



Managing and reducing the prison population - Nordic experiences

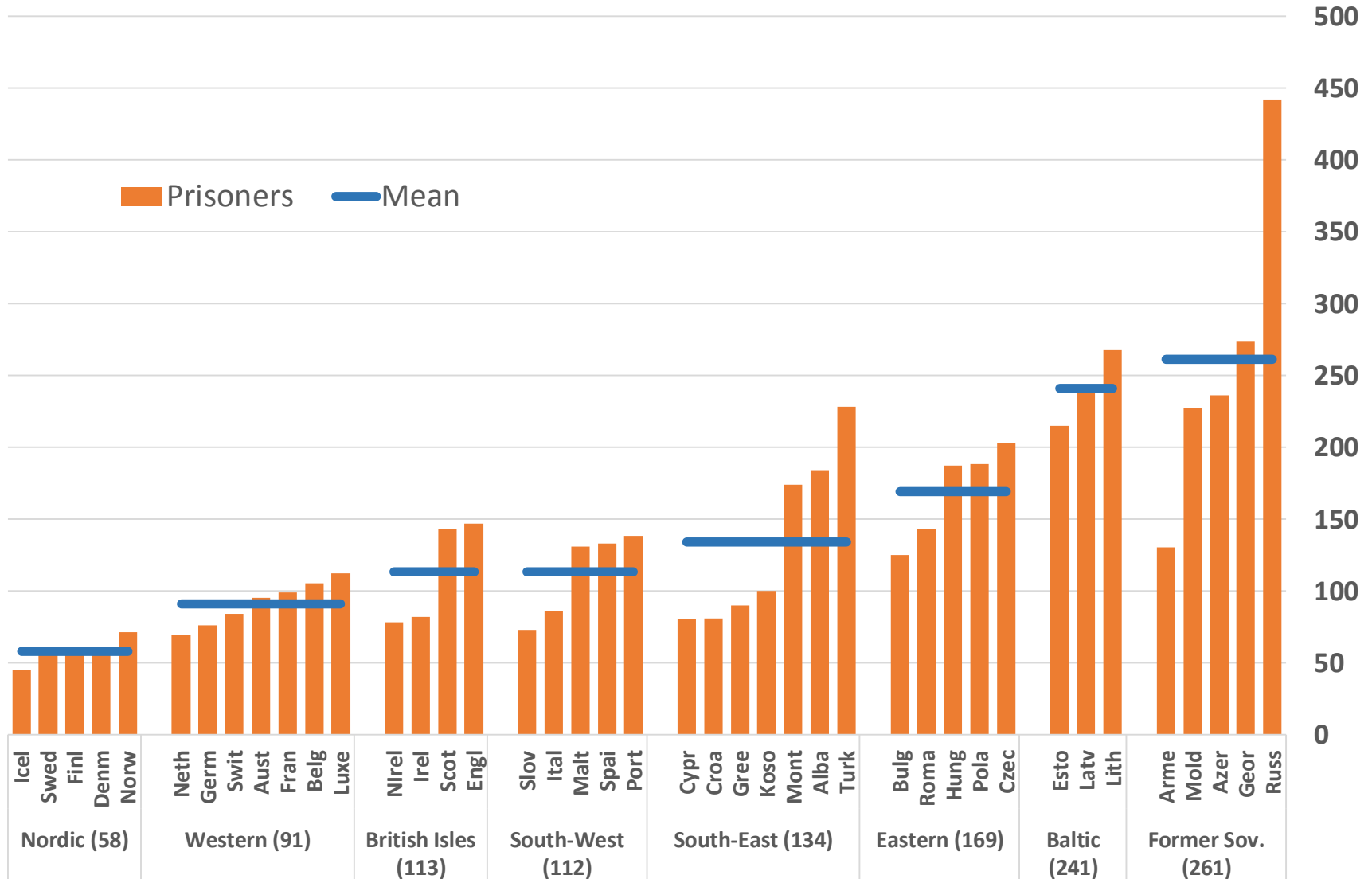
HIGH LEVEL CONFERENCE "RESPONSES TO PRISON OVERCROWDING"

Strasbourg 24-25 April 2019

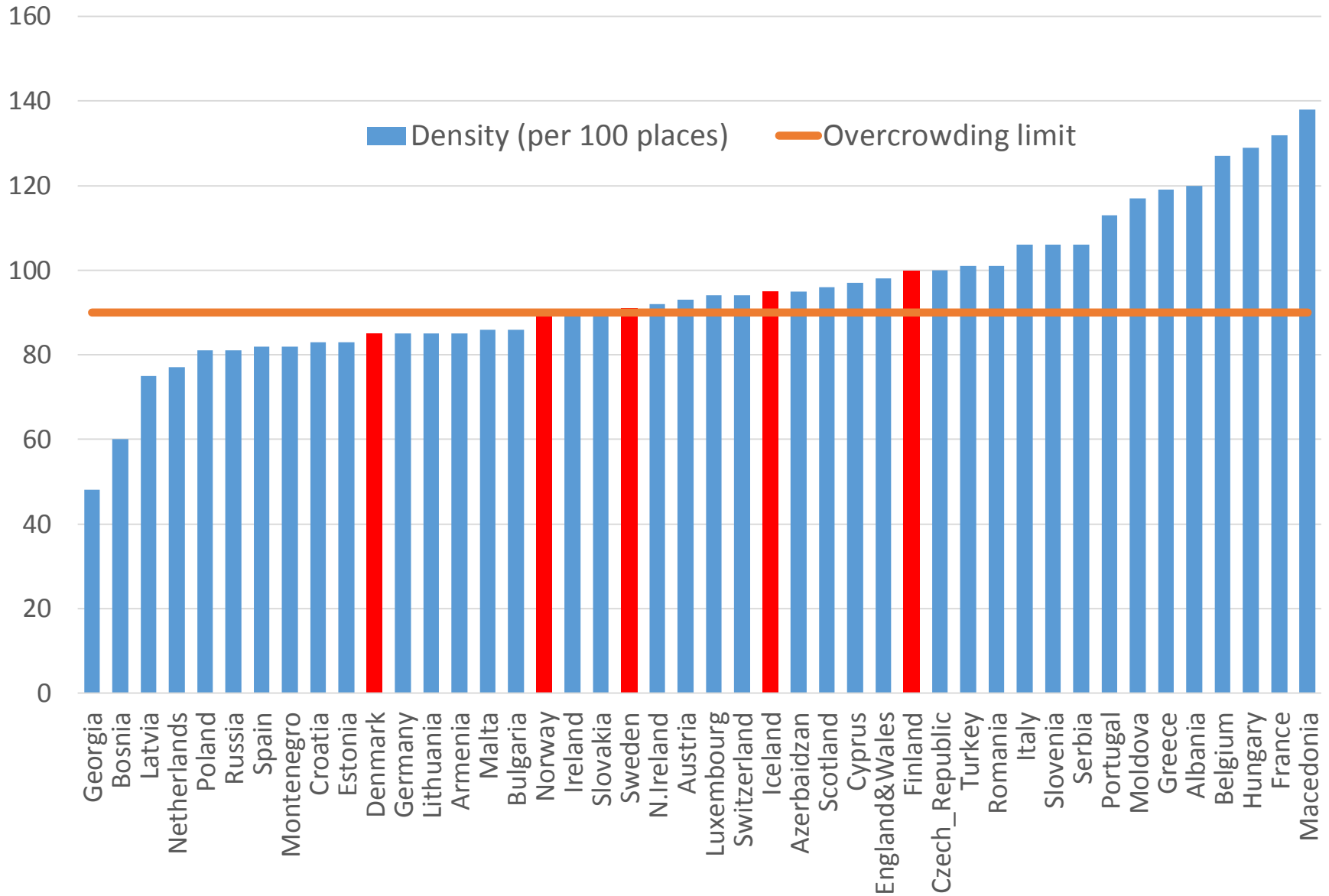
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Imprisonment rates in Europe by regions 2016

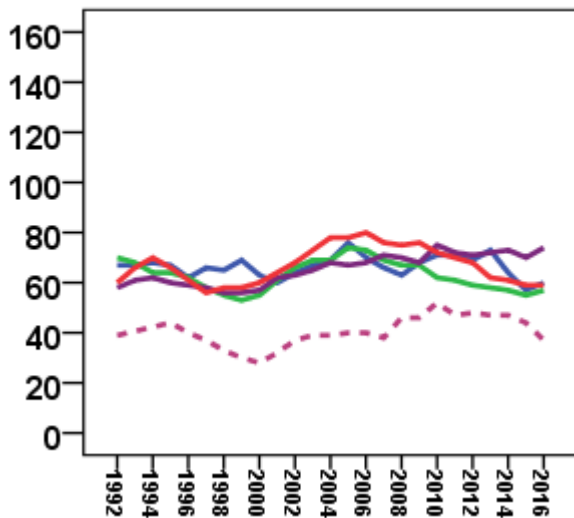


Prison density 2015 (prisoners per 100 places)

