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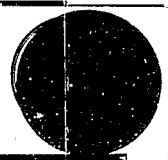
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# International Summaries

A Series of Selected Translations in Law Enforcement and Criminal Justice

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From Sweden

## Prison Furloughs

*Although the prison furlough system in Sweden is prone to abuse, most inmates use furloughs properly.*

By Jan Gustavsson

### Introduction

Modern penal legislation in Sweden emphasizes the importance of furloughs as a means of avoiding the damaging effects of incarceration. Furloughs allow contact between inmates and relatives and others who can facilitate their readjustment into society. Despite the potential for furlough abuse, the value of this system justifies the risk.

This study by the Administration of Corrections in Sweden examines the abuse of regular furloughs for inmates. Many Swedish penal institutions report a large increase in the misuse of regular leaves in the last decade. During this period the number of permissions for furloughs was just under 42,000 per year.

The report discusses regulations that allow periods of absence and defines its terms, purpose, methodology, materials, selection of experimental control and comparison groups, and the basis for its investigation. Included also are the categories of institutions from which results were derived, the varying nature of furlough abuses, and the way in which furloughs are judged "abused." The report also compares abused and properly used

leaves of absence. The concluding remarks reflect the descriptive character of the study and emphasize that the investigation was not designed to judge the system nor suggest possible corrective measures but rather as a basis for further discussion.

Statistics on furlough abuse for the study are from all Swedish penal institutions that granted leaves during March and April 1986. Permissions for furloughs are categorized as regular or as those for special reasons. The distribution of regular furloughs and those for special reasons has varied somewhat during the last decade. At the time of the study, regular leaves made up approximately 25 percent of all leaves.

About 75 percent of these were so-called special permits for leave. After an evaluation an inmate can receive one of these to find work or housing or visit sick relatives. The remaining permits were for regular leaves, which are allowed as part of treatment for an inmate serving a sentence of 3 months or more.

This study defines abused leaves as those that resulted in inmates not having the leave time credited towards their sentences and those for which a hearing wasn't held because the inmate was absent or arrested.

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### Regular leaves of absence

According to Swedish law, inmates sentenced to prison for less than 2 years in local institutions or open federal facilities are allowed a furlough after 2 months of their penal service. The time of arrest marks the beginning of that service. Permission for a furlough is not granted, however, until at least 1 month of the sentence has been served at an institution. Subsequent leaves are allowed after 1 month from the beginning of the last furlough.

Inmates at closed federal institutions sentenced to prison for less than 2 years are allowed their first leave after 6 months of service. Again, the time of arrest marks the beginning of that service. Furloughs may be granted after 2 months' imprisonment at an institution, and additional permits are issued only after 2 months from the start of the previous leave.

The regulations further specify rules for leaves and outline criteria for judging exceptions and prerequisites and imposing limitations. From the statutes it is apparent that legislators intended these leaves to benefit inmate rehabilitation and to remove obstacles to readjustment.

### Definition of abuse

The definition of abuse varies according to the institution, and minor abuses are

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often not documented. Different institutions handle minor abuses differently. Often the conditions for an inmate's next leave are affected by prior furlough abuse.

Three types of furlough abuse, ranging from minor to serious, exist. The first type of abuses were mostly due to inmates reporting back late. In these cases, the inmate was still in compliance, and the institutions took no punitive measures.

The second type of abuse was more serious, requiring a hearing and protocol to determine the abuse. Although in this category abuse was not proven, the institution enacted certain measures affecting the offenders' future leaves. The third type of abuse was the most serious, in which none of the time for the furlough was credited toward the sentence, or the inmate stayed out past the permitted time or was arrested. The reasons for which a leave was not credited towards the sentence were the following:

- Criminal activity.
- Rule violation. (One such rule, for example, prohibits alcohol consumption.)
- Narcotics use.
- Late arrival/remaining away.

Proving furlough abuse is often based on a combination of statements from different sources. Generally, when prison directors submit documents for evaluating the abuse, they express their opinions, with which the penal administration usually concurs.

## Method and material

The basic data for this investigation were official records on all regular furloughs begun in March and April of 1986. The researchers chose this timeframe because it was relatively recent and would reflect the current situation of Swedish penal institutions.

