

NOTES ON CRIME AND PUNISHMENT IN SWEDEN AND SCANDINAVIA

*Hanns von Hofer**

I. CRIME AND PUNISHMENT IN SCANDINAVIA: AN OVERVIEW

Geographically, the Scandinavian countries (here meaning Denmark, Finland, Norway and Sweden) lie on the margins of Europe, and with the exception of Denmark are rather sparsely populated, with a total population of around 24 million. All the countries bar Finland are constitutional monarchies, and all are both protestant and very homogeneous in terms of culture. It wasn't until a few decades ago that the Nordic countries began to feel the impact of immigration, this level being highest in Sweden and lowest in Finland. The standard of living in the Nordic countries is among the highest in the world and the region's modern political history has been shaped on the whole by the principles of social democracy.

Comparative research into levels of welfare has shown that there is a rather clear-cut pattern of national clusters in the EU-member states of similarity in the welfare mix, as well as the general distributive outcome in material living standards. The European Union appears to be divided in three homogeneous clusters (Vogel, 1997):

- **a northern European cluster** (including Denmark, Finland, Norway [not a member of the EU] and Sweden exhibiting high levels of social expenditure and labour market participation and weak family ties. In terms of income distribution this

cluster is characterised by relatively low levels of income and class inequality, and low poverty rates, but a high level inequality between the younger and the older generations;

- **a southern European cluster** (including Greece, Italy, Portugal and Spain) characterised by much lower levels of welfare state provision and lower rates of employment, but by strong traditional families. Here we find higher levels of income and class inequality and of poverty, but low levels of inter-generation inequality;
- **a central European cluster** with an intermediate position (including Austria, Belgium France, Germany, Ireland, Luxembourg, the Netherlands and the UK). The UK borders on the southern cluster in terms of its high levels of income inequality, poverty and class inequality.

Against this sketchy backdrop reasonably simplistic descriptions of traditional crime in the Nordic countries, and these countries' responses to crime, are presented in the following.

1. International Crime Victims Surveys (ICVS)

Because of variations in the rules governing the collection and production of statistics in different countries, it is generally accepted by experts that comparisons based on crime statistics do not in principal allow for the possibility of making cross-national *level* comparisons of crime (CoE, 1999b:13). For this reason,

* Department of Criminology, Stockholm University, Sweden

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when cross-national comparisons of crime levels are considered desirable, the international crime victims surveys (Mayhew & Killias, 1990; Mayhew & van Dijk, 1997) are a great help despite the obvious methodological difficulties which face even these data sets. The data are collected by means of telephone interviews (using standardised questions) based on random samples of between 1,000 and 2,000 persons from each country. A total of nineteen countries have participated in the three surveys (1989, 1992 and 1996), whilst of the Nordic countries, Norway took part only in 1989, Sweden in 1992 and 1996 and Finland in all three. Denmark has not participated at all and must therefore be excluded from the following presentation. The offence types covered in the survey are: car theft, motorcycle theft, bicycle theft, burglary and attempted burglary, robbery, theft from the person, sex offences and assault/threatening behaviour.

Results from all the surveys between 1989 and 1996, irrespective of how many times the individual countries participated,

have been summarised and are presented in the table below.

Generally speaking, the level of criminal victimisation is reported to be lower in Finland and Norway than in Sweden (however, the Norwegian data refer to 1989 only). For the most part, Sweden lies fairly close to the European average. Similar differences between the Nordic countries were also found during the 1980s when comparisons were carried out on results from national victims surveys produced in these countries. At that point the results from Denmark were similar in many respects to those in Sweden (RSÅ, 1990:146 ff). Sweden distinguishes herself (along with the Netherlands) with respect to the level of bicycle thefts, whilst the Nordic countries on the whole present relatively low levels of car vandalism, burglary and robbery. However, the Nordic countries score higher on sex offences and high on assaults/threatening behaviour. There has been speculation that these differences might in part be explained by higher levels

Table 1
Victimisation over the last year (percentage victim once or more),
1989, 1992 and 1996 according to the ICVS project.
Source: Mayhew & van Dijk (1997, Appendix 4, Table 1).

	DK	FI	NO	SE	EUR9
Car theft	n.a.	0.5	1.1	1.5	1.2
Theft from car	n.a.	2.8	2.8	4.4	5.4
Car vandalism	n.a.	4.6	4.6	4.6	7.5
Motorcycle theft	n.a.	0.3	0.3	0.6	0.8
Bicycle theft	n.a.	4.4	2.8	7.9	3.5
Burglary	n.a.	0.6	0.8	1.4	1.9
Attempted burglary	n.a.	0.6	0.4	1.0	1.9
Robbery	n.a.	0.7	0.5	0.4	1.1
Thefts of personal property	n.a.	3.6	3.2	4.4	4.4
Sexual incidents	n.a.	2.3	2.2	1.9	2.3
Assaults & threats	n.a.	3.8	3.0	3.6	2.7
All eleven offence types	n.a.	18.7	16.4	22.8	23.3
Number of completed interviews	n.a.	6544	1009	2707	29903

n.a. = not available

FI (Finland): 1989,1992,1996; NO (Norway): 1989 only; SE (Sweden): 1992, 1996.

EUR9: Austria, Belgium, France, England & Wales, (West)Germany, Italy, Netherlands, Spain and Switzerland.

of awareness and lower levels of tolerance among Scandinavian women when it comes to setting limits for the forms of inter-gender encounters that are considered socially acceptable (HEUNI, 1998:132 f, 163, 349, 432).

Additional data from cause of death statistics regarding the mid-1990s indicate (CoE, 1999:43) that levels of homicide in Denmark, Norway and Sweden are on a par with those reported in central Europe (around 1.2 per 100,000 of population), whilst Finland still presents considerably higher frequencies (around 3.0 per 100,000 of population), which had already been noted in the criminological literature of the 1930s (NCS, 1997:13).

According to various estimates (EMCDDA, 1997: Table 5 & 1998: Table 4; Reuband, 1998:332), national prevalence rates of problem drug use appear to be near average in Denmark and below average in Norway, Finland and Sweden as compared to central and southern Europe. An account of the Nordic drug scene in the 1990s is given by Olsson et al. (1997).

The ICVS project surveys not only the extent of criminal victimisation but also other related phenomena such as levels of fear, crime-preventive measures, and attitudes towards and experiences of the police. Asked whether they felt they were at risk of being burgled in the course of the following year, respondents from Finland and Sweden were ranked low (Mayhew & van Dijk, 1997:50). Asked how safe they felt outside in their own neighbourhood after dark, feelings of insecurity were lowest among respondents from Finland and Sweden together with Switzerland (Mayhew & van Dijk, 1997:51). In response to the question of whether they had installed various kinds of anti break-in devices (such as burglar alarms, special locks, or bars on windows or doors) Finland

and Sweden also came out below the average (Mayhew & van Dijk, 1997:54).

2. Trends

Since there are no victims surveys (at either the national or European level) covering the post-war period, descriptions of crime trends have to be based on records of crimes reported to the police. Despite the well known shortcomings of official crime statistics, the use of such statistics to compare crime *trends* is an accepted method (CoE, 1999b:13).

The number of crimes reported to the police has risen in all the Nordic countries at least since the beginning of the 1960s. The smallest increase is found in the number of reported incidents of homicide (the number of such reports has doubled, except in Finland where they seem to have remained at more or less the same level). The largest increase (between seven and twelve times) is to be found in the number of reported robberies, this being partly due to the fact that at the end of the 1950s robbery was more or less unheard of in these countries, a total of only 1,200 robberies being registered in these four Nordic countries in 1960 (NCS, 1997:72). The increase is probably linked in part to the upward trend in juvenile crime and in part to the emergence of a group of socially marginalised males (NCS, 1997:31). It is nonetheless worth noting that according to the ICVS, robbery levels in Finland, Norway and Sweden still remain low in an international perspective (see Table 1 supra). The reporting of other offence types (assault, rape and theft) has increased between two and six times over the same period. When the countries are ranked on the basis of increases in five offence categories (homicide, assault, rape, robbery and theft), Sweden presents increases of the greatest magnitude, whilst the increases are least marked in Finland.

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Crime trends in the Nordic countries are on the whole much the same as those found in other central European countries. Westfelt (1998) recently compared crime trends in Scandinavia with those in Austria, England & Wales, France, (West) Germany and the Netherlands. He found that all countries reported increases in crime, even though there were periodical local

differences. Figure 1 clearly shows the striking similarity between the trend in registered assault and theft offences in the Nordic countries and that in the countries of central Europe. The similarities in crime trends have previously been noted by writers such as Heidensohn & Farrel (1991), Eisner (1994), Killias (1995), Joutsen (1996), and Marshall (1996).