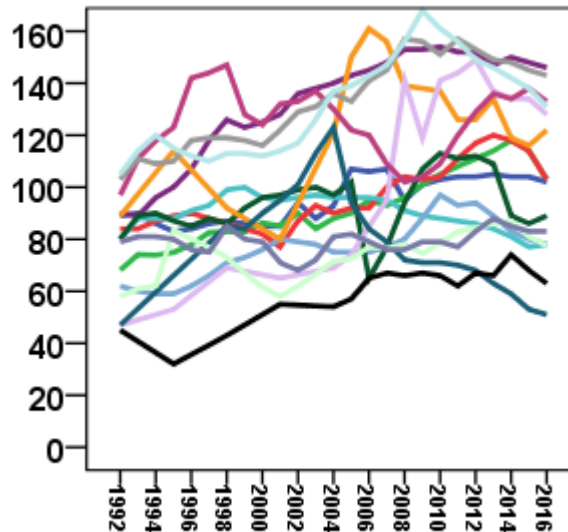


Prison population rates in Europe by regions and countries 1992-2016

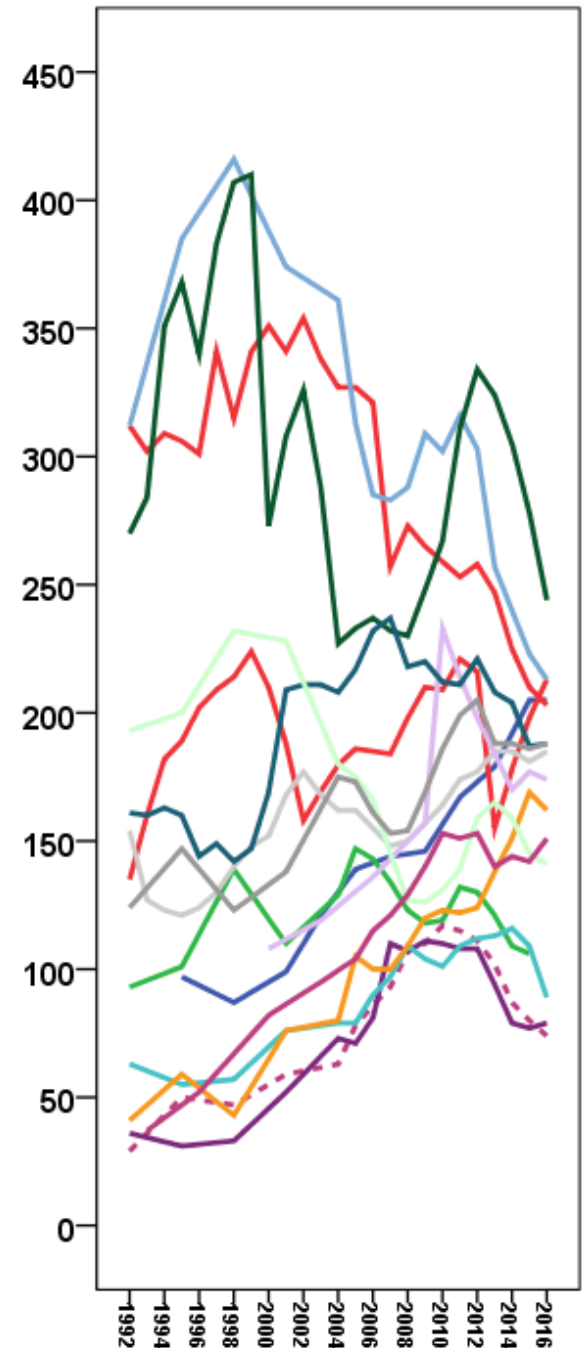
Nordic countries



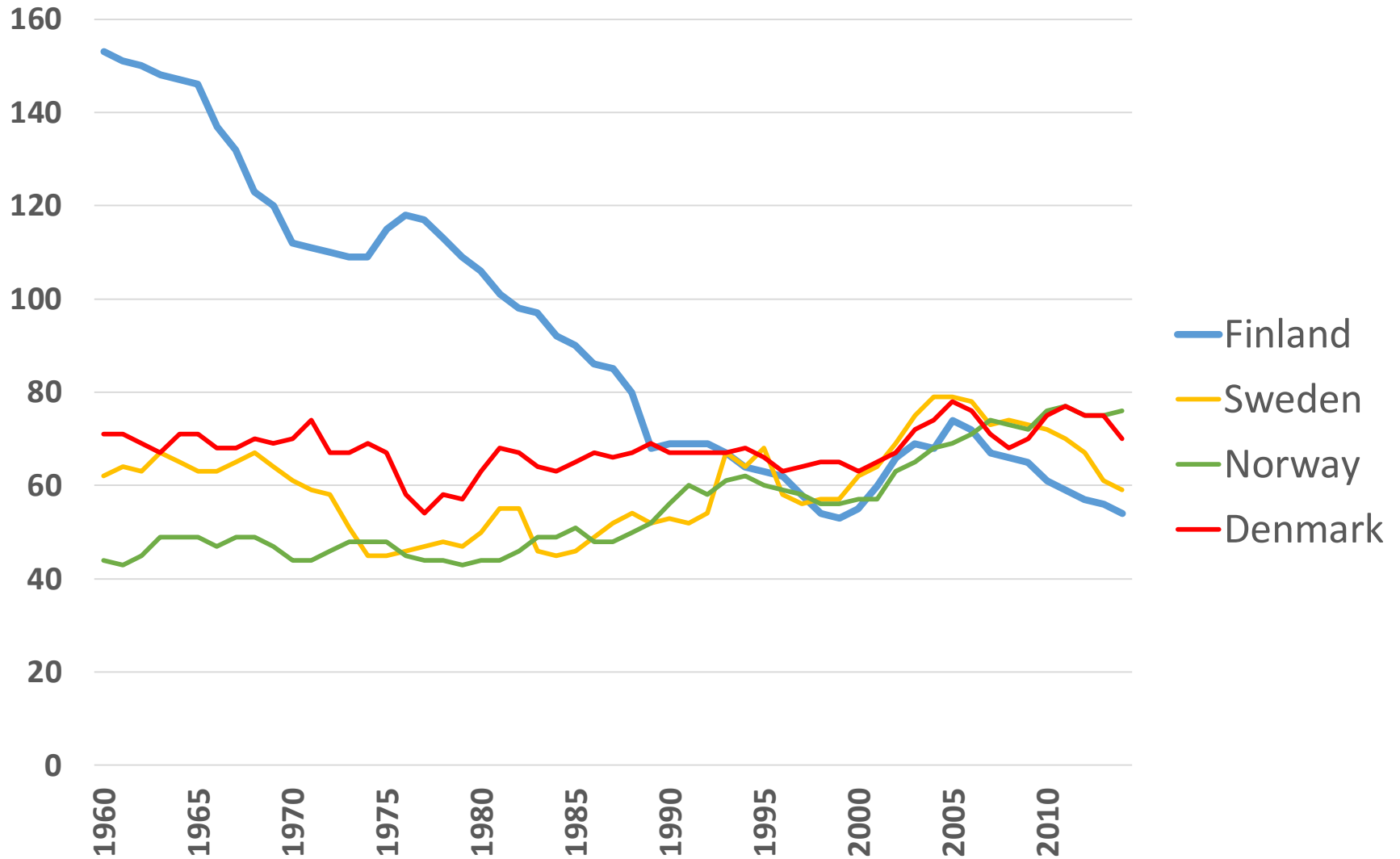
Western Europe



Eastern Europe



Long-term decline of Finnish prison population



PRISON REDUCTION IN FINLAND

Reform-principles 1970s->

LEGAL SAFEGUARDS

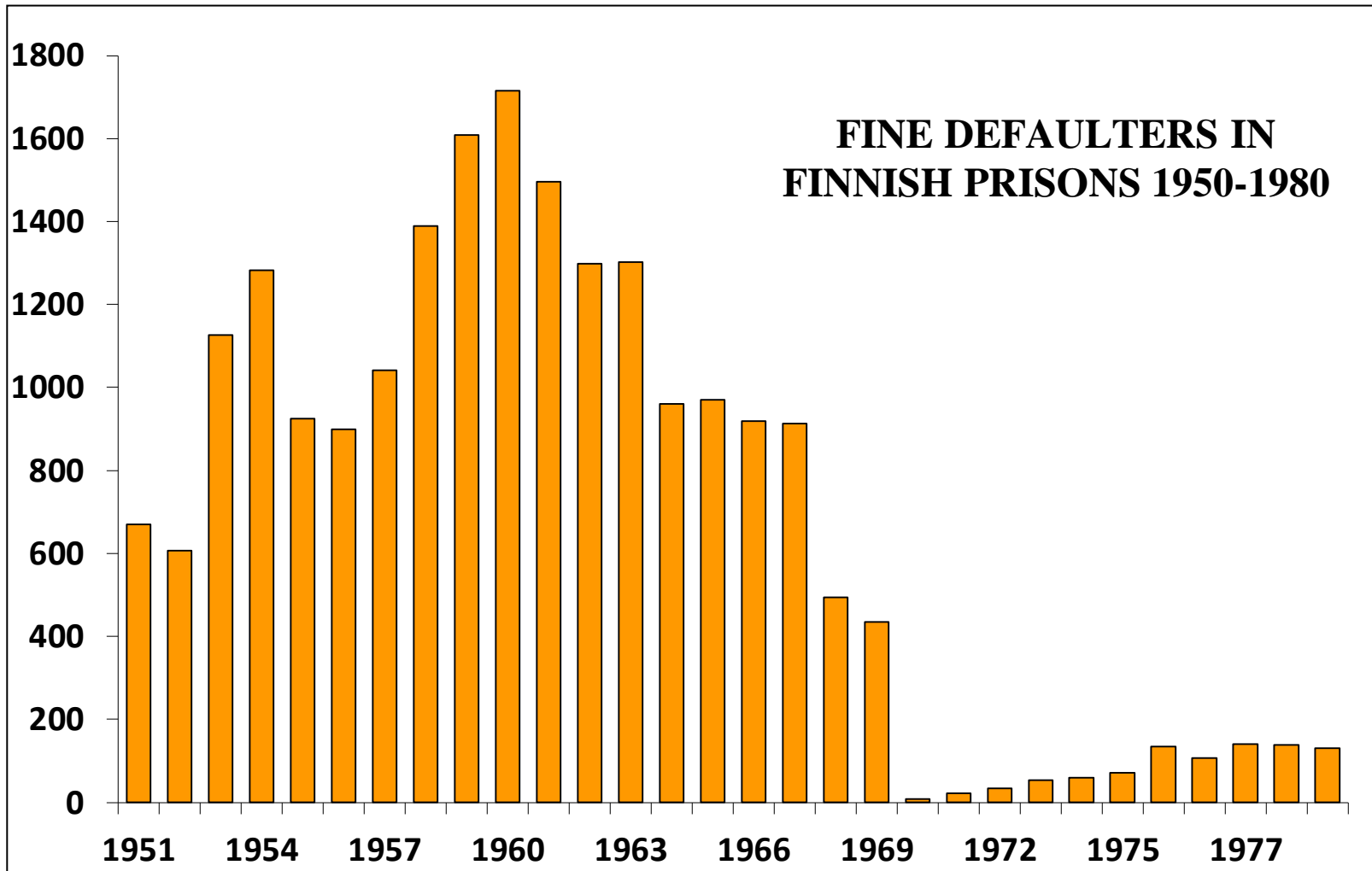
HUMANIZATION OF PRISON CONDITIONS

REDUCING THE USE OF CUSTODIAL SANCTIONS

Questions asked for the Finns: Which groups...

- ...don't belong in the prison in the first place
 - Fine defaulters
- ...are over-presented and create the overcrowding problem
 - Small property offenders and drunk drivers
- ...stay in the prison too long
 - Persistent property offenders
- ...the prison harms the most
 - Juveniles

Reducing the use of default imprisonment for unpaid fines

