SUMMARY

Non-custodial care in Sweden

A summary of three evaluations

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The Swedish National Council for Crime Prevention – a centre for knowledge of crime and measures against crime
The Swedish National Council for Crime Prevention (Brå) works towards reducing crime and making society safer. We do this by producing facts and disseminating information about crime, crime prevention work and the legal system's reactions to crime.

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Foreword

Non-custodial care plays an important role in the sanctions system and forms a large part of the Swedish Prison and Probation Service's activity. Despite this, there are not very many Swedish studies about non-custodial care. The content of non-custodial care sanctions has been relatively invisible. In light of this, the Swedish National Council for Crime Prevention (Brå) has recently been given several assignments by the Government in order to increase knowledge of non-custodial care. The following is a summary of the three studies carried out by the Swedish National Council for Crime Prevention. The first of these concerns probation in general (Brå R 2010:10) and the second community service (Brå R 2012:4). The third focuses on the so-called layman supervision, which constitutes a central part of the non-institutional care system in Sweden (Brå R 2012:9).

When the Government gives an assignment to the Swedish National Council for Crime Prevention, in addition to carrying out an empirical study, this also involves carrying out an assessment of the results and providing suggestions for improvements. These are also included in the translated summaries.

The report begins with a brief description of all sanctions available in Sweden.

The probation study has been carried out by Louise Yngve and Linus Nordenskär, the community service study by Nadja Bogestam and the layman probation officer study by Johanna Kindgren, all investigators at the Swedish National Council for Crime Prevention. The unit manager, Stina Holmberg, has taken part in the work on all investigations.

Stockholm, June 2012

Erik Wennerström
Director General

Stina Holmberg
Unit Manager

Sanctions

A person who commits a crime is sentenced to a punishment or a sanction as it can also be called. All sanctions, except for fines, conditional sentences and committal for special care are enforced by the Swedish Prison and Probation Service. The sanctions that can be imposed by the Swedish legal system are presented below.

Imprisonment

Fixed term sentences are between two weeks and ten years in duration. In the case of repeat offences and joint punishments for several offences, the above time limits may be exceeded. Life imprisonment is not initially for a fixed period of time. The person sentenced may only be conditionally released once his or her sentence has been converted to a fixed term of imprisonment.

Committal for special care

Committal for special care may involve care in accordance with the Care of Abusers Act (1988:870) in certain cases, youth community service, juvenile care, closed juvenile care or forensic psychiatric care. The municipalities' social welfare boards, the National Board of Institutional Care and the county councils are responsible for enforcing these sanctions.

Fines

Fines are a sanction that means the sentenced person has to pay a sum of money. The most common types are summary-fines, which are a fixed amount, and day-fines, which are proportional to the assessed income.

Non-custodial care sanctions

Conditional sentences

It could be said that the person is being given a second chance in the community. This is recorded in the person's criminal records but otherwise nothing happens. If the person commits another offence during the probationary period, which is two years, the penal value of the offence the conditional sentence was imposed for will be taken into account in the new punishment.

Conditional sentences with community service

A person given a condition of community service in connection with a conditional sentence must perform unpaid work that serves the community in his own leisure time.

Probation

Probation is a non-custodial sanction. It means that the sentenced person is given a probationary period of three years and placed under supervision for the first year.

Probation with imprisonment

Probation may be combined with imprisonment of a maximum of three months because the court wants to impose a more severe punishment.

Probation with a condition of care

Probation may be combined with a condition of care or treatment. This means that the client must undergo treatment for the problem associated with his crime.

Probation with a condition of community service

Probation may be combined with a condition that the sentenced person perform unpaid work that serves the community for a certain number of hours.

Contract treatment

Probation may be combined with a condition of a special treatment plan, so-called contract treatment. Contract treatment may be relevant if abuse/dependency or some other factor requiring treatment has materially contributed to the crime. Instead of being sentenced to imprisonment, the sentenced person can receive treatment for his problems.

Ankle bracelets

An ankle bracelet (electronic tagging) is an alternative to prison. A person sentenced to a maximum of six months imprisonment can apply to serve the punishment wearing an ankle bracelet instead.

Non-custodial care in Sweden

The Swedish National Council for Crime Prevention, Brå (2012). *Non-custodial care in Sweden.* Report 2010:10.

Probation is an important part of the Swedish sanctions system; in 2011, almost 78,000 people were sentenced to probation. This can be compared to about 9,500 people being sentenced to imprisonment. Despite this, knowledge of how non-custodial care works with probation and conditional sentences with community service is very limited. In light of this, the Swedish National Council for Crime Prevention was assigned by the Government to map the content of the non-custodial care sanctions. The assignment is described in this report.

The main issues in the study are what distinguishes the client groups that are subject to the sanctions, which support and control measures the sanctions include, how non-compliance is dealt with and whether there are differences in ways of working in different parts of the country.

Major gaps in the documentation

One of the foundations of the study was an examination of the enforcement plans for a random sample of 650 client sentenced to probation in 2008. During this examination, it turned out to be the case that there were major gaps in the documentation. Hardly any plans were revised after the initial planning, despite direction that there should be a review every three months. The majority of plans also lacked systematic documentation of what was actually implemented.

Final summary follow-ups were also rare in the enforcement plans, despite the fact that the Swedish Prison and Probation Service's regulations state that this should happen. The only thing that was systematically documented was which measures non-custodial care initially planned together with the client and what contact non-custodial care made with external bodies in order to implement them. Non-compliance reported to the probation board was also documented.

