

Old and new uses of electronic monitoring in Sweden

Jan Bungerfeldt describes integration with social work and uses in other agencies

Sweden had extensive experience in using non-custodial measures in order to decrease the use of imprisonment even before the advent of electronic monitoring (EM). 'Conditional custodial sentences' – made by judges but implemented by the Probation Service, who allow consenting offenders to serve their time in the community, under supervision – have been crucial. Community service was introduced as a separate sentence in 1989, but with the same end in mind. The overall strategy for keeping the use of imprisonment down to a 'balanced minimum' is based on the belief that prison is at best unproductive and in some cases counter-productive in terms of reducing re-offending, and then creates a problem of re-socialisation back into the community. Public opinion nonetheless expects fair punishment and protection from harm, and our alternatives have always addressed the issue of 'control'.

When radio frequency EM was introduced in Sweden in 1994 as a means of making 'home detention' secure and enforceable (as part of a conditional custodial sentence), it was seen by government as a further means of reducing imprisonment (or at least avoiding increased use). As in England and Wales, a delegation had visited the USA to learn from their experience. The intention was to create a publicly credible alternative to imprisonment and also to cut the costs of implementing prison sentences. Unlike England and Wales, it was never considered sensible to implement EM as a stand-alone measure; it was always conceived as (and named) 'intensive supervision with EM' (ISEM). A small

charge is levied on those subject to it and paid into a victim support fund; victims' views have been sought on the penalty, and whilst diverse, have been sufficiently supportive (Wennerberg, 2012).

Kriminalvarden, the organisation in which Sweden's Prison and Probation services are combined, operates with a degree of professional autonomy under the Ministry of Justice. Through dialogue between it and the Ministry of Justice in the 1990s it was agreed that the Probation Service should undertake EM. There was intuitive scepticism about EM in the Service, but a special team of interested probation officers were picked to develop it. Some media, public and professional debate occurred about its implications for civil liberties but in the main it was perceived as an acceptable way of improving community supervision. Significantly, Sweden had no aspiration in the 1990s to 'privatise' any criminal justice services. It understood from USA experience that EM could easily be managed within state-based probation services, and has avoided all the difficulties of integrating social work and tagging that arise with commercially delivered services (Nellis and Bungerfeldt, 2013).

Sweden's two year, five district pilots, begun in August 1994, used EM as an element with a 'conditional custodial sentence' of up to two months on adult offenders over 18. An average daily caseload of 50 offenders gave sufficient time to explore the impact of the new technology. Eligibility for participation was decided by the Probation Service and not by the courts. This initially caused quite some discontent among sentencers,

with many judges feeling that the new alternative completely changed the content of their ruling and that 'home detention' did not have the same weight as a sanction as imprisonment. Such criticism has diminished over the years, as research has repeatedly shown that most involved parties, including offenders themselves, consider EM in most aspects to be just as intrusive and tough as imprisonment. Early evaluations deemed the pilot a success, particularly in terms of cost-effectiveness, and on 1 January 1997 it was extended to all (at that time) 45 existing probation districts, and its length extended from two to three months. The daily caseload increased from about 50 to about 350 offenders. Between 1994 and 1997, some 12,000 people underwent 'intensive supervision with EM' and in 1999 it became a permanent legal alternative to a short prison sentence. In 2005 the law was amended to extend ISEM to conditional sentences of up to six months. During 2012 some 3,000 offenders served their full prison sentence or parts of it as home detention with electronic monitoring.

The number of offenders with electronic monitoring who belong to the front door scheme has decreased the last few years: an explanation for this is that the Swedish courts are making fewer short conditional custodial sentences and using community service more.

In October 2011 Sweden began an EM post-release scheme for longer-term prisoners serving sentences of over two years, who became eligible to leave prison up to four months earlier than they would otherwise do. The scheme aimed to reduce the high post-release reoffending rate. Its structure was similar to EM in terms of work and drug and alcohol prohibition, but greater attention was paid to risk assessment. The National Council for Crime Prevention (BRÅ) was assigned to follow-up both pilots, and in 2005 Swedish law was amended. The maximum length a prisoner could stay outside prison on EM in a post release scheme was increased to six months. In 2007 the law was amended again to say that

participation could begin after half the prison sentence has been served, with a maximum permitted time in the scheme of two years. Evaluations have shown that the reoffending rate for those who have participated in the back door scheme are approximately 26 per cent after three years while the corresponding figure for those released directly from prison are about 38 per cent (Marklund and Holmberg, 2009).

