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# The National Council for Crime Prevention Sweden

## Crime and Criminal Policy in Sweden 1985

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The National Council for  
Crime Prevention  
Sweden

Crime  
and  
Criminal Policy  
in Sweden  
1985

U.S. Department of Justice  
National Institute of Justice

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# Crime and Criminal Policy

## Crime and criminal policy

This booklet describes the character of crime in contemporary Swedish society, and the changes it has undergone. To help in the description a number of terms such as "traditional" versus "modern" crime, "organized" and "economic" crime are introduced and defined. Attention is also paid to the distinction between known and hidden crime, to the social costs of crime and other problems which frequently arise in current debate.

"Criminal policy" is the concise label applied to all measures undertaken to limit criminal behaviour. It refers not only to the activities of the police, the courts of justice or the prison and probation system, but also to social policy reforms concerning the labour market, schools, housing and town planning or family life.

What is the factual basis for these measures and what are the underlying values which give rise to them?

The booklet is easy to read, yet presents a careful appraisal of crime and criminal policy issues in Sweden.

## What do we mean by . . . ?

### Crime – punishment – criminal policy

These are terms that we run into every day – in talking to members of our families, in discussions on the job and, of course, in the reporting of the massmedia.

The aim of this booklet by the National Swedish Council for Crime Prevention (NCCP) is to provide a brief description of the reality underlying these terms.

The introductory chapter describes criminality in Sweden today – its scope, its nature, and how it has changed in recent years.

This is followed by some remarks on criminal policy. What are the means used by society against criminality and what are the ideas on which these measures are based?

In the final section, the causes of criminal behaviour and the various problems that may arise in connection with criminal policy efforts are discussed.

But first, a few comments on the terms as such and on their significance. What do we mean when we speak about crime, punishment and criminal policy?

## Crime

The Penal Code contains the most important provisions of Swedish criminal law. Section 1 of the first Chapter defines what is meant by the term "crime": "A crime is an act for which a punishment as stated below is provided in this code or by other codes or laws" (Penal Code I:1). As used here, the word "act" refers not only to acts committed or activities carried out, but also to acts of omission. Thus, ordinary human behaviour can in some cases be punishable.

At the same time, it is true that nearly all crimes are acts of commission. In simple and everyday language it could be said that *a crime is an act which is punishable by law*. Exactly which acts are to be regarded as punishable, and what punishments may be imposed is a political question to be decided by the Riksdag, the Swedish Parliament.\*

In Swedish legislation there are – in round numbers – some one thousand acts which are subject to punishment. They vary widely in nature, ranging from ordinary, well-known acts such as thefts, drunken driving and smuggling to more special violations, for instance, of the legislation on lotteries or unfair competition.

It is impossible to find any similarity among all these criminal acts and it is for precisely this reason that the term has been defined as it has: "A crime is an act for which punishment is provided . . .".

Thus, the only thing that crimes have in common is that such acts are deemed to be so harmful to society that it is desirable to try to prevent people from committing them. This is done by threatening that some disagreeable consequence backed up by society – a punishment – may follow.

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\*In accordance with Chapter 8, Section 3, of the Instrument of Government, regulations concerning crimes and the legal consequences of crimes shall be proclaimed in the form of a law decided by the Riksdag. However, the Riksdag can authorize the Government – which can in its turn delegate its authority to an administrative agency or a municipality – to provide for a fine for violation of a regulation.

There is only one way to determine what is forbidden or permitted, and that is to study the law. In order for an act to be a crime, it must be described in the law and it must be provided with a punishment. If this is not the case, the act is not a crime and is permitted in the sense that it is exempt from punishment. Of course, this does not necessarily mean that it is a desirable or good act either for society or for the individual.

The fact that a crime has to be described in the law is a fundamental principle of the Swedish legal system. This principle, called the legality principle is written into the Instrument of Government, one of the most important sources of Swedish constitutional law. One implication of this principle is that no one may be punished for an act which was not punishable when it was committed.

It is in the Penal Code that we find all of the traditional crimes with which most of us are quite familiar. In it are the provisions for punishment for crimes of violence such as murder, assault, illegal threats and rape, as well as for various kinds of theft, fraud and infliction of damage. Or for crimes against the State, such as espionage.

At the same time, only a small proportion of all crimes are listed in the Penal Code. In addition to this law, there is also a very far-reaching body of *special penal legislation*. In all, this consists of several hundred laws which also include provisions on punishment for those who violate these laws. The Traffic Offences Act, the Drug Offences Act and the Tax Offences Act are examples of special legislation.

Great changes have come about in society during the past hundred years. All of the new technological inventions, in particular, have influenced human behaviour in ways which were unknown in the past. Activities and acts which did not exist earlier have come into being. Society has attempted to influence many such acts by means of penal legislation. A classic example is that of avoiding payment of the TV licence fee.

## **Knowledge of the law and awareness of the law**

Does an ordinary person really have to know about all these regulations? And what happens if someone commits a crime in the mistaken belief that what he did was permissible?

On these matters, society has taken a "hard line". Apart from a few very special exceptions, it is no excuse for anyone to say that he did not know that an act was punishable. Society requires of its citizens that they know the law. Anyone who does not must take the consequences.

In view of the large number of acts defined as crimes and bearing in mind that the number of additions is much greater than the number of abolitions (decriminalizations), this may seem to be a stringent demand. At the same time, it is not too difficult to understand why society has taken this attitude. The opposite approach – to excuse those offenders who plead innocence because they did not know the law – would quickly lead to injustices in applying the law.

On the other hand, the difficulties should not be exaggerated. Sociological studies on *general awareness of the law* show that the great majority of people seem to be fairly familiar with the legislation which is of practical relevance for them. Most people have sufficient knowledge about the law and the legal system to cope with everyday life.

## **Different concepts of crime**

When specialists in research into crime – criminologists – study criminal behaviour, they classify crimes differently from the legal experts. The reason for this is related to something mentioned earlier: the legal definitions of crime cover acts which may be wholly different from one another. Criminologists on the other hand are more interested in crimes which are similar, i.e. criminal actions which are similar, which are due to the same causes or which occur under similar circumstances.

Certain of these criminological definitions have also gained currency in everyday language, and they are used regularly in the crime reporting of the massmedia. It is often easy to understand what the various terms refer to but sometimes they give rise to considerable confusion. Expressions such as "offences against the environment", "juvenile delinquency," or "violent criminality" hardly require an explanation, while terms such as "traditional crime", "modern crime", "organized crime" and "economic crime", on the other hand, are not as simple.

*Traditional crime* refers to crime that has existed for a long time and which has not been particularly influenced by changes in modern society (hence traditional). In other words, they differ from *modern* crimes, which have arisen in the wake of industrialism and new technology. Examples of traditional crimes are assaults, theft and the destruction of property. Modern crime includes such offences as traffic violations and computer crime.

*Organized crime* refers to large-scale activity which is criminal *per se* and which is directed by an organization i.e. a number of persons with differentiated tasks. Examples are the illegal production of alcohol or narcotics under factory-like conditions, extensive illegal money lending (usury), the provision and exploitation of prostitution

(procuring) or specialized dealing in stolen goods (receiving), smuggled goods, narcotics, etc.

*Economic crime*, on the other hand, is based on business activity which is, in itself, quite legal but which contains a continuous component of criminal actions for the purpose of financial gain involving large amounts of money. The classical example is that of corporate tax evasion. At the same time, it should be stressed that the term "economic crime" may be used to cover other categories of crime such as ordinary fraud, swindle, currency offences, environmental offences and the like. In everyday language then, the term "economic crime" is used imprecisely.

## **Punishment and sanctions**

Like the definition of the term "crime," the legal definition of the terms *sanction* and *punishment* may be found in the Penal Code (Chapter 1, Section 3). Chapter 1 enumerates the various sanctions for crimes. We shall return to these matters in the section on criminal policy. For the moment, we will limit ourselves to a few words on the difference between punishments and sanctions.

The notion of a *sanction for crimes* is broader than that of punishment. By a sanction is meant both the so-called *common punishments* of imprisonment and fines as well as the special disciplinary punishments for members of the armed services together with the so-called *other sanctions*, namely, conditional sentence, probation and commitment for special care.

## **Criminal policy**

is the comprehensive name for the various measures which society uses to limit criminal behaviour. In general, we probably tend to think of the criminal justice system and the efforts of the police, prosecutors, courts and the prison and probation services, but the concept is a broader one than that. It refers to everything done by society to combat crime, and it may involve measures relating to the labour market, schools, housing or family life. But more about that later.

# Criminality

## The problem of hidden criminality

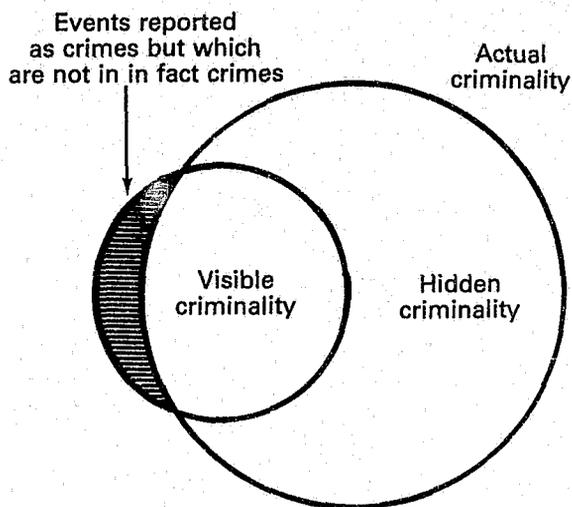
Practically all attempts to describe criminality or to explain its causes are hindered by the problem of hidden criminality.

Only a relatively small proportion of all crimes that are committed are discovered and registered by the authorities. The great majority of offences remain undetected or hidden. Criminological research workers usually refer to:

- *Actual* (true, real, total, etc.) criminality, i.e. all of the crimes committed during a specific period of time, in a particular area, of a particular type, etc.
- *Visible* (reported, registered, etc.), i.e. that part of actual criminality which comes to the attention of the authorities and which inter alia is reported in the criminal statistics.
- *Hidden* (unreported, non-registered, etc.) criminality i.e. the portion of actual criminality which does not come to the attention of the authorities.

