

# Preface

The report series Swedish Crime Trends has been published by the Swedish National Council for Crime Prevention (Brottsförebygganderådet, BRÅ) since 1976. This year's report contains descriptions and analyses of a number of different categories of offences, with the emphasis placed on the years 1998–2000.

By comparison with previous editions of this report, the number of offence categories described and analysed has been expanded quite considerably. As with the earlier editions, however, the selection of the offence categories for inclusion has focused primarily on those types of crime which either account for large numbers of offences or which attract a substantial amount of attention for other reasons, as is the case with robbery and other crimes of violence for example.

The analyses are based primarily on Sweden's official crime statistics, but other statistical sources have also been used, as have findings from international research.

Each section has been the responsibility of academics and researchers working at the National Council for Crime Prevention. The different chapters have then been scrutinised by external researchers and members of the National Council's scientific advisory panel, whose observations have been very valuable. The report has been edited by Bo Ulriksson of the National Council.

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# Summary

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## Introduction

Offences reported to the police provide the statistical source most commonly employed in analyses of crime in Sweden. The greatest focus is on the statistical series covering all reported offences, which constitutes an indicator of trends in the aggregate crime level over time.

Statistics relating to reported offences include offences against the Penal Code (Brottsbalken: BrB), the Drug Offences Act (Narkotikastrafflagen: NSL), certain offences against the Road Traffic Offences Act (Trafikbrottslagen: TBL), and offences against other criminal statutes with a prison term in the sentencing scale. This means that statistics relating to reported offences can be regarded as covering crimes of a more serious nature. A large number of less serious crimes are not included, such as various forms of motoring offences including speeding and failing to stop at a red light etc. Only the most serious motoring offences are included, such as drink driving, driving without a license, reckless driving and leaving the scene of an accident.

There are substantial differences between different types of crime as regards the extent to which reported offences constitute a good indicator of the actual crime trends. In the case of crime types such as homicide, drunken driving and drug offences, there is a risk that reported offences may present a distorted picture of reality. In these cases, official statistics should be complemented with information from other statistical sources such as victim surveys, self-reported offending surveys etc. For other offences, however, such as car thefts and burglaries, official statistics reflect actual crime trends in an appropriate manner.

As an indicator of the aggregate crime level in the country as a whole, the series covering all reported offences provides a relatively good picture of long term trends. This indicator may be less appropriate however in relation to changes from one year to the next.

## Hidden crime

Statistics are usually subject to a number of sources of error. As regards official crime statistics, it is the hidden crime phenomenon that constitutes the principle problem. Crime statistics only cover reported offences, i.e. crimes reported to the

police, whilst it is usually actual levels of offences, i.e. all crimes actually committed in society, that are of interest. This of course includes both reported and hidden offences.

When obtaining a picture of the actual crime level, the extent of hidden crime in relation to reported crime is significant. If hidden offences constitute a large proportion of the actual crime level, obtaining an appropriate picture of actual crimes committed is much more difficult than if the opposite is the case, i.e. where the majority of offences committed are in fact reported to the police. Since the proportion of hidden offences varies across different categories of crime, the level of problems experienced in this regard also varies a great deal. For offences such as domestic burglary, bank robbery and car theft, where levels of hidden crime are low, the actual crime level is represented relatively well by reported crimes. Greater problems are experienced on the other hand in relation to offences such as assault and less serious sex crimes, since hidden crimes comprise a relatively large proportion of the offences committed in these crime categories.

## The crime structure

Theft offences dominate among reported crimes. Almost 60 per cent of crimes reported to the police comprise thefts of one kind or another. Crimes against the person, which in turn are dominated by assaults, but which also include amongst others sex offences, comprised twelve per cent of reported crimes in the year 2000.

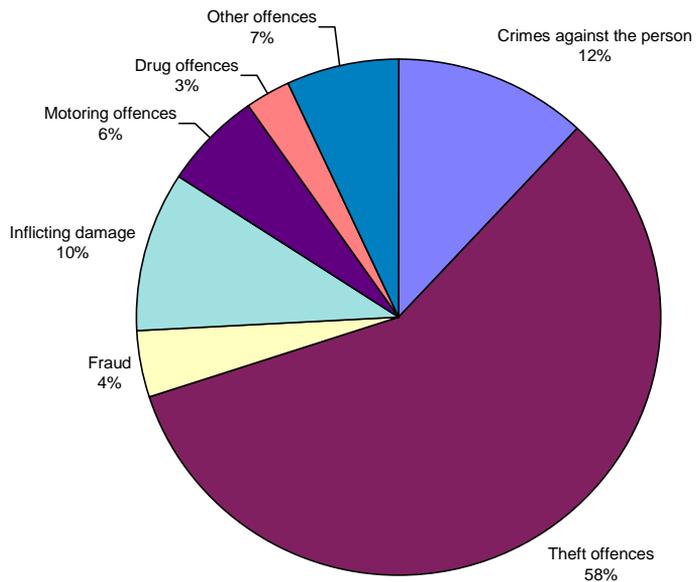


Figure 1. Distribution of offences reported to the police across different crime categories, 2000.

This distribution has changed somewhat over recent decades. There has been a shift such that the proportion of reported offences comprising crimes against the person and inflicting damage has increased while the proportion consisting of frauds and drug offences has decreased. In 1980, crimes against the person and inflicting damage were each responsible for six per cent of offences reported to the police. Frauds comprised fully eleven per cent of reported offences and drug offences six per cent.

## Crime trends

When it comes to interpreting actual crime *trends* on the basis of official crime statistics (trends in reported offences), hidden crime constitutes less of a problem than it does in relation to estimations of the crime level. In principle, the question of whether hidden crimes constitute a large or small proportion of actual crime is of no importance for the question of whether reported offences constitute a reasonable description of actual crime trends. What is vital is whether the proportion of actual crime comprised of hidden offences has changed over time. If this proportion has remained more or less constant, i.e. if there has been no change in the propensity to report crime, then reported offences will provide a correct picture of actual crime trends.

Between 1975 and the beginning of the 1990s, reported offences increased continuously in Sweden. This increase has in fact been visible ever since statistics over reported offences were compiled for the first time in 1950. Comparisons with victim surveys suggest that this trend reflects real crime trends relatively well.

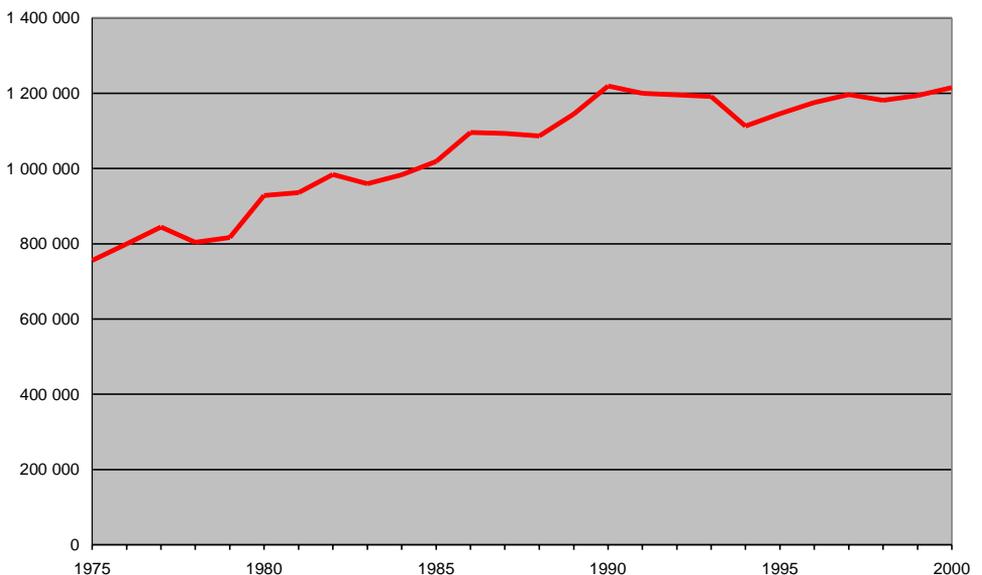


Figure 2. Number of offences reported to the police, 1975-2000.

This trend changed during the 1990s, however. The earlier, more or less linear, increases were broken and the crime curve flattened out. In line with this, there were slightly fewer offences reported in the year 2000 than in 1990. Trends in reported offences during the 1990s varied across different categories of crime. Crimes such as fraud and motoring offences declined considerably, whilst others such as violent offences (above all assault) presented relatively substantial increases. The single largest category of crimes, i.e. theft offences, which constitutes almost two-thirds of all reported crime, also witnessed decreases during the 1990s.

There are no certain answers to the question of whether the stabilisation in reported offences seen during the 1990s reflects a stabilisation in the actual number of crimes committed. There is a good deal of evidence that this is in fact the case, however. Firstly, the dominating category of crimes, i.e. theft offences, stabilised and even declined somewhat. Since it is unlikely that there could have been a substantial shift in reporting propensities in relation to theft crimes, this may suggest that actual crime rates have in fact levelled off. In relation to other types of offence, the picture varies somewhat.

There is much to suggest that the reduction in the number of fraud offences reported and the increase in the number of reported assaults may to some extent be the result of changes in reporting propensities. There is some evidence that the propensity (primarily of banks and credit institutions) to report certain types of fraud has *declined* during the 1990s. There is also evidence that the propensity to report certain types of assault – such as assaults on children (BRÅ, 200a; SOU 2001:18) and violence in schools (Estrada, 1999) – has *increased* over the course of the decade. Increases and decreases in the propensity to report various less common offences ought thus, at least in part, to cancel one another out.

Secondly, the break in the upward trend witnessed during the 1990s is an international phenomenon. This break in the crime trend was seen not only in Sweden but also in a large number of other European countries including among others Denmark, Germany, England, Holland and Finland (Westfeldt, 2001). Since the idea of a simultaneous shift in reporting propensities across the majority of western European countries is rather unreasonable, there is much to suggest that what has been witnessed in Sweden – and the remainder of western Europe – constitutes a break in the upward trend of actual crime, a break for which there must be a more universal explanation.

## Regional differences

With regard to descriptions of the regional distribution of crime at the aggregate level, hidden crime does not constitute a serious problem since it is reasonable to assume that there is no great variation in the propensity to report crime between different regions. It is generally true in Sweden that the more urban an area is, the higher the level of crime. This does not simply mean that there are more crimes in

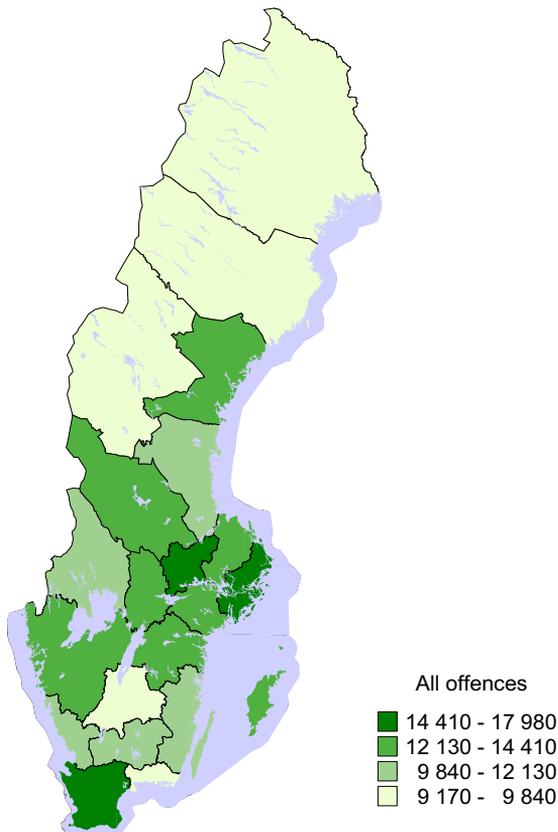


Figure 3. Number of offences reported to the police per 100,000 of population, by county, year 2000.

simple numerical terms, but that there are more crimes per head of population. This is also reflected on the map above where the darker colours (more crimes per capita) are primarily to be found in the more densely populated areas of the country.

## Cleared offences

The number of offences being cleared has not increased at the same rate as the number of offences being reported to the police since 1975. This means that the clearing of offences as measured by the clearance rate has declined substantially over the last 25 years. As regards the sum of all offences, the clearance rate has fallen from 37 per cent in 1975 to a low of 22 per cent in 1996. Since then, there has been something of a recovery, with a clearance rate of 26 per cent having been recorded in the year 2000.

One explanation for this long term decline is that the resources available to the police to devote to the investigation of crimes has not increased at the same rate as reported offences. Thus in relative terms, levels of available resources have declined. There are large variations across different categories of crime, however, as regards the way the clearance rate has developed over time. These differences are to be explained primarily by variations in the possibilities available to the police to clear up different types of offence.

## Suspects

Statistics relating to crime suspects are employed primarily when attempting to use crime statistics to obtain a picture of offenders. In Sweden, these statistics are based on information relating to persons where the prosecutor deems there to be good reason to suspect that these persons have committed the offences in question. The statistics present the age and sex distribution of such suspects. The number of suspects recorded in different years cannot however be used as a measure of the extent to which the number of criminals in society has changed. The number of persons recorded as suspects in the course of a year depends not only on the number of persons in society committing offences, but also to a great extent on the degree to which police (and prosecutors) are successful in investigating offences and "tying" the offences to persons whom there is good reason to suspect of having committed them. The decline in the clearance rate has thus contributed to the trends relating to suspects developing differently from those relating to reported offences.

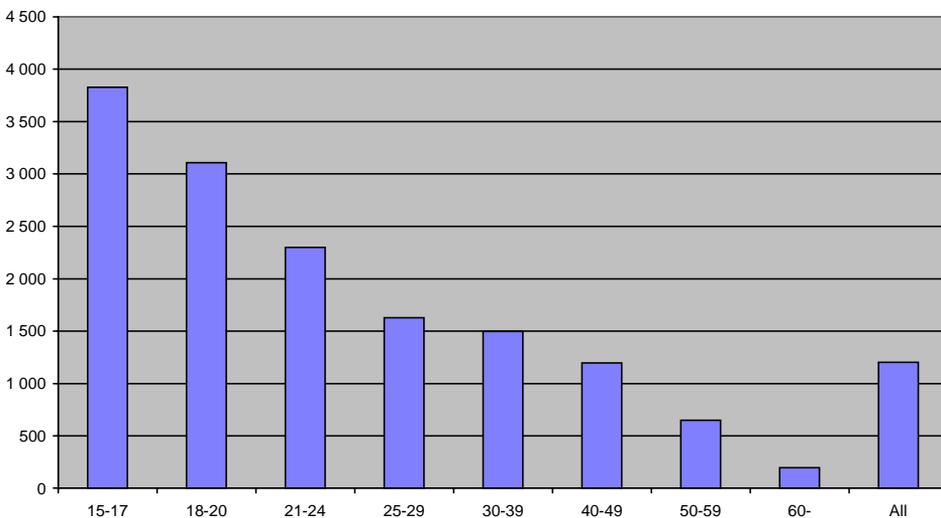


Figure 4. Number of persons in various age groups suspected of offences per 100,000 of population, 2000.

With regard to the sex and age of suspects (for all offences), statistics relating to suspects probably provide a reasonably adequate picture of the actual situation. There is no reason to suppose that the risk of being discovered and registered as a suspect should vary significantly either according to the sex of the individual in question or in different age groups.

The lowest age at which an individual can be registered for an offence is fifteen, which is the age of criminal responsibility in Sweden. As Figure 4 shows, the lower the age, the larger the proportion of persons suspected of offences, and in all likelihood, the larger the proportion actually committing offences.

### *Youth crime*

What crimes are typically committed by young people? (The term youth or young person is typically applied to those aged fifteen to nineteen (or sometimes fifteen to twenty)). There are a number of different answers to this question, depending on how one defines the concept of a typical young persons' crime: such an offence can either be defined as those crimes which young people commit most often, or those crimes where a large proportion of perpetrators are young people. Using these two definitions leads to quite different results. The offences which young people commit most often are various kinds of break in, inflicting damage and shoplifting. On the other hand, crimes for which a large proportion of perpetrators are young people include car thefts and certain more unusual forms of crime such as handbag snatching and mugging. The proportion of young people among the perpetrators of such offences is comparatively high.

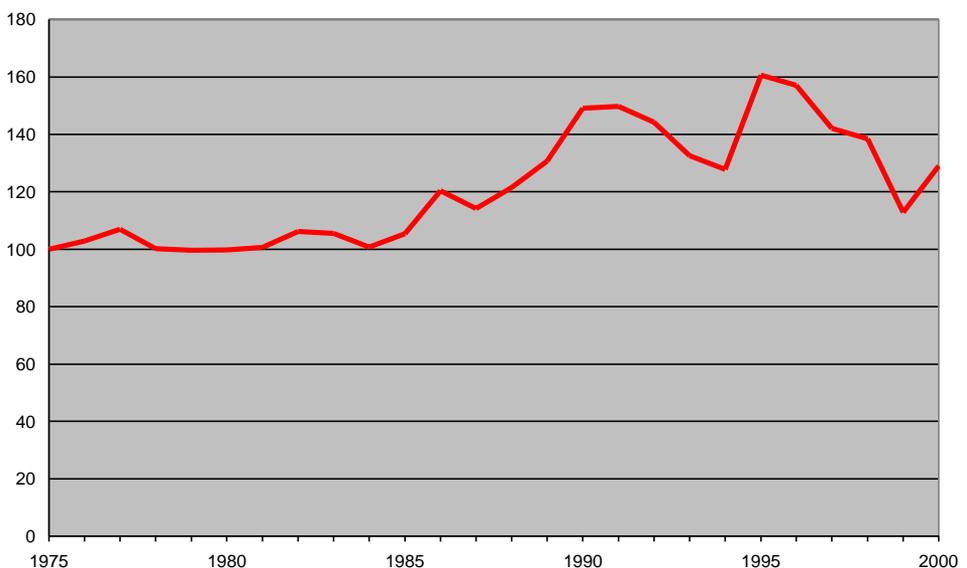


Figure 5. Estimate of the trend in the number of young persons committing offences, 1975–2000. Index.

How has offending by young people developed over time? Unfortunately, the statistics cannot provide us with an unequivocal answer to this question, principally because in the case of the majority of crimes (approximately 80 per cent) the identity of the perpetrator is not known. It is possible to arrive at some estimates however on the basis of statistics relating to suspected offenders. Data on the number of youths registered for offences must in this case be adjusted to correct for changes in the clearance rate (Ahlberg, 1992; Estrada, 1999). Such estimates are most appropriate if they are limited to theft offences (excluding thefts from shops). Since crimes committed by young people are to a large extent dominated by theft offences, these estimates should nonetheless provide an adequate reflection of trends in youth crime.

The curve in Figure 5 suggests that in many respects, trends in youth crime have followed those for crime as a whole, which is to say that offence levels increased up until the beginning of the 1990s<sup>1</sup>, whereafter they stabilised somewhat over the course of the decade. The principle deviation from the general crime trend is to be found in the relatively steep drop in youth crime between 1995 and 1999. Self report studies based on large random samples conducted among Sweden's ninth graders (aged 15) in the years 1995, 1997 and 1999 provide further evidence that the downswing witnessed by the statistics reflects a real drop in youth offending (BRÅ, 2000b). A corresponding, clear decline is also visible in the data collected in these studies.

### *Offending by women*

In the year 2000, women comprised eighteen per cent of persons suspected of offences, a proportion which has increased successively over a number of years. One likely explanation for this is the successive change in the role played by women in society. Women have increasingly moved into areas that were previously dominated by men, including various professional arenas, for example, and have increased their level of participation in nightlife. This equalisation of the sexes is reflected in crime, which has generally always been an arena very much dominated by men (BRÅ, 1999). Indeed crime remains a male dominated phenomenon despite this sexual equalisation.

## Prosecutions

Statistics relating to convicted persons present the number of individuals tied to offences either in the district or city courts or by the prosecutor. The statis-

<sup>1</sup> The increase to the beginning of the 1990s has been the object of some debate. See Estrada 1999.

tics are presented by type of sanction, offence type, sex and age. The principle merit of these statistics lies in being able to follow changes in sanctioning trends.

Since 1975, the number of persons convicted of offences has fallen consistently. The extremely high values visible during the first three years of this period are a result of the fact that drunkenness was a sanctionable offence at the time. When this was decriminalised in 1977, the number of convictions was significantly reduced.

Even after 1980, however, the number of persons being convicted of offences has declined successively. And this during a period when offences reported to the police were on the increase; 900,000 offences were reported in 1980, compared with 1,200,000 in the year 2000. There are two factors that serve to explain this situation. The principle explanation is that the capacity of the justice system has been restricted (see the section on cleared offences). Only a certain number of offences can be dealt with, irrespective of the number actually being reported. It is generally true that about the same number of offences are cleared from year to year – involving a fall in the clearance rate – which means that there is no increase in the number of persons being convicted.

This line of reasoning would lead us to expect the level of convictions to have remained constant. The fact that this has not been the case, and that convictions have in fact decreased, is to be explained as a result of certain motoring and smuggling offences having been shifted from the category of offences which lead to a conviction (fines by the court or prosecutor), to being dealt with by means of summary fines. (This latter sanction is not included in statistics relating to convicted

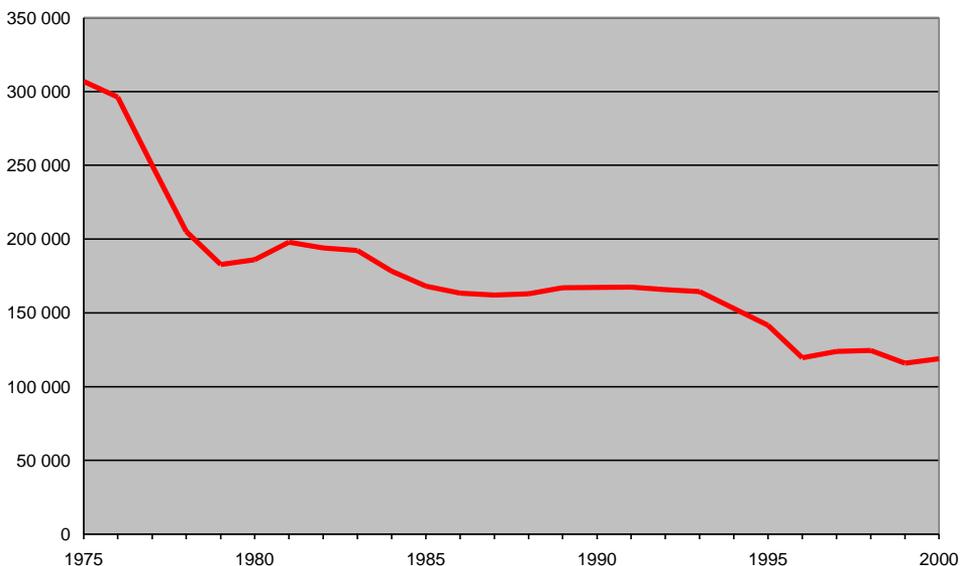


Figure 6. Number of persons convicted of offences, 1975–2000.

persons.) The more substantial drop during the latter part of the 1990s, however, is the result of a considerable decrease in the *number* of cleared offences over this period as police (and prosecutors) have quite simply cleared up fewer crimes than they had done previously.

As regards choice of sanction, there is a tendency for more severe sanctions to be handed out more frequently than in the past. The proportion of sanctions taking the form of one of the three most severe forms of intervention (prison, probation and conditional sentence) have more or less doubled over the period. In 1978, one-eighth of those convicted of offences (12%) were given one of these three forms of sanction. In the year 2000, the corresponding proportion was one-quarter (23%).

One explanation of this trend is that the justice system prioritises offences of a more serious nature. The crimes that are investigated have thus on average become more serious, which has led to stiffer sanctioning. The fact that sentences have been stiffened in relation to certain types of offences ought to provide a further explanation. It is also possible that the crimes being committed have themselves on average actually become more serious.

The proportion of convictions leading to a prison term, which constitutes the most severe sanction available, increased from six per cent in 1978 to ten per cent in the year 2000. The number of persons today being sent to prison is nonetheless approximately the same as in the mid 1970s. During the latter part of the 1970s and at the beginning of the 1980s, there was an increase in the number being sentenced to prison, but this number decreased successively during the 1990s.

One explanation for the drop in the number of prison sentences during the 1990s is that various alternative sanctions, such as community service, contract care etc. began to be employed to a greater extent.

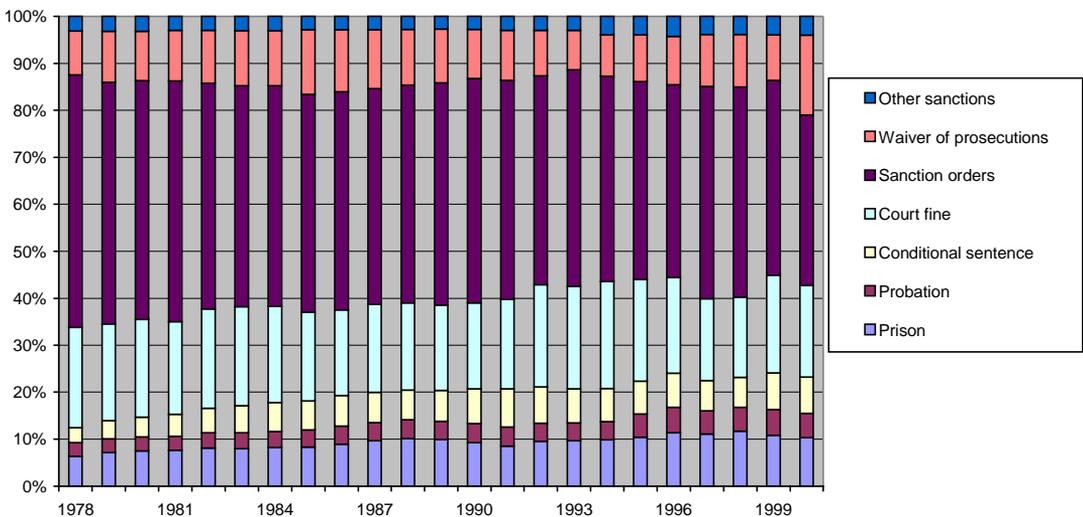


Figure 7. Distribution of sanctions for persons convicted of offences, 1978–2000.

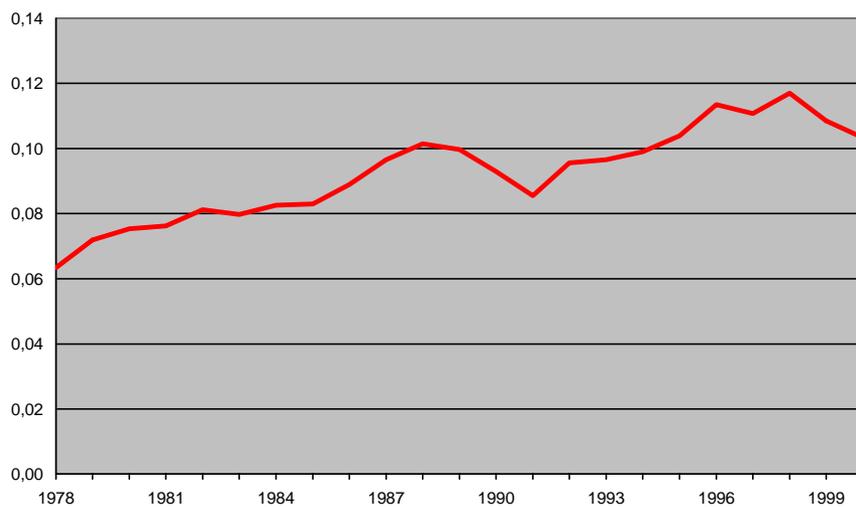


Figure 8. Proportion of convicted persons receiving a prison sentence, 1978–2000.

## Conclusion

Since 1975 reported crime has increased in Sweden. This increase took place between 1975 and 1990 however. During the 1990s the upward trend was broken and the crime curve has levelled off. This meant that somewhat fewer offences were reported in the year 2000 than in 1990. There is good reason to believe that this break in the trend reflects a real change, i.e. that the trend in crimes actually being committed has also levelled off.

The clearance rate has declined successively since 1975, primarily as a result of the fact that resources available for police investigations have not increased in line with the rise in the number of reported offences. The extent of this fall in the clearance rate has varied however across different categories of crime.

Youth crime lies at a somewhat higher level today than it did 25 years ago. Various studies suggest however that it has fallen markedly during the second half of the 1990s.

The proportion of perpetrators comprising women has increased since 1975. One explanation for this may be the successive changes in women's role in society.

As regards the choice of sanction awarded to persons convicted of offences, recent decades have witnessed a tendency to give stiffer forms of sanction to a larger proportion of those convicted. One explanation for this ought to lie in the way certain offences are prioritised over others in relation to the resources available for police investigations, which have become increasingly scarce in relation to the increase in numbers of reported offences.

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# Fatal violence

BY GABRIELLA BREMBERG

## Summary

Over the past 25 years, there have been around 100 cases of fatal violence each year. Compared with the 1950s, this represents practically a two-fold rise. The increase occurred primarily between the beginning of the 1960s and the end of the 1970s, and was mainly due to an increase in fatal violence between persons acquainted with each other, primarily men involved in the abuse of alcohol.

There are, first and foremost, two groups that have dominated fatal violence during the 1990s: violence occurring between persons acquainted with each other and violence in the family. Almost two fifths of all fatal violence is committed by persons acquainted with the victim. An almost equally large proportion occurs within the family.

To a very large extent, fatal violence is both inflicted by men and also sustained by men. About 90 per cent of perpetrators, and two thirds of victims, are men.

Fatal violence is normally committed by means of some sort of weapon. In a good two fifths of all cases, knives are used.

## Introduction

The term ‘fatal violence’ is a collective concept relating to violent events in which a person’s life is taken by another person or persons. The definition is, however, not entirely unambiguous. A normal distinction is made when discussing incidents that the Swedish judiciary consider to be *criminal* fatal violence, i.e. an offence. These incidents are defined by law as murder, manslaughter or infanticide and presuppose that the perpetrator’s objective (intention) has been to take the life of his victim. In the case of manslaughter and infanticide, there will have been mitigating circumstances that result in the offence being regarded as less serious. If the intention has not been to kill, but violence has occurred, then this also tends to be regarded as constituting fatal violence. The legal term for this is ‘causing death by assault’. On the other hand, the causing of another’s death in connection with road traffic and workplace accidents is not included. Fatal violence in self-defence, i.e. the perpetrator has killed another person while defending himself, is not regarded

as an offence under Swedish legislation and thus does not constitute part of criminal fatal violence. Failure to act, by not providing life-sustaining treatment or not giving food to an infant, for example, does – on the other hand – constitute a criminal act that is included within the definition of criminal fatal violence.

Attempts at, and preparations for, murder, manslaughter, infanticide or assault, constitute criminal acts that are punishable under Swedish legislation, as is conspiracy, i.e. inciting or trying to get someone to commit murder or manslaughter, and the failure to disclose such offences. These offences are also included in the legal statistics.

In addition to special studies, there are two statistical areas within Sweden's official statistics that are often used when trying to gain some awareness of fatal violence. One is the *cause of death statistics*<sup>1</sup>, which are based upon the death certificates issued by doctors in connection with deaths. The other is the *law statistics*<sup>2</sup>, based on the information that the judicial system registers in connection with reporting offences. These latter statistics contain, for example, details relating to persons suspected of, and prosecuted for, fatal violence and details of offences reported to the police (report statistics).

The two series of statistics that are primarily used in order to mirror the trend are those relating to reported offences and cause of death statistics respectively. In addition to the fact that these two series of statistics are based upon different assessments of the same events – one medical and one legal – fatal violence is defined in different ways. The cause of death statistics' definition of fatal violence – premeditated murder, manslaughter and other outrages against another person – are based upon those persons who, at the time of death, were entered on the Swedish national register, irrespective of whether the offence was committed in Sweden or abroad (Swedish National Board of Health and Welfare, 2001). The report statistics' definition of fatal violence – premeditated murder, manslaughter and assault resulting in death – are based upon the offences that are reported in Sweden, irrespective of whether the persons concerned are entered on the national register there or not. Temporary visitors, asylum-seekers or Swedes who are no longer entered on the national register in Sweden but are killed in Sweden are thus included in the report statistics, but not in the cause of death statistics. There is also a difference between the two statistics series in terms of the time when the events are registered. The report statistics are based on the date on which the offence was reported to the police, while the cause of death statistics relate to the date on which the death occurred. This difference in the recording time does not have any major practical implications, however, since only a very few (an average of two a year throughout the 1990s) of the murders and cases of manslaughter reported in one year were committed in a previous year (Ryding, 2000).

<sup>1</sup> The authority responsible for maintaining the statistics is the Swedish National Board of Health and Welfare.

<sup>2</sup> The instance responsible for maintaining the statistics is The National Council for Crime Prevention (BRÅ).

This section is, above all, based upon analyses of the causes of death statistics, the legal statistics and a thesis on fatal violence in Sweden between 1990 and 1998 (Rying, 2000). The analyses are concentrated on offences committed.

## Hidden crime

Neither of the two statistics series describes fatal violence exactly. Some instances that do not constitute fatal violence are included in the statistics, while a number of cases that do constitute fatal violence are not included. In contrast with many other types of offence, the principal problem is not the offences that are not included in the statistics, referred to as hidden crime, but those cases that are included but *are not fatal violence* and that, above all else, influence the report statistics.

Both series of statistics are probably affected by the fact that certain cases of fatal violence are never discovered. In 2000, barely 145 people were reported as having been missing for more than 60 days (Swedish National Police Board). Usually, it is a case of people who have chosen to disappear, or who have died from natural causes but have not been found. Among these missing persons there are probably also cases of fatal violence that are never discovered.

Even when a dead person is found, the case may be reported or categorised as something other than fatal violence. The biggest source of error in the cause of death statistics is the reliability of the assessment of the cause of death (Swedish National Board of Health and Welfare, 2001). The more detailed the examination of the deceased, the more certain the assessment of the cause of death. About ten per cent of all violent crime resulting in death is not discovered until a post-mortem examination is conducted, which is the most exhaustive examination for determining the cause of death (Öström, Ahlm and Eriksson, 2001). The number of undiscovered cases of fatal violence may thus have been affected by the gradual reduction in the number of post-mortem examinations. In the mid-1970s, post-mortem examinations were carried out on about half of all deceased. At the end of the 1990s, the corresponding figure was barely one fifth (Swedish National Board of Health and Welfare, 2001). One study (Öström, Ahlm and Eriksson, 2001) has shown that a third of all deaths that doctors had considered to be from unnatural causes, had nevertheless not been subject to a forensic post-mortem. This probably also impacts upon the report statistics – only a minority (14 per cent) of the deaths from unnatural causes in the study had been reported to the police.

There is now a large difference between the two series of statistics. The report statistics have been at a level of between 50 and 100 per cent higher than the cause of death statistics throughout the 1990s. This is due to the fact that the report statistics measure fatal violence when it comes to the attention of the police. The police then issue a report, even if there is doubt as to whether it is a case of fatal violence, in order that an investigation may be initiated. This means that the cases

that, during the course of the investigations, are deemed not to be criminal fatal violence (in Sweden), are still included in the report statistics. This over-estimate has increased during the 1990s, complicating interpretation of the trend in fatal violence on the basis of statistics relating to reported offences. A survey in the County of Stockholm revealed that the number of cases that do not constitute fatal violence was, on average, 25 per cent of reported cases during the period 1951–1991 (Wikström, 1994). At the beginning of the 1990s, the corresponding proportion in the entire country stood at around 30 per cent and, by the mid 1990s, was about 50 per cent. The increasing proportion of cases that do not constitute criminal fatal violence may be associated with the new reporting procedure introduced by the police at the beginning of the 1990s. The change in procedures has meant that more people have been involved in the coding of offences whilst the control of the registered details has decreased.

A large proportion (almost two fifths) of the cases that were not criminal fatal violence during the period 1990–1998 have turned out to be *other than criminal offences* such as suicide, accidents and drug overdoses. A further quarter have been shown to be other offences such as self-defence and attempt at, preparation for, instigation of or conspiracy to cause fatal violence. Of the incorrect cases, 14 per cent related to fatal violence that took place abroad, whilst a good fifth of the remainder were duplications, false reports or cases where it was unclear whether an offence was involved. It is the number of cases that proved to be “other than” offences, unaccomplished fatal violence and duplications that increased during the 1990s. Individual sources of error may, moreover, have had a major significance in certain years. In 1998, for example, the report statistics contained around 20 cases where Pinochet had been reported as having murdered a number of people during the time he held power in Chile. These cases corresponded to as much as 10 per cent of all fatal violence reported that year. There are normally between five and eight cases of fatal violence reported as having occurred abroad.

Since the report statistics over-estimate the fatal violence by such a wide margin, the question may arise as to whether it might be better to measure this at a later stage in the legal process, when there is greater certainty regarding whether the notified event really does constitute fatal violence. One problem, however, is that if the cases that are tried before the courts are taken as a basis then instances are missed where, for example, there is fatal violence in which no perpetrator is present or where the perpetrator has taken his own life, which is what happens in nearly 25 per cent of all cases of fatal violence.

## The crime structure

Accomplished fatal violence accounts for 0.2 per cent of violent crime reported each year. A survey of the persons prosecuted for accomplished fatal violence in 1999 shows that the majority (almost three-quarters) of these persons were found to

be guilty of the most serious form of fatal violence, i.e. murder. Of the remainder, about 15 per cent were prosecuted for accomplished murder and 14 per cent for causing death combined with assault. Infanticide is a relatively uncommon offence. Barely 1 per cent of all those prosecuted for fatal violence (including attempted) were prosecuted for this offence between 1975 and 2000.

The most serious form of fatal violence has increased. The number of those prosecuted for murder (including attempted murder, etc.) has grown from barely 50 in 1975 to a good 100 in 2000. The increase occurred, first and foremost, during the 1990s. The majority (65 per cent) of those prosecuted for murder in 1999, were prosecuted for accomplished offences. The situation is the reversed where manslaughter is concerned, with a minority (22 per cent) being prosecuted for accomplished offences.

### *The relationship between victim and perpetrator*

In the majority of cases (a good four fifths) of fatal violence, the perpetrator and the victim are acquainted. There are primarily two groups that dominate fatal violence: those acquainted with each other and those within the family. During the 1990s, almost two fifths of all fatal violence took place between people acquainted with each other at the time of the offence, but who were not related or had a relationship with each other. The majority were very well acquainted. This group has predominated since the 1970s. Many (nearly 70 per cent) of both vic-

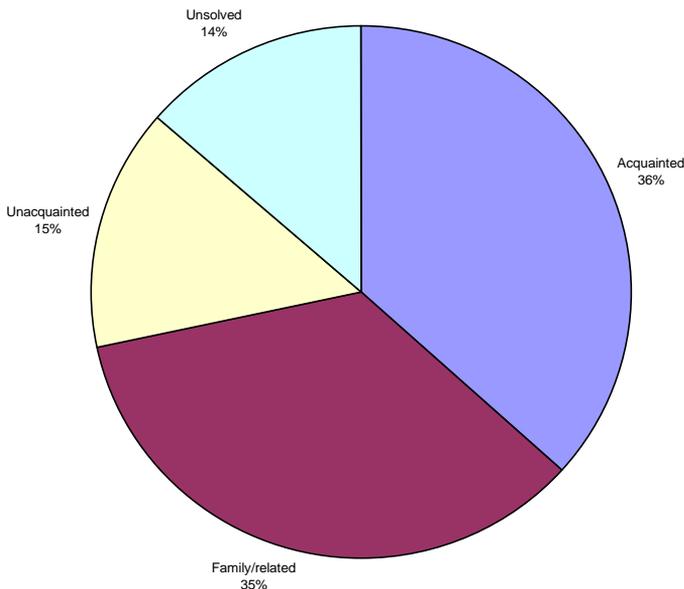


Figure 1. Relationship between victim and perpetrator in respect of fatal violence in Sweden, 1990–1998.

tims and perpetrators were under the influence of, first and foremost, alcohol at the time of the offence. Moreover, a majority (over three fifths), had a history of alcohol abuse. The background to the fatal violence in this group primarily involved arguments concerning petty issues (a good two fifths of cases) or the fatal violence occurred in connection with robbery, disputes or other types of unlawful acts (17 per cent).

Fatal violence within the family has constituted an almost equally large group (35 per cent) as fatal violence between acquaintances during the 1990s. This group dominated fatal violence during the 1950s and 1960s. By the end of the 1980s, the group's share had risen to its present level, although this is lower than in the 1950s. In almost half the cases, it is a woman who is killed by a man with whom she had, or had had, a relationship. This means that during the 1990s, an average of 16 women were killed a year by men with whom they had, or had had, a relationship.

The group next most affected by fatal violence within the family are children, constituting over a fifth of victims. Parents who were killed by their children or men killed by a current or past partner, account for 14 and 11 per cent of family cases respectively.

Fatal violence within families is primarily associated with separations and jealousy. This motive is to be found behind a good third of all cases within the family and mainly affects female victims. Mental disturbance on the part of the perpetrator is another common explanation. In a quarter of cases of fatal violence within the family this is the direct cause of offences that often affect children and parents.

The cases where the victim and the perpetrator are unacquainted account for about 15 per cent of all fatal violence. A remarkably large proportion of, first and foremost, perpetrators – but also victims – in this group are young men. A large proportion (three quarters) of the offences occur in public and leisure-related locations. Characteristic of the unacquainted group are petty disputes between young men in public or leisure-related locations or between young men who, in connection with a robbery, have killed a considerably older victim.

### *Scene of the crime*

The home is, and always has been, the most common scene of crime where fatal violence is concerned (over 70 per cent), something which ties up with the fact that the majority of victims and perpetrators are acquainted with each other. Fatal violence in the home usually (over 70 per cent) takes place in, or in the vicinity of, the victim's own home, or one common to both perpetrator and victim. It is far more common among women that they both kill and are killed in the home, than among men.

During the 1990s, there were an average of 20 or more cases of fatal violence occurring in public places and 3 cases in leisure-related locations. Among these cases, a large proportion of fatal violence is to be found between unacquainted people, and a large number of cases are unsolved.

## Methods of violence

Weapons feature in almost half of all cases of fatal violence. The most common method of inflicting violence is for the victim to be killed with a knife or some other pointed or cutting weapon. Knives are used in over two fifths of all cases and represent the most common cause of death among all groups. Fatal violence caused using a knife is most common among cases where the victim and the perpetrator are acquainted with each other.

Knives as a weapon in cases of fatal violence have increased since the 1950s and 1960s when fatal violence primarily occurred without the use of weapons. The current level was reached in the mid-1970s whilst, at the same time, the number of cases without weapons decreased. The fact that knife-related violence has increased may probably be associated with the increase in fatal violence between acquaintances who abuse alcohol. A small decrease in fatal violence involving knives was discernible during the first half of the 1990s.

Firearms feature in almost a fifth of all cases of fatal violence. Firearms most commonly occur in unsolved cases and in cases between unacquainted persons. The proportion of fatal violence involving firearms varies relatively sharply from year to year, but was at a somewhat lower level during the 1970s and early 1980s than during the 1990s. In as much as a tenth of all cases of fatal violence, the cause of death has been blows from a cutting or striking weapon.

When weapons are not employed, the most common causes of death are strangulation, suffocation or assault. Together, these account for a good fifth of the causes of death in instances of fatal violence. Strangulation is particularly common

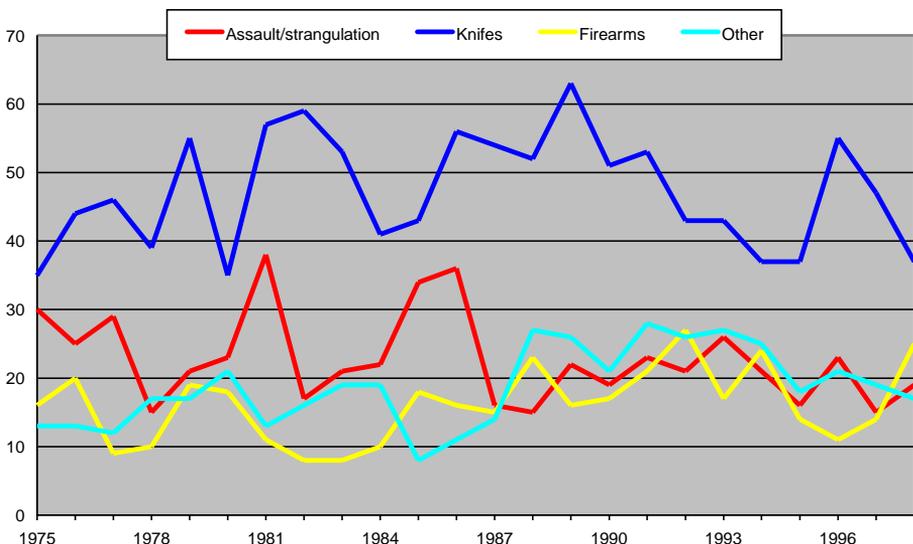


Figure 2. Use of weapons (method) in connection with fatal violence in Sweden, 1975–1998.

within the family and in such cases often involves a child being killed by a parent. Women also constitute a group frequently subjected to strangulation and suffocation. Assault also occurs in cases where strangulation is the cause of death following fatal violence in close relationships and in almost a third of cases where the victim is killed by means of a weapon.

### *Motive*

Most fatal violence is unplanned. Weapons and methods of inflicting violence are, to a large extent, determined by the situation. The background to fatal violence during the 1990s is, in three out of ten cases, seemingly some petty argument and, in a further two out of ten cases, jealousy or arguments arising out of separation. The perpetrator's mental state is the only explanation for 15 per cent of fatal violence. The perpetrator's mental state may, however, also be a contributory factor in respect of fatal violence in other cases.

In over one out of ten cases of fatal violence the objective has been to get hold of money, but not to injure the victim. The fatal violence in these cases has often occurred in connection with other offences. Crimes of hatred and revenge have been the motive in ten per cent (or 4 and 6 per cent respectively) of cases of fatal violence. Fatal violence with a sexual motive or fatal violence associated with gangs are not particularly common.

## Crime trends

Over the past 25 years, there have been about 100 cases of fatal violence reported each year. The variations from year to year are, however, quite large. Some years have seen the number of offences increase or decrease by up to 40 per cent. 1979 saw a peak in the statistics resulting from 27 cases of fatal poisoning at a hospital committed by one and the same perpetrator (Rying, 1996). During the 1950s, the level of fatal violence stood at around 50 cases a year but rose during the 1960s and 1970s to its present level (Rying, 2000).

The two series of statistics, cause of death and report statistics, indicate that fatal violence has remained at a constant level since the beginning of the 1980s. The report statistics, as pointed out before, however, are at a somewhat higher level. If one takes away those cases that do not constitute criminal fatal violence (death resulting from accidents, overdoses, etc.) the number of cases, as with the cause of death statistics, are around 100 per year. The increase in the report statistics during the 1990s may be entirely explained by the fact that the number of cases that do not constitute criminal fatal violence increased – i.e. that the actual number of offences remains unchanged.

In 2000, nearly 730 cases of attempted murder or manslaughter were reported to

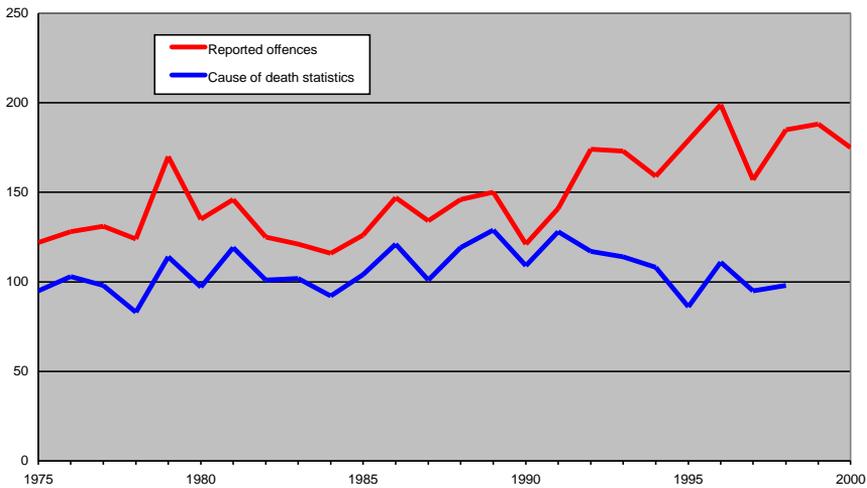


Figure 3. Trend in fatal violence in Sweden according to the different statistics series, 1975–2000.

the police. The reported attempted offences increased relatively sharply in contrast with accomplished offences from 1975. The same trend characterises the assault offences reported to the police. The increase is, however, sharper for attempted murder and manslaughter, which more than trebled. Assault offences, which are 80 times greater, increased by almost 200 per cent during the corresponding period. During recent years (1997–2000), the increase in attempted murder and manslaughter has subsided.

## Regional distribution

Fatal violence, like other violent offences, is more common in urban areas. The report statistics show that between 55 and 65 per cent (in some cases as much as 70 per cent) of fatal violence took place in the three major city counties, concentrated in the counties of Stockholm and Västra Götaland. This means that the major city counties are over-represented in respect of fatal violence, since only half of Sweden's population live there. The past few years have not seen a change in this pattern. The corresponding proportion for assault offences, which dominate crimes of violence, is just below 60 per cent.

In other counties, there is no discernible clear pattern as the number of reported murders, manslaughter and assault resulting in death is, in general terms, relatively few. In one county in any one year, some murders or cases of manslaughter may have occurred which give the county a relatively high murder count, whilst the following year no such offences are committed at all.

## Suspects

It is relatively unusual for more than one perpetrator to be involved in a case of fatal violence. During the 1990s, as much as 86 per cent of cases of fatal violence were committed by one perpetrator. Ten per cent was committed by two perpetrators and four per cent by three or more perpetrators. If the offence is committed by several perpetrators it is usually a case of younger persons with a criminal background who are unacquainted with the victim.

### *Gender*

Fatal violence is usually committed by men: 90 per cent of the suspects are men. In over half the cases, the male perpetrators kill someone who is well-known to them and, in nearly two cases out of every five, a member of the family. Fatal violence committed by men is also primarily inflicted upon men (over three fifths of cases).

The proportion of suspected and prosecuted women has stayed constant at around 10 per cent over the last 25 years. Female assailants kill a family member in four cases out of five. A good two fifths of the people killed by women are children, and around 7- per cent are men (including boys). It is very rare for a woman to kill another woman.

### *Age*

In 2000 the average age of the persons suspected of fatal violence was 34 years. This is somewhat older than those suspected of assault offences. The majority of those suspected of fatal violence are to be found in the 20–24 age bracket. The number of suspects per head of population decreases gradually in the subsequent age groups. Almost 80 per cent of suspected persons are in the 20–49 age bracket, whilst only some 40 per cent of the Swedish population is to be found in this age range. The age distribution among those suspected of fatal violence has not altered discernibly over the past 20 years. On the other hand, the annual variations are quite large.

A handful of persons below the age of 15 have, during the past 25 years, been suspected of fatal violence. Young people aged 15–19 are, on the other hand, somewhat over-represented. Over the past 25 years they have represented around 10 per cent of suspected persons whilst, at the same time, constituting about 6 per cent of the population. For perpetrators above the age of 50, the situation is reversed.

Perpetrators most usually kill someone of their own age, with the exception of young persons. Young people aged 15–19 have, in two thirds of cases, killed someone who is older than 30. Young people often kill someone they do not know. Middle-aged people usually kill a member of the family or someone with whom they are closely acquainted. Older people almost exclusively kill a family member.

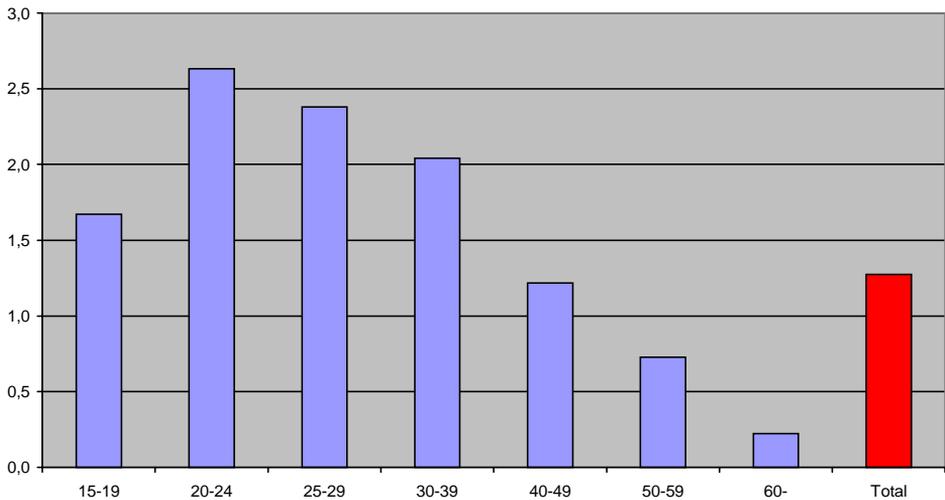


Figure 4. Average number of persons in Sweden suspected of fatal violence, per 100 000 inhabitants, in their respective age groups, 1975–2000.

### *Country of birth*

About one in every three people suspected of fatal violence has been born abroad whilst, at the same time, this group comprises 10 per cent of the population in Sweden. Disproportionately large groups among those perpetrators born abroad, even though they are few in number, are from Finland, Iran, Iraq and Chile. The majority of perpetrators kill within their own national groups. A good 90 per cent of native-born Swedes kill other native-born Swedes and around half of those born abroad kill someone from the same country.

### *The influence of alcohol and drugs*

About three fifths of perpetrators are under the influence of alcohol at the time of the offence. Younger people are under the influence to a lesser extent than older people. The most common scenario is for a perpetrator who kills someone who is a close acquaintance to be under the influence of alcohol. The least common scenario is for a perpetrator to be under the influence of alcohol when a member of the family is killed. Perpetrators under the influence of alcohol often kill persons who are also under the influence of alcohol. In spite of unreliable figures, it may be noted that a large proportion of perpetrators are alcohol abusers (half of perpetrators). The link with drugs in association with fatal violence is less clear. A rough estimate indicates that around a quarter of perpetrators are drug abusers, with around 12 per cent actually under the influence of drugs at the time of the offence.

## *Previous convictions*

The majority of perpetrators have been previously prosecuted for offences. During the 1990s, an average of almost three quarters of persons prosecuted for murder and manslaughter (including attempted), had been previously prosecuted during the preceding ten years. Previous prosecutions are considerably more common among persons who are prosecuted for murder and manslaughter compared with persons prosecuted for assault, where the corresponding proportion is three fifths. At the same time, those prosecuted for murder and manslaughter have been subjected to far more previous prosecutions than those prosecuted for assault. A third of those prosecuted for murder and manslaughter have had more than five prosecutions during the last ten years. The corresponding proportion for those found guilty of assault is 15 per cent. Other surveys also indicate that perpetrators of fatal violence represent a group that is relatively burdened by criminal prosecutions.

## Victims

The majority of cases of fatal violence involve a single victim. During the 1990s, two victims were killed in connection with the same incident in about seven out of every hundred cases. Double murders are, first and foremost, concentrated in instances of fatal violence within the family. In three cases out of a hundred three or more victims are killed at the same time.

## *Gender*

Even though fatal violence often involves men, the proportion of men as victims is far smaller than the proportion of men as perpetrators. Two thirds of victims are men, compared with 90 per cent of the perpetrators. The majority of men (three out of five cases) are killed by a close acquaintance, with only a fifth being killed by a family member. Nearly 90 per cent of men are killed by men.

Over the past 30 years, the proportion of women killed each year has remained constant, at a third. During the 1950s, the proportion of women killed was as great as the proportion of men killed. The increase in fatal violence during the 1960s and 1970s has meant, first and foremost, that ever more men are being killed.

The majority of women (three fifths) are killed by a member of their family. Adult women are often killed by a man with whom they have, or have had, a relationship and girls are killed by a parent. Women are almost exclusively killed by men (90 per cent).

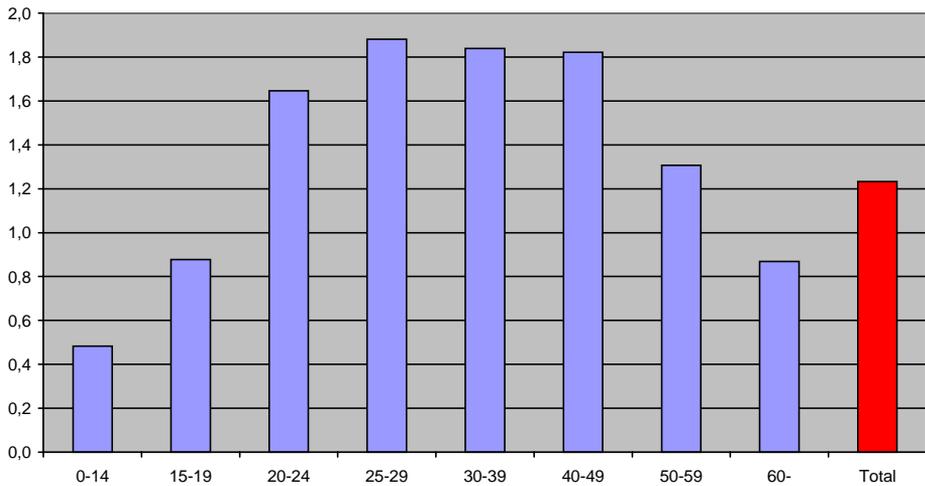


Figure 5. The average number of victims of fatal violence per 100 000 inhabitants in the respective age groups in Sweden, 1975–1998.

## Age

The victim of fatal violence is, on average, somewhat older than the perpetrator. In 2000, the mean age among victims was 41, 7 years older than the perpetrators. The majority of victims (three fifths) are between 20 and 49. About two fifths of the population are in this age bracket. The number of victims per inhabitant has, in theory, remained unchanged over the past 25 years.

Around 7 per cent of victims of fatal violence are under 15 years of age. Children are, however, under-represented among victims since, seen as a whole, they constitute almost a fifth of the population. Young people aged 15–19 and persons over the age of 50 are also under-represented as victims. These age groups comprise 5 and 28 per cent of victims respectively, and 6 and 33 per cent of the population respectively. This means that young people are under-represented as victims, but over-represented as perpetrators (Rying, 2000).

## Country of birth

A somewhat small proportion of victims are born abroad, compared with the perpetrators. At the same time, victims that are born abroad are over-represented. A third of victims are born abroad whilst at the same time, they constitute about a tenth of the population. Native-born Swedes are killed in four out of five cases by a person of the same origin. The equivalent proportion for the majority of those born abroad is about 70 per cent.

## *The influence of alcohol and drugs*

As with perpetrators, many victims were under the influence of alcohol. During the 1990s, about half of all victims had been under the influence of alcohol at the time of the offence. Younger people were under the influence to a lesser extent than older people. Even though the proportion of alcohol abusers among victims is less than among perpetrators, at least 40 per cent of victims are alcohol abusers. The proportion of drug abusers and those under the influence of drugs is also smaller among victims than among perpetrators. As a rough estimate, 15 per cent of victims were drug abusers and 7 per cent under the influence of drugs at the time of the offence. The figures are, however, relatively shaky.

## Cleared offences

Compared with other criminality, a large proportion of the notified cases of fatal violence are cleared up. Around 85 per cent of the reported offences were cleared in the 1990s. The number of offences that are cleared annually insofar as at least one person is charged with the offence, has varied hovered around 74 per cent over the last 25 years. The number of offences where the perpetrator has committed suicide has, during the last 25 years, varied between 5 and 15 cases per year. On the average only about 15 per cent of the discovered offences remained unsolved each year during the 1990s. One explanation for the high clearance rate may be that the police give a high priority to investigating these serious offences. Another is that the victim and the perpetrator often know each other, which facilitates a resolution of the offence.

The clearance rate in the crime statistics is calculated in a manner that differs slightly from what one would normally understand by the term cleared offence. The cleared offences relate to those instances where the reported offences have been successfully resolved in the eyes of the police and prosecuting authorities. This does not mean that somebody has necessarily been convicted for the offence for it to be regarded as having been resolved. Some of the cleared offences are regarded as being so even though the investigation into the offence has been discontinued. The clearance rate for fatal violence in crime statistics has lain between 70 and 80 per cent since 1975, with the exception of a decline during the 1990s. In year 2000 the clearance proportion again rose to nearly 80 per cent. The fall during the 1990s probably does not, however, indicate a worsening of the clearance rate, but that the proportion of reported cases that did not constitute criminal fatal violence (accidents, overdoses, etc.) has increased. One indication of this is that the decision to prosecute, which constitutes 70 per cent of the clearance rate in the crime statistics, has stayed at a constant level since 1975. The remaining 30 per cent of the cleared fatal violence cases in the clearance statistics, means that investigations into the of-

fences have been discontinued. A good half of these cases are discontinued because it cannot be substantiated that an offence has been committed or because the incident is not criminal.

## Prosecutions

The number of persons prosecuted for murder or manslaughter increased between 1975 and 2000, from around 80 cases per year to nearly 170 cases, including attempted offences. The increase is probably attributable to the fact that reported cases of attempted murder and manslaughter more than trebled during the same period whilst, at the same time, the number of accomplished offences lay at a constant level.

Since the mid 1990s, around 70 per cent of all persons prosecuted for murder and manslaughter received prison sentences. The largest proportion of prison sentences was recorded in 2000 when 77 per cent were sent to prison or to secure youth remand institutions. Secure youth remand institutions were introduced in 1999. Since then a total of 7 youths have been ordered to be detained under this new provision. Since the mid 1990s, some 30 per cent have, in addition, been ordered to undergo forensic psychiatric care for murder and manslaughter. In 2000, 23 per cent were ordered to undergo forensic psychiatric care, representing the smallest proportion during the past 25 years. In the mid 1970s, the situation was reversed.

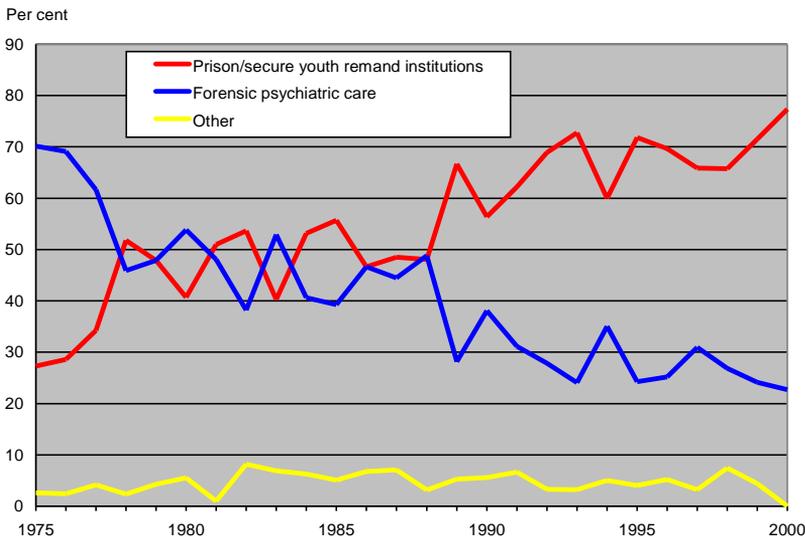


Figure 6. Distribution of sanctions (%) for all those prosecuted for murder and manslaughter (included attempted) in Sweden, 1975–2000.

Then, around 70 per cent were ordered to undergo forensic psychiatric care and 30 per cent received a custodial sentence. From the end of the 1970s until the beginning of the 1990s, about half were ordered to undergo forensic psychiatric care and half received a custodial sentence. Other types of sanction are relatively uncommon. Each year, a few persons are made the subject of probation orders, supervision orders and care within the social services.

The principal explanation for the change in the choice of sanctions used is probably due to an altered perception of how people with mental disorders should be judged (Rying, 1998). In 1976, a government report (The Bexilius Committee) proposed that those suffering from mental disorders, but without psychotic conditions, should receive prison sentences to a greater extent. Surveys indicate that 70 per cent of all those found guilty of murder and manslaughter are mentally disturbed. Less than a quarter of these suffer from psychotic conditions. In 1992, new legislation governing forensic psychiatric care came into force, largely based upon these earlier reports.

Four fifths of those receiving custodial sentences for murder and manslaughter (including attempted), were sentenced to imprisonment for more than two years. About one fifth were each sentenced to more than two and a maximum of four years, more than four and a maximum of six years, more than six and a maximum of eight years and more than eight years respectively. In 2000, 13 per cent, or 14 persons, were sentenced to life imprisonment. The proportion of those sentenced to life imprisonment for murder and manslaughter increased from just a couple to at least 10 per cent of those receiving custodial sentences between 1975 and 2000. Within a couple of years, the proportion was up to 20 per cent. The shortest prison sentence of a maximum of two years has, on the other hand, reduced somewhat and, in 2000, barely 5 per cent of all those subject to custodial sentences were given such a sentence.

## Preventive measures

It is difficult to prevent fatal violence at the time of the offence. The opportunity for intervention is often limited whilst, at the same time, it is unusual for there to be witnesses. Witnesses are present only in a third of cases. The closer the relationship, the lower the proportion of witnesses. Witnesses are, moreover, often acquainted with the perpetrator or the victim, or both.

Since a large proportion of fatal violence takes place between acquainted persons who, above all, abuse alcohol, one important measure is to reduce the abuse and change the living conditions under which the abusers live.

A further large group comprises fatal violence within the family. Measures taken by society will, in this respect, be directed at identifying families at risk before things develop as far as murder or manslaughter. Since the motive behind fatal violence is often jealousy, separation or mental illness, there is a relatively good

chance of these families having some sort of contact with some branch of authority before the offence occurs. The authorities must, however, become better at identifying families at risk where fatal violence is concerned, and they must also be better at co-operating with each other and with organisations such as women's refuges and men's refuges.

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# Assault

BY ECKART KÜHLHORN

## Summary

The majority of violent offences that are reported to the police in Sweden relate to assault. In 2000, a total of 58 800 such offences were reported to the police. Expressed in terms of the population (average population) this was about 600 cases per 100 000 persons. In 2000, registered cases of assault comprised 35 per cent assault against women, 54 per cent assault against men and 11 per cent assault against children (assault against persons up to the age of 14).

