

Sweden

1) Judgements and, where applicable, probation decisions entering into the scope of this Framework Decision (Article 2)

a) Member States are asked to describe the judgments and, where applicable, probation decisions, as defined in Article 2, which have to be recognised by a Member State.

In this regard, Member States are asked to make a separated table for **each** judgement and **each** probation decision, entering into the scope of the Framework Decision and indicate for each one the following information.

CONDITIONAL RELEASE	
Name of the judgement or the probation decision	Villkorlig frigivning (conditional release)
Classification of this judgement or the probation decision	Conditional release
Legal basis of this judgement or the probation decision	The Swedish Penal Code (Chapter 26)
Definition of this judgement or the probation decision	Conditional release from imprisonment.
Legal Conditions of this judgement or the probation decision	A person serving imprisonment for a fixed term, shall, as a principle rule, be conditionally released when two thirds of the sentence (but at least one month) has been served. The conditionally released person is under an obligation to lead an orderly life during the probationary period.
Type of probation	The Swedish Prison and Probation Service can decide that a person who is conditionally released shall be under supervision.

measures	<p>The supervision board may decide that the conditionally released person must observe conditions that may relate to:</p> <ul style="list-style-type: none"> - place of residence or lodging for a stated period for at most one year at a time, - employment, other gainful occupation, education or training, - medical care, treatment for alcoholism or other care or treatment in or outside a hospital or other similar establishment. In that case, it may also be prescribed that the person provides blood, urine and breath samples in order to monitor that he or she is not under the influence of dependency producing substances.
Combination of sanctions or measures	<p>No</p>
Authority responsible for taking such a decision	<p>/</p>
Authority responsible for supervising	<p>The Swedish Prison and Probation Service is responsible for supervising sentenced persons. The Prison and Probation Service is a part of the legal system. The main tasks of the Prison and Probation Service are to implement prison and probation sentences, to supervise conditionally released persons, to implement instructions for community service, and to carry out pre-sentence investigations in criminal cases. The Prison and Probation Service is organised into a headquarters, six regional offices and a Transport Service. Each region has remand prisons, prisons and probation units, which co-operate to help clients adjust in the best way possible to a life without crime.</p>
Authority responsible in case of infringement	<p>If a conditionally released person seriously disregards his obligations, the supervision board may decide that a warning be given to the sentenced person or declare the conditionally granted liberty forfeited for up to a period of fifteen days on each occasion. If a conditionally released person commits a new crime during the probationary period, the conditionally granted liberty, or part thereof, can be declared forfeited. The district court (<i>tingsrätt</i>) decides about revocation of conditional release due to new offences. If the case is appealed it is the Court of Appeal (<i>hovrätt</i>) or the Supreme Court (<i>Högsta domstolen</i>) that decides.</p> <p><i>The Supervision board</i></p> <p>The Government determines the division of the country into supervision board areas. A supervision board consists of chairman, vice-chairman and three other members, unless the Government decrees that a given board shall have more members. The chairman, vice chairman and deputy shall be legally qualified and have experience of service as judges. The main task for the supervision boards is to decide on measures concerning persons sentenced to probation or are conditionally released from prison.</p>

PROBATION

Name of the judgement or the probation decision	Probation Skyddstillsyn
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	The Swedish Penal Code (Chapters 28 and 30)
Definition of this judgement or the probation decision	A sentence of probation means that the convicted person undergoes a probationary period of three years and is being placed under supervision during part of that period. During the probationary period the offender shall lead an orderly life and seek to support himself to the best of his ability. Rules may be prescribed concerning his way of life (probation measures). A sentence of probation can also be combined with day-fines and with a condition of community service or with a short term imprisonment (maximum three months). If the offender commits new crimes or breaches any special conditions, the sentence of probation may be revoked and another sanction imposed.
Legal Conditions of this judgement or the probation decision	The court can chose a sentence of probation instead of imprisonment if there is reason to believe that such a sanction can contribute to the accused refraining from continued criminality. Also, as a principal rule, the penal value of the crime must not exceed one year of imprisonment. As special grounds for probation, the court may consider: <ul style="list-style-type: none"> - whether a manifest improvement has occurred in the personal or social situation of the accused in some respect that may be presumed to have a bearing on his criminality, - whether the accused is undergoing treatment for misuse of a dependency producing substance or other condition that may be presumed to have a bearing on his criminality, or - whether the misuse of a dependency producing substance, or some other special circumstance necessitating essential care or other treatment, contributed to the commission of the crime and the accused declares himself willing to undertake treatment in accordance with a personal plan that can be realised in conjunction with the implementation of the sanction, or - whether the accused is willing for the probation to be combined with a condition of community service.
Type of probation measures	The court can decide that a person who is sentenced to probation must observe conditions that may relate to: <ul style="list-style-type: none"> - place of residence or lodging for a stated period for at most one year at a

