study showed that threatening behaviour by the prosecuted persons or their

[15] In the earlier Brå study on improper influence, only results concerning the consequences of harassment and threats against prosecutors and of harassment against judges were published, since it was only with regard to these attempts at influence that the number of victims was large enough for statistical conclusions.

relatives in the courtroom was broadly tolerated, since this was a common way of expressing rage and dissatisfaction with negative decisions. Other studies indicate, however, that being victimised has made those affected more committed to carrying out their duties (Junninen 2007).

Earlier research on attempts at improper influence also indicates that there is often some kind of relationship between the perpetrator and the victim (Brå 2008:8; Korsell and Skinnari 2009; Calhoun 2001). When pressure had been used against judges and prosecutors, there is a relationship with the perpetrator in the sense that they have been involved in the same law suit (Weiner and Hardenbergh 2001). Therefore, it is not surprising that it is rare that threats, harassment or violence are directed at family members of the prosecutors and judges (RKP rapport 1994:2; Åklagarväsendet rapport 1995:7; Junninen 2007; Harris et al. 2001).

According to a Swedish study from 1994, it was more common for male prosecutors than for female prosecutors to report having been victimised by threats or harassment (20–21 per cent of the men, 15–16 per cent of the women) (RKP rapport 1994:2). Among the Swedish judges, the result was the reverse, with female judges reporting a higher prevalence of victimisation than their male colleagues (9–10 per cent of the men, 12–16 per cent of the women).

The international research literature also discusses purely preventive measures to which victimised judges and prosecutors have resorted. Such measures are of many kinds, ranging for example from acquiring a watchdog, or agreeing with colleagues on a ”secret signal” to be used when the police should be called, to the comment by an American judge, who responded that he nowadays wears a gun in the courtroom (Harris et al. 2001).

Even if the attempts at improper influence dealt with in this report mainly concern incidents that have occurred to individual civil servants, there is a further dimension to the problem. Even colleagues of victimised judges and prosecutors may be afraid of victimisation although they have never been subjected to such attempts (Vossekuil et al. 2001). In this way, the consequences of attempts at improper influence reach beyond the individual civil servant (cf. also Brå 2005:18). An American study also showed that it was unusual that individual persons in the court system were directly victimised. Instead, the threat was often directed at a group of civil servants (Weiner and Hardenbergh 2001). This was interpreted as an indication that the actual target was the system itself, rather than individual judges or other actors within the system.

If threats or even violence occur in the courtroom, this is also an attack against the function of the judge in general (Harris et al. 2001). It indicates that the presiding judge is not able to guarantee order in his/her courtroom. Furthermore, the reputation of the courts may be damaged, and if the courts are not felt to be safe, this is going to hamper court procedure (Warren 2001; cf. also Brå 2008:8).

Responses to improper influence according to the present study

Table 12 shows the replies to the question on who the respondent notified about the attempt at improper influence. For multiple victims, the question was about the "most unpleasant/most serious" incident; this inflates the reporting rate if compared to a count that would comprise all incidents.

The scope of possible persons who may be notified is broad. In the first place, incidents of improper influence should be reported to the employer/workplace representatives. More than half of the Swedish victims, and a somewhat fewer of the Finnish victims, had done this. In Sweden, colleagues were notified almost equally often, while in Finland, as many as three victims out of four had notified their colleagues about their victimisation (most serious incident).

Security chiefs/officers were notified more frequently in Sweden than in Finland. Also family and friends were informed more often in Sweden than in Finland. All respondent groups shared the feature that they had very rarely informed the staff representative, the union representative or some other person.

Table 12. Person notified by the respondent regarding the attempt at improper influence. Sweden and Finland. Per cent.

Sweden	Harassment (171)	Threats (68)	Vandalism, violence, corruption attempts (27)
Superior	58	59	48
Colleague	54	35	41
Security chief/officer	18	27	37
Staff or union representative or similar	2	2	11
Police (report)	14	27	41
Relative, family	30	32	37
Friend	15	15	26
Other	2	3	4
Finland	Harassment (118)	Threats (40)	Vandalism, violence, corruption attempts (5)
Superior	40	48	40
Colleague	75	78	80
Security chief/officer	3	5	-
Staff or union representative or similar	-	-	-
Police (report)	9	20	-
Relative, family	19	18	-
Friend	10	10	-
Other	7	8	-

Support measures

Only eight Swedish respondents said that they had received some kind of psycho-social support. This comprised in practice support from a family member or friend (4 cases), a colleague (1 case), his/her superior (1 case), and a therapist (1 case).

In Finland, similarly, four respondents said they had received psycho-social support. Three of these four cases involved support from a family member or friend, and one was support from a colleague. For both countries, this would mean either that no organised support had been available to the victims at all, or that they did not consider that they were in need of such support.

Preventive and alleviating measures

Two survey questions dealt with whether either the local workplace or the central authority had changed their routines or guidelines as a consequence of

the attempts at improper influence. The amount of detail was of course not even near the one found in the survey responses. The alternatives provided in the questionnaire were not fully in line with what the survey respondents had suggested. In possible future surveys, it might be better to use answer alternatives that come closer to the perspective of the respondent.

Measures taken at the local workplace

For both countries, the low proportion of those who replied positively in regards to each measure indicates that not all workplaces had paid a lot of attention to problems related to attempts at improper influence (commentary along these lines was also received from the survey respondents).

The local workplace had enhanced visitor routines equally often in both countries. Also physical protection measures and improvements in the local organisation had been introduced equally often. In Sweden, internal communication had been improved clearly more often than in Finland, and a protocol for reporting incidents had also been developed much more often in Sweden than in Finland. External cooperation (e.g. with the police) had been developed a bit more often in Sweden than in Finland.

Table 13. Judges and prosecutors who said that the local workplace had changed routines as a consequence of attempts at improper influence. Sweden and Finland. Per cent.

	Visitor routines enhanced	Developed the internal dialogue (open communication about problems)	Physical protection and developing the local organisation	Improved routines for reporting incidents	Developed external cooperation (e.g. with the police)	Communication and self-protection
Finland						
Prosecutors (255)	12.2	4.3	11.8	1.6	3.5	1.2
General court judges (264)	20.5	6.8	18.6	5.7	9.5	3.4
Administrative court judges (154)	18.2	2.6	12.3	-	1.9	1.3
Total (673)	16.8	4.9	14.6	2.8	5.5	2.1
Sweden						
Prosecutors ÅM (450)	22.9	20.2	16.0	12.2	9.1	6.0
Prosecutors EBM (78)	11.5	21.8	11.5	10.3	12.8	7.7
General court judges (387)	9.6	4.4	9.6	8.5	6.2	0.3
Administrative court judges (178)	19.1	14.0	15.7	16.3	14.0	4.5
Total (1096)	16.7	13.7	13.4	11.4	9.1	3.8

In both countries, it was unusual to have introduced communications and self-protection training. Overall, the local workplace had been more active in Sweden than in Finland, in particular with regard to developing internal

communication and enhancing reporting routines, both of these being approaches that are related to increasing awareness about the problem.

Some respondents also maintained that the circumstances in the workplace are good with regard to security and preventive measures.

One Swedish judge explained that judges who had been subjected to attempts at improper influence had been provided improved lighting with movement detectors at their home, demonstrating that the workplace is able to take measures that are introduced in another physical location.

Measures taken by a central authority

The central authority in Sweden had given new guidelines of all kinds systematically more often than in Finland. The difference is marked, with most measures four times more frequent in Sweden. Thus, both the local workplace and the central authority had been much more active in this matter in Sweden. Considering the scope and seriousness of the experienced problems, this is well justified. However, the Finnish situation does not appear to be so well under control that similar measures would not be needed.

For Sweden, those prosecutors from the Prosecution Authority who commented on what the central authority had done said that the Authority has employed a security chief and that a personal protection programme was being developed. Several prosecutors (in the Prosecution Authority, ÅM, and the Economic Crime Authority, EBM) said that there is ongoing work within the Authorities, in particular after some serious attempts at improper influence. Some of the respondents expressed their disappointment that there had not yet been visible results as a result of these efforts.

The judges who had commented on the issue said that attempts at improper influence had not occurred in their workplace, or said that they didn’t know what had been done by their Authority, or said they believe that the Court Authority had taken many kinds of measures.

Table 14. Judges and prosecutors who said their central authority had issued new guidelines in response to attempts at improper influence. Sweden and Finland. Per cent.

	Changed the security strategy / plan of the authority	Changed the internal dialogue	New guidelines or physical protection and design of the workplace	Guide-lines for reporting incidents	Improved external cooperation
Finland					
Prosecutors (255)	6.3	3.1	2.7	3.5	1.6
General court judges (264)	7.6	2.7	4.2	0.8	0.4
Administra-tive court judges (154)	3.9	1.3	7.8	0.6	1.9
Total (673)	6.2	2.5	4.5	1.8	1.2
Sweden					
Prosecutors ÅM (450)	47.8	20.4	12.7	14.9	10.0
Prosecutors EBM (78)	32.1	19.2	7.7	2.6	6.4
General court judges (387)	12.1	3.1	6.5	10.6	4.4
Administrative court judges (178)	18.0	7.3	9.0	15.2	7.3
Total (1096)	29.2	12.0	9.5	12.5	7.3

Finnish respondents were of the opinion that very little had been done by the central authority regarding this matter. According to the survey replies, measures had indeed been undertaken much less often in Finland than in Sweden, where awareness of workplace problems has clearly been increasing much earlier than in Finland.

RECOMMENDATIONS BY THE RESPONDENTS

Suggestions for measures to cope with improper influence

Many respondents described several kinds of problematic situations for which they often also had ideas as to what should be done to prevent attempts at improper influence and to punish the perpetrators. Below, these findings are summarised separately for each respondent group.

Overall, there was a rather similar range of suggestions in all the respondent groups. Their volume was directly proportional to two features: the size of the respondent group and the prevalence of problem experiences in each group. The volume of comments indicates that the respondents had given quite a lot of

thought to the matter. In the analysis below, the comments and suggestions have been grouped into six categories. They reflect some basic crime prevention approaches: influencing offender motivation (education, reaction, punishment and so on), preventive protection measures, being prepared and competent if problems occur, and situational aspects (target hardening, security technology, designing out crime). In addition, there were suggestions that were not easily classified in these categories.

The suggestions are summarised in Table 15. The frequencies provided in each cell simply indicate the number of respondents making the relevant suggestion. As these are voluntary suggestions, the frequencies are not a direct indication of

Table 15. A summary of the suggestions.

