

English summary

Remand to the care of the social services

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Published by:

National Council for Crime Prevention (Brå)
P.O.Box 1386
SE-111 93 Stockholm
Sweden

Reference:

Brå-report 2005:13
ISSN 1100-6676, ISBN 91-38-32224-2

Available in Swedish from:

Fritzes kundservice
SE-106 47 Stockholm, Sweden

The number of young offenders being sentenced to the care of the social services has increased five-fold over the past 25 years, and stood at 2,657 in 2004. Despite the fact that this is the dominant form of sanction for youths found guilty of criminal offences by the courts, there is no continuously updated, easily accessible information as to the care that is planned for these young people. No such information is available either in official conviction statistics or in the national social service statistics relating to measures introduced for children and youths. This is an important flaw given that the sanctioning system for young offenders constitutes a central crime policy issue.

In the context of an earlier report entitled “*Vad händer med unga lagöverträdare?*”⁴⁰ (What happens to young offenders?), the Swedish National Council for Crime Prevention (Brottsförebygganderådet - Brå) studied the work conducted by the social services with young offenders who had been sentenced to social services care during the last six months of 1999. The current report represents an update of this work, and is intended to provide an up to date picture of the content of the sanction whereby youths are remanded into the care of the social services.

The report builds in part on an analysis of conviction statistics, and in part on a review of court judgements and care plans relating to all 1,408 youths remanded into the care of the social services during the first six months of 2004.

⁴⁰ Report 2002:19.

THE PROPORTION OF YOUTHS SENTENCED TO SOCIAL SERVICES CARE HAS INCREASED SINCE 1999

The number of youths per year sentenced by the courts to the sanction of social services care has increased by almost 500 since 1999. This increase primarily relates to youths aged fifteen to seventeen among whom the proportion sentenced to this particular sanction has increased from 43 to 48 percent. At the same time there has been a decrease in the proportion sentenced by the courts to payment of a fine. The proportion of girls among those sentenced to be remanded into the care of the social services is small but is on the increase – from nine per cent in 1999 to fourteen per cent in 2004.

ASSAULT AND THEFT ARE THE MOST COMMON OFFENCES

The offences for which the youths remanded into the care of the social services have been convicted are neither of the most serious nor the most minor character. Assault and theft are the most common categories of offences. For certain types of crime, social services care completely dominates among the forms of sanction awarded to youths aged fifteen to seventeen. The offence types for both girls and boys are sentenced are more or less the same.

AROUND 500 YOUTHS PER YEAR ARE AWARDED YOUTH SERVICE AS A SUPPLEMENTARY SANCTION

In 1999, the courts were given the power to sentence young people to youth service as a supplementary sanction when remanding them into the care of the social services. The objective was to better meet the requirement of proportionality in relation to sentencing; if the court was of the opinion that the form of care described in the care plan was not proportionate to the seriousness of the offence, it could then sentence the youth to between 20 and 100 hours of youth service. Since its introduction in 1999, the number of youths being sentenced to youth service in the form of a supplementary sanction has remained relatively constant at approximately 500 individuals per year, and just under one-fifth of those sentenced to social services care.

It is also possible for the courts to increase the severity of a sentence involving remand into social services care by means of day-fines. In line with the trend found in relation to youths whose principal sanction involves being sentenced to payment of a fine, the number being awarded a fine in combination with social services care has fallen. In 1999, 28 per cent of those remanded into the care of the social services (615 youths) were given a supplementary sanction in the form of a fine; in 2004, this proportion had dropped to eleven per cent (279 youths).

A LARGE PROPORTION OF THE YOUTHS HAVE PRIOR RECORDS OF PROBLEMS

The conditions in which the social services work with these young people, and the chances of this work being successful, are affected by the seriousness of the youths' problems. One indicator of the level of these problems is

found in the extent to which the young people remanded into social services care have previously been in contact with the justice system or the social services as a result of involvement in crime or other social problems. The review showed that many of those sentenced to social services care do have previous experience of contacts of this kind. Of the youths remanded into social services care during the first six months of 2004, only 20 per cent had neither a previous conviction nor been the subject of social services attention. Two-thirds had previously been the subject of the attentions of the social services and 44 per cent had prior convictions.

