

# **Chapter 32**

## **Sweden**

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# **1 HISTORICAL DEVELOPMENT OF THE PROBATION SERVICE SYSTEM<sup>1</sup>**

## **1.1 The start of probation in Sweden**

Swedish lawmaking in the 1900s was influenced by late 18<sup>th</sup> century ideas that began to offer alternatives to the classical notions of punishing offenders by imprisonment. Another influence was the development of probation in England and America. But Swedish society from the early 1900s onwards has been characterised by a strong humanistic tradition that sought to achieve the social inclusion of all its members – a tradition that came to political expression in the Swedish Social Democratic Party and its post-war record as the dominating governmental party. Then, too, the French social defence movement, with its emphasis on resocialization and respect for the dignity of both offender and victim, influenced the elaboration of the 1965 Swedish Penal Code. Indeed the Swedish word for probation, “skyddstillsyn”, is rendered in literal translation as “protective supervision” – a term borrowed directly from social defence terminology.

The first legislative provision for the supervision of offenders in the community is to be found in the 1918 Conditional Sentence Act that allowed the enforcement of a prison sentence up to one year to be suspended. The courts were empowered to request a pre-sentence report and to place the offender' under the supervision of a person appointed by the court. These first supervisors were often policemen, parish constables, clergymen, court lay assessors and laypersons active in municipal government. The 1939 Conditional Sentence Act allowed the courts to abstain from passing a conditional sentence of imprisonment and sentence only to supervision in the community with special conditions. The first full-time professional probation officers – four in number – were appointed in 1942. By 1944-45 this number had been increased to 13. It took a further twenty years before professional probation was established in all the regions into which Sweden was divided for the management of its prisons, prisoners and probationers. But the early use of lay supervisors continued and has been developed so that even today it is a major feature of contemporary supervision. Lay supervisors assist with the supervision of more than 40% of probationers and parolees.

In 1965 a revised Penal Code made provision for two kinds of conditional sentence. The first, still in operation today and still called a conditional sentence (“villkorlig dom”), was a penal warning intended for offenders with a good prognosis. The other kind was probation (“skyddstillsyn”) that allowed offenders to be placed under the supervision of probation officers and required them to fulfil certain conditions. In 1988 probation with a condition of treatment (“kontraktsvård”) was introduced. The offender enters into an agreement with the court to follow an approved treatment. This form of probation is primarily intended for offenders whose offence behaviour is clearly associated with

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dependence on drugs or alcohol. In 1994, a first provision was made in law to permit the experimental use of intensive supervision in the community to be combined with electronic monitoring as an alternative to prison sentences of up to two months. The success of this measure has led to successive extensions of the criteria for its use. Thus, in 1997 offenders sentenced to up to three months' imprisonment could request to be placed under intensive supervision with electronic monitoring. Currently, offenders sentenced to up to six months imprisonment can request to serve the sentence in the community ("front door use"). In addition, prisoners serving sentences longer than two years can be released from prison under intensive supervision with electronic monitoring for up to four months before the formal and automatic<sup>2</sup> conditional release date ("back door use"). The purpose of this measure is to assist the transition to life in the community. The extensions in the use of intensive supervision with electronic monitoring mean that the clientele with a more serious criminal record and personal problems such as drug misuse must be checked more often with regular and unexpected home visits. In 1998 the Penal Code was amended to permit the use of probation with a condition of community service ("sambällstjänst"). From January 1999, a conditional sentence (see "villkorlig dom" above) can be combined with community service. However, the probation service is responsible only for the pre-sentence report on fitness for community service, the provision of a suitable work place, and checking that the community service is carried out according to plan. An important development entered into force on 1 January 2007. From this date the Probation Service is required to initiate and coordinate all action plans to further the post-release adjustment in the community of those serving sentences of imprisonment. The change is intended to ensure that the treatment plans that are made for prisoners are fully focused on the post-release period. This development is described more fully later in this report.

Today the probation service is responsible for pre-sentence reports to the courts, arranging community service, implementing probation supervision in its various forms, initiating and coordinating treatment plans for prisoners, supervising conditionally released prisoners and undertaking intensive supervision with electronic monitoring of prisoners as described earlier. It should be noted that the term "supervision" has the same definition as that contained in the Glossary to the Council of Europe's European Rules on Community Sanctions and Measures. This means that supervision comprises both control and help with these two modes of activity complementing one another.

For constitutional reasons centralisation and decentralisation in policymaking and operational responsibility have been regulated without major change for over a century. The Ministry of Justice is responsible for broad general policies based on legislation and for overall budgetary allocations. The Swedish Prison and

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<sup>2</sup> The Swedish Penal Code provides that offenders sentenced to fixed term imprisonment shall be released automatically when two-thirds of the sentence but at least one month has been served. Automatic release can be postponed for up to six months for serious disciplinary infractions. Offenders sentenced to probation with imprisonment for up to three months, life sentence prisoners and persons imprisoned for refusal to pay a fine are excluded from the provisions on automatic release.

Probation Service are responsible for day-to-day administration within this framework and for decision-making in respect of individual offenders. The Ministry of Justice is not permitted to interfere with the exercise of this latter responsibility.

The central administration of the Prison and Probation Service issues circular instructions and advice to its local operational units on the basis of relevant laws. These operational units – remand prisons, ordinary prisons and probation offices - retain a large degree of discretion in their work with individual offenders. An important control of discretionary decision-making is the provision of numerous complaint and appeal procedures against administrative decisions. The organisation of the Swedish Prison and Probation Service is described in more detail in Chapter 3.

