

Information about the Swedish prison and probation service

The sanctions available in the Swedish Penal Code are fines, imprisonment, conditional sentence, probation and committal to special care. A person may be sentenced to imprisonment for 14 days to life. The death penalty was abolished in 1921 for offences committed in peacetime and in 1973 for offences committed in times of war.

Prisoners may be conditionally released when two thirds of the sentence, but at least one month, has been served. A prisoner who is serving a life sentence may be granted a pardon by the government and instead given a determinate sentence of imprisonment. The development of the Swedish penal law has over the years aimed at reducing the use of shorter prison sentences. Much work has been carried out to find alternatives that do not entail deprivation of a person's liberty, e.g. community service.

The Swedish Prison and Probation Service consists of a central administration and local prison and probation administrations. It is responsible for enforcing sentences of imprisonment and for the supervision of probationers and parolees as well as for the remand prisons where persons who await trial are detained.

Prison

Each year about 14 000 persons in Sweden are sentenced to imprisonment. The number of prisoners entering prison has dropped, however, in the last few years to around 9 500. This is mainly due to use of intensive supervision with electronic monitoring as an alternative way of serving prison sentences of up to three months. The average prison population on any given day is around 4 000 prisoners. In 2000 the average daily cost of a prisoner in closed prisons was between 1 695 and 2 551 SEK. The cost of prisoners in open prisons was only 1 327 SEK. There are currently 55 prisons in operation in Sweden, six of which are designated for women prisoners. Swedish prisons are open or closed depending on their level of security. Most prisons are rather small with a capacity of, on average, only 45 beds. There are only a few larger prisons, with a capacity of 100 to 200 beds, which house inmates convicted of serious crimes and sentenced to long terms of imprisonment. The majority of prisoners in Sweden have their own cell. In some open prisons there are a few cells for more than one prisoner.

In order to comply with the UN Declaration on the Rights of the Child, which states that juvenile offenders shall be kept separate from adult offenders, a new sanction has been added to the Swedish Penal Code. This allows juveniles who otherwise would have been sen-

tenced to prison, to be sentenced to closed juvenile care in special institutions run by the National Board of Institutional Care. Should a juvenile be sentenced to prison, however, he or she is to be housed separate from adult prisoners unless it is considered to be in his or her best interest to be housed with adult prisoners.

Prison Treatment

Prisoners shall, according to Swedish law, be treated with respect for their human dignity and with understanding for the special difficulties connected with a sojourn in prison. The treatment of prisoners is to be designed to promote the prisoner's adjustment in society and counteract the negative consequences of deprivation of liberty, and be directed from the outset towards measures which prepare the prisoner for life outside prison, insofar as this can be achieved without neglecting the need to protect society. It is important that the prisoner's release from prison is prepared for in good time. During working hours prisoners are obliged to work, study or attend programmes, earning about 9 SEK (around 1 USD) per hour. 10 per cent of their earnings are saved for release and short-term leaves (furloughs).

Over the last few years several programmes have been developed for the prisoners. As around 50 per cent 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 treatment programmes.

There are also special units for different categories of prisoners, such as young prisoners and prisoners convicted of sexual crimes or driving under the influence of alcohol. These wings offer programmes that address the problems that are specific for each category of prisoners. A prisoner who is believed to be planning to escape or being set free by others may be placed in a so-called security wing if separation from other prisoners is deemed necessary to prevent such plans from being carried out. Other reasons for placing a prisoner in a security wing are to prevent a prisoner from helping another prisoner to gain access to intoxicating substances, to prevent a prisoner from seriously molesting another, to prevent a prisoner from influencing another prisoner to seriously disturb good order within the prison or to prevent him or her from engaging in criminal activity of a serious character while in prison. A prisoner may also be placed in a security wing with regard to national security, a present danger to the life or health of the prisoner or some other person, or of serious damage to prison property.