The number of unrecorded violent offences is high. The actual level of violent crime is assessed, on the basis of surveys conducted among victims of crime, as being as much as ten times greater than the violent crime reported to the police. There are still certain types of violent offence that are not brought to light, or that are more difficult to reveal in surveys of victims, such as assaulting children, assault within the family and violence within criminal circles and marginalized groups.

It is impossible to draw any firm conclusions regarding the actual trend in violence over a period of time when the number of unrecorded cases is so high and, moreover, often varies over a period of time. What, however, is quite clear is that more hidden crime, such as assault against children, increased sharply in terms of reported offences. In this respect, however, it is probably the inclination to report offences that increased and impacted upon the trend most, rather than the actual level of violence. Cases of assault committed outdoors by a perpetrator unknown to the victim and where the victim is usually a man, also showed a marked increase, however. But the probable explanation here is that it is a combination of the greater inclination to report offences and the actual violence which is involved. No definitive answer is, however, available from current research and data.

Apart from assault against children, the level of offences reported to the police has stagnated somewhat since the mid 1990s. It is, however, too soon to assess whether this represents a change in the trend or merely a temporary stagnation. Surveys among victims indicate, moreover, an upward trend between 1982 and 1999.

The increased number of reported instances of assault offences has meant that more perpetrators have been identified. However, since this increase has been less than that relating to the number of cases reported, the clear up percentage has fallen.

Of the cases of assault where the perpetrator is identified and of those that resulted in prosecutions, assault offences committed by young persons increased during the 1990s. The increase also covered aggravated assault (even though the less serious offences increased most), a type of offence that is less influenced by fluctuations in the inclination to report offences than less serious assault offences. This also means that the actual level of crimes of assault among young people may have increased during the 1990s – with a degree of stagnation since the mid 1990s, in common with violent crime reported to the police, viewed as a whole.

## Introduction

During the post-war era, several changes have taken place with the criminalisation of the private use of violence. The Schools Act was repealed in 1958, and in 1979 it was forbidden for parents to exercise corporal punishment on children in their care. In connection with the entry into force of the Penal Code in 1965, the scope of punishable offences was extended, partly through the introduction of the offence of molestation and partly because of harsher penalties for assault. In 1982, the rules of prosecution governing non-aggravated assault in a private place were altered such that these offences are now covered by public prosecution. The penalties for several different kinds of violent offence have also been made more severe. In addition, the position of the victim of violence has been strengthened, partly through various legislative measures, and partly by the advent of modern social movements such as women's refuges and crime victims' refuges. In 1999, a new law came into force within the framework of chapter 4 of the Penal Code. The law is aimed at repeated punishable offences that are directed against an intimately known woman (gross violation of a woman's integrity; § 4A, section 2).

Assault and aggravated assault means offences as specified in chapter 3, §§ 5–6 of the Penal Code. In the fifth paragraph it states that “Whosoever inflicts physical injury, illness or pain upon another person, or renders him powerless or some other similar state, shall be sentenced upon conviction for assault to a maximum of two years in prison or, if the offence is minor, to fines or imprisonment for a maximum of 6 months.”

In the sixth paragraph, aggravated assault and the relevant penalties are defined.<sup>1</sup> Factors that mean that an offence may be assessed as being aggravated include whether or not it is deemed to be life-threatening or causes the victim grave physical injury or serious illness, or if the perpetrator has otherwise displayed “particular ruthlessness or brutality”. Of the prosecuted cases of assault, aggravated cases account for 6 per cent.

<sup>1</sup> One type of assault that is separately enumerated in the crime statistics is assault against public servants. This relates to offences under chapter 17 of the Penal Code. The offence is not dealt with in this section.

## Hidden crime

In 1999, assault offences reported to the police corresponded to approximately 600 incidents per 100 000 persons (average population). In The National Statistics Office of Sweden [Statistiska Centralbyrån (SCB)] victim survey conducted the same year, there were shown to be at least 8 000 such cases per 100 000 persons. If one assumes that some of the violence that is reported in victims surveys does not relate to crime, it would indicate that the actual crime level is around ten times greater than the number of crimes registered by the police.

The victim surveys provide evidence that victims are reporting serious instances of violence to the police to a greater extent than those that are less serious. In this way, crimes reported to the police comprise a selection of the more serious violent types of crime. Victims surveys, on the other hand, include “everyday” violence to a greater degree, that is not of such severity that the victim or witnesses report it to the police.

There are also limitations in the victims surveys that render the overall picture incomplete. Persons under 16 years are not included which, for example, makes it impossible to obtain further information from them about assaults against children. It is furthermore quite clear that violence within the family and between people closely acquainted is only reported inadequately to both interviewers in victims surveys and to the police. Moreover, there is largely an absence of information regarding violence that occurs within marginalized groups, such as violence among alcohol abusers and in criminal circles – a form of violence that is relatively common.

Another problem with victims surveys is that they require the victim to recount violent incidents in which they have been involved during the previous twelve months. This can occasionally give rise to faulty memory, which is one reason why the sum of violent incidents that, according to victims surveys, have been reported to the police, greatly exceeds the actual number of incidents reported to the police. A more important reason is probably, however, the “social desirability”, that is to say that the interviewees say that they have done what should have been done.

## The crime structure

Most violent crime that is reported to the police in Sweden relates to assault offences. In 2000, 58 800 such offences were reported to the police. Of the assault cases that were reported in 2000, 35 per cent were registered as assaults against women, 54 per cent as assaults against men and 11 per cent as assaults against children (persons up to the age of 14).

Of the reported assault offences, 47 per cent took place outdoors and 53 per cent indoors. Where assault against men was concerned, it was most common for the perpetrator not to be acquainted with the victim (67 per cent), while the opposite

was true where women were the victims. In 78 per cent of the cases reported to the police, the woman was acquainted with the perpetrator. The category of assault against men outdoors by an unknown perpetrator tends to be referred to as *street violence*, whilst assault against women indoors by an acquainted perpetrator, tends to be called *family violence*. Street violence accounted for 25 per cent of all reported assault offences in year 2000, while family violence accounted for 22 per cent.

## Crime trends

If one is to describe the way in which crime has developed, one must be able to assess whether actual criminal violence has increased, decreased or remained unchanged. The incidence of unrecorded cases of violence is, however, so great that it is not possible to draw any totally reliable conclusions. Both the unrecorded cases and the actual violence may have altered – and it can be difficult to decide which weighs more heavily.

In a society in which care of physical integrity plays an increasingly large role, it is probable that the inclination to report cases is increasing in respect of violence offences. In order to gain a better basis for making assessments, the aggravated assault offences are – where this is possible – separated from less serious ones. All the indications are that the incidence of unrecorded cases is lowest for aggravated offences and highest for less serious ones. If the number of aggravated assault of-

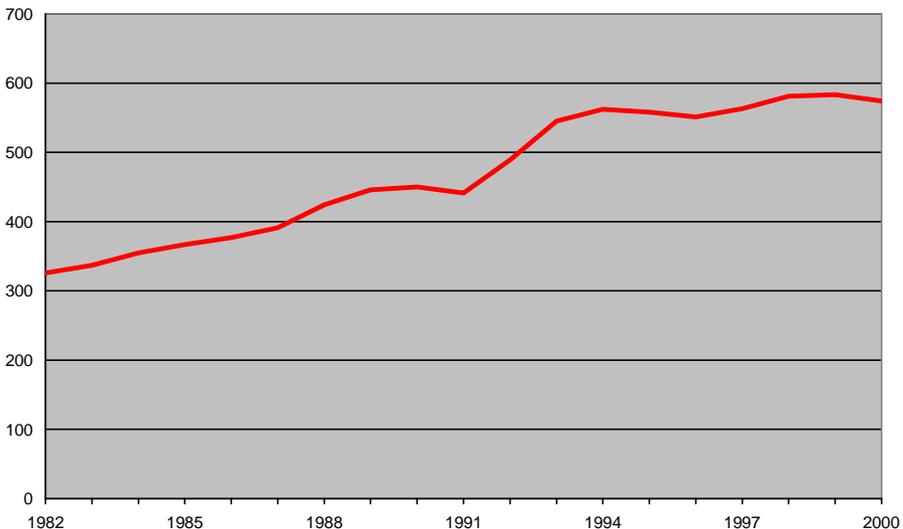


Figure 1. Number of assault offences reported to the police per 100 000 head of population, 1982–2000.

fences changes, then this would indicate that the actual violence has altered as well. If, on the other hand, less serious types of crime change, this would indicate that it is primarily the inclination to report that has altered. A prerequisite to these assumptions is, however, that the assessment of what is understood by aggravated violence has remained unaltered. It cannot be entirely ruled out that there has been a gradual change in the definitions on the part of the police. Changes to the inclination to report has greater significance for offences reported to the police than for victims surveys.

In 2000, there were thus 58 800 assault cases reported to the police. The trend since 1975 has reflected a consistent increase in the reporting of offences up to the middle of the 1990s when the curve levelled out, see figure 1. Reported assault crimes ceased, in theory, to increase after 1998. The rate of increase during the first part of the 1990s was, however, particularly sharp.

Since 1974, SCB has, at the request of the Swedish Parliament [Riksdag], carried out annual surveys of living conditions (ULF), now on the basis of nationally representative interviews involving 5 000 – 7 000 persons aged 16–84. Since 1978, the ULF surveys have included questions regarding the population's exposure to crime over a period of twelve months. Since 1980, the ULF surveys have differentiated between four different types of violent offences, namely violence that necessitates medical care (including examination by a nurse and dental care), violence that leaves visible marks but does not necessitate medical care, violence without visible marks and threats of violence.

Other differences are that the statistics relating to offences reported to the police account for offences over one year, but provide no information regarding the number

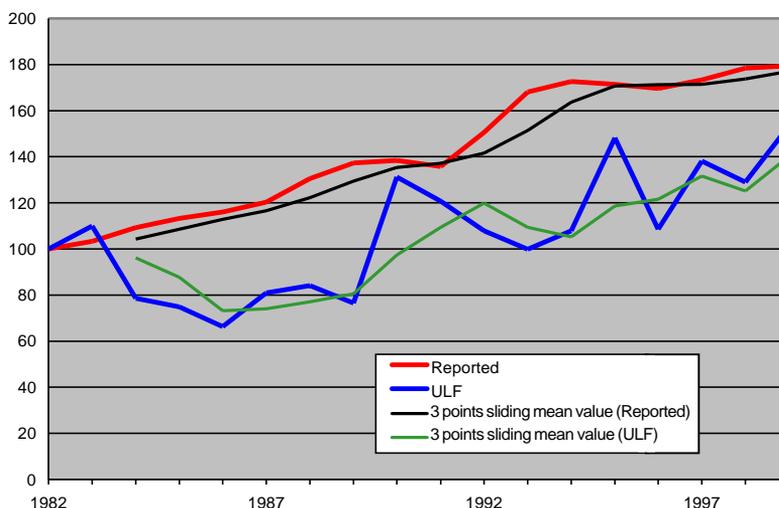


Figure 2. Number of assault offences (incidents) according to the crime statistics and ULF surveys, respectively, 1982–1999. The quality of the victims surveys was improved in 1980. Index. Trend for the respective curves inserted. (3 points sliding mean value).

of different victims involved. The Swedish victims surveys, on the other hand, provide information regarding both the number of cases of violence as well as the number of victims. Since the victim himself provides details of his experiences and other personal circumstances, the victims surveys provide considerably more information about the victim than the report statistics are able to do.

In order to achieve an adequate comparison between the information contained in the crime statistics and the victims surveys, respectively, the number of violent incidents, rather than the number of persons involved, should be employed with regard to victims surveys. (The crime statistics are, of course, based upon each incident being registered as an offence). In figure 2, information is shown from both victims surveys and crime statistics. The details regarding the number of violent incidents are described in the index series, which means that the levels are not mutually comparable. As stated previously, the value of the victims surveys is generally perceived as being considerably higher.

Violence, according to the crime statistics, is seeing a higher rate of increase than violence according to the victims surveys. A reasonable interpretation of this is that part of the increase in violence reported to the police is due to an increased inclination to report.

The pattern for all four types of violence that are recorded in the victims surveys is that they all reflect an upward trend. The most serious type, violence that necessitates medical care, has a lower rate of increase than the other types of violence. Even though these more serious cases are based upon a small number of interviews, whereby the randomised variation from year to year will be very large in relative terms, they should still provide an indication that there may be an altered inclination to report violence in victims surveys.

The victims surveys thus indicate that there has also been an actual increase in violence, but that the increase may be more modest than it appears to be, since the inclination to report violent incidents may have also increased in these surveys. The relatively sharp increase during the first part of the 1990s, and the levelling off during the second part, also occurs here. Where the extent of the increase in actual violence during this period is concerned, however, there is a certain discrepancy in the field of criminological research.

### *Men and women*

From 1981 inclusive, reported assault has been recorded under different categories which, for example, makes it possible to differentiate between violence against children, against women and against men, respectively. Figure 3 illustrates the trend since 1982 in respect of violence against men and women respectively. Assault against children, covering victims in the age 0 – 14 age bracket, lies outside of these two large categories.

The stagnation in the growth during the last three years primarily applied, for both male and female victims, to violence where the victim and the perpetrator

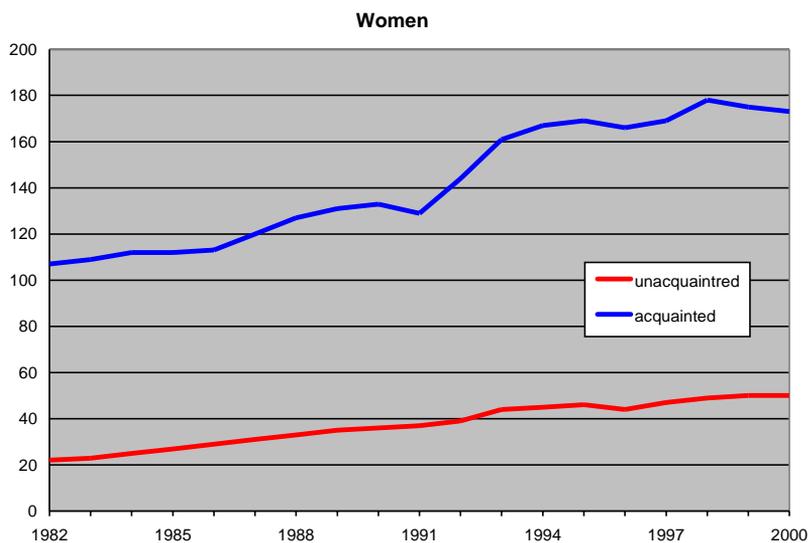


Figure 3 a. Assault offences reported to the police per 100 000 head of population. Women divided according to whether the victim was known to the perpetrator or not, 1982–2000.

were acquainted with each other, i.e. the categories where changes in the inclination to report offences may be accorded considerable significance. The highest value was recorded in 1998. Where men are concerned, this type of assault remained, by and large, at the same level since 1994, but that level is higher than that of the 1980s.

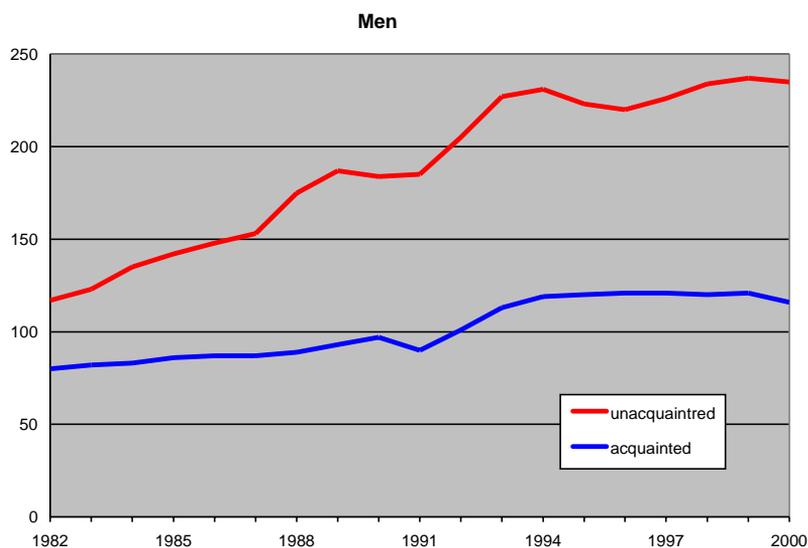


Figure 3b. Assault offences reported to the police per 100 000 head of population. Men divided according to whether the victim was known to the perpetrator or not, 1982–2000.

Where assault by a perpetrator unknown to the victim is concerned, however, the stagnation has not been quite so clear during recent years. For the largest assault category, violence against men by a perpetrator unknown to the victim, the level during the last three-year period was higher than during any previous year. The trend was approximately the same for female victims in respect of this type of violent offence.

### *Assault against children*

In the statistics relating to reported offences, assault against children is divided into two age categories: assault against children aged 0–6 years and 7–14 years respectively. In both age groups, the number of reported incidents rose dramatically during the 1990s. In the 0–6 years category, 187 cases were reported in 1982 and 915 cases in 2000. In the 7–14 years category, 848 cases were reported in 1982 and 5 507 cases in 2000. This latter category actually includes two types of assault – assault against children aged 7–10 years, and against older children. The older children are often subjected to violence by others of the same age or somewhat older persons, at school or during leisure time. For both categories, the sharpest increase was in respect of children who were acquainted with the perpetrator.

The increase in assaults against children during the 1990s was notably greater than the increase in assaults against adults. The rate of increase does, in itself, indicate an ongoing breakdown of a large sector of hidden crime, that is to say that more and more actual offences are reported (the inclination to report is increasing). This is also supported by several surveys (BRÅ, 2000; Estrada, 1999; Jansson, 2001). The weakening in recent years of the trend in the reporting of crime to the police in respect of assaults against adults is not as noticeable with regard to assaults against children.

### *Street violence*

That actual violence has increased, not least during the 1990s, is supported by the crimes statistics relating to reported offences, in that the offence of assault outdoors by perpetrators unknown to the victim – the category that should be most insensitive to changes in terms of the inclination to report – has increased consistently since 1982. The trend is illustrated in figure 4.

Street violence, which accounts for about a quarter of all reports to the police, should always have had a relatively high inclination to report. Nor are there any direct indications that this has altered as time has passed. Public debate and different campaigns aimed at revealing hidden violence, which has probably been the reason for the greater inclination to report certain types of assault, has related to violent incidents where the victim and perpetrator know each other, as with assault against children, assault against women and violence between schoolchildren. There

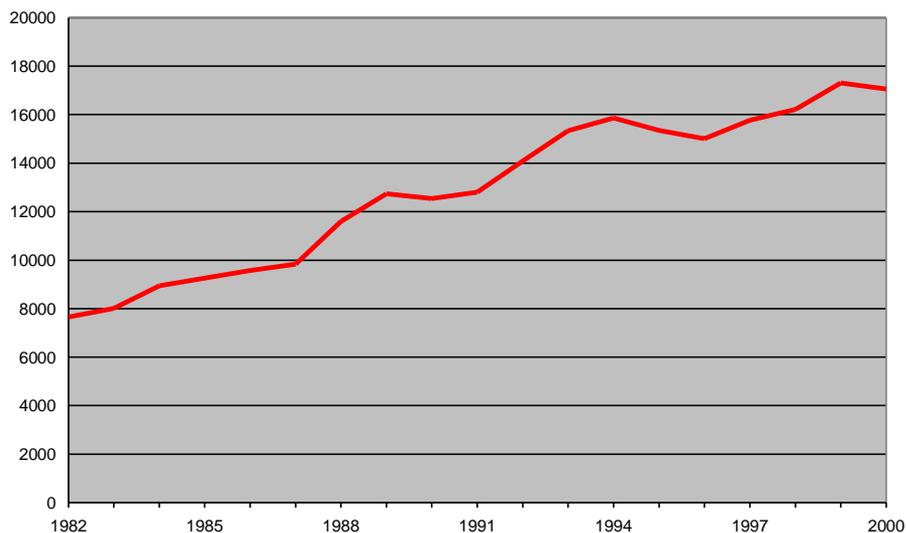


Figure 4. Outdoor assault cases reported to the police where the victim was unacquainted with the perpetrator (street violence), 1982–2000.

is also a dearth of direct indications that the inclination towards reporting has *decreased*.

One possible argument in favour of an increased inclination to report in respect of this type of violence is a gradual disassociation from violence as a means of resolving conflict. A reasonable assumption is, however, that the change may, in this event, only have influenced the trend to a limited extent.

It is thus reasonable to assume that the reports regarding street violence constitute a more stable point of departure for analyses of actual street violence changes than those relating to other types of violence. It is also reasonable to assume that the reporting of other categories of assault is strongly influenced by public debate concerning less tolerance of violence, not least with regard to the considerably more hidden categories of violent offence of assault against children, assault against women and violence in the school.

If one accepts these assumptions, it is also appropriate to draw the conclusion that the trend in actual violence has stagnated over the past three to five years (depending upon the type of violence) following a steady increase between 1982 and the mid 1990s. The stagnation may also be perceived as characterising the entire area of assault, not just street violence. The victims surveys do not, however, confirm the stagnation that characterises the legal statistics at the end of the 1990s.

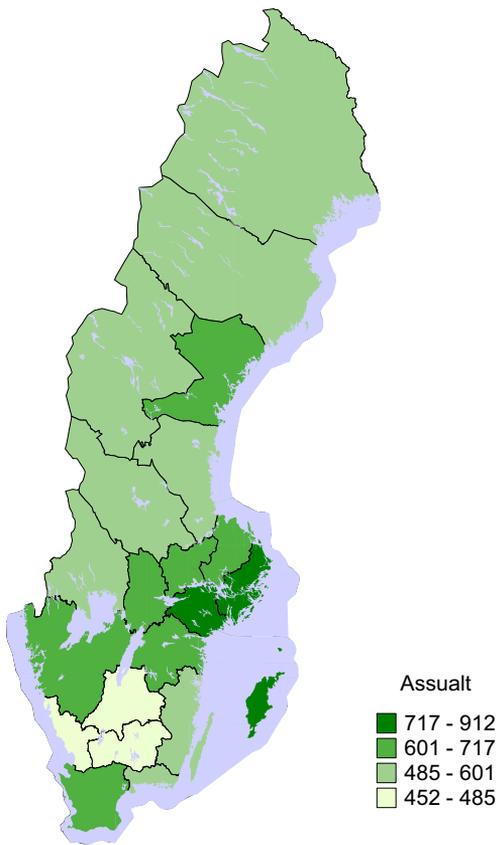


Figure 5. Number of assault offences reported to the police per 100 000 head of population by county, 2000.

## Regional distribution

The number of reported assault offences varies among the counties, from the highest level of 912 reports per 100 000 head of population in the County of Stockholm, to the lowest level of 452 reports in the County of Kronoberg.

Figure 5 illustrates the differences between counties in respect of the assault category per 100 000 persons (average population). The three big city counties, Stockholm, Götaland and Skåne, are among those with the highest number of reported cases per inhabitant. The assault reports are, however, not merely an expression of the incidence of violence in a region, but also of the population's readiness to report assault cases to the police.

A significant part of the explanation of why Gotland occupies a relatively high position in the statistics is that the county has a high frequency of total assaults (685 cases per 100,000 inhabitant). This is explained by the fact that the county, espe-

cially in the summer, plays host to considerable numbers of tourists, not least from the Stockholm area. The statistics relating to reported offences are based upon the area in which the assault occurs, whilst the average population is calculated on the basis of the resident population.

The analyses of the regional trend over the years have been made on the basis of the victims surveys that are less influenced by these kinds of distorting factors.

According to SCB's victims surveys, the proportion of these subjected to assault, expressed as an average between 1992 and 1995, was more or less as high (2.3 – 2.9 per cent of the population) in the big city regions as in the rest of Sweden as a whole. This situation has, however, altered over the years. At the beginning of the 1980s, the proportion of these subjected to assault was also greater, but the difference between the regional blocks was not as great as at present.

## Cleared offences

The clearance rate for assault cases (50 per cent in 1998) is significantly higher than for offences against the Penal Code in general (20 per cent in 1998). This is primarily due to many violent offences being committed by perpetrators who are acquainted with the victim and can be identified by the victim. Between the years 1975 and 1998, however, the proportion of cleared cases of assault offences fell from 62 per cent to 50 per cent.

A prerequisite to a high clearance rate regarding assault offences is the victim or witnesses being able to provide leads that enable suspected perpetrators to be identified. Another prerequisite is for the police to be on duty at times and in places that are relevant to street and pub violence, while a third is that the assault is regarded as being of such a serious nature that resources are allocated in order to connect a suspected person with the offence.

The clearance rate is, as a whole, a somewhat difficult way of measuring the success of the police and prosecuting authorities in connecting a suspected person with a reported case of assault. Relatively many cases of assault are resolved by means of a technicality through a preliminary investigation being discontinued – the report or the police enquiry is seen to contain insufficient facts for an offence to be substantiated or, also, that the suspected perpetrator is not of an indictable age.

An alternative form of measurement that at least affords a clearer picture of the judicial system's ability to take effective measures against criminality, is the number of offences to which it has been possible to connect a perpetrator, expressed as a of the reported offences. The clearance rate has, against this means of measurement, also fallen during the years 1982–1998. If one looks at the number of solved crimes, the picture becomes somewhat different. In spite of the fact that the *proportion* of cleared offences has decreased, the *number* of offences that have been cleared has increased.

## Suspects

Two categories of perpetrators, among those who have been identified as suspects in connection with assaults, have increased sharply since 1982, namely young persons and women. In the past few years, however, it is possible to detect a decrease in the number of young persons (after a peak in 1995).

Not least against the background of the decreased clearance rate for assault offences, the recruitment of new perpetrators of this kind of crime is of interest. How has young people's crime developed in relation to that of adults? In order to provide an account of the trend for young people, the registered participation in offences by persons aged 15–20 (per 100 000 inhabitants) is related to the corresponding value for persons aged 21 years and above. The calculations have been conducted for all assault offences as well as for street violence, i.e. assault outdoors by perpetrators unknown to their victims.

The result is shown in figure 6 which shows that young people increased their share of assault crime at the expense of the older population. In 1982, young people were registered in respect of 2.8 times as many assault offences as the older population, as opposed to 4.5 times as many in 1998. The corresponding trend for street violence was 6.2 in 1982 against 11.9 in 1998.

The above proportions only apply to identified assault offences and do not necessarily reflect the actual number of assault offences or other violent offences committed by young people, and even less that of juvenile crime as a whole. Because of the large numbers of unrecorded cases at perpetrator level and the diversity of factors that influence clearance rates, it is difficult to arrive at conclusions regarding the trend in crimes by young people in particular (Estrada, 1999).

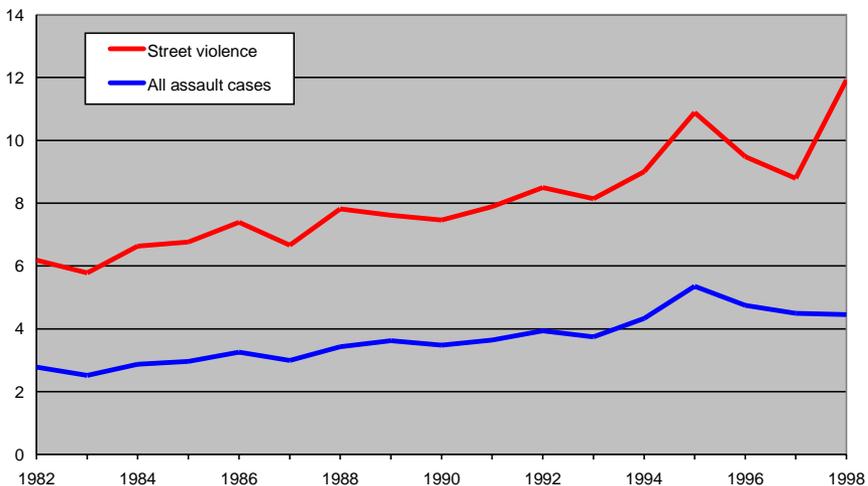


Figure 6. The relationship between the number of young people (15–20) and older people (21 +) who have been suspected of assault offences (per 100 000 inhabitants in the respective groups). Assault offences in total and street violence respectively, 1982–1998.

## *Women as perpetrators and victims*

In 1982, women accounted for 5 per cent of all involvement in crime (8 per cent in 1998). The increase in women's involvement in crime is 126 per cent, as opposed to 44 per cent for men. The growth in assault crime has been greatest among young women. Even though violence among women has increased most in terms, the increase in numerical terms is still greatest among men. Women as victims accounted for 39 per cent of all assault incidents in 1982 and 38 per cent in 1998 (based upon involvement in crime).

## Prosecutions

In 1999, a total of 7 963 persons were prosecuted for assault (main crime), of which 565 related to aggravated assault. The trend for these two types of offence is shown in tables 1 and 2. The trend for aggravated assault was on the increase while "normal" assault varied sharply during the last years of the 1990s.

In order to afford an overview of the trend in sanctions for assault offences, assault and aggravated assault are reported individually. The courts require special reasons for handing down custodial sentences to perpetrators who, at the time of the offence, were still not 18. The trend in sanctions is, therefore, reported separately for perpetrators above and below 18 years of age respectively, at the time of the offence. Where aggravated assault is concerned, reference is made to table 1.

The younger persons' share as perpetrators in respect of aggravated assault increased sharply during the 1990s in both absolute terms and in relation to that of older persons. It was not until 1999 that there was some tailing off. Where older persons are concerned the offence resulted in a custodial sentence in nine cases out of ten. The corresponding proportion for younger persons is considerably lower; the most usual sanction is a care order within social services.

Deprivation of liberty, usually in the form of imprisonment, was employed to an increasingly smaller degree for younger persons during the last five years of the 1990s. In the past year, however, this penalty has been employed more frequently again, possibly because of a new sanction, secure youth care, which came into being from 1999 onwards as an alternative to prison for young people under the age of 18. Of the twelve judgements for aggravated assault against 15–17 year-olds with deprivation of liberty sanctions in 1999, all related to secure youth care.

The trend in sanctions for assault (not aggravated) is reported in table 2. Where assault is concerned, a good half of the sanctions relating to perpetrators over 17 years involved penalties that were less severe than probation orders, i.e. different kinds of fines, suspended sentences and suspended sentences combined with fines. Approximately one third received deprivation of liberty sentences whilst, at the same time, the proportion subjected to probation orders increased over the same period.

Table 1.

Sanctions for perpetrators aged 15–17 years and 18 years and above respectively for aggravated assault as the principal offence, 1990–1999.

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Numbers prosecuted Aged 18 years and above</b>	402	419	393	473	475	461	420	483	552	498
Percentage of which expressed as a, Withdrawal of prosecution, Fines, Suspended sentence	4	5	3	2	2	2	3	2	3	3
Probation <sup>1)</sup>	6	5	6	6	6	6	9	11	9	9
Transference to care within social services	0	0	1	2	0	0	0	0	0	0
Deprivation of liberty <sup>2)</sup>	89	89	91	92	90	92	88	87	88	87
<b>Numbers prosecuted aged 15-17</b>	27	34	43	65	74	75	79	72	85	67
Percentage of which expressed as a, Withdrawal of prosecution, Fines, Suspended sentence	4	9	12	12	7	13	15	10	18	7
Probation <sup>1)</sup>	15	12	14	17	12	25	14	24	20	12
Transference to care within social services	59	59	47	42	54	44	51	57	51	63
Deprivation of liberty <sup>2)</sup>	22	21	28	29	27	17	20	10	12	18

<sup>1)</sup> Excluding probation with imprisonment.

<sup>2)</sup> Including probation with imprisonment and psychiatric care.

Table 2.

Sanctions for perpetrators aged 15–17 years and 18 years and above, respectively, for assault as the principal offence, 1990–1999.

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
<b>Numbers prosecuted aged 18 years and above</b>	5 651	5 802	5 928	6 497	6 781	6 826	6 052	5 430	5 780	5 829
Percentage of which expressed as, Withdrawal of prosecution, Fines, Suspended sentence	57	58	55	54	55	54	53	51	50	56
Probation <sup>1)</sup>	8	9	9	9	10	14	15	15	15	17
Transference to care within social services	0	1	1	2	2	0	0	0	0	0
Deprivation of liberty <sup>2)</sup>	34	32	35	36	33	32	32	34	35	28
<b>Number prosecuted aged 15-17 years</b>	969	1 065	1 075	1 242	1 474	2 001	1 663	1 537	1 612	1 569
Percentage of which expressed as, Withdrawal of prosecution, Fines, Suspended sentence	68	68	67	67	65	64	61	60	61	60
Probation <sup>1)</sup>	5	5	7	5	6	6	6	5	5	4
Transference to care within social services	26	26	24	27	28	29	32	35	34	36
Deprivation of liberty <sup>2)</sup>	1	1	3	1	0	1	1	0	0	0

<sup>1)</sup> Excluding probation with imprisonment.

<sup>2)</sup> Including probation with imprisonment and psychiatric care.

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# Table supplement

Table 1.

Assault against men och women per 100 000 inhabitants (average population) reported to the police.

	Assault against women			Assault against men		
	Acquainted with victim	Unacquainted with victim	Total	Acquainted with victim	Unacquainted with victim	Total
1982	22	107	129	117	80	197
1983	23	109	132	123	82	205
1984	25	112	137	135	83	219
1985	27	112	139	142	86	229
1986	29	113	142	148	87	235
1987	31	120	151	153	87	240
1988	33	127	160	175	89	264
1989	35	131	167	187	93	279
1990	36	133	169	184	97	281
1991	37	129	166	185	90	275
1992	39	144	183	205	101	306
1993	44	161	206	227	113	340
1994	45	167	212	231	119	350
1995	46	169	215	223	120	342
1996	44	166	210	220	121	341
1997	47	169	216	226	121	348
1998	49	178	227	234	120	353
1999	50	175	226	237	121	358
2000	50	173	223	235	116	351

Table 2.

*Violent offences and violent incidents reported to the police, together with number of persons subjected to violence according to victim surveys, related to 100 000 inhabitants (average population).*

Year	Assault against adults	Assault against adults, murder and manslaughter attempts, robbery, rape, assault and threats against a public servant	Offence according to column 3 together with molestation, unlawful threats and violent resistance	Incidents of violence according to victim surveys	Incidents of violence and threats according to victim surveys	Persons subjected to violence according to victim surveys	Persons subjected to violence and threats according to victim surveys
Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
1982	325	418	680	5 773	11 866	2 508	4 546
1983	336	428	703	6 343	10 935	2 519	4 250
1984	355	452	749	4 539	9 809	2 132	4 027
1985	368	466	766	4 317	9 331	1 977	3 797
1986	377	478	791	3 831	9 028	1 820	3 641
1987	391	494	824	4 672	11 023	2 138	4 514
1988	424	534	896	4 856	11 238	2 060	4 674
1989	446	570	954	4 418	11 803	1 980	4 276
1990	450	585	970	7 572	14 263	3 005	5 298
1991	441	575	994	6 967	14 535	2 761	5 207
1992	489	629	1 103	6 230	13 879	2 674	5 506
1993	546	691	1 233	5 765	13 023	2 744	5 645
1994	561	691	1 225	6 228	12 842	2 735	5 001
1995	557	691	1 252	8 553	16 937	3 431	6 238
1996	551	686	1 260	6 262	11 808	2 651	4 600
1997	563	711	1 312	7 971	14 571	2 730	4 913
1998	580	732	1 348	7 446	15 894	2 731	5 383
1999	583	752	1 399	8 855	16 480	3 125	5 550

# Unlawful threat

BY SVEN GRANATH

## Summary

Unlawful threat is, after assault, the most common violent offence in the crime statistics. Reported incidents have increased sharply over the last 25 years, from 7 371 in 1975 to 36 034 in year 2000. In contrast with assault, for example, the rate of increase has not lessened appreciably during the 1990s.

At the regional level the development of reported unlawful threats often follows that of reported assault. It is not uncommon for these offences to be reported in connection with each other.

It is approximately just as common for the reported threats to be directed against men as against women – even though the suspected perpetrators are almost exclusively men. Single women are threatened in their apartments, younger men are threatened when they take part in public entertainment and certain people are threatened at their place of work, such as nurses, social workers or security guards. All of these groups are, according to SCB's (Statistics Sweden) victim surveys, more frequently subjected to threats than others.

The fact that the reporting of unlawful threats has increased must be viewed against the background that reported assault has increased. Important explanations would probably be that the inclination to report violent offences in general has increased, as has the commercial activity and the consumption of alcohol in towns during the later hours of the day. To some extent the increase is also related to the fact that robbery and other types of offence in which threat is an important element, such as subornation in trials, has increased.

## Introduction

Unlawful threat relates to offences under Chapter 4, § 5 of the Penal Code: “If somebody lifts a weapon against another person or otherwise threatens criminal behaviour in such a manner as to give rise to serious fear for one's own, or another's, safety in respect of person or property, shall be sentenced for *unlawful threat* to fines or imprisonment for a maximum of one year”.

Unlawful threats may, on the one hand, be something that concerns a person's

life or health – “I shall kill you!” or, on the other hand, something that relates to one’s property – “My friends will break your shop up!” It may also relate to a person other than the one directly addressed – “We shall run your little brother over!”

It is not necessary for a weapon to be involved for an action to be regarded as an unlawful threat. It is enough that it happens in such a manner or in such a context that it can be assumed that the person who is subjected to it experiences serious fear that the threat will be carried out.

Unlawful threat does not apply to threats that relate to somebody in the exercising of his authority. If, for example, a policeman is threatened when he is in the process of making an arrest, it becomes instead a matter of “threat against a public servant” – an offence that is governed by Chapter 17, §1 of the Penal Code. On the other hand threats that persons not discharging their authority are subjected to in the course of their work, may very well be defined as unlawful threat. If, for example, an air stewardess, in connection with her duties, is subjected to threats of physical violence or other unpleasantness by an angry passenger, then this is regarded in law as constituting an unlawful threat – not a threat against a public servant.

From and including 1999 unlawful threat has been recorded in criminal statistics according to whether it is directed at a man aged 18 years or more, a woman aged 18 years or more, a person below 18 years, or a group of individuals. There had previously been no such breakdown, with only the total number of reports of unlawful threat being recorded. It is not unusual for one and the same person to be subjected to repeated threats. In such cases each incident is recorded in the statistics as one offence.

## Hidden crime

Of all the threats that people are subjected to, only a limited proportion come to the knowledge of the judicial system. As with violent crimes in general the number of unrecorded cases is large and difficult to quantify accurately. This is particularly the case if it is a matter of less serious offences and those that have no visible consequences. What may be construed as a threat that is designed to create serious fear for safety or property, can also vary. It is therefore practically impossible to estimate how extensive the actual criminality is in relation to that reported.

On the basis of an interview survey conducted by SCB it was estimated that the adult Swedish population between 16 and 84 years had, in the course of a one-year period, been subjected to around 560 000 threats that “were so dangerous or so serious, that they created fear” (SCB, 1995). The same year that this assessment was made, around 26 000 cases of unlawful threat were reported to the police. This would indicate that barely a twentieth of all serious threats were reported to the police that year.

The comparison is, of course, faulty in different respects. It nevertheless provides an indication of the order of magnitude regarding the unrecorded cases of unlawful threat. Of all incidents that *should be capable* of being designated as unlawful threat in law, it is probable that only a few per cent became known to the judicial system.

## The crime structure

The number of reported unlawful threats divides very evenly between those that are directed against men and women respectively. Of 34 985 cases of unlawful threat reported in year 2000, 16 432 (46 per cent) were directed against adult men and 15 656 (43 per cent) against adult women. A very significant proportion of the reported threats (9 per cent) were directed against persons under the age of 18 years and a smaller proportion (2 per cent) against groups of individuals. Figure 1 shows the number of reported unlawful threats broken down according to the type of group they were directed against.

Almost half of the reported unlawful threats were directed against a woman. This means that the incidence of women as victims is greater where this offence is concerned than with violent offences in general. A comparison may be made with assault where the cases in 1997 involved a man as victim almost twice as often as a woman (Olsson, 1998).

One explanation for this may be that those suspected of unlawful threat are, in more than 90 per cent of cases, men. A large number of registered threat offences are thus directed by a man against a woman. The way in which such a threat is

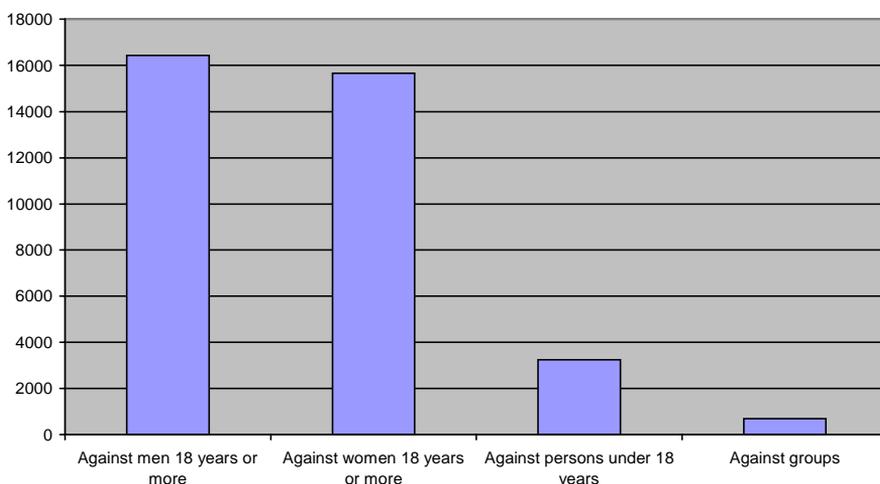


Figure 1. Number of unlawful threats reported to the police, broken down according to whether they were directed against adult men, adult women or against persons under 18 years, in year 2000.

experienced may be assumed to be more serious than if it was directed by a man against a man, or by a woman against a woman, which is why the inclination to report is greater on the part of women than it is for men.

Threat offences are often reported in connection with assault. Reported assault against men and women, respectively, often – in turn – relate to different kinds of incidents. When a man is assaulted it relates, in almost half the cases, to an offence that has taken place outdoors and where the perpetrator is a person unacquainted with the man (often incidents in connection with alcohol and public entertainment), while assault against women concerns, in two thirds of cases, offences that are committed indoors by a perpetrator acquainted with the women (Olsson, 1998). For a man in a pub who, in an intoxicated state, is assaulted by a person he does not know, it may be regarded as being of minor relevance if various kinds of threat are expressed. For a woman who is assaulted in the home by a man with whom she has a close relationship it may, on the other hand, be very significant if a serious threat is also expressed.

## Crime trends

The number of reported unlawful threats has increased continuously and very sharply right from the end of the 1960s when the offence began to be recorded as a separate type of offence in the statistics (Persson et al, 1995). Most noticeable was the increase during the second half of the 1980s and the beginning of the 1990s. During the years 1975–2000 the offence of threat increased overall by as much as 300 per

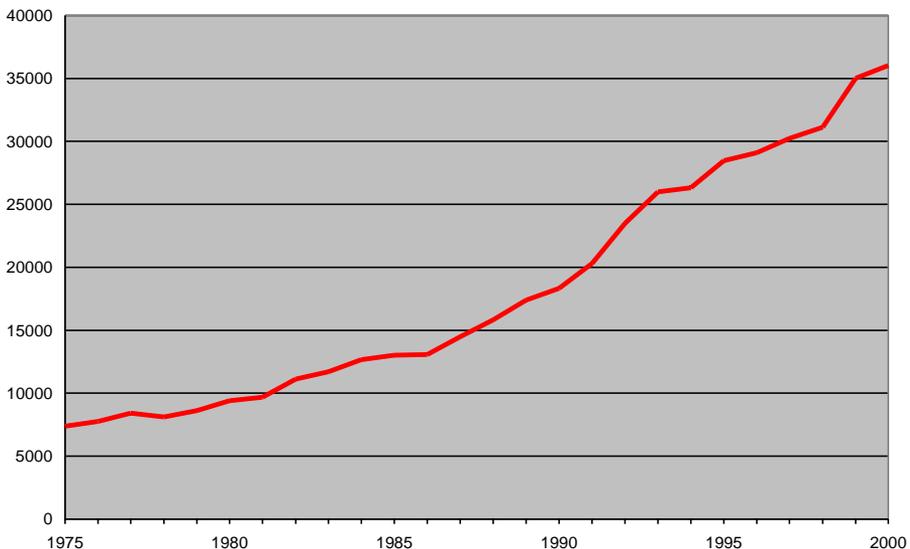


Figure 2. Total number of unlawful threats reported to the police, years 1975–2000.

cent. The reporting statistics thus indicate a considerably greater increase than if SCB's interview surveys are used as the source. The latter indicates a two-fold increase.

The development of unlawful threat very closely follows that of violent offences in general and assault in particular, even though the increase in the number of reported threats is somewhat sharper and, in contrast with violent offences, has not displayed any weakening of the trend during the latter part of the 1990s.

The sharp increase in reported threats may thus be understood on the basis of the development of the reported assault criminality. The same explanations as are employed with regard to the increase in reported assault cases, should also be able to be employed with regard to unlawful threats, for example the increased attention to, and reporting inclination for, assault against women and violence against children, as well as an increase in street violence (see also the section on Assault).

Reduced tolerance of violence against women stands out as a particularly important explanation. Where reduced tolerance of violence in the school is concerned, this has also probably influenced the trend, but more marginally so. Where incidents in public places between men unacquainted with each other are concerned, the reporting inclination in respect of the actual threats will probably continue to be low, in keeping with previous reasoning. An increase in such assault thus probably does not give rise to a corresponding increase in reported threats.

Other explanations for the sharp increase in reported threats may well be certain changes in the behaviour of young people – especially with regard to criminal young people. On the basis of self-confession surveys there are indications of an actual increase in robbery between young people and of threats issued by young people in order to obtain items (BRÅ, 2000a; BRÅ, 200b). It has also been noted that with regard to the criminality for which young people are sentenced, there was a shift taking place from traditional vehicle-related theft to unlawful threat and assault during the 1990s. (BRÅ, 2000c). Such a shift in juvenile criminality towards robbery, intimidation and obtaining items by force, also means that the reported unlawful threats are increasing. Not least of all in the same way as the conscientious general public may be deemed to regard the threat of violence as increasingly aberrant and unacceptable. Where the total increase in reported unlawful threats is concerned, however, such changes as these are of limited explicatory value since it is only in a small proportion of all reported cases that young people occur as either the perpetrator or victim.

Behind the increase in the reported cases there may also lie an increased number of threats against shop and service personnel, ticket collectors etc. An increased involvement in public entertainment and abuse of alcohol in public serving places (Lenke, 1989), as well as a sharp increase in the number of shops with greatly extended opening hours<sup>1</sup> in the large cities, militate in favour of this. It may be a

<sup>1</sup> The number of extended opening hours 7-eleven shops in Stockholm increased, for example, by 40 times during the 1990s.

case of expressive threats in connected with rowdy behaviour, but also of impulsive robbery or more carefully planned shop robbery. Where shop robbery is concerned there has been an almost 150 per cent increase over the last two decades (Ahlberg, 1998). When robbery-like incidents in shops and in taxis are reported, it is assumed that unlawful threats are also often reported.

## Regional distribution

The number of reported threat offences varies sharply between the various counties, both in absolute terms and in relation to the population. The big city counties, headed by the County of Stockholm, clearly account for most reported threats in relation to its population. Otherwise there is no direct pattern depending on whether the counties lie in North, South or mid-Sweden. The counties where the relative number of reported threats is least, are the small and thinly populated ones.

Table 1.

*The number of unlawful threats reported to the police, in total and against men and women per county in 1999, in absolute figures and as cases per 10 000 inhabitants. The counties are placed in order of number of offences per inhabitant.*

County	Total		Against women		Against man	
	Absolute figures	per 10 000 inhabitants	Absolute figures	per 10 000 inhabitants	Absolute figures	per 10 000 inhabitants
1. Stockholms	10 530	58	4 600	25	4 691	26
2. Södermanlands	1 189	47	494	19	517	20
3. Skåne	5 178	46	2 249	20	2 308	20
4. Västmanlands	1 159	45	473	18	589	23
5. Örebro	1 088	40	497	18	472	17
6. Gotlands	219	38	94	16	106	19
7. Östergötlands	1 597	38	693	17	716	17
8. Västra Götalands	5 581	37	2 507	17	2 508	16
9. Dalarnas	1 005	36	449	16	458	16
10. Uppsala	992	36	395	14	439	15
11. Norrbottens	870	34	362	14	435	17
12. Västernorrlands	803	32	340	14	408	16
13. Halland	851	31	391	14	377	14
14. Gävleborgs	850	30	368	13	422	15
15. Västerbottens	731	29	314	12	333	13
16. Värmlands	814	28	351	13	406	15
17. Kalmar	659	28	295	13	317	13
18. Jönköpings	850	26	354	11	400	12
19. Jämtlands	322	25	127	10	153	12
20. Blekinge	373	25	136	9	203	14
21. Kronobergs	394	22	167	9	182	10
Entire country	36 034	41	15 656	18	16 432	19

Table 4 shows the number of reported unlawful threats per county for 1999 in absolute figures and expressed as per 10 000 inhabitants.

A similar over-representation of threat incidents in the big city regions has been discerned in SCB's victim surveys. According to these there appear to be appreciably more citizens subjected to threat in the municipalities of Stockholm and Gothenburg, than in the thinly-populated north (SCB, 1995).

A very strong connection exists at the county level between the relative number of reported unlawful threats and the relative number of reported assault offences. The same counties that are over-represented in respect of unlawful threat are, to a corresponding degree, over-represented in respect of reported assault. Over-representation is usually about the same regarding threats against men and against women, respectively.

Nor have SCB's victim surveys found that certain counties are said to be over-represented in respect of threats against men, but not against women. The differences that are observed between the various regions regarding what types of threats are over-represented, tend to relate more to *where* the threats were expressed. Threats on the streets and town squares or during journeys by public means of transport appear, on the basis of the victim surveys, to be strongly or almost exclusively concentrated on the big city regions (SCB, 1995).

## Cleared offences

The clearance rate for unlawful threat lies, on the average, around 43 per cent, viewed over the last twenty-year period. Thus barely half of the reported unlawful threats undergo any form of resolution, such as a perpetrator being apprehended and accused of the offence or the offence being written off as not being relevant to investigate (technical).

The proportion of reported threats that are cleared decreased, however, during both the 1980s and 1990s, even though the decline was weaker than for many other types of offence. In principle there occurred throughout the entire period of 1980–1993, a weak but continuous decline and, during the period 1993–1996, there occurred a sharper, temporary fall (see figure 4).

With regard to the former trend this relates to the fact that the number of reported offences rose sharply while, at the same time, the number of those cleared did not increase to quite the same extent. Regarding the fall between 1993 and 1996 – that also applies to the majority of other types of offence – it is the case that the number of cleared offences underwent a sharp temporary decrease. This decrease occurred during a period when relatively fundamental changes were taking place within the system (BRÅ, 2001).

The clearance rate for unlawful threat did not, however, decrease to the same extent as, for example, that relating to assault in spite of the fact that the number of reported cases of threat actually increased more than reported cases of assault.

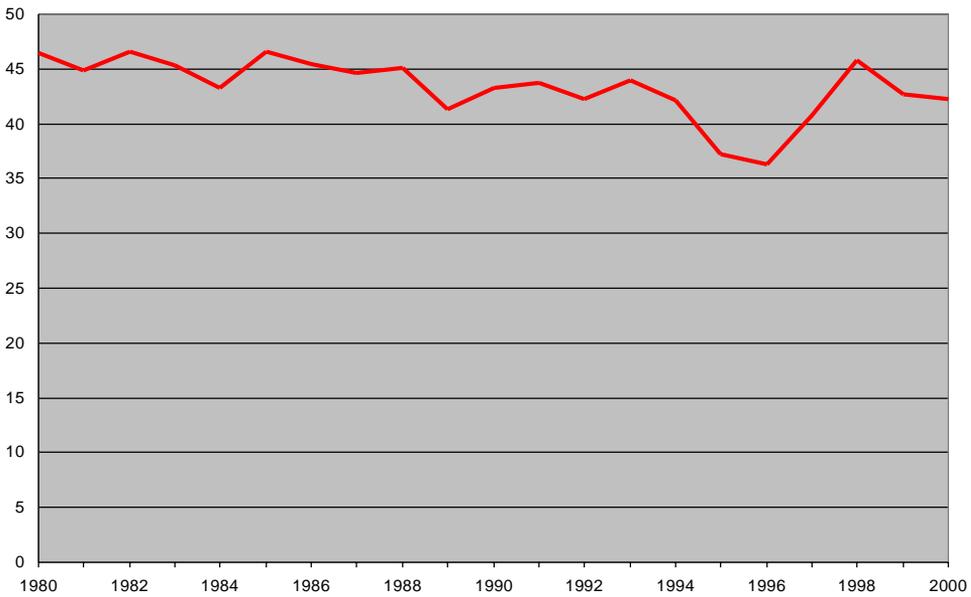


Figure 3. Clearance rate for unlawful threat cases reported to the police, 1980–2000.

One explanation for the different development may be that the increase in the reported cases of unlawful threat relates, to a greater degree than with assault, to cases where the identified perpetrator is acquainted with the injured party. The factor of cases with better prospects of should thus be greater where unlawful threat is concerned.

Another explanation may well be that violence and threats against women have been accorded a high priority by the judicial system. Since a larger proportion of reported threats than reported assault are directed against women, an enhanced attention to, and knowledge of, offences against women should be able to generate a higher level of clearance of unlawful threat cases.

## Suspects and prosecutions

The number of persons suspected of, and prosecuted for, unlawful threat has increased sharply over the last two decades. The increase is not, however, as sharp as that relating to the total number of reported offences. Between 1980–1998 the number of suspects increased by 140 per cent and the number of those prosecuted by 190 per cent.

That the number of persons suspected of, and prosecuted for, unlawful threat has not increased in line with the number of reported offences, may be interpreted in different ways. One interpretation is that those who commit the offence of threat

commit an increasing number of offences per individual. Studies of self-confessed juvenile criminality have, for example, shown that even if there have not been more young people committing violent offences during the 1990s, compared with the 1970s, those who do appear to have increased their criminal activity (Ward, 1998).

Another interpretation is that the inclination towards reporting threat offences has grown. If the increase in reported threat offences has largely been generated by an increased inclination to report – rather than there actually being more people that have committed offences – it is natural for the number of suspects and those prosecuted not to have grown to the same extent as the number of reported offences, since the factor relating to an increased inclination to report may be assumed to relate to less serious cases. Cases that are accorded a lower priority in terms of investigation.

Moreover, it may be assumed, irrespective of what the increase in reported cases is due to, that the judicial system does not possess the capacity to suspect and prosecute persons to a degree that corresponds to the incidence of increase in reported cases. The dissimilarity in the development between suspects and those prosecuted on the one hand, and reported offences on the other, is this related to the fact that the clearance rate is decreasing.

The increase in the numbers of suspects and those prosecuted for unlawful threat, is greater for women than for men. The proportion of women among those registered in respect of the offence has thus increased – even though women continue to constitute only a very small part of those suspected of unlawful threat. In the year 2000 of the persons prosecuted for unlawful threat, five per cent were women, compared with three per cent in 1980. Among persons suspected of the offence the

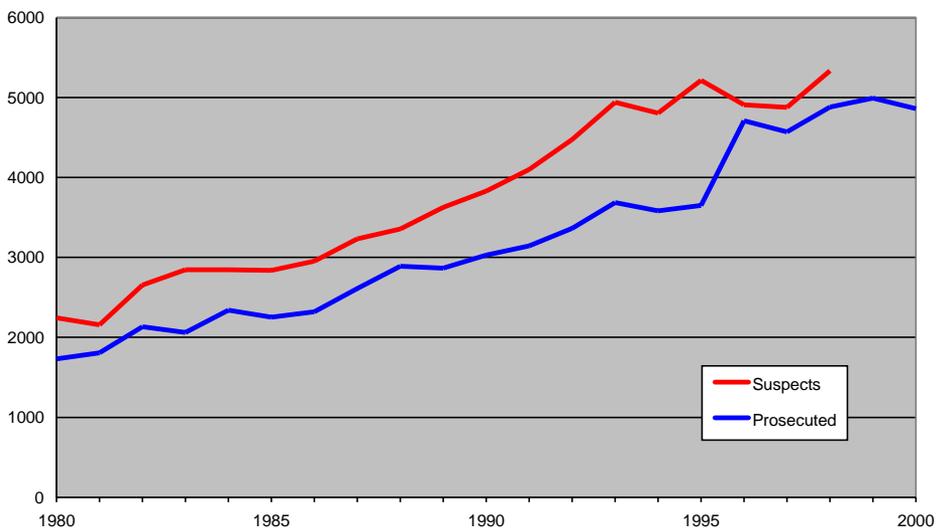


Figure 4. Number of persons suspected of unlawful threat (principal offence), years 1980–1998 and those prosecuted, 1980–2000, respectively.

women's share rose from five to seven per cent between 1987 and 1998 (1987 was the first year that these statistics were broken down according to gender). A similar increase in the proportion of suspected women and prosecuted women also occurred in respect of the offence of assault (Olsson, 1998).

Prosecutions with unlawful threat as the principal offence normally take the form of charges and judgements where fines are the most common sanction, and imprisonment the next most common. Only something less than a tenth of the persons prosecuted for unlawful threat in the year 2000, were granted withdrawal of prosecution, i.e. they were regarded as being guilty by the prosecuting authorities but without the case being brought before the courts. Young transgressors were, however, granted withdrawal of prosecution for unlawful threat to a greater degree, even though the trend over the last two decades has also been for juvenile cases to proceed increasingly more often to court hearings (BRÄ, 2000).

Otherwise there are no major changes to be observed regarding the prosecution pattern and the choice of sanctions regarding unlawful threat over the last twenty years. In 1999 and year 2000, however, the proportion of adults handed a conditional sentence increased discernibly. During the years 1995–1998 this proportion comprised 10–12 per cent, increasing to 17 per cent in 1999. The most likely reason for this is that 1999 saw the introduction of the opportunity to issue a public service order in combination with a conditional sentence. This new sanction may replace terms of imprisonment of up to eleven months and is thus relevant to those who are found guilty of unlawful threat.

## Victims

In criminal statistics there is largely a lack of information regarding who are victims of unlawful threat. From and including 1999 there is, certainly, a division according to whether the offence is directed against adult men, adult women, persons under 18 years of age, or a group of people (two or more individuals). As previously mentioned, it is seen that a good 40 per cent of the reported threats in year 2000 were directed against women and barely 10 per cent against people under 18 years of age.

According to SCB's victim surveys it is, viewed generally, most usual for younger people to be subjected to threats of violence (SCB, 1995). Close to eight per cent of the population in the age group 16–24 years are estimated to have been subjected to some threat during the last year, while the corresponding percentage for the 45–54 years age group, was two per cent. Seen in relation to all the age groups there was almost as large a proportion of women subjected to threat as men, which corresponds with the apportionment of the reported offences.

Where repeated cases of threats of violence are concerned three "risk groups" in SCB's victim surveys are separated out. Younger men 16–35 years who are often involved in public entertainment, single women who are subjected to threats in

their apartments and certain occupational groups such as nurses, social workers or security guards. The latter group, persons who are threatened while undertaking certain types of work, was the group considered to be at the greatest risk of repeated threats.

The exposure to threat in connection with discharging occupational duties was estimated by SCB to have increased during 1987–1993 where women were concerned. The exposure to threat in apartments was also deemed to have increased somewhat for women during that period. Where men were concerned the exposure to threat in public places was estimated to have increased. For older men, aged 45–64 years, there was also shown to be a certain degree of increase with regard to threat in apartments.

For none of the victims groups was the increase greater than a few percentage points. In the victim surveys it was thus not possible to discern increases that corresponded to the development in the number of reported offences, prosecutions, and suspects.

## Preventive measures

In order to increase the severity of sanctions for men who subject women with whom they are closely acquainted to repeated violations, a new law was included in the Penal Code in 1998 – the law pertaining to gross violation of women's integrity. With regard to this offence an assessment shall be made of whether a man subjects a women to repeated criminal actions, even extremely mild ones, that may collectively be deemed to constitute part of a greater violation. The sanction may then be greater than if the various actions had been assessed separately. One of the repeated violating and criminal actions intended here, is unlawful threat.

An assessment of the new law shows that unlawful threat is the second most common criminal deed – assault is the most common – that occurs in judgements for gross violation of women's integrity (BRÅ, 2000). It is further noted that the terms of imprisonment when custodial sentences are handed down, have become longer when judgements are given on the basis of the new law than they had been in corresponding cases before the new law existed. The comparison, it is true, only concerned cases where the criminal actions constituted assault, but a corresponding intensification of sanctions would probably also have occurred with regard to repeated unlawful threat.

Whether this greater severity of sanctions and the new law possess any preventive effects with regard to threats against women, is debatable. Not least of all with regard to the fact that the men who are judged in accordance with the law were, in the majority of cases, already known criminals and had subjected the women to offences that were so serious that they – irrespective of the law pertaining to violation of women's integrity – would have been subjected to the relevant type of sentence. The fact that custodial sentences have become somewhat longer would, how-

ever, probably have some incapacitating effects and thereby reduce the risk of offences in individual cases, in the short term

Over a longer time perspective the law should also have a norm establishing effect, in that it may be regarded as evidence that society takes a serious view of repeated threats inflicted by men upon women.

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# Sexual offences

BY LOTTA NILSSON

## Summary

During the last 25 years the number of sexual offences reported to the police has more than trebled. In the year 2000 over 8 700 sexual offences were reported which, however, involves a reduction in the number of reported offences by 4 per cent compared with 1999.

A major change to the structure has occurred during this period. Up until the end of the 1980s it was indecent exposure that constituted the biggest offence category, while what is referred to as other sexual molestation has become the largest since 1992. After 1993 the development of the other sexual molestation category has diverged from the others on the basis of the number of reported offences having increased very sharply during the rest of the 1990s.

During the 1980s the proportion of persons given custodial sentences for sexual offences rose from 30 per cent in 1980 to 45 per cent ten years later. On the other hand the proportion given such sentences during the 1990s fell to just over a third by the year 2000.

## Introduction

Sexual offences relate to several types of offences under Chapter 6, §§ 1–10 of the Penal Code. They may be roughly divided into four main categories: *rape*, *sexual exploitation etc.*, *indecent exposure* (i.e. flashing) and what is termed *other sexual molestation* (other than indecent exposure). In numerical terms sexual offences comprise a small category – in the year 2000 they accounted for less than one (1) per cent of the total number of offences reported to the police. Certain changes to the regulating of sexual offences have been proposed by the 1998 Sexual offences Committee (SOU 2001:14). The Committee considers that greater attention should be directed at sexual molestation and its nature, and less attention regarding what type of sexual act has been involved. The Committee proposes, among other things, that a lower degree of coercion should lead to liability to punishment for rape than is currently the case.

## Hidden crime

Sexual offences are, by and large, offences with an extensive degree of hidden criminality, i.e. a large number of unrecorded cases. Offences that are committed in private are reported to a lower extent than those committed in public places. Offences where the victim and the perpetrator are acquainted with each other are reported to a lesser degree than if they are unacquainted and milder offences are reported less often than more serious ones. The number of unrecorded cases are also greater where the victim is a child or a young person, and especially if the offence is committed within the family. In addition there are other factors that impact upon the inclination to report where sexual offences are concerned. Sexuality is a sensitive area and sexual offences are even more difficult to discuss, especially when committed by persons who are closely associated with the victims. Feelings of guilt and shame can constitute obstacles against reporting the offence to the police. The outside world often gets to know nothing, still less the police. Sexual offences form part of those crimes that violate integrity to the greatest extent.

One may thus assume that a large proportion of sexual offences that are committed are never reported to the police. This means that it is not possible to draw any safe conclusions about the scope of the actual criminality on the basis of crime statistics. Victims surveys have shown that between 5 and 10 per cent of the persons who stated that they had been subjected to sexual violation, report the matter to the police. This can give rise to some indication of the level at which the unrecorded cases may lie (SOU 2001:14).

The inclination towards reporting is, moreover, most probably also influenced by events and debates in society. For example it has been noted that the development of the reported sexual offences from the mid-1960s to the beginning of the 1990s coincided with the fluctuations in the public debate (Olsson, 1994a). It is thus likely that the unrecorded case numbers vary over a period of time, a factor that also makes it difficult to draw conclusions regarding the *actual development* of sexual offences (i.e. not merely the *scope*) on the basis of the crime statistics.

## The crime structure

In the year 2000 a total of 8 734 sexual offences were reported to the police. The largest type of offence was sexual molestation that accounted for more than half (57 per cent) of sexual offences that year, of which a good quarter related to indecent exposure and barely three quarters to what is termed other sexual molestation (for example, verbal or physical harassment and telephone calls or letters with sexual allusions). Rape (including aggravated rape and attempted rape) accounted for barely a quarter of all reported sex offences, and sexual exploitation comprises

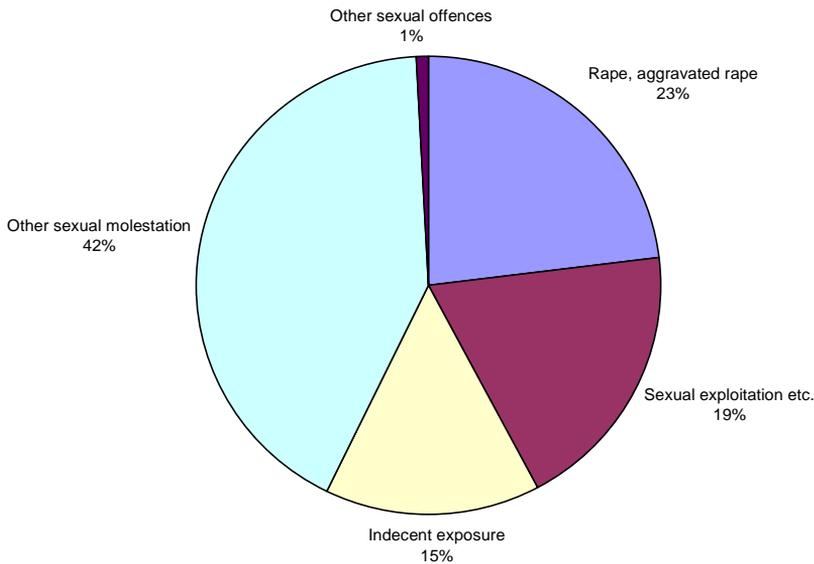


Figure 1. Sexual offences reported to the police, apportioned according to type of offence, 2000.

hardly a fifth, see figure 1. The latter category includes sexual coercion, sexual exploitation, sexual exploitation of minors<sup>1</sup> and sexual intercourse with issue or siblings. The other sexual offences category accounted for barely one (1) per cent of the reported offences and includes such types of offence as procurement<sup>2</sup> and seduction of young people.