## **2 LEGISLATIVE BASIS AND MISSION**

### **2.1 Legislative basis**

The Penal Code, which dates from 1965 with many subsequent amendments, defines the sanctions described in the previous section. The 1939 Conditional Sentence Act, which came into force in 1944, provided for a state probation organisation to be set up to implement the new sanction of probation. The duties of probation officers were defined as encompassing both offenders who were conditionally sentenced as well as those conditionally released from prison. The new probation organisation became an integral part of the Swedish Prison Service that henceforth was to be known, in English, as the Swedish Prison and Probation Service ("Kriminalvårdsverket"). The duties and procedures of the probation organisation have been written into governmental Ordinances and Central Administration instructions. These deal inter alia with treatment planning, contact frequency, special conditions and the appointment of lay supervisors.

The age of criminal responsibility in Sweden is 15 years. Where persons under the age of 21 commit offences, the court shall take account of their youth and may sentence to a lesser punishment than that provided for a given offence. A court may impose imprisonment on offenders less than 18 years only for extraordinary reasons. Offenders between 18 and 21 years may be sentenced to imprisonment only if, having regard to the penal value of the offence or other considerations, there are special reasons for doing so. Probation becomes, therefore, an obvious alternative sanction. As a general rule, the prosecution of offenders under the age of 18 is waived and they are handed over to the social welfare authorities for appropriate treatment. The Penal Code provides that a court may order probation when a fine is considered insufficient. Probation can be combined with a day-fine<sup>3</sup> or with imprisonment up to three months. Where the latter is the case, neither community service nor contract treatment can be imposed as a

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<sup>3</sup> Day fines relate the fine to the offender's financial resources. The number of days ranges from 1-180 and indicate the severity of the offence. For each day an amount calculated in relation to the offender's financial resources must be paid.

condition. In choosing a sanction, the court shall consider, as a reason for imposing probation, whether there are grounds for supposing that this sanction can assist the offender to abstain from committing further offences. As special reasons for imposing probation, the court may take into consideration:

- whether a manifest improvement has occurred in the offender's personal or social situation that is likely to reduce the risk of a further offence or
- that the offender is undergoing, or is willing to undergo, treatment for substance abuse or some other condition that has substantially contributed to the commission of the offence.

## **2.2 Mission statement**

There is no single mission statement on the work of the Prison and Probation Service. Instead, several policy documents define the basic approaches to be adopted in relation to different aspects of prison and probation work including, in particular, the ethical values that constitute the foundation for all such work. The primary tasks of the Prison and Probation Service are to implement the decisions of the courts and to work to counteract re-offending and thereby reduce crime in the community. Prison and probation staff seek to use methods that influence offenders to live law-abiding lives during and after the implementation of sanctions. All prison and probation work shall be undertaken with respect for the human worth, dignity and integrity of offenders. Prison and probation work take as a point of departure that offenders, unless suffering from severe mental disturbance, must address their criminal conduct and learn to act responsibly in their lives and actions. Enlarging the offender's capacity to do this is a central aim. Offenders must be treated fairly and justly and given reasons for the decisions that affect them. A separate policy document deals with ethical values that should be held by prison and probation staff. It requires, for example, that staff should maintain correct relations with offenders and set an example of the respectful behaviour that should characterise human relationships. This should be exemplified in the use of language, the forms of address and avoidance of derogatory speech to or about offenders. The same principles apply in dealing with offenders' families and relations. Respect for offenders, their families and relations, on the other hand, should not involve or imply acceptance of the offence. All forms of discrimination should be counteracted, as should all infringements of personal integrity or other destructive behaviour. Staff should so behave when off-duty that belief and confidence in the Prison & Probation Service is not harmed or endangered.

Political and administrative developments over the years have led to a continual reformulation of aims, tasks and methods of work. There has been an increased stress on the duty to carry out the sentence of the court. This has led to more concise pre-sentence reports that better assist the court in its choice of sanction. The focus now is less on a detailed account of offenders' personal histories and more on their future possibilities. Assistance and support for offenders is now firmly allied to requiring them to address their offending behaviour. In consequence there has been a steady development of personal change programmes for particular kinds of offence behaviour, (e.g. domestic violence) or behaviour that is closely associated with offending, (e.g. drug and alcohol misuse). A negative factor in this connection is that participation in, for example, contract treatment is financed by the municipalities. This means that the use of such a programme is hindered in municipalities with weak economies.

## **2.3 Crime prevention**

In collaboration with local crime victim bureaus and personal change programmes victims of crime are given opportunities to explain what crime has meant to them. Offenders hear at first hand about the consequences of their offences, the anxiety felt by victims that they might again be exposed to crime,

their fear of being alone and physical symptoms such as sleeplessness and nightmares. The awakening of empathic understanding is intended to contribute to preventing a relapse into new offences. The Probation Service provides information to pupils in the senior school classes about crime and its individual and community consequences as well as on drugs and drug dealing. This is an element in the schools' curriculum "Law and Justice". Lastly, the National Council for Crime Prevention initiates and supports locally based crime prevention activities. Local groups that include representatives of the probation service, the police, and members of the public, plan these activities.