### The dark number

The term "dark number" is sometimes used as a synonym for hidden criminality. A crime with a large dark number is one for which the proportion of hidden crimes is large. The relationship between actual, visible and hidden criminality is shown in the figure below.



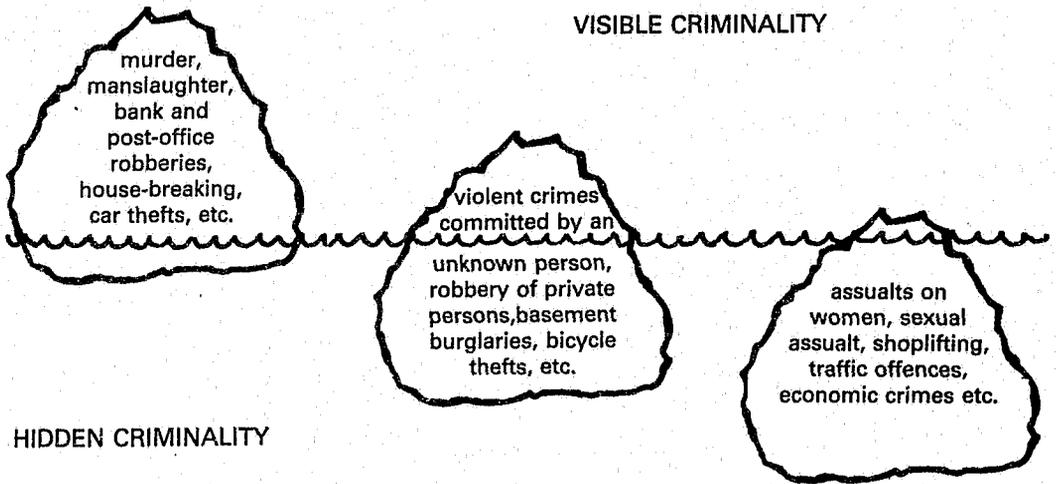
*Figure 1. Actual, visible and hidden criminality*

As the figure indicates, the relationship between actual, visible and hidden criminality is complicated by the fact that a small proportion of visible criminality consists of events which have been reported as crimes even though they are not so in fact. An example is a wallet which was reported as stolen, though really it had been lost. This phenomenon inflates the figure but is usually however, of little importance.

### **The criminality iceberg**

Attempts have sometimes been made to illustrate the problem of hidden criminality by comparing criminality to an iceberg. It is only the top of the iceberg that is seen.

Unfortunately, reality is more complicated than the analogy of the iceberg suggests since whilst hidden criminality is large *in toto* it varies substantially for different types of crimes. Some criminality icebergs may be completely under water, while others for the most part float on the surface (figure 2).



*Figure 2. Hidden criminality varies with different types of offences.*

Thus, the amount of hidden criminality is small for certain traditional offences such as serious crimes of violence, burglaries, car thefts, etc. Other traditional offences often appear in the criminal statistics in their more serious forms whilst the less serious offences frequently remain hidden.

For most of the crimes covered by special penal legislation, the relationships are different. These crimes nearly always have high proportions of unreported cases. The same is true of organized and economic crime.

Three main factors determine how large the amount of hidden crime will be:

- The seriousness of the offence. The more serious an offence is, the higher the probability that it will be reported.
- The character of the crime. Simple, easily recognized crimes are reported to a much greater extent.
- The relationship between the person committing the offence and the victim. The less the parties are acquainted with one another, the higher the probability that the victim reports the crime.

### **Economic criminality – a large dark number**

There are, of course, exceptions to this pattern. One such important exception is economic criminality.

The average economic crime involves considerably larger sums than the average theft. At the same time, hidden criminality is greater for the former offence. Why?

There are three reasons.

Economic crime is without a victim in the sense that it is seldom directed against a particular person who goes to the police and reports an offence. Rather, the crime is directed against impersonal – and often vaguely defined – entities such as the tax system, the physical environment, competitive conditions in the market economy, etc.

The offender usually has full control over the particular economic or social system which he uses for his criminal activity. He is part of that system, and his actions are rarely questioned.

Economic offences are, as a rule, discreetly carried out and are difficult to discover. In many cases, the perpetrator carefully considers – before he acts – all the various important legal aspects.

## Can the problem of hidden criminality be solved?

### Special studies

Criminologists have attempted to survey actual criminality by means of scientific studies. They have used three main methods in their work.

The first method is that of *self-report studies* in which various groups – e.g. school children, students, conscripts – are asked whether they have committed certain offences, whether the police learned about these crimes, and so on.

The second method involves asking some sample of the population whether they have been victims of crime. For obvious reasons these are called *victim studies*.

The third method is the attempt to *analyze* the social systems within which crimes are committed, discovered and punished in order to thus be able to calculate the relationship between hidden and visible criminality for different kinds of crimes.

## The use of judgement

The problems posed by hidden criminality can also be tackled by using judgement when interpreting, for instance, the account of criminal activity given in criminal statistics.

Two examples.

In 1979 slightly more than 22,000 violations of the Drug Offences Act were reported for the whole of Sweden. In the following year 1980, 59,500 such violations were reported. Does this mean that actual criminality increased by 170 per cent?

No! What happened was that the police had made increased efforts in 1980 to stop the sale of drugs on the streets. Figures for these kinds of offences – those concerning drugs, smuggling, traffic, etc – are primarily indications of the efforts and achievements of the crime control authorities – not necessarily of actual changes in the level of criminality.

Rare crimes such as murder, manslaughter and bank and post-office robberies may show large temporary variations. Several years ago, murders in the Malmö police district "increased" by 92 per cent from one year to the next. The entire "increase" was due to a single very special case detected by the police. A hospital worker had poisoned several elderly patients with disinfectant. The frightening percentage increase was thus due to the fact that one murderer in a single incident killed several persons.

## Registered criminality

The main source of our knowledge about criminality is the information about registered or visible criminality which is published in the annual criminal statistics.

These statistics contain information on *offences*, *offenders* and *measures against crime*. The Swedish Central Bureau of Statistics is responsible their compilation. They are based on primary data, from the various criminal justice authorities – the police, the prosecutors, the courts and the prison and probation administration.

The statistics on *reported crimes* give details on the number of offences against the Penal Code as well as certain offences defined by special penal legislation, chiefly those which may lead to imprisonment. On the other hand, offences which are detected by the police and which can be dealt with by them using the imposition of *summary fines*, are not included. The latter category consists of some 200,000 offences per year, mainly relatively minor traffic offences.

## Reported crimes and investigated crimes

The statistics say nothing about how a particular offence gets into the statistics. Briefly, however, it can be said that the police learn about crimes in two different ways – firstly when someone makes a complaint (reported crime) and, secondly, as a result of investigations carried out by a public authority – usually the police (investigated crime). Thus, the statistics on registered offences cover both reported crime and investigated crime.

Examination of offences against the Penal Code (crimes of violence, thefts, fraud, infliction of damage, etc.), reveals that about 90 per cent of the total number of crimes included in the statistics are reported offences. In most cases these offences are directed against individual persons.

The situation is the opposite in the case of offences against special penal legislation. Most of these offences are investigated crime. The customs authorities discover and report smuggling offences; the tax authorities request an investigation of suspected tax crimes; the police act against traffic or drug offences, and so on. These kinds of offences are rarely directed against an individual person.

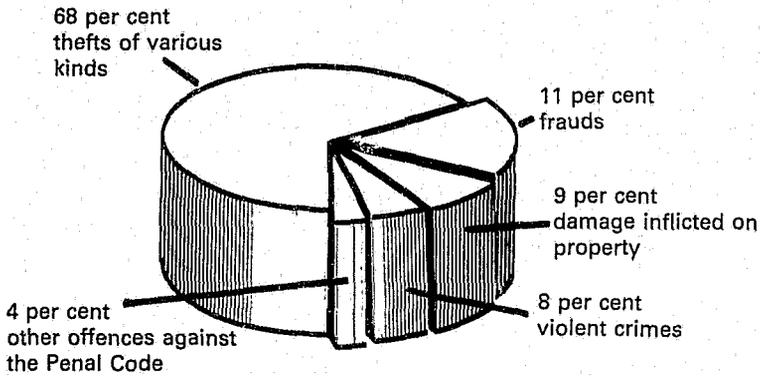
## The crime picture

The statistics on reported crimes show that, 983,000 offences came to the attention of the police in 1984 of which about 846,000 were against the penal code and 137,000 against special enactments. The later category included *inter alia* 67,000 traffic offences, 38,000 drug offences, 3,000 smuggling offences. As mentioned earlier, the statistics do not cover some 200,000 minor offences – mostly traffic violations – which the police imposed summary fines. In addition, there were an estimated 100,000 persons who were suspected of offences not covered by reporting routines and on whom summary fines were not imposed.

Of the total number of reported offences against the Penal Code in 1984, – more than half a million – 68 per cent were thefts of various kinds including 94,000 bicycle thefts and 142,000 thefts in connection with breaking into houses.

Other large groups of offences included crimes of violence, fraud and damage inflicted on property. There were just under 64,000 violent offences, just over 91,000 cases of fraud and about 72,000 cases of damage.

In the diagram below, we show how reported offences against the Penal Code are distributed by categories of crimes.



*Figure 3. Reported offences against the Penal Code 1984.*

846,000 reported offences against the Penal Code during 1984, which include

- 578,000 thefts
- 91,000 cases of fraud
- 72,000 cases of damage inflicted on property
- 64,000 crimes of violence

137,000 offences against special penal legislation, which include

- 67,000 traffic offences
- 38,000 drug offences
- 3,000 smuggling offences
- 7,000 tax offences.

This in short, is the picture of criminality obtained from the criminal statistics.