The *actual* apportionment of different types of sexual offence probably looks different since it is likely that the numbers of unrecorded cases for the different types of offence vary in size. It is, for example, likely that rape comprises a smaller proportion of the actual criminality, while sexual molestation constitutes a large proportion compared with the breakdown of the offences reported to the police, since less serious offences are generally reported to a lesser degree than serious ones.

## Crime trends

During the year 2000 the total number of sexual offences reported to the police fell by 4 per cent compared with 1999, see table 1. The principal reductions occurred in the categories of sexual exploitation etc., and indecent exposure. The former fell by

<sup>1</sup> Also aggravated sexual coercion and aggravated sexual exploitation, respectively.

<sup>2</sup> Including aggravated procurement.

Table 1.

Number of sexual offences reported to the police, according to type of offence, years 1998–2000.

Typ of offence	Number of reported offences per year		
	1998	1999	2000
Rape, aggravated rape (including attempted)	1 965	2 104	2 024
Of which against children under 15 years	274	301	300
Of which against other persons	1 691	1 803	1 724
Sexual exploitation etc.	1 606	1 963	1 660
Of which against children under 15 years	1 230	1 517	1 199
of which within close relationship	537	593	547
of which within other relationship	693	924	652
Of which against other persons	376	446	461
Sexual molestation	4 687	4 963	4 983
Of which indecent exposure	1 652	1 623	1 312
Of which other sexual molestation	3 035	3 340	3 671
of which against children under 15 years	1 204	1 320	1 262
of which other cases	1 831	2 020	2 409
Other sexual offences	38	51	67
Total of all sexual offences	8 296	9 081	8 734

15 per cent (the reduction relates to victims under 15 years) and the latter by 19 per cent. What is referred to as *other sexual molestation*, on the other hand, rose by 10 per cent. The entire increase related to molestation of persons aged 15 years or above.

Since 1975 the number of reported cases of *sexual offences* has more than trebled, from 2 738 offences a year in 1975 to 8 734 offences in year 2000, see figure 2. A large part of the increase is due to an increase in the inclination to report. Some factors that have contributed towards this are the stricter view taken of sexual offences since the 1970s and the increased focusing by the media upon these offences. The trend of the sexual offences reported to the police and the shifts in the public debate, clearly coincide. For example the level of reported sexual offences decreased noticeably from the mid 1960s to the beginning of the 1970s, coinciding with a more open attitude towards different kinds of sexual behaviour that, for example, was reflected in the Sexual Offence Commission's proposals for new regulations governing sexual offences – for example the fact that the penalties tariff should be made less severe. This probably gave rise to a decreased inclination to report during this period. The debate on women and child abuse in recent decades has, on the other hand, probably increased the inclination to report.

It is, however, likely that the increase in offences reported to the police is, in part, attributable to an actual increase. One factor that is referred to as being

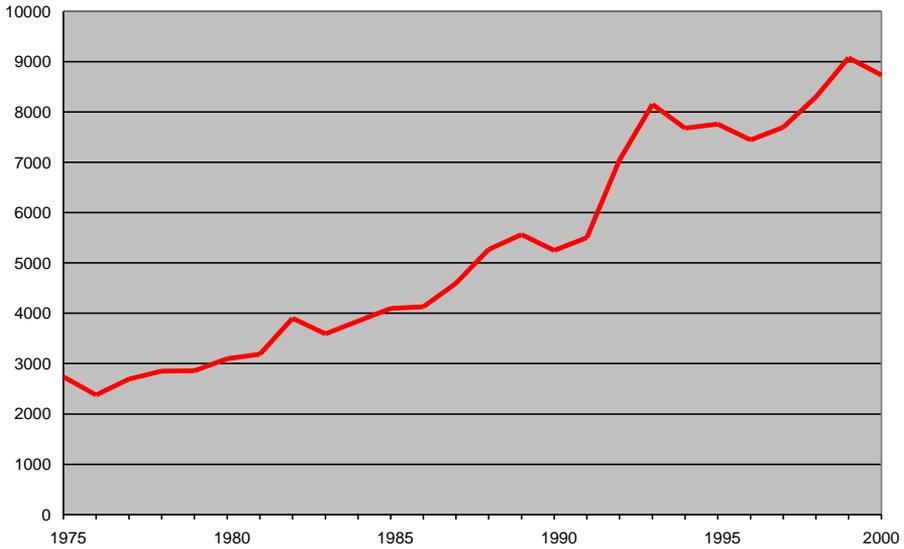


Figure 2. Number of sexual offences reported to the police, 1975–2000.

offence generative is the increased participation in public entertainment during the last decade.

Where reporting *sexual molestation* to the police is concerned, the trend appears to be quite different for *indecent exposure* and what is termed *other sexual molestation*. Up until the end of the 1980s indecent exposure was the biggest category numerically while other sexual molestation has comprised the biggest category

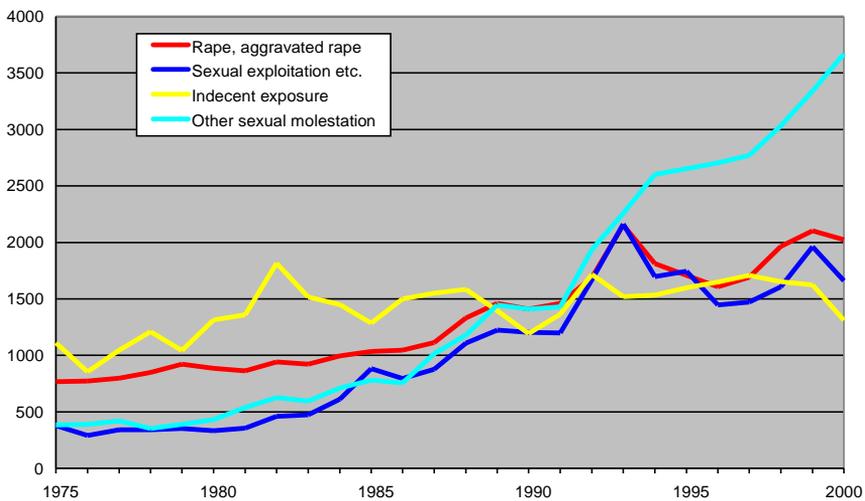


Figure 3. Number of sexual offences reported to the police, according to type of offence, 1975–2000.

during the 1990s, see figure 3.<sup>3</sup> As is seen, the latter category has increased sharply – and continuously – since the beginning of the 1990s. This is a trend that differs from those of the other categories. The structure has thus altered during the 25-year period. The other sexual molestation category is primarily comprised of verbal assault, sexual gestures, telephone calls or letters with a sexual content (Olsson, 1994b), i.e. less serious offences than sexual exploitation etc. During the 1990s the problems of sexual harassment has been the subject of a quite lively debate in the media. One may assume that this type of harassment is, first and foremost, reported just like other sexual molestation. The greater attention given to it has probably had the effect of increasing the inclination to report.

The number of reported offences designated as *sexual exploitation etc.* has more than quintupled up to 1999 – between 1999 and year 2000, however, they fell by just over 300 offences. The decrease may be largely accounted for by the fact that the category of sexual exploitation etc. of children under 15 years outside the family, showed a decrease.

The number of *rapes* reported to the police increased from barely 800 in 1975 to over 2 100 reported offences in 1993. After that they fell off for a couple of years before increasing again. Between 1999 and year 2000 the number of reported offences again decreased.

Where rape is concerned, the category *accomplished rape indoors* is the one that has increased most. This is also the largest category numerically. The number of cases of indoor rape (accomplished and attempted) has increased by 196 per cent since 1975, a relatively continuous increase up to and including 1988, after which there were major fluctuations in the numbers, see figure 4. Reported cases of rape outdoors increased by 108 per cent during the same period. The trend is characterised by differences in levels between the period prior to 1987 and the period thereafter. Between 1999 and year 2000 the number of reported cases of indoor rape decreased, while those committed outdoors increased somewhat.

Cases of indoor rape are often those referred to as acquaintance rape while those committed outdoors are known as attack rape (where the perpetrator and the woman are normally totally unacquainted with each other). An important difference between these two categories is that attack rape probably has a relatively small number of unrecorded cases, while it is likely to be the complete opposite with regard to acquaintance rape (especially where the victim and the perpetrator have a relationship as a couple). With regard to types of offence that are numerically large with a large number of unrecorded cases, such as indoor rape, only a small change in the inclination to report is needed in order to impact strongly upon the reporting statistics.

In connection with the attention given to *group rape* in recent years, BRÅ has conducted a special survey (BRÅ, 2000). Cases of rape involving two or more perpetrators reported to the police in 1991–1999, have been studied. These show

<sup>3</sup> The category other crimes falling under Ch. 16 (i.e. procuring and seduction of youth) is not included in the figure. During the period the number of reported offences varied between 26 and 150 per year.

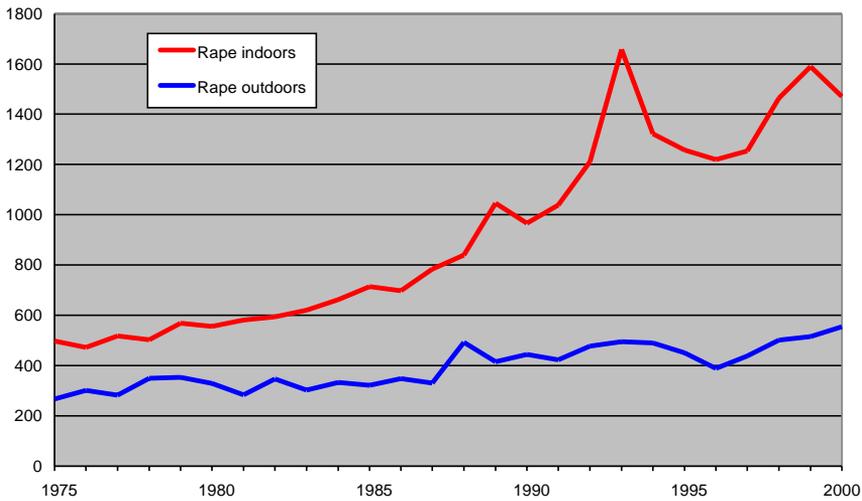


Figure 4. The number of rapes committed indoors and outdoors, respectively, reported to the police, 1975–2000.

there to be a falling off in respect of cases of group rape where the perpetrators could *not* be identified. Between 30 and 60 reported cases a year are identified.

The overwhelming proportion of group rapes (around 80 per cent) involves cases where there are two suspects. The remaining 20 per cent comprises the cases where there are three or more suspects. Four fifths of the group rapes are committed indoors. It was relatively unusual for the victims to be minors, i.e. children under the age of 15 years (11 per cent). A good quarter of the suspects were young people in the age range 15–20 years, a somewhat higher proportion of young people than with rape in general, but lower than young people's share of all offences. In cases with three or more perpetrators, however, the proportion of young people was higher at around 40 per cent. The number of juvenile suspects has, by and large, amounted to 25–30 a year during the 1990s.

The suspects were, to a large extent, persons with criminal records. The proportion of those that had been prosecuted three or more times before was higher than for those with criminal records in general. The majority of reported cases did not lead to prosecutions. During the 1990s about three quarters of the notified cases were shelved on the grounds that it was not possible to show that an offence had occurred. In some ten cases a year prosecutions have been initiated.

Where the development during the 1990s is concerned, there appears to be a falling trend<sup>4</sup> that is due to the decrease in the number of cases involving two suspected perpetrators. Cases of three or more suspected perpetrators, on the other hand, hovered around a steady level. The proportion of cases involving underage

<sup>4</sup> The falling trend referred to above may be deemed to be relatively steady over a period of time and should not, therefore, have influenced the analyses of the development to any great extent.

victims remained constant at about 4–5 cases a year. Taken as a whole the result indicates that group rape did not increase during the 1990s.

## Regional distribution

Upon a regional apportionment of the sexual offences reported to the police in year 2000, it is seen that the counties of Stockholm, Örebro, Gotland and Västmanland recorded the most offences in relation to the number of inhabitants, see figure 5. In 1999 the picture was the same with the exception of the county of Gävleborg featuring among the four counties, instead of Västmanland. In 1998 it was the counties of Stockholm, Skåne, Gotland and Västmanland that featured most reported offences in terms of population. Stockholm and Gotland were thus among the highest in all three years. Sexual offences do not appear to be a type of crime that are concentrated upon the big city counties in general. In the county of Gotland there were relatively many offences reported in August 1999 and in July and August in 1998. The summer holiday months in year 2000, however, do not appear to feature particularly numerous offences.

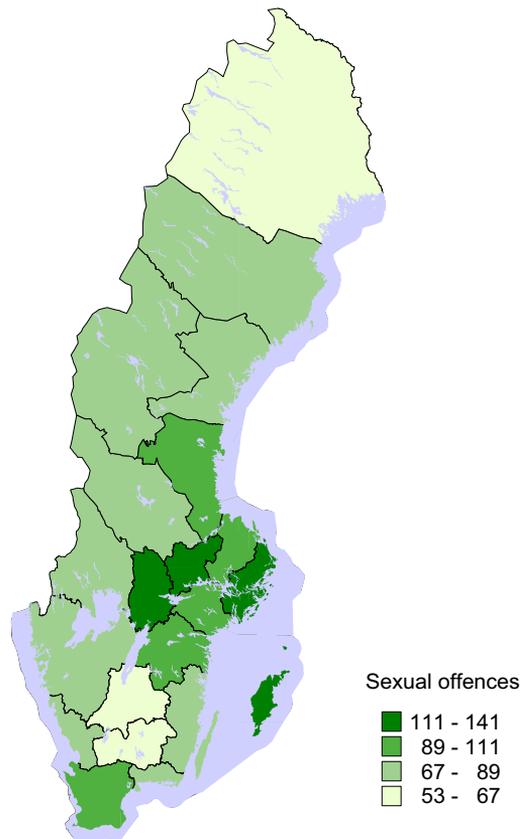


Figure 5. The number of sexual offences reported to the police per county, and the number of offences per 100 000 inhabitants, 2000.

## Cleared offences

In the year 2000 a total of 39 per cent of sexual offences were cleared up. Where rape was concerned the clearance rate was 40 per cent. There was a particularly low clearance rate in respect of attempted rape outdoors against persons of 15 years or more. Only 15 per cent of these rape offences were cleared up in year 2000. The highest clearance level related to the offence of procurement (80 per cent of cases cleared up in year 2000), although this is one of the smallest categories numerically. Accomplished rape indoors against children under 15 years also had a relatively high clearance rate at 63 per cent in year 2000.

From 1975 the clearance rate with regard to sexual offences has fallen somewhat, from an average of 47 per cent a year up to the mid-1980s to around 40 per cent on the average during the ensuing period (up to and including year 2000). There has, however, been no continuous downward trend. The gradual decrease may be connected with the fact that the increase in the number of reported offences has, first and foremost, constituted what is known as other sexual molestation (see figure 3), that belongs to the less serious sexual offences and therefore enjoys a lower priority in terms of investigation.

*The number* of cleared up sexual offences increased, however, during the period – see figure 6 – probably in connection with the increased reporting of more serious, and thereby more highly prioritised, sexual offences.

The proportion of sexual offences that resulted in prosecution, imposition of penalties or withdrawal of prosecution (designated prosecution etc. below) varied between different kinds of sexual offences. Regarded as a whole there were 16 per

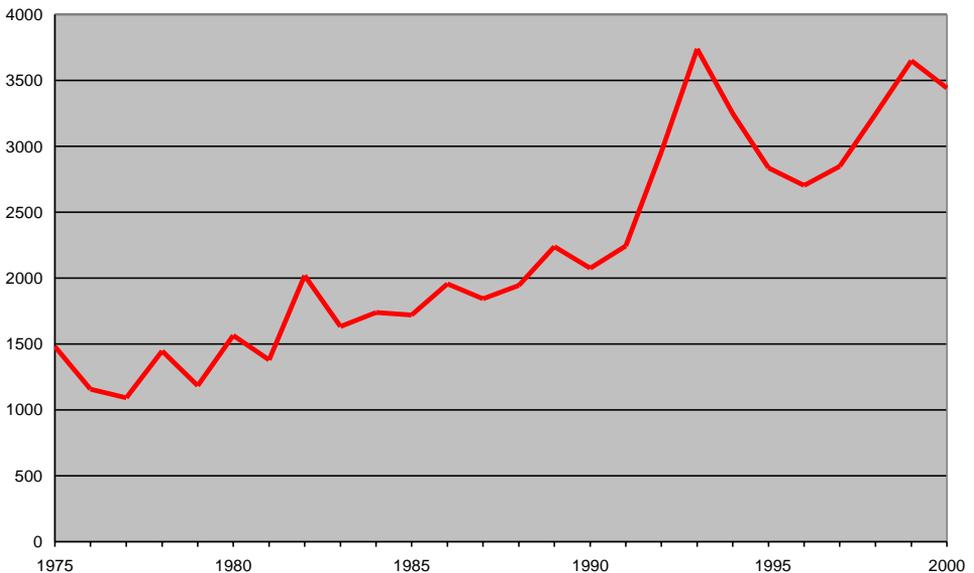


Figure 6. Number of cleared up sexual offences, 1975–2000.

cent of sexual offences that led to prosecutions etc. in the year 2000. A particularly low proportion – 7 per cent – leading to prosecution etc., was that which related to attempted outdoor rape (that is to say, for the most part, those designated as attack rape). The offences that most frequently led to prosecution etc. in the year 2000 were, on the one hand, accomplished indoor rape against children, with a proportion of almost a quarter of offences and, on the other hand, procurement with a proportion of 54 per cent. With regard to procurement, however, the number of offences resulting in prosecutions etc. has been considerably lower than this during the latter half of the 1990s.

## Suspects

Since 1975 the number of persons suspected of sexual offences has increased by about 80 per cent, from just over 600 suspected persons to more than 1 100 in the year 2000. Around 60 per cent of those suspected in the year 2000 were suspected of sexual molestation (primarily what is referred to as other sexual molestation), see table 2. Barely a quarter was suspected of rape. Persons in the age range 15–20 years accounted for 12 per cent of suspects, whereby sexual offences cannot, as a

Table 2.

*Number of persons suspected of sexual offences, proportion of young people and proportion of women, 2000.*

Type of offence	Total	of which 15-20 years		of which women	
	<u>number</u>	<u>number</u>	<u>proportion</u>	<u>number</u>	<u>proportion</u>
Rape against persons under 15 years	60	25	42%	0	0%
Rape against person aged 15 years or more	197	25	13%	0	0%
Sexual exploitation etc. against persons under 15 years	271	49	18%	4	1%
Sexual exploitation etc. against persons aged 15 years or more	81	12	15%	2	2%
Indecent exposure	162	12	7%	0	0%
Other sexual molestation against persons under 15 years	221	27	12%	2	1%
Other cases of sexual molestation	276	40	14%	6	2%
Other sexual offences	17	0	0%	2	12%
Total sexual offences <sup>5</sup>	1 109	163	15%	16	1%

<sup>5</sup> A person may be suspected of several different sexual offences and then only be counted once with regard to total sexual offences.

whole, be regarded as constituting a juvenile crime. Among those suspected of rape against children under 15 years, however, the proportion of young people was very high – as much as 40 per cent, of which more than half were only aged 15–16 years. The number of women suspected of sexual offences is very small. The 16 women who were so suspected in the year 2000 constituted one (1) per cent of the total number of suspected persons.

## Prosecutions

In the year 2000 there were 675 persons prosecuted for sexual offences.<sup>6</sup> Of these 241 persons, that is to say just over a third, were given prison sentences, 169 ordered to pay fines, 59 placed under probation orders, 61 given suspended sentences, 22 referred to forensic psychiatry care and 24 placed under care orders within the social services. 66 persons had injunctions issued against them and 24 had prosecution proceedings withdrawn. The most common consequence of *rape* was a prison term, to which 80 per cent of those prosecuted were sentenced. The next most common sanction was forensic psychiatric care, to which 10 per cent were sentenced. For *sexual exploitation of minors* a prison term was also the most common outcome, to which 59 per cent were sentenced. Some 16 per cent were given suspended sentences for this offence and 14 per cent placed on probation. For *sexual molestation* the most common outcome was fines, with 48 per cent being sentenced in this way.

A degree of change has taken place with regard to the pattern of sanctions for persons prosecuted for sexual offences. In the 1980s the proportion sentenced to prison terms rose from 30 per cent in 1980 (at which level the proportion had remained since the mid-1970s) to 45 per cent in 1990 (Martens, 1998a). This proportion subsequently fell to 36 per cent by the year 2000. Fines were the most common sanction for sexual offences in 1980. These decreased during the 1980s to a quarter by 1990 and have since then remained at around that level up to the year 2000.

Where persons prosecuted for *sexual exploitation etc. of minors* are concerned, 23 per cent of those prosecuted in 1980 received prison sentences. The proportion rose sharply during the 1980s and amounted to 63 per cent by 1990. In the year 2000 the proportion of those given prison sentences was 59 per cent. Probation orders were the most common sanction in 1980, with 36 per cent of those prosecuted being subjected to them. The proportion fell to 11 per cent in 1990 and was 14 per cent in the year 2000. The proportions of those prosecuted who received suspended sentences or subjected to forensic psychiatric care orders, decreased gradually during the 1980s and 1990s.

<sup>6</sup> The details in the section relate to the principal offence and the principal sanction.

## Victims

In the crime statistics, where certain sexual offences are concerned, it is recorded whether the victim is a child under the age of 15 years. In the year 2000 children under 15 years constituted a good third of victims within the other sexual molestation category (i.e. exclusively indecent exposure), see table 3. With regard to sexual exploitation etc. somewhat more than 70 per cent of the victims were children under 15 years. Almost half of these offences were committed within a close relationship, i.e. within the family.

Since 1987 the number of reported sexual offences against children has increased in all categories. The category of sexual exploitation etc. *within close relationships* (i.e. within the family) contrasts clearly with the other categories. From 1987 up to 1993 the number of reported sexual offences more than quadrupled. After that the number was more than halved up to and including year 2000. Sexual exploitation etc. *within other relationships* (i.e. outside of the family) increased by over 100 per cent during the same period, see figure 7.

The number of cases of rape reported to the police has increased sharply – though not continuously. There is a difference in levels between the periods before and after 1993, respectively.

Where the development of sexual exploitation etc. is concerned, the number of offences against children *within* the family has thus reduced since 1993, while the number of offences against children *outside* the family has increased sharply in recent years (i.e. up to and including 1999). The focus of the 1980s upon sexual offences against children within the family (i.e. incest) was replaced during the 1990s by a greater concentration upon paedophilia and child pornography. The public debate regarding sexual violation of children was thus extended and also came to include sexual violation outside of the family. During the 1990s attention was also directed at some legal cases where the person found guilty of sexual offences against children was, in fact, innocent of what he had been charged with. Criticism of the legal treatment of sexual offences against children may have contributed towards the inclination to report sexual violation *within* the family having

Table 3.  
Sexual offences against children and against adults, respectively, within certain types of offence, 2000.

	Rape, aggravated rape		Sexual exploitation etc.		Other sexual molestation	
	<u>number</u>	<u>proportion</u>	<u>number</u>	<u>proportion</u>	<u>number</u>	<u>proportion</u>
Against children under 15 years	300	15%	1 199	72%	1 262	34%
Against other persons	1 724	85%	461	28%	2 409	66%
Total	2 024	100%	1 660	100%	3 671	100%

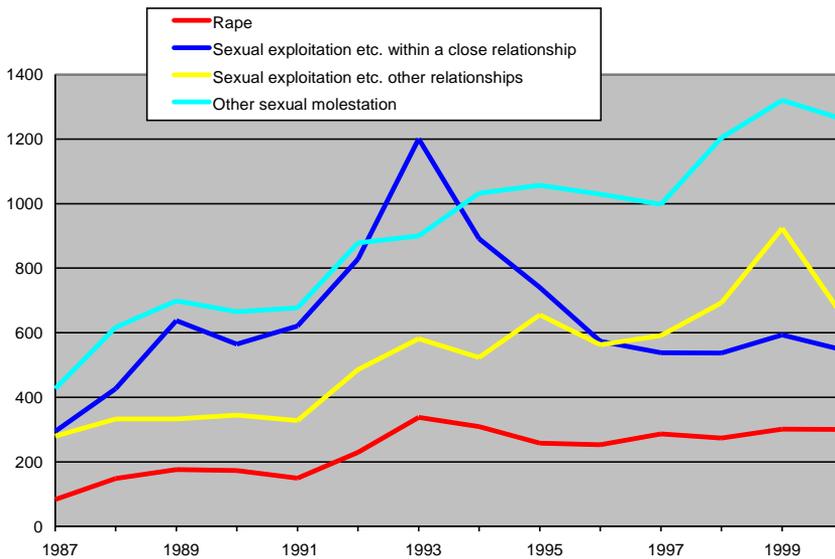


Figure 7. Number of sexual offences against children under 15 years reported to the police, according to type of offence, during 1987–2000.

decreased. This, in turn, has resulted in the gradually increasing trend regarding the number of reported sexual offences against children, being broken in recent years. The focus by the mass media in recent years upon paedophilia and paedophilic offences may have contributed to the inclination to report sexual violation of children *outside* the family having increased markedly (SOU 2001:14).

Where sexual exploitation etc. is concerned, it is reported whether the victim is of the same gender as the perpetrator or of a different gender. The victims of heterosexual offences are almost exclusively girls while victims of homosexual offences are, in practically one hundred per cent of cases, boys.<sup>7</sup> The heterosexual offences are considerably more numerous than the homosexual ones. Both categories have increased, see figure 8. Up until 1986 they increased more or less along parallel lines (although there was a difference in numerical levels). After that the heterosexual offences increased sharply followed by decreases and a further increase in recent years. Where homosexual offences are concerned there were two increases in levels, one in the mid-1980s and one at the beginning of the 1990s.

During 1987–1994 a higher proportion of offences *within* the family were committed in respect of girls than with boys – 61–70 per cent of offences against girls were committed within the family, compared with 26–62 per cent of offences against boys. The difference between girls and boys with regard to the proportion of offences committed *within* and *outside* the family, respectively, has subsequently been less.

<sup>7</sup> In year 2000 only four women were suspected of sexual exploitation etc. against children aged under 15 years.

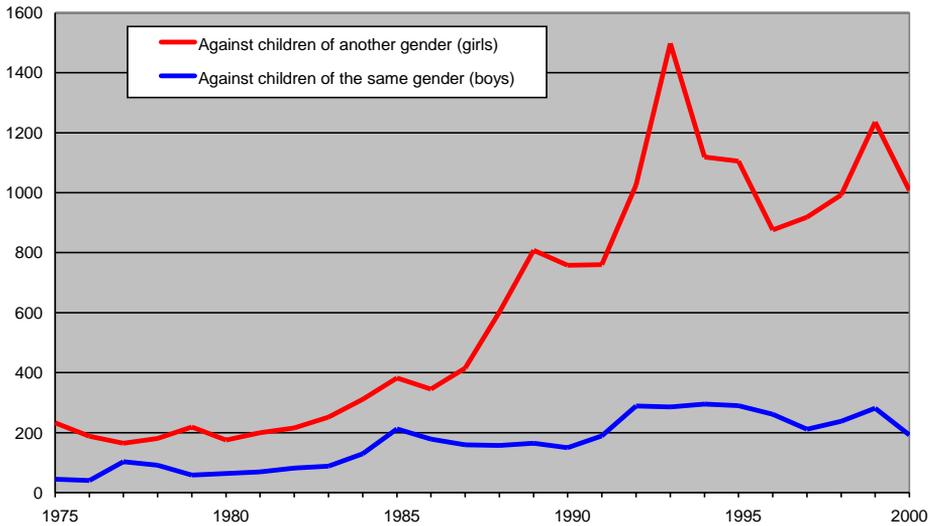


Figure 8. Sexual exploitation etc. against children under 15 years, offences against another gender and the same gender, respectively, number of offences reported to the police, 1975–2000.

## Preventive measures

Where preventive measures against sexual offences are concerned (primarily with regard to children), the types of measures that are designed to prevent offences *before* they are committed are, for example, concerned with raising the general public's awareness of the problem. Programmes of measures have also been implemented that are directed at children with the objective of increasing their ability to offer resistance in a violation situation. There have also been register checks introduced in connection with job applications within the pre-school, school and school-children care sectors, with the aim of preventing persons with paedophile leanings gaining employment in these areas. The register checks were introduced on 1 January 2001.

Sexual violation against children abroad is an offence that can be punished in Sweden. One measure that has been adopted within this area is a code of conduct for tour operators aimed against child sex tourism, that has been drawn up by the organisation known as ECPAT<sup>8</sup> together with a number of tour operators. Included in the code of conduct, which has received EU support, is the drawing up of a policy against child sex tourism, the training of personnel as well as the provision of information to travellers and local key players at the travel destinations (such as bar and restaurant owners and the police).

The treatment of perpetrators aimed at preventing repeated offending (applies

<sup>8</sup> End child prostitution, child pornography and trafficking in children for sexual purposes.

both to when children are the victims and when adults are) is one type of measure that is applied when an offence is committed, in order – for example – to prevent recidivism. A range of treatment programmes has been developed and tested but, to a large extent, there is a lack of systematic evaluations. Sexual offences represent no uniform type of offence and the reasons for the perpetrators' behaviour vary from one type of offence to another. Different kinds of therapy are employed as part of the treatment of sexual offenders (Hedlund, 1990). Where young people who commit sexual outrages are concerned, international experiences indicate that what are referred to as multi-modal treatment models afford the best results. These models contain, for example, group treatment, family discussions and individual interviews, i.e. different types of therapy are employed in parallel with treatment (National Board of Health and Welfare, 2000).

Where the treatment of paedophiles is concerned there exists, on the one hand, a view that paedophilia is a biologically conditioned pathological deviation that can only be dealt with medically by means of preparations that suppress the sex drive (known as chemical castration). On the other hand there is the view that paedophiles are psychologically disturbed people who have been subjected to violation as children and who need psycho-therapeutic treatment. There is, for example, a recidivism-preventive model that is designed to make the paedophile recognise risk situations as quickly as possible, to teach himself to exercise control over his impulses and thereby reduce the risk of offending again (Martens, 1998b). There are also forms of treatment that combine medical therapy and psycho-therapy.

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# Car crime

BY MADELEINE BLIXT

## Summary

During the years 1975–1985 the numbers of reported cases of car crime (Car theft and theft out of, and from, motor vehicles) remained relatively constant. Thereafter they increased sharply and peaked in 1990. The high level did not recur throughout the remainder of the 1990s even though the numbers of reported car crime fluctuated. During the last three years car theft decreased somewhat, while the number of thefts out of, and from, motor vehicles instead rose somewhat. These changes are small however.

In the year 2000 almost 63 000 car thefts were reported as well as 160 000 thefts out of, and from, cars. In spite of the number of reported car thefts being considerably higher today than 25 years ago, the relative risk of being subjected to car theft is more or less the same. The risk of having a car stolen, or being subjected to theft out of, and from, it depends upon where one lives and what kind of car one owns. Car theft and theft out of, and from, motor vehicles is concentrated upon the major urban areas. In the year 2000 60 per cent of car crime cases were reported in the big city counties of Stockholm, Västra Götaland and Skåne.

The relative risk of having one's car stolen is highest for owners of such makes as Saab, Mazda, Jeep and Opel. The risk of having one's Saab stolen is, for example, almost three times higher than for the average car. Experiences show that there are several types of measure that reduce car crime.

## Introduction

By car theft is understood theft of a motorised vehicle as specified in Chapter 8 § 7 of the Penal Code. In the majority of cases car theft is regarded as a qualified form of arbitrary conduct. This is due to the fact that it is usually not possible to establish that the perpetrator takes the vehicle with the intention of retaining it. The majority of cars are stolen in order to be used for a short period of time and are recovered relatively quickly.

In the crime statistics car theft is broken down into accomplished offences and attempted offences, respectively. A car theft is deemed to have been accomplished if

the car is moved, irrespective of whether the engine has been operating or not. If the vehicle is not moved but parts that are necessary in order to start the car have been attacked, such as the ignition lock or wheel lock, this is deemed to constitute car theft. Other offences that are directed against cars are reported in the statistics as theft out of, and from, motorised vehicles, damage to motor vehicles or arbitrary conduct. These last two categories are not dealt with here.

## Hidden crime

Where car thefts are concerned the inclination to report is high. This means that the number of unrecorded cases is low. Two important reasons why those subjected to car theft usually report the offence is that the insurance companies require the police to be notified before they pay compensation and because, in the majority of cases, a car represents a high value.

Victims surveys show that, in Sweden, more than 90 per cent of those subjected to car theft contact the police (SCB, 1997; van Kesteren, Mayhew and Nieuwbeerts, 2001). The figures for attempted offences are probably lower than for accomplished offences. Surveys also show that around 75 per cent of those subjected to theft out of, and from, motor vehicles contact the police. Those who do not contact the police explain that the excess is too high, that the matter is a petty one or that the police would not be able to do anything about it anyway (SCB, 1995).

The crime statistics relating to car theft therefore coincide relatively well with the actual level. The level of reported thefts out of, and from, cars lies somewhat below the actual level of criminality, on the other hand. For both categories of offence the crime statistics afford a relatively good picture of the development over a long time perspective.

## The crime structure

Car theft and theft out of, and from, motor vehicles, are large offence categories in numerical terms. In the year 2000 almost 63 000 car thefts were reported. Marginally over 46 000 thefts were accomplished while the corresponding figure for attempted offences was nearly 17 000. The accomplished thefts thus accounted for nearly 75 per cent of the reported car thefts that year. The ratio of accomplished car thefts to attempted offences was relatively constant during the period 1998 to 2000. Compared with previous years, however, the proportion of accomplished thefts increased somewhat. Up to 1997 the accomplished thefts comprised around 70 per cent of all car thefts.

In the year 2000, moreover, there were almost 160 000 reported thefts out of, and from, motor vehicles, making this the largest single offence category in the

statistics of offences reported to the police. Together with car thefts they amount to 223 000 offences, corresponding to 18 per cent of all offences reported to the police that year. If one includes the category of damage to vehicles, the proportion of offences involving cars increases still further to just over 20 per cent.

## Crime trends

During the years 1975 to 1985 between 35 000 and 45 000 car thefts were reported each year. During the second half of the 1980s car thefts increased sharply. In 1990 the highest level to date was reached, when marginally over 75 000 offences were reported. After that the level subsided a little before, at the middle of the 1990s, again moving upwards for a few years. During the last three years, 1998 to 2000, car thefts decreased somewhat, however. During this period an average of 64 000 offences a year were reported. The fluctuations during the 1990s are primarily due to the variation in the number of accomplished car thefts. Attempted offences have remained relatively constant, especially during the latter half of the 1990s. Taken as a whole the changes in the statistics relating to offences against cars reported to the police, coincide relatively well with the changes in the economic situation.

The development in the number of reported thefts out of, and from, motor vehicles follows that of car thefts by and large. In 1975 around 80 000 thefts out of, and from, motor vehicles were reported. The following year the number of offences rose to around 100 000 and remained at that level during the period 1976 to 1984. Between the years 1985 and 1987 thefts out of, and from, motor vehicles increased

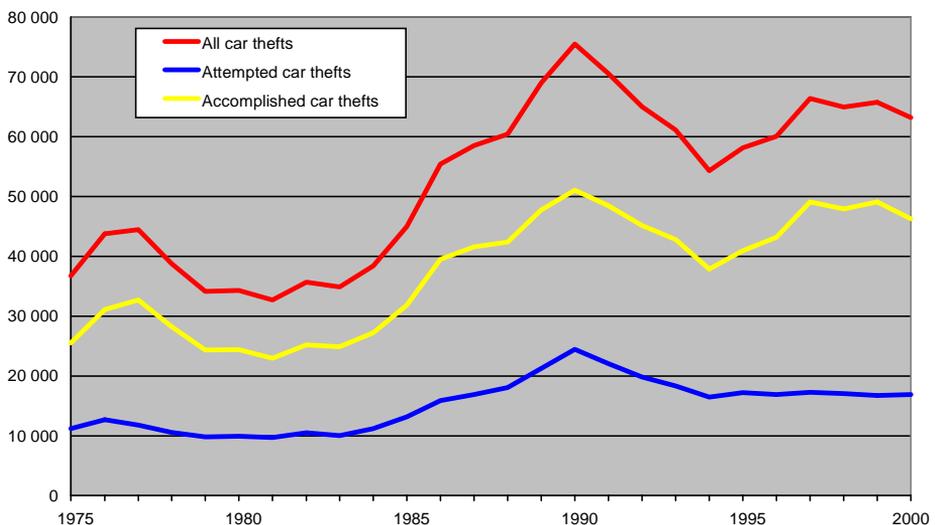


Figure 1. The number of car thefts reported to the police in total and broken down into accomplished car thefts and attempted car thefts, respectively, 1975–2000.

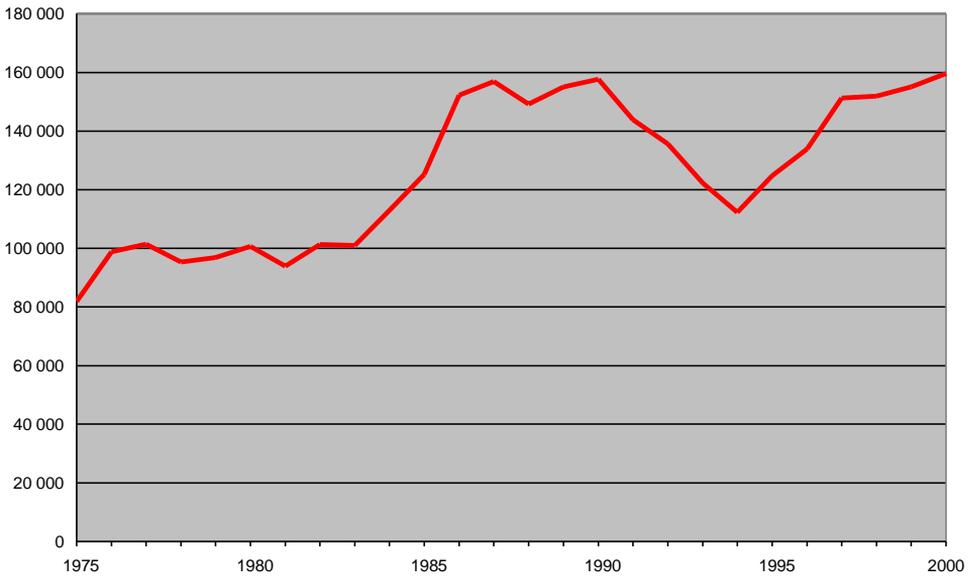


Figure 2. The number of thefts out of, and from, motor vehicles reported to the police, 1975–2000.

sharply to just over 150 000 offences a year. After having stayed level for some years the level of offences then decreased sharply during the period 1991 to 1994, before again increasing and reverting to about the same level as before. During the last three years, 1998 to 2000, the number of thefts out of, and from, motor vehicles increased somewhat, from 152 000 to 160 000 offences.

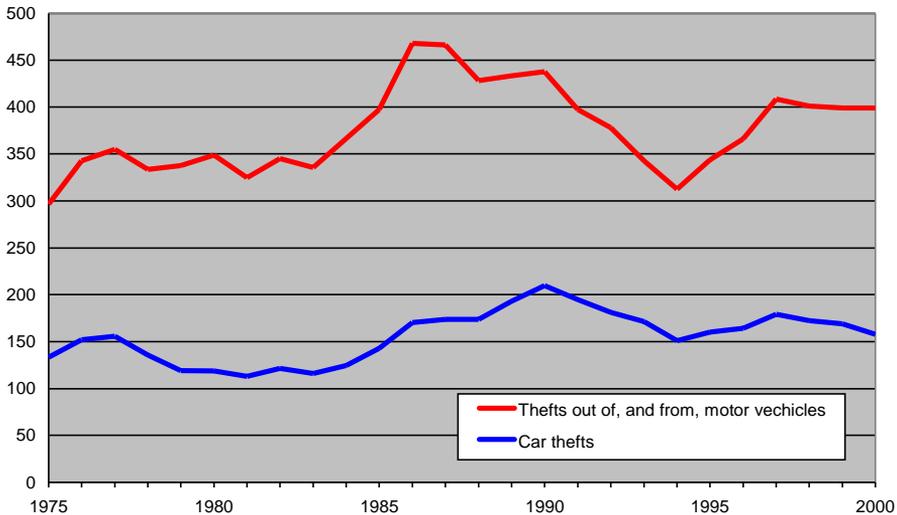


Figure 3. The number of car thefts and thefts out of, and from, motor vehicles reported to the police per 10 000 private cars in use, 1975–2000.

One reason why the numbers of theft offences against cars as well as other theft offences, are increasing is, by all accounts, the increased number of objects that are perceived as being attractive in terms of theft. If the offence levels during the last 25 year period are related to the number of cars, the changes are not equally sharp, even though the overall pattern persists (figure 3). During the last three years, 1998 to 2000, the number of thefts out of, and from, motor vehicles also fell somewhat, however, if the number of cars is taken into consideration. The relative risk of being subjected to car theft is today approximately the same as it was 25 years ago. The risk of being subjected to theft out of, and from, motor vehicles is, however, higher if the number of cars is taken into consideration.

## Regional distribution

Analyses of the development of offences during the years 1975–1990 show that car crime's regional variations are considerable. In the large cities both the offence level and the rate of increase were higher than in other areas (Wikström,

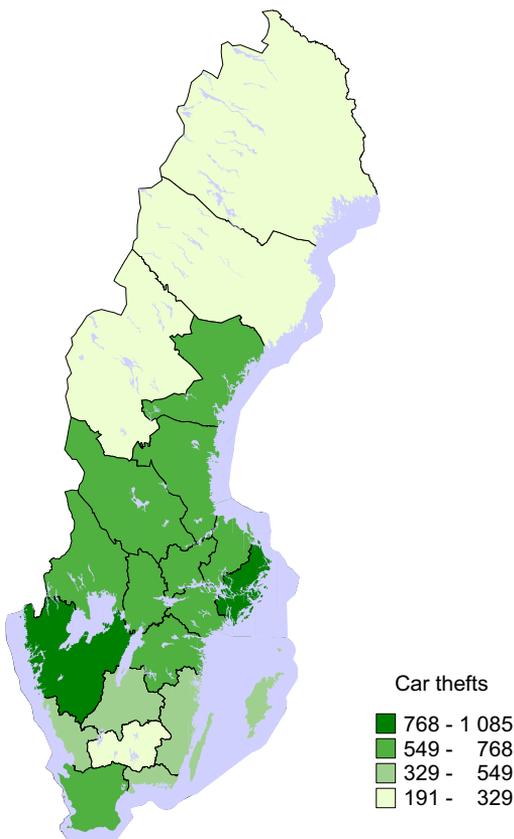


Figure 4. Number of car thefts reported to the police per 100 000 inhabitants, by county, 2000.

Ahlberg and Dolmén, 1994). During the 1990s, however, the concentration upon the big cities tended to decrease. During the years 1998 to 2000 almost 65 per cent of car thefts took place in the counties of Stockholm, Västra Götaland and Skåne. The big city counties' share of the population is around 50 per cent. In the year 2000 the three biggest counties and the county of Örebro experienced the greatest numbers of car thefts per 100 000 inhabitants. The County of Stockholm had the highest level at 1 085 offences per 100 000 inhabitants. The lowest level of offences was to be found in the counties of Västerbotten, Kronoberg and Norrbotten. Västerbotten had the lowest level at 191 offences per 100 000 inhabitants.

## Cleared offences

Since offences involving cars belong among those that are normally committed without any contact between the perpetrator and the car-owner, the clearance rate is low. In the year 2000 almost 6 000 car thefts were cleared up. The clearance rate is higher in respect of the accomplished offences, at 10 per cent, than for the attempted offences, at 5 per cent. The proportion of cleared up thefts out of, and from, motor vehicles is even lower. Only 3 per cent of these offences were cleared up during the year 2000, corresponding to just over 4 500 offences. Viewed over a long time perspective the clearance rate has decreased sharply for both types of offence. In 1975 the clearance rate for car thefts was over 30 per cent, and for theft out of, and from, motor vehicles, 8 per cent. The downward trend has been steady since the mid-1970s. The decrease is not, however, so strong if one looks at the *number* of cleared up cases. The number of cleared up cases of theft out of, and from, motor vehicles fell from nearly 7 000 in 1975, to just over 4 500 in year 2000. Where car thefts were concerned the number of cleared cases was halved, from around 12 000 to almost 6 000.

The regional differences in the clearance levels are, however, considerable. In general terms the clearance rate is lowest in those counties that have the highest criminality, and vice versa. In the counties of Stockholm and Västra Götaland, for example, the clear up ratio for car thefts is 6 and 9 per cent, respectively. The corresponding figure for the County of Gotland is 31 per cent. The lower clearance rate in the big city regions is probably connected with the fact that the degree of anonymity is greater.

In the year 2000 a suspected person could be connected to the offence for around 75 per cent of the cleared up car thefts and thefts out of, and from, motor vehicles. The majority of suspected persons were prosecuted. The remaining 25 per cent of offences were cleared up on the basis of a decision relating a review of the reports. The most common decision was then that an offence could not be substantiated or that the incident did not constitute an offence.

## Suspects

In the year 2000 a total of 3 562 persons were suspected of the nearly 6 000 car thefts that were cleared up. The incidence of suspects participating in the offences was somewhat over 6 000. Where participation in offences is concerned a person who commits an offence is counted as one instance of offence participation and, for example, two persons who together commit five offences, as ten instances of offence participation. In the year 2000 a total of 2 735 persons were suspected of the 4 500 or more thefts out of, and from, motor vehicles that were cleared up. The incidence of offence participation in respect of these persons was just over 5 100.

It was men who, first and foremost, were suspected of car theft and theft out of, and from, motor vehicles. The proportion of suspected women in year 2000 was, as in previous years, around five per cent. Car theft has long since been regarded as a juvenile offence or as an offence that forms part of an ongoing criminal career. If one looks at the offence participation (number of offences to which the individuals are connected) many of them belong to the younger age groups. The incidence of offence participation then decreases with increasing age. For car theft 40 per cent of the offence participation is by suspected persons aged 15–19 years (table 1). For theft out of, and from, motor vehicles the proportion is somewhat lower at 30 per cent.

Since clearing up is low for car crime there is the risk that the statistics relating to suspected persons provide an incorrect picture of car-related criminality. For example the risk of being discovered can vary according to previous criminal activity and age. Self-confessional surveys among students in the ninth school year show that theft out of cars and car thefts are among the most unusual among the

*Table 1.*  
*Incidence of offence participation for persons suspected of car theft or theft out of, and from, motor vehicles, respectively, as well as per 1 000 inhabitants in the respective age groups, 2000.*

Age	Numbers participating in offence of car theft	Incidence of offence participation, car theft per 1 000 inhabitants in respective age groups	Numbers participating in offence of theft out of, and from, motor vehicles	Incidence of offence participation, theft out of, and from, motor vehicles per 1 000 inhabitants in respective age groups
15-19	2 386	4,69	1 592	3,13
20-24	1 223	2,37	1 229	2,38
25-29	708	1,20	638	1,08
30-39	1 092	0,87	1 079	0,86
40-49	478	0,41	468	0,40
50-59	90	0,07	97	0,08
60-	8	< 0,01	3	< 0,01
Total	6 035	0,83	5 137	0,71

studied theft-related offences (BRÅ, 2000a). In 1999 five per cent stated that they had committed at least one theft from a car during the year. The corresponding proportion for car theft was only two per cent. When converted numerically this means that just over 5 000 and 2 000 15 years-olds, respectively, committed at least one theft out of a car, or a car theft, respectively, in the course of 1999.

Interview surveys with perpetrators show that there are three principal objectives in stealing cars (Ahlström and Ahlberg, 1994). Approximately half state that the objective is to satisfy a transportation requirement. Almost 30 per cent quote joyriding and nearly 20 per cent personal gain. In the latter case it is a matter of both stealing the vehicle in order to sell parts from it and to sell the actual vehicle. The results also show that the objective behind stealing cars changes with increasing age on the part of the car thieves. For young car thieves the objective is, to a great extent, joyriding. For older perpetrators the principal objective is satisfying a transportation requirement or personal gain. A British interview survey with car thieves shows that the economic interest occurs relatively soon after starting out as a car thief (Light, Nee and Ingham, 1993).

## Prosecutions

The statistics relating to prosecuted persons provide no opportunities for separately recording the legal consequences of theft out of, and from, motor vehicles. The prosecution statistics namely include these offences together with many other theft offences in the categories of theft or aggravated theft. On the other hand it is possible to study, to some extent, the legal consequences of car theft. Where these offences are concerned the section of the law primarily applied is theft of a vehicle (Penal Code Chapter 8, § 7), even though certain types of car theft may also be regarded as constituting simple theft. The section of the law also relates to motorised vehicles other than private cars.

The offence of car theft carries a relatively minor penalty value. Prosecutions are therefore often reported after another principal offence that is deemed to be more serious. In the last few years theft of a vehicle constituted the main offence in about 40 per cent of all prosecutions where the section of the law was employed.

In spite of these limitations in the statistics the number of prosecutions follows the development of the notified offences relatively well. In the year 2000 just over 1 700 persons were prosecuted for theft of a vehicle as the principal offence. In as much as 20 per cent of cases prison sentences were handed down and in over 15 per cent of cases prosecution proceedings were withdrawn. In slightly over 15 per cent of cases probation orders were issued and in rather more cases orders were made for care within the social services. The distribution has been about the same in recent years. Viewed over a longer time perspective it is the number of withdrawn prosecutions that has decreased. In 1980 the withdrawal of prosecution proceedings constituted about half the outcome.

## Victims

The National Statistics Office conducts annual victim surveys in which those questioned state whether their household has been subjected to any offences over the last twelve-month period. In 1999 a total of 4.5 per cent stated that they had been subjected to theft or damage of a car (SCB, 1999). The corresponding figure for theft of, or damage to, anything out of, or in, cars was 7.5 per cent. Analyses of the development between the years 1978 and 1999 show that the trend is the same for reported offences. In 1990 the number of households that had been subjected to these offences reached their highest level to date.

A survey of repeat victimisation in a medium-sized Swedish municipality shows that the risk of being subjected to car-related offences, for example, increases if one has already been so subjected (BRÅ, 2001). The general risk of being subjected to a car-related offence in the course of one year is estimated to be 7 per cent. Of those previously subjected, 12 per cent are again subjected (report the incident) within one year.

The risk of being subjected to car theft or theft out of, and from, motor vehicles depends largely on where one lives. In the major cities the risk is, for example, considerably greater than in rural areas (see also the earlier section on regional distribution).

Local surveys show that the risk of being subjected to theft or damage (including car theft and theft out of, and from, motor vehicles) is greatest in the housing areas of the major urban districts and then, primarily, where the public housing sector predominates. The majority are subjected to offences in their own housing area and where one lives thus contributes to the extent of the risk of being subjected to these offences (Wikström, Torstensson and Dolmén, 1997). The analyses indicate, furthermore, that those who live in areas with major erosions of law and order, such as inflicting of damage, littering, rowdy youngsters and intoxicated persons etc., run the greatest risk of being subjected to theft or damage.

The risk of being subjected to car theft also depends upon what type of vehicle one owns. Previous studies show that car theft is somewhat higher for older cars than for newer ones (Ahlström and Ahlberg, 1994). It is seen from table 2 that Saab is the make of car most frequently stolen, even when account is taken of the number of registered vehicles. After Saab the most vulnerable makes are Mazda, Jeep and Opel. Thus it is the most common and the more unusual makes that are most vulnerable.

The majority of the stolen vehicles are recovered. During the year 2000 only 7 per cent of stolen vehicles were not recovered. This figure has remained relatively constant in recent years. Variations in recovered cars are, however, considerable according to make of car. Mercedes, Chevrolet, Porsche and Chrysler represent the largest proportion of vehicles not recovered. Comparisons show that a relatively large proportion, around 40 per cent, of the cars of recent manufacture that are imported directly and are reported as stolen, are not recovered (Larmtjänst, 1998). A number of offences are probably related to sheer fraud. In other cases it is likely

Table 2.

*Stolen private cars according to make and in relation to the number of registered vehicles of the respective makes and proportion of non-recovered vehicles according to make. Stolen and non-recovered vehicles during 2000, registered on 1/1 2001. Source: Swedish National Road Administration.*

Make	Number of stolen vehicles	Number stolen per 10 000 registered vehicles	Number of non-recovered vehicles
Saab	10 775	234	2,6
Mazda	3 097	200	2,6
Jeep	135	169	14,1
Opel	5 577	163	3,3
Alfa Romeo	202	143	7,9
Fiat	484	104	5,8
Ford	4 579	103	4,5
BMW	1 212	102	19,6
Honda	558	100	7,5
Nissan	1 250	86	5,9
Daihatsu	70	72	8,6
Audi	1 279	60	18,6
Porsche	59	59	23,7
Volkswagen	2 753	56	10,2
Suzuki	149	55	10,1
Toyota	1 294	52	8,0
Mercedes	899	46	32,8
Mitsubishi	460	45	8,9
Peugeot	396	40	14,1
Chrysler	102	40	23,5
Subaru	73	38	6,8
Volvo	4 295	35	13,1
Hyundai	101	28	6,9
Chevrolet	69	23	29,0
Citroen	130	22	9,2
Renault	238	18	6,7
Others	351	19	17,7
All	40 587	83	7,2

to be a matter of organised theft. The empirical knowledge of organised car-related criminality is, however, deficient.

In the year 2000 an international victims survey was conducted for the fourth time. The study embraces seventeen countries, primarily within Europe. The results again show that the proportion of those subjected to car theft varies considerably between the countries (van Kesteren, Mayhew and Nieuwbeerta, 2001). The proportion of those subjected in Sweden (1.6 per cent) is, as before, just above the average (1.2 per cent). In England and Wales (2.6 per cent) the proportion of those subjected is the highest. The analyses show, moreover, that the proportion of those questioned who recover their cars is highest in Sweden (97 per cent). The average in the survey is 70 per cent. Where theft out of, and from, motor vehicles is concerned, the proportion of those so subjected in Sweden is also just above the average.

## Preventive measures

Crime-preventive measures directed at car offences may be aimed at both individuals and objects. The measures may relate to perpetrators and car-owners or cars and car parks. The measures may also involve requirements being imposed upon, for example, car manufacturers and insurance companies. A large number of different measures have been tried, but few have been scientifically assessed in Sweden. Different types of measures are often carried out jointly.

A recently completed survey shows that car theft (actually theft of motor vehicles) may be designated a strategic offence (BRÅ, 2000a). More than every fourth person (27 per cent) who, for their first offence, are prosecuted for theft of a motor vehicle will become what is known as a habitual criminal, a group that is responsible for a significant proportion of crime in Sweden. Theft of motor vehicles is thus the initial offence that gives rise to the most negative prognoses with regard to the individual's future criminality. Awareness of which offences mark the start of a grave criminal career may, for example, be employed in order to allocate resources that are directed at young offenders.

Efforts that relate to perpetrators may concern projects that are aimed at young people with the objective of reducing the motivation to commit offences. Motor projects for young people with documented problems are an example. Such measures may afford positive results in the short term, but the longer term effects are seldom followed up by means of systematic evaluations.

Information campaigns of the "Empty the car yourself" variety are relatively common, especially at the local level. In general it has proved difficult to show concrete results from campaigns. There are, however, examples of successful projects where the information content has constituted a significant part of a package of measures (BRÅ, 2000b).

Technical crime prevention has often proved to have direct effects upon car-related criminality. That is shown, for example, by the legislation relating to steering-locks on all cars that was introduced in 1963 in what was then West Germany (Clarke, 1992). The first year there was a reduction of over 60 per cent in car thefts. Twenty years later car thefts in Germany remained at a relatively low level.

Other examples of technical crime prevention are alarms, pedal protection, steering clamps, electronic ignition locks and improved door locks. Where stereos are concerned, code locks and the opportunity for car-owners to remove vital parts, are examples of protection that have emerged in recent years. The Theft Prevention Association issues an annual list of approved theft prevention items. In 1998 an EU directive was issued with requirements for all newly manufactured cars that are sold within the EU to have electronic ignition locks. In Sweden we have a relatively old car stock. There are thus no opportunities yet of studying the results of this measure in the official crime statistics. There is also the risk that perpetrators, especially those within organised crime circles, find methods of circumventing the improved theft prevention technology (see earlier section on victims).

There are also several measures that are taken in connection with car parks.

These relate, in part, to the physical planning of the car parks, and also with regard to different types of surveillance and access checks. The position and size of the car parks, as well as efficient lighting, are examples of physical measures that are of importance for observation, and thereby the informal control of the facility. Another example of a physical measure is sectioning by means of security cages. One such initiative has been assessed in one of Stockholm's suburban areas (Ringman, 1997). Security cages were installed in the garage of the block of flats, leading to car-related offences being greatly reduced in the area in the following years. The total net effect is estimated to be around 30 per cent.

In Great Britain, first and foremost, several trials involving camera surveillance have been evaluated (Eck, J.E., 1997). The results are mainly positive. The monitoring of parking facilities can also be undertaken by means of different kinds of manual inspection. In Canada, The Netherlands and Belgium, among others, there is a system of active parking guards who inform motorists and keep particularly vulnerable parking facilities under surveillance (BRÅ, 2000c). Several of the trials have resulted in decreased car criminality.

With measures that are aimed at a delineated position, against a specific type of offence or that are limited to certain times, there is the risk of what are known as transference effects. For example this may mean that the cars or parking facilities that are not covered by the measures, become vulnerable instead. A measure that prevents car theft may, for example, lead to an increase in thefts out of, and from, cars. At the same time it happens that measures achieve crime prevention spillover effects, i.e. that criminality decreases in areas, at times and in respect of objects, that are not covered by the measures.

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# Shoplifting

BY MONIKA EDLUND

## Summary

In the year 2000 somewhat over 52 000 cases of shoplifting were reported, a decline of 20 per cent compared with 1997. Viewed over a longer perspective, however, the most noticeable trend is a pronounced increase. This tends to be linked with the increase in the number and accessibility of goods attractive in terms of theft. The number of unreported cases of shoplifting is large, however, due to the fact that many offences are never discovered, but also since discovered offences are not invariably reported to the police. The large number of unrecorded cases makes it difficult to assess the development and scope of this criminality.

In relation to other offences the proportion of female perpetrators is high for shoplifting. The women's share of the persons reasonably suspected has remained relatively constant in the course of time – at around 40 per cent. Youngsters represent another group of frequent offenders and it is especially among the young that the women's share is high.

Since shoplifting is almost always discovered at the time the offence is committed, a relatively large proportion is cleared. With the exception of a fall during the mid-1990s the clearance rate has remained at a relatively high and stable level right since the mid-1970s (70 per cent).

During the 1990s there was a degree of shift in the penalties for pilfering, which is the most common legal designation of these offences. The number of withdrawn prosecutions decreased while, at the same time, fines and other penalties became more common.

## Introduction

Shoplifting is understood to mean theft and pilfering in shops, department stores or commercial display premises as specified in chapter 8, §§ 1 and 2 of the Penal Code. Thefts that are committed in connection with burglary are not included in the concept however. It is the value of the stolen goods and the circumstances surrounding the offence that determine whether the offence is to be regarded as theft or pilfering. The value limits are not fixed; the size of the amount is determined by case law. At present the limit for pilfering relates to objects worth less than SEK

800. The prosecution statistics record the offences according to the legal classification, which means that shoplifting offences cannot be isolated from other theft or pilfering. A reasonable assumption is, however, that the majority of the shoplifting cases relate to pilfering and that the majority of cases of pilfering included in the prosecution statistics relate to pilfering in shops.

## Hidden crime

Theft in shops and department stores represents a type of offence with a large number of unrecorded cases. This is primarily due to the fact that many offences are never discovered, but also because the inclination to report a discovered offence can vary. To what extent the offence is *discovered* depends to a large degree on what checks are maintained by the shops. This can relate to the efficiency of the shop's monitoring system, efforts on the part of shop staff, or the presence of other means of surveillance. This places shoplifting among what are termed intervention offences, meaning that reported offences largely reflect the degree of surveillance in the shops. Thefts may, of course, also occur internally among the shop's own staff. Where it concerns these offences, the incidence of unrecorded cases is probably even greater than those pertaining to theft by customers. The offences are often difficult to discover since they may be effected via staff purchases, manipulation of cash registers etc. The extent of staff theft has not been systematically charted in Sweden, but has been estimated at 10 per cent in some studies and in others at a third of all theft (SOU, 1982; SAF, 1991; POB, 1993).

To what extent the discovered offences come to the attention of the police further depends upon what the individual shops' practice is with regard to notifying the police. In contrast with the costs of theft through burglary, those pertaining to theft and pilfering are not normally covered by insurance protection. There is thus no financial incentive to report an offence. Circumstances that influence the inclination to report thefts in shops relate to the value of the stolen goods, the extent of the thefts, what financial losses theft wastage involves and whether the shop has a specific strategy regarding how theft is to be dealt with.

According to a study involving shops in Stockholm a good half of clothing and shoe outlets stated that they always reported theft or pilfering upon discovering an offence. For tobacconists, fruit and confectionery shops and the like, the inclination to report was considerably lower, but the problem was also less pronounced there (Torstensson, 1994).

There is a dearth of nation-wide surveys that measure the extent of the actual criminality with regard to shoplifting. One method that has been employed is calculating the loss assumed to have been caused by offences in the trading sector. These estimates are, however, subject to considerable uncertainty due to, among other things, the accounting systems of many businesses being such that it is not possible to effect analyses of the loss. There are, moreover, difficulties in separating

criminal loss from loss caused by administrative deficiencies (cash register errors, errors in stocktaking etc.) and physical loss (spoiled goods etc.). Calculations of the criminal loss caused by theft and pilfering have resulted in estimates of up to as much as SEK 4–5 billion a year. With an average price of goods at SEK 250, this would roughly mean around 20 million thefts a year (POB, 1993; Svensk Handel, 1998, 2001). The estimates are, however, highly uncertain.

In a report on theft in the 1980s the Institute of Trade Analysis [Handelns utredningsinstitut (HUI)] estimated theft-related loss as being over SEK 900 million, which was about 0.8 per cent of the total turnover from the sale of goods in Sweden. According to a rough assessment based on the result of the survey, the total number of shop thefts amounted to between two and three million a year. The theft report notes, however, that there is no basis for a certain assessment (SOU, 1982). The trade has roughly estimated that only 5–10 per cent of all shoplifting is reported. The remaining 90–95 per cent are thus either not discovered or reported (POB, 1993). These estimates are not, however, based upon any scientifically acceptable surveys.

## The crime structure

Shoplifting constitutes around 4 per cent of crime reported to the police. In the year 2000 over 52 500 cases of shoplifting were reported. During the last few years the number of shoplifting cases reported, has decreased. In comparison with 1997 the reported cases fell by over 13 000 offences, or 20 per cent.

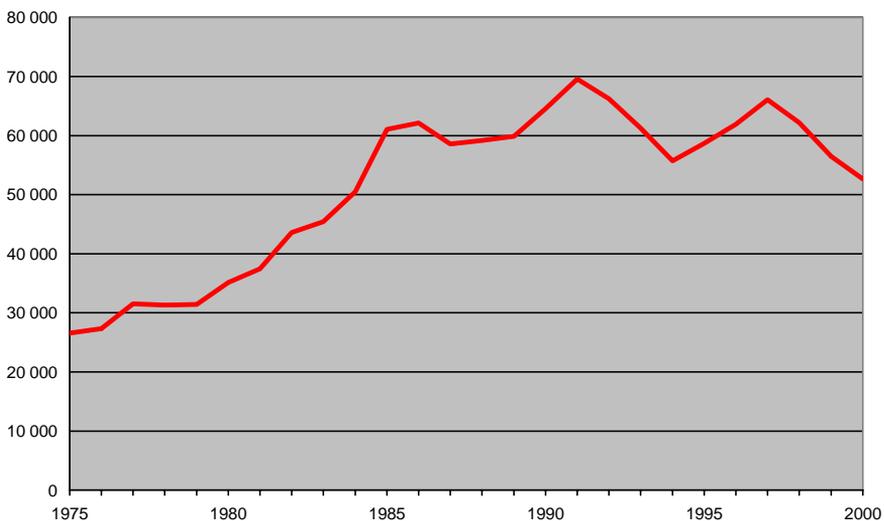


Figure 1. Number of cases of theft and pilfering in shops and department stores reported to the police, 1975–2000.

Over a longer perspective, however, it is an increase that forms the clearest trend. From 1975 there was a continuous and relatively strong rise in the reported cases of shoplifting up to the mid-1980s. The rise represents a continuation of an increase that started at the middle of the 1960s. The rate of increase slowed down during the latter part of the 1980s up until the highest level to date in 1991, when almost 70 000 cases of shoplifting were reported to the police.

During the 1990s the development described a downward trend, broken by rises during the period 1995–1997. The weak downward trend follows, by and large, the development of other theft offences and also criminality as a whole.

The interpretation of the crime statistics is made appreciably more difficult by the large number of unrecorded cases of shoplifting. It is thus difficult to assess the extent to which the increase in the statistics reflects an actual increase. One argument in favour of an actual upswing is that the development of shoplifting largely follows that of other theft offences. The same mechanisms that lie behind the general development of theft offences may thus be assumed to apply to this form of theft as well. It is also probable that a growing problem with shoplifting involves an intensification of surveillance, resulting in more offences being discovered and an increased inclination to report offences. The situation may also be the opposite in connection with a reduction of shoplifting. This would mean that both increases and decreases are intensified in the reported criminality compared with actual criminality (Knutsson, 1998).

