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The American and Swedish Criminal Justice System: A Comparative Study

A thesis

presented to

the faculty of the Department of Criminal Justice & Criminology

East Tennessee State University

In partial fulfillment

of the requirements for the degree

Masters of Arts in Criminal Justice and Criminology

by

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May 2018

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Correctional System

ABSTRACT

The American and Swedish Criminal Justice System: A Comparative Study

by

Josefin M. Hedström

Hosting 22 percent of the world's prison population, the United States is the number one country in the world regarding incarceration rates where 1 in 109 adults are locked up behind bars and about two-thirds of offenders will recidivate within three years of their release (Durose, Coope, & Snyder, 2014; Kaeble, Glaze, Tsoutis, & Minton, 2016; U.S. Census Bureau, 2015; Walmsley, 2013). Sweden has one of the lowest recidivism and incarceration rates in the world where only 29 percent reoffend and 1 in 2,278 of their total population is behind bars (Kriminalvården, 2017; The World Bank, 2016). The purpose of this study is to understand the underlying reasons to these differences by comparing the U.S. and Swedish criminal justice systems and to find possible solutions of improvement to diminish the incarceration, recidivism, and crime rates in the U.S. Specifically, the policing, court, and correctional systems will be further compared.

TABLE OF CONTENTS

	Page
ABSTRACT	2
LIST OF TABLES	5
Chapter	
1. INTRODUCTION	6
Historical Development of the Swedish Criminal Justice System.....	8
Historical Development of the American Criminal Justice System	11
History of Tennessee and Comparison of Crime Rates	17
Conclusion	21
2. POLICING SYSTEMS	22
The U.S. Policing System	25
Police Use of Firearm	28
The U.S. Police Academies	29
The Swedish Policing System.....	31
The Swedish Police Academies	34
Differences and Discussion.....	37
3. COURT SYSTEMS	42
The U.S. Court System	45
The Federal Court System	48
Legal Actors.....	50
The Criminal Process.....	51
Tennessee.....	53
The Swedish Court System.....	55
Legal Actors.....	57
The Criminal Process.....	59
Differences and Discussion.....	61

4. CORRECTIONAL SYSTEMS.....	65
The U.S. Correctional System	67
Prison Conditions.....	68
In-prison Programs and Treatment	69
Correctional Officer Requirements and Training	71
Community Corrections and Life After Prison.....	72
The Correctional System in Tennessee.....	74
The Swedish Correctional System	75
Prison Conditions	77
In-prison Programs and Treatment	79
Correctional Officer Requirements and Training	81
Community Corrections and Life After Prison	83
Differences and Discussion	84
4. DISCUSSION.....	88
Limitations	89
Main Findings	89
Recommendations and Future Research.....	91
REFERENCES	93
VITA	106

LIST OF TABLES

Table	Page
1. Violent Crimes and Overall Ranking	19
2. Police Excessive Use of Force	25
3. Police Use of Firearms and Training	40
4. Conviction Rates	43
5. Recidivism Rates	66

CHAPTER 1

INTRODUCTION

The correctional system, recidivism rates, and crime rates are three crucial differences between the United States and Sweden. In 2013, the United States' population was approximately 4.4 percent of the world's population, but they were hosting roughly 22 percent of the world's total prison and jail population (U.S. Census Bureau, 2015; Walmsley, 2013). Looking at prisons only, the United States had 1,561,500 people incarcerated in 2014, which means that 1 in 204 people of the U.S population were locked up behind bars with a sentence of at least one year (Durose, Coope, & Snyder, 2014; U.S. Census Bureau, 2015). Not only does the United States have a serious prison-overcrowding problem, but their recidivism rates are extremely high as well. About two thirds of offenders return to prison within three years of their release (Durose et al., 2014). Since the early 2000's, Sweden's re-entry rate has dropped by almost 10 percent, and in 2011, only 31 percent of offenders committed another crime within a 3-year period after their release (Brå, 2016; Kriminalvården, 2015). The United States beats Sweden in almost all crime categories as well (Federal Bureau of Investigation, 2016). In 2016, there were 106 murders in Sweden, translating into a rate of 1.07 murders per 100,000 citizens (Brå, 2016; The World Bank, 2016). The same year, the United States had a murder rate of 5.3 murders per 100,000 citizens (Federal Bureau of Investigation, 2016).

To work towards understanding these differences and finding solutions on how the United States can decrease their mass incarceration, crime rates, and recidivism rates, one may start by looking at other countries that have successfully decreased their reoffending rates and crime rates. Sweden is well-known for their exceptionally low recidivism rates, their prison system, and their court system. As of 2015, Sweden had a total of 4,292 inmates incarcerated in all of their prisons combined, which is approximately 1 in 2,278 people out of

their total population (Kriminalvården, 2015; The World Bank, 2016). All 4,292 inmates participated in some form of job-training program, labor, or service program, and 2,205 of them took part in treatment programs for either substance abuse or mental health care (Kriminalvården, 2015).

The purpose of this comparative study was to analyze, compare, and evaluate the American criminal justice system to the Swedish criminal justice system to gain a better understanding of why there are such drastic differences between the two. Understanding such differences, one may find possible solutions to diminish the incarceration rates, recidivism rates, and crime rates in the United States. This study further analyzed and compared the Swedish policing, court system, and correctional system to the policing, court system, and correctional system in Tennessee. This U.S. state was chosen due to its similarity to Sweden in size and population. This comparative study is significant because to date, there are not many existing studies that clearly analyze, compare, and evaluate the differences between the United States' criminal justice system and a highly functional European criminal justice system like Sweden's (Shaw, Dijk, & Rhomberg, 2003; Terrill, 2013; UNDOC, 2017). It is important to voice such differences in order to shed more light on the problems with the American criminal justice system. This comparative study also strives to educate and increase empirical research on this subject in an effort to come closer to finding solutions of improvement. Before discussing and comparing the policing systems, court systems, and correctional systems in chapter 2, 3, and 4, it is important to have historical knowledge about these two criminal justice systems. The next section provides the history of Sweden as a country together with the development of the Swedish criminal justice system. The history of the United States and its criminal justice system will be discussed later as well, together with the history of Tennessee. The last section will briefly discuss the crime rates in Sweden, the United States, and Tennessee and how they compare to other modern countries.

Historical Development of the Swedish Criminal Justice System

It remains unclear the exact year Sweden became an official country, but the earliest judicial developments are believed to have occurred somewhere between the years 1000-1100 (Hadenius, Nilsson, & Åselius, 1996; Johansson, 1999). During that time, court sessions took place on top of hills and other distinguishable locations. Each province, in certain instances each town, had their own separate laws. These laws were only oral at the time and were to be interpreted and retold by the judge appointed by the province or town. This type of system was based on alliances formed within the community and it was important to know the right kind of people to receive justice. It was a very harsh and unfair justice system where the punishments were influenced from the Code of Hammurabi's an eye for an eye or a tooth for a tooth method (Johansson, 1999).

A more organized criminal justice system started to develop between the years 1200-1300 where Sweden moved towards establishing country laws instead of only having separate laws within each province or town (Johansson, 1999). The first recognized, written, and published federal laws were known as "Fridslagarna" and was founded in the middle of the 1200's by the Swedish statesman Birger Magnusson (Johansson, 1999). These laws included rules that protected women from being assaulted or kidnapped, provided each citizen with the right to privacy in one's own home, and prevented one from being arrested or assaulted inside of a church. Additionally, these early laws also had a rule called "tingsfrid", meaning that the judge or statesman had the power to call out for peace while a court session was in progress to ensure that the people involved in the judicial hearing could travel safely and make it to the session without being subject to crime. If a crime was committed during a "tingsfrid", the punishment was usually death (Johansson, 1999).

After the 1300's, all province and town laws were upheld and replaced by the country laws. Although, the criminal justice system remained slightly divided between the

cities and countryside where they both still had their own separate laws (Johansson, 1999). In 1614, the court system was divided into four separate levels called Häradsrätten (first level), Lagmansrätten (second level), Hovrätten (third level), and the king (fourth level) (Johansson, 1999). Häradsrätten was a court where cases such as misdemeanors and simpler civil cases were brought up. Most other criminal cases and any civil case that was appealed in the first level went through Lagmansrätten. All other criminal cases that were appealed in either the first or second level went to Hovrätten where the most gruesome crimes were processed. If a case was denied through all three levels of the court system, the criminal was sometimes given one last chance to plead to the king (Johansson, 1999).

In 1734, the “1734 års lag” was founded which can be compared to the United States’ Constitution (Johansson, 1999). The “1734 års lag” is the foundation and basis for all established and current laws in both Sweden and Finland and it replaced any existing laws left from the medieval time. When it was first introduced, it involved nine separate chapters covering marriage and divorce, heritage and testaments, real estate rights, agriculture rights, property rights, crimes and their equivalent punishments, execution of punishments, taxation and unpaid debts, and court regulations (Johansson, 1999). Most of the original 1734 laws have been replaced or renewed with time, except for some of the agriculture and merchandise regulations that are still enforced in the modern era of Sweden (Johansson, 1999).

In the 1800’s and 1900’s, Sweden experienced many changes that modernized their criminal justice system. There was a reinstitution of the government in 1809 and a formation of the “Advokatsamfundet” in 1880, which is the equivalent to the Bar Association in the United States (Johansson, 1999). The court levels also decreased from four levels to three levels in the 1800’s due to the abolishment of the old Lagmansrätten (second level). The king was also no longer granted any decision-making power in the criminal justice system and was later replaced by a Supreme Court known as Högsta Domstolen (Johansson, 1999). In 1950,

the European Convention of Human Rights was formed and established as law in Sweden. Sixteen years later, the European Union made several of their human rights regulations binding in European countries, including Sweden. In 1971, any remaining judicial separation between the cities and the countryside was abolished through the court level Tingsrätten, which replaced the Häradsrätten (first court level). In 1993, all human rights in Europe were declared as equally valued through the Wien declaration, which was directly put into effect in Sweden as well (Johansson, 1999).

On September 23, 2009, one of the most infamous crimes in Sweden, known as “the helicopter robbery”, occurred (Torgils, 2014). The helicopter robbery had a tremendous impact on the Swedish criminal security. Masked and armed with automatic weapons, assailants stole a helicopter and landed on the roof of one of the biggest cash depot buildings in Sweden. Three of the assailants climbed down into the building on two ladders through a glass window. They then proceeded to use explosives to get into the safe where all the money had been counted and stored (Torgils, 2014). While the employees of the cash depot hid in a locked storage closet, the robbers loaded the money into bags and hoisted them up the roof into the helicopter and flew away (Torgils, 2014). In the events of the robbery, the assailants had taken measures to elude the police. Homemade traffic spikes had been strategically placed on the streets leading to the cash depot building. The robbers had also placed explosives around the police headquarters where all their helicopters were stored to prevent the police from following them in the air (Torgils, 2014). A total of 39 million SEK was stolen during the night of the helicopter robbery which is equal to almost \$5 million (Torgils, 2014).

It is believed to have been a total of ten people involved in the helicopter robbery, whereof seven were found and arrested (Torgils, 2014). The sentences for the offenders varied between one and eight years in prison. However, the stolen money was never found

(Torgils, 2014). Following the events of the helicopter robbery, there was a call for a higher level of security around financial institutions in Sweden and the police had to reevaluate their prevention tactics (Torgils, 2014). One of the biggest mistakes was the miscommunication between the national police force and the Stockholm county police (Rikspolisstyrelsen, 2011). Three weeks before the actual helicopter robbery took place, the Swedish national police had received a tip from Serbia about a possible robbery on September 15, 2009 (Rikspolisstyrelsen, 2011). When nothing occurred on September 15, the national police cancelled the investigation and never shared the robbery suspicions with the Stockholm county police (Rikspolisstyrelsen, 2011). The Swedish national police received loads of criticism due to their poor investigation and lack of communication with the Stockholm county police. Furthermore, the helicopter robbery led to a reevaluation of how the police should act in crisis situations after the cash depot employees were left alone in the building and not evacuated until four hours after the robbers had left (Rikspolisstyrelsen, 2011). In comparison to the U.S. criminal justice system, there have been less historical and cultural events calling for drastic changes and adaptations to the Swedish criminal justice system. The next section will discuss the historical development of the American criminal justice system.

Historical Development of the American Criminal Justice System

The United States was discovered by Christopher Columbus in 1492 (The World Almanac and Book of Facts, 2008). In the 1600's, the American criminal justice system was a mix of European institutions where each of the 13 colonies had their own set of diverse laws, courts, and punishments that were influenced from countries such as England, Holland, Spain, and France (Roth, 2011). The major influence was the British government. All 13 colonies had been assigned a governor that had, in many of the cases, been selected by the British king himself. Each colonial governor appointed sheriffs and constables and worked as a correspondent to a governor's council and the British monarch. A governor's council was

usually made up by 12 to 18 members who were either directly appointed by the Crown or by highly ranked officials within the British government. Each colony also had a lower house consisting of members elected by the free, white, propertied class (Roth, 2011).

During this time period, a lot of Europeans immigrated to the United States, contributing to the continued diversity of the colonies' criminal justice system (Roth, 2011). However, not all immigrants came to the United States voluntarily. In 1615, a new banishment statute was introduced in England, creating a drastic increase of British convicts being transported to North America to serve their punishment as slaves. After working 4 to 7 years as a slave without a wage, the British convict could eventually be rewarded with freedom (Roth, 2011). In 1619, the first representative assembly took place in the United States. A miniature parliament was formed in Virginia consisting of two representatives from each of the 11 Virginian settlements. These representatives then met with the colony council and the governor. In this meeting, one of the earliest laws known as the "Blue Laws" were introduced, banning "drunkenness, gambling, idleness, 'excess in apparel', absence from church, and sundry misdemeanors." (Roth, 2011, p. 52). This was one of the first steps towards a self-governing democracy. At the end of the 1600's, the only legitimate government with complete authority was still considered to be the British Crown. Colonial laws were highly influenced by the British legal system where the focus was on very inhumane and severe punishments. Right before the American revolution, the U.S. criminal justice system started to break away from British criminal law by developing legal rights for criminals and by reducing the amount of capital crimes (Roth, 2011).

The 1700's was the revolutionary era in the United States. In 1776, the United States officially declared independence from Britain through the approval of the Declaration of Independence (Bureau of International Information Programs, 2004). At this point in time, the 13 colonies were now considered to be free and independent states. It was not until the

development of the Articles of Confederation between 1781 and 1788 that the nation started to come together as one under the same power. The Articles of Confederation provided the beginning of a Congress, but most legal power was still left to each individual state. The U.S. Constitution was ratified in 1788 which created a shift in the legal authority where the federal government started to gain more strength and control. Article VI, also known as the supremacy clause, in the Constitution was one of the first and most significant principles of U.S. law. The supremacy clause gave full power to the federal Constitution and prohibited the states from challenging its decisions. (Bureau of International Information Programs, 2004).

After the Constitution was established, there were still no clear guidelines of how the federal government should respond to Article VI. It was also unclear how the legal systems for each individual state should be applied and run (Bureau of International Information Programs, 2004). There were no specific laws over individual rights, rights to a trial by jury, and habeas corpus (Roth, 2011). Three years after the Constitution went into effect, the Bill of Rights were adopted (Roth, 2011). More amendments started to take form, making the Constitutional guidelines less unclear (Bureau of International Information Programs, 2004). Majority of these amendments only covered federal law and U.S. citizens' federal rights, but a large number of the states still modified their state laws after these federal bills (Roth, 2011). Due to the Bill of Rights only applying to the federal government, there was no overall national standard in the United States. It was not until 150 years later, in the 1950's, that the criminal justice system became more coordinated, incorporating set standards for all the states (Roth, 2011).

In 1789, the Judiciary Act implemented a federal court system, including a Supreme Court and official U.S. attorneys (Roth, 2011). The President of the United States at the time had the power to appoint such attorneys over a four-year term in each judicial district (Roth,

2011). To make sure that the federal government was not becoming too strong, their legal system was also divided into three branches; legislative, executive, and judicial (Bureau of International Information Programs, 2004). Followed by the ratification of the U.S. Constitution and the Judiciary Act was the implementation of a federal law enforcement known as the U.S. Marshal (Roth, 2011). The federal marshals and deputies' main task was to enforce the federal rulings and to make arrests. During the eighteenth century, the American criminal justice system really started to shift away from the British corporal punishment system and move towards a correctional era, mainly due to the influence of several great crime theorists such as Beccaria and Bentham. One of the most important legal happenings in the beginning of the 1800's was the Marbury v. Madison case in 1803 (Roth, 2011). This ruling recognized that the Supreme Court has the last and final word over all other courts, which has remained as a constitutional law in the modern U.S. criminal justice system. The American revolution era was one of the most important time periods, distinguishing the transformation between British and American law (Roth, 2011).

There was a large population increase in the urban areas of United States during the 1800's as well (Roth, 2011). Close to 250,000 immigrants came to the United States in the beginning of this century. This drastic change in population demographics led to social tensions, poverty, and violence in the big cities. Due to the immediate increase in urbanization and industrialization in the United States, law enforcement started to shift away from using amateur watchmen in the cities to establishing a more official civil police force. Boston was the first city in America that implemented a police district in 1807. In the 1840's and 1850's, a professional police force had evolved throughout the United States. Basis for corrections, parole, and probation was established during this time period as well (Roth, 2011).

The U.S. Civil War between 1861 and 1865 divided the country on several serious issues such as slavery, free labor, and the legal rights of African Americans (Roth, 2011). The civil war hit America hard and was followed by several economic depressions, a rise in violent crimes, and a massive continued increase in immigration. However, the fourteenth amendment was implemented at the end of the Civil War, giving African Americans equal legal rights and making them legal citizens (Roth, 2011). Closely followed was the Fifteenth Amendment, providing equal rights for all citizens to vote no matter their race, color, or previous status (Roth, 2011). However, none of the amendments applied to women and the states continued to suppress African American rights through black codes and other state laws. The Civil Rights Act of 1875 further prohibited public buildings, hotels, and railroads from discriminating African Americans, but it was not until 1883 that the Supreme Court stated that racial discrimination was unconstitutional (Roth, 2011). Slavery and racism in the United States has left a deep mark in their criminal justice system through a long history of oppression and discriminating laws that can still be seen today in the overrepresentation of blacks in their correctional system (Mandery, 2012; Roth, 2011).

