

Doing Indefinite Time: Penal Confinement and the Life-Imprisoned Offender in Denmark, Finland, and Sweden

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Abstract

Penal confinement in Danish, Finnish, and Swedish prisons has become a topic of growing interest in comparative penal research. While prison sentences in these countries are characterized by reintegration, offenders serving life sentences with unknown dates of release pose particular challenges. This study involved comparing and contrasting the enforcement of life sentences in Denmark, Finland, and Sweden through comparative legal research and interviews with criminal justice practitioners. The findings suggest reintegrative efforts for life-imprisoned offenders are in theory the same as those for any other prisoner but, in practice, some implementation difficulties arise due to the indefinite character of their sentence.

Keywords

penal confinement, life imprisonment, reintegration, Denmark, Finland, Sweden

Introduction

In comparisons of penal policy approaches worldwide, the Scandinavian countries are cited as having prisons with particularly humane conditions

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(Nilsson, 2003; Pratt, 2008; Pratt & Eriksson, 2011; Snortum & Bødal, 1985; Ugelvik & Dullum, 2011). In these countries, “going to prison is itself the punishment for crime; prison conditions can then approximate to life outside as far as possible, rather than being allowed to degrade and debase all within” (Pratt, 2008, p. 119). Due to their comparably low crime and recidivism rates, even media outlets in the United States have lately become particularly interested in exploring Scandinavian prisons. The facilities are generally described as having a relaxed atmosphere where prisoners work together with staff toward reintegration into society (Benko, 2015; Bichell, 2015; Larson, 2013). Hence, Scandinavian prisons would look odd to an observer in the United States, where penal confinement must serve a mix of retributive, deterrent, rehabilitative, and incapacitative purposes. This mix has led correctional administrators to emphasize security and surveillance over rehabilitation and reintegration of the criminal offender.

What is often overlooked in comparisons of Scandinavian with American prisons, however, is that Scandinavian prisoners tend to remain incarcerated significantly shorter than their American counterparts, thus making reintegration seem to be an issue of more imminent concern. While in the United States the average state prison sentence was calculated as 5.4 years in 2009 (Bonczar, 2011), the vast majority of prisoners in Scandinavia remain in prison for less than 4 years.¹ To better understand and compare how reintegration is implemented in the Scandinavian context, I propose a new angle to the study of penal confinement in these countries. Instead of analyzing penal confinement in Scandinavia *per se*, I single out those offenders who are serving unusually long prison sentences with unknown release dates—the so-called *lifers*. Although a life sentence does not exist in Norway, the other major Scandinavian countries Denmark, Finland, and Sweden have life sentences on their penal books. For that reason, I exclude Norway from this analysis and focus on the other three countries.

In a penal system characterized by reintegrative efforts, life-imprisoned offenders pose a particular challenge to prison administrators for various reasons. First, they have almost exclusively been convicted of murder—a crime for which the retributive and incapacitative purposes of punishment often eclipse reintegrative considerations. They also tend to stay behind bars significantly longer than the vast majority of prisoners, and their unknown release date further exacerbates reintegrative efforts (Schartmueller, 2015). The aim of this research, therefore, is to compare and contrast how life sentences are enforced in Denmark, Finland, and Sweden. Through comparative historical research and interviews with criminal justice practitioners in all three countries, I examine to what extent reintegration underlies the penal confinement of life-imprisoned offenders.

Reintegration as a Purpose of Penal Confinement

Apart from retribution, deterrence, rehabilitation, and incapacitation, reintegration has become increasingly cited as a separate purpose of punishment in contemporary penal frameworks (Gideon & Sung, 2010; Maruna & Immarigeon, 2004; Stohr & Walsh, 2015).² In the criminological literature, reintegration commonly refers to the offender's transition from imprisonment to life in the community (Davis, Bahr, & Ward, 2012; Laub & Sampson, 2001). For others, it refers more narrowly to the "individual's reconnection with the institutions of society" (Visher & Travis, 2003, p. 91). With this definition, Visher and Travis (2003) inferred that reintegration can have a different meaning for different criminal offenders.

Regardless of the exact definition, reintegration studies often focus on postrelease efforts of prisoners to reconnect with society (Davis et al., 2012; Maruna, Immarigeon, & LeBel, 2004; Visher & Travis, 2003). For Visher and Travis (2003), however, the individual prisoner's reintegration experience will not only depend on their long-term postrelease integration, but also their prison experience and even their lives prior to prison.

In Europe, reintegration is understood as a purpose of penal confinement. The Council of Europe, of which Denmark, Finland, and Sweden are members, has continuously set penal confinement standards, with reintegration being the guiding principle. The European Prison Rules (Council of Europe Committee of Ministers Rec (2006)2, §6) read that "All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty." Reintegration finds further detailed expression in the latter part of the rules. Correctional staff shall not merely be considered "guards" responsible for the security in prisons, but they should be mandated with facilitating the reintegration of prisoners "through positive care and assistance" (§72.3). Also, the communication between the prison administration and staff in the individual prisons must focus on services for prisoners, "in particular with respect to the care and reintegration of prisoners" (§83b). Confinement measures, which aim at facilitating the reintegration for prisoners, can include vocational and educational training, substance abuse treatment, and fostering relationships with family, friends, and the community while imprisoned (Council of Europe Committee of Ministers Rec (2006)2).