It is clear that the criminal activity described by the statistics is of mixed content. Mention was made earlier of the considerable differences between various criminal acts but even within a given category there is also a mixture of serious and trivial offences, rare crimes and common ones.

As a rule, however, the serious crimes are relatively few in number, and thefts completely dominate the crime picture. This has been so for many years. A comparison of reported criminality for 1984 and 1950 shows that the crime structure 34 years ago was very similar to that of today.

Of the offences against the Penal Code of that time\* reported in 1950, 8 per cent were crimes of violence, 68 per cent thefts, 9 per cent fraud, and 3 per cent cases of damage to property. The proportion of

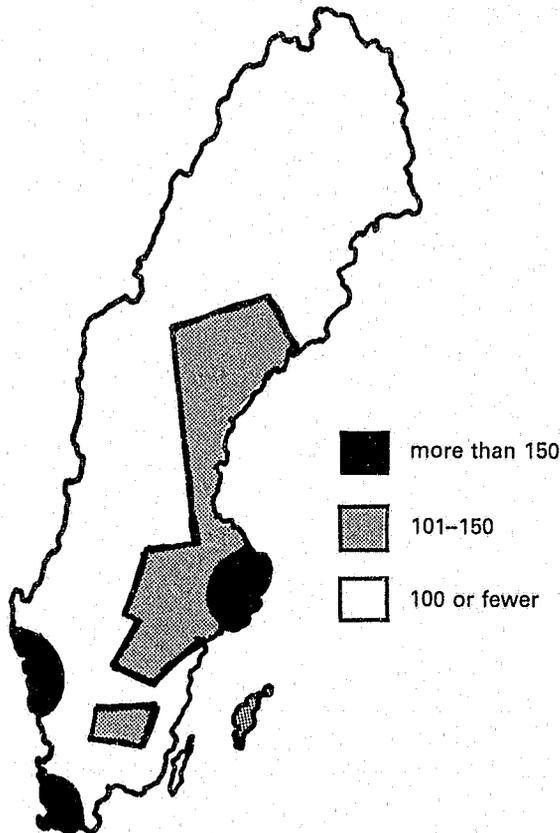
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\*The present Penal Code entered into force in 1965 and replaced a Penal Code which had been in force since 1865.

offences concerning fraud and damage to property have increased since then but the proportion of violent offences and thefts remains unchanged. Other offences against the Penal Code have declined.

## Criminality shows geographical variations

Sweden is a country with slightly more than eight million inhabitants. In 1984, 983,000 crimes were reported. If the crime rate is calculated on the basis of population size, then 118 crimes were reported per 1000 inhabitants for the whole country. However, there are regional variations as well as differences between areas within the same region, which are quite large. The map of figure 4 shows that these



*Figure 4. Number of offences per 1000 inhabitants in different parts of Sweden in 1984.*

variations follow a definite pattern: the greater the population density of an area, the higher the crime rate per 1000 inhabitants.

The highest crime rates are to be found in the metropolitan regions of Stockholm, Gothenburg and Malmö and surrounding areas. In 1984, between 176 and 155 crimes were reported per 1000 inhabitants in these regions (Stockholm and Malmöhus counties, respectively).

In the eastern part of Central Sweden, Gotland and southern Småland, the crime rate is between 150 and 101 crimes per 1000 inhabitants. This area also contains many of Sweden's larger towns and urban areas.

The sparsely populated parts of Western Sweden, inner Norrland and upper Norrland, have the lowest crime rates: 100 crimes or less per 1000 inhabitants.

## Short-term changes in criminality

Thefts represent the major part of reported criminality. This has been the case for a long time. At the same time, it should be emphasized that reported criminality has increased sharply since 1950, the year in which statistics on reported crimes were started. In that year, about 160,000 offences against the Penal Code were reported. In 1984 the number of reported offences was about 846,000 – nearly five times as many. Crimes defined under special penal legislation have also increased by the same amount, from about 34,000 in 1950 to about 137,000 in 1984.

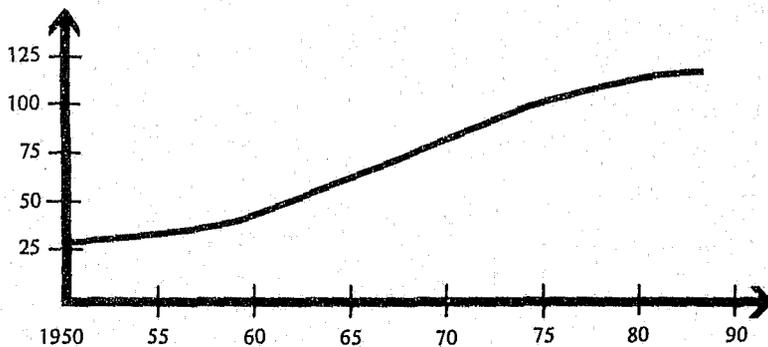


Figure 5. Reported offences per 1000 inhabitants for the period 1950–1984.

The sharp increase in reported criminality cannot be explained by a corresponding increase in population. Although the population of Sweden has grown, the increase has been considerably more modest than that recorded for reported offences.

In 1950 a total of some 195,000 offences under the Penal Code and special penal legislation was reported. The population then numbered approximately six and a half million.

In 1984 total reported criminality amounted to some 983,000 offences for slightly over eight million inhabitants. If reported criminality is calculated and compared on the basis of population size, the increase is, in effect, fourfold.

Of course, not all crimes have increased at the same rate. The situation may be summarized as follows.

- For the period 1950-1984, the total number of reported offences against the Penal Code increased from 160,000 in 1950 to 846,000 in 1984, i.e. by 430 per cent.
- Crimes of violence show the smallest increase relatively, from 13,000 to 64,000, or 390 per cent (offences against Chapters 3, 4 and 6 of the Penal Code).
- Thefts have increased sharply from 110,000 to 578,000, i.e. by 425 per cent (Chapter 8 of the Penal Code).
- Fraud has risen very sharply, from 13,000 to 91,000 cases, i.e. by 600 per cent (Chapter 9 of the Penal Code).
- Cases of damaging property show the greatest relative increase - from 5,000 to 72,000, or i.e. by 1,300 per cent (Chapter 12 of the Penal Code).
- Entirely new categories of crimes have appeared during the period. Drug offences are not to be found in the 1950 statistics. In 1984, about 38,000 such offences were reported.

Damage to property, and theft are common juvenile offences. Known juvenile criminality has increased enormously over recent decades. Today, for instance, registered criminality among those aged 15-17 is many times higher than in 1920.

**Thus, in slightly more than 30 years, a very sharp and essentially unbroken increase in reported criminality has occurred.**

The important question of whether this increase in reported criminality corresponds to an increase in real criminality or whether it is due to some statistical distortion, will be discussed later. Possible explanations for these changes in the level of criminality will also be taken up.

# Long-term changes in criminality

How much has reported criminality changed if we go back further than 1950?

A number of problems arise when such a comparison is attempted. In particular, there are substantial statistical difficulties. Thus, for instance, there are no statistics on reported crimes for the period before 1950 (with exception of Stockholm and certain other major cities).

However, some help is available from the statistics on persons *sentenced* for different offences. Such statistics exist for all of Sweden back to the first half of the 19th century.

## Theft and assault – a comparison

The diagram (Figure 6) shows the number of persons per 1000 inhabitants in the age-group 15–64 convicted of assault or theft for the period 1950 to 1984. Care must be exercised in drawing conclusions about the number of reported crimes on the basis of the number of persons sentenced (*inter alia* the risk of detection is not directly comparable for the two offences). The figures nevertheless clearly suggest that there has been a shift in the relative positions of the two offences.

The figures for theft decline from the middle to the end of the 19th century, and then become stable. This is followed by a dramatic increase during the First World War followed by a return to the pre-war level. Finally, from and following the 1920's a marked and essentially unbroken increase until the end of the period is to be seen.

The figures for assault show a declining tendency from 1850 until the inter-war period. Then comes a time of relative stability, followed by an increase from the beginning of the 1960's. The number of persons sentenced for this offence in, the late 1970's is, however, less than half of the number at the beginning of the period in the mid-19th century.

The relation between the two series is interesting. At the beginning of the period, the number of persons sentenced for assault was slightly more than those sentenced for theft. At the end of the period, nearly ten times as many persons were sentenced for theft as for assault.

Criminological experts who work with historical data are today virtually unanimous in their opinion that the statistics do give an accurate picture of the long-term trend.

The changes in the amount of theft are explained by variations in living standards. As regards assault, two main causes are thought to