Almost 700 people a year are put on probation

In 2011, 7,704people were sentenced to probation, which can be compared to the 9,463 people sentenced to imprisonment. Two thirds of those sentenced to probation are put on ordinary probation. In the case of about 18 percent of those sentenced, the sanction is combined with community service, for 17 percent the sanction is combined with contract treatment and three percent are given probation combined with imprisonment. The most common

offences committed by persons sentenced to probation are assault, aggravated drink-driving and narcotics offences. Almost 80 percent have previous convictions and about half had been sentenced to imprisonment or probation previously in the preceding five-year period.

The majority have regular contact with their probation officer planned

The supervision that is part of a probation sentence could be said to the hub of the sanction. Maintaining regular contact with the probation officer is the general requirement laid down for everyone put on probation. The supervision can be provided by either a non-custodial care inspector or a layman. A layman probation officer should be strived for as far as possible and 60 percent of the clients in the Swedish National Council for Crime Prevention's sample had a layman probation officer. Most common was non-custodial care having determined the frequency of contact as once a week for the first three months. After that, the contact usually becomes less frequent, once every two weeks. The meetings between the client and the probation officer are often spent talking about the client's social situation and what may need to be done to improve this.

The majority have personal problems and a problem with their social situation

The great majority of those sentenced to probation have personal problems and a problem with their social situation. In the enforcement plans, it is stated that the assessment of non-custodial care is that three quarters of clients have an abuse problem and more than half are assessed as mentally ill. Only a quarter support themselves from paid employment. There are, however, certain differences between those sentenced to different types of probation. Those sentenced to probation with community service live to a greater degree than others in a socially orderly situation. This is shown in the table below.

Table 1. The percentage of those sentenced to probation divided into type of probation, age, abuse, mental health, accommodation and support.

	Regular probation	Contract treatment	Community service	Sentenced to probation, total
	n=414	*n=111*	*n=111*	*n=650*
Average age	36 years	40 years	32 years	36 years
Abuse	74%	100%	67%	76%
Mental illness	48%	47%	33%	45%
Accomodation	56%	50%	65%	56%
Homeless	11%	6%	1%	8%
Salary	18%	26%	43%	24%
Sickness benefit	35%	23%	15%	30%
Social allowance	18%	9%	13%	16%
Study allowance and unemployment compensation	9%	6%	16%	9%
No known support	18%	27%	12%	19%

Support initiatives

In light of the above, non-custodial care assesses that a large proportion of its clients require measures against abuse, mental ill-health or other social problems. Non-custodial care is, however, dependent to a great extent on external authorities in order for the client to get access to these measures during the year of supervision but the problem is that non-custodial care's target group does not always have the highest priority at these authorities. Eighty-five (85) percent of the clients had contact with one or more external authorities once their probation began or were given help to contact these. This contact most frequently refers to the social services (50 percent), followed by addiction clinics (40 percent) and psychiatry (40 percent). The fact that this contact is set up does not always mean, however, that the client receives any specific input during the year of supervision. Difficulties often arise, particularly with regard to psychiatry. According to the Swedish Prison and Probation Service inspectors, it can be a very long time before there is any input from psychiatry – if there ever is any input. This is seen as being both due to the fact that clients often do not have such a clear diagnosis or problem that psychiatry assesses this as treatable and also the fact that psychiatry often makes greater demands for motivation than non-custodial care's client have. A fifth of the clients in the sample attended one of the Swedish Prison and Probation Service's accredited crime-prevention programmes. The most common programme was Behaviour, Conversation, Change, which 10 percent of the clients took part in. A third of those not in paid employment are in contact with the Employment Office. The fact that the percentage is so small is, according to the Swedish Prison and Probation Service's inspectors, due to many of the clients having such major problems that this is not relevant during the year of supervision.

More than half have a condition

In addition to combining the sanction with community service, contract treatment or imprisonment, the court may also opt to combine the sentence with conditions for care and treatment or taking parts in the Swedish Prison and Probation Service's accredited crime or abuse related programmes. Fifty-seven percent of those sentenced to probation in the Swedish National Council for Crime Prevention's sample had a condition. Two thirds of the prescriptions regard treatment for abuse, a fifth refer to taking part in one of the Swedish Prison and Probation Service's programmes and 14 percent refer to psychiatric treatment.

A quarter have been reported for non-compliance

Non-custodial care lacks a uniform national policy for when deviations from the compliance requirements are to be regarded as non-compliance. The Swedish Prison and Probation Service's regulations provide guidelines on the matter, however. About half of the country's non-custodial care offices, have, however, local procedures for how non-compliance should be managed. Almost a quarter of the clients sentenced to probation are reported to the probation board for non-compliance. Almost a third of those sentenced to probation end up having criminal proceedings taken against them in the first year of supervision. Of those reported for non-compliance, male clients, those with previous convictions, those younger than 35, those convicted of robbery or drug offences and those with a previous history of drug abuse are overrepresented.

The questionnaire survey for non-custodial care inspectors shows that the view that active abuse should be regarded as a form of non-compliance varies, as does the view of how many times a client can fail to turn up for a meeting before this is reported to the probation board. Only three percent had the sanction removed for non-compliance and had to serve their sentence in prison.

Half of the judges are positive towards developing the sanction

The number of people sentenced to prison has increased and a large proportion of them have similar social problems to those sentenced to probation. In addition, there is no research to support a prison sentence having a greater effect on preventing reoffending than non-custodial care. In light of this, the Swedish National Council for Crime Prevention sent a questionnaire to all ordinary judges in Sweden working on criminal cases to ask their views on the possibility of using probation sentences to a greater extent than today. Half of them were positive to this, while the other half were not. Almost half of those who were positive towards extending the application of the sanction stated that this could only happen on the condition that the content of the sanction be changed. The requests for changes referred to a great extent to the desire to see the

rehabilitatory content of the sanction being strengthened. Another common suggestion was that the sanction should be reinforced with electronic tagging, either at the beginning of the sanction or in the event of non-compliance.