Suggestion	**Finland**			**Sweden**		
	Prosecutors	General court judges	Administrative court judges	Prosecutors	General court judges	Administrative court judges
Education, reaction, powers, punishment	-need to inform the general public (1) -tough on crime, more powers to intervene (9)	-tough on crime (2) -legislative measures (2)		-education through publicity (1) -tough on crime (5)	-tougher punishments (1) -legislation to stop going to court just for the sake of going to court (1)	-tough on crime (1)
Being prepared	-take the matter seriously (2) -Intervene promptly, record, report, support from employer / workplace (4) -awareness, training, instructions, guidelines (6) -involve the police (3)	-take the matter seriously (1) -security plans/schemes, awareness, training (5)	-react promptly, report (2) -awareness raising, training (5)	-take the matter seriously, threat analysis (9) -awareness, training (7)	-take the matter seriously (3) -awareness-raising, training, workplace guidelines (5)	-awareness-raising, training (7)
Personal and data protection	-protect personal data (5) -general personal protection (4)	-protect personal data (1) -self-defence (1)	-protect personal data (2)	-protect personal data, anonymise (32) -general personal protection (8) -publicity strategy (3)	-protect personal data (5) -general personal protection (2)	-protect personal data (2)
Security technology, guards	-improved security, metal detectors, security guards (2) -trace telephone calls, camera surveillance (1)	-metal detectors, security controls, security guards (12) -record telephone conversations (1)	-metal detectors, security guards (2)	-improved security, metal detectors, security guards, police (19) -alarms, camera surveillance of homes (3) -trace telephone calls (1)	-access control, metal detectors, security guards (10) -alarms (1)	-access control -technical devices, metal detectors (5) -record telephone calls, camera surveillance (2) -security guards (2)
Design out risks	-office and courtroom logistics (5)	(3)		(3)	(2)	(4)
Reorganise working routines	(3)		(1)	(7)	(1)	(1)
Procedural improvements	(1)					
"You're on your own"	(3)					
Other				-prosecutor behaviour (1)	-transparency (1)	-better salaries (1)

The suggestions are cited in full in Appendix 1.

Many suggestions were rather straightforward, emphasising punishments and stricter responses to situations involving improper influence. Also, improved technical protection of facilities and persons, and in particular the importance of the secrecy of personal data was mentioned very often. Many respondents stressed the importance of improved awareness, including the recording and reporting of incidents. This approach also underlined the responsibilities of the employer organisations. In many instances, ideas on how to design out risks were presented. All of these merit further study, and it is to be recommended that attention be paid to them in the future if problems involving improper influence are going to be tackled more systematically than what seems to be the case today.

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Annex 1. Case descriptions of “harassment”

Case descriptions (Sweden)

The Swedish **prosecutors** provided a large number of examples. The events in the first group come close to “harassment” but illustrate well that it is not always easy to classify problem events:

- “verbal abuse”
- “barrister attempted to persuade me not to prosecute”
- “claims and discussions in connection with negotiations”
- “unpleasant verbal comments in connection with trial (during breaks in the court’s waiting room)”
- “unpleasant telephone conversation after court with the prosecuted person, in which I was criticised for my interpretations”

Many descriptions resemble threat rather than harassment, an observation in clear support of the argument that harassment and threat are not always easily distinguished from each other:

- “aggressive relative after court session”
- “just insults/bad language and aggressive behaviour by telephone to the workplace, usually after decision not to take measures”
- “insult in telephone conversation”
- “insults etc. in censored mail”
- “insults inside and outside of courtroom”
- “relative of the prosecuted person shouted insults at me in the courtroom”
- “was called ‘fucking idiot’ in town”
- “unacceptable statements”
- “threat/attack in courtroom”
- “threatening attack in courtroom”
- “attack in waiting area of district court”
- “direct threats in the courtroom”
- “confrontation in court by friend of the prosecuted person, he walked quickly towards me, and pulled hand from his pocket at me. Police pulled his gun believing it was an attack”

Some examples show that even bombs may be hard to classify:

- “bomb”
- “received a letter in the courtroom from the prosecuted person. On the letter was the text ‘letter bomb’”

Some other examples may be interpreted as indirect threats, or stalking:

- “letter about me, and behaviour indicating that somebody had been behind the door of my home"
- “filmed by organised criminals”
- “implicit threats presented to crime investigator in order for him to pass on the message to me”
- “implicit threats in police hearing”
- “implicit threats in waiting room of the district court”

Tips from other sources were also mentioned several times:

- “sentenced persons threatened to kill me; tip from a source”
- “threat presented to crime investigator”
- “information provided to me directly during the court procedure, and information to investigating policemen”

Even shooting was mentioned:

- “shooting into my bedroom”
- “two shots fired into my bedroom in the middle of the night”

And finally, a classic way to harass people:

- “postal packages sent to me from companies and private persons for me to take out against payment even though I had not ordered anything”

The Swedish **general court judges** gave the following descriptions:

- “legal complaints and attempt to persuade me at the workplace”
- “statements that resemble ‘implicit threats’”
- “unpleasant telephone calls, threats of complaint to ombudsman, unpleasant behaviour in preliminary hearing”
- “driving the car home, just after having closed the procedure on a larger youth case, I was passed by a car with persons inside whom I recognised as part of the audience in the procedure. First, the car approached very close to my car, then it pulled to my side where it remained for quite some time while they attracted my attention with hooting and gesticulations”

– “in an arrest session, the suspect committed (and has subsequently been sentenced for) a physical attack against the chairman and the prosecutor”
– “burglary”

“when people have been appointed to offices”

The Swedish **administrative court judges** provided descriptions as follows:

– “private prosecution”
– “threat and damage to my home”
– “unpleasant telephone calls, threats of prosecution, subtle statements drawing close to threats”
– “damage to property in front of the administrative court building, kind of harassment”
– “car tires slashed, a decapitated pigeon on the stairs, flowers cut off, mailbox filled with condoms, bedroom window broken.”

Case descriptions (Finland)

The Finnish respondents provided much fewer explanatory comments of this kind.

The Finnish **prosecutors**, in contrast, gave twelve examples (21 %) of “other” types of harassment. Some of them happened in court:

– “unpleasant telephone call to my home, and harassment in court”
– “harassment in the courtroom”
– “defamation in courtroom”
– “improper behaviour in connection with trial”
– “indications that the State prosecutor is going to hear about this”

The harassment could also be made in person:

– “the prosecuted person followed me and shouted from one meter’s distance”

Harassment could also happen by making a criminal charge or in a letter to the appeal court:

– “untrue and insulting claims presented by legal counsel in the letter of appeal to the appellate court”
– “unfounded criminal charge”

Also the Internet was used as the scene of the harassment:

- “abusive messages on the Internet”
- “entries on the Internet that were insulting, sometimes even threatening; and telling me in person: ‘also your time will come…’”
- “defamation on the prosecuted person’s home page, and threats to make criminal charges”
- “a long-term internet campaign, comprising for example defamatory web pages created in my name, etc.”

The Finnish general court judges did not provide detailed incident descriptions.

The Finnish **administrative court judges** gave only one example:

“This central association of European legal rights keeps sending mimeos where they threaten to influence the career prospects of the judge if the case is not handled according to what they want.”

These explanations also illustrate again that the distinction between harassment and threat may be very subjective. Harassment as understood by the respondents, obviously, was not just idle bad language on the spur of the moment, but sometimes much more than that.

Annex 2. Case descriptions of “threats”

Case descriptions (Sweden)

prosecutors

- “implicit threats during the trial”
- “report from crime investigation that a person had agreed to ‘get me’ for a payment of 70,000 SEK”
- “damage to car”
- “shot fired into my bedroom”
- “telephone was tapped”
- “two rifle shots were fired into my bedroom”
- “implicit threat in connection with crime investigation”
- “told about it to police, who then told me”

general court judges

- “attitude control and attitude steering using decision-making power in appointments to offices that had been biased in favour of certain persons in advance; despite that it was still unknown who the other candidates might be as the decision was unofficially made”

administrative court judges

- “threat on the Internet + damage to property”
- “letter with threat to murder me”

Case descriptions (Finland)

prosecutors

- “telephone call to my home, said nothing”
- “encountering a difficult client in town”

general court judges

- --

administrative court judges

- --

ANNEX 3. SUGGESTIONS BY THE RESPONDENTS FOR MEASURES TO PREVENT IMPROPER INFLUENCE: prosecutors, general court judges, and administrative court judges in Finland and Sweden

Finland

Prosecutors

Among the Finnish respondents, the prosecutors had experienced the largest amount of problems, and had consequently many suggestions. The suggestions ranged over a very broad area, reflecting their broad experience with problems, and probably indicating that the issue is of considerable interest for the prosecutors, and more so than for the other respondent groups.

Education, reaction, powers, punishment

Need to inform the general public

> "Mentally disturbed persons don't understand that they commit a crime when they tell the prosecutor that something unhealthy might happen to him/her. Also, businesspeople don't always understand that a request to speed up the process offering a bribe is a crime."

Tough on crime, more powers to interfere

> "Internet terror should be responded to much more strictly, and it should be possible to remove/stop all inappropriate material"
>
> "In a case of continuous pressure with the objective of making the prosecutor arrive at a given decision: somebody should be able to tell the person concerned that he must stop. The problem is that the civil servants don't dare to speak up but they just accept all letters and papers and make formal decisions in every single issue, and the thing goes on forever."
>
> "I'd wish that the employer agency would organise a hearing to which the person making the threats would be obliged to come."
>
> "The courts can contribute so that if improper, punishable influence is detected, the perpetrators receive significant punishments."
>
> "Punishments should be tough."
>
> "Re threats in the courtroom: The chair should have the powers to intervene directly by fining the perpetrator. It would be very important that the behaviour is immediately interrupted."

"In court, there should be a tougher attitude towards improper language, today it seems that for example the prosecutor can be called anything without consequences."

"A further issue that should be considered is how an authority could effectively respond to claims and crime allegations that are knowingly false. The constituent elements of the offence of false accusation are not really met because the complaint is made to an authority responsible for ensuring the supervision of legality. Defamation investigations are not effective because, according to the general understanding, a representative of an authority must tolerate harder criticism than ordinary people."

"The most difficult group are persons with serious mental health or personality disturbances: concerning these, the State should understand and accept that there just exists a group (a small one, though) of people who just cannot ever be allowed into society freely and without supervision!"

Being prepared

Take the matter seriously

"The employer should take the whole matter more seriously: the superiors should be aware of it, and, if something happens, be prepared."

"A case of prolonged threats, harassment, and a violent attack at my home where also my daughter was much affected: my superior and the State did nothing (apart from the police investigation and trial), the perpetrators paid no compensation, and I also did not receive anything from the State. I had to pay for all the material damages, the broken window, etc., and also the medical treatment and therapy for my daughter. This to my mind is totally unfair since all this was related to my job. The State should absolutely pay all costs straight off, and could then try to get them back from the one who caused them. –It was also strange that I had to be active in the investigation of the matter. My superior did absolutely nothing, didn't even ask how things are going or help to take the case further. After all, it was a matter of my daughter's mental well-being. Also, there were no discussions on how to prevent similar incidents in the future. This happened in 1999, i.e. not in the preceding 18 months."

Intervene promptly, record, report, support from employer/workplace

"A prosecutor's job is not for the timid. Harassment must be responded to strongly and immediately, and that will be the end of it. Your reputation will be made that it's not a good idea to try to harass this one."

"All attempts at improper influence should be recorded and investigated."

"All incidents should be reported to the superior. The cases should be collected and reported to the office of the Prosecutor General..."

"It is important to indicate that the individual civil servant has the full support of other civil servants, of his agency, the Ministry, and in particular the central agency; attempts at improper influence attempts should be responded to without delay."

Awareness, training, instructions, guidelines

"The employer agency should organise training on how to deal with difficult clients."

