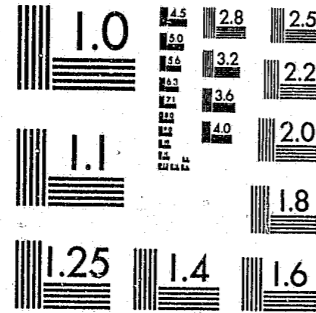


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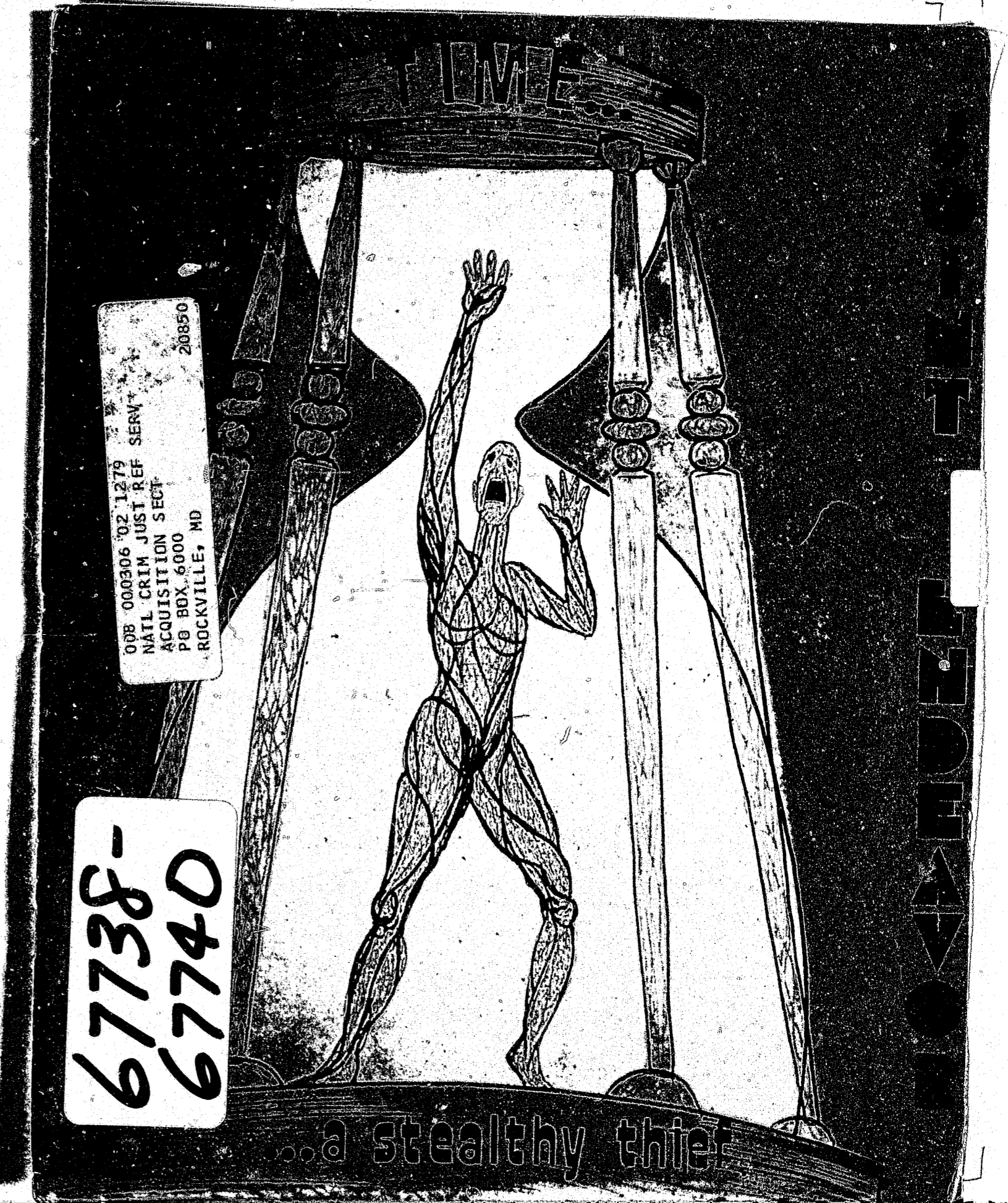
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Danish Use Of Prisons & Community Alternatives

By
Mark Umbreit, M.P.A.

