

THE HEAVY END OF THE NORDIC SANCTIONS SYSTEMS

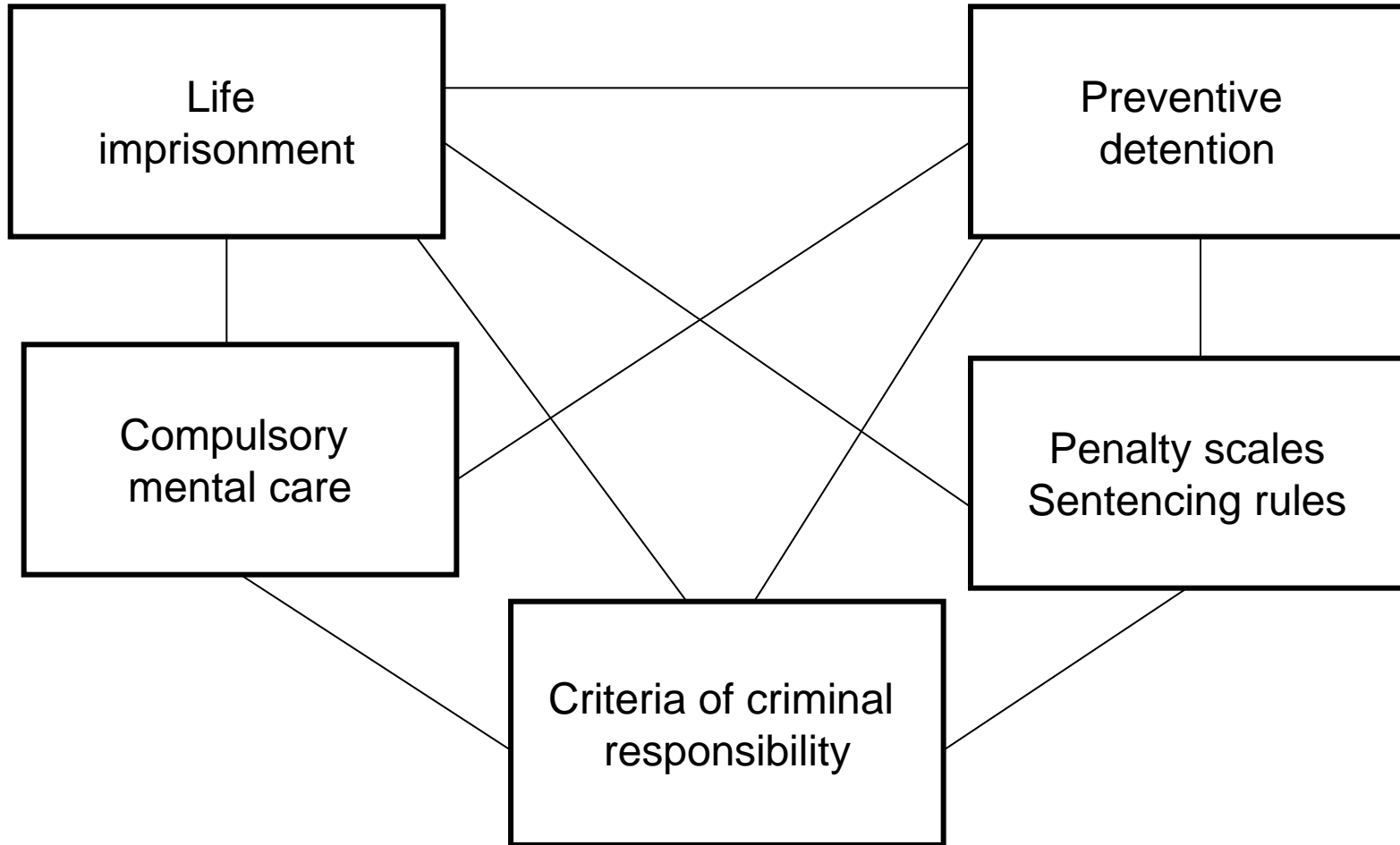
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*Responding to serious/high risk offending:
Interacting institutional arrangements*



I

LIFE IMPRISONMENT

Short History

Replacing the practice of death penalty

1826/1894-> (FIN) and 1860s-> (SWE)

Decline in the use of life sentences

late 1800s early 1900s

New increase

1990s->

Life imprisonment today

- Norway: Abolished 1979
 - Critics of indeterminate sanctions (+ no reform on preventive detention in the 1970s!)
- Denmark, Finland & Sweden: retained
 - Relevance only for murder
 - No life without parole (in practice)
 - Actual length 12-18 years
- Judicialization of release processes
 - Pardons -> Courts (2000s)
 - First after 10-12 years served time)

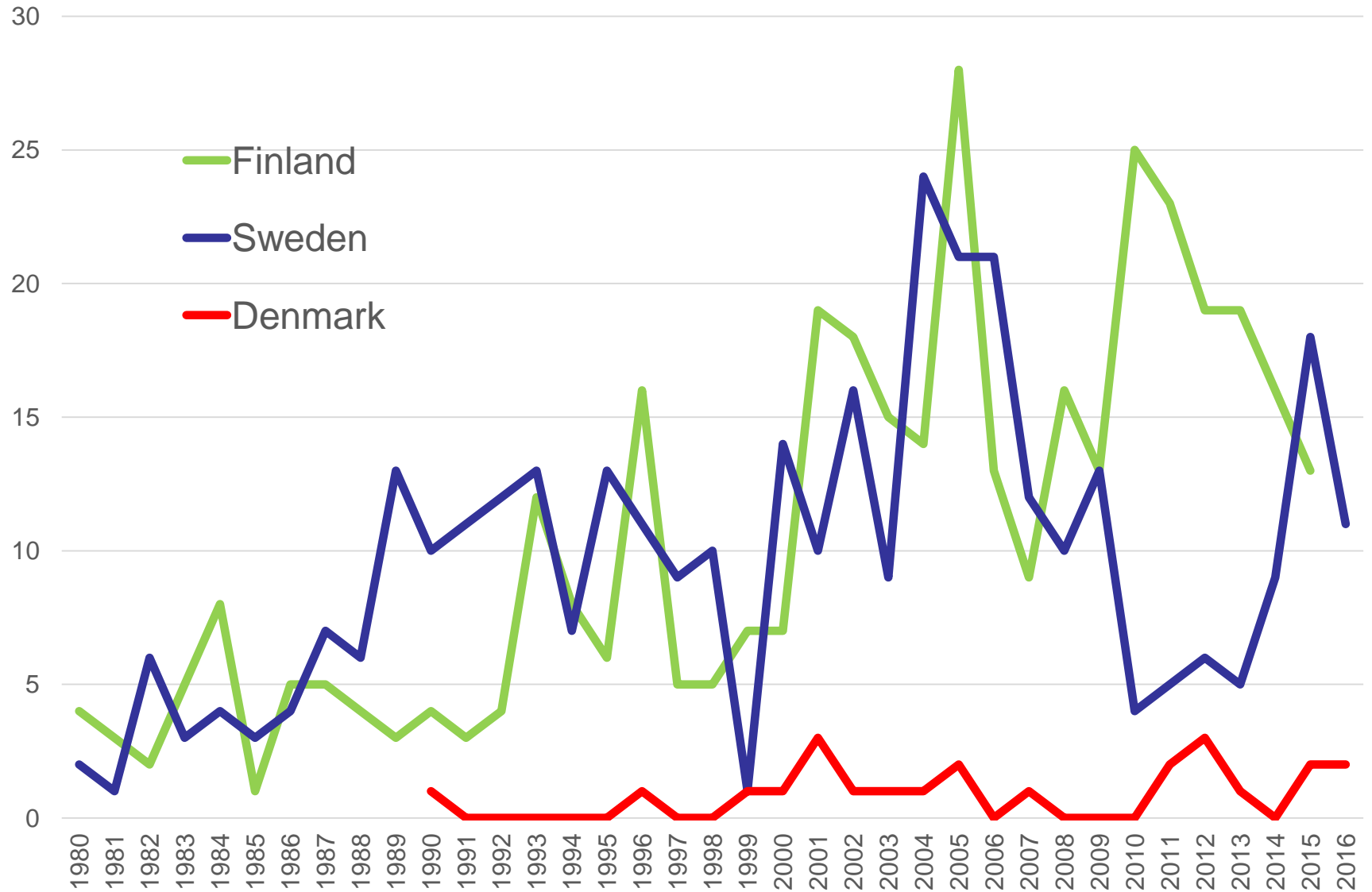
Changing length of life imprisonment (served time)