MANY LOCAL AUTHORITIES HAVE FEW YOUTHS SENTENCED TO SOCIAL SERVICES CARE

The youths remanded into the care of the social services are distributed across a large number of local authorities, in which the numbers of inhabitants vary greatly. It may be estimated that an average of one young person every six months is remanded into the care of the social services in local authority areas with fewer than 15,000 inhabitants. In local authorities with over 15,000 inhabitants, this figure rises to six. In the metropolitan areas of Sweden, the division into independent local authorities and city districts means that each such unit has an average of seven youths sentenced to social services care every six months. It is in medium-sized towns where the social services have not been decentralised that social services offices have to deal with the largest number of youths per office.

Taken together, these estimates show that the number of youths per year committing offences that are viewed as sufficiently serious to warrant being sentenced by the court to social services care is very small in a large number of local authorities. This makes it difficult for individual local authorities to build up a broad range of measures within the framework of this sanctioning form, and it also makes it difficult for social workers to develop experience and competence in relation to the care of this particular group of youths.

CARE PLANS HAVE IMPROVED

The review conducted by the National Council shows that it has become less common for youths to be sentenced to social services care in the absence of a written care plan by comparison with the findings of the previous survey conducted in 1999. A larger proportion of the care plans also include information on the extent of the measures to be taken, and how long these measures will last, as is required by the legislation. However, information relating to one or other (or both) of these factors is still missing in slightly over 40 per cent of the care plans reviewed. In certain cases legitimate reasons for this can be identified; it is not always meaningful to impose a time-limit on certain types of measure, such as drug testing for example, in advance.

**PROGRAMMES DESIGNED TO AFFECT BEHAVIOUR
ARE THE MOST COMMON FORM OF MEASURE**

The plans for one-third of the youths involve participation in programmes designed to affect behaviour. For one-fifth of the youths, the measures involve a placement outside of the home. Counselling, which was the type of measure proposed most often when the previous review was carried out in 1999, still constitutes the tool most commonly employed by the social services, since it is often included as an element in programmes of the kind described. The use of counselling as an isolated measure is found in the care plans of one-third of the youths included in the study. The other measures proposed comprised the appointment of contact persons, various types of initiative focused on the family, drug testing, counselling outside of the social services and mediation. Two-thirds of the care plans reviewed propose a combination of measures. The care plans include examples of over 150 different combinations of measures. This substantial level of variation is a result of the fact that many of the measures planned are adapted to the individual in question.

IS THE REQUIREMENT OF PROMPT LEGAL PROCESS FULFILLED?

The importance of minimising the length of time between the offence and the sanction has been emphasised in a large number of contexts. An analysis of the time between the offence and the court sentence shows that this process takes on average three to five months. Many of the measures are initiated prior to the court sentence having been passed, however. Within the group remanded to the care of the social services during the first six months of 2004, 38 per cent had been initiated prior to the case coming to court.

DAMAGES PAYMENTS ARE COMMON

The proportion of youths remanded into social services care that receive a fine as a supplementary sanction has become smaller. One hypothesis that is presented in the report in this context is that the courts want to avoid encumbering these youths with debts. For a large proportion of the youths sentenced, their offence nonetheless leads to debt, however, since many of them are required to pay damages. Almost two-thirds of the 1,408 young people remanded into social services care during the first six months of 2004 were also sentenced to pay damages (891 youths). The sums involved varied greatly from 100 SEK (approximately 11 Euro) to 159,230 SEK (approximately 17,000 Euro). In slightly over half of these cases the sum of the damages involved amounts to less than 5,000 SEK, whereas in half the sum to be paid is in excess of this figure. The mean sum of damages awarded amounted to 10,322 SEK (approximately 1,100 Euro).