Figure 1a
Assault offence trends in the Nordic and some European countries, 1950(63)-1996. Scaled series, per 100,000 of population.
Source: Westfelt (1998; updated).

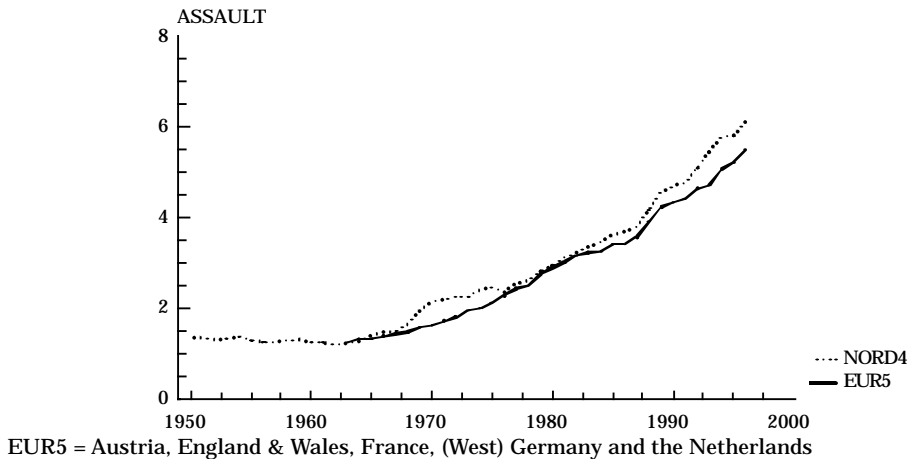
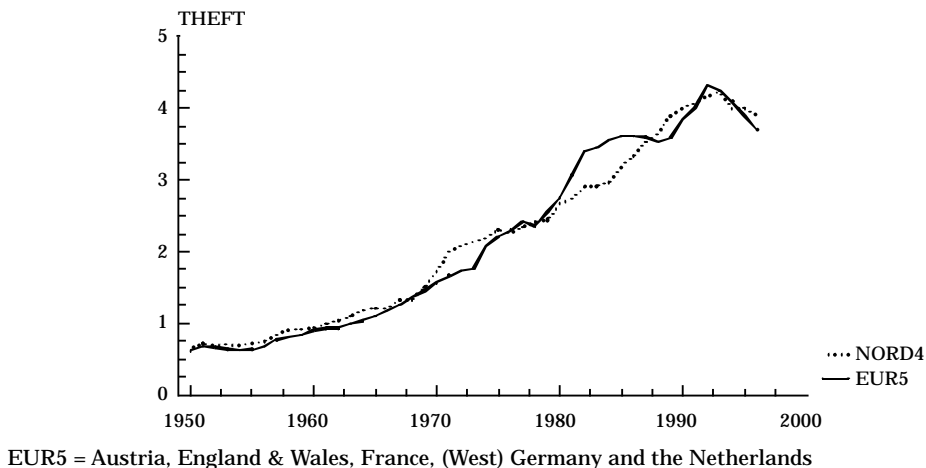


Figure 1b
Theft offence trends in the Nordic and some European countries, 1950-1996. Scaled series, per 100,000 of population.
Source: Westfelt (1998; updated).



It has been suggested that theft trends in the 1990s may be in the process of changing direction. Up to now, the observations on which such statements are based remain too few for us to be able to speak with any degree of certainty - particularly in light of the fact that we do not have good theories available which would be able to explain such a break in crime trends (cf. Steffensmeier & Harer, 1999).

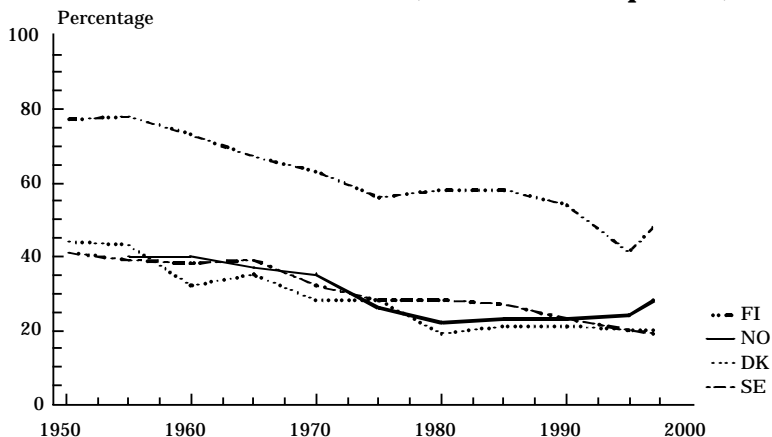
The trend in juvenile crime constitutes a special case. The issue has recently been studied by Pfeiffer (1998) and Estrada (1998). According to Estrada, levels of juvenile crime (i.e. mostly against property) increased in all ten of the European countries studied (Denmark, Finland, Norway, Sweden as well as Austria, England, (West) Germany, the Netherlands, Scotland, and Switzerland) without exception in the decades following the Second World War. In many of these countries this upward trend was broken however, probably at some point between the mid-1970s and the early 1980s. Available statistics suggest that there followed something of a levelling off. In three countries, however, England, Finland and Germany no such break is visible in

juvenile crime trends, and the increases have simply continued. The trends in levels of violent offences committed by juveniles differ somewhat from the general crime trend. Here virtually all the countries present increases during the last ten - fifteen years (with the possible exception of *Finland* and *Scotland*).

3. The Response to Crime and the System of Sanctions

The number of police per 100,000 of population is lower in the Nordic countries than in either southern or central Europe (data for Germany are unavailable). In the mid-1990s the Nordic countries reported a total of 183 police per 100,000 of population, whilst central Europe reported 291 (although the Netherlands were on a par with the Nordic countries) and southern Europe 395 (CoE, 1999b:78). As is the case in other European countries, however, the clear up rate has dropped considerably over the years (see Figure 2). Exactly how this drop ought to be interpreted is not altogether clear: purely as a fall in police efficiency, for example, or as a result of increases in the number of offences which were always unlikely to be cleared, or as a combination of such factors (cf. Balvig, 1985:12).

Figure 2
Clear up rates (all offences covered by respective penal codes) in Denmark, Finland, Norway and Sweden, 1950-1997 (every fifth year).
Source: NCS (1997, Table 9; updated).



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The ICVS show that the level of public satisfaction with the police is mixed in Finland and Sweden (data are unavailable for Denmark and Norway). Sweden tops the list as regards the extent to which members of the public report crimes to the police (Mayhew & van Dijk, 1997:40). Concerning the way persons reporting crime feel the police have acted at the time the crime was reported, Finland and Sweden present a higher than average level of satisfaction in comparison with the other countries (Mayhew & van Dijk, 1997:44). However, in the matter of how satisfied the respondents were with the police in general, confidence seems to be average in Sweden and below average in Finland (Mayhew & van Dijk, 1997: 47).

The ICVS have also assessed attitudes to the kind of sentences dealt out in respect of criminal offences. The respondents were asked to choose which of a variety of sanctions they felt to be most suitable for a 21 year old male having committed his second burglary, stealing a colour television set in the process. Given the choice between fines, a prison sentence or community service, just under 50 percent of the Swedish respondents chose community service, 24 percent prison, and fourteen percent fines (Mayhew & van Dijk, 1997:56). The corresponding figures for Finnish respondents were 47, 16 and 16 percent, and for the Norwegians 47, 14 and 23 percent. The view in the Nordic countries does not seem to deviate too much from the European average, with the exception of the English speaking nations, where prison sentences are advocated to a greater extent.

Shinkai & Zvekic (1999:120) claim that public attitudes to punishment generally conform to the actual sentencing options available. This seems to hold true for the Nordic countries, where fines and other forms of sanction are most common and

where prison sentences are employed less frequently. This is of course due primarily to the fact that the large majority of offences which lead to convictions are of a less or moderately serious nature and the demand for proportionality between crime and punishment means that prison sentences should be reserved for more serious offences.

The following brief description of choices of sanction concerns those imposed for all offences against the penal code taken together (NCS, 1997:78 ff). A more detailed description looking at different offence categories would not have been feasible given the brevity of this overview. Since the majority of offences committed against the penal code are property offences of one kind or another, the sanctions described here are in practise primarily those imposed for theft offences and the like. The figures refer to 1995. In the case of Norway, the data had in part to be estimated since "misdemeanours" are not included in their entirety in the Norwegian statistics (NOS, 1997: Table 40).

Finland convicts far more people than the other Nordic countries (1,238 per 100,000, as compared with 927 in Denmark, 731 in Sweden and 544 in Norway). Finland's unique position may be partially explained by the legalistic approach characteristic of Finnish judicial practise, with its rather strict observance of mandatory prosecution (Joutsen, [1999]) and also, as has been intimated by Finnish experts, by the fact that clear up rates have been consistently higher in Finland than in the rest of Scandinavia.

