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AN ADVISORY GROUP TO THE
CORRECTIONAL SERVICE OF CANADA

THE CRIMINAL JUSTICE SYSTEM
NORWAY

Background Report No. 2
of the
Strategic Planning Committee

November, 1980

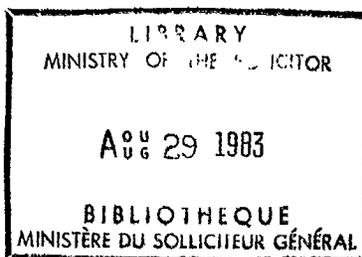
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THE CRIMINAL JUSTICE SYSTEM,
NORWAY

A Background Report No. 2

of the

Canadian Corrections Service,

Strategic Planning Committee

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We are grateful to Professor J. Andenaes,
Rector, University of Oslo, Norway,
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I CRIMINAL JUSTICE SYSTEM

A) Philosophy

- presently there is a shifting toward Scandinavian neo-classical premise of law, with emphasis on the control aspects. Depenalization considered a policy choice.

B) Administration

- Investigating Police and Prosecution under the same administrative agency (State Director of Public Prosecution); Chiefs of Police, all legally trained, part of the Public Prosecution Authorities;
- Ministry of Justice responsible for correctional operations;
- courts independent.

C) Operations

- wide police and prosecution discretion;
- prosecutorial waiver of charge or withdrawal of proceedings operative (veto at higher levels possible);
- police proceed on misdemeanors; state prosecutors proceed on all other crimes except treason/serious offences, which are dealt with by State Director of Prosecution;
- apprehended suspect must appear before court within twenty-four hours;
- lower courts handle cases where maximum punishment is 5 years or less, lay judges utilized;
- Jury courts handle cases where maximum punishment is greater than 5 years imprisonment;
- bail system operative, but rarely used;
- if offence is punishable by less than 6 months imprisonment, accused must be released pending trial;
- criminal code - divided into crimes and misdemeanors;
- the question of intent - 'guilty mind' - relevant;
- insanity plea - operative;
- judge sets maximum remand time (usually 3-4 weeks);
- appeal of sentence length possible.

D) Sentencing

- age of criminal responsibility is 14;
- offender between 14 - 18 years old usually transferred by the Prosecution to the Child Welfare Boards;
- Capital punishment abolished 1902;
- Capital punishment under military code abolished 1979;

- maximum sentence set; minimums set for certain offences;
- statute of limitations applicable for all crimes (range 1 - 25 years);
- judge must set maximum on preventive detention sentence (usually 5 years).

E) Sanctions

i) fines

- no maximum or minimum defined in statutes;
- based on gravity of offence and offenders ability to pay;
- imprisonment for non-payment (1 day - 3 months).

ii) suspended sentence

- similar to probation;
- conditions stipulated by judge;
- with/without supervision;
- sometimes imposed with a fine.

iii) loss of rights

- judge may impose residence restrictions; forbid offender to hold public office; serve in armed forces; etc.

iv) imprisonment

- terms range from 21 days to 15 years; up to 20 years for multiple offences or life.

v) special measures

- preventive detention used for dangerous and/or mentally ill offender; and certain specified crimes (in practice obsolete);
- security measures - (1) release on supervision to police/residence restrictions;
- (2) release to private care;
- (3) committal to psychiatric hospital;
- (4) committal to detention in prison;
- Prosecution and Courts decide if security measures to be implemented; courts set maximum sentence length;
- Ministry of Justice can change security measure order, within the limits fixed by the Court.

vi) youth imprisonment

- abolished by Act of Parliament 1975; sanctions for young offenders now include fines, prison sentence or suspended sentence; applicable for offenders aged 14-21.

F) Trends

- increase in number of recorded juvenile crime;
- increase in crime rate; (although crime rate low, comparatively speaking);
- increase in number of persons convicted;
- increased use of prisons for young persons due to lack of Child Welfare institutions for this group;
- very low murder rate;
- moderation of harsh prison terms.

II CORRECTIONAL SYSTEM

A) Philosophy

- declining belief in rehabilitation and individual prevention as purposes of imprisonment;
- return to Scandanavian neo-classicalism - imprisonment is seen as punishment; emphasis on symbolic affects not severity in punishment.
- re-adjustment to society seen as priority.

B) Policy

- separation of young/adult offenders;
- resocialization emphasized;
- firm and considerate treatment of prisoners.

C) Administration

- Prison Service Administration part of the Ministry of Justice;
- PSA responsible for institutions and aftercare;
- prison service divided into four districts.

D) Conditions

- open/closed institutions, refers to differences in security and prison regime;
- security relatively tight at closed institutions;
- 3 open institutions;
- one prison for women;
- youth prison separate; for offenders 14 - 21, was rehabilitative-oriented; sanction abolished (1975);
- local institutions - archaic in physical structure;
 - limited capacity;
 - overcrowding;
- bed capacity ranges from 17 - 448; 20 - 100 for colonies;
- total institutional capacity 2,187 (1975).

