



Scandinavian Research Council for Criminology
Nordisk Samarbejdsråd for Kriminologi

NSfK's 59. Research Seminar

9. - 11. May 2017, Örenäs Slott, Sweden

Report including most of the papers that were presented during the NSfK Research Seminar 2017 (Örenäs Slott, Sweden, 9.-11.5.2017)

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Table of Contents

Foreword	4
Program for NSfK's 59th Research Seminar	6
PRESENTATIONS IN PLENARY	
<i>Vanessa Barker</i> : Policing Migration, Policing Membership.....	11
<i>Torbjørn Skardhamar</i> : Innvandrere og kriminalitet – en litteraturgjennomgang.....	13
<i>Britta Kyvsgaard</i> : Knowledge on Crime Among Immigrants and Their Descendants in Denmark	32
<i>Eyrún Eyþórsdóttir</i> : Policing hate crime in collaboration with civil society.....	36
PRESENTATIONS IN PARALLEL SESSIONS	
<i>Torsten Kolind</i> : A brief introduction to the project: 'Perceptions of procedural justice among ethnic minority youth in Denmark, Norway, Finland, and Sweden'	40
<i>Elsa Saarikkomäki</i> : Perceptions of trust in policing among ethnic minority youth in Finland.....	41
<i>Veronika Burcar Alm and David Wästerfors</i> : Comparisons and identifications as routes to police skepticism among ethnic minority youth in Sweden	51
<i>Randi Solhjell</i> : Policing at high schools: Experiences among ethnic minority youth.....	60
<i>Mie Birk Haller</i> : Tales of violence: Narratives of police misconduct among ethnic minority youth in Denmark.....	67
<i>Simon Wallengren</i> : Multiple motives for victimization: Social vulnerable EU-citizens exposure to (hate) crime in public space	68
<i>Kerstin Adolfsson</i> : Professionals' perception of meeting rape victims and handling cases of rape	75
<i>Marie Skov and Sarah van Mastrigt</i> : Hvad forudsiger anmeldelse af voldtægt?	79
<i>Maija Helminen</i> : Victim support organisations and the increasing responsibility of the state in supporting crime victims in Finland and Norway.....	89
<i>Aura Kostainen</i> : Criminal code as a means of (social) policy	95
<i>Peter Scharff Smith</i> : Punishing the Innocent? Pre-trial detention in Scandinavia	106
<i>Riikka Kotanen</i> : Making parent to child violence visible in Finland	114
<i>Martin Söderberg</i> : Unaccompanied migrant children – Defining characteristics and national reception system design revisited	121
<i>Erlend Paasche</i> : Exploring Nigerian perspectives on European Migration Management.....	128
<i>Özlem Gürakar Skribeland</i> : The Legality of Forced Return of Migrants to Transit Countries	132
<i>Christian Klement</i> : Crime among Outlaw Bikers in Denmark.....	136
<i>Snorri Arnason</i> : The migration of money: Iceland and the Panama papers	139
<i>Joakim Sturup</i> : Skjutningar och handgranater i svenska storstäder 2011–2016: Tid, plats och nära-återkommande mönster	142

<i>Anette Storgaard and Annemette Nyborg Lauritsen: Når fængslet ligger langt fra hjemmet – fokus på nordiske Ø-samfund og frihedsberøvelse</i>	145
<i>Agneta Mallén: Åland – skandinavisk exceptionalism eller skärgårdens särdrag? En analys av kriminaliteten på "Fredens öar"</i>	148
<i>Helgi Gunnlaugsson: Criminal Justice in Iceland: A Case of Scandinavian Exceptionalism?</i>	154
<i>Robert Andersson: TERRORISMKONTROL –EN LÖSDRIVERLAGSTIFITNING FÖR 2020?</i>	166
<i>Amir Rostami: The Swedish Mujahideens An exploratory study of 41 Swedish foreign terrorist fighters deceased in Iraq and Syria</i>	174
<i>Eva Magdalena Stambol: Europe's Security? The EU's export of crime control</i>	179
<i>Susanne Clausen: Indførelsen af RNR i Kriminalforsorgen i Danmark</i>	188
<i>Linda Kjaer Minke: Law students behind bars</i>	196
<i>My Lilja: Former prisoners' narratives about employment and unemployment</i>	199
<i>Annette Olesen: POST-PRISON LEGAL DEBT COUNSELLING IN DENMARK AND NORWAY</i>	202
<i>Paul Larsson: Reguleringen av illegal ulvejakt i Norge</i>	206
<i>Silje Anderdal Bakken and Rasmus Munksgaard: Risk perception in emerging markets for illicit substances in Scandinavia - The effect of available information through online communities</i>	212
<i>Heidi Mork Lomell: Politiet og Kriminalstatistikken</i>	220
<i>Carlo Pinneti: The Cultural and Conflict in Criminology: Thorsten Sellin and Jock Young in conversation</i> ...	235
<i>Adam Diderichen: Sted, værdi og social eksklusion - Om politi som værdiproduktion</i>	241
<i>Peter Kruize: Omrejsende kriminelle i Danmark</i>	251
<i>Lauren Knoth: Driving Under the Influence and Recidivism Risk: A Development and Validation of DWI Risk Assessment Instruments in Finland</i>	259
<i>Noora Lähteenmäki: Decarceration or net-widening? Electronic monitoring in the Nordic penal systems</i>	269
<i>Henrik Elonheimo and Tuuli Salmela: Restorative approaches to community conflicts with an ethnic twist: An agenda for research and integration</i>	282
<i>Lena Roxell: Sociala insatsgrupper för unga vuxna i Tensta och Rinkeby</i>	292
<i>Polina Smiragina: Fear and Choice within the Framework of Exploitation Research</i>	303
<i>Minna Viuhko: Happily ever after? From sham marriages to human trafficking</i>	313
<i>Natalia Ollus: Trafficking in human beings as corporate crime</i>	318
<i>Hanna Malik: The Formation of Labour Exploitation - Experiences and Observations of Polish Workers in Finland, Norway, and Sweden – Introduction to the research project</i>	325
<i>Päivi Honkatukia: Other or ordinary violence?</i>	332
<i>Jónas Orri Jónasson, Rannveig Þórisdóttir and Sædís Jana Jónsdóttir:</i>	
Trust in the Police and Legitimacy: Does Ethnicity Matter?	335
Immigration and crime: The story of Iceland for the past 19 years	342
List of participants	352

Foreword

The Scandinavian Research Council for Criminology (NSfK) convened its 59th research seminar in the beautiful surroundings of Örenäs Slott in Skåne, Sweden from the 9th through the 11th of May 2017. The main theme of the seminar was “*Migration and Criminology*”. The concept behind the title lies in the phenomena that migration has become a central social issue in all Nordic countries. The key question is how can current Nordic criminology contribute to this discussion.

The seminar began with two excellent plenary presentations. From the outset, the audience was given the honor of hearing distinguished guest Mr Anders Ygeman, the Minister for Home affairs in Sweden, address the current state of migration issues within the country and how criminological research can contribute to finding solutions in decreasing crimes committed by foreign-born populations. This would, in turn, reduce concerns raised by the Swedish population related to migrant related crimes. Mr. Ygeman strongly defended the path Sweden has taken regarding the combination of the Nordic Welfare Model and a responsible immigration policy. In his opinion, the Swedish approach could serve as a model for a common EU immigration policy. The Minister chose to address desistance as the most topical criminological issue linked to immigration. He shared the viewpoint that more research is needed to determine which elements are necessary to support the process of leaving a life of violence and crime. Important to also note would be to study how to counteract the reality that migrants often lack the same paths to education and labor markets as compared to the majority population.

Minister Ygeman’s speech was followed by a talk given by Katja Franko Aas (NO). The focus of Ms. Franco’s presentation reflected on the transformation that Nordic criminal justice systems are undergoing across the Nordic countries. This is related to unwanted mobility, that is, resistance to incoming migrant populations. This has led to progressively stringent development of the Nordic criminal justice systems -a change that goes against the humane approach Nordic countries have taken to solve crime problems.

The seminar interacted between plenary sessions related to the conference’s main theme as well as parallel sessions with different topics. The parallel sessions included over 50 highly informative presentations. It is worthy to note that discussions within the workshops were vivid and with high intellectual content.

The participants were requested to provide written feedback after the workshops. The response was highly positive and the participants appreciated the high standards of keynote speakers and workshops. The seminar’s nature to being a platform for both new and more experienced researchers was highly valued and gives extraordinary possibilities for collaboration across the Nordic region. A request for roundtable discussions or other more interactive alternatives was expressed. The keynote speakers were said to represent “a similar school of thought”. This is a

valuable observation which will be taken into account when the planning of the next NSfK research seminar in Helsinki in May 2018 will take place.

Most of the presentations of the seminar are published in this report. NSfK does not hold property rights to the presentations. Results of the papers can also be published elsewhere.

Finally, I would like to express my greatest gratitude to NSfK's executive secretary Laura Mynttinen and Swedish board members Felipe Estrada, Marie-Torstensson-Levander, Erik Wennerström and Contact Secretary David Sausdal for the remarkable and well-done organization of the seminar. Several respondents to the feedback formula praised the supportive atmosphere of the seminar. Indeed, this is something all the participants should be thanked for!

Aarne Kinnunen
Helsinki, September 2017
Chairman

Program for NSfK's 59th Research Seminar

Örenäs Slott, Skåne

May 9-11, 2017

Tuesday May 9

09.00 – 12.00 Arrival at Örenäs Slott and check-in.

12.00 – 13.00 Lunch

Plenum 1

Opening plenary on migration and criminology

13.05 – 13.15 Welcome – Aarne Kinnunen (FI), Chairman NSfK
13.15 – 13.45 Anders Ygeman (SWE), Minister for Home Affairs
13.50 – 14.45 Katja Franko Aas (NO), Professor of Criminology

Moderator: Aarne Kinnunen, (FI) Chairman NSfK

15.00 – 15.25 Coffee break

15.30 – 16.55 **Parallel session (1)**

1a) Minority perspectives on policing

Torsten Kolind (DK): A brief introduction to the project: 'Perceptions of procedural justice among ethnic minority youth in Denmark, Finland'

Elsa Saarikkomäki (FI): Perceptions of trust in policing among ethnic minority youth in Finland

Veronika Burcar (SWE): Comparisons and identifications as routes to police scepticism among ethnic minority youth in Sweden

Randi Solhjell (NO): Policing at high schools: Experiences among ethnic minority youth

Mie Birk Haller (DK): Tales of violence: Narratives of police misconduct among ethnic minority youth in Denmark

1b) Hate crime, rape and victimisation

Simon Wallengren (SWE): Multiple motives for victimization: Social vulnerable EU-citizens exposure to (hate) crime in public space

Kerstin Adolfsson (SWE): Professionals' perception of meeting rape victims and handling cases of rape

Sarah van Mastrigt (DK): What predicts reporting of rape? An examination of Danish rape victims' characteristics, attitudes, and reporting behavior

Maija Helminen (FI): Victim support organisations and the increasing responsibility of the state in supporting crime victims in Finland and Norway

1c) Crime control, punishment and ideas about innocence

Aura Kostainen (FI): "Social control and crime policy. Social problems and social change in the total reform of the Finnish Criminal Code from the 1960s to the millennium."

Peter Scharff Smith (NO/DK): Punishing the Innocent? Pre-trial detention in Scandinavia

Riikka Kotanen (FI): Making parent to child violence visible in Finland

17.05 – 18.10

Parallel session (2)

2a) Policies and perceptions of migration

Martin Söderberg (SWE): Conflicting perspectives on unaccompanied migrant children: A systematic literature review

Erlend Paasche (NO): Transnationalism from above and below: Migration management and how migrants manage

Özlem Gürakar Skribeland (NO): Legality of Forced Return of Migrants to Transit Countries

2b) Varieties of organised crime

Christian Klement (DK): Crime among Outlaw Bikers in Denmark

Snorri Arnason (IS): The migration of money: Iceland and the Panama papers

Joakim Sturup (SWE): Skjutningar och handgranatsanvändning i svenska storstäder under 2011 till 2016: förekomst, utveckling och nära-återkommande mönster

2c) Crime and punishment on Nordic islands societies.

Anette Storgaard & Annemette Nyborg Lauritsen: Kriminalitet, frihedsberøvelse og kontrol i nordiske ø-samfund

Agneta Mallén: Åland – skandinavisk exceptionalism eller skärgårdens särdrag? En analys av kriminaliteten på "Fredens öar"

Helgi Gunnlaugsson: Crime Control in Iceland: Scandinavian Exceptionalism or More of the Same?

18.10 – 19.30

Free time

19.30

Dinner

Wednesday May 10

07.00 – 09.00

Breakfast

09.00 – 10.05

Parallel session (3)

3a) Migration, terrorism and security

Robert Andersson (SWE): Governing terrorism – a vagrancy policy for 2020?

Amir Rostami (SWE): The Swedish “Mujahideen”: An exploratory study of 41 Swedish foreign terrorist fighters killed in Iraq and Syria

Eva Magdalena Stambol (DK/NO): Europas sikkerhet? EUs eksport av kriminalitetskontroll til tredje land

3b) In prison/in school

Dorte Bentsen (DK): Uddannelsesafdelinger på fængsler

Susanne Clausen (DK): Indførelsen af RNR i den danske kriminalforsorgen

Linda Kjaer Minke (DK): Teaching law school students and incarcerated people together behind bars

3c) Post-prison and financial security

Davor Vuleta (SWE): Ekonomisk trykghet

My Lilja (SWE): Former prisoners' narratives about employment and unemployment

Annette Olesen (DK): Post-prison legal debt counseling

10.10 – 10.30

Coffee Break

10.35 – 12.00

Parallel session (4)

4a) New areas of police work

Paul Larsson (NO): Kontrollen av illegal ulvejakt

Silje Anderdal Bakken (NO) & Rasmus Munksgaard (DK): The effect and meanings of police operations against drug trafficking in the cryptomarkets

Heidi Mork Lomell (NO): Politiet og Kriminalstatistikken

4b) Perspectives on crime and migration

Peter Kruize (DK): Foreign offenders in Denmark

Carlo Pinneti (SWE): "Cultural and Conflict in Criminology: Thorsten Sellin and Jock Young in conversation

Adam Diderichen (DK): Securitization, Place, and Worth

4c) Recidivism, restorative justice and monitoring

Lauren Knoth (FI): Driving Under the Influence and Recidivism in Finland

Noora Lähteenmäki (FI): Electronic monitoring in Finland

Henrik Elonheimo (FI): Restorative approaches to intercultural community conflicts

Lena Roxell (SWE): Sociala insatsgrupper i Tensta och Rinkeby för unga vuxna

12.00 – 13.00

Lunch

Plenum 2

Policing migration

13.15 – 13.40

Vanessa Barker (USA/SWE), Associate Professor of Sociology

13.40 – 13.55

Leandro Mulinari (SWE), PhD Fellow in Criminology

13.55 – 14.10

David Sausdal (DK/SWE), PhD Fellow in Criminology

14.10 – 14.25

Eyrún Eyþórsdóttir (IS), Detective Chief Inspector

14.25 – 14.45

Panel discussion

Moderator: Pål Meland (NO), Ministry of Justice, Police Department

15.00 – 15.30

Coffee break

15.35 – 17.00

Parallel session (5)

5a) Human trafficking & exploitation

Polina Smiragina (Swe/Aus): The Invisibility of Male Victims of Human Trafficking: Causes and Consequences

Minna Viuhko: Happily ever after? From sham marriages to human trafficking

Natalia Ollus: The exploitation of migrant workers as corporate crime

Hanna Malik: "The Formation of Labour Exploitation - Experiences and Observations of Polish Workers in Finland, Norway, and Sweden"

5b) Policing prejudice

Päivi Honkatukia (FI): Normal or other violence? Tracing racialisation in the police files on assaults against young people by their family members

Jonas Orri Jonasson (IS), Rannveig Þorisdóttir (IS) & Sædís Jana

Jónsdóttir (IS): Trust in the police; Does ethnicity matter?

Sædís Jana Jónsdóttir (IS), Rannveig Þorisdóttir (IS) & Jonas Jonasson (IS): Demographical change and crime in Iceland

17.00 – 19.00	Free time
19.00 – 19.30	Pre-dinner drink
19.30	Dinner and party

Thursday May 11

08.00 – 09.45	Breakfast
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Plenum 3

Researching migrants and crime in the Nordic countries– research questions, facts and ethical issues

10.00 – 10.25	Jerzy Sarnecki (SWE), Professor of Criminology
10.25 – 10.40	Britta Kyvsgaard (DK), Senior Consultant & Professor of Criminology
10.40 – 10.55	Torbjørn Skardhamar (NO), Associate Professor of Sociology
10.55 – 11.10	Lena Näre (FI), Assistant Professor of Sociology
11.10 – 11.30	Panel discussion
	Moderator: Erik Wennerström (SWE), Director-General, The Swedish National Council for Crime Prevention
11.45 – 12.00	Summing up and saying goodbye
12.00 – 13.00	Lunch
13.30	Departure by bus to Airport

PRESENTATIONS IN PLENARY

Policing Migration, Policing Membership

Vanessa Barker

The nation state, its form and function, is undergoing structural realignment. Caught in the cross currents of globalization that it helped to create, the state faces structural challenges from above and below, challenges to its sovereignty, moral authority, and to its very purpose (Fraser, 2008; Brown, 2010). From above, it faces challenges from supranational entities, particularly influential economic organizations, that try to impose global capitalist principles, markets, trade and finance onto domestic economies, which has concentrated wealth and increased inequality (Sassen, 2014; Piketty, 2014). From below, it faces challenges from grassroots movements that justify their claims with references to international law and human rights principles (Darian Smith, 2014). These pressures from above and below make national governing more difficult in a fast changing world with multiple sources of power and authority, especially when the domestic population is agitated and anxious by the very same currents, including mass mobility.

The stakes here are high. And the state responds in kind. Current mobility controls, particularly as they infused with penal power, seek to regulate, control and even block population flows. But they go much further than that. They go to the heart of governance. They seek to reconstitute the nation state, to reset the national frame of reference and reassert the state's dominion over it. By deploying its primal power, its material and symbolic violence invested in criminal justice (Cover, 1986), the state taps into unparalleled capacity to impose meaning on others, backed by the moral weight of censure and sanction (Duff, 2001; Zedner, 2016). The criminalization and penalization of migrants are effective precisely because they bring moral weight to this sorting process, separating the worthy from the wrongdoer. By bringing penal power to the border, the state intermixes old and new forms of power to carry out this structural realignment. In doing so, the state reaffirms its authority over the make up of the population, the members the demos, the people who constitute the social fabric, and thereby ensures its role in securing the social body.

The police play a critical structuring and communicative role in this new configuration. This merger between crime control and border control, what Juliet Stumpf's calls "crimmigration" (Stumpf, 2006) and Mary Bosworth and Katja Franko conceptualize as "bordered criminology" (Aas and Bosworth, 2013), relies on the tools, personnel, and symbolic power of criminal justice to carry out border control. The police have been tasked with border control inside the territorial border and at its external limits. At the territorial border, these ID checks are infringements upon free movement within the Schengen Area within the EU. At the city centre, these ID checks are infringements upon the free movement of citizens within their own polity. The police have been tasked with finding migrants who do not have a legal right to remain in the country. But in order to carry out these targeted goals, the police rely on expansive powers to stop, detain and remove people from the territory.

This policing of migration often hinges upon the policing of membership, who belongs and who does not belong in the polity. In the case of the Roma traveling from EU countries, the police have been called upon to enforce public order. In Sweden has not criminalized begging but it has taken extensive steps to police the mobile poor and remove them from the territory. Based on public order grounds, the police have been called upon to remove poorer EU citizens from illegal camps. Rather than provide shelter to “foreign beggars” the state has chosen to evict them (Barker, 2017). This case, in which I illustrate in more detail in *Nordic Vagabonds* shows how policing power is used to police membership.

What makes certain people more vulnerable to these kinds of policing powers? I argue in the presentation and in a forthcoming book, that those who are cut off from national narratives of belonging are more vulnerable to these kinds of tactics. So while Sweden has had a long history of migration, it maintains legal, political and institutional fissures that break people off from the national whole, making noncitizens and immigrants more vulnerable to criminalization than full members. I discussed Sweden’s population registries to illustrate how countries count the population, for example, has major structuring effects on social relations. The five degrees of foreignness in Sweden makes it more difficult to incorporate those with “foreign background” and forge a new national narrative.

In the end, I concluded with some of the broader implications of this merger between crime control and border control, particularly how it impacts noncitizens and marginalized social groups, and has negative consequences for democratic societies.

Innvandrere og kriminalitet – en litteraturgjennomgang¹

Torbjørn Skardhamar

Det er gjort en del analyser av innvandreres kriminalitet i Norge, men de varierer en del både når det gjelder utvalg, metoder, definisjoner og tidsperioder. I dette notatet gjennomgås den empirien som er publisert siden år 2000 med sikte på å klargjøre hva vi har rimelig sikker kunnskap om, hva som er usikkert og hvilken kunnskap som trengs. Resultatet av gjennomgangen viser at det er godt dokumentert at innvandrere er overrepresentert i kriminalstatistikken, men grunnene til dette er langt mer usikker av metodiske grunner. Kunnskapsgrunnlaget kunne imidlertid vært bedre.

1 Innledning

Når det gjelder innvandreres kriminalitet er det noen sentrale spørsmål det er viktig å få klarhet i. For det første gjelder det om hvorvidt innvandrere er overrepresentert i kriminalstatistikken eller ikke. Dernest er det et spørsmål om hva dette skyldes, herunder spørsmålet om hvorvidt det er rimelig å sammenligne befolkningsgruppene direkte når det er vesentlige forskjeller i blant annet aldersstruktur og sosiale forhold, og i hvilken grad man kan justere for slike forskjeller. Et annet tema er hvorvidt registrert kriminalitet gjenspeiler den virkelige kriminaliteten, og om andre datakilder gir samme inntrykk. Så er det også et spørsmål om substansielle grunner til forskjeller gitt at de består etter andre justeringer. Spørsmålet om overrepresentasjon er det enkleste å si noe om, mens de spørsmålene som følger er vanskeligere å si noe sikkert om.

1.1 Begrepsbruk

Definisjoner av hvem som regnes som en del av innvandrerbefolkningen er tilsvarende for kriminalstatistikken som for andre områder². Siden det her er mange av studiene som baserer seg på data fra SSB er det er i tilsvarende stor grad SSBs begrepsbruk som benyttes, men begrepsbruken har endret seg over tid og det er også varierende detaljgrad. (I det følgende vil det i stor grad benyttes de begrepene som benyttes i de analysene det refereres til selv om dette noen ganger ikke er vanlig begrepsbruk i dag). Det som er felles for alle analysene er at de forholder seg til eget og foreldres fødeland, og grupperer i henhold til dette. Innvandrere er strengt tatt kun de som har innvandret selv, men de som er norskfødte med to innvandrede foreldre gjerne omtales som etterkommere. Personer med én innvandret forelder og én norskfødt forelder grupperes typisk sammen med øvrige befolkning i disse studiene. I noen av studiene benyttes begreper som ikke-vestlige eller vestlige innvandrere, og dette viser til hvilken landbakgrunn de selv har og grupperes i hovedsak etter verdensdel og øst/vest i Europa. For etterkommere av to innvandrere grupperes det etter mors (eller evt. fars) landbakgrunn. Selv om begrepsbruken varierer er altså de underliggende

¹ Denne oversikten var opprinnelig skrevet som et notat for NOU 2017:2 «Integrasjon og tillit. Langsiktige konsekvenser av høy innvandring», publisert 1. februar 2017. Tilgjengelig på nett her: <https://www.regjeringen.no/no/dep/jd/org/styre-rad-og-utval/innstillinger/innstillinger-fra-utvalg/innstillinger-2017/utvalg-om-langsiktige-konsekvenser-av-hoy-innvandring/id2468501/> Notatet er lenket nederst på denne siden.

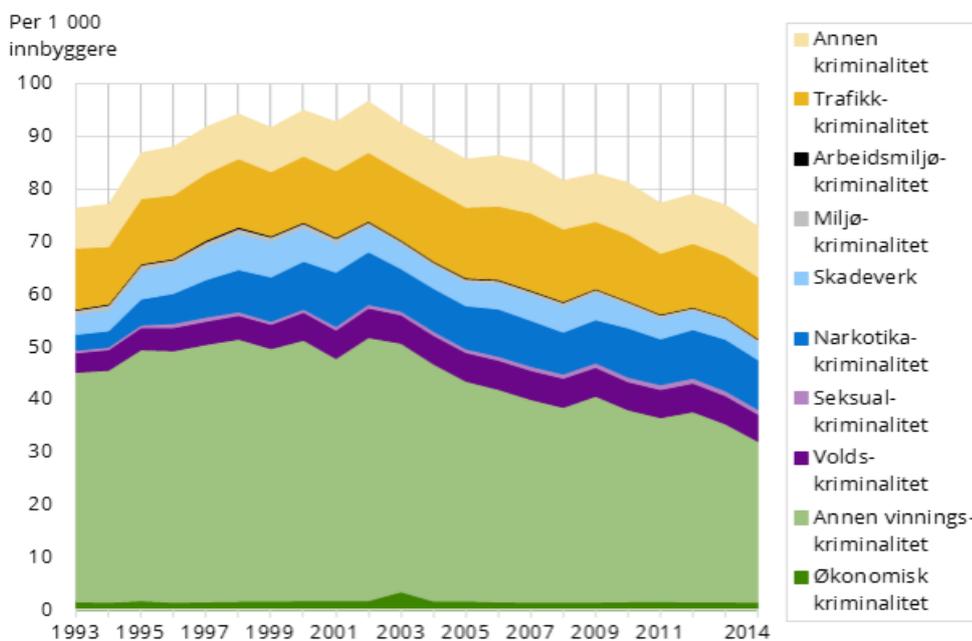
² Se f.eks. her: <https://www.ssb.no/innvandring-og-innvandrere/nokkeltall/innvandring-og-innvandrere>

kategoriene mer like over tid. De enkelte publikasjonene gjør imidlertid noen egne valg for gruppering av landbakgrunnen og gir ulik detaljgrad.

1.2 Kriminalitetsbildet

Figur 1 gir en oversikt over kriminalitetsutviklingen over fra 1993 til 2014 (som var siste publiserte årgang i skrivende stund) basert på anmeldte lovbrudd.³ Det var en økning i anmeldte lovbrudd frem til omtrent 2002, og siden den gang har det vært en reduksjon. Det er ikke lik nedgang i alle lovbruddsgrupper, og nedgangen drives primært av en stor nedgang i vinningskriminalitet, mens de andre store lovbruddsgruppene vold og narkotikakriminalitet og ligger stabilt i samme periode. Det er derimot større variasjon hvis man ser på mer spesifikke typer lovbrudd, og ikke alle viser en nedgang.⁴ Overordnet sett er vi likevel i en periode der kriminalitetsbildet er preget av nedgang eller stabilitet.

Figur 1. Lovbrudd anmeldt, etter lovbruddsgruppe



Statistisk sentralbyrå, statistikkbanktabell 08484

Statistikken over anmeldte lovbrudd inneholder ikke opplysninger om antall personer. Mange lovbrudd blir ikke oppklart (totalt sett 50% i 2014, men varier med lovbruddstype). Statistikk over ferdig etterforskede lovbrudd viser at det er omtrent 17 siktede per 1000 innbyggere, og 8 per 1000 ble siktet for en forbrytelse. Tilsvarende var det 7 personer per 1000 innbyggere som ble straffet for en forbrytelse (blant annet trafikkløvbudd er her holdt utenfor). Det var 3896 innsatte i norske fengsler ved årets begynnelse, og 11 834 nyinnsettelse i løpet av året.

På bakgrunn av denne statistikken over gjerningspersoner kan vi si noe om gjerningspersonenes egenskaper, som demografiske og sosiale kjennetegn, herunder innvandrerbakgrunn. Kriminalitet henger særlig sterkt sammen med alder og kjønn i den forstand at menn begår vesentlig mer

³ Kilde: <https://www.ssb.no/sosiale-forhold-og-kriminalitet/statistikker/lovbrudda> (publisert 15. april 2015).

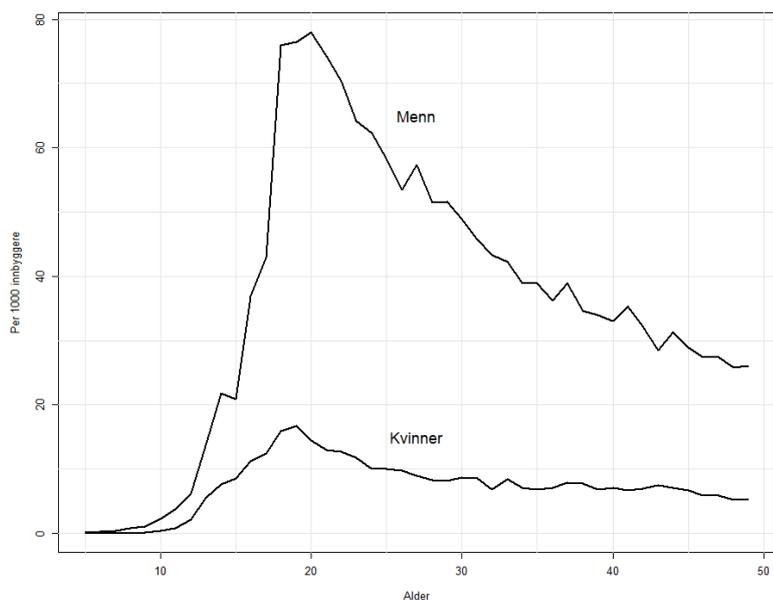
⁴ Se nærmere informasjon her: <https://www.ssb.no/sosiale-forhold-og-kriminalitet/statistikker/lovbrudda>

kriminalitet enn kvinner og det forekommer vesentlig oftere i sen ungdomstid og tidlig voksen alder.

Figur 2 viser alderskurvene for siktede personer per 1000 innbyggere slik det er definert i SSBs kriminalstatistikk, fordelt på menn og kvinner og ettårig alder. I alle aldre er kvinner i mindretall, slik at de registrerte lovbrysterne i all hovedsak er menn. For begge kjønn viser kurven en rask økning i ungdomstiden med en topp ved 20 år, for deretter å synke utover i voksen alder. En slik alderskurve finnes igjen i nær sagt alle land og kulturer, og det har derfor blitt hevdet at dette er et nært universelt mønster (Hirschi and Gottfredson 1983).

Av særlig relevans i denne sammenheng er at det følger at befolknings sammensetning er av vesentlig betydning for kriminalitet. Grupper av befolkningen med en høy andel unge menn vil rimeligvis kunne forventes å ha en høyere kriminalitetsrate enn en gruppe bestående av en høyere andel kvinner og/eller eldre personer. Innvandrerbefolkningen som helhet er både yngre og består av noe flere menn enn øvrige befolkning, men det varierer en del mellom ulike innvandrergrupper. Dette er viktigste begrunnelse for at tallene for ulike grupper bør justeres for befolknings sammensetningen ved sammenligninger.

Figur 2. Siktede personer etter kjønn og alder. Per 1000 innbyggere



Tallene referert ovenfor gjelder i et enkelt år, og 17 siktede per 1000 innbyggere kan lett gi inntrykk av at det er en veldig liten gruppe av befolkningen som har noe på rullebladet. Det ser derimot annerledes ut når vi ser på et lengre tidsrom. En relativt høy andel av den mannlige befolkningen har noe på rullebladet. En studie viste at i én enkelt fødselskohort ble 30 prosent av guttene siktet for minst ett lovbrudd i perioden mellom 15 og 24 år, og tilsvarende 8 prosent av jentene. Hvis man så bort fra forseelsene og bare så på mer alvorlige forhold, ble tallene redusert til henholdsvis 10 og 3 prosent (Skardhamar 2004). Men disse tallene gjaldt bare for en tiårsperiode, og man må forvente at flere kommer til også etter fylte 24 år (Forslund, von Hofer and Thorsson 2012, Skardhamar 2014). De fleste blir imidlertid bare siktet eller straffet en enkelt gang, eller kanskje et fåtall ganger, og

andelen gjengangere er betydelig lavere, og av disse har også de fleste kun begått et fåtall lovbrudd. I denne sammenhengen er det relevante poenget at andelen som har blitt tatt for et lovbrudd er noe annet enn andelen med en kriminell livsstil. Det er uklart hvorvidt det er noe stabilt forholdstall mellom andel registrerte lovbrudd totalt og andel med en kriminell livsstil. Det er imidlertid klart at hvis man øker observasjonsperioden vil andelen som har begått ett lovbrudd kunne øke vesentlig, men det vil også gjelde for få-gangs lovbrøyttere og mer.

Kriminalitet har i stor grad blitt sett i sammenheng med andre sosiale forhold, og da spesielt fattigdom og særlig vanskelige kår (Galloway and Skardhamar 2010), og jo lengre inn i rettssystemet man beveger seg, jo større er hopningen av sosiale problemer, herunder rusmisbruk og dårlig mental helse (Kyvsgaard 1989, Nilsson 2003, Nilsson and Estrada 2009). Teorier om hvorfor det er slik skal ikke drøftes her, men nøyer oss med å fastslå at i grupper med dårligere kår kan vi også forvente høyere kriminalitetsrater. Spørsmålet om årsaksretning og hvorvidt man dermed burde justere tallene i forhold til også slike forhold er derimot ikke like åpenbart, som vi vil komme tilbake til nedenfor.

2 Utvalg av studier

I denne gjennomgangen av empiriske studier er det gjort en pragmatisk avgrensning av studier til de som er publisert etter år 2000. Dette har ingen annen begrunnelse enn å forholde seg til rimelig nåtidige publikasjoner. Det finnes noen få studier publisert før dette, men disse er etter min vurdering mindre relevante både på grunn av alder, detaljnivå og metodiske betraktninger. Det er totalt 18 publiserte studier i denne perioden, som også inkluderer noen notater som har et mindre offisielt preg enn rapporter. Det er de mer offisielle rapportene som vektlegges, men alle arbeidene er listet i oversikten i tabell 1.

Det er her vektlagt statistiske studier slik at problemstillinger om kriminalitetens utbredelse og innvandreres overrepresentasjon står sentralt. Da de fleste benytter data om registrert kriminalitet fra SSBs registre er kriminalstatistikken sentral. Flere studier forsøker å kaste lys over noen forklaringsmodeller, men det legges her vekt på det overordnede bildet. Det finnes også noen kvalitative studier på området (se bl.a. Prieur 1999, Sollund 2006) som ikke er diskutert videre her. Det er ingen grunn til å betvile at også disse studiene kan gi verdifull informasjon, men fokuset her er på overrepresentasjon, og da er det statistiske studier som er mest relevant. Det finnes noen studier fra de øvrige nordiske landene, men det går bare gjennom norske studier.⁵

Det er inkludert et kort avsnitt om asylsøkere og ikke-registrerte utlendinger. Disse gruppene er i utgangspunktet ikke en del av øvrige studier da de strengt tatt ikke er en del av befolkningen bosatt i Norge. I denne sammenhengen vil derimot asylsøkere som har fått opphold regnes som bosatte fra denne datoen og deretter være representert i disse statistikkene. De to rapportene om asylsøkeres

⁵ Det finnes en del svenske studier (Hällsten, Szulkin and Sarnecki 2013, Sarnecki 2006) og for Danmark finnes det både som fast kategori i offisiell statistikk og enkeltstudier (Andersen and Tranæs 2011).

kriminalitet forsøker altså å si noe om omfanget av kriminalitet blant de som ennå ikke har fått opphold i landet, men som inntil videre oppholder seg her.

2.1 Utvalg og enheter benyttet i studiene

Det er flest studiene baserer seg på siktede personer, som vi også kunne omtalt som antatte gjerningspersoner. Begrepet «siktete» slik det er definert i kriminalstatistikken omfatter ikke alle som har hatt den juridiske statusen som siktet, men de personene som har en rettskraftig reaksjon mot seg når saken er endelig ferdig etterforsket. En god del av disse har fått påtaleunntatelse, saken er overført til konfliktråd, eller saken er henlagt på grunn av at gjerningsperson ikke er strafferettslig ansvarlig.

De studiene som benytter data på siktede har alle personer som enhet, men utvalgene varierer likevel mye. Stene (2000) tar for seg alle personer siktet i årene 1996-1998, mens Hustad (2000) begrenser til å bare bruke 1998-årgangen og ser bort fra de personer som ble frikjent ved dom. Et notat fra SSB gir en analyse av fødselskohorten 1977 og siktelse i perioden 1992-2001 (Skardhamar 2006). Evensen (2009) analyserer et datasett bestående av samtlige barn født i perioden 1977-2005 og som hadde barnevernstiltak i perioden 1997 til 2005, og kriminalitet ble registrert i samme tidsperiode. Dette utvalget ble sammenlignet med et tilfeldig utvalg på 150,000 personer i samme alder fra øvrige befolkning. En større rapport fra SSB omhandler flere deler av kriminalstatistikken deriblant siktede med gjerningstidspunkt i perioden 2001-2004 (Skardhamar, Thorsen and Henriksen 2011). Et *Discussion paper* fra Statistisk Sentralbyrå tar for seg alle mannlige innvandrere bosatt i Norge mellom 1992 og 2007 og ser på deres registrerte kriminalitet fra ankomståret og frem til 2007 (Andersen and Skardhamar 2012).

Studier som baserer seg på statistikk over straffereaksjoner varierer på den måten at noen benytter *straffede* som enhet i statistikken (Haslund 2003, Skardhamar, Thorsen and Henriksen 2011), mens noen også ser på *straffereaksjoner* (Haslund 2004). I det siste tilfellet telles altså personer flere ganger. En studie bruker enheten «pågrepne personer» (Haslund 2000), som er en kategori som ikke er en del av den ordinære kriminalstatistikken, men er basert på samme kilde for statistikk over straffereaksjoner.

En siste mulig enhet i kriminalstatistikken er fengslede personer, som for så vidt er en undergruppe av straffede. Statistikk over fengslede benyttes kun i en enkelt studie (Skardhamar, Thorsen and Henriksen 2011).

Generelt sett er altså disse utvalgene ganske forskjellige og omhandler til dels forskjellige populasjoner. I sum er det flest publikasjoner som bruker statistikk over siktede personer, og noen færre når det gjelder straffede og fengslede. Å studere siktede har den fordel at det ligger relativt nærme handlingen uten at strafferettssystemet har gjort noen sorteringer ennå. Ulempen er derimot at skyldspørsmålet er mindre avklart enn etter f.eks. en straffereaksjon. Slik siktede er definert i denne statistikken forutsetter det imidlertid en form for rettskraftig avgjørelse slik at skyldspørsmål er i praksis i stor grad avgjort, selv om også enkelte typer henleggelse og overføring til konfliktråd og/eller barnevern. Fordelen med statistikk over straffede er tilsvarende at skyldspørsmålet har blitt

prøvd for en domstol (skjønt påtaleunntatelser er også inkludert). Det er ikke opplagt om den ene kategorien er generelt mer egnet enn den andre. For denne gjennomgangen er det viktigste poenget at definisjon av utvalgene varierer betydelig slik at knappst noen tall er sammenlignbare over tid.

Når det gjelder selvrapportert kriminalitet er det kun snakk om data fra Ung i Norge og Ung i Oslo. Disse ungdomsundersøkelsene gjennomføres jevnlig i enkelte kommuner for å gi oversikt over ungdoms levekårssituasjon. Disse studiene er bredt anlagt med følgende sentrale temaer: sosiale og etniske forskjeller, levekårsindikatorer, kriminalitet, antisosial adferd og rus. Disse undersøkelsene har blitt gjennomført i mange kommuner på ulike tidspunkter siden tidlig 90-tallet. Undersøkelsene fra Oslo omtales som Ung i Oslo, og den landsdekkende variant omtales som Ung i Norge.

Ung i Norge omfatter ungdommer fra hele landet fordelt på siste tre trinnene på ungdomsskolen og videregående skole, og dekker således alderen 13-19 år. Det er tre rapporter som gir tall for innvandrerungdom. En rapport gir tall for hele landet i 2002 (Øia 2005), mens Øia (2007) gir tall for Oslo i 1996 og 2006, og Andersen and Bakken (2015) gir tall for Oslo i 2015.⁶

2.2 Grupperinger og definisjon av innvandrere

Hvordan innvandrere kategoriseres i de ulike analysene varierer en del i disse analysene, men alle baserer seg på landbakgrunn der begge foreldrene er født utenfor Norge. Variasjonen består av hvor finelt grupperingene er gjort. De tidligere studiene deler innvandrer-kategorien i vestlige og ikke-vestlige innvandrere (Hustad 2000, Skardhamar 2006, Stene 2000), mens andre deler opp i verdensdeler og utvalgte enkeltland (Andersen and Skardhamar 2012, Evensen 2009, Skardhamar, Thorsen and Henriksen 2011, Sætre and Grytdal 2011).

Selvrapporтерingsstudiene basert på Ung i Norge/Oslo er innvandrerbakgrunn definert som at begge foreldrene er født utenfor Norge (Andersen and Bakken 2015, Øia 2005). Dette tilsvarer definisjonen benyttet i analysene av registerdata, men det skilles ikke mellom de som har innvandret selv vs. etterkommere. Det skilles heller ikke mellom ulike landbakgrunn slik at kategorien «innvandrerungdom» rommer mange ulike grupper.

Det foreligger to rapporter som omhandler kriminalitet begått av asylsøkere, illegale innvandrere og andre utlendinger (Mohn et al. 2014, Politidirektoratet 2004). Dette er grupper som per definisjon ikke er bosatt i landet og inngår dermed heller ikke i de øvrige studienes definisjoner av innvandrere. Disse rapportene omtales bare kort nedenfor.

I sum er innvandrerbakgrunn definert nokså konsekvent i disse analysene som å ha to utenlandsfødte foreldre, men det varierer noe i hvilken grad og på hvilken måte man gjør videre inndelinger i undergrupper. Det er ikke nødvendigvis noe galt med ulike definisjoner eller at dette

⁶ En åpenbar praktisk grunn er at det er flest innvandrere i Oslo slik at Ung i Oslo er de mest aktuelle dataene å bruke for dette formålet. Det er her ikke gjort noe forsøk på å kartlegge hvilke andre muligheter som finnes med disse dataene.

i seg selv gir grunnlag for kritikk av enkeltstudier, men varierende definisjoner bidrar til at det er vanskelig å sammenligne resultatene fra de ulike studiene.

3 Empiriske resultater

Resultatene presenteres her i to deler. For det første er det et spørsmål om i hvilken grad det er en overrepresentasjon og relaterte sider ved det empiriske bildet. Dernest er det et spørsmål om hvilke faktorer som forklarer disse forskjellene. Det første spørsmålet er det rimeligvis beheftet med mindre usikkerhet ved enn det andre.

3.1 Innvandreres kriminalitet

Et sentralt moment er om innvandrere er overrepresentert blant registrerte lovbrøyttere eller ikke. Det er uten tvil slik at de aller fleste lovbrudd blir begått av personer fra majoritetsbefolkningen. Det påpekes for eksempel ett sted at om lag 90 prosent av de registrerte gjerningspersonene er uten innvandringsbakgrunn (Skardhamar, Thorsen and Henriksen 2011s. 24). Overrepresentasjon handler derimot om det er flere registrerte lovbrøyttere med innvandrerbakgrunn enn gruppens størrelse i befolkningen skulle tilsi. I det følgende er det derfor tall per 1000 innbyggere innen hver gruppe som er av interesse og som kommenteres.

Hustad (2000) finner at innvandrerbefolkningen er overrepresentert blant antatte gjerningspersoner med 25 per 1000 innbyggere, mens det var 16,3 per 1000 i øvrige befolkning. Tallene for innvandrerbefolkningen er også fordelt ytterligere der de høyeste tallene er for innvandrere Asia, Afrika, Sør- og Mellom-Amerika og Tyrkia (35,2 per 1000) etterfulgt av Øst-Europa (25,8 per 1000), mens øvrige innvandrere fra vestlige land hadde en lavere andel siktede enn øvrige befolkning.

Haslund (2000) gjorde en analyse av pågrepne⁷ personer fordelt på vestlige og ikke-vestlige innvandrere og sammenligner med øvrige, som her omtales som «nordmenn». Hun viser at ikke-vestlige innvandrere er overrepresentert blant pågrepne med 14 per 1000 innbyggere, mot 4 per 1000 innbyggere blant nordmenn. Disse tallene deles også opp etter verdensdel, men der «den tredje verden» er egen kategori og har en enda høyere overrepresentasjon (16 per 1000).

Et notat om straffereaksjoner i 2001 viser at innvandrere er overrepresentert blant alle idømte straffereaksjoner (forenklede forelegg holdt utenfor). Det var det 33 per 1000 innbyggere for innvandrere mot 20 per 1000 for personer uten innvandrerbakgrunn. Men for ikke-vestlige innvandrere var tallene høyere: 42 per 1000 innbyggere (Haslund 2003). Et notat fra året etter rapporterer tilsynelatende ganske annerledes tall, men det er fordi enheten er *personer* i stedet for *reaksjoner*. For 2002 var det da 23 straffede per 1000 for innvandrere og 14 for ikke-innvandrere, mens for ikke-vestlige innvandrere var tallet 30 (Haslund 2004). Vestlige innvandrere hadde noe lavere tall enn øvrige befolkning i begge rapportene. Forholdstallet er altså ganske likt i disse to studiene

⁷ Hvis man mistenkes for noe som har en strafferamme på mer enn seks måneder og samtidig er fare for bevisforspillelse eller nye straffbare handlinger kan personen pågripes. Da skal vedkommende settes fri eller fremstilles for forhørsretten innen dagen etter. Det er ikke undersøkt om det er mulig å lage slik statistikk igjen ut fra dagens statistikkproduksjon i SSB.

selv om enheten er forskjellig, men sier ikke noe om eventuelle endringer fra det ene året til det andre.

Haslund (2004) viser også at det er tilsvarende forskjeller på tvers av aldersgrupper, med noe variasjon. Tallene for ikke-vestlige innvandrere blir også rapportert fordelt på Øst-Europa og samlekategori for tredje verden⁸ der det er den siste kategorien som har den høyeste andelen straffede (32,9 per 1000). Haslund (2004) rapporterer også tall fordelt på de landbakgrunnene som hadde mer enn 50 straffede i 2002. De gruppene som er mest overrepresentert er innvandrere fra Gambia, Irak, Iran, Somalia, Marokko, Eritrea, Libanon, Serbia-Montenegro, og Chile. Det gis også en kort tidsserie for perioden 1998-2002. I denne perioden økte antall straffede i Norge noe i alle grupper, men økningen var noe større blant ikke-vestlige innvandrere. Det gis også en oversikt over tilbakefall ved at det telles antall straffereaksjoner per person i perioden 1998-2002. Her vises det at forskjellene i hyppighet bare viser små forskjeller mellom nordmenn og ikke-vestlige innvandrere.

I et notat anlegges perspektiv på lovbruddskarrierer der man ser på hvor mye de ulike gruppene kumulerer av siktelser over en periode fra de er 15 til de fyller 24 (Skardhamar 2006). I gruppen som omtales som ikke-vestlige innvandrere (dvs. Asia, Afrika, Sør- og Mellom-Amerika og Tyrkia) er det 30 prosent totalt som blir siktet minst en gang i denne perioden, og 17 prosent ble siktet for minst en forbrytelse. Blant nordmenn er de tilsvarende tallene 21 og 10 prosent. I begge grupper er det flest engangslovbrytere, men det er en mindre gruppe som står for en svært høy andel av alle lovbruddene. I innvandrergruppen er andelen flergangslovbrytere også noe større.

I en artikkel av Evensen (2009) fokuseres det på ungdomskriminalitet og viser at blant etterkommere av innvandrere er andelen siktede høyest for Marokko, Latin Amerika, og Pakistan. For de som har innvandret selv er det blant annet Chile, Iran, Bosnia-Hercegovina, Vietnam, Somalia og Serbia som er mest overrepresentert. Det rapporteres at India, Øst-Europa, øvrige asiatiske og øvrige afrikanske land er underrepresentert sammenlignet med øvrige befolkning, og dette gjelder også Vietnam for etterkommerne og Sri-Lanka for innvandrerne.

En mer omfattende rapport fra SSB omhandler flere deler av kriminalstatistikken (Skardhamar, Thorsen and Henriksen 2011), herunder siktede, straffede og fengslede. Her vises det en generell overrepresentasjon blant innvandrere både totalt sett og for en del enkeltgrupper. For eksempel er innvandrere generelt overrepresentert blant siktede personer med om lag 2,8 prosent, sammenlignet med om lag 1,7 prosent i øvrige befolkning. Overrepresentasjonen er høyest for innvandrere fra Afrika, Asia og Sør- og mellom Amerika, men også Øst-Europa. Noen innvandrergrupper har særlig høy andel siktede, deriblant Kosovo, Marokko, Somalia, Irak, Iran og Chile. Innvandrere fra Norden, Europa og Nord-Amerika er generelt underrepresenterte i denne statistikken. Andre grupper som er underrepresentert er Filipinene, India, Kina og Thailand. Dette mønsteret varierer noe når man ser på spesifikke lovbruddsgrupper og om man ser på siktede, straffede eller fengslede. Men hovedmønsteret er imidlertid rimelig likt i den forstand at det er en vesentlig overrepresentasjon og at det er i hovedsak de samme gruppene som peker seg ut i nesten alle del-analysene. Selv om nivået

⁸ Asia, Afrika, Sør- og Mellom Amerika og Tyrkia.

av overrepresentasjon varierer noe, så er hovedmønsteret tilsvarende for siktede, straffede og fengslede personer.

Selvrapporteringsstudier er et potensielt viktig korrektiv til studiene som baserer seg på kriminalstatistikken fordi det representerer data som ikke er direkte påvirket av rettsvesenets virkemåte. De viktigste norske selvrapporteringsstudiene er Ung i Norge og Ung i Oslo. Undersøkelsen Ung i Norge fra 2002 (Øia 2005) omhandler blant annet marginalisering og har noen avsnitt om kriminalitet og rus. Det er spurt om en lang rekke større og mindre lovbrudd, og hvor mange ganger man har gjort hver handling. De noe mer alvorlige handlingene samles i en sumskår for kriminalitet og Øia (2005) finner at innvandrerungutter har en høyere enn andre gutter. Både jenter med og uten innvandrerbakgrunn skårer veldig lavt på denne indeksen. Samlet sett er imidlertid innvandrere «mer kriminelle» enn annen ungdom.

I rapport fra Ung i Oslo er svarene fra 1996 og 2006 i noen grad sammenlignet (Øia 2007). Resultatene viser generelt sett at andelen som har begått en rekke lovbrudd har gått ned i denne tiårsperioden. Her vises det at i de vestlige bydelene skårer innvandrerungdom høyere på et samlemål om kriminalitet enn øvrig ungdom, men på østkanten er det motsatt: innvandrerungdom skårer lavere. I rapporten fra 2012 (Øia 2012) benyttes det samme samlemålet og viser igjen at det er betydelig forskjeller i kriminalitet mellom innvandrere og resten av utvalget, men uten at det diskuteres videre i detalj. I rapporten fra Ung i Oslo for 2015 vises det at andelen som har begått lovbrudd er så godt som lik for ungdom med og uten innvandrerbakgrunn. Innvandrere har bare høyere andel som har begått lovbrudd i det yngste klassetrinnet, og i de øvrige klassetrinnene er andelen blant innvandrere en lik eller lavere enn øvrige ungdom (Andersen and Bakken 2015).

Samlet sett er det liten tvil om at innvandrere er overrepresentert i kriminalstatistikken. Ingen av studiene som benytter kriminalstatistikken har vist noe annet, men selvrapporteringsstudie fra Oslo i 2015 viser ikke en overrepresentasjon (Andersen and Bakken 2015). Det er derimot forskjeller mellom grupper. Innvandrere fra EU-land, Nord-Amerika og Oseania (i noen studier omtalt om "vestlige" land) er heller underrepresentert. Innvandrere fra øvrige land er derimot i sum overrepresentert. De studiene som viser tall etter mer finfordelte grupper viser imidlertid at det er vesentlig variasjon mellom disse innvandrergruppene, og det er også enkelte grupper utenfor Nord-Amerika og Europa som er underrepresentert. Selv om det er en generell overrepresentasjon er det altså betydelig variasjon mellom ulike innvandrergrupper.

Noen av analysene av selvrapporteringsstudiene viser også en viss overrepresentasjon og er slik sett konsistent med registerstudiene selv om tallene ikke er direkte sammenlignbare. Den nyeste av disse dataene viser derimot ikke noen overrepresentasjon blant innvandrere. Selvrapporteringsstudiene er imidlertid avgrenset til ungdom og sier dermed bare noe om en nokså avgrenset del av befolkningen. Det hadde vært nyttig med selvrapporteringsstudier som også omfattet den voksne befolkningen og mer detaljert gruppering etter landbakgrunn.

3.2 Gjelder overrepresentasjonen kun avgrensede typer lovbrudd?

Av de studiene som fordeler på type lovbrudd er det ingen som viser at overrepresentasjonen gjelder bare spesielle, avgrensede typer lovbrudd. Det er mange lovbruddsgrupper der antallet lovbrøyttere med innvandrerbakgrunn er så lavt at det er vanskelig å vurdere om eventuelle forskjeller er reelle. Det er derfor ingen av rapportene som gir veldig detaljerte bilde fordelt på type lovbrudd.⁹ En rapport gir tall for en grov inndeling av lovbrudd (Haslund 2004), mens en annen gir tall for mer detaljerte lovbruddstyper, men kun der det er minst 15 gjerningspersoner med innvandrerbakgrunn (Hustad 2000), mens en siste variant er å gi tall for de største lovbruddsgruppene som er vinning, vold, narkotika og trafikk (Skardhamar, Thorsen and Henriksen 2011). Selv om det er noen forskjeller på tvers av lovbruddsgrupper er hovedbildet at det er en generell overrepresentasjon på tvers av de typene lovbrudd det gis tall for.

I 2011 ga Oslo politiet ut en rapport om voldtekt i Oslo (Sætre and Grytdal 2011) der også innvandrerbakgrunn tematiseres. Her diskuteres en lang rekke sider ved forekomst og registrering av voldtekter, samt de juridiske definisjonene og henleggelsespraksis. Det gis en oversikten av årlig registrerte voldtekter og forsøk på voldtekter i perioden 2000-2010. De viser blant annet at for 2010 utgjør overfallsvoldtektene 13 prosent av alle anmeldte voldtekter, mens 33 prosent er festrelaterte og 25 prosent til personer som har en relasjon til hverandre fra før. For 2010 blir det gitt tall for gjerningspersonenes landbakgrunn og statsborgerskap. Dette gjelder de 152 sakene (av totalt 186) der det finnes opplysninger om gjerningsperson. Etter landbakgrunn er 38 prosent av uten innvandringsbakgrunn, 15 prosent er fra Europa eller Amerika, 20 prosent fra Afrika, 12 prosent fra Asia og 15 prosent fra Midt-Østen. Et av de funnene som har fått mest oppmerksomhet fra denne rapporten er at i samtlige overfallsvoldtekter i 2010 (totalt 6 slike voldtekter) hadde gjerningspersonen innvandringsbakgrunn. De aller fleste voldtekter er imidlertid ikke overfallsvoldtekter. Tallene er små og dermed også usikre i den forstand tilfeldigheter kan gjøre store utslag. Rapporten påpeker også særlige forbehold om anmeldelser og registrering av voldtektssaker. Disse tallene gir likevel grunnlag for å slutte at det også er en overrepresentasjon i anmeldte voldtektssaker.

I en av selvrapporteringsstudiene er det benyttet to sumskår som Øia (2005) omtaler som «rølp» og «kriminalitet», derav den første skåren består av de mindre alvorlige handlingene, som vel kanskje mest kan karakteriseres som generell uønsket adferd, mens den andre altså er alvorlige nok handlinger til at man bruker begrepet kriminalitet. Her konkluderes det bare er forskjeller når det gjelder de litt mer alvorlige forholdene.

Det overordnede bildet er at det er en generell overrepresentasjon i kriminalstatistikken, og at det ikke er noen enkelte typer lovbrudd som primært drar tallene opp.

⁹ Noen av disse valgene har åpenbart også pragmatiske grunner som tabellstørrelse og sidetall i rapporten.

3.3 Personer med to innvandrereforeldre

I de fleste studiene nevnt over er ikke personer med to innvandrereforeldre (også omtalt som etterkommere) skilt ut som en egen gruppe. Det er et relevant spørsmål om hvorvidt bildet ser tilsvarende ut for neste generasjon, men som i liten grad er belyst. En åpenbar grunn til lite fokus på etterkommere er at de inntil nokså nylig har vært en relativt liten gruppe i befolkningen, og enda færre som er over den kriminelle lavalder. For de studiene som ser på innvandrere og etterkommere under ett er derfor resultatene primært drevet av innvandrerguppen, og i mindre grad etterkommerne.

En av studiene skiller konsekvent mellom innvandrere og etterkommere, men påpeker at per 2008 var hele 73 prosent av etterkommerne i befolkningen under den kriminelle lavalder. Antallet personer i gruppen var derfor for små til å gjøre en like findelt gruppering som for innvandrere, og det ble kun delt inn etter verdensdel. Små tall gir også større usikkerheter i estimatene. En foreløpig konklusjon var imidlertid at etterkommere av innvandrere fra Afrika, Asia og Sør- og mellom Amerika er noe overrepresenterte blant siktede og straffede (Skardhamar, Thorsen and Henriksen 2011). Hvorvidt de er mindre overrepresentert enn foreldregenerasjonen er noe vanskeligere å si da blant annet alderssammensetningen er rimeligvis annerledes i denne yngre gruppen. Disse tallene gir altså ikke noe godt grunnlag for sammenligning på tvers av generasjoner.

3.4 Har det endret seg over tid?

Ingen av studiene har hatt noe spesielt fokus på endring over tid. Grunnet forskjeller i utvalg og definisjoner i de ulike studiene er det vanskelig å finne direkte sammenlignbare tall slik at man kan si noe om endring over tid. En eldre studie av straffede viste at for perioden 1998-2002, var det en økning i antall straffede per 1000 blant «ikke-vestlige» innvandrere mens det var lite endring i øvrige befolkningsgrupper (Haslund 2004). Av noe nyere dato er en kort tidsserie for årene 2004-2008. Dette er en periode med noe generell nedgang i antall straffede, men det er noe større reduksjon blant innvandrere med bakgrunn fra hver av gruppene med bakgrunn fra Afrika, Asia og Sør- og Mellom Amerika (Skardhamar, Thorsen and Henriksen 2011, se også vedlegg B2).

Samlet sett vet vi lite systematisk om endringer i innvandreres representasjon i kriminalstatistikken, men det er ingen grunn til å anta at bildet ikke kan ha endret seg over tid. De korte tidsseriene av sammenlignbare tall viser nettopp endringer, men går ikke langt nok til at vi kan si noe særlig mer sikkert enn det. Grunnet ulike populasjoner, datagrunnlag og grupperinger gir heller ikke sammenligninger av de tidligste og seneste analysene noe godt grunnlag for å si noe om utviklingen.

3.5 Asylsøkere og uregistrerte utlendingers kriminalitet

Det foreligger to rapporter som omhandler asylsøkeres, utlendinger uten lovlig opphold og andre utlendingers kriminalitet (Mohn et al. 2014, Politidirektoratet 2004). Dette er i seg selv vanskelig å finne tall på da disse per definisjon ikke er i folkeregisteret og dermed ikke har en unik identitet som benyttes i politiets registre. Det benyttes dermed en eliminasjonsmetode der man ut fra landbakgrunn og andre opplysninger finner frem til de som med en viss rimelighet kan regnes som asylsøkere. Et kompliserende moment er at man bl.a. ikke vet sikkert hvor mange innvandrere som

finnes i landet, men dette er estimert (Zhang 2008). Hovedkonklusjonen er at asylsøkere og utlendinger med ulovlig opphold står for en veldig liten del av kriminalitetsbildet, men det er rimelig å anslå at det noe overrepresentasjon (Mohn et al. 2014).

3.6 Offer for kriminalitet

Siden 2000 er det kun en studie av innvandrere som offer for kriminalitet (Gundersen 2000). Offer er her basert på samme politidata med opplysninger om fornærmede i straffesaker. Denne studien viser først og fremst at innvandrere er overrepresentert også i offerstatistikken. Dette gjelder også for innvandrere fra Europa og Nord-Amerika, men i enda større grad for øvrige innvandrere. Overrepresentasjonen blant ofre gjelder for de aller fleste typer lovbrudd det er rapportert tall for.

Den samme rapporten viser også gjerningsperson og offer ofte har samme bakgrunn. Blant ofre uten innvandrerbakgrunn er 90 prosent av gjerningspersonene også uten innvandrerbakgrunn. For ofre med ikke-vestlig innvandrerbakgrunn er derimot andelen gjerningspersoner med innvandrerbakgrunn 48 prosent. Dette antyder at innvandreres kriminalitet først og fremst går ut over innvandrere. Det er imidlertid ikke gjort noen tilsvarende studier siden, og det ser ut til at vi ikke har oppdatert kunnskap om innvandrere som ofre for kriminalitet.

3.7 Årsaker til overrepresentasjon blant gjerningspersoner

Det er verd å understreke at ingen av de studiene som diskuteres her er i stand til å slå fast årsaksforholdene med stor sikkerhet. Det er primært analyser som dokumenterer det overordnede bildet og noen sammenhenger. Noen aktuelle forklaringer blir diskutert flere steder, og det blir gjort noen rimelighetsbetraktninger.

De viktigste resonnementene omhandler betydning av befolkningsstruktur i hver gruppe, betydning av sosiale forhold, og forskjellsbehandling av politi og rettsvesenets side. Det har også vært nevnt andre momenter. Disse momentene vil diskuteres kort nedenfor. Hensikten her er ikke å si hvorvidt disse argumentene medfører riktighet eller ikke – men i hvilken grad det er empirisk belegg for dem i de foreliggende analysene.

3.7.1 Betydning av befolknings sammensetning

Innvandrerbefolkningen har en annen fordeling etter alder og kjønn enn i den øvrige befolkningen. Mer konkret: gjennomsnittsalderen er lavere og andelen menn høyere. Dette i seg selv kan medføre at overrepresentasjonen i kriminalstatistikken blir overvurdert når man sammenligner gruppene under ett slik det ofte har blitt gjort. Dette fordi menn generelt er svært overrepresentert i forhold til kvinner, og det samme gjelder eldre ungdom og unge voksne sammenlignet med andre aldersgrupper.

De foreliggende analysene gir stort sett ikke tall som er justert for befolknings sammensetning. Å rapportere tall per 1000 innbyggere slik som er vanlig justerer kun for befolkningsstørrelsen, men altså ikke sammensetningen. Noen av analysene gir imidlertid tall for avgrensede aldersgrupper, og viser at det også innad i aktuelle aldersgruppe er en overrepresentasjon (Haslund 2000).

Hvorvidt befolkningsstrukturen i seg selv kan forklare deler av overrepresentasjonen er en relatert, men noe annet spørsmål. Det er to analyser som belyser dette. Evensen (2009) gjør en justering for alder og kjønn, men det gjøres samtidig med justering for en rekke andre forhold slik at det ikke er tydelig hvor mye som skyldes kun befolknings sammensetningen og hva som skyldes andre forhold. Til sammen forsvinner overrepresentasjonen kontrollert for disse faktorene, og noe av dette skyldes rimeligvis befolknings sammensetningen. I hvor stor grad er derimot uklart.

En justering avgrenset til kun alder og kjønn er derimot gjort i en annen analyse, og da både for siktede, straffede og fengslede, og for utvalgte lovbruddsgrupper (Skardhamar, Thorsen and Henriksen 2011). Hovedfunnet her er at justert for befolknings sammensetning er forskjellene mellom gruppene generelt vesentlig mindre. Justeringen har derimot ikke like stor betydning for alle grupper. Reduksjonen av overrepresentasjonen er størst for de mest overrepresenterte gruppene – som også er de gruppene som skiller seg mest fra øvrig befolkning i utgangspunktet når det gjelder alder og andel menn. For de gruppene som var mest overrepresentert i utgangspunktet kan så mye som en fjerdedel av overrepresentasjonen skyldes befolkningsstrukturen i gruppen. De innvandrergruppene som har vært i Norge lengst har nokså like befolknings sammensetning som øvrige befolkning (f.eks. Pakistan og Chile) og denne justeringen får dermed også små utslag for disse gruppene. Selv om det er noen forskjeller mellom de ulike analysene (siktede, straffede, fengslede, og utvalgte lovbruddsgrupper), så er dette mønstret i hovedsak tilsvarende.

I sum er det grunnlag for å si at befolknings sammensetningen er viktig for i hvor stor grad innvandrergupper er overrepresentert. For noen grupper betyr det veldig mye, men ikke for alle. Det er imidlertid åpenbart at når man diskuterer overrepresentasjon, så bør man ta utgangspunkt i de justerte tallene for å få et realistisk bilde av faktisk overrepresentasjon.

3.7.2 Betydningen av sosioøkonomiske forhold

Innvandrerbefolkningen skiller seg fra øvrige befolkning ved at de i gjennomsnitt har høyere arbeidsledighet, lavere inntekt, lavere utdanning (eller ukjent utdanning fra annet land), og generelt har dårligere kår enn øvrige befolkning. At det er en sammenheng mellom sosiale forhold og kriminalitet er velkjent, og det er dermed en plausibel hypotese at overrepresentasjon i kriminalstatistikken kan forklares med forskjeller i sosioøkonomiske forhold. Hvis man sammenligner innvandrere med en gruppe i øvrige befolkning med tilsvarende sosioøkonomisk status er det å forvente at det vil ha betydning for resultatet.

En slik justering er gjort av både Evensen (2009) og Skardhamar et al (2014). Begge finner at overrepresentasjonen, som forventet, blir redusert ved justering for sosioøkonomiske faktorer. Sistnevnte rapport påpeker at det er befolknings sammensetningen som gjør de store utslagene, mens justering for bosted og sysselsetting bare medfører moderat ytterligere endring. Den førstnevnte analysen gir disse justeringene større utslag, men justerer da også for langt flere faktorer.

Det er imidlertid ikke uproblematisk å justere for sosioøkonomiske faktorer på denne måten slik det blant annet påpekes av Skardhamar et al: *«korrelasjonen mellom kriminalitet og sosioøkonomiske kjennetegn kan skyldes andre uobserverbare personkjennetegn som også er korrelert med kriminalitet. I så fall*

kan en slik justering være misvisende da de underliggende egenskapene som fører til kriminalitet også påvirker sosioøkonomiske kjennetegn» (s. 52). Dette er også begrunnelsen for at disse resultatene tolkes forsiktig. Det er ingen av analysene som gir et solid grunnlag for å si at forskjellene skyldes sosiale forskjeller, men resultatene er konsistente med en slik antagelse.

Riktignok er det slik at overrepresentasjonen reduseres ytterligere hvis man kontrollerer for slike variable, men dette er ikke tilstrekkelig til å avgjøre en slik hypotese. En grunn til det er at det kan være seleksjonsmekanismer som gjør at folk både gjør det dårlig i arbeidslivet og velger å begå kriminalitet. Det er vanskelig å se for seg hvordan man skal kunne dokumentere årsaksretningen her, og det er ingen av de publiserte studiene som kommer lengre enn å dokumentere en forventet sammenheng. Dette spørsmålet må slik sett sies å være uavklart.¹⁰

3.7.3 Betydningen av forskjellsbehandling i rettsvesenet

En del av den registrerte kriminaliteten speiler politiets aktivitet så vel som den faktiske kriminaliteten. Det kan tenkes at enkelte grupper har en større oppdagelsesrisiko enn øvrige befolkning, for eksempel fordi de er mer utsatt for kontroll fra politiets side. Dette kan gjelde både på grunn av at de bor eller oppholder seg oftere i områder der det er mer patruljering, men også hvis det politiet prioriterer stopp-og-sjekk av personer med utenlandsk utseende. Det kan også tenkes at det kan være ulikhet i hvorvidt publikum anmelder hendelser til politiet utfra gjerningspersons bakgrunn. I slike tilfeller kan innvandrere oftere dukke opp i kriminalstatistikken fordi sjansen for å bli tatt blir høyere.

Spørsmålet er hvorvidt en slik skjevhet foregår i et så stort omfang at det kan påvirke tallene vesentlig. Selv om det finnes en del eksempler som sannsynliggjør at slike mekanismer kan forekomme, så er det ingen systematiske undersøkelser av dette. Hvorvidt og eventuelt i hvilken grad forskjellsbehandling (intendert eller ikke) er en underliggende årsak til overrepresentasjon i kriminalstatistikken er altså ikke kjent.

Forskjeller i rettslige avgjørelser kan potensielt gi noe relevant informasjon om forskjellsbehandlinger i rettssystemet. Stene (2000) fokuserer på type avgjørelser og viser at det er en noe større andel av sakene mot ikke-vestlige innvandrere som blir henlagt av en eller annen grunn, men også frifinnelse er vanligere i denne gruppen. En mindre andel av sakene ender også med ubetinget fengsel sammenlignet med nordmenn. Når man ser på vinningsforbrytelser var det relativt store forskjeller i reaksjonsmåte. Nordmenn ble oftere straffet med ubetinget fengsel hvilket hang sammen med at de oftere begikk grovere tyveri. Men det var også slik at nordmenn oftere fikk idømt alternative straffereaksjoner som konfliktråd og samfunnstjeneste. Når det gjaldt vold var det mindre forskjeller, men ikke-vestlige innvandrere ble noe oftere frikjent, mens nordmenn oftere ble ilagt forelegg.

¹⁰ Det gjelder også mer generelt: hva som er årsakene til sammenhengen mellom sosioøkonomisk status og kriminalitet er vanskelig å slå fast. Dette gjelder rimeligvis også for spesifikke grupper, som innvandrerbefolkningen.

Dette *kan* bety at det skal mindre til før personer med utenlandsk utseende føres for retten, og at disse mindre alvorlige forholdene rimeligvis får en mildere reaksjon. Dette ville være konsistent med en hypotese om noe forskjellsbehandling. Ulikhetene kan imidlertid også ha sammenheng med helt andre etterforskningsmessige forhold, som f.eks. bevisets stilling. Det kan selvfølgelig også gjenspeile forskjellig lovbruddsmønstre der innvandrere faktisk begår flere, men mindre alvorlige lovbrudd enn øvrige befolkning. Denne studien gir ikke grunnlag for å trekke sikre konklusjoner om forskjellsbehandling, men antyder en mulig innfallsvinkel til spørsmålet.

I denne sammenhengen er det vanskelig å se hvordan man skal kunne få sikrere kunnskap om reel forskjellsbehandling uten å gjennomføre en spesialundersøkelse. Dette måtte i så fall på en eller annen måte ta for seg forholdet mellom oppdagelsesrisiko og straffereaksjon. Kunnskap om eventuell betydning av forskjellsbehandling for registrert kriminalitet er et av de største kunnskapshullene på dette feltet.

3.7.4 Andre momenter

Det er en rekke andre momenter som blir nevnt som mulige forklaringer på innvandreres overrepresentasjon i kriminalstatistikken. Herunder gjelder betydning av trauma som resultat av flukt fra krig og annen nød, kulturelle forklaringer og religion. Ingen av ovennevnte studier gir grunnlag til å konkludere i slike spørsmål.

Slike spørsmål har det til felles er at de tematiserer betydningen av forhold i hjemlandet for kriminalitet etter at de ankommer Norge. En grunn til at ingen av de foreliggende studiene som kaster nevneverdig lys over slike spørsmål er nok at det rett og slett er metodisk vanskelig å gjøre dette på en god måte i slike statistiske undersøkelser som er drøftet her. Det er selvsagt ikke til hinder for at mer detaljerte beskrivelser langs slike dimensjoner kan gjøres, men det foreligger altså ikke per i dag. Foreløpig er dette spørsmålet om betydningen av kultur og andre forhold i hjemlandet mest å regne som hypoteser. En mulig innfallsvinkel kunne være å forsøke å skille betydningen av forhold i Norge versus forhold i landet de kommer fra, men også dette vil være metodisk krevende.

Det finnes i liten grad komparative studier som viser f.eks. sammenligninger mellom de nordiske landene. Det er gjort ett forsøk på å sammenligne tall fra Sverige, Danmark og Norge (Kardell and Carlsson 2009) som viser at innvandreres overrepresentasjonen er noe større i Danmark enn i Sverige og Norge, men at justering for alder og kjønn gir større utslag i Norge enn de andre landene. En annen studie (Skardhamar, Aaltonen and Lehti 2014) viste at de ulike innvandrergroppene i hovedsak er tilsvarende overrepresentert i både Finland og Norge, selv om de absolutte tallene ikke er sammenlignbare. Men det er noen forskjeller. Et eksempel er at svenske og estlandske innvandrere er overrepresentert for både vold og vinningsforbrytelser i Finland, men er underrepresentert i Norge. En mulig forklaring er at det er ulike grupper svensker og estlendere som reiser til Finland og Sverige, og med ulike innvandringsgrunner. Komparative studier er vanskelig fordi lovgivning, lovbruddskategorier og praksis varierer. De studiene som er nevnt her har imidlertid hatt begrensede ambisjoner, men gir noen forsøksvis sammenligninger.

Disse momentene som trekkes frem i dette avsnittet må regnes som i hovedsak uavklarte, men er momenter som kan være relevante for mulige fremtidige studier.

4 Oppsummerende kommentarer

Det er publisert atten studier av innvandreres kriminalitet siden år 2000. De fleste av disse er rapporter fra SSB eller med vesentlige bidrag fra SSB. Det finnes også enkelte andre studier, derav de viktigste er selvrapporteringsstudiene utført av NOVA. Kvalitative studier er ikke vurdert her. Samlet sett har vi altså hatt en god del dokumentasjon på innvandreres kriminalitet.

Det er tydelig at innvandrere sett under ett er overrepresentert i norsk kriminalstatistikk. I *hvor stor grad* varierer blant annet med valgte definisjoner, observasjonsvindu, og datagrunnlag. Det er også forskjeller etter hvilke innvandrergupper man ser på. Innvandrere fra Norden, Europa og Nord-Amerika er generelt underrepresentert i kriminalstatistikken, mens innvandrere fra andre deler av verden er overrepresentert. Det er imidlertid stor variasjon innenfor disse nokså grove kategoriene, slik at enkelte grupper er mer overrepresentert enn andre, mens også noen grupper er underrepresentert.

Slik sett er det ingen faglig uenighet om at det er en generell overrepresentasjon av innvandrere i kriminalstatistikken. Det er derimot stor faglig usikkerhet knyttet til hva som er årsaken til denne overrepresentasjonen. At en vesentlig del skyldes befolkningssammensetningen (dvs kjønn og alder) er det ingen grunn til å tvile på, men det er heller liten tvil om at det ikke forklarer hele overrepresentasjonen. Selvrapporteringsstudier av ungdoms gir både noe støtte til at det er en reell overrepresentasjon (Øia 2005), men gir også grunnlag for tvil om dette (Andersen and Bakken 2015).

Det er en mangel på studier som kan si noe sikkert om årsakene til at innvandrere er overrepresentert i kriminalstatistikken. Det er imidlertid vanskelig å se for seg hvordan disse forklaringene skal kunne testes empirisk, primært av metodiske grunner, men det burde likevel være mulig å få et bedre kunnskapsgrunnlag enn vi har i dag.

En viktig begrensning ved disse studiene er at de er publisert med ujevne mellomrom og med ulike problemstillinger og definisjoner. Dette er i seg selv ikke en kritikk av enkeltarbeidene, men er en konsekvens av at det ikke vært noen overordnet plan for publisering av slik statistikk. Hver analyse fremstår som enkeltstudier der man har gjort ulike vurderinger, med den konsekvens at det er begrensede muligheter til å sammenligne på tvers og over tid. Vi vet altså ikke hvorvidt det har skjedd en endring over tid i innvandreres overrepresentasjon i kriminalstatistikken. Jevnlig publisering av slike tall ville kunne gi bedre innsikt i utvikling over tid, og slike tall burde i så fall også presenteres som justert for befolkningssammensetning. En dansk studie viste at innvandreres overrepresentasjon blant straffede er gradvis blitt mindre mellom 1990 og 2006 (Andersen and Tranæs 2011), og noe tilsvarende oversikt over tid burde kunne lages også for Norge.

En underliggende problemstilling er hvorvidt den registrerte kriminaliteten gir et godt bilde av den faktiske kriminaliteten. Det er velkjent at blant annet politi og rettsvesenets prioriteringer kan

påvirke slike tall, men det er uvisst i hvilken grad. Spørsmålet om en eventuell forskjellsbehandling av innvandrere er derfor av sentral betydning, men som per i dag er et uavklart spørsmål. Dette tilsier at det er både behov for studier av eventuell diskriminering er viktig, både om det foregår og hvilke konsekvenser det kan ha for statistikken. Dernest viser det behovet for andre datakilder om kriminalitet enn det som fremkommer av registrert kriminalitet og straff.

TABELL 1 OVERSIKT OVER STUDIER SOM GIR STATISTISK INFORMASJON INNVANDRERES KRIMINALITET

Referanse	Publisert	Dataperiode	Datagrunnlag / utvalg	Innvandringskategori
Andersen and Bakken 2015	2015	2015	Ung i Oslo	Personer med to utenlandsfødte foreldre
Andersen and Skardhamar 2012	2012	1992-2007	Registrerte lovbrytere, siktede Alle innvandrere fra første år med opphold og fremover	Enkeltland og verdensregioner (kun som kontroller, ikke rapportert)
Evensen 2009	2009	1997-2005	Registrerte lovbrytere, siktede	Enkeltland med mer enn 100 observasjoner, verdensdeler
Haslund 2000	2000	1998	Registrerte lovbrytere, pågripelser	Verdensdeler
Haslund 2003	2003	1997-2001	Registrerte straffede	Vestlige og ikke-vestlige innvandrere
Haslund 2004	2004	1998-2002	Registrerte straffede	Vestlige og ikke-vestlige innvandrere. Ikke-vestlige inndelt etter Øst-Europa og øvrige ikke-vestlige
Hustad 2000	2000	1998	Registrerte lovbrytere, gjerningspersoner	Vestlige og ikke-vestlige innvandrere. Verdensregion
Kardell and Carlsson 2009	2009		Registrerte lovbrytere, straffede	
Mohn et al. 2014			Registrerte gjerningspersoner	Asylsøkere, uregistrerte utlendinger
Politidirektoratet 2004			Registrerte gjerningspersoner	Asylsøkere, uregistrerte utlendinger
Skardhamar 2006	2006	1992-2001	Registrerte lovbrytere, siktede Fødselskohorten 1977	Ikke-vestlige innvandrere
Skardhamar, Aaltonen and Lehti 2014	2014	2008-2009	Registrerte lovbrytere, siktede	Enkeltland og verdensdeler
Skardhamar, Thorsen and Henriksen 2011	2011	2001-2004 (siktete) 2004-2008 (straffede) 2005-2008 (fengslede)	Registrerte lovbrytere, siktede, straffede, fengslede	Enkeltland og verdensdeler
Stene 2000	2000	1996-1998	Registrerte lovbrytere, siktede	Ikke-vestlige innvandrere
Sætre and Grytdal 2011	2011	2010	Registrerte gjerningsperson	Verdensdeler
Øia 2005	2005	2002	Selvrapportert. Ung i Norge 2002	Personer med to utenlandsfødte foreldre
Øia 2007	2007	2006	Ung i Oslo	Personer med to utenlandsfødte foreldre
Øia 2012	2012	2012	Ung i Oslo Ung i Oslo	Personer med to utenlandsfødte foreldre

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Knowledge on Crime Among Immigrants and Their Descendants in Denmark

Britta Kyvsgaard

Denmark probably is the most permissive among the Nordic countries when it comes to statistics on crime committed by persons with a foreign background. By using the publicly available database in Statistics Denmark anyone will be able to create yearly statistics including information on

- Type of crime
- Type of sanction
- Country of origin
- Status as immigrant or descendant/western or non-western origin
- Age
- Gender
- Municipality/police district

Why has Denmark such a permissive and liberal position? It is probably a result of poor police statistics and criticism from criminologist.

As probably is the case in all the Nordic countries, crime among foreigners has been an issue of great public interest and concern for a very long time. But for many, many years no statistical information on the matter was available. So what do you get when facts are missing? You get a lot of anecdotes on the 'dimensions of the problem'. In the beginning of the 1990'ies it was followed by the first statistics. A local police station in the metropolitan area had drawn up statistics on the number of crimes committed by Danish youth and by foreigners.

This statistics caught attention and was debated in the Parliaments Legal Affairs Committee where the Minister of Justice was asked to confirm that 'more than half of the crimes are committed by youngsters with a foreign background' even though the figure clearly was lower. That illustrates a rather common tendency – to exaggerate figures on crime among foreigners despite clear statistics contradicting it.

Shortly after the Ministry of Justice asked the national police to produce national statistics on crime amongst foreigners and Danes. This was, however, heavily criticized by criminologist for not taking into account the differences between the compared groups – especially differences concerning their lower socio economic status. The criticism was passed on in the media and led to a newspaper editorial criticizing the ministry.

The Ministry of Justice listened to the critique and asked Statistics Denmark to prepare proper statistics. While statistics produced by the police only looked at crime among foreigners, statistics from Statistics Denmark distinguish between immigrants on the one hand and their descendants on the other – independent of their citizenship.

Table 1 shows the results from one of the first statistics produced by Statistics Denmark. And it underlines the criticism of just presenting plain and non-adjusted figures.

Table 1. Crime index for males with foreign origin (all males=100). 2002.

Non-adjusted	150
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Adjusted for age differences	138
Adjusted for age and educational differences	130
Adjusted for age and income differences	114
Adjusted for age and SES differences	104

However, later on Statistics Denmark started also to distinguish between immigrants and descendants from Western and from non-Western countries. And by doing so you get a much sharper picture, see table 2.

Table 2. Crime index for males by origin (all males=100). 2015.

	Non-adjusted	Adjusted for age differences	Adjusted for age and SES differences
Danish origin	93	95	97
Immigrants, western origin	83	67	61
Descendants, western origin	132	106	105
Immigrants, non-western origin	155	143	118
Descendants, non-western origin	323	244	237

So this is where we are today. And you may rightfully ask: What does this kind of statistics bring you? Doesn't it just create more hostility towards foreigners?

I am not sure that is the case. In my opinion the statistics on crime among foreigners has to a higher degree dampened the discussions than the opposite. And this is due to a very simple experience that most of us probably have gained: Statistics based on perceptions and impression will probably always be highly skewed.

With the kind of statistics we have in Denmark we are able to reject a lot of anecdotes and arguments like: Most crimes in our municipality are committed by immigrants and their descendants. During my many years in the Ministry of Justice I have experienced that by using the statistics on crime and ethnicity in a careful manner debates often has faded. And this reflects another simple experience: Reality presented in its proper context is often less dramatic than the idea of reality.

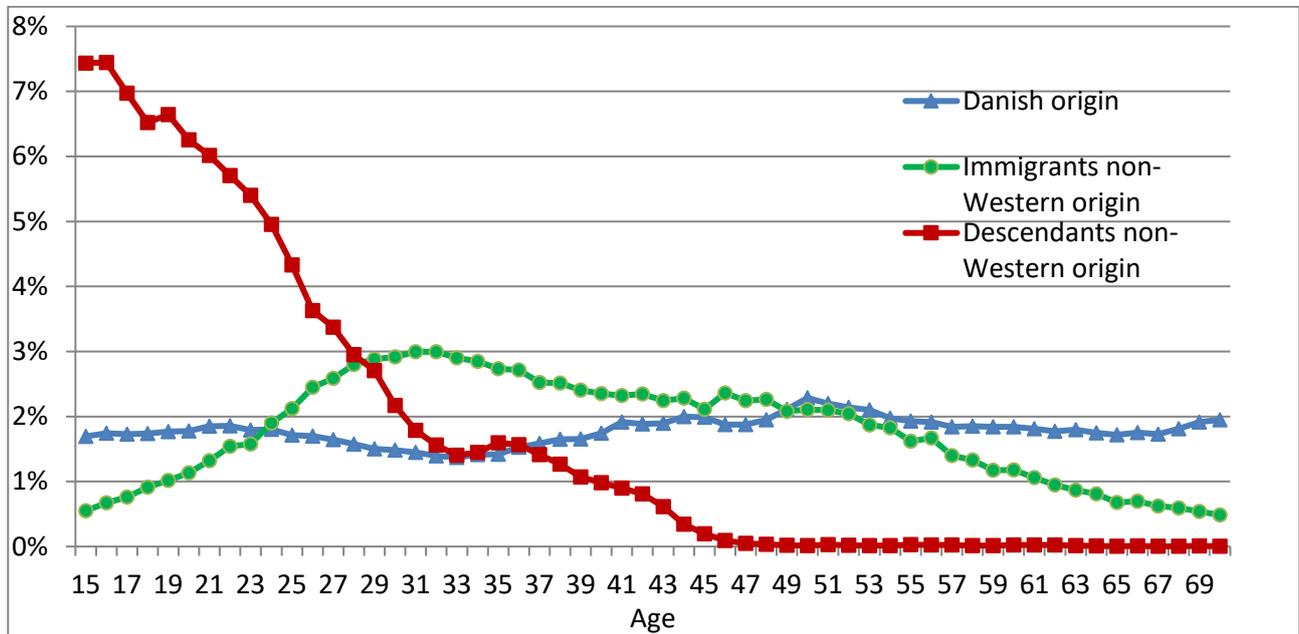
So the question is: What is a proper context? What do you have to take into consideration when presenting statistics on crime and ethnicity?

First of all it is always important to emphasize that most immigrants and descendants are law abiding. In 2015, 93 pct. of all immigrants and descendants from non-western countries had not been found guilty of a penal law offence.

Secondly it is important to emphasize that most crimes are committed by the native population. In 2015, 82 pct. of those found guilty of a penal law offence were Danes.

Thirdly it is important to emphasize the very different age curve among ethnic minorities, see figure 1. Every criminologist knows that this has a huge impact on the crime rate.

Figure 1. Age distribution among ethnic Danes, immigrants and their descendants from non-western countries. 2015.



And the same goes for employment and socio economic status in general.

Let me end this presentation by pointing at the kind of research that is needed in order to get a fuller picture of the difference between crimes rates among natives and ethnic minorities. It is well known that the higher frequency of crime among minorities to a great extent can be explained by differences in risk factors among the groups. The way cases are handled by the police and by the courts may, however, also contribute to the difference. These areas have to a much lesser degree been in focus in criminological research.

Studies on the inclination to report a crime has to my knowledge not caught much attention by criminologists. Are crimes committed by ethnic minorities in higher risk of being reported to the police? If so, that will play a role in explaining the difference in the official crime rate by the different groups.

In his book, *America's Safest City*, Simon Singer compares a low crime area with a high crime area. He finds differential treatment of young offenders by police as well as by courts. Police tolerance of minor offending was higher for youngsters from the low crime area. And there was a reluctance to label these juveniles as delinquents. This is reflected in that their offenses more seldom were recorded but dealt with informally. And judges more often chose to give the delinquents from low crime area diversion and less severe punishments.

We need that kind of research that focuses on income inequality as well as ethnicity.

Many years ago I conducted two studies on differential treatment of ethnic minorities by the police and by the courts. Both studies show that ethnic minorities more often are charged and arrested for having committed a penal law offense without being convicted afterwards, see table 3. The studies thus indicate that ethnic minorities have a higher risk of being detected and being arrested.

Table 3. Percent of charges and arrest without a subsequent conviction.

	Danish origin	Immigrants, non-western origin	Descendants, non-western origin
Charges	25 %	32 %	38 %
Arrests	27 %	38 %	47 %

From: Lars Holmberg and Britta Kyvsgaard: "Are Immigrants and Their Descendants Discriminated against in the Danish Criminal Justice System?". *Journal of Scandinavian Studies in Criminology and Crime Prevention*, vol. 4, 2003.

Lars Holmberg contributed with his observational study on police discretion and on the police's perception of the usual suspect.

In these analysis I did not split between minorities from Western and non-Western countries. But hopefully the studies will be repeated and should then look at the same groups as done by Statistics Denmark.

What also are needed are more studies on possible differential treatment in the courts and during court procedures. In Sweden some studies regarding this subject have been carried out, but much more research is needed. This type of research is highly time consuming and extremely difficult and its results can very easily be questioned but none the less it is very important.

Finally I would also like to emphasize that we should not be blind for the fact that there are some differences between people coming from different cultures and that some criminological findings might be related to such differences in cultural background. This is reflected in a newly *Eurobarometer* that points to rather huge differences between the European countries regarding attitudes towards gender-based violence.¹¹

Policing hate crime in collaboration with civil society

Eyrún Eyþórsdóttir

Summary of presentation at NSfK Research Seminar 9th-11th May 2017.

Reykjavík Metropolitan Police

¹¹ Special Eurobarometer 449: Gender-Based Violence. https://data.europa.eu/euodp/en/data/dataset/S2115_85_3_449_ENG

This summary focuses on a project of the Reykjavík Metropolitan Police which was conducted in relation to new emphasis on policing hate crime. The Reykjavík Metropolitan Police finds it important to police hate crime in collaboration with migrant communities, and recognize this collaboration as vital for policing hate crime in the Icelandic capital area. Since the Reykjavík metropolitan police initiated a pilot project to police hate crime in early 2016, reported cases have risen and close contact and collaboration have been established with various associations and civil societies, resulting in proven significance of policing hate crime in the capital area of Iceland.

Iceland is a peaceful country with a very low crime rate. Gender and socio-economic equality are high and notions of human rights are widespread and fundamental in its society. In late 2015, the commissioner of the Reykjavík metropolitan police decided to start a pilot project to police hate crimes, with a special detective chief inspector responsible for the task. This decision is in line with the recent emphasis in other Nordic countries on policing hate crimes, as well as the increasing emphasis within many European police forces on bias-motivated crimes. In 2017, the pilot project was made permanent as a special unit within the organized crime division. The pilot year proved the significance of policing bias-motivated crimes in the capital area, with 29 cases reported, more than ever before—bearing in mind that this rise in police statistics on hate crimes does not necessarily reflect a rise in hate crimes, but the new emphasis on the subject. The work of the Reykjavík metropolitan police, in relation to policing hate crimes, is based on three different frameworks, all of which have a theoretical base revolving around inclusion, "sameness", and an intersectional approach to understanding people.

In 2017 NSFK conference one of the projects the Reykjavík Metropolitan Police conducted with migrant groups was introduced. The project was funded by the Migrants Development Fund from the Ministry of Welfare and additionally, the University of Reykjavík offered housing free of charge for the project. The project name was *Police in diverse society* and aimed at establishing relations to diverse group of migrants with non-European background. Invitation letters were sent to various organizations of migrants, in addition to the National Queer Association asking for nomination of two people of different age and gender (gender identity) to participate. Additionally, advertisement was sent to the Facebook site, Living in Iceland. 30 participants applied and confirmed participation.

The project was based on meetings that were held every month from October 2016 to May 2017 with 15-29 participants each time. The meetings took around 2 hours and were held at evenings on week days and included dinner for the participants. All the meetings were held at the University of Reykjavík and the first meetings were only about establishing trust between the participants. In December there was a day long workshop held on Saturday where the group decided on doing three projects, based on measurement of the needs of the participants and the gain for the police and migrants in Iceland. The three projects were following:

- Proposal on diversity course for police students: The group wrote a proposal for a diversity course for the police science at the University of Akureyri. The proposal was handed to the rector, the director of police science and the police science project manager of the University of Akureyri í May 2017.
- Action plan for further work of the group: An action plan was created for the future of the project. It was decided that the key people in the first year would continue by the police side as managers of the continuing project and would have a position somewhat like “elders” in a society. Funding was secured and Facebook site established for the group for easier communication. The first meeting in scheduled in late September 2017.
- Ride along with the police: Third project was intended to involve more police officers by inviting the participant to take evening or night shift (go on patrol) with the police. The idea was that they video recorded it and then it would be shared on the police Facebook site. Unfortunately, the Reykjavík Metropolitan Police was not ready to allow the ride along so it was not possible to conclude that project. The group will continue to push for ride along with the police in the next circle of the project.

The workshop provided as well presentation about the Icelandic legal system, the Icelandic police and the prison system that was presented by personal from the Icelandic Prison Administration institution, an independent legal expert and a detective chief inspector from the Reykjavík Metropolitan Police.

In addition, there were two special meetings. First, in March, after trust had been established, the group visited the main headquarter of the police with their families. The group got introduced to the police station, met more police officers, went to see the police motorcycles and cars and finally, the police invited the groups for coffee and cakes. In May there was a final meeting that was open for public where the project was introduced. The project caught quite a lot media attention and an invitation to present it at a conference in the Immigration museum in Paris in March 2017.

The Reykjavík Metropolitan Police and the participants of the projects regard is as a success and important in many ways, increases relations to minority groups, establishing trust, providing knowledge about the Icelandic legal system.

Within the larger context of establishing trust of migrants towards police, simultaneously 45 police officers took part in 5-day training on diversity with partly took place within Auschwitz in Poland. Additionally, 7 police officers were trained to be trainers within the police regarding investigation of hate crime in collaboration with the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE).

Since instituting this approach based on theoretical frameworks, a great deal of appraisal has occurred from several minority groups and communities, even though the approach is under development and there are many milestones to overcome, both within the police and in the larger community.

