

Summary and policy implications

In 1999 youth custody sanction was introduced in Sweden for young people between 15–17 years old (at the time of the crime) and who were convicted of such a serious crime that the penalty would otherwise be imprisonment (32 ch. 5 § BrB.). Youth custody sentences is served at state-administered special approved youth homes at the National Board of Institutional Care (NBIC). The recidivism rate of those sentenced to youth custody has previously been shown to be high and many of them can be assumed to have a long criminal career ahead of them. To initiate processes away from crime is therefore important, for the young people's future lives, potential future crime victims and to reduce the extensive costs society faces if this fails. Those sentenced to youth custody, YC (Law 1998:603) have, in most respects, very similar problems to the youths whom the social welfare board places in special approved youth homes via the LVU legislation (Law (1990:52) with special provisions on care of young people). This means that already at a young age, in addition to their own problematic behavior, the group has also lived a life characterized by, for example, various problems in the family, school failures and mental illness. In light of the problems their lives were often marked by before the sentence, and the fact that they are still children when they are sentenced to youth custody, society's responsibility for assisting these young people to a better life can be considered significant.

It has proven to be difficult to achieve positive results through secure institutional care and deprivation of liberty entails several negative consequences, not least for such a young group as those sentenced to youth custody. The damage that imprisonment can mean for children was also one of several reasons why youth custody was introduced. An important step in reducing damage from lock-up is to carry out pre-release activities and that the convicted get the

support they need after the punishment. In this work, social services are a central actor around the youths.

Against this background, the purpose of the study has been to follow up those convicted in re-offending and to look at changes over time, as well as which factors that are associated with higher and lower recidivism. Given the significance of pre-release activities and aftercare, and that we know very little about how this works for sentenced to youth custody, the purpose is also to investigate pre-release activities and planned support in the near future after a served sentence to youth custody. The purpose is also to map what support the youths need. This is done through a follow-up of the young people who started serving a sentence to youth custody between the years 1999–2017, as well as through interviews with staff at NBIC.

The study shows, in accordance with previous studies, that the convicted as a group have extensive problems behind them. In addition to the need for interventions related to their criminality, they often have a problematic schooling behind them and many also have a great need for help with mental health and drug use. Close to half of them have already been subject to placement in a special approved youth home through compulsory care (3 § LVU) even before the verdict. However, the need for help seems to have decreased over time, although such a conclusion should be drawn with some caution. A high proportion of those convicted have previously been prosecuted for crimes, but the proportion with previous convictions has decreased slightly over time. In summary, it is therefore a group with severe problems that has been sentenced to youth custody, which leads to a high risk of recidivism as well as the need for extensive support for the group during and after the sentence. The rate of recidivism is also high, and within two years after release, approximately one third have reoffended in a crime leading to a new custodial sentence. But contrary to what it is easy to believe, the group's recidivism has decreased over time. Although it is not possible to make a direct comparison with the recidivism reported by the Prison and Probation Service, the percentage of recidivism seems to be at similar levels to the younger ones sentenced to an imprisonment, and the trend of reduced recidivism is also found among these clients. However, given the extensive problems the group has already before they are sentenced to youth custody, it is worth noting that more than half of the sentenced do

not re-offend at all or in less serious crimes than the one they were sentenced to youth custody for.

Despite extended legislation to bring about increased pre-release activities the trend seems rather to be that pre-release activities have in some respects decreased over time, for example fewer are discharged from an open ward at the end of the investigated period. This can be related to several factors, including if the group has changed and, for example, become more prone to abscond or is more often exposed to threats. According to the interviews with staff, this seems to be related to an increased pressure on security issues and linked to some serious absconding's by a small number of the youths sentenced to youth custody. A greater focus on the length of the sentence, and thereby fewer individual assessments, has also contributed to this development according to the staff. On the other hand, it does not correlate with increased re-offending among the YC convicts, or more severe previous criminality or problems within the group, since these factors, on the contrary, decreased over time.

With the development towards fewer individual assessments and more focus on safety, even the youths with a lower risk of recidivism have had worsened pre-release activities. This is because the methods have been adapted to the smaller group with higher risks.² The pre-release work at NBIC is also made more difficult by the fact that some institutions do not have the whole pre-release chain at the same institution. Since being discharged from an open ward is associated with lower recidivism, this development is problematic. Girls also remain in locked (lockable) wards throughout the execution, despite less recidivism and lower risk factors associated with recidivism. Based on these results, it is important to emphasize that in order for the convicts to be able to take part in pre-release activities in more open forms that are important for reducing recidivism, various risks must be *managed* rather than completely *avoided*. Something both the NBIC's management and the political governance should keep in mind.