The growth in shoplifting is often placed in juxtaposition to the increase in the number and accessibility of goods that attract theft. This explanation often relates to the initial increase prior to the 1970s. It was during this period that the department store and self-service principles were introduced. Even after this period the method of distributing goods, with different methods of attracting buyers, has altered and has led in many cases to offences. Where habitual offenders are concerned attention has also been drawn to the development of abuse as an explanation behind the increase in, for example, shoplifting (Cohen and Felson, 1979; SCB, 1986; Knutsson, 1996). During the latter part of the 1970s the problem of shoplifting was accorded ever more attention, leading to an intensification of efforts against criminality and, probably, to the incidence of reported cases increasing in the following years (Sterfeldt, 1989).

A break in the upward trend during the latter part of the 1990s is not something that distinguishes shoplifting alone, but also refers to several other theft offences and even the overall criminality. Therefore, there is probably a need for more general explanations for the development of shoplifting during this period.

## Regional distribution

The majority of reported cases of shoplifting are concentrated on the major city areas. The big city counties now comprise larger geographical areas, in the wake of certain mergers, in which sparsely populated areas are also included. If one looks at the distribution on the basis of municipalities, however, the trend is clear.

In the entire country around 600 offences were reported for each 100 000 inhabitants in the year 2000. In the municipalities of Stockholm and Malmö the figure was almost twice as high at around 1 100. The district of Gothenburg was also far above the national average with almost 800 offences per 100 000 inhabitants. The lowest levels of offences were reported in the counties of Norrbotten, Blekinge and Kalmar, with between 370 and 400 offences per 100 000 inhabitants, which is about half the level for Stockholm county and almost three times less than the number of the municipality of Stockholm.

One explanation for the big city concentration is the concentration of department stores and large markets in these areas.

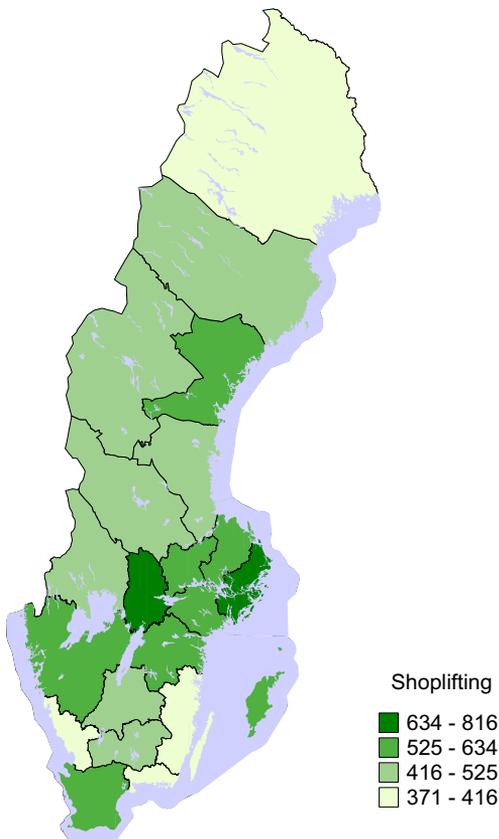


Figure 2. Number of thefts and pilfering in shops and department stores reported to the police, by county, per 100 000 inhabitants, 2000.

## Cleared offences

Since shoplifting is an intervention offence in which the offence is largely only reported when a perpetrator has been detailed, the clearance rate is high in relation to other offences.

The number of cleared cases of theft and pilfering in shops has altered in line with the number of reported cases since the mid-1970s. The clearance rate has therefore remained relatively constant with a value hovering around a good 70 per cent. This trend was broken in 1994 when the number of reported offences increased while those cleared fell, bringing about a temporary drop in the clearance rate, that, at its lowest, was 61 per cent. In 1998 the clearance rate again rose to over 70 per cent.

The decrease in 1999 relates to a falling off caused by a reorganisation of the register within the judicial system whereby a large proportion of cleared offences are not included in the statistics. It is therefore difficult to judge the development during this period. The figures for the year 2000, which are more comparable to earlier years, show a degree of decrease in the clearance rate .

There are a number of conceivable explanations for the temporary decrease in cleared offences during the mid-1990s. One explanation could be that businesses were more inclined to report offences when something had been stolen, even though the actual theft incident had not itself been noted. This would mean that the proportion of reported cases where there was a perpetrator identified right at the time of the incident being reported, would decrease. The statistics indicate, however, that this is not the explanation. Of the total number of reported cases of shoplifting there is a perpetrator identified at this stage in about 80 per cent of cases, a figure that did not decrease in connection with the reduced clearance rate.

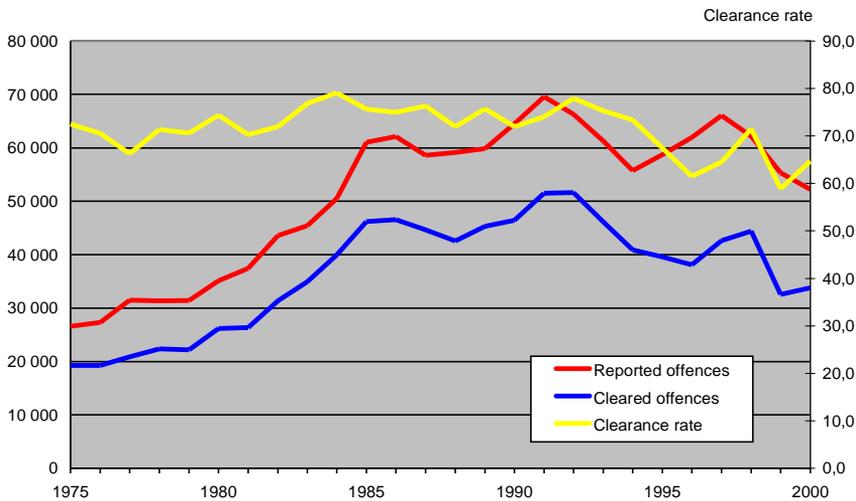


Figure 3. Number of cases of theft and pilfering in shops and department stores reported to the police and cleared, together with the clearance rate, 1975–2000.

Another, more likely, explanation is that the decrease is an effect of the reorganisations that took place within the judicial system (police and prosecution authorities) that occurred during this period, which may well have influenced how the reports were to be treated (Knutsson, 1998).

## Suspects

The number of persons reasonably suspected of theft and pilfering in shops has increased since the middle of the 1970s, from barely 8 800 to a peak of 25 000. The development has largely followed the number of reported offences, which depends upon the high and unstable clearance rate for shoplifting. The year 2000 saw barely 17 800 persons suspected of theft or pilfering in shops.

In relation to other offences the proportion of female perpetrators is very large for shoplifting. It is, however, still the men who account for the majority of offences. The women's share has been relatively constant at around 40 per cent of all suspects since 1981 when the statistics were first broken down according to gender.

Theft and pilfering in shops is a common juvenile offence. A majority of all young people pilfer at some time during their school age. In common with the majority of other offences it is also young people (15–19 years), both among men and women, who represent the group most frequently offending in relation to the size of the age group in the population. The corresponding values are significantly lower for the age groups up to 39 and the frequency falls off even further thereafter. In comparison with the older age groups the level is over three times higher for the 15–19 years age group. Even if these general trends apply to both genders, the

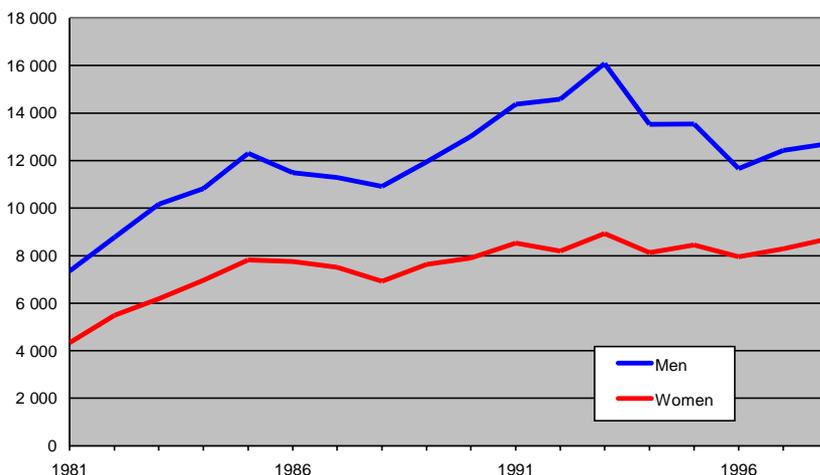


Figure 4. Number of men and women suspected of theft and pilfering in shops and department stores, 1981–1998.

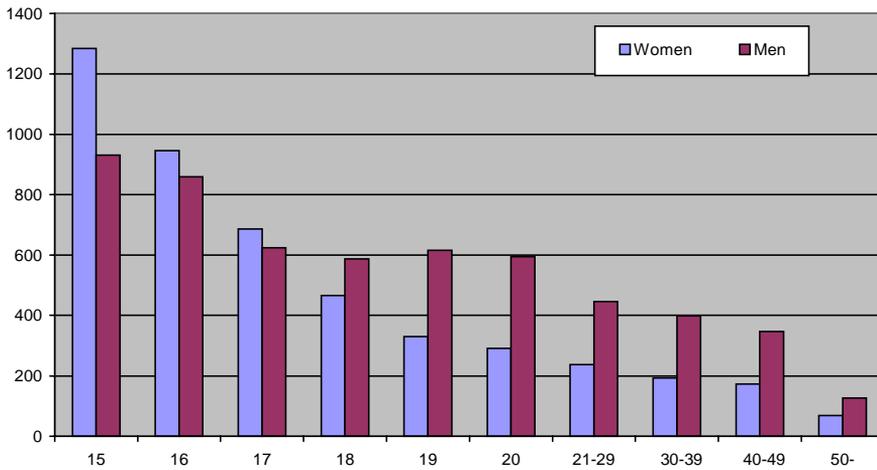


Figure 5. Number of women and men suspected of theft in shops and department stores per 100 000 inhabitants in the respective age groups, 2000.

gender distribution looks different at different ages. The women’s share of the suspects is greatest at the lowest ages and then decreases gradually with age. It is not until after the age of 50 that the women’s share again increases in relation to that of men. Up to the ages of 16–17 years the women constitute a majority of suspected persons.

Those persons who are below the age of indictment are not included in the statistics relating to suspects. Between 6 000 and 7 500 shoplifting cases are cleared each year on the grounds that the suspects are minors. This accounts for 19 per cent of the total number of cleared cases of shoplifting, which is a far higher proportion than for all offences with only 7 per cent being cleared on these grounds in the year 2000.

Since a large part of the cases of shoplifting never come to the knowledge of the legal system, the statistics of suspected persons contains only a sample of the total perpetrators. For this specific type of offence the sample of perpetrators may, to some extent, be selective according to the extent to which shop staff maintain good supervision over certain customer categories. Categories that one suspects of stealing more often than others.

In self-confessional surveys as well, shoplifting appears as a common offence among young people. In a nation-wide survey among those in year 9 at school in 1999, as many as 31 per cent stated that they had stolen from a shop during the last year. This makes shoplifting one of the most common offences among boys and girls and the most common form of theft after theft at school. The proportion of juveniles, who stated that they had stolen from shops, has decreased when compared with the years 1995 and 1997 when 37 and 35 per cent, respectively, stated this. About 44 per cent of those who stated that they had pilfered, were girls (BRÅ, 2000).

The fact that the development of shoplifting is the same for both men and women indicates that, at least to some degree, the same mechanisms are the cause of criminality for both genders. There is thus no need for gender-specific explanations for the *development* of cases of shoplifting. On the other hand such explanations are needed to clarify the causes of the difference in *level* between women and men and also to explain the difference in the age structure between the genders.

In order for an offence to be committed it is necessary, on the one hand, to have a motivated perpetrator and, on the other hand, a situation that renders the offence possible. Where specifically shoplifting is concerned the situation appears to be a significant factor that has a strong influence upon the motivation. The system of self-service in shops and the different methods of laying out the goods in order to promote purchasing, gives rise to an increased number of opportunities for offences to be committed and an increased exposure to temptation. One theory as to why women comprise a relatively large proportion of the perpetrators is that women are more involved in shopping than men. This means that women have more opportunities to commit offences and thus have a higher exposure to temptation than men (SCB, 1986; Knutsson, 1996; 1998). In spite of this men still account for the greater part of shoplifting offences, which indicates that the opportunity structure is not an entirely satisfactory explanation for the differences between women and men.

The result of a survey conducted among young people in the district of Borlänge showed that boys and girls' criminality differs. While the girls' criminality was targeted and thought through to a greater degree, the boys' criminality was more expressive and motivated by looking for excitement. For example girls stole what they really wanted to have from shops and department stores (Wiklund, 1990).

## Prosecutions

In the statistics relating to prosecuted persons it is not possible to follow shoplifting cases as it is not a question of an absolute legal category. It is probably, however, that shoplifting cases relate to a large extent to pilfering, and a large proportion of the pilfering in the prosecution statistics probably relate to pilfering in shops. This makes it possible to gain a degree of understanding as to what sanctions are handed out for shoplifting through the pilfering statistics.

Whoever is guilty of pilfering may be sentenced to fines or imprisonment for a maximum of six months. Fines are, to an exceptional extent, the most common sanction meted out for pilfering. More than half of those prosecuted are given fines in the form of a sanction order and a further approximate 20 per cent are fined through judgements. Apart from fines the waiver of prosecutions is fairly common, relating to 24 per cent of those prosecuted in year 2000. The element of other sanctions is negligible.

Viewed over the fullness of time there has been a shift in the choice of sanctions

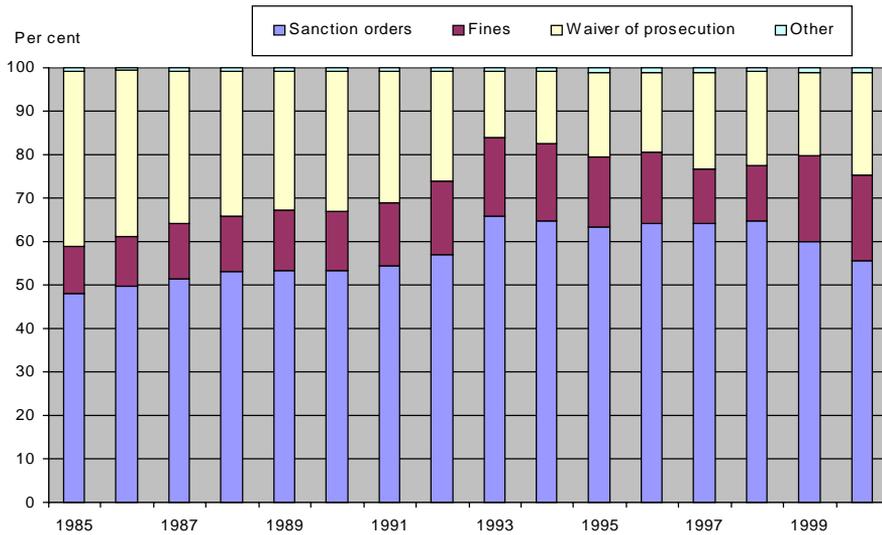


Figure 6. Percentage distribution of sanctions for pilfering, years 1985–2000.

in a more severe direction. The proportion of sanction orders and judgements has increased, while the withdrawal of prosecutions has diminished. This greater severity occurred as a result of a campaign that was carried out at the initiative of the State Prosecutor over a period of months between 1992 and 1993. The aim of the campaign was to make it clear that pilfering is an offence that generally results in legal sanctions and to remove the impression that it was “allowed” to steal goods for less than SEK 50. The campaign included, for example, the prosecution authorities and the police being encouraged to take pilfering more seriously (POB, 1993; Knutsson, 1996; 1998). The effects of the campaign may be seen relatively clearly in the statistics. The proportion of withdrawal of prosecution decreased from about a third of the prosecutions in 1990 to a sixth in 1994.

During the latter part of the 1990s the proportion of withdrawn prosecutions again increased somewhat, while that of legal sanctions fell. The proportion of fines imposed rose during the last two years and, by the year 2000, comprised 20 per cent of the prosecutions.

## Victims

Where shoplifting is concerned it is not possible to speak of victims of crime in the real meaning of the concept, as there are no individual persons who are affected by the offences, even though discovery of an offence often involved a confrontation with the perpetrator. Certain thefts also lead to what is referred to as self-defence robbery whereby the perpetrator resorts to violence or threats when caught red-

handed stealing in the shop. A survey of reported cases for 1996 shows that barely 150 such robberies were reported during the year (Butiksgruppen, 1996).

Different shops and department stores are subjected to theft and pilfering to different degrees. The degree of exposure depends upon several factors, including the trade involved (range of goods), shop factors (staff, sales methods), preventive measures adopted and area factors. The result of a survey of Stockholm shops shows that the shops that were very exposed to theft and pilfering were relatively large, had a wide customer base, were located in the vicinity of different risk environments and were positioned in major shopping streets (Torstensson, 1994).

According to information from Svensk Handel [Swedish Trade] concerning the loss within certain trades, the lowest loss is reported from shoe-shops and shops with goods under lock and key or kept behind a counter. Where these shops are concerned the loss amounts to less than 1 per cent of turnover. After that, in terms of growing magnitude of loss, are everyday commodity shops, textile shops and department stores. The highest loss is reported by building markets at over 7 per cent (Svensk Handel, 2001). The figures are, however, uncertain, as there are great difficulties in ascertaining what the loss consists of and the extent to which it relates to criminal loss. Major variations can also arise within the different trades. Other studies also indicate low loss rates for shoe-shops. This may be partly explained by the fact that the goods are hard to come by as often only the one shoe is on display. Also, the layout of the shops makes large parts of them clearly visible (Torstensson, 1994).

According to information from Svensk Handel the five most attractive goods in terms of theft are sweets, shaving articles, batteries, film and coffee (Svensk Handel, 2001). In a survey conducted in the 1980s the most frequently stolen goods in descending order were groceries, jewellery, perfume, sweets and clothes. In terms of value clothes, furniture, gold and silver as well as building articles were the major categories (SOU, 1982:39).

According to a self-confessional survey among young people it was, in over 60 per cent of cases, sweets or similar that were stolen. Makeup and clothes followed these. Of young people who stated that they had pilfered, 12 per cent had been discovered at some point (Dolmén and Lindström, 1991).

## Preventive measures

The question of which measures are successful in preventing shoplifting is related to the question of reasons why offences are committed and what categories of perpetrators commit them. Where shoplifting is concerned there is a mixture of heavily involved habitual criminals and what are referred to as opportunity offenders, with the latter predominating. Where opportunity offences are concerned there are possibilities of suppressing the criminality at the local level by means of initiatives from individual shops and department stores. These measures are aimed at making

offences more difficult to commit by different means and reducing the opportunities for committing offences (situational prevention). One problem with situational prevention is that there is a risk of redistributing the offences, i.e. a potential perpetrator does not refrain from committing an offence, but commits it in a different shop instead, steals other goods or employs different methods of stealing. Some categories of habitual offenders in particular are probably relatively immune to methods that involve situational prevention. Where these offenders are concerned it can prove to be more difficult to prevent offences at the local level (Sterfeldt, 1989; Farrington et al., 1993). More general social initiatives may relate to the treatment of abuse or kleptomania.

There is, however, a range of various initiatives that shop owners are able to adopt in order to reduce the risk of theft offences. The crime prevention should be structured according to the specific problem situation that obtains for the individual shop or department store. The need for initiatives varies according to such things as the extent of the thefts, the range of goods, the degree to which the premises may be kept under surveillance, customer-staff contacts and location (big city, close to schools etc.). The most important types of “areas of awareness” that tend to be cited in the literature, are as follows:

- The layout of the shop premises
- The exposure of goods
- The cash register situation
- Information efforts
- Different types of surveillance
- Electronic goods protection
- Staff’s attentiveness and commitment
- Ongoing follow-up and analysis of loss

There are, however, no greatly extensive assessments of which of these initiatives are the most effective in preventing offences. What does exist is field studies from individual department stores and shops.

Nor is there any extensive determination of the extent to which the shops protect themselves against theft in the manner recommended in the literature. Studies, of which obstacles are present on the part of the shops in respect of initiating preventive measures, are almost entirely non-existent. It is, however, reasonable to assume that shops, as profit-making businesses, weigh up the costs and benefits when they are about to undertake preventive measures against theft. Costs, in a wide sense, of protecting the business against theft, are weighed against sales income. Certain measures are more expensive to adopt than others. A number of crime preventive initiatives are regarded as being capable of reducing the customers’ inclination to buy the goods. For example one of the most effective methods is to sell goods over the counter, but this is something that has proved capable of reducing sales, however.

In a Swedish field study from the mid-1990s the effects of a number of preventive

measures in a department store and three food shops, were measured (Carter, 1996). It showed that when signs were put up with a warning that the goods that attracted most theft had been marked with a red dot, thefts of these goods decreased. The thefts also decreased when the loss was checked by means of careful stocktaking on 15 occasions over a three-week period and the staff were given continuously updated information about the result. One question that has been asked, but not answered, is how long these effects lasted and to what extent were thefts transferred to other goods or other shops.

A couple of small studies from England provide good results from electronic surveillance (DiLonoardo, 1996; Farrington et al., 1993). The one study that covered nine shops with a high theft rate, also included other measures. The result showed short-term effects on theft criminality through redistribution of goods within the shops, but no effects from having uniformed security guards (Farrington et al., 1993).

In a number of studies Ned Carter has evaluated the effects of preventive measures (Carter 1994; 1996). The results showed that mass-media campaigns did not reduce the level of theft in shops. On the other hand the presence of signs in the vicinity of frequently stolen goods and information to shop staff regarding goods that attracted theft, reduced the number of goods that were stolen. Informing the staff regarding which goods attracted theft did not, in itself, reduce the incidence of theft. The sale of goods that attracted theft from behind the counter not only reduced the thefts but also the sales. "Cardboard cut-out police" placed in the shops together with information about which goods were desirable, reduced thefts. If, in addition, the customers were advised about which goods were often stolen, this also prevented thefts.

Campaigns aimed at informing and engaging interest are often directed at school-children. The campaigns that have been evaluated have generally produced small and short-term effects. Experiences show that it is usually necessary to have a combination of different measures in order to reduce criminality (Sterfeldt, 1989).

There are several international examples of measures that contain some form of treatment. The programmes result in everything from zero effect to moderate effect and, in certain studies, major effects upon the recurrence of theft offences. The development of treatment programmes is, however, still generally at an initial stage (Krasnovsky and Lane, 1998; Deng-Xiaogang, 1997).

Other initiatives are often necessary in order to suppress internal theft. In the literature there is stress placed upon the importance of good models within the management and a system that enables ongoing follow-up and investigation of loss to be maintained (Curtis, 1982).

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# Burglary

BY LOTTIE WAHLIN

## Summary

Since the mid-1980s the trend regarding the number of burglaries involving dwellings has been downwards. The inclination to report house burglary is, for insurance reasons among others, high whereby the reported criminality reflects the actual criminality very closely. Approximately two thirds of offences are committed in detached or terraced houses. Burglary is a typical urban phenomenon. The highest incidence of offences in the year 2000, both in total and per capita, occurred in Skåne. The clearance rate the same year was six per cent. The number of women suspects has, since 1984 when separate statistics were kept according to gender, remained between eight and ten per cent. Suspects are mainly under 40 years old. From the mid-1980s there has been a degree of shift in age from young persons to the 30–39 age group.

The police and insurance companies are strongly involved in informing residents about how they can protect themselves against burglary. Examples of measures at the local level are greater protection in the form of locks and alarms in houses or apartments. The ‘neighbourhood watch’ project, where residents together with other actors, attempt to reduce criminality and increase security by means of increased informal social control, represents another example.

## Introduction

Burglary is understood to mean breaking into somebody’s home. The offence comes under the heading of aggravated theft, according to chapter 8, § 4 of the Penal Code. The category thus does not include theft in private dwellings if the perpetrator has not broken in, nor burglary involving basements or attics, although there may be some exceptions where detached houses are concerned.

The definition of burglary has altered on two occasions. In 1976 it was decided that this type of burglary would not be regarded as constituting aggravated theft, whereupon the penalties also became more lenient. In 1988 the burglary definition returned to that of aggravated theft, with regard to the violation of integrity that a burglary represents for the victim. This thus involves a sharpening of the penalties.

## Hidden crime

The inclination to report burglary is high, which means that the degree of unrecorded offences is small. The primary reason why the majority of such offences are reported is that notifying the police is a precondition for receiving compensation from the insurance companies. The majority of claims are greater than the excess in the insurance and most households (95 per cent) have home insurance, according to the National Statistics Office of Sweden (SCB) surveys on living conditions (1993). Other reasons for reporting burglary, which emerged in a recently conducted victim survey (International crime victimisation survey, 2000), was that the victim considered that the offence should be reported, that the incident was regarded as being serious or that the perpetrator should be punished. This means that the actual and reported criminality should coincide extremely well, as well as the development in time.

## The crime structure

In the year 2000 a total of 17 581 burglaries were reported, of which 11 363 (65 per cent) were in detached or terraced houses. The statistics include information regarding the distribution between different types of dwellings since 1996. From 1997<sup>1</sup> a weak increase in the proportion of reported burglaries in detached or terraced houses was discernible.

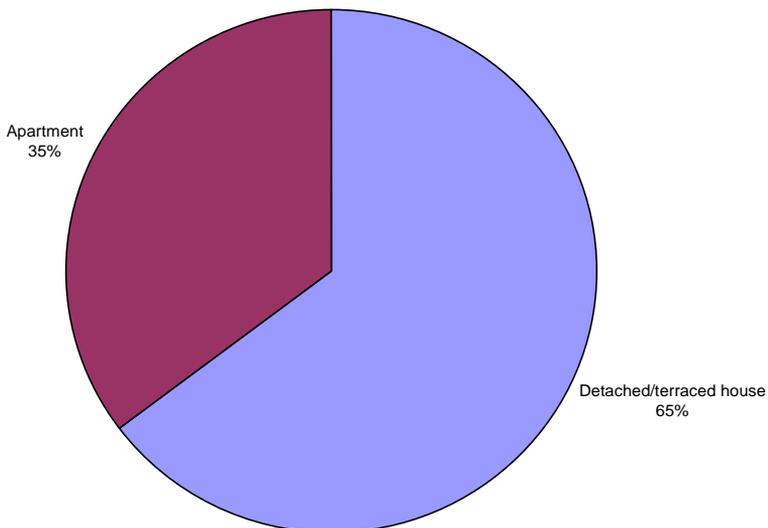


Figure 1. The proportion of burglaries involving dwellings, according to type, 2000.

<sup>1</sup> In 1996 the figures in the distribution were of such uncertainty that the year is not included here.

## Crime trends

The figure below shows the number of reported burglaries from 1975 to year 2000. In 1975 a total of 20 124 burglaries were reported. After a period of fluctuation, a peak was reached in 1984 with just over 24 600 offences reported. From the last part of the 1980s, however, the trend has been downwards. Since the mid-1990s the number of reported burglaries involving dwellings has remained under 20 000 a year. What this decrease implies is hard to determine. One possible cause may have been crime-prevention measures with regard to, for example, greater observance in the housing areas by the residents themselves in the form of 'neighbourhood watch'. However it has been hard to demonstrate such effects scientifically (see Bennett, 1990; Torstensson and Wikström, 1995; Sherman et al., 1996). Another conceivable reason may have been greater physical security thanks to measures that the residents themselves, or the housing associations, have taken, such as entrance locks, security doors, improved or more numerous locks on doors and windows, or alarms. Where locks and alarms are concerned it is not always the case that these have the desired preventive effects upon potential burglars (see, for example, Knutsson, 1984; Wright and Decker, 1994). Upon a scientific evaluation being made of a detached house area south of Stockholm, a good 2 per cent of the houses fitted with alarms were subjected to burglary during the observation period (1979–1982). The corresponding result for detached houses without alarms was for over 8 per cent to be burgled. Rather few residences are, however, fitted with alarms (Wikström, Torstensson and Dolmén, 1996). A further possible reason may have

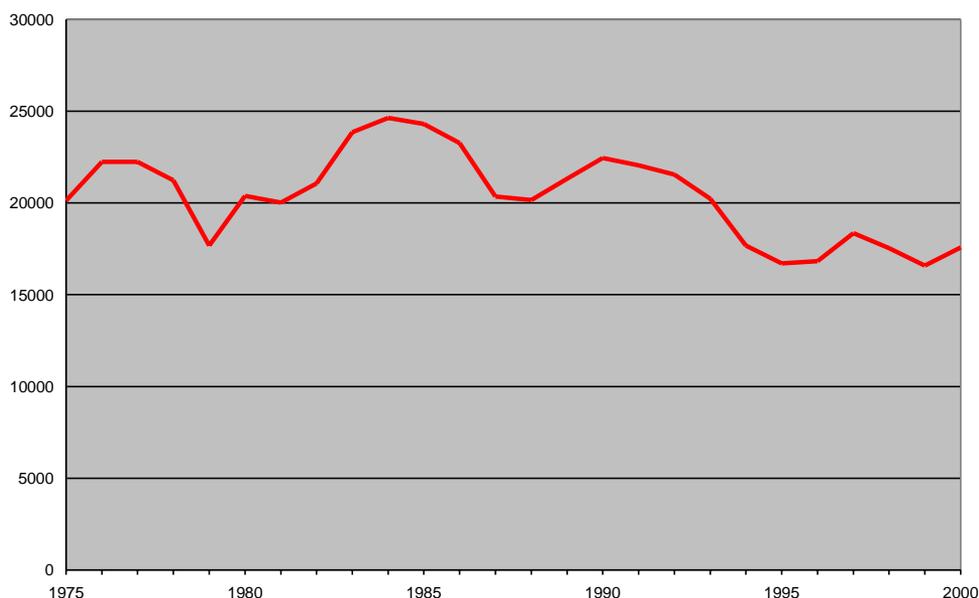


Figure 2. The number of burglaries involving dwellings reported to the police, 1975–2000.

been that burglary is not regarded as being a particularly lucrative offence and that – at least some – burglars switch over to more profitable types of offence. It is conceivable that a combination of the measures referred to above may have impacted upon the crime rate.

## Regional distribution

The majority of reported cases of burglary in year 2000 were in the county of Skåne, with 3 768 reported instances. Next came the counties of Stockholm with 3 710 and Västra Götaland with 3 334 reported cases of burglary. Skåne also had the highest number of reported offences per capita (334 per 100 000 inhabitants). Then followed the counties of Halland and Västra Götaland. Only then was it Stockholm's turn with 205 reported burglaries per 100 000 inhabitants. The lowest number of reported

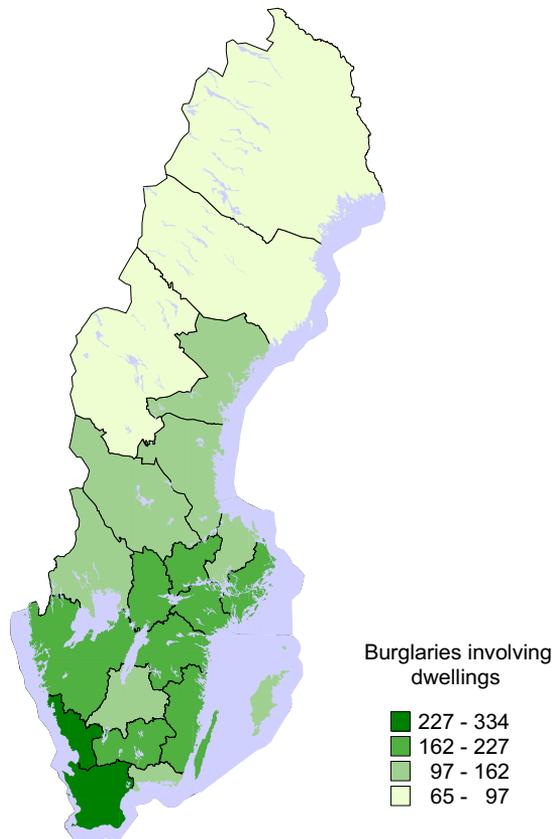


Figure 3. The number of burglaries involving dwellings reported to the police per 100 000 inhabitants according to county, 2000.

burglaries was registered by Gotland with 60 reported cases (103 per 100 000 inhabitants) and the lowest number of offences per 100 000 inhabitants was recorded by the counties of Norrbotten and Jämtland with 65 reported burglaries. In general there is a clear concentration of reported cases of burglary in the more densely populated areas of the country. This is probably due, at least in part, to the fact that there are more potential crime objects in densely populated areas and that the level of anonymity is greater there, whereby the risk of detection is less. Moreover it is not just the victims of crime, but also the perpetrators, who live in densely populated areas.

## Cleared offences

Burglary is known as an offence without interaction. This means that at the time of the offence there is not normally any kind of contact between the victim and the perpetrator. Because of these circumstances there are often small prospects of clearing up the offence. House burglary is also a type of offence with a low clearance rate that has, moreover, fallen over the last 15 years.

In 1975 the clearance rate was 14 per cent, by the year 2000 this was 6 per cent.<sup>2</sup> The trend has been for it to fall from the mid-1980s and throughout the entire

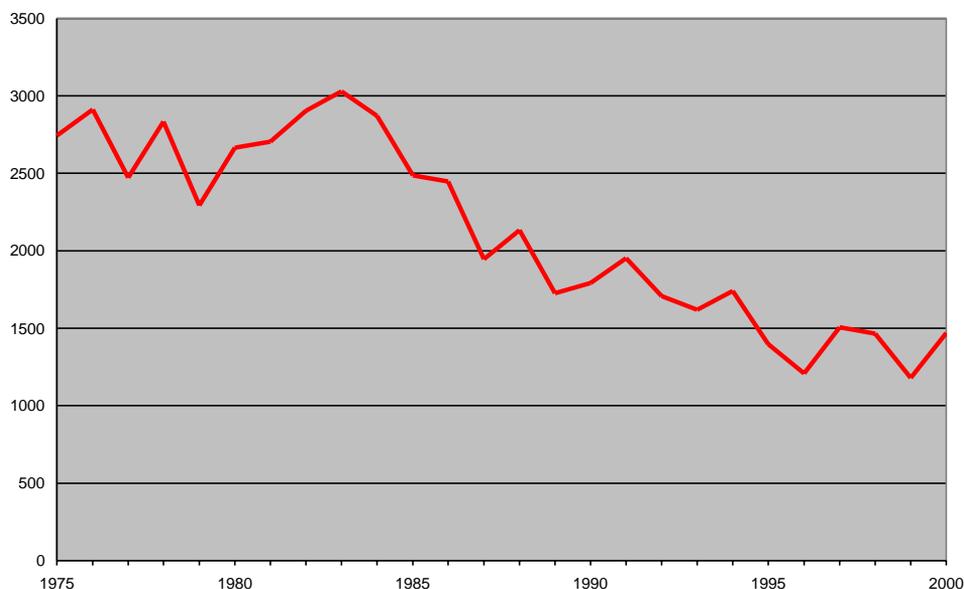


Figure 4. Number of cleared burglaries involving dwellings, 1975–2000.

<sup>2</sup> Of the cleared offences in the year 2000, 76 per cent were reported that same year and 20 per cent the previous year.

1990s. Burglary is a type of offence in which the risk of detection is low. The risk of detection consists of the components of being caught in the act and of being discovered and connected to the offence subsequently. Since the victim of the crime is seldom present when the offence is committed, the risk of being caught in the act is slight, with estimates putting it at between two and four per cent (Ahlberg and Knutsson, 1990). Even the risk of being subsequently connected to the offence must be regarded as being relatively low. The cases of risk for thieves relate, for example, of them being discovered by the police with stolen goods in the car or when they attempt to sell stolen property. According to Ahlberg and Knutsson (1990) the thief who is discovered and prosecuted for a burglary generally has a number of previous such offences on his conscience. This is also supported by other studies (see, for example, Wahlin, 1999).

## Suspects

In the year 2000 919 persons were suspected of burglary. Of these the proportion of women amounted to nine per cent (82 in number). The proportion of suspected women among the total number of suspects has remained relatively stable through the passage of time<sup>3</sup>, at around eight per cent on the average. The women's proportion of suspects in respect of other burglary thefts is about the same (seven per cent).

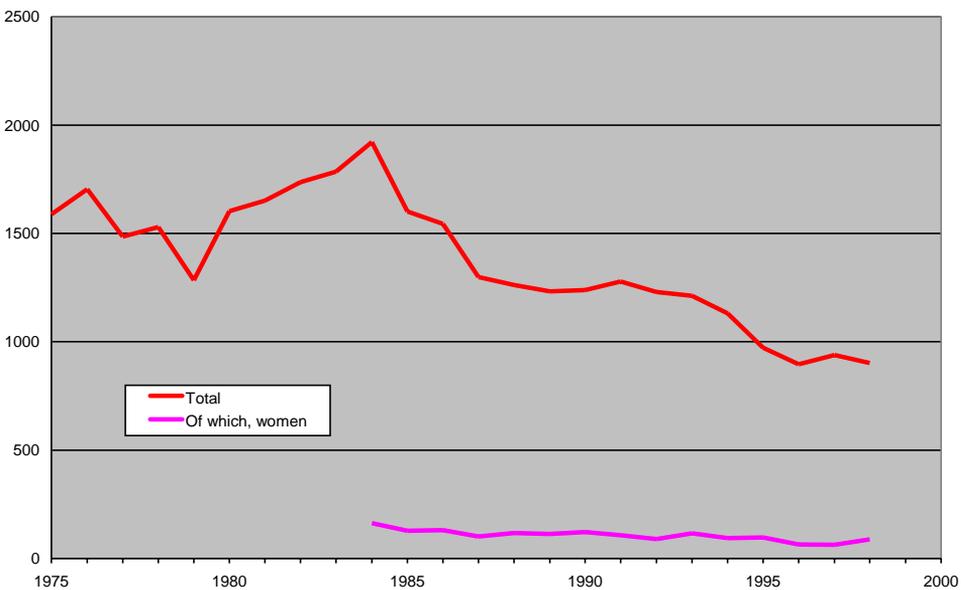


Figure 5. Number of persons suspected of house burglary, 1975–1998.

<sup>3</sup> From and including 1984 when separate reporting by gender was introduced into the crime statistics.

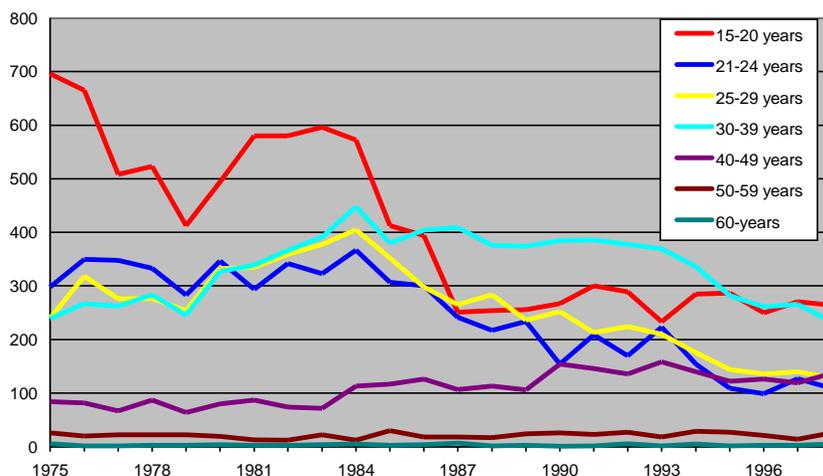


Figure 6. Number of persons suspected of burglary in different age categories, 1975–1998

With regard to suspects in different age categories it emerges that the group 15–20 years was the highest of all age groups up to the mid 1980s, when a marked decrease occurred. The same trend, though not as distinct, applies to the group 21–24 years. There is thus an age shift from the youngest groups to the somewhat older. The 30–39 years' share of those suspected of house burglary increases most from the mid-1980s, while the younger age groups' share consequently decreases. There has also been a degree of increase of suspects aged 40–49 years during this period. The two oldest age categories have remained at a constantly level throughout the entire studied period.

It is difficult to say what the age differences are due to. A partial explanation that has been mentioned is that burglary largely serves as a source of financing drug abuse and that there has been an ageing of the abuser population. However the biggest changes relate to the *youngest* age group (15–20 years) and 30–39 year-olds, which contradicts the supposition that it is a matter of the same people who have grown older. Another explanation may be that the youngest age group has changed from burglary to other criminal activity. If this is the case then this should *not* apply to other burglary theft, as the trend is the same for burglary theft in total during this period of time.

## Prosecutions

The consequences for those persons who are prosecuted for house burglary are not registered separately, since burglary is not a legal offence category but goes under the heading of aggravated theft. Of the 1 178 persons prosecuted for aggravated theft in 1998, however, the majority (559) received prison sentences. Other sen-

tences included probation orders (257), suspended sentences (137) and care orders within the social services (124).

## Victims

Burglary is, as already stated, a victim offence without interaction where there is seldom, if ever, direct confrontation between victim and perpetrator. In contrast with victims of violent offences the victim's lifestyle is of no discernible significance for the risk of being subjected to property theft, including burglary (Wikström, 1991a). According to SCB's survey relating to welfare and inequality (SCB, 1997<sup>4</sup>), it transpired, however, that there are on the other hand certain other characteristics among those subjected to theft or damage in the home or storeroom.

For example there were over-representations among single parent families, low-income earners, the unemployed, early retirement pensioners and persons with an immigrant background. At the same time there were also over-representations among the highly educated, senior officials, high-income earners and the self-employed.

The information may be regarded as being contradictory in certain respects. But they probably reflect two separate groups of victims: An affluent group that live in areas (often in residential areas) without major problems and appearing attractive to potential burglars, as it is likely that there will be valuable objects to steal there.<sup>5</sup> The other group is a vulnerable and, in many respect, poorly resourced group living in areas with high problem levels with regard to criminality and other forms of disrupted law and order.

The place of residence and the housing area are also regarded in the literature as significant in terms of the risk of being subjected to various kinds of offence, including burglary. Certain areas with many apartment blocks that are publicly owned are characterised by a high problem level of actual but, first and foremost, experienced problems with regard to criminality as well as order and security, compared with apartment blocks where there is a more mixed ownership structure or small house areas.

The risk of being subjected to burglary has a strong tie-in with the degree of urbanisation. Urbanisation leads to weaker control and, thereby, more opportunity to commit offences. The weaker social controls also lead to there being more motivated perpetrators. The three big city regions are consequently those most affected. By the same token southern Sweden is more vulnerable than northern Sweden (SCB, 1997).

<sup>4</sup> The figures relate to the years 1992–1995 and include persons aged between 16 and 74 years.

<sup>5</sup> This is also supported by the crime statistics, which show that two thirds of the reported offences relate to small houses.

## Preventive measures

There are several different points of departure with regard to preventing housing – related theft offences such as burglary.<sup>6</sup> The majority of crime prevention strategies are aimed at crime objects or circumstances that create the conditions under which a crime shall be committed, which means that it is primarily a question of what is termed situational crime prevention. The opportunities for preventing burglary by influencing the perpetrators' inclination to commit such offences are, however, limited. The background is that today's perpetrators tend to be a little older and, in many cases, may be suspected of being drug abusers. It is also, to a large extent, a question of persons with extensive, varied and long-term criminal activity.

The situation-directed measures are of various kinds. In an area that is under development it is possible to counter crime and insecurity by means of altering the physical design of buildings and outdoor environments (Boverket [National Housing Board], 1998). It can be a question of incorporating crime prevention solutions where the area of properties are being planned, built or converted or simply by making changes with an expressly crime preventive objective. One of several key words is visibility. Visibility is enshrined in the informal social control that people exercise simply by being in place or being able to see a place. If, for example, the entrance to a residence is within the field of vision of both passers-by and other houses in a residential area, this can generate crime prevention effects. There is still no unambiguous scientific support for the postulation that building-related measures can exercise a crime prevention effect, or what types of such measures are the most promising. The result from a Swedish survey indicates, however, that building-related measures that are taken right at the beginning is order to reduce the risk of burglary in houses within an area, had the desired effect (Lindh, 2000).

Perhaps the most common measure for decreasing house-related crime and increasing security is the neighbourhood watch. Neighbourhood watch has become a collective term for measures that involve residents forming a crime preventive network (BRÅ, 2000a). The neighbourhood watch is often initiated by the police and represents a co-operation between different actors, such as the residents, the police, insurance companies, property owners and housing associations. The usual requirement that is imposed upon residents joining the network is that they shall keep an eye on the theft protection, store goods that are attractive in terms of theft in a secure manner, mark and document property liable to be stolen, notify when they are away and report suspicious incidents or behaviour to a contact person or to the police. There are not as yet any Swedish evaluations in this sector, although there are a number of international experiences. The relatively large number of evaluations that have been conducted, primarily in Great Britain and the USA do not, however, provide any unambiguous picture of what effects the neighbourhood watch

<sup>6</sup> Erik Grevholm is responsible for this section.

has. In certain assessments there are reports of positive effects on the criminality registered and on the residents' experienced exposure to crime and insecurity. In other assessments it has not been possible to discern such effects (Benner, 1990; Lab, 1997; Sherman et al., 1997). One circumstance that makes it difficult to draw any certain conclusions is that many of the assessments have methodological deficiencies. Moreover criticism has been directed at the fact that far too little neighbourhood watch has been conducted in areas with rented flats.

A common element in neighbourhood co-operation is thus supervision of theft protection. Investigations show that certain types of lock are effective against burglary (Knutsson, 1984; Wright and Decker, 1988). Alarms may also have a deterrent effect when used correctly. In a Swedish survey, however, only eight per cent of those questioned in the county of Stockholm said that they had an alarm at home (Wikström, Torstensson and Dolmén, 1996). The Swedish evaluation that has been made of theft marking, showed that the measures did not appear to have any effect upon the risk of being subjected to burglary or the possibility of those affected to retrieve their possessions (Knutsson, 1988). Nor were more offences cleared.

The need for preventive measures against house-related crime is often greatest in areas where rented flats predominate. One way of countering crime in such areas is to improve the administration of the properties (BRÅ, 2000b). The background is that properties and areas that show that there are people who care what they look like, are not subjected to crime to the same extent as areas that give the impression of being allowed to become run down (see, for example, Wilson, 1975; Skogan, 1990). Improving the administration of properties may mean that damage is rectified more quickly and that those looking after the properties are given greater responsibility in matters of security and well-being, including finding out what the residents' wishes are (BRÅ, 2000b). Specific measures that may be relevant are inspecting locks, windows and doors, sectioning off store-rooms in basements and attics, clearing shrubberies, improving the lighting both indoors and outdoors etc. There are no scientific assessments of measures directed at improving the administration of properties. The measures are, however, based upon connections that have been established through research. For example that the number of offences in one place is connected with the state of that place, and also that objects or environments that are not taken care of, risk ending up in a rapid process of disintegration (Wilson, 1975; Skogan, 1990).

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# Robbery

BY TOMMY ANDERSSON

## Summary

In the year 2000 around 9 000 cases of robbery reported to the police were registered, representing barely one (1) per cent of all offences reported to the police. Around 85 per cent of the cases related to robbery of persons. The number of cases of robbery of persons reported to the police, as with shop robbery, increased sharply during the latter part of the 1990s, while the number of bank and post office robberies remained relatively stable at around 100 a year. About two thirds of the bank and post office robberies reported to the police related to attempted robbery, complicity in robbery and intent to commit an offence.

The police clear up around a quarter of the robberies reported to them. It is more usual for bank and post office robberies to be cleared (35–50 per cent) than robbery of persons to be cleared (24 per cent).

Since relatively few robberies are cleared, it is difficult to create a safe picture of the criminals who commit robbery. Among those apprehended by the police as suspects it may, however, be noted that only a few per cent are women and that the proportion of suspects under 21 years is about 20 per cent in respect of bank and post office robberies, around 40 per cent regarding shop robberies and about 70 per cent with regard to robbery of persons.

The penalty for aggravated robbery is 4–10 years imprisonment and for robbery of a “normal degree” 1–6 years imprisonment. If the overall picture of violence and theft element is of a less serious nature, then the perpetrators are judged to be responsible for “other offences that the conduct involves” (chapter 8, § 5 of the Penal Code). The guilty party may, in such an event, be sentenced for unlawful threat and theft, for example, something that is not uncommon where less serious robbery involving juveniles is concerned. Where persons who are brought to book for aggravated robbery or robbery of a “normal degree” are concerned, then a prison term will be meted out only if there are extreme, or special, reasons if the perpetrator is under 21 years. In the year 2000 prison sentences were handed down in 80 per cent of the cases that related to aggravated robbery and secure youth care orders issued in around ten per cent of cases. In cases relating to robbery of a “normal degree” prison sentences were passed in about half of the cases and secure youth care orders issued in about 10 per cent of cases. In other cases the normal sentence was a care within the social services order or probation.

## Introduction

Robbery is understood to mean an offence according to chapter 8, §§ 5–6 of the Penal Code. It states there that:

*The person who stole by means of violence or by means of threat, that the person threatened perceived as representing an immediate danger or, if committing the theft and being caught in the act, applies such violence or threat as self-defence against whosoever wishes to regain what has been taken, shall be sentenced to prison for no less than one, and no more than six, years ...*

The offence of robbery thus presupposes theft of property *and* that this theft occurs by means of violence or the threat of violence. The punishment for robbery is between one and six years imprisonment, thus denoting the seriousness of the offence. For aggravated robbery the penalty varies between four and ten years in prison. For less serious robbery it states in the fifth paragraph's second section that:

*If the conduct that is stated in the first section with regard to the violence, threat or circumstances in general, are of a less serious nature, then the judgement shall not be on respect of robbery but for other offences that are covered by the conduct (chapter 8, § 5, of the Penal Code).*

In the cases where the overall picture of the violence and theft element is such that the offence is, as a whole, relatively mild (in relation to a minimum penalty of one year's imprisonment) the court may find the perpetrator guilty of, for example, theft and unlawful threat, instead of robbery. This is not uncommon with regard to what is termed juvenile robbery where the expressed threat may often be vague or even implicit ("may I borrow your mobile telephone") and the robbery proceeds are, in some cases, of little value (fresh buns, makeup, cinema tickets etc.). The victim's perception of feeling himself threatened may, in itself, be sufficient for the offence to be designated as robbery, but the degree of severity in terms of threat may change and the submission of evidence may be difficult.

A further example of a guilty verdict for offences other than robbery is in connection with what is termed resistance robbery. Resistance robbery is understood to mean when the perpetrator commits a theft (in a shop, for example) and by means of violence or threat offers resistance when the owner (or shop assistant) attempts to retrieve what has been stolen.

Robbery offences are normally divided into the principal categories of bank, post office, shop, taxi, security transportation and robbery of persons<sup>1</sup>. In addition there is the category "other robbery" that may be robbery of a bus driver, a restaurant, a computer shop or similar. Also to be found among other robbery is the offence of intent, for example when the police find a robber's balaclava, a shotgun and a roll of tape in a car that is searched.

<sup>1</sup> Including robbery of handicapped persons (about 150 per year), which are reported separately in the official statistics.

## Hidden crime

With regard to bank and post office robbery as well as robbery of security transportation, the unrecorded offences are practically non-existent. Where shop robbery and taxi robbery are concerned there is probably a degree of unrecorded cases, but hardly very extensive. On the other hand one may assume that the unrecorded cases are significant with regard to robbery of persons. Robbery of persons affects young people to a great extent, as well as persons who live in asocial circles, and in both cases the inclination to report is low. In a survey conducted among 4 500 young people attending school in Stockholm and Malmö, about half of the more than seven per cent who had been robbed, stated that they had not reported the incident to the police (Andersson, 2000). The most common reason was that they did not believe that the police would catch the robbers and that one still would not recover what had been stolen and that the perpetrators still would not receive any punishment. Around 30 per cent of the young people gave as the reason that they were afraid that the perpetrators would get to hear that they had gone to the police. Since robbery of persons accounts for about 85 per cent of all robberies reported to the police and since it is largely young people who are affected, one may assume that the actual level of robbery is almost twice as high as that reported to the police.

## The crime structure

In the year 2000 a total of 8 999 robberies were registered as being reported to the police. This is less than one per cent of the approximately 1.2 million offences registered that year as reported to the police. The offence of robbery thus constitutes only a small part of the total criminality reported to the police.

Sixty-one bank robberies and 54 post office robberies, reported to the police, together accounted for just over one per cent of all robberies reported to the police in year 2000 (figure 1). Attempt and intent offences together with complicity in robbery, are included in the statistics and tend to account for two thirds of the offences reported to the police.

The shop robberies reported to the police accounted for nine per cent of all robberies so reported. The result of a survey conducted by the *Handelsanställdas förbund* [Association of Shop Employees] (Hedenmo, 1999) indicates that a good half of the shop robberies reported to the police are “genuine” robberies, that almost a third are resistance robberies and that the remainder are attempted robberies. In the year 2000 there were 138 taxi robberies and 70 robberies against security transportation, reported to the police. Together these types of robbery account for a good two per cent of all those reported to the police.

Robbery of persons is the incomparably most common type of robbery. Up to and including 1998 robbery of persons was recorded statistically under the heading

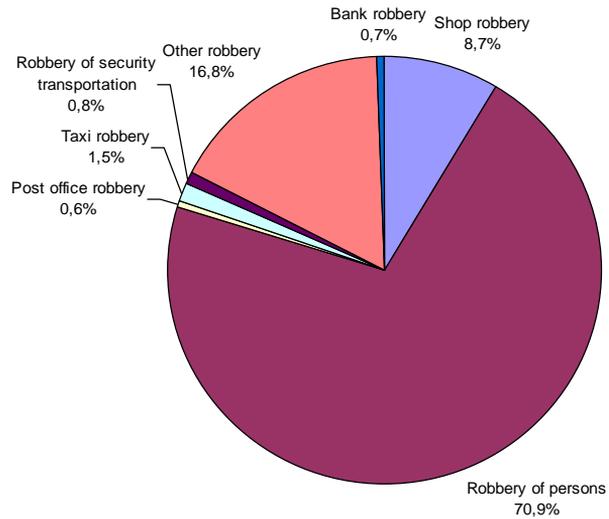


Figure 1. Proportion of robbery reported to the police, according to type, 2000.

“other robbery” that also included a small proportion of robberies of a type other than robbery of persons. In 1999 robbery of persons and other robbery started to be separated out. This change has still not impacted fully on the practical everyday work, which means that robbery that was entered under the heading of “other robbery” in year 2000 largely consisted of robbery of persons<sup>2</sup>. Against that background one may estimate the proportion of robbery of persons as being a good 85 per cent of all robbery reported to the police and the actual proportion of other robbery to a couple of percentage points.

## Crime trends

The development of the total number of robberies reported to the police follows that of robberies of person reported to the police<sup>3</sup>, a natural consequence of the fact that robbery of persons constitutes a very large proportion of all robbery reported to the police. Other types of robbery are numerically very marginal in comparison with the number of robberies of persons. In figure 2 the upper curve shows the trend

<sup>2</sup> A survey conducted by BRÅ in the year 2001, showed that around 80 per cent of the robbery designated by the police as “other robbery” related to robbery of persons.

<sup>3</sup> Since robbery of persons comprises around 80 per cent of the robberies under the heading of “other robbery” the offences reported to the police under the headings “robbery of persons” and “other robbery” have been combined in figures 2 and 3 in order to make it possible to draw comparisons with earlier statistics of robbery of persons.

in the total number of robberies reported to the police during 1975–2000, while the lower curve shows the trend in robbery of persons reported to the police. The interval between these curves thus reveals the trend in the remaining types of robbery reported to the police when these are combined together. Figure 3 shows the trend of shop, bank, post office, taxi and security transportation robbery, separately.

Since 1975 robbery reported to the police has more than quadrupled, from just over 2 000 in 1975 to around 9 000 in the year 2000. In the years 1989–1990 robbery of persons increased in particular which, according to Andersson (1992) could probably be explained by increased gang criminality in the big cities. The higher crime level remained stable up to 1994 when the number of reported robberies of persons fell temporarily. Since 1995 the robbery of persons reported to the police has again increased, and particularly sharply in 1997 and 1999. It is reasonable to assume that this is largely attributable to juvenile robbery in the big cities, reported to the police, having increased. In Greater Stockholm the number of juvenile robberies reported to the police (where both the victim and the perpetrator were, in the opinion of the victim, were no more than 20 years old) increased by over 70 per cent between 1996 and 1997. Between the years 1998 and 1999 juvenile robbery in Greater Stockholm practically doubled. The trend in Malmö was by and large the same (Andersson, 2000).

There are also reasons for being rather careful in equating the trend in robbery of persons reported to the police, with that of the trend in the actual robbery of persons, irrespective of whether the statistics relating to robbery reported to the police go up or down. On the one hand there is a large number of unrecorded cases, which means that the statistics pertaining to robbery reported to the police may be influenced by whether the inclination to report alters over a period of time. On the other hand the

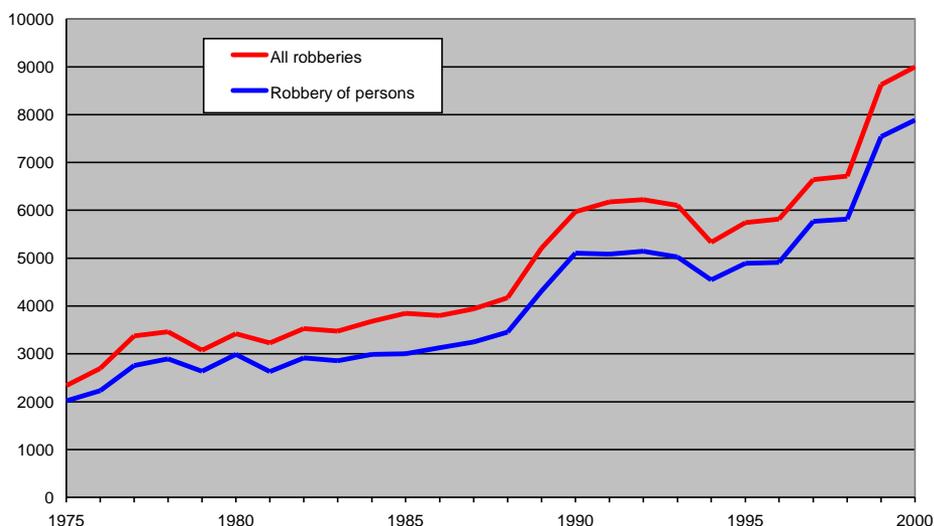


Figure 2. Number of robberies and number of robberies of persons, reported to the police, 1975–2000.

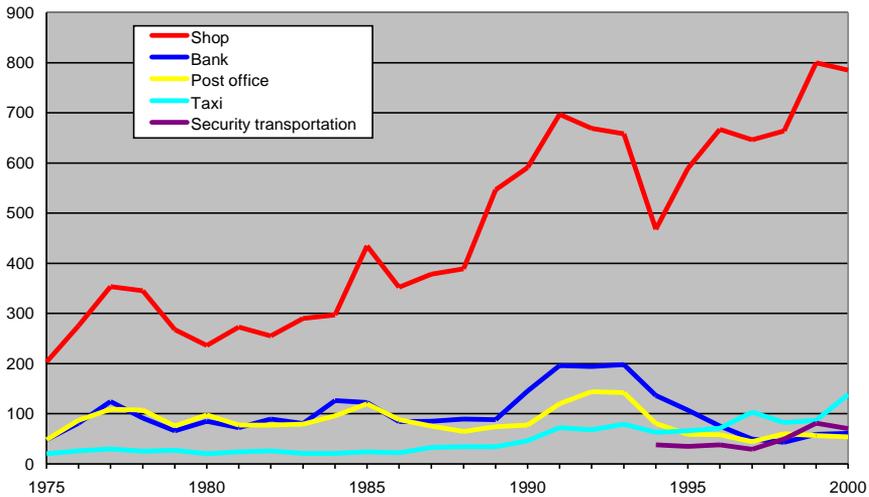


Figure 3. Number of shop, bank, post office, taxi and security transportation robberies reported to the police, 1975–2000.

offence designation employed by the police – and that forms the basis for the statistics regarding offences reported to the police – are in many cases, and particularly with regard to juvenile robbery, altered to a milder offence designation (such as theft and unlawful threat) by the prosecution authorities or in the courts. A “robbery reported to the police” is thus not necessarily always a robbery in a legal sense.

Any changes over a period of time concerning police practice in respect of offence designation with regard to the type of offence involved, may – of course – also influence the statistics of robbery reported to the police.

Figure 3 shows the trend in robbery reported to the police other than robbery of persons, and this on a “magnified” scale compared with figure 2. The number of shop robberies reported to the police increased more or less continuously during the years 1981–1991 and particularly sharply during the years 1989–1991. This increase coincided with robbery of persons also increasing. After the shop robberies reported to the police fell sharply in 1994 (cf. robbery of persons) shop robbery, in exactly the same way as robbery of persons, has grown more or less continuously. In the year 2000 they were about four times as numerous as in 1975. More shops open in the evening, more shops manned by only one person and a less pronounced security consciousness compared with the banking and post office sectors, are given by the *Handelsanställdas förbund* (Hedenmo, 1999) as probable reasons for this development.

The bank and post office robberies reported to the police also rose at the beginning of the 1990s, before gradually decreasing up to the years 1996–1997. Thereafter the number of bank and post office robberies reported to the police has remained at 40–60 each, per year. In contrast with robbery of persons and shop robbery, which increased sharply after 1975, the incidence of bank and post office robberies

is currently somewhat less common than before during the 25 year period under study. An enhanced security consciousness and the fact that some habitually offending gangs of robbers were apprehended at the beginning of the 1990s, can probably account for part of this development, as well as the fact that the number of banks and post offices has fallen. At the same time one may speculate whether the blowing of bank boxes and security transportation robberies have, to a certain degree, taken the place of bank and post office robberies, even though the development if these types of offence should be viewed against the background of the fact that the numbers of bank boxes and the numbers of security transportations, have increased (while the numbers of bank and post offices have thus decreased).

Up until the end of the 1980s around 25 taxi robberies were reported to the police each year. After that there was a certain increase in this type of robbery. In the year 2000 a total of 138 taxi robberies were reported, an increase of over 60 per cent compared with the preceding year. The numbers of taxis and miles driven have not, according to the Svenska taxiförbundet [Swedish Taxi Association], increased however.

Robberies of security transportation began to be registered separately in 1994, and remained at a relatively constant 30–40 robberies reported to the police up to 1998. During the last few years, with the exception of year 2000, there has been some increase in the number of robberies of security transportation.

## Regional distribution

Robbery reported to the police is, to a large degree, a big city phenomenon. In the year 2000 some 37 per cent of all robbery reported to the police originated from the three major city municipalities of Stockholm, Gothenburg and Malmö, which together account for 17 per cent of Sweden's population. In all of these three municipalities around 225 robberies reported to the police were registered for each 100 000 inhabitants. In the remainder of the country the corresponding figure was around 75 robberies reported to the police per 100 000 inhabitants.

The regional distribution of robbery reported to the police at the county level is shown by figure 4. The concentration upon the big city regions is greatest with regard to robbery of persons and shop robbery. Bank and post office robbery is, to a lesser extent, a pronounced big city phenomenon. In the year 2000 a good 60 per cent of the bank and post office robberies reported to the police derived from the three big city counties. The corresponding proportion for robbery of persons was closer to 80 per cent and, for shop robbery, a good 70 per cent.

This regional picture of the distribution of the robbery criminality has long since remained extremely stable with the exception of the fact that the proportion of shop robbery as well as bank and post office robbery, reported to the police during part of the 1908s and at the beginning of the 1990s, being somewhat more common outside of the big city regions.

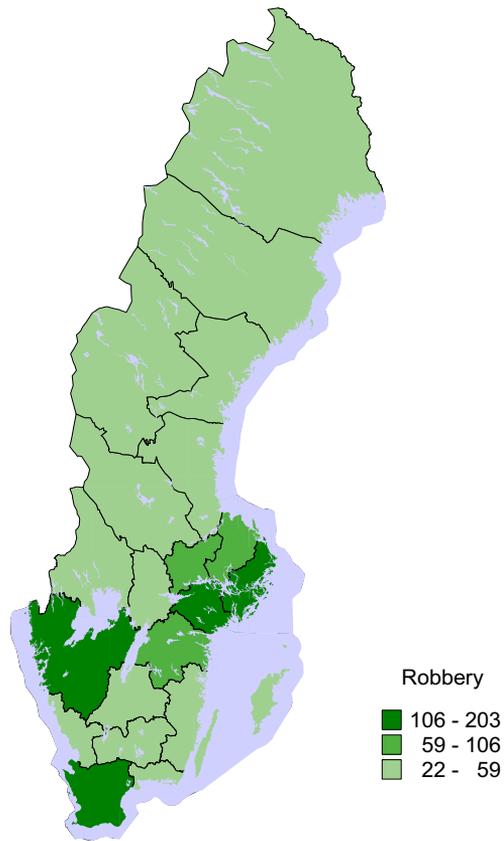


Figure 4. Number of robberies per 100 000 inhabitants reported to the police, by county, 2000.

## Cleared offences

The proportion of reported robberies that are cleared by the police varies sharply, according to the type of robbery. This is largely due to the priorities applied by the police but also to the conditions that obtain for clearing up different types of robbery. Seen as a whole the police cleared 25 per cent of all robberies reported to the police in year 2000, a figure that is largely influenced by the numbers of robberies of persons that were cleared.

The proportion of cleared robberies of persons has fallen somewhat over the last 25-year period, from around 30 per cent in the mid-1970s to 24 per cent in year 2000. The proportion of shop robbery that is cleared by the police has also decreased, and quite sharply. In 1975 the proportion of cleared shop robbery was a good 50 per cent and in the year 2000 was only 29 per cent. With bank and post office robbery, too, a trend in the same direction has been discernible. In the year

2000 the clearance rate for bank robbery was 52 per cent, and for post office robbery 35 per cent. In the mid-1970s the police cleared up a good 60 per cent of both bank and post office robberies reported to the police.

## Suspects

Since the vast majority of robbery is committed without the police arresting any suspects, especially with regard to robbery of persons and shop robbery, it is not self-evident that those arrested as suspects are representative of the group that actually commit robbery. One can, however, discern certain differences between perpetrators who are suspected of different types of robbery. Statistics relating to suspected perpetrators do not, however, include persons aged under 15 years, which is hardly likely to have any impact on bank and post office robbery, and probably only small significance for shop robbery, but a certain importance with regard to robbery of persons.