PRESENTATIONS IN PARALLEL SESSIONS

PARALLEL SESSION 1A: Minority perspectives on policing

A brief introduction to the project: 'Perceptions of procedural justice among ethnic minority youth in Denmark, Norway, Finland, and Sweden'

Torsten Kolind and Geoffrey Hunt

Recently, interest in Ethnic Minority Youth (EMY) has grown with an increasing focus by the media, political commentators and law enforcement on delinquent activities among immigrant male youth and their potential involvement in delinquent youth groups, crime and terrorist activities. At the same time researchers have highlighted the potentially harmful effects of targeted police practices based on "racial profiling" leading to "stop and search" procedures on relationships between EMY and the police. However, in spite of these increased concerns about the activities of EMY and the potential impact of intense police practices on neighbourhoods with a high percentage of EMY, little research in the Nordic countries has examined the experiences of EMY themselves and their perceptions of policing practices in their day-to-day dealings with the police.

Perceptions of procedural justice among ethnic minority youth in Denmark, Norway, Finland and Sweden

Although police officers are expected to treat all individuals in a procedurally just manner, a growing body of research suggests that some populations, and especially EMY, may not experience this police conduct as favourably as others. In fact, research in other countries has demonstrated that race/ethnicity profoundly impacts attitudes towards police. Of particular concern are aggressive policing practices that employ racial profiling, such as stop, question, and frisk policies, disproportionately focused on ethnic minorities. Evidence suggests that such practices contribute to feelings of disrespect, criminalization, and distrust, and can result in alienation, defiance, and non-compliance with police. These experiences can in turn reinforce (subcultural) group solidarity, and contribute to increased delinquency. However, while evidence exists on the importance of ethnicity in police-citizen encounters, only limited scholarship exists that explores how precisely EMY experience police behaviour and perceive procedural justice. The limited research in Denmark, Norway, Finland and Sweden has among other things documented, that EMY have little trust in the impartiality of the police and that mistrust of the police may even extend to the parents of EMY. Reasons for this include: the police's use of racist language in their encounters; failure to inform EMY reasons for being stopped; exaggerated use of force; and EMY's belief that the type of offences that the police targeted EMY for, would have been ignored if committed by members of the ethnic majority. Furthermore, police practices, including joint use of criminal and immigration law, coined crimmigration, may reinforce EMY's feeling of dissociation from the larger society and an increased importance of their local neighbourhood; so-called 'neighborhood nationalism'.

Research questions:

Q1. In what situations and for what reasons do EMY interact with police officers?

Q2. How do EMY perceive these interactions with police officers and to what extent do EMY view police behaviours towards them to be based on police biases.

Q3. How do the perceived behaviours of the police shape perceptions of procedural justice (specifically perceptions of participation, fairness, respect and trust; see below) among EMY?

Q4. How do these experiences contribute to articulations of compliance or non-compliance with police?

Theoretical perspective

The project's theoretical framework is based on Tyler's theory of procedural justice, arguing that the police foster legitimacy, by acting in a '*procedurally just*' manner. Procedural justice includes four essential components: 1) *Citizen participation*, where feelings of fairness increase if citizens believe they have an opportunity to partake in the decision-making process. 2) *Fairness and neutrality*, perceptions of procedural fairness are connected to impartiality of the decision-making process. Citizens believe that legal authorities should be unbiased and form conclusions based on objective information. They expect to be treated equally regardless of race/ethnicity, class, or gender. 3) *Dignity and respect*, individuals place great importance on the degree of politeness and respect afforded during face-to-face contacts with legal authorities. 4) *Trustworthy motives*, procedural justice is also influenced by the degree of perceived trust and honesty.

However, establishing legitimacy, gaining compliance, and encouraging co-production also raises important sociological issues. Those asserting power enter a dynamic exchange with those being governed, and *legitimacy* may be viewed as an ongoing intersection of expressed consent, legality, and justifiable rules based on (the continuous production of) shared beliefs. Our research will utilize notions of procedural justice as a way of examining the extent to which issues of ethnicity, class, gender and neighbourhood intersect in order to shape and frame perceptions of police legitimacy, policing practices and perceived procedural justice among EMY.

Conclusion

The proposed research project will be important in order to understand issues of 'everyday integration' in three Nordic countries. Moreover, we will be able to compare perceptions of procedural justice among EMY in three large Nordic cities by identifying differences and similarities in EMY experiences with police encounters. Such comparison will be related to differences in policing, integration policy and patterns of immigration, in the three countries.

Perceptions of trust in policing among ethnic minority youth in Finland

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Abstract

This study is a part of the project that compares experiences of policing among ethnic minority youth in four Nordic countries. This paper explores ethnic minority youth's experiences of policing in

Finland (Helsinki). In Finland, the number of immigrants is still comparatively low (6,1 % in 2015). However, compared to the 1990s, there has been a rise in immigration.

Procedural justice theory (PJT) stresses connections between fair treatment and the perceived legitimacy and trustworthiness of the crime control system. Fair, neutral and unbiased police encounters are highlighted as important factors in procedural justice and labelling theories. Research is mainly based on surveys measuring general attitudes, and there is a lack of understandings on how people themselves conceptualize their policing experiences and trust in policing. Furthermore, there is a distinctive lack of PJT-based analyses which take into account how the policing field has changed as security guards increasingly participate in policing public, private and quasi-public spaces.

This study uses qualitative focus group interviews and individual interviews. The paper addresses how ethnic minority youth view aspects of procedural justice and trust in policing. The study asks: What kind of challenges and experiences of discrimination these young people have potentially experienced? What kind of positive encounters they have experienced which can create good relations? In particular, this study examines both theoretically and empirically the relations between ethnic minority youth and private security guards.

Introduction

Encounters with the police and private security guards tend to be a commonplace experience for many young people in Finland, and it has been suggested that securitization and increased policing is particularly visible in young generations' lives (e.g. Saarikkomäki 2017). Furthermore, the rapid extension of private security industry has changed the crime control and policing field (Bayley and Shearing, 1996; White and Gill, 2013). However, there is not much research done in the Nordic countries on the experiences of public and private policing among ethnic minority youth. In recent years the number of immigrants has risen in Finland and in other Nordic countries, and the asylum seeker "crisis" and how it has been portrayed in the media has triggered xenophobic attitudes. There is a risk that immigrants and ethnic minorities are therefore viewed as targets of securitization and policing measures which might further marginalize them. Researchers have highlighted the potentially harmful effects of targeted police practices on relationships between ethnic minority youth and the police (e.g. Holmberg and Kyvsgaard 2003; Piquero 2008; Pettersson 2013; Feinstein 2015). Accordingly, there is an urgent need to study how ethnic minority young people view their relations with policing agents. Furthermore, it is crucial to explore whether the key elements of procedural justice, fair procedures and unbiased treatment, are fulfilled in this societal context where immigration is rising and where the private security guards have gained a larger role in policing.

This study is a part of the ongoing project 'Experiences of policing among ethnic minority youth in the Nordic countries' (EPEN), which includes Denmark, Norway, Sweden and Finland. The study conducted in Finland focuses not only in police but also on private security guards. This paper

scrutinizes how ethnic minority youth perceive private security guards and it gives special attention to whether the encounters are perceived as procedurally just, fair and respectful. The empirical analysis is ongoing at the moment, accordingly, this paper reviews literature for the research and describes its theoretical background. The results will be published later.

Ethnic minorities and policing in Finland

Compared to other Nordic countries and Western Europe the number of immigrants in Finland is relatively low. There has been, however, an increase in the number of immigrants: In the 1990s the percentage of foreigners in the Finnish population was 0,8 percent whereas by 2015 it had risen to 6,1 percent (Statistics Finland 2015). The largest foreign groups in Finland have migrated from the former Soviet Union, Estonia, Somalia, Iraq, former Yugoslavia and China (*ibid.*). Most live in the Helsinki metropolitan area and a large share lives in Eastern parts of Helsinki. The need for a comprehensive study of the policing of young people from ethnic minorities in Nordic region is urgent. There is research done in other countries, mainly in the USA, and many studies suggest that policing of ethnic minorities is disproportionate (e.g. Holmberg and Kyvsgaard 2003; Piquero 2008; Kochel et al. 2011; Pettersson 2013; Feinstein 2015). Regarding mainly adults, there exists some Finnish research on relations between ethnic minorities and the police (Grönfors 1979; Egharevba 2004; Honkatukia & Suurpää 2007; Saari 2009; see also ongoing project Keskinen) and on immigrants' experiences in prison (Huhta 2012).

Saari's (2009, 404–414) review of Finnish studies on relations between ethnic minorities and the police found that studies that focused on police perspectives perceived the relations more positively than studies that were conducted from the point of view of ethnic minorities. Although the views of the police were varied and there were also positive views, many studies highlighted negative relations and low trust among ethnic minorities (*ibid.*). Honkatukia and Suurpää (2007, 125) interviewed young men with immigrant and Finnish Roma backgrounds of their experiences in the criminal justice system; these men defined the police on one hand as useful and only doing their job but on the other sometimes acting unfairly. An ethnographic study of daily lives of young male Somalis in Helsinki described how they were often stopped and searched by the police and how it was sometimes difficult to use city spaces without experiencing police attention that they felt was discriminatory (Hautaniemi 2004, 107–112).

In my previous study, which is based on focus group data of ethnic majority Finns, I found that young people evaluated their perceptions of trust in police and private security guards according to many factors, such as fair and respectful treatment, and whether they perceived that some groups were disproportionately targeted (Saarikomäki 2016, 2017). However, the study did not focus on the experiences of ethnic minority youth themselves. The young people perceived that some policing agents, particularly security guards, usually suspect ethnic minorities. Some suggested that when they hung out with young people from ethnic minorities, they experienced more policing attention. (*ibid.*) Longer education of the police officers can aid them to act fairer and less selectively compared to private security guards (Saarikomäki 2017). The young people regarded private security guards

as less trustworthy, procedurally just, respectful and fair as compared to police officers (Saarikkomäki 2017). The study highlighted the importance of considering not only the police but also private security guards when scrutinizing young people's experiences of policing and social control.

The changed public-private policing context

Despite significant transformations in policing due to the expansion of private security, much of the criminological and policing research has focused on the police and on the criminal justice system. This paper considers that in order to understand policing and its effects on people more broadly, it is highly crucial to include private policing. Governance of security and crime control is typically understood as something that the police and the criminal justice system have the monopoly on. However, the extensive and rapid rise of private security, witnessed in many Western countries including Nordic regions, has profoundly transformed the governance of security (e.g. Bayley and Shearing, 1996; Button 2002; Kerttula 2010; Löfstrand 2013; White and Gill, 2013; Schuilenburg 2015). Societies have undergone a radical shift from a criminal justice system of crime control, monopolized by the state and its police, to a system where also private sector participates in delivering security (ibid). It has been suggested that police monopoly of crime control and maintenance of public order has been dismantled as public and private policing fields have been mixed (ibid.).

The private security field in Finland is not, however, completely distant from the state and crime control system since they can operate together with the police, fulfil a public mandate of order maintenance in public spaces, and as they use legal powers issued by the state. In this way, although they are fundamentally private actors, they cannot be regarded solely as private actors selling security but their role in crime control and order maintenance is crucial. Private security guards are here defined as policing agents, although their role and task are different from the police (see e.g. Button 2002: 122–125; Saarikkomäki 2017). Private security guards typically patrol in shopping malls and stores as well as in public city spaces, such as subway and railway stations, where young people spend their free time. Prior research indicates that encounters between security guards and young people are frequent and young people often experience them as negative (Matthews et al. 2000; Saarikkomäki 2017). However, there seems to be a distinctive lack of research on ethnic minorities' experiences of private security guards.

Procedural justice and trust in policing

Why is it important to study citizens' perceptions of policing agents? Procedural justice addresses connections between perceived fair treatment of police behavior and its connection to trust and legitimacy towards criminal justice system. The main argument is that citizens' perceptions that the police and other crime control agents treat them fairly and in a procedurally just manner is the primary influence for constituting trust in and legitimacy of the system (e.g. Tyler 1990; Murphy 2015; Bradford & Jackson 2015). Tyler (1990) suggests that the crucial elements which create perceptions of procedural justice are neutral and unselective criminal justice processes, participation

in decision-making processes and perceptions that policing agents treat people with politeness, respect and fairness. Survey-based research suggest that feelings of procedural unfairness, for instance perceiving police behaviors as disrespectful and unfair, is connected with unwillingness to obey the law and cooperate with the police (e.g. Tyler 1990; Murphy 2015).

Although the procedural justice literature has been growing rapidly, there are gaps in research that this study aims to fulfil. Firstly, prior research has focused on the public police and justice system. I have demonstrated how the policing field has transformed, and private security agents are important policing agents in many contexts. Secondly, this study provides new perspectives and methods to a survey-dominated research field by using a qualitative approach. Finally, procedural justice research has not focused enough on ethnic minorities. Van Craen (2012) suggest that feelings of insecurity and perceptions of discrimination play a large part in accounting for ethnic minorities' confidence (or lack of) in the police. What is also of importance, is to take into account how experiences of discriminative police practices might create feelings of fear, anger, rage and humiliation (Van Harris, 1997, 570).

Data, methods and prospected preliminary results

The data consist of semi-structured individual interviews and focus group interviews with young people whose parent(s) were born outside Europe or who were themselves born outside Europe (first or second generation immigrants). At the moment, I have conducted interviews with 27 young people (9 individual interviews and 6 focus group interviews). There were 7 females and 20 males aged from 15 to 18 participating. The interviews were done in 2016–2017. In the focus groups, the participants where a group of friends and the number of participants were from 2 to 4. Most of the participants live in Eastern Helsinki and others live in Western/Northern Helsinki or in the metropolitan area. Most of them had been born in Finland. All the interviews were conducted in Finnish. A largest group participating in the interviews where young people who were born in Finland but whose parents had been born in Africa (Somalia was the largest group) and there were also a few participants whose parent(s) where e.g. from Russia, Afghanistan or Vietnam.

I recruited the participants from two youth clubs in Helsinki and I conducted the interviews in their premises. I also asked the youth club workers to recruit participants when they move around in Helsinki and I asked young people to tell their friends about the research. Most of the participants I recruited directly from the youth clubs but some of the participants were recruited with the aforementioned snowball method. I also contacted other youth clubs and associations that work with young people and with people from multicultural backgrounds to share my advertisement about the research, but I did not receive any contacts through this. Accordingly, the best way to find participants was to spend time at the youth club and contact young people directly there. I had an advertisement in the youth club about a possibility to participate for a research about experiences and perceptions of the police (if you were aged 15 to 25 and if your parents were born outside Europe). The advertisement was in Finnish as the idea was to interview those who have lived in Finland approximately more than five years. I interviewed everyone who wanted to participate who

were themselves or their parent(s) born outside Europe. I also interviewed a few young people whose parent(s) were born in Russia or in east of Europe as they wanted to participate. I gave movie tickets to all the participants to motivate them and to thank for their time.

The interviews usually took 40 to 60 minutes. The interview questions mainly handled personal and friends' experiences and perceptions of the police and general trust in the police. I used interview questions that were common for the project but I also tried to make the interviews conversation-like, accordingly, I did not follow the questions strictly. During the interviews, the young people also told about their encounters with private security guards and in the end of the interviews I had specific questions about these encounters.

The data analysis of this paper focusing on private security guards is in the progress, the plan is to conduct thematic analysis in order to answer the following question: How ethnic minority young people describe their encounters with private security guards? What kind of perceptions they have towards private security guards? Are these perceptions different towards the public police? What kind of aspects of procedural fairness/unfairness they describe? Do they have experiences of discrimination?

Ethnic minorities and immigrants can experience feelings of being "others" in relation to ethnic majorities and they might feel that they are only heard as representatives of minority groups (Rastas 2005). There can be a risk of further marginalizing if they are always treated as ethnic minorities or immigrants. I aimed to be sensitive in the interviews to hear the participants' experiences and how they talk about their identity. In the interviews, I paid attention for aiming not to produce "otherness", for instance, I first asked questions about free time, school and encounters with policing agents and they could themselves bring up issues related to how they identify themselves and possible difficulties in living in Finland as a racialized group. Many spend their free time often in multicultural groups of friends. I also asked if they believed that the policing agents treat everyone similarly or if they have an impression that some groups are discriminated. It can be difficult to talk about possible experiences of discrimination and to name them, but I feel that these issues should be addressed as long as the participants can feel that they can choose what they want to share (e.g. Souto et al. 2015).

It seemed that many of the young people felt that they or their friends were sometimes targeted by policing agents because of their young age and minority ethnic background. This came up when they talked about their personal or friends' encounters with policing agents and when they reflected the feelings these encounters aroused. Many of the interviewees reflected the difficulties of living in Finland as racialized groups making it important to also highlight these kind of experiences. Furthermore, the experiences should be analyzed also in the context of age, class and other intersecting factors. Although this topic is sensitive and can be difficult to approach, it is important to address the young people's experiences as prior research has shown that there can be difficulties in relations between ethnic minorities and the police (e.g. Saari 2009). The young people had,

however, also positive experiences about policing agents and situations where they felt treated fairly or where they got help from the police or security guards.

The interviewees had encountered private security guards for instance in stores, shopping malls, metro and in stations. Preliminary findings suggest that many of the interviewees have had encounters with private policing agents and they were sometimes experienced more negatively than the police. However, the perceptions were multisided and there were also rather positive encounters for instance when young people needed help. There were for instance situations where the interviewees had faced assaults and racism in city space and this had resulted in a fight which the private policing agents had stopped. Many, however, felt under suspicion because of their age and ethnic minority status which affected their social belonging and identity. Furthermore, here were differences in how young people regarded the private security guards in relations to police (see also Saarikkomäki 2017).

The findings will be published later. The aim is to produce information of whether targets of policing perceive security guards as legitimate and procedurally just and where developments are needed. The prospected project gives particular attention to previously neglected area of the experiences of ethnic minority youth. The findings inform policy debates on how the security guards should engage with young people and how to better ensure integration of ethnic minorities. Procedurally unjust practices may contribute to feelings of disrespect, criminalization, and distrust, and can result in alienation and non-compliance with police (e.g. Tyler 1990; Bradford & Jackson 2015). The paper also concludes that private security are significant policing agents that have gained too little attention in criminology.

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Comparisons and identifications as routes to police skepticism among ethnic minority youth in Sweden

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This is work-in-progress – please do not cite!

Abstract

Tom Tyler's theory of procedural justice argues that police may foster legitimacy by acting "procedurally just". This can be done by granting citizens opportunities to partake in decision-making, by making decisions impartial and unbiased, and by showing dignity, respect and honesty in public interactions. Legitimacy depends on people's assessments of fairness, Tyler argues. His psychological theory, however, does not tell us how people accomplish such assessments in a social setting in which the police face a renowned history of being perceived as unjust and illegitimate. Nor does it tell us the significance of people's situated accounts on how police-skepticism is fostered in such settings. This article draws on 19 interviews with ethnic minority youth and young adults in so-called vulnerable and deprived city areas in Sweden to show how the police is assessed in practice. We argue that social comparisons and social identifications work as narrative mechanisms through which the police are assessed. Depending on how the interviewees make a comparison and how they identify themselves and others, as well as how they pick instances from their neighborhoods (i.e. the kind of behavior, situation, emotion or identity), police officers may either be portrayed as relatively biased and racist or relatively just and legitimate. Narrators' comparisons within Sweden or their identifications with police targets, for instance, may give shakier assessments of procedural justice than comparisons with birth countries and identifications with non-targeted categories. We also argue that ethnic minority youth and young adults in police-targeted areas tend to assess police behavior with an eye to how the public framing of their neighborhood is indicated in police-citizen interactions.

Introduction and background

In research as well as public debate, it is often recalled how the police may promote their legitimacy by acting "procedurally just". This means, for example, allowing citizens to take a greater part in

decision making¹². The “procedurally just” manner also involves the police being impartial, fair, honest and behaving in a respectful manner.

Tom Tyler’s (see for example Tyler 2003, 2015) psychological theory of procedural justice is an example of how this has been discussed scientifically; the police’s legitimacy depends on whether citizens perceive them and their working methods as correct and fair. Against this background, Tyler emphasizes the importance of the police practices taking into account the public perceptions of justice so that their trust can be maintained or restored.

But how is such confidence created in a context where citizens’ past experiences of the police may be sensitive or directly problematic? Although the police are expected to treat all individuals in a “procedurally just manner”, research shows that some citizens, not least young people with ethnic minority backgrounds living in “socially deprived urban areas”, do not necessarily perceive the behavior of the police as equally positive as other citizens possibly do. Tove Petterson’s research (see for example 2013, 2014), for example, has shown, in a Swedish context, that young people with ethnic minority backgrounds, living in socially disadvantaged areas, express criticism against the police in terms of them being considered ethnic discriminatory. People who live in areas that are particularly exposed to police surveillance – areas that are also targeted in the media as criminal, dangerous and insecure – may be particularly sensitive to the behavior of the police.

As part of this ongoing project we are interested in how young people from ethnic minorities, living in socially vulnerable areas, relate to the police based on how they depict the meaning of justice, respect and honesty. So far, we have conducted qualitative interviews with 19 adolescents and young adults (most of them aged 16-25¹³), mainly young men (12 of them), with ethnic minority backgrounds¹⁴, most of them (10 persons) living in Växjö, in the residential area of Araby. We wanted to do interviews in a slightly less explored area than might be the most obvious (for example Rosengård in Malmö, where we however also did some interviews¹⁵).

Växjö is a city, with approximately 65,000 inhabitants, in southern Småland. Araby is a residential area constructed in the 1960s and 1970s as part of the million homes program. It is quite centrally located in the city¹⁶. According to a report from the Police (Nationella operativa avdelningen, Underrättelseheten, 2015), 53 areas in Sweden are considered exposed to serious crime as well as socio-economic factors and a major public insecurity. 15 of these areas have been recognized as

¹² For example, in a Swedish context, this may be done through the so called “citizens’ promises” (medborgarlöften) which involve cooperation between the police and the municipalities, and concerns what should be prioritized in terms of crime prevention.

¹³ One of the interviewed men is in his thirties.

¹⁴ Lebanon, Iran/Turkey, Afghanistan, Somalia, Iraq, Macedonia, Kosovo, Syria and Chile.

¹⁵ Some interviews have also been conducted in Ljungby, a smaller town (with about 15,000 inhabitants) in southern Småland, primarily for comparative purposes.

¹⁶ About 6,500 people live in Araby.

particularly vulnerable. Araby in Växjö is considered as such a particularly vulnerable, and especially prioritized, area.

We conducted our interviews in Araby at the Araby Park arena which is an activity center in the area. These interviewed young men and women live in a social context where ideas about the police as unfair and prejudiced could be expected to be recurring; How do they portray the police? How do they describe their encounters with the police? How is skepticism about the police constructed?

Comparisons and identifications

We use a narrative, ethnographic perspective and discuss how contextual comparisons and identifications act as narrative routes to – and from – police skepticism. We also discuss how the young adults use explicit and implicit criticism of the police, for example by use of humor. The starting point for our analysis is that when the young people describe and talk about the police, they make different assessments depending on how they make comparisons and identify themselves.

Since we are currently working on processing the material and structuring the analysis we do not theorize our findings in the present text. This paper aims at forming a basis for an upcoming article where the empirical findings presented below will be explored. In the following, some of the different ways of assessing the police, that we have found in our material, is presented.

We argue that young people judge the police through social comparisons and social identifications based on local and personal “folk data” from their neighborhoods and in their daily lives. Depending on how the interviewed youngsters formulate different comparisons, and how they identify and mark their identity limits, the policemen can either be portrayed as relatively partial and racist or relatively fair and legitimate. In other words, it is not always the case that the police are either considered “unkind and partial” or “nice and fair”. It is not obviously about either “disliking” or “liking” the police. For example, when the interviewees make comparisons between the police's actions in different residential areas in the city – or when they identify with people or groups they perceive as police targets – the assessment of the police can be more negative or insecure than if they compare how they perceive the police in other countries – or when they identify with persons or groups they perceive as “non-targeted” by the police. The interviewees discuss the police against the background of comparisons and identifications in (at least) the five following ways.¹⁷

1. Swedish police in comparison to the police in other countries

¹⁷ It may be mentioned that one and the same interviewee can use several different ways of presenting a narrative.

When the interviewees are asked about what they think about the police, the question is sometimes answered by relating the Swedish police to the police in other countries (usually their countries of birth) – and in that sense, the Swedish police are described as just. In other countries, the police, according to the interviewees, can be “creepy”, “violent”, “corrupt”, “dangerous”, “hard” and “disrespectful” – and in comparison, the police in Sweden are “kind”, “pleasant”, “nice” and “helpful”.

Yasmeen: ...in Iran and Afghanistan the police officers they are really- (pause) well I don't know they aren't that- maybe they hit [...] But here in Sweden they look nice (laughs) [...] Always they laugh and.

Veronika: Yees and they don't in-?

Yasmeen: No. [...] They are (.) tough.

Kinsi: Aa. In my home country (Somalia) the police are dangerous. You cannot come near them. One feels “iiiih” stressful and afraid. But in Sweden they are nice. [...] They do not come and ask me “What's your name? Where are you from?” [...] They respect me as I am [...]. But in my home country they come and ask you [...] “Where do you come from?” [...]. But here in Sweden, you are like other people.

One young man, Haider, also makes a comparison when he contrasts the police in Sweden with the police in Iraq. Here the comparison becomes more complex. Haider believes that the police in Iraq are different from the Swedish police, i.e. that the Iraqi police are harsh and unfair, but he also emphasizes that he has bigger expectations of the Swedish police. The Swedish police may be better than the Iraqi but that does not mean that they are perfect.

Haider: But in some way, if you are in the wrong place, you can get arrested [...]. It should not be like in Iraq. In Iraq if you go to the other city they can take you. You can get caught directly, just because your name is Omar, your name is like Mohammed you can be arrested. [...]

David: What do you expect of Sweden then?

Haider: Well, I expect more than that. I expect the police to be kind to those who are kind, they should be aggressive to those who are aggressive to the police. If I throw stones at the police, the police have the right to take me to prison immediately. But if I calmly walk away from the police, then the police do not have anything to do with that. I should not have to ride my bike and the police stop me saying “Where have you stolen it (baxat den ifrån)?” Ey come on, it's just because I rode my bike in Araby isn't it?

David: Has it happened or?

Haider: It has happened to everyone, you know.

2. Police's practices in the own residential area compared to other residential areas

The following is an example of how some interviewees make comparisons regarding the police acting differently depending on which residential area that is in focus:

Cristian: You know, to be completely honest, almost the only encounters I have had with the police has been in Araby [**Veronika:** Okay.] I have never been stopped in Hovshaga or in the city (.) I have been stopped many times in Araby [**Veronika:** Okay.] eh I have had strange treatment, I have had good treatment, it has been different from time to time...

Sometimes it is also described how the police's knowledge of which young people who lives in Araby make them treat the youngsters in a negative way when they are at other locations in Växjö. The youngsters depict how they are "checked" thoroughly.

Sadri: ...when you are in the city sort of [...] and then there are lots of policemen. They keep an extra eye on us who are from here (Araby). You know we are from here. You know it right away. That doesn't mean that we should be checked more just because we are from Araby. We're in the city to have fun just like everyone else.

3. Police's acting against the youngsters in comparison to how they act against others

A critical view of the police arises when the interviewees compare how the police act against themselves in comparison to how they act against others. Here, ethnic background becomes central. Malik tells us, for example:

Malik: So, what I have seen, my picture of it, they are harsher to me than to my friend who is blond [...] it has happened to me many times too [...] that if I'm with someone, I do not need to mention names, my blond friend with blue eyes [...]. Do you understand? Do you get it?

David: Swedish look or?

Malik: Well, he is much more, you know, better treated and easier released. But no, they may have (inaudible) me and leave urine sample. Must sit for a couple of hours and talk and explain my life to them. Although I know that they know the whole.

David: You are brought in or arrested and have to leave urine sample?

Malik: It has happened. It has happened many times.

Sadri, who tells us that he has been beaten by the police, points out that his friends – who also have immigrant backgrounds – have similar experiences of police violence and he believes that:

Sadri: I have not heard of any Swede who have been hit by the police you, know [...]. Only maybe Swedes who have grown up in a suburb...

4. Dis-identification with "police targets"

In the interviewed youngsters' narratives, there are also examples of how they take distance from others' negative views of the police. Primarily they distance themselves from those who they perceive as "police targets" (such as young people throwing stones) – "targets" that they do not identify with.

Massoud: There are people who think, who dislike police officers because they think they are aggressive and target a particular group of people, such as what people think in the United States [...]. There they believe that police officers only target dark-skinned people and it is young people here that are throwing stones at the police and so on because they hate the police. I do not know what their reason for it is, that they do so.

This quotation is about Massoud comparing his own thoughts to others' views of the police – opinions he does not share. Massoud expresses a positive image of the police. In other interviews, it may be that you do not identify with the "police targets" but you are still constantly reminded of a relationship to them – and in these cases a more negative attitude is expressed. For example, Tony tells us how he, when checked by the police, constantly has to answer for the criminal activities of his family members:

Tony: You know in Sweden in general so, I really don't know. They do their job, whatever they should. But in Växjö in particular- I'm such a person, I'm very calm, I haven't done anything, I never do anything either. I hardly drink alcohol, but I do not like the police here. I have experienced so much negative from them so I have lost all respect for them in recent years. [...] For example, both my father and my brother, they haven't always been the best people in the world, but the matter is that as soon as the police look at my ID card, I have never been in trouble with the police myself, but my patience is running out cause as soon as they notice my last name, it's "Aa, but you're his son" or "You're his big brother" [...] Then they address this issue every time they see my last name and it's not very fun for me either.

Haider explains that he shares the police's view that some young people in the area are problematic – but he underlines that everyone should not be targeted because of some people's misconducts.

Haider: Okay, some cause trouble and I agree with that. Some cause trouble but that's not our thing (vår grej). [...] there was a fuss between two and then all of Araby had to suffer. What's the rest got to do with it?

5. Identification with "police targets"

There are also examples of how interviewees may identify themselves with those who are viewed as “police targets” – and in this narrative context, both negative and positive attitudes are portrayed. Cristian, who talks about how he has had some problems when he was younger and how he, as a thirteen-year-old rapper wrote lyrics about “fuck-the-police”, says:

Cristian: ...I could recount bad things that I have seen with my own eyes before me sort of but that’s no point cause I will only provoke my fellow men [...] if I go about rapping about when I saw a police officer... [the police act very violently – details omitted for reasons of anonymity] (which he explains he has seen) [...] then they will be even more provoked to burn cars [...] and hate the police [...] I don’t want, I don’t want anyone to hate policemen [...] I want them to feel safe by the poli- I want to feel- I want the young people around here to sense that the police protect them [...] because they are swedes now [...] they have come from another country but they are swedes now... [...] Here (in Araby) nobody wants to become a police officer [...] people hate the police [...] rather they are afraid than hating them [...] because what I see it’s not hate, it’s not hate, you know, it’s fear [...] they only choose to show it like hate because then it will not look as cowardly.

Criticizing the police indirectly

Police criticism is also expressed in terms of for example *ironic and humorous presentations* (quote from interview: “Sing a reggae tone and a police officer will arrive.”), *by conducting someone else’s speech* (quote from interview: “I understand why people here are getting tired of them.”), *moral as critique* (quote from interview: “When entering the arena and doing these things in front of children.”) and *time as critique* (quote from interview: “Three hours after they come (after emergency call to Araby).”). This kind of indirect police critique (which in the present study is also often linked to the interviewees own ethnic background or residential area) is recognized from other studies of young adults (c.f. Burcar 2013, where young male crime victims talk about the police). By use of such critique, a discontent can be emphasized without the interviewees themselves being regarded as complainers (c.f. Emerson 2009, 2011). Humorous stories or expressions may, for example, down-play complaints and therefore appear as a more socially accepted critique (Sellerberg 1994). This kind of humorous stories may also be regarded as “rebellious humour” (Billig 2005, see also Gradin Franzén and Aronsson 2013) where the powerless (the youngsters) targets the powerful (the police).

A concluding remark

Research has shown that young people with ethnic minority background are often dissatisfied with the police and that the dissatisfaction is often associated with discrimination (c.f. Pettersson 2013, 2014; Sollund 2006 and Fassin 2013). Tyler (see for example 2003, 2015) argues that the police may foster legitimacy by acting in a “procedurally just” manner, for example by not being discriminating. Legitimacy depends on how people assess fairness (ibid.).

What we are interested in is the ways in which the young adults can accomplish such assessments in an environment that is considered socially deprived, and where the police may have an established reputation of being impartial, discriminating, and unfair. We are interested in the significance of young people's situated accounts on how police-skepticism is fostered, and how police critique is expressed.

To conclude, this is an ongoing project and more interviews will be conducted along with the analysis being refined and theorized. However, what can be said, in short, from this empirical material is that the young people's perceptions of the police are shaped by their personal experiences of police encounters and/or other people's stories of police experience. Here there are both positive and negative examples that together give a complex picture of the young people's police images. Police criticism is recurring but not unambiguous or simple.

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Policing at high schools: Experiences among ethnic minority youth

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Abstract

Ethnic minority youth (EMY) in Oslo have reported frequent visits, i.e. twice-three times per week, of the police at the high schools they are attending, often found in Oslo's eastern boroughs. The police' intentions of these visits, at least as stated by the police leadership, appear to be an effort to reduce drugs and a commitment to preventive work on deterring criminal acts amongst marginalized youth. This study focuses on EMYs own experience and perceptions of these frequent visits, based on interviews and focus groups with 29 youth from different boroughs and ethnic background in Oslo. The author finds that the experiences and perceptions of these visits are affected by already low trust between EMY and police, which in turn leads to a number of negative experiences among the youth when it comes to these meetings.

"People panic when [the police] come, because they think that something has happened. We have discussed it many times at school and I think they should come as civilians, not in uniform. At least then, they wouldn't create fear."¹⁸

Introduction

Overall, the Norwegian police enjoy a high level of trust among the general public in Norway. A recent study (Ipsos 2016) found that 80% of the Norwegian population have either high or fair level of trust in the police. This is of course also linked to a general perception of living in a safe and secure society (93%) among the Norwegian population (ibid). Nevertheless, certain groups in the Norwegian society, especially young men with ethnic minority background may express a higher level of distrust towards the police (see e.g. Sollund 2006). This is a topic often discussed in Anglo-American literature (e.g. Holdaway 1996), and/or especially with a quantitative approach to the empirical data (e.g. Van Craen & Skogan 2015). However, there is limited qualitative research on this group in Norway, especially among ethnic minority youth (EMY), by understanding what type of encounters they have with the police and also their experiences from these meetings. In this article, we will present a particular context in which EMY are exposed to frequent visits by the police, namely in the high schools in Oslo's eastern boroughs with a majority of ethnic minority pupils.

The weekly and sometimes daily visits to high schools in these areas are targeted from the police in Oslo in preventing drug trade at the school and building positive relations with the pupils.¹⁹ Thus, there is both an intended target, i.e. searching for drugs and keeping an eye on people who use the

¹⁸ Focus group 1, four youths (two girls and two boys), all second generation immigrants, 7 December 2016.

¹⁹ See for instance the Norwegian Broadcasting Network's interview 13 September 2016 with Oslo police chief Sjøvoll and former minister of justice at <https://www.nrk.no/nyheter/mer-politibesok-pa-skolene-1.13132149> (accessed 20.1.17, in Norwegian).

school as a market for distribution, and a preventive, trust-building aim towards the public. However, the police' intentions are not always what the pupils experience and can, in some cases, have unintended consequences of creating more fear and distrusts between EMY and the police, such as the quote above illustrates. Some of the informants in this study expressed a view that they were treated differently than the majority population, who they claimed did not have these frequent school visits in the western part of Oslo, i.e. with a majority of ethnic Norwegian pupils. In other words, they experienced discrimination as youth in poorer socio-economic neighbourhoods with a minority background compared to better-off majority population in the West.

Moreover, some of the youth expressed a disproportionate use of power, especially with what they considered intimidating means such as dogs and large police cars or simply tone and language in communicating with the youth. I argue that this falls into a broader pattern of scepticism and mistrust towards the police in this group, not just in the school area. Further, I argue that even though the good intentions of taking out drugs and drug dealers from school property are important, there appears to be limited effect on trust-building seen from the eyes of EMY. In fact, some types of police presence can have the unintended consequence of creating more distance, fear and mistrust among EMY.

Methodology

This study is part a broader Nordic project entitled "Experiences of policing among ethnic minority youth in the Nordic countries" that focuses on EMY's perceptions and experiences of encounters with the police and policing methods. This article is based on the qualitative study conducted in Oslo, Norway, with 29 youth with majority boys (23) and some girls (6). The informants are selected based on the following criteria: They are aged 16-25, they live in a mainly minority community²⁰ and they have experienced either direct contact with the police for different reasons (both positive and negative) or having close friends and/or family who have this experience. In addition, the focus is on visible ethnic minorities as determined by phenotypical features in Norway, such as people from Middle Eastern, Asian and African ethnic decent. This is done based on the broader research theme of discrimination, prejudice and other perceptions related to ethnic features in a majority Norwegian ethnic society. The data is gathered through semi-structured interviews on an individual basis and two focus group sessions. All interviews and focus groups are done on a volunteer and anonymous basis, thus also withholding the name of schools that the informants discuss in this article.

Moreover, all of the informants are fluent or use Norwegian in their daily language, in order to ensure a group of youth who have a "belonging" to Norway but at the same time have a variety of experience with and confrontations on cultural and ethnic identity. The youth in this study are mainly second generation immigrants or have lived in Norway since they were very young (0-3

²⁰ These are boroughs *Alna*, *Stovner*, *Grorud*, *Bjerke*, *Gamle Oslo* and *Søndre Nordstrand*, mainly found in the eastern part of Oslo. The boroughs *Alna*, *Stovner*, *Grorud* and *Søndre Nordstrand* have around 50% or more of the population defined as "immigrant", meaning born in a different country or having parents born in a different country. Ethnic minority is a broader definition than immigrant and can include 3rd generation immigrant and of mixed Norwegian-foreign descent such as having one ethnic Norwegian parent and one ethnic minority parent.

years). They mainly have experiences from their country of origin through holiday visits and would often express conflicting ideas around Norwegian and ethnic minority identity, such as feeling both part of and excluded from the same national or ethnic identity.

The informants have been located through different channels, such as municipal resources persons including child protection services, minority advisors and youth club leaders, as well as other volunteers and interest organizations working for ethnic minorities. The aim has been to find a variety of informants with different ethnic background, residence and experiences with the police. It is important to note that the aim has not been to find a representative population, but rather finding multicultural youth with different or similar experiences with the police. This has led to a sample of youth who feel very distrustful with limited socio-economic resources, while also involving youth who are very trustful and positive towards the police and youth anywhere in between.

Policing at high schools in Oslo

The focus on high schools in this article comes as a result of the interviews with youth in this study and was not initially a specific topic in the interview guide. It became a topic when youth were asked about where and when they encountered the police in direct or indirect meetings. Police presence at schools was an ordinary, everyday experience for many youth in the eastern boroughs of Oslo interviewed in this study. Some of them did not even consider these meetings as being in contact with the police as they thought of them as such ordinary encounters, but were reminded when asked by the researcher. Others had more traumatic experiences with the police at their schools and shared their views when asked about different police encounters. Though perceptions and experiences varied among the youth, many had problems with the presence of the police due to various reasons we will now discuss.

Some of the youth expressed a frustration in having the police present two-three times or even every day at the high school. They considered their presence as a way of confiscating or preventing drugs at school property, but had little or no positive interaction with them. In particular, some of the youth who participated in focus groups expressed a frustration with their visual presence, such as one of the youth stated:

“To be honest, I don’t know what they [the police] are doing there [at the high school]. It is really annoying. (...) It might be good reason to check for drugs. But there is no reason for them just to hang around in the cafeteria and just stare into thin air. (...) They always take their big car and park it right outside the school, which makes you think ‘what has happened?’ They never come with their smaller cars, always the big one where they can throw people in.”²¹

The “big car” is referring to the police vans (often Mercedes Vito type) and is a common site in Oslo. However, the presence of this type of car outside the school combined with a lack of information on why the police are frequently there, exaggerated the distance between police and EMY. The

²¹ Male 18, Focus group 1, 7 December 2016

scepticism towards the police presence in and around the school was also expressed in another focus group:

“[The police] live there [the school], they have one of those police motorhomes with a bed. I took a video of them. There are police officers there every day and they even have the motorhome!”²²

As both of these citations are taken from focus groups (two separate), it can mean that the youths’ perceptions might be exaggerated in presence of their friends. The last of these two quotes was also stated with a glimpse of humour but indicated that the police presence was exaggerated and disproportionate to the problems at the high school he attended.

In other interview discussions, some of the youth also expressed a particular fear when it came to dog patrols. It should be clearly stated that dog patrols were often a one-off experience and happened rarely at the high schools. Nevertheless, most if not all of the youth I interviewed were afraid of dogs in general and thus seeing them at schools could be perceived as an intimidating way of policing. For instance, as one of the girls interviewed explained:

(...) “This summer, there was a police patrol with dogs. I don’t think that is OK. If the school suspects drugs, I think it would be better to send a report of concern to the child protection service instead of a dog patrol that exposes a single pupil in front of the entire class. (...) I was exposed to that, although I didn’t have drugs on me. I’d bought a jacket second hand from a person that clearly was doing that [drugs]. My entire class thought I was doing drugs the next three months and it [coincided with] a period that I was away from school so they were sure I was on drugs. (...) [The police] should have 51% suspicion in order to search a person. I mean, they don’t have that when they let a dog loose until it locates someone in a class of thirty students. (...) I think that shows misuse of power (...).”²³

In this interview, the informant viewed this type of policing as intimidating and excessive use of power. As she was personally targeted, she experienced an additional level of humiliation in front of her peers. In two other interviews, the youth had not experienced the dog patrol themselves but explained in the sense of rumours and views from fellow class mates and/or friends how this was taken:

“Yeah, they have had dogs here as well, although I wasn’t at school that day. But everyone was thinking ‘what the fuck?’ They entered the cafeteria and started sniffing at people, like a police raid (rassia). Many thought ‘they are not allowed to do that’, as many are afraid of dogs. Like many have fears, trauma, and think that it’s uncomfortable. They don’t feel safe when the police bring dogs to the school.”²⁴

In another interview, similar views were expressed:

“There is no police where I go to high school [not a minority area and school], but I know a lot of people that go to [withheld, high school with many minorities where the informant is from]. Some of them understand why the police are there; others think they are crossing a boundary. Like when they come with dogs at school,

²² Male 17, Focus group 2, seven boys, all part of the same group of friends with mixed ethnic background and both first and second generation Norwegian, 15 January 2017.

²³ Female 17, Interview, 23 November 2016.

²⁴ Male 23, interview, 15 December 2016. Attended high school for the second time to finish his education.

that has happened. (...) I don't think that is appropriate at all, it should be a very high barrier to do something like that. (...) You need to be absolutely sure there are drugs at the school and that it is worth it. If the students are cooperative, it shouldn't be any need for that [dogs]. (...) The whole school doesn't need that attention. I don't think there is a drug scene like that [at the school] so I don't think it is necessary."²⁵

Based on these three informants, in separate interviews, one can see how the legitimacy of the police practices with dog patrols is put into question. Even though these patrols are rare or not even self-experienced, they create an additional distance and fear towards to the police among EMY. It is also interesting to note how the three of them have fairly clear ideas about what the police are allowed and not allowed to do, such as having a clear suspicion before searching someone. In other words, the youth have perceptions about police' legitimate use of power and when they are crossing a border.

Furthermore, and related to the issue of police legitimacy, many of the informants also viewed the police presence at the high school as a way of either targeting "immigrants" (innvandrere) or "foreigners" (utlendinger), as they often refer to themselves and other of different ethnic background. However, some of the informants also stated how it is not ethnicity alone that matters, but also a perception that policing is skewed in disfavour to their neighbourhood where there were more socio-economic problems compared to Oslo West. For instance, as one of the informants argued:

"They [the police] started coming to the cafeteria lately [at the high school] and many [students] think it is uncomfortable. I think that a lot of those who think it is uncomfortable are hiding something, doing criminal activities, either at school or after school. (...) Many students are fine with it, they want to be safe. (...) So many would say that it is OK that the police are here but many also feel it is not [OK]. They feel stigmatized (stempla) as criminals, who wonder why they are not going to the West side [school]. 'They are trying to make us look bad', it is a lot of that talk."²⁶

Here, the informant also expresses an understanding of the police presence, such as the commitment in targeting criminal activity. However, he also discuss the type of rumors and perceptions about policing that exists at his school, namely that there is a form of perceived discrimination - us versus them – in how the police is targeting certain areas and schools in Oslo.

In another interview, I asked whether it mattered if the ethnic minority background mattered or not when it came to the EMYs meeting with the police, and the informant answered in the following way:

"I would be naïve to say that it doesn't matter. It definitely does. But I don't know how big the problem is. But to say that it doesn't matter, that is pretty naïve. You see a lot of isolated incidents of that stuff and when they do these raids at school, they only choose certain schools, not for example Ullern²⁷ [a West side suburb with majority population]. There are many factors. (...) Youth with more resources often have more activities,

²⁵ Female 17, interview, 16 December 2016

²⁶ Male 23, Interview, 15 December 2016.

²⁷ The name of the area/school is kept as this was just a hypothetical example from the informant.

people expect more of them, you don't expect them to do criminal stuff. And then you think the opposite when it comes to student at [withheld high school name] because they have fewer resources and you expect them to mix with bad crowds."²⁸

In her perspective, it was not a matter of ethnic discrimination alone that impacts how the police target certain areas and schools, but also socio-economic status and perception that have a combined impact on where the police chooses to target. In other words, ethnicity matters but so does perceptions about poverty and lack of opportunities in relation to criminal activity.

Moreover, some of the informants also expressed a negative view about their own ethnic minority status, namely that "foreigners", referring to both first and second generation ethnic minorities, behave differently than "Norwegians". It is important to note that Norway has a very strict immigration policy and many of informants felt different from the so-called Norwegians, leading to a broader debate about differences between "us" and "them" in Norwegian society. This citation, however, illustrates these differences related to frequent school visits in Oslo East:

"The police come here [suburb east] a lot (...). Sometime they visit [high school] and it makes you think 'wow, something has happened'. Here on the East side [of Oslo], there are more gangs. There are neighborhoods that can be frightening for the police, so I understand that the police are around and are doing their routine checks. It's not normal that forty people are just hanging out, talking to each other. I feel that Norwegians are often in smaller groups. They tend to be in pairs, two boys or two girls. Then, you don't think something is up, but if 40-50 people are gathered, it is more 'uh-oh'. But I don't think it is about being foreigner or Norwegian. The truth is that Norwegians are behaving better, they talk in a more respectful way. A lot of foreigners lack the ability to talk to the police with respect. It is due to all the rumors about the police, that the police are there to catch them, not to help them. That's what they misunderstood."²⁹

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²⁸ Female 17, Interview, 16 December 2016.

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Perceptions of minor harassments in police encounters

Mie Birk Haller

This study is based on interviews with ethnic minority youth (EMY) in the Nordic countries about their experiences with the police and perceptions of police behaviors. The young men interviewed in the Danish study all lived in disadvantaged neighborhood with a high presence of police. Thus, they all had experiences with the police but they encountered very different aspects of police work.

In this article, we particularly focus on the groups of ethnic minority youth, who were involved in criminal activity and frequently in contact with the police. When describing and accounting for their perceptions of the police they referred to the police use of 'minor harassments', such as verbal abuse, racist comments and public humiliations (see Danish examples below). From the perspective of the youth, we therefore investigate these forms of everyday police interactions defined by low-level reciprocal provocations and intimidations. What do the young men perceive as humiliating, provoking or intimidating? How do the young men perceive and respond to these kind of police interactions? How do we conceptualize and trace the effects of this form of communication, which implies minor harassments?

The significance of everyday implicit harassments is rarely considered in the policing literature and yet these are behaviors that the young people have to deal with. The police's techniques can be categorized on a continuum from 'physical' (bodily inflicted pain) to 'symbolic' forms of violence, which attack a person's self-worth (Zoettl, 2015³⁰). In this article, we primarily focus on the later. However, the lines between what is justifiable and unacceptable transgressions of the police professional authority are context-sensitive social constructions and the effects of these forms of law enforcement are subjectively perceived.

By studying the ethnic minority young men's perceptions of 'minor harassments' we might get a more nuanced understanding of the effects and consequences of the more subtle and unofficial techniques used in everyday police work in the Nordic countries defined by low crime rates, social equality and high trust in the police and the justice system.

EXAMPLES FROM THE DANISH STUDY

In the local neighborhood EMY experience that the police stare hard at them and address them in a provoking ways when they pass them on the street. When the young men hang out in groups, the police approach them and take their names while indicating that they have already registered them several times.

The EMY have the experience that the police men wait for them to commit even small offences in order to be able to arrest them (like dropping a cola can, cigarette stubs, shouting too loud etc.). Also, the young men feel that they are frequently stopped without reasons (both in cars and on foot). Being addressed by the police in the neighborhood has the effect that the residents will start gossiping.

³⁰ Zoettl, P (2017) Minor narratives: Extrajudicial punishment of youth offenders by police officers in Portugal, *International Journal of Law, Crime and Justice* 48, 27-37

In the city (department stores, city centers, train station) The young men feel that the police addresses them in public spaces in order to humiliate and provoke them. For example, some explain that policemen made them to pull down their trousers outside a department store while ordinary costumers passed by. Others describe how the police paw them when checking their pockets. In general, this group of young men finds it humiliating when the police throw suspicion on them in public. For example when being escorted out of a department store by the police or when being arrested outside a train station. Some young men described how the police has chased a bus they were in and questioned them at a public bus stop in front of the other passengers. Moreover, many describe that they find it particularly humiliating to be stopped by police in the nightlife. They think that the police, on purpose, stop them in front of their girlfriends in order to humiliate them. Another young man explained how the police had stopped him just to mess up his hair.

In the detention The interviewees describe that when put in the detention cell, they can't get into contact with the officers (e.g. when having to go to the toilet). Others tried to be in the detention an entire night without any clothes or blankets. One describes that the officers, on purpose, gave him a duvet with pee on it.

Discrimination and racism Many young men interpret these indirect provocations as expressions of racism. According to them, the police provoke them because they are 'foreigners'. This, they substantiate by referring to the police's use of racist terms ('fucking perk', 'Sorte Per' (black Pete)).

PARALLEL SESSION 1B: Hate crime, rape and victimisation

Multiple motives for victimization: Social vulnerable EU-citizens exposure to (hate) crime in public space

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Abstract

During the last decade, Sweden has experienced an increasing migration wave which subsequently inheres the risk of people of other origins being subjected to homelessness and in risk of victimization. Of particular interest are individuals that are referred to as socially vulnerable EU citizens, who are travelling between EU-member states for short periods of time to support themselves financially. Many of the socially vulnerable EU citizens are forced to support themselves by begging in public space, and the majority of these individuals in Sweden are ethnic Roma from Romania or Bulgaria. Little is known about this group as victims of crime. It is possible that many of the crimes that the socially vulnerable EU citizens are exposed to are motivated by “hate” for different attributes that are protected in Swedish law, such as ethnicity. Although, it is likewise possible that crimes are motivated by other attributes that are not protected, for example the act of begging itself. In order to investigate what motivates offenders to commit criminal acts against these individuals as a group, this study used thematic analysis to explore the perceived reasons for victimization among 28 socially vulnerable EU citizens’ who support themselves by begging in public space in Malmö-Sweden. The study participants claimed that their victimization is not mainly motivated by their ethnicity but rather their group belonging as “beggars” in conjunction with their overall vulnerable life situation.

Background: Social vulnerable EU-citizens and victimization

During the last decade, Europe and Sweden has experienced a migration wave of people travelling between EU-member states for short periods of time, many of whom support themselves by begging in public spaces. The majority of these approximately 4000-5000 “socially vulnerable EU citizens” who support themselves by begging in public spaces in Sweden belongs to the ethnic Roma minority population from Romania or Bulgaria (SOU 2016: 6).

Few empirical studies have been conducted to explore the group’s victimization experiences they suffer. Swedish official statistics show that anti-Roma motivated hate crimes reported to the police have increased since the year 2008 (Djårv, Westerberg & Fenzel, 2016). This could possibly be explained by the group socially vulnerable EU citizens increased physical presence in Sweden (Delin, 2016), but this has not been tested empirically. Furthermore, the official statistics are associated with several methodological and practical problems, not least when we want to capture the group socially vulnerable EU citizen’s experiences. This group has, in general, a low level of trust in the criminal justice system and they do not report the crimes to which they have suffered (Delin, 2016). Another profound problem with the official statistics is that in Sweden, groups such as beggars are not protected by established interpretations of the legal definition of hate crime. This makes it difficult for the police to record the crimes committed against them. In the Swedish context, two legal provisions and one penalty enhancement rule constitute the central basis of the official hate crime statistics. The two legal provisions are unlawful discrimination and agitation against a national or ethnic group (Chapter 16, Section 8 and Section 9 of the Swedish Penal Code). The crimes not covered by these sections are included under the sentencing enhancement rule. According to

this legislation (Law 1994: 306), when a motive for the crime was to aggrieve a person, ethnic group or some other similar group of people by reason of race, color, national or ethnic origin, religious belief or other similar circumstances, this should be considered an aggravating circumstance when assessing the seriousness of the offence.

The crimes to which socially vulnerable EU citizens are exposed may be motivated by a “hatred” of certain of the attributes that are protected by this legislation, such as ethnicity. It is also possible, however, that crimes are motivated by attitudes towards other factors, which are not protected, such as the act of begging for example. It is important to analyse whether or not the group at issue here is exposed to offences that may be defined as hate crimes within the Swedish hate crimes praxis, not least for the criminal justice system which otherwise risks of being insufficient to protect this group in our society. This paper attempts to report the victimization experiences of individuals who belong to the group of socially vulnerable EU citizens who support themselves by begging in public spaces in Malmö, Sweden. In-depth interviews were conducted with study participants in order to provide a contextual account of the victimization that the group experiences and more specific trying to analyse if the study participants perceive their victimization experiences to be motivated by what the Swedish law would consider to be a hate crime.

Procedure

One challenge when conducting research on “hard-to-reach”, “vulnerable” or “hidden” study populations is that of identifying potential participants and obtaining access to the research field. During the current study’s data collection, contact was taken with potential participants in public spaces in a previously defined and selected geographical areas in the central parts of Malmö to conduct interviews (Watters & Biernacki, 1989). By making contact with the group directly in the public space, it was possible to ensure that the study participants were socially vulnerable EU citizens who supported themselves through begging and no other form of economic activities such as collecting bottles, selling street art etc. Furthermore, since we could conclude that most study participants begged in the same geographical locations over an extended period of time, there were opportunities for the research team to ask potential participants if they wanted to participate immediately or at a later date which gave participants the ability to control their own time.

The research team used their own contacts and succeeded in obtaining the services of three interpreters who could speak Romanian, Romany Chibb and Bulgarian. A total of 39 individuals were asked to participate in semi-structured interviews in order to describe their experiences. 28 of these chose to participate in the study.

Study participants

The twenty-eight participants included thirteen males and fifteen females. The majority, twenty-three of the individuals, described themselves as Roma from Romania. Table 1 presents a description of the current study’s participant’s gender, age, ethnicity and country of origin.

Table 1. Description of the study participants.

Participant N=28	Gender	Age	Ethnicity	Country of origin
1	F	40	Non-Roma	Bulgaria
2	M	18	Roma	Romania
3	F	25	Roma	Romania
4	F	35	Non-Roma	Bulgaria
5	F	40	Roma	Romania
6	M	35	Roma	Romania
7	F	60	Roma	Romania
8	F	30	Roma	Romania
9	M	40	Roma	Romania
10	M	60	Roma	Romania
11	M	25	Roma	Romania
12	M	30	Non-Roma	Bulgaria
13	F	30	Non-Roma	Bulgaria
14	F	40	Roma	Romania
15	F	20	Roma	Romania
16	M	40	Roma	Romania
17	F	20	Roma	Romania
18	F	35	Roma	Romania
19	M	50	Roma	Romania
20	F	25	Roma	Romania
21	F	40	Roma	Romania
22	F	35	Roma	Romania
23	F	55	Roma	Romania
24	M	40	Roma	Romania
25	M	35	Roma	Romania
26	M	50	Roma	Romania
27	M	25	Roma	Romania
28	M	20	Roma	Romania

Data Analysis

It could be argued that it is beneficial to using interviews to study hate crime victimization rather than quantitative data such as questionnaires, especially while the study concerns such a vulnerable and social marginalized populations like the socially vulnerable EU citizens who support themselves by begging in public space (Bell & Perry, 2015). One advantage with the use of interviews in studies of (hate) victimization among vulnerable populations is that the interview discussions may provide a basis for a more comprehensive understanding of the group's situation. Hate crime is more so than other types of crime a social incident in which different motives need to be analysed that are linked to the perpetrators' motivation and incorporated and interpreted into a legal context (in this case the Swedish hate crime praxis). By interviewing the study participants about their

victimization experiences, they are given the opportunity to discuss these kinds of incidents, making it easier for them to describe these problems to the research team (Bell & Perry, 2015). The study participants were asked questions related to victimization experiences that they experienced during the time that they had been in Sweden and supported themselves by begging in public space. A central focus during the interview was to analyse whether the study participant perceived that they had been victimized due to their ethnicity, the act of begging or some other attribute like for example disability or “immigrant background” or simply as a consequence from their vulnerable life situation. Once the data had been collected, it was analysed using thematic analysis (Braun & Clarke, 2006).

Victimization experiences are common and motivated by multiple motives

All of the study participants stated that they had been exposed to various forms of (hate) crime incidents since they had arrived in Malmö to engage in begging. Their experiences varied from verbal to physical and sexual violence. Furthermore, the study participants claimed that there are multiple reasons why they are victimized. In this study, there were some study participants who emphasized that their ethnicity is important in explaining their victimization. However, for most of these informants, their ethnicity was described as being problematic in combination with their situation as “beggars”. According to one of our informants, a woman in her mid-40s, the fact that she is a Non-Swede begging in Sweden causes frustration, but not because she is from the Roma minority. She told us that:

We beg, which many people do not like. They think we don't want to work. Furthermore, we are not Swedes, and many feel that we are exploiting Swedish society. They think that they don't have any responsibility for us because we are not Swedes.

The majority of study participants argued that their exposure to different types of incidents cannot be explained by the fact that offenders are motivated by the victims' ethnic affiliation. One of the informants, for example, a male in his 60s, argued that the offenders' motivation cannot be explained by “racism” but rather by a hatred resulting from an irritation over the fact that their very existence constitutes a provocation to mainstream society. He told us during the interview that “It is not because we are Gypsies that people think badly of us. It is because we are beggars”. The most common answer way the study participants themselves thought that they were victimized was that they believed that the offenders are motivated by the fact that “begging” is seen as something antisocial. A woman in her 40s explained during an interview that:

“They don't like us because we are begging and they think that we don't want to have normal jobs. It's a pity because it's not true.”

Other study participants emphasized the group's vulnerable life situation and that victimization can simply be explained by their vulnerable life situation and inability to protect themselves. Because they support themselves in public space they are also at risk of meeting potential offenders and that their simply is individuals in our society that uses the groups vulnerability to commit crimes against

them. For these participants, they do not believe that there exist a “hate” motive, crime is a way for offenders to have fun on their expense or use them for a certain goal. For example, several participants told us that they had been promised money by traders or private individuals to perform some kind of job but that they never got paid.

To summarize, according to the study participants in this study their victimization may be explained by multiple reasons. Offender may indeed be motivated by a traditional hate crime motive, but this perceived hatred does not seem to be motivated (mainly) by their ethnic affiliation but rather by their group affiliation as “beggars” and overall vulnerable life situation.

Conclusion

According to the participants in this study, victimization is not (mainly) motivated by their ethnicity. It is rather their affiliation with the group “beggars”, together with their overall vulnerable life situation that explains their victimization experiences. It seems to be that not all crimes are motivated by what the criminal law would consider a hate crime motive. The reason for victimization may rather be explained by how one aspect of an individual's identity intersects with other aspects and different contextual factors.

It should of course be noted that the limitations of this study are comparable with the limitations of qualitative studies in general. It is not possible to generalize the result of this study to the diverse population of socially vulnerable EU- citizens who reside in Sweden. However, the results from this study allow us to begin to understand the group's victimization experiences.

If it is correct to assume that the group's experiences cannot from a juridical perspective be defined as hate crime one could argue that there is reason to consider whether victimization against “beggars” (and other groups) should be included in the current definition of what constitutes a hate crime in Sweden. However, to simply enacting new hate crime laws would not be enough to change the group's situation. It is important that researchers and practitioners develop crime prevention strategies to combat the group's exposure to crime. However, it is necessary that these prevention developers do not use a static reference frame while discussing the socially vulnerable EU citizens who support themselves by begging experiences. It is likely that the reasons for their victimization experiences are complex and occur due to a variety of factors.

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Professionals' perception of meeting rape victims and handling cases of rape³¹

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Introduction: secondary victimization and the project

Victims of crime, such as a sexual assault, might suffer from both physical and psychological short- and long-term consequences from the offence itself. Injuries that cause pain both during and after the sexual assault, such as laceration, bruises, genital damage, and sexually transmitted diseases (Koss, Goodman, Browne, Fitzgerald, Keita, & Russo, 1994), but also psychological consequences involving depression, alcohol or drug abuse, lower self-esteem, problems with sexuality, self-blame, self-harming behavior, suicidal thoughts, and posttraumatic stress disorder (Koss et al., 1994;

³¹ This paper is work in progress, please do not cite or quote.

Walker, Archer, & Davies, 2005). In addition to this *primary victimization*, the victim also risks *secondary victimization* when disclosing the rape to someone, as a consequence of how society copes with the offence (Williams, 1984). If a victim is met with mistrust, suspicious questions, or outright blame when disclosing the rape, this could lead to even more self-blame and trauma as well as delayed recovery (Campbell & Raja, 1999). Negative attitudes toward a victim of rape have been found both in the victims' surroundings and among police officers, health professionals, and people working in rape victim support services (Feild, 1978; Whitby & Pina, 2013). For example, these professionals might have to ask questions that the victim finds offensive or conduct medical examinations that can be experienced as traumatic. Negative or blaming attitudes toward victims of rape may hinder victims from reporting to the police due to a fear of being blamed. In psychological research the phenomenon of victim blame has been widely investigated. One important variable that affects levels of victim blame is people's acceptance of myths and stereotypes about rape.

The project

The following is a brief description of a study included as the final part of a three-year project regarding attitudes toward victims of rape, entitled "*Victim blaming in rape cases: Empirical studies of understudied situations*". The project was partly financed by the Swedish Crime Victim Compensation and Support Authority, with the overall aim to enhance knowledge about blame attributions in rape cases and to investigate variables, situations and groups of respondents not previously included in experimental studies. The two previous studies, of experimental nature, had been investigating attitudes toward rape victims among the general public, focusing on effects of age (Study 1) and number of perpetrators (Study 2) on levels of blame attributed to a rape victim. For this third study focus was shifted to investigate professionals meeting victims of rape in their daily work.

Aim and method

The aim of this survey study was to gain knowledge concerning difficulties and possibilities in handling rape cases and rape victims. An online survey was sent to professionals working within the police, the healthcare system and to prosecutors across Sweden, who meet victims of rape. We wanted to investigate these professionals' perspective and opinions concerning, for example, why only a small share of all reports of rape in Sweden proceed to court. Over 230 professionals completed the survey. They answered questions concerning perceived obstacles for their work performance, their trust in the justice system, knowledge about and further education in victim behavior and reactions, suggestions for improved treatment of rape victims, and police officers' view on giving information about counsel for an injured party at an early stage of the investigation. Respondents also considered statements regarding myths about rape. In the next section, preliminary findings are presented.

Preliminary results

Demographics

The final sample (237 respondents) consisted of 107 police employees, 70 prosecutors, and 60 individuals working within the health care system. The sample consisted of 66.7 % women and the mean age was 41 years. Regarding own victimization experience, 16 % of the respondents stated that they had been victimized of sexual violence, and among these, 8 % were men. Concerning reporting rate, 73.7 % said that the crime had never been reported to the police.

Further education and rape myths

We wanted to know how many of the respondents that had completed any further education, specializing in sexual violence. The proportion varied significantly between the three professions, ranging from 10.3 % among the police employees to 41.7 % among health care personnel and 80 % among the prosecutors. It was also significantly more common among women (44.3 %) than among men (28.2 %). The prosecutors felt that they had sufficient knowledge to complete their work satisfactorily to a significantly higher degree (65.7 %) compared to police (33.3 %) and health care personnel (33.3 %). However, for the ones who had completed further education, only 61.4 % indicated that it was enough.

To be able to investigate if further education has any impact on professionals' stereotypes, the respondents answered to what degree they agreed with 19 different statements regarding rape myths, for example *It's less bad to be raped by someone you voluntarily kissed*, *Being drunk is a mitigating circumstance concerning the perpetrators responsibility*, *People who cheat on their partner often claim it was rape*, and *If both parties were drunk, it's hard to consider it a rape*. Overall the acceptance rates of rape myths were low. However there were significant effects of profession and gender. Police employees and men were more accepting of these myths, especially regarding the statements of false reports. However, having completed further education did not seem to have any effect on rape myth acceptance.

In an attempt to test the respondents' knowledge of victim behavior, they were asked to rate how common it is that a victim of rape does not offer any resistance to the perpetrator. According to a recent study on rape victims in Sweden this behavior is as common as in 70 out of 100 cases (Tiihonen Möller, Söndergaard, & Helström, 2016). The respondents rated it as occurring in 63 % of all cases.

Trust in the justice system

Although the majority of the respondents are part of the Swedish justice system themselves, we wondered if they felt that they could trust it. We asked them about their trust in the police's and the courts' handling of rape cases and if they could trust that victims of rape get the help and support that they need. Analyzing the data through a hierarchical regression, we found three significant predictors: age, profession and further education. Prosecutors, older respondents and respondents with further education had significantly higher trust in the justice system. However, there were no differences between professions regarding if they would recommend every victim to report a rape. Overall, 93.9 % would.

Barriers in work performance

Regarding answers to the question *Do you experience any barriers that stop you from performing your work satisfactorily?* significantly more police employees (50 %) reported experiencing barriers compared to health care personnel (16.9 %). Across professions, limited time and resources were frequent explanations. Other examples were limited education (police), high evidentiary requirements (prosecutors) and deficient guidelines (health care).

Problematic practices

Respondents answered the question *Is there anything in your/your colleagues' work practices that can be experienced as questioning/blaming in the eyes of the victims?* Both police employees (74.5 %) and prosecutors (74.6 %) answered this significantly more affirmative compared to health care personnel (39.7 %). Among the factors mentioned were the repeated and detailed questioning of the victim, attitudes among police employees (police), unmotivated decisions when withdrawing prosecution (prosecutors) and physical examinations (health care).

Counsel for an injured party

According to the Swedish law, a victim of a crime has the right to be informed about the possibility of a counsel. This must be done "as soon as possible" (13-14 §§ in the Decree on Preliminary Investigations (1947:948)), which in practice is at the time of the report. However, this is not always done and we wanted to know why, so all the police employees in the sample got the question *Is it always possible to give information about counsel for an injured party at time of the report?* and no less than 52.1 % said no. Some of the explanations were limited time, resources and knowledge, the fact that someone else reports the rape, but also that the victim cannot comprehend that information at the time of the report, for example because of trauma, severe injuries or alcohol intoxication.

Conclusions and further research

To conclude, the respondents provided us with a unique insight in their views of their work, their knowledge but also suggestions for areas of improvement. It can be concluded that further and specialized education about sexual violence is lacking within some disciplines, but that the professionals' themselves are requesting it. It should also be further looked into what the further education consists of and if it could be improved to target also the professionals' myths about rape. The respondents' perceptions of difficult practices and obstacles are also an incentive to further investigate any possible changes within the justice and health care system. For example to review the routines and guidelines for handling victims of rape within the health care system and the procedure of giving information to victims about their right of a special counsel. Perhaps, by contacting a counsel automatically and then having the victim to choose to end that contact him or herself.

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Hvad forudsiger anmeldelse af voldtægt?

Hovedresultater fra en undersøgelse af danske voldtægtsramtes karakteristikker, holdninger og anmeldelsesadfærd

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Introduktion

På baggrund af den nyeste danske offerundersøgelse estimeres det, at der hvert år er mellem 3.400 og 5.000 kvinder, der oplever tvangssamleje eller forsøg herpå (Pedersen, Kyvsgaard & Balvig, 2015). I 2015 blev dog kun 628 anmeldelser om voldtægt og voldtægtsforsøg formelt registreret af politiet, hvilket indikerer en ganske betydelig modvilje mod at anmelde (Det Kriminal Præventive Råd, 2016). Lignende resultater, der indikerer lave anmeldelsesprocenter, er også fundet i andre lande (James & Lee, 2015; Ministry of Justice, 2013; Williams, 1984).

En række forklaringer er blevet foreslået i forbindelse med disse lave anmeldelsesprocenter, men de faktorer, der relaterer sig til denne modvilje mod at anmelde, er endnu ikke klarlagte, især i den danske kontekst. Det pågældende studie udspringer af et empirisk speciale, med det formål at undersøge de voldtægtsramtes egne årsager til ikke at anmelde, samt at teste en række psykologiske hypoteser, der tidligere er blevet foreslået i litteraturen. I denne rapport, bliver nogle af undersøgelsens hovedresultater beskrevet. Yderligere informationer om undersøgelsen og dens resultater er tilgængelig fra første forfatteren³².

Da der ikke er entydig klarhed i forhold til terminologien brugt inden for dette forskningsområde, er det vigtigt at notere, at når der i denne rapport bruges termen voldtægt, refereres der til konceptet om tvangssamleje (se Pedersen et al., 2015, s. 109). Dette studie undersøgte kvinder, der selv angav, at de havde oplevet, at blive "tvunget til sex", og spurgte samtidig ind til, hvorvidt de opfattede denne oplevelse som en voldtægt. Selvom selvrapporert tvangssamleje eller voldtægt ikke nødvendigvis stemmer overens med den juridiske definition af voldtægt, anvendes betegnelsen 'voldtægt' i denne rapport, idet dette repræsenterer størstedelen af deltagernes personlige opfattelse af deres viktimisering. Denne opfattelse kan spille en afgørende rolle i forbindelse med beslutningen om at anmelde, hvilket vises neden for.

Teoretisk baggrund

Der eksisterer en betragtelig mængde international litteratur om voldtægt, og en række forskellige forklaringer på den eksisterende modvilje mod at anmelde er blevet foreslået. Primært to af disse, som er ganske tæt internt relateret, har relevans for nærværende rapport.

Den første forklaring handler om, at idéen om den stereotype voldtægt er afgørende for beslutningen om at anmelde en voldtægt til politiet. En stereotyp voldtægt indeholder den mere traditionelle opfattelse af en voldtægt, som bliver begået af en fremmed på et offentligt sted, med brugen af eller truslen om brugen af vold og våben, og hvor den ramte bliver påført alvorlige fysiske skader (Karmen, 2010; Williams, 1984). Der er fundet omfattende empirisk evidens for, at omstændighederne omkring voldtægten, og hvor meget disse er i overensstemmelse med den stereotype voldtægt, er relateret til beslutningen om at anmelde, således at jo mere stereotyp voldtægten har været, desto mere tilbøjelig er den ramte til at anmelde hændelsen til politiet (Bachman, 1998; DuMont, Miller & Myhr, 2003; Feldman-Summers & Norris, 1984; McGregor, Wiebe, Marion & Livingstone, 2000). Denne sammenhæng er tidligere blevet foreslået relateret til, at de voldtægtsramte, der bliver udsat for bestemte typer af voldtægt, med større sandsynlighed vil foretage en anmeldelse, fordi de er i stand til at opfatte sig selv som "rigtige" voldtægtsramte (Williams, 1984). Voldtægten omstændigheder er således afgørende for den ramtes opfattelse af

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hændelsen. Når disse ikke stemmer overens med den stereotype voldtægt, kan den voldtægtsramte selv komme i tvivl om hændelsens karakter (Heath, Lynch, Fritch & Wong, 2013), samtidig med at de pårørende kan komme til at tvivle på den ramtes beretning og fraråde hende at anmelde (Suzuki, 2011). Politiet og retssystemet kan endvidere blive påvirket heraf til yderligere at betvivle den ramtes beretning (Dinos, Burrowes, Hammond & Cunliffe, 2015; Page, 2008), hvorfor en voldtægts omstændigheder kan tænkes ganske afgørende for beslutningen om at anmelde. Derfor blev denne årsagsfaktor også undersøgt i nærværende studie, og der blev indsamlet informationer om hændelsens omstændigheder, for at kunne fastslå hvor stereotyp en voldtægt, der var tale om.

En anden vigtig forklaring handler om, at voldtægtsmyter har betydning for beslutningen om at anmelde, på den måde at jo mere enig den ramte er i voldtægtsmyter, desto mindre tilbøjelig vil denne være til at foretage en anmeldelse. Voldtægtsmyter defineres som deskriptive eller præskriptive overbevisninger om voldtægt (om årsager, konsekvenser, gerningsmænd, ofre og deres interaktioner), som har til formål at benægte, nedtone eller retfærdiggøre den seksuelle vold, mænd begår mod kvinder (Gerger, Kley, Bohner & Siebler, 2007). Voldtægtsmyter udtrykker ideen om, at den stereotype voldtægt er den eneste voldtægt, hvor ofret er fuldstændig uden ansvar for hændelsen. Langt størstedelen af undersøgelser inden for dette område undersøger accept af voldtægtsmyter (RMA) blandt den almene befolkning eller blandt forskellige sundhedspersonaler og andre professionelle. Blot to studier har undersøgt RMA blandt de voldtægtsramte selv, og begge disse har fundet, at et højere niveau af RMA, en højere enighed i myterne, er relateret til ikke at anmelde hændelsen til politiet (Egan & Wilson, 2012; Heath et al., 2013). Derfor blev de voldtægtsramtes RMA også undersøgt i nærværende studie. Samtidig ved vi fra psykologisk forskning, at det ikke nødvendigvis er vores egne holdninger, men også vores antagelser om andres holdninger, der påvirker vores adfærd (Mutterperl & Sanderson, 2002), hvorfor de voldtægtsramtes antagelser om andres RMA også blev undersøgt i dette studie, ulig tidligere forskning.

En række andre psykologiske faktorer, der i tidligere international forskning er blevet foreslået som relevante for beslutningen om at anmelde, blev også undersøgt (fx *Just World Beliefs*, *Locus of Control*, etc.), men disse vil ikke blive diskuteret i detaljer i denne rapport.

Forskningsspørgsmål

Primært to forskningsspørgsmål blev undersøgt i dette studie:

Q1. Hvilken andel af selvrapporterede voldtægtsramte anmelder, og hvilke årsager giver de for ikke at anmelde?

Q2. Hvilke demografiske, situationelle og holdningsmæssige faktorer forudsiger anmeldelse af voldtægt og/eller opfattelse af hændelsen som voldtægt?

Metode

Med afsæt i de ovennævnte forskningsspørgsmål og inspiration fra tidligere undersøgelser, blev et elektronisk spørgeskema udformet indeholdende demografiske variable (køn, alder, alder ved voldtægt), hændelsens omstændigheder (relation til gerningsmand, sted, skade, brug af våben), opfattelse af hændelsen som voldtægt, anmeldelse til politiet, samt følgende kendte internationale skalaer (oversat og tilpasset den danske kontekst, se Xue et al., 2016):

Den opdaterede *Illinois Rape Myth Acceptance Scale* (IRMA) (McMahon & Farmer, 2011), samt enkelte items vedrørende voldtægt i parforholdet fra den originale version af IRMA (Payne, Lonsway & Fitzgerald, 1999) og skalaen *Acceptance of Modern Myths about Sexual Agression* (Gerger et al., 2007) der måler deltagernes egen RMA og antagelser om andres RMA (ARMA). *Locus of Control for Crime Victimization Scale* (Levenson, 1981), der måler deltagernes internal og external LOC. *General beliefs in a just world scale* (Dalbert, Montada, & Schmitt, 1987), der måler deltagernes just world beliefs (JWB). *How the public see the police: Part one* (Swanton, Wilson, Walker & Mukherjee, 1988), der måler deltagernes holdninger til politiet. *Pro-victim* og *anti-rapist skalaer* sammensat af items fra Egan & Wilson (2012), Feild (1978) og Burgess (2007). Skalaerne måler henholdsvis deltagernes positive holdninger over for voldtægtsramte og negative holdninger over for voldtægtsforbrydere.

Spørgeskemaet blev distribueret online på 33 forskellige Facebook-sider og websider i perioden okt-nov 2016 med overskriften "Er du nogensinde blevet tvunget til sex?". Beslutningen om at foretage undersøgelsen online var dels en praktisk beslutning i forhold til at kunne indsamle en stor mængde besvarelser inden for den relativt korte tidsramme af specialet. Dog var det også drevet af et ønske om, at opnå adgang til den gruppe af voldtægtsramte, som hverken anmelder hændelsen til politiet eller søger hjælp hos de tilgængelige behandlingscentre landet over, og som sjældent indgår i forskning inden for området.

I alt deltog 212 kvinder i undersøgelsen. På deltagelses tidspunktet var disse kvinder i gennemsnit 29.9 år, og på overgrebstidspunktet havde de i gennemsnit været 20.3 år.

Resultater

Af de 212 deltager, havde 190 kvinder (89.6%) ikke anmeldt deres oplevelse til politiet, mens kun 22 (10.4%) havde anmeldt. For de deltagere, hvor data herom var tilgængeligt, angav 58.5%, at de hverken havde anmeldt eller opsøgt hjælp og behandling³³. Størstedelen af deltagerene (61.3%) angav, at de opfattede hændelsen som en voldtægt, mens 13.2% ikke opfattede hændelsen som voldtægt, og 25% var i tvivl herom.

På baggrund af deltagernes angivelse af deres relation til gerningsmanden, blev hændelserne inddelt i de tre overordnede voldtægtstyper: overfaldsvoldtægt (begået af en fremmed), partnervoldtægt (begået af en nuværende eller tidligere romantisk partner) og kontaktvoldtægt

³³ Spørgsmålet om hvorvidt deltagerne havde opsøgt hjælp og behandling blev først tilføjet senere, og derfor fandtes der ikke besvarelser heraf for alle deltagere

(begået af en person, hvormed ofret har haft en eller anden form for kontakt, fx en kollega, en ven eller en date) (Laudrup, et al., 2010). Kun 12 deltagere (5.7%) havde oplevet en overfaldsvoldtægt, 73 deltagere (34.3%) havde oplevet en partnervoldtægt, og 129 deltagere (59.4%) havde oplevet en kontaktvoldtægt. På baggrund af deltagernes yderligere beskrivelse af hændelsen (hvor hændelsen fandt sted, om de fik skrammer og om der blev brugt våben), kunne det vurderes hvor stereotyp en voldtægt, de havde været udsat for. Her havde kun 5 deltagere (2.4%) været udsat for en stereotyp voldtægt, med en fremmed gerningsmand foregående i det offentlige rum, med brug af våben og fysiske skader til følge. Sammenlignet hermed oplevede 64 deltagere (30.2%) det modsatte af en stereotyp voldtægt, altså begået af en nuværende eller tidligere partner i et privat rum, uden brug af våben og uden tydelige fysiske skader. Dette resultat, at kun en ganske lille minoritet af overgrebene kan beskrives som "stereotype", er i overensstemmelse med andre danske og internationale resultater (Bachman, 1998; DuMont et al., 2003; Heath et al., 2013; Parding et al., 2015; Pedersen et al., 2015), som alle indikerer, at den voldtægtsramte oftest er bekendt med gerningspersonen.

Q1. Anmeldelse af voldtægt og selv-rapporteret grund til ikke at anmelde.

De 89.6% af deltagere, der ikke havde anmeldt deres oplevelse til politiet, angav en række årsager hertil. Flere svarmuligheder var tilgængelige, og af de 190 ikke-anmeldere angav 54% at de ikke havde anmeldt, fordi de skammede sig, 45.3% angav, at de ikke troede politiet ville tage det alvorligt, og 43.2% angav, at de ikke betragtede hændelsen som en voldtægt, så hvad skulle de anmelde. Disse 43.2%, der ikke anmeldte, fordi de ikke opfattede hændelsen som en voldtægt, stemmer ikke overens med de 13%, der angav, at de ikke opfattede hændelsen som en voldtægt. Dette skyldes, at spørgsmålet om, hvorfor de ikke anmeldte, refererede til deres daværende opfattelse af hændelsen, som altså gjorde sig gældende umiddelbart efter overgrebet, hvor beslutningen om at anmelde skulle træffes. Det direkte spørgsmål om deres opfattelse af hændelsen refererede derimod til deres nuværende opfattelse af hændelsen. Uoverensstemmelsen imellem disse to andele indikerer således, at en ganske betragtelig del af deltagerne, med tiden har ændret opfattelse af hændelsen fra ikke at se det som en voldtægt, til enten at se det som voldtægt eller i det mindste være i tvivl herom. Dette indikerer, at det at opfatte sin oplevelse som en voldtægt, i visse tilfælde kan være en tidskrævende proces, hvilket kan være problematisk for den umiddelbare reaktion en anmeldelse kræver.

De her fundne lave anmeldelsesprocenter, samt de årsager deltagerne angiver for ikke at anmelde, er i overensstemmelse med resultater fra tidligere forskning fra både ind- og udland, hvilket indikerer, at lignende faktorer sandsynligvis afholder voldtægtsramte fra at anmelde på tværs af tid og sted (Bachman, 1998; DuMont et al., 2003; James & Lee, 2015; Lindsay, 2014; Ministry of Justice, 2013; Pedersen et al., 2015; Tomlinson, 2000; Williams, 1984).

Q2. Demografiske, situationelle og holdningsmæssige faktorer relateret til anmeldelse og opfattelse af hændelsen som voldtægt

Generelt var deltagerne selv uenige i voldtægtsmyterne, og havde altså relativt lave RMA scorer, samtidig med at de generelt antog, at andre var enige i voldtægtsmyterne, og havde altså relativt høje ARMA scorer. I modsætning til vores forventninger baseret på tidligere forskning, der har vist at voldtægtsramte med højere RMA er mindre tilbøjelige til at anmelde, var der ikke signifikante forskelle mellem anmeldere og ikke-anmeldere i hverken RMA scorer eller ARMA scorer. Der blev således ikke fundet evidens for effekten af RMA i forhold til beslutningen om at anmelde i dette studie.

En række bivariate t-tests og korrelationstests blev udført med anmeldelse som afhængig variabel. Resultaterne herfra viste, at anmeldere var statistisk signifikant ældre ved deltagelses- og ved overgrebstidspunktet, havde oplevet en mere stereotyp voldtægt, betragtede *alle* hændelsen som voldtægt, og havde mere negative holdninger over for voldtægtsforbrydere end ikke-anmeldere. Deltagernes alder ved deltagelsestidspunkt og overgrebstidspunkt, hvor stereotyp en voldtægt de havde oplevet, samt deres anti-*rapist* holdninger viste sig ved en logistisk regressionsanalyse samlet set at være signifikante prædiktorer for anmeldelse. Det tidligere beskrevne empiriske fund, at jo mere stereotyp en voldtægt er, desto mere sandsynligt er det, at en anmeldelse vil blive foretaget, blev således understøttet af resultaterne fra dette studie.

De indledende analyser om faktorer relateret til anmeldelse tydeliggjorde, at deltagerne opfattelse af hændelsen var en ganske relevant faktor at tage i betragtning - 100% af anmelderne opfattede hændelsen som voldtægt. På grund af *quasi complete separation* (UCLA: Statistical Consulting Group, 2015) kunne denne variabel dog ikke indgå som prædiktor i den logistiske regression. En række supplerende bivariate t-tests og korrelationstests blev derfor udført med opfattelse af hændelsen som afhængig variabel. Resultaterne herfra viste, at de, der opfattede hændelsen som en voldtægt, var ældre ved deltagelses- og ved overgrebstidspunktet, havde oplevet en mere stereotyp voldtægt, var mere uenige i voldtægtsmyter (lavere RMA), og antog at andre var mere enige i voldtægtsmyter (højere ARMA). Samtidig havde de mindre tendens til at tilskrive årsagen og ansvaret for hændelser til noget inden i sig selv (lavere internal locus of control), mindre tendens til at tro at folk får som fortjent (lavere just world beliefs), og mere negative holdninger over for voldtægtsforbrydere sammenlignet med de, der ikke opfattede hændelsen som en voldtægt og de, der var i tvivl herom. Alle disse 8 faktorer viste sig ved en logistisk regressionsanalyse samlet set at være signifikante prædiktorer for opfattelse af hændelsen. At nogle faktorer var signifikante prædiktorer for både anmeldelse og opfattelse, mens andre kun var prædiktorer for den ene heraf (især ift. voldtægtsmyter) peger på et behov for mere forskning om hvordan disse to udfaldsvariable relaterer til hinanden og til forskellige forklaringsrammer.

Implikationer

De her ganske kort præsenterede resultater medfører en række implikationer og nye spørgsmål. For det første viste undersøgelsen, at størstedelen af de kvinder, der selvrapporterede, at de var blevet tvunget til sex, ikke anmeldte hændelsen til politiet. Anmeldelsesprocenten i dette studie er endnu

lavere end estimeret i den nyeste nationale offerundersøgelse (Pedersen et al., 2015) og end i andre studier, hvor deltagerne har taget kontakt til behandlingscentre (Egan & Wilson, 2012; Parding et al., 2015). Nærværende studie bidrager yderligere til den allerede eksisterende evidens, der påkræver mere opmærksomhed til de barrierer, der afholder kvinder fra at anmelde og til udviklingen af initiativer, der adresserer disse barrierer.

For det andet er deltagernes blandede opfattelse af hændelsen med til at sætte fokus på behovet for bedre definition og afgrænsning af den eksisterende terminologi inden for området. Som resultaterne viser, var der 28 kvinder, der havde sagt ja til, at de var blevet tvunget til sex, men samtidig svarede de nej til, at de opfattede hændelsen som voldtægt, mens 53 kvinder havde sagt ja til, at de var blevet tvunget til sex, men at de var i tvivl om, hvorvidt de opfattede hændelsen som en voldtægt. Der er altså en ganske betragtelig del af de deltagende kvinder, som har oplevet tvangssamleje, men som ikke opfatter det som en voldtægt. Det er umuligt at afgøre, om disse kvinders opfattelse af hændelsen skyldes, at denne ikke var en voldtægt i juridisk forstand, idet mere uddybende spørgsmål til hændelsen ikke indgik i spørgeskemaet, dog fremgår det ganske tydeligt, at voldtægtens omstændigheder, og hvor stereotyp denne er, er afgørende for den voldtægtsramtes opfattelse af hændelsen. Overensstemmelsen med den juridiske definition af voldtægt forekommer dog også primært relevant i forhold til bestræbelserne på at øge anmeldelsesprocenten heraf, og det synes endnu uklart hvorvidt en opfattelse af hændelsen som en voldtægt, overhovedet kan ses som en fordel for kvinden selv. Det kunne være at hændelsen er lettere at håndtere, hvis den forstås som noget andet end voldtægt, end hvis kvinden opfatter sig selv som tilhørende den ganske stigmatiserede gruppe af voldtægts ofre. Men dette rejser spørgsmålet om, hvilke alternative forståelsesrammer der er tilgængelige for kvinder, hvis oplevelse ikke stemmer overens med den juridiske voldtægt? Seksuelt overgreb? Krænkelser? En misforståelse i en ellers behagelig seksuel interaktion? Det ville være interessant at undersøge, hvilke opfattelser der gør sig gældende blandt kvinder, som føler sig udsat for tvangssamleje, men som ikke føler sig voldtaget. Deres forståelse af hændelsen kan tænkes at være afgørende for, hvordan de håndterer og bearbejder hændelsen efterfølgende og ville måske gøre os i stand til at udvide vores begrebsapparat. Generelt vil fremtidig forskning med fokus på en bedre dækning af kvindens egne forståelsesrammer være gavnlig.

En tredje implikation af studiet relaterer sig til det fremtidige arbejde med accept af voldtægtsmyter. Resultaterne viser, at deltagernes scorer på RMA (deres egen accept af voldtægtsmyterne), adskiller sig ganske markant fra deres ARMA scorer (deres antagelser om andres accept af voldtægtsmyterne), sådan at selvom de voldtægtsramte selv generelt ikke var enige i voldtægtsmyterne, så antog de at andre var. De lave RMA scorer, og den manglende variation mellem anmeldere og ikke-anmeldere ift. både RMA og ARMA, kan måske indikere, at det ikke, som antaget i tidligere litteratur, er RMA, der har betydning for beslutningen om at anmelde en voldtægt til politiet. Selvom ARMA heller ikke varierede mellem anmeldere og ikke-anmeldere, var det en signifikant prædiktor for opfattelse af hændelsen, både i den samlede regressionsmodel herfor, men også, i modsætning til RMA, som selvstændig prædiktor. ARMA er tilsyneladende ikke

tidligere blevet undersøgt blandt voldtægtsramte eller i forbindelse med anmeldelse af voldtægt, og udgør dermed nye og lovende muligheder for både fremtidig forskning og forbedring af behandlingstilbud til ofre for både voldtægt og andre former for seksuel vold.

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Victim support organisations and the increasing responsibility of the state in supporting crime victims in Finland and Norway

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NB! This paper is based on a draft article and as it is a work in progress, please do not quote, cite or circulate

Introduction

During the past years, the states' responsibilities as providers of different kinds of general and specialised victim support services have been strengthened e.g. via such instruments as Council of Europe Convention on preventing and combating violence against women and domestic violence (so-called Istanbul convention) and European Union's Directive 2012/29/EU (so-called Victims' Directive). In order to fulfil the demands of these instruments, states have increased their funding for victim support services and they may have also introduced new legislation. These developments often concern such civil society organisations (CSOs) that have traditionally been providers of these services and which have acted as victim interest groups. Although improvements in to the position of crime victims are often welcomed by these actors, the recent changes that have increased the public agents' role in the area of victim support services can also bring about less desirable changes for these organisations. For example, the previous research has noted that as the public funding has increased in traditional victim support organisations, it has become more difficult for them to stay truthful to their original missions and their ability to challenge the state and raise new social problems to public consciousness has weakened (e.g. Lehrner and Allen, 2009; Maier, 2008). It has also been argued that as CSOs become more dependent on public funding, they are in danger of losing their independence and also those qualities that differentiate them from public sector actors – such as flexibility, ability to innovate and to be responsive to their clients' needs (Simmonds, 2013; Williams, 2016)

Consequently, this study examined the increasing public responsibilities in the area of victim support services from the perspective of those CSOs that have typically been providers of these services. I conducted this interview-based study in Finland and in Norway, where CSOs have usually preferred state's strong responsibility as a provider of different kinds of welfare services have tended to enjoy a rather harmonious relationship with the state (Wijkström, 2011). Contrariwise, in the Anglophone countries where a great deal of the previous research has been conducted, CSOs and the state have had a more confrontational relationship, and CSOs have also had more prominent roles in the delivery of welfare services (Taylor, 2004: 132). Furthermore, it was interesting to compare the views of the Finnish and Norwegian CSOs to states' increasing responsibilities in the area of victim support services, as Norway's responses to victimisation have clearly originated from the civil society and Finland has been lacking a strong and an expansive

victim movement. Therefore, I wanted to see, whether the attitudes towards the 'ownership' of the victim support services differed between Finnish and Norwegian interviewees.

Aims, Data and Methods

The main data of this study constituted of interviews with representatives of five key CSOs producing victim support services in Finland and in Norway in 2014. I selected the CSOs on the basis that they provide such services that the recent international instruments have required states to offer. Thus, the interviewed Finnish CSOs were the Federation for Mother and Child Homes and Shelters, rape crisis centre Tukinainen and Victim Support Finland and the Norwegian umbrella organisations FMSO (Felleskap mot seksuelle overgrep) and Norsk Krisesenterforbund NOK!. I used the interview data to seek answers to two specific research questions: how do the interviewees react to the increases in public sector's responsibilities to organise support services for victims of crime and how they reflect the role of their organisations amidst these changes? I analysed the interviews thematically (Braun and Clarke, 2006). After I finished coding, I organised them to themes and sub-themes, which I reviewed against the whole dataset at the end of the analysis. Finally, three main themes were identified, which I named as 'the biggest fear', 'it would not be such a bad option' and 'we need to make sure we are something else'. The following section discusses briefly of their content.

Findings

The biggest fear

This theme consisted mostly of Norwegian interviewees views on public sector's responsibility as a provider of victim support services, who emphasised that the public sector should fund them *without* making their services required by law. Of course, for the Norsk Krisesenterforbund NOK! this was no longer an option as crisis centre services had already become statutory along with the Crisis Centre Act (Act 2009-06-19-44), however, the representative discussed about several problems that had arisen for the organisation after the crisis centre services were made a statutory responsibility of the municipalities. For example, the operation of the umbrella organisation had become jeopardised as municipalities did not allow local crisis centres to use their funding to pay membership fees for the umbrella organisation, but they had to use their funding solely for service provision. The enactment of the Crisis Centre Act had also raised concerns in the other interviewed Norwegian organisation FMSO, which was concerned that making their services required by law might also happen in the case of sexual abuse and incest centres. Yet, the interviewee from FMSO strongly objected of making their services statutory, because that would mean that they would lose the control of deciding how their clients are treated, what kind of help are they given and furthermore, the financial situation of the organisation would likely worsen.