The Swedish National Council for Crime Prevention's assessment

The Swedish National Council for Crime Prevention's study has been characterised by a lack of documentation at individual level about the content of the probation sanction, which is necessary. It is remarkable that the regulations that refer to documentation are not adhered to more. It is necessary for the documentation in the enforcement plans to be improved in order for both the Government and the Prison and Probation Service itself to be able to gain the necessary insight into what is happening during probation. It will not be until then that we will be able to see whether the plans initially devised for the client are implemented and how non-custodial care1 evaluates the result of the initiatives at the end of the year of supervision. Better documentation is also indispensable in order to evaluate the effects of different types of initiative during the year of supervision.

Despite the lack of documentation, a great number of important things still emerge from the study, however. The first of these is that those sentenced to probation are a group that carry a criminal and social burden, with a high risk of reoffending. One third have criminal proceedings taken against them again in their first year of supervision and, after three years, almost 60 percent have had criminal proceedings taken against them. This suggests that many of them are in need of both controlling and supportive measures in order to avoid reoffending. The proportion that reoffend after a conditional sentence with community service is considerably lower, which suggests that the group requires individual preventive measures in addition to the hours of community service they are sentenced to today to a lesser extent.

Something the study also shows is that the content of probation can vary substantially from individual to individual. For those whose probation is supplemented with imprisonment or community service, there is a clear "punitive" content over and above the regular probation. For those with contract treatment, there is always a clear content as a result of the treatment for abuse that is often provided in the form of initial institutional treatment and then treatment on home territory. Among those sentenced to "ordinary" supervision, there is also an obvious compulsory content for those with a condition for treatment, which half of the clients have. Although the condition of care often does not involve treatment at a treatment home, the prescribed treatment on home territory may be extensive, with primary treatment that continues on a daily basis for a couple of months. This treatment combined with the regular

compulsory contact with the probation officer, every week or second week, gives the sanction a substantial content in the opinion of the Swedish National Council for Crime Prevention.

But there is ultimately a group for whom the content of their sanction is rather poor. They have no conditions and nor do they voluntarily take part in any treatment measures or any crime prevention programmes. For them, the content of their probation only involves a meeting with the probation officer a couple of times a month. Those who could, on the basis of what has emerged in the study, belong to this group are clients who either have no social or personal problems apart from crime and who do not wish to attend any kind of crime-prevention programme or who only have mental problems for which they receive no help from psychiatry. It is impossible to say with any degree of certainty how big this group is but the Prison and Probation Service inspectors interviewed estimate that this involves about ten percent of all those on probation. From the perspective of both individual prevention and penal value, we can question whether the sanction is being applied in a good way in these cases. Increased use of a condition in the sentence to take part in a crime-prevention programme or psychiatric treatment could mean the group totally without any measures decreasing. But if the client does not go along with a condition like this, there may be grounds for considering whether the sanction needs to be strengthened with something else to increase its penal value.

One alternative would be to introduce the opportunity for the court to impose a requirement for closer contact with non-custodial care in the case of clients belonging to the group that does not have any treatment requirement and that is not prepared to take part in any programme. One problem, however, is that, in those cases where the court does not impose a condition, it can be difficult for both non-custodial care and the court to really know what the content of the sanction will be, over and above the ongoing contact with the probation officer. There is nothing in itself to prevent non-custodial care specifying in a personal case study or a statement to the court the planned content of the sanction even if there is no relevant condition. But this was rare in the Swedish National Council for Crime Prevention's examination of the files.

Here the probation sanction differs from the juvenile care sanction for 15–17 years old, a sanction that otherwise bears a great number of similarities to probation. When the question of juvenile care arises, the social services are always obliged to provide a statement to the court describing the content and duration of the planned measure so clearly that its substance in relation to the penal value of the offence can be assessed. If efforts are too "thin" in relation to the seriousness of the offence, the court may impose an additional sanction in the form of fines or youth community service. Probation lacks this clarity. On the other hand, juvenile care lacks the requirement for one year's continuous contact with a probation officer.

Psychiatry's expertise and resources for the target group must be improved

Psychiatry is the problem child among the external authorities that non-custodial care must cooperate with if the clients are to receive the help they need. Non-custodial care indicates major difficulties when it comes to waiting times within psychiatry: waiting times that are sometimes so long that the year of supervision is actually over before any initiatives are put in place. Non-custodial care also experiences problems when it comes to psychiatry's competence in the matter of measures for the target group. It is particularly difficult to obtain help for clients with a double diagnosis, i.e., individuals who have a problem with both abuse and mental disorders.

If probation is to be a period when clients really receive help with both social and personal problems, it will be necessary for psychiatry to build up resources and competence for this target group. A final alternative could be non-custodial care being given its own psychologists or psychiatrists in order to analyse clients who are considered to have a need for measures for their mental heath or who need to be analysed for a suspected neuropsychological diagnosis. This suggestion has been put forward by several non-custodial care inspectors. They have a system like this in Denmark and it is seen as working well.

Could a condition of treatment for abuse be developed more as an alternative to contract treatment?

Often, contract treatment is spoken of as if it were the only real treatment alternative for the abusers sentenced to probation. The study suggests that, in practice, the difference between receiving contract treatment and ordinary probation with a condition of treatment for abuse is not so great.

The advantage with contract treatment is that the treatment will commence quicker and the client will have access to a period of treatment at a treatment home and not just outpatient treatment. But it is not always possible to produce a treatment plan in time for the trial and it is not always the case that institutional care is a better alternative than treatment on home territory. In light of this, there are grounds for a more in-depth study into how great a difference there is in practice between contract treatment and treatment for abuse with a condition for clients. How much quicker does treatment begin with contract treatment? How great is the difference in treatment intensity? How great a difference is there in the percentage of those who drop out of the treatment? Using such a study as our starting point, we can carry out a review of the opportunities for developing the handling and content of the condition of treatment so that probation with a condition can become an alternative to contract treatment and with as high a level of quality as possible.