In contrast to the other countries, however, 81 percent of those convicted in Finland receive fines (the corresponding proportions in Denmark, Norway and Sweden being 59, 53 and 43 percent respectively). "Other sanctions" (excluding

prison sentences) are used most often in Sweden (42 percent as against 23 in Denmark and Norway and eleven percent in Finland). This very rough outline nonetheless captures a number of the essential characteristics of the sanctioning culture of the Nordic countries: Sweden still appears as the country where the philosophy of individual prevention, based on a wide variety of sanctions, is most pronounced, whilst Finland most clearly follows the classical tradition of imposing fines and prison sentences as the most common forms of sanction. Irrespective of these differences, fines are used extensively throughout the Nordic countries.

When it comes to the use of prison sentences, these are imposed more often in Denmark and Norway - both in relative and in absolute terms - than in Sweden and Finland. On the other hand, prison sentences are longer in Sweden and Finland. This somewhat complicated picture serves as a good indication of the difficulties faced when trying to measure and compare the relative "punitiveness" of the sanction systems of different countries (cf. Pease, 1994).

In addition, we could note that Sweden more or less abandoned the use of prison terms as a means of sanctioning non-payment of fines at the beginning of the 1980s (Sveri, 1998) and that since the mid-1990s electronic tagging has been used as an alternative for certain categories of offender sentenced to up to three months imprisonment (Bishop, 1995; BRÅ, 1999). In 1998 almost 4,000 individuals served their sentence in this way, of whom less than 200 dropped out of the programme (KOS, 1998:45).

4. The Prisons

Despite the above differences in the frequency and length of the prison sentences imposed in the Nordic countries,

their judicial systems result in prison populations of a similar size. The Council of Europe (CoE, 1999a:13) reports that the inmate population in the Nordic countries (measured on 1 September 1997) is low in a European perspective (58 prison inmates per 100,000 of population; the level being lowest in Norway at 53 per 100,000 and highest in Denmark at 62 per 100,000). The corresponding figure for central Europe was 89 per 100,000, and for southern Europe 100 (with Greece included although she deviates quite drastically from this figure with a low inmate population of 54 per 100,000). The perception that prison sentences are harmful and should thus be avoided as much as possible still has a great deal of currency in the Nordic countries (Bondeson, 1998:94).

Unlike in many other European countries, there is no general problem of prison overcrowding in Scandinavia (although such problems can arise in special types of institutions, CoE, 1999c:115 ff). As a rule, prisons in the Nordic countries are small (between 60 and 100 inmates), modern and characterised by high staffing levels (CoE, 1999a:51 ff). Open prisons, where security arrangements aimed at preventing escape are kept to a minimum, account for between twenty percent (Sweden) and forty percent of prison places (Denmark). For this reason the Nordic countries, with the exception of Finland, report high levels of escapees in comparison with those of other countries (CoE, 1999a:41).

There are very few persons under the age of eighteen in Nordic prisons (such individuals account for way below one percent of the prison population, CoE, 1999a:16). The proportion of female prisoners lies - as in many other countries - between five and six percent, whilst the proportion of foreign citizens among prison

inmates varies quite considerably - being lowest in Finland at 4 percent, and highest in Sweden at 26 percent (CoE, 1999a:18).

The average length of stay in prison can be estimated (cf. NCS, 1997:82 f) to be shortest in Norway (2.9 months in 1995) and longest in Sweden (5.2 months). As regards the number of individuals serving life sentences, on a certain day in 1998 there were twelve such 'lifers' in Denmark, 59 in Finland and 78 in Sweden (KOS, 1999:102). The life sentence has been abolished in Norway.

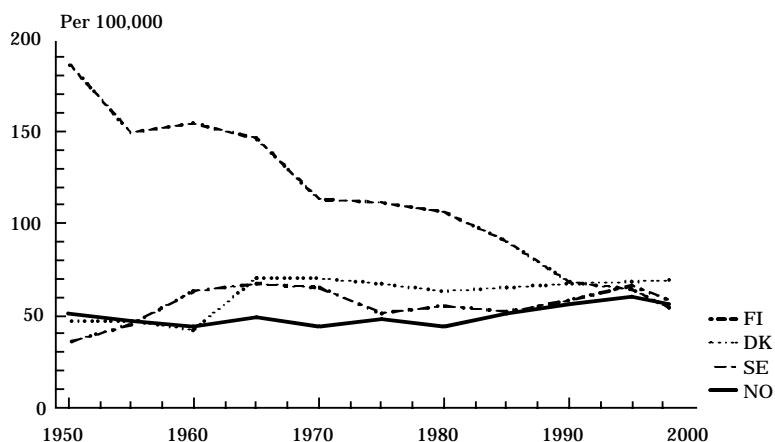
Over the last 50 years, prison populations have been fairly stable in the Denmark, Norway and Sweden (see *Figure 3*). The increases of the last ten years are not that large when seen in a European perspective (CoE, 1999c:17). Finland constitutes a remarkable exception to the trend towards rising inmate numbers. There the prison population has shrunk quite considerably since the mid-1970s (1976: 118 inmates per 100,000 of population) and is today on a par with that of her Nordic neighbours. The roots of the past high Finnish population may be traced

back to the civil war (1918) and its aftermath (Christie, 1968:171). The political mechanisms underlying the recent decrease have been described by Törnudd (1993) and Lappi-Seppälä (1998), who - among other things - concludes that the decrease of the prison population has not changed the Finnish crime picture in an unfavourable way as compared to other Nordic countries (p. 27).

5. Summary

This short overview of the state of the crime levels and penal systems of the Nordic countries, as portrayed by available statistical sources, indicates that the crime level in Scandinavia (as regards traditional offences) is on a par with or lower than that of other European countries. Drug abuse too appears to be less widespread in the Nordic countries. Increases in crime rates during the post-war period have been very substantial in the Nordic countries just as they have been elsewhere in Europe - indicating that the recorded increases of traditional crime in Europe may have common roots out of reach for varying national welfare and criminal policies. The 1990s may have witnessed a stabilisation

Figure 3
Prison populations in Denmark, Finland, Norway and Sweden, 1950-1998 (every fifth year). Per 100,000 of population.
Source: NCS (1997; updated)



in theft rates, albeit at a high level. Increasing equality between the sexes has probably contributed to an increase in the reporting of violent and sexual offences against women (and children), making these offences more visible. The system of formal control in the Nordic countries is characterised by relatively low police density, a falling clear up rate, the imposition of fines in a high proportion of criminal cases and low prison populations.

The international crime victims surveys (no data being available for Denmark and Norway) indicate that fear of crime is comparatively low in Finland and Sweden; and that (for this reason) people do not feel the need to take special precautions against the possibility of crime to any great extent. Respondents appear to be fairly satisfied with the performance of the police and also support limits on the use of prison sentences.

It should be remembered that debates on crime policy in the mass media or among politicians at the national level are rarely based on a comparative cross-national perspective. Conclusions such as those drawn in HEUNI's "Profiles of Criminal Justice Systems" (1998), for example,

on Denmark: "In general, therefore, the data (which is admittedly limited) suggest a relatively low crime problem in Denmark" (p. 134)

or on Sweden: "All in all, therefore, the image one receives from the data on crime and criminal justice is that, at least in the international comparison, Sweden has been relatively successful in its crime prevention and criminal justice policy" (p. 434)

would be rejected by many editorials and politicians as artefacts. Instead, the scenarios painted are not uncommonly

quite clear in their inclination towards law and order and the need for tougher anti-crime measures.

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II. THE SWEDISH PRISON SYSTEM

1. Incarceration in Sweden

Since the end of the 1980s, the Swedish penal system has been officially based on a model of just deserts (cf. Lundquist, 1990; Tham, 1995). This means that the perceived gravity of the offence, or the 'penal value', is the most important factor in the decision of an appropriate sanction for the crime. This does, however, not

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imply that there is a heavy reliance on the use of imprisonment as a sanction for crimes. Quite the contrary: the modern official view is "that, preferably, people ought not to be locked up. To deal with offenders by keeping them in the community is considered to be the best way of getting them to lead crime-free lives" (Basic Facts, 1997: 1). Thus, probation, community service, civil commitment (contract treatment), suspended sentences and fines are the preferred methods of punishment. This is further emphasized by a special provision in the Criminal Code which prescribes that in all cases the court "is required to give notice to any circumstance or circumstances suggesting the imposition of a sentence milder than imprisonment".