"Some kind of training would be good to have on how to deal with aggressive clients."

"…there should be a plan for how e.g. the police can intervene (emergency phone numbers, good practices etc.)"

"It would be helpful if the central agency and one's employer agency would provide support in more problematic situations, at least psychologically."

"… in order to avoid problems caused by unacceptable behaviour, the general courts should be given uniform guidelines concerning how to keep problem persons in check."

"… it would be important to investigate and give instructions regarding the participation of civil servants in events organised and financed by business enterprises. This is not only in regards to civil servants in the justice system, but it should concern all civil servants. All gifts the value of which exceeds a cup of coffee should be reported, and as needed investigations should be initiated in order to find out whether influence attempts are involved."

Involve the police

"Several years ago, the NBI [the National Bureau of Investigation] found out that the defendant in my case had been in contact with motorcycle gang members about what they should do if the verdict goes against the defendant. The NBI informed both the prosecutor and the judge, and gave advice as to security measures… The NBI informed the perpetrator that his connection to the mc gang is known, and if something happens to us, they will immediately know who to suspect."

"The general court judge and I both reported the [threat] to the police, and the result was a criminal investigation."

"A report to the police should be made where appropriate."

Personal and data protection

Protect personal data

"Clear guidelines should be given at the workplace on when it is necessary to provide detailed information on the prosecutor's whereabouts."

"I guess it would be good in each office to analyse the monitoring of visitors, and the availability of telephone numbers and other contact information."

"It would be important to disseminate information on what to do if you want to have a protection order regarding your address etc."

"A very central issue for preventing influence attempts is: how can the personal data of the civil servants be protected more effectively than is the case today?"

"I have made my address secret because of my work."

General personal protection

"The ease of movement of the prosecutor should be improved (the prosecutor should under no circumstances travel with public transport but use his own car), including parking space in a protected area."

"If any serious threats occur, no lack of resources should be able to prevent full protection. This is the task of the employer agency/the state."

"There should be protection programmes that are tailor-made according to the special features of the case."

"If incidents occur, it is most important to get protection from the authorities, in particular the police."

Security technology and guards

Improved security, metal detectors, security guards

"As needed, technical surveillance apparatus and other protection should be available at the employer's cost."

"If the case is very significant, a 'gorilla' should be provided as an escort."

Trace telephone calls, camera surveillance

"Improper telephone calls have been traced and the caller was caught."

Design out risks

"It would also be important to secure the prosecutor's movement between offices (for instance, going from the office to an adjacent building where

the client reception is). It is ridiculously easy to get at the prosecutor, for example by one person asking to see him in the client reception, while other members of the group lie in wait along the open and unprotected route he has to use."

"In another case, when the defendant pushed my chair in the appeal court upon entering the courtroom: this could easily be prevented by some rearrangement of the courtroom logistics."

"The defendant and the prosecutor should not use the same entrance to the courtroom. The defendant must not be brought into the courtroom from behind the prosecutor's back."

"The offices (courtrooms, client reception areas) should be designed accordingly."

"The reception facilities of the office should be constructed with improved security in mind. In our city, the clients can walk directly into the rooms of the prosecutors."

Reorganise working routines

"Also the availability of the prosecutors should be reconsidered (the prosecutor must always answer the telephone, and doing this reveals where he/she may be found…). Prosecutorial work should be reorganised so that they would as a rule work in pairs."

"Recently, prosecutor work has been reorganised so that they work in pairs in order to prevent such problems, e.g. in large narcotics cases."

"The objective should be that before and during the trial, unknown parties should not meet the prosecutors in person, unless it is absolutely indispensable in dealing with the case. As a rule, interaction should be restricted to telephone and written communications."

Procedural improvements

"In cases of persistent repeated appeals and complaints, the authorities responsible for the supervision of legality should condense extensive complaint memoranda to the essentials, and ask for explanations only for these core issues. It is unreasonable that complaint letters of 20-60 pages are directly sent for commentary. The authorities responsible for the supervision of legality should first analyse whether the matter is about a request for reconsideration of the judgment or about the lawfulness of the authority's actions. The authorities should first ask for clarifications and additional explanations regarding unclear complaints, and only after this send the complaint for comments. Furthermore, the authorities should inform so-called professional complainers after 5-6 obviously unfounded complaints that their further complaints concerning the same case are not going to be dealt with any more, and no response shall be provided, unless

substantially new evidence is presented. From what I know, this is how the ECHR [the European Court of Human Rights] deals with professional complainers."

"You're on your own"

Finally, some prosecutors observed that there are situations that cannot be anticipated and prevented, and in the end, everyone is on his/her own:

> "[After an unpleasant and threatening episode], for several months I kept checking who was outside of the door both when leaving the office and when leaving home… I also had my office obtain a gas weapon for me that I still have… I considered for quite some time if I should report the case to the police, but I then concluded that it is less trouble if I leave it be. I thought that that kind of madman just gets provoked by a police report, and I'd be threatened some more… Eventually, I have concretely internalised and understood that if a client really wants to kill me, this will happen, no matter what the State / my employer / the police / Parliament / the EU does. I'll need to walk out of my office door every day in any case."

> "A case of agitated telephone calls: others cannot do anything about such situations, you'll have to solve the problem by calming down the caller on your own."

> "A few years ago, somebody attempted to set fire to my garage. I doubt that anybody can prevent these kinds of things."

> "It is hardly possible to prevent individual random incidents."

General court judges

General court judges were victimised a bit less often than the prosecutors, and had a smaller, albeit quite a large number of ideas:

Education, reaction, powers, punishment

Tough on crime, legislative measures

> "The workplace or the State cannot do anything about such influence and pressure attempts. The Bar Association should be tougher in such matters. In this case, the client's counsel was only given a warning and a 4,000 € fine in the disciplinary council of the Association."

> "I don't think there are ways to influence people who are suffering from mental disorders. Also they must have the right to bring their concerns for investigation. However, the actions of legal counsels can be influenced by prohibitions from appearing in court and by ordering punishment. It might be a good idea to consider a prohibition against appearing in court that

would encompass all courts. One solution could be that to qualify as a legal counsel, one must be a member of the Bar Association. Then, the control of their behaviour would be taken to the disciplinary council of the Association."

"Provide the necessary resources. Avoid signing all kinds of 'human rights conventions' that usually are just used as instruments by those who wish to exert improper influence at the court."

"Legislation should be introduced that would allow more effective interventions and that would protect the difficult position of the judges. An impartial judge cannot take counter-action himself and is therefore helpless."

Being prepared

Take the matter seriously

"It would be most important to take the matter seriously. There is no point in making a police report if the outcome is 'well, a judge must be able to take some criticism', or 'this doesn't quite sound like a real crime', or 'there have always been crazy clients'."

Security plans/schemes, awareness, training

"in our working community, as is customary nowadays, attention has been paid to updating security plans, and security issues have been discussed."

"it would be important to have the opportunity for work guidance, and clear instructions as to how to cope."

"it could make sense to 'coach' people with regard to potential situations (what kind of situations might occur), and provide possible action alternatives (what to do if…)."

"in regards to possible situations, it would be a good idea to be prepared by discussing potential threats and identifying suitable measures."

"it would be good if the issue could at times be discussed at the workplace. It would also be good if corruption could be better recognised."

Personal and data protection

The comments on this topic were only about personal data. Nobody mentioned the need for general personal protection. However, one judge felt that self-defence devices would be welcomed.

Protect personal data

"My address is protected/secret, my telephone number is secret, in front of the house there is no mailbox with a name. The entire staff should keep the judge's contact information and whereabouts secret; the correct answer is that whoever is asking will be contacted. For instance a real bomber does not call in order to talk with the civil servant about something but just to find out where he is at the moment, in order to be able to detonate his bomb so that it hits the target. It is completely wrong to publish the names of the members of the court and even of the secretaries in the court docket; this has, however, to be done today since the legislator/employer does not understand the importance of protecting the sanctity of the home and other security of the staff… Criminals should be prohibited from hiding behind hoods and masks (in the courtroom), and media should not take photographs of the members of the court."

Self-defence

"Judges should be allowed to carry a handgun if threats of violence exist. In the offices, pepper gas sprays should be easily available to judges."

<u>Security technology and guards</u>

Metal detectors, security controls, security guards

"The security arrangements of the general courts are insufficient. The Ministry is not allocating resources to this. Regrettably, they'll only wake up after the first 'victims'."

"The Government has not been concerned with the safety of our court but announces bluntly that there is no money for security checks or guards (which they can afford in their own Ministry). The security risks are real. It is possible to walk into the courtroom with a bomb or a machine gun in your briefcase (as was seen in Hamina in the '90s). We are unable to guarantee the safety of the persons involved although we force them to come to court."

"More attention should be paid to preventing problem situations. Nowadays outsiders are allowed to enter the courthouse and the office rooms almost without obstacles."

"There should be sufficient security (police or security guards) in the court's sessions in case drunks or mentally troubled persons cause disturbances."

"Visitor monitoring should be introduced. Currently there is none."

"Access to courtrooms should perhaps be monitored better."

"Effective visitor monitoring is the best way to guarantee physical integrity for civil servants."

"Security checks should be made to everybody who arrive at court sessions."

"Security control checks should be introduced in every district court."

"Metal detectors should be installed at the office entrances."

"Police monitored persons coming to the office, and made a house search to find possible firearms."

"Sufficient guard services."

Record telephone conversations

"I have sometimes wished that telephone conversations could be recorded."

Design out risks

"Clients should be received in a 'closed' setting so that it is not possible to go freely from the reception to the offices of the staff."

"The entrances to offices and courtrooms should be isolated from areas to which the public has access. Visitor monitoring should be organised so that clients are not allowed to meetings without the approval of the civil servant in question."

"Client reception should be located/placed immediately after the entrance of courthouses.

Administrative court judges

Administrative court judges had experienced a smaller volume of problems than the other two groups. In line with this, they did not have very many comments on this issue. What they suggested is more focused on awareness and training issues, while personal data protection and physical security measures were each mentioned only twice.

Being prepared

React promptly, report

"Attempts should always be reported to the police."

"It is important to react to even minor attempts at influence, and to inform the superiors about the matter."

Awareness raising, training

> "In order to prevent attempts at improper influence, it is important to enhance internal discussions about such problems in the office, and think about measures that individual employees can resort to."
>
> "It would be important to try to anticipate all kinds of attempts at influence."
>
> "Clear instructions should be given on how to record and report, and how to act overall, i.e. what one has to listen to as a civil servant"
>
> "It could be a good idea to give instructions as to how to act in difficult situations."
>
> "Staff should be instructed on how to act in such situations (e.g. how to secure evidence)."

Personal and data protection

Also in this respondent group, no need for general personal protection was mentioned.

Protect personal data

> "I have had my telephone number made secret."
>
> "I have asked for the protection of my contact information in the population register.

Security technology and guards

Metal detectors, security guards

> "in order to prevent violence risks, security guards should be employed, or the oral procedure must be transferred into premises where security arrangements have been taken care of."
>
> "preventive security measures should be introduced also in administrative courts, not just general courts. It is better to act before anything happens."