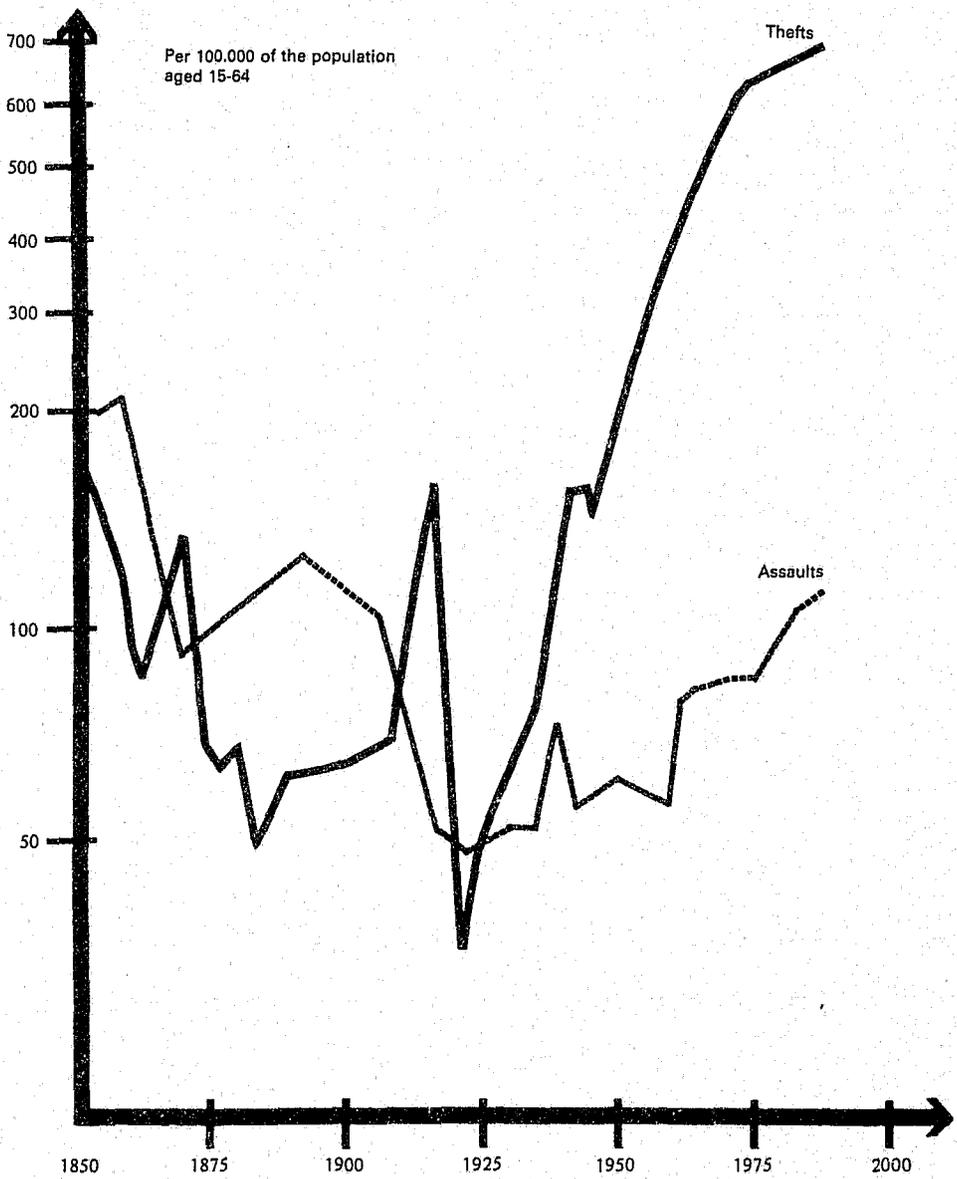


Figure 6. Number of persons sentenced for theft and assault respectively for the period 1950–1984. Logarithmic scale. Figures taken from the Swedish publication *Crime and Justice in Figures* (National Central Bureau of Statistics).

account for the reductions in this type of offence during the first half of the period. The first is increased temperance as a result of the successful popular campaigns concerning policies for the control of alcohol. The second is the high rate of emigration to the United States in the latter part of the 19th century. This resulted in a dramatic decline in the numbers of males in the age-groups which are especially important for the incidence of crimes of violence.

## **Actual criminality**

### **Several hundred million offences**

Nearly one million crimes are registered each year in Sweden. In addition, there is a large amount of hidden criminality. How many crimes, then, are actually committed in one year?

This question is impossible to answer if we are looking for a precise answer. However, various criminological studies suggest that actual criminality in Sweden in one year, in a strict legal sense, must amount to several hundred million offences.

The great majority of these can without doubt be characterized as minor offences or even as trifling, for instance, petty thefts and shoplifting, cheating on allowances and fees, avoidance of licence fees, and minor traffic offences. Taken as a whole, however, there is no doubt that these crimes involve substantial losses to society.

What, then, can be said about the changes in criminality over time? Criminality as registered in the criminal statistics shows very marked increases for practically all crimes over many years. There are few exceptions to this pattern.

### **Real increase**

As was said earlier, actual crime trends are very difficult to get at. Since hidden criminality can vary from one year to another, it is even theoretically possible that registered criminality has increased even though actual criminality has decreased (or vice-versa). Then, too, willingness to report crimes may have increased or the police may have become more effective in their work to mention two explanations why the statistics may give an inaccurate picture.

Over the course of the years, this problem has been the subject of extensive criminological research. The results of this research can be

summarized by saying that today there seems to be a general consensus among criminologists that **registered criminality gives a good picture of the trends of actual criminality.**

The true number of thefts, cases of fraud and damage to property has thus increased very sharply during the period 1950-1984. Crimes of violence have also increased, although not to the same extent.

The same is true of many of the offences against special penal legislation if they are viewed in a long-term perspective and if temporary changes ignored. Such fluctuations may be due to special circumstances, for example, the previously mentioned case of the increase in reported drug offences from 1979 to 1980.

The causes of increased criminality are taken up in the final section of this brochure.

## **Perpetrators and victims of crime**

### **Who are the criminals?**

Behind every crime there is a criminal, a perpetrator of the crime, as the legal term has it.

From the results of the studies of self-reported criminality mentioned earlier, it appears that virtually everyone – or at least every male – has played the part of a perpetrator at some point in his life. A vast majority of persons questioned in such studies state that they have committed one or more offences – usually of – relatively minor character that are rarely detected by the police.

Thus, certain offences are common among large groups of the population. Young people are often guilty of theft, damage to property and the like. There are research findings which show that of the boys who were born in the 1960's and who grew up in Swedish metropolitan areas, approximately one out of five will have been in contact with the police on account of some offence which he has committed before he has reached the age of 20. For most of them, this isolated and relatively minor occurrence will not have any particular consequences.

Even among adults, there are strong indications of widespread criminality concerning certain offences - driving in excess of speed limits, taking an extra bottle of liquor through customs, not declaring some item of income in a tax return, taking something from a place of work, etc.

## **Ninety thousand suspects**

Each year some 90,000 persons are suspected of crimes (in addition to the approximately 200,000 who are guilty of minor traffic offences and the like). The central police register currently contains the names of about 10 per cent of all males in Sweden, and about 2 per cent of all females, for one or more offences.

The statistical picture of offenders has certain typical features.

- Men predominate. For every woman who is suspected of crime there are approximately ten men.
- The majority of known offenders are relatively young. The largest group aged 15-19 whilst the next largest is aged 20-24.
- The commonest offences committed by young people are theft and damage to property. Among adults, the main crimes are theft, fraud, traffic offences together with offences against special penal legislation. Young people are usually in peer groups when they commit offences whilst adults more often offend alone.

## **Social status**

The statistics provide a certain picture of the offender but the picture is only partially true. The offences which a person may commit will to a large extent depend upon his status in society. It is not a matter of chance that tax offenders are always adults, that it is children who steal from their mothers' purses and that it is young people who sneak into sports events without paying.

The adult offender (and especially the socially well-established adult offender) can use his social status to advantage. The risk of being detected and ending up in files and statistics is smaller owing to the fact that he can commit his crimes within a social and economic system to which he belongs or which he may even control.

A study of the findings from research into self-reported offences may give the impression that everyone is as big a thief as everyone else (women excepted) – but this is not true either.

Various studies show, for instance, that the serious traditional offences (serious crimes of violence, bank and post office robberies, safecracking, burglaries, car thefts, etc.) are in most cases committed by a very small group of known offenders. These offenders are relatively young men with extensive previous criminal records and experience of correctional institutions, serious problems of alcohol or drug misuse and, often a chaotic social situation. This group comprises about 10,000 persons in all or 0.2 per cent of the male population of Sweden.

## **The criminality of foreigners**

A frequently discussed question is that of the criminality of foreign citizens.

The fact that persons who have committed offences are foreigners would be of interest only under one or both of the following conditions: (1) their nationality (or the fact of being a foreigner) accounts for the crime, and (2) the knowledge that they are foreigners is important for criminal policy if it can be used to *prevent* or *hinder* offences of a particular kind.

In fact, neither of these conditions hold.

The following facts are known.

- The vast majority of foreign citizens in Sweden do not differ from their counterparts in the Swedish population with regard to the criminality which occurs in the group.
- The proportion of foreign citizens among those guilty of crime is greater than the proportion of foreigners' in relation to the population as a whole. This proportion has increased from 12 per cent of persons found guilty in 1970 to 16 per cent in 1984.
- Of all foreign citizens suspected of offences, two-thirds come from the neighbouring Nordic countries.
- A considerable proportion of foreign citizens is to be found within certain very special offence categories such as procuring, illegal gambling and the like. But this is not the case with drug offences, where the great majority of known offenders are Swedes.
- Where, for any given offence, foreign citizens constitute a sizeable proportion of those responsible, it is usually the case that they show considerable differences from the average population of foreigners resident in Sweden. Thus, they are often single men with previous criminal records and without any especially close ties in Sweden.

## **The risk of becoming a victim**

Who are the victims of crimes?

The risk of being a victim of crime varies considerably among different groups of the population, and is dependent on such factors as age, sex, type of work, place of residence, etc.

By means of *victim studies*, research workers tried to survey the real risk of becoming the victim of a crime directed against the individual or his property – violent offences, theft and damage to property.

In an investigation (conducted in 1978 by the Swedish Central Bureau of Statistics), it was found that six per cent of the population had, in that year, been exposed to an act or threat of violence. This finding was similar to that obtained in a study made in 1974.

However, the true risk is probably somewhat higher than that indicated in these studies. This is due to a weakness in the research method employed which means that violence or threats of violence occurring within the victim's circle of friends or his or her family was often missed. An "informed guess" would be that the proportion of victims was a little under 10 per cent in each year. In general, the amount of violence was small. Ten per cent of the cases studied required medical attention in the form of a visit to a doctor, dentist or nurse.

Thus, the general risk of being subjected to an act or threat of violence during one year is less than ten per cent. At the same time there is, as was mentioned earlier, considerable variation between different categories of the population. The following statements sum up what is known about the risk of being exposed to an act or threat of violence.