In 1998, about 125,000 people (or 1,400 per 100,000 population) were found guilty for a variety of criminal acts. The breakdown of sanctions imposed was as follows: 77,000 fines; 15,000 prison sentences (of which 4,000 were converted into 'electronic monitoring', see below); 10,000 probation orders (including supervision of young offenders); 8,000 penal warnings (suspended sentence), and less than 400 committals to psychiatric care. In addition, the public prosecutor waved prosecution for 14,000 people.¹

All prison sentences are for a fixed term or for life, depending on the gravity of the offence. The minimum prison sentence is 14 days. Most often the actual prison sentence is for a relatively short period. During 1998, a total of 9,497 persons were admitted to prison, of whom 30 percent received a sentence of two months or less

and 33 percent between two and six months. The average prison population amounted to 5,156 prisoners (of whom 1,071 were remand prisoners) or to a total of 58 prisoners per 100,000 population. Prisoners released in 1998 had served an average of 154 days in prison.

2. The Prison System: An Overview

The Ministry of Justice is responsible for establishing prison policy, but has no authority to interfere in the daily work of the prisons and probation service centrally or regionally. This is, instead, the responsibility of The Swedish Prison and Probation Service (SPPS), which is headed by a government appointed board that consists of trusted citizens (members of parliament, charitable organizations, labour unions, and so forth). The government also appoints the Director-General.

All prisons and gaols (remand prisons) in Sweden are state controlled and there are no county jails. Privatization of prisons is a non-issue in Sweden, despite Parliament's decision, in 1998, that authorized private security firms may be used, under special circumstances, to carry out functions such as transporting prisoners or guarding hospitalized prisoners.

The penal administration of the country is divided into five regional units. The regional offices are responsible for the administration of gaols and prisons, aftercare and non-custodial sentences (supervision). In October 1998, the SPPS employed approximately 7,800 persons, 42 percent of whom were female; 4,487 of staff were employed in prisons and 1,553 in gaols. In 1997, the staff/inmate ratio amounted to 0.9: 1 in the prisons and to 1.4: 1 in the gaols. The total budget, including expenditure for requirements such as non-institutional care, for the 1998

¹ If not otherwise stated, all statistical data are taken from the following official sources: Crime and Criminal Justice Statistics 1998 and Correctional Statistics 1998. The Swedish population amounted to 8.85 million people in 1998.

fiscal year was 4,150 million Swedish Kronor (SEK) (about 460 million US Dollars). The daily cost per inmate, depending on the prison category (see below), has been calculated at between 200 US Dollars in open prisons and 300 US Dollars in maximum-security prisons.

The management style in Swedish prisons is 'organic', rather than militaristic. Armed guards do not exist. In very serious unrest situations, the local police department is contacted and authorized to deal with the situation. However, riots and other forms of unrest are extremely rare events in Swedish prisons. In 1994 a major incident occurred at the maximum security Tidaholm prison, when inmates set fire to parts of the prison.

Presently an increasing number of prison officers are required to maintain contact with a specified number of inmates on a daily basis. The purpose of this contact responsibility is to assist inmates with treatment, education and activity planning, as well as to assist in the granting of routine parole. The minimum requirements for a position as correctional officer is at least two years of senior high school education or the applicant must be at least 26 years of age with at least four years of work experience. In addition to the general educational requirements, prospective correctional officers are required to have at least two years of senior high school training in the English language, Swedish and in the social sciences. Hiring is based on personal job interviews with prospective officers.

2.1 Prison Classification

In Sweden there are four different security categories for prisons. Prison categories I to III are known as 'closed prisons' and category IV prisons are considered 'open prisons'. This system was introduced in the first half of the 1990s.

Before that, a distinction was made between national and local, or 'neighbourhood' prisons. National and local prisons could be open or closed prisons. National prisons were usually maximum-security prisons but could vary from maximum to minimum prisons. Neighbourhood prisons were usually minimum or medium security prisons.

Category I prisons are similar to maximum-security prisons in other countries. They are designed with the highest level of security possible, given the current state of technology and security methodology, in order to prevent escapes and release attempts. The only difference between category II and category I prisons is that category II prisons do not have security measures preventing release attempts. Category III prisons are basically designed to thwart 'impulse escape' attempts. These prisons only provide minimum security measures against escapes. Finally, category IV prisons, known as 'open prisons', have no physical barriers or technology aimed at preventing escape. The only barriers to escape are the (unarmed) prison officers themselves. Persons convicted of drunken driving and less serious offences are often sent to category IV prisons. Prisoners serving time in these prisons may be allowed to pursue employment or education during the day outside of the prison.

In 1998, the average number of available prison beds (including gaols) was approximately 5,600 with the national average being at about 87 percent of occupancy. On average, six percent of the prisoners were placed in category I prisons; 18 percent in category II prisons; 30 percent in category III prisons; 21 percent in category IV prisons; and 26 percent were remand prisoners.

From an international perspective,

Swedish prisons are modern, expensive, and small. The largest prison, Kumla, which is a maximum-security prison, has about 260 (nominal) beds and only 177 were in use during 1998. The typical Swedish prison has far fewer than 100 beds. Single celling at night is the rule and over-crowding does not occur.

In 1998, no escapes were reported from category I and II prisons, 36 escapes from category III prisons, 155 escapes from category IV prisons and no escapes from gaols. Over and above these numbers, another 178 abscondings (in connection with furloughs, during transport, etc.) were reported. By official Swedish standards, this level of security is considered high.

3 The Swedish Prison Philosophy

Even if sentencing in Sweden is now based on a just deserts model, treatment, presently called special 'programmes activities' is still an explicit goal of correction. According to the current Prison Treatment Act of 1974 (PTA), the primary goal of the prison sentence is to promote the inmate's adjustment to the community as well as to counteract the detrimental effects of imprisonment. Already in the Prison Treatment Act of 1945, the view was expressed that the deprivation of freedom itself should be regarded as the penal element of a prison sentence and not the actual prison experience itself. Thus, the PTA of 1974 states explicitly that an inmate shall be treated with respect for his or her human dignity.

The PTA of 1974 is based on four principles:

- (i) imprisonment as last resort, that is, the usual punishment should be a fine or a community sentence, since imprisonment normally has detrimental effects;
- (ii) normalization, that is, the same rules concerning social and medical care and

other forms of public service should apply to prisoners just as they apply to ordinary citizens;

- (iii) vicinity, that is, the prisoner should be placed in prison as close as possible to his or her home town; and
- (iv) co-operation, meaning that all parts of the correctional system (probation service, gaols and prisons) should work closely together in individual cases as well as in general.

Due to a general shift in Swedish criminal policy towards a pro-active and more repressive model, increasing emphasis has been placed on security during the late 1980s and the 1990s with the result that the vicinity principle is now obsolete. Recently, the aim of the prison system has been officially described as follows: "The correctional system's operations shall be characterized by a humane attitude, good care of and active influence upon the prisoner, observing a high degree of security as well as by due deference to the prisoner's integrity and to due process. Operations shall be directed towards measures, which influence the prisoner not to commit further crimes. The objective should be to promote and maintain the humane treatment of offenders without jeopardizing security" (author's translation). Or in the words of the SPPS itself: "The Prison and Probation Service has two main goals. To contribute to the reduction of criminality, and to work to increase safety in society. To achieve these goals we work with sentenced persons in order to improve their possibilities of living a life without committing new crimes."

4 Specific Aspects of the Correctional System

4.1 Medical Treatment of Prisoners

All newly received inmates are questioned about their state of health by the admitting prison official. In the event

of any health complaints, the prison official sends them to a prison nurse. In 1998, a total of 163 nurses were employed by the Prison Service. Typically, all new inmates are examined by a prison nurse within 24 hours of arrival. Any prisoner who is identified as possibly having a serious medical problem is then referred to a physician for a closer examination and, if necessary, any further referrals are made. In the event that an inmate requires specialized treatment, the treatment is obtained from outside medical services. Inmates that require hospitalization are transferred to an outside hospital for as long as necessary.

Inmates are offered the opportunity to have an HIV test performed upon entry into the facility. Prisoners who are seropositive or who have the Aids virus may request separation from other prisoners. On April 1, 1998, 25 inmates were classified as HIV-positive.

In 1998, three prisoners and seven remand prisoners were reported to have committed suicide. In 1994 the European Council's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) criticized Sweden for keeping remand prisoners under excessive restrictions and in isolation.² Recently, Parliament decided to ease restrictions and that, as a rule, remand prisoners must be given the opportunity to stay with other remand prisoners.