In order to reduce the risk of threats and violence towards both staff and fellow inmates, many prisons and wings have been divided into smaller sections. This makes it easier to move trouble-makers from one wing to another as well as increases the possibilities for staff to have a natural influence on the prisoners and their behaviour. In order to ensure that long-term prisoners are placed in a prison of the appropriate level of security, a Reception Centre was opened at Kumla prison in 1997. This Reception Centre receives all male prisoners sentenced to imprisonment for four years or more. A similar Reception Centre for women prisoners opened in 1999 at Hinseberg prison which is Sweden's largest and most secure prison for women. All women offenders sentenced to four years or more, or, if they are convicted of a serious drug offence, two years or more are received into this Reception Centre. At the Reception Centres an assessment is made of a prisoner's security classification by a forensic psychiatrist who uses an instrument for assessing a person's propensity for being violent and dangerous. The staff also inquires into the prisoner's need for treatment for drug misuse, need for an education or vocational skills as well as his or her social network, or lack thereof. The National Prison and Probation Administration then decides on the prison or wing to which the prisoner is to be sent and sets the earliest possible date when the prisoner may be transferred to a more open prison or wing, or be granted regular leave. Prisoners are provided with various opportunities for physical as well as other leisure activities such as weight-lifting, football and other interests which can contribute to personal growth. They are also allowed the opportunity to spend at least one hour each day outdoors.

Outside Contacts

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 unauthorised objects, e.g. narcotics, or, if the letters are to or from a prisoner in a security wing that the contents do not include any message about criminal activities, escape or other similar action. Letters to and from security wings shall always be scrutinised whereas letters to and from open prisons may be scrutinised randomly or if there is reason to suspect that they contain unauthorised objects. 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 Swedish authorities or an international body that has been recognised by Sweden as competent to receive complaints from private individuals, may not be scrutinised. Prisoners are allowed the use of a telephone unless the telephone call is believed to jeopardize prison security or counteract the prisoner's adjustment in society. If necessary for security reasons, a prison officer may listen to the telephone conversation, but only after having informed the prisoner thereof. Prison officers may not listen to conversations between a prisoner and his or her lawyer unless the prisoner gives his or her consent.

Prisoners may also receive visits to the extent that this can be conveniently arranged and the visit is not harmful to the prisoner's rehabilitation. A prisoner may be denied visits that may jeopardize prison security. If deemed

necessary a visit may be supervised by one or more prison officers. Prior to allowing visits to a prisoner in a closed prison an investigation is made into whether the prospective visitor has been convicted of, or is suspected of, serious criminal activity. If security considerations so require, an unsupervised visit may be conditional upon the visitor submitting to a body search or to a superficial observation of the naked body. This is, however, seldom used.

The prisons are also visited by representatives of different religions. The Red Cross and other organisations of volunteers have special visiting groups that visit the prisons on a regular basis. These groups receive some financial support from the National Prison and Probation Administration.

Searches

Prisoners are always subjected on reception into prison to a body search to discover any forbidden articles. In general, a prisoner may be subjected to a body search to discover any forbidden article where there is reason to suppose that such an article, e.g. drugs, will be found on him or her. A search may also be conducted randomly or in connection with a wider investigation which, for security reasons, is being made of some area of the prison and the prisoner has, or has had, some connection with that area. Prisoners are also searched after he or she has received an unsupervised visit as well as upon return to the prison after having had a short-time leave.

Prison officers may at any time conduct superficial body searches, pat-downs, on grounds of security to discover any drugs, weapons or other dangerous objects hidden on the prisoner. Body searches – except superficial body searches – or a physical examination of the bodily cavities of a woman prisoner may not be conducted or witnessed by someone who is not a woman, doctor or a nurse. Prisoners are obliged to provide a blood, urine, or breath specimen to determine that he or she is not under the influence of alcohol, drugs or other dependency producing substance unless he or she is unable to for medical or similar reasons.

Postponement of the Date for Conditional Release

If a prisoner commits a disciplinary offence, such as using or being in possession of drugs, the date for his or her conditional release may be postponed. Such postponement may amount to at most fifteen days on each occasion of use. For lesser offences the prisoner may receive a warning.

Short-Term Leave (Furlough)

A prisoner may be granted permission to leave the prison for a short period of time (short-term leave) on a regular basis to facilitate his or her adjustment in society provided that there is no manifest danger of continued criminal activity or considerable danger of some other form of misuse of the leave, such as drug misuse etc. A short-term leave may also be granted on compassionate grounds (special leave), e.g. to allow the prisoner to visit a close relative in hospital, attend a funeral, meet with a parole officer or a prospective employer, or visit a spouse who is also incarcerated.

In order to facilitate adjustment in society, a prisoner may be allowed to work, study or participate in vocational training or other specially arranged activities away from the prison during working hours (work or educa-

tion release). This is usually only granted in the final phase of the sentence prior to conditional release.