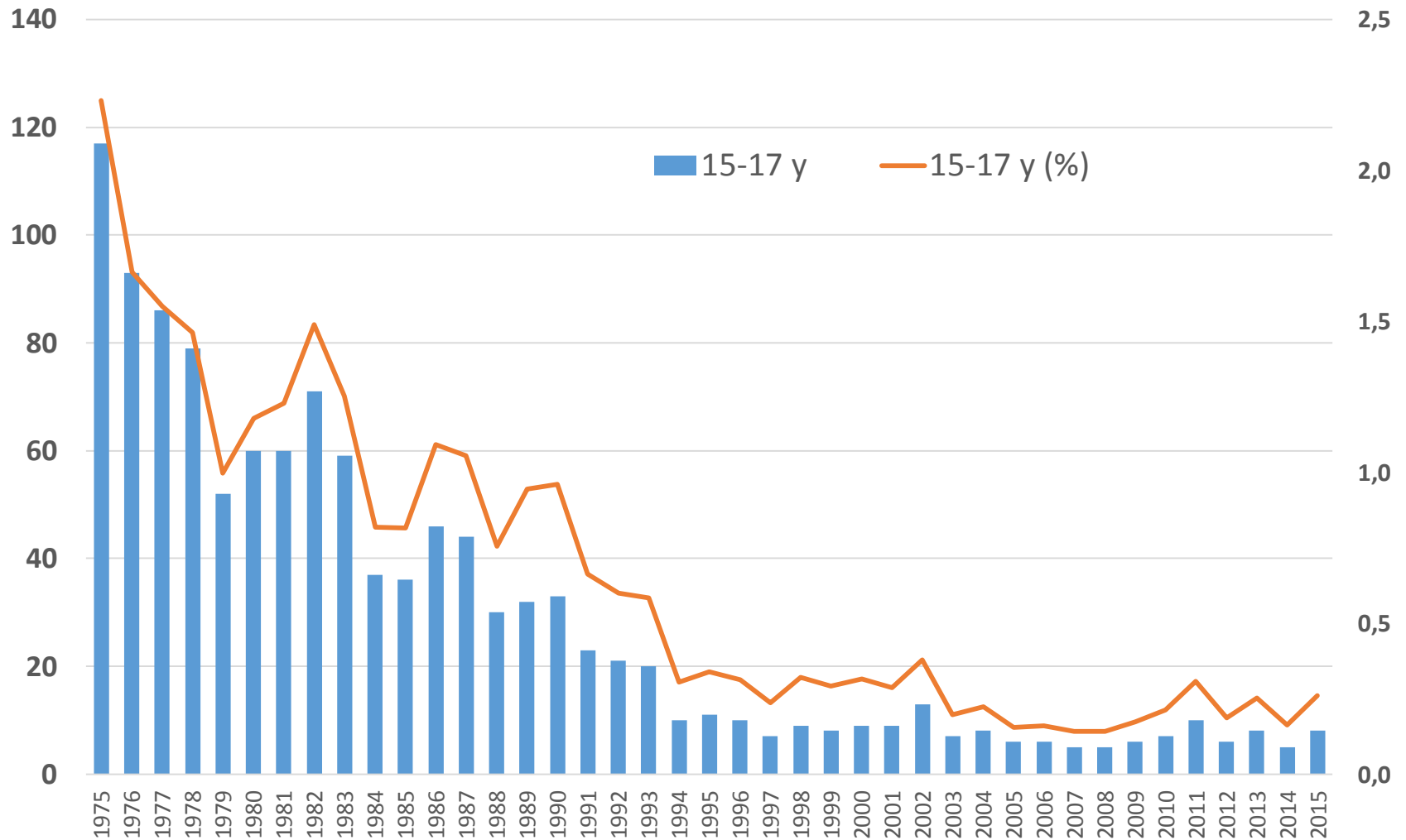


Restricting the use of preventive detention to high risk serious violent offenders



Reducing the number of juvenile-prisoners

Prisoners aged 15-17 years, 1975-2015 (n and %)



Depenalizations and sanction reforms

Specific offenses (depenalizations)

1. Reducing penalties for theft
 2. Reducing penalties for drunken driving
- > The number of drunk-drivers and property offenders in prisons reduced by 75 %

Supporting sanction reforms at the same time

1. Reducing the role of recidivism in sentencing
2. Increasing the monetary value of dayfines
3. Expanding the application of conditional imprisonment
4. Expanding the application of early release

Lessons

- > Sentence-changes in high-volume offenses are crucial
- > Co-ordinated reform packages give good results
- > Early release is a powerful tool