Finland	Denmark	Sweden
1970s: 16,5 y	Mid 1970s: 16,5 y	Mid 1960s-mid 90s: 7 y
1980-90s: 11 y	1975-1985: 12,5 y	Mid 1990s: Increase
2000-2010: 13,5 y	2000s->: 17 y	2010s->: 16,5 y
2010->: 15 y		

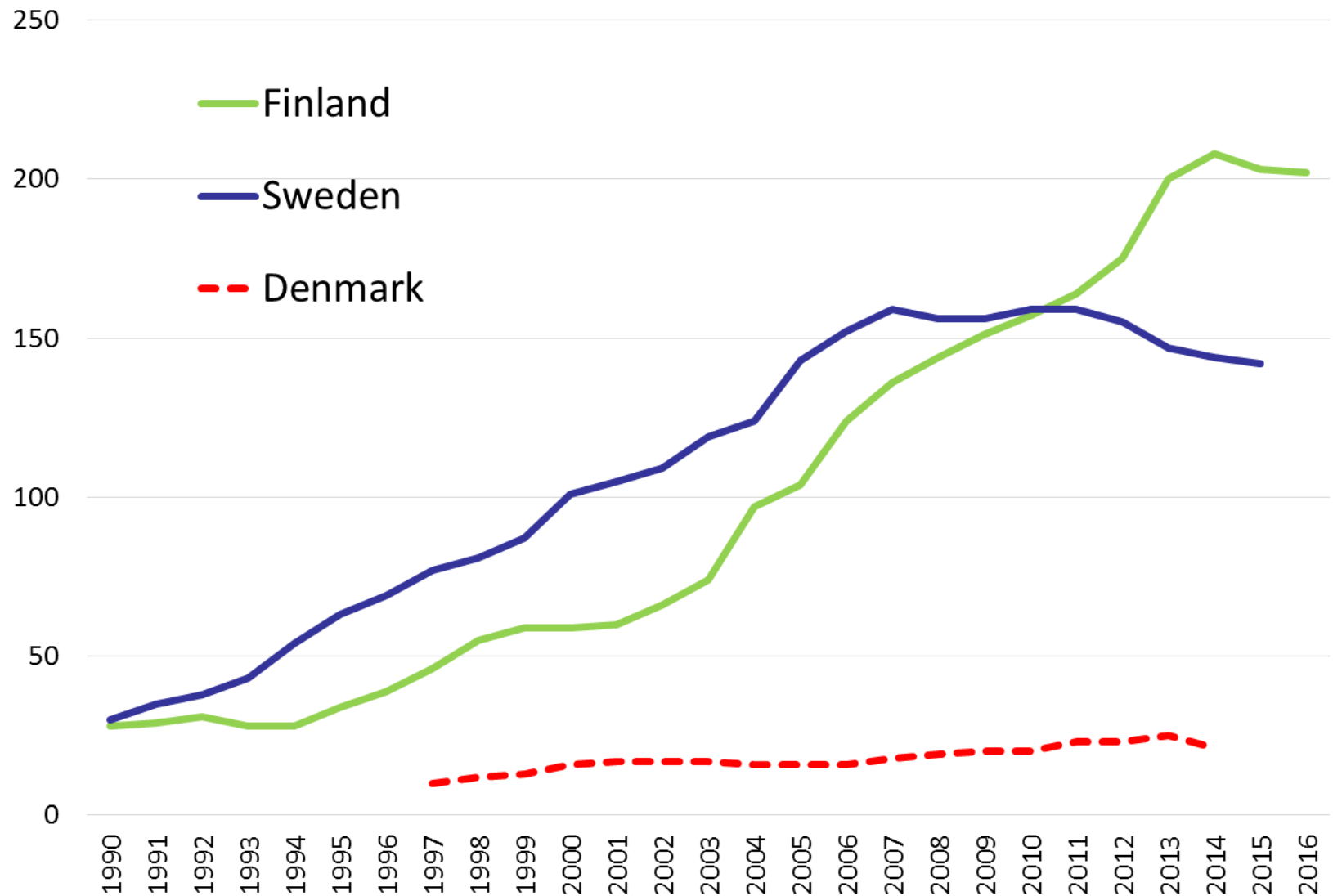
Recent trends in the use of life imprisonment

- Finland: Steep increase of life sentences 1990s->
 - a result of stricter application of diminished responsibility
- Sweden: Increase-decrease-increase of life imprisonment in the 2000s
 - Political pressures towards stiffer sentences in violent offenses (“life as basic punishment for murder” 2014)
 - Legislative reforms with mixed results
 - The impact of Supreme Court decisions
- Denmark
 - Stable and low

Imposed life sentences in Finland, Denmark and Sweden 1980-2016



Prisoners serving life sentences in Finland, Sweden and Denmark 1990-2016 (absolute figures)



PREVENTIVE DETENTION

”Indeterminate confinement of high risk (violent) recidivists”

Competes occasionally with...

Life imprisonment

Compulsory care-orders

MAIN PHASES

- Adoption 1920-1930
- Extension 1940-50s
- Restrictions 1960/70s
- Abolishment: SWE 1980, FIN 2006
 - Compensating schemes?
 - SWE: Higher maximums; Compulsory care
 - FIN: Denial of parole
- Minor revisions 1990/2000s: DEN, NOR

The peak-years of preventive detention in the Nordics (1950s-mid 1960s)

	Prisoners total (abs)*	Preventive detention (abs)*		Prisoners /pop	Prev. det. / pop	Prev. det. %
NOR 1952	1679	130		50,5	3,9	7,7
DEN 1959	3300	412		72,5	9,1	12,5
FIN 1966	7284	389		159,0	8,5	5,3
SWE 1967	5438	769		69,1	9,8	14,1

*Daily averages

NOR = Sikring (NOU 1983:57 p.46)

DEN = Forvaring 390 + Sikring 22 (Bet 667/72 p. 60 and 94)

FIN = Preventive detention (Prison administration)

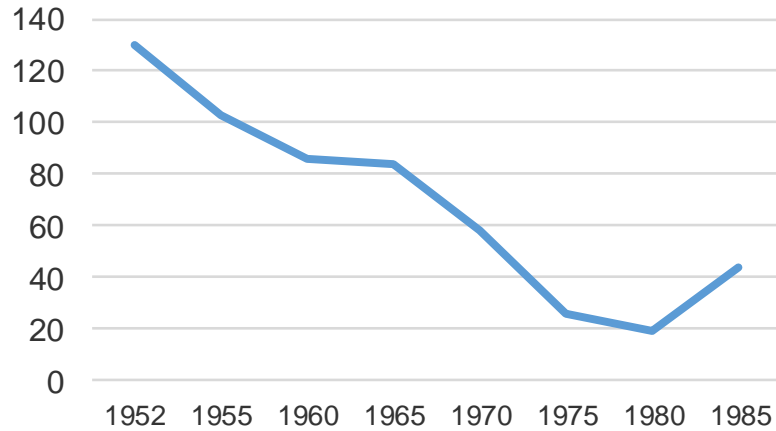
SWE = Internering (RÅ 1975 p.164)

