

## 21. NORWAY

Area in sq. miles . . . . .	125,000
Population . . . . .	2,700,000
Capital . . . . .	Oslo
Population of Capital . . . . .	260,000

Norway has a probation law—conditional omission of prosecution—for minors and adults. There is also parole. Criminal responsibility under fourteen years *nil*, fourteen to sixteen years partial.

There are paid probation officers members of the Norwegian Aid and Protection League, also volunteer officers. No professional association.

There are no juvenile courts, but *Conseils de tutelle* have legal powers to deal with offenders, morally abandoned children, etc. They make special dispositions for those fourteen to sixteen years. Some psychiatric examinations of children and an observation home will be ready soon.

The Norwegian Aid and Protection League is recognised for supervision of lawbreakers by Royal Resolution, 1st January 1923.

The Minister of Justice at Oslo handed my questionnaire to the Aid and Protection League of Norway. Mr. Iv.

Rummelhoff kindly sent the answers given below in English under date 24th August 1926, on behalf of the League. He was also kind enough to send particulars as to various aspects of the League's activities. These are given under the title "The Objects of our Organisation."

In addition a considerable amount of valuable literature was enclosed, for which I return sincerest thanks. A brief abstract of Mr. Conrad Falsen's pamphlet on "Norwegian Care-taking Societies" is also included.

1. Yes, we have a probation law, viz.—
2. The Criminal Law, pars. 52-4, and the Criminal Procedure Law, pars. 85 and 87. The "Regler," published by the Department of Justice with reference to a Royal Resolution of 26th January 1923, gives further information.
4. Young offenders are placed on probation under our society—the Aid and Protection League of Norway—a special superintendent being appointed for them in each individual case.
5. The salaries of the probation officers are paid by our united societies. The salaries are sanctioned by the Department of Justice.
6. Yes. There is a scheme for investigations to ascertain the mental, physical, etc., condition of the offender.
7. There are no clinics (mental and physical) directly attached to the court. Nor have our societies such clinics, but in each individual case we apply to competent assistance.
8. The examinations take place before the trial.
9. The use of intelligence tests has not yet become universal, but they are occasionally used. The Norwegian psychiatrists frequently make use of the tests of Binet-Simon with the modification of Terman.
10. A psychiatric clinic in Oslo, directed by the University Professor for Psychiatry, is to be opened shortly. It will also be used for the mental observation of young offenders. Generally such mental observation takes place at the lunatic asylums.
11. There is no special educational course of study for training probation officers. Of the present and earlier officers, some have theological training, or have passed other examinations, e.g. in jurisprudence or political economy. A few are trained in nursing the sick, etc.
12. Our societies (the Norwegian Aid and Protection

League) have had occasion to suggest that the grand jury or the judge make an order for mental examination of the lawbreaker.

13. We have no association of probation officers, but meetings are often held.

14. There are eighteen full-time paid probation officers; besides them, ten officers with limited hours of labour. In the country and small towns the officers are unpaid.

(signed) Iv. RUMMELHOFF.

## SUPPLEMENTARY INFORMATION

### THE OBJECTS OF OUR ORGANISATION.

The Aid and Protection League of Norway, are the following:

*Aid Work.*—Convicts discharged from prisons and penitentiaries are assisted to work, tools, materials, travelling money, lodging, food, clothing, etc., on the principle 'help to self-help.'

*Family Aid.*—Support and other alimony is granted to families whose breadwinners are in prison or penitentiaries, so that the punishment shall not be detrimental to their families' existence.

*Supervision* of young lawbreakers who are bound over as first offenders, or in whose case prosecution has been withheld conditionally. By a Royal Resolution of 26th January 1923 our organisation is recognised for carrying on such supervision. Our society is also recognised by the Government to have supervision of convicts released on probation (i.e. parole).

*Investigations* of the personal circumstances of the young lawbreakers in order to get the fullest possible information which will be of importance to the public prosecutor and to the courts in determining how to deal with the offender in each single instance (punishment, education, etc.).

*Work on behalf of neglected young people*, who, without having been in conflict with the law, may be expected and are in danger of becoming so if they are not assisted in ample time.

*Education Work.*—By way of distributing pamphlets and booklets, articles in newspapers, lectures, etc., people at large are informed of the work done by the Aid and Protection Societies in Norway and abroad.

Our society lays the greatest stress upon preventive measures, especially concerning young lawbreakers. The choice of superintendents and investigators we recognise as a question of great importance.

Our organisation is a private, self-dependent society with sixty-one subsections all over the country. It receives considerable contributions from the State and from several townships, and is in steady touch with the public authorities, especially the tribunals, the grand jury and the police.