KEEPING THE RATES
LOW AND STABLE IN THE
NORDIC COUNTRIES

Keeping the rates low and stable: General features

1. Shorter prison sentences
2. Extensive use of fines (the dayfine system)
3. Extensive use of conditional imprisonment
4. Effective adoption on new alternatives (Community service and Electronic monitoring)
5. Routine based application of conditional and early release programs
6. Less "secondary imprisonment". Flexible revocation rules with community sanctions and conditional release
7. Structured sentencing discretion with the stress on "imprisonment as a last resort"
8. Youth justice operates mainly under the child welfare
9. Wide use of open prisons

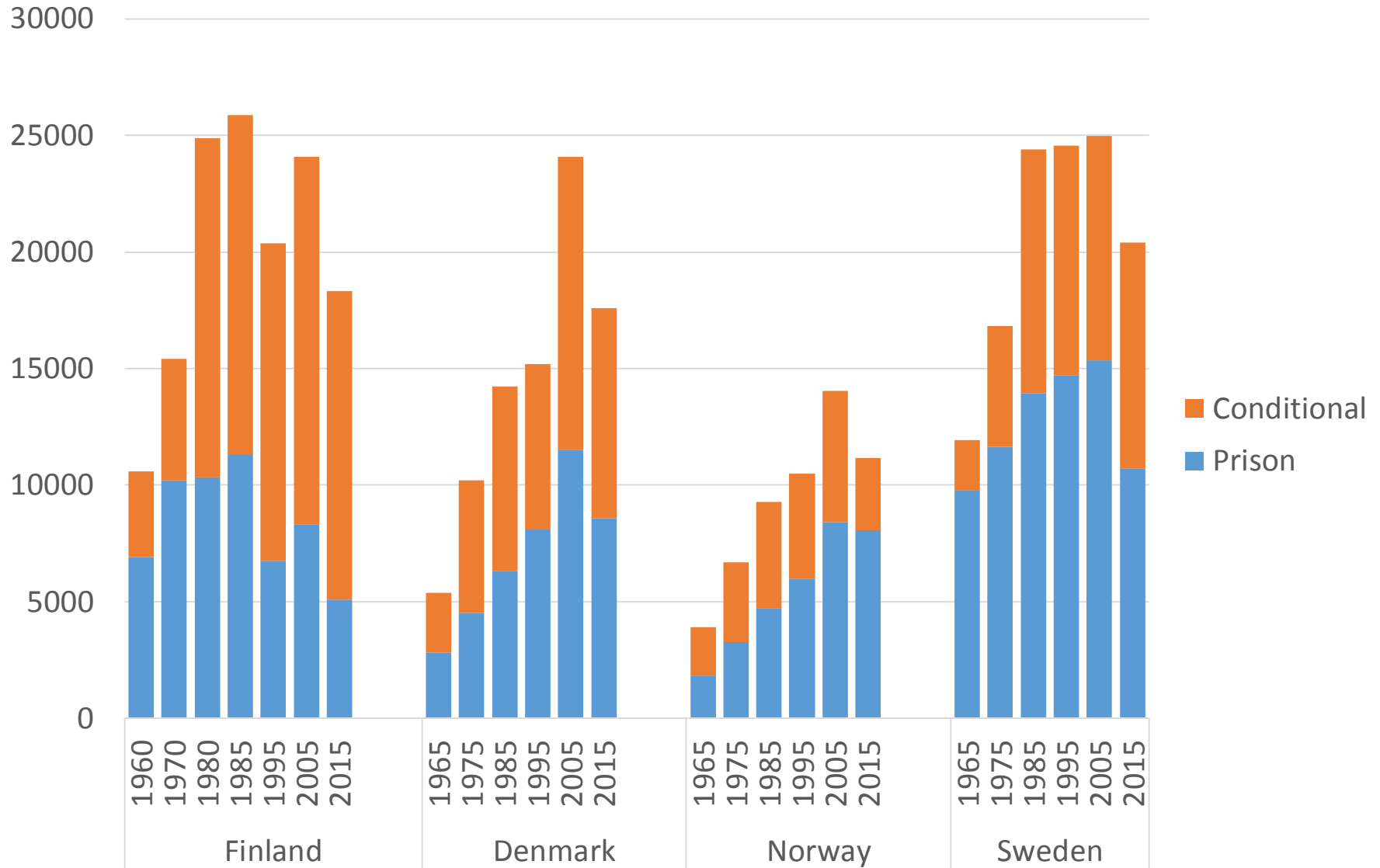
DAYFINES

- Principal penalty in the Nordics, also for middle-rank offenses
- Share of court imposed penalties
 - 50-70 % (Denmark, Finland, Sweden)
- Advantages of the Dayfine system
 - Differentiation between petty-fines and "heavy" fines
 - Fairness and legitimacy
 - "Managability" as a policy device
- Risks and problems
 - The problem of default penalties

Conditional imprisonment

- Traditional key-alternative to prison from the early 1900s
- Expanded application from the 1960s onwards
- Today: In average around 50 % of prison sentences are imposed conditionally
- Different combinations in use in different countries

Conditional and unconditional prison sentences 1960-2015 - absolute figures



Promoting the role of conditional imprisonment as a substitute for prison

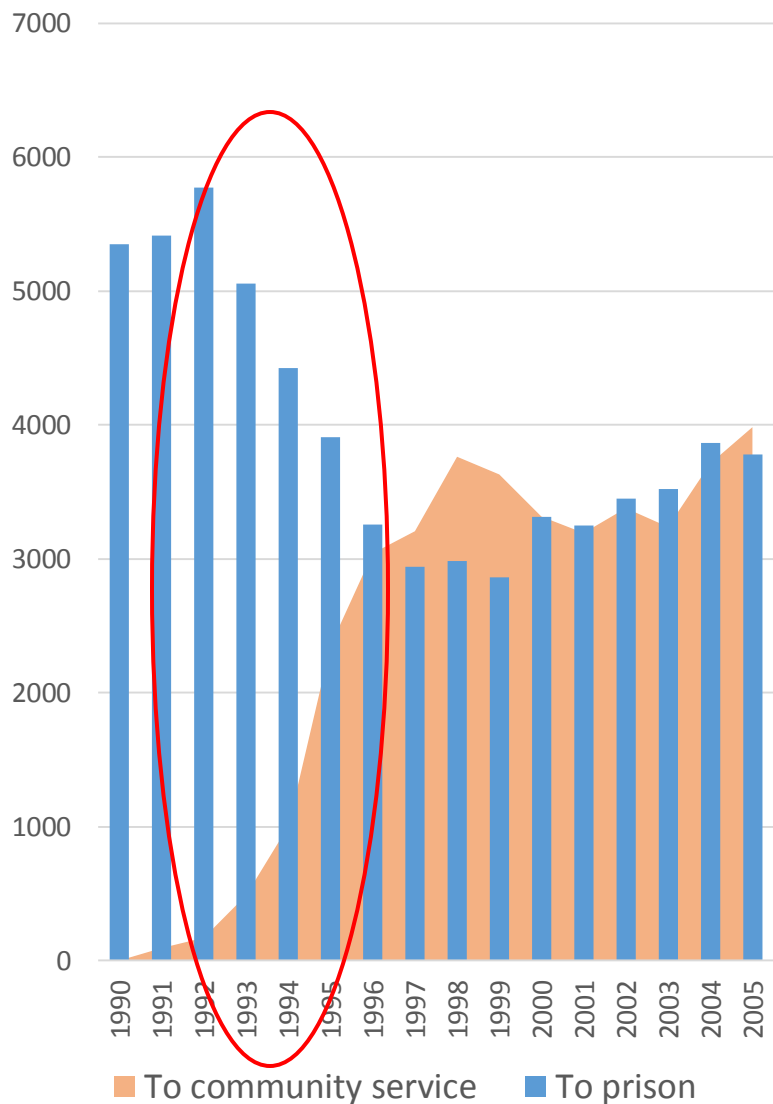
- Give a clear warning with strong symbolic message:
 - Declare the punishment but postpone only the enforcement
 - Name the punishment as Conditional **imprisonment** (not "Suspended sentence")
- Provide flexibility and possibilities for social reintegration by combining different elements (including program work)
- Reserve the sanction a clear position among the other sanctions with a general guidance to reserve prison only as a last option after all others
- Avoid "secondary imprisonment" and use warnings etc. in case of licence-breaches

NEW ALTERNATIVES: COMMUNITY SERVICE (1990S->)