The social-liberal critics of the 1960s

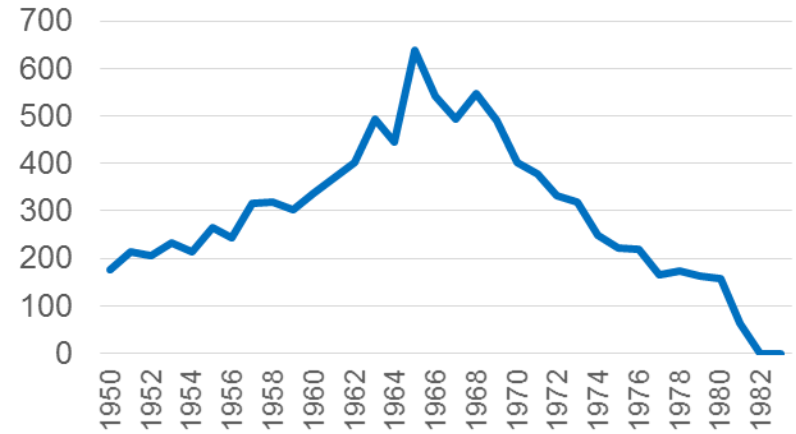
- Against coercive care, indeterminate sanctions, overuse of prison
- Restricting preventive detention
 - Heavy restrictions: Finland 1971 and Denmark 1973
 - Sweden in 1980: abolishment
 - Norway: abolishment of life sentence 1979 (1981)
- General restrictions to indeterminate sanctions
 - Mental hospitals, alcohol treatment, youth prison

The fall of indeterminate sanctions (offenders in preventive detention)

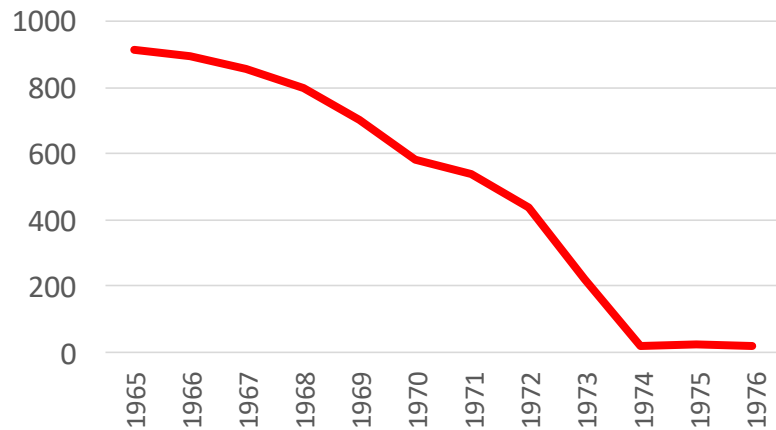
Norway: Sikring



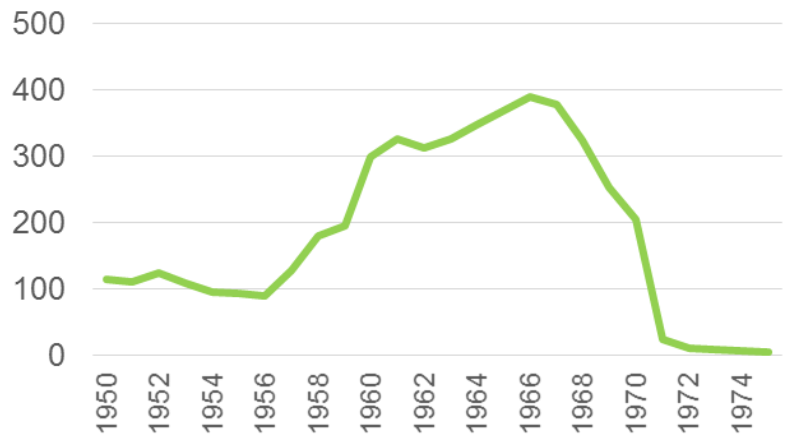
Sweden: Forvaring/Internering



Denmark: Specific institutions

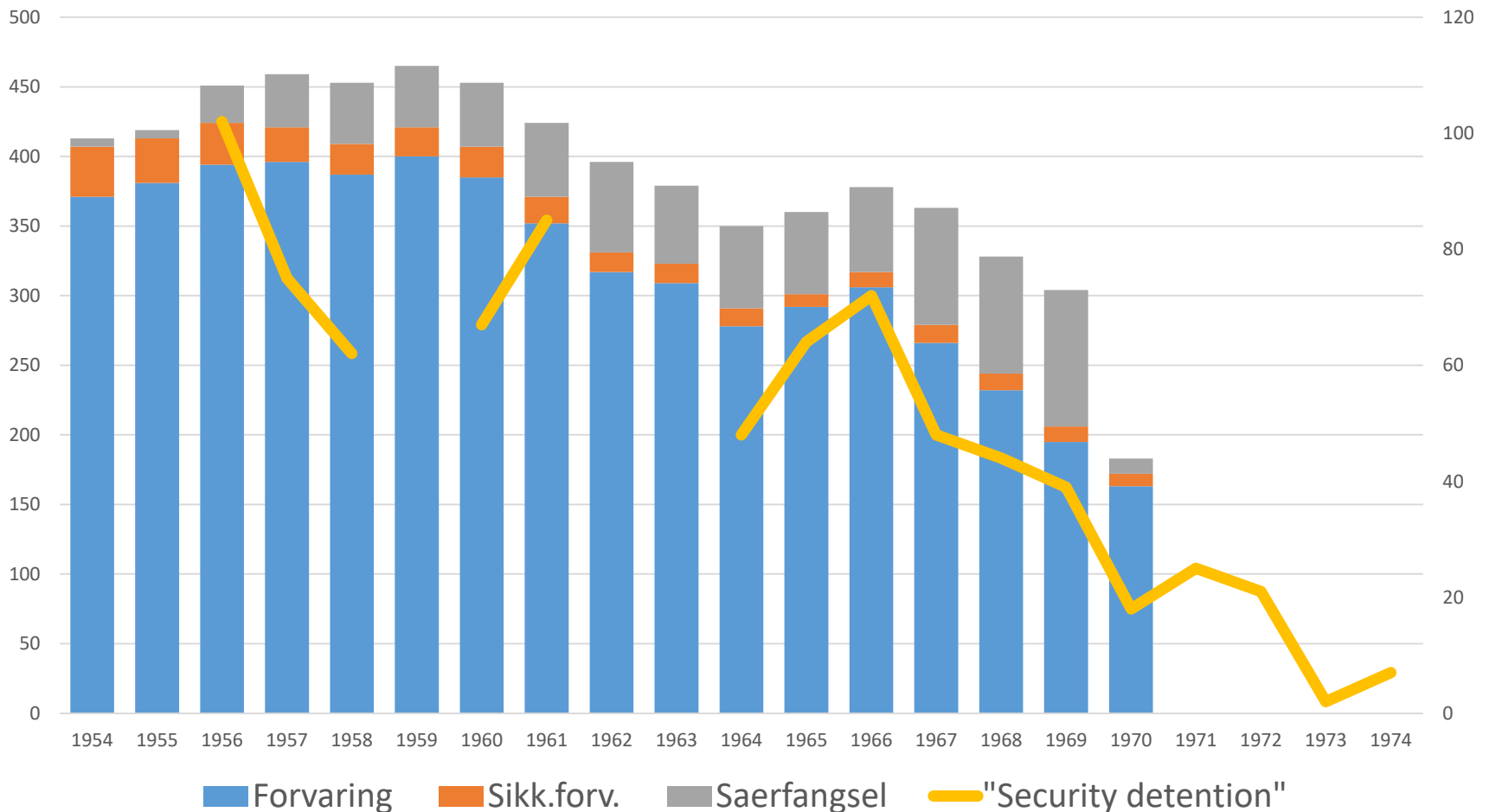


Finland: Preventive detention



Denmark: Security oriented indeterminate sanctions 1954-1974 (inmates)