4.2 Prison Labour

All inmates must participate in programmes activities in one form or

² The Swedish Government had requested the publication of this report and it is available from the CPT's website (www.cpt.coe.fr/cpt/swe.htm). - The CPT paid a new visit to Sweden in February 1998.

another. The programmes include 'conventional work', education, specialized rehabilitation or treatment programmes, day releases for the pursuit of study or work outside the prison during normal business hours, internal service, that is, kitchen duties, building and general maintenance, and finally, training in everyday social skills, like how to do laundry, maintain a clean living space, cooking, and planning a personal budget. In 1998, work programmes comprised about 47 percent of all programmes activities, education formed 20 percent, service and maintenance programmes comprised 15 percent, specialized rehabilitation and treatment programmes, six percent, and other activities 12 percent.

The industrial prison work is administrated by a special unit known as KrimProd. This unit is responsible for manufacturing operations within the prison system and also functions as a supplier to civilian companies or sells various prison products directly to retailers and wholesalers. KrimProd employs modern managerial work ethic principles. The employment fields traditionally available to inmates are industry, agriculture, horticulture, forestry, construction and various service occupations. Those inmates who are employed in the conventional employment sector receive a wage of about 1.20 US Dollars per hour. Prisoners participating in educational programmes are paid a specific allowance of about 1 US Dollars per hour.

4.3 Disciplinary and Security Measures

Unlike other countries, solitary confinement, as a formal disciplinary punishment, is not used in the Swedish prison system. However, solitary confinement can be resorted to under those special circumstances (disturbing the general order, being under the influence of

intoxicating substances, attempts to escape, investigations of breach of discipline). In 1998, a total of 2,100 cases of solitary confinement were reported.

According to the law, amended on January 1, 1999, there are two official sanctions that prison officials may impose upon a prisoner for violating prison rules, although, serious violations which constitute a criminal offence, can be brought before a court. The principal sanction available for use by the prison officials is a decision that up to 15 days of release can be postponed. The second sanction is a formal warning to the prisoner. In 1998, 3,700 warnings and 1,600 cases of postponed release were filed. The average number of days additionally spent in prison amounted to 3.6 days.

Another informal, but documented disciplinary measure is the use of a prison transfer. If a prisoner seriously misbehaves, the prison officials may transfer the unruly inmate to another prison. In 1998, the number of transfers amounted to 330 cases. Despite the availability of these sanctions, informal discussions with the fractious prisoner are the usual method of dealing with infractions unless the infraction is of an especially serious nature (Bishop, 1991).

The illegal use of drugs in prison or whilst on furlough and escapes or attempted escapes are the most common reasons for imposing disciplinary measures on an inmate (Bishop, 1991). It should be noted that escapes from prison or attempted escapes are not viewed as a criminal offence in Sweden. Therefore, no further sanctions can be imposed on an escapee other than the official disciplinary sanctions. However, disciplinary problems are not a priority issue in debates about Swedish prisons. Nor is violence between prisoners and prison employees, between

prisoners amongst themselves or prison rapes a major issue. In 1998, a total of 241 employees, including staff of gaols and after-care services, reported that they had been subjected to threats or violence perpetrated by inmates or clients. Approximately 45 percent of the reports referred to intentional violence, while 55 percent were reports of different forms of threats. However, since 1993, at least four prisoners were killed by other prisoners. No prison killings had ever been reported prior to 1993. All killings occurred in maximum-security prisons.

4.4 Complaints procedures

The complaints procedures are laid down in the Prison Treatment Act (PTA) and the Prison Treatment Ordinance. In general, the role of the courts is down played in the Swedish system. Only decisions of individual cases, decided by the central prison administration (kriminalvårdsstyrelsen), can be sent on appeal to the administrative court. Statistical data on the number and nature of prisoners' complaints and the outcome of complaints are not available.

Like every other citizen, prisoners also have the option to appeal to the ombudsman. During the period 1 July 1997 to 30 June 1998, the ombudsman concluded a total of 410 complaints in the field of corrections, of which 32 cases led to admonitions or criticism by the ombudsman.

Inmates in Swedish prisons have the right, guaranteed by law, to meet and discuss issues of mutual interest and to present their views to the warden of the prison. Prisoners can hold regular meetings, unattended by the prison staff to discuss the pertinent issues. Proposals emanating from such inmate 'community' meetings are discussed with the warden by a specially elected council of inmates. The

inmate council is elected by the other inmates and represents them.

Swedish prisoners are entitled to vote in the general elections.

4.5 Visits and Other Contacts with the Outside World

From an international perspective, the Swedish prison policies regarding visits and furloughs are quite liberal. Regular contact with the outside world is officially viewed as an important component in the treatment of the offender. Inmates are granted furloughs, or short-term leave, outside of the prison, on a regular basis. The average length of a normal furlough is three days. Special furloughs are also given on a case by case basis. Before regular furloughs are granted, inmates must 'prove' themselves during various qualifying periods. In 1998, 18,500 normal and 33,000 special furloughs were granted.

In 1998, it was reported that about 1.3 percent of normal furloughs and 0.2 percent of special furloughs had been abused. 'Abused' means that the specific stipulations of the individual furlough were violated such as drug or alcohol abuse while on furlough or that the inmate did not report back to the prison at the end of the period of leave, thereby constituting an escape from prison.

Visits may take place unattended by a prison officer. However, the visitor may be searched prior to the visit as is the inmate after the visit is concluded, all in an effort to squelch the importation of drugs and other unauthorized materials into the prison environment. If necessary, prison officials and the police perform background checks on the visitors of inmates to assess the security threat. In cases where it is believed that the character of the visitor is doubtful, that is, he or she may attempt to smuggle in contraband for the inmate,

visits are supervised by a prison officer. Facilities for regular conjugal visits are also made available for those prisoners who have a partner. Another form of visit is the regular visits paid by members of organizations like the Red Cross, Amnesty International, the Churches, and so on. Special visiting apartments, in close proximity to three of the prisons, are available to facilitate children's contact with their imprisoned parent.

4.6 Opening the Prisons

Due to the classification scheme of Swedish prisons, that is, security classifications I to IV, the only prisons that are considered completely open are the category IV facilities. Policies regarding frequency of furloughs are also more liberal in the open facilities than at the other levels. Provision for day-release are made for prisoners in open prisons in order to pursue outside employment, maintain their regular job, or pursue outside educational activities. In 1998, about 640 such day-release cases were granted. Furthermore, in about 17,000 cases, inmates were allowed to participate in various social activities outside the prison. Another 670 inmates were placed in treatment facilities for drug abusers or in foster homes.

4.7 Early Release

Inmates, who are serving a time-limited sentence of more than 1 month are conditionally released when 2/3 of the sentence has been served. The length of the test period, upon early release, is usually commensurate with the length of the original sentence, but of at least one year. During the test period, the conditionally released person can be placed under supervision. Prior to January 1, 1999, inmates with sentences of more than 2 years could be released after 1/2 of the sentence has been served. This possibility is now abolished and the 2/3-rule applies.

5 Special Categories of Prisoners

5.1 Prisoners in Maximum Security

Section 7(3) of the Prison Treatment Act states that any prisoner who is serving a sentence of at least four years or serving a sentence of at least two years for either an aggravated drug offence, any attempt at conspiracy or aggravated drug smuggling, must serve the sentence in a closed, maximum security national prison, if there is reasonable cause to believe that the prisoner will attempt to escape before the minimum sentence is served. This section of the PTA was promulgated on 1 July 1988 after the escape of a Swedish spy who had been sentenced to life imprisonment. Usually, one-third of those prisoners to whom s. 7(3) applies are in fact placed in a closed, maximum-security prison. On 1 October 1998 there were a total of 338 'Section 7(3) prisoners'. Half of them were convicted for drug offences.

Furthermore, s. 20 of the PTA provides for the separation of prisoners in maximum security. Section 20 states that a prisoner may be separated from the general prison population if: (a) the convicted person is an imminent threat to national security; (b) if the inmate seriously disrupts the normal order and general discipline within the prison; (c) if the inmate continues to engage in criminal activity and there is reason to believe that the inmate will attempt to escape; and (d) if it is necessary to separate the inmate in order to prevent criminal activities while in the prison environment. This section of the PTA also states that, if the duration of the separation from the general prison populace is likely to be lengthy, the convict may be placed in a special maximum-security wing within the prison.

A prisoner in a maximum-security facility may be transferred to a minimum-security facility four months before the end of the sentence in order to facilitate

preparation for release into the community. Inmates, who are serving time as s. 7(3) prisoners, are not afforded the same regular furloughs as other prisoners. Section 7(3) prisoners will only receive their first furlough after one-quarter of their sentence, or two years of their sentence, has been served, whichever comes first. Special leave may also be granted to s. 7(3) prisoners at the discretion of the prison authorities. Those prisoners who would normally not be given a furlough, that is, serious offenders and 'lifers', are allowed, what is known as a 'breathing space' leave. This type of leave is very restrictive relative to the normal three-day furlough. A prisoner, who receives special leave of this kind, is accompanied by two prison officers, who are dressed in casual civilian clothes, for the entire duration of the leave. The duration of this special leave is normally for four hours and can include various activities such as a visit to a shopping mall, a meal in a restaurant or a walk through a park. Prisoners in maximum security are of necessity more strictly controlled than those serving time in medium or open prisons, thereby inevitably reducing the amount of contact these prisoners have with the outside world.

