

I Young offenders and juvenile justice in Sweden

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One of the central aims of Swedish criminal policy is to take a holistic approach to the individual, by combining punitive measures with measures for support and care. Throughout the post-war period a general goal in the treatment of young offenders has been to avoid incarceration, and in particular placing young people in institutions together with other offenders, to the greatest possible extent.

The balance between care and punishment has, however, been a subject of debate, and the Swedish Government recently set up a commission of inquiry with the task of reviewing the entire system of criminal sanctions, including for young offenders. Among other things, the inquiry will submit a proposal on how intensive supervision by means of electronic monitoring, which can be used today as an alternative to prison for adults, could also be used in the case of young offenders.ⁱⁱ In the media, the Minister for Justice explicitly highlighted the use of electronic monitoring of young offenders in the UK as a good example.ⁱⁱⁱ

This article briefly describes the extent and nature of juvenile crime in Sweden. The current system of sanctions for young offenders and the risks of recidivism are then dealt with in somewhat greater depth.

Young offenders

The definition of “young offenders” in Sweden is offenders who have reached the age of 15 but have not yet turned 21. The age of criminal liability is 15 and 21 was previously the year in which one came of age. Today the age has been lowered to 18, but special circumstances still apply to offenders aged between 18 and 20.^{iv}

The article is mainly based on material from the Swedish National Council for Crime Prevention (BRÅ). The BRÅ website, which provides a considerable amount of material in English, contains extensive information about Swedish penal care, the judicial system and crime statistics.^v

The extent of juvenile crime

According to crime statistics, young people are the most criminally active age group in Sweden. In 2008, approximately 119,200 people were recorded as being reasonably suspected of having committed an offence, 30,300 of whom were between 15 and 20 years of age. Young people thus made up roughly 25% of all crime suspects in 2008, at the same time as they made up just under 10% of the population.

The number of young people suspected of offences set out in the Swedish Penal Code has remained more or less unchanged over the past 30 years; fluctuations in the number of suspected persons between the ages of 15 and 20 have in principle followed changes in population figures.

However, the overrepresentation of young people does not mean that young people are responsible for the majority of crimes committed; people over the age of 20 make up a far greater proportion of the population and are therefore responsible for a greater number of crimes in total. The proportion of adults responsible for committing offences also tends to increase with the degree of seriousness of the offence.

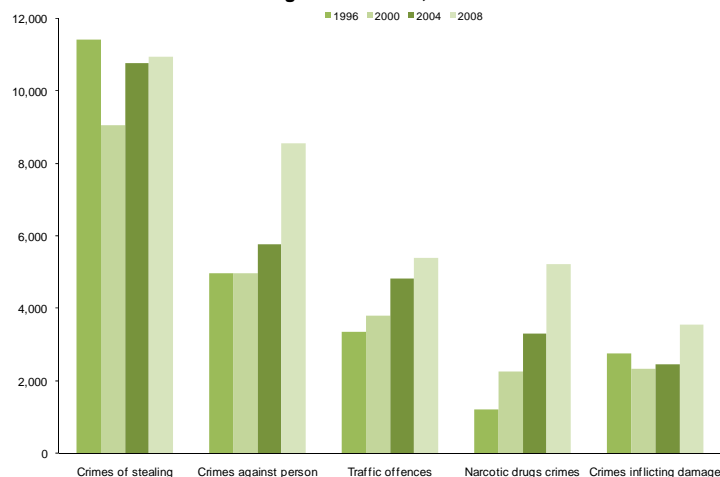
The pattern of high juvenile crime which decreases from the age of 20 is not unique for Sweden. This indicates that crime at a young age may be regarded as a passing phase in a large majority of cases.

What offences do young people commit?

In 2008 the most common offences among young people between the ages of 15 and 20 are crimes of stealing (36%), crimes against person (28%), traffic offences (18%), narcotic drugs crimes (17%) and crimes inflicting damages (12%). Compared with persons aged 21 and over, theft

and robbery, crimes against person and crimes inflicting damage are more common among young people.