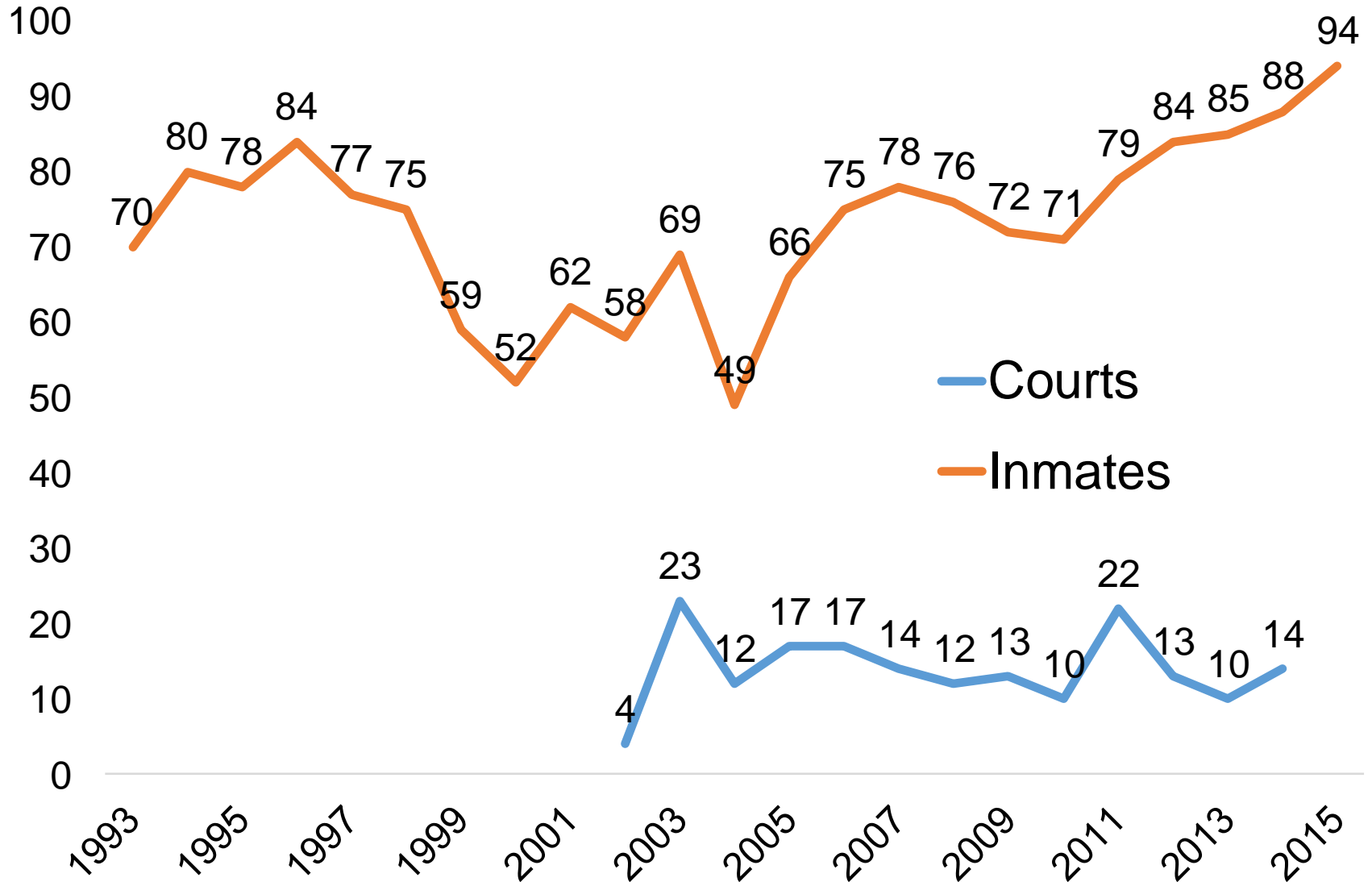
Denmark: Selected indeterminate sanctions 1954-1974 (inmates)



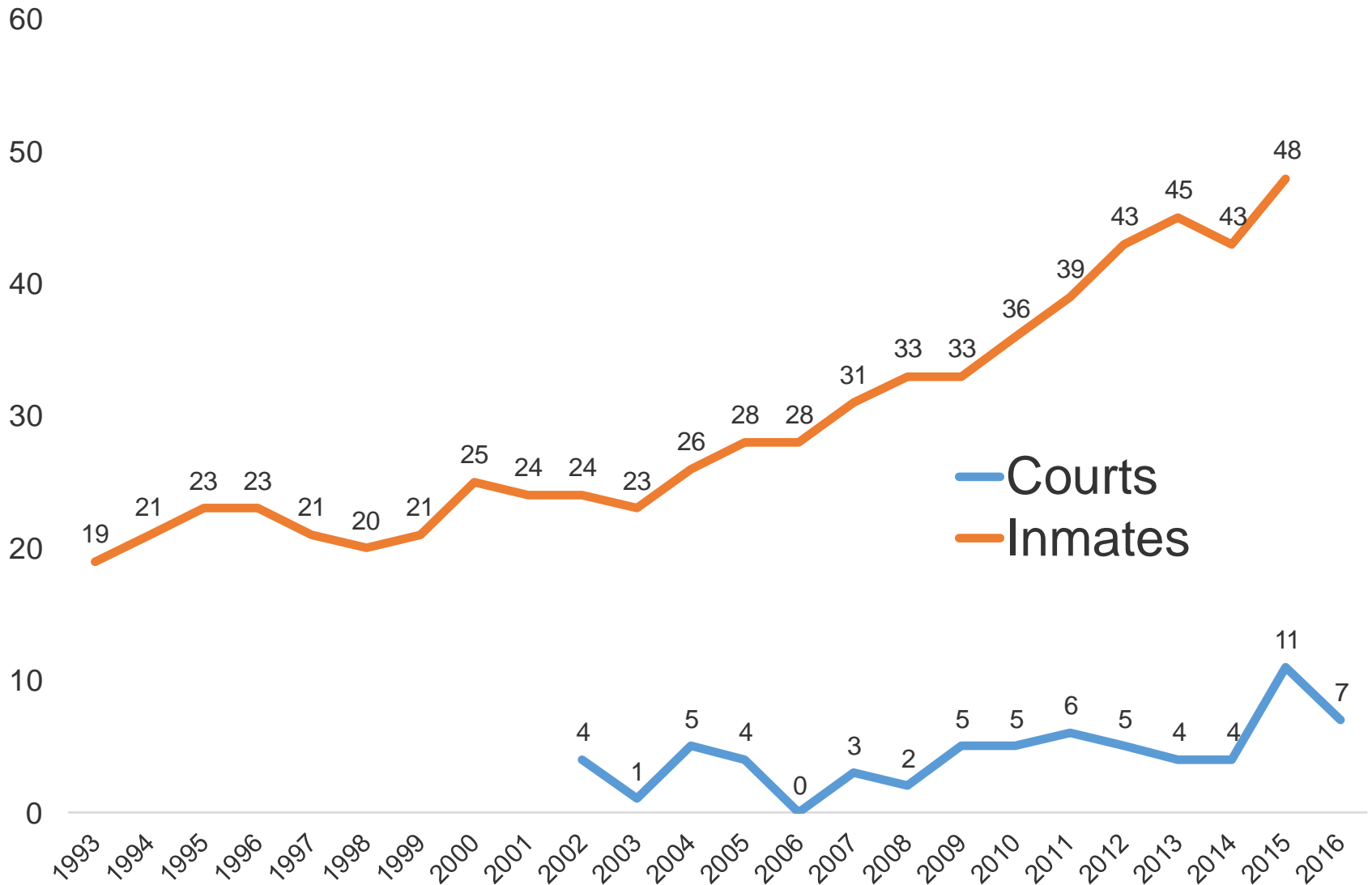
Current forms of preventive detention

- Norway reform 2002
 - Forvaring: Responsible + dim.responsible
 - Initial minimum and maximum (15/21 y)
 - May be extended by 5 years by the court
 - Non-responsible offenders
 - Compulsory care-orders
- Denmark reform 1997/2002
 - Forvaring = Indeterminate sanction for both responsible and non-responsible
 - Lowering the threshold of "Forvaring" in sexual offenses
 - Note:
 - also several type of compulsory care orders