It would not be such a bad option

Contrariwise, the Finnish interviewees viewed that making their services required by law would improve the position of their clients. For example, the interviewee from the Federation of the Mother

and Child Homes and Shelters welcomed the new plans to shift responsibility of shelter services to the state, as this would bring more stability for the shelter organisations. Also the interviewee from Victim Support Finland considered that the current development in which general victim support services were becoming under state's obligations along with the EU's Victims' Directive was positive. The situation of the rape crisis centre Tukinainen was different than the two other Finnish organisations in this study in a sense that it continued – and still continues – to be funded by STEA (Funding Centre for Social Welfare and Health Organisations) despite the demands to increase states' responsibility in organising specialised services for victims of sexual offences. Therefore, the interviewee from the rape crisis centre Tukinainen considered that it would not be such a bad option, if the state or municipalities were required to provide support services for victims of sexual violence on the basis of more specific legal requirements.

We need to make sure we are something else

The field of victim support services has gone through and is still going through notable changes both in Finland and in Norway and it appeared that these changes along with other transformations in the area of social and health care services had induced a need to highlight the importance of being something else than any other actor within the interviewed CSOs. It seemed that – apart from the interviewee from the Finnish Victim Support – the respondents could no longer take the position of their CSOs as granted, but they need to constantly work in order to convince funders of their value. There were differences, however, to whom it is important to make a distinction. That is, whereas the interviewee from the Norwegian FMSO emphasised that it is important to differ from the public sector, the Finnish Federation of Mother and Child Homes and Shelters' representative paid more attention to the need to differ from the private companies that had already come to compete for service delivery in the field of welfare in general and which were regarded as potential competitors also in the area of shelter services. However, whereas the other interviewees considered that it was important to strengthen, maintain or rediscover their roles as CSOs, these issues did not surface in the interview with the Finnish rape crisis organisation Tukinainen. In effect, Tukinainen's interviewee considered that the role of the organisation was bigger than it should be as a CSO in supporting the victims of sexual violence and the public sector should be much more involved in organising support for their clients. Instead, if some other actors threatened the organisation's position, it was perhaps other CSOs, which may be considered as more preferable partners to the state.

Discussion

The findings illustrated that whereas all the interviewees regarded that the public sector should be responsible – at least to a major extent – of funding their activities, the Norwegian respondents considered that the state should not make – or in the case of Norsk Krisesenterforbund NOK! – should have not made service provision to their clients a statutory duty of authorities, at least not a responsibility of the municipalities. Instead they wished their services to be funded directly through state subsidies, which for example, allows them more control in deciding how their clients are

treated. Inversely, the Finnish interviewees did not have as firm opinion about the form that public sector's responsibility should have. These differences in the views of the Finnish and Norwegian representatives may tell about differences in the nature of civil society actors, victim movements in these countries as well as of the level of victim support services.

The fact that almost all of the interviewees emphasised that it is important to be seen as 'something else', as a civil society actor that does not only produce services, but also develops them and conveys the voices of their target groups to the decision-makers can be interpreted to reflect the on-going rearrangement processes and 'blurring of boundaries' both in the area of victim support services as well as in the provision of welfare services in general in these countries. For example, in Finland CSOs have been pushed to articulate the uniqueness of their services, especially in relation to the private sector more than ever before, as the production of health and social services has been increasingly outsourced to non-public actors and mainly to private companies (Arajärvi and Väyrynen, 2011; Särkelä, 2016: 42, 48). The concern of the Norwegian interviewees to become taken over by the public sector has not been without grounds either as a recent study showed that since the implementation of the Crisis Centre Act, municipalities have started to provide shelter services themselves. Thus, whereas previously the majority of the shelter services were provided by CSOs, today the main providers are municipalities or municipalities together. (Bakketeig et al., 2014: 63)

The findings of this study indicate that the on-going changes in the responsibilities and funding of victim support services can open up opportunities for new actors to participate to this field, which challenges the position of the traditional victim support organisations. This has already happened in the case of Norwegian crisis centre organisations and it may happen in the case of some Finnish CSOs as well. For instance, the Finnish Federation of Settlement Houses was awarded with contract for 24/7 helpline for victims of domestic violence and one of the Finnish representatives in this study considered that the private sector could become a potential competitor for them in the future. Indeed, recent studies from the UK have shown that there is no guarantee whether the public sector will prefer even such traditional CSOs as Victim Support with years of experience as partners at the time when savings are sought and free competition is emphasised (Mawby, 2016; Simmonds, 2016). Many of the interviewees in this study were aware that they may have to fight harder for retaining their position in the future and to distinguish themselves of the other actors in the field. Thus, it appears that while the states' increasing responsibility to organise support for victims of crime has certainly been a victory for the victim movements in many countries, its realisation in the current era of austerity and mixed welfare economies presents traditional victim support organisations with new challenges in retaining their ownership of treating the problem of victimisation.

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PARALLEL SESSION 1C: Crime control, punishment and ideas about innocence

Criminal code as a means of (social) policy

Discourses in the beginning of the criminal law committee work (1972–1973)

Aura Kostiainen

1 Introduction

In my dissertation I aim to find out how crime, criminal law, crime policy and society as well as their relations were constructed in the total reform in the Finnish Criminal Code and how these views were linked to larger changes in the society.

The total reform has been one of the most significant law reforms in Finland during the last decades. Not only has the reform touched on the elements of offences, criminal sanctions and criminal liability but new crimes have also been included in the Criminal Code (e.g. environmental, data and communication and economic offenses). A vast number of actors have taken part in the debate: jurists, sociologists, bureaucrats, politicians, newspapers, NGOs and citizens.

A committee was nominated in 1972 to prepare a comprehensive total reform of the criminal legislation. The committee gave a report in 1976 but didn't finish the task. A project organization under the Ministry of Justice 1980-1999 drafted legislative "packages" divided according to different crime types, which the parliament then processed. The last bills were passed in 2003.

The beginning of the reform was linked to a larger wave of critique of coercive treatment. It was also an era of rapid societal change, political activism and the beginning of closer co-operation with other Nordic countries. The changes in the surrounding culture and society are important factors in the study.

At the moment, I am considering whether I should only concentrate on the four years of the Criminal Law Committee work. That would enable me to analyze the data more deeply and also take better into consideration other sources than the committee material itself, like jurisprudential and public discussion of the time and the 1960s as well as other criminal law reforms of the time. The paper in question focuses on the beginning of the work of the Criminal Law Committee.

2 The research material

In this paper, I will study material from the archives of the Finnish Criminal Law Committee from 1972–1973. The committee was founded in April 1972 with a Government decision. Antti Kivuvori, the head of the law drafting department in the Ministry of Justice was appointed as chairman. There were seven members, four permanent specialists with the right to participate in the committee meetings and two secretaries. Among the members there were criminal law specialists, officials from the Ministry of Justice and two social scientists. According to Kivuvori the committee was to have

“a sufficient representation of different values”. The permanent specialists represented the prison administration, police force, taxation administration as well as the Ministry of Justice. The two secretaries, Hannu Takala and Jan Törnqvist, were both jurists.

The materials include memoranda, summons, agendas and records. The documents are part of the committee work and as such a manifestation of expert, policy and legal knowledge. The material consists mostly of unofficial memoranda by Antti Kivivuori and Jan Törnqvist meant for the use of the committee members only, possibly only for the inner circle of the committee. The archives are incomplete as some documents are missing.

3 Methodology

The aim is to study discursivity in argumentative text, and thus the analysis on discursivity is fitted together with the general argument structure, according to which an argument consists of a core argument, background assumptions and claim/consequences. (Toulmin 1958) This often-used structure is a simplification of Toulmin’s (1958) argumentation structure. Where Toulmin was interested in the merit and inner logic of an argument, I am more interested in how the arguments are constructing problems and truths as motivators for action.³⁴

This has taken my path towards discourse theorists. As core arguments I will study especially two things: the main problematizations (a concept of Bacchi) and the nodal points and empty signifiers (concepts by Laclau & Mouffe)

The core argument: problematizations, nodal points and empty signifiers

For Bacchi interest in discourse in the policy field becomes an interest in the ways arguments are structured and objects and subjects constituted in language.³⁵ Bacchi describes the power of discourses as twofold: on one hand they enable action, for they construct certain possibilities of thought, on the other hand they limit action, for they constrain what may be said and thought.³⁶

Bacchi is especially interested in policy problematizations, which are part of the political process: by claiming a certain state of affairs as problematic it is constructed as a policy issue with certain solutions. It is also important *how* exactly the problem is defined. Quoting Deborah Stone Bacchi suggests that the analyst of political problems must ask how the definition of the problem also defines interested parties and stakes, how it allocates the roles of bully and underdog and how a different definition would change power relations. Bacchi’s WPR analysis consists of the following questions: What is the problem represented to be? What presuppositions are implied or taken for granted in the problem representation? What effects are connected to this representation? What is

³⁴ Toulmin, S. E. 1958. *The Uses of Argument*. Cambridge: Cambridge University Press.

³⁵ Bacchi, C. L. 1999. *Women, Policy and Politics. The Construction of Policy Problems*. Lontoo: SAGE.

³⁶ Ibid.

left unproblematic in particular representations? How would “responses” differ if the problem were represented differently?³⁷

I have combined these two approaches as follows: The core argument represents the key problematization, the presuppositions and “unproblematizations” represent background assumptions, and the material consequences represent the claims.

In addition I will use Laclau & Mouffe’s concepts of discourse, nodal point and empty signifier to find out how certain key concepts used in the crime policy documents like crime, criminal policy, criminal law and society are constructed and related to each other.

For Laclau and Mouffe, a discourse is an attempt to fix a web of meanings into a structured totality within a particular domain in the field of discursivity. The constitution of a discourse involves the structuring of signifiers into certain meanings to the exclusion of other meanings, and is thereby an exercise of power. A discourse is thus an *articulatory practice* which constitutes and organizes social relations. The articulation is giving elements, aka signs with no yet given meanings, fixed meanings and temporarily establishing a *closure*.³⁸

Discourse is characterized by relationality: following Saussurean semiotic thinking Laclau and Mouffe understand that language finds its meaning in its structure and not in its substance – thus every signifier in a discourse gains meaning through its relations to other signifiers. This means that a word’s (aka signifier’s) meaning (aka signified) is not fixed but contingent, and this meaning only changes if the relations it has to other signifiers also change.³⁹ Rear, following Phillips & Jorgensen, has compared a discourse to a fishing net:

“The basic unit of language is the sign, which arbitrarily joins a particular sound-image (the signifier) with a particular concept (the signified). Signs derive their meaning from their difference from one another; they are, in a sense, like knots within a fishing-net fixed into a certain position in relation to all the other knots.”⁴⁰

According to Laclau it is impossible to achieve closure in society, and by that he means that there cannot be a totality or a fullness signifying the whole society. Society thus lacks an ultimate signifier with which to make it complete. Any single discourse is ideological in the sense that it is hiding the emptiness of its core and tries to claim itself (and the reality) to be a fixed totality. It strives to hide that reality is constructed, malleable and contingent and instead rearticulates social reality as fixed

³⁷ Ibid.

³⁸ Rear, D. (2013) Laclau and Mouffe’s discourse theory and Fairclough’s critical discourse analysis: An introduction and comparison. *Unpublished paper*, 1–26.

³⁹ Sutherland, C. (2005) Nation-building through discourse theory. *Nations and Nationalism*, 11, 185–202.

⁴⁰ Rear, D. (2013) Laclau and Mouffe’s discourse theory and Fairclough’s critical discourse analysis: An introduction and comparison. *Unpublished paper*, 1–26.

to legitimize and consolidate its claims of reality. This is what is called *hegemonic*⁴¹ *struggle* in society.⁴²

Discourse forms a structure organized around certain core ideological principles or signifiers called *nodal points*. These nodal points exist in a relationship to other elements in the discourse. They are privileged discursive points of partial fixation – thus any discourse is determined by a certain organizing principle which makes its elements into a unity.⁴³ A signifier invested with certain meaning in one discourse may be given another meaning in a different discourse. Since signs derive their meaning from their relation to one another, all other signs within the discourse will be configured differently as a result. These contested signifiers are called *floating signifiers*.⁴⁴

According to Laclau all identity is constructed within the tension between two logics: the logics of difference and the logics of equivalence. While trying to achieve unity or totality, a discourse must differentiate itself from something *other* than itself. But if this totality is precisely a totality of different signs related to each other, what is this *other* but just another difference. So the only possibility of having a true outside is an excluded element, something that the totality expels from itself in order to constitute itself. But after this exclusion all the differences *inside* the totality become equivalent to each other when set against the excluded element, making the differences disappear. Thus the totality can only be a failed totality, the place of “an irretrievable fullness”, and in its core one only finds this tension.⁴⁵

Thus, paradoxically totality in any system becomes at the same time impossible and necessary: the tension between equivalence and difference is unfixable, but there still needs to be some sort of closure for identity building and signification to be possible. This closure or representation is always only particular, representing particular differences. Sometimes one particular difference or signifier assumes the representation of a totality, uniting all the other differences, and becomes an *empty signifier*. This is the case when for example different groups unite their forces against a common enemy and one of the groups takes a leading symbolic role in this battle. When this happens, the empty signifier is split between its own particularity and the more universal signification which it represents and thus it becomes at the same time hegemonic – by signifying the universality – and empty – for it is impossible to fulfill the totality, and thus the particular signifier does not have only

⁴¹ The concept of hegemony was originally introduced by Gramsci.

⁴² Sutherland, C. (2005) Nation-building through discourse theory. *Nations and Nationalism*, 11, 185–202, Norval, A. J. 2000. Trajectories of future research in discourse theory. In *Discourse Theory and Political Analysis: Identities, Hegemonies, and Social Change*, eds. D. Howarth, A. J. Norval & Y. Stavrakakis. Manchester: Manchester University Press, Glynn, J. (2001) The grip of ideology: A Lacanian approach to the theory of ideology. *Journal of Political Ideologies*, 6, 191–214.

⁴³ Sutherland, C. (2005) Nation-building through discourse theory. *Nations and Nationalism*, 11, 185–202.

⁴⁴ Rear, D. (2013) Laclau and Mouffe’s discourse theory and Fairclough’s critical discourse analysis: An introduction and comparison. *Unpublished paper*, 1–26.

⁴⁵ Laclau, E. 2005. *On Populist Reason*. London: Verso.

its certain, particular meaning any more but becomes a surface of inscription through which all other meanings are expressed.⁴⁶

Postfoundationalism based on Laclau & Mouffe's thinking has been much influenced by psychoanalysis and especially Lacanian thinking. Lacan has taken up Freud's conception of splitting, which he has further develop in his theory of *subjectivity*. According to Lacan in every subject there is a split between the lack of any positive content and the constant effort to fulfill this lack by projecting desire on an *object-cause of desire* (Lacan calls this *objet petit a*). Unfortunately for the subject, this object is also empty and lacking and can never be filled fully, so it is an impossible object. Lacan refers to this object as *jouissance*, the impossible enjoyment already lost, which nevertheless acts as an important "motor of desire" for it keeps the subject active in its never-ending race towards its desired object. This object-cause of desire is at the same time internal and external for the subject: internal for it defines the subject but external for it can never be reached.⁴⁷

In the research of crime policy, the concepts of discourse, nodal point and empty signifier are be useful in clarifying the structures of the discourses in crime policy and the relations between signifiers like crime, crime policy, criminal law, society and social policy.

Background assumptions: distinctions, limits and frontiers

The study of categorizations in my study is based on Derrida and Derridean feminist scholars like Haraway and Cixous, who have criticized the construction of binaries in Western philosophy. Also Laclau & Mouffe base their concepts of limit and frontier on Derrida.

Derridean scholars base their critique on the work of Lévi-Strauss on the binary opposition culture/nature. According to Lévi-Strauss the mind builds up its perceptions of the world by perceiving opposites or contrasts. According to Lévi-Strauss this capability of distinctions separates humans from other species and culture from nature.⁴⁸

For Lévi-Strauss myths are anxiety-reducing mechanisms which deal with unresolvable contradictions in culture and provide imaginative ways of living with them.⁴⁹ Lévi-Strauss, who studied the native mythologies of the New World, observed that myths which at first seem very different all share the same deep structure. All the myths deal with people's attempt to understand the relationship between culture and nature.⁵⁰ To him this proves that the relationship between

⁴⁶ Ibid, ---. 2007. *Emancipation(s)*. London: Verso, Szkudlarek, T. (2011) Semiotics of Identity: Politics and Education. *Studies in Philosophy and Education*, 30, 113–125.

⁴⁷ Glynos, J. & Y. Stavrakakis (2008) Lacan and Political Subjectivity: Fantasy and Enjoyment in Psychoanalysis and Political Theory. *Subjectivity*, 24, 256–274.

⁴⁸ MacCormack, C. P. 1980. Nature, culture and gender: a critique. In *Nature, Culture and Gender*, eds. C. P. MacCormack & M. Strathern, ix, 227 sivua. Cambridge: Cambridge University Press.

⁴⁹ Fiske, J. 1987. *Television Culture*. London: Methuen.

⁵⁰ Lévi-Strauss, C. 1983. *The Raw and the Cooked. Introduction to a Science of Mythology 1*. Chicago: University of Chicago Press.

culture and nature, human and god, life and death, us and them and the anxiety caused by this relationship unite all cultures. Myths thus only differ from one another on the surface.⁵¹

Myths work metaphorically to transform the binary oppositions into concrete representations by a process that Lévi-Strauss calls “the logic of the concrete”. Fiske, who as utilized this approach in media studies, has pointed out that in the western movies the binary opposition culture/nature is transformed into indoors/outdoors and is structurally associated with values such as law and order/lawlessness, white/non-white and humane/inhumane. Thus, a scene of “Indians” attacking a white homestead may be seen as a concrete metaphorical transformation of the opposition between nature and culture, and the narrative is an argument via “the logic of the concrete” about the characteristics and consequences of this opposition.⁵²

Lévi-Strauss (and other structuralists) have been criticized for assuming culture consisting of certain objective, universal structures and permanent binary oppositions reflected by language. Theoreticians such as Derrida and Cixous have pointed out that the division into binary oppositions is distinctive of the Western philosophy and literature. The pairs always contain a violent hierarchy: the first component is always primary to the other, on the other hand the first component only exists and is defined in relationship to the other. The logic of this hierarchy is “phallogocentric” for it sets masculine and logical above feminine and feeling. Derrida has created the concept “deconstruction”, the purpose of which is to destabilize, crack open and displace texts that are explicitly or invisibly idealistic.⁵³ So for poststructuralists Lévi-Strauss’s division of “culture” and “nature” and understanding of them as permanent deep structures is as much constructing and reproducing the dichotomies as it is analyzing them. Neither the concept of nature nor that of culture is “given”, and they cannot be free from the biases of the culture in which the concepts were constructed.⁵⁴

The poststructuralist theory has been taken up by literary scholars and writers, most notably feminist scholars. According to Haraway certain dualisms persistent in Western traditions have all been systemic to the logics and practices of domination of people of color, nature, workers, animals – in short, domination of all constituted as others, whose task is to mirror the self. Other problematic divisions and examples of phallogocentrism are among others mind/body, civilized/primitive and active/passive.⁵⁵

Laclau & Mouffe have adopted the Derridean concept *constitutive outside*, which is an essential part of discourse: the discourse constructs itself *against* something what it itself is not. In discourse these adversaries or significant “Others” representing the constitutive outside are often explicitly expressed. The logic of equivalence is dissolving the boundaries between groups by establishing a

⁵¹ Fiske, J. 1992. *Merkkien kieli. Johdatus viestinnän tutkimiseen*. Tampere: Vastapaino.

⁵² ---. 1987. *Television Culture*. London: Methuen.

⁵³ Guillemette, L. & J. Cossette (2006) Deconstruction and *différance*. *Signo. Theoretical semiotics on the web*. <http://www.signosemio.com/derrida/deconstruction-and-difference.asp> (last accessed 23.9.2016).

⁵⁴ MacCormack, C. P. 1980. Nature, culture and gender: a critique. In *Nature, Culture and Gender*, eds. C. P. MacCormack & M. Strathern, ix, 227 sivua. Cambridge: Cambridge University Press.

⁵⁵ Haraway, D. J. 1991. *Simians, Cyborgs, and Women. The Reinvention of Nature*. London: Free Association Books.

frontier against an explicitly articulated enemy, defining its *limits*.⁵⁶ Nevertheless, always these limits are not explicitly expressed. These concepts of frontiers and limits based on Derridean thinking are used to link together the distinctions and categorizations with the other elements in the discourse and to see how they matter in the construction of the discourse.

Jeffrey C. Alexander, like Lévi-Strauss, states that these categorizations form certain symbolic “sets” where certain characteristics are on one category and other on the opposite. According to him in many societies people are divided into the categories of pure and impure, and these categorizations are linked with civic virtue and civic vice in a way which grants democratic civil rights to those deemed deserving and denies them from those deemed undeserving.⁵⁷ With Lévi-Straussian and Derridean terms the democratic code represents culture and logic and is hierarchically given a preference over the counter-democratic passionate humans in the “natural state”, who may not be given civil rights for their own sake. According to Alexander political actors use this discursive structure to legitimate themselves and their allies and delegitimize opponents. “Actors struggle to taint one another with the brush of repression and to wrap themselves in the rhetoric of liberty.”⁵⁸

As part of the assumptions behind the problem representations I will study how the boundaries of normal and deviant were defined in the criminal policy reform, who were classified into the discourse of repression and who into the discourse of liberty. The analysis between democratic and counter-democratic codes is divided into two categories: the political actors and their self-understanding of “us” and “them” and the objects of action (who the actors deemed as normal and as deviant, and whether the deviant individuals should be excluded or included into society). In addition to study the background assumptions I am interested in the categories of us/them as well as normal/deviant. In criminology, the categories of normal and deviant have been of importance when studying social control, and I am interested in the constructions of these categories.

The claim / conclusions

In policy, the problematizations based on their background assumptions are used to build an argument on what is to be done to solve these problems. In the claim/conclusions I will also look into what sort of truth is produced in this discourse. Foucault’s genealogical approach proves useful in studying the build-up of expertise in criminology, criminal law and criminal policy.

Foucault has studied how regimes of truth are formed within and between scientific communities, administration and law. According to Foucault the rules of scientific practices are always tied to the power relations of the society. Science creates categories and subjectivities reflecting the discourses and truths of its time. At the same time, it shapes the ways people think and feel about the focus of

⁵⁶ Rear, D. (2013) Laclau and Mouffe’s discourse theory and Fairclough’s critical discourse analysis: An introduction and comparison. *Unpublished paper*, 1–26.

⁵⁷ Alexander, J. C. 1998. Citizen and Enemy as Symbolic Classification. In *Real Civil Societies. Dilemmas of Institutionalization*, ed. J. C. Alexander. Lontoo: Sage.

⁵⁸ *Ibid.*

its research and thus produces effects of power by its appeal to rationality, validity and specific procedures assuring its legitimacy.⁵⁹

A regime of truth can be understood as the strategic field within which truth is produced and which becomes a tactical element in the functioning of power relations. According to Foucault a new system or “regime of truth” emerged in the 18th century when the formation of a corpus of knowledge, techniques and ‘scientific’ discourses became entangled with the practice of the power to punish and the invention of the prison. He calls this the “scientifico-legal complex”. “Man” (sic) became an object of knowledge, and criminology as well as medical psychiatry evolved as sciences to serve this new complex of power/knowledge.⁶⁰

4 Preliminary results

The core argument

The key problematization is that current criminal legislation is obsolete and incoherent. The objects of legal protection reflect the interests of the period before the parliamentary democracy (assembly of the representatives of the estates), and e.g. working-class interests and views are not represented. The provisions are scattered in many codes making it difficult for an ordinary citizen to grasp which acts are criminal. There are no unifying principles: important values for a private citizen (work, health, housing, consuming, environment, transportation and private life) or the state (taxation) are left unprotected by law while less important values (property) are strongly protected.

The discourse is built around certain nodal points, the most central of which is social/public policy (yhteiskuntapolitiikka). Other central nodal points are e.g. means, goals, effectivity or rationality, negative behavior, the viewpoint of an “ordinary citizen” and aspects or areas of that citizen’s life. The social policy nodal point is related to everything else mentioned in the memoranda. The centrality of the nodal point can also be seen in the hierarchical structure in the discourse: Criminal legislation is seen as means for social policy/public policy. The signifier “social policy” gains meaning through the equivalence with criminal legislation, and vice versa. The ultimate goals of society are those of public policy and are thus also the ultimate goals of criminal legislation. Criminal legislation is seen in terms of policy making, and the logics and rationality of policy making are seen essential: the authors emphasize the importance of first setting long-term goals (to ensure that the reform is long-range and comprehensive), after that finding the means for reaching those goals and lastly finding short-term goals.

The authors do not want to define *deviant* behavior for they wish to focus on future and not current legislation, and deviancy would require a norm to break. So, instead they use the signifier *negative*

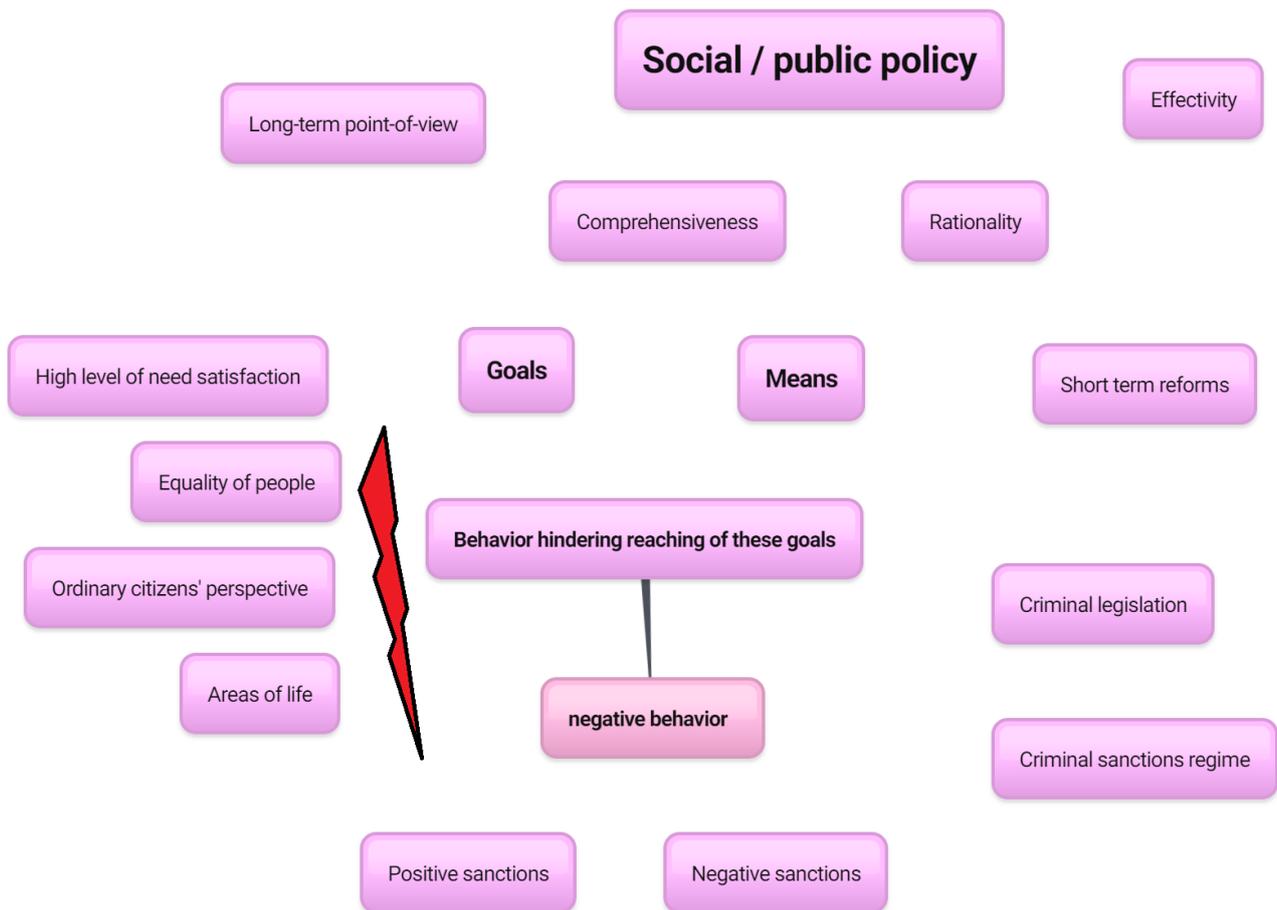
⁵⁹ Oksala, J. 2007. *How to Read Foucault*. London: Granta Books.

⁶⁰ Foucault, M. 1977. *Discipline and Punish. The Birth of the Prison*. New York: Vintage Books.

behavior, which is defined as behavior hindering the reaching of the goals of social policy. This approach further emphasizes the ethos of rationality in the memoranda.

The most important nodal points and their relations are mapped in figure 1.

Figure 1. Nodal points in the criminal committee memoranda.



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The desired object is a reformed criminal legislation, which gives structure and meaning to the discourse. The fundamental task of the committee work is defined to examine the current criminal legislation and its sanctions, and to find out what sort of a means for the more general social policy it provides. The next step is to explore all possible ways to use the means provided by criminal legislation, and whether the current legislation is excluding something that might prove useful.

Another object or objects are the goals meant to reach by the reform. The authors admit that in the reform work the goals must be general enough for everyone to agree – thus they take the emptiness of the goals as a starting point for their work. According to the authors the conflicts between groups and interests only emerge when the process moves to a lower and more concrete level on the goal-means-scale. The authors claim that no possible goal of social policy is left out in the agenda setting

of the committee work. Nevertheless, the committee has selected “equality of people” and a “high level of need satisfaction” as the long-term goals for the reform. The authors state that these goals are general enough to be supported widely but that they still give a certain direction for the reform. It is interesting that the memoranda do not refer to any goals of social policy decided e.g. in the ministry of Social Affairs and Health. Instead it seems that the committee has decided on these goals – which they say that the criminal reform should take from more general goals of social policy – independently. This is even more interesting when taking into consideration that most of the committee members are not by education or background social policy experts but legal experts although one member, Klaus Mäkelä, is at the time the chair of Social Research Institute of Alcohol.

Background assumptions

The committee has further decided the goals to mean that those who in the current society live in inadequate conditions should have the same quality of life as those who at the moment are privileged. To emphasize this interpretation the authors have written a curt sentence after this explanation: “This is the fundamental choice and viewpoint of the committee.”⁶¹ Thus, the objects of desire are equality (in contrast to privilege) and quality of life understood quite materially as “need satisfaction”.

There is an invisible limit: the criminal legislation, or criminal law in general, is seen in terms of a means and not an ideal or a value per se. “Social sciences” are set above “jurisprudence”, and thus the ideals of justice or expiation are set aside to make way for more “rationally minded” values. There is also an explicit frontier in the definition of negative behavior: the starting point of the committee is the abovementioned goal of equal need satisfaction, and everything hindering the reaching of these goals is defined as negative. In this context “negative” does not carry too much value judgment but is defined instrumentally.

An interesting nodal point as well as a limit lie in the signifier “ordinary citizen”. The committee has decided to explore different social policy means that help reach the abovementioned objectives by dividing social policy into different areas. The authors admit that it has proven hard to make a functioning division of society into different areas or aspects: the division used in social policy planning is seen as too administration centered, but the alternative division into human aspects of life like work, living, health etc. is also problematic, for the priorities of these aspects vary according to social group, and some aspects or areas of life are also overlapping. The committee has decided (although this sentence is afterwards marked with square brackets) that the division should reflect the priorities of an ordinary citizen living on wage, pension or being in an equivalent position. Thus, an ordinary citizen is defined by wage labor, which becomes an empty signifier for being ordinary, suppressing all other differences – e.g. being at home taking care of children. The “norm” of a wage laborer is a man: in the 1970s wage labor was still more usual among men than women: rate of

⁶¹ Loosely translated. In Finnish the sentence says: “Tämä on komitean perusvalinta ja katsomus.”

employment was almost 80 % among men and under 60 % among women. It is unclear whether those unemployed are ordinary or “deviant”.

There is a frontier to privilege: those who are well off financially aka who live on interest or who own capital are not ordinary. One might conclude that the definition of an ordinary citizen reflects the rise of the leftist (male) worker identity on the one hand and wage labor as the new “normality” in the society on the other. The constitutive outsides or “Others” in the discourse are the privileged and the old criminal legislation reflecting and enhancing those privileges instead of the committee’s rational-minded social policy initiatives.

Claim/conclusions

The discourses construct an understanding of a rational, goals–means–results-guided criminal legislation that serves the more general social/public policy. The authors emphasize the importance of first setting long-term goals (to ensure that the reform is long-range and comprehensive), after that finding the means for reaching those goals and lastly finding short-term goals. The discourse of the memoranda constructs a scientifico-legal complex in which the purpose of criminal legislation is to serve policy, and where the use of this “tool” of criminal law is to be based on criminological (and other scientific) evidence. There is also a clear hierarchy: the social policy goals are set above those of jurisprudence.

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Punishing the Innocent? Pre-trial detention in Scandinavia

Peter Scharff Smith

It's August 2015 and I am sitting in East Jutland prison in Denmark in the middle of a focus group interview with long-term prisoners several of who have sentences running in double digits. This is one of the most modern high security facilities in all of the Danish penal estate and the prisoners we talk to have generally been imprisoned for many years. I am together with two American research colleagues who are asking the prisoners about how they experience punishment in the Danish penal system.⁶² The prisoners respond by talking about two things: the lack of contact with their families and, especially, their experiences sitting in a remand prison awaiting their trial. Directly questioned "what is punishment?" one prisoner simply answer "B and B", which refers to the special restrictions on visits and correspondence which the Danish legal system allows during pre-trial.⁶³ The reason is not that these inmates have recently left remand imprisonment it is simply because they seem to have had their worst and toughest prison experience there before they were even sentenced. Their current stay under maximum security conditions feels much less like punishment to these prisoners.

Such a reaction comes as no surprise to me after having surveyed and interviewed numerous prisoners and prison staff in the Danish system – during remand, as sentenced prisoners, and later post-release – and after having studied Danish remand practice for several years. As one Danish remand prisoner simply concludes: "Those, who have not yet been sentenced, they live under very poor conditions – much worse than those, the sentenced prisoners live under".⁶⁴ In the words of a former Danish prison governor "we cannot begin to understand the humiliation, which it is [remand imprisonment]. One has to ask permission for everything, even to be allowed to go to the bathroom."⁶⁵

As I have described elsewhere⁶⁶ remand imprisonment is in fact the toughest and most restrictive prison experience in Denmark save for what is offered in a very limited number of special isolation units, most notably the small 24 cell prison called "Politigårdens fængsel" (the "Police station prison"⁶⁷) and the "E unit" at East Jutland⁶⁸, which could be termed as the closest we come to anything resembling Supermax conditions in a Danish context. There are in fact several important examples of Scandinavian pre-trial practices which seriously challenge the notion of Scandinavian

⁶² I helped Keramet Reiter, Lori Sexton and Jennifer Sumner plan and conduct this research visit as part of their study of imprisonment in Denmark. They write about this and other prison visits in Denmark elsewhere in this volume.

⁶³ Field notes 2015. B and B means "Brev- og besøgskontrol" which translates into "control/surveillance of correspondence and visits".

⁶⁴ Interview, remand prisoner. See Smith and Jakobsen 2017.

⁶⁵ Ole Hansen cited in "Remand imprisonment is a punishment before conviction"; in: *Bladet Kriminalforsorgen*, no. 8, June 2011, p. 9.

⁶⁶ Peter Scharff Smith: *Varetægtsfængsling - Danmarks hårdeste straf? Jurist- og Økonomforbundets forlag 2017.*

⁶⁷ Although bearing such a name the facility is not for police detention – it is a prison administered by the Danish Prison and Probation Service which happens to be physically located in the same building as the Police headquarters in Copenhagen.

⁶⁸ Along with even smaller isolation units at other prisons.

penal exceptionalism.⁶⁹ At first glance such practices seem to have little to do with the “welfare” logic of Scandinavian welfare states but they illustrate the relatively far reaching social control efforts inherent in these strong, ambitious and powerful states.

The purpose of shedding light on a number of Scandinavian pre-trial practices is by no means to criticise Scandinavian prison practice in general nor is it meant as an attempt to roll back the entire literature on Nordic penal exceptionalism.⁷⁰ But it is an important empirical corrective to a literature which has generally ignored the fate and conditions of up to 1/3 of the Scandinavian prison populations and it is a way of highlighting aspects of Scandinavian practice which lie very far from the values and ideologies often associated with penal exceptionalism. These pre-trial interventions also make for an interesting case where punitive practices appear without any clear connection to the allegedly egalitarian logic of the welfare state. Obviously, one can also focus on several other Scandinavian prison practices, which reveal much more liberal and humane intentions.⁷¹ I have myself worked with reform projects together with the Danish prison service and have thereby become directly involved in influencing and creating Scandinavian prison practices – especially in connection with projects aimed at improving the situation and treatment of children of imprisoned parents. These projects might very well have been supported and enhanced by Scandinavian penal culture and are themselves interesting case studies in that regard. But that is a different story which I have discussed elsewhere.⁷²

Scandinavian exceptionalism and the forgotten remand prisoners

Although remand prisoners suffer from poor conditions in many parts of the world one would perhaps expect that advanced and rich welfare states with inclusive and expansive social policies would have a different approach. Indeed, the problems associated with Scandinavian pre-trial practices are unlikely to be a product of insufficient resources or bureaucratic inefficiency as is the case in countries where criminal justice systems often suffer from a number of very basic flaws and structural problems.⁷³ In any case, empirical research has uncovered several peculiar examples of how Scandinavian pre-trial practices grant authorities very significant powers and routinely restrict the rights of the accused in ways which look quite remarkable also when compared to other jurisdictions. The history and practice of solitary confinement during pre-trial is an obvious example.⁷⁴

It seems important if seemingly benevolent Scandinavian states routinely restrict the rights of untried citizens even more than those of sentenced prisoners. The principle of “presumption of innocence” is after all a very basic rule of law and human rights principle which is firmly rooted in

⁶⁹ Smith 2017 (forthcoming)

⁷⁰ See for example Pratt 2008a and b; Pratt and Eriksson 2013.

⁷¹ See for example Pratt 2008a and b; Pratt and Eriksson 2013; Smith and Ugelvik 2017 (forthcoming).

⁷² Smith 2014, Smith 2015.

⁷³ Open Society Justice Initiative, 2014.

⁷⁴ Smith 2011; Smith, Horn, Johannes Nilsen and Marte Rua 2013. Horn 2015.

a tradition going back to 18th century enlightenment philosophy.⁷⁵ European human rights standards in this area clearly underline that in “view of both the presumption of innocence and the presumption in favour of liberty, the remand in custody of persons suspected of an offence shall be the exception rather than the norm” (COE, Recommendation Rec(2006)13, § 3.1). This means that “remand in custody shall only be used when strictly necessary and as a measure of last resort; it shall not be used for punitive reasons” (COE, Recommendation Rec(2006)13, § 3.3). This approach means that there should always be a presumption in favor of release during pre-trial which has been confirmed in several judgments by the European Court of Human Rights (ECHR).⁷⁶ Indeed, national criminal codes in democratic countries will often have provisions designed to limit the use of remand custody.⁷⁷ Furthermore, several European countries have not only ratified but also incorporated the European Convention on Human Rights into national law, which is the case in Norway, Sweden and Denmark. In reality, however, it can be very difficult for a judge to decide against the police in such matters and say that, for example, the risk of flight is not present as argued by the prosecution and, in any case, there is no guarantee that Scandinavian court practice actually follow the European human rights guidelines in this area. In any case, remand imprisonment is a routine practice used extensively in Denmark and by no means only as an “exception” or as a “last resort”. In a thorough legal analysis and discussion of the Norwegian use of remand imprisonment it has similarly been found that Norwegian court practice is out of sync with European human rights principles. According to this study Norwegian courts simply “overlook” that the individual right to freedom and to human rights protection should be the main rule and that intervention and restrictions in the form of remand imprisonment should be the exception.⁷⁸ A critique which seems to fit well with the argument that “limited” and “weak individual rights” might characterize Scandinavian states.⁷⁹

Nevertheless, most of the existing international literature has almost completely ignored the way that Scandinavian states allow police, courts and correctional services to operate before a sentence is passed. One illustration of this is the way that “out of cell time” in Scandinavian prisons has been praised as an example of humane prison practices. In one account it is for example argued that “prisoners in the Nordic countries [...] are likely to be out of their cells considerably longer than those in Anglophone systems”.⁸⁰ The homepage of the Swedish Correctional Service is used as a source to document this (a very trustful approach to scrutinizing prison conditions one might add) as it states that prisoners are woken at 7.00 am and lockdown is not until 8.00 pm in closed prisons and 10.00 pm in open prisons. But is this really the case throughout the Swedish prison estate? In fact one quarter of the entire Swedish prison population – the remand prisoners - are left completely out of this equation although around two-thirds of these are subjected to “restrictions” which

⁷⁵ See for example Beccaria 1766.

⁷⁶ Havre 2014, p. 5.

⁷⁷ Concerning Denmark see the Administration of Justice Act §762, para. 3 and §765. Regarding the Norwegian case, see Havre 2014, p. 12 ff.

⁷⁸ Havre 2014, p. 318.

⁷⁹ as Barker argue in the case of Sweden; Barker 2012, p. 15 f.

⁸⁰ Pratt and Eriksson 2013, 13.

generally means solitary confinement and staying alone 22-24 hours in the cell.⁸¹ This in other words means that around 1/8 of the entire Swedish prison population is kept in solitary confinement. A remarkable situation which of course cannot simply be ignored if one wants to meaningfully compare out of cell time and quality of prison life across jurisdictions.

In Norway, by contrast, the general situation is very different since many remand prisoners are treated just as sentenced prisoners and are often allowed to mix on the wings. This very likely means that untried prisoners generally have much better and more liberal conditions in Norway than they do in Denmark and Sweden – although the practice of mixing sentenced and untried prisoners actually run counter to the general human rights standards in the area.⁸² Regardless, although the use of pre-trial solitary confinement has been brought down significantly in Norway, around 12-15 % of all remand prisoners are still placed in solitary confinement for the purpose of protecting the police investigation.⁸³ Importantly, this severe “Scandinavian way” of treating untried prisoners is not found in most other European countries. Still, a thorough study among remand prisoners in Oslo prison describe how these inmates have access to communal areas and activities although, nevertheless, “remand prisoners are locked up alone in their cells much of the day”.⁸⁴ An ambitious project at Oslo prison called “Quality in remand work” (“Kvalitet i varetaktsarbeidet”) was carried out some ten years ago and clearly aimed at improving that particular problem. Nevertheless, the National Preventive Mechanism under the Norwegian Ombudsman confirm that this problem still exist and describe how prisoners – especially in the first phase of their imprisonment – often risk being locked up alone 22 hours or more in their cells. Such prisoners are in other words effectively in solitary confinement despite not being officially placed in any form of segregation or isolation.⁸⁵

While it is certainly true that many Nordic prisons have very open regimes (exemplified especially by the widespread use of open prisons) this is not at all the case when it comes to remand imprisonment in Sweden and Denmark – and in Denmark 34 % of the entire prison population was made up by remand prisoners in 2015.⁸⁶ Empirically speaking it is a significant shortcoming in much of the literature on Scandinavian exceptionalism that up to around 1/3 of the national prison populations and the conditions they are subjected to have been left out of consideration. Perhaps this lack of interest has something to do with the fact that the welfare state perspective has been important in much of this research?⁸⁷ One could argue that focusing on the welfare state (in a positive light) might turn attention towards sentenced prisoners where one would expect to find values and practices associated with the egalitarian and universalist welfare policies found in Scandinavia –

⁸¹ Åklagarmyndigheten 2014; Smith, Horn, Nilsen and Rua 2013.

⁸² See for example the European Prison Rules (CoE, Committee of Ministers, Recommendation Rec(2006)2), rule 18.8a, which clearly state that states “need to detain (...) untried prisoners separately from sentenced prisoners” (concerning possible exceptions see rule 18.9). Concerning living conditions for Norwegian remand prisoners, see Ugelvik 2014.

⁸³ Smith, Horn, Nilsen and Rua 2013, p. 11.

⁸⁴ Ugelvik 2011, p. 48.

⁸⁵ The Ombudsman 5. April 2016: <https://www.sivilombudsmannen.no/aktuelt/aktivitetstilbud-og-tiltak-for-a-motvirke-isolasjon-article4346-2865.html>

⁸⁶ The official 2015 statistics are currently not available, but the author has been supplied this information in an e-mail from the Danish Prison and Probation Services 26. January 2016.

⁸⁷ Cavadino and Dignan 2006; Pratt 2008a/b; Pratt and Eriksson 2013; Tapio Lappi-Seppälä 2007.

such as for example a focus on rehabilitation and treatment as part of the process from sentence to release instead of purely punitive rationales with accompanying bleak and austere prison conditions.

Scandinavian pre-trial practices

For a thorough discussion of a number of Scandinavian pre-trial practices, which in several ways counter the image of Nordic penal exceptionalism, please see the following titles:

- Smith, Peter Scharff and Janne Jakobsen (2017): *Varetægtsfængsling – Danmarks hårdeste straf?*, Jurist- og Økonomforbundets forlag.
- Smith, Peter Scharff (2015): "Children of Imprisoned Parents in Scandinavia: Their Problems, Treatment and the Role of Scandinavian Penal Culture", *Law in Context*, Vol. 32.
- Smith, Peter Scharff, Thomas Horn, Johannes Nilsen and Marte Rua (2013): "Isolation i skandinaviske fængsler – der er ikke tilstrækkeligt fokus på den omfattende brug af isolation i skandinaviske fængsler" in *Social Kritik*, no. 136.
- Smith, Peter Scharff (2011): "A Critical look at Scandinavian Exceptionalism: Welfare State Theories, Penal Populism, and Prison Conditions in Denmark and Scandinavia". Ugelvik, T and J Dullum (eds) *Penal Exceptionalism? Nordic Prison Policy and Practice*. Abingdon: Routledge.
- Peter Scharff Smith (2017, forthcoming): "Punishment without conviction? Scandinavian pre-trial practices and the power of the benevolent' state" in Peter Scharff Smith and Thomas Ugelvik (eds.) *Scandinavian Penal History, Culture and Prison Practice. Embraced By the Welfare State?*, Palgrave

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Making parent to child violence visible in Finland⁸⁸

Riikka Kotanen

Introduction

Parent to child violence was prohibited in Finland in 1984. The intention in prohibiting even the most lenient forms of violence was to change parenting attitudes, to reinforce the autonomy and rights of children and decrease levels of violence. The prohibition can be seen as somewhat symbolic given the limited subsequent governmental policies and lack of discussion concerning the control of such violence. In contrast, the emphasis was clearly against punishing parents (Kotanen, *forthcoming*). In addition, there was no definition of violence attached to this prohibition, nor was there any in the Child Protection Act which was also ratified in 1984. The ambiguity in the Child Protection Act concerning reporting obligations to child protection officials has also been considered problematic (Pösö 1997; 2011).

Nevertheless, evidence suggests that the intended attitudinal change has largely been realised over the long term in Finland. Violence towards children is regarded increasingly negatively, and there is a decrease in all forms of violence towards children (e.g. Fagerholm et al. 2014). However, there are still clear indications that violence towards children is more prevalent and less disapproved of than violence towards adults (*ibid.*).

This is an early-stage analysis of the gradual recognition and treatment of parent to child violence in Finland after the prohibition. In this paper parent to child violence and its recognition as an unlawful act is reflected through the theory of invisible crimes in the context of Finland (Davies et al. 1999; Davies et al. 2014). The theory investigates the contours of invisible crimes in relation to visible crimes, victimization, legal regulation and crime control. A key feature of all invisible crimes is that they are hard to recognise, regulate and control. Hence this study aims to analyse the different factors reducing the visibility of parent to child violence in Finnish society from the late 1980s to present day tracing its shift from formally prohibited but widely practiced, to socially disapproved and potentially criminal.

The objective of this paper is to point out some preliminary findings on 1) how the recognition of parent to child violence altered in Finland after the legal prohibition, and 2) what kind of factors are hindering or increasing the visibility of parent to child violence as a social harm and/or crime in Finland? The research data is a collection of legislative documents, research reports, governmental reports and materials relating to campaigns and initiatives against violence towards children, news articles, and expert interviews with child welfare and legislative professionals.

⁸⁸ This is a work in progress; please, do not quote.

Parent to child violence and the applicability of the theory of invisible crimes

The ratio of hidden crime is especially high in relation to crimes against children and adolescents (e.g. Kivivuori 2012). Moreover, the hidden nature of violence committed in the private sphere and within close-relations is widely recognised (e.g. Hyden 2015). An important factor often connected to invisible crimes is the lack of witnesses and poor detection of such crimes as well as an absence of recognised victims (Davies et al. 2014, 3). The private context of a crime is one factor ensuring that some criminal acts, or acts causing social harm, are invisible no matter how vigilant the potential observer might be (Davies et al. 1999). Many of the factors which make recognising and controlling such acts difficult overlap within parental violence toward children.

Given the hidden nature of crimes against children this research analyses parental corporal violence towards a child through *the theory of invisible crimes* (Davies et. al. 1999; Davies et al. 2014). The theory is focused on exploring the reasons why some forms of criminal and/or harmful acts remaining invisible, and hence often avoiding the regulation and control in the contemporary society which is, in contrast, commonly criticised for excessive control and punitiveness (e.g. Simon 2006; Garland 2002). Furthermore, the objective of the theory is to point out conformities and connections between these acts, harms and injustices as well as analyse the conditions of their occurrence and their impact on society. Hence it investigates the links and relations between crimes and social harms, victims of such acts and events, and the regulatory policies of states as well as the actual controls resulting from these policies (Davies et al. 1999).

According to Davies, Francis and Jupp (1999), a connecting feature of all invisible crimes is the fact that they are difficult to recognize and pin down. This is partly related to definitional problems connected to crime and criminality; what kind of harmful actions are labelled as a crime, and what kind of consequences are considered so harmful to the society and individuals that they become an objects of control. Since all acts with detrimental consequences are not officially defined as crimes, in their later book Davies, Francis and Wyatt (2014) emphasize the importance of including social harms when mapping the contours of invisible crimes. By doing so, they acknowledging that crime and criminality are issues which are permeated by power relations and political struggle. The definitions of crime, injustice or harm are closely connected to time and place, and in addition, these definitions are often related to specific situational and contextual factors even in the same moment. Temporal and spatial variations in the definitions of violence in the private sphere within intimate and intergenerational relations offers an excellent example of this (e.g. James & James 2004).

The theory of invisible crime is useful for recognising acts that are harmful but gain very little, or no, attention in society. Moreover, it offers tools that can be used to identify and evaluate the degrees of invisibility of particular crimes or social harms. Davies et al. (1999; 2014) presents seven features through which the degree of invisibility can be estimated: no knowledge, no statistics, no theory, no research, no control, no politics and no panic. The lack of knowledge, statistics, research and theorizing are tightly intertwined. The information that we have of invisible crimes is marginal not only at the

individual level but also at the level of the society. This might be due to a lack of awareness and problematisation, or due to the normalisation of harmful acts or accepting such acts and their consequences as inevitable.

Official statistics play an important part in the recognition of problems related to criminality as well as the allocation of resources to tackle those problems. In cases of invisible crime, official statistics often fail to record them comprehensively. This relates to definitional problems and errors, but also inadequate administrative practices leading to under-reporting, under-recording, and misclassification; in other words, collecting defective and/or incorrect statistical information. According to Davies et al. (1999; 2014) the lack of academic research concerning invisible crimes and their causes and their control is a cumulative effect of not having enough knowledge and statistical information nor adequate theorising of these phenomena. The focus of criminological research is often on more conventional crime. This is related to limited funding as well as restricted access for example in terms of collecting data. Also in many cases analysing invisible crimes can be very difficult because of ethical and moral dilemmas connected to the vulnerable position of the victims of such crimes (e.g. crimes against children). The problems and hindrances related to producing research based knowledge about invisible crimes and their occurrence prevents the establishment of formal and systematic mechanism and practises for controlling these crimes.

The same applies to the political agenda; entering into public and political discussions requires a recognition of significance as well as advocates in powerful positions. Without political interest and attention legal regulation or intervention practices seldom come into question. Invisible crimes rarely cause moral panics or other public reactions nor do they garner media coverage which is more available for acts defined as criminal within legislation or crimes and one-off scandals in which the perpetrators are presented as straightforwardly evil (Davies et al. 1999; 2014, 7; also Cohen 2000).

All the above-mentioned factors hinder the recognition of invisible crimes. Since all the factors are not necessarily always present, and their intensity and quantity vary, Davies et. al. (1999) talk of degrees of, and the related nature of, invisibility. In addition, they point out that the meaning which society gives to (criminal) acts can vary temporarily and in according to context. As mentioned at the beginning of this chapter, the attention should be drawn to the context where the act is committed. From their typology of typical contexts where invisible crimes often take place – namely, the body, the home, the street, the environment, the suite, the virtual, and the state – the home is of significance here. But it is also important to take into account wider societal, and historical contexts as significant because they are connected to for example social customs, historical understandings, power structures and power relations.

For example, in the case of parent to child violence the location, home, most likely means there are no witnesses present and also the child, as a victim, means a reduced ability to seek help and therefore makes the act less visible to the authorities. In terms of power and power relations, inter-generational relations mean an imbalance of power between adult and child in all senses not least physical force.

Morally and ethically speaking, historical and legal justification for physical punishment present a dilemma for the state whether to interfere in a family's privacy; this challenges the whole concept of the family, of privacy and parental rights.

A short summary of the empirical findings so far

In this summarising chapter I will describe the main findings of this early-stage analysis of how the gradual recognition of parent to child violence builds up in Finland after the prohibition of all forms of such violence in 1984 to the present.

After the Prohibition: Business as usual

Following the prohibition, according to interviewees public opinion regarding the new legislation was very polarized, not just among citizens and the media but among professionals too (also Kotanen, forthcoming). The media's reactions were often described as hostile and amused. Regardless of the polarization, the prohibition seemed to have had some positive impact on attitudes. Before the prohibition 47 percent of Finns accepted physical punishments at least in special situations, and after the enactment this dropped to 43 percent.

The lack of systematic recording procedures at that time means there were no statistics of parental violence against children available from the Child Protection Services. Physical violence was left without specific definition within the legislation and social services (e.g. Pösö 1997), but sexual abuse was defined as an explicit problem which requires specific intervention measures. A Finnish child welfare NGO *the Central Union of Child Welfare* collected data for the first child victim survey in 1988.

1990s: Sexual abuse occupies the agenda

The results of the first child victim survey were published in 1990. The survey revealed that 72% of 15-year old Finns had experienced at least minor violence at home. The levels of sexual abuse are much lower, and in about 5% of cases girls were abused by their father or step-father. Despite these results, sexual abuse hijacks the agenda in terms of professional interest and media-attention.

All interviewees mentioned a moral panic around sexual abuse in Finland during this period, one of them told it started to remind them of a witch-hunt. The most significant moment in terms of physical violence came with the ruling in the Supreme Court in 1993 which stated clearly that mild violence for disciplinary purposes is a minor assault, and should be sentenced accordingly.

2000-2010: Recognition and re-definition

Eventually, in the first decade of the new millennium physical violence began to get some attention. The Central Union of Child Welfare was key in this development from the 1980s conducting the attitudinal surveys but also as a thought leader. Their two-year campaign "*Don't hit the child*" (2006-2007) had several ambitious aims. For example, they wanted to redefine corporal punishments as

acts of violence, and disassociate from any view that it constitutes a reasonable parenting measure. Hence, they aimed to re-name it as disciplinary violence. Also, they emphasised physical autonomy as a basic human right of a child, and made a comparison between parent to child violence, and intimate partner violence which had become more and more disapproved of in Finland during the last decade. The campaign proved to be very influential, it had a significant effect on attitudes. According to attitudinal surveys before and after the campaign, there was 8% shift to non-violent parenting between 2006 (29%) and 2007 (21%) (Sariola 2014).

Attention was further intensified with the release in 2006 of a special report by the Ombudsman's Office entitled *Children, domestic violence and the responsibilities of the authorities* which state that the legislation should be clarified regarding the mandatory reporting duties of officials. The report also insisted that the rights of child welfare authorities to report cases of sexual abuse and physical violence to the police should be much clearer. The report also raised a question whether there should be a mandatory obligation for authorities to report to the police in cases of physical violence and sexual abuse, and moreover, called for systematic reporting practices in the CPS in order to gather information and reliable statistics. The report was also highly critical of judicial practices which were seen to suffer from a "lack of consistency". These points were included in the renewed child protection act which took effect in 2007, except that the mandatory obligation to report to police only concerned sexual abuse.

A second child victim survey was carried out in 2008 this time funded by the state and conducted by the National Institute of Legal Policy with the Police University College. A national action program aimed at reducing the levels of disciplinary violence was launched in 2010. The program's memo defined such violence as a criminal act and also viewed critically the judicial practices concerning parent to child violence.

From 2010 to the present: Realisation as a criminal act?

"During her short life, Vilja Eerika was like a mute exclamation mark. Nobody really noticed her distress. She had to suffer in silence without any support and protection."
(IS 17.5.2015)

In 2012 Finland got its one-off-case the violent death of 8-year old Vilja Eerika. She was a client of the CPS following years of violence and torture by her father and step-mother. She had 89 traces of violence in her body. And according to police reports she has been subjected to beating, pulling hair out, tying up and wrapping, force feeding and forced running, denying the use of toilet among other forms of physical and emotional abuse.

A national scandal followed at the total failure of a network of authorities. The folk devils depicted in the media coverage were the perpetrators, but also officials held responsible of the failure, especially those working in the child protection services. The intensive public and media attention continued for years. The incident was followed by political attention in form of several statements and reports into the process resulting in the fatal incidence, and what should be done to avoid it

ever happening again. The most concrete result of all this was the addition of a mandatory obligation for the child welfare authorities to report to the police in cases of physical violence - acts for which the minimum penalty is at least two years imprisonment.

Further questions

Attention and recognition builds up slowly but gradually, however, many questions arise that demand further consideration: Why did it take so long for the first steps towards prohibition? Why the difference between sexual abuse and physical violence in terms of recognition and intervention practices? What can explain the rising awareness from the early 2000s onwards? Is that related to the recognition and regulation of IPV? Why the ambiguity within the legislation regarding violence against children, especially disciplinary violence, and child neglect? Lastly, from the perspective of the legislation, is disciplinary violence (i.e. minor assault) a crime only if a child welfare official defines it as such, and reports it to the police?

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PARALLEL SESSION 2A: Policies and perceptions of migration

Unaccompanied migrant children –

Defining characteristics and national reception system design revisited

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Introduction and objective

The situation of unaccompanied migrant children has risen to become a salient European concern (cf. Connolly, 2015). According to The United Nations High Commissioner for the Refugees, unaccompanied minors can be defined as children under eighteen years of age who have been separated from both parents, and are not being cared for by an adult who, by law or custom, is responsible to do so (UNHCR, 1994). Unaccompanied migrant children can be characterized by their diversity, yet there may be features that pertinently distinguish them from other groups of migrants, and thus make it both relevant and urgent to regard them collectively in research (cf. Huemer et al., 2009). This seminar paper aims to outline the most important particularities of unaccompanied children who migrate to Europe, and attempts to analyse the crucial set of social circumstances that tap directly into the health and wellbeing of this vulnerable population. In addition, a few generally health-promoting suggestions by scholars in the field of migrant reception systems are presented in relation to unaccompanied children. The paper highlights the elevated exposure to crime and adversity that signifies unaccompanied migrants, yet suggests that merely looking at unaccompanied migrant children in terms of their vulnerability would possibly be to over-simplify the dynamics of their situation. The contents of this seminar paper are based on a systematic review of research literature printed between the years 1996-2016 on health-related issues of unaccompanied migrant children in the European context. The full review will be submitted for publishing later in 2017.

The diversity of unaccompanied children

Unaccompanied migrant children entering Europe constitute a heterogeneous population, i.e. the minors may come from quite diverse national, cultural and social backgrounds. The variety and complexity in experiences or motivations to leave the countries of origin can make it difficult to study and compare research on unaccompanied children. (Huemer et al., 2009; Jensen, Skårdalsmo & Fjermestad, 2014) For instance, documented reasons for children to make migratory journeys range from having been sent out by their parents in pursuit of economic opportunity (Derluyn et al., 2010), to imprisonment or disappearances of family members, risks of forced recruitment, danger of being killed in war (Galante, 2014), and sexual exploitation or fears of persecution resulting from ethnicity, political affiliation, gender or religion (Thomas, Thomas, Nafees & Bhugra, 2004). Hence, attention should arguably be paid to the dynamics and diversity of the migrant children's perspectives, opinions and personal histories (cf. Ni Raghallaigh & Gilligan, 2010). At the same time,

the life situations of unaccompanied children arriving in Europe can collectively be understood as sharing a particular set of central features (cf. Huemer et al., 2009).

Experiences of loss, uprooting and uncertainty

Unaccompanied migrants in Europe have in common the fundamental experiences of loss and uprooting, i.e. with the relocation the children might have left behind their entire established social network, including friends, family, relatives and neighbours (Russell, 1999; Derluyn & Broekaert, 2008). The separation of unaccompanied children from their parents may have occurred previously in the countries of origin, in conjunction with the actual departures from the home settings, or due to situations of disarray along the migratory journeys (cf. Galante, 2014). Besides the obstructed relationships and disrupted ties to attachment figures, unaccompanied migrants to Europe are faced with dramatically different cultural conditions; newly arrived children quickly become confronted with new language, attitudes, social habits, norm systems, and ways of life (cf. Smid et al., 2011; Derluyn & Broekaert, 2007; Jensen, Skårdalsmo & Fjermestad, 2014). Furthermore, despite that the European countries have different legislation and practices regarding reception of migrants (cf. Galante, 2014), with few exceptions unaccompanied minors have to spend critical years in legal limbo, with uncertain outcomes of their asylum cases and future prospects (Abunimah & Blower, 2010; Ni Raghallaigh & Gilligan, 2010).

Under the precarious circumstances, with continuous fears of having their asylum cases rejected by their European host country, many unaccompanied children in Europe come to realize that some of their dreams and aspirations can be hard to achieve (cf. Connolly, 2015). To start a new life in a foreign country with unfamiliar institutions and culture can be a straining task for most refugees (cf. Derluyn & Broekaert, 2007). Still what conjointly signify unaccompanied migrant children is that they undergo the challenging sociocultural transition, and intricate or intimidating asylum processes, far away from the support of their parents or other previous caregivers (cf. Abunimah & Blower, 2010; Huemer et al., 2009; Derluyn & Broekaert, 2008). Secondly, the cultural transition and initial dealings with memories and emotions linked to the pre-flight experiences, principally occurs during the long and sometimes agonizing waits before the asylum application gets approved or denied (Connolly, 2015; Ni Raghallaigh & Gilligan, 2010). In turn, since most unaccompanied minors are adolescents, the post-flight period principally coincides with sensitive, formative times in the young individuals' lives (Huemer et al., 2009). Hence, without parental guidance numerous uprooted, unaccompanied migrants in Europe may typically have to manage the tasks of developing identity, personality and sexuality under the circumstances of sociocultural transition (cf. Derluyn & Broekaert, 2007) and legal uncertainty (cf. Connolly, 2015).

Migrant children without parental protection and guidance

For children the experience of migrating unaccompanied to a foreign country is recognized as a risk factor for different mental health and behavioural problems (Derluyn & Broekaert, 2007;

Derluyn & Broekaert, 2008). The loss of familiar environment, deprivation of social support, or their relative lack of economic resources, may both independently and synergistically place young migrants in tough spots (cf. Derluyn, Mels & Broekaert, 2009). A consistent body of research also shows that parents are vital for children in providing emotional buffers against detrimental experiences relating to migration, which overall reduces the extent to which stressful events are perceived as upsetting or terrifying (e.g. Eide & Hjern, 2013; Jensen, Skårdalsmo & Fjermestad, 2014; Derluyn, Broekaert & Schuyten, 2008). In correspondence, unaccompanied children who quickly reunite with their parents after the arrival to the European host country exhibit less stress and better social integration than minors who remain without their previous guardians (Sourander, 1998). However, in addition to the deficits regarding emotional support, the lack of concrete parental protection entails that unaccompanied migrant children consistently are subjected to more crime and other detrimental events than minors who flee their home countries together with at least one primary guardian (Huemer et al., 2009; Derluyn, Mels & Broekaert, 2009; Jensen, Skårdalsmo & Fjermestad, 2014).

Compared to accompanied migrant children in Europe, unaccompanied migrant children have been found to disclose on average almost twice as many stressful life events, including significantly higher levels of exposure to physical and sexual violence (Bean et al., 2007). Unaccompanied adolescents are comparatively more likely to have been afflicted by trauma in their countries of origin (Eide & Hjern, 2013), with markedly higher scores on war-related trauma (Hodes, Jagdev, Chandra, Cunniff, 2008). In the absence of protection by primary guardians, the migratory journey to, and through, Europe can also comprise substantial adversities, i.e. children often spend weeks-long voyages in trucks, train or lorry containers, attempt dangerous border crossings (Bhabha, 2001), spend time in crowded detention camps (Galante, 2014), and may via the dependency towards smugglers risk falling prey to human traffickers (Galloway, Smit & Kromhout, 2015). In a sample of unaccompanied minors settling in the UK, one in ten had actually been trafficked, typically for purposes of domestic labour or prostitution (Thomas, Thomas, Nafees & Bhugra, 2004). Accordingly, the high levels of subjection to crime among unaccompanied migrant children are also existent after arrival to the European host countries (Bhabha, 2001; Derluyn & Broekaert, 2007; Russell, 1999). For instance, in a British study a majority of unaccompanied girls had been sexually victimized after the arrival, with offences ranging from harassment to rape (Lay & Papadopoulos, 2009).

The complex issue of migrant mental health

In correspondence with the higher scores on adverse life experiences, unaccompanied migrant children in Europe exhibit significantly more problems relating to their mental health than migrant children who complete their migratory journeys together with at least one parent (Eide & Hjern, 2013; Derluyn, Mels & Broekaert, 2009). In fact, unaccompanied migrant children are up to five times more likely to show severe symptoms of post-traumatic stress, anxiety and depression (Derluyn, Broekaert, & Schuyten, 2008). Likewise, migrant adolescents in Belgium have more problems in relation to their peers compared to native-born Belgian adolescents, and

over one-quarter of the migrant teenagers display post-traumatic stress compared to thirteen percent of the Belgian youngsters studied (*ibid*). On the other hand, in a Dutch research study the unaccompanied migrant children actually displayed less conduct problems and externalizing symptoms than the non-migrant comparison group (cf. Eide & Hjern, 2013), and in previous research migrant minors have been found to have lower scores on hyperactivity in relation to native-born Belgian minors (Derluyn, Broekaert, & Schuyten, 2008). Obviously, not all unaccompanied migrants develop mental health problems (cf. Jensen, Skårdalsmo & Fjermestad, 2014), and in general the differences in prevalence of mental health problems between migrant and non-migrant children are not particularly big. The relatively low prevalence of behavioural problems among migrant teenagers may be explained by greater motivation among migrant teenagers to try to achieve a better future through academic performances. (*ibid*)

A variety of suggestions regarding child-sensitive design of reception systems

Despite the complex and somewhat ambiguous picture that emerges as regards the mental health, unaccompanied migrant children in Europe arguably constitute a vulnerable population (cf. Feijen, 2009; Bhabha, 2001). In correspondence, several scholars approach the topic from a general child rights perspective based on the intentions behind the declarations of, for instance, the UN Convention on the Rights of the Child, European Convention on Human Rights and Fundamental Freedoms, or the EU Charter of Fundamental Rights (e.g. Connolly, 2015; Roscam Abbing, 2011; Feijen, 2009; Macdonald, 2008). Accordingly, unaccompanied migrant children can basically be understood as being disadvantaged due to two fundamental conditions, i.e. they have felt obliged to flee because of adversity and they have been separated from their families. Hence, the reception systems of the European nations should be designed to remedy the situation by preventing victimization and offering guardianship. (cf. Steinbock, 1996) In this regard it has been suggested that an adequately child-sensitive reception system should involve efforts to trace family members and facilitate family reunification (Feijen, 2009), while being firmly based on 'the best interests of the child' (Galante, 2014; Hunter, 2001). Subsequently, a guardian must be appointed without delay in order to assist in all practical migration entry proceedings. In addition, each asylum-seeking child ought to be provided with a legal representative who can pursue his or her immigration strategy in the most competent way possible (Abunimah & Blower, 2010).

Moreover, it has been put forward that child-sensitive interview techniques and international child rights should be well known to border police and migration officers (Feijen, 2009), that foster family care arrangements should be the first housing option (Galante, 2014), and that staff in residential homes for children must be trained and able to give pedagogical support (Derluyn et al., 2010). Importantly, after arrival in the European host country the protection of unaccompanied children from crime is not to be considered a secondary issue in relation to immigration control or the determination of asylum or refugee status, i.e. it must arguably be intrinsic to the national reception systems (cf. Macdonald, 2009). Consequently, police, airlines, and handling companies may have to work together to detect child trafficking situations (Derluyn et al., 2010), and preferred measures against child abuse against migrants could be

single sex accommodation, better supervision and opportunities to develop trustworthy relationships with professionals, better access to translators, early information regarding social and judicial systems, and improved awareness and cultural competence among professionals (Lay & Papadopoulos, 2009). However, in its most restricted sense a legalist child rights approach may purportedly render in reception systems characterized by what can be describes as “bed–bath–bread care” (Derluyn & Broekaert, 2008). In response, adherents of more mental-health oriented scholars have suggested that reception systems should work to screen the migrant children in order to identify occurrences of emotional and behavioural problems (Derluyn & Broekaert, 2007).

The unaccompanied migrants who need it ought to be offered child-centred and culturally sensitive psychological treatment or psychiatric care (Sourander, 1998) with emphasis on interventions or support for posttraumatic stress, loss and grief (Thomas, Thomas, Nafees & Bhugra, 2004). Professionals both in social welfare and healthcare allegedly need to be aware of symptoms of posttraumatic stress, to be prepared to counteract loneliness and to help make the minors feel as parts of the local community (Wallin & Ahlström, 2005). For minors at risk of developing mental health problems, procedures of persistent assessments and monitoring adjustment should be implemented. National care and receptions systems would ideally regard the unaccompanied children’s own perspectives and requests (Jensen, Skårdalsmo & Fjermestad, 2014), and recognize children’s universal needs for play, education, sports, religion, interaction with peers, and etcetera (Sourander, 1998). In this regard, unaccompanied minors should preferably foremost be viewed by society as children, and not primarily as asylum-seekers (Derluyn, Mels & Broekaert, 2009). Finally, it has been suggested that mental health concerns in respect of migrants, must not reduce unaccompanied children to passive victims or “unwell” carriers of symptoms related to detrimental migratory experiences. Instead, if unaccompanied children are increasingly seen as active agents and forgers of their own fates, there may be a natural shift towards measures that predominantly aim to empower the migrants to pursue and realize their own individual dreams. (cf. Ni Raghallaigh & Gilligan, 2010: Crawley, 2010)

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Exploring Nigerian perspectives on European Migration Management

4-page synopsis of presentation

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As my research project takes place within the framework of a larger project, I will first say a few words about this context before elaborating on my own research. The overall project, *Transnationalism from above and below: Migration management and how migrants manage* (MIGMA)⁸⁹, examines European attempts to return Nigerian migrants, enacting a project of exclusion and excision in the pursuit of governance. MIGMA is coordinated by May-Len Skilbrei at the Department of Criminology and Sociology of Law, University of Oslo, and funded by the Research Council of Norway. An overarching objective of this project is to examine the effects and efficiency of European return policies vis-à-vis a national group of migrants who for various reasons represent a challenge to migration control, namely Nigerians.

Nigerian irregular migrants are difficult to manage. They are overrepresented in Norway with regards to organized crime, associated with human trafficking, human smuggling and hybrid forms in-between, display a high share of asylum seekers who are overwhelmingly rejected by European host states, and include both perpetrators and victims of crime. While some are singled out for legal prosecution others are designated vulnerable and in need for protection and humanitarian assistance. Exceedingly few are considered to fulfil the criteria for refugee status, yet among the rejected asylum seekers the uptake for assisted return is very low compared to that of other rejected asylum seekers. All of these factors combine to make Nigerian irregular migrants an aptly selected case for exploring the challenges that face decision makers tasked with migration management.

Criminologists have taken increasing interest in migration over the last few years, notably within the 'cimmigration' literature initiated by Stumpf (2006) and elaborated by scholars such as Pickett, Aas, Bosworth and Van der Woude. States govern, or try to govern, migrant bodies. They do so through discretionary powers to grant or withhold access to their territories, and through excising those who access them without their permission. The above scholars share the view that such excision contains a punitive element, and that modern migration control has come to directly or indirectly criminalize unwelcome citizens (Bosworth and Guild 2008, Aas and Bosworth 2013).

There are complex reasons for the shift of policies towards unwelcome non-citizens in Europe. Part of the rationale for criminalizing the mobility of irregular migrants is domestic, signalling to electorate that a controversial topic is being dealt with in a decisive manner by a capable state. Partly a strict migration regime is a way of operationalizing and consolidating the cosmology of a world of states. For instance, Bowling (2013: 298) argues that the convergence of immigration and crime control in recent years has produced a system of sifting 'that simultaneously defines what is permissible within nation state borders by casting human beings as a problem belonging to another nation state'. In addition, however, there is also a stated dual objective that has to do with migration

⁸⁹ <http://www.jus.uio.no/ikrs/english/research/projects/migma/index.html>

dynamics themselves. Besides sifting the welcome from the unwelcome, so to speak, the practice of returning rejected asylum seekers back to their country of origin is also meant to serve the purpose of a signalling effect. By signalling that they are 'tough on irregular migration', and increasing the risks and costs of migration, European states hope to deter would-be migrants from crossing their borders.

From the perspective of a migrant in a destination state, the state's imposition of a legal obligation to return runs contrary to their manifest objective of stay. Typically, huge investments of time, money and prestige are invested not only by the migrant but also by the sending household. As a means of persuasion to make the migrant comply with the law, the carrot-and-whip policy of combining economically incentivised 'assisted' (or 'voluntary') return with deportation is on the rise across European destination states (Paasche 2014). This goes by the name of *migration management*, understood as 'rules (i.e. laws, regulations and measures) that national states define and implement with the (often only implicitly stated) objective of affecting the volume, origin, direction, and internal composition of immigration flows' (Czaika and de Haas 2013: 489). Return also affects other aspects of migration management, as the bedrock of a credible asylum policy and as a presumed deterrent to future migrants.

Yet it would be misguided to focus exclusively on the state's practice of crimmigration and migration control (transnationalism from above) or on irregular migrants' practice of resisting or complying with the imperative to return. Migration studies have paid much effort recently to expand its field so that it also includes the transnational social space that migrants inhabit, which stretches, among other things, from the host state to the country and community of origin. The effects and efficiency of European migration control cannot be fully understood without taking this third element into consideration, namely the sending context and its non-migrants.

How are Nigerian cultural norms and understandings relevant to the situation and behaviour of Nigerian irregular migrants in Europe? For one thing, these migrants do not arrive empty-handed but bring with them and navigate within sociocultural norms and expectations. If there is a culturally diffused normative ideal of economically successful migration, for instance, this is likely to raise the bar for returning as a failed, rejected asylum seeker. If sending households, kin and friends attribute failure to personal characteristics rather than to the abstraction of an increasingly restrictive European Schengen system, this is likely to raise the bar further. Through another pathway, the culturally mediated understanding of the destination state, or of 'Europe' as an internally undifferentiated whole, is likely to affect migrant behaviour in a number of ways from immigrant incorporation to compliance with return policy. The idealized notion of Europe that some migrants arrive with does not prepare them for the harsh reality they are facing as irregular migrants.

This translates into two research agendas, both of which will be pursued in my postdoctoral research project. Firstly, to explore how non-migrants in Nigeria understand migration to Europe and

European migration management. To do so, I will do fieldwork in a migrant-producing area known to be origin to a great many if not the majority of Nigerian migrants in Europe, namely Benin City and its surrounding region, the Edo State. Here I will do semi-structured interviews with locals with regards to the stories they hear about Europe. Regardless of whether such stories are circulated through social networks, social media or mass media, and regardless of whether they are communicated directly from migrants or indirectly through rumours and hearsay, they are likely to shape the way Europe is imagined. What are the risks and rewards involved? Also, given the important analytical distinction between migration aspiration and the ability to migrate, how do non-migrants relate to either? Finally, in light of the so-called signalling policy of a harsher refugee regime, to which extent are political signals transmitted by the North picked up in the South? Can non-migrants even differentiate between various European destinations and their respective policies?

Secondly, I aim to view European migration management through the lens of Nigerian cultural productions. The focus here is on how international migration, and especially migration to Europe, is represented in popular culture that primarily targets a domestic audience. This is complementary to the interview approach, as both foreground the cultural values and meanings invoked in the context of leaving Nigeria behind. So-called Nollywood productions are of particular interest due to their broad popular appeal, but also literature and music are relevant.

Criminologists have a tradition for listening to voices that are silenced or absent from public discourse. Examples of which can be found for instance in prison ethnographies, in parts of feminist criminology, post-colonial criminology and border criminology. This project contributes to this endeavour by exploring migration control from outside a host state perspective. Exploring imaginations of Europe and its apparatus of migration control from the perspective of ordinary Nigerians in Nigeria is likely to bring new voices to the field and to contribute in particular to the criminological literature on migration and globalization.

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The Legality of Forced Return of Migrants to Transit Countries

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My doctoral research is part of the wider project “Transnationalism from above and below: Migration management and how migrants manage” (MIGMA) funded by the Research Council of Norway (2015-2019). With its participants with backgrounds in sociology, anthropology, human geography and law, MIGMA conducts a multidisciplinary examination of the European attempts to return irregular migrants. My project focuses on the legality of return and involves analyzing the legal and human rights related issues arising from the forced return of migrants from Europe to countries of transit, using Turkey as a case study.

The ongoing migratory moves we have been witnessing have been described as “the only major wave of global migration to occur within a comprehensive legal framework.”⁹⁰ The present day approach to migration is indeed marked with an increased focus on regulating it through an extensive set of laws. In the European context, one of the milestone developments in this regard was the European Union’s (the EU) 2008 adoption of the Return Directive 2008/115/EC⁹¹ (the Return Directive or the directive) to “combat” irregular immigration to Europe. The member states⁹² had until the end of 2010 to transpose this directive into their national laws.

The Return Directive *requires* the member states not to tolerate people who do not have a legal right of stay, but instead, to issue a return decision to any third-country national⁹³ staying illegally on their territory. Among other things, it allows detention up to 18 months (for purposes of preparing for the removal of the concerned person), as well as re-entry bans for up to five years. The directive’s adoption was extremely controversial and received strong criticism from not only non-governmental and inter-governmental organizations, and the migrant advocacy community in general, but also from some non-European governments. In addition, a lot has been said and written about the role the European Parliament (the Parliament) played in its adoption: While the Parliament was until then known as having a migrant-friendly approach, which was expected by many to counter the European Council’s strict position and result in a less restrictive directive, the Parliament voted in favor of this migrant-unfriendly legislation with a clear majority in the first reading.⁹⁴

While the Return Directive is considered to be migration- (as opposed to asylum-) related, and while it does not form part of the EU asylum *acquis*, a closer look at how these two arguably separate

⁹⁰ See Dauvergne C., “Irregular Migration, state sovereignty and the rule of law”, in Chetail V. and Bauloz C. (eds.), *Research Handbook on International Law and Migration*, Cheltenham: Edward Elgar Publishing, 2014, p.82.

⁹¹ Available online <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:348:0098:0107:EN:PDF> [last accessed 15 June 2017].

⁹² The Return Directive is part of the Schengen *acquis* and is binding on all EU-member states other than the United Kingdom and Ireland, as well as on Norway, Switzerland, Iceland and Liechtenstein. Thus, the term “member states” should be understood accordingly.

⁹³ For purposes of the Return Directive, “third-country national” means a person who is not an EU citizen, or a person enjoying the Community right of free movement.

⁹⁴ For detailed analysis of the law-making process relating to the Return Directive, including the Parliament’s role, see Acosta, Acosta D., “The Good, the Bad and the Ugly in EU Migration Law: Is the European Parliament Becoming Bad and Ugly? (The Adoption of Directive 2008/15: The Returns Directive)”, *European Journal of Migration and Law*, 2009/11: pp.19-39; Pollet K., “The Negotiations on the Return Directive: Challenges, Outcomes and Lessons learned from an NGO Perspective”, in Zwaan K. (ed.), *The Returns Directive: Central Themes, Problem Issues, and Implementation in Selected Member States*, Wolf Legal Publishers, 2011; and Servent A.P., “The European Parliament and the Returns Directive: The End of Radical Contestation; The Start of Consensual Constraints”, in Anderson B., Gibney M.J. and Paoletti E. (eds.), *The Social, Political and Historical Contours of Deportation*, New York: Springer, 2013.

frameworks interact reveals that the Return Directive is in fact potentially applicable to asylum seekers with protection needs. As stated above, the directive requires member states to issue a return decision to any third-country national staying illegally on their territory. For purposes of the directive, “illegal stay” means, presence on the member state’s territory of a third-country national who does not fulfil, or *no longer fulfils* the conditions of entry, *stay* or residence in that member state. Thus, while applying for asylum in a member state gives the asylum seeker legal right to be there during the review process, once the application is finally rejected, the applicant loses that legal right, falling within the scope of the directive. This point is separately expressed in the preamble of the Return Directive⁹⁵ as well as in the Return Handbook,⁹⁶ and the directive’s application to rejected asylum seekers is clear. Notwithstanding the foregoing, the critical point that seems to be escaping attention in this context is that a rejected asylum application can be two very separate things: It can be a rejection on substantive grounds (*ie*, on the merits of the application), which means that, after a full review of his case, the applicant has been found not to be in need of international protection. However, a rejection can also be on procedural grounds (*ie*, inadmissibility decision).

The EU asylum law currently in force *allows* EU-member states to declare an asylum application inadmissible if the asylum seeker came from a third country where he/she already received international protection (referred to as the first country of asylum rule), or the asylum seeker came from a third country where he/she could have sought and would have received international protection (referred to as the safe third country rule). What this means is that under European law, a rejected asylum seeker can be someone who actually needs international protection but is simply told to seek that protection elsewhere outside of Europe. What is potentially particularly problematic in this connection is that the proposed reform of the Common European Asylum System (the CEAS) seeks to establish a new EU asylum system which will create a much higher number of rejected asylum seekers with actual protection needs.⁹⁷ This is because one of the many proposed changes involves making it *obligatory* for EU-member states to start review of asylum applications by an admissibility analysis and reject them if the applicants are found to have come from a first country of asylum or a safe third country. In other words, if the proposed amendments are accepted, EU-member states will no longer only be allowed, as is currently case under EU asylum law, but they will be *required* to reject asylum applications by declaring them inadmissible if the asylum seeker came from a first country of asylum or a safe third country.

⁹⁵ See paragraph 9 of the preamble of the Return Directive.

⁹⁶ See p.7 of the Return Handbook. The Return Handbook is an interpretative text prepared by the EU to assist member states in their interpretation and application of the Return Directive. Available online at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/return_handbook_en.pdf [last accessed 15 June 2017].

⁹⁷ At the core of the CEAS are five key pieces of legislation – the Asylum Procedures Directive, the Qualification Directive, the Reception Conditions Directive, the Dublin Regulation and the EURODAC Regulation- aimed at creating common minimum standards across the EU in the area of asylum. The Return Directive, on the other hand, is considered as falling in a separate category titled Irregular Migration and Return. See the relevant Commission pages at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm and http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/irregular-migration-return-policy/index_en.htm [last accessed 15 June 2017].

The foregoing raises the question of whether asylum seekers rejected on inadmissibility grounds but have clear protection needs do and should fall within the scope of the Return Directive. While the Return Directive has been subject of considerable litigation before the Court of Justice of the EU (CJEU) since its adoption, the CJEU has not so far commented on this particular issue. In the absence of a ruling by the CJEU to the effect that the directive should not apply to people with protection needs, the most obvious interpretation of the directive seems to be that it does apply to all rejected asylum seekers, irrespective of whether rejected on the merits of their applications or on inadmissibility grounds.

The interesting question then is, whether this possibility was fully understood and foreseen by the traditionally migrant-friendly and human-rights-focused Parliament at the time of adoption of the directive, and if not, what the causes of this might be. As part of this much wider query that forms part of my research, my presentation focused on the pre-vote debate at the Parliament.⁹⁸ Reviewing the opinions voiced by the members of the Parliament during this debate and analyzing their use of terminology, two key points were noted.

The first important point is that the speeches and the debate in general follow a clear asylum versus migration dichotomy: The quoted texts demonstrate how the speakers are of the common understanding that the two are distinctly separate spheres and that the directive they are debating is about illegal migration and does not concern asylum seekers. The second important point relates to the consistent use of the term “illegal immigrant” throughout the debate. Giving examples from the various speeches held, the presentation pointed to how referring to migrants moving irregularly as “illegal” created a perception and understanding as to whom these people are, which bigger groups they form part of and what kind of protection they should be entitled to as part of that group. The presentation suggested that the use of the term served at strengthening the asylum versus migration dichotomy by creating a picture of migrants as a group of people who are undeserving of protection, in clear contrast to refugees who deserve (and have a legal right to) protection. The presentation concluded by suggesting that it was not entirely clear that such potential broad application of the Return Directive to asylum seekers with actual protection needs was entirely intended and foreseen by the traditionally migrant-friendly Parliament.

PARALLEL SESSION 2B: Varieties of organised crime

⁹⁸ Minutes of the European Parliament debate on 17 June 2008 relating to the Return Directive is available online at <http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20080617&secondRef=ITEM-004&language=EN&ring=A6-2007-0339> [last accessed 15 June 2017].

Crime among Outlaw Bikers in Denmark

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The combined study is based on three studies of crime among outlaw bikers in Denmark. In the below, the three papers are summarized. Note that all three papers are based on crimes resulting in conviction. Note also that all of the outlaw bikers in the samples examined are male.

Paper 1: The Prevalence and Frequency of Crime Among Danish Outlaw Bikers

Published in *Journal of Scandinavian Studies in Criminology and Crime Prevention* (2016, Vol. 17, No. 2, page 131-149)

Crime prevalence and frequency are fundamental measures when assessing the criminal behavior of a group. Both are also relevant in developing effective policy approaches to group crime. If crime prevalence within the group is high, but frequency low, a broad, low-intensity law enforcement approach may be called for. In contrast, if low crime prevalence is combined with high crime frequency, a narrowly-targeted, high-intensity approach may be more appropriate. As of now, research on the prevalence and frequency of offending among outlaw bikers is limited. Paper 1 contributes to filling this gap by specifying and discussing these parameters using a Danish sample of outlaw bikers.

The sample is divided into three groups, each of which is examined over five observation periods. Sample sizes in these analyses range from 457 to 1,017 outlaw biker subjects. The mean age of registration in the Police Intelligence Database (PID) ranges from 27.6 to 32.1 years depending on the sample. Convictions are divided into twelve categories by type of crime. Only offenses against the Penal Code and those dealing with the special laws on firearms and euphoriant drugs are considered. The analyses show that outlaw bikers not only have an exceptionally high prevalence of criminal conviction, but also an extraordinarily high mean frequency of offending. While the sample of outlaw bikers examined comprised only 0.6% to 1.0% of the individuals found guilty of a crime during two different measurement years in Denmark, they were responsible for 1.2% and 1.6% of the crimes resulting in conviction in those two years. The official criminal histories of these outlaw bikers included many acts of violence, as well as numerous convictions for possession of weapons, possession of drugs, burglary, and theft. Paper 1 concludes that Danish outlaw bikers are deeply involved in crime and that their high rates of criminal prevalence and frequency call for implementation of a broad, high-intensity law enforcement strategy.

Paper 2: Outlaw Biker Affiliations and Criminal Involvement

Published in European Journal of Criminology (2016, Vol. 13(4) page 453-472)

Paper 1 established that Danish outlaw bikers are overrepresented in crime. Whether this is due to a criminogenic effect of outlaw motorcycle club affiliation (a causal process) or simply to a tendency for highly criminal individuals to associate with outlaw motorcycle clubs (selection) was not addressed. Paper 2 focuses on this question by testing the hypothesis that outlaw biker affiliation causally increases the risk of involvement in crime. Readers should note, however, that causal and selection processes are compatible within a single theoretical framework and that some theories stress the importance of both. Contrary to the situation with street and youth gangs, very little research on this issue exists in the contexts of outlaw bikers.

Out of a sample of 753 outlaw bikers, 297 are matched individually and exactly with 181,931 unique comparison individuals resulting in 352,045 non-unique comparison individuals. Matching is done on a host of demographic and criminal history variables. Readers are cautioned that the inability to match 76 of the 456 unmatched outlaw bikers may limit the conclusions of the paper. This said, the inability to match the remaining 380 outlaw bikers does not pose any serious selection problems. In addition to matching, further adjustments to increase comparability between outlaw bikers and their controls are implemented through the application of difference-in-difference regression models which focus on intra-individual change. Such models control for all time-stable, unobserved differences in the sample. The matching procedure increases the comparability between outlaw bikers and their controls and thereby helps the total sample to meet the assumptions of the difference-in-difference approach. In addition to this, the models utilize a “police proactivity proxy” in an attempt to adjust for differential levels of police focus on outlaw bikers and comparison individuals.

The results suggest that affiliation with outlaw bikers significantly increases the risk of involvement in property crime, drug offences, and possession of illegal weapons. Results for violence are, however, inconclusive.

Paper 3: Outlaw Biker Violence and Retaliation

Unpublished Manuscript

There are several distinct hypotheses regarding the mechanisms by which being an outlaw biker affects criminal involvement. Paper 3 distinguishes four general categories of mechanisms and tests a single hypothesis derived from one of them: specifically, whether competition over resources between groups increases the risk of violent conflicts among those groups. Paper 3 is particularly interesting given the inconclusive results regarding the relationship between outlaw biker affiliation and violent behavior discussed in Paper 2.

The paper’s hypothesis is tested within the context of an alleged violent conflict that involved street gang members and individuals affiliated with the local branches of the Hells Angels in Greater Copenhagen between mid-2008 and early 2012.

Cox proportional hazards regression models with multiple events are used to predict 143 violent events committed by 196 individuals affiliated with the Hells Angels. The independent variable of primary theoretical interest is violence committed by a population of 160 street gang members. As in Paper 2, differential levels of police focus are adjusted for by including a police proactivity proxy as a control variable. Violence committed by individuals affiliated with local branches of the Bandidos is also accounted for.

The results show that three days after violence above a certain level has been committed by street gang members, individuals affiliated with the Hells Angels are significantly more likely to commit violence themselves. On this basis, Paper 3 concludes that some of the violence committed by individuals affiliated with the Hells Angels is retaliation.

The migration of money: Iceland and the Panama papers

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Abstract

Iceland recently captured the attention of the international media for dubious reasons. A vast number of Icelandic offshore accounts were revealed in the Panama papers. The Icelandic prime minister had to step down after political pressure and mass public protests, being named in the documents as an owner of an account in Panama. Hundreds of Icelandic citizens were named in the Panama papers and it is estimated that Icelandic tax authorities may have been evaded tax returns of between 24 and 55 million EUROS annually. Icelandic tax-authorities have since investigated a number of cases. The scope of off-shoreization in the Icelandic economy was unique in the Western world in the years before the crash and seems to have continued well after that. What can explain this proportionally large number of Icelandic off-shore accounts compared to other countries? Was it part of routine business practices or a more widespread behavior? What were the root causes of this behavior and how was facilitated? This paper takes a look at the enormity of the Panama papers in an Icelandic context and seeks to shed some light on how it is possible that a nation of 330 thousand seems to hold the record for off-shore accounts in the Western world.

Introduction

The theme of the seminar this year sparked the idea to discuss the concept in slightly different terms than possibly was expected of the authors. The aim of this short presentation summary is just that, a discussion of the implications arising from the shocking Panama papers revelations. Thus the concept of migration is adapted to economic crime, or the criminal and unethical migration of money to tax-havens as part of tax-violations by the rich and privileged. It was originally the intention of the author to use comparative data for the nordic countries, but unfortunately it was not possible to get the necessary data in time for this article. A deeper analysis of the Panama papers awaits, but this short summary is based mostly on findings by a government working committee established to assess the scale of offshorization by Icelandic parties (<https://www.stjornarradid.is/lisalib/getfile.aspx?itemid=431b649f-566c-11e7-941c-005056bc530c>).

In early April 2016 the Icelandic Prime Minister Sigmundur Davíð Gunnlaugsson was exposed in a television interview as one of hundreds of Icelanders named in the Panama papers having an offshore account in the tax haven Panama. In the shockwaves that followed thousands of people took to the streets demanding that Gunnlaugsson leave office; which he did two days later. Elections were pushed forward, and after the elections Iceland got a new prime minister, Bjarni Benediktsson whose name ironically also appeared in the Panama papers.

The 'Panama Papers' are a collection of millions of documents leaked from a Panamanian law firm Mossack-Fonseca showing the involvement of influential people in off-shore tax havens. In 1998 the OECD set out a number of factors for identifying tax havens. The four key factors were: 1) No or nominal tax on the relevant income; 2) Lack of effective exchange of information; 3) Lack of transparency; 4) No substantial activities (<https://www.oecd.org/ctp/harmful/42469606.pdf>). Even though many of the offshore dealings are found to be unethical if not illegal, a large proportion of the transfer of money is legal. Once again, when it comes to white-collar crime, we are dealing with a grey area. In the case of Iceland the tax authorities have launched investigations into several of the offshore accounts mentioned in the Panama papers.