Should the probation also include electronic tagging?

A third of clients have criminal proceedings taken against them during the year of supervision and a quarter are reported for non-compliance. One question that could be asked is whether the option of combining probation with electronic tagging using an ankle bracelet would reduce the percentage of those committing offences and failing to comply. This suggestion was raised by several non-custodial care inspectors and judges who responded to the questionnaire. Half of the non-custodial care inspectors and a third the judges felt that it should be possible to impose a sentence of probation combined with electronic tagging. As many as 60 percent of the non-custodial care inspectors and a third of the judges stated that it should be possible to strengthen the sanction with electronic tagging in the event of serious non-compliance.

The Swedish National Council for Crime Prevention feels that it should adopt a "wait-and-see" policy to this suggestion. The group sentenced to probation has to a great extent greater social problems than those who have previously been assessed as a suitable target group for electronic tagging and extended parole. Many of them would probably find it difficult to cope with the great compliance demands imposed on those who have electronic tagging/extended parole. Nine out of ten are assessed as having abuse problems and/or mental problems, even if not all of them have serious problems. Fewer than a fifth of those put on ordinary probation are in work, which would mean non-custodial care would have to arrange employment for them in order for them to be electronically tagged.

As regards the proposal to reinforce probation with electronic tagging in the event of serious non-compliance, there are further counterarguments, i.e., that non-compliance is not a good predictor of recidivism during the year of supervision. Two thirds of those who reoffended had not been reported for non-compliance. There is also a risk that electronic tagging will work less well if it is used as a "punishment" for non-compliance instead of as a positive alternative to prison, which has been the case until now. The UK also appears to be experiencing difficulties employing electronic tagging within the framework of community service. No more than five per cent of those given the sanction in 2008 were required to be electronically tagged.

Community service

The Swedish National Council for Crime Prevention, Brå (2012). Community service - today's situation and future opportunities. Report 2012:4.

Community service was introduced as an experiment in 1990 and became permanent in 1999. The sanction was introduced following discussions regarding, among other things, the need for a sanction that could reduce the negative effects of imprisonment.

The aim of reducing imprisonment

Community service is not an independent sanction but is designed to be a condition that can be imposed with a suspended sentence or probation. The aim of community service is to reduce the use of short prison sentences, particularly for younger offenders.

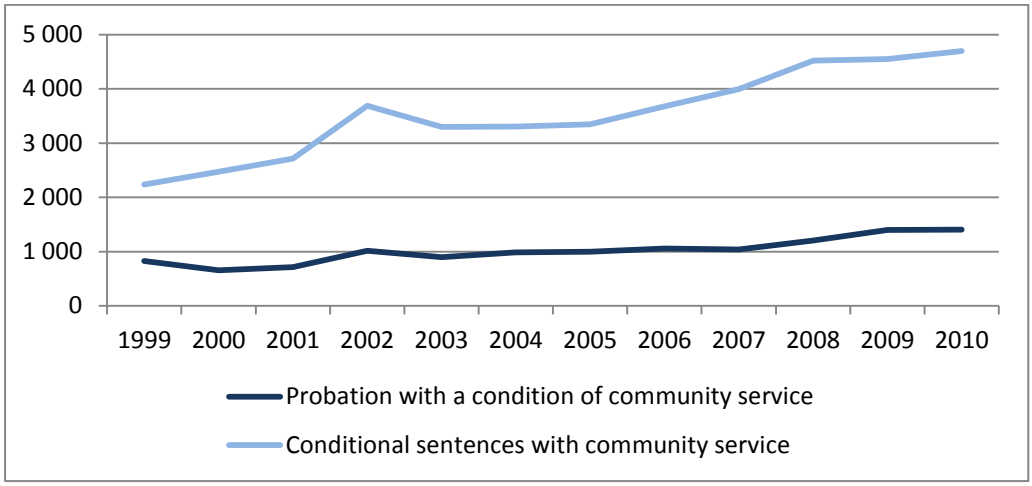
A condition of community service with a conditional sentence or probation can be imposed in those cases where the alternative prison sentence would have been at least 14 days and up to a year. This sanction includes the obligation to carry out unpaid work of a minimum of 40 and a maximum of 240 hours. The number of hours should be in proportion to the penal value of the crime. The assumption in the preparatory work is that 40 hours is equivalent to one month's imprisonment and that the number of hours will then increase by 20 hours for each further month for which a prison sentence would have been imposed instead, up to a maximum of 240 hours.

Community service was introduced as a trial in some parts of the country in 1990. In 1999, the sanction became permanent and was incorporated into the Penal Code. It was extended at the same time from only applying as a condition in probation to also applying as a condition in conditional sentences.

Almost 6,000 people were sentenced to community service in 2010

The number sentenced to community service has steadily increased since 1999. There has been a particularly sharp increase in conditional sentences with community service. In 2010, 6,100 people were sentenced to community service. Almost three quarters of them were sentenced to community service combined with a conditional sentence (4,696 persons). The number of people sentenced to community service combined with probation was 1,404.

Figure 1. Number of persons legal proceedings taken against for an offence after main sanction. Years 1999-2010.



Source: The Swedish National Council for Crime Prevention, 2011

Younger men dominate

Younger people dominate those sentenced to community service. 20-22 year olds account for as much as a fifth of these. Clients sentenced to probation with community service are, as a general rule, younger than clients given a conditional sentence with community service. Approximately 90 percent of the clients sentenced to community service are men and 10 percent are women.