	<p>time,</p> <ul style="list-style-type: none"> - employment, other gainful occupation, education or training, - medical care, treatment for alcoholism or other care or treatment in or outside a hospital or other similar establishment. In that case, it may also be prescribed that the person provides blood, urine and breath samples in order to monitor that he or she is not under the influence of dependency producing substances.
Combination of sanctions or measures	A sentence of probation can also be combined with day-fines and with a condition of community service or with a short term imprisonment (maximum three months).
Authority responsible for taking such a decision	The district court (<i>tingsrätt</i>) decides the sentence. If the case is appealed it is the Court of Appeal (<i>hovrätt</i>) or the Supreme Court (<i>Högsta domstolen</i>) that decides.
Authority responsible for supervising	The Swedish Prison and Probation Service is responsible for supervising sentenced persons. The Prison and Probation Service is a part of the legal system. The main tasks of the Prison and Probation Service are to implement prison and probation sentences, to supervise conditionally released persons, to implement instructions for community service, and to carry out pre-sentence investigations in criminal cases. The Prison and Probation Service is organised into a headquarters, six regional offices and a Transport Service. Each region has remand prisons, prisons and probation units, which co-operate to help clients adjust in the best way possible to a life without crime.
Authority responsible in case of infringement	<p>The supervision board, The Swedish Prosecution Authority and the district court (<i>tingsrätt</i>) are responsible for different measures at different stages in the process due to infringement of obligations.</p> <p>If the probationer does not comply with the obligations entailed by a sentence of probation, the supervision board may,</p> <ul style="list-style-type: none"> - impose such conditions as are mentioned above in the box regarding "Type of probation measures" - decide that a warning be given to the probationer or - decide that the probationer shall continue under supervision for a given period after one year of the probationary period has elapsed, but not for longer than at most the time for of the expiry of the probationary period. <p>If the probationer seriously neglects his obligations and it can be presumed that the measures taken by the supervision board will be insufficient, the board shall request the prosecutor to bring the matter before a court and demand that the probation order be revoked. If the probation order is revoked, the court shall decide on another sanction for the crime.</p> <p><i>Supervision board</i></p> <p>The Government determines the division of the country into supervision board areas. A supervision board consists of chairman, vice-chairman and three other members, unless the Government decrees that a given board shall have more members. The chairman, vicechairman and deputy shall be legally qualified and have experience of service as judges. The main task for the supervision boards is to decide on measures concerning persons sentenced to probation or are conditionally released from prison.</p> <p><i>The Swedish Prosecution Authority</i> has three main tasks: to investigate crimes, to decide whether or not to instigate legal proceedings and to appear in court.</p>

CONDITIONAL SENTENCE

Name of the judgement or the probation decision	Conditional sentence Villkorlig dom
Classification of this judgement or the probation decision	Alternative sanction
Legal basis of this judgement or the probation decision	The Swedish Penal Code (Chapters 27 and 30)
Definition of this judgement or the probation decision	A conditional sentence means that the convicted person avoids other sanctions for the crime, on condition that he or she leads an orderly life during a two year probationary period. The person is not subjected to any supervision during this period. If the person leads an orderly life the sentence will be served after the two years of probation has elapsed. If the person commits new crimes the court may revoke the conditional sentence and impose another sanction, which also embraces the new offence.
Legal Conditions of this judgement or the probation decision	A conditional sentence may be imposed by a court for a crime for which the sanction of a fine is considered inadequate. The Penal Code does not prescribe a maximum for the penal value of the crime that could be sanctioned with a conditional sentence. However, according to established court practice, as a principal rule the penal value of the crime must not exceed one year of imprisonment. Furthermore, the court may take into account the nature of the crime. The court can chose a conditional sentence instead of imprisonment if there is an absence of reason to fear that the accused will be guilty of continued criminality. A conditional sentence does not require consent of the accused person. The court may consider that the sentence shall be combined with a condition of community service. Such a condition of community service do require consent of the accused person.
Type of probation measures	<p>The person sentenced to a conditional sentence is under a general obligation to lead an orderly life and seek to support himself to the best of his ability.</p> <p>If the crime has occasioned damage to property and it is considered suitable for the promotion of the offender's adjustment to society, the court may direct that the offender, at the times and in the manner stated in the judgement, assists the injured party in such work as may help to repair or contain the damage, or which, having regard to the nature of the crime and the damage caused, may otherwise appear suitable.</p>

	If the offender has been enjoined to make compensation for damage caused by his or her crime, the offender shall do what lies in his or her ability to meet this obligation. The court may direct that, during the probationary period, the offender shall, at times and in a manner stated in the sentence, seek to meet his obligation to pay damages in whole or in part.
Combination of sanctions or measures	A conditional sentence can be combined with day-fines and with a condition of community service, but not with a prison sentence.
Authority responsible for taking such a decision	The district court (<i>tingsrätt</i>) decides the sentence. If the case is appealed it is the Court of Appeal (<i>hovrätt</i>) or the Supreme Court (<i>Högsta domstolen</i>) that decides.
Authority responsible for supervising	A person who is sentenced to a conditional sentence is not under supervision.
Authority responsible in case of infringement	The Swedish Prosecution Authority is responsible for taking the case to court in case of infringement during the probationary period. If the offender does not comply with what is required of him by the conditional sentence, the court may, if the prosecutor proceeds in the matter before the expiry of the probationary period, and having regard to the circumstances decide that the offender be given a warning or revoke the conditional sentence and decide on another sanction for the crime. <i>The Swedish Prosecution Authority</i> has three main tasks: to investigate crimes, to decide whether or not to instigate legal proceedings and to appear in court.