In the year 2000 a total of 71 persons were arrested as suspects in connection with bank or post office robbery. About 80 per cent were over 20 years old and all were men. Among the 251 persons suspected of shop robbery about 60 per cent were over 20 years old and four per cent were women. Where robbery of persons was concerned 769 people were arrested as suspects, of which 40 per cent were over 20 years old and five per cent were women.

In a survey of juvenile robbery in Greater Stockholm and Malmö (Andersson, 2000) it transpired, however, that a good quarter of suspected perpetrators under the age of 21, were also aged under 15 years, and were thus not included in the official statistics. With this result as a basis it may be assumed that a good 15 per cent of all persons suspected of robbery of persons, are under 15 years, that a good 50 per cent are in the age-range 15–20 years and that over 30 per cent are older than 20 years.

## Prosecutions

The trend in the number of persons prosecuted for robbery largely follows that of robbery reported to the police. In the year 2000 there were 797 persons prosecuted for aggravated robbery, an increase of about 30 per cent compared with the preceding year. Since robbery carries a minimum prison sentence of 1 year the majority, a good half, were also received prison sentences (including probation with a prison term). The fact that not all were given prison sentences is largely due to the fact that prison sentences are only handed down if particular (applying to 15–17 year-olds) or special (applying to 18–20 year-olds) reasons obtain. In the year 2000 around 60 per cent of the 714 persons prosecuted for robbery were in the 15–20 age group, and four per cent were women. Among the 83 persons prosecuted for aggravated robbery 35 per cent were aged 15–20 and one (1) per cent were women.

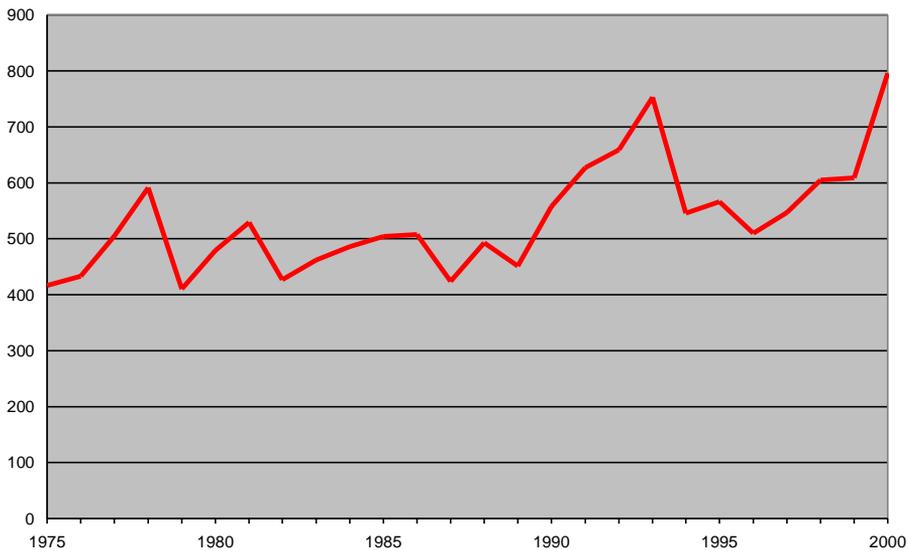


Figure 5. Number of persons prosecuted for robbery/aggravated robbery, 1975–2000.

The passing of prison sentences for robbery of a “normal degree” has decreased during the last 25-year period, while the trend has been the opposite with regard to aggravated robbery. Of the persons found guilty of aggravated robbery in the year 2000, a good 80 per cent were given prison sentences and a further good ten per cent subjected to secure youth care orders. Among those sentenced for robbery of a “normal degree” about half went to prison and barely ten per cent were placed under secure youth care orders, while 25 per cent were handed over to care within the social services and a further ten per cent placed on probation.

## Victims

In 60–70 per cent of bank and post office robberies, 30–40 per cent of shop robberies and in around five per cent of robberies of persons, firearms are employed. Other types of weapons, primarily knives, also occur in many cases. However, weapons are seldom actually used and it is very unusual for a robbery victim to be physically injured. Only in quite exceptional cases is the victim seriously hurt.

With regard to the financial consequences of robbery offences, it was ascertained in a BRÅ report from 1992 that the average yield in 1990 was less than SEK 100 000 in connection with accomplished bank and post office robberies (BRÅ-PM, 1992). In the year 2000 the average yield was just over SEK 100 000 according to information from Posten och Svenska Bankföreningen [The Post Office and Swedish Bank Association]. Where shop robbery was concerned the Handelsanställdas förbund’s survey (Hedenmo, 1999) revealed that the robbers were often “satisfied

with small amounts”, that the yield from robberies involving shops with extended opening hours was often no more than a few hundred SEK notes and that the robbers appear to rob “the shops that are easiest to rob rather than those where the yield is greatest”. With regard to robbery of persons, too, the financial value of what is stolen is usually relatively modest. In a survey conducted among young people who had been robbed in Stockholm and Malmö (Andersson, 2000) the robbery victims stated that, on the average, they had been deprived of objects worth about SEK 1 000. To a large extent this related to mobile telephones.

Without demeaning the importance of the financial values or the seriousness in those cases where robbery victims sustain physical injury, the psychological consequences of being robbed are probably the most usual and noticeable consequences for the victim. In a survey conducted among robbery victims in Västra Götaland, for example, Lindgren (2000) describes the emotional consequences that the majority of robbery victims experienced, as being the worst part of having been robbed. In the Handelsanställdas förbund’s survey from the same year (Hedenmo, 1999) it is stated that almost half the cashiers in retail shops felt disquiet and fear of robbery and violence. In BRÅ’s survey among young people, around 15 per cent of the approximately 400 young people who had been robbed, stated that they had sustained mild physical injury and less than five per cent that they had gone to the doctor in connection with physical injury. At the same time around half of the robbed young people said that they felt that they had been violated, around 80 per cent felt hatred and a desire for revenge against the perpetrators, around 20 per cent that they often thought about what they had been through for more than a month afterwards, and around 20 per cent that even after a month had passed, they avoided certain places, people and also going out by themselves.

Within both the banking and post office sectors as well as the trading and taxi businesses, there is now an increased watchfulness for these types of consequences for robbery victims and also a degree of provision for crisis handling. There are, however, no evaluations of these activities to be had. Where robbery of persons is concerned it is young people who are affected to a large extent. In 1999 a special support centre was started up in Stockholm for young people who had been robbed. This was primarily a co-operative scheme set up by the social services and the police, but where other players are also involved (Hellströmer and Westlin, 2001). On the side of the centre contact is made within 48 hours with the young people who have reported being robbed, and help is offered in the form of support discussions with both the victim and the family, mediation, support in the legal processes (by volunteer law students) etc. There is also telephone counselling on offer and informative activity in the form of talks etc. During the first 15 months of the scheme some 600 support discussions were held with young crime victims (through personal visits). The scheme is well in keeping with the proposal for strong support for crime victims contained in SOU 1998:40, where the importance of greater co-operation between the police and local crime victims support organisations is stressed, as is the importance of offering help from support persons, injured party assistance etc.

## Preventive measures

The number of bank and post office robberies reported to the police fell in the mid-1990s (though with some increase in the year 2000) and has, since then, remained at a relatively stable lower level than previously in the last 25-year period. At the same time as the increase during the beginning of the 1990s may, to some degree, be attributed to a few frequently offending gangs of robbers – and the subsequent decrease to an incapacitating effect<sup>4</sup> when these were arrested – it is also probable that increased commitment to preventive measures has left its mark. The Finansinspektion [Finance Inspectorate], the joint bank security committee and the work of the post office aimed at increasing the general security awareness, issued directions and recommendations regarding practical security measures and training in security matters, have probably had a contributory significance for a favourable development. At the same time the number of banks and post offices has declined, a change that, whatever its main objective may have been, may also have contributed to the positive trend. To a certain extent, however, one may assume that the increase in security transportation robbery and the blowing of bank boxes that has taken place in recent years, is due to the fact that it has become harder to rob banks and post offices. Further efforts aimed at preventing this type of offence are, under any circumstance, essential.

A corresponding work has also been conducted since the end of the 1980s, aimed at limiting shop robberies, by – among others – an industry-wide shop group that operated within the framework of an industry-wide co-operative group against crime. If the sharp increase in shop robbery since the mid-1990s would have been even more pronounced without this work, is hard to say, but nevertheless reasonable. Shop robbery is, to a large extent, a juvenile crime, follows the trend of robbery of persons and is, as with robbery of persons, associated with a modest yield and should, therefore, not normally represent any alternative to bank and post office robbery. The factors that, in the Handelsanställdas förbund's survey (Hedenmo, 1999), point to reasonable explanations for the increase that occurred (including increased opening hours and a greater degree of working alone), appear to be reasonable but, at the same time, may be difficult to overcome by means of crime prevention arguments. At the same time, however, a long list of crime preventive efforts is stated, from cash handling through security training to the inspection responsibility of the Labour Inspectorate, efforts that can probably contribute to some extent to reversing or limiting the disturbing trend over the last five or six years.

Within the taxi business, too, work is being conducted that is aimed at limiting the risk of taxi drivers being robbed. Less handling of money and training in dealing with conflict are some of the major strands in this work. A wish for the right to

<sup>4</sup> Incapacitating effect is understood to mean the effect upon criminality that derives from the fact that the imprisoned perpetrator normally does not commit offences while he or she is in prison,

install cameras in taxis has not yet been granted. Increased protection in the form of “cages” for the drivers is, however, not looked upon as a way forward.

Intensified and targeted police efforts in co-operation with other local players have, in certain cases (in Sollentuna for example), been a successful method of limiting the juvenile robberies that account for a large part of the increase in robbery of persons that has developed since the mid-1990s. At the same time as both robbery of persons and shop robbery are juvenile offences that increased during the latter part of the 1990's, there is cause to point out that juvenile criminality as a whole has not grown. This is a reflection that leads to the idea of “fashion fluctuations” in the choice of type of offence, and thus on to the need for broader and more general efforts that are aimed at seeking to limit juvenile criminality as a whole.

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# Bicycle theft

BY ROBERT SVENSSON

## Summary

Bicycle theft is an offence with a high number of unrecorded cases. Around half of all bicycle thefts are assumed to be reported to the police. In the year 2000, a total of 84 658 bicycle thefts were reported. During the last three years, the number of bicycle thefts described a clear fall. Bicycle thefts are concentrated upon counties such as Gotland, Västmanland and Östergötland.

Only two per cent of all bicycle thefts are cleared. This means that it is difficult to say anything definite about the perpetrators. The majority of suspects included in the statistics are, however, young men. From an international perspective Sweden, together with Holland, Denmark and Japan are on the highest level in regard to the proportion of those subjected to bicycle theft.

Bicycle theft relates to offences under Chapter 8 of the Penal Code. Bicycle theft is a theft offence and is recorded in the statistics of reported offences as a separate offence category.

## Hidden crime

The level of unrecorded cases of bicycle thefts is relatively high and subject to change over time depending upon insurance conditions, which influences the inclination to report. The inclination to report is low with regard to the theft of less costly objects such as bicycles. The unrecorded cases are probably higher in respect of the theft of older bicycles that insurance companies do not compensate, and lower for new and more expensive bicycles.

In an international study in the year 2000, it was found that around 60 per cent of Swedes who suffered bicycle theft reported the incident to the police (van Kesteren et al., 2000). Similar results were also forthcoming from two earlier measurements conducted in 1992 and 1996 (see also Mayhew and van Dijk, 1997). In Scotland and Switzerland the reporting inclination is high (78 per cent and 74 per cent respectively). The lowest reporting inclination was recorded by Portugal and France (32 per cent and 35 per cent respectively) (van Kesteren et al., 2000). Other research shows that among young people who, over the last twelve months, have

suffered bicycle theft, 49 per cent state that they reported the latest theft. No major differences have been displayed between the genders (Ring, 1998).

Information from Sveriges försäkringsförbund [The Swedish Insurers Association] shows that a total of 43 275 bicycle thefts were reported to the insurance companies in the year 2000. The insurance companies' costs in this respect are around SEK 128 million (1999). Since 1996, the bicycle thefts reported to the insurance companies have decreased somewhat. Upon comparing the number of reported bicycle thefts in the year 2000 and the thefts that were reported to the insurance companies, it transpires that there were about 49 per cent, or 41 383 thefts, that were not reported to the insurance companies. Insurance protection and the extent of the damage caused by the offence are two factors that may be crucial to the reporting inclination regarding theft offences directed against individuals (Persson, 1980; von Hofer, 1983).

The conclusion is that barely more than half of bicycle thefts are reported to the police, so the unrecorded cases factor is relatively large.

## Crime trends

During the year 2000, a total of 84 658 bicycle thefts were reported to the police. This represents around 7 per cent of the entire country's reported crime and 12 per cent of the total reported theft offences. Compared with 1999 the number of reported bicycle thefts fell by 12 per cent. This corresponds to a decrease of around 11 000 reported offences. Bicycle thefts are one of the types of offence that has decreased most sharply in recent years.

In general, the trend relating to bicycle thefts reported to the police during 1975–2000 can be divided into three phases. During the first phase between 1975 and 1987, there was – apart from certain fluctuations – a relatively steady development with a somewhat increasing trend. The lowest number of reported bicycle thefts was in 1976 with around 70 000, while the highest was in 1984 when about 94 000 bicycle thefts were reported. Reported bicycle thefts increased between 1979 and 1984 before staying at a relatively constant level up to 1986.

In the second phase, between 1987 and 1993, the number of reported bicycle thefts rose sharply. The increase was from around 80 000 reports in 1987 to about 127 000 reports in 1993, an increase of 59 per cent. The average rate of increase during the period was about 7 800 offences per year.

In the third and last phase between 1993 and 2000, the number of reported bicycle thefts fell discernibly. The average reduction per year was around 6 000 bicycle thefts. During the last three years (1998–2000), the number of reported bicycle thefts fell clearly with the average decrease being about 11 000 offences. A probable explanation is, however, that there exists a reduced inclination to report. Another is that people generally take greater care of their bicycles and, to an increasing degree, lock them up and employ better locks.

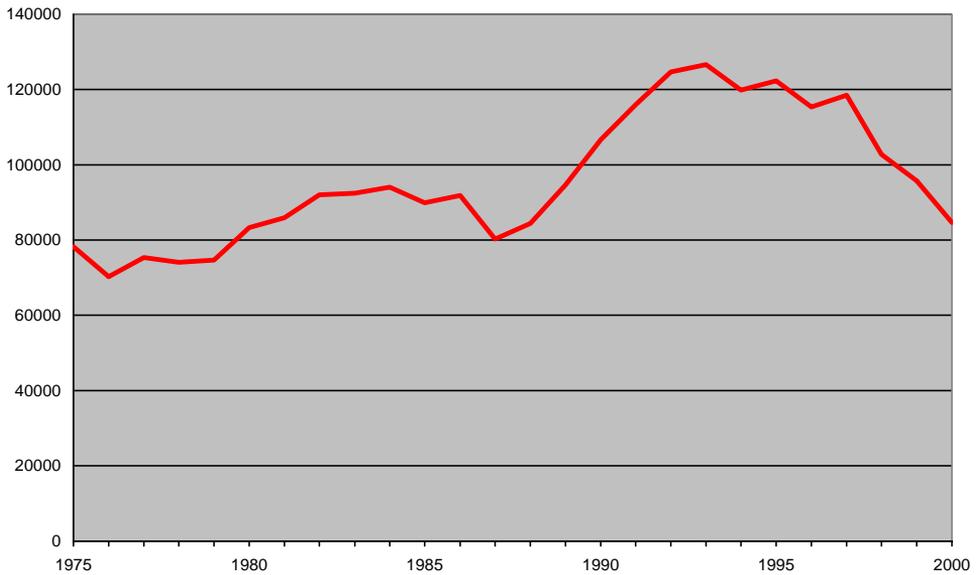


Figure 1. Number of reported bicycle thefts, 1975–2000.

Statistics from the Cykel- och sportshandlarnas riksförbund [The National Association of Bicycle and Sports Dealers] show that the number of sales of bicycles to the Swedish market during 1980–2000 was constantly at a relatively high level. In the year 2000, around 480 000 bicycles were sold, representing an increase in sales of 35 000 bicycles since 1996. The highest number of bicycles were sold at the beginning of the 1980s, with the peak recorded in 1981 when sales were around 530 000 bicycles. The next peak in sales was during the end of the 1980s and the start of the 1990s, with the highest figure recorded in 1990 with just over 500 000 bicycles. Around 50 per cent of the increase during that period can be attributed to the sale of mountain bikes.

There is a relatively strong connection between the number of sold bicycles and the number of reported bicycle thefts during the period 1983–1992 (Ring, 1994). Ring asserts that the sale of mountain bikes during the period 1989–1990 can be a contributory factor behind the number of reported bicycle thefts increasing at the end of the 1980s and beginning of the 1990s.

Bicycle thefts are a seasonally influenced offence that increases during the spring and summer months and falls off during the autumn and winter months. During the spring and summer half of the year there are plenty of bicycles to be found on the streets and town squares, whereby they become more accessible to attempted theft.

## Regional distribution

A degree of regional variation may be shown with regard to the bicycle thefts. Most reported bicycle thefts per 100 000 inhabitants are committed in the county of Gotland with 1 858. Västmanland, Östergötland, Skåne and Uppsala are other counties with relatively high numbers of bicycle thefts. Temporary population changes can impact upon the regional variations of criminality (Dolmén, 1990). Gotland's high number of reported bicycle thefts per 100 000 inhabitants is most probably due to the fact that there are many holiday-makers to be found there during the summer. This means that there are more available objects to be stolen and more potential perpetrators. It is also largely due to the fact that all the reported offences are related to a relatively small permanently resident population. The combination of many cases of offences being committed and the level of population, explains with a high degree of probability the fact that the county of Gotland has the highest relative level of offences. In absolute numbers, however, bicycle thefts in Gotland are the lowest but one in the country, with only the county of Jämtland being lower.

Table 1.

*Number of bicycle thefts reported to police, according to county in absolute figures and per 100 000 inhabitants (average population) as well as the change (in per cent), year 2000 compared with 1999.*

County	Reported offence		Change compared with 1999 in per cent
	Number	Per 100 000 inhabitants	
1. Gotlands (6)	1 066	1 858	-1
2. Västmanland (2)	4 086	1 591	-7
3. Östergötlands (8)	5 550	1 349	-19
4. Skåne (3)	15 081	1 339	-8
5. Uppsala (10)	3 924	1 338	-15
6. Örebro (4)	3 566	1 303	-19
7. Kronobergs (16)	2 053	1 161	-10
8. Kalmar (15)	2 726	1 155	-9
9. Hallands (12)	3 074	1 121	-12
10. Södermanlands (7)	2 799	1 094	-10
11. Gävleborgs (14)	2 886	1 031	-10
12. Västerbottens (21)	2 642	1 031	-4
13. Dalarnas (9)	2 744	982	-9
14. Värmlands (13)	2 533	918	-9
15. Jönköpings (18)	2 662	813	-4
16. Norrbottens (20)	2 008	781	-3
17. Västra Götaland (5)	10 913	732	-14
18. Blekinge (17)	1 092	726	-23
19. Stockholms (1)	11 045	609	-15
20. Jämtlands (19)	767	589	-15
21. Västernorrlands (11)	1 441	581	-13
Entire country	84 658	954	-12

Note. The figures in brackets indicate the counties' order of precedence when all the reported offences are compared.

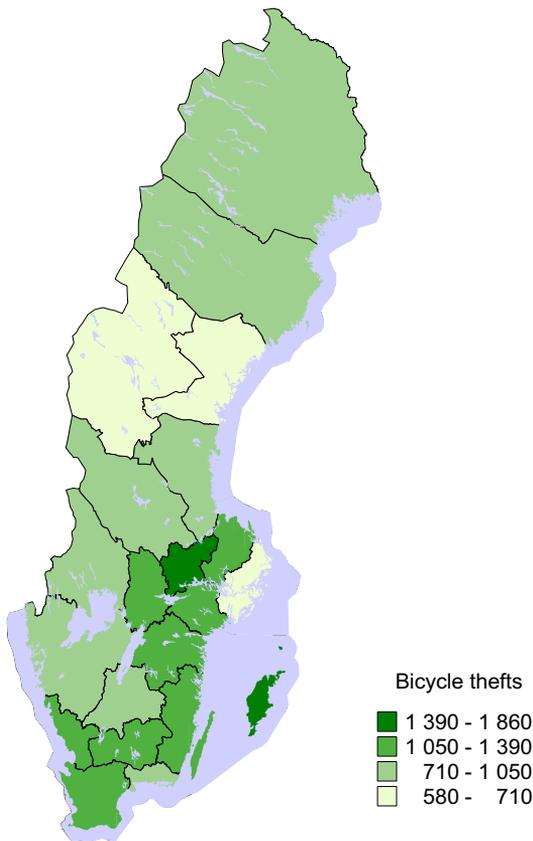


Figure 2. Number of bicycle thefts reported to the police per 100 000 inhabitants, by county, 2000

In all the counties the number of reported bicycle thefts decreased between 1999 and 2000. In the counties of Blekinge, Östergötland and Örebro, the decreases are the biggest in percentage terms since 1999.

Accessibility of bicycles is of particularly major significance for the level of bicycle thefts. Moreover, accessibility is the indicator that most strongly predicts bicycle theft. There is a contrary connection between bicycle thefts and exposure to other types of vehicle-related offences. In countries with a high proportion of bicycle thefts the proportion of car thefts is low, and vice versa (Mayhew, 1991). It is not only accessibility to bicycles that is crucial, but “in countries where bicycle thefts are common, this is probably due not only to the fact that the availability is considerable, but also that the demand for bicycles is high” (BRÅ, 1999 p. 17).

In counties where the bicycle thefts are high, the number of summer holiday-makers is often high too. In counties where there are large universities, such as Uppsala, the offence rate is also fairly high. This is probably due to the fact that there is greater access to bicycles in these counties and that this could explain the high level of offences. In an earlier study of bicycle thefts on a district level (Svensson,

1998) it emerged that the bicycle thefts are most common in the districts of Uppsala, Lund and Örebro. This supports the hypothesis that bicycle thefts are more common in university towns compared with other towns. It is highly probable that this is due to the number of offences and that the reported offences are related to a proportionately low permanently resident population.

In two Swedish surveys, differences have been found in the offence frequency with regard to bicycle thefts between different residential areas of Stockholm. In a survey of self-confessed criminality it was shown that young people who attend outer suburban schools, have a somewhat higher level of bicycle thefts than young people who attend inner-city schools (Ring, 1994). Bicycle thefts are, however, strongly concentrated on Stockholm's city centres, but less so on the suburbs, and are more common in areas with apartment blocks than residential areas (Poom, 1994).

## Cleared offences

The clearance rate for bicycle theft is very low. Only a few per cent of the bicycle thefts that are reported are cleared. This means that only a very small proportion of those who actually commit offences are detected and included in the statistics. In the year 2000 the police cleared 1 354 bicycle thefts, which is only *two per cent* of all the reported bicycle thefts.

Between the years 1975 and 2000 the clearance rate lay at a consistently low level of between one and three per cent. The reason why it is such a low level is because bicycle thefts are an offence that has a relatively low priority and, moreover, an offence where the perpetrator often has no relationship whatsoever with the victim of the offence (BRÅ, 2001).

## Suspects

Care should be taken when drawing conclusions about the perpetrators since the clearance rate is only two per cent. After all, only a small proportion of all those who actually commit offences are included in the statistics. It is probable that the statistics afford a distorted picture of the offenders.

In the year 2000, there were 828 persons suspected of bicycle theft, of which the majority were men and 9 per cent, or 72 persons, were women. The majority of those suspected of bicycle theft in the year 2000 were aged 15–20 years. Of all the suspects there were 25 per cent between 15 and 20 years and 11 per cent between 21 and 24 years. A relatively large proportion of the suspects were aged between 30 and 39 years (28 per cent). The results indicate that bicycle thefts are a pronounced juvenile offence, as was also previously ascertained (Ahlberg, 1996).

The Swedish Institute of Criminology, Stockholm University and the National Council for Crime Prevention have conducted a nationwide school survey on three separate occasions among students in their ninth school year, in 1995, 1997 and 1999. About 5 000 students participated in the respective surveys. Between 18 and 20 per cent of the boys and around 7 per cent of the girls stated that, during the preceding 12 months, they had stolen a bicycle. No major differences were discernible in terms of times when these occurred (BRÅ2000a).

According to both Swedish and international data, there are a number of different groups of perpetrators with regard to bicycle theft (Ahlberg and Knutsson, 1987; Bryan-Brown and Savill, 1997). One group comprises those who commit bicycle thefts for financial gain. This group includes both professional thieves and abusers. The professional thieves and abusers are regarded as being responsible for the greater part of the bicycle thefts. Another group consists of those who steal a bicycle for fun or just for a bicycle ride. This group is regarded as accounting for only a small part of the bicycle thefts. The third group is made up of those who steal bicycles for their personal use. There are thus elements of both opportunist crime and activity of more organised forms with regard to bicycle thefts.

There is a certain difference between the younger and older with regard to the objective behind committing a bicycle theft. Younger people often steal an older bicycle in order to have fun or just for a bicycle ride. Older people, on the other hand, are more inclined to steal bicycles in order to sell them and earn money. Similar patterns apply to both motorbike thefts and car thefts (Mayhew, 1991).

In a Swedish survey conducted among schoolchildren, it was found that the majority of bicycle thefts took place in the vicinity of the perpetrator's home and in the vicinity of their friends' homes (Ring, 1994). Unlocked bicycles are stolen in order to be used temporarily. Locked bicycles on the other hand, are stolen for spare parts.

## Victims

The National Statistics Office of Sweden (SCB) annually carries out extensive victims surveys in which those questioned state whether they suffered theft or damage of their bicycle moped or motorbike, although there is no separate division made of vulnerability to bicycle thefts. Of those subjected to theft or damage to a bicycle etc. 19 per cent were aged 16–24 years, 13 per cent were aged 35–44 years, and 1 per cent were pensioners. Boys aged 16–24 years were somewhat more vulnerable than girls (SCB, 1995).

In the previously mentioned school surveys around 20 per cent of the boys and about 15 per cent of the girls, stated that they had suffered theft of a bicycle. There is no evidence of differences over the passage of time (BRÅ, 2000a). In 1996 BRÅ, in conjunction with SCB, conducted an opinion poll among the general public about criminality and crime-prevention initiatives. Bicycle theft was the offence

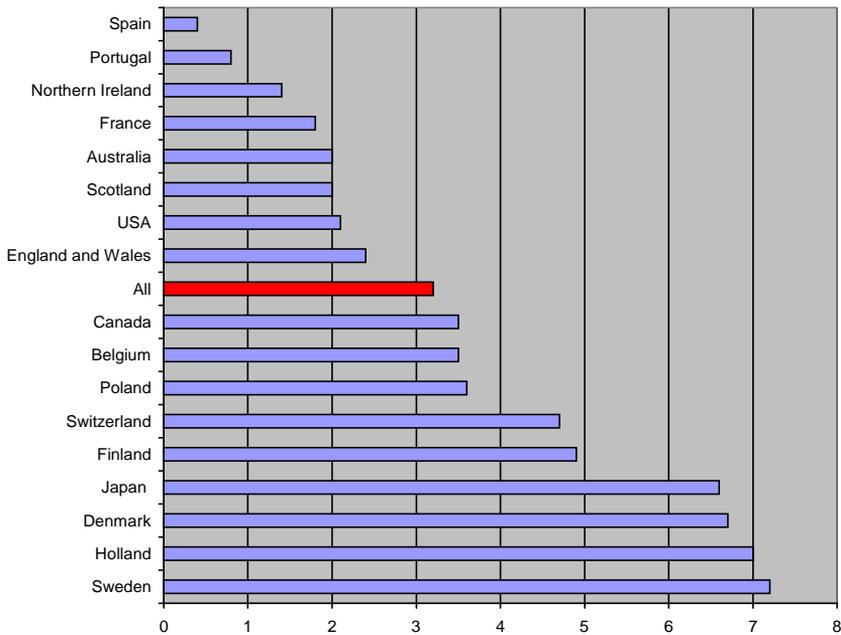


Figure 3. Proportion of those stating that they had suffered bicycle theft in 1999.

Source: van Kesteren et al., 2000.

that people perceived as the biggest problem in their own housing area. It was regarded as being a bigger problem in large cities such as Stockholm, Gothenburg and Malmö (Ahlberg and Håkansson, 1997).

On the basis of a British Crime Survey conducted in 1992, it was shown that it is extremely difficult to draw any conclusions regarding what characterises the victim of a bicycle theft (Chenery et al., 1996). On the other hand it was found, in a Dutch study, that the following characterises those who are subjected to bicycle theft; they are the young, students and unmarried (Witterbrood and Nieuwbeerta, 2000). In an English survey it was found that 70 per cent of those who had suffered bicycle theft had been deprived of mountain bikes of high value (Bryan-Brown and Savill, 1997).

In an international perspective it is seen from a comprehensive crime victim survey conducted in the year 2000 that Sweden, together with Holland, had the highest proportion of persons subjected to bicycle theft (7.2 per cent and 7.0 per cent, respectively), see figure 3 (van Kesteren et al., 2000). Spain had the lowest proportion (0.4 per cent), followed by Portugal, Northern Ireland and France. The figure for all the countries together is 3.2 per cent. Similar surveys were conducted in 1992 and 1996. The pattern tends to be the same, i.e. the countries with a large proportion of persons stating that they had suffered bicycle theft in 1999, were similarly so in 1996.

International research shows that the persons who often suffered bicycle theft

compensate for this by either stealing bicycles themselves or buying stolen bicycles in order to replace their own stolen ones (van Kesteren et al., 2000; Bryan-Brown and Savill, 1997). Closer to 60 per cent of those subjected to bicycle theft in Sweden had their cycles stolen from their homes, and around 30 per cent had them stolen in the city (van Kesteren et al., 2000).

## Preventive measures

In the previously cited opinion poll that was conducted by BRÅ and SCB, 18 per cent of respondents said that bicycle theft was a major problem in the district where they lived. Of these, the majority proposed more secure storage premises and more secure bicycle racks in order to reduce the problem (Ahlberg and Håkansson, 1997).

In the BRÅ report “Crime prevention measures in practice” various conceivable preventive measures designed to counter bicycle theft are discussed. The proposals that are taken up are, for example, more efficient bicycle racks whereby it is possible to lock the bicycle securely within the frame. Another measure that is discussed is the importance of increasing the informal social control, i.e. that one tries to think about where to position such things as bicycle parks. One example that has been discussed is supervised bicycle parks and other things that are more visible to the general public (BRÅ, 2000b).

In the district of Linköping, a project has been conducted under the heading of “Action against bicycle thefts and checks on bikes” with the objective of reducing bicycle thefts by means of, for example, supervising bicycle parks (Rikspolisstyrelsen [National Police Authority], 1995). Three locations in Linköping were selected for supervision: the central station, the city centre and the university hospital. Different types of measures were applied to increase the supervision at these locations. According to Rikspolisstyrelsen, the number of bicycle thefts fell by 26 per cent during the time that the project lasted. No scientifically conducted evaluation has been carried out, however.

In the international literature the importance of making use of supervised bicycle parks is discussed. Another measure is informing about how important it is to employ a lock for one’s bicycle. Registering bicycles is a further preventive measure that is discussed (Bryan-Brown and Savill, 1997).

It is also important to try to identify environments with an increased risk of bicycle theft. On the basis of charting these areas of risk one is able to direct resources at those areas where they are really needed.

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# Fraud

BY LARS DOLMÉN

## Summary

During the year 2000, as many as 50 000 cases of fraud were reported to the police, representing about 10 per cent more than the preceding year. During the years 1997 to 1999, the number of reported offences was relatively constant at around 45 000 offences a year. Around a tenth of these consisted of fraud by means of credit cards, around 2 per cent involved cheque forgery and about 8 per cent concerned avoiding payment, such as cases of simple fraud where one travels by bus without paying or leaves a restaurant without settling the bill. Receiving stolen goods was somewhat more extensive and over 5 000 offences were reported in the year 2000. This corresponds to about 11 per cent of all fraud offences (Chapter 9 of the Penal Code). Since the end of the 1980s the number of cases of fraud reported to the police has dropped sharply, from around 100 000 in 1990 to half that level by the year 2000. By and large all types of fraud have decreased during that period of time.

The incidence of unrecorded cases is probably very high even though there is no reliable information regarding the extent of the actual criminality. It is, however, clear that the registered criminality level and development is, to a large degree, a consequence of how, for example, banks, credit card companies or institutions such as the social insurance offices, choose to report suspected fraud cases.

Cases of fraud are subject to a relatively high clearance rate. This is largely connected to the fact that the offences and the perpetrators are, to a considerable extent, identified at the same time. The proportion of cleared offences has, however, fallen in recent years and in the year 2000 barely half of the reported fraud was cleared. Persons who are prosecuted for fraud are, to a large extent, already previously known to the police. Of the total of 3 300 persons who were prosecuted for fraud during the year 2000, 64 per cent had been prosecuted for some other offence during the preceding ten-year period.

## Introduction

The offence of fraud is understood to mean offences that come under the heading of fraud and other forms of dishonesty according to Chapter 9 of the Penal Code. This includes both accomplished offences as well as attempted offences and those of intent. The Chapter contains three main groups of offence, of which one is *fraud*

where the perpetrator misleads someone for personal gain. A simple form of fraud is the offence of avoiding payment, such as when one travels by bus without payment or leaves a restaurant without settling the bill.

A second main group comprises *extortion and usury* in which the deed consists of some form of coercion and not, as in fraud, simply deception. The coercion may be described in the same way as unlawful threat and may, under certain circumstances, also resemble robbery. The latter presupposes that the threat is perceived as being serious, what is termed immediate danger (see Beckman et al., 1987). Usury is similarly an offence that is unlike fraud in that one employs some form of “psychological means” in order to gain an advantage.

*Receiving stolen goods* may be regarded as constituting a third main group that differs from fraud in that the offence can only be committed in the wake of another offence, such as theft.

## Hidden crime

Fraud is an offence category with a significant degree of unrecorded offences. There are grounds for suspecting that only a small proportion of crime is discovered and comes to the attention of the police. The hidden crime includes both undiscovered offences and those that are discovered but are not reported. The latter is quite certainly influenced by the value of the loss, while the first may relate to offences that quite simply are never identified. Fraud tends to be regarded as what are termed investigation and intervention offences, i.e. a significant part of the reported crime comes to the attention of the police as a result of various control measures. It is likely that the rules and practices of businesses, banks and insurance companies influence the degree of control and their interest in reporting discovered offences – and thereby the number of registered offences. Estimates of the extent of the unrecorded cases and value show, not infrequently, that fraud may be extensive but that the information is often based upon uncertain estimates. The extent of the exposure of private persons to fraud is unknown. Available crime victims surveys provide no information regarding the magnitude of this crime.

The extent of insurance fraud can be estimated on the basis of the assumption of a relationship between reported offences and reported claims, i.e. that a certain proportion of all claims are fraudulent. The extent of credit card fraud may be estimated in a similar manner on the basis of information from credit card companies and the banks’ transaction volumes. The extent of fraud directed at businesses, such as advertising fraud or false invoicing, has been estimated by means of the surveillance by the professional and industrial organisations of these events. Irrespective of which of these phenomena are discussed, the impression is based upon more or less good estimates. It does not afford the basis for reliable analyses of the extent or structure of the actual crime. Estimates of the extent and value of crime are, moreover, often based upon information from the businesses and institutions involved.

## The crime structure

Statistics of fraud crime reported to the police are hard to analyse because of, among other things, the very superficial types of offences that are reported. They may contain a great number of different incidents and, moreover, the category *other offences* represents a far too large proportion of the overall crime, at over 60 per cent. Figure 1 shows, however, that fraud by means of credit cards etc., accounts for 10 per cent of the offences and that fraud against insurance companies constitutes only 1 per cent of fraudulent crime reported to the police. Avoidance of paying accounts for 8 per cent of the reported fraud and covers, first and foremost, simple fraud against hotels, restaurants, buses and taxis. Extortion and usury comprise a very small part of crime with, in the year 2000, only one (1) per cent of all fraud. Receiving stolen goods, on the other hand, is a more common form of offence and accounts for 11 per cent of all offences against Chapter 9 of the Penal Code reported to the police. A good tenth of these offences are regarded as occurring habitually or on a large scale.

A large proportion of the credit card fraud takes place by means of stolen credit cards. Estimates indicate that the majority of credit card fraud is undertaken by means of stolen (30 per cent) or lost credit cards (20 per cent). A smaller proportion relates to cards stolen when being delivered (7 per cent) or through somebody gaining access to a credit card by means of false identify, for example (3 per cent). Around 15 per cent of the fraud is assumed to be distance fraud, i.e. when somebody uses another person's name and account number when ordering goods, via the Internet for example. About a fifth (21 per cent) of offences are believed to occur by means of counterfeit credit cards or re-imprinted cards. The latter presupposes access to information by means of, for example, complicity by employees at the sales business (Odebrant, 1999)

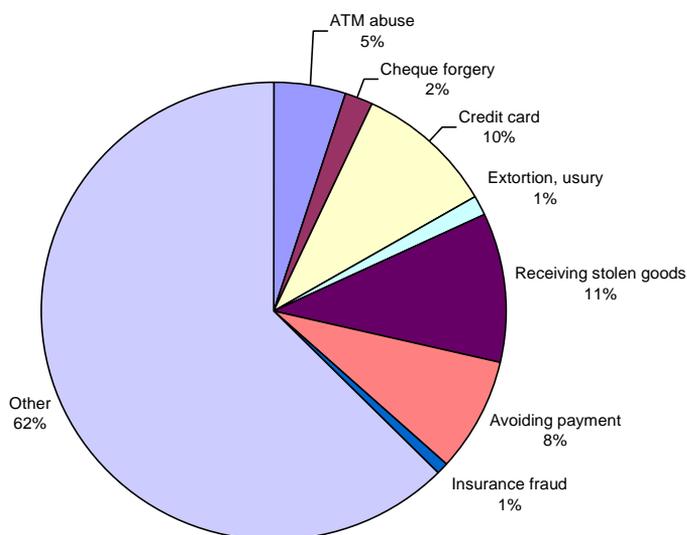


Figure 1. Proportion of fraud reported to the police by type of offence, 2000.

## Crime trends

Changes in opportunity to commit an offence may also be deduced from the trend in reported crime. When the cheque was introduced as a means of payment during the 1960s, the incidence of fraud reported to the police increased. Then when it became necessary to prove identity when issuing cheques in 1971, the level of fraud fell sharply (Knutsson and Kühlnhorn, 1980). The credit card became a common form of payment towards the end of the 1970s and, as a result of this, the incidence of fraud increased as well. The sharp decline in fraud during the 1990s, on the other hand, has no clear-cut explanation, with just about all forms of fraud diminishing. It is possible that the decline may be due to a generally lower inclination to report. Nor can the possibility be excluded that improved checks on stolen or lost credit cards and improved routines for blocking these cards, has contributed towards reducing the level of fraud.

Figure 2 also shows that crime increased during the latter part of the 1970s prior to remaining at a more or less constant level during the 1980s. Since the beginning of the 1990s crime has gradually decreased, with the exception of a peak year in 1996. The high crime level that year is, however, due to four lots of crime being reported that involved a combined total of 24 500 criminal acts. Even though this is relatively extreme it is not unusual, i.e. for a single report of crime to involve a considerable number of fraud offences. This is illustrated by the fact that the number of offences for each reported case is significantly higher for fraud than for other offences.

The principal rule is that each specific case of a person or institution being subjected to fraud, is counted as one offence. Each valuable document, such as a cheque, invoice, or postal order, is counted as one offence and, where “unlawful

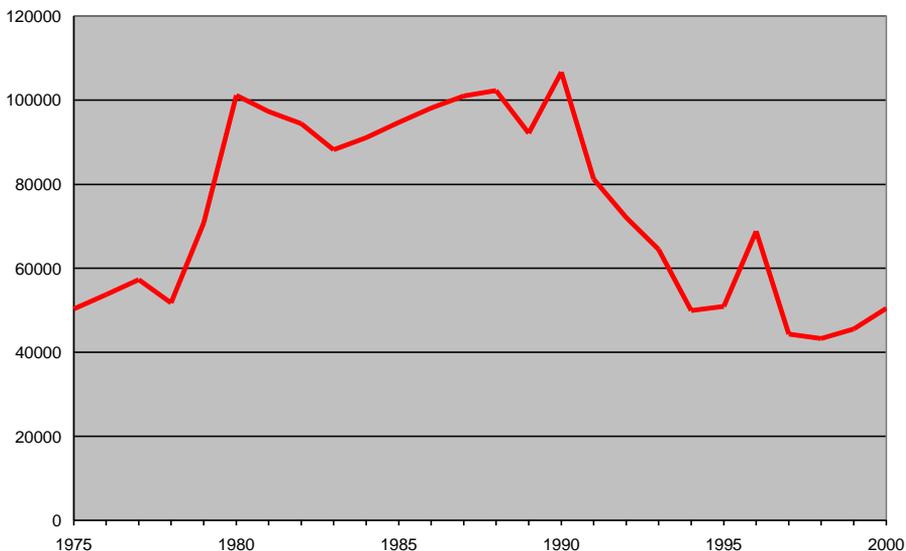


Figure 2. Number of cases of fraud reported to the police, 1975–2000.

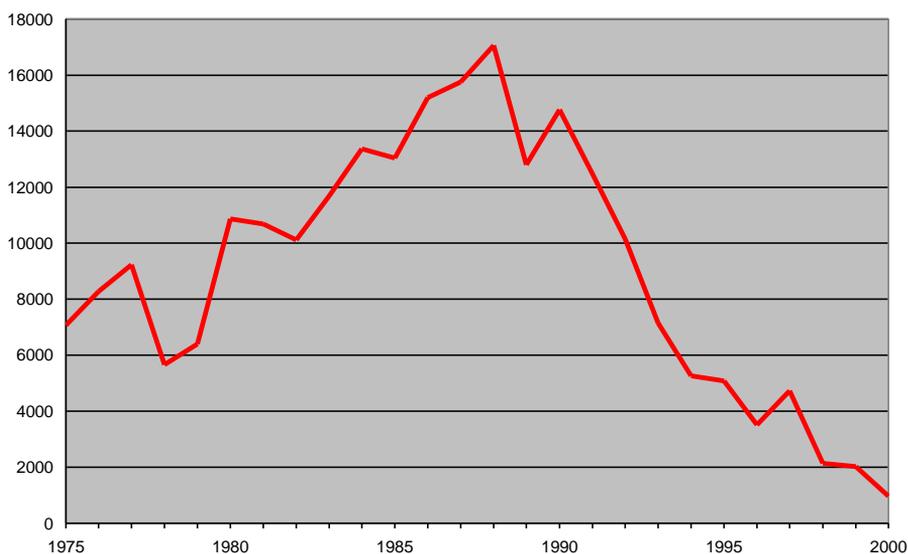


Figure 3. Number of cases of cheque forgery reported to the police, 1975–2000.

use of ATM” is concerned, there is one offence for each ATM involved. One consequence of this is that crime can vary from year to year and that one should not therefore attach too much attention to variations between individual years. Between the years 1999 and 2000 the number of reported offences increased by as much as 10 per cent to over 50 000. “Other fraud” increased, for example, by nearly 10 000 offences or 50 per cent.

As previously stated, cheque forgery decreased sharply at the beginning of the 1970s. Throughout the entire 1980s, however, the number of reported offences again increased, from 6 000 a year in 1979 to 17 000 in the peak year of 1988. Thereafter, the number of offences dropped again just as sharply and reached its absolute nadir in the year 2000, with barely 1 000 reported cases.

Credit card fraud reached its highest level at the middle of the 1980s and then decreased quite clearly right until 1997. Even though the number of offences increased somewhat between 1997 and year 2000, from 2 600 to 5 000, the year 2000 level was considerably less than the peak years of 1985 and 1986 when 22 000 offences were reported to the police.

Fraud against the social insurance system and insurance companies, avoidance of payment and receiving stolen goods, decreased just as clearly over the last 20 years and reached, in all cases, their lowest level at the end of the 1990s. The only kind of offence against Chapter 9 of the Penal Code that developed in the opposite direction, is extortion and usury. These offences have increased gradually since the mid-1980s. But despite the fact that the offences showed a slight increase throughout most of the 1980s and 1990s, they were relatively unusual. In the year 2000, only 700 such offences were reported to the police.



Figure 4. The number of credit card fraud cases reported to the police, 1979–2000

Caution should be exercised when interpreting the crime trend for the fraud offences reported to the police. This is partly because the level of unrecorded cases is, in all probability, very high, and partly because a large part of the fraud crime is categorised as other fraud. The latter can be illustrated by the development of the crime over the last two years. Between 1999 and year 2000, the overall level of fraud crime increased by 5 000 offences. Most categories decreased apart from

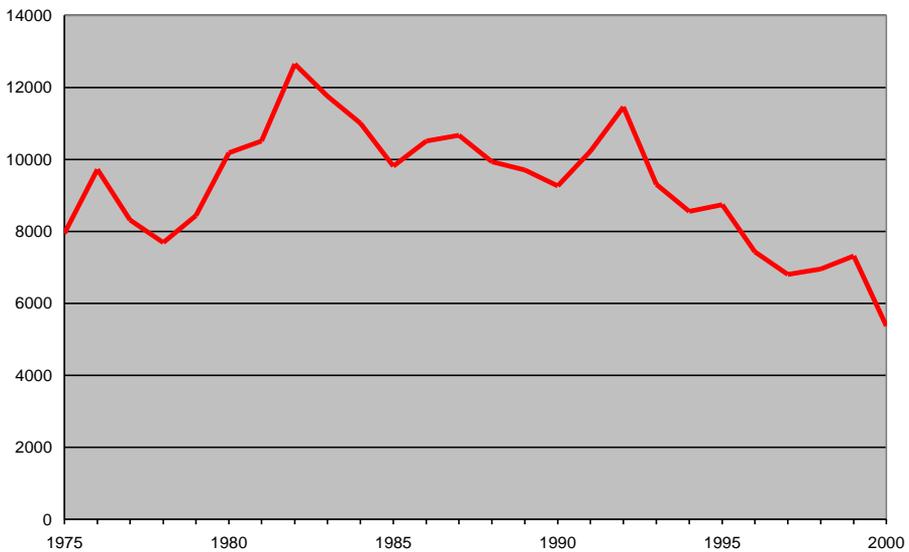


Figure 5. Number of receiving stolen good offences reported to the police, 1975–2000.

other fraud, which increased by nearly 50 per cent, from 20 000 to 29 000 reported offences. The possibility cannot be excluded that the other fraud category includes offences that should be able to be classified as other types of fraud such as credit card fraud, for example.

## Regional distribution

There are also grounds for being careful with detailed geographical comparisons in respect of these offences. One reason is that a single report of crime involving a great number of offences may, in individual cases, influence the general crime level and give a county a temporarily high level of crime. Crime is, however, systematically highest in the county of Stockholm. A listing of the reported criminality over the last three years shows, for example, that crime is consistently highest in the county of Stockholm. The ranking order between the other counties does not, how-

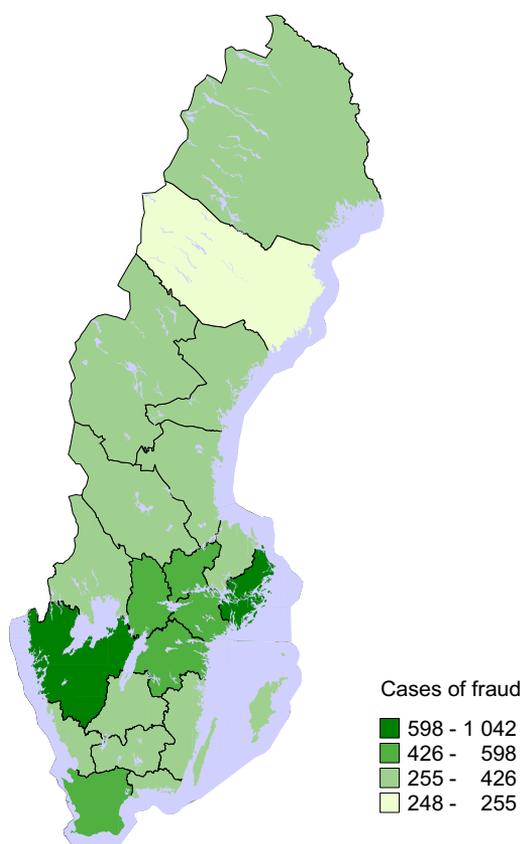


Figure 6. Number of cases of fraud reported to the police per 100 000 inhabitants, 2000.

ever, follow any clear pattern. Relatively high offence levels are to be found in the counties of Östergötland and Västra Götaland. Low offence levels are primarily to be found in parts of northern Sweden.

## Cleared offences

In comparison with many other types of offence, fraud has a high clearance rate. It is somewhat higher than for reported crime in general and considerably higher than for theft offences. The clearing levels differ greatly, however, from one type of offence to another. There is a high clearance rate for receiving stolen goods, for example, with 81 per cent of the offences cleared. Fraud by means of credit cards or unlawful use of ATMs is far less frequently cleared, with only 25 per cent of credit card fraud cleared. A good 80 per cent of reported cheque forgery is registered as being cleared while 24 per cent of fraud against the social insurance system and 47 per cent of fraud cases involving insurance companies, were cleared during year 2000.

Certain fraud cases, such as those against insurance companies and the social insurance system may be designated as pronounced investigation and intervention offences, i.e. they are reported and cleared at the time the offence is identified along with a suspect. Receiving stolen goods is also hardly ever reported without, at the same time, a suspected person being identified. The element of serial criminality also leads to many offences being cleared. In the event of a report containing a great number of offences and, moreover, a suspected person, the clearance rate is high.

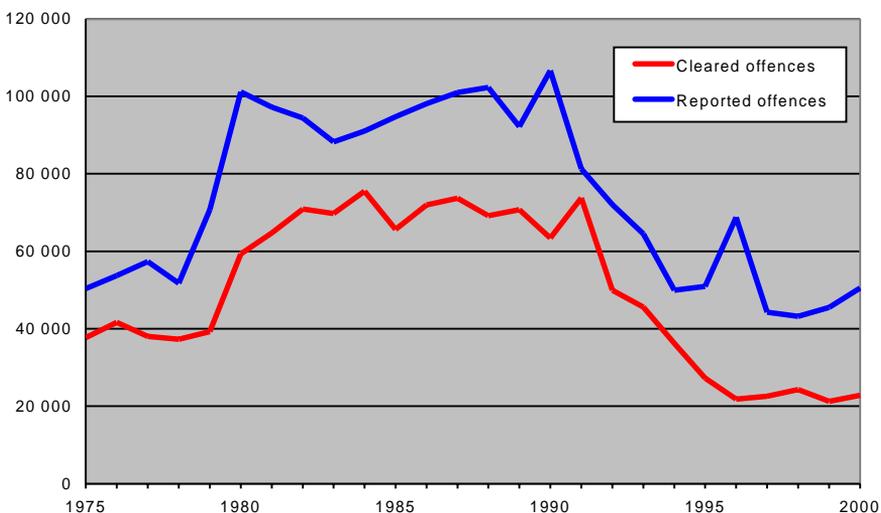


Figure 7. Number of fraud offences reported to the police and cleared, 1975–2000.

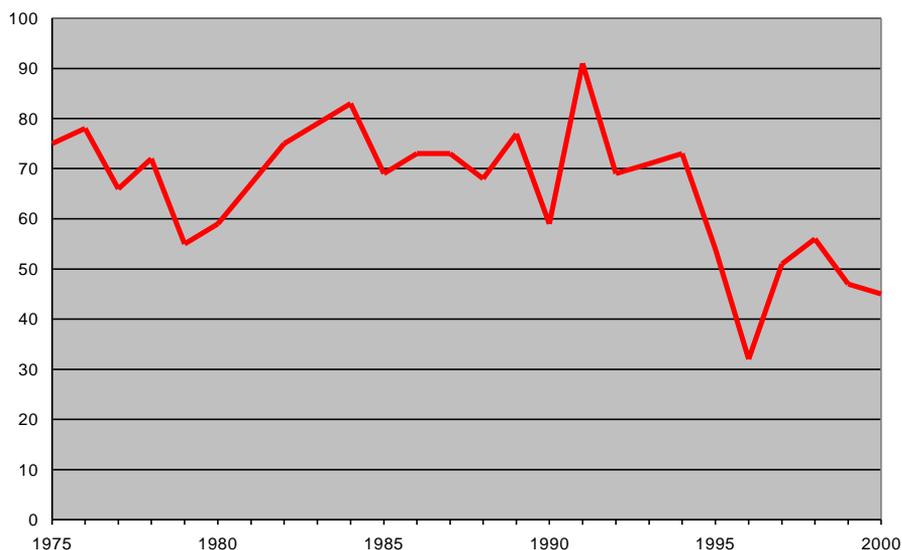


Figure 8. Proportion of cleared fraud offences, 1975–2000.

Clearing up decisions that occur in direct connection with the reporting of an offence were as common as cleared offences where there was reasonable cause to connect a suspected person to the offence. Of all cleared fraud offences in the year 2000, as many as 49 per cent can be attributed to decisions relating to the reporting of the offence, and 51 per cent were cleared through a suspected person being connected to the offence. The most common individual forms of clearing up in connection with reporting the offence were, that it could not be shown that an offence had taken place or that the act was not regarded as constituting an offence. These two reasons for clearing up accounted for a third of the clearance rate for reported offences during the year 2000.

Both the reported criminality as well as the clearance rate are extremely sensitive to variations in serial criminality and investigation or control measures. This results in the clearing level fluctuating sharply from year to year, largely due to variations in the structure of the reported criminality. The correlation between reported offences and cleared offences is, however, good and develops in practically the same way over a succession of years. Up to and including 1994 the proportion of cleared fraud cases was around 70 per cent. In recent years, however, the clearance rate fell sharply. In 1997 and 1998 the proportion of cleared offences was just over 50 per cent (see figure 8). During the year 2000 less than half (45%) of reported offences were cleared.

It is seen from figure 7 that the *number* of cleared offences decreased dramatically during the greater part of the 1990s. The decrease partly ceased during the latter part of the decade – a consequence of the number of reported offences decreasing to a corresponding degree. Figure 8 shows, however, that the *proportion* of

cleared offences decreased somewhat more, i.e. the clearance rate fell during the last few years, from 73 per cent in 1994 to 45 per cent in the year 2000.

## Suspects

Half of the cleared fraud offences in year 2000 were the result of it being possible to connect a suspect with the offence. In the majority of these cases, the suspect was prosecuted for the offence. During the year 2000, almost 6 200 persons were suspected of some form of fraud. Since several persons can be involved in more than one offence and several perpetrators can take part in the same criminal act, the number of reported cases of participation in offences was three times as many at nearly 18 900. As a rule, fraud suspects are generally somewhat older than suspects as a whole. Persons who are 20 years or younger, for example, accounted for 18 per cent of those suspected of fraud in the year 2000. The corresponding proportion for persons suspected of offences against the Penal Code, was 24 per cent. The highest proportion of young people is to be found among those suspected of extortion and usury (39%). The proportion of young people suspected of cheque forgery or fraud against the social insurance system was considerably lower (8 and 1 per cent respectively of those suspected of the offence categories in question, in the year 2000).

## Prosecutions

The element of serial criminality and its impact upon cleared offences may give a distorted picture of the persons who are prosecuted for fraud offences. When a person is registered as having been prosecuted for fraud this is done on the basis of the principal offence. It means that the prosecution can also refer to an unknown number of offences of the same, or a different kind. Moreover one may assume that the choice of sanction is influenced by the number of offences. This may prove to be particularly sensitive in respect of fraud offences where the element of serial criminality is not infrequently high.

In the year 2000, a total of almost 3 300 persons were prosecuted for a fraud offence, of which around 1 000 with fraud as the principal offence. There were 1 400 persons prosecuted for receiving stolen goods and 33 for usury or extortion. Of all of those prosecuted almost 2 500 were sentenced in court, nearly 400 were subjected to injunctions and almost 500 had the prosecution withdrawn. The most common consequence was, however, suspended sentences (925) followed by prison (644 persons). Since the beginning of the 1980s, when around 10 000 persons were prosecuted for fraud offences, the number of prosecuted persons has gradually decreased to 3 300 by the year 2000.

Persons who are prosecuted for fraud are often those with a previous criminal record. Of the 3 300 persons prosecuted for fraud during the year 2000, 64 per cent had been prosecuted for one or more offences at some time during the preceding ten years. Persons prosecuted for fraud are perpetrators who often have previous criminal records.

## Preventive measures

Since fraud may largely be regarded as an investigation and intervention offence, the crime trend should be capable of being influenced by control measures. The measures directed against cheque forgery at the beginning of the 1970s show that it is possible to influence the development (Knutsson and Köhlerhorn, 1980). A survey conducted among car-owners subjected to car theft or theft from motor vehicles showed that clear rules for inspection following the submission of claims had reduced the number of insurance fraud cases. The insurance fraud cases decreased as a result of the insured parties being less likely to exaggerate the number of stolen objects and the value of the stolen objects (Ahlberg and Abrahamsson, 1994).

A host of different kinds of fraud are periodically highlighted by the mass media. In recent times, for example, fraud involving advertisements has given rise to some attention, with the so-called Nigeria Letters having featured in the past. Another form of fraud that attracts considerable interest is subsidy fraud and other irregularities within the EU. This does not, however, include only fraud but also many other kinds of financial irregularities. The majority of these are assumed to occur primarily within the framework of business enterprise (Edling, 1998).

Persson and Svanberg (1998) discuss the more general scope of insurance fraud and possible measures. They consider that the police should direct greater interest at habitual criminals who are also assumed to be responsible for a large proportion of fraud. They also discuss the need for a joint claims register for insurance companies, so that policyholders can be tracked between the various companies. Since insurance companies can report and, in some cases, remedy matters themselves, it should be possible to reduce insurance fraud if the companies' own reporting skill increases. They further consider that there is a need to review the regulations and enhance insurance companies' opportunities to refuse insurance cover in doubtful cases. This presupposes, however, that the companies improve their own risk assessments. In conclusion, Persson and Svanberg consider that both the police and the insurance companies must raise the level of control, both in their own right and through co-operation. This has occurred in regard to social insurance, i.e. incorrect disbursements of insurance payments and allowances, where improved checks and co-operation have resulted in several cases of fraud being uncovered and lower costs (RFV, 1999).

Other forms of fraud often discussed are credit card fraud or fraud by means of another person's account. Different kinds of credit card fraud or unlawful use of

credit card numbers can be estimated globally at around SEK 10 billion and may be anticipated to increase in line with the increase in the number of transactions (Odebrant, 1999). Poor credit card security has caused the industry to try and develop a more secure credit card where the magnetic strip is replaced by encrypted information in a built-in microchip. Whether this will solve the problems remains to be seen. It will take a long time to fully implement the system. Experience from France, where the system is employed on a large scale, shows the effects to be very promising however.

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# Inflicting damage

BY BO ULRIKSSON

## Summary

The number of cases of inflicting damage reported in the year 2000 was just over twice as many as in 1975. The offence of inflicting damage is not as peculiar to big cities as the majority of other types of offence. Half of those suspected of inflicting damage were aged 24 years or less. Of the notified cases of inflicting damage, graffiti accounts for 20 per cent. The most common consequence of inflicting damage is fines, either in the form of an order and through a judgement.

## Introduction

Inflicting damage relates to offences according to chapter 12 of the Penal Code. The offence categories are inflicting damage, damage, aggravated inflicting of damage and taking an unlawful path (the latter offence is not commented upon further here). The most common offence, inflicting damage, is defined in chapter 12 § 1 of the Penal Code, as: “Whosoever destroys or damages property, real or personal, to the detriment of another’s right to same...”. If the inflicting of damage is to be regarded as minor, then the offence is designated in § 2 as simple damage. Aggravated inflicting of damage is defined in § 3 as: “Upon assessing whether the offence is aggravated, particular note shall be made of whether the act gives rise to extreme danger to a person’s life or health or if the damage affects matters of great cultural or financial importance or if the damage is otherwise particularly noticeable.”

## Hidden crime

The actual number of inflicting damage offences is considerably greater than the reporting statistics indicate. The fact that the level of unrecorded cases is high is due, among other things, to the difficulty in establishing who the perpetrators are. The injured parties thus often consider it to be pointless to report an offence. It is hard to assess how extensive the hidden crime is.

What it is possible to say is that the level of unrecorded cases is

- less for damage of greater, rather than minor, value,
- less for damage that is covered by insurance and where the cost of the damage is greater than the excess, than for damage that is not covered by insurance or where the cost of the damage is less than the excess
- less for damage directed against private persons or small businesses than for damage relating to property belonging to the state, district council, county council or large businesses.

In a longer perspective (from the 1950s and beyond), the inclination to report has probably decreased in line with the increased level of welfare. If an offence is perceived as being very minor on the grounds of its cost, this militates in favour of no report being made.

In recent times, however, the overall costs of the increasingly extensive inflicting of damage have been noted. It is possible that tolerance towards the offence of inflicting damage decreased therefore during the 1990s. Over a shorter time perspective this would then argue in favour of the inclination to report increasing in respect of such offences.

## The crime structure

In the statistics relating to reported offences, inflicting damage offences are not reported under the offence categories. Instead they are divided into sub-categories with regard to the object sustaining the damage, its victims or the manner in which the offence is carried out, see figure 1.

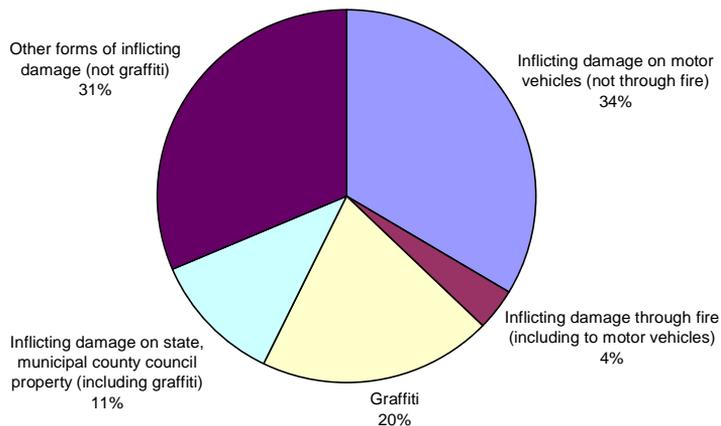


Figure 1. Number of cases of inflicting damage reported to the police, according to type, 2000.

### *Inflicting damage on motor vehicles*

Inflicting damage on motor vehicles usually involves shattered headlights, dented roofs and doors or slashed tyres. According to the rules governing the official legal statistics, however, inflicting damage offences that are connected with theft or attempted theft, are not included in the statistical records.

### *Inflicting damage through fire*

Fires that are reported as inflicting damage are fires started intentionally in which property is destroyed or put at risk, without persons being subjected to injury or risk of injury. This is where many cases of children and young people's playing with fire are to be found. For an incident to be included as an inflicting damage offence, it is a prerequisite for there to be an intention to set something on fire in order to destroy it. Characteristic of these fires is the fact that many of those reported turn out not to constitute an offence.

### *Inflicting damage to state, municipal and county council property*

This includes inflicting damage on schools, hospitals, nurseries and the like, but not – for example – on state or municipally-owned companies. The most common is for the official instances to report milder damage to their property in the event of there being any suspect.

### *Graffiti*

From and including 1996 it is possible to separate out graffiti in the statistics relating to reported offences. This relates to all graffiti irrespective of whether it concerns private property or property that belongs to the state, district council and county council.

### *Other inflicting of damage*

This includes most types of inflicting damage directed against the property of private persons, state or municipally-owned companies as well as shops, places of entertainment etc. Not, however, against motor vehicles nor graffiti or inflicting damage by means of fire, as these are recorded separately.

According to the rules governing the calculation of numbers for statistical reporting, inflicting damage that is directed against the same place, but on several

different occasions, is recorded as one offence on each occasion. It is, however, regarded as one offence if several objects are damaged at the same time, even if the objects belong to different owners. Upon the infliction of damage to vehicles, however, one offence is registered for each vehicle involved.

## Crime trends

In the year 2000 a total of 123 560 cases of inflicting damage were reported. This is an increase of nearly ten per cent compared with 1999, when the number of reported cases of inflicting damage instead decreased by over six per cent compared with 1998. A large part of this up and down variation is ascribable to the graffiti reported to the police in the Stockholm region. One of the reasons is that within Stockholm's local traffic, police notifications were lagging behind. Thousands of graffiti offences committed in 1999 were not reported until the year 2000 (Zielonka, 2001).

During the whole period of 1975–2000 the inflicting damage offences increased by over 125 per cent. In 1975 almost 55 000 such offences were reported. During the three-year period 1978–1980 the increase was temporarily small, with an average increase of 1 100 reported offences a year. There then followed a decade where the reported cases of inflicted damage increased by an average of 3 800 more offences per year up to and including 1989. In 1990 the reported offences increased by a further 4 000 compared with the previous year and amounted to nearly 97 000

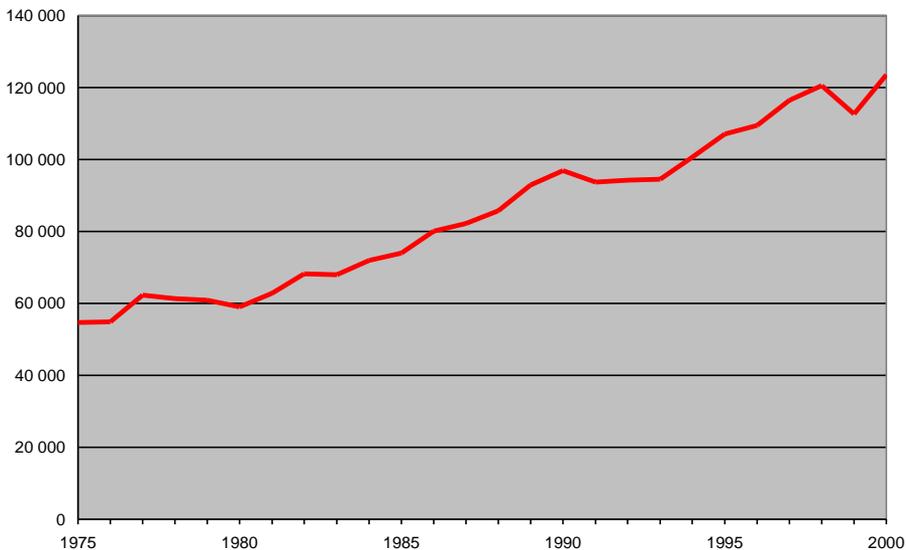


Figure 2. Number of cases of inflicting damage reported to the police, 1975–2000.

cases. The three following years 1991–1993 the trend of reported cases of inflicting damage was reversed; the offences decreased and remained at a constant level of around 94 000 cases. From and including 1994, when the number of reported cases of inflicting damage exceeded 100 000 for the first time, the reported level of offences again increased. In 1997 over 116 000 cases of inflicting damage were reported to the police.

