

The Swedish prison system

Peter Lindström

Eric Leijonram

Ministry of Justice

Introduction

Since the end of the 1980's, the penal system has been based on a model of just deserts. 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 not, however, imply that there is a heavy reliance on the use of imprisonment as a sanction for crimes. Quite the contrary. The development of penal law has over the years aimed at reducing the use of shorter prison sentences. Much work has therefore been carried out to find alternatives that do not entail deprivation of a person's liberty. 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 Penal 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". To give an example: 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 program. In most cases, if this contract is broken, the court will order the remainder of the sentence to be served in prison. In 2007, 1,100 contract treatment sentences were ordered by the courts, of which the vast majority were handed down to offenders between 30 and 59 years of age. In 2007, about 125,000 people (or 1,400 per 100,000 population) were found guilty of a criminal act. About half of those found guilty were sentenced by court. The breakdown of sanctions imposed was as follows: 65,100 fines; 15,000 prison sentences; 10,500 probation orders (including supervision of young offenders); 12,000 penal warnings (suspended sentence), and about 300 committals to psychiatric care. In addition, the public prosecutor waived prosecution for 21,500 offenders¹.

¹ Crime and Criminal Justice Statistics 2007 and Correctional Statistics. The Swedish population amounted to 9,2 million people in 2007.

All prison sentences are for a fixed term or for life, depending on the gravity of the offence. The minimum prison sentence is fourteen days. Most often the actual prison sentence is for a relatively short period. During 2007, a total of 9,829 persons were admitted to prison, of whom 30% received a sentence of two months or less and 28% between two and six months.

The average prison population amounted to 6,420 prisoners (of whom 1,740 were remand prisoners) or to a total of 70 prisoners per 100,000 population.

Over the last four years the number of prisoners have been fairly stable, at least compared to the sharp increase between 1999 and 2004. The long-term trend, however, is that the prison population is increasing.

The prison population

Prisoners sentenced to life imprisonment

In the last two decades the number of life sentences has steadily increased (despite a low and stable homicide rate). Between 1988 and 1998, 77 'lifers' were admitted to prison, of whom approximately one-third were foreign citizens. The total number of 'lifers' has increased from 24 in 1988 to 81 in 1998. In 2007, 159 inmates were 'lifers'.

The average period of incarceration of prisoners, who have been sentenced to life imprisonment, is now above eighteen 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.

As of November 2006, a new law applies that stipulates that those serving life imprisonment sentences can apply to the Örebro District Court to have their sentences commuted to a determined sentence. The Court may only commute a life sentence to a determined sentence that is equal to or above the maximum sentence allowed, currently eighteen years. A sentence of life can also be commuted, by a pardon, to a fixed term by the government.

Women prisoners

Women constitute a small percentage of the prison population (7% in 2006). 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.

For a long time, the Hinseberg prison was the only all-female facility. In 1989 and in 1996, two additional all-female prison were opened (Färingsö near Stockholm and Ljustadalen in the north of the country) 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. The remaining prisoners were divided between different neighbourhood facilities that accommodate both men and women. From 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. 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.

Older prisoners

It has been noticed in many countries that the number of older prisoners has increased substantially over the last decades. This increase may largely be explained by the fact that more older offenders are sentenced for violent and drug offences. Also the time served has increased. In conclusion, older prisoners will most likely be an even larger group in the future. This will probably put pressure on the prison system regarding, for instance nursing facilities, medical assistance and also on reconstructing prisons.

Juvenile prisoners

In Sweden the age at which criminal responsibility begins is fifteen years. According to the law, juveniles below the age of fifteen cannot be punished; they are taken care of by the social authorities.

Between the age of fifteen and 21, the age of the offender is taken into special consideration for sentencing purposes. Section 7 Chapter 29 Penal 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. The guidelines for dealing with juvenile offenders 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.

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 sanction, which may be imposed for a period between fourteen days and four years is intended to replace the relatively rare prison sentences for offenders who commit serious crimes prior to their eighteenth birthday. Such young offenders are now placed in a home administered by the social authorities. In 2007, 89 young offenders were sentenced to closed youth care.