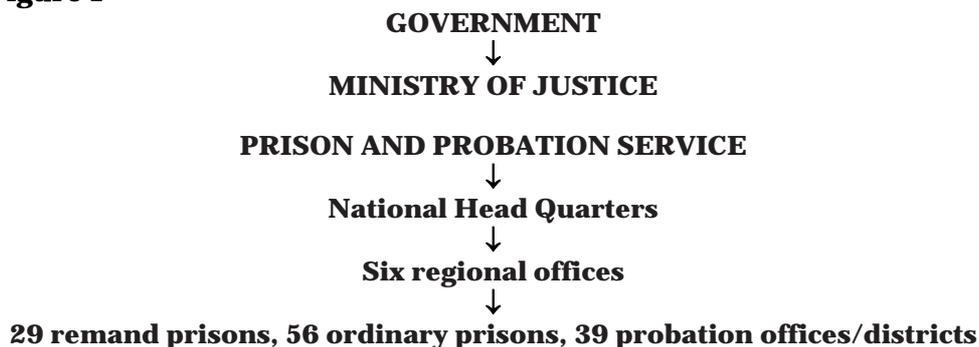
## **2.4 Victim protection**

The probation service has no formal and direct responsibility for providing services to victims. However, a nation-wide network of victim assistance bureaus exists. Victims of crime can apply to these bureaus for advice, material help and psychological support. The victim assistance bureaus can call on the probation service for help in particular cases and, of course, such help is willingly given.

## **3 THE ORGANIZATION OF PROBATION SERVICES**

The Swedish Prison and Probation Service is an agency subordinate to the Ministry of Justice. It is organised into a Head Office, six regional offices and a transport service. Each region consists of a combination of remand prisons, ordinary prisons and probation units who collaborate in carrying out their respective functions.

**Figure 1**



In addition to the above, there exist 30 independent supervision boards appointed by the municipalities. An experienced judge assisted by a judicially trained secretary heads them. Other members of the board are drawn from welfare agencies and other assisting organisations. A main function is to deal with violations of supervision conditions. Thus, they are empowered to warn clients who violate the conditions of supervision, to require the temporary short-term arrest of clients who are out of contact, to modify the conditions of supervision and, if necessary, to recommend the revocation of probation. If an

offender serving a short-term imprisonment under intensive supervision with electronic monitoring in the community violates conditions, the supervision board can break off the intensive supervision. The offender then serves the prison sentence in a prison. From 1998 until December 2005 a single chief was in charge of remand prisons, ordinary prisons and probation offices, that is, they were under an amalgamated management. However, this form of management has proved less successful in practice than was hoped. In consequence there has been a return to the earlier and more traditional form of management structure, albeit with some modifications. The regional offices, each with a regional chief, are responsible for the operational guidance of the different units under their command.

Probation offices are not organised with a traditional hierarchy in which a chief probation officer heads a staff with various duties and responsibilities. Instead, the traditional chief function is divided up among several staff members, called, in translation, "inspectors" (though they do not inspect). Each inspector is responsible for a particular function, for example, for staff development and training or for personal change programmes or for financial matters. The various functions are allocated to those inspectors best fitted by knowledge, experience and authority to assume responsibility for them. In principle, inspectors should also work with clients but their duties frequently do not allow them sufficient time to do so. The main contact with clients occurs through the probation officers operating under, and in collaboration with, the inspectors. The purpose of this somewhat "flat" organisational structure is to enhance the probation officers' access to specialised professional help and intensify collaborative communication.

The probation service has at its disposal about 1,000 professionally trained probation officers with an average caseload of about 30 clients. (Task overlap between probation and prison work means that an exact figure of those working solely with probation cannot be given). Probation officers do much of the written work themselves on personal computers provided with programmes relating to probation administration, and information on all current offenders. Probation officers carry out and write up pre-sentence reports and assess suitability for community service and contract treatment. They also appear in court when community service or contract treatment are possible outcomes and find suitable work or suitable treatment facilities for those sentenced to community service or contract treatment respectively. They check that community service offenders are observing the conditions laid down.

At any given time probation officers are carrying out the supervision of about 6,500 offenders sentenced to some form of probation and about 5,500 conditionally released prisoners. They are assisted in this work by just over 4,500 lay supervisors, that is, ordinary citizens who maintain a close and friendly contact with just over 40% of those under supervision. As well as the help they provide in the direct supervision of offenders, notably through common sense and everyday experience, they also contribute to public insight into work with offenders. Lay supervisors receive only a small fee for this help. Probation officers must have an academic or suitable professional qualification, e.g. in social work. On entry they undergo a three-weeks' introductory course followed by 14 weeks of study on specific aspects of prison and probation work. There is

no separate professional association of probation officers. Most belong to the professional organisation for academics.

The probation service does not provide financial or other assistance where this can be made available through the community's various welfare agencies and administrations in the same way as it is for ordinary citizens. For this reason the probation service collaborates with the social welfare services, the employment bureaus and different associations in that offenders can receive help with work or other occupation, treatment and treatment programmes, clearing up debt problems, etc. However, offenders can apply for a monetary grant of up to just over 350 Euros from a central fund if such a grant can be used for a purpose that reduces the risk of relapse into crime. Such grants are used, for example, to make possible improved leisure activities, or for buying a moped to enable transport to an anti-crime programme, etc. The probation service comments on applications for grant.

## **4 PROBATION IN DIFFERENT PHASES OF THE CRIMINAL PROCESS**

### **4.1 General**

The legislative basis for probation work in Sweden is described in Chapter 1. The essential sentencing requirement is that the offence must have a penal value that is not too high. Thus, for example, probation combined with community service up to 240 hours can be used with an offence having a penal value of at most one year's imprisonment. Probation with treatment (contract treatment) can be used with an offence carrying a penal value of up to two years' imprisonment. A further requirement is that probation supervision of the offender is deemed necessary.