Preventive detention in Norway 1993-2015



Preventive detention in Denmark 1993-2016



MENTAL CARE ORDERDS

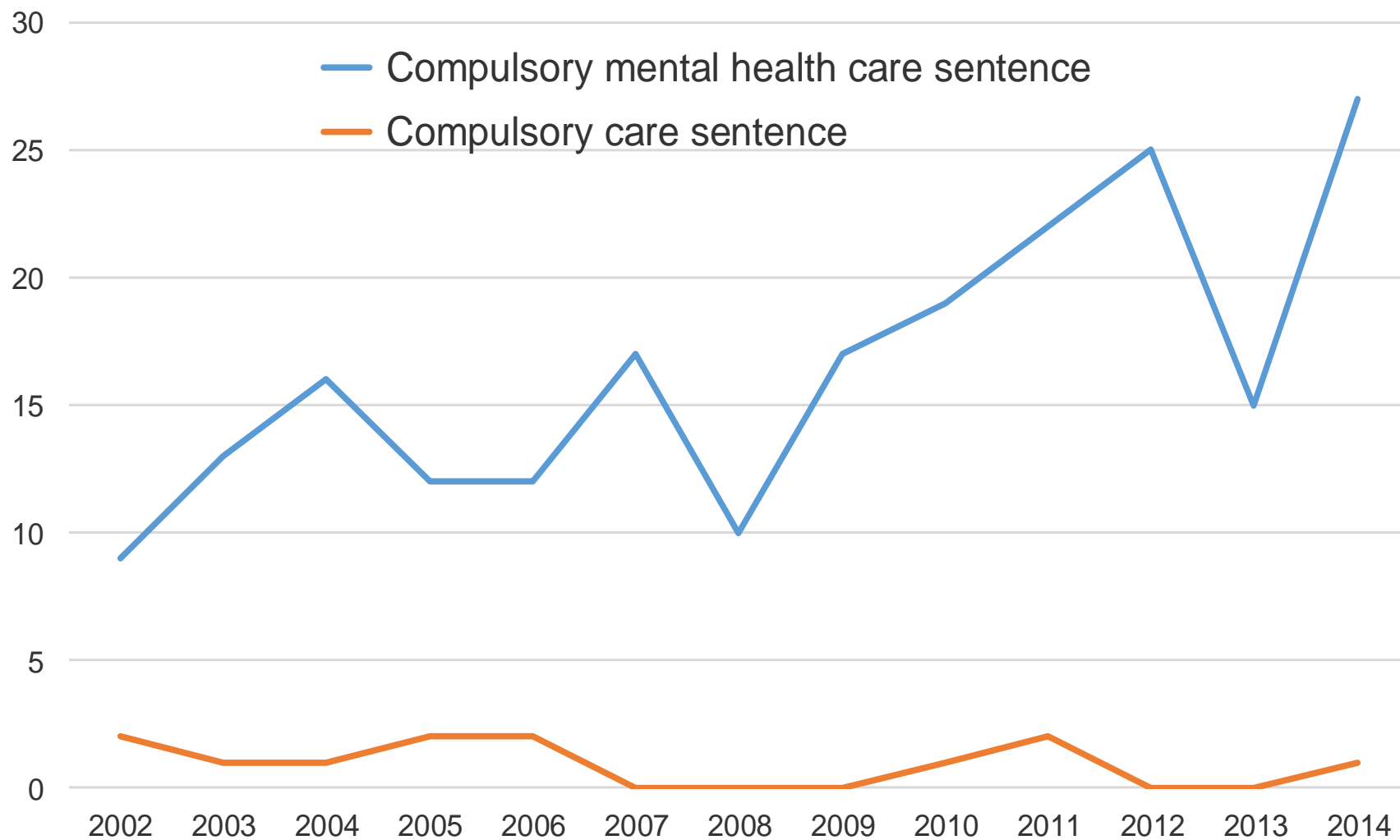
Borderline between criminal
justice and health care

Basics

- Finland:
 - compulsory care for non-responsible (psychosis-level) violent offenders by the decision of medical authorities
- Norway:
 - the same but by the decision of criminal court
- Denmark:
 - treatment orders also for diminished responsible
 - by the decision of criminal court
- Sweden:
 - No concept of responsibility
 - Mentally ill may be sentenced to treatment by criminal court
 - But mentally ill cannot be sentenced to imprisonment
 - Higher-risk offenders released only after specific examination