The large scale involvement of Icelanders with offshore accounts doesn't have to come as a surprise given the long tradition of tax evasion and organized shipment of funds by private individuals to other countries. That being said, two out of every thousand Icelanders were named in the Panama papers, or a total of 600 names and 800 Icelandic companies. The number of offshore companies owned by Icelanders increased forty-fold between 1999-2008. In 2007, 3,8 billion Euros were connected to Icelandic asset management through Luxemburg, where Kaupthing and Landsbanki were among the most frequent intermediaries for Icelandic offshore companies. Many of the largest companies in Iceland were owned about 50% by offshore holding companies. The Icelandic case is regardless surprisingly large scale when compared to other countries. The Icelandic state is estimated to have lost roughly between 3-7 billion Euros in taxes in the total period between 1990-2015. That is four times the estimate for Denmark. However, it is difficult to verify the result of the estimate accurately so it comes with necessary reservations.

Altogether, 108 cases connected to the Panama Papers have been formally investigated, based on suspicion of tax violations. Forty-six cases, believed to involve major violations of tax law, have been referred to the district prosecutor. Punishment for such violations can be up to six years imprisonment.

A number of factors paved the way for the Icelandic economic offshorization which took tax evasion to a whole new level. Rapid changes to the financial sector of society, including restrictions being lifted, banks privatized and the financial sector exploiting opportunities in other countries. Private banking has been operating in Luxemburg from 1998. The driving force behind the offshorization was the Icelandic "financial wonder" and tax optimization was integral part of that. Banks pursued active marketing of services for high net worth individuals and entrepreneurs, offering tax planning and the establishment of offshore companies. Like traditionally with tax evasion in Iceland, this was no secret, but common knowledge.

With a corrupt financial sector and a criminogenic environment, establishment of offshore shelf companies was closely related to economic inflation and increased lending. The owners of the banks were driven by greed and unrealistic profit goals which pushed management to take risks in lending and investments. Meanwhile, tax regulation was insufficient and rules were more flexible towards legally transferring funds abroad than in most other countries. Stricter laws were

introduced later in Iceland than in other Nordic countries, or only after the damage was done. An example is controlled foreign company law which would have entailed more structure and order in offshore handling and stricter rules pertaining to registration and information flow. But at the explosive rate the banking sector grew, supervision and registration did not keep up with that.

So if we sum up some learning points as final remarks, it took a financial crisis to reveal a massive misconduct in the financial sector and it has taken a data leak to reveal a large scale tax evasion in Iceland. What this tells us is that economic crime policing is of a reactionary nature. Regulation has changed to facilitate information exchange and information flow to the Tax Authorities, but once again, only after the damage is done. Recent events have showed just how criminogenic in nature the business environment is. Even so, governments tend to place lax regulation to facilitate business, which in turn seeks ways to maximize profits by exploiting lax regulation, circumventing laws and ignoring the spirit of laws. Can preventative measures/system be put in place?

This has only been a short summary of the presentation made by the author in the seminar. A deeper analysis of the Panama papers will hopefully follow. The Panama papers offers great opportunities for study and it is the hope of the author that academics will pursue them in the nearest future.

Skjutningar och handgranater i svenska storstäder 2011–2016: Tid, plats och nära-återkommande mönster

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Bakgrund

En rapport om illegalt skjutvapenvåld har visat att Sverige har en av den högsta risken för både dödligt och icke-dödligt skjutvapenvåld i Europa (Savona & Mancuso, 2017). Detta står i bjärt kontrast till vår föreställning om Sverige som ett land med låga nivåer av våld. Det finns flera orsaker till denna situation, den ena orsaken är att den generella våldsnivån, vilken är låg i Sverige, inte alltid behöver spegla nivån av skjutvapenvåld. Från andra rapporter vet vi också att skjutningar har ökat i Sverige (Brå, 2015; Sturup & Granath, 2017; Sturup, Mondani, Rostami & Edling, 2017; Khoshnood, 2017). Detta gäller såväl dödligt som icke-dödligt skjutvapenvåld. Särskilt skall skjutningar ha ökat i de socialt utsatta områdena (Brå, 2015).

Även handgranatsanvändandet verkar ha ökat, trots detta har detta fenomen inte rönt särskilt stor vetenskaplig uppmärksamhet. Nära-återkommande mönster av brottslighet avser att illustrera hur incidenter ofta följs av en återkommande händelse inom ett specificerat geografiskt område och tidsmässig period (Sturup et al, 2017).

Denna studie

Studien syftar till att beskriva förekomsten och utvecklingen av skjutningar och användandet av handgranater i Sverige samt att analysera huruvida det finns nära-återkommande mönster i händelserna. Detta är den första studien som utvärderar nära-återkommande mönster avseende skjutningar i Europa.

Metod och material

Uppgifter om skjutningar och användandet av handgranater i Stockholm, Göteborg och Malmö under 2011 till 2016 inhämtades och geokodades från två polisiära register vilka administreras av Polismyndigheten. Det första registret är skjutningsregistret och det andra ett register gällande handgranater. Deskriptiva data och nära-återkommande mönster presenteras. Materialet omfattade 1255 skjutningar i Stockholms län, Storgöteborg och Malmö och 55 detonerade handgranater under 1 januari 2011 till 31 december 2016. Nära-återkommande mönster analyserades genom Near-repeat calculator (Ratcliffe, 2009).

Resultat

Vi noterar att det per capita är klart vanligast med skjutningar i Malmö, följt av Göteborg och sist Stockholm. I Malmö sker i genomsnitt en skjutning med dödligt utfall per år och 100 000 invånare. Gällande den geografiska fördelningen av skjutningar i de tre storstäderna ser vi olika mönster. I Stockholm och Göteborg är det ganska utspritt, med små kluster av bostadsområden som haft skjutningar placerade i utkanterna av städerna. I Malmö är det starkare koncentrerat, och i princip är stora delar av centrala Malmö ett stort kluster där skjutningar har skett.

I frågan om nära-återkommande mönster fann vi signifikanta överrepresentationer för alla tre städerna men sambandet var något svagare i Göteborg. Överlag kan sägas att det finns en ökad risk för en ny skjutning upp till ett avstånd om 500 meter och tre dagar skjutning. I fråga om överrisker var dessa 3.0, 3.0 och 3.6 för Stockholm, Göteborg och Malmö.

Användandet av avsiktligt detonerade handgranater har ökat markant under åren med något olika mönster mellan städerna. Trenden började i Malmö men har sedan avtagit. I Göteborg har det varit en lägre men stabilare nivå. I Stockholm, å andra sidan, startade trenden senare men har hållit i sig och hade mest antal incidenter under 2016. Analyser av nära-återkommande mönster gällande både skjutningar och handgranater visar att om något så minskar sambanden när handgranater adderas.

Diskussion

I aspekt av nära-återkommande mönster fann vi stora överrisker för en ny skjutning inom det givna geografiska och tidsmässiga avståndet. Riskerna var större än vad som rapporterats i USA där dessa siffror snarast legat på 1.3 eller liknande. Detta kan delvis vara ett resultat av att skjutvapenvåld är mycket ovanligare, men också mer koncentrerat i Sverige. Skjutvapenvåld går i vågor, och efter en skjutning är det vanligt att nya skjutningar följer. Det är ingen nyhet att så är fallet, men nu finns det vetenskaplig evidens för ett sådant påstående och detta har betydelse för polisens operativa arbete.

Slutsatser

Studien har fastställt att det finns geografiska och tidsmässiga samband mellan skjutningar i svenska storstäder men vi behöver i framtiden förfinna dessa analyser för att nå en större precision för att därmed öka användbarheten av denna kunskap. Samtidigt är studien ett viktigt första steg mot att öka kunskapen om skjutvapenvåld i Sverige.

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PARALLEL SESSION 2C: Crime and punishment on Nordic islands societies

Når fængslet ligger langt fra hjemmet – fokus på nordiske Ø-samfund og frihedsberøvelse

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NSfK har bidraget til en arbejdsgruppe, som studerer *Kriminalitet, frihedsberøvelse og kontrol i nordiske ø-samfund*. Arbejdsgruppen fokuserer i særlig grad på håndteringen af konflikter og lovbrud i de fire ø-samfund: Færøerne, Åland, Island og Grønland og har indtil nu afholdt to møder i 2015 (Færøerne) og i 2016 (Åland). I efteråret 2017 aflægges besøg i Island, og forhåbentlig kan Grønland aflægges besøg i 2018.

De fire nordiske ø-samfund har hver sine særpræg både i sammenligning med hinanden og med de øvrige nordiske lande. Men de har også nogle forhold til fælles. Det gælder både tæt forbindelse med naturforhold og historisk eller aktuel retlig forbundethed med deres "moderlande" (Åland/Finland og Island, Færøerne og Grønland/Danmark).

De fire ø-samfund har etableret sig med forskellige grader af selvstyre/selvstændighed på det retlige område (herunder kriminalforsorg): Island har fuld selvstændighed, Grønland har selvstyre, men har ikke hjemtaget justitsområdet. Dvs. at kriminalforsorgen hører under det danske Direktorat for kriminalforsorgen. Færøerne har tilsvarende forhold og hører til dels ind under Hovedstaden (KBH). Åland er med hensyn til retsvæsen og statistik en integreret del af Finland.

Åland og Færøerne er de af de fire ø-samfund, hvor der i mest udpræget grad savnes kriminologisk viden. Arbejdsgruppen har brugt sine besøg til de to ø-samfund på at orientere sig om kriminalitetsbilledet i de enkelte samfund og besøge relevante myndigheder, samt sætte sig ind i samfundenes individuelle særpræg både kulturelt, socialt og politisk, men også i høj grad med hensyn til kriminalitet og social kontrol.

For at kunne gennemføre meningsfulde og publiceringsværdige komparative studier har gruppen behov for endnu grundigere studier af graden og formen for selvstyre/selvstændighed i hvert enkelt ø-samfund. Tillige skal det undersøges til bunds, hvorledes kriminalitet og straf registreres og gennemføres.

2. Nærhedsprincippet i relation til ø-boeres afsoning langt fra hjemmet

I de nordiske lande har man historisk lagt stor vægt på Normaliseringsprincippet i forbindelse med straffuldbyrdelse. Princippet kommer bl.a. til udtryk igennem den måde fængselshverdagen er tilrettelagt på, hvor de indsatte skal forestå alle private og personlige forhold som madlavning,

tøjvask, rengøring, kontakt med myndigheder mv. Grundtanken er at fængselshverdagen skal ligne hverdagen udenfor fængslet så meget som muligt.

Med til centrale afsoningsprincipper hører også nærhedsprincippet som foreskriver, at afsoning skal finde sted i den egnede anstalt, der ligger tættest på domfældtes hjemadresse ved afsoningens påbegyndelse. På dansk jord har det allerede givet genlyd, at der er sket en specialisering af fængslerne, som indebærer, at nogle dansk dømte afsonere ikke afsonere på det nærmeste egnede fængsel, fordi andre behov er styringsprincipper (segregering af indsatte) kommer foran nærhedsprincippet. Men når man betragter grønlandske forvaringsdømte, som sendes til Herstedvester til afsoning i adskillige år, er nærhedsprincippet i sandhed sat under pres.

Indenfor retssociologien arbejdes i disse år med udvikling af begrebet *access to justice*. Begrebet dækkede oprindeligt alene spørgsmål og opnåelse af fri proces og retshjælp for mindrebedømte. Men der er i dag tendens til at brede det ud til også at omfatte borgeres mulighed for at kende egne rettigheder og i bredere forstand deres adgang til varetagelse af disse.

Denne tilgang er relevant i relation til bl.a. grønlandske forvaringsdømte i Herstedvester, idet der er udtalt risiko, at disse ikke kender deres rettigheder (som f.eks. det gældende normalitetsprincip, hvis karakter af retskrav dog er diskutabelt) og allerede af den grund ikke er i stand til at påberåbe sig det. Dertil kommer en række ikke-tilsigtede negative særforhold, der opstår som direkte følge af den lange afstand som f.eks. realistiske muligheder for udgang og opretholdelse af livsformer, der er normale for grønlandsk eller færøsk levemåde i samme udstrækning som et lukket fængsel i Danmark kan skabe grader af normalitet i relation til dansk levemåde.

Tilsvarende overvejelser er relevante, når en beboer fra det finske Ø-rige Åland dømmes til fængsel og må afsonere sin dom i Turku, på det finske fastland. I begge tilfælde sendes man hundredevis af kilometer væk fra hjem, familie og det sted, hvor man har rod.

Chancen for at vedligeholde livliner til tilværelsen er væsentligt ringere end deres danske eller finske medindsattes, bl.a. på grund af de nærmest ikke-eksisterende muligheder for besøg og udgang, frigang prøveløsladelse med vilkår mv.

Dertil kommer de indsatte børn. Deres ret til at have kontakt med begge forældre kommer slemt i klemme, når mor eller far afsoner et ukendt sted, der nok teknisk set er af samme nationalitet, men er adskilt fra det liv, barnet kender af mange kilometer, sprog, tradition og daglige betingelser. Med tiden mister de naturligvis alle livliner til deres oprindelige eksistens og betingelserne for solid forberedelse af løsladelse er selvsagt betragteligt ringere end for en dansk afsoner, der opholder sig i Herstedvester.

3. Fangetal og frihedsberøvelse, Grønland og Færøerne

Som sagt er det ikke muligt at udfinde særskilte statistikker for Ålandske afsonere og i Åland foregår ingen afsoning af frihedsberøvende straf. Færøerne har det laveste oplyste fangetal blandt de lande, vi arbejder med, nemlig 19 pr 100.000 indbyggere. I Færøerne foregår afsoning i "Arresten" i Mjørkedal, en gammel militærstation, der ligger i fjeldene 17 km. udenfor Thorshavn. Den er vanskeligt tilgængelig, der er ingen offentlig transport til stedet, og om vinteren er der fare for, at blive afskåret fra omverdenen. I princippet minder den færøske arrest om de grønlandske anstalter, men de grønlandske anstalter er lettere at komme til for byens borgere.

Island har 37 afsonere pr 100.000 indbyggere. I Island findes både åbne og lukkede fængsler fordelt flere steder i landet, hvilket dog ikke indebærer at man som udgangspunkt altid afsoner tæt på hjemmet. Island får altid positiv omtale i CPT rapporter for at der aldrig er overbelæg i fængslerne og det relative fangetal er lavt.

Sverige, Finland og Norge har fangetal imellem 53 og 59 pr 100.000 indbyggere, Norge ligger højere med 74 og har på grund af øget behov lejet et fængsel i Nederlandene. Grønland ligger betydeligt højere nemlig på 226.

For både Færøerne og Grønland gælder dog, at de domfældte, der sendes til Danmark for afsoning ikke er talt med, så det reelle tal er større.

Det skal dog holdes for øje, at der ikke findes egentlige fængsler i hverken Færøerne eller Grønland. I Færøerne foregår afsoning i ovenfor omtalte arrest. Dertil kommer, at 6 personer i 2016 afsonede i Vestre Fængsel i København. I Grønland er afsoning hidtil foregået i de såkaldte åbne anstalter, der var indrettet med sigte på resocialisering. Den domfældte skulle hjælpes til en kriminalitetsfri tilværelse. Det skulle blandt andet ske ved, at de gik på arbejde eller uddannelse i byen, samtidig med at de afsonede (boede) i anstalten. Men med årene har anstalterne udviklet sig til særdeles lukkede institutioner, hvor det kun er få af de indsatte, der afsoner efter de oprindelige anstaltsprincipper.

Den samlede anstaltskapacitet i Grønland er på 154 pladser fordelt på 6 anstalter (Ilulissat, Aasiaat, Sisimiut, Nuuk, Qaqortoq og Tasiilaq). I 2016 var 19 % af alle grønlandske domfældte sendt til Herstedvester til afsoning. Andelen har været stigende.

Forskellen mellem de grønlandske indsatte i Herstedvester og de færøske indsatte i Vestre Fængsel er, at færingerne afsoner tidsbestemte domme, så de ved, hvornår opholdet ophører, medens de grønlændere, der overføres til Herstedvester afsoner på ubestemt tid.

I Herstedvester, hvor forvaringsdømte grønlændere har været sendt til afsoning siden 1958, er der indrettet en særlig grønlænder afdeling. Og de har mulighed for en årlig besøgsrejse eller besøg fra Grønland. For de færøske indsatte i Vestre Fængsel, er der ingen særrettigheder. De skal indgå i den samlede gruppe, hvor der ikke tages hensyn til de afsavn de må lide ved at være sendt væk fra hjemlandet.

4. Grønlands første fængsel

I 2018 får Grønland sit første fængsel – eller lukkede anstalt, som institutionen kaldes. Anstalten er et resultat af et arbejde, der har pågået siden 1994 i Den grønlandske Retsvæsenkommission. Kommissionens hovedopgave var at finde en løsning i Grønland til de Herstedvesteranbragte. Og her 20 år senere er der nu udsigt til at Grønlands første fængsel kan tages i brug indenfor overskuelig tid.

Men selvom grønlandske forvaringsdømte fremover får mulighed for at afsone i deres eget land, vil mangel på nærhed til nærmeste familie fortsat være stor, eftersom Grønland er et kolossalt stort land. Afstandene er store, det samme gælder transportomkostninger og, hvad værre er, det gælder også kulturelle, sproglige og traditionelle forskelle mellem Vestgrønland og Østgrønland.

Når der fremover kommer en lukket anstalt i hovedstaden Nuuk, så vil der for en stor del af de indsatte fortsat være langt til familie og socialt netværk. Og spørgsmålet er, om de privilegier og særlige initiativer, som der i dag findes i Herstedvester for at afhjælpe kulturelle afsavn, vil blive opretholdt.

Der er ikke udsigt til opførelse af et fængsel i Færøerne.

5. Afrunding

Dette har blot været en hurtigt overflyvning over de udfordringer, der findes vedrørende afsoning af straf langt fra det nordiske ø-samfund, hvor nogle mennesker dømmes. Udfordringerne angår først og fremmest afsonerne og deres nærmeste pårørende, men situationen rummer også store udfordringer for de ansvarlige myndigheder. Endelig er det forhåbentlig fremgået – i det mindste antydningssvis – at der tillige findes en lang række forskningsmæssige udfordringer, hvis der skal opnås større underbygget indsigt i reelle og retlige problemstillinger på dette felt. Det er sidstnævnte vores arbejdsgruppe beskæftiger sig med.

Åland – skandinavisk exceptionalism eller skärgårdens särdrag? En analys av kriminaliteten på “Fredens öar”

Agneta Mallén

Åland, som ofta kallas "fredens öar" är ett demilitariserat landskap som består av 6 500 öar och skär. Åland omfattar 1552 km² och har 28 915 invånare (2015) (Nationalencyklopedin). Ålands enda officiella språk är svenska. På huvudön, Fasta Åland, ligger huvudstaden Mariehamn med ca 11 000 invånare (Statistikcentralen).

Statsskick, politik och rättsliga organ

Det åländska parlamentet, Lagtinget, består av 30 medlemmar valda på fyra år. Rösträttsåldern är 18 år. Lagtingsval sker vart fjärde år, senast i slutet av oktober 2015. Lagtinget har lagstiftningsrätt inom undervisning och kultur, hälso- och sjukvård, näringsliv, interna kommunikationer, kommunalförvaltning, postväsen, radio och TV samt polis. På övriga områden, närmast utrikesfrågor, civilrätt, domstolar samt tull- och myntväsen, gäller samma lagar som i Finland (Nationalencyklopedin).

Ålands polismyndighet är underställd Ålands landskapsregering. Hela Åland utgör polismyndighetens verksamhetsområde. Ålands polismyndighet utför på Åland en stor del av de uppgifter som ankommer på den lokala polisen i riket. Av de ca 90 personer som arbetar vid Ålands polismyndighet är 64 polisutbildad personal. Detta betyder att det finns en polis per 447 invånare (polisen.ax). I Finland finns det en polis per 700 invånare (Muntlig kommunikation med överkonstapel Benjamin Fellman). Ålands polismyndighet har under de senaste åren förlorat totalt 12 tjänster från den operativa verksamheten. Samtidigt har arbetsuppgifterna ökat och också förändrats (Nya Åland).

Centralkriminalpolisen (CKP) är en riksomfattande polisenhet vars verksamhetsområde är hela Finland. CKP har verksamhetsställe också på Åland. Till centralkriminalpolisens huvuduppgifter hör att bekämpa organiserad brottslighet, att producera sakkunnigtjänster för brottsbekämpningen för såväl polisen som andra judiciella myndigheter. Exempel på sådana är kriminaltekniska laboratoriets undersökningar, förmedling av internationella framställningar om rättshjälp och handräckning samt tjänster som gäller telekommunikation och teknisk informationsinhämtning. CKP ansvarar för utredningen av brott som begås av medlemmar i internationella och organiserade kriminella grupper. Dessa brott är huvudsakligen narkotikabrott, ekonomiska brott, egendomsbrott och våldsbrott. CKP utreder också bland annat svårutredda brott mot liv och brott med speciell samhällelig betydelse (Statens ämbetsverk på Åland).

Arbetslöshetsgrad

Arbetslöshetsgraden på Åland är betydligt lägre än på fastlandet. I Finland var det relativa arbetslöshetstalet i augusti 2016 7,2 procent, medan det var 8,3 procent i augusti 2015 (http://www.stat.fi/til/tyti/2016/08/tyti_2016_08_2016-09-20_tie_001_sv.html).

I september 2016 var det relativa arbetslöshetstalet på Åland i genomsnitt 3,4 procent. För kvinnorna var det relativa arbetslöshetstalet 3,1 procent medan det var 3,7 procent för männen. En regionvis jämförelse visar att arbetslöshetstalet i Mariehamn i september var 4,2 procent. På landsbygden sjönk arbetslöshetstalet i september till 2,8 procent (3,1 procent i september ifjol) medan det i

skärgården steg till 2,9 procent (2,0 procent i september ifjol). Bland de åländska kommunerna var arbetslöshetstalet i september högst i Kökar (med 6,4 procent) medan det var lägst i Sottunga, som inte hade några arbetslösa personer alls (Ålands statistik- och utredningsbyrå).

Kriminalitet på Åland

Ålands särdrag – tullreglerna, den stora passagerartrafiken, kommunikationen till ytterskärgården som sker med färjetrafik och den låga graden av arbetslöshet – kan till en del förklara bilden av kriminaliteten i landskapet (jfr. Mallén, 2015).

Förbindelserna mellan Fasta Åland och skärgårdskommunerna sköts med landsvägsfärjor och förbindelsebåtar (Nationalencyklopedin). I en tidigare studie (Mallén 2005) har jag diskuterat färjornas betydelse för kriminalitet i ett ösamfund, Åboland. Färjan är en viktig komponent i den informella sociala kontrollen. Färjorna kan ha flera funktioner: Förutom att förhindra kriminalitet – en slags vägspärr (Mallén 2005) – fungerar färjorna också som informationskälla. Färjorna kan för det första alltså sägas fungera som en vägspärr. Intervjupersonerna kallar också färjan en "broms" eller en "spärr" och säger att färjorna "hämmar" kriminalitet (ibid.). De stora landsvägsfärjorna fungerar som vägspärr eftersom man kan ringa och alarmera färjan så att den förhindrar eventuella brottslingar att lämna öarna. Färjförarna noterar också alla främmande bilar och skriver upp deras registreringsnummer. Färjorna kan också medverka till att skärgårdskommunerna har likheter med så kallade "gated communities" (Mallén, 2005).

Åland hör till EU:s tullunion, men står utanför dess skatteområde, vilket möjliggör försäljning av skattefri alkohol och tobak i flyg- och fartygstrafik via Åland. Landskapet Åland omges av en skattegräns, som innebär att varor till och från Åland skall förtullas (Statens ämbetsverk på Åland). Kriminalitet anmäls på passagerarfärjorna på Östersjön enligt flaggprincip till antingen Sverige eller Finland. Om ett brott begås på en passagerarfärja som reser under svensk flagg överförs ärendet till Sverige, om ett brott begås på en passagerarfärja registrerad i Finland överförs ärendet till finska myndigheter. En stor del av den alkoholrelaterade kriminaliteten kan relateras till passagerarfärjorna, där tullreglerna gör att alkoholen är billig. De våldtäkter som anmäls på Åland kan helt kopplas till passagerarfärjtrafiken (Muntlig kommunikation med överkonstapel Benjamin Fellman).

Anmälda brott på Åland

Kriminaliteten på fasta Åland och Mariehamn anmäls i hög grad och det förefaller finnas en "kultur av att anmäla". Längre ute i skärgården verkar det dock som att brott anmäls i lägre grad (Muntlig kommunikation med överkonstapel Benjamin Fellman). Min tidigare studie av invånare i skärgården utanför Åbo visar att invånarna drar sig för att anmäla brott till polisen och reder ut kriminalitet på egen hand (Mallén 2005).

Tabell 1. Brott som kommit till polisens kännedom på Åland år 2009, 2014 och 2015

Anmälda brott, brottskategori	2009	2014	2015
Samtliga brott	3246	2839	2959
Brott mot strafflagen	2450	2072	2288
<i>Egendomsbrott</i>	1034	754	906
*Grov stöld, stöld	322	168	272
*Snatteri	269	256	280
*Skadegörelse	329	172	210
<i>Brott mot liv och hälsa</i>	240	175	214
*Grov misshandel	17	3	9
*Misshandel, lindrig misshandel	196	162	187
<i>Våldtäkt</i>	8		
<i>Brott som riktar sig mot rättsskipning, myndigheter och allmän ordning</i>	64	99	109
<i>Trafikbrott</i>	776	727	716
*Äventyrande av trafiksäkerheten	532	560	574
*Rattfylleri, påverkan av rusmedel	52	31	25
*Grovt rattfylleri	57	38	27
<i>Narkotikabrott</i>	130	74	92

Gällande andelen trafikbrott bör nämnas att Åland är biltätast i Norden. Det finns över 21 500 personbilar på Åland, dvs. 753 bilar på 1000 personer (Ålands statistik- och utredningsbyrå).

Påföljder - Ålands tingsrätt

Tingsrätten avgör i första instans tviste- och brottmål som skall behandlas i allmänna underrätter. Dessutom behandlar tingsrätten olika slag av ansökningsärenden, till exempel ansökan om äktenskapsskillnad. Domarna har rätt att förrätta vigsel. I tingsrätten behandlas ett stort antal olika

fordringsmål. Domstolen bestämmer vid en enkel behandling att skulden skall betalas, om svaranden inte motsätter sig det. Tingsrätten är även sjörättsdomstol och har också behörighet att behandla ärenden gällande företagssanering och utsökningsbesvär. I sammansättning med domare och nämnd behandlar tingsrätten större brottmål. Omfattande civilmål kan behandlas i sammansättning med tre domare. Enklare brottmål och flertalet civilmål behandlas av en domare (Rättsväsendet i Finland). Domar som överklagas i Ålands tingsrätt går vidare till Åbo hovrätt (Muntlig kommunikation med överkonstapel Benjamin Fellman).

Domar vid Ålands tingsrätt

År 2014 dömde Ålands tingsrätt 281 domar varav 83 var tidsbestämt fängelsestraff, sex samhällstjänst, 170 bötesstraff samt 65 domar ovillkorligt körförbud (Statistikcentralen). År 2015 avtjänade tio ålänningar fängelsestraff. Av dessa avtjänades sju i Åbo fängelse. Medelåldern på fångarna var 44 år. Nio ålänningar avtjänade en samhällspåföljd år 2015, för sex av dessa innebär samhällspåföljden samhällstjänst (e-postkommunikation med Peter Blomster).

Ålänningar och fängelsestraff

Idag finns det ingen fängelseanstalt på Åland, utan ett fängelsestraff måste avtjänas på fastlandet, det vill säga i Finland. Vad är det då som bestämmer var ålänningar avtjänar sina fängelsestraff? Den främsta faktorn är språket. Åland är enspråkigt svenskspråkigt, vilket innebär att åländska fångar avtjänar sina straff på anstalter som kan erbjuda svenskspråkig service (Ålands lagting; e-postkommunikation med Kaisu Strand). Den dömda personens önskemål om placering spelar också in då beslut om anstalt fattas.

Enligt lagen bör det finnas svenskspråkiga avdelningar i anstalter i Finland (e-postkommunikation Kaisu Strand). Dessa finns i dagsläget i Åbo samt Vasa fängelse. Av de öppna anstalterna är det Käyrä i Åbo och Vasa öppna anstalt som har svenskspråkig service. Kvinnliga dömda svenskspråkiga fångar placeras i Åbo fängelse samt Vånå öppna anstalt, som är en del av Vanaja fängelse. Även Kylmäkoski samt Tavastehus fängelse ger service på svenska men har inte officiella avdelningar för svenskspråkiga personer.

När man undersöker avståndet mellan Åland och anstalterna där en ålänning kan avtjäna sitt straff, slås man av de långa avstånden till anstalterna. Närmaste anstalt finns i Åbo, som ligger på 197 km avstånd. Därefter kommer Kylmäkoski, som ligger på 288 km avstånd. Staden Tavastehus ligger på 300 km avstånd medan Vasa ligger på 487 km avstånd från Åland.

Diskussion

Detta paper visar att det finns ett klart behov av forskning som rör kriminaliteten på Åland samt forskning som undersöker gruppen fängslade ålänningar.

Fortsatta studier kunde omfatta följande:

- Jämföra fasta Åland och kommunerna i yttre skärgården. På vilket sätt påverkar färjetrafiken kriminaliteten i yttre skärgården? Finns det en kultur av att inte anmäla i yttre skärgården?
- Utföra en trygghetsundersökning på Åland för att få en tydlig bild av rädsla för brott och trygghet.
- Den kvantitativa trygghetsundersökningen kunde kombineras genom kvalitativa metoder för att undersöka upplevelser av kriminaliteten. Exempelvis intervjuer med och observationer av invånarna.

Gruppen av ålänningar som avtjänar ett fängelsestraff är liten och en totalundersökning vore därför möjlig. Genom kvalitativa samtalsintervjuer med de åländska fångarna kunde svar fås på bland annat följande frågor:

- Fångarnas bakgrund: Kön, ålder, socioekonomisk ställning, utbildning, yrke, kommer personen från landsbygd eller stad?
- Brottskategorier: Vilka brott har fångarna dömts för?
- Hälsa: Har fångarna upplevd psykisk ohälsa?
- Egna offerupplevelser: Har fångarna själva utsatts för brott och i så fall vilka?
- "Förvisningen": Hur upplever fångarna det långa avståndet mellan Åland och anstalten? Upplever de sig som förvisade? Fördelar och nackdelar med att avtjäna straffet utanför Åland?
- Avtjänat straff: Hur upplever fångarna frisläppningen? Ska fångarna återvända till Åland efter avtjänat straff?

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Criminal Justice in Iceland: A Case of Scandinavian Exceptionalism?

Helgi Gunnlaugsson

Introduction

Iceland has in recent years experienced both internal and external change. Iceland's population more than tripled in the 20th century and has continued to increase since; or from about 280 thousand inhabitants in 1999 to more than 340 thousand in 2017. At the same time Iceland has opened up to the outside world, detected among other things in an influx of new immigrants. In 1999 about 2,4 percent of the population was foreign born, but in 2017 this figure stood at 9 percent. The social fabric has therefore undergone major change in most recent years, with the economy experiencing a boom in the new millenium and then suddenly collapsing in 2008. In the post-crisis period Iceland has remarkably bounced back; experiencing economic growth in most recent years fuelled by growth in tourism. What impact does this societal background have on crime control developments in Icelandic society? Can Iceland be described as a case of *Scandinavian exceptionalism*?

Iceland Prison Situation

The state owns and runs all prison facilities in Iceland (see Prison and Probation Administration, 2017a). The Prison and Probation Administration, established in 1989 modelled after similar Scandinavian organizations, oversees daily operations of all facilities. Iceland's prisons have been divided into two categories. One type for prisoners serving sentences, and the other for those held in custody and solitary confinement during the initial investigation of their cases (see also Gunnlaugsson, 2011).

In early 2017 a total of five prisons were operated in Iceland in which convicted prisoners served their sentences, with a total of about 195 prison cells. Of the prisons, one was located in Reykjavík, and the others scattered across various regions of the country – two in southwest Iceland (*Litla-Hraun* and *Sogn*), one in western Iceland (*Kvíabryggja*), and one in the largest town of northern Iceland (*Akureyri*). Only a recently closed Reykjavík prison had originally been built as a prison facility, dating back to 1874. The other buildings were all renovated to serve as prison facilities after originally having been planned for other purposes. A new specifically designed prison opened in late 2016 outside Reykjavík in Hólmsheiði replacing the old prison in Reykjavík, which subsequently was closed in May of 2016. The new Reykjavík prison has cells for 56 prisoners including a custody facility. This facility will mainly be used as a reception unit for in-coming prisoners, females, shorter prison sentences and for those who fail to pay fines.

The custody facility has in the past few decades been located in the largest prison at *Litla-Hraun* but was moved to the new prison in Hólmsheiði in early 2017. The *Litla-Hraun* prison resembles a maximum security facility located close to two small fishing villages about 60 km southeast of Reykjavík. More than half of the total prison population has been placed there or 87 inmates, including the custody facility. Before 1989 no prison for females existed in Iceland and they were placed among other male inmates. The *Kópavogur prison* was opened in 1989 and there all female inmates served their sentence until 2015 when it was closed down. Usually about four to seven female inmates served time at any given time and the remainder of the maximum capacity of twelve

was filled with male inmates. The new prison in Hólmsheiði includes a separate division for women prison inmates and they started serving their term there in November of 2016.

The prison facility in Akureyri, north of Iceland, is located at the local police station, and has recently been renovated. It has a capacity for 10 inmates, mostly intended for shorter sentences. Moreover, the prison in north-west of Iceland, *Kvíabryggja*, looking more like any other farmhouse, is virtually an open prison facility. This prison has a capacity for 22 inmates and has recently been renovated. Most of the bankers and bank directors who have been serving time in prison have been placed there. Finally, in 2012, a new open prison facility *Sogn* was opened not far away from *Litla-Hraun* with a capacity for up to 20 inmates.

The total prison capacity of Icelandic prisons in early 2016 stood at about 150 cells filled to its maximum capacity in most recent years. It is noteworthy, despite a marked population increase in Iceland, that the total prison capacity did not increase markedly from the mid 1990's, when the prison capacity was approximately 140 until early 2016 (Gunnlaugsson and Galliher 2000). The number of prisoners was around 145 inmates in 2009 and in early 2016 this figure stood at about 150.

With the new prison in Hólmsheiði the prison capacity has therefore markedly been increased, or up to a total of 196 cells. This number of about 150 inmates serving in late 2016, then at its historical peak, still shows the Icelandic per capita imprisonment rate to be low or around 50 per 100 thousand inhabitants, below almost all other European nations (World Prison Brief, 2017). Even though the number of prisoners does not necessarily reflect the crime rate in society, this figure implicitly tends to support the notion of Iceland as a low crime country. Yet it remains to be seen whether the prison space addition in Hólmsheiði will be used to its maximum with this new facility. If it will be used to its maximum, the prison rate is bound to increase as well.

Correctional Statistics

The annual number of those under the supervision of the Prison and Probation Administration from 2000 to 2009, by type of sentence, showed a marked increase (Prison and Probation Administration, 2017a). The number of those receiving a fine doubled from a total of 639 in 2000 to 1206 in 2009. The vast majority of the fines were meted out for traffic violations, such as driving while intoxicated, and drug offenses. A significant increase can also be detected in probation, or from a total of 447 in 2000 to 588 in 2008, who do not have to serve in prison if they meet the requirements of their probation. The increase in both fines and probation put no extra burden on prison capacity. Still, failure to pay fine can result in imprisonment. With prison facilities filled to its capacity during this time period it is possible that some of them expired and eventually might not be paid.

If the figures for incarceration are examined we also see a steady increase. From a total of 313 in 2000 receiving an unconditional prison sentence increasing up to 416 in 2008. In the 1990's figures for incarceration were very similar to the figure in 2000 (Gunnlaugsson and Galliher, 2000). This

increase of unconditional prison sentences during this time period put an enormous pressure on the prison system which was not adequately met by opening new prison space at the time.

The result was that prison space was filled to its capacity creating a long list of convicts awaiting a place of confinement. In November of 2009 this list stood at about 240 persons waiting to be placed in prison (Visir.is, 2009; RUV, 2009) and in 2017 this figure had increased to 450 (Visir.is, 2015 and 2017). Thus, government officials have faced a major pressure to meet this increase by creating more prison space or seeking prison alternatives. The new prison facility in Hólmsheiði opened in 2016 is aimed in part at solving this waiting-list problem.

The long waiting list was a key factor triggering prison leniency in the new prison law passed by Alþingi Iceland’s Parliament in 2016 (Prison Bill; Law no 15, 2016). Where does this increase come from? Are specific crime types increasing or does it reflect an overall increase of all crime types?

Institutional records of prisoners for 2006-2016 (table 1) reflect an emphasis on confining those convicted of drug, property and different types of violent offenses. The ratio of drug offenders has varied from 28 to 35 percent of the prison population in this time period. Proportionately property offenders have decreased or from accounting for about 26 percent in 2000 down to a low of 18 percent in 2008. Violent offenders, including homicide, sexual crimes and other violence, have taken more space or from a total of 24 percent of all inmates in 2006 up to 35 percent in 2013 of the whole prison population. Both proportionately and in number, the most notable increase during this time period therefore consist of violent and drug offenders while property and traffic violators increasingly lagged behind.

Table 1. Percentage distribution of incarcerations in Icelandic prisons, by type of crime committed, 2006-2016.

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Homicide	6	8	8	7	7	6	7	7	7	7	8
Property	23	22	18	24	26	25	26	22	23	25	24
Traffic	16	11	10	9	3	5	8	7	5	7	3
Drugs	34	32	28	30	35	30	28	30	30	31	35
Sexcrimes	9	15	13	10	12	12	12	14	14	11	12
Violence	9	8	16	10	11	14	12	14	15	13	10
Other	3	4	7	10	6	8	7	6	6	6	8
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Total no:	327	288	314	328	326	366	389	373	352	348	285
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Source: Prison and Probation Administration annual reports, 2006-2016.

What lies behind this shift in causes of incarcerations? Most likely a mixture of events. Increased drug enforcement (Gunnlaugsson, 2015), and harsher sentences meted out by the courts for both drug and violent crimes (Bragadóttir, 2009; Hákonarson, 2009; Magnússon and Ólafsdóttir, 2003) undoubtedly play a role. Moreover, public concern in society for both sex and violent crimes has deepened in recent years with more media reporting (Björnsson, 2007) and public pressure to increase penalties (Ólafsdóttir, 2009; Visir.is, 2006).

Alternatives to prison have been adopted in recent years, most notable for traffic violators whose number in prison has subsequently decreased. Traffic violations is a mixed category involving not only traffic violations but also car thefts, driving while intoxicated and driving without a license. What is the range of sentencing meted out by the courts?

Table 2. Percentage distribution of imprisonments, by length of sentence, 2007-2015.

	2007	2008	2009	2010	2011	2012	2013	2014	2015
Less than 30 days	23	27	27	25	27	30	26	25	28
30 days-3 months	32	31	33	31	34	29	29	35	34
3-6 months	16	16	16	13	17	15	18	16	15
6-12 months	10	10	8	13	9	12	10	11	12
12 mths-36 mths	14	11	11	13	11	8	13	9	7
36 months+	5	5	5	5	2	6	4	4	4
Total number:	402	416	447	407	477	493	563	530	490
Total length of Punishment in Yrs:	300	298	329	309	296	336	423	336	286

Source: Prison and Probation Administration annual reports, 2007-2015.

On the whole prison sentences tend to be relatively short. In 2007 about 55 percent of all prison sentencing included a three month sentence or less with a slightly higher proportion in 2015, or about 62 percent as shown in table 2. In the 1980's about 66 percent of all sentences were three months or shorter (Gunnlaugsson and Galliher, 2000), or very similar to the situation in 2000. Thus, it appears that the ratio of shorter sentencing of three months or less in prison has remained somewhat stable over time, or from being about two-thirds of all sentencing in the 1990's down to about 60 percent during 2007-2015. What about proportion of longer prison sentences? There the trend appears to be somewhat different. In 2007 close to 20 percent of all prison sentences included a prison sentence of one year or longer but in 2015 this proportion had dropped to about 11 percent of all prison sentences.

A growing number of prison sentences can be detected during 2007-2015, or about a 20% increase as shown in table 2. Yet a peak had been reached in 2013 with a total of 563 receiving a prison sentence, going down to 490 in 2015. We also see an increase in total length of sentencing from 2007

to 2013 with a notable drop taking place in both 2014 and 2015. The total length of prison sentences meted out by the courts in 2007 was 300 years in prison but in 2013 this total had jumped up to around 423 years, or an increase of about one-third. In 2014 and 2015 we see a marked drop or down to a total of 286 years in prison, a similar length as in 2007. Thus, sentences gradually became longer in the new millenium in addition to a growing number of imprisonment sentences untill reaching a peak in 2013 with a notable drop since then. This trend in both number and longer sentencing practices apparently contributed to the current pressure in the prison system, and added to the long list of convicts awaiting a place of confinement. In most recent years though a drop in both number of prison sentencing and in total length of punishment in years can be detected which might help to ease the pressure somewhat on the prison system and gradually shorten the list of convicts awaiting serving their prison sentence – i.e. if this development continues.

However, court sentencing policy is one thing, and time actually served in prison another. Paroles have increasingly been granted over the years. In the time period 2000-2008 about 40 percent of the prison population completed the sentence in prison while about 60 percent were granted parole before the whole term was served. In 2008 only about one-fourth completed the whole sentence and more than 70 percent were granted parole. This trend of granting more parole had started earlier. During the 1980's and 1990's increasingly more prisoners were granted parole, or from about 36 percent in 1985 to 57 percent in 1998 (Gunnlaugsson and Galliher, 2000).

Thus, proportionately more prisoners have been granted parole in recent decades while at the same time we see a growing number of imprisonments. According to Iceland's penal code (law no. 19 1940), an option of giving parole is made possible when two-thirds of the term has been served and after at least two months in prison. Yet there are frequent exceptions, and many prisoners are released when half of their term is completed.

With the new prison legislation passed by Alþingi in 2016 (Prison Bill, Law no. 15, 2016), convicts younger than 21 years old, can be released from prison when one-third of their sentence has been served in prison (article no. 80). The relative share of half and two-thirds of terms completed before released on parole has not changed much over time. With a growing number of longer sentences over time more inmates have a possibility to be granted parole since shorter sentences than two months do not permit it. How many inmates are first servers and how many are recidivists?

Repeat Prisoners

In the 1980's and 1990's usually about half of the prison population had served in prison before (Gunnlaugsson and Galliher, 2000). In most recent years the rate of repeat servers seems to be decreasing. During 2000-2008 repeat prisoners were proportionately fewer than before with about 40 percent of inmates being recidivists in 2008. In 2009 about 60 percent of the inmates was first servers increasing to about 68 percent in 2013 (Prison and Probation Administration, 2017a). What accounts for this positive change is difficult to state with certainty, and some fluctuations can be detected in recent years. Yet, a growing number of prison sentences seems to have reached more

new offenders than before. More services provided to prisoners while serving their term have also been offered in recent years, such as substance abuse treatment, which might have helped reducing recidivism. A recent Nordic study on prison relapse showed Iceland coming second to Norway with the lowest recidivism rate (Prison and Probation Administration, 2017b).

Earlier, Baumer et. al., (2002) had found Iceland to have a similar rate of recidivism as in other nations for both reconviction and reimprisonment. Therefore, a small and relatively homogenous nation such as Iceland with a low crime rate was not found to reintegrate offenders at a higher rate than others. While there are perhaps several plausible explanations for this pattern, the authors (Baumer et. al. 2002) raise the possibility that functional aspects of exclusion may override prevailing reintegrative forces, even in communitarian societies such as Iceland, characterized by low crime rates. Yet recent figures of repeat prisoners seem to indicate that relatively fewer prisoners seem to return to prison than before.

Foreigners in Icelandic Prisons

In the economic boom in the new millenium the number of foreign citizens in Iceland increased considerably. As was mentioned above about 2,6 percent of the population was from outside Iceland in 1999 increasing to about 9 percent of the population in 2017 (Iceland Statistics, 2017). Most of them came from the eastern part of Europe to meet demands on the labor market for manpower in the growing economy. A large share of the population growth in Iceland in recent years has therefore come from immigrants.

This new social environment of foreign born inhabitants and an increasing number of foreign visitors to Iceland can also be detected in the local criminal justice system. On the average about two foreign born citizens served time each day in Iceland prisons in 2000 but they numbered 24 in 2008, or about 17 percent of the total inmate population (Prison and Probation Administration, 2017a). In 2011 the total number of foreign born inmates had increased up to 89 inmates, or about 25 percent of the total serving time in prison for that year. Most of these offenders are first servers and therefore new to the prison system. And about half are transit travellers, or crime tourists, not permanent residents of Iceland.

Thus, it is evident that a large part of the current pressure on the prison system to open more prison space comes from both population increase and the ever more heterogenous nature of the Icelandic society. The crime types committed by foreign born inmates tend to follow the same crime types committed by local inmates. Property crimes, drug and violent offenses, constituted the bulk of the offenses committed by foreign citizens who served time in Icelandic prisons in 2011. This pressure on the prison system prompted a new legislation concerning prisons in Iceland passed by Alþingi in March of 2016. The new law includes a somewhat more lenient approach to serving prison sentences than before.

The New Prison Bill of 2016

The long waiting list of convicts awaiting prison and worn-out prison facilities were a key factor triggering prison leniency in the new law passed by Alþingi Iceland's Parliament in 2016 (Prison Bill, Law no. 15, 2016). Up to five hundred convicts waiting to serve their sentence, the vast majority being non-violent offenders serving short sentences, in particular failing to pay criminal fines. We can expect a temporary jump in prison rates in the next few years with the prison expansion of the new Hólmsheiði prison. More allowance for the use of electronic monitoring and community service also might facilitate more convicts channeled through the system. Here below a short summary is provided of the new law where prison leniency can be detected:

1. A twelve month unconditional prison sentence (not suspended); one month can be served by electronic monitoring instead of prison. With each additional month on top of this 12 month period five days will be added to electronic surveillance each month enabling serving by monitoring up to 365 days the most – thus more leniency, more possibility to serve time by electronic monitoring (back door electronic monitoring), article 32 in the new Prison bill.
2. A three-year prison sentence for example makes possible a three month earlier prison release to serve the remainder of the sentence by electronic monitoring. If we assume release on parole after half of the 3-year prison term served in prison, this convict will serve a total of 10 months in an open or locked prison, five months at the half-way house at *Vernd* and eventually three months by electronic monitoring before being released on parole. A day-leave from prison is not possible in this case example.
3. Increased possibility to serve your sentence by community service. With the new law all those receiving up to or less than a 12-month unconditional prison sentence (not suspended) can apply to serve their sentence by community service instead of prison – up from the previous 9 months limit (article 37).
4. Increased possibility of getting permission for a prison leave or stay out of prison for 14 hours – a day off from prison, especially for those serving longer sentences – you have to have served one-third of your sentence, at least been one year in prison, before being eligible for a day off out of prison for family visits (article 59).
5. When a prisoner has successfully received a day leave for two years straight, it is now possible to grant him with a family leave for 48 hours (article 59). This is a new possibility only for those serving long sentences such as for homicide.

A day pass can be a maximum of 12 times per year – family leaves can be a maximum of four times a year – and a day leave can be granted between family leaves.

6. Now for the first time – those who commit their offence when 21 or younger have a possibility to only serve one-third of their prison sentence in prison before being released on parole (article 80 in the new law).

All in all, more leniency instead of stiffer sentencing practices, included in the new law. No major changes overall but moving to somewhat more lenient penal practices than before.

The New Reykjavik Hólmsheiði Prison

The new modern prison in Hólmsheiði appears on the surface to be more security oriented than humane – yet everything is new and especially designed as a prison, a big step forward, replacing aging and worn-out facilities – including a new improved custody unit replacing the old one located at Litla-Hraun. The custody unit at Litla-Hraun was unpractical when investigating a criminal case; to have to transport lawyers and police between Reykjavik and Litla Hraun (approx 60 kilometres) for interrogation of crime suspects. Moreover, this facility for solitary confinement had been criticized by international bodies like UN Convention Against Torture for inhumane conditions in addition to the frequent use of this method while investigating a criminal case (see for example RÚV, 2017b). With the new facility at Hólmsheiði this custody process is smoother in the close vicinity of Reykjavík, another step forward in local criminal justice matters.

Better facilities for educational purposes are also provided in the new prison. The new prison is formally only intended for those entering the prison system and for those serving shorter sentences, yet with a special unit for women prison inmates who will most likely serve longer there than most men will.

Concluding Remarks

Iceland is a small and relatively homogenous nation in the North-Atlantic and has for a long time been perceived as a low crime country (Ólafsdóttir and Bragadóttir, 2006). This view has been based on limited studies but has in most recent years been verified by improved local criminal records. Icelandic society has experienced both internal and external change in recent years. Iceland has opened up to the outside world reflected among other things in an influx of new immigrants.

On the heels of these social changes crime concerns have also changed, in particular towards drugs and violence (see also Gunnlaugsson, 2011). This shift can be demonstrated in crime control developments, where both drug and violent offenders have taken more space in the prison system in recent years. Moreover, a general trend towards somewhat longer sentencing practices especially

for drug and violent crimes, could also be detected in the new millenium at least untill 2013 when it seems to have levelled off.

This somewhat more punitive trend in Iceland is not unexpected compared to many other countries in W-Europe, where similar sentiments have prevailed in late modernity (see for example Garland, 2001 and Nelken, 2009). This mood towards increased and longer sentencing practices seems also to have reached the shores of Iceland, a small and relatively homogenous nation, geographically isolated in the North-Atlantic. Harsh punitive attitudes are therefore not confined to large, heterogenous and complex industrial nations, but can also be detected in small and closely knitted societies such as Iceland. This penal development coincides with broad societal changes taking place in Iceland when the nation increasingly has entered the global community.

Yet, Iceland still possesses qualities setting the country apart from many other Western nations, with its low prison population and relatively lenient penalties. In this vein, Iceland might be similar to what Pratt (2008a; 2008b) describes as *Scandinavian exceptionalism*, with consistently low rates of imprisonment and relatively short sentences. In most recent years a drop in both the total number of prison sentences and in total length of sentencing, calculated in number of years, might strengthen again the position of Iceland as a country with low imprisonment and short sentences.

What undermines penal exceptionalism for Iceland however are several factors. The local prison system suffers from serious under-funding. A notable lack of professional help characterizes local prisons with only one or two psychologists and psychiatrists serving the entire prison population (RÚV, 2017a). As for educational opportunities more prison inmates have been studying while in prison in most recent years. Yet more funds are needed and a call for a fully thought-out educational policy has been put forward by the director of prison studies (Þorkelsson, 2017). A relatively new prisoner's society *Afstaða* has also been very active and vocal in most recent years. They have openly criticized local authorities for not paying enough attention to rehabilitation and betterment of prisoners. Last year *Afstaða* opened a facebook group where their issues and objectives are regularly covered and updated (Afstaða, 2017).

What the future holds for Iceland is not fully clear. It may be popular to mete out tougher court sentences and raise punishment levels but it is also costly to institutionally meet this challenge. Pressure to tackle and resolve new penal developments by providing sufficient prison facilities has proved to be difficult for Iceland due to a tight fiscal policy practiced by the state. Yet to meet public demand for tighter crime control and the long waiting lists accumulating in the prison system, more prison expenditures have proved to be unavoidable for Iceland. At the same time, it is likely that Icelanders will continue to see innovative alternatives to serving time in prison, which will both reduce government expense and replace punishment with rehabilitation – at least for specific crime types.

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PARALLEL SESSION 3A: Migration, terrorism and security

TERRORISMKONTROL –EN LÖSDRIVERLAGSTIFITNING FÖR 2020?

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Inledning

Liberalismen som ideologi bygger på att framställa sig själv som upprättare samt försvarare av frihet

för alla. Men i sin praktik som styrning handlar liberalism om att tillhandahålla frihet till de som enligt den liberala logiken är rättmätigt förtjänta av denna frihet. Detta görs primärt genom att begränsa friheten för dem som anses vara oförtjänta av den. Den liberala friheten bygger i sin praktik således på att begränsa friheten för alla icke-rättmätiga. När den svenska lösdrivarlagen infördes 1885 var det för att reglerna om laga försvar fungerade illa med den rörliga arbetskraft som industrikapitalismen behövde. Att kunna förflytta sig under tider av arbetslöshet dit där arbetena fanns var en förutsättning för att industrikapitalismen skulle kunna fungera. I sin praktik kom dock lösdrivarlagen primärt att användas mot de grupper i samhället som levde sina liv på gränslandet till den legala försörjningen, såsom prostituerade och missbrukare. Som polislag gav lagen polisen stora möjligheter att ingripa mot dem varemot ett straffrättsligt åtal var svårt att få till. Straffet var upp till tre års inlåsning på arbetsanstalt: Svartsjöanstalten för män och Landskronacitadellet för kvinnor. Mitt argument i detta paper är att lagar, lagstiftning och åtgärder kring terrorism har potential att fylla samma uppgift på EU-nivå som lösdrivarlag gjorde på nationell nivå i Sverige. Genom upphävandet av den liberala statens officiella utövande av våldsmakt, det vill säga medelst domstolar och rätten, uppstår det ett utrymme för en polislagstiftning där det enda "beviset" som behövs är ordet från de myndigheter och tjänstemän som är satta att övervaka fenomenet terrorism.

Den liberala demokratins självbild

Centralt i den västerländska liberala demokratins självbild är rättsstatsprincipen. Rättsstaten beskriver sig själv som en stat där rättsäkerhet råder, en stat där självständiga domstolar och en verkställande offentlig makt verkar inom de ramar den positiva rätten ställer upp. Här ska råda frihet från godtycke och varje enskilt fall ska behandlas i enlighet med ett etablerat regelverk. Frånvaro av godtycke i behandlingen av den enskilde ska säkerställas bland annat genom oskuldspresumtionen, det vill säga att den anklagade i en rättegång betraktas som oskyldig till motsatsen bevisats och att rättegångar ska vara öppna. Men såväl Sverige som EU tycks mera att använda rättsstatsprincipen som något som ska tillämpas på andra än dem själva. För EU blir principen, tillsammans med krav på korruptionsbekämpning, ett verktyg gentemot mot kandidatländer och samarbetsländer där hot om indragna bistånd eller avbrutet samarbete framför mot dem som inte lever upp till de krav som EU ställer. Emellertid rör sig inte EU med en klart definierad rättsstatsprincip, utan den tycks i mångt och mycket vara oklar och gränsa till godtycklig (Wennerström 2007). Även i Sverige tycks principen bli något som framför allt ska ställas mot hur andra stater beter sig. När en längre redogörelse för rättsstatsprincipen görs i det offentliga trycket är det i frågor som rör svensk utrikespolitik (Skr. 2007/08:109).

Emellertid finns det framför allt en fiende mot denna självbild och det är frågan om hur man når effektiva åtgärder. Rättsstaten är reaktiv – den agerar på saker som redan har hänt. Men intimt sammanlänkad med den moderna liberala demokratin är också vilja att föregå, att förebygga; viljan att förhindra att negativa saker sker – och det är här frågan om effektivitet tar form. Det är i den förment goda gråzon som den medicinska profylaxen, den kunskapsbaserade brottspreventionen

eller den verksamma socialpolitiken utspelar sig i som rättsstaten blir ett problem för effektiviteten. Samkörning av register, slopad sekretess, kameraövervakning är effektiva åtgärder

Terrorism; sammanvävandet av kriminalpolitik, säkerhetspolitik under en ekonomisk logik

Terrorismbekämpning har på kort tid påverkat det kriminalpolitiska fältet genom att sudda ut gränserna mellan kriminalpolitik och säkerhetspolitik – det är numera svårt att se var den ena börjar och den andra slutar. Internationellt har olika samarbeten utvecklats, samtidigt som terroristhotet gjort att många länder utvecklat eller tillgripit existerande lagstiftning som på många sätt går på tvärs med frågor om rättsäkerhet och mänskliga rättigheter. En central påverkan som terrorismen haft är reaktionen på 9/11-attentaten, och redan den 19 september 2001 presenterade Europeiska kommissionen ett förslag till rambeslut för att bekämpa terrorism. Rambeslutet blev svensk lag under 2002 (prop. 2001/02:135), men fick sitt faktiska innehåll under 2003 (prop. 2002/03:38).

Det är inte bara lagstiftningsmässigt som gränsen mellan kriminalpolitik och säkerhetspolitik suddats ut. Säkerhetspolisens (SÄPO) roll i Sverige har också förändrats. Redan i budgetpropositionen för 2005 (prop. 2004/05:1, utgiftsområde 4) får SÄPO betydelse för det brottsförebyggande arbetet, när man tillsammans med polisorganisationen, ekobrottsmyndigheten och Brå räknas upp som en av de myndigheterna med ett ansvar för att bedriva det brottsförebyggande arbetet. År 2008 tilldelas också SÄPO vad som beskrivs som "(...) ett nationellt huvudansvar för att förebygga, kartlägga och motverka den grova organiserade brottslighetens otillåtna påverkan på viktiga samhällsfunktioner (SÄPO, 2014). En stor del av arbetet mot terrorism inom EU, och därmed även Sverige, har kommit att fokusera på finansiering av terrorism, man har medvetet försökt koppla ihop organiserad brottslighet och terrorism. Det förefaller följaktligen vara en medveten policy från EU:s sida att bemöta terrorism primärt som en fråga om brottslighet och därigenom bortse från de politiska dimensionerna av det hela (Andersson & Nilsson 2017, s. 241).

Att EU lyckats med dessa ambitioner blir tydligt bland annat i att Sveriges regering köper in i denna beskrivning: "EU:s nya säkerhetsstrategi ger uttryck för en omorientering av nationellt och internationellt arbete för att skapa säkerhet och trygghet. De militära hoten har ersatts av hot i form av terrorism, grov organiserad brottslighet m.m." (prop. 2004/05:1, s. 14–15). Detta sammanförande av brottslighet och hot mot demokratin och den rådande ordningen har för svensk del handlat om en problembeskrivning som tog form under början på 1990-talet, när brottsligheten började beskrivas som ett hot mot demokratin (RPS 1993). Vad vi troligen har här är hur det förändrade säkerhetspolitiska läget genom kalla krigets slut kommit att påverka kriminalpolitiken. Det förändrade säkerhetspolitiska lägets betydelse går näppeligen att överbetona i och med att hela den världsbild som dominerat efter andra världskriget fick skrivas om.

Den postpolitiska terrorismen

Det finns goda skäl att närma sig fenomenet terrorism via en kritisk analys. För det stora flertalet av

oss framträder terrorismen som en hyperverklighet; det vill säga som något där fiktionen, representationer, simulationer och "verkligheten" motsättningslöst flyter ihop till ett. Vår kunskap om terrorism tycks omfattande för såväl lekman som expert – men vad som är påförbart en empirisk verklighet oberoende av kulturella representationers går inte att riktigt svara på då vår kulturella förståelse av fenomenet ligger över oss som en meningsskapande karta över hur vi läser "verkligheten". Att dagens framställning av terrorism genomgående präglas av en historielöshet har troligen stor betydelse när det gäller att undvika att diverse staters och statsskicks legitimitet hamnar på agendan. Den bild av terrorismen som såväl politiker, på nationell som EU-nivå, som media, ger av terrorismen är som ett a-historiskt och egentligen opolitiskt fenomen. Detta blir tydligt i regeringens program för terrorism bekämpning, för här finns bara två typer av terrorism: islamistisk och rasistisk (Skr. 2014/15:146). Trots den mediala bilden, där terroristen framställs som en muslimsk fundamentalist, begås huvuddelen av de terrorhandlingarna som sker i Europa och USA av diverse högerextremister, nationalisterna eller separatisterna. Terrorismens historia bär således med sig maktaspekter på vår historia som allt som oftast krockar med den bild som de liberala demokratierna vill ge av sig själva (Andersson & Nilsson 2017, s. 242 ff.).

Vad vi har i detta förnekande av terrorismens politiska historia kan beskrivas som uttryck för ett postpolitiskt tillstånd där avsaknaden av politisk debatt i dessa frågor blir skriande. Postpolitik som begrepp bygger på den akademiska diskussion som uppstod i kölvattnet på kalla krigets slut – ett slut som från vissa politiska håll tolkades som den liberala kapitalistiska demokratins seger över kommunismen. Vad det handlar om är att det i och med östblockets och Sovjets fall etablerades vad som kan beskrivas som en postideologisk konsensus var den kapitalistiska marknadsmodellen och den liberala demokratin framställdes som den allena rådande modellen för alla samhällen. Filosoferna Jacques Rancière och Slavoj Žižek har i sina försök att ringa in det postpolitiska tillståndet lyft fram hur den postideologiska konsensuspolitiken genomförts med användande av en serie postdemokratiska styrningstekniker. Politik har härigenom blivit reducerat till administration av det sociala livet och medborgarna till konsumenterna. I ett sådant styrande är det främst medborgarnas kundnöjdhet som efterfrågas från politiskt håll – och det är kundnöjdheten som avgör hur väl det offentliga fungerar (Andersson & Nilsson 2017, s. 213).

Om det tidigare funnits vad som eventuellt skulle kunna ses som någon form av motstånd mot terrorismpolitiken – vänsterpartiet och miljöpartiet var de enda som röstade emot antagandet av den nya terroristlagen den 1 juli 2003 – syns inte många spår av det år 2017. I stället för en terrorismfråga, det vill säga att det finns en politisk strid om hur problemformuleringen ska se ut, har en politisk konsensus uppstått, där det som eventuellt diskuteras är mängden av insatser – inte huruvida insatser över huvud taget behövs eller om andra åtgärder än de föreslagna är lämpligare. Detta blir också uppenbart i den överenskommelse som regeringen gjort med allianspartierna efter händelserna på Drottninggatan i Stockholm i april 2017. Här blir den slutet-på-historien-logik som underbygger bilden av den liberala demokratin avgörande. De enda partierna som utesluts ur uppgörelsen, Vänsterpartiet och Sverigedemokraterna, utesluts på grund av att de inte anses stå upp för den liberala demokratin.

I fokus för kampen mot terrorismen ställs den liberala demokratin naturlighet. Byggt på marknadsekonomi, framställs den liberala demokratiska staten inte som ett resultat av politisk kamp, utan som resultatet av en historisk nödvändighet. Och det är som ett hot mot denna historiska nödvändighet som den postpolitiska terrorismen uppstår. Detta blir dels synligt i det som numera benämns separatistisk terrorism, det vill säga diverse politiska självständighetsgrupper och deras agerande, som politiskt blir ett marginaliserat fenomen trots att den överväldigande merparten terroristhandlingar i Europa genomförs av dessa grupperingar.⁹⁹ Dels genom att den så kallade islamistiska terrorismen framställs som del i en civilisationernas kamp där "våra" liberaldemokratiska värden står mot "deras" odemokratiska och fundamentalistiska världsbild – vad som således sätts i fokus är de värderingsmässiga aspekterna i och med att denna terrorism beskrivs såsom hotande de västerländska värderingarna (Nordén 2011). Terrorismen stärker följaktligen bilden av hur rätt vi har i att hylla våra värderingar som de enda rätta, men även att alla demokratier kan samlas under samma konsensus gällande värderingar om rätt och fel.

Historiskt har terrorism betraktats som den svages krigsform mot en starkare övermakt. Den postpolitiska diskursen om terrorism bortser helt från maktaspekter och rationaliserar i stället helt nya maktkoalitioner. När centrala maktspelare som USA, Israel och Saudiarabien lyckas framställa sig själva som offer för terrorism uttraderas samtidigt eventuella maktförhållanden som motiv. Den islamistiske terroristen beskrivs främst som driven av ett blint hat mot västerländska värderingar. Här blir då också forskningen betydelsefull. RAND, ett av de största forskningsinstituterna när det kommer till terrorism, registrerade ursprungligen enbart att någon rest till ett annat land för att begå handlingen, som terrorism (Nordén 2011, s. 22). Med en sådan definition av terrorism utsluts majoriteten av alla terroristhandlingar.

Det nya hotet och experterna som format problembeskrivningen

En del i historielösheten kring terrorism är hur den så kallade islamistiska terrorismen beskrivs som ett nytt fenomen, en form av terrorism som på avgörande sätt skiljer ut sig från tidigare terrorism. Den centrala kunskapsmassa som produceras kring den så kallade nya terrorismen har producerats av en tämligen lite grupp av terroristexperter. Ett första kännetecken för den nya terrorismen sägs vara dess organisationsformer. De nya terroristorganisationerna har inte någon klassisk organisation där organisationen framträder i termer av en tydlig, strukturerad och hierarkisk organisation – i stället utgörs de nya terrororganisationerna av löst sammansatta nätverk.¹⁰⁰ En

⁹⁹ Terrorismen är egentligen inte ett internationellt fenomen, utan i högsta grad ett nationellt fenomen som hänger ihop med nationalstaternas utformning. Tittar vi på de rapporter som Europol tar fram om terroristbrott i Europa står så kallad islamistisk terror för två promille av de händelser som rapporterats under 2014 (Europol 2015). Majoriteten av händelserna handlar i stället om vad Europol alltså benämner separatistisk terrorism, det vill säga olika politiska grupper som verkar för att vissa områden ska frigöras från de nationalstater de motvilligt är en del av.

¹⁰⁰ Den eurocentritiska världsbilden blir väldigt tydlig i detta. Vi vill ha en organisation av den modell vi är vana vid i Europa där organisationen ska ha en militär gren som utför dåden, och en politisk gren som för fram organisationens krav. Dessa grenar ska var för sig härma den militära organisationen med befälsgrader, medan den politiska ska härma just politiken. Detta är en organisationsform som dök upp bland 1800-talets ryska anarkister. Den sammanvävning av

andra faktor som lyfts fram är dessa organisationers påstådda destruktiva förmåga, där just förmågan att åstadkomma stor skada framhålls tillsammans med det potentiella hotet om att kunna få tillgång till så kallade massförstörelsevapen. Den nya terrorismen anses också kännetecknas av dess hänsynslöshet och vilja att slå till urskillningslöst mot framför allt civila mål (Burnett & Whyte 2005, s. 4–5). Den nya terrorismen utmålades som ett globalt hot. Men även EU:s vilja att bemöta terrorism som vanlig brottslighet framkommer när det hävdas att: "En annan effekt är att terroristrelaterad verksamhet och vanlig brottslighet hänger mer och mer samman" (sakerhetspolitik.se). Burnett och Whyte (2005) påpekar att kriget mot terrorismen i mångt och mycket liknar de olika krig mot brottsligheten som historiskt lanserats då och då. En återkommande bild gällande den organiserade brottsligheten är exempelvis dess teknologiska kompetens och förmåga att ligga i framkant när det kommer till teknikanvändning (Knepper 2009). Detta är då även något som gäller den nya terrorismen: "Dagens informationsteknik underlättar också för terroristorganisationer att sprida sina idéer och sitt budskap över hela världen. Den nya tekniken har förstärkt den globala effekten av icke-demokratiska och våldsinspirerande budskap" (sakerhetspolitik.se).

Det kunskapsnexus som byggts upp kring den så kallade nya terrorismen utgår från två systerorganisationer, å ena sidan har vi RAND, en amerikansk tankesmedja som grundades av det amerikanska försvaret 1945, men som sedan 1948 ses som fristående. Kopplingen mellan den amerikanska staten och RAND är dock inte obetydlig, exempelvis jobbade President George W. Bushs försvarsminister Donald Rumsfeld tidigare för tankesmedjan. Å andra sidan har vi *Centre for Studies in Terrorism and Political Violence* (CSTPV) vid University of St Andrews som utgör den europeiska delen av det hela. CSTPV grundades av RAND och drivande på bägge ställen har en av terrorismforskningens största namn, Bruce Hoffman, varit (Burnett & Whyte, s. 8). Även Sveriges mest profilerade-terroristexpert, Magnus Ranstorp, har sitt ursprung vid CSTPV där han dels doktorerade, dels var föreståndare under en period. Vidare är det så att de två peer-review tidskrifter som dominerar forskningsfältet mer eller mindre kontrolleras av forskare kopplade till RAND och CSTPV genom redaktörskap (Andersson & Nilsson 2017, s. 246). Denna expertis har formerat sin kunskap på denna snävare definition av terrorism och har således uteslutit ur sin forskning den typ av terrorism som enligt Europols data är den överlägset mest vanligt förekommande terrorismen – separatistisk terrorism. Vad som vuxit fram är en kunskap byggd på ett risktänkande. Eftersom den nya terrorismen beskrivs som ett så undflyende objekt blir också all kunskap om densamma med nödvändighet blir hypotetisk och provisorisk. Likväl tar fenomenet, med experternas "kunskap" en solid form genom att utgöra konkreta risker. Burnett och Whyte (2005, s.6) säger om de nya experterna: "If the terrorist is by definition not completely knowable, the job of the expert is to make it so. Only then can the state articulate a strategy to respond to the threat. In other words, making the terrorist knowable makes terrorism actionable and potentially controllable".

politik och religion som finns i islam, och som vi i väst gjort oss av med medelst bland annat religionskrig och flerfaldiga påvar samtidigt, känns numera främmande för oss i väst.

Fri rörlighet för dem som ska ha det, men inte andra

Argumentet i detta paper är att terrorism används i praktiker som liknar dem gällande hur lösdriveri användes för att kontrollera de oönskade, de ekonomiskt olönsamma. Lösdriverilagar växte fram i samverkan med industrikapitalismens behov av en rörlig arbetsmassa som pressade ner lönerna. EU-projektet är ett frihandelsprojekt och för att gynna frihandeln måste nationalstatens kontroll lyftas bort och då uppstår, precis som i industrikapitalismens början, ett behov att reglera den fria rörligheten utan att egentligen reglera den. Det handlar alltså om att skapa fri rörlighet åt dem som ska ha det, dem som alltså gynnar och utvecklar EU som frihandelsområde. Samtidigt vill man på olika sätt ha möjligheten att kontrollera och inskränka rörligheten för dem som man inte vill ha. Tittar man då på hur EU ursprungligen försökte handskas med detta så fick den så kallade organiserade brottsligheten ikläda sig rollen av det hot som måste kontrolleras. EU har ju också tagit fram en egen definition på organiserad brottslighet – och det som sätt i fokus är frågan om pengar och deras fria rörlighet. Precis som att den organiserad brottslighet hotade/hotar EU:s fria marknad, hotar nu terrorism även den frihandeln. Terrorismen som problematisering handlar om hur de öppna gränserna och den frihet vi som medborgare i ett EU-land har hotas av terrorismen. Genomgående i det politiska trycket, om det så utgörs av det svenska offentliga trycket med utredningar och propositioner, eller texter producerade av EU, så skrivs terrorismen fram som ett hot mot de friheter som vi anses kunna ta förgivna eftersom vi lever i en liberal demokrati. Samtidigt kräver upprätthållandet av denna frihet att frihetsinskränkande åtgärder tillgrips. För att friheten ska vara möjlig måste vi, med andra ord, acceptera att vår frihet på olika sätt begränsas.

Frångår vi då på liberalismens självbild och slutar se den som en ideologi som handlar om att tillhandhålla frihet, utan analyserar den som ett sätt att styra, som en styrningsform eller styrningsrationalitet, blir det uppenbart hur den frihet som liberalismen säger sig försvara egentligen är en frihet som liberalismen skapar, dels genom att säga vilka som har rätt till frihet, dels genom att hela tiden använda frihetens motsats för att styra. Här ser vi då exempelvis hur institutioner som fängelset och begränsare av friheten, som strafflagarna, och verkställare av frihetsbegränsningar, som polis och domstol, hela tiden framställs som förutsättningar för frihet och åtgärder som tillgrips mot dem som missbrukar sin frihet. Frihetens förutsättning är hela tiden ofriheten (Andersson & Nilsson 2017, s. 250 ff.). I terrorismfrågan uppstår följaktligen samma problem som följt den liberala staten sedan dess uppkomst under slutet av 1800-talet i Sverige – frihet är bara till för dem som är rättmätigt behöriga till dem; alla andra ska på olika sätt kontrolleras. Och här kommer terrorismen att bli det främsta verktyget för ett bra tag framöver.

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The Swedish Mujahideens

An exploratory study of 41 Swedish foreign terrorist fighters deceased in Iraq and Syria

“A summary for NSFK”

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Introduction

While foreign terrorist fighters (FTF) joining terrorist organizations is not a new phenomenon, since the uprising in Syria, FTFs have grown in number and impact. In addition to the growth of European FTFs, Europol assesses that several European FTFs have key positions in terror organizations such as the so-called Islamic State (IS) and that they are likely to maintain contact with terrorist networks in their home countries, thereby increasing the overall threat to the security of the European Union (Europol 2016a, [b] 2016).

According to the United Nations Counter-Terrorism Committee, more than 30,000 FTFs from over 100 member states have joined terrorist organizations such as IS and Al-Qaeda in Iraq and Syria. Cragin (2017) argues that in contrary to popular belief most FTF return home and do not die on battlefields or travel from conflict to conflict. Europol estimates that by mid-April 2016 more than 5,300 Europeans are believed to have traveled to conflict areas in Iraq and Syria, and a significant number of FTFs have returned (Europol 2016a, [b] 2016, [c] 2016). According to the International Center for Counter-terrorism (ICCT), an average of 30 percent of FTFs have returned to their countries of departure (Boutin et al. 2016), having learned through combat and training to carry out attacks—independently or under direction.

The returning foreign terrorist fighters (RFTFs) will pose a significant challenge for the countries to which they return (Entenmann, Paulussen, and Bakker 2014, 2014; Europol 2016b). Due to the emergent threat posed by FTFs, the United Nations Security Council adopted resolution 2178/2014 which called on all states to cooperate urgently on preventing the international flow of FTFs to and from conflict zones, and to undertake measures to bring RFTFs to justice.

Sweden is no exception to the trend; the case is rather the opposite. According to ICCT, Sweden is among the countries with the highest number of FTFs per capita, second only to Belgium and Austria (Boutin et al. 2016). Europol reports that the number of RFTFs is increasing in some EU member states and specifically mention Germany, the Netherlands, and Sweden (Europol 2016b). The Swedish National Centre for Terrorist Threat Assessment states that the main terrorist threat to Swedish interests stems mainly from violence-promoting Islamism and individuals inspired by IS (NCT 2017). According to the Swedish Security Service, which is responsible for countering terrorism in Sweden, approximately 300 FTFs have traveled to Iraq and Syria since 2012. Of these, around 140 have returned, while around 40 Swedish FTFs have been killed (Säkerhetspolisen 2016). Swedish citizens joining terrorist organizations are not a new phenomenon. According to the Swedish Defence University, about 30 Somali-Swedes joined up with al-Shabab in Somalia between 2006 and 2009 (Ranstorp, Gustafsson, and Hyllengren 2015).

Despite the high number of European FTFs joining the conflicts in Syria and Iraq and subsequent RFTFs and the threat they pose to European internal security (Europol 2016b), there is limited research and few empirical studies on FTFs (e.g., Weenink 2015; Bakker and de Bont 2016; Reynolds and Hafez 2017, to mention a few examples). This is also true for Sweden, for which only one qualitative peer-review study with a small group of Swedish RFTFs is available (Nilsson 2015). This may be due to a combination of FTFs being a hard-to-access field of research, with regards to the threatening environment they operate in, their reluctance to participate in research projects, and the limited accessibility of generally classified law enforcement data. However, reports provided by the European law enforcement agencies and the few empirical studies on FTFs that exist provide many pieces of this puzzle.

Aim of the study

We attempt to shed light on Swedish FTFs traveling to Iraq and Syria by exploring their criminal backgrounds and network relations. Our data is limited to Swedish FTFs who are confirmed to have been killed in Iraq and Syria. As already mentioned, there are very few international empirical studies on FTFs and Nilsson's (2015) is the only Swedish peer-reviewed study. The present study was designed to contribute a small but significant piece to the puzzle. We use open sources matched to the criminal suspect registry to explore rudimentary demographic characteristics, social networks, and criminological background of 41 Swedish FTFs.

Data

We study FTFs from Sweden who died in Syria and Iraq between 2007 and 2016. Data were collected from open sources, including internet-media, blogs, Facebook, police investigations etc. All in all, 41 deceased foreign fighters were found, of which 38 had a Swedish personal identification number that allowed us to look them up in public registries and to match them onto the criminal suspects registry. The study was approved by the Regional Ethics Committee in Stockholm (2017/465-32).

Results and discussion

This study is based on data on 41 deceased male FTFs who traveled from Sweden to Iraq or Syria from 2007 to 2016. Their demographics and network relations are described and discussed. Our results show that the large majority of the Swedish FTFs were born in the Middle East and eastern Africa; about one-fourth were born in Sweden. Over half of them were recruited from the Gothenburg region and on average they were just under 26 years old when they died. Concerning network relations, 19 out of the 41 FTFs had at least one relationship (next-of-kin or friend) with another deceased FTF. Two-thirds were previously suspected of at least one crime (mean age at first suspected crime was 18 years). The clustering of FTFs—both regarding demographics and network relations—may be an indication of non-socioeconomic characteristics common to individuals

engaged in FTF that lowers the threshold for radicalization. While many studies and reports have highlighted socioeconomic push-and-pull factors and suggested that this must be addressed as prevention of FTF, we argue that this is a generic explanation of the FTF phenomenon. As an example, even if Sweden has had one of the highest FTFs per capita among European countries, it is still a limited number of individuals (ca. 300/10,000,000 inhabitants) who have joint foreign terrorist organizations. Focusing on tertiary prevention measures may not adequately address the issue of European FTF. The clustering of FTF suggests that another mechanism probably triggers the FTF phenomenon and lowers the threshold for radicalization. There may be some set of personal traits common to the few individuals engaged in FTF activity that needs to be detected through empirical studies. However, our study and previous studies discussed earlier provide indications of some important factors, such as recruiting hubs (radical centers, recruiters, etc.), personal links to an ongoing or past conflict that lower the threshold for joining FTF movements, and kinship factors that push individuals toward extremist views and the glorification of violence. Based on these findings, more attention needs to be put into primary and secondary intervention activities on FTF hubs (FTF families, friendship circles, radical centers). To be able to intervene in radical milieus, social services and other intervenors need both knowledge and access to information on whom to target. We are aware of how sensitive law enforcement information on FTF and other terror-related activities is. However, more collaboration between law enforcement, social services and research institutes needs to be stimulated for a more detailed empirical understanding of FTFs and RFTFs. It is remarkable that despite the Swedish government's prevention efforts due to the high number of the Swedish FTFs traveling to Iraq and Syria, and the potential threats the RFTFs pose, such limited empirical studies are to be found. If this study suggests an outcome, it would be that we need more research on violent Islamic extremism and FTFs in Sweden.

Based on our results, we argue that more attention needs to be given to primary and secondary interventions directed towards FTF hubs than to tertiary prevention targeting larger communities.

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Europe's Security? The EU's export of crime control

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The presentation was a compilation of my earlier research as well as the project proposal for my recently initiated Ph.D. project here presented.

Abstract

Crime control has become an increasingly important element in European external policies toward the (extended) neighborhoods: counter-(organized) crime strategies and technologies are exported by the EU and its member states to third countries in large scale. The rationale is not necessarily so much to create human security in these countries as it is to stop various kinds of 'unconventional security threats' from reaching the EU external borders and to create a zone of stability around Europe. My project aims to explore how European '*crime control logics*' – meaning political rationalities, technologies and knowledge – are being exported by the EU to third countries, as well as the key drivers (endogenous, exogenous and international) of policy-making in the 'external dimension' of EU Justice and Home Affairs. Empirically, the project starts by inquiring into two cases of particularly salient forms of EU crime control exports through fieldwork in Senegal and Mali: border security, and police cooperation/databases on criminal intelligence. I then go on to conduct interviews in Brussels with policy-makers in the JHA 'external dimension'. In so doing, the project aims at exploring how the EU is increasingly governing crime '*through*' third countries, thereby discussing whether (and in that matter how) it is governing third countries '*through crime*'.

Background

Since the creation of the Area of Freedom, Security and Justice (AFSJ) and dismantling of internal borders, EU member states have incrementally sought to pursue their internal security by projecting the fight against crime and 'security threats' beyond the EU's external borders. By tackling 'root causes' of organized crime and terrorism in third countries, the EU has aimed at preventing their spillover or transit into Europe: thereby policing Europe 'at a distance' (Wichmann 2007).

Although the EU has recently itself become subject to major contestation, I argue there is reason to believe that cooperation on internal security as well as its external projection onto what in policy discourse is called weak and failed states in the (extended) neighbourhoods will continue to be an imperative for Europe. The accelerating 'external dimension' of EU Justice and Home Affairs (JHA), signifying that internal security actors and issues are getting increasingly important roles in EU foreign policy and external relations, has been well documented in EU studies (e.g. Wolff *et al.* 2009, Wichmann 2007, Trauner 2011). However, this topic has been of little interest to criminologists despite the centrality of crime fighting and internal security to criminology as a discipline (an exception here are studies of international police cooperation, e.g. Andreas & Nadelmann 2006; Sheptycki 2003, 2011; Bowling & Sheptycki 2012). EU external policies should be of major concern to criminological scholarship as fighting crime is a growing imperative for EU external action – most recently reiterated by the European Agenda on Security (European Commission 2015). What is more, EU external policies are both influenced by and influential for *ways of thinking and doing security and crime control* in European states, which make them of particular criminological interest. Studying how Europe exports '*crime control logics*' – meaning political rationalities, technologies and knowledge – to third countries, fuelled by the policy principles of the internal-external security nexus and the security-development nexus, will not only enrich EU Studies, Peace and Conflict Studies and Critical Security Studies, but most importantly contribute to advancing the emerging field of Global Criminology.

Despite the prominence of drug trafficking and organized crime as key threats to Europe as articulated by the EU's security strategies (Council 2003, 2010; European Commission 2015), comprehensive empirical research into how EU crime control policies play out in third countries is to a large extent lacking. This may be because IR scholars do mostly not view drug trafficking and organized crime as their field of study, or, as EU studies, are interested in the 'external JHA' only from an institutionalist perspective, while criminologists have typically not been concerned with studying foreign policies. The result is an empirical and conceptual research gap that is unexplored by neither discipline. I will argue, however, that inquiring into the stepping-up of the EU's commitment to fighting organized crime in third countries is essential in order to conceptualize the blurring of the boundaries between internal and external security – between waging war, promoting development and fighting crime. My project thus sets out to bridge the research gap by exploring how European '*crime control logics*' – meaning political rationalities, technologies and knowledge – are being exported by the EU to third countries, as well as the key drivers (endogenous, exogenous and international) for policy-making in the 'external dimension' of EU Justice and Home Affairs (JHA).

State of the art

In Europe, there has been a shift in the *ways of thinking and doing security and crime control*: from traditional reactive criminal justice to anticipative and pre-emptive logics of preventing future crime scenarios based on criminal profiling, early warning systems, algorithms, intelligence and information gathering and sharing as well as an overly reliance on border security (e.g. Aas 2013; Bigo *et al.* 2011). The EU has not only played an important role in spurring this development, but is also increasingly attempting to export these logics beyond Europe. EU security assistance against organized crime has been bolstered across the (extended) neighborhoods – from the East to the South – on responses such as border security, customs, law enforcement and information and intelligence gathering and sharing (Cully *et al.* 2012; Chatwin 2004; Strazzari & Coticchia 2012; Czerniecka & Heathershaw 2010; Gibert 2009). Yet little research has been done on how EU ‘crime control exports’ are translated into external action, absorbed, and potentially transformed in the external dimension. What is more, research on how this affects human rights, civil liberties, democratic accountability, transparency and oversight in third countries continues to be a pressing necessity (Bigo *et al.* 2011).

When calculating risk in an uncertain future is increasingly becoming the aim of criminal policy, calls for evidence-based policies which bridge the gap between research, policy and practice are often heard and (the quality of) *what we know* becomes crucial for policy-making. However, the vague terminology and absence of a clear legal definition of ‘organized crime’ has not only led to over-criminalization *within* the EU (Bigo *et al.* 2011: 24), but also to problems of evaluating the impact of EU external action with crime control objectives on the actual reduction of ‘organized crime’ (HTSPE 2013). The knowledge which forms the basis for policy-making is mostly generated by police and security agencies, relying on intelligence and undisclosed sources, something which impedes independent assessments (Bigo *et al.* 2011: 20). This is also the case for knowledge on ‘external security threats’, where JHA agencies such as EUROPOL, EUROJUST and FRONTEX increasingly rely on the exchange of information and criminal intelligence with third countries and EU crisis response missions (CSDP). In Europe such knowledge dynamics have marginalized alternative conceptions of security and crime control – such as a for instance focus on the underlying social and structural conditions which produce crime that is often voiced by criminologists (Bigo *et al.* 2011). Whether this is also the case for EU *external* crime control remains to be explored.

A large strand of criminological scholarship has been concerned with what constitutes ‘(transnational) organized crime’, its nature and extent, as well as responses to it. On the one hand, international and cross-border responses have been seen as necessary to tackle a growing threat posed by organized crime, seen as capitalizing on globalization (Castells 2010). On the other hand, critical voices have opposed general accounts of transnational mafia-style octopuses, rather shifting the analytical attention to the political and social functionality of threat conceptions in expanding ‘global prohibition regimes’, transnational police cooperation and surveillance (Andreas & Nadelmann 2006; Goldsmith & Sheptycki 2007). With the ‘War on Terror’ increasingly replacing the ‘War on Drugs’ as policy priority after 9/11 2001, drug trafficking and organized crime have come to partly be reconceptualized as financial supply-lines for terrorism in policy discourse (Aas 2013:

130). The 'crime-terror' nexus (Makarenko 2004) is an idea to which the EU policy sphere has been particularly receptive, and which has driven the need for external security cooperation.

Critical criminologists and IR researchers of the West African context alike have questioned the term 'organized crime' while voicing the need for local-level grounded analyses in order to understand the complex micro-politics of illicit economies (e.g. Varese 2012; von Lampe 2016; Bøås 2015). Policy discourses of transnational 'crime-terrorism' nexuses capturing 'weak' and 'failed' states and thriving in 'ungoverned spaces' do not only lead to narrow or illconceived analyses but also to extremely misguided policies and interventions (Bøås 2015: 300). In West Africa, the EU's increasing engagement against organized crime and 'security threats' has been criticized for leading to a *securitization* of development policy and external relations (Gibert 2009, Kaukeleire & Raube 2013). However, the EU may mobilize different forms of political technologies in order to consolidate itself as a specific spatiality in a globalized world, with 'the awareness that defining criminal acts, enforcing criminal law and policing belongs to the purview of the sovereign' (Strazzari & Russo 2014: 10).

My project aims to bridge the research gap on how EU crime control policies play out in the external dimension by exploring the interplay between knowledge, discourse and practice in the field, as well as drivers of external policy-making in Brussels. In taking one step further to theorize the impact of EU policy on notions of security and sovereignty, the project will bring innovative contributions to critical theory across disciplines.

Theoretical aims and assumptions

The project aims to advance (global) criminological theory at three levels: Firstly, by introducing the notion of '*crime control logics*' as an analytical tool to study EU external security policy implementation in two different geographical localities; Secondly, by probing into external criminal policy-formulation at EU-level, thus identifying endogenous, exogenous and international logics as drivers of EU external action; Thirdly, by theorizing the international level of the EU's role in global (security) governance as forms of global governmentality.

The notion of '*crime control logics*' is based on the Foucauldian assumption that 'one [can] identify specific political rationalizations emerging in precise sites and at specific historical moments, [...] underpinned by coherent systems of thought, [with] different kinds of calculations, strategies and tactics linked to each' (Rose 1999: 24). It is a concept that I have partly borrowed from '*security logics*' (Christou et al. 2013) that originally served the purpose of criticizing Securitization Theory for looking at an issue either as a security issue - or not. Rather, goes the argument, attention needs to be paid to the different nuances in how security is spoken and done, namely the underlying logics. With the concept of '*crime control logics*', however, I aim at turning the attention away from the obsession with the word 'security' in Critical Security Studies (and International Relations more generally), to rather explore the logics of (b)order-making, social control and the meddling with the conditions and micro-politics of illicit economies peculiar to the discipline of Criminology. So, while crime control in Europe has taken on a pre-emptive and anticipative logic, my assumption is that

'crime control logics' take on their own dynamics when translated into foreign policy and external relations. As an analytical tool, I explore 'crime control logics' by probing into the different ways in which the EU *problematizes* drug trafficking and (transnational) organized crime as external security policy issues, what *political technologies* that are at work in managing these issues, and the *expert knowledge* that underpins policy and action (c.f. Merlingen 2011).

My second assumption is that 'crime control logics' do not necessarily produce security. Neither do they necessarily reduce crime. As a matter of fact, I suspect that EU crime control is much less about creating security and controlling (organized) crime than it is about politics. EU external crime control policies are a product of a paradigm of thinking (and a *doxa*) shaped by various actors with sometimes diverging interests – endogenous, exogenous and international. On the one hand, intra-EU institutional competition (Council, Commission, Parliament, JHA agencies, fundamental rights agencies, and so on), post-Lisbon institutional rearrangements, path dependency, technocratic culture, as well as other policy goals – such as migration management and energy security – all impact on and mold the ways in which external crime control policies are forged in Brussels. On the other hand, member states' domestic policies (Brexit is a case in point), their relative influence on the EU JHA policy area and its external dimension, post- and neo-colonial relations (e.g. French influence on EU policy in francophone Africa), transatlantic relations and the import of US counter-crime policy and technology, the actual situation, politics and events in the third countries in which the EU engages (e.g. Arab Spring, post-Gaddafi Libya, Syria, etc.), international politics and norms (UN, G8, BRICS), as well as the identity as a global actor that the EU is attempting to mold for itself vis-à-vis the rest of the world, are all exogenous and international factors influencing the counter-crime policies which the EU exports beyond its borders. One of the aims of this project is to disentangle and enquire into the key drivers that shape this policy space of EU external crime policy-making.

Thirdly, I posit that EU intervention into third countries in the name of crime control contributes to reconfiguring notions of security and (supra-national) sovereignty. Liberal and illiberal forms of governmental power intersect and interact in different ways at different times and in different places in the EU's external engagement against (organized) crime. The project will revisit the 'governing through (globalized) crime' thesis (Simon 2007; Findlay 2008): on the one hand mapping, detailing and exploring how the EU is governing (organized) crime 'through' third countries, on the other hand, analysing whether, or the extent to which, crime has become the problem through which other (social, political, economic) problems are understood and acted upon. In other words, whether the EU is governing third countries 'through crime'.

Research design and methods

The research will consist in desk research and fieldwork (observation and interviews) into how EU external action plays out, before it moves on to interviews with EU policy-makers in Brussels. Building on my own previous research (Stambøl 2016a, 2016b), the empirical research will be focused on West Africa.

Firstly, desk research encompasses frame and discourse analysis of EU strategy papers and project documents. However, an underlying assumption of this project is that these sources only provide a very limited story, necessitating further excavation in order to uncover various different truths.

Secondly, two case studies are envisaged of the most typical EU external action with explicit objectives to fight (transnational) organized crime – thus assumed to constitute particularly prevailing ‘crime control logics’: border security, and police cooperation on criminal databases. The case studies include fieldwork in Senegal and Mali – the two priority countries of the EU in Africa with the largest share of EU security-related funding. Observation and interviews will be done with, inter alia, EU staff, implementers of EU projects, and local stakeholders.

Thirdly, interviews in Brussels will have the aim to explore the landscape of EU external crime policy-making and further probe into what shapes and drives EU external action with crime control objectives.

Conclusions

Whilst contributing to IR studies and bridging a research gap on the external dimension of EU crime control, the ultimate aim of this project is to advance the emerging discipline of Global Criminology. Global Criminology calls for moving beyond the notion and analytical frame of nation-state, to embark on ‘methodological cosmopolitanism’ to conceptually capture transnational processes, illicit flows and cross-border endeavors for their control (Aas 2007). However, the EU’s extraterritorial attempts at controlling drugs and organized crime and reinforcing its border both within and outside, does not only transcend the ‘national’ or the ‘regional’. Rather, it may (re)order and (re)enforce conceptions of (supra-national) sovereignty and security, where crime control becomes a new driver in a changing geo-political order.

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PARALLEL SESSION 3B: In prison/in school

Indførelsen af RNR i Kriminalforsorgen i Danmark

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Baggrund

RNR er en forkortelse for Risk Need Responsivity eller på dansk: risiko, behov og modtagelighed. De tre principper er taget i brug i den danske kriminalforsorg i forbindelse med flerårsaftalen for 2013-2016. Inspirationen til at indføre RNR-principperne i den danske kriminalforsorg opstod i forbindelse med det nordiske kriminalistmøde i København i 2010. Her havde man inviteret den canadiske psykolog og forsker James Bonta til at komme og holde et oplæg om RNR-principperne. Bonta forklarede i sit oplæg, at man kunne mindske recidivet blandt klienterne, hvis man arbejdede standardiseret med de tre principper. Han præsenterede resultater fra en undersøgelse, som viste, at når alle tre principper blev anvendt i interventionsprogrammer, kunne recidivet reduceres med 26 pct. I oplægget præsenterede Bonta også den RNR-baserede model, som den canadiske kriminalforsorg har udviklet til den frie kriminalforsorg. Denne kaldes for STICS - The Strategic Training Initiative in Community Supervision (Bonta 2010). Efter kriminalistmødet blev der nedsat en arbejdsgruppe i Kriminalforsorgen, der fik til opgave at undersøge, om det ville være hensigtsmæssigt – og i så fald hvordan – at indføre RNR-principperne i tilsynsvirksomheden i Danmark – dvs. Kriminalforsorgen i Frihed (KiF). Arbejdsgruppen afleverede deres rapport i 2011 og i denne anbefalede arbejdsgruppen, at der skulle iværksættes et pilotprojekt med RNR i KiF (Kriminalforsorgen 2011).