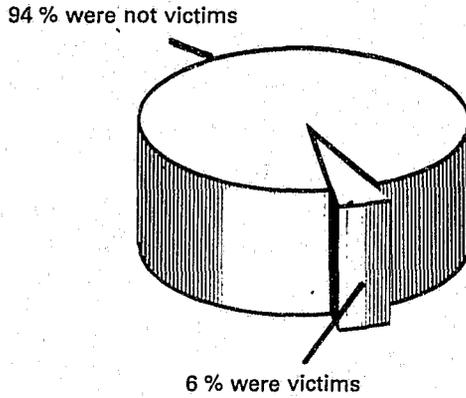
- Men run a higher risk than woman. This is especially true of violence on the streets and in public places.
- Young people run a higher risk than older persons.
- People who live in metropolitan areas run a higher risk than those living in other areas.
- Certain occupational groups run higher risks than others e.g. police, staff at medical treatment institutions, station ticket collectors and restaurant employees.
- Persons who are themselves known violent offenders run the highest risk of being subjected to violence.

So far as property crimes, are concerned, the picture is in some ways different. The same 1978 study made by Central Bureau of Statistics also covered thefts and damage involving Swedish households i.e. families and their members.

During the year studied, every fifth household was the object of such offences (usually thefts). The risk however was greater for households in the larger cities and urban areas and for families with many members.

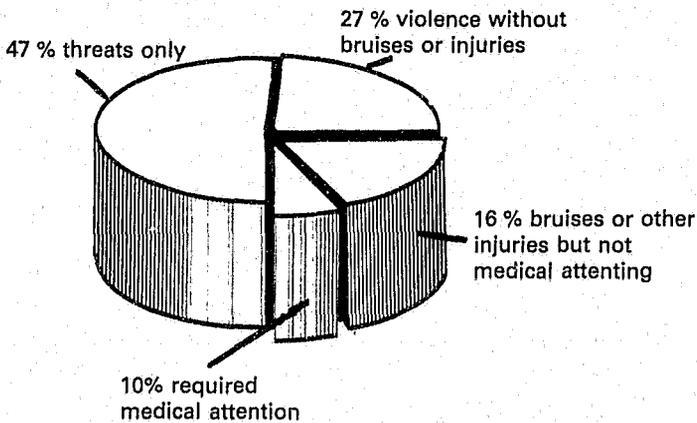
The offences committed against these households involved amounts varying, on average, from 1-500 Swedish crowns. Six per cent of the offences involved amounts of more than 1000 Swedish crowns.

Obviously, these are but two examples which show only a part of the total risk of being a victim of crime. Road traffic offences have not been mentioned. This class of offences however leads annually to far



*Figure 7 a. The risk of being a victim of an act or threat of violence.*

greater physical and financial harm than do, for instance, crimes of violence. Nor is the damage which results from offences against the environmental and economic criminality, taken up in the examples given. Since these last-named categories of offences are rarely directed against any particular individual, it is impossible to express the risk of being a victim in terms of a percentage proportion of the population.



*Figure 7 b. How serious is the violence?*

# The cost of, and the damage caused by, criminality

## Impossibility of assessing in money

Calculating the cost of criminality is difficult. In the first place, there is the problem of hidden criminality. No-one knows how many offences are actually committed. Secondly, many instances of criminal injury or damage are of such a nature that it is either impossible or even offensive to estimate them in money terms. Thus, each year some 150 people are killed or murdered in Sweden whilst tens of thousands of others are victims of assaults and an even greater number fear becoming the object of violence. All of these are cases of injury or damage due to crime, but how can a price be put on them in money terms? Thirdly, there are technical complications when the attempt is made to assess the economics of crime. It is not just a simple matter of saying that the thief's gain is the victim's loss, or that the sum total of all money losses from theft is equal to society's cost for that form of criminality. It may even be so that society makes money from occurrence of certain crimes.

## Estimates

There are two ways however of tackling the problem. Firstly an approximate estimate can be made of those offences that can be expressed in financial terms. Secondly, we can try to explain the chains of financial transactions arising from crime and how the various kinds of injuries are ultimately distributed.

Here are three examples: theft, offences and economic crime.

- There are slightly more than two million households in Sweden. These are the object of thefts which annually give rise to total crime costs (defined as the value of the stolen items plus costs for damage to locks, etc.) of the order of 500 million Swedish crowns.

Thefts in shops, stores, etc. by customers or employees amount to about 1,000 million Swedish Crowns annually.

Thefts at workplaces other than the above, as well as from central and local government establishments and institutions, are estimated at an equally large sum: about 1,000 million Swedish crowns per annum.

The sum total of the cost of crime each year for all offences involving theft is of the order of 2-3 thousand million Swedish crowns.

- The financial scope of drug crime can be assessed by estimating the total cost for the purchase of drugs consumed by drug-misusers in Sweden in one year (opiates, central nervous system stimulants, cannabis, etc.). The estimates that have been made are of the order of several hundred million Swedish crowns.
- The amount of money involved in economic criminality has been estimated on the basis of the amounts lost to taxation each year as a result of criminal activity. These estimates vary greatly – partly because there are varying definitions of the notion "economic criminality" – but they range from five to ten per cent of the Swedish gross national product (which was about 700,000 million Swedish crowns in 1984). In other words, the order of magnitude is from 35 to 70,000 million Swedish crowns.

## **Financial transactions and theft**

How are the victims of thefts affected in purely financial terms? How is society affected? What profit is made by the offender?

Approximately half of the costs of theft (losses and damage) involving households is covered by insurance. That part of the costs is paid for by all of the insurance policyholders of Sweden. The average cost of offences which are included in household insurance premiums is currently about 100 Swedish crowns per household and year. The rest of the cost is covered by the victims themselves paying as a result of "self-risk" clauses.

A similar situation exists for thefts at other workplaces or from central or local government agencies, with the difference that, in the latter case, the bill is ultimately footed by the taxpayer.

The beneficiaries of the value of the stolen goods are (1) the thief, (2) the person to whom the goods were sold (the receiver), and finally (3) the person who may, in his turn, purchase the goods from the receiver (and who also is guilty of receiving stolen property).

But there are others who stand to gain from the offences without having been involved in them e.g. firms which supply the victims with replacement goods, new locks, windows, etc., the workmen who are called in to repair the damage caused and finally, those who profit from the financial distribution of the costs arising from the losses and damage – the insurance companies.

## **The economics of drug crime**

These are somewhat different from those just described. The profits are reaped by manufacturers, smugglers and various categories of sellers.

Drug misusers pay with funds originating from a variety of different sources and by no means solely from crime. Ordinary wages, different types of Government allowances, to young people, and funds obtained by crime, prostitution, etc. all flow into drug trafficking. And just as in the preceding example of theft, the costs are ultimately distributed among many persons of whom only a few are themselves drug addicts.

## **Economic criminality**

This form of criminality often works on the basis that money which would have been paid in taxes and social security charges is withheld by the offender who uses it for his own purposes instead.

It is natural to think that this would lead to a tax loss for society corresponding to the withheld payments but things are not quite as simple as that. The money that is withheld is consumed or invested in other activities, and it will be speedily taxed in other ways. Certain types of economic activities are also such that they would cease to exist if the criminal component in them were removed. The only way to make them financially viable or profitable is by means of crime. In such cases even economic criminality can yield tax revenues to the State which it would otherwise not receive. But, of course, it is true that this money becomes available through business activities which are different from what is usually thought of.

It can be said that *economic criminality leads to a major redistribution of money* which is of such a volume in economic terms that it has far greater consequences for the national economy than any other type of criminality. Policies to even out financial inequality are thereby rendered less effective and the offenders concerned become a tax-exempt class who can maintain a completely different level of consumption from honest taxpayers.

One example of this is as follows. The Göta Finance Company affair (a fraud ring in the real estate and credit branches) yielded illicit sums which were equal to those derived from all the 2,000 or so bank and post office robberies committed in Sweden since 1965.

# Criminal Policy

## Ends and means

"Reforms in family policy, the educational system, working life, leisure activity, social security and health care and other fields of activity is designed *inter alia* to reduce the social problems which often underlie crime" (the Government budget bill).

This and similar statements by politicians in recent years suggest that they have a broad, socially oriented view of criminality but, in fact, the reality is more limited. It is no easy task to find examples of measures of the type mentioned where the primary aim is to prevent crime. The main reasons for reforms relating to the family, the school, working life, etc. is, naturally enough, to achieve improvements in just these areas. It has also been hoped that such reforms might even have some effect upon criminality.

## Regulations and control

In all essentials, society's criminal policy efforts are still being conducted on the basis of the two classical means: a *system of penal regulations* and a *control apparatus* to ensure that the regulations are followed. The control apparatus consists of the police, prosecutors, courts, correctional system and other official agencies which enforce sanctions.

In addition to public criminal policy, there are also a number of measures taken by private individuals, organizations, firms, etc. which are designed to protect them from being the victims of crime. Criminal policy has a large private sector, costing several thousand million Swedish crowns per annum in which the main emphasis is often placed on *technological* protection. Thus, private security agencies sell crime protection and employ more than 10,000 persons through out the contry. These devices would be totally absurd in a society in which there was no crime.

The contents of this brochure however are limited to public measures against criminality and to those of them which are focussed primarily on crime *per se* and not social problems in general, that is, penal regulations and the system which ensures compliance with those regulations.

# Penal regulations

In order for people to be able to live together, there have to be *laws* (regulations, norms) which define their mutual *rights* and *obligations* and their responsibility with regard to the structured organization of social life which makes up "society."

The system of penal regulations represents only a small portion of all Swedish legislation. It is the criminal law which defines those forms of human behaviour which are deemed so serious that it appears to be justified to take special measures to prevent them. The basic notion underlying the defined disagreeable consequence which is called *punishment* (sanction) is that, by means of a threat of punishment, human actions may be guided so that they are not criminal but, instead, desirable for society and its citizens.

The prohibition sanctioned by punishment – and ultimately, the punishment itself – is an expression of society's disapproval and is intended, in short, to:

- dissuade the punished individual from committing new crimes
- dissuade people in general from committing crimes.

Underlying these ideas is the notion that people's actions are generally governed by reason and that they are susceptible to the argument represented by a punishment or threat of punishment. But there is also the idea that they can be brought up to regard it as self-evident that social norms are morally correct.