In the beginning of the 1900's, every single state in the United States had adopted the modern criminal justice system by implementing probation, parole, and a juvenile court system (Roth, 2011). However, the early 1920's up to the 1930's in the United States is known to be the "lawless decade". Roth (2011) explained that this reference was partially due to the approval of the eighteenth amendment prohibiting liquor, which created an increase in criminal activity and corruption. In 1933, the twenty-first amendment repealed the eighteenth amendment. Interestingly, the early 1900's was found to be safer crime wise when compared to the 1980's. The Federal Bureau of Investigation was established in 1908 and expanded further in the 1930's due to the empowerment of the federal government through the New Deal (Roth, 2011).

The American criminal justice system further advanced after World War II and the Cold War where the country moved into a rehabilitative era (Roth, 2011). The social scientist Thorsten Sellin published research in the 1960's indicating that sanctions such as the death penalty did not deter crime (Roth, 2011). In 1972, the Supreme Court ruled capital punishment to be unconstitutional due to it being considered cruel and unusual under the eight amendment. However, four years later, the United States started to shift back into a retributive era. Capital punishment was once again reinstated by the Supreme Court by a 7-2 ruling that it was not in violation of the eight amendment (Mandery, 2012). The public's fear of crime increased in the late 1970's and 1980's and politicians started a "tough on crime" and a "war on drugs" approach to win votes (Roth, 2011). The retributive era led to the implementation of several crime fighting policies such as mandatory minimum sentencing laws for drug offenses and the 1994 three-strikes crime bill. Such "get tough on crime" laws severely impacted the correctional system by a drastic increase in mass incarceration and blacks continued to be overrepresented in prison (Roth, 2011).

Moving into the 21st century, there was a massive reorganization of the criminal justice system after the 9/11 terrorist attack, where the FBI's war on terrorism started (Roth, 2011). Another important event was the Roper v. Simmons ruling in 2005 where the Supreme Court prohibited juveniles from being sentenced to death and executed (Mandery, 2012). Even though this century is known for the many mass shootings and terrorist attacks, both violent and property crime rates have continued to decrease since the 1990's (Roth, 2011). However, compared to most other westernized countries, the crime rates in the United States are very high (Brå, 2016; Federal Bureau of Investigation, 2016; UNODC, 2017). The next section will provide a brief history over Tennessee, and later discuss the crime rates in the United States, Sweden, and Tennessee, and how they compare to other modernized countries.

History of Tennessee and Comparison of Crime Rates

The state of Tennessee became a part of the Union in 1796 through the approval of their first Constitution in Knoxville (Hargett, 2014; TDOC, 2013). The ratification of the first Constitution of the state of Tennessee shifted the power over to the legislative branch which gave that division close to full control over the state government (Hargett, 2014). In 1819, the Governor of Tennessee suggested that the state should fund the construction of a central prison, but the suggestion was shut down (TDOC, 2013). Ten years later, the first act was passed, approving the funding of a state prison. At this point, male and female offenders were put together in the same prison units. It was not until the 1890's that the Tennessee State Penitentiary separated the wings based on gender (TDOC, 2013). In 1907, Governor John Isaacs Cox passed an act to approve the construction of a boys' juvenile facility in Tennessee (TDOC, 2013). The Tennessee Bureau of Criminal Identification (TBCI), later known as Tennessee Bureau of Investigation (TBI), was established in 1951 after a gruesome crime received lots of attention in the media (TBI, N/A). It was not until almost 30 years later, in 1980, that the TBCI was reformed into an independent agency and changed its name to TBI (TBI, N/A). Tennessee had a recidivism rate of 47.1 percent in 2016, meaning that close to half of all released offenders were rearrested within three years of their release in this U.S. state (TDOC, 2017). Tennessee had an overall lower recidivism rate than the U.S. but it was almost 20 percent higher than Sweden's (Durose et al., 2014; Kriminalvården, 2015; TDOC, 2017).

The crime rates in the United States and Tennessee are currently decreasing, but they are high compared to most other highly developed countries in Europe such as Sweden (Brå, 2016; Federal Bureau of Investigation, 2016; UNODC, 2017). As discussed earlier, Sweden had a murder rate of 1.07 murders per 100,000 citizens in 2016 (Brå, 2016; The World Bank, 2016). The United States had a murder rate of 5.3 murders per 100,000 citizens that same

year (Federal Bureau of Investigation, 2016). Furthermore, there were 5,940 reported robberies in Sweden in 2016, which is 60 robberies per 100,000 citizens (Brå, 2016; The World Bank, 2016). In the United States, there were 332,198 robberies alone, translating into a crime rate of 102.8 robberies per 100,000 citizens (Federal Bureau of Investigation, 2016). The trend continues in the burglary rates where Sweden had a crime rate of 222 burglaries per 100,000 citizens in 2016 (Brå, 2016; The World Bank, 2016). The same year, the United States had a crime rate of 468.9 burglaries per 100,000 citizens (Federal Bureau of Investigation, 2016). Overall, both the violent crime and property crime rates in the United States have slowly but steadily decreased since 1997. Murder and nonnegligent manslaughter slowly decreased as well down to a 4.4 rate per 100,000 citizens in 2014, but since then, the murder rate has started to increase up to 5.3 in 2016 (Federal Bureau of Investigation, 2016). Similar to the United States, property crimes in Sweden have also steadily decreased since 1997, but the murder crime rates have stayed constant (Brå, 2016; The World Bank, 2016).

Together with Sweden and the United States, 34 other westernized countries are members of the Organization for Economic Cooperation and Development (OECD), which is an organization allowing modern governments to compare rankings with each other such as crime rates, income, education, and health (Cowen & Williams, 2012). Comparing the violent crime rates of Sweden and the United States to the rest of the 34 OECD members, the United States ranked third in police recorded homicide cases per 100,000 citizens in 2012 and Sweden ranked twenty-fifth (Cowen & Williams, 2012). Regarding simple assaults, the United States ranked tenth in 2015 and Sweden ranked twenty-third (Cowen & Williams, 2012; UNODC, 2017). The ranking was closer when looking at robberies per 100,000 citizens where the United States ranked eight and Sweden ranked tenth in 2015 (Cowen & Williams, 2012; UNODC, 2017). Sweden had the highest ranking of rape out of all the 36

OECD countries in 2015. That same year, the United States ranked fourth in rape rate per 100,000 citizens (Cowen & Williams, 2012; UNODC, 2017).

In 2012, there were 388 murders in the state of Tennessee, which converts into a crime rate of 6.0 murders per 100,000 citizens (Federal Bureau of Investigation, 2012). That ranked Tennessee as second in police recorded homicide cases when compared to the 36 OECD countries, including Sweden and the United States (Cowen & Williams, 2012; Federal Bureau of Investigation, 2012). In 2015, Tennessee had a higher assault rate than both Sweden and United States citizens (Federal Bureau of Investigation, 2015; UNODC, 2017). The state of Tennessee ranked fifth with a crime rate of 452.2 assaults per 100,000 citizens (Federal Bureau of Investigation, 2015; UNODC, 2017). Furthermore, there were 7,474 robberies in Tennessee in 2015 alone. That ranked them in seventh place with a crime rate of 113.2 robberies per 100,000 citizens (Federal Bureau of Investigation, 2015; UNODC, 2017). Tennessee had a crime rate of 40.5 rapes per 100,000 citizens in 2015 (Federal Bureau of Investigation, 2015). That was 1.95 higher than the U.S. national average during that year, which would put Tennessee in fourth place compared to the other 36 countries (Federal Bureau of Investigation, 2015; UNDOC, 2017). The violent crime rates and country ranking are noted below in Table 1.

Table 1.

Violent Crime Rates and Overall Ranking

Violent Crime	United States	Sweden	Tennessee
Murder	5.3 (3rd)	1.07 (25th)	6.2 (2nd)
Robbery	102.8 (8th)	60 (10th)	113.2 (7th)
Burglary	468.9 (21st)	222 (33rd)	655.2 (11th)
Rape	38.6 (5th)	56.69 (1st)	40.5 (4th)

Note. Crime rate per 100,000 citizens in 2015 and ranking compared to the 36 OECD countries including Sweden and the United States.

It is important to take into consideration when comparing crime rates between countries that not all nations have the same legal definitions for their crimes. Due to differences in legal definitions, the crime data may not give a 100 percent accurate representation of the ranking. The legal definition of rape in Sweden is “A person who by assault or otherwise by violence or by threat of a criminal act forces another person to have sexual intercourse or to undertake or endure another sexual act that, having regard to the nature of the violation and the circumstances in general, is comparable to sexual intercourse, shall be sentenced for rape to imprisonment for at least two and at most six years.” (Regeringskansliet, 2017, Penal Code Ch. 6, Sec. 1). Sweden also counts every rape as individual rapes, meaning that if the same victim was raped multiple times at the same or different occasions by the same offender, each rape is counted individually in the crime statistics (Brå, 2017).

In the United States, the legal definition of rape is “The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” (Federal Bureau of Investigation, 2013, p. 1). The FBI includes both attempts to rape and assaults to commit rape under the definition of rape in their Uniform Crime Report (UCR) (Federal Bureau of Investigation, 2013). Statutory rape is not included in the UCR and each victim is counted as one offense only (Federal Bureau of Investigation, 2013). Another important factor one must take into consideration is the percentage of victims who actually report being raped to the police by looking at victimization surveys. Unfortunately, the crime statistics from official victimization surveys between Sweden and the United States are not comparable because the United States does not provide separate data for rape and sexual assaults in their National Crime Victimization Survey (Truman & Morgan, 2016).

Conclusion

Sweden and the United States' criminal justice system differ on three vital points; incarceration levels, recidivism, and crime rates. The United States was the host to 22 percent of the world's prison and jail population in 2013 alone and 1 in 204 Americans were incarcerated in 2014 (Durose et al., 2014; U.S. Census Bureau, 2015; Walmsley, 2013). In Sweden, about 1 in every 2,278 Swede of their total population was incarcerated in 2015 (Kriminalvården, 2015; The World Bank, 2016). Close to two thirds of released offenders are rearrested within 3 years in the United States (Durose, et al., 2014). In Sweden, the recidivism rate was down to 31 percent in 2011 (Kriminalvården, 2015). The United States does not only have a larger prison population and a higher recidivism rate than Sweden, the crime rates are higher as well in all categories except for rape where Sweden ranked as the number one nation out of the 36 OECD countries (Brå, 2016; Federal Bureau of Investigation, 2016; UNODC, 2017).

The answer to why there are such differences in incarceration, recidivism, and crime rates in the United States and Sweden may be explained by examining the differences in their history, policing, court system, and correctional system. Chapter 2 will discuss and compare the policing systems. Chapter 3 will focus on the court systems together with their different sentencing laws. Chapter 4 will evaluate their correctional systems, including probation, parole, and life after prison. The main purpose of this comparative study is to find answers to why there are such major differences in incarceration levels, recidivism, and crime rates between Sweden and the United States to find solutions of improvement to the American criminal justice system. This study also strives to educate the reader and to shed more light on the problems with the American criminal justice system to spark an increase in empirical research on this subject.

CHAPTER 2

POLICING SYSTEMS

After having historical knowledge about the Swedish and American criminal justice system, one may now discuss the differences in the two countries' policing systems, court systems, and correctional systems. In order to better understand the differences in recidivism rates, incarceration rates, and crime rates between Sweden and the United States, one has to look at where an offender's initial contact with the criminal justice system occurs. Majority of the times, this initial contact happens with the police. This chapter will provide information regarding the Swedish and American policing systems and discuss the similarities and differences between the two. Law enforcement in Tennessee will be discussed as well to get a better understanding and comparison between the two countries.

In the United States, law enforcement makes up the biggest section of the criminal justice system (Hendrix & Inciardi, 2014). Agents of the U.S. policing system are supposed to prevent crime, maintain peace and order, and protect the society and constitutional rights of each citizen (Hendrix & Inciardi, 2014). The Swedish police force have similar goals as the U.S. policing system where they strive to diminish criminality and increase their citizens' security and safety (Polismyndigheten, 2017). Police officers have both the power and the discretion to make an arrest, which is the first step in beginning the criminal process. This responsibility makes it vital that officers' decisions and subsequent actions are fair and unbiased.

The U.S. arrest rate has been slowly decreasing since the mid- nineties (Snyder, Cooper, & Mulako-Wangota, 2017). However, racial disparities can still be seen in the U.S. arrestee demographics. In 2014, 28 percent of the people arrested in the U.S. were black, despite only making up about 13 percent of the total population (Snyder et al., 2017; U.S. Census Bureau, 2015). In Tennessee, the racial disparity was even greater where 39.3 percent

arrested for crimes against persons were black where they only made up 17.1 percent of the total state population (TBI, 2015, U.S. Census Bureau, 2017). Looking at property offenses only, the arrestee demographics for blacks in Tennessee were 33.4 percent (TBI, 2015). Interestingly, blacks only made up 15.2 percent of the total federal arrestees, which is closer to the characteristics of the total U.S. population (Motivans, 2017).

Arrest data can only explain a small part of the problem with the U.S. criminal justice system. In 2014, 17.1 percent of all federal arrestees were never prosecuted (Motivans, 2017). The number one reason for declination was insufficient evidence, which made up 56.7 percent of all declined federal matters (Motivans, 2017). In Sweden, insufficient evidence only made up 16 percent of all declined criminal matters and has been continuously decreasing as of 2016 (Åklagarmyndigheten, 2017). Whether this difference is due to variations in the two policing systems cannot be answered in this study, but more future research on the matter is necessary. The differences in prosecution and conviction rates will be discussed more in depth in chapter 3, but it is important to include it in this chapter as well, together with the differences in the Swedish and American policing systems. The racial disparity in the U.S. arrestee demographics are also important to deliberate on, but unfortunately, such statistics are not comparable to the Swedish arrestee demographics. In Sweden, the characteristics of offenders are only categorized by gender, age, and foreign background (Brå, 2017).

Another major difference between the Swedish and American police is officer misconduct and the use of fatal force. Between 2002 and 2011, an average of 1.6 percent of the 43.9 million people in contact with U.S. law enforcement per year reported having experienced nonfatal force from an officer (Hyland, Langton, & Davis, 2015). That equals to 1,630 per 100,000 people who had been in contact with an officer experienced threats or nonfatal force (Hyland et al., 2015). Although 1.6 percent is low, Hyland et al. (2015) also

discovered racial disparity within the U.S. police use of force. Whites interacted more often with the police, but blacks were found to have experienced force during a personal search twice as many times (Hyland et al., 2015). The most recent statistics from the Swedish Department of Special Investigations showed that only 17 percent of the 6,258 reported complaints of misconduct within the justice system were related to excessive use of force by police officers (Polismyndigheten, 2017). The Swedish police are in contact with close to 1.3 million people each year (Polismyndigheten, 2017). That means that about 82 per 100,000 people who had been in contact with an officer experienced some sort of police misconduct and reported it (Polismyndigheten, 2017). Looking at fatal force, the average number of people fatally shot by the Swedish police per year over the past 25 years has been one (Polismyndigheten, 2016). The latest publication over fatal U.S. police shootings reported that there were a total of 2012 fatal encounters between January 1st, 2015 and October 31st, 2016 (Kivisto, Ray, & Phalen, 2017). That is an average of 3 fatal shootings per day. In other words, a person living in the U.S. may be 34 times more likely to get fatally shot by the police than a person living in Sweden (Kivisto et al., 2017; Polismyndigheten, 2016; The World Bank, 2016; U.S. Census Bureau, 2017). However, one must take into consideration that Sweden and the United States have different gun laws. Due to Sweden having stricter gun laws, the probability of a Swedish police officer encountering a suspect with a gun will most likely be lower than the likelihood of an American encountering an armed individual.

Working as a police officer is a dangerous job. In fact, there were 48,315 reports of assaults against U.S. police officers in 2014 (FBI, 2015). That same year, 1499 reports of assault against an officer in Sweden were filed (Polismyndigheten, 2016). In the U.S., the officer assault rate was 9 per 100 police officers, where Sweden's rate was 7.7 per 100 police officers (FBI, 2015; Polismyndigheten, 2015; Polismyndigheten, 2016). It is certainly interesting how there is not a huge difference between the officer assault rates in Sweden and

the United States, but the difference in the use of both non-fatal and fatal force by sworn Swedish and American police officers is quite large. Table 2 provides an overview over such data.

Table 2.

Police Excessive Use of Force

	United States	Sweden
Police misconduct nonfatal use of force	1,630	82
Police misconduct fatal use of force	0.34	0.01

Note. Police excessive use of force per 100,000 citizens.

However, more data collection and research are required to determine whether such statistics are significant. One may only speculate whether the differences discussed above are due to variances in the two policing systems. Further research over the differences between arrest data and prosecution rates, police misconduct and officer assault rate, and racial disparity is needed. Nevertheless, this chapter will lay the foundation for such future research by providing thorough information regarding the American and Swedish policing systems. Specifically, this chapter will discuss more in depth the differences in the Swedish and American policing systems by going over their police academy programs and education, organizational structure, and overall goals.

The U.S. Policing System

The policing system in the United States contains somewhere around 23,000 to 25,000 public agencies, which are all structured after three levels; federal, state, and local law enforcement (Hendrix & Incardi, 2014). The federal section of the American policing system is part of the executive branch of the government and their main focus is to enforce and maintain the U.S. statutes (Hendrix & Incardi, 2014). The Federal Bureau of Investigation

(FBI), the Department of Homeland Security (DHS), and the Drug Enforcement Administration (DEA) are three of the most well-known federal agencies (Hendrix & Incardi, 2014). Below the federal agencies, there are state level law enforcement located in every U.S. state to uphold the state laws (Hendrix & Incardi, 2014). These agencies also have the task to investigate crimes and to serve rural towns where there is no local law enforcement (Hendrix & Incardi, 2014). State level officers may provide investigative support to the federal policing level but also provide service to fulfill duties of the local law enforcement when it is needed (Hendrix & Incardi, 2014). The third level of policing is local law enforcement. The main duty of the local police is to diminish crime and maintain peace in towns, cities, and counties all over the nation (Hendrix & Incardi, 2014). Furthermore, the sheriff's office of the local police agencies must sustain the local jails, process prisoners through the system and transport them, and provide service in civil matters (Hendrix & Incardi, 2014).