Although the standards are abstract and nonbinding, member states have been receptive to codifying them in their national penal codes. At the same time, the standards provide member states with sufficient room to implement them within their specific penal frameworks. Below, I examine to what extent Denmark, Finland, and Sweden have codified the rules in their national laws and how they are implemented for life-imprisoned offenders.

Reintegration and Life Imprisonment

The prisonization model suggests that the longer prisoners remain incarcerated, the more distant they will become to societal institutions and the more likely they are to reoffend once released (Clemmer, 1950). Several studies focusing on long-term prisoners have supported this claim. In a comprehensive overview of the use of life sentences in the United States, Nellis (2013), for instance, found that life-imprisoned offenders have specific reintegration needs due to the length of their incarceration. Other research has shown that long-term imprisonment negatively affects relationships with the outside world and employment opportunities. Jewkes (2005), for instance, argued that the inability to work and the “loss of a clear time structure often chronically deprives them [the lifers] of meaning in their lives” (p. 369). Flanagan (1980), who studied American and British long-term prisoners, stated that they perceived the loss of relationships with individuals outside the prison and the knowledge that “time waits for no man” as particularly severe deprivations that might exacerbate their reintegration efforts (p. 155). On a similar note, Porporino (1990) identified that the deep immersion into the prison culture and increasing distance from the outside world over time has detrimental effects on a long-termer’s reintegration efforts. In another study, Flanagan (1995) pointed out that lifers tended to fall to the bottom of the list of correctional priorities. As they had been convicted of particularly serious crimes, their participation in correctional programs targeted toward a positive reintegration experience—for example, expressed by the availability of educational programs, the transfer to lower-security facilities prior to release, or the granting of leaves—proved to be a particular challenge for prison administrators. This was due to the lifers’ needs in terms of prison release being “less immediate” than those of offenders serving shorter terms (Flanagan, 1995, p. 6).

It is Flanagan’s (1995) study that provided particularly important ideas for my study on the penal confinement of Danish, Finnish, and Swedish lifers. Research on how prison administrations who are guided by reintegration as the main principle of penal confinement deal with offenders serving life sentences has so far been absent. In contrast to the United States, however, all life sentences in Europe must come with a prospect of release. With Recommendation Rec (2003)23, the Council of Europe adopted guidelines on how its member states should deal with long-term and life-imprisoned offenders. While treating life-imprisoned offenders as a specific category of prisoners due to their unknown date of release from prison, the member states stress the importance of organizing even long-term prison and life sentences around the principle of reintegration (Council of Europe Rec [2003]23 §2).

More specifically, member states are urged to provide long-term and life-sentenced prisoners with “a comprehensive sentence plan” that should be prepared and developed “with the active participation of the prisoner” (§9).

Before examining the penal confinement of life-imprisoned offenders in Denmark, Finland, and Sweden, it must be noted that life sentences in these countries are only very rarely imposed. First, only offenders convicted of murder are currently serving life sentences (Schartmueller, 2015). Yet, most murder convictions lead to shorter definite time sentences and not life. In Denmark, life sentences are typically only imposed on offenders convicted of murdering multiple people. In Finland and Sweden, the murder must have been committed in an especially “heinous and cruel manner” for it to trigger a life sentence (Schartmueller, 2015). Second, lifers could be conditionally released after serving only 12 years in Denmark and Finland and 10 years in Sweden. It is up to a court in Finland and Sweden and to the Ministry of Justice in Denmark to decide on whether the lifer should be released conditionally after having served the minimum time. While the initial lifer applications for conditional release are frequently rejected and lifers have to reapply annually for conditional release, I found in other research that it is quite common for lifers in all three countries to be released conditionally after having served an average of 12 to 15 years (Schartmueller, 2015; Schartmueller, 2018).

Due to the small number of life sentences imposed in the first place and the common use of conditional release for this group of offenders, life-imprisoned offenders only constitute a small percentage of the total prison population in the three Scandinavian countries. In 2013, 1% of Danish and roughly 3% of Finnish and Swedish prisoners were lifers (Danish Department of Prison and Probation [DPP], 2014; Finnish Criminal Sanctions Agency [CSA], 2014; Swedish Prison and Probation Service [PPS], 2014).

Method

This article is a significantly modified version of one chapter of my unpublished dissertation (Schartmueller, 2015). The purpose of my dissertation was to analyze life imprisonment in Denmark, Finland, and Sweden from a comparative historical perspective. I conducted my comparative research by engaging in a careful reading of the countries’ penal codes and any other laws pertaining to life imprisonment. Following local institutional review board approval, I also collected primary data through 11 interviews with professionals working in the countries’ prisons and criminal justice agencies that directly deal with life-imprisoned offenders between January and May 2015. I chose the interviewees by contacting political and social institutions and then used the snowballing technique to be connected with those professionals

who were knowledgeable about life imprisonment. I interviewed three professionals from Denmark, four from Finland, and four from Sweden. My interviewees worked in courts (either as judges or prosecutors), prisons, or in the political system (as employees in their respective ministries of justice or as members of parliament). To allow for detailed responses, I asked the interviewees two open-ended questions. I first wanted to know how they felt about the enforcement of life sentences in their country. I then followed up by asking about how the management of life-imprisoned offenders compared with the management of other prisoners. To conduct the interviews, I utilized the Internet phone service Skype. The average interview lasted 45 minutes. I did not record the interviews and only typed notes contemporaneously. I marked any direct quotations with quotation marks, some of which are reproduced in this article.