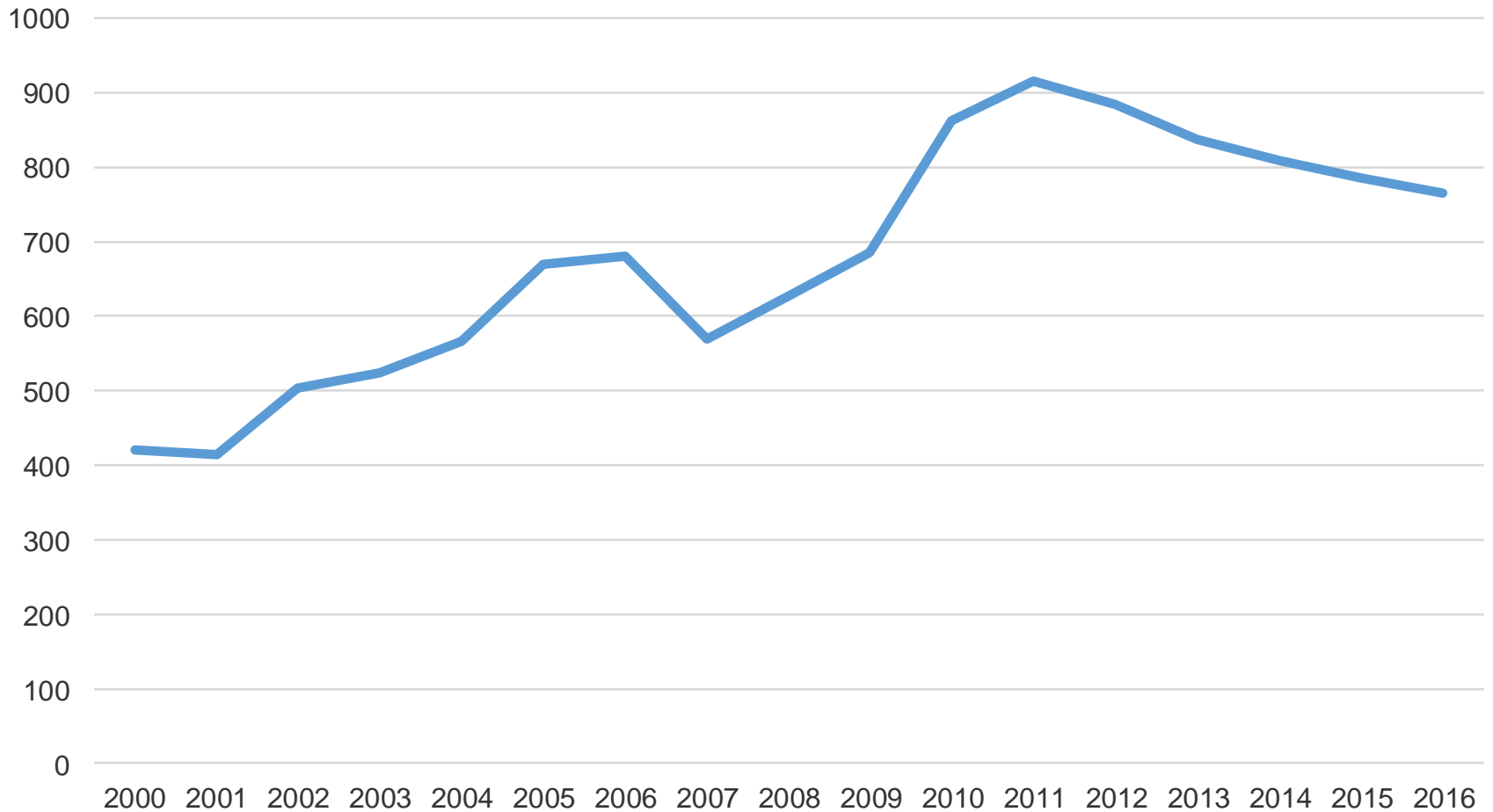
Compulsory care orders: Norway

<https://www.ssb.no/statistikkbanken/SelectVarVal/saveselections.asp>

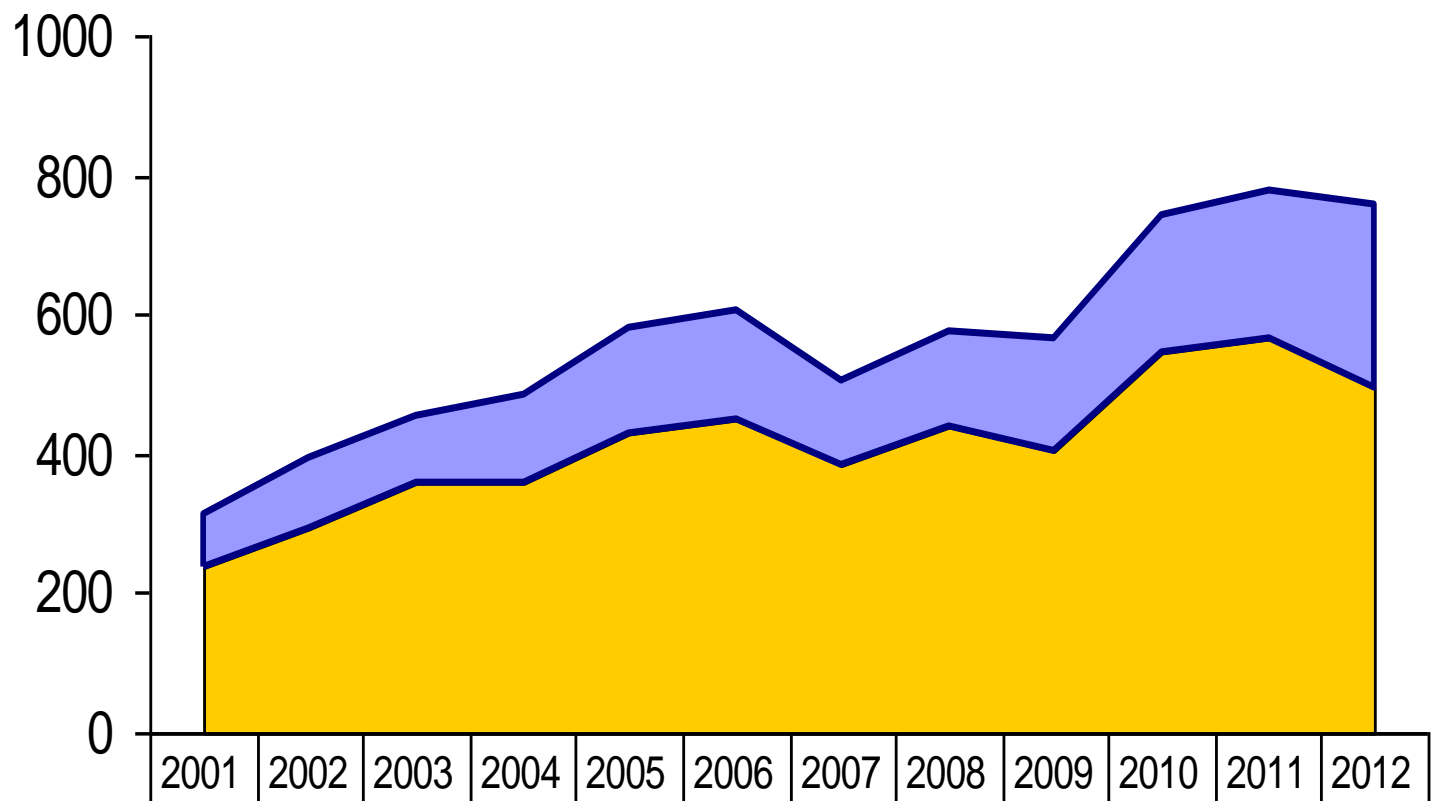


Denmark: Sentenced to "measures". Courts

Foranstaltnings domme



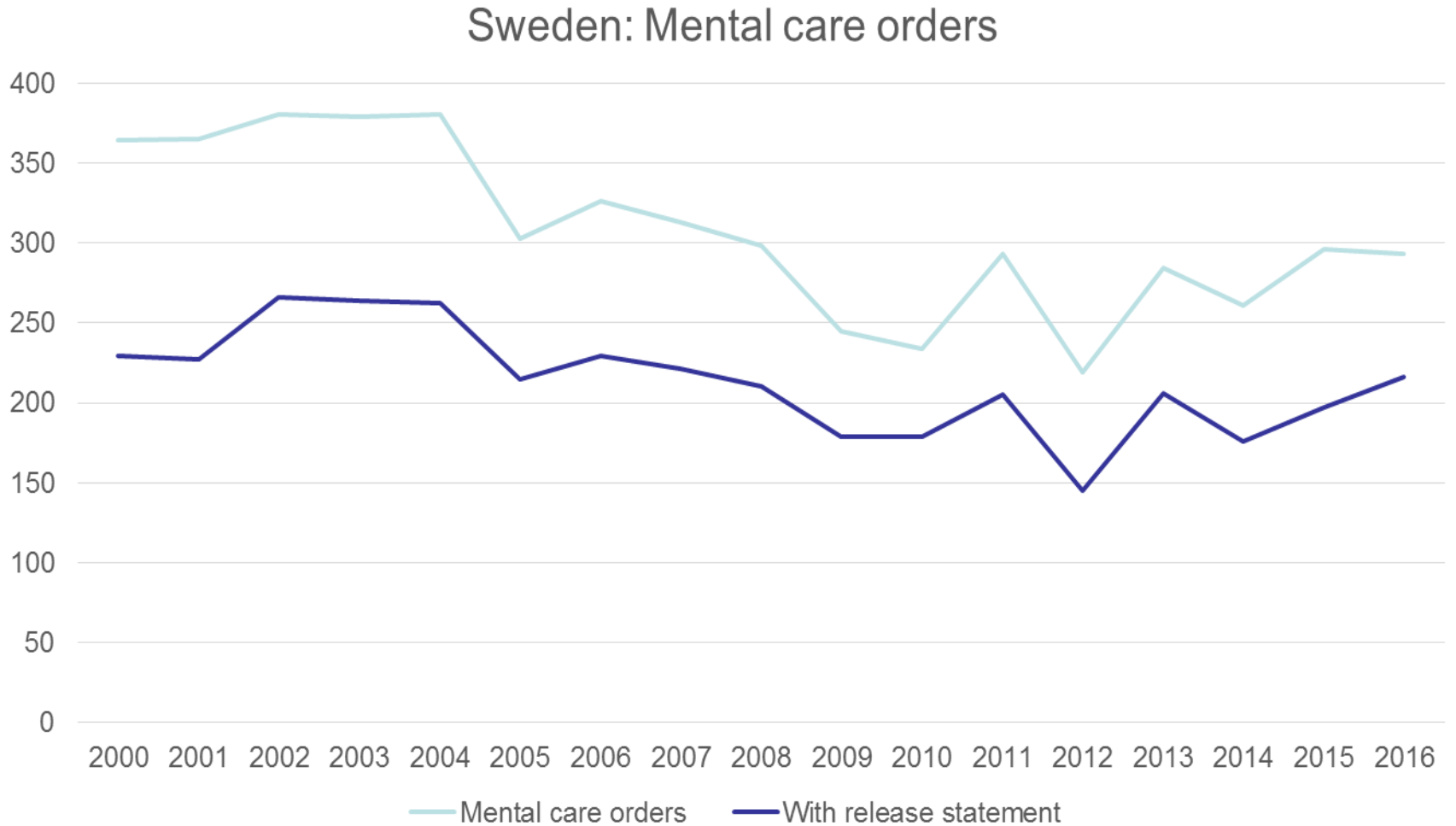
Offenders under psychiatric care orders: Denmark



■ Diminished responsibility	77	102	96	125	155	157	121	137	158	197	212	259
■ Mentally ill	238	291	358	359	427	448	383	437	406	543	568	497