Children and young persons under sixteen years are in our country taken care of by "Welfare-of-Children Councils."

The following is a brief digest of Conrad Falsen's pamphlet "Norwegian Care-taking Societies."

During the last century the acknowledged right of the community to proceed against lawbreakers has been opposed by another idea: the care-taking of prisoners. As long as public authority tolerated revenge and retaliation there was no room for any institution like the care-taking societies of our days. The public now claims its share of the activity appertaining to tribunals and prisons. This is just and of great importance. It creates a much larger sense of responsibility in those who make the laws by which the offenders are judged, and still more in those responsible for the way in which the culprit, in the most difficult period of his life—in prison—is to live, and be regenerated into a social being. To bring about a happy result, it is necessary to effect an intensive and comprehending co-operation between the legislative powers, the administrative authorities, the law-courts, and above all the great public. From a private charitable work the care-taking society has grown into a powerful social factor.

An ordinance of 9th August 1754 stipulated that released prisoners must repair to the place or region whence they had come, and take up work there. Prisoners from the houses of correction were provided with passports for their native place, and, according to a memorandum from the Chancellor's Office of 6th June 1795, were paid 4 skillings (*4d.*) for every mile \* they had to get there. In addition to this they were allowed the proceeds of their work in the correction house, and in case of need they were given the most indispensable clothing. The usage was a little different in the penitentiaries, the convicts getting passports for any place they wanted.

In 1849 was founded "The Society for Care-taking and Protection of Criminals released from the Prisons of Kristiania." With this society a serious care-taking work was taken up in our capital, and carried on with great energy.

It is a fact worthy of note that from the very beginning they knew and employed "surveyors" or "supervisors," as they were then called.

In 1875 a special administrative division for the prisons was established in the Department of Justice, under the name of "Fængselsstyrelsen" (Executive Committee of Prisons). Particular attention was now given to the further development of the care-taking work.

On 22nd January 1877 the first governmental grant was given to this work, and in 1878 the societies received their first State subvention of 2,400 kroner. For the financial year of 1919-20 the subsidy to the Union is estimated at 50,000 kroner.

The great reforms in the criminal laws brought about by the "omission of prosecution by the Crown" and the probation system called for an invigorated and well-centralised care-taking movement. The work of supervision had to be organised and adjusted to modern requirements.

The probation idea originating in America gained ground rapidly in Europe. We find it in Switzerland, Austria and Germany.

\* 1 Norwegian mile = 6 English miles.

It spread swiftly to the Netherlands and England. In Denmark it gave rise to "Fængselshjelpen," and in Sweden to the great union of "Skyddsvarnet." Everywhere the great importance of the probation system was realised.

In this country it was initiated by the two Kristiania societies.

The defects in our care-taking work were found to be :

- (1) It was insufficiently known.
- (2) The societies were few in number.
- (3) The associations were without any central management.

On 30th and 31st March 1917 delegates from all the associations assembled in Kristiania, and founded "De Norske Forsorgs-foreningers Lansforbund" (National League of Norwegian Care-taking Societies). A Care-taking Office was resolved upon to act as a board of administration to the work. It lies with this Office to find surveyors, and to keep the card-system roll of those protected by the unions. According to this roll, 7,200 persons have been taken care of during the period 1914-18.

A bill passed on 15th July 1919 made alterations in the Penal Code and the criminal procedure to the effect that conditional condemnation and omission of prosecution by the Crown were admitted, provided that "the offender submits to the supervision and prescripts of an association founded for the purpose of superintending offenders, and licensed by the King."

The National League has applied for this royal approbation, and is prepared to undertake the great task involved in the licence.

The work of the League comprises : general information, enquiries, supervision, relief of prisoners, management of an employment office and entertainment homes. It is a work centring on the individual offender. We follow each of them, watching his conduct, coming to his aid, supporting him. We try by every means to save him. We enquire into his family relations and his previous life in order to form an idea of his social milieu. If he runs into evil practices, we try new means of rescuing him ; we never lose courage.

The League has brought before the Government a petition that a preliminary enquiry may be admitted, alongside that of the police, thus enabling the League to collect information about the subjective circumstances that may have influenced the individual criminal and led him into conflict with the law.

This may be done in the following way : In every case where there is any question of omission of prosecution or conditional condemnation, the unions are given a duplicate of the indictment and of the contingent communications. The person charged with the enquiry approaches the criminal and takes his statement. This must be done whether the offender is at large or in custody. The person making such enquiry must therefore have access to the prison-houses. He collects all the information relevant to a fair judgment of the criminal in question. He communicates with the culprit's family, with his employer, with the school people, etc. At the same time he tries to get work for him and to find persons willing to take charge of him. Then the record is sent to the Treasury or the tribunal which decides on the fate of the accused party.