Children and youths are individual rights bearers, which also applies to those sentenced to youth custody. Children who have been convicted of crimes must, as individuals, be assisted in re-

² When assessing the risk of absconding, standardized risk and need assessments are used. The interviews with staff clearly show that, even if the group sentenced to youth custody is a high-risk group more generally, there are still differences in the risk of, for example, absconding or jailbreaking between the sentenced.

adapting to society (according to e.g. the Convention on the Rights of the Child, Article 40). From this perspective, it is therefore problematic if some youths have to pay the price because other convicts have misbehaved. It also makes it even more problematic that girls in some respects have less opportunities to pre-release activities than boys.

Given the design of the study, causal conclusions cannot be made about factors related to re-offending. However, it is possible to show which factors, given control for other variables, that implies an over or under risk of recidivism. The factors that correlate positively with the risk of recidivism are in agreement with previous research, and include, for example, previous criminality and previously been placed in a special approved youth home through LVU. Both factors are related to more serious problems and can be expected to have an impact on the risk of re-offending. Factors that indicate that there have been problems during the time in the institution, that the convict absconded or was isolated, are also related to a higher risk of re-offending. Being released from an open ward is, as already mentioned, correlated with a lower risk of re-offending. The crime you are convicted of, on the other hand, has little significance for the risk of recidivism. Only sexual crimes have significance and then in the direction that those convicted of sexual crimes re-offend to a lesser extent. Even when controlling for other factors of importance for re-offending, recidivism is *lower* at the end of the period. The decline is therefore not due to a change in the composition of the group in the factors examined here.

After the served time, above all three clear needs of the young people can be distinguished: to have something to do in everyday life (school or work), to have a contact person and that many of them would need to move to another place after release. Cooperation with social services is central in making this happen. The interviews show, however, that there are still shortcomings in the social services' work with this group, although according to the staff it seems to have improved after changes in the legislation and clarification of the social services' role. There is thus reason to further strengthen the social service's responsibility, and its *knowledge* of its responsibility, for the youths serving youth custody. Contact with the social service, as well as other parts of the pre-release activities, also seems to be made more difficult in several ways in cases where the convict

turns 18 during the time served. As it happens quite often during the penalty, it is important that the problems that arise in this regard are resolved.

In conjunction with the completion of this report, the report of an ongoing review of custodial sentences for young people was submitted (SOU 2023:44). In short, the inquiry's proposal means that youth custody will be abolished and that these children should instead be sentenced to prison. The proposal also means that a new prison law for young people will be established. Some elements of this, for those who are under 18 at the time of the enforcement of the penalty, are that a special coordinator who follows the child must be appointed and that the social welfare committee in the home municipality is responsible for appointing a special case manager for the child. Parts of the proposals given in the inquiry thus aim to strengthen support for the young, but mainly only for those under 18 years of age during the entire enforcement of the penalty.

The proposal presented in SOU 2023:44 can be interpreted as, to an even greater extent, allowing the entire group of incarcerated children to be affected based on issues that only concern a part of the group, since one motive for the proposal is security issues related to parts of the group (although other motives are also put forward, such as expectations of extended sentences). The proposal also changes the conditions for those who turn 18 during implementation in several ways.

Policy implications

Against the background of the study's results, a number of implications for the continued work can be discerned, and they aim at both NBIC and social services' areas of responsibility. For example, it is important not to interrupt or complicate the chain of care that must occur during and after the incarceration. It is equally important that pre-release activities and support after the sentence, to the greatest extent possible, take place to the degree that the convicts need. To achieve this, the following measures should be considered:

- As pre-release activities in form of releasing from an open ward becomes more difficult if it requires a change to another

institution in order for all stages of the process to be carried out, all institutions with placements for youth custody should have the entire chain of wards that are needed, thus also pre-release wards. Possibly, the security institutions created within NBIC, Johannisberg and Tysslinge, should be exempted from this. But in these institutions the ambition that the youths should be placed there for a short time as possible, and that they should not stay at a security institution during the entire sentence, should be fulfilled.

- During the entire studied period, girls were hardly ever discharged from an open ward, something that cannot be explained by, for example, a higher risk of re-offending. Against the background of equal treatment between the genders, it is of great importance that NBIC works to ensure that also girls sentenced to youth custody are given the opportunity to stay in an open ward at the end of the punishment.
- It is important that well-executed and timely planned after-care interventions are offered, and social services are central to this work. Since the social service's responsibility for planning and implementing aftercare efforts still seems to have shortcomings, this work needs to be strengthened. One part of this may be that YC convicts are also subject to the requirement that there must be a social secretary specially appointed by the social welfare committee who is responsible for contacts with the child or youth, as well as for care outside the home (6 ch. 7 § Social Services Act). Previous research has shown that when several actors are involved, it can make the coordination of care more difficult. Also, from that aspect, it could be an advantage to have a specially appointed social worker who follows the young person through the entire process. Another solution is to consider a coherent pre-release process (during and after the punishment) on a higher organizational level than the municipalities. Of course, such an organization must involve both NBIC and the social service in the municipalities concerned. The short time between release and recidivism reinforces the results of the interview study that it is

important that aftercare is in place in good time and takes over immediately.