The median 60 and 70 hours respectively of community service

Most common is for community service to be imposed for relatively minor offences. Half of those given a conditional sentence with community service are sentenced to fewer than 60 hours, which is equivalent to two months' imprisonment. The equivalent figure for probation with community service is 70 hours. Only a tenth are sentenced to more than 140 hours (equivalent to six months' imprisonment).

Crimes of violence and drink-driving dominate as main offences

Among the clients sentenced to community service between the years 2004-2010, the most common main offences were crimes of violence, drink-driving, drug offences and the smuggling of goods. Crimes of violence are somewhat more common among clients

sentenced to a conditional sentence with community service and cases of larceny and drink-driving are somewhat more common among clients sentenced to probation with community service (the Swedish Prison and Probation Service, 2011a).

The vast majority comply with their sanction

Of the clients who started community service in 2010, 95 percent complied with the sanction (the Swedish Prison and Probation Service, 2011b). The percentage complying was somewhat higher among clients sentenced to a conditional sentence with community service (97 percent) compared with clients sentenced to probation with community service (88 percent). Clients that do not comply with community service have social problems and/or abuse problems to a greater extent.

Waiting times vary across the country

Community service should commence as soon as possible once the sentence has become enforceable, normally within eight weeks, in accordance with the Swedish Prison and Probation Service's regulations (KVFS 2011:5, sections 3 and 4). Statistics from the Swedish Prison and Probation Service show, however, that waiting times are longer in practice. The median waiting time is around three months. The long waiting times are associated with difficulties finding workplaces for clients and a high client load.

A positive view of community service

The study of community service that the Swedish National Council for Crime Prevention carried out in 2011 (Brå 2012:4) generally provides a positive picture of community service. Non-custodial care feels that community service often works well. The clients interviewed are happy at their workplaces and think that their work feels meaningful. The contact persons in the study are committed to their tasks and want to contribute to community service being a positive experience for clients. But there are also problems. These are the ability to recruit workplaces, non-custodial care's control level, access to support from non-custodial care during the community service period and the legitimacy of the sanction among clients.

Difficulty obtaining a sufficient number of workplaces

It is primarily non-profit associations, help organisations, public services and churches that accept clients for community service. Most common are non-profit activities, followed by public activities and churches/associations. Private activities constitute a small proportion of the workplaces used for community service. This is because the preparatory work for the bill attaches particular value to planning community service for non-profit associations (government bill 1997/98:96 page102). The non-custodial care officers interpret

this as meaning that private operators should not be used if they are profit-making. This restriction contributes, however, to non-custodial care having difficulty finding workplaces for everyone sentenced to community service.

Another reason why non-custodial care has difficulty recruiting workplaces is the competition for places from other authorities, such as the Employment Office, Social Services and the Social Insurance Agency. Several of these also compensate the employers financially for their clients, which the Prison and Probation Service is not entitled to do.

A number of workplaces also only accept certain types of client, while other clients are turned away. These workplace restrictions particularly apply to clients who have committed larceny, crimes of violence and people with active abuse problems. These client categories constitute more than half of those sentenced to community service, which is why recruiting workplaces is becoming increasingly restricted.

Both controls and support could be better

The Swedish National Council for Crime Prevention's study shows that there are gaps in non-custodial care's ongoing controls that clients are performing their community service hours, which risks reducing the credibility of the sanction. Non-custodial care does not always check every shift as specified in the Prison and Probation Service's regulations and the manner they are performed in and frequency of the checks vary across the country. The daily controls are sometimes assigned to the contact persons but they do not always have the time or motivation to check the client's attendance.

Support could also be better. Non-custodial care officers interviewed experience a problem with the rules and regulations, which, according to them, do not provide scope to provide support to clients with conditional sentences, despite the fact that some of them would need both support and treatment. They would like to see a more flexible system of community service where some of these community service hours could be swapped for abuse programmes or treatment programmes, for example. The officers feel this would improve the clients' chances of not reoffending.

Clients want things to be "stricter"

The 17 clients interviewed are happy with their community service placements and feel that they have had meaningful tasks and pleasant colleagues. All of them think, however, that community service should be tougher and more of a deterrent than it is today in order to prevent reoffending. They are looking for tougher and more dreary tasks, such as cleaning streets and squares and the ability to combine community service with ankle bracelets.

The clients also feel that the controls should be tougher. They feel that it is far too easy to cheat and/or take it easy through the community service. It is primarily unnotified visits that the clients would like to see. The clients interviewed also emphasise that non-

custodial care is far too generous in the matter of the choice of workplaces and working hours.

The potential to increase the number of those sentenced to community service appears limited

The overall picture that emerges when personal case studies and sentences are analysed is that there is very little potential for widening the use of conditional sentences with community service. It appears that only a few of the clients who satisfy the formal requirements for community service and who are sentenced to imprisonment could have been sentenced to community service instead, which suggests that the sanction is not "underused". In addition, of the clients sentenced to imprisonment instead, only one in eight had consented to doing community service, which is a requirement for the sanction to be imposed.

According to the analysis, there do not appear either to be any great differences between different non-custodial care regions when it comes to assessing which persons are suitable for community service, which does not suggest the sanction is "underused". It does not appear either that the courts choose imprisonment instead of community service to any great extent in the case of individuals that non-custodial care has assessed as suitable for community service. The persons non-custodial care and the courts assess as suitable for community service combined with probation already have social problems to a great extent today. Almost 60 percent have no employment, almost a third have poor mental health and many have alcohol and/or drug problems. This also suggests that the bar for who is able to do community service is already set quite low today.

This conclusion is based on an in-depth analysis of the client group non-custodial care assessed as unsuitable for community service in their personal case studies in 2010. In this group, the individuals have been identified who satisfy two criteria that are often emphasised as important for community service to be imposed: a limited number of previous offences (a maximum of two) and no current abuse. The group consisted of eight persons (15 percent of those unsuitable).