Executive Director

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EDITORS' NOTE: Mark Umbreit is: The Executive Director of PACT, Inc., (Prisoners and Community Together), a regional community corrections program in several cities of Northern Indiana; Member of the Indiana Correctional Code Commission; and a part-time Instructor in Criminal Justice at Valparaiso University. Mr. Umbreit recently returned from a research project in Denmark after an extensive study of its criminal justice system. This research project was made possible, in part, by a matching grant from the Indiana Committee for the Humanities.

The Danish system of criminal justice has received international recognition for its progressive penal policies and prison conditions. Denmark, along with its other Scandinavian neighbors, have over the years developed a system of criminal sanctions rooted very deeply in basic humanistic values of the worth of all individuals within society along with the larger society's responsibility for crime among its citizens. While Denmark is a very small homogeneous society, it does remain a western industrialized democracy that parallels in certain characteristics a number of American states. For example, Denmark is a nation of 5 million people just as the State of Indiana has a population of approximately 5 million. This article will address three primary issues. First, it will examine the actual use of prisons within the Danish criminal justice system and in comparison with our nation. Secondly, a brief survey of community alternatives or what we might call

"community based corrections" in both Denmark and the United States will be provided. And finally, implications for American criminal justice policy will be identified.

INCARCERATION RATES

A very appropriate starting point for any discussion of the use of prisons within a society is in examining incarceration rates. Incarceration rates simply mean the number of citizens locked up in prisons for criminal offenses per hundred thousand citizens within that society. Contrary to common beliefs held by many Americans that we are lenient on crime and ought to be tougher, the fact is that Americans lock up more people in prisons than any nation in the free world based upon available data and excluding purely political offenses. In terms of the entire world, our incarceration rate for criminal offenses of approximately 250 per 100,000 citizens is third only

to the totalitarian regimes of the Republic of South Africa with a rate of 400, and the Soviet Union with a rate of 391. In contrast, a number of western European nations have significantly lower incarceration rates. Most notably are France with the rate of 66, West Germany with the rate of 60, Denmark with the rate of 54, Sweden with the rate of 40, and the Netherlands with the rate of only 22 persons in prison per 100,000. An even more revealing fact is seen when one looks at selected American States in comparison with other nations. For example, the southern states of Florida and Georgia represent the highest incarceration rates for criminal behavior known or available in the world. The Florida rate of 420 and the Georgia rate of 410 even exceed the extremely high rates of

South Africa and the Soviet Union. On the other hand, a number of American states parallel fairly closely the lower incarceration rates of the Scandinavian countries and certain western European nations. For example, the State of Minnesota with its rate of 80 and the State of North Dakota with its rate of 60 are quite similar to the incarceration rate in Denmark of 54.

