Imprisonment and non-custodial alternatives in the Nordic countries

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Risk and vulnerability in prison populations: a global crisis
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Introduction
IMPRISONMENT RATES IN THE NORDIC COUNTRIES AND THE BRITISH ISLES 1960-2015

Scandinavia

<table>
<thead>
<tr>
<th>Country</th>
<th>DEN</th>
<th>FIN</th>
<th>NOR</th>
<th>SWE</th>
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<tr>
<td>2015</td>
<td>10</td>
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British Isles

<table>
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<th>SCO</th>
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Imprisonment rates in Europe by regions 2014-2016

Prisoners

Mean

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<tr>
<th>Region</th>
<th>Prisoners</th>
<th>Mean</th>
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<td>Nordic (58)</td>
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<td>Western (91)</td>
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<td>South-West (112)</td>
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<td>South-East (134)</td>
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<td>Eastern (169)</td>
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<td>Baltic (241)</td>
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<td>Arme Mold Azer Geor Russ</td>
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Imprisonment rates: Western Europe 2016 or latest (ICPS)
Nordic prisoner-rates 1995-2014

IMPRISONMENT RATES PER 100,000 POPULATION
1995-2014

FIN
SWE
DEN
NOR

PRISONERS / 100,000 POP
Tools against the overuse of imprisonment

1. Strategic level (aims & means of crime policy)
2. Sentencing
3. Enforcement
Strategy (aims, means, role of CJS)

• Aims of crime policy
  • Not ”Fight Against Crime”, not even ”Crime Prevention” as such
  • But ”minimization of costs (material/immaterial) of crime & crime control”

• Means
  • Not just (or even mostly) criminal law and punishment
  • But social/structural measures targeting root-causes of offending (including social exclusion), as well as (selected) situational measures

• The aims and functions of criminal punishment
  • Not deterrence, nor incapacitation
  • But indirect general prevention and normative compliance
  • Proportionality in setting upper limits in sentencing
  • Social re-integration in individual offender level

• Role of the victim
  • Not victim impact statements
  • But restitution secured through full adhesion process, state compensation schemes, widely applied mediation schemes (not as CJ sanction but as a voluntary-based alternative)
Sentencing & sanctions

1. Provision of alternatives: Dayfines, Conditional sentence, Community service, Electronic monitoring...

2. Sentencing system encouraging the use of alternatives and shorter sentences:
   1. Stepwise structure with clear priority of non-custodial alternatives
   2. Recidivism rules relaxed
   3. Indeterminate sanctions either abolished or severely restricted
   4. Generous mitigation when sentencing multiple offenders (offense-concurrence, an overlooked detail in sentencing)

3. Less ”secondary imprisonment”: Flexible revocation rules with community sanctions and conditional release

4. Youth justice operates mainly under the child welfare
Enforcement

• Direct effects
  • Routine based application of conditional and early release programs (practically for all offenders)
  • Again: note the revocation rules and re-sentencing principles!

• Indirect (through re-offending)
  • Principles of normality, harm-reduction and social-re-integration in sentence enforcement
  • Small prisons & wide use of open institutions
III
Sentence length matters
High prison countries have more prisoners serving long sentences
The number of prisoners (\( /\text{pop} \)) serving a life sentence: Gross variation by regions

![Bar chart showing mean prisoners serving life (\( /\text{pop} \)) by regions in 2014.]

- British Isles: Longest bar, indicating the highest number of prisoners serving a life sentence per capita.
- Southeast Eur, Baltic, Former Soviet Reg, Scandinavia, German speaking E, Former socialist Eur, France/Benelux, Southwest Eur: Smaller bars, indicating lower numbers of prisoners serving a life sentence per capita.
IV
Do community alternatives replace prison sentences?

1. Lessons from European comparisons
2. Nordic practices 1990-2014
3. Electronic monitoring in the Nordics
Community supervision rates 2014 (Space II)
The existence of community alternatives is no guarantee of a lesser use of prison. Many countries are inclined to use both all sanctions frequently. (Western Europe)
A moderate negative correlation between the use of fines and incarceration rate.
The use of basic sentencing options in Nordic courts 1990-2014

Indicators:

1. The number of imposed community sanctions and prison sentences / pop

2. The distribution (% shares) between community alternatives and imprisonment
Finland 1990-2014

Finland, per 100,000 Population

Finland, Percentages
Introducing community service in Finland 1993-2013 (court statistics)
Sweden 1990-2014

**Sweden, per 100,000 Population**

1990: 237
2000: 155
2010: 183
2014: 140

**Sweden, Percentages**

- **Prison**
- **CSO**
- **Conditional**
Denmark 1990-2014

Denmark, per 100,000 Population

- 1990: 206
- 2000: 182
- 2010: 218
- 2014: 156

Denmark, Percentages

- 1990: 60%
- 2000: 50%
- 2010: 40%
- 2014: 30%
V

The use of imprisonment

1. Nordic practices 1990-2014
2. Prison profiles in comparison
3. Prisons and prison-size
Court imposed prison sentences 1990-2014

Indicators:
1. The number of imposed prison sentences / pop
2. The share (%) of prison sentences of all (fines excluded)
3. The length of prison term (in months)
4. Total volume of imposed prison years / pop (N*length)
Number of prison sentences/pop

Prison Sentences, per 100,000 Population

FIN
SWE
DEN
NOR
The share of prison sentences (% fines excluded)
Length of prison sentences (mths)
The number of imposed prison years / pop
Prison profiles by offenses

Nordic countries and England and Wales in comparison
Prisoners serving a sentence for different offenses 2014 (% shares). Scand4 and England & Wales.
Prisoners serving a sentence for different offenses 2014 (/ 100 000 pop). Scand4 and England & Wales

<table>
<thead>
<tr>
<th>Offense</th>
<th>Scand4</th>
<th>E&amp;W</th>
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<tbody>
<tr>
<td>Homicide &amp; violence</td>
<td>13</td>
<td>34</td>
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<tr>
<td>Drug crimes</td>
<td>10</td>
<td>20</td>
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<tr>
<td>Thefts</td>
<td>5</td>
<td>21</td>
</tr>
<tr>
<td>Robbery</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>Sexual offenses</td>
<td>4</td>
<td>22</td>
</tr>
<tr>
<td>Economic crimes (fraud)</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Traffic crimes</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>All</td>
<td>44</td>
<td>132</td>
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</table>
Prisons and prison size
Mean prison size. Western Europe
Mean prison size. Eastern Europe
Prisons and prison size in Norway, Finland and England & Wales

- **Norway**
  - Average: 65
- **Finland**
  - Average: 95
- **England & Wales**
  - Average: 687
Prison size unrelated to occupation rate (= can’t solve overcrowding by building more and larger prisons).
Large prisons don’t solve the overcrowding, but they do seem to go with higher prison rates.
VI
Crime and Incarceration
CRIME AND IMPRISONMENT IN THE NORDIC COUNTRIES AND ENGLAND & WALES 1960-2010

Three different prison profiles, and three similar crime profiles