From the base statistics, researchers established a list of commenced leaves, which was sent to the institutions for eventual completion, along with a request for copies of the hearing proceedings for all abused furloughs. From these proceedings investigators collected the following data:

- A list of inmates who were apprehended or arrested for new crimes.
- A list of inmates incarcerated in another institution.
- A list of inmates who remained at large.

Investigators chose a comparative study group to analyze characteristics of inmates who abused regular leaves and those who did not. The group comprised those who received a fourth furlough from closed federal facilities and those who received a third leave from closed local institutions. These leaves were of the regular category. Researchers chose this group because a large share of the abused furloughs described in the basic data were from closed federal and local facilities.

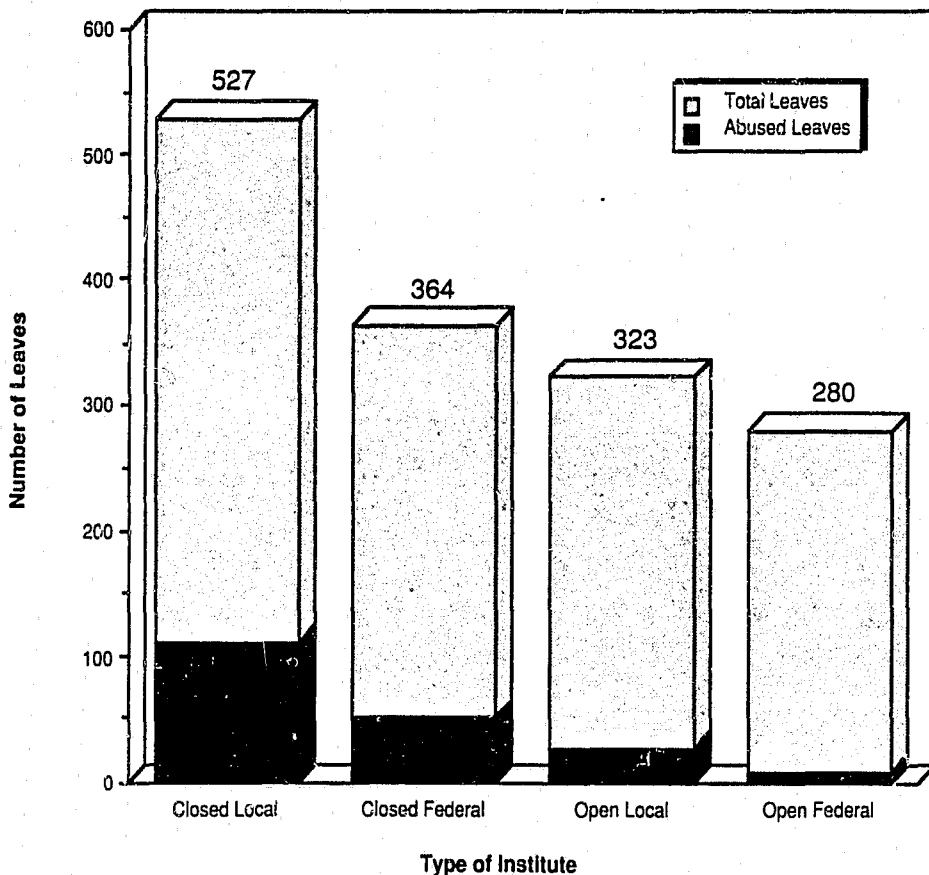
Researchers also collected descriptions of inmates' earlier criminal experiences. Based on these descriptions, investigators decided to check to see if the inmates were narcotics abusers at the beginning of their prison terms.

## Furloughs according to categories of institutions

Figure 1 shows the following:

- 527 (35 percent of all furloughs) commenced from closed local facilities; of these, 110 (21 percent) were abused.
- 364 (24 percent of all furloughs) were from closed federal institutions; of these, 51 (14 percent) were abused.
- 323 (21 percent of all furloughs) were from open local institutions; of these, 28 (9 percent) were abused.
- Of the 280 leaves from open federal institutions, 7 (3 percent) were abused.