## Special treatment

Of course, there may be exceptions which justify giving special treatment to, or even excusing, a particular offender or a particular offence. The system of sanctions is such that it is often possible to choose between various sanctions for a particular offence and thereby take into consideration the offender's individual traits. Then, too, in penal legislation there are certain general exceptions for young offenders and those who are mentally ill or misuse such drugs as alcohol or narcotics. There is also a possibility of making exceptions in punishment when there are very special circumstances concerning the crime. Individual consideration when deciding on the sanction and exceptions of the first-mentioned kind are relatively common, while exceptions of the last-mentioned kind are very rare.

*Children and young people* cannot be punished for crimes committed before the age of 15, the age of criminal responsibility. Any such cases are referred instead to the social welfare authorities. However, 15 is not an absolute limit. In practice the social welfare authorities usually assume responsibility for persons under the age of 18 who have

committed serious offences. Even in this age-group, fines are the most common sanction for minor offences.

*Mentally ill* persons and *drug-misusers* may similarly be handed over for medical care, treatment for alcoholism or for drug addiction.

There are two strong reasons for these exceptions. Firstly, these persons' criminality is associated with personal difficulties or handicaps which negate the basic assumption that a person is responsible for his own actions. Secondly, the penal system lacks the possibilities or resources required to be able to deal with people with these problems.

## Sanctions

Every penal regulation contains, first, a description of the act which is prohibited and, second, the punishment(s) which may result from the crime. What, then, are the punishments or sanctions to which offenders can be sentenced?

*Fines* are a punishment in the form of money payable to the State. They may be in the form of a specific amount for a particular crime (generally several hundred Swedish crowns) or dayfines. The severity of the crime is indicated by imposing a certain number of days, on a scale from 1 (the least severe) to 120 (the most severe), in the fine. The amount per day to be paid is based on the sentenced person's financial situation.

The most common type of fine is a *summary fine* made out directly by the police. About 200,000 persons were summarily fined for breach of regulations offences in 1984. About 84,000 were given day-fines by order of a prosecutor and some 36,000 were sentenced to day-fines by courts. Fines are without doubt the most common type of sanction.

A *conditional sentence* is a kind of warning. If the offender does not commit a new crime within a trial period of two years, nothing more happens. If the person in question does commit a new crime during the trial period, the court may sentence him to a new punishment for the new, as well as the old offence. A conditional sentence can be combined with a fine where it is felt that a conditional sentence alone would be too mild a sanction. About 11,000 persons were given conditional sentences in Sweden in 1984.

*Probation* means that the offender is placed under *supervision* for a certain period. Probation can also be combined with a fine or imprisonment for a period of not more than 3 months. About 6,000 persons were sentenced to probation in 1984.

*Imprisonment* involves deprivation of liberty for at least two weeks and at most sixteen years, or life imprisonment. However, the time

which the sentenced person serves in an institution will usually be shorter than that stated in the sentence since he can be released before the expiration of the full period of punishment. In 1984, some 15,000 persons were sentenced to imprisonment, the average length of sentence being three months.

*Surrender for Special Care* may be ordered in certain cases involving young offenders, the mentally ill or drug misusers. In the case of serious offences, the offender is often taken into an institution, e.g. a mental hospital. In 1984, about 1,000 persons were committed to special care.

The sanctions which we have described, however, represent only one part of the unpleasantness to which a person suspected of an offence may be exposed.

In the Swedish Code of Criminal Procedure and certain special legislation, there are provisions concerning the *coercive measures* which may be used in connection with the investigation of a crime. A suspect may be deprived of his liberty for a brief period by being *apprehended*. If the violation is such that it may lead to imprisonment, he may be *detained* or *remanded in custody*. Property or belongings may be *confiscated*. His residence or other premises at his disposal may be investigated (*house search*), his telephone may be tapped, etc. The purpose of all these coercive measures is to facilitate the investigation of a suspected offence.

The fact of being guilty of an offence may also have other consequences. These, in practice, have the character of, and are perceived as, punishment, even though they are not, strictly speaking, sanctions. Thus, an offender can be sentenced to pay *damages*, certain items of his property may be *forfeited* to the State or his driver's licence may be revoked, etc. . .

## The apparatus of control

### The flow of crimes and persons

The control system of the criminal law can be likened to a machine. Through this machine flow crimes and persons involved with those crimes.

These are mainly the perpetrators of the offences but victims or aggrieved parties and witnesses must also be included.

The first regulators of input into the machine are the *police* whose job it is to see that people do not break the criminal law and to investigate the breaches which do occur.

If the preliminary police investigation results in someone being suspected of an offence, the prosecutor decides whether it should be prosecuted in court. The prosecutors also direct police investigation work, impose summary fines for minor offences, decide on waiving of prosecution and present the case against an accused person in a court of law.

The *court* has to decide on two questions: whether the accused person has in fact committed the offence (the question of guilt) and, if he is found guilty, what punishment he is to be given (the choice of sanction).

*Enforcement* of any sanction then becomes a matter for the various authorities who enforce the sanction. In the great majority of cases, the sanction is a fine and the offender, after a short period receives a payment form from the *Government Dues Administration*. The Prison and Probation Administration is responsible for those who have been sentenced to imprisonment or probation, while for those cases committed to special care, the *social welfare authorities* take over.

In all, this apparatus costs society about five and a half thousand million Swedish crowns per year. It employs some 30,000 people on a full-time basis of whom about 20,000 are in the police, about 6,000 in the prison and probation service whilst the remainder work with the prosecution and court authorities.

This system deals with three million matters in round figures each year (police interventions, filing of reports on criminal offences, decisions, court rulings, etc.) involving approximately half a million persons who have been suspected of different offences.

The *flow* of crimes and persons through the apparatus of control is illustrated by Figure 9, which shows the system as it was in 1980.

## The sorting process

The *sorting mechanisms* in the system are of two types: (1) those that have been built into the system for the purpose of facilitating the work of the system and (2) those that are due to difficulties in that work or to a lack of resources in the system.

The first group includes the *simplified processing of minor offences*. In these cases, the police act as both police, prosecutor and court for the majority of breaches of regulations. Instead of processing these cases throughout the entire system, they are dealt with at the lowest level. The prosecutors have similar powers for the less serious

offences (up to 100 day-fines) and can issue a *summary order of punishment*. If such an order is accepted by the suspect, the case will not be taken to court.

*Young offenders* can be sorted out in a similar manner. Children under the age of 15 are handed over directly to the social welfare authorities. As previously mentioned, this is frequently done with young people as well, the decision in such cases being made by the prosecutor who formally is the person directing the preliminary police investigation.

The prosecutor may also *waive prosecution* for certain offences or offenders. In general, this is done with young people or persons who are already the subject of a sanction for an offence where punishment for the new offence would not materially affect the existing sanction.

The procedures described lead to an extensive sorting-out process. The following figures for 1984 show this clearly:

- 21,000 persons were given *waivers of prosecution*
- 84,000 persons received *summary orders of punishment*
- 200,000 persons received *summary fines*

A considerably smaller number were processed through the entire system. In 1984 about 73,000 persons were sentenced by Swedish courts for various offences. Altogether some 380,000 people were subjected to some kind of measure because they had committed an offence.

## **Unplanned sorting-out**

There are also sorting-out mechanisms which are not planned.

The extensive sorting-out due to hidden criminality has been taken up earlier. Only a small proportion of all crimes committed actually get into the control apparatus.

At the next level – where offences come to the knowledge of the police – the problem of *clearing-up* the crime arises. Approximately one-third of all known offences are cleared up, generally within six months from the time when they are reported. These figures refer to breaches of the Penal Code and certain infringements of special legislation. Offences occasioning direct intervention in the form of summary police fines are not included.

Clearance rates vary considerably from one crime to another. Thus, for certain types of aggravated violence the clearance rate is close to 100 per cent, while for simple thefts it is low and for some kinds, extremely low.

Bicycle thefts, for instance, are almost never cleared up. The police must, of course, decide what shall be given priority. Their resources are deployed to combat the serious crimes while the less serious offences are rarely the subject of any real investigation but rather are simply laid aside. The fact that the aggrieved party (victim) was able to identify a perpetrator of an offence right from the beginning is a major cause of high clearance rates.

## **Mistakes in the system**

Obviously, mistakes are made within the system. Innocent persons may be suspected of, prosecuted – and even sentenced – for a crime. Such mistakes are extremely serious, even if the number is very small. The opposite situation – where a guilty person escapes punishment – is, on the other hand, considerably more common. As already mentioned, the average criminal's offence will never even be reported. Of the offences which are reported, in the majority of cases, the offender is never detected. An additional, but relatively small proportion of cases, are dropped when the matter comes before the police, the prosecutors or the courts, *inter alia* because the evidence is not sufficient to lead to prosecution or sentence. In a minute proportion of cases taken to court, persons who actually were guilty will be acquitted. In a State which recognises the rule of law, justice requires that an adequate margin is allowed for mistakes and errors. It is better that several guilty persons go free than that one innocent person be convicted.