The Swedish National Council for Crime Prevention's assessment

The study confirms the positive picture of community service that has emerged in the Swedish National Council for Crime Prevention's previous studies. Non-custodial care feels that community service often works well. The clients interviewed are happy at their workplaces and think that their work feels meaningful. The contact persons in the study are committed to their tasks and want to contribute to community service being a positive experience for clients.

But there are also problems that emerge more clearly in this study than in previous ones. These are the ability to recruit workplaces, the control level, access to support from non-custodial care during

the community service period and the credibility of the sanction among clients.

Recruiting workplaces

In previous studies, problems finding workplaces for everyone sentenced to community service were also raised. The problems have, however, increased in tandem with more people being given community service and also the number of other groups that also require work that is similar to community service, e.g., young people sentenced to youth community service. The workplaces primarily used for community service are non-profit activities and public workplaces. In order to increase the opportunity for more community service places, the private sector may also become relevant for placements as could workplaces arranged by non-custodial care in the manner that currently happens for some of those who have ankle bracelets. These places could be a solution primarily for the clients that many workplaces will not accept, e.g., clients with abuse problems or who have committed certain types of offence.

The representatives of non-custodial care interviewed mention themselves that the municipalities should take greater responsibility for clients who live in the municipality and provide more places for them. This is a reasonable request but it is difficult to bring about this kind of development at a national level. One possible way could be for non-custodial care to be involved to a greater extent than today in the local crime prevention councils. With the help of the councils, they could perhaps raise local commitment to community service as a measure with the potential for preventing reoffending.

The lack of control risks reducing the credibility of the sanction

The Swedish National Council for Crime Prevention's study shows that there are gaps in non-custodial care's ongoing controls that clients are performing their community service hours. It is evident that several non-custodial care offices do not check every shift as specified in the Prison and Probation Service's regulations. The daily controls are sometimes assigned to the contact persons but they do not always have the time or motivation to take full responsibility for checking the client's attendance. The clients interviewed provide examples themselves of having left their workplace earlier in the day than agreed without anyone noticing.

It is important that non-custodial care checks that community service is being performed in the manner decided. Otherwise its legitimacy will be undermined in relation to both clients and contact persons and, by extension, the credibility of the sanction will also be reduced in wider circles. At the same time, it is not possible for non-custodial care to be on site to monitor every shift. What the Swedish National Council for Crime Prevention proposes as practicable improvements are that non-custodial care

- draws ups instructions for checks on every shift
- carries our more random unnotified visits

- attempts to only select workplaces where the contact persons fully understand how important it is to check that the client is carrying out all the hours of community service imposed and is able to set aside time for this

- develops its own activities for community service for the clients with a particularly great risk of non-compliance.

Clients have different views of what the content of the work should be

One interesting result of the study is the conflicting views the clients demonstrate with regard to the content of the sanction. On one hand, almost everyone interviewed felt that they had been at good workplaces with meaningful tasks and pleasant colleagues. Those sentenced to probation and who often do not have any ordinary work are particularly positive. They emphasise that they have been able to do something to benefit society, learned new things, been given lasting routines and created new contact networks. On the other hand, they think that community service should be tougher and more of a deterrent than it is today so as to prevent reoffending. They are asking for tougher and more dreary tasks, such as cleaning streets and squares and the ability to combine community service with ankle bracelets.

There is no research to support the view that community service with tougher and more tedious tasks would have a better impact on preventing reoffending than other tasks. The clients' criticism must, however, be taken seriously. In addition to the lack of control, this is a further sign that non-custodial care is not succeeding in communicating sufficiently well that the purpose of community service is to be a reaction to punish crime.

Greater support for clients in connection with community service

One of the questions that the Swedish National Council for Crime Prevention will investigate is whether there is sufficient support for those sentenced to community service. This includes both the support the client could require in order to carry out the community service and also broader support to prevent reoffending.

It is evident from the Swedish National Council for Crime Prevention's study that it is unusual for non-custodial care to visit the workplace to discuss with the client and contact person how the community service is working. Both clients and contact persons state, however, that they would find it valuable to receive visits from non-custodial care. This could, however, be a resource issue; the non-custodial care officers interviewed stress that they would not have time for this.

When it comes to other measures to prevent reoffending, there is a difference between community service clients on probation and those with a conditional sentence. Probation is intended for clients with a need for supervision, which means that they regularly meet a non-custodial care officer and, in addition to community service,

may also take part in some other kind of initiative, e.g., a treatment programme. Those given a conditional sentence will not, however, have a need for supervision and non-custodial care interprets this as an obstacle to combining community service with some other measure. Several of those interviewed would, however, like this opportunity to be available. This can be compared to youth community service where the legislator has decided to generally supplement the unpaid work with a specific measure that aims to prevent reoffending. Which combinations of community service and other measures it should be possible to impose should be a matter for the ongoing sanction report to discuss.

No great potential to sentence more people to community service within the framework of the present sanctions system

A key issue is whether the sanction is "underused" as a result of assessments regarding which persons are suitable for community service being too strict. One sign of such underuse could, for example, be certain non-custodial care regions performing more generous assessments than others, without necessarily having more non-compliance. The study that Söderlund and Svensson carried out at Lund University on behalf of the Swedish National Council for Crime Prevention (Söderlund, Svensson 2011) does not, however, demonstrate any major differences between different regions when it comes to these assessments.