During the 1980s it was primarily the increase in the reported cases of inflicting damage to motor vehicles that governed the trend. This was largely due to the increased number of available objects, i.e. cars, but also because the inclination to report grew in line with the trend towards buying increasing numbers of *new* cars.

During the first half of the 1990s the pattern of inflicting damage criminality was somewhat different. The cases of damage inflicted on motor vehicles decreased while, at the same time, the number of reported cases of inflicting damage to state, municipal and county council property and other cases of inflicting damage, increased. A large part of the increase was believed to be accounted for by graffiti. When a separate code for graffiti was introduced into the police reporting routines in 1996, nearly 16 000 graffiti offences were registered. This had the consequence of the number of inflicting damage offences recorded against state, municipal and county council property, as well as other cases of inflicting damage, being reduced by nearly 15 000 offences. In the year 2000 a total of 24 759 graffiti offences were reported to the police.

## Regional distribution

Inflicting damage offences are, to a certain extent, concentrated on the Stockholm region. Otherwise there does not appear to be any special concentration upon the big city areas of Gothenburg and Malmö, compared with other parts of the country.

There are regions with less population density that have just as large a number of reported inflicting damage offences per inhabitant as the Gothenburg and Malmö regions. The county of Västra Götaland, generally regarded as one of the three counties with the highest incidence of offences, is not particularly affected by inflicting damage offences. Whether this means that the level of criminality is actually lower there or that the inclination to report inflicting of damage, is unclear however.

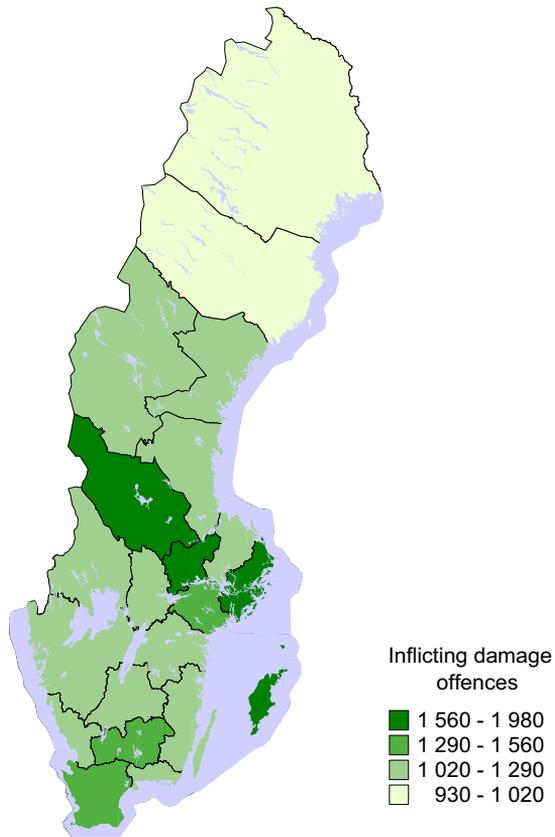


Figure 3. Number of cases of inflicting damage reported to the police, per 100 000 inhabitants, by county, 2000.

## Cleared offences

In 1998 just over 14 000 reported cases of inflicting damage were cleared, corresponding to slightly over 11 per cent of all reported inflicting damage offences that year. A good third of these (5 600) were cleared as a result of offence notification decisions which, in principle, means that the matter is not forwarded on to the prosecution authorities but is written off on the basis of decisions that are defined as cleared offences. Almost 1 200 of these “writing off decisions” were cleared when it was ascertained that the suspect was below the age of 15 years. The other two thirds of the cleared inflicting damage offences were primarily related to suspected persons being subjected to an injunction, having charges withdrawn or being prosecuted.

## Suspects

There were altogether 6 021 persons suspected of inflicting damage offences in the year 2000. Children under the age of 15 years are not included in this figure, however, it is probable that inflicting damage offences are committed, to a relatively large extent, by young people. In cases where a perpetrator is detected, it is more normal for inflicting damage offences than for offences generally, for the suspected perpetrator to be under 15 years – in about 8 per cent of the cleared inflicting damage offences, the suspect was aged under 15 years, compared with around 4 per cent for all offences.

Where those of an indictable age are concerned, 34 per cent of the persons suspected of inflicting damage offences were aged 15–19 years and half (51 per cent) aged 15 to 24 years (year 2000). Thus, the other half was people over 24 years of age. Since a very small proportion of those who commit the offences are found by the police, it remains uncertain as to how well the statistics reflect the actual age distribution.

Older and more habitually criminal perpetrators are probably over-represented in the statistics featuring suspected persons. Younger – and thus less habitually criminal perpetrators – are not as well known to the police and are therefore probably less likely to be discovered.

The inflicting damage offences are overwhelmingly committed by men. Of the total of 6 021 persons suspected in year 2000 of inflicting damage offences, 471 were women (8 per cent).

## Prosecutions

Statistics relating to prosecuted persons are recorded according to the principal offence. This means that if a prosecution relates to several offences, the offence regarded as being the principal offence is that which carries the severest penalty in the scale of penalties. Apart from aggravated inflicting of damage, the degrees of punishment are relatively mild for the offence of inflicting damage, which means that these offences are usually not the principal offence.

The degree of severity of the offence of inflicting damage is thus not such that it normally leads to a prison sentence. The most common consequence is fines of some kind. In the 2 798 cases (year 2000) where inflicting damage was the principal offence, seven incurred prison sentences, primarily in respect of terms within the interval of 6–12 months.

## Victims

By and large anybody can be a victim of inflicting damage. If not directly, then indirectly, through the payment of taxes or insurance premiums. As mentioned above the statistical recording of the notified inflicting damage offences is divided into sub-categories in respect of their victims (state, district council and county council), the object of the damage inflicted (motor vehicle) or whether they were carried out in a specific manner (through fire or graffiti). In addition there is the category of Other Inflicting of Damage (e.g. inflicting damage directed against the property of private persons).

## Preventive measures

Damage inflicting offences possess totally different characteristics, such as graffiti on the front of a house and damage to a car. This means that the points of departure for preventing the inflicting of damage are diffuse. Only a part of all inflicting damage offences are considered and planned actions. This group includes graffiti and similar systematic inflicting of damage. Parts of the graffiti derive from a youth culture that is to be found in many parts of the world. The perpetrators can devote a great deal of time to preparations and to the graphics and are often careful to keep a photographic record of the result.

A limited number of persons account for a large proportion of these offences. This means that conditions may exist for being able to influence them by means of what is referred to as social prevention. There exist Swedish experiences of attempting to persuade the perpetrators to end their graffiti work by, for example, getting them to help in clearing up the graffiti (BRÅ, 2000). Trials have already been conducted with young persons caught creating graffiti immediately making good the damage by means of carrying out work for whoever has been subjected to the offence, such as a business for example. To get all children and young people in a school, for example, to help in clearing up the graffiti and keeping everything nice and clean around them, can also be a means of making those responsible for graffiti less inclined to continue with it. There is, however, no scientific evidence to show that these types of measure are successful.

Graffiti can also be prevented by means of locally targeted measures. One known example is for paint-spray aerosols to be only sold over the counter, reducing the scope for paints to be stolen. In certain contexts it is also possible to employ building materials that make it difficult to create graffiti or that are easy to clean. A normal situational strategy against graffiti is rapid cleaning. It can be important both for the perpetrators to be denied the reward that untouched graffiti may be implied as being, and for the destruction to be escalated.

Research has shown that there is a connection between inflicting damage and the state in which a place or object is in. Damaged environments or objects that are

not restored, risk being subjected moreover to a rapid destructive process (Skogan, 1990; Wilson, 1975). This may in turn lead to further damage being inflicted, and further criminality and insecurity. Measures aimed at ensuring that an area, a property or an object are well cared for and well looked after, can thus represent a method of preventing damage being inflicted. Similarly work at restoring that which has been destroyed, can represent a crime preventive measure in itself. To make several people participate in the work adds further preventive dimensions, through the young people in an area becoming involved for example.

It is also possible to counteract inflicting of damage by altering the physical design of buildings and installations, referred to as building-related measures (Boverket [The National Housing Board], 1998). In addition to building in a way that, purely physically, makes it more difficult to destroy, one may build or convert in a manner that stimulates the informal social control. This can relate to increasing visibility or by increasing the sense of belonging by means of what are known as symbolic markings, by having to open a gate in order to gain access to a yard, for example.

In certain cases there can be grounds for applying far-reaching measures. Altered legislation means that camera surveillance may be employed more for crime prevention purposes. In Sweden there is not as yet any example of camera surveillance being employed in order to prevent damage from being inflicted. From England, however, such experience is available. For example camera surveillance has been employed with success in preventing the inflicting of damage to buses (Poyner, 1992).

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# Incitement of racial hatred

BY HELÉNE LÖÖW

## Summary

During the period 1992–1995 the number of offences reported to the police lay at just over 100 a year. After 1995 the trend may be said to have developed explosively. The number of reported cases increased very sharply. In the year 2000 a total of 865 offences were reported. It is, however, relatively unusual for reported agitation against national or ethnic group offences to lead to any persons being convicted to the offence. During the latter part of the 1990s only nine per cent of the reported offences led to prosecutions, imposition of orders or withdrawal of prosecution. The number of prosecuted persons grew from an average of six a year during the first half of the 1990s to around 40 persons a year in the second half. The most common action that was condemned as agitation against national or ethnic groups during the 1990s was shouts of “sieg heil” and/or Nazi salutes. In almost half the cases (46 per cent) they were such actions that were condemned, usually by themselves but occasionally combined with other behaviour. The carrying of symbols was also a common reason for being convicted for agitation against national or ethnic groups, especially during the latter part of the 1990s. When certain symbols were condemned it was often the context in which they were used that was crucial. In three quarters of the judgements there was no specific national or ethnic group to which the offence related. It was often stated in the judgements that the (guilty) person “expressed disdain for ethnic groups other than, first and foremost, the Nordic peoples” (for example through the carrying of a Nazi symbol). A good half of those found guilty (i.e. 115 persons) were convicted *only* for agitation against national or ethnic group. The most common legal consequence for these persons was fines (70 per cent) while prison sentences were handed down in 28 per cent of cases. The proportion of persons sentenced to a term of imprisonment for agitation against national or ethnic group increased during the 1990s.

## Introduction

Agitation against national or ethnic group relates to offences against chapter 16, § 8 in the Penal Code.<sup>1</sup> There is one of the provisions in the Penal Code that has particularly great significance with regard to offences involving xenophobic or

<sup>1</sup> There is also a provision in the freedom of speech statute (chapter 7, § 4).

racist elements. During the 1990s the number of offences reported to the police under the heading of agitation against national or ethnic group and the number of persons prosecuted for this offence, increased sharply. The provision relating to agitation against national or ethnic group prohibits, by and large, all expressions of racial or similar content, irrespective of whether such expression occurred verbally, in print or through other media. Nor is it required that the expression be disseminated among the general public, it is sufficient for it to be spread among a small circle of people.<sup>2</sup> Agitation against national or ethnic group was not recorded separately in the statistics prior to 1990. That is why it is the development during the 1990s that is primarily dealt with here.

## Hidden crime

The number of unrecorded cases is probably large. It is, for example, practically impossible to estimate how much material of various kinds is in circulation that could come under the precept of agitation against national or ethnic group. Moreover the offence, as such, is complicated in purely legal terms as it impinges upon freedom of speech and thus the problem of delineation that obtains. Many texts find themselves, for example, in a grey zone where it can be difficult to determine whether an expression constitutes agitation against national or ethnic group, or not. It thus concerns, to the utmost extent, interpretations of the meaning of various expressions and, for example, where anti-Semitic statements are concerned, anti-semitists have since the end of the second World War developed a coded language regarding which it can be difficult for the court to adopt a position. Freedom of speech cases are, moreover, decided by jury processes. In Sweden the principle is that a text is not unlawful until it has been convicted – there is no pre-censorship.

## The crime structure

### *Context*

About a quarter of offences during the 1990s were committed in an organised context, i.e. in connection with demonstrations, concerts or meetings, see table 1. A good half of the offences were committed in a non-organised context (e.g. out in the town or in a pub).

The big category “out in the town” covers almost half of those prosecuted, 16 per cent committed the offence in a park. The majority within this category were convicted for cross burning. Cross burning also occurred at refugee camps. It is thus not a matter of just anywhere “out in the town”, but of the offence being committed

<sup>2</sup> Ibid 1998:35. p. 202

Table 1

*Context in which offences were committed (individuals as an entity).*

Context	Number	Proportion
Demonstration	26	12%
Concert	28	13%
Meeting	2	1%
Out in the town	97	46%
Pub	15	7%
Other	44	21%
Total	212	100%

in connection with a specific target (for example a refugee camp) or a planned activity (cross burning). Some persons committed the offence on the way to a White Noise music concert. To some extent it is a matter of offences that are committed in connection with a planned or organised activity with racist motives.

The proportion of persons who committed the offences in an organised context (i.e. in connection with demonstrations, concerts or meetings) increased sharply during the 1990s. From 6 per cent during the years 1989–1994 to 30 per cent during 1995–1999, see table 2.

Table 2.

*Persons who committed offences in an organised and non-organised context, respectively, 1989–1994 and 1995–1999.*

Context in which the offences were committed	Year of offence			
	1989-1994		1995-1999	
	Number	Proportion	Number	Proportion
Organised context	2	6%	54	30%
Non-organised context	18	56%	94	52%
Not possible to determine	12	38%	32	18%
Total	32	100%	180	100%

### *Convicted actions and symbols*

The most common action for which individuals were condemned during the 1990s was that they shouted “siege heil” and/or gave the Nazi salute<sup>3</sup> – (see table 3). In getting on for half the cases (46 per cent) it was such behaviour that was pun-

<sup>3</sup> Referred to as ‘Nazi salute’ from this point on, irrespective of whether the person concerned saluted or shouted or did both.

Table 3.

Number and proportion of persons condemned for 'Nazi salutes', symbols, insults or slogans and cross burning, 1990–1999.

Convicted symbols etc.	Convicted persons	
	Number	Proportion
Nazi salutes	67	31%
Symbol (s)	37	17%
Insults or slogans	35	16%
Symbols and insults or slogans	22	10%
Cross burning	19	9%
Nazi salutes and insults or slogans	15	7%
Symbols and Nazi salutes	12	6%
Other combinations	7	3%
Total	214	100%

ished, usually by itself (31 per cent) but sometimes combined with other behaviour (15 per cent). It was also usual for the persons in question to bear a badge, a jacket, T-shirt or armband with a certain kind of symbol on. In 17 per cent of cases it was an individual offence, in 18 per cent of cases it was combined with something else. Of the same numerical order of magnitude are the cases where the perpetrators shouted insults or slogans (16 per cent as an individual action and 18 per cent combined with something else). What is known as cross burning occurred in 11 per cent of cases in all, and in 9 per cent of cases cross burning was an individual action.

The reason why so-called Nazi salutes is convicted as agitation against national or ethnic group is that the action is deemed to symbolise Nazism and thereby racism and anti-Semitism. Where the *bearing* of a symbol is concerned (on a badge, a jacket etc.) this is regarded as constituting an offence in certain cases because the symbol may, in itself, not be deemed to constitute incitement of racial hatred, in other cases because of the context in which it is borne. On the other hand there are no judgements against those who *sell* the same symbols that is crucial to a possible conviction. The majority of such cases that are reported to the police have been dismissed at an early stage. There is, however, a particular problem with regard to symbols and that is that many of them are used in entirely different contexts that have nothing whatever to do with racism or anti-Semitism. There thus exists a complex delineation problem.

Part of the police strategy against raceideological groups has been to target individuals who participate in demonstrations, concerts and the like and who bear symbols or heil etc. There are certain differences between the organised and the non-organised contexts with regard to what one is condemned for in the final analysis. In the organised contexts it is primarily the Nazi salute that is convicted (a good

Table 4.

*Persons convicted for Nazi salutes, symbols, insults or slogans and cross burning, divided according to different contexts, 1990–1999*

Convicted symbols etc.	Organised		Non-organised		Not possible to determine	
	Number	Proportion	Number	Proportion	Number	Proportion
Nazi salute	34	62%	24	21%	9	20%
Symbol (s)	6	11%	26	23%	5	11%
Insults and slogans	3	5%	10	9%	20	45%
Symbol and insults or slogans	2	4%	15	13%	5	11%
Cross burning	0	0%	18	16%	0	0%
Nazi salutes and insults or slogans	2	4%	9	8%	4	9%
Symbols and heiling	8	15%	4	4%	0	0%
Other combinations	0	0%	6	5%	1	2%
Total	55	100%	112	100%	44	100%

80 per cent have been convicted for this), while in the non-organised contexts the largest proportion (40 per cent) of persons have been condemned for bearing a symbol (or several) and an almost equally large proportion of Nazi salutes. Contained in the category “Not possible to determine” it was primarily insults and slogans that were condemned (see table 4).

The fact that relatively few symbols were convicted in organised contexts has several explanations. After the Brottby judgement in 1998 – where a number of participants in a White Noise music concert were convicted for agitation against national or ethnic group – various white power groups issued careful instructions to participants at concerts and demonstrations regarding which symbols, slogans, gestures or similar were condemned. Another contributory factor is the difficulties that occasionally occur for the police in subsequently identifying, for example by means of video recordings, Nazi salutes, screamed slogans or bore symbols.

## Crime trends

### *Reporting to the police*

During the 1990s there was a dramatic increase in the number of offences reported to the police under the heading of agitation against national or ethnic group. The increase has not been continuous, however, see figure 1. During the years 1992–1995 the number of reported incidents lay at just over 100 a year. In all probability

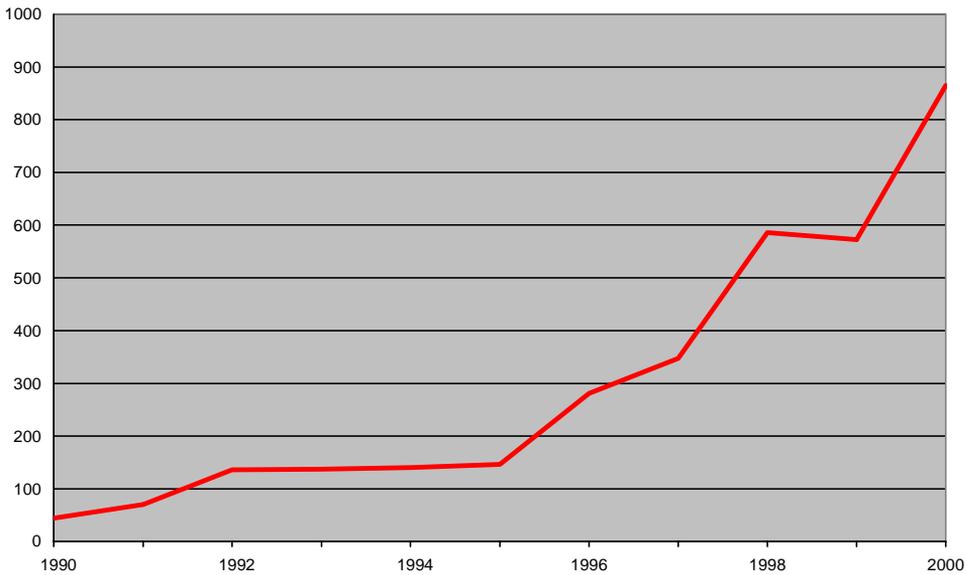


Figure 1. Number of offences categorised as incitement of racial hatred, 1990–2000.

this represents a clearly increased level in comparison with earlier decades. What the actual situation was in terms of reported offences during the 1970s and 1980s is, and remains, unknown since the offence was only recorded separately in the statistics from and including 1990. Where the number of persons who were *prosecuted* for agitation against national or ethnic group is concerned, there has been a sharp increase, which is why there are strong grounds to assume the same with regard to reporting the offences.

After 1995 the development has been practically explosive. The number of reported offences categorised as agitation against national or ethnic group has increased very sharply from year to year and rose to 865 reported offences in year 2000. This is more than 19 times as many offences as in 1970.

The fact that the number of reported offences increased does not simply mean that the actual criminality is increasing. In general reported cases are seen as a poor indicator of how the actual criminality has developed since the number of offences reported also rests, in part, on the efforts of the police, and also on the willingness of the general public to report. Where agitation against national or ethnic group is concerned it is undoubtedly the case that attention given to offences with a racist content has increased during the 1990s, both in the public debate and with the authorities concerned. This has most probably influenced the inclination to report on the part of both the police and the general public.

The sharp increase may also be partly explained by a smaller number of incidents that involved a large number of persons, such as concerts with White Noise music – like the concert in Brottby in 1998 that attracted considerable attention –

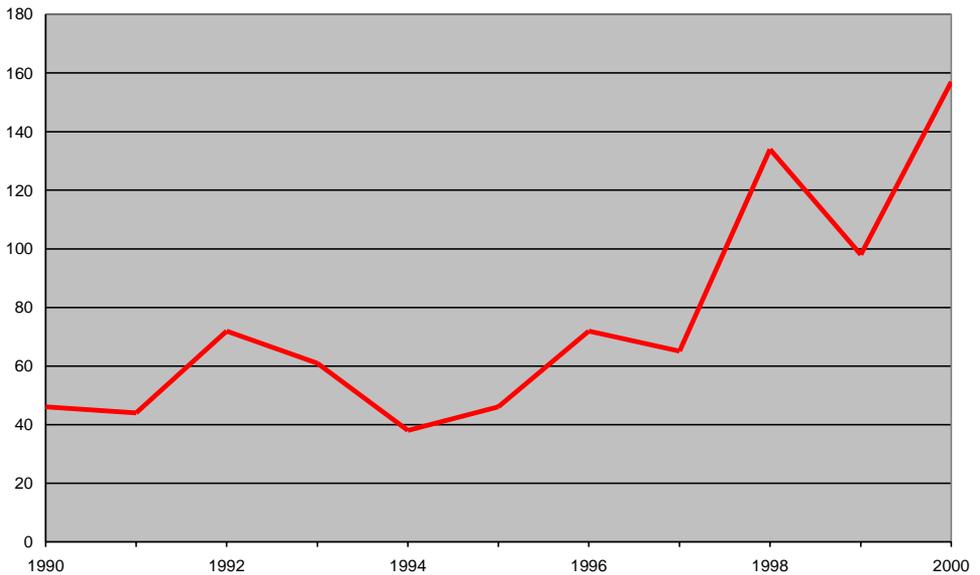


Figure 2. Number of cases reported to the Chancellor of Justice regarding agitation against national or ethnic group, 1990–2000.

and that organisations such as the Swedish Committee against Anti-Semitism at times reported racist and anti-Semitic material more regularly. Moreover racist and anti-Semitic groups and individuals have been increasingly openly active during the 1990s.

The big increase in reported offences during the latter part of the 1990s was due both to an actual increase in this type of offence as well as an increased inclination to report. The production of racist and anti-Semitic material increased sharply, for example, during the 1990s, especially during the latter part. In 1988, for example, six racist or anti-Semitic newspapers appeared while there were 25 of these in 1999. The distribution of stickers, pamphlets, clothes badges, booklets and the like, increased. White Noise music made a serious impact as a form of propaganda during the period and the Internet appeared as a new medium for groups who had difficulty in accessing the “mainstream media”. Material that may be regarded as criminal – and that could also be reported – thus increased sharply.

### *Reports to the Chancellor of Justice*

In addition to reports of agitation against national or ethnic group being made to the police that relate to offences, reports were made to the Chancellor of Justice with regard to breach of the press cases. The development of these reports resembles that of the reports made to the police, see figure 2. The reasons for this increase are probably the same as above.

## Regional distribution

The regional differences with regard to reports of agitation against national or ethnic group, are considerable. During the last five years the counties of Östergötland, Kalmar, Gotland, Blekinge, Skåne and Västra Götaland were high with regard to the number of reported offences, in relation to the population, see figure 3.

The regional pattern coincides to some degree with the counties where the National Socialist Front (NSF) is active. The NSF is, in contrast with other race-ideology groups, an open organisation that arranges demonstrations, meetings, leaflet distributions and poster campaigns. This is also undertaken by other organisations, but they more rarely indicate who is responsible for the material, which makes it more difficult to report the offences. During the period Östergötland was also one of the headquarters for White Noise music. Moreover there was also to be found, for example, in Kalmar and Östergötland counties, in addition to NSF,

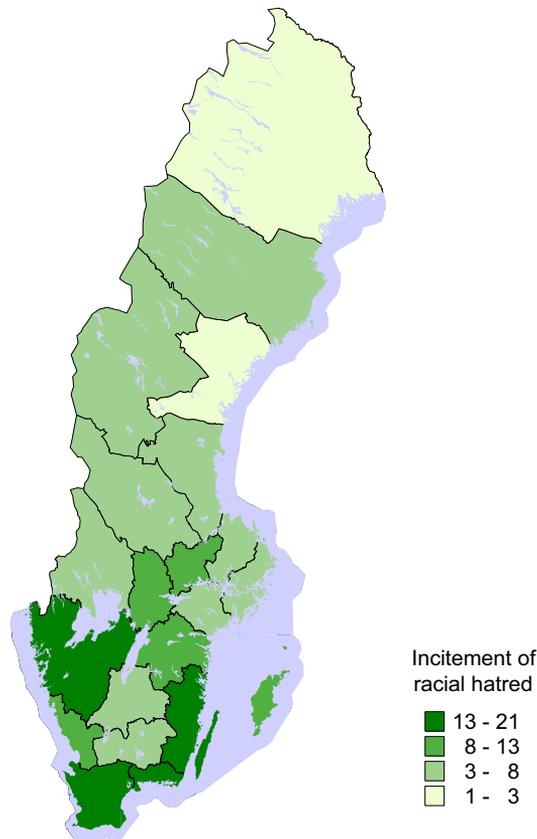


Figure 3. Number of offences reported to the police by county, and number of offences per 100 000 inhabitants, 2000.

several other race-ideology and anti-Semitic groups that were involved in, for example, leaflet distribution, sticker campaigns and the like, in those areas. The regional pattern that, to some degree, is the same with regard to reported offences and the activities of various racist groups, indicates that there also exists a correlation between actual and reported criminality with regard to the offence of agitation against national or ethnic group.

The increase in the number of reported offences between the years 1999 and 2000 was large in the big city counties (Västra Götaland, Skåne and Stockholm) and also in Kalmar. This may be partly explained by the campaigns that, for example, Nationell Ungdom [National Youth], Ku Klux Klan and Svenska Motståndsrörelsen [Swedish Resistance Movement] have conducted in these areas.

## Cleared offences

It is relatively unusual for reports of agitation against national or ethnic group offences leading to a person being able to be connected to the offence. During the latter part of the 1990s only 9 per cent of the reports led to prosecutions, imposition of orders or withdrawal of proceedings. What normally happens with reports of offences regarding agitation against national or ethnic group, is that they are either cleared by means of what is known as a technical solution (the decision “an offence cannot be substantiated”, “the action does not constitute an offence” etc.) or that, in principle, no action is taken. I.e. it remains unresolved because, for example, there is a lack of investigative ideas or that investigations have not generated any results. Taken as a whole this occurs in almost three quarters of the reported cases (36 and 41 per cent, respectively). Since offences that are written off for technical reasons are counted as being cleared, this results in that offence of incitement of racial hatred is still shown in the official statistics as being an offence with a “normally high” clearance rate, with an average of 36 per cent for the period.

Of the matters that are reported to the Chancellor of Justice, there are still fewer that lead to prosecution. It is in the order of magnitude of 2 per cent. To some degree this can be explained by the short statute of limitations – one year – for breach of the press laws offences. Another explanation is the difficult situation with regard to evidence. It is difficult to show who is responsible for leaflets, stickers and the like. And where demonstrations, concerts and the like are concerned, it is sometimes difficult for the police to show in retrospect who bore symbols, gave the Nazi salute and similar.

## Prosecutions

The relatively low number of reported cases of agitation against national or ethnic group that lead to somebody, in the view of the prosecution authorities, being able to be connected to an offence, means that the number of persons prosecuted is also relatively small in relation to the number of reported offences. During the first part of the 1990s a total of 32 persons were prosecuted for this offence (around 6 per year), while 204 were prosecuted during the period of growth during the latter part of the 1990s (around 40 a year). The year 1998 represented an extreme peak regarding the number of prosecutions (see figure 4) when 98 persons were prosecuted. This peak can be explained by a few events with a large number of persons involved, such as the concert at Brottby and a demonstration organised by the NSF in Nora on 1 May. In year 2000 a total of 59 persons were prosecuted for agitation against national or ethnic group.

In contrast with the statistics of reported offences, those relating to persons prosecuted for agitation against national or ethnic group, have been recorded separately for several decades. This makes it possible to gain an impression of the trend prior to the 1990s. As is seen in figure 3 it mostly indicates an increased level taking place at the start of the 1990s. During 1975 to 1989 barely two persons were prosecuted a year for agitation against national or ethnic group. the vast majority of prosecutions involve the person concerned being found guilty of the offence – usually sentenced to fines or prison – while sanction orders and waiver of prosecutions are rare.

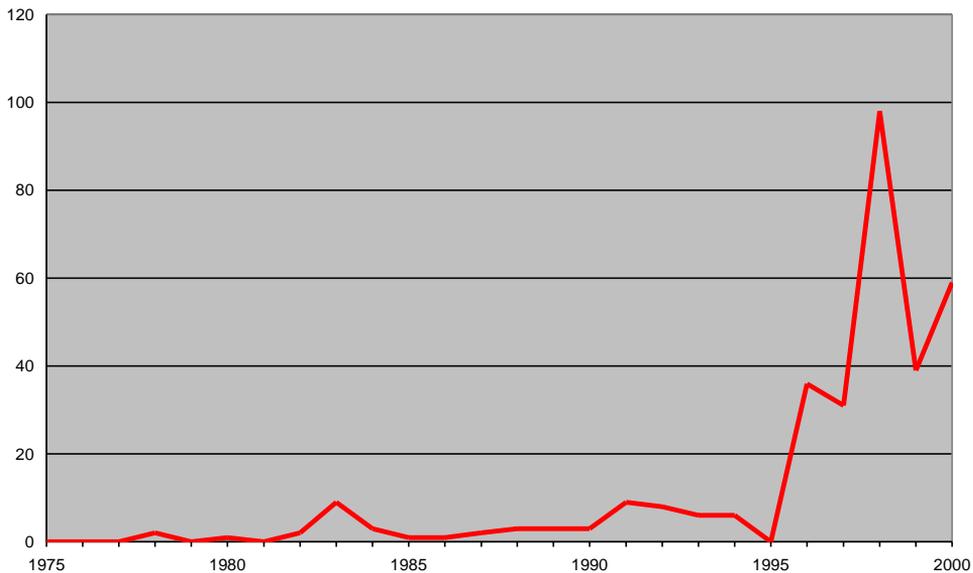


Figure 4. Prosecuted persons in total according to offence section (judgement, sanction orders and waiver of prosecutions), 1975–2000.

## Victims

Where agitation against national or ethnic group is concerned there is no individual victim since the offence cannot be directed against a single individual, but only against a group of individuals. An examination of the groups against which the offence is directed shows, however, that it is relatively unusual for there to be any specific group. In three quarters of the judgements there is no specific group indicated. This is often expressed in the judgement in terms of the (convicted) person having “expressed disdain for ethnic groups other than, first and foremost, the Nordic peoples” (for example by bearing a Nazi symbol). On the other hand some five per cent of the cases relate to anti-Semitism. Anti-Semitism is, however, also to be found in a large part of the other cases, in that there is often a Jewish element among the ethnic groups that are referred to in the above quote.

## Preventive measures

It is difficult to draw any conclusions with regard to preventive measures. In this respect a lot relates to what one wishes to prevent. If the objective is to remove visible signs such as symbols and actions, such as the Nazi salute and heiling from the public arena, then the strategy that has been employed during the second half of the 1990s, i.e. a hardening attitude on the part of the police and a change in legal practices that lead to more convictions combined with bans at most schools against wearing symbols, have been relatively successful. On the other hand it has probably not led to individuals altering their opinions to any discernible degree. That individuals stop bearing symbols does not necessarily mean that they depart from the attitudes that these symbols represent – even though, of course, there are cases where the strong disassociation by society has caused individuals to gradually change their views. More intense repression may also have negative effects in the form of increased militancy on the part of organised groups and single individuals who are convicted. The measures taken probably do not have any major effects upon the availability of racist and anti-Semitic material, or the dissemination of this, either.<sup>4</sup>

<sup>4</sup> With regard to the dissemination of material see *Criminality associated with the nation's interior security*, The Security Police 1997, 1998, 1999, 2000.

# Unlawful discrimination

BY HELÉNE LÖÖW

## Summary

Where unlawful discrimination is concerned it is very difficult to say anything about the unrecorded offences. Many actions that would come under the provision are probably not reported to the police. Over half the reported offences during the 1990s were committed in the restaurant and public entertainment (54 per cent). These are followed by public authorities and businesses (14 per cent) and housing associations and estate agents (8 per cent). The number of persons prosecuted during the 1990s for unlawful discrimination is negligible. All of those convicted were sentenced to fines.

## Introduction

During the 1990s unlawful discrimination, as with agitation against national or ethnic group, has become an offence attracting more and more attention – both in the public debate and by politicians.

The fundamental provisions governing the prohibition of ethnic discrimination are to be found in the Constitution. In Chapter 2, § 1 of the Constitution it states that official power shall be exercised with respect for all people's equal value and for individual freedom and dignity and also that ethnic, linguistic and religious minorities' opportunities for preserving and developing a separate culture and social life, should be promoted. In Chapter 2, § 15 of the Constitution, it states that laws and provisions shall not have the effect whereby any citizen is disadvantaged on the grounds of race, colour, or ethnic origin. In Chapter 2, § 22 of the Constitution, section one, it states that foreigners living in the country shall be equated with Swedish citizens in respect of protection against being disadvantaged on the grounds of race, colour, or ethnic origin. The prohibition against discrimination in Chapter 2, § 15 of the Constitution applies only for the benefit of a minority. A majority may not, according to the provision, be disadvantaged on the grounds of racial affiliation or similar. On the other hand affiliation may be taken as a basis for providing a minority, of the kind referred to in the provision, a better position than the majority of the people. The prohibition in the provision is directed at what is

known as the instance that establishes the norms, i.e. in the first instance, the government and Riksdag [Parliament], but also such authorities as issue provisions.

Unlawful discrimination relates to offences according to Chapter 16, § 9 of the Penal Code. The provision contains prohibitions against forms of discrimination in commercial activity and other areas, and is based upon the UN Convention on the Abolition of all forms of Racial Discrimination. In the provision it states that a person conducting a commercial activity who, in that activity, discriminates against anyone on the grounds of race, colour, nationality, belief or ethnic origin, by not treating that person under the same conditions that the person conducting a commercial activity, applies in that activity in respect of others, shall be sentenced to fines or imprisonment for a maximum of one year. That which relates to the person conducting a commercial activity also applies to employees in that activity and to those who act on behalf of a person conducting a commercial activity as well as to those engaged in public service or holding a public appointment. The provision also applies to arrangers of public gatherings, official functions and those assisting with such events. The provision also includes discrimination against homosexuals. Chapter 16, § 9 was introduced in 1981 when Sweden acceded to the UN Racial Discrimination Convention.<sup>1</sup> Unlawful discrimination has been recorded separately in the statistics since 1990, whereupon the information below primarily relates to the development during the 1990s.

## Hidden crime

Where unlawful discrimination is concerned it is very difficult to say anything about the extent of unrecorded cases. Many actions that would fall under the provision are probably not reported to the police. Professor Anders Lange at the Centrum för Invandringsforskning [Centre for Immigrant Research] (CEIFO), at the University of Stockholm has, however, at the request of the Discrimination Ombudsman (DO), examined experienced discrimination among immigrants. These investigations provide some indication of how extensive experienced discrimination is. In the report for 1999 he writes, for example:

“But even if one makes the most unrealistic assumption that the majority of the reports of unfair negative special treatment because of one’s origin that the four investigations provide, lack any correlation with actual actions with a discriminatory motive, I regard the actual fact that so many people feel that they are unfairly subjected to negative special treatment because of their origin, constitutes a warning signal.”<sup>2</sup>

<sup>1</sup> An effective prohibition against discrimination: concerning unlawful discrimination and the concept of race and sexual proclivity. Report by the 1999 discrimination committee, SOU 2001:39 (cit. SOU 2001:39), p. 49–50.

<sup>2</sup> Anders Lange, *Immigrants on discrimination IV*, Ceifo’s publication series no. 79, 1999, p. 92.

## The crime structure

Over half of the reported offences during the 1990s were committed within the restaurant and public entertainment (54 per cent), see figure 1. Then follows public authorities and businesses (14 per cent) and housing associations<sup>3</sup> and estate agents (6 per cent).

The fact that the entertainment industry predominates with regard to reported cases does not necessarily mean that discrimination is more widespread there than in other sectors. It is likely that the fact that this kind of discrimination has, in recent years, been given greater media attention, probably plays a certain role here, as does the fact that discrimination in these cases is perceived as being more direct. The person refused entry into a pub can see, for example, that others are allowed in instead. Where public instances, housing associations and the like are concerned, for example, the discrimination is probably more subtle. A person who is refused housing does not, for example, know that in many cases the real reason why he has not obtained the housing can be that the landlord prefers persons with a different ethnic background.

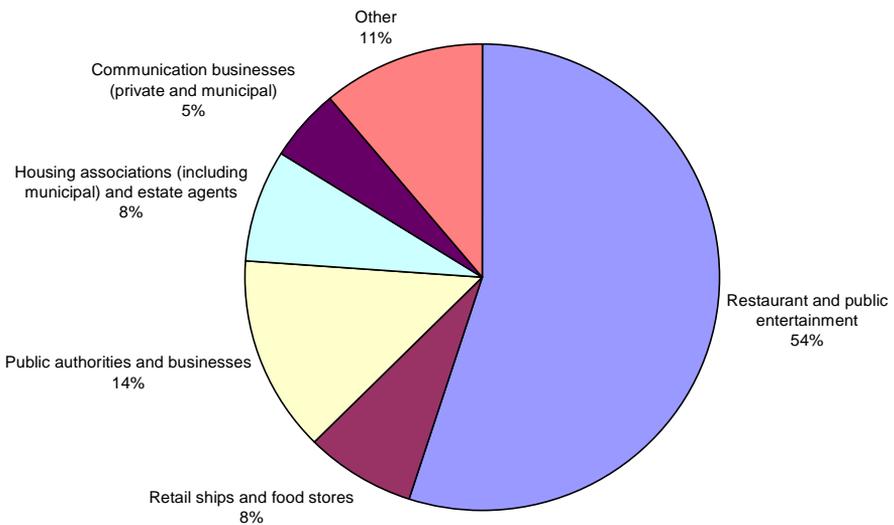


Figure 1. Cases reported to the police regarding unlawful discrimination according to activity sector, 1993–1999.

<sup>3</sup> Including municipal.

## Crime trends

The number of reported offences increased steadily during the entire 1990s. This is probably connected in part with the provision becoming better known and talked about. It cannot be excluded, however, that discrimination as such has increased, even though this is very hard to quantify.

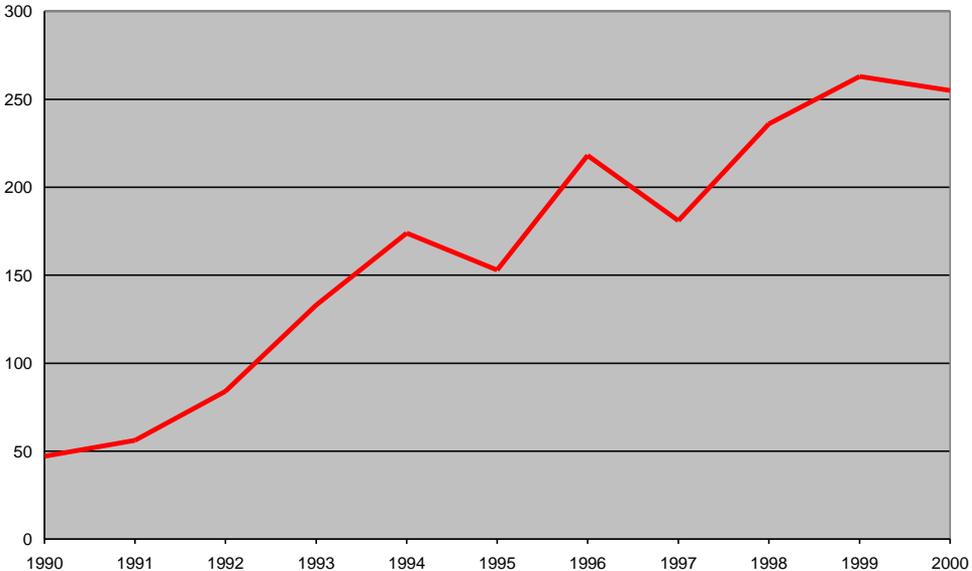


Figure 2. Number of offences reported to the police regarding unlawful discrimination, 1990–2000.

## Regional distribution

The regional distribution of the number of reported offences regarding unlawful discrimination shows that two of the three big city counties (Stockholm and Skåne) lead the statistics with regard to the number of offences reported in relation to the population during the last two years.<sup>4</sup> Earlier on in the 1990s the county of Västra Götaland also occupied a high position. This is not particularly surprising since a large proportion of the persons who, for various reasons, feel that they have been subjected to unlawful discrimination, live in the big city counties. Where the homosexual group is concerned it is also probable that homosexuals in a big city are more likely to report unlawful discrimination than those who live in a smaller place, where there is no open gay culture and a report of that kind would risk attracting attention in, for example, the local press. This is something that may involve unwanted and embarrassing attention for the person reporting.

<sup>4</sup> Stockholm was also highest in 1998.

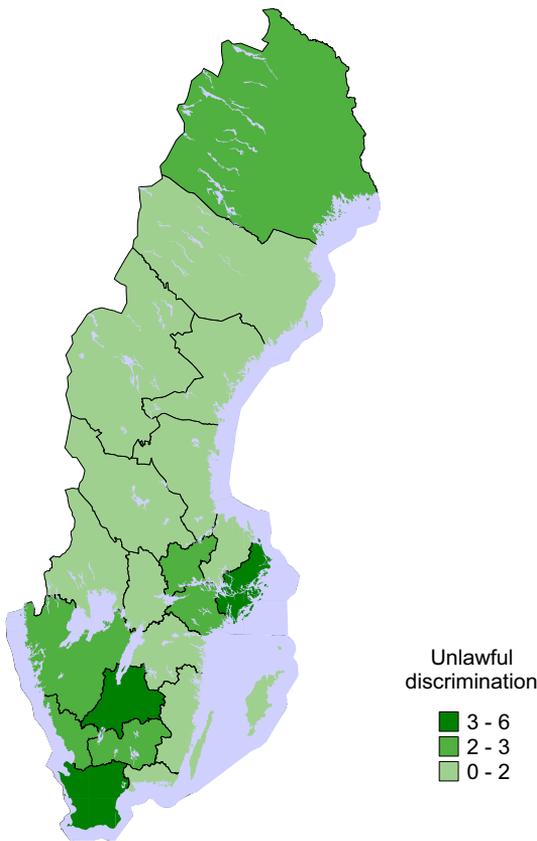


Figure 3. Number of offences reported to the police regarding unlawful discrimination per county and number of offences per 100 000 inhabitants, 2000.

## Cleared offences

As is seen from figure 4 unlawful discrimination has a relatively high clearance rate. The offence is cleared primarily by means of what is referred to as technical solutions, which means that no person could be connected to the offence. The proportion of cleared offences that were resolved in this manner has varied between 82 and 100 per cent during the 1990s (and the year 2000).

There are *very* few cases of unlawful discrimination that lead to prosecutions, orders or withdrawal of prosecution. During the years 1995–2000 only between one (1) and six per cent of offences per year led to this. One of the principal reasons why so few cases lead to prosecutions is the difficult situation regarding evidence. In a report that the Prosecution Authority in Stockholm produced regarding statute-barred cases during 1998, it notes that the question of evidence is a difficult one. It has to be established that, on the one hand, the determining motive behind the act has been a person's race, colour, national or ethnic origin, belief or sexual orienta-

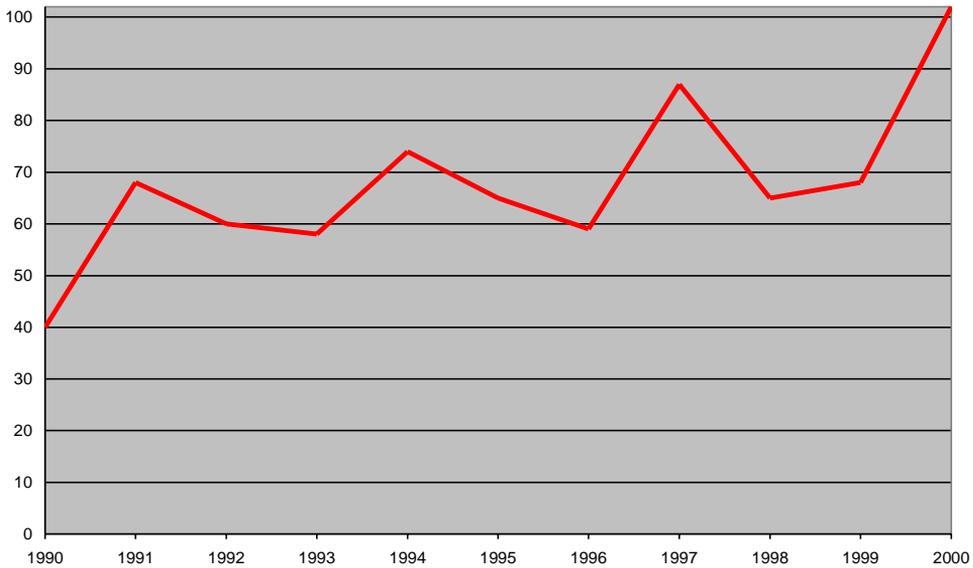


Figure 4. The clearance rate for unlawful discrimination offences, 1990–2000.

tion. There are also often unclear areas that make it difficult to show a motive. On the other hand it notes that there is a definite need for a better and more efficient investigation technique.<sup>5</sup>

According to the 1999 discrimination report (SOU 2001:39) there are clear risks associated with the deficient effectiveness of the provision relating to unlawful discrimination. International discussions on the subject are aimed at a general regulation against discrimination, which would probably require a civil law adjustment to certain of the areas that are now covered by the penalty provision. According to the report there are “good reasons for – when an efficient civil law discrimination prohibition has been created within the framework of the review of the discrimination legislation that has now been initiated – giving consideration to revoking the penalty provision”. This on condition that at least the same area would be covered by civil law legislation.

## Suspects

Among the persons who have been reasonably suspected of unlawful discrimination (years 1990–2000) men between 25 and 40 years predominated. The majority of those reported are doormen, restaurant owners and other personnel within the restaurant and public entertainment, and the majority of these are men. It is not

<sup>5</sup> SOU 2001:39 p. 74–75.

possible to obtain any information regarding their ethnic or national affiliations. Since such a large proportion of the discrimination reported to the police concerns the restaurant business, however, there are reasons to presume that a vast proportion of these have what is termed an immigrant background. Unlawful discrimination is not an offence that is only committed by ethnic Swedes. There is, however, a perception – relatively widespread – that persons with an immigrant background would not be able to discriminate against others with the same background, a postulation that is, of course, ridiculous.

## Prosecutions

The number of persons who were prosecuted for unlawful discrimination during the 1990s was negligible – it has varied between zero and four persons per year during the 1990s.<sup>6</sup> All of those convicted were fined.

## Victims

On the basis of police notifications it is difficult to ascertain the ethnic origin, nationality or colour of the injured parties. Such details are often not included in the reports. An examination of notified offences from 1993–1999 indicates, how-

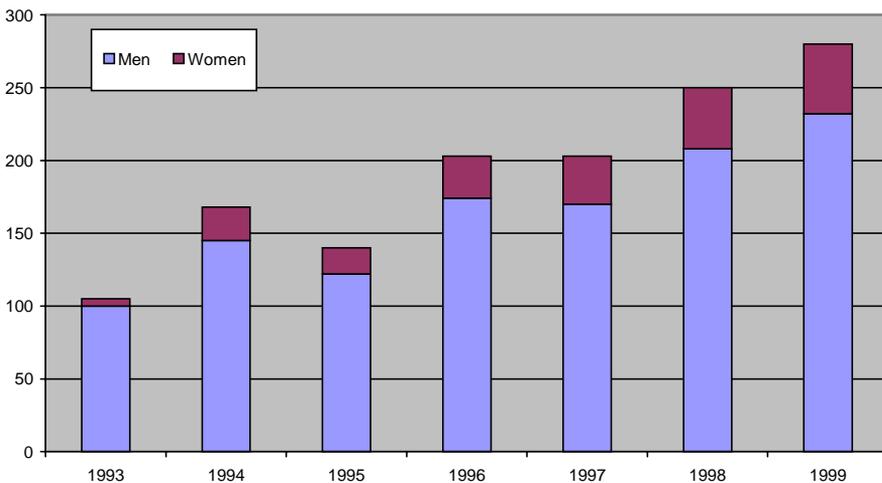


Figure 5. Number of injured parties in connection with the offence of unlawful discrimination, by gender, 1993–1999. Based on police reports

<sup>6</sup> This relates to unlawful discrimination as the principal offence. The number of those prosecuted under the criminal section is, however, just as small in principle and has varied between zero and 5 persons.

ever, that there is a relatively large over-representation of persons from the Middle East and Africa. The majority of those who report incidents are men aged over 20 years. This is connected with the fact that over half the reports relate to discrimination in the restaurant and entertainment industries and that this discrimination primarily relates to men.

## Preventive measures

With regard to the work that is undertaken in order to prevent unlawful discrimination, mention may be made of the consultations between the ombudsmen and representatives of various professional organisations as well as the guidelines and general advice that the State Prosecution Authority has issued regarding how cases of unlawful discrimination are to be dealt with. The general advice contains the following guidelines:

- Preliminary investigation should always be led by a prosecutor.
- Special prosecutors should be appointed for this type of case.
- Preliminary investigations, especially with regard to securing evidence, shall be conducted with particular speed.
- The prosecutor should issue special investigation directives.
- In 1999 practically all chambers had special prosecutors for this type of offence (unlawful discrimination and racial and xenophobic criminality).<sup>7</sup>

<sup>7</sup> SOU 2001:39, p. 72–73.

# Economic crime

BY LARS EMANUELSSON KORSELL

## Summary

During the latter part of the 1990s, reported cases of tax fraud, accountancy offences and offences against creditors decreased. One important explanation for this decline is that the number of audits carried out by the tax authorities decreased and that the number of bankruptcies fell sharply after the major upswing in bankruptcies in the early 1990s. It was as a result of audits and bankruptcy administrations respectively that the most common forms of economic crime were discovered.

During recent years, the trend appears to be moving towards a situation where reported economic crimes are being dealt with more efficiently by the authorities fighting crime. Contributory causes are the strengthening of resources through the Ekobrottsmyndigheten [Economic Crime Authority] and the tax fraud units, the fact that cases are fewer in number and that the acknowledged offences of a less serious nature, with suspended sentences as a consequence, can be dealt with outside normal court proceedings through the imposition of penalties.

## Introduction

Economic crime is not a crime that is to be found in a paragraph in the statute books, but a collective criminological concept with, unfortunately, many definitions. It is a normal tendency, however, for economic crime to be described as crimes of profit that take place within the framework of a commercial activity. To put it simply, it is the crime of commerce. Since there are many rules governing businesses that, moreover, may involve economic advantages if they are breached, economic crime actually encompasses several hundred systems of rules, involving everything from rest periods for professional drivers to offences involving purchase tax on alcohol. Traditionally, but also as a result of extent and social damage, there is a core area:

- false accounting – that can also conceal other economic crime – in chapter 11 of the Penal Code,
- crimes against creditors or bankruptcy-related crime, also in chapter 11 of the Penal Code,

- the various forms of tax fraud in violation of the Tax Offences Act,
- insider offences and improper influencing of share values in violation of the Insider Trading Act.

## Hidden crime

Economic crime is often, by its very nature, referred to as investigation offences that have to be discovered by supervisory bodies. Offences are seldom reported by their victims since many economic offences have diffuse victims such as “society”, “the taxpayers” or “the market”. If the offences are not discovered as a result of checks or investigation, then they will seldom be registered and therefore not included in the criminal statistics. That is why the criminal statistics give a poor reflection of economic crime, describing primarily the resources that are allocated. In this way, only a selection of offences ends up in the legal machinery (Weisburd et al., 1991 and Shapiro, 1984).

But neither is it certain that those offences, which are discovered, are reported. The supervisory authorities may, in practice, fail to report offences since they may perceive the legal system to be lacking in the resources with which to investigate them. Individual persons and businesses may perhaps be uncertain whether an act really does constitute an offence since what has happened is difficult to penetrate.

### *Sanctions and legal recourse other than punishment*

Economic crime generally means acts that incur punishment. Traditionally, criminal acts are regarded as being more reprehensible than other breaches of law that are dealt with in a different way. It is also the criminal statistics, with information pertaining to offences and consequences that attract interest when the scope of crime is discussed.

But if one is interested in economic offences because of the damage that they inflict, it is too narrow merely to look at the criminal system. In the area of tax, there is the administrative sanction of supplementary tax that is to be paid if the taxpayer has submitted an incorrect return. The supplementary tax normally amounts to 40 per cent of the tax that would not have been imposed if the incorrect information had been accepted. Supplementary tax may therefore be equated with a “punitive tax”. It is the tax authorities that decide upon supplementary taxes and, for example, the number of such decisions in 1996 was no less than 100 442 (RSV, [National Tax Authority], 1998). This figure should be compared with the fact that in the same year a total of 690 persons were sentenced under the provisions of the Tax Offences Act (BRÅ, 1998). The total figure for supplementary tax in 1999 amounted to SEK 1.87 billion (RSV, 2000). This means that the administrative sanctions greatly exceed the criminal systems where minor transgressions are con-

cerned that are actually criminal, but which – it has been decided – are dealt with in accordance with the administrative sanctions system, and – of course – errors for which there is no criminal intent. Administrative sanctions are, therefore, an important source of information with regard to economic crime or breaches that are close to constituting economic crime.

### *Prosecutions and the powers of the legal system*

One of several reasons why not all reported offences lead to prosecutions concerns the resources and expertise of the crime investigating authorities. Cases of economic crime may, in particular, be very resource-intensive and require considerable expertise. Figure 1 shows that the number of prosecutions in which certain major types of economic crime have featured has been very consistent over the years, in spite of the fact that there have been relatively large fluctuations relating to reported cases of economic offences. The number of sections of the law applied gives a good reflection of the ability of the legal system to prosecute. In recent times, however, an increase has been noted. The reason is that suspended sentences may now be handed down by means of orders. This means increased efficiency on the part of the crime-fighting authorities since fewer cases have to go before the courts. A relatively large number of economic offences dealt with by the legal system are of a relatively minor nature where the penalties may be limited to suspended sentences, often combined with fines. A further reason for

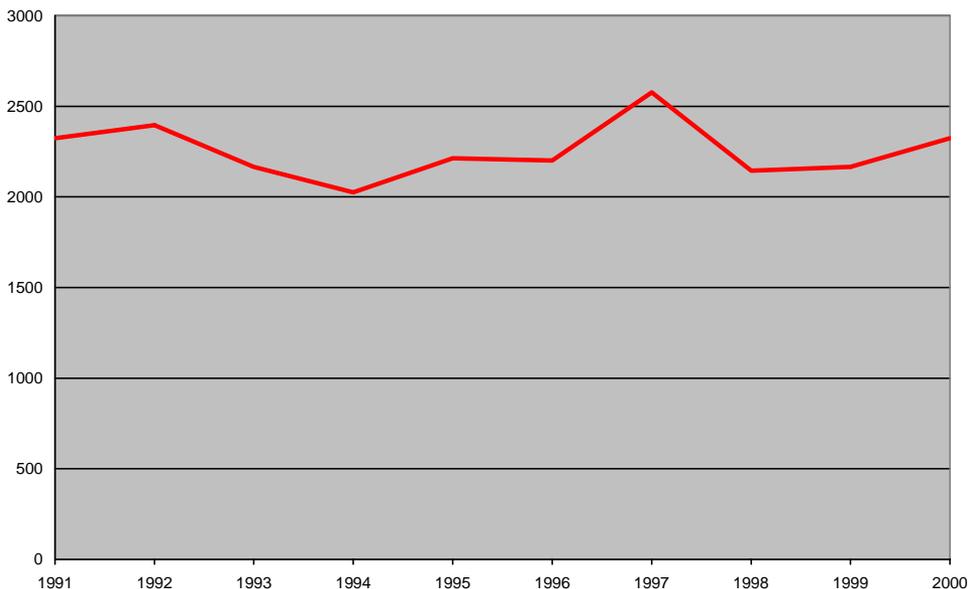


Figure 1. The number of applied sections of the Tax Offences Act, the Tax Collection Act and chapter 11 of the Penal Code (false accounting and crimes against creditors), 1991–2000.

the increase is a new prosecution strategy, whereby certain resources are earmarked for less serious offences, leading to more “pegs”. The creation of the Economic Crime Authority and the tax fraud units that are active within each local tax authority have represented a strengthening of resources, leading to prosecutions for more offences.

## False accounting

### *Hidden crime*

False accounting is practically always revealed by administrators of estates in bankruptcy or in connection with the tax authority’s audits. It is probable that the number of unrecorded cases is relatively high with regard to false accounting, especially for those conducting commercial activity who are not rendered bankrupt. The reason is that society’s supervisory functions are particularly well developed to deal with businesses that have been rendered bankrupt. Among other businesses, the accounts of only a fraction are checked, and that occurs in connection with tax audits.

### *Crime trends*

Figure 2 shows reported offences according to chapter 11 of the Penal Code up to and including 1998. Unfortunately, it has not been possible to continue the time series in recent years as a result of changes to reporting procedures. The curve reflects false accounting offences to a considerable degree since this is far and away the most common offence according to chapter 11 of the Penal Code. Other offences are various ones committed against creditors.

As can be seen, the curve reflecting reported offences rises sharply at the beginning of the 1980s, thereafter levelling out at a level that has never been lower. The reason for the sharp increase was the new bankruptcy legislation that came into force in 1980. One important change was that the administrators of estates in bankruptcy were to be appointed in respect of all bankruptcies, even in such cases where there was not expected to be any dividend to the holders of claims. Previously, administrators had not been appointed in respect of what were known as poverty bankruptcies. The consequence was, of course, that the number of notifications increased sharply as all the bankruptcies were investigated by the administrators, i.e. including poverty bankruptcies where there had been a great deal of crime, especially false accounting, since these bankruptcies generally related to the businesses and businessmen most bereft of resources. This means that the reported cases increased primarily as a result of society’s checks by the administrators of the estates in bankruptcy, not that there was a change in the level of crime.

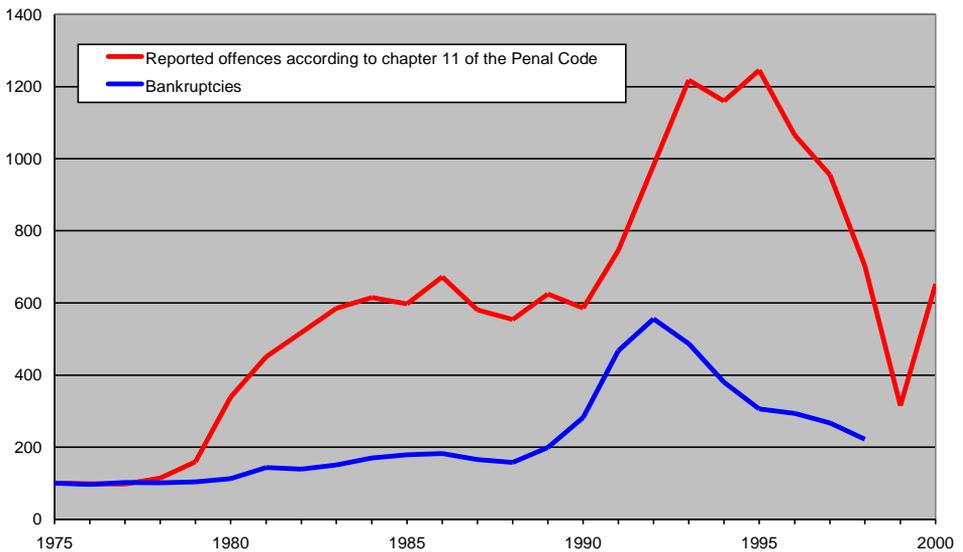


Figure 2. Reported offences according to chapter 11 of the Penal Code, 1975–2000 and number of bankruptcies, 1975–1998. Indexed scale with 1975 as base year. Source: BRÅ and SCB.

## Cleared offences

The clearance rate for many economic offences is relatively high. The reason is that there is almost always a suspected perpetrator when the report is made. For the whole of chapter 11 of the Penal Code the clearance rate fluctuates between 36 per cent at the lowest and 90 per cent at the highest. On the average the clearance rate lies around 60 per cent.

It is worth noting that the clearance rate fell sharply during the first half of the 1990s. One reasonable explanation for the development during this period is a combination of two cooperating factors; an increased influx of reported offences and the problems of resources on the part of the offence investigating authorities. The sharp increase in bankruptcies in the early 1990s led to a doubling of reported offences in accordance with chapter 11 of the Penal Code. For example a total of 2 444 offences was reported in accordance with chapter 11 of the Penal Code in 1989. In 1993 these had risen to 5 082 reported offences. During the same period the Riksdagen's auditors noted that there existed "considerable deficiencies in the legal system's ability to deal with" economic offences and that "the timescales are much too long and many offences are not able to be investigated before they fall under the statute of limitations" (RR [National Audit Office], 1994:1).

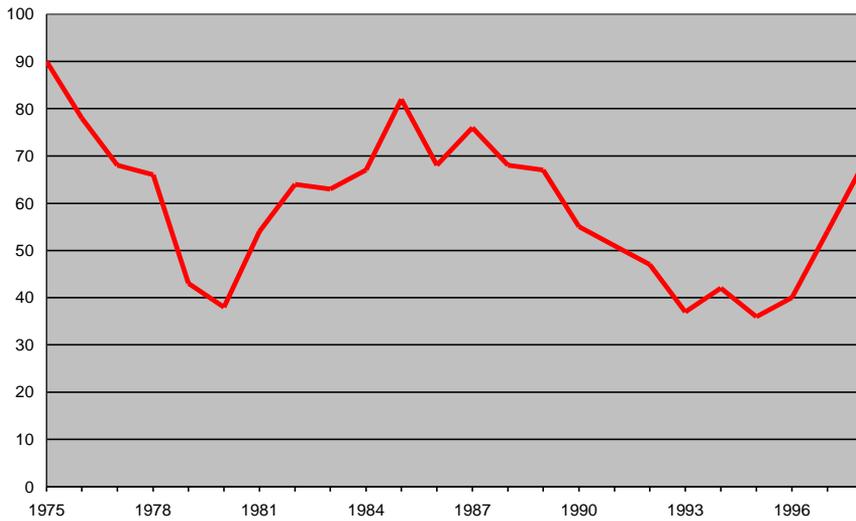


Figure 3. Clearance rate for offences in accordance with chapter 11 of the Penal Code (crimes against creditors and false accounting) in percentage, 1975–1998. Source: BRÅ.

## Prosecutions

As is shown in figure 4, the number of prosecutions has been very consistent since the sharp increase at the beginning of the 1980s. There was, however, a peak around 1998, the explanation probably being the government's assignment to BRÅ and RPS in 1996 to jointly reduce the number of balanced economic crime matters with the prosecution and police authorities. The final report was made in 1998. A large part of the increased prosecutions during this time related to false accounting that, for example, increased by 37 per cent in 1998 compared with 1996. The number of prison sentences for false accounting increased sharply during the projected period. One explanation may be that limitations on the preliminary investigation were applied to a considerable extent in order to preserve resources, and that prosecutions were brought for false accounting alone when all other offences had been peeled away. False accounting is also an offence that is relatively easy to prove. Since the circumstances surrounding false accounting could be shown to be for dishonest purposes, such as unaccounted income, the prosecutions led, to a considerable degree, to a higher number of short prison sentences from between one and six months.