Figure 1. Types of institutes and figures for regular leaves commenced during March and April 1986



## Furlough abuse

Figure 2 illustrates how the study group was derived. Of all leaves granted, 181 were abused. An additional 15 furloughs resulted in inmates staying away from the facility after the allotted time, inmate arrests, or inmates' transferral to other institutions. This defines the group of abusers. In 25 cases a hearing took place, but the infractions were so minor that the furloughs were not considered abused.

## Types of furlough abuse

Central to the investigation was a description of the kinds of furlough abuse. The inquiry found that the primary abuses were as follows:

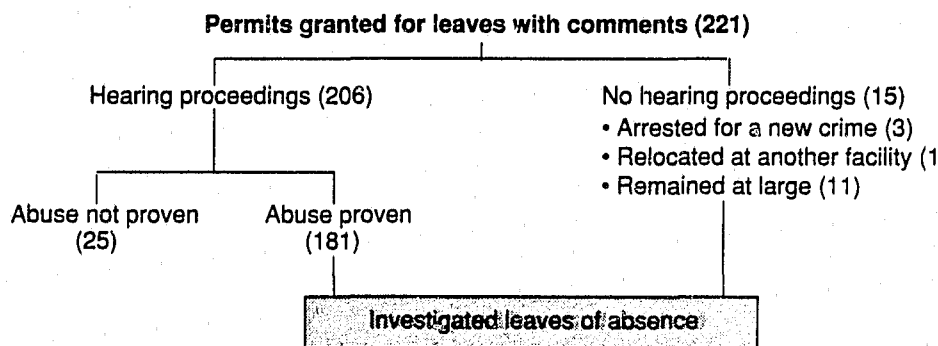
- Inmates arrived too late (less than 4 hours) or stayed out (more than 4 hours) after the end of the permitted leave (25 percent).
- Inmates stayed out and had abused alcohol and/or narcotics during their leave (28 percent).
- Inmates arrived on time but had abused alcohol and/or narcotics during their leave (19 percent).

The statistics showed that arriving late and staying out past the allowed time were the most common abuses. Remaining away and the abuse of alcohol or narcotics constitute nearly 75 percent of the total abuses.

Also of interest to the researchers was the way furlough abusers returned to facilities. Many turned themselves in to the institutions or to police. But more often, they were arrested by the police (52 percent) for remaining out or committing new crimes, including those activities prohibited during their prison term. Six percent of those remained at large. If they turned themselves in, they were more likely to return to the facility from which they were furloughed, and, if they were picked up by the police, it was more often because they had not returned to the institution on time.

Within 4 days after furlough expiration, 138 of the 196 inmates were back in institutions. Except for 11 inmates, all furlough abusers were back serving their sentences after 2 months.

Figure 2. Adjudication of leaves



Of furloughed inmates studied, 18 were suspects in new crimes, and 15 were apprehended for new crimes. Two percent of all furloughs granted during the study period led to crimes. Crimes involving property were the most common type of crime, and rape/indecent assault was the most serious.

Notes from investigative proceedings also detailed violations of various restrictions on furlough permissions. Of these 196 leaves, 72 had restrictions. Of all the permits, 100 had restrictions prohibiting the use of alcohol and drugs. In addition, 19 had restrictions involving contacts and places of visit.

In some cases alcohol and drug abuse was discovered by tests administered to inmates after returning: 31 tested positive through urine analysis and 12 tested positive through alcohol analysis.

For those serving a sentence of more than 2 years, remaining away from prison beyond the allowed time and alcohol or narcotics abuse were the most common type of infractions. Of this group eight were suspected of committing crimes while on furlough, a higher number than those furlough abusers with shorter sentences.

Figure 2 indicates that 25 furloughs did not prove to be abused according to institutional regulations. In such cases the institutions took corrective measures, such as warnings or restrictions on subsequent leaves. Although not defined as abused leaves, these furloughs led to a hearing.

In addition to late arrival, investigators found that staying out and abusing alcohol or narcotics or merely using these

substances but returning on time were other common infractions. Minor offenses were smuggling in money or alcohol.

## Comparison between abused and nonabused furloughs

During the period of study, 195 inmates abused 196 furloughs. In this study's comparison group of 197 inmates, 207 furloughs were granted without incident. Investigators compared the two groups using different variables to assess the significance of abused and nonabused leaves. The comparison was based on furlough characteristics and not on the basis of individual cases.