Chart 1: Persons aged 15-20 suspected of offences, most common categories of crime, 1996-2008



Source: Swedish National Council for Crime Prevention

Chart 1 shows that the number of crimes of violence, traffic offences and narcotic drugs crimes has increased among young people since 1996, while the number of crimes of stealing and crimes inflicting damage has remained more or less unchanged.

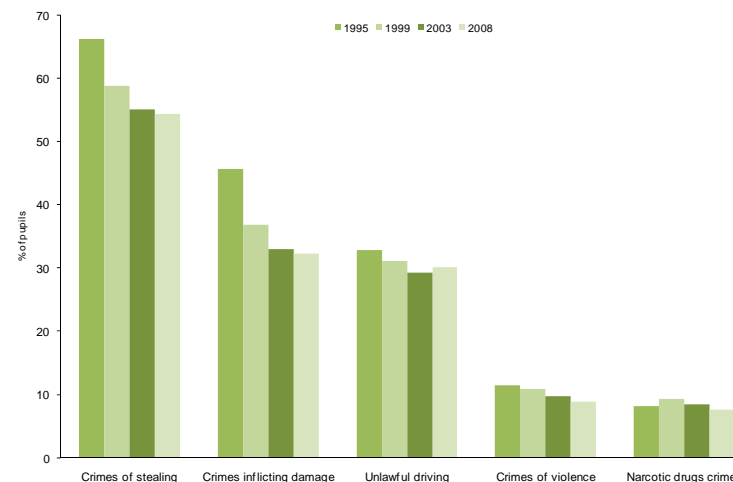
One shortcoming with the crime statistics is that they are influenced by various factors, such as the fact that the risk of discovery varies with different kinds of crime and that the judicial system can choose at different times to give greater priority to certain types of crime. These weaknesses mean that other sources also need to be taken into account in order to obtain a correct picture. One such complementary source is the self-report surveys that BRÅ regularly carries out among 15-year olds.

The self-report surveys indicate that the most common forms of juvenile crime are petty theft (e.g. shoplifting and bicycle theft) and crimes inflicting

damage. These are offences with a low risk of discovery that are not visible in crime statistics. Correspondingly, more serious categories of crime such as assault, robbery and vehicle theft are relatively less common in the self-report surveys than in the crime statistics.

As regards developments over time, the self-reports data for the period 1995-2005, shown in chart 2, show a less dramatic development than suggested by the crime statistics.

Chart 2: Proportion of pupils aged 15 stating that they have committed offences



Source: Swedish National Council for Crime Prevention

Offences in the categories crimes of stealing and crimes inflicting damage have decreased during the period, while traffic offences, crimes of violence and narcotic drugs crimes have remained more or less unchanged.^{vi} As regards crimes of violence, other data also show that juvenile crime has not increased, but appears rather to have remained unchanged since the 1970s.^{vii}

Sanctions

The main sanctions in the Swedish penal system include fines (issued by the prosecutor or by the court), probation, suspended sentence and

imprisonment (or alternatively intensive supervision with electronic monitoring). These sanctions may be imposed in combination and may also be subject to special conditions, e.g. probation in combination with community service or an order on undertaking to follow a treatment. Further sanctions include waiver of prosecution, psychiatric care and treatment according to the Act on Treatment of Drug Misusers.

Young offenders can be sentenced to special sanctions for young people, but also to other sanctions. The special sanctions youth care and youth service are based more on the best interests of the child and on the young person's social situation than on the penal value of the crime. Closed youth detention is, on the other hand, intended as an alternative to prison in the case of especially serious crimes, and is determined entirely on the basis of the penal value of the offence.

In 2008, the total number of sentenced persons aged between 15 and 20 was 28,820, of whom 15,175 were between the ages of 15 and 17 and 13,645 between the ages of 18 and 20.

Youth care

Youth care involves the handing over to the social services of young people deemed to be in need of care or other measures. The aim of the social services' measures should be to contribute to a positive development of the individual and to counteract the risk of further offences.