In 1997, women comprised ten per cent of the persons prosecuted for offences in accordance with the whole of chapter 11 of the Penal Code. It is probable that the proportion of women is somewhat higher for false accounting. The main reasons why fewer women than men committing false accounting offences is that women are systematically under-represented when it comes to carrying out commercial activity. The consequence therefore is that fewer women are also active in trades in which such offences are committed and, by no means least, discovered. In this

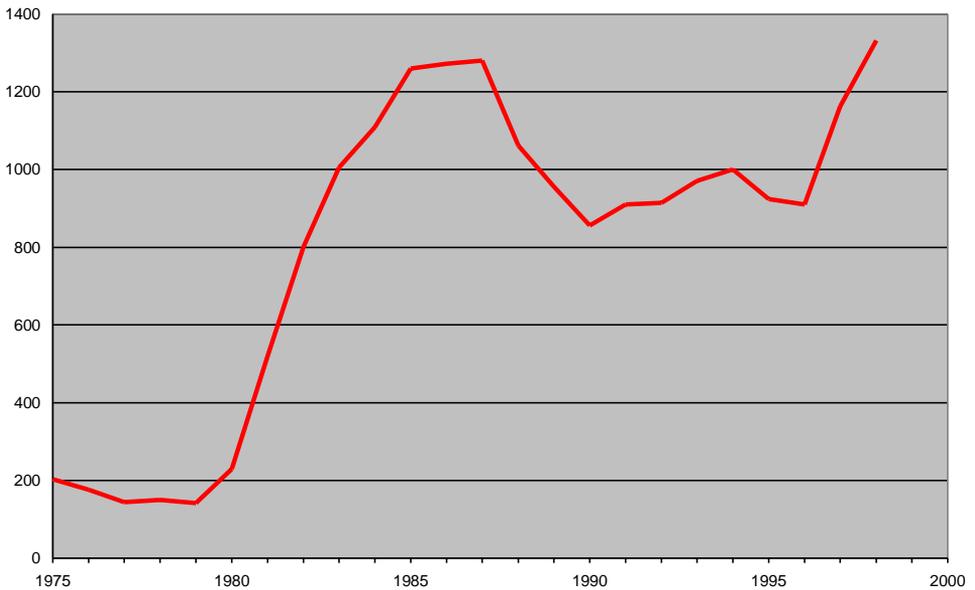


Figure 4. Number of persons prosecuted for false accounting, 1975–1998.

respect, trades predominate that are clearly dominated by men, such as building and construction and the transport sector. These are also trades with a high incidence of bankruptcies. Businesses that are owned by women are also less prone to bankruptcy than those owned by men. 86 per cent of bankruptcies in individual firms during 2000 were owned by a man. Compared with all the individual firms in the country, 3.2 out of every 1 000 firms owned by men became bankrupt during 2000, whilst the corresponding figure for women was less than half at 1.2 (ITPS, 2001).

On average, around 100 persons a year are sent to prison for false accounting offences. In 1998, however, there was a major departure from this pattern with 206 persons being sent to prison. The reason is probably that the balance-sheet project previously referred to stimulated prosecutions for false accounting. Most individuals prosecuted for false accounting offences were given suspended sentences, often combined with fines.

As is seen from figure 5, the trend in recent years has been for more penalty orders to be issued. This is a result of the fact that these may now be issued with suspended judgements. The trend that is now under way is thus for more and more false accounting offences to be dealt with by means of such orders and for suspended judgements to increasingly be transferred from court proceedings to such penalty orders.

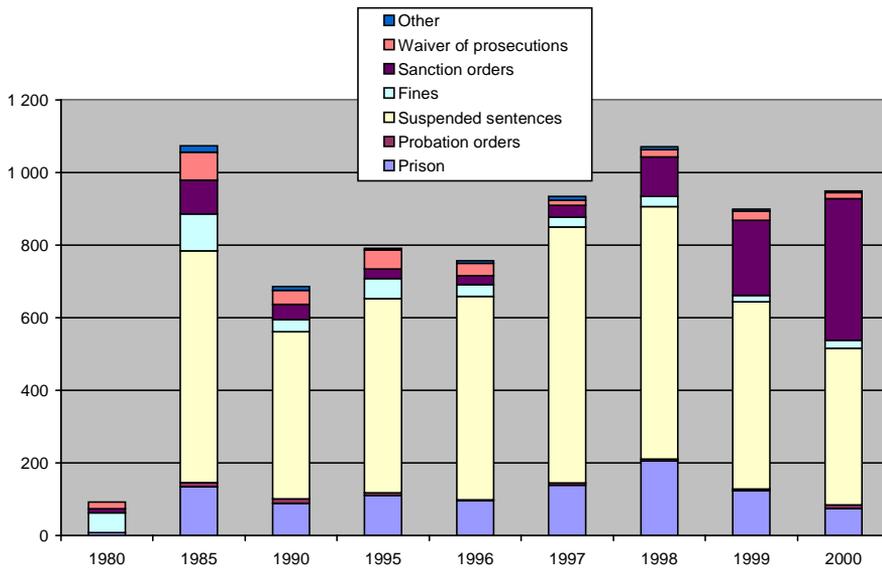


Figure 5. Consequences of false accounting (principal offence), 1980–2000.

## Obstructing tax checks

### Introduction

The Tax Offences Act (1971:69) contains a provision regarding the obstruction of tax checks (§ 10). This provision has similarities with the Penal Code’s false accounting offences. The obstruction of tax checks involves somebody, either through intent or gross negligence, ignoring his or her accounting responsibilities, resulting in the risk that the tax authorities’ checking activity in respect of the calculation or collection of tax or charges is seriously obstructed.

The provision is aimed only at tax checks, unlike false accounting offences that are directed at all accounting interests, including the taxation objective. Another important difference is that deficiencies in the accounting must be greater for false accounting than the obstruction of tax checks since, for a false accounting offence to have been committed, it is necessary for the deficiencies to be so great that “the course, financial outcome or position of the business” cannot primarily be “deduced on the basis of the accounts”. A person conducting a commercial activity may, for example, manipulate the accounts to a certain degree in a way which seriously obstructs the tax authorities’ checking work, but which still does not have any significance in assessing the course or situation of the business (government bill, 1981).

Since 1 July 1996, the obstruction of tax checks is no longer secondary to the offence of false accounting. Previously, it had not been possible to pass judgement on both false accounting and the obstruction of tax checks. But now the normal

rules of bankruptcy are applicable “in those cases where the cited and supported circumstances of the case may give rise to liability for both false accounting and the obstruction of tax checks” (government bill, 1996:168). That the obstruction of tax checks is no longer secondary has not yet “made its mark” with the authorities. The number of prosecutions remains low.

It is probable that reports of the obstruction of tax checks will increase as a result of the fact that the offence is no longer secondary to false accounting. Even before 1999 and 2000, it was possible to discern an increase compared with previous years, with 142 and 155 persons respectively reported as being suspected of obstructing tax checks. Once it has finally got through to the checking authorities and the crime-fighting authorities that the offence is no longer secondary to false accounting and once the offence becomes more widely known, it is likely that the obstruction of tax checks will, in the longer term, account for a significant proportion of all registered economic crime.

### *Hidden crime*

Obstruction of tax checks is one of the economic offences that has the greatest number of unrecorded cases. There are several reasons for this. The most important is that obstruction of tax checks occurs together with other forms of tax avoidance; for example when accounting is deficient as a result of manipulations.

The majority of false accounting offences also include, as a rule, obstruction of tax checks, but since penalty orders and prosecutions often occur only in respect of false accounting, the other offence “disappears”. When the tax authorities notify the prosecution service of suspected offences, no differentiation is made between false accounting offences and obstruction of tax checks. The tax administration leaves it up to the prosecution authorities to decide whether the one or the other offence is involved, or perhaps both. The administrators of estates in bankruptcy never, or very rarely, report obstruction of tax checks for the simple reason that it is an offence that does not primarily affect the administrator’s activity in attending to the creditors’ interests. There is also a lack of basis on which to comment upon the effect of the deficiencies on tax checks (Korsell, 2001).

### *Crime trends*

Statistics relating to notified offences with regard to the obstruction of tax checks have only been available for the last two years, which is why the statistics pertaining to prosecuted persons are studied instead. The number of judgements regarding obstruction of tax checks remains low – well under 100 prosecuted persons per year – compared with false accounting offences where around 1 000 persons are prosecuted each year. From an interview survey it can be seen that the offences reported by the tax authorities to the prosecution service generally relate to actions where

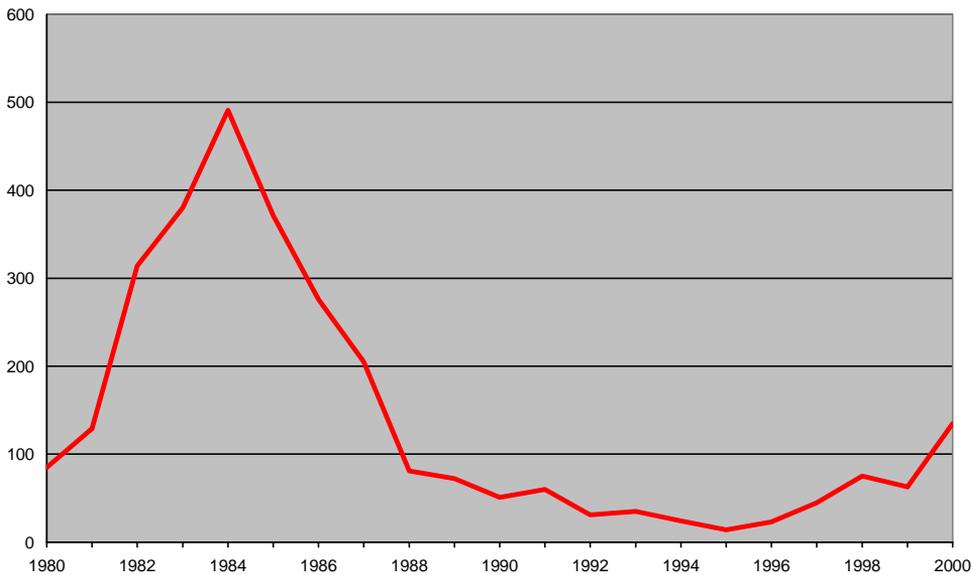


Figure 6. Persons prosecuted for obstruction of tax checks, 1980–2000.

the accounts are so deficient that the offences are categorised by the prosecution service as false accounting (Korsell, 2001). This also means that the tax authorities do not report cases where the accounts only reveal moderate deficiencies. Such offences which really only constitute the obstruction of tax checks are probably dealt with administratively through the imposition of supplementary tax in respect of non-accounted income and the like, or the offence is incorporated within a tax offence. The outcome in both cases will be that there is rarely any prosecution for the obstruction of tax checks.

The reason why the number of prosecutions was relatively high for most of the 1980s, is probably because the tax authorities' audits increased sharply in number at the beginning of the 1980s, before falling off equally sharply during the second half.

## Crimes against creditors

### *Introduction*

Crimes against creditors are to be found in chapter 11 of the Penal Code. These are offences that the person against whom claims are entered (the debtor) commits against those claiming against him (creditors).

*Dishonesty to creditors* (11:1 and 11:2 of the Penal Code for aggravated offences) means that a debtor who is insolvent or in respect of whom there is a

substantial danger of insolvency “disposes of or, by means of a gift or similar measure, divests himself of property of significant value”. Dishonesty against creditors may also consist of the debtor, by means of the methods just referred to, placing himself in a state of insolvency or invoking a substantial risk of insolvency. Dishonesty against creditors may also obtain when the debtor, in connection with – for example – bankruptcy “conceals assets, quotes non-existent debts or provides other such incorrect information”. Finally, the offence is realised when the debtor cites “incorrect action or sham agreements” and thereby prevents property being employed in order to pay off creditors or provide security.

*Careless disregard of creditors* (11:3 of the Penal Code) relates to a debtor who is insolvent or for whom there exists a substantial risk of insolvency “continuing to trade through the consumption of significant means without a corresponding advantage to the business, or living in a wasteful manner or embarking upon irresponsible business or rash contingent liabilities”, etc. and thereby through gross negligence or intent, worsening his economic position. The same applies if the debtor did not realise, but had good cause to assume, that he was insolvent or that there was a substantial risk of insolvency.

An important limitation exists in respect of initiating proceedings for careless disregard of creditors. Proceedings may only be initiated if they are “justified from a general point of view” (11:8 of the Penal Code). This rule was introduced in 1976 because of, among other reasons, a response to the previous practice of tending to apply the penalty provision as an offence of pure negligence, i.e. in situations where someone continues a business through ignorance or excess optimism.

Compared with dishonesty against creditors, careless disregard of creditors is a less serious disregard of the creditors’ rights. “The measures that are primarily intended are normally such that they certainly appear as being indefensible in respect of the economic situation but are not primarily directed at enabling the debtor’s property to be disposed of or directly transferred to another legal subject” (SOU, 1996:86).

*Favouritism to creditors* (11:4 of the Penal Code) is committed by a debtor who is insolvent if he “benefits certain creditors by “paying by means of other than normal means of payment or by providing security that was not required when the debt came about”, etc., and if the measure involves a substantial risk of other creditors’ rights being seriously jeopardised. There are few reports and prosecutions regarding this offence, and it is therefore not dealt with here in any more detail.

### *Hidden crime*

A survey aimed at the number of unrecorded cases of bankruptcy-related crime was carried out in the mid 1980s when 100 randomly selected business bankruptcies were examined by means of a special checking project (Magnusson, 1985). This

was a more careful investigation than that normally carried out in respect of bankruptcies in general. Among these specially examined 100 bankruptcies there were suspicions of offences in 75 of them. With regard to the bankruptcies that had occurred the previous year – and that had been examined in the normal manner – there was a suspicion of crime in 39 per cent of cases. This means that a careful check led to around a doubling of the reported cases. The most common offences suspected among the 100 investigated bankruptcies in 1983 related to false accounting (56 suspected cases). This was followed by the careless disregard of creditors (21 suspected cases) and dishonesty towards creditors (16 suspected cases). This survey thus indicated that the number of unrecorded cases is at around twice the level of suspected offences against creditors and false accounting in connection with bankruptcies.

### *The crime structure*

Among reported offences against creditors, there is a great predominance of dishonesty to creditors. The reported cases of careless disregard of creditors and favouritism to creditors are significantly less.

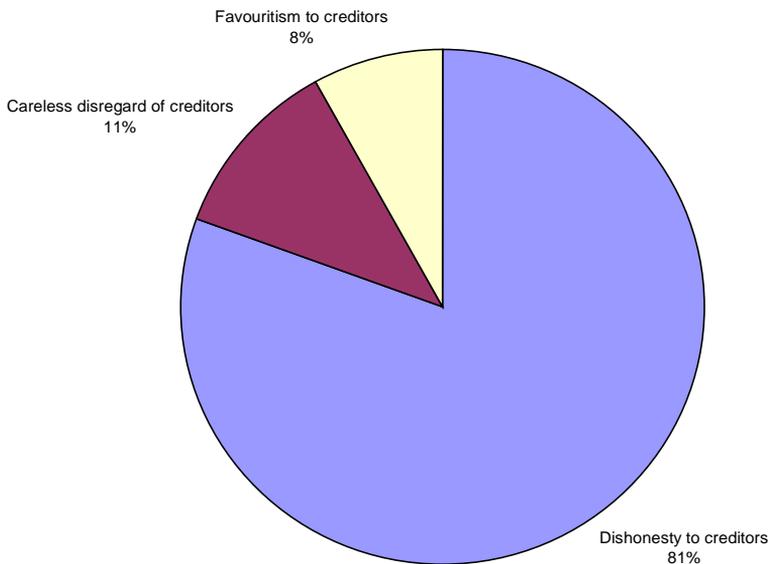


Figure 7. Distribution of suspected cases of offences against creditors, 2000 (chapter 11, §§ 1–4 of the Penal Code).

## Crime trends

From figure 8, it can be seen that there is a sharp upsurge in the number of reported cases in 1979/1980. As previously shown in the section on false accounting, the explanation is the reform of the bankruptcy legislation with the result that administrators of bankrupt estates were then appointed in all bankruptcies. This means that all bankruptcies after that year were checked by legally trained persons, and with the extended control basis there followed an increase in the number of reported cases. The next increase in the number of reported cases occurred at the beginning of the 1990s as a result of an enormous increase in the number of bankruptcies. Towards the mid 1990s, the number of reported cases subsided as times improved and the number of bankruptcies tailed off.

But it is still worth noting that the number of prosecuted persons is extremely consistent following the increase at the beginning of the 1980s. One hypothesis is that the offence of dishonesty is not merely a consequence of the trend in bankruptcies, but that there is a number of individuals who devote themselves to criminal bankruptcies and who appear during both good and bad economic times (Korsell, 1999). There is a big difference, for example, between false accounting offences that follow the trend in bankruptcies and that are the result of a combination of the companies' poor finances leading to both bankruptcy and false accounting offences and the fact that more such offences are discovered in connection with an increase in bankruptcies and, consequently, more checks (Korsell, 2001).

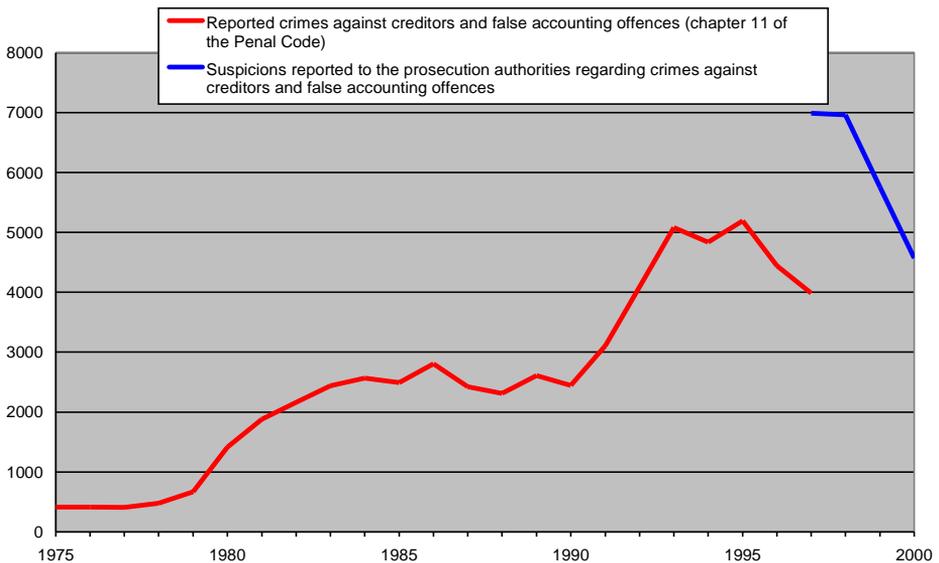


Figure 8. Reported crimes against creditors and false accounting offences, 1975–1997, and suspicions received by the prosecution authorities and crimes against creditors and false accounting offences reported to them, 1997–2000. Source: BRÅ and RÅ [State Prosecution Service].

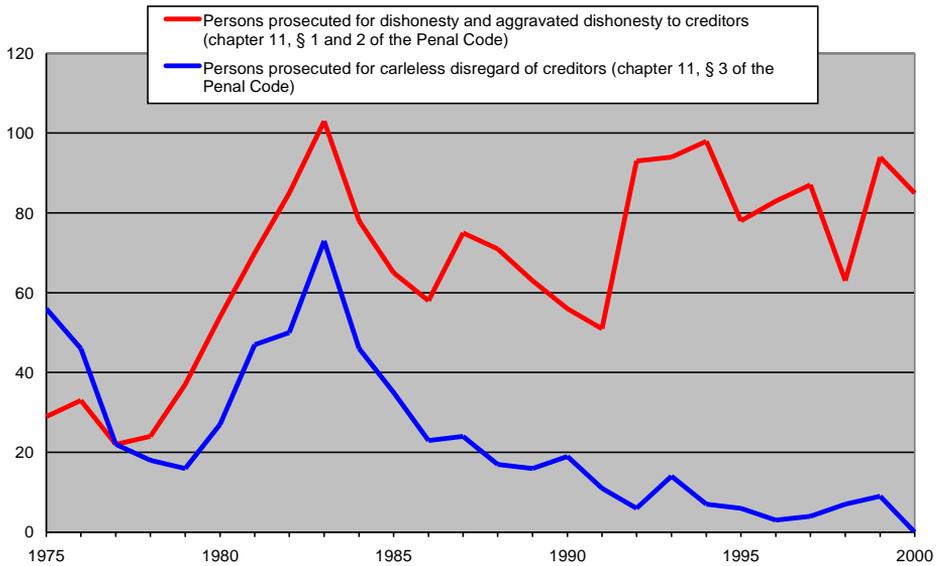


Figure 9. Persons prosecuted for dishonesty and aggravated dishonesty to creditors and those prosecuted for careless disregard of creditors, 1975–2000. Source: BRÅ and RÅ.

As can be seen in figure 9, towards the end of the 1980s there was a break in the trend regarding the number of persons prosecuted for *careless disregard of creditors*. One important reason was a change in legislation which came into force on 1 April 1986 with the effect that only cases where the debtor’s actions led to a deterioration in his assets position to a “significant extent” (government bill 1985) qualified for criminal liability. The goalposts were moved in respect of criminal liability, but even before the legislative change in 1986 the prosecution authorities were unwilling to initiate preliminary investigations on suspicion of careless disregard of creditors (Magnusson, 1985). Subsequent information shows that this trend is being maintained (Korsell, 2001) and one explanation is, as mentioned, that prosecution may only be initiated if it is regarded as being desirable from a general point of view (11:8 of the Penal Code). The number of prosecutions seldom exceeding single figures emphasises the fact that careless disregard of creditors almost never leads to prosecution.

Suspended sentences combined with fines are the most common consequences of the various offences against creditors, with the exception of aggravated dishonesty to creditors that, as a rule, leads to imprisonment.

# Tax offences

## *Introduction*

Tax offences are brought together under the Tax Offences Act (1971:69). This contains the penalty rules governing the tax and charges system, i.e. a comprehensive set of regulations encompassing areas from social charges and income tax to value added tax and purchase taxes. Tax offences are among the most central economic crimes and these have long since been accorded considerable attention by the state authorities (Korsell, 2000).

*Tax offences* (§ 2) are committed by a taxpayer who provides incorrect information with intent or fails to submit a tax return, statement of income or other prescribed information and thereby “gives cause to fear that tax will be avoided ... or incorrectly included or repaid”. There is also an *aggravated tax offence* (§ 4) and a lesser offence, *tax misdemeanour* (§ 3). Upon assessing whether an aggravated offence obtains, not only the extent of the amount is considered, but also whether false documents or misleading accounting has been employed or if the procedure has formed part of systematic crime.

The tax offence legislation underwent major revision on 1 July 1996. One change was that tax fraud changed its name to tax offence. The old tax fraud offence was what is termed an effect offence that was regarded as having been committed only when the decision was taken with regard to taxation. “Tax offence” is, instead, known as a risk offence, with the offence then committed at the time that incorrect information is provided that involves a danger that the taxation will be incorrect. The earlier arrangement with the effect offence involved difficulties in establishing the point in time when the offence was to be regarded as having been committed.

*Careless tax return* (§ 5) constitutes a careless tax offence when the taxpayer submits incorrect information as a result of gross carelessness.

On 1 July 1996, criminal activity that previously came under the *Tax Collection Act* (1953:272), the Act (1990:325) pertaining to Tax Returns and Statements of Income as well as some other statutes, was transferred to the Tax Offences Act. A new statute in the Tax Offences Act is the *tax accounting offence* (§ 7). The offence is directed at incorrect information other than for the tax offence, such as incorrect information that is of significance for another person’s tax. The offence of careless tax accounting is referred to as a *careless tax statement* (§ 8). At the same time, what was known as the collection offence was decriminalised. It was previously a punishable offence if an employer did not pay in tax that had been deducted on behalf of another, typically the employees’ pay-as-you-earn tax. On the other hand, it is an offence to fail to make deductions for tax, i.e. make deductions for employees and others’ tax at source. The offence is known as the *tax deduction offence* (§ 6).

As previously mentioned, there is also the offence of *obstruction of tax checks* in the Tax Offences Act. This is dealt with in connection with false accounting above.

## *Hidden crime*

Tax offences are practically always discovered by the tax authorities undertaking a detailed inspection of the taxpayer's tax return or other information supplied to the authority. Above all, tax offences are discovered by that most intrusive form of check, the audit. The number of reported tax offences thus has a direct connection with the number of audits and the direction of the tax authority's auditing work. It can clearly be seen from figure 10 how the number of reported cases follows the frequency of audits involving businesses.

The black economy has recently been assessed during a comprehensive investigation conducted by the Riksrevisionsverket [National Audit Office] (RRV 1997 and 1998). The RRV found that 11–14 per cent of the population of working age had worked "on the side" during 1997, corresponding to 650 000 – 800 000 persons. About 5 per cent of the work carried out in Sweden is thought to be in the black economy. Where gross national product (GNP) is concerned, work in the black economy is estimated to account for 3 per cent. The average hourly rate was SEK 112. Those engaged in black economy work receive an average of SEK 25 000 a year in black-market payments. The lost tax and duties resulting from black-market work is estimated to be SEK 20–40 billion a year on the basis of what is known as a dynamic assessment where consideration is given to the fact that had the black economy work been done officially, the price would have risen and demand for labour would have fallen.

Work in the black economy is carried out twice as much by men as by women. Self-employed people and students are the most common players in the black labour market. Public employees and pensioners are under-represented, but where public employees are concerned the RRV made the assessment that they were under-estimated in the investigation. The reason was that black-market payment to public employees was made by subtle means in the form of unaccounted benefits that were not really perceived as being part of the black economy by the interviewees. The typical player is a younger man with good qualifications and/or a good education. The groups who emerge well from the white economy also manage well in the black economy. The unemployed are, for example, under-represented in the black labour market. One reason for the lack of activity by the unemployed is that they no longer have a place of work and thus lose touch with potential customers. Moreover, they are unable to borrow equipment from an employer.

The National Tax Authority has made calculations of the so-called tax errors (RSV, 1998). The concept relates to the "errors" that mean the taxation is incorrect. The causes are not only deception but also carelessness, incompetence or the fact that the taxpayer has made an incorrect legal assessment. The tax error is thus not the same as the black economy and certainly not the same as economic crime, which, moreover, by definition is aimed only at those conducting commercial activity. The total tax error has been put at SEK 93.8 billion, corresponding to 4.7 per cent of GNP or 8.8 per cent of total tax income.

## Crime trends

Since tax offences are investigation offences that have to be discovered by, first and foremost, the tax authority as part of its checking activities, the trend in statistical offences tends to reflect the tax authority's checking activity with regard to intensity and direction, rather than the actual trend in offences. The figure below provides a good illustration of this assertion. One curve shows the number of reported cases of tax offences and the other the number of audits that the tax authority carries out each year. As can be seen, the reported cases closely follow the frequency of audits. This means that the more audits that are carried out, the greater number of tax offences which are uncovered. The reports are made with some degree of backlog and it may be assumed that the most common scenario is for an offence not to be reported until towards the end of an audit.

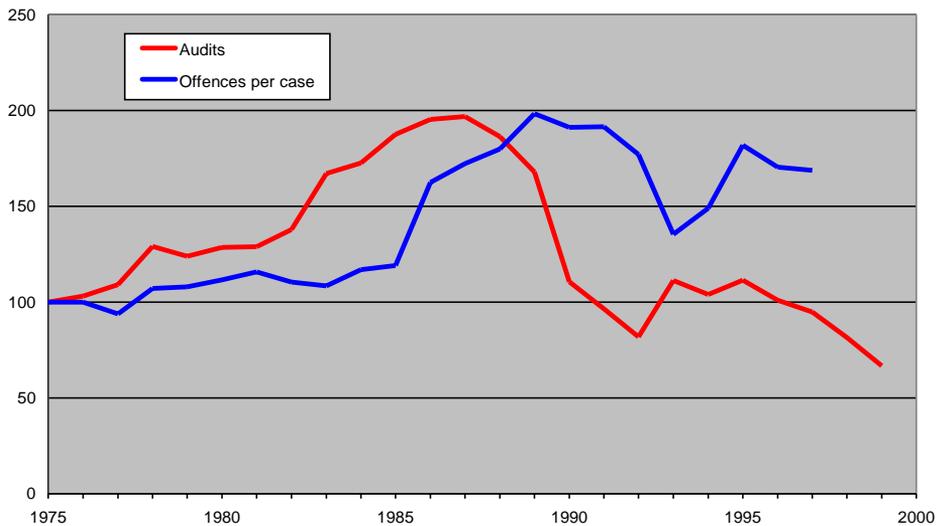


Figure 10. Number of reported cases of tax offence, 1975–1997 as well as the number of audits carried out by the tax authority, 1975–1999. Indexed.

## Cleared offences

In common with the majority of other economic crimes the clearance rate is relatively high for tax offences. This is connected with the fact that the perpetrator is known when the offence is reported.

As is seen in Figure 11 the clearance rate decreased during the 1990s, compared with the 1980s. The explanation may be poorer resources on the part of the legal system (RR, 1994). An increase occurred, however since the mid-1990s and in the same manner as for false accounting and crimes against creditors, as previously recounted, there are several contributory factors behind the increase. The clearance rate went up sharply in 1999 and then fell just as sharply in the year 2000. Because of

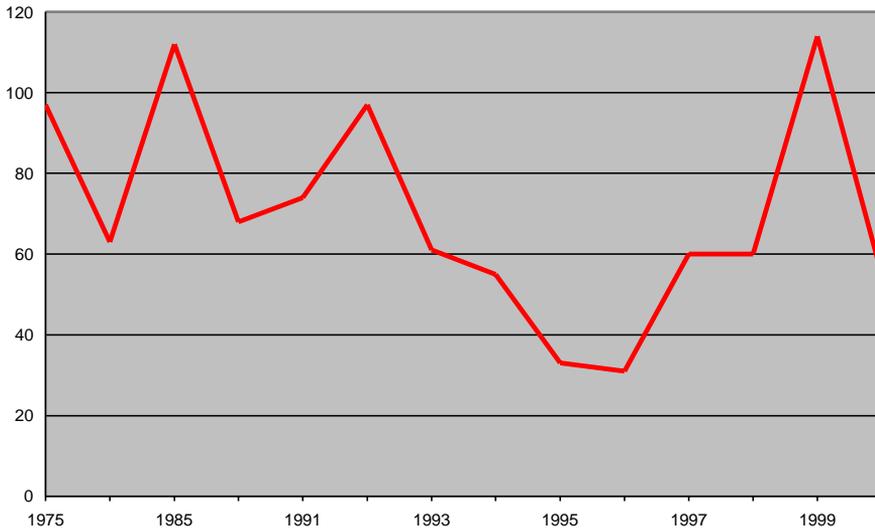


Figure 11. The clearance rate for offences against the Tax Offences Act, 1975–2000.

insufficient reporting of notified offences during 1998 and 1999 the clearance rate may have been exaggerated for these years. Insofar as there are notifications that have not been reported on, the clearance rate goes up since there is no error with the reporting of the resolved offences. The clearance rate for year 2000 is, on the other hand, regarded as being correct. The overall assessment is, therefore, that the clearance rate has improved since the mid-1990s. The reason is that notified offences decreased and the resources of the crime combating authorities have increased.

### *Prosecutions*

As can be seen from figure 12, the trend during the 1980s and 1990s was for the number of prosecutions to fall. An increase in the level occurred, however, during 1997 and 1998, probably as a result of the assignment that RÅ and RPS received from the government to reduce the balances of cases of economic crime that were not investigated. During these years the consequences were also somewhat milder than during the years immediately prior to this. This is shown in figure 14 where the proportion of prison sentences reduced at the same time as penalty orders increased. When the balances are to be reduced, quantity is given priority and it is therefore probable that the project resulted in a large proportion of less serious economic crimes leading to prosecution. The tax offences in particular were of a less serious nature since the prison sentences hardly increased at all during this time. Instead, it was offences that incurred fines that rose sharply.

The prosecutions now show an upward trend and the explanation has been already stated: suspended sentences can be issued through penalty orders, special resources are allocated to simpler flowing through cases and organisational changes through the Ekobrottsmyndigheten [Economic Crime Authority] and the tax offence units.

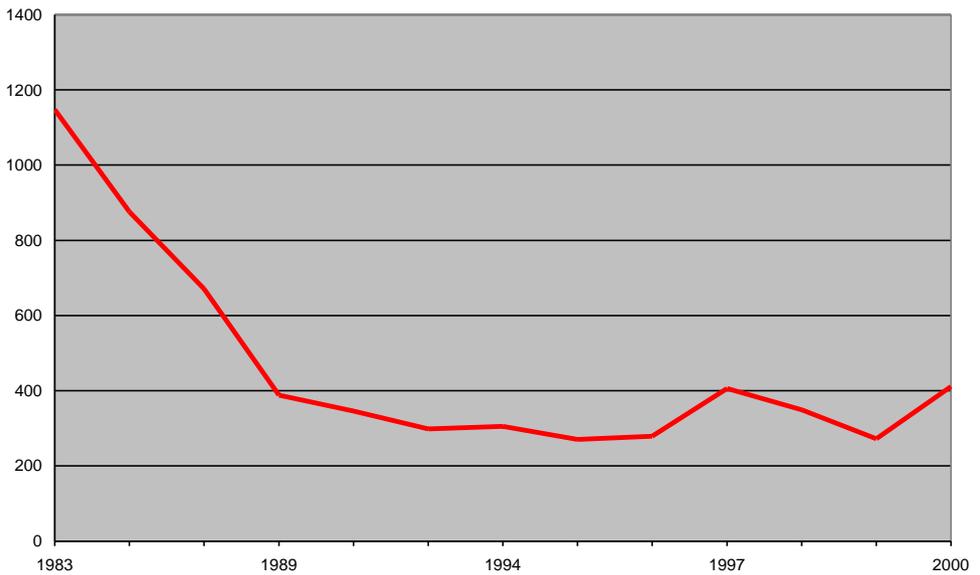


Figure 12. Persons prosecuted for offences against the Tax Offences Act (principal offence), 1983–2000. Source: BRÅ and RSV.

It is a point of interest, however, that there is a tendency at the same time for the proportion of longer sentences to increase. This is shown by figure 13. The explanation may be found in the fact that fewer cases that go before the courts refer, on average, to more serious offences compared with before. Another explanation may be that the number of tax audits fell sharply during the 1990s, leading to fewer “ordinary” tax offences being reported.

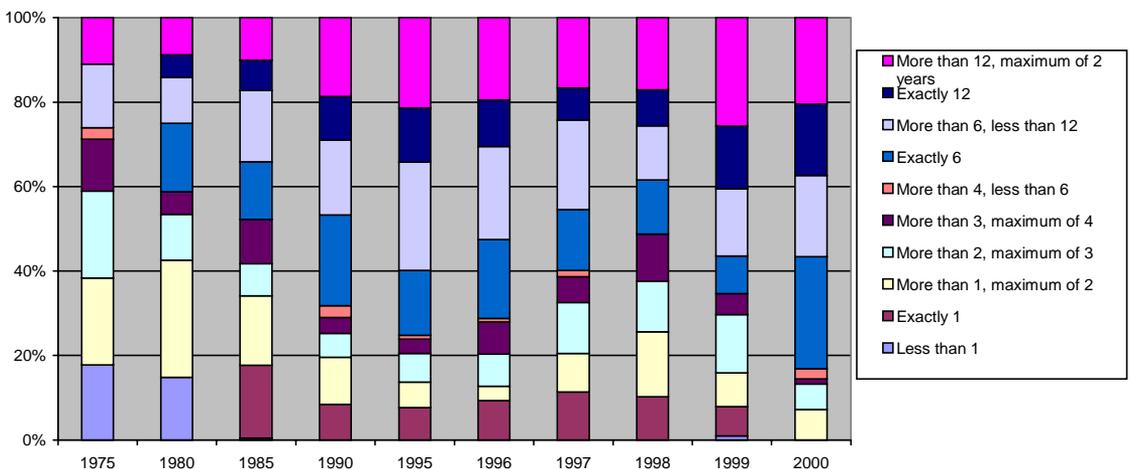


Figure 13. Length of prison terms (months) for persons sentenced to prison for offences against the Tax Offences Act (principal offence), 1975–2000.

Table 1

Number of economic and tax audits within the tax authority.

Year	Economic and tax audits
1993	869
1996	912
1997	986
1998	1 031
1999	905
2000	951

Source: RSV.

On the other hand, targeted economic and tax offence audits have stood at a relatively constant level and even increased towards the middle and latter part of the 1990s, leading to a large influx of more serious tax offences. It is probably the proportions between the regular audits and the economic and tax offence audits that explain why the trend is towards a larger proportion of prison sentences, leading to longer terms. The trend in the economic and tax offence audits can be seen by looking at table 1.

Further explanations for the longer prison terms may be that aggravated tax offences have become more serious or that the courts look more severely upon these offences than they did previously. The average prison sentence for aggravated tax offences was 11.3 months in the mid 1980s and has since risen to 18.0 months by 2000.

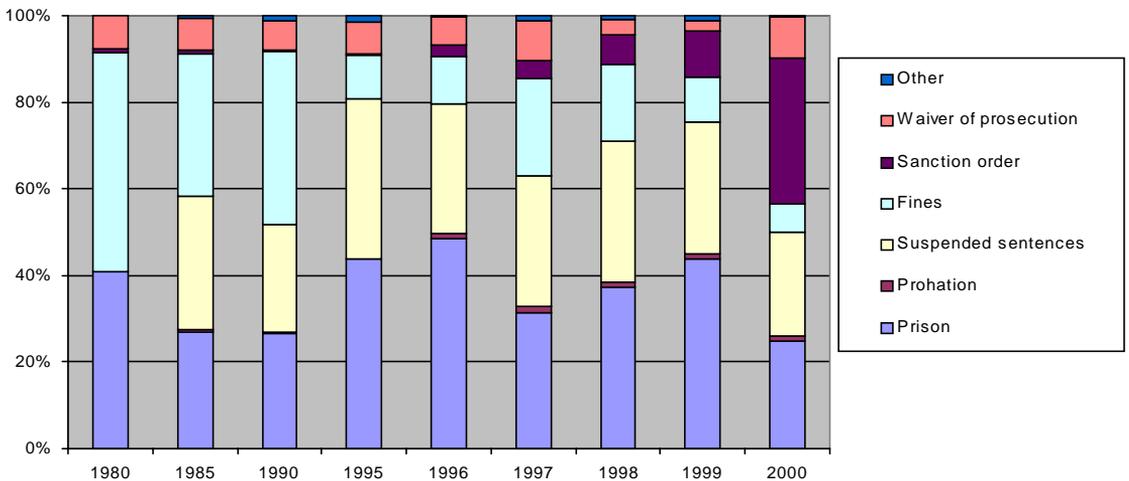


Figure 14. Proportion of consequences for offences under the Tax Offences Act (principal offence), 1980–2000.

# Insider trading offences and improper influencing of share values

## *Introduction*

Both *insider trading offences* and *improper influencing of share values* are offences that have attracted considerable attention in the media in recent times, but the number of investigations are few, with only a handful of these leading to offences being reported and to even fewer persons actually being prosecuted. Only a few individual persons are held liable each year. For improper influencing of share values, no person has been held liable. The trend is, however, moving towards more investigations and prosecutions, probably as a result of improvements in the checking system and the offence being accorded higher priority.

The provisions governing insider trading offences and the improper influencing of share values are now brought together within the Insider Trading Act (2000:1086). Insider trading offences involve an employee or similar person exploiting insider information, i.e. information that is not in the public domain, or a known circumstance that is liable to influence, for example, stock exchange quotations. A typical course of action is for a person in the inner circle being aware of a secret company acquisition that his employer is to undertake or administer, and himself ensuring that he buys a shareholding at a low rate prior to the deal being made public. In addition to *insider trading offences* (§ 2 or 3) there is the lesser offence of *insider misdemeanour* (§ 4) and *aggravated insider offence* (§ 5) as well as the offence of *careless insider conduct* (§ 6). Whoever improperly reveals insider information may be found guilty of *improper disclosure of insider information* (§ 7).

The *improper influencing of share values* means conduct undertaken by someone in order to improperly influence prices upon trading on the securities market (§ 9). It can, for example, relate to sham agreements regarding securities transactions.

## *Hidden crime*

A ban on insider trading was first introduced in Sweden in 1985 and, in 1990, the EU directive on insider trading was incorporated. This means that we have a very short criminal law history in this area.

Traditionally, offences and irregularities regarding securities trading is a major concern in the USA (Shapiro, 1984). In the USA, where supervision of the financial market has been maintained since the crash of 1929, insider trading has not been criminalized. Instead the ban against insider activity is regulated by means of general rules regarding market abuse and high administrative sanction charges of up to three times the profit of any proven insider trading. It is not, in other words, self-evident that insider trading should be criminalized.

There are also those who argue in favour of a totally deregulated market, which means that insider dealing is positive since the market obtains information more

quickly in this way, and thereby functions more efficiently. Hetzler (2001) analysed the statements at criminal hearings in Sweden and found that the attitude towards insider trading is ambivalent on the part of both those prosecuted and others. Mitigating circumstances are often put forward in justification of behaviour. According to Hetzler, individuals are thereby able to maintain a common morality at the same time as their own behaviour is kept outside such insider trading as is punishable. The criminalisation of insider trading is debated from time to time.

The subsequent criminalisation that, moreover, is questioned by certain people, combined with the fact that those involved often find good reasons for their actions and where the risk of discovery is low, leads to an assessment that the number of unrecorded cases is high with regard to criminalized insider trading.

### *The crime structure*

No person has ever been prosecuted for improperly influencing share prices. On the other hand, 22 people have been held liable for offences in violation of the Insider Trading Act between 1993 and 1999.

### *Crime trends*

As can be seen from figure 15, the Finansinspektionen [Swedish Finance Inspectorate], the supervisory authority for the financial markets, has initiated between 40 and 50 cases pertaining to insider offences each year since 1991. Of these, between one and eight cases are reported to the prosecution authorities. Where improper influencing of share prices is concerned, the cases and reported offences are lower.

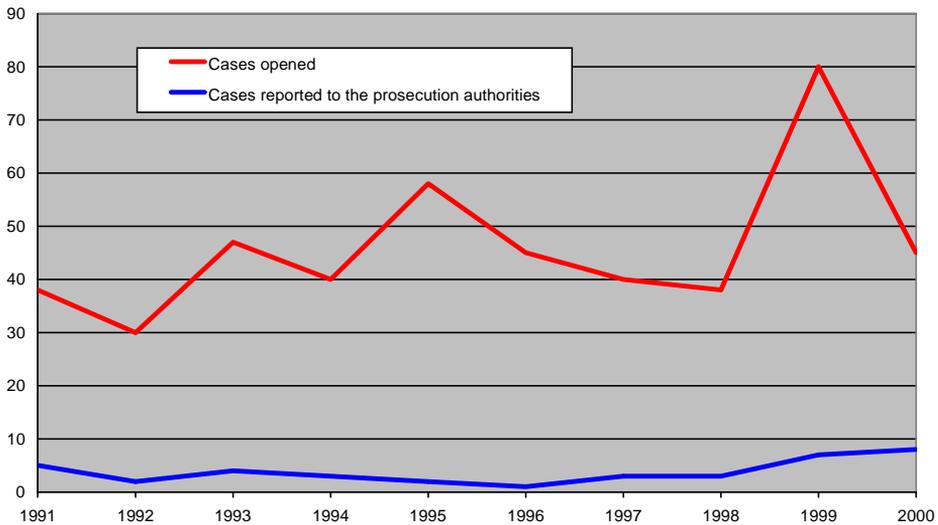


Figure 15. Number of cases pertaining to insider trading that are initiated by the Finansinspektionen as well as the number of cases reported to the prosecution authorities, 1991–2000. Source: Finansinspektionen.

## *Prosecutions*

The number of persons prosecuted for offences under the Insider Trading Act is very few. The consequences are, as a rule, suspended sentences and fines. In recent times, however, some prison sentences have been handed down.

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# Environmental crime

BY LARS EMANUELSSON KORSELL

## Summary

During the last two years the number of reported environmental offences has increased very sharply. The year 2000 saw an almost five-fold increase in the number of reported suspicions of environmental criminality to the prosecution authorities compared with 1999, in spite of the fact that reported suspicions in that year, too, lay at a higher level than in comparison with the years 1998 and 1997.

The explanation for this increase is the attention that environmental matters and environmental crime have attracted with the introduction of the Environmental Legislation in 1999 and as a result of the organisational changes that have been made within the police and prosecution authorities. The increase in the number of reported cases does not therefore stem from a change in criminality.

A look back to the time prior to the enactment of the Environmental Legislation shows that reported environmental crime accounts for only a small part of the actual criminality. Only some hundred or so persons are prosecuted every year.

## Introduction

Industrialisation and economic development have not only raised living standards, but they have also created environmental problems that, in the long run, may constitute a threat to society. This is why the influence of environmental matters upon political life has increased. Improved environmental control and combating environmental crime are therefore perceived as occupying important areas with regard to promoting environmental protection. The Environmental Legislation (EL), which came into force on 1 January 1999, should not be viewed only as a comprehensive set of rules pertaining to the environmental sector, but also as an indication of the importance of environmental matters.

The Environmental Legislation is employed to regulate economic and social activities in the modern industrial society. What distinguishes this type of modern legislation is more the fact that it regulates activities rather than prohibits and criminalizes behaviour. The fact that the concept of regulation is applied indicates

that the legislators tolerate the activity that is controlled. Regulation is, therefore, not an attempt to eradicate risks entirely, but to try to manage them (Hutter, 2001).

In recent times the central authorities have adopted a new initiative in order to get to grips with environmental crime. In 1998 the government presented a strategy for combating environmental crime. The objective is to reduce environmental crime by means of stricter legislation, improved coordination and cooperation, raising levels of expertise and more efficient organisation. Environmental crime is now a prioritised area (Skr, 1998).

The Environmental Legislation involves a clear regulating of the supervisory authorities' responsibility for reporting suspected environmental offences that are discovered as a result of checks. On 1 January 2000 the State Prosecutor (RÅ), in cooperation with the Rikspolisstyrelsen [National Police Board] (RPS) set up a new organisation to fight environmental crime. This includes specially trained members of the police and prosecution authorities.

In contrast with earlier environmental legislation where laws and provisions were spread across several sets of rules, the laws and provisions pertaining to the environmental sector have been brought together in the Environmental Legislation. Where the criminal provisions are concerned, these have been brought together in a separate chapter 29 of the Environmental Legislation. From this point onwards only offences and sanction provisions will be dealt with in this article.

There is, of course, a separate offence described as environmental crime, but environmental crime encompasses further offences that are designed to protect the environment. But just as with economic crime, there is no uniform definition of the concept of environmental crime. At times, environmental crime is, moreover, equated with economic crime in that it can relate to reducing costs in a commercial enterprise by breaching the environmental provisions (Korsell, 2001; Skr, 1995).

The development now appears to be aimed at regarding environmental crime as a stand-alone area, separated out from economic crime, as a result (for example) of the fact that environmental offences are dealt with by an entirely different organisation than economic offences. In contrast with the debate that has long since taken place in respect of economic crime, where by no means least sociological factors are included with regard to the identity of the persons committing the offences and in which contexts, the question of definition in the environmental crime sector deals more with what specific offences constitute environmental crime. One such example is offences against the Law on Hunting, where these are regarded as environmental crime in the cases where they involve protected species.

The central environmental offences have now been brought together in the Environmental Legislation. Also included within the Environmental Legislation are offences against the Law (1980:424) to Prevent Pollution from Shipping. A breach of the Law (2000:1225) pertaining to Penalties for Smuggling may also be regarded as an environmental offence if it relates to protected animals and plants species, as

well as certain goods and waste. Certain breaches of the Environmental Legislation may, depending upon the circumstances, also be regarded as environmental offences. This relates to the spreading of toxic substances or infections (chapter 13, § 7), causing destruction (chapter 13, § 8) and carelessness with toxic or infectious substances (chapter 13, § 9) (RÅ, 2001).

Environmental crime can actually encompass an even wider area, if environmental crime is also understood in such a way that offences have a damaging effect (or risk of such) on water, land or air through the environmental effect on people's health. A person who has committed an offence that carries a penalty greater than, or the same as is provided for under the Environmental Legislation, shall not be held liable for an offence under the Environmental Legislation.

But when debating environmental crime, it is important to add that the greatest part of the negative environmental influence that takes place does so, in spite of everything, within the framework of what is permitted. It is not always possible to predict the effects in the long term or the overall environmental effects that ensue from all the players' environmental influences (Hydén and Gillberg, 1996).

In this section offences under the Environmental Legislation are dealt with jointly with the penalty provisions that were transferred from other legislation in connection with the advent of the Environmental Legislation. The Law to Prevent Pollution from Shipping is also touched upon.

## Hidden crime

The sharp increase of reported cases of environmental offences in recent times indicates that the number of unrecorded cases is high. As with economic crime, the majority of environmental offences are referred to as investigation offences, to be revealed by control instances through supervision or by these obtaining information in some other way that leads to suspicions of offences having been committed coming to light. Considerable attention has also been directed at how the control activity and sanctions system operates (Eriksson et al., 1998; Ericsson, 1991; Rudén et al., 1998; Ibid, 1998, Johannesson and Johansson, 2000; Pettersson, 2001). Offences are seldom reported by the victims, since many environmental offences have diffuse victims such as "nature", "the environment" and "future generations". If the offences are not uncovered as a result of checks or investigation, they are seldom registered and end up in the crime statistics. Thus the criminal statistics provide a poor reflection of environmental crime, as the statistics primarily describe the resources that are applied. Which offences are uncovered is determined by which control instances are employed and what is actually checked. In this way, only a selection of offences ends up in the legal machinery.

Just as with economic crime, it is not certain that the discovered offences are reported. The control authorities may refrain from reporting, since they are of the

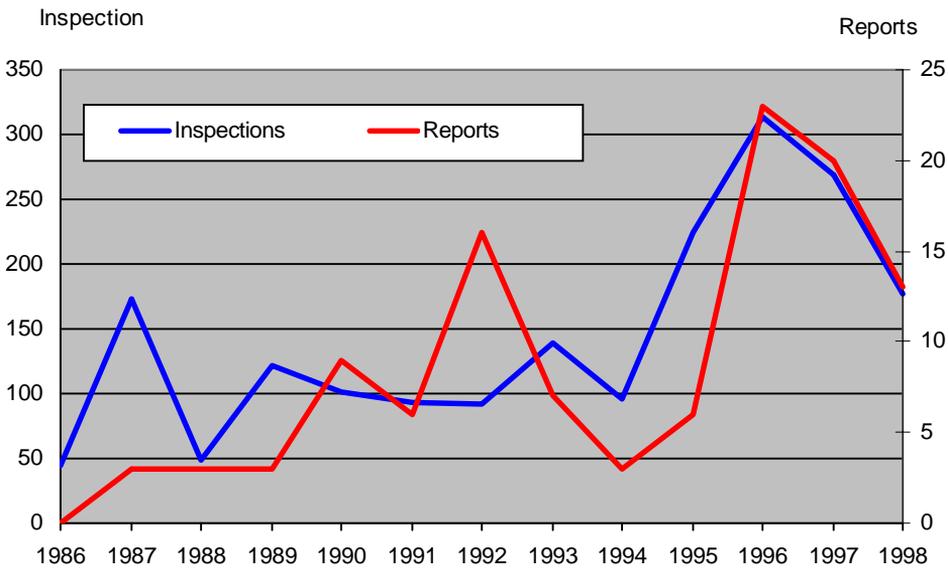


Figure 1. Number of inspections carried out by the Kemikalieinspektionen [Chemicals Inspectorate] and number of cases reported to the police by the Kemikalieinspektionen, 1986–1998. Source: Kemikalieinspektionen.

opinion that the legal system lacks the resources to investigate them. A control authority may also fail to report an offence where the fault has been finally rectified or where reporting may be perceived as jeopardising further cooperation between authorities and businesses (Johannesson and Johansson, 2000). Control authorities are less likely to regard environmental transgressors as criminals. Their perspective is aimed more at rectifying problems rather than punishing breaches of the law (Benson and Cullen, 1998). It is probably these types of considerations that have decreased through the Environmental Legislation and the new environmental crime organisation. The consequence is that the criminal perspective achieves greater penetration, leading to a sharp increase in reported cases.

Figure 1 illustrates the phenomenon of investigation offence, in this case the correlation between the number of inspections and cases reported to the police in respect of the Kemikalieinspektionen’s control activity. The more inspections that are carried out, the greater the number of cases reported. It further illustrates that it is not only the intensity of the control activity that determines which offences end up in the legal system, but also the direction the controls take. As is shown by the reported cases curve, the number of these shot up in 1992, in spite of the fact that the number of inspections had not increased. The reason for the change in the level of reported cases was that the inspectorate that year directed specific control bodies at the handling of wood protection treated timber (Kemikalieinspektionen, 1999). Kemikalieinspektionen was set up in 1986 and during the first few years there was

no correlation between the numbers of inspections and reported cases. The reason for that is probably that routines had not yet been worked out for making such reports.

## Sanctions other than punishment

In the same way as with certain economic crime, especially tax offences, administrative charges are an important sanction that cannot be ignored when breaches in the environmental sector are to be described. Many of these breaches are, in reality, possible to counter in accordance with the criminal system, but are instead dealt with by means of administrative sanctions. One advantage for the community as a whole is that intent does not have to be proven for a decision to be made regarding such sanctions. The sanction charges may be looked upon as a means of simplifying the handling of infringements of the law (Zila, 1992). What characterises the sanction charges is that they have been designed for infringements that relate to stipulated order and safety rules and are therefore regarded as being easy to check (Rubenson, 1999).

In the decree (1998:950) governing environmental sanctions charges, a number of infringements are specified that shall give rise to the administrative sanction of environmental sanctions charge. These are related to breaches of the Environmental Legislation or regulations that have been issued pursuant to the Legislation etc. The sanctions charges also relate to infringements of regulations that are issued by control authorities such as the Kemikalieinspektionen, the county councils and the municipalities.

The charges may involve considerable sums, ranging from a minimum of SEK 5,000 to a maximum of SEK 1 million. The number of environmental sanctions charges increased in the year 2000 by 278 per cent compared with the preceding year. In year 2000 a total of 2,260 decisions to impose environmental sanctions were taken. The majority of decisions were taken by the municipalities (92 per cent), while county councils (5 per cent) and the Kemikalieinspektionen (3 per cent) accounted for a smaller proportion of decisions. The majority of the decisions (75 per cent) were aimed at refrigeration and heating pump plants that contain prohibited substances (Naturvårdsverket [Care of Nature Authority], 2001).

## The crime structure

Figure 2 shows the structure of the various offences in the Environmental Legislation.

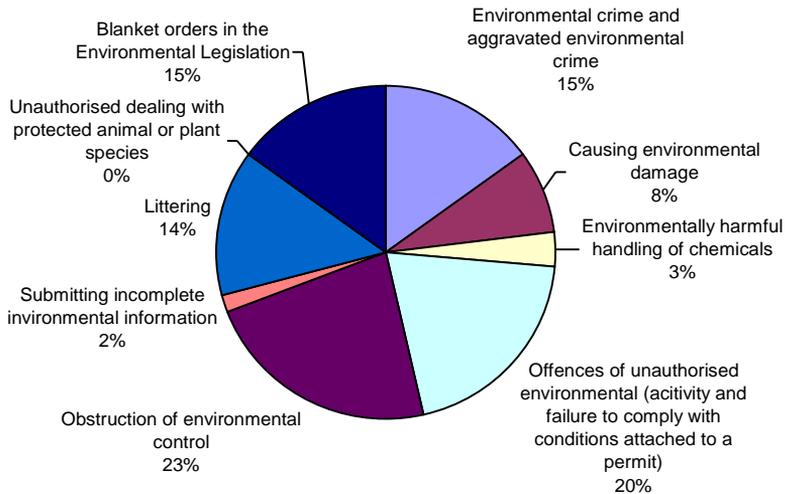


Figure 2. Reported offences against the Environmental Legislation, 2000. Source: BRÅ.

### *Environmental crime and causing environmental damage*

The principal offence in the environmental crime sector is *environmental crime* in chapter 29, § 1 of the Environmental Legislation. In the same section of the law there is also *aggravated environmental crime* and, in the chapter's second paragraph, the offence of carelessness *causing environmental damage*. The provisions are aimed at pollution of the ground, water or air. The rule also applies to causing environmental nuisances such as noise, vibration or radiation. Legal liability does not apply if an authority has permitted the behaviour or if it is generally accepted.

The provisions pertaining to environmental crime and aggravated environmental crime before the Environmental Legislation came into force, in chapter 13, § 8 a of the Penal Code. Causing environmental damage was covered in chapter 13, § 9, second section of the Penal Code. The provisions have been in force for about twenty years.

### *Environmentally harmful handling of chemicals*

The provision governing environmentally harmful handling of chemicals is to be found in chapter 29, § 3 of the Environmental Legislation. It is aimed at intentional and negligent acts with regard to deficient protective measures, product agreements or measure of care with chemicals. If the act is judged to constitute an environmental offence or to cause environmental damage, liability shall not be required for this rule.

The provision may be most likened to § 20 of the now-repealed Act (1985:426) pertaining to Chemical Products.

### *Unauthorised environmental activity*

The offence of unauthorised environmental activity is to be found in chapter 29, § 4 of the Environmental Legislation and is aimed at those who initiate or conduct an activity or undertake a measure without having obtained the requisite permit, approval or corresponding requirements. The offence also relates to breach of conditions attached to a permit or conditions relating to dispensation or similar conditions.

Prior to the advent of the Environmental Legislation, there was an equivalent provision in, for example, § 45 of the Environmental Protection Act (1969:387).

### *Obstruction of environmental control*

The offence of obstruction of environmental control, in chapter 29, § 5 of the Environmental Legislation, applies to those who do not provide information or details that the authorities may require in accordance with the Environmental Legislation, or who provide incorrect information of relevance for consideration of permits or the inspection.

### *Submitting incomplete environmental information*

The offence of submitting incomplete environmental information in chapter 29, § 6 of the Environmental Legislation supplements the offence of obstruction of environmental control. It relates, in part, to a more general information responsibility, where somebody is in breach of the Environmental Legislation through either not submitting documents or providing incorrect information and, in part, to a more specific information responsibility, where somebody fails to observe the marking requirements that may apply to chemical products, for example. The prerequisite for criminal liability is that the omission or act shall be designed to obstruct an assessment of the risks to people's health or environment.

### *Littering*

Littering, in chapter 29, § 7 of the Environmental Legislation, relates to a situation where somebody is responsible for littering outdoors in a place to which the general public has access or is able to see. The provision was to be found prior to the Environmental Legislation in § 37, first section 7 and § 23 of the Care of Nature Act (1964:822)

### *Unauthorised dealing in protected animal or plant species*

In chapter 29, § 10 of the Environmental Legislation, there is a penalty provision that is aimed at unauthorised persons dealing in protected animal or plant species, eggs, roe or nests that the perpetrator knows, or should reasonably be expected to know, had been acquired through contravention of provisions in the Environmental Legislation.

### *Blanket orders*

When the Environmental Legislation was introduced, it was not possible to gather all criminal acts under such offence headings with offence descriptions as those shown above. Instead there are some 50 blanket offences. This means that the penalty provision does not contain any independent offence description. Instead the description is limited to relating to the contravention of a material rule that is to be found in another paragraph in the Environmental Legislation. In practice, the blanket offences mean that all breaches of provisions relating to limitations of prohibitions that follow from the Environmental Legislation, incur a penalty. It may, for example, relate to breaches of a prohibition against setting up a building within the beach protection area, prohibition for the protection of a plant species, prohibition against the spreading of agents against brushwood and several other penalty provisions that follow from regulations that limit the individual's freedom of action or subject him or her to requirements to be observed in the activity. (Rubenson, 1998).

### *Pollution from shipping*

In the Law (1980:424) to Prevent Pollution from Shipping there are provisions regarding a prohibition against pollution from shipping, receiving damaging substances from shipping, the vessel's construction, etc. The Law contains several penalty provisions.

## Crime trends

In order to illustrate the major change that has occurred in the number of reported cases since the Environmental Legislation came into force, there is a time series in figure 3 relating to the reported offences against some of the more important environmental laws (the Care of Nature Law and the Environmental Protection Law) and the Environmental Legislation. The time series has defects however. In the first place, the Environmental Legislation contains more offences than the two laws that account for the curve up to and including when the Environmental Legislation

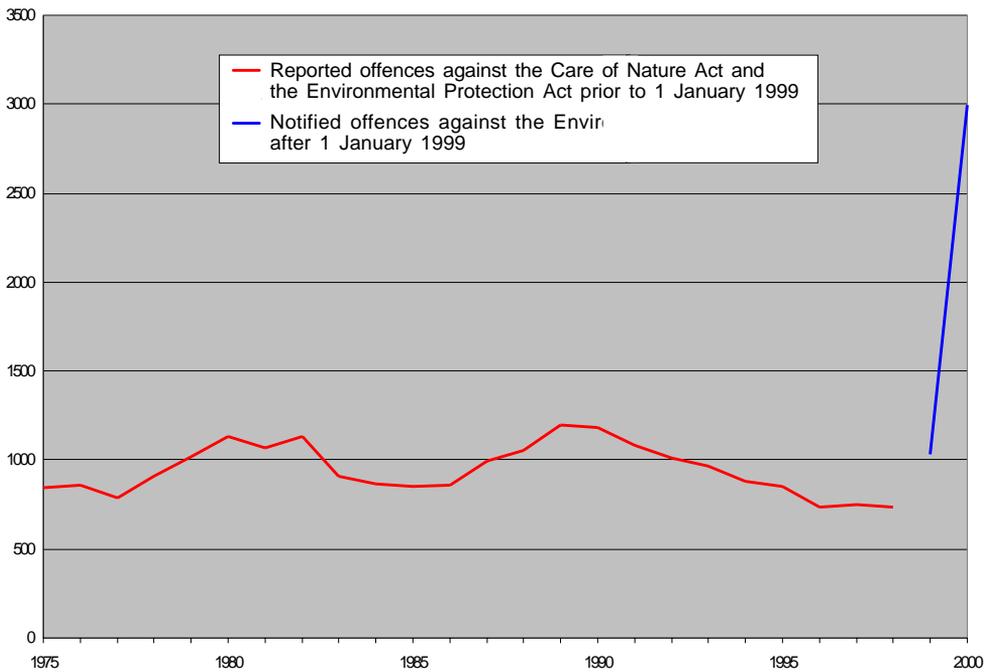


Figure 3. Notified offences against the Care of Nature Act and the Environmental Protection Act, years 1975–1998, as well as reported offences against the Care of Nature Act and the Environmental Protection Act, 1999–2000. Source: BRÅ.

came into force. In addition the offences are counted statistically in a different manner than they were prior to the Environmental Legislation. In spite of these defects, the time series afford a good picture of the number of reported cases being relatively few and evenly distributed over the years prior to the advent of the Environmental Legislation, and the fact that a dramatic change then took place.

The following detailed information shows the upswing in reported cases:

In the year 2000 there were 98 suspected offences received by the prosecution authorities that related to *environmentally dangerous chemical handling*. In 1999 21 such offences were reported.

In the year 2000 there were 562 suspected offences relating to *Unauthorised environmental activity* regarding the lack of permits, etc., and 302 in respect of failure to comply with conditions attached to a permit. The corresponding figures for 1999 were 99 and 64 respectively. In the year 2000 there were 642 reports of suspected offences regarding *obstruction of environmental control* compared with 1999, when the figure was 27. In addition 1999 saw 151 suspected offences against the environmental protection legislation. In the year 2000 there were 51 cases of suspected offences regarding *submission of incomplete environmental information*, while in 1999 there were only 2.

The number of reported suspicions of *littering* amounted to 3,999 in the year 2000 and 52 in 1999 – but 89 for the whole of the Care of Nature Law. Even if all

these reported cases in accordance with breach of the Care of Nature Law were to relate to littering, the number of reports increased very sharply in year 2000.

In 1999 there were 22 cases of suspected offence regarding *blanket offences regarding care of nature and species protection* (29:8 Environmental Legislation 1–5, 8–11, 16, 17 and 28 p). The year 2000 saw an increase in the number of reported cases to 171.

In 1999 there were suspected offences regarding *blanket offences for environmental protection and water activity*. The year 2000 saw an increase in reported cases to 53. In 1999 there were 19 suspected offences recorded in respect of *blanket offences for handling of chemical products etc.* The year 2000 witnessed an increase in reported cases to 196.

## Cleared offences and prosecutions

Hardly anybody has been sentenced to prison for offences against the newly-repealed statutes of the Care of Nature Law and the Environmental Protection Law. There is one prison sentence recorded for 1980 relating to an offence against the Care of Nature Law. The majority of prosecutions for offences against the Care of

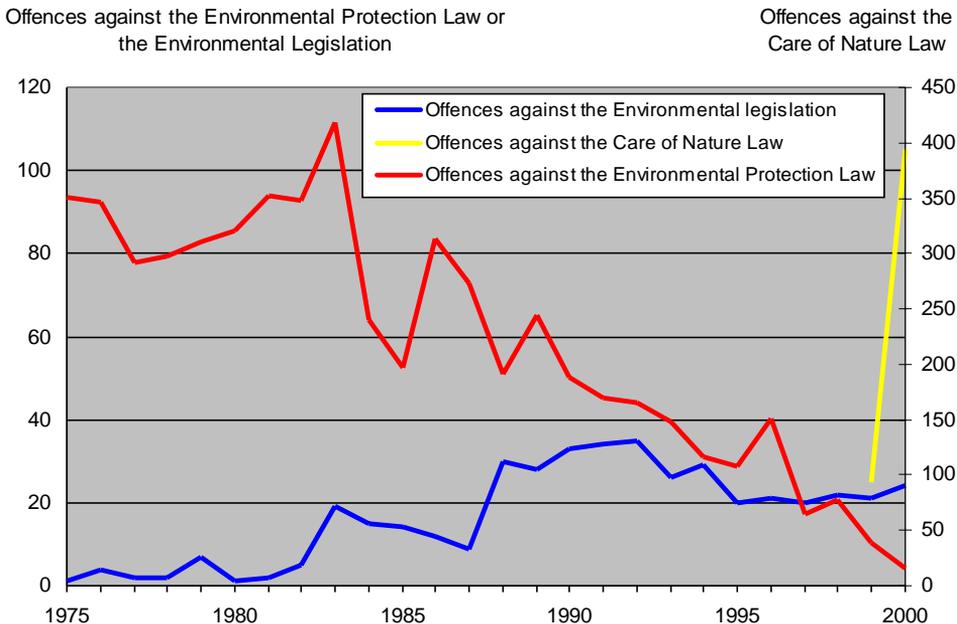


Figure 4. Number of persons prosecuted for offences against the Care of Nature Law (principal offence) and against the Environmental Protection Law (principal offence), years 1975–2000, and also prosecuted for offences against the Environmental Protection Law, 1999–2000. Source: BRÅ.