Drug addicts in prison

In an international context, Sweden is known for its restrictive drug policy. The drug policy is one of the major explanations for the many changes of prison conditions and prison policies since the early 1980's. A growing number of people have been sentenced to imprisonment for drug offences and the lengths of sentences for drug offences have increased.

In 2007, 31% of the prison inmates were imprisoned for a drug offence. This percentage includes cases where the drug offence was the principal offence. The number of prisoners who have been convicted of drug related offences is unknown. 60% 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, 66% of the inmates sentenced to two months or more imprisonment were considered drug abusers. Two-thirds of that percentage are inmates who are thirty years of age or older.

Foreign nationals

Around 30% of the total number of people recently admitted to prison were foreign nationals. In relation to their total percentage of the general population, foreign nationals are over-represented in the prison system.

Foreign prisoners are placed among Swedish prisoners. Approximately 24% of the foreign prisoners are usually deported from Sweden after having served their prison sentence.

The prison system

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, which is headed by a government appointed

Director General and divided into six regions with prisons, remand prisons and probation units.

The Prison and Probation Service employs approximately 9,300 persons, 45% of whom are female. The budget for the 2007 fiscal year was about 640 Euro. The daily cost per inmate, depending on the prison category, has been calculated at between 120 Euro in open prisons and 200 Euro in maximum-security prisons.

The management style in prisons is 'organic', rather than militaristic. Armed guards do not exist. In very serious unrest situations, the local police is contacted and authorized to deal with the situation. However, riots and other forms of unrest are extremely rare events in prisons. In 1994 a major incident occurred at the maximum security prison Tidaholm, when inmates set fire on parts of the prison. During 2004 several escapes from the most secured prisons occurred, leading to the resignation of the Head of the Prison and Probation Service and a governmental inquiry. The outcome of these incidents was that the security measures of all prisons were strengthened.

Prison classification

The prisons have been allocated security classifications. Prisons are divided into classes A to F. Most control is applied to the closed class A prisons. The primary reason for the more distinct security levels is to place the right criminal in the right prison. Classification is linked to a risk assessment, which is conducted for all prisoners. Class A prisons are equipped to deal with prisoners who pose the highest risk, while the rest of them do not need to be held at a higher level of security than necessary. Classification of a prison is based on (1) the ability to contain escapes; (2) the ability to resist breakouts; and (3) the ability to deal with difficult prisoners.

Class A 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. In 2007 about 9% of all inmates were in class A prisons.

At class F prisons, known as open prisons, the security level is very low. Persons convicted of drunken driving and less serious offences are often sent to class F prisons, but also prisoners at the end of their sentence. About 25% of all inmates were in this class in 2007. Prisoners serving time in these prisons may be allowed to pursue employment or education during the day outside of the prison.

An increasing prison population in the first years of this decade formed difficulties for the Prison and Probation Service to offer a place in prison corresponding to the risk and needs of each inmate. Since 2004 the Government has allocated considerable means to increase the number of prison places and further develop the Prison and Probation Service in the aspects of security, treatment activities and vocational training.

In 2007, the average number of available prison beds (including remand prisons) was approximately 6,800. The occupancy rate was 94%.

Prison philosophy

Even if sentencing is now based on a just deserts model, treatment, presently called special 'program 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:

- imprisonment as last resort, that is, the usual punishment should be a fine or a community sentence, since imprisonment normally has detrimental effects;
- 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;
- vicinity, that is, the prisoner should be placed in prison as close as possible to his or her home town (now considered to be more or less obsolete); and
- co-operation, meaning that all parts of the correctional system (probation service, remand prisons and prisons) should work closely together in individual cases as well as in general.

The aim of the prison system can be 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 reference 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. Or in the words of the Prison and Probation Service itself: "The Prison and Proba-

tion 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”.