A prisoner in need of treatment for drug misuse may apply to receive such treatment away from the prison. This is usually only granted at a later stage of a prison sentence prior to conditional release but may extend into the period after the prisoner has been released on conditional parole. If the prisoner decides to discontinue the treatment programme or break any rule by, for example, using drugs or alcohol, he or she will be returned to the prison. Permission to receive treatment away from the prison is received by the local supervisory boards for prisoners serving sentences of up to two years imprisonment while decisions for prisoners serving sentences of more than two years are handled by the National Parole Board.

Cooperation with Other Authorities

When a prisoner falls ill he or she is to be treated in accordance with the instructions of a doctor. If any necessary examinations and treatment cannot be conveniently carried out in the prison, use shall be made of the public medical services. If necessary the prisoner may be transferred to a public hospital.

All prisoners may receive emergency dental care. Prisoners who have spent, or will spend, at least six months in a remand prison or prison, may also receive basic dental care as part of preparing for conditional release. Authorities outside the prison are responsible for helping the prisoners find employment, a place to stay, etc.

The prison and probation authorities therefore work in close cooperation with, for example, the social services in preparing a prisoner's conditional release. Special efforts are made to provide homeless and/or unemployed prisoners with a place to stay and a job or other means of supporting themselves.

Complaints

The fundamental rights of the citizens are specified in the Swedish constitution. The European Convention for the Protection of Human Rights and Fundamental Freedoms, normally referred to as the European Convention on Human Rights (ECHR), is part of Swedish law. Sweden is also a contracting party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In accordance with this convention the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) was established. This committee visits places of detention – e.g. prisons and places of youth detention, police stations etc. – to see how detainees are treated and, if necessary, to recommend improvements. CPT delegations have visited Sweden on 3 occasions, in 1991, 1994 and 1998. The CPT has had some complaints, mainly concerning isolation of detained persons in Swedish remand prisons which has led to changes in the law concerning restrictions.

Most matters concerning prisoners are decided on by the local prison authorities, but some decisions are taken by the National Prison and Probation Administration. If a prisoner is dissatisfied with a decision taken by a local prison authority, he or she may appeal to the National Prison and Probation Administration to rescind the decision. If the prisoner is still dissatisfied, he or she may appeal to the county administrative court.

Prisoners who feel that they have been treated unjustly may lodge a complaint with the Parliamentary Ombudsmen. During the investigation of a complaint, the Ombudsmen may visit the prison and talk privately with the prisoner. The Ombudsmen may deliver critical (nonbinding) opinions and propose improvements to administrative routines. However, the Ombudsmen do not have the authority to change judgements or other decisions.

Probation and Parole

The probation authority is organised into 43 probation units. These units provide courts with pre-sentence reports that assist them in choosing the proper sanction, supervise probationers and parolees in the community as well as implement prison sentence through intensive supervision with electronic monitoring. They also work with the prisons as well as remand prisons in planning and preparing for a prisoner's conditional release.

The supervision period is normally one year. Each client is assigned a personal probation officer and around 45 per cent also have a lay supervisor. Lay supervisors are "ordinary" members of the public who have undertaken to serve as supervisors in their spare time. As a rule, however, the more demanding and difficult clients are supervised by professional probation officers who also provide lay supervisors with expert advice and support. The probation authority also supports and helps the probationer or parolee and acts as an intermediary in the contacts with social welfare authorities etc. to promote his or her adjustment in society.

Probation means that the probationer must keep in contact with his or her supervisor on a regular basis. The probation officer is to be kept informed about the circumstances in which the probationer or parolee lives. Sometimes the probation is conditional meaning that the offender must subject to psychiatric counselling or attending AA/ NA-meetings. The probation service has also developed different programmes for the clients, some of which focus on drug and alcohol information while others focus on discussions about crime and violence. Misconduct by a probationer or parolee may lead to an extension of the probation period or a revocation of his or her conditional release.

Since 1988 a special form of probation, "contract treatment", is available in Sweden and is primarily used as an alternative to imprisonment in cases of alcohol related or drug related crime where the offender otherwise would have been sentenced to prison. The offender must be prepared to undergo the treatment for drug or alcohol misuse decided on by the court. In its judgement, the court must also indicate the duration of the term of imprisonment that would otherwise have been applied. If the offender significantly fails to follow the treatment the "contract treatment" is to be terminated and the offender sent to prison.