■ Mentally ill ■ Diminished responsibility

Sweden: Mental care-orders Courts

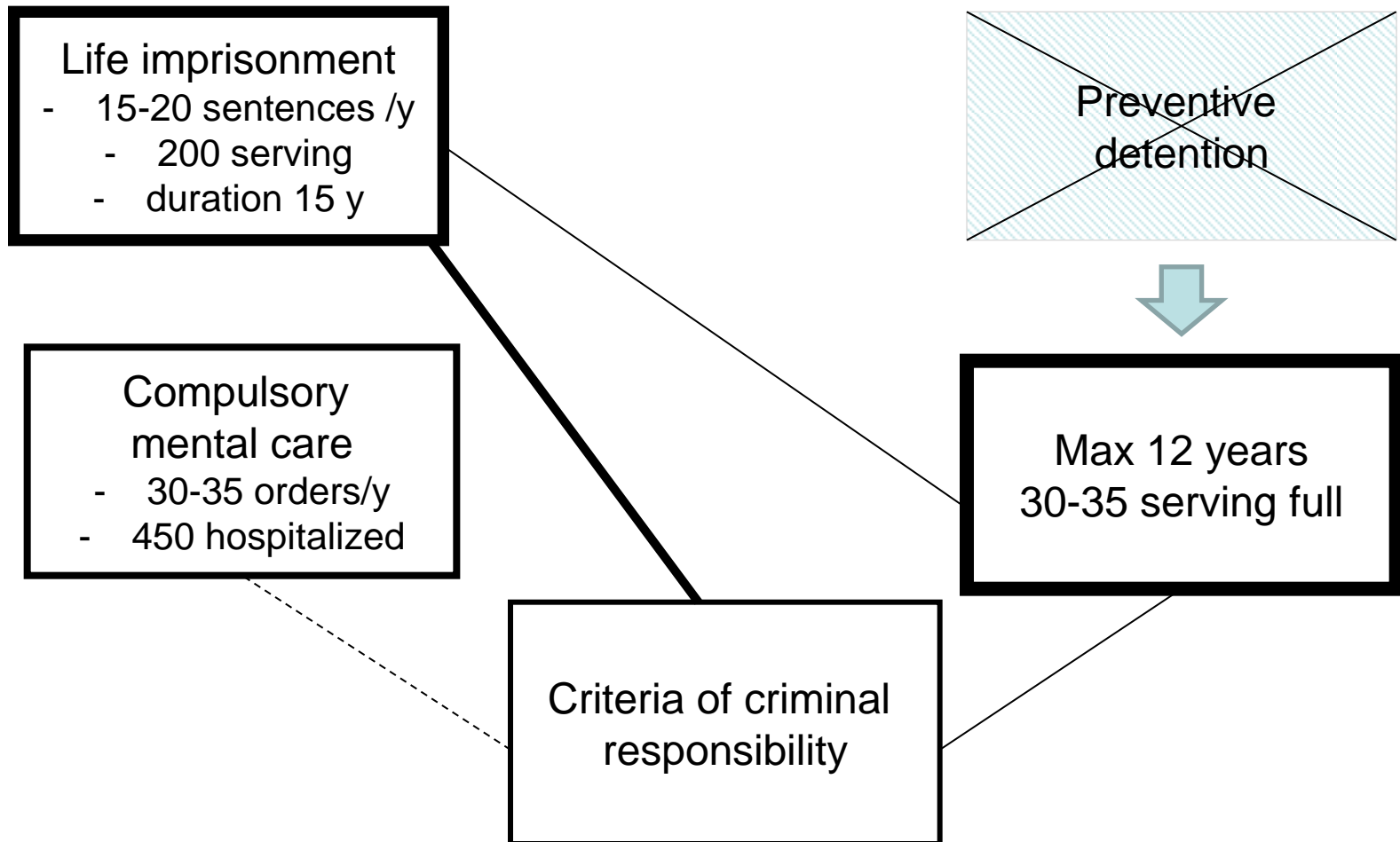


Systemic comparisons

Interactions and internal relations

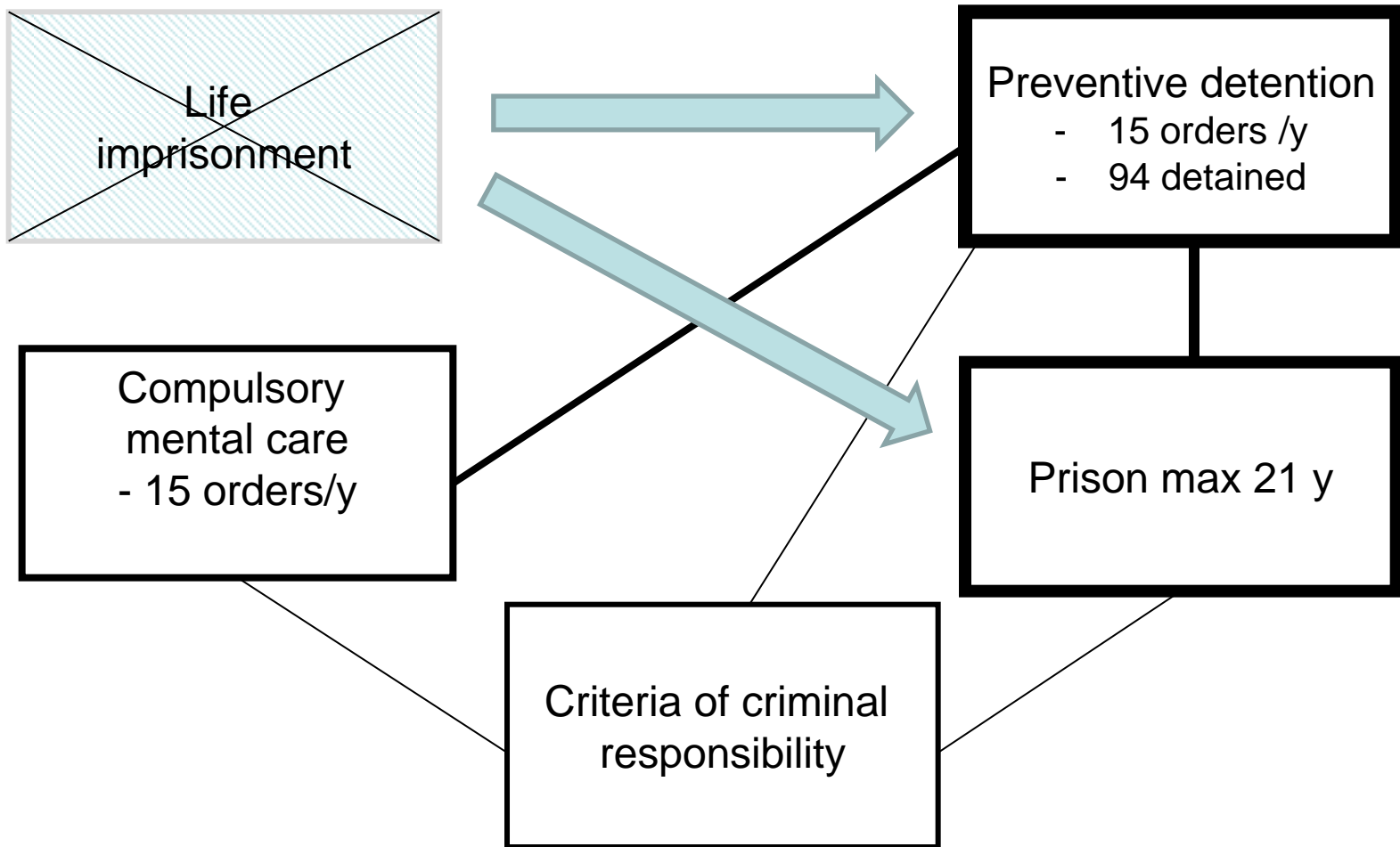
FINLAND

Life imprisonment, no preventive detention, but serving the sentence in full, care separated from CJS, but use of life imprisonment much affected by the application of diminished responsibility