The Legal Basis for Penal Confinement in Scandinavian Prisons

The basic standards of penal confinement are codified in the penal codes of all three Scandinavian countries.³ A holistic reading of these acts reveals that penal confinement in Denmark, Finland, and Sweden must reflect the principle of reintegration, which is in line with the pan-European penal-legal framework. The Danish Sentence Enforcement Act (SEA), the Finnish Imprisonment Act, and the Swedish Imprisonment Act hold that penal confinement must not exceed any punishment other than the deprivation of liberty and that the prisoners' basic political and social rights must be maintained over the course of their imprisonment.⁴ For sentence enforcement, the countries rely on their centralized prison administrations and correctional staff. The DPP has two equally important and complementary tasks to perform (Danish SEA, 2001, Chapter 2, §3). First, it must exercise the necessary control and security when enforcing prison sentences to ensure public safety. The department must also support and motivate the offenders by assisting personal and social development, so they will live "crime-free lives" upon release. In Finland, the responsibility of sentence enforcement lies within the Finnish Criminal Sanctions Agency (CSA; *Rikosseuraamuslaitos*). All prisoners must be treated "with justice and with the respect for their human dignity" (Finnish Imprisonment Act, 2006, 767/2005, §5). A prison sentence must be organized around the facilitation of the offender's reintegration and around efforts toward providing public safety (Finnish Imprisonment Act, 2006, 767/2005, §2). In Sweden, prison sentences fall under the responsibility of the centralized Prison and Probation Service or PPS (*Kriminalvården*).

The Swedish Imprisonment Act regulates the placement, work, and compensation of prisoners; free time; personal property; health care; privacy; visitation and other contacts with the outside world; leaves; mechanisms for release; and other issues pertaining to imprisonment (Swedish Imprisonment Act, 2010:610, §1). The PPS must either provide prisoners with work opportunities or opportunities to participate in any kind of education or treatment programs or any other kind of “structured” duties during the entire time of their imprisonment (Swedish Imprisonment Act, 2010:610, §3(1)).

The acts also provide specific examples of how reintegration may be carried out. In line with the European Prison Rules, a central feature of reintegration in all three countries is the sentence enforcement plan. In Denmark, the prison administration, in cooperation with the prisoner, must draft an *afsoningsplan* upon the prisoner’s admission. This plan lists all the necessary steps the prisoner must take prior to release. If individual circumstances change, the plan may be revised at any time (SEA, 2001, Chapter 8, §31(2)). Prisoners may also be granted leaves (*udgang*) in regular intervals so that they can remain connected to family, friends, and the community (SEA, 2001, Chapter 9, §46-50). Also in Finland, every prisoner must be provided with an individualized sentence enforcement plan (*rangaistusajansuunnitelma*), which the prison administration together with the prisoner prepares upon the latter’s admission to the institution (Finnish Imprisonment Act, 2006, 767/2005, §4(6)). The individual plan is revised at regular intervals in the facility where the prisoner is housed (Kaijalainen & Mohell, 2014). The plan will address

the placement of the prisoner, individual needs (e.g., substance abuse issues, mental health needs), his or her planned activities during their time in prison, the prospects of supervised probationary freedom,⁵ and the possibility of granting any permission of leave while imprisoned, Finnish Imprisonment Act, 2006, 767/2005, §4(6).

In Sweden, a prisoner receives a *verkställighetsplan* upon arrival at the prison. After an assessment of his or her criminogenic needs (e.g., substance abuse, family background, education), the prisoner works with the prison administration on drafting the plan. The plan regulates how the prisoner must carry out his or her prison term (Swedish Imprisonment Act, 2010:610, §1(5)). In an effort to facilitate the process of reintegration, Swedish prisoners must further participate in a process called *utsluss* (Swedish Imprisonment Act, 2010:610, §11). *Utsluss* aims at gradually preparing prisoners for release and should, therefore, be an integral part of their individualized plans. As part of *utsluss*, prisoners are typically moved from a high-security to a lower-security facility, and they are likely to be granted more frequent leaves from

prison (*permissioner*) over the course of their incarceration. These leaves may last from a few hours to 3 full days and are typically granted for weekends (Swedish Imprisonment Act, 2010:610, §10).

To facilitate reintegration, penal confinement in the three countries must also reflect the principle of normalization.⁶ Yet, when comparing how the three countries address normalization, I found that the principle has slightly different meanings. For Denmark, William Rentzmann (2008), then Director of the DPP, laid out a program of principles of confinement. In this English-written manifesto, he used the term “normalization” to highlight that the “conditions for inmates must be arranged so as to correspond to conditions in the general community to the extent possible.” The SEA applies this principle by stating that a Danish prisoner has the right and duty to work and/or participate in education programs or any other program that has been approved by the prison administration (SEA, 2001, Chapter 8, §38). Furthermore, Danish prisoners must be compensated financially, regardless of what they are doing to occupy their time. In cases of illness or a lack of job opportunities available in the prison, prisoners must still receive compensation (SEA, 2001, Chapter 8, §42). Another reflection of the principle of normalization is that the prisoners are responsible by law for cleaning their living areas and preparing their own food (SEA, 2001, Chapter 8, §43).