**Table 1: Activities of probation during the different stages of criminal procedure**

	Pre-Trial Phase See: 4.2	Trial and Enforcement Phase See: 4.4	Post Release Phase See: 4.4
Preparing a Social Enquiry report	x		
Supervision/assistance to pre-trial detainees	x		
Supervising/organizing community service		x	
Supervising/organizing training or learning projects		x	x

Supervising etc. electronic monitoring		x	
Pre-sentence report	x		
Supervising etc. probation sanction		x	
Supervising etc. conditional release/parole			x

## **4.2 Pre-trial phase**

### **4.2.1 General**

The probation service is not empowered to intervene in an offender's life prior to the trial. Contact can, however, take place if, for example, the suspected person is remanded in custody and is under supervision as a result of an earlier sentence or, alternatively, is to be the subject of a pre-trial report. A pre-trial report can, of course, be requested for offenders who are not under remand and not previously clients of a particular probation office. In such cases these suspected persons are called to the probation office and, if necessary, can be fetched by the police. But they cannot be compelled to collaborate in the preparation of a pre-trial report. Refusal to collaborate is usually based on an assertion of innocence. The court must be informed of the refusal and the grounds for refusal to collaborate. The probation service, when asked for a pre-trial report, can contact the prosecutor on the likely sanction if there is a conviction. Contact can also be taken with a defence lawyer over essential facts concerning the accused that should be brought out in the pre-trial report. But it must be emphasised that a pre-trial report must never be written at the command or bidding of a prosecutor or defence lawyer. The probation service can arrange for a contact person to be appointed as a support for the suspected offender until the time for the trial. If later the suspect is sentenced to probation the contact person often continues as a lay supervisor. No other measures are open to the probation service during the pre-trial phase.

### **4.2.2 Pre-trial reports**

When it has been decided to undertake a prosecution the trial court can request a pre-trial report from the probation service. The probation service has access to the preliminary police investigation and the application to pursue the case that is made by the prosecutor. The pre-trial report is delivered to the court well in advance of the opening of the trial and copies are given to both the prosecution and defence. The pre-trial report is intended to assist the court in its choice of sanction and, for that reason, shall clearly state whether there is a need to impose supervision. The probation service may also suggest a sanction especially, for example, in a case where contract treatment is desirable to counteract a risk for relapse into crime.

In order to obtain the necessary information, accused persons are interviewed, contact is made with their personal referees and information is obtained as necessary from the social welfare services, social insurance bureaus and the national debt collection agency. This provides background knowledge to be obtained on financial aspects, eventual responsibilities for children, sick leave, etc. If there is already a supervisor appointed, he or she provides information on the progress of a prior supervision. When the pre-trial report is complete, the accused reads through it and takes part in correcting any errors. The accused may not, however, alter the parts that deal with a proposal on sanction, for example, that probation supervision is necessary to counteract relapse into crime.

Should the accused state that he or she would not co-operate with the probation service in the event of a sentence to probation, this is noted in the pre-trial report and can lead the court to impose a sanction of deprivation of liberty. On the other hand, if the penal value of the offence is high and there are grounds for thinking that the court might wish to impose a community sanction a well-ordered pre-trial plan can allow the court to make such a decision.

A pre-trial report covers the following areas: general background, occupational situation, accommodation, physical and mental health, use of leisure time and the suggestion concerning the sanction together with, if appropriate, the name of a likely supervisor and the referees contacted. No special form and no special assessment instruments are used in the preparation of the pre-trial report. The areas covered and, perhaps, emphasised are related to each particular offender and his alleged offence. The probation service can meet with the accused several times during the pre-trial period in order to supplement information, explain the trial procedure, appoint a contact support person or discuss the suggestion on sanction.

### **4.3 Trial and enforcement phase**

#### **4.3.1 General**

As a general rule activity is limited during the trial phase. Probation officers do not usually appear in court since information on the accused has previously been presented in writing. However, the accused, his or her defence lawyer or the court may request the presence of a probation officer during the trial for amplification of a written report. Presence in court is chiefly required when probation with contract treatment or community service is a likely sanction. As soon as the court has imposed a sanction requiring supervision or, in the case of a conditional sentence with community service, requiring the finding of a suitable work, the probation service is immediately involved in intensive activity as described below.

#### **4.3.2 Pre-sentence report**

No distinction can be made in Swedish practice between a pre-trial and a pre-sentence report. The former term is that in customary use. As mentioned above under 4.2.2 no special form and no special assessment instruments are used. The pre-trial report always indicates to the court whether one or other of the forms of probation supervision appears likely to reduce the risk of recidivism in the event of a conviction. Such an indication must be presented in concrete terms and explain why a particular form of supervision is recommended. Thus, for example, the pre-trial report may describe the need and possibility of voluntary treatment for alcohol or drug dependency or the support and assistance that may be given by other social welfare agencies, etc. Conversely, if it is considered that probation resources have been exhausted and that there is no realistic possibility of positive work following a conviction, this must be stated for the information of the court.

#### **4.3.3 Probation procedures and processes**

When the probation service becomes informed on a sentence to probation, a probation worker is designated who thereafter becomes responsible for dealing with the case. A sentence to probation always implies arranging for control and help. Probationers can always refuse help measures if they consider them too intrusive of personal integrity, but the control measures remain as long as supervision continues.