Reorganise working routines (prevent unnecessary exposure)

> "To my mind, in an administrative court where the procedure is written, unnecessary telephone calls to the referendary and the judge could be restricted. If one wants to find out what is being done about the case, this information can be received from the registry. An extension of the deadline given for explanations could be done via the office secretary. To my mind, it is not necessary to connect the telephone call of someone dissatisfied with the decision."

Sweden

Prosecutors

The Swedish prosecutors had a lot of suggestions, much more than their Finnish colleagues. The suggestions were quite uniform, perhaps indicating a higher general level of awareness in Sweden, and also implying that some of the shared ideas derive from a common source, or an ongoing debate:

Influence the potential perpetrators: Education, reaction, powers, punishments

Education by publicity

> "Severe punishments and much publicity to inform people of what you risk if you attack someone in their role of civil servant. Juveniles seem to be totally unaware of the seriousness of this."

> "Imprisonment should be applied in order to demonstrate how seriously such behaviour is considered."

Tough on crime

> "Recently one of our prosecutors had been victimised in that someone shot at his apartment. This happened soon after a judgment against a Bandidos [motorcycle gang] supporter was announced. If immediately after the attack prosecutors and the police had conducted house searches at known Bandidos addresses (reasonable suspicion that they were behind it, even though the perpetrator was unknown) this surely would have had a preventive effect; but this 'would have been too expensive'. This has been done in Denmark, as well as in Italy."

> "Tougher punishments for threats against civil servants."

> "Build prisons, tougher punishments, legal tools that give us better chances to combat crime."

> "The ombudsman should be more restrictive regarding querulants."

Being prepared

Take the matter seriously, threat analysis

> "Introduction of threat assessments in so-called high-risk cases"

> "In certain cases, extend threat analyses to comprise also prosecutors, not just parties and witnesses."

> "Security in the district courts and in transports should be reviewed. Currently security is sub-standard."

"An improved security approach by the authorities."

"Greater awareness is needed that the profession may involve certain risks, and there should be a clear focus on preventive work…"

"Improve the security significantly and take actual threats seriously."

"In certain kinds of cases, it is important to think in terms of security already before something happens."

"Courts must be formed in a different way (more security thinking overall). There does not seem to be any mental preparedness among the court staff when prosecuted persons, witnesses and so on express violent or strong emotional reactions. Judges must also be required to lead and respond to incidents."

"Security work must be upgraded and fortified. All of this must even be allowed to cost money."

Awareness, training

"[The authorities] have an incredibly sloppy attitude towards violence at work."

"The issue is under permanent discussion in workplace meetings, and we have both security plans and risk coping plans at the workplace. These plans are being discussed and revised on a permanent basis."

"Learn self-defence and a security-oriented approach."

"All employees should be better informed if somebody is victimised by violence/threats."

"If someone in the authority is victimised by threats, a risk assessment must be made immediately, with adequate protection. There should be information on the home page on how employees should act if we experience violence or threats, and on what kind of help is available for us."

"The central authority should support training regarding how the staff should respond in order to defuse an aggressive situation."

"Information and debriefing after incidents."

Personal and data protection

Publicity strategy (to decrease exposure)

"Specially appointed media spokespersons in high-publicity high-risk cases."

"Prosecutors are far too much represented as individuals… the media focus is on the person rather than the professional position. We should learn from media spokespersons as used by the police."

"There should be a non-police/non-prosecutor as a media spokesperson so that police and prosecutors don't need to make press statements…"

Protect personal data, anonymise

"It would be important to classify certain professional categories as confidential – groups that have a certain general threat profile, such as prosecutors, judges and police officers."

"Register data about us who are employed in the legal system should be made secret."

"Make secret all personal data for people employed in the justice sector, register vehicles to the authority rather than to the individual."

"Restrict access to information regarding civil servants in official registers etc."

"A legal way must be found to conceal my address and other personal data."

"The possibility of a secret address would be appreciated, and this already when one is appointed, not just after something has already happened."

"There should be the possibility of making it more difficult for the general public to get information about us prosecutors. This should be done as soon as we are employed."

"See to it that employees of the prosecutor authority cannot be traced in the internet."

"Important to make it more difficult to get personal data on prosecutors."

"Do not allow prosecutors to be identified over the Internet."

"Protected personal data for prosecutors."

"Personal data must be protected."

"Persons who want it should be allowed protected personal data."

"Protection of personal data is necessary."

"To be allowed better protection in terms of protected personal data."

"All prosecutors should automatically receive a protected address, telephone numbers and office telephones."

"Personal data must be protected immediately when one is employed."

"Our home addresses should be automatically made secret."

"Faster action in regards of better protected personal data such as telephone, car registration, real estate register data, etc. It must be made difficult to obtain such information about prosecutors."

“Employer must have a dialogue with individual prosecutors and support the prosecutor by e.g. arranging for personal data protection that prevents finding such information on the prosecutor and his family.”

“Employer should arrange for and pay for secret telephone numbers.”

“Concerning the security of individual prosecutors, measures are needed that would prevent finding information about the family and address of the prosecutor. One should be allowed to be registered in a different address just because one is a prosecutor. Information on family relations should be deleted.”

“Prosecutors should not appear by name but only as a “representative of the prosecution authority”. Two or more prosecutors can sign the prosecution request, as well as take the case to court.”

“It is important to discuss the strategy concerning cases where harassment, threats etc. may come up. Perhaps several prosecutors could deal with the same case if it has a high-risk profile. It should be made clear that the prosecution and the decision are coming from the authorities and not from an individual prosecutor. Perhaps there should also be a press/media [service] responsible who would take care of external contacts and who would not give any names but would emphasise that it was the authority who is responsible for the decision. Why should the press have the name and face of the prosecutor?”

“Is it really necessary that the prosecutor’s name appears in the summons?”

“That prosecutors are always presented by name could contribute to a fixation on the prosecutor’s person.”

“The prosecutor’s role should be anonymised in certain risk situations so that one prosecutor deals with arrest, one prepares the prosecution, one appears in court etc.”

“Prosecutors should have their vehicles registered to the authority, not to their person. Also personal data should be protected.”

“Protected ID.”

“Currently our direct telephone numbers are published on our external homepages and in all correspondence to those who report crimes etc. Totally unacceptable.”

“I wish that the employer more clearly works out good personal protection for us with anonymity.”

“In Sweden, it is far too easy to track down prosecutors and police officers. Why should it be so easy to search official registers to find out where I live? It seems to be mostly criminals who have protected personal data… This must change – we are not living in the “folk’s home” any more! Naïve politicians and journalists who because of their own interests

wish to reinforce the current order are going to oppose such changes, with the consequence that new harassments and attacks are going to occur."

General personal protection

"Generally improving the personal protection of prosecutors."

"Personal protection by the police should be improved."

"The need for personal protection must be taken more seriously. Improved protection of the facilities is not enough, a civil servant must feel that there is a certain level of protection provided by the State… a greater extent of preventive measures ought to be present in the security thinking of the authorities."

"Improved personal protection, personal alarm, take the problem seriously."

"General protection against attacks in the prosecutor's private sphere."

"Persons in at-risk positions must be provided improved protection already before anything happens."

"It is essential that the security thinking is improved… this is more than just metal detectors and alarms. The focus must be on personal security."

"When a new high-risk case is initiated, the employer should be responsible for measures improving security… offering alarms, attack alarms, personal alarm equipment etc… Prosecutors working with cases that represent an increased security risk must be offered training, and even better, should have a security expert assess the prosecutor's security at home, his family members, and the workplace."

Security technology, guards

Improved security, metal detectors, security guards, police

"…security in courtrooms should be improved significantly. It's a joke that anybody can enter a courtroom armed to the teeth if they wish to do so."

"The most neglected area is the physical environment of the courtrooms. It is devastating that that there is no obligatory entrance control in the courtrooms."

"Security in courts must be improved. Today, there is no control of persons who hang around courthouses, except for high-risk cases. The situation could be easily improved by making everybody pass a metal detector. This would not have an impact on the transparency or the right to follow court proceedings."

"Alarm screens (metal detectors) must be installed in our courthouses."

"Metal detectors and uniformed and armed security staff should be standard."

"Protection of the premises must be improved, in particular in the courtrooms. It is self-evident that courtrooms must have metal detectors and security staff with special training to prevent threats."

"Physical protection of courtrooms, metal detectors etc."

"Introduce obligatory security checks at courtrooms."

"Improve the security in courts by having guards and installing metal detectors at the entrances."

"Permanent entry controls with metal detectors in courtrooms for everybody."

"Better security controls in courtrooms but also in the prosecution authority. In courts, metal detectors should be installed."

"Metal detectors and security guards at the entrances to all courts in Sweden, where all visitors must pass."

"Metal detectors at the entrance of courtrooms."

"Metal detectors in all courtrooms."

"Metal detectors in the courts, and prohibition against wearing outdoor clothes and taking bags into the courtroom."

"Physical protection of courtrooms must be improved. Metal detectors must be made routine."

"Metal detectors in the courts and better security arrangements, more security guards in courts."

"Improved security in courtrooms, obligatory security guard and security control of the audience.

"Improve cooperation with the local police."

Alarms, camera surveillance of homes

"Perhaps camera surveillance could be introduced at the homes of prosecutors and judges for the time period when they are dealing with cases connected to motorcycle gangs. On a voluntary basis, of course."

"Alarm and monitoring measures to the home."

"It is important that we receive economic support regarding alarms when we are dealing with certain kinds of cases. There should be centralised money for this, not just something the local court should take care of."

Trace telephone calls

"Threats and implicit threats could have been prevented if the premises/facilities were better and the courthouses would be better protected. Telephone calls with implicit threats could be deterred by the possibility of recording the telephone calls."

Design out risks

"There should be dedicated staff entrances that are not on the same side as the public entrances."

"Improve security in and around courtrooms. E.g. so that prosecutors are always able to exit somewhere other than where they entered, and that they can go somewhere between cases."

"We need improved protection of the workplaces but in particular the courts. In the office, there should be some kind of reception for visitors, including an alarm."

Reorganise working routines

"Routines according to which there is more than one prosecutor in certain cases in order to 'depersonalise' the prosecutor."

"A clear division of labour should take place so that the prosecutor is changed in cases involving serious criminals. Also, in certain cases several prosecutors should be assigned to the case. This diminishes exposure of an individual prosecutor."

"Downplaying the individual prosecutor's role in cases, and instead allocating a high-risk case to several prosecutors."

"Create an understanding among the prosecutors that certain risks are unavoidably connected with the prosecutor's role, but to cooperate if a certain prosecutor wishes to avoid a certain crime investigation for a specific reason."

"An improved security approach… it is important that it is not always the same persons who confront the groups. There should be many investigators and many prosecutors in one single case."

"I would restrict the obligation of prosecutors to be always available to the general public."

"Telephone calls should not be connected directly to the prosecutor without a secretary acting as an in-between."

Other

Prosecutor behaviour

> "I think we need to discuss the prosecutor's behaviour towards the suspect. I believe their behaviour has repercussions that are today underestimated."

> "Avoid making statements that demonise or glorify certain criminal persons, organisations or groups since this triggers reactions and is counterproductive in regards to recruitment to and status of such groups."