In Finland, the term “normality” is used instead of normalization in English-written texts. Similar to normalization in Denmark, normality means that the life of Finnish prisoners should be as “normal” of a life as possible. Finnish prisoners should participate in any activities as assigned to them by the prison administration (Finnish Imprisonment Act, 2006, 767/2005, §8(2)). The assigned activities must either fall into the category of occupational work (activities maintaining the prisoners’ working skills and promoting their employment) or rehabilitative work (activities improving the working ability of the prisoners), Finnish Imprisonment Act, 2006, 767/2005, §8(5). Similar to practices in Denmark, Finnish prisoners are responsible for cleaning their private rooms and the common living areas. They also handle their own money while imprisoned (Kaijalainen & Mohell, 2014). In addition, normality in Finland also means that prisoners must be “entitled to the same services (e.g., health care, work, education), as they would be as civilians in society” (Ojanperä-Kataja, 2008, p. 317).

In Sweden, Lindström and Leijonram (2008) defined normalization in a Swedish Ministry of Justice report written in English by stating that “the same rules concerning social and medical care and other forms of public service should apply to prisoners just as they apply to ordinary citizens” (p. 564). In other words, prisoners must have equal accessibility of social, medical, and public services than ordinary citizens. Such as in Denmark and

Finland, the PPS must provide prisoners in Sweden with work opportunities or they must be given the opportunity to participate in education or treatment programs or any other kind of “structured” duties (Swedish Imprisonment Act, 2010:610,§3(1)). Some Swedish prisons also offer specific work training in cooperation with the Swedish Employment Service Agency, reflecting the principle of normalization. Prisoners are also given the opportunity to study, especially to complete their high-school graduation requirements. In which ever way the prisoners use their time, they will be financially compensated. In case of illness or when the prison cannot offer any meaningful work or programs, the prisoners still have the right to a lower amount of compensation (E. Ekstrand, personal communication, March 31, 2012).

Reintegration and the Life-Imprisoned Offender in Denmark, Finland, and Sweden

This brief overview of the legal basis of penal confinement in Denmark, Finland, and Sweden showed that reintegration must be the goal of imprisonment in all three countries, and it is primarily believed to be achieved through normalization or normality, respectively. An important question remains: How can a prison sentence for offenders who do not have a set date of release have a reintegrative purpose and how can their prison experience be “normalized?” Are the offenders serving life sentences treated as a separate category of prisoners in the countries’ penal codes or is there no distinction made? As we have seen above, the Council of Europe treats life-imprisoned offenders as a specific category of prisoners due to their unknown date of release from prison (Council of Europe Rec (2003)23).

Denmark

In Denmark’s SEA, life-imprisoned offenders are not treated as a separate category of prisoners; instead, they are included in the act’s general provisions. In fact, lifers are not mentioned as a separate category of prisoners in any of the paragraphs pertaining to penal confinement. Not distinguishing between lifers and other (definite-time) prisoners means that the prison administrations must make efforts toward sentence enforcement and reintegration for *all* prisoners, regardless of whether they have a set date of release. This includes, among other things, work assignments, education, treatment, and leaves.

While the Danish legal provisions suggest that theoretically there is no difference between prisoners serving definite time sentences and those serving life sentences, the interviews with criminal justice practitioners in

Denmark revealed some practical challenges posed by life-imprisoned offenders. The interviewees working in Danish prisons and the Danish Ministry of Justice (3) pointed out that the confinement of lifers differed somewhat from the confinement of other prisoners. These Danish interviewees mentioned that lifers frequently struggle with using their time effectively in penal confinement and thus often have negative experiences with reintegrative efforts such as treatment, education, work assignments, and leaves. The interviewees believed that due to the expected long-term confinement, reintegrative efforts often must be kept at a minimum at the onset, to ensure that they are spread out evenly over the course of the sentence. Two interviewees who had directly worked with Danish prisoners were convinced, however, that even for long-termers, reintegrative efforts must start on Day 1 in prison, in an effort to avoid these negative experiences as much as possible. In this context, they stressed the importance of the sentence enforcement plan. To facilitate reintegration for these long-term prisoners, it was key for the prison administration and the lifer to draft a sentence enforcement plan together. Only in that way could the lifer's specific confinement and reintegration needs be addressed. When deciding about whether the lifer should be released after the minimum term served, the Ministry of Justice stresses the importance of leaves and that any leave in the form of day release for education or work was completed successfully.

One of the Danish interviewees also expressed the belief that the penal confinement of lifers could be improved if the lifers were met with increased attention, the closer they got to their potential release. In Denmark, lifers are legally required to serve a minimum of 12 years before being considered for release. After they have served at least 8 to 10 years, reintegrative efforts should be intensified, this interviewee said. Due to the length of their incarceration, she had experienced that lifers had shown more difficulties with learning new skills and receiving proper work training just prior to release. Hence, they would need increased support during that time, especially by knowing that the majority of lifers do not serve more than 15 years. Interestingly, in this context, one of the other Danish interviewees found that long-termers tended to be easier to work with, as they were typically more "mature" when they approached their potential release date. She had experienced that many long-term prisoners, including lifers, were typically of an older age and had a family that they cared about and wanted to support upon release. She found that this provided them with a greater incentive to participate in reintegrative efforts, the closer they got to their potential release.