In 2002 the Government instructed the Commission on the Prison and Probation Service to draft a proposal for a new, modern act on correctional treatment in institutions that fulfils requirements for an efficient, humanely run service. The Commission was to focus particularly on the question of how the enforcement of a prison sentence can be adapted to prevent prisoners from relapsing into crime without compromising on requirements for security and the protection of society. One of the main ideas was that enforcement of prison sentences should be more individually designed in the future. In June 2005 the Commission presented a report. The implementation work is still going on.

Prisoners’ rights

Contacts with the outside world

From an international perspective, the prison policies regarding visits and furloughs are quite liberal. Regular contact with the outside world is viewed as an important component in the treatment of the offender.

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. The visit can also be 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. Furthermore, there are special visiting apartments to facilitate children’s contact with their imprisoned parent at all female prisons and at a majority of the closed prisons.

Prisoners have the right to send and receive *letters and other mail* from persons outside the prison. Such letters may be subject to scrutiny to ascertain that they do not contain unauthorized objects, e.g. narcotics, or that the content do not include any message about criminal activities, escape or other similar action. The scrutiny of letters may not be more thorough than the purpose of the scrutiny warrants and, if it can be conveniently arranged, the

prisoner is to be present when a letter is opened. Letters between a prisoner and his lawyer, official authorities or an international body that has been recognized as competent to receive complaints from private individuals, may not be scrutinized.

Prisoners are allowed the use of a *telephone* unless the telephone call is believed to jeopardize prison security or counteract the prisoners adjustment in society. If necessary for security reasons, a prisoner officer may listen to the telephone conversation, but only after having informed the prisoner thereof. Prison officers may not listen to conversation between a prisoner and his or her lawyer unless the prisoner gives his and her consent.

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 2006, 20,000 normal and 20,500 special furloughs were granted.

In 2006, it was reported that about 1.4% of normal furloughs and 0.1% 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.

For obvious reasons, foreign prisoners who are not permanent residents, are not granted furloughs to the same extent as national 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.

Education

Practically all institutions have study facilities. The inmate can study subjects from compulsory basic school level and upper secondary school level. The inmate can also study at university through distance learning. Many inmates work and study at the same time. The Prison and Probation Service is responsible for the education offered to prisoners under the supervision of the Swedish National Agency for Education. About hundred secondary school teacher covering various subjects are employed by the Prison and Probation Service.

Prison labour

All inmates are obliged to participate in program activities. The programs include 'conventional work', education, specialized rehabilitation or treatment programs, 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, vocational training. An inmate who participate in the program activities earn about 6 Euro per hour.

In 2006, work programs comprised about 31% of all program activities, education formed 16%, service and maintenance programs comprised 25%, specialized rehabilitation and treatment programs, 5%, and other activities 21%.

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.

Leisure activities

According to the law a prisoner has a right to suitable leisure activities. What activity depends largely on the institution the prisoner is held. The older, closed institutions offer the least in terms of leisure activities. At the new, open institutions there is more to do. Most institutions have billiards, table tennis and darts in the places where the inmates are allowed to congregate. There are usually facilities for working out and doing strengthening/keep fit exercises. Many institutions have indoor facilities for ball games or outdoor football pitches. Furthermore, many institutions have libraries where the inmate can borrow books from municipal or city libraries.

All prisoners have, as a rule, opportunities to follow events in the outside world through newspapers, magazines and other publications, radio and television and in other ways.

Religion and faith

All inmates are entitled to pursue their faith or religion and to follow the dictates of that faith while they are in prison. It makes no difference which particular faith the inmate follows. Most institutions have a priest from the Swedish Church and a pastor from a free church. At the larger institutions there may be priests from the Catholic Church and the Orthodox Church, Muslim imams, lay workers or parish assistants. These usually hold religious services and other meetings. The larger institutions have special chapels or special rooms for worship or for religious meetings.

Each institution has a council for spiritual welfare called Nav. This is a group which is responsible for the spiritual welfare of the inmates, in other words it

aims to help those in prison with, for example, questions about faith and the meaning of life.

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. All new inmates are as a rule 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.