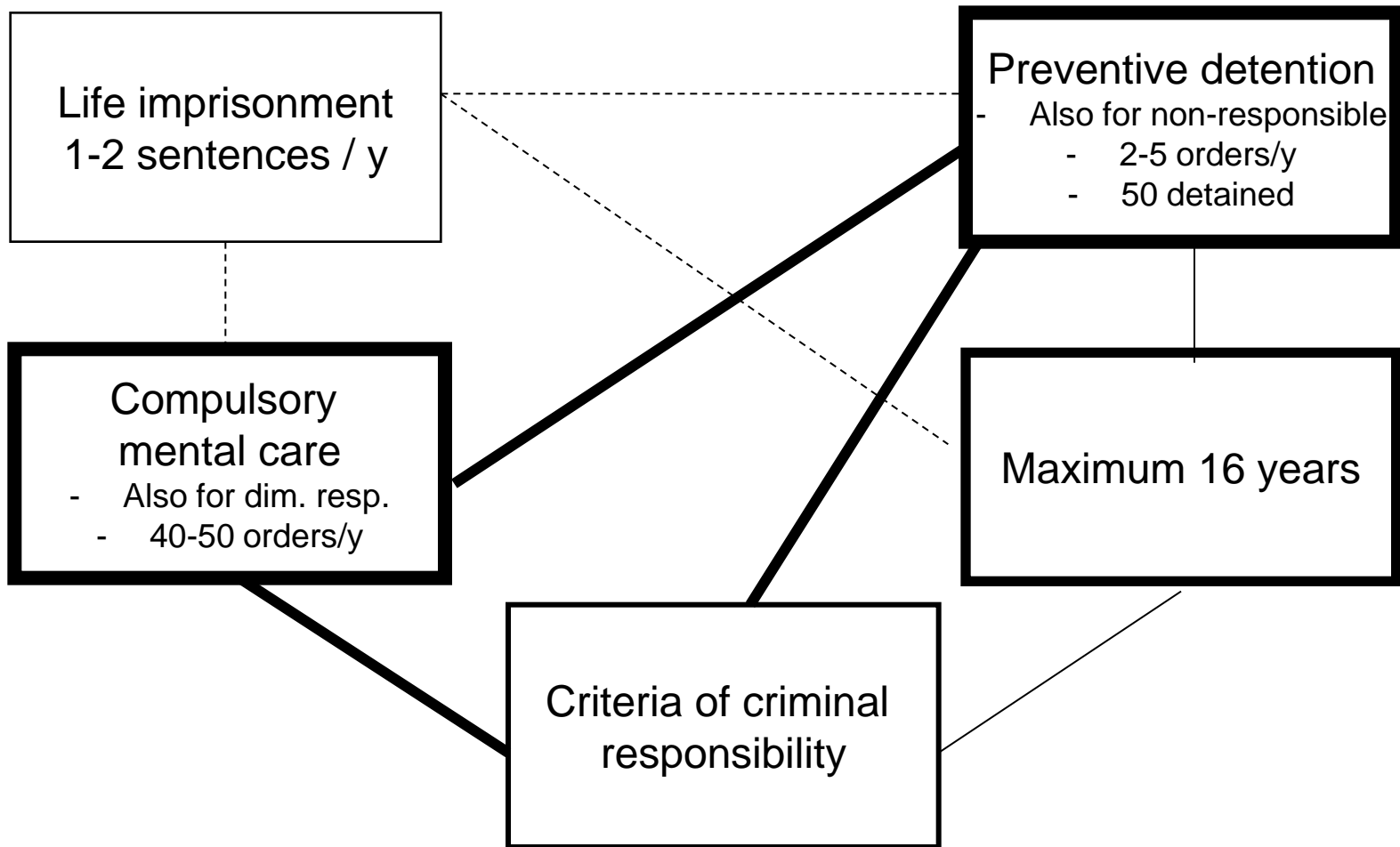
NORWAY

No life imprisonment, extended maximum, preventive detention, care linked with CJS



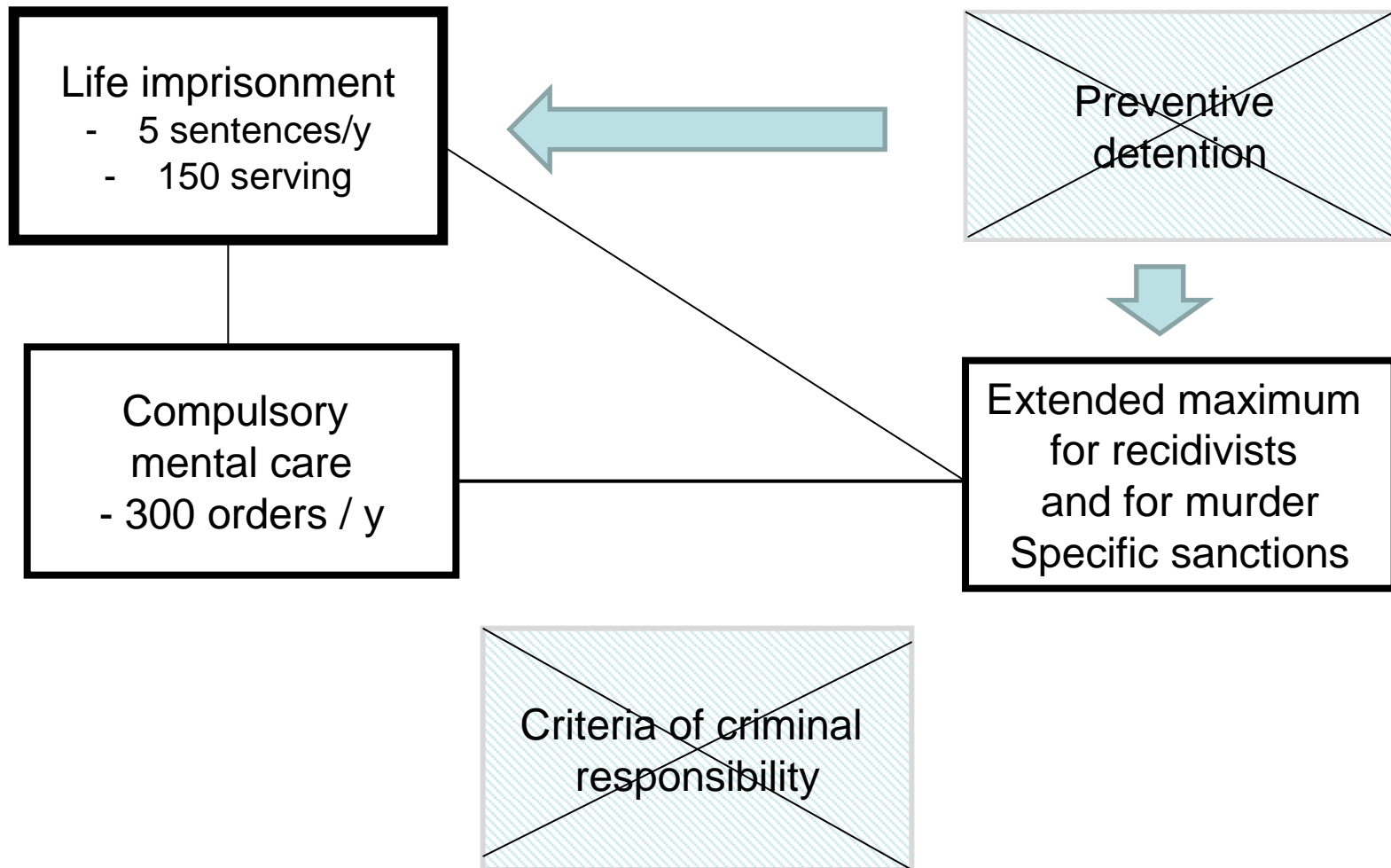
DENMARK

Rarely used life imprisonment, preventive detention and care orders mixed and integrated in the CJS



SWEDEN

No concept of responsibility, no preventive detention, specific CJS-care orders, extended maximums and life imprisonment



CONCLUSIONS?

- Strong long-term policy similarities
- Different structures but shared trends
- Life imprisonment (FIN, SWE)
 - 1970/1980s
 - "silent consensus about the end of life imprisonment"
 - 1990->2010
 - increase in the number of convictions
 - 40 - over 100 % increase in served time
 - multiple number of life-prisoners
- Preventive detention (DEN, NOR)
 - 2000-2015, 100 % increase in inmates
- Nordic countries hardly "soft on serious violence"