

## **Decree on District Prosecutors**

1015/1997

### *Section 1 — Scope of application*

This Decree contains provisions on the organisation of a prosecutor's duties and the administration of a District Prosecution Office or the Prosecution Department of a State Local Office. Separate provisions apply to the other administration of a State Local Office.

### *Section 2 — Prosecution Offices and Prosecution Departments*

- (1) There are District Prosecution Offices in those State Local Districts that under section 4 of the Act on the Bases of the Development of the State Local Administration (126/1992) have distinct offices. The rest of the Districts have Prosecution Departments of the State Local Office, unless otherwise provided in section 5(2) of the Act on District Prosecutors (195/1996).
- (2) The Ministry of Justice shall decide on the location of the Prosecution Office. Separate provisions apply to the location of the State Local Office.

### *Section 3 — Co-operation*

If Prosecution Offices or Prosecution Departments have been ordered to operate in co-operation, the Prosecutor-General shall issue more detailed orders on the organisation of the co-operation.

### *Section 4 — Management by results*

The management by results of the Prosecution Offices and the Prosecution Departments shall be a task for the Prosecutor-General.

### *Section 5 — Duties of the head official*

The head of the Prosecution Office or Prosecution Department shall:

- (1) direct and develop the operations of the Office or Department;
- (2) be responsible for the results of the operations of the Office or Department;
- (3) monitor and supervise the consistency of the prosecution operations; and
- (4) after having heard the personnel of the Office or Department and those District Courts in whose jurisdictions the prosecutors of the Office or Department operate, confirm the Rules of Procedure of the Office or Department.

### *Section 6 — Appointments to permanent positions*

- (1) The Act on District Prosecutors contains provisions on the appointment of a District Prosecutor-in-charge, a District Prosecutor and a Junior Prosecutor.
- (2) The other officials shall be appointed by the head of the Prosecution Office or Prosecution Department.

### *Section 7 — Appointments to temporary positions*

- (1) The Prosecutor-General shall make the temporary appointments of head of a Prosecution Office or Prosecution Department.
- (2) Other District Prosecutors than those referred to in paragraph (1) shall be appointed by the Prosecutor-General, if the term is to be longer than one year, and by the head of the Office or Department, if the term is to be shorter than that. Appointments for longer than three months shall be notified to the Office of the Prosecutor-General.
- (3) Other officials shall be appointed to temporary positions by the head of the Office or Department.

### *Section 8 — Leave of absence*

- (1) The Prosecutor-General shall grant leave of absence to the head of a Prosecution Office or Prosecution Department.

- (2) Other District Prosecutors shall be granted leave of absence by the head of the Prosecution Office or Prosecution Department. Leave of absence to last longer than one year and not based on a right laid down in an Act or a collective bargaining agreement shall, however, be granted by the Prosecutor-General.
- (3) Other officials shall be granted leave of absence by the head of the Prosecution Office or Prosecution Department.
- (4) Leave of absence of a District Prosecutor, to last longer than three months, shall be notified to the Office of the Prosecutor-General.

Section 9 — *Deputising for the head of Office or Department*

When the head of a Prosecution Office or a Prosecution Department is on vacation or otherwise prevented from attending to his/her duties, the deputising for the head shall take place as laid down in the Rules of Procedure, an order after consultation or an order of the Prosecutor-General.

Section 10 — *Secondary occupations*

- (1) The permission for a District Prosecutor to pursue a secondary occupation shall be granted by the Office of the Prosecutor-General.
- (2) Secondary occupations not requiring a permission shall be notified to the Office of the Prosecutor-General.

Section 11 — *Acting as attorney or counsel*

- (1) A District Prosecutor shall not without the permission of the Office of the Prosecutor-General act as the attorney or counsel of a defendant in criminal proceedings.
- (2) A District Prosecutor shall not act as the attorney or counsel of the injured party, if this can compromise the performance of his/her official duties.
- (3) A District Prosecutor shall not levy any fee for the assistance rendered to the injured party before the court in which he/she acts as a prosecutor.

Section 12 — *Warning, compulsory leave and compulsory part-time*

The Prosecutor-General shall decide on a District Prosecutor being warned, put on compulsory leave or on compulsory part-time.

Section 13 — *Junior Prosecutor*

- (1) The instruction, guidance and duties of a Junior Prosecutor shall be arranged so that he/she receives varied and proper training.
- (2) A Junior Prosecutor shall not without a special reason be appointed for a period longer than one year.

Section 14 — *Entry into force*

- (1) This Decree enters into force on 1 December 1997.
- (2) This Decree repeals the District Prosecutors Decree (352/1996).