Finland

Such as in Danish law, the 2006 Finnish Imprisonment Act covers *all* prisoners. This means that like any other prisoner in Finland, lifers should be encouraged to participate in activities. These activities typically consist of work, study, or participation in treatment programs, depending on the individual prisoner's specific needs. However, while the prison director (or any official in charge of operations who has been appointed by the prison director) decides on allowing such activities for a prisoner, the CSA's central administration decides on whether to grant lifers a study permit, allow them to pursue civilian work, or place them in an outside institution (Finnish Imprisonment Act, 2006, 767/2005, §8(14)). This shows that for lifers an additional administrative level is mandated with deciding about how far their daily duties could go.

Like any other Finnish prisoner, lifers are immediately after sentencing taken to one of the countries' prison assessment centers. At these centers, the lifers' individualized sentence enforcement plans are drawn up, and the prison administration decides on the prison facility that will house the lifer. One of my Finnish interviewees had many years of work experience in one of these assessment centers. She had observed that the cases of the lifers she had received had all been very different in terms of their specific treatment needs including medical, mental, as well as personal needs (e.g., placement close to families). Due to the length of their sentence, the lifers were typically evaluated much more carefully at the assessment center than prisoners with definite time sentences. After the assessment, the lifers are sent to a specific prison facility, where their sentence enforcement plans would be implemented. The interviewee also mentioned that the sentence enforcement plan follow-ups for lifers had recently been strengthened. The follow-ups were now happening more frequently, the closer the lifer was getting towards potential release. The interviewee further stressed that the follow-ups were conducted through an interactive process, where the lifers were part of the discussion. Such as in Denmark, Finnish lifers are legally required to serve a minimum of 12 years before being eligible for conditional release. It is up to the Helsinki Court of Appeals to decide on whether to release a lifer conditionally. The exception, however, are offenders who committed their life crime before the age of 21 years; they must only serve 10 years before being considered for conditional release. The interviewee noted that more frequent sentence enforcement plan follow-ups typically happen when the lifer has served at least 8 years.

Lifers in Finland are also eligible for leaves. Yet, the leaves are considered a privilege and not a right. As stated in the Imprisonment Act (2006, 767/2005,

§14), the rules for lifer leaves are somewhat different than for other prisoners. While the prison director or any other prison personnel responsible for security is authorized to either grant or deny a prisoner's leave application, lifer applications must be reviewed by the CSA central administration (Finnish Imprisonment Act, 2006, 767/2005, §14(11)). Furthermore, while a Finnish prisoner in general is eligible for leaves after having served two thirds of his or her definite time sentence, the Imprisonment Act (2006, 767/2005, §14(3)) holds that the life sentence should be treated as a fixed term of 12 years (or 10 years if the prisoner has been sentenced to life for a crime committed below the age of 21 years) when determining leave eligibility. If Finnish lifers are not granted a leave after having served the minimum amount of time for leave eligibility (i.e., 8 years for prisoners older than 21 years when committing the crime), they shall still be granted a leave under escort (supervision) at least once every year (Finnish Imprisonment Act, 2006, 767/2005, §14(6)).

My Finnish interviewees working at the CSA (4) spoke specifically to the lifers' penal confinement and mentioned that lifers are in practice treated as prisoners serving a 12- year (or 10-year) definite time sentence. One interviewee indicated that while participation in programs was entirely voluntary, the prison administration would put much effort into encouraging lifers in particular to participate. As stated above, this is also a legal requirement in Finland. The interviewee mentioned that the prison administration would attempt to motivate the lifers to participate throughout their sentences, as it strongly believes that successful and engaged program participation was a key component of the opportunity for release after the minimum time served. The same interviewee noted that leaves were commonly allowed for lifers and were, as for every other prisoner, considered an important part of their reintegrative efforts. She further stressed that the successful completion of leaves was also considered a prerequisite for a grant of conditional release from prison later on. Lifers tended to start with a 12-hour supervised leave; they would only be allowed unsupervised leaves if they had successfully completed the supervised leaves. As they approached their possible conditional release from prison after 12 or 10 years, they would generally be allowed longer, unsupervised leaves.

Another interviewee working at CSA spoke to general reintegrative efforts, based on the lifer's individualized sentence enforcement plan. The interviewee noted that the ideal scenario was to prepare lifers in a step-by-step manner for more open prison conditions, with the goal of gradually preparing them for these open conditions before their release from prison. If the lifer performed well—e.g., if the lifer had met the expectations as set out in the sentence enforcement plan, had not had any serious disciplinary

infractions, and had not committed any new crimes while imprisoned—the transfer to an open prison could be possible after about 7 to 10 years spent in a closed facility. For the interviewee, this meant that the lifer release process actually started many years before the Helsinki Court of Appeals made the conditional release decision.

