

28. SWEDEN

Area in sq. miles	.	.	173,000
Population	.	.	6,000,000
Capital	.	.	Stockholm
Population of Capital	.	.	439,000

Sweden has a probation law for minors and adults 28th June 1918, i.e. suspended sentence. Criminal responsibility for children under sixteen years is *nil*.

There are probation officers paid by the State, but no full-time officers. They are "suitable persons" for each case.

There is an association of voluntary probation officers.

There are no juvenile courts, but *conseils de tutelle* take their place.

The replies to my questionnaire were received in English, dated 26th May 1926, from Stockholm. They were supplied from Justitie-departmentet on behalf of the Minister of Justice. A second set of replies was received 25th September 1926; these are combined in the answers given below. Judge Harald Salomon's article is so important that it is given below almost in full.

1. There is a probation law.
2. It is called " Probation of Offenders Law " (Lagen om Villkorlig dom), 28th June 1918.
3. It applies to minors as well as adults.
4. During probation, which generally lasts from one to three years, the offender is under the superintendence of one of the court-designated probation officers. The offender has during superintendence to lead a proper life, avoid bad company, etc. If it can be presumed that the offender is to be corrected without superintendence, it (probation) shall not take effect. The court has the right to decide that superintendence shall cease, if after six months of probation it can be presumed that the offender will correct himself.
5. The probation officer is one of the following persons if suitable and willing to serve—viz. a municipal man, clergyman, merchant, relative, etc. He is often engaged in voluntary societies subventioned by the State. The probation officer receives during the first month of service with a case 12 Swedish crowns paid by the Treasury and 3 Swedish crowns for each of the months following thereafter. The work therefore may be considered as honorary.
- 6 and 8.—Every prosecuted person concerning whom there is doubt as to the state of his mind must be examined in order to ascertain his mental condition.
- 7, 9 and 10. If a prosecuted person is committed to prison the examination always takes place in the prison, the division for lunatics in the prison, or in the lunatic asylums; in other cases usually in a lunatic asylum. The extent of the intelligence test is determined by the examining physician. The medical report is thereafter sent to the Medical Department in Stockholm for critical examination. The Medical Department's report is sent to the court.
11. There is no special educational course of study for training probation officers.

12. The judge refers offenders for medical and mental examinations where necessary before the trial and the director or the physician of the prison after the trial.

13. There is an association of voluntary probation officers.

14. There are no full-time paid probation officers.

SUPPLEMENTARY INFORMATION

THE SWEDISH PROBATION SYSTEM

By HARALD SALOMON, Judge of the City Court of Stockholm

The probation system was introduced into the Swedish Penal Code by a law concerning *suspended sentence* which came into force on 1st January 1919. Suspended sentence may practically only be used in the case of first offenders who have been sentenced to not more than six months' hard labour or one year's imprisonment. The time during which the sentence is suspended is three years. In exceptional cases suspended sentence may also be applied to those sentenced to pay a fine. The time of suspension is then one year.

The probation period is at the least six months, at the most three years. The probation officer has to give to the court a written report of the case every three months or oftener.

The offender shall, as a rule, be placed under the supervision of a suitable person (*probation officer*) appointed by the court, who is entitled to a trifling remuneration from the State.

The offender shall, whether he be put on probation or not, obey certain general rules for securing that he lead an honest and industrious life, avoid bad company, and make up for any damage caused by his criminal act. If he is put on probation, he is also subjected to certain special conditions.

A condition exacting obedience to the probation officer may be imposed by the court on offenders under twenty-one years of age.

If the court has decreed obedience in general—as is usually the case—the probation officer has a right to impose special rules and regulations, such as he thinks to be necessary for the correction of the offender. As examples may be cited: prohibition against visiting certain places, or associating with certain persons; an injunction to enter a refuge home and to submit to the rules of the home; to accept work offered, and not to give it up without the permission of the probation officer; to abstain from intoxicating liquor; not to visit saloons, etc.

It is to be noted, however, that according to the Swedish law the probation officer may prescribe abstention from intoxicating liquor as soon as he considers it necessary for the correction of the offender, even if the offence was not drunkenness or an offence committed under the influence of drink (thus differing from the English Probation of Offenders Act).

If during the probation period the probationer should commit a crime for which he is sentenced to penal servitude or imprisonment, the suspension of the sentence is annulled; should he be fined only,

the court has an option. Should the probationer fail to observe the conditions imposed, a warning may be given to him by the court or the suspension of sentence annulled.

After the sentence has been passed, a probation book is handed to the probationer as well as the probation officer, which contains, among other things, the rules and regulations that the probationer must observe. The probation officer is required to make careful notes of everything of importance concerning the probation work, as, for instance, visits to the probationer's home and what occurred there, the probationer's visits to the officer, any special conditions imposed, etc. To this book is appended a pamphlet containing "information for probation officers." It is naturally of great importance that only suitable cases should be selected for suspended sentence. For this purpose the law demands that an *investigation* shall be made, and the court appoints an investigation officer who receives payment from the State for each individual case. His report is given in writing on an official form. This form demands a general survey of the condition of the family as well as a detailed statement of the physical, mental and moral condition of the offender and of his personal circumstances. The investigator is requested to suggest a suitable probation officer should the sentence be suspended.

The statistics so far available for the whole country show that only 4.7 per cent. of those put on probation have relapsed into crime.

In the city of Stockholm probation work has been carried on principally by Judge Harald Salomon of the City Court, who, after having visited America and England to study the probation system, introduced it into Sweden. As early as 1906 he began work on a modest scale, and since the law of 1st January 1919 came into force, he has had 151 cases under his personal supervision. Of these only 4, or 2.6 per cent. have relapsed, and this at a time when unemployment and want provided conditions which usually predispose to crime. Mr. Salomon generally keeps his probationers under supervision for the full term of three years.

The good results may be principally due to the care with which the investigations are made as well as to the caution exercised by the Court in passing a suspended sentence. Of all the cases which legally might have been so treated, about 30 per cent. only have received a suspended sentence.

(I wish to express my grateful thanks to Judge Salomon and to the proprietors of the *Howard Journal* for permission to publish the above extract.—T. W. TROUGHT.)

Under the Swedish Law of 1921 the age of criminal responsibility was fifteen (i.e. under sixteen), child welfare became a communal responsibility and communal committees, i.e. *commissions de l'enfance* (*barnavårdsnämnd*), consisted of the parish minister, a teacher, a doctor if possible, and at least three other members, men or women, nominated by the communal government. There was also a central body called the *conseil de la jeunesse*, upon which served a judge, a doctor and a secretary nominated by the Government, and others. So that there is some resemblance to the system in Denmark.