The designated probation worker (and the lay supervisor if there is one) is required to meet the probationer within one month in order to agree a plan of action. In this connection, the probation worker can have help of certain instruments - ASI (Addiction Severity Index) if this has been necessary in the report to the court, and otherwise when relevant. SARA (Spousal Assault Risk Assessment) and for those under 21 years ADAD (Alcohol Drug Addiction Diagnosis). On the basis of the information provided by these instruments and other factors, the probation worker can undertake motivation work, decide on contact frequency and the programme to be followed and, if this has not been done already, arrange for the appointment of a lay supervisor. The probation worker documents these matters in a case file and registers the planned programme activities in KVR (the computerised client implementation register).

The contact with the probationer shall be a personal meeting. Contact frequency is determined by a risk and needs assessment for the prevention of relapse into crime and shall not be less once each third week. During the first four months contact frequency should be more intensive and can vary between two to four meetings per month. Contact frequency can be each third week if the probability of relapse is low or if the probationer is in regular contact with the social welfare services, is already involved in some treatment programme, is involved in some form of comprehensive ambulant treatment or is an inmate of an institution. Other reasons for some relaxation of contact frequency include the demands made by studies, treatment for some form of mental disturbance or that such a disturbance itself makes frequent contact difficult.

If contact should require long journeys and no local lay supervisor has been appointed, half of the contact meetings may be undertaken per telephone. If it is considered necessary, home visits can be undertaken by the probation service but for security reasons one worker alone may not undertake such visits. Home visits are, therefore, staff intensive and for this reason are now used less frequently. When the court finds it necessary to order supervision, the probationer must be offered participation in a programme designed to reduce the risk for relapse into crime or drug misuse. The court may issue an order on such a programme or, alternatively, the probation service may, in accordance with Chapter 26, Section 15 of the Penal Code, take an interim decision on participation in such a programme or other form of treatment. A supervision board subsequently takes a final decision on these matters.

Conditionally released prisoners have already been the subjects of post-release activity planning undertaken in collaboration with the probation service. Following release some revision of the plan may be necessary. If treatment measures broadly understood are no longer necessary or if the released person is not motivated to take part in them, contact with the probation service becomes essentially a control measure as required by Chapter 27, Section 14 of the Penal

Code. The main difference between probationers and conditionally released prisoners is that the latter are presumed to have participated in some form of anti-crime programme during detention and the probation service needs only to follow up and supplement such activity after release. The probation service organizes contact with any necessary social welfare body that can satisfy a treatment need. The prison and probation branches shall not undertake treatment activities that can be provided by other authorities.

An offender who fails to keep the agreed contact frequency, misuses drugs or in some other way has an irregular situation is considered to be in breach of conditions. If the breach is not serious it can be dealt with by reminding the offender of the supervision requirements. More serious breaches are reported to the supervision board within two weeks of the breach. The board then decides on the best way of dealing with the breach.

The probation service can organise its activities according to the needs of the offenders. Some regions have become specialised in organising community service or intensive supervision with electronic monitoring whilst other regions have become specialised in dealing with offenders under regular probation or conditionally released prisoners.

The special programmes that are offered to those under supervision have been approved and accredited by an expert panel. These programmes include, for example, OTO (One-to-One), BSF (Crime, discussion, change), IDAP (Integrated Domestic Abuse Programme), PRISM (Programme for Individual Substance Misuse), ETS (Enhanced Thinking Skills), Cognitive Skills, VINN (Discussions for Women) and Parents' Study Groups. Motivational interviewing is a method that is used primarily with individual offenders but is also used in groups. The probation worker decides on the programme activities that are best suited to individual offenders and recommends them in the report to the court so that they may include as conditions in the sentenced. The central administration decides which programmes may be arranged by individual probation regions and allocates funds accordingly for each financial year. All programmes are based on the theoretical principles of "What Works?"

The only time an offender sentenced to probation is deprived of liberty is when there is a condition of residential treatment<sup>4</sup>. Other conditions are also laid down. The probation service is required to maintain contact with the offender during treatment and ensure that the residential treatment is followed according to the contract that has been drawn up between the court, the offender and the treatment body. On occasion it may be necessary to change the treatment body. When the treatment is concluded, the probation service continues supervision until the end of the supervision period. The supervision period with contract treatment can be longer than the customary 12 months in order to provide a sufficient follow-up and help offenders to adjust to their home environment. The probation service is also responsible for assessing whether a prisoner shall be allowed work release from prison with electronic monitoring or residence in a halfway house. To date the system with halfway houses is not widespread and is only available in the larger cities. In each probation office one person has a

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<sup>4</sup> The Penal Code provides that probation can be combined with a sentence to imprisonment for up to three months. This provision is used in only a small number of cases.

designated responsibility for leading treatment board planning and approving planned offender programme activities. This person may be a probation worker with responsibility for both staff and financial matters, but may also be a probation worker with specialised knowledge of programme activities. The overriding responsibility for ensuring that probation work is carried out in accordance with law, ordinances and circular instructions lies with the regional law officers who are always trained jurists.

## **5 FINANCES, REGISTRATION, EVALUATION AND OUTSIDE OPINION**

### **5.1 Finances**

As described earlier, the Swedish Prison and Probation Service is a single agency. It is funded solely by central government via the Ministry of Justice. Each year the Prison and Probation Service submits its budgetary requests to the Ministry, listing them under a variety of operational headings. These headings constitute the framework to be observed for the spending of allocated money. Subsequently the central administration allocates the sums granted to the local prison and probation administrations using the same framework. Within each framework heading, the central administration and the local administrations have discretion on how to use the money received.