Despite these remarks that indicate that lifers are as much as possible treated as prisoners with definite time sentences, some Finnish interviewees also mentioned practical difficulties when enforcing life sentences. One interviewee from the CSA thought that it would be beneficial to expand the reintegrative work in prison and to give lifers specifically more opportunities to process their criminal thinking through psychological treatment geared toward helping them to cope with long-term incarceration. With that, she found that their likelihood of reoffending after release might be reduced. For instance, she suggested that lifers should be given more access to psychotherapy early on in their sentence. In practice, lifers tended to receive therapy only when their potential release date got closer. With lifers exclusively being convicted of murder, there should also be more specific programs available for them that could address their particularly violent behaviors. These suggestions echoed a comment of another interviewee from the CSA, who found that lifers typically only received intensified psychological support both during the final part of the prison term and right after imprisonment. The interviewee suggested that the lifers should be offered more psychological support throughout their prison sentences, as she considered reintegration a serious “long-term project.”

An important component of the reintegration of long-term prisoners, especially lifers, in Finland is supervision under probationary liberty. Once conditionally released, these prisoners will remain under intensive supervision for up to 6 months. Through this program, prison and probation personnel as well as social institutions in their communities would more easily be able to assist these offenders with immediate reintegration concerns. Furthermore, the interviewees believed that the closer supervision upon release for this time period helps with minimizing the “shock” from moving from incarceration to life within society.

Sweden

In a 1999-opinion report (*debattskrift*) on the use of life sentences in Sweden, the PPS pointed out that lifers continued to pose a particular challenge to their work. As the PPS’ legal statutes were directed toward preparing all prisoners, regardless of their sentence, for returning to society, the lifers were considered an obstacle to achieving this objective. Uncertain about their exact

release date, the PPS deemed it impossible to motivate the lifers to participate in any programs early in their sentence, which led to a debate about the abolition of life sentences. Despite these concerns, the life sentence was maintained with a legal change in 2006, but lifers were given a prospect of release after a minimum of 10 years served (Schartmueller, 2014).

Similar to interviewees in Denmark and Finland, interviewees from Sweden who worked within the PPS (4) stressed that lifers must be treated the same as all other prisoners. Interestingly, all of the interviewees referred to prisoners in general (and lifers specifically) using the term “clients” (*klienter*) rather than “prisoners” (*fångar* or *intagna*) throughout our conversations. The use of the term “client” in the context of lifers suggested to me that the individual offenders were understood as being in prison for a certain period of time to participate in services and receive assistance. The term also suggested to me a fairly close relationship between the prison administration and the lifers, in which the offenders’ individual needs were well known to prison staff.

Nevertheless, interviewees from Sweden pointed out that there exist some procedural differences pertaining to the initial intake between long-term prisoners⁷ (including lifers) and those serving shorter terms. To assess the specific needs of long-term prisoners, they must undergo a specific process at the onset of their sentence. They must be taken to the PPS’ reception center (*Riksmottagningen*) at Sweden’s largest prison, Kumla. At the reception center, they undergo a 6- to 8-week assessment process, in which prison personnel together with a psychologist and an investigator run a variety of tests and conduct interviews aimed at assessing the individual offender’s needs. On the basis of the test results, the team establishes the offender’s personal profile. Upon the drafting of the individual sentence enforcement plan, the PPS also takes into consideration the nature of the long-termer’s initial crime, the role of the offender in the crime that was committed, the offender’s insight into his or her own criminality, and any behavior results of previous times in prison, if applicable (Swedish Official Government Report, 2002:26). The PPS then uses these factors to allow for some kind of outlook to offer to both the long-termer and the prison administration during the time of imprisonment. For instance, staff assesses whether the prisoner has specific needs in terms of substance abuse, violence control, and/or has specific mental or medical service needs. The PPS central administration then receives the report and determines whether the prisoner is in need of any “special conditions of confinement.” This can refer to the location of confinement, the types of leaves allowed, whether the prisoner needs substance abuse treatment, or whether the prisoner must receive any specific mental health services. Two of the Swedish interviewees working in prisons noted that these special

conditions could be revised at any time during the offender's imprisonment. With longer sentences, especially life sentences, revisions would happen quite frequently. Similar to any other prisoner in Sweden, however, lifers must remain occupied during their entire time of imprisonment through work, study, or participation in any kind of treatment program. Only those prisoners who were housed in the psychiatric unit of the prison or who were in short-term isolation were not required to work.

To gradually prepare the lifers for release, they may also be granted leaves from prison. These leaves can be in the form of so-called short *lufthalspermissioner* or regular leaves (*permissioner*). The *lufthalspermissioner* are given specifically to long-term offenders to reduce prisonization effects. These leaves, which may only be granted after the offender has been imprisoned for at least 2 years, are supervised, with prison personnel accompanying the lifer outside the prison walls. *Lufthalspermissioner* should not exceed 4 hours (Swedish Government Official Reports, 2002:26). One interviewee working at a Swedish prison mentioned that lifers needed to have had a clean prison record for at least 6 months to become eligible for *lufthalspermissioner*. The lifers typically are accompanied by three officers and would not have a choice about where they would be taken for their leave.