General court judges

Also this group had a lot to say, more than their Finnish colleagues, but less than the Swedish prosecutors. In this respondent group, there were, however, a couple of calming voices recommending that the system should not over-respond:

> "One should be careful so as not to exaggerate the risks involved in working in the justice sector."

> "I think these issues should not be exaggerated…"

Education, reaction, powers, punishment

Tougher punishments

> "these issues must be taken seriously. Society must give a sign that such things are not acceptable, i.e. tougher punishments and other measures must be introduced."

Legislation to stop going to court just for the sake of going to court

One respondent suggested a legislative change to stop cases with unacceptable motives:

> "An amendment must be introduced to the law on criminal procedure – in tort cases - to the effect that persons are not allowed to sue when it can clearly be seen that their only objective is to harass the staff of the court."

Being prepared

Take the matter seriously

> "The leaders and the workplace must take such issues seriously and provide adequate support to those victimised."

> "The security approach in courts must be improved."

> "Security should be prioritised…"

Awareness-raising, training, workplace routines

> "Staff should be provided with annual information as to what measures are recommended if improper influence should occur."

> "More information about the issue, and it is then important that time is allocated for the purpose, it feels like there is no time for security issues alongside of challenging everyday work."

> "Training on how to deal with difficult and unpredictable persons."

> "Clear and well-known routines regarding how improper influence should be dealt with at the workplace."

> "It is extraordinarily important that those experiencing serious improper influence are protected by the employer, and in less serious cases receive support and the possibility of talking to people with some formal competence…"

Personal and data protection

Protect personal data

> "It should be self-evident that judges can have a protected address even if there is no immediate threat… I am not at all concerned about my own security, but threats against the family and relatives, great damage may be caused. Therefore, there should be central arrangements that our addresses are protected. The home telephone number has mostly already been secured."

> "Judges and prosecutors should automatically be given protected personal data."

> "Protected personal data"

> "De-identify, anonymise"

> "Improve the possibilities of keeping the telephone number and home address secret."

General personal protection

A more specific protection approach is reflected in the following responses. These judges knew the situation of prosecutors and wanted that same approach adopted also for judges:

> "I would welcome it if the routines they have for prosecutors, with security officers for a given region, are adopted also for the courts."

> "Adopt the prosecutors' personal 'security package' in courts."

Security technology, guards

Access control, metal detectors, security guards…

"Anybody with weapons can enter the courtroom as there are no metal detectors. There are no guards in the entrance hall where the general public is waiting. However, police-organised security controls related to threats are working without problems."

"We have no guards or other protection in and outside the courtroom. One can easily bring in weapons and other things except when there is security control."

"In courts where it is considered to be necessary, general entry control should be allowed in order to improve the security of those who visit the court."

"Metal detectors and security guards could be good."

"General security control at courtroom entrances must be introduced immediately."

"Introduce metal detectors in district courts! Obviously, there must also be staff that intervenes if the alarm goes off. As it is today, anybody can enter with whatever weapon: bombs, knives, firearms without anybody noticing it before it is too late!"

"See to it that security guards and police are quickly available if something should happen."

"In our case, there is not even a security guard… Guards should be assigned to all courts, together with the introduction of metal detectors."

"Introduce general security controls in all courts."

"Closer cooperation with the police in cases where threats etc. can occur."

Alarms

"In our district court, we have changed and improved security, i.a. by introducing direct alarm connections to the police. If security should still be increased, this would require that a security guard was always present"

Design out risks

"The workplace should be in a special courthouse, with special rooms and escape routes from courtrooms that are designed for security…"

"When the new district court building was constructed, the staff was all the time involved… Thus, there is always an escape route for the court members from all courtrooms…"

Reorganise working routines

> "Allocate decision-making among several persons."

Other: transparency

One judge was concerned about "friendship corruption":

> "…concerning friendship corruption in office appointments. Create better transparency, and [information on] the merits of the applicant must be made available to other applicants."

Administrative court judges

Swedish administrative court judges reported fewer problems than did prosecutors or general court judges. Accordingly, they had a smaller number of suggestions as to what could be done to respond to improper influence. The scale of ideas is nevertheless rather extensive, ranging from data protection to physical security devices and security guards, and awareness-raising and training. Overall, many of the ideas are not – and cannot be - completely novel, but if systematic work on improving is undertaken, the replies provide several valid points.

Education, reaction, powers, punishment

Tough on crime

The oftentimes popular idea for preventing problems, tougher criminalisation regarding irregularities, was actually suggested by only one administrative court judge:

> "if something is to be done, then the limits of penalisation should be extended."

Being prepared

Awareness-raising, training

Three judges thought of awareness-raising issues and the need for training:

> "There is a defect in risk awareness."
>
> "…it is important to continuously follow and discuss security issues"
>
> "The workplace should carry out internal training and discussions on security issues on a regular basis"
>
> "…create awareness of the problem, training courses on how I should understand what is improper influence, and what I should do".

Related to this idea were some comments of a more general nature, suggesting that the central authority should be more aware of and more active in regards of security issues:

> "The central authority should have a more active security policy and a unit for this that is also consulted at the everyday level"
>
> "it is remarkable that the Court Authority does not carry out a security or threat analysis when court buildings are being constructed or renovated"
>
> "facilities are sub-standard from the security perspective and nobody seems to take any responsibility"

Personal and data protection

Personal data protection

Two judges were concerned about personal data protection:

> "…one can in any case have a secret telephone number"
>
> "the judgment should not reveal who has been the judge in a case".

Security technology and guards

Access control

> "Improved monitoring of the facilities protection in courts so that outsiders and visitors are not allowed just anywhere. Better visitor control, don't leave visitors alone when they are reading the original judgment and other documents. Better control of people who come to the court facilities for various tasks. Better control of people who deliver coffee etc. to the courts. It would be best if nobody was allowed to get beyond the reception. If they are allowed further, they must be accompanied by somebody. All visitors should be given a name badge, like in private enterprises, Parliament, or the Ministry."

One judge had a very specific suggestion, also on improved controls, not of the courtroom but of hospital facilities:

> "better control and tougher rules in hospitals… so that the inmates cannot get weapons and drugs there."

Technical devices, metal detectors

Quite a few administrative court judges had thought about metal detectors and other protective devices, improved design of the facilities, or improved visitor routines:

> "…nobody should be allowed into the court facilities or the courtroom without having passed a security control. The security control should

comprise a metal detector as they have in airports, or what they have in the Council buildings in Brussels."

"obligatory entrance controls should be a routine"

"metal detectors at entrances"

"metal detectors for oral hearings"

"Make everybody who come into courtrooms be subjected to the same controls that they have at airports, metal detectors etc."

Record telephone calls, camera surveillance (securing evidence)

One judge had a specific useful measure in mind, considering the difficulties in securing evidence of improper influence:

"it would be useful if telephone conversations could be recorded so there would be documentation of verbal threats".

Similarly, another judge proposed video surveillance:

"legislation should allow camera surveillance of courtrooms".

Security guards

Two judges were of the opinion that more permanent security guards are needed:

"Security guards"

"More permanent security guards"

Design out risks

Design out risks

There were targeted suggestions as to technical and design aspects:

"Investments in courtrooms: barriers between court members and the remaining part of the courtroom."

"When designing court facilities, changing all court buildings so that there are no breakable windows in the lower floors."

"There should be spaces to separate the parties involved outside the courtroom and perhaps also in the courtrooms."

One respondent presented the idea of another kind of opportunity reduction:

"parking prohibitions at all courthouses (to avoid car bombs)"

Reorganise working routines

Finally, one judge had an idea of a concrete improvement of working routines that could alleviate the burden caused by difficult clients:

> "the chief should take telephone calls and visits of persons who are suspected or known to victimise court staff… this is because the chiefs are the most experienced people in the court"

Other

Mostly, the suggestions were related to physical safety risks. However, one judge addressed the corruption issue, suggesting that it would be a good idea

> "[to] pay better salaries to judges in order to eliminate corruption risks."

ANNEX 4. Heterogeneity and/or cumulation of risks of improper influence against prosecutors and judges.

by Kauko Aromaa

1. Victimisation risks are not random

Surveys on violent victimisation in the general population have found that the phenomenon is relatively rare. For example, a large majority (83 %) of the respondents in the Finnish 1970 survey (Aromaa 1971) did not have a single experience of the different types of violence described in the questionnaire over the preceding two years (the first column in Table 3). It could be assumed that the result it statistically speaking generated through a stochastic process, in which the likelihood of any of the described violent incidents is the same for all respondents. If this assumption is correct, the distribution of the number of incidents experienced by each respondent should follow a simple Poisson distribution.

This risk may, however, be different for different individuals – and maybe at different times and in different places. Thus, the alternative assumption would be that the interviewed sample consists of groups – or individuals – with broadly different violence risks. Intuitively, the latter assumption would seem to be closer to real life – indeed, it is very plausible to assume many social distributions to be of the latter kind rather than of the first kind.

If the latter assumption is correct, the distribution of violent victimisation incidents experienced by the survey respondents should approach a transformation of the Poisson distribution which is based on an assumption of heterogeneous, not homogeneous violence risks. Robert Fisher (1941) named this transformation the negative binomial distribution. The distribution is defined by two parameters, the first one (α) representing the average initial risk of a certain event occurring; while the second parameter (β) represents the risk of the same occurring once more. (The simple Poisson distribution is defined by one parameter only, namely α which is equivalent to the arithmetic mean μ of the distribution).

James S. Coleman (1964, 300) says that he was initially unaware of Fischer's work and of some of his followers,[16] as he re-invented this distribution in the 1960s, naming it "the contagious Poisson distribution". The term "contagious" referred to the idea that a first victimisation – a first occurrence of the given kind of incident – moves the person into a new category of persons with a different, more intensive, risk as compared with the average population. An interpretation would be that the risk was "contaminating" the respondents who would then eventually become more prone to further victimisations.

[16] e.g. Feller 1943, 1968, 1971.

Alternatively, this could happen if the initial victimisation is understood as an indication of an above-average risk to begin with. The difference is important in theoretical terms: the question is about whether risks are just heterogeneous or (also) cumulative, as implied by Coleman's "contagion". Contagion means that the victimisation event itself may change an individual's risk.

When studying this problem, Coleman refers to the famous first application of the Poisson distribution by Bortkevitch (1898):[17] The number of deaths resulting from being kicked by a horse was recorded for 10 corps in the Prussian army over a period of 20 years. This provides 200 cases or observations, where the observation unit is one corps over a period of one year. The average number of deaths per corps-year was 0.61, and the distribution of deaths is shown in Table 1. The observed distribution is strikingly similar to the theoretical one.

Table 16. Deaths from the kick of a horse in the Prussian army

(i) Number of deaths	N(i) Number of corps with (i) deaths per year	(n(i), calculated) Calculated number of corps with (i) deaths per year (α = μ= .61)
0	109	108.7
1	65	66.3
2	22	20.2
3	3	4.1
4	1	0.6
	200	199.9

In this situation, it also seems to be plausible to accept the idea that the distribution of the number of deaths across units would be random, i.e. the risk at that level could be assumed to be homogeneous. A different situation might, however, also be possible if different corps would have dissimilar discipline, routines and skills concerning the handling of horses.