Section 7(3) has been criticized as being unfair and was changed on 1 January 1999. Currently, individualized decisions are made for each case, spelling out exactly the special conditions and restrictions of the prison term.

5.2 Long-Term Prisoners

Prisoners who are serving a sentence of at least two years are considered long-term prisoners in Sweden. A sentence of life can be commuted, by a pardon, to a fixed term by the government. Once a life sentence is commuted to a fixed term, the normal provisions of conditional release apply to the prisoner once he or she is released. The average period of incarceration of

prisoners, who have been sentenced to life imprisonment, is now above 12 years and this period has increased during the last decade. A sentence of life imprisonment is imposed for murder and, in exceptional cases, for high treason. In the last two decades the number of life sentences has steadily increased (despite a low and stable homicide rate at about 1.2 killings per 100,000 population). Between 1988 and 1998, 77 'lifers' were admitted to Swedish prisons, of whom approximately one-third were foreign citizens. The total number of 'lifers' has increased from 24 on 1 October 1988 to 81 by 1 October 1998. The number of prisoners, with a sentence of four years or more, has also almost doubled. On 1 March 1989, there were 600 such prisoners and by 1 October 1998 this amount had risen to 1,038.

5.3 Women Prisoners

As in most other countries, women constitute a small percentage of the Swedish prison population; in 1998 they made up five percent. For a long time, the Hinseberg prison was the only all-female facility in the country. In 1989 and 1996, two additional all-female prison were opened, known as Färingsö (near Stockholm) and Ljustadalen in the north of the country. These prison were opened in response to the growing number of women prisoners, at the Hinseberg facility which is some distance from the Stockholm area, who were eligible to serve their sentences in neighbourhood prisons. In 1997, Hinseberg could accommodate 115 prisoners, Färingsö about 30 and Ljustadalen 20 prisoners. The remaining prisoners were divided between different neighbourhood facilities that accommodate both men and women.

From an international perspective, of a mixed-gender facility may seem odd and it is, in fact, contrary to international conventions. A study of women prisoners

in Sweden revealed, however, that the majority of women prisoners preferred to serve time in a mixed facility; 56 percent of the respondents said they preferred mixed-sex prisons, whilst 16 percent of the respondents preferred women-only facilities (Somander, 1994). However, from 1 January 1999, the system of mixed-gender facilities was abolished. Currently, a woman prisoner may only in exceptional cases and only with her explicit consent be placed together with male prisoners in the same prison.

In 1998, the majority of female prisoners were between 30 and 44 years of age. The two most common crimes for which female inmates had been convicted were theft and drug offences.

Women prisoners are allowed to have their babies with them. In 1998, there were 13 such prisoners and the average time spent in prison was four months. All of the children were younger than two years of age.

Prison sentences are usually shorter for women than for men. In modern times, up until 1996, no women have been sentenced to life imprisonment. According to official recidivism statistics, there is no difference in the recidivism rates of men and women with a prior criminal record. Depending on the number of prior convictions, it is anticipated that between 45 and 90 percent of prisoners, male and female, will be reconvicted³ within three years. Corresponding recidivism rates for persons who have been fined tend to vary between 20 and 80 percent. Seen from another perspective, more than half of the inmates has prior prison experience (56 percent in 1998).

³ Note, that the reconviction can refer to a minor offence.

5.4 Juvenile Prisoners

In Sweden the age at which criminal responsibility begins is 15 years. According to law, juveniles below the age of 15 cannot be punished; they are taken care of by the social authorities. Between the ages of 15 and 21, the age of the offender is taken into special consideration for sentencing purposes. Section 7, Chapter 29 of the Criminal Code states that particular consideration shall be given to the youthfulness of the offender if an offence has been committed before the age of 21. It further states that no person under the age of 21 shall be given a sentence of life imprisonment. In general, the Swedish Welfare Service is the agency who is responsible for dealing with juvenile offenders and the guidelines for dealing with such persons are laid down by the Care of Young Persons Act of 1990 and the Social Welfare Act of 1980.

The most frequent criminal sanctions against juveniles are fines, waivers of prosecution and transfer to the social authorities. In 1998, only 21 persons, aged between 15 and 17 years, and 544 persons, aged between 18 and 20 years, were imprisoned. Of the 15 to 17 year old category, four boys were sentenced for violence and eight for robbery. Fourteen boys had a prison sentence of up to 6 months and three boys were sentenced to more than one year of imprisonment.

Special youth prisons were abolished in 1980. Instead, one entire prison and one wing in another prison is set aside for juvenile offenders.

On 1 January 1999, a new sanction called closed youth care became operative. This new sanction, which may be imposed for a period between 14 days and four years is intended to replace the relatively rare prison sentences for offenders who commit serious crimes prior to their 18th birthday.

Such young offenders are now placed in a home administered by the social authorities.

5.5 Drug Addicts in Prison

In a European context, Sweden is known for its repressive drug policy (Lenke and Ohlson, 1998; Tham, 1998). The drug policy is one of the major explanations for the many changes of prison conditions and prison policies since the early 1980s. A growing number of people have been sentenced to imprisonment for drug offences, the lengths of sentences for drug offences have increased and various aspects of the prison regime have been 'toughened'.

In 1998, almost one third of the prison inmates were imprisoned for a drug offence. This percentage includes cases where the drug offence was not the principal offence. The number of prisoners who have been convicted of drug related offences is unknown. It was also reported that 47 percent of all prison inmates were classified as inmates with a history of drug addiction and that the likelihood of the frequency of drug addiction of the convicted person increases relative to the length of the sentence. For instance, 59 percent of the inmates sentenced to two months or more imprisonment were considered drug abusers. Two-thirds of that percentage are inmates who are 30 years of age or older.

One of the official policy goals is to have drug-free prisons. Drug use while in prison is relatively rare in the category I prisons but the incidence of drug use increases with each more lenient prison classification. Obviously, this is due to the tighter security in the category I prisons and the gradual relaxing of security measures in the other classes of prisons. Inmates are subjected to frequent urine tests as well as room searches. Even tracker dogs are used. In 1998, 81,000 urine tests and 66,000 cell

searches were reported. Positive urine tests usually indicate the use of cannabis and of amphetamines.

Other measures used in an effort to eliminate drug use within prison are the searching of personal mail and visitors. The prison service also collaborates with the welfare service to identify and make contact with the drug users in order to motivate drug users to seek treatment. The Standing Committee on Justice has recently agreed with the Government's view that seizures of narcotic drugs in the prisons and gaols are few in number and that the majority of prisons seldom or never have occasion to report the occurrence of drug abuse on their premises.

By law the prison system is not required to provide comprehensive drug treatment programmes. Rather, the prison system works with other agencies and private organizations to arrange and provide drug treatment programmes. On 1 October 1998 there were a total of 400 prison beds especially reserved for the treatment of drug abusers. In other prisons, there are less structured programmes. In all, 45 percent of all inmates who were considered to be drug abusers participated in some form of anti-drug programmes. About 130 prisoners were placed in drug treatment programmes outside the prisons.

Finally, special 'drug-free' sectors have been set up within various prisons throughout the country. These are special sectors within a prison that are officially designated as being completely drug-free. Inmates may request transfer to such sectors only after signing a contract which affirms their desire to give up drugs and to remain drug-free while in the sector. Special rehabilitation and coping programmes are set up within these special sectors in order for the inmate to realize the drug-free goal.

In some cases, where the offence is drug-related, the court may hand down a sentence of contract treatment, which is a form of civil commitment, in lieu of a prison term. This sentence is a probation order with a specific order to enroll in a drug treatment and rehabilitation programmes. In most cases, if this contract is broken, the court will order the remainder of the sentence to be served in prison. In 1998, 959 contract treatment sentences were ordered by the courts, of which the vast majority (69 percent) were handed down to offenders between 30 and 59 years of age. The high percentage of older offenders is due to the fact, that, in Sweden, drug addiction is not an unduly prevalent phenomenon among younger people.

5.6 Foreign Nationals in Prison

In 1998, a total of 2,135 foreign nationals, including non-residents, were admitted to prison which translates into 22 percent of the total number of people admitted to prison in 1998. In relation to their total percentage of the general population in Sweden, foreign nationals are over-represented in the prison system as well as in judicial statistics (von Hofer et al., 1997; Martens, 1997).