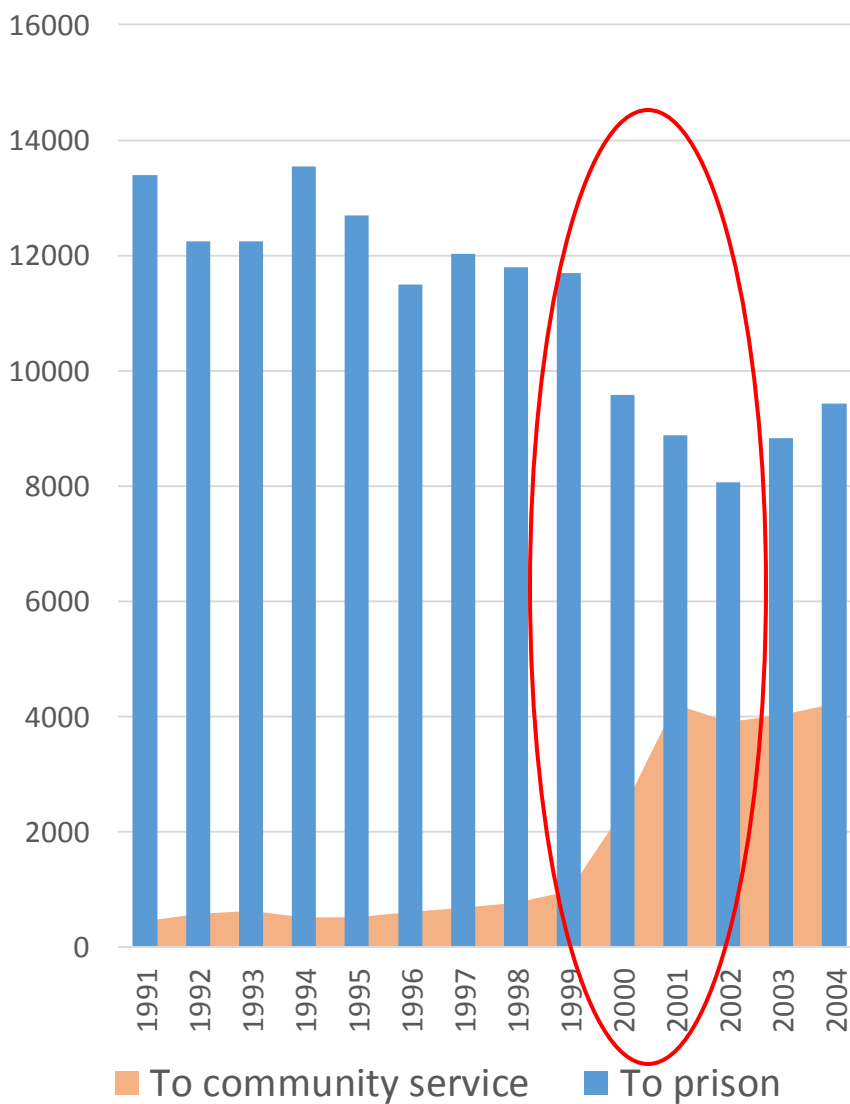
- Experiments Norway and Denmark early 1980s->
- Full-scale adoption 1990s.
- Either independent sanction or an attachment to conditional imprisonment
- Avoiding net-widening?
 - Decisions powers in the correctional services (ICE)
 - Sentencing instructions (Finland)
- Replacement effect?

Assessing the replacement effect of community service

Finland: Flow statistics



Denmark: Flow statistics



NEW ALTERNATIVES: ELECTRONIC MONITORING

- Started in Sweden in the mid 1990s
- Now applied and expanding in all Nordic countries
- As part of sanction systems
- As element in enforcement
- As part of coercive- and security measures

FORMS OF ELECTRONIC MONITORING

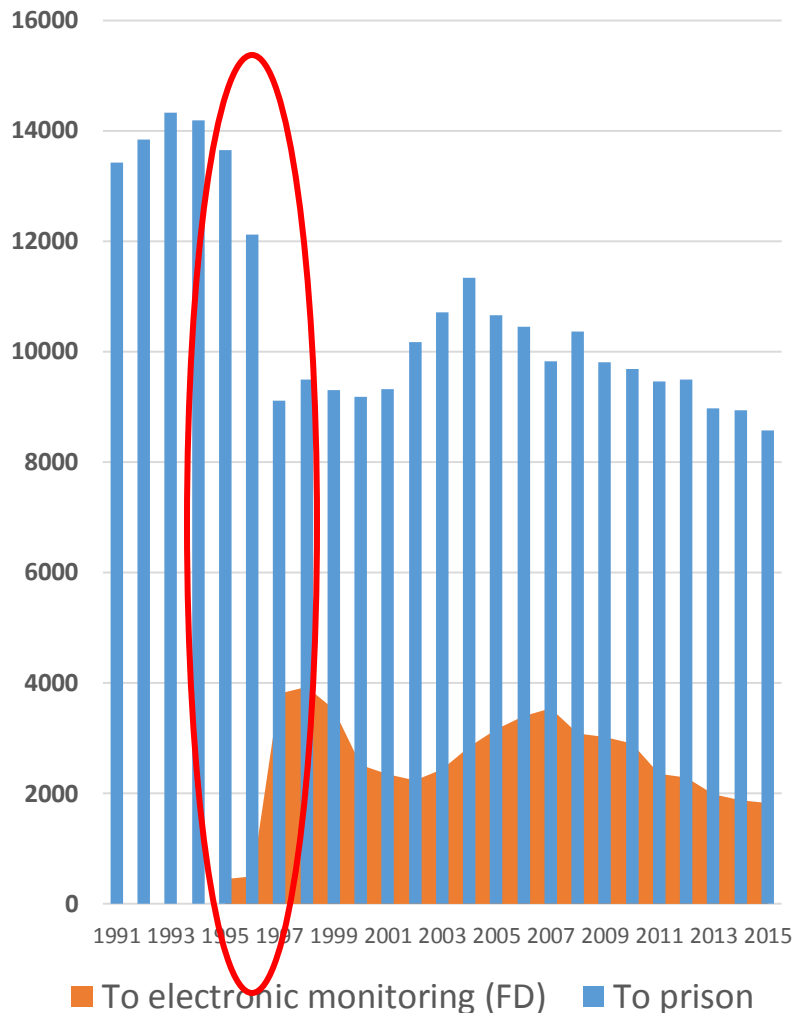
- Court-ordered independent community sanction (Finland)
 - To be used if the offender does not qualify to community service
 - Replaces max 6 months prison sentences
- Form of serving a prison sentence (Denmark, Norway, Sweden)
 - Decision by the prison authorities by application
 - Replaces max 6 months sentences
 - 2000-3000 cases/year
- As a specific practice of pre-release (all countries)
 - Release before the normal release time
 - Shortens the sentence 4-6 months
 - 600-700 cases (Sweden and Finland)
- In all forms: elements of social work included

ASSESSING THE REPLACEMENT EFFECTS?

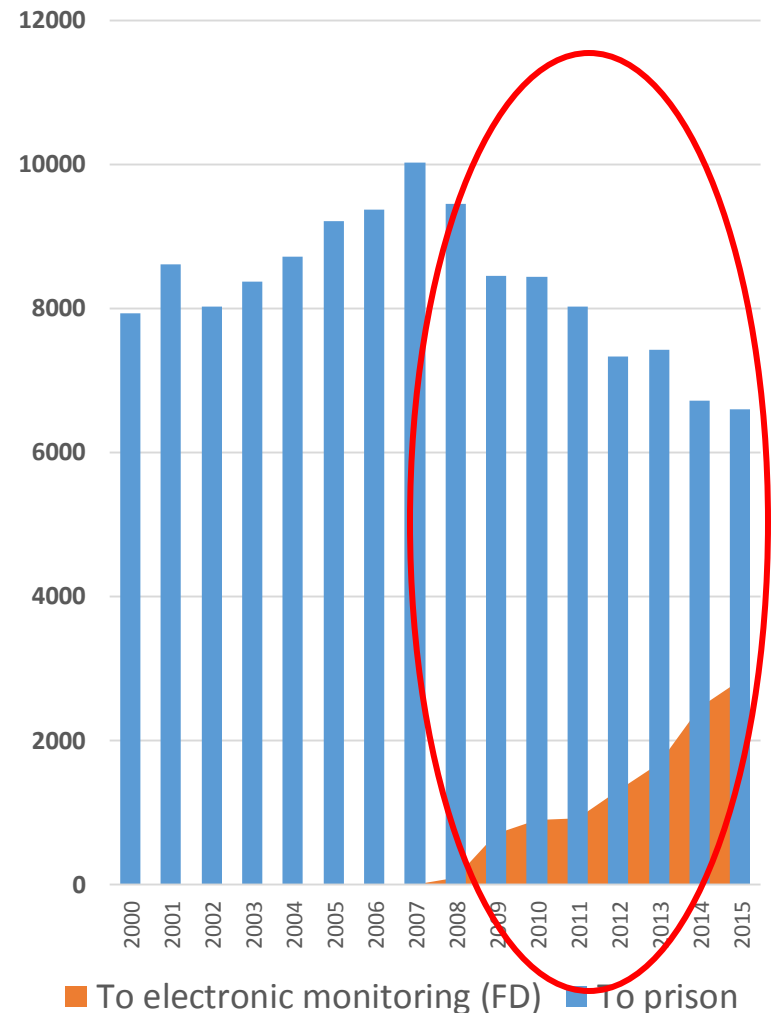
- Stock
 - Effect on daily prison population
 - In average, EM replaces around 8 % of the daily prison population, with some variance among the Nordic countries.
- Flow
 - the number of entries to prison/EM
 - = “saved prison visits”
 - Mean replacement effect of around 20 % of entries