E) Operations

i) local prisons

- used for remand and short term prisoners;
- small; limited space;
- few training/treatment programs operative.

ii) open institutions

- a) prison colonies - used for low risk offenders and gradual release purposes from closed prisons;
- b) forestry camp - capacity for 60 inmates.

iii) closed institutions

- used for long sentences;
- usually have open auxiliary institutions.

iv) special institutions

- used for preventive detention inmates and long-term prisoners (i.e. one to six years);
- more treatment/security oriented.

Operations - General

- weekly visits;
- censorship;
- extensive leave system - special short leaves - welfare leaves for community contacts - eligibility after six months or one-third of sentence;
- institutional programs focus on work, training and treatment;
- payment for work;
- work usually assembly line/mechanical production;
- treatment programs encompass social, medical and psychiatric therapies.

i) discipline

- Institutional Board - composed of institutional staff, responsible for discipline, treatment appropriations, transfers and parole decisions;
- discipline measures - solitary confinement for one month, beyond and up to one year is a Prison Administration decision - exclusion from work for 14 days - cancellation of pay;
- Prison Administration may extend length of sentence up to one month;
- Board of Supervisors - community representation - function to advise on prison administration and treatment.

ii) parole

- inmates eligible after serving two-thirds of sentences, remand time counted as part of sentence. Under exceptional circumstances parole can be awarded after serving one half of the sentence;
- applies to sentences greater than four months;
- lifers eligible for parole after serving twelve years;
- preventive detainees if paroled, supervised for five years;
- supervision given to Rehabilitative Societies (private organizations government funded);
- pre-release semi-liberty schemes operative where possible - work in community days, returning to institution at night.

iii) inmate profile

- average inmate is a young single male from a working class background, convicted of theft.

iv) inmate rights

- to date there are no effective "due process" routes available to inmates. Ombudsmen operations not fully utilized.

F) Evaluation Research

- Research conducted within Scandanavian Research Studies - focus on special treatment methods for offenders.

G) Trends

- increase in recidivism rate;
- lowest rate of imprisonment of all Nordic countries.

III CONCLUSION ON SYSTEM'S OPERATION

Social defense is seen as the main aim of the criminal justice system. This goal is achieved, theoretically, through general deterrence (including attitude shaping), and resocialization of the offender while under control of the correctional system. Limited recidivism statistics indicate a 34.3% reconviction rate within a 3 year period.

The Norwegian system shares many similarities with other Nordic countries, i.e. broad police/prosecutorial discretionary powers; centralized bureaucracy, comprehensive network of institutions, etc. The emphasis on rehabilitation juxtaposed with deterrence can be seen in the treatment programs for offenders. Social, psychiatric and psychological therapies play a large role in inmate programs, knowledge of their impact is not available.

A current problem in Norway focuses on youth offenders. With the abolition of youth imprisonment, a Borstal system protégé, the number of young offenders incarcerated in traditional prisons has increased due to the hesitancy of Child Welfare Authorities, who can intervene up to age eighteen, to provide institutions for persistent young recidivists. Thus the prosecution and the courts feel inclined to pass sentences of imprisonment.

As in other Nordic nations, Norway has a penal reform movement (KROM), which have been and can be influential in penal policy.

IV APPENDICES

A) Statistics

PERSONS SENTENCED, FINED, OR SUBJECT TO WAIVED
OR SUSPENDED PROCEEDINGS

1964	1965	1966	1967	1968	1969	1970
7,267	7,112	7,739	8,130	8,434	9,113	9,347

PERSONS IMPRISONED IN PENAL INSTITUTIONS - NEW PRISONERS

	1966	1967	1968	1969	1970
Custody	4,626	4,723	5,406	5,524	5,584
Fines (subsidiary imprisonment)	2,349	1,924	1,771	1,920	711
Prison, youth prison and military arrest	3,484	3,483	3,629	3,602	3,919
Hard labour (workhouse)	13	10	5	2	1
Security detention	<u>7</u>	<u>4</u>	<u>3</u>	<u>5</u>	<u>4</u>
	10,479	10,144	10,814	11,053	10,219

NEW PRISONERS BY AGE

	1966	1967	1968	1969	1970
14 to 17 years	358	427	455	601	739
18 to 20 "	895	958	1,041	999	1,347
21 to 24 "	1,569	1,625	1,873	2,020	2,302
25 to 29 "	1,245	1,253	1,450	1,503	1,545
30 to 39 "	2,090	1,886	2,106	2,143	1,893
40 to 49 "	2,138	2,106	2,082	2,020	1,381
50 to 59 "	1,464	1,276	1,267	1,286	783
60 " and over	<u>720</u>	<u>613</u>	<u>540</u>	<u>481</u>	<u>229</u>
Total	10,479	10,114	10,814	11,053	10,219

THE DAILY AVERAGE IN PENAL INSTITUTIONS

	1965	1966	1967	1968	1969	1970	1971
Men:	1,781	1,737	1,820	1,831	1,786	1,664	1,681
Women:	<u>48</u>	<u>43</u>	<u>43</u>	<u>42</u>	<u>36</u>	<u>28</u>	<u>31</u>
Total:	1,829	1,780	1,863	1,873	1,822	1,692	1,712

Source: Social Defence in Norway, 1977.