Apart from federal, state, and local law enforcement agencies, there is a privately organized police force in the United States as well. Private policing has grown larger over the past years mostly due to the public's misinformed fear of an increase in crime (Hendrix & Incardi, 2014). As of 2014, the United States had over 2 million private police officers, which greatly exceeds the number of officers within public law enforcement (Hendrix & Incardi, 2014). The main tasks of private law enforcement agencies are to "provide guard, patrol, detection, protection, and alarm services, as well as armored-car transportation, crowd control, and retail and industrial security." (Hendrix & Incardi, 2014, p. 124). Private policing may also deal with problems such as fraud investigations or runaway children that the public policing does not have the time or resources to investigate thoroughly (Hendrix & Incardi, 2014). Another example of such private policing system would be an agency that conducts surveillance or background checks for companies or private persons (Hendrix & Incardi, 2014; Joh, 2004).

The U.S. policing system is mainly based on a militaristic model, meaning that the focus is on following the rules and commands of the administrative leaders within each agency and to enforce the law efficiently (Hendrix & Incardi, 2014). An average urban police agency's departmental organization usually starts with a police chief at the top of the hierarchy (Hendrix & Incardi, 2014). Right below the police chief is the executive officer and the police relations section (Hendrix & Incardi, 2014). The organization then divides into a patrol/resource division and an investigations/administrative division (Hendrix & Incardi, 2014). These specific units can be responsible for various things depending on the size of the agency. Such responsibilities are most commonly divided into homicide units, narcotics units, training units, and recruiting units (Hendrix & Incardi, 2014).

Even though there are somewhere around 23,000 to 25,000 law enforcement agencies in the United States, only 13,217 of them reported statistics to the Federal Bureau of Investigation in 2016 regarding employee demographics (FBI, 2017; Hendrix & Incardi, 2014). The agencies that reported to the FBI provided information over 933,142 law enforcement employees in the United States in 2016 (FBI, 2017). That converts into a rate of about 2.2 law enforcement employees per 1,000 citizens (FBI, 2017; U.S. Census Bureau, 2017). The sworn police officer to citizen ratio is slightly smaller where there were 2.02 officers per 1000 citizens in 2016 (FBI, 2017; U.S. Census Bureau, 2017). Overall, 26.5 percent of the total employees were women (FBI, 2017). The percentage of female employees were much higher in the total civilians, reaching 60 percent (FBI, 2017). Looking at sworn police officers only, the female percentage decreased down to 12.1 percent (FBI, 2017). The most recent data from Tennessee show that there were 375 local and state law enforcement agencies in 2008 (Reaves, 2011). In 2012, there were 17,376 sworn police officers (Banks, Hendrix, Hickman, & Kyckelhahn, 2016). That equals to 2.69 officers per 1000 inhabitants, which is slightly higher than the national average (Banks et al., 2016).

However, one must take into consideration that only half of all law enforcement agencies reported their data to the FBI, so the national police officer to citizen ratio is most likely higher than 2.02 per 1,000 individuals (FBI, 2017).

Police Use of Firearm

In a recent study by the TBI (2013) it was discovered through the 295 participating agencies that there were 234 reported officer involved shootings in Tennessee between 2007 and 2011 (TBI, 2013). Majority of these shootings took place at a home or a residence with a single suspect (TBI, 2013). The demographics of the suspects involved in the shootings were 212 males, 11 females, and 11 suspects with no reported gender (TBI, 2013). Blacks were highly overrepresented in the suspect demographics by making up a little over 46 percent of the total involved individuals (TBI, 2013). The police officers involved in the shootings were males in 97 percent of the occasions (TBI, 2013). From the total number of officers involved, 79.6 percent were white (TBI, 2013). Most officers involved in a shooting incident had served in the agency between 0 to 5 years (28.2 percent) or 6 to 10 years (27.5 percent) (TBI, 2013). In 50 percent of the cases where a shooting occurred, the suspect had not been influenced by drugs or alcohol, or suffered from a mental illness (TBI, 2013). About 35 percent of the shootings involved a person that was impaired by alcohol or drugs, or was mentally ill (TBI, 2013). The other 15 percent of the documented shootings did not report the mental state of the suspect (TBI, 2013). The most common weapon used by the suspects was a pistol, which occurred in 47.48 percent of the occasions (TBI, 2013). A lawsuit was filed in 8.4 percent of the shooting incidents (TBI, 2013). However, 52 percent of the law enforcement agencies chose not to answer the question whether a lawsuit was filed or not (TBI, 2013). TBI (2013) found that about half of all agencies that responded to the study believed that judgmental training and more force tactics could help decrease shooting incidents. About a third of all agencies also stated that more intervention training would be

beneficial (TBI, 2013). Interestingly, another third of the agencies did not believe that any further training or education was necessary (TBI, 2013).

The U.S. Police Academies

Between 2011 and 2013, there were 664 active police academies in the United States (Reaves, 2016). These academies recruited and provided training for both local and state law enforcement agencies. The requirements to be accepted into a police academy and the training that is provided can vary from academy to academy. For example, in Johnson City, Tennessee, the main requirements for acceptance are that the applicant is 21 years or older, is a high school graduate or has a GED, has not been convicted of a felony charge, and has not been in violation of a federal, state law, or any other city ordinances (JC Police Department, 2018). The applicant must also pass the Tennessee Peace Officers Standards and Training Commission standards (JC Police Department, 2018). Under the Tennessee Peace Officers Standards and Training Commission standards, the applicant must file their fingerprints with the TBI, pass a physical examination, be deemed to have a good moral character, and have no mental impairment (Tennessee POST, 2014).

The average length of a U.S. police training academy is 840 hours, which equals to about 21 weeks (Reaves, 2016). Close to a third out of all academies (37 percent) also have mandatory field training, meaning that the recruits have to complete a segment of working in the field with a sworn police officer before graduating from the academy (Reaves, 2016). The mandatory field training aims to provide the recruit with valuable practical experience involving community service and assimilation with the department (Reaves, 2016). This component also varied from agency to agency. State police/highway patrol and the county police academies have the highest mandatory field training of 76 percent (Reaves, 2016). Close to all police academies (97 percent) also provided community policing training, which is a style of policing that focuses less on strictly enforcing laws and more on community

satisfaction and building relationships (Hendrix & Incardi, 2014; Reaves, 2016). Over 90 percent of the police academies provided training covering domestic violence, sexual assault, and mental illness (Reaves, 2016). However, the average time for such training was only 13 hours for domestic violence, 6 hours for sexual assault, and 10 hours for mental illness (Reaves, 2016).

The U.S. police academies average 168 hours of required basic training that covers the use of firearms, use of force, and defensive tactics (Reaves, 2016). These 168 hours were divided into an average of 71 hours of firearm training, 60 hours of defense training, and 21 hours of use of force training (Reaves, 2016). Depending on the academy, different types of firearm training was offered. Majority of recruits (9 out of 10) had received weapon training in bad lightning and during night-time, 89 percent had been provided with training on how to use a firearm in stressful situations, and close to 99 percent of all recruits had gone through mock scenarios involving firearms based on real life events (Reaves, 2016). Interestingly, Reaves (2016) found that the police academies that provided more real-life based mock scenarios were reported to be a more stressful training environment for the recruits than the academies that provided less real-life scenarios. In fact, one out of four police academies were found to have completely stress oriented drills only (Reaves, 2016). The state and highway patrol academies were most likely to follow such model, and State Peace Officer Standard and Training (POST) and college/university academies were least likely to have a training environment focusing on how to handle stressful situations (Reaves, 2016).

According to the Peace Officer Standards and Training Commission in Tennessee, the basic training requirements are that the academy should last a minimum of 400 hours (Tennessee POST, 2010). Included in those 400 hours are 75 hours of basic patrol procedures, 50 hours of criminal and constitutional law and procedures, 40 hours of emergency vehicle operations, 40 hours of firearm training, 40 hours of physical defense, 30

hours of human relations (sociology, psychology, sexual harassment, gang culture, and domestic terrorism), 25 hours of interpersonal communications, 11 hours of criminal justice system education, 10 hours of emergency medical training, 10 hours of written communications (police reports and writing skills), 9 hours of law enforcement stress (symptoms, coping mechanisms, health, nutrition, and marriage), 3 hours of administrative work, and 3 hours of ethical and professional conduct (Tennessee POST, 2010).

There are no comprehensive statistics over the demographics of the recruits in the U.S. police academies due to only 73 percent of the agencies reporting data over sex and only 51 percent providing data over race and ethnicity (Reaves, 2016). However, out of the 488 academies that did provide data over sex, it was found that 15 percent of the recruits were women (Reaves, 2016). Out of those women, 80 percent graduated the academy compared to 87 percent of the men (Reaves, 2016). Looking at the 51 percent of agencies that published data over race, 1 out of every 3 recruits came from a racial or ethnic minority (Reaves, 2016). Blacks had a completion rate of 79 percent, whereas whites, Hispanics, and all other ethnicities had a completion rate of 86 percent (Reaves, 2016). Overall, the police academies had a total completion rate of 86 percent, whereas the academies with a less stressful-oriented environment had the highest (Reaves, 2016). The number one reason for failing to complete and graduate from an academy was due to voluntary withdrawal, followed by academic failure and physical standards as the second and third reason (Reaves, 2016). Both sexes were almost equally as likely to voluntarily withdraw from an academy (Reaves, 2016). However, males were more likely to fail the academics section and females were found to be more likely to fail the physical standards (Reaves, 2016).

The Swedish Policing System

In 2017, the Swedish policing system was organized after 7 regions, 27 police districts, 95 local police districts, 5 national departments, the Department of National

Operations, the National Forensic Center, the Department of Special Investigations, and the Office of the National Police Commissioner (Polisen, 2017). Each of the 7 regions oversees a specific area, usually covering multiple counties (Polisen, 2017). All police regions have a regional police chief and they are responsible for all police operations and activities in the area that they are covering (Polisen, 2017). Every police region is also divided into 27 police districts and 95 local police districts (Polisen, 2017). The police districts usually cover the area of a whole county, whereas the local police districts are situated in either one or several municipalities (Polisen, 2017). It is the local police districts that are responsible for regular law enforcement duties such as crime prevention, basic investigations, traffic violations, and peacemaking (Polisen, 2017). The police districts will cover more complex duties and serious crimes that the local police are not equipped to handle (Polisen, 2017). Such duties can involve dealing with hate crimes or domestic violence cases (Polisen, 2017).

Unlike the United States, Sweden has a national police force under the Department of National Operations (Polisen, 2017). However, the national police force does not carry out their own investigations or operations. Their main responsibility is to supervise all national and international police activities, support operations of local police districts and police districts, oversee all resources to make sure that they are efficiently used, relocate any resources when needed, and provide reinforcement when necessary (Polisen, 2017). The five National Departments include human resources, information technology, legal affairs, financial affairs, and communication (Polisen, 2017). The National Forensic Center (NFC) is in charge of all forensic investigations and consists of an information technology unit, biology unit, drug analysis unit, and a chemistry/technology unit (Polisen, 2017). The Department of Special Investigations is an independent agency that oversees and investigates complaints and offenses committed by agents of the justice system such as police officials, judges, prosecutors, police recruits, and parliament members (Polisen, 2017). The last

segment of the Swedish policing system is the Office of the National Police Commissioner. The main mission of this office is to provide guidance and support to the national police commissioner (Polisen, 2017).

In 2016, there were 29,517 employees within the Swedish policing system, where 20,025 of them were sworn police officers (Polismyndigheten, 2017). That translates into a rate of about 2.02 sworn officers per 1000 citizens (Polismyndigheten, 2017; The World Bank, 2016). The total percentage of hired females were 43 percent, which is an increase by 1.4 percent compared to 2015 (Polismyndigheten, 2017). Looking at the sworn police officers only, close to 32 percent of them were women (Polismyndigheten, 2017). The percentage of females was even higher among the 9,492 non-sworn employees, reaching 67 percent (Polismyndigheten, 2017). The number of employees with a foreign background had increased from 8.0 percent in 2015 to 8.6 percent 2016 (Polismyndigheten, 2017). However, the percentage of the general population with a foreign background is 26.2 percent, which means that they are still underrepresented in the Swedish policing system (Polismyndigheten, 2017).

The Swedish police performs about 1.3 million interventions each year (Polismyndigheten, 2016). On average, the police have used a firearm in 28 occasions per year during the past 12 years (Polismyndigheten, 2016). However, 13 of those shots have been warning shots only, meaning that the police only shot with the intention to hit a person or vehicle in 15 of those occasions (Polismyndigheten, 2016). The most common scenarios the Swedish police have used their guns (including warning shots) are when a person has been under the influence of alcohol and/or drugs, or is mentally ill, and is threatening to harm the police or the public with a knife or other edged weapon (such as an axe or sword) (Polismyndigheten, 2016). Only in 26 percent of the situations had the assailant been armed with a gun (Polismyndigheten, 2016). Similar to Tennessee, the statistics show that the police

officers firing their weapon was a male in 89 percent of the cases, meaning that female officers were underrepresented since they make up a total of 32 percent of the sworn officers (Polismyndigheten, 2016). The average age of the police officers firing their weapons were between 30 and 40 years old (63 percent) and the average length they had been in service was between 1 to 4 years (47 percent) (Polismyndigheten, 2016).

The Swedish Police Academies

As of 2015, Sweden had a total of three police academies (Polismyndigheten, 2016). The recruitment process for the Swedish police academies are divided into two sections (Polismyndigheten, 2016). In order to pass the first section, the applicants have to be Swedish citizens, be over the age of eighteen, have a valid driver's license (stick shift), meet the requirements for swimming ability, and have a grade above C in high school courses such as Swedish and English literature, history, and civics (Polismyndigheten, 2016). If the applicants are approved on all the above requirements, a questionnaire will be emailed to them to be completed. This questionnaire contains questions regarding one's health, academics, and personal interests (Polismyndigheten, 2016). The academies will then evaluate the questionnaires and compare the recruits' answers and academic level to one another. The best candidates will proceed to the second section of the recruitment process, which involves a two-day psychological evaluation and a medical exam (Polismyndigheten, 2016). The medical exam covers both the candidates' health and physical ability. Their eye sight, hearing, BMI, blood pressure, heart, and pulse are tested and registered before the physical exam (Polismyndigheten, 2016). If the candidate is approved, their cardio level and muscle strength will be measured (Polismyndigheten, 2016). The psychological evaluation is the second to last step of the recruiting process and consists of a personality test, intelligence test, and an interview conducted by a psychologist (Polismyndigheten, 2016). If the recruitment staff decide that a candidate is suitable to become a police officer, the last step is

to pass the drug test and the candidate has been accepted into the police academy (Polismyndigheten, 2016).

All three police academies in Sweden are made up by 5 semesters, totaling 2.5 years (Polishögskolan, 2016). The police academies vary their studies between theoretical and practical training throughout the semesters. The theoretical training involves knowledge covering laws, criminological theory, health science, behavioral science, social work, and political science (Polishögskolan, 2016). The academies also cover training regarding policing work such as the role and mission of the police in society (peacemaking, crime prevention, and safety of citizens), criminal investigations, conflict resolutions (tactics, self-defense, and weapons), IT and communication systems, and traffic safety (Polishögskolan, 2016). In 2009, firearm training at one of the Swedish police academies made up a total of 114 hours (Gunnarsson, 2012). The average firearm training provided to a recruit was 82 hours, however, an average of 32 extra hours of training were given to those candidates who needed it (Gunnarsson, 2012). The recruits were trained in several situations such as bad lightning, how to protect and shield oneself, and how to act in small and narrow spaces (Gunnarsson, 2012). A simulation of real-life scenarios was provided as well where the candidates had to learn how to make quick decisions whether to use the firearm or not in a stressful and distracting environment (Gunnarsson, 2012).

Throughout the training, issues regarding human rights and ethics, and differences in cultural values and norms are incorporated to increase the recruits' knowledge and critical thinking, and to strengthen their ability to make quick and well-informed decisions in a variety of situations (Polishögskolan, 2016). As for the physical training, it is the recruits' own responsibility to maintain in good physical shape and care for their health (Polishögskolan, 2016). However, the police academies do provide some physical training within the agency, but the main focus is to educate the recruits on how to stay in shape and

maintain good health after the academy training is over (Polishögskolan, 2016). A six-month paid internship as a police trainee is included in the last two semesters as well (Polishögskolan, 2016).

In order to graduate from any of the Swedish police academies, the recruits have to display knowledge and understanding of Sweden's legal system and relevant legal areas for police activities, government control of the police, the role of the police in society and the complexity of police work, crime prevention and problem-oriented police work, criminal investigations, the legal justice system chain and the actors involved, how the crime victim's perspective should penetrate the police's crime prevention and crime investigation activities, psychological mechanisms that underpin the behavior of individuals and groups in the context of police cooperation, international police work, and current research and development that is important for the profession (Polishögskolan, 2016). Such high standards are put in place in order to make sure that only the best suitable for the job graduates (Polishögskolan, 2016).

The recruits also have to show skills and abilities in how to apply legislation that is relevant to police activities, how to collect, process, and analyze investigative material in a legitimate manner, collaborate with other actors in crime prevention and crime investigation activities, respond to crime victims and provide information, support, and protection, communicate in different situations based on the needs of different individuals and groups, respect people's differences, promote equal treatment, and counter discrimination, and how to critically review issues in the field of work and contribute to the development of the profession (Polishögskolan, 2016). Furthermore, the recruits must hold certain characteristics and traits such as self-knowledge and empathy, ability to make an overall assessment of humans based on relevant scientific, social, and ethical aspects with regard to human rights, a professional attitude towards human differences, ability to identify the need for additional

knowledge and to continuously develop their skills, and ability to distinguish between research findings, established practices, and personal values (Polishögskolan, 2016). In order to graduate and become a police officer, the recruits must not only pass all the above requirements; they must also submit a five-week written independent study covering any of the relevant policing courses (Polishögskolan, 2016).