To become eligible for regular leaves (*permissioner*) from prison, lifers must have served at least 4 years and 6 months in prison (Swedish Imprisonment Act, 2010:610, §10(1)). Lifers, like any other Swedish prisoner, may be granted either normal leaves or special leaves. According to PPS, lifer leaves are a privilege and not a right, and not every lifer is granted such (Swedish Government Official Reports, 2002:26). Similar to the practices in Finland, it is up to PPS' central administration rather than the individual prisons to determine whether a lifer should be granted leaves. Regular leaves may either be supervised or unsupervised, and some lifers are not granted any unsupervised leaves until right before their release from prison. One interviewee pointed out that lifers were generally not granted unsupervised leaves, if they were housed in a high-security, closed prison. To be granted an unsupervised leave, lifers first had to be moved to a lower-security, open facility. For example, Leif Axmyr,⁸ who was sentenced to life in 1982 for a double murder, and considered as the Swedish lifer imprisoned the longest, was only granted his first unsupervised leave in 2013, shortly after he was moved from a high- to a lower-security facility (Tagesson, 2013). If unsupervised leaves were completed successfully, however, additional leaves could be granted at an accelerated rate. For instance, the PSS was reported to have granted Axmyr three leaves during the first half of 2013, all of which were granted for 4 hours. During one of these leaves, Axmyr was spotted by eye-witnesses outside of the prison. They reported to a tabloid newspaper that

they saw him sitting outside a coffee shop with two friends “enjoying the sun and a pastry” (Micic, 2013).

Such as in Denmark and Finland, lifers in Sweden have the same rights as other prisoners. Yet, the fact that they do not have a set date of release has also led to some implementation problems of the reintegration principle in Sweden. As mentioned above, these were described in a Swedish Government Official Reports (2002:26) discussing the use of life sentences, and they were affirmed by my Swedish interviewees working in prisons (4) in early 2015. First, the interviewees stressed that they had found it difficult at times to plan work and treatment programs in a meaningful way for lifers. This was primarily due to the uncertainty of the lifers’ exact release date. One interviewee working in a high-security Swedish prison noted that it often proved difficult to organize the lifers’ participation in work and treatment programs effectively, as there was not a big variety of programs available to keep them occupied at all times. She found that it was important to spread out the programs somewhat evenly over their long sentences “in an effort to keep them sufficiently engaged” over the entirety of their sentence. Specifically, with regard to work programs, she mentioned that the prison administration would do everything to organize participation in adequate work programs closer to the lifers’ release, to make them “fit for the job market.” Sometimes, however, she had experienced that lifers were particularly motivated to participate in programs at the onset of their sentences, whereas the prison administration wanted them to engage in an increased number of programs closer to their release for the reasons mentioned. Thus, to avoid a decrease in the motivation of lifers to participate in work or treatment programs over the course of their sentence, the administration would attempt to meet their specific needs to the extent that the availability of programs allowed. Another interviewee, however, mentioned that she had noticed that, compared to prisoners serving definite time sentences, it appeared to her as if lifers typically took longer to accept their “fate.” Consequently, they often took “some time” to come to terms with their sentence before they started participating in programs. For that reason, she found it important to wait before “overwhelming” the lifers with too many programs early on.

Speaking to problems specific to lifers other than the implementation of programs, one Swedish interviewee working at a prison found that a major challenge she had noticed lately had arisen out of the housing situation for lifers and other long-term prisoners. Prisoners who were serving long sentences in her facility were typically housed together with offenders who only had to serve a few months. The interviewee suggested that she could imagine it to be a good idea to put lifers and other long-term prisoners together in a separate “long-termer” unit. She had observed that the “long-termers” tended

to get annoyed with the “short-termers,” as the latter “come in and only want to talk drugs and crime.” The long-termers, including the lifers, as she had experienced it over the years, often “just want to do their time in peace.”

Discussion

According to the European Prison Rules, the penal confinement of lifers, such as the confinement of any other prisoner, must be guided by reintegrative efforts in the Council of Europe member states. The prison administrations in Denmark, Finland, and Sweden have taken this recommendation seriously. Through a careful reading of the countries’ penal codes, I found that the countries have codified reintegration as their main purpose of punishment in their national laws, and they do not distinguish between prisoners serving definite and prisoners serving indefinite sentences when enforcing prison sentences. This indicates that reintegration must be the basic framework for penal confinement for all prisoners, regardless of whether the prisoner has a set date of release. Many of these methods also mirror the principle of normalization (in Denmark and Sweden) or normality (in Finland). Penal confinement of lifers such as the confinement of any other prisoner must reflect life outside of prison as closely as possible and even life-imprisoned offenders should remain connected to families, friends, and societal institutions throughout their prison sentence.

Moreover, the countries are aware of the detrimental effects that long-term imprisonment can have on an individual’s reintegration experience and they have applied specific methods to ease prisonization. First, the countries engage in a more careful assessment of the confinement needs of long-term prisoners, including lifers, at the onset of their sentence. The assessment is used to detail the specific needs of each prisoner and to individualize the enforcement of their sentence. Second, all three countries rely on sentence enforcement plans to organize prison sentences, including life sentences. These plans are drafted in cooperation with the prisoner and are revised in regular intervals. Third, lifers, such as any other prisoner, are mandated to work or participate in educational or treatment programs throughout their sentence. This mandate aims at countering the loss of a structured life, frequently experienced by long-termers (compare with Jewkes, 2005). Fourth, leaves are considered an integral part of any prison sentence in all three countries. Leaves aim at fostering relationships with family, friends, and the community, which has been considered especially beneficial for long-term prisoners (compare with Flanagan, 1995). Fifth, all three countries reported a propensity for spreading out programming throughout the prison sentence, but increasing programming efforts are typically taken closer to the lifers’ potential release. Finally, lifers are first

typically housed in higher-security facilities, but are moved to lower-security (open) facilities once they approach their potential release date. The increased freedom of movement in open prisons should help facilitate the gradual reintegration of lifers into society.