DISCHARGED PRISONERS BY INSTITUTION

	1966	1967	1968	1969	1970
Central prison for men	287	242	205	233	215
Central prison and work- house for women	248	264	227	304	218
Security measures insti- tution	97	60	90	105	90
Youth prison	45	58	83	83	88
Workhouse for men	260	268	283	246	376
Local prisons	<u>9,469</u>	<u>9,203</u>	<u>9,943</u>	<u>10,301</u>	<u>9,307</u>
Total	10,406	10,095	10,831	11,272	10,294

PERSONS WITH AND WITHOUT NEW CHARGES IN A 3 YEAR PERIOD

	1964	1965	1966	1967	1968	1969	1970
Within 1 year	1,506	1,619	1,699	1,842	2,119	2,449	2,706
Within 2 years	2,238	2,360	2,550	2,740	3,061	3,483	
Within 3 years	2,705	2,849	3,123	3,292	3,636		
No new charges	<u>6,567</u>	<u>6,187</u>	<u>6,345</u>	<u>7,113</u>	<u>6,967</u>		
Total	9,272	9,035	9,468	10,405	10,603	11,074	11,781

PERCENTAGE OF RECIDIVISM

	1964	1965	1966	1967	1968	1969	1970
Within 1 year	16.2	17.9	17.9	17.7	20.0	22.1	23.0
Within 2 years	24.1	26.1	26.9	26.3	28.9	31.5	
Within 3 years	29.2	31.5	33.0	31.6	34.3		
Without	70.8	68.5	67.0	68.4	65.7		

Source: Social Defence in Norway, 1977.

General Statistics (1977)

Population: 4 million

- 90% of criminal cases receive a prison sentence; 4 out of 5, the sentence is unconditional (excluding drunk drivers).
- two-thirds of persons receiving unconditional prison terms are drunk drivers (7,000).
- one-third to one-fourth of daily number of prisoners are pre-trial detainees.
- 3,500 annually sent to prison (excluding drunk drivers) (unconditional sentence).
- average daily prison population is 1,800 (1977).
- 1,000 young offenders sent to prison annually.
- average time served for life sentence - 11 1/2 years.
- average conditional prison sentence is 5 1/2 months, excluding drunk drivers.
- one-half of those imprisoned for traditional property crimes; less than 10% for crimes of violence.
- rate of imprisonment - 43/100,000.

B) External Factors

Political

- hereditary constitutional monarchy;
- politically stable;
- compulsory military service;
- population 4 million.

Economic

- rapid economic expansion, due to North Sea oil.

Social

- expensive health care system (i.e. free hospital and dental care);
- free education;
- compulsory schooling for ages 7 - 16;
- 100% literate;
- religiously and ethnically homogeneous;
- compulsory National Pension Scheme;
- large social welfare system.

Cultural/Historical

- invaded and occupied by the Nazis during World War II;
- belief in collective security within the NATO-system;
- tolerant (non-violent) people.

C) Organizational Chart

- Not Available

D) Reform Proposals

Reform Proposals:

Government Report - "On Criminal Policy" (1978)
Ministry of Justice. (Still Under Parliamentary Debate).

Recommendations:

1. General diminished utilization of imprisonment.
2. Reduction in minimum term of imprisonment from 21 to 7 days.
3. Abolish subsidiary imprisonment, due to unpaid fines.
4. Abolish internment and lifelong confinement.
5. Raise age of criminal responsibility from 14 to 15 years.
6. Reduction in use of imprisonment for certain traditional property offences.
7. Stricter punishments for modern forms of economic crimes. (i.e. Tax evasion).

E) Update

BIBLIOGRAPHY

- Andenaes, J., "Developments in Criminal Law and Penal Systems, Norway", Criminal Law Review 1977 (406-409).
- Bjornsen, B., "The Obstacles to Prison Reform in Norway", The Center Magazine, Jan./Feb. 1980, (25-32).
- Bondeson, U., "A Critical Survey of Correctional Treatment Studies in Scandinavia 1945-1974", Chapter V, Comparative Criminal Justice # 208 (251-333).
- Evensen, A., "Social Defence in Norway", U.S. Department of Justice, Washington D.C., (Film 1976).
- Mathiesen, T., "The Future of Control Systems - the Case of Norway", International Journal of the Sociology of Law 1980, 8 (149-164).
- "Scandinavian Studies in Criminology", Scandinavian University Books, Norway, 1971, Chapter 2.
- Snare, Annika, "Imprisonment in Norway", Paper presented at 1979 Annual Meeting of the American Society of Criminology, Philadelphia, Nov. 7-10, 1979.