Another sign would be if the courts chose imprisonment instead of community service without any explanation in the case of individuals non-custodial care has assessed as suitable for community service. The above-mentioned study does not suggest either that this is the case to any great extent. Firstly, the persons non-custodial care and the courts assess as suitable for community service combined with probation already have social problems to a great extent today. Almost 60 percent have no employment, almost a third have poor mental health and many have alcohol and/or drug problems. When community service is imposed in a combination with probation, this percentage is even greater, particularly when it comes to drug problems. This also suggests that the bar for who is able to do community service is already set quite low. If the client really has the motivation to perform community service, it would seem that quite big social problems can be accepted. The only thing that appears to be an almost indispensable requirement for being assessed as suitable for the sanction is that the person has his own accommodation and consents to performing community service. In the study, clients themselves not wanting to perform community service appears to be the biggest obstacle to increasing the number with this sanction. Secondly, those assessed as suitable for community service but who are sentenced to another sanction, often receive a milder one. In those cases where the punishment is imprisonment rather than community service, reference is usually made to the penal value of the offence requiring a more severe punishment than community service. It is never the case that imprisonment is imposed instead of

community service due to the person not having been assessed as suitable for community service.

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Layman probation officers within Swedish non-custodial care

The Swedish National Council for Crime Prevention, Brå (2012).
Layman probation officers within non-custodial care. Report 2012:9.

Those sentenced to probation in Sweden are to be under supervision – as is the case with the majority of those conditionally released from prison. The supervision period is usually a year. The probation officer may be either an non-custodial care officer – so-called occupational probation officers – or a layman probation officer who takes on the task of supporting and checking on the client voluntarily or for a small fee. About half of the 15,000 or so persons put on probation annually have a layman probation officer (the Prison and Probation Service 2011).

The aim is for more human and everyday supervision

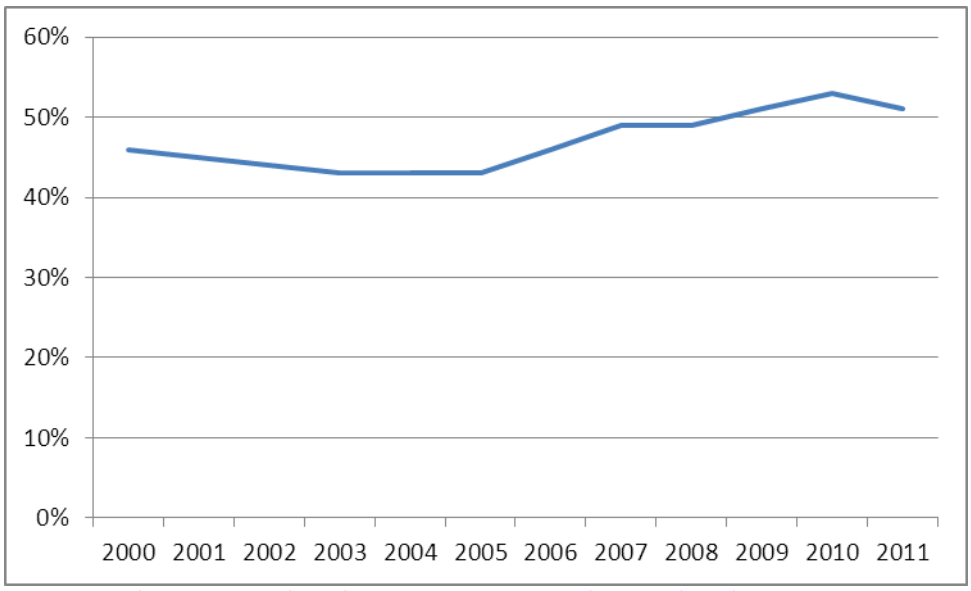
Layman probation officers have been part of non-custodial care since at least the beginning of the last century (Svensson 2001). The Prison and Probation Service's aim with layman probation officers is described from both a community perspective and an individual perspective (the Prison and Probation Service 2006). From a community perspective, the participation of laymen has advantages because it not only gets citizens involved, the laymen also gain an insight into how the legal system works and the lives of those sentenced. From an individual perspective, the advantages are that the

layman probation officer can play a more human role and have more regular, everyday contact with the client – without the Prison and Probation Service incurring great costs.It is the ambition of the Prison and Probation Service for as many clients as possible to have a layman probation officer – there are, however, occasions when a layman probation officer is not suitable, such as when a client is mentally ill, has serious abuse problems or is involved in organised crime.

At least half of the clients will have a layman probation officer

The Prison and Probation Service has a national target for the percentage of layman probation officers to be 50 percent (for younger offenders, the target figure is 75 percent). Since 2009, this target figure has been exceeded.

Figure 2. Percentage of layman probation officers. Years 2000-2011.



Source: The Prison and Probation Service, www.kriminalvarden.se

On the first of January, 2011, a total of 7,213 persons were under the supervision of a layman probation officer. Roughly two thirds of these were on probation and the remainder had been conditionally released.

The probation officers are recruited from all areas of society

The layman probation officer may be recruited from either the client's own network – for example, a former teacher, neighbour, contact person – or in some other manner – e.g., from non-custodial care's register. When the client already knows the layman probation

officer, it is, however, important that there is no relationship of dependence between them. Family members are also avoided.

In its study, the Swedish National Council for Crime Prevention sent a questionnaire to all active layman probation officers in the six districts chosen to take part in the survey. A total of 1,196 probation officers responded to the questionnaire, which is equivalent to a response frequency of 64 percent. The responses show that layman probation officers are often somewhat older persons (median age, 49) who work with people. Male probation officers are somewhat more common than female ones. The educational level of the probation officers is representative of the population in general. Roughly a third work in social or care professions but there are also quite a few from so-called "blue collar" occupations. These include, for example, building workers, mechanics and bus and taxi drivers. The client often already knows people from this group. Just under a quarter are not gainfully employed – primarily pensioners, but also students, the unemployed and people off sick.