CRIME RATES AND SENTENCING

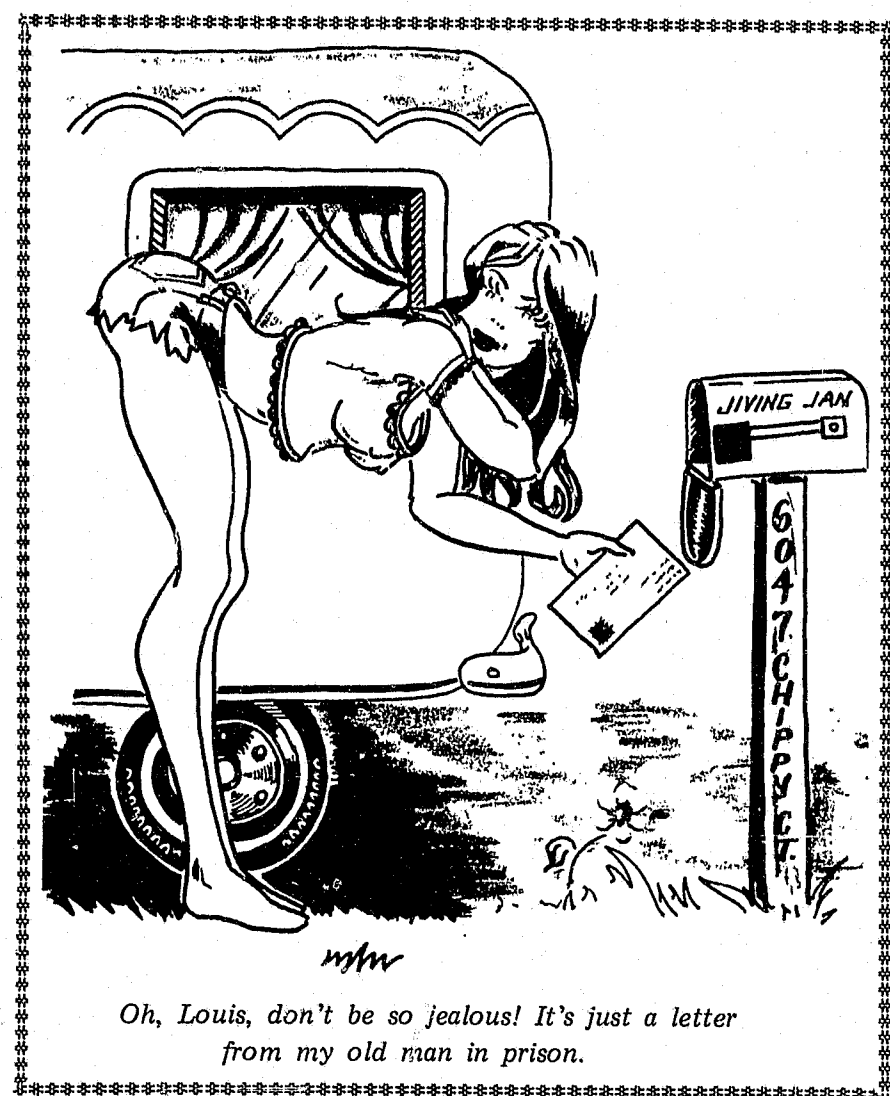
As one examines the use of prisons from a cross-cultural perspective, it is important to look at the actual crime rates and sentencing patterns in the respective countries. Contrary to the belief that Denmark might not have that much crime, the actual rate

of crime in Denmark per 100,000 citizens of 6,400 is higher than the national rate in the United States of 5,055, or the rate in Indiana of 4,273 crimes per 100,000 citizens. What is significantly different in Denmark is the rate of violent crime which is approximately 128 per 100,000 citizens as compared to 311 in Indiana or 467 violent crimes per 100,000 in the entire United States.

An even more revealing difference is in the comparative murder rates, with Denmark having an extremely low homicide rate of .75 per 100,000 citizens while Indiana has a rate of 7 and the entire country has a rate of 9 homicides per 100,000 citizens. So what is revealed is the fact that Denmark has at least as much, if not more, crime than the United States but the quality of that crime differs greatly, with Denmark having an extremely low amount of violent crime. It might be important to add, however, that taken as a whole the United States even has a relatively low rate of violent crime as compared to the totality of serious reported crime in our nation. Contrary to common belief among Americans, violent crime accounts for approximately 9 percent of all serious crime reported to the Federal Bureau of Investigation, with 91 percent of all serious crime being property-related involving no threat of violence or physical harm.

It is in the area of sentencing convicted offenders that a dramatic difference is seen between the policy in Denmark versus the United States. For example, in Denmark 25 percent of all prisoners serve less than three months in prison while 56 percent serve from four to twelve months. This represents a total of 81 percent of all prisoners serving less than one year. In the United States, approximately 2 percent of all prisoners would be serving prison sentences of less than one year, while 98 percent of prisoners will be serving more than one year. In the United States, there are approximately 450 prisoners awaiting execution whereas in Denmark there

(See DANISH Page 39)



Oh, Louis, don't be so jealous! It's just a letter from my old man in prison.

DANISH (Continued from page 18)

are virtually no offenders awaiting execution since Denmark has abolished capital punishment totally from its criminal and military codes.

PURPOSE OF PRISONS

One of the more striking characteristics of the Danish prison system is the honesty and simplicity of their purpose. Danish prisons are viewed as punishment and punishment is viewed simply as deprivation of liberty or one's freedom to move about in society. While the Danes view the primary purpose of prisons as punishment, they also believe that the conditions within that deprivation of liberty or freedom should be as humane and as similar to the outside community as physically possible. This includes extremely humane living conditions inside the prison, a much freer access to loved ones and friends in the free community, a very liberal policy of contact visits which allow sexual relations to occur, and an extremely liberal policy of contact furloughs which allow prisoners to go out into the community to visit friends or jobs or family. In contrast, in the United States the purpose of prisons is not quite as clear. While punishment is certainly part of a prison sentence, there still remains the philosophy of rehabilitation or "corrections." In addition, in the United States the punishment aspect of prison is not simply deprivation of liberty or one's freedom to move about in the community. It also includes the conditions of that deprivation of liberty. American prisons, with few exceptions, deprive their inmates or prisoners of many basic human rights and civil rights which would be normal in the outside community. These can include extremely limited contact with the outside community, total absence of normal sexuality, very restrictive policies of furloughs out into the