When deciding what measures to take, the social services are to make an assessment of the young person's overall social situation and not only look at the crime. The most common measures today include talks, contact persons, placements in a family home or an institution, drug tests and measures in the family.

Youth service

Youth service involves carrying out unpaid work for 20 to 150 hours under the auspices of the social services. The sanction, which was introduced as

an independent sanction in 2007, is intended as an alternative to fines and deprivation of liberty for less than one year, primarily for young people between the ages of 15 and 17, and who are not in need of care under the Social Services Act. Young people aged between 18 and 20 can also be sentenced to youth service if there are special reasons for this.

Youth care and youth service can be applied for offences at both fine and imprisonment level. The most common categories of crime receiving such sanctions in 2008 were assault and theft. Youth care and youth service require the consent of the young person concerned; youth care can, however, be enforced without consent in certain circumstances under the Act with Special Provisions on the Care of Young People.

Closed youth detention

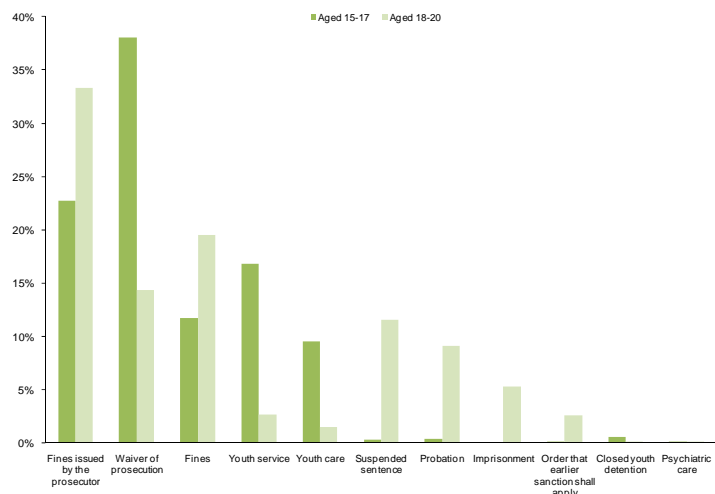
At the beginning of 1999, changes were introduced to the sentencing system for young offenders. A new feature was closed youth detention. Young persons who have committed serious crimes can be sentenced to closed youth detention at a special youth detention centre instead of prison. The aim is to reduce the detrimental effects of time spent in prison.

The length of the sentence is determined on the basis of the penal value of the crime and can vary from fourteen days to four years, ten months being the average. There is no conditional release.

In 2008, 93 persons were sentenced to closed youth detention. The most common offences were robbery/gross robbery and assault/gross assault.

Chart 3 shows the various sanctions in 2008 for young offenders aged between 15 and 17 and between 18 and 20.

Chart 3: Court sentences for young offenders, 2008
% of offenders in age group



Source: Swedish National Council for Crime Prevention

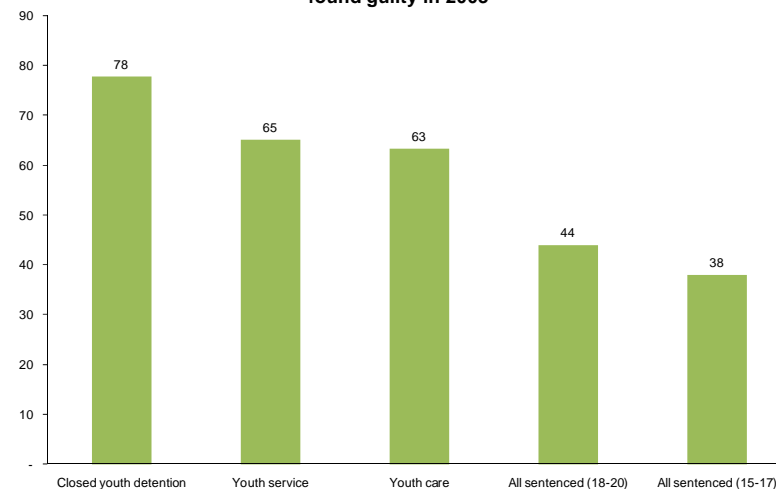
Special sanctions for young offenders are used, in particular, in the cases of 15 to 17 year olds. Young offenders between the ages of 18 and 20 are primarily sentenced to sanctions coming under the ordinary system of penalties. Offenders in the younger age group are rarely sentenced to imprisonment, suspended sentences or probation. On the other hand, a far greater proportion of young people between the ages of 15 and 17 are given sentences of waiver of prosecution than 18 to 20 year olds. The offences involved here are, primarily shoplifting and slight narcotic drugs crimes. A further distinction is that waiver of prosecution for the older young offenders is normally ruled on account of sentences for other crimes, while for 15 to 17 year olds it normally involves exemption from prosecution.