Despite the similarities between the three countries, minor differences exist in the enforcement of life sentences. First, leaves for lifers are handled in a slightly different manner. Sweden offers the opportunity to go on leaves at a much earlier stage (after 4 years) than Finland (after 8 years). In Denmark, lifers are also eligible for leaves, but a time frame for leave eligibility is not provided. Second, Finnish and Swedish prison personnel expressed concern about the lack of availability of adequate treatment programs for lifers specifically. In Denmark, program availability for this group of offenders was not of concern. Third, Finland offers lifers an intermediate stage in between incarceration and conditional release through supervision under probationary liberty for up to 6 months. This type of release is only offered to long-term prisoners in an effort to extenuate their reintegration process and to allow for a smoother transition from prison to conditional release. In contrast, Denmark and Sweden do not use more intensive supervision for long-term prisoners upon release. Finally, the interviewees differed in their perspective on whether lifers were easier to motivate and work with than prisoners serving shorter, definite time sentences. While interviewees in Denmark and Finland had by and large positive experiences with lifers, interviewees in Sweden were divided on this issue.

Conclusion

This study showed that reintegration as a purpose of penal confinement in the Scandinavian countries even for lifers clearly attempts to counter the negative effects of long-term incarceration. The prison administrations in Denmark, Finland, and Sweden are aware of the specific imprisonment challenges lifers face in their countries due to the length of their incarceration and their unknown release dates. Lifers are, therefore, continuously encouraged to participate in the enforcement of their own sentence, so that their sentence can be individualized to the best extent possible depending on their specific needs. The sentence plans in particular, which are used to facilitate the lifers' reintegration into society after their prison term, allow for an individualized approach to penal confinement. Furthermore, mandated work, education, treatment, and the possibility of prison leaves are considered integral parts of reintegration in all three countries, used to allow for a gradual transition of the lifer back into society. By maintaining the ties with family, friends, and

the community to the fullest extent possible, the prison administrations aim at minimizing the negative effects of prisonization.

Although this study emphasized that reintegrative efforts of prison administrations must be seen as an integral part of penal confinement, I was not to suggest that reintegrative efforts over the course of a lifer's penal confinement alone are responsible for a positive reintegration experience into society. How the individual lifers themselves experience efforts toward reintegration also depends on their life prior to imprisonment, the reentry process itself, and long-term reintegrative efforts and the use of support networks after release from prison (Visser & Travis, 2003). As Visser and Travis (2003) inferred, reintegration can mean different things for different criminal offenders. A next step in learning more about the lifers' specific needs upon release would be to focus on those who have been released. Future research should investigate what successful reintegration means to the lifers themselves, and it should examine how they have experienced the reintegration process.

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Notes

1. In Denmark, only 2.7% of the prisoners in 2013 were serving a prison sentence of 4 years or more (DPP, 2014, July). Meanwhile, in Finland and Sweden, 18% and 17% of prisoners, respectively, had to serve 4 years or more (Finnish Criminal Sanctions Agency, 2014; Swedish Prison and Probation Service, 2014).
2. Several undergraduate textbooks in the field of corrections in the United States now list reintegration as a separate purpose of punishment, for example, Gideon and Sung (2010) and Stohr and Walsh (2015).
3. In Denmark, this is the Sentence Enforcement Act (SEA, *Straffuldbyrdelsesloven*) passed in 2001. In Finland, the 2006 Act on Imprisonment (*Vankeuslaki*) is considered the legal basis for penal confinement. In addition to the Act on Imprisonment, some general provisions regarding the conditions of confinement are found in the Finnish Criminal Code. In Sweden, the Imprisonment Act (*Fängelseslag*) was passed in 2010 (Swedish Imprisonment Act, 2010:610, §1).
4. The Danish SEA holds that during the enforcement of a prison sentence, an individual's life must not be limited in any way other than for the purpose of

- confinement (SEA, 2001, Chapter 2, §4). In other words, any interventions into the offender's life other than the deprivation of liberty should only be made when absolutely necessary, for example, for security or order reasons (Engbø, 2005). According to Chapter 2(c) of the Finnish Criminal Code titled "Imprisonment" (780/2005) and §3 of the Act on Imprisonment (2006), "the content of a sentence of imprisonment is the loss or restriction of liberty." This means that during the time of their imprisonment, the offenders should merely be deprived of their freedom, but their constitutional and civil rights must be retained (Mohell, 2014). For that reason, the prison administrations must aim at minimizing the detrimental effects of imprisonment (Kaijalainen & Mohell, 2014).
5. Upon release from institutional confinement, a Finnish prisoner may be placed on supervision under probationary liberty. This is an intensive form of supervision within the community that can last up to 6 months.
 6. The term "normalization" is used in a different context in Scandinavia than in Michel Foucault's (1995) work "Discipline and Punish."
 7. In Sweden, long-term prisoners are defined as those who were sentenced to at least 4 years in prison.
 8. In reports on the lifers, all of the Swedish media outlets I reviewed provide the lifers' full names. Due to the extensive media reporting on some of these lifer cases, their names have become general household names.

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