Women prisoners are allowed to have their babies with them. In 2006, there were seven such prisoners and the average time spent in prison was seven months. All of the children were younger than two years of age.

Medical treatment of drug addicts

Seven prisons are reserved for the treatment of drug abusers. In all, 2,200 of all inmates who were considered to be drug abusers participated in some form of anti-drug programs in 2006. About 700 prisoners were placed in drug treatment programs outside the prisons.

Inmates are subjected to frequent urine tests as well as room searches. Even tracker dogs are used. In 2006, 99,380 urine tests and 120,000 cell searches were reported. Positive urine tests usually indicate the use of cannabis and of amphetamines.

Treatment programmes

Over the last years several treatment programmes have been developed for the prisoners. As more than 50% of those sentenced to over two months imprisonment abuse drugs and/or alcohol the motivating programmes address criminality and drug related problems. Special units are available for those who wish to undergo treatment for drug or alcohol abuse while other units concentrate on motivating and influencing prisoners to participate in such programmes. There are also special units for different categories of prisoners, such as young prisoners and prisoners convicted of sexual crimes or drunk driving. These wings offer programmes that address the problems that are specific for each category of prisoners.

Electronic monitoring

Intensive supervision with electronic monitoring ('tagging') is an alternative way of serving a prison sentence, but instead of in prison the sentence is served in the home. The convicted person is monitored 24 hours a day with the aid of a transmitter attached to the ankle and only allowed to leave the home for certain preplanned activities, e.g. school, work and community service. Persons sentenced to a maximum of six months can apply for intensive supervision with electronic monitoring. In 2006 3,500 individuals served their sentences in this way.

Complaints procedures

The complaints procedures are laid down in the Prison Treatment Act (PTA) and the Prison Treatment Ordinance. Decisions of individual cases, decided by the Prison and Probation Service, can be sent on appeal to the administrative court. Like every other citizen, prisoners also have the option to complain to the Parliamentary Ombudsman.

Inmates in 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.

Disciplinary sanctions and security measures

Unlike other countries, solitary confinement, as a formal disciplinary punishment, is not used in the prison system. However, solitary confinement can be resorted to under special circumstances (disturbing the general order, being under the influence of intoxicating substances, attempts to escape, investigations of breach of discipline).

According to the law 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 is postponed conditional release.

The second sanction is a formal warning. In 2006, 2,400 warnings and 1,765 cases of postponed release were filed.

It should be noted that escapes from prison or attempted escapes are not viewed as a criminal offence. Therefore, no further sanctions can be imposed on an escapee other than the official disciplinary sanctions.

Release measures

Before release special actions are taken to reduce the risk of the inmate reoffending and facilitate the reintegration into society. The following special release measures are effected since 1 January 2007:

- *Work release*: the prisoner is allowed to spend time outside the prison during the day to work, participate in educational or vocational programmes or organized activities.
- *Care service*: the prisoner is allowed to spend time at a family care home or care and treatment centre for the purpose of participating in various treatments.
- *Half-way house*: the prisoner has the possibility to interact with a environment that is more exposed than an open prison at the same time as support and assistance is provided by the Prison and Probation Service and other authorities.
- *Extended work release*: the prisoner is allowed to serve the sentence at home under controlled circumstances (e.g. intensive supervision with tagging). The prisoner shall work, attend educational or vocational programmes, receive treatments or participate in organized activities.

The release measures are to be planned so that the measures can continue until the date that the sentenced person is granted conditional release. To come into consideration there must not be a risk that the prisoner during outside the prison will engage in criminal activity, evade completion of the sentence or engage in misconduct in another way. For half-way house and extended work release it is furthermore required that at least half of the sentence has been served, although at least six months.

Conditional release is the last component of measures to facilitate reintegration in society. Inmates, who are serving a time-limited sentence of more than one month are, as a rule, conditionally released when 2/3 of the sentence has been served. An overall assessment of the prisoners' conduct can lead to that the conditional release is postponed. The length of the test period, upon conditional 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.