Foreign prisoners are placed among Swedish prisoners. Special prisons or wings, exclusively dedicated to foreign prisoners do not exist. Approximately 15 percent of the foreign prisoners are usually deported from Sweden after having served their prison sentence. For obvious reasons, foreign prisoners who are not permanent residents in Sweden, are not granted furloughs to the same extent as Swedish prisoners are. International agreements between Sweden and a number of countries allow the execution of the prison sentence in the home country of the sentenced person.

6 Conclusions

According to the description given above, one could conclude that the Swedish prison system is a system in balance. This is also borne out by the fact that, during the 1990s, Swedish mass media has not focussed on the prisons, but on the police and other sectors of the criminal justice system. In contrast with a number of other European countries, the prison population in Sweden, as well as in other Scandinavian countries, has remained rather stable during last 30 years. In Sweden this was partly accomplished by the introduction of alternatives to imprisonment like civil commitment (1988), community service (1990) and electronic monitoring (1994). Especially electronic monitoring, which can replace a prison sentence of up to three months, is considered to have saved prison space (between 350 and 400 beds per year, *see Part III* below). During the 1970s and 1980s efforts were also made to shorten the time spent in prisons (for example, shorter sentences, deduction of time spent in gaol, conditional release after one-half of the imposed prison sentence). In the 1990s, however, this process has come to a standstill. Periods of imprisonment appear to be on the increase since prisoners with very short sentences, such as drunk drivers, are granted alternative sanctions and prisoners, sentenced for serious crimes, are receiving longer sentences. This process of "bi-furcation" [Bottoms] has been observed in many countries in recent years.

From a historical perspective, the Swedish prison system is, as are its European counterparts, a rather young institution. Its rise to prominence can be dated to the first half of the nineteenth century. At that time, imprisonment was substituted for the death penalty and corporal punishment. Originally the prisons, with their roots in the early modern workhouses, functioned as an assembly point for the poor, jobless and

marginalized populace. This function is still very much alive today. According to a recent level-of-living survey among prisoners, only one-third of the interviewed prisoners had been employed during the 12 months prior to their admission and only half had had some work during the same period. Almost all prisoners were in debt. Twenty-nine percent had no accommodation of their own and 15 percent of these were totally homeless. About half of the prisoners were living alone. Nineteen percent reported alcohol problems and 47 percent regular drug use. Forty-nine percent reported psychological problems and 38 percent suffered from physical ailments.

From a structural perspective, the development of (officially registered) criminality and the use of imprisonment (measured as daily prison population) are seemingly two independent processes in Sweden. Even if the data, shown in Figure 1a & 1b, is partially based on estimates, it becomes clear that the Swedish prison population has not been determined by the course of (known) criminality. Neither is it possible to apply the widely discussed idea of the 'stability of punishment' to the Swedish system (Blumstein, 1995).

Whether the fluctuating use of imprisonment has influenced the course of crime, is more difficult to answer. Obviously, prior to World War I there is no relationship at all. The prison trend was decreasing, whilst the offence rates remained stable. After World War I, the picture changed drastically with more or less stable prison trends, but soaring offence rates. In the case of theft, which determines the shape of the offence curve after World War I, a comprehensive analysis of the data's secular trends and interruption in trends has shown that the Swedish theft data lends very little support to the deterrence hypothesis in a

Figure 1a
Sweden: Number of prisoners (at year-end), 1841-1999.
Remand prisoners excluded. Rate per 100,000 of the population.

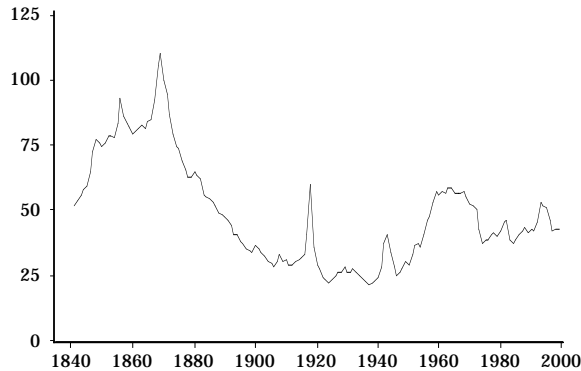
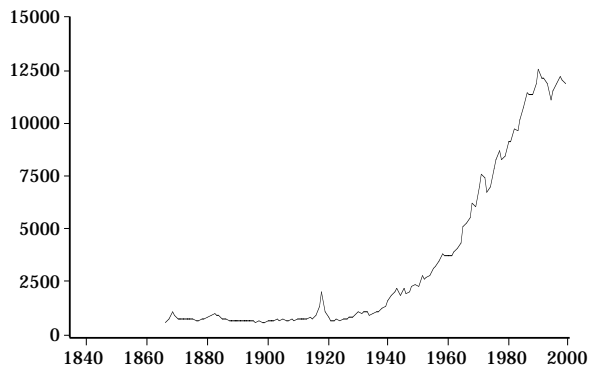


Figure 1b
Sweden: Number of registered offences against the Criminal Code, 1866-1999.
Estimated figures 1866-1949. Rate per 100,000 of the population.



longitudinal perspective (von Hofer and Tham, 1989); a result which reminds us of the trivial fact that statistical co-variation does not necessarily imply causality.

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III. ELECTRONIC MONITORING OF OFFENDERS IN SWEDEN

Since 1994, Swedish authorities have had the power to use electronic monitoring of sentenced offenders. On a trial basis, electronic monitoring was first introduced in six court districts and the experiment was subsequently extended (1997) to cover the entire country. Since January 1st, 1999 it has been a standard tool under the Swedish penal system.

1 Background

The political initiative to introduce electronic monitoring was instigated in 1993 by the then Conservative Minister of Justice. Although this introduction had long been debated among experts and under the previous Social Democrat government, it had ultimately been rejected. However the impetus behind the trial's extension in 1997 and the final establishment of the policy came from the Social Democrat government.

In Sweden there is no political dissent over the issue of electronic monitoring. Political parties to both right and left, as well as the Swedish Green party, view electronic monitoring positively. The same is true of the press. Hearings were held, as is normal in Sweden, prior to the initial trial introduction in 1993, and only the Swedish Data Inspection Board voiced objections in principle, in part because electronic monitoring was held to be a previously unknown intrusion into the private domestic sphere. The fact that arguments based on the integrity of the person carry somewhat less political weight in Sweden than in other European countries may in part be due to historical circumstances specific to Sweden. The country has never been occupied by

external forces in modern times, and it has not played an active part in wars since the beginning of the 19th century. Sweden is not prone to violent political upheavals and there is no tradition of radical citizens insisting upon civil rights. State abuse of power has little direct relevance as a political argument in Sweden.

During the advance work on the first law, the Justice Ministry in charge made express reference to positive experiences from the United States. There was no evidence to the contrary from a European perspective. The introduction of electronic monitoring was justified with the following principle arguments. There was a general consensus that periods in prison tend to have damaging consequences for convicted offenders, and therefore that the use of imprisonment ought to be restricted. Electronic monitoring was felt to allow a restriction of the offender's freedom of movement that closely approximates to imprisonment, thus presenting a suitable alternative to (short) prison sentences. Another point in favour of electronic monitoring was the cost-saving element. It was not believed that electronic monitoring harmed the integrity of the person any more than a full prison sentence.

The Swedish parliament's legal committee put forward no objections and the law was passed unanimously in principle. The same applied to the later amendments. The only point of contention was whether a prison sentence of two, three or six months should be the upper limit qualifying for the use of electronic monitoring.

2 Legal Rulings

(Lag (1994:451) om intensivövervakning med elektronisk kontroll [Law on intensive supervision by means of electronic monitoring])

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It is central to the way that electronic monitoring is framed in Swedish law that it does not stand as a sentence in its own right, but is formulated as a special implementation of prison sentencing. This construction is to be understood in terms of the Swedish tradition since the penal code came into force in 1946, whereby the punitive element of sentencing was restricted solely to the withdrawal of personal freedom of movement, in place of other forms of punishment. Approached from this perspective, electronic monitoring can be understood as withdrawal of freedom of movement - provided that it is implemented in such a way as to approximate to a term in an open prison.

Under the law currently in force, prison sentences of up to three months can be served at home under electronic monitoring instead of in a penal institution. It is not the court of law but the regional correctional authorities that make this decision, in response to an application from the convicted offender. If this application is refused, offenders can appeal to the administrative court for a review of the decision.

The duration of electronic monitoring corresponds exactly to the length of the prison sentence imposed by the court. The core of the ruling is § 3 of the law. Permission to serve the sentence outside a prison is conditional upon a ban on leaving one's home except at specifically stated times and for specifically stated purposes such as paid work, training, medical treatment, shopping for essentials etc. Adherence to these regulations is monitored using electronic equipment. The person being monitored must refrain from consuming alcohol and other drugs including banned stimulants (§ 4). Furthermore, assuming the person has an income during the sentence, a daily fee of up to 50 Swedish crowns (SEK) is levied,

up to a maximum of 3,000 SEK (approximately 350 USD). The fee is payable in advance and is directed to the state crime victims' fund (§ 5).