## **Recidivism**

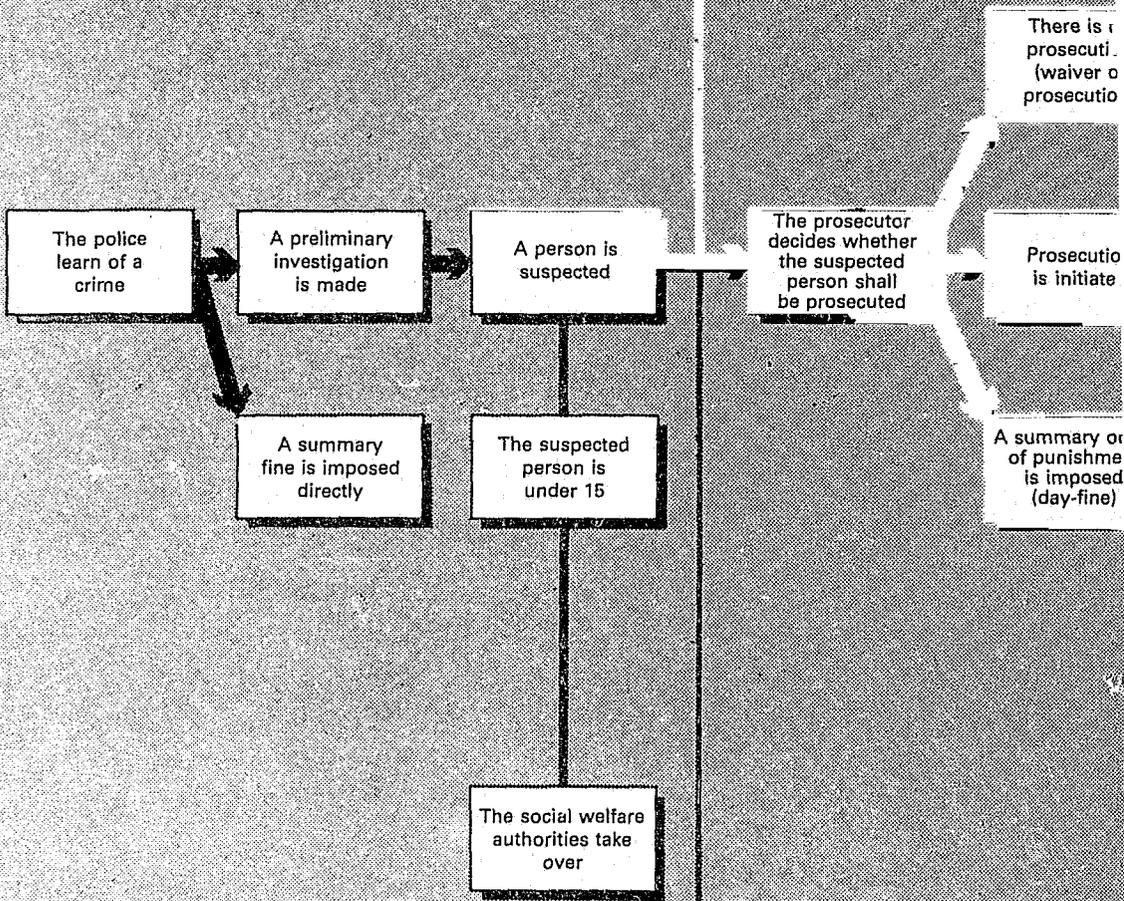
There is also a certain cyclical movement in the system because of *recidivism*. The criminal justice system to a large extent deals with persons who have previously been sentenced. Within three years from first sentence, about 30 per cent of offenders commit new offences. Recidivism rates vary considerably, however among different kinds of offenders.

Briefly, it can be said that:

- recidivism rates are higher for men than women
- recidivism rates are higher for young persons than older ones
- recidivism is more common among those who have committed serious offences.
- recidivism is more common among those who have been sentenced several times previously.

# Police

# Prosecutor



# Court

# Prison and probation system

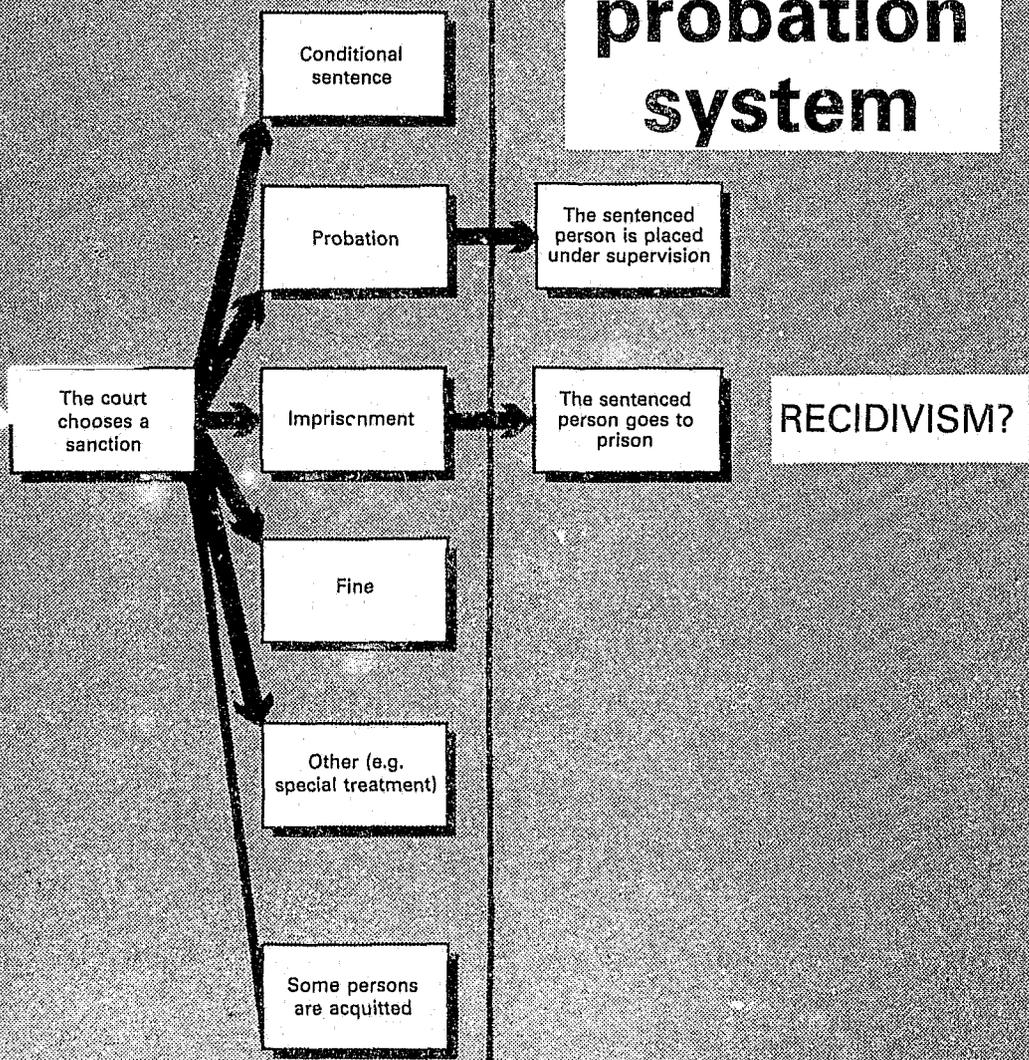


Figure 9. The flow of cases through the apparatus of control

## Developments in criminal policy during the 1970's and 1980's

The content of the public debate on criminal policy has changed over the years. Somewhat simplified, it might be said that the big issue in the 1950's was juvenile delinquency whilst in the 1960's it was the drugs problem. Today, other questions, to some extent, are the focus of attention.

If developments from the 1970's are followed up to the present day, it would seem that the debate has tended to focus on four questions. Two of these concern offences deemed to be of great importance for society, namely drug offences, (here the debate of the 1960's is still exciting current interest) and economic criminality.

The third question concerns different legal aspects of the criminal justice system but these arouse interest because they have a common ideological point of departure. This point of departure is the criticism which the women's movement, in particular, has voiced concerning the exposed position of women before the law in connection with certain offences. These are the offences of sexual aggression, notably rape and assaults on women, together with the exploitation of femal prostitutes by procurers and male clients.

The fourth problem relates to the *sanctions system*. Sharp criticism has been directed, for instance, at the so-called treatment ideology. Critics have asserted, firstly, that there are no effective ways of "treating" the individual's criminality and, secondly, that a sanctions system which is excessively focussed upon the individual may lead to injustice in the application of the law. The critics instead advocate an approach which has come to be known as "neo-classical." In this approach, traditional ideas about equality and proportionality in the application of the law have been re-formed so as to take account of the need for humanity and non-excessive levels of punishment together with a recognition of the changes that have taken place in modern society. The focus of attention has shifted back from the criminal to the criminal act.

### Minor changes

What has been the impact of this debate on the penal system and the structure of the control apparatus?

To begin with, it must be emphasized that it is *not* a question of any dramatic changes. The criminal justice system and application of the law in Sweden are characterized by a high degree of stability. The changes made have nearly always been limited and specific.

One such limited change relates, for instance, to drug offences, where the scale of punishments has been raised considerably and repeatedly since the 1960's. Attempts have also been made to create legislation better suited to take account of the forms taken by this kind of criminality.

Parliament has also reinforced the staffing resources of the agencies with primary responsibility for containing drug criminality. Thus, the police, together with the customs authorities as supervisors of the frontiers, have been given additional resources. More recently, international collaboration with law enforcement authorities in other countries has been intensified concerning drug offences.

Similar tendencies can be noted against economic crime. New legislation has been passed to try to close "loopholes in the law" especially concerning tax legislation. There has also been an extension of coercive legal measures in order to be able to secure evidence and economic assets in connection with these often very complicated criminal networks. Legislation has been passed too, with the aim of reducing the possibilities for economic law-breakers to start business operations in sensitive trades and areas of activity. Examples of such measures include new possibilities for special review at local government level of purchases of apartment buildings and powers to prohibit persons who have been engaged in systematic bankruptcies from carrying on business. The apparatus of control has been strengthened in several other ways. The police, the prosecutors, the tax authorities and the Government Dues Administration have all been given greater resources to counter economic crime. In the late 1970's, special forces to deal with economic crime were set up in the larger police districts in Sweden. Attempts have also been made to improve collaboration between the various authorities. Finally, the police, prosecutors and other officials concerned with economic criminality have been given better training.

Criticism from *inter alia* the women's movement concerning sex inequality in the legal system has also produced some results. Legislation on rape and procuring has been reviewed for instance and the government committee which was set up to study this matter (the Sexual Offences Committee) has proposed various changes intended to improve the situation of female victims of such offences. One of these proposals is for a widening of criminal law liability for rape and procuring. The requirement that prosecution may only be instituted where a female rape victim reports the crime for prosecution is also to be removed so that the offence will fall under the customary provisions for public prosecution. (A similar change was made in the law in 1982 concerning assault in a private place and was intended primarily to make it possible to deal with domestic assaults on women.) Another proposal is that the victims of assault be given better opportunities to obtain personal help and legal aid, etc.