On the other hand, Coleman also presents an example where the "contagious" distribution has a close resemblance to the distribution of work accidents that occurred in an American industrial plant, previously also shown for example by Greenwood & Yule (1920). Coleman's example is from Hill & Trist 1953:

[17] as cited in Coleman 1964, 291.

Table 17. Number of men with given numbers of accidents in an industrial plant

Number of accidents (i)	Number of men with (i) accidents n(i)	Poisson α = .429 n(i)	Poisson with contagion, α = .372 β = .285 n(i)
0	200	188.2	199
1	64	80.7	64.9
2	17	17.4	18.7
3	6	2.5	5.1
4	2	0.3	1.4

In Coleman's interpretation, "… if these accidents were random among men (that is if no one were accident-prone, or one accident did not lead to another), then the assumption of the Poisson would be fulfilled … But … more men have several accidents (three or four) than the Poisson model predicts. This suggests that the contagious model might be appropriate, even though it is fairly clear that here there is more heterogeneity (accident-proneness) than contagion (one accident leading to another) … whatever the interpretation of b, the model does fit rather well. The size of α, .372, is a measure of the general accident rate for those who have had no accidents, while the size of β, .285, indicates that those who have had one accident have a rate for the second which is .285 higher than those who have had none, or about .657." (Coleman 1964, 304-305).

These examples indicate that it could make sense to analyse how the incidence of victimisation to violence varies in victimisation survey data. The example below is taken from the first Finnish national violence victimisation survey (Aromaa 1971). In this survey, the number of victimisation incidents was approximated by using the number of different levels or degrees of violence as reported by the respondent. This variable is not perfect; however, controls from later data[18] could show that this crude variable has a very high correlation with a question that is directly about the number of violent incidents.

As shown in Table 3, the distribution of the number of victimisation incidents is clearly dissimilar to the theoretical simple Poisson distribution.

[18] Aromaa 1974. See Sirén (1976) for a sophisticated discussion of the complex statistical issues involved.

Table 18. The number of victimisations to violent incidents over the preceding two years (24 months) as reported in the interviews, compared to corresponding simple Poisson and negative binomial distributions in the 1970 data (Aromaa 1971, 10).

Number of incidents*)	Number of respondents	Corresponding Poisson distribution **(1)** $\alpha = \mu = .241$	Correspoding negative binomial distribution **(2)** $\alpha = .155, \beta = .825$
0	829	765.4	834.1
1	100	184.5	88.0
2	25	22.2	29.4
3	7	1.8	12.0
4	7	0.1	5.4
5	1	0.01	2.5
6	4	0.00	1.2
7	1	0.00	0.6
Total	974	974	973.2

*) estimated from the number of different levels of violence in the reply of the respondent

For distributions (1) and (2): $\chi 2 = 12.58 < 12.6 = \chi 2\ (.95)$, df = 6

Also in other empirical studies,[19] the theoretical simple Poisson distribution and empirical distributions have not resembled each other very closely. This observation has been given two main explanations or interpretations. In the following, these are called the heterogeneity hypothesis and the accumulation hypothesis concerning the event intensity.

Everyday experience would support the idea that the victimisation risk is usually not homogeneously distributed in the general population. The interpretation problem, and the particular significance of this observation is not just this but the fact that the same distribution may also be generated by the accumulation or reinforcement tendency of the risk.

From the perspective of preventing victimisation, both interpretations have relevance:

1) a broad range of the risk means that some prevention measures should be directed at groups with an exceptionally high risk, and empirical studies may be applied to specify what kinds of groups these are.

2) the accumulation tendency of the risk means that it is worthwhile to try to specify groups where this tendency is strong because interventions directed at such groups may have a particularly good cost-benefit ratio.

[19] e.g. Aromaa 1974, Sparks 1976, Spilerman 1970, Wolf 1972.

Thus, for instance in the case of a person who has been victimised very often in his/her job, it is perhaps more worthwhile to focus the analysis on his/her working conditions rather than on his/her personality; however, it could also make sense to train him/her to act adequately in such work-related problem situations, and to teach him/her to recognise such problem situations and to neutralise them.

Correspondingly, in the case of a woman who is repeatedly victimised by partner violence, perhaps one should look for remedies to the situation rather than the behaviour of the victim or the partner, albeit that also these issues may be relevant. If a partner relationship cannot be fixed, one must look for ways of terminating it and neutralising the risk. This does not exclude approaches that attempt mediation or personal therapy, which must also be possible.

For other kinds of risks, other remedies may be relevant. For instance, the snatching of handbags in a street environment will decrease if the volume of suitable targets is reduced (the potential victims start avoiding known or likely hot spots, and/or keep their property in a way which prevents a simple snatching). Such risks may be reduced by studying the likely environments and targeting personal and CCTV surveillance of these places; potential/known offenders are profiled and their surveillance is improved by, for instance, distributing their pictures and personal data among the security staff, etc.

Interventions targeted at young women or other groups with specific risk patterns are different from interventions addressing certain kinds of lifestyles or living conditions, and both kinds of interventions are worth planning and carrying out. The task is analogous with the one of alcohol control policy: interventions may address the entire population or specific population categories. This is not a question of mutually exclusive alternatives, and instead both approaches have their justification. Price policy, restrictions of availability, and education both at general and group-specific levels, as well as support provided for problem consumers are acceptable interventions, each one of which has a particular way of working.

2. What may explain the non-random nature of risks

After the 1970 study, some later analysis was carried out in order to see how much of the heterogeneity/accumulation property of the incidence distribution could be made to disappear, by controlling for a few background characteristics obviously related to the risk (age, gender, urban-rural area of residence, education). The victimisation rate varied considerably according to gender and age. Similarly, some specific professions could be found for which victimisation and its repetitive character were particularly high, such as nurses and restaurant doormen. Respondents in these jobs explained that violent and threatening situations occurred practically every day or every week, which means that it happened very frequently, considering that the vast majority of the population had no such experiences and that most of those who did had experienced only one such event. If the observed distribution would primarily

depend on risk heterogeneity deriving from such circumstantial factors, controlling for these could be expected to decrease the resemblance of the distribution of victimisation incidents with the theoretical negative binomial distribution.

The small sample was not really sufficient for a detailed analysis of this kind. However, it was quite clear that rough controls of the respondent's age and gender did indeed have some of the expected consequences, the observed original distribution thus being to a great degree explained by risk heterogeneity.

In a later survey (Aromaa 1974), the joint effects of age, gender and alcohol habits on the heterogeneity/accumulation of victimisation risks were controlled for. The dataset was a bit larger, and the incidence of victimisation was estimated by a direct question taking the form "how often did this happen?" The result was interesting because the heterogeneity / accumulation tendency did not disappear after these operations. Heterogeneity / accumulation was strongest among young men with a high level of alcohol consumption – the same group who also had the highest victimisation rate.

Overall, frequent alcohol consumption increased the victimisation rate for young men as well as for adult men and adult women. For young women, the result was different: also for them, frequent alcohol consumption clearly increased the victimisation rate, but weakened the accumulation / heterogeneity tendency of their victimisation distribution.

Could this mean that women who were frequent alcohol users did not live in circumstances that created risk accumulation – or that this is true for women consuming alcohol only infrequently, since violence in their case might often be partner or workplace violence? This hypothesis is inspired by a later study, according to which those two violence types are more common among women in general, while the violence experienced by women who are frequent alcohol consumers would more often be alcohol-related incidents that resemble similar male experiences (case descriptions indicate that this may be the case). Further analysis would be better facilitated if the data would be able to single out different subcategories of violence, such as, for example, partner violence, or drinking-related violence, since the character of risks is likely to be different across such subcategories.

3. Consequences of non-randomness of risk

Tim Hope and Alan Trickett (2004) have pondered on such observations. Trying to interpret the different hypotheses behind the negative binomial distribution, they comment that the victimisation risk in a given population cross-section - such as typically applied in our usual victimisation surveys – is known to vary over a broad range, but that also the risk of specific persons may change considerably from one point in time to another.

They suggest for instance that over time, a specific person may develop "immunity" in relation to a certain type of risk. For example, domestic burglary may after the initial victimisation event indicate that this particular housing unit has an above-average victimisation risk which will be expressed in new burglaries in the future. However, as a consequence of a burglary, a housing unit may be equipped so well as to render future burglary almost impossible. Consequently, the improved protection triggered by the initial burglary may transform the target to near immunity.

Also victims of crimes against persons may follow similar developmental paths. A person assaulted on the street may change his/her routine activity patterns in one way or another. He/she may, for example, acquire a weapon and start practising combat skills, and begin actively looking for similar situations that provide opportunities for revenge. He/she may also continue as before, continuing to lead a risk-prone, assault-inducing way of life despite the occasional victimisations. However, he/she may also change his/her behaviour patterns so that he/she in the future carefully avoids risk situations, risky drunkenness, and protects him/herself by moving in dangerous areas only as a member of a group, never alone.

Continuing this line of thought, it should become obvious that a cross-section of the general population in fact comprises many kinds of individuals of whom everybody is in a specific stage of his/her victimisation career. Victim careers may be of many kinds, and putting effort in studying such careers is likely to produce significant new information that is valuable for preventive purposes.

If the victimisation event changes the victim's behaviour, then over time individuals and groups are going to emerge who have learned to minimise or to avoid risk - for them, victimisation may cause a decrease of risk in the future. At the same time, new generations have grown in new risk circumstances to gain increased and improved/accumulating experiences of these risks, and have over time gradually begun to change their behaviour accordingly. Some individuals also alter their behaviour patterns rapidly, while others do it more slowly or not at all. Furthermore, for example work-related risks may change if one shifts to another job, as in the case of the security guard, waitress or nurse who, because of repeated victimisation (or for other reasons) eventually changes jobs or even the employment sector, as a consequence of which his/her risk may change radically. Similarly, the risk of partner violence may suddenly change as the life situation changes, such as when a violent partner relationship is terminated - or initiated. The risk of a person with multiple violence experiences may change as a consequence of him/her stopping drinking, or after a change in the circles with whom he/she spends his/her time. There are many such processes that influence the outcome. If such processes are better recognised, it is also easier to acquire new information that is valuable in regards to preventing or minimising risks. One person may presently be at the beginning of this career, another may be struggling with attempts of gaining control over his/her situation, somebody else may have reached relative immunity.

Cross-sectional data require this kind of complementary information because they are able to grasp the time dimension only to a rather limited extent. It is, however, true that also cross-sectional data may be improved so that they would also comprise questions of the respondent's recent history, his/her victim career, and related changes in his/her own behaviour patterns and his/her life circumstances. Just by way of example, in the case of work-related violence, important additional information could concern a change of job, a change of working tasks, or attaining training and education in person-to-person combat skills or interaction skills. Similarly, in the case of partner violence, the important additional information could concern a radical move such as leaving the relationship (breaking up), or participation in mediation, therapy etc.