Assessing replacement effects (flow) of electronic monitoring in Sweden and Norway

Sweden: EM (flow, front door)



Norway. EM (Flow, front door)



THE ENFORCEMENT LEVEL

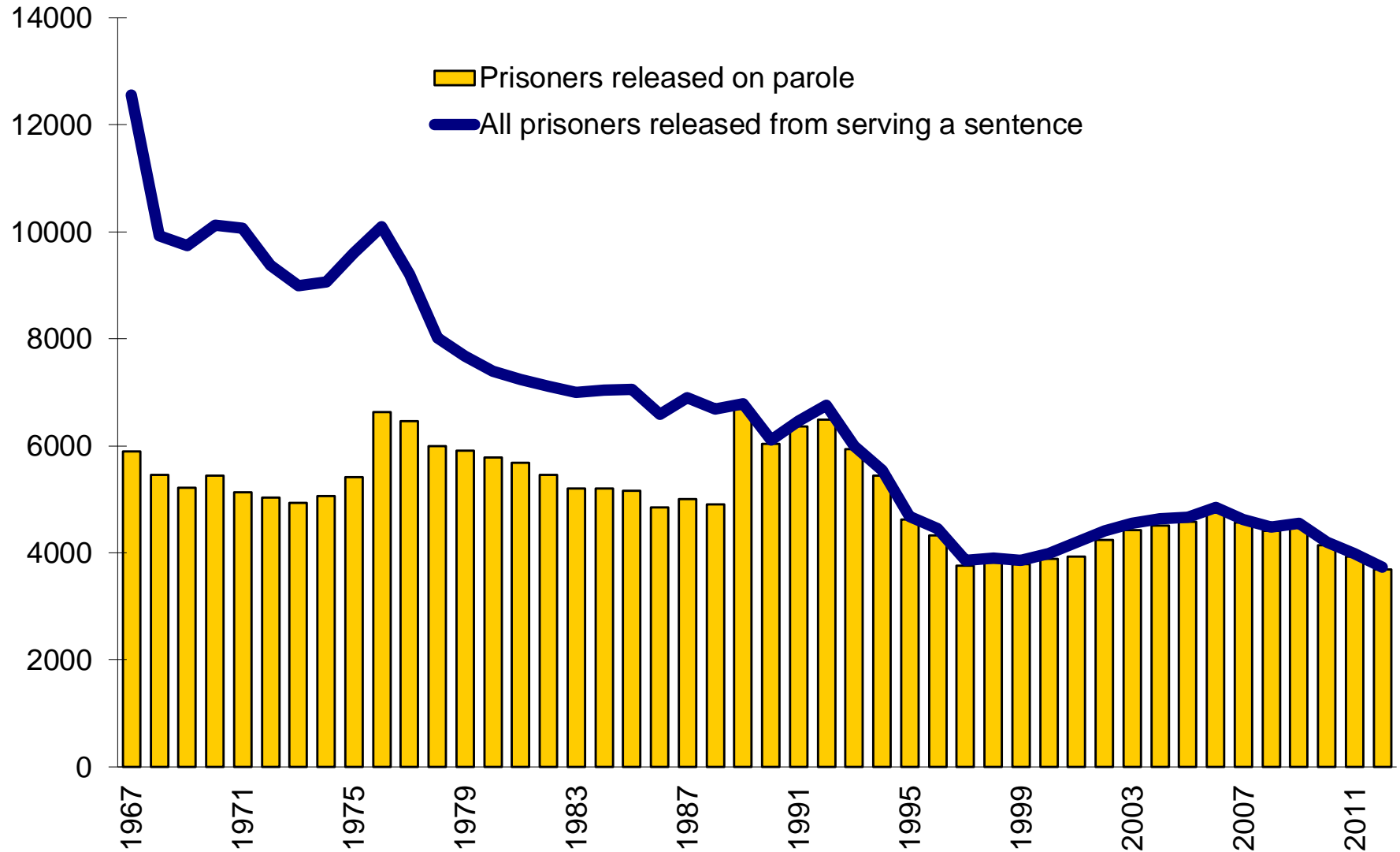
Short comments

- Conditional and early release
- Open facilities
- Pre-trial and remand

Conditional and early release

- Discretionary -> semi-automatic (around 1980s)
- Fractions to be served
 - $1/3$, $1/2$, or $2/3$
- Minimum time to be served
 - In Finland reduced from 6 months -> 14 days
- Revocation criteria
 - Inpractice only for new offenses (not for licence-breaches)
- Revocation length
 - Partial revocation

The share of early release in Finland 1967-> (% of prisoners serving a sentence)



“Open prisons”

- Established in the 1940s to solve overcrowding problems (Finland and Denmark)
- Expanded in the 1970s as part of the normality principle and the aim of harm-minimization
- Now a regular part of stepwise enforcement process
- Denmark, Finland and Norway: In open prisons 40-45 % of prisoners serving a sentence (and 30 % of all prisoners). For Sweden 18 % and 12 %

Pre-trial and remand imprisonment

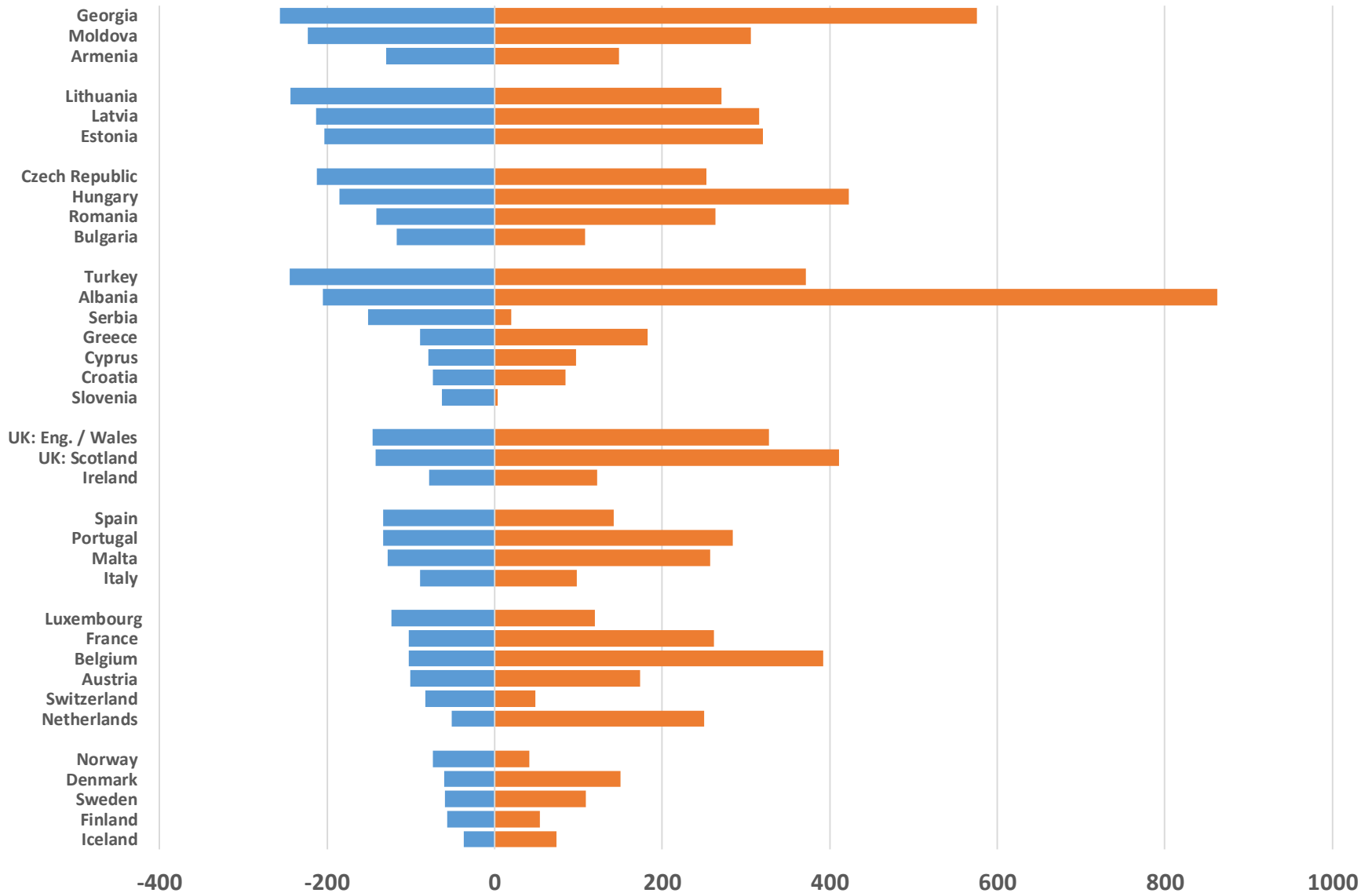
- The share of remand prisoners 2016
 - Denmark 31 %
 - Finland 20 %
 - Iceland 11 %
 - Norway 25 %
 - Sweden 26 %
- Persistent problems – yet to be solved
- The use of police-cells in Finland
 - Adoption of EM-to replace remand from 2019
- The use restrictions for remand prisoners (Sweden)