As regards the *sanctions system*, a number of sanctions with an individual preventive emphasis have been abolished. Thus, youth imprisonment has been abolished, and similarly, the indeterminate sanction of internment. The latter sanction has been replaced by a provision which increases the level of severity and makes it possible to sentence an offender to a maximum of 16 years' imprisonment as opposed to 12 years previously. Institutional treatment in connection with probation has also been abolished and replaced by a possibility of sentencing the offender to probation and a brief term of imprisonment.

# Causes of Criminality, Criminal Policy Problems

## From hardship criminality to welfare criminality

In attempting to explain criminality in Sweden in the 19th century and the early part of this century, reference is often made to the concept of *hardship criminality*, a type of criminality which was a direct consequence of the severe social conditions prevailing in society at that time. Among the radical criminal policy voices and criminologists of that age there was a strong conviction that criminality would disappear as social reforms abolished poverty and hunger.

Having regard to the criminality which existed then, it is not difficult to understand where this idea comes from. Drunkenness, prostitution and breaches-of-the-peace in public places were very prevalent and not to be compared with the relative calm which prevails today. Extensive, serious forms of violent criminality existed both in the home and in public places, with alcoholism and poverty as the principal driving forces. A crime such as infanticide – mothers murdering their newborn babies – which has nearly disappeared today, was relatively common as late as the beginning of this century. The thefts committed in this period bear stark witness to the struggle for simple physical survival. People stole food, wood, clothing, tools, and household utensils.

With the advent of Sweden's economic upswing and social reforms, however, this type of criminality declined sharply during the first half of the 20th century (with the exception of the First World War when special circumstances prevailed). The decline applies especially to drunkenness, prostitution, violent crimes and the like, but theft, too, began to take on a different, milder character. In other words, it appeared for a long time as though the advocates of social reforms as a panacea for criminality would be vindicated. The years following the Second World War, when the notion of the Swedish welfare state began to gain a firm foothold in terms of social and economic realities, are thus calm years from the point of view of criminal policy.

But this trend was interrupted. Since then, as mentioned previously, very strong increases in crime rates are to be observed since 1950. They have occurred in a society in which criminality can no longer be excused as being necessary for survival.

Criminologists use new terms for this modern criminality. They refer to *welfare criminality* and to a *criminality of affluence*. This suggests a criminality which is due to the fact that everyone is too well off. What do the criminologists really mean?

## Opportunities for crime and social control

Criminologists point to two main causes of crime trends in post-war Sweden. Firstly the number of *opportunities to commit crime* has risen sharply. Secondly, there is a *lack of social control* in contemporary society.

### Opportunity structure

The fact that the number of opportunities for crime has increased may be seen as one of the many consequences of the transition from an agrarian society to a modern industrial nation. Admittedly, industrialization is not a new process. It began in Sweden as early as the beginning of the 19th century, but the phase which is relevant in the present connection occurs essentially since 1950. It is in this period that a breakthrough for consumer society can be noted and the availability of (criminally) desirable capital and consumer goods increases many times over.

Nor is it difficult to find striking examples of the connection between the number of opportunities for crime and the number of crimes. In 1950 there were a quarter of a million cars in Sweden, of which a few thousand were stolen in that year. Thirtyfive years later, there are about three million cars of which nearly 40,000 are stolen each year. The number of car thefts recorded in the criminal statistics has increased tenfold but the proportion of stolen cars in relation to the total number of cars has remained unchanged at approximately one per cent. The same is true, incidentally, of motorcycles and mopeds.

In 1984 some 30,000 cases of fraud involving cheques, post office salary cheques and credit cards were reported. The number of such offences in 1950 was negligible. At the time only an exclusive few had cheque accounts and credit cards did not exist.

Similar comparisons can be made for a great number of other crimes - thefts of recreational boats, thefts in department stores, burglaries from summer cottages, etc. The conclusion is always the same: the number of offences bears a close relationship to the number of opportunities for crime and the latter has risen sharply.

Hence, a generous interpretation of the increase in criminality would be that it is an expression for an improved standard of living. At the same time, it could with good reason be objected that if people are now well off, that is a good reason for them to leave other people's belongings alone. According to the criminologists, one explanation for this contradiction is that social control has decreased at the same time that opportunities for crime have increased. The basic cause, they say, is also the same: industrialization and its resultant effects. In concise, everyday language the conclusion is that there is more to steal than before, and both that which is stolen and thefts as such mean less to us.

## **Social control**

The preconditions for strong social control were of course, vastly greater in pre-industrial Sweden than in today's highly industrialized society.

One hundred years ago, 80 per cent of the population lived in entirely rural areas. The main source of livelihood was agriculture and the most common production unit was the farming family. Mobility in society was low, both socially and geographically.

Today, the situation is the reverse. Most people's life and work are characterized by the anonymity of the big city. Private life - the family, leisure - is divorced from working life. Contact between the generations has decreased radically. There is a broad array of competing values.

The possibilities of maintaining social control through the family, village community, the working group, etc. are small or non-existent. Instead it is formal public bodies which have the task of maintaining social control. Informal controls have been replaced by formal control, the family by professional controllers. It is worth pointing out that authorities such as the police, the prison administration, etc. arise as part and parcel of industrial society, i.e. in the mid-19th century in the case of Sweden.

# Why do people commit crime?

The criminologists' main interest, however, has not been focussed on criminality at the social level but on identifying the reasons why individuals commit crime.

The nature of these explanations has also varied widely from one period to another. The very earliest criminologists placed great emphasis on genetic, medical, or even biological explanations of criminality. This scientific dominance was eventually superseded by a psychiatric, psychological or psychoanalytic focus in criminology. This in turn has been replaced by a sociological orientation which is currently the dominant one. Explanations of why people commit crime are sought in their social backgrounds and the circumstances of their upbringing rather than in individual shortcomings of a psychological nature.

There are two main problems related to these causal theories. The first is due to the fact that the notion of crime is a broad one and covers very varying forms of behaviour. As a result it is an impossible task to establish a universal explanation for crime. Instead, there are a number of different explanations for different kinds of criminality.

The other problem is considerably more serious. There are simply no good explanations of why certain people commit crimes and others do not. By "good" is meant that they more or less completely account for criminal behaviour. What can be said instead is that there are a larger number of different factors - of widely divergent nature - which seem to have a certain significance in this connection in addition to simple and rather obvious factors such as sex, age, upbringing, social status, and the like.

Criminology is far from being an exact science when it comes to *explaining* individual criminality.

## Criminal policy problems

An ideal criminal policy would aim at the prevention of crime by removing the fundamental causes of criminality.

Unfortunately, there are few examples of such measures. Often it is necessary to be satisfied with pointing to the *general preventive* effects which follow from the fact of having penal legislation and a control apparatus. It is by these means that people are deterred from committing crime. At the same time, it is important to be aware that this is a "truth" with many important exceptions.

The *technological* fight against crime which has become so popular in our time is rarely a matter of crime prevention. At best, it is one of precluding crime or rendering it more difficult. At worst, it merely shifts the crime from the protected to the unprotected object of interest.

A good deal of the work in the *crime control apparatus* is concentrated on investigating crimes that have already been committed. The damage has already been done and the apparatus is not even conspicuously successful in distributing the burden of guilt or remedying matters for the future. Clearance rates are low and recidivism rates are high.

Criminal policy rarely gives cause for optimism. Consolation has to be sought mainly in the fact that there are relatively well-founded ideas about why it does not work well, at least at the level of society as a whole. At the individual level, things are worse off in this respect, too – as was pointed out previously.

Criminal policy has to contend with strong political and economic forces and criminal policy viewpoints are often compelled to give way to other, stronger interests. Take the example of private motoring. If this were eliminated and replaced by public transportation services, the consequences would be as follows.

A great deal of criminality would simply disappear – first and foremost, traffic offences but also many traditional crimes for which the criminal today is highly dependent upon the car, for instance, breaking into in summer cottages.

On the other hand, tens of thousands of jobs in the car industry would also disappear, resulting in a substantial loss for the nation's economy. Several hundreds of thousands of citizens would have to completely change their life-styles, very serious communication problems would arise which would lead to extensive movements of people and firms and the real estate market would see a price collapse in certain areas, etc.

## **Little room for manoeuvre**

Many more examples of this kind could be given and the conclusion would always be the same. In contemporary society, criminal policy has a very little room for manoeuvre.

Consider the case of the prisons for example. The population consists of some 4,500 inmates while a further 20,000 persons are the subject of probation or parole supervision. If instead the number of inmates in prisons were increased to 20,000 there would be a sharp and immediate drop in certain crimes such as bank and post-office robberies, burglaries, car thefts, drug offences and the like. But

another consequence would be a very inhuman society which would have constantly to increase the degree of coercion in order to deal with new generations of criminals. Moreover, this approach is very far from being cheap.

At least four contradictory things can be stated about prisons.

- Extremely few of those sent to prison appear to become better for having been there
- On the other hand, no-one who is in prison commits crimes in society as long as he is in prison
- Most of those in prison have committed offences which are of little importance seen at least from standpoint of the national economy
- The current cost for an inmate in an institution is around 600 Swedish crowns per day. The corresponding cost of probation or parole supervision is 30 Swedish crowns per day.

*Treatment* As mentioned previously, there are no miracle cures for individual criminality in the form of medicines, psychological or social training. At best, reasonable results can be achieved with small, special groups of law-breakers who are motivated to break with their former lives. As a rule, even this requires great efforts and expense on the part of society.

Think about it for a moment yourself. What kind of treatment is there that could be applied equally well to the millionaire tax-evader and the down-and-out thief who breaks into houses?

Work in the field of criminal policy demands persistence and circumspection. It is a matter of both large and small issues and changes always take a long time.

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