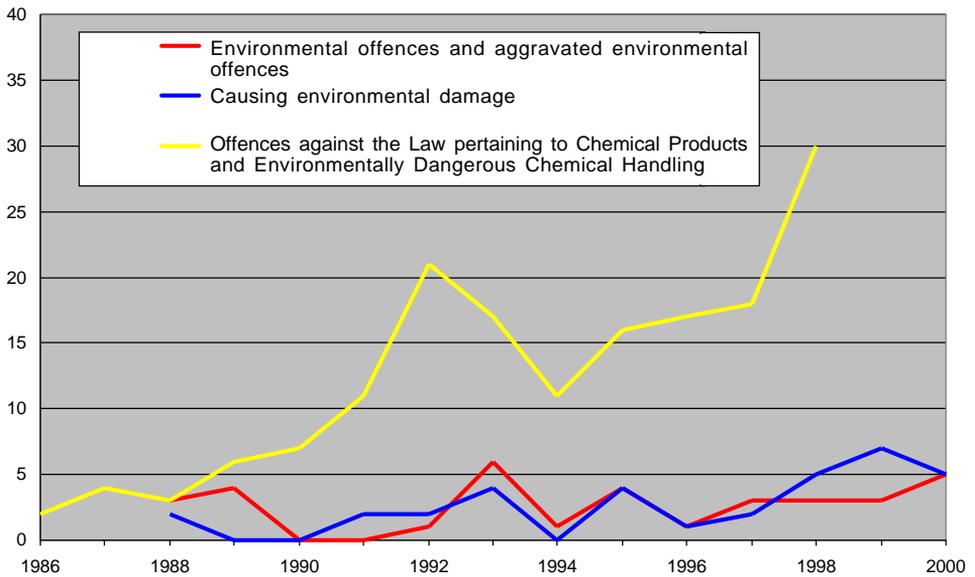


Figure 5. Number of persons prosecuted for environmental offences, aggravated environmental offences and causing environmental damage (principal offence) according to the Penal Code and the Environmental Legislation, for 1988–2000, as well as those prosecuted for offences against the Law pertaining to Chemical Products and Environmentally Dangerous Handling in the Environmental Legislation (principal offence), 1986–1998.

Nature Law took the form of penalty orders. With the exception of one prison sentence, the penalties have taken the form of fines.

The number of prosecutions for environmental offences and causing environmental damage has thus far been very limited. It has involved a handful of persons each year. Where aggravated environmental offences are concerned, there was only one prosecution (in 1999).

For offences against the Environmental Legislation reported in 1999 and year 2000, there were no custodial sentences. The most common consequence for offences against the Environmental Legislation is a fine.

The number of prosecutions for environmentally damaging handling of chemicals and all the provisions in accordance with the Law relating to Chemical Products before the Environmental Legislation came into force (note that the Law relating to Chemical Products contained a further penalty provision. § 21), has been relatively few, but it has increased since the beginning of the 1990s to around 15–20 persons per year and, more recently, to even more.

Figure 4 shows that the number of prosecutions for offences against the Environmental Protection Law has been relatively stable over the years. On the other hand, the number of offences against the Care of Nature Law experienced a sharp increase after the 1970s. The number of prosecutions for offences against the Environmental Legislation remains relatively few. One important future question will be, to how many prosecutions do all the reports lead?

Figure 5 shows that the number of prosecuted persons in respect of the central

environmental offences (environmental offence, aggravated environmental offence and causing environmental damage) remained relatively constant during these years. On the other hand, the number of prosecutions for chemical criminality has risen sharply. The most important explanation is the number of inspections and reports by the Kemikalieinspektionen.

Each year a small number of persons are prosecuted for offences against the Pollution Law; in 1997 there were five and in 1998, three.

Figure 6 shows that the clearance rate is relatively high for environmental offences. It is also a typical phenomenon for investigation offences such as environmental offences, since the perpetrators are often known. The clearance rate fluctuates between 40 and 70 per cent. The trend has, however, been for the clearance rate to decrease slightly since the beginning of the 1980s.

A central question is, what will happen with the negative trend with regard to the clearance rate since the 1980s? Will the curve point upwards? The increased resources should lead to the clearance rate being increased, but a counteracting factor is, after all, the large influx of reported offences, which puts a serious strain upon the investigative resources. From a prosecuting perspective, however, it has been asserted that more reports now lead to prosecutions, compared with the time prior to the Environmental Legislation (Karlmark, 2001). Because the Environmental Legislation has been in force for only two years, no clearance rates are reported in respect of offences against the Environmental Legislation.

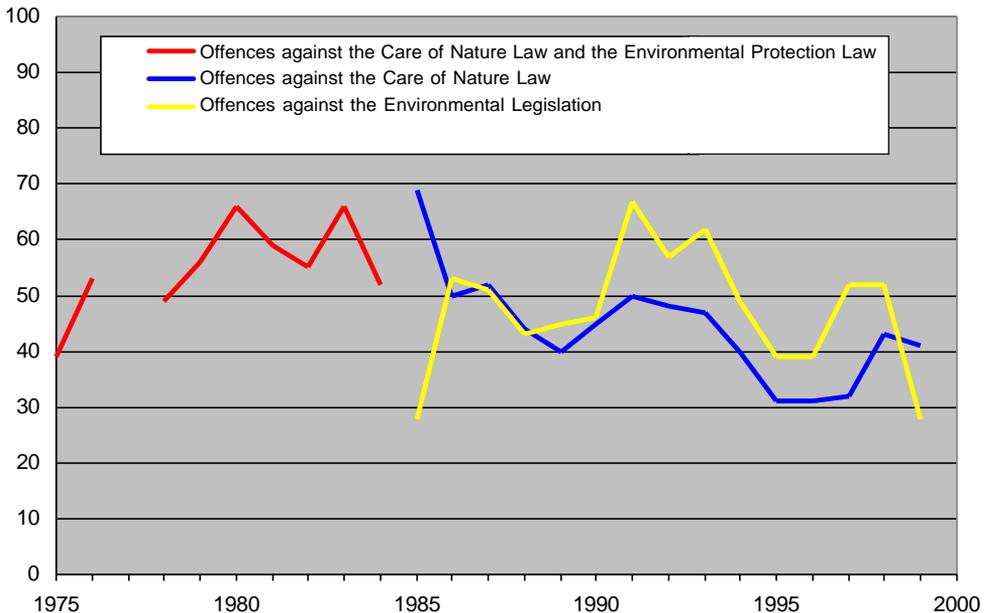


Figure 6. The clearance rate for offences against the Care of Nature Law and the Environmental Protection Law, 1975–1998 (figures for 1997 are missing)

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# Drunken driving

BY TOVE SPORRE

## Summary

From having fallen steadily throughout almost the whole of the 1990s, the number of cases of drunken driving offences is now increasing again. The most likely explanation is legislation regarding driving under the influence of drugs and the increased use by the police of targeted controls. This does not fully explain the increase, however; an actual increase in the incidence of drunken driving cannot be excluded. The fact that alcohol consumption has increased also indicates this. The increase can also be noted in the number of persons who are prosecuted for drunken driving.

The option of combining suspended sentences with community work was introduced in January 1999 and has, at the expense of prison sentences, become a relatively common consequence in connection with aggravated drunken driving. The proportion of women suspected of drunken driving has gradually increased over a sustained period.

## Introduction

The punishment for drunken driving has altered gradually from when the first decree was passed in the 1920s up to the present legislation coming into force during the first part of the 1990s. The first legislation, which contained penalties based upon the amount of alcohol in the blood, was introduced in 1941. The limits in force for what is now regarded as the normal and aggravated offence, respectively, were set at 0.8 and 1.5 thousandth parts, respectively. After a further ten years, the current law for certain traffic offences started to apply. During the first part of the 1990s, there were two wide-ranging reforms of drunken driving legislation.

The legislation regarding certain traffic offences that came into force on 1 July 1990, generally involved three changes with regard to the offence of drunken driving. In the first place, what was referred to as sober driving and drunken driving became, instead, a graduated offence – drunken driving and aggravated drunken driving. Secondly the lower penalty-incurring limit was decreased from 0.5 thousandth parts to 0.2 thousandth parts. Thirdly the assessment of the offences degree

of severity was altered, as well as the range of penalties for drunken driving. Instead of only looking at the level of alcohol in the blood the courts, exactly as with other graduated offences, were to make an overall assessment of the circumstances.

The second change to the traffic sobriety legislation took place on 1 February 1994. The limit for aggravated drunken driving was lowered from 1.5 to 1.0 thousandths and the maximum penalty for aggravated drunken driving increased from one to two years imprisonment. It was also stated that a prison sentence should be regarded as a normal consequence of aggravated drunken driving. Paragraphs 4 and 4a of the Road Traffic Offences Act (1951:649) concerning penalties for certain traffic offences now govern the traffic sobriety offences. On 1 July 1999 a special indictment was also introduced under paragraph 4 regarding the prohibition of drunken driving under the influence of drugs. The penalty for drunken driving in the present situation is a fine or a custodial sentence for a maximum of six months. If the offence is regarded as aggravated, the perpetrator shall be sentenced to a maximum of two years.

## Hidden crime

The actual level of drunken driving criminality is considerably more extensive than what is seen from the indictment statistics. The level of unrecorded cases is therefore high. In a study, Persson (1980) has estimated the actual drunken driving criminality at around 200 times greater than what is observed. This would then mean that there are around three million cases of drunken driving every year. In another study (Greve, 1987) the traffic sobriety offences were estimated at 7,000 on an average day, which would amount to ca. 2.5 million drunken driving offences a year. Interpretation of the development of the offence in terms of the reported cases is complicated by the fact that the hidden drunken driving criminality is so large in relation to the observed level.

Drunken driving offences are primarily discovered through police controls. Information from Statens Kriminaltekniska Laboratorium [The National Crime Technology Laboratory] that analyses breath samples, shows that during 1996–2000 a good 25 per cent of these cases came to the attention of the police through routine checks. Barely 40 per cent were discovered by general monitoring by the police, and 24 per cent resulted from tips from the general public, while a good 10 per cent came to light through accidents or deviant driving behaviour.

The relationship between hidden and the visible criminality is influenced by the fact that the offences are, to a large extent, discovered by the police, i.e. if the police alter their check routines, this is also reflected in the number of drunken driving offences. The extent of the hidden drunken driving criminality in relation to the visible proportion has been influenced by two changes in police control activity over the last few decades. In the first instance, the number of police controls during the second half of the 1980s was increased. The number of routine screening or

routine controls increased drastically from around 600,000 (1984) to over 1,700,000 (1994).<sup>1</sup> The hidden criminality should therefore have diminished as a result of such increased control activity, since the police then arrest more drunken drivers. On the other hand the practice regarding routine controls was also altered during the beginning of the 1990s. From concentrating the control measures on selective checks at certain times, days and locations when the number of drunken drivers was expected to be high, the police changed over to more random-based checks. This change probably had the opposite effect in that the hit rate for the checks decreased. To what extent the worsened hit rate is outweighed by more checks is, however, unclear. According to Norström and Skog (2001) it was possible to note that the police again targeted their checks in year 2000. Whether this is a temporary measure, because certain reasons were conducting trial openings of systembolag [state-controlled company for sale of wines and spirits] on Saturdays, or whether it is a permanent change to the police routines, is unclear.

It is only that part of the reported criminality that is discovered through routine controls or general monitoring that is affected when the police change their routine control practices. The relatively large proportion of drunken driving cases discovered through traffic accidents, suspect driving behaviour and tips from the general public, are influenced to a far lesser degree.

## The crime structure

### *Reported offences*

In the year 2000, a total of 17,403 drunken driving cases were reported to the police. This represents a marked increase if one compares it with 1999, when 13,941 offences were reported. The development of the number of reported cases of drunken driving since 1975 may be described largely in four phases (see figure 1). The first period, from the mid-1970s to the mid-1980s was relatively stable, with a level of between 21,000 and 22,000 reported cases annually. The sharp decrease in 1985 was probably due to a reorganisation of the police, resulting in there being fewer traffic police (Knutsson, 1992). During period two, which extended from 1985 to 1991, the number of reported cases of drunken driving increased; in 1991 the number of reported cases was up at 26,100.

During the third period of 1991–1998, the number of reported cases of drunken driving decreased sharply by an average of 10 per cent annually. In 1998 the number of reported drunken driving cases was 12,127. During the last period of 1999–2000 the number of reported drunken driving cases again increased.

<sup>1</sup> During the last few years, however, the number of registered screening tests decreased. In the year 2000 about 1 100 000 screening tests were conducted.

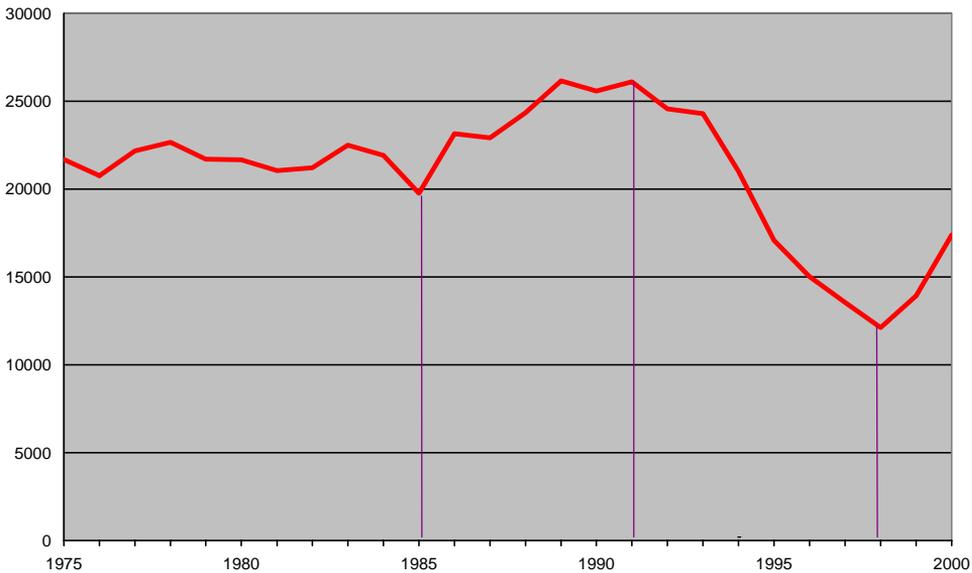


Figure 1. Number of drunken driving cases reported to the police, 1975–2000.

### *Traffic accidents*

Since the number of reported cases of drunken driving is not a good measurement of the actual criminality, other statistical sources should also be examined in order to gain an impression of the real development of drunken driving criminality. One such statistical source is the number of traffic accidents.

Individuals who consume alcohol are influenced both psychologically and physiologically. An alcohol-influenced person becomes less aware and loses judgement. His powers of self-criticism decrease, as does his ability to make realistic risk assessments. In addition his reaction times and coordination are adversely affected in line with the increase in the alcohol content in the blood. When driving a motorised vehicle, these abilities and qualities are important. It is therefore clear that the consumption of alcohol in connection with motor traffic involves an increased risk of accident.

The connection between alcohol consumption and traffic accident risk is shown in a large number of studies. The risk of being involved in a traffic accident has been shown to increase even at a level of influence of 0.5 thousandths (SOU, 1970). Zador (1991) has also shown that each increase in the alcohol content of the blood by 0.2 thousandths means that the risk of single accidents is doubled. A Swedish study (Öström and Eriksson, 1993) also shows that more than every second person who dies in a single accident is under the influence of alcohol.

There are also studies that show the connection between alcohol consumption at a social level and reported drunken driving (Kendell, 1984; Smart and Mann, 1987). The covariance between total consumption in a country and the

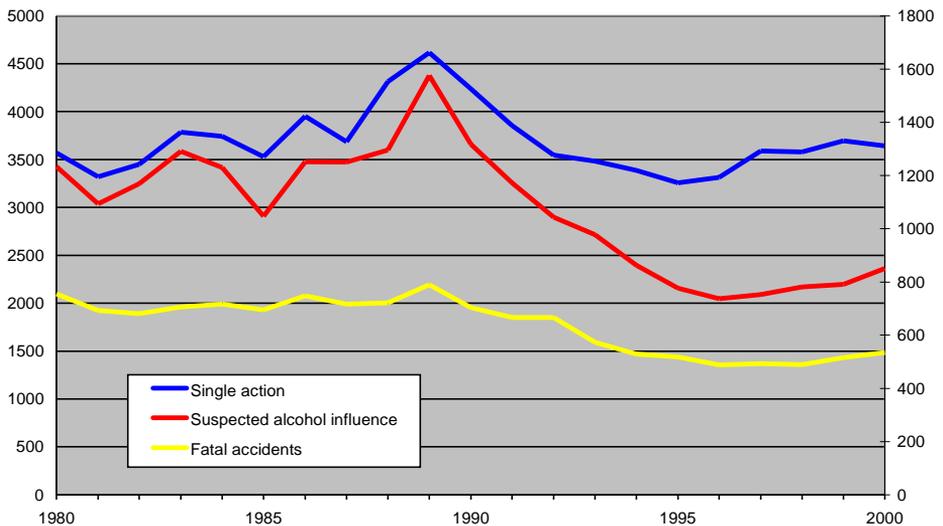


Figure 2. The number of road traffic accidents with a fatal outcome reported to the police, all single accidents reported to the police and the number of drivers suspected of being under the influence of alcohol and involved in road traffic accidents resulting in personal injuries, 1980–2000. (Note that the curves lie on two different axes. The number of single accidents is read off from the left axis and the number of fatal accidents and suspected alcohol influence are read off the right axis).

number of traffic accidents has only been studied to a small degree. Norström and Andersson (1996) have, however, shown that there is a clear, statistically proven connection between changes to the total consumption of alcohol (measured in numbers of sold litres of alcohol per capita) and changes to the number of traffic accidents.

In view of the above, therefore, traffic accident development is an important source of information regarding analyses of the actual drunken driving criminality. On the one hand the development of the high degree of alcohol-related fatal and single accidents, respectively, is accounted and, on the other hand, the development of the number of drivers suspected of having been under the influence of alcohol in connection with traffic accidents where personal injuries have been involved.

Having increased somewhat during the 1980s, the number of fatal accidents and single accidents decreased very steadily during the first half of the 1990s, see figure 2. After a downward trend, fatal accidents increased again between 1996–2000. In the year 2000 a total of 535 *fatal accidents* were reported to the police, involving a certain increase compared with the preceding year. It is, however, below the level for fatal accidents throughout the whole of the 1980s and the first half of the 1990s. The number of *single accidents* reported to the police reveals the same development, and this figure increased between 1995 and year 2000. In the year 2000 the number of single accidents was 3 644.

During the first part of the 1990s, the number of drivers with *suspected alcohol*

*influence* decreased in connection with traffic accidents resulting in personal injuries as reported to the police. As is seen from figure 2, the pattern is the same for the development of fatal accidents and single accidents. Precisely as with fatal accidents and single accidents, those accidents involving suspected alcohol influence also increased after 1997. These results indicate that there has been a certain increase in the actual drunken driving criminality in recent years.

### *Why is drunken driving criminality increasing?*

As previously mentioned, two extensive reforms were introduced within the traffic sobriety legislation during the 1990s. The principal result from an assessment of the 1990 reform (Norström and Andersson, 1996) is that the reform led to the actual drunken driving criminality being reduced by around 18 per cent and that the number of traffic accidents with a fatal outcome fell by around 8 per cent. The result is statistically assured and takes into account changes in alcohol consumption and traffic flow intensity.

The 1994 reform also probably contributed towards the number of reported drunken driving cases continuing to fall afterwards. In the assessment of the reform (BRÅ, 1998) it is pointed out that the reduction in the number of reported drunken driving cases continued after the 1994 reform came into force. The number of fatal accidents and single accidents (also often alcohol-related) also decreased by more than might have been expected. The reform was thus followed by an actual decrease in the number of drunken driving cases.

With regard to the relatively sharp increase in the number of reported drunken driving cases during 1999 and year 2000, there are three conceivable explanations. The most significant explanation is that the number of reported cases of drunken driving under the influence of drugs, which was introduced into the legislation on 1 July 1999, increased markedly. In 1999 around 1 700 of the reported cases of drunken driving offences were precisely cases of driving under the influence of drugs. In the year 2000 the number of reported cases rose to around 3 800. Another explanation, that is not as significant as the first, could be that the police directed checks at the areas close to where systembolag outlets were open on Saturdays during the year 2000 (Norström and Skog, 2001). The third explanation, which is somewhat more uncertain, is connected with the changes made by the police to the registering routines for notified traffic offences, a change that did, however, have only a minor effect upon drunken driving offences. An actual increase in drunken driving criminality during recent years cannot be excluded. The total alcohol consumption also increased during the year 2000, if one compares this with the years 1996 and 1998 (Leifman et al., 2000). An increased consumption has a substantiated connection with the number of drunken driving offences.

## Regional distribution

With regard to the regional variations in the number of reported cases of drunken driving offences during the year 2000, the county of Kronoberg had the lowest reported drunken driving criminality in relation to the size of population, at 158 reported cases per 100,000 inhabitants. In absolute figures, this corresponds to 279 cases of reported drunken driving. The county of Södermanland had the highest number of reported drunken driving offences per 100 000 inhabitants, with 235 reported cases, which, in absolute figures, corresponds to 602 reported drunken driving offences. There are therefore about twice as many reported cases per 100 000 inhabitants in Södermanland county than there are in Kronoberg county.

Since drunken driving is an investigation and intervention offence, the regional statistics are influenced to a large degree by the fact that the level of checks varies from one county to another. The efforts may be particularly high in one county during one year, only to be higher in another county the next year. Since the control efforts differ between the counties, the regional variations in reported cases of drunken driving represent a highly uncertain measurement of the actual geographical differences.

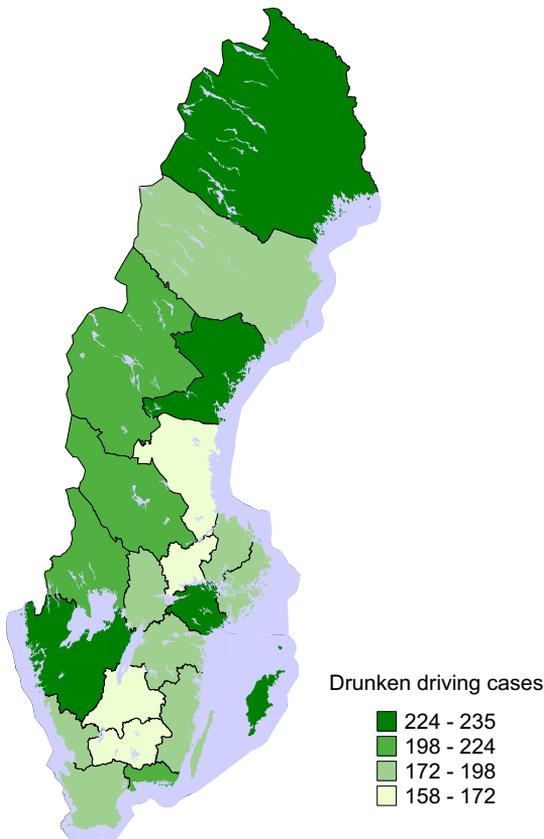


Figure 3. Number of offences per 100,000 inhabitants reported to the police, 2000.

## Suspects

The number of persons suspected of drunken driving offences (including aggravated cases) during the year 2000 was 11,695. Of these 1,081 persons, or 9.2 per cent, were women. The proportion of women has increased very steadily since 1975, when they comprised just over 4 per cent of the number of persons suspected of drunken driving offences.

An increase in driving by women and changes in their alcohol consumption are probable explanations for the development in the number and proportion of female suspects during the 1970s and 1980s. During this period the consumption of alcohol by women increased in relation to men and they also drank in a concentrated manner more frequently (Kühlhorn, 1998; Kühlhorn and Leifman, 1998). During the 1990s, the trend for the number of women suspected of drunken driving offences followed that of suspected men very closely, see figure 4.

On the other hand no extensive changes occurred with regard to women’s alcohol consumption and driving after the end of the 1980s. These factors are therefore not enough to explain the continued increase in the proportion of women offenders during the 1990s. One hypothesis regarding the increase in the women’s share during the 1990s, when drunken driving offences actually decreased, is what is referred to as “prevention’s decreasing border value” (see, e.g. Skog, 1992), i.e. the effects of various preventive strategies is greatest among persons with a good rehabilitation prognosis.

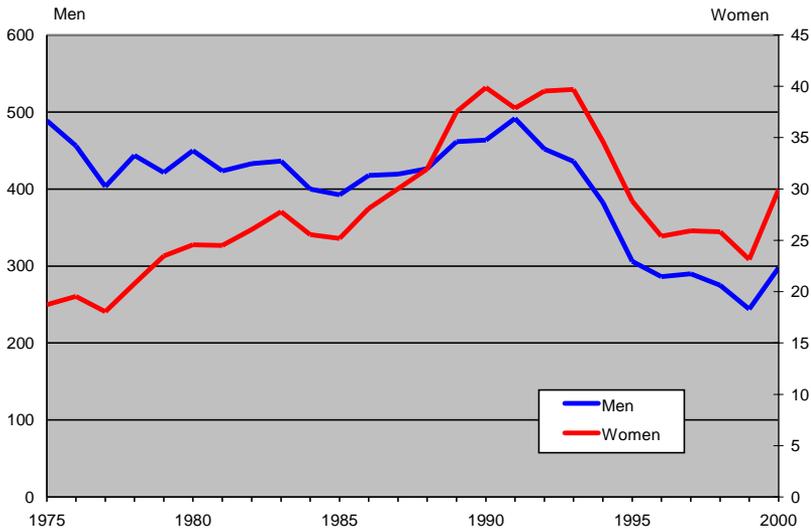


Figure 4. Number of suspected men and women, respectively, per 100 000 inhabitants aged 15 years or more, 1975–2000.<sup>2</sup>

<sup>2</sup> Decrease during 1999 is due to an absence of statistics.

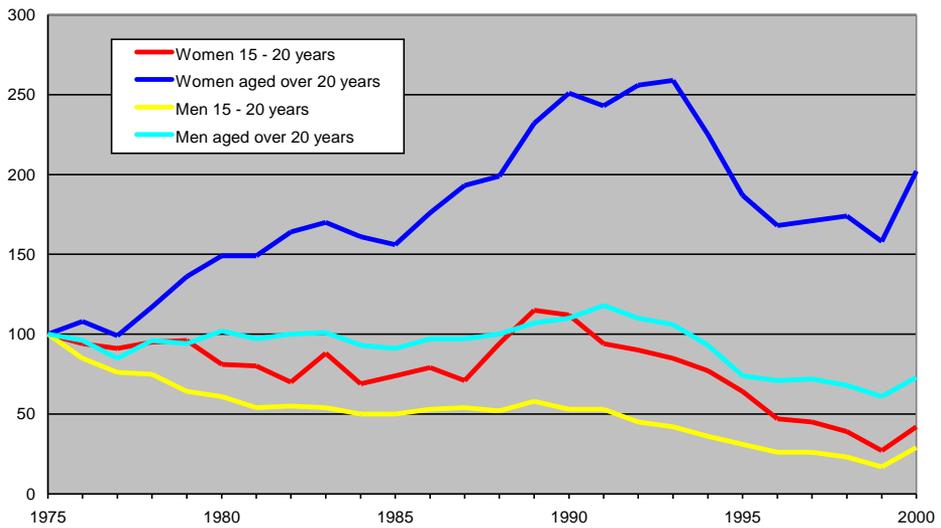


Figure 5. Number of suspected men and women in different age groups (index), per 100 000 inhabitants in the respective categories, 1975–2000.<sup>3</sup> Index 1975 = 100.

Assuming that the registered Drunken driving offences reflect the actual criminality, it appears as though the hypothesis of “prevention’s decreasing border value” refers to a greater extent to the female drunken drivers. This may be explained as follows. From an interview survey it may be seen that the proportion of female problem consumers are over-represented among the convicted drunken drivers to a greater extent than men, in comparison with the normal population (Bergman, 1994). Potential female drunken drivers may, in relative terms, be expected to have a poorer prognosis than men do. Where the preventive measures are reinforced therefore, the number of suspected women decreases less than the number of suspected men (see figure 5). The only increase in the latter part of the 1990s in the number of suspected persons per 100,000 inhabitants (15 years and above), has occurred among adult women. The fact that the number of young offenders decreased more sharply than the number of adults and that women’s share of the suspects increased, is entirely in line with what may be expected in the light of the preventive theories. Since drunken driving has a strong connection to alcohol consumption, there are grounds for assuming that the first group that reduces its drunken driving behaviour is the younger people who have often not yet established an advanced consumption of alcohol. During the year 2000, the number of men and women increased in all age groups, although women over 20 increased most.

## Prosecutions

The penalty for drunken driving is a fine or imprisonment for a maximum of six months. If the offence is regarded as aggravated, the offender is sentenced to prison for a maximum of two years. As of the first of July 1999 it is also stated that those who drive under the influence of drugs may also be convicted of drunken driving.

In year 2000, a total of 146 persons were prosecuted for drunken driving under the influence of drugs, 3,768 persons for drunken driving and 5,051 for aggravated drunken driving (relates only to principal offence).<sup>4</sup> The most common consequence (37%) for drunken driving offences under the influence of drugs, was fines handed down by the courts, the next most common (26%) was imposition of a penalty, i.e. fines imposed by the prosecution authorities.

Where drunken driving is concerned, the overall dominant consequence (80%) is the imposition of a penalty. In principle all other cases (18%) resulted in fines imposed by the courts. Only 0.2 per cent of the persons prosecuted for drunken driving were sentenced to prison.

Where the aggravated offence is concerned, the structure of the consequences is quite different. The most common consequence for aggravated drunken driving during the year 2000 was prison, at 44 per cent. The average sentence was 1.6 months. Other common consequences are suspended sentences (27%), overwhelm-

*Table 1*  
*Consequences structure for persons prosecuted for driving under the influence of drugs, drunken driving or aggravated drunken driving, as the principal offence, 2000.*

	Driving under the influence of drugs		Drunken driving		Aggravated drunken driving <sup>5</sup>		Total	
	Number	Proportion (%)	Number	Proportion (%)	Number	Proportion (%)	Number	Proportion (%)
<i>Judgements</i>	67	45,9	711	18,9	4 989	98,8	5 767	64,3
Prison	4	2,7	7	0,2	2 215	43,9	2 226	24,8
Forensic psychiatric care	0	0,0	0	0,0	5	0,1	5	0,1
Probation	4	2,7	9	0,2	1 256	24,9	1 269	14,2
Suspended sentence	0	0,0	2	0,1	1 358	26,9	1 360	15,2
Placing in care	0	0,0	6	0,2	40	0,8	46	0,5
Fines	54	37,0	670	17,8	26	0,5	750	8,4
Other judgements	5	3,4	17	0,5	87	1,7	109	1,2
<i>Penalty imposition</i>	38	26,0	3 004	79,7	6	0,1	3 048	34,0
<i>Withdrawal of prosecution</i>	41	28,1	53	1,4	56	1,1	150	1,7
All	146	100,0	3 768	100,0	5 051	100,0	8 965	100,00

<sup>4</sup> Aggravated drunken driving relates to both driving under the influence of alcohol and under the influence of drugs.

<sup>5</sup> Aggravated drunken driving relates to both driving under the influence of alcohol and under the influence of drugs.

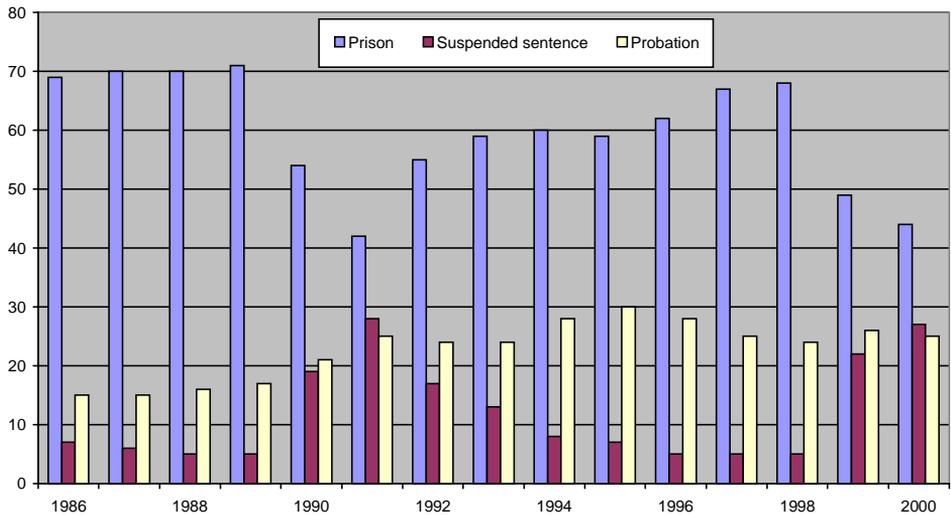


Figure 6. Proportion of aggravated drunken driving offenders sentenced to prison, suspended sentence or probation for 1986–2000 respectively.

ingly in conjunction with community service, and probation, at 25 per cent. The distribution of the consequences for drunken driving under the influence of drugs, drunken driving and aggravated drunken driving, is shown in Table 1.

Following the 1990 reform, the proportion of prison sentences for aggravated drunken driving fell very sharply. The year before the reform (1989), just over 70 per cent of aggravated drunken driving offenders were sentenced to prison, while the corresponding proportion the year after the reform (1991) was 42 per cent. The shift was made to suspended sentences. The proportion of offenders given suspended sentences increased from 5 per cent in 1989 to 28 per cent in 1991. The reason for this was that, in the new reform, it was laid down that an overall assessment should be made when the consequences were decided upon.

The drastic reduction in the proportion of aggravated drunken driving offenders sentenced to prison was noted relatively quickly by the legal system. As early as in 1991, a number of judgements were handed down from the Supreme Court, where the position of a prison sentence as a normal consequence of aggravated drunken driving was established. Following these noted judgements, the level of prison sentences for aggravated drunken driving was gradually restored almost immediately. As early as in 1993, the proportion of aggravated drunken driving offences incurring prison sentences amounted to almost 60 per cent. In 1997 and 1998 the proportion of aggravated drunken driving offenders sentenced to prison was 67 and 68 per cent, respectively.

On 1 January 1999, the possibility of combining a suspended sentence with community service orders was introduced. The objective was to provide an alternative to prison sentences in cases where such a sentence would otherwise have been relevant. The original objective agrees well with how the structure of consequences

during 1999 and year 2000 also turned out. The proportion of aggravated drunken driving offenders sentenced to prison fell very sharply during 1999 and the year 2000 to 49 and 44 per cent respectively. This was at the same time as the proportion of suspended sentences combined with community service orders increased markedly. The distribution of the consequences is shown in figure 6.

## Preventive measures

Drunken driving is one of the few offences where the preventive measures of legislation could be substantiated. Both the legislation of 1990 and 1994 resulted, with considerable certainty, in the actual drunken driving criminality diminishing.

Other efforts that may be assumed to have influenced drunken driving criminality are the random breathalyser tests undertaken by the police. Studies (Törnros, 1995) of this have shown that persons with experience of breathalyser tests also considered that there was a greater risk of discovery compared with those who had not been subjected to them. Even those who knew somebody who had been tested perceived a greater risk of discovery. This indicates that random breathalyser tests have a preventive effect, insofar as the perceived risk of discovery increases.

Drunken driving is regarded by the general law-abiding public as a serious offence, as is shown by earlier surveys that deal with the general public's law awareness (Lindén and Similä, 1982; Axberger, 1996). The media contribute to a great extent in sustaining this attitude by highlighting phenomena in reports, articles and the like. The strategy is perhaps not a particularly conscious one, but may be just as effective anyway.

With regard to individually targeted measures, special programmes and treatments can produce results if they are directed at people with abuse problems. This is the case for a large proportion of drunken driving offenders. An example of this is the educational programme, Rattfällan, which, since the mid-eighties has provided an opportunity for voluntary participation following a drunken driving judgement. A follow-up to the programme shows that the relapse percentage is very much lower for those who took part in the programme than for those who did not (Törnros, 1993). For motorists with more than one drunken driving conviction, however, there was no difference if compared with those who had not undergone the programme.

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# Drugs crime

BY JENNY JOHANSSON

## Summary

In the year 2000, over 32 000 offences in violation of the Narcotics Drugs (Punishment) Act were reported, constituting about three per cent of all offences reported to the police in Sweden that year. The largest proportion of reported offences related to suspicion of possession or personal use of drugs. The efforts by the police to a large extent steer the trend in the number of reported drugs offences, which means that the trend in actual drugs crime cannot be interpreted solely on the basis of the report statistics. Other sources, such as surveys of schoolchildren's drug habits, indicate increased drug abuse since the end of the 1980s, when the self-confessed use of drugs was lowest among children of school age.

During the past ten years, there has been a gradual increase in the number of persons prosecuted for drug abuse. About 40 per cent were prosecuted in 1999 for the personal use of drugs.

Where crime prevention measures are concerned, it is pointed out in the Narkotikakommissionen's [Narcotics Commission] assessment of society's drugs policy efforts since the 1980s, that the balance between preventive measures, treatment and control needs to be restored.

## Introduction

Drugs offences are understood to mean both offences in violation of the Narcotics Drugs (Punishment) Act (NSL) and offences in violation of the Act on Smuggling (VSL) in cases where the goods comprise drugs. According to the NSL that came into force in 1968 and has been subsequently supplemented on a number of occasions, all handling of drugs is now a punishable offence. The most important amendments to the law to have been made in recent years have been aimed at the consumption of drugs. In 1988, use was made a crime and in 1993 the penalties were increased for personal use by the introduction of prison terms of up to six months to the penalty tariff. In principle, it was the general preventive precept that lay behind the criminalisation in 1988, while the increased penalties in 1993 were primarily aimed at enabling police intervention to occur at an earlier stage. One important

consequence of criminalisation was that it became possible to order care-related consequences for drug abuse.

The Narcotics Drugs (Punishment) Act is structured around three principal offences known as normal offences (§ 1), less serious drugs offences (§ 2) and aggravated drugs offences (§ 3). In all cases, intent is presupposed. The penalties issued depend upon the severity of the offence on the basis of criteria such as the amount of drugs and type of preparation.

The Läkemedelsverket [The Swedish Pharmaceutical Authority] maintains a list of about 300 substances that, under Swedish law, are classified as drugs. The most common preparations in connection with drugs offences are cannabis (hash and marijuana), central stimulants (such as amphetamines) and opiates (such as heroin). Amphetamines, within the central stimulants group, are the most commonly occurring preparation in total when viewed in the context of prosecutions<sup>1</sup>, followed by cannabis. These groups each amounted to around 35 per cent of all preparations that occurred in the drugs prosecutions in 1999. In recent years, new preparations have been noted. Ecstasy, which belongs to the phenylethylamines group and is related to amphetamines, was classed as a drug in 1986, with GHB (GammaHydroxiButyrate) following suit in 2000. Upon comparing different preparations in a prosecutions context, ecstasy is considered more serious than amphetamines. In general, however, heroin is regarded as being the most serious preparation (Sterzel, 1998).

## Hidden crime

Drugs offences are referred to as investigation and intervention offences. This means that the offence is discovered as a result of efforts on the part of the police or customs and can then be taken further by the legal system. This means that actual drugs crime is greater than that shown in the crime statistics. The relationship between reported and actual crime, the unrecorded cases, is thus very considerable for drugs offences. It is thus not possible to directly illustrate the extent of this type of crime by using the crime statistics. Drugs offences are also a special type of offence due to the fact that it is difficult to estimate the numbers involved. It can be hard to specify how many offences are committed by a person who is a habitual user and dealer of drugs. It is thus not quite clear what is referred to by actual crime. On the other hand, the statistics probably provide an acceptable picture of the structure of drugs crime, for example with regard to the occurrence of various preparations, on the basis that one may assume that the incidence of unrecorded cases is approximately the same for different categories.

<sup>1</sup> Relates to judgements and imposed penalties. Preparations cannot be broken down in terms of withdrawal of prosecution.

In order to be able to illustrate the unrecorded cases more clearly and to gain a better picture of drugs abuse, there is another set of statistics to refer to. Several general surveys have been carried out where different groups are asked about drugs abuse. An example of this is the annual drugs habit surveys conducted by the *Centralförbundet för alkohol- och narkotikaupplysning* [Central Association for alcohol and drugs information] (CAN). Case-finding surveys may also be employed as indicators for determining the actual crime more precisely.

## The crime structure

In the reported cases statistics, offences in violation of the Narcotics Drugs (Punishment) Act are divided into the categories of supply, manufacture, possession, personal use and also possession and personal use. Since the publication of the 1999 reported offences statistics, possession may be separated from use. An innovation from 2000 is that reported cases where both possession and use occur are accounted separately.

In 2000, the police registered 32 423 offences in violation of the Narcotics Drugs (Punishment) Act, constituting about three per cent of the total number of offences reported to the police in Sweden that year. Figure 1 shows the proportions of the various types of offences into which offences against the Narcotics Drugs (Punishment) Act are divided. About 40 per cent of reported cases relate to the personal use

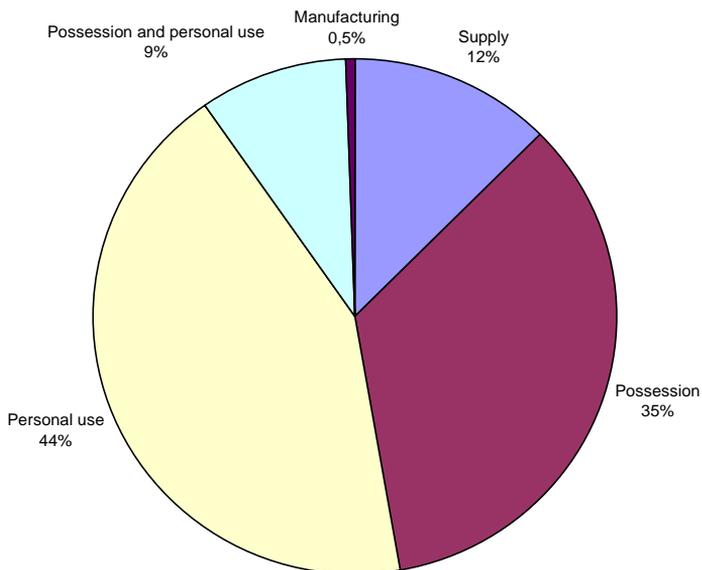


Figure 1. Proportion of offences against the Narcotics Drugs (Punishment) Act reported to the police, according to type, 2000.

of drugs. An almost equally large proportion of reported cases concern suspected possession of drugs. Supply and possession together with use each account for around one in ten reported cases. The manufacturing of drugs accounts for a half per cent of all reported cases.

The distribution of the reported offences in violation of the Narcotics Drugs (Punishment) Act has not altered measurably over the latter part of the nineties. The two types of offence, possession and personal use, that were recorded prior to 1999 as a single offence, have accounted for around 75 per cent of the reported offences in recent years.

With regard to offences in violation of the Act on Smuggling, where the goods consist of drugs, over 350 offences were reported in 2000. Since 1980, the number of offences of goods smuggling with regard to drugs has tailed off steadily, from around 2 300 offences in 1980 to about 350 offences in 2000. This entails a decrease of around 85 per cent. The decrease is not, however, noted in the total reported cases statistics relating to drugs offences since, in relation to offences in violation of the Narcotics Drugs (Punishment) Act, there are few offences registered in violation of the Act on Smuggling.

## Crime trends

As previously mentioned, it is important to employ several sources in order to be able to make any meaningful statement about the development of drugs crime. In the self-confessed drugs habit surveys it emerged that the proportion of children of school age who stated that they had, at some time, used drugs, amounted to around 9 per cent in 2000 (see figure 2). The proportions have increased since the end of the 1980s. If a comparison is made between 1971 and 2000 in respect of the self-confessed use of drugs, it emerges that the proportion of schoolchildren who state that they have, at some time, used drugs, has been almost halved since the beginning of the 1970s (from approx. 15 per cent in 1971 to 9 per cent in 2000). The proportion of those undergoing compulsory military service, who had used drugs at some time, was about as large in 1999<sup>2</sup> as in 1971.

In spite of the fact that only a couple of thousandths of all young people are annually suspected of drugs offences, the trend in young people's self-confessed drugs habits and the statistics relating to young people suspected of drugs offences, follow parallel patterns (Lindström and Svensson, 1998).

When crime statistics are employed in order to interpret how drugs crime develops over a period of time, it is important to be aware of the different ways of applying the statistics. When an offence is registered by the police, the type of

<sup>2</sup> No information about the proportion of those undergoing compulsory military service who had used drugs at some time, 1988–1991.

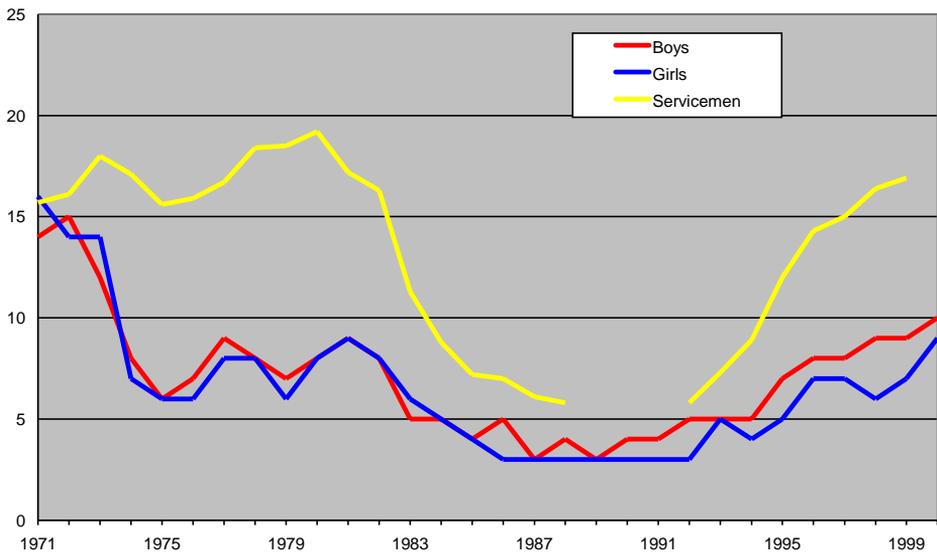


Figure 2. Proportion of schoolchildren in year 9 and those undergoing compulsory military service, who stated that they had tried drugs at some time, 1971–2000. Source: CAN, 2000.

offence is stated on the one hand, and the number of offences on the other. For the registration of a type of offence a certain offence code is employed. This is also designated as one case reported by the police. In order to calculate the number of registered offences, the main principle is that each time a certain section of the law is breached, this shall be counted as one offence. For drugs offences this may, for example, mean that in an offence report where a suspected person states that he or she sold drugs to a number of persons or to one and the same person on a number of different occasions, and the offence can be substantiated as supply, then this is registered as *one* reported case and several reported offences. The statistics relating to the number of cases (notifications irrespective of the number of offences) are not affected when an offence report results in a large number of reported offences and thereby serves as a supplement to the statistical series relating to reported offences.

Figure 3 shows the trend since 1975 of all reported offences as well as the number of reported cases regarding offences in violation of the Narcotics Drugs (Punishment) Act.

The number of reported offences in violation of the Narcotics Drugs (Punishment) Act at the beginning of the 1980s, when over 65 000 offences were reported annually, lay considerably above the average for the whole period between 1975 and 2000. The sharp increases during these years probably relate to intensified police efforts in the fight against drugs crime and to changes in legal practices. For example, the State Prosecution Service announced in a circular in 1980 that even small quantities of drugs, not least cannabis, were to be reported as drugs offences, leading to offensive police efforts to combat street trading. Throughout the 1990s,

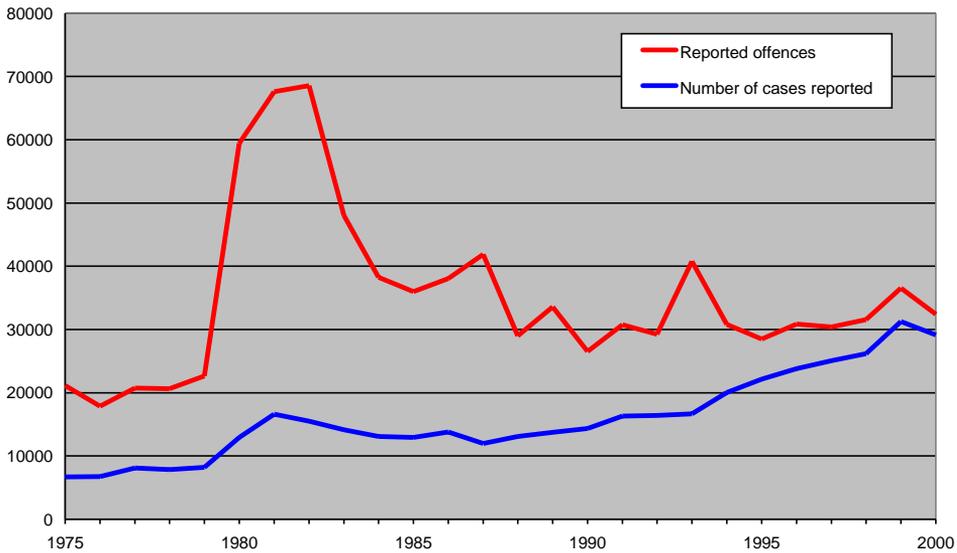


Figure 3. Number of offences against the Narcotics Drugs (Punishment) Act reported to the police, and number of reported cases, 1975–2000.

the number of reported offences in violation of the Narcotics Drugs (Punishment) Act was relatively stable. Around 30 000 offences were reported annually. The exception was in 1993 when about 41 000 offences were reported (see figure 3). This peak is explained entirely by an offence in the Kristianstad police district where some hundred young people were suspected in connection with a rave party. A large proportion of the reported offences, partly supply and partly possession of drugs, was furthermore generated by transactions that had been conducted for about a year between just two persons. This gave rise to a marked increase in the reporting statistics.

Statistics relating to the number of reported cases regarding drugs offences do not reveal such large variations as the series of numbers of reported offences (see figure 3). Between 1980 and 1993, the average number of cases amounted to around 14 000 a year. During the second half of the 1990s, the number of cases increased gradually. In 2000, the number of registered cases was over 30 000, an increase of approx. 45 per cent in comparison with 1980. According to figure 3, there is a tendency for the two sets of statistics to converge. This means that the number of reported offences per case decreases. In 2000, each case involved an average of 1.1 offences. Twenty years earlier, the figure was 4.6 offences per case. Over the entire 25-year period, the lowest number of offences per case was registered in 2000. It is probable that this trend is the result of changes in how the police document detected drugs crime rather than a real change.

Notified drugs crime is primarily determined, as mentioned before, by how the police operate. Out of the police authority’s entire budget for 2000, about seven per cent is allocated to combating drug crime. This proportion has remained relatively

constant over the last ten years, but there are big differences in the local police authorities' budget allocations (RPS, 1999). About 900 police<sup>3</sup> were engaged in 2000 in drugs matters, such as investigation and reporting activity. The number has gradually grown over the past ten years. For purposes of comparison, it is worth mentioning that the number of police working on drugs matters in 1990 was 466. To what extent the different efforts by the police against drugs crime has an effect upon the drugs situation in general and new recruitment in particular is difficult to assess, however. In an assessment (BRÅ, 2000) in which the consequences of criminalizing the use of drugs was studied, it was shown that, through changes in the way the police operated, more young people were prosecuted, who were not previously known, for minor drugs crimes. At the same time, no clear evidence was found to indicate that the changed manner in which the police operated and the stricter penalties that were imposed in 1993 when prison was added to the penalty tariff had any direct effect upon young people's drugs habits and thereby reduced new recruitment.

## Regional distribution

Registered drugs crime largely follows the same pattern as other crime with regard to geographical distribution. There are, however, certain deviations that, for example, are due to individual successes on the part of the police or customs and which can lead to a large number of offences being registered. In 2000, for example, the highest number of offences in violation of the Narcotics Drugs (Punishment) Act were registered in the county of Östergötland (556 offences per 100 000 inhabitants, against 328 for the whole country, see figure 4). Other counties that report increases compared with the previous year were, for example, Jönköping, Dalarna and Västernorrland.

The regional distribution with regard to offences in violation of the Act on Smuggling where the goods consist of drugs shows a concentration in the big city regions, with Skåne having the highest number of reported cases of drugs smuggling. This was probably due to the fact that most drugs on the Swedish market came in from the continent. Comparisons between the regions show that Skåne had about twice as many reported offences in violation of the Narcotics Drugs (Punishment) Act per inhabitant as either Stockholm or Västra Götaland. This picture has remained constant since 1995.

<sup>3</sup> The information is based upon the number of hours in which the police have been engaged in drugs matters.

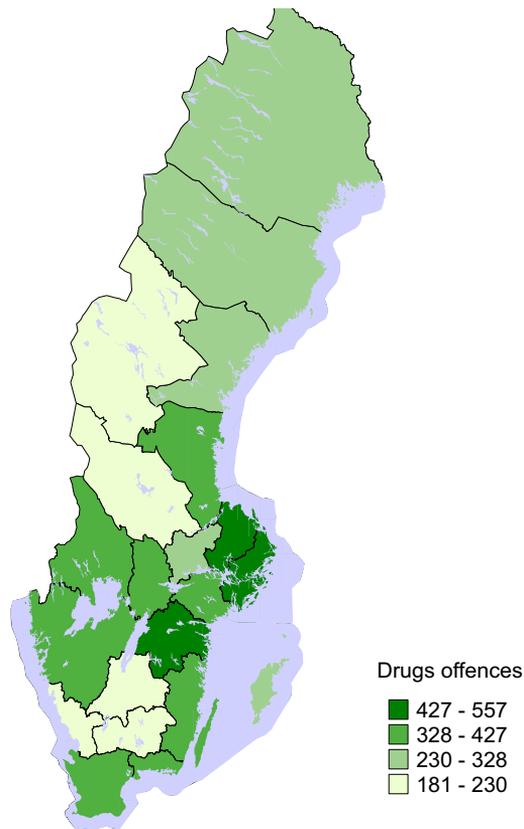


Figure 4. Number of offences in violation of the Narcotics Drugs (Punishment) Act per 100 000 inhabitants, reported to the police, by county, 2000.

## Cleared offences

The concept of cleared offences is a technical term for offences that, from a police point of view, are regarded as having been resolved. This does not automatically mean that somebody has been connected to the offence. If the police, for example, decide without any further investigation that an offence is not substantiated, the offence is regarded as having been cleared.

Since drugs offences are an investigation and intervention offence where the input by the police (or customs) is crucial for the offence to be known, a suspected person is usually identified at the time the case is reported. Thus the proportion of cleared drugs offences is generally speaking very high. In the year 2000 there were 75 per cent of reported offences against the Narcotics Drugs (Punishment) Act registered as having been cleared. The clearance rate over the last ten years has, in respect of offences against the Narcotics Drugs (Punishment) Act lain at an average of 80 per cent.

## Suspects

When the concept of suspect is employed in statistics, this relates to an indictable person, aged 15 years or over, who is regarded by the police or the prosecution authorities as being under reasonable suspicion and that a suspicion of having committed an offence remains when investigations have been completed. In 2000, a total of 11 966 persons were suspected of drugs offences. The majority (95%) were suspected of offences in violation of the Narcotics Drugs (Punishment) Act. By making comparisons over a period of time involving the number of persons suspected of offences in violation of the Narcotics Drugs (Punishment) Act, it can be seen that there has been an increase of 55 per cent since 1990. The number of suspected persons has, over the past 25 years, never been as high as in 2000. The trend in the number of persons suspected of offences in violation of the Narcotics Drugs (Punishment) Act does not exactly follow the trend in the number of registered drugs crimes. This is due, among other things, to changed police practice with regard to the calculation of numbers over the years.

Figure 5 shows how the number of persons suspected of offences in violation of the Narcotics Drugs (Punishment) Act, in different age groups, has changed since 1980. For the group over 20 years, i.e. suspected adults, there is seen to be a steady increase from around 4 000 suspects in 1980 to over 9 000 in 1998.

Both of the trend curves for the number of suspected persons between the ages of

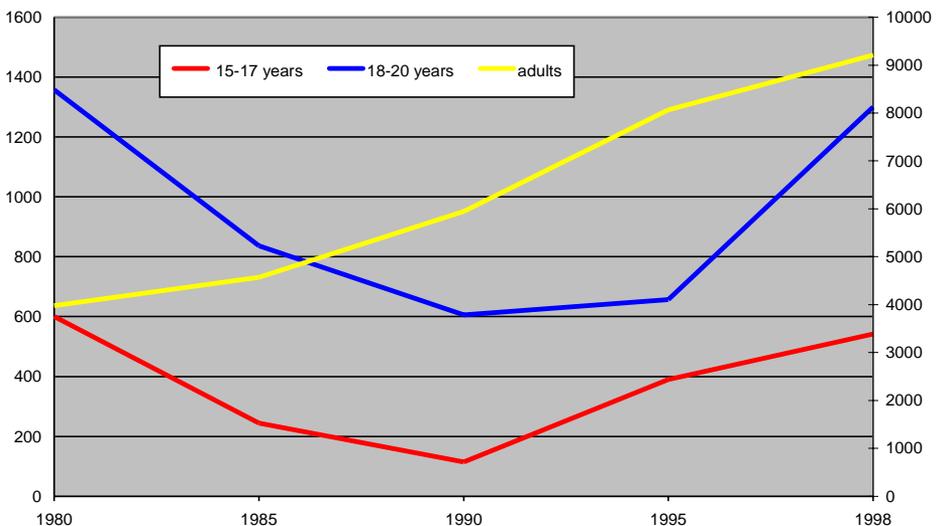


Figure 5. Number of persons suspected of offences in violation of the Narcotics Drugs (Punishment) Act according to age, 1980, 1985, 1990, 1995 and 1998.<sup>4</sup>

<sup>4</sup> The time series that shows the number of adults (i.e. persons over 20 years old) suspected for drugs offences is attributed to the right y-axis.

15 and 17 years and those between 18 and 20 years follow similar patterns. The number of suspects in the respective age groups was about as many in 1998 as in 1980. In the intervening years, the levels were significantly lower. The year in which the lowest number of suspected persons in the age groups 15–17 and 18–20 years was recorded was 1990. The number of suspects for offences in violation of the Narcotics Drugs (Punishment) Act between 15 and 17 years was just over 100 persons that year. The corresponding number of suspects in the age group 18–20 years was around 600 persons. Of the total number of suspects in 1998 15 per cent were women. The proportion of suspected women stood constantly at around 15 per cent throughout the 1990s.

## Prosecutions

A total of 12 470 persons were prosecuted for drugs offences in 1999. The concept of prosecution means that a person is found guilty of an offence in court (judgement) or that a decision is taken by the prosecution authorities (sanction order or waiver of prosecution). The reason why there are more persons prosecuted than the number of suspects is that in the statistics pertaining to suspects one and the same person may only appear once, irrespective of how many offences the person in question may be registered for in the course of the entire year. This distinction is not made in the prosecution statistics that include every prosecution case. In 1999, there were 65 per cent of prosecutions consisting of judgements, while imposition of

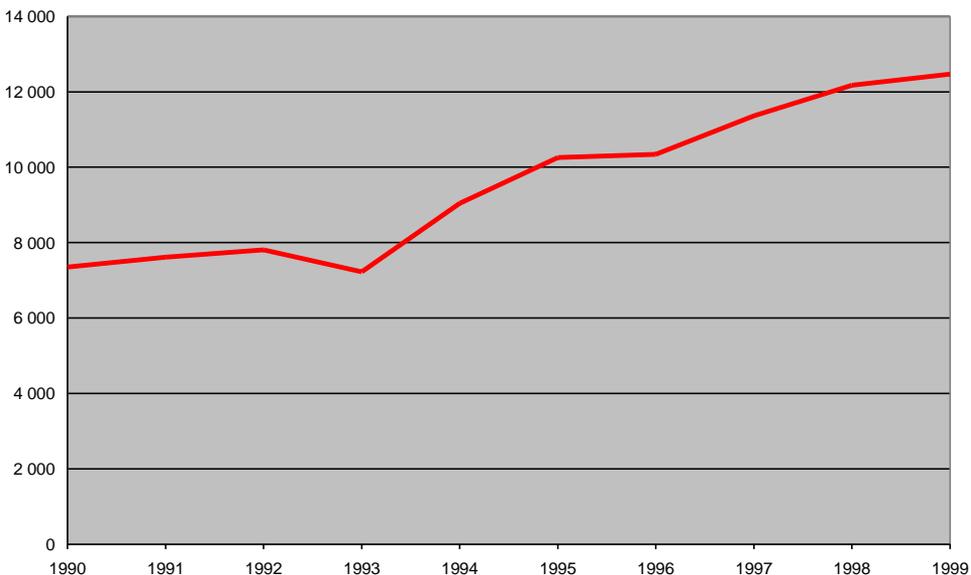


Figure 6. Number of persons prosecuted for drugs offences, 1990–1999.

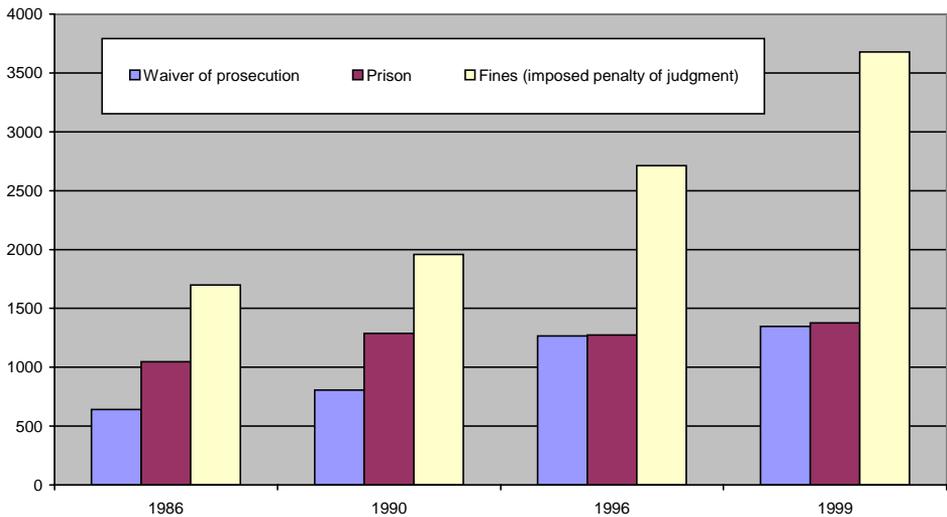


Figure 7. Number of prosecuted persons according to the principal consequences of prison, fines (through imposition of penalty or judgement) and withdrawal of prosecution, where the drugs offence was the principal offence, 1986, 1990, 1996 and 1999.

penalties and withdrawal of prosecution comprised 22 and 15 per cent respectively. Consistent with the number of suspects, the number of persons prosecuted for drugs offences increased more or less constantly over the past ten years, with a somewhat higher increase after 1993 (see figure 6). On average, the number of prosecutions increased by around five per cent annually during the last ten-year period.

Within the context of prosecution, the offence category of personal use of drugs constituted the largest proportion of all judgements and sanction orders, with over 4 000 prosecuted persons (38 per cent) in 1999<sup>5</sup>. After the use of drugs was criminalized in 1988 the proportion of prosecutions for use increased gradually, particularly after 1994. The number of persons prosecuted for the personal use of drugs quadrupled during these years. The increase should be viewed against the background of the change in the law that came into force in 1993 and which made it possible for the police to conduct urine and blood tests in the event of a reasonable suspicion of drug use. This possibility was employed to an ever-increasing extent between 1994 and 1998. Then, the number of samples taken rose from 6 000 to 12 000. About 90 per cent of the samples taken each year are positive (Rättsmedicinalverkets [Forensic Medicine Authority] annual report, 1999).

In the statistics relating to persons who have been prosecuted for drugs offences,

<sup>5</sup> Other offence categories' proportions in a prosecution context for 1999 were, for possession 33%, possession and use 12%, supply 7%, drugs smuggling 6%, manufacturing 1% and other offences/combinations 4%. The prosecutions where withdrawal of prosecution occurred are not included in the calculation of the offence categories.

the number of consequences where the drugs offence was the principal offence, can be separated out<sup>6</sup>. In 1999, the total number of prosecutions with a drugs offence as the principal offence, numbered over 7 200. This figure has practically doubled since 1986.

Since the mid 1980s, a clear change in the number of consequences has been noted where drugs offences represented the principal offence (see figure 7). The number of persons given fines, either through judgement or by the imposition of penalties or withdrawal of prosecution, increased significantly while the number of persons sentenced to prison remained relatively constant.

The change in the structure of what types of acts are included in the prosecutions, and the seriousness attributed to the offence, naturally influences the consequences that are imposed. Insofar as the proportion of prosecutions for minor drugs offences increased, the consequences that are normal for these types of offence also increased, such as withdrawal or prosecution, while the consequences for aggravated drugs offences decreased.

## Victims

When analysing the trend in reported drugs crime, it is assumed that drugs offences are what is referred to as victimless offences. This means that the overwhelming proportion of drugs offences are not reported, but are first brought to light when the act is uncovered as a result of efforts by the police or others. Where several other offences are concerned, such as violent offences or theft offences, it is normal for the police to become aware of the offences through notification by the persons who have been subjected to them. This does not, therefore, apply to the same extent for drugs offences.

## Preventive measures

The evaluation that the Narkotikakommissionen made of social drugs policy efforts since the 1980s (SOU 2000:126) includes an overview of the legislation within the sector, efforts aimed at preventing abuse, rehabilitation of abusers and efforts aimed at restricting access to drugs. An overall assessment, made by the Narkotikakommissionen, is the need to have greater prioritisation, clearer control and improved follow-up of drugs policy and efforts at all levels, from local preventive measures in the municipality to work by the government. Other more tangible

<sup>6</sup> The calculation of the principal offence means that the drugs offence was the offence in the prosecution that commanded the highest punishment tariff.

proposals on the part of the commission are, for example, to direct local advisory activities relating to alcohol, drugs and abuse-related matters, and a national telephone help-line where the general public can address questions free of charge, as well as structure a special reporting system for thefts and other losses during transportation to and from pharmacies and hospitals. In general, where initiatives against the availability of drugs is concerned, the commission emphasises that the authorities in the control sector should be allocated further resources in order to reduce access to drugs. The commission stresses that the balance between preventive measures, treatment and control needs to be re-established. The current situation where treatment and prevention have had to play second fiddle to control measures, should be given the same weight once more, according to the commission (SOU, 2000:126).

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