4. Promising possibilities

Distribution analysis of survey data in this framework may provide interesting new hypotheses and also suggest new possible answers to risk-related issues, whether concerning scientific explanations or practical prevention. Admittedly, the weaknesses and shortcomings of the available empirical data cause uncertainties: it may for instance happen that a result indicating risk heterogeneity may also - at least in part - be due to respondent characteristics that cause variation as to how well he/she remembers different kinds of events, and how willing he/she is to tell about such events. Similar matters may even explain why some persons report a large number of victimisation events while other may not disclose a single one. Ostensive heterogeneity may also be caused by the fact that the victimisation experiences of some people are of a shameful nature or otherwise they prefer to keep these secret, while some other persons may have experiences that are thought to even bring honour to the victim. This kind of difference may exist for instance between partner violence experiences by women and peer violence of young men.

The analysis of distributions renders new possibilities for the analysis of many issues related to risk, and for defining new hypotheses. Distributions do not prove anything but they may open our eyes to otherwise ignored perspectives. The data of surveys are often under-utilised. This approach may improve the situation also in this respect.

5. The negative binomial distribution and the incidence of harassment and threats among judges and prosecutors in Sweden and Finland

From earlier survey results on repeat victimisation, it could be anticipated that also victimisation in this study is not a fully random phenomenon. This can be analysed by studying incidence distributions (cf. Aromaa 1971).

The exercise is about fitting the negative binomial distribution to the incidence distribution of improper influence. Below, only the incidence distributions for harassment and threats are analysed.

Since only a few judges and prosecutors reported having been victims of damage to property, violence, or corruption attempts, incidence distributions of these forms of influence cannot be meaningfully compared.

Harassment

In the Swedish data, it was common to report only one incident of harassment (33 % of all victims). More than two-thirds (71 %) of those victimised had experienced three incidents or fewer. There are, however, a small number of persons who had reported being victims of a very large number of harassment incidents, ranging from about ten incidents up to an estimated 40 incidents. (Table 19).

Table 19. Harassment: how many times in the preceding 18 months, Finland and Sweden

Finland		0	1	2	3	4	5+	Total	victims	α	β
Total	N	555	45	43	13	5	13	674	119		
	%	82	7	6	2	1	2	100	18	.20	2.0
prosecutors	N	198	18	23	6	4	7	255	57		
	%	78	7	9	2	2	3	100	22	.25	2.6
general court judges	N	220	13	18	7	-	6	264	44		
	%	83	5	7	3	-	2	100	17	.19	3.0
administrative court judges	N	137	14	2	-	1	-	154	17		
	%	89	9	1	-	1	-	100	11	.11	0.2
Sweden											
Total	N	921	59	40	24	11	38	1093	172		
	%	84	5	4	2	1	3	100	16	.17	2.7
prosecutors	N	415	35	29	17	9	23	528	113		
	%	79	7	5	3	2	4	100	21	.23	2.4
general court judges	N	347	18	7	3	2	10	387	40		
	%	90	5	2	1	1	3	100	10	.11	1.6
administrative court judges	N	159	6	4	4	-	5	178	19		
	%	89	3	2	2	-	3	100	11	.11	3.0

In the Finnish data, the pattern is similar, with the largest number of incidents amounting to 99. This means that harassment victimisation is a markedly cumulative/heterogeneous phenomenon (cf. Aromaa 1971; Hope & Trickett 2004).

Of the Swedish general court judges who had been harassed, almost one-half (45 %) reported only one incident, which is more than any of the other Swedish professional groups. This indicates that the cumulation and/or heterogeneity of risks is significantly less for judges – a plausible finding considering the previous statements regarding the position of judges in the law enforcement continuum.

In the Finnish replies, a similar overall pattern was found. In both countries, the problem level was lowest in the administrative courts, where also the frequency

distribution of problem events resembled a random risk distribution more than in the other respondent groups.

This pattern suggests that part of the heterogeneity/accumulation tendencies found in the total distributions can be traced back to the heterogeneity caused by the different working environments and exposure: the victimisation incidences in some respondent subcategories are closer to a random pattern than they were in the total data.

In the Finnish replies, a similar overall pattern was found. In both countries, the problem level was lowest in the administrative courts, where also the frequency distribution of problem events resembled a random risk distribution more than in the other respondent groups.

Threats

Overall, threats were less prevalent than harassment experiences, and this is also reflected in the form of the incidence distributions given in Table 16.

The cumulativity / heterogeneity of the sub-distributions lessens in some instances. This is likely due to the fact that when breaking down the populations by type of job, we have effectively controlled for part of the sources of the heterogeneity / cumulation tendencies.

Table 20. Threats – how many times in the preceding 18 months, Finland and Sweden

Finland		0	1	2	3	4	5+	Total	victims	α	β
Total	N	632	25	13	1	2	1	673	42		
	%	94	4	2	0	0	0	100	6	.06	1.1
prosecutors	N	232	14	8	-	2	-	255	24		
	%	91	5	3	-	1	-	100	9	.09	1.1
general court judges	N	251	7	4	1	-	1	264	13		
	%	95	3	2	0	-	0	100	5	.05	1.0
administrative court judges	N	149	4	1	-	-	-	154	5		
	%	97	3	1	-	-	-	100	3	.03	0.0
Sweden											
Total	N	1026	37	18	7	1	4	1093	67		
	%	94	3	2	1	0	0	100	6	.07	1.8
prosecutors	N	486	21	13	4	1	3	528	42		
	%	92	4	2	1	0	1	100	8	.09	1.7
general court judges	N	375	8	2	1	-	1	387	12		
	%	97	2	1	0	-	0	100	3	.03	0.8
administrative court judges	N	165	8	3	2	-	-	178	13		
	%	93	4	2	1	-	-	100	7	.07	1.1

Indeed, the remaining non-random variations would more likely be based on differences in how the respondents tend to interpret potential problem situations, and how sensitive they are to such issues. Another remaining source of heterogeneous / cumulative risk could be the person's own behaviour and his/her person in terms of provocation and risk avoidance, but also the

variations in cases that they deal with, i.e. extra-personal issues. None of these aspects could be assessed in the current study.

Discussing such distributions, Wittebrood and Nieuwbeerta (2000) conclude that "individuals who have once been victims suffer a substantial higher risk of subsequent victimisation. This effect of previous victimisation can partly be explained by a real effect of previous victimisation (state dependence), but more largely by the effects of patterns of routine activities (heterogeneity in the population)".

In the Finnish replies, a similar overall pattern was found. In both countries, the problem level was lowest in the administrative courts, where also the frequency distribution of problem events resembled a random risk distribution more than in the other respondent groups.

This consistent pattern for both countries points to the obvious conclusion that a large proportion of the heterogeneity / accumulation tendencies found in the overall distributions can be traced back to the heterogeneity caused by the different working environments and exposure: the victimisation incidences in each respondent subcategory are much closer to a random pattern than they were in the total material.

Conclusion

The incidence distributions of both harassment and threat victimisation correspond to the idea of risks being non-random, heterogeneous and/or cumulative. Such heterogeneity / cumulativity could be hypothesised to result from different tasks and working environments of prosecutors, and judges. Controlling for the job title of the respondents was done in an attempt to see whether the non-randomness of the distributions could be traced back to simple differences in the work of prosecutors and judges. The attempt was not very successful: only the incidence distribution for Finnish administrative court judges turned out to correspond to the random risk hypothesis. This indicates that the risk of improper influence depends on significant characteristics other than the professional role of the respondent. Future research could examine this matter more in depth, since a large number of possible features with an influence on the nature of the risk might be in operation.

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Annex 5. The introductory letter (Sweden)

A survey on harassment, threats, violence and other improper influence attempts at judges and prosecutors

In an earlier study carried out by the Swedish National Council for Crime Prevention (Brå), harassment, threats, violence, and other attempts at improper influence at authority representatives in the criminal justice system were found to be a relatively serious problem.

In cooperation with the Finnish research institute HEUNI, Brå is now carrying out a comparative study of attempts to irregularly influence judges and prosecutors in Finland and Sweden. Has the situation changed since the earlier study?

Attempts to influence the functions of the authority

At the end of this letter, there is a link to a survey about harassment, threats, violence and corruption of particular kinds. The particular kinds refer to the circumstance that the purpose of the behaviour is to influence the functions of the authority, comprising both not taking action as well as improper action. To capture all these kinds of behaviour, we use the collective term “attempts at improper influence”.

Definition of different forms of improper influence:

Harassment: Slander, molestation and subtle threats that are not illegal threats or other ways of exerting pressure that are not covered by criminal law.

Threats: Illegal threats and similar criminalised acts such as extortion.

Violence: Assault and other similar criminalised acts.

Vandalism: Arson, damage to property and similar criminalised acts.

Corruption: Promise or offer of a bribe or other benefit for carrying out one’s functions as an authority (bribery).

Behind the attempts at improper influence, there may be perpetrators who are perceived as both having the motivation and the ability to make the things happen that they promise. Even if the acts may seemingly be less serious or take extremely subtle forms, they may be perceived as being very serious because of the objectives believed to be behind them. Some acts are not even criminalised, such as certain kinds of harassment, but they can nonetheless have a very negative impact on the person who is targeted.

Your participation is important

You are one of the 1,800 persons who are given the opportunity to participate in the Swedish part of the study. In order for the study to be valid, it is important that the response rate is high. The results are going to be published in a Brå report already before the end of 2008.

The replies are analysed with full confidentiality

The survey replies are fully anonymous. Your reply cannot be linked to your e-mail address. All results are going to be presented in an aggregated form, which means that individual respondents cannot be identified. We will be pleased to answer any questions you have concerning the survey. We are grateful for your help with the study!

The link to the survey:
http://www.webropol.com/P.aspx?id=215931&cid=43683270

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08-401 87 11	08-401 87 14

Annex 6. The questionnaire[20]

A survey of harassment, threats, violence and other attempts at improper influence against judges and prosecutors

1) You work as*

- A prosecutor in the Prosecution Authority
- A prosecutor in the Economic Crime Authority
- A permanent judge in a general court
- A non-permanent judge in a general court
- A permanent judge in an administrative court
- A non-permanent judge in an administrative court

2) Sex*

- Female
- Male

3) Age*

- 29 years or younger
- 30¬–39 years
- 40–49 years
- 50–59 years
- 60 years or older

4) What is the geographic region where you work?*

- Large city and its environs
- Middle-sized city and its environs
- Smaller city and its environs

---

5) Have you personally over the last eighteen months been victimised by harassment where you perceive that the objective was to influence your functioning as the representative of an authority (either in that particular situation or in the future)?

- yes
- no

---

[20] The original questionnaires were in Finnish and Swedish. This is a working translation by Kauko Aromaa.

6) How many times have you personally been subjected to harassment over the last eighteen months where you perceive that the objective was to influence your functioning as the representative of an authority?

….. number of times

---

7) What types of harassment have you been subjected to? If you have been a victim of several incidents, please select the one that was most disturbing.

- Disturbing telephone calls, letters, e-mails or SMS to the workplace
- Disturbing telephone calls, letters, e-mails, or SMS to your home (or privately)
- Reports to the ombudsman, complaints, crime reports or similar
- Signs of yourself or your family being observed
- Stalking (disturbing observation, somebody "happens" to come or appear close to you or your family)
- other, please specify ……..

---

8) At what stage of the criminal procedure were you subjected to the harassment? If you have been victimised several times, please choose the event that you think was most serious.