While the policy of incarcerating criminal offenders remains very firmly rooted in America and can be seen in an ever growing request for new prison construction, the Danish system of criminal justice has the exact opposite policy.

community, and very meager, if not inhumane, living conditions while incarcerated.

While the policy of incarcerating criminal offenders remains very firmly rooted in America and can be seen in an ever growing request for new prison construction, the Danish system of criminal justice has the exact opposite policy. As Americans are trying to put more people into prison, the Danes have a conscious policy of what they call "Downpenalization" along with a policy of "Depenalization." "Downpenalization" is similar to what we would call deinstitutionalization, which simply means getting people out of prisons quicker and limiting extremely the use of prison for criminal offenders. "Depenalization" is what we in America might call decriminalization, which simply means legalizing certain behavior that was previously defined as criminal. Actual examples of these policies in Danish society include the legalization of pornography, the legalization of possession of certain drugs, and a recent law which significantly shortened the time that a prisoner could be paroled into the community.

COMMUNITY ALTERNATIVES

As the Danish criminal justice system is actively committed to continually reducing its reliance upon prisons as a criminal sanction, the

issue of community alternatives has become crucial. The Danish system at present has a fairly limited yet clear number of community alternatives to incarceration. These include monetary fines for certain offenses, the use of half-way house programs for regular offenders or drug addicts, probation and parole. A special commission of the Danish Parliament has been examining more alternatives to incarceration. The newer programs being looked at include weekend imprisonment in which the offender can be free in the community during the working week, night imprisonment which would allow the offender to work actively on a job and stay with the family more regularly and community work orders which are widely used in England and are beginning to be more actively developed in the United States.

Two characteristics of the Danish criminal justice system in regard to both prisons and community alternatives that become very evident is first the absence of any private sector involvement by private organizations that flourish in the United States and secondly, the total absence of voluntarism in which community volunteers go in the prisons or work with community programs.

In contrast, the United State's system of community alternatives or what we would call "community corrections" has a much wider selection of programs. In addition to the tradi-

tional community programs of parole and probation, it is not uncommon in various states to see numerous other programs such as pretrial diversion, half-way houses, pre-release centers, work release centers, community service work orders, restitution centers, community dispute resolution centers, and on and on. In the United States there exists a strong and active private sector working cooperatively with the public sector. Similarly, in the United States you'll see a very strong level of volunteer involvement in the field of corrections at all levels.

Beyond the descriptive comparison of community alternatives, the actual role that these community alternatives play in Danish and American society appears to be quite different. In Denmark, the use of their limited range of community alternatives seems to be very strongly related to their overall national policy of downpenalization or what we would call "deinstitutionalization". Simply put, these community alternatives are literally an alternative to being locked up in prison. In contrast, in the United States, generally speaking, it appears as though our so called "community alternatives" often operate as a parallel system to the basic system of incarceration or prisons. While there are obviously exceptions to this generalization such as in the states of Minnesota and Massachusetts, it appears that most often times American community based correctional programs are not directly related to locking less people up in prisons. Some would even argue that many of the so called "alternatives" actually widen the net of social control by the state and the actual number of people who are labeled and stigmatized by the criminal justice system has been increased.

LIMITATIONS OF THE DANISH SYSTEM

In any cross-cultural analysis of public policy, the learning experience should usually be two-directional. Despite the international rec-

In Denmark, there is virtually no awareness or existence of programs to service the needs of victims.

ognition of the Danish criminal justice system for its incredibly humane policies, the Danish system too has its own problems. While the Danish system very legitimately deserves such recognition, it behooves them to address a number of outstanding issues which they might even be able to learn from our experience in the American criminal justice system. For example, the common Danish policy of using lengthy pre-trial detention with total isolation of the defendant, in order to keep evidence "pure", would be unacceptable in the American system. In Denmark, it is possible that young offenders could be kept in total isolation (solitary confinement) for many months, even a year, on the assumption of innocence and prior to the trial. This practice and its possible psychological damage has become a major issue of controversy in the Danish criminal justice system, as it ought to be.