- The group of convicts who come of age during the time served is described as encountering special problems related to the aftercare, above all in relation to social services but also in regard to school. It is therefore important to ensure that organizational issues within social services related to the age 18 do not result in further problems in the aftercare of the convicted. The fact that the effect of aftercare in research has been shown to be greater for the elderly youths underlines the importance of getting good aftercare for these convicts as well. There is thus something paradoxical in that interest in preventive measures seems to wane when the young person reaches adulthood. In cases where the young person turns 18 during the punishment, it would also be important that a (possibly) specially appointed social worker may continue to accompany the convicted person. If in the future these will be transferred to the Prison and Probation Service in connection with their 18th birthday, these problems risk to be further aggravated, which should be considered in the preparation of any such reform.
- NBIC should also consider making greater use of electronic monitoring to enable more institutional openness for young people at high risk and to increase the possibilities for institutional leaves in cases where this cannot be achieved otherwise (for security reasons). At the moment, care outside specially approved youth institutions in the final stage of enforcement seems to, in principle, never happen which should be considered when it is both possible and appropriate.
- A danger with too much focus on absconding's and the small group of convicts with a very high risk is that security is prioritized at the expense of treatment. Failure to manage the risks that exist, rather than not taking any risks (at all), reduces the potential for crime prevention from more open forms and pre-release activities. In that case, this risks to contribute to higher recidivism. It is therefore important not to let the small group with a higher risk influence the other youths sentenced to youth custody. This is particularly

important in periods when the voices for tougher punishments and for increased security are particularly pronounced. An ability to balance security and treatment is required, even in critical situations. The results indicate that the focus today is on security, at the expense of convicts who do not have such a risk of absconding and re-offending that they cannot stay in more open forms.

- The majority of the convicted are sent to the parental home after the release. Many of them, however, would benefit from moving to another place after release to strengthen their chances to not re-offend. This is often difficult to implement and requires cooperation across municipal borders, but also that resources are added for such solutions. An organization where this issue was handled at a higher level than the municipalities could strengthen this work.
- Finally, the convicts have major shortcomings in their previous schooling, which means that an important need for them is to get help with school-related issues. While serving their time at a special approved youth institution, schooling is an important element and should remain so. At NBIC, synergy effects arise in this respect because the school is also an important part of LVU placements and thus exists within the framework of the work with all placements at the institutions. If these youths are to be transferred to the Correctional Service in the future, it is of great importance that this does not negatively affect their opportunity to go to school.

This study did not include a cost-benefit analysis. Investing in well-implemented resources for this group of young people can be costly as their need for support is extensive. But, according to research on pre-release activities and aftercare, this is often well invested money as the costs to society, when support fails, are extensive. Nor has this study had the possibility to interview the convicted youths or the social services. As the social services are such an important actor, and research on how they manage support for those sentenced to youth custody is lacking, there would be great value in a study of this in the future. The same applies to school activities for YC

convicts and support during and after the placement at a special approved youth institution related to school matters.

Finally, some concluding remarks regarding the proposal presented for the introduction of youth prison in relation to the policy implications of this study.

- How pre-release activities and the chain of care required for pre-release will be affected by the proposal is difficult to say, but it is possible that the access to the Probation Service's already present routines regarding parole is an advantage. At the same time, it should be noted that parole also means increased repression, since it means a longer sentence, but the extended time is to be on conditional release.
- The situation of girls is particularly addressed in the proposal. The investigation's main proposal could possibly lead to more equal conditions in terms of parole and pre-release activities for girls compared to boys. At the same time, the proposal means that they likely will serve the sentence with adults, the proposal instead means an increased difference between girls and boys, albeit differently. However, it is difficult to see that Sis would not be able to cope with better pre-release activities, above all through the possibility of staying in an open ward during the end of the enforcement, for the few girls this applies to.
- The new prison law for young people, if it is introduced, will only apply in exceptional cases to those who are (or will be) 18 years of age during the sentence. This means that a large proportion of the group will simply be treated as adults during all or part of their imprisonment, despite the fact that they were children when they committed the crime for which they were convicted. This means large differences for this group of young people compared to today. A minimum requirement, based on the results of this study, would be that the proposals regarding the specially appointed social worker and the coordinator to be appointed for the young person are not affected by whether the child turns 18 before or during the imprisonment.

- If these young people are to be transferred to the Correctional Service in the future, it is of great importance that this does not negatively affect their opportunity to go to school. It should be noted that Sis has worked on these issues for a very long time. The Correctional Service can certainly benefit to some extent from Sis' experiences, but it will not be an easy task to organize a school to the same extent as at Sis. As in several other issues, the proposal means that those who reach the age of 18 before or during the sentence risk receiving reduced support.
- The proposal given to transfer these young people to the Correctional Service would involve higher costs, at least during the build-up phase. If it were possible to, on good grounds, assume that recidivism would be lower as a result of this reform, it would have been money well invested. But no such conclusions can be drawn. One should therefore ask whether it would be better from a socio-economic point of view to instead develop existing operations at Sis, probably at a lower cost.