Differences and Discussion

The American and Swedish policing systems are similar in many aspects. Both strive to prevent crime, promote peace and order, and protect their citizens' rights and safety (Hendrix & Inciardi, 2014; Polismyndigheten, 2017). The police officer to citizen ratios are close to identical where it was found that both Sweden and the United States have about 2.02 sworn police officers per 1000 citizens (FBI, 2017; The World Bank, 2016; U.S. Census Bureau, 2017). Tennessee's police to citizen ratio was slightly higher where there were 2.69 sworn officers per 1000 inhabitants (Banks et al., 2016). However, only half of the American law enforcement agencies reported their employee demographics to the FBI, which may indicate that the officer to citizen ratio in the United States is in fact larger than the Swedish officer to citizen ratio (FBI, 2017; Hendrix & Incardi, 2014). The police officer assault ratios were fairly close as well where 9 out of every 100 American officers have been assaulted and about 7.7 out of every 100 Swedish officers (FBI, 2015; Polismyndigheten, 2015; Polismyndigheten, 2016).

As stated in the introduction paragraph, it is vital that the decisions and subsequent actions of police officers are fair and unbiased due to their power and discretion of making arrests. In the United States, blacks are not only overrepresented in the correctional system, but also in the arrest data. In fact, 28 percent of people arrested in 2014 were black and the general population of blacks were only 13 percent at that time (Snyder et al., 2017; U.S. Census Bureau, 2015). Furthermore, close to 17 percent of all U.S. federal arrestees are never

prosecuted, with insufficient evidence as the number one reason (56.7 percent) (Motivans, 2017). In Sweden, only 16 percent of the total number of declined cases were due to insufficient evidence (Åklagarmyndigheten, 2017).

Moving on to officer misconduct and fatal force, Americans who have been in contact with the police are close to 20 times more likely than Swedes to have experienced nonfatal force or received threats from an officer (Hyland et al., 2015; Polismyndigheten, 2017). A person living in the U.S may also be nearly 34 times more likely to get fatally shot by an officer than a person living in Sweden (Kivisto et al., 2017; Polismyndigheten, 2016; The World Bank, 2016; U.S. Census Bureau, 2017). Even though American and Swedish police officers have similar rates of officer assault per 100 police officers, American officers tend to be more likely to act in an aggressive manner leading to police misconduct (FBI, 2015; Hyland et al., 2015; Polismyndigheten, 2016; Polismyndigheten, 2017). However, the reader should interpret such statistics with caution. One must take into consideration that data comparison between countries may not be completely accurate due to differences in laws, legal definitions, data collection, and the number of agencies choosing to report officer misconduct. Without further research, one cannot know whether such differences are significant and if they are due to bad policing or lack of correct education and training. Still, it is certainly a subject that needs to be discussed and examined more thoroughly.

The main differences between the American and Swedish policing system can be seen in the requirements to become a police officer, the training and education provided during the police academies, and the police officer demographics. In the United States, an average, local police agency may require that the applicant is 21 years or older, is a high school graduate or has a GED, has not been convicted of a felony charge, has not been in violation of a federal, state law, or any other city ordinances, can pass a physical examination, has good moral character, and has no mental issues (JC Police Department, 2018; Tennessee POST, 2014).

Sweden has some similar requirements as the United States where the applicant must be a citizen, have good morals, and pass a physical exam (Polismyndigheten, 2016). The major differences are that Sweden's age requirement is lower (eighteen), and the candidate must know how to drive a stick shift, must meet specific swimming requirements, and must have a C or higher in certain high school core classes before they are sent an application questionnaire (Polismyndigheten, 2016). The candidates with the highest academic level and the strongest answers on the questionnaire will proceed to the second section of the recruitment process for a Swedish police academy. The applicants must then pass a two-day physical and psychological evaluation before they are accepted (Polismyndigheten, 2016). Such high standards are set to make sure that only the best suitable for the job becomes police officers.

Other differences between the policing systems in the United States and Sweden are the length, education, and training provided by the police academies. The average length of a U.S. police academy is about 21 weeks, where the Swedish academies are 2.5 years, meaning that the Swedish officers receive more in-depth education and training than the U.S. recruits (Polishögskolan, 2016; Reaves, 2016). In Tennessee, the length of a police academy was even shorter, where the minimum requirement was 400 hours (Tennessee POST, 2010). An interesting finding between the two countries' police academies was that the average length and the content of the firearm training were fairly similar to one another (Polishögskolan, 2016; Reaves, 2016).

Before discussing the use of guns, one must understand that Sweden and the United States have different weapon laws, meaning that a U.S. police officer may be more likely to interfere with a suspect that is armed with a gun. In Tennessee specifically, it was found by TBI (2013) that 47.48 percent of the suspects in a police shooting was armed with a gun. In Sweden, an average of 26 percent of the suspects involved in a shooting situation had been

equipped with a firearm (Polismyndigheten, 2016). Both Sweden and Tennessee show similar patterns where the older and more experienced officers, and especially females, were less likely to be involved in a police shooting (Polismyndigheten, 2016; TBI, 2013). Females were underrepresented in the use of firearms in both Sweden and the United States, however, Swedish female officers (32 percent) were not as underrepresented as the American female officers (12.1 percent) in the total employee demographics (FBI, 2017; Polismyndigheten, 2016). A side by side comparison of the differences between Sweden and Tennessee officer use of firearm and training is provided below in Table 3.

Table 3.

Police Use of Firearms and Training

	Tennessee	Sweden
Hours of firearm training in an academy	40	82
Firearm use number of times per year	59	28 (13 warning shots)
Percentage of suspects armed with firearm in police shootings	47.8	26
Percentage of male officers involved	97	89
Average years served of officers involved	0-5	1-4

Sources: Tennessee POST, 2010; TBI, 2013; Polismyndigheten, 2016; Polishögskolan, 2016.

Whether such differences are connected to police officers' use of firearms and number of fatal shootings cannot be answered in this study. More research regarding a possible relationship between police use of firearms, police academy programs and education, in-service experience, and employee demographics is important and necessary for future

improvement of the two policing systems. Although the Swedish and American policing systems have several similarities, there are quite a few differences as well. One of the most prevalent differences between the two systems is the average length of the police academies. One may suggest that a possible solution to diminish officer misconduct and fatal police shootings could be to increase the length of the U.S. police academies to provide the U.S. recruits with more in-depth training and education that better prepare them for the job as a police officer. It is certainly important to acknowledge the variances discussed above and to ask the question what the two policing systems can learn from each other in order to improve their overall justice systems. However, differences in the Swedish and American policing systems may only partly clarify the differences in the two countries' crime rates, recidivism rates, and incarceration rates. In order to better understand such differences, one must look at the next step in the criminal justice system; the court system. The next chapter will provide information over the Swedish and American court systems, and later discuss the similarities and differences between the two.

CHAPTER 3

COURT SYSTEMS

After a suspect has moved through the policing system, the next step is the court process. The court system plays a vital role in any criminal justice system by prosecuting suspects, establishing guilt or innocence, and sentencing defendants with the appropriate punishment if found guilty (Farnsworth, 2010; Regeringskansliet, 2015). Due to the power of determining a suspect's future within the justice system and the possibility of depriving a person of one's freedom, it is crucial that the legal process is conducted in a fair and just manner. Additionally, individuals going through the court process should, in theory, be guaranteed equal treatment no matter what their socioeconomic background, race, or gender may be. Discussing and comparing the Swedish and American court system, differences in the two countries' crime rates, recidivism, and incarceration rates may be further understood. This chapter will provide detailed information regarding the function and organization of the Swedish and American court systems, and later discuss the similarities and differences between the two.

In 2014, there were 170,161 federal cases booked and processed by the U.S. Marshals Service (Motivans, 2017). Close to half of those cases were prosecuted in a federal district court (45.7 percent) and 37.6 percent of the cases were disposed by U.S. magistrates (Motivans, 2017). Regarding the 16.6 percent of federal cases that were declined, 56.7 percent were due to insufficient evidence (Motivans, 2017). Looking at the conviction demographics, 79.6 percent of whites who had been prosecuted were convicted and 82.4 percent of prosecuted blacks received a conviction (Motivans, 2017). Excluding life sentences, the average length of sentencing including all offenses for blacks were 82.7 months and 46.9 months for whites (Motivans, 2017). However, looking at violent offenses only, whites had an average sentencing length of 162.9 months and the average sentencing

length for blacks were 129.4 months (Motivans, 2017). In all other offenses, except in public order offenses under the category “other”, blacks had a higher average sentencing length than whites (Motivans, 2017). It is not unknown that the United States has a racial disparity problem in their criminal justice system (Hyland et al., 2015; Motivans, 2017; Snyder et al., 2017; U.S. Census Bureau, 2015). However, although racial disparity is a serious issue that needs to be acknowledged, the main focus of this chapter is on the differences in the Swedish and the American court systems, specifically in relation to mass incarceration and recidivism rates.

During the 2016 fiscal year, there were 104,445 criminal defendants in the U.S. federal district courts (USAO, 2017). Out of the 72,006 defendants involved in cases that got filed, 66,670 of them received a conviction (USAO, 2017). That translates into a national conviction rate of 92.6 percent. The same fiscal year, the conviction rate in the State of Tennessee was 71.8 percent (USAO, 2017). In 2016, there was a total of 83,863 criminal cases processed in the Swedish court system (Domstolsverket, 2017). Out of the 82,337 cases that were completed, about 79,000 defendants received a conviction (Brå, 2017; Domstolsverket, 2017). That converts into a conviction rate of about 95.9 percent. Table 4 below provides a summary and comparison of the conviction percentages in the U.S., Tennessee, and Sweden.

Table 4.

Conviction Rates

	United States	Sweden	Tennessee
Conviction percentage	92.6	95.9	71.8

Sources: Domstolsverket, 2017; Brå, 2017; USAO, 2017.

Having a high conviction rate may look good to the public’s eyes, however, that does not mean that all convictions were fair and lawfully correct. In 2016, there were 166

exonerations in the United States, whereas 70 of the exonerations were due to official misconduct (National Registry of Exonerations, 2017). The most common type of official misconduct concerned the police or prosecutors (National Registry of Exonerations, 2017). Furthermore, 74 of the discovered wrongful convictions had been plea bargain deals (National Registry of Exonerations, 2017). That equals to 44.6 percent of all exonerations. A study by Gross, O'Brien, Hu, and Kennedy (2014) also discovered that it is likely that about one in every twenty-five defendants receiving a capital conviction in the United States has been falsely convicted. In Sweden, there has been two known cases of wrongful convictions between the years 1950 and 1990, and eleven between 1990 and 2005 (Lambertz, Winge, Källgård, & Hermansson, 2009).

The national plea bargain rate in the United States is somewhere between 90 to 95 percent (Devers, 2011). In the State of Tennessee, 82 percent of all criminal cases during the fiscal year of 2016-2017 were settled with a plea bargain (The Tennessee Judiciary, 2017). Although plea bargains help the court system process heavy caseloads quicker and more efficiently, one may argue that such method puts pressure on the defendants to agree to a plea in order to avoid a harsher sentence. However, plea bargains have been ruled as a fair and just method under the U.S. Supreme Court (Porto, 2009). As of this time, the U.S. court system is structured around plea bargains, and would most likely not function if all criminal cases were to go to trial (Porto, 2009).

The United States also have mandatory sentencing laws such as the three strikes law (Andrews & Bonta, 2010; Stolzenberg & D'Alessio, 1997). Under the three strikes law, an offender who have been previously convicted twice for a serious felony and is convicted a third time can automatically receive a twenty-five year to life imprisonment sentence (Stolzenberg & D'Alessio, 1997). In some states, the third crime under the three strikes law can be as minor as a misdemeanor (Stolzenberg & D'Alessio, 1997). It has been found that

the three strikes law has not had an impact on felony crimes, it has mostly just increased the number of prisoners (Andrews & Bonta, 2010; Sutton, 2013). Although sentencing laws are more of a policy issue, it is still important to brief on in order to further understand the differences between Sweden and the United States. This chapter will further discuss the Swedish and American court systems in an effort to better comprehend the differences and possible connections to mass incarceration and recidivism rates. More explicitly, chapter three will provide information concerning the structure and organization of the two court systems, the legal actors involved, and central differences in their criminal procedures.

The U.S. Court System

The legal system in the United States is considered to be a dual court system due to the dividing power between the federal government and the state governments (Porto, 2009). This concept of allowing variation and diversity between the states, but at the same strive for national unity, is known as federalism (Porto, 2009). Essentially, there are two parallel court processes; one at a national level and one under the rules and regulations for each of the fifty states (Bureau of International Information Programs, 2004; Porto, 2009). The organization of the state court systems may vary; however, they are commonly structured around four categories; trial courts of limited jurisdiction, trial courts of general jurisdiction, courts of appeals, and supreme courts (courts of last resort) (Porto, 2009).

Cases going through the trial courts of limited jurisdiction are mostly restricted to crimes with minor punishments such as fines or jail time that is less than a year (Porto, 2009). It is mostly civil cases that are resolved in trial courts of limited jurisdiction, but depending on the state, some misdemeanor criminal cases may be heard at this level as well (Porto, 2009). In such instances, a defendant may be processed through a problem-solving model of courts such as a drug court or domestic violence court (Porto, 2009). The goal of a problem-solving model is to not only punish an offender, but to also limit reoffending and prison and

jail overcrowding by focusing on what caused a person to break the law in the first place, and then provide the necessary services to eliminate such behavior (Porto, 2009). For example, in problem-solving justice, a judge may use their discretionary power and place a non-violent, drug addicted person in a treatment facility instead of a prison (Porto, 2009).

In 2004, there were around 20.7 million criminal cases processed through trial courts of limited jurisdiction (Porto, 2009). Due to such large caseloads, judges at this level strive to process cases as efficiently as possible, and it is uncommon that a case goes to trial (Porto, 2009). Majority of the times, such cases are settled by plea bargains (Porto, 2009). In order to make sure that a plea has been voluntarily and fairly entered by a defendant, there are certain Supreme Court guidelines that the court room must follow (Porto, 2009). The plea bargain must take place in a court room open to the public and the judge must personally inform the defendant of the maximum sentence of the plea (Porto, 2009). Additionally, the defendant must be informed by the judge that by taking a plea, the individual will be denied the right to a trial by jury, the right to address accusers, and lose the privilege of self-incrimination protection (Porto, 2009). Finally, the judge must once again make sure the defendant understands the costs of the plea, that he or she committed to the plea voluntarily, and that the defendant still may go to trial if pleading not guilty (Porto, 2009).

The trial courts of general jurisdiction are also known as district or county courts (Porto, 2009). Civil and criminal cases where a person has been in violation of any of the state criminal laws are processed at this court level, including felony cases (Porto, 2009). Convictions given out at a trial court of general jurisdiction may involve punishments of serving time in prison exceeding a year and all the way to the death penalty depending on the state (Porto, 2009). Similar to the trial courts of limited jurisdiction, the caseload is large in district courts, and most defendants settle their cases without going to trial by taking a plea bargain (Porto, 2009). If a defendant does not take the plea bargain, there are two different

types of trials; jury trial and bench trial (Porto, 2009). In jury trials, a defendant's innocence or guilt will be determined by a jury consisting of a group of peer citizens (Porto, 2009). In order to serve on a jury, one must be a U.S. citizen, 18 years or older, proficient in English, have lived in the judicial district for at least a year, have no prohibiting mental or physical disabilities, and have no felony convictions or current felony charges with a punishment exceeding a year of imprisonment (United States Courts, 2016). In bench trials, only a judge will determine the outcome of a case (Porto, 2009).

The court of appeals, also known as intermediate appellate courts, is the next level up in the state court system (Porto, 2009). Any appeals from the state district courts and trial courts below will be processed and brought in front of two or three judges from that state's court of appeals (Porto, 2009). This level may accept and listen to filed cases that were previously denied in any of the lower courts (Porto, 2009). Unlike trials, court of appeals only include judges and the lawyers of the defendants involved (Porto, 2009). Their main duty is to detect and correct any errors that may have occurred within cases processed through the lower courts of the legal system (Porto, 2009). Specifically, the court of appeals will determine questions of law, meaning that the responsibility of the judges is to decide what the law is and how it should be applied in a particular case (Porto, 2009). All defendants have a constitutional right to file a mandatory appeal, which is also what majority of judges in the court of appeals will process (Porto, 2009).

If a case is declined in the court of appeals, the next, and highest, level is the courts of last resort, the state supreme courts (Porto, 2009). A state supreme court is usually made up by five to nine justices (Porto, 2009). Similar to the court of appeals, the justices only hear appeal cases and can only evaluate and make decisions based on questions of law (Porto, 2009). The difference from the court of appeals is that the majority of the justices in a state supreme court must agree to hear an appeal, which is why only a limited number of cases are

processed through this level (Porto, 2009). Furthermore, justices of a state supreme court do not only consider errors of law, they are also policy makers regarding their state constitution (Porto, 2009). During the hearing, the justices will listen to arguments from the lawyers that are usually around 15 minutes each (Porto, 2009). Most of such cases are in regard to capital punishment where a defendant has been sentenced to receive the death penalty by any of the lower trial courts (Porto, 2009). State supreme courts must also process all appeals from nine out of the eleven states that do not have their own court of appeals (Porto, 2009).

The Federal Court System

The Federal Court System is similarly organized as the state court systems where it is divided into four main categories (Porto, 2009). Those four categories are five specialized Federal Courts, U.S. District Courts, U.S. Courts of Appeals, and the U.S. Supreme Court (Porto, 2009). The specialized federal courts consist of four legislative courts; the court of federal claims, court of appeals for the armed forces, tax court, and the court of veterans' appeals (Porto, 2009). The court of international trade is the fifth specialized federal court, but it is not considered a legislative court (Porto, 2009). This court handles cases concerning disagreements with the U.S. Customs Service, but also cases involving unethical actions from the federal Department of Commerce and the International Trade Commission (Porto, 2009).