I forbindelse med fleråraftalen for 2013-2016 blev der afsat midler til at implementere RNR-principperne i Kriminalforsorgen. Aftalen indebar både, at RNR-principperne skulle implementeres i hele KiF – og altså ikke et mindre pilotprojekt, som arbejdsgruppen havde anbefalet – og at der skulle udvikles og afprøves en RNR-model til fængsler og arresthuse. Bevæggrunden for at indføre RNR-principperne skete som led i et politisk ønske om at nytænke de resocialiserende indsatser i Kriminalforsorgen (Aftale om kriminalforsorgens økonomi i 2013-2016).

RNR principperne

RNR-principperne om risiko, behov og modtagelighed betyder, at man bør tage stilling til *hvem*, *hvad* og *hvordan*, når man iværksætter resocialiserende indsatser overfor lovovertrædere. Risikoprincippet indebærer, at indsatserne skal målrettes de klienter, som har den største

recidivrisiko (dvs. *hvem* skal have indsatsen?). Behovsprincippet indebærer, at indsatserne skal fokusere på de faktorer, som påvirker recidivrisikoen (dvs. *hvad* skal indsatsen indeholde?). Og modtagelighedsprincippet indebærer, at indsatserne skal tilpasses klienternes individuelle karakteristika, herunder motivation og læringsstil (dvs. *hvordan* skal indsatsen gives?).

Andrews og Bonta har i forbindelse med deres forskning identificeret otte store risikofaktorer eller kriminogene faktorer (Andrews & Bonta 2010). Disse er: 1) Historik med antisocial adfærd, 2) Antisocialt personlighedsmønster, 3) Antisocial kognition (tænkning), 4) Antisocial omgangskreds, 5) Problemer i forhold til familie/partner, 6) Problemer i forhold til skole/arbejde, 7) Fritidsaktiviteter, og 8) Stof-/alkoholproblem.

Af de otte risikofaktorer er det alene "historik med antisocial adfærd", dvs. kriminel baggrund, som er statisk. De øvrige syv risikofaktorer er dynamiske og dette betyder, at det er muligt at reducere klientens recidivrisiko ved at fokusere sin resocialiserende indsats på disse dynamiske risikofaktorer.

RNR projekterne i Kriminalforsorgen

RNR-projekterne består dels af et RNR projekt i KiF og et RNR projekt i fængsler. De to projekter omtales nærmere i det følgende. Fælles for de to projekter er imidlertid, at man har indført et struktureret risiko- og behovsvurderingsredskab, som kaldes LS/RNR. Dette beskrives i det følgende.

LS/RNR

LS/RNR er en forkortelse for Level of Service/Risk Need Responsivity. LS/RNR består af et 7 sider langt skema med forskellige sektioner. Skemaet indeholder blandt andet klientens basisoplysninger, klientens generelle og specifikke risiko- og behovsfaktorer, samt oplysninger om klientens modtagelighed. I figur 1 ses et udsnit af sektion 1 af skemaet.

Figur 1. Udsnit af sektion 1 af LS/RNR-vurderingsskemaet

1 LS/RNR		2 R/B-profil		I GANG	
1 Generelle r/b-faktorer		2 Specifikke r/b-faktorer		3 Fængsels erfaringer	
4 Andre klientrelaterede problemer		5 Modtagelighed		6 Opsummering og tilsidesættelse	
1.1 Kriminalitetshistorik					
Hjælp					
1. Tidligere domme/afgørelser før det fyldte 18 år (antal <input type="text"/>) eller tidligere domme som voksen (antal <input type="text"/>)		<input type="radio"/> Nej	<input checked="" type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
2. To eller flere tidligere domme/afgørelser som ung/voksen		<input type="radio"/> Nej	<input checked="" type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
3. Tre eller flere tidligere domme/afgørelser som ung/voksen		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
4. Tre eller flere pådømte forhold i aktuelle dom (antal <input type="text"/>)		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
5. Pågrebet af politiet før det fyldte 15. år		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
6. Nogensinde afsonet en ubetinget straf		<input type="radio"/> Nej	<input checked="" type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
7. Nogensinde fået disciplinærstraf eller advarsel under afsoning (antal <input type="text"/>)		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
8. Ny sigtelse, indberettet eller genindsat for vilkårsovertrædelse i forbindelse med tidligere tilsyn		<input type="radio"/> Nej	<input checked="" type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
<input type="checkbox"/> Styrke?					
1.2 Uddannelse og beskæftigelse					
Hjælp					
9. Aktuelt uden beskæftigelse		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
10. Ofte uden beskæftigelse		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
11. Har aldrig været i beskæftigelse i en sammenhængende periode på 12 måneder		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
Skolegang					
12. Er udgået af grundskolen uden afgangsprøve		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
13. Er uden afsluttet ungdomsuddannelse		<input type="radio"/> Nej	<input checked="" type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
14. Udelukket eller bortvist fra skole/uddannelse mindst én gang		<input checked="" type="radio"/> Nej	<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info	
15. Engagement og præstation		<input type="radio"/> 3	<input checked="" type="radio"/> 2	<input type="radio"/> 1	<input type="radio"/> 0
16. Relation til kolleger/klassekammerater		<input type="radio"/> 3	<input checked="" type="radio"/> 2	<input type="radio"/> 1	<input type="radio"/> 0
17. Relation til autoriteter		<input type="radio"/> 3	<input checked="" type="radio"/> 2	<input type="radio"/> 1	<input type="radio"/> 0
<input type="checkbox"/> Styrke?					
1.3 Familie og parforhold					
Hjælp					
18. Utilfreds med parforhold eller situation som single		<input type="radio"/> 3	<input checked="" type="radio"/> 2	<input type="radio"/> 1	<input type="radio"/> 0
19. Utilfredsstillende relation, forældre		<input type="radio"/> 3	<input checked="" type="radio"/> 2	<input type="radio"/> 1	<input type="radio"/> 0
20. Utilfredsstillende relation, familie i øvrigt		<input type="radio"/> 3	<input checked="" type="radio"/> 2	<input type="radio"/> 1	<input type="radio"/> 0
21. Nær familie/partner dom for kriminalitet		<input checked="" type="radio"/> Nej		<input type="radio"/> Ja	<input type="radio"/> Utilstrækkelig info
<input type="checkbox"/> Styrke?					

LS/RNR-vurderingen besvares af en rådgiver i KiF eller en casemanager i fængslet på baggrund af et interview med klienten og øvrige oplysninger fra journalen. Det er rådgiverens/casemanagerens vurdering, som lægges til grund ved besvarelsen og ikke alene klientens oplysninger. På baggrund af besvarelsen udregnes en score, som anvendes til at inddele klienten i én af fem risikogrupper, hhv. meget lav, lav, mellem, høj og meget høj. Risikoscoren er vejledende i forhold til indsatsniveauet overfor klienten, fx tilsynshyppigheden. På baggrund af besvarelsen af LS/RNR dannes endvidere en risiko- og behovsprofil, hvor det mere specifikt fremgår, hvilke risikofaktorer klienten scorer højt på – og dermed også giver en oversigt over hvilke områder Kriminalforsorgen bør iværksætte indsats overfor klienten for at sænke dennes recidivrisiko. I figur 2 ses et eksempel på en sådan risiko- og behovsprofil.

Figur 2. Eksempel på risiko- og behovsprofil fra LS/RNR

1 LS/RNR 2 R/B-profil
I GANG

Hjælp

7 Risiko- og behovsprofil

Risiko/behov	KH	UB	FP	FR	OM	ASP	PHT	AM	Total	R/B 1	Tilsidesættelse
Meget høj	8	8-9	4	-	4	7-8	4	4	30-43	Meget høj	Meget høj
Høj	6-7	6-7	3	2	3	5-6	3	3	20-29	Høj	Høj
Mellem	4-5	4-5	2	1	2	3-4	2	2	11-19	Mellem	Mellem
Lav	2-3	2-3	1	-	1	1-2	1	1	5-10	Lav	Lav
Meget lav	0-1	0-1	0	0	0	0	0	0	0-4	Meget lav	Meget lav

Forkortelser

KH: Kriminalitetshistorik	UB: Uddannelse og beskæftigelse	FP: Familie og parforhold
FR: Fritid	OM: Omgangskreds	ASP: Alkohol- eller stofproblemer
PHT: Prokriminel holdning og tænkning	AM: Antisocialt mønster	R/B 1: Risiko- behovsniveau sektion 1

Klienten har ikke deltaget i udarbejdelsen af LS/RNR

RNR i KiF

Projektet om RNR i KiF består dels i at uddanne rådgiverne i at anvende risiko- og vurderingsredskabet LS/RNR samt i at uddanne rådgiverne i en ny tilsynsmetode, som kaldes for MOSAIK (Motiverende Samtaleintervention i Kriminalforsorgen). MOSAIK er udviklet af RNR-udviklingskonsulenter fra Direktoratet for Kriminalforsorgen. MOSAIK er inspireret af den canadiske tilsynsmodel STICS og følger RNR-principperne. Målgruppen for MOSAIK er klienter, der scorer mellem, høj eller meget højt i risikoniveau (risikoprincippet). I implementeringsfasen (2013-2016) har fokus imidlertid været på klienter med høj eller meget højt risikoniveau. MOSAIK er en tilsynsmetode, som er målrettet klienternes kriminogene behov (behovsprincippet) og som tager udgangspunkt i kognitiv adfærdsterapi og social indlæringsteori (modtagelighedsprincippet).

MOSAIK består dels i, at der anvendes en bestemt struktur for samtalen (check ind, opsummering, temaarbejde om kriminogene behov og afrunding), og dels i, at rådgiveren laver forskellige øvelser med klienten. I øvelserne er formålet at identificere, undersøge og påvirke klientens prokriminelle holdninger og værdier og samtidig at motivere klienten for en forandring i prosocial retning. Figur 3 illustrerer et eksempel på en af disse øvelser, hvor man anvender såkaldte værdikort. I værdikortøvelsen bliver klienten bedt om at vælge tre billeder, som symboliserer nogle vigtige værdier for ham, og dette er så udgangspunktet for at tale om, hvilke mål klient og rådgiver skal arbejde med under tilsynet. Andre øvelser består i at lære nye mønstre, at arbejde med påvirkninger/adfærd/konsekvens samt at arbejde med problemhåndtering.

Figur 3. Eksempler på fotos som anvendes i værdikortøvelsen i MOSAIK



RNR i fængsler

Projektet om RNR i fængsler er tæt knyttet til et andet projekt i fængslerne, der omhandler indførelsen af nye modtagelsesprocedurer. Begge projekter har således været del af en større ændring, hvor formålet har været at forbedre måden man modtager og udreder klienter i fængslerne. Projektet vedrørende modtagelsesprocedurer har bestået i at oprette fysiske modtagelsesafdelinger på fængslerne – eller alternativt modtagelsesprocedurer, hvis det ikke har været muligt at oprette en særskilt afdeling. Endvidere er der som del af dette projekt ansat casemanagers til modtagelsesafdelingerne, og disse casemanagers er blevet uddannet i at anvende LS/RNR. Derudover har man indført afsoningsplaner for de indsatte.

I praksis foregår RNR i fængsler ved, at den nyindsatte klient i forbindelse med modtagelsesproceduren får udført en LS/RNR risiko- og behovsvurdering af casemanageren på fængslet. Casemanageren anvender herefter den risiko- og behovsprofil, som bliver dannet ved LS/RNR-vurderingen, til at vurdere, hvilke behov klienten har og deraf hvilke indsatser, der bør iværksættes i forbindelse med afsoningen. Indsatserne prioriteres i afsoningsplanen. Når klienten overgår fra modtagelsesforløb til afsoningsforløb kopieres afsoningsplanen til handleplanen og herefter iværksættes de forskellige indsatser. Indsatserne kan fx bestå i behandling for misbrug, uddannelse, programvirksomhed, og arbejdsstræning.

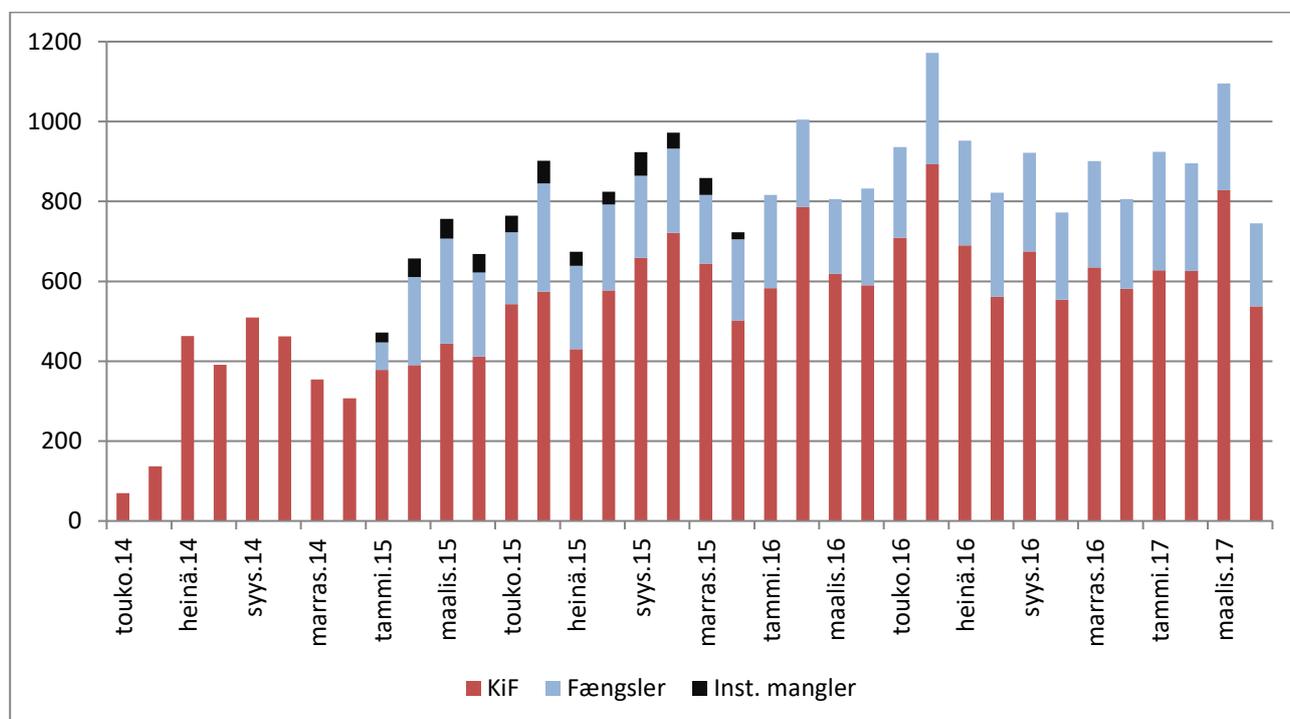
Ligesom i KiF har RNR-udviklingskonsulenterne i Direktoratet for Kriminalforsorgen også udviklet en RNR-baseret indsats, som kan anvendes i fængsler. Indsatsen hedder MOVE – Dine mål – din fremtid. Målgruppen for MOVE er indsatte med mellem, højt eller meget højt risikoniveau. Indsatsen består af 8 moduler og har en varighed på 8 uger med to ugentlige sessioner. MOVE gennemføres i grupper på 3-12 deltagere og der er løbende optag til gruppen. MOVE har alene været afprøvet som pilotprojekt i ét fængsel i 2016. MOVE er således ikke fuldt implementeret i alle fængsler ligesom MOSAIK er blevet det i KiF-afdelingerne.

Status på implementering af RNR og evaluering af projekterne

I 2017 er status på projekt RNR i KiF, at alle rådgivere er uddannet i LS/RNR og MOSAIK. At rådgiverne er blevet uddannet er dog ikke det samme som at sige, at de anvender det i fuldt omfang. Forskellige opgørelser fra Direktoratet for Kriminalforsorgen viser, at det langt fra er alle tilsynsklienter, som får foretaget en risiko- og behovsvurdering med LS/RNR. I det seneste tal (for 2017) fra Ledelsesinformationssystemet i Kriminalforsorgen viser, at 55 pct. af klienterne i nyoprettede tilsyn har en LS/RNR-vurdering. Der synes dog at være en stigende tendens, eftersom andelen var 50 pct. i 2016. MOSAIK synes heller ikke taget i brug fuldt ud af rådgiverne. Der er dog ingen "hårde data" (som fx registerdata eller anden form for registrering), som kan belyse dette, men den igangværende procesevaluering giver indtryk af, at den nye tilsynsmetode ikke anvendes af rådgiverne i KiF i fuldt omfang. I 2017-2020 overgår projekt RNR i KiF til en stabilitets- og forankringsfase, og i 2021 forventes projektet at kunne overgå til en fase med bæredygtig drift.

Status på projekt RNR i fængsler er, at alle fængsler har oprettet modtagelsesafdelinger eller – procedurer (fra 2015). Der er indført afsoningsplaner for de indsatte, fængslerne har ansat casemanagers til modtagelsesafdelinger, og casemanagers og socialrådgivere i fængsler er blevet uddannet i at anvende LS/RNR. Den faktiske anvendelse af LS/RNR overfor nytilkomne klienter synes at gå lidt bedre i fængslerne end i KiF. I fængslerne fik 82 pct. af nyindsatte (i målgruppen) foretaget LS/RNR i 2016, mens andelen er 89 pct. i 2017. Også hvad angår oprettelsen af afsoningsplaner ligger fængslerne højt (98 pct. i 2017).

Figur 4. Antal gennemførte LS/RNR-vurderinger fra maj 2014 til april 2017



Af figur 4 fremgår antal gennemførte LS/RNR-vurderinger fra perioden maj 2014, hvor LS/RNR blev taget i brug (af KiF) til og med april 2017. LS/RNR blev taget i brug i fængslerne fra januar 2015 i forbindelse med indførelsen af den nye modtagelsesprocedure. Som det fremgår af figuren bliver der gennemført mellem 400-800 LS/RNR-vurderinger i KiF hver måned. Der er således en vis variation i anvendelsen i KiF. I fængslerne synes niveauet at være mere stabilt med godt 200 LS/RNR-vurderinger pr. måned.

Det skal dog bemærkes, at figuren alene viser, hvor mange LS/RNR-vurderinger som er blevet oprettet, men ikke, hvor mange som *burde* blive oprettet. Som nævnt ovenfor synes der særligt at være problemer med implementeringsgraden af LS/RNR i KiF. Det er en af de problemstillinger, som allerede er blevet belyst delvist, men som skal belyses i endnu højere grad i den igangværende evaluering af projekt RNR i KiF.

Projektet om RNR i KiF evalueres af Analyse og Evalueringsteamet i Direktoratet for Kriminalforsorgen. Evalueringen består dels af en procesevaluering og dels af en effektevaluering. Den første rapport vedr. evalueringen udkom i 2016, mens nummer to rapport udgives snarest (Clausen 2016, Rönneling & Lund-Sørensen – under udgivelse). I rapporterne berøres blandt andet den ringe implementeringsgrad af LS/RNR, og der gives forskellige forklaringer på dette. Forklaringerne omtales som hhv. den organisatoriske udfordring, den rådgivermæssige udfordring og den klientmæssige udfordring.

Den organisatoriske udfordring er, at projektet RNR i KiF er blevet implementeret som led i en flerårsaftale, som indeholder ca. 60 projekter, og dermed i en periode med store forandringer i Kriminalforsorgen. Særligt har flerårsaftaleprojektet om reorganisering af Kriminalforsorgen haft stor betydning for KiF. Nogle KiF-afdelinger er flyttet fysisk eller blevet lagt sammen med andre afdelinger, og alle er lagt ind under den nye institutionsstruktur med en – i hvert fald i overgangsfasen – en noget uklar ledelsesstruktur. Dette har medført stress blandt medarbejdere og højt sygefravær i KiF.

Den rådgivermæssige udfordring er, at projektet om RNR i KiF har medført en stor ændring af rådgivernes arbejdsmetode. Hvor der tidligere var metodefrihed blandt rådgiverne, er de nu blevet uddannet i særlige metoder, som skal anvendes i tilsynet. Dels skal rådgiverne anvende LS/RNR til at foretage en struktureret risiko- og behovsvurdering af klienten, og dels skal nogle tilsynsklienter modtage MOSAIK, hvilket indebærer at tilsynssamtalen skal struktureres på en bestemt måde, og at rådgiveren skal lave forskellige øvelser med klienten. De nye metoder udfordrer rådgivernes faglige identitet, og det tager givetvis tid før metoderne bliver fuldt ud implementeret blandt rådgiverne.

Den klientmæssige udfordring er, at det ikke er alle klienter, som er lige velegnede til få foretaget en risiko- og behovsvurdering – eller til at deltage i klientøvelserne i MOSAIK. Nogle klienter har så korte tilsyn, at det er svært for rådgiveren at nå at foretage risiko- og behovsvurderingen og/eller arbejde med MOSAIK, andre klienter ønsker ikke at samarbejde omkring LS/RNR og MOSAIK.

Derudover har visse klienter tilmed kognitive vanskeligheder, som gør det vanskeligt få dem at forstå, hvad det handler om.

I de følgende planlagte rapporter vedr. proces- og effektevaluering, vil det blive undersøgt, om implementeringsgraden er steget, ligesom det vil blive belyst, om der stadig er udfordringer, som har betydning for rådgivernes anvendelse af LS/RNR og MOSAIK i tilsynet med klienterne.

Projektet om RNR og ny modtagelsesprocedure i fængsler evalueres af KORA - Det Nationale Institut for Kommuners og Regioners Analyse. I evalueringen af dette projekt er der også planlagt en række undersøgelser, som dels belyser, om de nye tiltag har en recidivhæmmende effekt, og dels belyser hvordan de nye tiltag er blevet implementeret og hvordan de fungerer i fængslerne. Evaluering af pilotprojektet MOVE er også en del af denne evaluering og rapporten vedr. MOVE er udkommet (Permin Berger m.fl. 2017). Evalueringen viser, at 50 indsatte har deltaget i MOVE i projektperioden (2016). Af disse har 35 indsatte gennemført programmet. Generelt vurderes det, at der er gode erfaringer med MOVE, og at der er stor tilfredshed med programmet både blandt de indsatte, der har deltaget i MOVE, og blandt instruktørerne i programmet. MOVE bliver ikke udbudt i 2017, men der arbejdes pt. i Direktoratet for Kriminalforsorgen på, at MOVE kan udbydes på 1-3 fængsler i 2018.

Litteratur

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Law students behind bars

Dr. Linda Kjær Minke¹⁰¹

In 2016 the University of Southern Denmark,¹⁰² Department of Law and Soebysøgaard prison¹⁰³ agreed on a partnership in education.¹⁰⁴ The partnership agreement implies that the Law School offers a 5-ECTS elective course *Crime, punishment, and crime preventive strategies* at bachelor level. The aim of the course has several elements, but some key elements are to assess the resources, skills, and experience available among incarcerated people and law students; to combine theoretical and practical knowledge of criminal justice matters and to build bridges between the prison and the surrounding society.¹⁰⁵

In total 24 students can be enrolled at the course. Half of the places are reserved for incarcerated people at Soebysøgaard prison and the other half of the places are reserved for law students at University of Southern Denmark. The exam is two-part: a written synopsis (5-10 pages) in groups of students from the inside and outside and an oral individual examination. The exam is assessed by an external censor.

A special agreement among head of studies at University of Southern Denmark and the course administrator makes it possible to enrol people who don't meet the formal entry requirements – such as a high school diploma – at University of Southern Denmark. The course administrator makes a professional assessment on how practical knowledge about crime, punishment and crime preventive strategies can qualify (gives credit) for enrolment at the course. Based on the written recommendation the head of studies at university decides whether the person without formal entry requirement can access the course. Until now the head of study has enrolled all applicants who have been recommended. Before the final enrolment at the course all applicants (both inmates and law students) are interviewed about their motivation on doing the course.

A total of 60 students have applied for being enrolled of which 46 different students have been admitted.¹⁰⁶ Four drop-outs include three incarcerated people because of their release and one law student who withdrew because of sick-leave just before course start. All students who completed the course (N=42) passed their exam with an average score equal to C.¹⁰⁷

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¹⁰² Located less than 20 kilometer from Soebysøgaard prison.

¹⁰³ Soebysøgaard prison has a capacity of 176 male prisoners of which 42 are imprisoned in a maximum security block (Minke & Birkmose 2015).

¹⁰⁴ For more about prison and university partnerships see Armstrong & Ludlow 2016; <http://www.prisonerseducation.org.uk/PUPiL>; <http://www.insideoutcenter.org/network.html>

¹⁰⁵ Minke 2017a.

¹⁰⁶ In 2017, a total of 14 applicants among the Law Students had to be rejected due to a lack of places on the course.

¹⁰⁷ Minke 2016, 2017b.

Evaluation Schemes and results

To assess the student's benefit from the course, all students were asked to fill out an evaluation scheme at the end of the course. In total 42 schemes were handed out and 36 were filled out anonymously (Minke, 2016; 2017b). The response rate was 86 per cent.

Students course evaluation schemes showed that by sharing theoretical and practical knowledge, students felt they got the best of both worlds. Students felt they were able to use each other's resources, for example for writings and wording. As a student from the inside puts it: "I had the words, but they [law students] could write (...) We could share our knowledge criss-cross." A student from the inside claimed that: "There was something that prisoners knew about the law that outside-students had never thought about." Both incarcerated people and law students felt their knowledge and experience on criminal justice matters were assessed. A law student commented in the evaluation scheme that the course had extended his or her knowledge on the complexity of law cases by being able to look at a case from both sides: The legal system and the people who have been judged by the legal system, and both sides' understanding of the law and regulations. The two groups felt they were experts in each of their areas and they could highlight different facts in law text and on imprisonment. So in that way it seems that the goal of combining knowledge and thereby creating synergy was achieved.

The aim was also to build bridges between the prison and the surrounding society and to share knowledge. By inviting experts inside the prison to give lectures on topics like police work, prosecution and judging, it is possible to extend the prison-university partnership to a wider group in society and share knowledge among a wider group of people. Personal e-mails from a police officer, a prosecutor and a judge show that they were enriched especially by meeting and talking with inmates during what were quite different circumstances from what they were used to when meeting offenders or inmates.

Final remarks

Thus, in conclusion, all in all it is very enriching to do partnerships between prisons and university/educational institutions. Students from the inside and outside benefits from sharing knowledge and legal representatives gets a deeper understanding on the complexity on causes of crime and imprisonment. But teaching inside a maximum secured facility also poses some challenges. One challenge is the limited ways of communication. In a maximum secured prison there is very limited or no access to internet and all communication with students from the inside had to pass through the prison manager or the prison teacher. It proposed lots of extra work for staff. When people from the outside enter a maximum secured facility they have to be security checked by staff. Because students from the inside have contact to people from the outside they have to go through strip-searches afterwards. These strip-searches can be felt very humiliating and some students from the inside considered to drop out because of that.

On the other hand all involved (prison service, staff, students and teacher) finds the teaching model so enriching and inspiring that the challenges seem minor in a broader picture so the course will run for the third time spring 2018. As last time a couple of former participants among students from the inside will voluntarily participant in the role of being my teaching assistant.

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PARALLEL SESSION 3C: Post-prison and financial security

Former prisoners' narratives about employment and unemployment

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Introduction

It is well known that there are many problems facing former prisoners when entering the labor market. These problems could, for example, be past history of alcohol and/or drug misuse, poor education, lack of previous work experience or employers requiring criminal records. Another problem for former prisoners entering the labor market is long-term unemployment. A further problem for former prisoners entering the labour market could be lack of initiative or interest. For example, in an interview study about barriers to the employment of offenders some ex-offenders claimed that they had insufficient incentive to get a job (Gill, 1997). Ex-prisoners could also argue that they could earn more money from crime than a job. Therefore, many former prisoners required considerable encouragement before they believed they would be likely to be offered employment (Fletcher, 2001).

Although the relationship between employment and crime is a quite well explored research area there is still little qualitative research focusing on how former prisoners perceive and interpret the importance of having a job and how they regard the situation of being unemployed after release.

Method and material

The data material in this study includes narrative interviews with 22 former prisoners in Sweden. In general the data material included a wide selection of respondents with different backgrounds. However, one limitation was that information about age, crimes committed, years in prison, type of illicit drugs used were based on the participants own descriptions. Thus, no official register was used to collect personal details. In total 22 participants (five women and 17 men) were interviewed in 2015. Their ages ranged from 26 to 61 (average = 43.27). Four respondents had been born abroad, the remaining 18 in Sweden. Almost all (21 respondents) had served time in prison, one having only been arrested but not imprisoned. In total, 14 respondents said that they had spent three years or more years in total time in prison and five of the 22 respondents said that they had been in prison for in excess of ten years of time. The shortest total sentence mentioned by a respondent was four months and the longest period was 14,5 years.

Interview themes covered working life before the first sentence, working life after the last sentence, previous education, thoughts about whether an employment is important, thoughts about being unemployed and ideas about future and dream jobs.

This article is based on a narrative approach with the focus on analyzing former prisoners' stories about employment, unemployment and crime. Narratives are stories that could be regarded as a version of reality and transmitted culturally (Bruner, 1991). When analyzing the transcribed interviews a categorical-content approach was used to identify main themes and categories (see Lieblich et al., 1998).

Findings

One theme identified was the importance of having employment to desist crime. Most interviewees said that having a job was a major factor for them not committing a crime. Some argued that a job was a part of a "normal life". Others talked about the significance of an occupation because it was important "to have something to do". For example, one interviewee explained that an occupation was an important factor in being sober, staying free from drugs and not having a criminal identity.

Several interviewees indicated that it was not only employment in itself that was important, but one also has to "value" or "appreciate" the employment. One respondent explained that when he was "a criminal" he regarded having a job as something negative, something connected with those living a law-abiding life, a "Svensson-life" and "boring".

In contrast to some previous studies the respondents argued that a legal income was not one of the most important reasons for having a job. Those that were employed during the time of the interview argued that they were paid much less than before they had been sentenced or that they earned much less than the money they got through drug dealing or burglaries. But to receive money legally was described as better than getting it by illegal means because such monies were "deserved", "my money" or "clean money". One respondent argued that "the money that comes from crime, disappear, it has no value".

Another common theme in the interviews were workplace deviance. Workplace deviance could be defined as conceptualized occupational deviance which is "any harmful or criminal act that is committed by an individual while working within a legitimate occupation" (Davis et al., 2015). Some respondents mentioned that they were working at certain types of workplace only because it was easier to commit crimes and/or use drugs there. For example, one interviewee said that he worked on a ship because it was easier to sell drugs there.

Most respondents said that they had used drugs at work more than once, usually amphetamine, cocaine and/or hashish. Some explained that it became a problem keeping their job when they started combining amphetamines with other drugs, especially heroin or Benzodiazepine. Sometimes they blamed their drug use on hard work.

There were also those who said that they did not want to commit crimes or use drugs at their workplace so instead did these crimes during evenings and at weekends while working throughout the week.

Discussion

In many aspects the results of this study were consistent with previous research in this area. For example, this study showed that to have a job was an incitement for not committing crimes something previous research (e.g. Gill, 1997, Laub and Sampson, 2003) had found. Several respondents explained that employment was a major factor in them not committing a crime and some said that a job was part of a "normal lifestyle".

Another similarity with previous research was the problem of stability in maintaining employment (see Visher et al., 2011). In this study, most respondents explained that had had temporary work, however, it had been rare to get long-term full-time positions.

One contrast to previous research I found that the money in itself was not perceived as important; rather it was argued that "legal money" was better or regarded as a greater value than illegal money.

POST-PRISON LEGAL DEBT COUNSELLING IN DENMARK AND NORWAY

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The project is sponsored by NSfK

Keywords

Post-prison debt; post-prison legal debt counselling; the voluntary sector in criminal justice; trustworthy relationships and communication

Introduction

Recent research shows that released prisoners are facing clusters of cross-legal and non-legal problems post-prison (Olesen, in-press) including the 'trigger' problem of debt that may cause social exclusion (Pleasence et al. 2006). Furthermore, research suggests that post-prison debt has a significant impact on criminal recidivism (Olesen 2013, 2016a; Aaltonen et al. 2016; Harris et al. 2010). In spite of this, researchers have rarely addressed potentials and challenges of post-prison legal debt counselling. Many released prisoners in Denmark and Norway are heavily indebted and in both of these Nordic welfare states the need for legal debt counselling post-prison has been acknowledged. Nevertheless, re-entry programmes and public social services in Denmark and Norway have been destitute when it comes to offering extended post-prison legal debt counselling. Consequently, post-prison legal debt counselling projects have been launched by Voluntary Sector Organisations (VSO) to improve the situation for indebted released prisoners in both countries. This development of VSOs offering rehabilitation services - blurring the line between the third sector and the public sector - should be related to an international trend that is particularly widespread and comprehensive in the US, England and Wales. The relationship between criminal justice and VSOs providing a variety of services to offenders and their families, victims, etc. is well-established but the mentioned new tendencies expand the VSOs role and responsibility in criminal justice by delivering prison, probation and rehabilitation services under contract (see e.g. Tomczak 2017; Meek et al. 2013; Maguire 2012; Mills et al. 2012; Corcoran 2011). VSOs offering rehabilitation services in Denmark and Norway have not undergone the same 'payment-by-result development' identified in e.g. the US, England and Wales (Helminen 2016). Nevertheless, new funding structures, social measurement impact, etc. are affecting rehabilitation outcome strategies among the VSOs offering rehabilitation services in Denmark and Norway (Olesen 2016b).

Scope and data

The presented ongoing study examines VSOs offering post-prison legal debt counselling in Denmark and Norway from three different perspectives. Firstly, the study comprises the organisational paradoxes and structural barriers faced by the VSOs. This perspective includes

internal and external tensions affecting everyday work of VSOs offering post-prison legal debt counselling. Secondly, it includes case handling and how post-prison legal debt counselling is processed inside VSOs (mainly offered by non-lawyers (see Moorhead et al. 2003)). Thirdly, the study examines the VSOs' sensitive work and trust-building communication by questioning how volunteers experience their debt counselling and relationship to the released prisoners; and how the released prisoners experience debt counselling and the relationship to the volunteers.

To secure a fair number of post-prison legal debt counselling programmes the study includes VSO programmes from both Denmark and Norway. The populations, living conditions, legislation and penal policies of Denmark and Norway are very similar and the two countries have been selected for investigation due to the most-similar method (Seawright & Gerring 2008). The ongoing study employs a combination of observations and face-to-face interviews (Brinkmann & Kvale 2015; DeWalt & DeWalt 2011). It consists of 35 interviews with head of organisations, volunteer legal debt counsellors (with varied social and professional background), and released prisoners offered legal debt counselling; and 20 observations of legal debt counselling and training modules of volunteer legal debt counsellor. Two purposes have framed the qualitative data collection. Initially, interviews with head of VSOs (7) and organisation documents were collected to outline the field of VSOs (7) offering post-prison legal debt counselling in Denmark and Norway. In addition, the data collection focused on one Norwegian and one Danish VSO with a similar user-approach and working procedures.

The following brief summary of the presentation concentrates on the study's third perspective about VSOs' sensitive work and trust-building communication.

Challenges of fulfilling the informal obligations for receiving legal debt assistance

Legal aid scholars have underlined how vulnerable social groups in society face difficulties seeking legal support (see e.g. Carlin & Howard 1966; Eidesen et al. 1975; Sandefur 2008) and socio-legal research has shown how it is only the 'tip of the iceberg' of justiciable problems that enter legal institutions (Felstiner et al. 1980/81; Miller & Sarat 1980/81). These gaps in access to justice may be related to understanding and language challenges of identifying and voicing justiciable problems (Felstiner et al. 1980/81) and being unable to manage 'troubles-telling' and 'troubles-talk' (Jefferson 1988; Jefferson & Lee 1981). My present findings should be seen in the light of these studies, as the findings argue that released prisoners struggle to understand their interrelated cross-legal and non-legal problems, name their debt issues and seek help. Furthermore, the findings suggest that regardless of the released prisoners being fostered to be welfare clients and 'habitualised' to interact with welfare authorities they did not use these welfare authorities as 'audience' for their legal debt problems. Consequently, the released prisoners had complex first-hand experiences of the welfare authorities performing as both supporters, 'problem makers', and creditors which gave rise to untrustworthiness and unpredictability and made it even more difficult for the released prisoners to voice justiciable problems.

Trust building by distinguishing from welfare authorities

The released prisoners distrust to welfare authorities is of major concern for the VSOs providing post-prison legal debt counselling and the study identify how the VSOs in many ways try to develop an infrastructure that distinct their organisation, staff members and services from the welfare system. 'Social matching', time and a holistic and interdisciplinary approach are some of the VSOs' strategies to distinguish from welfare authorities.

In regard of 'social matching' a VSO explained how a good chemistry between the volunteer and the released prisoner was of great importance to them and that they prioritised social matching even though it might meant that volunteers were without work and released prisoners without help for a period of time. A head of organisation elaborate on the time consuming 'social matching':

We're trying to get to know the volunteers and participants to be able to match them. In the debt work, we're trying to think about lifestyle and personality and stuff like that. A businessman can be rather hard core and that works very well for some while others get scared. Again, if we got a cool charming guy who can twist people around his little finger we're not matching him with a sweet young girl. Instead, we would probably take one of those guys who say 'damn it now you listen!' So, we're trying to use the differences and qualities in a clever way. But it's a lot of work (Head of organisation).

Using time as a resource to build trustworthy relations with the released prisoners was another way to make sure that the VSOs' post-prison legal debt counselling did not come across the released prisoners as a service related to the welfare authority. Many released prisoners had previously experienced to be cut off in time-pressuring decision-makings and to be placed in standby positions waiting for some authorities to make decisions on their behalf. The VSOs therefore spend a lot of time on small talk and coffee drinking with the released prisoners to get to know them and to invite them to troubles-talk. A volunteer legal debt counsellor sums up the patience that is highly valued in the VSOs' work with released prisoners: *It'll [the debt case] take as long as it takes (legal debt counsellor)*. Time and accessibility is also mentioned and valued e.g. by this released prisoners: *We talk a lot. If there is a problem I give John [his legal debt counsellor] a call. It's never an issue and he always pick up (released prisoner offered legal debt counselling)*.

Furthermore, VSOs knew that many of the released prisoners had struggled to navigate the maze of a number of Social Service departments to receive help. Therefore, the VSOs aimed to provide post-prison legal debt counselling by putting their users at the centre of their support and offer services (beside legal debt counselling) around their needs to avoid 'silo thinking' (see also Noone 2007; Wood et al. 2009; Melville & Laing 2008).

Findings suggest that the challenging and sensitive relationship between indebted released prisoners and volunteer legal debt counsellors successfully can be based on trust. Furthermore,

findings argue that 'social matching' between released prisoners and volunteers based on social, mental and cultural matching assessments can have a positive impact on trustworthy relationship development and rehabilitation initiatives.

Final remarks

- Debt is a trigger problem and criminal risk factor
- Awareness of new trends and relations between criminal justice and VSOs
- VSOs offering legal debt counselling take on great rehabilitation responsibility
- Identifying clusters of complex problems of a vulnerable and distrustful group like ex-prisoners is challenging and call for an outreach infrastructure approaching legal work through trust-building communication
- VSOs develop strategies based on 'social matching', time, and a holistic and interdisciplinary approach to distinguish from welfare authorities the released prisoners distrust

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PARALLEL SESSION 4A: New areas of police work

Reguleringen av illegal ulvejakt i Norge

Paul Larsson

"Det er råderetten som de føler blir truet. De føler seg ikke som herrer i eget hus lenger, ulven er noe de har fått, som påvirker livene deres uten at de kan gjøre stort med det." (Kilde i SNO)

Siden ulven kom tilbake til de svensknorske skoger på 1980 tallet har den blitt møtt med blandende følelser. Konfliktnivået rundt ulven på begge sider av grensen har tidvis vært meget høyt. Det er særlig tilspisset i de områdene hvor man har fått en fast stamme tilbake. Det er i den såkalte ulvesonen som strekker seg fra søndre Østerdalen gjennom Hedmark på østsiden av Glomma via Akershus og ned i Østfold (Meld. St. 21 2015-2016).

De ulvekritiske røstene har dominert mye av den offentlige debatten i disse områdene, mens undersøkelser viser at befolkningen er delt med et flertall som stiller seg positive til ulven i naturen¹⁰⁸ (Skogen mfl. 2013).

Undersøkelsen som denne presentasjonen bygger på er Finansiert av Norges forskningsråd¹⁰⁹, den er del av et større prosjekt som Larsson ved Politihøgskolen i Oslo utfører sammen med Ketil Skogen og Olve Krange ved NINA (Norsk Institutt for Naturforskning). Skogen og Kranges undersøkelser tar for seg holdningene til ulv blant jegere og i utvalg av befolkningen, mens Larssons tar for seg reguleringen av illegal ulvejakt. Vi samarbeider med Svenska Lantbruksuniversitetet i Uppsala (SLU) som arbeider med mange av de samme problemstillinger.

Min del av forskningsprosjektet tar for seg de polisiære aspektene ved illegal jakt på ulv. Undersøkelsen som startet opp i 2016 og vil bli ferdig i løpet av 2018 bygger på intervjuer med personell fra politiet lokalt og sentralt (ØKOKRIM) og SNO samt andre med tilknytninger til feltet som rovviltkontakter og forskere. Så langt, juni 2017, er 11 personer intervjuet, alle i Hedmark fylke. Foruten intervjuer er straffesaker en viktig kilde for informasjon og da særlig den såkalte Elverumsaken hvor 5 personer ble domfelt som endte med dom i Høyesterett 1 september 2016.

Undersøkelsen tar for seg ulike problemstillinger opp mot kontrollen av den illegale aktiviteten. Mest sentralt er de dilemma som kontrollpersonell, særlig politi, opplever i forhold til knytninger og sympatier i forhold til ulvejakt og miljøer som bedriver illegal ulvejakt. Splittelsene og motsetningene som eksisterer innen lokalbefolkningen må man anta påvirker det lokale politiet på ulikt vis. I verste fall ved at de selv "tar side". Lokale tjenestemenn blir «fanget av befolkningen» som en politikilde sier. Det er også et spørsmål om hvordan etterforskning av slike saker påvirker den lokale tilliten til politiet, noe man så tydelig i Elverumsaken hvor befolkning og media stilte spørsmål ved politiets ressurs- og metodebruk opp mot "lovlydige" borgere. Denne type kritikk er ikke ny, man har ofte sett det i etterforskning av rovviltsaker (Økokrim 1994).

¹⁰⁸ Noe som selvsagt også avhenger av antall ulv og hvor man mener den skal være.

¹⁰⁹ ILLEGAL HUNTING AS A CHALLENGE TO NATURAL RESOURCE MANAGEMENT AND LAW ENFORCEMENT: CONTESTED LEGITIMACY AND RESISTANCE

Om illegal ulvejakt

Mye tyder på at det siden 1990 tallet har foregått betydelig illegal jakt på ulv. Det må først nevnes at det også foregår lovelig jakt på ulv i varierende omfang i Norge. Det er også slik at man kan felle dyr et sted, mens man eksempelvis ikke kan i nabokommunen. Ved felling av ulv i Engerdalen i 2015 hvor jeger tilstod forholdet, hadde den samme handling vær lovelig om den skjedde noen kilometer lenger nord. Dette gjør de normative aspekter mer vanskelige å forklare befolkningen i de områdene hvor jakt er ulovelig. Når befolkningen er delt i det grunnleggende synet på det etisk problematiske i å jakte ulv ulovelig, kan man forstå reaksjonene når personer dømmes til ubetinget fengsel for det. Dette er med på å vanskeliggjøre reguleringen av jakten. Lover som er omstridte, typiske mala prohibita, er det vanskeligere å oppnå lovlydighet i forhold til (Aubert 1954).

Et estimat som ofte nevnes er at anslagsvis 50% av ulv som dør blir avlivet ulovlig i Norge / Sverige (Meld. St. 21 2015-2016). Slike kalkyler er usikre, men at det skytes ut betydelig antall ulv kan man se ut fra den manglende tilveksten som i mange år var i flokkene, samt at individer (selv merkede) forsvinner. Et gammelt anslag er at så mye som 100 ulv er skutt eller forgiftet ulovlig i Norge. Dette skjedde samtidig som man nesten ikke hadde noen etterforskede saker.

Den ulovlige jakten kan ses på flere ulike vis. En ikke ubetydelig del av den er preget av skadeskyting, eksempelvis at ulv skytes med hagle og derved dør en sakte og pinefull død. Dette er også dyremishandling. Svenske undersøkelser av ulv som har blitt påkjørt eller har død av naturlige årsaker har påvist at en betydelig andel av dem har blitt påskutt. Et av de største problemene ved dagens stamme i Skandinavia er innavel. Skal man make å opprettholde en god og genetisk variert stamme er man avhengig av at man lar de rette individene kunne reproducere seg. Den ulovelige jakten er derved et betydelig forvaltningsproblem siden man har satt et lavt tak på antall kull i Norge.

Juridisk sett er ulven i Norge å anse som en alvorlig truet dyreart i følge Høyesteretts avgjørelse 1 sept 2016. Dette tross at den er en gren av den Ruiske stammen som er betydelig. Illegal jakt er også et brudd på loven om biologisk mangfold (Lov 2009). Sist men ikke minst gir Bernkonvensjonen ulven i Norden strengt vern.

Innen politiet har illegal jakt av ulv blitt prioritert fra Riksadvokatens side det siste tiåret. Det er derved et av de områdene hvor politiet skal sette av ressurser. Dette var en av bakgrunnene for at man satte av etterforskningsressurser opp mot Elverumsområdet fra 2008. I området Engerdal, Trysil og Elverum, ned mot Våler så man klare tegn på at det foregikk ulovlig jakt, ikke bare på ulv, men også på bjørn. Mye tydet på at man hadde og har organiserte miljøer som driver ulovlig jakt på store rovdyr. Gjennombruddet fikk man i en bjørnesak fra Trysil i 2008 og senere i 2013 når man fikk muligheter til å benytte overvåkning av telefoner hos mistenkte¹¹⁰ (Larsson 2017).

¹¹⁰ Dette skjedde med utvidelsen av definisjonen av organisert kriminalitet juni 2013. Dette var viktig fordi det kreves en minimumsgrense på 10 års strafferamme, noe man da fikk ved å plusse sammen Strlv §60 a med 5 år og den såkalte generalklausulen med 6 års ramme.

Det skal understrekes at motivene bak den illegale ulvejakten nok er sammensatte. De vil jeg ikke gå inn på her når de krever en mer grundig drøfting. Det må likevel nevnes at situasjonen nord og sør i Hedmark er noe ulik. I nordfylket har man betydelig husdyrhold, særlig med sau. Som en kilde sier, sau og ulv går ikke godt sammen. Dette er nok en grunn til at disse delene av fylket, sammen med de delene som har reindrift, ikke er i ulvesonen. I sørfylket oppfattes hovedproblemet å være ulvens påvirkning på jakt, særlig på elgjakt. Dette har også medført at en rekke skogeiere har gått ut og krevet betydelig ulvejakt og i tilfeller uttrykt klar skepsis mot bestående forvaltning av stammen.

Kontrolldilemmaer

"Politiet har ikke ressurser, kanskje ikke interesse, i alle fall ikke lokalt." (Kilde i SNO)

Det er primært SNO, Statens Naturoppsyn, og politiet som utfører polisiær kontroll av illegal jakt på ulv. Politiet i Hedmark har satt av en fast stilling innen et av landets største fylker, som dessuten har alle de fire store rovdyrene, som skal arbeide som miljøkoordinator. En miljøkoordinator skal dessuten dekke alle former for miljø saker, og spekteret er meget bredt fra arbeidsmiljølovbrudd, forurensning til saker som angår flora og fauna. Det ligger nærmest i sakens natur at denne ene koordinatoren kun får arbeidet med en ytterst liten del av feltet. Illegal ulvejakt har fått mye oppmerksomhet, og flere kilder påpeker at dette ikke er utelukkende bra, fordi det trekker oppmerksomheten bort fra andre former som miljølovbrudd som kan være minst like problematiske. Legger man til at mye av ekspertisen på feltet i Hedmark befinner seg i Elverum og i Østerdalen så ser man at sørdelen av fylket, hvor motsetningene i den senere tid har vært mest tilspisset ikke får god nok oppfølging. Mangelen på ressurser medfører at *det blir litt haløhjertet*, som en politikilde sier.

De som utfører mye av tilsynet og overvåkingen ute i feltet er Statens naturoppsyn. De har flere oppgaver opp mot jakt blant annet ved skadeskyting, men blir også tilkalt når husdyr er tatt av rovdyr. Da utarbeider de rapport på forholdet og avklarer hva slags rovdyr det eventuelt har vært og stadfester fakta i saken. Ved skyting av rovdyr er jeger pliktig til å melde fra. SNO har ansvar for sporing og telling av ulv, samt å følge med på bestanden av rovdyrene. SNO følger ikke opp enkelte jegere eller miljøer, de driver ikke etterretning i den forstand, men de arbeider bevisst opp mot områder hvor de vet det foregår illegal jakt og dyr forsvinner. I så måte kan man si at SNO har polisiære oppgaver slik det defineres eksempelvis av Reiner (2010)¹¹¹.

"Det er fundamentalisme, nesten like ille som i de verste muslimske miljøene". Slik uttrykker en etterforsker de tilspissede meningene angående ulv. For en lokal etterforsker, som kanskje er jeger selv, er det ikke enkelt å fremstå som profesjonell og nøytral når man arbeider i et felt hvor meningene er så sterke.

¹¹¹ Det er noe ulike definisjoner, men de vektlegger at policing handler om 1) å opprettholde og vedlikeholde *orden* i ulike sosiale systemer 2) *kontroll eller overvåking* med formål å opprettholde sikkerheten innen et sosialt system eller sosiale systemer (Reiner 2010).

Flere av kildene i politiet påpeker da også at det er betydelige problemer vedrørende etterforskningen internt i politiet lokalt. En sier: "Det er kollegaer som er på den andre sida." Dette merkes på flere vis. En fra SNO følte seg uvel ved et besøk på en politistasjon fordi stemningene var så tilspissede, flere polititjenestemenn uttrykte at ulvene burde skytes.

En kilde følte seg åpent motarbeidet av andre i politiet, ikke bare i ulvesaker, men mer generelt når han arbeidet med miljø. I forbindelse med rovviltsakene fikk han inntrykk av at etterforskningen ble trenert, at den ikke ble utført godt nok og på ulikt vis motarbeidet slik at de ofte endte med henleggelse. Flere av de intervjuede i SNO uttrykte noe av det samme, en forundring over at anmeldelser og rapporter ikke ble prioritert og vist særlig interesse, ut over enkelte dedikerte ildsjeler av noen tjenestemenn. Grunnen til at det er slik forklares primært med at politiet er for tett knyttet opp mot lokalsamfunnet, mange er selv med i jaktlag og at de derved "fanges" både av holdningene og folks forventninger.

Dette medfører også at politiet er redd for lekkasjer og i verste fall at tjenestemenn selv er med på illegal jakt¹¹². En kilde sier at han har et inntrykk av at jegerne lokalt har litt for god greie på politimetoder uten at han utdyper det nærmere. Under flere etterforskninger utført av Økokrim har politiet på stedet ikke blitt varslet før etterforskerne kom fra Oslo, i stedet har man holdt det hemmelig. Likevel finnes det indikasjoner på lekkasjer i noen tilfeller nevnt i intervjuene.

Problemstillingen med lokalt politi og deres sympatier, men også deres gode lokale kunnskap som er av stor betydning for godt politiarbeid er et klassisk dilemma innen studiet av politiet som strekker seg langt tilbake i tid. Lokalpoliti opparbeider tillit og kunnskap som er uvurderlig, som flere kilder klart understreket. Men de er også utsatt for kontroll fra innbyggerne og sårbare for press som kan påvirke deres oppgaveløsning. Dette er et hovedargument for sentralisering av deler av politiets oppgaver. Et annet er at større sentrale enheter, som Økokrim har betydelig bedre ressurser til å bygge opp spesialisert kompetanse. ØKOKRIM med sin miljøgruppe sitter sentralt i Oslo. De sliter forståelig nok med mindre av rollekonfliktene enn lokalt politi. Hos Økokrim har man eksperter med ulik faglig bakgrunn, blant annet biologer. Elverumsaken var i det store og hele Økokrim sitt arbeide, med god støtte lokalt. Avlytting av telefoner og arbeidet med aktorering var Økokrim sitt hovedansvar, men man hadde hjelp lokalt innen etterforskningen og aksjonene skjedde av lokalt mannskap. Man var i denne saken, som mange andre avhengige av et godt samspill mellom politi med god lokalkunnskap og eksperter som kunne håndtere mye av det tekniske og bevismessige.

De intervjuede i SNO opplever jevnt over mindre dilemma i forhold til sin rolle enn det lokale politiet. Dette fordi de har flere og mer sammensatte roller ute i feltet. De er både veiledere, kontrollører og kan gi nyttige hjelp og tips til jegere. Dette gjør at overvåknings- og kontrollrollen kun er en av flere sider ved deres virksomhet. Politiet forbindes med etterforskning og håndheving

¹¹² At dette ikke er spekulasjoner har man flere eksempler på. Blant annet ble en pensjonert politimann dømt i forbindelse med Elverumsaken for medvirkning til å kjøre bort og skjule beviset (ulven).

av lovene, SNO blir mindre farlige, men ikke helt. Et par av kildene i SNO forteller at det blir raskt tyst med jaktprat angående rovdyr når de dukker opp i butikken eller andre steder.

De forteller også at jegerne følger med på deres bevegelser ute i naturen. Det finnes en rekke kamera satt opp som registrerer bevegelse. Dette er en av de tingene de selv bruker strategisk i de områdene de vet det ofte foregår illegal jakt, de ferdes da oftere i sin uniformerte bil i disse områdene og bruker tid på tilstedeværelse som en form for forebygging. På det viset vet jegerne at de følger med på hva som skjer.

Interessemotsetninger og sosial status

Det er ikke så mye ulven som er hatet som det den har kommet til å representere. Eller for å være korrekt, det er kanskje ikke så mye ulven i det hele tatt som *forvaltningen* av den. På mange vis er det en ny variant av en mye eldre konflikt mellom by og land, om selvrådedrett som en sier. Byråkrater og forskere som representerer byene og maktens sentra griper inn i dagliglivet på bygda. Mot dem står ulike interesser. Ofte fremheves sauebøndene og deres tap, men det er også tydelig at større skogeiere også har tatt en viktig del av konflikten, ofte sammen med jegere.

Som flere påpeker så er konflikten annerledes i nord enn i sør. I nord er det sau, i sør er det jakttap. På toppen av dette kommer følelser av usikkerhet, tap av hund, innskrenket livskvalitet med mer. Å jakte på ulv, skjære opp dekkene på tilsynet eller ulveforskernes biler kan derfor ses på som en manifestasjon av denne konflikten. Uansett gir de sterke holdningene en viss normativ ryggdekning til de som jakter ulovelig.

Sterke følelser mot ulv er ikke nok for å forklare den systematiske illegale jakta på ulv som foregår. De fleste ulvemotstandere jakter ikke ulv ulovelig. Ofte fremheves elementene av motstand (dissent) som bakgrunn for jakta (Essen og Allen 2017). Motstand har alltid vært en del av illegal jakt, Robin Hood og "Danny og den store fasan jakten" er to kjente eksempler på dette. Men det er neppe nok til å forklare fenomenet. Man skal ikke undervurdere betydningen av jakta i seg selv. Flere fremhevet at ulvejakt gir status, at det er spennende og den nærmest altoppslukende betydningen av jakt i manges liv. Ulvejakt er krevende og spennende (kilde). Det feieres ikke bare blant Kenyas Masaier når de har drept en løve, men også blant norske jegere når de har skutt ulv - det vet vi fra Elverumsaken hvor gryterett og gaver stod på bordet når jegeren ble pågrepet i sitt hjem. Jegere tar bilder eller film av ulven, eller de tar med biter av dyret eller hele dyret til utstopping som trofé det er det flere eksempler på. De er stolt, det skal bevises. Hadde det ikke gitt status ville det neppe skjedd.

Et siste element ved den systematiske illegale ulvejakta som skal nevnes er at den synes å foregå i jaktlag. En del av de elementene som ofte fremheves ved gruppers eller gjengers kriminalitet burde være av betydning. Viktig er det at medlemmene i gruppen deler de samme grunnleggende forstillingene og normene. Matza (1964) understreker at gjenger ofte kan medvirke til lovbrudd ved å sette medlemmene i en situasjon hvor de lett glir over i lovbrudd ved at rett og galt settes "i klammer" (drifting). De kan fungere på et vis som styrker troen på hva de gjør, samhold og de sosiale

sidene kan være minst like viktige som jakta i seg selv. Den sosiale dynamikken i jaktlagene og hvem man omgås med er derved en faktor som nok i betydelig grad medvirker til lovbrudd. De ulike motiver som ligger bak jakta er et av de tema som prosjektet fremover forhåpentligvis vil komme opp med mer informasjon om.

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Risk perception in emerging markets for illicit substances in Scandinavia - The effect of available information through online communities^{113 114}

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Abstract

¹¹³ We would like to thank Stud.Scient.Soc. Thea Louise Stoustrup for participation in the data collection of both buyer interviews and netnography on Danish forums.

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Introduction: Along an increasing use and application of technological means in a variety of lawbreaking endeavors drug dealing has additionally taken to the Internet. Cryptomarkets operate as hidden sites on the “dark web”. Through sophisticated use of encryption- and anonymization technologies cryptomarkets manage to operate almost as publicly and accessible as open street markets exemplifying a whole new distributional mode wherein drugs are shipped in the mail between vendors and buyers who never meet physically. Despite the transnational design both buyers and vendors find themselves in local contexts of policing and risk. In this paper we present preliminary findings from a study of risk on cryptomarkets in a Scandinavian context.

Methods: Starting from descriptive results derived from an analysis of data from the DATACRYPTO project we utilize nethnographic observations on cryptomarket related forums.

Findings: While Norway tends toward a domestic market, Denmark tends towards being a global or regional actor. Through nethnographic and qualitative research we find that the Norwegian cryptomarket economy has established online *convergence settings* with active buyers and vendors, whereas no such thing exists in a Danish context.

Discussion: The difference in information available to the Norwegian and Danish buyer may have explanatory power as to the state of the cryptomarket economy in these countries. The information available to buyers is likely to inform their decisions on whether to buy domestically or internationally, and thus the abundance of risk-aware discussion on Norwegian forums may explain the domestic nature of the markets.

Conclusion: Although the project is still ongoing, we here conclude that the availability of nationally specific information changes how risk is perceived and acted upon by cryptomarket participants. Compared to Danish participants, Norwegians have great access to risk diminishing information from other peers to avoid international shipping, which likely is an explanation of the variations in domestic/international sales.

Keywords: drug markets, cryptomarkets, drug trafficking

1. Introduction: 21st century drug dealing

The introduction of pagers and cell phones in drug markets in the 1990’s helped transform drug distribution which moved from open street markets to increasingly being conducted in close networks (May and Hough, 2004). A similar trend is observed in the 2010’s and forward wherein social media, the clear web and the dark web are increasingly gaining prominence as facilitating drug distribution. These changes manifest in a variety of ways with each their own particular qualities and implications for drug distribution. On the open Internet, EMCDDA & Europol (2012) identified 693 Internet shops selling ‘legal highs’ in 2012, whereas previous years had found only 314 in 2011 and 124 in 2010. On social networks, Stevens (2016) presented findings from a police

district where Facebook groups with a combined membership of more than 16.000 users functioned as drug distribution platforms wherein buyers and dealers could connect. And while the evidence is so far anecdotal dealing has been observed on media such as Instagram, Twitter, Craigslist and even the dating app Tinder (Kruithof et al., 2016, Tofighi et al., 2016, p. 31). Attesting to a peculiar blend of openness and closeness, dealing on these platforms is publicly visible, given one knows where to look, yet still more closed than previous networks as messaging apps employing end-to-end encryption (Borisov et al., 2004) can be used for arranging buys (Kruithof et al., 2016).

This public-private nature of social media drug dealing is likewise apparent in a new genre of online drug markets, cryptomarkets, which have moved from the niches of the Internet in 2011 to being a mainstream phenomena today. These are organizationally decentralized marketplaces similar in structure to sites like eBay, Etsy and Amazon wherein vendors and buyers can purchase and vend goods in exchange for a commission to the administrators (Martin, 2014a,b, Christin, 2013, Barratt and Aldridge, 2016). The sites operate in what is popularly known as the *dark web*, a section of the Internet which is inaccessible without the proper software (Barratt et al., 2013). Cryptomarkets are more technologically sophisticated than the previous examples from the open Internet and social media, most notably by providing technological infrastructure, escrow systems and utilizing cryptocurrencies for transactional security. Essentially, however, they share key qualities with the Facebook groups Stevens (2016) observed: The marketplace is public, in the sense that users can pick between vendors who advertise, after which communication is between the buyer and dealer. Consequently, Aldridge and Décary-Hétu (2016) suggest cryptomarkets are *open anonymous markets*.

1.1. Futile policing?

The public-private organization of both social media drug dealing and cryptomarkets, lends itself to particular vulnerabilities. Trade on the platforms is centralized, in the sense that buyers and vendors are mainly to be found on a small number of platforms (Stevens, 2016, Soska and Christin, 2015). Consequently, cracking down on one platform will force users to migrate (Van Buskirk et al., 2014). In Stevens (2016) Facebook groups, this is apparent when a group is shut down, while on cryptomarkets this occurs when law enforcement seizes a site. The cryptomarket ecosystem has shown itself to be highly resilient to such operations suffering only minor and temporary setbacks (Soska and Christin, 2015, Van Buskirk et al., 2017, Décary-Hétu and Giommoni, 2016, Ladegaard, 2017).

The crackdowns on cryptomarkets studied by Van Buskirk et al. (2014), Soska and Christin (2015) and Décary-Hétu and Giommoni (2016) showed a high resilience towards policing measured on quantitative indicators. In addition, the number of dealers arrested following each of these were only a fraction of the number of active dealers. Classical deterrence theory suggests that

individuals weigh the risks and fear of punishment before undertaking illicit activity such as drug dealing (Dickinson and Wright, 2015). The continued operation of vendors and sites, and the non-existent effects that crackdowns have on prices, might suggest that cryptomarket drug dealing is a low-risk endeavor, something which vendors have argued in qualitative research (Van Hout and Bingham, 2014). However, measuring the consequences of crackdowns solely through quantitative indicators such as revenue and prices does not account for all the nuances of cryptomarket drug distribution. For example, Barratt et al. (2016) observe that buyers took drastic steps to increase their 'operational security', after the seizure of Silk Road 2.0, although both Soska and Christin (2015) and Décary-Héту and Giommoni (2016) find no significant effects on the ecosystem as a whole. Likewise, the dissection of law enforcement methodologies is an ongoing phenomena in associated forums (Aldridge and Décary-Héту, 2016, Barratt et al., 2016).

These are not mutually conflicting findings, but rather they suggest a more complicated picture of how law enforcement intervention affects perceived threats and consequently informs praxis (e.g. Cross et al., 2000, p. 76). The effectiveness and outcomes of crackdowns are not only economic, but social as well affecting a range of individual and collective behaviors (Maher and Dixon, 1999). In this paper we present an ongoing research project which addresses this research gap. The project seeks to explore how risk is perceived, constructed and acted upon by cryptomarket buyers in a Scandinavian context. We do so building upon previous findings regarding the Scandinavian cryptomarket experience, which has some particular qualities that sets it aside from the global economy. Our quantitative findings are general and form the foundation for a deeper qualitative inquiry, and so we only briefly present these and suggest the reader consult Demant and Munksgaard (2017) for a detailed description of methodology and findings.

2. Background: Cryptomarkets in Scandinavia

The de facto standard methodology for measuring the cryptomarket economy uses product feedback ('reviews') as a proxy for sales (see Soska and Christin, 2015, Demant et al., 2016, Aldridge and Décary-Héту, 2016, 2014, Décary-Héту and Aldridge, 2015, Kruithof et al., 2016, Christin, 2013). Combining product feedback with product information such as shipping information, product price, product category and so forth provides unprecedented access to detailed data on this genre of drug markets (Barratt et al., 2016). Most reviews will have a date on when it was given, yielding an additional longitudinal dimension to the data. The data was collected through the DATACRYPTO project (Décary-Héту and Aldridge, 2015), and includes

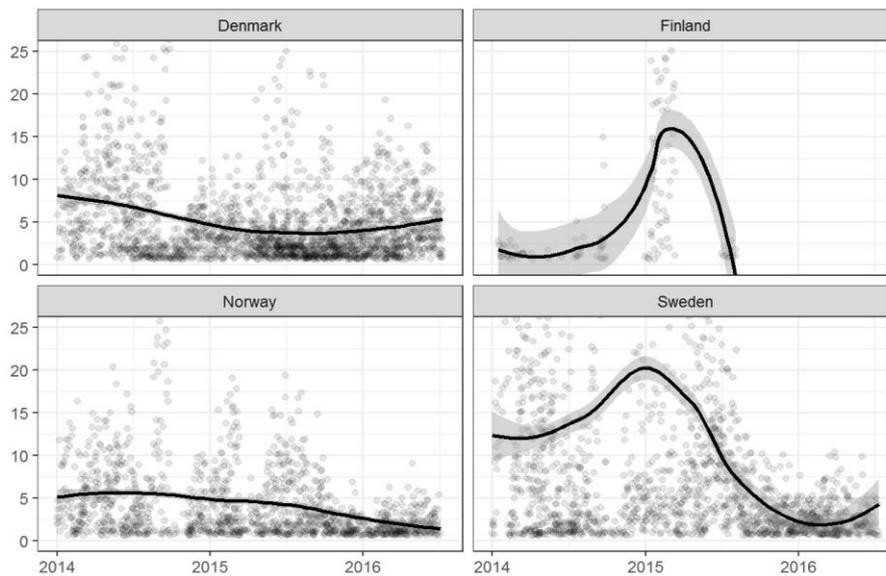


FIGURE 1: DAILY SALES BY SCANDINAVIAN CRYPTOMARKET VENDORS

the markets *Abraxas*, *Agora*, *Alphabay*, *Cryptomarket*, *Dream Market*, *East India Company*, *Evolution*, *Hansa Market*, *Middle Earth Marketplace*, *Nucleus*, *Pandora*, *Silk Road 2.0*, *Silkkitie* and *Valhalla*.

2.1. The Scandinavian cryptomarket economy seems in decline

Figure 1 plots the daily number of transactions associated with Scandinavian vendors from 2014 to mid-2016 with a smoothing LOESS trendline to aid interpretability. As figure 1 illustrates, there are large differences across the four Scandinavian nations. While Norway and Denmark exhibit a long term declining number of daily sales both Finland and Sweden show significant growth ending abruptly in 2015. These developments coincide with stable long-term growth of cryptomarkets (Munksgaard and Demant, 2016, Soska and Christin, 2015).

Reviews are an imperfect proxy since it is not guaranteed that every buyer leaves one. Kruithof et al. (2016) suggest that 71% to 80% of transactions generate feedback, meaning that overall estimates are lower-bound. The actual number of sales by Scandinavian vendors is therefore likely higher than what the figure suggests. Puzzled by the sharp decline in Finnish and Swedish sales we found that coinciding with the declining sales in these countries a cryptomarket aimed at a national audience was launched in each of these.

2.2. The Scandinavian cryptomarket economy is highly local

In Finland, *Silkkitie* was launched as a national market, and in Sweden *Flugsvamp 2.0* operates as an apparent continuation of the original site *Flugsvamp*. The Finnish market was later renamed *Valhalla* and subsequently opened up for a global audience, while the latter currently is only aimed at a Swedish audience. While both *Valhalla* and *Silkkitie* are included in the dataset on which figure 1 is

based, neither provided the date on which a review is posted¹¹⁵. This is likely the cause of the apparent disappearance of Finnish activity evident in figure 1, which suggests that Finnish vendors moved to *Silkkiten*. The declining Swedish activity can be attributed to the introduction of *Flugsvamp* and *Flugsvamp 2.0* with vendors migrating to those sites.

Though cryptomarkets are supposed to be hidden on the dark web, their success, and the profits of both vendors and administrators, necessitate popular knowledge of them¹¹⁶. Through our field-work and public indexes of cryptomarkets we have only found local markets similar to *Silkkiten* and *Flugsvamp 2.0* in Poland, Italy, Russia, France and Germany with the latter three being the most well-known (DeepDotWeb, 2016, Branwen, 2017). Comparatively, Finland and Sweden are among the few countries with cryptomarkets aimed at a local audience and, in comparison to other countries that have such markets, these are small nations in terms of their population.

As these markets are aimed at a national audience, this suggests a thriving domestic market for cryptomarket drug distribution. This is confirmed in table 1 where we present how much of the generated revenue across the markets which we can ascribe to different possible destinations. We use an approximating measure, in which we use the *Ship to*-information on products, which we associate with each transaction measured by proxy through feedbacks. If the item can only ship domestically it is marked as *Domestic* while *Regional* and *Outside region* are properties ascribed to transactions which *could have been shipped regionally or internationally*. The measure therefore likely underestimates the actual size of domestic and regional distribution.

Table 1: Destinations of generated revenue

	Domestic	Regional	Outside region	Revenue generated (USD)
Sweden	47.5%	30.6%	21.9%	2.101.328
Finland	82.3%	13.6%	4.2%	1.534.465
Norway	51.3%	12.8%	36%	1.139.873
Denmark	1.8%	26.7%	71.5%	1.046.357
<i>Europe</i>	13.7%	18.4%	67.9%	199.599.553
<i>United States of America</i>	74.5%	4%	21.5%	161.712.800
<i>United Kingdom and Ireland</i>	28%	11.8%	60.2%	64.585.376

For Sweden and Norway we can with a high degree of certainty say that at least half of all transactions are for domestic buyers. For Finland, the ratio is even higher surpassing USA. With at least 13.7% of European transactions being domestic, both of the three nations appear as outliers in the regional cryptomarket economy. Compared to one of the largest domestic markets in Europe, U.K. and Ireland, the three nations are again more likely to sell products domestically. However, in comparison to the rest of Scandinavia, and Europe in general, Denmark emerges as a peculiar outlier with only a minor fraction of sales likely being domestic.

¹¹⁵ This is likely a security measure to obfuscate vendor revenue from law enforcement.

¹¹⁶ At its most basic, if there is no activity on the market administrators cannot profit from commissions and vendors cannot profit from sales.

While we can conclude that distribution by Scandinavian sellers, besides Denmark, is highly domestic we can not conclude on how much Scandinavian buyers import from other countries. We would expect that, for example, Danish buyers to a high degree buy from outside the national borders. The very limited sales inside Denmark is likely to not be representative of the volume of the market in terms of purchased product (i.e. orders). Seeing as Danish vendors ship internationally, customer may be internationally as well. Further analysis could use seizure data from customs and border agencies. Further, unpublished data from the Danish survey Youth Profile Survey (Ungeprofilundersøgelsen) could provide an alternate estimate of cryptomarket drug purchases.

3. The Scandinavian outlier

Comparatively, Scandinavia appears to be an outlier in comparison to the global cryptomarket economy. Though the general economy has shown steady growth (Soska and Christin, 2015), Scandinavian-based cryptomarket activity has either remained stable, as in the case of Norway and Denmark, or declined in the case of Finland and Sweden. The latter two's decline can likely be ascribed to the emergence of domestic markets, *Silkkitie* and the *Flugsvamp* iterations. In conjunction with the finding that products bought from vendors based Sweden, Norway and Finland are much more likely to be domestic in comparison to the European market, this suggests an interesting tendency wherein Scandinavian cryptomarket activity is highly local and increasingly so. While these numbers do not account for the product that may be shipped to Scandinavia from the rest of Europe and the world, the Scandinavian cryptomarket experience is an apparent outlier in a European and global context.

In this context, risk emerges as a central explanatory concept. The risks encountered by buyers and vendors participating in the cryptomarket economy stem from malicious peers attempting to defraud them, or law enforcement intervention. The latter is intensely linked to national law enforcement contexts and the use of the postal system. For example, Décary-Hétu et al. (2016) find that an increase in perceived national law enforcement effectiveness is associated with a decrease in the probability of cryptomarket vendors offering to ship internationally. Product quantity also has an effect, with larger quantities more often shipping domestically and vendors seeking to keep shipments small (Décary-Hétu et al., 2016, Aldridge and Askew, 2017).

4. Ethnographic approach

Building on the findings from previous research and the observation of a Scandinavian countries as outliers in the cryptomarket economy, we suggest risk perceptions, and by extension law enforcement intervention, as one likely explanation. To study risk perceptions among Scandinavian cryptomarket buyers we rely on observational *nethnography*, or 'lurking', on cryptomarket forums, and qualitative semi-structured interviews. The authors are still collecting and analyzing additional data, in particular interviews of which four have been conducted. Nethnography refers to the

adaptation of ethnographic research practices for online communication (Kozinets, 2002), and we conduct what Garcia et al. (2009) specifically refer to as 'lurking'; passive observational ethnography of online forums. This is the same approach as has been applied in a number of cryptomarket and darkweb-related studies (e.g. Martin, 2014a,b, Bancroft and Reid, 2016a,b, Gehl, 2014, Maddox et al., 2016, Aldridge and Askew, 2017). Over a 3-month period we actively monitored threads on internet forums discussing cryptomarket use focusing on material related to Norway and Denmark. This included searches for threads relating to Norway and Denmark, so as to locate material dating further back. In total we collected 191 forum threads which all contained one or more posts of interest relating to Scandinavian cryptomarket use.

5. Findings

Presently this research project is ongoing and we present one key aspect with explanatory power. In terms of further data processing we intend to emphasize the dynamics in discussions of law enforcement and customs intervention.

5.1. Norwegian and Danish communities

In our preliminary research we sought out both subsections of forums and individual forums aimed at Norwegian and Danish audiences. We found that whereas Norwegians actively participated and built communities around cryptomarkets, no comparable Danish phenomena existed. During the years of Silk Road, the Norwegian participants came together forming a Norwegian discussion thread in the Silk Road 2.0 forum. In late 2015, a forum, subreddit, was created by users on reddit.com which was explicitly aimed at a Norwegian audience. The forum hosts guides, warnings about sellers, and general discussions, and in 2017 the forum had more than 600 subscribers¹¹⁷, with more than 1.000 posts¹¹⁸, by May 2017. We also found other national communities dedicated to cryptomarkets for French, German and UK buyers, but found no specific communities for Danish buyers. We did observe some cryptomarket discussions on Psychedelia.dk and a Danish subreddit dedicated to cannabis use, but the forums are not aimed at aiding cryptomarket use. In addition to the Norwegian subreddit and threads, through our interviews we learned of closed Norwegian online communities spanning the country in which drug and cryptomarket use is discussed. We learned of nothing similar in Denmark, whereas both Norwegian interviewees mentioned it.

Soudijn and Zegers (2012) draw a parallel between *offender convergence settings*, venues where offenders meet (e.g. "tough bars"), and forums for cyber criminals, suggesting that the latter be conceived of as *virtual offender convergence settings*. In the Norwegian threads and forums both buyers and vendors can mingle, exchange experiences, and discuss matters of interest. In the Norwegian communities this encompasses discussion of vendors and products, but also security issues and drug

¹¹⁷ The number of subscribers is not an optimal measure. This is the number of subscribed individuals and includes only reddit users. Unregistered users (i.e. "lurkers"), who cannot subscribe, are not counted.

¹¹⁸ The reddit platform only allows us to go back 1.000 posts, so the number is likely higher.

experiences. Being situated in Norway, they all have to consider similar security risks, and they eagerly ask each other questions and share their own knowledge and experience. Of note, is that both Norwegian buyers *and* vendors participate in forums. This allows for vendors to gauge interest in a new potential product for example.

Some of the conversations have a more personal tone expressing political standpoints like *"Cannot stand all this with others deciding what I use. No one! Has any f***** thing to do with it. My body, my business."*, as well as moral opinions such as *"No one here should judge you and your choices or what you choose to put into your body, but meth... I cannot help people ruin their lives that way."* and *"minors under the age of 18 should not be allowed to buy drugs."* The forums therefore do not only "grease the wheels" of the cryptomarket economy, but also serves to engender a normative context for cryptomarket use and associated crimes (Martin, 2014a, p. 15). Importantly, the forums serve an auxiliary function and are not, at least publicly, places wherein transactions take place. Rather, they are forums for dissecting and discussing various aspects of the cryptomarket drug trade.

6. Discussion

We suggest the difference between the cryptomarket economies of Norway and Denmark may be due to historical and social circumstance, as well as the national law enforcement context. A Norwegian community emerged in the early days of cryptomarkets in a forum thread dedicated to Norwegians, in addition to networks of users in closed channels. Additionally, Norway is not a part of the European Union, meaning that products shipped to Norway have to pass through customs. This may increase the risk associated with using cryptomarkets (Aldridge and Askew, 2017, Décary-Hétu et al., 2016), and consequently there might be a greater need for a space in which experience can be shared and risk evaluated through gossip. Dickinson and Wright (2015) criticize deterrence-theory for assuming that decision-making takes place in a vacuum, and show that drug dealers actively acquire information through gossip. Specifically, *"drug dealers and users learn and share information about each other and law enforcement agents"* which *"informs their decisions and provides them with a sense of control over their environment"* (Dickinson and Wright, 2015, p. 1297). The use of forums to discuss the practicalities of crime is comparable to street gossip, which allows individuals to exceed the limits of their own experiences.

7. Conclusion

There is a stark contrast between the information available to Norwegian and Danish cryptomarket users. The former has an associated community wherein like-minded individuals can meet and discuss various aspects of the drug trade, while no comparable setting exists for Danish users who must use less specialized forums. Therefore, while the prospective Norwegian cryptomarket buyer has more than a thousand forum posts on an open forum from which he/she can learn about risks, sellers, and so forth, his/her Danish peer only has specific threads on cryptomarket use available on forums dedicated to other purposes.

Our further research will examine more closely how forums and experience with cryptomarkets shape risk perceptions. The finding that the informational base on which to estimate risk and make transactional choices differs greatly between Norway and Denmark, suggests that cryptomarket choices are taken in entirely different context. Consequently, the gossip which is exchanged on forums is likely to shape offender behavior.

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Politiet og kriminalstatistikken

Heidi Mork Lomell

Kriminalstatistikken er en sentral kunnskapskilde i kriminologien, men den er også sentral i samfunnsdebatten og i styring og administrasjon av rettsvesenet. Kriminalstatistikken er med andre ord både et kunnskapsverktøy og et styringsredskap.

I mitt foredrag vil jeg vise hvordan kriminalstatistikken har blitt presentert og fortolket i Oslo-politiets årsrapporter fra 1950-2008. Offentlig diskurs omkring sosiale problemer som kriminalitet består ofte av både en diagnostisk og prognostisk komponent, og i lesningen av årsrapportene lette jeg etter begge. Hvilke forklaringer – hvis noen – gis på kriminalitetsutviklingen? Blir tallene relatert til politiaktiviteter, i tilfelle hvordan? Er politiet del av diagnosen og/eller prognosen? Hvordan politiet innrammer kriminalitetsproblemet

i form av årsaker (den diagnostiske komponenten) og løsninger (den prognostiske komponenten), og hvordan de situerer seg selv i diskursen – som del av årsaken og/eller løsningen – både påvirker og er påvirket av samfunnsutviklingen og kriminalpolitikken, men også rådende styringsideologier.

1. Introduksjon

Noe av det første kriminologistudenter lærer, er å utvise forsiktighet når de skal bruke kriminalstatistikk til å si noe om kriminalitetsutviklingen. Endringer i folks anmeldelsestilbøyelighet, politiets prioriteringer og registreringspraksis kan føre til økninger og nedganger uavhengig av faktiske endringer. For at en handling skal ende opp i kriminalstatistikken, må noen oppdage og definere handlingen som kriminalitet, noen må melde fra til politiet, og sist, men ikke minst, politiet må registrere handlingen. En slik kritisk forholdningsmåte er imidlertid ikke bare en del av en akademisk diskurs, den inngår også i politiske diskurser. Ulike aktører bruker kriminalstatistikk til støtte for sin politikk (Dahl & Lomell 2009). Hva man leser ut av tallene er ikke tilfeldig, og ved å analysere lesningene, kan vi komme nærmere en forståelse av hvilke diskurser som til enhver tid påvirker vår fortolkning.

Kriminalstatistikken er en sentral kunnskapskilde i kriminologien, men den er også sentral i samfunnsdebatten og i styring og administrasjon av rettsvesenet. Kriminalstatistikken er med andre ord både et *kunnskapsverktøy* og et *styringsredskap*. Statistikk har alltid vært et viktig grunnlag for de som styrer i politikk, administrasjon og næringsliv. Og den er også viktig for de som vil kontrollere styringsapparat og maktstrukturer.

I dette innlegget vil jeg vise hvordan Oslo-politiet har presentert og fortolket kriminalitetstall gjennom nesten 60 år. Årsberetninger fra 1950 til 2009 vil bli brukt som kilde til å sette søkelys på de politiske og kriminalpolitiske diskurser som kriminalitetstall til enhver tid inngår i. Kort sagt ble kriminalitetstall presentert, brukt og forstått av politiet på en helt annen måte i 1950 enn i 2009. Det er ikke bare kriminaliteten som har endret seg i perioden, men også hva man leser ut av tallene.

Det er *fortellingene om tallene*, ikke tallene selv, som vil være i fokus (se Jon 2007, s. 35). Ved å lese historiske dokumenter ser man bedre "hvordan rapportskriverne er 'fanget' i sin diskurs og preges av tidens forståelser" (s.s., s. 36). Og ved å lese samme type historiske dokument gjennom en lengre tidsperiode, ser man hvordan nye diskurser gir endrede forutsetninger for hvordan kriminalitetstallene presenteres, leses og forstås.

Årsberetninger, på lik linje med andre tekster som omtaler kriminalitetstall, bidrar aktivt til vår oppfattelse av kriminaliteten i samfunnet, til vår forståelse av dens utbredelse, årsaker og bekjempelse. Språket i årsberetningene er formet av og former politiets oppfatning av virkeligheten, deres handlinger og resultatet av deres handlinger. Årsberetningene er både formet av og formende på politiets selvforståelse. Kjersti Ericsson har skrevet at en institusjon tegner sitt selvportrett når den beskriver, rapporterer og vurderer (sitert i Jon 2007, s. 11). Politiets årsberetninger er slik en god kilde til å avdekke Oslo-politiets selvportrett. En nærlesning av politiets årsrapporter gjennom

nesten 60 år viser hvordan selvportrettet har gjennomgått store endringer i perioden. I denne artikkelen ser jeg på *kriminalitetstallenes plassering og betydning i dette selvportrettet*.

2. Metode

Årsrapporter er fascinerende lesestoff, de viser hva etaten – og samfunnet - har vært opptatt av. I tillegg kan man si at institusjoner og organisasjoner tegner sitt eget selvportrett når de rapporterer (Ericsson 1997; Munro 1996). Ved å lese politiets årsrapporter fra de siste 60 årene, kan vi både se hvordan dette selvportrettet har forandret seg, men også hvilken plass og rolle/betydning kriminalstatistikken har hatt i perioden, og hvordan dette har endret seg i perioden.

Årsrapporter har som formål både å vise organisasjonens aktiviteter, hva de har oppnådd, samt å overbevise. Årsrapportene presenterer ikke bare informasjon til myndigheter og befolkning, de fremviser også et idealisert bilde av institusjonens – institusjonens eget selvportrett. Årsrapporter har et dobbelt formål – å formidle informasjon om organisasjonens aktiviteter i året som gitt, samt å formidle et idealisert bilde av institusjonen (David 2001). I løpet av de seneste to årtier har politiets årsrapporter i økende grad blitt utformet som et slags reklame- eller salgsmateriell. Mer sofistikert design, med bruk av profesjonell layout, bilder, overskrifter og tekst brukes for å promotere et positivt bilde av politiet, for å fremvise deres ønske om ansvarlighet, og for å øke deres legitimitet, både i forhold til bevilgende myndigheter og i forhold til publikum (Dixon, Coy & Tower 1995). Denne utviklingen, som også har hatt konsekvenser for hvordan kriminalitetstallene beskrives og ikke minst fortolkes, kommer jeg tilbake til senere. Det er imidlertid viktig å allerede nå påpeke at årsrapportenes innhold, funksjon og formål har endret seg i den tidsperiode jeg har studert.

Jeg har lest igjennom alle årganger av Oslo-politiets årsberetninger fra 1950. Jeg har spesielt sett etter de avsnittene der kriminalitetstall presenteres og eventuelt kommenteres. I hvilket omfang kriminalitetstallene blir presentert, hvilken plass de har i årsberetningen har endret seg dramatisk i denne tidsperioden, noe jeg kommer tilbake til. For å dokumentere dette, har jeg nedtegnet hvor og når tallene presenteres, samt skrevet av formuleringer som kommenterer tallene.

Da jeg leste årsrapportene, så jeg først på plassering, presentasjon og beskrivelse av kriminalitetstallene. Hvor i årsrapporten (kapittel, avsnitt, overskrift etc.) er kriminalstatistikken presentert? Er de fremtredende, dominerende – eller bortgjemt? Hvilke ord og fraser brukes til å beskrive tallene – er det nøytralt, optimistisk, pessimistisk språk? De fleste årsrapportene hadde et forord, ofte signert politimesteren. Jeg leste forordene spesielt nøye, noterte innhold i hvert avsnitt, og skrev ned første setning i forordet. Formålet med denne mer detaljerte analysen av forordene var å dokumentere hva politidistriktet valgte å fremheve som spesielt sentralt i året som gikk, ut fra antakelsen om at forordet reflekterer de viktigste temaene for politiet, med det aller viktigste nevnt først.

Etter denne mer deskriptive kartleggingen, lette jeg etter forklaringer og fortolkninger av kriminalitetstallene. Offentlig diskurs omkring sosiale problemer som kriminalitet består ofte av både et diagnostisk og prognostisk komponent (Sasson 1995), og i lesningen av årsrapportene lette

jeg etter begge. Hvilke forklaringer (årsaker, diagnose) – hvis noen – gis på kriminalitetsutviklingen? Bli kriminalitetstallene relatert til politiaktiviteter, i tilfelle hvordan? Er politiet del av diagnosen og/eller prognosen? Hvordan politiet innrammer kriminalitetsproblemet i form av årsaker (det diagnostiske komponenten) og løsninger (den prognostiske komponenten), og hvordan de situerer seg selv i diskursen – som del av årsaken og/eller løsningen – både påvirker og er påvirket av kriminalpolitikken, men også hvordan vi forstår kriminalitetsproblemet, og politiets rolle i samfunnet.

Ved å identifisere de diskurser som har omgitt kriminalstatistikken i politiets årsrapporter for nærmere 60 år, ser vi hvordan tallene fylles av varierende kontekstuell innhold. Vi ser hvordan politiet leser mening inn i tallene, og hvilke konsekvenser disse varierende lesningene har. I de følgende avsnitt vil jeg beskrive hvordan plassering, presentasjon, beskrivelse og forklaring på kriminalitetstallene har endret seg i Oslopolitiets årsrapporter de seneste 60 år.

3. Fra bortgjemt til altoverskyggende

Det første som slo meg da jeg begynte å lese de eldste årsberetningene, var *mangelen på kriminalitetstall*. Kriminalitetstallene stod langt bak, og ble i liten grad kommentert, verken i forordet eller i teksten. I stedet var det helt andre temaer og tall som var i fokus. Årsberetningene fra 1950-tallet var fylt med tall, tabeller, figurer og grafer, men disse handlet i liten grad om kriminalitet.

Leser man årsberetningene sammenhengende, ser man tydelig hvordan kriminalitetstallene, fra å ha hatt en bortgjemt og tilbaketrukket plassering, gradvis kommer i forgrunnen og fortrenger andre tall og temaer. Det tar mange år før kriminalitetstallene og kriminalitetsproblemet er fremtredende i årsberetningene. Fra å knapt være nevnt, blir kriminalitet gradvis det første (og til slutt eneste) som nevnes i forordet, samt det første som omtales i teksten.

Da jeg begynte lesningen av årsrapportene fra 1950-tallet, hadde jeg problemer med å finne kriminalitetstall i det hele tatt. Det var ikke mangel på tall - årsrapportene var fulle av tall som beskrev Oslopolitiets aktiviteter og organisasjon. Det var tabeller, grafer og diagrammer, men så godt som ingen av disse beskrev kriminaliteten. Kriminalitetstallene var godt gjemt bak anonyme overskrifter som "Arbeidsmengde", i avsnitt som beskrev kriminalavdelingens aktiviteter. Kriminalitetstallene kom etter tall over ansatte, arbeidsfelt, organisasjon, kontor og teknisk utstyr var blitt grundig beskrevet. Ikke nok med det, selv Kriminalavdelingen var temmelig anonym i årsrapporten, det var administrasjon, ledelse og personalavdelingen og deres aktiviteter (og tall) som tok mest plass i årsrapportene på 1950- og 60-tallet.

I stedet for kriminalitetstall var årsrapportene fylt med andre tall og beskrivelser av et vidt spekter av politiets gjøren og laden. I de første årsrapportene fant jeg detaljerte tall og diagrammer over utdanningsbakgrunnen til politirekruttene, grafer over gjennomsnittlig sykefravær blant kontoransatte, diagrammer over månedlig antall sinnssyke, skytepremier, tabeller over antallet dager politibilene hadde vært inne for reparasjon, statistikk over trafikkulykker politibilene hadde vært involvert i, samt detaljert oversikt over skjenkebevilgninger. Leser man Oslopolitiets årsrapporter

fra 1950- og 60-tallet får man med andre ord et detaljert innblikk i organisasjonens mange gjøremål i løpet av et år, der antall anmeldelser kun utgjør en liten del av disse.

Årsrapportene fra 50- og 60-tallet gir med andre ord en detaljert beskrivelse av Oslo-politiet og deres aktiviteter – selvportrettet tegnes i detalj – men kriminalitet utgjør kun en liten del av dette offisielle selvportrettet. På 1950- og 60-tallet er kriminalstatistikken perifer, nesten usynlig i årsrapportene. Noen år nevnes ikke antallet anmeldelser i det hele tatt i forordene, oftest får de en kort omtale mot slutten av forordet, der det oftest kun slås fast at tallene har økt eller gått ned. I løpet av 70-tallet får kriminalitet og kriminalstatistikk stadig mer oppmerksomhet – og omtale i årsrapportene, først og fremst på grunn av til tider kraftige økninger. Dette gir seg utslag i at kriminalitet tar stadig større plass i årsrapporten, på bekostning av andre temaer. Kriminalitet rykker stadig fremover i forordene. Fra 1985 er kriminalitet det første temaet som nevnes i forordene. I løpet av 90-tallet blir kriminalitet det *eneste* temaet i årsrapportene.

På 1990-tallet fortsetter den gradvise forsvinningen av andre politiaktiviteter – og deres tall – fra årsrapportene, og kriminalitet og kriminalitetsbekjempelse blir dominerende. Fra 1995 nevnes ikke lenger administrasjon, ledelse og personalavdelingene i årsrapportene, og også andre politiaktiviteter som ikke er relatert til kriminalitetsbekjempelse blir i liten grad nevnt.

For å summere opp: Fra en perifer posisjon, har kriminalitet og kriminalitetsbekjempelse gradvis blitt enerådende i årsrapportene i løpet av de siste 60 år. Andre aktiviteter (og deres tall) har forsvunnet fra rapportene. En viktig forklaring på dette er at antallet anmeldte lovbrudd økte fra 10516 i 1950 til 64800 i 2008. Dette har hatt en stor innvirkning på hele politiorganisasjonen, som er ansvarlig ikke bare for å registrere anmeldelsene, men også etterforske dem. Det er ikke bare politiet, men også samfunnet for øvrig, som har blitt stadig mer opptatt av kriminalitet og kriminalitetsbekjempelse i denne perioden (Christie 2000; Garland 2001; Simon 2007).

Den registrerte kriminalitetsøkningen forklarer imidlertid ikke hvorfor de andre aktivitetene, som politiet fortsatt har, har forsvunnet fra årsrapportene, hvorfor de ikke lenger tas med i den årlige beskrivelsen av egen virksomhet, hvorfor de ikke lenger anses relevante for selvportrettering. Hvorfor har beskrivelsen av Oslo-politiet blitt så "tynn" i årsrapportene? Hvorfor handler alt om kriminalitet og kriminalitetsbekjempelse? Jeg kommer tilbake til dette spørsmålet senere. La oss først se nærmere på hvordan kriminaliteten og kriminalitetsutviklingen har blitt beskrevet og forklart i årsrapportene i perioden.

4. Fra passiv tilskuer til aktiv deltaker

Politiet har endret forholdningsmåte til statistikken, fra (så vidt) å presentere tallene (som informasjon), ikke lese seg selv inn i tallenes utvikling fra år til år, kanskje foreslå forklaringer på utviklingen - faktorer i samfunnet som kunne forklare tallene, men ofte kun som antydninger, til å bli hovedaktør i fortellingen. Det er fra 1990-tallet politiets aktiviteter som påvirker tallene.

Frem til 1990-tallet blir kriminalitetstallene i all hovedsak presentert som *data* eller *informasjon*, ikke *kunnskap* i årsrapportene (Bell 1979). Mens *data* kun er sekvenser av enten nummer, bokstaver eller tegn – helt uten kontekst, er *informasjon* data som er organisert og har en kontekst – enten i tabeller og statistikker eller ved hjelp av forklaringer. *Kunnskap* er på sin side organisert informasjon – der man også får avsenderens forståelse av hva informasjonen betyr. Mens data ikke inneholder tolkninger eller vurderinger – eller mening for den sakens skyld, har informasjon en mening, informasjon er data som er organisert på en spesiell måte.