The following overview of the total expenditure for the prison and probation services respectively includes a wide variety of costs. Thus, for the prison service, in addition to the direct costs of containing and caring for prisoners, there are costs for their transport and transfer, services provided by external organisations and authorities, equipment written off and renovated, building maintenance, renovation and construction, etc. Similarly, the expenditure for the probation service also includes payments to lay supervisors, for special activities, and services provided by external organisation and authorities. For both services staff salaries are a major proportion of expenditure.

So far as numbers of offenders dealt with are concerned it should be noted that the figure for prisons includes both remanded and sentenced prisoners. Similarly the figure for the probation service includes offenders under probation supervision, those sentenced to imprisonment but serving the sentence in the community under intensive supervision with electronic monitoring, prisoners released under intensive supervision with electronic motoring before the date for automatic conditional release and those released on the due date for conditional release.

**Table 2: overview of expenditure for 2005 (costs are shown in Euros)**

	Prison	Probation
Total expenditure (Euros)	314 923 000	80 140 000
Of which staff costs	187 564 000	51 159 000
Number of staff*	7 600	1 000
Daily average number of offenders under supervision	6 385	13 366

Average cost per day and offender	369 <sup>5</sup>	16
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*\* Because of overlapping prison and probation tasks it is not possible to make a simple dichotomy of staff categories. The figures given here represent approximations.*

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<sup>5</sup> Includes the daily average cost for remanded and sentenced prisoners but excludes the cost of prisoners – mostly drug misusing prisoners – who are allowed to reside away from the prison at special treatment centres at a cost of 157 Euros per day and prisoner.

## **5.2 Accounting**

There is a strong emphasis on knowing how budgetary allocations are spent and with what result. The annual budgetary request must also contain an account of how the previous year's allocations have been spent and, where applicable, a report on the results obtained. Thus, measurable performance criteria are set up each year for a number of budgetary headings. In addition, any given year's budgetary requests must also include estimates of the future demands that will be made on the prison and probation services over the following three years, notably in terms of the number and nature of the offenders that must be dealt with. In this context account must also be taken of legislative changes that have consequences for the operation of the prison and probation systems, developmental work – especially that relating to working methods and the raising of staff competence and the construction and renovation of prison buildings.

Budgetary control at all levels is strict and if allocations are exceeded there is a considerable risk that the allocations for the next year will be reduced by the amount exceeded in the previous year. An independent unit within the central administration is responsible for an internal audit of the Prison and Probations Service finances. Further independent auditing is undertaken at governmental level to examine financial matters at ministerial level. The findings resulting from these audits can have consequences – both positive and negative - for subsequent budgetary requests.

The Prison and Probation Service (PPS) receives a statement each year from central government of the budgetary resources granted. The central administration of PPS in its turn decides how these financial resources shall be allocated to the six regions into which Sweden is divided. The sums allocated are based on the activities to be undertaken. The results of these activities have to be reported to central government at the end of the financial year. Regional management then decides on the allocations to be made in respect of these activities, including, where relevant, those that relate to probation work. Local PPS chiefs make up a budget for the work that the probation service is expected to carry out in the current financial year. This budget will include, for example, estimated costs for a variety of programmes, payments to lay supervisors and staff engaged in the new project on probation service co-ordination of sentence implementation planning (FRISOP – Frivården som Samordnare av VerkställighetsPlanering), pre-sentence inquiries, etc.

Probation activities and their accompanying financial allocations are registered in the computer-based follow-up programme used for all PPS work (EBBE systemet). Tasks and results are fed in monthly to this programme and analyses conducted each fourth month. These analyses provide a basis for considering whether some reduction of an activity should take place in order to remain within the allocated resources or, alternatively, that some expansion of the activity is possible. By the time that the eight-month's analyses are undertaken early in September it is clear whether the totality of activities will have been conducted within the financial framework for the year. Should this not be the case it is necessary to decide where savings can be made by some diminution of certain activities.

### **5.3 Registration systems and evaluation procedures**

The EBBE computerised system for following up activities has been described in the previous section. Other computerised systems in use are as follows:

Information on all probationers and prisoners is contained in KVR (Client RegisterSystem). This information is comprehensive and includes, for example, the written sentence of the court, special conditions or requirements and the implementation plan.

The entries made in individual case files are registered in the KLAS system. This register is divided into sub-systems for remand prisons, ordinary prisons and probation. It constitutes the tool for the day-to-day recording of conduct and decisions on probationers and prisoners. The information recorded in this system includes, for example, reports on breaches of conditions and disciplinary offences together with resulting decisions, leaves and other forms of temporary release from the prisons, etc. Comprehensive instructions exist on the content and ways of entering case file information.

FRAS is the probation service administrative register system. It allows information to be extracted on such matters as cases per probation worker, pre-sentence inquiries requested and produced in total or per probation worker, the proportion of lay supervisors per probation district (the aim being at least 50%) and per probation worker/case. This register is especially useful in providing an overview of the working of probation. Problems and difficulties can be discerned and dealt with and support given to the individual probation worker. However, FRAS will cease to exist in the near future and its information will instead be incorporated in KLAS. The two systems are not compatible and at present double entries have to be made.