The U.S. district courts have the same function as the state trial courts of general jurisdiction (Porto, 2009). Overall, there are 90 federal district courts within the United States, where there are at least one located in each of the fifty states (Porto, 2009). All U.S. district courts have both jury trials and bench trials, but like the state district courts, most cases are settled through plea bargains in an effort to save time and money due to heavy caseloads (Devers, 2011; Porto, 2009). However, federal district courts have the ability to hire magistrate judges to help ease the caseloads (Porto, 2009). Magistrate judges have the power to assist with both civil and criminal federal matters, except in felony criminal cases

that go to trial (Porto, 2009). It is at a U.S. district court that civil and criminal cases that have violated the federal law are heard first (Porto, 2009). For example, most murder cases would be in violation of state laws, but if the murder was committed on a federal property, the case will go through a U.S. district court instead (Porto, 2009). Federal district courts also review habeas corpus petitions regarding the possible violation of prisoners' federal rights (Porto, 2009).

The U.S. courts of appeals work under the same principle as the state courts of appeals, except they are under the federal system (Porto, 2009). The federal courts of appeals are not eligible to conduct trials; they can only hear federal appeals and evaluate them based on questions of law (Porto, 2009). In the federal court system, there is a total of twelve regional courts of appeals and one national court of appeals called the Federal Circuit (Porto, 2009). There is a total of 179 judges serving under the federal courts of appeals, where the smallest region consists of six judges and the largest of twenty-eight (Porto, 2009). On average, a judge under the federal court of appeals will release close to fifty published opinions and unpublished opinions per year (Porto, 2009). Since only about five percent of all federal appeals are ruled by the U.S. Supreme Court, the U.S. court of appeals have lots of authority and power regarding final case rulings (Porto, 2009).

The Supreme Court consists of nine Justices which are also the most powerful legal actors in the United States (Porto, 2009). All lower state and federal courts have to obey and follow the rulings of the Supreme Court (Walsh & Hemmens, 2016). Unlike the State Supreme Courts, the U.S. Supreme Court can hear both appeals and first instance cases (Porto, 2009). However, the only time it is mandatory for the Supreme Court to hear first instance cases is when it regards a disagreement between two states (Porto, 2009). Close to 99 percent of all cases going through the Supreme Court are appeals only (Porto, 2009). Still, as discussed earlier, not even five percent of all appeals from the lower courts will be

accepted and processed through the U.S. Supreme Court (Porto, 2009). In 2010, there were 9066 cases filed to the Supreme Court, but only 131 of those cases were accepted and heard by the justices (U.S. Census Bureau, 2011).

Legal Actors

In the United States, there are several actors involved in the court system such as defense attorneys, prosecutors, and judges. Depending on the state, the requirements to become a practicing lawyer may differ. In almost all states, the qualifications one must have to take the bar exam is a three-year law school degree, but most individuals who take it have a baccalaureate degree as well (Porto, 2009). In seven states, the three-year law school requirement may be substituted by years of professional experience and study within a law firm (Porto, 2009). In 2016, a total of 74,092 people took the bar exam, whereas 58 percent passed (NCBE, 2017). In order to become a prosecutor, one must also gain plenty of physical court experience before considering such job (Porto, 2009).

Both defense attorneys and prosecutors must pass through the same requirements, but if an individual wants to become a district attorney (chief prosecutor) or judge, the procedure is a little different (Porto, 2009; United States Courts, 2016). In order to become a district attorney or judge under the state system, the lawyer has to be appointed by other elected officials or by winning the public vote (Porto, 2009). In the federal system, it is the president of the United States that appoints the district attorneys for each of the 94 judicial districts (United States Courts, 2016). Federal judges are also appointed by the president; however, they must be approved by the U.S. Senate as well (United States Court, 2016). Majority of the judges appointed worked as lower federal or state court judges first, but it is not uncommon that law professors and practicing lawyers are selected as well (United States Courts, 2016). In order to protect the federal judges and limit any political pressures, they are appointed for life under Article III of the Constitution (United States Courts, 2016).

The Criminal Process

In general, after the initial arrest and booking, the criminal process in the court system starts when a case is indicted by a prosecutor (Bureau of International Information Programs, 2004). Within 48 hours after the initial arrest, the suspect must appear in front of a judge or magistrate (Bureau of International Information Programs, 2004). At this stage in the process, the accused receives information regarding one's charges and constitutional rights, and it is decided whether the suspect should be released on bail or not (Bureau of International Information Programs, 2004). There are no official requirements for the bail amount since the Constitution only states that bail should not be excessive (Bureau of International Information Programs, 2004). The bail amount may vary depending on the seriousness of the crime, and in most capital cases, bail will not even be an option (Bureau of International Information Programs, 2004). Although all individuals in the court system should be guaranteed the same rights and counsel, one may argue that bail is more of a privilege than a right.

In the next step of the process, the accused may be offered to take a plea deal or go to trial (Bureau of International Information Programs, 2004). In 90 to 95 percent of the cases, the defendant will plead guilty in order to receive a lesser charge (Devers, 2011). Similar to bail, the method of plea bargaining can be controversial. Green (2013) argued that due to heavy caseloads, public attorneys may steer defendants towards taking a plea in order to work through their cases more efficiently and earn more money. Such system may also have a negative effect on the standard of the defendants' counsel. Furthermore, a plea bargain is in most cases technically not a bargain due to some prosecutors presenting tough punishments to compel defendants into taking a plea instead of going to trial (Bureau of International Information Programs, 2004; Green, 2013). It can be argued that such tactics

may lead innocent people into taking a plea due to the fear of losing in the trial and receive a harsher punishment (Bureau of International Information Programs, 2004).

If the defendant does not accept the plea, the case will go to a preliminary hearing (Bureau of International Information Programs, 2004). If the judge decides that the case has probable cause and the defendant is still not pleading guilty, the matter will go to trial (Bureau of International Information Programs, 2004). According to the Speedy Trial Act of 1974, all criminal cases must begin their trial, at the latest, 100 days after a suspect's arrest (Bureau of International Information Programs, 2004). This is to prevent suspects from being held in jail for long periods of time while awaiting trial. The case should then be heard by an impartial jury, consisting of one's peers that have been randomly selected from a list of registered voters (Bureau of International Information Programs, 2004). The judge does not have an active role during a jury trial (Bureau of International Information Programs, 2004). Their main duty is to make sure everything is processed correctly under the law and that both sides of the parties are able to present their arguments (Bureau of International Information Programs, 2004). Close to two-thirds of defendants going to trial are found guilty by the jury (Bureau of International Information Programs, 2004). If the defendant is found guilty, the next step in the court process is sentencing and possibly filing an appeal (Bureau of International Information Programs, 2004). The judge will determine the sentence in most courts, but in some states, the sentencing can be decided by a jury instead if the defendant wishes so (Bureau of International Information Programs, 2004).

All defendants who have been convicted of a felony have the right to file an appeal if they believe a serious error of law occurred in their trial (Bureau of International Information Programs, 2004). Such error may be that improper evidence was used during the trial or that the judge did not correctly inform the jury of the procedure (Bureau of International Information Programs, 2004). Defendants filing an appeal have a success rate

around 20 percent, which means that the case will be reviewed again under a second trial (Bureau of International Information Programs, 2004). Although the rate of success in appeals are 20 percent, only less than one percent of defendants have their conviction reversed and are set free due to court errors (Bureau of International Information Programs, 2004).

Tennessee

The court system in Tennessee is divided into four sections; courts of Limited Jurisdiction, Trial courts, intermediate appellate courts, and a state Supreme Court (Tennessee Courts, 2011). The courts of limited jurisdiction contain juvenile courts, general sessions courts, and municipal courts (Tennessee Courts, 2011). The courts at this level have no trial by jury and will handle less serious civil and criminal cases (Tennessee Courts, 2011). The next section of the Tennessee court system are the trial courts (Tennessee Courts, 2011). The trial courts are separated into four categories; probate courts, chancery courts, circuit courts, and criminal courts. The Tennessee Trial courts are equivalent to a state district court, which is where civil and criminal matters in violation of state laws will be processed (Tennessee Courts, 2011). The Tennessee court system follows the national trend of plea bargain deals where 82 percent of all criminal cases were settled through pleas in 2016 (The Tennessee Judiciary, 2017).

During the fiscal year of 2016 to 2017, there were 151,997 dispositions in the criminal courts of Tennessee (The Tennessee Judiciary, 2017). Only 3.5 percent of the dispositions went to trial, whereas over 90 percent of those ended with a conviction (The Tennessee Judiciary, 2017). However, between the years 2009 and 2017, dispositions in the Tennessee criminal courts have decreased by 9.8 percent (The Tennessee Judiciary, 2017). A change can be seen in the type of sentencing given out during the same years as well (TDOC, 2016). Looking at felony cases only, imprisonment sentencing has decreased from 63.5

percent to 45.7 percent, while probation sentencing has increased from 23.8 percent to 37.2 percent (TDOC, 2016). The largest change in imprisonment sentences could be seen in class C felonies, where incarceration went down from 67.2 percent to 45.2 percent (Tennessee Courts, 2011). Regarding variation in probation sentences, class E felonies had the largest change from 25.8 percent in 2009 to 41.6 percent in 2016 (TDOC, 2016).

A decrease in the violent crime rate in Tennessee has occurred as well, where it has gone down from 722.4 violent crimes per 100,000 citizens to 632.9 violent crimes between 2008 and 2016 (FBI, 2009; FBI, 2017). Whether there is a connection between the changes in the violent crime rate decrease in Tennessee and the changes in sentencing type from less imprisonment to more probation can only be speculated on at this point in time. More research is necessary in order to establish whether such statistical difference is related and significant.

In Tennessee, defendants have the right to file an appeal as well if it is believed that an error of law has been committed by the trial courts (Tennessee Courts, 2011). Tennessee has two separate courts of appeals; one for civil cases and one for criminal cases (Tennessee Courts, 2011). There are currently twelve judges appointed to each of the two appellate courts (Tennessee Courts, 2011). In 2016, there were 1194 cases filed to the criminal court of appeals, and only seven cases were approved (Tennessee Courts, 2011). That translates into a success rate of less than one percent. The success rate is similar at the state supreme court, which is also known as the court of last resort (Tennessee Courts, 2011). There were 996 appeals filed to the state supreme court in 2016, whereas 31 of those were granted (Tennessee Courts, 2011). The final rulings of the Tennessee supreme court are considered the law and will govern above all lower state courts (Tennessee Courts, 2011). The Tennessee supreme court consist of five judges (Tennessee Courts, 2011). All five judges have met the requirements of being 35 years or older, a resident of the State of Tennessee for at least five

years, and eligible to practice law (Tennessee Courts, 2011). In Tennessee, the governor will appoint the supreme court justices and appellate court judges by selecting one out of three candidates that had been nominated by the Judicial Selection Commission (Tennessee Courts, 2011).

The Swedish Court System

Sweden has close to 80 courts all over the country with a total of 6,400 employees (Regeringskansliet, 2015). The Swedish court system is constructed around three categories; general courts, administrative courts, and special courts (Regeringskansliet, 2015). The structure of the general courts is very similar to the U.S. court system where there are district courts, courts of appeal, and a supreme court (Regeringskansliet, 2015). There is a total of 48 district courts distributed over the country (Regeringskansliet, 2015). These courts deal with first instance civil and criminal cases, but also cases regarding adoption, bankruptcy, and disagreements between companies and individuals (Regeringskansliet, 2015; Sveriges Domstolar, 2014). Unlike the United States, all prosecuted individuals in the Swedish district court system will go through a trial if there is enough evidence to proceed (Sveriges Domstolar, 2014). There are also no randomly selected juries in a Swedish court trial (Sveriges Domstolar, 2014). The verdict will be decided by a presiding judge, together with a number of lay judges who can all vote one time each (Sveriges Domstolar, 2014). Technically, anyone under 70 years old that is a citizen can become a lay judge since no legal training is required (Terrill, 2013). However, since lay judges are appointed on a four-year term by the municipal councils, they mostly consist of older, well-educated politicians (Malsh, 2009; Sveriges Domstolar, 2014). In more serious criminal matters, volunteers are available for victims and witnesses to provide them with the necessary assistance, counsel, and support they may need (Sveriges Domstolar, 2014).

The next level in the general courts system are the six courts of appeal (Regeringskansliet, 2015). The Swedish courts of appeal have the same grounds as the U.S. appellate courts where a case can be filed if there is legal dissatisfaction with a district court ruling and procedure (Sveriges Domstolar, 2016). The Swedish courts of appeal will accept and review around 40 percent of all filed civil cases, however, the courts of appeal are required to hear all more serious filed criminal cases (Sveriges Domstolar, 2016). The courts of appeal consist of at least three judges, and in criminal cases, several lay judges have to be present as well (Sveriges Domstolar, 2016). Majority of cases that are accepted and heard by the courts of appeal are criminal matters (Sveriges Domstolar, 2016).

The defendant in a criminal case that has been granted a new trial under the courts of appeal is obligated to attend the hearing (Sveriges Domstolar, 2016). It is unusual that any witnesses or victims must attend the hearing as well. Most of the times, it is not necessary since the district courts have video recordings of the original trials (Sveriges Domstolar, 2016). It is very rarely that a decision from a court of appeal is filed and accepted by the supreme court since the supreme court mostly only hears matters that may establish a precedent (Sveriges Domstolar, 2016). The Swedish Supreme Court consists of sixteen justices that is appointed by the government (Sveriges Domstolar, 2016). The Supreme Court strives to not only provide justice in an appealed case, but to also benefit the future society regarding judicial guidance (Högsta Domstolen, 2017). In 2016, 6,071 cases were filed to the Supreme Court, whereas 1,794 were criminal cases (Domstolsverket, 2017). Close to 2 percent of all criminal cases filed were granted a new hearing (Domstolsverket, 2017).

Depending on what kind of case the supreme court is reviewing, the time to reach a decision may vary (Högsta Domstolen, 2017). Cases that have been appealed from the courts of appeal are usually processed within 0.9 months (Högsta Domstolen, 2017). Regarding more extraordinary cases, the average completion time is 1.8 months, but most cases will

have received a decision within at least 7.7 months (Högsta Domstolen, 2017). The longest processing time occurs when the supreme court hears cases that may influence the future rule of law and lead to a precedent (Högsta Domstolen, 2017). In such instances, there must be at least five justices involved in the hearing and the average time to reach a decision is 15.9 months (Högsta Domstolen, 2017).

The administrative courts are constructed the same way as the general courts where there are general administrative courts, administrative courts of appeal, and a supreme administrative court (Regeringskansliet, 2015). The difference between the general court system and the administrative court system is that the administrative court system handles cases regarding disagreements between an individual and the community (Regeringskansliet, 2015). Such cases may involve matters concerning taxes, social insurance, immigrant status, and compulsory care (Regeringskansliet, 2015). As of 2016, there were twelve administrative courts in Sweden, whereas four were also considered to be migration courts (Regeringskansliet, 2015). Most of the matters in the supreme administrative court works as a written procedure instead of an oral hearing like the general supreme court (Regeringskansliet, 2015). In addition to the general and administrative courts, the Swedish court system also consist of several special courts such as a labor court and a foreign intelligence court (Regeringskansliet, 2015).

Legal Actors

The major legal professionals involved in the Swedish court system are the prosecutors, defense attorneys, judges, and lay judges. All prosecutors are part of the Swedish Prosecution Authority, which is an organization that strives to make sure individuals suspected of breaking the law are investigated and brought in front of a court (Åklagarmyndigheten, 2017). There are around 1,300 employees within the Swedish Prosecution Authority, where about 900 are prosecutors (Åklagarmyndigheten, 2015;

Åklagarmyndigheten, 2018). Nationwide, there are 32 public prosecution offices, with one separate prosecution office that focuses solely on crimes committed by actors within the criminal justice system (Åklagarmyndigheten, 2017). The main duties of the prosecutors are to investigate crimes, make decisions whether to prosecute or not, and appear in court hearings (Åklagarmyndigheten, 2015). There is a lot of cooperation between the police and the prosecutors in the criminal investigations (Åklagarmyndigheten, 2015). The police usually investigate less serious crimes alone, but in more serious offenses, it is common that the prosecutors are the head of the investigations together with the police (Åklagarmyndigheten, 2017).

In order to become a prosecutor in Sweden, the individual must first be a Swedish citizen, have a bachelor's degree in law, and serve at least two years at a district or administrative court (Åklagarmyndigheten, 2015). If the individual meets all requirements, they may be accepted into the Swedish Prosecution Authority and start their training period (Åklagarmyndigheten, 2015). The first section of the training consists of a nine to twelve-month trial period where the candidate receives both theoretical education at one of the public prosecution offices and practical court experience as a clerk, led by an assigned mentor (Åklagarmyndigheten, 2015). If the candidate passes the theoretical coursework and is considered suitable for the job, the second section of the training begins which is a two-year prosecution assistantship together with fifteen more weeks of academic coursework (Åklagarmyndigheten, 2015).

The requirements are not quite as demanding if a person wishes to become a defense lawyer in Sweden. In order to become a defense attorney, the individual must complete a bachelor's degree in law, which is usually somewhere around 4.5 to 5 years (Peyron, 2010). After retrieving a law degree, the candidate must gain at least three years of experience working at a law firm as an assistant defense attorney (Peyron, 2010). When the professional

experience requirements are met, the next step is to pass the attorney exam, which is the equivalent to the U.S. bar exam (Peyron, 2010). When all requirements are met, one must apply and be accepted as a member of the Swedish Bar Association before being considered a complete defense lawyer that can practice law independently (Peyron, 2010).