The investigators used age as one variable for comparison. Of those who abused furloughs, more than half (58 percent) were over 30 years old. Of those in the control group, 72 percent were 30 or older. The study notes that this difference was statistically significant. Another basis for comparison was sex. The group that abused furloughs was comprised of 183 men and 13 women; in the control group were 194 men and 13 women.

The investigators also considered which offenders had been previously treated. Those who abused furloughs had a higher percentage (94 percent) of prior treatment than those in the control group (69 percent). Both groups had nearly the same percentage (7 to 8 percent) of inmates who had only served a term of probation. The abuser group, however, evinced nearly twice the number of inmates who had served a term of imprisonment and probation.

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Investigators also scrutinized the criminal history of the two groups of inmates. Statistics of previous jail sentences revealed that those in the group of furlough abusers were committed to prison terms much more often than those in the control group. Of those in the control group, 39 percent had never served prison terms before, compared to 12 percent of those in the abuser group; this was significant statistically. Another important difference was that almost half of those in the abuser group (49 percent) served at least seven sentences, compared to those in the control group, 28 percent of whom served at least seven sentences.

The inmates in both groups were sentenced for multiple and diverse crimes. The categories of crimes involved offenses against people and property, narcotics, traffic, and various other offenses. Although an inmate may have been sentenced for many types of crimes, the statistics did not indicate any obvious discrepancies between the two groups.

The majority of Swedish inmates have received short sentences; for example, of 13,535 prisoners in 1985, 65 percent had a maximum sentence of 3 months. Of course, only prisoners with longer incarcerations receive furloughs.

In an analysis of length of sentences, the control group had a higher number of sentences of 2 years or more; therefore, the abuser group had a larger share of shorter sentences.

The researchers also considered inmates' particular reasons for furlough abuse, as well as narcotics use at the beginning of

inmates' sentences as further bases for comparison.

Nearly 60 percent of the group of abusers were classified as narcotics users or serious narcotics abusers, while more than one-third (41 percent) of the control group were so classified. This difference is statistically significant.

Results of the study's comparison are as follows:

- The group of regular furlough abusers was younger than the control group.
- The abusers had more prior treatment for criminal offenses than the nonabusers.
- The abusers had more frequently been sentenced to prison than the nonabusers.
- The abusers had more frequent convictions for crimes of property and traffic offenses than did the nonabusers.
- The abusers had shorter prison sentences than the nonabusers.
- The abusers were more frequent abusers of narcotics than were the nonabusers.

## Conclusions

The researchers derived the following positive and negative aspects of the furlough abuse problem from their investigation:

- Most of the commenced furloughs (87 percent) were used properly.
- Of inmates who abused furloughs, 70 percent returned or were arrested within 4 days of expired time.

- Of the total furloughed inmates studied (1,494), only 2 percent were involved in crimes.

- 13 percent of commenced furloughs were abused.

- 21 percent of commenced furloughs from closed local facilities were abused.

- Nearly half (47 percent) of the group of abusers had been imprisoned seven times or more.

- 60 percent of the abuser group were narcotics abusers.

- 17 percent of the abusers were suspected of committing a crime during their furloughs.

This system is designed to offer an alternative treatment to inmates with the use of furloughs, but it is prone to abuse. The abuse varies from institution to institution, as well as within institutions. Administrative measures to combat the problem were most often restrictive requirements attached to future furloughs. Such restrictions are supposed to prevent minor abuses during the furlough. The study questions the use of these restrictions and whether the institutions are obliged to grant furloughs. Thirteen of the furlough recipients were arrested during their furloughs because they did not abide by such restrictions. In many cases the use of restrictions is acceptable but often employed unrealistically. It may be that, despite the abuse, prison administrators use restrictions to affect some measure of control. The study raised many questions about the furlough abuse and illustrates the need for concrete measures designed to correct the problem.

*The Assistant Attorney General, Office of Justice Programs, coordinates the activities of the following program Offices and Bureaus: National Institute of Justice, Bureau of Justice Statistics, Bureau of Justice Assistance, Office of Juvenile Justice and Delinquency Prevention, and Office for Victims of Crime.*