DISCUSSION

Alternatives as such are no guarantee of prison reduction

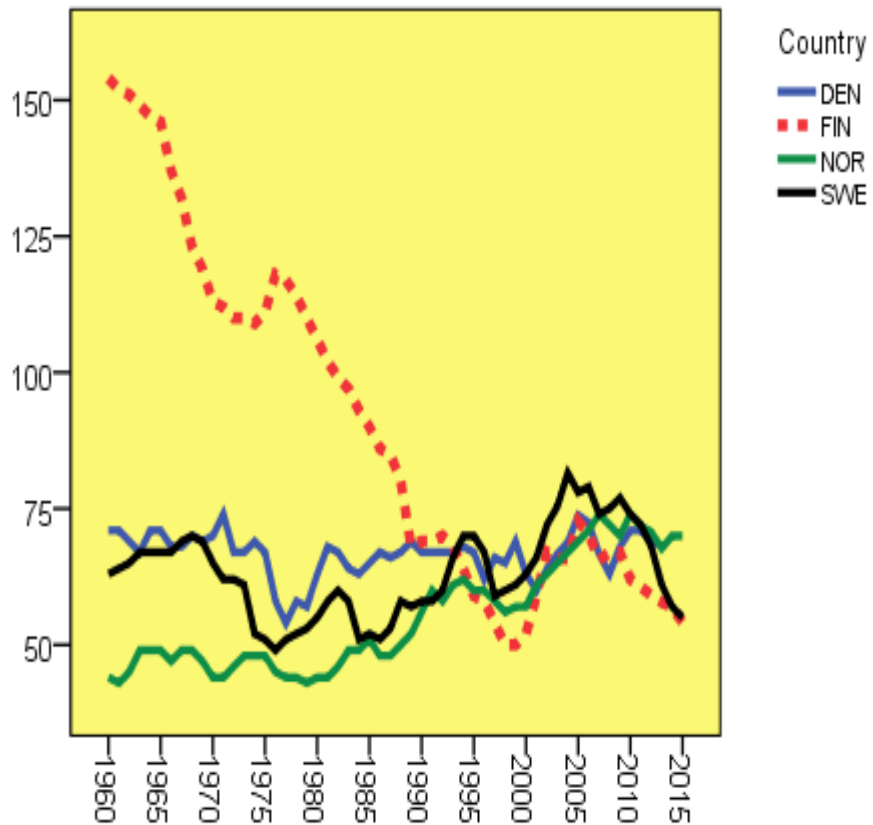
Prisoners/pop

Offenders under community supervision (CMS)/pop

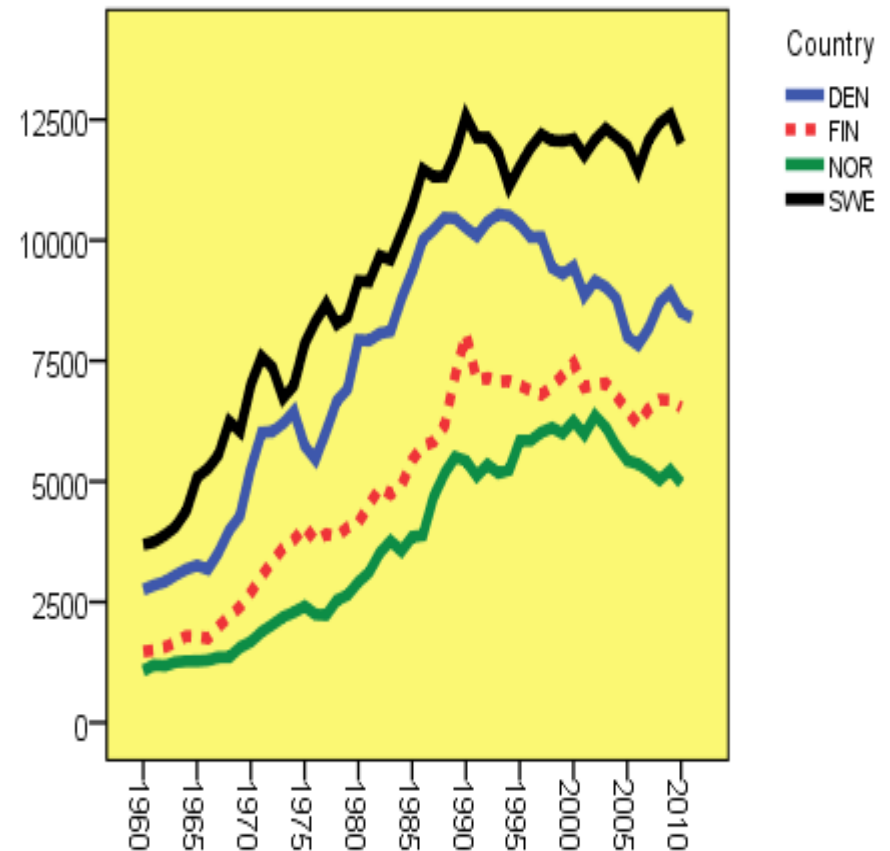


Comparing trends in crime and trends in incarceration 1960-2015 – Four Nordic countries