The process of becoming a judge in Sweden starts with a bachelor's degree in law as well (Domstolsverket, 2018). After graduating with a law degree, the candidate must serve as a clerk by assisting judges, prosecutors, and defense attorneys at a district or administrative court (Domstolsverket, 2018). When the two-year clerk service is completed, one may apply to a special training program for judges as a "fiskal" (Domstolsverket, 2018). The "fiskal" training is a total of three to four years, consisting of a six-month practical trial period, together with ten weeks of academic coursework (Domstolsverket, 2018). The final course is designed as a study trip abroad, where the candidates get to visit several European court systems in an effort to further deepen their knowledge and exchange experiences with other legal actors (Domstolsverket, 2018). If the "fiskal" passes the academic courses and the three to four years of practical training, the title changes to "assessor", which is similar to an associate judge (Domstolsverket, 2018). In order to become a permanent judge, one has to be selected by the government through recommendations made by the Judges Proposal Board (Regeringskansliet, 2015). However, it is not required that a judge must undergo the specific training program in order to become a permanent judge (Regeringskansliet, 2015). The Judges Proposal Board may also recommend experienced defense attorneys and prosecutors who they believe are qualified for the job (Regeringskansliet, 2015).

The Criminal Process

The criminal process starts when there is suspicion that a crime has been committed (Åklagarmyndigheten, 2017). In less serious crimes, if the suspicions sustain after the police investigation, the prosecutor will make the judgement whether there is enough evidence to

proceed to court (Åklagarmyndigheten, 2017). If there is, the prosecutor is required under law to press charges (Åklagarmyndigheten, 2017). If the committed crime is more serious, the prosecutor will lead the investigation together with the police before deciding if the case is strong enough to be heard by a court (Åklagarmyndigheten, 2017). The district courts will decide if the crime is serious enough that the suspect must be detained during the investigation (Sveriges Domstolar, 2014). There are several reasons a person may be detained while awaiting trial; if the crime can be punishable with more than a year in prison; if there is a risk that the suspect may flee; if there is a risk the suspect will destroy evidence; or if there is a risk the suspect will continue to commit crimes (Kriminalvården, 2016). There is no official time limit for how long a suspect may be detained, but the decision regarding detention is retried by the court every two weeks (Kriminalvården, 2016).

If the suspect is released awaiting trial, it is his or her duty to appear in court when summoned (Sveriges Domstolar, 2014). If one fails to do so, the individual may be fined, and the police will have to intervene and bring the person to the trial (Sveriges Domstolar, 2014). During the criminal trial, the suspect will be given a defense attorney that has been paid for by the state (Sveriges Domstolar, 2014). However, if the accused is found guilty, the defendant may have to repay the full or partial costs of the legal fees depending on their personal income (Sveriges Domstolar, 2014). Those legal fees would include the service of the defense attorney and the necessary counsel provided to the injured party during the court process (Sveriges Domstolar, 2014). The district courts will also decide a guilty defendant's punishment, which can be in the form of fines, probation, or imprisonment (Sveriges Domstolar, 2014). When imposing a fine as punishment, the court will take the seriousness of the crime and the current financial situation of the defendant into consideration (Sveriges Domstolar, 2014). If the suspect is found not guilty, together with the witnesses and

participants of the injured party, they may receive full compensation for any legal fees, travel, and loss of salary while attending court (Sveriges Domstolar, 2014).

Differences and Discussion

Many similarities can be seen in the structure and organization of the American and Swedish court systems. Both systems are mainly organized around three levels; District Courts, Courts of Appeal, and a Supreme Court. The legal professionals such as the prosecutors, defense attorneys, and judges also have similar duties where they strive to achieve justice in a fair and equal manner. However, there are critical differences between the American and Swedish court system as well, especially in the criminal process. In the United States, the accused may post bail in order to avoid being detained in jail while awaiting trial (Bureau of International Information Programs, 2004). Depending on how serious the crime is, the bail amount may vary (Bureau of International Information Programs, 2004). Since bail does not take into consideration the financial situation of every accused individual, posting bail becomes more of a privilege for people who can afford it instead of a right for everyone. This is where the “guaranteed” equal treatment in the justice system may be debated. In Sweden, there is no such thing as bail. The Swedish district courts will determine whether it is reasonable to detain a suspect in more serious crimes while awaiting trial (Kriminalvården, 2016). The suspect will most likely not be released if the crime can be punishable with more than a year in prison, there is a risk that the suspect may flee, there is a risk the suspect will destroy evidence, or if there is a risk the suspect will continue to commit crimes (Kriminalvården, 2016). Furthermore, if the suspect is released while awaiting trial but does not show up to court when summoned, he or she will be fined and escorted to the hearing by the police (Sveriges Domstolar, 2014).

Plea bargains are another major difference between the Swedish and American court process. In the United States, around 90 to 95 percent of all defendants will plead guilty and

never go to trial (Devers, 2011). Plea bargains can be controversial due to the pressure it may put on a defendant to accept it, innocent or not, in order to avoid the chance of receiving a harsher sentence (Green, 2013). There are many other negative aspects surrounding the plea bargain method as well such as public attorneys using it to ease their caseload and possibly make more money at the cost of the defendant not receiving a professional counsel (Green, 2013). Once again, such methods relate back to the “guaranteed” equal treatment in court. One may argue that one’s income plays a role in the service received in the court system due to that wealthier people have the option to hire a private attorney that solely focuses on their cases instead of having a public defender with 100 other cases. In the Swedish court system, plea bargains are unheard of and all defendants will go through a trial (Regeringskansliet, 2015). Unfortunately, the American court system is built upon plea bargains to process cases quick and efficiently and would most likely collapse if all cases would go to trial.

At trial, both Swedish and American defendants will have their cases heard, however, an American defendant will have their guilt or innocence determined by a jury, whereas a Swedish defendant will have a judge and lay judges decide their future (Bureau of International Information Programs, 2004; Sveriges Domstolar, 2014). American jury members are regular citizens that are randomly chosen from a list of registered voters, whereas Swedish lay judges mostly consist of well-educated politicians, appointed by a municipal council (Bureau of International Information Programs, 2004; Malsh, 2009; Sveriges Domstolar, 2014). Whether the use of American juries or Swedish lay judges affect a trial outcome differently is unclear and future research needs to be conducted on the matter. However, people should ask themselves the question whether they would feel more confident having their own peers or higher-educated individuals standing between them receiving a prison sentence or maintaining their freedom.

Differences between the American and Swedish court systems can be seen in the education and appointment of legal professionals as well. Although both systems demand several years of intense studying at a law school and additional years of practice at a law firm or court, the Swedish court system takes it one step further (Porto, 2009; Åklagarmyndigheten, 2015; Åklagarmyndigheten, 2017; Åklagarmyndigheten, 2018). If one wishes to become a prosecutor in Sweden, the individual must also complete a nine to twelve-month trial period at one of the district or administrative courts, pass fifteen additional weeks of academic coursework, and further complete another two years of prosecution assistantship (Åklagarmyndigheten, 2015). The process to become a judge in Sweden also contains several more years of trial periods, academic work, and court assistantships before being eligible to be considered as a permanent judge (Domstolsverket, 2018).

The only connection between politics and the Swedish court system can be seen at the processes of appointing permanent judges and lay judges. Although the Swedish government appoints the permanent judges from recommendations made by the Judges Proposal Board, the whole process is supposed to be non-political and not linked to any of the seven political parties (Regeringskansliet, 2015). In the United States, the link between politics and their court system is more visible. District attorneys and judges on the state level are most of the times elected by winning the public vote or appointed by other already elected officials (Porto, 2009). On the federal level, it is the president that appoints the district attorneys and judges, however, judges may only be appointed after the approval of the U.S. Senate (Porto, 2009).

The Swedish and the American Court systems are similar in their organization where they are both structured around three levels; District Courts, Courts of Appeal, and a Supreme Court. The legal professionals have similar goals as well where they both strive to achieve justice in a fair and equal manner. However, there are crucial differences in the two court

systems as well where the U.S. utilizes bail and plea bargains, uses juries instead of lay judges, provides less education for their legal actors, and has a stronger connection to politics. One may only speculate on how much the differences in education, criminal processes, and connections to politics have affected the countries' sentencing laws, imprisonment rates, and recidivism. Although it is a mere speculation at this point in time, this chapter has laid the foundation for any future research regarding the subject. One must also consider what happens after an offender has been processed through the court system in order to better understand the differences between the Swedish and American criminal justice system. The next chapter will discuss the structure of the correctional systems in Sweden and the United States, together with their differences and similarities.

CHAPTER 4

CORRECTIONAL SYSTEMS

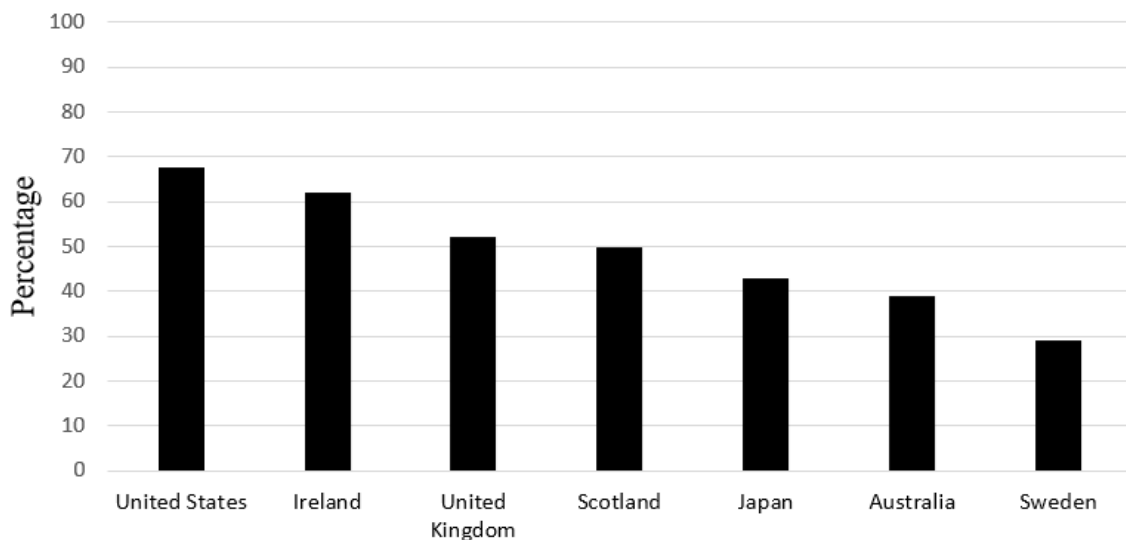
After an offender has been processed through the policing system, court system, and received a conviction, the last step is the correctional system. The structure and organization of the correctional system is critical in terms of working towards decreasing recidivism, crime rates, and prison overcrowding. This chapter will specifically discuss the differences and similarities between the Swedish and American correctional systems by further compare their structure, prison conditions, in-prison treatment, correctional officer requirements and training, and life after prison. Additionally, possible improvements of the U.S. correctional system to decrease recidivism, prison overcrowding, and crime rates will be discussed as well.

In the United States, there were 2.224 million Americans behind bars (including both jail and prison) and a little over 4.7 million under some type of community supervision in 2014 (Kaeble, Glaze, Tsoutis, & Minton, 2016). According to those numbers, that means that about 6.9 million people in the United States belonged to the correctional population that year (Kaeble et al., 2016). Focusing on the adult population only, 1 in 109 Americans were incarcerated and 1 in every 36 Americans were under some kind of correctional control (Kaeble et al., 2016). Comparing these statistics to the total 10.35 million people incarcerated worldwide in 2014, the United States hosted slightly over one-fifth of the world's jail and prison population (Kaeble et al., 2016; Walmsley, 2015). That gave the United States the title of being the number one country in the world regarding incarceration rates (Kaeble et al., 2016; Walmsley, 2015). Although the 2014 correctional population in the United States was high compared to other countries, it was nationally at its lowest since 1996 (Kaeble et al., 2016). However, even though the incarceration rate in the United States is slowly decreasing, overcrowded prisons and recidivism are still serious issues.

Unlike the U.S. incarceration rates, the U.S. recidivism rates have continued to stay stable (Durose et al., 2014). The latest recidivism patterns, covering data between 2005 and 2010, showed that a little over two-thirds (67.8 percent) of offenders released from either prison or jail were rearrested within a three-year period, and 76.6 percent were rearrested after five years (Durose et al., 2014). Noted in Figure 1, the United States' recidivism rate is also one of the highest in the world compared to other industrialized countries such as Ireland (62 percent), United Kingdom (52 percent), Scotland (50 percent), Japan (43 percent), Australia (39 percent), and Sweden (29 percent) (Deady, 2014; Kriminalvården, 2016).

Table 5.

Recidivism Rates



Note. Percentage of rearrests within three years of release from prison or jail.

Sources: Deady, 2014; Kriminalvården, 2016.

Sweden's recidivism rate dropped from 40 percent down to 31 percent from the early 2000's to 2011 (Kriminalvården, 2015). Two years later, the reoffending rate continued to drop another 2 units down to 29 percent (Kriminalvården, 2016). Looking at the correctional population, there was a total of 4,292 incarcerated offenders in 2015 (Kriminalvården, 2015). That equals to 1 in every 2,278 citizens behind bars (Kriminalvården, 2015; The World Bank, 2016). The Swedish correctional system

encourages noncustodial sanctions and has an overall focus on rehabilitation in both the prison and probation system, which may be one of the reasons contributing to their low crime and recidivism rates (Kriminalvården, 2016). Although there are correctional facilities in the United States that are based on rehabilitation and not retribution, their crime and recidivism statistics compared to other westernized countries shows that it is currently not enough. In an effort to better understand the possible reasons for Sweden's success in decreasing their recidivism rates and crime, this chapter will compare the structure and organization of the American and Swedish correctional systems, the staff and officer requirements and training, and methods used to help inmates reintegrate back into society.

The U.S. Correctional System

The correctional system in the United States is constructed around three levels; local, state, and federal (Newton, 2010). Similar to the U.S. court system, individuals who were convicted on a federal level will serve time in a federal prison (Newton, 2010). Offenders who committed a crime under a state law will receive a sentence within any of the state correctional facilities, and individuals who committed lesser misdemeanor crimes, or are awaiting trial, will be held in local jails (Newton, 2010). The U.S. correctional system is also divided into four security levels; low, medium, high, and supermax (Newton, 2010). Correctional facilities with low security levels host inmates who committed less serious offenses (Newton, 2010). The probability of these inmates escaping is also not very high (Newtown, 2010). However, minimum security prisons have been criticized due to the fact that they tend to host mostly white and wealthy offenders where the majority committed white-collar, corporate level crimes (Newton, 2010). Most prisons with a medium security level are constructed similar to a dormitory with communal bathrooms and locked doors at night (Newton, 2010). Such prisons are surrounded by a double-fence and watchtowers that are patrolled regularly by correctional guards (Newton, 2010).

Maximum security correctional facilities are surrounded by high walls and watchtowers with weapon carrying officers, creating a more intimidating environment than the medium security fences (Newton, 2010). The privacy in such high security facilities is close to nonexistent where inmates are usually held in cells with sliding bars rather than rooms with doors. In such high security prisons, every step of the inmates' everyday movement is carefully monitored (Newton, 2010). It is also not uncommon that death row inmates are separated from the general population and put in individual units that are even more strictly supervised (Newton, 2010). Although it may seem like maximum security prisons are one of the toughest facilities to serve time in, there is an additional level of prison security; supermax (Newton, 2010). The worst of the worst offenders such as terrorists, rapists, and serial killers are held in supermax prisons (Newton, 2010). Such facilities are comparable to solitary confinement and the inmates' autonomy is extremely restricted (Newton, 2010). It may be argued that solitary confinement is considered cruel and unusual punishment by expanding past the original sentence of deprived freedom, however, the U.S. Supreme Court has deemed such methods to be constitutional (Newton, 2010).

Prison Conditions

Inmates in U.S. prisons are on a limited food budget where the national average daily cost per prisoner is 2.62 dollars (Stephan, 2004). The highest daily food expenditures can be found in Washington and Pennsylvania where the daily cost is 5.68 dollars and 5.69 dollars (Stephan, 2004). Southern states such as North Carolina, Alabama, Mississippi, and Louisiana have reported the lowest food budgets where the daily cost provided to feed an inmate can range between only 52 to 96 cents (Stephan, 2004). Due to such tight food costs, the nutrition provided within the U.S. prisons usually have low standards which may in turn negatively affect the health of the inmates (Smoyer & Minke, 2015). In fact, it has been

found that incarcerated offenders tend to be more overweight than the general population (Smoyer & Minke, 2015).

The overall architecture of prisons in the United States are most commonly built after the penal model with concrete walls, vandal-resistant furniture and equipment, and cage-like rooms with low, if even any, personal privacy (Tartaro, 2006). It has been discovered that such unnatural living environments may negatively affect the inmates' well-being and even increase prison violence (Bierie, 2012; Tartaro, 2006). Furthermore, it is not only the inmates that are affected by such poor living conditions; the well-being of correctional officers tend to deteriorate in such harsh environments as well (Bierie, 2012). Although majority of prison institutions in the United States are built after the traditional penal model, it has been shown that such harsh conditions do not deter offenders from committing future crimes (Francesco, Roberto, & Pietro, 2011; Tartaro, 2006). Instead, it has been found that poor living conditions inside of prisons may increase reoffending (Francesco et al., 2011). Research continue to argue that more humane prison conditions needs to be implemented since it may positively benefit the well-being of both the inmates and staff, and also create more positive inmate-guard relationships (Beijersbergen, Dirkzwager, Van Der Laan, & Nieuwebeerta, 2016; Bierie, 2012; Francesco et al., 2011; Tartaro, 2006).

In-prison Programs and Treatment

The goals of corrections have varied throughout the history of the United States (Blasko & Jeglic, 2013). The focus was on rehabilitation in the 1970's, but after the release of Robert Martinson's article "*What works? Questions and answers about prison reform*" and the "tough on crime" political movement during the 1980's, the correctional system started to shift away from rehabilitation towards retribution and punishment instead (Blasko & Jeglic, 2013). After the 1990's, the U.S. prison system began to move away from tough punishments and long sentences and once again turn the focus back on rehabilitation (Blasko & Jeglic,

2013). One of the more recent treatment methods to battle recidivism and crime rates is the risk-needs-responsivity model (RNR) (Blasko & Jeglic, 2013). This model assesses inmates' risk for reoffending, their criminogenic and non-criminogenic needs, and their responsivity level concerning their cultural background, learning ability, and motivation (Blasko & Jeglic, 2013).