Strict control is exercised on who may go into these systems and employees do not automatically have that right. Furthermore, a probation worker does not have the right to go into the KLAS/REMAND register, for example, unless there are special reasons for doing so. Nor can a probation worker extract information on offenders unless that they are registered as belonging to the worker's probation office. In order that the probation service is informed about offenders in prison, persons with authorisation in the prison system must provide a probation worker with information of mutual interest. These and other restrictions are designed to ensure that while information of mutual interest circulates among authorised employees, the offenders in the prison and probation services are not "visible" to everyone.

Local prison and probation chiefs decide which persons shall be authorised to use the databases and the authorisation is thereafter given effect by the central administration providing an electronic signature for those authorised. Authorisations can be modified with, for example, changes of work posts. The authorisations also specify the nature of use permitted – extracting information only, working with registered information or – highest and limited priority - entering data in the system.

It will be apparent from the foregoing that computerised information on the offenders in the prison and probation services is comprehensive and subject to

detailed regulation. Some older employees find it difficult to utilise the various register systems but this situation is steadily improving.

A certain number of employees are authorised to enter two external information systems. The MR register (MisstänkteRegister) contains information on persons suspected but not prosecuted. The BR register (BelastningsRegister) contains information on previous criminality, pre-sentence inquiries by probation district and sentences to fines, probation or prison. BR is useful when a new pre-sentence inquiry is called for by a court and allows any new information to be speedily added to what is often a large volume of registered prior information. The BR register also contains information on whether an offender has been forbidden to make contact with a victim and the period for the prohibition.

There are extremely strict regulations concerning the use of BR. The National Police Board is, however, empowered to allow entry into BR to check on the possible criminal backgrounds of new employees of the prison and probation services. The person making the enquiry must fully document every entry into the register together with the reasons for the entry. The strict regulations are designed to prevent checking on friends or neighbours

#### **5.4 Societal support and clients' views**

No surveys have been made on the perceptions of the general public of probation work, nor have any studies been made of client views. However, the fact that the probation service has been given a new responsibility – the co-ordination of all prison and probation planning for the implementation of help and control - as from January 2007 strongly suggests political approval of its work. The Prison and Probation Service (PPS) maintains a web site ([kriminalvarden.se](http://kriminalvarden.se)) that provides extensive information – much of it in English - on all service activities. An internal journal, "Round PPS", (*Runtikrim*) is sent to all employees and lay supervisors. The PPS Information Unit provides information to journalists and the general public and responds to inquiries. No general promotional activities are undertaken but recruitment advertisements contain brief general and specific information on PPS work.

#### **6 PROBATION CLIENTS' RIGHTS**

All Swedish citizens enjoy a number of rights as a protection against unfair or other improper treatment. Administrations and agencies are required, for example, to provide information on appeal possibilities when a formal decision is transmitted to a citizen. Anyone may make a complaint to the Justice Ombudsman about breach of any law or any improper treatment. Probation clients – even if they are not Swedish citizens - are not excluded from these rights. In addition, probation clients have certain other rights that are related to their specific situation. Thus they can request annually, free of charge, up to 10 pages of a copy of their individual case information as registered in KLAS; extra pages must be paid for. Before this information is given to a client it is scrutinised in order to obliterate information that might be damaging to any

third party. PPS circular instructions are also freely available. Probation clients can appeal against decisions that concern them to a local supervision board that is always headed by a judge.

A probation client brought before a supervision board by reason of suspected misconduct has the right to representation by an advocate at public expense. Interpretation is provided for clients who do not understand Swedish when informing them about their rights and obligations, at meetings with advocates, at court hearings, etc. (Because of the distances involved telephone interpretation must sometimes be used when no local interpreter is available). When an alien probation client is deprived of liberty because of suspected new crime the relevant embassy must be immediately informed if the client so wishes. The client can also receive visits from an embassy official even if the period of deprivation of liberty is short. The client has also the right to be visited by a priest, rabbi, imam or other spiritual leader.

## **7 NEW DEVELOPMENTS**

As mentioned earlier the probation service has a new and important responsibility as of January 2007 (see reference to FRISOP in section 5.2). New regulations require the probation service to co-ordinate all planning for sentence implementation that is related to facilitating a law-abiding adjustment in the community. This extension of responsibility is especially relevant to sentence planning for prisoners. Both remand and ordinary prison staff must involve probation staff and exchange information on background and eventual treatment measures before any finalised plan is drawn up during time on remand or the serving of a prison sentence.

In addition to co-ordinating the planning of sentence implementation, the probation service is required to vigorously review all plans made for prisoners, probationers and parolees with a view to ascertaining the need for modification. Risk assessment and risk management become therewith important aspects of this work. It implies that older and more static assessments of risk are replaced by dynamic assessments that take account of changes in the situation of prisoners, probationers and parolees and the implications of any such changes for counteracting any risks that may arise. Rigorous follow-ups make it possible to see more clearly not only what measures are needed but also those that have become unnecessary. This new development in the work of the probation service is so comprehensive that it cannot be undertaken immediately nationwide. In consequence it is being introduced gradually – a procedure that will also allow successive improvement in carrying out this reform by learning from mistakes and weaknesses.