Another area that our own criminal justice system can offer to the Danes is found in our wider range of community based alternatives and programs. While we need to relate our community based programs more directly toward policies of deinstitutionalization and literal alternatives to prison, the actual range of programs operated in the United States might be of assistance to the Danish system as they look for more community alternatives.

In the United States, private sector involvement by community volunteers and through numerous private organizations plays a very vital and healthy role in the American

criminal justice system. It at times even involves a certain level of creative tension between the public and private sector. This tension is necessary for a check and balance system of public policy. Certainly the Danish system could learn from our experience and significantly broaden the use of community volunteers and private organizations in its system of criminal justice. This need has already been recognized by a number of officials in the Danish system.

And finally, an area that the United States has perhaps led in is the growing interest and response to the needs of victims of crime. This has been seen in a flourishing of victims assistance programs throughout our nation over the last few years. Victims of crime oftentimes represent the most forgotten people in our criminal justice system. Programs that address their needs can do so both as direct service to the victims or even involving direct contact between the victim and the offender through which a restitution agreement can be made. In Denmark, there is virtually no awareness or existence of programs to service the needs of victims. While the Danish social service system offers a much greater buffer to the problems facing victims of crime, I am sure there would still exist a strong need to specifically provide help and support to people who are traumatized by being the victim of a crime.

IMPLICATIONS FOR AMERICAN JUSTICE POLICY

Finally, it is in regard to specific implications for American criminal justice policy that many questions are raised and it becomes quite difficult to speculate on the transferability of certain Danish justice policies to American society. The most fundamental question that must be raised is why do Americans embrace so firmly the concept of incarceration despite no evidence of its relationship to crime reduction. Particularly in the era of Proposition 13 and the

incredibly high cost of keeping people in prison which can be in excess of \$15,000 a year, why do we continue to keep locking so many criminals up.

Over the years, numerous reports including by our own government have seriously questioned, if not condemned, the effectiveness of prisons in our society. A recent piece of research by the American Foundation Institute of Corrections found that in examining the use of prisons throughout our country over an extended period of time, there was no significant relationship between incarceration rates within a state and their crime rates. In addition, it was found that those states who engaged in the most construction of prisons during these years are among the states facing the most severe overcrowding today and actually have experienced a somewhat higher rate of crime than those states that did not build new prisons. No significant relationship was found between crime rates and race within a state yet a very strong relationship was found between locking people up and the number of minority people within the state. Of all the findings of this recent research, the strongest relationship was found between unemployment rates and crime rates which simply implied that as unemployment goes up crime goes up consistently. Yet, the American criminal justice system, with few exceptions, seems strongly committed to building more prisons and locking more people up despite the fact that we already have the highest incarceration rate in the free world.

Any attempt to examine the transferability of Danish policies to American society must examine the basic cultural values and social traditions of both societies. Certain distinctive cultural values in Denmark such as abhorrence of violence, an acceptance of rules and emphasis on orderly behavior, a deep respect for nature, a strong respect for privacy of individuals and families, and a desire for harmonious relationships with others are clearly related to the type

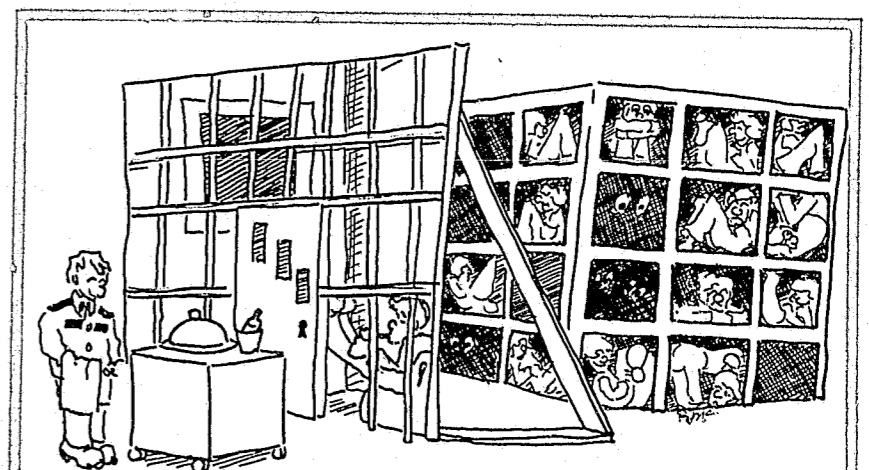
of policies found in the criminal justice system. On the other hand, certain cultural values found in the United States which highlight violent solution to conflict, a strong amount of competitiveness as opposed to cooperation among people and a strong achievement ethic are also directly related to the type of policy found in the American criminal justice system. Because of these value differences, it becomes very difficult to examine the transferability of criminal justice policies between the two societies. Yet despite this difficulty, I do believe there are a number of areas in which the American criminal justice system could profit from the Danish experience.