Using EM in prison

Sweden has also pioneered the use of 'inmate tracking with EM' in Europe (using radio frequency technology). It was forced somewhat unexpectedly to open up a new low security prison in 2004 to accommodate rising numbers of prisoners, mostly as a result of longer sentences being given to drug using offenders. To create one quickly, Kriminalvarden converted an old hospital. Local residents feared this new prison might damage their tourist industry, while the media hyped up concern about recent escapes from secure prisons, but both were reassured when Kriminalvarden offered to electronically monitor the location of inmates within the prison buildings and to install an electronic perimeter around the site. The low security prison opened with 150 mandatorily tagged prisoners in April 2005. Electronic monitoring enabled their presence in any part of the prison to be registered in real time and reduced the guards' security work (although not their rehabilitative work) in a significant way. Three more of Sweden's low security prisons became electronically monitored in 2008.

Introducing GPS

Restraining orders which prohibit an offender from visiting, contacting or stalking a person had been available to the Swedish prosecution service at the pre-trial stage since 1988 as a means of improving (mostly) women's safety. It was clear they were difficult to enforce and that the police had no obvious strategy for improving this. As early as 1999, the National Council for Crime Prevention, reflecting on women's safety, had considered the use of radio frequency EM to tag and curfew the perpetrator,

combined with portable alarms sensitive to the offender's tag, which could inform the victim if they came nearby. After many years of evaluation, testing, procurement work and technical problems the National Police Board took on a pilot, but using GPS technology rather than radio frequency, which is better at creating exclusion zones around former victims. The pilot began in autumn 2013.

Sweden, like many mainland European countries, has been reluctant to use EM on juveniles sanctioned by criminal justice. This has now changed, a little. The National Board for Institutional Care is responsible for approximately 100 young people between the ages of 15 and 17 who are annually convicted of severe crimes and sentenced to residential care. Some of them are nonetheless allowed to attend local school, job centres or training courses and, since August 2011, GPS tracking has been an option during these short, intermittent periods outside the institution.

Intensive means intensive

The Swedish concept of 'intensive supervision with EM' is based on human interaction, strict control and the objective to influence longer term behaviour. The curfew lasts in effect 24/7, with leave only allowed for certain activities – mainly work, studies or treatment programmes – and always authorised beforehand. On top of that, only short periods of free time are ever granted.

Offenders must have acceptable accommodation and agree to forego – and be tested for – alcohol and drugs. They must participate in treatment programmes if required to, and accept home visits from the Probation Service. No specific offence mandatorily excludes an offender from participation in ISEM, but those living in the same locality as their victim or victims, mostly in domestic violence cases, are normally excluded from participation. Anyone failing to comply with the rules immediately risks having their home detention breached and being transferred to prison to serve the remainder of the sentence.

Electronic monitoring in Sweden is not outside politics. There have been some disagreements and controversies but in the main it has grown and diversified steadily and incrementally, without destabilising existing penal forms or sensibilities. Research has been heeded and caution has been the watchword, but some changes may be coming. In May 2012 the government presented a proposal for a fundamental change in the Swedish Penal Code. The proposal suggests that almost all prison sentences of less than one year, primarily for first-time offenders, shall be abolished and instead take the form of probation, community service or EM, or a combination of these three. Underpinning this is a desire to replace Sweden's more or less mandatory jail sentence for drunk driving with alternative sentences. These controversial proposals, though not yet finalised, may become reality around 2016, although there will be considerable political debate about them before then. The consequence for EM in this is that it will in future be the court that decides to impose electronic monitoring, as opposed to the present system of conditional custodial sentences in which the Probation Service offers it, and offenders accept or decline it (and opt for prison). Neither the prospect of stand-alone uses of EM nor the privatisation of service delivery is on the horizon. ■

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References

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