The RNR model argues that treatment should be tailored after inmates that are at higher risk to reoffend since that will create a bigger change in the recidivism rates (Blasko & Jeglic, 2013). This model also assesses whether the offenders' needs are criminogenic or noncriminogenic (Blasko & Jeglic, 2013). An inmate's criminogenic or noncriminogenic needs depend on whether their offending is directly linked to criminal behavior or not (Blasko & Jeglic, 2013). Substance abuse is an example of a criminogenic need where the behavior is directly associated with a criminal act, which means that the individual should be treated under the RNR model (Blasko & Jeglic, 2013). Psychological and physical issues such as struggling to find a home or experiencing emotions of alienation are examples of noncriminogenic needs, which are behaviors that are not directly associated with offending and should therefore not be considered under the RNR model (Blasko & Jeglic, 2013). In order for the RNR model to be most effective, the treatment should target high-risk inmates with criminogenic needs, and also match their level of responsivity (Blasko & Jeglic, 2013). However, due to the different jurisdictions and security levels in the U.S. correctional system, available in-prison programs and treatment options may vary.

In theory, offenders should be evaluated and placed in an appropriate in-prison program or treatment based on methods such as the RNR model (Blasko & Jeglic, 2013). The reality is that not all inmates who qualify for the RNR model or similar methods are placed in treatment programs (Bronson, Stroop, Zimmer, & Berzofsky, 2017). Between 2007 and 2009, close to two-thirds of jail inmates and about 58 percent of state prisoners had drug

dependency problems, but only 22 percent of the qualified jail inmates and 28 percent of the state qualified prisoners received treatment for their drug abuse or dependence (Bronson et al., 2017). Another study by Nowotny (2015) also discovered that not even half of U.S. state inmates with drug abuse problems in 2004 received in-prison treatment. The lack of treatment provided to qualified inmates may be due to financial, political, racial, individual, or other unknown reasons that all require more research. Due to the strong correlation between drug abuse and recidivism, it is vital that the U.S. correctional system works towards understanding those underlying reasons in order to increase the percentage of qualified inmates receiving in-prison treatment and decrease reoffending.

Correctional Officer Requirements and Training

The requirements and training to become a correctional officer may vary depending on the state. For example, in Michigan, an entry-level correctional officer must have completed at least 15 credits of relevant college courses, or 30 credits of college courses in any major, or have two years of correctional officer work experience together with the completion of a recognized correctional training program from any other state jurisdiction (State of Michigan, 2018). The applicant must also be over eighteen years old, have no prior felony convictions, and pass the physical, medical, and drug screen tests (State of Michigan, 2018). If the applicant is approved, he or she must complete a six-week officer training program if the individual has not already done so (State of Michigan, 2018). In Rhode Island, the minimum qualifications are similar, except the applicants are only required to show proof of completion of high school or a GED diploma (State of Rhode Island, 2017). They must also not have had any misdemeanor convictions within the past three years (State of Rhode Island, 2017). It is required that the applicant completes a nine-week correctional training program before the employment start date as well (State of Rhode Island, 2017).

In Georgia, a correctional officer training program is five weeks (240 hours), and consists of firearms training (32 hours), four weeks of academy training, one week of field training, ten practical exams, eight theoretical exams, and everyday physical training (State of Georgia, 2017). In the practical exams, the candidates will be tested on their skills concerning firearms, contraband, pat search, cell search, fire safety, CPR, defensive tactics, and count procedures (State of Georgia, 2017). Some of the academic topics taught during the theoretical training regard ethics, mental health, human diversity, inmate supervision, emergency response, Hispanic culture, legal issues and liabilities, and interpersonal communications (State of Georgia, 2017). The state of Georgia also requires that their correctional officers complete at least 20 additional hours of training each year after their graduation from the correctional training program (State of Georgia, 2017).

Community Corrections and Life After Prison

There are several forms of noncustodial sanctions such as probation and parole (Newton, 2010). Probation is a type of alternative sentencing where a convicted offender will be supervised by a probation officer as an alternative to incarceration (Newton, 2010). It is also not uncommon that an individual sentenced to probation will have to pay fines and probation fees as part of the punishment (Olson & Ramker, 2001; Newton, 2010). When an offender is sentenced to probation, the individual must refrain from any criminal activity (Newton, 2010). Probation usually contains other terms as well such as community service or participation in treatment programs, counseling, or education classes (Newton, 2010). Commonly, offenders on standard probation must report to their probation officer on a regular basis and not be in violation of any of the probation terms (Newton, 2010). If the probation is considered intensive, the individual may be subject to unannounced drug tests and searches that do not require a warrant (Newton, 2010). Another example of such intensive, supervised probation is house arrest (Newton, 2010). If any of the probation terms

are violated, the offender may risk being sent to jail (Newton, 2010). However, if the individual is under unsupervised probation, one may only return to jail if arrested (Newton, 2010).

Parole is very similar to probation where the offender is allowed an early release from prison but must in turn obey the terms and rules of the parole for a certain amount of time (Newton, 2010). Depending on the state and sentence, parole eligibility may differ (Newton, 2010). However, it is required by majority of U.S. states that an inmate serves at least one-third of their sentence before being eligible for parole (Newton, 2010). If an inmate is eligible, he or she must send in an application to the state parole board, asking for early release and scheduling a hearing (Newton, 2010). During the hearing, it is not unusual that prosecutors, law enforcement officers, victims, and relatives to the victims attend to argue against an inmate's early release (Newton, 2010).

In the United States, there are only two states that permit incarcerated individuals to vote; Maine and Vermont (Newton, 2010). Depending on the state, disfranchisement may continue even after an individual has served their time in prison or completed their probation or parole (Newton, 2010). In twelve states, ex-convicts are stripped of their right to vote and must submit an appeal to their state or county in order to receive their voting rights back (Newton, 2010). In Alabama, individuals who have been convicted of more serious crimes such as murder, rape, child-molestation, or treason will be permanently disfranchised (Newton, 2010). In Delaware, felons convicted of a violent crime must receive a pardon from their governor to restore their right to vote and all other ex-felons must wait at least five years before being able to vote again (Newton, 2010). In 2011, over five million people in the United States were disfranchised, which equals to one in every 41 adults (Taylor, 2011). Blacks are overrepresented here as well, making up 26 percent of all disfranchised individuals (Taylor, 2011).

Another issue for ex-convicts is finding a job while having a felony record. Employment is a crucial key in reintegrating released offenders back into society and decreasing recidivism (Todd, 2004). Although there are some jobs that do not allow individuals with a criminal record, discrimination still occur at the jobs that do (Todd, 2004). Employers may blindly disregard applying ex-convicts due to having a criminal record, not even knowing what they were convicted of (Todd, 2004). Despite the many possible benefits of hiring ex-convicts such as lower recidivism rates, reduced crime rates, and reduced incarceration costs, ex-convicts continue to be disproportionately unemployed compared to the general population (Lukies, Graffam, & Shinkfield, 2011).

The Correctional System in Tennessee

There was a total of 23,244 inmates incarcerated in Tennessee prisons in 2017 (TDOC, 2017). That is about 1 in 289 people of its population behind prison bars (TDOC, 2017; U.S. Census Bureau, 2017). The same year, 78,136 individuals in Tennessee were under some type of community supervision program, including probation, parole or other community corrections (TDOC, 2017). In 2016, the recidivism rate in Tennessee was 47.1 percent, which was measured by re-incarceration over a three-year period after release from prison, which may seem low compared to the national percentage (TDOC, 2017). However, one needs to take into consideration that the national recidivism rate of 67.8 percent was measured by rearrests over a three-year period after release from prison, not by re-incarceration (Durose et al., 2014). Durose et al. (2014) found that the national average for individuals committing a new crime within three years of their release and receiving a new conviction for the same crime was 45.2 percent, meaning that Tennessee's recidivism rate is still close to the national average.

The main goals of the Tennessee department of correction are to enhance public safety through incarceration and rehabilitation of offenders, and to operate safe and secure

prisons (TDOC, 2017). Some of the rehabilitative programs used prior to 2011 were the Chattanooga Female Release Center, the Tennessee Reentry Collaborative, LS/CMI, and TAP-BIG. The Chattanooga Female Release Center provides short-term reentry services to females such as substance abuse services, life skills training, family reunification, employment readiness, career readiness certificates, cognitive restructuring, and victim impact (TDOC, 2011). The Tennessee Reentry Collaborative is a program that provides services for offenders reentering the community. Their goal is to make their offenders have a successful transition back into society and to enhance public safety. The last two programs, LS/CMI and TAP-BIG, help identify an offender's risk of recidivism and their need for treatment (TDOC, 2011). It has to be noted that these services are not in-prison based programs; they are post-release treatment services and rehabilitative programs.

Since 2011, the correctional facilities in Tennessee have expanded their rehabilitate programs (TDOC, 2014). Between 2013 and 2014, the Tennessee Department of Corrections had several accomplishments such as the launching of a statewide drug court, the implementation of clinical case management services, computer-based high school equivalency testing, and a vocational training program that was promoted to candidate status by the National Center for Construction and Research (NCCER) (TDOC, 2014). The TDOC also raised over \$15,000 in funding for victim assistance programs during the Victim Impact Awareness Week (TDOC, 2014). However, the Tennessee department of corrections does not provide any further explanation over how those newly implemented programs work.

The Swedish Correctional System

The Swedish correctional system is divided into three sections; remand centers, prisons, and noncustodial sanctions (Kriminalvården, 2016). There are about 2000 available spaces in the 31 remand centers placed throughout the country (Kriminalvården, 2016). These centers are similar to U.S. jails where they hold individuals suspected of a crime and

offenders awaiting trial (Kriminalvården, 2016). If an individual is detained in a remand center, they are protected by the Act on Detention (Kriminalvården, 2017). The Act on Detention provides suspects with certain rights regarding medical care and contact with people outside of the center (Kriminalvården, 2017). The goals of the remand centers are not only to detain suspects, but to start preparing individuals to positively change their life and to diminish any feeling of isolation (Kriminalvården, 2017). All remand centers will have outreach staff for detainees with drug problems (Kriminalvården, 2017). The outreach staff will regularly visit all individuals misusing drugs to speak about their motivation to quit and how they would feel about starting a treatment program to get help if convicted (Kriminalvården, 2017). Reducing feelings of isolation is done by making sure the detainees can keep themselves occupied through work, studies, and exercise, and that they are not alone for long periods of time unless they wish to be so (Kriminalvården, 2017).

Sweden has a total of 47 prisons where around 4000 people are held annually (Regeringskansliet, 2015). The prisons are divided into three security levels where the lowest level of security are open prisons and the two other levels are closed prisons (Lindström & Leijonram, 2007). The level of security is based on the facilities' capability to prevent escapes, battle breakouts, and handle problematic inmates (Lindström & Leijonram, 2007). In the sentencing process, it is the court that decides what risk the offender poses to make sure he or she are not placed in a more secured prison than what is necessary (Lindström & Leijonram, 2007). Open prison facilities have no direct escape barriers and usually hold non-violent inmates convicted of less serious crimes (Lindström & Leijonram, 2007). Open prisons may also host inmates that have been transferred from higher security prisons to serve the last time of their sentence there in order to help them reintegrate back into the community better (Lindström & Leijonram, 2007). Inmates serving their sentence at a low security open

prison are usually allowed to leave the facility during the day to find employment, take educational classes, or participate in treatment programs (Lindström & Leijonram, 2007).

High risk offenders that committed more violent crimes will most likely be held at a closed prison with higher security (Lindström & Leijonram, 2007). Although such prisons may be considered as maximum-security facilities with high walls and more cameras, the correctional officers never carry weapons (Lindström & Leijonram, 2007). If a very serious situation would occur within the prison, the guards will contact the local police instead (Lindström & Leijonram, 2007). However, such events rarely happen (Lindström & Leijonram, 2007). In any prison, most correctional officers are considered to be personal officers, meaning that they are each assigned a group of 4 to 10 prisoners that they are personally responsible for (Nylander, Lindberg, & Bruhn, 2011). Such responsibility consists of counseling, helping, and motivating their assigned prisoners to rehabilitate and succeed in the outside world when released (Nylander et al., 2011).

Prison Conditions

The average capacity of the prisons in Sweden is 4253 spaces, and in 2016, 89 percent of those spaces were filled (Kriminalvården, 2017). There are no signs of overcrowding in these facilities. In fact, due to a continued decrease in convicted offenders, Sweden has had to remove spaces within their prison facilities which in turn has saved them more money (Kriminalvården, 2017). Prison conditions in Sweden may vary depending on the nature of the crime, the inmate, and the level of security. However, the Swedish Prison and Probation Service provides an example of what a day in a high security prison may look like for a person convicted of a two-year drug-related crime. Most prisons wake up their inmates at 8 in the morning (Kriminalvården, 2017). Before breakfast, the inmates are given some time to use the bathroom and get cleaned up (Kriminalvården, 2017). The prisons are then divided into sections where groups of inmates are given a budget to plan their grocery

shopping for their meals (Kriminalvården, 2017). In these groups, they must also prepare their own food and do the dishes afterwards in an effort to gain life-skills and learn how to be self-sufficient (Kriminalvården, 2017). The average daily budget for food is around 45 SEK per inmate, which is about 6 dollars (Kriminalvården, 2017).

Most prisoners in a high security facility will work an average of 6 hours a day, 5 times a week (Kriminalvården, 2017). All working inmates are paid 13 SEK hourly which equals to about 1 dollar and 60 cents (Kriminalvården, 2017). Depending on the inmate, they may also take classes and participate in treatment programs a couple of times a week (Kriminalvården, 2017). Everyone in a high security prison also has the right to at least one hour of time outside in the yard (Kriminalvården, 2017). In the prison yard, there are usually an exercise path, small soccer field, and a basketball court (Kriminalvården, 2017). During the inmates' stay, they also have the right to leisure time, which may include visits from family members or friends, exercising, craft-making, and participation in social training, cooking classes, or other types of group projects (Kriminalvården, 2015; Kriminalvården, 2017). The inmates may also purchase mobile refills at the commissary, which is usually open once a week (Kriminalvården, 2017).

The rooms in a high security prison usually consist of wooden furniture with a bed, desk, chair, and shelves (Kriminalvården, 2017). Most rooms also have a private bathroom and windows to let in daylight (Kriminalvården, 2017). However, bathroom use is usually restricted in maximum security facilities where inmates have to call on the guards to unlock the door (Kriminalvården, 2017). Depending on the individual inmate, the personal objects and electronics allowed in a room may differ (Kriminalvården, 2017). One of the most secure prisons in Sweden is Kumla, which holds the worst of the worst offenders (Kriminalvården, 2017). Here, the inmates must apply for permission for every object or electronic device they wish to bring inside the prison (Kriminalvården, 2017). It is not uncommon that prisoners at

this facility have cable tv, video games, and CD-players in their personal area (Kriminalvården, 2017).

The Swedish Prison and Probation Service emphasizes the importance of normalization and offenders living in a healthy environment while being incarcerated (Kriminalvården, 2017). This is achieved by having rooms with a humane design and by making sure the inmates have access to nutritious food (Kriminalvården, 2017). Furthermore, to make sure prisoners do not feel like their lives are less significant than other human beings' lives, there are no prison uniforms and inmates may wear normal clothes (Kriminalvården, 2017). The goal of normalization is also further emphasized through the continued goal of having strong inmate-officer relationships (Kriminalvården, 2017).

In-prison Programs and Treatment

In the Swedish prison system, the goal is not to further punish the incarcerated offenders since being deprived of one's freedom is considered punishment enough (Kriminalvården, 2016). Their objective is to find the underlying reason as to why the offender committed the crime in the first place and then get them the help necessary to adapt back into society (Kriminalvården, 2016). It is also crucial that the officers and staff of the prisons continuously work towards diminishing any negative effects imprisonment may have on the inmates in order to prevent reoffending (Regeringskansliet, 2015). Depending on what help the inmate needs, there are several different programs and treatments offered such as educational programs, job-training, life skills classes, substance abuse treatment programs, mental health care, family support services, and housing assistance (Kriminalvården, 2015). Each day for the inmates are carefully and individually planned to fit their needs and to keep them busy. For example, a typical day in a Swedish prison for an inmate may consist of an average of 34 percent labor, 23 percent service, 20 percent other structured workforce, 15

percent education, 5 percent treatment, 2 percent other paid activity, and 1 percent time outside of the prison (Kriminalvården, 2015).

The Swedish Prison and Probation Service provides a thorough explanation over what is included in each of their prison programs as well. The educational programs offer college education degrees, but also education, knowledge, and training for specific jobs (Kriminalvården, 2015). They have a production-oriented prison job industry that is used to keep the inmates occupied and to teach them new skills such as mounting and installation of certain products, machines, and packaging (Kriminalvården, 2015). The prisoners also have to keep up the maintenance of the facility by learning basic life skills such as washing clothes, cooking, and cleaning (Kriminalvården, 2015). It is vital that the life skills and job-training the inmates learn while being incarcerated are not useless knowledge, but that it will prepare and benefit them when reintegrating back into society after their release.

Depending on the inmates' needs, there are treatment programs in place to help them turn their life around and keep them from reoffending. The Swedish Prison and Probation Service want to give all affected prisoners the opportunity to participate in a treatment program. However, there are instances where treatment programs cannot be completed. Such reasons may be because of inmates not wanting to change their lives or because of shorter sentences that do not give enough time to complete a program (Kriminalvården, 2017). In 2016, 10 percent of newly admitted prisoners had problems with alcohol, 30 percent were abusing drugs, and 18 percent were struggling with both alcohol and drug abuse (Kriminalvården, 2017). That equals to about 3 in 5 inmates misusing alcohol and/or drugs. There are no overall statistics over who received treatment of the newly admitted prisoners during 2016, however, out of all released prisoners that same year (both non-users and users), about one fourth had participated in a treatment program (Kriminalvården, 2017). As stated earlier, it is estimated that about 3 in 5 prisoners have

some type of addiction or dependency. If one fourth of all released prisoners participated in a treatment program, that may mean that about 42 percent of inmates who had drug or alcohol problems received treatment while being incarcerated (Kriminalvården, 2017). However, 42 percent is just an estimate. One must be careful when reading and interpreting such statistics since the newly admitted offenders are a separate group from the released offenders. More thorough research needs to be conducted in order to get a more accurate number of drug and alcohol dependent inmates participating in treatment programs.