Another form of probation is community service. This started as an experiment in five district courts, but is now available all over Sweden. Community service entails sentencing a person to probation, subject to the condition that he or she performs unpaid work instead of being given a short prison sentence. This work is done during the offender's leisure periods, i.e. evenings and weekends, for non-profit associations, organizations,

churches etc. for a minimum of 40 and a maximum of 240 hours, usually under the supervision of the probation authority. It is mainly used for young offenders and requires his or her consent.

Since the beginning of 1999 the courts may sentence an offender to community service between 40 and 240 hours without probation. This form of community service can be used for a larger group of offenders, i.e. not only for young offenders.

Intensive Supervision with Electronic Monitoring ("tagging")

In 1994 an experiment using intensive supervision with electronic monitoring started in five probation districts in Sweden. It is in fact a prison sentence which can, in certain cases, be served in the home instead of in prison. During the test period offenders who were sentenced to at most two months imprisonment could serve their sentences in their homes while under intensive supervision with electronic monitoring. As the experiment turned out very well the trial was extended in 1997 to the whole country and was also extended to include offenders sentenced to prison for at most three months. As of January 1999 intensive supervision with electronic monitoring is a permanent alternative to short terms in prison. Anyone sentenced to at most three months imprisonment may apply for intensive supervision. The local probation authority investigates the offender's circumstances after which decision is made whether or not to approve the application. Electronic monitoring means that the offender wears a transmitter fastened around the ankle ("tagging"). The transmitter sends signals to a receiver attached to the telephone line in the offender's home. These signals are sent on to a computer in which the offender's planned activities have been registered by the probation officer. In order to qualify for intensive supervision with electronic monitoring the offender must have a home, a telephone and an occupation for 20 to 40 hours per week. If the offender has a home but no telephone, the probation office can provide him or her with a telephone for this period. If he or she does not have an occupation community service may be done instead. Should the offender have an income he or she is obliged to pay a charge of 50 SEK per day. This money goes to a fund for the victims of crime. Intensive supervision entails that the offender agrees to home visits, checks for the use of prohibited drugs and to participate in the personal change programmes arranged by the probation service.

The timetable of the offenders planned activities gives the exact time the offender is allowed to leave

his or her home for work etc. and when he or she is to return. The offender is only allowed to leave the home for certain preplanned activities, such as school/work/community service and to participate in programmes at the local probation office, where they discuss, for example, the dangers of alcohol, drugs and violence. If the offender is living alone he or she is allowed extra time out of the home during the week to do the shopping, otherwise the person he or she is living with must be responsible for the shopping. Due to the stress "tagging" can have on a family any persons living with a "tagged" person must give their consent in writing. During days off the offender is allowed to leave the home for one hour. This hour is also planned ahead of time and registered in the computer. If the offender fails to follow the agreed timetable, an alarm goes to the probation service, which maintains a 24-hour alarm alertness. During working hours all "tagged" offenders have a contact person at the place of work etc. who checks that the offender is where he or she should be and is sober and well-behaved. The probation service makes frequent visits to the offender in order to check that he or she has not used any drugs or alcohol. If a "tagged" person uses drugs or alcohol, fails to keep the planned timetable of activities, etc. the intensive supervision ceases and he or she must serve the remainder of the sentence in prison.

Staff

The Swedish Prison and Probation Service provides employment for around 7 500 persons, most of whom work in prisons. Some 43 per cent of all employees are women and just over one fourth of the prison officers and 71 per cent of the probation officers are women.

A few years ago a new system was developed in the prisons giving prison officers the role of personal officer (contact person) i.e. he or she is responsible for planning the implementation of the sentence for one or more prisoners. A personal officer can, for example, help the prisoner plan and organise a short-term leave or plan and organise, in co-operation with other authorities, treatment away from the prison. The idea is that working closer to the prisoners enables prison officers to influence the prisoners and motivate them to participate in treatment programmes etc. Being close to the prisoners is also an important part of the security work at the prison.

The majority of prison officers also work as a personal officer (contact person). During the first year of employment the staff shall attend a 16 week long special education. Probation staff are to attend a 7 week long special education.



REGERINGSKANSLIET

Ministry of Justice

SE-103 33 Stockholm

Additional copies of the fact sheet can be ordered from the Swedish Ministry of Justice, tel +46 8 405 10 00. Fax +46 8 20 27 34.
The Government's web site: <http://www.regeringen.se/>
The Ministry of Justice's e-mail address: registrator@justice.ministry.se

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