In practice, electronic monitoring is organized as follows: The local state probation service (part of the Swedish Prison and Probation Service) conducts an investigation of the personal and social circumstances of the convicted person. The person must live in appropriate accommodation with a telephone connection. They must also have a place of employment or training, although even voluntary work for an organisation or church group is sufficient. It is a central prerequisite for the monitored person to have some form of employment since the Swedish legislature is expressly against turning electronic monitoring into a form of house arrest. The agreement of other adults living in the person's household must also be secured. The person being monitored makes a commitment to adhere to the monitoring schedule drawn up and the conditions imposed therein. All participants in the monitoring programme must normally take part in what is known as a "motivation course" operated by the probation service to address the consequences of the crime committed, and discuss ethical issues, alcohol and drug use and conflict management.

Besides the electronic monitoring the person is also subject to repeated unannounced personal visits (which may also take place in the evenings or at weekends). Supervision also includes tests for alcohol using automatic breath testing kits, which transmit results directly down the telephone line. Urine tests and other direct drug tests are also administered. Electronic monitoring takes place according to the "active system" (for details, see Haverkamp, 1998) whereby the person being monitored wears a transmitter on the

leg and the signals it constantly emits are transmitted to the computer in the monitoring centre.

3 Empirical Data

During the trial period, electronic monitoring has been systematically evaluated (most recently in BRÅ [1999] with English summary). There follows a brief summary of key empirical findings.

In 1998 a total of 3,930 persons were subject to electronic monitoring, of whom (in line with expectations) six percent were women. The majority of them were convicted for drink driving (53 percent). Assault was the principle offence in 21 percent of cases, and property offences, the third highest category, accounted for eight percent. In seven out of ten cases, the term of imprisonment was one month or less. In barely ten percent of cases it exceeded two months (in which case - as for normal prison sentences - release on parole is likely after two months). One quarter of those who might legally have been considered for electronic monitoring did not in fact apply for it. Some 15 percent of applications were refused, and around 4,000 people were finally monitored. The average age of those monitored was in the range 31-40 years. Two thirds of them had previous convictions and somewhat fewer than half had previously served terms of imprisonment. In 1998 there were just 200 cases where monitoring had to be terminated prematurely. The principal cause was - typically for Sweden - violation of the ban on alcohol consumption. The reoffending rate was studied in the years 1994-95. This revealed that the electronically monitored offenders were no more or less likely to reoffend than the control group. After three years, 26 percent of the monitored persons were known to have reoffended; in the control group the corresponding rate was 28 percent.

Around two thirds of those monitored were living with a partner in a joint household. Twenty percent had children under the age of eighteen. More than 90 percent of those monitored and over 80 percent of their partners stated that they would prefer electronic monitoring to a prison term if faced with the same choice again in future. Even the quarter of those surveyed who said that they often or nearly always found it "unpleasant" to wear the electronic "foot shackle" gave this same response. The majority of those monitored viewed electronic monitoring as a less severe punishment than a prison term, as did their partners.

The probation officers interviewed were generally very positive about electronic monitoring but wished for improvements to the technology and better workplace supervision of those being monitored.

The cost savings for the year 1997 - depending on the method of calculation - were put at between 70 and 140 million SEK (approximately 8 and 16 million USD). In that year around 3,800 offenders had been monitored which corresponds to some 390 prison places in the year as a whole. Furthermore, certain economic benefits accrue since the person undergoing electronic monitoring continues in paid employment. In general it should be noted that the cost of a prison place in Sweden (and Scandinavia) is high in comparison to other countries (Council of Europe, 1999). For example, the cost per day of a place in an open prison was put at 150-185 USD for the years 1997/98.

The evaluation also revealed that only about half of those being monitored had paid the daily fee of 50 SEK. In total the victims' fund benefited to the tune of some 350,000 USD in 1997.

On its current scale (approximately

4,000 persons), electronic monitoring contributes to an annual reduction of the Swedish prison population by between 350 and 400 places.

Two points of criticism were particularly highlighted in the evaluation mentioned above (BRÅ, 1999). Firstly, supervision in the workplace was inadequate - partly for technical reasons (the electronic monitoring is inoperative during working hours), partly for other reasons: the contact persons in the workplace do not necessarily report every infringement of the rules to the penal authorities. The evaluation study was critical that the principle of equality had not been observed. The rules of electronic monitoring were deemed to have been applied differently from region to region. For example, the unannounced monitoring visits varied between the different districts from 1.8 to 4.4 visits a week.

The judiciary criticised the fact that the final decision on whether to impose electronic monitoring fell to the correctional authorities and not to the court. Electronic monitoring was not, in their view, a special form of executing a prison sentence but a standard punishment. In its statement, the Justice Ministry stood by the current solution - above all out of practical considerations - but left the door open for an amendment to the law.

4 Further Extensions

As indicated in the introduction, electronic monitoring is not a politically disputed issue in Sweden. Hence it is no surprise that a range of ideas and proposals have been put forward for extending electronic monitoring - in some cases beyond the confines of criminal law. The following proposals are under discussion in Sweden.

Extension to early release

According to the American model, applications of electronic monitoring can be categorised by the "front door" and "back door" principle. Electronic monitoring serves on the one hand to curb entries into prison (the principle currently adhered to in Sweden) and/or to increase releases from prison. The "back door" principle thus entails that part of the prison term is served as a remainder period outside the prison, under electronic monitoring.

Electronic monitoring of prison leave

The Swedish penal system has long made use of a broadly drawn prison leave system. On condition that a positive cost-benefit analysis is produced, many are in favour of electronic monitoring but their motives are diverse. On the one hand, the leave granted to date can be better supervised; on the other hand, certain categories of prisoner who were previously unable to benefit from leave, or could do so only under great restrictions, can be given the opportunity to interrupt their sentences.

As an alternative to imprisonment on remand

Electronic monitoring is also recommended as an alternative to imprisonment on remand so long as there is no danger of concealment, and there is felt to be little risk of the offender's absconding.

As a measure against persons (i.e. men) who breach the terms of an injunction

In Sweden it has been permissible since 1988 for the prosecution service to prohibit a person for a limited period of time from visiting certain other persons, making contact with them or following them, insofar as it is likely that this person will commit crimes against the other person or harass them in any way. In the Swedish Justice Ministry, the legal and organisational basis is currently being

examined for the commencement of electronic monitoring of those who have repeatedly violated injunctions. According to investigations by the Swedish Crime Prevention Council this would be technically possible.

5 The Past and the Future

I would like to conclude this summary of Swedish experiences of electronic monitoring with a few speculative thoughts. In many ways the introduction of electronic monitoring in Sweden is reminiscent of the introduction of imprisonment during the first half of the 19th century. Both periods can be understood as times of radical societal change. At that time the industrial age was dawning; today it is the electronic age. The prison as a "spatial" form of control over convicts was something fundamentally new, just as electronic monitoring is today. Both are the expression of previously unknown technical innovations. Prison then and electronic monitoring now have not been issues surrounded by political dissent (unlike specific implementations such as the Auburn and Philadelphia systems). What prison has in common with electronic monitoring is that they incorporate both a progressive and a repressive potential. The prisons were welcomed and promoted by philanthropists as a humane alternative to corporal punishment, among other things. Long sentences and harsh penal measures (including isolation and beatings) were used to appease doubting hard liners. Electronic monitoring is prized today as a superior alternative to short prison sentences but can equally be used to step up repression. The introduction of prisons came at a time when new forms of formal social control were being developed. In the first half of the 19th century organized police forces came into being, institutional reforms were undertaken and state education was extended, to name but a few

aspects. Modern developments in recent decades have been characterised by rapid progress of compulsory pre-trial measures, and Sweden is not alone in this. In parallel, a general breakthrough has been noted in non-penal areas with strategies for monitoring and recording general segments of the population - in private and in public - for instance, via camera and television monitoring, (electronic) records, user profiles, GPS systems and DNA techniques (see Wright, 1998).

Modern technology has brought about the possibility of comprehensive supervision of the individual citizen. In drastic terms, the electronic tagging of livestock is already a reality, and similar registration of citizens now only remains a question of political desirability. How long the introductory phase will last, and how all-embracing the ultimate result will be are questions that cannot yet be answered. However, electronic monitoring - in one form or another - will be a ubiquitous phenomenon in a few generations' time, exactly as prisons once became and still remain; this, to me, seems a near certainty.

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