Relapse into crime

Of those found guilty of criminal offences in 2003 (all ages), 25% relapsed into crime within one year, and 39% within three years. The rate of

recidivism among young people is close to the average: of 15 to 17 year olds found guilty of criminal offences in 2003, 38% relapsed into crime within three years and the corresponding figure among 18 to 20 year olds is 44%. The rate of recidivism has remained more or less unchanged over the last ten years.

Chart 4: Recidivism rate within 3 years of sentence of young offenders found guilty in 2003



Source: Swedish National Council for Crime Prevention

Chart 4 shows the proportion of those found guilty of criminal offences in 2003 who had relapsed into crime within three years, shown according to the main sanction of original sentence. The rate of recidivism for persons sentenced to one of these three sanctions among young people is considerably higher than the average of all young offenders.

It is not possible to identify any clear correlation between sanction and the risk of relapse into crime. What is clear, however, is that the risk of relapse into crime increases if the sentenced person has a previous criminal record. Those who are sentenced to closed youth detention, as a rule, have a serious criminal record and extensive social problems.

The changes in the system of sanctions for young offenders introduced in 2007, where for example youth service became an independent form of sanction, have not yet been evaluated at the national level. However, a report from the City of Stockholm social services states that 61% of young people sentenced to youth service have been reported for new offences within one year of serving their sentence. This is comparable with the rate of recidivism for persons sentenced to youth care or youth service before 2007.

The report analyses the background of the young people who have discontinued their youth service or relapsed into crime within one year. What these young people have in common is that they, compared with young people who have not relapsed into crime, very often already had a criminal record, had serious problems at school and alcohol or drug problems and come from documented problem families.

To summarise, the report from the City of Stockholm notes that youth service is a sanction that has worked well for a large group of what may be characterised as “normal young people” without social problems and previous criminal records. However, it has not succeeded in changing the pattern among young people who had started a criminal career even before the age of 15 and who come from socially vulnerable conditions.^{viii}

ⁱ Sarnecki and Estrada 2006, “Keeping the balance between humanism and penal punitivism”. See also Pratt 2007, “Scandinavian exceptionalism in an era of penal excess” (Part I and II).

ⁱⁱ Committee terms of reference 2009:60, “[En översyn av påföljdssystemet](#)” [A review of the system of sanctions].

ⁱⁱⁱ Svenska Dagbladet 21 June 2009, “[Ask vill ha fotboja på ungdomar](#)” [Ask wants electronic tagging of young people].

^{iv} However, the above-mentioned committee of inquiry will examine a lowering of the age limit for young offenders from 21 to 18.

^v Swedish National Council for Crime Prevention, http://www.bra.se/extra/pod/?action=pod_show&id=1&module_instance=11.

^{vi} Swedish National Council for Crime Prevention, “[Youth and crime 1995–2005. Results from six self-report studies among Swedish year nine pupils.](#)” Report 2007:8.

^{vii} [Estrada, F. 2006. “Trends in violence in Scandinavia according to different indicators”. *British Journal of Criminology*.](#)

^{viii} City of Stockholm, Social Services, “[Youth care in the City of Stockholm – annual report for 2008 and follow-up](#)”.