First, the honesty found in the Danish system of prisons is something Americans could definitely learn from. Taking the rouge away from what prisons really are and calling them what they are in fact would go a long way toward addressing some of the problems we face in our prison system. Simply put, we should openly call prisons what they are, and what they are is punishment and not institutions of "corrections". In making this initial statement, perhaps we could then go beyond the reality of punishment and begin to accept that within the context of

punishment, which is deprivation of one's freedom of movement, we could perhaps make conditions within the prison far more humane and reflective of the outside community. This would seem to be a rather rational policy since over 95 percent of those incarcerated will eventually be released into the community.

Secondly, the key role of leadership in the Danish criminal justice system provides an example to American correctional officials to follow. While there are certainly examples within our own nation of outstanding individual leadership that took significant risks, it appears as though the leadership in the Danish criminal justice system has consistently pushed for more progressive, humane, and rational policies relating to crime and punishment. This has been done despite a lack of public consensus at all times for such policies. Contrary to what many might believe, polls and surveys conducted on Danish citizens have indicated that most Danes want a tougher policy in dealing with criminals.

A third area that we as Americans can learn from the Danish system is simply that public policy can go beyond understandable feelings,



Taking the rouge away from what prisons really are and calling them what they are in fact would go a long way toward addressing some of the problems we face in our prison system.

concerns, and fears and can move toward a more humane and rational system of justice. The Danish response to crime among its citizens represents an unusual commitment to basic humanistic values which affirm the dignity and worth of all individuals within its society, despite their actions and behavior. It represents a profound tolerance of certain behavior and an humble acceptance of society's responsibilities for much of that behavior.

And finally, perhaps the most relevant Danish policy that could offer immediate help to the American criminal justice system is found in the Danish concept of "downpenalization" and "depenalization." As American prisons are becoming increasingly overcrowded and many states are actively involved in planning for massive construction programs placing millions of dollars into building more prison cells, these Danish policies have a great deal of practical relevance to the American system. For example, our immediate American mentality in regard to prison overcrowding appears to be that we simply need to build more prisons despite their extremely high cost, which can exceed \$50,000 per bed space. Would not a policy of "downpenalization" or what we might call "deinstitutionalization" be more logical? Since there is little evidence that longer sentences have anything to do with reducing future criminal activity and there does exist some evidence that longer sentences

actually increase the likelihood of further crime, why not simply offer parole to prisoners quicker in order to shorten their sentences and create a quicker turnover rate within our nation's prison system? Why not place many of the non-dangerous offenders into community based programs at a lesser cost? This is what the Danish system of "downpenalization" means. Applying such a policy in the American system would obviously offer a very practical, more humane, and far less costly solution to our immediate problems of prison overcrowding. And it would do so at little risk to the public. Similarly, the policy of "depenalization" or what we might call "decriminalization" would also offer a good deal of practical assistance to our system. Why not decriminalize certain behavior which is not definitely related to any victims other than one's own self and which is highly demanded by many citizens? Would it not be a practical solution to address the extreme backlogs in our courtrooms and the overworked schedules of our police officers to simply depenalize or decriminalize certain non-dangerous behavior such as pornography, use of mild drugs, and certain related "victimless" crimes, thereby allowing police to focus on more serious crime?

The Danish criminal justice system is an unusual example of public policy development that is not only rooted in cautious national and local political self-interest, but also firmly

embraces a number of basic humanistic values which affirm the inherent dignity and worth of all human life. As Americans strive to create a more rational and humane system of justice for our people, we must not only examine the policies of other progressive nations but of equal importance we must re-examine our own values of freedom, liberty, and resistance to oppression which are so deeply rooted in our nation's history. □

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