

English Summary

Crimes committed while on prison leave – a contentious issue

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The question of escapes and criminal offences occurring in association with prison leave is a contentious issue, which is brought to the fore at regular intervals. As a rule, the question is brought up when attention becomes focused on a serious crime committed in connection with prison leave, as was the case after the police murders in Malexander, for example. Incidents of this kind often lead to a debate on whether there is any justification for leave from prison and a questioning of the way that the leave system is administered.

How common is it, then, that inmates abuse the opportunities offered by prison leave by escaping, for example, or relapsing into drug abuse or committing other offences? How representative are the incidents on which attention is focused in the mass media? These are the central questions examined in this report. The report also illuminates how the institution of prison leave has emerged and evolved, and what has been done over the years in order to reduce the risk of misconduct in association with prison leave. The report also contains a number of interviews with inmates and staff on their views and experiences of prison leave. The report shows that it is very rare for inmates to be convicted of offences that are committed while they are on prison leave. Of the 9,300 individuals that were released from prison in 1998, 29 had been convicted of an offence that they had committed while on

leave from prison during the course of their prison term. Other forms of misconduct whilst on prison leave are also uncommon.

Combining the prison service register with the convictions register

How large a proportion of all prison leaves that are abused can be seen from statistics that are compiled annually by the prison and probation service. These statistics do not however contain information on how many have abused prison leave by committing criminal offences. In order to discover whether crimes have been committed during prison leave, the National Council for Crime Prevention has conducted its own study. Data from the central prison and parole service register of all those released from prison in 1998 have been matched and cross-referenced with the National Council's register of persons convicted of criminal offences. Thereafter, the prison service files of those individuals convicted of offences during their time in prison were collected.

Besides these sources, the report is based primarily on material from different inquiries appointed by the prison service or the government in order to conduct overhauls of the rules relating to prison leave. A small interview study has also been carried out.

Prison leave may be of value in many ways

The system of regular prison leave is something fairly unique to the countries of Scandinavia. The objective is to facilitate the inmate's readjustment to society and to combat the harms associated with institutionalisation. Leave provides the inmate with a better opportunity to maintain contact with family and children, friends and relatives. Prison leave may also be of great importance to the children of inmates. Such leave gives the child an opportunity to maintain contact with his/her father or mother during the term of the sentence and to be able to meet him or her outside of the institutional environment.

The interview subjects also brought up other ways in which prison leave was of value. They saw such leave as providing a break from the boredom of life in prison. They mentioned that prison leave may help them to maintain their self-esteem and identity over the course of a long prison sentence. They also felt that prison leave may "ease the tension" of the enclosed prison environment.

From exceptional occurrence to regular feature

The possibility of being granted prison leave arose first during the 1930s. During the first few years, this involved only a few isolated cases of prison leave per year. Very good grounds were required, such as a visit to a dying

relative for example, and there was to be absolutely no risk of misconduct. Sixty years later, in the mid 1990s, the number of annual prison leaves had risen to approximately 60,000. Short term leave, so-called 'normal' leave is today a regular feature of a prison term. After a certain qualification period, which varies depending on the length of the sentence, the inmate may be given a few days leave once a month. The prison service attempts to reduce the risk that leave will be abused in a number of ways, such as by following up how an inmate has conducted him/herself on earlier prison leave, for example, or by specifying leave conditions. But according to the law, the risk for abuse need not be non-existent for a period of normal leave to be granted.

An inmate may also be granted special leave for certain specific purposes. This might involve applying for a job, for example, or visiting a doctor. Special leave has always been more common than normal leave. But since the prison service regulations were tightened in September 2000, the amount of special leave granted has fallen off sharply. More has also been made of the requirement that normal leave be planned so that it is devoted to important objectives.

In total, the number of occasions when leave was granted increased very substantially between the 1960s and the 1990s. In parallel with this, however, there was an increasing level of differentiation in relation to who was granted leave. Tighter rules have gradually been developed relating to serious offenders serving long prison terms. The same is true for active drug abusers. Particularly stringent and scrupulous investigations are conducted for those serving a prison term of longer than four years. There is a special national reception centre which investigates how and where the sentences of these long term inmates are to be served and the extent to which they ought to be granted leave. Their chances of being granted leave are very limited today, right across the board.

Leave is abused in one per cent of cases

In spite of the large volume of leave granted, it is only in one per cent of cases that any form of misconduct arises. Half of one per cent of leave is abused through the inmate failing to reappear, whilst in the other half per cent of cases it is some other form of misconduct, such as drug violations for example. In the mid 1960s, more than ten per cent of those granted leave took the opportunity to escape. Since this time, however, the proportion of cases where leave is abused has been reduced gradually to the very low levels witnessed today. In absolute figures, over recent years leave has been abused in 300-400 cases per year through the inmate failing to reappear, and in an equal number of cases through some other form of misconduct.

Theft offences for the most part

The 29 individuals who were released in 1998 and who had been convicted of offences whilst on prison leave, had together committed 58 offences during their time on leave, i.e. an average of two offences per person. In the majority of cases the offences were relatively minor. A total of eight offences were recorded as serious. Most common were theft offences. No serious violent crimes were committed; of the crimes against persons, only one was an assault. In addition to this there were four offences contravening contact prohibition orders. For the most part, the individuals committed the same offences as they had originally been convicted of.

Those who committed offences whilst on prison leave were a group with many previous convictions. The vast majority (86%) had been convicted at least ten times earlier, which is three times as often as the average for all prison inmates. On average, they had 28 previous convictions. Three-quarters of them were substance abusers of some kind, and at least half were drug abusers.

The crimes were committed to a large degree during leave that was also abused in other ways, through the inmate returning late to prison, for example, or abusing drugs.

Dramatic reduction in the amount of leave granted in the year 2000

Following the murders in Malexander, the rules governing the granting of prison leave were overhauled and praxis tightened. This led to a reduction in the number of cases where leave was granted from 53,000 in 1999 to 39,000 in the year 2000. The proportion of cases of prison leave where there was misconduct remained at the same low level as before – one per cent. In absolute numbers this meant that a reduction of 14,000 in the number of cases where leave was granted led to a drop of about 170 in the number of cases where prison leave was abused (from 649 to 482).