

Decree on the Office of the Prosecutor-General

209/1997

Section 1 — Prosecutor-General

- (1) The Prosecutor-General shall head the Office of the Prosecutor-General and be responsible for the results of its operations.
- (2) In addition to what has been provided in the Act on Public Prosecutors (199/1997) on the duties and competence of the Prosecutor-General, the Prosecutor-General shall, as the seniormost prosecutor, promote and supervise the lawfulness of prosecution operations as well as their expediency, economy and appropriateness.
- (3) The Prosecutor-General shall designate the prosecutors acting as heads of investigation into offences allegedly committed by police officers, and lay out their areas of operation. In individual cases, the Prosecutor-General may designate also another prosecutor to head an investigation into an offence allegedly committed by a police officer. (1017/1997)
- (4) The Prosecutor-General shall also supervise the issuance of summary penal orders and decide on the concomitant measures. (1017/1997)

Section 2 — Organisation of the Office of the Prosecutor-General

- (1) The Office has an Administrative Unit, a Prosecution Department and a Development Unit. (1017/1997)
- (2) The heads of Unit shall be appointed by the Prosecutor-General.

Sections 3—5 [repealed by 1017/1997]

Section 6 — Decision-making

- (1) Of the matters considered in the Office, the Prosecutor-General shall decide those that are the most important or extensive in terms of principle. The Prosecutor-General may reserve the power of decision in a matter that otherwise could be decided by another official.
- (2) The division of tasks between the Prosecutor-General and the Deputy Prosecutor-General is laid down in the Rules of Procedure. When the Deputy Prosecutor-General is prevented from attending to his or her duties, the State Prosecutor designated in the Rules of Procedure shall deputise for him or her.
- (3) A State Prosecutor may, on the basis of the Rules of Procedure or a separate order by the Prosecutor-General, decide a matter other than those referred to in paragraph (1) with the same powers as the Prosecutor-General. However, a State Prosecutor shall not issue a prosecution order, as referred to in section 10(2) of the Act on Public Prosecutors.

Section 7 — Officials

- (1) In addition to the Prosecutor-General and the Deputy Prosecutor-General, the Office has State Prosecutors.
- (2) Moreover, the Office may have other officials in civil service relationships and experts appointed for specific tasks. (1017/1997)

Section 8 — Requirements for office

- (1) The requirements for office of Prosecutor-General, Deputy Prosecutor-General and State Prosecutor are provided in the Act on Public Prosecutors.
- (2) The other officials in civil service relationships shall hold suitable University degrees or have the other training required for the office.

Section 9 — *Appointments*

- (1) The appointments of Prosecutor-General, Deputy Prosecutor-General and State Prosecutor are provided in the Act on Public Prosecutors. The Prosecutor-General and the Deputy Prosecutor-General shall be appointed without announcing a vacancy.
- (2) The other officials in the Office shall be appointed by the Prosecutor-General, unless this competence has in the Rules of Procedure been conferred to another official.

Section 10 — *Leave of absence*

- (1) The Prosecutor-General may take, and grant to the Deputy Prosecutor-General, a leave of absence of at most 30 days per calendar year. For longer periods, the leave of absence shall be granted by the Ministry of Justice or, for periods longer than a year, by the Government.
- (2) Leave of absence to a State Prosecutor shall be granted by the Prosecutor-General or, for periods longer than a year, by the Ministry of Justice.

Section 11 — *Rules of Procedure* (1017/1997)

The Rules of Procedure of the Office contain provisions on the management of the prosecution service, the duties of the Units and the officials in the Office, deputation, preparation of matters and the allocation of the power of decision over given matters to the officials.

Section 12 — *General instructions*

Before the Prosecutor-General publishes general instructions, these shall be communicated to the Ministry of Justice.

Section 13 — *Duty of notification*

Local prosecutors shall without delay notify the Office of matters referred to in section 7(2) of the Act on Public Prosecutors, in the manner ordered by the Prosecutor-General. The Prosecutor-General may impose a duty of notification also in other matters.

Section 13a — *Badge* (334/1998)

Public prosecutors shall be issued with badges, the design of which is adopted by the Office of the Prosecutor-General. The badge shall be carried while on duty and presented upon request.

Section 14 — *Employee consultation*

Employee consultation between the Office and its personnel shall be arranged in accordance with the provisions of the Act on Employee Consultation in State Offices and Institutions (651/1988) and the agreements concluded on the basis thereof.

Section 15 — *Entry into force*

- (1) This Decree enters into force on 1 December 1997.
- (2) This Decree repeals the Decree on Provincial Prosecutors (736/1985), as later amended.
- (3) Measures necessary for the implementation of this Decree may be undertaken before its entry into force.
- (4) When making first appointments to positions in the office, no announcements of vacancy need be made. The Ministry of Justice shall be the competent authority under section 3 of the State Officials Decree (971/1994)
- (5) The pending matters in the Office of the Chancellor of Justice that are to be considered by the Prosecutor-General shall be transferred by decision of the Chancellor of Justice to the Office of the Prosecutor-General. The matters pending in Provincial Prosecution Offices shall be transferred to the Office of the Prosecutor-General.