A couple of other examples of what these treatment programs can cover are substance abuse, mental health, and violent behavior or anger issues. Some of their treatment services are individual, others are group programs, and they all differ in length to fit the inmates' needs. For example, in a drug treatment program, the inmate will receive counseling and help to better understand their addiction, recognize risk situations, and learn the tools for change and how to plan for a future without abuse (Kriminalvården, 2017). There are also special units within the prison that simply focus on motivating inmates to take part in drug treatment programs if they have not already done so (Lindström & Leijonram, 2007). Other special units may be categorized after young offenders, sex offenders, drunk drivers, etc. to specifically target the underlying problem as to why they were incarcerated in the first place and prevent it from happening again (Lindström & Leijonram, 2007).

Correctional Officer Requirements and Training

The minimum requirements to be accepted into a Swedish correctional training program are a high school degree and being eighteen years or older (Kriminalvården, 2017). However, most accepted individuals have obtained a college degree in social work, criminal justice, law, or any other relevant majors (Kriminalvården, 2017). In the application process, the character and social competency of the applicant are of even greater importance than the education requirements (Kriminalvården, 2017). The individual must be very empathetic,

have a humane view on people, have strong cooperation skills, and be able to tolerate stress (Kriminalvården, 2017). A regular training program usually lasts around 20 weeks, where the candidate's suitability for the job will continuously be tested on several occasions to make sure that only the right people are hired (Kriminalvården, 2017).

The first week of the training is an introductory week where the candidates are educated regarding the goals, organization, and process of the Swedish Prison and Probation Service (Kriminalvården, 2017). The second week of the training is similar to the first week, except the courses provide more in-depth knowledge about the function of the correctional system, together with a focus on the importance of positive inmate-guard relationships, security, and inmate well-being (Kriminalvården, 2017). The third and fourth week consist of courses with the goal to ensure that the work towards reducing recidivism is of good quality (Kriminalvården, 2017). This is done by providing education and knowledge regarding the importance of regular and friendly interactions with the inmates (Kriminalvården, 2017). The courses aim to make sure the candidates can collaborate and understand both each other and the offenders (Kriminalvården, 2017). Courses covering ethics, risks, defense tactics, health and medical care, and security are also provided in the third and fourth week (Kriminalvården, 2017).

After the completion of the four-week theoretical work, the candidates will start a closely supervised five-week trial period as correctional officer interns (Kriminalvården, 2017). If the candidates are still deemed fitting for the job, they will continue their training for eleven more weeks, which consist of more specialized practical and theoretical exercises before graduating from the training program (Kriminalvården, 2017). The candidates may complete another four weeks of courses and training if they wish to further specialize themselves in the job (Kriminalvården, 2017). Examples of such specialization may be probation officer supervisors or supervisors at the in-prison job-training programs

(Kriminalvården, 2017). In 2017, the Swedish Prison and Probation Service training program was also the first government agency to become LGBT-certified (Kriminalvården, 2017).

Community Corrections and Life After Prison

Sweden has 34 probation offices that provide offenders with non-custodial care (Regeringskansliet, 2015). The tasks of these offices are to supervise offenders that are under probation, parole, or contract treatment (Regeringskansliet, 2015). Most commonly, a probation sentence lasts around three years, where the first year is supervised and the last two years are unsupervised (Regeringskansliet, 2015). During the probation, the offender will have regular meetings and conversations with their supervisor regarding their progress and areas that may affect them to recidivate (Kriminalvården, 2017). The offender may also participate in treatment programs or other activities to help them reconnect with their community again (Kriminalvården, 2017).

Depending on the crime and financial situation of the offender, he or she may also have to pay daily fines as part of their probation (Kriminalvården, 2017). The fines are divided into two parts; number of daily fines and amount (Kriminalvården, 2017). The number of daily fines is decided after the severity of the crime and the amount is tailored around the offender's salary (Kriminalvården, 2017). For example, two offenders that committed the same crime may be sentenced to the same number of daily fines, however, the daily amount may vary if their financial situations are different (Kriminalvården, 2017). If the offender violates the terms of their probation or commits another crime, their probationary period may be prolonged, or their supervisors may suggest to the court to try the case again (Kriminalvården, 2017). If the court decides to retry the case, the offender may receive a prison sentence instead of probation (Kriminalvården, 2017).

Parole follows the same rules as probation where prisoners released early will simply serve the rest of their sentence under probationary supervision (Regeringskansliet,

2015). If there is an obvious connection between the committed crime and drug or alcohol abuse, the offender may be placed under contract care (Regeringskansliet, 2015). That merely means that the individual received a probationary sentence together with treatment at a drug or alcohol rehabilitation facility instead of a prison sentence (Regeringskansliet, 2015). There is also an alternative sanction for offenders sentenced to less than six months of incarceration (Regeringskansliet, 2015). An offender may apply and be considered for house arrest under electronic monitoring instead of prison if it is decided that the person is deemed fit for that sanction (Kriminalvården, 2017; Regeringskansliet, 2015). Such alternative sanction was implemented in an effort to truly make sure imprisonment is the last resort of punishment (Kriminalvården, 2017).

Unlike the United States, all ex-convicts and individuals currently sentenced to prison, probation, or any other sanction have the right to vote in Sweden (SFS, 2018). Research regarding ex-convict employment in Sweden is very limited. However, Sweden appear to have similar problems as the United States where individuals with a criminal record have a tougher time finding employment than the general population (Brå, 2001). According to one study published in 2001, it was found through interviews of 85 ex-convicts that 29 percent were unemployed after six months of their release (Brå, 2001). The national unemployment rate at that time was 4 percent (Statistiska Centralbyrån, 2005). Despite issues of unemployment, Sweden still manages to continually decrease their recidivism rates. One may speculate that such low reoffending rates regardless of a higher ex-convict unemployment percentage may be due to their rehabilitation-focused correctional system, or their welfare system.

Differences and Discussion

There are extreme differences in Sweden's and the United States' recidivism and incarceration rates. Over two-thirds of American offenders are rearrested within three years

of their release and only 29 percent of Swedish offenders are (Durose et al., 2014; Kriminalvården, 2017). Furthermore, the United States is the number one country in the world in incarceration rates where 1 in every 109 adults are behind bars (Kaeble, et al., 2016; Walmsley, 2015). In Sweden, the correctional facilities have had to remove some of their available spaces due to a continued decrease in convicted offenders (Kriminalvården, 2017). To further understand the reasons behind such differences, one must discuss and compare their correctional systems.

There are a few similarities between the two systems. The requirements to apply for a correctional officer job are almost identical in both countries where the applicant must be over eighteen years old and have at least graduated from high school (Kriminalvården, 2017; State of Rhode Island, 2017). Both systems have structured levels of security where the most dangerous offenders are held in high-security prisons and the less dangerous inmates serve their sentence at minimum security facilities (Kriminalvården, 2017; Newton, 2010). The idea of providing in-prison treatment programs to reduce recidivism is present in both the U.S. and Swedish correctional system as well (Blasko & Jeglic, 2013; Kriminalvården, 2017). However, it looks as if the availability of such in-prison programs differ. In the United States, almost two-thirds of jail inmates and 58 percent of incarcerated state inmates have an addiction problem, but only 22 percent of the qualified jail inmates and 28 percent of qualified state inmates actually receive treatment inside of the correctional facility (Bronson et al., 2017). Sweden has a similar rate of inmates misusing drugs or alcohol where about three in five prisoners fit under that category (Kriminalvården, 2017). However, the latest statistics show that about one-fourth of the total number of released prisoners in 2016, including both nonusers and users, had participated in a treatment program (Kriminalvården, 2017). That would translate into a rate of 42 percent of addicted inmates receiving treatment (Kriminalvården, 2017).

One of the most noticeable differences can be seen when comparing the prison conditions. A lot of traditional prisons and jails in the United States are overcrowded and built around the penal model with armed guards, concrete walls, cells with bars, vandal-resistant metal furniture, and little to none personal privacy (Tartaro, 2006). Such inhumane environments have been shown to negatively affect the well-being of both the inmates and the guards (Bierie, 2012; Tartaro, 2006). Poor living conditions that are out of the inmates' control may even increase in-prison violence and reoffending (Francesco et al., 2011; Tartaro, 2006). One may argue that such living conditions may send a message to the inmates about how they are expected to behave.

In Sweden, there is a tremendous focus on naturalizing the prison experience and making sure the prisoners live in a healthy environment in order to better help the inmates change their lives and decrease institutionalism (Kriminalvården, 2017). Inmates may plan a grocery budget, cook their own food, wear their own clothes, and vote from inside the prison (Kriminalvården, 2017; SFS, 2018). The Swedish Prison and Probation Service work towards removing any degrading living conditions since it has been shown to benefit both the inmates and staff in the long run (Bierie, 2012; ; Francesco et al, 2011; Kriminalvården, 2017; Tartaro, 2006). The Swedish correctional officers are also receiving somewhere between 11 to 14 weeks longer training than American guards to better prepare them for the job and further educate them on the importance of establishing positive inmate-guard relationships (Kriminalvården, 2017; ; State of Georgia, 2017; State of Michigan, 2018; State of Rhode Island, 2017).

Apart from the two countries' similar problems of struggling to find employment as an ex-convict, life after prison in America and Sweden tend to differ as well. In the United States, over 5 million people are disfranchised, which means that one in every 41 adults have been stripped of their right to vote due to being either imprisoned or having a felony record

(Newton, 2010; Taylor, 2011). Only two states allow prisoners to vote while being incarcerated (Newton, 2010). In twelve states, ex-convicts must submit an appeal to their state or county if they wish to receive their voting rights back (Newton, 2010). Some states have even permanently disfranchised individuals with more serious felony records (Newton, 2010). Once again, blacks are not only overrepresented in the U.S. correctional system, but they are also making up 26 percent of the disfranchised individuals (Taylor, 2011).

It is apparent that the correctional systems in Sweden and the United States contain crucial differences. Majority of the U.S. correctional facilities are built around the penal model while Sweden has a tremendous focus on rehabilitation. The prison conditions in Sweden are better overall where Swedish inmates live in a more humane environment compared to U.S. inmates. The availability of in-prison treatment programs for qualified inmates tend to differ as well where Swedish offenders receive more treatment than U.S. offenders. Swedish correctional officers also receive longer training, which provide them with more in-depth knowledge and understanding of their job. Sweden having less prison overcrowding, lower recidivism rates, and crime should inspire the United States to learn from such rehabilitative-focused correctional model. Unfortunately, it is not as simple as it may seem. Public and political views of the nation must first change before the United States can start to shift further away from the penal model and spend the money on sanctions that may work better and have shown to produce lower reoffending rates and crime. More research needs to be done regarding the impact of the differences between the Swedish and American correctional systems, however, it does not cost anything to instantly change one's attitude and treat inmates as fellow human beings.

CHAPTER 5

DISCUSSION

Crucial differences in incarceration, recidivism, and crime rates can be seen between the American and Swedish criminal justice system. The United States makes up 4.4 percent of the world population but is hosting 22 percent of the world prison population, giving the U.S. the title of being the number one country in the world regarding incarceration rates (U.S. Census Bureau, 2015; Walmsley, 2013). In 2014, 1 in every 204 Americans were behind bars compared to Sweden's 1 in every 2,278 Swedes (Durose et al., 2014; Kriminalvården, 2015; The World Bank, 2016; U.S. Census Bureau, 2015). In Sweden, the steady decrease in incarceration rates has even led to the removal of spaces within their correctional facilities (Kriminalvården, 2017). Together with Sweden's incarceration rates, the Swedish recidivism rate has continued to decrease over the years as well (Kriminalvården, 2016). In 2013, only 29 percent of released offenders were arrested within three years of release compared to the U.S. where more than two-thirds of offenders are rearrested within three years of their release (Durose et al., 2014; Kriminalvården, 2016). The trend continues when observing the two countries' crime rates where the U.S. beats Sweden in almost every single crime category (Brå, 2016; Federal Bureau of Investigation, 2016).

The purpose of this study was to analyze, compare, and evaluate the Swedish and American criminal justice systems in an effort to further understand the main differences in incarceration, recidivism, and crime rates. Specifically, this study focused on the differences and similarities in the two countries' policing systems, court systems, and correctional systems. The state of Tennessee was chosen as an additional element of comparison as well due to it being more similar to Sweden in size and population. Furthermore, this thesis intended to create a call-to-action for an American justice system reform and to encourage future research by emphasizing these drastic differences in crime, incarceration, and

recidivism rates together with the differences in policing, courts, and correctional systems in Sweden and the United States.

Limitations

Before discussing and comparing the differences and similarities between the Swedish and American criminal justice systems, it is important to take into consideration that not all nations collect information the same way and have the same legal definitions. Due to differences in legal definitions and data collection, the data may not give a 100 percent accurate representation of the two countries' differences and their ranking compared to other westernized countries. One must also understand that differences in incarceration, recidivism, and crime rates may not only be affected by a country's policing system, court system, and correctional system. Other factors such as societal, cultural, sociological, political, and psychological differences between Sweden and the U.S. may play a role as well.

Main Findings

Several vital differences were found between the Swedish and American policing systems, court systems, and correctional systems. Focusing on the two countries' policing systems, Sweden and the U.S. have similar policing goals, police officer to citizen ratio, and assault rates on an officer (FBI, 2017; Hendrix & Inciardi, 2014; Polismyndigheten, 2017; The World Bank, 2016; U.S. Census Bureau, 2017). However, crucial differences were discovered as well where Sweden has tougher police academy requirements and longer police academy training. Specifically, in the U.S., the average length of a police academy is around 21 weeks where the Swedish police academies are 2.5 years (Polishögskolan, 2016; Reaves, 2016). Swedish police recruits are therefore provided with more in-depth training and education. Differences were also seen in the use of firearms where the U.S. police officers are more likely than the Swedish police officers to use and misuse their guns (Kivisto et al., 2017; Polismyndigheten, 2016; TBI, 2013).

In the court systems, both Swedish and U.S. courts are organized around three levels; District courts, Courts of Appeal, and a Supreme Court. Legal actors have similar duties in both countries as well where they strive to achieve justice in a fair and equal manner. The main differences can be seen in the use of bail, plea bargain, juries, and lay judges. Methods such as bail and plea bargain do not exist in the Swedish court system, and Swedish defendants have their guilt or innocence determined by lay judges instead of juries (Regeringskansliet, 2015). Legal actors in Sweden also receive longer training and education than American legal professionals, and the connection to politics is not as apparent in the Swedish court system as it is in the American courts.

In the correctional systems, facilities in Sweden and the U.S. both have structured levels of security (Kriminalvården, 2017; Newton, 2010). The application requirements for correctional officers are similar as well where the applicant must be over 18 years of age and have graduated from high school (Kriminalvården, 2017; State of Rhode Island, 2017). Although the idea of providing in-prison treatment programs to reduce recidivism is visible in both systems, differences could be found in the availability of such programs. Even though the percentage of inmates with drug or alcohol addictions were similar in both Sweden and the U.S., more qualified Swedish inmates tend to receive in-prison treatment than qualified U.S. inmates (Bronson et al., 2017; Kriminalvården, 2017). Major differences in prison conditions were found as well where Swedish prison facilities have a tremendous focus on rehabilitation and creating a humane environment for the inmates (Kriminalvården, 2017). In the U.S., most traditional jails and prisons are built around a penal model with poor living conditions (Bierie, 2012; Tartaro, 2006). Correctional officers in Sweden also receives somewhere between 11 to 14 weeks longer training than U.S. correctional officers, providing the Swedish officers with more knowledge and education on how to perform their job

(Kriminalvården, 2017; State of Georgia, 2017; State of Michigan, 2018; State of Rhode Island, 2017).

Recommendations and Future Research

Several improvements should be made to the U.S. policing systems, court systems, and correctional systems in an effort to better their overall criminal justice system and perhaps decrease their incarceration rates, recidivism, and crime. A possible solution to diminish police officer misconduct and wrongful arrests could be to increase the length of the U.S. police academies in order to provide the officers with better knowledge, training, and education. In the U.S. court system, it is suggested that bail is completely removed since it can be argued that such method is more of a privilege than a right. Removing bail, suspects would no longer be detained simply due to their socioeconomic status and not being able to afford the legal fees. Prison overcrowding may decrease as well since less individuals would be held in jails while awaiting trial. It would also be ideal to eradicate plea bargains to make sure all individuals receive a fair and just trial. However, since the U.S. court system is built upon plea bargains, their system would most likely collapse if all cases were to go to trial. Therefore, the U.S. court system should focus on providing more education and longer training for their legal professionals in an effort to decrease bias and wrongful convictions, and to make sure all defendants are treated equally. The main focus in the U.S. correctional system should be on improving their prison conditions to prevent their inmates from becoming institutionalized and to also help them reintegrate back into society better. Additionally, more humane prison environments have been shown to not only improve the well-being of the inmates, but also the well-being of the staff. Correctional officer training and education should be extended as well to better prepare the U.S. officers for the job on how to positively impact the inmates while being incarcerated and how to help them change their lives.

Sweden having less prison overcrowding, lower recidivism rates, and crime rates should inspire the United States to learn from such differences and to start focusing on sanctions and methods that may better reduce their incarceration rates, recidivism and crime. However, in order for an American justice system reform to occur, more future research needs to be conducted over whether the differences between the Swedish and American criminal justice systems are statistically significant and if the recommendations of improvement to the U.S. justice system would positively affect their recidivism, crime, and incarceration rates. It is also recommended that future research examines other factors that may influence the differences in the Swedish and American criminal justice systems such as societal, cultural, sociological, political, and psychological differences between the two countries.

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