Prisoners



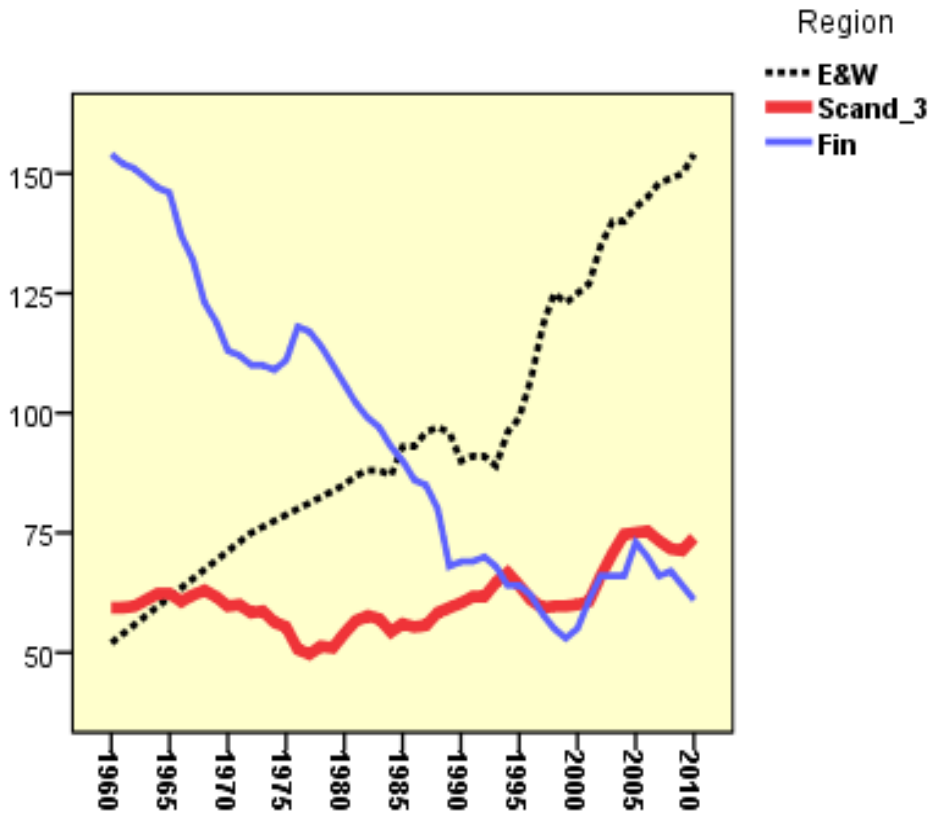
Reported crime



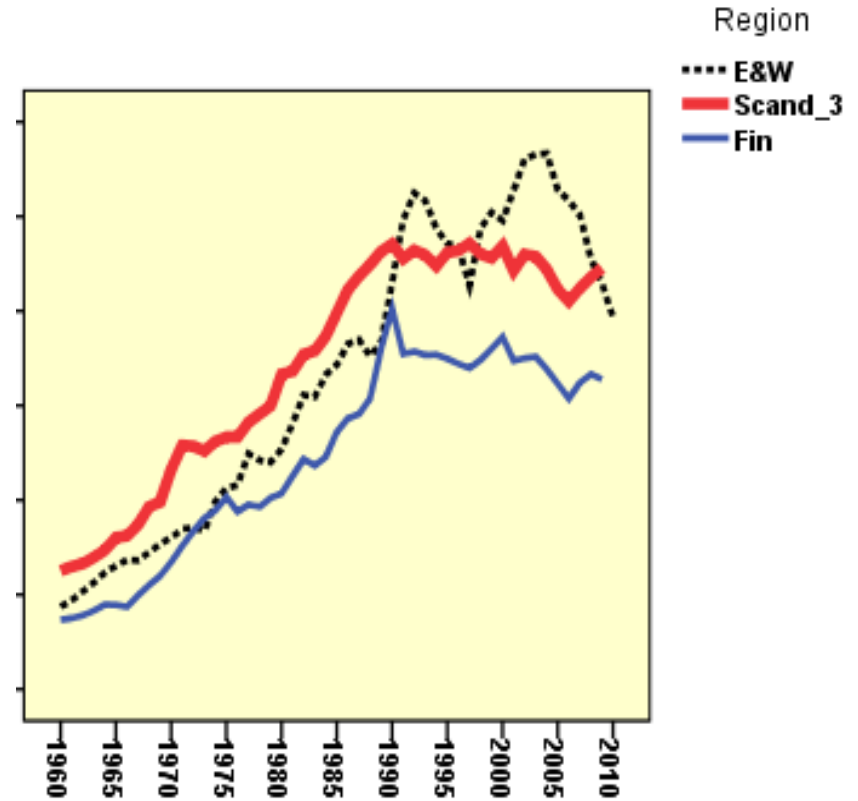
Nordic countries and England & Wales 1960-2010

Three different prison profiles, one common crime-profile

Prisoners /100 000 pop



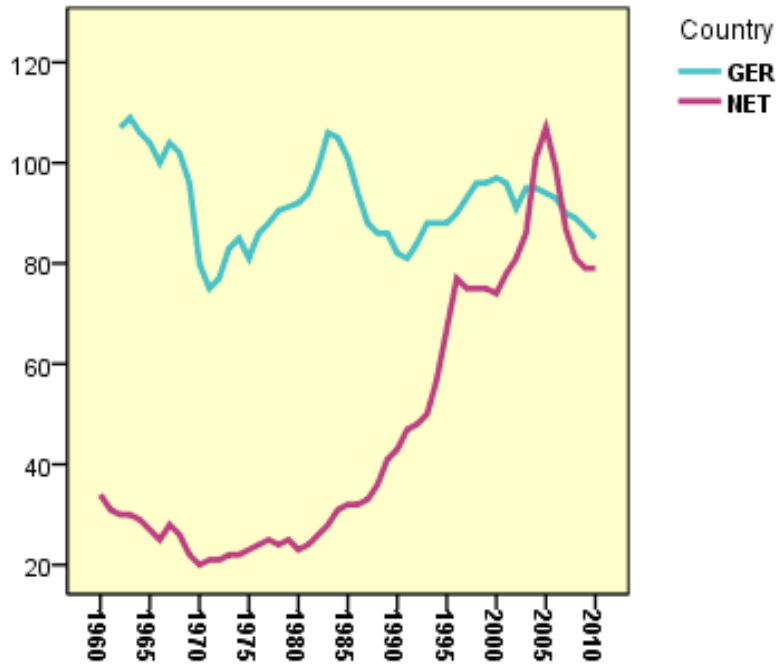
Recorded crime / 100 000 pop



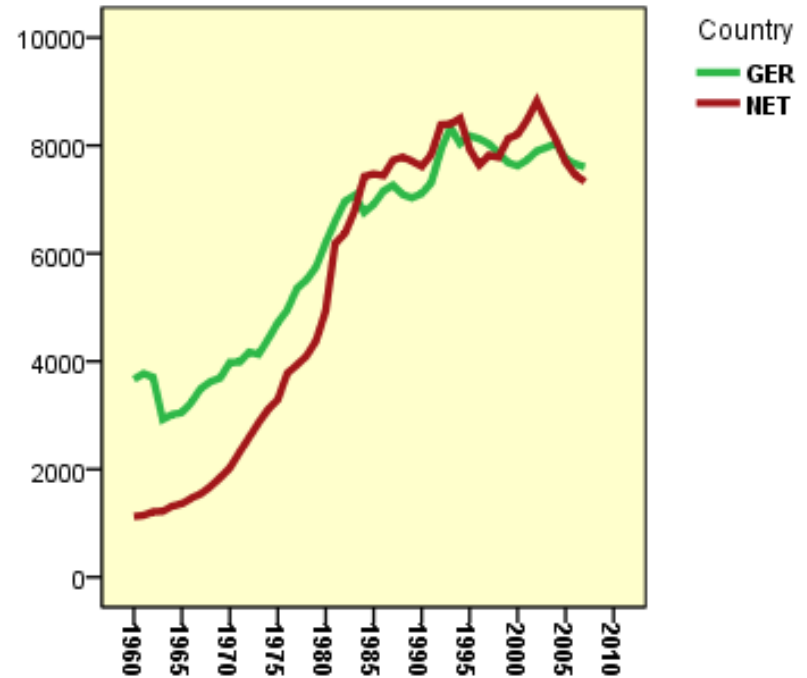
Germany and the Netherlands 1960-2010

Similar crime trends - dissimilar incarceration trends

Prisoners / pop

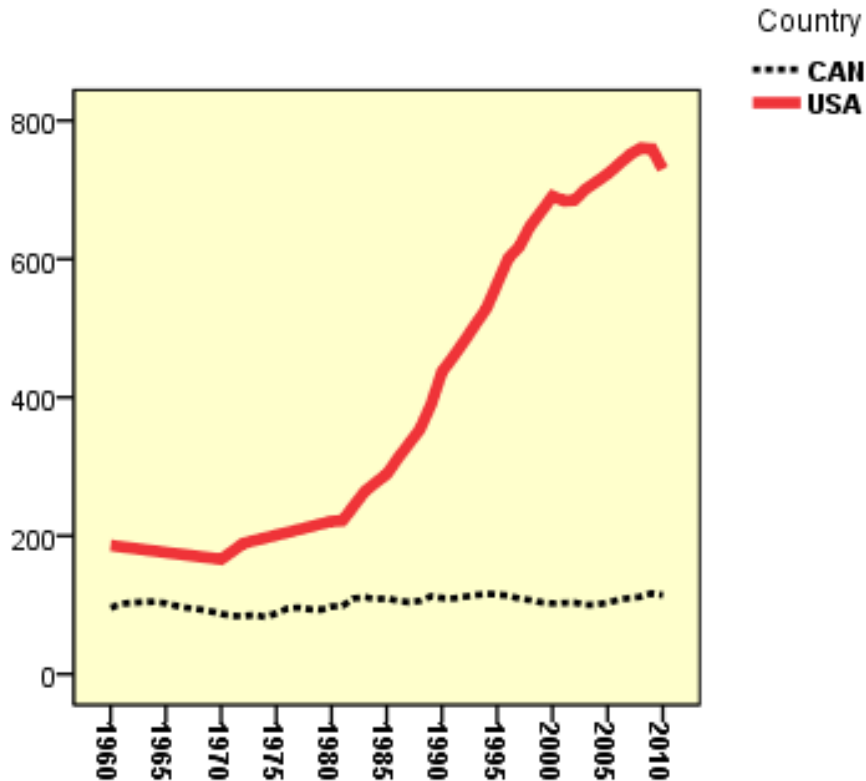


Crime / pop



United States and Canada

Prisoner / pop



Property crime / pop