I de første årtiene er det sjelden et "narrativ" som omslutter tallene, anmeldelsestallene følges sjelden opp med beskrivelser, kommentarer eller fortolkninger. Både økninger og nedganger fastslås uten ytterligere forklaringer. Det blir opp til leseren å spekulere og skape mening av tallene, eller de underliggende årsakene bak endringene fra år til år. Årsrapportene gir svar til spørsmål som "hvor mange" og "hva", men sjeldnere foreslår de svar på "hvorfor".

På -50- og -60-tallet er det et overveiende nøytralt språk som benyttes når anmeldelsestallene blir presentert. Fra midten av 1970-årene blir en pessimistisk og/eller bekymret språkbruk mer tydelig, først og fremst på grunn av til tider store økninger i antallet anmeldelser. Økningen beskrives for eksempel som "alarmerende" i 1961, 1964 og 1974, og i 1978 står det at "man må virkelig spørre seg hvor dette vil ende".

Imidlertid ser ikke politiet seg selv om en influerende faktor på kriminalitetsnivået, beskrivelsene gir inntrykk av at de ser seg selv prisgitt anmeldelsestallene og omfanget. Vi finner ord som "plutselig" og "heldigvis" når nedgang beskrives, mens "skremmende" når det gjelder økninger. Alle disse begrepene tyder på at politiet observerer endringene og beskriver dem, uten å fremstille seg som noen som har kunnskap og/eller ansvar for endringene. I 1973, når antallet grove tyverier viser en nedgang på 11 %, beskrives dette som "bemerkelsesverdig", og videre: "Man skal være meget forsiktig med å forsøke å forklare hvorfor denne statistikk har tatt en slik vending. Politikammeret tør i hvert fall ikke trekke noen konklusjoner."

De vegrer seg mot å skulle forklare både økninger og nedganger, ofte blir det "vet ikke" eller "tør ikke forklare". I 1978 "økte antallet legemsbeskadigelser noe, men kanskje mer som en tilfeldighet enn på noen skremmende måte". I 1985 står det at "kriminaliteten kan ligge på et jevnt nivå i lang tid, for så plutselig å blusse opp i enkelte bydeler". Både i 1981 og 1982 kommenteres det at kriminaliteten øker i takt med inflasjonen. Alle disse eksemplene viser at politiet oppfatter kriminalitetstallene som noe som lever sitt eget liv, i det minste uavhengig av politiet og politiets aktiviteter. *Hvorfor* antallet anmeldelser øker eller minker er ikke noe som man forventer at politiet vet eller beskriver. Denne mangel på forklaringer illustrerer hvordan kriminalitetstallene kun presenteres som informasjon som politiet viderebringer til myndigheter og andre interesserte, de ser ikke det som sin oppgave å forklare eller vite hvorfor kriminaliteten går opp eller ned.

Men det forekommer forklaringer – først og fremst i årsrapportene frem til 80-tallet. Disse peker imidlertid på forhold og/eller faktorer utenfor politiets rekkevidde eller myndighetsområde. Man kan finne noen få eksempler på sosio-økonomiske forklaringer (for eksempel arbeidsledighet, økt

rusmisbruk/narkotika, husnød), samt noen eksempler på at ungdommen - eller rettere – de store ungdomskullene i etterkrigsårene – forklarer økninger i anmeldelsene. I 1960 forklares økningen med "de store ungdomsgrupper, hvis aktivitet særlig gir seg utslag i simple tyverier og biltyverier", og i 1963 forklares økningen i grove tyverier som begynte i 1958 med at de store ungdomskullene som ble født umiddelbart etter siste krig, "da var kommet i 12-14 års alderen." I 1977 forklares nedgangen i biltyverier med at "en stor andel av de unge nå eier egen bil".

En annen påfallende trend frem til 80-tallet, er at politiet hevder at offeret eller fornærmede selv er å klandre for hendelsen. Dette gjelder særlig for ran på offentlig sted, der politiet i flere årsrapporter påpeker at fornærmede ofte er beruset og «innlater seg med ukjente personer». Men også når det gjelder tyverier fra bil skriver politiet for eksempel i 1961 at de bestjålne «i høy grad har bidratt til tyveriene ved å legge fra seg forskjellige verdisaker åpenlyst i bilene, til dels uten å låse disse». I 1972 kan vi lese at "Bileiere er for skjodesløse og oppbevarer verdisaker, radioer og båndspillere i sine parkerte biler." Også innbrudd forklares med ufullstendig sikring av eiendom. Også folks grådighet, som fører til at de fristes til å kjøpe tyvegods blir brukt som forklaring på kriminalitetsøkningen, her fra 1971: "Det synes som om altfor mange mennesker er så oppsatt på å få kjøpt noe billig at de ikke reflekterer på gjenstandenes opprinnelse." Denne tendensen til å legge ansvar på offeret – samt anklage befolkningen for å være medskyldig, forsvinner utover 1970-tallet.

Politiet ser i liten grad sitt eget arbeid i sammenheng med kriminalitetsutviklingen. Et illustrerende eksempel på dette er fra 1971, der vi kan lese følgende: "Når man vet at stigningen av tyvsforbrytelser fra 1969 til 1970 var over 17 % og at vi i år har hatt en ytterligere stigning med 8 %, er det mange spørsmål som kan stilles. Gjøres det for lite fra politiets side? Er det for lett å utføre tyveriet? Er det lønnsomt? Det siste spørsmålet er vel det mest nærliggende å kommentere. I de tilfeller det dreier seg om kontanter, er det selvfølgelig lønnsomt så lenge man ikke blir mistenkt eller pågrepet." Sett med nåtidens øyne, er det i hvert fall for meg overraskende at det ikke er det første spørsmålet det er mest nærliggende for politiet å kommentere.

På 1990-tallet skjer det store endringer, både i årsrapporteringen generelt, men også i hvordan kriminalitetstallene presenteres, beskrives og hvordan endringene forklares. Nye politimetoder, opprinnelig utviklet i andre land, introduseres i Oslo-politiet, så som nærpoliti (eller community policing) (Johnston 2003), problem-orientert politiarbeid (Goldstein 1979) og nulltoleranse (Harcourt 2001). Kriminalitetsnedgang brukes som suksesskriterium i alle disse tiltakene. Politiet begynner å bruke seg selv som en forklaringsfaktor – både som del av *diagnosen* og *prognosen*. Dette har vært helt fraværende i årsrapportene til nå.

Ikke bare nye politimetoder, men også en ny styringsdiskurs vokser frem på 1990-tallet. Også den får stor innflytelse på hvordan politiet leser og bruker kriminalitetstallene. Også den fortrenger andre lesninger av tallene. Årsrapportene blir fulle av beskrivelser av et proaktivt politi som målrettet angriper kriminaliteten – og som lykkes, både når kriminaliteten går opp og ned. "Målrettede kampanjer" i 1990 og "målrettede tiltak" i 1996 fra politiet forklarer nå både oppgang og nedgang i kriminalstatistikken. "Etter en tids problemorientert politiarbeid som metode, rettet

mot bilbrukstyverier og innbrudd i bil, er det registrert en betydelig nedgang i antall saker. Narkotikasakene har økt betydelig. Stasjonens aktive innsats for å bekjempe narkotikaproblemet er en av årsakene til oppgangen.” (2001). Ord som ”mål” og ”resultater” omgir nå kriminalitetstallene. Som vist i sitatet over ser politiet anmeldelsestallene som et direkte resultat av sine aktiviteter. Det er politiets aktiviteter som påvirker tallene. Andre forklaringer, samt den mer nølende tilnærmingen som dominerte opp til 1990-tallet, forsvinner fra årsrapportene. Politiet knytter seg selv og sine aktiviteter til kriminalitetstallene så til de grader at vi i 2003 kan lese at ”politiet reduserte antallet knivangrep med 24 %”.

Utover 1990-tallet endrer ikke kun politiet forholdningsmåte til kriminalitetstallene, de beskriver også dette som noe nytt. I 1998 skriver de for eksempel at ”De siste årene har vi brukt mye tid og krefter på å skaffe oss kunnskap om kriminalitetssituasjonen.” Beskrivelsene som følger, er imidlertid basert på den samme kriminalstatistikken som har blitt brukt i alle de foregående rapportene. Statistikken er med andre ord ikke ny, men politiet bruker og ”ser” tallene på en ny måte.

For å sammenfatte denne korte beskrivelsen av hvordan presentasjon og fortolkning av kriminalstatistikken har endret seg fra 1950-tallet til 2009, kan man si at politiet har benyttet seg av tre forskjellige analytiske oversettelser av tallene: som input, output og outcome. I neste del vil jeg gå nærmere inn på disse oversettelsene/fortolkningene i større detalj, før jeg ser på hvilke implikasjoner disse skiftende oversettelsene har, både for vår forståelse av kriminalitet og for vår forståelse av politiarbeid.

5. Fra ”arbeidsmengde” til ”resultat”

Dette er den synlige manifestasjonen på hovedendringen i tidsperioden. Fra å ha blitt definert som en del av politiets arbeidsmengde, blir nå kriminalitetstallene brukt for å vise resultater av politiets arbeid.

Kriminalstatistikk som ”Arbeidsmengde”: Om å føre regnskap over kriminaliteten

Frem til 1990-tallet ble anmeldelsestallene forstått som *input*, noe politiet selv beskrev som ”Arbeidsmengde”. Omfanget av antallet anmeldelser hadde ingen direkte sammenheng med politiarbeidet, men de indikerte ikke bare hvilke arbeidsoppgaver politiet til en hver tid hadde, men også omfanget av disse arbeidsoppgavene. I forordet fra 1960 kan vi lese at ”Mens således personellsituasjonen i 1960 ikke ble bedre enn den har vært i en årrekke, fortsetter arbeidsmengden å stige: antallet anmeldte forbrytelser steg til 23 482 (21 871) [...]” Når kriminalstatistikken leses som ”input”, eller arbeidsmengde, innebærer det at politiet må forholde seg til kriminaliteten og kriminalitetstallene, administrere det og respondere på det, men de beskriver ikke seg selv som noen som har innflytelse på kriminaliteten. Politiet fører regnskap over kriminaliteten på samme måte som de fører regnskap over personell, kontor, materiell etc.

Når kriminalstatistikken beskrives som arbeidsmengden, innebærer dette at sammenhengen mellom politiet og kriminaliteten går ut på at mer kriminalitet innebærer større arbeidsmengde, noe som innebærer behov for flere ressurser til politiet. Mer kriminalitet fører til mer politi. Vi ser denne sammenhengen helt opp til 90-tallet. Kriminalitet er et av hovedarbeidsområdene for politiet, og kriminalstatistikken brukes som en indikator på omfanget av dette arbeidet – sammen med mange andre oppgaver. Hvis statistikken viser en økning, er dette en indikator på at politiet har fått mer å gjøre, og de trenger derfor flere ressurser til dette arbeidet; etterforskere, utstyr etc. Mengden kriminalitet er utenfor deres kontroll; sosio-økonomiske, kulturelle og/eller strukturelle endringer påvirker kriminalitetsraten. Eller, som vi så over, politiet avstår fra å forklare årsaken til tallenes omfang og endringer. Når kriminalstatistikken leses som input forblir ansvaret for utviklingen generell og ikke politiets.

Å lese kriminalstatistikken som input sammenfaller med styringsmodellen som var rådende på den tiden. Politiet, sammen med resten av offentlig sektor, var finansiert ut fra input [finne bedre beskrivelse], og årsrapportene illustrerer dette. Utover 1980-tallet ble denne styringsformen i økende grad kritisert for å være regelstyrt og reaktiv, med sin opptatthet av input og ikke output og outcomes. Rettsapparatet ble sett på som ukoordinert og ineffektivt (McLaughlin, Muncie & Hughes 2001, p. 308). I et finansieringssystem basert på input, "police departments typically got more money when they failed," det vil si når kriminaliteten økte (Osborne & Gaebler 1993, p. 139). Det som er viktig å merke seg for oss, er imidlertid at politiet har alltid målt eller talt kriminalitet, det er lesingen av tallene som ikke var optimal, i følge talsmennene for den nye styringsideologien. Det er ikke mangel på telling, men fortolkning og lesingen av dem, som dermed kan oppleves som problematisk. Frem til 1990-tallet, så politiet anmeldelsestallene som "input", og ikke "output" eller "outcome".

Kriminalstatistikk som "output" og "outcome": Da politiet ble ansvarlig for kriminalitetsutviklingen

Under merkelappen "New Public Management" (NPM) skjedde det en til dels voldsom reform av offentlig sektor i mange land på 1980- og 90-tallet (Christensen & Lægneid 2007; Garland 2001; Hood 2007). Fokuset skiftet fra å administrere aktiviteter til å oppnå resultater, ved at man satte seg målbare mål og formulerte resultatindikatorer som muliggjorde kontroll av måloppnåelse (Long 2003; McLaughlin et al. 2001, p. 302). Også norsk offentlig sektor ble reformert med lignende styringsidealer som bakteppe. Her ble den nye styringsformen kalt *Mål- og resultatstyring*. Denne reformen omfattet også politietaten. Innføringen av mål- og resultatstyring førte til at kriminalstatistikken ble redefinert til å bli et mål og en resultatindikator for politiet. Politiet ble ansvarliggjort i forhold til kriminalitetsutviklingen, det ble nå politiet ansvar å redusere kriminaliteten gjennom tiltak, analyse og kontroll av måloppnåelse (Garland 2001, p. 115). Reformen endret lesningen/fortolkningen av kriminalstatistikk fra *input* ("arbeidsmengde") til *output* og/eller *outcome* ("resultat").

I årsrapporten fra 1992 kan vi lese at "Stasjonens personell har fått direkte resultatansvar for kriminalitetsutviklingen, innenfor de tildelte soner og distrikter". Når kriminalstatistikken blir direkte knyttet til politiaktivitet, får dette store følger for hvordan tallene fortolkes og presenteres av politiet. Både nedganger og økninger forklares ut fra politiets aktiviteter, og i tråd med den ansvarliggjøringen som har skjedd, blir det viktig å presentere alle endringer, uansett om det er nedganger eller økninger, som en suksess, som et bevis på at politiet har lykket med sin tilnærming til problemet. I 1995 kan vi for eksempel lese at en 20 % nedgang i anmeldt gatevold viser at "målrettet uniformert tjeneste på riktig sted og til riktig tid, bærer frukter". Når antallet anmeldelser for gatevold øker året etter, forklares dette med at "Den økte innsatsen mot eksempelvis gatevold ved ordenstjenesten antas å ha avdekket endel voldssaker som ellers ikke ville ha kommet til politiets kunnskap". Forklaringen fra 1995 er et eksempel på en lesning av den registrerte kriminalitetsutviklingen som "outcome", det vil si som kriminalpreventiv (eller kriminalitetsreducerende) effekt av politiets innsats. Politiet tar her "æren" for en positiv utvikling, årsaken til at den registrerte gatevolden har gått ned, er at politiet har lykket i å bekjempe den. Når man året etter forklarer en registrert økning med økt avdekking, leses statistikken ikke som uttrykk for omfanget av gatevold i Oslo, men som uttrykk for politiets aktivitetsnivå. Jo mer aktive politiet er, desto mer vil avdekkes. Statistikken påvirkes av politiets aktivitetsnivå, og kan leses som "output". Jo mer aktive politiet er, jo mer vil rapporteres til politiet og registreres i statistikken. I årsrapportene finner vi først og fremst eksempler på denne type lesning i forhold til narkotikakriminalitet, trafikksaker samt gatevold. Tanken er at når politiet er synlige og proaktive i å avdekke kriminalitet, eller ved å oppmuntre folk til å anmelde hendelser til politiet (for eksempel i familievoldssaker), vil den registrerte kriminaliteten øke – som et resultat av politiets innsats. I det første eksempelet leses den registrerte kriminalitetsutviklingen som resultatet av politiets arbeid på litt lengre sikt, kan man kanskje si, der nedgangen er uttrykk for den preventive effekten som politiets aktiviteter har hatt på volden i Oslo sentrum. Denne lesningen ser kriminalstatistikken som uttrykk for *resultatet* ("outcome") – den preventive effekten – av politiets aktiviteter, og ikke som utgangspunktet ("input"). Med innføringen av mål- og resultatstyring på 1990-tallet ser vi en tydelig endring i lesningen av kriminalstatistikken i årsrapportene, der nedganger leses som outcome – som uttrykk for kriminalpreventive effekter av politiets arbeid, mens økninger leses som output – som uttrykk for politiets aktivitetsnivå.

Med innføringen av mål- og resultatstyring knyttes kriminalstatistikken og politiaktivitet tett sammen. Andre faktorer som kan tenkes å påvirke kriminaliteten i samfunnet, så som alkoholkonsum, utdanningsnivå, sysselsetting osv blir usynlige i årsrapportene. Kriminalstatistikken leses som enten output eller outcome av politiets aktiviteter. Når kriminalstatistikken leses som et mål på eller en resultatindikator på politiets aktiviteter, blir politiet ansvarlige for kriminaliteten – de blir *interessenter* på en helt annen måte enn tidligere i kriminalitetsutviklingen. De blir deltakere på en ny måte – deres aktiviteter påvirker kriminalitetsutviklingen, og det er noe nytt.

Denne endringen er også synlig ved at årsrapporten i mye større grad politiseres. Tidligere årsrapporter inneholdt også mange, både implisitte og eksplisitte, budskap til politikerne om å bevilge mer til politiet, men kriminalstatistikken var del av en annen diskurs frem til 1990-tallet, en diskurs der politiet ikke spilte en aktiv rolle, verken som del av diagnosen eller prognosen. De var en passiv mottaker av eller observatør til en stadig økende mengde anmeldelser, men ingen aktiv deltaker i løsningen på kriminalitetsproblemet. Med innføringen av mål- og resultatstyring blir kriminalstatistikken brukt som middel for å vise at man lykkes, både når kriminaliteten øker og minker. Det blir mindre rom for generelle beskrivelser og fortolkninger av kriminalitetsutviklingen.

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PARALLEL SESSION 4B: Perspectives on crime and migration

The Cultural and Conflict in Criminology: Thorsten Sellin and Jock Young in conversation

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Summary of Research

At a time that other research fields have either abandoned the concept of culture (anthropology) or attempted to develop its research applicability (sociology), criminology has over the past two decades given notions of culture increasing importance when explaining or describing variations in criminal policy, offending and penal practice (Garland, 2006; Cotterell, 2004; Ferrell, 2004; Garland

& Young, 1983). The point of this paper is to make sense of the concept of culture in contemporary research in criminology with regards to offending in two separate literatures. The purpose of this research to explore the ways that criminologists use the concept of culture in their accounts of offending. Whereas previous analyses of culture in criminology (Garland, 2006; O'Brien, 2005; Valier, 2003; Sampson & Bean, 2006) have explored the use of this concept in specific areas, my aim is to offer a comparative analysis of both realist and phenomenological epistemologies. The purpose of this paper is thus to explore the promise and limitations in theorizing about offending that invoke the cultural. My conclusions, however preliminary, will be that while each of these literatures differ significantly in their uses of the cultural by way of how time and descriptive focus, they share common limitations as each account pivots cultural variables on questionable juxtapositions with notions social structure. The underlying question is then posed: how does 'the cultural' belie the possibility of its own applicability in current research?

My account will be both genealogical and analytical, tracing the different stories of culture in differing accounts of offending in order to reveal the logics of how culture is taken up and used as well as exploring that which it belies. As I demonstrate below, 'the cultural' in criminology is the product of the cross-fertilization between criminology and other fields, yet has developed its own logic within each respective account. The aim of this analysis is thus to contribute to theorization on offending by making better sense of how culture used and pointing to directions which it can be developed to address hitherto inchoate areas of the human condition that make offending possible.

Introduction

The first sections of the paper explore the origins of the concept of culture in criminology as an imported notion from sociology and anthropology through the route of two different research agendas in criminology. In this discussion I show each of these agendas embody different epistemological, ethical or political positions through the analysis of two exemplars: Thorsten Sellin and Jock Young. How each scholar exemplifies these agendas is discussed through their efforts to ground their respective research programs on the concept of culture, as well as in their efforts to set forth a *sui generis* criminological agenda apart from other political efforts to administrate over the content of this agenda. I select them here not only because their accounts offer a theoretically developed understanding than other accounts (although I claim that they are), but also because these scholars offers an *agenda of research*, as a way to analyze and create new questions, which enable us to make better sense of similar contributions of what work culture is doing for current research. My other intension is to point out not only the differences and similarities between them and the familial resemblances they have as 'literatures,' but also identify commonalities and boundaries to these understandings and point out the need for further theorizing and conceptual development.

The old story: Thorsten Sellin, Culture as Normative Mechanism

Sellin (1938) saw the reconceptualization of culture as way to further develop a causal explanatory science of crime. Sellin's thesis in *Cultural Conflict and Crime* (1938) is written as a scientific road map describing the form and goals of a scientific explanation of crime and the challenges facing its study

by viewing offending through the lens of culture. One such challenge faced by criminology was to address the clash of cultures both in terms of variations in offending rates, but also in the ways that the criminal law was monopolized by certain cultures over others. Sellin's recommendation was to develop a science of explanation of these patterns by exploring culture in terms of shared norms and its connection with conduct. By exploring conduct variations to specific "conduct norms", criminology would overcome its status as a "bastard science" — an over reliance on sociological and psychological knowledge, and undercut by the administrative politics with its focus on social pathologies (1938: 3). Criminology for Sellin ought to develop a causal framework that should explain crime through the study of culture.

The focus on culture in this sense consists of "conduct norms" which are defined as components of shared cultural experience that possess and are expressed in emotive resonance by individuals of *a culture*—Italian, Greek, etc. Culture in this sense is not a robust creative space that embodies variations of symbols, knowledge or stylized scripts (1938: 34). Rather, these norms are a type of normativity that are constitutive components of individuals or "personality elements" which, in certain circumstances, become active in combination with other norms of differing strength and cause offending (1938: 45). Any concern that Sellin might have expressed about the criminalization of certain groups is overshadowed by how to judge the "criminality of a group" as a cause of offending (1938: 70), even though this conflict of norms was once understood as one contextual element of offending. Instead, he claims that our explanations ought to address the normativity of the individual offender's personality as expressed in the emotional connection or repulsion of group norms. On this account, the "carrier or locus of [the] cultural" is situated in the individual which is has its context in the general meanings or "average personality" of group members (1938: 40; 41). Culture is in this sense both the *norms that individuals embody*, in either resistance or rejection to group norms or in living through them and the *stratified rules that unify* a cultural group to which they belong. *Culture as barrier* and *culture as embodied normative conduct* are the two attributes of this story. It is relevant to point out that each notions of culture are in themselves different elements of the same whole where culture as barrier that constitutes 'a culture' and normative conduct that exemplifies 'embodied culture' become unified.

How these elements work together is construed within Sellin's interpretation of Mead's philosophy of science in which the variation of outcomes is assumed to be the outcome of processes that are explained in terms of mechanisms mirroring those in natural sciences (Mead,). Individual variation of conduct is calculated through an understanding of 'the cultural' as emotive social pressure. How this type of framework is used in terms of Sellin's own understanding and its connections to the current research using social mechanisms (Swedberg and Hedström, 1998) is currently being researched (Sampson, 2006; Kirk, 2012).

Jock Young and cultural criminology story

The story of culture in the works of cultural criminology, for which Jock Young contributed and embraced, has not gone unnoticed in the theoretical literature (Ferrell, 1999; O'Brien, 2005;). My

interest in these discussions and previous explorations about radical criminology (Bankowski, Young & , 1977) are relevant to the extent that the project of cultural/radical criminology itself is made sense explicitly in *cultural terms*. The work being done by the cultural is thus central to the criminology of Young and others. They tell us that the cultural is a *sui generis* component of human experience that activates offending. In research terms, the cultural is a concept that enables an expansive understanding of these experiences. In this sense, culture is a “context” that constitutes an area in which phenomena of a cultural type become linked with crime (Hayward & Young, 2004: 259). Culture in this sense is not used as a boundary term (as in references to ‘Scottish/French culture’) that signifies consensus, but instead is a category that contains phenomena to be analyzed and rendered useful for purposes of understanding. Young and others are clear about what should be contained in this category: experiences that are visceral, pleasure seeking, symbolic, the performative, but also the normative, constraining and inflexible power of group as organism. Young’s account relies heavily on Zygmunt Bauman’s (1999) notion culture as described as *both* variable and static, creative and adaptive. Culture is a verb, something that is done and accomplished, either by *believing* in the collective constraining power of norms or by actively *transgressing* them in creative or adaptive ways. This move departs, he claims, from earlier versions of subcultural theory—the focus of offending as varied and meaningful rational adaptations—and Parson’s functionalism—the conforming or playing out of socialized norms (Holmwood, 1998). Culture is seen both as *creative responses* from the perspective of those breaking the law, that can be either beneficial or self-defeating (Matza, 1969), as well as acts of conformity to these responses. The theory at the heart of this process is clarified by drawing on prior theories of labeling and subculture: culture forms by bottom-up and top-down responses, subcultures form stylized patterns which others imitate and reform, labeling by moral entrepreneurs and the mass media create images that influence both the means and subjects of social control.

Culture is thus an area of where actors are engaged in *storytelling*, the flux and bootstrapping full of mutual self-delusions, skewed interpretations and obscene caricatures. Young, in this sense, is not doing away with subcultural theory, but rather setting this theory in a late-modern cultural context adding another layer of fluidity with its focus on societal structures and global forces affecting particular cultural adaptations. A cultural criminology viewing crime through this wider lens enables descriptions that take into account the key interactions between “cultures as areas”.

Yet there are places where Young and others tell us also that culture is more than a space of creative human experiences. The question of how these experiences that are so variable and contradictory, but also reproduced, is explained in large part by other non-cultural elements. For Young, the powers of economic structures, material conditions of need, imitation as social learning and are the non-cultural elements that constitute the cultural.

The cultural being invoked here is an artifact produced and reproduced through interactions in connection with a web of relations and experiences. Crime and culture are, in this version, analogs, each rendered comprehensible through exploring the ways that they are similar and interdependent by detailed ethnographic descriptions of actors. The centrality of culture for the perspectives of

cultural criminology is a product of specific perspective on social reality. For Young, late modernity is characterized by pluralization, where cultures undergo constant change and hybridization, constantly breaking down any attempts at creating boundaries (Young, 2011). This view is explicit in holding a theory of description distinct from other normative accounts where interaction, innovation and corporeal processes are the reified and irreducible aspects of action. It is in this sense which the cultural approach embraces the hypothesis that crime is by definition cultural and thus to reach this level of social reality requires a “radical alteration in research practices” apart from traditional methods of whose aim was unpacking the normative (Katz, 2002: 259).

This means looking towards the interdependent nature of the cultural as a process in constant change that demands a different epistemic standpoint. This perspective on crime has opened up a field of study exploring the specific influence that culture in a vast area of not just offending but also media descriptions of crime/deviance and their effect on formal and informal social control (Kane, 1998). To the those studies focusing on the etiology of crime, culture is described as specific enclosed contexts or “sites” where counter-publics create, exchange and develop discourses that are criminogenic (Fraser, 1995). The research is currently developing the use of culture in these areas.

Preliminary conclusions

This paper has been the first step towards a focused analysis of the concept of culture in explanations of offending. The above analysis has demonstrated that each of the stories of culture share certain common characteristics despite the their obvious epistemological and methodological differences. Of these similarities, there are two aspects that these stories share. As a way of conclusion I would like to give an overview of where this paper is in its current state and where I see it progressing.

The first concerns the cultural as a naturalistic human artifact based on meanings that are constraining those within the boundaries of ‘a culture.’ This is understood by both stories as a “fluid” metaphor that signifies variation in conduct. For Sellin, this is analyzed in terms of individual personality variation in the context of a person’s culture. For Young, culture is the adaptation through imitation and reaction to non-cultural and cultural elements as expressed in his examples of inner-city culture constraining others towards patterns of hyper masculinity. In each case, culture is made sense in emotive and normative terms. Secondly, whilst each has fundamentally different substantive messages about culture, they nevertheless share a formal logic of contrast. To know what culture is about, is to also know something also about adaptation in adversity by being exposed to non-cultural conditions (mechanisms of social pressure and structural inequality). Thus, culture is understood in formal contrasting logic with social structure or process, elements which are themselves assumed to lack cultural elements as a result of adaptation. To know what “culture” is to not know the power of structure or other inherent individual characteristics.

What each story lacks is how this contrasting dynamic is theorized. The question that can be posed is does the interplay of structure and culture depend on the substantive accounts of them? If so, how can this help us make better sense of the formal distinction between them? These are some questions that remain to be answered.

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Sted, værdi og social eksklusion - Om politi som værdiproduktion

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Artikel præsenteret på NSfK Research Seminar, Örenäs Slott, Sweden, 9-11 May 2017.

Denne artikel argumentere for, at sikkerhed og sikkerhedsproducerende institutioner som politiet i stadig større omfang i dag fungerer som leverandører af social eksklusion, og at denne sociale eksklusion endvidere indgår som et afgørende led i en bestemt måde at producere og begrunde værdi på. Sikkerhed via social eksklusion er blevet til en måde at skabe værdi på.

Måske man aldrig opdager, at man er på Haiti. I hvert fald er det ikke meningen, at man opdager det, og i en vis forstand er man det heller ikke. Labadee er Royal Caribbean Cruise Lines' egen private resort i eller på Haiti. Rederiet har leaset områder, der ligger på øens nordkyst, på en langtidskontrakt, som løber indtil 2050. Oprindeligt blev stedets navn stavet "Labadie", men stavemåden "Labadee" eller måske rettere "Labadee®", som det bliver stavet på Royal Caribbeans hjemmeside¹¹⁹ – skal gøre det nemmere for amerikanske turister at udtale det. Ud over trampoliner, parasailing og en svævebane har den besøgende en unik mulighed for at nyde den lokale drink, en Labaduzee, der endda serveres i sin helt egen souvenirkop, selvom kritiske stemmer mener, at der i

¹¹⁹ <http://www.royalcaribbean.com/contentSitelet.do?pagename=labadee>, besøgt 17. june 2016.

virkeligheden er tale om den samme drink, som den CocoLoco, man serverer på CocoCay.¹²⁰ I dag bliver destinationen markedsført som Labadee®, Haiti, men i mange år kaldte cruiselineren stedet for Labadee®, Hispaniola, måske fordi man ønskede at fjerne opmærksomheden fra, at stedet lå på en ø, der er kendt for fattigdom og jordskælv.¹²¹ Måske man også har tænkt, at turister vidste tilstrækkeligt meget om historie til at associere Hispaniola med Columbus, men ikke tilstrækkeligt til at vide, at den lille gruppe spaniere, som Columbus efterlod på øen på sin første rejse, senere blev slået af de indfødte.

Den private havn er bevogtet af cruiselinerens eget private vagtværn. Som en del af leasekontrakten er der endvidere en bestemmelse, som undtager turisterne fra de visumregler, der normalt gælder for rejsende til Haiti, så de kan besøge Labadee® uden at skulle igennem indrejsekontrol. Omvendt har haitianske statsborgere selvfølgelig ikke adgang til stedet, med undtagelse af enkelte særligt udvalgte sælgere af lokalt kunst og håndværk. Turisterne har heller ikke lov til at forlade stedet, da cruiselinerens forsikring ikke dækker rejser til den øvrige del af Haiti, hvortil vi måske kan lægge den fordel, der er i at beholde omsætningen fra turisterne for sig selv, godt beskyttet sammen med turisterne selv bag den pigtrådsforstærkede dobbeltmur, der omgiver rederiets eget private tropeparadis. Der er derfor god grund til at spørge, om turisterne faktisk er i Haiti, eller om det ville være mere korrekt at sige, at Haiti har overladt suveræniteten over stedet til Royal Caribbean.

Værdisættelsens sociologi

I det følgende vil jeg argumentere for, at Labadee® er både et udtryk for og et billede på en fundamental ændring i den rolle, som sikkerhed og produktion af sikkerhed har i det moderne samfund. Et umiddelbart tegn på dette er, at social eksklusion i dag spiller en langt mere central rolle for produktion af sikkerhed og for den sociale orden mere generelt. Det vil imidlertid være min tese i det efterfølgende, at denne ændring må ses i relation til de måder, som økonomisk værdi produceres i samfundet. Der er derfor ikke kun tale om en ny måde at skabe sikkerhed på, for denne nye sikkerhedsproduktion er mere grundlæggende sammenhængende med en parallel forskydning i produktionen og legitimeringen af værdi. I korte træk kan denne udvikling beskrives som følger: Tidligere bevogtede man (skabte sikkerhed omkring) steder, som man af andre grunde anså som værdifulde; i dag bliver steder anset som værdifulde, fordi de er bevogtede. Sikkerhed er ikke længere en tilføjelse til en værdi, der er skabt på baggrund af andre sociale praksisser og diskursive legitimeringer, men derimod noget, der selv er aktiv medvirkende til at skabe værdi. Det betyder, at den systematiske kobling mellem på den ene side kriminalitet og på den anden side politi og andre retsvæseninstitutioner i stadig større omfang svækkes, samtidig med at disse institutioner gradvist kobles til andre sociale formål, herunder i særdeleshed en bestemt form for værdiskabelse. Hvor lovhåndhævelse og kriminalitetsbekæmpelse tidligere var en betingelse for andre sociale systemers værdiskabelse, fx i kraft af en fastholdelse og beskyttelse af den private ejendomsret,

¹²⁰ <http://boards.cruisecritic.com/showthread.php?t=561396>, besøgt 17. juni 2016.

¹²¹ <http://www.economist.com/node/13093234>, jf. <http://www.csmonitor.com/2006/0125/p01s02-woam.html>, begge besøgt 17. juni 2016.

bliver sikkerhedsproduktion i dag selv til en form for værdiskabelse med store konsekvenser for de implicerede institutioners struktur og funktionsmåde.

Jeg vil i det følgende bruge Boltanski og Esquerres analyse af *berigelsesøkonomien* som teoretisk ramme og afsæt for min egen analyse (2014, 2016, 2017a, 2017b). Boltanski og Esquerres udgangspunkt er spørgsmålet om, hvad der er sket i den vestlige verdens økonomi i den senere periode. Det er en almindelig betragtning, at den vestlige verdens økonomiske og sociale historie i de seneste årtier har været kendetegnet ved en dobbelt proces, der kombinerer afindustrialisering og markant voksende ulighed. Denne udvikling er imidlertid tæt sammenhængende med en forskydning af den måde, som værdi skabes på socialt. Som Boltanski and Esquerre bruger termerne, er en vares *pris* den faktiske mængde af penge, som en vare veksles for i en markedstransaktion, hvorimod varens *værdi* er den diskursive begrundelse eller legitimering af prisen, som markedsdeltaerne kan bruge til at nå til enighed om prisen (2014: 21-23). Hvor prisen så at sige er udfaldet af en social test i form af et salg, er værdien således et system af fælles normer, forestillinger og argumenter, som markedsdeltagerne kan bruge til at begrunde prisen. Vi kan derfor skelne mellem flere forskellige systemer eller diskursformer, som kan bringes i anvendelse til at begrunde økonomisk værdi, ganske som vi kan analysere, hvordan nye begrundelsesregimer vokser frem og gradvist kommer til at spille en mere central rolle for samfundets økonomiske liv. I en vis forstand kan man derfor sige, at analysen af værdisættelsesregimerne danner en slags bro mellem to værker, som Boltanski tidligere har skrevet sammen med to forskellige medforfattere. Det drejer sig på den ene side om analysen af den samtidige kapitalisme i Boltanski og Chiapellos *Le nouvel esprit du capitalisme*, hvor forfatterne analyserer fremvæksten af projektarbejde i den samtidige kapitalisme (Boltanski og Chiapello 1999, jf. Fraser 2017). Og på den anden side Boltanski og Thévenots værk *De la justification* (1991), som analyserer de vigtigste legitimeringsregimer i vestlig politisk tænkning. Tesen i Boltanski og Esquerres arbejde er således, at det samtidige kapitalistiske samfund er kendetegnet ved tilstedeværelsen af forskellige diskursive regimer til legitimering af økonomisk værdi, og at forskydningerne mellem disse er en væsentlig del af forklaringen på den økonomiske udvikling, vi finder i den vestlige verden.

De senere års afindustrialisering af den vestlige verden har således været sammenfaldende med en forskydning i de dominerende regimer for begrundelse af økonomisk værdi, sådan at den form for værdisættelse, der var dominerende i den industrielle økonomi, er blevet suppleret og delvist erstattet af en ny *berigelsesøkonomi* (*l'économie de l'enrichissement*), der ikke længere hviler på det samme grundlag. Den måde, som varer og tjenesteydelser værdisættes inden for den industrielle økonomi, er således blevet suppleret af en værdisættelse af genstande, der på den ene eller den anden måde er sjældne, såsom ejendomme, luksusprodukter, kunstværker eller antikviteter.

Inden for rammerne af den industrielle økonomi værdisættes varer efter det, som Boltanski og Esquerre kalder for *standardformen* (*la forme standard*), hvor varer værdisættes langs to akser. For det første langs en tidsdimension. Industriprodukter skabes for at blive forbrugt, men som tiden går, bruges produktet op, og det mister gradvist sin værdi, efterhånden som det slides, mister sin oprindelige nytteværdi og gradvist forvandles til affald. Bevægelsen er med andre ord fra produkt

til affald. Det er imidlertid meget forskelligt, hvor hurtigt denne udvikling går, fra engangsprodukter, der bruges op med det samme, til kvalitetsprodukter, som luksusbiler, der er skabt til at holde i lang tid. Produktet værdisættes således afhængigt af, hvor holdbart det er, det vil sige, hvor lang tid bevægelsen fra nyt produkt til affald typisk tager. Men for det andet værdisættes produktet også ud fra differensdimension, alt efter hvor det befinder sig på en skala from generisk produkt, som fx en engangstandbørste, til højt udviklede produkter som en ny smartphone, hvor ny og innovativ teknologi er en væsentlig del af det, der begrundes den høje pris (Boltanski and Esquerre 2014: 38).

I de senere år har standardformen imidlertid fået stadig mindre betydning, og varer værdisættes i stadig større omfang efter *samlerformen* (*la forme collection*), der især bringes i anvendelse i forhold til luksusgenstande samt kunstværker og andre samlerobjekter. Genstande, der værdisættes efter denne modus, har et helt andet forhold til det at blive forbrugt end industriprodukter har. I nogle tilfælde er der tale om genstande, der overhovedet ikke skabt for at blive forbrugt, men derimod for at indgå i en samling som et kunstværk. I andre tilfælde drejer det sig om genstande, der måske oprindeligt var skabt som industriprodukter, men som dernæst, ofte efter først af være forvandlet til skrald, værdisættes ud fra deres egnethed som samlerobjekter, herunder deres sjældenhed og deres evne til at fortælle historier. Hvor industriprodukter orienterer sig mod fremtiden som noget, der er bestemt til at blive til affald, orienterer samlergenstande sig således mod en fremtid, hvor de i princippet er bestemt som udødelige, det vil sige som noget, der stadig bevares. Af samme grund er det centrale opbevaringsomkostninger snarere end produktionsomkostninger. Samlerobjekter har derfor den modsatte tidslighed af industriprodukter: Som tiden går, øges deres værdi. Ganske som med industriprodukter opererer værdisættelsen således langt to dimensioner. Dels en tidslighedsakse alt afhængig af deres "erindringsværdi", hvor ældre er bedre end nyt, og genstandene valoriseres efter deres evne til at indgå i narrativer ("dette er De Gaulles læderjakke"). Dels en differensdimension, alt afhængig af, om der er tale om unika eller genstande, der findes i et større antal, sådan at unika er mere værd end mangfoldiggjorte genstande.

Endelig har en tredje form, nemlig *investerings-* eller *aktioformen* (*la forme actif*) fået stadig større betydning i de senere år i kraft af den dominerende rolle, som finanssektoren spiller i moderne økonomi¹²². Ud fra denne form værdisættes ting ud fra deres evne til at genere fremtidige indtægter. Langs en tidsdimension er det afgørende således, hvor sikker den fremtidige indtægt er, sådan at større grad af sikkerhed giver større værdi. Og for det andet langs en differensdimension, hvor ting værdisættes alt afhængig af deres likviditet, det vil sige, hvor let de er at afsætte på et marked (Boltanski & Esquerre 2014 : 67). Denne værdisættelsesform er særlig relevant for finansielle produkter, men også andre ting, såsom kunstværker og andre samlerobjekter, værdisættes i stigende grad på denne måde – ud fra deres værdi som investeringsobjekter.

¹²² I det senere værk *Enrichment* (2017a) har Boltanski og Esquerre suppleret analysen med en fjerde form, nemlig den såkaldte *trendform* (*la forme tendance*), der særligt bringes i anvendelse i forhold til modeprodukter af forskellige art. For nærværende vil jeg imidlertid holde mig til at de tre former, der indgik i den første udgave af teorien, da det vil være tilstrækkeligt som ramme for min præsentation af endnu en værdisættelsesform, nemlig *sikkerhedsliggørelse*.

I det følgende vil jeg argumentere for, at Boltanski og Esquerres analyse må suppleres med endnu en værdisættelsesform, nemlig eksklusionsformen, hvor steder værdisættes ud fra den grad af social eksklusion, der adskiller dem fra deres omgivelser. Også denne form kan karakteriseres ud fra to akser, nemlig dels en sikkerhedsakse, hvor steder værdisættes ud fra, hvor effektivt afsondrede de er fra mennesker, der opfattes som bærere af risiko, dels en eksklusivitetsdimension, hvor stedets værdi er proportionalt med, hvor lille en gruppe personer, der har adgang til det. Som en forudsætning for den videre analyse vil jeg imidlertid indlede med at se nærmere på nogle af de udviklingstendenser, der karakteriserer den måde, vi i dag producerer sikkerhed på.

Politivirksomhed som social eksklusion

To af de centrale tendenser i moderne politiarbejde er, at indsatserne følger en geografisk logik fx ved at rette sig mod et bestemt sted, og at indsatserne i stadig større omfang bruger social eksklusion som virkemiddel. For så vidt angår det sidste punkt, er der ikke noget nyt i, at straffelovskriminalitet mødes med social eksklusion; der er jo fx er den funktion, som fængslet traditionelt har haft. Men den sociale eksklusions form har ændret sig. Fængslet var og er (i de fleste tilfælde) en midlertidig eksklusion, der på et tidspunkt bliver erstattet af reintegration i samfundet på det tidspunkt, hvor den indsatte løslades – måske endda sådan, at man har en forestilling om, at fængslet kan have en rehabiliterende funktion og forberede denne senere sociale reintegration. Samtidig er den moderne retsstat med tilhørende strafferetspleje kendetegnet ved, at sigtede, dømte og indsatte har en række grundlæggende rettigheder, der beskytter dem og markerer deres tilhørsforhold som borgere i samfundet. I moderne politiarbejde og retshåndhævelse mere generelt er der imidlertid en tendens til, at den sociale eksklusion ændrer form for i stedet at blive en permanent tilstand uden et reintegrationsperspektiv, samtidig med at den ekskluderedes retsbeskyttelse svækkes, fordi eksklusion som magtmiddel anvendes af andre aktører og under andre lovgivningsmæssige rammer end strafferetsplejen.

Det første, vi skal bemærke, er således, hvor central en kategori *stedet* er blevet for moderne politiindsatser. Det gælder for politiindsatser, der eksplicit retter sig mod stedet som genstand for indsatsen, sådan som *hot spot policing*, hvor politiet målretter indsatsen mod små nøje definerede geografiske områder med forøget kriminalitet. Men det gælder også mere generelt, at geografiske tænkning og kortteknologi i dag står centralt i politiets arbejde (Manning, 2008).

Det afgørende er imidlertid, at denne fokusering på stedet i stadig højere grad kobles sammen med anvendelse af social eksklusion som problemløsningsmekanisme. Historisk har en af de afgørende drivere i denne udvikling være politivirksomhed udøvet af andre end statslige myndigheder, enten i form af private vagtværn (*Private policing*) eller i form af andre civile organisationer såsom lokale forretninger eller boligforeninger (*Third party policing*). Omfanget af *private policing* er omdiskuteret i forskningslitteraturen, og den tidligere konsensus om, at omfanget er stigende, er ikke længere til stede. Men under alle omstændigheder ville der være væsentlig forskel mellem udviklingen i de angelsaksiske og de skandinaviske lande, der igen adskiller sig fra hinanden, for så vidt angår omfanget af og rammerne for udøvelse af vagtvirksomhed. Men i denne sammenhæng er det vigtigste ikke så meget spørgsmålet om, hvorvidt privat politivirksomhed er blevet mere udbredt

eller vigtigere i kvantitative termer. Det afgørende er derimod snarere nogle af de tendenser i moderne politiarbejde, som kommer til udtryk i private policing, og som siden er blevet spredt til politivirksomhed mere generelt, uanset om denne udøves af private aktører eller af politiet som statslig myndighed. Historisk har private policing især været knyttet til privat ejede megastrukturer, såsom theme parks, shopping malls and campusområder. I disse kontekster retter private politiindsatser udført af vagter sig mod at beskytte bestemte grupper, fx købestærke borgere, mod andre og uønskede grupper, fx ikke-købestærke dele af befolkningen. Endvidere er det sådan, at indsatsen udøves ved at ekskludere mennesker, der er uønskede, fordi det vurderes, at de er til gene for kunderne og ikke selv er forbundet med et passende indtjeningspotentiale. En vigtig grund til, at det netop er social eksklusion, der er blevet det centrale virkemiddel, er, at private vagtværn ikke har ret til at anvende andre magtmidler på niveau med politiet og derfor må anvende de magtmidler, som de har til rådighed inden for civilretslige rammer, herunder at formene uønskede adgang til privat ejendom. Der er med andre ord tale om en politiindsats, der retter sig mod et sted, og som beskytter dette sted ved at ekskludere eller udstøde uønskede. Meget det samme billede tegner sig, hvis vi kigger på såkaldt *third party policing*, det vil sige det, at politiet danner netværk med private firmaer eller andre offentlige myndigheder for at få dem til at udøve eller bidrage til udøvelse af politimyndighed (Mazerolle & Ransley, 2005). Ganske som private vagtværn har sådanne aktører selvsagt ikke ret til at anvende magt på linje med politiet, så de må i stedet for benytte andre midler til at påvirke kriminel og anti-social adfærd. Det bliver derfor i stedet for (truslen om) social eksklusion, der kommer til at fungere som magtmiddel, som fx et boligselskab, der sætter uønskede borgere på gaden, eller truer med at gøre det. Såvel når det gælder *private policing* som *third party policing* betyder det, at politivirksomhed udøves af andre aktører end statslige myndigheder således, at politiets traditionelle magtmidler i stadig større omfang erstattes af social eksklusion: Hvis man ikke har retten til at arrestere folk, så kan man stadig udøve magt ved at ekskludere dem fra et boligområde eller et shoppingcenter, hvor de af den ene eller den anden grund er uønskede. Der er derfor en omvendt sammenhæng mellem brugen af social eksklusion og retsstatens traditionelle beskyttelse af borgeren i form af, at anvendelsen af fysiske magtmidler begrænses til politiet som forvalter af statens magtmonopol. Det betyder imidlertid også, at private aktører udøver en form for magt, hvor borgeren ikke længere har den retsbeskyttelse, som de har, når det drejer sig om straffekriminalitet og om politiets magtanvendelse. Bliver man nægtet adgang til et shoppingcenter har man ikke de samme klage- og ankesmuligheder eller det samme rettigheder i forhold til repræsentation og dommeruvildighed, som man har, hvis man gøres til genstand for politiets magtanvendelse. Det, at private vagter ikke må udøve magt, betyder med andre ord, at borgeren har dårligere retsgarantier over for denne magtudøvelse¹²³.

Fokuseringen på stedet og den dermed sammenhængende brug af social eksklusion kendetegner imidlertid ikke kun privat udøvelse af politivirksomhed, men også mange af det offentlige politis

¹²³ Der er dog stadig klagemuligheder for mennesker, der bliver udsat for denne form for magtudøvelse, hvis de kan dokumentere eller sandsynliggøre, at de bliver udsat for diskrimination, det vil sige ekskluderet uden gyldig grund, men på grund af race, etnicitet eller lignende. Det er måske blandt andet på denne baggrund, at man må forstå den centrale rolle, som spørgsmålet om racisme spiller i mange diskussioner af politiet. Måske klager over racisme i nogle tilfælde er en diskursiv adgang til at udfordre magtudøvelse, som man oplever som illegitim og uretfærdig.

arbejds måder. Et godt eksempel på det er såkaldt *Broken Windows Policing* (se Wilson & Kelling 2005 [1982] for den oprindelige formulering af teorien), der i en amerikansk udgave ofte er blevet til *zero-tolerance policing*, det vil sige en meget aggressiv brug af politiets magtmidler. Tanken bag *Broken Windows Policing* er, at politiet også skal tage sig af mindre forseelser, såsom hærværk, graffiti og tiggeri, ud fra en antagelse om, at disse mindre former for ordensforstyrrelser underminerer den generelle sociale orden fx ved at signalere, at lovbrud er i orden (se Harcourt (2001) for en kritisk diskussion af mekanismen bag Broken Windows). Men det vil i praksis ofte sige, at politiet har til opgave at holde et bestemt område, det vil sige et sted, fri for mennesker, der er socialt uønskede, såsom tiggere, narkomaner og hjemløse – hvis man gerne vil undgå tiggeri, så er løsningen at fjerne tiggere fra det sociale rum. I en britisk kontekst genfinder vi mange af de samme tankegange og samme type politiindsatser i såkaldt *reassurance policing* rettet mod *signal crimes* (Millie, 2014), hvor tankegangen er, at politiet skal tage lokalsamfundets bekymringer alvorlig og rette politiindsatser mod mindre forseelser, der i særlig grad udfordrer borgernes fornemmelse af sikkerhed, en type politiindsatser, der på det juridiske plan blev understøttet af en kriminalisering af *anti-social behaviour* under Tony Blair. I en dansk og skandinavisk kontekst er tankegangen især blevet udfoldet under betegnelsen tryghedsskabende indsatser, hvormed der ofte menes indsatser, hvor mennesker der er uønskede, såsom hjemløse, teenagere eller borgere af anden etnisk oprindelse (eksempelvis romaer), fjernes fra byrummet for at skabe tryghed og mindske frygten for kriminalitet. Kendetegnet for denne type politiindsatser er således to ting, nemlig dels at forbindelsen mellem politi og egentlig straffelovskriminalitet svækkes, efterhånden som politiet får nye opgaver, som i højere grad retter sig mod ordensforseelser eller socialt afvigende adfærd, der ikke tidligere ville være kriminaliseret, men nu er det under meget brede juridiske bestemmelser som tryghed eller anti-social behaviour, og for det andet, at politiets løser disse opgaver ved at bruge social eksklusion som middel – ved at smide de uønskede ud.

Et tredje eksempel på, at social eksklusion spiller en stadig større rolle i moderne politivirksomhed er såkaldt krimmigration, der vil sige den stadig tættere forbindelse og delvise sammensmeltning mellem immigrationskontrol og kriminalitetsbekæmpelse (Aas 2011; Aas & Bosworth 2013; Johansen, Ugelvik, & Aas 2013; Sklansky 2012). Påvirkningen går begge veje. Således er der en tendens til, at den form for magtanvendelse, der tidligere var forbeholdt sager inden for straffelovens rammer, i dag anvendes bredt over for immigranter, herunder også asylansøgere både før og efter et eventuelt afslag på deres asylansøgning. Det gælder i særdeleshed arrest, fængsel og andre former for internering. Men et gælder også magtmidler som håndjern og peberspray mv. Straffelovens magtmidler spredt sig med andre ord over et stadig større område og retter sig i stigende omfang mod mennesker, der ikke har gjort noget ulovligt (det er jo fx ikke ulovligt at søge asyl). Men påvirkningen går også den anden vej, sådan at immigrationslovgivningens midler, nemlig udvisning, bruges over for personer, der er mistænkt for kriminalitet, med den konsekvens, at disse personer ikke længere er omfattet af de retsgarantier, som en mistænkt har inden for strafferetsplejen. Til tider kan der, i hvert fald i en amerikansk kontekst, også være tale om, at politi og anklagemyndigheder ad hoc vælger mellem immigrationslovgivning og strafferet, alt afhængig af, hvad der er nemmest (Sklansky 2012).

Eksklusion, sikkerhedsliggørelse og værdi

Der er således en stadig mere omsiggribende tendens til, at vi i dag producerer sikkerhed ved hjælp af social eksklusion. Det vil imidlertid være min tese, at denne udvikling er sammenhængende med en forskydning i den sociale produktion af værdi: Forskydningerne i politiets arbejdsmetoder er parallelle med og sammenhængende med et nybrud i den sociale produktion af værdi, sådan at social eksklusion i sig selv bliver til en måde at skabe værdi på, og sådan at politi og andre institutioner, der traditionelt har været knyttet til straffelovskriminalitet, i stadig større omfang kommer til at spille en central rolle i den sociale produktion af værdi.

Mere præcist vil jeg vise, at Boltanski og Esquerres analyse må suppleres med endnu en måde at begrunde og legitimere værdi på, nemlig at et bestemt sted tildeles værdi, fordi det kun er en eksklusiv gruppe af personer, der har adgang til det. Sikkerhedsliggørelse er med andre ord blevet til en form for værdiproduktion. Vi bevæger os hastigt i retning af det, som Deleuze omtaler som et kontroksamfundet, det vil sige et samfund, der er struktureret som et kassesystem af sammenhængende adgangskontroller (Deleuze 2006). Det vil imidlertid være min tese, at en del af udviklingen frem mod kontroksamfundet drives af den stadig større betydning som værdiproduktion ved hjælp af sikkerhedsliggørelse spiller.

Det er blevet bemærket, at privat politi kan føre til, at sikkerhed bliver til et klubgode (Hope 2000), det vil sige et gode, der er frit tilgængelig for medlemmerne af en bestemt klub, men som af lukket eller utilgængelig for ikke-medlemmer. Et klubgode er med andre ord ikke-rivaliserende i den forstand, at det, at en person nyder dette gode, ikke mindsker andre personers mulighed for også at nyde det. Men samtidig er klubgodet også eksklusivt i den forstand, at det er muligt, at ekskludere andre fra det, sådan at det kun er bestemte personer, der nyder det. Der ligger med andre ord en social eksklusionsmekanisme til grund for et klubgode, for så vidt som det er den, der gør det værd at være medlem af klubben.

En indgangsvinkel til dette aspekt af moderne værdiproduktion, er det økonomiske begreb om *conspicuous consumption*. I dag har luksusforbrug meget ofte karakter af eksklusivitet, det vil sige produkter eller steder, hvortil det kun er en lille og udvalgt gruppe af mennesker, der har adgang. Eksklusivitet er imidlertid et meget anderledes begreb end Veblens begreb om *conspicuous consumption*, for hvor hele pointen ved *conspicuous consumption* er, at den er synlig og derfor kan bruges som social markør, er eksklusivitet ofte bundet sammen med evnen til at unddrage sig andre menneskers nysgerrige blikke. *Conspicuous consumption* forudsætter, om man vil, et socialt rum med en egalitær topologi i den forstand, at alle (eller i det mindste alle medlemmer af en bestemt socialgruppe eller nation) har adgang til det, sådan at man kan bruge forbrug som markør af sociale forskelle inden for dette rum, ved fx at købe huse, biler eller tøj, som andre ikke har råd til. Forbruget skal med andre ord være synlig i en fælles social verden, for at der er nogen pointe i *conspicuous consumption*. Der skal, om man vil, social gennemsigtighed til for at gøre forbrug *conspicuous*. I dag lever vi imidlertid i en verden, hvor det snarere er privatliv (*privacy*) og eksklusivitet, der er de ultimative luksusgoder. Det gælder om netop ikke at blive set og unddrage sig den fælles verden. Vender vi tilbage til Haiti, er hele ressortområdet således organiseret med som et kontroksamfund,

hvor forskellige grupper fx har adgang til forskellige typer hytter på land alt efter betalingsevne. Og det, der gør det værd at betale for en dyr hytte, er netop i høj grad er, at den er eksklusiv, og at det ikke er alle, der har denne adgang – for selvom hytten selvfølgelig også er beliggende et godt sted som fx vandkanten, så er en væsentlig del af salgsargumentet, at man bliver behandlet bedre end masseturisten, hvis man køber adgang til en sådan hytte. Der er med andre ord i høj grad dette at være afsondret fra det sociale, vi køber adgang til i dag.

Parallelt med den stadig større betydning, som social eksklusion får i kontrollen med socialt udsatte, får vi således den modsatrettede bevægelse, hvor de rigeste og mest ressourcestærke del af befolkningen betaler for at kunne afsondre sig selv fra almindelige mennesker. Det er således en dobbeltbevægelse, hvor såvel samfundets bund som dets top mister forbindelsen med dets midte, med den væsentlige forskel, at bunden udstødes af andre, hvorimod toppen selv vælger at afsondre sig. Der er med andre ord tale om et kinesisk æske system af afsondringer, hvor den (hvide) middelklasse er afsondret fra the andre grupper i kraft af en dobbeltmur med pigtråd, men samtidig er den rigeste del afsondret fra middelklasse internt i samfundet.

Det er netop denne sociale eksklusion, der gør stedet værdifuldt. Og ganske som de tre former, som Boltanski og Esquerre analyserer, kan også denne værdiproduktion analyseres ud fra en differens- og en temporalitetsakse. Ud fra en differensakse er et sted desto mere værdifuldt, jo mindre en gruppe af personer, der har adgang til det. Der er fx en tendens til, at klubber er mere attraktive at være medlemmer af, jo mere sociale ekskluderende og sorterende de er. Med Woody Allens gamle vittighed er der ikke noget ved at være medlem af en klub, der vil acceptere én selv som medlem. Det betyder, at der, der gør en klub socialt værdifuld, er, at den sociale udelukkelsesmekanisme, det vil sige det, at den er "gated". Og det er netop denne gating funktion, der skaber værdien i klubben. Men på den anden side har det sociale felt også en temporalitetsdimension, der udgøres af sikkerhed. Stedet vil således anses for desto mere værdifuldt, jo sikrere det er – det er netop derfor, at det trækker fra det sociale felts værdi, hvis suspekte personer har adgang til det. Stedets værdi afspejler således en vurdering af dets risikoprofil, det vil sige af, hvor stor en risiko, der er for, at der i fremtiden vil ske ting, der kan bringe dem, der opholder sig på stedet i fare. Men også denne akse hviler på social eksklusion, nemlig af dem, der opfattes som bærere af risiko. Det sociale felt hviler med andre ord på en dobbelt eksklusion: På den ene side langs en eksklusivitetsakse, sådan at det er mere attraktivt at være medlem af en klub, jo færre medlemmer den har (men stadig selvsagt vigtigt, at det er de rigtige medlemmer). Men på den anden side en sikkerhedsakse, sådan at stedet er mere værdifuldt, jo mindre risiko, der er forbundet med det.

Adam Diderichsen

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Omrejsende kriminelle i Danmark

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Udlændinge og kriminalitet er et meget omtalt (politisk) emne. Debatten føres ofte med afsæt i kriminalstatistikken, men der savnes en objektiv og metodisk valid undersøgelse af omfanget af og udviklingen i udenlandske kriminelles andel i straffelovsovertrædelser i Danmark. Det centrale begreb i denne undersøgelse er nationalt tilhørsforhold. Netop denne betegnelse benytter Rigspolitiet ved registrering af sigtede og tiltalte personer. Der skelnes mellem danske statsborgere, asylansøgere, illegale indvandrere, fastboende udlændinge og turister. Det er den sidste gruppe – turister – der er undersøgelsens fokusområde. Definitionen er dog ret bred: "Turist eller andre udlændinge med ophold efter visumregler; visumpligtig udlænding med visum; udlænding med udvidet besøgsophold". Turister er altså udenlandske statsborgere, der opholder sig lovligt og midlertidigt i Danmark.

Forskningsprojektets problemstilling lyder således:

Hvordan har turisternes (personer uden fast adresse i Danmark) andel i antallet af sigtelser for og afgørelser om straffelovskriminalitet udviklet sig i perioden 2000-2014, og hvordan kan denne udvikling fortolkes?

Del 1: Statistisk analyse af straffelovssigtelser og -afgørelser

Kriminalregistret er undersøgelsens datagrundlag: oplysninger om sigtelser for og afgørelser om straffelovskriminalitet i perioden 2000-2014. Der er opnået adgang til disse data gennem Danmarks Statistiks forskerordning. Imidlertid viste det sig, at der fra og med 2007 manglede oplysninger om de sigtedes statsborgerskab, køn og alder. Vi har derfor taget kontakt til Rigspolitiet, som har stillet et datasæt med disse oplysninger til rådighed.

A. Gennem årene sigtes turister oftere og oftere for straffelovskriminalitet

Gennem årene er antallet af udenlandske statsborgere, der sigtes for straffelovskriminalitet i Danmark, steget markant, og det skyldes hovedsagelig kriminelle turister. I de sidste par år (2012-14) har antallet af straffelovssigtelser været fordelt med ca. 75 % på danske statsborgere og 25 % på udlændinge. Omtrent halvdelen af udlændingene bor fast i Danmark, mens en tredjedel betegnes som turister. Hvad angår sigtelsesrisikoen, begynder fastboende udlændinge i løbet af perioden 2000-2014 at ligne danske statsborgere mere og mere.

Tabel 1: Andel (i %) af straffelovssigtelser efter nationalt tilhørsforhold i perioden 2000-2014

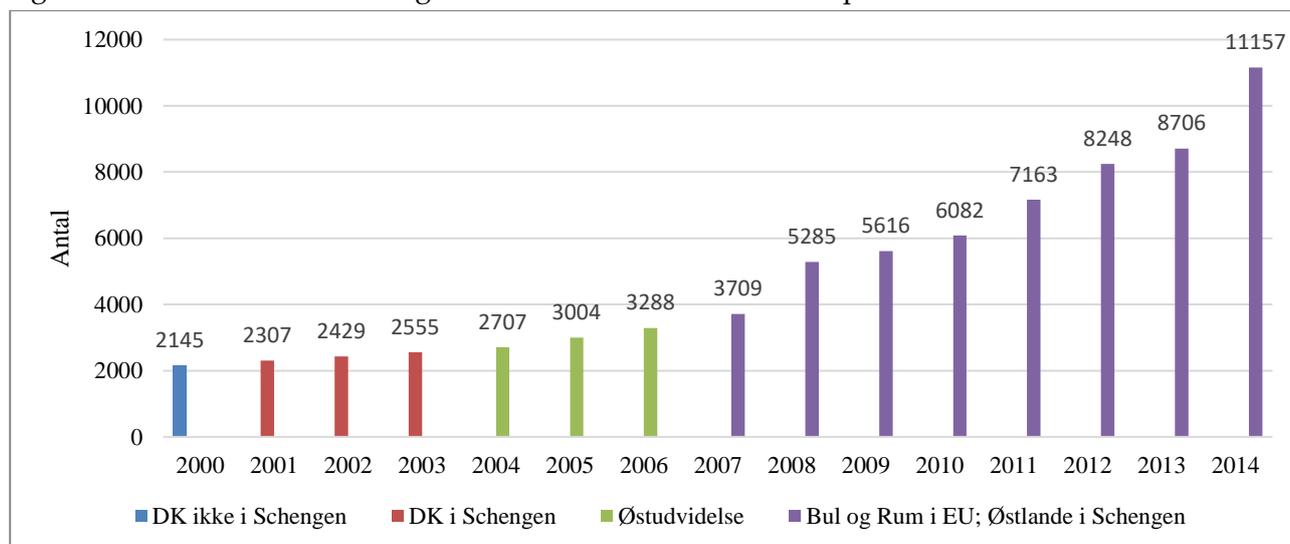
	Antal sigtelser	Danske statsborgere	Fastboende udlændinge	Asyl-ansøgere	Illegale indvandrere	Turister
2000	122.790	82,8	10,7	4,0	0,8	1,7
2001	112.257	83,5	11,4	2,2	0,9	2,1
2002	111.911	83,4	12,1	1,6	0,7	2,2
2003	111.430	83,8	11,6	1,5	0,8	2,3
2004	112.357	83,9	11,4	1,4	0,9	2,4
2005	100.609	83,5	11,7	1,0	0,8	3,0
2006	98.447	83,6	11,4	0,7	0,9	3,3
2007	92.088	82,3	12,0	0,8	0,8	4,0
2008	92.204	80,3	11,9	0,9	1,1	5,7
2009	94.468	79,9	12,0	1,2	1,0	5,9
2010	105.321	80,0	11,7	1,4	1,2	5,8
2011	113.195	79,1	11,9	1,6	1,0	6,3
2012	106.988	75,9	12,8	2,0	1,6	7,7
2013	104.733	74,5	13,3	2,3	1,7	8,3
2014	108.286	73,7	12,4	1,8	1,8	10,3

Kilde: Kriminalregistret (KRSI-database)

B. Virkningen af åbne grænser

Stigningen i turisternes andel i antallet af sigtelser og afgørelser for straffelovskriminalitet falder sammen med EU's østudvidelse og udvidelsen af Schengenområdet. Selve østudvidelsen fra 2004 havde en begrænset effekt, men Bulgariens og Rumæniens indtræden i EU-samarbejdet og Schengenrådets udvidelse i 2007/08 ser ud til at have haft betydelig indflydelse. Analysen viser, at væksten i turisternes andel i antallet af sigtelser og afgørelser udelukkende står for østeuropæernes regning, hvilket naturligvis underbygger antagelsen om en sammenhæng med udvidelserne af EU og Schengenområdet.

Figur 1: Antallet af straffelovssigtelser mod turister i Danmark i perioden 2000-2014



Kilde: Kriminalregistret (KRSI-database)

C. Statsborgere fra Rumænien, Litauen, Polen og Bulgarien sigtes oftest

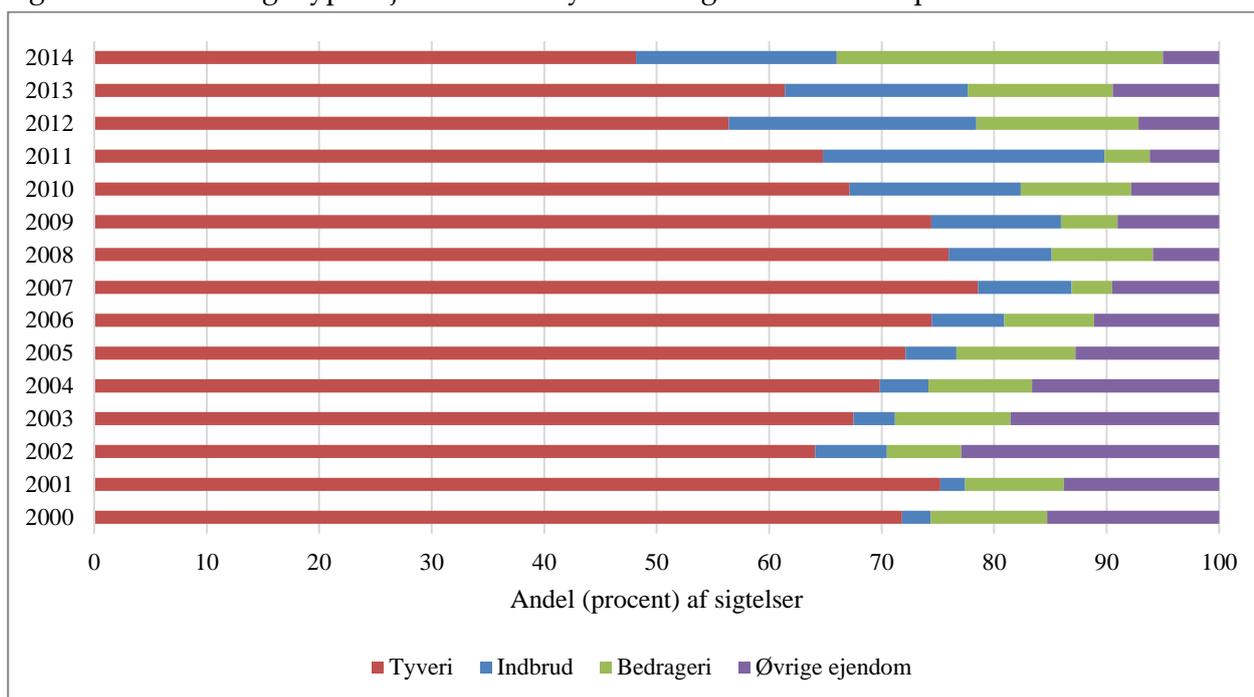
Det er dog ikke alle østeuropæiske statsborgere, der står bag væksten. Især fire lande skiller sig ud, med Rumænien helt i front. Antallet af straffelovssigtelser mod rumænske turister er således siden 2007/2008 steget meget voldsomt. I 2014 tegnede statsborgere fra Rumænien sig med 6.107 sigtelser for 55 % af alle sigtelser mod kriminelle turister. Langt efter følger statsborgere fra Litauen med 1.763 sigtelser i 2012 (højeste antal/år) og ca. 1.300 sigtelser i 2013/14. Antallet af straffelovssigtelser mod polske turister toppede i 2008 (1.081 sigtelser) og har i de efterfølgende år stabiliseret sig på omkring

800. I 2014 faldt tallet til lidt over 500. Statsborgere fra Bulgarien viser også en stigning fra 2007, men denne udvikling har siden stabiliseret sig på et niveau mellem 200 og 400 sigtelser.

D. Tyveri, indbrud og bedrageri er de foretrukne forbrydelser

Turisterne sigtes oftest for ejendomsforbrydelser. I 2014 faldt 92 % af alle sigtelser for straffelovskriminalitet inden for denne kategori. Halvdelen af disse ejendomsforbrydelser drejede sig om tyverier, mens indbrud i 2014 tegnede sig for 18 %. I perioden 2000-2014 var der relativt færre tyverisigtelser, men flere indbrudssigtelser. Bedrageri er en særlig kategori. Andelen af bedragerisigtelser gik i perioden 2000-2013 op og ned, men steg markant i 2014. Årsagen er mange sager om (data)bedrageri, hvorunder de samme gerningsmænd blev sigtet.

Figur 2: De forskellige typer ejendomsforbrydelser begået af turister i perioden 2000-2014



Kilde: Kriminalregistret (KRSI-database)

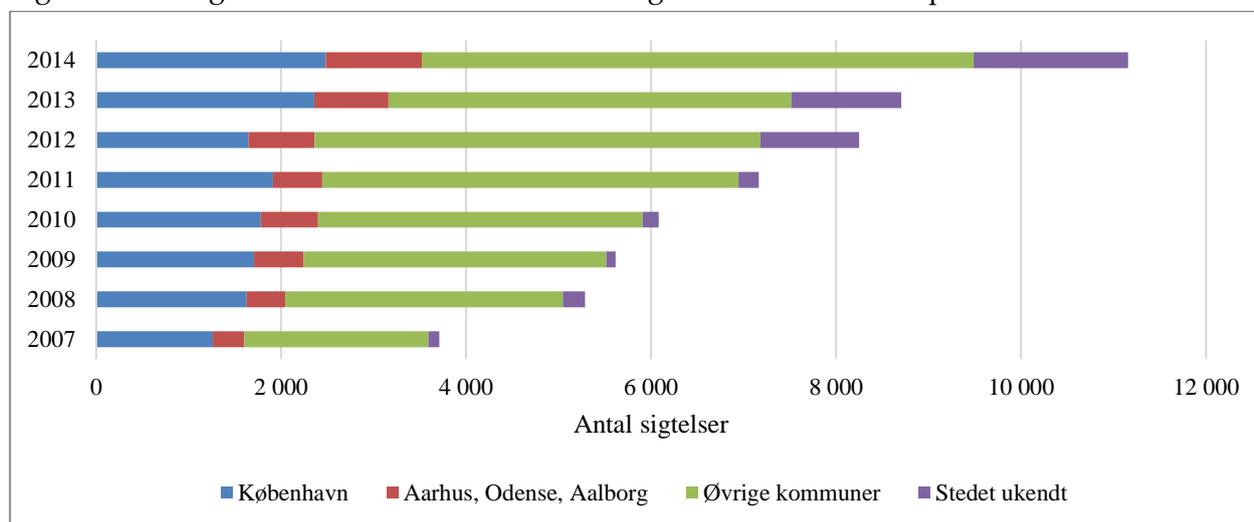
E. Kriminelle turister er ofte yngre mænd

De turister, der sigtes for straffelovskriminalitet i Danmark, passer på den velkendte forbryderprofil: yngre mænd. I perioden 2007-2014 steg mændenes andel fra 80 til 90 %.

F. *Provinsen er i stigende grad gerningsstedet*

Sammenlignet med samtlige sigtelser tegner København sig for relativt mange sigtelser mod turister, men kommunens andel faldt i perioden 2007-2014 fra 34 til 22 %.

Figur 3: Gerningsstedskommune for straffelovssigtelser mod turister i perioden 2007-2014

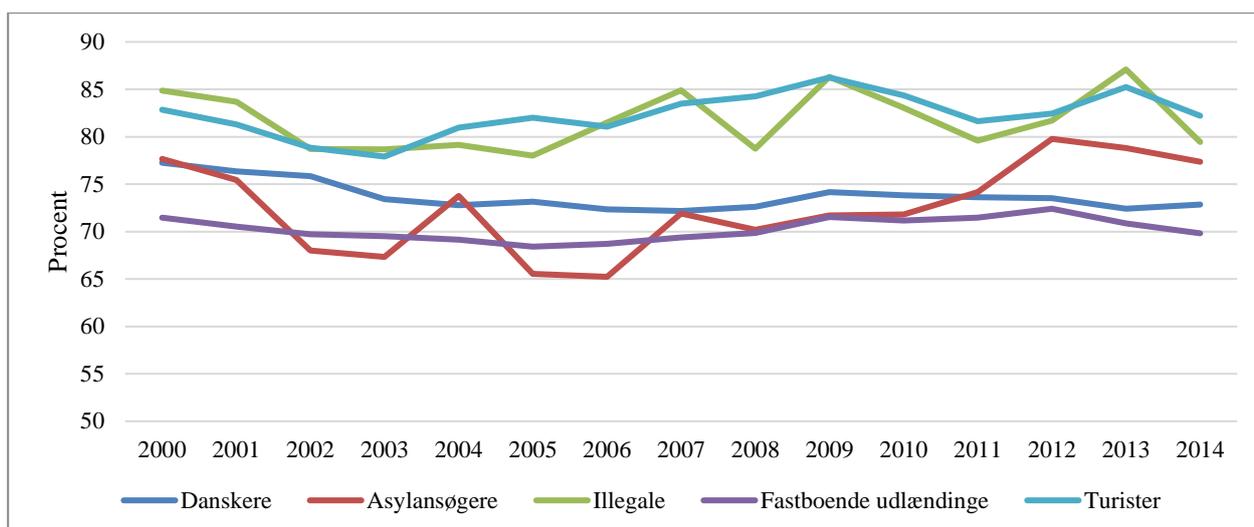


Kilde: Kriminalregistret (KRSI-database)

G. *Turister sigtes ikke oftere på et løst grundlag*

En sigtet er ikke nødvendigvis skyldig. Anklagemyndigheden eller domstolen afgør, om en sigtet er skyldig, eller rettere sagt: Om han eller hun findes skyldig. De turister, som i perioden 2000-2014 sigtedes for en eller flere straffelovsovertrædelser, blev i 80-85 % af sagerne kendt skyldige. Dermed kendes turister oftere skyldige end danskere og fastboende udlændinge. Det skyldes, at turister relativt tit sigtes for ejendomsforbrydelser. Når der kontrolleres for type forbrydelse, så forsvinder forskellen.

Figur 4: Procentandel af sigtede, der i perioden 2000-2014 blev fundet skyldige



Kilde: Kriminalregistret (KRAF-database)

H. Turister bliver oftere varetægtsfængslet

Varetægtsfængsling finder som hovedregel sted, når der foreligger begrundet mistanke om, at sigtede har begået en lovovertrædelse med en strafferamme på mindst 1½ år. Derudover er der en række specifikke krav, men særlig relevant i forhold til kriminelle turister er reglerne vedrørende udvisning (udlændingelovens § 35, stk. 1): Når den sigtede står til udvisning, kræves der typisk varetægtsfængsling. Turisternes andel i antallet af varetægtsfængslinger er derfor ca. dobbelt så stor som deres andel i antallet af sigtelser.

I. Turister bliver oftere idømt ubetinget, kortere frihedsstraf

De forskelle, der optræder i strafudmålingerne for henholdsvis turister og andre grupper, kan et langt stykke hen ad vejen forklares med forbrydelsestypen. Der er imidlertid to markante forskelle mellem turister på den ene side og danskere og fastboende udlændinge på den anden side. Den første forskel ses i omfanget af henholdsvis betinget og ubetinget frihedsstraf. Når det gælder danskere, er omkring halvdelen af alle frihedsstraffe betingede. Dvs. at de ikke skal afsone straffen, hvis de overholder dommens betingelser. For fastboende udlændinge er andelen af betingede frihedsstraffe ca. 40 %. Men når det gælder turister, er frihedsstraffene næsten udelukkende ubetingede og skal dermed afsones.

Den anden forskel ses i det gennemsnitlige antal fængselsdage ved ubetingede frihedsstraffe, som for turister er lavere end for danskere og fastboende udlændinge. Forklaringen er, at det typisk er mildere frihedsstraffe (til danskere og fastboende udlændinge), der gøres betingede, og dermed bliver gennemsnittet af antal fængselsdage ved ubetinget frihedsstraffe højere.

Del 2: Perspektivering

Ovenstående resultater er forsøgt fortolket ud fra litteraturen om politiets og retssystemets arbejdsmetoder og om omrejsende østeuropæiske forbryderes motivation for at begå kriminalitet i Nord- og Vesteuropa.

A. Kriminelle turister fra Østeuropa

EU's østudvidelse og de åbne grænser (Schengensamarbejdet) har medført større mobilitet, og Nord- og Vesteuropas rigdom virker som en magnet på omrejsende kriminelle fra Østeuropa. Ifølge forskningen kan disse inddeles i to typer: overlevelseskriminelle og professionelle kriminelle. Overlevelseskriminelle er oprindelig kommet for at arbejde, men denne plan er gået i vasken, og de overlever derfor ved at begå gadekriminalitet. De opholder sig hovedsagelig i storbyer. Professionelle kriminelle har derimod organiseret sig i netværk.

B. Kriminelle netværk

Der kan skelnes mellem tre typer kriminelle netværk med rødder i Østeuropa:

1. Omrejsende kriminelle, som tilhører et større netværk i hjemlandet eller rekrutteres af sådanne med henblik på specifikke opgaver.
2. Omrejsende kriminelle, som organiserer sig i udlandet og opholder sig her i længere tid for at begå kriminalitet.
3. Roma-familier, som rejser fra det ene til det andet land for at begå kriminalitet og efter et stykke tid vender tilbage til Rumænien eller Bulgarien for at investere deres udbytte.

C. Netværkenes præference for provinsen

En hollandsk undersøgelse (Siegel, 2013) peger på, at professionelle kriminelle netværk fra Østeuropa helst begår deres forbrydelser i provinsen og ikke i storbyer som Amsterdam, Haag og Rotterdam. Storbyerne foretrækkes derimod i højere grad af overlevelseskriminelle. Hvis den samme tendens gør sig gældende i Danmark, kan det forklare Københavns faldende andel i antallet af sigtelser mod turister.

D. Opmærksomhed på østeuropæere

En mulig forklaring på østeuropæeres større sigtelsesrisiko er selektion: Borgerne, politiet og retssystemet er mere opmærksomme på østeuropæernes adfærd, og dermed opdages flere forbrydelser begået af denne befolkningsgruppe end forbrydelser begået af etniske danskere. Der er meget, der tyder på, at politiet (og borgerne) holder et vågent øje med østeuropæere, hvilket muligvis påvirker sigtelsesrisikoen. En undersøgelse af tricktyveri (Kongstad & Kruize, 2012) indikerer imidlertid, at effekten af denne ekstra opmærksomhed er begrænset.

E. Varetægtsfængsling og ubetingede frihedsstraffe

Kriminelle turister bliver forholdsvis oftere (varetægts)fængslet end danske statsborgere og fastboende udlændinge. Årsagen skal findes i udlændingeloven. Kriminelle turister kan blive udvist af Danmark (med indrejseforbud), og det medfører typisk varetægtsfængsling inden retsmødet. Turister, der idømmes frihedsstraf, oplever sjældent, at straffen gøres betinget. Det skyldes sikkert, at de ikke bor i Danmark, og at det dermed er svært at kontrollere, om de begår ny kriminalitet eller overtræder pålagte regler.

Litteratur

- Kongstad, Annalise & Peter Kruize (2012). *Tricktyveri i beboelse*. København.
- Siegel, Dina (2013). *Mobiel Banditisme: Oost- en Centraal-Europse rondtrekkende criminele groepen in Nederland*. Politie en Wetenschap/Universiteit van Utrecht.

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PARALLEL SESSION 4C: Recidivism, restorative justice and monitoring

Driving Under the Influence and Recidivism Risk: A Development and Validation of DWI Risk Assessment Instruments in Finland

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Driving while intoxicated (DWI) is a serious criminal and public health issue in nearly all countries. The World Health Organization (2007) estimates that around 20% of all drivers fatally injured in traffic accidents in high-income countries have a blood alcohol concentration beyond the legal limit. In low- and middle-income countries as much as 69% of drivers fatally injured in traffic accidents have a blood alcohol concentration beyond the legal limit. Even if a fatal accident does not occur, there is still a risk of serious injury or property damage from non-fatal accidents.

Despite the prevalence and severity of this crime, DWI offenders are largely excluded from research that develops or tests criminological theories. Instead, most studies on DWI offenders focus on addiction, biological identifiers of impairment, and the effectiveness of treatment programs, and they are published in medical and psychological journals (see DeJong and Hingson, 1998; Nochajski and Stasiewicz 2006; Maenhout et al, 2014). This absence of research on DWI by criminologists means that we know very little about the correlates of DWI offending and how criminal justice systems ought to respond to these offenders.

Research that does analyze DWI offenses often limits their sample to fatal DWI incidents which represent only a small minority of all DWI offenses. Finally, most of the research on DWI offenders is based on clinical judgements rather than statistical analyses of large samples of offenders. This study seeks to better understand correlates of DWI offending and predictors of DWI recidivism by analyzing DWI offenders and comparing DWI offenders to non-DWI offenders.

Criminal justice organizations are increasingly using actuarial risk assessment instruments (RAIs) to more effectively distribute limited resources (Monahan and Skeem, 2013). Prior research suggests that actuarial instruments are more efficient than clinical judgements in predicting the probability of recidivism (Grove and Meehl, 1996). Despite these findings, no actuarial risk instruments have been developed for predicting recidivism among DWI offenders. In addition, most studies on RAIs limit their analyses to samples of offenders in the United States. This study seeks to fill both of these

¹²⁴ The research for this project was funded by the Finland Fulbright Commission. The work for this project was conducted in collaboration with the Institute of Criminology and Legal Policy at the University of Helsinki. The findings presented in this paper are a small portion of a larger dissertation. Additional analyses and information is available upon request.

gaps by developing an actuarial risk instrument to predict the probability of recidivism among DWI offenders in Finland.

This study uses a nationwide dataset from the Finnish Population Register Centre to answer three questions. First, how do DWI offenders differ from the general offending population (i.e., property, personal, and drug offenders)? Second, what factors influence the commission of DWI offenses, and are those factors different from those that influence DWI recidivism? Third, how do these factors vary across geographic and cultural contexts?

This study begins by comparing DWI offenders to non-DWI offenders in order to determine whether there are significant differences between these two populations. Second, this study analyzes offender and offense characteristics related to sentencing for DWI offenders. Finally, this study analyzes the risk of recidivism for DWI offenders by developing and validating risk assessment instruments predicting the likelihood of a future conviction for a subsequent crime.

DWI Offenders in Finland

Impaired driving is a serious public health concern in Finland. Alcohol-impaired crashes resulting in the injury of one or more persons account for around 10% of all road accidents (Skjaelaaen, 2010), and a quarter of all fatal accidents involve impaired offenders (Karki, 2002). In addition, increasing rates of drug use in all Nordic countries, including Finland, have raised significant concern over the rising number of drug-impaired DWIs (Impinen et al., 2009).

Recent longitudinal studies of offenders in Finland have found that arrests for DWI are significantly related to short-term and long-term increases in subsequent social disadvantage (Karjalainen et al., 2014). DWI offenders in Finland are more likely than individuals not arrested for DWI to be unemployed, divorced or living alone, and facing severe debt problems (Karjalainen et al., 2014; Oksanen, Aaltonen, & Kivivuori, 2015; Portman et al., 2013). Further, the mortality rate for DWI arrestees is significantly higher than the mortality rate of non-arrestees (Impinen et al., 2010, Skurtveit et al., 2002).

Despite changes in policy and culture, the rate of DWI offenders in Finland has stayed relatively stable since the early 1990s. Just over 20,000 impaired offenders are arrested each year, and over half of those arrests are near the capital, Helsinki (Karki, 2002). Self-report surveys have found that official arrest statistics for driving under the influence grossly underestimate the prevalence of this behavior. In Uusimaa Province alone, research estimates that there are nearly 1.26 million DWI events annually, but less than .5% of those events are detected by law enforcement (Portman et al., 2013). Despite efforts to increase enforcement of DWI offenses using randomized breath testing, impaired individuals may drive up to 227 times before being apprehended by law enforcement (Portman et al., 2013).

Members of the Finnish government, practitioners, and academics have called for more research about DWI in Finland, characterizing DWI as a serious public health issue (Karlsson et al., 2010). Most of the emphasis has been on the effectiveness of various national policies in reducing the widespread availability of alcohol. However, absent the adoption of severe prohibition policies, this high alcohol consumption rate in Finland will likely continue because of the strong drinking culture. Thus, greater attention should be paid to how different systems react to incidents of driving under the influence.

A general lack of research on DWI offenders in Finland precludes a significant discussion of the correlates of DWI offenders, the correlates of sentencing for DWI offenders, and the correlates of DWI recidivism in Finland. In fact, many of the studies that do analyze DWI offenders in Finland rely on studies of DWI offenders in the U.S. as the basis for their literature review. This study focuses on better understanding both the correlates of DWI offending and the correlates of recidivism among DWI offenders in Finland.

Data

The data for this research was provided by the Institute of Criminology and Legal Policy (Krimo) at the University of Helsinki. I worked closely with the IT department at Krimo to extract data from the “register of crimes and sanctions” (RST: in Finnish, “Rikosten ja seuraamusten tutkimusrekisteri”). The RST includes data from various sources, including data from the Finnish Police (police-reported crimes), the Legal Register Centre (convictions and fines), and the Criminal Sanctions Agency (periods of incarceration). The RST includes information about court convictions and summary penal judgements in all Finnish courts.

Data availability depends on the original source, with Criminal Sanctions Agency data going back the furthest (1992). Police data (police-reported crimes and arrests) are available only from 2005 onwards. Legal register data are available from 2001 onward. For purposes of this research, I wanted to maximize the amount of data available for constructing criminal history profiles while maintaining enough post-conviction data for an adequate recidivism follow-up period. The most recent, complete year of data available was 2013. In order to ensure a 4-year follow-up period, I chose to select offenders convicted in a Finnish District Court between 2008 and 2009.

For the final sample, I selected each individual’s first offense during the sample time frame (2008-2009) to serve as the primary offense. I coded all prior convictions into a criminal history file and all subsequent convictions into a recidivism file. Offenders were classified based on the most serious offense included in their primary disposition. The final dataset represents a longitudinal, within-person dataset containing information about each individual’s criminal behavior from 2001 through 2013.

Section I: DWI and Non-DWI Offenders

I classified all offenders into 11 crime categories: property, personal, sex crimes, public administration/public order, other traffic, alcohol, drug, weapons, driving while intoxicated (DWI), driving while seriously intoxicated (DWSI), and non-vehicular DWI (including waterway traffic intoxication, air traffic intoxication, rail traffic intoxication, and non-motor-powered traffic intoxication). For purposes of this paper, I compared DWI offenders (N = 29,882; including DWI and DWSI offenders) to personal, property, and drug offenders.

Consistent with research on other crimes, DWI offenders were more likely to be male. Contrary to research on other crimes, DWI offenders were more likely than property, personal, or drug offenders to be older offenders ($p < .001$). The mean age for DWI offenders was greater than the mean age for other types of offenders. In addition, the pattern of the relationship across age differed, such as the age-crime curve for DWI offenders peaked later and declined slower than the age-crime curve for non-DWI offenders. Similarly, DWI offenders often began offending at older ages than non-DWI offenders ($p < .001$).

DWI offenses were more likely than non-DWI offenses to occur in rural areas. This finding suggests that the opportunity to commit different types of crimes differs by location. For example, large urban centers may have greater opportunity for burglaries or robberies, but large urban centers may also have robust public transportation systems that protect against DWI offenses. Unsurprisingly, DWI offenders were less likely than property, personal, or drug offenders to offend with at least one other person ($p < .001$). In addition, DWI offenders were more likely than non-DWI offenders to be convicted of multiple charges. An overwhelming majority (93.1%, N = 11,396) of the DWI offenders convicted of multiple charges were convicted of at least one other traffic offense in addition to their DWI offense.

Further analyses indicated that average differences in prior sentence IDs were significantly different across the four crime types ($p < 0.001$). On average, DWI offenders had the lowest number of prior sentence IDs (M = 2.97). Personal offenders had the second lowest number of prior sentence IDs (M = 4.33). Drug offenders had the third lowest number of prior sentence IDs (M = 6.72). Property offenders had the highest number of prior sentence IDs (M = 7.69). There were several outliers that likely drove up the average number of prior sentence IDs for this group as a whole (e.g., offenders with 177 – 543 prior sentence IDs). Many of these property offenders had lengthy records of petty thefts, rather than long records of more serious crimes. However, additional analyses removing these outliers resulted in the same findings.

Finally, DWI offenders were less likely to recidivate than non-DWI offenders ($p < .001$). However, DWI offenders were more likely than non-DWI offenders to recidivate with a subsequent DWI. The degree of specialization among recidivists was highest for DWI offenders.

These initial comparisons provide an interesting look at the similarities and differences between DWI and non-DWI offenders. In general, overall patterns in the independent variables are consistent across all types of offenses. For example, males commit more offenses than females. Younger

offenders commit more crimes than older offenders. The majority of offenders have no, or very little, criminal history.

Despite these similarities, there were statistically significant differences between DWI and non-DWI offenders for nearly all categories of all independent variables. It is not surprising to find so many significant differences given the large sample size of the data. Consequently, it is important to not only consider whether these differences are statistically significant but also whether these differences are meaningful.

The previous analyses identified several meaningful differences between DWI offenders and non-DWI offenders. First, DWI offenders are most likely to recidivate with a DWI offense. Additionally, a review of the types of criminal history suggest that DWI offenders tend to be more specialized than non-DWI offenders. In addition, DWI offenders have significantly different age distributions both for age at their current offense and for their age at onset into criminal offending. DWI offenders and non-DWI offenders are likely to be located in different jurisdictions, with DWI offending more prevalent in rural areas and less likely in the Helsinki region. DWI offenders are more likely to be solo-offenders, signaling that DWI offenders are less embedding in anti-social networks. Similarly, DWI offenders are less likely to have extensive criminal histories, signaling that they may be less committed to criminal lifestyles.

Combined, these differences provide support for the belief that DWI offenders are a different, or unique group of offenders. Consequently, it is important to evaluate DWI offenders separately from non-DWI offenders. The remaining sections use these findings as the foundation for developing a risk assessment instrument specifically for predicting the likelihood of recidivism among DWI offenders.

Section II: Burgess Risk Instruments and DWI Offending

The second part of this study includes the analysis of DWI offenders and recidivism. This study uses the development of Burgess risk assessment instruments as a method of identifying characteristics related to recidivism among DWI offenders. In addition to identifying correlates of recidivism, Burgess risk assessment instruments establish a tool that may be used by practitioners to identify offenders who are most and least likely to recidivate.

This section included four parts. First, I reviewed the sample used to develop and validate Burgess risk assessment instruments. Second, I used the development sample to evaluate basic descriptive and bivariate statistics for DWI offending and recidivism. These analyses were performed for two separate dependent variables – general recidivism and DWI specific recidivism. Third, I conducted multivariate analyses to identify the variables that are statistically significantly related to recidivism. Significant variables were subsequently used to construct a Burgess risk assessment scale. Finally, I tested the Burgess risk assessment scale using the validation sample. This validation ensures that the scale is not overfit to the development data. For purposes of this paper, I will just review the

findings from the multivariate analyses and subsequent Burgess Scale development. More detailed analyses are available from the author upon request.

While bivariate statistics can identify correlations between independent variables and recidivism, multivariate analyses are necessary to determine whether these relationships are significant when simultaneously considering other offender or offense characteristics. The dependent variable for these analyses is a binary indicator of recidivism where 1 represents a reconviction within four years and 0 represents no reconvictions during the follow-up period. Consequently, I used logistic regression for multivariate analyses.

Gender, age, number of charges, type of current offense, number of prior sentences, prior property sentence, prior public administration or public order sentences, and prior drug sentences were all significantly predictive of recidivism among DWI offenders. When controlling for these characteristics, region and the remaining qualitative criminal history variables (personal/sex, other traffic, weapons, DWI, DWSI, and non-vehicular DWI) were not significantly predictive of recidivism. As expected, younger offenders were significantly more likely to recidivate than older offenders. In addition, more serious offenders (DWSI) were more likely to recidivate than less serious offenders. Similarly, offenders with more prior sentences were more likely to recidivate than offenders with fewer prior sentences. Having a prior property sentence, a prior public administration or public order sentence, and/or a prior drug sentence were all predictive of recidivism.