## **8 IMPORTANT PUBLICATIONS**

*Från anstalt till frihet (From prison to freedom, with English summary)*,  
National Council for Crime Prevention (Brottsförebygganderådet), Stockholm,  
2003

*Ett steg på väg mot frihet (A step on the road to freedom, also available in English)*, National Council for Crime Prevention (Brottsförebygganderådet), Stockholm, 2004

*Samhällstjänst (Community Service)*, National Council for Crime Prevention (Brottsförebygganderådet), Stockholm, 2003:03

*KRIS: en kartläggning (CRIS – Criminals Return into Society: a survey of the activities of an association of ex-prisoners who provide help to newly released prisoners)*, National Council for Crime Prevention (Brottsförebygganderådet), Stockholm, 2003:07

*Återfall i brott (Relapse into crime, with English Summary)*, National Council for Crime Prevention (Brottsförebygganderådet), Stockholm, 2004:01  
These and other reports can be downloaded from the National Council's website (contains an English section) [www.bra.se](http://www.bra.se)

J. Gustavsson, *Klienterna, frivården och samhället (Clients, the probation service and the community)*, Swedish Prison and Probation Service, 2004, Norrköping, 2004

*The Swedish System of Sanctions* (some details no longer correct but a good general overview) Swedish Prison and Probation Service, Norrköping

Basic facts: information about the Prison and Probation Service, Swedish Prison and Probation Service, Norrköping 2006

These and other reports can be downloaded from the Prison and Probation Service website [www.kvv.se](http://www.kvv.se) (certain other documents are available in Arabic, English, Finnish, Persian, Russian and Serbo- Croatian)).

Improving the implementation of the European Rules on Community Sanctions and Measures (also available in French), Council of Europe Publishing, Strasbourg, 2002

R. Canton, *Probation and the Tragedy of Punishment*, 2007, Howard Journal, Vol. 46, No. 2

## **9 CONTACT DETAILS**

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Swedish Prison & Probation Administration Information Unit  
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Criminal statistics in general  
Brottsförebyggande rådet  
Box 1386  
S-111 93 Stockholm  
Sweden  
Tel: (46) 08-401 87 00  
Fax: (46) 08-228 364  
brottsforebygganderadet.se

**Client organisation**

**KRIS (Criminals Return In Society):** An organisation of ex-prisoners to provide practical support to conditionally released prisoners from the moment they leave prison.

KRIS  
Box 9230  
S-102 73 Stockholm  
Sweden  
Tel: (46) 08-615 1920  
: www.kris.a.se

## ANNEX 1

### 1 Input offender statistics

**Table 1.1 annual number of offenders starting the various sanctions for the respective years**

	2003	2004	2005
Total number of probation cases	6 797	6 664	6 611
of which with community service order	947	1 046	1 042
of which contract treatment order	1 332	1 368	1 372
Conditional sentence with CSO*	3 645	3 236	3 379
Intensive supervision with electronic monitoring**	2 312	2 684	2 886
Imprisonment	10 721	11 543	10 656
Conditional release cases	5 763	5 705	6 067

\* No supervision. Probation service finds suitable work, monitors for satisfactory performance.

\*\* Alternative to an imprisonment for up to six months

### 2 Average offender population statistics

**Table 2.1 Average populations on 1 October**

	2003	2004	2005
Total number of probation cases	7 653	7 626	7 266
of which with community service order	1 199	1 230	1 179
of which contract treatment order	1 216	1 236	1 268
Conditional sentence with CSO*	778	766	783
Intensive supervision with electronic monitoring**	252	291	313
Imprisonment	10 721	11 543	10 656
Conditional release cases	4 656	4 758	4 980

\* No supervision. Probation service finds suitable work, monitors for satisfactory performance

\*\* Alternative to an imprisonment for up to six months

#### 2.1 Offenders attending special programmes

It is impossible to provide meaningful statistics since different programmes are undertaken for varying periods at varying times of the year with a varying

number of offenders entering, dropping-out from and completing such programmes.

Assessment tools are i.e.

- SARA( Spousal Assault Risk Assessment). The content is the following:
  - Demographic information (name, education, work, age at first prosecution, first violent crime, first violence against spouse, number of different prosecutions)
  - Criminal background(violence against, family, known and unknown people, misconduct at leave from prison)
  - Psychosocial adaption(problems with work/relations, drug abuse, as a child witness to spousal assault, thoughts of suicide, attempted suicide, psychotic or manic symptom, mental disorder)
  - Earlier spousal violence(physical/sexual violence, use of weapons, increased frequency, minimizing violence, attitudes supporting spousal violence, breach of visiting order)
- Actual criminality. The different factors are given 0,1 or 2 points depending on severity. Some factors are given more weight like witnessing violence as a child or breach of visiting order.
- ASI (Addiction Severity Index.) The content is the following:
  - Demographic information
  - Housing facts
  - Physical and Mental Health
  - Occupation
  - Relatives problems with criminality or alcohol/drug abuse
  - Criminality
  - Alcohol/drug abuse

The client has to judge how much problems on a scale he has in different fields and also how much need for help he has in these fields. If there is a big difference between the two it is interpreted that the client has little insight in his problems and needs motivation to change before it is meaningful to hope for big changes during probation. If probation is suggested to the court the content would probably be motivation work to minimize the risk of reoffending

**Table 2.2 Immigrants starting probation or conditional release supervision\***

	<b>2003</b>	<b>2004</b>	<b>2005</b>
Probation supervision	775	777	686
Conditional release supervision	971	1 006	963

\*About 60 different nationalities are represented in these figures.

### **3 Staffing statistics**

Routine statistics of the different categories of staff relate to prison and probation staff combined. In consequence no breakdown of all staff engaged in probation work can be given. The number of probation officers engaged in probation service tasks is estimated to be about 1 000.