It is relatively common for the probation officer to have personal experience of crime or abuse. Almost 20 percent have this kind of experience, around five percent were previously convicted of offences and just as many were previously abusers. Almost ten percent have experience of both kinds. There are, however, requirements regarding how long people need to have been drug-free for and not been convicted of any offence before they can take on the role of layman probation officer.

The clients – a group with major social problems

The clients the layman probation officers work with are a group with major social problems. Many of them have abuse problems, about half of them do not have their own home and about three quarters are not in work (the Swedish National Council for Crime Prevention 2010). Mental problems are not uncommon. The frequency of reoffending within three years of supervision commencing is around 60 percent. These are, therefore, people with a great need of help and a high risk of relapse, which the probation officers need to support and check up on.

The client and layman probation officer should meet every two weeks

According to the Prison and Probation Service, the client and layman probation officer should meet at least every three weeks. They usually meet every two weeks. In addition, the meetings should be held together with the non-custodial care officer a number of times during the probation period – usually on four occasions and where necessary. Besides determining how often the client and probation officer should meet, the content of the client's contact with the probation officer is also determined at the start, e.g., joint leisure activities. The most common activities when the probation officer and client meet are having a coffee or going for a walk.

The probation officer is an important form of support

Before probation begins, it is discussed to what extent the probation officer is expected to provide support to the client in different area, e.g., in contact with other authorities or if the probation officer should initially be kept informed of the client's living conditions on the basis of the risk of relapses and abuse. In the Swedish National Council for Crime Prevention's study, both probation officers and clients[2] were asked what the layman probation officer had helped the client with. What both groups stress as most important is that the probation officer has been someone to talk to and the clients regard this as extremely valuable. The probation officers have also provided support to a great extent when it comes to problems with abuse and mental health and also contact with the authorities. When it comes to work, housing and the financial side, the probation officers have provided less assistance – probably because they do not have access to the resources required.

According to the Prison and Probation Service's guidelines, the layman probation officers should not just support the client but also check up on him or her. Neither the clients nor the probation officers consider the role of the probation officer in controls as particularly prominent. Only around half of both groups consider the probation officer to have a control role. When the Swedish National Council for Crime Prevention asked the probation officers if they could imagine having more responsibility for controls, only 28 percent unequivocally answered yes. Nor do the non-custodial care officers recommend the layman probation officers being given a more tangible control role. They are afraid that greater focus on control would have a negative effect on relations between the probation officer and clients.

The layman participation is an element that is appreciated by clients, layman probation officers and non-custodial care officers

The Swedish National Council for Crime Prevention's evaluation shows that non-custodial care officers, clients and probation officers are all positive towards layman probation officers. On the part of the non-custodial care officers, this is because the layman probation officers fulfil an important function – they can add aspects that non-custodial care cannot. The layman is able to spend more time on the client and can be more accessible. In those cases where they have their own experience of crime and abuse, they also have the special ability to put themselves in the client's position and show alternative routes.

The layman probation officers describe their experiences as very positive. They find helping other people very gratifying and experience happiness at seeing a client's life change for the better. Some of them also raised the fact that the task involved interesting meetings

[2]Two hundred and thirty-six clients from six selected non-custodial care offices have responded to the questionnaire.

and new relationships and that it could be very educational. The negative experiences the probation officers express are frustration when the client does not behave and a feeling of inadequacy. Shortcomings on the part of non-custodial care and society's lack of commitment to the client group were also mentioned. Several are of the opinion that the remuneration is too low, that they do not receive enough direction and support from the non-custodial care officers and that they do not receive the training they want and need.

Practically all the clients who participated in the study feel that their relationship with the probation officer worked well. They express great gratitude for the wide commitment demonstrated by the probation officers.

Do layman probation officers make any difference?

There are no evaluations to illustrate whether layman probation officers have any effect on crime prevention. Non-custodial care officers, probation officers and clients all feel that a layman probation officer can be important for the client's motivation to abstain from crime and abuse during the probation period. On the other hand, there is greater uncertainty about their impact in the longer term.

As many as two thirds of the clients felt that the probation officers had been very or quite important. The percentage of the probation officers who felt this was somewhat lower (60%).

There are studies in psychotherapy that provide support for the layman probation officers being able to have a positive impact as a result of the good relationships many of them build up with their clients. This research demonstrates that positive relationships with the treatment provider are of great importance for the work on change (Wampold 2007).

The Swedish National Council for Crime Prevention's assessment

Despite the overall positive view, a number of problem areas emerge for the activity. This involves whether the non-custodial care officer and layman roles are used optimally in today's system for preventing future crime. Today's system means to a great extent that it is exclusively the probation officers that have the task of influencing the clients in a crime-prevention direction. The non-custodial care officer's role will primarily be to administer the probation. If the non-custodial care officers and probation officers could cooperate in a clearer manner than is the case today, one as the professional and the other as the layman, the conditions for achieving an effect would probably increase. Several of the probation officers would also like to participate more in the non-custodial care officer's planning of the probation and discuss how the work is progressing.

Strengthening the non-custodial care officer's role in the contact with the client would require more resources than today, but this would perhaps be worth it. There are studies that suggest that the

number of clients that reoffend could be reduced if the non-custodial care officer were not just to meet the client for unstructured follow-up discussions, but were also to work in a CBT manner with them (Bonta et al. 2010). A project is currently underway within non-custodial care in accordance with a model (Strategic Training Initiative in Community Supervision, STICS), where the non-custodial care officers work in a target-oriented manner on the clients' work on change on the basis of the risk of reoffending, needs and receptivity to influences. If the layman probation officer were also to become involved in this influential work, there could perhaps be even more gains from the model.

It is also necessary to review the guidance, training and fees the layman probation officers receive for their task. When people spend time and commit themselves to their tasks, it is important that they get something in return for their work. Clearer structures and documentation are also required to facilitate the non-custodial care officers' work with layman probation officers.

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