Next, I used statistically significant variables to construct a discrete, unweighted Burgess risk scale.¹²⁵ For each factor (e.g., gender) the group that was more likely to recidivate received a point while the group less likely to recidivate received no points. For example, males were more likely to recidivate, so they received a point, while females received no points for gender. The final points for the final development Burgess scale are presented in Table 8. The table includes the total points for a given factor (e.g., 5 points possible for age) as well as the specific points assigned for each particular category within a factor.

¹²⁵ Research comparing unweighted and weighted Burgess risk assessment instruments generally find that weighted models do not perform significantly better than unweighted models. In addition, weighted models run a greater risk of overfitting the scale to the development sample.

Table 8. Risk Scale 0-15, Development Sample (N=14,901)

Factor	Within Group Points	Total Factor Points	Factor	Within Group Points	Total Factor Points
Gender		1	Prior Sentences		4
Male	1		0	0	
Female	0		1	1	
Age		5	2-3	2	
<18	5		4-6	3	
18-19	4		7-9	3	
20-29	3		10+	4	
30-39	2		Prior Property		1
40-49	2		Yes	1	
50-59	1		No	0	
60+	0		Prior Padm/Order/Alc		1
Multiple Charges		1	Yes	1	
Yes	1		No	0	
No	0		Prior Drug		1
Type of DWI		1	Yes	1	
DWI	0		No	0	
DWSI	1				

I validated my scale using the validation sample (N = 14,981) that was reserved in the initial sample selection process. Using receiver operating characteristics, I tested whether the scale predicted as well for the validation sample as it did for the development sample. These statistics are necessary to ensure that the scale was not over-fitted to specific aberrations in the development sample. A chi-square test of the area under the ROC curve confirmed that the scale predicts equally well for the development and validation samples ($\chi^2(1) = 0.35, p = .0556$).

It is difficult to determine what the “true” difference is between any two scores on the scale. In addition, it may be the case that two adjacent scores are not statistically significantly different. Consequently, risk assessments often include some sort of categorization of offenders into “low risk” “medium risk” and “high risk,” or something similar. I chose to follow the method established by the Pennsylvania Commission on Sentencing (PACS) to establish groups of offenders using the risk score. I confirmed the need for collapsing individual scores into larger scores by first calculating the confidence interval for probability estimates for each individual score. I calculated these confidence intervals using the combined development and validation samples (N = 29,882) in order to maximize the amount of statistical power for these analyses. For the development scale, there were five instances of overlap in the confidence intervals for adjacent scores (0 and 1; 1 and 2; 11 and 12; 12 and 13; 13 and 14). The overlap was concentrated in the upper and lower tails of the distribution, likely caused by the smaller sample sizes for these scores.

Using the PACS method, I calculated the average risk score for all offenders in the data: 5.70. I then calculated one standard deviation (2.70) above and below the mean to create a group of “average” offenders. The lower limit for this group was 3.00 and the upper limit for the group was 8.40. Consequently, the group of “average offenders, consists of those offenders with a risk score of 3 through 8. Offenders falling below one standard deviation below the mean (i.e., those with a risk score of 0 through 2) were categorized as “low risk.” Offenders falling above one standard deviation above the mean (i.e., those offenders with a risk score of 9 through 15) were classified as “high risk.”

An analysis of the confidence intervals for these three collapsed groups indicated that each of the three groups were statistically significantly different.

I do not claim to make a judgment about the behavior of the offenders in the “average risk” category. Overall, the probability of these offenders recidivating or not recidivating is nearly equal. However, the PACS method does claim that offenders in the “low risk” category are less likely to reoffend and offenders in the “high risk” category are more likely to reoffend than the “average” group. Using these standards, I calculate the percent of offenders correctly predicted by calculating the percent of low risk offenders who did not recidivate and the percent of high risk offenders who did recidivate. Overall, the scale correctly predicts the behavior of the individuals in these groups 80.77% of the time.

Finally, I tested the predictive value of each individual characteristic on the scale by building incremental Burgess risk scales and testing for a significant AUC increase with each additional variable. For example, I started with a scale that used only age to predict recidivism and tested the AUC against a second scale which included age and the number of prior sentence IDs. Each variable in the scale significantly added to the AUC except for type of current offense (DWSI or DWI). However, when I calculated the accuracy of predictions in the low risk and high risk groups using the scale without a point for DWSI and the full scale, the full scale provided more accurate predictions than the scale without a point for type of current offense (80.77% vs 78.83%). The full scale was better able to differentiate offenders who had an above or below average risk of recidivism, indicating that the additional type of crime variable did add to the predictive validity of the scale.

Conclusions

The findings from these analyses suggest that risk assessment instruments may be used in Finland to accurately predict the likelihood of recidivism among DWI offenders. However, it may be more difficult to identify which DWI offenders will recidivate specifically by committing a second or subsequent DWI. The findings indicate that risk assessment instruments may successfully identify offenders who have the lowest risk of recidivating, which may be helpful for policy decisions regarding the allocation of specific criminal justice resources.

The findings from this research also indicate that DWI offenders are both similar and different to non-DWI offenders. Rather than treating DWI offenders as a completely “unique” these findings suggest that many of the characteristics of DWI offenders are highly similar to non-DWI offenders. To the degree that DWI offenders are similar to non-DWI offenders, existing criminological theories should be able to explain DWI offending. However, there were also some important differences between DWI offenders and non-DWI offenders, particularly with regard to age and offense specialization. Future research should focus on these differences in order to expand existing theories or develop new theories that can explain DWI offending and how/why it differs from non-DWI offending.

In addition, these results confirm that general findings in recidivism literature are equally applicable to DWI offenders. Specifically, young, male offenders with extensive criminal history are the most likely to reoffend. Despite descriptive differences between DWI and non-DWI offenders, the correlates of recidivism appear to be the same. These findings suggest that DWI offenders behave like other criminal offenders, further undermining the belief that they are a “unique” group of offenders. While this research did identify some characteristics of DWI offenders who are likely to repeat their DWI offending, the findings were weak. As with non-DWI offenders, it appears that DWI offenders are largely not specialized offenders and are likely to engage in other types of offending.

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Decarceration or net-widening? Electronic monitoring in the Nordic penal systems

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Alternatives to imprisonment have managed to prevail in the focal point of Nordic criminal policies. Since the 1960s, various penal reforms have been implemented either to reduce the use of imprisonment or to diminish the adverse effects of incarceration.¹²⁶ Same objectives justified the adoption of electronic monitoring in the mid-1990s. Use of electronic monitoring have however burgeoned beyond the purpose to avoid incarceration. Net-widening is one of the ethical drawbacks related to widespread use of electronic monitoring. This paper discusses the role of electronic monitoring in the Finnish penal system, with comparative notions from other Nordic countries.

1. Electronic monitoring in the Nordic countries

The introduction of electronic monitoring (EM) was primarily motivated by its potential as a noncustodial alternative to imprisonment. Practices referred to as *front door* are applied to execute prison sentences, whereas *back door* EM is designated to hasten the release from prison. Sweden started with front door EM in the mid-1990s (intensivövervakning med elektronisk kontroll, IÖV). The purpose was to find alternatives as intrusive and credible as prison, but without the detrimental effects of imprisonment.¹²⁷ During the 2000s, Denmark, Finland and Norway gradually followed by introducing EM in both forms.¹²⁸ In Denmark and Sweden, front door EM is a means to execute a prison sentences of up to six months. After the court have imposed a prison sentence, offender may apply to serve it in EM. Prison administration make the suitability assessment and decision of EM. Back door EM is used as an early release for prisoners with up to six months to serve. In Norway the limit is 4 months with both forms. Minimum requirements for EM include suitable residence, daytime activity and consent from cohabitants. Offenders are allowed leave the residence in designated times and for determined purpose and must refrain from drugs.¹²⁹ In Finland, front door EM is a sentence imposed by court.¹³⁰

Use of community alternatives is not a guarantee to decreasing prison rates. In the Nordic countries front door and back door EM have however stated to represent true alternatives to prison, as both are executed instead of imprisonment.¹³¹ In Finland, average daily number of prisoners was 3,120 in 2016. Average number of offenders serving monitoring sentence (front door) was 47 and supervised

¹²⁶ Lappi-Seppälä 2012.

¹²⁷ Brå-rapport 1999:4.

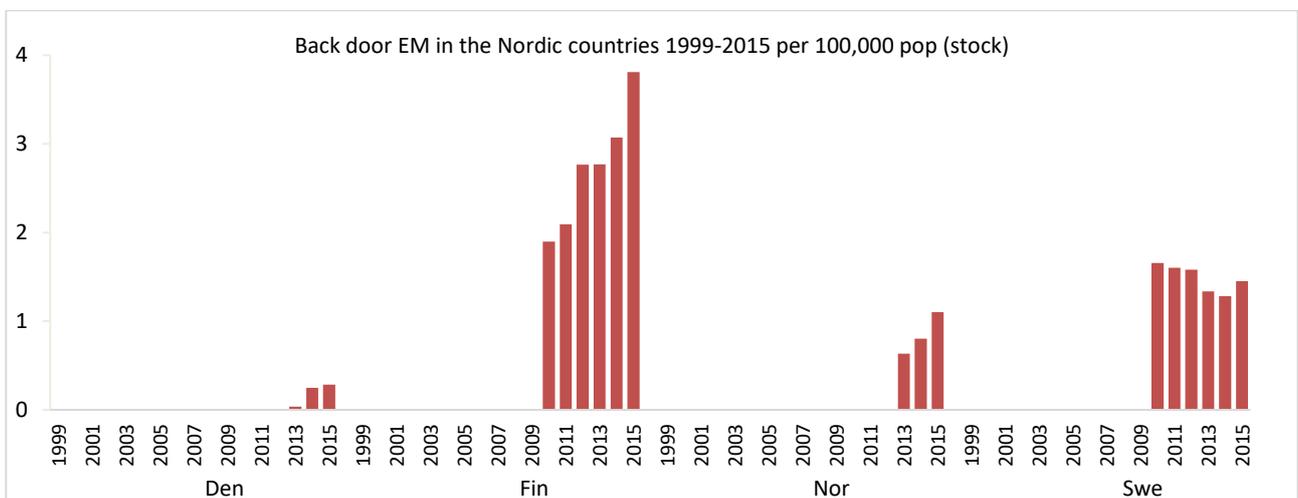
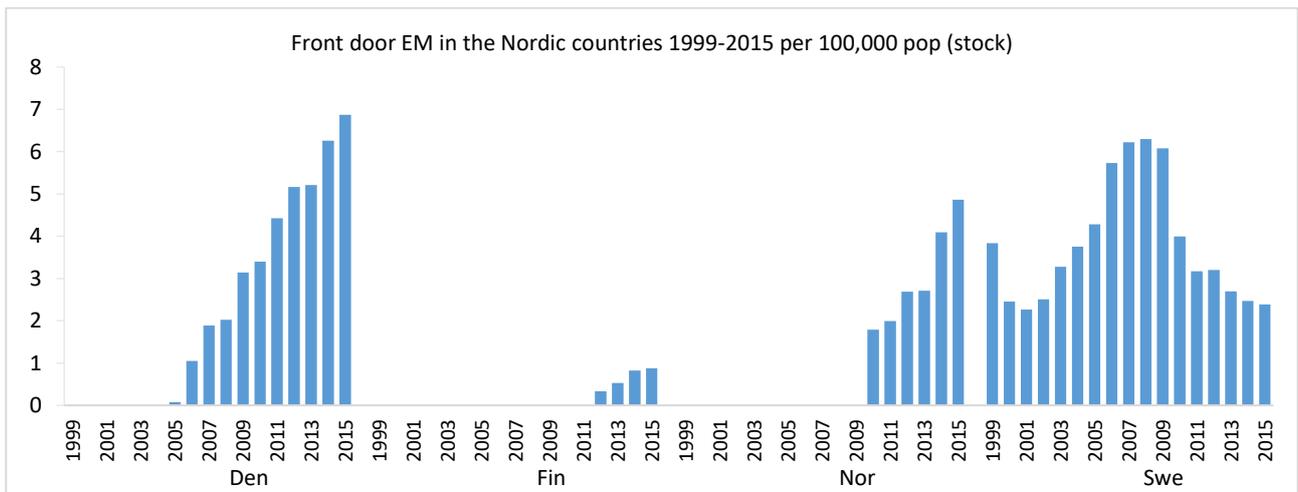
¹²⁸ In Iceland, only back door measure is being used since 2011.

¹²⁹ Hildebrandt 2017.

¹³⁰ Hildebrandt 2017; for Norway see Andersen – Telle 2016.

¹³¹ See for example Lappi-Seppälä 2012; Graham – McIvor 2015.

probationary liberty (back door) 203. Electronic monitoring therefore corresponded to 8 % of daily prison population.¹³² In 2015, daily average number of prisoners was 3,597 in Denmark, 3,927 in Norway and 5,664 in Sweden. Total daily average number of offenders in both forms of EM was 405 in Denmark, 308 in Norway and 378 in Sweden. Correspondence to daily prison population was around 10 % in all countries: 11 % in Denmark, 8 % in Norway and 7 % in Sweden. With flow rates, EM corresponded to 29 % of total prison population in Finland, 60 % in Denmark, 48 % in Norway and 28 % in Sweden.¹³³ Figure 1 illustrates the development of electronic monitoring in the Nordic countries. As the figure demonstrates, Finland has least offenders in front door EM, but uses back door EM most frequently.



¹³² Criminal Sanctions Agency Statistical Yearbook 2016.

¹³³ Hildebrandt 2017.

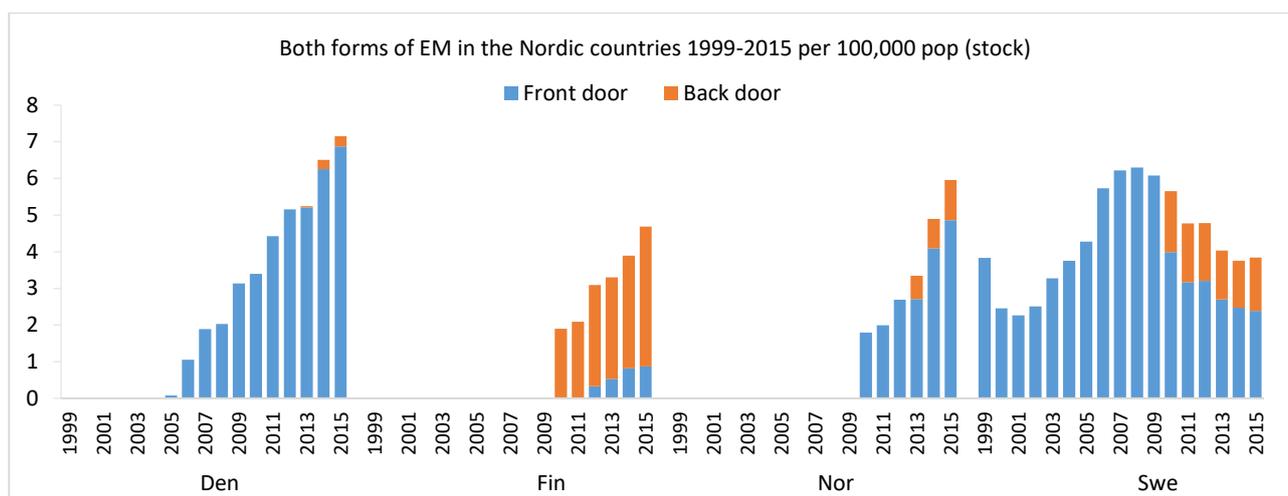


Figure 1. Front door and back door electronic monitoring in the Nordic countries per 100,000 population. Source: Hildebrandt 2017 and previous Nordic statistics. For flow figures see appendix 1.

Drinking and driving have been a specific criminal policy issue in the Nordic countries.¹³⁴ It has become evident that front door version of electronic monitoring is largely used for offenders convicted of drunk driving. In Finland, 55 % of offenders completed monitoring sentence in 2016 had drunk driving as a principal offence.¹³⁵ These offenders proved to be the initial target group also in Sweden in the late 1990s.¹³⁶ In Denmark, legislative proposal concerning EM was issued simultaneously with increasing of the severity of DUI punishments, partly as a reaction to expected increase in the number of short prison sentences.¹³⁷ Another specific offender group in Finland are persons refused to perform military or civil service. Monitoring sentence has frequently replaced imprisonment within this offender category.¹³⁸

2. Electronic monitoring in Finland

2.1 Front door: monitoring sentence

A new sanction ‘monitoring sentence’ (valvontarangaistus) was added into the penal system in 2011. Simultaneously, new supervision technology using ankle devices was adopted. Monitoring sentence is arranged as a two-step procedure. First, the court makes a sentencing decision by normal principles and criteria. Secondly, if the result is unconditional imprisonment of up to six months and other requirements are fulfilled, court can convert the sentence into monitoring sentence. Monitoring sentence is designated for offenders who are not suitable for community service and therefore are at risk of being sentenced to prison.¹³⁹ One precondition in Criminal Code is that monitoring sentence is estimated to support offender’s social adjustment.

¹³⁴ Lappi-Seppälä 2016.

¹³⁵ Criminal Sanctions Agency Statistical Yearbook 2016.

¹³⁶ Brå-rapport 1999:4.

¹³⁷ Sorensen – Kyvsgaard 2009.

¹³⁸ The System of Criminal Sanctions 2015, pp. 60-61.

¹³⁹ Gov. Prop. 17/2010; Lappi-Seppälä 2012, p. 90.

Supreme Court of Finland has specified sentencing requirements of monitoring sentence. In respect of social adjustment, court referred to pre-sentence report and stated that defendant was working and living with a pregnant spouse. Defendant's social situation was stable and monitoring sentence would therefore support the social adjustment of defendant and his family. Court also stated that monitoring sentence is a primary alternative if all sentencing requirements are fulfilled.¹⁴⁰

The type of crime or previous convictions may prevent the imposing of monitoring sentence.¹⁴¹ Finland does not absolutely exclude any crime categories, but for instance sexual offences may exclude monitoring sentence.¹⁴² In Norway, offenders convicted for violence and sexual crimes are usually excluded.¹⁴³ Case studies indicate that monitoring sentence is not primarily used for first-time offenders. Offenders with previous prison sentences have frequently received monitoring sentences.

Offenders serving monitoring sentence have to stay in residence at determined times and participate work or other activities 10-50 hours per week. Offender must refrain from drugs. Supervision is arranged with electronically monitored devices and by staff visits.¹⁴⁴ The enforcement contents of front door and back door EMs are rather similar in Finland, but only back door EM is decided by prison administration. Prison administration still have a central role prior to decision-making also in respect of monitoring sentence. Court may impose monitoring sentence only if Criminal Sanctions Agency has delivered a pre-sentence report expressing whether offender has been found eligible for monitoring sentence or not. Pre-sentence report includes comprehensive information of offender's social situation. Case studies indicate that courts frequently refer to and follow the statement expressed in pre-sentence reports.

Committing other than minor crime or use of drugs may lead to imprisonment. Minor violations are primarily sanctioned by warnings.¹⁴⁵ The share of enforcements converted into prison terms by court was 14 % in 2016.¹⁴⁶ As offenders often have drug problems of some sort, the primary challenge may often be to desist from drugs. Relative to offender numbers, monitoring sentence has had the most condition violations of community alternatives in Finland. This is mainly due to more intensive supervision, as monitoring sentence is designated to be the final step before prison.¹⁴⁷ Besides intensity of control, failure rate may emphasize differences in the eligibility criteria. One research task is to examine the control practices from both administrative staff's and monitored people's perspective.

¹⁴⁰ Supreme Court 2015:71.

¹⁴¹ Gov. Prop. 17/2010.

¹⁴² Gov. Prop. 17/2010.

¹⁴³ Oster – Rokkan 2012.

¹⁴⁴ Lappi-Seppälä 2016, p. 43.

¹⁴⁵ Gov. Prop. 17/2010.

¹⁴⁶ Criminal Sanctions Agency Statistical Yearbook 2016.

¹⁴⁷ Criminal Sanctions Agency Statistical Yearbook 2016, p. 27.

The daily average number of offenders serving monitoring sentence was 47 in 2016. Implementation has not yet met the legislator’s intentions (daily average of around 130).¹⁴⁸ Both prosecutors and the Criminal Sanctions Agency have central role in the implementation. It has become evident that application of monitoring sentence varies within regions.

Figure 2 demonstrates the share of sentenced prison sentence, monitoring sentences and community service orders. As monitoring sentence is designated to replace unconditional prison sentences, not more lenient options, the main question is whether monitoring sentences have been imposed instead of prison sentences or instead of community service orders.

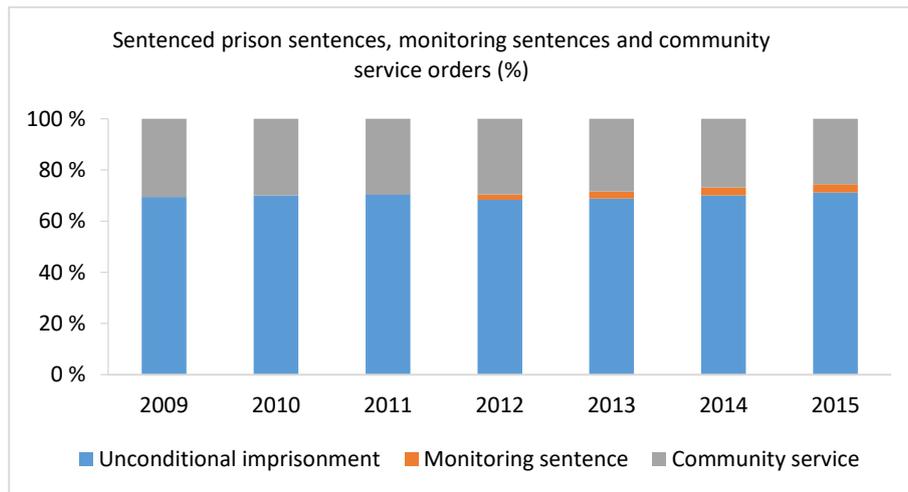


Figure 2. *Sentenced unconditional prison sentences, monitoring sentences and community services 2009-2015 (%).* Source: Statistics Finland.

2.2 Back door: supervised probationary liberty

The objectives of early release formulated in the 1970s are still relevant: to ease the capacity problems in prisons and the detrimental effects of incarceration.¹⁴⁹ New Prison Law in 2006 introduced a new form of early release, ‘supervised probationary liberty’. Prisoners with up to six months to serve may be placed in supervised probationary liberty on prison administration’s decision. Initially supervision was conducted with mobile phones and have been accompanied by EM since 2014.¹⁵⁰ Similarly to monitoring sentence, EM is not the contents but a technical means to organize the surveillance. Offenders must refrain from drugs and participate in activity work. Supervised probationary liberty extends the scope of early release and is more an intensive measure than regular supervision of conditionally released prisoners.¹⁵¹ The number of prisoners released on supervised

¹⁴⁸ Gov. Prop. 17/2010.

¹⁴⁹ Gov. Prop. 126/1975, p. 1.

¹⁵⁰ See Gov. Prop. 215/2014.

¹⁵¹ Lappi-Seppälä 2014, pp. 148-150.

probationary liberty has increased from the level of 100 in 2006 to nearly 700 in 2016. The failure rate (cases converted to prison terms) has remained around the level of 15 %.¹⁵²

Figure 3 demonstrates the numbers of offenders in prisons, supervised probationary liberty and monitoring sentence. Since prisoners in supervised probationary liberty have been released earlier than the normal rules would have allowed, back door EM has replaced imprisonment.¹⁵³

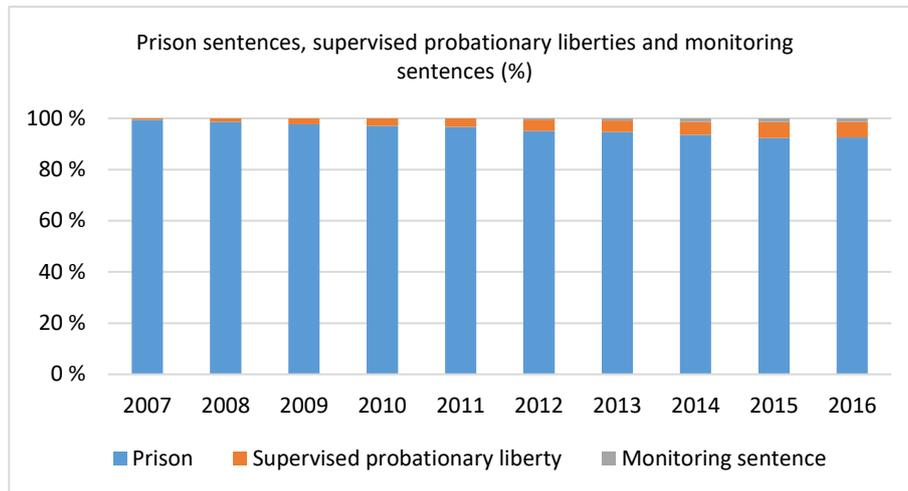


Figure 3. Unconditional prison sentences, supervised probationary liberties and monitoring sentences 2007-2016 in Finland (%). Source: Criminal Sanctions Agency Statistical Yearbook 2016.

2.3 Electronic monitoring of prisoners

Sweden has used EM in open prisons since 2005.¹⁵⁴ Prison law amendment in 2011 allowed the use of electronic monitoring in open prisons also in Finland. It was hoped that besides the actual control, prison staff would be able to conduct other tasks. According to a research, prison staff have been satisfied with EM. Especially night time the number of prison staff is limited. However, prisoners may have experienced monitoring device as an additional control element in previously rather relaxed environment. The number of prisoners leaving prison area without permission has decreased after the adoption of EM. The number of prisoners not returning from prison leave has remained unchanged. Likewise, the number of prisoners transferred to closed prisons due to violations have not changed.¹⁵⁵ Prisoners' experiences have not been examined systematically.

3. Other forms of electronic monitoring in Finland

3.1 Reform plan 1: electronic monitoring as substitute for remand

The daily average number of persons held in pre-trial detention in Finland was 19 % of the prison population in 2016.¹⁵⁶ Main problem is the extensive use of police prisons, which has been criticized

¹⁵² Criminal Sanctions Agency Statistical Yearbook 2016.

¹⁵³ Criminal Sanctions Agency Statistical Yearbook 2016, p. 14.

¹⁵⁴ Gov. Prop. 17/2010, p. 12.

¹⁵⁵ Blomster – Linderborg 2016.

¹⁵⁶ Criminal Sanctions Agency Statistical Yearbook 2016.

by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Finnish Parliamentary Ombudsman in. As it was stated, police prisons do not offer material conditions suitable for pre-trial detention.¹⁵⁷

Pre-trial detention shall be used as a final option.¹⁵⁸ Currently travel ban is the only alternative to pretrial detention and it is seldom used. The supervision of travel ban is problematic due to capacity issues. 'Intensified travel ban' and 'arrest' would be new alternatives to pretrial detention. Travel ban would either be supplemented with EM or, alternatively, regular and intensified travel ban would both be options to pretrial detention. The purpose is to introduce credible and efficient alternatives to pretrial detention, due to the article 6 of the European Convention on Human Rights (ECHR) stating that everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.¹⁵⁹ Court would impose intensified travel ban only in cases where regular travel ban would be insufficient. Similarly, pretrial detention would be used only if intensified travel ban would be insufficient. Intensified travel ban would be partly deducted from prison sentence. Currently, time spent in regular travel ban is not deducted as travel ban is not perceived as deprivation of liberty. Pretrial EM differs crucially from other forms of EM: it is not related to a punishment, as persons have not been found guilty.

3.2 Reform plan 2: electronic monitoring of high risk recidivists

One future question may be whether EM should be developed towards an alternative to prison for low risk offenders or a strengthening element in the reintegration of high risk offenders.¹⁶⁰ Finland is planning to take steps in respect of latter offender group. Currently high risk recidivists serve the prison sentence in prison without conditional release or supervised probationary liberty 'Combination punishment' would be a new sanction consisting of imprisonment and one year period of electronic monitoring. Purpose is to release high risk prisoners gradually with supervision and support. During supervision period prisoner would commit to supervision and participate activities, including supervision meetings, work or rehabilitation programs. Combination punishment would not amend penal latitudes. If convicted prison sentence would be near to the maximum, supervision period would exceed the maximum time.¹⁶¹

4. Legitimizing electronic monitoring

There is a consensus in the international literature that to affect compliance and desistance, EM should be applied with complementary support. The impact of EM as a stand-alone measure may be limited to its duration, not contributing to long-term desistance.¹⁶²

¹⁵⁷ CPT 2015; Parliamentary Ombudsman of Finland: Annual Report 2015.

¹⁵⁸ United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), Rule 6.1.

¹⁵⁹ Gov. Prop. 252/2016.

¹⁶⁰ Oster – Rokkan 2012.

¹⁶¹ 36 prisoners were serving prison sentence "from day to day" in January 2017. Similar measure is 'forvaring' in Norway and Denmark. Gov. Prop. 268/2016.

¹⁶² Graham – Mclvor 2015.

According to Probation Rules, “when electronic monitoring is used as part of supervision, it shall be combined with interventions designed to bring about rehabilitation and to support desistance. The level of technological surveillance shall not be greater than is required in an individual case, taking into consideration the seriousness of the offence committed and the risks posed to community safety.”¹⁶³ Likewise, the recommendation on EM expresses that “electronic monitoring may be used as a stand-alone measure in order to ensure supervision and reduce crime over the specific period of its execution. In order to seek longer term desistance from crime it should be combined with other professional interventions and supportive measures aimed at the social reintegration of offenders.”¹⁶⁴

It is right to say that Nordic countries largely comply with the standards expressed above.¹⁶⁵ Nordic countries share similar purposes and practices of EM. Application of electronic monitoring involves concepts such as consent, suitability and social adjustment.¹⁶⁶ Government proposal of monitoring sentence states that monitoring sentence may be imposed when it is more reasonable than prison for ‘special-preventive reasons’.¹⁶⁷ Special-preventive mechanisms work basically in three ways: by caution, rehabilitation or incapacitation.¹⁶⁸ In respect of monitoring sentence, special prevention refers to rehabilitation. During the enforcement of monitoring sentence, offender may participate in reintegrative programs.¹⁶⁹ It is clear that Nordic EM is oriented to purposes beyond the mere retributive. The success of EM rely on offender’s own engagement and compliance.¹⁷⁰ To be able to fulfill the aims of social adjustment and desistance, punishment should be perceived just and legitimate.¹⁷¹ EM is applied on voluntary basis, which is one of the reasons EM is usually perceived less intrusive than prison.¹⁷²

Besides rehabilitation, control is a crucial part of EM. Compared to other community alternatives, EM have been stated to provide greater level of surveillance as well as higher likelihood of being caught of non-compliance.¹⁷³ One threat to legitimacy of EM may be the ‘toughening’ of enforcement practices, as experienced in some jurisdictions.¹⁷⁴ Ethical concerns of net-widening in the Nordic

¹⁶³ Probation Rules 2010 Rules No. 57 and 58.

¹⁶⁴ Recommendation Cm/Rec(2014)4 Of The Committee Of Ministers To Member States On Electronic Monitoring. Principle no 8.

¹⁶⁵ Lappi-Seppälä 2013 & 2012. See Rasmussen et al. for Norway; Brå-rapport 1999:4 for Sweden and Gov. Prop. 17/2010 for Finland.

¹⁶⁶ Lappi-Seppälä 2016.

¹⁶⁷ Gov. Prop. 17/2010.

¹⁶⁸ Anttila – Törnudd 1983, p. 160.

¹⁶⁹ HE 17/2010 s. 32.

¹⁷⁰ McNeill – Robinson 2013, p. 117.

¹⁷¹ Anttila – Törnudd 1983. KM 1976:72, s. 41. See further discussion of legitimacy in McNeill – Robinson 2013.

¹⁷² McNeill – Robinson 2013, p. 123.

¹⁷³ Hucklesby 2013.

¹⁷⁴ McNeill – Robinson 2013, p. 126-127.

countries are not as excessive as for instance in the United States, where efforts to reduce mass incarceration may be counterproductive and lead to mass supervision.¹⁷⁵

Budgetary reasons have also motivated the implementation of EM. One day in Finnish closed prison costed around 200 euros per prisoner in 2016. In open prison corresponding amount was 116 euros and in supervised probationary liberty 54 euros. Monitoring sentence had a daily cost of 86 euros.¹⁷⁶

5. Conclusion: replacing or widening?

Net-widening refers to the use of EM in addition to, rather than instead of, imprisonment. Supplementing practices do not focus on reducing prison rates, but have other objectives.¹⁷⁷ The use of EM in open prison is an additional control measure. The aim of open prisons compared to high security institutions have traditionally been that prisoners move gradually to more open circumstances before the actual release. EM is an intrusive measure and should be implemented cautiously.¹⁷⁸ Offender's experiences need to be examined to evaluate to which amount EM strengthens or lessens the perception of confinement.¹⁷⁹

It has been claimed that EM procedures excluding court involvement reject net-widening most effectively as offenders are already convicted to a prison sentence. The court model was in Finland adopted largely for constitutional reasons.¹⁸⁰ According to Finnish Constitution (731/1999) Chapter 2 Section 7, a penalty involving deprivation of liberty may be imposed only by a court of law. Constitutional Committee has stated that monitoring sentence involves deprivation of liberty in this sense, as being confined in one's residence in certain conditions is comparable to incarceration.¹⁸¹ However, even practices excluding court involvement may have risks. For instance, it can affect the principles and criteria in courts, knowing that EM is available in later stages.¹⁸²

It is early to speculate whether intensified travel ban will replace pretrial detention or some other options. Measures replacing pretrial detention must involve minimum interference with the liberty of the suspect or accused person.¹⁸³ This suggests that regular travel ban would be a primary option. If intensified travel ban is aimed to work as a true alternative to pre-trial detention, only persons with legitimate grounds for remand should be placed to it. To supplement regular travel ban with EM would include risk of expanding the scope and control of current 'normal' travel bans.

The Council of Europe have issued a recommendation concerning electronic monitoring: Recommendation CM/Rec (2014)4 of the Committee of Ministers to

¹⁷⁵ Graham – Mclvor 2015, p. 92.

¹⁷⁶ Criminal Sanctions Agency: Final Accounts and Annual Report 2016.

¹⁷⁷ UN Office on Drugs and Crime, p. 76; Robinson et al. 2012.

¹⁷⁸ See Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules, Rule No. 4.

¹⁷⁹ Graham – Mclvor 2015.

¹⁸⁰ Lappi-Seppälä 2012, p. 90.

¹⁸¹ Constitutional Committee Report 30/2010, p. 2.

¹⁸² Brå-rapport 1999:4, p. 35. See Andersen – Telle 2016.

¹⁸³ United Nations Office on Drugs and Crime.

member States on electronic monitoring. It states that “where electronic monitoring is used at the pre-trial phase special care needs to be taken not to net-widen its use”. It also expresses that “the modalities of execution and level of intrusiveness of electronic monitoring at the pre-trial stage shall be proportionate to the alleged offence and shall be based on the properly assessed risk of the person absconding, interfering with the course of justice, posing a serious threat to public order or committing a new crime.”¹⁸⁴

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¹⁸⁴ Recommendation CM/Rec(2014)4 of the Committee of Ministers to member States on electronic monitoring, Rules No. 3 and 16.

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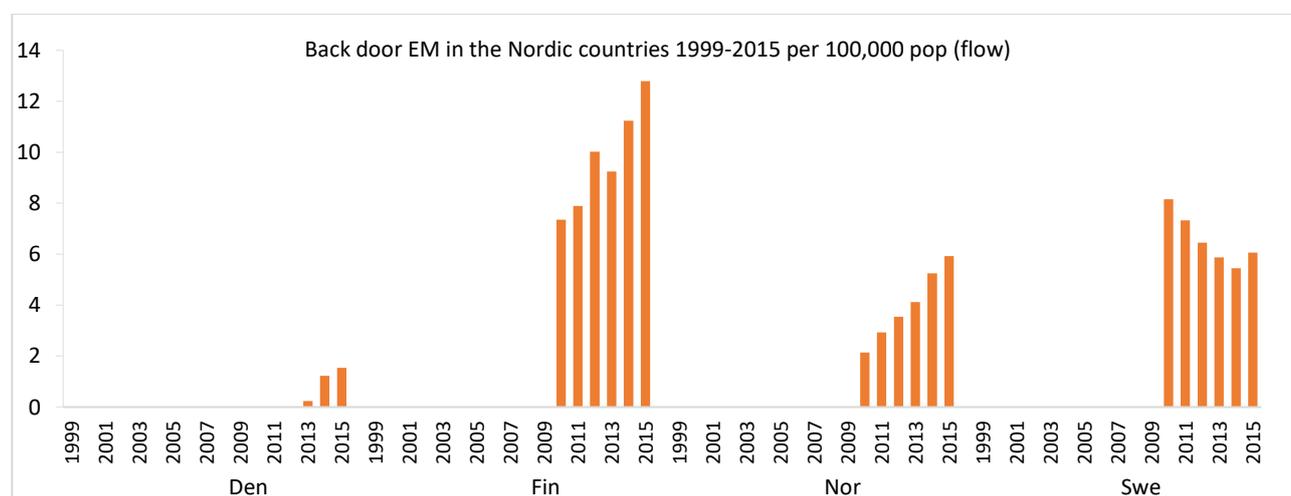
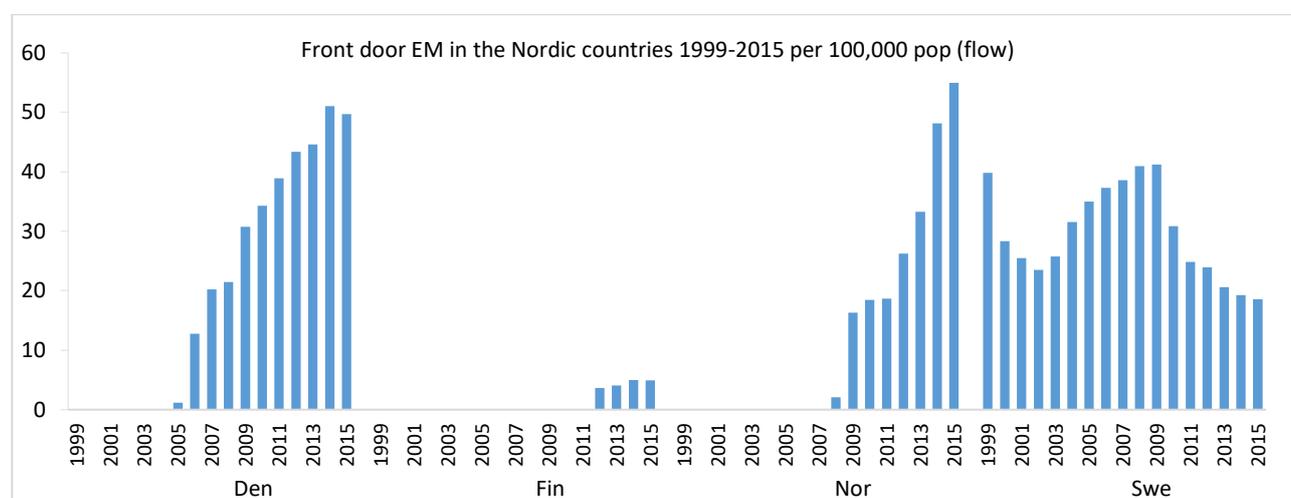
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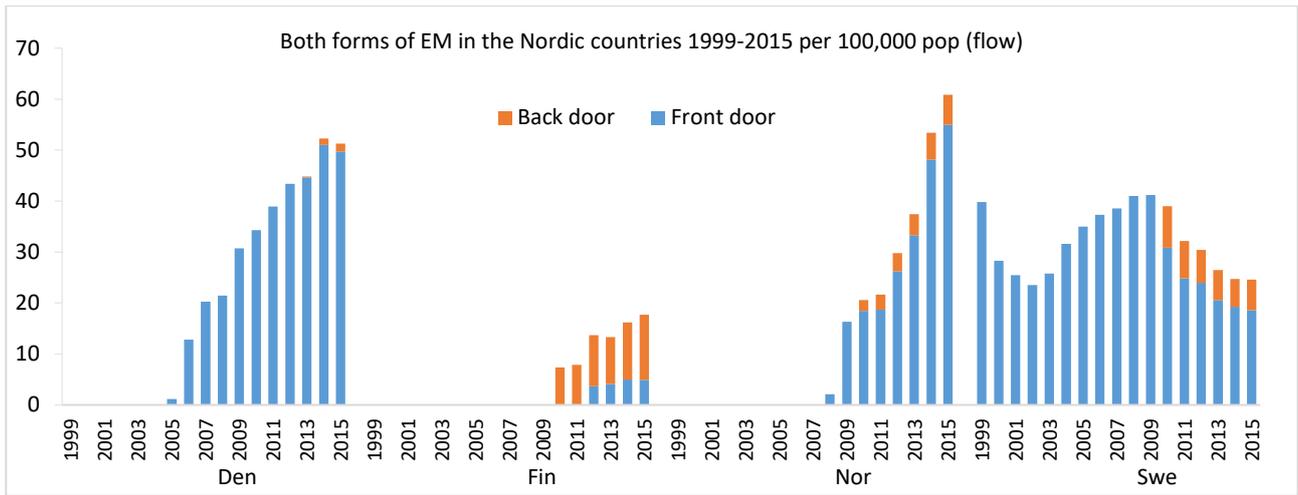
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Appendix 1. Trends of electronic monitoring in the Nordic countries 1999-2015 (with flow numbers). Source: Hildebrandt 2017 and previous Nordic Statistics.





Restorative approaches to community conflicts with an ethnic twist: An agenda for research and integration

Henrik Elonheimo¹⁸⁵ & Tuuli Samela

Abstract

Restorative Justice (RJ) has made huge progress in Finland over recent years in different fields. It is being practised in criminal and family matters, work-related conflicts, schools, and more and more even in civil trials. One very topical application of RJ is mediation of residence and neighbourhood conflicts in cases involving ethnic minorities. Over the last couple of years, Finland has received a record-breaking number of immigrants and asylum seekers, and numerous reception centres have been established over the country. Because the situation has evolved so rapidly, research data are lacking and good practices are needed to alleviate tensions between the local residents and the newcomers. In this study, neighbourhood mediation and so-called residence work are studied through an e-mail survey administered to reception centres. The initial results show that there is a need for these new instruments. However, at the moment, the Centre for Community Mediation offers neighbourhood mediation and residence work only in the biggest cities in Finland. Like victim-offender mediation, these restorative methods should be available throughout the country to facilitate human encounters, alleviate social tensions, and save societal resources. As the ultimate aim, RJ can offer tools for integrating newcomers into society.

Introduction

Traditionally, the Finnish society has been ethnically and culturally very homogenous. Over the last couple of years, Finland has received a record-breaking number of immigrants and asylum seekers, and numerous reception centres have been established over the country. Especially, the year 2015 was exceptional, as about 32,500 asylum seekers entered the country.¹⁸⁶ The proliferation of reception centres was not without problems. Media have reported the worries of citizens who fear that reception centres pose a threat to the safety of their neighbourhoods. Even conflicts escalating into violence between the locals and newcomers have been reported. Residents of the centres have also had fights with each other. One of the Finnish cities where violence has culminated is Forssa¹⁸⁷. In general, there has been a heated public debate about the problems, challenges, and possibilities that this new wave of migration might entail. Especially in social media, researchers and politicians have been coerced into two polarized camps: those who are tolerant and those who are critical towards

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¹⁸⁶ For statistics, see <http://www.migri.fi>.

¹⁸⁷ See, e.g.,

https://yle.fi/uutiset/osasto/news/police_make_arrests_after_mass_brawl_outside_reception_centre/9118553 (accessed June 8, 2017).

migration. “Racist card” has been frequently used to label the latter group. Researchers have faced harsh criticism and even hate mail if they have touched upon the subject, leading many of them to refrain from studying or commenting on it. Demonstrations – which have traditionally been rare in Finland – have been set up for and against migration. Thus, a new source of conflicts has emerged in the Finnish society. Because the situation has evolved so rapidly, and the Finnish people and authorities were rather poorly prepared for it, research data are lacking and good practices are needed to alleviate tensions related to the influx of foreigners and to integrate them into the Finnish society.

As sociolegal scholars know, traditional ways to handle conflicts include avoidance (of difficult topics, situations, or people), violence, negotiation, turning to authorities, and, ultimately, court processes. In general, these approaches entail problems such as inefficiency or even counterproductivity, slowness, and high expenses. As methods to overcome the shortcomings of the other approaches, modern mediation movement and Restorative Justice (RJ) have seen a period of extension and theoretical refinement over the last couple of decades. According to the core definition of RJ, *parties of crime or conflict gather together aided by a neutral mediator to discuss what has happened, how it has affected them, and what should be done about it*. RJ is one of the most fascinating approaches to crime and other social conflicts, the other approaches appearing more or less repressive and gloomy. In criminal policy, RJ offers an alternative to punishment and rehabilitation (see, e.g., Elonheimo 2017). At the same time, RJ is being supported by positive accounts by the stakeholders (see, e.g., Wachtel 1997) and empirical science (see, e.g. Sherman et al. 2015). Restorative theory also forms a coherent whole, being in line with various fields of science. One of the prototypes of RJ has been Family Group Conferencing originating from New Zealand. Other than that, different programs can be more or less restorative. (Elonheimo 2010)

The modern mediation movement covers various walks of life. In Finland, RJ has progressed over recent years in different fields. It is being used in *criminal* and *family* matters, *work*-related conflicts, *schools*, and more and more even in *civil trials*. Restorative dialogue has also been piloted in environmental cases to prevent them from escalating into larger and longer legal processes (Peltonen et al. 2012). Recently, street mediation has been established as a rapid response to juveniles’ disruptive behaviour and conflicts. While victim-offender mediation (VOM) is regulated by its own special law (Act on Conciliation in Criminal and Certain Civil Cases), other fields of mediation are often projects by non-governmental organizations, such as The Finnish Forum for Mediation (<http://sovittelu.com/english>) or Aseman Lapset ry (Children of the Station; <http://www.asemanlapset.fi>).

Restorative methods can also be used to prevent and mediate conflicts between different population groups. Already in the beginning of the millennium, *International Organization for Migration* (IOM) trained persons with immigrant background to act as mediators in their *Let’s talk* –project. In 2006, the Finnish Refugee Council (Suomen Pakolaisapu ry; an NGO specialised in international refugee work) started to develop neighbourhood mediation for the residence-related problems of its

customers. Between 2006 and 2014, there was a project called “Kotilo” in which materials were produced regarding living-related problems and neighbourhood mediation. In 2015, the Refugee Council established the *Centre for Community Mediation* to provide community mediation. Now, the Centre is the main actor in the field of neighbourhood mediation in Finland. Recently, a handbook of neighbourhood mediation has been published (Attias et al. 2017).

In addition to community mediation, the Centre for Community Mediation has developed *residence work* in the neighbourhoods of new reception units with the aim to improve relations between neighbours, feeling of safety, and homeliness of multicultural areas. In autumn 2015, the Centre conducted residence work in 11 neighbourhoods, organising meetings and finding out what kinds of needs people had. In some neighbourhoods, there was just one meeting, while others had more. Meetings were arranged either before or after the opening of a reception centre. Nowadays, the residence work continues in municipalities that receive quota refugees.

Defining neighbourhood mediation and residence work

As mentioned, the working methods of the Centre for Community Mediation are neighbourhood mediation and a wider application of RJ called residence work. Following the general concept of RJ, **neighbourhood (or community) mediation** is dialogue facilitated by a neutral mediator. This application of mediation aims to help resolve diverse conflicts related to accommodation. Community mediation has two or more parties; the cases may concern, for example, the whole apartment house. The application areas are various kinds of residency and neighbourhood disturbances, difficult social situations, and outright conflicts. These may have to do e.g. with disturbing behaviour, breaking housing rules, the use of common areas, damaging property, or problems between the tenant and the estate manager. Besides residents, community mediation is meant for housing officials, property companies, tenant committees, and real estate managers.

Residence (or community) work refers to broader efforts to *prevent* conflicts and *promote* good neighbour relations, safety, and homeliness of multicultural areas by the methods of mediation. Community work may involve arranging social events e.g. when a reception centre has been planned or opened nearby.

Both community mediation and residence work are based on restorative principles, enabling structured encounter and dialogue between the stakeholders in emerging or existing neighbourhood conflicts. Both methods aim to improve neighbour relations, contribute to feeling of safety, enable peaceful co-habitation, and prevent and solve conflicts in communities and between neighbours. Both are free and voluntary services for the parties.

The development of neighbourhood mediation was initially motivated by the needs of the Refugee Council. Thus, the method was targeted at cases with an ethnical dimension. Today, neighbourhood

mediation is also being used in cases without such a dimension. However, in this study, the focus is on cases involving different cultures or ethnicities.

Restorative principles

As community mediation and residence work are guided by the general principles and values of RJ, we hereby present the most central of them:

- **Empowerment:** People are entitled to participate in resolving their own conflicts, which is hoped to give them means to cope with future problematic situations. Empowerment also means that the parties of a conflict can by themselves determine the right solution to their case; they are considered the best experts in their own case. Their discretion is not unlimited, however, as the mediators see that the agreement is not clearly unfair or against fundamental legal principles or rights.
- **Voice:** People are given voice and the experience of being heard. This adds to their commitment to the process and its outcome.
- **Facilitative** working method of the mediators: they just guide the conversation while the parties are supposed to create the solution by themselves. Only if they cannot, and ask the mediators for help, may the mediators present possible solutions.
- **Impartiality** of the mediators: they do not take sides, but, at the same time, take especial care of the silent and less dominant ones.
- **Respectful dialogue:** The mediation session must be experienced by the parties to be non-violent, non-threatening, and safe. Feelings can be conveyed freely, but insulting language must be avoided. A good reference here is the method of *Nonviolent communication (NVC)*; <https://www.savannaconnexions.fi>).
- **Inclusion and reintegrative shaming.** Mediation is inspired by John Braithwaite's (1989) theory of reintegrative shaming. Unlike in stigmatizing court proceedings, after the session, the offender is closer to the normal, law-abiding society than before. Only the wrongful *act* is condemned, *not the person*. A successful restorative session culminates with gestures of acceptance, inclusion, and reintegration to *end the shaming*.
- **Free flow of information:** It is a common observation that ignorance of social norms and lack of communication often leads to misunderstandings and conflicts. The aim of mediation is to improve and encourage communication between the parties. Communication helps to break down stereotypes of the other party. In neighbourhood conflicts, parties do not necessarily even realise that they disturb their neighbours. Free flow of information is secured by the fact that RJ is **informal justice**; the procedure is not bound by strict legal norms or jargon like in court proceedings. Instead, the parties are invited to use their own words, enhancing understanding and learning. The discussion is not limited to what is legally relevant; also moral and emotional discussion is allowed.
- **Voluntariness:** whether to participate and to make an agreement.
- **Learning:** Mediation enables learning (how to handle conflicts and interact socially) and improves understanding of the other party's point of view, contributing to empathy.

- **Confidentiality:** While this is a general aim of restorative sessions, because it facilitates free flow of information, it cannot be totally secured in settings with multiple participants.
- **Responsibility:** RJ is not any “soft” option for the perpetrators; instead, they often find it harder to meet the victims face to face without the possibility to hide behind their lawyers. Meeting the victim makes it more difficult to neutralize the wrong and the harm. In RJ, offenders are expected to make good what they have damaged. It is believed that one can overcome shame caused by wrongdoing only by acknowledging and addressing it, and actively repairing the damages (material, social, and psychological; Ahmed et al. 2001).
- **Emotional and social healing:** Emotional and subjective needs of the parties are more central than legal rights. RJ can enliven social ties, and communities must be strengthened rather than dispersed. The ultimate form of community breakdown is imprisonment – the hard core of formal criminal justice.
- **Access to justice:** RJ enables a low threshold for seeking outside help. This supports victims and prevents conflicts from escalating. Mediation is motivated by the notion that it is important to offer easy access service so that seeds of a larger conflict can be tackled in time; even minor complaints can develop into major conflicts if they are not addressed and managed early enough.

The process of neighbourhood mediation

One of the distinguished features of modern mediation is a structured process. For example, in the Kotilo project, the process followed rather normal VOM:

1. **Mediation initiative:** For example, party of a conflict, apartment house company, or an authority such as police or social worker can ask for mediation.
2. The mediation agency maps who the stakeholders are, and in **pre-meetings**, makes sure that the parties know the basic facts of mediation and want to participate in it. The agency selects two volunteer mediators (one with immigrant background if needed).
3. In the **joint gathering**, participants are first reminded of the mediation guidelines and rules. Then, they are invited to tell their stories. What do they know about the conflict and what kinds of feelings does it arouse? What kinds of ways to make good the damages can they think of?
4. **Follow-up:** Do the parties live up to their agreement? Because neighbourhood relations are relatively stable, it is especially important to secure that the change for the better lasts.

Compared to the previous Kotilo project, the work of the Centre for Community Mediation is not based on unpaid volunteer mediators anymore. The mediation process varies somewhat depending on the needs of each case. Nowadays, the focus is more on the *process* instead of just achieving an agreement.

Other projects and studies related to ethnic RJ in Finland

Albrecht (2010) has investigated RJ in cases of migrant minorities in Finland and Norway. Neighbourhood mediators have been interviewed in a project called *KatuMetro* (Kaupunkitutkimus- ja metropolipolitiikka; <http://www.helsinki.fi/kaupunkitutkimus/ohjelma/index.htm>; Joensuu & Rustanius 2011). In 2016, there was also a Master thesis completed, based on interviews with neighbourhood mediators (Länsitie 2016). Huhtinen (2015) delivered questionnaires to those who had participated in or made an initiative for neighbourhood mediation during 2014. However, the Centre for Community Mediation did not exist then and mediation practices were somewhat different than today. The main results were that the majority was satisfied with the mediation process and the work of mediators. However, a solution to the conflict was not found in all cases. In most cases, the initiative for mediation was made by someone else than the parties themselves.

The Finnish Ministry of Justice has a project called *TRUST*, focusing on the relations between different ethnic groups in localities with reception units, and especially on the mediation conducted by the Centre for Community Mediation in the city of Forssa in 2016 between the unit residents and local youth (<http://www.yhdenvertaisuus.fi/kampanjat/trust-hanke>). However, we need more research to empirically study neighbourhood mediation and residence work in the context of RJ, and mediation practices in the conflicts between reception units' residents and the local inhabitants.

Research aims, questions, and methods

In theory, RJ sounds like a suitable way to resolve neighbourhood conflicts and release possible tensions when new residents representing different ethnicities settle down to a neighbourhood. Potentially, it offers a way to involve all stakeholders and a concrete step of including newcomers into the Finnish society. However, we know from earlier research that the noble restorative ideals are not always fully realised at grass roots level (e.g., Elonheimo 2010).

The *aim* of this study is to contact reception centres currently in operation to map the practices they have to prevent and handle the conflicts that might arise between their residents and the locals. The conflicts may as well be concrete such as damaging property, breaking norms, quarrels, violence or the threat of it, or more general and abstract worries (in residence work). Ultimately, the aim of the study is to find out tools for the work to integrate newcomers better in the society, and the results might be used to improve the reception system.

The questions can be divided according to different informant groups:

1) Reception centres:

- Are community mediation and residence work known and used in the reception centre? Would there be a need for those kinds of methods?

- Have there been conflicts between the residents of the reception centre and the neighbourhood? How have these conflicts been treated and to what effect? Has it been possible to prevent conflicts with some kind of neighbourhood work?
- What kinds of practices does the reception centre have for preventing and managing conflicts between the residents and neighbours?
- Has the reception centre asked for help from the Centre for Community Meditation, and if so, what has it been like?

2) Municipal civil servants:

- Why did the municipality order community mediation or residence work from the Centre for Community Mediation?
- How was the mediation or residence work carried out in the locality?
- What kinds of results did the mediation or residence work have?

3) The Centre for Community Meditation:

- What kind of work has the Centre for Community Meditation conducted in reception centres and their neighbourhoods?

The means of gathering information include an *e-mail survey* to reception centres in operation at the moment. The method of e-mail was selected because it is a modern way to exchange information and probably entails a low threshold for answering. The informants are advised to write their replies between the questions. The reception centre staff can choose who of them answers the survey. In case of non-response, the researcher calls the centre. The reports will not reveal the identity of the informants. Other methods of data collecting include *interviews* of the key actors (the authorities in municipalities with reception centres and the Centre for Community Meditation). The Centre of Community Mediation will aid in reaching the interviewees. The interviews will probably take place by the phone. The exact amount of the interviews needed will become clear as the study proceeds. For the moment, research permission from the Finnish Immigration Service has been obtained and the data are being gathered.

A pilot study

In April-May 2016, as part of a mediation and Restorative Justice course in the University of Turku, those nine reception centres were contacted where community mediation or neighbourhood work were being used. The aim was to preliminarily map the practices related to conflict management between the reception centres and the locals. Only two centres replied, however, so the results are very tentative – serving more as examples from the field than actual results – and emphasize the importance of supplementary methods to minimize attrition.

In the first unit that replied, three sessions had been arranged; one of which before starting the operation. In another, one session had been held before the opening and another as the unit was

extended. At most, the sessions had included 20 neighbours. The purpose of the sessions had been to introduce the units to the neighbourhood and enable free discussion. Instead of actual mediation, the aim was to prevent problems through openness and collaboration.

In the sessions, neighbours' worries had surfaced, and remedies to them had been jointly found. The respondents assessed that the sessions had succeeded in calming down the atmosphere among the locals, as they were given the chance to present their questions and discharge their worries. In one unit, for example, a common gardening project and a harvest festival was being planned between the locals and the unit residents.

From the replies, it became evident that mediators' skills to facilitate sessions with multiple participants need to be secured and improved. While the sessions arranged by the Centre for Community Meditation had aroused contentment, some sessions by other organisers had been arranged poorly: facilitators had lacked the skills necessary for chairing the session; the atmosphere had not been ideal; not everyone had dared to talk; and not enough information had been delivered.

The results showed that each centre creates its own ways to resolve conflicts and the possibilities of mediation are largely unknown. Residence work was welcomed as a helpful tool when establishing new units. However, the informants called for a *national operations model* for these methods. Earlier, we have discussed the pilot in Finnish (Samela & Elonheimo 2016).

Discussion

How do we usually handle our conflicts? No way at all. Indeed, the alternative to mediation in neighbourhood as well as other conflicts is that the conflict remains and becomes a longer and heavier burden for the parties. Even violent attempts to resolve conflicts have become all too common, as the example of Forssa shows. Violence or doing nothing can lead to long-lasting tensions between different population groups or individuals. In addition to relieving human suffering, mediation has the potential to reduce the economic costs disturbances cause for example to apartment house companies. Mediation also alleviates the burden on courts. In mediation, people can learn about each other's cultures, enhancing tolerance of cultural diversity and breaking down stereotypes and prejudice (Albrecht 2010). A vital question for Western democracies is how we can enhance the integration of newcomers from other cultures. The core aspect of RJ is integration, indeed, and therefore, it can be seen as a tool for integrative work, giving voice, empowerment, and participation rights to all alike.

Mediation can also be regarded as a tool to fulfil constitutional rights of democratic participation. The Finnish Constitution (14§) states that the authorities need to promote everyone's chances to participate in societal activities and influence decision-making that concerns him or herself. Mediation secures access to justice in a way that does not require financial resources or specific legal knowledge. These kinds of aspects seem especially relevant in the case of minorities. While the costs

of formal proceedings have skyrocketed especially in the Finnish civil cases, RJ is accessible to even population groups with low SES such as migrants typically are. The formal process and legal jargon is hard to understand for lay people, and even more so for special groups that may lack knowledge of the Finnish official languages.

Organising and facilitating encounters between conflicting parties is demanding. Community mediation is a good example of a form of mediation which cannot totally rely on unpaid volunteer work. For example, mediators need to support the ones in a less advantageous position, such as migrants, so that they are not taken advantage of (Albrecht 2010). No-one must feel pressurised to participate in any mock trial; mediation must not resemble a mini trial. Therefore, the principles of RJ are important to keep in mind. Especially, in cases involving multiple stakeholders, mediators need skills to pay attention to each participant. Actually, cases with an abundance of stakeholders are especially suited for RJ: RJ fits community mediation better than the usual one-on-one cases (VOM), because *at the heart of the restorative theory, is activating a larger community than just the victim and the offender.*

Perhaps a rather obvious demand for mediation involving ethnic aspects is also *cultural sensitivity* of the mediators. However, how decisive the role of cultural background really is regarding the birth of the conflict and the way to conduct mediation, can be discussed and depends on the case (Albrecht 2010; Länsitie 2016; Samela & Elonheimo 2016). It has even been argued that everybody should be treated equally in mediation and cultural backgrounds should *not play a role* (see Albrecht 2010). Thus, part of mediators' cultural expertise should also be to avoid *overstating* the relevance of culture. There are, however, some cultural specialities that community mediators should be attentive to: their job is to make everyone actively engage in discussions, and for some cultures, social "confessions" might be more embarrassing and intimidating than for others, for the importance of saving face and not admitting to guilt (Albrecht 2010).

As is evident from earlier evaluation studies (see Elonheimo 2010), mediation in practice may not totally fulfil the high demands of the theory. However, the potential of RJ depends on how it is resourced. *How much can we reasonably require from mediation that does not enjoy the institutional status and resources of formal litigation?* The cost-benefit ratio of mediation is arguably good, and there are such intangible benefits to mediation that contribute to empowerment and psychological and emotional well-being of the parties that are unlikely to be reached by any formal proceedings.

When developing restorative systems, it is equally important to consider the *quality* and *quantity* of the services. At the moment, the Centre for Community Mediation offers neighbourhood mediation and residence work only in the biggest cities and the metropolitan area. Like victim-offender mediation, these restorative methods should be available throughout the country to facilitate human encounters, alleviate social tensions, and save resources. Because immigration situation has probably changed permanently, there is no reason to assume that the relevance of "mediation with an ethnic twist" would diminish in the future.

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Sociala insatsgrupper för unga vuxna i Tensta och Rinkeby

Lena Roxell

Inledning och bakgrund

Sociala insatsgrupper (SIG) är ett stöd för personer som behöver hjälp att bryta en kriminell karriär eller riskerar att hamna i kriminella nätverk. Syftet med sociala insatsgrupper är att socialtjänsten, som har huvudansvaret, tillsammans med den lokala polisen ska samordna befintliga samhällsresurser för att ge stöd till unga som riskerar att hamna i (eller redan är medlemmar i) kriminella nätverk. Insatsen ska genomföras genom att man skapar individuella handlingsplaner för de unga där alla aktörer får uppgifter som följs upp vid nätverksmöten. Handlingsplanerna ska vara dynamiska och kunna anpassas efter enskilda individers behov. Även skolan, Statens institutionsstyrelse, missbruksvården, psykiatrin, Kriminalvården, ideella organisationer och näringslivet kan kopplas till arbetet med SIG (SOU 2010:15).

I Stockholmsförorterna Tensta och Rinkeby startades en försöksverksamhet för unga vuxna (20-29 år) år 2013. Personal anställdes och de första individerna skrevs in i projektet. Individerna rekryterades med hjälp av polisen eller genom att de själva hörde av sig och ville delta. Individuella handlingsplaner upprättades där de unga vuxna fick hjälp med att exempelvis söka arbete eller hitta ett boende. För att olika myndigheter ska kunna samarbeta i det här projektet måste den sekretess som råder mellan myndigheterna upphävas. Det innebär att deltagarna i SIG samtycker till att informationsutbyte får ske mellan myndigheterna så länge de är med i projektet (Sarnecki 2017).

Stockholms universitet fick i uppdrag av Stockholms stad att utvärdera projektet med sociala insatsgrupper. Det har resulterat i fyra olika rapporter. En som beskriver själva processen (Zamparutti 2016a). En annan som bygger på deltagarnas upplevelser av att vara med i projektet (Zamparutti 2016b). En tredje som är en kvantitativ studie om deltagarnas brottslighet före, under och efter projektet (Roxell 2017). Slutligen en rapport, som är författad av projektledaren för utvärderingen Jerzy Sarnecki, som knyter ihop och diskuterar resultaten i de tidigare nämnda rapporterna (Sarnecki 2017).

I det här papret kommer en del resultat från den kvantitativa utvärderingen att presenteras. Det övergripande syftet har varit att undersöka huruvida brottsligheten har förändrats i och med införandet av Sociala insatsgrupper i stadsdelarna Tensta och Rinkeby. De frågor som kommer att besvaras är följande:

Hur ser brottsligheten ut för dem som medverkat i SIG före, under och efter projektet?
Vilka typer av brott är deltagarna i SIG misstänkta för?
Hur ser fördelningen av medbrottslingar ut före, under och efter projektet?

Nedan följer ett avsnitt om metod och material. I den beskrivs vilka data som används i den kvantitativa delen av utvärderingen. Begrepp och variabler presenteras. Avsnittet avslutas med en diskussion av materialets begränsningar. Efter det följer resultatdelen där ovanstående frågor besvaras. Papret avslutas med en sammanfattning av resultaten.

Metod och material

Från SIG i Tensta och Rinkeby har information hämtats in om deltagare i projektet. Uppgifterna erhöles i mars 2016 handlar om när deltagarna påbörjade och avslutade projektet. Det finns också

uppgifter om att vissa deltagare är "vilande" vilket kan innebära att de exempelvis har påbörjat en utbildning eller liknande och inte har behov av stöd från SIG för tillfället. Det kan också vara så att de har dömts till och blivit intagna på fängelse. Det gör att den gruppens resultat angående brottslighet är något svårbedömd. I materialet finns det också uppgifter om vilka som var aktiva i projektet vid tidpunkten då ovanstående uppgifter erhöles.

Populationen består av 97 män och 2 kvinnor som har påbörjat verksamheten. Av dem är det 26 som har avslutat verksamheten, 22 som är vilande, 41 som är aktiva och 10 där uppgifterna har varit oklara. Störst fokus kommer att läggas på dem som har avslutat verksamheten. Uppföljningstiden varierar mellan 8 och 26 månader för dem. I vissa analyser, där det är lämpligt, kommer grupperna att slås samman. När detta sker kommer det att uppges i resultatdelen.

För att kunna studera rapportens frågeställningar har data från misstankeregistret hämtats ifrån Brottsförebyggande rådet (Brå). Uttaget gäller tiden 2005-01-01 – 2015-12-31. I misstankeregistret finns det uppgifter om vilka brott individerna har varit misstänkta för. Det finns också information om individerna är misstänkta för brott tillsammans med andra, vilket också ska undersökas. För att kunna studera brottsligheten för individer boende i de aktuella områdena har data hämtats från SCB. SCB har gjort uttag gällande alla som bodde i områdena den sista december under åren 2005 till och med 2015. Brå har lagt på information om folkbokförda på de aktuella misstankarna. Allt material från Brå är avidentifierat vilket gör att enskilda individer inte går att identifiera. Givetvis är de som är och har varit med i SIG markerade, för att speciella analyser ska kunna genomföras angående deras brottslighet.

En kontrollgrupp har skapats för att kunna göra jämförelser med populationen när det gäller brottsutvecklingen över tid. I kontrollgruppen ingår de 100 mest belastade i de aktuella områdena som inte ingår i populationen. Det var i åldern 20-29 år vid det senaste registrerade brottet. De är misstänkta för mellan 37 och 426 brott under åren 2005-2015. Vid jämförelse med populationen har olika mätpunkter skapats vilka gäller tiden före, under och efter projektet. För kontrollgruppen består tiden innan projektet av tidsperioden 2011-07-01 – 2013-06-30. Tiden under projektet gäller tidsperioden 2013-07-01 – 2014-12-31. Den sista tidsperioden gäller tiden efter projektet vilket är hela året 2015. För populationen är tiden innan lika med två år innan de gick med i projektet, om inget annat uppges.

För att besvara rapportens frågeställningar har olika statistiska beräkningar gjorts med hjälp av statistikprogrammet SPSS. Vid jämförelser av brottsutvecklingen har måttet misstänkta brott per månad och individ använts. Olika kvoter har skapats för att kunna göra jämförelser under olika tidsperioder. Medelvärden har använts för att beskriva den genomsnittliga brottsligheten för olika grupper under olika tidsperioder. Medbrottslingsskap, co-offending, har också studerats. Där har antal brott med medbrottslingar och antalet medbrottslingar över tid varit föremål för analys. Jämförelser har även gjorts med kontrollgruppen.

Begrepp och variabler

Populationen används i papret och där avses deltagarna som är eller har varit med i SIG.

Brott per månad används som begrepp i resultatdelen. För att kunna göra jämförelser mellan olika grupper och olika tidsperioder har brottskvoter skapats där antalet misstänkt brott per individ har dividerats med antalet månader som tidsperioden avser. Den genomsnittliga kvoten har sedan räknats ut för specifika grupper. Tidpunkten för brottet är hämtad från polisens uppgifter om brottstidpunkt.

Begreppet medbrottslingsskap förekommer också i rapporten. Det innebär att två eller flera individer är misstänkta för brott tillsammans. Då kvoter av antalet medmisstänkta har beräknats har inte hänsyn tagits till om den medmisstänkta förekommer i flera brottsmisstankar tillsammans med samma individ. Det som redovisas är alltså en bruttoredovisning av antalet medmisstänkta.

Materialens begränsningar

Det är viktigt att reflektera över att det är ett fåtal individer som ingår i den här uppföljningen. Exempelvis är det bara 26 personer som har avslutat deltagandet i SIG under den aktuella uppföljningstiden. Därför bör resultaten tolkas med viss försiktighet. För en del av de inskrivna individerna har en del uppgifter varit oklara vilket lett till att de inte kan ingå i analyser. Det har handlat om ofullständiga uppgifter om när de har avslutat verksamheten eller betraktats som "vilande".

Det är också viktigt att komma ihåg att det är den registrerade brottsligheten som studeras. Uppgifterna om brottslighet är bland annat hämtade från misstankeregistret, vilket innebär att vi inte vet om de senare är lagförda för brotten. Vi vet också att personerna som har varit med i SIG har varit speciellt bevakade av polisen under tiden. Det kan med andra ord innebära en överskattning av brottsligheten. Med tanke på att inte all brottslighet kommer till myndigheternas kännedom så kan å andra sidan det innebära en underskattning av brottsligheten. Det vi kan förhålla oss till är alltså huruvida personerna i fråga har blivit misstänkta för brott och inget annat.

De data som vi har fått från SCB innehåller också vissa brister. Uttaget bygger på dem som var folkbokförda i de aktuella områdena den sista december under åren 2005 – 2015. Det innebär att vi kan missa vissa individer som var folkbokförda under kortare perioder under åren, men inte just den sista december. Vad det innebär för resultaten är svårt att uttala sig om. Det påverkar dock inte analysen av brottslighetsutvecklingen för den aktuella populationen eftersom ett speciellt datauttag gjordes för dem. Däremot kan det ha betydelse i analyser gällande brott i områdena begångna av boende där.

Resultat av den kvantitativa delen av utvärderingar av SIG

En fråga av intresse i projektet är huruvida de har lyckats rekrytera rätt personer till verksamheten. Ett av kriterierna handlar om brottslighet. Av de 99 individerna som var inskrivna i verksamheten under den aktuella perioden är det 90 personer som är misstänkta för brott under åren 2005 – 2015.

Av dessa 90 personer är det 88 som är misstänka för brott innan de skrevs in i projektet. De återstående två är misstänkta för brott först under/efter projekttiden.

Antal misstänkta brott för populationen innan de skrevs in i verksamheten varierar mellan 1 och 88.¹⁸⁸ I genomsnitt är de misstänkta för 30 brott från år 2005 fram till inskrivningsdatum.

Den mest intressanta gruppen i utvärderingen är de som har hunnit avslutat sin medverkan i SIG. I den populationen är det möjligt och intressant att göra en uppföljning efter den avslutade verksamheten. För att kunna göra den analysen har den misstänkta genomsnittliga brottsligheten studerats per månad. I det här resultatet har de tagits med som minst hade en uppföljningstid på 3 månader (n= 24). För sex av dem (25 %) har brottsligheten ökat under och efter verksamheten. För åtta individer (33 %) har brottsligheten ökat under projekttiden för att sedan minska. För två personer (9 %) har brottsligheten minskat under projekttiden för att sedan öka igen. Slutligen, för 8 individer (33 %) har brottsligheten minskat under både projekttiden och tiden efter den. Sammantaget är det åtta individer som inte har misstänkts för brott efter projekttiden.

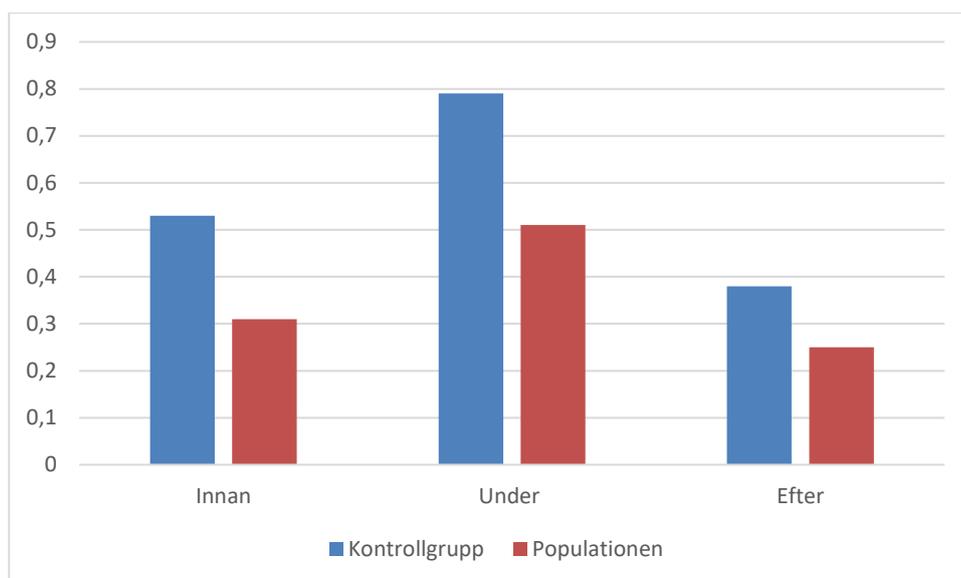
Jämförelse med en kontrollgrupp

För att kunna uttala sig om effekter av projektet har en kontrollgrupp skapats. I den ingår de mest belastade personerna i områdena under åren 2005 - 2015. Även här används enheten den genomsnittliga misstänkta brottsligheten per månad uppdelat på olika tidsperioder. I det första diagrammet redovisas jämförelsen mellan populationen och kontrollgruppen för tiden innan, under och efter projektet.¹⁸⁹ När det gäller tiden efter projektet för populationen, ingår endast de som har avslutat verksamheten.

Diagram 1: Den genomsnittliga misstänkta brottsligheten per månad för populationen och kontrollgruppen. Tidsperioderna avser tiden innan, under och efter projekttiden.

¹⁸⁸ Beräknat på de 88 individerna som var misstänkta för brott innan de gick med i verksamheten.

¹⁸⁹ Kontrollgruppen n = 100. Populationen Innan n = 88, Under n = 70, Efter n = 24. Standardavvikelsen varierar mellan 0,76 och 1,74 vilket tyder på en del extremvärden.



I diagrammet ovan ser vi att kontrollgruppen i genomsnitt har högre brottslighet än populationen. Ett intressant resultat är att den genomsnittliga brottsligheten ökar för båda grupperna under tiden för projektet, för att sedan minska efter projekttiden.

Som nämnts tidigare är de som avslutat projektet den mest intressanta gruppen då jämförelser även går att göra efter projekttiden. I diagrammet nedan redovisas en jämförelse mellan kontrollgruppen och de som har avslutat verksamheten.¹⁹⁰

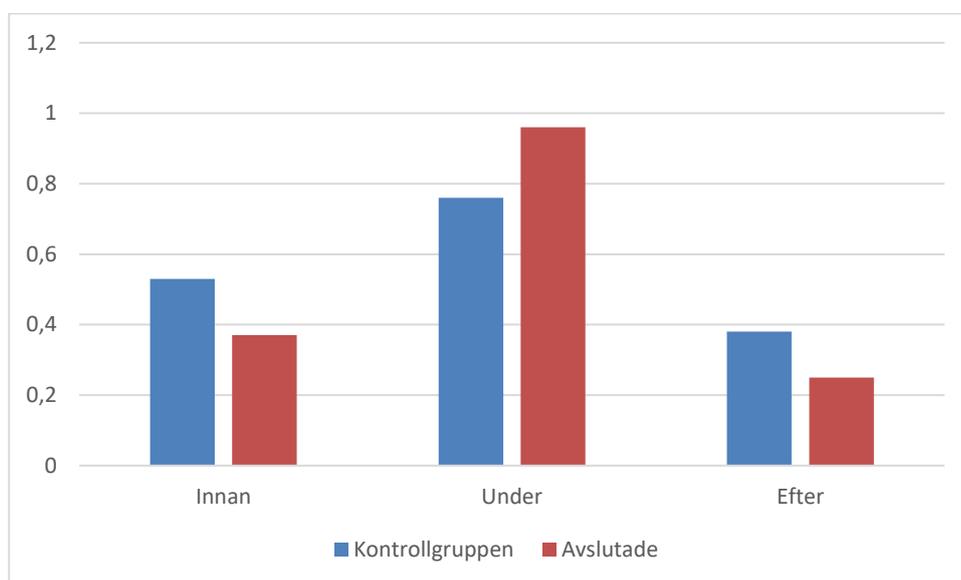


Diagram 2: Den genomsnittliga misstänkta brottsligheten per månad för de som avslutat projektet och kontrollgruppen. Tidsperioderna avser tiden innan, under och efter projekttiden.

¹⁹⁰ Kontrollgruppen n = 100. Avslutade Innan och under n = 26, Efter n = 24. Standardavvikelsen varierar mellan 0,30 och 1,60 vilket tyder på en del extremvärden.

I diagram 2 ser vi en tydlig ökning av brottsligheten under tiden för projektet för gruppen som har avslutat projektet. Den genomsnittliga brottsligheten är till och med högre för dem än för kontrollgruppen under den tiden. För båda grupperna minskar den genomsnittliga brottsligheten efter projektiden.

Brottstyper för populationen och kontrollgruppen

En annan fråga av intresse är vilka typer av brott som den aktuella populationen är misstänkta för. En jämförelse görs här mellan populationen och kontrollgruppen, för att upptäcka eventuella skillnader.

Tabell 6: Brottstyper uppdelat på undersökningspopulationen och kontrollgruppen. Avser misstänkta brott för åren 2005 – 2015.

Brottstyp	Population Antal	Population Procent	Kontrollgrupp Antal	Kontrollgrupp Procent
Brott mot liv och hälsa	308	9,6	423	6,0
Brott mot frihet och frid	203	6,4	463	6,6
Ärekränkning	16	,5	64	,9
Sexualbrott	24	,8	330	4,7
Stöld, rån och andra tillgreppsbrott	812	25,4	1263	17,9
Bedrägeri och annan oredlighet	257	8,0	1279	18,1
Förskingring och annan trolöshet	52	1,6	188	2,7
Skadegörelsebrott	69	2,2	161	2,3
Förfalskningsbrott	26	,8	46	,7
Mened, falskt åtal och annan osann utsaga	36	1,1	241	3,4
Brott mot allmän ordning	7	,2	82	1,2
Brott mot allmän verksamhet	308	9,6	389	5,5
Brott mot trafikbrottslagen	212	6,6	526	7,4
Brott mot vapenlagen och knivlagen	85	2,7	197	2,8
Brott mot lag om straff för smuggling, narkotikastrafflagen m.m.	718	22,5	1275	18,0
Övrigt	61	1,9	141	2,0
Totalt	3194	100,0	7068	100,0

Tabellen visar att populationen i första hand är misstänkta för stöldbrott följt av narkotikabrott. Efter det följer brott mot liv och hälsa samt brott mot allmän verksamhet. Kontrollgruppen är främst misstänkta för bedrägeribrott, narkotikabrott och stöldbrott. Att bedrägeribrotten ligger på så höga nivåer för kontrollgruppen kan delvis förklaras av att enskilda individer i den gruppen är misstänkta för ett stort antal bedrägeribrott.

Medbrottslingsskap

En annan fråga som är intressant är huruvida brott tillsammans med andra förändras genom att deltagarna går med i projektet. För det ändamålet har dels andelen brottsmisstankar tillsammans med en eller flera medmisstänkta studerats. Dels har andelen medmisstänkta per månad och individ undersökts. Resultaten jämförs med kontrollgruppen utifrån den tidsindelningen som har varit i fokus tidigare. Nedan visas andelen brottsmisstankar tillsammans med en eller flera medmisstänkta under olika tidsperioder.

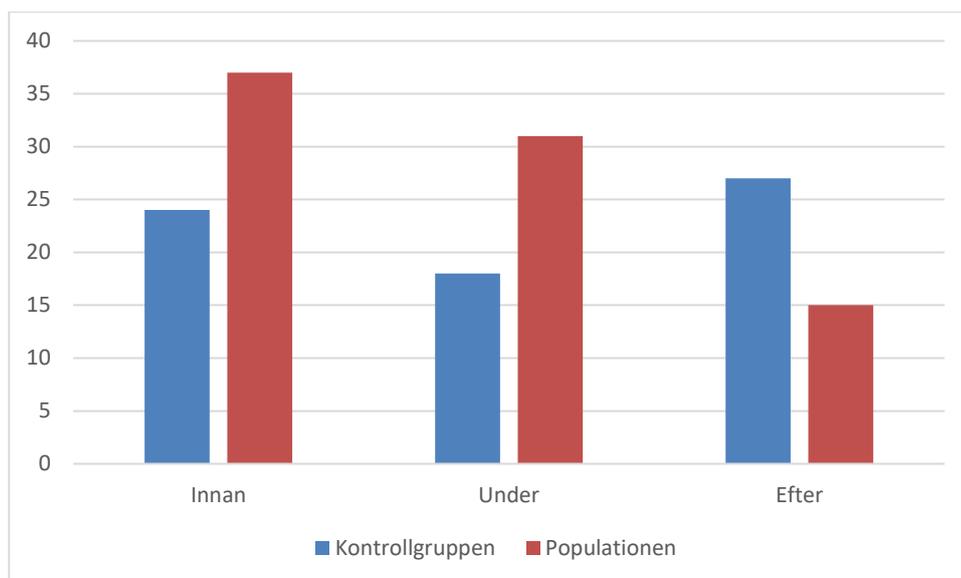


Diagram3: Den genomsnittliga andelen brottsmisstankar, i procent, tillsammans med en eller fler medmisstänkta för populationen och kontrollgruppen. Uppdelat på tiden innan, under och efter projektiden.

I diagram 3 ser vi att populationens misstänkta brottslighet tillsammans med andra personer minskar både under och efter projektet. För kontrollgruppen ser resultatet annorlunda ut. Andelsmässigt ligger de lägre än populationen innan och under projektet, för att sedan öka och ligga på en högre nivå efter projektiden.

Ovan studerades den misstänkta brottsligheten tillsammans med andra personer. I nästa steg ska antalet medmisstänkta per individ och månad studeras.¹⁹¹ Även här kommer en jämförelse med kontrollgruppen att göras.¹⁹²

¹⁹¹ I denna analys kan samma person förekomma som medmisstänkt till en individ vid flera tillfällen.

¹⁹² Kontrollgruppen Innan n = 77, Under n = 69, Efter n = 50. Populationen Innan n = 78, Under n = 56, Efter n = 16. Standardavvikelsen varierar mellan 0,13 och 0,75.

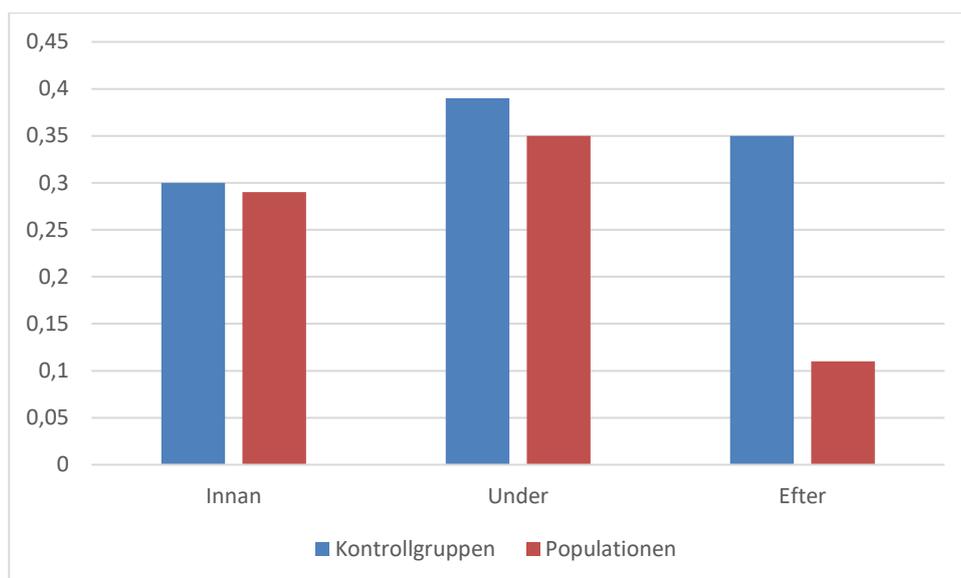


Diagram 4: Det genomsnittliga antalet medmisstänkta per individ och månad för populationen och kontrollgruppen. Uppdelat på tiden innan, under och efter projekttiden.

Diagrammet ovan visar att det genomsnittliga antalet medmisstänkta ökar något under projekttiden för både populationen och för kontrollgruppen. Efter projekttiden sker det en minskning av det genomsnittliga antalet medmisstänkta för populationen. En förklaring kan vara att den genomsnittliga misstänkta brottsligheten minskar för populationen vilket då även kan påverka nivåerna av antalet medmisstänkta. Samtidigt ser vi inte den minskningen för kontrollgruppen vilket tyder på att den genomsnittliga misstänkta brottsligheten minskar, men det genomsnittliga antalet medmisstänkta är i stort sett detsamma som under de tidigare perioderna.

Sammanfattning och slutsats

Utifrån populationens tidigare brottslighet kan det konstateras att de ansvariga för projektet har lyckats rekrytera personer som är misstänkta för en omfattande mängd brott. Jämfört med kontrollgruppen är de dock i genomsnitt något mindre belastade.

För den grupp som har avslutat medverkan i projektet visade resultaten att en tredjedel av dem inte var misstänkta för brott efter avslutad verksamhet. Däremot ökade brottsligheten under själva projekttiden jämfört med tiden innan. En förklaring kan vara att Polisen har haft den här gruppen under uppmärksamhet under projekttiden. Det märkliga är dock att det inte gäller i samma utsträckning för alla i projektet, utan specifikt för dem som har avslutat verksamheten. En annan förklaring kan vara att Polisen även gjorde andra insatser i områdena under den här perioden (Brå 2016a). Det skulle kunna medföra att fler blev registrerade för brott under den tiden.

De brottstyper som populationen vanligtvis blev misstänkta för är stöldbrott följt av narkotikabrott. Kontrollgruppen var också vanligtvis misstänkta för dessa typer av brott, med den skillnaden att de även var misstänkta för ett stort antal bedrägeribrott. Det visade sig att det var ett fåtal individer som ofta var misstänkta just för bedrägeribrott. I Brå:s statistik över anmälda brott för hela landet

kan det konstateras att stöldbrott är den mest vanliga brottstypen (Brå 2016b). Däremot ligger narkotikabrotten på en lägre nivå jämfört med resultatet av den här studien. Det kan också konstateras att de anmälda bedrägeribrotten i landet har ökat kraftigt de senaste åren.

Brottsligheten tillsammans med andra har också förändrats under tid. Sett till andelen brottsmisstankar tillsammans med andra individer så har den minskat både under och efter projekttiden för populationen. Det genomsnittliga antalet medmisstänkta ökade något under projekttiden för att sedan minska efter projektet. Det sistnämnda kan bero på att även den genomsnittliga misstänkta brottsligheten minskade efter projekttiden.

Avslutningsvis kan det konstateras att brottsnivån inte har påverkats nämnvärt av projektet. Det positiva är dock att det har varit stor tillströmning av deltagare till projektet och att deltagarna har ökat kontakten med olika myndigheter (Zamparutti 2016b; Sarnecki 2017). Resultaten tyder också på att den registrerade brottsligheten tillsammans med andra har minskat, vilket också kan ses som positivt.

Litteratur

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PARALLEL SESSION 5A: Human trafficking & exploitation

Fear and Choice within the Framework of Exploitation Research

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Introduction

This paper is a work in progress which centers on exploitation models discovered within the framework of my study on the invisibility of male victims of human trafficking conducted towards the degree of Doctor of Philosophy at the University of Sydney. The overall research focuses on obtaining detailed qualitative data on the reasons for and outcomes of trafficking of men by means of conducting semi-structured interviews, documentary analysis and participant observations followed by a thorough data analysis integrated with concepts of masculinities, victimization, agency, Bourdieu's concept of the field as well as the hierarchy of victimhood theory. This research project is a case study, where the occurrence of male trafficking in Russia is used to illustrate the causes and consequences of the invisibility of men who have become victims of crimes that can be identified as human trafficking.

At the conclusion of my fieldwork three models of exploitation have become apparent: exploitation in unofficial housework, exploitation in basic labor supply chains and exploitation in advanced labor supply chains. These exploitation models are not representative of all forms of exploitation in the territory of the Russian Federation, however they do illustrate the frequency of certain types of exploitation in a Russian context. It is important to note that the occurrence of exploitation in the labor sectors addressed in this study (i.e. construction, cleaning companies, agriculture, home maintenance and repairs) has only been discovered in specific cases and thus should not be regarded as representative of the entire region. Moreover, in these instances, exploitation may not only happen to migrant workers and may not only affect men. However, as this research focuses on male trafficking and male labor exploitation the focus in this paper will be on instances of labor exploitation experienced by males. All three models were uncovered through participant observations and interviews with potential male victims of human trafficking and anti-trafficking actors in Russia. These exploitation models are a significant finding for this study as they establish three models of victimhood experiences and three courses of action by those victimized with regards to the potential to leave the situation of exploitation.

Method

This is a qualitative empirical case study of Russia, where data is gathered by means of documentary analysis, participant observation and semi-structured interviews with anti-trafficking actors or experts (hereinafter referred to as ATA) and male labor migrants (potential or actual victims of exploitation and/or human trafficking, hereinafter referred to as MLM). Some female labor migrant participants (hereinafter referred to as FLM) who were representing themselves as well as their husbands were also interviewed within the framework of this study. The data is gathered mainly in Russia, however many of the anti-trafficking actors are also interviewed within the EU.

The documents analyzed within the framework of this research are reports and policy documents related to the detection of human trafficking cases, assistance and protection of victims of human trafficking. The participant observation method is primarily used in order to observe the male labor migrants group of participants and the environment that these participants operate in during their experience as migrant workers. This environment can be observed at local migration centers, labor unions, religious institutions, and shelters as well as at airports and train stations and during religious and cultural events. The interviews are conducted mainly with anti-trafficking actors, however sometimes they were also possible during observations. The documents are used alongside participant observations and interview data. The gathered information is handled by doing a thorough analysis of male trafficking discourses through concepts of masculinity, victimization, agency, Bourdieu's concept of the field and the hierarchy of victimhood theory. However, this paper will only look at the data collected from participant observations and interviews through the prism of Bourdieu's concept of the field and agency.

Conceptual framework

The overall study looks at a number of concepts and theories, however as stated above this paper will look at Bourdieu's field and agency with relation to choice and fear a propos a specific situation (field) of exploitation. These concepts provide a theoretical lens to understand the exploitative experiences of male labor migrants. The themes that have emerged through this study demonstrate different scenarios of choice, which brings me to Bourdieu's concept of the field. Bourdieu's concept of the field has been applied exceedingly in sociological studies, it suggests a specific social space. According to Bourdieu (1993) social action can be explained through distinguishing the "relations and structures" of domination in each field. What is more, it refers to relationships where an explicit division of power is present (Bourdieu, 1993). It occurs as a "site of struggle and contestation" (Collyer et al. 2015). It is relevant to look at the notion of choice with respect to acting in an exploitative situation through the prism of the field, as will be shown further in this study. The concept of the field can contribute to theorizing the act of choice to leave or remain in an exploitative situation. Similar to other fields the labor sector is also a field of social life which is governed by certain functional and organizational rules. Consequently, this study will analyze the labor sector to identify the constraints regarding choice through relationships that lead to action within this social setting. The labor sector is looked at as a place of 'struggle' between different agents. The agents that

are present in this study are service buyers, service providers and contractors. This paper will provide an analysis of struggles experienced by one group of agents – male labor migrants in the territory of the Russian Federation. According to Bourdieu (1993) the field can be seen as a social space where different positions are held by each actor depending on the amount of capital they hold: symbolic, cultural and possibly most importantly in this study economic and social. The amount of capital possessed by each actor will determine the likely impact on the operation of the field. Evidently, labor migrants hold much less of the cultural, social and economic capital. This is significant from the perspective of the power relationship between the employer and the worker, where the power held by the employer over the migrant has a great impact on the different aspects of the worker’s migration experience. Depending on the roles the two actors play in this social setting, the migration experience can have a positive or a negative outcome for the migrant. This research will focus on the negative outcome, which culminates in exploitation. In the case of this study the male labor migrants will have experienced different levels of exploitation. Depending on the model of exploitation the migrant worker is in, the level of agency he would hold will be different. Depending on the level of cultural, social or economic capital the migrant worker will have the possibility to make different choices, thus the level of their agency will vary from limited to sufficient.