- before a case was opened in an administrative court
- before a police investigation of a crime was initiated
- in connection with an arrest
- in connection with a remand decision
- at some other stage of the police investigation
- in connection with a remand procedure
- in connection with the decision on prosecution
- in connection with the exchange of documents with the appeal court
- in connection with the main court proceedings in a general court or in oral procedure in an appeal court
- while waiting for a court decision
- in connection with appeal to a higher court
- after the court verdict has become binding

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9) Who do you think was behind the harassment? Please check the alternative you think is most relevant.

- Substance abuser
- Mentally disturbed person
- Person in a desperate situation
- Querulant
- Individual offender without links to criminal networks/groups
- Political activist (right-wing, left-wing, environment, animal rights)
- Member of a youth gang
- Member of a prison gang
- Member of a biker gang
- Member of an East European criminal gang
- Person from another organised crime context
- Business/entrepreneur
- Unknown

---

10) Did you tell anyone about the most serious case of harassment? Please select the relevant alternative.

- Colleague
- Your superior
- Security officer/security chief
- Staff officer, union representative or similar
- Family
- Friend
- Police (report)
- Other, please specify ……

---

11) Have you personally over the last eighteen months been subjected to threats where you perceive that the objective was to influence your functioning in your role as an authority (in that situation or in the future)?

- yes
- no

---

12) How many times have you personally over the last eighteen months been subjected to threats where you perceive that the objective was to influence your function as an authority?

….. number of incidents

---

13) What kind of threat have you been subjected to? If you have been subjected to several incidents, please select the one that was most disturbing.

- A threat made by telephone calls, letters, e-mails or SMS to the workplace
- A threat made by telephone calls, letters, e-mails or SMS to your home (private)
- A threat made personally in connection with a confrontation (such as a court negotiation)
- A threat made by tips or other indirect hints
- Other, please specify ……

---

14) At what stage of the procedure were you being threatened? If you have been threatened several times, please select the incident you think was the most serious.

- before a case was opened in an administrative court
- before a police investigation of a crime was initiated
- in connection with an arrest
- in connection with a remand decision
- at some other stage of the police investigation
- in connection with a remand procedure
- in connection with the decision on prosecution
- in connection with the exchange of documents with the appeal court
- in connection with the main court proceedings in a general court or in oral procedure in an appeal court
- while waiting for a court decision
- in connection with appeal to a higher court
- after the court verdict has become binding

---

15) Who do you think was threatening you? Please select the alternative that is most relevant.

- Substance abuser
- Mentally disturbed person
- Person in a desperate situation
- Querulant
- Individual offender without links to criminal networks/groups
- Political activist (right-wing, left-wing, environment, animal rights)
- Member of a youth gang
- Member of a prison gang
- Member of a biker gang
- Member of an East European criminal gang
- Person from another organised crime context
- Business/entrepreneur
- Unknown

---

16) Did you tell anybody about the most serious threat incident? Please select the right alternative.

- Colleague
- Your superior
- Security responsible/ security chief
- Staff responsible, union representative or similar
- Family
- Friend
- Police (report)
- Other, please specify ……

---

17) Have you personally over the last eighteen months been subjected to violence where you perceive that the objective was to influence your functions as the representative of an authority (in that situation or in the future)?

- yes
- no

---

18) How many times have you personally over the last eighteen months been subjected to violence where the objective according to your perception was to influence your functions as the representative of an authority?

….. number of times

---

19) Were you given treatment because of a violence incident? If you have been subjected to violence several times, please select the violence incident that you perceive as being the most unpleasant.

- No, no treatment was necessary
- Yes, I was given treatment in a hospital and also had to stay there for a while
- Yes, I was given treatment by a doctor/dentist, and could return home immediately

---

20) At what stage in the criminal procedure were you subjected to violence? If you have been subjected to violence several times, please select the event that you perceive was the most serious.

- before a case was opened in an administrative court
- before a police investigation of a crime was initiated
- in connection with an arrest
- in connection with a remand decision
- at some other stage of the police investigation
- in connection with a remand procedure
- in connection with the decision on prosecution
- in connection with the exchange of documents with the appeal court
- in connection with the main court proceedings in a general court or in oral procedure in an appeal court
- while waiting for a court decision
- in connection with appeal to a higher court
- after the court verdict has become binding

---

21) Who do you perceive was responsible for the violence? Please select the alternative that is most relevant.

- Substance abuser

- Mentally disturbed person
- Person in a desperate situation
- Querulant
- Individual offender without links to criminal networks/groups
- Political activist (right-wing, left-wing, environment, animal rights)
- Member of a youth gang
- Member of a prison gang
- Member of a biker gang
- Member of an East European criminal gang
- Person from another organised crime context
- Business/entrepreneur
- Unknown

---

22) Did you tell somebody about the most serious case of violence? Please select all relevant alternatives.

- Colleague
- Your superior
- Security responsible/security chief
- Staff responsible, union representative or similar
- Family
- Friend
- Police (report)
- Other, please specify ……

---

23) Have you personally over the last eighteen months been victimised by damage to property/vandalism where you believe the purpose was to influence your work as the representative of an authority (in the current situation or in the future)?

- yes
- no

---

24) How many times have you personally over the last eighteen months been victimised by damage to property/vandalism where you believe the objective was influence your work as the representative of an authority?

….. number of times

25) What kind of damage to property have you been victimised by? If you have been victimised more often than once, please answer regarding the most unpleasant incident

- Damage to authority premises or property
- Damage to private property
- Damage to somebody else's property

---

26) What was damaged?

……

---

27) At what stage of the process were you victimised by damage to property? If you have been victimised more than once, please refer to the situation you felt to be the most serious one.

- before a case was opened in an administrative court
- before a police investigation of a crime was initiated
- in connection with an arrest
- in connection with a remand decision
- at some other stage of the police investigation
- in connection with a remand procedure
- in connection with the decision on prosecution
- in connection with the exchange of documents with the appeal court
- in connection with the main court proceedings in a general court or in oral procedure in an appeal court
- while waiting for a court decision
- in connection with appeal to a higher court
- after the court verdict has become binding

---

28) According to your knowledge, who was the perpetrator of the damage to property? Please select the most relevant alternative.

- Substance abuser
- Mentally disturbed person
- Person in a desperate situation
- Querulant
- Individual offender without links to criminal networks/groups

- Political activist (right-wing, left-wing, environment, animal rights)
- Member of a youth gang
- Member of a prison gang
- Member of a biker gang
- Member of an East European criminal gang
- Person from another organised crime context
- Business/entrepreneur
- Unknown

---

29) Did you tell somebody about the most serious incident of damage to property? Please select the relevant alternatives.

- Colleague
- Your superior
- Security responsible/security chief
- Staff responsible, union representative or similar
- Family
- Friend
- Police (report)
- Other, please specify ……

---

30) Have you personally over the last eighteen months been victimised by corruption where you believe the purpose was to influence your work as the representative of an authority (in the current situation or in the future)?

- yes
- no

---

31) How many times have you personally over the last eighteen months been victimised by corruption where you believe the objective was influence your work as the representative of an authority?

….. number of times

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32) What kind of unlawful offer have you received? If you have received more than one offer, please select the one you felt to be most problematic.

- Offered a meal

- Offered an object
- Offered a ticket to an event or travel
- Offered money
- Offered service
- Offered the opportunity to buy something at a very good price
- Other, please specify ……..

---

33) At what stage of the process were you victimised by an unlawful offer or other attempt at corruption? If you have been victimised more than once, please refer to the situation you felt to be the most serious one.

- before a case was opened in an administrative court
- before a police investigation of a crime was initiated
- in connection with an arrest
- in connection with a remand decision
- at some other stage of the police investigation
- in connection with a remand procedure
- in connection with the decision on prosecution
- in connection with the exchange of documents with the appeal court
- in connection with the main court proceedings in a general court or in oral procedure in an appeal court
- while waiting for a court decision
- in connection with appeal to a higher court
- after the court verdict has become binding

---

34) Who do you perceive was responsible for the unlawful offer/corruption? Select the alternative that is most relevant.

- Substance abuser
- Mentally disturbed person
- Person in a desperate situation
- Querulant
- Individual offender without links to criminal networks/groups
- Political activist (right-wing, left-wing, environment, animal rights)
- Member of a youth gang

- Member of a prison gang
- Member of a biker gang
- Member of an East European criminal gang
- Person from another organised crime context
- Business/entrepreneur
- Unknown
- Other, please specify ……

---

35) Did you tell somebody about the most serious incident regarding unlawful offers/corruption attempts? Please select the relevant alternatives.

- Colleague
- Your superior
- Security officer/chief
- Staff responsible, union representative or similar
- Family
- Friend
- Police (report)
- Other, please specify …….

---

36) Has your local workplace in some way changed its routines after a staff member (or his/her family member) was victimised by an attempt at improper influence?*

- No
- Yes, physical protection and design of facilities
- Yes, communication and self-protection
- Yes, improved visitor routines
- Yes, routines for reporting of incidents
- Yes, improved external cooperation (e.g. with police)
- Yes, improved internal dialogue (open communication about problems)
- Other, please describe ……..

---

37) Has your central authority in some way changed their guidelines after a staff member (or his/her family member) was victimised by an attempt at improper influence?*

- No
- Yes, developed security strategy/security plan of the authority
- Yes, new guidelines for physical protection and design of facilities
- Yes, guidelines/routines for reporting of incidents
- Yes, developed external cooperation (with e.g. other justice authorities)
- Yes, improved internal dialogue (open communication about problems)
- Other, please describe ……

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38) Have members of your family or your friends over the last eighteen months been victimised by any of the attempts at improper influence listed below where you believe the purpose was to influence your work as the representative of an authority (in the current situation or in the future)?*

- Harassment
- Threat
- Violence
- Damage to property
- Corruption
- Not victimised

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39) How many times have your family members or friends been victimised over the last eighteen months by harassment where you believe the purpose was to influence your work as the representative of an authority?

….. number of times

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40) How many times have your family members or friends been victimised over the last eighteen months by threats where you believe the purpose was to influence your work as the representative of an authority?

….. number of times

---

41) How many times have your family members or friends been victimised over the last eighteen months by violence where you believe the purpose was to influence your work as the representative of an authority?

….. number of times

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42) How many times have your family members or friends been victimised over the last eighteen months by damage to property where you believe the purpose was to influence your work as the representative of an authority?

….. number of times

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43) How many times have your family members or friends been victimised over the last eighteen months by corruption where you believe the purpose was to influence your work as the representative of an authority?

….. number of times

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44) How many times have you (or a family member) received psycho-social support after having been victimised by improper influence?

….. number of times

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45) What form of psycho-social support have you (or a family member) received after having been victimised by improper influence?

- Support from a family member or a friend
- Support from a colleague
- Support from your superior
- Support from the authority's debriefing-service
- Support from a therapist (psychotherapist, psychologist, psychiatrist etc.)
- Other, please specify……..

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46) Please describe below your experiences of attempts at improper influence and/or about what could be done to prevent attempts at improper influence (what you, your workplace, the central authority, or the government could do).

……

Thank you for your cooperation!