Supervision may be resorted to in four instances: in the case of omission of prosecution, of conditional condemnation, of trial discharge, and of pardon.

The first two instances were instituted by alterations in the Penal Code of 15th July 1919. These laws now add to the omission of prosecution and the conditional condemnation, the surveillance as a preservative. The offender is guaranteed a discreet supervision by persons he can fully rely on and put trust in.

In the case of a trial discharge the superintendence of the offender, as a matter of course, ought to be left entirely to the care-taking societies. It is actually in the hands of the police. This is inefficacious, for the police are more than sufficiently occupied on their ordinary business. It is therefore a great task to set to the care-taking unions to take up this superintendence and to replace the police by special surveyors attached to the associations.

We also intend to take charge of the convicts on leave. According to par. 20 of our Constitution, the King has the prerogative of pardoning criminals after their conviction. No provision of the fundamental law is needed to adopt superintendence of the pardoned offenders. When the King has the right of giving full pardon to an individual, it results from the nature of the case that he can do the lesser thing: pardon him on condition that, for a fixed period, he submits to the supervision of a care-taking society. By surveyor we mean a man or woman who volunteers to look after the misdemeanant, to be his friend and counsellor.

One of the principal aims of the care-taking movement is to establish entertainment-homes all over the country. These establishments must not be too large, and must be open to men and women separately. Here all persons in the charge of the unions must be housed till they can be provided with permanent lodgings.

The labour employment work is one of the chief branches of the care-taking system, as it helps to procure permanent work for ex-convicts and other offenders. If convicts have no trade the union may contribute towards their training. Further, considerable money loans have been granted, most of which have been refunded. In 1918 the Bergen union spent on footgear and clothes a sum of 6,841/65 kroner; of this amount, 6,296/55 kroner has been repaid.

We also exert ourselves to send as many offenders as possible out to sea, or to work in the woods and fields, in order to keep them away from the dangers and temptations of the towns.

To one branch of our activity too little attention has hitherto been given: the work of helping the families of the offenders.

It remains an open question whether the work outlined above ought not to fall under the State and be in our charge. Personally I do not think so. The task is a too individual one, and must be planned out in more free forms than the machinery of State permits. But this fact must not be allowed to lessen the responsibility of the Society for this work. The State must at any moment, through governmental grants, see that the work is carried on properly.

If that is done, the care-taking work will develop into what it is intended to be: a means of stemming the great flow of offenders that every year swell the ranks of our criminals. At the same time

it will scatter the forces now garrisoned in the prisons and lead them back to a useful life.

The Report of the International Congress on Child Welfare, Brussels, 1921, gives the following information concerning Norway.

There are no special courts for juvenile offenders. Children over fourteen years of age may be tried and convicted before the ordinary law-courts, but the *ministère publique* is authorised to make special dispositions in respect of those children under sixteen, viz. :

(a) Children who had committed an offence which gave evidence of moral perversion or abandonment.

(b) Children who, by reason of the depravity of their parents, were already morally abandoned, ill-treated, perverted or liable to be so.

(c) Children who gave proof of bad conduct such as showed them liable to be morally abandoned, though they had committed no legal offence.

These were handed over to the *Conseil de tutelle* (the Council of Guardianship). There is in each commune such a council, composed of a judge, a priest of the district, and five other members elected by the municipality, one of whom is a doctor and one or two women.

They deliberate behind closed doors; can summon parents, children, and can take sworn evidence from witnesses. Their powers are great, e.g. they can deprive parents of their parental authority, place the child in another family or a child-caring establishment, order the child to receive corporal punishment or to be sent to a reformatory. Seeing that the councils may have charge of "neglected" children as well as delinquent, the law fixes no minimum age for their care. The maximum is sixteen years, and in some cases there is after-care up to eighteen years, and even in special cases up to twenty-one. Whilst the powers of the councils are equivalent to those of juvenile courts, it is claimed that the findings of the councils are not regarded in the same light by the public as the legal penalties inflicted by a court of law. There are both State and voluntary associations for dealing with delinquents. The value of their work is recognised by the changes in the Criminal Code of 1919. These modifications provided that, in certain cases up to twenty-one years of age and in others up to twenty-five years, prosecution was not obligatory if the offender were willing to go into a public school of apprenticeship for three years, or to submit himself to the control of an association recognised by the State and to carry out the work found for him by the association.