Exploitation models



Figure 1: *Exploitation in unofficial housework*

The above model, *exploitation in unofficial housework*, suggests cases where labor migrants are recruited by individuals who require affordable hard labor related to property maintenance, repairs and building services. This can include areas of work such as gardening, painting, general house repairs, building, tiling etc. In this case, there is usually no work agreement between the service buyer and the service provider, so the work relationship is built only on trust. In some cases, the workers get paid, in others they get paid less than agreed or not paid at all.

Throughout this research 2 types of such recruitment emerged. One where labor migrants would already be employed by an individual or a company (the most common example is construction work) and another individual would approach the brigadier¹⁹³ and ask for a certain number of workers who are to deliver specific services or aid with something for pay. The second type of recruitment allegedly happens on some of the busiest Moscow highways, where labor migrants simply stand waiting to be approached by somebody who is in need of similar work as described

¹⁹³ Brigadier (Russian: Бригадир) is a person in charge of the workers on a specific work sight (construction work, repairs, renovations, landscape work etc.)

above. To illustrate exactly how this is done one representative of the labor migrant's union explained

"[On] Yaroslavskoe, Kashirskoe [highways] migrants just stand and wait for jobs. One thousand, two thousand migrants just stand. Dachniki¹⁹⁴, for example, stop their cars and say I need my roof done and give them [migrants] a job. But still one thousand just stand without a job." (ATA 9)

In both recruitment cases the party providing services (labor migrant) agrees to do work for money. This research has not uncovered many cases of exploitation in this field. Most labor migrant participants of this study who have disclosed earning money in this way have declared being paid and haven't shown any signs of distress in this regard. However, some anti-trafficking actors (ATA 1, ATA 3, ATA 5) have claimed to have come across exploitative practices in such cases and some migrants at the labor migrants' union have revealed cases of exploitation following this model. The migrant workers I have spoken to referred to such cases emotionally with indignation and outrage at the individual who asked for the services. None of the migrants remained in the situation of exploitation as this 'employment' was a one-off job where the service buyer didn't require the services of the labor migrant once the work was done. According to ATA 5, in the events where the worker doesn't do the job well, the service buyer considers that the worker should be paid less or not paid at all. However, according to the labor migrant respondents there were cases where they claim to have completed the job and done it well, yet no remuneration followed. In such cases the labor migrants expressed unwillingness to "make the mistake" (MLM 1) of coming back to this situation again. There were also instances where labor migrants verbalized their discontent to the service buyer and when that did not work they demonstrated it in other ways, thus solving their issue with regards to payment as well as finding justice:

MLM 2 – "He didn't pay me."

Me – "What did you do about it?"

MLM 2 – "I stole his angle grinder and I left, that's what I did." Laughs

This type of management of unfair treatment by labor migrants indicates a high level of agency, where the migrant engages with this type of social structure and has the capability to act. The example above indicates the labor migrant's acknowledgement of injustice and his attempt to find justice and resolve the problem verbally. When the verbal attempt at the resolution did not prove to have positive results the labor migrant came to find other means of achieving justice.

During the data collection process, very distinct cases have emerged where labor migrants who have experienced exploitation have shown evident will and capability of leaving the situation of exploitation and finding justice either on their own or through legal means. During the second round of fieldwork there was a development in a case where 80 male labor migrants were assisted by the labor migrant's union in receiving pay for construction work that was withheld by the employer.

¹⁹⁴ Dachniki (Russian: Дачники) individuals who own a dacha (a Russian country house). People would usually start going to their summer houses when it gets warmer to prepare the house for the summer and live at the country house throughout the summer.

This brings me to the next exploitation model. Expanding on Gordon's (2015) supply chain schemes, this study has discovered two exploitation in labor supply chains models: *exploitation in basic labor supply chains* and *exploitation in advanced labor supply chains*.

With regards to the above-mentioned case of 80 male labor migrants, this study has detected that exploitation happened on one of the many levels of one labor supply chain. This supply chain does not represent a simple relationship between the service buyer and the service provider, but rather lays down a rather complex relationship between many actors. Therefore, the following exploitation model will hereinafter be referred to as *exploitation in advanced labor supply chains*.

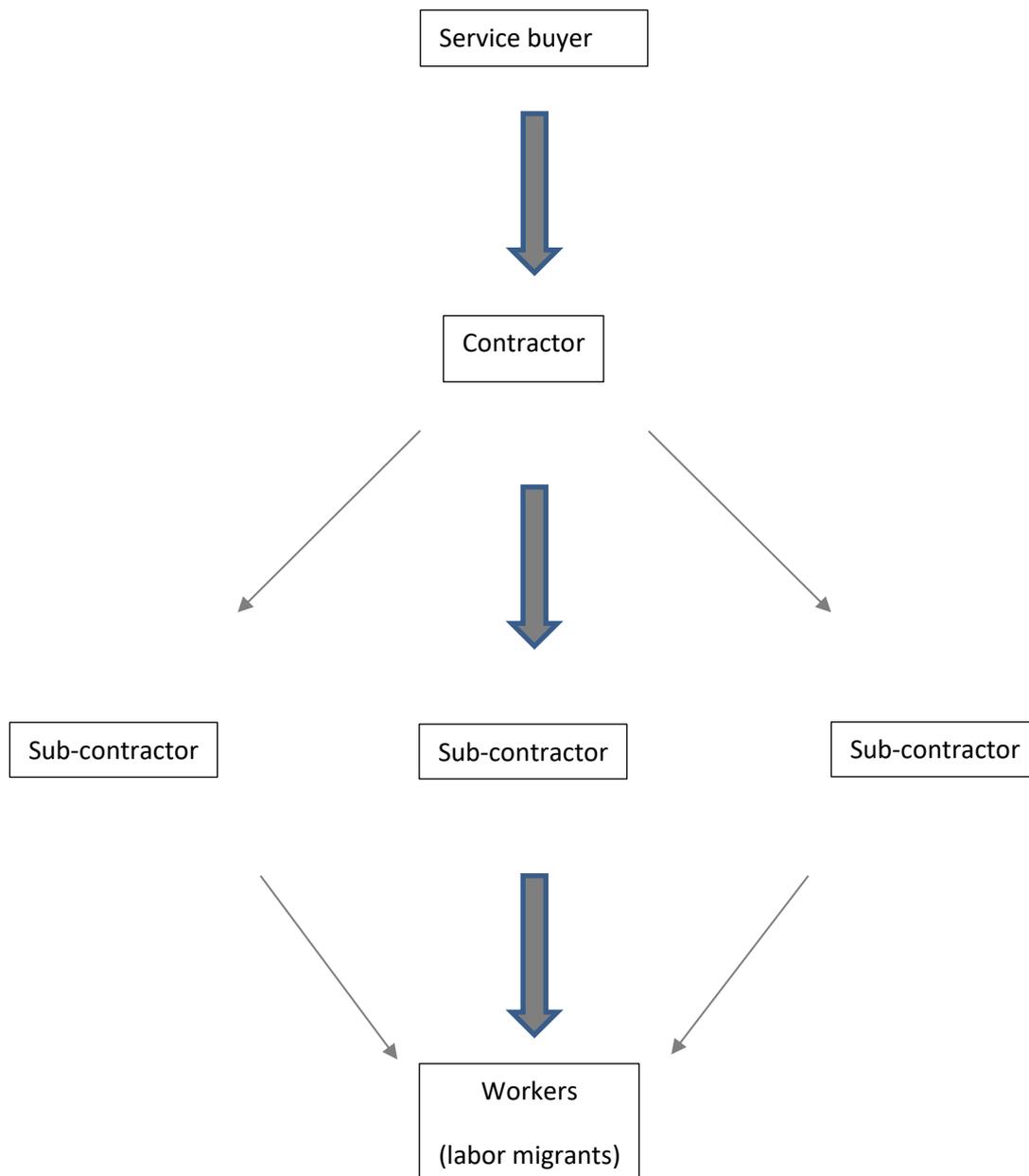


Figure 2: *Exploitation in advanced labor supply chains*

As described by representatives of the labor migrant's union (ATA 1, ATA 7) the 80 men indicated above were employed by a sub-contracting company that was in turn contracted by another contractor that had an agreement with the Moscow government to build several Moscow metro stations. According to ATA 7 and ATA 1 and in accordance with the documents provided by them, the contractor authorized by the Moscow government had sub-contracted several other building companies who in turn recruited the labor migrants in question. What makes this case different from most cases of exploitation under study is that the construction work was ordered by the Moscow government, which means that by law the contractors were to follow all necessary labor regulations including safety and hiring directives. Consequently, all 80 migrant men in question were registered and had relevant and valid work permits, they had all signed a work agreement with their employer and were all supposed to be remunerated accordingly. Regardless, the workers were continually not being paid and kept at their working places with the assurance that payment will come later. According to the labor migrant's union lawyer (ATA 7), the labor migrants were aware of their rights, understood that in accordance with the work agreement their rights were violated and made a conscious decision to act. As a result, representatives of this group of 80 male labor migrants communicated their mistreatment to the labor migrant's union and the lawyer confirmed that exploitative practices in fact took place. Moreover, as work agreements were signed between the employer and the employees the fact of exploitation was evident and legally verifiable. Furthermore, the labor migrants were well-informed with regards to their legal status in the country, so they did not experience the common fear among labor migrants of being deported. Once again, as in the previous case, these male labor migrants demonstrated high levels of agency as well as absence of fear. These two factors contributed to the decision-making process whereby the victims of exploitation sought help. Consequently, the sub-contractor paid every one of the 80 labor migrants their withheld pay in full before the case even went to trial. Fear is an important factor in the actions specifically of labor migrants as it can impede the migrants from asking for help, thus hindering the reporting and assistance process and rendering the victims invisible.

This brings me to Ollus's (2016) paradox of exploitation, whereby migrants experience the fear of losing the exploitative employment. Ollus discusses the motives surrounding the migrant's 'inability' to leave the exploitative situation. Among other important aspects she finds that it is the "dependence on employment to ensure their right to stay in the country" (2016: 37) that cause some of the exploitative employment experienced by migrant workers. Similarly, the male labor migrant participants of this study experienced fear of being deported and thus remained in exploitative situations for an extended period of time until exiting the situation, in some cases without seeking help. Some migrants were not sure of their legal status or were concerned that even if they were doing everything according to the law the authorities could find a violation somewhere and deport them. Potential *deportation* in this study has proven to be one of the main sources of fear. According to Ryazantsev (2005) a very large proportion of the labor migrants in Russia are seasonal workers. This means that they would arrive in Russia in the period between April and May and leave around September or October. Between these months, the migrants would be working in Russia until going home just before winter (ATA 2, ATA 9, IOM 2012, Ryazantsev 2005).

ATA 9 – *“For example in Tajikistan, they don’t work there. They save up money here and then spend it back home.*

Me – *“So they don’t work at all in Tajikistan?”*

ATA 9 – *Laughs “no, but where would they work there in winter?” continues to laugh.*

[...]

Another interview with a female labor migrant from Kirgizstan (FLM 2) made a similar reference, stating that her and her husband used to have very good jobs and status back home but after the collapse of the Soviet Union “everything fell”, so there is “absolutely no work” in the country. Similarly, a young male labor migrant from Uzbekistan (MLM 1) had to leave his home country to provide for his mother and siblings as he is the sole provider and breadwinner in the family and he couldn’t find a job back home. As there are no jobs for these people back home, they must find work elsewhere and they hold on to the jobs they get in Russia with the hope that it might get better, even if they are working in bad conditions or not being paid. Deportation is factually the worst-case scenario for the labor migrants as this will mean much worse living conditions due to lack of work opportunities back home. Moreover, according to the Code of the Russian Federation on Administrative Offences (Article 3.10) depending of the violation, deportation may be accompanied with a fine of up to 7’000 Russian rubles (approximately 100 EUR) and a 5-year ban of entry. A maximum 10-year ban may be given if the violation happened more than once. For many labor migrants in Russia a 5-year ban means possible 5 years of unemployment and struggle. Thus, many may not resist exploitation, but rather continue working with the hope that eventually they will receive pay and will be able to send it back home. With reference to the general distress and worry of migrants of being deported one anti-trafficking participant of this study made the following remark:

“Those who get deported sit for 5 years in Tajikistan”

(ATA 9)

The above data indicates a form of economic vulnerability whereby the victim of exploitation makes an almost inevitable choice to maintain in the situation of exploitation over acting against it. This also signifies a type of limited agency. The victim may be aware that the mistreatment he is enduring is against the law and may know that there may be a possibility to exit the situation but not without the consequence of losing any hope of income. This is where Ollus’s (2016) paradox of exploitation becomes especially evident. While the victims recognize that they can act in ways that can influence a ‘just’ outcome, they choose not to. They are aware of the social structure they are in and are conscious of the fact that they have the option to act to change this structure, however the fear of a worse outcome results in the absence of action.

In other cases, detected within the framework of this study, labor migrants remained in exploitative conditions for several months until realizing that payment of their labor will not take place. In instances where nonpayment became definitive, labor migrant participants of this study have turned

to relevant assistance institutions for help. This can be seen through the example of 80 labor migrants exploited in advanced labor supply chains but also within basic labor supply chains. Exploitation in basic labor supply chains entails a rather simple model with three groups of actors present: the contractor, the service buyer and the workers (labor migrants in the case of this study). Within this model, the service buyer (in need of specific services) contracts the contractor, who in turn provides the service buyer with workers who are to provide these services. In accordance with the agreement between the service buyer and the contractor, the contractor is to provide the service buyer with the 'services' for a fee. Within this model work agreements are not always signed between the contractor and the workers, making the verbal arrangement between the two parties nonbinding. Thus, unless there is evidence that the work was in fact executed and payment was to be provided, proving that an event of exploitation took place may be problematic.

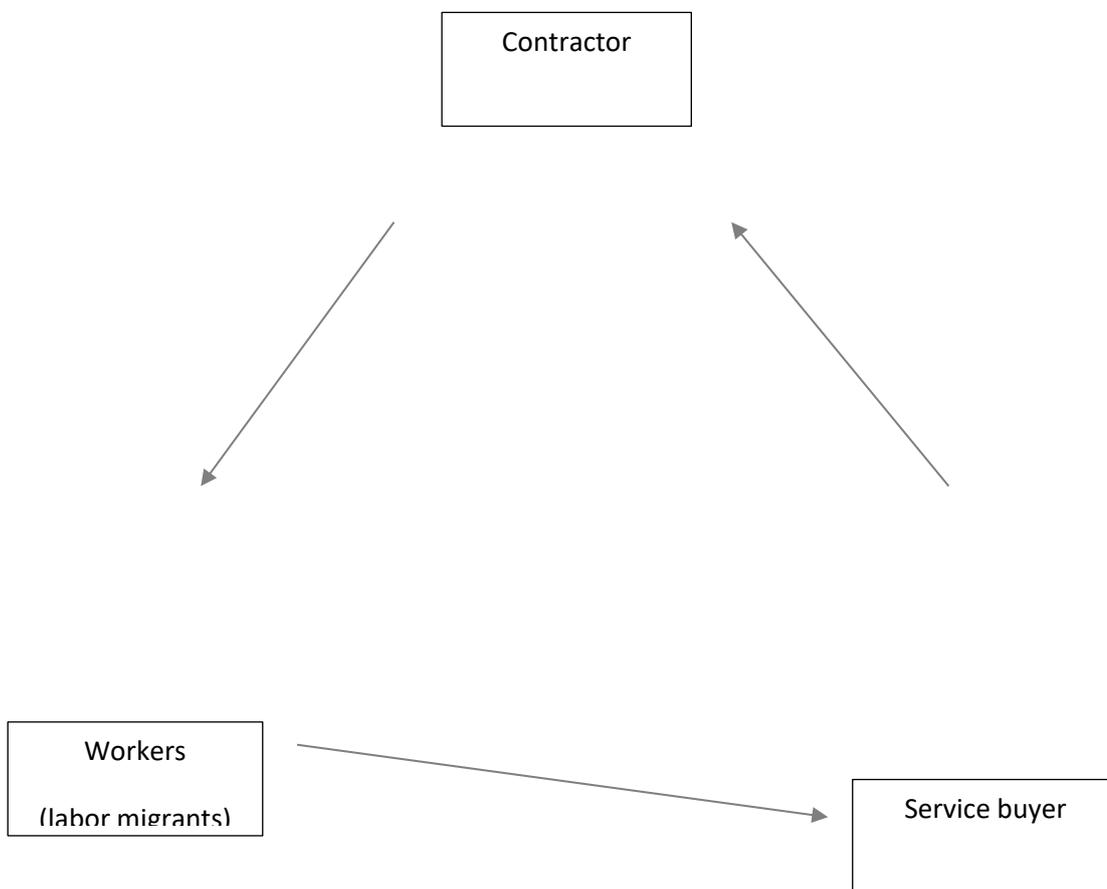


Figure 3: Exploitation in basic labor supply chains

Within the framework of this study several instances of the above model became apparent. All cases involved exploitation of workers in the cleaning industry. A total of 6 people exploited in the cleaning industry were identified during this study: 3 migrant men from Kyrgyzstan, 2 migrant women from Kyrgyzstan (who were also representing their husbands) and 1 Russian man. All of

them found a job advertisement on an information board or lamppost on the street. According to their statements the advertisements provided a very brief job description (i.e. cleaning), the phone number of the 'employer' and the names of the 2 contact persons. The participants came to the recruiting company and were offered work in one of the biggest home improvement stores in Moscow and the Moscow region. None of the above-mentioned participants got payed at the time of the field study conducted towards this research project. The exploitation was different in length and happened within the timeframe of 1 to 4 months depending on an individual case. Some workers signed a contract, others were promised a contract but were never offered one. The workers were expected to work 12-hour shifts, from 7:30 am to 7:30 pm. The first few days (from 2 to 14 days) the workers were asked to work without pay as this was the probation period. While according to the Labor Code (Articles 67 and 70) of the Russian Federation all contracted work including probation must be paid. This was the primary step of exploitation which led to further mistreatments.

The workers expressed concerns about working with technical cleaning equipment. They mentioned that they had hoped not having to operate the cleaning machine as there were rumors going around among the cleaners that if the cleaning machine breaks the replacement or repair costs will be paid by whoever was on the machine last. Meaning that the cleaners may have to pay for the damaged equipment to the contractor.

"If you break it, you will have to pay from your own pocket"

(MLM 7)

While the participants of this study did not hear this information themselves from the employer, distrust among other workers was transferred onto the attitudes of newcomers. As a result, the workers were expecting to be mistreated in one way or another.

Another violation was related to weekends. The workers were expected to work either without any days off or with a maximum of 4 days off per month provided other cleaners were available to cover the shift of the worker who was taking a day off. According to the Labor Code of the Russian Federation workers shall work no longer than 40 hours per week (8-hours a day in a 5-working day week). If the employer requests overtime work from the employee, the overtime shall be paid double or more. Moreover employees are entitled to weekends and public holidays (Article 153). As the employees were working 12 hours per day with one day off in some cases, the total time exceeded the 40 hours per week as per the Labor Code. Moreover, the extra hours were not paid in double. One male labor migrant mentioned that he was told that he can take days off himself if he needs to. He understood this meant that he will have to pay for the days he is off work.

"I think it would be deducted from my salary"

(MLM 7)

Similarly, a female migrant worker (FLM 1) said that her husband had to pay 1000 Russian Rubles

(approximately 15 EUR) to the employer when he took a day off. Another female labor migrant had a similar experience:

“if they want to take an extra day off they have to pay 1000 RUB to whoever will clean instead of them from their own pocket”

(FLM 2)

When the workers expressed their will to leave exploitative conditions, they were told that if they want to receive their pay they will have to work for free for another 15-16 days (the time it takes to recruit new cleaners). All participants in this group agreed to work the extra days for free hoping that this might mean eventual pay.

Conclusion

Through the investigation conducted, three exploitation models have been observed: exploitation in unofficial housework, exploitation in basic labor supply chains and exploitation in advanced labor supply chains. Depending on the labor model a migrant would be working in, the level of exploitation and the potential ability of exiting it would be different. The social field reflects the level of agency the migrant experiences and thus results in the possibility of leaving the exploitative situation. While the models examined in this study were looked at within the context of Russia, they would be applicable to other world regions as can be seen through studies on the types of exploitation endured by males in other countries (see for example Shelley 2010, Aronowitz 2009, Cullen-DuPont 2009, Rosenberg 2010, Surtees 2008 ab, Copic et al. 2012 among others). The significance of these findings highlight the precarious position of labor migrants not only in the region investigated but also its global implications.

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Happily ever after? From sham marriages to human trafficking

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Introduction

In recent years, concern over sham marriages as a form of exploitation in human trafficking has increased in Europe. As legal and safe migration routes are not open for everybody, people have to find different kinds of ways to migrate. Sometimes third-country nationals conclude a (sham) marriage with an EU-citizen in order to get a residence permit in the EU. In some sham marriages one party or both parties of the marriage is/are deceived and may end up in exploitative situations. In the study discussed in this paper, the links between sham marriages, exploitation and human trafficking were studied and the project team developed the term “*exploitative sham marriage*” to refer to the phenomenon studied.

Exploitative sham marriage is a phenomenon where an EU-citizen becomes exploited or even a victim of human trafficking in the context of sham marriage arrangements with a non-EU citizen. Potential victims are recruited into exploitative sham marriages for example by promising them money for concluding the marriage, by giving deceptive information on the conditions of the marriage, by promising job opportunities that do not exist or by faking genuine relationships. Various forms of exploitation and control, such as threats, psychological and financial control and physical and sexual violence are imposed on the victims either by the spouse or by third parties involved in the activities.

The paper is based on the findings of the project “Preventing human trafficking and sham marriages: a multidisciplinary solution” (HESTIA)¹⁹⁵ that was carried out in 2015–2016. The project was coordinated by the Latvian Ministry of Interior and carried out in cooperation with the European Institute for Crime Prevention and Control (HEUNI) and partners from Estonia, Ireland, Latvia, Lithuania and Slovakia.¹⁹⁶

The aims of the research were to explore the links between sham marriages and trafficking criminality and to provide new information on the vulnerabilities, factors and methods that facilitate sham marriages resulting in trafficking in persons. In the project, we were interested in sham marriages in the context of human trafficking, not sham marriages¹⁹⁷ as such, and thus the

¹⁹⁵ Grant Agreement No. HOME/2013/ISEC/AG/THB/4000005845

¹⁹⁶ NGO Living for tomorrow (Estonia), Immigrant Council of Ireland, Shelter Safe House (Latvia), Caritas Lithuania and Ministry of Interior of the Slovak Republic.

¹⁹⁷ A sham marriage or a marriage of convenience can be defined as a marriage in which the purpose of the marriage is to legalise the stay of a third-country national in the European Union. European Commission defines marriage of convenience as “a marriage contracted for the sole purpose of conferring a right of residence under EU law on a non-EU national who would otherwise not be able to benefit from such a right” (European Commission staff working document: Handbook on

exploitation element was essential. The focus of the project was on marriages concluded between EU-nationals and third-country nationals. In the majority of the cases studied the wife was an EU-national and the husband was a third-country national. The marriages were formally valid and they were usually concluded in an EU country other than the bride's home country.

The study asked 1) what are the links between (the organisation of) sham marriages and trafficking criminality, 2) how do persons concluding sham marriages end up in situations of exploitation and/or trafficking in persons, 3) what forms of exploitation do the victims encounter, 4) what are the weaknesses in the system / legislation / administrative procedures that enable trafficking in the context of sham marriages, 5) what can be done to enhance the identification of cases / victims (of trafficking and serious exploitation) and what can be done to improve assistance provided to victims, and 6) what can be done to prevent exploitation. This paper concentrates only on the first three questions.

The researchers in the five countries – Estonia, Ireland, Latvia, Lithuania, Slovakia – collected and analysed empirical data, such as qualitative interviews and case examples that were based on pre-trial investigations, court judgements and/or case descriptions by NGOs and embassies. Also statistics were utilised. The researchers interviewed, for example, law enforcement officials and other relevant state and municipal agencies' personnel, as well as NGO and embassy staff. Furthermore, a small amount of victim interviews were conducted.

Different forms of recruitment and exploitation

The targets of the exploitative sham marriages are mostly young women who often have financial difficulties, a low level of education, lack of language skills and weak social networks. Sometimes they also have mental disabilities. Although it is possible that men are victims of exploitative sham marriages, the persons identified in the study were female. The recruiters are both male and female. Potential victims are lured with false promises and fake job offers via either acquaintances or advertising on the Internet. Recruitment for the marriages is either done face-to-face by, e.g. acquaintances, boyfriends, or family members, or it is more organised online mass-scale recruitment via social media, chat rooms or migration forums.

Mainly three types of exploitative sham marriage scenarios were found in the study. In all types the purpose of the marriage is for the groom to receive an EU residence permit. In a typical case a woman is offered direct payment in exchange for traveling to another EU country and concluding a sham marriage with a non-EU citizen there. The woman is deceived as regards the conditions of the marriage, such as the divorce procedures, living arrangements, the amount of remuneration, and so on. In very few cases did the women receive any of the money promised to them. In another typical case a woman from an Eastern EU country is offered a false job opportunity abroad (usually in another EU country) and only after arrival in the destination country she finds out that the promised

addressing the issue of alleged marriages of convenience between EU citizens and non EU nationals in the context of EU law on free movement of EU citizens. COM/2014/ 0284 final of 26.9.2014, available at: http://ec.europa.eu/justice/citizen/files/swd_2014_284_en.pdf)

job does not exist, and the real purpose of the organisers is to arrange a sham marriage. The woman finds herself in a situation where the options become very limited and there is no other real alternative than to agree to conclude the sham marriage. A third type of exploitative sham marriage includes cases where women are given false promises of genuine relationships, and the deception becomes evident much later.

Victims encounter e.g. threats, psychological control, sexual and physical violence and financial control. Also the children of victims are sometimes abused and used as an instrument of control. Furthermore, the study identified other exploitative elements, such as deprivation of personal freedom and restrictions of movement, confiscation of identification documents and poor living conditions. The perpetrators were either the third-country national spouses or other parties who organise the activities, or both. The women are dependent on the spouse and/or on the organiser(s) in many ways.

Exploring the links between human trafficking and sham marriages

In all of the five countries studied, the researchers identified different forms of exploitation which have taken place in the context of sham marriages concluded between female EU citizens and male third-country nationals. There were different kind of marriage arrangements and scenarios and some of the cases included serious and continued exploitation, sexual and physical violence, threats and restrictions of personal freedom and movement. Some of them included all necessary elements of trafficking (the act, the means and the purpose).

The five country studies gave convincing evidence that the methods of recruitment for exploitative sham marriages and for other forms of human trafficking are often the same: the victims are lured with false promises and fake job offers and opportunities. Furthermore, the cases where the women know that they will conclude a sham marriage, also resemble those cases of prostitution-related trafficking where the women know about the prostitution but the conditions in the destination country differ from their expectations and the promises given to them. Also the target groups of recruitment are often the same, with a focus on young or inexperienced persons in an insecure position with financial difficulties, social problems and a history of marginalisation. One should not underestimate the importance of money nor the willingness to improve one's life as a motivation for entering into such a marriage.

The study also identified exploitative sham marriages which do not necessarily have clear links to human trafficking but illustrate the diversity of the phenomenon and the diverse problems encountered by the women that might result from concluding a sham marriage. It is difficult to determine where to draw the line between "mere" negative consequences, exploitation, trafficking and other crimes, such as domestic violence. Also, it has to be remembered that not all sham marriages are exploitative. In a "pure" sham marriage, the parties get married and later separate, by common consent. Furthermore, although restrictive immigration policies may appear as an attractive solution to the problem, it has to be remembered that preventing people from migrating might have counter-productive consequences that make people even more prone to exploitation and

to the use of dubious or illegal means to migrate. The lack of money and possibilities in life along with structural inequalities are the main motives that push people to conclude these marriages.

The focus of the study was on the experiences of the women. More information is needed on the experiences of the third-country national spouses, and on the role of the recruiters and organisers of the activities.

For further information, see:

Minna Viuhko, Anni Lietonen, Anniina Jokinen and Matti Joutsen (eds.) (2016): Exploitative sham marriages: Exploring the links between human trafficking and sham marriages in Estonia, Ireland, Latvia, Lithuania and Slovakia. Helsinki: HEUNI Publication Series 82.

Minna Viuhko and Anni Lietonen: Exploitative sham marriages: Exploring the links between human trafficking and sham marriages. HEUNI Policy Paper 2016.

http://www.heuni.fi/material/attachments/heuni/policypaper/nn9cKy7Yd/HEUNI_HESTIA_Policy_Paper_final.pdf

Trafficking in human beings as corporate crime¹⁹⁸

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Introduction

My research focuses on the exploitation of migrant workers and trafficking in human beings for the purpose of forced labour in Finland. The study highlights that more serious forms of exploitation, such as trafficking, are born out of the overall misuse and exploitation of migrant workers. In real situations of exploitation, different forms of coercion may overlap and fluctuate (Andrees 2008). A helpful tool in understanding the exploitation of migrant workers is the idea of the *continuum of exploitation* (Long 2004; Kelly 2007; Andrees 2008; Brennan 2010; Jokinen et al 2011a; 2011b). The continuum can be understood as a continuum ranging from less serious forms of exploitation to more serious forms, or as a continuum ranging from good labour conditions to exploitative labour conditions (see Skrivankova 2010; Lisborg 2012; Jokinen et al 2011a; 2011b).

My research has two central starting points. The first is that I understand exploitation and trafficking as a consequence of developments and changes in the economy, the labour markets as well as society at large (Waite et al 2015). As a result of these changes, work has become more insecure, temporary and flexible, and this affects in particular low-skilled and low-paid sectors where many migrants work (Standing 2011; FRA 2015). The changes in the labour market have led to a situation where the lack of bargaining power of the most vulnerable (migrant) workers is misused for economic benefit (Könönen 2012; Sams and Sorjanen 2015). The second starting point is that I argue that the phenomenon of exploitation of migrant workers and trafficking for the purpose of forced labour should be understood through the theoretical framework of *corporate crime*. Such a perspective has apparently not been used in researching human trafficking. Corporate crimes are illegal and harmful acts committed by officers and employees of corporations in order to promote corporate (and personal) interests (Friedrichs 2010, 7). Consequently I see that the exploitation of migrant workers – and ultimately trafficking – is a form of intentional misuse by the employer of (migrant) employees for the purpose of financial gain. Such exploitation has been recognised by the Finnish legislator as a crime. However, as this research shows, the application and interpretation of the existing legislation is not unproblematic. Criminal justice practitioners and agents themselves play a key role in constructing acts as crimes and in determining whether they should be enforced or not (Lacey 1994, 13).

¹⁹⁸ This paper presents the findings of my PhD in the sociology of law, which I defended in December 2016 at the University of Turku, Finland (Ollus 2016a). This text is an abbreviation of my thesis, which is available in full at: http://www.heuni.fi/material/attachments/heuni/reports/OaCiMkVxv/HEUNI_84_-web.pdf

Exploitation in the neoliberal era

Exploitation and trafficking are not isolated phenomena, but are closely related to developments and changes in the economy, the labour markets as well as society at large (Waite et al 2015). In short, globalisation combined with an opening of markets and economies have greatly affected the way businesses – and also States – operate around the world (Väyrynen 1999). Nation-states are increasingly part of the global exchange between countries. Increased global competition has led to production being moved to cheaper locations and other forms of cost-cutting such as outsourcing of work and services (Gray 2004). As a result, the workforce is expected to be ever more flexible. These changes have had profound effects on the nature of work, especially at the lower end of the labour market (Standing 2011). It is precisely in these sectors where many migrant workers can be found. It is also in these low-skilled and low-paid sectors – such as agriculture and fishery, construction, textile work, service work, including accommodation, cleaning and catering, domestic work and care work – that forms of exploitation and even trafficking in human beings have been uncovered in recent years in European countries (Eurostat 2015; FRA 2015).

Exploitation as corporate crime

The framework of corporate crime sheds light on why the exploitation of migrant workers remain under-enforced. The exploitation of migrant workers can be understood as a form of corporate crime committed by the employer against an employee (Friedrichs 2010). Such crimes include social crimes (misuse, unfair labour practices, underpayment of wages), corporate violence (violations of occupational health and safety regulations), economic crimes against the markets (unfair competition), and economic crimes against the State (tax evasion and not paying mandatory employers' fees) (Friedrichs 2010). The exploitation of migrant workers can also be conceptualized as a form of 'governmental crime' in the form of state negligence (of not adequately protecting migrant workers from exploitation), a state-corporate crime (if the exploitation is seen to stem from the interactions of corporations and governments), or as a crime of globalization (as the effects of globalization disproportionately affect those who are most vulnerable) (Friedrichs 2010; Kramer et al 2002).

Corporate crimes are intrinsically linked to the current economic setting. Capitalism itself and the current economic paradigm create numerous harms, for instance harms produced during the production and distribution of goods and services (Tombs and Hillyard 2004, 44). Corporate crimes are primarily committed because they are profitable (Snider 2003, 65). Corporate crimes can be conceptualized as a way for the corporation to externalize some of the actual costs of production while the benefits go to those who own and control production (Slapper and Tombs 1999, 83). The exploitation of migrant workers is profitable mainly because workers are paid (too) little or nothing for (too) long working hours, thus making additional profit (compared to competing enterprises where workers are paid a proper wage) in the production of goods and services. The exploitation is thus built around the goal of cutting costs and maximising profit through underpayment of wages and benefits.

Western societies – Finland included – are built around the need to ensure free competition and the profitability of the private sector, and therefore it is in the interest of States to attract capital rather than hinder its flow into the country. This is one of the reasons why States are reluctant to pass and enforce laws that penalize corporations, since passing and enforcing such laws endanger the accumulation of capital (Snider 1991, 215). This also explains why some corporate crime and harms often occur with the permission of governments (Tombs and Whyte 2015). The permission is not necessarily explicit but is a question of how harms are conceptualised, criminalised and addressed. Occupational health and safety crimes are examples of crimes that law enforcement and criminal justice practitioners often see as less important than ‘conventional’ crimes despite existing legislation (Alvesalo and Whyte 2007; Tombs and Whyte 2007; Bittle and Snider 2015). With regard to the exploitation of (migrant) workers in Finland, a similar tension arises from the fact that although the State in principle has criminalised the exploitation of migrant workers by legislating against it, in practice, the oversight of such transgressions is limited, as is shown in this research (see also Eskola and Alvesalo 2010).

One of the leading ideas in this research is Anderson’s remark that the ‘situation of low-waged precarious workers must be analysed not only in the context of abusive employers, but within the labour markets within which they work’ (Anderson 2010, 313) and that the focus should not be on ‘bad employers’ but on how the labour markets and also immigration controls categorise workers (ibid., 312). As I have argued (Ollus 2016b), exploitation should not be seen only as acts of those single ‘bad employers’, but instead as a question of societal and labour market structures that enable exploitation combined with a lack of adequate recognition and control of exploitation. The few corporate crimes that make the headlines tend to be extreme cases, thus distorting the systemic and widespread incidence of corporate offending (Tombs and Whyte 2015, 36). A similar focus on extreme or ‘stereotypical’ cases of exploitation emphasises trafficking at the expense of the larger problem of exploitation (see Shamir 2012; Jokinen et al 2011a; 2011b). There is instead a need to focus on the scale and nature of routine, everyday harm (Tombs and Whyte 2015) with regard to the exploitation of migrant workers.

A common statement in corporate crime research is the assertion that most victims of corporate crime do not know that they are victims (Box 1983, 17) because the harms are often less direct and diffuse and there is more distance between the offender and the victim than in conventional crimes (Croall 2001, 37; Slapper and Tombs 1999, 97). The victims either are unaware of what has happened to them or they view their ‘misfortune’ as an accident and ‘no one’s fault’ (Box 1983, 17; also Tombs and Whyte 2007). This is true in particular of those corporate crimes where it is difficult to ascertain that the harm results from corporate activity, such as environmental pollution and food poisoning (Whyte 2007 450). However, it also applies to situations of exploitation of migrant workers. Many exploited migrants do not consider themselves as victims, and even if they do, they do not seek help (Jokinen et al 2011a; 2011b). This has to do with their lack of awareness of their rights and being content with wages and working conditions that are considered poor in the country in which they work (Roth 2010, 293), or with their dependence on the job for economic, migratory, or family

reasons (Brunovskis and Surtees 2012). In many ways it is therefore their vulnerabilities which effectively prevent them both from considering themselves as victims and from seeking help.

A new conceptual category

However, as shown in my research, much of the exploitation is facilitated and enabled also by existing social, political and economic structures, policies and practices (see Ollus and Alvesalo-Kuusi 2012; Ollus 2016b). In concrete terms my research has highlighted the lack of adequate connection in governmental migration and employment policies with economic crime control and anti-trafficking policies (Ollus and Alvesalo-Kuusi 2012). Because of this lack of connection, the exploitation of migrant workers is not addressed as an issue that in fact intersects these different policies. Consequently, the State's responses to the exploitation are not comprehensive enough (see Ollus and Alvesalo-Kuusi 2012). In addition, my research shows that many of the fully legal practices in the labour market that demand flexibility from workers, such as zero hours contracts and long subcontracting chains, play out in disadvantageous ways for many migrant workers (Ollus 2016b). Such contractual practices are in most respects not considered criminal, but they can still be harmful and exploitative from the perspective of the migrant workers themselves. Such practices therefore again highlight how the definition of certain acts as crimes is socially constructed through powerful and competing interests (Henry 2009). The practices are also an indication of the larger shift in the labour markets towards increasingly flexible employment relations and non-standard working hours (Gray 2004; Standing 2011). The lack of adequate emphasis placed on such exploitative practices shines light on the complex interrelationship between the state and corporations in both producing and controlling harms (Tombs and Hillyard 2004, 43). The exploitation of migrant workers could therefore also be conceptualised as a form of state-corporate crime that occurs when institutions of political governance pursue goals in cooperation with institutions of economic production and distribution (Kramer et al 2002).

Consequently, I argue that the exploitation of migrant workers, which ultimately may result in human trafficking, should be categorised as a specific form of corporate crime. I suggest that the term 'exploitative crimes and harms of the employer' could be used to describe the exploitation of migrant workers. This term would also incorporate the two dimensions of corporate crime: both social crimes as well as corporate violence and state-corporate crime.

Conclusion

The categorisation of 'exploitative crimes and harms of the employer' would expand the scope of corporate crimes to include the exploitation of employees by their employers not only as crimes of economic misuse or workplace safety crimes, but also as comprehensive infringements of the rights of individual workers. The exploitative crimes and harms of the employers would thus also include forms of exploitation and abuse that are direct and inter-personal. Much of the discussion on corporate crime and corporate violence fails to pay attention to the victims of crime, as such crimes are often conceptualised as indirect and non-personal (Friedrichs 2010, 65; Croall 2001). The concept would thus more clearly acknowledge that the exploitative practices of employers target specific

victims: (migrant) employees. Also, by including the element of harms into the concept, the category would recognise the complex nature of victimisation and the fact that victimisation affects people of different social class, gender, ethnicity and age differently (Hillyard and Tombs 2004, 18-19).

While this concept would recognise that exploitation of migrant workers can be inter-personal and direct, it would also recognise the more structural dimensions of exploitation and the fact that much of corporate crime is structurally determined due to the current neoliberal economic paradigm (see Tombs and Hillyard 2004, 53). Thus the concept would also encompass exploitation of migrant workers as a manifestation of state-corporate crime (Friedrichs 2010, 159-160), that is, crimes that result from the lack of adequate enforcement of the provisions prohibiting exploitation and insufficient regulation of the factors and conditions that enable such exploitation. While recognising the structural nature of exploitation, the concept would also recognise that many perpetrators of employee exploitation can be conceptualised as 'corporate criminals' that exploit others for financial gain.

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The Formation of Labour Exploitation - Experiences and Observations of Polish Workers in Finland, Norway, and Sweden – Introduction to the research project

Hanna Maria Malik

In recent years, Nordic countries have experienced an increase in the number of foreign workers. First, following the expansion of the EU in 2004, a stream of migrant workers from Eastern Europe arrived. Today, the Nordic countries are facing increasing migration from the non-EU countries.

Even though labour migration is seen as a solution to the aging population and the increasing demand for labour (Hansen 2010), as a societal issue, migration is often connected to unwanted risks and increasing crime. (Alvesalo- Kuusi et Ollus 2012). On the other hand, migrants are more vulnerable to different forms of exploitation and are likely to be victims of crime.

Labour exploitation in previous research

As a by-product of the growing migration, labour exploitation has been increasingly studied. There is a significant body of work on human trafficking and labour exploitation in the global context (e.g. Waite et al 2015, Eurostat 2015, Stoyanova 2015, FRA 2015, Burnette et Whyte, 2010, Skrivankova 2010, Andrees 2008, Andrees 2005). In the Nordic countries, there have been studies either on trafficking for forced labour or severe labour exploitation (e.g. Ollus 2016b; Sams et al 2015, Vogiazides et Hedberg 2013, Lisborg 2012, Jokinen et al. 2011, Mygind Korsby 2010). Mentionable are also demographical studies as well as studies in the field of sociology of immigration that include work-related issues (e.g. Pettersen et Østby 2013, Friberg 2013, MSW 2013, Wojtyńska 2012, MSW 2009, Carby-Hall 2008).

Previous research argues that labour exploitation is a process that increases over time rather than a static relationship between the worker and the employer (Andrees, 2008). Exploitation can range from decent work through less serious infringements, such as violation of labour laws, to severe harms such as human trafficking or even death of the employee. In order to illustrate the complexity of labour exploitation previous research has developed the notion of continuum of labour exploitation. Considering the changing reality and diverse forms of misuse the notion of continuum is better suited than clear distinction between exploitation and forced labour (e.g. Andrees 2008, Lisborg 2012). The form and elements of the continuum varies between scholars. E.g. Skrivankova (2010) distinguished a continuum of exploitation and intervention between the positive extremity (decent work) and the negative extremity (forced labour) and included forms of interventions (criminal law or labour law) available for different forms of exploitation. Ollus (2016), in her continuum and cumulation of exploitation, highlights the dynamic of exploitation, which is not linear but fluctuates and draws the attention to the difficulties of investigating authorities.

At the same time, the aforementioned studies concentrate on the most extreme forms of exploitation such as human trafficking for the purpose of forced labour, while 'routine', widely accepted forms of work discrimination that might evolve into 'criminal' exploitation as well as the factors that contribute to this phenomenon remain understudied. The overall goal of my research project is to provide better understanding of the complexity of labour exploitation of migrant workers and its formation in particular. It will introduce new insights into the research on labour exploitation by adding the perspective of Polish workers, a relatively well-established group of migrants that may seem irrelevant, when focus is given only to the extreme forms of exploitation.

Polish Workers in Nordic Countries

Poland is considered a country of emigration. At the end of 2015 an estimated 2.4 million Polish citizens were staying temporarily abroad (Polish Central Office of Statistics - GUS 2015). Since Poland has joined the European Union Polish workers have increasingly migrated to other EU Member Countries, in particular to the United Kingdom and Ireland, and from 2011 to Germany. There is also a great deal of Polish workers in the Nordic countries. At the end of 2015, there were around 84.000 Polish citizens staying in Norway, 46.000 in Sweden, 30.000 in Denmark, 3.000 in Finland (GUS, 2015).¹⁹⁹

Information on the estimated size and directions of temporary emigration from Poland 2004-2015²⁰⁰

<i>Target country</i>	<i>Number of emigrants in thousands</i>											
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Totally	1000	1450	1950	2270	2210	2100	2000	2060	2130	2196	2320	2397
Europe	770	1200	1610	1925	1887	1765	1685	1754	1816	1891	2013	2098
EU (27)*	750	1170	1550	1860	1820	1690	1607	1670	1720	1789	1901	1983
GB	150	340	580	690	650	595	580	625	637	642	685	720
DE	385	430	450	490	490	465	440	470	500	560	614	655
NL	23	43	55	98	108	98	92	95	97	103	109	112
IE	15	76	120	200	180	140	133	120	118	115	113	111
IT	59	70	85	87	88	88	92	94	97	96	96	94
SE	11	17	25	27	29	31	33	36	38	40	43	46
DK	.	.	.	17	19	20	19	21	23	25	28	30
FI	0,4	0,7	3	4	4	3	3	2	2	3	3	3
Non-EU	20	30	60	65	67	75	78	85	96	102	112	115
NO	.	.	.	36	38	45	50	56	65	71	79	84

Source: Informacja o rozmiarach i kierunkach czasowej emigracji z Polski w latach 2004 – 2015, GUS 2016

Polish citizens were the largest immigrant group in Norway and Iceland, and they are most likely to stay for a long term (Friberg, 2013, Wojtyńska 2012). Nevertheless, they still occupy vulnerable labour market position (MSW 2013). In Norway, Poles are mostly employed in construction, agriculture, cleaning, health care, food processing; in Sweden in construction, agriculture, cleaning, health care, elder care; and in Finland in construction, shipyards and in the nuclear power plant (MSW 2013). According to the Europol (2016) these are sectors of economy mostly exposed to labour exploitation. Moreover, Poland is among the top 5 EU – countries of origin of trafficking victims. Between 2010 and 2012, the majority of victims of labour exploitation reported to Europol from the EU countries, came from Romania, Bulgaria, Netherlands, Hungary and Poland (Europol 2015).²⁰¹

¹⁹⁹ Data on Iceland is not included. According to Jónsson (2013) 9 000 Polish citizens were staying in Iceland in 2013.

²⁰⁰ Polish Central Office of Statistics (GUS) is gathering information on the estimated size and directions of temporary emigration from Poland. The available data concerns Polish citizens with permanent residence in Poland, temporary staying abroad, at the end of each year. Until 2006 data includes Poles staying abroad - over 2 month, and since 2007 - over 3 months.

²⁰¹ According to Europol (2016) Poland remained among the top 6 EU – countries of origin of trafficking victims. Between 2013 and 2014, the majority of victims of labour exploitation reported to Europol were citizens of Bulgaria, Poland, and

In that period of time the most of the trafficking victims with Polish citizenship have been registered in the UK, the Netherlands and Germany. Nordic countries – Finland and Denmark – have also reported several incidences of human trafficking on Polish citizens (Eurostat 2015).

Hence first goal of this research project is to document, analyze and compare the experiences and observations of Polish workers in their day-to-day work in Norway, Sweden and Finland and in doing so to produce qualitative information about their situation in Nordic Countries.

The formation of labour exploitation as a state-facilitated crime

Previous research has further argued that the exploitation should not be treated as an isolated act, but instead it should be analyzed within the context it occurs. Most recently, Ollus (2016) has argued that exploitation is structurally determined and therefore should be defined as a form of corporate crime. The structural approach of corporate crime scholarship challenges the traditional distinction between administrative, civil, and criminal law. As it shifts the individualistic perspective on crime and deviance to the organizational and socio-economic factors influencing crimes (Bittle, 2012), it could further enhance the understanding of labour exploitation. According to Ollus (2016), the existing political and economic structures, pursuit of profit and increasing need for flexibility reinforced by the lacking regulation and enforcement of corporate wrongdoing facilitate the exploitation of precarious workers. For numerous employers, labour exploitation has become a business strategy, while corporate wrongdoers are treated differently by the state (Tombs et Whyte 2015).

This project extends the abovementioned reasoning by employing the perspective of *state-corporate crime* by Kramer and Michalowski (1991). Building upon previous research of Cliniard and Quinney (1973) on corporate crime, Michalowski and Kramer (1991) proposed to look beyond the perspective of “classical crimes” and drew the attention to the mutually reinforcing interactions between political governance and economic actors to produce social harm, such as suffering of migrant workers. Michalowski et al. (2002) have further distinguished between *state-initiated crime*, which assumes the direction or the tacit approval of the state for corporate deviance, and *state-facilitated crime*, which occurs when the state fails to restrain the corporate deviance because they adhere to shared goals. However, only the notion of *complicity continuum of state crime* by Kauzlarich, Mullins and Matthews (2003) most fully comprehends the ‘involvement’ of the state and corporations to produce labour exploitation and allows to differentiate between state – initiated, state-facilitated and state-corporate crime. Kauzlarich et al. (2003) placed cases of state-corporate crimes between two extremes: first, commissions (action) and omissions (inaction) by the state actors and, second, implicit and explicit policy of the state actors. Hence, the continuum ranges from the least recognizable *implicit acts of omission*, which occur when the state allows general harmful condition to continue, to the *explicit acts of commission* such as Holocaust (ibid.). State-facilitated crime, which

Romania, followed by Slovakia, the Czech Republic and Estonia (Europol, 2016). It has to be however noted, that the data of Eurostat includes all victims of human trafficking, not only victims of trafficking for forced labour.

might be relevant in case of the labour exploitation, has been placed in the middle of the continuum and classified as an *explicit act of omission*, which occurs 'when the state disregards unsafe and dangerous condition, when it has a clear mandate and responsibility to make situation or context safe' (Bruce et Becker 2007).

In this context, second goal of the project is to broaden criminological understandings of labour exploitation by utilizing prior theorizations of corporate crime literature. Thus the experiences and observations of Polish workers will be examined with a special attention to the policies and grass-root labour practices that may enable and/or contribute to labour exploitation.

Method and data of the research project

The data of this research consists of qualitative, semi-structured interviews conducted with Polish migrant workers in Norway, Sweden and Finland. The expected number of interviewees is 10 from each country. The comparative perspective allows to scrutinize similarities and differences among the studied three countries and contributes to the criminological understanding of the misuse of migrant labour in the Nordic context. The key informants in each country will be recruited from the main sectors employing PW, e.g. cleaning sector, agriculture and construction industry. Further interviews will be obtained via snowballing method.

The subject of the inquiry will be, on the one hand, the personal experiences of the Polish workers and observations of exploitative policies and labour market practices in their day-to-day work in Norway, Sweden and Finland. On the other, their observations of the working condition and situation of native workers and other migrant workers, especially those who have entered the country fairly recently: the "newcomers". The general objective is to compare the employment and working conditions of nationals and non-nationals.

Previous theorizations on continuum of labour exploitation as well as on the state-corporate crime will serve as a basis for preparing the list of topics that shall be covered during the interviews. Since labour exploitation may range from less serious infringements to severe harms, included will be (tentatively) five group of issues: (1) Background information (e.g. duration of stay, accommodation standards, level of education, previous experiences, language skills, family situation); (2) Art of recruitment (e.g. recruitment process, job position adequate to the level of education); (3) Terms of employment compared with other workers - natives and other migrants (e.g. type of contract, possibility to leave, duration of the contract, working hours, diffusion of work, wage levels, overtime compensation, training and possibilities for competence and career development, possibility to learn the language); (4) Working environment and quality of work compared with other workers - natives and other migrants (e.g. expectations vs. reality, communication with the employer and co-workers, health and safety conditions, information about health and safety in the national language, exposure to risks and accidents at work, access to medical care, exposure to verbal manipulation, psychological pressure, threats, physical violence); (5) Perception of exploitation (e.g. knowledge of their rights, access to justice, self-help strategies, trust in justice). Special focus will be given to the policies and formally legal labour market practices that may have

enabled the exploitation.

The interviews will be conducted face-to-face in the native language of the interviewees. The generated data will be analyzed with content analysis in order to identify, group and classify different forms of exploitative practices. The findings of the content analysis will be further developed by theoretically anchored interpretations (Braun et Clarke, 2006).

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PARALLEL SESSION 5B: Policing prejudice

Other or ordinary violence?

*Päivi Honkatukia*²⁰²

In public discussions, violence in immigrant families is commonly regarded different from the so called normal family violence. It is often made sense by referring to cultural factors related to e.g.

²⁰² This presentation is based on collaborative work with researcher Martta Myllylä from the Finnish Youth Research Network. The data are collected and analysed in the context of a research project Generational Negotiations, Social Control and Gendered Sexualities funded by the Academy of Finland in 2012-2016.

protection of the family honour (de los Reyes 2003). Depictions of “the other violence” often concern people with a Muslim background, immigrating from the Middle-East, Southern Europe or Africa. The so called normal violence in majoritized families, by contrast, is more often explained as an individual problem, deriving from problems related to mental health or substance abuse. (Bredal 2014, 135-136; Honkatukia & Keskinen 2017)

The presentation problematises this dualistic division between two distinct forms of violence by studying reports of an offence written by the Finnish police in 2013 in which a young person (15-20 years) has been alleged to have been victimised by a family member (parent, sibling, relative). Young people are focused in the study since migrant youth occupy a specific position in the discourses of violence. They are often seen to fall between their parents’ culture and that of the country to which they have immigrated into, which is seen to limit their opportunities in worrying ways. This worry is often gendered: while young women with a Muslim background are viewed as suppressed by their family members, young Muslim men are seen as disconnected from the parental control which is seen as a risk for their potential radicalisation. (Honkasalo 2013; Maira 2009, 16-17.) The geographic and societal context of the analysis is Finland, a country of a rather short experience of immigration and, consequently, a relatively low proportion of inhabitants with foreign backgrounds.

The reports of an offence we have studied are created after a powerful Finnish control institution has encountered young people and their families from diverse backgrounds in situations where the young person is suspected to have been assaulted by a family member. Each year several hundreds of such assaults are reported to the police in Finland, even if majority of this kind of violence remains hidden. Our material consists of 562 such reports. We investigated the reports by comparing them across gendered and racialised categories (racially majoritised young women and men vs. those who have been categorised as having an immigrant background). Simultaneously we observed how gender and “race” are constructed in the crime reports in relation to violence.

Only a minority, 13 percent of the reports concerned alleged victims who had a ‘foreign’ nationality or country of birth. Regardless of the racialized background, the violence was more commonly targeted at young women than at young men. Moreover, the concepts such as ‘race’, ethnicity, culture or religion are very scarcely used in the reports. If interpreted positively, this observation can be seen to signal an active attempt of the Finnish police to avoid categorical and racialising depictions. On the other hand, concepts such as honour related violence might not yet be fully established in the Finnish official discourse (e.g. Hiitola 2015, 132), and when they have been used, they have referred to diverse phenomena which seem to have in common only the racialised minority position of the parties (e.g. Hansen ym. 2016, 157; Tihveräinen 2016, 7).

Racialisation is not always explicit (e.g. Hiitola 2015, 128-132). We therefore ‘close read’ the reports in terms of how violence was reasoned in them. The first observations concerning this is that most commonly it was described as a continuation of everyday disputes, conflicts and tensions of family

life escalated into violence - regardless of the racialised background of the victims. More rarely violence was explained by referring to it as a disciplinary means or a way to restrict or control the behaviour of the young person.

The depictions of control and education were indeed relatively more common in the reports on young migrant victims (usually young women) whose countries of origin are commonly discussed as risk zones for culturalised forms of violence. Yet, regardless of the racialised background, also in these reports violence was most often described as a means to punish or guide the young person and to make him/her to adopt and learn about the norms which the parents regarded important.

Moreover, violence experienced by migrant young women was not always described as collective violence with the aim to protect the family honour by controlling female sexuality, but the descriptions were also reminiscent of 'ordinary' violence perpetrated by only one perpetrator (also Hansen 2016, 16). It is also notable, that the reports also included descriptions on how also racially majoritised young women's sexuality can be violently controlled – and sometimes this can be done by more than one family member.

In general, our analysis reveals that the Finnish police has not (yet) adopted - at least very strongly - the framework of 'other' vs. 'ordinary violence' while making sense of family violence in racialized communities. By contrast, they seem to be able to make sense of violence reported to them in its immediate context without routinely resorting to racializing stereotypes of culturalised violence.

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Trust in the Police and Legitimacy: Does Ethnicity Matter?

Jónas Orri Jónasson, Rannveig Þórisdóttir and Sædís Jana Jónsdóttir

Abstract

There is considerable variation in attitudes and trust towards the police between countries. Previous research has also shown that public trust and confidence in the police tend to be lower within minority groups than with the general public. It is therefore interesting to explore if there is any difference in attitudes towards the Icelandic police based on ethnicity. This study explores police legitimacy and trust in the police among the Icelandic population with a special focus on ethnic minorities in Iceland and different age groups. Using data collected from three ethnic groups in Iceland, people originating from Poland, the Philippines, and Lithuania, as well as Icelanders, this study assesses

whether trust differs among those different groups. The results show a slight difference in trust in the police between these groups, where Polish immigrants show lower levels of trust than the other groups.

Introduction

It is well recognized in the field of criminology that legitimacy is a vital aspect of the relationship between the police and the public and that public trust in policing is needed to build institutional legitimacy. Legitimacy is required for the police to function legally, effectively and ethically (Tyler, 2011a). Citizens are more likely to cooperate with police officers, defer to them in moments of crisis, and abide the laws where the police are thought to be legitimate (Tyler, 2004, 2006, 2011b). It has also been suggested that cooperation flows from trust, fairness, and confidence in the police (Hough et al., 2010; Sunshine and Tyler, 2003; Tyler, 2005; Tyler and Huo, 2002) and that the public is more willing to cooperate with the police when trust and confidence are higher. When the police lack legitimacy they are more likely to use force to obtain compliance from citizens and the public is also more likely to resolve to violence against the police.

Legitimacy is said to exist when those who are subject to legal authority feel an obligation to obey that authority (Hough et al., 2010; Sunshine and Tyler, 2003; Tankebe, 2009). When legitimacy is high, citizens feel that the police is doing their job well and should therefore be obeyed. It also reflects on how much trust the police has as an organization. Where the police are thought to be legit, citizens feel safe to contact the police when they need assistance and voluntarily cooperate with them in difficult situations not out of fear or anticipation of reward (Murphy and Cherney, 2012).

Legitimacy is needed for social institutions to operate and develop effectively. This is especially true for the police because they are granted state-sponsored use of violence and force to enforce the law. It is important that those who are subject to policing see the police as right and proper (Jackson, Bradford, Hough, Myhill, Quinton and Tyler, 2012; Reiner, 2010; Tyler, 2006, 2011; Schulolfer, Tyler and Huq, 2011). People are more likely to cooperate with the police when trust is high. It is important that the citizens, as well as the police, believe that they are on the same side. That is that the police must demonstrate moral authority, embodying a shared sense of right and wrong. This requires them to negotiate order in a way that maximizes consent (Jackson, Bradford, Hough, Myhill, Quinton and Tyler, 2012). People are more likely to confer legitimacy on the police when they have the feeling that the police represents particular normative and ethical frameworks (Beetham, 1991).

Tyler (2011) has stated that the police must treat people with procedural justice, which means to treat them with neutrality, fairness, transparency, equality and respect (Murphy and Cherney, 2011; Tyler, 2004; Tyler and Huo, 2002). The public must perceive that the way police officers treat them is based on what they are doing, not on their race, gender, or age. When the police treat the public in procedurally fair way they indicate that they share and act on a set values which are shared by

most members of the society. According to Tyler (2007), fair and respectful treatment which is by the book is most important to people. They don't have to regard the outcome as fair or favourable to themselves, rather they need to feel that the police are acting according to the shared values of society. That is, the objective outcome is less important than the quality of how the police handled its case. The actions of the police, and interactions between officers and citizens, are therefore key moments in which legitimacy is generated, reproduced or undermined (Tyler, 2011a). For that reason, it can be said that legitimacy is fluid in time and space. Public perceptions of the police can change in different situations or at different time based on context (Bradford, Jackson and Hough, 2013).

Research has shown that trust and confidence in the police is generally lower with minority group members, especially mistrustful of the police (e.g Bowling, et al., 2003; Mason, 2012; Murphy and Cherney, 2012; Sargeant, Murphy and Cherney, 2014; Tyler, 2004). When people associate compliance with force and intimidation they are less likely to expect fair treatment from the police (Kochel, Parks, and Mastrofski, 2013). Ideas about the police in people's country of birth might therefore indicate the amount of trust in the police where they live. Like Sargeant et al. (2014) showed in a recent study from Australia, procedural justice doesn't always have positive effect on cooperation with the police among all ethnic or cultural groups. Ethnic and racial minority group members are more likely to avoid contact with the police and see the police as less legitimate or trustworthy, compared to those from non-minority groups. One reason might be that ethnic minorities don't always see themselves as part of the main societal group (Murphy and Cherney, 2011). The us and them discourse is often very strong and ethnic minorities feel that the police treats them differently than other members of society. Randi Solhjell, (NSfK presentation, May 9th 2017) pointed out in her presentation that ethnic minority youth in Oslo find themselves singled out and targeted by the police. Therefore they don't trust the police as much as Norwegian youth. Ethnic minority groups are also more likely to be victimized (Brown and Benedict, 2002; Mason, 2012; Meredyth, McKernan and Evans, 2010) and can therefore require greater levels of police assistance (Roder and Muhlau, 2012).

Trust in the police in Iceland is, and has always been, very high. Recent study showed that about 85 percent of the Icelandic population trust the police (Jónsdóttir, 2017). Icelandic data has only been gathered on people who speak Icelandic. Therefore, it is very interesting to see if people with other ethnicities share the same views as Icelanders. This study will focus on trust and if participants feel that the police treat people indifferently.

Data and Methods

The data comes from the International Social Survey Program on citizenship. The data collection was conducted by the Social Science Research Institute in the University of Iceland. Data collection started in July 2015 and ended in September the same year. The number of respondents was 1672 and the response rate was about 42 percent. The data collection was set up to reach different minority

groups in Iceland and ask them questions about how they evaluate their citizenship in Iceland. It proved to be hard to reach those groups so the response rate for them was relatively small. About 8% of people living in Iceland have a foreign citizenship. In this study, the focus is on three of the biggest ethnic groups in Iceland, that is Polish, Lithuanian and Filipinos. Together they make up about 55 percent of those with foreign background in Iceland (Statistics Iceland, 2017), the biggest group being people from Poland. Previous research has typically measured legitimacy as trust in the police and perceived obligation to obey the police. It has also been stated that trust in the police has been shown to be the key predictor of cooperation with the police and is mainly driven by perceptions of procedural justice. In this study, we will report findings from two questions from this survey.

Results

First the participants were asked if they thought that the police treated everyone the same. As figure 1 shows there was not much of a difference between the four groups. However we found that people originating from Poland were significantly more likely to disagree with the statement. Almost four in every ten participants from Poland disagreed with the statement, and about one in every four participants from Lithuania. It is interesting to see how participants from the Philippines share similar views as the Icelanders, since policing there is no walk in the park. About 64 percent of participants from the Philippines agreed with the statement and about 56 percent of Icelanders.

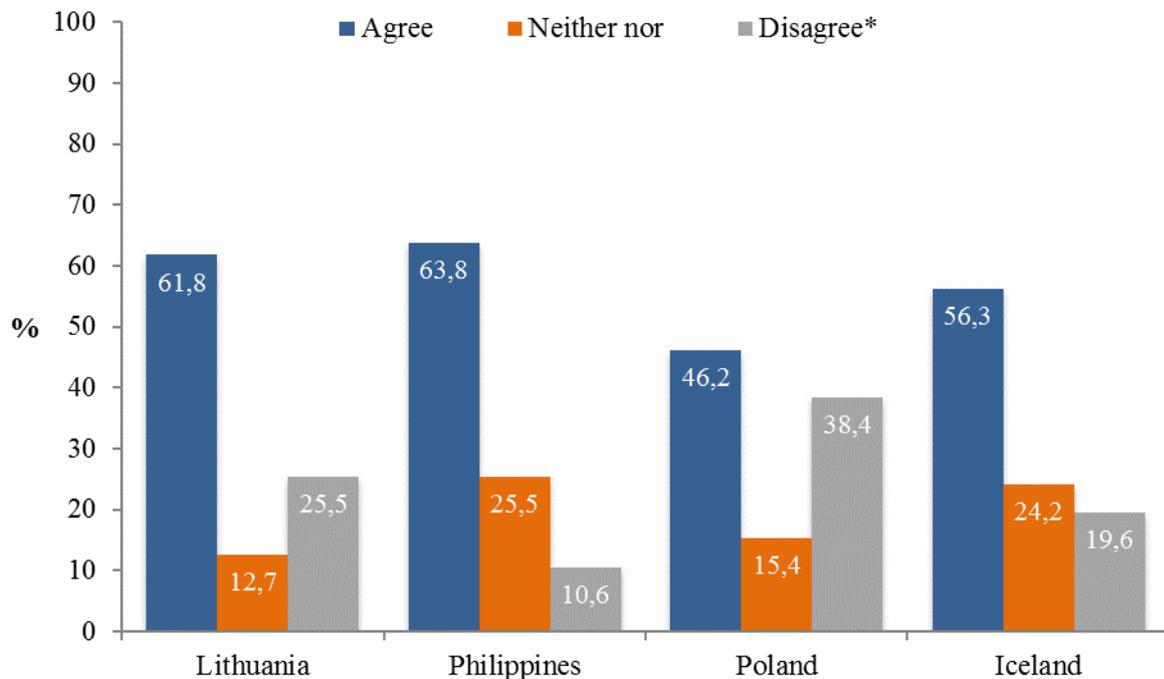


Figure 1. The police treat everyone the same.

Next the participants were asked if they agreed or disagreed with the statement: 'I trust the police and how it operates'. Most of the participants agreed with the statement, and there was no

significant difference between the groups. Although slightly more of the Icelandic participants agreed with the statement than participants from the other three groups. Participants originating from Poland were more likely to disagree with the statement than participants from the other three groups.

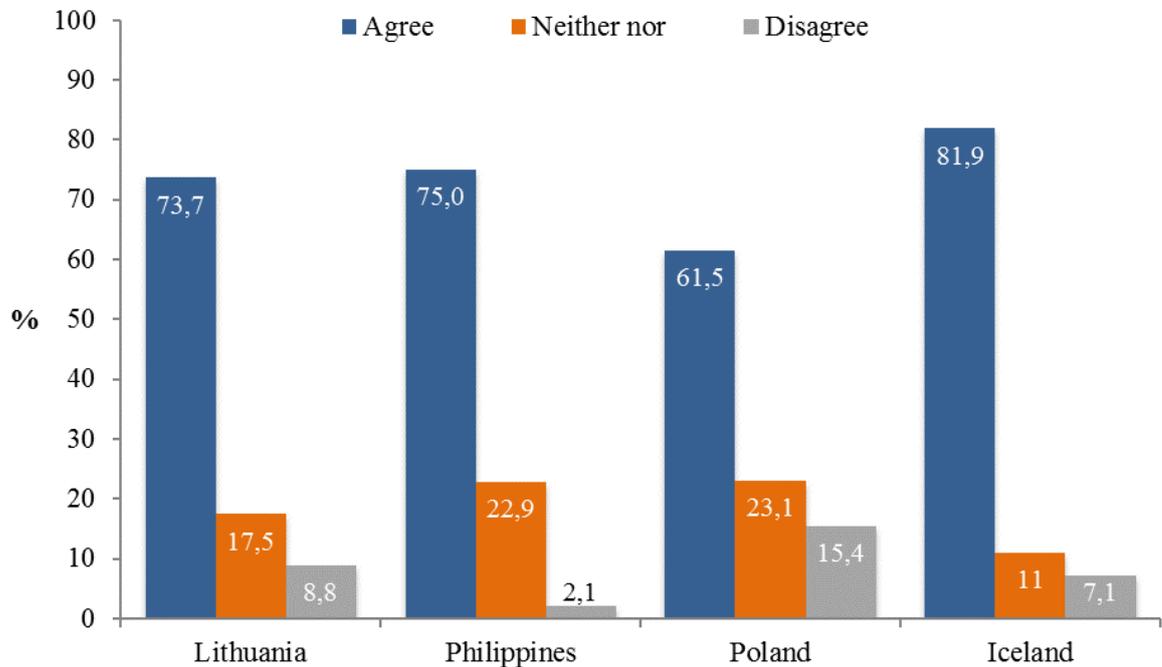


Figure 2. I trust the police and how police officers operate.

Since the three ethnic minority groups were rather small we grouped their answers together, as shown in figure 3. After grouping them together we saw a significant difference. About four in every five participants from Iceland said they trust the police and about 70% of participants with foreign background said the same. What's interesting though is that there was not a significant difference between those who disagreed with the statement. About 8% of immigrants and about 7% of Icelanders disagreed.

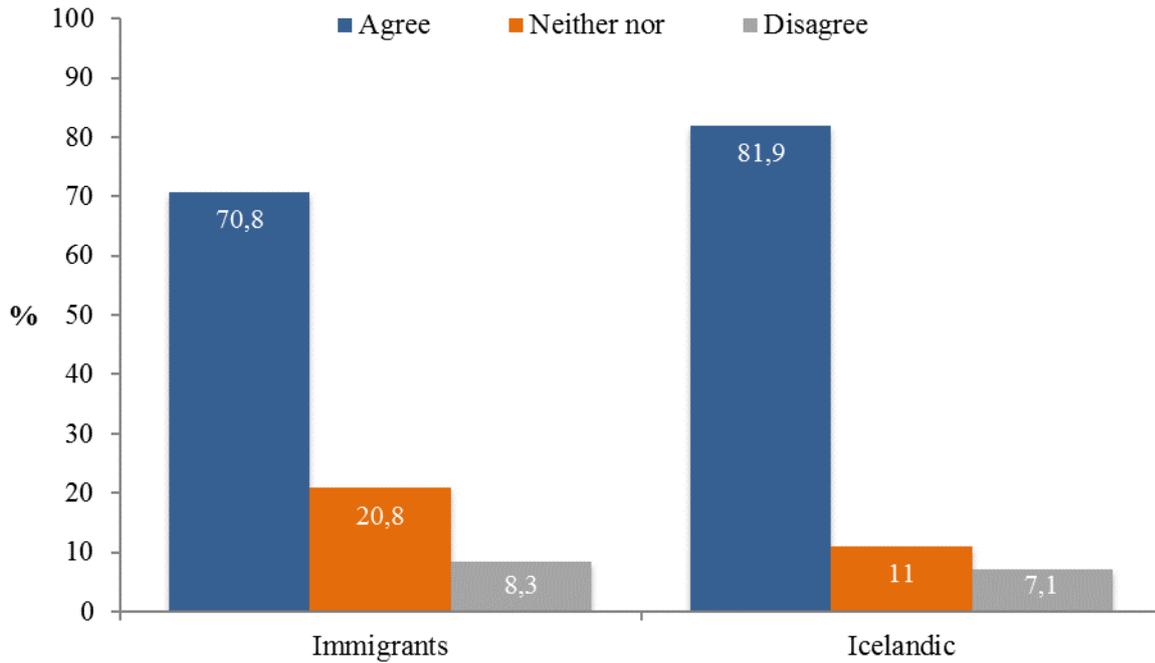


Figure 3. ‘I trust the police and how police officers operate’, grouped.

Discussion

Trust in the Icelandic police has always been rather high (Jónsdóttir, 2017). Trust hasn’t been studied much within the non-Icelandic speaking community. Since the response rate in this study wasn’t as good as we hoped, it is difficult to draw concrete conclusions from this dataset. We can still see some patterns in the data. Trust and confidence in the police tends to be lower among non-Icelandic speaking ethnic minority groups than with Icelanders. The reasons may be found in that trust in the police is relatively low in Poland, Lithuania and other Eastern European countries. Immigrants from these two countries may therefore come to Iceland with a different idea about the police, and police legitimacy. Age and ethnicity may also have a great impact on trust in the police. Immigrants from those two countries tend to be younger than the general population in Iceland (Statistics Iceland, 2017).

The Icelandic police has a great presence on social media. About 60% Icelanders follow the police on some of their social media platforms, most on Facebook. Results from a recent study show that people who follow the police on social media are more likely to trust the police. The content on their social media platforms is only in Icelandic. Therefore, it would be interesting to increase content available in other languages than Icelandic to see if that increases trust among ethnic minorities in Iceland.

Recently the Reykjavik metropolitan police has been reaching out to immigrants and inviting them to have a conversation with the police. Like Eyrún showed in her presentation at this year’s seminar, it has had a positive impact on those who participated. She is now recruiting a new group and still

working with the previous one to increase trust in the police among ethnic minorities and immigrants in Iceland.

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Immigration and crime: The story of Iceland for the past 19 years

Sædís Jana Jónsdóttir, Jónas Orri Jónasson, Rannveig Þórisdóttir

Immigration has been a heated topic for the past decades, where an increase in immigration is often viewed in negative terms rather than positive. The

most prominent negative aspect that the public often has in relation to increased immigration is increased crime. However recent researches have indicated that this is not always the case, where an increase in immigration has been shown to actually decrease crime rate. This topic has not been widely researched in Iceland, although the foreign population in Iceland has increased from being just over two percent in 1998 to near eight percent in 2009. In Rannveig Þórisdóttir's (2010) study she concluded that the foreign population in Iceland were in fact more involved in violation against the penal code than native born Icelanders. The aim of this study is to continue Rannveig Þórisdóttir's study and gather data from 2010 to 2016. The main aim is to offer some theoretical explanations that could shed some light on why the foreign population in Iceland is more involved in these types of crimes, such as weaker social bonds of the foreign population to the society.

Throughout the second half of the 20th century immigrants, guest workers, refugees and asylum seekers began arriving in European countries in ever-increasing numbers. This development changes the ethnic composition of European societies and encourages multiculturalism. Although multiculturalism could be viewed as a positive evolution stemming from increased globalization – there are some negative effects. In Europe we have seen increased tension between ethnic groups resulting partly from biased stereotypes and criminal acts of very few but notable individuals. Many citizens begin to view foreigners as a serious social problem and become outsiders. Foreigners become “them” with cultural differences making them different from “us” – the native citizens. Results from the European Social Survey reveals that foreigner's impact on society is viewed in most countries in negative rather than positive terms. The negative views are most pronounced with regard to foreigner's impact on crime, as it is commonly believed that increase in immigration will increase crime rate (Semyonov, Rajzman and Gorodzeisky, 2008). These views are not new, nor are they limited to the public. Criminologists have for a long time posted theories that postulate this view and research results have indicated a causal relationship between increased immigration and crime. For example, in Social Disorganization Theory (SDT) posted by Shaw and McKay (1942) ethnical diversity in communities is theoretically linked to increased crime rate. However, recent research indicates that this is not always the case in reality. In fact, some results have indicated that an increase in immigration will actually decrease crime rate (Sampson, Morenoff and Raudenbush, 2005).

Another theory that has been widely used to offer some theoretical explanation to criminal behavior of different social groups is Social Control Theory, originally posted by Hirschi in 1969. According to that theory criminal behavior is a result when an individual's bond to society is weak or broken. Individuals have various elements of bonds to the society according to the theory: *Attachments, commitment, involvement and belief*. Individuals living in foreign countries often have weaker bonds to the society compared to native residents. They often don't have their families with them and sometimes have difficulties meeting new people because of language differences. An important

social bond that is often weak amongst immigrants is their participation in the labour market (Crutchfield and Pitchford, 1997; Wadsworth, 2006).

Iceland has not been excluded from the effects of globalization on demographical composition of the nation. From 1998 to 2009 the percent of foreign citizens of the total Icelandic population shifted from just over two percent to near eight percent in 2009 (Statistic Iceland, n.d.). This topic has not been widely researched in Iceland, although some researchers have shed some light on this topic in recent studies. Rannveig Þórisdóttir (2010) looked at the effects of social change on crime in Iceland in the years 1998 to 2009. Her results indicated that immigrants in Iceland were more likely to be suspected of an offence against the penal code than native born Icelanders. Using police data she found that there was a weak correlation between offences against the penal code and percent of immigration in Iceland, especially regarding young foreign males. Helga Einarsdóttir (2013) looked into criminal behavior of foreign citizens in the metropolitan area in Iceland. Her results indicate that demographical factors of the foreign population in Iceland could be an important factor relating to the increased crime rate amongst foreign citizens. The most prominent demographical factor she found about the foreign population in Iceland was that the population consisted in majority of young and single males. It is well known from research results in psychology, sociology and criminology that males, particularly young males are the demographic group that is most likely to be involved in criminal activities compared to other groups (see for example Hirschi and Gottfredson, 1983; Richardson and Budd, 2003).

This study is partly a continuation of Rannveig Þórisdóttir (2010) research. The purpose is to continue the statistics from 2010 until 2016 and see if there has been any change in these six years and look at the development from 1998 to 2016. The main purpose is to offer some theoretical explanations for the possible effects demographical change has on crime rate.

Data and method

The data used here is based on police records and information from Statistic Iceland which were gathered in April 2017. This study is partly an extension of a study Rannveig Þórisdóttir did in 2010 where she looked at social change in Iceland and its effect on crime. In her study she collected data from 1998 to 2009. In this study we collected data from 2010 to 2016 and combined with the data from the previous study. This study therefore used data from 1998 to 2016.

To evaluate the effects of demographical change in Iceland on crime we used offences against the penal code. Offences against the penal code include the most severe offences, but the majority of those offences in Iceland include thefts (including thefts from ships and burglary), violence (mostly minor) and vandalism. For the results to be the most comparable to those in Rannveig Þórisdóttir's (2010) study we used the same statistical method for counting the number of offences against the penal code. It is worth noticing that the data only gives us information about individuals that are suspected of offences against the penal code. An individual can be registered as suspected for criminal activity although no formal charges have been made or will be made. For the data to reflect

more precisely on the criminal behavior of the individuals rather than the number of offences, we only counted each person once each year.

The definition of “foreign” citizens and “native born” Icelanders comes from citizenship as it appears in statistics from Statistics Iceland and in police records at the time of the crime. This definition is not without fault as it puts all foreigners under the same hat, ignoring the difference between actual foreign citizens living in Iceland and those staying in the country for a short period to work or travel.

Findings

To begin with we compared some demographics of the foreign population in Iceland to native born Icelanders over this 19 year period. First we looked the ratio of foreign citizens in Iceland and native Icelanders for the past 19 years as can be seen in figure 1.

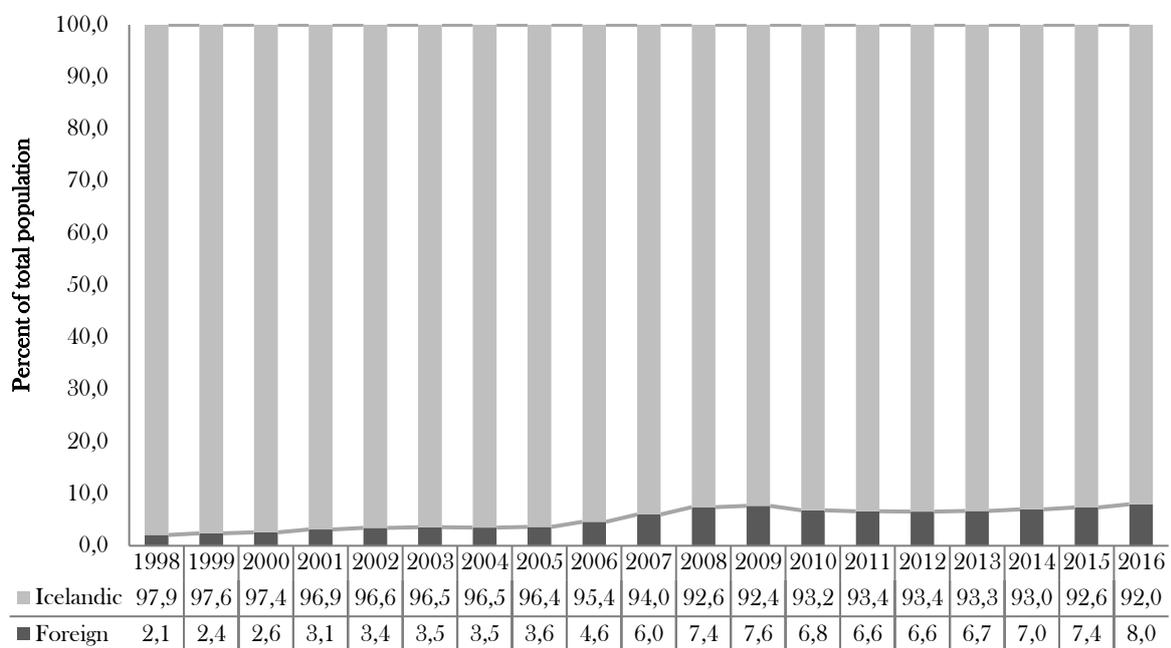


Figure 1. Percentage of foreign citizens in Iceland and native Icelanders from 1998 to 2016 (Statistic Iceland, n.d.).

For the past 19 years, the percent of foreign citizens has risen from just over 2 percent in 1998 to 8 percent of the total population in 2016. On this 19 year period the percent of foreign citizens has increased by near six percent. This increase is most notable between the years 2005 to 2009, where the percent of foreign citizens nearly doubled and went from being 3,6 percent to 7,6 percent. This increase can partly be explained by a large flow of foreign work force, where foreign workers came to the country to work in construction and other types of industrial work. In 2008 there was an economic crisis which impacted heavily the Icelandic work environment and resulted in a decreased flow of foreign citizens coming to the country. This development continued until 2013, where the percent of foreign citizens started to increase again and is at its maximum in 2016.

Next we look at the percentage of men and female foreign citizens in Iceland from 1998 to 2016 as seen on figure 2.

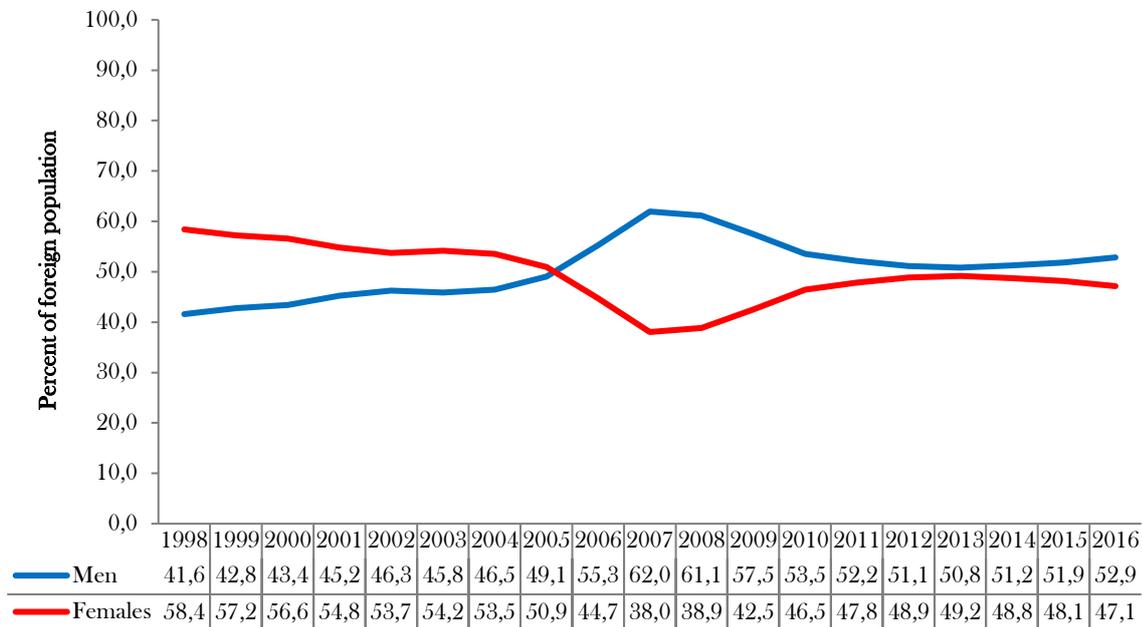


Figure 2. Percentage of men and female foreign citizens in Iceland from 1998 to 2016 (Statistics Iceland, n.d.).

For this 19 year period you can see that a pattern emerges, considering gender in to the equation. In the years from 1998 to 2005, the foreign citizen’s population in Iceland consisted largely of women. Between the years of 2005 to 2006 this completely shifted, with men being 62 percent of the foreign citizen’s population. After 2008 the percentage of men started to decrease and in 2012 the percentage of foreign women and men were almost even. In 2014 the gap begins to widen again, with men being the majority of the foreign population. What’s interesting to see, is that the percent of foreign males appears to follow economic growth in Icelandic society, possibly connected to the increased demand for foreign work forces as mentioned before.

We looked at the mean age distribution for the past five years by gender amongst foreign citizens in Iceland and native born Icelanders and the results are shown in figure 3.

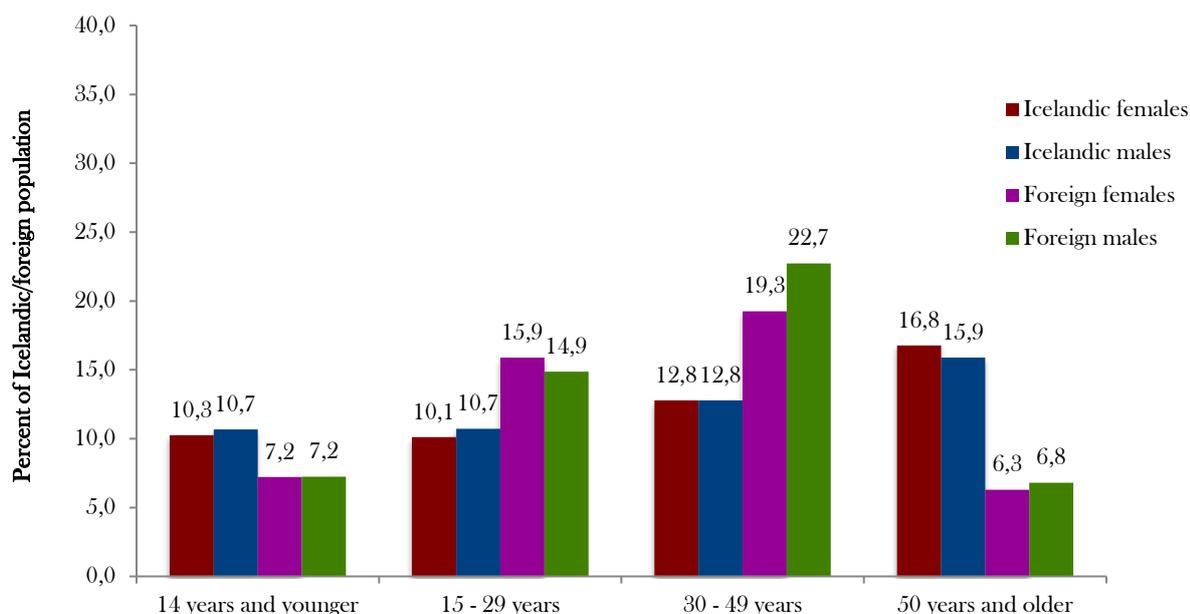


Figure 3. Mean age distribution from 2012 – 2016 by gender amongst native Icelanders and foreign citizen in Iceland (Statistic Iceland, n.d.).

As seen on this picture, the foreign population is relatively much younger on average for the past five years than the native Icelandic population. Near 73 percent of the foreign population was between 15 and 49 years on average and near 60 percent of the native Icelandic population was between 30 years and older, with the largest age group being 50 years and older. It is also interesting to see that the largest age group for the foreign population on average for this 5 year period were foreign males between 30 and 49 years. For the same time period the largest group of native Icelanders consisted of females 50 years and older.

Lastly we looked at suspected offences against the penal code amongst foreign citizens in Iceland and native Icelanders in the years 1998 to 2016 as is seen in figure 4.

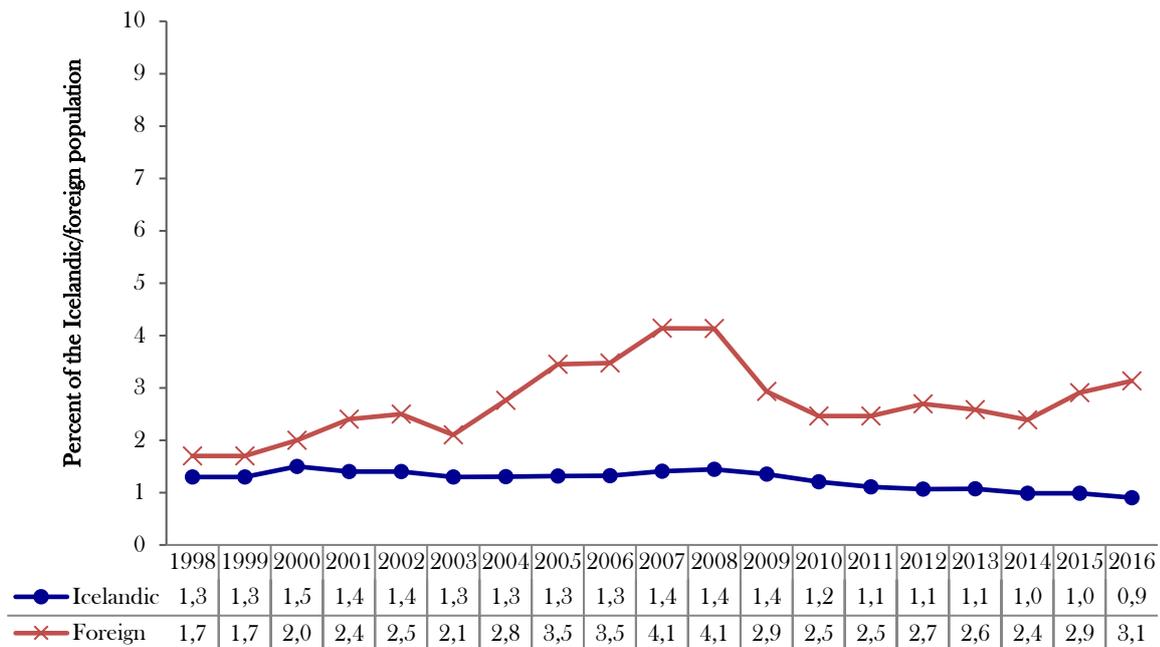


Figure 4. Percent of total foreign population and native Icelandic population who were suspected of offences against the penal code for the past 19 years.

When looking at the native Icelandic population, it is apparent that percentage of those who are suspected of offences against the penal code is quite steady over time, being around 1 percent of the native Icelandic population. This is not the case when looking at the foreign population. The percentage of foreign citizens who are suspected of offences against the penal code fluctuates between 1,7 percent in 1998 at its lowest and at its highest in 2007 to 2008 where 4,1 percent of the total foreign population was suspected of offences against the penal code. What is interesting here is that it appears, on some levels, to be similar trends between offences against the penal code by foreign citizens during this time period and demographics of the total foreign population. That is, from 2004 to 2008 suspects of offences against the penal code were at its highest and in that same time the foreign population consisted largely of young males. What's also interesting is that foreign suspects of offences against the penal code drop by near 2 percent in 2008 to 2010, during the economic crisis. After 2010 until 2014 foreign suspects are quite steady or around 2,5 percent of the total foreign population. It appears that foreign suspects increased again until 2016, possibly connected to increased economic growth in Iceland

Discussion

When making inferences about these results the first thing that has to be mentioned is the demographical composition of the foreign population in Iceland. Research shows that criminal behavior is strongly connected to age and gender where men are more likely to commit a crime than women and age has commonly been connected to criminal behavior for being less likely to conduct such behavior at an older age (see for example Hirschi and Gottfredson, 1983; Richardson and Budd, 2003). As we saw before, the foreign population in Iceland is relatively young compared to the native Icelandic population. We also saw that during an increase in economic growth in the years 2004 to

2008, the total foreign population consisted largely of men who likely came here to work in the construction and other similar industries. During that time suspected foreign citizens of offences against the penal code were at its highest. In the study Rannveig Þórisdóttir did in 2010 she concluded this result also and pointed out the discrepancies between this crime rate and the percent of foreigners of the total population in Iceland – with an increase in suspected foreigners of those types of crimes could not be explained fully by an increase in foreign citizens moving to Iceland.

Assumptions could be made of this from this possible connection crime rate and demographic factors of the foreign population in Iceland by inferring to Social Control Theory. The results of Helga Einarisdóttir's (2013) research showed that a majority of the foreign population were young, single and childless males. When looking at Social Control Theory, individuals with weak attachment to, for example, family members are more likely to engage in deviant behavior than someone with strong attachments. Individuals who are involved in society and committed to a job and conventional activities are also less likely to engage in criminal behavior and also – more likely to accept the rules of society as valid and binding. It could be inferred that the demographics of the foreign population in Iceland results in individuals who have lesser social bonds than native Icelanders and therefor – increase the likelihood of criminal behavior. What supports this assumption is that when economic growth in Iceland increases – young males are more likely to move to Iceland for work in the construction industry than when economic growth is low. In those time periods foreign suspects of offences against the penal code increases.

When looking at these results it is open to interpretation that the demographics of the foreign population and their possible low attachment to the society results in increased criminal behavior - rather than stemming from an inherent cultural difference which is often indicated by popular press and likely the culprit of biased stereotypes that skew the view native residents have of foreigners. It has to be mentioned that these are, for the time being, only assumptions we make from the data. Further research is much needed where the social status of foreigners in Iceland is compared to native Icelanders and its possible connection to criminal behavior.

When working with a data like we did here the limitations of those data has to be mentioned. Police data is often insufficient in the way that it is likely that the data does not represent the true reality. For example when dealing with foreign minority groups it has to be assumed that not all crimes are reported because of mistrust in the police and other factors. It is also worth noticing the insufficient background data we had in this research. It would have been favorable if we had accessible data which showed marital and family status of the foreign population, and as said before, could assess the social status of the population. However those kinds of data are hard to find in Iceland – but not impossible.

The most important results of this study and that of the study Rannveig did in 2010 and Helga in 2013 are that they highlight the importance of increased research in this area in Iceland. This difference in crime rate between the foreign population and native Icelanders has to be studied further with more elaborate data. And also, what is more important, is that we try to understand

why this is the way it is – not only conducting research to show that it is this way. We need to start asking question like: Do foreigners in Iceland have the same opportunities as native Icelanders, especially regarding work and school? Are foreigners in Iceland more isolated and/or do they experience prejudice regarding their nationality? Questions like these move us closer to the real problem and help us build a better society where all individuals have the same opportunities.

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