2) Probation measures and alternative sanctions (Article 4)

In Article 4 of the Framework Decision types of probation measures and alternative sanctions are stated. Member States are asked to describe the probation measures and alternative sanctions attached to those judgements and probation decisions:

a) In the table below please describe how probation measures and alternative sanctions set out in Article 4.1 are reflected in your domestic law and please give a description of each of them.

Probation measures / alternative sanctions	Explanation
Obligation for the sentenced person to inform a specific authority of any change of residence or working place	The court can decide that a person who is sentenced to probation must observe conditions that relate to place of residence or working place. Such conditions can also be prescribed after conditional release from a prison sentence, they are then decided by the supervision board.
Obligation not to enter certain	The penal code does not provide for this kind of measures.

localities, places or defined areas in the issuing or executing State	
Obligation containing limitations on leaving the territory of the executing State	The penal code does not provide for this kind of measure.
Instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity	The Penal Code provides for instructions relating to place of residence or lodging for a stated period for at most one year at a time, employment, other gainful occupation, education or training.
Obligation to report at specified times to a specific authority	Special instructions may be given about obligations to maintain contact with the supervisor (probation officer) or the Prison and Probation Service. They may specify the way in which and to what extent the person shall maintain contact with the supervisor or the Prison and Probation Service. They may also prescribe an obligation to notify the supervisor or the Prison and Probation Service of absence from the place of work, school or other occupation or institution referred to in the conditions.
Obligation to avoid contact with specific persons	The Penal Code does not provide for this kind of measure.
Obligation to avoid contact with specific objects, which have been used or are likely to be used by the sentenced person with a view to committing a criminal offence	The Penal Code does not provide for this kind of measure.
Obligation to compensate financially for the prejudice caused by the offence and/or an obligation to provide proof of compliance with such an obligation	If the sentenced person has been ordered to make compensation for damage caused by the crime, conditions may be made about the time and manner of meeting this obligation unless, in view of the person's financial situation and other circumstances, such conditions may be presumed to counteract his adjustment in the community.

Obligation to carry out community service	A conditional sentence and a sentence of probation can be combined with at condition of community service, i.e., between 40 and 240 hours of unpaid work.
Obligation to cooperate with a probation officer or with a representative of a social service having responsibilities in respect of sentenced persons	Special instructions may be given about obligations to maintain contact with the supervisor (probation officer) or the Prison and Probation Service. They may specify the way in which and to what extent the person shall maintain contact with the supervisor or the Prison and Probation Service. They may also prescribe an obligation to notify the supervisor or the Prison and Probation Service of absence from the place of work, school or other occupation or institution referred to in the conditions.
Obligation to undergo therapeutic treatment or treatment for addiction	<p>The court can decide that a person who is sentenced to probation must observe conditions that may relate to medical care, treatment for alcoholism or other care or treatment in or outside a hospital or other similar establishment. In that case, it may also be prescribed that he provides blood, urine and breath samples in order to monitor that he is not under the influence of dependency producing substances.</p> <p>This obligation does not as a principle require the consent of the person to be sentenced. There are, however, a few exceptions. Nevertheless, the person's opinion regarding such a treatment may be a very important circumstance in deciding on such a measure.</p>

b) In your domestic law are there any probation measures and alternative sanctions which are not covered by Article 4.1?

No.

c) Does your domestic law provide for a specific treatment regarding any category of offences (e.g. sexual offences, domestic violence)?

No.

3) Electronic monitoring

Does your national law provide for the possibility to use Electronic Monitoring?

Yes.

Is Electronic Monitoring part of the classification provided for in Article 2 of this Framework Decision (suspended sentence, conditional sentence, conditional release or alternative sanction)?

No.

Is Electronic Monitoring considered as an execution modality of imprisonment, if other than conditional release?

Electronic Monitoring is considered as an execution modality of imprisonment.

Is Electronic Monitoring considered a way of applying a probation measure or as a probation measure in itself?

No.

What are the technical means provided for in your Member State that enables

the use of the Electronic Monitoring (e.g. GPS)?

Compliance checks are made with the aid of electronics (a "tag" worn around the ankle). Checks are carried out by the probation service. GPS is not used for Electronic Monitoring.

Is Electronic Monitoring dependant on particular conditions?

Yes, Electronic Monitoring is only possible for six months of imprisonment as a maximum and is dependant on particular conditions such as place of residence and occupation.

4) Formalities

Member States are invited to sum up the documents that the national competent authorities need in order to take at national level a judgement and, where applicable, a probation decision (e.g. criminal record, social inquiries, medical expertise).

The court may need a criminal record, a pre-sentence investigation carried out by the Swedish Prison and Probation Service and may in certain cases order a forensic psychiatric investigation from the National Board of Forensic Medicine.